

Tyrone Planning Commission Agenda

October 26, 2017

7:00 PM



Tyrone Planning Commission

Will James

Chairman

Jeff Duncan

Vice-Chairman

Marlon Davis

Commissioner

David Nebergall

Commissioner

Carl Schouw

Commissioner

Staff

Jonathan Lynn

Town Manager

Patrick Stough

Town Attorney Phillip

Trocquet Planning &

Development

Coordinator

Dee Baker

Town Clerk

Meeting Information

2nd & 4th Thursday of
each month

881 Senoia Road

Tyrone, Ga 30290

770-487-4038

www.tyrone.org

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes from September 28, 2017

IV. Public Hearing

1. Consideration of a text amendment to Section 113-190, pertaining to "Downtown Commercial," of Article V of the Zoning Ordinance of the Town of Tyrone to alter the "maximum height of structures." Said alteration will be to establish a new maximum height of structures from thirty-five (35) feet to forty-five (45) feet with structures not to exceed three (3) overall stories. ***Phillip Trocquet, Planning & Development Coordinator.***
2. Consideration of a text amendment to Section 113-62, pertaining to "Public Hearings," of Article III of the Zoning Ordinance of the Town of Tyrone to remove language requiring Planning Commission to hold public hearings "only on the fourth Thursday of every month." ***Phillip Trocquet, Planning & Development Coordinator.***
3. To consider a rezoning of a 1.9-acre parcel off O'Hara Drive with parcel number 0727-090. Property owner Richard Greenan is requesting a rezoning from O-I (Office Institutional) to R-18 (Residential 1800 sq/ft minimum). . ***Phillip Trocquet, Planning & Development Coordinator.***
4. To consider a rezoning of a 6.9 acre parcel off Dogwood Trail with parcel number 0729-002. Property owner Gail Dixon is requesting a rezoning from AR (Agricultural Residential) to C-1 (Downtown Commercial). ***Phillip Trocquet, Planning & Development Coordinator.***

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5. To consider a zoning variance from property owner Steven Gulas for a 4.71-acre parcel located at the corner of Dogwood Trail and Highway 74 N. Said property is zoned C-1 with parcel number 0736-038. The applicant is seeking a variance or exception to the Town of Tyrone Zoning ordinance as to permit the reduction of a front yard setback. The proposed amount is a front yard encroachment of twenty-five (25) feet towards Highway 74. Specific relief is requested from section(s) 113-129 of the Town’s Zoning Ordinance. ***Phillip Trocquet, Planning & Development Coordinator.***

6. To consider a zoning variance from property owner Steven Gulas for a 4.71-acre parcel located at the corner of Dogwood Trail and Highway 74 N. Said property is zoned C-1 with parcel number 0736-038. The applicant is seeking a variance or exception to the Town of Tyrone Zoning ordinance as to permit the construction of permanent ‘drop-off canopies’ up to thirty-seven (37) feet in length within building setbacks fronting any road. ***Phillip Trocquet, Planning & Development Coordinator.***

V. New Business

VI. Staff Comments

VII. Commission Comments

VIII. Adjournment

Town of Tyrone
Planning Commission Meeting Minutes
Thursday September 28, 2017
7:00 PM

Present:

Chairman, Wil James

Vice-Chairman, Jeff Duncan

Commission Member, David Nebergall

Town Manager, Jonathan Lynn

Town Attorney, Patrick Stough

Planning Commission Chairman Wil James called the meeting to order at 7:17 pm.

Approval of Agenda

Commissioner Duncan made a motion to approve the agenda.

Commissioner Nebergall seconded the motion. Motion was approved 3-0.

Approval of Minutes for July 13, 2017

Commissioner Nebergall made a motion to approve the minutes from June 22, 2017 with a grammatical change on the second page.

Commissioner Duncan seconded the motion. Motion was approved 3-0.

Public Hearing:

1. *Consideration of a request from applicant John Temple to rezone a 2.58 acre property located at address 1445 Senoia Road, Tyrone GA with parcel number 072604004. The request is to rezone the property from C-1 (Downtown Commercial) to C-2 (Highway Commercial). **Jonathan Lynn, Town Manager.***

Mr. Lynn presented the item. Mr. Lynn stated that the proposed use of the property was incompatible with the C-1 zoning district, but that it was consistent with surrounding land uses within the business park. He went on to state that C-2 property exists across the street and that there will continue to be a 75' buffer between the property and the bordering residential property to its west.

Chairman James opened the public hearing for any in support of the rezoning.

The applicant, Mr. John Temple, spoke in support stating that the property would be used for the interior storage of exotic and classic cars. He stated that the exterior of the building would remain the same and that it was his intent to create a 'pretty shop.'

Chairman James closed the public hearing for those in support of the rezoning.

Chairman James opened the public hearing for any in opposition to the rezoning. No one spoke in opposition.

Chairman James closed the public hearing for those in opposition to the rezoning and asked other commission members for comments.

Commissioner Nebergall asked Mr. Stough whether or not the Town could permit Mr. Temple's use through a variance as opposed to a rezoning of the property. Mr. Stough stated that variances cannot be issued on uses that are not permitted in particular zoning districts. Mr. Nebergall stated that he remembered that this property along with the properties abutting the Millbrook Village subdivision were originally zoned C-1 because they were a lower intensity commercial zoning. Mr. Nebergall expressed concern in increasing the commercial intensity along the neighborhood. Mr. Nebergall stated that he was not opposed to Mr. Temple's use of the property, but was worried that another C-2 use could go into that property in the future and create a greater nuisance to the Millbrook Village property owners.

Mr. Temple stated that he had a conversation with Mr. Phillip Trocquet, Planning & Development Coordinator, regarding his property and the bordering C-1 properties. He stated that Mr. Trocquet told him that the character of the business park was more reflective of C-2 or light industrial than C-1 and that C-2 would be a more appropriate zoning district for those properties in the long-range plan. Mr. Nebergall stated that the possibility of those properties being C-2 was 'news to me.' Commissioner Nebergall also expressed concern that the rezoning of this area would set a precedent for other commercial properties to increase their zoning intensity through rezonings.

Chairman James requested commentary from Mr. Stough in response to Commissioner Nebergall's concerns. He asked if the Town could give any thought or consideration in placing a condition on the rezoning so that future uses would need to be approved. Mr. Stough stated that a condition of that nature could not be put in place. He stated that once the rezoning was approved, uses outlined in that district would be permitted as outlined in the ordinance.

Mr. Nebergall told Mr. Temple that he appreciated the business he was trying to start up, but that he believed that approval would be moving in the wrong direction.

Commissioner Duncan made a motion to recommend approval to rezone 1445 Senoia Road from C-1 to C-2. Chairman James seconded the motion. Commissioner Nebergall voted in opposition

Motion carried 2-1.

Old Business:

New Business:

Public Comments:

Staff Comments:

1. Renaissance Strategic Visioning & Planning (RSVP) project update. **Jonathan Lynn, Town Manager.**

Mr. Lynn wanted to bring to Planning Commission's attention the completion of the RSVP Downtown Plan that the Planning & Zoning Department completed with the Carl Vinson Institute at UGA. He stated that the plan was very thorough in exploring redevelopment options for the downtown district in Tyrone. Mr. Lynn said that the plan included future street improvements, beautification/landscaping improvements, and architectural design considerations. Mr. Lynn stated that the next step is assessing which projects outlined in the plan are feasible for the Town to take on.

Commissioner Duncan asked if SPLOST funds could be dedicated to some of the proposed projects. Mr. Lynn stated that the Capital Improvement Plan could be altered next year to dedicate money to some of the projects, but that SPLOST projects had already been chosen. Mr. Lynn stated that some of the suggestions in the plan such as the installation of street trees and park landscaping were small feasible projects.

Commission Comments:

Chairman James asked Mr. Lynn about the progress of the turn lane from Tyrone Road onto SR-74. Mr. Lynn stated that the land was in the process of being graded and that final completion was slated for the end of October. Commissioner Duncan inquired whether or not McCoy Grading was doing the grading for the project; Mr. Lynn confirmed that they were. Chairman James stated that he was glad the project was almost complete as he had been waiting 2 years for a turn lane on Tyrone Road.

Adjournment:

Commissioner Nebergall made a motion to adjourn. The meeting adjourned at 7:29 pm.

Wil James, Planning Commission Chairman

Jonathan Lynn, Town Manager



Town of Tyrone
Cover Sheet- 10/26/2017
Contact: ptrocquet@tyrone.org

Subject: Text Amendment to increase maximum height of structures in the C-1 zoning district.

A. Background/History: Mr. Gulas submitted a text amendment application to the Town to alter the maximum height allowed by the town in order to accommodate the construction of a possible future hotel.

B. Summary: After staff consultation, Mr. Gulas has requested that the height restriction in the C-1 District be increased from 35 feet to 45 feet. A provision that buildings still not exceed three stories was added in order to preserve the intent of the ordinance while allowing flexibility in the design of buildings. Staff approves the proposed height of 45 feet as it is consistent with the standard Fayette County height restriction in commercial areas.

C. Action: The vote for this item will be: a motion to amend Section 113-190 to alter the "maximum height of structures" from thirty-five (35) to forty-five (45) feet with structures not to exceed three (3) overall stories.



Town of Tyrone
Cover Sheet- 10/26/2017
Contact: ptrocquet@tyrone.org

Subject: Text Amendment to eliminate requirement necessitating Planning Commission to hold public hearings only on the fourth Thursday of every month.

A. Background/History: This is a staff-recommended text amendment that changes/expands the abilities of Planning Commission to hold public hearings regarding text amendments, rezonings, variances, etc. . . on alternative days outside of the fourth Thursday of each month.

B. Summary: Upon working with various developers and property owners, staff recognized that this provision seemed unnecessarily restrictive and difficult from a scheduling perspective. This provision essentially limits certain items from appearing before Planning Commission to once a month without the ability to reschedule if there is a conflict. It is staff's recommendation that this provision be eliminated in order to allow greater flexibility in the scheduling of public hearings and to make the development process easier for potential developers.

C. Action: The vote for this item will be: a motion to amend Section 113-162 to remove the language requiring Public Hearings be held "only on the fourth Thursday of every month."

Staff Report

Date: October 26, 2017

Town of Tyrone, Department of Planning & Zoning | 881 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Planning & Zoning Coordinator
ptrocquet@tyrone.org (770) 487-4038 ex. 108

DOCKET/CASE/APPLICATION NUMBER

PC 10262017 | RZ-2017-004

APPLICANT/PROPERTY OWNER

Richard Greenan

PLANNING COMMISSION MEETING DATE

October 26, 2017

TOWN COUNCIL MEETING DATE

November 2, 2017

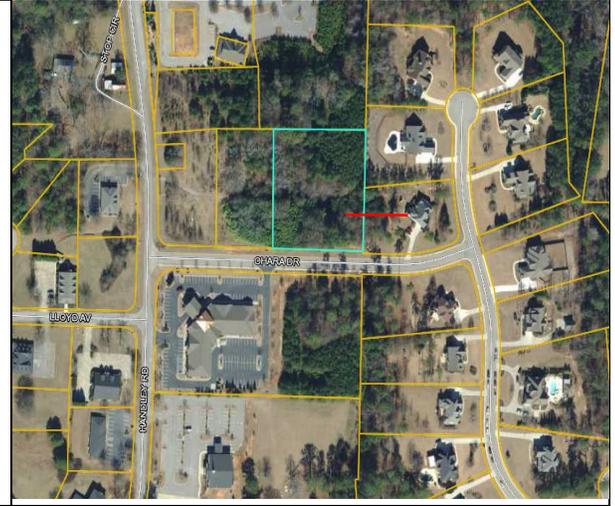
ADDRESS/LOCATION

Corner of O'Hara Drive & Riverdance Way: | APN: 0727-090

Summary

Applicant is submitting an application seeking approval for the rezoning of a 1.9 acre tract with parcel number 0727-090. The rezoning will be from O-I (Office-Institutional) to R-18 (Residential 1800 sq.ft. minimum.)

The rezoning of this property from commercial to residential will eliminate the existing 75 foot buffer required by the zoning ordinance. Standard R-18 setbacks of 15 feet will apply.



MAP SOURCE

COMPATABILITY WITH COMPREHENSIVE PLAN AND FUTURE DEVELOPMENT MAP

Although the Town's Future Development map has this property in the 'Commercial Corridor' character area, a lower intensity residential zoning designation does not pose any risk to public welfare or a compromise to the Commercial Corridor character area.

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

Staff Report

Date: October 26, 2017

Town of Tyrone, Department of Planning & Zoning | 881 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Planning & Zoning Coordinator
ptrocquet@tyrone.org (770) 487-4038 ex. 108

DOCKET/CASE/APPLICATION NUMBER

PC 10262017 | RZ-2017-005

APPLICANT/PROPERTY OWNER

Gail Dixon

PLANNING COMMISSION MEETING DATE

October 26, 2017

TOWN COUNCIL MEETING DATE

November 2, 2017

ADDRESS/LOCATION

Dogwood Trail | APN: 0729-002

Summary

Applicant is submitting an application seeking approval for the rezoning of a 6.9 acre tract with parcel number 0729-002. The rezoning will be from AR (Agricultural Residential) to C-1 (Downtown Commercial.)

The rezoning of this property from residential to commercial will eliminate the existing 75 foot buffer required by the zoning ordinance. It will also null and void a previously granted buffer variance placed on the neighboring property. Standard C-1 setbacks of 20 feet will apply.



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
AR (Agricultural Residential)	Single Family Residential (Abandoned)	North: C-1 & O-I South: E-I East: E-I West: C-1	Water	6.9 Acres

COMPATIBILITY WITH FUTURE LAND USE & ZONING ORDINANCE	PROPERTY HISTORY
The rezoning of this property is compatible with the Town's zoning ordinance. C-1 land exists directly to the west and north. There is also a large 150' buffer provided by Dogwood church's property between this property and the closest residential property. The Town's future land use map has this tract and bordering tracts designated as "Estate Residential" but the rezoning of this property to C-1 is consistent with surrounding development. The land directly to its north is designated as "commercial" in the town's future land use map.	Property was previously used as a residence. It has been vacant for the past few years.

COMPATABILITY WITH COMPREHENSIVE PLAN AND FUTURE DEVELOPMENT MAP
The Town's Comprehensive Plan and Future Development map have this property located in the "Community Gateway" character area. C-1 zoning is listed as an appropriate zoning classification for this character area. No development plans have been submitted for this property, but any future construction should conform to the development strategy outlined in the comprehensive plan in an effort to 'promote high standards of architecture, landscaping, and signage in order to improve the character area's appearance. ..."

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY



Public Hearing for a Variance

Staff Report

V-2017-003

Hearing Dates:

Planning Commission: *October 26, 2017* | Council: *November, 2 2017*

Applicant

Steve Gulas

Staff:

Phillip Trocquet
ptrocquet@tyrone.org

Tax ID:

0736-038

Zoning District:

C-1 (Downtown
Commercial)

Surrounding Zoning

North: C-1

South: E-I

East: AR

West: O-I

Lot Size:

4.71 Acre

Current Use:

Vacant

Future Land Use:

Community Gateway

Attachments:

Advertised Date:

October 14, 2017

Posting Date:

October 14, 2017

Request

Mr. Steve Gulas has applied for a variance for his property located on the corner of Dogwood Trail and Highway 74 North. Mr. Gulas is requesting specific relief from section 113-190 of the Tyrone Zoning Ordinance. This public hearing is to consider a variance to have the 80' front setback reduced 69% to 55'.

Staff Review

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

It is staff's opinion that exceptional conditions pertaining to said property *do not exist* given the property's size, shape, or topography. Applicant referenced a wider than usual ROW (right-of-way) in front of the property as an extraordinary and/or exceptional' condition. It is staff's determination that since ROW does not influence the buildable area of a lot [buildable area would be the same regardless of ROW width], this variable does not warrant being considered exceptional or extraordinary.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.**

It is the staff's opinion that the application of these regulations to this particular piece of property does not create practical difficulty in the construction of a building compatible with C-1 zoning. Staff does not recognize unnecessary hardship since the owner of the property had full knowledge of the buildable area of the property upon purchase.

3. **Such conditions are peculiar to this particular piece of property involved.**

It is the staff's determination that these conditions are not peculiar to the particular piece of property in questions.

4. **Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of these regulations;**

It is staff's determination that relief, if granted would not cause substantial detriment to the public good, but could impair the purposes and intent of these regulations.

5. **A literal interpretation of the Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.**

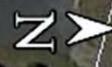
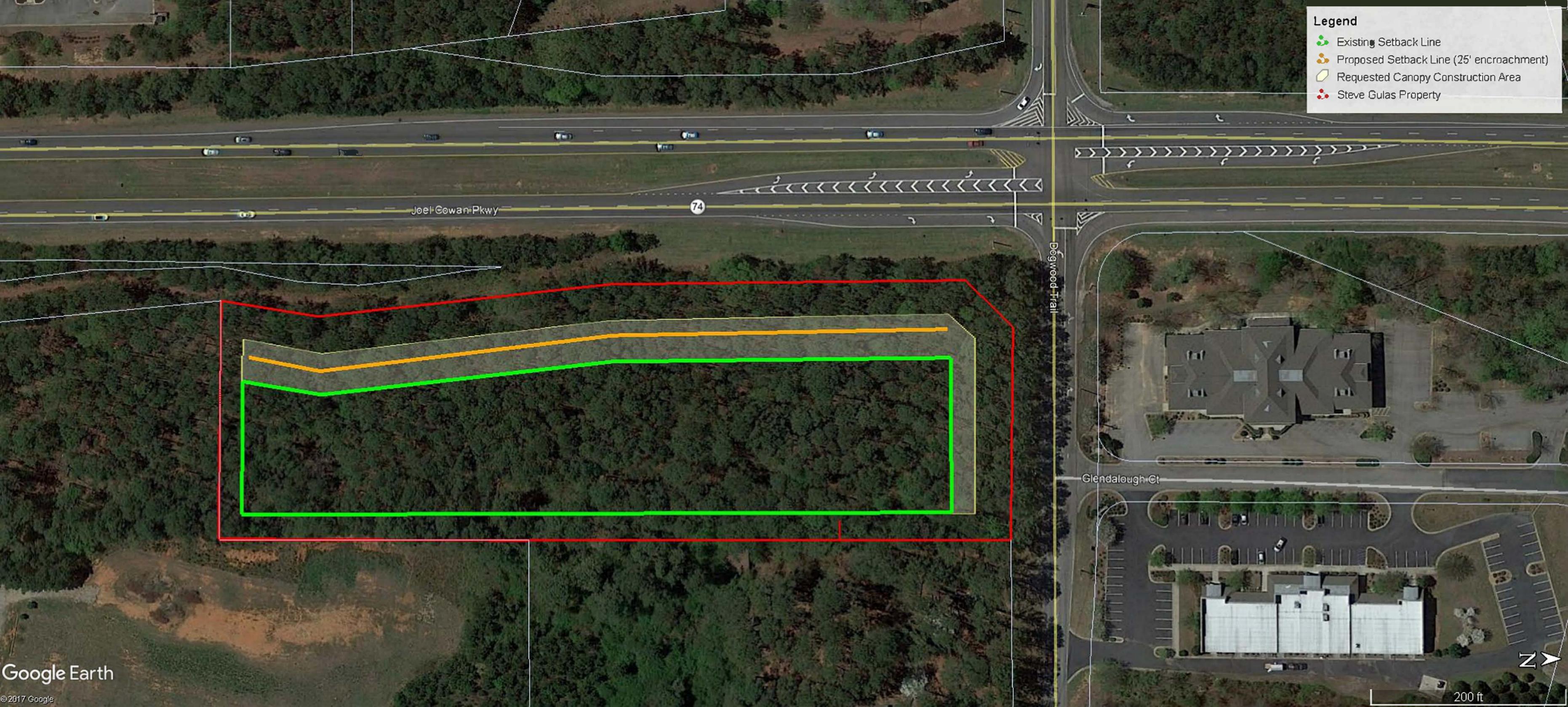
It is the staff's opinion that a literal interpretation of the Ordinance would not deprive the applicant of any rights that others in the same zoning district are allowed since the property owner was aware of the buildable area upon the purchasing the property. All other parcels along Hwy 74 in the C-1 district are held to the same standard.

Staff Recommendation

Staff does not recommend approval of the variance request as submitted.

Legend

- Existing Setback Line
- Proposed Setback Line (25' encroachment)
- Requested Canopy Construction Area
- Steve Gulas Property





Public Hearing for a Variance

Staff Report

V-2017-004

Hearing Dates:

Planning Commission: *October 26, 2017* | Council: *November, 2 2017*

Applicant

Steve Gulas

Staff:

Phillip Trocquet
ptrocquet@tyrone.org

Tax ID:

0736-038

Zoning District:

C-1 (Downtown
Commercial)

Surrounding Zoning

North: C-1

South: E-I

East: AR

West: O-I

Lot Size:

4.71 Acre

Current Use:

Vacant

Future Land Use:

Community Gateway

Attachments:

Advertised Date:

October 14, 2017

Posting Date:

October 14, 2017

Request

Mr. Steve Gulas has applied for a variance for his property located on the corner of Dogwood Trail and Highway 74 North. Mr. Gulas is requesting specific relief from section 113-190 of the Tyrone Zoning Ordinance. This public hearing is to consider a variance to permit the construction of permanent 'drop-off canopies' up to 37' within building setbacks fronting any road.

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2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.**

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3. **Such conditions are peculiar to this particular piece of property involved.**

It is the staff's determination that these conditions are not peculiar to the particular piece of property in question.

4. **Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of these regulations;**

It is staff's determination that relief, if granted, would not cause substantial detriment to the public good, but could impair the purposes and intent of these regulations.

5. **A literal interpretation of the Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.**

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