

BUFORD CITY COMMISSION MEETING

March 4, 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 February 5, 2024 meeting.
4. Change April meeting to Tuesday, April 9, 2024.

PUBLIC HEARINGS

5. Rezoning:

I. #Z-24-05:

Dillon Lee
2865 & 2875 South Waters Road
Acres: 0.650 / 0.440
Parcels: 07-328-001002 & 07-328-001003

**Requesting rezoning from C-2 (Commercial) to R-100
(Single Family Residential).**

P & Z Recommendation:

#Z-24-05: Dillon Lee requested rezoning for the property located at 2865 and 2875 South Waterworks Road from C-2 to R-100. Reiner Rietig spoke on behalf of the applicant and explained the request to the Board. He stated they would like to divide the two (2) parcels into three (3) residential lots. Given the nature of the surrounding area he asked for the minimum house size to be 2800 square feet. He stated the homes would all be two-story homes with basements. He also stated they are proposing a sewer easement to serve these lots. There were no objections from the audience. Motion by Harley Bennett and seconded by Amy Reed to

recommend approval of the rezoning request to R-100 with the following conditions:

1. The applicant shall submit a minor subdivision plat substantially similar to the plat provided with application with the following concurrent variances for each of the three (3) lots:
 - a. To reduce the lot size of Lot #1 from 20,000 square feet to 17,807 square feet; the lot size of Lot #2 from 20,000 square feet to 15,825 square feet; and the lot size of Lot #3 from 20,000 square feet to 14,055 square feet.
 - b. To reduce the lot width of Lot #1 from 100 feet to 72.2 feet; the lot size of Lot #2 from 100 feet to 73.9 feet; and the lot width of Lot #3 from 100 feet to 76.5 feet.
2. The proposed new homes shall be constructed with four (4) sides brick or stone with accents not to exceed 20% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
3. All front, side and rear yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
4. The new homes shall have a minimum gross heated floor area of 2800 square feet exclusive of garages or basements. The new home shall have a minimum of two (2) car garages.
5. The driveway shall be a minimum width of 18 feet.
6. To provide a 20-foot sanitary sewer easement between proposed Lots #1 and #2 and as approved by the Planning Director.

Ayes – 4

Nays – 0

II. #Z-24-06:

TC Atlanta Development, Inc.

6207 Lanier Islands Parkway

Acres: 59.958

**Parcels: 07-330-003001, 07-330-003002, 07-330-003002A,
07-330-004003, 07-356-000002**

Requesting rezoning from C-2/R-100 (Commercial / Single Family Residential) to M-1 (Light Industrial) with buffer reduction.

P & Z Recommendation:

#Z-24-06: TC Atlanta Development, LLC requested a rezoning request located at 6207 Lanier Islands Parkway, being parcels 07-330-003001, 07-330-003002, 07-330-003002A, 07-330-004003 and 7-356-000002, containing 59.958 acres from C-2/R-100 to M-1. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the proposed development will consist of four (4) industrial buildings with tilt-up construction and a height of 50 feet for each building. He stated they would be relocating Whidby Road and asked for a buffer reduction adjacent to Lake Lanier along the rear of the property to be able to construct a replacement road for the residents that currently use Whidby Road. They will be providing landscaping along Lanier Islands Parkway. Chairman Perkins stated the City received three (3) emails from residents in the area in opposition of the rezoning request. A gentleman who lives in Stringer Creek Subdivision spoke against the request with concerns of road improvements, school bus issues, trucks using the round-about and he stated there are several vacant warehouse buildings already in the area and we did not need anymore. Teresa Cantrell who lives on Merritts Drive, spoke against the request and stated this is a lakeside residential area and not the right location for an industrial warehouse development. She stated if the development was approved to consider a larger landscape strip along Lanier Islands Parkway, do not reduce the buffer or stream buffers and to prohibit trucks on Big Creek Road. Judy Chasey, 3123 Lee Circle, spoke against the request with concerns of increased truck traffic and decreased property values. She stated this is a lakeside residential area. A gentleman spoke and stated this was a lakeside resort area and not the area for an industrial warehouse development. Jarrett Eschenburg, 5802 Bayside Court, spoke against the request and stated the culture of the area was for residential families, marinas, boats and restaurants and not for an industrial development. Mr. Peevy stated the developer has hired a firm to conduct a traffic study and a nationwide permit is being submitted to the Corp of Engineers for any stream buffers requested. After a brief discussion, motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the rezoning request to M-1 with the following conditions:

1. Rezoning case Z-24-06 and filing application does not include concurrent variances to Buford City Code where the provided site plan is not in conformity to the Development Regulations or Zoning Ordinance unless specifically addressed.
2. The 50' zoning buffer shall be reduced to 0 in the area where the access driveway is being rebuilt. The final site plan shall show the reduced buffer in the same area as the site plan submitted with this application.

3. Final building elevations shall be similar to the elevations provided to the City and final approval shall be by the Planning Director with tilt-up building construction and a maximum of 50 feet in height is approved.
4. The variance to disturb the 50' stream buffer and 75' impervious setback shall be approved along with all state and federal permitting as required. The applicant shall show proof of state and federal permitting prior to the issuance of a land development permit.
5. The development shall include a 15' enhanced landscape strip adjacent to all road frontages with planting to provide an effective year-round screen. The Planning Director shall review and approve the enhanced landscape strip.
6. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed toward the property to not reflect into adjacent properties or rights-of-way.
7. The applicant shall develop the site in full conformance with the Development of Regional Impact (DRI) recommendation after the review and approval by the Georgia Mountains Regional Development Commission (GMRDC).
8. To eliminate the deceleration lane along Big Creek Road due to lack of traffic coming from Big Creek Park (Lake Lanier).
9. Truck traffic shall be prohibited on New Bethany Road.

Ayes – 4

Nays – 0

III. #Z-24-07:

TC Atlanta Development, Inc.

3041 Big Creek Road

Acres: 14.902

Parcel: 07-330-003001

Requesting rezoning from RL (Residential Lakeside) to M-1 (Light Industrial) with buffer reduction.

P & Z Recommendation:

#Z-24-07: TC Atlanta Development, LLC requested rezoning for the property located at 3041 Big Creek Road, being parcel 07-330-003001, containing 14.902 acres from RL to M-1. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the proposed development would consist of two (2) industrial warehouse buildings with tilt-up construction and a height of 50 feet for each building. He stated they were asking for a buffer

reduction from 50 feet to 25 feet adjacent to Big Creek Park and boat ramp as well as adjacent to property currently owned by the existing owner that would not be rezoned. He also asked that the deceleration lane be eliminated along Big Creek Road coming from Big Creek Park due to no traffic coming from the lake. The same objections from case #Z-24-06 will apply to this rezoning request. Motion by Amy Reed and seconded by Wayne Johnson to recommend approval of the rezoning request to M-1 with the following conditions:

1. Rezoning case Z-24-07 and filing application does not include concurrent variances to Buford City Code where the provided site plan is not in conformity to Development Regulations or Zoning Ordinance unless specifically addressed.
2. The 50' undisturbed buffers shall be reduced to 25' and replanted with 4 rows of evergreen trees and shrubs where sparsely vegetated to provide an effective year-round screen. The final landscape plan shall be reviewed and approved by the Planning Director.
3. Final building elevations shall be similar to the elevations provided to the City and shall be approved for tilt-up construction with a maximum of 50 feet in height. The final building elevations shall be approved by the Planning Director.
4. The development shall include a 15' enhanced landscape strip adjacent to all road frontages with plantings to provide an effective year-round screen. The Planning Director shall review and approve the enhanced landscape plan.
5. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed toward the property to not reflect into adjacent properties or rights-of-way.
6. The applicant shall develop the site in full conformance with the Development of Regional Impact (DRI) recommendation after the review and approved by the Georgia Mountains Regional Development Commission (GMRDC).
7. To eliminate the deceleration lane along Big Creek Road due to lack of traffic coming from Big Creek Park (Lake Lanier).
8. Truck traffic shall be prohibited on New Bethany Road.

Ayes – 4

Nays – 0

6. Special Use Permits:

I. #SUP-24-03:

**Lemonade MM Buford, LLC
4394 Buford Drive
Parcel: 7-259-014**

Requesting a special use permit to allow a drive-thru service.

P & Z Recommendation:

#SUP-24-03: Lemonade MM Buford, LLC requested a special use permit for the property located at 4394 Buford Drive. The special use permit requested is to allow a drive-thru service. Tom True spoke on behalf of the applicant and explained the request to the Board. He stated this would be a drive-thru service for a restaurant. He stated they would need relief from Mall of Georgia Overlay District requirements concerning parking in the front yard, landscape strips and location of dumpster. He also stated they did not have a contract with Starbucks currently, but it would be a coffee shop or similar use. Brian King spoke about architectural treatments concerning the cornice being less than 12” and to allow a flat roof in lieu of a pitched roof. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the special use as requested with the following conditions:

1. The special use permit applies to a coffee shop or similar use and at such time in the future this use vacates the site 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.
3. The site layout shall be substantially similar to the site plan submitted with application including parking and dumpster location.
4. The approval of allowing for the use of a flat roof building design instead of a pitched roof. The cornice shall be an enhanced cornice and may be less than 12” and shall have final approval by the Planning Director.
5. The landscaping for the site shall be subject to the approval of the Planning Director.

Ayes – 4

Nays – 0

7. Annexation:

I. Plat #686:

**Applicant/Owner: Daniel Edward Mathews
3080 North Bogan Road
Buford, GA 30519**

Property: 3080 North Bogan Road

Parcel: 7-264-247

Acres: 0.6100

Zoned From: Residential SFR

Zoned To: R-100

P & Z Recommendation:

Plat #686: Daniel Edward Matthews request annexation and zoning for the property located at 3080 North Bogan Road from R-100 to R-100, an existing residence. The applicant was not present. Gwinnett County did not object to this annexation and zoning and there were no objections from the audience. Motion by Amy Reed and seconded by Harley Bennett to recommend approval of the annexation and zoning to R-100.

Ayes 4

Nays 0

Proposed Conditions:

If the existing home is removed or any new home constructed, the new home shall comply with the following conditions:

1. Home shall have a minimum gross heated floor area of 2800 square feet exclusive of garage or basements. Shall have a minimum 2-car garage.
2. Home shall be constructed with four (4) sides brick or stone with accents not to exceed 20% on the front, 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.

END OF PUBLIC HEARINGS

8. Accept permanent easement from Segue Ventures, LLC.
9. Authorize City Manager and City Attorney to acquire property as presented.
10. Approve subdivision plat for Buford Retail Investments at 1605 Buford Highway. (Chick-fil-A site – 1.250 acres)
11. Authorize payment in the amount of \$13,180.14 to the Georgia Department of Natural Resources for water store agreement between the State of Georgia and City of Buford executed on September 26, 2022.
12. Authorize payment of Invoice #18137-24 in the amount of \$14,117.60 to Breaux & Associates for City of Buford stadium project.
13. Authorize payment #15 in the amount of \$2,036,348.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
14. Authorize payment of Invoice #23107-10 in the amount of \$3,402.34 to Breaux & Associates for Buford High School Baseball Concessions project.
15. Authorize payment of Invoice #7 in the amount of \$333,697.32 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.
16. Authorize payment #2 in the amount of \$682,650.00 to Charles Black Construction Company, Inc. for Buford Youth Football Field Renovation project.
17. Authorize payment #12 in the amount of \$18,711.77 to H. Lloyd Hill & Associates, Inc. for Buford Senior Academy project.
18. Authorize payment #13 in the amount of \$328,791.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
19. Authorize payment #7 in the amount of \$87,052.54 to Backbone Infrastructure, LLC for West Moreno Street improvements project.

20. Authorize final payment in the amount of \$54,462.05 to F. S. Scarbrough for Southside WPCP filter replacement project.
21. Authorize payment #5 in the amount of \$53,784.00 to Backbone Infrastructure, LLC for Bona Road sidewalk project.
22. Authorize payment #1 in the amount of \$249,332.25 to Site Engineering, Inc. for Jackson Street Sewer Improvements, Phase II. (CDBG)
23. Authorize payment #16 in the amount of \$237,869.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.
24. Authorize payment of Invoice #1 in the amount of \$14,262.00 to Charles Black Construction Company, Inc. for Buford High School Track Improvements project (Runways).
25. Authorize payment of Invoice #1 in the amount of \$8,262.00 to Charles Black Construction Company, Inc. for surveying for additional parking and for future roadway connecting to South Waterworks Road at Buford City Gym.
26. City Manager's Report.
27. 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.