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AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, SEPTEMBER 7, 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) Recognition by County Manager of Solicitor-General Bill Finch for being awarded as *Solicitor-General of the Year* by the Georgia Association of Solicitor-Generals (GASG) - County Manager
- (2) Presentation by County Manager of *Retirement Award* to Avery Gravitt - County Manager
- (3) Board presentation of a Proclamation declaring September 15, 2023 through October 15, 2023 as *Hispanic Heritage Month* in Forsyth County - John / Semanson

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings and Executive Session of August 17, 2023
- (2) Work Session of August 22, 2023

VII. Consent Agenda

- (1) Board ratification of the following Items that were discussed and voted on at a Work Session held on August 22, 2023 (to the extent that a Board Member was not present to vote on the Items presented below at the August 22, 2023 Work Session, the absent Board Member has indicated having no objections to placement of the Items on the Consent Agenda - at the request of County staff - as anticipated by Board Rule 1.07.01):
 - (A) Board approval of a Budget Resolution to amend the Risk Management Operational Budget to transfer \$71,591.00 from the Fund Balance to 61006555 523110 NETWK for the Excess Cyber Security Insurance coverage - Risk and Safety Manager, Department of Employment Services
 - (B) Board reappointment of Terry Smith as an Elected Official Representative to the Forsyth County Civil Service Board to serve a four-year term beginning July 20, 2023 and expire on July 20, 2027 - Director, Department of Employment Services
 - (C) Board approval of the revision to Civil Service Policy 2 Section 2 (c) (2) to update the Method of Conducting Elections for the Employee Representative

- to the Civil Service Board and to update Policy 2 Section 3 (d) to change the month in which the Civil Service Board elects officers - Director, Department of Employment Services
- (D) Board approval to award Bid 23-036-1620 to Five Seasons Mechanical, LLC in the amount of \$87,377.33 for the Avitia Partners HVAC Replacement for the Department of Public Facilities - Director, Department of Public Facilities
 - (E) Board approval of a Lease Agreement with United Athletics, Inc. d/b/a United Futbol Academy for the continued use of the Polo Fields for youth soccer programs - Director, Department of Parks and Recreation
 - (F) Board approval of a Memorandum of Understanding between Forsyth County and the Forsyth County Disc Golf Club LLC for support of disc golf programs and facilities - Director, Department of Parks and Recreation
 - (G) Board approval of a Task Order with Steele & Associates, Inc. in the amount of \$150,000.00 for Big Creek Greenway Boardwalk Repairs located North of Bethelview Trailhead - Director, Department of Parks and Recreation
 - (H) Board approval of a Contract Modification/Supplemental Agreement between Forsyth County and the Georgia Department of Transportation (GDOT) in the amount of \$808,693.98 for the SR 369/400 Interchange (PEW29) Project under contract with Vertical Earth - Transportation Project Manager, Department of Capital Projects
 - (I) Board approval of the First Amendment to the Amended and Restated Services Agreement with T.Y. Lin International in the amount of \$96,178.07 regarding Engineering, Design, and Environmental Services RFP 15-48-3150 / Post Road Widening Project - Transportation Project Manager, Department of Capital Projects
 - (J) Board approval of Supplemental Task Order No. 3A with BCC Engineering in the amount of \$8,000.00 for Constructability Bridge Review Services for the McGinnis Ferry Widening Project (PEW08) - Transportation Project Manager, Department of Capital Projects
 - (K) Board authorization for County staff to proceed with the Public Hearing process regarding a County-Initiated Amendment of Zoning Conditions on ZA1415 (Van Westmoreland) - Parcel 019-009 - Levent / Mills
 - (L) Board approval of a Project Framework Agreement between Forsyth County and Toll Bros., Inc. regarding the timing, land dedication, completion, and other issues related to the Coal Mountain Connector - County Manager; Director, Department of Capital Projects; and, County Attorney
 - (M) Board authorization to move the Work Session of October 10, 2023 to occur at 10:00 a.m. rather than the originally scheduled time of 2:00 p.m. - John / Semanson
- (2) Board adoption of a Proclamation declaring September 15, 2023 through October 15, 2023 as *Hispanic Heritage Month* in Forsyth County - John / Semanson
 - (3) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 22, 2023

- (4) Board clarification of scrivener's error and authorization for the Clerk to manually adjust prior Minutes: On the August 3, 2023 Public Hearing Agenda, at AZ230017, the variance displayed on the screen was correct but the UDC reference contained a scrivener's error. The screen contained a reference to UDC 21-11.5(H)(6), but should have referenced UDC 21-11.5(H)(3). The Board does hereby clarify that its approval of AZ230017 on August 3, 2023 was supposed to have included a variance to UDC 21-11.5(H)(3). The Clerk is hereby authorized to place a hand-written "*" on the August 3, 2023 Minutes, affixed to the Board's approval of AZ230017, cross-referencing to this Agenda Item to alert of this correction.

VIII. Public Hearings

- (1) Public Hearing and possible vote for approval of an Alternate Design for Tribble Crossing, LLC - Parcel 031-116 - AD230004 - 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 ZA4009 (Nitsye LLC) by Nitsye LLC - Parcel 202-016 - AZ230020 - District 2 - Director, Department of Planning and Community Development
(Postponed from the August 3, 2023 Agenda)
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP200012 (North America Shirdi Sai Temple of Atlanta, Inc.) by North America Shirdi Sai Temple of Atlanta, Inc. - Parcel 204-005 - AZ230022 - District 2 - Director, Department of Planning and Community Development

IX. New Business

- (1) Browns Bridge Road One, LLC - CP220056 - to operate a 15,241 sq. ft. minor automobile service establishment and new and used vehicle sales dealership in an existing building with 18 parking spaces on 1.511 acres currently zoned Commercial Business District (CBD) with the following variance to: 1.) Increase the percentage of vehicles visible along the road frontage from 30% to 100% (UDC 12-10.9); 2.) Reduce the landscape strip adjacent to all side and rear lots or lease lines from 10 ft. to 0 ft. (UDC 12-10.15); 3.) Reduce the required paved surface for the display of used vehicles from 1 acre to 0.137 acres (UDC 16-4.37(G)(1)); 4.) Reduce the required number of parking spaces from 83 to 18 (UDC Table 17.1); 5.) Reduce the front landscape strip for existing parking only from 20 ft. to 11 ft. (UDC 21-12.5(B)(2)); and, 6.) Increase the maximum percentage of chain link fencing in a front yard from 25% to 39% (UDC 12-10.19(B)) - Parcel 256-147 - District 4 - Director, Department of Planning and Community Development

VIII. Public Hearings (continued)

- (4) Public Hearing and possible vote for approval of an Alternate Design for Browns Bridge Road One, LLC - Parcel 256-147 - AD230006 - 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 ZA4054 (Cottages at Shady Shores LLC) by Cottages at Shady Shores LLC - Parcel 220-017 - AZ230023 - District 4 - Director, Department of Planning and Community Development

- (6) Public Hearing and possible vote for approval of an Alternate Design for CH DOF I-NDG I Atlanta Pendley, L.L.C. - Parcel 131-256 - AD230008 - District 5 - Director, Department of Planning and Community Development

IX. New Business (continued)

- (2) LUV Car Wash Group, LLC - CP220060 - to build a 395 sq. ft. expansion of a car wash in addition to an existing building totaling 3,524 sq. ft. with 4 parking spaces on 1.024 acres currently zoned Commercial Business District (CBD) with the following variance to: 1.) Reduce the landscape strip abutting McGinnis Ferry Road from 10 ft. to 0 ft. (UDC Table 12.2); 2.) Reduce the landscape strip abutting Faircroft Drive from 10 ft. to 9 ft. for existing concrete (UDC Table 12.2); and, 3.) Reduce the landscape strip along the eastern property boundary from 10 ft. to 1 ft. for existing concrete (UDC 12-10.15) - Parcel 090-007 - District 5 - Director, Department of Planning and Community Development

VIII. Public Hearings (continued)

- (7) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3086 (PIEDMONT PROPERTIES INC) by LUV Car Wash Group, LLC - Parcel 090-007 - AZ230011 - District 5 - Director, Department of Planning and Community Development
- (8) *Public Hearing and possible vote regarding the approval of a Sketch Plat for Castleberry Village, LLC with the following variances to: 1.) Reduce the zoning buffer along the southern property boundary adjacent to tax map/parcel 128-071 from 40 ft. to 25 ft. (UDC Table 12.2); 2.) Reduce the zoning setback along the southern property boundary adjacent to tax map/parcel 128-071 from 50 ft. to 25 ft. (UDC Table 12.2); 3.) Reduce the zoning buffer along the eastern property boundary adjacent to tax map/parcels 128-071 and 128-068 from 40 ft. to 10 ft. (UDC Table 12.2); 4.) Reduce the zoning setback along the eastern property boundary adjacent to tax map/parcels 128-068 and 128-071 from 50 ft. to 10 ft. (UDC Table 12.2); 5.) Reduce the side setback adjacent to tax map/parcel 128-067 from 10 ft. to 0 ft. (UDC Table 12.2); 6.) Reduce the side landscape strip adjacent to tax map/parcel 128-067 from 10 ft. to 0 ft. (UDC 12-10.15); and, 7.) Increase the maximum number of parking spaces from 25 to 29 (UDC 17-2.7) - Parcel 128-558 - SP230003 - District 5 - Director, Department of Planning and Community Development
(*Postponed from the August 3, 2023 Agenda. Based upon action taken by the Board of Commissioners during the August 8, 2023 Work Session, the Public Hearing will occur on September 21, 2023.)
- (9) Public Hearing and possible vote regarding an amendment to the Forsyth County Water Use and Water Conservation Code, otherwise known as Ordinance 88 or Chapter 18, Article VI of the Forsyth County Code of Ordinances, to modify definitions; to consolidate prohibitions; to provide for non-drought restrictions and restrictions on water wasting activities; to amend procedures and response to varying levels of drought; to incorporate standards for landscape irrigation systems; and for other purposes - County Attorney

X. Public Comments

XI. Old Business

IX. New Business (continued)

- (3) Tribble Crossing, LLC - CP230010 - to build a 4,290 sq. ft. staffed car wash with 14 parking spaces and a 1,597 sq. ft. minor automobile service establishment with 6 parking spaces on 4.288 acres currently zoned Commercial Business District (CBD) - Parcel 031-116 - District 1 - 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
(Postponed from the August 17, 2023 Agenda)
- (5) 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
(Postponed from the August 17, 2023 Agenda)
- (6) Board consideration and possible vote regarding Boundary modifications to 07-Cumming, 16-Otwell and City of Cumming municipal voting precinct lines due to annexations and pursuant to procedure in O.C.G.A. § 21-2-262(d) - County Attorney
- (7) Board consideration of a retention agreement retaining Bridge Accounting Services, LLC to provide financial accounting services to Forsyth County - County Manager
- (8) Board consideration and approval of Change Order #001 to Contract 1202200018 with Jericho Design Group, LLC in the amount of \$20,325.00 for additional design service for the future Whole Health Building for additional requirements - Vertical Capital Projects Manager, Department of Capital Projects
(During the August 22, 2023 Work Session, the Board of Commissioners voted 2-2-1 (Commissioners Hill and Levent in favor; Commissioners John and Semanson opposed; and, Commissioner Mills absent) to approve Change Order #001 to Contract 1202200018 with Jericho Design Group, LLC in the amount of \$20,325.00 for additional design service for the future Whole Health Building as presented.)
- (9) Board discussion regarding possibly County-initiating a rezoning of MPD ZA-3500, commonly referred to as the Matt green MPD - Hill / Mills
(During the Work Session of August 22, 2023, the Board voted 4-0-1 (Commissioners John, Semanson, Hill, and Levent in favor; Commissioner Mills absent) to authorize County staff to proceed with the Public Hearing process regarding a County-Initiated

rezoning of MPD ZA3500, commonly referred to as the Matt Green MPD, with authorization for staff to work with Commissioner Hill regarding the details related to the rezoning.)

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment