

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, DECEMBER 2, 2021 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 recognition of the following students for winning the Storm Drain Art Contest hosted by the Department of Water and Sewer and Keep Forsyth County Beautiful: Zoe March (South Forsyth High School), Vivian Chen (Lambert High School), and Katrina Walden (Forsyth Central High School) - County Manager

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting/Public Hearings of November 18, 2021
- (2) Work Session and Executive Session of November 23, 2021

VII. Consent Agenda

- (1) Board adoption of Resolution authorizing Affidavit concerning the Executive Session of November 23, 2021
- (2) Board acceptance of Right of Way as County maintained with a speed limit of 25 MPH on Hemmert Lane, Laprele Road, Neisler Road, Newell Lane, and all other property and property rights as shown on Subdivision Plat for Brookview, Phase 2B, recorded in Plat Book 199, Pages 1-25, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (3) Board ratification of the following items that were discussed and voted on at a Work Session held on November 23, 2021 (to the extent that a Board Member was not present to vote on one of the items presented below at the November 23, 2021 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 approval to declare the list of items as surplus with authorization for

the Department of Procurement to dispose of accordingly - Contract Administrator, Department of Procurement

- (B) Board approval to enter into an Extended Warranty Service Agreement with Service Express in the amount of \$17,076 for the calendar year 2022 for the Department of Information Systems and Technology and the Sheriff's Office with authorization for the County Manager to sign the appropriate documents - Contract Administrator, Department of Procurement
- (C) Board approval of a Change Order with Cogsdale to remove Vocantas Interactive Voice Response from the Agreement and add Invoice Cloud Interactive Voice Response for the Department of Water and Sewer with authorization to continue the annual software licensing and maintenance renewals (based upon business need) for the life of the software and with authorization for the County Manager to sign the finalized Agreement - Contract Administrator, Department of Procurement
- (D) Board approval of Amendment #1 to the Task Order with T.Y. Lin International in the amount of \$359,024 regarding RFP 16-57-3150 Engineering Services - SR 369/Matt Hwy from Cherokee County Line to Wallace Tatum Road - Contract Administrator, Department of Procurement
- (E) Board authorization for staff to apply for the Georgia Transportation Infrastructure Bank Grant in the amount of \$1,500,000.00 to provide an alternate route (Coal Mountain Connector) to the North Forsyth County School Complex and to provide congestion relief at the SR9 / SR369 intersection as presented - Grant Administrator, Finance Department
- (F) Board approval for staff to apply for the Atlanta Regional Commission's Transportation Improvement Project (TIP) Grant for costs associated with intersection improvements at Punch Hammond Road and Highway 9; the total project cost will be \$1,500,000.00 with \$1,200,000.00 Federal Funding and \$300,000 (20% match) local funding as presented - Grant Administrator, Finance Department
- (G) Board approval for the Sheriff's Office to accept an Amendment to a MOU with the Criminal Justice Coordinating Council (CJCC) due to approval of no cost extension granted, award 2019-MO-BX-0025 FY2019 Justice and Mental Health Collaboration Program Grant Program, with authorization for the Chair to sign associated required document as presented - Grant Coordinator, Sheriff's Office
- (H) Board approval to renew the Extension Services Contract with the University of Georgia for FY 2022 in the amount of \$211,375.00 regarding the County's portion of salaries for Professional Services - Chief Financial Officer
- (I) Board approval of Task Order #23 with CH2M Hill, Inc. in the amount of \$140,100.00 for Intake Water Quality Sampling for the Department of Water and Sewer - Director, Department of Capital Projects / Director, Department

of Water and Sewer

- (J) Board approval of Task Order #24 with CH2M Hill, Inc. in the amount of \$112,500.00 for Intake Permitting Support for the Department of Water and Sewer - Director, Department of Capital Projects / Director, Department of Water and Sewer
- (K) Board approval of Task Order #25 with CH2M Hill, Inc. in the amount of \$1,705,800.00 for Geotechnical and Tunnel Analysis for the Department of Water and Sewer - Director, Department of Capital Projects / Director, Department of Water and Sewer
- (L) Board approval of the Contract Item Agreement between Georgia Department of Transportation and Forsyth County regarding reimbursement of an estimated \$3,035,930.00 for relocation of water and sewer facilities on State Route 9 from SR 371/Post Road to SR 141/Bethelview Road due to road widening - Director, Department of Water and Sewer
- (M) Board authorization for staff to proceed with the Public Hearing process with the proposed modifications to Sections 2.9(C) and 2.12(C) of the Unified Development Code regarding the Tree Ordinance - Mills / Cooper
- (N) Board authorization for staff to proceed with the Public Hearing process for a County-Initiated Conditional Use Permit for a personal care home, serving 10 persons or less on 5.286 acres currently zoned Lake Residential District (LR) as described - Parcel 269-041- District 4 - Mills / John
- (O) Board approval of County-Initiated rezoning of parcels 216-024, 236-044, 236-094, 236-006, and 236-005 from A1 to M1 (property assemblage located north of the intersection of Martin Road and Settingdown Road), with those necessary conditional use permits as determined by County staff that will allow the property to be used for warehouses, associated distribution facilities, Office Commercial Multiple Story (OCMS), and office uses, with the property owners to pay those direct costs associated with the rezoning (i.e., advertising costs, etc.), for an ordinary rezoning staff review to occur, and further authorization for the DRI process to be initiated - Mills / John
- (P) Board approval of the plan to close the Hearthstone Lodge Senior Center as presented by staff - Assistant County Manager (Kenney)
- (Q) Board reappointment of Tracey Jones as a representative to the Keep Forsyth County Beautiful (KFCB) Board of Directors for a two-year term to begin January 2022 and expire January 2024 - County Manager
- (R) Board approval of a Resolution authorizing acceptance of a .391 property donation adjacent to the Forsyth County Library - Cumming branch, and the conveyance of two (2) temporary and permanent sewer line easements to the Providence Group and/or the City of Cumming - County Attorney

- (S) Board approval of an Amendment to the Memorandum of Understanding between Forsyth County and the Lake Lanier Association - County Manager

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding an appeal of the Zoning Board of Appeals' (ZBA) decision on VA210068 (Michael Fazio) for Michael and Susan Fazio. This variance request was denied by the Zoning Board of Appeals' (ZBA) on October 5, 2021 - AV210007 - District 3 - Director, Department of Planning and Community Development
- (2) Public Hearing and possible vote regarding an appeal of the Zoning Board of Appeals' (ZBA) decision on VA210070 (Aqua Blue Pools of Atlanta) for Aqua Blue Pools of Atlanta. This variance request was denied by the Zoning Board of Appeals' (ZBA) on October 5, 2021 - AV210008 - District 3 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3411 (Paces Battle Properties, LLC) by Blastoff Construction, Inc. - Parcel 084-006 - AZ210042 - District 3 - Director, Department of Planning and Community Development
(Postponed from the November 4, 2021 Agenda)
- (4) Public Hearing and possible vote regarding the revocation of existing CUP CP190030 in accordance with UDC Section 8-5.5(I) - Parcel 106-094 - District 3 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the approval of a Sketch Plat for Century Communities of Georgia, LLC - Parcels 058-023 and 059-010 - SP210006 - District 3 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the approval of a Sketch Plat for Marthinus Krige Holdings, LLC and variances to UDC 18-5.18 and UDC Table 14.2 - Parcel 040-126 - SP210008 - District 3 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the modification of conditions on existing zoning application ZA3897 in accordance with UDC Section 8-5.5(I) - Parcel 106-104 - District 3 - Director, Department of Planning and Community Development
(Postponed from the November 4, 2021 Agenda)
- (8) Public Hearing and possible vote regarding Jonathan Gonzalez - ZA4007 - to rezone from Agricultural District (A1) and Single Family Residential District (R1) to Commercial Business District (CBD) with a Conditional Use Permit (CUP) for an open air business on 2 acres associated with an existing 1,036 sq. ft. building with 8 parking spaces with the following variances to: 1.) Reduce the front setback from 40 ft. to 24 ft. (UDC Table 12.2); 2.) Reduce the front landscape strip from 20 ft. to 10 ft. (UDC 21-6.5(A)(1)); and, 3.) Reduce the required number of parking spaces from 75

to 8 (UDC Table 17.1) - Parcel 017-055 - District 3 - Director, Department of Planning and Community Development
(Postponed from the August 19, 2021 Agenda. At the September 2, 2021 Regular Meeting / Public Hearings, the Board voted 4-0-1 (Commissioners Mills, John, Levent, and Semanson in favor; Commissioner Cooper absent) to hold an additional Public Hearing on November 4, 2021; postponed from the September 2, 2021 and November 4, 2021 Agendas.)

- (9) Public Hearing and possible vote regarding the County-Initiated variances to: 1.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 43% (UDC 19-5.1(C)); 2.) Reduce the minimum building setback from all primary conservation areas from 75 ft. to 0 ft. (UDC 19-5.1(D)); and, 3.) Reduce the minimum percentage of total land area required as open space from 40% to 39% (UDC 19-3.1(B)(1)) - Parcels 213-010, 214-003, 214-020, 214-029, and 214-467 - VA210088 - District 4 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding Taylor Morrison of Georgia, LLC - ZA4016 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) Conservation Subdivision on 78.80 acres for 93 residential lots with a density of 1.18 units per acre - Parcels 213-010, 214-003, 214-020, 214-029, and 214-467 - District 4 - Director, Department of Planning and Community Development **(At the November 18, 2021 Regular Meeting / Public Hearings, the Board voted unanimously to hold an additional Public Hearing on December 2, 2021. Postponed from the November 18, 2021 Agenda.)**
- (11) Public Hearing and possible vote regarding the approval of a Sketch Plat for Steven B. Garrison - Parcels 198-202 and 198-223 - SP210009 - District 5 - Director, Department of Planning and Community Development
- (12) Public Hearing and possible vote regarding amendments to Chapters 3, 11, 12 and 16 related to Lighting Regulations within the Unified Development Code of Forsyth County - Planner Manager, Department of Planning and Community Development **(The first Public Hearing was held before the Planning Commission on October 26, 2021)**
- (13) Public Hearing and possible vote regarding amendments to Chapters 3 and 12 related to Specialty Pharmacy within the Unified Development Code of Forsyth County - Planner Manager, Department of Planning and Community Development **(The first Public Hearing was held before the Planning Commission on October 26, 2021)**
- (14) Public Hearing and possible vote regarding modifications to the Forsyth County Comprehensive Plan including the Community Character Map - Planning Manager, Department of Planning and Community Development **(The first Public Hearing was held before the Planning Commission on November 16, 2021)**
- (15) Public Hearing and possible vote regarding amendments to the Official Overlay District Map of Forsyth County and Chapter 21 related to Overlay Districts within the Unified Development Code of Forsyth County - Planning Manager, Department of Planning and Community Development **(The first Public Hearing was held before the Planning Commission on November 16, 2021)**
- (16) Public Hearing and possible vote regarding amendments to Chapters 11, 12, 14,

and 15 related to Height Requirements within the Unified Development Code of Forsyth County - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on November 16, 2021)

- (17) Public Hearing and possible vote regarding a proposed modification to the County's Stormwater Management Code, otherwise known as Ordinance 75, including support documents and manuals to ensure compliance with the Georgia Environmental Protection Division's model ordinance; to repeal conflicting ordinances; and for other purposes - County Engineer, Department of Engineering
(The first Public Hearing was held before the Board of Commissioners on November 18, 2021)
- (18) Public Hearing and possible vote concerning proposed modifications to the Short-Term Rental Ordinance, otherwise known as Ordinance 129, to clarify the applicability of the Ordinance; to repeal conflicting ordinances; and for other purposes - County Attorney
(The first Public Hearing was held before the Board of Commissioners on November 18, 2021)

IX. Public Comments

X. Old Business

- (1) Board consideration and possible direction regarding RUS-AL (USA), Inc., CP190014, to operate an open storage yard with 133 parking spaces associated with existing buildings totaling 18,000 sq. ft. with 26 parking spaces on 6.680 acres currently zoned Restricted Industrial District (M1) with variances to: 1.) Reduce the zoning buffer along the eastern property boundary from 60 ft. to 0 ft. (UDC, Table 14.2); 2.) Reduce the front setback from 50 ft. to 35 ft. abutting Union Hill Road right-of-way adjacent to the existing structure only (UDC, Table 14.2); and, 3.) Reduce the zoning setback from 75 ft. to 65 ft. along the eastern property boundary adjacent to the existing structure only (UDC, Table 14.2) - District 3 - Director, Department of Planning and Community Development
(At the November 21, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to authorize staff to proceed with advertising for additional Public Hearings for AZ190005 (RUS-AL), SP190002 (RUS-AL), and CP190014 (RUS-AL) to be heard at the December 5, 2019 Regular Meeting / Public Hearings (Consent Agenda (5)(P)). At the December 5, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to deny the CUP and variances. At the January 9, 2020 Regular Meeting / Public Hearings, the Board voted unanimously to rescind the denial of the CUP. Postponed from the March 19, 2020, April 16, 2020, June 4, 2020, July 9, 2020, July 23, 2020, August 6, 2020, August 20, 2020, October 8, 2020, November 5, 2020, November 19, 2020, December 17, 2020, January 21, 2021, May 6, 2021, June 3, 2021, July 8, 2021, August 19, 2021, and October 7, 2021 Agendas.)
- (2) Board consideration and possible direction regarding Sketch Plat approval for RUS-AL (USA), Inc. and Variances to the UDC Section 14-1.3 and Table 14.2 - Parcel 041-099 - SP190002 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners at its November 7, 2019 Regular Meeting / Public Hearings; the Board voted unanimously to postpone its decision to the November 21, 2019 Regular Meeting / Public Hearings. At the November 21, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to authorize staff to proceed with advertising Public Hearings for AZ190005 (RUS-AL), SP190002 (RUS-AL), and CP190014 (RUS-AL) to be heard at the December 5, 2019 Regular Meeting / Public Hearings (Consent Agenda (5)(P)). A Public Hearing was held before the Board of Commissioners at its December 5, 2019 Regular Meeting / Public Hearings; the Board voted unanimously to move Item to the February

20, 2020 Regular Meeting / Public Hearings Agenda to hold an additional Public Hearing. Postponed from the February 20, 2020, March 19, 2020, and April 16, 2020 Agendas. A Public Hearing was held before the Board of Commissioners at its June 4, 2020 Regular Meeting / Public Hearings; the Board voted unanimously to postpone its decision to the July 9, 2020 Regular Meeting / Public Hearings. Postponed from the July 9, 2020, July 23, 2020, August 6, 2020, August 20, 2020, October 8, 2020, November 5, 2020, November 19, 2020, December 17, 2020, January 21, 2021, May 6, 2021, June 3, 2021, July 8, 2021, August 19, 2021, and October 7, 2021 Agendas.)

- (3) Fill Ministries, Inc. - CP210017 - to build a place of worship (5,407 sq. ft. chapel) with ancillary uses to include a fellowship/meeting hall, pavilion/bathrooms, shed, office, minister's residence, and food pantry in buildings totaling an additional 29,991 sq. ft. with 104 parking spaces on 3.03 acres currently zoned Agricultural District (A1) - Parcel 251-005 - District 4 - Director, Department of Planning and Community Development
(Postponed from the November 18, 2021 Agenda)

XI. New Business

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment