

**FORSYTH COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING / PUBLIC HEARINGS
APRIL 17, 2025**

OFFICIAL MINUTES

On Thursday, April 17, 2025, 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: Alfred John - Chairman, Kerry Hill - Vice Chairman, Mendy Moore - Secretary, Todd Levent - Member, Laura Semanson – Member, Ken Jarrard - County Attorney, and Kiersten Law - County Clerk.

**AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 17, 2025 AT 5:00 PM
110 EAST MAIN STREET, SUITE 220
CUMMING, GEORGIA 30040**

- I. *Call Meeting to Order*

- II. *Invocation and Pledge of Allegiance*

- III. *Adoption of Agenda*

- IV. *Announcements and Reports*

- V. *Public Comments*

- VI. *Adoption of Minutes*
 - (1) *Regular Meeting / Public Hearings of March 20, 2025*
 - (2) *Work Session and Executive Session of March 25, 2025*
 - (3) *Work Session and Executive Session of April 8, 2025*

- VII. *Consent Agenda*
 - (1) *Acceptance of Right of Way as County Maintained with a speed limit of 25 MPH on Wayt Farm Overlook, Nap Ridge and all other property and property rights as shown on subdivision plat for Silverwood Phase 1, recorded in Plat Book 217, Pages 29-48, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering*
 - (2) *Acceptance of Right of Way as County Maintained with a speed limit of 25 MPH on Santiago Blvd, Tabeshaw Trail, Ernst Lane, Molo Lane, Ole Anderson Way, Pinin Place and all other property and property rights as shown on subdivision plat for Hemingway Farm Phase 1B, recorded in Plat Book 215, Pages 187-202, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering*
 - (3) *Acceptance of Right of Way as County Maintained with a speed limit of 25 MPH on Heirloom Overlook, Momento Trace, Keepsake Court and all other property and property rights as shown on subdivision plat for Heirloom Phase 2, recorded in Plat Book 215, Pages 256-272, Forsyth County, Georgia Records - District 1 - Director, Department of Engineering*

- (4) *Board ratification of Final Order and Judgment in the condemnation action for Old Atlanta Road, Phase V, Parcel 44 (Parcel Owner: El Nissi Management, LLC) in the amount of \$14,100.00 - County Attorney*
- (5) *Board Ratification of the following items were discussed and voted on at the Work Session held on March 25, 2025 (as anticipated by Board Rule 1.07.01):*
 - (A) *Board approval of additional funding in the amount of \$40,000.00 for the Victim Witness Assistance Program for witness fees for the remainder of Fiscal Year 2025 with approval of a Budget Resolution - Director, Victim Witness Assistance Program*
 - (B) *Board approval of a Professional Design Services Agreement with Jericho Design Group, LLC, in the amount of \$2,100,000.00 for the Forsyth County Court Buildings Renovations - Vertical Capital Projects Manager, Department of Capital Projects*
 - (C) *Board approval of Task Order #03 to the As-Needed Services Agreement (contract #1202300024) with Comprehensive Program Management Services Inc., in the amount of \$651,000.00 for the Forsyth County Court Buildings Renovations - Vertical Capital Projects Manager, Department of Capital Projects*
 - (D) *Board approval of Amendment No. 2 to the Amended and Restated Services Agreement (ARS) in the amount of \$11,755.96 with Pond and Company to provide design during construction services for the State Route 9 at Jewell Bennett Road Intersection Improvements (GDOT PI 0016066) with authorization for County Manager to execute documents in furtherance of the same - Transportation Project Manager, Department of Capital Projects*
 - (E) *Board approval of the appropriate Service Delivery Strategy Forms required to modify the funding source for Water and Wastewater service delivery – County Attorney*
 - (F) *Board approval of Mary Alice Park Lease assignment documentation from the US Army Corps of Engineers. If consummated, ground lease for Mary Alice Park will transfer from the City of Cumming to Forsyth County. This is a byproduct of LOST negotiations - County Attorney*
 - (G) *Board approval of the postponement to Work Session Agenda in 18 months of a Board generated rezoning for ZA4083, GVR Realty LLC. In accordance with UDC 8-5.5(l), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 1 - Comprehensive Planning Manager, Department of Planning and Community Development (Postponed from the September 24, 2024 Agenda)*
 - (H) *Board approval of the ratification of Right of Entry Agreement granted to Georgia Transmission Corporation associated with the SR 9 widening project - County Attorney*
 - (I) *Board authorization for staff to commence with the Public Hearing process regarding a request by Century Communities for a county-initiated zoning condition amendment and associated lot size variances related to property that was the subject of ZA4001 – based upon an ongoing dispute with a*

neighboring property owner regarding a fence location that was a product of zoning conditions – County Attorney

- (J) *Board authorization for staff to commence the Public Hearing process regarding amendments to the Comprehensive Plan related to appropriate zoning classifications within the North Georgia 400 character area - Hill / Moore*
- (K) *Board approval of a Resolution creating an Opioid Funds Recommending Body - County Manager*
- (6) *Board Ratification of the following items were discussed and voted on at the Work Session held on April 8, 2025 (as anticipated by Board Rule 1.07.01):*
 - (A) *Board authorization to accept a donation from Age Well Forsyth in the amount of \$10,000.00 with approval of a budget resolution to modify a food service vehicle for Senior Services – Senior Support Services Manager, Department of Senior Services*
 - (B) *Board approval to award Quote 25-35-5212 to K&K Towing and Recovery LLC for the As-Needed Non-consensual Towing of Vehicles Parked Illegally on County Property for the Department of Parks and Recreation with approval of the associated General Services Agreement – Director, Department of Parks and Recreation*
 - (C) *Board approval of the new Non-Disclosure Agreement (NDA) to access the detailed Department of Revenue (DOR) reports for the 911 Center - Director, Emergency Management Agency*
 - (D) *Board approval for the implementation of the proposed Forsyth County Hazardous Materials and Waste Management Policy and Procedure - Director, Department of Fleet Services*
 - (E) *Board approval of Change Order #2 with Surface Masters, Inc. (Contract 24-29-1620) in the amount of \$12,450.00 for a concrete ramp and backfill at Mary Alice Park - Director, Department of Public Facilities*
 - (F) *Board approval for Digitizing of Physical Records for Departments of Engineering and Planning and Community Development in the amount of \$604,492.26 (\$270,352.73 for Engineering and \$334,139.53 for Planning and Community Development) for scanning of paper documents into digital format - Director, Department of Information Systems and Technology*
 - (G) *Board approval of the postponement to a Work Session in 18 months of a Board generated rezoning for ZA4108, Vijay Garlapati. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 1 – Comprehensive Planning Manager, Department of Planning and Community Development*
 - (H) *Board approval of the postponement to the April 22, 2025 Work Session of a Board generated rezoning for ZA4091, SkyLand Homes, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 2 - Comprehensive*

*Planning Manager, Department of Planning and Community Development
(Postponed from the September 24, 2024 and October 8, 2024 Work Session
Agendas)*

- (I) Board approval of the postponement to the April 22, 2025 Work Session of a Board generated rezoning for ZA4109, Everett Management, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 4 – Comprehensive Planning Manager, Department of Planning and Community Development*
- (J) Board authorization to commence the Public Hearing process to remove the Conditional Use Permits but retain the CBD designation of a Board generated rezoning for ZA4104, Richard Munson. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development*
- (K) Board approval of the postponement to a Work Session in 18 months of a Board generated rezoning for ZA4105, AoA Properties Holding, Inc. and AoA Parish Real Estate Trust. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development*
- (L) Board authorization to commence the Public Hearing process to remove the Conditional Use Permit but retain the CBD designation of a Board generated rezoning for ZA4111, Pet Paradise – South Forsyth County, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development*
- (M) Board approval of Amendment No. 3 to Task Order No. 17 with Brown and Caldwell under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (RFP 12-114) in the amount of \$152,538.00 for Design and Bid Phase Services for the Shakerag WRF Upgrade and Expansion Project - Director, Department of Water and Sewer*
- (N) Board approval of Task Order 3 with Atlanta Premier Tree Solutions, LLC d/b/a Premier Tree Solutions, in the amount of \$154,687.50 to perform tree cutting and removal services to support the Sanitary Sewer Residential Easement Clearing Program (22-025-3300) - Deputy Director, Department of Water and Sewer*
- (O) Board approval of one private cul-de-sac street in Still Creek, a new subdivision - District 1 - Director, Department of Engineering*
- (P) Board approval of a Task Order with Curbcoco, Inc. in the amount of \$68,750.00 to provide services under the Concrete Repairs As-Needed Agreement*

*(Contract 1202300026) for the Longstreet Church Road Curb Project -
Director, Department of Engineering*

- (Q) Board authorization for staff to apply for the State of Georgia FY2025 Local Road Assistance Administration funds for resurfacing of county roads for an amount not to exceed \$3,840,390.49 with no match required - Director, Department of Engineering*
- (R) Board authorization for staff to commence the Public Hearing Process regarding a County-Initiated Conditional Use Permit for a telecommunication tower – Parcel 264-054 – District 4 – Assistant County Manager (Tarnacki)*
- (S) Board authorization for staff to commence the Public Hearing process regarding a County-Initiated request to rezone 62 acres from LR to A1 – Parcels 239-027 and 240-042 – District 4 – Moore / John*
- (T) Board approval of the postponement to the April 22, 2025 Work Session of a Board appointment of an at-large Development Authority member to fill the remainder term for Development Authority member Rhoads - Board of Commissioners*
- (U) Board approval of the postponement to the April 22, 2025 Work Session of a Board appointment of an at-large Development Authority member to fill the remainder term for Development Authority member Schmeelk - County Manager*
- (7) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of March 25, 2025 - County Manager*
- (8) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 8, 2025 - County Manager*

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3368 (Ransom Financial Group, Inc.) by Amy Brown with a variance to: 1. Reduce the exterior setback for Lot 8 from 50 ft. to 47 ft. (UDC Table 11.2(b)) - Parcel 077-337 - AZ250004 - District 1 - Director, Department of Planning and Community Development*
- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2386 (Griffith & Associates) by ECK-CUMMING, LLC with a variance to: 1. Reduce the front setbacks abutting Canton Highway and Bethelview Road from 40 ft. to 0 ft. (UDC Table 12.2); 2. Reduce the landscape strip abutting Canton Highway from 25 ft. to 0 ft. (UDC 21-11.5(H)(3)); 3. Reduce the common area from 5% to 0% (UDC 21-11.6(A)(8)); 4. Reduce the landscape strips along internal lot or lease lines from 10 ft. to 0 ft. as shown on the site plan (UDC 12-10.15); 5. Reduce the rear setback on Tract 3 from 25 ft. to 20 ft. as shown on the site plan (UDC Table 12.2); 6. Reduce the landscape strip abutting Bethelview Road from 10 ft. to 0 ft. (UDC Table 12.2) - Parcels 076-134, 076-133 and 076-011 - AZ250006 - District 1 - Director, Department of Planning and Community Development*
- (3) Public Hearing and possible vote regarding the approval of a Sketch Plat for Rahull Chikyala with the following variance to: 1. Reduce the required number of parking spaces from 188 to 116 (UDC Table 17.1); 2. Reduce the landscape strip abutting*

*Buford Highway from 35 ft. to 25 ft. (UDC 21-11.5(H)(3)); 3. Increase the maximum retaining wall height from 20 ft. to 40 ft. (UDC 12-13.17(B)); 4. Reduce the required number of off-street loading spaces from 5 to 3 (UDC 17-3.3) - Parcel 228-016 - SP240018 - District 2 - Director, Department of Planning and Community Development
(Postponed from the March 6, 2025 Agenda)*

- (4) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by ReThink Pre-C, LLC - Parcels 058-601 and 058-600 - AZ250005 - District 3 - Director, Department of Planning and Community Development*
- (5) *Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate a pawn shop on property zoned Commercial Business District (CBD) - Parcel 108-562 - CP250008 - District 5 - Director, Department of Planning and Community Development*
- (6) *Public Hearing and possible vote regarding the request for a variance to Chapter 18, Section 18-12.1(A) (1) and (2), and Forsyth County Ordinance 73, Section IV.C.20 by Sean Courtney of Lipscomb and Johnson, LLP – Parcels 109-005 (1550 Stoney Point Rd), 109-004 (1560 Stoney Point Rd), and 109-221 (1570 Stoney Point Rd) – VA250005 – District 5 – Director, Department of Planning and Community Development*
- (7) *Public Hearing and possible vote regarding the approval of a Sketch Plat for HREP Acquisitions, LLC - Parcels 086-120 and 063-205 - SP240025 - District 5 - Director, Department of Planning and Community Development*
- (8) *Public Hearing and possible vote regarding the approval of a County-Initiated Sketch Plat for Forsyth County Board of Commissioners - Parcel 152-114 - SP250003 - District 5 - Director, Department of Planning and Community Development*
- (9) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP200014 (QuikTrip Corporation) by QuikTrip Corporation with a variance to: 1. Reduce the front setback abutting McGinnis Ferry Road from 50 ft. to 20 ft. (UDC Table 14.2); 2. Reduce the landscape strips abutting McGinnis Ferry Road and Windward Concourse from 25 ft. to 0 ft. as shown on the site plan (UDC Table 14.2); 3. Reduce the buffer abutting Georgia Highway 400 from 40 ft. to 30 ft. as shown on the site plan (UDC 10-1.10(A)(1)) - Parcels 022-009, 022-008 and 022-001 - AZ250001 - District 5 - Director, Department of Planning and Community Development*
- (10) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by James Ward with a variance to: 1. Reduce the rear setback for lot 146 from 25 ft. to 9 ft. (UDC Table 11.2(a)) - Parcel 160-441 - AZ250003 - District 5 - Director, Department of Planning and Community Development*
- (11) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3047 (Cousins Properties Incorporated) by Fuqua Acquisitions II, LLC with a variance to: 1. Reduce the minimum lot width from 60 ft. to 30 ft. (UDC 18-4.5); 2. Reduce the landscape strip abutting Peachtree Parkway from 25 ft. to 0 ft. (UDC 21-8.5(D)(3)); 3. Reduce the landscape strip abutting Peachtree Parkway from 10 ft. to 0 ft. (UDC Table 12.2) - Parcels 107-027 and 107-060 - AZ250007 - District 5 - Director, Department of Planning and Community Development*

- (12) *Public hearing and possible vote regarding Amendment to the Forsyth County Speed Ordinance 78, for the purpose of revising The List of Roadways to which it applies - Director, Department of Engineering
(The first Public Hearing was held at the Board of Commissioners Regular Meeting on March 20, 2025)*
- (13) *Public Hearing regarding a proposed modification to Ordinance 101 (County Code 78-4) updating the County's Ordinance and Regulations regarding Turn Lanes, Driveways, and Encroachment Control, to incorporate future GDOT amendments - Director, Department of Engineering / County Attorney*
- (14) *Public hearing and possible vote regarding amendments to the Unified Development Code related to LR Zoning Districts and Oversized Garages - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on March 25, 2025)*
- (15) *Public hearing and possible vote regarding amendments to the Comprehensive Plan related to Appropriate Zoning Classifications Tables and the Matt Node boundary - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 25, 2025)*
- (16) *Public hearing regarding an amendment to the Forsyth County Impact Fee Ordinance, otherwise known as Forsyth County Ordinance 125 or Chapter 47 of the Forsyth County Code of Ordinances, that will (i) assess road impact fees for commercial, office, medical, industrial, warehouse, manufacturing, institutional, and private school/day care uses, (ii) authorize payment of such fees within 18 months of building permit issuance or receipt of a certificate of occupancy; (iii) to authorize certain penalties and remedies for non-payment of impact fees, and (iv) to repeal conflicting ordinances; and (v) for other purposes – Chief Financial Officer / County Attorney
(The first Public Hearing was held at the Board of Commissioners Regular Meeting on March 6, 2025)*

IX. Public Comments

X. Old Business

- (1) *Daniel Chebeleu - ZA4204 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.408 acres for 2 residential lots with a density of 1.42 units per acre - Parcel 156-036 - District 2 - Director, Department of Planning and Community Development
(Postponed from the March 20, 2025 Agenda)*

XI. New Business

- (1) *Grand Communities, LLC - ZA4198 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 19.469 acres for 26 residential lots with a density of 1.34 units per acre - Parcel 097-056 - District 1 - Director, Department of Planning and Community Development
(Postponed from the February 20, 2025, March 6, 2025 and March 20, 2025 Agendas)*
- (2) *SKC Development, LLC - ZA4208 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 38.717 acres for 42 residential lots with a density of 1.08 units per acre - Parcels 144-082, 144-092, 144-091, 144-090, 144-078 - District 1 - Director, Department of Planning and Community Development
(Postponed from the February 20, 2025, March 6, 2025 and March 20, 2025 Agendas)*

- (3) *Shiloh Pallet Co LLC - ZA4184 - to rezone from Agricultural District (A1) to Restricted Industrial District (M1) on 5.011 acres with a Conditional Use Permit (CUP) for an open storage yard with an overall site including wood products manufacturing in existing buildings totaling 3,662 sq. ft. with 2 parking spaces and an existing 2,022 sq. ft. dwelling for a caretaker with the following variance to: 1. Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18); 2. Reduce the zoning setback along the northern property boundary adjacent to the existing structure only from 50 ft. to 41 ft. (UDC Table 14.2) - Parcel 062-030 - District 3 - Director, Department of Planning and Community Development*
- (4) *OHI Tidwell Estates, LLC - ZA4207 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES3) on 12.463 acres for 20 residential lots with a density of 1.61 units per acre - Parcels 021-048, 021-045, 021-043 - District 3 - Director, Department of Planning and Community Development
(Postponed from the March 20, 2025 Agenda)*
- (5) *Manors At Stoneypoint LLC - ZA4206 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 17.564 acres for 19 residential lots with a density of 1.09 units per acre - Parcels 086-022, 086-021 - District 5 - Director, Department of Planning and Community Development
(Postponed from the March 20, 2025 Agenda)*

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment

Chairman John called the meeting to order at 5:00 p.m. with all members present.

The Pledge of Allegiance and Invocation were led by Charity Clark, Director, Department of Employment Services.

ADOPTION OF AGENDA

There was a motion by Commissioner John and a second by Commissioner Moore to move Public Hearing, Item #16 (Public hearing regarding an amendment to the Forsyth County Impact Fee Ordinance, otherwise known as Forsyth County Ordinance 125 or Chapter 47 of the Forsyth County Code of Ordinances, that will (i) assess road impact fees for commercial, office, medical, industrial, warehouse, manufacturing, institutional, and private school/day care uses, (ii) authorize payment of such fees within 18 months of building permit issuance or receipt of a certificate of occupancy; (iii) to authorize certain penalties and remedies for non-payment of impact fees, and (iv) to repeal conflicting ordinances; and (v) for other purposes) prior to Public Hearing, Item #1. Motion carried unanimously.

There was a motion by Commissioner John and a second by Commissioner Moore to move Public Hearing, Item #14 (Public hearing and possible vote regarding amendments to the Unified Development Code related to LR Zoning Districts and Oversized Garages) prior to Public Hearing, Item #16. Motion carried unanimously.

There was a motion by Commissioner John and a second by Commissioner Levent to add New Business, Item #6 (Board consideration of a Moratorium prohibiting receipt of Residential Rezoning applications to allow review and feedback regarding the County's development policies and the

Unified Development Code in response to the April 15, 2025 Resolution of the Forsyth County Board of Education regarding growth management). Motion approved unanimously.

There was a motion by Commissioner Levent and a second by Commissioner Hill to postpone New Business, Item #4 (OHI Tidwell Estates, LLC - ZA4207 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES3) on 12.463 acres for 20 residential lots with a density of 1.61 units per acre - Parcels 021-048, 021-045, 021-043 - District 3) to the Regular Meeting / Public Hearings of May 1, 2025. Motion carried unanimously.

There was a motion by Commissioner Hill and a second by Commissioner Semanson to postpone Public Hearing, Item #2 (Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2386 (Griffith & Associates) by ECK-CUMMING, LLC with a variance to: 1. Reduce the front setbacks abutting Canton Highway and Bethelview Road from 40 ft. to 0 ft. (UDC Table 12.2); 2. Reduce the landscape strip abutting Canton Highway from 25 ft. to 0 ft. (UDC 21-11.5(H)(3)); 3. Reduce the common area from 5% to 0% (UDC 21-11.6(A)(8)); 4. Reduce the landscape strips along internal lot or lease lines from 10 ft. to 0 ft. as shown on the site plan (UDC 12-10.15); 5. Reduce the rear setback on Tract 3 from 25 ft. to 20 ft. as shown on the site plan (UDC Table 12.2); 6. Reduce the landscape strip abutting Bethelview Road from 10 ft. to 0 ft. (UDC Table 12.2) - Parcels 076-134, 076-133 and 076-011 - AZ250006 - District 1) to the Regular Meeting / Public Hearings of May 15, 2025. Motion carried unanimously.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to postpone New Business, Item #5 (Manors At Stonepoint LLC - ZA4206 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 17.564 acres for 19 residential lots with a density of 1.09 units per acre - Parcels 086-022, 086-021 - District 5) to the Regular Meeting / Public Hearings of May 1, 2025. Motion carried unanimously.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to postpone Public Hearing, Item #9 (Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP200014 (QuikTrip Corporation) by QuikTrip Corporation with a variance to: 1. Reduce the front setback abutting McGinnis Ferry Road from 50 ft. to 20 ft. (UDC Table 14.2); 2. Reduce the landscape strips abutting McGinnis Ferry Road and Windward Concourse from 25 ft. to 0 ft. as shown on the site plan (UDC Table 14.2); 3. Reduce the buffer abutting Georgia Highway 400 from 40 ft. to 30 ft. as shown on the site plan (UDC 10-1.10(A)(1)) - Parcels 022-009, 022-008 and 022-001 - AZ250001 - District 5) to the Regular Meeting / Public Hearings of May 15, 2025. Motion carried unanimously.

There was a motion by Commissioner Hill and a second by Commissioner Semanson to adopt the agenda as amended. Motion carried unanimously.

UNDER ANNOUNCEMENTS AND REPORTS THE FOLLOWING ACTIONS WERE TAKEN:

David McKee, County Manager, recognized Telecommunications Week.

David McKee, County Manager, recognized Fire Chief Barry Head, for 35 years of service.

David McKee, County Manager, announced the passing of two Forsyth County employees. Troy Massey, Department of Parks and Recreation (33 years of service), and Al Luthringer, Department of Information Systems and Technology (21 years of service).

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

Stephanie Bailey
Ethan Underwood

Angela Henshaw
Eric Phillips
Kirk Wintersteen
Ann Garvin

UNDER ADOPTION OF MINUTES THE FOLLOWING ACTIONS WERE TAKEN:

(1) Regular Meeting / Public Hearings of March 20, 2025

There was a motion by Commissioner Hill and a second by Commissioner Semanson to adopt the Minutes of the Regular Meeting / Public Hearings of March 20, 2025. Motion carried unanimously.

(2) Work Session and Executive Session of March 25, 2025

There was a motion by Commissioner Hill and a second by Commissioner Levent to adopt the Minutes of the Work Session and Executive Session of March 25, 2025. Motion carried unanimously.

(3) Work Session and Executive Session of April 8, 2025

There was a motion by Commissioner Moore and a second by Commissioner Hill to adopt the Minutes of the Work Session and Executive Session of April 8, 2025. Motion carried unanimously.

UNDER CONSENT AGENDA THE FOLLOWING ACTIONS WERE TAKEN:

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

- (1) Acceptance of Right of Way as County Maintained with a speed limit of 25 MPH on Wayt Farm Overlook, Nap Ridge and all other property and property rights as shown on subdivision plat for Silverwood Phase 1, recorded in Plat Book 217, Pages 29-48, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering
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- (I) Board authorization for staff to commence with the Public Hearing process regarding a request by Century Communities for a county-initiated zoning condition amendment and associated lot size variances related to property that was the subject of ZA4001 – based upon an ongoing dispute with a neighboring property owner regarding a fence location that was a product of zoning conditions – County Attorney
- (J) Board authorization for staff to commence the Public Hearing process regarding amendments to the Comprehensive Plan related to appropriate zoning classifications within the North Georgia 400 character area - Hill / Moore

- (K) Board approval of a Resolution creating an Opioid Funds Recommending Body - County Manager
- (6) Board Ratification of the following items were discussed and voted on at the Work Session held on April 8, 2025 (as anticipated by Board Rule 1.07.01):
- (A) Board authorization to accept a donation from Age Well Forsyth in the amount of \$10,000.00 with approval of a budget resolution to modify a food service vehicle for Senior Services – Senior Support Services Manager, Department of Senior Services
 - (B) Board approval to award Quote 25-35-5212 to K&K Towing and Recovery LLC for the As-Needed Non-consensual Towing of Vehicles Parked Illegally on County Property for the Department of Parks and Recreation with approval of the associated General Services Agreement – Director, Department of Parks and Recreation
 - (C) Board approval of the new Non-Disclosure Agreement (NDA) to access the detailed Department of Revenue (DOR) reports for the 911 Center - Director, Emergency Management Agency
 - (D) Board approval for the implementation of the proposed Forsyth County Hazardous Materials and Waste Management Policy and Procedure - Director, Department of Fleet Services
 - (E) Board approval of Change Order #2 with Surface Masters, Inc. (Contract 24-29-1620) in the amount of \$12,450.00 for a concrete ramp and backfill at Mary Alice Park - Director, Department of Public Facilities
 - (F) Board approval for Digitizing of Physical Records for Departments of Engineering and Planning and Community Development in the amount of \$604,492.26 (\$270,352.73 for Engineering and \$334,139.53 for Planning and Community Development) for scanning of paper documents into digital format - Director, Department of Information Systems and Technology
 - (G) Board approval of the postponement to a Work Session in 18 months of a Board generated rezoning for ZA4108, Vijay Garlapati. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 1 – Comprehensive Planning Manager, Department of Planning and Community Development
 - (H) Board approval of the postponement to the April 22, 2025 Work Session of a Board generated rezoning for ZA4091, SkyLand Homes, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 2 - Comprehensive Planning Manager, Department of Planning and Community Development (Postponed from the September 24, 2024 and October 8, 2024 Work Session Agendas)
 - (I) Board approval of the postponement to the April 22, 2025 Work Session of a Board generated rezoning for ZA4109, Everett Management, LLC. In accordance with UDC 8-5.5(I), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may

consider rezoning to a constitutional zoning designation - District 4 – Comprehensive Planning Manager, Department of Planning and Community Development

- (J) Board authorization to commence the Public Hearing process to remove the Conditional Use Permits but retain the CBD designation of a Board generated rezoning for ZA4104, Richard Munson. In accordance with UDC 8-5.5(l), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development
- (K) Board approval of the postponement to a Work Session in 18 months of a Board generated rezoning for ZA4105, AoA Properties Holding, Inc. and AoA Parish Real Estate Trust. In accordance with UDC 8-5.5(l), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development
- (L) Board authorization to commence the Public Hearing process to remove the Conditional Use Permit but retain the CBD designation of a Board generated rezoning for ZA4111, Pet Paradise – South Forsyth County, LLC. In accordance with UDC 8-5.5(l), if an application for a land disturbance permit has not been submitted within 18 months of zoning approval, the Board may consider rezoning to a constitutional zoning designation - District 5 – Comprehensive Planning Manager, Department of Planning and Community Development
- (M) Board approval of Amendment No. 3 to Task Order No. 17 with Brown and Caldwell under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (RFP 12-114) in the amount of \$152,538.00 for Design and Bid Phase Services for the Shakerag WRF Upgrade and Expansion Project - Director, Department of Water and Sewer
- (N) Board approval of Task Order 3 with Atlanta Premier Tree Solutions, LLC d/b/a Premier Tree Solutions, in the amount of \$154,687.50 to perform tree cutting and removal services to support the Sanitary Sewer Residential Easement Clearing Program (22-025-3300) - Deputy Director, Department of Water and Sewer
- (O) Board approval of one private cul-de-sac street in Still Creek, a new subdivision - District 1 - Director, Department of Engineering
- (P) Board approval of a Task Order with Curbcoc, Inc. in the amount of \$68,750.00 to provide services under the Concrete Repairs As-Needed Agreement (Contract 1202300026) for the Longstreet Church Road Curb Project - Director, Department of Engineering
- (Q) Board authorization for staff to apply for the State of Georgia FY2025 Local Road Assistance Administration funds for resurfacing of county roads for an amount not to exceed \$3,840,390.49 with no match required - Director, Department of Engineering

- (R) Board authorization for staff to commence the Public Hearing Process regarding a County-Initiated Conditional Use Permit for a telecommunication tower – Parcel 264-054 – District 4 – Assistant County Manager (Tarnacki)
- (S) Board authorization for staff to commence the Public Hearing process regarding a County-Initiated request to rezone 62 acres from LR to A1 – Parcels 239-027 and 240-042 – District 4 – Moore / John
- (T) Board approval of the postponement to the April 22, 2025 Work Session of a Board appointment of an at-large Development Authority member to fill the remainder term for Development Authority member Rhoads - Board of Commissioners
- (U) Board approval of the postponement to the April 22, 2025 Work Session of a Board appointment of an at-large Development Authority member to fill the remainder term for Development Authority member Schmeelk - County Manager
- (7) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of March 25, 2025 - County Manager
- (8) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 8, 2025 - County Manager

Motion carried unanimously.

UNDER PUBLIC HEARINGS THE FOLLOWING ACTIONS WERE TAKEN:

(14) Public hearing and possible vote regarding amendments to the Unified Development Code related to LR Zoning Districts and Oversized Garages

Heather Ryan, Planning Manager, Department of Planning and Community Development, addressed the Board and provided a PowerPoint presentation.

Chairman John declared the Public Hearing open.

Speaking in favor:

Kirk Wintersteen

Ethan Underwood (provided a presentation)

Whitney Fleming

Speaking in opposition:

Todd Vanderhoff

Kirk McConnell

R. Gray Smith

Chairman John declared the Public Hearing closed.

Commissioner Semanson left at 5:51 p.m.

Commissioner Semanson returned at 5:52 p.m.

There was a motion by Commissioner Moore and a second by Commissioner John to approve the amendments to the Unified Development Code related to LR Zoning Districts and Oversized Garages as presented with a side setback of 15 feet; minimum square

footage of 1,200 square feet; and that staff add language clarifying that the changes to the LR District expressed in Tables 11.1(A) and 11.2(A) and the accompanying notes only apply to LR Zone properties seeking minor or major final plat subdivision where such applications are filed with the County after April 17, 2025. Motion carried unanimously.

- (16) **Public hearing regarding an amendment to the Forsyth County Impact Fee Ordinance, otherwise known as Forsyth County Ordinance 125 or Chapter 47 of the Forsyth County Code of Ordinances, that will (i) assess road impact fees for commercial, office, medical, industrial, warehouse, manufacturing, institutional, and private school/day care uses, (ii) authorize payment of such fees within 18 months of building permit issuance or receipt of a certificate of occupancy; (iii) to authorize certain penalties and remedies for non-payment of impact fees, and (iv) to repeal conflicting ordinances; and (v) for other purposes**

Ken Jarrard, County Attorney, and Brian Clark, Chief Financial Officer, addressed the Board.

Chairman John declared the Public Hearing open.

Speaking in favor:

Kirk Wintersteen

Justin Abernathy

Brett Johnson

Carson Brown

Pearl Cai

Alex Warner

Janelle "Jan" Rooney

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner John and a second by Commissioner Semanson to approve the amendment to the Forsyth County Impact Fee Ordinance, otherwise known as Forsyth County Ordinance 125 or Chapter 47 of the Forsyth County Code of Ordinances, that will (i) assess road impact fees for commercial, office, medical, industrial, warehouse, manufacturing, institutional, and private school/day care uses, (ii) authorize payment of such fees within 18 months of building permit issuance or receipt of a certificate of occupancy; (iii) to authorize certain penalties and remedies for non-payment of impact fees, and (iv) to repeal conflicting ordinances; and (v) for other purposes. Motion carried unanimously.

Ken Jarrard, County Attorney, asked the Board if they would like to provide an effective date of the amendment.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to apply the amendment beginning June 1, 2025. Motion carried unanimously.

- (1) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3368 (Ransom Financial Group, Inc.) by Amy Brown with a variance to: 1. Reduce the exterior setback for Lot 8 from 50 ft. to 47 ft. (UDC Table 11.2(b)) - Parcel 077-337 - AZ250004 - District 1**

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

Chairman John declared the Public Hearing open.

Speaking in favor:
Amy Brown

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Hill and a second by Commissioner Moore to approve the request for an Amendment of Zoning Conditions on ZA3368 (Ransom Financial Group, Inc.) by Amy Brown with a variance to: 1) Reduce the exterior setback for Lot 8 from 50 ft. to 47 ft. (UDC Table 11.2(b)) – Parcel 077-337 – AZ250004 – as follows:

Modify Condition #14 to read: There shall be a twenty-five (25) foot undisturbed buffer and an additional twenty-five (25) foot building setback around the perimeter of the project. Except for the northern property line of Charles Little and the property line of Jeff Mize, as described in Condition #13, when the buffer abuts AI property actively used for agricultural purposes and is visually pervious it shall be supplemented with additional planting which shall consist of evergreens with no more than thirty-five percent (35%) of one variety. In any area where mature trees are located, planting shall incorporate said trees. Suggested plantings shall be overseen by the County Arborist.

An exception to be granted to Lot 103 to allow existing concrete patio (10 ft. x 12 ft.) to be extended 6 ft. to a size of (16 ft. x 12 ft.) allowing the current patio with extension to become a covered structure with a 12 inch roof overhang, changing the rear building setback to 34 ft.

An exception to be granted to Lot 8 to allow the existing rectangle patio (12 ft. x 10 ft.) to be extended to a size of 26 ft. x 13 ft., where a portion of the extended patio will be covered by a roof structure sized 15 ft x 13 ft., which includes a 12 inch roof overhang, changing the rear building setback to 47 feet.

Motion carried unanimously.

- (2) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2386 (Griffith & Associates) by ECK-CUMMING, LLC with a variance to: 1. Reduce the front setbacks abutting Canton Highway and Bethelview Road from 40 ft. to 0 ft. (UDC Table 12.2); 2. Reduce the landscape strip abutting Canton Highway from 25 ft. to 0 ft. (UDC 21-11.5(H)(3)); 3. Reduce the common area from 5% to 0% (UDC 21-11.6(A)(8)); 4. Reduce the landscape strips along internal lot or lease lines from 10 ft. to 0 ft. as shown on the site plan (UDC 12-10.15); 5. Reduce the rear setback on Tract 3 from 25 ft. to 20 ft. as shown on the site plan (UDC Table 12.2); 6. Reduce the landscape strip abutting Bethelview Road from 10 ft. to 0 ft. (UDC Table 12.2) - Parcels 076-134, 076-133 and 076-011 - AZ250006 - District 1 – This Item was postponed [during Adoption of the Agenda to the Regular Meeting / Public Hearings of May 15, 2025**
- (3) **Public Hearing and possible vote regarding the approval of a Sketch Plat for Rahull Chikyala with the following variance to: 1. Reduce the required number of parking spaces from 188 to 116 (UDC Table 17.1); 2. Reduce the landscape strip abutting Buford Highway from 35 ft. to 25 ft. (UDC 21-11.5(H)(3)); 3. Increase the maximum retaining wall height from 20 ft. to 40 ft. (UDC 12-13.17(B)); 4. Reduce the required number of off-street loading spaces from 5 to 3 (UDC 17-3.3) - Parcel 228-016 - SP240018 - District 2**

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

Chairman John advised the Board that it is his intent to hold the Public Hearing but postpone the decision for two weeks.

There was a motion by Commissioner John and a second by Commissioner Semanson to conduct the Public Hearing and postpone the decision to the Regular Meeting / Public Hearings of May 1, 2025 (Old Business). Motion carried unanimously.

Chairman John declared the Public Hearing open.

Speaking in favor:
Evan Young

Commissioner Hill left at 6:20 p.m.

Commissioner Hill returned at 6:21 p.m.

Speaking in opposition:
Kirk Wintersteen
Steve Giller
Vladimir Pawlukowsky
Darlene Pawlukowsky

There was a motion by Commissioner John and a second by Commissioner Hill to add an additional two minutes of speaking time. Motion carried unanimously.

Darlene Pawlukowsky continued to speak.

Chairman John declared the Public Hearing closed.

Per the above motion, this Item will be placed on the Regular Meeting / Public Hearings agenda of May 1, 2025 for decision only (Old Business).

(4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by ReThink Pre-C, LLC - Parcels 058-601 and 058-600 - AZ250005 - District 3

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

Chairman John declared the Public Hearing open.

Speaking in favor:
Ethan Underwood (provided a presentation)

Speaking in opposition:
Richard Taylor

Commissioner Moore left at 6:40 p.m.

Commissioner Moore returned at 6:43 p.m.

Speaking in favor (continued):
Jason Joseph
Ethan Underwood

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to postpone the decision regarding this Item to the Regular Meeting / Public Hearings of May 1, 2025. Motion carried unanimously.

(5) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate a pawn shop on property zoned Commercial Business District (CBD) - Parcel 108-562 - CP250008 - District 5

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

Chairman John declared the Public Hearing open.

Speaking in favor:
None

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the County-Initiated Conditional Use Permit to operate a pawn shop on property zoned Commercial Business District (CBD) - Parcel 108-562 - CP250008. Motion carried unanimously.

(6) Public Hearing and possible vote regarding the request for a variance to Chapter 18, Section 18-12.1(A) (1) and (2), and Forsyth County Ordinance 73, Section IV.C.20 by Sean Courtney of Lipscomb and Johnson, LLP – Parcels 109-005 (1550 Stoney Point Rd), 109-004 (1560 Stoney Point Rd), and 109-221 (1570 Stoney Point Rd) – VA250005 – District 5

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

Chairman John declared the Public Hearing open.

Speaking in favor:
Sean Courtney
Kirk Wintersteen

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request for a variance to Chapter 18, Section 18-12.1(A) (1) and (2), and Forsyth County Ordinance 73, Section IV.C.20 by Sean Courtney of Lipscomb and Johnson,

LLP – Parcels 109-005 (1550 Stoney Point Rd), 109-004 (1560 Stoney Point Rd), and 109-221 (1570 Stoney Point Rd) – VA250005. Motion carried unanimously.

Sean Courtney, Attorney, addressed the Board asking if it was Commissioner Semanson's intent to include the condition.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to reconsider the motion. Motion carried unanimously.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request for a variance to Chapter 18, Section 18-12.1(A) (1) and (2), and Forsyth County Ordinance 73, Section IV.C.20 by Sean Courtney of Lipscomb and Johnson, LLP – Parcels 109-005 (1550 Stoney Point Rd), 109-004 (1560 Stoney Point Rd), and 109-221 (1570 Stoney Point Rd) – VA250005 – with the condition as displayed which reads as follows:

1. The development shall be substantially in accordance with Exhibit "A" as to a well landscaped retention pond, a minimum 20 ft. replanted buffer that is included within Lots 19-22, select additional buffer on the exterior of the property as shown in green, and an amenity area which will include benches, picnic tables, and a mail kiosk with adequate parking.

Motion carried unanimously.

(7) Public Hearing and possible vote regarding the approval of a Sketch Plat for HREP Acquisitions, LLC - Parcels 086-120 and 063-205 - SP240025 - District 5

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

Chairman John declared the Public Hearing open.

Speaking in favor:
Sean Courtney

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to approve a Sketch Plat for HREP Acquisitions, LLC - Parcels 086-120 and 063-205 - SP240025 as presented. Motion carried unanimously.

(8) Public Hearing and possible vote regarding the approval of a County-Initiated Sketch Plat for Forsyth County Board of Commissioners - Parcel 152-114 - SP250003 - District 5

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

Chairman John declared the Public Hearing open.

Speaking in favor:
None

***See
Minutes of
May 1,
2025
(Page 8)
for
clarification
regarding
PH7***

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to postpone the decision regarding the County-Initiated Sketch Plat for Forsyth County Board of Commissioners - Parcel 152-114 - SP250003 - to the Regular Meeting / Public Hearings of May 1, 2025. Motion carried unanimously.

- (9) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP200014 (QuikTrip Corporation) by QuikTrip Corporation with a variance to: 1. Reduce the front setback abutting McGinnis Ferry Road from 50 ft. to 20 ft. (UDC Table 14.2); 2. Reduce the landscape strips abutting McGinnis Ferry Road and Windward Concourse from 25 ft. to 0 ft. as shown on the site plan (UDC Table 14.2); 3. Reduce the buffer abutting Georgia Highway 400 from 40 ft. to 30 ft. as shown on the site plan (UDC 10-1.10(A)(1)) - Parcels 022-009, 022-008 and 022-001 - AZ250001 - District 5 - This Item was postponed during Adoption of the Agenda to the Regular Meeting / Public Hearings of May 15, 2025**
- (10) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by James Ward with a variance to: 1. Reduce the rear setback for lot 146 from 25 ft. to 9 ft. (UDC Table 11.2(a)) - Parcel 160-441 - AZ250003 - District 5**

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

Chairman John declared the Public Hearing open.

Speaking in favor:
James Ward

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by James Ward with a variance to: 1. Reduce the rear setback for lot 146 from 25 ft. to 9 ft. (UDC Table 11.2(a)) – Parcel 160-441 – AZ250003 – as follows:

Modify Condition #8 to read: The Site Plan submitted by the developer and approved by the Forsyth County Department of Planning and Community Development shall become the approved Concept Design Plan for development, with the exception of the following:

- a. Lot #512 which will be allowed to have a 10-foot rear setback for the placement of the swimming pool; and,
- b. Lot #725 which will be allowed to have a 25-foot exterior setback for the placement of the swimming pool; and,
- c. Lot #733 which will be allowed to have a 20-foot exterior setback for the placement of the swimming pool; and,

- d. Lot #581 which will be allowed to have a 3-foot rear setback for the placement of the swimming pool and steps; and,
- e. Lot #526 which will be allowed to have a 6-foot rear setback for the placement of a swimming pool and cabana. Prior to issuance of a pool permit, property owner shall submit a lot grading plan for review by Department of Engineering that includes mitigation of proposed impervious area; and,
- f. Lot #515 which will be allowed to have a 9-foot rear setback for the placement of a swimming pool. Upon installation of a swimming pool, Lot #515 shall also install a Flo-Well on the property to aid in storm water runoff, subject to approval from the Department of Engineering; and,
- g. Lot #509 which will be allowed to have 1-foot rear setback for the placement of a swimming pool and pool decking. Lot #509 will be allowed to have a 7-foot side setback for the placement of pool decking. Prior to issuance of a building permit, the property owner shall submit a lot grading plan for review by the Department of Engineering which will include installation of a Flo-Well or other feature as needed to mitigate the reduction of impervious area(s) as a result of the installation of the pool and related decking; and
- h. Lot #146 which will be allowed to have a 9 ft. rear setback for a covered rear deck/porch.

Motion carried unanimously.

(11) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3047 (Cousins Properties Incorporated) by Fuqua Acquisitions II, LLC with a variance to: 1. Reduce the minimum lot width from 60 ft. to 30 ft. (UDC 18-4.5); 2. Reduce the landscape strip abutting Peachtree Parkway from 25 ft. to 0 ft. (UDC 21-8.5(D)(3)); 3. Reduce the landscape strip abutting Peachtree Parkway from 10 ft. to 0 ft. (UDC Table 12.2) - Parcels 107-027 and 107-060 - AZ250007 - District 5

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Ethan Underwood (provided a presentation)

Speaking in opposition:

Kirk Wintersteen

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request for an Amendment of Zoning conditions on ZA3047 (Cousins Properties Incorporated) by Fuqua Acquisitions II, LLC with a variance to: 1. Reduce the minimum lot width from 60 ft. to 30 ft. (UDC 18-4.5); 2. Reduce the landscape strip abutting Peachtree Parkway from 25 ft. to 0 ft. (UDC 21-8.5(D)(3)); 3. Reduce the landscape strip abutting Peachtree Parkway from 10 ft. to 0 ft. (UDC Table 12.2) - Parcels 107-027 and 107-060 - AZ250007 – as follows:

Modify Condition #13 to read: With respect to portions of parcels 107-027 and 107-060 only (as described in AZ250007), those portions of the Subject Property shall be developed

substantially in accordance with the Site Plan submitted with application AZ250007.

Add a Condition to read: The District Commissioner shall approve the sign placement, design and landscaping.

Motion carried unanimously.

(12) Public hearing and possible vote regarding Amendment to the Forsyth County Speed Ordinance 78, for the purpose of revising The List of Roadways to which it applies

John Cunard, Director, Department of Engineering, addressed the Board.

Chairman John declared the Public Hearing open.

Speaking in favor:
None

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner John to approve Amendment to the Forsyth County Speed Ordinance 78, for the purpose of revising The List of Roadways to which it applies as presented by staff. Motion carried unanimously.

(13) Public Hearing regarding a proposed modification to Ordinance 101 (County Code 78-4) updating the County's Ordinance and Regulations regarding Turn Lanes, Driveways, and Encroachment Control, to incorporate future GDOT amendments

John Cunard, Director, Department of Engineering, addressed the Board.

Chairman John declared the Public Hearing open.

Speaking in favor:
None

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

This was the first of two required Public Hearings; no formal Board action was taken.

(14) Public hearing and possible vote regarding amendments to the Unified Development Code related to LR Zoning Districts and Oversized Garages – This Item was moved [during Adoption of the Agenda] prior to Public Hearing, Item #1 – See Page #14 for action taken

(15) Public hearing and possible vote regarding amendments to the Comprehensive Plan related to Appropriate Zoning Classifications Tables and the Matt Node boundary

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

Chairman John declared the Public Hearing open.

Speaking in favor:
Kirk Wintersteen

Speaking in opposition:
None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Hill and a second by Commissioner Levent to approve the amendments to the Comprehensive Plan related to Appropriate Zoning Classifications Tables and the Matt Node boundary as presented. Motion carried unanimously.

- (16) Public hearing regarding an amendment to the Forsyth County Impact Fee Ordinance, otherwise known as Forsyth County Ordinance 125 or Chapter 47 of the Forsyth County Code of Ordinances, that will (i) assess road impact fees for commercial, office, medical, industrial, warehouse, manufacturing, institutional, and private school/day care uses, (ii) authorize payment of such fees within 18 months of building permit issuance or receipt of a certificate of occupancy; (iii) to authorize certain penalties and remedies for non-payment of impact fees, and (iv) to repeal conflicting ordinances; and (v) for other purposes - This Item was moved [during Adoption of the Agenda] prior to Public Hearing, Item #1 and after Public Hearing, Item #14 – See Page #15 for action taken**

UNDER PUBLIC COMMENTS THE FOLLOWING PERSON ADDRESSED THE BOARD:

Ethan Underwood

UNDER OLD BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) Daniel Chebeleu - ZA4204 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.408 acres for 2 residential lots with a density of 1.42 units per acre - Parcel 156-036 - District 2**

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

Mr. Chebeleu addressed the Board at the request Chairman John.

There was a motion by Commissioner John and a second by Commissioner Hill to approve the request by Daniel Chebeleu – ZA4204 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.408 acres for 2 residential lots with a density of 1.42 units per acre – Parcel 156-036 - with the conditions and any other attachments approved by the Planning Commission. The conditions read as follows:

1. Development shall be substantially in accordance with the site plan and elevations on file in the Department.
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.

Motion carried unanimously.

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

(1) Grand Communities, LLC - ZA4198 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 19.469 acres for 26 residential lots with a density of 1.34 units per acre - Parcel 097-056 - District 1

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

There was a motion by Commissioner Hill and a second by Commissioner Semanson to approve the request by Grand Communities, LLC - ZA4198 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 19.469 acres for 26 residential lots with a density of 1.34 units per acre - Parcel 097-056 – with the conditions and exhibits as displayed. The conditions read as follows:

1. Owner/ Developer shall dedicate right-of-way fifty (50) feet from the centerline on Dr. Bramblett Road as part of site development or when needed for road improvement projects as determined Forsyth County Department of Engineering.
2. Development shall tie onto the Forsyth County Sewer system by gravity unless otherwise approved by the Director of Water & Sewer.
3. Gravity sewer outfalls shall follow natural contours to minimize depth.
4. Sewer access must be provided to all upstream properties, to include the conveyance at no cost of any easements needed for sewer connectivity.
5. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at the developer's expense.
6. There shall be a ten (10) foot minimum setback between any building and all utility easements, unless otherwise approved by Forsyth County Water & Sewer.
7. 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. Any portion of a conservation area, exterior buffer, and/or stream buffer shall be made subject to a Conservation Easement for the benefit of the Home Owners Association (HOA), which shall require the consent of the Home Owners Association (HOA) for removal of vegetation therein. In this regard, a minimum 4- foot tall, black four-board wooden fence shall be installed along all exterior buffers and stream buffers included within any lot, with signage posted that states, "No Disturbance Beyond This Point".
8. Maintenance and upkeep of exterior buffers shall be the responsibility of the Home Owners Association (HOA).

9. FEMA Certificates of Elevation shall be verified and provided to purchasers of homes with lots abutting flood zones.
10. Lots containing any slopes greater than 3:1 shall be stabilized using sod and/or maintained plantings, excluding stormwater management ponds.
11. 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, conservation areas, 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 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/or the CBU (Cluster Box Unit) structure and maintained in good condition.

Any specimen tree located within a conservation area, exterior buffer, or within a stream buffer shall not be removed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, hazardous, or infested. Pruning shall only be permitted if recommended by a Certified Arborist and shall require the consent of the Home Owners Association (HOA). Any pruning shall be done in accordance with ANSI A300 (part 1).

12. Tree topping is not allowed, crown reduction pruning must be used instead.
13. Prior to or at the time of recording a final plat, a Home Owners Association (HOA) shall be created by recording a declaration with the Forsyth County Clerk of Court creating covenants upon the development which are administered by a Home Owners' Association (HOA). Said covenants shall include, but not be limited to, the following:
 - a. Membership in the Home Owners Association (HOA) shall be required of every lot owner. Membership in the HOA shall be a condition of closing on any lot within the development.
 - b. Control of the Home Owners Association (HOA) 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 Home Owners Association (HOA) shall, at a minimum, maintain the landscaped entrance area, monument sign, road frontage fencing, road frontage landscaping, conservation areas, 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, conservation areas, 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 any sales office and copies thereof shall be furnished to any lot owner on request upon payment of a reasonable charge therefor.

- g. Any specimen tree located within a conservation area, exterior buffer, or stream buffer shall not be removed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, hazardous, or infested. Pruning shall only be permitted if recommended by a Certified Arborist and shall require the consent of the Homeowners Association (HOA). 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.
14. Any stormwater ponds shall be landscaped and maintained in keeping with entrance areas, amenity areas, and other landscaped areas within the community and 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 mosquitoes 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.
15. 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.
 - c. 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.
16. Landscaping of individual lots.
 - a. Species Diversity. No more than 33% of shrubs on a lot may be a single species.
 - b. 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.
 - c. Unless determined by County Staff to be infeasible due to site constraints, 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.

17. Windows.

- a. False windows shall be prohibited.
- b. Shutters. No faux shutters. Where present, shutters must function as such and therefore 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. Gable fronts and basements shall be excluded from this calculation.
- 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.

18. Eaves and Overhangs.

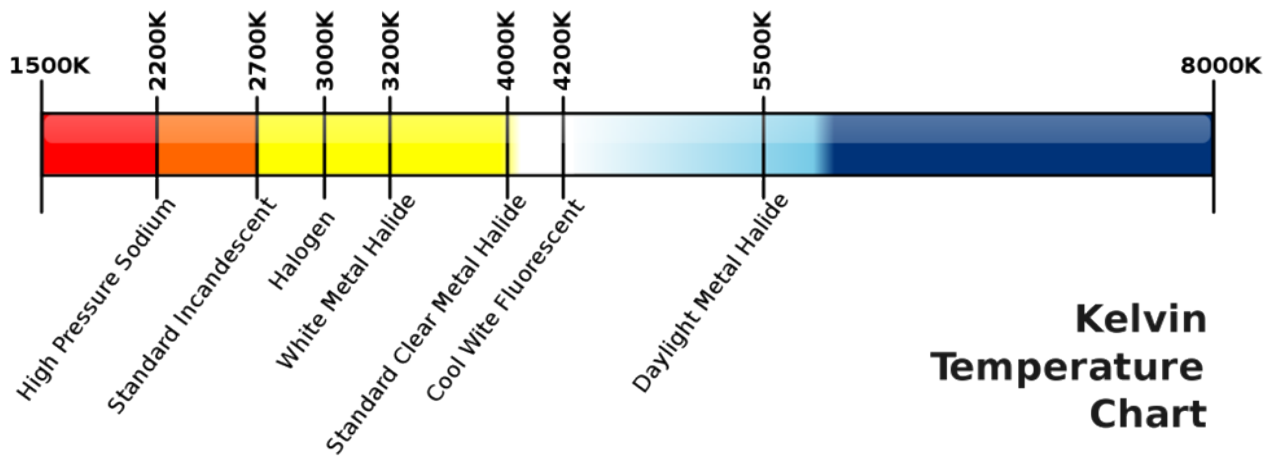
- a. All overhangs, including gables, at a height of fifteen (15) feet or less, as measured from the lowest ground level of the structure's exterior, shall extend a minimum of twelve (12) inches from the face of the building.
- b. All overhangs, including gables, at a height of more than fifteen (15) from the ground or another roofed surface that is directly vertically adjacent, as measured from the lowest ground level of the structure's exterior or the directly vertically adjacent lower roofed surface, shall extend a minimum of sixteen (16) inches from the face of the building.

19. Garages.

- a. All homes shall have a garage that shall accommodate no less than two (2) full size vehicles. In addition, at least 90% of all homes shall have a third garage that can accommodate a third full size vehicle, provided that this third garage door may be oriented toward a street or public right- of-way.
- b. Garage doors facing a street must be recessed at least ten (10) feet from the surface of the frontmost 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.

20. Porches.
 - a. All homes shall include a covered main entrance.
 - b. At least 80 % of the homes shall have covered porches at the main entrance that comply with the following:
 - i. Each covered front porch must be at least one hundred (100) square feet in size and the area satisfying the minimum one hundred (100) square feet shall be a minimum of six (6) feet deep. This condition shall not prohibit the construction of porches with areas less than six (6) feet deep provided that such areas shall not count toward the mandatory minimum one hundred (100) square feet porch area.
 - ii. The depth of each covered front porch shall be measured from the outer most edge of the walking surface to the lowest projecting face of the wall cladding.
 - iii. Each covered front porch must be at least thirty-three percent (33%) of the width of the exterior wall from which it projects.
 - iv. Each covered front porch must be covered and continuous.
21. 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 must be provided between the primary pedestrian entrance and the driveway.
22. Accessory Buildings and Structures, if any are constructed.
 - a. Exterior Materials. Accessory buildings and structures must comply with the same conditions as those regarding the exterior of the primary structure.
 - b. Floor Area. The total floor area of all accessory buildings and structures excluding swimming pools, on a lot may not exceed fifty percent (50%) of the total floor area of the primary structure on that same lot.
23. 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, unless approved by the District Commissioner.
 - 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.
24. Subdivision Landscaping.
- a. Diversity of Trees. No more than 33% of newly planted trees in a development may be of a single species.
25. Subdivision Lighting.
- a. All subdivision lighting shall be (i) full cut-off fixtures or (ii) residential lighting available from the power utility company that most restricts light spillage.
 - b. Consistency. The subdivision must provide a consistent street light fixture throughout the development.
26. All developer installed exterior 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.



27. All amenity conditions shall be fully met before any certificates of occupancy are issued. Developer shall install the following elements (collectively, “the Amenity”):
- a. A CBU (Cluster Box Unit) structure; aka mail kiosk.
 - b. A 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 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. Walls are optional.

- c. Developer shall install a sitting area with a firepit that is a safe distance from, but adjacent to, the aforementioned structure. The firepit shall be no less than five (5) feet in diameter. The firepit sitting area shall have a floor area of no less than eighty (80) square feet, exclusive of the aforementioned firepit, constructed with stone, pavers, and/or stamped concrete.
28. Any portion of an exterior buffer or stream buffer shall be made subject to a Conservation Easement for the benefit of the Home Owners Association (HOA), which shall require the consent of the Home Owners Association (HOA) for removal of vegetation therein. In this regard, a minimum 4-foot tall, black four-board wooden fence shall be installed along all exterior buffers and stream buffers included within any lot, with signage posted that states "No Disturbance Beyond This Point".
 29. Homes shall be located no closer than thirty (30) feet from a stream buffer.
 30. A 50-foot conservation area shall be provided along all exterior boundaries:
 - a. The 50-foot conservation area shall be planted or supplemented to satisfy Forsyth County Buffer Standards except within areas otherwise subject to and landscaped to comply with UDC § 11-9.6(J).
 - b. The conservation area(s) may include and count towards any required exterior buffers.
 - c. Primary structures shall be located no closer than thirty (30) feet from the conservation area(s).
 - d. All conservations areas shall be undisturbed except (i) where necessitated for inclusion of the Amenity, including, but not limited to, the CBU (Cluster Box Unit) structure, and parking area for CBU, (iii) where necessitated by utilities and stormwater drainage features that may be located therein and (iv) for inclusion of the entry monument.
 - e. Areas within the conservation area along Dr. Bramblett Road that are not part of a tree grouping area may include a berm.
 31. No more than three (3) adjacent houses located on the same side of the street may have identical facade designs or dominant color schemes.
 32. The development shall consist of no more than twenty-one (21) lots.
 33. The lot configuration shall substantially conform to Exhibit "A".

Motion carried unanimously.

- (2) **SKC Development, LLC - ZA4208 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 38.717 acres for 42 residential lots with a density of 1.08 units per acre - Parcels 144-082, 144-092, 144-091, 144-090, 144-078 - District 1**

***See
Minutes of
June 5,
2025
(Page 6)
for
clarification
regarding
NB2***

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

There was a motion by Commissioner Hill and a second by Commissioner Semanson to approve the request by SKC Development, LLC - ZA4208 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 38.717 acres for 42 residential lots with a density of 1.08 units per acre - Parcels 144-082, 144-092, 144-091, 144-090, 144-078 – with the conditions as displayed. The conditions read as follows:

1. Development shall be substantially in accordance with the site plan and elevations on file in the Department.
2. Owner/ Developer shall dedicate right-of-way fifty (50) feet from the centerline on Bannister Road as part of site development or when needed for road improvement projects as determined Forsyth County Department of Engineering.
3. A mandatory HOA (Homeowners Association) is required in order to assume maintenance responsibility for the stormwater management system for this development.
4. Development shall tie onto the Forsyth County Sewer system by gravity unless otherwise approved by the Director of Water & Sewer.
5. Gravity sewer outfalls shall follow natural contours to minimize depth.
6. Sewer access must be provided to all upstream properties, to include the conveyance at no cost of any easements needed for sewer connectivity.
7. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at the developer's expense.
8. There shall be a ten (10) foot minimum setback between any building and all utility easements, unless otherwise approved by Forsyth County Water & Sewer.
9. 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.
10. Any portion of a conservation area, exterior buffer, and/or stream buffer shall be made subject to a Conservation Easement for the benefit of the Home Owners Association (HOA), which shall require the consent of the Home Owners Association (HOA) for removal of vegetation therein. In this regard, a minimum 4-foot tall, black four-board wooden fence or a post and chain barrier shall be installed along all conservation areas, exterior buffers or stream buffers included within any lot (whichever is closest to the building envelope), with signage posted that states, "No Disturbance Beyond This Point". A gate may be installed in these fences or barrier.
11. Maintenance and upkeep of exterior buffers shall be the responsibility of the Home Owners Association (HOA).
12. FEMA Certificates of Elevation shall be verified and provided to purchasers of homes with lots abutting flood zones.
13. Lots containing any slopes greater than 3:1 shall be stabilized using sod and/or maintained plantings, excluding stormwater management ponds.

14. Prior to the approval 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, conservation areas, 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 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/or the CBU (Cluster Box Unit) structure and maintained in good condition.

Unless otherwise approved by the County Arborist, any specimen tree located within a conservation area, exterior buffer, or within a stream buffer shall not be removed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, hazardous, or infested. Pruning shall only be permitted if recommended by a Certified Arborist and shall require the consent of the Home Owners Association (HOA). Any pruning shall be done in accordance with ANSI A300 (part 1).

15. Tree topping is not allowed, crown reduction pruning must be used instead.
16. Prior to or at the time of recording a final plat, a Home Owners Association (HOA) shall be created by recording a declaration with the Forsyth County Clerk of Court creating covenants upon the development which are administered by a Home Owners' Association (HOA). Said covenants shall include, but not be limited to, the following:
 - a. Membership in the Home Owners Association (HOA) shall be required of every lot owner. Membership in the HOA shall be a condition of closing on any lot within the development.
 - b. Control of the Home Owners Association (HOA) 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 Home Owners Association (HOA) shall, at a minimum, maintain the landscaped entrance area, monument sign, road frontage fencing, road frontage landscaping, conservation areas, buffers, the stormwater management system including 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, conservation areas, 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 any sales office and copies thereof shall be furnished to any lot owner on request upon payment of a reasonable charge therefor.

- g. Unless otherwise approved by the County Arborist, any specimen tree located within a conservation area, exterior buffer, or stream buffer shall not be removed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, hazardous, or infested. Pruning shall only be permitted if recommended by a Certified Arborist and shall require the consent of the Homeowners Association (HOA). 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 stormwater ponds shall be landscaped and maintained in keeping with entrance areas, amenity areas, and other landscaped areas within the community and 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 mosquitoes 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.
18. 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.
 - c. 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.
19. Landscaping of individual lots
 - a. Species Diversity. No more than 33% of shrubs on a lot may be a single species.
 - b. 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.
 - c. Unless determined by County Staff to be infeasible due to site constraints, 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.

20. 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. Gable fronts and basements shall be excluded from this calculation.
- 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.

21. Eaves and Overhangs.

- a. All overhangs, including gables, at a height of fifteen (15) feet or less, as measured from the lowest ground level of the structure's exterior, shall extend a minimum of twelve (12) inches from the face of the building.
- b. All overhangs, including gables, at a height of more than fifteen (15) from the ground or another roofed surface that is directly vertically adjacent, as measured from the lowest ground level of the structure's exterior or the directly vertically adjacent lower roofed surface, shall extend a minimum of sixteen (16) inches from the face of the building.

22. Garages.

- a. At least 90% of homes in the development shall have a side entry garage. All homes shall have a garage that shall accommodate no less than two (2) full size vehicles. In addition, at least 90% of all homes shall have a third garage that can accommodate a third full size vehicle, provided that this third garage door may be oriented toward a street or public right-of-way. Garage doors facing a street must be recessed at least ten (10) feet from the surface of the frontmost exterior wall of the dwelling.
- b. Front facing garages shall not exceed fifty percent (50%) of the width of the home.
- c. Garage doors shall be carriage style. Garage doors may be overhead doors.

23. Porches.

- a. All homes shall include a covered main entrance.
- b. At least 80% of the homes shall have porches at the main entrance that comply with the following:

- i. Each covered front porch must be at least one hundred (100) square feet in size and the area satisfying the minimum one hundred (100) square feet shall be a minimum of six (6) feet deep; provided, however, that at least 40% of these porches shall be a minimum of eight (8) feet deep. This condition shall not prohibit the construction of porches with areas less than six (6) feet deep provided that such areas shall not count toward the mandatory minimum one hundred (100) square feet porch area.
- ii. The depth of each covered front porch shall be measured from the outer most edge of the walking surface to the lowest projecting face of the wall cladding.
- iii. Each covered front porch must be at least thirty-three percent (33%) of the width of the exterior wall from which it projects.
- iv. Each covered front porch must be covered and continuous.

24. 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 must be provided between the primary pedestrian entrance and the driveway.

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

- a. Exterior Materials. Accessory buildings and structures must comply with the same conditions as those regarding the exterior of the primary structure.
- b. Floor Area. The total floor area of all accessory buildings and structures excluding swimming pools, on a lot may not exceed fifty percent (50%) of the total floor area of the primary structure on that same lot.

26. 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, unless approved by the District Commissioner.
- 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.
27. Subdivision Landscaping.
 - a. Diversity of Trees. No more than 33% of newly planted trees in a development may be of a single species.
 28. Subdivision Lighting.
 - a. All subdivision lighting shall be (i) full cut-off fixtures or (ii) residential lighting available from the power utility company that most restricts light spillage.
 - b. Consistency. The subdivision must provide a consistent street light fixture throughout the development.
 29. All developer installed exterior 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.
 30. All amenity conditions shall be fully met before any certificates of occupancy are issued. Developer shall install the following elements (collectively, “the Amenity”):
 - a. A CBU (Cluster Box Unit) structure; aka mail kiosk.
 - b. A 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 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. Walls are optional.
 - c. Developer shall install a sitting area with a firepit that is a safe distance from, but adjacent to, the aforementioned structure. The firepit shall be no less than five (5) feet in diameter. The firepit sitting area shall have a floor area of no less than eighty (80) square feet, exclusive of the aforementioned firepit, constructed with stone, pavers, and/or stamped concrete.
 - d. Any community space intended for shared use by the residents of the development shall include shade trees and seating which is shaded by said shade trees or a shade structure matching the community aesthetic.
 31. An 80-foot graded and planted buffer shall be installed and maintained along the boundary with Bannister Road.
 32. A 75-foot conservation area shall be provided along all exterior boundaries:
 - a. The conservation area(s) may include and count towards any required exterior buffers.

- b. Primary structures shall be located no closer than thirty (30) feet from the conservation area(s).
 - c. All conservations areas shall be undisturbed except (i) where necessitated for inclusion of the Amenity, including, but not limited to, the CBU (Cluster Box Unit) structure, and parking area for CBU, (iii) where necessitated by utilities and stormwater drainage features that may be located therein and (iv) for inclusion of the entry monument.
 - d. Areas within the conservation area along Bannister Road that are not part of a tree grouping area may include a berm.
33. No more than three (3) adjacent houses located on the same side of the street may have identical facade designs or dominant color schemes.

Motion carried unanimously.

- (3) Shiloh Pallet Co LLC - ZA4184 - to rezone from Agricultural District (A1) to Restricted Industrial District (M1) on 5.011 acres with a Conditional Use Permit (CUP) for an open storage yard with an overall site including wood products manufacturing in existing buildings totaling 3,662 sq. ft. with 2 parking spaces and an existing 2,022 sq. ft. dwelling for a caretaker with the following variance to: 1. Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18); 2. Reduce the zoning setback along the northern property boundary adjacent to the existing structure only from 50 ft. to 41 ft. (UDC Table 14.2) - Parcel 062-030 - District 3**

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

Ethan Underwood, Attorney, addressed the Board at the request of Commissioner Levent.

Chairman John asked if there was anyone in opposition who wished to address the Board. No one came forward.

There was a motion by Commissioner Levent and a second by Commissioner John to approve the request by Shiloh Pallet Co LLC - ZA4184 - to rezone from Agricultural District (A1) to Restricted Industrial District (M1) on 5.011 acres with a Conditional Use Permit (CUP) for an open storage yard with an overall site including wood products manufacturing in existing buildings totaling 3,662 sq. ft. with 2 parking spaces and an existing 2,022 sq. ft. dwelling for a caretaker - Parcel 062-030 – with the variances, conditions and Exhibit 'A' as displayed. The variances and conditions read as follows:

Variances:

- 1. Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18).
- 2. Reduce the zoning setback along the northern property boundary adjacent to the existing structure only from 50 ft. to 41 ft. (UDC Table 14.2).

Conditions:

- 1. Any improvements to the water system required to meet fire flow or other requirements shall be done at developer's expense.

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 unless otherwise approved by the Water & Sewer Department or the Engineering Department.
4. The subject property shall be used exclusively for manufacturing, refurbishing, storage, and distribution of wooden pallets, and any associated activities directly related to the pallet business and use of the existing dwelling as a residence for a night watchman.
5. The landscaping shall be substantially similar to Exhibit A.
6. Operating hours will be from 7:00 a.m. to 7:00 p.m. Monday through Saturday.
7. No operation that generates any noise is allowed on the weekends.
8. There shall be no use of nail guns on weekends.

Motion carried unanimously.

- (4) **OHI Tidwell Estates, LLC - ZA4207 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES3) on 12.463 acres for 20 residential lots with a density of 1.61 units per acre - Parcels 021-048, 021-045, 021-043 - District 3 - This Item was postponed [during adoption of the Agenda] to the Regular Meeting / Public Hearings of May 1, 2025**
- (5) **Manors At Stonepoint LLC - ZA4206 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 17.564 acres for 19 residential lots with a density of 1.09 units per acre - Parcels 086-022, 086-021 - District 5 - This Item was postponed [during adoption of the Agenda] to the Regular Meeting / Public Hearings of May 1, 2025**
- (6) **Board consideration of a Moratorium prohibiting receipt of Residential Rezoning applications to allow review and feedback regarding the County's development policies and the Unified Development Code in response to the April 15, 2025 Resolution of the Forsyth County Board of Education regarding growth management**

Chairman John addressed the Board regarding the proposed Moratorium. Board discussion was held. Ken Jarrard, County Attorney, addressed the Board.

There was a motion by Commissioner John and a second by Commissioner Semanson that the Forsyth County Board of Commissioners institute an immediate moratorium on the receipt of applications for residential rezonings, effective April 17, 2025 through midnight, May 15, 2025. For purposes of this moratorium, residential rezonings, or any applications seeking to rezone to those districts in UDC, Chapter 11 and 20(B). This moratorium is established to allow the Board of Commissioners and County staff adequate time to review and consider the Forsyth County Board of Education's Resolution dated April 15, 2025, which requests a reduction in high-density residential development due to significant student enrollment increases and associated school capacity and financial challenges. This moratorium will be for an initial period of 28 days, but will return to the Board at the May 15, 2025 meeting for a public hearing and possible imposition of a longer moratorium. Motion carried unanimously.

There was a motion by Commissioner Semanson and a second by Commissioner Hill to adjourn the Regular Meeting / Public Hearings at 7:58 p.m. Motion carried unanimously.

Kiersten Law

Clerk of Commission

The above and foregoing Minutes are hereby certified as being correct and ordered as recorded.



Alfred John

Alfred John, Chairman

Kerry Hill

Kerry Hill, Vice Chairman

Mendy Moore

Mendy Moore, Secretary

Todd Levent

Todd Levent, Member

Laura Semanson

Laura Semanson, Member

Please reference the streaming video located on the Forsyth County website, www.forsythco.com, for detailed information concerning this Meeting.