

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, SEPTEMBER 15, 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

- (1) Presentation of Law Enforcement Commendation Medal Award to Sergeant John Hamilton by the Robert Forsyth Chapter, Georgia Society of the Sons of the American Revolution - John / Semanson
- (2) Presentation of *Milestone Service Awards* to various County employees for having reached twenty-five or more years of service from October 1, 2021 through March 2022 - County Manager

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of September 1, 2022
- (2) Work Session and Executive Session of September 6, 2022

VII. Consent Agenda

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of September 6, 2022
- (2) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Century Communities of Georgia, LLC - 24,570 gpd - Director, Department of Water and Sewer
- (3) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Furkids, Inc. - 575 gpd - Director, Department of Water and Sewer
- (4) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: NPC-Walker, LLC - 270 gpd - Director, Department of Water

and Sewer

- (5) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: NPC-Wallace, LLC - 15,930 gpd - Director, Department of Water and Sewer
- (6) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Terkanan Property Holdings Georgia, LLC - 1,800 gpd - Director, Department of Water and Sewer
- (7) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Toll Southeast LP Company, Inc. - 20,250 gpd - Director, Department of Water and Sewer
- (8) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: WP South Acquisitions, LLC - 3,910 gpd - Director, Department of Water and Sewer
- (9) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: WP South Acquisitions, LLC - 68,200 gpd - Director, Department of Water and Sewer
- (10) Board ratification of a Sewer Reservation Agreement for Fulton/Big Creek: Dalton S2 Properties, LLC - 5,480 gpd - Director, Department of Water and Sewer
- (11) Board ratification of a Sewer Reservation Agreement for Fulton/Big Creek: GS-SM Deerfield Owner, LLC - 30,800 gpd - Director, Department of Water and Sewer
- (12) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: Toll Southeast LP Company, Inc. - 7,830 gpd - Director, Department of Water and Sewer
- (13) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: United Office Holdings, LLC - 450 gpd - Director, Department of Water and Sewer
- (14) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: Windsor Development Company, LLC - 270 gpd - Director, Department of Water and Sewer
- (15) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: Windsor Development Company, LLC - 11,610 gpd - Director, Department of Water and Sewer
- (16) Board ratification of the following items that were discussed and voted on at the Work Session held on September 6, 2022 (as anticipated by Board Rule 1.07.01):

- (A) Board approval to add a Health and Wellness Coordinator position for the remainder of FY 2022 in the not to exceed amount of \$30,000.00 - Director, Department of Employment Services
- (B) Board authorization for staff to apply for the Georgia Recreation and Parks Association / Atlanta Hawks Foundation Grant in the amount of \$2,380.00 with no required match - Therapeutic Recreation Supervisor, Department of Parks and Recreation
- (C) Board approval to award Bid 22-78-3150 to S & D Industrial Painting, Inc. in the amount of \$196,400.00 with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Engineering
- (D) Board approval of a Memorandum of Understanding between the Georgia Department of Transportation and Forsyth County (GDOT Project No. 0001757) as presented - Director, Department of Water and Sewer
- (E) Board approval to award RFP 21-114-3340 to Archer Western Construction, LLC in the amount of \$18,873,000 for the Fowler Water Reclamation Facility Phase II Expansion, with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Water and Sewer
- (F) Board approval of a Task Order 22-03 with ESG Engineering, Inc. in the not to exceed amount of \$1,175,590 for Construction Management Services for the Fowler Water Reclamation Facility 7.5 MGD Expansion Project - Director, Department of Water and Sewer
- (G) Board approval of Change Order 1 to PO20210926 with NOVA Engineering and Environmental LLC in the amount of \$24,648.75 for additional Testing and Inspection Services for Lanierland Park Phase 2 with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Capital Projects
- (H) Board approval of Change Order 2 to PO20192666 with Lose Design in the amount of \$23,750.00 for design changes to the Sharon Springs Park Tag Office and to combine the Park and Tag Office Bid Documents into one solicitation with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Capital Projects
- (I) Board approval of Supplemental Agreement No. 2 to the Project Framework Agreement by and between Forsyth County and the Georgia Department of Transportation in the amount of \$845,860.00 - regarding the SR 400 @ McGinnis Ferry Rd. Widening and Auxiliary Lanes (GI400/GDOT PI No. 0007526) with approval of an associated Budget Resolution - Director, Department of Capital Projects

- (J) Board approval of Task Order No. 2 to the Project Management Roadway Connectivity and Pedestrian Services As-Needed Services Agreement (dated June 1, 2022, CIP No. PEW22, GDOT PI No. 0006915) with Atlas Technical Consultants, LLC in the amount of \$77,200.00 to perform a Constructability Review for the Post Road Widening Project from SR 9 to Kelly Mill Road with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Capital Projects
- (K) Board approval of Task Order No. 4 to the Old Atlanta Road Widening Phases 4 & 5 Roadway and Connectivity/Pedestrian Construction Engineering and Inspection (CEI) Services As-Needed Services Agreement (dated May 5, 2022, CIP No. PEW27) with Heath & Lineback Engineers, Inc. in the amount of \$3,287,347.25 for Project Support and Construction Engineering Services for 24-months with authorization for the County Manager to execute documents in furtherance of the same - Director, Department of Capital Projects
- (L) Board authorization for staff to proceed with a Public Hearing to rezone ZA3952 to its original zoning - District 4 - Planning Manager, Department of Planning and Community Development
- (M) Board approval of the proposed amendments to the Unified Development Code related to MPD Requirements in the Haw Creek Community Node as presented - Planner III, Department of Planning and Community Development
- (N) Board authorization for staff to proceed with the Public Hearing process regarding modifications to the Forsyth County Sign Ordinance and Unified Development Code regarding Electronic Message Boards and Window Signs for certain commercial purposes, including the McFarland Node, Atlanta Highway, and Post Road Overlays, with the exception that “*assembly hall, meeting hall, auditorium, art gallery, museum, conference center, theater or amphitheater*” are to be stricken from Section 4.15 Electronic Message Boards (a)2.b. as presented - Planning Manager, Department of Planning and Community Development
- (O) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated variance to reduce the minimum required paved surface for the display of used vehicles from 1 acre to 0 acres (UDC16-4.37(G)(1)) - Parcel 009-071 - Cooper / John
- (P) Board approval of the Eagle Point Letter of Concurrence with authorization for the Chair to sign as presented - Assistant County Manager (McKee)
- (Q) Board approval of a Resolution to increase the size of the local DFACS Advisory Board from five to seven members with appointment of Joseph C. Pak and Richard J. Wiggins to the DFACS Board - County Manager
- (R) Board approval of a Fifth Amendment to the Lease Agreement between

Forsyth County and New Cingular Wireless PCS, LLC pertaining to a lease of Forsyth County property at 3682 Old Atlanta Road, Suwanee, Georgia 30024 - County Attorney

VIII. Public Hearings

- (1) Public Hearing and possible vote to consider revising Ordinance 133 (Sewer Ordinance regarding use of American Rescue Act Proceeds), to remove Node 5 - Director, Department of Water and Sewer / County Attorney
- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2744 (OCS Enterprises, Inc.) by DU Holdings, LLC - Parcel 076-083 - AZ220021 - District 1 - Director, Department of Planning and Community Development
- (A) **AGENDA ITEM (2)(A) IS NOT A PUBLIC HEARING. AGENDA ITEM PLACED HERE FOR RELATIONSHIP WITH PRIOR PUBLIC HEARING (2):** DU Holdings, LLC - CP220019 - to operate an open storage yard associated with a proposed 37,330 sq. ft. manufacturing, processing, and assembling building with 44 parking spaces on 19.543 acres zoned Commercial Business District (CBD) and Restricted Industrial District (M1) - Parcel 076-083 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote for approval of an Alternate Design for Michael LeBreton - Parcels 113-885 and 112-496 - AD220006 - District 2 - Director, Department of Planning and Community Development
- (A) **AGENDA ITEM (3)(A) IS NOT A PUBLIC HEARING. AGENDA ITEM PLACED HERE FOR RELATIONSHIP WITH PRIOR PUBLIC HEARING (3):** Michael LeBreton - CP220011 - to build a 3,776 sq. ft. minor automobile service establishment with 12 parking spaces on 2.726 acres currently zoned Commercial Business District (CBD) with the following variance to: 1.) Increase the maximum number of parking spaces from 6 to 12 (UDC Table 17.1) - Parcels 113-885 and 112-496 - 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 ZA3047 (Cousins Properties Incorporated) by Fuqua Acquisitions II, LLC - Parcel 107-027 - AZ220020 - District 2 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to build a 90,110 sq. ft. hotel with 111 parking spaces on 35.36 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Reduce the minimum number of hotel parking spaces from 117 to 111 (UDC Table 17.1); and, 2.) Increase the maximum building height for the hotel from 50 ft. to 65 ft. (UDC Table 12.2). - Parcels 107-027 and 107-018 - CP220028 - District 2 - Director, Department of Planning and Community Development
- (A) **AGENDA ITEM (5)(A) IS NOT A PUBLIC HEARING. AGENDA ITEM PLACED**

HERE FOR RELATIONSHIP WITH PRIOR PUBLIC HEARINGS (4) AND (5):

Fuqua Acquisitions II, LLC - CP220010 - to build a 90,110 sq. ft. extended stay hotel with 111 parking spaces; an outdoor commercial recreational facility conducting around the clock business; a courtyard and climate controlled self-service storage facility in buildings totaling 130,660 sq. ft. with 12 parking spaces; conducting around the clock business in a 108,000 sq. ft. indoor commercial recreational facility with 510 parking spaces; conducting around the clock business in a 3,751 sq. ft. restaurant with 38 parking spaces; associated with a 144,000 sq. ft. large scale retail establishment with 508 parking spaces and retail/restaurants in commercial buildings totaling 16,473 sq. ft. with 138 parking spaces on 35.36 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Reduce the separation distance between self-service storage businesses from 0.75 miles to 0.515 miles (UDC 16-4.31(G)); 2.) Reduce the buffer for individual retail establishments 75,000 sq. ft. or greater adjacent to existing residential subdivisions from 100 ft. to 40 ft. (UDC 12-12.3(B)); 3.) Reduce the setback for individual retail establishments 75,000 sq. ft. or greater adjacent to existing residential subdivisions from 150 ft. to 50 ft. (UDC 12-12.3(B)); 4.) Increase the maximum number of double-sided parking aisles located between any principal building and any public right-of-way from 1 to 16 (UDC 12-13.6(B)(1)); 5.) Reduce the minimum number of parking spaces for the hotel from 117 to 111 (UDC Table 17.1); 6.) Increase the maximum building height for the hotel from 50 ft. to 65 ft. (UDC Table 12.2); 7.) Reduce the minimum number of parking spaces for building 300 from 102 to 82 (UDC Table 17.1); 8.) Reduce the minimum number of parking spaces for building 200 from 551 to 510 (UDC Table 17.1); and, 9.) Increase the maximum number of parking spaces for building 500 from 216 to 508 (UDC 12-11.5(F)(4)) - Parcels 107-027 and 107-018 - District 2 - Director, Department of Planning and Community Development

- (6) 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, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, and August 18, 2022 Agendas)
- (7) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate an open storage yard associated with proposed office/warehouse buildings totaling 174,000 sq. ft. with 198 parking spaces on 20.090 acres on property currently zoned Restricted Industrial District (M1) - Parcel 018-216 - CP220032 - District 3 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the request for an Amendment of Zoning

Conditions on ZA3756 (The Fields at Keith Bridge, LLC) by The Fields at Keith Bridge LLC - Parcel 267-103 - AZ220015 - District 4 - Director, Department of Planning and Community Development
(Postponed from the May 5, 2022, June 2, 2022, and July 21, 2022 Agendas)

- (9) Public Hearing and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA2548 (OCS Enterprises, Inc.) by Forsyth County Board of Commissioners - Parcel 237-002 - AZ220034 - District 4 - Director, Department of Planning and Community Development

IX. Public Comments

X. Old Business

- (1) Gary R. Bagley - CP210024 - to build a 1,000 sq. ft. vehicle sales dealership with 5 parking spaces on 1.36 acres currently zoned Highway Business District (HB) 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 009-071 - District 1 - Director, Department of Planning and Community Development
(Postponed from the August 18, 2022 Agenda)
- (2) Northpoint Capital Investment Holdings LLC - ZA4017 - to rezone from Agricultural District (A1), Neighborhood Shopping District (NS), and Single Family Residential Restricted District (R2R) to Master Planned District (MPD) on 140.588 acres for 250 residential lots and 228 attached residential units with a density of 3.40 units per acre and commercial buildings totaling 63,650 sq. ft. with 294 parking spaces with the following variances to: 1.) Reduce the commercial component from 15% to 5.38% (UDC Table 20B.1); and, 2.) Increase the percentage of total residential units for townhomes from 30% to 50% (UDC 20B-2.3(A)) - Parcels 041-535, 062-016, 062-014, 062-015, 041-203, 041-075, and 062-002 - District 3 - Director, Department of Planning and Community Development
(Postponed from the July 21, 2022 Agenda)

XI. New Business

- (1) Daniel Harper - ZA4069 - to rezone from Single Family Residential District (R1) to Agricultural District (A1) on 7.069 acres with a Conditional Use Permit (CUP) to operate a short-term rental for 4 overnight guests in an existing 745 sq. ft. building with 2 parking spaces with the following variance to: 1.) Reduce the front setback adjacent to the existing structure only from 50 ft. to 35 ft. (UDC Table 15.2) - Parcel 192-071 - District 1 - Director, Department of Planning and Community Development
- (2) Sammy's Rentals, LLC - ZA4078 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Commercial Business District (CBD) on 1.667 acres with Conditional Use Permits (CUPs) for an open storage yard with 42 parking spaces conducting around the clock business with the following variance to: 1.) Reduce the zoning buffer along the eastern property boundary from 40 ft. to 0 ft. (UDC Table 12.2) - Parcels 254-012 and 254-011 - District 4 - Director, Department of Planning and Community Development

- (3) Board consideration of an Agreement for Issuance of a Provisional Certificate of Occupancy between Forsyth County and Tipton Development, LLC - Assistant County Manager (Kenney)
- (4) Board consideration of a Resolution asking the Secretary of State, State Election Board, and the General Assembly to discontinue use of electronic voting systems employing a QR code - John / Semanson

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment