



PLANNING DATE N/A
COUNCIL DATE 11/17/2022

# STAFF REPORT

## PREPARED BY:

Devon Boullion, Environmental Specialist  
dboullion@tyrone.org | (770) 881-8320

### DOCKET/APPLICATION #

22TYR-VAR0002

### APPLICANT

EastGroup Properties, LP

### ADDRESS/PARCEL #

Parcel 0726 068

## SUMMARY/OVERVIEW

Applicant EastGroup Properties, LP has submitted a petition for a stream buffer variance at Parcel 0726 068 for the three existing intermittent streams in two locations along the eastern property line. The purpose for this variance request is to fulfill a condition of the Stream Buffer Protection Ordinance's land development requirements.

The variance request consists of stream buffer and setback encroachments in two locations affecting approximately:

- 457 linear feet of intermittent stream.
- 51,656 square feet of disturbance within the Town's 50' undisturbed stream buffer.
- 18,164 square feet of impervious surfaces in the Town's 25' impervious surface setback.

Council's decision to grant or deny the proposed variance is based in determining compliance with local land development regulations. Council's determination is necessary prior to Town staffs' environmental and engineering reviews of the final site plan and construction authorization. Review and approval of proposed wetland and stream encroachments under the jurisdiction of state and federal regulatory agencies will be necessary prior to construction authorization by the Town. It should be noted that the state and federal requirements and permits are reviewed using a different legal standard than the applicable local standards.

EastGroup Properties, LP is requesting a variance consistent with the description for this petition matching the proposed encroachments in exhibit B prepared for the proposed "EastGroup - Highway 74 Business Tech Park" development.

## STAFF DETERMINATION

Variance applications may be granted on a case-by-case basis if the Applicant submits information showing the location of the stream, the extent of encroachment, and documentation of the extreme hardship which would arise should the buffer be maintained. The Town must remain consistent in their findings of extreme hardship and consideration of long-term impacts in order to justify granting variances. The location and extent of buffer encroachment, long-term water quality impacts, potential, less intrusive alternate designs, and proposed mitigation measures are additional factors to weigh when hearing a stream buffer variance request.



EXISTING WATER FEATURES	GROUNDWATER RECHARGE AREA	PROPERTY ACREAGE	PROPOSED DISTURBED ACREAGE	PROPOSED TOWN STREAM BUFFER AND SETBACK ENCROACHMENT	PROPOSED IMPERVIOUS SURFACE AREA	DRINKING WATER SUPPLY WATERSHED
3 intermittent streams 1 pond Wetlands	Yes	60.9	59.5 (97.7% total site area)	<b>Buffer</b> - 1.19 acres <b>Setback</b> - 0.42 acres (<2.7% total site area)	37.04 acres 60.8% impervious area	Whitewater Creek

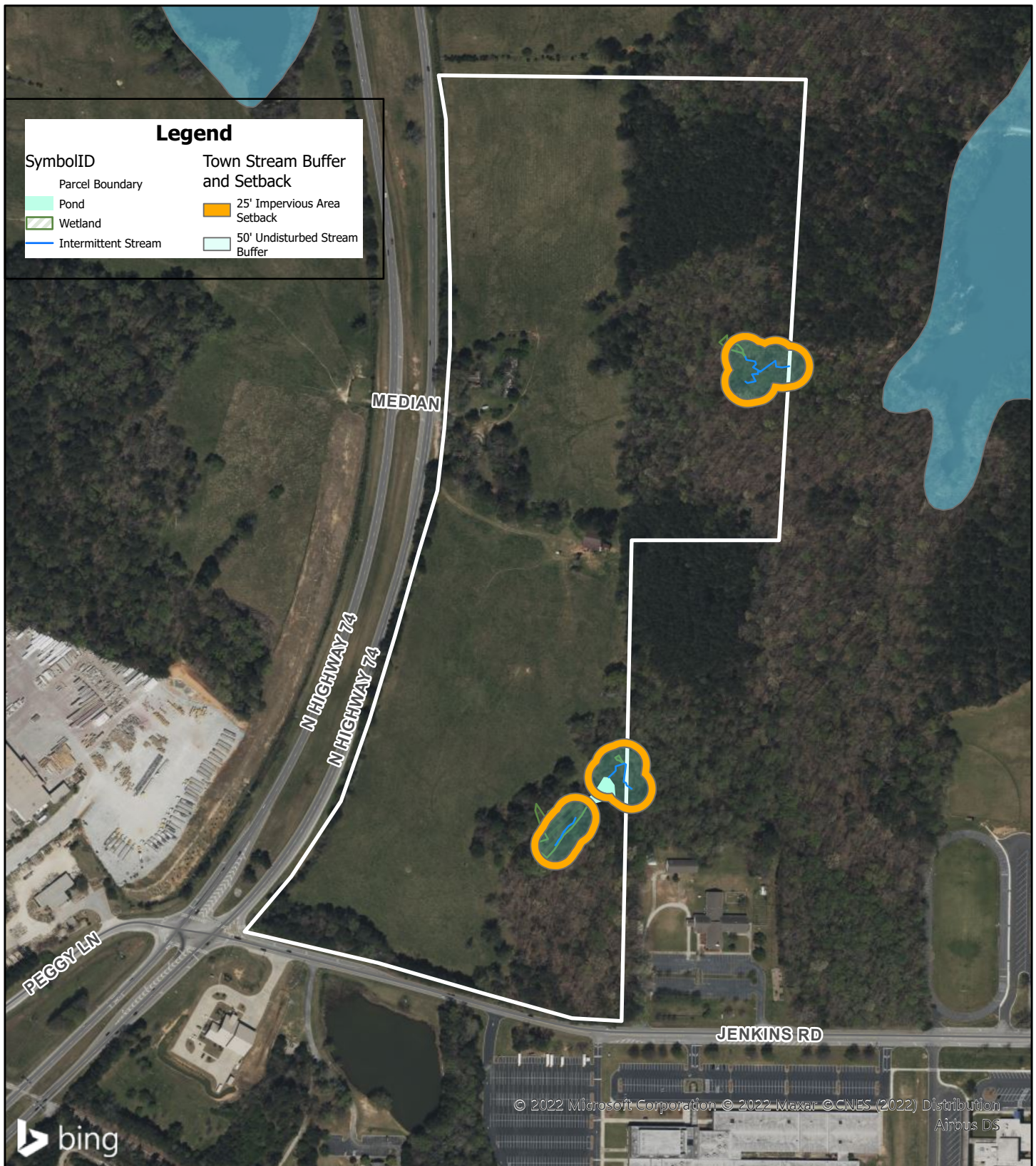
ORDINANCE APPLICABILITY
<p><i>Subpart B, Chapter 105, Article IV - Stream Buffer Protection</i></p> <p><b>Sec. 105.92(a) - Land development requirements.</b></p> <p>(a) <u>Buffer and setback requirements.</u> All land development activity subject to this article shall meet the following requirements:</p> <ol style="list-style-type: none"><li>1. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.</li><li>2. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.</li></ol>

VARIANCE REQUIREMENTS
<p><i>Subpart B, Chapter 105, Article IV - Stream Buffer Protection</i></p> <p><b>Sec. 105.92 - Variance procedures.</b></p> <p>(3) <u>Variances will be considered only in the following cases:</u></p> <ol style="list-style-type: none"><li>a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.</li><li>b. Unusual circumstances where strict adherence to the minimal buffer requirements in the article would create an extreme hardship.</li></ol>

## ORDINANCE COMPATABILITY & STREAM IMPACT CONSIDERATIONS

- 1. Would a strict adherence to the minimal buffer requirements create extreme hardship?** Strict adherence to the minimal buffer requirements would reduce buildable area on the site. It would prevent the applicant from utilizing the areas of the property included in the stream buffers and impervious area setbacks to the extent proposed in the applicant's petition. Strict adherence to the minimal buffer requirements would require the applicant to re-configure the conceptual site development plan, which was prepared as a supplemental document for the purposes of a re-zoning petition. The determination of fact on this matter (would adherence to the minimal buffer requirements create an extreme hardship) can only be made by the Town Council. Council's determination of fact is a threshold issue; the variance can only be considered if the Council first determines that strict adherence to these buffer requirements creates an extreme hardship.
- 2. Are there extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of land in question which are not applicable to other properties with similar requirements?** This piece of property is similar to other large, undeveloped properties throughout Tyrone. Compared to properties of a similar size in Tyrone, this property has neither an exceptional or peculiar number of water features, nor a proportion of the property's total acreage that would be considered unbuildable per the Town's ordinances.
- 3. Would literal interpretation of this chapter deprive the applicant of any rights that others with similar site conditions are afforded?** The literal interpretation of this ordinance would not deprive the applicant of any rights afforded to others with similar site conditions. The Town's Stream Buffer Protection ordinance was adopted by the Town Council in 2007 -- the buffer and setback requirements outlined in the ordinance have since been applied to similar proposed land development activities on similar sites. Council's decision to grant or deny the requested variance will be viewed as precedent by future petitioners seeking stream buffer variances for proposed developments on properties with similar site conditions.
- 4. The unusual conditions and circumstances are not a result of any actions of the applicant.** It should be noted that a conceptual development plan is not a final site plan submittal. Final site plans are subject to review by the Town's Technical Review Committee (TRC) for compliance with all local development and environmental regulations. This conceptual development plan was not subject to reviewed by the TRC and staff's denial for the purpose of a re-zoning petition would have been improper. Approval of a conceptual development plan does not guarantee or constitute approval of a final site plan. Adherence to minimum stream buffer requirements and zoning buffer requirements is not considered an unusual condition or circumstance. The required construction of a multi-use path is an unusual condition. With appropriate alternative site design, however, the path could be incorporated into the plans in a manner that would not require a local stream buffer variance request.
- 5. Whether alternative designs are possible which require less intrusion or no intrusion.** Alternative site designs that require no or less intrusion are possible but would require a reduction in the buildable area on-site. The applicant has not provided an alternative site plan. Applicant stated that the business park and multi-use path, as proposed and approved in the conceptual development plan, would be undevelopable without the use of the existing stream areas as shown in the variance petition, exhibit B.
- 6. Relief if granted would not be injurious to the public health, safety, environment, and general welfare or impair the purposes and intent of these regulations.** The purpose of this regulation is to protect public health and safety, the environment, and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by: (1) Creating buffer zones along the streams of the town for the protection of water resources; and (2) Minimizing land development within such buffers by establishing buffer zone requirements and requiring authorization for any such activities. Regarding the purposes and intents of these regulations, granting of variance requests, though allowed by ordinance, should be kept to a practicable minimum to protect water quality, provide for infiltration of stormwater runoff, preserve wildlife habitats, scenic value, recreation value, and minimize flood risks from future developments.
- 7. The long-term and construction water-quality impacts of the proposed variance and whether issuance of the variance is at least as protective of natural resources and the environment;** In addition to adherence to the Town and state minimum standards for construction and post-construction stormwater management, the applicant proposed additional green infrastructure (infiltration) practices, namely bioretention areas and enhanced filter strips, as on-site mitigation measures. Based on a preliminary staff review, the engineering practices proposed for the site appear to satisfy best engineering practices and standards. While proposed mitigation measures are a factor, the cumulative impact on local watersheds should be taken into consideration. These best engineering practices are only intended to minimize (or mitigate) the impacts associated with the creation of impervious surface areas and encroachment in stream buffers; they are not purported or intended to eliminate the environmental impacts associated with land development.



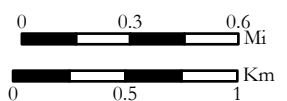


**Parcel 0726 068**

Streams with Town buffers and Setbacks.  
Also includes wetlands and ponds locations..

**2022**

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



# **EXHIBIT A**

*Applicant Narrative*

# HIGHWAY 74 TECHNOLOGY PARK & STUDIO

60.9 acres, Light Industrial (M-1 PIP)

Supplemental for Variance Application

November 2, 2022

## Executive Summary:

On October 14, 2022 EastGroup Properties purchased 60.9 acres located along the east side of Highway 74 between Sandy Creek Road and Jenkins Road. On August 18, 2022 EastGroup received unanimous approval from Town Council of our development plan for a 5-building, 738,882 square foot business technology park and studio. With this application, we are requesting a local stream buffer variance that is required to construct our previously approved development plan.

As stated in the July 28, 2022 rezoning narrative submitted to Town Council as part of the rezoning approval, “[EastGroup’s] stream buffer impacts will comply with all permitting requirements from the appropriate jurisdictions.” Our 3<sup>rd</sup> party environmental consultant, Contour Environmental, submitted a stream buffer variance to the Army Corps of Engineers on October 5th, 2022. It should be noted that this local variance request herein is identical to the state/federal variance request and consistent with what is typically approved for similar developments in Fayette County and other municipalities in which EastGroup invests.

## Hardships:

The hardships warranting this request include:

1. **Both EastGroup and the Town of Tyrone desire a multi-use path along the eastern property line, and such multi-use plan is unbuildable without the proposed variance.** Integrating the multi-use path, which was a condition of development plan approval, creates a vast majority of the grading needed within the streams and buffers along the eastern property line.
2. **EastGroup’s development plan that was approved by the Town of Tyrone would be unbuildable without the proposed variance.** Specifically, 2 of the 5 buildings cannot be built as planned without the variance, which would reduce building square footage by as much as 150,000 square feet (equivalent to a \$20,000,000 loss of value and meaningful reduction of future jobs and tax revenue). This reduction in the planned development size



would restrict our ability to provide the enhanced architectural building design facing Highway 74.

3. The **site coverage is already limited** in size by the 20', 50' & 100' zoning buffers required on the eastern and western side of the property. Specifically, the 100' zoning buffer, 50' multi-use easement, and the landscaped buffer take up more than 10% of the entire site. Layering on stream buffers further negatively impacts site coverage.

**Proposed Mitigation:**

**EastGroup is providing more on-site mitigation using green infrastructure than it is disturbing within the 50' undisturbed local buffer.** In addition, we have already agreed to provide the landscape berm and multi-use path that approximate 133,000 square feet.

To mitigate the proposed stream and wetland impacts, EastGroup will:

1. Install **30,605 square feet of bioretention areas** to be planted with native vegetation.
2. Install **vegetated filter strips** along the shoulders of the multi-use path that will provide treatment of the runoff produced by the impervious surface of the path. This would improve the post-developed condition of the path's runoff. The grass chosen for the filter strips will improve the visual aspects of the multi-use path that we hope will service many residents of the Town of Tyrone.
3. EastGroup will **contribute monetarily** (approximately \$600,000) to an environmental mitigation fund that will improve environmental conditions off-site as required by the Army Corps of Engineers.

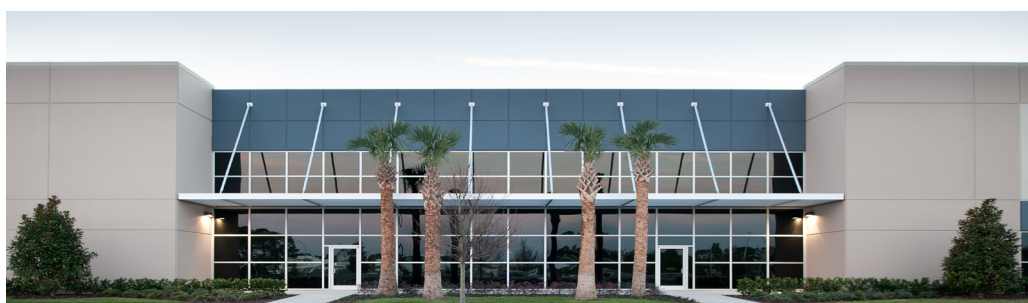
In conclusion, EastGroup remains committed to partnering with the Town of Tyrone. Approval of the proposed variance will allow EastGroup to construct a multi-use path for the Town of Tyrone and its citizens, which will expand connectivity of existing Town infrastructure. Such variance approval will also allow EastGroup to complete the development plan unanimously approved by the Town Council, and one that will be planned with the highest-quality architectural and landscape standards to further enhance the Town's Community Gateway.

# EASTGROUP

P R O P E R T I E S



## TOWN OF TYRONE BUSINESS TECH PARK & STUDIO







Gateway Commerce Park

Miami, Florida







Horizon Commerce Park  
Orlando, Florida







Steele Creek Commerce Park  
Charlotte, North Carolina



# **EXHIBIT B**

*Applicant Site Maps*



SITE/VARIANCE INFORMATION

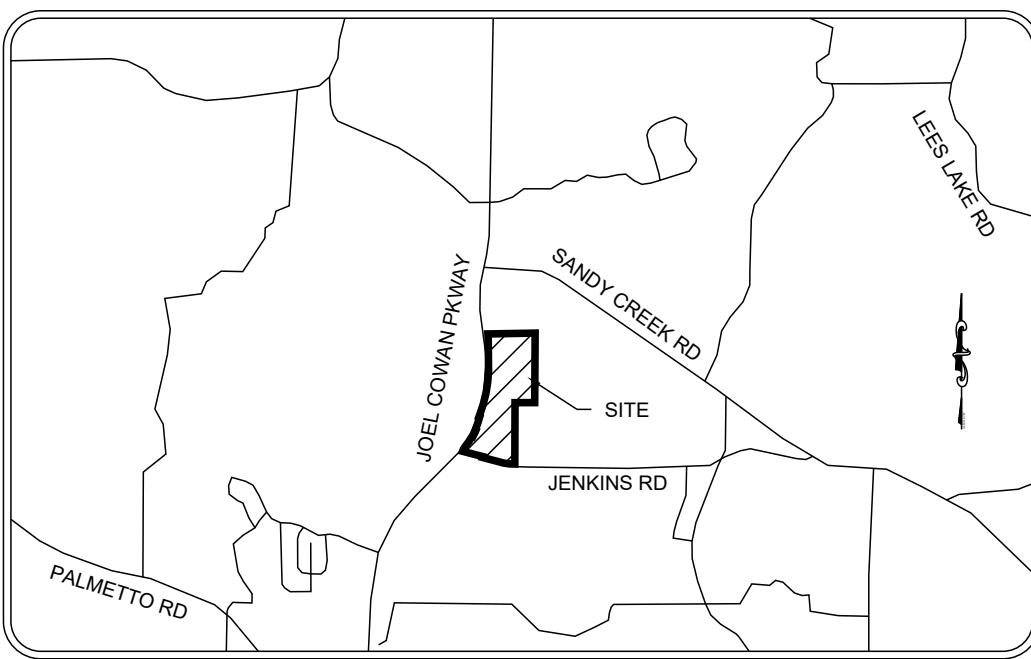
- TOTAL SITE = 2,652,892 SF
- 100' ZONING BUFFER, 50' MULTI-USE EASEMENT AND LANDSCAPED BUFFER = 290,948 SF (6.7AC or 10% OF TOTAL SITE AREA)
- 75' NON-IMPERVIOUS STREAM BUFFER DISTURBANCE = 18,164 SF
- 50' UNDISTURBED STREAM BUFFER DISTURBANCE = 51,656 SF
  - 24,023 SF OF THE 50' BUFFER DISTURBANCE PROVIDED IS THE 25' STATE BUFFER AREA
- V.S.
- PROPOSED AREAS OF STORMWATER RECHARGE/MITIGATION AREAS = 63,635 SF
- STORMWATER WET EXTENDED DETENTION PONDS = 136,268 SF

**TAKEAWAY: ON-SITE MITIGATION WITH GREEN INFRASTRUCTURE EXCEEDS DISTURBANCE OF 50' UNDISTURBED LOCAL BUFFER (IN ADDITION TO EASTGROUP'S OFF-SITE MITIGATION APPROXIMATING \$600,000)**

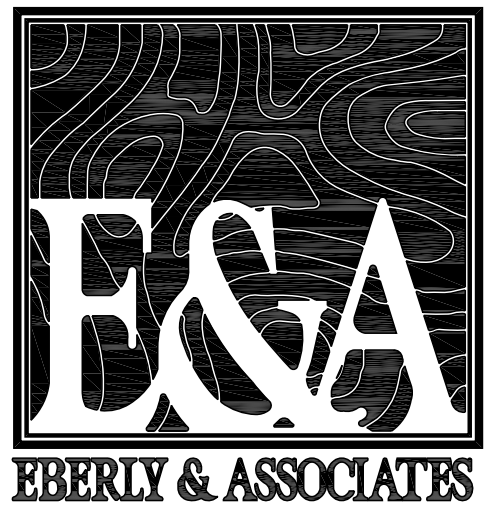
**OWNER/DEVELOPER (PRIMARY PERMITTEE)**  
EAST GROUP PROPERTIES  
3495 PIEDMONT ROAD NE  
BUILDING 11, SUITE 350  
ATLANTA, GEORGIA 30305  
(601) 209-3440  
RON.COFFEY@EASTGROUP.NET

**ENGINEER**  
JOHANNA PATRICK, P.E.  
EBERLY & ASSOCIATES, INC.  
2951 FLOWERS ROAD SOUTH, STE 119  
ATLANTA, GEORGIA 30341  
(770) 452-7849  
JPATRICK@EBERLY.NET

**24 HOUR CONTACT**  
RON COFFEY  
(601) 209-3440  
RON.COFFEY@EASTGROUP.NET



LOCATION MAP  
N.T.S.



TEL 770.452.7849 FAX 770.452.0086  
2951 FLOWERS ROAD SOUTH, STE 119  
ATLANTA, GEORGIA 30341  
WWW.EBERLY.NET

LAND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE

PROJECT: **EASTGROUP - HIGHWAY 74  
BUSINESS TECH PARK**  
LAND LOT 110 & 115  
7TH DISTRICT  
FAYETTE COUNTY, GEORGIA  
STATE HIGHWAY 74

REVISIONS:

09/26/2022 LDP SUBMIT

VARIANCE EXHIBIT

SCALE: 1" = 80'  
DATE: 09/26/2022  
DRAWN BY: J. LONEY  
PROJECT MANAGER: JOHANNA PATRICK, P.E.  
QA/QC CHECK: WESLEY REED, P.E.

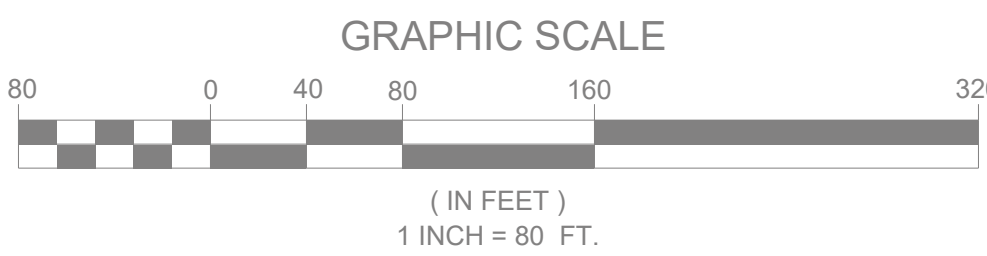
PROJECT NO.

22-041

SHEET NO.

C3.0

NOT ISSUED FOR  
CONSTRUCTION



STATE HIGHWAY 74  
(A.K.A. SENOIA ROAD)  
DIVIDED HIGHWAY  
NORTHBOUND LANES  
R/W WIDTH VARIES

123,120 SF  
BUILDING 100  
FFE = 996'

164,862 SF  
BUILDING 200  
FFE = 992'

BIORETENTION  
AREA

ADDITIONAL  
BIORETENTION  
AREA

FUTURE  
178,820 SF  
BUILDING 300  
FFE = 992'

FUTURE  
172,200 SF  
BUILDING 400  
FFE = 992'

WET EXTENDED  
DETENTION POND 1

WET  
EXTENDED  
DETENTION  
POND 2

FUTURE  
102,600 SF  
BUILDING 500  
FFE = 996'

50' MULTI-USE EASEMENT

50' MULTI-USE EASEMENT

100' RESIDENTIAL  
ZONING BUFFER

100' RESIDENTIAL  
ZONING BUFFER

50' MULTI-USE EASEMENT

50' MULTI-USE EASEMENT

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

100' RESIDENTIAL  
ZONING BUFFER

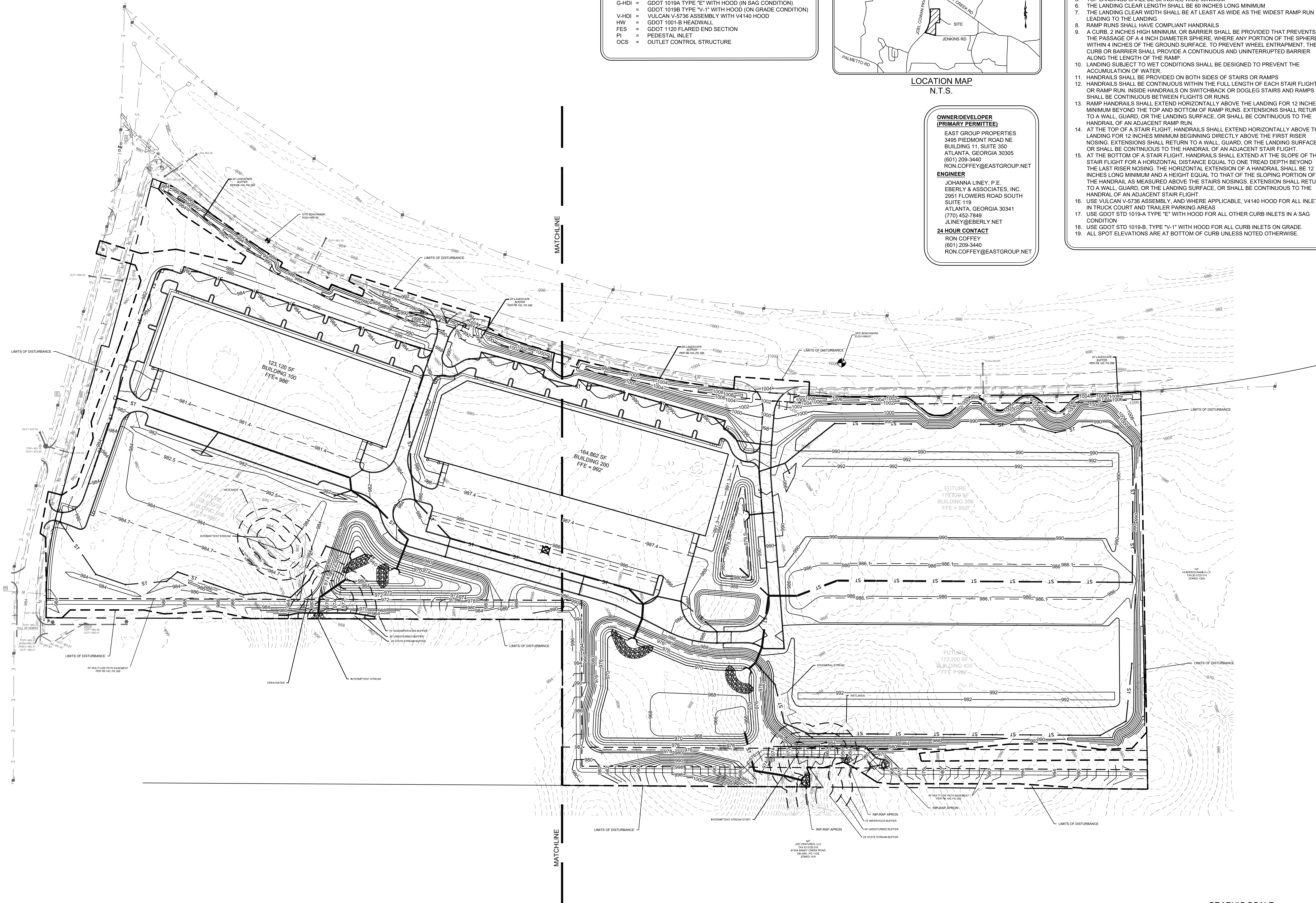
75' IMPERVIOUS BUFFER

50' UNDISTURBED BUFFER

25' STATE BUFFER

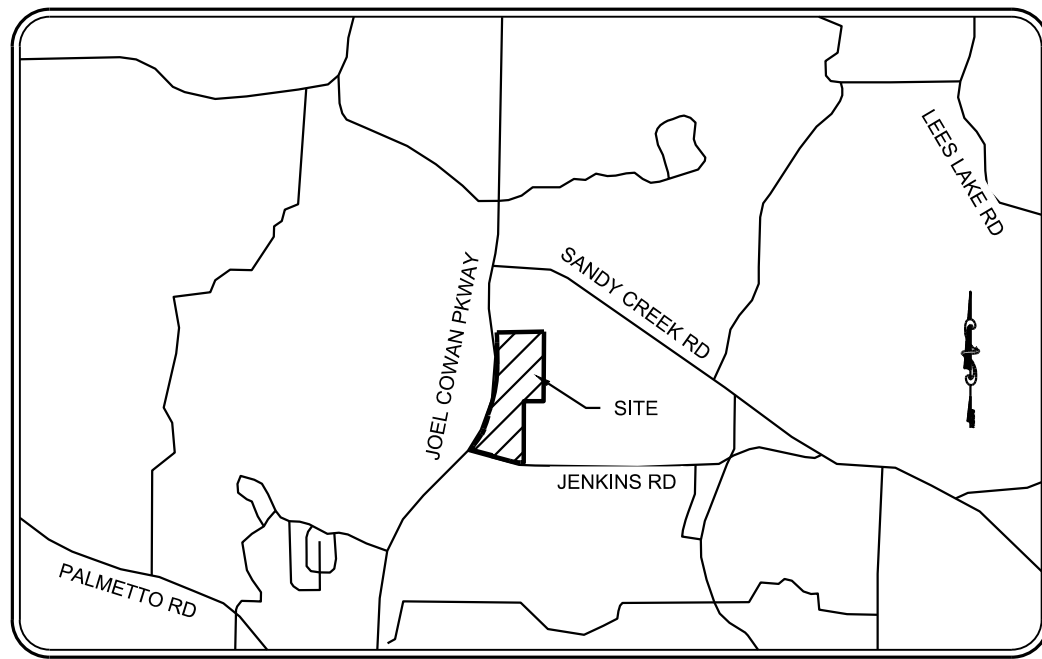
100' RESIDENTIAL  
ZONING BUFFER





INLET TOP LEGEND

- JB = JUNCTION BOX
- G-DI = GDOT 1019A TYPE "E" (IN SAG CONDITION)
- V-DI = VULCAN V-5736 DROP INLET
- G-HDI = GDOT 1019A TYPE "E" WITH HOOD (IN SAG CONDITION)
- V-HDI = VULCAN V-5736 ASSEMBLY WITH V4140 HOOD
- HW = GDOT 1001-B HEADWALL
- FES = GDOT 1120 FLARED END SECTION
- PI = PEDESTAL INLET
- OCS = OUTLET CONTROL STRUCTURE



LOCATION MAP  
N.T.S.

OWNER/DEVELOPER  
(PRIMARY PERMITTEE)

EAST GROUP PROPERTIES  
3495 PIEDMONT ROAD NE  
BUILDING 11, SUITE 350  
ATLANTA, GEORGIA 30305  
(601) 209-3440  
RON.COFFEY@EASTGROUP.NET

ENGINEER

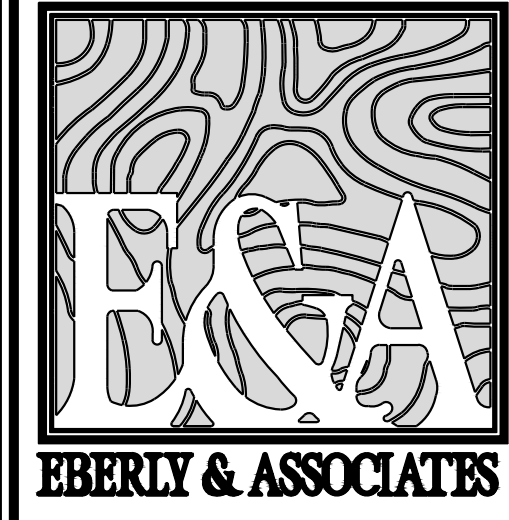
JOHANNA LINEY, P.E.  
EBERLY & ASSOCIATES, INC.  
2951 FLOWERS ROAD SOUTH  
SUITE 119  
ATLANTA, GEORGIA 30341  
(770) 452-7849  
JLINEY@EBERLY.NET

24 HOUR CONTACT

RON COFFEY  
(601) 209-3440  
RON.COFFEY@EASTGROUP.NET

GENERAL NOTES:

- RAMP RUNS SHALL HAVE RUNNING SLOPE NOT STEEPER THAN 1:12.
- CROSS SLOPE OF RAMP RUNS SHALL NOT BE STEEPER THAN 1:48.
- CHANGES IN LEVEL OTHER THAN RUNNING SLOPE AND CROSS SLOPE ARE NOT PERMITTED ON RAMP RUNS.
- RAMP RUNS SHALL HAVE LANDING AT THE TOP AND THE BOTTOM OF EACH RAMP RUN.
- TOP LANDINGS SHALL BE 60 INCHES WIDE MINIMUM.
- THE LANDING CLEAR LENGTH SHALL BE 60 INCHES LONG MINIMUM.
- THE LANDING CLEAR WIDTH SHALL BE AT LEAST AS WIDE AS THE WIDEST RAMP RUN LEADING TO THE LANDING.
- RAMP RUNS SHALL HAVE COMPLIANT HANDRAILS.
- A CURB, 2 INCHES HIGH MINIMUM, OR BARRIER SHALL BE PROVIDED THAT PREVENTS THE PASSAGE OF A 4 INCH DIAMETER SPHERE, WHERE ANY PORTION OF THE SPHERE IS WITHIN 4 INCHES OF THE GROUND SURFACE. TO PREVENT WHEEL ENTRAPMENT, THE CURB OR BARRIER SHALL PROVIDE A CONTINUOUS AND UNINTERRUPTED BARRIER ALONG THE LENGTH OF THE RAMP.
- LANDING SUBJECT TO WET CONDITIONS SHALL BE DESIGNED TO PREVENT THE ACCUMULATION OF WATER.
- HANDRAILS SHALL BE PROVIDED ON BOTH SIDES OF STAIRS OR RAMP.
- HANDRAILS SHALL BE CONTINUOUS WITHIN THE FULL LENGTH OF EACH STAIR FLIGHT OR RAMP RUN. INSIDE HANDRAILS ON SWITCHBACK OR DOGLEG STAIRS AND RAMP SHALL BE CONTINUOUS BETWEEN FLIGHTS OR RUNS.
- RAMP HANDRAILS SHALL EXTEND HORIZONTALLY ABOVE THE LANDING FOR 12 INCHES MINIMUM BEYOND THE TOP AND BOTTOM OF RAMP RUNS. EXTENSIONS SHALL RETURN TO A WALL, GUARD, OR THE LANDING SURFACE, OR SHALL BE CONTINUOUS TO THE HANDRAIL OF AN ADJACENT RAMP RUN.
- AT THE TOP OF A STAIR FLIGHT, HANDRAILS SHALL EXTEND HORIZONTALLY ABOVE THE LANDING FOR 12 INCHES MINIMUM BEGINNING DIRECTLY ABOVE THE FIRST RISER NOSING. EXTENSIONS SHALL RETURN TO A WALL, GUARD, OR THE LANDING SURFACE, OR SHALL BE CONTINUOUS TO THE HANDRAIL OF AN ADJACENT STAIR FLIGHT.
- AT THE BOTTOM OF A STAIR FLIGHT, HANDRAILS SHALL EXTEND AT THE SLOPE OF THE STAIR FLIGHT FOR A HORIZONTAL DISTANCE EQUAL TO ONE TREAD DEPTH BEYOND THE LAST RISER NOSING. THE HORIZONTAL EXTENSION OF A HANDRAIL SHALL BE 12 INCHES LONG MINIMUM AND A HEIGHT EQUAL TO THAT OF THE SLOPING PORTION OF THE HANDRAIL AS MEASURED ABOVE THE STAIRS NOSINGS. EXTENSION SHALL RETURN TO A WALL, GUARD, OR THE LANDING SURFACE, OR SHALL BE CONTINUOUS TO THE HANDRAIL OF AN ADJACENT STAIR FLIGHT.
- USE VULCAN V-5736 ASSEMBLY, AND WHERE APPLICABLE, V4140 HOOD FOR ALL INLETS IN TRUCK COURT AND TRAILER PARKING AREAS.
- USE GDOT STD 1019-A TYPE "E" WITH HOOD FOR ALL OTHER CURB INLETS IN A SAG CONDITION.
- USE GDOT STD 1019-B, TYPE "V-1" WITH HOOD FOR ALL CURB INLETS ON GRADE.
- ALL SPOT ELEVATIONS ARE AT BOTTOM OF CURB UNLESS NOTED OTHERWISE.



TEL 770.452.7849 FAX 770.452.0086  
2951 FLOWERS ROAD SOUTH, STE 119  
ATLANTA, GEORGIA 30341  
WWW.EBERLY.NET

LAND PLANNING

CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE

PROJECT: **EASTGROUP - HIGHWAY 74  
BUSINESS TECH PARK**  
LAND LOT 110 & 115  
7TH DISTRICT  
FAYETTE COUNTY, GEORGIA  
STATE HIGHWAY 74

REVISIONS:

09/26/2022 LDP SUBMIT

OVERALL GRADING  
PLAN

SCALE: 1"= 100'  
DATE: 09/26/2022  
DRAWN BY: J. LINEY  
PROJECT MANAGER: JOHANNA LINEY, P.E.  
QA/QC CHECK: WESLEY REED, P.E.

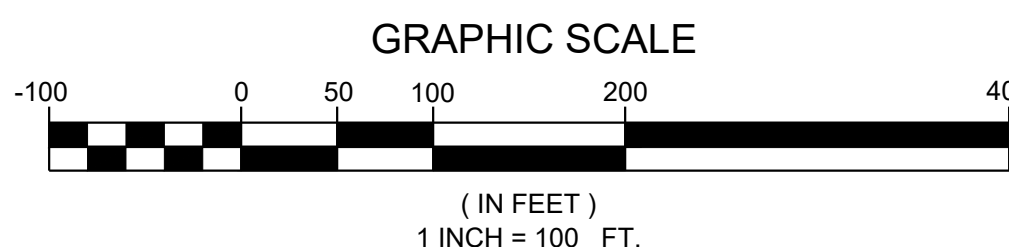
PROJECT NO.

22-041

SHEET NO.

C4.0

NOT ISSUED FOR  
CONSTRUCTION



CALL 811  
FREE THROUGHOUT  
THE U.S.A.  
THREE WORKING DAYS  
BEFORE YOU DIG.



# Georgia Stormwater Management Manual

## Stormwater Quality Site Development Review Tool

### Version 2.2

#### General Information

Name of Developer:	East Group Properties	Date Submitted:	9/29/2022
Development Name:	HWY 74 - Business Tech Park	Permit Number:	
Site Location / Address:	Jenkins Road & GA-74	Developer Contact:	
	Tyrone, GA	Phone Number:	
		Name of Engineer(s):	Johanna Liney - Eberly & Associates
Development Type:	Light Industry	Maintenance Responsibility:	

#### Site Summary

Total Pre-Development Area (ac): 61.74  
 Total Post-Development Area (ac): 61.74  
 Total Treated Area (ac): 56.79  
 Total Untreated Area (ac): 4.95

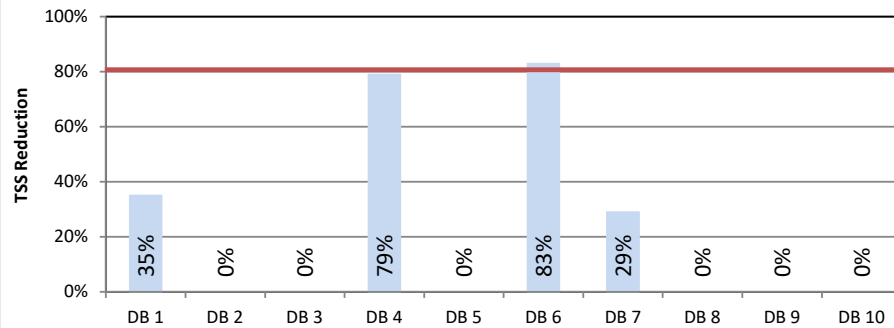
		I (ac)	P (ac)	CA (ac)
Basin 1	DB 1	0.03	0.42	0.00
Basin 2	DB 2	0.00	0.75	0.00
Basin 3	DB 3	0.09	0.59	0.00
Basin 4	DB 4	11.08	5.45	0.00
Basin 5	DB 5	0.00	0.09	0.00
Basin 6	DB 6	25.77	15.75	0.00
Basin 7	DB 7	0.07	1.46	0.00
Basin 8	DB 8	0.00	0.19	0.00
Drainage Basin 9	DB 9	0.00	0.00	0.00
Drainage Basin 10	DB 10	0.00	0.00	0.00
TOTAL		37.04	24.70	0.00

I = Impervious Area, P = Pervious Area, CA = Conservation Area

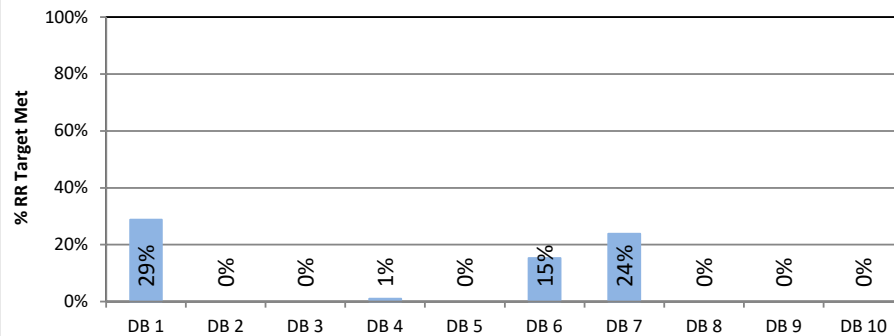
Target Runoff Reduction Volume Achieved? **No**  
 Target TSS Removal Achieved? **Yes**

Total Target Runoff Reduction Volume (cf) 132,215  
 Runoff Reduction Volume Achieved (cf) 14,603  
 Total Target Water Quality Volume (cf) 158,659  
 % TSS Removal Achieved 81%

Total Suspended Solids (TSS) Removal



Runoff Reduction (RR)



#### Official Use Only

Tracking #: \_\_\_\_\_  
 Reviewed By: \_\_\_\_\_  
 Date Approved: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_





# **EXHIBIT C**

*Application &  
Supporting  
Documentation*



**TOWN OF TYRONE**  
**APPLICATION FOR A VARIANCE**

**PETITION TO THE TOWN OF TYRONE PLANNING COMMISSION AND TOWN COUNCIL  
REQUESTING A VARIANCE**

**APPLICATION FOR VARIANCE MUST BE FILED BY THE PROPERTY OWNERS OR BY THE  
AUTHORIZED AGENT OF THE PROPERTY OWNERS**

Variance requests require a total of two (2) public hearings one by the Planning Commission (4th Thursday of the month) and another public hearing by the Town Council. (3rd Thursday of the month) Public hearings are at the Tyrone Town Hall.

**VARIANCE APPLICATION FILING FEES - \$125.00**  
**ADMINISTRATIVE VARIANCE- \$50.00**

Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 15 days before scheduled Planning Commission public hearing)

All applications must be submitted online. Submission instructions can be found on the Town's website.

Phillip Trocquet - Planning & Zoning Coordinator

## CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR VARIANCE REQUEST

*(All application/documentation must be complete at the time of application submittal or the application will not be accepted)*

- ☒ 1) Application form and all required attachments, completed, signed, and notarized( if applicable).
- ☒ 2) Latest **recorded** Warranty Deed, including legal description of the boundaries of the subject property including total acreage.
- ☒ 3) One digital copy of the Plat of property, drawn to scale with accurate dimensions, with the following indicated:
  - ☒ a) Location and size of existing structures( principal and accessory) and improvements on the parcel, including type( residential, non residential), floor area, building height , and accessory uses, Structures to be removed must be indicated and labeled as such unless demolition or removal will occur prior to applying for a building permit.
  - ☒ b) Minimum setbacks form all property lines of subject property required in the zoning district.
  - ☒ c) Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of right- of -way, type and width of existing and proposed easements and centerline of streets
  - ☒ d) Location and dimensions of exits/entrances to the subject property .
  - ☒ e) Location of well or water lines.
  - ☐ f) Existing septic tank and drain field location, and replacement area
  - ☐ g) Approximate location and elevation of the 100-year flood plain (if applicable).
  - ☒ h) On site storm water facilities to include detention or retention facilities,
  - ☒ i) Parking locations, approximate number of parking spaces, area for parking bay and aisle dimensions.
  - ☒ j) Landscaped areas and buffers or tree save areas, to include width, general extent and type of materials.
  - ☒ k) Application filing fee



APPLICATION FOR VARIANCE

PROPERTY OWNERS: East Group Properties

MAILING ADDRESS: 3495 Piedmont Road NE, Building 11, Suite 350, Atlanta, GA 30305

PHONE: 404-301-2670 FAX: \_\_\_\_\_

AGENT FOR OWNERS: Eberly & Associates

MAILING ADDRESS: 2951 Flowers Road South, Suite 119, Atlanta, GA 30341

PHONE: 770-452-7849 FAX: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 110, 111, 114, 115 LAND DISTRICT 7th PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 60.90

ZONING DISTRICT: M-1 ZONING OF SURROUNDING PROPERTY 0726 068

PRESENT USE OF SUBJECT PROPERTY: Light Industrial

PROPOSED USE OF SUBJECT PROPERTY: \_\_\_\_\_

*(THIS AREA TO BE COMPLETED BY STAFF):*

**PETITION NUMBER:** \_\_\_\_\_

☐ Application Insufficient due to lack of:  
\_\_\_\_\_

☐ Application and all required supporting documentation is Sufficient and Complete.

By Staff \_\_\_\_\_ Date \_\_\_\_\_

Date of Planning Commission Hearing: \_\_\_\_\_ Date of Town Council Hearing  
: \_\_\_\_\_

Received from \_\_\_\_\_ a check in the amount of \$ \_\_\_\_\_  
For Application filing fee.

Date Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_ Taken By \_\_\_\_\_

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**

(Application requires authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded Warranty Deed for the subject property  
EastGroup Properties, LP

Please Print Names

Property Tax identification Number(s) of Subject Property: 0726 068

(I am) (We are) the sole owner(s) of the above –referenced property requested to be rezoned. Subject property is located in the Land Lot(s) 110, 111, 114, 115 of the 7<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) of the \_\_\_\_\_ District, and said property consists of a total of \_\_\_\_\_ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I)(We) hereby delegate authority to \_\_\_\_\_ act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning, which may be imposed by the Board.

(I)(We) certify that all of the information field with this application including written statements or showing made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

*Tom Coffey*  
Signature of Property Owner 1

3495 Piedmont Road, Building 11, Suite 350 Atlanta, GA 30305

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Property Owner 4

Address

*Cristin Branyon*  
Signature of Notary Public

October 28, 2022

Date

Signature of Notary Public

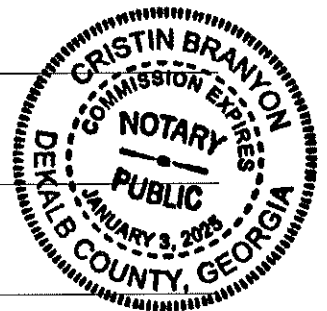
Date

Signature of Notary Public

Date

Signature of Notary Public


Date





**TOWN OF TYRONE**  
**REZONING, VARIANCE, SPECIAL EXCEPTION APPLICATION**

The undersigned, making application for rezoning, variance, or special exception, has complied with the Official Code of Georgia Section 36-64A01, et seq., Conflict of interest in Zoning Actions and has submitted or attached the required information on the forms provided

  
Signature of Owner

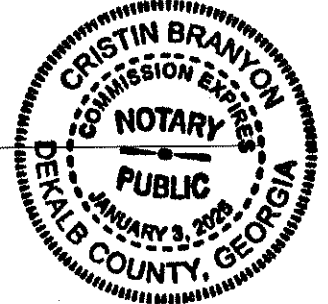
Ron Coffey-Construction Manager  
Type or Print name and title

\_\_\_\_\_  
Signature of Owner's  
Attorney or Representative

\_\_\_\_\_  
Type or Print name and title

  
Notary Public

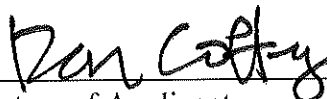
\_\_\_\_\_  
Seal and expiration date



**DISCLOSURE OR CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign, contributions aggregating \$ 250.00 or more to a member of the Tyrone Planning commission or member of the Tyrone Town Council?

☐ Yes      ☒ No

  
Signature of Applicant

If the answer is yes, please complete the following section

Name and Official Position of Government Official	Contributions( List all which aggregate to \$250.00 or more)	Date Contribution was made. (within the last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions

Petition

Date Received:

## VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request . If there are more than three (3) variances requested, please provide the information on a separate sheet of paper.

Ordinance/Section Subpart B, Chapter 105, Article IV, Section 105.92 (a)

### Variance Summary

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

The proposed variance consists of disturbance within the Town of Tyrone's issued stream buffer for the existing water features located on the subject property. The disturbance would be located within the 50' non-disturbed and 75' non-impervious buffers of three existing Intermittent streams that are located in two locations along the eastern property lines. In order to provide a replacement of the water features being mitigated, we are proposing multiple stormwater recharge areas, that were not contemplated at the time of rezoning approval: two bioretention areas (total 30,605SF), and significant enhanced filter strips along the shoulders of the multi-use path. The bioretention areas are upstream of the wet extended detention ponds to increase treatment of the stormwater to contribute to the runoff reduction, while the ponds provide Water Quality & Channel Protection provided per the Georgia Stormwater Management manual. The enhanced filter strips are to be installed along the multi-use path to provide treatment of the runoff produced by the impervious surface of the path. The runoff from the path flows directly to both existing stream areas, so the filter strips would improve the post developed condition of the path's runoff. The grass chosen for the filter strips will improve the visual aspects of the multi-use path that we hope will service many residents of the Town of Tyrone.

### Justification of Request

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

See attached supplemental memorandum for description of hardships.

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

See attached supplemental memorandum for description of hardships.

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

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

If relief from Code section 105.92 (disturbance within the County regulated 50' non-disturbed buffer & 75' non-impervious buffer) was granted this would not cause any detriment to the public. Relief would not cause substantial detriment to the public good. Granting the variance will contribute to public good by allowing for the construction of a multi-use path used by the citizens of the Town of Tyrone. In addition, EastGroup is providing more on-site mitigation than it is disturbing (aside from the \$600,000 in off-site mitigation). See attached narrative for more information.

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

6. Provided that the Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and a residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Commission shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any or the terms, conditions, or restrictions upon which such permit was granted are not being complied with , said Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Commission shall not consider any nonconforming use of neighboring lands. Structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for issuance of variance.

I acknowledge that I understand item 6.

  
Applicant Signature

10.28.2022  
Date