

BUFORD CITY COMMISSION MEETING

November 9, 2021
Buford City Arena
7:00 p.m.

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the October 4, 2021 meeting.
4. Change the December meeting to December 13, 2021.

PUBLIC HEARINGS

5. **Rezoning:**

I. **#Z-21-29**

Duke Realty Limited Partnership
Buford Highway
Parcel: 7-298-063
Acres: +/- 3.96

Requesting rezoning from C-2 (Commercial) to M-1 (Industrial)

Planning & Zoning Recommendation

#Z-21-29: Duke Realty Limited Partnership requested rezoning for the property located on Buford Highway, being parcel 7-298-063, from C-2 to M-1. Shane Lanham with Mahaffey Pickens Tucker, LLC spoke on behalf of the applicant and explained the request to the Board. He stated that this was an assemblage of several tracts consisting of approximately 30 acres for an industrial development. There would be one building approximately 243,000 square feet of tilt-up construction and the entrance would be off Buford Highway. He stated that this development is compatible with the City of Buford Comprehensive Plan. The resident at 3165 Buford Highway wanted to make sure her family property was not

included with this development. Mr. Lanham stated her property would not be included. Another resident had concerns with flooding on her property. The developer stated he would be glad to meet with her and go over the development plans. There were no other comments from the audience. Motion by Bobby Davis and seconded by Harley Bennett to recommend approval of the rezoning request to M-1 with the following conditions:

1. The subject property is to be rezoned to M-1 for light industrial uses substantially similar to the site plan provided with the application, including the proposed buildings' sizes and associated site improvements.
2. An enhanced landscape planting plan shall be required adjacent to Buford Highway. The enhanced landscape plan is to be reviewed and approved by the Planning Director.
3. Building elevations shall be submitted to the Planning Director for approval and may include tilt-up construction.
4. Retaining walls shall be allowed in the front yard. The final grading and retaining wall plans shall be reviewed and approved by the Planning Director prior to issuing a land disturbance permit.
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. Shall be allowed to encroach into the 75-foot impervious setback.
7. 25' stream buffer encroachment as approved by the Army Corp of Engineers and/or Georgia Environmental Protection Division.

Ayes – 3

Nays – 0

II. #Z-21-30

Duke Realty Limited Partnership
3157 Buford Highway
Parcel: 7-298-016
Acres: +/- 0.93

Requesting rezoning from C-2 (Commercial) to M-1 (Industrial)

Planning & Zoning Recommendation

#Z-21-30: Duke Realty Limited Partnership requested rezoning for the property located at 3157 Buford Highway, being parcel 7-298-016, from C-2 to M-1. Shane

Lanham with Mahaffey Pickens Tucker, LLC spoke on behalf of the applicant and explained the request to the Board. He stated that this was an assemblage of several tracts consisting of approximately 30 acres for an industrial development. There would be one building approximately 243,000 square feet of tilt-up construction and the entrance would be off Buford Highway. He stated that this development is compatible with the City of Buford Comprehensive Plan. The resident at 3165 Buford Highway wanted to make sure her family property was not included with this development. Mr. Lanham stated her property would not be included. Another resident had concerns with flooding on her property. The developer stated he would be glad to meet with her and go over the development plans. There were no other comments from the audience. Motion by Bobby Davis and seconded by Harley Bennett to recommend approval of the rezoning request to M-1 with the following conditions:

1. The subject property is to be rezoning to M-1 for light industrial uses substantially similar to the site plan provided with the application, including the proposed buildings' sizes and associated site improvements.
2. An enhanced landscape planting plan shall be required adjacent to Buford Highway. The enhanced landscape plan is to be reviewed and approved by the Planning Director.
3. Building elevations shall be submitted to the Planning Director for approval and may include tilt-up construction.
4. Retaining walls shall be allowed in the front yard. The final grading and retaining wall plans shall be reviewed and approved by the Planning Director prior to issuing a land disturbance permit.
5. 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.
6. Shall be allowed to encroach into the 75-foot impervious setback.
7. 25' stream buffer encroachment as approved by the Army Corp of Engineers and/or Georgia Environmental Protection Division.

Ayes – 3

Nays – 0

III. #Z-21-31

**Bob Cheeley
125 West Shadburn Avenue
Parcel: 7-294C-116
Acres: 0.840**

Requesting rezoning from O-I (Office-Institutional) to R-100 (Single Family Residential)

Planning & Zoning Recommendation

#Z-21-31: Bob Cheeley requested rezoning for the property located at 125 West Shadburn Avenue, being parcel 7-294C-116, from O-I to R-100. The applicant was present and explained the request to the Board. He stated that the best use for the property is residential. He stated they will either convert the back building into a garage or demolish the building. There were no objections from the audience. Motion by Harley Bennett and seconded by Bobby Davis to recommend approval of the rezoning request to R-100 with the following condition:

1. That the building behind the house will either be converted to a garage or demolished.

Ayes – 3

Nays – 0

6. Special Use Permits:

I. #SUP-21-20

**Viking Automotive Repair
5002 B. U. Bowman Drive, Suite 101
08-157A-000016**

Requesting special use permit to allow general automotive repair

Planning & Zoning Recommendation

#SUP-21-20: Viking Automotive Repair requested a special use permit for the property located at 5002 B. U. Bowman Drive, Suite 101. The special use permit requested is to allow general automotive repair. Wesley Burk spoke on behalf of the applicant and explained the request to the Board. He stated the business would consist of general automotive repair and the hours of operation is 8:00 a.m. until

6:00 p.m. There were no objections from the audience. Motion by Harley Bennett and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. Outdoor storage of automotive parts, junk vehicles, or automotive repair-related equipment shall be prohibited.
2. All automotive repairs shall take place within the building. Outdoor repair operations shall be prohibited.
3. All vehicles shall be stored inside the building at the end of each business day.
4. Hours of operation shall be 8:00 a.m. until 6:00 p.m.

Ayes – 3

Nays – 0

II. #SUP-21-21

**Leeward Meeks
2705 Faith Industrial Drive, Suite 400
7-266-366**

Requesting a special use permit to allow the installation of a paint Booth to paint vehicles, cars and pickup trucks.

Planning & Zoning Recommendation

#SUP-21-21: Leeward Meeks requested a special use permit for the property located at 2705 Faith Industrial Drive, Suite 400. The special use permit requested is to allow a paint booth to paint vehicles, cars and trucks. The applicant was present and explained the request to the Board. He stated that this business is not a body shop and would be repairing small dents and paints parts of the vehicle. There would be on cars for sale on the property. The hours of operation are 8:00 a.m. until 6:00 p.m. There were no objections from the audience. Motion by Bobby Davis and seconded by Harley Bennet to recommend approval of the special use permit as requested with the following conditions:

1. Outdoor storage of automotive parts, junk vehicles, or automotive repair-related equipment shall be prohibited.
2. All automotive repairs shall take place within the building. Outdoor repair operations shall be prohibited.

3. All vehicles shall be stored inside the building at the end of each business day.
4. Hours of operation shall be 8:00 a.m. until 6:00 p.m.

Ayes – 3

Nays – 0

III. #SUP-21-22

**Zac Randolph
3300 Buford Drive
7-176-082**

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

Planning & Zoning Recommendation

#SUP-21-22: Zac Randolph requested a special use permit for the property located at 3300 Buford Drive. The special use permit requested is to allow a drive-thru restaurant. The applicant was present and explained the request to the Board. He stated the existing Arby's restaurant would be demolished and a new Raising Cane's fast food restaurant would be constructed with two drive-thru lanes. He stated they are asking for relief on the parking requirements and to allow a flat roof. There were no objections from the audience. Motion by Harley Bennett and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. The reduction request for the parking spaces shall be approved from the required 45 spaces to 31 spaces. The maximum number of parking spaces in the front of the building shall not exceed 9 spaces. The maximum number of spaces located on the side of the building shall not exceed 15 spaces.
2. The concurrent variance that requests for a flat roof is approved as illustrated in the elevations provided. All other architectural elements from Zoning Ordinance Section 1315.2.5 are to be provided in the final architectural design. Final building elevations shall be reviewed and approved by the Planning Director.
3. The redevelopment of the subject property shall substantially follow the site plan provided with the special use permit application. The final site layout shall be reviewed and approved by the Planning Director.

4. The special use is approved with the requested concurrent variances only. All other sections of the Buford City Codes and Regulations will apply to the design in subsequent permit reviews.

Ayes – 3

Nays – 0

IV. #SUP-21-23

Stephanie Brown
3007 Summer Oak Place
7-297-081

Requesting a special use permit to allow an activity center for special needs adults within an M-1 (Industrial) zoned industrial park.

Planning & Zoning Recommendation

#SUP-21-23: Stephanie Brown requested a special use permit for the property located at 3007 Summer Oak Place. The variance requested is to allow an activity center for special needs adults. The applicant was present and explained the request to the Board. Mrs. Brown stated the operation hours are from 9:00 – 3:00 p.m. weekdays. They have approximately 12 members per day and can expand up to 40 members with the required staff. She also stated they do not have any plans for an outside court. Motion by Wayne Johnson and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. The site shall be developed similar to the site plan provided with the special use permit application. However, the location of the stormwater access easement shall be outside of the 50' zoning buffer.
2. Prior to the issuance of any subsequent permits, the applicant shall provide architectural elevations to the Planning Director for review and approval.
3. Approval of this special use permit does not approve any variances for site design that may be shown on the site plan provided with the special use permit application.

Ayes – 4

Nays – 0

7. **Annexations:**

I. **Tract #1 – Plat 612**

William and Sara Marsh
107 Holiday Road
Buford, GA 30518

Property: 106 Holiday Road
Parcel: 08-169-003006
Acres: .69

Zoned From: AR-III
Zoned To: RA-200

P&Z Recommendation

Plat #612: Williams and Sara Marsh requests annexation and zoning for the property located at 107 Holiday Road from AR-III to RA-200. Beth Knowles, daughter of the applicant, was present and explained that this was an island and her parents wanted to be included in the City limits. Hall County did not object to this annexation and zoning and there were no objections from the audience. Motion by Bobby Davis and seconded by Harley Bennett to recommend approval of the annexation and zoning to RA-200.

Ayes – 3
Nays – 0

END OF PUBLIC HEARINGS

8. Certify election results for the November 2, 2021 General Municipal Election.
9. Accept dedication of plat on Distribution Parkway located off Friendship Road (SR 347).
10. Approve plat for parcel 7-263-026 allowing up to five (5) lots to be served by a common driveway and work with property owners Johnny Barnard and Eddie Mitchell subject to the following conditions:
 1. Single family homes and accessory uses only.

2. The subdivision shall consist of a maximum of 5 lots with a common shared driveway a minimum of 20' wide with access easements.
 3. All homes shall be constructed with four (4) sides brick with accents not to exceed 60% on the front elevation and accents not to exceed 40% on the side and rear elevation. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
 4. All front and rear yards shall be sodded and shall have two (2) ornamental trees planted in the front yard.
 5. All homes shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements. All homes shall have a minimum three (3) car garages.
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11. Appoint Jeff Pirkle to City of Buford Planning & Zoning Board.
 12. Authorize Chairman to sign resolution to establish a franchise fee of 5% to holders of cable and video franchisees established by O.C.G.A 36-76-1, Consumer Choice Television Act of 2007.
 13. Authorize Chairman to enter into a joint consent agreement with Atlanta Gas Light and Liberty Utilities amending a Jackson County Countywide Safety Plan.
 14. Approve addition of short-term disability coverage for all active full time employees.
 15. Approve transfer of parcels 7-293-002, 1 acre, and 7-293-160, 0.57 acres, to the Buford Downtown Development Authority.
 16. Authorize City Manager and City Attorney to purchase properties as presented.
 17. Approve final purchase of property located at 525 New Street in the amount of \$100,000.00.
 18. Approve additional year to extend SUP-15-14 at Atwater Court, Suite 101-102 to allow church operations.
 19. Approve payment for 2017 SPLOST City/County joint project (Thompson Mill Road Widening) and utilize City SPLOST dollars.

20. Approve low bid for Sardis Church Road gas relocation project.
21. Approve low bid and city engineer and city staff recommendation for water and sewer annual contracts.
22. Authorize Chairman to enter into an Intergovernmental Agreement with the City of Rest Haven to provide residential sanitation service and charge \$10.00 per month per household.
23. Authorize payment #6 for Bona Road sidewalk project.
24. Authorize payment #5 for Buford Waterworks Replacement project.
25. Authorize payment #24 for Buford legion fields improvements.
26. Authorize payment #3 for 2021 paving project.
27. City Manager's Report.
28. 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.