

BUFORD CITY COMMISSION MEETING

December 2, 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 November 4, 2024 regular meeting.

PUBLIC HEARINGS

4. **Special Use Permit:**

I. **#SUP-24-25:**

Justin Ashby
4972 Lanier Islands Parkway
Parcel: 08-157-000001

Requesting to allow a quick service oil change with drive-thru bay doors.

P & Z Recommendation:

#SUP-24-25: Justin Ashby requested a special use permit for the property located at 4972 Lanier Islands Parkway. The special use permit requested is to allow a quick service oil change with drive-thru bay doors. Kyle Sharpe spoke on behalf of the applicant and explained the request to the Board. He stated this is a Take 5 oil change business. He stated there are 3 bays with roll-up doors that will be facing the road. The Chairman asked about installing a fence to screen the business from the adjacent daycare facility playground area. Mr. Sharpe agreed with the request for a fence. The City asked that the building be positioned on the property so the roll-up doors would not face the road. The applicant indicated the positioning of the building as requested could be accomplished. There were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the special use permit with the following conditions:

1. Relief from Buford Code Section 1316.A.5 to allow a flat roof on a building less than 5000 square feet of gross floor space.
2. Relief from Buford Code Section 1316.3.C to allow 100% of parking within the front and side yards of the lot for a freestanding building of 7500 gross square feet of space or less.
3. The approval of this special use permit does not provide relief of other requirements from the Zoning Ordinance or Development Regulations unless specifically requested.
4. The building shall be positioned on the lot so the roll-up doors do not face Lanier Islands Parkway. The final architectural plans shall be submitted for review and approval by the Planning Director.
5. The design shall include the required 10-foot wide and 5-foot-wide landscape strips per code. The landscape strips shall not contain parking, signs or service boards. All landscaping requirements shall be met per City of Buford Zoning Ordinance.
6. The owner shall install a solid fence along the property line adjacent to the daycare facility to screen the development from the playground area and shall be reviewed and approved by the Planning Director.

Ayes – 5

Nays – 0

II. #SUP-24-26:

**Rob Tuned
1545 Buford Highway
Parcel: 7-259-260**

Request to allow an auto repair facility.

P & Z Recommendation:

#SUP-24-26: Rob Tuned requested a special use permit for the property located at 1545 Buford Highway. The special use permit requested is to allow an auto repair facility. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated this was an automobile tuning facility. There were no objections from the audience. Motion by Amy Reed and seconded by Jason Mosley to recommend approval of the special use permit with the following conditions:

1. Approval of this special use permit is for current owner and will expire should the current use vacate the site.
2. The approval of the special use permit does not provide approval of variances or alterations to local, state or federal regulations.
3. No accumulation of junk vehicles and mechanical repairs shall be done inside.
4. All outdoor parking of customer vehicles shall be on asphalt or concrete in designated parking areas.
5. The elevations shall be substantially similar to the elevations that were submitted with the application.

Ayes – 5

Nays – 0

III. #SUP-24-27:

**Sammy Amor
3829 Buford Drive
Parcel: 7-219-102**

Requesting to allow a vape store and tobacco retail store.

P & Z Recommendation:

#SUP-24-27: Sammy Amor requested a special use permit for the property located at 3829 Buford Drive. The special use permit requested is to allow tobacco retail sales and vape shop. The applicant was not present. A letter was submitted to the City from the owner of Chevron Food Mart located at 3833 Buford Drive in opposition of the request. Motion by Wayne Johnson and seconded by Jason Mosley to recommend denial of the request.

Ayes – 5

Nays – 0

5. Annexations:

I. Plat #701/#SUP-24-28:

**Applicant: Jimstar Properties, LLC
c/o Mitch Peevy
4525 South Lee Street
Buford, GA 30518**

Owner: Private Eye Properties, LLC
Property: 5747 and 5787 Holiday Road, Hall County
Parcel: 07-329-002001AB & 07-329-001006
Acres: 1.991
Zoned From: HB
Zoned To: C-2

P & Z Recommendation:

Plat #701/#SUP-24-28: Private Eye Properties requested annexation and zoning from HB to C-2 with a special use permit to allow boat and RV storage for the property located at 5747 Holiday Road. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated there would be 233 storage spaces. There will be a 10' landscape strip along Lanier Islands Parkway and Holiday Road with a black metal decorative fence with brick columns. There were no objections from the audience. Motion by Jason Mosley and seconded by Harley Bennett to recommend approval of the annexation and zoning with the special use permit with the following conditions:

1. The approval of a special use permit does not provide approval of variances or alterations to any local, state or federal regulations.
2. The road frontage adjacent to Lanier Islands Parkway and Holiday Road shall have a 10-foot enhanced landscape strip planted with a variety of evergreen trees and shrubs. The final landscape plan is to be approved by the Planning Director.
3. No accumulation of junk boats, vehicles RV's and mechanical repairs shall be prohibited on site.
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 fence and gate along the front of Holiday Road and Lanier Islands Parkway shall be located within the 10-foot enhanced landscape strip and shall be 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.
6. All drive isles shall be no less than 24 feet in width.
7. Shall comply with Section 1316 (Overlay District) of the City of Buford Zoning Ordinance.
8. Shall install brick on the ends of each shed/storage as approved by the Planning Director.

9. The final site plan shall be substantially similar to the site plan submitted with this application.

Ayes – 5

Nays – 0

II. Plat #702/#SUP-24-29:

Applicant: Jimstar Properties, LLC
c/o Mitch Peevy
4525 South Lee Street
Buford, GA 30518

Owner: Adel 1014, LLC
Property: 5741 Holiday Road, Hall County
Parcel: 07-329-001005
Acres: 1.991
Zoned From: HB
Zoned To: C-2

P & Z Recommendation:

Plat #702/#SUP-24-29: ADE 1014, LLC requested annexation and zoning from PCD to C-2 with a special use permit to allow boat and RV storage for the property located at 5741 Holiday Road. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated there would be 233 storage spaces. There will be a 10-foot landscape strip along Lanier Islands Parkway and Holiday Road with a black metal decorative fence with brick columns. There were no objections from the audience. Motion by Amy Reed and seconded by Harley Bennett to recommend approval of the annexation and zoning with the special use permit with the following conditions:

1. The approval of a special use permit does not provide approval of variances or alterations to any local, state or federal regulations.
2. The road frontage adjacent to Lanier Islands Parkway and Holiday Road shall have a 10-foot enhanced landscape strip planted with a variety of evergreen trees and shrubs. The final landscape plan is to be approved by the Planning Director.
3. No accumulation of junk boats, vehicles RV's and mechanical repairs shall be prohibited on site.

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 fence and gate along the front of Holiday Road and Lanier Islands Parkway shall be located within the 10-foot enhanced landscape strip and shall be 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.
6. All drive isles shall be no less than 24 feet in width.
7. Shall comply with Section 1316 (Overlay District) of the City of Buford Zoning Ordinance.
8. Shall install brick on the ends of each shed/storage as approved by the Planning Director.
9. The final site plan shall be substantially similar to the site plan submitted with this application.

Ayes – 5

Nays – 0

III. #SUP-24-30:

**Jimstar Properties, LLC
c/o Mitch Peevy
5787 Holiday Road
07-329-002001AB**

Request to allow a boat and RV parking facility

P & Z Recommendation:

#SUP-24-30: Jimstar Properties, LLC requested a special use permit for the property located at 5787 Holiday Road. The special use permit is to allow boat and RV storage. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated there would be 233 storage spaces. There will be a 10-foot landscape strip along Lanier Islands parkway and Holiday Road with a black metal decorative fence with brick columns. There were no objections from the audience. Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the annexation and zoning with the special use permit with the following conditions:

1. The approval of a special use permit does not provide approval of variances or alterations to any local, state or federal regulations.

2. The road frontage adjacent to Lanier Islands Parkway and Holiday Road shall have a 10-foot enhanced landscape strip planted with a variety of evergreen trees and shrubs. The final landscape plan is to be approved by the Planning Director.
3. No accumulation of junk boats, vehicles RV's and mechanical repairs shall be prohibited on site.
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 fence and gate along the front of Holiday Road and Lanier Islands Parkway shall be located within the 10-foot enhanced landscape strip and shall be 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.
6. All drive isles shall be no less than 24 feet in width.
7. Shall comply with Section 1316 (Overlay District) of the City of Buford Zoning Ordinance.
8. Shall install brick on the ends of each shed/storage as approved by the Planning Director.
9. The final site plan shall be substantially similar to the site plan submitted with this application.

Ayes – 5

Nays – 0

IV. Plat #703/#Z-24-32, #Z-24-33, #Z-24-34/#SUP-24-31:

**Applicant: bSide Oakwood, LLC
 4640 Valais Court
 Alpharetta, GA 30022**

**Owner: bSide Oakwood, LLC
Property: Ridge Road, Hall County
Parcel: 07-329-001006
Acres: 20.854
Zoned From: AR-III
Zoned To: C-3, O & I and P**

P & Z Recommendation:

Plat #703/#Z-24-32/##Z-24-33/#Z-24-34/#SUP-24-31: bSide Oakwood, LLC requested annexation and rezoning from AR-III to C-2, O-I and Public with a special use permit to allow an active adult retirement community for the property located on Ridge Road, being parcel 08-154-000016, containing 20.854 acres. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated 7.175 acres would be C-2 with a two-story medical office and 10.125 acres would be O-I with 166 independent living units for 55 years and older and 3.553 acres would be Public with 192 assisted living with memory care units. He asked for a buffer reduction next to the Hall County school property to 0 and also stated the amount of property dedicated for mitigation encroachment into the impervious setback could impact the commercial tract. A property owner that abuts the site in the rear spoke against the request with concerns of loud noise, increased traffic, decreased property values and environmental impacts. She also asked for a larger undisturbed buffer adjacent to her property. Mr. Peevy stated there would not be any grading adjacent to her property and the undisturbed distance from her property would be approximately 200 feet. After a brief discussion, motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the annexation and rezoning with the special use permit with the following conditions:

1. The approval of the annexation, rezoning and special use permit applications does not provide approval of non-conformities shown on the site plan unless specifically addressed in the staff report.
2. Buildings and site plans shall be significantly similar to the site plan submitted with these applications. The final building elevations, sizes, locations and architectural treatment shall be reviewed and approved by the Planning Director.
3. All required zoning buffers shall be reduced to a 25' replanted buffer including three (3) rows of evergreen trees/shrubs and a 6' high privacy fence at the property lines. The final landscape plan shall be sealed by a Georgia registered landscape architect and be approved by the Planning Director. However, the required zoning buffer adjacent to parcel 08-154-000014 could be reduced to 0 by a letter of support from The Episcopal Church of Saint Mary. The required zoning buffer adjacent to parcel 08-154-000010 owned by Hall County Board of Education shall be reduced to 0.
4. The following uses shall be prohibited: vape shops, smoke shops, automobile repair shops, automobile maintenance, oil change businesses, car wash establishments, pawn shops, tattoo establishments and massage parlors.

5. The development permit for the 7.175 acres of commercial (C-2) shall be issued prior to development of the independent living, assisted living or similar. However, a clearing/grubbing and grading permit may be issued for mass grading purposes with any risk borne by the developer.
6. The age restriction for the independent living is 55 or older.
7. The following concurrent variances shall be approved as follows:
 - a. Reduction of the residential parking requirement from 2 parking spaces per unit to 1.5 parking spaces per unit.
 - b. Reduction of the front building setback along Ridge Road from 50 feet to 20 feet.
 - c. Encroachment into the 75-foot impervious setback shall be approved substantially similar to the “State Water Impervious Setback Exhibit” provided within this staff report. Grading shall be minimal per the code requirements. The amount of encroachment into the impervious setback shall be no more than the dedicated/preserved area outside of buffers and impervious setbacks. Final encroachment/preservation plan shall be reviewed and approved by the City Engineer for conditional conformance.
8. If the application is approved, the sewer service district in the Hall County Service Delivery Strategy may be negotiated between the City of Buford and Hall County in order to provide service.

Ayes – 5

Nays – 0

6. Zoning Amendments:

**#ZA-24-01: Zoning Ordinance Amendment
Section 702 – Substandard Lots of Record**

2. Individual Lot Not Meeting Minimum Lot Size Requirements:

STRIKE

- (b) the residential dwelling from elevation shall be a minimum of 40% brick or stone with accents not to exceed 60%. Accents shall include brick, stone, rock, stucco, shakes, and concrete siding. At a minimum, a 42” water table shall be provided on the side elevations with matching brick or stone and the rear elevation shall, at a minimum, be concrete siding.

AMENDMENT

- (b) The residential dwelling shall be four (4) sides brick or stone with accents not to exceed 20% on each elevation. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding.

P & Z Recommendation:

#ZA-24-01: Motion by Wayne Johnson and seconded by Amy Reed to recommend approval of the amendment to the City of Buford Zoning Ordinance, Article VII, Section 702, Substandard Lots of Record, 2(b).

Ayes – 5

Nays – 0

7. Zoning Modifications:

**I. #ZM-24-07: BBC Investment Group, LLC
6191 New Bethany Road
Bethany Estate Subdivision**

1. All homes shall be constructed with four (4) sides of brick or stone with Accents not to exceed 20% on each elevation; provided that if the gable area of any elevation exceeds 20%, the entire gable area may consist of accents. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.

Modify condition #1 to allow 50% brick or stone with 50% accents.

**II. #ZM-24-08: Chris Brown
5571 Shadburn Ferry Road**

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.

Modify conditions #1 to allow 2 houses.

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.

Modify condition #5 to reduce lot size from 100' to 52.13' per lot

END OF PUBLIC HEARINGS

8. Certify election results from the November 5, 2024 special election.
9. Authorize Chairman to enter into an Intergovernmental Agreement with Gwinnett County for reviewing, inspecting and permitting of Gwinnett County Construction projects in the City of Buford.
10. Approve low bid for scum concentrator project at Buford Southside Wastewater treatment facility.
11. Approve Buford City Stadium Suite License Agreement, subject to the approval of the City Attorney.
12. Motion to approve resolution authorizing the City to join in Amicus (Friend of the Court) brief on behalf of the City of Milton and other local governments in the matter of Chang v. City of Milton.
13. Consider approval of special event application at Buford Youth Sports Complex for Buford Rise Flag Football.
14. Authorize payment of Invoice #18137-33 in the amount of \$27,132.79 to Breaux & Associates for Buford City Stadium project.
15. Authorize payment #24 in the amount of \$1,900,377.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
16. Authorize final payment in the amount of \$72,143.36 to H. Lloyd Hill Architects & Associates, Inc. for Buford Senior Academy renovation project.
17. Authorize payment #3 in the amount of \$209,733.00 to Charles Black Construction Company, Inc. for Buford City Gym Parking project and utilize SPLOST funds.
18. Authorize payment #23 in the amount of \$4,615.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.

19. City Manager's Report.

20. 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.