

**FORSYTH COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING / PUBLIC HEARINGS
APRIL 18, 2024**

On Thursday, April 18, 2024, at 5:00 p.m. in the Commissioners' Meeting Room of the Forsyth County Administration Building, the Forsyth County Board of Commissioners held a Regular Meeting / Public Hearings with the following persons present: Kerry Hill - Vice Chairman, Laura Semanson - Secretary, Todd Levent - Member, Cindy Jones Mills - Member, Ken Jarrard - County Attorney, and Rhonda Hansard - County Clerk.

**AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 18, 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 April 19, 2024 as Education and Sharing Day in Forsyth County - Levent / John*
 - (2) *Board recognition of the Department of Water and Sewer for receiving the Georgia Association of Water Professional (GAWP) awards for: Education Excellence in Community Engagement (2024), Plant of the Year Award for both Dick Creek and Shakerag (2024), Platinum Award for Collection System Excellence (2023), and Platinum Award for Distribution System Excellence (2023) - Director, Department of Water and Sewer*
- V. *Public Comments*
- VI. *Adoption of Minutes*
 - (1) *Regular Meeting / Public Hearings of March 21, 2024*
 - (2) *Work Session of March 26, 2024*
 - (3) *Special Called Joint Meeting of March 26, 2024*
 - (4) *Special Called Meeting of March 26, 2024*
 - (5) *Work Session and Executive Session of April 9, 2024*
- VII. *Consent Agenda*
 - (1) *Board ratification of the following Items that were discussed and voted on at the Work Session held on March 26, 2024 (to the extent that a Board Member was not present to vote on some of the Items presented below at the March 26, 2024 Work Session, the absent Board Member has indicated having no objections to placement of the*

Items on the Consent Agenda - at the request of County staff as anticipated by Board Rule 1.07.01):

- (A) *Board approval of the 2024 Annual Service Agreement with Motorola Solutions, Inc. in the amount of \$833,346.59 for the Radio Systems Tower Locations and Public Safety Radio Equipment for the Emergency Management Agency with approval of the associated Service Agreement and with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency*
 - (B) *Board approval of a Service Agreement and Addendum 1 with TargetSolutions Learning, LLC, d/b/a Vector Solutions in the amount of \$6,508.80 to acquire Annual Guardian Tracking Subscriptions Licenses for the E-911 Center and Fire Department with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency*
 - (C) *Board authorization to enter into a Mutual Aid Agreement between the Atlanta Humane Society and Forsyth County Georgia, on behalf of Forsyth County Animal Services - Animal Services Supervisor, Department of Code Compliance*
 - (D) *Board approval to terminate the Master Services Agreement with Healthstat, Inc. as presented by staff - Director, Department of Employment Services*
 - (E) *Board approval of a Memorandum of Agreement with the Georgia Recreation and Park Association, Inc. (GRPA) in the amount of \$25,000.00 with no required match for the Department of Parks and Recreation to provide Out-of-School Time Services under the Year 3 Building Opportunities in Out-of-School Time (BOOST) Summer Program Grant, with approval of the Georgia Department of Education Conflict of Interest and Disclosure Policy and with approval of a Budget Resolution - Director, Department of Parks and Recreation*
 - (F) *Board approval of a Resolution of the Board of Commissioners authorizing the County Manager to execute certain Right of Entry Agreements, subject to ratification by the Board of Commissioners - County Attorney*
 - (G) *Board approval of a First Amendment to Option and Ground Lease Agreement with Towercom V-B, LLC to change the recipient of the lump sum payment from Forsyth County Park Foundation to Forsyth County as presented by Legal Counsel - County Attorney*
 - (H) *Board authorization for the County Attorney to proceed with drafting modifications to the Alcohol Ordinance, Ord. No. 68, codified as Chapter 6 in the Forsyth County Code of Ordinances, related to Special Event Permits and Catering Licenses as described - County Attorney*
- (2) *Board ratification of the following Items that were discussed and voted on at a Work Session held on April 9, 2024 (to the extent that a Board Member was not present to vote on an Item presented below at the April 9, 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 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 Budget Resolution to transfer one full-time position from the Department of Water and Sewer and funding from Contingency to the Department of Procurement for the creation of a Deputy Director position for the Department of Procurement - Director, Department of Procurement*
- (C) *Board approval of adding one Bailiff Position to Probate Court - Director, Department of Employment Services*
- (D) *Board authorization for staff to apply for a Federal Transit Administration (FTA) Grant under the FY 2024 Low or No Emission Grant Program in the amount of \$1,956,968.00 with a required 20 percent match in the amount of \$489,242.00 to purchase Propane Buses and construct a Propane Fill Station for the Department of Public Transportation - Director, Department of Public Transportation*
- (E) *Board approval of a Resolution Adjusting Impact Fee Schedules to Account for Inflation - Impact Fee Administrator, Department of Finance*
- (F) *Board approval of a Financial Advisory Services Agreement with Davenport & Company LLC for Retainer Services such as financial planning, policy development, and services related to debt planning and transaction related services regarding a Comprehensive Plan of Finance regarding timing and structuring for debt issuance - Director, Department of Finance*
- (G) *Board authorization for staff to apply for the State of Georgia FY 2024 Local Road Assistance Administration funds for Resurfacing of County Roads for an amount not to exceed \$3,753,891.94 with no match required - Assistant Director, Department of Engineering*
- (H) *Board approval of a Special Facility Use Agreement with Burton Outdoor Adventures LLC to offer Paddlesport Rental Services - Director, Department of Parks and Recreation*
- (I) *Board approval of an Amending Agreement to the Standard Service Agreement with Pinnacle Data Systems Inc. for Bill Printing and Mailing for the Department of Water and Sewer with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Water and Sewer*
- (J) *Board approval of a Contract Item Agreement (CIA) with the Georgia Department of Transportation for reimbursement of an estimated \$527,150.00 for the Relocation of Water Infrastructure on State Route 9 at CR 184/Jewell Bennett Road due to road construction (PI 0016066) - Director, Department of Water and Sewer*
- (K) *Board approval of Task Order 6 with Freese and Nichols, Inc. (Contract 1202300003) in the amount of \$513,587.00 for Design of a new Lift Station and Force Main to be near the intersection of County Way and Georgia 400 - Director, Department of Water and Sewer*

- (L) *Board approval to award Quote 24-26-3310 to Diversified Adjustment Service, Incorporated for Debt Collection Services for the Department of Water and Sewer with approval of the associated Service Agreement - Director, Department of Water and Sewer*
- (M) *Board approval of Amendment #2 to Task Order 1 of the Roadway and Connectivity/Pedestrian Construction Engineering and Inspection Services As-Needed Services Agreement with Jacobs Engineering Group Inc. to allow Construction, Engineering, and Inspection Services for Phase I of the McGinnis Ferry Widening Project from Douglas Road to Hospital Drive - Director, Department of Capital Projects*
- (N) *Board approval of Supplemental Agreement #2 to the Construction Agreement with the Georgia Department of Transportation (GDOT) dated November 13, 2020 for PI 0013369 SR 369/400 Interchange in the amount of \$808,693.22 - Director, Department of Capital Projects*
- (3) *Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Hawkins Manor Drive, and all other property and property rights as shown on the Subdivision Plat for Hawkins Manor, recorded in Plat Book 211, Pages 40-69, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering*
- (4) *Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Streamsong Way, Wallace Creek Court, Namon Pond Lane, Wallace Pond Way, Wallace Farms Drive, and all other property and property rights as shown on the Subdivision Plat for Northbrooke Ph 2, recorded in Plat Book 211, Pages 175-189, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering*
- (5) *Pursuant to Board of Commissioners Rule of Procedure 3.02.01, the Board of Commissioners hereby Amends the conditions associated with CP240005 by removing certain scrivener errors, as reflected by the red strikethroughs on that attached set of conditions. These corrections are nominal and are the product of a non-final version of the conditions being displayed to the Board of Commissioners on March 7, 2024. Upon approval of this Agenda Item, the Forsyth County Clerk is authorized to place a manual asterisk on the March 7, 2024 Minutes at the CP240005 Agenda Header cross-referencing to this scrivener's correction - County Attorney*
- (6) *Board adoption of a Proclamation declaring April 19, 2024 as Education and Sharing Day in Forsyth County - Levent / John*
- (7) *Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 9, 2024 - County Clerk*

VIII. *Public Hearings*

- (1) *Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate an open container yard on property zoned Master Planned District (MPD) - Parcel 177-558 - CP240013 - District 2 - Director, Department of Planning and Community Development*
- (2) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1621 (Mary Tritt) by Olde Towne Cutlery, LLC with a variance to: 1.) Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)); 2.) Reduce the front setback from 40 ft. to 25 ft. (UDC Table 12.2);*

- and, 3.) Reduce the front landscape strip from 10 ft. to 0 ft. (UDC Table 12.2) - Parcel 250-073 - AZ240001 - District 4 - Director, Department of Planning and Community Development
(Postponed from the March 7, 2024 Agenda)*
- (3) *Public Hearing and possible vote regarding the County-Initiated 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 250-073 - VA240009 - District 4 - Director, Department of Planning and Community Development*
- (4) *Public Hearing and possible vote regarding the approval of a Sketch Plat for Raj Gangaram - Parcel 239-018 - SP220002 - District 4 - Director, Department of Planning and Community Development*
- (5) *Public Hearing and possible vote regarding the County-Initiated request to rezone from Master Planned District (MPD) to Mixed Residential District (MRD) - Parcel 220-017 - ZA4165 - District 4 - Director, Department of Planning and Community Development*
- (6) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1602 (Eric Liu) by Liu Investment Partners, L.L.L.P. with a variance to: 1.) Increase the maximum number of parking spaces for lot 1 from 7 to 16 (UDC Table 17.1); 2.) Reduce the minimum lot width for lot 4 from 60 ft. to 59 ft. (UDC 18-4.5); 3.) Increase the percentage of parking that fronts the main building entrance for lot 2 from 60% to 66% (UDC 21-8.5(A)); and, 4.) Reduce the minimum lot width for lot 6 from 60 ft. to 36 ft. (UDC 18-4.5) - Parcel 113-050 - AZ230031 - District 5 - Director, Department of Planning and Community Development
(Postponed from the March 21, 2024 Agenda)*
- (7) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4004 (Epic Homes, LLC) by Epic Homes, LLC - Parcel 089-470 - AZ240007 - District 5 - Director, Department of Planning and Community Development*
- (8) *Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to build a new vehicle sales dealership on property zoned Commercial Business District (CBD) - Parcel 107-018 - CP230042 - District 5 - Director, Department of Planning and Community Development*
- (9) *Public Hearing and possible vote regarding an Alternate Design for J&G Baranco Holdings, LLC with the following variance to: 1.) Increase the percentage of vehicles visible along the right-of-way from 10% to 100% (UDC 12-13.13(A)); 2.) Reduce the Pedestrian Landscape Zone on a portion of the eastern and western sides of the building from 8 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Sidewalk Zone on a portion of the eastern and western sides of the building from 6 ft. to 0 ft. (UDC Table 12.3); and, 4.) Reduce the Façade Landscape Zone on a portion of the eastern and western sides of the building from 6 ft. to 0 ft. (UDC Table 12.3) - Parcel 107-018 - AD240001 - District 5 - Director, Department of Planning and Community Development*
- (10) *Public Hearing and possible vote regarding amendments to the Unified Development Code related to Tree Selection and Parking Requirements within the Coal Mountain Overlay - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 27, 2024)*

- (11) *Public Hearing and possible vote regarding amendments to the Unified Development Code related to Hotels, Motels, and Extended Stay Hotels and Motels - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 27, 2024; Postponed from the March 7, 2024 Agenda; The second Public Hearing was held before the Planning Commission on March 26, 2024)*
- (12) *Public Hearing and possible vote regarding amendments to the Unified Development Code related to Conservation Subdivisions - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 27, 2024)*

IX. *Public Comments*

X. *Old Business*

XI. *New Business*

- (1) *Daedra Marshall - CP230025 - to operate a kennel (breeding and sales) in 3,900 sq. ft. of an existing 5,319 sq. ft. home with 6 parking spaces on 2.306 acres zoned Agricultural District (A1) with the following variance to: 1.) Reduce the required number of parking spaces from 10 to 6 (UDC Table 17.1); and, 2.) Reduce the buffer along the southern property boundary from 25 ft. to 0 ft. (UDC Table 15.2) - Parcel 006-087 - District 1 - Director, Department of Planning and Community Development*
- (2) *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*
- (3) *Atlantic Resorts LLC - CP230038 - to build a 67,000 sq. ft. hotel with 120 parking spaces with an overall site including a 3,330 sq. ft. retail trade establishment with 10 parking spaces on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672 - District 3 - Director, Department of Planning and Community Development*
- (4) *Board consideration of the request by Kevin and Kathleen Tyndall for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to approve a variance on VA230075 (David & Rebekah Wassmer). The variance was approved on March 5, 2024 - AV240001 - District 4 - Director, Department of Planning and Community Development*
- (5) *Liu Investment Partners, L.L.L.P. - CP230027 - to conduct around the clock business with an overall site including a drive-through finance establishment/drive-through restaurant buildings totaling 7,900 sq. ft. with 75 parking spaces on 18.213 acres currently zoned Commercial Business District (CBD) - Parcel 113-050 - District 5 - Director, Department of Planning and Community Development
(Postponed from the March 21, 2024 Agenda)*
- (6) *Anamaria Hazard Meanes - ZA4153 - to rezone from Single Family Residential District (R1) to Office and Institutional District (O&I) on 2.72 acres for a 20,000 sq. ft. office with 106 parking spaces with the following variance to: 1.) Reduce the zoning buffer along the northern property boundary as depicted on the site plan from 30 ft. to 15 ft. (UDC Table 12.2); 2.) Increase the maximum gross square footage per*

business establishment from 10,000 sq. ft. to 20,000 sq. ft. (UDC Table 12.2); and, 3.) Increase the required number of parking spaces from 67 to 106 (UDC Table 17.1) - Parcel 108-079 - District 5 - Director, Department of Planning and Community Development

- (7) *Board consideration of ad valorem tax refund requested by NTT America, Inc. concerning ad valorem personal property taxes for property located at 6225 Shiloh Road, Suite A, Personal Property ID 322470, for tax year 2020 in the amount of \$193,124.00, for tax year 2021 in the amount of \$133,080.00, tax year 2022 in the amount of \$203,429.00, and tax year 2023 in the amount of \$200,901.00 - County Attorney
(Postponed from the January 18, 2024, February 15, 2024, and March 21, 2024 Agendas)*
- (8) *Board consideration of a Conservation Easement between Taylor Morison of Georgia, LLC, Kennison Creek Community Association, Inc., and Forsyth County regarding open space in the Kennison Creek Subdivision - County Attorney*
- (9) *Update on The Gathering's Memorandum of Understanding - Mills / Levent*

XII. *Recess Regular Meeting*

XIII. *Executive Session (if needed)*

XIV. *Adjournment*

Vice Chairman Hill called the Regular Meeting / Public Hearings to order at 5:00 p.m. with the following Board members present: Hill, Semanson, Levent, and Mills; John was absent.

The Invocation and Pledge of Allegiance were led by David McKee, County Manager.

ADOPTION OF AGENDA

There was a motion by Commissioner Levent and a second by Commissioner Mills to move New Business (3) [*Atlantic Resorts LLC - CP230038 - to build a 67,000 sq. ft. hotel with 120 parking spaces with an overall site including a 3,330 sq. ft. retail trade establishment with 10 parking spaces on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672*] to be heard prior to Public Hearings (1).

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Mills to postpone Public Hearings (6) [*Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1602 (Eric Liu) by Liu Investment Partners, L.L.L.P. with a variance to: 1.) Increase the maximum number of parking spaces for lot 1 from 7 to 16 (UDC Table 17.1); 2.) Reduce the minimum lot width for lot 4 from 60 ft. to 59 ft. (UDC 18-4.5); 3.) Increase the percentage of parking that fronts the main building entrance for lot 2 from 60% to 66% (UDC 21-8.5(A)); and, 4.) Reduce the minimum lot width for lot 6 from 60 ft. to 36 ft. (UDC 18-4.5) - Parcel 113-050 - AZ230031*] to the Regular Meeting / Public Hearings of May 16, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Mills to postpone New Business (5) [*Liu Investment Partners, L.L.L.P. - CP230027 - to conduct around the clock*

business with an overall site including a drive-through finance establishment/drive-through restaurant buildings totaling 7,900 sq. ft. with 75 parking spaces on 18.213 acres currently zoned Commercial Business District (CBD) - Parcel 113-050] to the Regular Meeting / Public Hearings of May 16, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Mills and a second by Commissioner Semanson to add New Business (10) [*Board consideration of approval of authorizing the County Attorney to draft a Letter of Support from the Board of Commissioners regarding the US Army Corps of Engineers 2025 Budget Allocation for Lake Lanier Shoreline Remediation/Cleanup*].

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Mills to postpone New Business (7) [*Board consideration of ad valorem tax refund requested by NTT America, Inc. concerning ad valorem personal property taxes for property located at 6225 Shiloh Road, Suite A, Personal Property ID 322470, for tax year 2020 in the amount of \$193,124.00, for tax year 2021 in the amount of \$133,080.00, tax year 2022 in the amount of \$203,429.00, and tax year 2023 in the amount of \$200,901.00*] to the Regular Meeting / Public Hearings of May 16, 2024 at the request of the County Attorney.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Mills to add New Business (11) [*Board consideration of a formal termination of the Moratorium regarding land use initiatives involving Conservation Subdivisions*] at the request of the County Attorney.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the Agenda as amended.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

UNDER ANNOUNCEMENTS AND REPORTS THE FOLLOWING ACTIONS WERE TAKEN:

(1) Board presentation of a Proclamation declaring April 19, 2024 as Education and Sharing Day in Forsyth County

Commissioner Levent read aloud, and the Board presented a Proclamation declaring April 19, 2024 as *Education and Sharing Day* in Forsyth County.

(2) Board recognition of the Department of Water and Sewer for receiving the Georgia Association of Water Professional (GAWP) awards for: Education Excellence in Community Engagement (2024), Plant of the Year Award for both Dick Creek and Shakerag (2024), Platinum Award for Collection System Excellence (2023), and Platinum Award for Distribution System Excellence (2023)

Scott Adams, Department of Water and Sewer Director, recognized the Department of Water and Sewer for receiving the Georgia Association of Water Professional (GAWP) awards for: Education Excellence in Community Engagement (2024), Plant of the Year Award for both Dick Creek and Shakerag (2024), Platinum Award for Collection System Excellence (2023), and Platinum Award for Distribution System Excellence (2023).

David McKee, County Manager, recognized April 14, 2024 through April 20, 2024 as *National Public Safety Telecommunicators Week*.

David McKee, County Manager, announced that today the *Ageing Well Expo* occurred. Mr. McKee thanked staff, the Department of Senior Services, and vendors for their support of the event.

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

Dr. Robert D. Shaffer (provided documentation to Rhonda Hansard, County Clerk, for distribution to the Board)

There was a motion by Commissioner Levent and a second by Commissioner Mills to grant two additional minutes of speaking time to Dr. Shaffer.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

Meredith Young
Mary Shaffer

There was a motion by Commissioner Levent and a second by Commissioner Mills to grant two additional minutes of speaking time to Ms. Shaffer.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

Gajanan Gundawar

UNDER ADOPTION OF MINUTES THE FOLLOWING ACTIONS WERE TAKEN:

(1) Regular Meeting / Public Hearings of March 21, 2024

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the Minutes of the Regular Meeting / Public Hearings of March 21, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(2) Work Session of March 26, 2024

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the Minutes of the Work Session of March 26, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(3) Special Called Joint Meeting of March 26, 2024

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the Minutes of the Special Called Joint Meeting of March 26, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(4) Special Called Meeting of March 26, 2024

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the Minutes of the Special Called Meeting of March 26, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(5) Work Session and Executive Session of April 9, 2024

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the Minutes of the Work Session and Executive Session of April 9, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

UNDER CONSENT AGENDA THE FOLLOWING ACTIONS WERE TAKEN:

There was a motion by Commissioner Mills and a second by Commissioner Semanson to adopt the Consent Agenda as presented.

- (1) Board ratification of the following Items that were discussed and voted on at the Work Session held on March 26, 2024 (to the extent that a Board Member was not present to vote on some of the Items presented below at the March 26, 2024 Work Session, the absent Board Member has indicated having no objections to placement of the Items on the Consent Agenda - at the request of County staff as anticipated by Board Rule 1.07.01):
 - (A) Board approval of the 2024 Annual Service Agreement with Motorola Solutions, Inc. in the amount of \$833,346.59 for the Radio Systems Tower Locations and Public Safety Radio Equipment for the Emergency Management Agency with approval of the associated Service Agreement and with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency
 - (B) Board approval of a Service Agreement and Addendum 1 with TargetSolutions Learning, LLC, d/b/a Vector Solutions in the amount of \$6,508.80 to acquire Annual Guardian Tracking Subscriptions Licenses for the E-911 Center and Fire Department with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency
 - (C) Board authorization to enter into a Mutual Aid Agreement between the Atlanta Humane Society and Forsyth County Georgia, on behalf of Forsyth County Animal Services - Animal Services Supervisor, Department of Code Compliance

- (D) Board approval to terminate the Master Services Agreement with Healthstat, Inc. as presented by staff - Director, Department of Employment Services
 - (E) Board approval of a Memorandum of Agreement with the Georgia Recreation and Park Association, Inc. (GRPA) in the amount of \$25,000.00 with no required match for the Department of Parks and Recreation to provide Out-of-School Time Services under the Year 3 Building Opportunities in Out-of-School Time (BOOST) Summer Program Grant, with approval of the Georgia Department of Education Conflict of Interest and Disclosure Policy and with approval of a Budget Resolution - Director, Department of Parks and Recreation
 - (F) Board approval of a Resolution of the Board of Commissioners authorizing the County Manager to execute certain Right of Entry Agreements, subject to ratification by the Board of Commissioners - County Attorney
 - (G) Board approval of a First Amendment to Option and Ground Lease Agreement with Towercom V-B, LLC to change the recipient of the lump sum payment from Forsyth County Park Foundation to Forsyth County as presented by Legal Counsel - County Attorney
 - (H) Board authorization for the County Attorney to proceed with drafting modifications to the Alcohol Ordinance, Ord. No. 68, codified as Chapter 6 in the Forsyth County Code of Ordinances, related to Special Event Permits and Catering Licenses as described - County Attorney
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 - (B) Board approval of a Budget Resolution to transfer one full-time position from the Department of Water and Sewer and funding from Contingency to the Department of Procurement for the creation of a Deputy Director position for the Department of Procurement - Director, Department of Procurement
 - (C) Board approval of adding one Bailiff Position to Probate Court - Director, Department of Employment Services
 - (D) Board authorization for staff to apply for a Federal Transit Administration (FTA) Grant under the FY 2024 Low or No Emission Grant Program in the amount of \$1,956,968.00 with a required 20 percent match in the amount of \$489,242.00 to purchase Propane Buses and construct a Propane Fill Station for the Department of Public Transportation - Director, Department of Public Transportation
 - (E) Board approval of a Resolution Adjusting Impact Fee Schedules to Account for Inflation - Impact Fee Administrator, Department of Finance

- (F) Board approval of a Financial Advisory Services Agreement with Davenport & Company LLC for Retainer Services such as financial planning, policy development, and services related to debt planning and transaction related services regarding a Comprehensive Plan of Finance regarding timing and structuring for debt issuance - Director, Department of Finance
- (G) Board authorization for staff to apply for the State of Georgia FY 2024 Local Road Assistance Administration funds for Resurfacing of County Roads for an amount not to exceed \$3,753,891.94 with no match required - Assistant Director, Department of Engineering
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- (M) Board approval of Amendment #2 to Task Order 1 of the Roadway and Connectivity/Pedestrian Construction Engineering and Inspection Services As-Needed Services Agreement with Jacobs Engineering Group Inc. to allow Construction, Engineering, and Inspection Services for Phase I of the McGinnis Ferry Widening Project from Douglas Road to Hospital Drive - Director, Department of Capital Projects
- (N) Board approval of Supplemental Agreement #2 to the Construction Agreement with the Georgia Department of Transportation (GDOT) dated November 13, 2020 for PI 0013369 SR 369/400 Interchange in the amount of \$808,693.22 - Director, Department of Capital Projects
- (3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Hawkins Manor Drive, and all other property and property rights as shown on the Subdivision Plat for Hawkins Manor, recorded in Plat Book 211, Pages 40-69, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering

- (4) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Streamsong Way, Wallace Creek Court, Namon Pond Lane, Wallace Pond Way, Wallace Farms Drive, and all other property and property rights as shown on the Subdivision Plat for Northbrooke Ph 2, recorded in Plat Book 211, Pages 175-189, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (5) Pursuant to Board of Commissioners Rule of Procedure 3.02.01, the Board of Commissioners hereby Amends the conditions associated with CP240005 by removing certain scrivener errors, as reflected by the red strikethroughs on that attached set of conditions. These corrections are nominal and are the product of a non-final version of the conditions being displayed to the Board of Commissioners on March 7, 2024. Upon approval of this Agenda Item, the Forsyth County Clerk is authorized to place a manual asterisk on the March 7, 2024 Minutes at the CP240005 Agenda Header cross-referencing to this scrivener's correction - County Attorney
- (6) Board adoption of a Proclamation declaring April 19, 2024 as Education and Sharing Day in Forsyth County - Levent / John
- (7) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 9, 2024 - County Clerk

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

The Board voted [during Adoption of Agenda] to move New Business (3) to be heard prior to Public Hearings (1).

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

- (3) **Atlantic Resorts LLC - CP230038 - to build a 67,000 sq. ft. hotel with 120 parking spaces with an overall site including a 3,330 sq. ft. retail trade establishment with 10 parking spaces on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672**

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Toni Boyd, Department of Planning and Community Development Constituent Services Liaison, informed the Board that she was having difficulty locating the conditions.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to postpone this Item to be heard upon the conditions being available for display.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

UNDER PUBLIC HEARINGS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) **Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate an open container yard on property zoned Master Planned District (MPD) - Parcel 177-558 - CP240013**

Tom Brown, Department of Planning and Community Development Director, addressed the Board; the Concept Plan was displayed. Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Sunmeet Saluja

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

The Board held a discussion and amended the conditions.

There was a motion by Commissioner Semanson and a second by Commissioner Mills to approve CP240013, a County-Initiated Conditional Use Permit to operate an open container yard on property zoned Master Planned District (MPD) - Parcel 177-558, as presented and with the conditions as displayed. The conditions read as follows:

CONDITIONS:

1. The open storage yard shall be limited to that portion of the property depicted in red and green on the attached Exhibit "A".
2. The open storage allowance shall be limited to tables, chairs, and supplies utilized by the business at that site.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

The Board heard New Business (3).

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN (continued):

- (3) Atlantic Resorts LLC - CP230038 - to build a 67,000 sq. ft. hotel with 120 parking spaces with an overall site including a 3,330 sq. ft. retail trade establishment with 10 parking spaces on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672**

Ken Jarrard, County Attorney, addressed the Board.

There was a motion by Commissioner Levent and a second by Commissioner Mills to approve CP230038, to build a 67,000 sq. ft. hotel with an overall site including a 3,330 sq. ft. retail trade establishment on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672, with the conditions and site plan as displayed. The conditions read as follows:

CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. Owner/Developer shall dedicate a minimum right-of-way of ten feet back of curb for any required road improvements on McFarland Parkway as part of site development.
3. Developer shall tie onto Forsyth County sewer systems by gravity.
4. Gravity sewer outfalls shall follow natural contours to minimize depth.
5. Sewer access must be provided to all upstream properties.
6. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense.
7. There shall be a 10-foot minimum setback from Utility Easements to any building, unless otherwise approved by Forsyth County Department of Water and Sewer.
8. There shall be no trees planted within the right of way of in Utility Easements.
9. The following conditions apply to canopies:
 - a. Canopies shall be architecturally integrated with the building using similar materials, colors, and detailing.
 - b. Canopy support columns shall be faced with full height brick or stone that matches or complements the finish of the primary building.
 - c. Lighted or painted bands of color that indicate business identity are prohibited.
10. The following uses shall be prohibited:
 - a. Extended stay hotels;
 - b. Smoke shops, vapor cigarette shops, or non-traditional tobacco paraphernalia shops;
 - c. Open storage;
 - d. Casinos.
11. The hotel facilities shall feature a minimum of three amenities as described in 16-4.16(A)
12. Notwithstanding any other provision of the Unified Development Code (UDC), the developer agrees that the version of the UDC in effect on the date of zoning approval by the Board of Commissioners shall control and govern the development and operation. In the event of a future UDC change, prior to the issuance of a building permit, then-existing UDC provisions at the time of application for a building permit shall apply.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

UNDER PUBLIC HEARINGS THE FOLLOWING ACTIONS WERE TAKEN (continued):

- (2) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1621 (Mary Tritt) by Olde Towne Cutlery, LLC with a variance to: 1.) Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)); 2.) Reduce the front setback from 40 ft. to 25 ft. (UDC Table 12.2); and, 3.) Reduce the front landscape strip from 10 ft. to 0 ft. (UDC Table 12.2) - Parcel 250-073 - AZ240001**

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Lee Tinger (provided a presentation)

There was a motion by Commissioner Mills and a second by Commissioner Semanson to add an additional two minutes of speaking time to both in favor and in opposition.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to approve AZ240001, an application seeking an Amendment of Zoning Conditions on ZA1621 (Mary Tritt) by Olde Towne Cutlery, LLC - Parcel 250-073, with the conditions, exhibits, and variances as displayed. The variances and conditions read as follows:

VARIANCES:

1. Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)).
2. Reduce the front setback from 40 ft. to 25 ft. (UDC Table 12.2).
3. Reduce the front landscape strip from 10 ft. to 0 ft. (UDC Table 12.2).

CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file with the Department dated February 9, 2024.

2. Development landscape shall be substantially in accordance with the plan attached as Exhibit "A", plantings shall be selected from the Coal Mountain Overlay Approved Plant List.
3. Architectural elevations are shown in Exhibit "B". The Department of Planning and Community Development Director is authorized to approve amendments to said architectural elevations to ensure architectural design standards comply with the Coal Mountain Architectural Design Standards UDC 21-12.8 (A) (1)-(10), these standards shall only apply to the main entrance facade of the building.
4. Final architectural design shall be approved by the District Commissioner prior to issuance of land disturbance permits (LDP).
5. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County Department of Water and Sewer.
6. There shall be no trees planted within the right-of-way or Utility Easements.
7. The signs depicted on Exhibit "B" are for illustrative purposes only. All signage must adhere to the regulations of the Forsyth County Unified Development Code and Sign Ordinance.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(3) Public Hearing and possible vote regarding the County-Initiated 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 250-073 - VA240009

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Lee Tinger

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to approve VA240009 a County-Initiated variance - Parcel 250-073. The variance reads as follows:

VARIANCE:

1. Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18).

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(4) Public Hearing and possible vote regarding the approval of a Sketch Plat for Raj Gangaram - Parcel 239-018 - SP220002

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Christopher Light (provided a presentation)

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

The Board held a discussion.

Christopher Light, Lipscomb Johnson, LLP, addressed the Board.

There was a motion by Commissioner Mills and a second by Commissioner Hill to approve SP220002, a Sketch Plat for Raj Gangaram - Parcel 239-018, with the conditions and exhibits as displayed. The conditions read as follows:

CONDITIONS:

1. Development shall be substantially similar to the site plan and elevations on file in the Department.
2. Development shall tie onto Forsyth County sewer system by gravity. Gravity sewer flow from this development will ultimately be treated by the City of Cumming. A pump station may be required if the City of Cumming does not have available capacity.
3. Gravity sewer outfalls shall follow natural contours to minimize depth.
4. Sewer access must be provided to all upstream properties.
5. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense.
6. There shall be a ten (10) foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County Department of Water and Sewer.
7. There shall be no trees planted within the right of way or in Utility Easements.
8. Along Holtzclaw Road, in the area identified as Exhibit "A", the Developer shall install enhanced landscaping substantially similar to the said Exhibit. The

plant species shall be compliant with the Coal Mountain Overlay Approved Plant List.

9. There shall be a four (4) board fence with stone or brick columns spaced every fifty (50) linear feet along the frontage of the property facing the Holtzclaw Road right-of-way.
10. The development shall include an enhanced landscaped entrance and monument sign similar in design to either of the designs attached Exhibit "B", utilizing masonry brick, or natural stone, cast stone or manufactured stone having the appearance of natural stone in colors and materials similar to those utilized within the development. The final design to be approved by the District Commissioner at the time of permitting.
11. The six (6) residential units facing Holtzclaw Road shall be rear entry so that the front façade is facing Holtzclaw Road instead of the rear of the homes.
12. Development streets may be private if private entrance(s) must be gated. Chain link or visually opaque gate materials are prohibited.
13. Common mailbox facilities shall incorporate a roof structure over all cluster box units and sufficient in size to provide patrons shelter from the elements. The roof support posts shall be faced a minimum thirty-six (36) inches in height (when measured from the structure's impervious surface) with masonry brick, or natural stone, cast stone or manufactured stone having the appearance of natural stone. The architectural style, colors, and materials shall be similar to those utilized within the development. Common mail facilities shall be situated upon an impervious surface and include a trash or recycling receptacle.
14. The development shall be limited to a maximum of two (2) units for rent or lease at any one time.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(5) Public Hearing and possible vote regarding the County-Initiated request to rezone from Master Planned District (MPD) to Mixed Residential District (MRD) - Parcel 220-017 - ZA4165

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Commissioner Mills announced that the Public Hearing would occur, but the decision would be postponed for two weeks.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Casey Cagle (provided a presentation)
John Wacho

Speaking in opposition:

Thomas Russell

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to postpone the decision regarding ZA4165, a County-Initiated request to rezone from Master Planned District (MPD) to Mixed Residential District (MRD) - Parcel 220-017, to the Regular Meeting / Public Hearings of May 2, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

[Note: this Item will appear on the Agenda under "Old Business".]

- (6) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1602 (Eric Liu) by Liu Investment Partners, L.L.L.P. with a variance to: 1.) Increase the maximum number of parking spaces for lot 1 from 7 to 16 (UDC Table 17.1); 2.) Reduce the minimum lot width for lot 4 from 60 ft. to 59 ft. (UDC 18-4.5); 3.) Increase the percentage of parking that fronts the main building entrance for lot 2 from 60% to 66% (UDC 21-8.5(A)); and, 4.) Reduce the minimum lot width for lot 6 from 60 ft. to 36 ft. (UDC 18-4.5) - Parcel 113-050 - AZ230031 - the Board voted [during Adoption of Agenda] to postpone this Item to the Regular Meeting / Public Hearings of May 16, 2024**

- (7) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4004 (Epic Homes, LLC) by Epic Homes, LLC - Parcel 089-470 - AZ240007**

Ken Jarrard, County Attorney, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Sean Courtney (provided a presentation)

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Mills to approve AZ240007, an application seeking an Amendment of Zoning Conditions on ZA4004 (Epic Homes, LLC) by Epic Homes, LLC - Parcel 089-470, with the conditions and exhibits as displayed. The variance and conditions read as follows:

VARIANCE:

- 1. Reduce the exterior buffer abutting Caney Road from 40 ft. to 30 ft. (UDC Table 11.2(b)).

CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. Development shall tie onto Forsyth County sewer system by gravity unless otherwise approved by the Forsyth County Department of Water and Sewer. Gravity sewer shall follow natural contours to minimize depth.
3. Sewer access must be provided to all upstream properties.
4. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense.
5. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County Department of Water and Sewer.
6. There shall be no trees planted within the right of way or in utility easements.
7. Owner/Developer shall dedicate right-of-way of 40 feet from centerline of Caney Road as part of site development or when required for road improvements as determined by the Department of Engineering.
8. Prior to any land disturbance at the subject property, developer shall hire and pay for a licensed registered Professional Engineer(s) to conduct a siltation study of Brookwood Lake to determine baseline siltation and siltation rate predevelopment. Developer shall fund a post-development siltation study by the same engineer(s) to confirm that development has not negatively impacted Brookwood Lake. Developer shall notify the Brookwood Lake Homeowners Association in writing no less than five (5) business days prior to any siltation study sample taken. Developer shall provide the Brookwood Lake Homeowners Association with the results of both siltation studies within ten (10) business days of receiving the results of each study.
9. Developer shall install a turbidity curtain at the entrance to Brookwood Lake prior to land disturbance.
10. Developer shall install and maintain three layers of reinforced silt fencing along the southern and western boundaries of the property during development.
11. Stormwater pond(s) shall be engineered to provide water quality treatment for the runoff resulting from the initial 1.8 inches of rainfall. This condition shall be construed to be concurrent with existing MS4 based stormwater criteria.
12. Channel protection drawdown times shall be increased to 48 hours.
13. No waivers of stream channel protection measures shall be granted.
14. Developer shall install a dewatering bag at outlet of stormwater pond(s) during construction.
15. Developer and homeowners' association shall be required to apply larvicides, stock mosquito fish or take other measures in the stormwater pond(s) for mosquito control.

16. Developer shall install dense evergreen screening of stormwater ponds in the open space. Plantings shall be approved by the County Arborist and Department of Engineering.
17. The fronts of all homes shall be brick, stone and/or shake with accents of cementitious material not to exceed 20%. The total area of the remaining three (3) sides, as a whole, to be 50% brick, stone and/or shake with the remaining 50% of the three (3) sides to be cementitious material. Should Board and Batten be utilized as a building material, the front elevation shall be substantially similar to Exhibit "A".
18. A black four board fence shall be installed along the entire length of Caney Road.
19. Developer shall disclose to buyers that zoning buffers may be within residential lots.
20. Developer shall install a pedestrian crosswalk across Caney Road with solar powered bi-directional rapid flashing beacons that are pedestrian activated, to facilitate access to Caney Creek Preserve.
21. Developer shall submit photographs of the existing early 20th century Gabled Ell Cottage to the Planning and Community Development Department or Historical Society of Forsyth County prior to demolition.
22. The existing fencing along the Brookwood Lakes and Glenmoor subdivisions shall be removed and replaced with a six (6) foot wooden privacy fence.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(8) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to build a new vehicle sales dealership on property zoned Commercial Business District (CBD) - Parcel 107-018 - CP230042

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Ethan Underwood (provided a presentation)

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

Ethan Underwood, Miles Hansford, LLC, addressed the Board.

David McKee, County Manager, addressed the Board.

The Board held a discussion.

Ethan Underwood, Miles Hansford, LLC, addressed the Board and confirmed that his client was comfortable with adding a condition.

There was a motion by Commissioner Semanson and a second by Commissioner Mills to approve CP230042, a County-Initiated Conditional Use Permit to build a new vehicle sales dealership on property zoned Commercial Business District (CBD) - Parcel 107-018, as presented.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

- (9) **Public Hearing and possible vote regarding an Alternate Design for J&G Baranco Holdings, LLC with the following variance to: 1.) Increase the percentage of vehicles visible along the right-of-way from 10% to 100% (UDC 12-13.13(A)); 2.) Reduce the Pedestrian Landscape Zone on a portion of the eastern and western sides of the building from 8 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Sidewalk Zone on a portion of the eastern and western sides of the building from 6 ft. to 0 ft. (UDC Table 12.3); and, 4.) Reduce the Façade Landscape Zone on a portion of the eastern and western sides of the building from 6 ft. to 0 ft. (UDC Table 12.3) - Parcel 107-018 - AD240001**

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

Ethan Underwood (provided a presentation)

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Levent to approve AD240001, an Alternate Design for J&G Baranco Holdings, LLC - Parcel 107-018, with the conditions and exhibits as shown and inclusive of all shown in the presentation. The alternate designs, variances, and conditions read as follows:

ALTERNATE DESIGNS:

1. Eliminate primary material requirements and substitute materials schedule submitted with this Application. [UDC § 12-13.9(A)].
2. Eliminate accent material requirements and substitute materials schedule submitted with this Application. [UDC § 12-13.9(B)].
3. Eliminate requirement that loading areas, as well as entrance and service bays, shall not face any public right-of-way. [UDC § 12-13.13(E)].
4. Eliminate landscape requirements. [UDC § 12-13.5(B)].

VARIANCES:

1. Variance to allow 100% of display vehicles to be visible along road frontage of Ronald Reagan Boulevard. [UDC § 12-13.13(A)].
2. Reduce the Pedestrian Landscape Zone from 8 ft. to 0 ft. in areas indicated on the site plan. (UDC Table 12.3).
3. Reduce the Sidewalk Zone from 6 ft. to 0 ft. in areas indicated on the site plan. (UDC Table 12.3).
4. Reduce the Façade Landscape Zone from 6 ft. to 0 ft. in areas indicated on the site plan. (UDC Table 12.3).

CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file with the Department.
2. Building design shall substantially comply with the rendering attached as Exhibit "A".
3. Landscaping design shall substantially comply with the rendering attached as Exhibit "B".
4. Final design of the amenity area required by UDC § 12-13.8 shall be approved by the District Commissioner.
5. Long-term stacking of vehicles in front of service entry bay is prohibited.
6. All lighting shall emit a low color temperature light having a Kelvin temperature of no more than three thousand (3,000). Thereby, light emitted from any source on site will be in the "warm" spectrum and light with a bluish color, sometimes referred to as "daylight" lights, which are in the "cool" spectrum is prohibited.
7. Any car wash constructed on the subject property may only be used by and as an accessory use to the vehicle sales dealership.
8. A 40-foot buffer shall be maintained along the common boundary with The Grove at Spring Valley Subdivision.
9. There shall be no commercial deliveries, including vehicle deliveries via car carriers, between the hours of 9:00 p.m. and 7:00 a.m., provided that this condition will not affect deliveries by vehicles weighing less than 26,000 pounds
10. Stormwater detention and retention ponds shall include a diversity of plant material based on species recommendations referenced in the Georgia Stormwater Management Manual. The planting selection shall promote natural mosquito control through providing appropriate habitat for various insects that feed on mosquitoes throughout the mosquito life cycle.
11. The battery storage facility shall be located no less than 100 feet from the property's southern boundary.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(10) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Tree Selection and Parking Requirements within the Coal Mountain Overlay

Anneli Soucek, Department of Planning and Community Development Planner II, addressed and provided a presentation to the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

None

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to approve amendments to the Unified Development Code related to Tree Selection and Parking Requirements within the Coal Mountain Overlay as presented.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Hotels, Motels, and Extended Stay Hotels and Motels

Taylor Stickles, Department of Planning and Community Development Planner II, addressed and provided a presentation to the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

None

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

Ken Jarrard, County Attorney, and Tom Brown, Department of Planning and Community Development Director, addressed the Board.

The Board held a discussion.

There was a motion by Commissioner Semanson and a second by Commissioner Levent to approve amendments related to Hotels, Motels, and Extended Stay Hotels

and Motels within the Unified Development Code with the Planning Commission's recommendations.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

(12) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Conservation Subdivisions

Heather Ryan, Department of Planning and Community Development Planning Manager, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:

None

Speaking in opposition:

None

Vice Chairman Hill declared the Public Hearing closed.

The Board held a discussion.

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

There was a motion by Commissioner Hill and a second by Commissioner Semanson to approve amendments related to Conservation Subdivisions within the Unified Development Code.

Motion carried with three members in favor (Hill, Semanson, and Mills), one member opposed (Levent), and one member absent (John).

Ken Jarrard, County Attorney, provided clarification that the previous motion (Public Hearings (12)) meant that no more rezonings to Conservation Subdivisions could occur.

There was a motion by Commissioner Semanson and a second by Commissioner Mills to consider New Business (11).

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN (continued):

(12) Board consideration of a formal termination of the Moratorium regarding land use initiatives involving Conservation Subdivisions

Ken Jarrard, County Attorney, addressed the Board.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to terminate the Moratorium regarding land use initiatives involving Conservation Subdivisions.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

None

UNDER OLD BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

None

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN (continued):

There was a motion by Commissioner Semanson and a second by Commissioner Mills to move New Business (6) to be heard prior to New Business (1).

- (6) **Anamaria Hazard Meanes - ZA4153 - to rezone from Single Family Residential District (R1) to Office and Institutional District (O&I) on 2.72 acres for a 20,000 sq. ft. office with 106 parking spaces with the following variance to: 1.) Reduce the zoning buffer along the northern property boundary as depicted on the site plan from 30 ft. to 15 ft. (UDC Table 12.2); 2.) Increase the maximum gross square footage per business establishment from 10,000 sq. ft. to 20,000 sq. ft. (UDC Table 12.2); and, 3.) Increase the required number of parking spaces from 67 to 106 (UDC Table 17.1) - Parcel 108-079**

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

Commissioner Mills left at 7:21 p.m.

Commissioner Mills returned at 7:24 p.m.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to approve ZA4153, an application seeking to rezone from Single Family Residential District (R1) to Office and Institutional District (O&I) on 2.72 acres for a 20,000 sq. ft. office - Parcel 108-079, with the variances and conditions as presented. The variances and conditions read as follows:

VARIANCES:

1. Reduce the zoning buffer along the northern property boundary as depicted on the site plan from 30 ft. to 15 ft. (UDC Table 12.2).
2. Increase the maximum gross square footage per business establishment from 10,000 sq. ft. to 20,000 sq. ft. (UDC Table 12.2).
3. Increase the required number of parking spaces from 67 to 106 (UDC Table 17.1).

CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. Owner/Developer shall obtain a GDOT Encroachment Permit to tie to SR 141 (aka Peachtree Parkway).
3. Development shall tie onto Forsyth County sewer system by gravity.

4. Gravity sewer outfalls shall follow natural contours to minimize depth.
5. Sewer access must be provided to all upstream properties.
6. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense.
7. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County Department of Water and Sewer.
8. There shall be no trees planted within the right of way or in Utility Easements.
9. The existing structures on the Subject Property shall be removed to pad level, not requiring land disturbance permits, as soon as practically possible but no later than one (1) year after the date of zoning approval.
10. Until such time as land disturbance begins, the Subject Property shall be aesthetically maintained; including but not limited to regularly cutting the grass and keeping the site free of debris or trash.
11. The final design of the elevations, landscape plan, and beautification areas shall be approved by the District Commissioner; provided such approval is not unreasonably withheld or delayed and in issuing such approvals, the District Commissioner shall consider and be informed by pertinent UDC and Overlay provisions, the approved site plan, and conditions herein.
12. South Forsyth branding/identity is encouraged.
13. The thirty (30) foot western property buffer shall be undisturbed.
14. The northern property buffer shall remain undisturbed beginning on the western property boundary for a length of 75' linear feet eastward.
15. Outdoor lighting shall be designed to minimize light spillage to not more than one half (1/2) footcandle along any residential or agricultural property line.
16. Outdoor lighting fixtures shall be full cutoff.
17. Canopies, canopy support columns, and other outdoor covered areas shall be architecturally integrated with the building using similar materials, colors, and detailing.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

There was a motion by Commissioner Hill and a second by Commissioner Semanson to postpone New Business (2) to the Regular Meeting / Public Hearings of May 16, 2024.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

- (1) **Daedra Marshall - CP230025 - to operate a kennel (breeding and sales) in 3,900 sq. ft. of an existing 5,319 sq. ft. home with 6 parking spaces on 2.306 acres zoned Agricultural District (A1) with the following variance to: 1.) Reduce the**

required number of parking spaces from 10 to 6 (UDC Table 17.1); and, 2.) Reduce the buffer along the southern property boundary from 25 ft. to 0 ft. (UDC Table 15.2) - Parcel 006-087

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

There was a motion by Commissioner Hill and a second by Commissioner Semanson to deny CP230025, an application seeking to operate a kennel (breeding and sales) in 3,900 sq. ft. of an existing 5,319 sq. ft. home on 2.306 acres zoned Agricultural District (A1) - Parcel 006-087.

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

- (2) **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 - the Board voted [prior to New Business (1)] to postpone this Item to the Regular Meeting / Public Hearings of May 16, 2024; see above**
- (3) **Atlantic Resorts LLC - CP230038 - to build a 67,000 sq. ft. hotel with 120 parking spaces with an overall site including a 3,330 sq. ft. retail trade establishment with 10 parking spaces on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672 - the Board voted [during Adoption of Agenda] to move this Item to be heard prior to Public Hearings (1); see above**
- (4) **Board consideration of the request by Kevin and Kathleen Tyndall for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to approve a variance on VA230075 (David & Rebekah Wassmer). The variance was approved on March 5, 2024 - AV240001**

Tom Brown, Department of Planning and Community Development Director, addressed the Board.

There was a motion by Commissioner Mills and a second by Commissioner Levent to approve the request by Kevin and Kathleen Tyndall for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to approve a variance on VA230075 (David & Rebekah Wassmer).

Motion carried with four members in favor (Hill, Semanson, Levent, and Mills) and one member absent (John).

- (5) **Liu Investment Partners, L.L.L.P. - CP230027 - to conduct around the clock business with an overall site including a drive-through finance establishment/drive-through restaurant buildings totaling 7,900 sq. ft. with 75 parking spaces on 18.213 acres currently zoned Commercial Business District (CBD) - Parcel 113-050 - the Board voted [during Adoption of Agenda] to postpone this Item to the Regular Meeting / Public Hearings of May 16, 2024**

- (6) Anamaria Hazard Meanes - ZA4153 - to rezone from Single Family Residential District (R1) to Office and Institutional District (O&I) on 2.72 acres for a 20,000 sq. ft. office with 106 parking spaces with the following variance to: 1.) Reduce the zoning buffer along the northern property boundary as depicted on the site plan from 30 ft. to 15 ft. (UDC Table 12.2); 2.) Increase the maximum gross square footage per business establishment from 10,000 sq. ft. to 20,000 sq. ft. (UDC Table 12.2); and, 3.) Increase the required number of parking spaces from 67 to 106 (UDC Table 17.1) - Parcel 108-079 - heard prior to New Business (1); see above**
- (7) Board consideration of ad valorem tax refund requested by NTT America, Inc. concerning ad valorem personal property taxes for property located at 6225 Shiloh Road, Suite A, Personal Property ID 322470, for tax year 2020 in the amount of \$193,124.00, for tax year 2021 in the amount of \$133,080.00, tax year 2022 in the amount of \$203,429.00, and tax year 2023 in the amount of \$200,901.00 - the Board voted [during Adoption of Agenda] to postpone this Item to the Regular Meeting / Public Hearings of May 16, 2024**

Commissioner Hill left at 7:29 p.m.

- (8) Board consideration of a Conservation Easement between Taylor Morison of Georgia, LLC, Kennison Creek Community Association, Inc., and Forsyth County regarding open space in the Kennison Creek Subdivision**

Ken Jarrard, County Attorney, addressed the Board.

Commissioner Hill returned at 7:30 p.m.

The Board held a discussion.

Commissioner Semanson left at 7:32 p.m.

There was a motion by Commissioner Mills and a second by Commissioner Levent to approve a Conservation Easement between Taylor Morison of Georgia, LLC, Kennison Creek Community Association, Inc., and Forsyth County regarding open space in the Kennison Creek Subdivision as presented by Legal Counsel.

Motion carried with three members in favor (Hill, Levent, and Mills) and two members absent (John and Semanson).

- (9) Update on The Gathering's Memorandum of Understanding**

David McKee, County Manager, and the Board held a discussion regarding the Memorandum of Understanding between Forsyth County and The Gathering at South Forsyth, LLC that was approved by the Board during the Special Called Public Hearing of March 26, 2024.

No Board action was taken.

The Board voted [during Adoption of Agenda] to add New Business (10) and New Business (11).

- (10) Board consideration of approval of authorizing the County Attorney to draft a Letter of Support from the Board of Commissioners regarding the US Army Corps of Engineers 2025 Budget Allocation for Lake Lanier Shoreline Remediation/Cleanup**

There was a motion by Commissioner Mills and a second by Commissioner Levent to authorize the County Attorney to draft and send a Letter of Support from the Board of Commissioners regarding the US Army Corps of Engineers 2025 Budget Allocation for Lake Lanier Shoreline Remediation/Cleanup to the office of Senator Ossoff.

Motion carried with three members in favor (Hill, Levent, and Mills) and two members absent (John and Semanson).

(11) Board consideration of a formal termination of the Moratorium regarding land use initiatives involving Conservation Subdivisions - heard following Public Hearings (12); see above

There was a motion by Commissioner Mills and a second by Commissioner Levent to recess the Regular Meeting / Public Hearings for the purposes of entering into Executive Session to discuss land acquisition, litigation, and/or personnel.

Motion carried with three members in favor (Hill, Levent, and Mills) and two members absent (John and Semanson), and the Regular Meeting / Public Hearings was recessed at 7:59 p.m.

Ken Jarrard, County Attorney, announced that no Open Session Items would follow the Executive Session.

There was a motion by Commissioner Mills and a second by Commissioner Levent to come out of recess and reconvene the Regular Meeting / Public Hearings.

Motion carried with three members in favor (Hill, Levent, and Mills) and two members absent (John and Semanson), and the Regular Meeting / Public Hearings was reconvened at 8:40 p.m.

There was a motion by Commissioner Mills and a second by Commissioner Levent to adjourn the Regular Meeting / Public Hearings.

Motion carried with three members in favor (Hill, Levent, and Mills) and two members absent (John and Semanson), and the Regular Meeting / Public Hearings was adjourned at 8:40 p.m.