

A RESOLUTION

BY

THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA

WHEREAS, a request has been received that this Board further amend the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, together with the zoning maps likewise duly adopted and amended; and,

WHEREAS, **Zoning Application Number ZA3873** presented to the Department of Planning & Community Development which caused to be published in The Forsyth County News, a newspaper of general circulation in Forsyth County in which Sheriff's advertisements are published, a notice of hearing; and,

WHEREAS, the aforesaid notice of public hearing (a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference) was published more than 15 days prior to the public hearing; and,

WHEREAS, this Board has considered the proposed amendment in light of the Master Plan as adopted; and, has examined the views expressed at the public hearing, the subject parcel and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular parcel as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Forsyth County, Georgia;

NOW THEREFORE BE IT RESOLVED, that the parcel described on Exhibit "B & C" should be, and hereby is, declared to be zoned as **Restricted Industrial District (M1)** and,

BE IT FURTHER RESOLVED that the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, and the zoning maps likewise duly adopted and amended, are hereby further amended to effect the above zoning on the subject parcel; and,

BE IT FURTHER RESOLVED that the rezoning of the parcel described on Exhibit "B & C" is subject to the following conditions:

1. The CBD component of the development will have a modern flare architectural style using any combination of brick, stone, metal and glass and transition to an equestrian architectural style on the M1 property in the rear.
2. All garage doors will have the appearance of a barn door.
3. Lighting will be of the higher end exclusive to a barn/equestrian setting. Goosehead/warehouse lighting will be over each garage door.
4. Each garage building will have cupolas and dormers.

5. All the buildings will have a stone or brick knee wall and the rest of the building will have the appearance of lap siding, bead board or shake.
6. All colors will consist of medium to dark earth tones.
7. All structures will have a metal roof.
8. At any time the use changes from motor condos, garage condos, or private garages the use will come back to the Board of Commissioners for approval.
9. There will be a mandatory owners association with a set of covenants, conditions and restrictions.
10. No overnight stays are allowed in the development with the exception of one 1200 s.f. minimum apartment for the purpose of a member of P.O.S.T. Certified law enforcement to live on site.
11. Developer will protect and enhance the passive nature area around the creek with walking trails, placards with photos of the family history, a minimum of four benches and a sign dedicating the park to Elbert and Latrell Herring and the Herring Family.
12. There shall be no outside storage on the property.
13. No outside sound systems allowed with the exception of four outside events a year. Noise will comply with the Forsyth County Noise Ordinance.
14. Mechanics for hire are prohibited but owners can work on their own car.
15. There shall be no businesses allowed that ship packages or manufactures products.
16. There shall be no business allowed with retail sales or services.
17. All garage condos on the property line with the Preserve at Weatherstone will be built with the garage doors facing away from the Preserve at Weatherstone.
18. After consultation with the County Arborist, there will be a minimum of a 50 ft. planted buffer and a 25 ft. building line for a total of 75 ft. adjacent to the Preserve at Weatherstone.
19. There shall be no excessive revving of any motorized vehicles.
20. Any lighting fixtures shall be of the type that directs light only downward and shall comply with all applicable Forsyth County UDC exterior lighting requirements. The height of the light poles shall be limited to 25 feet.
21. Freestanding signs shall be limited to a height of 10 feet. Wall signs shall be limited to channel letters.

22. The following uses are prohibited on the subject property.
- (a) Gas stations
 - (b) Adult novelty stores
 - (c) Adult entertainment stores
 - (d) Pawn shops
 - (e) Tattoo parlors
 - (f) Massage parlors
 - (g) Clairvoyant, fortune teller, tarot card reader
 - (h) Kennel, however this shall not preclude an interior pet day care service
 - (i) Self-storage
 - (j) Thrift stores
 - (k) Billboard advertising
 - (l) Vape shops
 - (m) Fast food and drive through restaurants, excluding coffee shops
23. Final renderings of the design plans and colors will be approved by the District 3 commissioner.
24. Reciprocal Easements to Ensure Maintenance. The owner of the acreage comprising the automobile lease facility, or any Property Owner's Association (POA) governing the automobile lease facility, shall enter into Reciprocal Easement Agreements with the owner of the property comprising the related retail acreage, if separate, to ensure the ongoing and continued maintenance of the retail component as Class A retail space with the POA or owner having lien and self-help rights.
25. Prior to obtaining a certificate of occupancy for more than 35% of the car storage units approved in ZA3873, the developer shall obtain a certificate of occupancy for at least 35% of the retail space approved in ZA3872.
26. The developer will work in good faith on a private agreement with Julie Herring and the Herring family lineage to have access and possible membership to the areas of the development offered to members.
27. The elevations will be similar to Exhibit "A" as displayed (showing Garage Elevation 2).

SO RESOLVED, this 19th day of October, 2017.


TODD LEVENT, CHAIRMAN


VACANT


LAURA SEMANSON, SECRETARY


RALPH J. AMOS, MEMBER


CINDY J. MILLS, MEMBER

PUBLIC NOTICE

Exhibit "A"

The Forsyth County Board of Commissioners will hold a Public Hearing on Thursday, October 19, 2017 at 5:00 p.m.

The Public Hearing will be held in the Commissioners Meeting Room (Number 220) on the Second Floor of the Forsyth County Administration Building.

The purpose of said Public Hearing is for the consideration of County Initiated Zoning Application Number 3873 to rezone 16.772 acres from A1 to M1.

This property is located approximately 350 feet north of McFarland Parkway approximately 1,080 feet west of the intersection with Union Hill Road.

Forsyth County Board of Commissioners

Run Date: 10/04/17



ZONING DESCRIPTION
TRACT 1

Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 689 & 690 of the 2nd District, Forsyth County, Georgia and being more particularly described as follows:

Commencing from a point at the intersection of the westerly right-of-way line of Alpha Drive with the northerly right-of-way line of McFarland Parkway (Variable R/W); thence along said right-of-way line of McFarland Parkway the following courses and distances: South 40 degrees 36 minutes 05 seconds West a distance of 17.53 feet to a point; thence North 89 degrees 07 minutes 00 seconds West a distance of 120.77 feet to a point; thence South 01 degrees 21 minutes 15 seconds West a distance of 11.27 feet to a point; thence North 88 degrees 21 minutes 40 seconds West a distance of 106.95 feet to a point; thence leaving said right-of-way line North 00 degrees 07 minutes 42 seconds West a distance of 255.10 feet to a point; thence North 00 degrees 08 minutes 52 seconds West a distance of 135.52 feet to a point; thence North 00 degrees 00 minutes 37 seconds East a distance of 123.59 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence North 89 degrees 58 minutes 33 seconds West a distance of 181.28 feet to a point; thence South 24 degrees 57 minutes 08 seconds West a distance of 50.00 feet to a point; thence continue Southwesterly along said line, a distance of 49.05 feet; thence North 89 degrees 59 minutes 23 seconds West a distance of 24.06 feet to a point; thence West a distance of 82.66 feet to a point; thence South 23 degrees 23 minutes 41 seconds West a distance of 47.61 feet to a point; thence North 67 degrees 08 minutes 49 seconds West a distance of 226.47 feet to a point; thence 38.98 feet along an arc of a curve to the right, said curve having a radius of 100.00 feet and a chord bearing and distance of North 55 degrees 59 minutes 34 seconds West 38.73 feet to a point; thence 38.98 feet along an arc of a curve to the left, said curve having a radius of 100.00 feet and a chord bearing and distance of North 55 degrees 59 minutes 42 seconds West 38.73 feet to a point; thence North 67 degrees 09 minutes 33 seconds West a distance of 133.79 feet to a point; thence North 52 degrees 52 minutes 08 seconds West a distance of 219.54 feet to a point; thence North 22 degrees 50 minutes 27 seconds East a distance of 368.02 feet to a point; thence North 22 degrees 51 minutes 50 seconds East a distance of 412.51 feet to a point; thence South 89 degrees 50 minutes 04 seconds East a distance of 235.39 feet to a point; thence South 89 degrees 39 minutes 08 seconds East a distance of 382.56 feet to a point; thence South 00 degrees 04 minutes 06 seconds West a distance of 399.22 feet to a point; thence South 00 degrees 06 minutes 43 seconds West a distance of 325.24 feet to a point; thence South 00 degrees 00 minutes 37 seconds West a distance of 174.11 feet to a point to a point and the TRUE POINT OF BEGINNING.

Said tract containing 16.772 acres.

This is the rendering for the file as requested.

Exhibit "A"
Displayed
10/19/17
LA 3873



Jeff Beal
Co-Founder & Principal Partner

Destination Development Partners, Inc
Commercial Real Estate Advisory Firm

3379 Peachtree Road
Suite 555
Atlanta, Georgia 30326

www.destinationdevelopmentpartners.com

Office: +0. 1 404.439.1155
Cell: +0 1 678.793.8402 U.S.

