

# Buford City Commission

September 5, 2023

The regular monthly meeting was held on September 5, 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 amend the agenda by removing Item #6 – I. #SUP-23-17.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to adopt the minutes from the August 7, 2023 regular meeting and the special called meeting as presented by staff.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to change the October meeting to October 9, 2023.

Ayes 3  
Nays 0

Chairman Beard recognized Michael Maynard and David Braselton for their twenty (20) years of service with the City.

Chairman Beard stated that this portion of the meeting would be set aside for public hearings.

## **Special Use Permits:**

**#SUP-23-19:** Capitalist Ventures, Inc. requests 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. 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 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 3  
Nays 0

**#SUP-23-20:** David Kirk requests 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, was present. No one spoke against the request. Motion by Mr. Weeks, seconded by Mr. Burge to approve the request 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 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. After discussion and agreement by the developer to consider alternative home locations, motion by Mr. Burge, seconded by Mr. Weeks to table the request.

Ayes 3  
Nays 0

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

Motion by Mr. Burge, seconded by Mr. Beard to approve final plat and road dedication for Saia Motor Freight Line, LLC. Mr. Weeks abstained.

Ayes 2  
Nays 0  
Abstained 1

Motion by Mr. Burge, seconded by Mr. Weeks to authorize City Manager to sign gas line relocation agreement with Rowen Foundation, Inc.

Ayes 3  
Nays 0



Motion by Mr. Weeks, seconded by Mr. Burge to 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 R7296 075, in the amount of \$850,000.00.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize City Manager and City Attorney to purchase property as presented.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize City Manager and City Attorney to negotiate with Buford Housing Authority for purchase of property on Forest Street.

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 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.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of Invoice #18137-18 in the amount of \$234,293.69 to Breaux & Associates for new Buford High School stadium project.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #3 in the amount of \$173,163.69 to F. S. Scarbrough for Southside WPCP filter replacement project.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #2 in the amount of \$2,419.20 and 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 subject to inspection by City Manager and final clean-up.

Ayes 3  
Nays 0

Motion by Mr. Weeks, seconded by Mr. Burge to authorize payment #4 in the amount of \$123,081.17 to Backbone Infrastructure, LLC for West Moreno Street improvements project.

Ayes 3  
Nays 0

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

Ayes 3  
Nays 0

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

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #7 in the amount of \$571,642.00 to Charles Black Construction Company, Inc. for Buford Senior Academy addition project.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment #11 in the amount of \$155,469.00 to Charles Black Construction Company, Inc. for Buford Middle School addition and renovations project.

Ayes 3  
Nays 0

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

Ayes 3  
Nays 0





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

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mr. Weeks to authorize payment of Invoice #10 in the amount of \$1,771.00 to Charles Black Construction Company, Inc. for New Street relocation project and utilize SPLOST funds and general funds.

Ayes 3  
Nays 0

Mr. Kerlin gave the City Manager's Report.

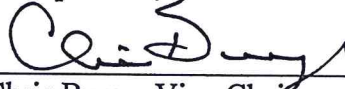
Mr. Jay gave the City Attorney's Report.

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

Ayes 3  
Nays 0



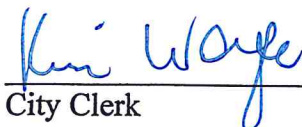
Phillip Beard, Chairman



Chris Burge, Vice-Chairman



Bradley W. Weeks, Commissioner



City Clerk

10-9-23

Date