

Town of Tyrone
Planning Commission Minutes
September 27, 2012

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Michael Sanak, Commissioner
Judy Jefferson, Commissioner
Chris Wigginton, Commissioner
Patrick Stough, Town Attorney
Brandon Perkin, Interim Town Manager
Dina Rimi, Zoning and Development Coordinator

Call to Order

Chairman Shenkle called the meeting to order at 7:00 pm

Approval of Agenda

Commissioner Jefferson made a motion to approve the agenda. Commissioner Sanak seconded the motion; approved 4-0.

Public Hearing

- 1. To Consider a Text Amendment to Article III Amendments Section 3-2B(2) for the Tyrone Zoning Ordinance, to change the amount of plats that must be submitted for a rezoning from three (3) to ten(10)**

Ms. Rimi introduced this item by explaining when a rezoning is approved the members of the Planning Commission , Mayor and Council and staff must review the plats prior to the rezoning being voted on. In order for there to be a sufficient amount of plats for the review process the staff will need an applicant to provide at least ten copies of the plat.

Chairman Shenkle opened the Public Hearing for anyone in favor of the text amendment, no one came forward. Chairman Shenkle opened the Public Hearing for anyone in opposition of the text amendment, no one came forward.

Chairman Shenkle closed the Public Hearing and asked for commission comments. Vice Chairman made a motion to recommend approval to the Tyrone Town Council. Commissioner Jefferson seconded the motion; approved 4-0.

- 2. To Consider a text amendment to Article V District Regulation of the Zoning Ordinance to remove the Conditional Use of Kennels from the following residential zoning districts Conservation Residential 2(CR-2), Conservation Residential 3(CR-3), Residential 20 (R-20), Residential 18 (R-18) Residential 12 (R-12) ,**

Residential District (DR), Residential Multi Family (RMF) and Manufactured Home Park (MHP).

Ms. Rimi gave a brief history of this item that took place at the past Planning Commission meetings. Ms. Rimi explained that at the July 12, 2012 Planning Commission Workshop the Planning Commission discussed that the requirements for a residential district, other than Agricultural Residential, to have a kennel the property would need to be at least 10 acres.

The Planning Commission discussed this item and directed staff to remove kennels from the residential properties with the exception of Agricultural and Residential in the zoning ordinance and to present the Planning Commission with a draft of the at the August 9, 2012 meeting. The Planning Commission at the August 9, 2012 meeting directed staff to move forward with preparing this item for a Text Amendment and Public Hearing.

Chairman Shenkle opened the Public Hearing for anyone in favor of the text amendment, no one came forward. Chairman Shenkle opened the Public Hearing for anyone in opposition of the text amendment, no one came forward.

Chairman Shenkle closed the Public Hearing and asked for commission comments. Vice Chairman made a motion to recommend approval to the Tyrone Town Council. Commissioner Jefferson seconded the motion; approved 4-0.

Commissioner Jefferson had a question about how this will be enforced. Interim Town Manager Perkins explained that this will allow the town to not allow kennels in residential districts.

Patrick Stough read the definition of Kennels to the Planning Commission.

Commissioner Wigginton made a motion to recommend approval of the text amendment as written. Commissioner Sanak seconded the motion; approved 4-0.

3. To consider an application for rezoning by the property owner , Shaw Custom Homes, for a 35.72 acre plat located on Laurelwood Dr. , Tax Parcel #0742002 from CR 3 to R-20

Ms. Rimi explained that a request has been made to rezone this property of acres from Conservation Residential, CR-3 to Residential 20, 2000 minimum square footage homes. The applicant is requesting this proposed classification due the applicants desire to build more home that the requirements for Conservation Residential will allow.

Ms. Rimi explained the past history of the property and that this property has come before Mayor and Council for rezoning on two different occasions prior to now. The first time this item was before council a Motion was made by Councilwoman Redwood

to amend the Land Use Map from 1.1 to 1.2 stating it was a good compromise supported by the environment. This motion was seconded by Councilwoman Richardson and approved 3-1 with Councilman Smola voting in opposition. At the same meeting Councilwoman Redwood made a motion to rezone the subject site from AR to CR-2 contingent upon:

1. Relocation of the entrance in line with the Ridge Road stop sign
2. 2,300 square foot minimum home size
3. Agreement with the Board of Education regarding construction of a bus stop cover;
4. Raised crosswalk, at an appropriate location, being built based upon DOT standards
5. Construction of a side walk along Laurelwood Road from Laurelake Road to Ridge Road
6. Limit hours of construction to no later than 6:00 pm on Saturday and no Sunday construction and
7. Water meter and connection if desired by Ms. Sanders.

This motion was seconded by Councilwoman Redwood and approved 3-1 with Councilman Smola voting in opposition.

The seconded meeting where this property came before rezoning before Mayor and Council was in April 2005 by Chip Young. A motion was made to deny the request for land use map amendment from 1.1 to 1.2 and to rezone from AR (Agricultural-Residential) to CR-2 (Conservation Residential 2 acre minimum lot size by Councilwoman Redwood, seconded by Councilwoman Richardson and unanimously approved. This was followed by a motion to approved the CR-1 zoning contingent upon development pursuant to the Conservation Overlay District; ingress/egress easement along the southern border contiguous to the Bass property; and a 50' undisturbed buffer along the southern border contiguous to the Bass property by Councilman Letorneau, seconded by Councilwoman Redwood, and approved 3-1 Councilman Smola voted in opposition.

Ms. Rimi went on to explain that staff evaluated this application by using the standards that are in the Tyrone Zoning Ordinance in Article III. The standards are as follows:

I. STANDARDS FOR MAP AMENDMENT

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties

The zoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The majority of the properties that are surrounding this location are all zoned Agricultural Residential. The zoning classification calls for lots that are 3 acres and over. The new classification would allow for smaller lots and a denser neighborhood.

2. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal would adversely affect the existing use or usability of adjacent or nearby property. The majority of the properties that are surrounding this location are all zoned Agricultural Residential. The zoning classification calls for lots that are 3 acres and over. The new classification would allow for smaller lots and a denser neighborhood.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property is currently zoned CR-3 Conservation Residential 3 acre minimum which is a reasonable economic use for this property.

4. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The zoning proposal will allow for more homes to be developed in this subdivision which would allow for more citizens. The increase in the population of this area would have more cars which could contribute to traffic problems and an increase in students in the local schools.

5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.

This parcel of property is designated as Estate Residential on the future land use map. The description for Estates Residential is as follows:

Estate Residential Includes estate residential (lots generally greater than three acres), agriculture and open land.

The applicant has asked for R-20 which calls for one acre lots and would not be in compliance with the Future Land Use Plan.

6. Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

It is staffs opinion that there are no other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Ms. Rimi at the end of the presentation gave the Planning Commission staff's recommendation of denial for this request.

Chairman Shenkle opened the public hearing for anyone in favor.

Mr. David Hogan, a consulting engineer located on Howell Road in Tyrone, GA. Mr. Hogan explained that he has been a consulting engineer on many projects that are within the town limits. Mr. Hogan explained the history that he was involved with for this site including doing a site plan for this site by taking the Conservation Overlay District that was previously in place into consideration. Mr. Hogan explained that he brought the plan, that used the Conservation Overlay District, to the Town and the Town loved it. This plan had eleven (11) 1 acre lots, the minimum that Fayette County Environmental Health would allow with septic systems. This project went through all of the processes with the town except for the final process. The applicant bought this property under the assumption that this was allowed and approved of. If the applicant had to change the layout it would cause all of the water lines to be moved which would be a financial hardship.

Robert Graham, President of Shaw Custom Homes, the applicant, explained that he bought this property from the bank out of foreclosure. The property was marketed as eleven buildable lots by the bank. Mr. Graham stated that he did extensive research before purchasing this property with the exception of verifying the zoning. The only reason he is requesting R-20 is because it allows for one acre lots. The Fayette County Water system has already taken on the water maintenance and Fayette County EMS has taken over the hydrants. If Mr. Graham had to change the amount of lots he would have to move the infrastructure that is already in place.

Chairman Shenkle opened the public hearing for anyone opposed.

John Russell- 140 Ridge Road knows the property very well. Mr. Russell stated that the Conservation Overlay is a good solution to this property. Mr. Russell stated that the citizens fought against one acre lots for this area and R-20 would not be a good solution for this area. Mr. Russell does believe this property should be developed and since this area is vacant there are many problems with people doing impure actions at this location. Mr. Russell knows that something needs to be done to the area but one acre lots would not be the way to go.

Chairman Shenkle closed the public hearing for anyone opposed.

Chairman Shenkle explained that all of the Commissioners have been on site by either walking or driving through it. Chairman Shenkle stated that there was one email received by the commission members in opposition to the rezoning.

The Planning Commission discussed the possibilities of rezoning this to R-20 were not favorable.

Vice Chairman Nebergall stated that due to topography he feels that the current zoning is the correct zoning, but he is not opposed to having eleven lots with in the overlay restrictions.

Chairman Wigginton stated that he appreciates the fact that the owner of the property wants to deed property to the town but the town would not be interested in having this extra land to maintain. Chairman Wigginton asked if the applicant could withdraw the application. Mr. Stough stated that he could withdraw the application.

A discussion ensued between the applicant and the commission in regard to changing the layout of the properties. The Planning Commission asked the applicant to supply the commission with drawings of other possible layouts of this property. Commissioner Jefferson made a motion to table this item until the October 25, 2012 Planning Commission meeting. Commissioner Sanak seconded the motion; approved 4-0.

Staff Comments

Ms. Rimi notified the Planning Commission that this would be the final meeting for Interim Town Manager, Brandon Perkins. Mr. Perkins thanked the Planning Commission and the staff for their work with him. Ms. Rimi went on to list the items that will be discussed at the next Planning Commission Workshop, which would be the sign ordinance and conditions and definitions for Livestock.

Commissioner Comments

Commissioner Jefferson mentioned that there is an American Flag that is tattered and is hanging on a utility pole on Castlewood Road.

Adjournment

Commissioner Jefferson made a motion to adjourn. Commissioner Sanak seconded the motion; approved 4-0