

**AGENDA**  
**FORSYTH COUNTY BOARD OF COMMISSIONERS**  
**THURSDAY, NOVEMBER 7, 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 November 20, 2024 as *GIS Day* in Forsyth County - Levent / John

**V. Public Comments**

**VI. Adoption of Minutes**

- (1) Regular Meeting / Public Hearings of October 17, 2024
- (2) Work Session of October 22, 2024

**VII. Consent Agenda**

- (1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Setting Down Creek Drive, Hyzer Way, Meriwether Road, Dusk Street, Shady Hill Avenue, and all other property and property rights as shown on the Subdivision Plat for Conner Farm Phase 1, recorded in Plat Book 211, Pages 216-252, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (2) Board ratification of the following Items that were discussed and voted on at the Work Session held on October 22, 2024 (as anticipated by Board Rule 1.07.01):
  - (A) Board authorization for Forsyth County, on behalf of the Sheriff's Office, to accept the award of the Governor's Office of Highway Safety's Highway Enforcement of Aggressive Traffic (HEAT) Grant GA-2025-ForsythSO-044 in the amount of \$166,560.60 for the Forsyth County Sheriff's Office HEAT Program with no required match and with approval of a Budget Resolution - Director of Business Operations, Sheriff's Office
  - (B) Board approval of a Budget Resolution in the amount of \$104,700.00 to fund the 2024 Pictometry / Eagleview Flights - Director, Department of GIS

- (C) Board acceptance of the Georgia Emergency Management and Homeland Security Agency's (GEMA/HS) State and Local Cybersecurity Grant in the amount of \$211,500.00 with a match of \$23,500.00 with approval of the associated Grant Agreement for Training, Professional Services, and Equipment and with approval of a Budget Resolution - Director, Department of IS&T
- (D) Board approval of a Budget Resolution in the amount of \$23,737.00 to ratify the purchase of a replacement Walk-In Cooler for the Coroner's Office - Coroner
- (E) Board approval of the 2024-2025 ACCG-IRMA Safety Discount Verification Form - Risk and Safety Manager, Department of Employment Services
- (F) Board approval of the Spending Authorization Resolution authorizing Forsyth County Risk Management to utilize up to \$5,000.00 of the funding for the purchase of Naloxone, Containers, and Signage to be placed in Forsyth County Government Buildings as needed to comply with Senate Bill 395 with authorization for staff to work with the County Attorney's office to draft a County policy to address the expenditure of Opioid Settlement Funds and with authorization for said policy draft to return before the Board during a future meeting for consideration - Grants Manager, Department of Finance
- (G) Board acceptance of the Criminal Justice Coordinating Council (CJCC) Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP) Fiscal Year 2023 Subgrant Award N51-8-004 in the amount of \$340,177.00 with no required match for the provision of Behavioral Health and Medicated Assisted Treatment Services with authorization for the Finance Director to sign programmatic and financial documents and with approval of a Budget Resolution - Grants Manager, Department of Finance
- (H) Board approval of ongoing maintenance and support with Timmons Group, Inc. under existing RFP 16-73-3340 in the amount of \$268,228.00 for Utility Network Implementation for the Department of Water and Sewer - Director, Department of Water and Sewer
- (I) Board approval of Task Order IDQ-037 with Lanier Contracting Company in the amount of \$375,857.36 to provide services under the Indefinite Quantity Mechanical Contractor Agreement (RFP 20-108-3340) for conversion of the existing decommissioned Jot'Em Down Water Storage Tank into a Materials Storage Facility - Deputy Director, Department of Water and Sewer
- (J) Board authorization to take no action regarding a Board generated rezoning for ZA4094, Rezerved Space, LLC - District 3 - Comprehensive Planning Manager, Department of Planning and Community Development
- (K) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Zoning Condition Amendment on ZA3050 (Greenstone Properties Inc. of Georgia) - District 5 - Director, Department of Planning and Community Development

- (L) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated request to rezone from A1 and R1 to M1 - Parcels 106-080, 107-005, 107-006, and 107-053 - District 5 - Semanson / John
- (M) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Alternate Design - Parcels 106-080, 107-005, 107-006, and 107-053 - District 5 - Semanson / John
- (N) Board authorization to postpone the consideration of City of Cumming annexation of Parcels 196-482, 196-498, 196-561, and 196-394 (+/- 18.292 acres of land) to the Work Session of November 12, 2024 - County Attorney
- (O) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Conditional Use Permit for Agritourism on 68.68 acres zoned Agricultural District (A1) - Parcel 290-008 - Mills / Semanson
- (3) Board adoption of a Proclamation declaring November 20, 2024 as *GIS Day* in Forsyth County - Levent / John
- (4) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of October 8, 2024 - County Clerk

#### **VIII. Public Hearings**

- (1) Public Hearing and possible vote regarding an Alternate Design for Phillips Supply Company with the following variance to: 1.) Reduce the percentage of exterior building materials consisting of brick, natural or pre-cast stone, and/or glass from 75% to 0% (UDC 21-11.6(A)(1)); 2.) Increase the maximum percentage of accent materials per vertical wall plane from 25% to 100% (UDC 21-11.6(A)(2)); 3.) Reduce the number of architectural elements at the principal entry area of a building from 3 to 1 (UDC 21-11.6(A)(3)); and, 4.) Reduce the depth of wall projections or recesses for façades over 50 ft. in length from 12 inches to 0 inches (UDC 21-11.6(A)(4)) - Parcel 009-083 - AD240015 - 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 ZA3327 (New Harmony, LLC) by Tellus Holdings LLC with a variance to: 1.) Reduce the side setback from 10 ft. to 5 ft. (UDC Table 11.2(b)) - Parcels 009-111, 009-043, 009-045, 009-036, and 009-044 - AZ240038 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the approval of a Sketch Plat for Tellus Holdings LLC - Parcels 009-043, 009-045, 009-111, 009-036, and 009-044 - SP240013 - District 1 - Director, Department of Planning and Community Development  
(Postponed from the September 5, 2024 Agenda)

- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3046 (Godwin Land Development, LLC) by EPIC Group of Companies, LLC with the following variance to: 1.) Reduce the zoning buffer from 40 ft. to 10 ft. (UDC Table 12.2); 2.) Reduce the required number of parking spaces from 87 to 72 (UDC Table 17.1); 3.) Reduce the Pedestrian Landscape Zone from 8 ft. to 0 ft. (UDC Table 12.3); and, 4.) Reduce the Sidewalk Zone from 6 ft. to 0 ft. (UDC Table 12.3); 5. Reduce the Façade Landscape Zone from 6 ft. to 0 ft. (UDC Table 12.3) - Parcel 184-006 - AZ240032 - District 2 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3846 (Mosaic Homes, LLC) by Sun Hills LLC with a variance to: 1.) Reduce the exterior buffer along the northern and western boundaries from 25 ft. to 0 ft. (UDC Table 11.2(b)) - Parcels 102-003, 102-004, 102-002, and 102-001 - AZ240033 - District 3 - Director, Department of Planning and Community Development  
**(Postponed from the October 3, 2024 Agenda)**
- (6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4034 (Surya Realty LLC) by Sun Hills LLC - Parcels 102-119, 102-075, 102-076, 102-062, and 102-005 - AZ240034 - District 3 - Director, Department of Planning and Community Development  
**(Postponed from the October 3, 2024 Agenda)**
- (7) Public Hearing and possible vote regarding the request for County-Initiated request for an Amendment of Zoning Conditions on ZA2599 (Premier Planning & Development) by Forsyth County Board of Commissioners - Parcel 106-634 - AZ240040 - District 3 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the request for County-Initiated request for an Amendment of Zoning Conditions on ZA2278 (Emory Lipscomb) by Forsyth County Board of Commissioners - Parcel 236-073 - AZ240039 - District 4 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the approval of a Sketch Plat for Ashton Atlanta Residential, L.L.C. 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)); 2.) Reduce the minimum width of each undisturbed area of separation from 50 ft. to 0 ft. (UDC 18-12.1(A)(1)); and, 3.) Increase the maximum area of disturbance in a single contiguous area from 20 acres to 25 acres (Ordinance 73, Section IV(c)(20)) - Parcels 220-578, 220-593, and 220-012 - SP240015 - District 4 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding the County-Initiated request to rezone from Lake Residential District (LR) to Agricultural District (A1) on 1.123 acres - Parcel 239-314 - ZA4194 - District 4 - Director, Department of Planning and Community Development

- (11) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) and Multi-Family Residential District (R3) to Agricultural District (A1) on 10.95 acres - Parcel 239-023 - ZA4199 - District 4 - Director, Department of Planning and Community Development
- (12) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) and Lake Residential District (LR) to Agricultural District (A1) on 45.968 acres - Parcel 239-066 - ZA4200 - District 4 - Director, Department of Planning and Community Development
- (13) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) and Lake Residential District (LR) to Agricultural District (A1) on 2.489 acres - Parcel 239-313 - ZA4201 - District 4 - Director, Department of Planning and Community Development
- (14) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3801 (Edge City Properties, Inc.) by SANS Housing, LLC - Parcel 156-016 - AZ240036 - District 5 - Director, Department of Planning and Community Development
- (15) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Incentives for Large Lots on A1 Property - Planning Manager, Department of Planning and Community Development  
**(The first Public Hearing was held before the Planning Commission on September 17, 2024)**
- (16) Public Hearing and possible vote regarding amendments to the Unified Development Code related to the Creation of the North Georgia 400 Overlay - Planning Manager, Department of Planning and Community Development  
**(The first Public Hearing was held before the Planning Commission on September 17, 2024)**
- (17) Public Hearing regarding a revised Impact Fee Ordinance (Chapter 47 of the County Code, Ordinance 125), to add road impact fees for commercial/industrial/institutional uses, to allow for a gradual phasing in of such fees, and to allow payment of fees to be made within 18 months of building permit issuance or issuance of certificate of occupancy - County Attorney  
**(First of two required Public Hearings)**
- (18) Public Hearing regarding Amendment "C" to Ordinance 133, the Forsyth County Sewer Usage of ARPA Funds Ordinance - County Attorney  
**(First of two required Public Hearings)**

**IX. Public Comments**

**X. Old Business**

- (1) Board consideration of the request by David and Rebekah Wassmer for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA240030. The variance was denied on September 3, 2024 - AV240003 - District 4 - Director, Department of Planning and Community Development

(Postponed from the October 3, 2024 Agenda)

## **XI. New Business**

- (1) Phillips Supply Company - ZA4185 - to rezone from Highway Business District (HB) to Commercial Business District (CBD) on 1.84 acres with a Conditional Use Permit (CUP) for an 8,800 sq. ft. wholesale trade establishment in an existing building with 5 parking spaces with the following variance to: 1.) Reduce the zoning buffer along the western property boundary from 40 ft. to 10 ft. (UDC Table 12.2); 2.) Reduce the sides of the building exterior that parking is distributed on from 2 sides to 1 side (UDC 21-11.5(B)); and, 3.) Increase the percentage of parking that fronts the main building entrance from 60% to 100% (UDC 21-11.5(B)) - Parcel 009-083 - District 1 - Director, Department of Planning and Community Development
- (2) Board consideration of the request by Richard and Tina Epps for a Public Hearing regarding an appeal of the Zoning Board of Appeals' decision on VA240037. The side setback variance request was approved and the rear setback variance request was denied on October 1, 2024 - AV240004 - District 2 - Director, Department of Planning and Community Development
- (3) Beta Investments LLC - ZA4181 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 24.476 acres for 23 residential lots with a density of 0.94 units per acre 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) - Parcel 036-024 - District 3 - Director, Department of Planning and Community Development  
(Postponed from the October 17, 2024 Agenda)
- (4) Board acceptance and ratification of the Stipulation and Agreement between Dominique S. Hill and Forsyth County Board of Commissioners as approved by the State Board of Workers' Compensation on October 10, 2024 - Director, Department of Employment Services
- (5) Board consideration and approval of the Fourth Amendment to the Forsyth County Retirement Plan - Director, Department of Employment Services
- (6) Board discussion and possible direction regarding amendments to the Unified Development Code related to The Gathering - Director, Department of Planning and Community Development  
(During the Work Session held on October 22, 2024, the Board voted 4-1-0 (Commissioners John, Hill, Semanson, and Mills in favor; Levent opposed) to authorize staff to proceed with the Public Hearing process regarding amendments related to The Gathering within the County's Unified Development Code.)
- (7) Board consideration and possible direction regarding a County-Initiated Zoning Condition Amendment on ZA2605 (Rouse-Forsyth, LLC) - District 5 - Director, Department of Planning and Community Development  
(During the Work Session held on October 22, 2024 the Board voted 4-1-0 (Commissioners John, Hill, Semanson, and Mills in favor; Levent opposed) to authorize staff to proceed with the Public Hearing process regarding a County-Initiated Zoning Condition Amendment on ZA2605 (Rouse-Forsyth, LLC).

**XII. Recess Regular Meeting**

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

**XIV. Adjournment**