

BUFORD CITY COMMISSION MEETING

October 9, 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 September 5, 2023 meeting.

PUBLIC HEARINGS

4. **Rezoning:**

I. **#Z-23-22:**

**First Pentecostal Church of Buford
120 Garnett Street
Acres: 0.276
Parcel: 7-295A-038**

**Requesting rezoning from Single Family Residential (R-100) to
Public (P).**

P & Z Recommendation:

#Z-23-22: First Pentecostal Church of Buford requested rezoning for the property located at 120 Garnett Street from R-100 to Public. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the rezoning request to Public with the following conditions:

1. The applicant shall provide a site plan that is in conformance to the City of Buford Code and Ordinances including a 50-foot-wide undisturbed buffer

- adjacent to residentially zoned property. The final site plan is to be reviewed and approved by the Planning Director.
2. There shall be no issuance of building or land disturbance permits until the abandonment procedure for the Garnett Street right-of-way is complete and the transfer of ownership of the abandoned right-of-way to First Pentecostal Church is complete.
 3. The rezoning cases do not include concurrent variances to any City of Buford code where the site plan provided is not compliant.
 4. All abandoned buses, vehicles and trash shall be removed from the site.

Ayes – 4

Nays – 0

II. #Z-23-23:

First Pentecostal Church of Buford

130 Garnett Street

Acres: 0.303

Parcel: 7-295A-039

Requesting rezoning from Single Family Residential (R-100) to Public (P).

P & Z Recommendation:

#Z-23-23: First Pentecostal Church of Buford requested rezoning for the property located at 130 Garnett Street from R-100 to Public. Motion by Amy Reed and seconded by Harley Bennett to recommend approval of the rezoning request to Public with the following conditions:

1. The applicant shall provide a site plan that is in conformance to the City of Buford Code and Ordinances including a 50-foot-wide undisturbed buffer adjacent to residentially zoned property. The final site plan is to be reviewed and approved by the Planning Director.
2. There shall be no issuance of building or land disturbance permits until the abandonment procedure for the Garnett Street right-of-way is complete and the transfer of ownership of the abandoned right-of-way to First Pentecostal Church is complete.
3. The rezoning cases do not include concurrent variances to any City of Buford code where the site plan provided is not compliant.
4. All abandoned buses, vehicles and trash shall be removed from the site.

Ayes – 4
Nays – 0

III. #Z-23-24:

**First Pentecostal Church of Buford
150 Garnett Street
Acres: 0.26
Parcel: 7-295A-046**

**Requesting rezoning from Single Family Residential (R-100) to
Public (P).**

P & Z Recommendation:

#Z-23-24: First Pentecostal Church of Buford requested rezoning for the property located at 150 Garnett Street from R-100 to Public. Motion by Harley Bennett and seconded by Amy Reed to recommend approval of the rezoning request to Public with the following conditions:

1. The applicant shall provide a site plan that is in conformance to the City of Buford Code and Ordinances including a 50-foot-wide undisturbed buffer adjacent to residentially zoned property. The final site plan is to be reviewed and approved by the Planning Director.
2. There shall be no issuance of building or land disturbance permits until the abandonment procedure for the Garnett Street right-of-way is complete and the transfer of ownership of the abandoned right-of-way to First Pentecostal Church is complete.
3. The rezoning cases do not include concurrent variances to any City of Buford code where the site plan provided is not compliant.
4. All abandoned buses, vehicles and trash shall be removed from the site.

Ayes – 4
Nays – 0

IV. #Z-23-25:

**Stone Creek Real Estate Partners, LLC
c/o Mitch Peevy
499 Tuggle Greer Drive
Acres: 2.01
Parcel: 7-302-192**

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

P & Z Recommendation:

#Z-23-25: Stone Creek Real Estate Partners, LLC requested rezoning for the property located at 499 Tuggle Greer Drive from C-2 to M-1. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the building was destroyed due to a fire and needed to rebuild the cabinet company back, but the property had incorrect zoning. He also asked to eliminate the deceleration lane and to allow the rear elevation to be metal siding. The Board asked if they would install a center turn lane in lieu of the deceleration lane. The applicant agreed. There were no objections from the audience. 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-23-25 and filing applications does not include concurrent variances to City of Buford code where the provided site plan is not in conformity unless specifically addressed.
2. The proposed retaining wall shown in the front yard shall be conditionally approved and the wall material shall be a decorative stone. The final wall design and material shall be approved by the Planning Director.
3. The proposed retaining wall, including footings, shall not encroach into the Tuggle Greer Drive right-of-way.
4. The applicant shall provide a site plan showing the state water and associated buffers to scale for review and confirmation that no disturbances or structures are located within the buffers and impervious setback.
5. The final site plan needs to be approved by the Planning Director.
6. To provide a center turn lane on Tuggle Greer Drive in lieu of a deceleration lane.
7. The rear elevation of the building shall be metal siding.

Ayes – 4

Nays – 0

V. **#Z-23-26:**

Meredith Simes

6157 Gaines Ferry Road

Acres: 7.83

Parcel: 08-139-003008A

Requesting rezoning from Agricultural Residential (RA-200) to Single Family Residential (R-100).

P & Z Recommendation:

#Z-23-26: Meredith Simes requested a rezoning request for the property located at 6157 Gaines Ferry Road, out of parcel 08-139-003008A, containing 7.83 acres from RA-200 to R-100. Jeff Pruitt spoke on behalf of the applicant and stated they are proposing five (5) residential lots. The existing home will remain and there will be four (4) new residential homes with a common driveway. Mr. Pruitt stated the homes would have 3-car garages and he asked for farmhouse style homes to include more accents. The resident at 6145 Gaines Ferry Road asked for a 8' high privacy fence, adequate drainage features, no utilities above ground and no trespassing onto her property. The owner agreed to a 6' high privacy fence and would control the drainage on their property. The homeowners on Orville Drive also asked for a privacy fence. Motion by Amy Reed and seconded by Wayne Johnson 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 width and lot area with concurrent variances to reduce the lot width of Lot #1 from 100 feet to 46.51 feet, Lots #2, #3, #4 and #5 shall have reduced road frontage from 100 feet to 0 feet.
2. 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 by the applicant. Lots #1, #2, #3, #4 and #5 shall have a 20' wide shared drive and shall be recorded with access maintenance agreements with said driveway and submitted to the City.

3. Only one (1) residential home is allowed for single-family dwelling, per lot, within R-100 district.
4. The applicant shall provide a house location plan (HLP) with the building permit to be approved by the Planning Director.
5. The homes shall be constructed with four (4) sides brick or stone with accents not to exceed 40% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank, board and batten and concrete siding as approved by the Planning Director.
6. The proposed home shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements and shall have 3-car garages.
7. All front and side yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
8. Shall install a 6' high privacy fence on the developer's side of the property adjacent to the properties of Robert C. Gaines, Kathy Ann Mooney, Bradley H. Orr, Kenneth B. Cochran and Daniel Roberts as per the site plan submitted with the application.

Ayes – 4

Nays – 0

5. Special Use Permits:

I. #SUP-23-18

**Ammeraal Beltech, LLC
4627 Distribution Parkway
08-156-012008B
Zoning: Industrial (M-1)**

Requesting to allow outside storage units.

P&Z Recommendation

#SUP-23-18: Ammeraal Beltech, LLC requested a special use permit for the property located at 4627 Distribution Parkway, Building 300. The special use permit requested is to allow outside storage units. Chairman Perkins stated he has concerns with the amount of outside equipment on the property and the noise and odor issues for the adjacent residential homeowner. Szymon Pusledzki spoke on behalf of the applicant. He stated they needed these outside storage units for containment of chemicals. He stated he is aware of the noise and odor issues and complaints from the adjacent property owner and will work diligently to correct

these issues. He offered four (4) options to address both the noise and odor issues: (1) install a noise barrier wall around the equipment, (2) install a noise barrier wall at the residence property line, (3) install additional silencers, (4) re-route the equipment exhaust for odor control. The adjacent property owner, Mr. Adkins, was not present. 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 location of the storage units shall be the location illustrated by the site plan provided with the special use permit application.
2. The final design and location shall be approved by the Planning Director for consistency with the special use permit application exhibits.
3. Prior to start of the permitted RTO (Regenerative Thermal Oxidizer) Ammeraal Beltech agrees to install a noise barrier acoustical wall at a location to be determined by an acoustical engineer and the City of Buford to remediate the noise and to provide an alternative means of discharging exhaust to remediate the odors as approved by the City.

Ayes – 4

Nays – 0

II. #SUP-23-23

**The Branded Barrel 347, LLC
5067 Lanier Islands Parkway
08-158-001005
Zoning: Commercial (C-2)**

Requesting to allow the construction of a new retail facility for the sales of packaged distilled spirits.

P&Z Recommendation

#SUP-23-23: The Branded Barrel 347, LLC requested a special use permit for the property located at 5067 Lanier Islands Parkway. The special use permit requested is to allow the construction of a new retail facility for the sales of packaged distilled spirits. Mitch Peevy 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 Robert Perkins to recommend approval of the special use permit as requested with the following conditions. Wayne Johnson and Amy Reed abstained.

1. Approval of this special use permit is for The Branded Barrel 347, LLC and will expire should approved LLC vacate the site.
2. The applicant shall provide a location Georgia sealed survey to confirm the minimum distance requirements per code: "Package stores must meet setback requirements from certain uses. These are measured as a straight line connecting the closest points between the buildings. A package store must be setback a minimum of 300 feet from a church, a minimum of 600 feet from a school (daycares are not considered a school), a minimum of 200 feet from any residence, and a minimum of 1500 feet from any other package store."
3. The approval of a special use permit does not provide approval of variances or alterations to any local, state, or federal regulations.
4. All parking and driveway surfaces to be asphalt or concrete with curb and gutter meeting the minimal standards of the City of Buford Development Regulations.
5. The final permitted plan shall be substantially similar to the site plan provided with this application.

Ayes – 2

Nays – 0

Abstain – 2

6. Zoning Modifications:

I. #ZM-23-06: Clair Investment Properties & Interior Designs, LLC 2251, 2253, 2255 and 2257 Buford Dam Road

Request to modify condition #2 of the zoning conditions approved on September 6, 2016 requiring accents not to exceed 35% on front elevation and 20% side and rear elevations; requesting brick, stone, stucco with accents not to exceed 40% each elevation and side setbacks to 5ft./15ft.

II. #ZM-23-07: AES Restaurant Group 2966 Lanier Islands Parkway, Tract A – 1.618 acres

Request to modify condition #2 to allow for fiber cement panels and a flat roof and condition #4 to allow the menu board in the front yard and with a brick base only.

**III. #ZM-23-08: Lake Blue Ridge Land Company, LLC
2635 North Bogan Road
4093 & 4083 Hamilton Mill Road**

Request to modify condition #5 from #ZM-21-03 to allow a maximum number of residential units to be capped at 56 and to modify condition #1 from #ZM-22-05 to extend the sunset period an additional six (6) months to expire on April 3, 2024.

7. Annexations:

I. Plat #680/#Z-23-21:

**Applicant: GA Development Acquisition, LLC
c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, GA 30043**

**Owner: William C. Haney, Sr., et al, Trustees
Property: 1672 Plunketts Road, Gwinnett County
Parcel: 7-218-001
Acres: 16.261 +/-
Zoned From: R-100
Zoned To: M-1**

P & Z Recommendation:

Plat #680/#Z-23-21: GA Development Acquisition, LLC requests annexation and rezoning for the property located at 1672 Plunkett Road from R-100 to M-1. Shane Lanham spoke on behalf of the applicant and explained the request to the Board. He stated they are proposing a 200,880 square foot office/warehouse building. They do not have a user and will be a spec building. He stated they are asking for a retaining wall in the front yard, a graded and replanted buffer and to allow concrete tilt-up construction for the building. He stated they are working on an agreement with the adjacent property owner to allow the trucks to use Blue Ridge Drive and the employees will use Plunkett Road. There were no objections

from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the special use permit as requested with the following conditions:

1. The final civil site plan shall be substantially similar to the concept plan provided with the rezoning application.
2. The final architectural and site plans shall meet the requirements of Article XIII, Section 1315 Mall of Georgia Overlay District.
3. Road improvements including curb and gutter and 5-foot sidewalk are required along the subject property's frontage along Plunkett Road. All improvements shall meet the standard of the City of Buford code and ordinances. Right-of-way dedication is required as necessary to construct the required improvements.
4. The proposed retaining wall shall be placed as shown on the concept plan provided with the application. The wall material shall be a stone/masonry product as depicted on Exhibit "A". Final wall design, including material and elevations, shall be submitted for review and approval by the Planning Director.
5. The retaining wall shall not encroach into the right-of-way of Plunkett Road.
6. The building shall be a tilt-up type wall construction. Final building elevations shall be approved by the Planning Director.
7. The 50-foot undisturbed buffer shall be allowed to be graded and replanted for year-round screening with a mixture of evergreen trees and shrubs. The final landscape plan to be reviewed and approved by the Planning Director.
8. Approval of the annexation, rezoning or concurrent variances does not provide relief of other areas of the City of Buford's Zoning Ordinance or Development Regulations.
9. All trucks shall enter/exit on Blue Ridge Drive and all employee vehicles shall enter/exit on Plunkett Road.

Ayes – 4

Nays – 0

END OF PUBLIC HEARINGS

8. Adopt Resolution for Amendments to the Plumbing Code for Water Efficiency submission to Department of Community Affairs (DCA).
9. Consider adoption of Hall County Animal Services Ordinance amendments.

10. Approve special events applications for Buford Rise Flag Football for October and November of 2023 and First Pentecostal Church Fall Festival and closure of Moreno Street from Garnett Street to Scott Street on October 28, 2023 from 9:30 a.m. – 3:30 p.m.
11. Authorize release of pledged funds with Peoples Bank & Trust.
12. Approve low bid and change order no.1 for Jackson Street Sewer Improvements project – Phase II. (CDBG)
13. Authorize change order #2 and payment #4 in the amount of \$384,978.60 to F. S. Scarbrough for Southside WPCP filter replacement project.
14. Authorize change order #2 and balance of payment #4 in the amount of \$31,907.90 (\$9,132.10 approved 9/5/23) to Glosson Enterprises, LLC for Shadburn Ferry Road sidewalk improvements.
15. Authorize payment #7 (final) in the amount of \$68,664.28 to Ohmshiv Construction, LLC for Shadburn Ferry Drainage Improvements project.
16. Authorize payment #1 in the amount of \$202,881.94 to Backbone Infrastructure, LLC for Bona Road Sidewalk project.
17. Authorize payment #1 in the amount of \$776,808.71 to Allied Paving Contractors, Inc. for 2023 LMIG paving project.
18. Authorize payment #5 in the amount of \$85,882.31 to Backbone Infrastructure, LLC for West Moreno Street improvements project.
19. Authorize payment #28 in the amount of \$992,299.52 (reduce retainage to 2.5%) to Ruby Collins, Inc. for water plant expansion project.
20. Authorize payment of Invoice #14 in the amount of \$60,231.60 to Charles Black Construction Company, Inc. for passive park at Harris Street project.
21. Authorize payment #8 in the amount of \$1,040,263.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.

22. Authorize payment #12 in the amount of \$492,856.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.
23. Authorize payment #10 in the amount of \$1,858,362.00 to Charles Black Construction Company, Inc. for Buford High School stadium project.
24. Authorize Invoice #2 in the amount of \$49,981.87 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.
25. Authorize Invoice #11 in the amount of \$34,344.00 to Charles Black Construction Company, Inc. for New Street relocation project relocation project and utilize SPLOST funds and general funds.
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.