

BUFORD CITY COMMISSION MEETING

May 6, 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 April 9, 2024 meeting.

PUBLIC HEARINGS

4. Rezoning:

I. #Z-24-06:

TC Atlanta Development, Inc.

6207 Lanier Islands Parkway

Acres: 59.958

**Parcels: 07-330-003001, 07-330-003002, 07-330-003002A,
07-330-004003, 07-356-000002**

Requesting rezoning from C-2/R-100 (Commercial / Single Family Residential) to M-1 (Light Industrial) with buffer reduction.

P & Z Recommendation:

#Z-24-06: TC Atlanta Development, LLC requested a rezoning request located at 6207 Lanier Islands Parkway, being parcels 07-330-003001, 07-330-003002, 07-330-003002A, 07-330-004003 and 7-356-000002, containing 59.958 acres from C-2/R-100 to M-1. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the proposed development will consist of four (4) industrial buildings with tilt-up construction and a height of 50 feet for each building. He stated they would be relocating Whidby Road and asked for a buffer reduction adjacent to Lake Lanier along the rear of the property to be able to construct a replacement road for the residents that currently use Whidby Road. They will be providing landscaping along Lanier Islands Parkway. Chairman

Perkins stated the City received three (3) emails from residents in the area in opposition of the rezoning request. A gentleman who lives in Stringer Creek Subdivision spoke against the request with concerns of road improvements, school bus issues, trucks using the round-about and he stated there are several vacant warehouse buildings already in the area and we did not need anymore. Teresa Cantrell who lives on Merritts Drive, spoke against the request and stated this is a lakeside residential area and not the right location for an industrial warehouse development. She stated if the development was approved to consider a larger landscape strip along Lanier Islands Parkway, do not reduce the buffer or stream buffers and to prohibit trucks on Big Creek Road. Judy Chasey, 3123 Lee Circle, spoke against the request with concerns of increased truck traffic and decreased property values. She stated this is a lakeside residential area. A gentleman spoke and stated this was a lakeside resort area and not the area for an industrial warehouse development. Jarrett Eschenburg, 5802 Bayside Court, spoke against the request and stated the culture of the area was for residential families, marinas, boats and restaurants and not for an industrial development. Mr. Peevy stated the developer has hired a firm to conduct a traffic study and a nationwide permit is being submitted to the Corp of Engineers for any stream buffers requested. 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. Rezoning case Z-24-06 and filing application does not include concurrent variances to Buford City Code where the provided site plan is not in conformity to the Development Regulations or Zoning Ordinance unless specifically addressed.
2. The 50' zoning buffer shall be reduced to 0 in the area where the access driveway is being rebuilt. The final site plan shall show the reduced buffer in the same area as the site plan submitted with this application.
3. Final building elevations shall be similar to the elevations provided to the City and final approval shall be by the Planning Director with tilt-up building construction and a maximum of 50 feet in height is approved.
4. The variance to disturb the 50' stream buffer and 75' impervious setback shall be approved along with all state and federal permitting as required. The applicant shall show proof of state and federal permitting prior to the issuance of a land development permit.
5. The development shall include a 15' enhanced landscape strip adjacent to all road frontages with planting to provide an effective year-round screen. The Planning Director shall review and approve the enhanced landscape strip.
6. 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.

7. The applicant shall develop the site in full conformance with the Development of Regional Impact (DRI) recommendation after the review and approval by the Georgia Mountains Regional Development Commission (GMRDC).
8. To eliminate the deceleration lane along Big Creek Road due to lack of traffic coming from Big Creek Park (Lake Lanier).
9. Truck traffic shall be prohibited on New Bethany Road.

Ayes – 4

Nays – 0

II. #Z-24-07:

TC Atlanta Development, Inc.

3041 Big Creek Road

Acres: 14.902

Parcel: 07-330-003001

Requesting rezoning from RL (Residential Lakeside) to M-1 (Light Industrial) with buffer reduction.

P & Z Recommendation:

#Z-24-07: TC Atlanta Development, LLC requested rezoning for the property located at 3041 Big Creek Road, being parcel 07-330-003001, containing 14.902 acres from RL to M-1. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated the proposed development would consist of two (2) industrial warehouse buildings with tilt-up construction and a height of 50 feet for each building. He stated they were asking for a buffer reduction from 50 feet to 25 feet adjacent to Big Creek Park and boat ramp as well as adjacent to property currently owned by the existing owner that would not be rezoned. He also asked that the deceleration lane be eliminated along Big Creek Road coming from Big Creek Park due to no traffic coming from the lake. The same objections from case #Z-24-06 will apply to this rezoning request. Motion by Amy Reed and seconded by Wayne Johnson to recommend approval of the rezoning request to M-1 with the following conditions:

1. Rezoning case Z-24-07 and filing application does not include concurrent variances to Buford City Code where the provided site plan is not in conformity to Development Regulations or Zoning Ordinance unless specifically addressed.

2. The 50' undisturbed buffers shall be reduced to 25' and replanted with 4 rows of evergreen trees and shrubs where sparsely vegetated to provide an effective year-round screen. The final landscape plan shall be reviewed and approved by the Planning Director.
3. Final building elevations shall be similar to the elevations provided to the City and shall be approved for tilt-up construction with a maximum of 50 feet in height. The final building elevations shall be approved by the Planning Director.
4. The development shall include a 15' enhanced landscape strip adjacent to all road frontages with plantings to provide an effective year-round screen. The Planning Director shall review and approve the enhanced landscape plan.
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. The applicant shall develop the site in full conformance with the Development of Regional Impact (DRI) recommendation after the review and approved by the Georgia Mountains Regional Development Commission (GMRDC).
7. To eliminate the deceleration lane along Big Creek Road due to lack of traffic coming from Big Creek Park (Lake Lanier).
8. Truck traffic shall be prohibited on New Bethany Road.

Ayes – 4

Nays – 0

5. **Special Use Permits:**

I. **#SUP-24-06:**

**Krause MB Van Venter
3189 & 3227 Gravel Springs Road
Parcels: 7-177-002A / 7-177-008**

Requesting a special use permit to allow a Mercedes Benz Sprinter Van dealership with buffer reductions and to allow metal panels. – Request to comply with corporate design.

P & Z Recommendation:

#SUP-24-06: Krause MB Van Center requested a special use permit for the property located at 3189 and 3227 Gravel Springs Road. The special use permit requested is to allow a Mercedes Benz Sprinter Van Dealership. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated

this will be a Sprinter Van Dealership with future expansion of a full Mercedes Benz Dealership. He also stated they are asking for several variances due to the particular layout of this property including to encroach into the 25-foot impervious buffer to construct a retaining wall, reduce the tree density requirement, reduce the undisturbed buffer, increase the front yard parking requirement and to allow black metal panels on the building. One property owner at 3241 Cross Road asked about the buffer reduction. Mr. Peevy stated they are proposing to reduce the undisturbed buffer from 75 feet to 50 feet and then there is the creek buffer as well. The property owner had no objection. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval the special use permit as requested with the following conditions:

1. Staff recommends approval of the zoning buffer reduction from 75 feet to 50 feet where the site abuts R-100 zoning district and approval of the zoning buffer reduction from 75 feet to 0 where the site abuts RM-10 and Public zoning districts.
2. Staff recommends approval of the variance request to encroach into the 25-foot impervious setback to construct a retaining wall and to provide the following criteria per the City of Buford Zoning Ordinance:
 - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be maintained; At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - e. A calculation of the total area and length of the proposed intrusion; A stormwater management site plan; and,
 - f. Proposed mitigation for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
3. Staff recommends the approval of the variance request to allow more than 35% of vehicle parking in the front yard.
4. Staff recommends approval of the variance request to reduce the tree density requirement by 50%. However, the landscape design shall include additional low growing shrubs and understory trees such as crepe myrtles as approved by the Planning Director.

5. Staff recommends approval of the use of metal panels on the building. The applicant shall submit detailed elevations to the Planning Director for review and final approval of the building materials and color.
6. Business operations shall not include outdoor repair of vehicles or the storage of business-related equipment or junk vehicles.
7. Automotive inventory shall be stored in dedicated striped parking areas.
8. Ground and wall signs shall conform to the City of Buford Sign Ordinance for locations, square footage, and height unless a separate variance is applied for and approved.
9. Outdoor intercom or speaker system is prohibited.
10. Outdoor lighting shall be a contained cut-off type luminary to contain lighting onto the property. The applicant shall provide a photometric analysis plan as part of the land disturbance permit demonstrating the containment of outdoor lighting on-site.

Ayes – 4

Nays – 0

6. **Annexation:**

I. **Plat #687/#Z-24-08:**

**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: RA-200

P & Z Recommendation:

Plat #687/#Z-24-08: Chris Watford and Amy Barfield requested annexation and rezoning for the property located at 4470 Bennett Road from S-S/AR-III to RA-200. Chris Watford was present and stated he would like his property to be in the City limits of Buford. Hall County did not object to this annexation and rezoning and there were no objections from the audience. Motion by Harley Bennett and seconded by Amy Reed to recommend approval of this annexation and rezoning as requested with the following condition:

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

Ayes – 3

Nays – 0

II. Plat #688:

**Applicant/Owner: Soo Jin Nam
700 Vista Bluff Drive
Duluth, GA 30097**

**Property: South Bogan Road, Gwinnett County
Parcel: 7-220-015
Acres: 4.3400
Zoned From: R-100
Zoned To: R-100**

P & Z Recommendation:

Plat #688: Soo Jin Nam request annexation and zoning for the property located on South Bogan Road, being parcel 7-220-015, containing 4.760 acres from R-100 to R-100. Jeff Pruitt spoke on behalf of the applicant and explained the request to the Board. He stated they are proposing five (5) residential lots. Lots 1, 2, 3, and 4 shall propose a shared common driveway and a road width reduction from 100 feet to 15 feet. Chairman had concerns with vehicles turning out onto South Bogan Road. Mr. Pruitt requested the homes be constructed with 60% brick or stone and 40% accents. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the annexation and zoning to R-100 with the following conditions:

1. The number of lots to subdivide parcel 7-220-015 shall not exceed five (5).
2. The applicant shall file a minor plat with the City of Buford per minimal standards of the Development Regulations, Section 3.4.3 and include on the plat a 30-foot shared access easement and written agreement for recording.
3. The shared driveway shall be for Lots 1, 2, 3, and 4 and shall be a minimum width of 20 feet.
4. The lot width for Lots 1, 2, 3, and 4 shall be reduced from 100 feet to 15 feet.
5. All homes shall be constructed with four (4) 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. 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 of two (2) car garages.
7. All front, side and rear yards shall be sodded and shall have two (2) 3-inch caliper ornamental trees planted in the front yard.

Ayes – 4

Nays – 0

END OF PUBLIC HEARINGS

7. Approve subdivision plat for 1672 Plunketts Road.
8. Approve subdivision plat for 2880 Gravel Springs Road.
9. Re-appoint Bonita Burel to Zoning Board of Appeals.
10. Re-appoint Dorothy Lott as resident Board Commissioner for Buford Housing Authority.
11. Consider approval of slope easement and drainage easements, parcel 7-302-109, to Josh Brown for development of warehouse on Peachtree Industrial Blvd.
12. Consider approval of Restatement of Defined Benefit Retirement Plan through the Georgia Municipal Employees' Benefit System in compliance with IRS rules, restatement of vesting schedule and revised benefit calculations, in-service distribution, increased benefits and other purposes.
13. Authorize release of pledged funds with Peoples Bank & Trust.
14. Authorize payment of invoice to Nisewonger Audio Visual Center in the amount of \$19,948.44 for Buford High School baseball field outdoor display system.
15. Authorize payment #3 in the amount of \$192,183.86 to Site Engineering, Inc. for Jackson Street Sewer Improvements, Phase II. (CDBG)

16. Authorize payment #6 in the amount of \$57,558.90 to Backbone Infrastructure, LLC for Bona Road sidewalk project. (Final)
17. Authorize final payment, including retainer, in the amount of \$154,386.56 to Allied Paving Contractors, Inc. for 2023 LMIG paving project.
18. Authorize payment #9 in the amount of \$131,980.15 to Backbone Infrastructure, LLC for West Moreno Street improvements project.
19. Authorize payment #17 in the amount of \$2,712.415.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
20. Authorize payment of Invoice #18137-26 in the amount of \$29,397.58 to Breaux & Associates for Buford City Stadium project.
21. Authorize payment of Invoice #9 in the amount of \$31,934.39 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.
22. Authorize payment #15 in the amount of \$194,328.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
23. Authorize final payment in the amount of \$63,691.72 to H. Lloyd Hill Architects & Associates, Inc. for Buford Middle School addition project.
24. City Manager's Report.
25. 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.