

Town of Tyrone
Planning Commission Minutes
September 26, 2013

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Judy Jefferson- Commissioner
Mike Sanak- Commissioner (arrived at 7:05)
Kyle Hood, Town Manager
Patrick Stough, Town Attorney
Dina Rimi, Zoning Development Coordinator

Call to Order

Chairman Shenkle called the meeting to order at 7:00 p.m.

Approval of Agenda

Vice Chairman Nebergall made a motion to approve the agenda. Commissioner Jefferson seconded the motion approved 3-0.
(Nebergall, Jefferson and Shenkle voted)

Approval of Minutes – September 12, 2013

Vice Chairman Nebergall made a motion to approve the minutes as written. Commissioner Jefferson seconded the motion approved 3-0
(Nebergall, Jefferson and Shenkle voted)

Public Hearing

1. Consideration of Text Amendment to the Tyrone Zoning Ordinance Article I § 1-2 to amend Definitions to include a definition for Exterior Storage Yards.

Ms. Dina Rimi introduced this item by reminding the Planning Commission that at the September 12, 2013 Planning Commission meeting and that they requested for the staff to move forward with preparing a Public Hearing for a Text Amendment for the September 26, 2013 Planning Commission Meeting. Ms. Rimi went on to inform the Planning Commission that she has supplied them, in their packet, with three different definitions for this use from the Planner Dictionary. Ms. Rimi read the three definitions aloud to the Planning Commission and recommended that the Planning Commission discusses the information and makes a recommendation to the Mayor and Council for a text amendment.

Chairman Shenkle voiced concerns regarding how to move forward with the Public Hearing because the wording was never discussed during a workshop. Attorney Stough stated that the advertisement stated only that it was a public hearing regarding the definition for Exterior Storage Yard. Chairman Shenkle stated that the Planning Commission will move forward with the Public Hearing as advised by Council.

Chairman Shenkle read the three definitions supplied by staff to the aloud.

Chairman Shenkle opened the meeting for Public Hearing.

Chairman Shenkle opened the meeting for anyone in favor.

Cathy Berggren, a representative from Dogwood Church came forward and asked the Planning Commission to reread the first definition. Ms. Berggren stated that she is under the impression that the Town of Tyrone is addressing this item because of the Church's desire to work with an eagle scout to place a collection bin at the churches site. The Church plans to place this in an area where it would not be seen from the road.

Nancy Nebergall, 100 Meadowood Lane, is in favor of the church offering space and the Eagle Scout donating time and supplies to help a non- profit organization. The spirit of the law needs to be taken into consideration and not the letter of the law.

Chairman Shenkle opened the meeting for anyone in opposition

Chairman Shenkle closed the public hearing.

The Planning Commission discussed the three different definitions that Ms. Rimi provided.

Vice Chairman Nebergall stated that the first definition seemed to fit the best for the Towns use.

Commissioner Jefferson stated that since repairs are listed in junkyards would it need to be listed in this definition.

Commissioner Jefferson reread the definition as the storage of any material for a period greater than 24 hours, including items for sale, lease, processing and repair not in an enclosed building.

Attorney Stough stated that the Definition should be for Exterior storage instead of Outdoor Storage so that it corresponds with the wording that is currently in the zoning ordinance.

Vice Chairman Nebergall made a motion to recommend to Mayor and Council the approval the definition for Exterior Storage the storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair not in an enclosed building. Commissioner Sanak seconded the motion; approved 3-0.

2. Consideration of Text Amendment to the Tyrone Zoning Ordinance Article VI § 6-12 to amend Exterior Storage Yards.

Ms. Dina Rimi introduced this item by reminding the Planning Commission that at the September 12, 2013 Planning Commission meeting and that they requested for the staff to move forward with preparing a Public Hearing for a Text Amendment for the September 26, 2013 Planning Commission Meeting. Ms. Rimi went on to inform the Planning Commission that she has supplied them, in their packet, with the current regulations for Exterior Storage Yards in Article VI § 6-12. Ms. Rimi went on to explain that the staff does have some recommendations for the conditions, such as acquiring the storage being screened from site by either a fence or other means of screening and to add this as a use to Educational/Institutional. The staff recommends that the Planning Commission discusses this item and make a recommendation to the Mayor and Council for a text amendment.

Chairman Shenkle opened the Public Hearing.

Chairman Shenkle opened the meeting for anyone in favor.

None.

Chairman Shenkle opened the meeting for anyone in opposition.

None.

Chairman Shenkle closed the Public Hearing.

Kyle Hood, Town Manager made a more formal recommendation to request that the Planning Commission staff recommendation to amend section Article VI section 6-12 to strike the word yards from exterior storage yard in title and in first sentence. Mr. Hood also explained that He and Dina discussed screening and for the building not to exceed a certain size.

The Planning Commission different sizes that they would be will to consider for the Exterior Storage.

Commissioner Jefferson made a motion recommend to the Mayor and Council for Article VI section 6-12 to read Exterior Storage. Exterior storage (but not including the parking of vehicle for sale or lease) shall be permitted in the front yard of any non-residential zoning district and shall be permitted only in the Educational/ Institutional, Light Mechanical and Heavy Mechanical zoning districts. Any storage yard will be screened and any structure inside the screened area will be no more than 6 feet.

Vice Chairman Nebergall seconded the motion.

Commissioner Sanak stated that he thinks that screening needs to be addresses under Article VI section 6-1.

Commissioner Jefferson stated that she feels that screening should only be applied only to the Educational/Industrial zoning district.

Chairman Shenkle asked Ms. Rimi to read back the changes made to Article VI section 6-16, Exterior storage located in the Educational-Institutional (E-I) Zoning District shall be screened or fenced or located in a receptacle not to exceed 65 square feet in size.

Chairman Shenkle called in question all in favor 3-0. (Nebergall, Jefferson and Sanak voted)

3. Consideration of Text Amendment to the Tyrone Zoning Ordinance Article VII § 7-2 to amend the Quality growth development district special requirements.

This item was discussed at the September 12, 2013 Planning Commission meeting. The Planning Commission was informed by staff that the Mayor and Council has requested that Article VII § 7-2 Quality growth development district special requirements be reviewed to see if it is in need of revisions.

The Staff has supplied the Planning Commission with the current regulations and the section of the Town of Tyrone Comprehensive Plan that addresses the vision for State Route 74 Corridor. Ms. Rimi continued to read the Article VII § 7-2 to amend the Quality growth development district special requirements aloud. Ms. Rimi explained while researching this item she was able to locate at least eight (8) different parcels of property that do not meet these requirements and would not be permitted to be developed under these conditions and by enforcing these regulations the Town would be denying the property owners the right to develop their property.

Chairman Shenkle opened the Public Hearing.

Chairman Shenkle opened the meeting for anyone in favor.

None.

Chairman Shenkle opened the meeting for anyone in opposition.

None.

Chairman Shenkle closed the Public Hearing.

Chairman Shenkle opened the Public Hearing up for discussion for the Planning Commission. Chairman Shenkle stated that he has a problem with the requirement of any structure of portion thereof with in 870 of the right of way of State Route Highway

74; he feels there needs to be some footage in that statement but 870 feet may be a bit excessive.

Mr. Hood explained the there are many structures located inside the 870 feet of Highway 74 row and this statement may have just been for aesthetics and **there** may properties that may not be accessible from Highway 74 but will have to meet these requirements because a portion of their land is less than 870 feet from the right of way. Mr. Hood also went on to explain that these requirements are for all of the properties located in the Highway 74 corridor of the Town of Tyrone.

Chairman Shenkle explained that this section was carried over from the last zoning ordinance and it was not addressed during the latest revision to the Tyrone Zoning Ordinance that was adopted in October 2011.

Chairman Shenkle stated he is afraid of someone creating a narrow property along Hwy 74 and developing the property behind it and having it not conform to the Hwy 74 standards.

Commissioner Jefferson stated that she feels this is too much to go into without having a workshop first on this matter.

Chairman Shenkle stated that this article is trying to create a visual screening along Highway 74.

Mr. Hood explained that there are property ranging from OI to M2 all of the zoning requirement that are in place are applicable to the properties and these requirements are additional and (L) gives a third level of restrictive development standards for property north of the Senoia 74 intersection. Mr. Hood went on to explain that with all of the restriction that are in place an island would not be created. He stated that he feels having it state that if the property fronts Highway 74 it should be sufficient and by having all of these restrictions the town would be a hindrance to the property owners it would keep them from being able to develop their properties.

Commissioner Jefferson asked Mr. Hood if it would be advisable for the Planning Commission to review restrictions from other municipalities have done to their Highway are. Commissioner Jefferson stated she is not ready or prepared to discuss this or create a vision with the information she has.

Vice Chairman Nebergall stated he is in favor of getting more information.

Commissioner Sanak stated he is in favor of moving item (G) to be included in (F).

Commissioner Jefferson stated that she still feels uncomfortable with moving forward on this.

Commissioner Sanak stated that he is in favor of changing the 20% parking in the front because there are establishments currently that have all of their parking in the front.

Attorney Stough suggested that perhaps the Planning Commission just address (H) tonight and come back at another time to address the other items.

Chairman Shenkle stated that he wants to see a change to the 870-foot requirement.

Mr. Hood addressed item (k) and explained that there is a difference is buffer or undisturbed buffer. Mr. Hood went on to use Dogwood Church as an example of an undisturbed buffer.

Commissioner Jefferson agreed that would be the vision she would like to see.

The Planning Commission went on to discuss how different percentages of undisturbed buffers would work.

Chairman Shenkle stated that there will be a workshop on (J) and (K).

Commissioner Jefferson stated she wants a workshop to be done on (L) also, Vice Chairman Nebergall agreed.

Mr. Hood stated that a property owner may feel that (L) may feel that they are treated differently from other property owners on Highway 74.

Vice Chairman Nebergall stated the reason that these restrictions were put in place was to keep the south side to be developed more as residential properties whereas the north end would be developed more as commercial properties.

Commissioner Jefferson asked for recommendations at the next workshop for (L).

Mr. Hood explained that the recommendation is to remove (L).

Chairman Shenkle stated that he does not feel the need to be more restrictive to the property owners on the north end of Highway 74 then the town is on the south end of Highway 74.

Commissioner Sanak stated that the requirements under (L) are much too restrictive since there are also requirements for the zoning district.

Commissioner Sanak made a motion to recommend to the Mayor and Council to amend the following items;

Section 7-2. Quality growth development district special requirements. Any structure or portion thereof within eight hundred seventy (870) feet of the right-of-way of

property that fronts on to State Route 74 shall, in addition to the other requirements of this Ordinance, comply with the following:

To combine items (F) and (G) to read - F. All ~~parking lots~~, loading docks, trash receptacles and equipment areas shall be screened from all streets; Loading and unloading shall be done only into or from the rear or side of buildings;

To ~~re~~-letter the current letter (H) to (G) and have it read as; ~~No outside exterior storage is permitted~~ Exterior storage is prohibited, unless as permitted in Article VI – Supplemental Regulations;

Commissioner Jefferson seconded the motion; approved 3-0. (Nebergall, Jefferson and Sanak voted)

Commissioner Jefferson requested that the staff obtain the regulation for their highway development.

Staff Comments

Ms. Rimi informed the Planning Commission that at the next meeting on October 10, 2013 the agenda will have discussion regarding use in the Agricultural Residential Zoning District as well as the Quality growth development district special requirements.

Commission Comments

Vice Chairman Nebergall thanked the staff for the roadway cleanup on Meadowood Lane. He also inquired to see if it is okay for all of the Planning Commission member attend the neighborhood meeting in the South Hampton Subdivision.

Commissioner Jefferson inquired if there were any updates on Shamrock Park.

Mr. Hood explained that with the pedestrian bridge being fixed the entire area will be addressed.

Adjournment

Commissioner Sanak made a motion to adjourn the meeting; approved 3-0.

Gordon Shenkle- Chairman

Attest:

Dina Rimi- Zoning and Development Coordinator