

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, MARCH 17, 2022 AT 5:00 PM
110 EAST MAIN STREET, SUITE 220
CUMMING, GEORGIA 30040

I. Call Meeting to Order

II. Invocation and Pledge of Allegiance

III. Adoption of Agenda

IV. Announcements and Reports

V. Public Comments

VI. Adoption of Minutes

(1) Regular Meeting / Public Hearings of March 3, 2022

(2) Work Session of March 8, 2022

VII. Consent Agenda

(1) Board approval of the amended Standard Services Agreement with S&ME, Inc. RFP 21-141-0610 for Geotechnical Services as Needed was awarded on 1/6/22. Legal has reviewed and accepted the non-material amendment to the standard agreement.

(2) Board approval of the amended Standard Services Agreement with Jacobs Engineering Group, Inc. RFP 21-150-3150 for Environmental Monitoring and Watershed Support Services was awarded on 1/6/22. Legal has reviewed and accepted the non-material amendment to the standard agreement.

(3) Board adoption of a Proclamation declaring April 12, 2022 as *Education and Sharing Day* in Forsyth County - Cooper / Levent

(4) Board ratification of a Fiduciary Liability Policy with Gallagher Global Brokerage in the amount of \$17,165.00 - County Manager

(5) Board ratification of the following items that were discussed and voted on at the Work Session held on March 8, 2022 (as anticipated by Board Rule 1.07.01):

(A) Board approval to declare the provided list of items as surplus with authorization for the Department of Procurement to dispose of accordingly -

Director, Department of Procurement

- (B) Board approval to renew the Motorola Service Agreement with Motorola Solutions, Inc. in the amount of \$638,320.48 for four tower locations and Public Safety Radio Equipment for the period of January 1, 2022 through December 31, 2022 with permission for the County Manager to sign the appropriate documents - Director, Emergency Management Agency
- (C) Board approval to award Bid 22-003-3150 to Excellere Construction, LLC in the amount of \$143,000.00 to provide all labor, materials, and equipment to construct a Right Turn Lane on Trammel Road at SR 20 and to reconstruct the Pedestrian Signal Heads adjacent to the Right Turn Lane as presented - Director, Department of Engineering
- (D) Board approval to accept the Autism Speaks Local Impact Grant in the amount of \$5,000.00 with authorization for the Chair to sign award documentation and with approval of a Budget Resolution - Therapeutic Recreation Supervisor, Department of Parks and Recreation
- (E) Board approval to award Bid 21-200-5211 to ACS Landscape Management in the not to exceed amount of \$184,896.00 for Landscaping, Grounds Maintenance, and Detention Pond Clearing at various County parks for calendar year 2022 for the Department of Parks and Recreation - Director, Department of Parks and Recreation
- (F) Board approval of a Professional Services Agreement with JEN Consulting, Inc. in the not to exceed amount of \$50,000.00 for Temporary Engineering Services on an as-needed basis for the Department of Water and Sewer as presented - Director, Department of Water and Sewer
- (G) Board approval of a Second Amendment to (1) Agreement to Contribute Funds in Aid of Construction of a Regulated Public Wastewater Treatment Plant, (2) 99-Year Ground Lease of the Hampton Creek WRF to a Regulated Public Utility, and (3) Sewer & Reuse Water Service Agreement between Waterscape Utility, LLC, Settendown Public Utility, LLC and Forsyth County to clarify the actual geographic boundaries of the "franchise area" and "service area" under the Agreement; amend the existing Trust Indenture; clarify the amount of gallons per day (GPD) sewer capacity the County has (County Allocation) now and in the future; and, increase and clarify the County's Monthly Sewer Treatment Charges - Assistant County Manager (McKee)
- (H) Board approval of a Task Order #3 with Freese and Nichols, Inc. in the amount of \$1,984,804.98 for providing Engineering Services for the design of approximately 49,000 linear feet (LF) of proposed gravity sewer main, force main, and pump station improvements to incentivize non-residential development for the American Rescue Act as presented by staff - Director, Department of Water and Sewer

- (I) Board adoption of the Grants Administration Policy and Procedures Handbook as presented by staff - Chief Financial Officer
- (J) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Rezoning from Agricultural District (A1) to Commercial Business District (CBD) - Parcel 079-002 - District 3 - Director, Department of Planning and Community Development
- (K) Board authorization for staff to proceed with the Public Hearing process regarding removing the requirement of impervious parking areas in agriculturally zoned properties within the Unified Development Code as stated by Counsel and to make the correction in language as requested by the County Attorney - Mills / Levent
- (L) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Conditional Use Permit (CUP) to operate a Contractor's Establishment on property that is currently zoned Highway Business located at 4250 Keith Bridge Road - District 4 - Mills / Levent
- (M) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated rezoning from LR to A1 on property located at 5115 Archer Avenue - District 4 - Mills / Levent
- (N) Board appointment of Matthew McClure to the Development Authority - County Manager

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the proposed abandonment of a portion of right-of-way identified as "Old Tribble Road" a/k/a "Era Road" identified right-of-way within Land Lot 944 of the 3rd District, 1st Section of Forsyth County, Georgia - District 1 - Director, Department of Engineering
- (2) Public Hearing and possible vote regarding the approval of a Sketch Plat for Forsyth County Board of Education - Parcel 192-185 - SP210012 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA1421 (Technology Park/Atlanta, Inc.) by Forsyth County Board of Commissioners - Parcel 140-072 - AZ220006 - District 2 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the County-Initiated request for a Conditional Use Permit to conduct around the clock business hours in a 60,000 sq. ft. warehouse on 13.57 acres currently zoned Restricted Industrial District (M1) with the following variance to: 1.) Reduce the number of parking spaces from 60 to 50 spaces (UDC Table 17.1) - Parcel 140-072 - CP220008 - District 2 - Director, Department of Planning and Community Development

- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2699 (Aaron J. Land) by Chris Cowart Properties, LLC with the following variances to: 1.) Reduce the zoning buffer along the northern property boundary adjacent to tax map/parcel 062-020 from 40 ft. to 0 ft. (UDC Table 14.2); 2.) Reduce the zoning setback along the northern property boundary adjacent to tax map/parcel 062-020 from 50 ft. to 0 ft. (UDC Table 14.2); 3.) Reduce the landscape strip along the side lot line adjacent to tax map/parcel 063-191 from 6 ft. to 0 ft. (UDC 14-4.13); 4.) Reduce the undisturbed buffer abutting Georgia Highway 400 from 40 ft. to 0 ft. to allow for utilities and existing structures within the required buffer and replanting the undisturbed buffer per the County Buffer Standards (UDC 10-1.10(A)(1)); 5.) Reduce the setback abutting Georgia Highway 400 from 60 ft. to 30 ft. (UDC 10-1.10(A)(1)); 6.) Reduce the side setback adjacent to tax map/parcel 063-191 from 15 ft. to 0 ft. (UDC Table 14.2); 7.) Reduce the front setback from 50 ft. to 38 ft. (UDC Table 14.2) - Parcel 063-057 - AZ210045 - District 3 - Director, Department of Planning and Community Development
(Postponed from the January 6, 2022 and February 3, 2022 Agendas)
- (6) Public Hearing and possible vote regarding the approval of a Sketch Plat for Forsyth County Board of Education and a variance to UDC Table 17.1 - Parcel 039-063 - SP210013 - District 3 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the County-Initiated request to rezone from Single Family Community Residential District (CR1) to Single Family Residential District (RES2) Conservation Subdivision on 36.6895 acres - Parcel 081-666 - ZA4042 - District 3 - Director, Department of Planning and Community Development
(At the December 16, 2021 Regular Meeting/Public Hearings, the Board voted 4-0-1 (Commissioners Mills, John, Levent, and Semanson; Commissioner Cooper absent) to hold an additional Public Hearing for this item at the February 17, 2022 Regular Meeting/Public Hearings. At the February 17, 2022 Regular Meeting / Public Hearings, the Board voted unanimously to hold an additional Public Hearing on March 17, 2022.)
- (8) Public Hearing and possible vote regarding the County-Initiated request for a variance to: 1.) Reduce the exterior setback from 50 ft. to 3 ft. (UDC Table 11.2(a)) - Parcel 071-067 - VA220022 - District 4 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the approval of a Sketch Plat for Hudgens Properties, LLC - Parcel 271-016 - SP220001 - District 5 - Director, Department of Planning and Community Development

IX. Public Comments

X. Old Business

- (1) Board consideration regarding the request for an Amendment of Zoning Conditions on ZA3022 (Eastbrooke Properties LLC) by Aqua Design Pools & Spas, LLC and variances to UDC Table 11.2(b) and UDC 18-11.2(B) - Parcel 032-511 - AZ220001 - District 1 - Director, Department of Planning and Community Development

(A Public Hearing was held at the February 3, 2022 Regular Meeting / Public Hearings and the Board voted unanimously to hold an additional Public Hearing on March 3, 2022. A Public Hearing was held at the March 3, 2022 Regular Meeting / Public Hearings and the Board voted unanimously to postpone the decision to the March 17, 2022 Regular Meeting/Public Hearings.)

- (2) Warehouse One-Cumming, L.L.C. - ZA4027 - to rezone from Single Family Residential District (R1) to Restricted Industrial District (M1) on 8.859 acres for an 8,000 sq. ft. office and a 50,000 sq. ft. office/warehouse with 137 parking spaces with the following variances to: 1.) Reduce the zoning buffer along the northern, eastern and western property boundaries from 60 ft. to 0 ft. (UDC Table 14.2); 2.) Increase the maximum number of parking spaces from 107 to 137 (UDC Table 17.1); and, 3.) Reduce the required number of loading spaces from 4 to 2 (UDC 17-3.3) - Parcels 099-255 and 099-014 - District 1 - Director, Department of Planning and Community Development
(Postponed from the February 17, 2022 Agenda)
- (3) Dinesh B. Thampi - CP210025 - to operate a kennel (dog breeding) in 750 sq. ft. of an existing 4,092 sq. ft. home with 3 parking spaces on 1.147 acres currently zoned Agricultural District (A1) with the following variances to: 1.) Reduce the side setback along the eastern property boundary adjacent to the existing structure only from 25 ft. to 20 ft. (UDC Table 15.2); and, 2.) Reduce the side buffer along the eastern property boundary adjacent to the existing structure, concrete, and retaining wall only from 25 ft. to 5 ft. (UDC Table 15.2) - Parcel 136-048 - District 2 - Director, Department of Planning and Community Development
(Postponed from the February 17, 2022 Agenda)
- (4) Toll Brothers, Inc. - ZA4038 - to rezone from Agricultural District (A1) and Commercial Business District (CBD) to Single Family Residential District (RES2) on 33.663 acres for 35 residential lots with a density of 1.04 units per acre with the following variances to: 1.) Reduce the exterior buffer abutting Castleberry Road right-of-way from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); and, 2.) Reduce the landscape strip abutting Castleberry Road right-of-way from 10 ft. to 0 ft. (UDC 11-9.6(J)(1)) - Parcels 061-005, 060-051, and 061-004 - District 3 - Director, Department of Planning and Community Development
(Postponed from the February 17, 2022 Agenda)
- (5) Board consideration of the request for an Amendment of Zoning Conditions on ZA2643 (THE RYLAND GROUP INC) by Vinod Pillai - Parcel 157-538 - AZ220003 - District 5 - Director, Department of Planning and Community Development
(A Public Hearing was held at the March 3, 2022 Regular Meeting / Public Hearings, the Board voted unanimously to postpone the decision to the March 17, 2022 Regular Meeting / Public Hearings.)

XI. New Business

- (1) Puja Rathore - CP210027 - to operate a 2,500 sq. ft. personal service establishment (tutoring) in an existing building with 9 parking spaces on 5.79 acres currently zoned Office and Institutional District (O&I) - Parcel 090-291 - District 2 - Director, Department of Planning and Community Development
- (2) MKW Capital, LLC - ZA3862 - to rezone from Agricultural District (A1), Single Family Community Residential District (CR1), and Single Family Residential Restricted

District (R2R) to Single Family Residential District (RES2) Conservation Subdivision on 104.31 acres for 92 residential lots with a density of .89 units per acre with the following variances to: 1.) Reduce the exterior buffer abutting Road 1 from 40 ft. to 10 ft. (UDC 11-9.6(J)(1)); 2.) Reduce the front setback for lots 1-6 and 60-64 from 15 ft. to 10 ft. (UDC Table 19.2); 3.) Reduce the exterior setback for Lot 47 from 50 ft. to 40 ft. (UDC Table 19.2); 4.) Reduce the side setback for lots 40 and 51 from 5 ft. to 3 ft. (UDC Table 19.2); 5.) Reduce the rear setback for lots 25-27 from 20 ft. to 15 ft. (UDC Table 19.2); 6.) Reduce the width of the open space tracts north of lots 1-6 and 60-64 from 25 ft. to 10 ft. (UDC 19-3.1(B)(3)); and, 7.) Reduce the landscape strip abutting Road 1 from 10 ft. to 0 ft. (UDC 11-9.6(J)(1)) - Parcels 103-425, 104-069, 103-301, and 103-011 - District 3 - Director, Department of Planning and Community Development

- (3) Nagesh Chilakapati - ZA4026 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 4.9152 acres for commercial buildings totaling 32,400 sq. ft. with 130 parking spaces - Parcels 059-531, 059-004, 059-532, and 059-003 - District 3 - Director, Department of Planning and Community Development
- (4) Rajesh Chennuru - ZA4036 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES3) on 2.793 acres for 5 residential lots with a density of 1.79 units per acre - Parcels 153-022, 153-038, and 153-023 - District 3 - Director, Department of Planning and Community Development
- (5) United Family Homes, LLC - ZA4044 - to rezone from Single Family Residential District (RES3) to Single Family Residential District (RES2) on 5.72 acres for 4 residential lots with a density of .70 units per acre with the following variance to: 1.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcel 079-003 - District 3 - Director, Department of Planning and Community Development

XII. Administrative Hearings

- (1) Administrative Hearing in reference to a violation of the Alcohol Ordinance for Robert J. Russell, III, Inc. dba Red Barn Package Store - Named Licensee is Robert J. Russell III - AL01211 - District 4 - Business License Manager, Department of Business License

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment