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REVISED

**AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, MAY 18, 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

- (1) Board presentation of Resolutions to Laurel Ross, Samantha Schoenfeld, and Clara Hamilton for each earning the *Girl Scout Gold Award* - Mills / Semanson
- (2) Board recognition of the Department of Recycling and Solid Waste and Department of Water and Sewer's Storm Drain Art Contest winners - County Manager
- (3) Board recognition of Keep Forsyth County Beautiful for receiving the *2022 Georgia Adopt-A-Stream Watershed Award* - County Manager
- (4) Board recognition of Apryl Milam, Department of Recycling and Solid Waste, for receiving the *2022 Georgia Adopt-A-Stream Innovation in Adopt-A-Stream Award* - County Manager

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of May 4, 2023
- (2) Work Session and Executive Session of May 9, 2023

VII. Consent Agenda

- (1) **Board action to modify Minutes previously approved.** At the Board of Commissioners' May 4, 2023 Meeting, the Board approved the April 20, 2023 minutes, which included Board action regarding AZ230005. In preparing the official minutes, condition number 4 of the AZ230005 was errantly omitted, though it was displayed at the April 20, 2023 Meeting; condition number 4 needs to be included in the April 20, 2023, Minutes. As such, this Board approval will authorize the Forsyth County Clerk to modify the official April 20, 2023 Minutes for AZ230005 by including the following inadvertently omitted condition: *4. Owner/Developer shall dedicate right of way of 25 feet from centerline on Era Drive as part of site development, or when needed by Forsyth County Department of Engineering.* This approval shall authorize the Clerk to modify the April 20, 2023 Minutes by adding the omitted condition and re-post the modified Minutes as the official minutes of the April 20, 2023 BOC Meeting - County Attorney

- (2) **Board ratification of approval of RFP 22-134-2410.** RFP 22-134-2410 was approved by the Board of Commissioners on April 20, 2023, with an Agenda Header that contained a scrivener's error. The Agenda Header errantly referenced RFP 22-134-2210. This approval hereby ratifies the award of RFP 22-134-2410, and further authorizes the Clerk to the Board of Commissioners to manually affix an asterisk (**) on the April 20, 2023 Minutes at Consent Agenda Item (E) to cross-references to this ratification, as clarification of the correction - County Attorney
- (3) Board ratification of the following Items that were discussed and voted on at the Work Session held on May 9, 2023 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval to renew a Motorola Service Agreement in the amount of \$657,355.87 for four (4) tower locations and Public Safety Radio Equipment for 2023 for the Department of Emergency Management with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Emergency Management
 - (B) Board approval to award Bid 22-124-1620 to Crown Service Contractors in the amount of \$32,560.00 for Fire Fleet Maintenance Restroom Renovation for the Department of Public Facilities with approval of the Associated Services Contract and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Public Facilities
 - (C) Board approval of a Task Order with Brockington and Associates Inc., dba HW Exhibits, in the amount of \$390,574.85 for the design and installation of Sawnee Mountain Preserve Visitor Center Exhibits as presented - Natural Resources Manager, Department of Parks and Recreation
 - (D) Board approval to award Bid 23-010-3320 to Llamas Coatings, Inc. in the amount of \$93,728.00 for the Antioch Water Treatment Plant Coatings Rehab Phase 1 for the Department of Water and Sewer with approval of the Associated Services Contract and with authorization for the County Manager to execute documents in furtherance of same as presented - Interim Director, Department of Water and Sewer
 - (E) Board approval of Change Order #1 with NOVA in the amount of \$107,395.00 for the SR 369/400 Widening and Interchange Project (PO 20202519) - Transportation Project Manager, Department of Capital Projects
 - (F) Board approval of a supplemental Task Order No.1A in the amount of \$48,348.00 for Construction Engineering and Inspection Services for the Shiloh Roundabout Project (PE139) as presented - Transportation Project Manager, Department of Capital Projects
 - (G) Board approval of a Supplemental Task Order No. 2A in the amount of \$59,964.00 for Construction Engineering and Inspection Services for the Brannon Road Sidewalk Project (PEB38) - Transportation Project Manager, Department of Capital Projects Department
 - (H) Board approval of a Budget Resolution for the final Budget Amendment to close the 2022 Fiscal Year as presented - Chief Financial Officer
 - (I) Board authorization for staff to proceed with putting together a scope for the fiscal impact study related to "*The Gathering*" and return to a future Work

Session with the proposal's parameters for possible approval and budgeting -
Semanson / Mills

- (4) Board adoption of Resolutions to Laurel Ross, Samantha Schoenfeld, and Clara Hamilton for each earning the *Girl Scout Gold Award* - Mills / Semanson
- (5) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of May 9, 2023

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for a Conditional Alcohol License to sell malt beverages (beer), wine, and distilled spirits by the package on the premises for Vighnaharta 2, LLC dba Sip Wine & Spirits located at 3915 Towne Club Parkway, Suite C - Named Licensee is Nima Amin - AL03412 - District 2 - Business License Manager, Department of Business License
- (2) 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
(Postponed from the April 20, 2023 Agenda)

IX. New Business

- (1) Beaver Motors GA, LLC - CP230006 - to build a 32,560 sq. ft. new vehicle sales dealership with 179 parking spaces on 7.138 acres currently zoned Highway Business District (HB) with the following variances to: 1.) Reduce the zoning buffer adjacent to tax map/parcel 200-220 from 40 ft. to 0 ft. (UDC Table 12.2); 2.) Reduce the Pedestrian Landscape Zone as shown on the site plan from 8 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Sidewalk Zone as shown on the site plan from 6 ft. to 0 ft. (UDC Table 12.3); 4.) Reduce the Facade Landscape Zone as shown on the site plan from 6 ft. to 0 ft. (UDC Table 12.3); 5.) Reduce the number of parking islands from 1 per 10 parking spaces to 0 (UDC 12-13.6(A)); 6.) Increase the percentage of vehicles visible along the road frontage from 10% to 100% (UDC 12-13.13(A)); and, 7.) Increase the percentage of parking that fronts the main building entrance from 60% to 100% (UDC 21-11.5(B)) - Parcel 200-240 - District 2 - Director, Department of Planning and Community Development

VIII. Public Hearings (continued)

- (3) Public Hearing and possible vote for approval of an Alternate Design for Beaver Motors GA, LLC with the following variances to: 1.) Reduce the common area from 5% to 0% (UDC 21-11.6(A)(8)); and, 2.) Reduce the required front landscape strip to 0 ft. (UDC Table 12.3 and UDC Table 12.2) - Parcel 200-240 - AD230001 - 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 ZA3719 (Beaver Motors GA, LLC) by Beaver Motors GA, LLC - Parcel 200-240 - AZ230008 - District 2 - Director, Department of Planning and Community Development

IX. New Business (continued)

- (2) 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
(Postponed from the April 20, 2023 Agenda)

VIII. Public Hearings (continued)

- (5) 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
(Postponed from the April 20, 2023 Agenda)
- (6) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate a 5,760 sq. ft. massage parlor in an existing building with 26 parking spaces on 39.5592 acres currently zoned Commercial Business District (CBD) - Parcel 107-034 - CP230015 - District 5 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the revocation of existing Conditional Use Permit (CUP) CP190048 - Parcel 107-034 - District 5 - Director, Department of Planning and Community Development
- (8) 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
(First Public Hearing held before the Board of Commissioners on April 20, 2023)

X. Public Comments

XI. Old Business

- (1) 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 and April 20, 2023 Agendas.)
- (2) 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, March 2, 2023, and April 20, 2023 Agendas.)

IX. New Business (continued)

- (3) Vijay Garlapati - ZA4108 - to rezone from Agricultural District (A1) and Single Family Residential District (R1) to Commercial Business District (CBD) on 11.481 acres for a 9,948 sq. ft. day care center with 31 parking spaces, a 16,800 sq. ft. indoor commercial recreational facility with 78 parking spaces and office, retail and restaurants in buildings totaling 49,840 sq. ft. with 224 parking spaces with the following variances to: 1.) Reduce the zoning setback adjacent to tax map/parcel 099-055 from 50 ft. to 10 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer adjacent to tax map/parcel 099-055 from 40 ft. to 0 ft. (UDC Table 12.2); 3.) Reduce the sides of the building exterior that parking is distributed on from 2 sides to 1 side (UDC 21-11.5(B)); and, 4.) Increase the percentage of parking that fronts the main building entrance from 60% to 100% (UDC 21-11.5(B)) - Parcels 099-053 and 099-051 - District 1 - Director, Department of Planning and Community Development
- (4) New Heights Academy, Inc. - CP230005 - to operate a 4,700 sq. ft. private school in an existing building with 23 parking spaces on 5.90 acres currently zoned Commercial Business District (CBD) - Parcel 019-154 - District 3 - Director, Department of Planning and Community Development
- (5) 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 284 residential lots and 120 attached residential units with a density of 2.88 units per acre and commercial buildings totaling 88,000 sq. ft. with 359 parking spaces - 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
- (6) Alex Vancea - CP230001 - to operate a 5,591 sq. ft. kennel (breeding, boarding and pet sales) with 5 parking spaces on 18.18 acres currently zoned Agricultural District (A1) with the following variances to: 1.) Reduce the required number of parking spaces from 15 to 5 (UDC Table 17.1); and, 2.) Reduce the side and rear buffers from 25 ft. to 0 ft. (UDC Table 15.2) - Parcel 165-030 - District 4 - Director, Department of Planning and Community Development
- (7) VenSur of Coal Mountain LLC - CP230007 - to operate a special event facility in existing buildings totaling 6,260 sq. ft. with 76 parking spaces and short-term rentals in existing buildings totaling 7,588 sq. ft. for 16 overnight guests with 16 parking spaces on 8.153 acres currently zoned Agricultural District (A1) with the following variances to: 1.) Reduce the side setback along the western property boundary adjacent to the existing structures only from 25 ft. to 0 ft. (UDC Table 15.2); 2.)

Reduce the side setback along the eastern property boundary adjacent to the existing structures only from 25 ft. to 10 ft. (UDC Table 15.2); 3.) Reduce the side buffer along the western property boundary adjacent to the existing structures and existing gravel drive only from 25 ft. to 0 ft. (UDC 15-3.3(F) and Table 15.2); 4.) Reduce the side buffer along the eastern property boundary adjacent to the existing structures and septic tank and septic drain field only from 25 ft. to 10 ft. (UDC 15-3.3(F) and Table 15.2); 5.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18); and, 6.) Increase the maximum number of parking spaces from 42 to 76 (UDC Table 17.1) - Parcel 168-024 - District 4 - Director, Department of Planning and Community Development

- (8) Everett Management, LLC - ZA4109 - to rezone from Planned Unit Development District (PUD) and Commercial Business District (CBD) to Commercial Business District (CBD) on 1.424 acres with a Conditional Use Permit (CUP) for a 4,200 sq. ft. minor automobile service establishment with 22 parking spaces - Parcel 217-225 - District 4 - Director, Department of Planning and Community Development
- (9) Board consideration of authorizing a County-Initiated (Vehicle Sales Establishment) CUP at 2705 Ronald Reagan Boulevard for Gateway Classic Cars of Atlanta - Semanson / John

XII. Administrative Hearings

- (1) Administrative Hearing in reference to an appeal of the decision to not issue an Alcohol Sales Permit for Cody Stahl - SV20607 - Business License Manager, Department of Business License

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment