

BUFORD CITY COMMISSION MEETING

September 5, 2017

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the August 7, 2017 regular meeting and the minutes from the special called meeting on August 7, 2017 at 10:00 a.m.

4. Rezoning

I. #Z-17-07 (Applicant has requested the petition to be tabled):

Sindar Enterprises, Inc.

4081 South Bogan Road

Parcel: 7-226-019

Zoning from R-100 to C-2

Acres: 1.84

P & Z Recommendation

#Z-17-07: Sindar Enterprises, Inc. requested rezoning for the property located at 4081 South Bogan Road from R-100 to C-2 with buffer reductions adjacent to residential properties. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. Mr. Peevy stated that the ice machines would be inside the store and that the propane tanks would be located on the east side of the building opposite from South Bogan Road. Regarding staff's recommended road improvements on South Bogan Road and Hamilton Mill Road, Mr. Peevy stated the developer would like to coordinate with Gwinnett County DOT concerning the deceleration lanes and turning lanes on South Bogan Road and Hamilton Mill Road. Ronnie Puckett spoke with concerns about the entrance and exit into the site off both roads. Bill Reed spoke on behalf of Diane Sudderth, adjoining property owner, asking for the required buffers of 75 feet to remain in place. Dale Harris, 4034 Hamilton Mill Road, spoke against the buffer reduction. Amy Reed spoke on behalf of her daughter that owns a house on Hamilton Mill Road stating that if the buffers are reduced she would like a berm, fence and enhanced landscaping installed. Chairman Perkins stated that the buffer was in place to protect the residential properties and he would like for it to remain in place as a 75 foot undisturbed buffer. After a brief discussion, motion was made by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning request to C-2 with the following conditions:

1. The development shall comply with requirements of the City of Buford Code Section 1316.
2. There shall be a 75 foot undisturbed buffer between all residentially zoned properties.
3. The applicant shall provide a pedestrian access plan as part of the Land Disturbance Permit Civil Site Plan. At a minimum, the development shall include sidewalks at both road frontages that are compliant to City of Buford Code Section 1316.
4. Outdoor storage of equipment or products shall be prohibited, e.g. propane tanks, ice sales, etc.
5. Architectural treatments shall be substantially similar to the elevations submitted with the rezoning application and meet the minimal standards of the City of Buford Code Section 1316.
6. Applicant will be required to install a left turn lane on South Bogan Road into the property or a right in/right out as coordinated with Gwinnett County Department of Transportation. Variations from this plan will require a change in conditions.
7. Deceleration lanes shall be required on South Bogan Road and Hamilton Mill Road.

Ayes – 4

Nays – 0

5. **Special Use Permit**

I. #SUP-17-11:

DCR Real Estate VI Sub, LLC

4226 Hamilton Mill Road

Parcel: 7-262-004

Requesting Special Use Permit to allow a Montessori School

P & Z Recommendation

#SUP-17-11: DCR Real Estate VI Sub, LLC requested a special use permit for the property located at 4226 Hamilton Mill Road. The special use permit requested is to allow a Montessori School. Mike Mercer spoke on behalf of the applicant and explained the request to the Board. Ms. Gentry, owner of school, also spoke explaining the operations of the school. Ronnie Puckett spoke against the request with concerns of traffic, noise, buffers and safety of the children. Dennis Duncan spoke in favor of the request. Chairman Perkins spoke about the concerns for the safety of the children and location of the drop-off with stacking of the vehicles in the drop-off line and potential to enter. He stated the drop-off would need to be located in the rear given the building is located so close to a major road. Mr. Kerlin stated that buffers would not apply since the property was zoned residential. After a brief discussion, motion was made by Wayne Johnson and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. Site plan shall be substantially similar to the plan that was submitted with the application subject to approval by the City engineer.

2. Front building elevation shall consist of brick, stone or stucco as approved by the Planning Director.
3. Drive under canopy/overhang shall be removed for parking.
4. The drop-off location for students shall be in the rear of the building.
5. The special use permit is approved for the applicant DCR Real Estate VI Sub, LLC. Upon vacancy of this business the special use permit shall expire.

Ayes – 4

Nays – 0

II. #SUP-17-12:

Courtney Accorsi

3001 Peachtree Industrial Boulevard, Suite C

Parcel: 7-299-001009C

Requesting Special Use Permit to allow outside storage of vehicles

P & Z Recommendation

#SUP-17-12: Courtney Accorsi requested a special use permit for the property located at 3001 Peachtree Industrial Boulevard, Suite C. The special use permit requested is to allow outside storage of vehicles. The applicant was not present. Mr. Kerlin stated that he spoke with the applicant and they have found another location. Motion by Wayne Johnson and seconded by Homer Whiting to deny the request.

Ayes – 4

Nays – 0

III. #SUP-17-13:

Zulfiqar W. Abro

4125 Buford Drive, Suite L

Parcel: 7-229-110

Requesting Special Use Permit to allow window tinting, paint protection film, alarm systems, and backup cameras to vehicles

P & Z Recommendation

#SUP-17-13: Zulfiqar W. Abro requested a special use permit for the property located at 4125 Buford Drive, Suite L. The special use permit requested is to allow window tinting, paint protection film, alarm systems, and backup cameras to vehicles. The applicant was present and explained the request to the Board. He also stated that he would need to install a roll-up garage door in the rear of the building in order to get the vehicles inside the building. There were no objections from the audience. The Board stated that all work would have to be performed inside the building. Motion by Homer Whiting and seconded by Harley Bennett to recommend approval the special use permit as requested with the following conditions:

1. The business shall be limited to indoor operation of the automotive installation, adjustments or repairs. Outdoor automotive work is prohibited. No outside storage of

- vehicles waiting for service.
2. The special use permit is approved for the business Alta Mere, The Automotive Outfitters. Upon vacancy of this business the special use permit shall expire.
 3. Shall install a roll-up garage door in the rear of the building.

Ayes – 4
Nays – 0

6. **Zoning Modifications:**

I. #ZM-17-03:

Spartan Investors I, LLC

Morningside Drive Subdivision Tract

To modify condition #5 from the October 3, 2016 meeting

5. The front setback shall be 15 feet for the front entry homes and 10 feet for the rear entry homes. The minimum rear setback for all homes shall be 20 feet. The side yard setback shall be a minimum of 5 feet.

The modification will reduce rear setback from 20 feet to 15 feet for rear entry basement lots for lots 7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 69, 70, 71, 72, 73, 74

The modification allows decks, both covered and uncovered, to encroach into the 20 foot rear setback on rear load alley drives.

II. #ZM-17-04:

Chafin Builders

The Reserve at Big Creek Subdivision (off Frazer Road)

To modify condition #3 from the October 5, 2015 meeting; the current condition requires four (4) sides brick with stone accents only.

The modification will allow stone as a primary construction material for the homes on all lots.

III. #ZM-17-05 (DR Horton has withdrawn the request):

D. R. Horton, Inc.

Whispering Creeks Subdivision Phase 3

To modify conditions #1 and #10 from the July 1, 2016 meeting

To increase the number of lots for Phase 3 from 56 lots to 63 lots

(Approved 165 lots for Phases 1A, 1B, 2A, 2B and 3 and 100 lots have been platted for Phases 1A, 1B, 2A and 2B, so adding 63 lots would still be under the total of 165)

To reduce the right-of-way from 50 feet to 46 feet to match the existing right-of-way throughout the subdivision.

IV. #ZM-17-06:

Nancy Thompson

2446 East Maddox Road

7-226-112 (7 acres)

To modify conditions from December 4, 2006 meeting annexing the property to R-100

1. The site shall be developed in accordance with the site plan submitted with this Application. (see attached)
2. The driveway width on the site plan shall be changed to 18 feet.
3. The developer shall obtain a traffic study for the intersection of East Maddox Road and South Bogan Road to see if a traffic signal and/or road improvements are warranted for this project. If a traffic signal and/or road improvements are warranted, then the developer shall be required to install them at the developer's expense.
4. A gated residential community as per site plan submitted with this application

To remove all the conditions to allow the potential buyer to use the property to build one (1) single family residence per the submitted plan.

7. Approve final plat for DME Investments LP, Bristol Industrial Way, to divide Lot 13 (4.66 acres) to Lot 13A (2.74 acres) and Lot 13B (1.92 acres) allowing 47.89 feet of road frontage on Lot 13B and an access easement to two existing buildings.
8. Accept construction and permanent utility easement from Crowell Brothers Funeral Home located on Morning Side Drive.
9. Consider renewal of agreement with Proof of the Pudding by MGR, Inc.
10. Consider approval of contract amendment with Municipal Gas Authority of Georgia for Annual Subscribed Regulatory Compliance Service Agreement.
11. Authorize Chairman to enter into a joint consent agreement with the Georgia Public Service Commission regarding adoption of the Barrow County Countywide Safety Plan.
12. Authorize Chairman to enter into an Intergovernmental Agreement between Gwinnett County and the City of Buford regarding jointly funded 2014 and 2017 SPLOST Projects.
13. Consider approval and extension of contract with Republic Services for commercial sanitation services.
14. Authorize City Manager and City Attorney to negotiate and purchase 16.43 +/- acres located at 995 Gainesville Highway.
15. Authorize Chairman, City Manager and City Attorney to proceed with negotiations and purchase of property located at 205 and 206 Kent Road.
16. Authorize City Manager to sign release and waiver with Georgia Department of Transportation for October 21, 2017 concert at Buford Community Center.
17. Authorize Chairman to sign Georgia Department of Transportation Indemnity

Agreement for street lighting at Gateway project located at SR 20 and Plunkett Road.

18. Authorize Chairman and City Manager to sign agreement with MEAG Power for 2018 Supplemental Power Supply.
19. Adopt amendment to City of Buford Anti-Drug & Alcohol Plan per requirements of Code of Federal Regulations.
20. Authorize release of pledged funds with Peoples Bank & Trust.
21. Authorize payment #3 for South Lee Street LCI project.
22. Authorize payment #3 for Southside Trunk Sewer project utilizing SPLOST 2008 and enterprise funds.
23. Authorize payment #8 for new Buford City Gym.
24. Authorize Peek Paving final invoice (2017 LMIG OSS Grant).
25. Authorize change order #1 for Washington Street sidewalk improvements (CDBG project).
26. City Manager's report
27. City Attorney's report.