

BUFORD CITY COMMISSION MEETING

February 5, 2024
Buford City Hall
7:00 p.m.

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the January 2, 2024 meeting.
4. Recognize Jimmy Kyle and Daniel Hyatt for their twenty (20) years of service.

PUBLIC HEARINGS

5. Rezoning: **(Applicant requested to postpone.)**

I. #Z-24-01:

Mike Phelps
Broadmoor Boulevard
Acres: 5.96
Parcel: Out of 7-270-044

Requesting rezoning from M-1 (Industrial) to R-100
(Single Family Residential).

P & Z Recommendation:

#Z-24-01: Mike Phelps requested rezoning for the property located on Broadmoor Boulevard, out of parcel 7-270-044, containing 5.96 acres from M-1 to R-100. The applicant was present. He stated because of the topography and stormwater issues they could get 16 buildable lots that would be 60 feet wide and would need smaller houses to fit on the lots. The Board stated they would like to see the lots developed per the code with 75-foot-wide lots. Mr. Phelps stated he could only get 13 or 14 lots at 75-foot wide. Mr. Phelps also stated that they would be upgrading and improving the road conditions on Adams Street as much as possible. Tommy

Thompson, 590 South Street spoke against the request stating this will increase traffic problems for the neighbors and school buses. He stated he would like to see upgraded road improvements for Elliott Street and Smokey Road. Alicia Payne, 449 West Park Street, stated she has the same concerns with increased traffic, infrastructure improvements to the roads, wetlands, wildlife issues and quality of life issues. After a brief discussion, motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the rezoning request to R-100 with the following conditions:

1. The applicant shall submit subdivision development plans in conformance to Development Regulations Article 10 Section 10.2 and follow plan and plat specification in Development Regulations Section 10.3 for final plat approval when appropriate in the development process.
2. Each lot adjacent to the existing stream and having stream buffers and impervious setbacks within the lots shall be required to provide a residential drainage plan (RDP) prior to the issuance of building permits in conformance to Development Regulations Sections 10.5.1 and 10.5.2.
3. The approval of the zoning application provides no variances to the City of Buford Zoning Ordinance or Development Regulations with concern to code, construction specifications or procedures. Any variance request shall proceed as required by the City of Buford Zoning Ordinance filing the proper variance application, demonstrating hardships and approved under a separate public hearing.
4. Minimum gross heated floor area for the proposed residential home(s) shall be a minimum of 2000 square feet for a ranch, 2800 square feet for a 2-story, which shall exclude basement both finished and unfinished. The home shall have a minimum 2-car garage.
5. All homes shall be constructed with three (3) sides brick or stone with accents not to exceed 40% on the front, side and rear elevations. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
6. The development shall consist of a minimum of 13 or 14 lots and minimum lot size shall be 7500 square feet and 75 feet in width subject to the approval of the Downtown Development Authority (DDA).
7. The front setback shall be a minimum of 25 feet or 50 feet on collector roads and the rear setback shall be a minimum of 30 feet. The side setback shall be a minimum of 10 feet.
8. The driveway shall be a minimum of 18 feet in width.
9. Each lot shall have sodded front yards.

10. Each lot shall have two (2) ornamental trees planted in the front yard. The trees shall be a species approved by the City of Buford and shall be a minimum of 3” caliper.
11. In accordance with this ordinance, substandard street improvement plans for Adams Street and Heraeus Boulevard/Smokey Road shall be approved and installation of the street improvements per the ordinance, including curb and gutter and binder course prior to the issuance of building permits.

Ayes – 4

Nays – 0

II. #Z-24-02:

**Chris Brown
5571 Shadburn Ferry Road
Parcel 7-327-013**

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

P & Z Recommendation:

#Z-24-02: Chris Brown requested rezoning for the property located at 5571 Shadburn Ferry Road from C-2 to R-100. The applicant was present and stated he would like to remove the existing house and build a new single-family residential home. The home would be approximately 5000 square feet with a proposed 4-car garage. There were no objections from the audience. Motion by Harley Bennett and seconded by Amy Reed to recommend approval of the rezoning request to R-100 with the following conditions:

1. The proposed new home shall be constructed with four (4) sides brick or stone with accents not to exceed 20% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
2. All front, side and rear yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.
3. The new home shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements. The new home shall have a minimum 2-car garage.
4. The driveway shall be a minimum width of 18 feet.
5. Per sections 1400 and 1401 of the City of Buford Zoning Ordinance, all the lot widths, setbacks and lot areas shall comply with the R-100 standards.

Ayes – 4

Nays – 0

III. #Z-24-03/SUP-24-01:

**Lew Hudson Family LTD Partnership
2185 Peachtree Industrial Boulevard
Parcel: 7-302-075**

**Requesting rezoning from C-2/M-1 (Commercial/Industrial to
C-2 (Commercial) with a special use permit to allow equipment
Rental services with outdoor storage.**

P & Z Recommendation:

#Z-24-03/#SUP-24-01: Lew Hudson Family LTD Partnership request rezoning for the property located at 2185 Peachtree Industrial Boulevard from C-2/M-1 to C-2 with a special use permit to allow equipment rental, equipment service and outdoor storage. Don Clerici spoke on behalf of the applicant and explained the request to the Board. He stated this would be Sunbelt Rentals. They would only have four (4) pieces of equipment on the property such as man-lifts and fork-lifts. There will be no bulldozers or heavy equipment on the property. The rental equipment will be stored behind the building with customer parking up front. He asked for condition #2 from the Bowman report to be reduced to a 10' enhanced landscape strip along the roadway due to the power lines. He also asked to eliminate the sidewalk and curb and gutter along the entire frontage of Peachtree Industrial Boulevard and Tuggle Greer Drive and to provide these improvements along the deceleration lane only. The Board stated they could reduce the landscape strip to 10 feet, but they would not eliminate the sidewalk and curb and gutter along Peachtree Industrial Boulevard and Tuggle Greer Drive. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the rezoning and special use permit as requested with the following conditions:

1. Rezoning case Z-24-03 and special use permit SUP-24-01 do not include concurrent variances to the City of Buford Zoning Code where the provided site plan is not in conformity unless specifically addressed.
2. The site shall include a 10' enhanced landscape strip adjacent to Tuggle Greer Drive and Peachtree Industrial Boulevard. The landscape strip shall

screen the site with various evergreen trees and shrubs. The Planning Director shall approve the enhanced landscape plan sealed by a Georgia Registered Landscape Architect. Landscape strips shall not be encroached with walls, easements, parking, curb and gutter, retaining walls or any other site improvements. The entrances can encroach the landscape strip as close to perpendicular as possible.

3. Sidewalks and curb and gutter are required to be located adjacent to the full amount of road frontage at Tuggle Greer Drive and Peachtree Industrial Boulevard.
4. All parking, storage and interior driveway surfaces shall be in conformance with City of Buford codes and ordinances.
5. Outdoor storage of junk equipment or material shall be prohibited.
6. No outdoor repair of equipment or vehicles.
7. The final site plan shall be approved by the Planning Director.

Ayes – 4

Nays – 0

6. **Special Use Permits:**

I. **#SUP-23-29:**

**Doug Weston III/U-Haul
Peachtree Industrial Blvd and Cole Road
Parcel: 7-302-183**

Requesting a special use permit to allow self-storage and truck and trailer rentals.

P & Z Recommendation:

#SUP-23-29: Doug Weston III/U-Haul requested a special use permit for the property located on Peachtree Industrial Boulevard and Cole Road, being parcel 7-302-183. The special use permit requested is to allow self-storage and truck and trailer rentals. The applicant was present and explained the request to the Board. He stated this would be a self-storage facility with truck and trailer rentals for U-Haul. He stated this facility would have low traffic volume and would not require a lot of parking spaces. He asked for relief on the road improvements along Peachtree Industrial Boulevard and Cole Road. The Board stated the road improvements would be required per the code and they would reduce the parking to 50 spaces. Mr. Kerlin requested the truck rentals be located to the back of the lot and allow the building to front the road. The applicant agreed. There were

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

1. Approval of this special use permit is for U-Haul moving and storage and will expire should the current owner vacate the site.
2. Cole Road and Peachtree Industrial Boulevard shall be improved to minimal road standards including right-of-way dedication where needed to install all improvements.
3. The required parking spaces shall be reduced to 50 spaces.
4. The approval of a special use permit does not provide approval of variances or alternations to any local, state or federal regulations.
5. The road frontage shall have a 15-foot enhanced landscape strip directly adjacent to Cole Road and Peachtree Industrial Boulevard planted with a variety of evergreen trees and shrubs. The final plan is to be approved by the Planning Director.
6. No accumulation of junk vehicles or storage items and mechanical repairs shall be prohibited on site.
7. 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.
8. If a fence and gate is proposed along the frontage of Peachtree Industrial Boulevard and Cole Road, it shall be located behind the 15' enhanced landscape strip and be a black metal decorative fence with brick columns. The remaining fence along the sides and rear shall be a black-coated chain link fence. Final design and location shall be approved by the Planning Director.
9. All drive isles shall be no less than 24 feet in width after minimal parking is provided.
10. The corporate colors of green and orange shall be allowed on the building elevations.
11. The parking area for truck and trailer rentals shall be located at the rear of the property and rear of building with the building fronting the roads.

Ayes – 4

Nays – 0

II. **#SUP-24-02:**

**Legacy Land Holding II, LLC
4624 Friendship Road
Parcel: 08-156-002191**

Requesting a special use permit to allow a 3-story self-storage facility.

P & Z Recommendation:

#SUP-24-02: Legacy Land Holding II, LLC requested a special use permit for the property located at 4624 Friendship Road. The special use permit requested is for a self-storage facility. Gabrielle Schaller spoke on behalf of the applicant. She stated this was the same self-storage facility that was proposed in 2022, but with a different owner, and has expired. There were no objections from the audience. Motion by Harley Bennett and seconded by Wayne Johnson to recommend approval of the special use permit as requested with the following conditions:

1. Special use permit SUP-24-02 does not include concurrent variances to City of Buford Zoning Ordinance where the provided site plan is not in conformity unless specifically addressed.
2. The site shall include a 15' enhanced landscape strip adjacent to Friendship Road. The landscape strip shall screen the site with various evergreen trees and shrubs. The Planning Director shall approve the enhanced landscape strip sealed by a Georgia Registered Landscape Architect. The landscape strip shall not be encroached with walls, easements, parking, curb and gutter, retaining walls or any other site improvements. The entrance can encroach the landscape strip as close to perpendicular as possible.
3. Sidewalks and curb and gutter are required to be located adjacent to the full amount of road frontage at Friendship Road.
4. Outdoor storage shall be prohibited.
5. The final site plan shall be approved by the Planning Director.

Ayes – 4

Nays – 0

7. Annexations:

I. Plat #685: (WITHDRAWN)

**Applicant/Owner: Chris Watford & Amy Barfield
 205 Shadowbrook Drive
 Roswell, GA 30075**

Property: 4470 Bennett Road, Hall County

Parcel: 08-153-000001

Acres: 30.98

Zoned From: S-S/AR-III

Zoned To: C-2

P & Z Recommendation:

Plat #685/#Z-24-04: Chris Watford and Amy Barfield request annexation and rezoning for the property located at 4470 Bennett Road from SS/AR-III to C-2. Chris Watford was present and stated he would like his property to be in the City and that the current lease holder, Buford Corn Maze, could operate until 2027 when the lease would terminate. Jerome Beggs, owner of Buford Corn Maze, was present and asked about taxes for the property in the City. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the annexation and rezoning to C-2 with the following condition:

1. At such time site improvements are proposed and the site is to be reviewed for City of Buford Zoning Ordinance and Development Regulations.

Ayes – 4

Nays – 0

8. Zoning Modifications:

**I. #ZM-24-01: Ammeraal Beltech, LLC
 4627 Distribution Parkway**

Request to modify conditions from Commission meeting on October 9, 2023:

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.

To:

1. And to allow the height of the noise barrier wall to be up to 10 feet.
2. And to allow the noise barrier wall to be located within the zoning buffer.
3. And to extend the completion date imposed of four (4) months to May 31, 2024.

**II. #ZM-24-02: AES Restaurant Group
 Arby's
 4966 Lanier Islands Parkway,
 Tract A, containing 1.618 acres**

Request to modify condition from Commission meeting on October 3, 2022:

2. Landscape and architectural design shall follow section 1316.1 – Design Requirements, Buford Zoning Ordinance.

To:

1. And to allow metal on the building.
2. And to eliminate the cornice.

END OF PUBLIC HEARINGS

9. Authorize Chairman and City Attorney to proceed with local legislation for additional Homestead Exemption for property tax relief.
10. Appoint Chairman Beard and Bryan Kerlin as authorized signatories for MEAG Power Municipal Competitive Trust.
11. Amend Buford Downtown Development Authority boundary map.

12. Authorize transfer of parcel 7-270-044, portion thereof 9.77 acres +/-, to the Buford Downtown Development Authority.
13. Approve renewal of Workers Compensation for 2024-2025 with Summit Insurance Company.
14. Authorize renewal of 2024-2025 general liability and property insurance policy package with Sterling, Seacrest & Pritchard / Pritchard Insurance Agency.
15. Approve State of Georgia Statewide Mutual Assistance agreement.
16. Consider approval of special event permit with conditions on Buford Community Center lawn for Holiday Antique and Arts Market on November 13-17, 2024.
17. Consider approval of request to change the speed limit on North Richland Creek Road from 35 mph to 25 mph and notify Gwinnett County Department of Transportation of the change.
18. Authorize release of pledged funds with Peoples Bank & Trust.
19. Adopt model ordinance to require car washes to recycle water.
20. Approve restatement of Defined Benefit Retirement Plan through the Georgia Municipal Employees Benefit System in compliance with IRS rules and restate vesting schedule and benefit calculations.
21. Authorize final payment in the amount of \$614,144.50 for 2017 Gwinnett County City/County joint SPLOST project on Thompson Mill Road.
22. Authorize payment of Invoice #24-012 in the amount of \$77,524.26 for Buford City Gym additional parking project.
23. Authorize payment of Invoice #18137-23 in the amount of \$33,062.17 to Breaux & Associates for City of Buford stadium project.
24. Authorize payment of Invoice #23107-09 in the amount of \$412.84 to Breaux & Associates for Buford High School Baseball Concessions project.

25. Authorize payment #7 in the amount of \$41,800.00 to F. S. Scarbrough for Southside WPCP filter replacement project.
26. Authorize payment #4 in the amount of \$25,577.97 to Allied Paving Contractors, Inc. for 2023 LMIG paving project.
27. Authorize payment #4 in the amount of \$129,010.85 to Backbone Infrastructure, LLC for Bona Road sidewalk project.
28. Authorize payment #12 in the amount of \$244,384.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
29. Authorize payment #14 in the amount of \$1,411,760.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
30. Authorize payment #15 in the amount of \$92,061.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.
31. Authorize payment of Invoice #6 in the amount of \$278,166.86 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.
32. Authorize payment #1 in the amount of \$1,464,394.00 to Charles Black Construction Company, Inc. for Buford Youth Football Field Renovation project.
33. City Manager's Report.
34. 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.