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AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, OCTOBER 5, 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 October 1, 2023 through October 7, 2023 as *4-H Week* in Forsyth County - Hill / Semanson
- (2) Board presentation of a Proclamation declaring October 15, 2023 through October 21, 2023 as *Family Promise Week* in Forsyth County - Mills / Levent

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of September 21, 2023
- (2) Work Session and Executive Session of September 26, 2023

VII. Consent Agenda

- (1) Board ratification of a Sewer Reservation Agreement for the Dick Creek Water Reclamation Facility (WRF): AH Jacksonville, LLC - 810 gpd - Director, Department of Water and Sewer
- (2) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): 5152, LLC - 537 gpd - Director, Department of Water and Sewer
- (3) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): CA South - 851 gpd - Director, Department of Water and Sewer
- (4) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility (WRF): Skyland Development, LLC - 8,100 gpd - Director, Department of Water and Sewer
- (5) Board ratification of a Sewer Reservation Agreement for the Fulton County / Big Creek basin: Chick-fil-a, Inc. - 2,040 gpd - Director, Department of Water and Sewer
- (6) Board ratification of a Sewer Reservation Agreement for the Fulton County / Johns Creek basin: SS1 Peachtree, LLC - 15,280 gpd - Director, Department of Water and Sewer

- (7) Board ratification of letter contract between Forsyth County and The Arbitrage Group, Inc. for arbitrage services - County Manager
- (8) Board ratification of the following Items that were discussed and voted on at a Work Session held on September 26, 2023 (to the extent that a Board Member was not present to vote on the Items presented below at the September 26, 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 in the amount of \$763,000.00 amending the Fiscal Year 2023 Budget to cover increased costs for Inmate Medical Healthcare for the Sheriff's Office - Director of Business Operations, Sheriff's Office
 - (B) Board approval of the First Amendment to Utility Relocation Agreement regarding the existing Utility Relocation Agreement between Georgia Transmission Corporation (GTC) and Forsyth County for utility relocations associated with the Old Atlanta Rd. widening project - Transportation Project Manager, Department of Capital Projects
 - (C) Board approval of Change Order #2 in the amount of \$330,000.00 with G.P.'s Enterprises, Inc. for the Old Atlanta Widening Phases IV & V for CPM scheduling services - Transportation Project Manager, Capital Projects
 - (D) Board approval to award RFP 22-125-5211 to CHA Consulting, Inc. in the amount of \$97,997.00 for Coal Mountain Park Improvements Design for the Department of Parks and Recreation with approval of associated professional services agreement with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Capital Projects
 - (E) Board approval of the Matt Park Recreation Center and Library Master Plan - Director, Department of Parks and Recreation
 - (F) Board approval to award Bid 23-045-5211 to Court Makers Inc. in the amount of \$150,460.00 for Resurfacing Tennis Courts at Sharon Springs Park for the Department of Parks and Recreation - Director, Department of Parks and Recreation
 - (G) Board authorization to revoke a Resolution regarding Thunder River Way that was approved by the Board of Commissioners during the June 3, 2021 Meeting - Director, Department of Water and Sewer
 - (H) Board authorization for the County Clerk to go back to the June 3, 2021 Agenda Packet and write "Revoked" on the Resolution regarding Thunder River Way and cross-reference the meeting date of the Board's revocation - Director, Department of Water and Sewer
 - (I) Board approval of Task Order #4 with Freese and Nichols, Inc. in the amount of \$361,623.00 for Engineering Design and Bid Phase Services for the Caney Creek Lift Station - Director, Department of Water and Sewer
 - (J) Board approval of an Agreement for Sale of Realty to dispose of County real property located at 1929 Sharon Road (TPN 135 073) to LEFAM USA LLC, a

Georgia limited liability company, for a total sale price of \$117,000.00 as presented by Legal Counsel - County Attorney

- (K) Board authorization staff to return to the next Work Session (October 10, 2023) with recommendations regarding an updated Impact Fee Study to be put into process and completed for potential ordinance modification of the County Impact fees - Hill / Semanson
- (9) Board adoption of a Proclamation declaring October 1, 2023 through October 7, 2023 as 4-H Week in Forsyth County - Hill / Semanson
- (10) Board presentation of a Proclamation declaring October 15, 2023 through October 21, 2023 as *Family Promise Week* in Forsyth County - Mills / Levent
- (11) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of September 26, 2023

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3698 (Land Solution Associates, LLC) by Epcon Post Road, LLC with a variance to: 1.) Reduce the minimum heated floor area per dwelling unit from 2,000 sq. ft. to 1,500 sq. ft. (UDC Table 11.2(b)) - Parcels 033-034, 033-037, 033-087, and 033-033 - AZ230026 - 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 and September 7, 2023 Agendas)

IX. New Business

- (1) Howard Brothers, Inc. - CP230012 - to operate an open storage yard associated with retail trade establishments in existing buildings totaling 9,496 sq. ft. with 23 parking spaces on 1.734 acres currently zoned Commercial Business District (CBD) with the following 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); 2.) Reduce the side landscape strips on tax map/parcel 018-108 from 10 ft. to 0 ft. (UDC 21-6.5(A)(2)) and (UDC 12-10.15); 3.) Reduce the landscape strip along the eastern property boundary of tax map/parcel 018-107 from 10 ft. to 0 ft. (UDC 21-6.5(A)(2)) and (UDC 12-10.15); 4.) Reduce the required front landscape strip to 0 ft. (UDC Table 21.6) and (UDC Table 12.2); 5.) Reduce the landscape strip between the front property line and the parking areas for the existing parking only from 10 ft. to 0 ft. (UDC 17-5.7); and, 6.) Reduce the setback for parking areas from the right-of-way from 10 ft. to 0 ft. (UDC 12-10.8) - Parcels 018-108 and 018-107 - District 3 - Director, Department of Planning and Community Development

VIII. Public Hearings (continued)

- (3) Public Hearing and possible vote for approval of an Alternate Design for Howard Brothers, Inc. - Parcels 018-108 and 018-107 - AD230005 - District 3 - Director, Department of Planning and Community Development

- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2026 (Andrew A Carmichael) by Howard Brothers, Inc. - Parcels 018-108 and 018-107 - AZ230015 - District 3 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA1415 (Van Westmoreland) by Forsyth County Board of Commissioners - Parcel 019-009 - AZ230024 - 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 ZA2106 (Fox Creek Properties, Inc.) by Jamont Homes, Inc. - Parcel 251-138 - AZ230025 - District 4 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the County-Initiated Variance to increase the maximum number of parking spaces from 129 to 205 (UDC Table 17.1 and UDC 17-2.7) - Parcel 164-026 - VA230038 - District 4 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote for approval of an Alternate Design for SS1 Peachtree LLC with the following variance to: 1.) Reduce the percentage of window glazing facing the public right-of-way from 45% to 0% on the southern building façade of building 1 (UDC 12-13.12(A)); and, 2.) Increase the requirement for windows, doors or window displays on walls facing a pedestrian walkway, driveway or public right-of-way from every 20 ft. to every 195 ft. on building 1 (UDC 12-13.12(B)) - Parcels 112-211 and 112-001 - AD230009 - District 5 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3829 (Halil Tufangil) by Sydney Properties GA LLC with a variance to: 1.) Reduce the zoning buffer along the northern and northeastern property boundaries from 40 ft. to 10 ft. (UDC Table 14.2) - Parcel 131-031 - AZ230027 - District 5 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding amendments to the Unified Development Code related to requirements for Home Occupation Permits for Group Instruction on A1 Property within Chapter 16 - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on August 22, 2023.)
- (11) Public Hearing and possible vote regarding amendments to the Soil Erosion and Sedimentation Control Ordinance, otherwise known as Forsyth County Ordinance No. 73, to amend language that pertains to the Variance Application procedure - Planner II, Department of Planning and Community Development
- (12) Public Hearing and possible Board of Commissioner 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

X. Public Comments

IX. New Business (continued)

- (2) 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
(Postponed from the September 7, 2023 and September 21, 2023 Agendas)

XI. Old Business

- (1) Board consideration and possible vote regarding the request for an Alternate Design for Browns Bridge Road One, LLC - Parcel 256-147 - AD230006 - District 4 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on September 7, 2023; the Board voted unanimously to postpone, for decision only, to the September 21, 2023 Regular Meeting / Public Hearings. Postponed from the September 21, 2023 Agenda.)

IX. New Business (continued)

- (3) Cumming Terra Firma LLC - ZA4131 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 11.6557 acres for 15 residential lots with a density of 1.29 units per acre - Parcel 077-084 - District 1 - Director, Department of Planning and Community Development
(Postponed from the September 21, 2023 Agenda)
- (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, September 7, 2023, and September 21, 2023 Agendas)
- (5) EC New Vision Georgia, LLC - ZA4132 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 68.012 acres with a Conditional Use Permit (CUP) for Senior Independent Living with 102 residential lots with a density of 1.50 units per acre with the following variance to: 1.) 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, 2.) Reduce the minimum width of each undisturbed area of separation from 50 ft. to 0 ft. (UDC 18-12.1(A)(1)) - Parcel 015-

009 - District 3 - Director, Department of Planning and Community Development
(Postponed from the September 21, 2023 Agenda)

- (6) Board consideration and adoption of the 2022 annual update to the Impact Fee Program Capital Improvements Element (CIE) with approval of Resolution of Submittal - Director, Department of Finance
- (7) Board consideration and approval to renew the Stop Loss Insurance Policy with SunLife for the plan year 2024 for Employee Self-Funded Insurance Plan - Director, Department of Employment Services
- (8) Board consideration of a Resolution approving Issuance of Revenue Bonds by the Development Authority for the benefit of the Young Men's Christian Association ("YMCA") - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment