

Buford City Commission

July 17, 2023

The regular monthly meeting was held on July 17, 2023 at Buford City Hall 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, seconded by Mr. Burge to approve the agenda for the July 17, 2023 Commission meeting as presented by staff.

Ayes 3

Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the June 5, 2023 regular meeting as presented by staff.

Ayes 3

Nays 0

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

Rezoning:

#Z-23-16: Karma Salon & Spa requests rezoning for the property located at 4695 South Lee Street from R-100 to C-2. Mitch Peevy spoke on behalf of the applicant and requested a farmhouse style salon be approved. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The construction of the proposed retaining wall shall not encroach onto adjacent properties including tie backs and temporary construction access.
2. Proposed retaining walls shall be required to be designed and sealed by a Georgia Registered Civil Engineer as required by building code.
3. The required zoning buffer shall be reduced to zero with a privacy fence and enhanced landscaping of evergreen trees to provide a year-round screen. Final fence and enhanced landscape design shall be approved by the Planning Director prior to the approval of any subsequent permits.
4. The site improvements shall be in general conformance to the plan submitted with the zoning application with minor adjustments to comply with the zoning conditions and development regulations. Final site plan shall be approved by the Planning Director.
5. No business-related on street parking shall be located on any public street.
6. The proposed site improvements shall be in compliance with the City's stormwater management regulations.



7. Exterior farmhouse style architecture may be used, subject to the approval of the Planning Director.

Ayes 3
Nays 0

#Z-23-17/#SUP-23-11: Old Atlanta Commerce, LLC requests rezoning for the property located at 4266 Hamilton Mill Road from R-100 to C-2 with a special use permit to allow a climate-controlled mini-self storage facility. William Diehl, Attorney, 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 approval to reduce the required parking from 63 parking spaces to 7 parking spaces is conditional upon the applicant demonstrating that a fire access lane is compliant per International Fire Code (IFC) and be maintained around the perimeter of the building without vehicles blocking the lane while loading and unloading. Should the Gwinnett County Fire Marshal deny the current site plan layout, the parking reduction variance is denied, and the applicant shall be required to comply with Buford City Code concerning parking spaces. All loading and unloading areas are to be striped and labeled.
2. Per the City of Buford Zoning Ordinance Section 605-606, Minimum Undisturbed Buffer Requirements, C-2 zoned properties shall provide a minimum of 75' undisturbed buffer for screening adjacent to residential. The applicant shall replant areas that are void of vegetation for effective screening. The final plan is to be reviewed and approved by the Planning Director.
3. Landscape and architectural design shall follow section 1316.1 – Design Requirements, Buford Zoning Ordinance.
4. Vehicular parking shall be within designated striped parking and loading spaces and parking on grassed areas or within the fire lane is prohibited.
5. The final site plan shall be similar to the site plan provided with the application and is to be approved by the Planning Director.
6. Outdoor storage is prohibited on the site.
7. A fence shall be installed along the developer's side of the property adjacent to the Anglin property on Hamilton Mill Road. The fence shall extend into the front yard. Shall provide an enhanced landscape strip to screen said development from the Anglin property. The landscape plan shall be approved by the Planning Director.
8. Development shall provide enhanced landscaping with a variety of evergreen trees to screen said development from the residential properties along Thrasher Road.
9. The developer will coordinate with Gwinnett County DOT to dedicate the necessary right-of-way for a deceleration lane.
10. Business hours shall be 6:00 a.m. – 11:00 p.m.
11. Parking/building lighting shall be contained on the property.

Ayes 3
Nays 0



#Z-23-18: Meredith Simes requests rezoning for the property located at 6157 Gaines Ferry Road, being parcel 08-139-003008A, containing 4.52 acres from RA-200 to R-100. The applicant has asked that the request be tabled until the August meeting.

Ayes 3
Nays 0

Special Use Permits:

#SUP-23-12: Babbs Engineering Consultants requests a special use permit for the property located at 5574 Lanier Islands Parkway. The special use permit requested is to allow a boat and RV storage facility. The applicant was not present. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. Approval of this special use permit is for a boat and RV storage facility and will expire should the use change.
2. The approval of a special use permit does not provide approval of variances or alterations to any local, state, or federal regulations.
3. The road frontage shall have a 15-foot enhanced landscape strip directly adjacent to Lanier Islands Parkway planted with a variety of evergreen trees and shrubs. The final plan is to be approved by the Planning Director.
4. No accumulation of junk boats, vehicle RV's and mechanical repairs shall be prohibited on site.
5. All parking and driveway surfaces to be asphalt or concrete with curb and gutter meeting the minimal standards of the City of Buford Development Regulations.
6. The fence and gate along the frontage of Lanier Islands Parkway shall be located behind the 15-foot enhanced landscape strip and be a black metal decorative fence with brick columns. The remaining fence along the sides and rear shall be a black vinyl coated chain link fence. Final design and location shall be approved by the Planning Director.
7. All drive isles shall be no less than 24 feet in width.
8. The final permitting plan shall be substantially similar to the site plan provided with this application.

Ayes 3
Nays 0

#SUP-23-13: Strike Eagle Investments, LLC requests a special use permit for the property located at 3325 Gravel Springs Road. The special use permit requested is to allow a climate-controlled storage facility. 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. Approval of this special use permit is for a climate-controlled storage facility and will expire should the use change.
2. No outdoor storage of junk vehicles is allowed on the site.
3. Landscape and architectural design shall follow Section 1315 – Mall of Georgia Overlay District requirements.

4. The applicant shall provide an enhanced 15' landscape strip adjacent to Gravel Springs Road. The landscape plan shall incorporate metal decorative fencing and a variety of evergreen trees and shrubs for an effective screen. The final fence, gate and landscape design shall be reviewed and approved by the Planning Director.
5. Parking design shall follow the standards outlined in Section 1315.1 – Findings and Purposes.
6. The 75' undisturbed buffer shall be reduced to a 50' undisturbed buffer including the construction of retaining walls and retaining wall tie back installation. In areas where the existing vegetation is sparse the applicant shall replant the area with a mixture of evergreen trees and shrubs. The final landscape plan shall be reviewed and approved by the Planning Director.
7. The final permitting plan shall be substantially similar to the site plan provided with this application.
8. The final plan shall be approved by the Planning Director.
9. To allow a black metal decorative fence with brick columns in the front yard along Gravel Springs Road with black vinyl coated chain link fence on the sides and rear with enhanced landscaping of a variety of evergreen trees to screen said development from the residential properties.
10. To reduce the required parking spaces from 36 parking spaces to a total of 10 parking spaces (5 parking spaces for each building).
11. All exterior lighting shall be cut-off luminaries and shall be directed and shielded so as to illuminate the development only.

Ayes 3

Nays 0

#SUP-23-14: Thomas & Hutton requests a special use permit for the property located at 4141 and 4151 Gainesville Highway. The special use permit requested is to allow a boat & RV storage facility. Tonya Woods 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. Approval of this special use permit is for a boat and RV storage facility and will expire should the use change.
2. The 75' undisturbed buffer shall be reduced to a 50' undisturbed buffer including site construction. In areas where the existing vegetation is sparse the applicant shall replant the area with a mixture of evergreen trees and shrubs. The final landscape plan shall be reviewed and approved by the Planning Director.
3. The approval of a special use permit does not provide approval of variances or alterations to any local, state, or federal regulations.
4. The road frontage shall have a 15-foot enhanced landscape strip directly adjacent to Gainesville Highway planted with a variety of evergreen trees and shrubs. The final plan is to be approved by the Planning Director.
5. No accumulation of junk boats, vehicle RV's and mechanical repairs shall be prohibited.
6. All parking and driveway surfaces to be asphalt or concrete with curb and gutter meeting the minimal standards of the City of Buford Development Regulations.
7. The fence and gate along the frontage of Gainesville Highway shall be located behind the 15-foot landscape strip and be a black metal decorative fence with

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brick columns. The remaining fence along the sides and rear shall be a black vinyl coated chain link fence. Final design and location shall be approved by the Planning Director.

8. All drive isles shall be no less than 24 feet in width.
9. The final permitting plan shall be substantially similar to the site plan provided with this application.

Ayes 3
Nays 0

#SUP-23-15: David Rothwell requests a special use permit for the property located at 5575 Lanier Islands Parkway. The special use permit requested is to allow boat sales. The applicant was not present. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. Approval of this special use permit is for boat sales and will expire should the use change.
2. The approval of a special use permit does not provide approval of variances or alterations to any local, state, or federal regulations.
3. The road frontage shall have a 15-foot enhanced landscape strip directly adjacent to Lanier Islands Parkway planted with a variety of evergreen trees and shrubs. The final plan is to be approved by the Planning Director.
4. No accumulation of junk boats, vehicle RV's and mechanical repairs shall be prohibited on site.
5. All parking and driveway surfaces to be asphalt or concrete with curb and gutter meeting the minimal standards of the City of Buford Development Regulations.
6. The fence and gate along the frontage of Lanier Islands Parkway shall be located behind the 15' enhanced landscape strip and be a black metal decorative fence with brick columns. The remaining fence along the sides and rear shall be a black vinyl coated chain link fence. Final design and location shall be approved by the Planning Director.
7. All drive isles shall be no less than 24 feet in width.
8. The final permitting plan shall be substantially similar to the site plan provided with this application.

Ayes 3
Nays 0

Annexations:

Plat #671: Timothy Scott Autry requests annexation and zoning for the property located at 2995 Springlake Drive from R-100 to R-100. The applicant was present. Gwinnett County did not object to this annexation and zoning request. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to deny the request.

Ayes 3
Nays 0



Plat #672/#Z-23-20: Bogan Enterprises, LLC requests annexation and rezoning for the property located at the corner of Plunkett Road and Blue Ridge Drive, being parcel 7-218-100, from R-100 to O-I. Mitch Peevy spoke on behalf of the applicant. He stated they are proposing a small building for office use. Gwinnett County did not object to this annexation. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The final civil site plan shall be substantially similar to the concept plan provided with the rezoning application.
2. The final architectural and site plans shall meet the requirements of Article XIII, Section 1315 Mall of Georgia Overlay District.
3. Road improvements including curb and gutter and 5-foot sidewalk is required along Blue Ridge Drive and Plunkett Road. All improvements shall meet the standard of City of Buford code and ordinances. Right-of-way dedication is required as necessary to construct the required improvements.
4. Sidewalk connectivity shall be required from the building to the sidewalk at Plunkett Road.
5. The proposed retaining wall shall be placed as shown on the concept plan provided with the application. The wall material shall be a decorative stone. Final wall design including material and elevations shall be submitted for review and approval by the Planning Director.
6. The retaining wall shall not encroach into the right-of-way of Blue Ridge Drive.
7. During construction there shall be no permanent or temporary encroachment into the adjacent properties.
8. The installation of retaining wall shall have no negative drainage impacts on downstream neighbors or at the adjacent road.
9. Front building setback shall be reduced to 15' with the final site plan substantially similar to the concept plan provided with this application.
10. Parking requirements shall be based on 1 parking space per 500 sq. ft. of heated floor area.
11. The 50-foot undisturbed buffer shall be reduced to a 25-foot graded and replanted buffer along the southern side of the property. The final landscape plan is to be reviewed and approved by the Planning Director.
12. Approval of the rezoning or concurrent variances does not provide relief for other areas of the City of Buford's Zoning Ordinance or Development Regulations.

Ayes 3
Nays 0

Plat #673: Teresa D. Manis requests annexation and zoning for the property located at 2288 Fox Run Trail from R-100 to R-100. The applicant was not present. Gwinnett County did not object to this annexation and zoning request. No one spoke against the request. Service delivery was a concern when considering the location of the residence in the subdivision. Motion by Mr. Weeks, seconded by Mr. Burge to deny the request.

Ayes 3
Nays 0

Plat #679: Jason Lee requests annexation and zoning for the property located at 2127 Shoal Creek Road from R-100 to R-100. The applicant was not present. Gwinnett County did not object to this annexation and zoning request. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to deny the request.

Ayes 3
Nays 0

Zoning Modification:

#ZM-23-04: N3 Property Advisors, LLC, 4445 Nelson Brogdon Blvd., requests to modify condition #7 of the zoning conditions approved on September 6, 2022 to extend the construction completion date to June 30, 2024. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request.

Ayes 3
Nays 0

Chairman Beard stated at this time there would be a public hearing on the Fiscal Year 2024 Operating Budget and 2023 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 Fiscal Year 2024 Operating Budget. One audience member from Brickton Station inquired about the millage rate increase. Chairman Beard explained the proposed millage rate, the 2023 proposed Gwinnett and Hall County millage rate, the proposed 2023 millage rate for Hall County with the LOST rollback and the Value Offset Exemption for Homestead properties in Buford.

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

Motion by Mr. Burge, seconded by Mr. Weeks to amend the Fiscal Year 2023 operating budget to reflect actual expenditures through June 30, 2023.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve amendment to Alcohol Beverage Code adding Sec. 6-56. Alcohol Review Board and to appoint initial members.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to table the Intergovernmental Agreement with Hall County for Transportation Special Local Option Sales Tax (TSPLOST).

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve Memorandum of Agreement for participation in the Metro North Planning District Smart Leak Detector Rebate program.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve request by Department of Public Utilities and Gwinnett County Department of Transportation to eliminate curb, gutter and sidewalk requirements on road frontage at Lanier Filter Plant due to permitting for plant upgrades.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to accept dedication of property from First Pentecostal Church of Buford. (Moreno Street detention pond)

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve third amendment to the Solar Power Purchase Contract with Municipal Electric Authority of Georgia (MEAG).

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to table the amendment to the Hall County Countywide Safety Plan allowing Buford to serve an additional fourteen (14) lots in a subdivision on Spout Springs Road.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to accept donation of real property from New Frontier Investors, LLC (2.1 acres) subject to review by the City Attorney.

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
Abstained 1

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of Invoice #18137-14, Invoice #18137-16 and Invoice #18137-17 totaling \$328,799.23 to Breaux & Associates for New Buford High School stadium project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment of Invoice #23107-03 and Invoice #23107-04 totaling \$19,886.29 to Breaux & Associates for Buford High School concessions project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #8 in the amount of \$37,967.41 to John D. Stephens, Inc. for Waterworks Road water main relocation project and pay for project with funding from the American Rescue Plan Act.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #1 in the amount of \$64,800.00 to F. S. Scarbrough for Southside WPCP filter replacement project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #2 in the amount of \$82,313.91 to Backbone Infrastructure, LLC for West Moreno Street improvements project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #25 in the amount of \$811,108.77 to Ruby Collins, Inc. for water plant expansion project and to hold payment while City conducts inspections and Ruby Collins addresses punch list items.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #1 in the amount of \$88,240.41 to Glosson Enterprises, Inc. for Shadburn Ferry Road sidewalk improvements project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #9 in the amount of \$832,586.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.

Ayes 3
Nays 0



Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #5 in the amount of \$836,187.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #4 in the amount of \$68,366.00 to Charles Black Construction Company, Inc. for Southside Water Treatment Plant Office Building project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of Invoice #11 in the amount of \$176,940.99 to Charles Black Construction Company, Inc. for passive park at Harris Street project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize Invoice #1 in the amount of \$15,928.00 to Charles Black Construction Company, Inc. for Buford Fine Arts Drive Thru repair project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize Invoice #9 in the amount of \$288,193.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of Invoice #7 in the amount of \$130,359.45 to Charles Black Construction Company, Inc. for Buford High School stadium project.

Ayes 3
Nays 0

Mr. Kerlin gave the City Manager's Report.

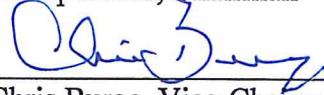
Mr. Britt gave the City Attorney's Report.

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


Ayes 3
Nays 0



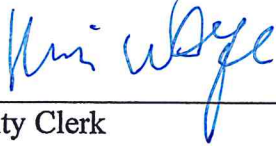
Phillip Beard, Chairman



Chris Burge, Vice-Chairman



Bradley W. Weeks, Commissioner



City Clerk

3-17-23

Date