

# BUFORD CITY COMMISSION MEETING

December 4, 2023  
Buford City Hall  
7:00 p.m.

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the November 6, 2023 meeting.
4. Change the January meeting to January 2, 2024.
5. Re-appoint Mitch Peevy and Russell Phillips to the Downtown Development Authority.

## **PUBLIC HEARINGS**

### **6. Rezoning:**

#### **I. #Z-23-30:**

**MGJ Trading, LLC**  
**960 Gainesville Highway**  
**Acres: 4.18**  
**Parcel: 08-158-002006**

**Requesting rezoning from Office-Institutional (O-I) to Industrial (M-1)**

### **P&Z Recommendation**

#Z-23-30: MGJ Trading, LLC requested rezoning for the property located at 960 Gainesville Highway from O-I to M-1. Myles Montgomery spoke on behalf of the applicant and stated they are proposing two (2) buildings for office/warehouse use. There were no objections from the audience. Motion by Harley Bennett and

seconded by Amy Reed to recommend approval of the rezoning request to M-1 with the following conditions:

1. Rezoning case Z-23-30 and filing application does not include concurrent variances to Buford City Code where the provided site plan is not in conformity unless specifically addressed.
2. The final site plan shall be substantially similar to the site plan submitted with the rezoning case application.
3. Building elevations shall be submitted to the Planning Director for approval.
4. Outdoor lighting shall be contained in cut-off luminaries and shall be directed toward the property to not reflect into adjacent properties or rights-of-way.

Ayes – 4

Nays – 0

## **II. #Z-23-31:**

**Russell Nash**

**6611 and 6633 McEver Road**

**Acres: 13.364**

**Parcel: 08-150-002014 / 08-150-002015**

**Requesting rezoning from Agricultural-Residential (RA-200) to Industrial (M-1)**

### **P&Z Recommendation**

#Z-23-31: Russell Nash requested rezoning for the property located at 6611 and 6633 McEver Road from RA-200 to M-1. Jeff Mahaffey spoke on behalf of the applicant and explained the request to the Board. He stated they are proposing four (4) buildings for office/warehouse use for a total of 103,900 square feet. Robert Chambers, adjoining property owner, spoke against the request. He said this was a residential area and he had concerns about decreased property values, increased traffic, lighting and noise. Teresa Cantrell, adjoining property owner, spoke against the request. She stated this development would have a negative impact on the area and she had concerns about dust, noise and traffic. Mr. Nash had met earlier with Mrs. Cantrell and discussed a buffer. She also stated the previously approved industrial site has already caused trauma for the residential area. Mr. Nash presented a new site plan with four (4) buildings. 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. The final development design shall be substantially similar to the site plan provided with the application by Thomas & Hutton dated 11-09-23 including the sizes of the proposed buildings and parking.
2. The applicant shall provide building elevations including material and color to be approved by the Planning Director and may include concrete tilt-up construction.
3. The development shall include a 20' enhanced landscape strip, adjacent to the right-of-way, planted with a mixture of evergreen trees and shrubs to provide an effective screen from McEver Road. The landscape plan is to be submitted to the Planning Director.
4. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent properties or rights-of-way.
5. The development shall include a graded replanted buffer on the northeast property line, which shall be 20 feet in width, planted with a double row of staggered evergreen trees planted 10 feet on center, extending 550 feet from the right-of-way of McEver Road toward the rear of the property. A five (5) foot high black vinyl coated chain link fence shall be placed along the property line of this buffer.
6. To provide a 50' undisturbed buffer and plant evergreen trees along the buffer side of the property to screen the property of Robert and Louella Chambers.

Ayes – 4

Nays – 0

**III. #Z-23-32:**

**Meredith Simes  
5617 White Road  
Acres: 5.72  
Parcel: 7-327-090**

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

### **P&Z Recommendation**

#Z-23-32: Meredith Sims requested a rezoning for the property located at 5617 White Road from C-2 to R-100. Jeff Pruitt spoke on behalf of the applicant and explained the request to the Board. He stated they propose to divide the tract into three (3) residential lots with a 30' access easement with a shared driveway. He also asked for the homes to be 60% brick or stone with 40% accents. The Board stated they would like to see 3-car garages and to provide some type of buffer adjacent to the Pirkle property. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the rezoning request to R-100 with the following conditions:

1. The proposed lot shall meet the standards of R-100 zoning for lot area. Lot #2 shall have the road frontage width reduced from 100 feet to 0 feet and the road frontage reduced from 40 feet to 0 feet.
2. The applicant shall provide the City a survey sealed by a Georgia registered land surveyor that includes the location and width of public right-of-way on White Road.
3. Prior to the issuance of any subsequent permits the applicant shall provide an exemption plat for review and approval. The exemption plat shall include a 30' access/utility easement as shown on the site plan provided in the application. The minor plat shall include a 20' wide shared driveway and shall be recorded with access maintenance agreements with said driveway and submitted to the City.
4. Only one (1) residential home is allowed for single-family dwelling, per lot, within R-100 district.
5. The applicant shall provide a house location plan (HLP) with the building permit to be approved by the Planning Director.
6. The home shall be constructed with four (4) brick or stone with accents not to exceed 40% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
7. The proposed homes shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements and shall have a minimum of three (3) car garages.
8. The driveway shall be a minimum width of 20 feet.
9. All front and side yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
10. Road improvements including curb and gutter and a 5-foot sidewalk are required along White Road including the dedication of required right-of-

way. All improvements shall meet the standard of City of Buford code and ordinances.

11. Provide a tree save area or place a privacy fence along the property line to screen the development from the adjoining Pirkle property.

Ayes – 4

Nays – 0

## 7. Special Use Permits:

### I. #SUP-23-27

**Dr. Charles Cancilla**  
**1384 Buford Business Boulevard, Suite 600**  
**7-258-461**  
**Zoning: Industrial (M-1)**

**Requesting to allow retail use to allow a psychologist office.**

### P&Z Recommendation

#SUP-23-27: Dr. Charles Cancilla requested a special use permit for the property located at 1384 Buford Business Boulevard, Suite 600. The special use permit requested is to allow a psychologist office. 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 Amy Reed to recommend approval of the special use permit as requested with the following conditions:

1. This special use permit is approved for a psychologist office at 1384 Buford Business Boulevard, Suite 600. The special use permit shall expire should the applicant vacate the property.

Ayes – 4

Nays – 0

### II. #SUP-23-28

**Premier Nissan**  
**Highway 20**  
**7-186-018**  
**Zoning: Commercial (C-2)**

**Requesting to allow the construction of an additional parking area for Premier Nissan.**

**P&Z Recommendation**

#SUP-23-28: Premier Nissan requested a special use permit for the property located on Highway 20, being parcel 7-186-018. The special use permit requested is to allow parking area for Premier Nissan. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the Nissan dealership is proposing to use this parcel for the parking of vehicles. There were no objections from the audience. Motion by Amy Reed and seconded by Harley Bennet to recommend approval of this special use permit as requested with the following conditions:

1. Automotive inventory shall be stored in dedicated striped parking areas.
2. The site plan shall be substantially similar to the site plan submitted with the special use permit application. The final site plan shall be reviewed and approved by the Planning Director.
3. The applicant shall provide a stormwater report indicating the additional impervious surface of the storage lot is compliant to the City of Buford Development Regulations concerning stormwater regulations.

Ayes – 4

Nays – 0

**8. Zoning Amendment:**

#ZA-23-03: consider an amendment to the City of Buford Zoning Ordinance, Section 1308, C-2 General Business District, Retail and Services Uses, Special Uses (2) Automobile Fueling Station and Section 1310, M-1 Light Industry, Special Uses (3) Heavy Truck Fueling Station.

**END OF PUBLIC HEARINGS**

9. Certify the official results for the November 7, 2023 General Municipal Election.
10. Authorize Chairman to enter into an agreement with the City of LaGrange and Municipal Electric Authority of Georgia (MEAG) for purchase of excess reserve and excess capacity.

11. Approve purchase of property located on James Street, being parcel no. R7-295C-034 in the amount of \$135,000.00.
12. Motion to approve the deposit of additional monies into the registry of the Court to resolve condemnation appeal of Ricky Johnson, 730 Forest Street, being parcel no. 7296 054A.
13. Authorize City Manager and City Attorney to surplus and sell parcel no. 7-301-007 and enter into an agreement to purchase a portion of parcel no. 7-301-006.
14. Approve roadway lighting agreements with Georgia Department of Transportation (GDOT) for 3157 Buford Highway and 3646 Buford Drive.
15. Authorize Chairman to enter into an intergovernmental agreement with Hall County for a cost sharing paving project located on New Bethany Road.
16. Authorize release of pledged funds with Peoples Bank & Trust.
17. Authorize City Manager to acquire easement(s) for natural gas pipeline to serve Reunion Phase 21 (a.k.a. Bailey Farms).
18. Authorize payment of invoice #18137-19 in the amount of \$185,675.23 and invoice #18137-21 in the amount of \$188,760.22 to Breaux & Associates for Buford City stadium project.
19. Authorize payments #6, #7 and #8 totaling \$25,702.99 (corrected from November 6, 2023 approval) to H. Lloyd Hill Architects & Associates, Inc. for Buford Senior Academy Renovations project.
20. Authorize payment #3 in the amount of \$17,927.00 to Backbone Infrastructure, LLC for Bona Road Sidewalk project.
21. Authorize payment #30 in the amount of \$102,126.25 (reduce retainage to 0.6%) to Ruby Collins, Inc. for water plant expansion project and payment of Invoice #2505-23 in the amount of \$45,385.00 to Global Control Systems, Inc. for specialized controls and instrumentation.

22. Authorize payment of Invoice #16 in the amount of \$29,257.28 to Charles Black Construction Company, Inc. for passive park at Harris Street project.
23. Authorize payment #12 in the amount of \$1,692,633.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
24. Authorize payment #13 in the amount of \$153,571.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.
25. Authorize payment of Invoice #4 in the amount of \$679,967.48 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.
26. Authorize payment #10 in the amount of \$674,174.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
27. Authorize payment of Invoice #1 in the amount of \$7,344.00 for Buford Elementary School asphalt repair project.
28. City Manager’s Report.
29. City Attorney’s Report.

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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.