

BUFORD CITY COMMISSION MEETING

September 5, 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 August 7, 2023 regular meeting and the special called meeting.
4. Change October meeting to October 9, 2023.
5. Recognize Michael Maynard and David Braselton for their twenty (20) years of service.

PUBLIC HEARINGS

6. Special Use Permits:

I. #SUP-23-17

**US Auto Moto, LLC
1651 Horizon Parkway
7-218-084
Zoning: Commercial (C-2)**

Requesting a special use permit to allow motorcycle sales and service.

P&Z Recommendation

#SUP-23-17: US Auto Moto, LLC requested a special use permit for the property located at 1651 Horizon Parkway. The special use permit requested is to allow motorcycle sales and service. David Williams spoke on behalf of the applicant and explained the request to the Board. He stated they would be occupying Suites 600, 700 and 800. There would not be any overnight outside storage or outside repairs.

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 the special use permit does not provide approval of variances or alterations to any local, state or federal regulations.
- 3. No accumulations of junk vehicles and mechanical repairs shall be done inside.
- 4. All outdoor parking of motorcycle inventory shall be on asphalt or concrete in designated parking areas.

Ayes – 4
Nays – 0

II. #SUP-23-19

Capitalist Ventures, Inc.
3829 Buford Drive
7-219-102
Zoning: Commercial (C-2)

Requesting a special use permit to allow a drive-thru restaurant.

P&Z Recommendation

#SUP-23-19: Capitalist Ventures, Inc. requested a special use permit for the property located at 3829 Buford Drive. The special use permit requested is to allow a drive-thru restaurant. Kevin O’Leary spoke on behalf of the applicant and stated the drive-thru restaurant was Starbucks. This would be a drive-thru service only with a walk-up window. He requested several variances concerning parking and architectural features. There were no objections from the audience. Motion by Wayne Johnson and seconded by Jeff Pirkle to recommend approval of the special use permit as requested with the following conditions:

- 1. The special use permit applies to Starbucks and at such time in the future Starbucks vacates the site this special use permit expires.
- 2. The approval of this special use permit does not provide relief or any requirements of the Zoning Ordinance and Development Regulations.
- 3. The required parking shall be reduced from 13 spaces to 11 spaces.

4. 73% of the parking areas shall be allowed in the front of the building.
5. The building shall have a flat roof design instead of a pitched roof design.
6. The final architectural plans shall be submitted for review and approval by the Planning Director and City Manager for metal accents, canopy and cornice design.
7. The site plan shall include the required 10-foot wide and 5-foot side landscape strips per code. The landscape strips shall not contain parking, signs or order boards. All landscaping requirements shall be met per City of Buford Zoning Ordinance.

Ayes – 4

Nays – 0

III. #SUP-23-20

David Kirk
1605 Buford Highway
7-259-261 1.25 acres
Zoning: Commercial (C-2)

Requesting a special use permit to allow a drive-thru restaurant.

P&Z Recommendation

#SUP-23-20: David Kirk requested a special use permit for the property located at 1605 Buford Highway, out of parcel 7-259-261, containing 1.25 acres. The special use permit requested is to allow a drive-thru restaurant. David Kirk, attorney for Chick-fil-A, spoke and explained the request to the Board. He stated this would be a drive-thru service only with a walk-up window. He also stated there would be an outdoor seating area. He requested several variances concerning setbacks, parking, retaining wall and dumpster location, and architectural features. There were no objections from the audience. Motion by Amy Reed and seconded by Wayne Johnson to recommend approval of the special use permit as requested with the following conditions:

1. The special use permit applies to the Chick-fil-A and at such time in the future Chick-fil-A vacates the site this special use permit expires.
2. The approval of this special use permit does not provide relief of any requirements of the Zoning Ordinance or Development Regulations beyond the requested reliefs listed in the application letter of intent.
3. The front setback shall be reduced from 75 feet to 22 feet.

4. In order to provide effective screening of the car stacking lanes, dumpster, order signs and canopy, the applicant shall provide an enhanced landscape plan along the frontage of Buford Highway and the existing entrance between the right-of-way at Buford Highway and the back of curb of the drive thru lanes (approximately 22'). The enhanced landscape plan shall consist of a variety of evergreen trees and shrubs. Evergreen trees to be a minimum of 6-foot high at the time of planting and evergreen shrubs to be a minimum of 18-inches high at the time of planting. The final enhanced landscape plan shall be approved by the Planning Director.
5. The applicant shall provide an arborists report for the existing trees located along Buford Highway within the subject site area to determine the healthiness of the existing trees. Trees found to be in distress or decline are to be removed, including grinding the stumps, and replaced with heat tolerant hardwood trees (i.e. Willow Oaks) at 35-foot on center.
6. The final site plan shall be substantially similar to the plan submitted with the special use permit application. The final site plan shall be reviewed by the Planning Director.
7. The following concurrent variance requests are recommended as follows:
 - a. The requested variance to place the two (2) menu boards in the front yard is recommended for approval.
 - b. Parking requirements for the overall shopping center shall be reduced from the current 346 spaces to 204 spaces, resulting in a parking ratio of 2.7 spaces/1000 square feet of retail floor space, on the remaining portion of the shopping center.
 - c. The proposed retaining wall shall be placed in the area as shown on the site plan. The retaining wall shall not encroach into the right-of-way of Buford Highway. The retaining wall shall be a decorative brick or stone to match the architecture of the building.
 - d. The installation of the retaining wall should have no negative drainage impacts on downstream properties or on the adjacent road.
 - e. The requested variance to allow for the use of a flat roof building design is recommended for approval. The final architectural plans shall be submitted for review and approval by the Planning Director.
 - f. The requested variance to increase the percentage of parking located to the side of a freestanding building containing less than 7500 square feet of space from twenty (20) percent to one hundred (100) percent is recommended for approval.
 - g. The requested variance to place the dumpster and enclosure within the front yard is recommended for approval. Dumpster screening shall consist of three (3) solid walls of brick or stucco construction, at least six

(6) feet in height, with one hundred (100) percent solid metal gates. The dumpster shall be fully screened with evergreen trees and shrubs facing Buford Highway. The final dumpster enclosure plan shall be reviewed and approved by the Planning Director.

Ayes – 4

Nays – 0

7. 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.

END OF PUBLIC HEARINGS

8. Approve final plat and road dedication for Saia Motor Freight Line, LLC.
9. Authorize City Manager to sign gas line relocation agreement with Rowen Foundation, Inc.
10. Approve purchase of properties located at 710 Bona Road, being parcel R7296 106, in the amount of \$375,000.00 and 755 Bona Road, being parcel R27296 075, in the amount of \$850,000.00.
11. Authorize City Manager and City Attorney to purchase property as presented.
12. Authorize City Manager to negotiate with Buford Housing Authority for purchase of property on Forest Street.
13. Authorize release of pledged funds with Peoples Bank & Trust.
14. Adopt Georgia Department of Transportation's (GDOT) Procurement Policies and Procedures for engineering and design related services when using Federal Aid Highway Program (FAHP) funds as it applies to local governments

certified through GDOT's LAP program.

15. Authorize payment of Invoice #18137-18 in the amount of \$234,293.69 to Breaux & Associates for new Buford High School stadium project.
16. Authorize payment #3 in the amount of \$173,163.69 to F. S. Scarbrough for Southside WPCP filter replacement project.
17. Authorize payment #2 in the amount of \$2,419.20, payment #3 (retainage) in the amount of \$10,073.29 and payment #4 in the amount of \$9,132.10 to Glosson Enterprises, LLC for Shadburn Ferry Road sidewalk improvements.
18. Authorize payment #4 in the amount of \$123,081.17 to Backbone Infrastructure, LLC for West Moreno Street improvements project.
19. Authorize payment #27 in the amount of \$106,475.21 to Ruby Collins, Inc. for water plant expansion project and payment of Invoice #2454-23 in the amount of \$36,000.00 to Global Control Systems, Inc. for specialized controls and instrumentation.
20. Authorize payment of Invoice #13 in the amount of \$183,557.56 to Charles Black Construction Company, Inc. for passive park at Harris Street project.
21. Authorize payment #7 in the amount of \$571,642.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.
22. Authorize payment #11 in the amount of \$155,469.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.
23. Authorize payment of amended payment #8 (formerly payment #1 approved 8/7/23) in the amount of \$412,623.00 and payment #9 in the amount of \$972,085.00 to Charles Black Construction Company, Inc. for Buford High School stadium project.
24. Authorize payment #1 in the amount of \$30,815.64 to Charles Black Construction Company, Inc. for Buford High School bleachers and concessions – Phase II project.

25. Authorize Invoice #10 in the amount of \$1,771.00 to Charles Black Construction Company, Inc. for New Street relocation project relocation project and utilize SPLOST funds and general funds.
26. City Manager's Report.
27. 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.