

# Buford City Commission

May 3, 2021

The regular monthly meeting was held on May 3, 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, seconded by Mr. Burge to approve the agenda for the May 3, 2021 Commission meeting as presented by staff.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the April 12, 2021 regular meeting as presented by staff.

Ayes 3  
Nays 0

Chairman Beard recognized Winston Burel for his twenty-eight (28) years of service with the City of Buford Zoning Board of Appeals.

Motion by Mr. Burge, seconded by Mr. Weeks to appoint Bonita Burel to City of Buford Zoning Board of Appeals.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to re-appoint Jerry Kilgore to Buford Downtown Development Authority.

Ayes 3  
Nays 0

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

## Rezoning:

#Z-21-09: The Paces Foundation request rezoning for the property located at 2050 Garnett Street, being parcel 7-268-018, from R-100 to RM-6. Michael Bauer spoke on behalf of the applicant. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.



Ayes 3  
Nays 0

#Z-21-10: The Paces Foundation request rezoning for the property located at 490 South Street, being parcel 7-294B-007, from R-100 to RM-8. Michael Bauer spoke on behalf of the applicant. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3  
Nays 0

#Z-21-11: B & G Cornerstone Inv., LLC request rezoning for the property located at 143 Maddox Road, being parcels 7-228-014/058, from C-2 to R-100. Ryan Reed 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. Road shall be brought to street standards along the road frontage of the proposed development. Improvements include, but not limited to, sidewalks, curb and gutter, right of way width from centerline and street width from centerline to back of curb.
2. A mandatory homeowner's association (HOA) shall be provided and responsible for maintenance of all common open space, stormwater detention facilities.
3. All homes shall be no less than 2400 square feet for ranch homes and 2800 square feet for two-story homes, excluding the basement, both finished and unfinished.
4. All homes shall have a two (2) car garage.
5. All homes shall be constructed with four sides brick or stone with architectural accents not to exceed 60%. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
6. All driveways to be a minimum of 18-feet in length and width.
7. The front setback shall be 25 feet, rear setback shall be 30 feet and the side setbacks shall be a minimum 5 feet with a 15-foot separation.
8. All newly constructed streets shall have a minimum of 50-foot right-of-way with 28-foot wide streets from back of vertical curb to back of vertical curb. A five (5) foot sidewalk with a two (2) foot landscape strip shall be provided along all new streets.
9. Street lights shall be provided throughout the project as approved by the City. All utilities shall be located underground.
10. All yards shall be sodded. Two (2) ornamental trees to be planted per lot. (crape myrtles preferred).
11. Architectural shingles shall be used as roofing material.
12. Site plan adoption is substantially similar to the case rezoning concept plan and staff may approve property line adjustments; Applicant to provide documents addressing shared driveway.

Ayes 3  
Nays 0

#Z-21-12/#SUP-12-04: Gravel Springs Car Wash request rezoning for the property located at 3053 and 3061 Gravel Springs Road from RA-200 to C-2 with a special use permit to allow a car wash. Mitch Peevy spoke on behalf of the applicant. Jonathan Benator, attorney for Mill Creek Lakes HOA, spoke in opposition of the request and stated the request should be denied because of conflict with the 2040 Comprehensive Plan and the protected rights of the citizens to develop the property that is not in conformity with the land use plan, Section 1702(e). Mr. Benator stated that the Comprehensive Plan shows office use and would like to see that use for this property. Mr. Benator submitted a letter and stated that he preserves the constitutional rights of his client, the Mill Creek Lakes Condominium Association, Inc. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The site plan, landscape plan and architectural plans shall be compliant to the design standards of Section 1315 Mall of Georgia Overlay District.
2. The 75' undisturbed buffer is reduced to a 20' wide buffer replanting plan adjacent to property east of development. The remaining residential properties shall retain the 75' undisturbed buffer. Buffers to provide an effective year-round screen. The final plan to be approved by the Planning Director.
3. Applicant to provide access agreement for use of entrance shown at Cedar Glade Lane.
4. All improvements within the Gravel Springs Road right-of-way requires the review and approval of the Georgia Department of Transportation.
5. The applicant shall provide the City of Buford building elevations depicting the architectural treatments, color and proposed building height that are compliant to the Mall of Georgia Overlay District.
6. The applicant shall provide a 10-foot wide enhanced landscape strip plan and signage details adjacent to all right-of-ways. The landscape plan shall include a combination of trees and shrubs to provide for an effective, year-round, screening from the roadways. The final landscape plan shall be reviewed and approved by the Planning Director.
7. Hours of operations shall be 9:00 a.m. to 9:00 p.m.
8. There shall be no outside speakers.
9. No flashing lights, inside or outside of facility. No neon, bright color style of lighting inside or outside the facility. No outside speakers.

Ayes 3

Nays 0

#Z-21-13/#SUP-21-05: Lake Blue Ridge Land Company, LLC request rezoning for the property located on Hamilton Mill Road and North Bogan Road, being parcels 7-226-001, 001B, 002, 120, 123, 137, 150, 156, 168, containing 3.79 acres from RA-200 to C-2 with a special use permit to allow for drive thru lanes. Eric Johansen spoke on behalf of the applicant. He stated they are assembling several tracts of land for a commercial and townhome development. He stated they are proposing three commercial outparcels with inter-parcel access to the townhome development in the rear. They do not know the use for the outparcels, but some could be fast food restaurants that would need a drive thru service. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following condition:



1. Prior to the issuance of subsequent building permits, the applicant shall file a minor subdivision plat subdividing the commercial parcels from the overall development parcel assemblage. The subdivision shall be substantially similar to the application site plan dated March 3, 2021.
2. Drive thru service lanes with call boxes shall be permitted as part of all the commercially zoned property, including any future commercially subdivided parcels on the subject property, to include the uses of the commercial parcels as either restaurants, or retail.
3. Inter-parcel access shall be permitted between the commercially zoned property and the adjacent residentially zoned property.
4. Developer shall provide a twenty-five (25) foot re-graded and re-planted buffer adjacent to all residentially zoned properties. The re-graded and re-planted buffer shall include two (2) rows of staggered evergreen trees that are at least eight (8) feet tall at the time of installation planted in fifteen (15) foot centers. The evergreen trees should include an equal mixture of Thuja Green Giants, Cryptomeria, and Tree Form Hollies.
5. Architectural façade treatments shall be of brick, stone or stucco or combination thereof. Final building elevations to be reviewed and approved by the Planning Director.
6. The construction documents shall include a pedestrian and bicycle circulation plan including sidewalks and bike racks. At a minimum the plan shall include sidewalks spanning each road frontage and connect to the proposed residential townhome development. Final pedestrian and bicycle circulation plan shall be approved by the Planning Director.
7. Outparcel use shall be approved by the City Commission.
8. Developer to preserve rights-of-way for expansion of Hamilton Mill Road to 4-lanes.
9. Add right turn deceleration lane west bound on Hamilton Mill Road onto North Bogan Road.

Ayes 3

Nays 0

#Z-21-14/#SUP-21-06: Lake Blue Ridge Land Company, LLC request rezoning for the property located on Hamilton Mill Road, being parcels 7-226-001, 001B, 002, 120, 123, 137, 150, 156, 168, containing 13.32 acres from RA-200 to RM-8 with a special use permit to allow townhomes. Eric Johansen spoke on behalf of the applicant. He stated they are proposing 81 townhomes and proposing a 25 foot regraded and replanted buffer adjacent to residentially zoned properties. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The subject property shall consist of a maximum of forty-one (41) residential townhomes that are a minimum of twenty-four (24) wide. The residential townhomes could include a mixture of front entry garage units and rear entry garage units, and/or could be developed as all front entry units or as all rear entry units. The proposed units can be two-story, three-story, or a mixture of two-story and three-story units. The subject property is not subject to any specific rezoning site plans and shall have ability to be altered to adapt to the existing site conditions as needed.

2. Net density for the residential townhouse development shall not exceed 4.0 units per acre.
3. Prior to the issuance of subsequent building permits, the applicant shall file a minor subdivision plat subdividing the townhome parcel from the overall development parcel assemblage. The subdivision shall be substantially similar to the application site plan dated March 3, 2021.
4. No residential building permits shall be permitted on the subject property until the issuance of at least one (1) commercial building permit has been obtained for the adjacent commercial development located at the intersection of North Bogan Road and Hamilton Mill Road, and the related site work for the same commercial building has commenced to include the actual grading and utility installations.
5. Developer shall extend left turn lane the length of the development on North Bogan Road as approved by Gwinnett County.
6. At least one (1) inter-parcel access point, outside the limits of the gated streets, shall be provided to the adjacent commercial development location at the intersection of North Bogan Road and Hamilton Mill Road.
7. The project shall have at least one gated exit to North Bogan Road from the residential development.
8. Developer shall provide a twenty-five (25) foot re-graded and re-planted buffer adjacent to residentially zoned properties. The re-graded and re-planted buffer shall include two (2) rows of staggered evergreen trees that are at least eight (8) feet tall at the time of installation planted in fifteen (15) foot centers. The evergreen trees should include an equal mixture of Thuja Green Giants, Cryptomeria, and Tree Form Hollies. Final enhanced landscaping design shall be reviewed and approved by the Planning Director.
9. Masters' property (**Tax Parcels 7226 134, 7226 135, & 7226 136**) - provide a forty (40) foot wide re-graded and re-planted buffer evergreen buffer consisting of three (3) staggered rows of evergreen trees spaced on fifteen (15) foot centers adjacent to the residential properties. Each row shall be spaced ten (10) feet apart. The evergreen plant materials shall consist of an equal distribution of Thuja Green Giants, Cryptomeria, Southern Magnolias, and Tree Form Hollies that are at least eight (8) feet tall at the time of installation.  
Provide a six (6) foot tall green vinyl coated chain-link fence along the common property line. Provide a earthen berm that is a minimum of six (6) feet tall within the forty (40) foot re-graded and re-planted buffer. The evergreen trees shall be installed on the earthen berm.
10. A mandatory homeowner's association (HOA) shall be provided. The HOA shall be responsible for the maintenance and upkeep of all grounds on the subject property including the residential landscaping at the individual units, the landscape strip along North Bogan Road, water quality and detention facilities, private streets if utilized, and all open space.
11. A concurrent special use permit to allow attached townhomes as depicted on the rezoning case site plan dated March 3, 2021 is approved.
12. All residential townhouse units shall be constructed with four (4) sides brick or stone with architectural accents not to exceed 40% on the front elevation and not to exceed 35% on the side and rear elevations. Accents shall include brick, stone, wood, glass, metal, stucco, shakes and painted cement siding, as approved by the Planning Director.
13. The construction documents shall include a pedestrian and bicycle circulation plan including sidewalks and bike racks. At a minimum the plan shall include



sidewalks spanning each road frontage to the standards of City of Buford Code requirements. Final pedestrian and bicycle circulation plan to be approved by the Planning Director.

14. The residential townhouse development may be developed on private streets, that are a minimum of twenty-six (26) feet wide as measured from back of curb to back of curb, provided the private streets are gated and maintained by the HOA. There can be parallel parking spaces provided throughout the subject property on the private streets.
15. The private streets shall be within a 50' utility/access easement.
16. Driveways shall be a minimum of 18' in length measured from the garage to back of curb or edge of sidewalk. All driveways shall be concrete and a minimum width of eighteen (18) feet.
17. All streets shall have five (5) foot concrete sidewalks located on both sides with a two (2) landscape strip back of curb, excluding alleys.
18. All residential townhouse units shall be a minimum of 1700 heated square feet and shall include a minimum of a two-car garage.
19. Streetlights shall be provided throughout the subject property as approved by the City. All utilities shall be located underground.
20. A 20' enhanced landscape strip shall be adjacent to North Bogan Road. The entrance monument sign, fences or walls shall be incorporated into a high quality, enhanced landscape design. The final entrance landscape plan shall be reviewed and approved by the Planning Director.
21. Common areas shall be sodded or treated with planted ground cover. The applicant shall provide a subdivision tree and landscape plan for review by the Planning Director.
22. All residential townhouse units shall have at least one (1) ornamental tree planted in front of the unit facing the internal streets, e.g., crape myrtle, etc.
23. Rental of the residential townhouse units shall be restricted to 10% of the total units. The zoning condition shall be placed in the Declaration of Covenants, restrictions and easements as enforced by the HOA.
24. Architectural shingles shall be used as roofing materials for all exposed roofs.

Ayes 3  
Nays 0

### **Special Use Permits:**

#SUP-21-07: Absolute Green Landscaping, Inc. request a special use permit for the property located at 5002 B.U. Bowman Drive, Suite 102. The special use permit requested is to allow repair, fabricate and assemble fertilizer and weed control trucks and equipment. Ryan Wall 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. Outdoor storage of automotive parts, junk vehicles or automotive repair related equipment shall be prohibited.
2. All automotive repair shall take place within the building. Outdoor repair operations shall be prohibited.



Ayes 3

Nays 0

#SUP-21-08: David Pearson Communities request a special use permit for the property located at 2319, 2331, 2335 Shoal Creek Road. The special use permit requested is to allow a CSO Subdivision. Doug Patton spoke on behalf of the applicant. He stated that this property was previously granted a special use permit for a CSO Subdivision in 2018 and it has expired. He stated they are proposing the same number of lots (25) that will be wider from the original plan. They have increased the open space by one (1) acre and the homes will be a minimum of 3200 square feet. They are proposing a private road with an HOA. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following conditions:

1. The applicant shall provide the Planning Director all required items of the Conservation Subdivision Overlay Section 1317 for review and approval prior to the submittal of development plan permit applications. Major revisions to the current site plan shall be reconsidered by the City Commission as a change in conditions public hearing if the site inventory and analysis plan reveal the need for revisions.
2. All newly constructed streets shall be privately maintained by the established HOA meeting all Buford City Standards with street widths to be 28-feet from back of curb to back of curb with a 46-foot access/utility easement.
3. All cul-de-sacs shall be in conformance to Development Regulation standards per Section 6.4.3.
4. All property lot lines shall terminate at the utility/access easement. Lot areas shall not include any areas inside the utility/assess easement.
5. The proposed development is approved for an R-100 CSO subdivision at 15.56-acres which is less than the minimal 40-acres as required under Section 1317.2.1.
6. A mandatory homeowner's association (HOA) shall be provided and responsible for maintenance of all common open space, stormwater detention facilities including all requirements of management per Section 1317.A.
7. The property shall consist of a maximum of 25 single family residential lots.
8. The minimum lot area is to be 10,000 square feet and the minimum lot width shall be 65 feet.
9. The building setbacks shall be 30-foot front, 25-feet rear and 5-feet side setbacks with a 15-foot separation between homes.
10. All homes shall be no less than 3200 square feet excluding the basement, both finished and unfinished.
11. All homes to have a minimum two car garage.
12. No less than 66% of the homes shall be basements.
13. All homes shall be constructed of four (4) sides brick, stone or stucco with 40% accents. Accents shall include brick, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
14. All driveways to be a minimum of 20-feet in width.
15. The subdivision shall include 5-foot sidewalk with a 2-foot landscape strip on both sides of the street and along Shoal Creek Road.
16. All yards shall be sodded with one (1) ornamental tree in the front yard.
17. Rental of housing units shall be restricted to 10% in the Declaration of Covenants, Restrictions and Easement.
18. Architectural shingles shall be used as roofing material.



*BW*

Ayes 3  
Nays 0

**Zoning Modification:**

#ZM-21-01: Mark Miller Properties, Shoreland Drive and Hutchins Drive, request to modify condition #2 from #Z-07-03 to all homes shall be constructed with four (4) sides brick or stone with accents not to exceed 60%. Accents to include brick, stucco, rock, siding, board/batten and shakes as approved by the Planning Director. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request.

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 final plat for Bogan Parc Subdivision.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve amendment to electric rate schedule adopted on April 12, 2021 regarding residential security light monthly fee.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve polling location agreement with Gwinnett County Board of Registration and Elections and City of Buford.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve resolution for Community Development Block Grant application for Fiscal Year 2022.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve resolution authorizing Buford Housing Authority to exercise its condemnation powers regarding certain properties located in Buford, Georgia.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve special event at Buford City Amphitheatre located on Main Street on May 15, 2021.





Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve low bid for demolition of American Legion Building and 79 Moreno Street.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #18 for the legion fields improvements project in the amount of \$600,607.00.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #2 for Tom Riden Stadium project in the amount of \$278,966.00.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #2 for Bona Road sidewalk improvements project in the amount of \$104,409.59.

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



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Phillip Beard, Chairman



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Chris Burge, Vice-Chairman



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Bradley W. Weeks, Commissioner

Kris C. Wozniak  
City Clerk

5-3-2021  
Date

