



AGENDA

Town of Tyrone Planning Commission

December 13th, 2018 | 7:00 pm | Regularly Scheduled Meeting

Commissioners & Staff

Jeff Duncan, *Chairman* | David Nebergall, *Vice-Chairman* | Carl Schouw, *Commissioner* | Dia Hunter, *Commissioner* | Scott Bousquet, *Commissioner* | Phillip Trocquet, *Planning & Development Coordinator* | Patrick Stough, *Town Attorney*

Order Item

I **Call to Order**

I **Approval of Agenda**

III **Approval of *October 11th, 2018* Minutes**

IV **Public Hearing**

V **New Business**

1. A consideration to rezone the following properties from Office Institutional (O-I) Conditional to Office Institutional (O-I). **Phillip Trocquet, Planning & Development Coordinator.**
 - a. 3.28-acre parcel located at 100 Greencastle Road, Tax Parcel ID # 073610001
 - b. 1.19-acre parcel located at 105 Greencastle Road, Tax Parcel ID # 073610008
 - c. 2.05-acre parcel located at 115 Greencastle Road, Tax Parcel ID # 073610007
 - d. 1.0-acre parcel located at 120 Greencastle Road, Tax Parcel ID # 073610002
 - e. 1.14-acre parcel located at 130 Greencastle Road, Tax Parcel ID # 073610003
 - f. 1.12-acre parcel located at 135 Greencastle Road, Tax Parcel ID # 073610005
 - g. 1.0-acre parcel located at 140 Greencastle Road, Tax Parcel ID # 073610004
 - h. 1.0-acre parcel located at 145 Greencastle Road, Tax Parcel ID # 073611010
 - i. 1.0-acre parcel located at 150 Greencastle Road, Tax Parcel ID # 073611001
 - j. 1.0-acre parcel located at 155 Greencastle Road, Tax Parcel ID # 073611009
 - k. 1.0-acre parcel located at 160 Greencastle Road, Tax Parcel ID # 073611002
 - l. 1.0-acre parcel located at 170 Greencastle Road, Tax Parcel ID # 073611003
 - m. 1.0-acre parcel located at 175 Greencastle Road, Tax Parcel ID # 073612007
 - n. 1.0-acre parcel located at 180 Greencastle Road, Tax Parcel ID # 073611004
 - o. 1.0-acre parcel located at 185 Greencastle Road, Tax Parcel ID # 073612006
 - p. 1.0-acre parcel located at 190 Greencastle Road, Tax Parcel ID # 073611005
 - q. 1.0-acre parcel located at 195 Greencastle Road, Tax Parcel ID # 073612005
 - r. 1.0-acre parcel located at 200 Greencastle Road, Tax Parcel ID # 073612001
 - s. 1.0-acre parcel located at 205 Greencastle Road, Tax Parcel ID # 073613005
 - t. 1.0-acre parcel located at 210 Greencastle Road, Tax Parcel ID # 073612002
 - u. 1.0-acre parcel located at 215 Greencastle Road, Tax Parcel ID # 073613004

Order Item

- v. 1.36-acre parcel located at 220 Greencastle Road, Tax Parcel ID # 073612003
- w. 1.0-acre parcel located at 225 Greencastle Road, Tax Parcel ID # 073613003
- x. 1.13-acre parcel located at 230 Greencastle Road, Tax Parcel ID # 073612004
- y. 1.0-acre parcel located at 235 Greencastle Road, Tax Parcel ID # 073613002
- z. 5.4-acre parcel located at 245 Greencastle Road, Tax Parcel ID # 073613001
- aa. 1.0-acre parcel located at 200 Market Road, Tax Parcel ID # 073611006
- bb. 1.3-acre parcel located at 210 Market Road, Tax Parcel ID # 073611007
- cc. 1.3-acre parcel located at 215 Market Road, Tax Parcel ID # 073611008

- 2. A consideration to rezone the following property from Downtown Commercial (C-1) Conditional to Downtown Commercial (C-1). **Phillip Trocquet, Planning & Development Coordinator.**
 - a. 2.63-acre parcel located at 602 Dogwood Trail, Tax Parcel ID # 0736061

VI Staff Comments

VII Commission Comments

VIII Adjournment

STAFF REPORT:

PHILLIP TROCQUET, PLANNING & DEVELOPMENT COORDINATOR | ptrocquet@tyrone.org



PETITION:

RZ-2018-011 (a-cc)

APPLICANT:

TOWN OF TYRONE

PC HEARING DATE:

12/13/2018

LOCATION:

MARKET HILL BUSINESS PARK

COUNCIL HEARING

DATE: 12/20/2018

The purpose of these hearings will be for the rezoning of all properties located within the Market Hill Business Park. These Town-initiated rezonings are taking place in order to remove a condition of zoning placed on the properties in February of 2003, whereby traffic improvements were required in order to construct on all lots. All properties will continue to be zoned as O-I or C-1 where applicable and no conditions shall be applied.

The Market Hill Business Park was originally zoned in 2003 with a traffic condition requiring a secondary access curb cut be constructed on Market Road to SR-74. Until this traffic improvement was implemented, a construction moratorium was also put in place on 15 of the 30 lots in the business park.

Since the establishment of this zoning condition, the Business Owner's Association has been raising funds for the construction of the curb cut. Later negotiations were had with Georgia Department of Transportation (GDOT) to purchase access rights for a curb cut, but price feasibility became an issue.

The difficulties in negotiating a feasible option for the curb cut on SR-74 resulted in the commissioning a professional traffic impact study of the development of the additional 15 lots on which the construction moratorium had applied. The traffic study showed no significant traffic impact and recommended no major traffic improvements to the business park.

Given the traffic study's results, Council directed staff to make preparations for the removal of the zoning condition for an additional curb cut as well as the removal of the construction moratorium restriction.



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
C-1 & O-I	Office-Institutional	<p>North: R-18</p> <p>South: R-18 & Peachtree City Residential</p> <p>East: SR-74</p> <p>West: R-12 & R-18</p>	Public Water	Lots vary from 1 acre to 3 acres

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY W/ COMP PLAN & FUTURE DEVELOPMENT MAP

The rezoning of the properties in the Market Hill business park are consistent and compatible with the comprehensive plan and future development map.

Since this is simply the removal of a condition, the underlying zoning will remain the same, effectively keeping the existing development pattern of the Business Park the same.

The Future Land Use Character Area is Community Gateway which encourages berms and undisturbed tree coverage to increase scenic views. This will not impact scenic views along SR-74. Appropriate zoning classifications for the Community Gateway Character area include C-1 and O-1.

PROPERTY HISTORY

Minutes from February of 2003 (EXHIBIT 1) as well as an ordinance (EXHIBIT 2) are attached outlining the zoning condition and the discussion/reasoning behind its original application.

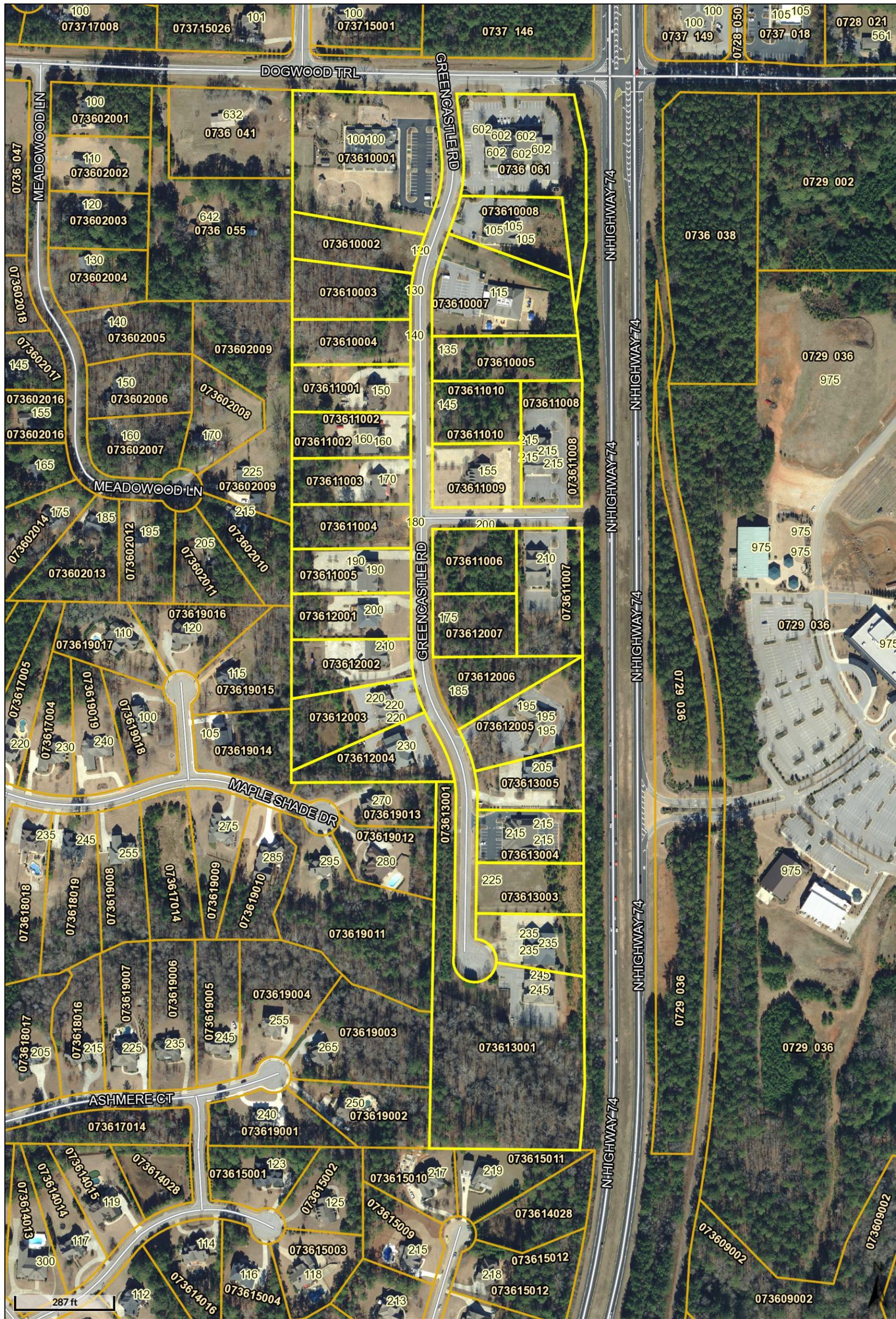
COMPATIBILITY W/ ZONING ORDINANCE

The proposed rezoning is compatible with the zoning ordinance. There will be no change to the existing development standards, setbacks, or list of uses normally permitted in the O-1 district or C-1 district in the case of 602 Dogwood Trail. The property owners of the 15 lots on which the moratorium has applied shall be permitted to construct on their properties consistent with the O-1 zoning standards.

Market Hill Rezoning

Created by: Town of Tyrone Planning & Zoning

Aerial



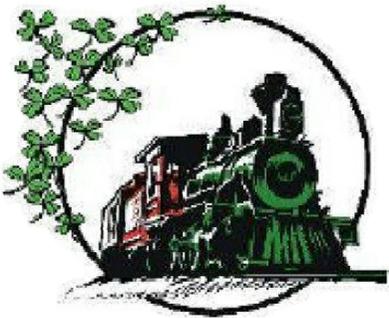
- Legend**
- Parcels
 - Addresses
 - Roads

Date created: 12/3/2018
Last Data Uploaded: 12/3/2018 6:00:07 AM

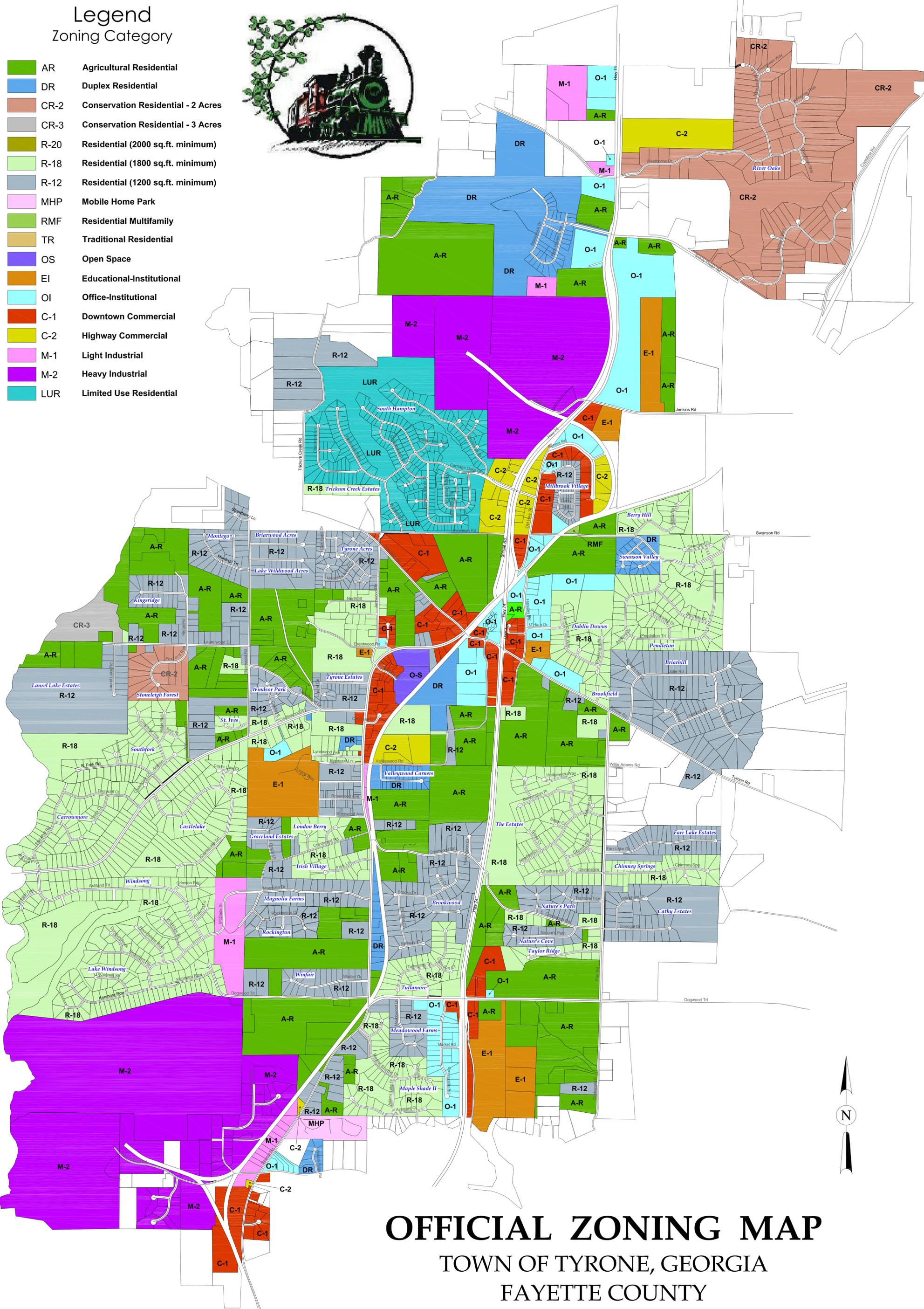
Developed by Schneider GEOSPATIAL

Legend

Zoning Category



- AR Agricultural Residential
- DR Duplex Residential
- CR-2 Conservation Residential - 2 Acres
- CR-3 Conservation Residential - 3 Acres
- R-20 Residential (2000 sq.ft. minimum)
- R-18 Residential (1800 sq.ft. minimum)
- R-12 Residential (1200 sq.ft. minimum)
- MHP Mobile Home Park
- RMF Residential Multifamily
- TR Traditional Residential
- OS Open Space
- EI Educational-Institutional
- OI Office-Institutional
- C-1 Downtown Commercial
- C-2 Highway Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial
- LUR Limited Use Residential



OFFICIAL ZONING MAP

TOWN OF TYRONE, GEORGIA

FAYETTE COUNTY



August 14, 2015

EXHIBIT 1

2003 COUNCIL MINUTES

**TYRONE TOWN COUNCIL
MINUTES
FEBRUARY 6, 2003**

The Tyrone Town Council held its regularly scheduled meeting on Thursday, February 6, 2003, with Mayor Sheryl Lee presiding. Mayor Lee called the meeting to order at 7:30 PM.

PRESENT: Mayor Lee, Council members Lisa Richardson, Ray Bogenschutz, Mike Smola, and Paul Letourneau. Also present were Town Attorney Brad Sears, Town Manager Barry Amos, and Assistant Manager Valerie Fowler.

Mr. Amos gave the invocation, which was followed by the Pledge.

Motion to amend the agenda to add an Executive Session for litigation was made by Councilwoman Richardson, seconded by Councilman Bogenschutz and was unanimously approved.

PUBLIC COMMENTS – None

BETH HIGBY – Ms. Higby, President of the Baseball Board, thanked Council for all their assistance and presented the Board's budget. She stated that the Association had set aside \$35,000 to go towards building of restrooms and a concession stand at Handley Park. She also requested modifications to the background check policy. Ms. Higby inquired about the \$25,000 set aside in the County budget to go towards recreation funding for Tyrone. This funding was being withheld pending outcome of the wetland issue at Handley Park. Councilman Letourneau directed Mr. Amos to contact the County to determine when the funds could be expected. Ms. Higby stated that if appropriate, the Board would request placement on the County meeting agenda to ask for the money. Councilman Letourneau stated he felt that would be appropriate. Mr. Amos stated that Ms. Stephens had contacted the Softball Association regarding proposed changes to the policy of background checks, and reported that Softball was in agreement with the changes. Motion was made by Councilman Letourneau to enact the changes as proposed. This motion was seconded by Councilman Bogenschutz and was unanimously approved.

PUBLIC HEARING ON MARKET HILL – Applicant Burt Clark, stated that this was a carry-over from the hearing in late September or early October of 2002, wherein two of the council members had a conflict of interest and could not vote. Mr. Sears stated that pursuant to law, the Town had held a special master hearing before the Honorable Judge George Barron, who had rendered a recommendation that removed the conflict. As such, Council could now vote on the issue. Mr. Clark stated he was merely seeking permission to build on fifteen lots, prior to putting in road improvements. He stated that he currently had pending litigation with DOT relative to the curb cut. [Mr. Clark's original rezoning petition had been approved conditioned upon the site plan presented. The site plan had shown a curb cut on Highway 74. DOT had subsequently denied the curb cut, and Mr.

Clark had appealed. He then re-applied for zoning with or without the curb cut.] Speaking in opposition was Nancy Nebergall, 100 Meadowood Lane, who stated she was speaking on behalf of her sixteen-year-old son, and her daughter Rachael. She expressed concern about the traffic and the safety of her son, a new driver. Rachael Sharpe, 170 Meadowood Lane stated the proposed road improvements would help the situation, but without a curb cut onto State Route 74 a dangerous situation would exist. David Nebergall, 100 Meadowood Lane, stated that the zoning had been approved with the curb cut on State Route 74 to alleviate traffic on Dogwood Trail. He stated the cut was needed for safety reasons and requested denial. Councilman Letourneau asked the applicant if he were willing to make the road improvements with, or without, the Highway 74 cut. Mr. Clark replied that he would make the necessary road improvements. Councilman Letourneau read the recommendation of the Special Master into the record. He stated that he felt improvements to Dogwood Trail would offset any additional traffic, and that he was willing to support the OI zoning. Councilman Smola stated that truck traffic would always be present due to the proximity of the industrial park. Councilman Smola stated that some of the truck traffic was due to construction and would eventually be replaced by automobile traffic. There being no further discussion, motion to approved the requested rezoning conditioned upon the following (1) that the applicant may obtain building permits for only fifteen of the thirty lots previously approved; (2) the amended zoning application is approved for construction on the remaining 15 lots after the construction of additional traffic lanes as shown on the attached drawing by URS Corp. was made by Councilman Bogenschutz, seconded by Councilwoman Richardson and was unanimously approved. ORD # 440

motion

CONSENT AGENDA – Motion to approve the Consent Agenda was made by Councilman Bogenschutz, seconded by Councilman Smola and was unanimously approved. Items approved –

- a) Minutes of meeting held 01/16/03
- b) Award of bid to Kirby Building Systems in the amount of \$25,420 for recreation building
- c) Award of bid to Leisure Lines for Picnic Shelter in the amount of \$8,336 plus inclusion of railing on five sides
- d) Authorization of Town Manager to act as Project Manager for the erection of Recreation Building and Picnic Shelter

PUBLIC COMMENTS - None

STAFF COMMENTS – Mr. Amos stated that the new recreation building, a 50' x 120' metal building would be erected at the end of Commerce Drive. He anticipated it going up within a couple of months. He stated the picnic shelter was being installed at Redwine Park, which would then be complete except for the walking path. He also stated Fayette County had installed a water payment drop box at Town Hall. Mr. Amos reported that the new traffic light at Southampton is now working and Publix was scheduled to open in October. He stated a Founders Day meeting was scheduled for the following Monday.

Motion to go into Executive Session to discuss a litigation matter was made by Councilman Letourneau, seconded by Councilman Bogenschutz and was unanimously approved. No action was taken in Executive Session. Motion to reconvene in regular meeting was made by Councilwoman Richardson, seconded by Councilman Letourneau and was unanimously approved. Motion to authorize the Mayor to execute the Executive Session Affidavit and Resolution was made by Councilman Letourneau, seconded by Councilman Bogenschutz and was unanimously approved. Motion was made by Councilman Letourneau to authorize the Town Manager and Town Attorney to take necessary action to end the pending litigation as discussed. This motion was seconded by Councilman Bogenschutz and was unanimously approved.

Motion to adjourn was made by Councilman Letourneau, seconded by Councilman Smola and was unanimously approved.

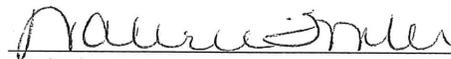

Valerie C. Fowler

EXHIBIT 2

ORDINANCE

440-A

Re: ORDINANCE NO. 440-A
CSN Properties, LLC
_____ acres
Land Lot 136, 7th District
Fayette County, Georgia

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF TYRONE, GEORGIA, TO AMEND THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATED IN LAND LOT 136 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, IN THE LIMITS OF THE TOWN OF TYRONE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TYRONE, AND IT IS HEREBY ORDAINED BY AUTHORITY OF SAME THAT:

WHEREAS, the owner of the Property consisting of 40.98 acres and more particularly described on that survey prepared for Markethill Office Centre by Hovey & Associates, Inc., dated April 27, 2001, which survey attached hereto as Exhibit "A" and is incorporated herein by express reference (the "Subject Property") and located in Land Lot 136, 7th District of Fayette County, has filed an application for rezoning of the property to remove the condition previously applied to the rezoning of the property to O-I (Office Institutional District) conditioned on applicant securing a curb cut on Georgia Hwy. 74 and said governing authority desires to consider the rezoning of the Property; and

WHEREAS, in accordance with the requirements of the Town Zoning Code the Planning Commission of the Town of Tyrone has forwarded its recommendation to the Mayor and Council; and

WHEREAS, pursuant to said requirements of the Town Zoning Code, the governing authority had conducted a properly advertised public hearing on the rezoning application not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 3rd day of October, 2002; and

WHEREAS, due to the lack of a quorum, no action was taken on the application. A petition was filed in the Superior Court of Fayette County, Georgia for the appointment of a Special Master to hear and make recommendations to the Mayor and Council on the applicants request; and

WHEREAS, the Special Master, following a hearing held on November 12, 2002, made his written recommendation to the Mayor and Council; and

WHEREAS, pursuant to the requirements of the Town Zoning Code, the Mayor and Council has conducted a properly advertised hearing on the applicants request not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 6th day of February, 2003; and

WHEREAS, after the above-referenced public hearing, the governing body has determined that the rezoning of the Property would be in the best interest of the residents, property owners and citizens of the Town of Tyrone, Georgia.

Section 1. That the Subject Property shall have the zoning classification of O-I (Office Institutional District), unless and until changed, revised, or amended subject to the following conditions:

- (1) That the applicant may commence and complete construction only on fifteen of the thirty lots previously approved pending a resolution of its application for a curb cut with the Georgia Department of Transportation on Georgia Highway No. 74;
- (2) Should applicant's request for a curb cut on Georgia Highway No. 74 ultimately be denied after a resolution of the current pending litigation, then;
- (3) The amended variance application be approved for construction on the remaining 15 lots be conditioned upon the construction of additional paved traffic lanes located on the Northerly and Southerly right of way of Dogwood Trail. The

traffic lane located on the southerly right of way of Dogwood Trail to begin at the intersection of the westerly right of way of Greencastle Road with the southerly right of way line of Dogwood Trail and continuing in an easterly direction to the intersection with the westerly right of way line of Georgia Highway No. 74. Said additional paved traffic lanes to provide right turn only traffic flow on the southerly right of way line of Dogwood Trail easterly to turn southerly on Georgia Highway No. 74. The additional paved traffic lane located on the northerly right of way of Dogwood Trail shall be not less than one hundred fifty (150) feet in length and shall be constructed in such a manner to allow traffic flowing westerly on Dogwood Trail to bypass traffic turning left into the Markethill Office Centre as shown on the drawing by URS Corp. attached hereto as Exhibit "B" and be reference made a part hereof.

Section 2. Severability. In the event any section, subsection, sentence, clause, or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses, or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The Town Council hereby declares that it would have passed the remaining parts of this ordinance or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 3. This ordinance shall become effective upon the date of adoption.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance having been properly considered and adopted by the Town Council
of the Town of Tyrone, Georgia, same is hereby approved.

This 6th day of FEBRUARY, 2003.

ATTEST:

Valerie Fowler
Valerie Fowler, Town Clerk

Sheryl Lee
Sheryl Lee, Mayor

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 136 of the 7th Land District of Fayette County, Georgia; and containing 37.824 acres, more or less, as shown by plat of R.M. Boyd, Registered Land Surveyor, entitled "Survey for CSN Properties, LLC" dated December 7, 2000 and in accordance with said plat being more particularly described as follows:

BEGINNING AT AN IRON PIN located at the point where the westerly margin of the right-of-way of Georgia Highway 74 intersects with the south line of Land Lot 136 aforesaid; running thence North, 88 degrees 20 minutes 18 seconds West, as measured along the south line of Land Lot 136 aforesaid, 398.55 feet to an iron pin; thence North, 0 degrees 58 minutes 18 seconds East, 1,023.81 feet to an iron pin; thence South, 89 degrees 29 minutes 50 seconds West, 426.95 feet to an iron pin; thence North, 0 degrees 59 minutes 20 seconds East, 937.29 feet to an iron pin; thence South, 89 degrees 04 minutes 40 seconds East, 275 feet to an iron pin; thence North 0 degrees 59 minutes 20 seconds East, 500 feet to an iron pin; thence North, 0 degrees 58 minutes 43 seconds East, 500 feet to an iron pin on the Southerly margin of the right-of-way 80 feet in width of an improved public road known as Dogwood Trail; thence South, 89 degrees 4 minutes 40 seconds East, as measured along the Southerly margin of the right-of-way of said Dogwood Trail, 192.68 feet to an iron pin; thence South, 6 degrees 26 minutes 25 seconds East, 302.20 feet to an iron pin; thence South 89 degrees 03 minutes 19 seconds East, 249.72 feet to an iron pin; thence South 6 degrees 29 minutes 09 seconds East, 319.91 feet to a concrete right-of-way monument on the westerly margin of the right-of-way of Highway 74; thence in a general Southwardly direction, as measured along the Westerly margin of the right-of-way of said Georgia State Highway 74 for the respective courses and distances shown on the above referenced plat, an aggregate distance of 2,341.69 feet back to the iron pin at the POINT OF BEGINNING HEREOF.

BOOK 1569 PAGE 765

7-487
4529

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 136 of the 7th Land District of Fayette County, Georgia, as embraced by plat of R. M. Boyd, Registered Land Surveyor, dated December 7, 2000 entitled "Survey for CSN Properties, LLC" containing 3.156 acres, more or less and in accordance in said plat being more particularly described as follows:

TO ARRIVE AT the point of beginning hereof, start at an iron pin located at the point where the westerly margin of the right-of-way of Georgia Highway 74 intersects with the south line of Land Lot 136 aforesaid; go thence in a general northwardly direction as measured along the westerly margin of the right-of-way of said Georgia Highway 74 for the respective courses and distances shown on the above-referenced plat an aggregate distance of 2,341.69 feet to a concrete right-of-way monument; thence North, 6 degrees 29 minutes 9 seconds West, leaving said right-of-way; 319.91 feet to an iron pin; thence North, 89 degrees 3 minutes 19 seconds West, 249.72 feet to an iron pin; thence North, 6 degrees 26 minutes 25 seconds West, 302.20 feet to an iron pin on the Southerly margin of the right-of-way 80 feet in width of an improved public road known as Dogwood Trail; thence North, 89 degrees 4 minutes 40 seconds West, as measured along the Southerly margin of the right-of-way of said Dogwood Trail, 192.68 feet to an iron pin and the POINT OF BEGINNING HEREOF; from the point of beginning thus determined, running thence South, 0 degrees 58 minutes 43 seconds West, 500 feet to an iron pin; thence North, 89 degrees 4 minutes 40 seconds West, 275 feet to an iron pin; thence North, 0 degrees 59 minutes 20 seconds East, 500 feet to an iron pin on the southerly margin of the right-of-way of said Dogwood Trail; thence South, 89 degrees 4 minutes 40 seconds East, as measured along the southerly margin of the right-of-way of said Dogwood Trail, 274.91 feet back to the iron pin at POINT OF BEGINNING HEREOF.

The above-described realty is the same property described by Corrective Executor's Deed from April Fae Casey as Executor under the Last Will & Testament of Ruth Laster Parrott to April Fae Casey in her individual capacity, dated December 11, 1998 and recorded in Deed Book 1351 at page 690, records of Fayette County, Georgia.

BOOK 1569 PAGE 759

Exhibit "B"



1"=100'

