

# Buford City Commission

August 2, 2021

7:00 p.m.

Buford City Arena

The regular monthly meeting was held on August 2, 2021 at Buford City Arena and all Commission members were present.

Chairman Beard called the meeting to order at 7:00 p.m. and Mr. Burge led the Pledge of Allegiance.

Motion by Mr. Weeks and seconded by Mr. Burge to approve the agenda for the August 2, 2021 meeting as presented.

Ayes 3

Nays 0

Motion by Mr. Burge and seconded by Mr. Weeks to adopt the minutes from the July 19, 2021 meeting and the minutes as presented by staff.

Ayes 3

Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to change the September 2021 meeting to September 7, 2021.

Ayes 3

Nays 0

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

## Rezoning:

#Z-21-24/#SUP-21-16: The Sterling Group requests rezoning for the property located at 944 Gainesville Highway from O-I to C-2 with a special use permit to allow climate controlled and an exterior access storage facility with outside boat and RV parking. Mitch Peevy spoke on behalf of the applicant. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The subject property is rezoning to C-2 for general business uses substantially similar to the site plan provided with the application including the locations, sizes and heights of the proposed buildings and associated site improvements.

TSB

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1. The subject property is rezoning to C-2 for general business uses substantially similar to the site plan provided with the application including the locations, sizes and heights of the proposed buildings and associated site improvements.
2. Provide 10' landscape strips along the road frontage of Atlanta Highway. The landscape strip is to be planted with a combination of canopy trees, shrubs and ground covers. Final plan is to be reviewed and approved by the Planning Director.
3. Buildings shall be finished with architectural treatments of glass, brick, and/or stone. Architectural renderings shall be submitted for review and approval of the Planning Director prior to the issuance of building permits.
4. Outdoor lighting shall be contained in cut-off type luminaires and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
5. The 75-foot zoning buffer is to be reduced to a 50 foot replanted buffer. The replanted landscape plan shall include a variety of evergreen trees and shrubs to provide a year round effective screen for the adjacent residentially zoned parcels.
6. Outdoor storage and repair of junk vehicles and/or boats is prohibited.

Ayes 3

Nays 0

**Special Use Permits:**

#SUP-21-14: QuikTrip Corporation requests a special use permit for the property located at 4624 Friendship Road. The special use permit requested is to allow a convenient store with automobile fueling station. Mitch Peevy spoke on behalf of the applicant. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following conditions:

1. The site shall be developed substantially similar to the site plan provided with the special use permit application.
2. The site shall be developed with inter-parcel connectivity to future development as shown on the special use permit application.
3. The operation of the proposed development is to service automotive vehicles only and heavy, semi-tractor, or similar commercial truck fueling is prohibited.

Ayes 3

Nays 0

**Annexations:**

Plat #596/#Z-21-07: Darryl Crow Holdings, LLC requests annexation and rezoning for the property located at 6533 McEver Road, being parcel 08-150-002018, from AR-III to M-1.



Note: Hall County previously filed an objection pursuant to OCGA 36-36-115 whereby the arbitration panel ruled in favor of the City and the findings and ruling was subsequently upheld by Superior Court.

Darryl Crowe stated that he was the sole property owner when asked by Chairman Beard. Steve Rowley, with CA Ventures, spoke on behalf of the applicant. He stated the property is proposed for an industrial development consisting of two (2) warehouse buildings for an approximate total of 396,000 square feet. The buildings would be rear loaded multi-tenant buildings. There will be three (3) entrances, two (2) for truck traffic and one (1) for vehicle traffic. The developer proposes to add a 100' undisturbed buffer along the southwest side of the property adjacent to the neighboring property owner. The adjoining property is zoned Planned Commercial Development (PCD) and a buffer is not required by the code. McEver Road will be improved and widened pursuant to the plan previously developed and approved by Hall County Transportation staff and would enhance safety. Rowley stated that their standard leases/rules regulate noise, light pollution, odors, etc. This development will create over 200 new jobs for the community, according to Rowley.

(1) Stanton Porter, Attorney, spoke on behalf of several homeowners that live near the property and asserted their constitutional rights. (2) Janice Loudermilk, Brentwood subdivision, spoke against the request. (3) Kathy Cooper, Hall County Commissioner, spoke stating this development is out of character for the area and a very intense use for the surrounding residential area. (4) Van Stephens, Hall County attorney, spoke against the request. (5) Ley Hathcock spoke in opposition of the request stating this development would create decrease in property values, increased truck traffic and not compatible with the comprehensive plan. (6) Farley and Susan Barge, operators of adjoining property Lightway Recovery Center, spoke in opposition of the request stating this development would have a negative impact of their non-for-profit business and would decrease their property value. (7) Bernadette Scroggs, McEver Road, spoke against the request. (8) Mary Willis, Four Seasons subdivision, spoke against the request. (An additional four minutes was provided for those opposed).

Steve Rowley offered comments in rebuttal. After discussion, motion Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The subject property is to be rezoned to M-1 for light industrial uses substantially similar to the site plan provided with the application including the sizes of the proposed buildings and associated site improvements.
2. An enhanced 20' wide landscape planting plan shall be required at McEver Road. Final plan is to be reviewed and approved by the Planning Director.
3. Building elevations shall be submitted to the Planning Director for approval and may include tilt-up construction.
4. Outdoor lighting shall be contained in cut-off type luminaires and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
5. Improvements to McEver Road and dedication of subsequent right-of-way are required to be provided by the developer to meet development standards of the Department of

Transportation and City of Buford Development Regulations. Any required variances attributed to the improvements shall be reviewed and approved under a separate public hearing once the engineering phase is developed.

6. The applicant shall develop the site in full conformance with conditions imposed by the Hall County/City of Buford Dispute Resolution Arbitration Panel to include, but not be limited to a 100-foot vegetative buffer along the common property line with the adjacent parcel to the southwest of the subject property, between the common property line and the driveway. Roadway improvements shall include, but not be limited to entrances, left center turn lane, roadway widening, deceleration lanes and compliance with site distance standards. Buffers and roadway improvements shall be approved by the appropriate permitting agencies.

Ayes 3

Nays 0

#### **Special Use Permit:**

#SUP-21-15: Enterprise Leasing Company of Georgia, LLC requests a special use permit for the property located at 4085 South Lee Street. The special use permit requested is to allow car and truck rental business. No one offered comment. Mr. Beard and Mr. Weeks stated they were recusing themselves due to a conflict and the matter was not acted upon due to a lack of quorum.

#### **Annexations:**

Plat #604/#Z-21-19: Grant and Christy Pirkle request annexation and rezoning for the property located at 3575 North Bogan Road from AR-III to R-100. The applicant was present. Hall County did not object to this annexation and rezoning request. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. Prior to the issuance of any subsequent permits, the applicant shall submit a minor subdivision plat for approval by the City of Buford. The minor plat shall be allowed to reduce the required road frontage width from 40 feet to 35 feet for Lot 1, to 30 feet for Lot 4 and 30 feet to Lot 5. The minor plat shall be allowed to reduce the required lot width from 100 feet to 35 feet for Lot 1, 30 feet for Lot 4 and 45.90 feet for Lot 5.
2. All homes shall be constructed with four sides brick or stone with accents not to exceed 40% on the front elevation and accents not to exceed 35% on the side and rear elevations. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
3. All front and rear yards shall be sodded and shall have two (2) 3-inch caliper canopy 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.



5. All homes to have a minimum two car garage.
6. All homes shall have architectural shingles.
7. A 5-foot sidewalk, curb and gutter and a 2-foot landscape strip shall be required along the frontage of North Bogan Road. All improvements shall meet the standards of the City of Buford and the Gwinnett County Department of Transportation.

Ayes 3  
Nays 0

Plat #605: Justin Grant Pirkle requests annexation and zoning for the property located at 3663 North Bogan Road from R-3 to R-100. Christy Pirkle spoke on behalf of the applicant. Hall County did not object to this annexation and rezoning request. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request.

Ayes 3  
Nays 0

Plat #606/#Z-21-20: Triple T. Group, Ltd. requests annexation and rezoning for the property located at 2812 Gravel Springs Road from RA-200 to M-1. Applicant has requested that the request be tabled until the September 7, 2021 meeting. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3  
Nays 0

Plat #607/#Z-21-21: Cecil Breedlove requests annexation and rezoning for the property located at 2792 Gravel Springs Road from RZT-S F to M-1. Mr. Breedlove has requested that the request be table until the September 7, 2021 meeting. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3  
Nays 0

Plat #608/#Z-21-22: Gravel Springs Group, LLC requests annexation and rezoning for the property located at 2770 Gravel Springs Road from R-60 to M-1. Applicant has requested that the request be tabled until the September 7, 2021 meeting. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3  
Nays 0

Plat #609/#Z-21-23: Gravel Springs Group, LLC requests annexation and rezoning for the property located at 2782 Gravel Springs Road from RA-200 to M-1. Applicant has requested

that the request be tabled until the September 7, 2021 meeting. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3  
Nays 0

Chairman Beard stated at this time there would be a public hearing on the Fiscal Year 2022 Operating Budget and 2021 millage rate rollback for Gwinnett and Hall County property taxes. Chairman Beard gave an overview of the budget and the public was given an opportunity to provide comments on the budget and millage rate rollback. The audience did not have any comments or questions regarding the proposed FY 2022 Operating Budget, the 2021 proposed Gwinnett and Hall County millage rate or the proposed 2021 millage rate for Hall County with the LOST rollback.

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

Motion by Mr. Burge, seconded by Mr. Weeks to approve the 2021 property tax millage rate for Buford City Schools in Gwinnett County of 12.60 mills and 13.167 mills in Hall County. Hall County Local Option Sales Tax rollback is 0.567 mills with a net millage rate for property taxes in both Gwinnett County and Hall County of 12.60 mills. Property taxes bills are due December 20, 2021.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve Fiscal Year 2022 Operating budget resolution.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve resolution in support of City of Buford's application to Atlanta Regional Commission for preliminary engineering for Buford Multi Use Trail – Phase 2.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve donation of parcel R7-268-112 to the City.

Ayes 3  
Nays 0



Motion by Mr. Burge, seconded by Mr. Weeks to authorize release of pledged funds with Peoples Bank & Trust. Chairman Beard abstained.

Ayes 2  
Nays 0  
Abstain 1

Motion by Mr. Burge, seconded by Mr. Weeks to approve award of Hamilton Mill Road natural gas relocation to low bidder, CEDS Construction Co., Inc.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve request by Ozark 54/Blue Cat Productions for filming on Peachtree Industrial Blvd.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve temporary event application on Moreno Street and in public parking area for First Pentecostal Church of Buford on September 3, 2021.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #2 for 2021 paving project in the amount of \$455,942.55.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #4 for Bona Road sidewalk improvements project in the amount of \$69,374.94.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #2 for Buford Waterworks Replacement project in the amount of \$262,523.11.

Ayes 3  
Nays 0



Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #21 for the legion fields improvements project in the amount of \$449,256.00.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #5 for Tom Riden Stadium project in the amount of \$61,431.00.

Ayes 3  
Nays 0

Mr. Kerlin gave the City Manager's report.

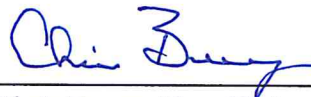
Mr. Jay gave the City Attorney's report.

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

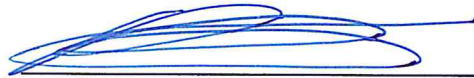
Ayes 3  
Nays 0



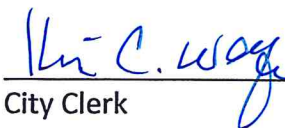
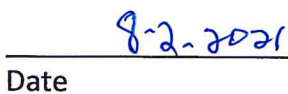
Phillip Beard, Chairman



Chris Burge, Vice-Chairman



Bradley W. Weeks, Commissioner

  
City Clerk  
Date