

Buford City Commission

October 9, 2023

The regular monthly meeting was held on October 9, 2023 at Buford City Hall and all Commission members were present.

Chairman Beard called the meeting to order at 7:00 p.m. and Mr. Burge led the Pledge of Allegiance.

Motion by Mr. Weeks, seconded by Mr. Burge to approve the agenda for the October 9, 2023 meeting as presented.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the September 5, 2023 regular meeting and the special called meeting as presented by staff.

Ayes 3
Nays 0

Chairman Beard stated that this portion of the meeting would be set aside for public hearings.

Rezoning:

#Z-23-22: First Pentecostal Church of Buford requests rezoning for the property located at 120 Garnett Street from R-100 to Public. Several inquired about Garnett Street closure for the project. Chairman Beard stated that this was only zoning for the parcel. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request.

Ayes 3
Nays 0

#Z-23-23: First Pentecostal Church of Buford requests rezoning for the property located at 130 Garnett Street from R-100 to Public. No one spoke against the request. Several inquired about Garnett Street closure for the project. Chairman Beard stated that this was only zoning for the parcel. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request.

Ayes 3
Nays 0

#Z-23-24: First Pentecostal Church of Buford requests rezoning for the property located at 150 Garnett Street from R-100 to Public. No one spoke against the request. Several inquired about Garnett Street closure for the project. Chairman Beard stated that this was

FB
LB

only zoning for the parcel. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request.

Ayes 3
Nays 0

#Z-23-25: Stone Creek Real Estate Partners, LLC requests rezoning for the property located at 499 Tuggle Greer Drive from C-2 to M-1. Mitch Peevy spoke on behalf of the applicant. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request 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 for an entrance apron of 100' in width.
7. The rear elevation of the building shall be metal siding.

Ayes 3
Nays 0

#Z-23-26: Meredith Simes requests 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. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request 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.
- 9.

Ayes 3

Nays 0

Special Use Permits:

#SUP-23-18: Ammeraal Beltech, LLC requests 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. Szymon Pusledzki spoke on behalf of the applicant. Joe Adkins, adjacent property owner, had concerns regarding noise and odor. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request 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.
4. Installation of the acoustical panels or similar to mitigate the noise and an alternative means of discharging exhaust shall be accomplished with four (4) months.

Ayes 3

Nays 0

#SUP-23-²¹~~23~~: The Branded Barrel 347, LLC requests 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. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

1. The special use permit shall not be terminated by the subsequent sale of the owner/applicant LLC, provided, however, such transferee shall comply with all initial requirements established by the City including financial solvency and operational expertise. No license for alcoholic beverages by package shall be transferrable, except as provided in the City's Alcohol Beverage Code.

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.
6. Landscape design may include installation on the State rights-of-way as part of code compliance and final selection of building materials are subject to the approval of the City Manager.

Ayes 3
Nays 0

Zoning Modifications

#ZM-23-06: Clair Investment Properties & Interior Designs, LLC, 2251, 2253, 2255 and 2257 Buford Dam Road, requests 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. After discussion and agreement by the developer to consider alternative home locations, motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3
Nays 0

#ZM-23-07: AES Restaurant Group, 2966 Lanier Islands Parkway, requests 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. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request.

Ayes 3
Nays 0

#ZM-23-08: Lake Blue Ridge Land Company, LLC, 2635 North Bogan Road and 4093 & 4083 Hamilton Mill Road, requests to modify conditions #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 (commercial parcels) to extend the sunset period an additional six (6) months to expire on April 3, 2024. Mitch Peevy spoke on behalf of the applicant. Motion by Mr. Weeks, seconded by Mr. Bure to approve the request.

Ayes 3
Nays 0

Annexations:

#Plat #680/#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 asked that the request be tabled. Motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3
Nays 0

Chairman Beard stated that this concludes the public hearing portion of the meeting.

Motion by Mr. Burge, seconded by Mr. Weeks to adopt Resolution for Amendments to the Plumbing Code for Water Efficiency submission to Department of community Affairs (DCA).

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to adopt Hall County Animal Services Ordinance amendments.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve special events application for 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. The special event application for Buford Rise Flag Football for October and November of 2023 was withdrawn.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize release of pledged funds with Peoples Bank & Trust. Chairman Beard abstained.

Ayes 2
Nays 0
Abstained 1

Motion by Mr. Weeks, seconded by Mr. Burge to approve low bid and change order no. 1 for Jackson Street Sewer Improvements project – Phase II. (CDBG)

Ayes 3
Nays 0

Handwritten initials: PB and JS

Motion by Mr. Weeks, seconded by Mr. Burge to approve change order #2 and authorize payment #4 in the amount of \$384,978.60 to F. S. Scarbrough for Southside WPCP filter replacement project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve change order #2 and authorize 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.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #7 (final) in the amount of \$68,664.28 to Ohmshiv Construction, LLC for Shadburn Ferry Drainage Improvements project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #1 in the amount of \$202,881.94 to Backbone Infrastructure, LLC for Bona Road Sidewalk project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #1 in the amount of \$776,808.71 to Allied Paving Contractors, Inc. for 2023 LMIG paving project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #5 in the amount of \$85,882.31 to Backbone Infrastructure, LLC for West Moreno Street improvements project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #28 in the amount of \$992,299.52 (reduce retainage to 2.5%) to Ruby Collins, Inc. for water plant expansion project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to 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.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #8 in the amount of \$1,040,263.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #12 in the amount of \$492,856.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #10 in the amount of \$1,858,362.00 to Charles Black Construction Company, Inc. for Buford High School stadium project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize Invoice #2 in the amount of \$49,981.87 Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize Invoice #11 in the amount of \$34,344.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.


Mr. Kerlin gave the City Manager's Report.

Mr. Jay was absent.

After a brief discussion with the audience, motion by Mr. Burge, seconded by Mr. Weeks to adjourn.

Ayes 3
Nays 0





Phillip Beard, Chairman



Chris Burge, Vice-Chairman



Bradley W. Weeks, Commissioner



City Clerk



Date