

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, OCTOBER 20, 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
(Postponed from the September 15, 2022 Agenda)
- (2) Board presentation of a Proclamation declaring October 23, 2022 through October 29, 2022 as Family Promise Week in Forsyth County - Mills / Levent

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of October 6, 2022
- (2) Work Session and Executive Session of October 11, 2022

VII. Consent Agenda

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of October 11, 2022
- (2) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): Orchards of South Forsyth, LP - 930 gpd - Director, Department of Water and Sewer
- (3) Board ratification of a Sewer Reservation Agreement for the Fulton-Big Creek basin: Briggs Properties, Inc. - 900 gpd - Director, Department of Water and Sewer
- (4) Board adoption of a Proclamation declaring October 23, 2022 through October 29, 2022 as Family Promise Week in Forsyth County - Mills / Levent

- (5) Board ratification of the following items that were discussed and voted on at the Work Session held on October 11, 2022 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval of the Potassium Permanganate Groundwater Remediation Pilot Test B to install the groundwater treatment system in the not to exceed amount of \$108,800.00 for the Hightower Landfill as presented - Environmental Scientist, Department of Recycling and Solid Waste
 - (B) Board approval of a Resolution adopting the Forsyth County Hazard Mitigation Plan - 2022 - Director, Emergency Management Agency
 - (C) Board approval of an Agreement with Baron Weather, Inc. in the amount of \$2,940 with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Emergency Management Agency
 - (D) Board approval of a Lease Amendment to renew the Lease Agreement for suites 102, 103, and 104 located at 514 West Maple (West Maple Office Park; Building 100) as presented - Director, Department of Public Facilities
 - (E) Board approval of Change Order #5 with Reeves Young, LLC in the amount of \$1,534,736.72 to deduct the remaining balance of the contract for final payment and closeout of the Antioch Water Treatment Plant Phase 2 Expansion Project with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
 - (F) Board approval of a Special Services Agreement with Burton Outdoor Adventures LLC to operate paddleboard rental services at Shady Grove Campground, Charleston Park, and Young Deer Park - Director, Department of Parks and Recreation
 - (G) Board authorization for Parks and Recreation to apply for the Improving Neighborhood Outcomes in Disproportionately Impacted Communities Grant under the American Rescue Plan / State Fiscal Recovery Funds as presented - Director, Department of Parks and Recreation
 - (H) Board approval of an Agreement with Flock Group, Inc. in the amount of \$5,700 to install two Falcon cameras at Eagles Beak Park with authorization for the County Manager to sign documents in furtherance of the same as presented - Director, Department of Parks and Recreation
 - (I) Board approval of a Change Order #11 in the amount of \$2,195,601.00 for the Ronald Reagan Boulevard Extension (PEN12) project under contract with GP's Enterprises (Contract Number 1202000014) with the approval of a Budget Resolution and with authorization for the County Manager to execute documents in furtherance of the same - Transportation Project Manager, Department of Capital Projects

- (J) Board approval of Task Order No. 1 with Jacobs Engineering Group, Inc. for Project Support and Construction Engineering and Inspection Services in the amount of \$3,218,235 as presented - Director, Department of Capital Projects
- (K) Board approval of a Right of Way Agreement between Forsyth County and the Georgia Department of Transportation (GDOT) for Federal Aid projects for the SR 9 at Jewell Bennett Road Improvement Project with authorization for the Chair to execute documents in furtherance of same - Transportation Project Manager, Department of Capital Projects
- (L) Board authorization for staff to proceed with the Public Hearing process regarding amendments related to Car Wash within Chapters 3, 10, 11, 12, 14, 16, 17, and 21 of the Unified Development Code - Planning Manager, Department of Planning and Community Development
- (M) Board authorization for the use of County resources to further advance the Smartcities/Smartcorridors Initiative - Assistant County Manager (Kenney) / County Attorney
- (N) Board approval of a Professional Services Agreement between Forsyth County and Mary Kirkpatrick for consulting services as presented - County Manager
- (O) Board approval of a Second Amendment to the Provisional Certificate of Occupancy Agreement with the Gauthiers - County Attorney
- (P) Board approval of an Intergovernmental Agreement between Forsyth County, Cherokee County, and the Cherokee County Water & Sewerage Authority to authorize Forsyth County to provide water and sewer service to a residential development located in both Forsyth and Cherokee counties as presented - County Attorney
- (Q) Board denial of the request from the Development Authority and Inline Communities for Forsyth County to approve the tendering of a PUD rezoning application to the City of Cumming for the County's Veterans Memorial Property 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, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, August 18, 2022, and September 15, 2022 Agendas)

- (2) 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
(Postponed from the September 15, 2022 Agenda)
- (3) Public Hearing and possible vote regarding the request for County-Initiated request for an Amendment of Zoning Conditions on ZA3837 (Bennett Capital Partners, LLC) by Forsyth County Board of Commissioners - Parcels 211-017, 211-078, 211-099, 211-093, 211-096, 211-095, 211-104, 211-082, 211-105, 211-081, 211-102, 211-084, 211-092, 211-100, 211-086, 211-098, 211-103, 212-008, 211-094, 211-101, 211-085, 211-088, 211-090, 211-087, 211-083, 211-097, 211-089, 211-091, and 211-080 - AZ220037 - District 4 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding amendments to the Unified Development Code related to the Coal Mountain Town Center Overlay within Chapters 7, 9, and 21 as well as the Official Overlay District Map of Forsyth County - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on September 27, 2022.)
- (5) Public Hearing and possible vote regarding the County-Initiated request to rezone from Commercial Business District (CBD), Neighborhood Shopping District (NS), Agricultural District (A1), Single Family Residential District (RES3), and Multi-Family Residential District (RES6) to Mixed-Use Center District (MCD) on 139.38 acres - Parcels 216-256, 216-035, 216-095, 216-037, 216-045, 216-051, 216-063, 216-032, 216-031, 216-042, and 216-043 - ZA4077 - District 4 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the County-Initiated variance to: 1.) Reduce the landscape strip abutting Bottoms Road from 25 feet to 0 feet (UDC Table 14.2) - Parcel 235-218 - VA220086 - District 4 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3217 (Kiwp Blackburn) by Hal Pruitt - Parcel 220-457 - AZ220031 - District 5 - Director, Department of Planning and Community Development

IX. Public Comments

X. Old Business

- (1) Board consideration and possible adoption of the Comprehensive Plan partial update - Amanda Hatton, Blue Cypress Consulting / Deputy Director, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on June 28, 2022; the second Public Hearing was held before the Board of Commissioners on July 7, 2022; the third Public Hearing was held before the Board of Commissioners on August 4, 2022)

XI. New Business

- (1) 5650 Howard Road, LLC - CP220023 - to operate an open storage yard with 185 parking spaces with a proposed 1,300 sq. ft. maintenance building on 11.05 acres currently zoned Agricultural District (A1) - Parcel 010-013 - District 1 - Director, Department of Planning and Community Development
- (2) JE Investment 4 LLC - ZA4080 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 2.659 acres with a Conditional Use Permit (CUP) for contractors' establishments in buildings totaling 31,875 sq. ft. with 109 parking spaces with the following variances to: 1.) Reduce the zoning setback along the southern property boundary from 50 ft. to 20 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer along the southern property boundary from 40 ft. to 20 ft. (UDC Table 12.2); and, 3.) Reduce the landscape strip along the northern property boundary from 10 ft. to 2 ft. (UDC 12-10.15); 4. Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcel 077-070 - District 1 - Director, Department of Planning and Community Development
- (3) Artisan Built Communities, LLC - ZA4082 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 23.69 acres for 31 residential lots with a density of 1.31 units per acre - Parcel 053-002 - District 1 - Director, Department of Planning and Community Development
- (4) Yellowstone Capital Group LLC - ZA4064 - to rezone from Office and Institutional District (O&I) to Commercial Business District (CBD) on 1.668 acres for retail and a restaurant with drive-through facilities in buildings totaling 5,472 sq. ft. with 28 parking spaces with the following variances to: 1.) Reduce the zoning buffer adjacent to tax map/parcel 109-016 from 40 ft. to 20 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer adjacent to tax map/parcel 109-112 from 40 ft. to 0 ft. (UDC Table 12.2); 3.) Reduce the zoning setback along the southern and eastern property boundaries from 50 ft. to 30 ft. (UDC Table 12.2); 4.) Reduce the Pedestrian Landscape Zone on the eastern side of the building from 8 ft. to 0 ft. (UDC Table 12.3); 5.) Reduce the Sidewalk Zone on the eastern side of the building from 6 ft. to 0 ft. (UDC Table 12.3); and, 6.) Reduce the Façade Landscape Zone on the eastern side of the building from 6 ft. to 0 ft. (UDC Table 12.3) - Parcel 109-321 - District 2 - Director, Department of Planning and Community Development
- (5) S1 Properties LLC - ZA4073 - to rezone from Single Family Residential District (R1) to Commercial Business District (CBD) on 8.898 acres for a 31,800 sq. ft. indoor commercial recreational facility with 124 parking spaces and retail and restaurants in commercial buildings totaling 16,400 sq. ft. with 84 parking spaces with Conditional

Use Permits (CUPs) for a 53,068 sq. ft. hotel with 140 parking spaces, an outdoor commercial recreational facility, electronic game playing center and bowling alley with the following variances to: 1.) Reduce the percentage of Electric Vehicle capable spaces from 9% to 2.3% (UDC 12-13.7(A)(4)(b)); 2.) Increase the percentage of parking that fronts the main buildings' entrances from 60% to 100% (UDC 21-8.5(A)); 3.) Increase the maximum building height for building 3 from 40 ft. to 60 ft. (UDC Table 12.2); 4.) Reduce the Pedestrian Landscape Zone on the south side of building 1, the east side of building 4 and a portion of the south side of building 3 from 8 ft. to 0 ft. (UDC Table 12.3); 5.) Reduce the Sidewalk Zone on the south side of building 1 and a portion of the south side of building 3 from 6 ft. to 0 ft. (UDC Table 12.3); and, 6.) Reduce the Façade Landscape Zone on the south side of building 1 and a portion of the south side of building 3 from 6 ft. to 0 ft. (Table 12.3) - Parcels 112-001 and 112-211 - District 2 - Director, Department of Planning and Community Development

- (6) Allan and Elisha Wiggins - ZA4086 - to rezone from Single Family Residential District (RES2) to Agricultural District (A1) on 2.82 acres for 1 residential lot with a density of 0.36 units per acre associated with an existing 5,745 sq. ft. dwelling - Parcel 013-437 - District 3 - Director, Department of Planning and Community Development
- (7) CTA Residential, LLC - ZA4084 - to rezone from Neighborhood Shopping District (NS) to Commercial Business District (CBD) on 1.156 acres with Conditional Use Permits (CUPs) for a 2,545 sq. ft. contractor's establishment with 9 parking spaces with an open storage yard with the following variances to: 1.) Reduce the zoning buffer along the eastern and western property boundaries from 40 ft. to 0 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer along the southern property boundary from 40 ft. to 20 ft. (UDC Table 12.2); 3.) Reduce the landscape strips along the eastern and western property boundaries from 10 ft. to 0 ft. (UDC 12-10.15); 4.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18); 5.) Reduce the front landscape strip adjacent to the existing structure only, from 20 ft. to 0 ft. (UDC 21-12.5(B)(2)); and, 6.) Reduce the common area from 5% to 0% (UDC 21-12.8(A)(12)) - Parcel 119-051 - District 4 - Director, Department of Planning and Community Development
- (8) Hal Pruitt - CP220022 - to operate a 1,270 sq. ft. contractor's establishment with 7 parking spaces associated with a previously approved open storage yard on 0.852 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Reduce the front landscape strip adjacent to the existing structure only, from 10 ft. to 0 ft. (UDC Table 12.2); and, 2.) Reduce the front setback adjacent to the existing structure only, from 40 ft. to 0 ft. (UDC Table 12.2) - Parcel 220-457 - District 5 - Director, Department of Planning and Community Development
- (9) Squirrel Tree Services, Inc. - CP220029 - to build a 900 sq. ft. contractor's establishment with 4 parking spaces with an open storage yard on 1.682 acres currently zoned Commercial Business District (CBD) - Parcel 256-013 - District 5 - Director, Department of Planning and Community Development
- (10) Cottages at Shady Shores LLC - ZA4054 - to rezone from Lake Residential District (LR) to Master Planned District (MPD) on 57.75 acres for 314 apartments with a density of 5.44 units per acre and commercial buildings totaling 29,300 sq. ft. with

148 parking spaces with the following variance to: 1.) Increase the percentage of total residential units for apartments from 20% to 100% (UDC 20B-1.2(C)(2)) - Parcel 220-017 - District 5 - Director, Department of Planning and Community Development

- (11) Pushpavathi Reddyvari Manikindi - ZA4068 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 18.8 acres for 22 residential lots with a density of 1.17 units per acre - Parcel 228-018 - District 5 - Director, Department of Planning and Community Development

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment