

Buford City Commission

July 1, 2024

The regular monthly meeting was held on July 1, 2024 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 amend the agenda for the June 3, 2024 meeting as presented with the addition to change the September meeting to September 3, 2024.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the June 3, 2024 meeting and the minutes from the special called meeting on June 27, 2024 at Hall County Government Center, 2875 Browns Bridge Road, Gainesville, GA 30504 at 4:30 p.m.

Ayes 3
Nays 0

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

Rezoning:

#Z-24-20: BBC Investment Group, LLC requested rezoning for the property located on Adams Street, out of parcel 7-270-044, containing 9.77 +/- acres from M-1 to R-100. Mike Phelps spoke on behalf of the applicant and explained the request to the Board. He stated they are proposing a small residential subdivision consisting of 25 lots. The lots will be a minimum of 7500 square feet with 75 foot lot width. He stated he is trying to propose affordable homes. He asked for the ranch homes to be a minimum of 1800 square feet and the two-story homes to be a minimum of 2200 square feet. He also asked for the homes to be 60% brick or stone on the front elevation with a 42" water table on the sides and rear elevations. 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 submit subdivision development plans in conformance to Development Regulations Article 10 Section 10.2 and follow plan and plat specification in Development Regulations Section 10.3 for final plat approval when appropriate in the development process.
2. Each lot adjacent to the existing stream and having stream buffers and impervious setbacks within the lots shall be required to provide a residential drainage plan (RDP) prior to the issuance of building permits in conformance to Development Regulation Sections 10.5.1 and 10.5.2.



3. The approval of the zoning application provides no variances to the Buford City Zoning or Development Regulations with concern to code, construction specifications or procedures. Any variance request shall proceed as required per Buford City Code filing the property variance application, demonstrating hardships and approved under a separate public hearing.
4. Minimum gross heated floor area for the proposed home(s) shall be a minimum of 2000 square feet for a ranch, 2800 square feet for a 2-story home, which shall exclude basement both finished and unfinished. The home shall have a minimum 2-car garage.
5. All residential homes shall be constructed with four (4) sides brick or stone with architectural accents not to exceed twenty percent (20%) on the front elevation and not to exceed twenty percent (20%) 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.
6. Minimum lot size shall be 7500 square feet and 75 feet in width.
7. The front setback shall be a minimum of 25 feet or 50 feet on collector roads and the rear setback shall be a minimum of 30 feet. The side setback shall be a minimum of 10 feet.
8. The driveway shall be a minimum of 18 feet in width. The length of the driveway shall be 20 feet from the garage to the sidewalk so as not to block sidewalks.
9. Each lot shall have sodded front yards.
10. Each lot shall have two (2) ornamental trees planted in the front yard. The trees shall be a species approved by the City of Buford and shall be a minimum of 3" caliper.
11. In conformance with this ordinance, substandard street improvement plans shall be approved and installation of the curb and gutter and binder course prior to the issuance of any building permits. A mandatory homeowner's association (HOA) shall be provided and responsible for maintenance of all common grounds, individual homeowner's lots, and stormwater detention facilities. Rental of the residential townhouse units shall be restricted to ten percent (10%) of the total units. This zoning condition shall be placed in the Declaration of Covenants, Restrictions, and Easements as enforced by the HOA.
12. A 3-way stop shall be provided at the intersection of Heraeus Boulevard/Smokey Road and South Street and the newly proposed subdivision street.
13. Adams Street shall be improved per the City of Buford Development Regulations and as outlined in the Request for Proposal.

Ayes 3
Nays 0

#Z-24-21: Myles Montgomery requested rezoning for the property located at 6035 Atlanta Highway from C-2 to M-1. 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. A reduction to the 50' zoning buffer to 25' shall be approved with the review and approval of a planted buffer with a variety of evergreen trees and shrubs where gaps in the natural vegetation exists.
2. The front building setback line shall be reduced from 75 feet to 50 feet.

LB

AW

3. The bio-detention pond shall encroach into the undisturbed buffer and be replanted.
4. The final civil site plan shall be substantially similar to the concept plan provided with the rezoning application.
5. The applicant shall install a 5' sidewalk adjacent to Atlanta Highway per Buford City standards.

Ayes 3

Nays 0

Special Use Permits:

#SUP-24-11: Lejo Philip Varughese requested a special use permit for the property located at 3833 Buford Drive. The special use permit requested is to allow an emission testing station. The applicant was not present. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The special use permit applies to the emissions operation and at such time in the future the emissions operation vacates the building this special use permit expires.
2. The approval of this special use permit does not provide relief of any requirements of the Zoning Ordinance or Development Regulations.

Ayes 3

Nays 0

#Z-24-18/#SUP-24-08: Lake Blue Ridge Land Company, LLC requested rezoning for the property located at 2655 North Bogan from RA-200 to RM-8 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 had to redesign the project due to unsuitable soil and needed to acquire additional property. This would increase the number of townhomes from 56 units to 71 units. The retaining wall and pump station would be eliminated. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The Property shall consist of a maximum of fifty-six (56) residential townhomes. The residential townhomes shall include a mixture of front entry garage units and rear entry garage units. The development shall have as many rear entry units as practical, subject to the approval of the City Manager. The proposed units be two-story with a minimum of 2000 square feet and three-story with a minimum of 2200 square feet. The Property is not subject to any specific rezoning site plan and shall have the ability to be altered to best adapt to the existing site conditions as needed, subject to the approval of the Planning Director.
2. 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.
3. No residential building permits shall be permitted on the Property until the issuance of at least one (1) certificate of occupancy has been obtained for the adjacent commercial development located at the intersection of North Bogan Road and Hamilton Mill Road.



4. Developer shall extend the left turn lane the length of the development on North Bogan Road as approved by Gwinnett County and shall install a deceleration lane on North Bogan Road.
5. At least one (1) inter-parcel access point, outside the limits of the gated streets, shall be provided to the adjacent commercial development located at the intersection of North Bogan Road and Hamilton Mill Road.
6. The project shall have at least one (1) gated entrance for the residential development.
7. Provide a twenty-five (25) foot re-graded and re-planted buffer adjacent to Gwinnett County Tax Parcels 7226 124 (Ruppert), 7226 135 (Harper), and 7226 136 (Gagnon). This re-graded and re-planted buffer shall consist of two (2) staggered rows of evergreen trees that are at least eight (8) feet tall at installation and planted on fifteen (15) foot centers. The evergreen trees should include an equal mixture of Thuja Green Giants, Cryptomeria and Tree Form Hollies. The final enhanced landscaping design shall be reviewed and approved by the Planning Director.
8. Provide a ten (10) foot re-graded and re-planted buffer adjacent to Gwinnett County Tax Parcel 7225 161 (Bogan Park). This re-graded and re-planted buffer shall consist of one (1) staggered row of evergreen trees that are at least eight (8) feet tall at installation and planted on fifteen (15) foot centers. The evergreen trees should include an equal mixture of Thuja Green Giants, Cryptomeria and Tree Form Hollies. The final enhanced landscaping design shall be reviewed and approved by the Planning Director.
9. A mandatory homeowner's association (HOA) shall be provided. The HOA shall be responsible for the maintenance and upkeep of all grounds on the residential Property including the residential landscaping located at the individual units, the landscape strip along North Bogan Road, water quality and detention facilities, private streets, if utilized, and all open spaces.
10. All residential townhouse units shall be constructed with four (4) sides brick or stone with architectural accents not to exceed twenty percent (20%) on the front elevation and not to exceed twenty percent (20%) 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.
11. 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 the City of Buford code requirements. The final pedestrian and bicycle circulation plan has to be approved by the Planning Director.
12. 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 Property on the private streets.
13. The private streets shall be within a fifty (50) foot utility/access easement.
14. Driveways shall be a minimum of eighteen (18) feet in length as measured from the garage door to the back of curb or edge of sidewalk, whichever is greater. All driveways shall be concrete and a minimum width of eighteen (18) feet.
15. All streets shall have a five (5) foot concrete sidewalk located on both sides with a two (2) foot landscape strip from the back of curb, excluding any alleys.

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16. Streetlights shall be provided throughout the Property as approved by the City of Buford. All utilities shall be located underground.
17. A twenty (20) foot 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 plans shall be reviewed and approved by the Planning Director.
18. Common areas shall be sodded and treated with planted ground cover. The development shall provide a subdivision tree and landscape plan for review by the Planning Director.
19. All residential townhouse units shall have at least one (1) ornamental tree planted in the front of the unit facing the internal streets, e.g., crape myrtle, etc.
20. Rental of the residential townhouse units shall be restricted to ten percent (10%) of the total units. This zoning condition shall be placed in the Declaration of Covenants, Restrictions, and Easements as enforced by the HOA.
21. Architectural shingles shall be used as roofing materials for all exposed roofs.
22. Fencing and gating along North Bogan Road shall be wrought iron style with brick columns.
23. Setbacks on North Bogan Road shall be a minimum of thirty (30) feet.
24. Roofs shall be a minimum of 6:12 pitch.
25. To amend the overall acreage of the residentially zoned property from 12.656 acres to 14.116 acres.
26. Sewer service to development shall be gravity sewer flow only.

Ayes 3
Nays 0

Annexations:

Plat #695: Wayne Gladston Puckett requested annexation and zoning for the property located at 3273 North Bogan Road from R-100 to R-100. No one spoke against the request. Jeff Pruitt spoke on behalf of the applicants and agreed to conditions. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request with the following conditions:

1. Home(s) shall have a minimum gross heated floor area of 3400 square feet exclusive of garage or basements. Shall have a minimum 3-car garage.
2. Home(s) shall be constructed with 80% brick or stone on the front elevation, up to 20% accents on front elevation and up to 20% on side and rear elevations. Accents shall include brick, stone, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
3. The driveway shall be a minimum width of 18 feet.
4. The front and side yards shall be sodded and the rear shall be sodded a minimum of 50 feet from the rear elevation of the home.
5. Shall plant two (2) ornamental trees in the front yard.
6. At certificate of occupancy, homes shall not have painted brick elevations.

Ayes 3
Nays 0

JS

BLW

Plat #696: Positive Capitals, LLC requested annexation and zoning for the property located at 5872 Dolvin Lane from RL to R-100. Applicant was not present. The Board stated this annexation request would create service delivery issues with 911 emergency services, garbage trucks and school buses. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to deny the request.

Ayes 3

Nays 0

Zoning Modifications:

#ZM-24-03: Lake Blue Ridge Land Company, LLC requested rezoning for the property located at 2655 North Bogan from RA-200 to RM-8 with a special use permit to allow townhomes. Mitch Peevy spoke on behalf of the applicant. He stated the developer had to redesign the project due to unsuitable soil and needed to acquire additional property. This would increase the number of townhomes from 56 units to 71 units. The retaining wall and pump station would be eliminated. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The Property shall consist of a maximum of fifty-six (56) residential townhomes. The residential townhomes shall include a mixture of front entry garage units and rear entry garage units. The development shall have as many rear entry units as practical, subject to the approval of the City Manager. The proposed units be two-story with a minimum of 2000 square feet and three-story with a minimum of 2200 square feet. The Property is not subject to any specific rezoning site plan and shall have the ability to be altered to best adapt to the existing site conditions as needed, subject to the approval of the Planning Director.
2. 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.
3. No residential building permits shall be permitted on the Property until the issuance of at least one (1) certificate of occupancy has been obtained for the adjacent commercial development located at the intersection of North Bogan Road and Hamilton Mill Road.
4. Developer shall extend the left turn lane the length of the development on North Bogan Road as approved by Gwinnett County and shall install a deceleration lane on North Bogan Road.
5. At least one (1) inter-parcel access point, outside the limits of the gated streets, shall be provided to the adjacent commercial development located at the intersection of North Bogan Road and Hamilton Mill Road.
6. The project shall have at least one (1) gated entrance for the residential development.
7. Provide a twenty-five (25) foot re-graded and re-planted buffer adjacent to Gwinnett County Tax Parcels 7226 124 (Ruppert), 7226 135 (Harper), and 7226 136 (Gagnon). This re-graded and re-planted buffer shall consist of two (2) staggered rows of evergreen trees that are at least eight (8) feet tall at installation and planted on fifteen (15) foot centers. The evergreen trees should include an equal mixture of Thuja Green Giants, Cryptomeria and Tree Form Hollies. The final enhanced landscaping design shall be reviewed and approved by the Planning Director.



8. Provide a ten (10) foot re-graded and re-planted buffer adjacent to Gwinnett County Tax Parcel 7225 161 (Bogan Park). This re-graded and re-planted buffer shall consist of one (1) staggered row of evergreen trees that are at least eight (8) feet tall at installation and planted on fifteen (15) foot centers. The evergreen trees should include an equal mixture of Thuja Green Giants, Cryptomeria and Tree Form Hollies. The final enhanced landscaping design shall be reviewed and approved by the Planning Director.
9. A mandatory homeowner's association (HOA) shall be provided. The HOA shall be responsible for the maintenance and upkeep of all grounds on the residential Property including the residential landscaping located at the individual units, the landscape strip along North Bogan Road, water quality and detention facilities, private streets, if utilized, and all open spaces.
10. All residential townhouse units shall be constructed with four (4) sides brick or stone with architectural accents not to exceed twenty percent (20%) on the front elevation and not to exceed twenty percent (20%) 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.
11. 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 the City of Buford code requirements. The final pedestrian and bicycle circulation plan has to be approved by the Planning Director.
12. 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 Property on the private streets.
13. The private streets shall be within a fifty (50) foot utility/access easement.
14. Driveways shall be a minimum of eighteen (18) feet in length as measured from the garage door to the back of curb or edge of sidewalk, whichever is greater. All driveways shall be concrete and a minimum width of eighteen (18) feet.
15. All streets shall have a five (5) foot concrete sidewalk located on both sides with a two (2) foot landscape strip from the back of curb, excluding any alleys.
16. Streetlights shall be provided throughout the Property as approved by the City of Buford. All utilities shall be located underground.
17. A twenty (20) foot 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 plans shall be reviewed and approved by the Planning Director.
18. Common areas shall be sodded and treated with planted ground cover. The development shall provide a subdivision tree and landscape plan for review by the Planning Director.
19. All residential townhouse units shall have at least one (1) ornamental tree planted in the front of the unit facing the internal streets, e.g., crape myrtle, etc.
20. Rental of the residential townhouse units shall be restricted to ten percent (10%) of the total units. This zoning condition shall be placed in the Declaration of Covenants, Restrictions, and Easements as enforced by the HOA.
21. Architectural shingles shall be used as roofing materials for all exposed roofs.
22. Fencing and gating along North Bogan Road shall be wrought iron style with brick columns.

23

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23. Setbacks on North Bogan Road shall be a minimum of thirty (30) feet.
24. Roofs shall be a minimum of 6:12 pitch.
25. To amend the overall acreage of the residentially zoned property from 12.656 acres to 14.116 acres.
26. Sewer service to development shall be gravity sewer flow only.
27. Revise residential buffers due to purchasing additional acreage.

Ayes 3
Nays 0

#ZM-24-03: Lake Blue Ridge Land Company, LLC, 2635 North Bogan Road, Parcels 7-226-134 and 7-226-236, requested to modify conditions from previous zoning cases Z-21-14, SUP-21-06, ZM-21-03, ZM-23-08 to increase overall commercial acreage from 4.45+- acres to 4.851+- acres. No one spoke against the request. 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 amend the Fiscal Year 2024 operating budget to reflect actual expenditures until the adoption of the Fiscal Year 2025 operating budget.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve final plat for Shoal Creek Road Subdivision.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve final subdivision plat for JBE Realty Holdings, LLLP, Porsche Gwinnett at 3646 Buford Drive.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve renewal of 2024-2025 health insurance policy with Anthem/Blue Cross Blue Shield.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve ordinance appointing Bill Brogdon to serve as municipal court judge for the City of Buford in compliance with House Bill 456.

23

BW

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize Chairman to sign, and the City Clerk to certify, Cooperation Agreements permitting the City to join as a member of the Gwinnett Urban County CDBG Program.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize City Manager to award 2024 Buford paving project to lowest responsive and responsible bidder, Georgia Paving, Inc., in the amount of \$480,161.00.

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 appoint Jason Mosley to City of Buford Planning & Zoning board.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve amendment to compensation schedule for all Boards, Planning & Zoning Board, Zoning Board of Appeals, Downtown Development Authority, Alcohol Board and Historical Board as presented by staff.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of Invoice #18137-13 in the amount of \$39,151.62 to Breaux & Associates for Buford City stadium project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #19 in the amount of \$3,679,873.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.

Ayes 3
Nays 0



Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #1 in the amount of \$619,642.00 to Digital Scoreboards, LLC for Buford city stadium end zone scoreboard.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #17 in the amount of \$376,422.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #19 in the amount of \$289,569.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.

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

Kim C. Wolfe
City Clerk

8-5-24
Date