

Buford City Commission

March 4, 2019

The regular monthly meeting was held on March 4, 2019 and all Commission members were present.

Chairman Beard called the meeting to order at 7:00 p.m. and a member of the Boy Scouts led the Pledge of Allegiance.

Motion by Mr. Weeks, seconded by Mr. Burge to approve the agenda for the March 4, 2019 Commission meeting as presented.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the February 4, 2019 meeting as presented by staff.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to change the April meeting to April 2, 2019 at 7:00 p.m.

Ayes 3
Nays 0

Chairman Beard stated that this portion of the meeting would be set aside for public hearings.

Rezoning:

#Z-19-01/#SUP-19-01: Embry Real Estate Partners, LLC requests rezoning for the property located at 4096 Gainesville Highway, 4000 Carter Road and 4022 Carter Road from R-100/RA-200 to R-100 with a special use permit to allow a Conservation Subdivision. No one spoke against the request. Jeff Pruitt spoke on behalf of the applicant stating that the plan proposed 61 lots with approximately 18 homes shall be basement lots. He had amended the plan and was now requesting 56 homes. He also stated a recreation area will be provided and the houses shall have a minimum 2800 square feet. Mr. Kerlin, City Manager, explained the Conservation Subdivision Ordinance to the Board and the staff report from McFarland-Dyer & Associates with the condition of 46 lots. After discussion with applicant to allow up to 51 homes, the applicant asked that the Commission approve withdrawal of the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve withdrawal of the request.

Ayes 3
Nays 0



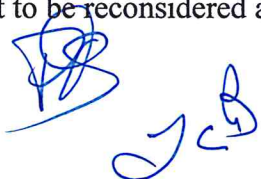
#Z-19-05: Marty Orr requests rezoning for the property located on Jackson Street, being parcel 7-294D-191, from M-1 to R-100. Applicant was present. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The front setback shall be 25 feet and the rear setback shall be 30 feet. The side setback shall be a minimum of 5 feet.
2. The minimum gross heated floor for a ranch home shall be 2000 square feet and for a two-story home shall be 2200 square feet, which shall exclude the basement, both finished and unfinished. The home shall have a two (2) car garage.
3. The home shall be constructed with 3-sides brick or stone with architectural accents not to exceed 60% on each elevation. The rear shall be 100% hardiplank siding. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
4. The driveway shall be a minimum of 18 feet in width.
5. All yards shall be sodded.
6. Architectural shingles shall be used as roofing material.
7. Install curb and gutter and 5-foot sidewalk with 2-foot landscape strip.

Ayes 3
Nays 0

#Z-19-06/#SUP-19-06/#SUP-19-07: William Fricks and Donrob Investments, LP requests rezoning for the property located at 2343 Brown Road, being parcels 7-143-051 and 055 from RA-200 to C-2 with a special use permit to allow outdoor special events and to offer overnight accommodations. Mr. Fricks was present. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Beard to approve the request with the following conditions. Mr. Burge was in opposition of the request.

1. The commercial use of the subject property is limited to recreation facility, indoor and outdoor. A residential occupancy of the existing home shall not be an allowable use. Overnight boarding of guest similar to a bed and breakfast for a hotel is considered under special use permit #SUP-19-07 with the following associated conditions:
 - a. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11:00 p.m. to 8:00 a.m. The total occupancy for overnight accommodations is 16 guests.
 - b. The owner shall provide the City of Buford a 24-hour contact person to respond to if the City of Buford should receive any violations of the Zoning Ordinance or any disturbances or complaints. The point person contact will work with the City of Buford staff to remedy the situation regarding the conditions, operation or conduct of occupants of this property.
 - c. Maximum rental period to the same client is 10 days.
 - d. Fire Department inspection shall be required prior to the issuance of a certificate of occupancy.
2. Future changes to the special use permit or the proposal of another commercial use shall require the request to be reconsidered as a separate rezoning case and/or special use permit.



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3. Subsequent land development permit or building permits shall be approved by the City prior to a certificate of occupancy.
4. The approval of this rezoning application does not provide variances or waivers to the City's Zoning and/or Development Regulations. The existing entrance and driveway to the home shall remain.
5. On-streets parking shall be prohibited.
6. All associated parking and drive isles shall be constructed of a permanent hard surface such as asphalt or concrete meeting minimal standards of the City of Buford Development Regulations.

Ayes 2
Nays 1

Special Use Permit:

#SUP-19-02: Alec NG requests a special use permit for the property located at 4991 B.U. Bowman Drive, Unit 100. The special use permit requested is to allow an auto tire service. The applicant was present. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. Outdoor storage of automotive parts, junk vehicles or automotive repair related equipment shall be prohibited.
2. All automotive installation or repairs shall take place within the building. Outdoor installation or repair operations shall be prohibited.

Ayes 3
Nays 0

#SUP-19-03: Hang Nguyen requests a special use permit for the property located at 3616 South Bogan Road, Suite 101. The special use permit requested is to allow micro-blading. The applicant was present. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following conditions:

1. To be used for cosmetic purposes only for the eyebrows and to be semi-permanent.

Ayes 3
Nays 0

#SUP-19-04: Radial Property Group, LLC requests a special use permit for the property located at 1357/1364/1367/1374 Buford Business Boulevard. The special use permit requested is to allow an office/warehouse condominium. The applicant was present. No one spoke against the request. After a brief discussion, motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The applicant shall provide the City of Buford with recorded copies of the Condominium Associations By-Laws and Covenants for its records. The By-Laws and Covenants shall include contact and responsibility of stormwater system maintenance, site and building code compliance.

2. 25' undisturbed buffer along adjacent to Hartford Run, 40' undisturbed buffer along existing wall and adjacent to Davis Road properties, 50' landscaped buffer on vacant lot (without wall). Applicant can grade into undisturbed buffer then re-establish 50' buffer with landscaping as approved by Planning Director.

Ayes 3

Nays 0

#SUP-19-09: Nizar Dayani requests a special use permit for the property located at 2490 Satellite Boulevard. The special use permit requested is to allow a 5-story dual brand hotel. The applicant was present. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following conditions:

1. Approval of the special use permit does not grant relief of any Development Regulations or Zoning Ordinance standards.
2. Prior to the issuance of any permits the owner must provide copies of temporary construction easements from the adjacent property owners.
3. The proposed development shall not alter the parking spaces of the adjacent property and all drive isles connecting the sites through inter-parcel access shall meet all minimal requirements of the City of Buford and Gwinnett County Fire codes.
4. The hotel shall operate as a nightly rate hotel and rooms shall be limited to a refrigerator, microwave and coffee machine.
5. Maximum occupation of a room shall not exceed 14 days.
6. Up to 40% of the rooms may be executive residency rooms with a maximum 14-day stay with a nightly rate.

Ayes 3

Nays 0

#SUP-19-10: Steve Faiella requests a special use permit for the property located at 4915 Lanier Islands Parkway. The special use permit requested is to allow a car wash. The applicant was present. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions. Chairman Beard abstained.

1. The development permit construction drawings shall be substantially similar to the site plan provided with this special use permit application.
2. The approval of the special use permit is not approval of any relief from the requirements of the Development Regulations or Zoning Ordinance.

Ayes 2

Nays 0

Abstained 1

Annexation:

Plat #568/#Z-19-04/#SUP-19-05: Frazer24, LLC requests annexation and rezoning for the property located 5340 Frazer Road from AR-III to R-100 with a special use permit to allow a Conservation Subdivision. Chairman Beard corrected the acreage and parcel

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number for the record, 23.99 acres and 08-151-002003. Dan Schneider spoke on behalf of Wildwood Subdivision HOA. He stated that Frazer Road is a substandard road in need of maintenance and had concerns about the ability of the road handling the increased traffic from the additional subdivision and traveling safely with the additional cars on the road. The Commission said that the City would work with Hall County on maintenance of Frazer road, maintain the portions that are in the City and, after completion of the subdivision, proceed with improvements to Frazer Road. A traffic signal was discussed at Buford Highway and Frazer Road. The City can request that the Georgia Department of Transportation provide a traffic signal and intersection improvements. Bret Clark spoke on behalf of the applicant. The Commission proposed a reduction of homes and Mr. Clark agreed to 45 but did say that they would have to evaluate the project at that number. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following conditions:

1. The maximum number of lots shall be 45 single family lots.
2. The development shall consist of single family residential front entry lots on 23.99 acres with minimum open space shall be 6.07 acres at 25.3% which is lower than the minimum open space per the Conservation Subdivision Ordinance of 40%.
3. A mandatory homeowner's association (HOA) shall be provided and responsible for maintenance of all common open space, individual homeowner's lots, stormwater detention facilities including all requirements of management per Section 1317.A.
4. Minimum lot areas shall be 10,000-square feet and 75-feet in width.
5. The building setbacks shall be 30-foot front, 25-foot rear and 5-foot side setbacks with a minimal distance between homes at 15-feet.
6. All ranch homes shall be no less than 2400 square feet and all two-story homes shall be no less than 2800 square feet, excluding the basement, both finished and unfinished.
7. All homes to have a minimum two car garage.
8. All homes shall be constructed with four (4) sides brick or stone with architectural accents not to exceed 40% on the front elevation and accents not to exceed 35% on the side or rear elevations. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
9. All driveways to be a minimum of 18-feet in width.
10. All newly constructed streets shall have a minimum 50-foot right-of-way with 28-foot wide streets from back of vertical curb to back of vertical curb.
11. Street lights shall be provided throughout the project as approved by the City. All utilities shall be located underground.
12. Frazer Road shall be brought to the City of Buford street standards including any necessary right-of-way to be dedicated for improvement implementation.
13. The proposed community shall not be site plan specific, but shall be developed in general accordance with the rezoning site plan and substantially similar to lot and street design. The applicant shall provide the Planning Director all required site analysis data per Section 1317 for review and approval concurrent to the submittal of development plan permit applications.
14. All yards shall be sodded. Two (2) ornamental trees to be planted per lot. (crape myrtles preferred).
15. Rental of housing units shall be restricted to 10% and the restriction shall be part of the Declaration of Covenants, restrictions and easements.



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16. Architectural shingles shall be used as roofing material.
17. Deceleration lane to be provided on Frazer Road including a 5-foot sidewalk with a 2-foot landscape strip along the road frontage.
18. 5-foot interior sidewalks to be provided on both sides of the interior street with 2-foot grass strip between the back of curb and sidewalk.

Ayes 3

Nays 0

Zoning Modification:

#Z-19-01: Dennis Gutierrez, 80 South Alexander Street, requests to reduce the front setback on W. Moreno Street to 17.2 feet and to reduce the front setback on S. Alexander Street to 19.4 feet. The applicant was present. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. Minimum square footage of the house shall be 3200 square feet.
2. The front elevation shall be 40% brick or stone with accents not to exceed 60%. The sides and rear shall have a 2-foot water table. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
3. To eliminate requirement for curb and gutter and sidewalk on W. Moreno Street due to the streetscape project.

Ayes 3

Nays 0

Chairman Beard stated that this concludes the public hearing portion of the meeting.

Motion by Mr. Burge, seconded by Mr. Weeks to approve the exemption plat for Jeff Henderson with the following conditions:

1. Minimum square footage of ranch style homes shall be 1800 square feet and 2200 square feet for two-story homes.
2. The front elevation shall be 40% brick or stone with accents not to exceed 60%. The sides and rear shall have a 2-foot water table. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
3. The driveway shall be a minimum of 18 feet wide.
4. Shall install curb and gutter and a five (5) foot sidewalk with a two (2) foot landscape strip and to improve the substandard street up to 12 feet as right-of-way permits.

Ayes 3

Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve the wastewater sewer allocation for Dunkin Donuts at 4803 Golden Parkway.

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Blw

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize and request introduction of local legislation to ratify and reaffirm the corporate limits of the City of Buford per reference to the City's Official map.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize City Manager to proceed with Phase II of the Sewer Trunk Line Improvement project and acquire easements for project by means necessary.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize City Manager to sign sewer easements associated with Lanier Harbor pumping station.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize approval of installation of speed limit sign(s) and stop sign(s) in Brentwood Subdivision subject to approval of City Engineer.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize Chairman to submit 2020 CDBG Program Grant applications to Gwinnett County.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve special events at Buford Youth Sports Complex.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve low bid for Dacula Road at SR 8 natural gas facilities relocation project.

Ayes 3
Nays 0



Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #5 for Hamilton Mill Road gas relocation project in the amount of \$65,295.00.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #3 (final) for SR13 at Heraeus Boulevard Intersection improvements project in the amount of \$30,440.64.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #5 for City of Buford parking deck project in the amount of \$239,948.00.

Ayes 3
Nays 0

Mr. Kerlin gave the City Manager's Report.

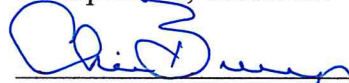
Mr. Jay gave the City Attorney's report.

After a brief discussion with the audience, motion by Mr. Burge, seconded by Mr. Weeks to adjourn.

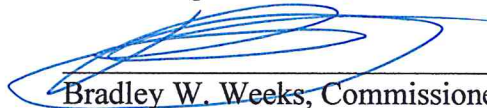
Ayes 3
Nays 0



Phillip Beard, Chairman



Chris Burge, Vice-Chairman



Bradley W. Weeks, Commissioner



City Clerk

3-14-19

Date