

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, AUGUST 15, 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

- (1) Board presentation of a Proclamation declaring August 31, 2024 as *Overdose Awareness Day* in Forsyth County - Mills / Levent

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of August 1, 2024
- (2) Work Session and Executive Session of August 6, 2024
- (3) Special Called Public Meeting/Hearing of August 1, 2024

VII. Consent Agenda

- (1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Bleckley Place and all other property and property rights as shown on the Subdivision Plat for Crosscreek Crest, recorded in Plat Book 212, Pages 231-263, Forsyth County, Georgia Records - District 5 - Director, Department of Engineering
- (2) Board approval to correct an error from the July 18, 2024 Board of Commissioners' Meeting. With respect to Public Hearing AD240007, the motion made referenced a variance being approved along with the primary approval; there was no variance requested. As such, the Board hereby authorizes the correction of the Minutes to reflect no variance was approved as to AD240007. The Clerk is hereby authorized to place a manual "*" on the July 18, 2024 Minutes and further to manually record no variance was applied for or approved on said Minutes, cross-referencing back to this Agenda Item as the authority for the correction.
- (3) Board adoption of a Proclamation declaring August 31, 2024 as *Overdose Awareness Day* in Forsyth County - Mills / Levent
- (4) Board ratification of the following Items that were discussed and voted on at the

Work Session held on August 6, 2024 (as anticipated by Board Rule 1.07.01):

- (A) Board authorization for staff to declare a list of Items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
- (B) Board approval of a Memorandum of Understanding with the Forsyth County Board of Education for recreational camps and clinics instructed by Board of Education teachers and coaches - Director, Department of Parks and Recreation
- (C) Board approval of the First Amendment to Standard Services Agreement with Atlas Technical Consultants LLC in the not to exceed amount of \$100,000.00 regarding the Project Management Roadway Connectivity and Pedestrian Services (RFP 22-010-1620) with authorization for the County Manager to execute documents in furtherance of the same - Transportation Project Manager, Department of Capital Projects
- (D) Board approval of a Utility Relocation Agreement with Bellsouth Telecommunications, LLC dba AT&T Georgia in the amount of \$492,051.00 for reimbursable utility relocations associated with the Old Atlanta Road Widening Project (PEW27) with authorization for the County Manager to execute documents in furtherance of the same - Transportation Project Manager, Department of Capital Projects
- (E) Board approval of the Consulting Services and License Agreement with ACFN of North Georgia LLC for services rendered to the County regarding the asset recovery system and transactions - Chief Financial Officer
- (F) Board authorization for staff to proceed with the Public Hearing process regarding the proposed amendments to the Hotel-Motel Excise Tax Ordinance from 5% to 8% - County Attorney
- (5) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 6, 2024 - County Clerk
- (6) Board authorization for Legal Counsel to commence nuisance abatement actions with respect to properties located at: 7205 Jonsway; 7101 Dickerson Road; 3337 Buford Highway; and, 3347 Buford Highway - County Attorney
- (7) Board authorization for the County Clerk to place asterisks (**) at Agenda Item AZ240023 of the July 18, 2024 Board of Commissioner Minutes cross-referencing to this Consent Agenda Item to reflect that the following variances were advertised, displayed, and approved as part of AZ230023 on July 18, 2024: 1.) Reduce the Pedestrian Landscape Zone in areas indicated on the site plan from 8 ft. to 0 ft. (UDC Table 12.3); 2.) Reduce the Sidewalk Zone in areas indicated on the site plan from 6 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Façade Landscape Zone in areas indicated on the site plan from 6 ft. to 0 ft. (UDC Table 12.3); 4.) Reduce the sides of the building exterior that parking is distributed on from 2 sides to 1 side (UDC 21-8.5(A); 5.) Increase the percentage of parking that fronts the main building entrance

from 60% to 100% (UDC 21-8.5(A)); 6.) Reduce the landscaped parking islands from 1 for every 10 parking spaces to 1 for every 12 parking spaces (UDC 12-13.6(A)); 7.) Increase the distance each parking space must be from a tree from 50 ft. to 75 ft. (UDC 17-5.7(B)); 8.) Reduce short-term parking from 1 space per 50 required spaces to 0 (UDC 12-13.7(B)(2)); and, 9.) Reduce the landscape strip along all internal side and rear lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcels 107-027 and 107-018. This approval shall grant the Clerk the authority to manually place the asterisks, as noted above, cross referencing to this Scrivener's Error clarification. The variances reflected in the original July 18, 2024 Minutes were the product of an errantly modified list of variances that were not displayed at the Public Hearing - County Attorney

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for a Conditional Alcohol License to sell malt beverages (beer) and wine by the package on the premises for Trader Joe's East Inc. dba Trader Joe's #798 located at 1605 Halcyon Days Trl - Named Licensee is Jaime Benson - AL04565 - District 5 - Business License Manager, Department of Building and Licensing
- (2) 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 - Parcels 033-087, 033-034, 033-037, and 033-033 - AZ240021 - District 1 - Director, Department of Planning and Community Development
(Postponed from the July 18, 2024 Agenda)
- (3) Public Hearing and possible vote regarding the revocation of existing Conditional Use Permit (CUP) CP220023 - Parcel 010-013 - District 1 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the request for a variance to Forsyth County Ordinance No.73, Section IV(C)(20) by Miles Hansford, LLC and Ethan Underwood - Parcel 002-008 (8705 Old Federal Road) - VA240028 - District 1 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4039 (Haven Investments LLC) by Beazer Homes, LLC - Parcel 175-261 - AZ240022 - District 2 - Director, Department of Planning and Community Development
(Postponed from the July 18, 2024 Agenda)
- (6) Public Hearing and possible vote regarding amendments to the Animal Control Ordinance, otherwise known as Forsyth County Ordinance 11, to adjust definitions; add a prohibition on hoarding animals; and, create a new Article for the issuance of Dog Permits including a description of the purpose and intent, the requirements for when such a permit is needed following certain criminal convictions related to animals, the application procedures and review, and enforcement of same - County Attorney
(The first Public Hearing was held before the Board of Commissioners on July 18, 2024)
- (7) Public Hearing and possible vote regarding 2nd Amendment to the Forsyth County

Ordinance Setting Prohibitions and Use Parameters on Sewer Expansion Funded by American Rescue Act Proceeds, Ordinance 133 - County Attorney
(The first Public Hearing was held before the Board of Commissioners on July 18, 2024)

- (8) Public Hearing and possible vote regarding changes to the Forsyth County Impact Fee Ordinance (Ord. 125, County Code 47), to increase Road Impact Fees - County Attorney
(The first Public Hearing was held before the Board of Commissioners on July 18, 2024)

IX. Public Comments

X. Old Business

- (1) Board consideration 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. A Public Hearing was held before the Board of Commissioners on August 1, 2024, and the Board voted unanimously to postpone this Item, for decision only, to the August 15, 2024 Agenda.)
- (2) Board consideration 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
(A Public Hearing was held before the Board of Commissioners on August 1, 2024; the Board voted unanimously to postpone this Item, for decision only, to the August 15, 2024 Agenda.)
- (3) 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
(During the Regular Meeting / Public Hearings of August 1, 2024, the Board voted unanimously to postpone this Item to the August 15, 2024 Agenda.)
- (4) Board consideration 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
(A Public Hearing was held before the Board of Commissioners on August 1, 2024; the Board voted unanimously to postpone this Item, for decision only, to the August 15, 2024 Agenda.)
- (5) Board consideration and adoption of the Fiscal Year 2025 Budget - Chief Financial Officer
- (6) Board consideration and adoption of the 2024 Millage Rates - Maintenance & Operations (Net M&O Millage), Fire, and Bonds - Chief Financial Officer
(Note: the 2024 Millage Rates will be considered for Adoption at 6:30 p.m.)

- (7) Board consideration and adoption of the 2025-2029 5-Year Capital Improvement Program (CIP) with approval of a Resolution - Chief Financial Officer

XI. New Business

- (1) 2637 Paradise LLC - ZA4155 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 5.1875 acres for a retail/office/restaurant/day care center in buildings totaling 50,954 sq. ft. with 202 parking spaces with the following variance to: 1.) Increase the maximum building height from 30 ft. to 40 ft. (UDC Table 12.2); and, 2.) Reduce the zoning buffer along the northern property boundary from 40 ft. to 25 ft. (UDC Table 12.2) - Parcel 077-085 - District 1 - Director, Department of Planning and Community Development
(Postponed from the April 18, 2024, May 16, 2024, June 6, 2024, and July 18, 2024 Agendas)
- (2) Capital City View Homes LLC - ZA4167 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 10.503 acres for 14 residential lots with a density of 1.33 units per acre - Parcel 033-022 - District 1 - Director, Department of Planning and Community Development
(Postponed from the July 18, 2024 Agenda)
- (3) ALKMD Holdings L.L.C. - CP240025 - to operate a 7,561 sq. ft. vehicle sales dealership in an existing building with 11 parking spaces on 1.13 acres zoned Restricted Industrial District (M1) with the following variance to: 1.) Reduce the landscape strip abutting Wallace Drive adjacent to the existing asphalt only from 25 ft. to 12 ft. (UDC Table 14.2); 2.) Reduce the required number of parking spaces from 43 to 11 (UDC Table 17.1); 3.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18); and, 4.) Reduce the required paved surface for the display of used vehicles from 1 acre to 0 acres (UDC 16-4.37(G)(1)) - Parcel 238-060 - District 4 - Director, Department of Planning and Community Development
- (4) Lucy Woodhead - ZA4170 - to rezone from Commercial Business District (CBD) to Restricted Industrial District (M1) on 6.003 acres for a 22,103 sq. ft. manufacturing facility and commercial sales of the manufactured products in an existing building with 29 parking spaces with the following variance to: 1.) Reduce the zoning buffer along the southern property boundary from 40 ft. to 37 ft. (UDC Table 14.2); and, 2.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcel 239-242 - District 4 - Director, Department of Planning and Community Development
- (5) Board consideration of City of Cumming annexation of parcel C22-023 (+/- 3.356 acres of land) - County Attorney
(During the Work Session of August 6, 2024, the Board voted unanimously to authorize the County Attorney's office to present the Board's desire to emulate the County's existing Code regarding Buffer Standards and landscaping strips with no used car dealerships to the City of Cumming with authorization to not tender a letter of objection at this time. Ken Jarrard, County Attorney, announced that he and/or a member of his staff would return before the Board during the Regular Meeting of August 15 to provide an update of the City's response.)
- (6) Board consideration and possible approval of a Retirement Agreement between Forsyth County and Ruthie Brew - County Attorney / Director, Department of Employment Services

- (7) Board consideration and approval of a Resolution to amend its Petition and Declaration of Taking in Civil Action File No. 19CV-2214-1, Tax Parcel 216-041 (Parcel Owner: Andrew Plyler), Parcel 14 of the State Road 369 Project (Pl# 0013369); estimated just and adequate compensation up to \$130,000.00 - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment