

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, MAY 19, 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 May 5, 2022

(2) Work Session of May 10, 2022

VII. Consent Agenda

(1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Loring Street and all other property and property rights as shown on the Subdivision Plat for Loring, Phase 3, recorded in Plat Book 200, Pages 228-238, 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 MH on Belmont Estates Drive, Twin Lions Court, and all other property and property rights as shown on the Subdivision Plat for Belmont Estates, recorded in Plat Book 201, Pages 51-61, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering

(3) Board Resolution authorizing Jones Fortuna LP to represent Forsyth County as part of the County's membership in the Georgia Water Supply Providers' Group, and to concurrently relieve King and Spalding of any further obligation in this regard, to authorize the transfer of files, and other like matters - County Attorney

(4) Board adoption of a Proclamation declaring May 15, 2022 through May 21, 2022 as *Public Works Week* in Forsyth County - County Manager

(5) Board adoption of a Proclamation declaring the month of May as *Building Safety Month* in Forsyth County - County Manager

- (6) Board adoption of a Proclamation declaring the month of May as *Older Americans Month* in Forsyth County - John / Cooper
- (7) Board adoption of a Resolution recognizing Trijal Tagadur - John / Semanson
- (8) Board adoption of a Resolution recognizing Emily Tan - John / Semanson
- (9) Board ratification of the following items that were discussed and voted on at the Work Session held on May 10, 2022 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval of a 2022 annual MOU with Learning for Life concerning a year-round training program, support service, and resources to help participating organizations implement career education programs for youth - Fire Chief, Fire Department
 - (B) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated revocation of the Conditional Use Permit (CUP) for CP190012, Norshaw Properties, LLC - District 5 - Planning Manager, Department of Planning and Community Development
 - (C) Board approval of an Inmate Work Detail Agreement with the Georgia Department of Corrections as presented - Director, Department of Engineering
 - (D) Board approval of Amendment 2 to the Master Services Agreement with Healthstat, Inc. as presented by staff - Director, Department of Employment Services
 - (E) Board approval to award Bid 22-35-3320 to Helix Group Inc. in the amount of \$99,171.62 to provide all labor, materials, and equipment for the Henderson Drive Waterline Extension with authorization for the County Manager to execute documents in furtherance of same as presented by the Department of Water and Sewer Director - Director, Department of Water and Sewer
 - (F) Board approval of Amendment 2 under Task Order 13 of the Engineering Services Agreement with Black & Veatch Corporation for the Antioch Water Treatment Plant Phase 3 Expansion Design in a not to exceed amount of \$342,233.00 as presented - Director, Department of Water and Sewer
 - (G) Board approval to award Bid 22-29-1514 to Backbone Infrastructure, LLC in the amount of \$728,544.96 to provide all labor, materials and equipment for the construction of Shiloh Road at Shiloh Road East Roundabout-PE139 with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Capital Projects
 - (H) Board approval of Change Order 2 with Vertical Earth, Inc. for the SR 369/GA 400 Interchange Project as presented - Director, Department of

Capital Projects

- (I) Board approval of Change Order 3 with Vertical Earth, Inc. for the SR 369 Widening Project as presented - Director, Department of Capital Projects
- (J) Board acceptance of the Quit Claim regarding the two lots in the Pebblebrook subdivision for County ownership - County Manager / County Attorney
- (K) Board termination of the Forsyth County COVID19 Pandemic Resolution - County Attorney
- (L) Board approval of the modification to the Home Rule regarding BOC qualifications as presented - County Attorney

VIII. Public Hearings

- (1) 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, March 17, 2022, and April 21, 2022 Regular Meeting/Public Hearings Agendas)
- (2) 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
(A Public Hearing was held at the April 21, 2022 Regular Meeting/Public Hearings; the Board voted unanimously to hold an additional Public Hearing on May 19, 2022.)
- (3) Public Hearing and possible vote regarding the County-Initiated variance to: 1.) Reduce the exterior buffer from 40 ft. to 20 ft. adjacent to tax map/parcels 130-048 and 130-069 adjacent to the existing driveway only (UDC 16-4.6(C)) - Parcels 130-068 and 130-049 - VA220034 - District 3 - Director, Department of Planning and Community Development

- (4) Public Hearing and possible vote regarding the request by MKW Capital, LLC 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)); 7.) Reduce the landscape strip abutting Road 1 from 10 ft. to 0 ft. (UDC 11-9.6(J)(1)); 8.) Reduce the open space from five (5) contiguous acres to two (2) contiguous acres (UDC 19-3.1(B)(2)); and, 9.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 40% (UDC 19-5.1(C)) - Parcels 103-425, 104-069, 103-301, and 103-011 - ZA3862- District 3 - Director, Department of Planning and Community Development
- (5) 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 with the following variances to: 1.) Reduce the open space from five (5) contiguous acres to two (2) contiguous acres (UDC 19-3.1(B)(2)); and, 2.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 40% (UDC 19-5.1(C)) - Parcel 081-666 - ZA4042 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners at the December 16, 2021 Regular Meeting / Public Hearings; the Board voted 4-0-1 (Commissioner Cooper absent) to hold an additional Public Hearing on February 17, 2022. Postponed from the February 17, 2022 and the March 17, 2022 Agendas. A Public Hearing was held at the April 21, 2022 Regular Meeting / Public Hearings; the Board voted unanimously to hold an additional Public Hearing on May 19, 2022.)
- (6) Public Hearing and possible vote regarding approval of an Alternate Design for Katie Lee Stancil and variances to UDC 21-11.5(B) and UDC 21-11.6(A)(8) - Parcel 174-043 - AD220004 - District 5 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding an amendment to the Forsyth County Animal Control Ordinance, otherwise known as Forsyth County Ordinance Number 11 or Chapter 14 of the Forsyth County Code of Ordinances, concerning proposed modifications to definitions provided in the Ordinance; to prohibit the retail sale of animals at pet shops; to establish requirements for offering animals for adoption at pet shops; to prohibit the outdoor sale of animals; to provide authority for the enforcement of the ordinance; to provide for violations; to repeal conflicting ordinances; and, for other purposes - County Attorney

IX. Public Comments

X. Old Business

- (1) 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 and the March 17, 2022 Agendas)

- (2) 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
(Postponed from the April 21, 2022 Agenda)
- (3) 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
(Postponed from the April 21, 2022 Agenda)
- (4) 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
(Postponed from the April 21, 2022 Agenda)
- (5) 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
(Postponed from the April 21, 2022 Agenda)

XI. New Business

- (1) Gopinathji Investments, LLC - ZA4051 - to rezone from Commercial Business District (CBD) and Heavy Industrial District (M2) to Restricted Industrial District (M1) on 4.749 acres for a 61,126 sq. ft. office/warehouse with 67 parking spaces with Conditional Use Permits (CUPs) for an open storage yard, not exceeding 20% of the total lot, and to conduct around the clock business 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) - Parcels 018-147 and 018-145 - District 3 - Director, Department of Planning and Community Development
- (2) Haven Investments LLC - ZA4039 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 25.46 acres for 30 residential lots with a density of 1.18 units per acre - Parcel 175-261 - District 5 - Director, Department of Planning and Community Development
- (3) Katie Lee Stancil - ZA4050 - to rezone from Single Family Residential District (R1) to Commercial Business District (CBD) on 0.620 acres in existing commercial buildings totaling 2,440 sq. ft. with 9 parking spaces with the following variances 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); 2.) Reduce the side setback along the northwestern property boundary adjacent to the existing structures only from 10 ft. to 7 ft. (UDC Table 12.2); 3.) Reduce the rear setback adjacent to the existing structures only from 25 ft. to 19 ft. (UDC Table 12.2); 4.) Reduce the side landscape strip along the northwestern property boundary adjacent to the existing structures only from 10 ft. to 0 ft. (UDC 12-10.15); and, 5.) Reduce the rear landscape strip adjacent to the existing gravel driveway only from 10 ft. to 0 ft. (UDC 12-10.15) - Parcel 174-043 - District 5 - Director, Department of Planning and Community Development
- (4) Board consideration of a second amended Memorandum of Understanding/Subgrant Agreement between Forsyth County and the Forsyth County Board of Education for the funding of 2 drug counselors out of proceeds obtained by the FY 2022 Byrne Discretionary Community Project Funding Grants Program with the total grant being \$90,000.00 and the County having no further obligations following expenditure of the \$90,000.00 - County Attorney

XII. Administrative Hearings

- (1) Administrative Hearing in reference to a revocation of an alcohol license to sell beer, wine, and distilled spirits by the package for Atlanta Highway Liquor Locker LLC located at 2325 Atlanta Highway, Suite 200 - District 3 - Business License Manager, Department of Business License

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment