

**Town of Tyrone**  
**Planning Commission Meeting Minutes**  
**December 8, 2022**  
**7:00PM**

**Present:**

Chairman, David Nebergall  
Vice-Chairman, Dia Hunter  
Commission Member, Scot Bousquet  
Commission Member, Jeff Duncan

Town Attorney, Patrick Stough  
Town Planner, Phillip Trocquet

**Absent:**

Commission Member, Carl Schouw

**Call to Order:**

Commission Chair, Nebergall called the meeting to order at 7:00 pm.

**Approval of Agenda:**

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

**Approval of October 27, 2022 Minutes**

Vice-Chairman Hunter made a motion to approve the October 27, 2022 minutes.  
Commissioner Duncan seconded the motion. Motion carried 4-0.

**Public Hearing:**

1. *Consideration of a petition from Foster Holdings, LLC for the rezoning of parcel 073611002 at property address 160 Greencastle Road from Office Institutional (O-1) to Downtown Commercial (C-1). **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item stating that Foster Holdings, LLC has submitted an application to rezone 160 Greencastle Rd. from Office Institutional (OI) to Downtown Commercial (C-1). The stated intent of this rezoning is to permit a greater variety of uses on the property than are otherwise permitted, namely an exercise studio/gym. Mr. Trocquet continued that it was staff's determination that the building placement on site would be illegal under C-1 setback standards, particularly along the southern property line where the

building would encroach on the 20' C-1 setback. Although C-1 zoning is permitted in the Commercial Gateway character area, Market Hill business park was developed for office-institutional structures and uses; subsequent buildings and sites are designed according to this configuration. Staff cannot recommend approval of the rezoning given the building placement according to C-1 setback standards. Given the applicant's stated reason for the request, a discussion regarding which uses are/are not appropriate within the O-I district may be relevant for future text amendments.

He continued that the petition could be interpreted as consistent with the Comp Plan and Future Development map as C-1 is listed as a permitted zoning classification in the Commercial Gateway character area. Local context and surrounding zoning also contributes to the compatibility of this request. All surrounding commercial properties are O-I with many buildings built to O-I development standards, including this property. That being the case many of the buildings and site configurations within the Market Hill business park would be unable to move to C-1 zoning due to the more restrictive setback standards designed to accommodate their higher intensity uses.

The zoning impact assessment was then read:

1. *Will Zoning permit suitable uses with surrounding properties?* C-1 zoning is still considered a lighter intensity commercial district; however, all surrounding properties are zoned O-I per the design of the business park. Use suitability would be inconsistent with the business park's original design and intention, but staff does believe C-1 is suitable for the overall Character Area. The current building placement does not make C-1 a suitable zoning given that it would create an illegal zoning situation.
2. *Will Zoning adversely affect adjacent properties?* Given the required 75' buffer along the rear of the property, it is staff's opinion that the residential properties would not be adversely affected. Given that OI setbacks are lower to reflect the lower intensity of uses, it is staff's opinion that if zoned to C-1, the encroachment of the current building on that setback would adversely affect the southern property owner with higher intensity uses located closer than what is otherwise permitted.
3. *Does the property have reasonable economic use as currently zoned?* It is staff's determination that the property does have reasonable economic use as currently zoned.
4. *Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?* It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure.

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

A representative of Foster Holdings LLC stated that they were looking to provide flexible space in the basement suite of their building for an exercise or yoga studio that would not conflict or compete with any of the other tenants in the building.

Chairman Nebergall closed the public hearing for those in favor and opened the public hearing for those in opposition to the petition. No one spoke.

Chairman Nebergall closed the public hearing for those in opposition.

Commissioner Bousquet asked the applicant what the building layout was like. They responded with an outline of the suites and tenants in the building with approximately 1,500 s.f. of open basement space for their proposed use.

Vice-Chairman Hunter wished to make the point that an exercise studio is different than a gym and asked Mr. Trocquet what that threshold was. Mr. Trocquet stated that it was not clearly defined in the Town's ordinance what that threshold was, but that a definition could be created along with the addition of that use to the district.

Commissioner Bousquet asked what similar uses are currently in O-I. Mr. Trocquet responded that most of the O-I uses were medical or office in nature, so Physical Therapy or Occupational Therapy uses would likely be the closest. Gyms are usually considered a higher intensity use due to the non-appointment nature of patrons and use level.

Vice-Chairman Hunter voiced his concern with the setback conflict and noted that the solution to the applicant's problem would be best addressed with a text amendment application. The Planning Commission then directed staff to research a text amendment for O-I regarding exercise studios.

Chairman Nebergall requested that Mr. Trocquet display the zoning map to see where all O-I properties were located in the Town for the purposes of better understanding what a potential text amendment would look like contextually for the entire town. He voiced that Market Hill was designed and planned as an office park and was leery regarding rezoning anything to a higher intensity within the business park itself.

Vice-Chairman Hunter made a motion to deny the petition. Commissioner Duncan seconded the motion. Motion carried 4-0.

2. *Consideration of a rezoning petition from applicant Ivo Jansink for the rezoning of an approximately 5-acre tract at property address 555 Dogwood Trail from R-20 to C-1 (Downtown Commercial). **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item stating that applicant Ivo Jansink has applied to rezone Tract 'B' of parcel 0728065 at property address 555 Dogwood Trail from R-20 to C-1. The stated intent of this rezoning is to establish a business on the western half of the previously single tract and a home on the eastern tract, Tract 'A'. He continued that it is staff's determination that this petition is consistent with the Town's Comp Plan and future Land Use strategy. Many properties around this one have been zoned C-1 in order to foster a light community commercial concentration at the intersection of Dogwood Trail and SR-74. This rezoning would also eliminate an existing nonconforming condition of the building at the Shops at Glendalough directly to the west. Under the current zoning of R-20, the adjoining C-1 commercial center (Shops at Glendalough) are required to maintain a 75' buffer from their property line. This buffer is currently not in place. With the rezoning of Tract '5', this buffer requirement reduces down to simply a setback requirement of 20' which would be maintained. Staff recommends approval of this petition.

This petition is consistent with the Town's Comp Plan and Future Development Strategy. The property is located in the Community Gateway Character area which encourages commercial development with high quality architectural and landscaping standards.

Although this property would incur a 75' buffer on its eastern property line, staff has determined that a significant buildable area would still be maintained on the property. This property would constitute the border between the Community Gateway character area and Estate Residential character area. With the property having been split and with large acreage, this provides an adequate transition between character areas.

1. *Will Zoning permit suitable uses with surrounding properties?* C-1 zoning is situated on most sides and would be suitable adjoining these properties.
2. *Will Zoning adversely affect adjacent properties?* Given that this rezoning would eliminate a non-conforming issue with the western property of the same zoning, it is staff's determination that this would not adversely affect this neighbor. Given the large 75' buffer between this property and the R-20 tract to the east as well as the large land area of both tracts, it is staff's opinion that this zoning will not adversely affect the adjoining R-20 property.
3. *Does the property have reasonable economic use as currently zoned?* Given the large amount of floodplain on the property and unusual topography, it is staff's opinion that residential zoning for this 5-acre tract would not be economically viable.
4. *Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?* It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure. Only a single business entity or small multi-tenant building would be able to be constructed given the property line locations, topography, flood plain location, and known soils.

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

Chairman Nebergall closed the public hearing for those in favor and opened the public hearing for those in opposition to the petition. No one spoke.

Chairman Nebergall closed the public hearing for those in opposition.

Applicant Carolina Jansink explained that the commercial site would be for their business which offers nature retreat classes to consult with businesses. She further explained that they would incorporate trails throughout the property including to the adjacent residential tract where they hope to construct a home. Mr. Ivo Jansink then spoke and stated that he was in favor of the rezoning considering that the floodplain occupied a large part of the property. He said that the floodplain area would constitute a large portion of the nature area aspect of their business.

Chairman Nebergall asked if there was any development on these properties. Mr. Trocquet responded that they were vacant. Mr. Duncan asked who would be living in the home; Mr. Jansink stated that it would be their primary residence on tract A.

Commissioner Duncan made a motion to approve the rezoning. Commissioner Bousquet seconded the motion. Motion passed 4-0.

3. *Consideration of a text amendment to section 113-191 of Article V of the Zoning Ordinance regarding the Quality Growth Development District Special Requirements. **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item stating that one of the major text amendments called for in the Comprehensive Plan was to bolster the SR-74 Quality Growth District Overlay. This overlay calls for higher architectural and landscaping standards but was found to be missing elements called for by citizens and Council. He continued that although higher architectural and landscaping requirements are part of the current overlay, there is not much specific direction on each. This amendment specifies landscaping requirements much more specifically and expands the buffer from 20' to 50'; planting requirements are specified by quantity and size as well as other specific requirements. Architectural standards have been slightly modified to accommodate more class A building materials as well as specified percentage ratios achievable by the type of developments the Town is seeking to attract. This also includes screening and exterior storage requirements. Traffic management has been one of the top requirements associated with the SR-74 corridor. In an effort to reduce the impact of any new economic development projects along SR-74, the overlay district is being modified with a special traffic management area requirement for all properties on the east side of SR-74. This required road connection will act as a service road for all business traffic as the area develops.

Commissioners discussed the benefits and drawbacks of many of the provisions with specific mention to the area designated for the overlay district as well as use allowances.

Commissioner Bousquet asked about the inclusion of multi-use paths as a requirement for developers. Mr. Trocquet confirmed that this would be included as a requirement consistent with the Town's master path plan. Vice-Chairman Hunter mentioned that a 'Keep Tyrone Beautiful' organization may also help in keeping up with the right aesthetic along SR-74.

Commissioner Duncan made a motion to table this item to the February 9<sup>th</sup> 2023 meeting. Commissioner Bousquet seconded the motion. Motion passed 4-0.

4. *Consideration of a text amendment to section 113 of Article V of the Zoning Ordinance regarding district regulations to create a Business Technology Park (BTP) zoning classification. **Phillip Trocquet, Community Development***

The Comprehensive Plan has made mention of attracting quality economic development projects to the Town of Tyrone, specifically on the northern portion of the SR-74 corridor. Subsequent Council retreats and public input sessions associated with the comprehensive plan update confirmed this desire and noted that the zoning ordinance should be modified to better accommodate this vision and desire. Mr. Trocquet continued that after performing research and coordinating with entities such as the Fayette County Development Authority, staff has formulated a Business Technology Park (BTP) zoning classification intended on accommodating quality economic development projects to Tyrone in an effort to bolster the local economy and job market. The difference between this district and the M-1 or M-2 district is that it more accurately reflects citizen desires for the northern corridor of SR-74 as well as the unincorporated county's future development strategy in hopes to ease the annexation process. Many of the uses intended for this district are light assembly, manufacturing, production, and fabrication as well as industries focused on medical,

technology, and research facility expansion. Ancillary support uses are allowed as well. Uses such as outdoor storage facilities, exclusive warehousing & distribution facilities, trucking establishments, heavy manufacturing not housed within a building, heavy material dealers and mining operations are not intended for this district. This district is meant to operate in tandem with the Town's Quality Growth Overlay district for SR-74 which helps guide architecture, landscaping, and transportation to a high standard.

Conversation on this item was had regarding the allowed percentage of warehouse space with a specific concern not to attract large warehousing and distribution facilities as constructed for Amazon Corporation along Interstate 85. There was further discussion regarding crafting the right ordinance that was flexible enough to attract the right kind of economic development while allowing warehousing as part of any businesses every day activities.

Commissioner Bousquet made a motion to table this item to the February 9<sup>th</sup> 2023 meeting. Vice-Chairman Hunter seconded the motion. Motion passed 4-0.

5. *Consideration of a text amendment to section 113-128 of Article V of the Zoning Ordinance regarding the Downtown Commercial (C-1) zoning district. **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item. The Downtown Commercial zoning classification may have, at one point in time, been relegated to the downtown district exclusively, but over time has been used as a light commercial alternative between O-1 and C-2 (Highway Commercial) across all corners of the Town. Given our latest focus on the Town Center (Downtown) district, this has caused some confusion amongst citizens and rezoning applicants as well as business owners. In an effort to reduce confusion, staff recommends a minor update to this district that re-titles it to Community Commercial while retaining the C-1 shorthand classification. It is staff's opinion that this name better reflects the application of the zoning district as it has evolved across Town and reduces confusion when discussing zoning matters.

Vice-Chairman Hunter made a motion to table this item to the February 9<sup>th</sup> 2023 meeting. Commissioner Duncan seconded the motion. Motion passed 4-0.

## **New Business**

## **Staff Comments**

## **Commission Comments**

Vice-Chairman Hunter asked the status of the DRI off of Valleywood Road. Mr. Trocquet responded that Pulte had pulled out of the land deal last he had heard and that the DRI was suspended. Mr. Hunter then asked about the status of the East Group project. Mr. Trocquet responded that they were working with GA EPD on a stream buffer variance request.

Commissioners also discussed status of other various developments across town such as the Red Door building, a car wash, and a Montessori school off Senoia Road.

## **Adjournment**

Commissioner Duncan made a motion to adjourn. Motion carried 5-0.

The meeting adjourned at 8:52pm.

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**Chairman David Nebergall**

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**Phillip Trocquet, Asst. Town Manager**