

# **BUFORD CITY COMMISSION MEETING**

March 2, 2020

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the February 3, 2020 meeting.

## **PUBLIC HEARINGS**

### **4. Rezoning:**

#### **I. #Z-19-17**

**Oakmont Pacolet Acquisitions, LLC  
Gravel Springs & Sunny Hill Road  
Parcel: 7-143-040, 7-143-042, 7143-044  
Acres: 31.058**

**Requesting rezoning from C-2 to M-1**

#### **P & Z Recommendation:**

#Z-19-17: Oakmont Pacolet Acquisitions, LLC requests rezoning for the property located on Gravel Springs Road and Sunny Hill Road, being parcels 7-143-040, 7-143-042 and 7-143-044, containing 31.058 acres from C-2 to M-1. Jeff Pruitt spoke on behalf of the applicant and explained the request to the Board. They are proposing one speculative warehouse building. Carter Wilson, adjoining property owner, stated his house was 100 yards from the power line easement and would be facing the back of the property where the truck court is located. He had concerns of noise from the trucks and dumpsters. He did not feel this was a good location for an industrial building surrounded by residential and commercial properties. He did ask for a berm with a privacy fence be installed along the undisturbed buffer for screening. The developer agreed. Jeff Pruitt requested that curb/gutter and sidewalk be eliminated on the portion of Sunny Hill Road easterly past the development

drive and proposed to add curb/gutter and sidewalk on the adjacent property and connection to Mall of Georgia Boulevard. After a brief discussion,

motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning request to M-1 with the following conditions:

1. The subject property is to be developed substantially similar to the site plan provided with the application including the sizes, heights and colors of the proposed tilt-up buildings and associated site improvements. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Development Regulations, roadway improvements and Zoning Ordinances.
2. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
3. Building elevations shall be submitted to the Director of Planning for review and approval prior to the approval of any 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. Allow retaining wall in front yard in location generally shown on site plan with enhanced facades as approved by the Planning Director.
6. Continue curb/gutter and sidewalk from Mall of Georgia Boulevard along Sunny Hill Road to 100 feet past the proposed driveway entrance to the development eliminating the sidewalk past the driveway entrance on Sunny Hill Road.
7. Install a six (6) foot berm outside the 50-foot undisturbed buffer along the driveway of Carter Wilson and install a privacy fence on top of the berm for screening.

Ayes – 5

Nays – 0

**II. #Z-20-03/#SUP-20-01:**

**Revive Land Group  
Gravel Springs Road  
Parcel: 7-178-183/185  
Acres: 2.58**

**Requesting rezoning from RA-200 to C-2**

**P & Z Recommendation:**

#Z-20-03/#SUP-20-01: Revive Land Group requests rezoning for the property located on Gravel Springs Road, being parcels 7-178-183/185, containing 2.58 acres from RA-200 to C-2 with a special use permit to allow a self-storage warehouse facility. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the developer is proposing 117 townhomes with a climate control self-storage facility. He asked that zoning condition #3 on the staff report be eliminated and submitted a recorded easement agreement for the drive off of Cedar Glade Lane. He also requested that the buffer be reduced from a 75-foot undisturbed buffer to a 20 foot replanted buffer to all adjacent residential properties. Developer, Neval Allison, spoke stating the 117 townhomes would be 6.77 units per acre and asked that the front porches be a minimum 5 foot by 3 foot. Jonathan Benator, attorney for Mill Creek Lakes HOA, spoke in opposition of the self-storage warehouse facility. He stated this rezoning request should be denied because the request is not compatible with the 2040 land use plan, it is not justified by the standards of the zoning ordinance, the applicant cannot demonstrate the need for the development to be built, and the property has a reasonable economic use as residential. They are also against the buffer reduction. They would prefer townhomes be developed across both properties as opposed to a self-storage facility. An adjacent homeowner spoke with concerns of safety and increased traffic. After a brief discussion, motion was made by Wayne Johnson and seconded by Harley Bennett to recommend approval of the rezoning request to C-2 with the special use permit 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 applicant shall provide the City of Buford a 20' wide buffer replanting plan adjacent to all residentially zoned property that provides

an effective year round screen. The final plan to be approved by the Planning Director.

3. All improvements within the Gravel Springs Road right-of-way requires the review and approval of the Georgia Department of Transportation.
4. 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.
5. The applicant shall provide a 10-foot wide enhanced landscape 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.
6. Outdoor storage shall be prohibited. This includes the storage of any recreational vehicles, cars, trucks or equipment.

Ayes 5

Nays 0

**III. #Z-20-04/#SUP-20-02:**

**Revive Land Group  
Gravel Springs Road  
Parcel: 7-178-005/018/185  
Acres: 17.278**

**Requesting rezoning from RA-200 to RM**

**P & Z Recommendation:**

#Z-20-04/#SUP-20-02: The Revive Land Group requests rezoning for the property located on Gravel Springs Road, being parcels 7-178-005/018/185, containing 17.278 acres, from RA-200 to RM with a special use permit to allow townhomes. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the developer is proposing 117 townhomes with a climate control self-storage facility. Developer, Neval Allison, spoke stating the 117 townhomes would be 6.77 units per acre and asked that the front porches be a minimum 5 foot by 3 foot. Jonathan Benator, attorney for Mill Creek Lakes HOA, spoke in opposition of the self-storage warehouse facility, but was not opposed to the townhome

development. An adjacent homeowner spoke with concerns of safety and increased traffic. The Board stated they would like to see 6 units per acre, which would be 103 townhomes. After a brief discussion, motion was made by Wayne Johnson and seconded by Bobby Davis to recommend approval of the rezoning request to RM with a special use permit to allow townhomes with the following conditions:

1. Internal roadways shall be 24-foot wide back of curb to back of curb, privately owned and maintained by a mandatory Home Owner's Association and built to Buford City Standards.
2. Front and rear setbacks shall be 25 feet.
3. 5' sidewalks are required on both sides of internal streets and connected to the existing sidewalk at Gravel Springs Road. Sidewalks shall also be provided for pedestrian connectivity of internal common areas.
4. Driveway aprons along Gravel Springs Road shall be removed and replaced with standard sidewalks and curb and gutter as needed.
5. Internal roadway street trees are required at a rate of one tree per housing unit. The trees shall be ornamental trees. These trees are in addition to the minimal requirements of the City of Buford's Tree Protection and Replacement Ordinance.
6. Townhome dwellings shall be a minimum of 1800 square feet of heated floor area with a minimum of two (2) bedrooms and two (2) bathrooms.
7. The gross density of the project shall not exceed 6.0 units per acre.
8. The development shall allow for fee simple attached ownership in the RM zoning district.
9. The development shall be limited to a maximum of 103 units.
10. All units shall have a minimum length of 18-foot-wide driveways and include a 2-car garage. Each driveway shall be a minimum length of 18-foot from the back of sidewalk to the front of the garage door.
11. Property shall be conveyed to the individual homeowners' fee simple. Individual homeowners' lots will consist of the property directly beneath their unit. All remaining property will be conveyed to the mandatory homeowners' association (HOA).
12. Building exteriors shall be constructed of a combination primarily of brick, stucco, stone or cement-base siding. Front elevations shall be primarily brick, stucco or stone. Side and rear elevations shall be brick, stone or stucco up to the same elevation as the eve elevation above the garage as shown on the provided elevations. Architectural elevations shall be submitted for review and approval by the Planning Director prior to issuance of building permits to determine compliance.

13. A street lighting plan shall be provided throughout the project and be approved by the Planning Director.
14. Utilities shall be placed under ground excluding stormwater detention which shall meet minimum requirements of Buford City stormwater regulations.
15. The HOA covenants shall prohibit the renting or leasing of units to no more than 10%.
16. All roofs shall be architectural type and have a minimum usable life of 30 years, per manufacturer's warranty.
17. Porches shall meet the following requirements, if applicable:
  - a. Shall have a minimum depth of 5 feet and 3 feet on the side.
  - b. Shall be raised a minimum of two feet and maximum of four feet from grade to the top of the stairs.
  - c. Shall not have unpainted, unstained or otherwise untreated or exposed pressure treated lumber.
  - d. Shall provide enclosed masonry foundations of brick or stone.
  - e. Shall not be enclosed with screens, plastic or other materials that hinder visibility and/or natural air flow.
  - f. Shall provide columns spaced a maximum distance of eight feet on-center and with a minimum width of eight inches.
  - g. Shall provide stairs with enclosed risers.
18. Mechanical features, such as air conditioning condensers and dumpsters, shall be screened from view with plantings, walls or fences of equal or greater height. Acceptable building materials included those permitted on the principal building.
19. Front and side windows shall meet the following requirements:
  - a. Window trim shall not be flush with the exterior façade and shall provide a minimum relief of one-quarter (0.25) inch.
  - b. Where provided, individual shutters shall be on-half the width of the adjacent window opening, and;
  - c. Mirrored or painted windows or door glass is prohibited.
20. A mandatory homeowners' association (HOA) with protective covenants shall be provided and shall be responsible for maintenance of common grounds, water quality/detention facilities and open spaces. The operation and enforcement of the covenants shall be operated by a licensed property management company.
21. Prior to issuance of a development permit, the applicant shall submit architectural elevations in the form of a "Plan Book" for structures for review and approval by the Planning Director. At a minimum, the "Plan Book" shall include allowed building elevations, exterior colors,

materials and other pertinent information. Said “Plan Book” shall become a binding restriction on the structures within the development and may be amended or supplemented only by approval of the City.

Ayes – 5

Nays – 0

**5. Special Use Permits:**

**I. #SUP-20-05:**

**Milton Morera  
1085 Parkway Industrial Park Drive  
Zoning: M-1 (Industrial)  
Parcel: 07-299-001028**

**Requesting a special use permit to allow an automotive repair shop.**

**P & Z Recommendation:**

#SUP-20-05: Milton Morera requested a special use permit for the property located at 1085 Parkway Industrial Park Drive. The special use permit requested is to allow an automotive repair shop. The applicant was present with property owner, Sheila Croft. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. There shall be no storage or parking of vehicles within the roadway.
2. Storage of vehicles awaiting service shall only be within designated parking spaces.
3. Outdoor storage of business related equipment, parts and junk vehicles shall be prohibited.
4. All work to the vehicles are to be done within the building.

Ayes – 5

Nays – 0

**II. #SUP-20-06:**

**Frantz Goldman  
4780 Friendship Road  
Zoning: C-2 (Commercial)  
Parcel: 08-157-000022**

**Requesting a special use permit to allow an emissions testing station.**

**P & Z Recommendation:**

#SUP-20-06: Frantz Goldman requested a special use permit for the property located at 4780 Friendship Road. The special use permit requested is to allow an emissions testing station. The applicant was present and explained the request to the Board. There were no objections from the audience. Motion by Harley Bennett and seconded by Homer Whiting to recommend approval of the special use permit as requested with the following conditions:

1. The site shall remain unaltered aside from the installation of the emissions testing equipment. The traffic movement shall be substantially similar to the illustration shown on the site plan.
2. The applicant shall obtain all required permits and authorization for the installation of the equipment as needed per building codes.

Ayes – 5  
Nays – 0

**III. #SUP-20-07:**

**CGH A & D, LLC  
100 Wiley Drive  
Zoning: RM (Residential Multi-Family)  
Parcel: 7-295E-008**

**Requesting special use permit to allow single family attached fee simple townhomes.**

**P & Z Recommendation:**

#SUP-20-07: CGH A&D, LLC requested a special use permit for the property located at 100 Wiley Drive, out of parcel 7-295E-008, containing



1.946 acres. The special use permit requested is to allow single family attached fee simple townhomes. Cameron Henderson spoke on behalf of the applicant and explained the request to the Board. He stated they are proposing a townhome development consisting of eight (8) units per acre. The Board stated the staff report is recommending six (6) units per acre. There were no objections from the audience. After a brief discussion about the proposed project, motion was made by Wayne Johnson and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. Minimum square footage of townhomes shall be 1800 square feet.
2. Density shall not exceed 6 units per acre.
3. Roadway improvements shall conform to City of Buford Ordinances where properties have road frontage.
4. All proposed private streets shall be constructed to City of Buford Ordinances including, but not limited to, curb and gutter, sidewalks, etc.
5. Roadway width shall be reduced to 24' back of curb to back of curb.
6. Private street access easement/utility easement shall be reduced to 40' in width with the approval of the Gwinnett County Fire Marshal.
7. Private street terminus shall be approved per the special use permit site plan with a hammerhead type of cul-de-sac.
8. Side yard perimeter setbacks shall be reduced to 10 feet.
9. Inter-parcel access shall not be gated or blocked. Drive shall connect to the adjacent parking lot.
10. The zoning buffer adjacent to the residential subdivision to the south shall be reduced to a 20 foot replanted buffer with a variety of evergreen trees and shrubs to provide for an effective year round screen. The final design shall be approved by the Planning Director.
11. The townhome subdivision shall include five (5) foot side sidewalks with a two (2) foot grass strip internally and adjacent to Wiley Drive.
12. The distance from the garage door to the back of sidewalk shall be a minimum of 20 feet.
13. Yards shall be sodded. At least one (1) ornamental tree shall be planted in the front yard minimal 2" caliper.
14. The front setback adjacent to Wiley Drive shall be reduced to 20 feet.
15. The front elevation shall be 40% brick or stone with accents not to exceed 60%. The side and rear elevation shall have a brick or stone water table to the eave elevation of the garage. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as

approved by the Planning Director. The final design is to be substantially similar to the elevations provided with this application.

16. A mandatory homeowners' association (HOA) shall be provided and be responsible for maintenance of all grounds, water quality/detention facilities and open space.

Ayes – 5

Nays – 0

## 6. **Zoning Amendments:**

- I. #ZA-20-01:** Amend City of Buford Zoning Ordinance Article VII, Section 702 Substandard Lots of Record; ordinance to regulate and provide minimum requirements and procedures for the construction of single-family homes on non-conforming lots (exemption plats) within the city's downtown development district; and other purposes.

### **P & Z Recommendation:**

#ZA-20-01: Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of an amendment to the City of Buford Zoning Ordinance Section 702 Substandard Lots of Record and to consider additional language to be added that if the existing structure is demolished in its entirety, the ordinance would allow division of lot.

Ayes – 5

Nays – 0

- II. #ZA-20-01:** Amend City of Buford Development Regulations, Article 9, Section 9.10.1.2(2)(a) to increase the lot requirement to more than 5 lots, which would align with the requirement for a development permit, 5 or more lots.

### **P & Z Recommendation:**

#ZA-20-01: Motion by Homer Whiting and seconded by Bobby Davis to recommend approval of an amendment to the City of Buford Development Regulations Article 9, Section 9.10.1.2(2)(a) to read as follows:

- a. Individual single-family or duplex residential lots that are part of a subdivision comprised of more than five (5) lots.

Ayes – 5

Nays – 0

**7. Zoning Modifications:**

**I. #ZM-20-03: Holland Point Retail, LLC (Taco Bell)**

Request to modify condition #6 to approve proposed use and to allow for a flat roof.

**II. #ZM-20-04: EpiCity, Inc.**

Request to amend condition #10 eliminating signal requirement and allowing an R-cut installation on Buford Highway at Oakbrook Drive and South Church Street and developer to contribute monies to the city for traffic improvements from their traffic signal budget.

8. Public hearing to inform the public about a proposed adoption of an amendment to the Solid Waste Management Plan.

**END OF PUBLIC HEARINGS**

9. Authorize City Manager to sign easement dedicating .334 acres of city property as right-of-way.
10. Authorize City Manager to sign documents to dedicate sanitary sewer easement to the City on abandoned Jones Road.
11. Consider approval of electric rate for Wellmade Industries MFR. N.A. LLC, and update to industrial electric rate for new customers as presented.
12. Consider approval of amendment to Pole Attachment License Agreement for Distribution Poles with MCI metro Access agreement adopted on September 3, 2019.

13. Authorize City Manager to proceed with financing of the new City of Buford Waterworks facility and to utilize Stephens, Inc. as underwriter.
14. Consider approval of holiday antique market special event on Buford Community Center lawn November 5-8, 2020.
15. Consider approval of low bid for the Buford Southside Wastewater Treatment Plant diversion structure.
16. Authorize payment #8 for Southside Trunk Sewer Improvements – Phase II.
17. Authorize payment #5 for SR 316 at Harbins Road gas relocation project.
18. Authorize payment #8 for SR 324 @ SR 124 gas relocation project.
19. Authorize payment #17 for City of Buford parking deck project.
20. Authorize payment #5 for legion field improvements.
21. City Manager’s Report.
22. 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.