

# BUFORD CITY COMMISSION MEETING

March 5, 2018

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the February 5, 2018.
4. **Rezoning**

**I. #Z-18-01:           WWP Acquisition, LLC  
4108 Hamilton Mill Road/4056 South Bogan Road  
Parcels: 7-226-025/7-226-025A  
Zoning from: R-100 to C-2  
Acres 19.243**

**Requesting rezoning from R-100 to C-2**

## **P & Z Recommendation**

#Z-18-01: WWP Acquisition, LLC requested rezoning for the properties located at 4108 Hamilton Mill Road and 4056 South Bogan Road from R-100 to C-2. Jeff Pruitt and Robbie Swan spoke on behalf of the applicant and explained the request to the Board. Mr. Pruitt explained that the development would consist of a grocer as the main tenant with three (3) outparcel sites. The developer met with the adjacent property owners concerning the requested buffer reductions. The request included a buffer reduction in the rear adjacent to the Thrasher Road properties with no objection to the reduction from the property owners. The request also included a buffer reduction on the south side of the property from 75 feet to a 10-foot landscape strip with objection from the property owner. The developer revised the buffer reduction and proposed a 20-foot undisturbed buffer with a 10-foot landscaped strip for the first 275 feet, with the next 294 feet to be a 75-foot undisturbed buffer and the last 175 feet to be reduced to a 35-foot undisturbed buffer in areas adjacent to the detention pond. Chairman Perkins asked if there were any objections from the audience. Jason Moseley, adjacent property owner on the south side of the property asked for the 75-foot undisturbed buffer to remain. Wendy Lulkowski and Randy Hogan from Magnolia Estates had concerns with delivery truck traffic on South Bogan Road, height of signs, bus stop for their subdivision, design of traffic signal, lighting to be contained on the developer's site and requested cobrahead lighting to be installed at the entrance of their subdivision. Mr. Hogan asked about the architectural design of the building. Mr. Kerlin stated that the building would comply with the zoning code and would be substantially similar to the renderings that were submitted with the application. Mr. Roy Phillips at 2438 Thrasher Road had concerns of water runoff and location of the detention pond. Mr. Pruitt stated that the land adjacent to his property would be

undisturbed. Mr. Velez at 2426 Thrasher Road asked about adult entertainment establishments and suggested the property could be a park. Mr. Swan stated that adult entertainment establishments would be prohibited. Mr. Ray Sexton spoke in favor of the request. After a brief discussion, motion was made by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning request to C-2 with the following conditions:

1. The two subject parcels, 7-226-025 and 7-226-025A, shall be zoned from R-100 Single Family Residential District to C-2 General Business District.
2. The required 75' undisturbed zoning buffer adjacent to R-100 zoned parcels adjacent to the Thrasher Road lots be reduced to a 40-foot buffer with a 10-foot undisturbed section with at least a 6-foot berm with landscaping and/or screening along the residential side of Thrasher Road property, except for the area of the detention pond. Said buffer strip shall be integrated with the overall design concept for said project. Final design shall be reviewed and approved by the Planning Director.
3. The required undisturbed zoning buffer adjacent to R-100 zoned parcel 7-226-024A shall be reduced to a 20-foot undisturbed buffer with a 10-foot landscaped strip for the first 275 feet, then a 75-foot undisturbed buffer for the next 294 feet and then a 35-foot undisturbed buffer for the last 175 feet in areas adjacent to the detention pond. Final design shall be reviewed and approved by the Planning Director.
4. All buffers proposed with enhanced landscaping shall be located on the subject property and be maintained by the property owner or designee.
5. Reduction of the 25-foot impervious surface setback by 1,830 square feet on the southern side of the shopping center is recommended. Applicant shall provide an additional impervious setback of 2,084 square feet at the south western part of the property as on the rezoning application site plan dated 1-8-2018.
6. To allow for a drive-thru window for the grocery store pharmacy, as shown on the site plan submitted with the application for Building 1. To allow for a drive-thru window for Building 3, as shown on the site plan submitted with the application. The development shall comply with requirements of the City of Buford Code Section 1316.
7. Building 1 shall be substantially similar to the rendering submitted with the application including, but not limited to building materials, colors and signage.
8. Adult entertainment establishments shall be prohibited.
9. The developer shall install cobrahead light(s) at the entrance to Magnolia Estates Subdivision as approved by the engineer.

Ayes – 5

Nays – 0

**II. Z-18-02: J H Homes, Inc.  
Smokey Road  
Parcel: 7-270-034  
Zoning from M-1 to R-100  
Acres: 13.6**

**Requesting rezoning from M-1 to R-100**

**P & Z Recommendation**

#Z-18-02: J H Homes, Inc. requested a rezoning for the property located on Smokey Road, being parcel 7-270-034, containing 13.6 acres from M-1 to R-100. Cameron Henderson was present on behalf of the applicant. The Board stated that the future land use plan has this site depicted as industrial and this application does not conform to the comprehensive plan. Motion by Homer Whiting and seconded by Harley Bennett to recommend denial.

**5. Special Use Permit**

**I. SUP-18-03: Crowell Brothers Funeral Home – Buford, LLC  
201 Morningside Drive  
Parcel: 7-269-006A  
Zoning: C-2**

**Requesting special use permit to allow an additional retort (furnace) inside the funeral home.**

#SUP-18-03: Crowell Brothers Funeral Home-Buford, LLC requested a special use permit for the property located at 201 Morningside Drive. The special use permit requested is to allow an additional retort (furnace) inside the funeral home. Jeff Crowell spoke on behalf of the applicant 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 condition:

1. The building permit applicant shall substantially follow the described addition in the special use permit application.

Ayes – 5  
Nays – 0

**II. SUP-18-04: Alex Nyame Dzinpa  
4780 Lanier Islands Parkway  
Parcel: 08-157-000022  
Zoning: C-2**

**Requesting special use permit to allow an emission testing shop and U-Haul rental service.**

#SUP-18-04: Alex Nyame Dzinpa requested a special use permit for the property located at 4780 Lanier Islands Parkway. The special use permit requested is to allow an emissions testing shop and a U-Haul rental business. The applicant was present and explained the request to the Board. The Board stated that the existing car wash building could house the emissions testing business and not impact the existing gas station/retail center, but the U-Haul rental business would not be compatible with the gas station/retail center and would cause conflicts with parking and truck traffic. Motion by Bobby Davis and seconded by Homer Whiting to recommend denial of the U-Haul rental business and to recommend approval of the emissions testing shop with the following conditions:

1. The emissions testing operation shall be contained in the immediate area of the existing automated car wash building. The testing operation shall not encroach into the parking or driveway isle/pump isles of the convenient store and retail site.
2. The approval of the special use permit runs concurrent with the applicant. Should the applicant cease the operation of the emissions testing business the special use permit is no longer valid for another business entity.

Ayes – 5  
Nays – 0

**III. SUP-18-05: CMC Management Co., LLC  
5211 Lanier Islands Parkway  
Parcel: 08-169-003049  
Zoning: C-2**

**Requesting special use permit to operate a full and self-service carwash and express oil change facility.**

#SUP-18-05: CMC Management Co., LLC requested a special use permit for the property located at 5211 Lanier Islands Parkway. The special use permit requested is to allow the operation of a full and self-service carwash and express oil change facility. Bruce Arnett spoke on behalf of the applicant and explained the request to the Board. There were no objections from the audience. The City received one objection to the request by email

from Gaylon Peters, owner of the building at 3589 Carter Road, with concerns that the business would devalue his property, noise, odors and shield the sight visibility from Atlanta Highway and Lanier Islands Parkway for his tenants. After a brief discussion, motion was made by Homer Whiting and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. The land disturbance permit plans shall be substantially similar to the concept site plan submitted with the special use permit applicant dated 4-13-2015.
2. Landscape design and architectural treatments shall meet the minimal standards of the City of Buford Code Section 1316. Final landscape plan and architectural elevations shall be approved by the Planning Director.

Ayes – 5  
Nays – 0

6. Consider approval of Bailey Residential Tract sewer allocation.
7. Authorize City Manager to acquire sewer easements for sewer main trunk line replacement, as necessary, between Hamilton Mill Road and Davis Road and install sewer tap at parcel 7-229-006A in exchange for easement.
8. Authorize Chairman to sign resolution for Hall County Hazard Mitigation Plan update.
9. Adopt update to flood plain management ordinance that meets or exceeds minimum national flood insurance program requirements and submit to Federal Emergency Management Agency.
10. Approve special events at Buford Youth Sports Complex.
11. Approve contract for probation supervision and rehabilitation services with Professional Probation Services, Inc.
12. Authorize Chairman to enter into a lease agreement with Union Baptist Church, subject to approval of City Attorney.
13. Authorize payment #1 for playground equipment and installation labor.
14. Authorize payment # 9 for South Lee Street LCI project.
15. Authorize change order #1 for Buford Drive Gas Extension.
16. Authorize payment #14 for new Buford City Gym.
17. City Manager's report.
18. City Attorney's report.