

Town of Tyrone
Planning Commission Minutes
March 28, 2013

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Judy Jefferson, Commissioner
Michael Sanak, Commissioner
Kyle Hood, Town Manager
Patrick Stough, Town Attorney
Dina Rimi, Zoning and Development Coordinator

Absent: Chris Wigginton, Commissioner

Call to Order

Chairman Shenkle called the meeting to order at 7:05 pm.

Approval of Agenda

Vice Chairman Nebergall made a motion to approve the agenda as written. Commissioner Jefferson seconded the motion; approved 3-0.

Approval of Minutes – March 13, 2013

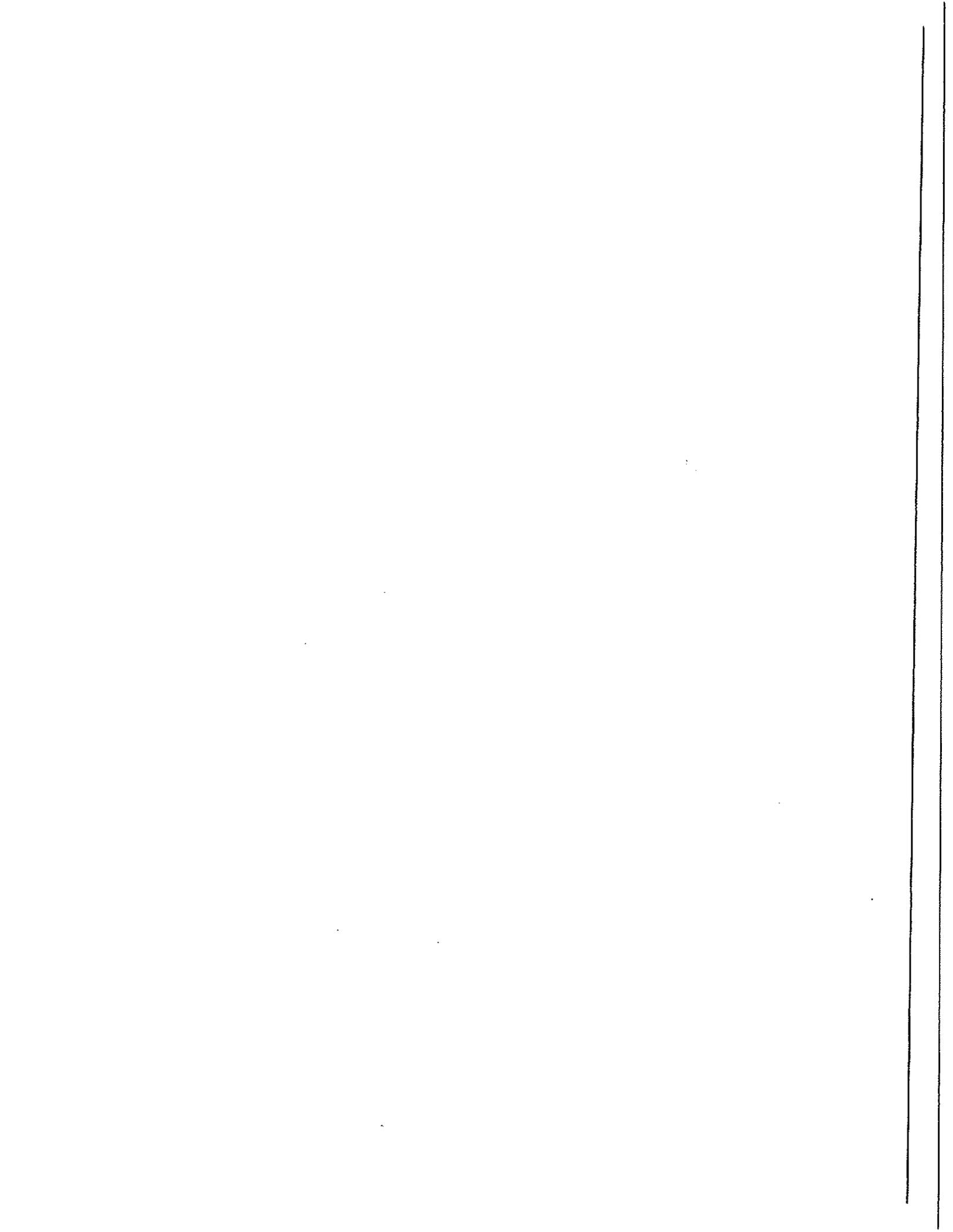
Commissioner Jefferson made a motion to approve the minutes from the March 13, 2013 meeting with changes that were discussed. Vice Chairman Nebergall seconded the motion approved 3-0.

Public Hearing

1. **To consider a variance for property tax ID# 0736038, eliminate the 80 foot front building setback in favor of the 60 foot landscape buffer and that the 30 foot rear yard setback be allowed in the 75 foot rear zoning buffer to allow a private drive to line up with the opposite driveway and increase buildability.**

Attorney Patrick Stough requested that it be on record that Commissioner Wigginton has requested himself from this item due to a professional relationship with the applicant.

Ms. Dina Rimi introduced this item by informing the Planning Commission that the applicant Ms. Debra Gulas is requesting relief on the ordinance that unintentionally constrict the use and access of this tract. Currently there is a 60' landscape buffer, 80' front building setback at Highway 74 a 30' rear building setback and a 75' rear zoning buffer which she feels would take nearly all of the 245' deep property, and leave very little buildable area, she is requesting a mirror image of the development at the others side of Dogwood Trail. Specifically she is asking that 80' front building setback be eliminated in favor of the 60' landscape buffer. She is also requesting that the 30' rear yard setback be allowed in the 75' rear zoning buffer to allow a private drive to line up with the opposite drive way and increase buildability.



Chairman Shenkle opened the Public Hearing for anyone in favor. Steve Gulas, the authorized agent for Debra Gulas, began by explaining the two drawings that he supplied the commission. The first drawing Mr. Gulas explained shows the buildability of the property with the current regulations in place while the second drawing shows the buildability of the property with the variance that was applied for in place. Mr. Gulas stated that the property with the variance in place would allow for four commercial buildings to be built on the location instead of one small building in the back of the property. Mr. Gulas explained that his plan would keep some of the existing trees. Mr. Gulas explained that the soil study came back that it is fine for septic capabilities and the septic would be placed in the landscape buffer. The plans also include an increase swale that would act as a storm water management system and the water would be there for a 24 hour period. Mr. Gulas also explained that he would be willing to put a berm in place between this property and the neighboring residential property. Mr. Gulas explained that he envisions a Starbucks or a small supermarket with some offices in the back of the property. Mr. Gulas explained that he feels mirroring the driveway from across Dogwood Trail will lend itself to less traffic congestion.

Commissioner Jefferson asked if there was any correspondence from Ms. Dixon on the adjacent property.

Chairman Shenkle closed the Public Hearing for anyone in favor.

Chairman Shenkle closed the Public Hearing for anyone in opposition

None.

Chairman Shenkle closed the Public Hearing for anyone in opposition.

Ms. Rimi read the Planning Commission the staff report that did not support the variance due to the literal interpretation of the Ordinance would not deprive the applicant of any rights that others in the same Zoning district.

Chairman Shenkle asked for a motion.

Commissioner Sanak stated that he feels the driveways lining up makes sense in regards to traffic safety and congestion.

Commissioner Jefferson made a motion to recommend denial of this variance as presented to the Mayor and Council. Vice Chairman Nebergall seconded the motion.

Vice Chairman Nebergall explained that there are a number of issues with this property. Vice Chairman Nebergall went on to state while he understands the comparison with the property across the street that property was built under different zoning conditions then what are present now and the new zoning ordinance does not permit building setbacks to be included in buffers. Vice Chairman Nebergall stated that the staff report does not support the variance and since there is residential property is adjacent to this property, the septic system is a concern also and his final point is the fact that there was a traffic accident in that parking lot where a car was totaled due to another vehicle running off of Highway 74. Vice Chairman Nebergall stated that there are safety concerns that he cannot ignore.

Commission Jefferson stated that there is a vision for Tyrone which is low density and she is concerned with the residential property behind this property. Commission Jefferson also stated that this would not fit with the vision and she feels if we let this happen then we can lose the vision that the town has.

Chairman Shenkle explained that he is also not in favor of recommending approval of the variance since it does not lend itself to the vision of the town for the Highway 74 corridor.

Chairman Shenkle called for a vote on the motion to recommend denial of this variance as presented to the Mayor and Council; approved 3-0.

Public Comments

Mr. Gulas asked what the difference was between the workshop and a public hearing. Chairman Shenkle explained that this is a formal meeting and a formal vote will take place where a workshop is just a discussion.

Staff Comments

Ms. Rimi informed the Planning Commission that at the next meeting on April 11, 2013 the agenda will have Personal Care Homes, Hookah Lounges and Tattoo Parlors on the agenda for discussion.

Mr. Hood explained that the Council has requested that the Planning Commission revisits the definition for livestock that is located in Article I of the Tyrone Zoning Ordinance.

Commission Comments

None

Adjournment

Vice Chairman Nebergall made a motion to adjourn the meeting; approved 3-0.

Gordon Shenkle- Chairman

Attest:

Dina Rimi- Zoning and Development Coordinator