

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 21, 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 April 7, 2022
- (2) Work Session and Executive Session of April 12, 2022

VII. Consent Agenda

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 12, 2022
- (2) Board ratification of a Sewer Reservation Agreement for the City - Hammonds Crossing: Catahoula Land Co., LLC - 1,980 gpd - Director, Department of Water and Sewer
- (3) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: RSS Development, LLC - 7,290 gpd; Orchards of South Forsyth, LP - 23,760 gpd; and, Hope Fellowship GA, Inc. - 960 gpd - Director, Department of Water and Sewer
- (4) Board ratification of a Sewer Reservation Agreement for Fulton - Big Creek: Ticon 675 - 985 gpd - Director, Department of Water and Sewer
- (5) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: Toll Southeast LP Company, Inc. - 6,480 gpd - Director, Department of Water and Sewer
- (6) Board ratification of the following items that were discussed and voted on at the Work Session held on April 12, 2022 (as anticipated by Board Rule 1.07.01):

- (A) Board approval of the amendments to the Unified Development Code related to the Coal Mountain Overlay within Chapter 21, to include amendments that would incorporate the Coal Mountain Town Center design standards into the existing Overlay - Mills / John
- (B) Board approval of the Policy regarding Non-Discrimination on The Basis Of Disability with approval of a Resolution regarding Non-Discrimination on The Basis Of Disability and Repealing Prior Americans with Disabilities Act (ADA) Transition Plan Policies as presented - ADA Coordinator, Department of Public Facilities
- (C) Board approval to declare list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
- (D) Board approval to enter into an Agreement with LexisNexis Risk Solutions in the amount of \$5,200 to provide online access for services to research criminal investigations, pre-employee background checks, and internal investigations with authorization for the County Manager to execute documents in furtherance of same as presented - Fire Chief
- (E) Board approval to purchase ten Stertil-Koni Earthlift Mobile Lifts with the trade-in of ten existing Stertil-Koni Columns as a Sole Source Purchase through Stertil-Koni USA, Inc. in the amount of \$125,938.40 for the Fire Department as presented - Fire Chief
- (F) Board approval to award Bid 22-022-1620 to Blue Mountain Mechanical in the amount of \$53,120 for Rooftop Unit Replacements on the Central Park Recreation Center for the Department of Public Facilities as presented - Director, Department of Public Facilities
- (G) Board approval to award Bid 22-016-5211 to Sprinturf, LLC in the amount of \$540,540 for the replacement of two Artificial Turf Fields at Sawnee Mountain Park and Sharon Springs Park for the Department of Parks and Recreation with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Parks and Recreation
- (H) Board approval to award Bid 22-27-5211 to Signature Tennis Courts in the amount of \$98,948 for the Resurfacing of Tennis Courts located at Central Park Fowler Park for the Department of Parks and Recreation as presented - Director, Department of Parks and Recreation
- (I) Board approval to award Bid 22-012-3150 to PowerComm USA, LLC in the amount of \$109,481.26 to provide all materials, equipment, and labor to construct the Post Road at Bentley Road Signal with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Engineering

- (J) Board approval to award Bid 22-001-3340 to Unity Construction Company, Inc. in the amount of \$14,764,115 for construction of new Water Transmission Mains at Keith Bridge Road and Hurt Bridge Road for the Department of Water and Sewer with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
- (K) Board approval to postpone the consideration of a Contract Item Agreement between the Georgia Department of Transportation and Forsyth County regarding reimbursement of \$4,628,090.00 for Waterline and Sanitary Sewer Relocation on State Route 9 from McFarland Road to Post Road due to road widening to the April 26, 2022 Work Session - Director, Department of Water and Sewer
- (L) Board approval of a Task Order with TerraMark Land Surveys in the amount of \$53,400 for a Property and Topographic Survey for boundary lines to be identified with 42-acres of property for the Matt Park Recreation Center as presented - Project Manager, Department of Capital Projects
- (M) Board authorization for authorize staff to proceed with the Public Hearing process regarding amendments to the Unified Development Code related to Site Development Permit Exemptions within Chapter 7 with the changes as recommended by Legal Counsel - Planning Manager, Department of Planning and Community Development
- (N) Board appointment of Commissioner Semanson to the Finance Committee to fill the resignation of Commissioner Cooper - County Manager
- (O) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated buffer variance for Georgia Sports Arena, LLC from 40 ft. to 20 ft. solely along the driveway adjacent to Tax Map and Parcels 130-048 and 130-069 - Levent / Semanson

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding approval of an Alternate Design for KFCRE, LLC and variances to UDC 12-13.13(A) and UDC 21-8.6(A)(5) - Parcel 108-075 - AD220003 - District 2 - Director, Department of Planning and Community Development
- (2) 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); and, 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, February 3, 2022 and March 17, 2022 Agendas)

- (3) Public Hearing and possible vote regarding the approval of a Sketch Plat for Sri Rama Temple - Parcel 131-026 - SP210014 - District 3 - Director, Department of Planning and Community Development
- (4) 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. Postponed from the March 17, 2022 Agenda.)
- (5) Public Hearing and possible vote regarding an Alternate Design for Gail Cain - Parcel 229-009 - AD220002 - District 5 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the County-Initiated request to rezone from Multi-Family Residential District (R3) and Lake Residential District (LR) to Agricultural District (A1) - Parcel 307-079 - ZA4063 - District 5 - Director, Department of Planning and Community Development

IX. Public Comments

X. Old Business

- (1) 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); and, 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
(Postponed from the March 17, 2022 Agenda)

- (2) Board consideration 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
(A Public Hearing was held at the April 7, 2022 Regular Meeting/Public Hearings; the Board voted unanimously to postpone the decision to the April 21, 2022 Regular Meeting/Public Hearings.)

XI. New Business

- (1) KFCRE, LLC - CP210045 - to build an 18,600 sq. ft. expansion of a new vehicle sales dealership with 252 parking spaces in addition to an existing building totaling 30,213 sq. ft. with 224 parking spaces on 6.60 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Reduce the Pedestrian Landscape Zone on the northern and southern sides of the building from 8 ft. to 0 ft. (UDC Table 12.3); 2.) Reduce the Sidewalk Zone on the northern and southern sides of the building from 6 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Façade Landscape Zone on the northern and southern sides of the building from 6 ft. to 0 ft. (Table 12.3); 4.) Reduce the landscape strip along the southern boundary from 10 ft. to 0 ft. (UDC 12-10.15); and, 5.) Increase the percentage of vehicles visible along the road frontage from 30% to 69% (UDC 12-10.9) - Parcel 108-075 - District 2 - Director, Department of Planning and Community Development
- (2) Doggo Fresh Dog Spa LLC - CP220003 - to operate a 1,750 sq. ft. miscellaneous service establishment (pet grooming) in an existing building with 10 parking spaces on 0.94 acres currently zoned Commercial Business District (CBD) - Parcel 065-023 - District 2 - Director, Department of Planning and Community Development
- (3) Maltese Family Holdings, LLLP - CP210036 - to operate a 4,028 sq. ft. used vehicle sales dealership with 8 parking spaces on 1.77 acres currently zoned Highway Business District (HB) with the following variances to: 1.) Reduce the setback for parked, stored, or displayed vehicles from the right-of-way adjacent to the existing concrete only from 10 ft. to 8 ft. (UDC 16-4.37(G)(3))(UDC 12-10.8); 2.) Reduce the landscape strip abutting McFarland 400 Boulevard adjacent to the existing concrete only from 15 ft. to 8 ft. (UDC Table 21.6); 3.) Reduce the landscape strip abutting McFarland Parkway adjacent to the existing concrete only from 20 ft. to 8 ft. (UDC 21-6.5(A)(1)); and, 4.) Reduce the area of paved surface for display of vehicles from 1 acre (43,560 sq. ft.) to .79 acres (34,560 sq. ft.) (UDC 16-4.37)(G)(1)) - Parcel 042-316 - District 3 - Director, Department of Planning and Community Development
- (4) Surya Realty LLC - ZA4034 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 18.30 acres for 26 residential lots with a density of 1.42 units per acre with the following variance to: 1.) Reduce the exterior buffer along the southern and western property boundaries from 25 ft. to 0 ft. (UDC Table 11.2(b)) - Parcels 102-005, 102-075, 102-119, 102-076, and, 102-062 - District 3 - Director, Department of Planning and Community Development

- (5) Toll Brothers, Inc. - ZA4049 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 48.616 acres for 60 residential lots with a density of 1.24 units per acre with the following variances to: 1.) Reduce the exterior setback along the western property boundary from 50 ft. to 0 ft. (UDC Table 11.2(b)); 2.) Reduce the exterior buffer along the western property boundary from 25 ft. to 0 ft. (UDC Table 11.2(b)); and, 3.) Reduce the common area from 5% to 3.6% (UDC Table 11.2(b)) - Parcels 014-300, 014-017, and 014-014 - District 3 - Director, Department of Planning and Community Development
- (6) Sreekanth Rao Uppala - CP210043 - to operate a short-term rental in an existing 3,545 sq. ft. house for 8 overnight guests with 5 parking spaces on 20.271 acres currently zoned Agricultural District (A1) - Parcel 145-029 - District 4 - Director, Department of Planning and Community Development
- (7) Century Communities of Georgia, LLC - ZA4001 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) Conservation Subdivision on 88.45 acres for 105 residential lots with a density of 1.19 units per acre with the following variances to: 1.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 43.81% (UDC 19-5.1(C)); and, 2.) Reduce the building setback from all primary conservation areas from 75 ft. to 0 ft. (UDC 19-5.1(D)) - Parcel 211-029 - District 4 - Director, Department of Planning and Community Development
- (8) Toll Brothers, Inc. - ZA4037 - to rezone from Agricultural District (A1) and Single Family Residential Restricted District (R1R) to Single Family Residential District (RES2) Conservation Subdivision on 115.253 acres for 128 residential lots with a density of 1.11 units per acre with the following variances to: 1.) Reduce the minimum building setback from all primary conservation areas for lots 18, 19, 20, 36, 37, 38, 39, 40, 41, 64, 65, 66, 67, 101, 114, amenity area, and stormwater ponds 1 and 2 from 75 ft. to 0 ft. (UDC 19-5.1(D)); and, 2.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 70% (UDC 19-5.1(C)) - Parcels 145-073 and 145-021 - District 4 - Director, Department of Planning and Community Development
- (9) Gail Cain - CP210035 - to operate a 6,500 sq. ft. contractor's establishment and manufacturing facility in an existing building with 6 parking spaces on 1.388 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Reduce the landscape strip abutting Buford Highway from 35 ft. to 4 ft. (UDC 21-11.5(H)(3)); 2.) Increase the percentage of parking that fronts the main building entrance from 60% to 100% (UDC 21-11.5(B)); 3.) Reduce the sides of the building exterior that parking is distributed on from 2 sides to 1 side (UDC 21-11.5(B)); 4.) Reduce the planted buffer around the exterior pond fence from 20 ft. to 0 ft. (UDC 21-11.6(A)(9)); 5.) Reduce the parking area setback from the right-of-way from 10 ft. to 4 ft. (UDC 12-10.8); 6.) Reduce the landscape strip abutting Ruth Lane from 10 ft. to 0 ft. (UDC Table 12.2); and, 7.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcel 229-009 - District 5 - Director, Department of Planning and Community Development
- (10) Kimberly Yates - ZA4041 - to rezone from Single Family Residential Restricted District (R2R) to Agricultural District (A1) on 9.99 acres with a Conditional Use Permit (CUP) to operate a short-term rental for 18 overnight guests in an existing

9,702 sq. ft. building with 20 parking spaces - Parcel 226-010 - District 5 - Director,
Department of Planning and Community Development

- (11) Board consideration and approval to award Bid 22-006-1620 to provide all labor, materials, and equipment for the renovation of approximately 800 sq. ft. of interior space in Suite 150 located in the Administration Building for the Department of Water and Sewer. Staff Recommendation: award to Crown Service Contractors in the amount of \$94,552.00 with authorization for the County Manager to execute documents in furtherance of same; Department of Public Facilities 2022 Budget - Director, Department of Public Facilities **(At the April 12, 2022 Work Session, the Board voted 4-1 (Commissioners Cooper, Levent, Mills, and Semanson in favor; Commissioner John opposed) to award Bid 22-006-1620 to Crown Service Contractors in the amount of \$94,552 to provide all labor, materials, and equipment for the renovation of approximately 800 sq. ft. of interior space in Suite 150 located in the Administration Building for the Department of Water and Sewer with authorization for the County Manager to execute documents in furtherance of same as presented by staff.)**

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 **(First Administrative Hearing held before the Board of Commissioners on April 7, 2022; the Board voted unanimously to hold an additional Administrative Hearing on April 21, 2022)**

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment