

**FORSYTH COUNTY PLANNING COMMISSION  
REGULAR MEETING  
JUNE 25, 2024**

On Tuesday, June 25, 2024 at 6:30 p.m., in the Commissioners' Meeting Room of the Forsyth County Administration Building, the Forsyth County Planning Commission held a Regular Meeting/Public Hearings with the following persons present: Stacy Guy – Chairman, Nedal Shawkat – Secretary, Tim Dineen – Member and Adrian Flack – Member. Representing the Forsyth County Staff: Tom Brown – Planning Director, Leslie Silas – Comprehensive Planning Manager, Kiley Smith – Planner II, Margaret Ann Pryor – Planner II, Abigail Bazzell – Planner II, Ryan Breaux – Assistant County Engineer, Molly Esswein – Jarrard and Davis, LLP

**FORSYTH COUNTY PLANNING COMMISSION  
REGULAR MEETING AGENDA  
JUNE 25, 2024 AT 6:30 P.M.  
FORSYTH COUNTY ADMINISTRATION BUILDING  
COMMISSIONERS' MEETING ROOM  
Suite 220, 2nd Floor**

- I. Call meeting to order and Pledge of Allegiance**
- II. Amend and adopt the agenda**
- III. Review of meeting procedures**
- IV. Motion to consider adoption of minutes for the May 21, 2024 Regular Meeting and the June 18, 2024 Work Session**
- V. Old Business**  
None.
- VI. New Business**
  - 1. Public Hearing: UDC modifications related to use permissions for hospitals or related health services, personal care homes, or institutionalized living facilities
- VII. Public Hearings**
  - 1. CP230037 - Viral Lalit Chhadua - Commission District 4  
  
Request to conduct around the clock business in a business service establishment (data center) in buildings totaling 20,000 sq. ft. with 4 parking spaces on 1.95 acres zoned Commercial Business District (CBD).  
  
Variances:
    - 1. Reduce the required number of parking spaces from 20 to 4 (UDC Table 17.1).The property is located west of Stripland Drive approximately 245 ft. northwest of the intersection with Browns Bridge Road, Gainesville, GA 30506.

2. CP240002 - QuikTrip Corporation - Commission District 4

Request to build a 5,312 sq. ft. convenience store with fuel dispensing units conducting around the clock business with 50 parking spaces on 2.58 acres zoned Commercial Business District (CBD).

Variances:

1. Increase the maximum number of parking spaces from 40 to 50 (UDC 17-2.7).
2. Reduce the setback abutting Georgia Highway 400 from 60 ft. to 0 ft. (UDC 10-1.10(B)(1)).
3. Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)).

The property is located west of Georgia Highway 400 approximately 275 ft. southwest of the intersection with Jot Em Down Road, Cumming, GA 30028.

3. CP240022 - Morsco Properties, LLC - Commission District 3

Request to operate an open storage yard with an overall site including a 25,726 sq. ft. wholesale trade establishment in an existing building with 13 parking spaces on 1.934 acres zoned Restricted Industrial District (M1).

Variances:

1. Reduce the landscape strip abutting Industrial Trace from 25 ft. to 0 ft. (UDC Table 14.2).

The property is located at 9345 Industrial Trace, Alpharetta, GA 30004.

4. CP240023 - Nashgan Systems LLC - Commission District 1

Request to operate a 1,400 sq. ft. miscellaneous service establishment (pet grooming) in an existing building with 10 parking spaces on 12.612 acres zoned Commercial Business District (CBD).

The property is located at 2613 Freedom Parkway, Cumming, GA 30041.

5. HP240006 - Jessica Aucar - Commission District 1

Request to operate a kennel (dog grooming) in 146 sq. ft. of a 3,720 sq. ft. home with 2 parking spaces on 0.333 acres currently zoned Single Family Residential District (RES3).

The property is located at 4330 Corley Way, Cumming, GA 30040.

6. HP240007 - Jennifer Elwood - Commission District 1

Request to conduct group instruction outdoors with 10 parking spaces on 8.81 acres currently zoned Agricultural District (A1).

The property is located at 5060 Hurt Bridge Road, Cumming, GA 30028.

7. ZA4043 - The Roy Bennett Family Partnership, LLLP - Commission District 4

Request to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 59.988 acres for 96 residential lots with a density of 1.60 units per acre.

The property is located south of Jot Em Down Road approximately 575 ft. southeast of the intersection with Cross Roads Road. The property is also located immediately west of property known as 5530 Jot Em Down Road and immediately east of property known as 6804 and 6810 Cross Roads Road, Cumming, GA 30041.

8. ZA4160 - Godley Group of Atlanta, LLC - Commission District 5

Request to rezone from Agricultural District (A1) and Single Family Residential District (R1) to Commercial Business District (CBD) on 18.383 acres for a 155,000 sq. ft. indoor commercial recreational facility with 380 parking spaces.

Variances:

1. Reduce the stream buffer from 50 ft. to 0 ft. (UDC 18-11.2(A)).
2. Reduce the impervious setback from 75 ft. to 0 ft. (UDC 18-11.2(B)).
3. Reduce the minimum number of required parking spaces from 465 to 380 (UDC 21-6.5(D)(1)).

The property is located at 2535, 2559 and 2574 Bagwell Drive, Cumming, GA 30040.

9. ZA4162 - McKinley Homes US LLC - Commission District 1

Request to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 29.43 acres for 32 residential lots with a density of 1.09 units per acre.

The property is located at 8075 Wallace Tatum Road, Cumming, GA 30028. The property is also located immediately east of property known as 8145 Wallace Tatum Road.

10. ZA4163 - Tipton Development LLC - Commission District 5

Request to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 10.04 acres for 13 residential lots with a density of 1.3 units per acre.

The property is located west of Old Atlanta Road approximately 215 ft. southwest of the intersection with James Burgess Road, Suwanee, GA 30024.

11. ZA4166 - Grant Kierpa and Alysia Poss - Commission District 2

Request to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.667 acres for 2 residential lots with a density of 1.2 units per acre.

Variances:

1. Reduce the side setback adjacent to the existing shed only from 15 ft. to 14 ft. (UDC Table 11.2(b)).

The property is located at 2540 and 2556 Echols Road, Cumming, GA 30041.

12. ZA4167 - Capital City View Homes LLC - Commission District 1

Request to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 10.503 acres for 14 residential lots with a density of 1.33 units per acre.

The property is located at 4290 Post Road, Cumming, GA 30040.

13. ZA4168 - Babu Devalapur - Commission District 2

Request to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 6.38 acres for 9 residential lots with a density of 1.41 units per acre.

The property is located south of Daves Creek Road approximately 665 ft. south of the intersection with Courtney Lane, Cumming, GA 30041.

### **VIII. Adjournment**

Chairman Guy recognized a quorum with four members present (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt) at 6:31 p.m. and called the meeting to order. The Pledge of Allegiance was led by Chairman Guy.

#### **ADOPTION OF AGENDA**

There was an announcement by Chairman Guy to amend the agenda:

ZA4168 – Babu Devalapur was postponed to the July 23, 2024 Planning Commission meeting.

ZA4043 – Roy Bennett Family Partnership, LLLP was postponed to the July 23, 2024 Planning Commission meeting.

ZA4160 – Godley Group of Atlanta, LLC was postponed to the July 23, 2024 Planning Commission meeting.

ZA4162 – McKinley Homes US LLC was postponed to the July 23, 2024 Planning Commission meeting.

There was a motion by Chairman Guy and a second by Adrian Flack to adopt the amended agenda. The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

#### **REVIEW OF MEETING PROCEDURES**

The meeting rules and procedures were read by Leslie Silas.

#### **ADOPTION OF MINUTES**

There was a motion by Chairman Guy and a second by Adrian Flack to adopt the May 21, 2024 Regular Meeting minutes. The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

There was a motion by Chairman Guy and a second by Adrian Flack to adopt the June 18, 2024 Work Session minutes. The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

#### **OLD BUSINESS**

None.

**NEW BUSINESS**

1. UDC modifications related to use permissions for hospitals or related health services, personal care homes, or institutionalized living facilities were presented by Heather Ryan.

Chairman Guy declared the Public Hearing open.

Speaking in favor:  
None.

Speaking in opposition:  
None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Nedal Shawkat and a second by Chairman Guy to recommend approval of UDC modifications related to use permissions for hospitals or related health services, personal care homes, or institutionalized living facilities with the addition of new definitions and use permissions related to drug treatment facilities.

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

**PUBLIC HEARINGS**

Chairman Guy declared the Public Hearing open for CP230037 – Viral Lalit Chhadua to conduct around the clock business in a business service establishment (data center) in buildings totaling 20,000 sq. ft. with 4 parking spaces on 1.95 acres zoned Commercial Business District (CBD).

Variance:

1. Reduce the required number of parking spaces from 20 to 4 (UDC Table 17.1).

Speaking in favor:  
Christopher Light  
Kirk Wintersteen

Speaking in opposition:  
None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Adrian Flack and a second by Chairman Guy to recommend approval for CP230037 – Viral Lalit Chhadua to conduct around the clock business in a business service establishment (data center) in buildings totaling 20,000 sq. ft. with 4 parking spaces on 1.95 acres zoned Commercial Business District (CBD) with the following variance and conditions:

Variance:

1. Reduce the required number of parking spaces from 20 to 4 (UDC Table 17.1).

Conditions:

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. The subject property shall be used solely for a business service establishment (data center).
3. County water shall be extended along Stripland Drive for the entire road frontage of parcel 295-043.
4. Any improvements to the water system 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 W&S.
6. There shall be no trees planted within the right of way or in utility easements.
7. Stripland Drive shall be improved by the Owner/Developer to the Georgia Department of Transportation and County Engineering standards, substantially in accordance with Exhibit A attached hereto, which includes paving from SR 369 to the common boundary line of the northeastern corner of the Subject Property and Tax Parcel 295-045 (the "Common Boundary Line"), and shall thereafter maintain Stripland Drive to said Common Boundary Line in accordance with said standards and perform roadside vegetation maintenance along Stripland Drive to said Common Boundary Line.
8. The Owner/Developer of the Subject Property, will execute a non-exclusive easement for the Stripland Drive improvement from SR 369 to the Common Boundary Line in favor of the northern residents being those individuals or record owners listed below for ingress and egress including vehicular traffic and installation and maintenance of utilities. The easement will be recorded in the Forsyth County Deed Records in a form approved by the record owners listed below.
  - a. 7510 Stripland Drive (Joshua D Martin)
  - b. 7555 Stripland Drive (Roxanne Brannon and Bart Brannon)
  - c. 7630 Stripland Drive (Cynthia Denise Martin Nguyen)
  - d. 7670 Stripland Drive (Vivian M Dockery)
  - e. 7690 Stripland Drive (Marc Hastings and Wanda Hastings)
  - f. 7750 Stripland Drive (Roger Dwayne Martin)
  - g. 7800 Stripland Drive (C and G Family Trust)
  - h. 7870 Stripland Drive (David Aaron Pugh, Krystle Michelle Dockery)
  - i. 7890 Stripland Drive (Jeffery Scott Dockery)
  - j. Parcel 295-163 (Stripland Properties, LLC)
9. At the end of the Stripland Drive improvement located at the bottom of the hill at the northeast corner of Tax Parcel 295-043 and the property line of Tax Parcel 295-045 (owned by Roger 'Pete' Martin), the Developer will install a 2-door privacy electronic gate, consisting of 2 sections 8' each, to look like a gated community substantially similar to Exhibit D, to open outward towards SR 369 with an electronic key pad that only the northerly residents may access. The Developer will provide key fobs for all residents of Stripland Drive for all vehicles (total 30) with 2 keypads, one located outside the gate at a distance safely from gate and another located inside the gate. (Also providing for quick access for emergency vehicles). The electronic gate shall be installed and operating properly before any certificate of occupancy is issued for a building on the Subject Property. Installation is contingent on receiving the

necessary permissions from the adjacent property owners. If diligent efforts to obtain the necessary permission fails through no fault of the Developer, the Director of Planning may release a certificate of occupancy. After the gate is installed, maintenance of, and power for the gate shall be the responsibility of the residents with access; provided that, the Developer will be responsible for all gate maintenance for 1 year from its installation and properly working order to make sure that it is operational with no malfunctions.

10. Developer shall install landscaping that is substantially similar to the landscape plan included herein as Exhibit B.
11. All equipment shall be stored inside; provided however, the heat exchanger system storing area shall have the top of the building open for ventilation purposes similar to the example included herein as Exhibit C. The heat exchanger system may be required to be roof mounted but, if required, shall be screened from view by vertical walls.
12. The parking variance included in this Application is intended to be for a Data Center only. Any change in use on the property shall require the new use to comply with Forsyth County's parking ordinances.
13. The proposed Data Center shall utilize a hydro cooling system for noise reduction that is installed by an insured cooling system company to certify and ensure there are no leaks.
14. When measured at the boundary of any residentially zoned property the sound level of the proposed data center shall not exceed 60 dB(A).
15. The Data Center shall be built in phases so that one building is operational before the second building can begin construction. The Owner/Developer must provide Forsyth County proof that the first operational building is in compliance with the noise level standard, condition 7 herein, before construction of a second building may begin.

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for CP240002 – QuikTrip Corporation to build a 5,312 sq. ft. convenience store with fuel dispensing units conducting around the clock business with 50 parking spaces on 2.58 acres zoned Commercial Business District (CBD).

Variances:

1. Increase the maximum number of parking spaces from 40 to 50 (UDC 17-2.7).
2. Reduce the setback abutting Georgia Highway 400 from 60 ft. to 0 ft. (UDC 10-1.10(B)(1)).
3. Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)).

Speaking in favor:  
Ethan Underwood

Speaking in opposition:  
Kirk Wintersteen

Speaking in favor (in rebuttal):  
Ethan Underwood

Chairman Guy declared the Public Hearing closed.

There was a motion by Chairman Guy and a second by Adrian Flack to recess the meeting for five minutes at 7:26 p.m. The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy reconvened the meeting at 7:30 p.m.

There was a motion by Adrian Flack and a second by Chairman Guy to recommend approval of CP240002 – QuikTrip Corporation to build a 5,312 sq. ft. convenience store with fuel dispensing units conducting around the clock business with 50 parking spaces on 2.58 acres zoned Commercial Business District (CBD) with variances 1 and 2, without variance 3, with the following conditions and with a note to the BOC asking them to address their intent on the tree grouping area that it is actually going to preserve quality trees and not just scrub trees:

VariANCES:

1. Increase the maximum number of parking spaces from 40 to 50 (UDC 17-2.7).
2. Reduce the setback abutting Georgia Highway 400 from 60 ft. to 0 ft. (UDC 10-1.10(B)(1)).
3. Delete.

CONDITIONS:

1. Development shall be substantially in accordance with Exhibit A.
2. Development shall substantially conform with the elevations included as Exhibits B and C. The elevations may be modified to the extent necessary to ensure the development is compliant with these conditions and all County codes, rules, and regulations.
3. Owner/Developer shall dedicate right-of-way 50' from the centerline of Jot Em Down Road as part of site development or when needed for road improvement project as determined by Forsyth County Department of Engineering.
4. Owner/Developer shall obtain a GDOT encroachment permit to tie to GA 400.
5. Development shall tie onto Forsyth County sewer system by gravity.
6. Gravity sewer outfalls shall follow natural contours to minimize depth.
7. Sewer access must be provided to all upstream properties.
8. Any improvements to the water systems required to meet fire flow or other requirements shall be done at developer's expense.
9. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County W&S.

10. There shall be no trees planted within the right of way or in utility easements unless otherwise approved by the Water & Sewer Department or the Engineering Department.
11. Lawns, buffers, and landscaped areas shall be continuously maintained, and deceased vegetation shall be replaced immediately.
12. Landscaping shall substantially comply with the landscaping plan attached as Exhibit D. Landscaping materials shall comply with the Coal Mountain Overlay Approved Plant List – Table 21.12.
13. Uplighting is prohibited.
14. Burglar bars, fiberglass awnings, exterior roof access ladders, and steel roll down curtains are prohibited.
15. Stucco and faux stone shall be prohibited building materials.
16. Either a pump island curb or bollard is required for protection of fuel dispensing units.
17. All site walls, screen walls, pump island canopies and other outdoor covered areas shall be architecturally integrated with the building using similar materials, colors, and detailing. Canopy support columns shall be faced with full height brick that matches or complements the finish of the primary building.
18. All display items for sale shall be located within the main building or within designated areas that are screened from rights-of-way.
19. Promotional displays shall not impede pedestrian ingress and egress or vehicular traffic sight lines.
20. Window signs shall not exceed 20% window area.
21. Roof vents and stacks shall be painted to match the roof material and hidden from view to the extent possible.
22. Business identity, either by awnings, accent bands, paint, or other applied color schemes, signage, parapet details, and other design embellishments shall not be a dominant architectural feature.
23. Building accents shall be expressed through differing materials or architectural detailing rather than applied finishes such as paint.
24. The following conditions shall apply to the canopy:
  - a. The sides (fascia) of the canopy shall extend below the canopy roof 12 inches to minimize the direct view of the light from adjoining property.
  - b. Lighting shall not be mounted on the top of the canopy and the sides shall not be illuminated either internally or externally. This requirement does not pertain to signage attached to the canopy that is internally illuminated.
  - c. Canopy lighting shall be LED, recessed into the canopy, and downward facing to minimize impact to adjacent properties.

25. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays.

The motion passed with three members in favor (Guy, Dineen and Flack), one member opposed (Shawkat) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for CP240022 – Morsco Properties, LLC to operate an open storage yard with an overall site including a 25,726 sq. ft. wholesale trade establishment in an existing building with 13 parking spaces on 1.934 acres zoned Restricted Industrial District (M1).

Variances:

1. Reduce the landscape strip abutting Industrial Trace from 25 ft. to 0 ft. (UDC Table 14.2).

Speaking in favor:

None.

Speaking in opposition:

None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Chairman Guy and a second by Adrian Flack to recommend approval of CP240022 – Morsco Properties, LLC to operate an open storage yard with an overall site including a 25,726 sq. ft. wholesale trade establishment in an existing building with 13 parking spaces on 1.934 acres zoned Restricted Industrial District (M1) with the following variance and conditions:

Variance:

1. Reduce the landscape strip abutting Industrial Trace from 25 ft. to 0 ft. (UDC Table 14.2).

Conditions:

1. Development shall be substantially in accordance with the site plan on file in the Department. Existing paved surfaces, including parking lots and driveways, shall not be expanded or increased in size beyond the dimensions specified on the site plan.
2. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County W&S.
3. There shall be no trees planted within the right of way or in utility easements.
4. Items in the open storage area shall be limited to equipment and parts pertaining to the applicants Plumbing Supply business.
5. Items in the storage area shall not be taller than the fence.
6. No trailers or trucks shall be parked in customer parking outside of the gates.

7. All grass in the landscape strips or rights-of-way shall be regularly mowed and in good repair.
8. Final landscaping plan shall be reviewed and approved by the District Commissioner.
9. The storage of unregistered vehicles or boats is prohibited.
10. No fuel or petroleum products are to be stored onsite.
11. Freestanding pole lights, if any, shall not exceed eighteen (18) feet in height and shall have a black metal finish.
12. Uplighting is prohibited, except for externally illuminated monument signage upon approval by the District Commissioner.

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for CP240023 – Nashgan Systems LLC to operate a 1,400 sq. ft. miscellaneous service establishment (pet grooming) in an existing building with 10 parking spaces on 12.612 acres zoned Commercial Business District (CBD).

Speaking in favor:  
Phani Gotety

Speaking in opposition:  
None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Nedal Shawkat and a second by Chairman Guy to recommend approval of CP240023 – Nashgan Systems LLC to operate a 1,400 sq. ft. miscellaneous service establishment (pet grooming) in an existing building with 10 parking spaces on 12.612 acres zoned Commercial Business District (CBD).

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for HP240006 – Jessica Aucar to operate a kennel (dog grooming) in 146 sq. ft. of a 3,720 sq. ft. home with 2 parking spaces on 0.333 acres currently zoned Single Family Residential District (RES3).

Speaking in favor:  
Jessica Aucar

Speaking in opposition:  
None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Nedal Shawkat and a second by Chairman Guy to approve HP240006 – Jessica Aucar to operate a kennel (dog grooming) in 146 sq. ft. of a 3,720 sq. ft. home with 2 parking spaces on 0.333 acres currently zoned Single Family Residential District (RES3).

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for HP240007 – Jennifer Elwood to conduct group instruction outdoors with 10 parking spaces on 8.81 acres currently zoned Agricultural District (A1).

Speaking in favor:  
Jennifer Elwood

Speaking in opposition:  
None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Nedal Shawkat and a second by Chairman Guy to approve HP240007 – Jennifer Elwood to conduct group instruction outdoors with 10 parking spaces on 8.81 acres currently zoned Agricultural District (A1).

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for ZA4163 – Tipton Development LLC to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 10.04 acres for 13 residential lots with a density of 1.3 units per acre.

Speaking in favor:  
Sean Courtney  
Ricky Bryan  
Kirk Wintersteen  
Marilyn Amburgy  
Donilyn Hodge

Speaking in opposition:  
Kathy Autry

Speaking in favor (in rebuttal):  
Ricky Bryan

There was a motion by Adrian Flack and a second by Chairman Guy to extend time by one minute for each side. The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Speaking in favor (in rebuttal, continued):  
Ricky Bryan

Chairman Guy declared the Public Hearing closed.

There was a motion by Chairman Guy and a second by Adrian Flack to recommend approval of ZA4163 – Tipton Development LLC to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 10.04 acres for 13 residential lots with a density of 1.3 units per acre with the following conditions:

Conditions:

1. Development shall be substantially in accordance with the site plan and elevations on file in the Department except for conformity with conditions 18, 19 and 21.
2. Development shall tie onto Forsyth County sewer system by gravity.
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 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County W&S.
7. There shall be no trees planted within the right of way or in utility easements.
8. Homeowners Association Covenants and Restrictions shall limit the number of rental units to ten percent (10%) of the total number of homes.
9. Developer shall construct a powder coated aluminum fence behind the landscape strip along the entire length of Old Atlanta Road with durable brick or stone columns spaced no more than fifty (50) feet on center. Brick or stone columns shall match development's monument sign.
10. All interior street signs, sign posts and street lights shall be similar to those located within the Laurel Springs community with approval of the district commissioner.
11. All street lights shall be full cutoff fixtures.
12. Ranch style homes shall have a minimum of 2,600 square feet of heated floor space and two-story homes shall have a minimum of 3,400 square feet of heated floor space, exclusive of garages, basements and porches.
13. Stormwater ponds shall be screened from view by a minimum 20 foot planted buffer. The planting selection within ponds shall promote natural mosquito control through providing appropriate habitat for various insects that feed on mosquitos throughout the mosquito life cycle.
14. No waivers of stream channel protection measures shall be granted.
15. The fronts of all homes shall be brick, stone and/or shake with accents of cementitious material or board and batten 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 or board and batten. Board and batten shall be prohibited as the primary building material.
16. If asphalt shingles are used, they shall be architectural/dimensional style.
17. Lap siding shall have a maximum reveal of six (6) inches.

18. Adjacent to Laurel Springs the exterior buffer shall be 60 feet and the building setback shall be 85 feet.
19. Exterior buffers shall not be within residential lots and shall remain undisturbed.
20. A six (6) foot wooden privacy fence shall be installed inside the exterior buffer adjacent to the Preston Oaks subdivision.
21. The number of lots shall be limited to no more than twelve (12).
22. Detached accessory apartments shall not be permitted.

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for ZA4166 – Grant Kierpa and Alysa Poss to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.667 acres for 2 residential lots with a density of 1.2 units per acre.

Variance:

1. Reduce the side setback adjacent to the existing shed only from 15 ft. to 14 ft. (UDC Table 11.2(b)).

Speaking in favor:  
Christopher Light  
Kirk Wintersteen

Speaking in opposition:  
None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Tim Dineen and a second by Chairman Guy to recommend approval of ZA4166 – Grant Kierpa and Alysa Poss to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.667 acres for 2 residential lots with a density of 1.2 units per acre with the following variance and conditions:

Variance:

1. Reduce the side setback adjacent to the existing shed only from 15 ft. to 14 ft. (UDC Table 11.2(b)).

Conditions:

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. In addition to the existing shed, development of tax map/parcel 226-006 is limited to one single family dwelling.

3. The tree located on the northern property boundary shall not be removed unless a certified arborist deems it dead, diseased, or unsafe.
4. The following uses shall be prohibited:
  - a. Backyard chickens
  - b. Day care homes
  - c. Guest houses
  - d. Personal care homes and institutionalized living facilities

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

Chairman Guy declared the Public Hearing open for ZA4167 – Capital City View Homes LLC to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 10.503 acres for 14 residential lots with a density of 1.33 units per acre.

Speaking in favor:

Ethan Underwood

Kirk Wintersteen

Speaking in opposition:

None.

Chairman Guy declared the Public Hearing closed.

There was a motion by Nedal Shawkat and a second by Chairman Guy to recommend approval of ZA4167 – Capital City View Homes LLC to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 10.503 acres for 14 residential lots with a density of 1.33 units per acre with the following conditions:

Conditions:

1. Development shall be substantially in accordance with the site plan on file. The site plan may be modified to the extent necessary to ensure the development is compliant with these conditions and all County codes, rules, and regulations.
2. Owner/Developer shall dedicate sufficient right-of-way on Post Road, accounting for all required construction and/or maintenance easements, in accordance with the latest construction plans for Post Road Improvements (P.I. No. 0013965) and as determined by Forsyth County Department of Engineering and the Georgia Department of Transportation.
3. Development shall tie onto Forsyth County Sewer system by gravity unless otherwise approved by the Director of Water & Sewer.
4. Gravity sewer outfalls shall follow natural contours to minimize depth.
5. Sewer access must be provided to all upstream properties, to include the conveyance at no cost of any easements needed for sewer connectivity.
6. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at the developer's expense.

7. There shall be a ten (10) foot minimum setback between any building and all utility easements, unless otherwise approved by Forsyth County Water & Sewer.
8. There shall be no trees planted within the right-of-way or in utility easements.
9. No portion of any exterior buffer shall be located within a residential lot.
10. Maintenance and upkeep of exterior buffers shall be the responsibility of the Property Owners Association.
11. No portion of a stream, stream buffer, wetlands, or flood zone shall be located within a residential lot. Lots may include the twenty-five (25) foot impervious surface setback located past the fifty (50) foot no disturbance setback.
12. FEMA Certificates of Elevation shall be verified and provided to purchasers of homes with lots abutting flood zones.
13. Lots shall not contain any slopes greater than 3:1 and all slopes requiring stabilization shall be stabilized using sod and/or maintained plantings.
14. If disturbed, the exterior buffers shall be supplemented with two (2) rows of plantings with plant sizes and spacings in accordance with the County Buffer Standards and as approved by the County Arborist. The row nearest the property line shall be Overstory type evergreen trees. The second row shall be comprised of staggered plantings of Nellie R. Stevens Holly, Burford Holly or similar species with spiny leaves and large shrubs with spiny leaves or thorns such as spiny-leaf hollies, Pyracantha or similar species.
15. Prior to the filing of the Final Plat, an accurate scale map of the development shall be created which clearly shows the location of, at a minimum, lot boundaries, common areas, tree groupings, tree protection areas, significant trees, wetlands, flood plain, stormwater facilities, conservation areas, exterior buffers, stream buffers, trails, amenities, and roads. Exterior buffers and stream buffers shall be clearly marked as Tree Protection Areas and shall include a notation stating, "Removal of any tree within any Tree Protection Area is prohibited by law." Copies of said map shall be maintained at the principal and the registered offices of the Property Owners' Association (POA) and at any sales office and copies thereof shall be furnished to any lot owner on request upon payment of a reasonable charge therefor. A print of said map measuring no less than twenty-four (24) inches by thirty-six (36) inches shall be displayed in a prominent location within the development's primary amenity area and maintained in good condition.
16. Any tree located within an exterior buffer shall not be removed nor shall the Critical Root Zone (CRZ) be disturbed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, or infested. Pruning shall only be permitted if recommended by a certified arborist and shall require the consent of the Property Owners' Association (POA). Any pruning shall be done in accordance with ANSI A300 (part 1) "Standards for tree care operations — Pruning". Tree topping is not allowed. Crown reduction pruning must be used instead.
17. Any tree located within a stream buffer shall not be removed nor shall the Critical Root Zone (CRZ) be disturbed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, or infested. Pruning shall only be permitted if recommended by a certified arborist and shall require the consent of the Property Owners' Association (POA). Any pruning shall be done in accordance with ANSI A300 (part

- 1) “Standards for tree care operations — Pruning”. Tree topping is not allowed. Crown reduction pruning must be used instead.
18. Prior to or at the time of recording a final plat, a Property Owners’ Association shall be created by recording a declaration with the Forsyth County Clerk of Court creating covenants upon the development which are administered by a Property Owners’ Association. Said covenants shall include, but not be limited to, the following:
- a. Membership in the Property Owners’ Association (POA) shall be required of every lot owner. Membership in the POA shall be a condition of closing on any lot within the development.
  - b. Control of the Property Owners’ Association (POA) shall be transferred to purchaser-owners of lots no later than the sale of ninety percent (90%) of the lots.
  - c. No more than ten percent (10%) of the dwelling units may be rented or leased at any one time.
  - d. The Property Owners’ Association (POA) shall, at a minimum, maintain the landscaped entrance area, monument sign, road frontage fencing, road frontage landscaping, buffers, stormwater facilities/structures, and amenity areas/structures.
  - e. If applicable, the seller of any lot shall, prior to closing, notify prospective purchasers that the subject property is adjacent to an active agricultural facility and agricultural operation, in operation for more than one (1) year, which produces offensive conditions including, but not limited to, unpleasant smells, loud and/or unpleasant noises, dust, and traffic.
  - f. An accurate scale map of the development shall be created, if not already created, which clearly shows the location of, at a minimum, lot boundaries, common areas, tree groupings, tree protection areas, significant trees, wetlands, flood plain, stormwater facilities, conservation areas, exterior buffers, stream buffers, trails, amenities, and roads. Exterior buffers and stream buffers shall be clearly marked as Tree Protection Areas and shall include a notation stating, “Removal of any tree within any Tree Protection Area is prohibited by law.” Copies of said map shall be maintained at the principal and the registered offices of the Property Owners’ Association (POA) and at any sales office and copies thereof shall be furnished to any lot owner on request upon payment of a reasonable charge therefor. A print of said map measuring no less than twenty-four (24) inches by thirty-six (36) inches shall be displayed in a prominent location within the development’s primary amenity area and maintained in good condition.
  - g. Any tree located within an exterior buffer shall not be removed nor shall the Critical Root Zone (CRZ) be disturbed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, or infested. Pruning shall only be permitted if recommended by a certified arborist and shall require the consent of the Property Owners’ Association (POA). Any pruning shall be done in accordance with ANSI A300 (part 1) “Standards for tree care operations — Pruning”. Tree topping is not allowed. Crown reduction pruning must be used instead.
  - h. Any tree located within a stream buffer shall not be removed nor shall the Critical Root Zone (CRZ) be disturbed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, or infested. Pruning shall only be permitted if recommended by a certified arborist and shall require the consent of the Property Owners’ Association (POA). Any pruning shall be done in accordance with ANSI A300 (part 1) “Standards for tree care operations — Pruning”. Tree topping is not allowed. Crown reduction pruning must be used instead.
19. Stormwater collection areas shall be fully concealed from all viewpoints exterior to the stormwater structure with a vegetative screen consisting of evergreen plants. Fences required around stormwater structures may be chain link if coated in black or green vinyl. Any

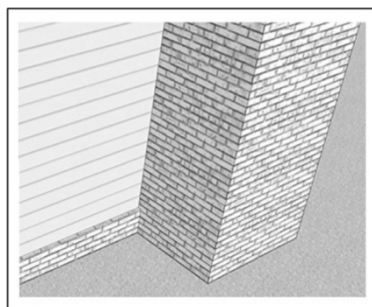
stormwater structure fencing shall be fully concealed from all viewpoints exterior to the stormwater structure with a vegetative screen consisting of evergreen plants.

20. Stormwater management facilities such as 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 achieve adequate screening and shall promote natural mosquito control through providing appropriate habitat for various insects that feed on mosquitos throughout the mosquito life cycle. A landscaping plan to comply with the requirements of this condition shall be reviewed and approved by the county arborist.
21. Minimum heated floor area per dwelling unit, exclusive of basements or partial basements, garages, and porches:
  - a. One-story homes shall be a minimum of two-thousand two-hundred (2,200) square feet of heated floor area, exclusive of basements or partial basements, garages, and porches.
  - b. Two-story homes shall be a minimum of three-thousand (3,000) square feet of heated floor area, exclusive of basements or partial basements, garages, and porches.

Any home having more than twenty-four hundred (2,400) square feet of heated floor area, exclusive of garages and porches, on the main level shall qualify as a one-story home for the purpose of this condition such that any additional heated square footage on the second level shall not constitute a two-story home for the purpose of this condition.

22. Landscaping of individual lots
  - a. Foundation Planting. Foundation plantings are required in the form of evergreen shrubs, which must be planted no closer than five (5) feet from all street-facing foundation walls and be spaced no more than three (3) feet apart.
  - b. Species Diversity. No more than 33% of shrubs on a lot may be a single species.
  - c. Minimum Size. New understory trees must be a minimum of six (6) feet in height at time of planting. New overstory trees must be a minimum of eight (8) feet in height at time of planting. New shrubs must be a minimum of two (2) feet in height at time of planting.
  - d. Each lot shall contain a minimum of four (4) trees, at least two of which must be located in the front yard. Corner Lots shall contain a minimum of six (6) trees with at least two (2) trees located in each yard abutting the streets.
23. Vertical Joints. At the vertical meeting of different exterior wall finish materials, the transition between the materials must occur at inside corners as shown in Illustration 11.2.

**Illustration 11. 2: Vertical wall material joints**



24. Windows.

- a. False windows shall be prohibited.
- b. Shutters. Where present, shutters must match one half the width and shape of the window opening to which they are adjacent.
- c. Front Window Coverage. All walls facing the front yard must provide window openings whose total area equals or exceeds fifteen percent (15%) of the total area of that wall.
- d. Side Window Coverage. All walls facing the side yard must provide window openings whose area equals or exceeds ten percent (10%) of the total area of that wall.
- e. Window Depth. Where no trim is provided or trim is provided but is less than 3.5 inches in width, window panes must be recessed a minimum of one and one half (1.5) inches from the outermost finished surface of the adjacent exterior wall. Where trim of at least three and a half (3.5) inches wide is provided, window panes must be recessed a minimum of one and one half (1.5) inches from the surface of the adjacent trim.

25. Eaves and Overhangs.

- a. All overhangs, including gables, shall extend a minimum of twelve (12) inches from the face of the building.

26. Garages.

- a. All homes shall have a garage with an interior width of no less than twenty-four (24) feet and an interior depth of no less than twenty-four (24) feet.
- b. Garage doors facing a street must be recessed at least ten (10) feet from the surface of the front exterior wall of the dwelling.
- c. Front facing garages shall not exceed fifty percent (50%) of the width of the home.
- d. Garage doors shall be carriage style.

27. Building Orientation to Street

- a. Pedestrian Entrance. The primary pedestrian entrance for each main building must face a street or public open space. A walkway with a minimum width of three (3) feet and distinct from the driveway must be provided between the primary pedestrian entrance and the adjacent sidewalk. If no sidewalk is present, and the driveway connects to the same public street that the primary pedestrian entrance faces, and the primary pedestrian entrance is more than thirty (30) feet from the property line, a walkway with a minimum width of three (3) feet must be provided between the primary pedestrian entrance and the driveway.

28. Accessory Buildings and Structures, if any are constructed.

- a. Exterior Materials. Accessory buildings and structures must use the same exterior wall materials as the primary building.
- b. Floor Area. The total floor area of all accessory buildings and structures on a lot may not exceed fifty percent (50%) of the total floor area of the primary building on that same lot.

29. Subdivision Monument Sign. The subdivision shall have a monument sign located at the entrance which shall comply with the following standards:

- a. Sign Supports. The supporting sign structure may be constructed with the following durable materials:
  - i. Brick: Full-depth masonry brick, but not adhered brick veneers;

- ii. Stone: Unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
- b. Sign Supports Disallowed. The supporting structure may not be constructed of wood, treated or untreated.
- c. Sign Face. Sign faces may be composed of the following materials:
  - i. Metal: painted or unpainted;
  - ii. Wood: treated to withstand water or painted;
  - iii. Synthetic material having the appearance of wood or metal;
  - iv. Any material permitted for the supporting structure.
- d. Lighting. Internally illuminated signs and upward facing lights are prohibited.

30. Subdivision frontage along Post Road.

- a. A black, four (4) board wooden fence with stone or brick columns shall be installed along road frontage.
- b. Fence boards shall have a minimum nominal measurement of one (1) inch thickness and four (4) inch width with a maximum actual length of ten (10) feet.
- c. The minimum fence height shall be four (4) feet and the maximum fence height shall be six (6) feet.

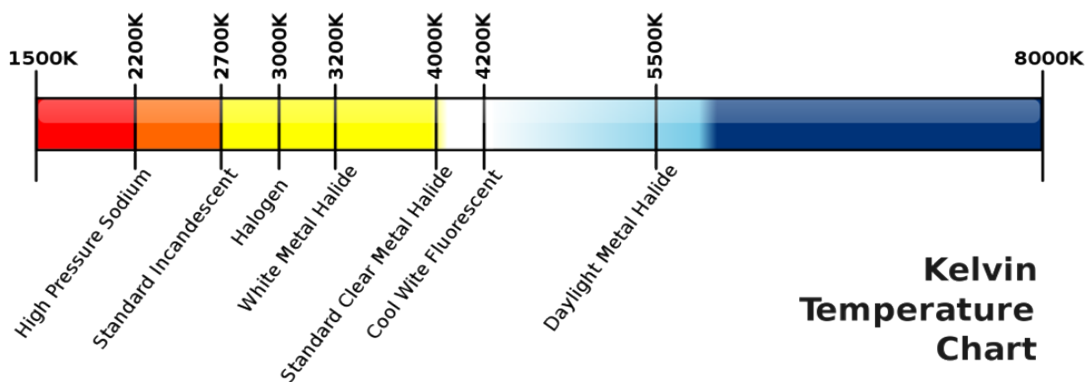
31. Subdivision Landscaping

- a. Diversity of Trees. No more than 33% of newly planted trees in a development may be of a single species.

32. Subdivision Lighting

- a. Consistency. The subdivision must provide a consistent street light fixture throughout the development.

33. All developer installed lighting, including, but not limited to, streetlights 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 are prohibited. See the chart below for guidance.



34. Developer shall install an amenity structure with a floor area measuring no less than twenty-five (25) feet by twenty-five (25) feet. The floor of the structure shall be concrete or decking. There shall be a roof covering the entire floor area and that extends no less than twenty-four (24) inches from the edge of the floor. The minimum height of any part of the ceiling shall be no less than ten (10) feet. The structure shall be equipped with interior and exterior lighting on

separate switches. The structure shall be equipped with no less than two (2) fifty-eight (58) inch outdoor-rated fans. The structure shall be equipped with lightning protection including, but not limited to, a properly grounded lightning rod and power surge protectors rated for lightning protection.

35. Developer shall install a sitting area with a firepit that is a safe distance from, but adjacent to, the amenity structure. The fire area shall be no less than five (5) feet in diameter. The sitting area shall have a floor area of no less than eighty (80) square feet, exclusive of the aforementioned fire area, constructed with stone or pavers.
36. All amenity conditions shall be fully met before any certificates of occupancy are issued. Amenity conditions include, but are not limited to, all conditions regarding the amenity structure, fire pit and sitting area.

The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

There was a motion by Chairman Guy and a second by Adrian Flack to adjourn the meeting at 8:48 p.m. The motion passed with four members in favor (Guy, Shawkat, Dineen and Flack) and one member absent (Schmidt).

The above and foregoing minutes shall be adopted on July 23, 2024.

---

Stacy Guy, Chairman

---

Nedal Shawkat, Secretary

---

Tim Dineen, Member

---

Brian Schmidt, Member

---

Adrian Flack, Member