

**Town of Tyrone  
Planning Commission Meeting Minutes  
Thursday April 25, 2019  
7:00 PM**

Present:

Chairman, David Nebergall  
Vice-Chairman, Dia Hunter  
Commission Member, Jeff Duncan  
Commission Member, Scott Bousquet  
Town Attorney, Patrick Stough  
Planning & Development Coordinator, Phillip Trocquet

Not Present:

Commission Member, Carl Schouw

Planning Commission Chairman David Nebergall called the meeting to order at 7:00 pm.

**Approval of Agenda**

Commissioner Duncan made a motion to approve the agenda.  
Vice Chairman Hunter seconded the motion. Motion was approved 3-0.

**Approval of Minutes for January 24, 2018**

Commissioner Duncan made a motion to approve the minutes from January 24<sup>th</sup>, 2018. Commissioner Bousquet seconded the motion.

Motion was approved 3-0.

**Public Hearing:**

1. *To consider a petition from applicant Sandra Stiltner for the rezoning of a 5.89 acre tract with parcel number 0742-023 at property address 520 Briarwood Road from AR (Agricultural Residential) to R-12 (Residential 1200 s.f. house size min.). **Phillip Trocquet, Planning & Development Coordinator.***

Mr. Trocquet presented the item. Mr. Trocquet stated that the property's existing zoning was AR with an existing land use of residential. The surrounding zoning districts consisted of R-12 to the north, east, and west, and R-18 to the east. Site improvements included water and an existing single family home. Mr. Trocquet stated that the requested rezoning was consistent with the Future Development Map and Comprehensive Plan. Both call for the area to develop as Rural/Estate-Residential. This character area should be defined by single-family low-density development and encouraged to preserve green space and conservation. He went on that the rezoning petition was consistent with the zoning ordinance. R-12 land exists to the north, east, and west of the property in question. The proposed rezoning

does not adversely affect the existing use or usability of adjacent or nearby property and will not result in a use which could cause excessive or burdensome use of existing infrastructure. Staff recommendation was for approval.

Chairman Nebergall opened the public hearing for those in favor of the rezoning.

Applicant representative Randy Boyd spoke in favor. Mr. Boyd stated that there was an existing home on the property and that the owners wished to eventually split the 5.8 acre lot in half with the existing home occupying the front lot and a new home to occupy the back lot. Mr. Boyd stated that there was no intention of installing a full road to access the back of the property and that the area in the rear has never been used.

Chairman Nebergall closed the public hearing for those in favor of the rezoning.

Chairman Nebergall opened the public hearing for those in opposition to the rezoning.

Mr. Jeremy Barnes of 135 St. Ives spoke in opposition. Mr. Barnes stated that one additional home could lead to two homes and then three homes and then four homes. He stated that development of the adjacent lot would have a direct impact on his property and that he was opposed because he did not want anyone building on the lot and wished for it to remain undeveloped. He stated that the owner could split the lot and then sell to another builder who would then want to develop houses and he wanted to stop everything before that process started.

Todd Pickard at 120 St. Ives spoke in opposition. Mr. Pickard stated that he respected the applicant's property rights but agreed to Mr. Barnes' comments regarding the construction of multiple homes. Mr. Pickard stated that he moved to Tyrone to have more acreage and that the rezoning of the lot could endanger the rural nature of the area.

Mr. Ben Walker of 460 Briarwood Road had a question. He asked what the potential was for the further subdivision of the property down the road? He was not in opposition of the construction of one additional home, but was in opposition if there was potential for multiple homes.

Chairman Nebergall closed the public hearing for those in opposition to the rezoning.

Chairman Nebergall opened the item for commission discussion.

Commissioner Hunter stated that he wished for staff to address some of the questions from Mr. Walker. Mr. Trocquet stated that in regards to the further division of the lot, the new zoning district would change the minimum lot size requirement from 3 acres to 1 acre. He stated that since the property was 5.8 acres, the maximum number of times the lot could be split was five with certain conditions. He stated that if over one lot was to be subdivided, there would need to be a public road placed to access the properties in lieu of an easement. This would require land and funds to complete. Mr. Trocquet stated that given the topography, soils, and width of the lot, it did not seem initially feasible to divide the lot five ways, but that further investigation was necessary.

Commissioner Hunter stated that the current zoning would not allow the owners to split the lot because the lot was under six acres and AR required a three acre minimum. Commissioner Hunter asked about R-18 zoning. Mr. Trocquet stated that he wanted to clarify that the numbers after the Residential Zoning districts concerned minimum house size in thousands of square feet as opposed to minimum lot sizes. He stated that R-12 and R-18 zoning each maintained a minimum one acre lot size.

Mr. Boyd stated that it was not the applicant's intent to build a 1200 s.f. home on the second lot. He stated that they were unable to apply for R-18 zoning because the existing home on the property was under 1800 s.f. He stated that they would be willing to split the lot and have the rear lot assume R-18 zoning while the front lot maintained the R-

12 zoning. Mr. Trocquet stated that proposal was not advertised and it would not be possible to rezone to that effect. Mr. Stough stated that the property would need to be subdivided first which was not possible under the current AR zoning.

Chairman Nebergall asked Mr. Boyd how buildable the remaining land would be if the land were subdivided in half. Mr. Boyd stated that they struggled to get good septic soils to cut out one lot, but that it could be possible to cut out another lot if more intensive soil samples were taken. He stated that even then, it would require a road which would be too cost prohibitive. He stated that the true yield of the property was likely just limited to two lots.

Commissioner Bousquet asked where the proposed new house would be located. Mr. Boyd stated that the final location had yet to be ultimately determined, but that it would be located in the center of the existing lot. He also stated that they would respect the setbacks and buffers adjoining the St. Ives subdivision.

Chairman Nebergall asked Mr. Boyd how large the proposed house was. He stated that it would likely be 2,000 s.f.

Vice Chairman Hunter asked what the setbacks of R-12 were. Mr. Trocquet stated that the side yard setbacks were 15 feet and that the rear yard setback was 30 feet.

Commissioner Duncan made a motion to approve the rezoning of 520 Briarwood Road from AR to R-12. Commissioner Bousquet seconded the motion. Motion passed 3-0.

#### **Old Business:**

#### **New Business:**

*Consideration to approve a site plan for a Bethel Church at 926 Tyrone Road by applicant Paul Gresham. Phillip Trocquet, Planning & Development Coordinator.*

Mr. Trocquet presented the item. He stated that Bethel Church is applying for the approval of a site plan to accommodate parking and access driveways for their current tent and future permanent structure. The property currently has two existing permanent structures utilized as offices as well as a temporary tent for the purposes of church services. The proposed site plan has been approved by the Town's TRC (Technical Review Committee). He stated that the zoning of the land was AR and that the existing land use was office and light assembly in a tent on the property. The zoning to the north, south, and east is R-18 and the zoning to the west is AR. The size of the property is 37 acres. Mr. Trocquet stated that the submission is compatible with both the Comp Plan and the Future Development Map. This property lies Rural-Estate Residential character area which accommodates churches. He also stated that the submission is compatible with the zoning ordinance. Churches are allowed in residentially zoned districts with conditions. Bethel Church's plans meet the Town's Conditional use development regulations.

Vice Chairman Hunter stated that he recalled some concerns regarding the Tyrone Road access driveway. He asked for the findings. Mr. Trocquet stated that Bethel Church had provided the town with a robust traffic study which found the curb cut on Tyrone Road not to be a traffic issue. The study recommended a full motion curb cut: right in, right out, and left in.

Vice Chairman Hunter made a motion to approve the site plan. Commissioner Duncan seconded the motion. Motion passed, 3-0.

#### **Public Comments:**

**Staff Comments:**

*Zoning Ordinance Updates and Sandy Creek Corners (FKA Founders District) Update. Phillip Trocquet, Planning & Development Coordinator.*

Mr. Trocquet stated that the area known as Founders District had changed hands and had been renamed to Sandy Creek Corners. The overall development scope had not changed and the DRI (Development of Regional Impact) would not be affected as a result. He stated that the property owners, the Hobgood Family, assumed control of the project and hired Foley Architects as the project manager to submit a full development plan and rezoning petition. He stated that staff was undergoing a review and that they would likely be on an agenda soon.

Commissioner Duncan asked about the soundstages. Mr. Trocquet responded that the property containing the soundstages had already been rezoned, but that the Hobgood Family was not intending to serve as the developer. They would likely sell the land with the approved development plan to a new developer.

Vice Chair Hunter asked the status of the new Town Hall and sewer. Mr. Trocquet stated that the Town Manager just had a meeting with the architect and would soon be choosing a Construction Manager At Risk for the project. Surveying was currently underway for the sewer and they were both on schedule.

Commissioner Duncan asked the status of the Downtown Steering Committee. Mr. Trocquet stated that he and ARC would be publishing an agenda within the next two weeks for the Steering Committee.

**Commission Comments:**

**Adjournment:**

Commissioner Bousquet made a motion to adjourn. The meeting adjourned at 7:32 pm.

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David Nebergall, Planning Commission Chairman

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Phillip Trocquet, Planning & Development Coordinator