

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, MAY 1, 2025 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 the month of May as *Cystic Fibrosis Awareness Month* in Forsyth County - John / Moore

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of April 17, 2025
- (2) Work Session of April 22, 2025

VII. Consent Agenda

- (1) Board adoption of a Proclamation declaring the month of May as *Cystic Fibrosis Awareness Month* in Forsyth County - John / Moore
- (2) Pursuant to Board Rule of Procedure 3.02.01, the Board hereby amends an action taken at its April 17, 2025 meeting regarding SP240025. At the April 17, 2025 meeting, SP240025 was approved "as presented." It was the intention of the district commissioner that approval of SP240025 was to include certain conditions, to wit: (i) Development shall be substantially in accordance with the site plan on file in the Department; (ii) Development shall tie onto Forsyth County sewer system by gravity unless otherwise approved by Director of W&S; (iii) Gravity sewer outfalls shall follow natural contours to minimize depth; (iv) Sewer access must be provided to all upstream properties; (v) Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense; (vi) There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County W&S; and (vii) There shall be no trees planted within the right of way or in utility easements. By approval of this item, the approval of SP240025 is hereby amended to include the referenced seven conditions. The County Clerk is hereby directed to manually place an asterisk (*) on the April 17, 2025 agenda item regarding SP240025, that cross-references to this item so the record is clear that the conditions stand approved - County Attorney

- (3) Board Ratification of the following items were discussed and voted on at the Work Session held on April 8, 2025 (as anticipated by Board Rule 1.07.01):
- (A) Board approval of the postponement to a Work Session Agenda in 18 months of a Board generated rezoning for ZA4108, Vijay Garlapati. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 1 – Comprehensive Planning Manager, Department of Planning and Community Development
 - (B) Board approval of the postponement to the Work Session Agenda of April 22, 2025 of possible direction regarding a Board generated rezoning for ZA4091, SkyLand Homes, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 2 - Comprehensive Planning Manager, Department of Planning and Community Development
 - (C) Board approval of the postponement to the Work Session Agenda of April 22, 2025 of possible direction regarding a Board generated rezoning for ZA4109, Everett Management, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 4 – Comprehensive Planning Manager, Department of Planning and Community Development
 - (D) Board authorization for staff to commence the Public Hearing process to revoke the Conditional Use Permits but retain the CBD designation regarding ZA4104, Richard Munson. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development
 - (E) Board approval of the postponement to a Work Session Agenda in 18 months of possible direction regarding a Board generated rezoning for ZA4105, AoA Properties Holding, Inc. and AoA Parish Real Estate Trust. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development
 - (F) Board authorization for staff to commence the Public Hearing process to revoke the Conditional Use Permit but retain the CBD designation for ZA4111, Pet Paradise – South Forsyth County, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development

- (4) Board Ratification of the following items were discussed and voted on at the Work Session held on April 22, 2025 (as anticipated by Board Rule 1.07.01):
- (A) Board approval to award Bid 25-42-1207 to ONE Language Services Provider, LLC for Interpreter services for specified languages as well as ASL signing for the hearing impaired for the Forsyth County Judicial Departments on an as-needed basis with approval of the associated services agreement – Circuit Court Administrator, Court Administration
 - (B) Board approval to award Bid 25-48-1500 to ONE Language Services Provider, LLC, for Interpreter services for specified languages as well as ASL signing for the hearing impaired for various Forsyth County Departments on an as-needed basis with approval of the associated services agreement – Grants Manager, Finance Department
 - (C) Board approval to award Bid 25-48-1500 to Interpreters Unlimited, Inc. for Interpreter services for specified languages as well as ASL signing for the hearing impaired for various Forsyth County Departments on an as-needed basis with approval of the associated services agreement – Grants Manager, Finance Department
 - (D) Board authorization for Forsyth County, on behalf of the Emergency Management Agency, to accept the Georgia Emergency Management and Homeland Security Agency (GEMA/Homeland Security) Fiscal Year 2024 Local Emergency Management Performance Grant (EMPG) in the amount of \$50,000.00 with a required match of \$50,000.00 – Director, Emergency Management Agency
 - (E) Board approval of the Amendment to Service Agreement For Integrated Services Digital Network Primary Rate Interface (“ISDN PRI”) with AT&T DS1 Service or with AT&T High Capacity DS1 1.544 Mbps Service, Contract Number 20190219-4965 and the associated Intrastate Pricing Schedule in the amount of \$44,158.80 - Chief Information Officer, Department of Information Systems and Technology
 - (F) Board approval of Change Order #1 in the amount of \$47,993.00 for Wiley Wilson, Inc. under Contract 1202400023, RFP 24-23-1620 Architectural and Engineering Services As-Needed for professional design services for Phase II at the Midway Sheriff's Training Center for the design of the hot water and plumbing systems, as-built drawings and inspections - Director, Department of Public Facilities
 - (G) Board approval of Task Order 25-03 with Precision Planning, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202200045) in the amount of \$122,120.54 for Design and Construction Services for the North Water Distribution System Improvement Project - Director, Department of Water and Sewer
 - (H) Board approval of a Budget Resolution to re-budget open POs,

encumbrances and carry-over items, from FY 2024 to FY 2025 - Chief Financial Officer, Department of Finance

- (I) Board authorization for staff to commence the Public Hearing process regarding a County-Initiated rezoning from O&I to RES2 for ZA4091, SkyLand Homes, LLC. - District 2 - Comprehensive Planning Manager, Department of Planning and Community Development
- (J) Board approval of the postponement to a Work Session agenda in 12 months of a Board generated rezoning for ZA4109, Everett Management, LLC. In accordance with UDC 8-5.5 (L), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 4 – Comprehensive Planning Manager, Department of Planning and Community Development
- (K) Board authorization for staff to commence the Public Hearing process regarding a UDC amendment to allow termination of legal nonconforming uses where the property owner commits code or law violations arising from such nonconforming use - County Attorney / Director, Department of Planning & Community Development
- (L) Board approval of a Stop Loss Application and Schedule of Insurance with Aetna Insurance, as a first step in implementing a Stop Loss Policy for final Board of Commissioner approval with authorization for the Chairman to sign - Director of Employment Services / County Attorney
- (M) Board appointment of Craig Holmes as an at-large Development Authority member to fill the remainder term for Development Authority member Rhoads - Board of Commissioners
- (N) Board appointment of Chuck Welch as an at-large Development Authority member to fill the remainder term for Development Authority member Schmeelk - Board of Commissioners
- (O) Board ratification of an Agreement between Forsyth County Chamber of Commerce, Inc. and Forsyth County for the purposes of economic development funding provided for fiscal year 2025 [this Agreement was also approved at the Board of Commissioner's April 22, 2025 work session] - County Attorney
- (P) Board of Commissioners termination of the April 15, 2021 Resolution regarding procedures for appointment of Development Authority members - County Attorney

VIII. Public Hearings

- (1) 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)). - Parcel 009-060 - AZ250002 - District 1 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on March 6, 2025; the Board voted unanimously to postpone, for decision only, to the March 20, 2025 Agenda. Postponed as a Public Hearing to the May 1, 2025 Agenda.)

- (2) Public Hearing and possible vote regarding the County-Initiated request to rezone from Master Planned District (MPD) to Commercial Business District (CBD) on 22 acres with Conditional Use Permits (CUPs) for manufacturing and processing, an open air business and an open storage yard - ZA4225 - Parcel 119-047 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3085 (McGinnis Ferry IV, LLC) by Kyle Park - Parcel 184-025 - AZ250008 - District 2 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4026 (Nagesh Chilakapati) by Smile Pop Pediatric Dentistry, P.C. with a variance to: 1. Increase the maximum number of parking spaces from 25 to 45 (UDC 17-2.7) - Parcels 059-004, 059-532, 059-531 and 059-003 - AZ250009 - District 3 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4139 (Forsyth Choice Properties, LLC) by Grand Communities, LLC - Parcels 167-101, 167-213, 167-205 and 166-032 - AZ250010 - District 4 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding an Alternate Design for Jeff Bouland - Parcels 190-039, 190-038 and 190-037 - AD250001 - District 4 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA4001 (Century Communities of Georgia, LLC) by Forsyth County Board of Commissioners with a variance to: 1. Reduce the minimum lot size for lot 62 only from 22,000 sq. ft. to 21,141 square feet (UDC Table 11.2 (b)) - Parcel 211-260 - AZ250013 - District 4 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP220010 (Fuqua Acquisitions II, LLC) by Fuqua Acquisitions II, LLC with a variance to: 1. Increase the maximum number of parking spaces for building 300-B from 75 to 84 (UDC 17-2.7); 2. Increase the maximum number of parking spaces for building 500-A from 25 to 27 (UDC 17-2.7); 3. Increase the maximum number of parking spaces for building 1000 from 188 to 210 (UDC 17-2.7); 4. Reduce the required number of parking spaces for building 400 from 124 to 116 (UDC Table 17.1); 5. Reduce the required number of parking spaces for building 500-B from 25 to 9 (UDC Table 17.1) - Parcel 107-172, 107-173, 107-169, 107-168, 107-167, 107-166, 107-175, 107-176, 107-174 and 107-027 - AZ250011 - District 5 - Director, Department of Planning and Community Development

- (9) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Electronic Message Boards in the Atlanta Highway-McFarland Parkway-Mullinax Road Overlay - Levent / John
(The first Public Hearing was held before the Planning Commission on March 25, 2025)
- (10) Public Hearing regarding a proposed amendment to the Forsyth County Noise Ordinance, otherwise known as Forsyth County Ordinance 80-A or Chapter 34, Article IV of the Forsyth County Code of Ordinances, to prohibit the use of compression brakes, engine brakes, or Jake brakes in Forsyth County, to include provisions authorizing the placement of signage along County and State routes providing notice of this prohibition, enforcement, and other miscellaneous provisions
- County Attorney

IX. Public Comments

X. Old Business

- (1) Board consideration and possible vote regarding the approval of a Sketch Plat for Tellus Holdings LLC - Parcel 009-060 - SP240023 - District 1 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on March 6, 2025; the Board voted unanimously to postpone, for decision only, to the March 20, 2025 Agenda. Postponed from the March 6, 2025 and March 20, 2025 Agendas.)
- (2) Board consideration and possible vote regarding the approval of a Sketch Plat for Rahull Chikyala with the following variance to: 1. Reduce the required number of parking spaces from 188 to 116 (UDC Table 17.1); 2. Reduce the landscape strip abutting Buford Highway from 35 ft. to 25 ft. (UDC 21-11.5(H)(3)); 3. Increase the maximum retaining wall height from 20 ft. to 40 ft. (UDC 12-13.17(B)); 4. Reduce the required number of off-street loading spaces from 5 to 3 (UDC 17-3.3) - Parcel 228-016 - SP240018 - District 2 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on April 17, 2025; the Board voted unanimously to postpone, for decision only, to the May 1, 2025 Agenda. Postponed from the March 6, 2025 and April 17, 2025 Agendas.)
- (3) Board consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by ReThink Pre-C, LLC - Parcels 058-601 and 058-600 - AZ250005 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on April 17, 2025; the Board voted unanimously to postpone, for decision only, to the May 1, 2025 Agenda.)
- (4) Board consideration and possible vote regarding the approval of a County-Initiated Sketch Plat for Forsyth County Board of Commissioners - Parcel 152-114 - SP250003 - District 5 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on April 17, 2025; the Board voted unanimously to postpone, for decision only, to the May 1, 2025 Agenda.)

XI. New Business

- (1) OHI Tidwell Estates, LLC - ZA4207 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES3) on 12.463 acres for 20 residential lots with a density of 1.61 units per acre - Parcels 021-048, 021-045, 021-043 - District 3 - Director, Department of Planning and Community Development
(Postponed from the March 20, 2025 and April 17, 2025 Agendas)
- (2) Manors At Stoneypoint LLC - ZA4206 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 17.564 acres for 19 residential lots with a density of 1.09 units per acre - Parcels 086-022, 086-021 - District 5 - Director, Department of Planning and Community Development
(Postponed from the March 20, 2025 and April 17, 2025 Agendas)
- (3) Board consideration and possible approval of a Settlement Agreement between Forsyth County and Nicole Morgan for \$25,000.00 - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment