

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 20, 2023 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 March 16, 2023
- (2) Work Session and Executive Session of March 21, 2023
- (3) Work Session and Executive Session of April 11, 2023

VII. Consent Agenda

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of March 21, 2023
- (2) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Cloverfield Lane, Misty Meadow Lane, Wild Violet Drive, Wispy Hollow, and all other property and property rights as shown on the Subdivision Plat for Brookemeade, Phase 3A recording in Plat Book 205, Pages 256-268, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering
- (3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on a portion of Ryker Road, Callan Trail, and all other property and property rights as shown on the Subdivision Plat for Arden on Lanier, Phase 1 recording in Plat Book 205, Pages 22-31, Forsyth County, Georgia Records - District 5 - Director, Department of Engineering
- (4) Board ratification of the following Items that were discussed and voted on at the Work Session held on March 21, 2023 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval to declare a tendered list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Interim Director, Department of Procurement

- (B) Board approval of a Professional Services Contract between Forsyth County and Chris Grimes for as-needed Emergency Management, E-911, and Radio System Administration Consulting Services with approval of a Budget Resolution as presented - Director, Department of Employment Services
 - (C) Board approval of Invoice # INV-012472 for the Georgia Department of Transportation in the amount of \$4,433,539.74 for Water and Sewer Infrastructure Relocations due to the State Route 9 Road Widening Project from Post Road to Bethelview Road with authorization for the County Manager to execute documents in furtherance of same - Deputy Director, Department of Water and Sewer
 - (D) Board approval of a Sewer Capacity Purchase Agreement with the City of Cumming in the amount of \$302,910.00 for the Freedom Park Development with authorization for the County Manager to execute documents in furtherance of same - Vertical Capital Projects Manager, Department of Capital Projects
 - (E) Board authorization for staff to proceed with the Public Hearing process regarding amendments to the Forsyth County Alcohol Code to allow cheese/wine shops (package license) to be authorized to sell alcohol for on-premise consumption, with a limit of 3 standard pours of wine per person per day - Levent / Mills
 - (F) Board approval of a retention agreement retaining Roger Murray, Esq. to represent both Forsyth County and the Forsyth County Development Authority in the SoFo Sports Park bond transaction, with fees to be paid by SoFo (So Fo Sports Group, LLC), and for a related conflict waiver enabling Attorney Murray to represent both the Development Authority and the County - County Attorney
 - (G) Board authorization for staff to proceed with the Public Hearing process regarding proposed revisions to the Forsyth County Alcohol Code as described by Legal Counsel - County Attorney
- (5) Board ratification of the following Items that were discussed and voted on at the Work Session held on April 11, 2023 (as anticipated by Board Rule 1.07.01):
- (A) Board authorization for the County's Extension Service to accept an award from the Georgia Department of Natural Resources for a Wildlife Viewing Grant in the amount of \$1,915.00 with a \$1,500.00 in-kind match with approval of a Budget Resolution and with authorization for the Chairman to sign associated required documents - County Extension Coordinator, UGA Extension Forsyth County
 - (B) Board approval of the 2023-2024 ACCG-IRMA Safety Discount Verification Form with authorization for the Chairman to sign said form - Risk and Safety Manager, Department of Employment Services

- (C) Board approval of a Second Amendment to the Master Services Agreement with Healthstat, Inc. to update Dispensary Services at the Health & Wellness Center as presented - Employee Benefits Manager, Department of Employment Services
- (D) Board approval to declare a tendered list of items as surplus with authorization for the Department of Procurement to dispose of accordingly as presented - Interim Director, Department of Procurement
- (E) Board approval to award RFP 22-134-2210 to Industrial Organizational Solutions, Inc. in the not to exceed amount of \$70,000.00 for Examination and Testing Services for the Fire Department with approval of the associated services contract and with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Public Facilities
- (F) Board approval to award Bid 23-006-1620 to Fit Communities, Inc. (dba Rubber Floors and More) in the amount of \$62,447.28 for the Fowler Park Recreation Center's Flooring for the Department of Parks and Recreation as presented - Director, Department of Public Facilities
- (G) Board approval of Change Order 3 with Crown Service Contractors in the amount of \$57,237.00 regarding Bid 21-94-1620 for Renovation of the Department of Fleet Maintenance as presented - Director, Department of Public Facilities
- (H) Board approval of a Service Agreement between Trane U.S. Inc. and Forsyth County with an annual cost of \$24,379.80 for Service and Maintenance of the Trane Tracer Building Automation Systems with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Public Facilities
- (I) Board approval to award RFQ 23-004-5211 to BCC Engineering, LLC, dba Heath & Lineback, for Big Creek Greenway Engineering Services on an as-needed basis with approval of the associated services contract and with authorization for the County Manager to execute documents in furtherance of same - Interim Director, Department of Parks and Recreation
- (J) Board approval of a 3-year annual service with Mission Communications, LLC in the amount of \$63,138.47 for the continued Remote Monitoring and Control of Wastewater Lift Stations, Water Storage Tanks, and Other Sites for calendar years 2023, 2024, and 2025 - Assistant County Manager (Lucas)
- (K) Board approval of an Easement for Ingress and Egress between Georgia Transmission Corporation and Forsyth County for the Freedom Park Campus with authorization for the County Manager to execute documents in furtherance of same as presented - Vertical Capital Projects Manager, Department of Capital Projects

- (L) Board approval of an Encroachment Agreement for Easement between Georgia Transmission Corporation and Forsyth County for the Hammonds Crossing 115 KV Transmission Line located at the Freedom Park Campus with authorization for the County Manager to execute documents in furtherance of same as presented - Vertical Capital Projects Manager, Department of Capital Projects
 - (M) Board approval of a Right of Way Easement to Sawnee EMC for the Primary Power Service and Distribution Lines for the Freedom Park Campus with authorization for the County Manager to execute documents in furtherance of same - Vertical Capital Projects Manager, Department of Capital Projects
 - (N) Board authorization to take no action regarding a Board generated rezoning for ZA3819, Liu Investment Partners, LLLP - District 3 - Planning Manager, Department of Planning and Community Development
 - (O) Board authorization to take no action regarding a Board generated rezoning for ZA3996, Qing Zhang - District 3 - Planning Manager, Department of Planning and Community Development
 - (P) Board approval of an Order Agreement along with Addendum 1 to acquire JustFOIA Open Records Request Management Software in the amount of \$14,056.88 as presented - Constituent Services Liaison, Department of Administration
 - (Q) Board authorization to postpone the consideration and approval of a Change Order with Kimley-Horn and Associates, Inc. in the amount of \$171,173.32 for revised Scope of Work that removes previous work completed prior to January 2023 related to the McFarland Livable Centers Initiative (LCI) Study Area Investment Feasibility Study for the Department of Public Transportation with authorization for the County Manager to execute documents in furtherance of same; General Fund (20%) and ARC LCI grant (80%) to the April 25, 2023 Work Session - County Manager
 - (R) Board approval of an Encroachment, Indemnification and Maintenance Agreement between H Pruitt, LLC and Forsyth County, Tax Parcel 220-457 as presented - County Attorney
- (6) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 11, 2023

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA3916 (Halvorsen Development Corporation) by Forsyth County Board of Commissioners - Parcels 031-077, 031-110, 031-192, 031-182, and 031-076 - AZ230005 - District 1 - Director, Department of Planning and Community Development

- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3022 (Eastbrooke Properties LLC) by Ben and Kellie Hall with the following variances to: 1.) Reduce the impervious setback from 75 ft. to 67 ft. (UDC 18-11.2(B)); and, 2.) Reduce the rear setback from 25 ft. to 11 ft. (UDC Table 11.2(b)) - Parcel 032-503 - AZ230006 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2048 (Larry Morris) by Daniel Fries & Associates, Inc. - Parcel 125-134 - AZ230009 - District 1 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote for approval of an Alternate Design for United Office Holdings, LLC with the following variances to: 1.) Reduce the Pedestrian Landscape Zone from 8 ft. to 0 ft. (UDC Table 12.3); 2.) Reduce the Sidewalk Zone from 6 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Facade Landscape Zone from 6 ft. to 0 ft. (UDC Table 12.3); 4.) Reduce the required front landscape strip to 0 ft. (UDC Table 12.3 and UDC Table 12.2); and, 5.) Reduce the required number of benches and trash/recycling cans from 1 for every 200 linear ft. to 0 (UDC 12-13.5(G)(2)(a-b)) - Parcel 159-011 - AD230002 - District 2 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3411 (Paces Battle Properties, LLC) by Neil Prater - Parcel 061-178 - AZ230007 - 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 ZA3923 (Forsyth County Board of Commissioners) by 369 Bannister Associates, LLC - Parcel 145-097 - AZ230003 - District 4 - Director, Department of Planning and Community Development
(Postponed from the March 2, 2023 Agenda)
- (7) Public Hearing and possible vote regarding the County-Initiated variance to reduce the rear setback from 25 ft. to 12 ft. (UDC Table 12.2) - Parcel 217-811 - VA230012 - District 4 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 4.271 acres - Parcel 294-075 - ZA4120 - District 4 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the approval of a Sketch Plat for Nets & Turf Arena LLC with the following variances to: 1.) Increase the maximum building height from 40 ft. to 46 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer along the northern property boundary as shown on the site plan from 40 ft. to 0 ft. (UDC Table 12.2); 3.) Reduce the zoning setback along the northern property boundary adjacent to the existing structure only from 50 ft. to 10 ft. (UDC Table 12.2); and, 4.) Reduce the rear setback for outlot 4 only from 25 ft. to 0 ft. adjacent to the existing structure only (UDC Table 12.2) - Parcels 110-399, 110-025, and 110-400 - SP230001 - District 5 - Director, Department of Planning and Community Development

- (10) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Lot Size Variances within Chapter 8 - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 28, 2023)
- (11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Building Heights, Corner Lots, and Table Note within Chapters 10, 11, and 18 - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 28, 2023)
- (12) Public Hearing and possible vote regarding amendments to Chapter 8 of the Unified Development Code to ensure compliance with the 2022 State Law Amendments to the Zoning Procedures Law - County Attorney
(The first Public Hearing was held before the Planning Commission on February 28, 2023)
- (13) Public Hearing and possible vote regarding Board of Commissioners action on a Resolution to Impose/Extend a Moratorium on the Receipt of Zoning Applications or Zoning Condition Amendment Applications Related to Conservation Subdivisions - County Attorney
- (14) Public Hearing and possible vote regarding amendments to the Alcohol Ordinance, otherwise known as Forsyth County Ordinance 68, to amend language and definitions that pertain to Collecting Alcohol Excise Tax; Incorporate Mixed-Use Center Districts (MCD); Amend Exemption to Allow Consumption at Specialty Wine Markets; Repeal Conflicting Ordinances; and for other purposes - County Attorney
- (15) Public Hearing and possible vote regarding approval of a Settlement Agreement between Sierra Lake Holding, Inc. and Forsyth County, Georgia. If approved, the Agreement will settle claims between the parties and otherwise grant zoning and land use-based entitlements and variances on 39.44 acres at Matt Highway and Sierra Lake Drive, otherwise known as Forsyth County Tax Parcel 190-014 and a portion of Tax Parcel 190-216. The Settlement Agreement will authorize the property to be built-out with 9,000 sq. ft. minimum lot sizes, a minimum lot width of 60 feet, a maximum building height of 35 feet, and render inapplicable UDC 18-12.1 and Section 34-34(c)(20) of the County Code regarding undisturbed areas of separation - County Attorney

IX. Public Comments

X. Old Business

- (1) Board consideration 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
(A Public Hearing was held before the Board of Commissioners on November 17, 2022; the Board voted unanimously to postpone, for decision only, to the December 15, 2022 Agenda. Postponed from the December 15, 2022, February 16, 2023, and March 16, 2023 Agendas.)

- (2) Board consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2945 (Douglas Sorrells) by CCM, L.P. - Parcels 190-036 and 190-218 - AZ230002 - District 4 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on March 2, 2023; the Board voted 4-0-1 (Commissioner Levent absent) to postpone, for decision only, to the March 16, 2023 Agenda. Postponed from the March 16, 2023 Agenda.)
- (3) Board consideration 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: 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 5 - 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. A Public Hearing was held before the Board of Commissioners on October 20, 2022 - the Board voted 4-0-1 (Commissioner John absent) to postpone, for decision only, to the November 3, 2022 Agenda. Postponed from the November 3, 2022, November 17, 2022, December 1, 2022, December 15, 2022, January 5, 2023, and March 2, 2023 Agendas.)

XI. New Business

- (1) T3 Event Rentals Inc - CP230002 - to operate an open storage yard associated with an existing 37,400 sq. ft. warehouse with 38 parking spaces on 12.405 acres currently zoned Restricted Industrial District (M1) - Parcel 042-322 - District 3 - Director, Department of Planning and Community Development
- (2) Waffle House Inc - CP230003 - to conduct around the clock business in a 1,900 sq. ft. restaurant with 29 parking spaces on 0.561 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Increase the maximum number of parking spaces from 19 to 29 (UDC Table 17.1); 2.) Reduce the rear setback from 25 ft. to 15 ft. (UDC Table 12.2); 3.) Reduce the front landscape strip from 10 ft. to 6 ft. (UDC Table 12.2); 4.) Increase the percentage of parking that fronts the main building entrance from 50% to 65% (UDC 21-12.5(E)(2)); 5.) Reduce the common area from 5% to 0% (UDC 21-12.8(A)(12)); and, 6.) Reduce the side landscape strip from 10 ft. to 6 ft. (UDC 12-10.15) - Parcel 217-811 - District 4 - Director, Department of Planning and Community Development
- (3) Chestatee FC Land, LLC - ZA4101 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 201.141 acres for 183 residential lots with a density of 0.91 units per acre with the following variance to: 1.) Reduce the front setback from 30 ft. to 25 ft. (UDC Table 11.2(b)) - Parcels 293-143, 294-004, 293-142, 281-027, and 294-002 - District 4 - Director, Department of Planning and Community Development

- (4) Board consideration and possible approval regarding an accessory use for Browns Bridge Church - District 4 - Director, Department of Planning and Community Development
- (5) Richard Munson - ZA4104 - to rezone from Neighborhood Shopping District (NS) to Commercial Business District (CBD) on 2.193 acres with Conditional Use Permits (CUPs) for a 65,494 sq. ft. climate controlled self-service storage facility with 17 parking spaces and a 500 sq. ft. vehicle rental establishment with 4 parking spaces and an open storage yard with 3 parking spaces with the following variance to: 1.) Reduce the separation distance between self-service storage businesses from $\frac{3}{4}$ of a mile to 0 (UDC 16-4.31(G)) - Parcels 106-093 and 106-092 - District 5 - Director, Department of Planning and Community Development
(Postponed from the March 16, 2023 Agenda)
- (6) Jagadeesan Sarguru - ZA4106 - to rezone from Office Residential District (OR) to Single Family Residential District (RES2) on 0.687 acres for 1 residential lot with a density of 1.46 units per acre - Parcel 135-078 - District 5 - Director, Department of Planning and Community Development

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment