

**AGENDA**  
**FORSYTH COUNTY BOARD OF COMMISSIONERS**  
**THURSDAY, AUGUST 17, 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 a Proclamation declaring August 24, 2023 as *Peace, Goodness, and Kindness Day* in Forsyth County - Levent / Mills
- (2) Board presentation of a Proclamation declaring August 31, 2023 as *Overdose Awareness Day* in Forsyth County - Mills / Levent

**V. Public Comments**

**VI. Adoption of Minutes**

- (1) Regular Meeting / Public Hearings of August 3, 2023
- (2) Work Session and Executive Session of August 8, 2023

**VII. Consent Agenda**

- (1) Board adoption of a Proclamation declaring August 24, 2023 as *Peace, Goodness, and Kindness Day* in Forsyth County - Levent / Mills
- (2) Board adoption of a Proclamation declaring August 31, 2023 as *Overdose Awareness Day* in Forsyth County - Mills / Levent
- (3) Board adoption of a Resolution authorizing an Affidavit concerning the Executive Session of August 8, 2023
- (4) Board ratification of the following Items that were discussed and voted on at the Work Session held on August 8, 2023 (as anticipated by Board Rule 1.07.01):
  - (A) Board approval of Invoice # INV-012209 for the Georgia Department of Transportation in the amount of \$3,725,240.25 for Water and Sewer Infrastructure Relocations due to the State Route 9/Atlanta Highway Road Widening Project from County Road 458/McFarland Parkway to State Route

371/Post Road/Mullinax Road - Director, Department of Water and Sewer

- (B) Board approval of a Memorandum of Understanding between Forsyth County and the Lake Lanier Association, Inc. for Life Jacket Loaner Stations - Director, Department of Parks and Recreation
- (C) Board approval of a Budget Resolution in the amount of \$111,213.00 to amend Revenues and Expenses for the Department of Parks and Recreation - Director, Department of Parks and Recreation
- (D) Board approval of Change Orders #2 through 5 for additional work in the total amount of \$68,263.25 for the Shiloh Roundabout Project (PE139) currently under contract with Backbone Infrastructure, LLC (Bid 22-29-1514) - Transportation Project Manager, Department of Capital Projects
- (E) Board approval of Change Order #002 to Purchase Agreement 20192766 with LDDBlueline, Inc. in the deductive amount of (\$716,400.00) for deleting all phases of services following the Master Planning of the Matt Park Recreation Center and Library - Vertical Capital Projects Manager, Department of Capital Projects
- (F) Board approval of Change Order #001 to Purchase Agreement 20212541 with Jericho Design Group, LLC for the future Administration Building in the amount of \$155,200.00 - Vertical Capital Projects Manager, Department of Capital Projects
- (G) Board approval of Change Order #001 to Purchase Agreement 20221107 with Jericho Design Group, LLC for additional design service for the future Employee Center buildings in the amount of \$91,838.50 - Vertical Capital Projects Manager, Department of Capital Projects
- (H) Board authorization for staff to proceed with the Public Hearing process regarding amendments to the Unified Development Code related to Color Requirements and Fuel Dispensers within Chapters 3, 12, 14, 16, and 21 - Planning Manager, Department of Planning and Development
- (I) Board authorization for staff to proceed with the Public Hearing process regarding amendments to the Unified Development Code related to Specialty District Standards within Chapter 20B - Planning Manager, Department of Planning and Development
- (J) Board authorization for staff to proceed with the Public Hearing process regarding changing the entity that considers variances related to Areas of Separation - Hill / John
- (K) Board authorization for Tom Brown and staff to proceed with drafting recommendations for revising the County's Unified Development Code regarding changing the entities involved with Areas of Separation (UDC 18-12.1) with direction for Mr. Brown to return to a future Board meeting with the

recommendations - Hill / John

- (L) Board authorization for staff to proceed with drafting recommendations that will address the matter discussed regarding a UDC amendment or stand-alone Ordinance that will (1) require new residential covenants to ensure that each residential lot in a subdivision is afforded equal voting power within the HOA; and, (2) establishes a mandatory requirement regarding that percentage of subdivision home sales that will result in HOA management transferring from the declarant to the community - Hill / Semanson
- (M) Board ratification of debris removal, disposal, and monitoring services as a result of County-wide storm damage caused by the storm event of July 20, 2023, in the amount of \$500,000.00 with approval of a Budget Resolution - County Manager
- (N) Board approval of a Resolution authorizing all County departments to convert hard-copy records to digital records, as deemed appropriate by the respective director - County Attorney
- (O) Board authorization for the County Attorney to tender an amicus curiae brief on behalf of Barrow County's position in the pending Service Delivery Strategy litigation at the Georgia Supreme Court between Barrow County and the City of Winder - County Attorney
- (P) Board approval to postpone the consideration of Change Order #001 to Contract 1202200018 with Jericho Design Group, LLC for additional design service for the future Whole Health Building in the amount of \$20,325.00 for additional requirements to the Work Session of August 22, 2023 - Vertical Capital Projects Manager, Department of Capital Projects

## **VIII. Public Hearings**

- (1) Public Hearing and possible vote concerning proposed amendments to the Forsyth County Animal Control Ordinance, otherwise known as Ordinance 11 or Chapter 14 of the Forsyth County Code of Ordinances, to modify certain definitions; to amend provisions for the ownership, care, control of animals; to amend regulations related to animals disturbing the peace; to amend definitions of animal under restraint and animal at large; to provide for the disposal of deceased animals; to amend provisions related to the impoundment of animals; to define hobby breeders and establish requirements for same; to amend provisions related to violation and enforcement of the ordinance; and for other purposes - County Attorney
- (2) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to erect a telecommunication tower (195 ft. monopole) on a leased area of 0.1469 acres on property currently zoned Agricultural District (A1) - Parcel 025-003 - CP220033 - District 1 - Director, Department of Planning and Community Development  
(Postponed from the October 6, 2022, November 3, 2022, December 15, 2022, January 19, 2023, February 16, 2023, and May 4, 2023 Agendas)

- (3) Public Hearing and possible vote regarding the County-Initiated Variance to reduce the front setback from 10 ft. to 8 ft. for lots 62 and 66 (UDC 16-4.8(A)) - Parcels 183-366 and 183-362 - VA230032 - District 2 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the County-Initiated request to rezone from Neighborhood Shopping District (NS) to Agricultural District (A1) on 1.097 acres with a variance to: 1.) Reduce the rear setback from 25 ft. to 5 ft. (UDC Table 15.2) - Parcel 243-001 - ZA4137 - District 4 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2532 (Peachtree Property Group) by Kyle Cartledge - Parcel 130-511 - AZ230021 - District 5 - Director, Department of Planning and Community Development  
(Postponed from the August 3, 2023 Agenda)

**IX. Public Comments**

**X. Old Business**

- (1) 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  
(Postponed from the May 18, 2023 Agenda. During the June 15, 2023 Regular Meeting / Public Hearings, the Board voted unanimously to postpone its decision regarding this Item to the Regular Meeting / Public Hearings of July 20, 2023; postponed from the July 20, 2023 Agenda.)
- (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, April 20, 2023, May 18, 2023, June 15, 2023, and July 20, 2023 Agendas.)

**XI. New Business**

- (1) Olga Monroy - ZA4096 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.56 acres for 2 residential lots with a density of 1.29 units per acre with a 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 008-004 - District 1 - Director, Department of Planning and Community Development
- (2) APPLAB SYSTEMS INC - ZA4124 - to rezone from Agricultural District (A1) to

Single Family Residential District (RES2) on 8.99 acres for 12 residential lots with a density of 1.34 units per acre - Parcels 079-045 and 079-044 - District 1 - Director, Department of Planning and Community Development

- (3) QuikTrip Corporation - CP230017 - to build a 5,312 sq. ft. convenience store with gas pumps conducting around the clock business with 37 parking spaces on 1.489 acres currently zoned Commercial Business District (CBD) with a variance to: 1.) Reduce the front setback abutting Atlanta Highway from 40 ft. to 20 ft. (UDC Table 21.6) and (UDC Table 12.2); 2.) Reduce the required front landscape strip abutting Post Road to 2 ft. (UDC Table 21.6), (UDC Table 12.2), and (UDC 17-5.7); 3.) Reduce the rear setback along the northern property boundary from 25 ft. to 6 ft. (UDC Table 21.6) and (UDC Table 12.2); 4.) Reduce the front setback abutting Post Road from 40 ft. to 34 ft. (UDC Table 21.6) and (UDC Table 12.2); 5.) Reduce the open space from 25% to 15.49% (UDC Table 21.6); 6.) Increase the maximum number of parking spaces from 21 to 37 (UDC 21-6.5(D)(1)); and, 7.) Reduce the landscape strip along the eastern property boundary from 10 ft. to 8 ft. (UDC 21-6.5(A)(2)) and (UDC 12-10.15) - Parcel 038-052 - District 3 - Director, Department of Planning and Community Development
- (4) MKW Capital, LLC - ZA4113 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 40.427 acres for 50 residential lots with a density of 1.24 units per acre with a variance to: 1.) Reduce the required landscape strip abutting Pittman Road to 0 ft. (UDC 11-9.6(J)(1)) and (UDC 21-10.5); 2.) Reduce the exterior buffer abutting Pittman Road from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); 3.) Reduce the minimum width as measured from the perimeter of each contiguous area of disturbance from 50 ft. to 0 ft. for the purpose of calculating minimum square footage for each undisturbed area of separation (UDC 18-12.1(A)(1)); and, 4.) Reduce the minimum width of each undisturbed area of separation from 50 ft. to 0 ft. (UDC 18-12.1(A)(1)) - Parcels 080-264, 080-265, and 080-009 - District 3 - Director, Department of Planning and Community Development
- (5) Jeff Johnson - ZA4122 - to rezone from Single Family Residential District (RES2) to Agricultural District (A1) on 5.635 acres for 5 residential lots with a density of 0.89 units per acre - Parcel 255-083 - District 4 - Director, Department of Planning and Community Development
- (6) First Light, LLC - ZA4125 - to rezone from Agricultural District (A1) and Commercial Business District (CBD) to Mixed-Use Center District (MCD) on 31.055 acres for a 6,008 sq. ft. convenience store with gas pumps conducting around the clock business with 31 parking spaces, a 120,000 sq. ft. climate controlled self-service storage facility with 20 parking spaces, commercial buildings totaling 61,400 sq. ft. conducting around the clock business with 209 parking spaces, light industrial buildings totaling 83,000 sq. ft. conducting around the clock business with 210 parking spaces and an open storage yard with a variance to: 1.) Reduce the zoning buffer along the northern and eastern property boundaries from 40 ft. to 25 ft. (UDC 20B-2.3(A)(4)) - Parcels 236-041 and 236-040 - District 4 - Director, Department of Planning and Community Development

**XII. Recess Regular Meeting**

**XIII. Executive Session (if needed)**

**XIV. Adjournment**