

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, AUGUST 1, 2024 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 July 18, 2024
- (2) Work Session and Executive Session of July 23, 2024

VII. Consent Agenda

- (1) Board ratification of the following Items that were discussed and voted on at the Work Session held on July 23, 2024 (to the extent that a Board Member was not present to vote on an Item presented below at the July 23, 2024 Work Session, the absent Board Member has indicated having no objections to placement of the Item on the Consent Agenda - at the request of County staff as anticipated by Board Rule 1.07.01):
 - (A) Board authorization for staff to declare a presented list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
 - (B) Board acceptance of the U.S. Department of Energy's (DOE) Energy Efficiency and Conservation Block Grant (EECBG) award in the amount of \$259,710.00, with no required match, for the purchase of two propane-fueled buses, with approval of a Budget Resolution - Director, Department of Public Transportation
 - (C) Board approval of a Memorandum of Understanding with Forsyth County Disc Golf Club Inc. for disc golf activities and disc golf course improvements in Forsyth County Parks - Director, Department of Parks and Recreation
 - (D) Board acceptance of the Forsyth County Arts Alliance grant award in the amount of \$4,000.00, with a \$4,000.00 match, for the Forsyth County Parks

and Recreation mural project, with approval of a Budget Resolution -
Director, Department of Parks and Recreation

- (E) Board acceptance of the 2023 Annual Comprehensive Financial Audit - Chief Financial Officer
- (F) Board acceptance of the Council of Superior Court Judges (CSCJ) reimbursement in the amount of \$14,084.09 for interpreter expenses with approval of a Budget Resolution - Director, Department of Finance
- (G) Board approval of Grantham Estates Subdivision to have private streets subject to the requirements of UDC Section 18-9.1 - District 1 - Director, Department of Engineering
- (H) Board approval of the 2024 Comprehensive Transportation Plan Update Recommendations Report and Executive Summary with authorization and direction to send to the Atlanta Regional Commission - Assistant Director, Department of Engineering
- (I) Board approval of the Grant of Waterline Easement to the City of Cumming for the purpose of the waterline maintenance located at 1605 Canton Highway - Director, Department of Public Facilities
- (J) Board approval of Task Order No. 8 with Freese and Nichols, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202300003) in the amount of \$167,962.00 for Construction Phase Services for the State Route 9 Gravity Sewer Main and Low Pressure Force Main (Bid No. 24-27-3320) - Deputy Director Engineering Division, Department of Water and Sewer
- (K) Board approval of a Settlement and Release Agreement with Herrington Trace Homeowners Association, Inc. related to claims that Herrington paid certain power bills totaling \$14,248.92 related to operations of a County sewer pump station at 727 Brannon Road - Deputy Director Business Services, Department of Water and Sewer / County Attorney
- (L) Board approval of Amendment No. 3 to Task Order 23 with CH2M Hill, Inc. to provide Water and Sewer Engineering Services As-Needed under Purchase Order 2013027 in the amount of \$330,000.00 for continued water quality sampling at the County's future water intake on Lake Lanier - Deputy Director Water/Wastewater Operations, Department of Water and Sewer
- (M) Board authorization for staff to proceed with the Public Hearing process regarding amendments related to Materials Transition at Inside Corners within the Forsyth County Unified Development Code - Planning Manager, Department of Planning and Community Development
- (N) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Zoning Condition Amendment on ZA4018

(Forsyth County Board of Commissioners) with a variance to: 1.) Increase the height of outdoor parking lot lighting from 25 ft. to 33 ft. (UDC 16-4.26(B)(2)(c) - Parcels 237-083, 237-084, and 237-013 - District 4 - Mills / Levent

- (O) Board authorization for staff to proceed with the Public Hearing process regarding amendments related to creation of the North Georgia 400 Overlay within the Forsyth County Unified Development Code - Mills / Levent
- (P) Board approval of a Resolution extending the County/Board of Education Intergovernmental Agreement for the joint use of property at Daves Creek Elementary for an additional 20-year term - County Attorney
- (Q) Board authorization to opt-in to the class action opioid litigation settlement with The Kroger Co. - County Attorney
- (R) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Variance on ZA3797 (AUTOMATIONDIRECT.com) to reduce the required number of parking spaces from 168 to 36 (UDC Table 17.1) - Parcel 215-113 - District 4 - Mills / Levent
- (S) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Conditional Use Permit for an open storage yard - Parcel 019-012 (7550 Industrial Court, Alpharetta 30004) - District 3 - Levent / Semanson
- (T) Board postponement of the consideration of City of Cumming annexation of parcel C22-023 (+/- 3.356 acres of land) to the Work Session of August 6, 2024 - County Attorney
- (2) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of July 23, 2024 - County Clerk

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding an Alternate Design for Taco Bell of America, LLC with a variance to: 1.) Reduce the rear setback from 25 ft. to 20 ft. (UDC Table 12.2) - Parcel 031-182 - AD240002 - District 1 - Director, Department of Planning and Community Development
(Postponed from the June 6, 2024 Agenda)
- (2) Public Hearing and possible vote regarding an Alternate Design for Gopinathji Investments, LLC with the following variance to: 1.) Increase the maximum percentage of accent materials per vertical wall plane from 30% to 100% (UDC 21-6.5 (C)(2)) - Parcels 018-147 and 018-145 - AD240004 - District 3 - Director, Department of Planning and Community Development
(Postponed from the June 6, 2024 Agenda)

- (3) Public Hearing regarding the proposed Fiscal Year 2025 Budget - Chief Financial Officer
- (4) Public Hearing and possible vote regarding excess revenue from Occupational Taxes collected the previous year (2022 vs. 2023) - Chief Financial Officer
- (5) Public Hearing and possible vote regarding the request for a variance to UDC 21-11.5(H)(3), UDC 17-5.3, and UDC Chapter 17, Table 17.1 by Volante Properties, LLC - Parcel 076-026 (2330 Canton Hwy, Cumming 30040) - VA240024 - District 1 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the request for an appeal of the Zoning Board of Appeals decision on VA240005 by Maycon Lopez Bonilla - Parcel 323-027 (4685 Perry Rd, Gainesville 30506) - AV240002 - District 4 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding amendments related to Hospitals or Related Health Services, Personal Care Homes or Institutionalized Living Facilities, and Drug Treatment Facilities to the Forsyth County Unified Development Code - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on June 25, 2024)
- (8) Public Hearing and possible vote regarding the approval of a Sketch Plat for KM Homes, LLC - Parcel 296-003 - SP240010 - District 4 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2749 (John Adams) by Viral Lalit Chhadua - Parcel 295-043 - AZ240004 - District 4 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2703 (Four Mantons, Inc.) by Villas at Habersham Residents Association, Inc. with a variance to: 1.) Reduce the front setback for Lots 30 and 31 from 20 ft. to 4 ft. (UDC Table 11.2(a)); 2.) Reduce the minimum lot width for Lot 30 from 80 ft. to 53 ft. (UDC Table 11.2(a) and UDC 18-4.5); 3.) Reduce the minimum lot width for Lot 31 from 80 ft. to 58 ft. (UDC Table 11.2(a) and UDC 18-4.5); 4.) Reduce the minimum lot size for Lot 30 from 7,260 sq. ft. to 6,625 sq. ft. (UDC Table 11.2(a)); and, 5.) Reduce the side setback for Lots 30 and 31 from 10 ft. to 5 ft. (UDC Table 11.2(a)) - Parcel 198-381 - AZ240016 - District 2 - Director, Department of Planning and Community Development
- (11) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3316 (NNP II Windermere LLC) by Nima Mahesh Amin - Parcel 177-509 - AZ240025 - District 2 - Director, Department of Planning and Community Development
- (12) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2339 (The Peachtree Development Group, Inc) by Aditya Jaiprakash Tumkur with a variance to: 1.) Reduce the rear setback from 25 ft. to 17

ft. (UDC Table 11.2(a)) - Parcel 159-497 - AZ240026 - District 5 - Director,
Department of Planning and Community Development

- (13) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2541 (Eagle Land Group Inc) by Denise Shaughnessy - Parcel 034-464 - AZ240027 - District 1 - Director, Department of Planning and Community Development

IX. Time Set Public Hearing - 6:00 p.m.

- (1) Public Hearing regarding proposed Fiscal Year 2024 Millage Rates - Chief Financial Officer

X. Public Comments

XI. Old Business

- (1) Board consideration and possible vote regarding an Alternate Design for Allan Williams - Parcel 131-075 - AD240009 - District 5 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on July 18, 2024; the Board voted unanimously to postpone this Item, for decision only, to the August 1, 2024 Agenda.)

XII. New Business

- (1) Viral Lalit Chhadua - CP230037 - to conduct around the clock business in a business service establishment (data center) in buildings totaling 20,000 sq. ft. with 4 parking spaces on 1.95 acres zoned Commercial Business District (CBD) with the following variance to: 1.) Reduce the required number of parking spaces from 20 to 4 (UDC Table 17.1) - Parcel 295-043 - District 4 - Director, Department of Planning and Community Development

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment