Town of Tyrone
Planning Commission Meeting Minutes
Thursday September 12th, 2019
7:00 PM

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

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

Approval of Agenda

Commissioner Schouw made a motion to approve the agenda.
Commissioner Duncan seconded the motion. Motion was approved 4-0.

Approval of Minutes for August 22nd, 2019

Commissioner Schouw made a motion to approve the minutes from August 22nd, 2019. Vice-Chairman Hunter seconded the motion.

Motion was approved 4-0.

Public Hearing:

1. *To consider a rezoning petition for a 3.7 acre tract at property address 926 Tyrone Road with parcel number 0727 018 from R-12 (1,200 s.f. min) to AR (Agricultural Residential) from applicant Brent Brownlee.* ***Phillip Trocquet, Planning & Development Coordinator.***

Mr. Trocquet presented the item. Mr. Trocquet stated that applicant Brent Brownlee had applied for the rezoning of one property located at 926 Tyrone Road from R-12 to AR. It was stated that the applicant's intent was to rezone the property for the purpose of matching the zoning with the surrounding land owned by Bethel church so as to replat the properties as a lot combination. There was an older petition to rezone this property the same way on July 12th of 2018. The surrounding zonings are O-I to the north, AR to the South, AR& R-12 to the East, and AR to the West. The size of the property is 3.76 acres. Mr. Trocquet stated that the property was consistent with the future development map and comprehensive plan. AR zoning has a three-acre minimum requirement making it a less dense zoning district. The comprehensive plan character area is Estate Residential which is consistent with the proposed

rezoning petition. Mr. Trocquet also stated that the rezoning petition was consistent with the Zoning Ordinance. AR land surrounds most of the property and is considered a less intense zoning district in many respects. The use of the property by a religious institution is permitted under AR zoning with conditions.

Mr. Trocquet also made the comment that the rezoning request was not tied to the approval of a driveway or entrance to Bethel church. The approval for that entrance and driveway was already given during the site planning process and that this rezoning was for the purpose of matching the surrounding zoning for the pursuit of a lot consolidation. He stated that he wanted to stress that the scope of this rezoning does not include the approval or denial of the curb cut or church; the church's properties are already allowed both with conditions. He went on to state that the current zoning and lot layout of the parcel placed a property line with buffers and setbacks close to the site of the new and proposed church. It was understood from the applicant that the pursuit to match the zoning and combine parcels would eliminate this property line, buffers, and setbacks thereby making it easier for them to design their church site.

Commissioner Bousquet asked if the rezoning was recommended with conditions. Mr. Trocquet responded that it did not. The church would have to adhere to the conditions of the AR zoning district, but that was separate from the scope of the public hearing.

Staff recommends the approval of the rezoning.

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

Pastor Steve Hale of Bethel Church spoke in favor of the rezoning. He stated that the church intended to utilize the property as an entrance to their church and that the current property lines prevented them from having the flexibility needed for their site design. He stated that the church would be screened from the road and that the pursuit of this rezoning was going to benefit the community.

Commissioner Duncan asked where the church was going to be located. Pastor Hale, pointed to a plat of the property noting where the church would be (approximately 350 feet from Tyrone Road).

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.

A Ms. Judy Jones spoke in opposition to the public hearing. She stated that she was not confused about anything and that she is not in opposition to the church. Her primary concern was safety and was concerned with Mr. Brent Brownlee's affiliation to the church. She stated that the traffic study done that addressed safety concerns was commissioned by the church and should not be trusted.

A Mr. Wayne Slaton at 920 Tyrone Road spoke in opposition. He stated that he did not see any posted permits for the church since they were clearing trees. He stated that Tyrone Road was very busy and that a curb cut for the church would be very dangerous. He stated that he was under the impression that the church was going to be located somewhere else closer to SR-74 with access onto Handley Road. He stated that there was also no creek running through the property.

A Ms. Joy Belyeu of 115 Brookfield Court spoke in opposition. She stated that she was frustrated that the rezoning was happening. She stated that her subdivision was residential and that the church property was not going to be used for residential purposes. She further stated that the church had over 100 acres of land to build on, but that they were choosing to place the building in the current location (~350' from Tyrone Road) which would be a greater impact on the surrounding community. She continued that the current plan for the church was not the original plan showed to them by the church in a community meeting the previous year. She stated that the church leaders told them that they had a curb cut on SR-74, but that now they don't have it now. She also stated that the site plan would need to be approved and that she was not aware of the meeting where it was approved. She asked what the benefit of the rezoning would be to the surrounding community? She understood the benefit to the church, but she didn't know why they couldn't move the church in the back of the 110 acres they own further away from the properties on Tyrone Road.

A Ms. Mary Williams of 105 Brookfield Court spoke in opposition. Ms. Williams stated that she was not confused about what was happening, but that she doesn't understand why the curb cut was approved. She stated that she remembered the police chief in the last public hearing in July of 2018 voicing concerns regarding traffic and safety. She also expressed concern as to why Mr. Brent Brownlee was listed as the applicant when it was Bethel church's project. She stated that she thought this was a sneaky way of doing business.

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

Chairman Nebergall opened the item up for Planning Commission discussion.

Commissioner Duncan stated that he wanted to reiterate that the only reason Planning Commission was meeting tonight was to discuss the appropriateness of the rezoning, not the approval or consideration of a curb cut or the specific construction-related items for the church building. He stated that the consideration was simply whether a rezoning from R-12 to AR was appropriate.

Mr. Brandon Perkins, the Town Manager, spoke up and stated that the curb cut was something that would have been allowed regardless of the zoning. He stated that at the rezoning meeting in 2018 while he was the Chief of Police and that he did express concerns about the curb cut given the information he had at the time, but that the expression of those concerns was not an official ruling or denial of the curb cut. Since the expression of those concerns, the church commissioned and presented a traffic study that revealed that the curb cut would not have an dangerous impact on Tyrone Road. Mr. Perkins stated that given the information he has now compared to the information he had in 2018, he no longer has the same concerns.

Vice-Chairman Hunter asked what the minimum acreage requirement was for R-12 zoning. Mr. Trocquet stated that R-12 had a one acre minimum and AR had a three acre minimum.

Commissioner Schouw asked how Bethel church was able to cut down trees on their site already. Mr. Trocquet responded that the church had gone through the Town's site planning process and received TRC (Technical Review Committee) approval along with a Land Disturbance Permit (LDP). Mr. Trocquet continued that the church had submitted a site plan that worked around the property lines, buffers, and setbacks as they exist, but that this site plan would likely be revised after the lot consolidation. He also continued that he would make sure the church placed their permit boxes on site so that people would know that the work was permitted by the Town.

Chairman Nebergall stated that he wanted to note that the specific site items discussed were not a part of the rezoning hearing and that the site approval and rezoning processes were distinct from one another. Mr. Trocquet confirmed that this was the case and that rezoning hearings consider whether the particular uses permitted in the proposed district are consistent with the future land use plan and that the site planning process comes only after an applicant wishes to construct on their property so as to conform the construction and site design around the Town's specific land development ordinances.

Chairman Nebergall called for a vote.

Vice-Chairman Hunter made a motion to approve the rezoning of the 3.7-acre tract. Commissioner Bousquet seconded the motion. Motion carried 4-0.

2. *To consider a text amendment to add a new zoning district entitled TCMU (Town Center Mixed Use) to Section 113 of Article V of the Town of Tyrone Zoning Ordinance.* ***Phillip Trocquet, Planning & Development Coordinator***

Mr. Trocquet presented the item. He started with background history stating that the Town Center District (TCD) as outlined in the Town's Comprehensive Plan and Future Development Map, has been a major focus of Town planning efforts and citizen engagement especially over the past two years since the re-adoption of the Comprehensive Plan in 2017.

He continued that as a result, the Town has pursued assistance from a variety of organizations such as the UGA Carl Vinson Institute of Government and the Atlanta Regional Commission (ARC). Both of these organizations have assisted staff and citizens in visualizing the potential of the TCD and helped develop steps to achieve the Town's vision for the TCD. The ARC Community Development Assistance Program (CDAP) and the Carl Vinson Institute's Renaissance Strategic Visioning Project (RSVP) program were awarded to the town to help further engage the community and provide a framework for updating the Town's ordinances as it pertained to the TCD.

Through the coordination of ARC and a citizen-led downtown steering committee, specific goals and standards were identified that best achieved the development pattern outlined in the Comprehensive Plan for the Town Center District. These standards included the following major themes: the allowance of mixed-use structures/developments; a limited increase in residential density to sustain business growth; and the reduction of the Town's 1-acre minimum lot size for commercial and residential properties. Mr. Trocquet stated that staff recommendation was for approval of the text amendment to add the new Town Center Mixed Use (TCMU) zoning district to section 113 of Article V of the Zoning Ordinance.

Planning Commission asked Mr. Trocquet to highlight the major points of the new ordinance. Mr. Trocquet stated that the first page of the ordinance outlined the qualifying requirements in order for a property to apply to be TCMU. He noted that the TCMU zoning district can only be located within the Town's Town Center District as outlined in the Comprehensive Plan's Future Development Map and that no property could be rezoned to TCMU without a development plan if 3 acres or over. If a lot is smaller than three acres, they do not need to submit a development plan. Mr. Trocquet stated that this was included as a standard so that the smaller business owners and smaller downtown property owners could more easily take advantage of the district and give them more flexibility as they connect to sewer and seek more utilization of their land. Properties being developed over three acres are more likely going to be developer-driven construction projects that will require more intensive planning and coordination with the Town.

Mr. Trocquet continued onto page three which outlined uses. He wanted to highlight that the TCMU district allows both residential and commercial uses within the same zoning district. He noted that Townhomes and Single-Family dwellings were permitted but that a loft can only be included in a mixed-use structure with commercial on the ground floor. The maximum residential density is 4 units per acre. He stated that the uses were essentially all pulled from the O-I (Office-Institutional) and C-1 (Downtown Commercial) zoning districts.

Mr. Trocquet continued onto page eight of the ordinance which had the dimensional requirements matrix. He explained the lot size minimums as well as the minimum dimensions of lots for different types of structures. He also explained that the minimum square footage for both single family homes and townhomes was 1500 square feet and that the minimum square footage for a loft was 800 square feet. The maximum height of structures is 45 feet with a maximum of three overall stories. The maximum footprint for a commercial or mixed-use building was 30,000 square feet.

Mr. Trocquet moved onto the setback matrix. He stated that a downtown development pattern requires a heavy reduction in traditional setbacks and that the setbacks in downtown were currently consistent with highway commercial standards. The proposed setbacks in the TCMU district were much less and facilitated buildings to be built together with parking in the rear. He stated that there is a 75 foot buffer incurred on a TCMU property if it adjoins one of the Town's existing residential zoning districts. Mr. Trocquet stated that all developments in the TCMU district will need to provide a multi-use path connection to the Town's existing network.

Vice-Chairman Hunter asked about overhead power lines conflicting with new buildings closer to the road. Mr. Trocquet stated that usually there is no conflict other than an aesthetic one but that the Town has been investigating what it would take to pull power underground. Pulling power underground could also be something pursued on the individual property owner level as well.

Mr. Trocquet stated that staff recommended approval.

Chairman Nebergall opened the public hearing to those in favor of the text amendment hearing. No one spoke.

Chairman Nebergall closed the public hearing to those in favor of the hearing.

Chairman Nebergall opened the public hearing to those in opposition to the text amendment. No one spoke.

Chairman Nebergall closed the public hearing to those in opposition to the text amendment.

Chairman Nebergall called for commission comments.

Chairman Nebergall asked what code enforcement would look like for this new district as he understood this was a challenge. Mr. Trocquet stated that construction code enforcement was easier to in that construction projects are very visible and must go through a more in-depth process. In regards to screening requirements and other aesthetic code enforcing items, he did stay that they took more time to address, but that the Town had a very good relationship with the County's code enforcement department and call in enforcement items regularly. Mr. Trocquet stated that the larger developments will likely be self-regulated as the ordinance requires covenants and restrictions be adopted as a part of the development planning process.

Chairman Nebergall asked what happens when a property-owners association does not follow its own covenants. Mr. Trocquet stated that the Town would not be able to enforce the private covenants, but that the Town would still have the ability to enforce general code enforcement items within the development that are applied Town-wide.

Commissioner Bousquet asked about signage consistency and quality requirements downtown. Mr. Trocquet stated that the Town had worked with ARC on an architectural overlay for the TCD that addressed signage requirements.

Commissioner Duncan made a motion to approve the text amendment. Commissioner Bousquet seconded the motion. Motion carried 4-0.

Old Business:

New Business:

1. *To consider a landscape plan for a 3.6-acre tract at property address 354 Senoia Road from applicant Brett Vincent.* ***Phillip Trocquet, Planning & Development Coordinator.***

Mr. Trocquet presented the item. He stated that the applicant had submitted an application for a landscape plan for a 3.6-acre tract at 354 Senoia Road. He noted that given the Town's tree density requirements and a large percentage of impervious surface planned on site, the applicant would be required to make a contribution to the Town's Tree Bank in order to compensate for tree plantings on site. The contribution would roughly be $6,000. Mr. Trocquet stated that the Town's Environmental Specialist, Brad Konwick, had reviewed and approved the landscape plan and recommended approval.

Commissioner Hunter asked if the site plan shown in association with the landscape plan was the same as the site plan approved for the self-storage facility earlier. Mr. Trocquet stated that this was the same site plan, but that the only approved structures thus far were an office and the first of two storage structures. The second storage structure would be presented as a second phase site plan, but that the landscape plan presented here was for the total site.

Commissioner Bousquet asked if there was a reason nothing was located on the plan in front of the septic field. The applicant, Brett Vincent, stated that it would be a grassed area with an open feel.

Commissioner Schouw made a motion to approve the landscape plan. Vice Chairman Hunter seconded the motion. Motion carried 4-0.

Staff Comments:

Commission Comments:

Adjournment:

Commissioner Duncan made a motion to adjourn. The meeting adjourned at 8:10 pm.

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David Nebergall, Planning Commission Chairman

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Phillip Trocquet, Planning & Development Coordinator