

BUFORD CITY COMMISSION MEETING

June 6, 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 May 2, 2022 meeting.
4. Change the July meeting to July 18, 2022.

PUBLIC HEARINGS

5. Rezoning:

I. #Z-22-13:

Roger Kurth
155 West Moreno Street
Parcel: 7-294-008
0.29 acres

Requesting rezoning from commercial (C-2) to single family residential (R-100)

P & Z Recommendation

#Z-22-13: Roger Kurth requested rezoning for the property located at 155 West Moreno Street from C-2 to R-100. The applicant was present and explained the request to the Board. He stated he wanted to use the property as a residence. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the rezoning to R-100 with the following conditions:

1. All future renovations and improvements that include expanding the current building shall be within existing building setback lines, or the owner shall obtain approvals of appropriate variances.

Ayes – 5

Nays – 0

II. **#Z-22-14:**

**Tonya Woods/Thomas and Hutton
4238 Thompson Mill Road
Parcel: 7-264-057
5.001 acres**

Requesting rezoning from commercial (C-2) to single family residential (R-100)

P & Z Recommendation

#Z-22-14: Tonya Woods/Thomas and Hutton requested rezoning for the property located at 4238 Thompson Mill Road from C-2 to R-100. Russell Nash spoke on behalf of the applicant and explained the request to the Board. He stated they are proposing to divide this parcel into two (2) large single-family residential lots with a shared driveway. There were no objections from the audience. Motion by Harley Bennett and seconded by Jeff Pirkle to recommend approval of the rezoning to R-100 with the following conditions:

1. The width for Lot #1 shall be reduced from 100 feet to 46.4 feet.
2. The applicant shall apply for an exemption plat for the subdivision of the property for review and approval prior to the issuance of subsequent permits.
3. The recorded plat shall include a shared access easement and easement agreement to share driveways as shown on the site plan submitted with the rezoning application.
4. All homes shall be constructed with four (4) sides of brick or stone with accents not to exceed 35% on the front elevation and accents not to exceed 20% on the side and rear elevations. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
5. All front, side and rear yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
6. All 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.

Ayes – 5

Nays – 0

III. **#Z-22-20:**

**Buford Housing Authority
2050 Hutchins Street
Parcel: 7-268-018 and 7-269A-085
1.770 acres**

Requesting rezoning from R-100/RM to O-I

P & Z Recommendation

#Z-22-20: Buford Housing Authority requested rezoning for the property located at 2050 Hutchins Street, out of parcels 7-269A-085 and 7-268-018, containing 1.770 acres from R-100/RM to O-I. Kevin Jones spoke on behalf of the applicant. He stated they wanted to separate the administrative building from the housing units. There were no objections from the audience. Motion by Harley Bennett and seconded by Jeff Pirkle to recommend approval of the rezoning request to O-I.

Ayes – 5

Nays – 0

6. **Special Use Permit:**

I. **#SUP-22-07:**

**Josh Russell
3750 Buford Drive
Parcel: 7-219-023**

Requesting a special use permit to allow a car wash

P & Z Recommendation

#SUP-22-07: Josh Russell requested a special use permit for the property located at 3750 Buford Drive. The special use permit requested is to allow a car wash. Marty Murphy with Tidal Wave Auto Spa spoke on behalf of the applicant. He stated they have several car washes in the County along with the most recent one on Lanier Islands Parkway. He stated this use is well suited for the area and would complement all the existing automotive dealerships along Buford Drive. 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. Business operations shall not include outdoor storage of business related products. The site shall be maintained in an orderly manner.
2. The site plan shall be substantially similar to the site plan submitted with the special use permit application. The final site plan shall be reviewed and approved by the Planning Director.
3. Architectural treatments shall be reviewed and approved by the Planning Director prior to the issuance of a building permit.
4. The location of the site entrance shall be approved by the Georgia Department of Transportation.
5. The building front windows facing Buford Drive shall have an opaque tinting.
6. The roofing material shall be architectural shingles.

Ayes – 5

Nays – 0

7. **Annexations:**

I. Tract #1 – Plat #624

Gregory Bostwick
5480 Trudy Drive
Flowery Branch, GA 30542

Property: 6611 McEver Road, Hall County
Parcel: 08-150-002014
Acres: 7.793

Zoned From: VC
Zoned To: RA-200

P&Z Recommendation

Plat #624: Gregory Bostwick requests annexation and zoning for the property located at 6611 McEver Road from V-C to RA-200. The applicant was present and explained the request to the Board. He stated he would like for his property to be in the City with the similar zoning and would be an asset to the City. He stated that he has no plans for the property at this time. Teresa Cantrell, adjacent property owner, spoke in opposition of the request. She stated that she would like to see a site plan and that this annexation and zoning was unethical and a misrepresentation to the adjacent property owners. Mrs. Cantrell submitted a letter

of opposition for the official record. Bernadette Scaggs, McEver Road resident spoke in opposition of the annexation and stated this was not good for the residential area. Cheryl Porter, Lake Run Subdivision, also spoke in opposition of the annexation. Amy Phillips, real estate agent for the owner, stated that there were no plans for the property at this time and she had approached Mrs. Cantrell about buying the land. Motion by Harley Bennett and seconded by Wayne Johnson to recommend approval of the annexation and zoning to RA-200.

Ayes – 5

Nays – 0

II. Tract #2 – Plat #625

Gregory Bostwick
5480 Trudy Drive
Flowery Branch, GA 30542

Property: 6633 McEver Road, Hall County
Parcel: 08-150-002015
Acres: 5.578

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

P&Z Recommendation

Plat #625: Gregory Bostwick requests annexation and zoning for the property located at 6633 McEver Road from AR-III to RA-200. The applicant was present and explained the request to the Board. He stated he would like for his property to be in the City with the similar zoning and would be an asset to the City. He stated that he has no plans for the property at this time. Teresa Cantrell, adjacent property owner, spoke in opposition of the request. She stated that she would like to see a site plan and that this annexation and zoning was unethical and a misrepresentation to the adjacent property owners. Mrs. Cantrell submitted a letter of opposition for the official record. Bernadette Scaggs, McEver Road resident spoke in opposition of the annexation and stated this was not good for the residential area. Cheryl Porter, Lake Run Subdivision, also spoke in opposition of the annexation. Amy Phillips, real estate agent for the owner, stated that there were no plans for the property at this time and she had approached Mrs. Cantrell about buying the land. Motion by Harley Bennett and seconded by Amy Reed to recommend approval of the annexation and zoning to RA-200.

Ayes – 5
Nays – 0

III. **Tract #3 – Plat #626**

Mingo & Myra Sumbry
6193 Shoreland Drive
Buford, GA 30518

Property: 6193 Shoreland Drive, Hall County
Parcel: 08-167-002011
Acres: 0.56

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

P&Z Recommendation

Plat #626: Mingo and Myra Sumbry requests annexation and zoning for the property located at 6193 Shoreland Circle from AR-III to RA-200. The applicants were present and stated they would like to be in the City. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the annexation and zoning to RA-200.

Ayes – 5
Nays – 0

IV. **Tract #4 – Plat #627**

William & Chantell Pettite
543 Forest Lake Road
Pendergrass, GA 30567

Property: 2584 South Waterworks Road, Gwinnett County
Parcel: 7-301-004
Acres: 0.53

Zoned From: M-1
Zoned To: R-100

P&Z Recommendation

Plat #627/#Z-22-16: William and Chantell Pettite requests annexation and rezoning for the property located at 2584 South Waterworks Road from M-1 to R-100. The applicant was present. Gwinnett 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.

Ayes – 4

Nays – 0

V. Tract #5 – Plat #628

The Estate of Raymond R. Moss
Patricia Walker & Marcia Moss
8340 Jacobs Ridge Lane
Cumming, GA 30028

Property: 4579 Friendship Road, Hall County

Parcel: 08-156-002005

Acres: 2.74

Zoned From: I-I

Zoned To: M-1

P&Z Recommendation

Plat #628: The Estate of Raymond R. Moss requests annexation and zoning for the property located at 4579 Friendship Road from I-I to M-1. The applicant was present and stated they would like for their property to be in the City. Hall County did not object to this annexation and zoning and there were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the annexation and zoning to M-1.

Ayes – 5

Nays – 0

VI. Tract #6 – Plat #629

CIV Friendship Business Park I, LLC
1717 McKinney Avenue, Suite 1900
Dallas TX, 75202

Property: 4789 Bennett Road, Hall County
Parcel: 08-153-000003
Acres: 76.34

Zoned From: AR-III
Zoned To: M-1

P&Z Recommendation

Plat #629/#Z-22-17: CIV Friendship Business Park I, LLC requested annexation and rezoning for the property located at 4789 Bennett Road from AR-III to M-1. Matt Brune spoke on behalf of the applicant and explained the request to the Board. He stated they were proposing an industrial development that will consists of three (3) buildings for a total of 931,000 square feet. Hall County did not object to this annexation and rezoning and there were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the annexation and rezoning to M-1 with the following conditions:

1. Recommendations from the review and report of a Development of Regional Impact (DRI) shall be incorporated into the final site plan design and reviewed for compliance by the Planning Director.
2. The final development design shall be substantially similar to the site plan provided with the application including the sizes of the proposed buildings and parking.
3. Building elevations shall be similar in material and color to the elevations provided by the applicant. Building permit plans and elevations are to be approved by the Planning Director and may include concrete tilt-up construction.
4. The site shall be approved to have retaining walls in the front yard. The final design, location and material to be approved by the Planning Director.
5. The development shall include a 20' enhanced landscape strip, adjacent to the right-of-way, planted with a mixture of evergreen trees and shrubs to provide an effective screen from Friendship Road. The final landscape plan is to be submitted to the Planning Director.

6. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent properties or rights-of-way.

Ayes – 5

Nays – 0

VII. Tract #7– Plat #630

CIV Friendship Business Park I, LLC
1717 McKinney Avenue, Suite 1900
Dallas, TX 75202

Property: Bennett Road, Hall County
Parcel: 08-153-000017
Acres: 2.44

Zoned From: AR-III
Zoned To: M-1

P&Z Recommendation

Plat #630/#Z-22-18: CIV Friendship Business Park I, LLC requested annexation and rezoning for the property located on Bennett Road, parcel 08-153-0000017, containing 2.445 acres from AR-III to M-1. Matt Brune spoke on behalf of the applicant and explained the request to the Board. He stated they were proposing an industrial development that will consists of three (3) buildings for a total of 931,000 square feet. Hall County did not object to this annexation and rezoning and there were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the annexation and rezoning to M-1 with the following conditions:

1. Recommendations from the review and report of a Development of Regional Impact (DRI) shall be incorporated into the final site plan design and reviewed for compliance by the Planning Director.
2. The final development design shall be substantially similar to the site plan provided with the application including the sizes of the proposed buildings and parking.
3. Building elevations shall be similar in material and color to the elevations provided by the applicant. Building permit plans and elevations are to be approved by the Planning Director and may include concrete tilt-up construction.

4. The site shall be approved to have retaining walls in the front yard. The final design, location and material to be approved by the Planning Director.
5. The development shall include a 20' enhanced landscape strip, adjacent to the right-of-way, planted with a mixture of evergreen trees and shrubs to provide an effective screen from Friendship Road. The final landscape plan is to be submitted to the Planning Director.
6. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent properties or rights-of-way.

Ayes – 5

Nays – 0

VIII. Tract #8 – Plat #631

CIV Friendship Business Park I, LLC
1717 McKinney Avenue, Suite 1900
Dallas, TX 75202

Property: Bennett Road, Hall County
Parcel: 08-153-000012
Acres: 1.69

Zoned From: AR-III
Zoned To: M-1

P&Z Recommendation

Plat #631/#Z-22-19: CIV Friendship Business Park I, LLC requested annexation and rezoning for the property located at 4556 Bennett Road, parcel 08-152-000012, containing 1.699 acres from AR-III to M-1. Matt Brune spoke on behalf of the applicant and explained the request to the Board. He stated they were proposing an industrial development that will consists of three (3) buildings for a total of 931,000 square feet. Hall County did not object to this annexation and rezoning and there were no objections from the audience. Motion by Amy Reed and seconded by Jeff Pirkle to recommend approval of the annexation and rezoning to M-1 with the following conditions:

1. Recommendations from the review and report of a Development of Regional Impact (DRI) shall be incorporated into the final site plan design and reviewed for compliance by the Planning Director.

2. The final development design shall be substantially similar to the site plan provided with the application including the sizes of the proposed buildings and parking.
3. Building elevations shall be similar in material and color to the elevations provided by the applicant. Building permit plans and elevations are to be approved by the Planning Director and may include concrete tilt-up construction.
4. The site shall be approved to have retaining walls in the front yard. The final design, location and material to be approved by the Planning Director.
5. The development shall include a 20' enhanced landscape strip, adjacent to the right-of-way, planted with a mixture of evergreen trees and shrubs to provide an effective screen from Friendship Road. The final landscape plan is to be submitted to the Planning Director.
6. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent properties or rights-of-way.

Ayes – 5

Nays – 0

8. **Zoning Amendment**

#ZA-22-02: Amendment to Development Regulations Article 5, Section 10.8. Dumpsters.

To clarify requirement that developers and licensed businesses must use City commercial and industrial franchised waste hauler.

END OF PUBLIC HEARINGS

9. Approve plat for 939 Gainesville Highway subdivision.
10. Authorize City Manager to continue operating under the fiscal year 2022 operating budget until the adoption of the fiscal year 2023 operating budget.
11. Authorize Chairman to execute necessary documents to extend the Hall County, Georgia local option sales tax (LOST).
12. Consider approval of Quitclaim Deed to Kenneth Pass for portions of rights-of-ways on Garner Street.

13. Adopt updates and revisions to City of Buford Code of Ordinances 2022, subject to the approval of City Attorney.
14. Authorize Stacy Rolin and Bryan Kerlin as election committee voting delegates for Municipal Electric Authority of Georgia (MEAG) annual election.
15. Approve purchase of properties located at 475 Silver Street (7-296-112) in the amount of \$375,000, 690 Forest Street (7-296-110) in the amount of \$550,000, 2800 Sawnee Avenue (7-297-008) in the amount of \$280,000, Oakland Street (7-301-157) in the amount of \$95,000 and Oakland Street (7-301-109) in the amount of \$55,000.
16. Adopt resolution authorizing the City of Buford, through its legal counsel, to exercise powers of eminent domain in the acquisition of certain interests in real property situated in Buford, Gwinnett County, Georgia, being parcel 7-296-054A; and other purposes.
17. Approve Common Use License Agreement for distribution poles with Sawnee Electric Membership Corporation.
18. Approve amendment to budget for Buford City Schools to provide financial assistance for summer camp athletic programs.
19. Consider bid (only 1 bidder) for Southside WPCP Tertiary Filter replacement as recommended by the city engineer.
20. Authorize payment #2 and payment #3 for Buford High School Visitor Fieldhouse project.
21. Authorize invoice #1 for Buford Middle School renovations project.
22. Authorize payment of invoice #3 for Buford High School baseball and softball scoreboards and installation project.
23. Authorize payment of invoice #18137-03 for new Buford High School Stadium.
24. Authorize payment of invoice #6 (final) for North Harris Street Streetscape project and invoice #6 (final) for South Harris Street Streetscape project.

25. Authorize payment of invoice #2 for passive park at Harris Street project.
26. Authorize payment of invoice #1 for Buford Public Works building repair project.
27. Authorize payment #3 for Shadburn Ferry Road sewer relocation project.
28. Authorize payment #12 to Ruby Collins, Inc. for water plant expansion project.
29. Authorize payment #2 for Thompson Mill Road at Buford Highway gas relocation project.
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.