

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 7, 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) Special Called Meeting / Administrative Hearing of March 16, 2022
- (2) Regular Meeting / Public Hearings of March 17, 2022
- (3) Work Session of March 22, 2022

VII. Consent Agenda

- (1) Board acceptance of Right-of-Way as County-maintained with a speed limit of 25 MPH on Stallions Gait Road, Champions Derby Run, and all other property and property rights as shown on Subdivision Plat for Northfield at the Polo Fields, Phase 1, recorded in Plat Book 200, Pages 148-161, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering
- (2) Board acceptance of Right-of-Way as County-maintained with a speed limit of 25 MPH on Welch Mill, Stiner Grove, and all other property and property rights as shown on Subdivision Plat for River Rock, Phase 2-Unit 3, recorded in Plat Book 200, Pages 33-49, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (3) Board authorization to correct scrivener's error on February 17, 2022 approval of ZA3997. Condition 1 of ZA3997 references tax parcels 080-086, 080-305, 080-156, 080-046 and 080-231. The reference to 080-305 in condition 1 was in error and was the inadvertent product of GIS mapping. Tax parcel 080-194 should have been included in condition 1 and was errantly omitted. This item will authorize the correction of these technical errors by (1) removing 080-305 from condition 1, (2) adding 080-194 to condition 1, and (3) authorizing the County Clerk to place an "*" on the February 17, 2022 minutes, at the ZA3997 agenda item, so as to cross-

reference that agenda item to this corrective action to ensure the record is clear -
County Attorney

- (4) Board approval of Memorandums of Understanding for contractors to provide treatment services, substance screening, and home searches (Barber, Beck, Clarke, Cranford, DelValle, Fanning, Ferguson, Goodwin, Hughes, Kelley, Kreitner, Snyder, Spriggs, and Stapp) with authorization for the Chair to execute all related documents - Director, Forsyth County Accountability Courts
- (5) Board ratification of the following items that were discussed and voted on at the Work Session held on March 22, 2022 (as anticipated by Board Rule 1.07.01):
 - (A) Board authorization for staff to publish the draft *Ten Year Solid Waste Plan* on the County's website with direction for this Item to return to a Work Session in no less than thirty days - Manager of Environmental Programs, Department of Recycling and Solid Waste
 - (B) 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
 - (C) Board approval of a Septic Tank Pump-out Rebate Pilot Program as presented by the Department of Water and Sewer - Director, Department of Water and Sewer
 - (D) Board approval of the proposal from the County's Miracle League regarding naming the Miracle League Field at Lanierland Park Phase 2 - Director, Department of Parks and Recreation
 - (E) Board authorization for the County Attorney's office to draft amendments to the Animal Control Ordinance regarding prohibition of retail sales of animals at pet shops and outdoor animal sales at other locations as discussed with the direction that the drafted amendments return to the Board at a future meeting as a Public Hearing - Levent / Semanson
 - (F) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated rezoning from Multi-Family Residential District (R3) to Agricultural District (A1) for property located at 9450 Cain Circle - Parcel 307-079 - District 4 - Mills / Levent
 - (G) Board approval of an Amended CJT Software Maintenance Agreement involving i3 Verticals LLC, Forsyth County, and the Forsyth County Probate Court as proposed - County Attorney
 - (H) Board direction to send the discussion regarding Conservation Subdivisions, to include whether UDC modifications to the Conservation Subdivision zoning designation are warranted, back to the Planning Commission with a goal for the Planning Commission to work with land planners and the

development community to identify the overall goal for the conservation Res2 and how the County UDC Chapter 19 should be written to identify that goal, and to bring any conclusions back to the Board of Commissioners for an additional Public Hearing - Mills / Levent

VIII. Public Hearings

- (1) Public Hearing and possible vote for approval of an Alternate Design for Rene Melendez - Parcel C20-030 - AD210008 - District 1 - Director, Department of Planning and Community Development
(Postponed from the January 6, 2022, February 3, 2022, and March 3, 2022 Agendas)
- (2) Public Hearing and possible vote for approval of an Alternate Design for Tom Maune and a variance to UDC 21-8.6(A)(5)(a) - Parcel 138-012 - AD220001 - District 2 - Director, Department of Planning and Community Development
(Postponed from the February 3, 2022 and March 3, 2022 Agendas)
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3716 (Chris Kliros) by Jorwell Properties, LLC - Parcels 110-011, 110-012, and 110-010 - AZ220009 - District 2 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by Luxe Properties, Inc. - Parcel 058-707 - AZ220005 - District 3 - Director, Department of Planning and Community Development
(Postponed from the March 3, 2022 Agenda)
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3469 (ESES Properties, LLC) by Hema Muppala and Dasaratha Kumar Ghanta - Parcel 080-006 - AZ220008 - District 3 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1184 (East Riverside Partnership) by Lloyd Brothers Properties, LLC - Parcel 018-215 - AZ220010 - District 3 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) to Commercial Business District (CBD) - Parcel 079-002 - ZA4062 - District 3 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate a Contractor's Establishment on property currently zoned Highway Business District (HB) - Parcel 254-020 - CP220012 - District 4 - Director, Department of Planning and Community Development

- (9) Public Hearing and possible vote regarding the County-Initiated request to rezone from Lake Residential (LR) to Agricultural District (A1) - Parcel 269-078 - ZA4061 - District 4 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2251 (Lakeview Developers, LLC) by Randy L. Kauk - Parcel 273-027 - AZ220007 - District 5 - Director, Department of Planning and Community Development

IX. Public Comments

X. Old Business

- (1) Board Consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by Richard P. Kenney, Jr. with the following variance to: 1.) Reduce the rear setback from 20 ft. to 3 ft. (UDC Table 11.2(a)) - Parcel 159-214 - AZ220004 - District 2 - Director, Department of Planning and Community Development
(A Public Hearing was held on March 3, 2022 at the Regular Meeting / Public Hearings; the Board voted unanimously to postpone the decision to the April 7, 2022 Regular Meeting / Public Hearings.)
- (2) 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 and March 17, 2022 Agendas)
- (3) Board consideration of a Subgrant Agreement with Atlanta Regional Commission and Forsyth County as Subgrantee, concerning grant funds received by Atlanta Regional Commission to cover all labor, materials, and equipment cost for the Route Feasibility, Conceptual Plans, and other deliverables related to the McFarland (LCI) Livable Centers Initiative Investment Feasibility - the said work to be contracted with Kimley-Horn and Associates, Inc. according to the RFP 21-179-3190, which was approved by the Board of Commissioners on the February 17, 2022 Consent Agenda to be awarded to the said contractor. The total cost of the Project being completed by Kimley-Horn and Associates, Inc. is \$300,000.00; ARC's compensation to the Subgrantee will not exceed eighty percent (80%) of the actual costs incurred - \$60,000.00; Department of Administration 2022 Budget (20% match) and \$240,000.00 Atlanta Regional Commission (80% Grant) - Assistant County Manager (Kenney)
- (4) Board consideration and possible direction regarding Sketch Plat approval for RUS-AL (USA), Inc. and variances to the UDC Section 14-1.3 and Table 14.2 - Parcel 041-099 - SP190002 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners at its November 7, 2019 Regular

Meeting / Public Hearings; the Board voted unanimously to postpone its decision to the November 21, 2019 Regular Meeting / Public Hearings. At the November 21, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to authorize staff to proceed with advertising Public Hearings for AZ190005 (RUS-AL), SP190002 (RUS-AL), and CP190014 (RUS-AL) to be heard at the December 5, 2019 Regular Meeting / Public Hearings (Consent Agenda (5)(P)). A Public Hearing was held before the Board of Commissioners at its December 5, 2019 Regular Meeting / Public Hearings; the Board voted unanimously to move Item to the February 20, 2020 Regular Meeting / Public Hearings Agenda to hold an additional Public Hearing.

Postponed from the February 20, 2020, March 19, 2020, and April 16, 2020 Agendas. A Public Hearing was held before the Board of Commissioners at its June 4, 2020 Regular Meeting / Public Hearings; the Board voted unanimously to postpone its decision to the July 9, 2020 Regular Meeting / Public Hearings. Postponed from the July 9, 2020, July 23, 2020, August 6, 2020, August 20, 2020, October 8, 2020, November 5, 2020, November 19, 2020, December 17, 2020, January 21, 2021, May 6, 2021, June 3, 2021, July 8, 2021, August 19, 2021, October 7, 2021, December 2, 2021, February 3, 2022, and March 3, 2022 Agendas.)

- (5) Board consideration and possible direction regarding RUS-AL (USA), Inc., CP190014, to operate an open storage yard with 133 parking spaces associated with existing buildings totaling 18,000 sq. ft. with 26 parking spaces on 6.680 acres currently zoned Restricted Industrial District (M1) with variances to: 1.) Reduce the zoning buffer along the eastern property boundary from 60 ft. to 0 ft. (UDC, Table 14.2); 2.) Reduce the front setback from 50 ft. to 35 ft. abutting Union Hill Road right-of-way adjacent to the existing structure only (UDC, Table 14.2); and, 3.) Reduce the zoning setback from 75 ft. to 65 ft. along the eastern property boundary adjacent to the existing structure only (UDC, Table 14.2) - District 3 - Director, Department of Planning and Community Development
- (At the November 21, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to authorize staff to proceed with advertising for additional Public Hearings for AZ190005 (RUS-AL), SP190002 (RUS-AL), and CP190014 (RUS-AL) to be heard at the December 5, 2019 Regular Meeting / Public Hearings (Consent Agenda (5)(P)). At the December 5, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to deny the CUP and variances. At the January 9, 2020 Regular Meeting / Public Hearings, the Board voted unanimously to rescind the denial of the CUP. Postponed from the March 19, 2020, April 16, 2020, June 4, 2020, July 9, 2020, July 23, 2020, August 6, 2020, August 20, 2020, October 8, 2020, November 5, 2020, November 19, 2020, December 17, 2020, January 21, 2021, May 6, 2021, June 3, 2021, July 8, 2021, August 19, 2021, October 7, 2021, December 2, 2021, February 3, 2022, and March 3, 2022 Agendas.)**

XI. New Business

- (1) Board consideration and possible vote on a proposed Resolution that will amend the Forsyth County enabling legislation (March 2, 1972 (1972 Ga. Laws, p. 2065)), specifically modifying Section 4 thereof, by removing the prohibition against a Board Member holding another county, municipal, or state office - County Attorney
(Postponed from the March 3, 2022 Agenda)
- (2) Board consideration and approval of a Moratorium until May 5, 2022 on the acceptance of rezoning applications for a Conservation Subdivision under Chapter 19 of the UDC - County Attorney
- (3) Board consideration of a letter to the US Department of Transportation expressing support for the Gwinnett County Department of Transportation's submission of the US RAISE Grant for the implementation of a new interchange at McGinnis Ferry Road and I-85 with authorization for the Chairman to sign said letter - Assistant County Manager (McKee)

XII. Administrative Hearings

- (1) Administrative Hearing in reference to an appeal of a denial of an alcohol application to sell beer, wine and distilled spirits by the package for Anushka Corporation dba Liquor Locker located at 2350 Atlanta Highway, Suite 101-103 - District 3 - Business License Manager, Department of Business License

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment