

Buford City Commission

November 6, 2023

The regular monthly meeting was held on November 6, 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 November 6, 2023 meeting as presented.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the October 9, 2023 regular 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.

Special Use Permits:

#SUP-23-22: US Auto Moto, LLC requests 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. 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. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request 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.
6. The pole sign shall be replaced by a monument sign.

Handwritten initials: JB and a signature

Handwritten signature: AW

7. The fenced storage area on Commerce Drive proposed for staging of motorcycles for service shall be approved by the Planning Director and to include brick columns.
8. Motorcycles or similar shall be stored inside the facility at night.

Ayes 3

Nays 0

#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. 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. 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.

WJB [Signature]

[Signature]

11. The final building elevations and materials shall be approved by the City Manager.

Ayes 3
Nays 0

Annexations:

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. 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. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request 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. Trucks may enter/exit Plunkett Road if Gwinnett County DOT approves the road for truck travel.

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. No one spoke against the request. Motion by Mr. Burge, seconded by Mr. Weeks to approve the request with the following conditions:

Ayes 3
Nays 0

Allison Sinyard, with Tunnel, Spangler, Walsh & Associates, gave a presentation regarding the City of Buford 2045 Comprehensive Plan Short-Term Work Program Five year update. There were no comments or questions from the audience regarding the plans.

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

Motion by Mr. Burge, seconded by Mr. Weeks to authorize transmittal of City of Buford Comprehensive Plan 2045 updates to the Atlanta Regional commission and Department of Community Affairs.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve combination plat for IDI Gravel Springs.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve exemption plat for 29 East Park Street, being parcel 7-295A-054 with the following conditions:

1. Tracts #1 and #2 shall have a reduction of the front setback from 25 feet to 20 feet.
2. Tracts #1 and #2 shall have a reduction of the side setback from 10 feet to 5 feet.
3. Tracts #1 and #2 shall have a reduction of the rear setback from 30 feet to 25 feet.
4. The applicant shall provide a house location plan with the building permit to be approved by the Planning Director.
5. All homes shall have a minimum gross heated floor area of 2600 square feet exclusive of garage or basements. All homes shall have a minimum of two (2) car garages.
6. All homes shall be constructed with four (4) sides of brick or stone with accents not to exceed 35% on the front elevation and accents not to exceed 20% on the side and rear elevations. Accents shall include brick, stucco, rock, shakes, hardiplank, and concrete siding as approved by the Planning Director.
7. All front yards shall be sodded and shall have two (2) 3-inch ornamental trees planted in the front yard.

Ayes 3
Nays 0



Motion by Mr. Burge, seconded by Mr. Weeks to authorize City Manager and City Attorney to accept electrical easement on parcel no. 7-259-270 (Buford Oil Change, 4445 Nelson Brogdon Blvd.).

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize City Manager and City Attorney to purchase property located on James Street being parcel no. 7-295C-034.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve purchase of property located on North Waterworks Road from Heritage South Partners, L.P. in the amount of \$232,620.00.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to accept donation of 1.649 acres of property located on Bryant Road being parcel no. 7-297-116 and authorize City Manager to issue a donation letter.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to accept donation of 5.53 acres of property located on Thompson Mill Road being parcel no. 7-267-029 and authorize City Manager to issue a donation letter.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve extension of SUP-15-14 AT Atwater Court, Suites 101-102 to allow church operations to continue for an additional one (1) year.

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. Burge, seconded by Mr. Weeks to authorize City Manager to apply for a Georgia Department of Transportation Roadside Enhancement and Beautification Council (REBC) grant. (I-985 Northbound quadrant(s) on/off-ramp landscaping)

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to approve surplus items as presented and authorize City Manager to list items on Govdeals.com and other markets.

Ayes 3
Nays 0

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

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to approve request by the Boys and Girls Club of Buford to close Main Street at South Harris Street to Garnett Street on Tuesday, November 28, 2023 from 6 – 9 p.m.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment of invoice #18137-20 in the amount of \$179,084.33 to Breaux & Associates for Buford City stadium project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payments #6, #7 and #8 totaling \$40,780.94 to H. Lloyd Hill Architects & Associates, Inc. for Buford Senior Academy Renovations project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #12 in the amount of \$49,899.29 to H. Lloyd Hill Architects & Associates, Inc. for Buford Middle School addition project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #5 in the amount of \$126,635.76 to F. S. Scarbrough for Southside WPCP filter replacement project.

JB

BW

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize change order #1 and payment #2 in the amount of \$83,796.59 to Backbone Infrastructure, LLC for Bona Road Sidewalk project and authorize City Manager to install curb/gutter/drainage on the opposite side of the road.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #5 in the amount of \$4,560.00 to Glosson Enterprises, LLC for Shadburn Ferry Road sidewalk improvements.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #2 in the amount of \$291,033.42 to Allied Paving Contractors, Inc. for 2023 LMIG paving project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #29 in the amount of \$484,355.77 (reduce retainage to 1.0%) to Ruby Collins, Inc. for water plant expansion project.

Ayes 3
Nays 0

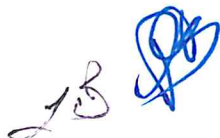
Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #6 in the amount of \$45,581.29 to Backbone Infrastructure, LLC for the West Moreno Street project. Payment shall be held subject to the approval of work in place as determined by City Manager.

Ayes 3
Nays 0

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

Ayes 3
Nays 0

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



Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #11 in the amount of \$1,958,820.00 to Charles Black Construction Company, Inc. for Buford City Stadium project.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of 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.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of 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.

Ayes 3
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #9 in the amount of \$1,055,176.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.

Ayes 3
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #13 in the amount of \$114,672.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.

Ayes 3
Nays 0

Mr. Kerlin gave the City Manager's Report.

Mr. Jay gave the City Attorney's Report.

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

Ayes 3
Nays 0







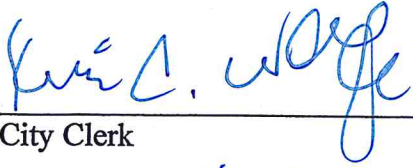
Phillip Beard, Chairman



Chris Burge, Vice-Chairman



Bradley W. Weeks, Commissioner



City Clerk

12-4-23

Date