

BUFORD CITY COMMISSION MEETING

December 5, 2022
Buford City Arena
7:00 p.m.

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the November 7, 2022 meeting.

PUBLIC HEARINGS

4. **Rezoning:**

I. **#Z-22-25:**

**William R. Fricks
5625 Shadburn Ferry Road
7-326-003 – Gwinnett County**

**Requesting rezoning from RA-200 (Agricultural-Residential) to R-100
(Single Family Residential)**

P&Z Recommendation

#Z-22-25: William R. Fricks requested rezoning for the property located at 5647 Shadburn Ferry Road, being parcel 7-326-003, from RA-200 to R-100. The applicant was present and explained the request to the Board. There were no objections from the audience. Motion by Wayne Johnson and seconded by Jeff Pirkle to recommend approval of the rezoning request with the following conditions:

1. Prior to the issuance of any subsequent permits the applicant shall apply for appropriate minor plat or combination plat. Each lot shall meet the standards of R-100 zoning for lot width and lot area. The plan shall include a 10' no access easement adjacent to White Oak Road.

2. All homes shall be constructed with four (4) sides brick or stone with accents not to exceed 20% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
3. All front, side and rear yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
4. All homes shall have a minimum gross heated floor area of 3,400 square feet exclusive of garages or basements. All homes shall have a minimum of two (2) car garages.
5. The driveway shall be a minimum width of 18 feet.
6. Per sections 1400 and 1401, Buford Zoning Ordinance, all the lot widths, setbacks, and lot areas shall comply with R-100 standards.
7. Each subsequent building permit shall contain a house location plan placing the proposed buildings on the site within the required setbacks.

Ayes – 5

Nays – 0

II. #Z-22-26:

**Hany Gobran
6076 Atlanta Highway
08-139-003001C – Hall County**

**Requesting rezoning from RA-200 (Agricultural-Residential) to
O-I (Office-Institutional)**

P&Z Recommendation

#Z-22-26: Hany Gobran requested rezoning for the property located at 6076 Atlanta Highway from RA-200 to O-I. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the applicant proposes to use the existing home as an office. The property shall remain as is with the addition of required parking spaces. Mr. Peevy asked for a 10-foot landscape strip on the right side of property and for the site plan to be approved as submitted since the house already encroaches the buffer. One adjacent neighbor in the rear asked about the type of business, any additional lights being installed and leaving the existing trees in the rear yard. Mr. Peevy stated the house will be used as an office, the trees will remain in the rear and no additional lights to be installed. Motion by Amy Reed and seconded by Jeff Pirkle to recommend approval of the rezoning request with the following conditions:

1. The final site plan shall be approved by the Planning Director.
2. To provide a 10-foot landscape strip on the right side of the property.
3. The required parking shall remain outside of the existing septic system field lines.
4. If any lights are installed, they shall be contained on the property and not on the neighboring properties.

Ayes – 5

Nays – 0

III. #Z-22-29:

**Justin Solaiman / Sabina Chowdhury
Adams Street
Out of parcel 7-270-035 – Gwinnett County**

Requesting rezoning from M-1 (Light Industrial) to R-100 (Single Family Residential)

P&Z Recommendation

#Z-22-29: Justin Solaiman/Sabrina Chowdhury requested rezoning for the property located on Adams Street, out of parcel 7-270-035, containing .063 acres from M-1 to R-100. The applicants were present and explained the request to the Board. They stated that the existing lot was not big enough to build a house on and purchased extra property from Cardinal CG to combine with this lot. They asked for three (3) sides brick with a water table on the rear and to reduce the front and rear setbacks. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the rezoning request with the following conditions:

1. The applicant shall extend Adams Street to the extent of the parcel to City of Buford roadway standards and dedicate the necessary right-of-way to implement the extension.
2. The applicant shall provide the City of Buford elevations indicating the intended architectural materials and design. The final design shall be approved by the Planning Director.
3. The home shall be constructed with three (3) sides brick or stone with accents not to exceed 35% on each elevation. The rear elevations shall have a water table of brick or stone. Accents shall include brick, stucco, rock,

shakes, hardiplank, and concrete siding as approved by the Planning Director.

4. The home shall have a minimum gross heated floor area of 2800 square feet exclusive of garages or basements. All homes shall have a minimum of two (2) car garages.
5. The front setback shall be reduced from 35 feet to 25 feet and the rear setback shall be reduced from 40 feet to 15 feet.
6. The driveway shall be a minimum width of 18 feet.
7. The applicant shall provide a house location plan placing the proposed house with the required setbacks.

Ayes – 5

Nays – 0

IV. #Z-22-31:

**Ljubica Wellmann
2658 Brickton North Drive
7-267-026 – Gwinnett County**

Requesting rezoning from C-2 (Commercial) to M-1 (Light Industrial)

P&Z Recommendation

#Z-22-31: Ljubica Wellmann requested rezoning for the property located at 2658 Brickton North Drive from C-2 to M-1. The applicant was present and explained the request to the Board. She stated they manufacture ice cream. They would not have any outside storage. Peyton McWhorter spoke in favor of the request. There were no objections from the audience. Motion by Harley Bennett and seconded by Amy Reed to recommend approval of the rezoning request with the following conditions:

1. No outdoor storage of business-related inventory or manufacturing equipment.
2. Vehicular parking shall be within designated striped parking spaces and parking on grassed areas is prohibited.

Ayes – 5

Nays – 0

5. **Special Use Permits:**

I. **#SUP-22-20:**

**Colin Evans
4831 Bryant Road
7-297-039 – Gwinnett County**

Requesting special use permit to allow automotive repairs and sales

P&Z Recommendation

#SUP-22-20: Colin Evans requested a special use permit for the property located at 4831 Bryant Road. The special use permit requested is to allow automotive sales and repairs. The applicant was present and explained the request to the Board. The Chairman stated the site had been cleaned up. They asked for a reduction in parking spaces to 11. There were no objections from the audience. Motion by Wayne Johnson and seconded by Jeff Pirkle to recommend approval of the special use permit as requested with the following conditions:

1. The parking requirement shall be reduced from 14 spaces to 11 spaces.
2. Business operations shall not include outdoor storage of business products for sale and repair. The site shall be maintained in an orderly manner.
3. All vehicles shall park within hard surface designed striped parking spaces only.
4. Approval of this special use permit is for the current applicant and will expire should the applicant vacate the site.

Ayes – 5

Nays – 0

II. **#SUP-22-22:**

**CHA Consulting, Inc. / Ryan Poythress
4996 Lanier Islands Parkway
08-157-000001 – Hall County**

Requesting special use permit to allow a drive thru window for a proposed quick serve restaurant.

P&Z Recommendation

#SUP-22-22: CHA Consulting, Inc./Ryan Poythress requested a special use permit for the property located at 4996 Lanier Islands Parkway, out of parcel 08-157-000001, containing 1.651 acres. The special use permit is to allow a drive thru for a proposed quick serve restaurant. The applicant was present and explained the request to the Board. The applicant asked for a parking space reduction and to allow a flat roof in lieu of a pitched roof. There were no objections from the audience. Motion by Jeff Pirkle and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. Landscape and architectural design shall follow section 1316.1 – Design Requirements of the City of Buford Zoning Ordinance.
2. To allow a flat roof in lieu of a pitched roof.
3. The reduce the parking spaces by six (6) spaces. The final site plan shall be substantially similar to the site plan submitted with the application.
4. The development shall not start operation until the access road has been installed and completed.

Ayes – 5

Nays – 0

III. #SUP-22-23:

**Just Downright Affordable Marine, Inc.
2334 Peachtree Industrial Boulevard
7-302-201 – Gwinnett County**

Requesting special use permit to allow automotive sales and repairs.

P&Z Recommendation

#SUP-22-23: Just Downright Affordable Marine, Inc. requested a special use permit for the property located at 2334 Peachtree Industrial Boulevard. The special use permit requested is to allow boat service and repair. Del Peterson spoke on behalf of the applicant and explained the request to the Board. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the special use permit as requested with the following conditions:

1. Outdoor storage of business-related junk parts, trash or related equipment shall be prohibited.

2. All repairs shall take place within the building. Outdoor repairs shall be prohibited.
3. All exterior parking of vehicles and trailers shall be located on hard surface designated striped parking spaces. No parking of vehicles or trailers on grassed areas.

Ayes – 5

Nays – 0

6. Annexations:

I. Plat #639/#Z-22-27:

**Brandon & Kathryn Hastings
5670 Cole Road
Buford, GA 30518**

Property: 5670 Cole Road – Gwinnett County

Parcel: 7-326-066

Acres: 1.92

Zoned From: R-100

Zoned To: RA-200

P&Z Recommendation

Plat #639/#Z-22-27: Brandon and Kathryn Hastings requested annexation and rezoning for the property located at 5670 Cole Road from R-100 to RA-200. The applicant was present and stated he wanted to be in the city and his children already attend the school system. Gwinnett County did not object to this annexation and rezoning request and there were no objections from the audience. Motion by Harley Bennett and seconded by Wayne Johnson to recommend approval of the annexation and rezoning to RA-200.

Ayes – 5

Nays – 0

II. Plat #640:

**Ana M. Campozano
133 Holiday Road
Buford, GA 30518**

**Property: 133 Holiday Road – Hall County
Parcel: 08-169-003001
Acres: 2.12**

**Zoned From: AR-III
Zoned To: RA-200**

P&Z Recommendation

Plat #640: Ana M. Campozano requested annexation and zoning for the property located at 133 Holiday Road from AR-III to RA-200. The applicant was not present. Hall County did not object to this annexation and zoning and there were no objections from the audience. Motion by Jeff Pirkle and seconded by Amy Reed to recommend approval of the annexation and zoning to RA-200.

Ayes – 5
Nays – 0

III. Plat #642/#Z-22-30:

**Carol Marie Simmons
6252 Mt. Salem Circle
Flowery Branch, GA 30542**

**Property: 6252 Mt. Salem Circle – Hall County
Parcel: 08-138-001182
Acres: 5.04**

**Zoned From: AR-III
Zoned To: R-100**

P&Z Recommendation

Plat #642/#Z-22-30: Carol Marie Simmons requested annexation and rezoning for the property located at 6252 Mount Salem Circle from AR-III to R-100. Jeff Pruitt spoke on behalf of the applicant. He stated they are proposing to divide the tract into four (4) single-family residential lots. He asked for a minimum square footage of 3000 square feet for each home and three (3) sides brick with a water table on the rear because of daylight basements. Hall County did not object to this annexation and rezoning request and there were no objections from the audience. Motion by Wayne Johnson and seconded by Jeff Pirkle to recommend approval of the annexation and rezoning to R-100 with the following conditions:

1. All homes shall be constructed with three (3) sides brick or stone with accents not to exceed 35% on each elevation. The rear elevation shall have a water table of brick or stone due to the daylight basement plan. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
2. All front, side and rear yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
3. Two (2) homes shall have a minimum gross heated floor area of 3000 square feet exclusive of garages or basements and two (2) homes shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements. All homes shall have a minimum of two (2) car garages.
4. The driveway shall be a minimum width of 18 feet.
5. Per sections 1400 and 1401, City of Buford Zoning Ordinance, all the lot widths, setbacks and lot areas shall comply with R-100 standards.
6. Each subsequent building permit shall contain a house location plan placing the proposed buildings on the site within the required setbacks.
7. Prior to the issuance of any permits the applicant shall submit and obtain approval of a minor subdivision plat showing compliance with the City of Buford Ordinances.
8. Mount Salem Circle Road shall be improved to City of Buford Development Regulation roadway standards. Roadway engineering plans shall be reviewed and approved by the City engineer for compliance with roadway improvement standards prior to the issuance of any permits.

Ayes – 5

Nays – 0

END OF PUBLIC HEARINGS

7. Certify election results from the November 8, 2022 special election.
8. Consider request by Hall County Public Works to eliminate curb, gutter and sidewalk for Hall County Fire Station to be located at 5711 & 5719 Holiday Road.
9. Authorize Chairman to enter into an Intergovernmental Agreement between Gwinnett County and City of Buford regarding development of a concept report and survey database for the jointly funded Thompson Mill Road at I-985 Interchange project.
10. Approve indemnification agreement with Georgia Department of Transportation for curb, gutter and sidewalk installation south of High School Drive on SR 13.
11. Consider low bid for W. Moreno St. widening, pedestrian and streetscape improvements project utilizing CDBG (\$585,000 grant) and general funds.
12. Approve bids for renovation project at Buford Middle School.
13. Consider approval of first amendment to the MEAG Solar Power Purchase Agreement.
14. Authorize City Manager and City Attorney to negotiate the purchase of property as presented.
15. Authorize City Manager to approve plans as submitted for 2847 North Bogan Road with workshop, office, pool house and storage building or similar. Living spaces to be prohibited in these facilities.
16. Authorize payment #1 for Waterworks Road water main relocation project to John D. Stephens, Inc. in the amount of \$429,640.70.
17. Authorize payment #2 in the amount of \$32,466.17 and payment #4 in the amount of \$162,833.81 for Buford High School stadium infrastructure project to John D. Stephens, Inc.

18. Authorize payment of Invoice #22115-03 for Buford High School restroom addition project to Breaux & Associates in the amount of \$13,342.50.
19. Authorize payment of Invoice #21154-07 for Buford High School Visitor field house project to Breaux & Associates in the amount of \$500.00.
20. Authorize payment of Invoice #18137-09 for new Buford High School Stadium to Breaux & Associates in the amount of \$47,856.40.
21. Authorize payment #1 for Shadburn Ferry Road improvements project to Ohmshiv Construction, LLC in the amount of \$49,610.70.
22. Authorize payment #3 for Hamilton Mill Road gas replacement project to CEDS Construction Co., Inc. in the amount of \$183,206.25.
23. Authorize payment #18 for water plant expansion project to Ruby Collins, Inc. in the amount of \$328,503.29 and payment #5 for specialized controls and instrumentation to Global Control Systems, Inc. in the amount of \$140,009.20.
24. Authorize payment of Invoice #2 for Buford Southside Water Treatment Plant Office Building project to Charles Black Construction Company, Inc. in the amount of \$19,224.00.
25. Authorize payment of Invoice #7 for passive park at Harris Street project to Charles Black Construction Company, Inc. in the amount of \$37,715.53.
26. Authorize payment of Invoice #1 for Buford sidewalk repairs at Buford Middle School to Charles Black Construction Company, Inc. in the amount of \$7,387.00.
27. Authorize payment of Invoice #2 Heraeus Boulevard widening, curb and sidewalk project to Charles Black Construction Company, Inc. in the amount of \$32,094.90 and pay with SPLOST funds.
28. Authorize payment of Invoice #9 for Buford High School baseball and softball Bleachers and scoreboards project to Charles Black Construction Company Inc. in the amount of \$26,893.93 (relocation of stadium seats to right field area).

29. Authorize payment #1 for Buford High School baseball restrooms project in the amount of \$31,032.00 and payments #1 and #2 for Buford Middle School addition project totaling \$337,043.00 to Charles Black Construction Company, Inc.
30. City Manager's Report.
31. City Attorney's Report.

NOTE: The City of Buford does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities per the Americans with Disabilities Act of 1992. Bryan Kerlin, City Manager, 770-945-6761, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator. The City of Buford will assist citizens with special needs given proper advance notice. Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the city should be directed to the ADA Coordinator, Bryan Kerlin, 2300 Buford Highway, Buford, Georgia, 770-945-6761.