

BUFORD CITY COMMISSION MEETING

July 1, 2024
Buford City Hall
7:00 p.m.

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the June 3, 2024 meeting and the minutes from a special called meeting on June 27, 2024 at Hall County Government Center, 2875 Browns Bridge Road, Gainesville, GA 30504 at 4:30 p.m. to consider a vote to approve and execute an Intergovernmental Agreement among Hall County and all cities and towns located within Hall County.

PUBLIC HEARINGS

4. Rezoning:

I. #Z-24-20:

BBC Investment Group, LLC
Adams Street
Parcel: 7-270-044
Acres: +/- 9.77

Requesting rezoning from M-1 to R-100

P & Z Recommendation:

#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. The Board stated they would like to see a 3-way stop at the intersection of Heraeus Boulevard and the newly proposed road. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the rezoning request to R-100 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 1800 square feet for a ranch, 2400 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 homes shall be constructed with 60% brick or stone on the front elevation, up to 40% accents on the front elevation and a minimum 42” brick or stone water table on the side and rear elevations. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete 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.
12. 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.
13. A 3-way stop shall be provided at the intersection of Heraeus Boulevard/Smokey Road and South Street and the newly proposed subdivision street.
14. Adams Street shall be improved per the City of Buford Development Regulations and as outlined in the Request for Proposal.

Ayes – 3

Nays – 0

II. #Z-24-21:

Myles Montgomery

6035 Atlanta Highway

Parcel: 08-139-002004/08-139-002006/08-138-002084

Acres: 1.83

Requesting rezoning from C-2 to M-1

P & Z Recommendation:

#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 and explained the request to the Board. He stated this would be a small office warehouse. He stated that the bio-detention pond would need to encroach the undisturbed buffer and they would replant the pond. There were no objections from the audience. Motion by Harley Bennett and seconded by Wayne Johnson to recommend approval of the rezoning request to M-1 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.
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

5. **Special Use Permits:**

I. **#SUP-24-11:**

**Lejo Philip Varughese
3833 Buford Drive
Parcel: 7-219-021**

Requesting a special use permit to allow an emission testing station.

P & Z Recommendation:

#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 present and explained the request to the Board. He stated an old existing car wash would be converted to an emission testing station. 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. 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

II. #Z-24-18 / #SUP-24-08:

**Lake Blue Ridge Land Company, LLC
2655 North Bogan Road
Parcel: 7-226-134**

Requesting rezoning from RA-200 to RM-8

P & Z Recommendation:

#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. There were no objections from the audience. Motion by Harley Bennett and seconded by Wayne Johnson to recommend approval of the rezoning to RM-8 with the special use permit for townhomes with the following conditions:

1. The Property shall consist of a maximum of seventy-one (71) 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 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.
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. The subdivision shall be substantially similar to the application site plan dated March 3, 2021.
3. No residential building permits shall be permitted on the 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.

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. A concurrent special use permit to allow townhomes as depicted on the rezoning case site plan dated March 2, 2021, is approved.
11. 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.
12. 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.
13. 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.
 14. The private streets shall be within a fifty (50) foot utility/access easement.
 15. 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.
 16. 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.
 17. All residential townhouse units shall have a minimum of 1,700 heated square feet and shall include a minimum of a two-car garage.
 18. Streetlights shall be provided throughout the Property as approved by the City of Buford. All utilities shall be located underground.
 19. 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.
 20. 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.
 21. 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.
 22. 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.
 23. Architectural shingles shall be used as roofing materials for all exposed roofs.
 24. Fencing and gating along North Bogan Road shall be wrought iron style with brick columns.
 25. Setbacks on North Bogan Road shall be a minimum of thirty (30) feet.
 26. Roofs shall be a minimum of 6:12 pitch.

27. To amend the overall acreage of the residentially zoned property from 12.656 acres to 14.116 acres.

Ayes – 4

Nays – 0

6. **Annexations:**

I. **Plat #695:**

**Applicant/Owner: Wayne Gladston Puckett
3273 North Bogan Road
Buford, GA 30519**

Property: 3273 North Bogan Road, Gwinnett County

Parcel: 7-265-011

Acres: 2.971

Zoned From: R-100

Zoned To: R-100

P & Z Recommendation:

Plat #695: Wayne Gladston Puckett requested annexation and zoning for the property located at 3273 North Bogan Road from R-100 to R-100. Bret Muetzelfeld spoke on behalf of the applicant and explained the request to the Board. He stated they would like to annex this property to the City and develop four or five residential lots. He stated the homes would be a minimum of 3400 square feet and asked for 60% brick or stone on front elevation and a 42” brick or stone water table on the side and rear elevations. He also stated all the homes would be 3-car garages. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval the annexation and zoning to R-100 and if the existing home is removed or any new home(s) constructed, the new home(s) shall comply 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 60% brick or stone on the front elevation, up to 40% accents on front elevation and a minimum 42” brick or stone water table on the 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.
5. Shall plant two (2) ornamental trees in the front yard.

Ayes – 3
Nays – 0

II. Plat #696:

**Applicant/Owner: Positive Capitals, LLC
5872 Dolvin Lane
Buford, GA 30518**

**Property: 5872 Dolvin Lane, Gwinnett County
Parcel: 7-333-097
Acres: 0.4600
Zoned From: RL
Zoned To: R-100**

P & Z Recommendation:

Plat #696: Positive Capitals, LLC requested annexation and zoning for the property located at 5872 Dolvin Lane from RL to R-100. The applicant was not present. The Board stated this annexation request would create service delivery issues with 911 emergency services, garbage trucks and school buses. There were no objections from the audience. Motion by Harley Bennett and seconded by Wayne Johnson to deny the request.

Ayes – 3
Nays – 0

7. Zoning Modification:

**I. #ZM-24-03: Lake Blue Ridge Land Company, LLC
2635 North Bogan Road
7-226-134, 7-226-236
RM-8 Townhome Development**

Previous zoning cases: Z-21-14, SUP-21-06, ZM-21-03, ZM-23-08

Modify these zoning conditions:

1. To increase the overall gross acreage from +/- 12.656 acres to +/- 14.116 acres.
2. To increase total townhomes from 56 units to 71 units. (added acreage)
3. Revise residential buffers due to purchasing additional acreage.

Add:

1. The Homeowner's Association (HOA) shall prohibit the renting or leasing of units to no more than 10% to all parcels as part of development.

**II. #ZM-24-04: Lake Blue Ridge Land Company, LLC
Northeast intersection of North Bogan Road and Hamilton
Mill Road
7-226-235, 7-226-120, 7-226-237, 7-226-236
Commercial Tract**

Previous zoning cases: Z-21-14, SUP-21-06, ZM-21-05, ZM-22-05, ZM-23-08

Modify these zoning conditions:

1. To increase the overall gross acreage from +/-4.45 acres to +/- 4.851 acres.

END OF PUBLIC HEARINGS

8. Amend the Fiscal Year 2024 operating budget to reflect actual expenditures until the adoption of the Fiscal Year 2025 operating budget.
9. Approve final plat for Shoal Creek Road Subdivision.
10. Approve final subdivision plat for JBE Realty Holdings, LLLP, Porsche Gwinnett at 3646 Buford Drive.
11. Consider renewal of 2024-2025 health insurance policy with Anthem/Blue Cross Blue Shield.
12. Approve agreement with Bill Brogdon to serve as municipal court judge for City of Buford in compliance with House Bill 456.

13. 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.
14. 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.
15. Authorize release of pledged funds with Peoples Bank & Trust.
16. Appoint Jason Mosley to City of Buford Planning & Zoning board.
17. Consider amendment to compensation schedule for Planning & Zoning board as presented by staff.
18. Authorize payment of Invoice #18137-13 in the amount of \$39,151.62 to Breaux & Associates for Buford City stadium project.
19. Authorize payment #19 in the amount of \$3,679, 873.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
20. Authorize payment #1 in the amount of \$619,642.00 to Digital Scoreboards, LLC for Buford City stadium end zone scoreboard.
21. Authorize payment #17 in the amount of \$376,422.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
22. 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.

23. City Manager's Report.

24. 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.