

BUFORD CITY COMMISSION MEETING

November 6, 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 October 9, 2023 meeting.

PUBLIC HEARINGS

4. **Special Use Permits:**

I. **#SUP-23-22**

**US Auto Moto, LLC
1640 Buford Highway
7-259-197
Zoning: Commercial (C-2)**

Requesting to allow retail use to allow motorcycle sales and service.

P&Z Recommendation

#SUP-23-22: US Auto Moto, LLC requested a special use permit for the property located at 1640 Buford Highway. The special use permit requested is to allow for motorcycle sales and service. David Williams spoke on behalf of the applicant and explained the request to the Board. He stated this would be for motorcycle sales and service and they would like to provide a display area out front during business hours and then they would be stored inside the building overnight. The Board discussed the building elevations and signage for the building. 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. Approval of this special use permit is for Triumph, BMW and Can-Am motorcycle sales and will expire should the current use vacate the site.
2. The approval of a special use permit does not provide approval of variances or alterations to any local, state, or federal regulations.
3. No accumulation of junk vehicles and mechanical repairs shall be done inside.
4. All outdoor parking motorcycle inventory shall be on asphalt or concrete in designated parking areas. Display area in the front shall be 10 feet in depth and the width of the parking lot and shall be approved by the Planning Director. The motorcycles shall be on display during business hours only.
5. To allow up to three (3) signs on the front elevation and the cumulative total shall not exceed 5% of the elevation. To allow up to two (2) signs on the side elevation facing Commerce Drive and the cumulative total shall not exceed 5% of the elevation.

Ayes – 4

Nays – 0

II. #SUP-23-23

Leather City Partners, LLC

Highway 20

7-219-023 – 2.135 acres

Zoning: Commercial (C-2)

Requesting to allow the construction of a new retail facility for the sales of packaged distilled spirits with four (4) variances.

P&Z Recommendation

#SUP-23-23: Leather City Partners, LLC requested a special use permit for the property located on Highway 20, out of parcel 7-219-023, containing 2.135 acres. 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. Mr. Peevy stated this was a 9 acre tract, but would only be using 2.135 acres for the package store and would provide inter-parcel access to the back portion of the property for another commercial use. He also stated they would need to encroach into the sanitary

sewer easement, the retaining wall would have a decorative stone and they needed to reduce the parking from 60 spaces to 50 spaces. 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. 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. There 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 alternations to any local, state or federal regulations.
4. All parking and driveway surfaces to be asphalt or concrete with curb and gutter meeting the standards of the City of Buford Development Regulations.
5. The final permitting plan shall be substantially similar to the site plan provided with this application.
6. The requested variance to reduce the parking spaces from 60 spaces to 50 spaces is approved.
7. The requested variance to allow the retaining walls in the front yard adjacent to Highway 20 is recommended for approval. No portion of the retaining wall or footers shall encroach into the right-of-way. The retaining wall shall be constructed with decorative stone. The final design and material shall be approved by the Planning Director.
8. A 30-foot sanitary sewer easement indicates the depth of the pipe is enough to warrant the additional width needed for construction repairs or maintenance. The requested variance to allow the encroachment into the existing 30-foot sanitary sewer easement along Highway 20, to a maximum of 10-feet is conditioned for approval with the written approval of the City's engineering review.

9. In the event the sanitary sewer utility needs repairs that damages the retaining wall the full responsibility for the repair of the retaining wall falls on the owner.
10. The inter-parcel access requirement shall be eliminated adjacent to the Academy Sports development due to topography constraints.
11. The final building elevations and materials shall be approved by the City Manager.

Ayes – 2
Nays – 0
Abstain – 2

Alcohol Committee Recommendation

The City of Buford Alcohol Committee met on October 25, 2023 to consider the application of Leather City Partners, LLC for a package store.

Mitch Peevy spoke on behalf of the applicant and stated they have met all the requirements of the ordinance. He stated the special use permit application #SUP-23-23 was recommended for approval by the Planning and Zoning Board on October 10, 2023 and they will comply with all conditions. He stated the majority owners are Ralph Black and David Cheeley with Ken Seo as a minority owner. Ownership will be under Leather City Partners, LLC dba Champs Super Beverage. Motion by Mr. Cunningham and seconded by Mr. Perkins to recommend approval of #SUP-23-23, Leather City Partners, LLC, for a package store to be located on SR 20, parcel 7-219-023.

Ayes – 3
Nays – 0

5. 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

6. **Zoning Modification:**

**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.

7. Conduct public hearing for City of Buford 2045 Comprehensive Plan Short-Term Work Program Five Year update.

END OF PUBLIC HEARINGS

8. Authorize transmittal of City of Buford Comprehensive Plan 2045 updates to the Atlanta Regional Commission.

9. Consider approval of combination plat for IDI Gravel Springs.
10. Consider exemption plat for 29 East Park Street being parcel 7-295A-054.
11. Authorize City Manager and City Attorney to accept electrical easement on parcel no. 7-259-270 (Buford Oil Change, 4445 Nelson Brogdon Blvd.).
12. Authorize City Manager and City Attorney to purchase property located on James Street being parcel no. 7-295C-034.
13. Approve purchase of property located on North Waterworks Road from Heritage South Partners, L.P. in the amount of \$232,620.00.
14. Consider acceptance of donation of 1.649 acres of property located on Bryant Road being parcel no. 7-297-116 and authorize City Manager to issue donation letter.
15. Consider acceptance of donation of 5.53 acres of property located on Thompson Mill Road being parcel no. 7-267-029 and authorize City Manager to issue donation letter.
16. Consider extension of SUP-15-14 at Atwater Court, Suites 101-102 to allow church operations to continue for an additional one (1) year.
17. Authorize release of pledged funds with Peoples Bank & Trust.
18. Authorize City Manager to apply for a Georgia Department of Transportation Roadside Enhancement and Beautification Council (REBC) grant. (I-985 Northbound quadrant off-ramp landscaping)
19. Approve surplus items as presented and authorize City Manager to list items on Govdeals.com and other markets.
20. Approve recommendation of city engineer for renewal of water and sewer annual contracts for an additional year with JDS, Inc with a contract price increase of 7.5%.
21. Consider request by the Boys and Girls Club of Buford to close Main Street South Harris Street to Garnett Street on Tuesday, November 28, 2023 from 6 – 9 p.m.

22. Authorize payment of invoice #18137-20 in the amount of \$179,084.33 to Breaux & Associates for Buford City stadium project.
23. Authorize payments #6, #7 and #8 totaling \$40,780.94 to H. Lloyd Hill Architects & Associates, Inc. for Buford Senior Academy Renovations project.
24. Authorize payment #12 in the amount of \$49,899.29 to H. Lloyd Hill Architects & Associates, Inc. for Buford Middle School Addition project.
25. Authorize change payment #5 in the amount of \$126,635.76 to F. S. Scarbrough for Southside WPCP filter replacement project.
26. Authorize change order #1 and payment #2 in the amount of \$83,796.59 to Backbone Infrastructure, LLC for Bona Road Sidewalk project.
27. Authorize payment #5 in the amount of \$4,560.00 to Glosson Enterprises, LLC for Shadburn Ferry Road sidewalk improvements.
28. Authorize payment #2 in the amount of \$291,033.42 to Allied Paving Contractors, Inc. for 2023 LMIG paving project.
29. Authorize payment #29 in the amount of \$484,355.77 (reduce retainage to 1.0%) to Ruby Collins, Inc. for water plant expansion project.
30. Authorize payment #6 in the amount of \$45,581.29 to Backbone Infrastructure, LLC for West Moreno Street improvements project.
31. Authorize change order #1 (final quantity adjusting) and payment #6 in the amount of \$402,250.20 to CEDS Construction Company, Inc. for Hamilton Mill Road gas relocation project.
32. Authorize payment of Invoice #15 in the amount of \$60,432.05 to Charles Black Construction Company, Inc. for passive park at Harris Street project.
33. Authorize payment #11 in the amount of \$1,958,820.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.
34. Authorize Invoice #12 in the amount of \$527,045.00 to Charles Black

Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.

35. Authorize Invoice #3 in the amount of \$78,467.98 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.
36. Authorize payment #9 in the amount of \$1,055,176.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
37. Authorize payment #13 in the amount of \$114,672.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.

38. City Manager's Report.
39. 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.