



PLANNING DATE 05/25/2023
COUNCIL DATE 06/01/2023

REZONING STAFF REPORT

Prepared:

Phillip Trocquet, Asst. Town Manager | Community Development
ptrocquet@tyrone.org, (770) 881-8322

DOCKET/APPLICATION #	APPLICANT	ADDRESS/PARCEL #
RZ-2023-001, 002, 003, & 004	Miguel Almanza & Scott Moore	Shamrock Industrial Blvd. & McCarthy Ct.

SUMMARY & HISTORY

Applicants Miguel Almanza and Scott Moore have petitioned to rezone the properties consisting of Phase 8 of Shamrock Industrial Park, approximately 20 acres total, from M-2 Conditional to M-2. On July 20, 2000 Town Council placed conditions on the property then owned by Mr. Howard Guthrie. These conditions are outlined in the zoning assessment below with a major condition being the establishment of secondary ingress/egress for the industrial park.

On May 6, 2021, Town council directed the owners of Phase 8 to petition the remaining owners of the industrial park as to their interest in contributing towards the cost of establishing an emergency ingress/egress entrance into the industrial park. Remaining owners unanimously responded that they were unwilling to assist.

In 2022, access easements and land was granted to the Town on the south end of the industrial park and in April of this year, Council directed staff to include the construction costs of building a secondary emergency access road in the 2023-2024 budget with the goal of completing the access road within that fiscal year.

STAFF & PLANNING COMMISSION RECOMMENDATION

It is staff's determination that this petition is consistent with the Towns future development strategy in the comprehensive plan as well as the zoning ordinance. If Planning Commission and Council wish to rezone, staff recommends that **original conditions 5 & 6** (prohibiting uses that predominately manufacture, process, store, or produce hazardous chemicals or substances) stay in place. This would also include industrial washes, incinerators, emission towers, landfills/trash storage, fertilizer manufacturers and fat processing/rendering facilities. This is in keeping with limiting high-risk activities.

Planning Commission recommended approval with staff conditions.



EXISTING ZONING	PROPOSED ZONING	EXISTING LAND USE	SURROUNDING ZONING	PROPERTY ACREAGE
M-2 Conditional (See Assessment)	M-2	Vacant Industrial	North: AR South: M-2 East: AR West: M-2	0736074 - 14.7 Acres 0736122 - 1.3 Acres 0736121 - 1.43 Acres 0736120 - 2.57 Acres

COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY

This petition is consistent with the Town's Comprehensive Plan and Future Development strategy. This property falls within the Production & Employment Character area which encourages industrial and manufacturing facilities with sensitivity to environmental concerns and economic development expansion.

ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT

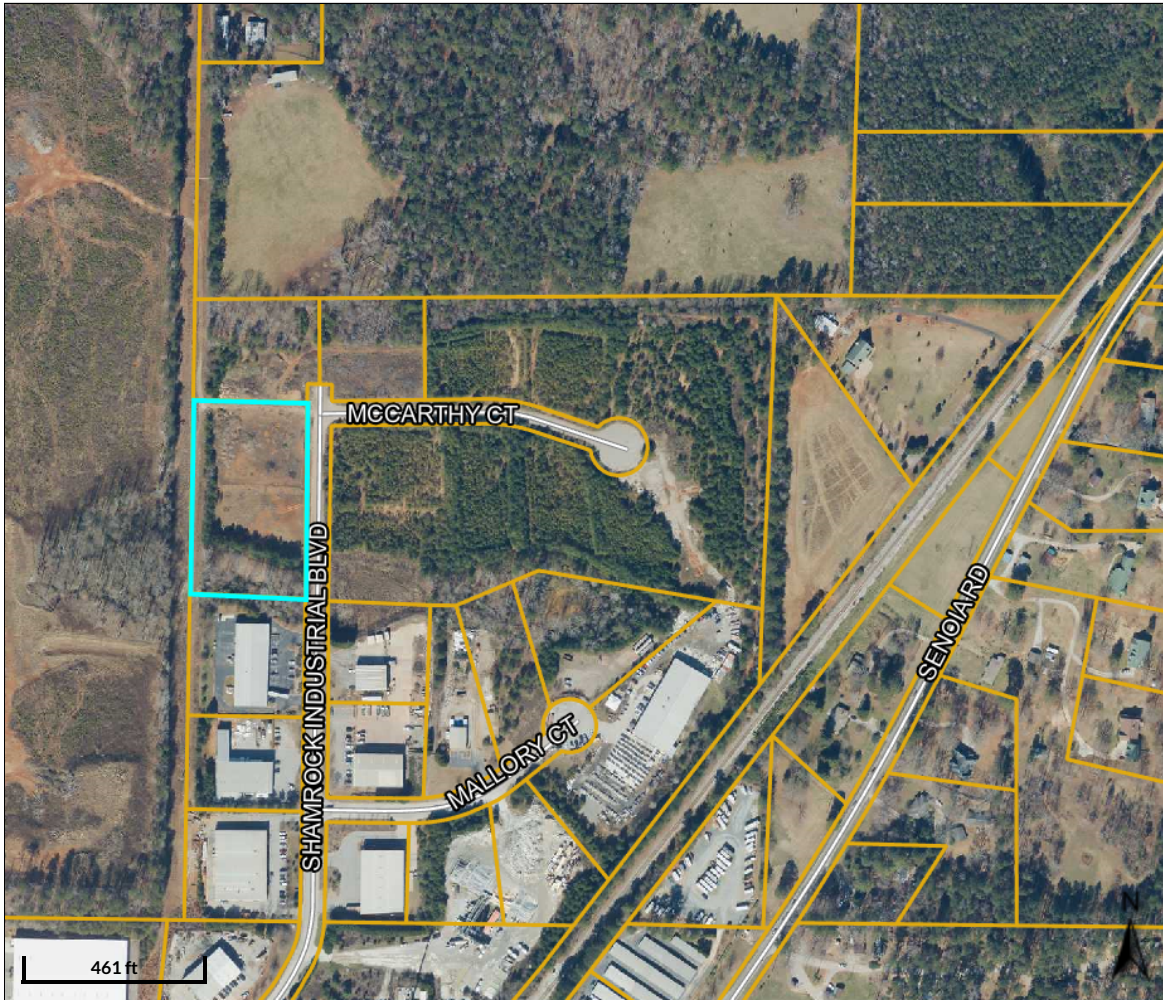
The Conditions placed upon these properties in 2000 were as follows:

- Establishing a secondary entrance into the park, with the stipulation that access be limited to emergency vehicles only, and enforced by leaving the roadway unpaved, chained and locked, or otherwise secured;
- Maintaining the 100' buffer along the adjoining agricultural - residential property;
- Submission of a landscape plan for the required buffer;
- All lighting impacting the properties to the north being directed downward and onto the property;
- Prohibition of the installation of telecommunication towers;
- Restricting the use of the property to exclude the following permitted uses:
 - Sewage or wastewater treatment plants;
 - Heavy manufacturing establishments;
 - Use as a landfill or the permanent or temporary storage of any trash, waste, or sanitation products;
 - Manufacture of fertilizer or fat processing [rendering];
 - Production or storage of any hazardous chemicals or substances;
 - Emission towers or incinerators; and
 - Industrial washes.

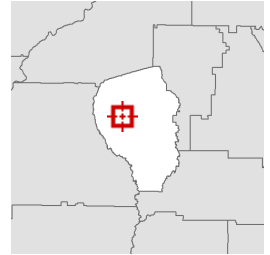
Conditions 2, 3, and 4 are already standard requirements of the Town's Code of ordinances and do not need to be re-established for the properties.

Given the history and unique conditions of this property, keeping conditions 5 and 6 would be most appropriate regarding the impact to adjoining property owners and the Industrial Park as a whole.

- Will Zoning permit suitable uses with surrounding properties?** *Yes, this property has been planned, platted, and designed for M-2 uses for many years with similar uses surrounding it.*
- Will Zoning adversely affect adjacent properties?** *The proposed zoning is intended to be buffered adjoining residential as was the case with the previous zoning. Limiting hazardous uses will further reduce the adverse affect of surrounding properties.*
- Does the property have reasonable economic use as currently zoned?** *No, the current zoning does not permit construction as conditioned.*
- Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?** *It is staff's determination that with the construction of an emergency ingress/egress entrance on the south end of the industrial park as well as the continued limitation of uses not to include Hazardous Material handling/storage would not result in uses that would be excessively burdensome on existing infrastructure. The remainder of roads within Phase 8 would require minor repair and a top-coat upon the Town Engineer's discretion.*



Overview



Legend

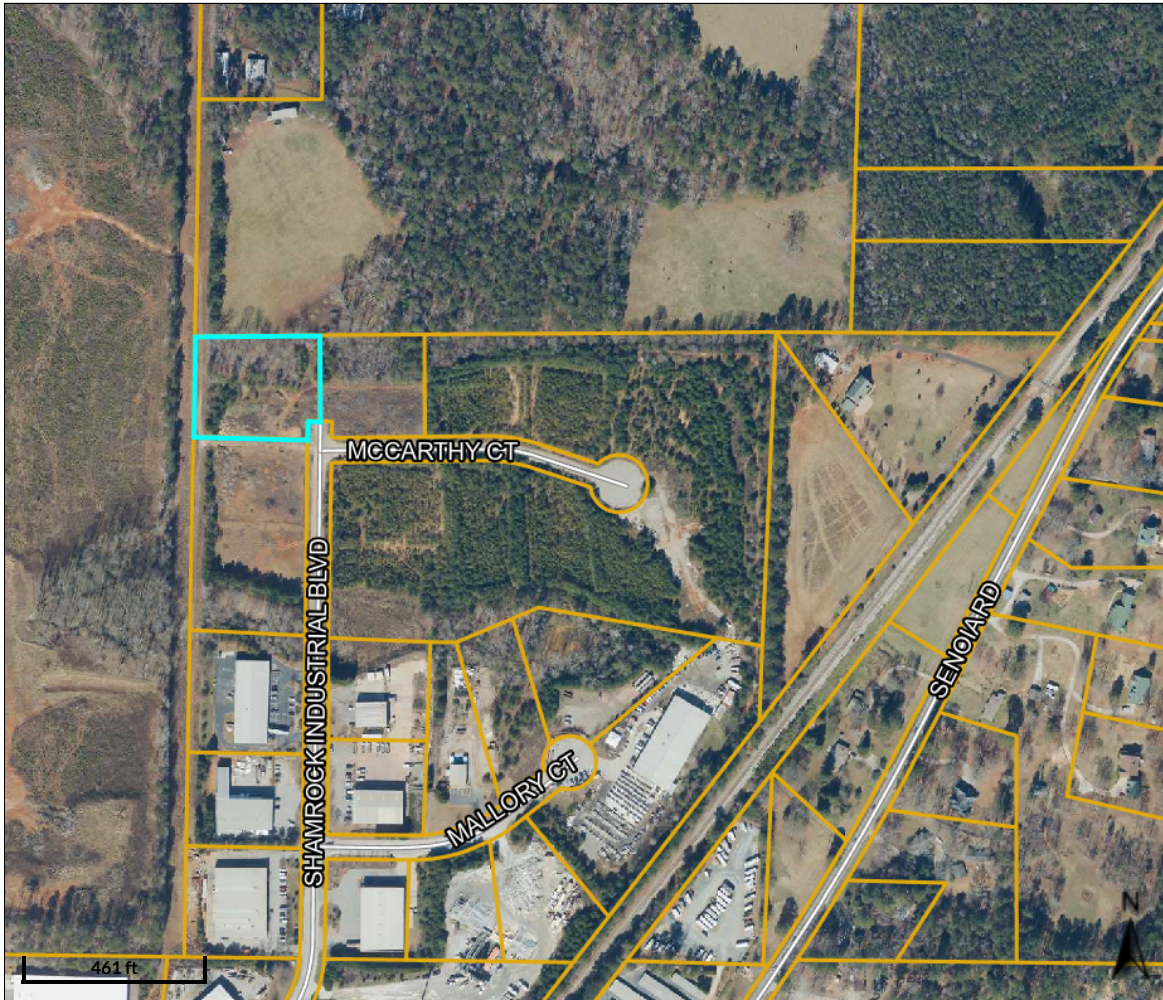
- Parcels
- Roads

Parcel ID	0736 120	Alternate ID	00006785	Owner Address	PAREDES MIGUEL ALMANZA
Sec/Twp/Rng	47-90-	Class	I4		205 SHAMROCK IND BLVD
Property Address	SHAMROCK INDUSTRIAL BLVD	Acreage	2.57		TYRONE, GA 30290
District	03				
Brief Tax Description	LOT 1 SHAMROCK IND PARK PHASE 8				
	(Note: Not to be used on legal documents)				

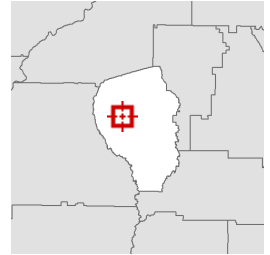
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Overview



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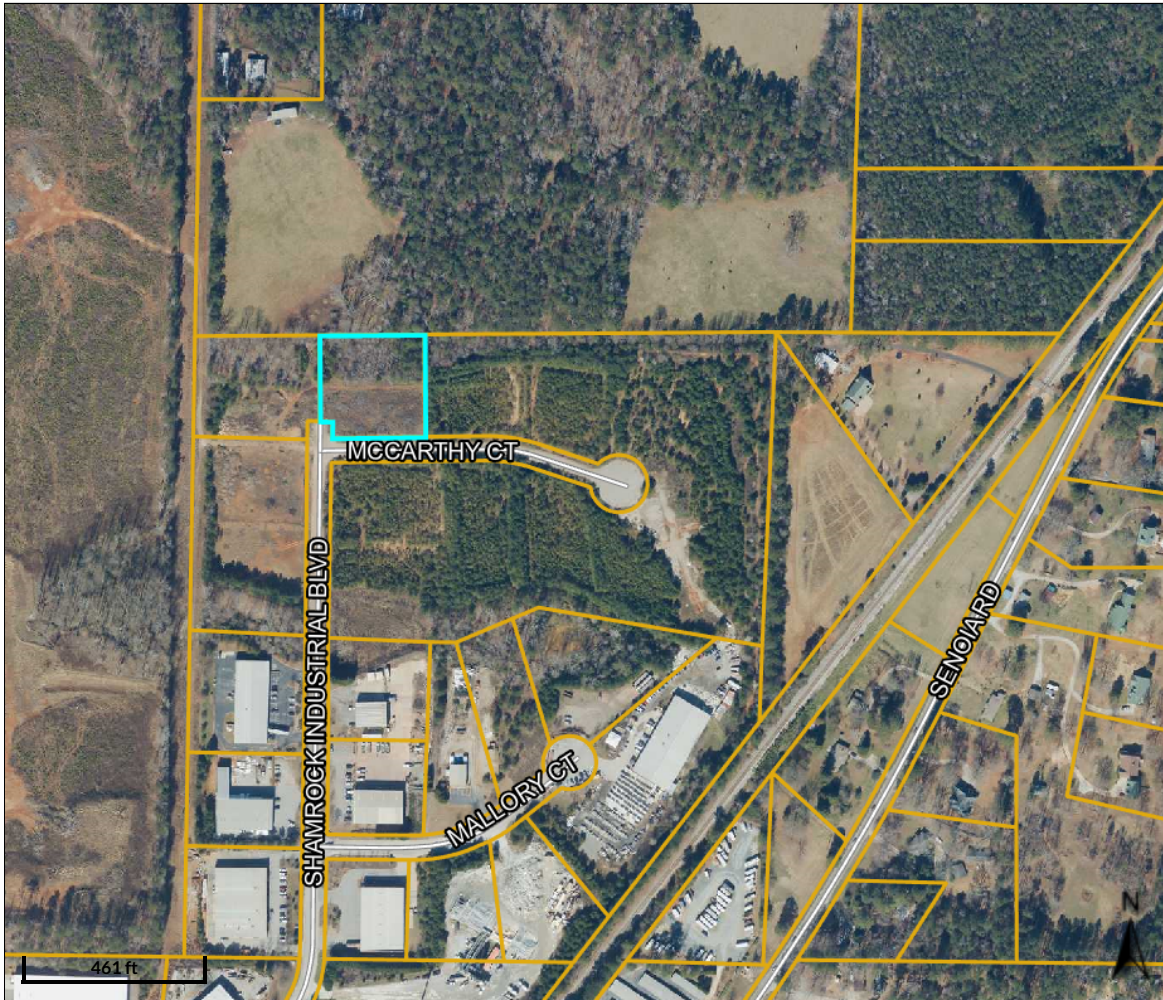
- Parcels
- Roads

Parcel ID	0736 121	Alternate ID	00006786	Owner Address	PAREDES MIGUEL ALMANZA
Sec/Twp/Rng	47-90-	Class	I4		145 DEAN DR
Property Address	SHAMROCK INDUSTRIAL BLVD	Acreage	1.43		TYRONE, GA 30290
District	03				
Brief Tax Description	LOT 2 SHAMROCK IND PARK PHASE 8				
	(Note: Not to be used on legal documents)				

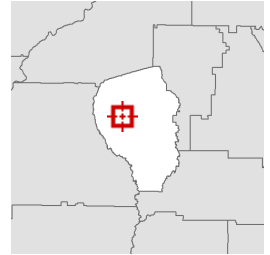
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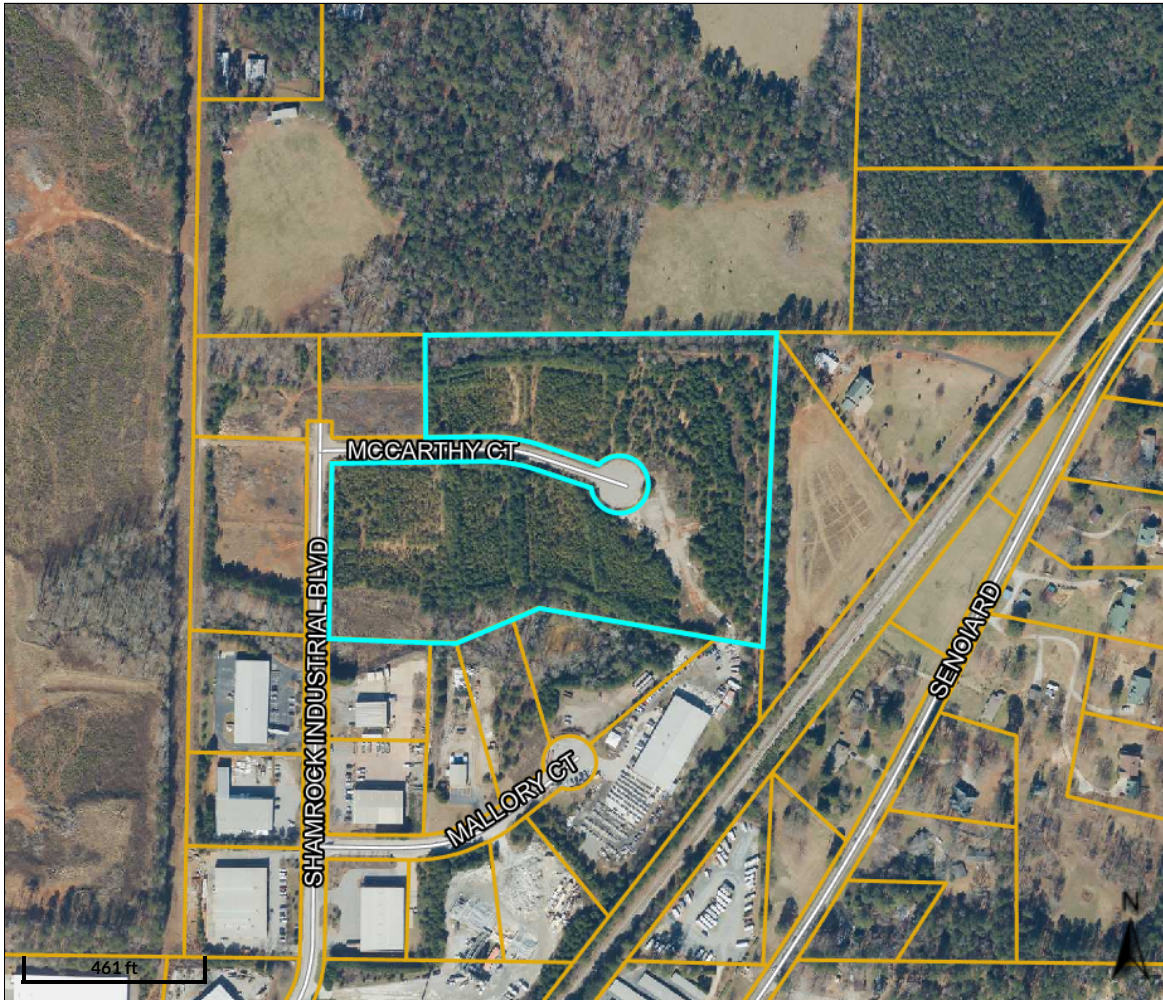
- Parcels
- Roads

Parcel ID	0736 122	Alternate ID	00006787	Owner Address	PAREDES MIGUEL ALMANZA
Sec/Twp/Rng	47-90-	Class	I4		101 MILL CREEK DR
Property Address	MCCARTHY CT	Acreage	1.37		NEWNAN, GA 30265
District	03				
Brief Tax Description	LOT 3 SHAMROCK IND PARK PHASE 8				
	(Note: Not to be used on legal documents)				

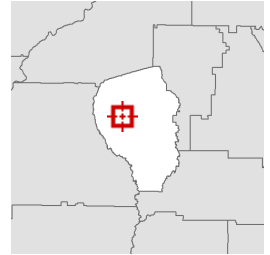
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Overview



Legend

- Parcels
- Roads

Parcel ID	0736 074	Alternate ID	n/a	Owner Address	MOORE JERRY S
Sec/Twp/Rng	47-90-	Class	I4		325 BOY SCOUT RD
Property Address	SHAMROCK INDUSTRIAL BLVD	Acreage	14.7		NEWNAN, GA 30263
District	03				
Brief Tax Description	LOT 4 SHAMROCK IND PARK PHASE 8				
	(Note: Not to be used on legal documents)				

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Town of Tyrone

Official Zoning Map

Adopted: _____ | Mayor, Eric Dial: _____ | Attest, Town Clerk: _____

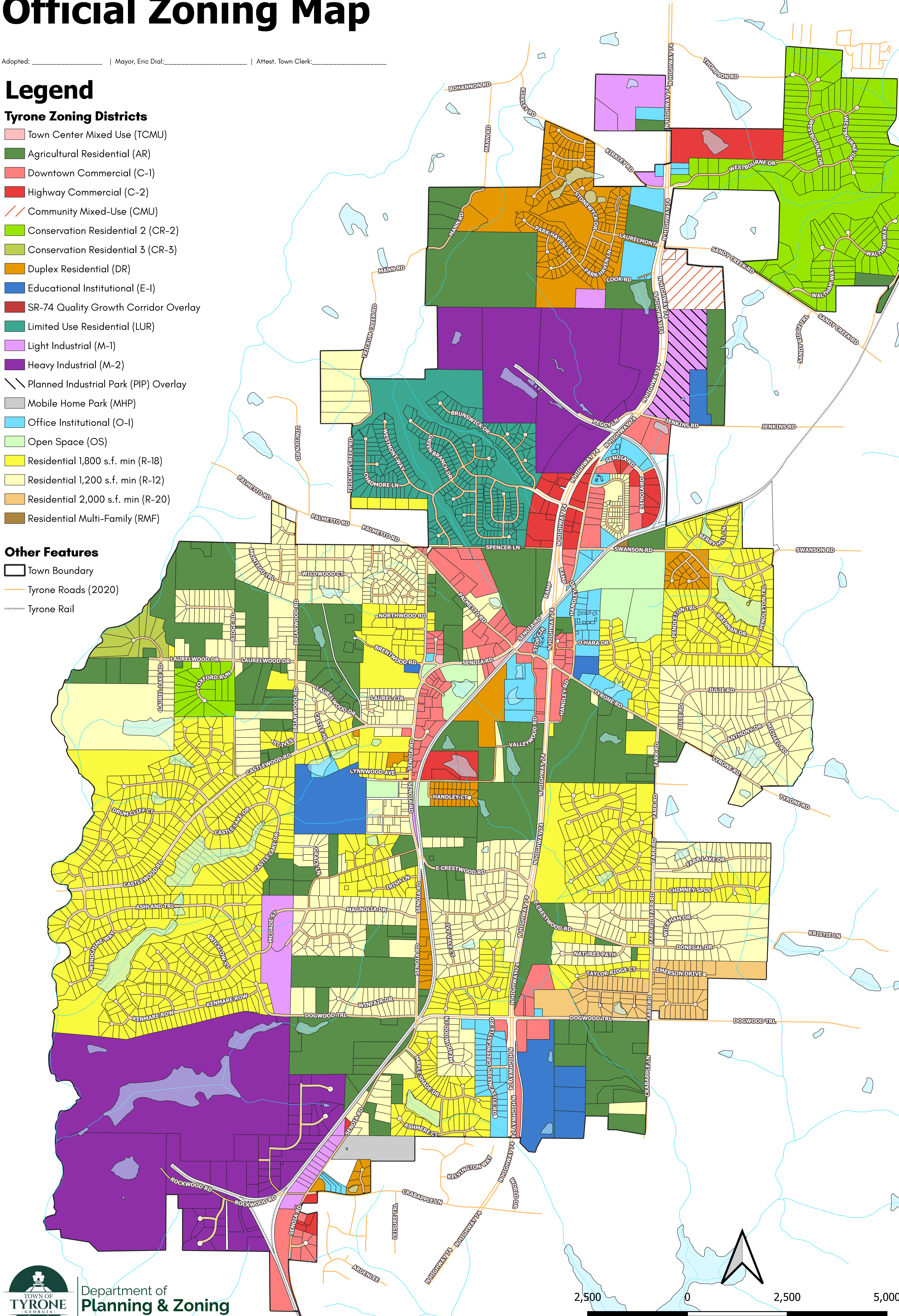
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Tyrone Zoning Districts

- Town Center Mixed Use (TCMU)
- Agricultural Residential (AR)
- Downtown Commercial (C-1)
- Highway Commercial (C-2)
- Community Mixed-Use (CMU)
- Conservation Residential 2 (CR-2)
- Conservation Residential 3 (CR-3)
- Duplex Residential (DR)
- Educational Institutional (E-I)
- SR-74 Quality Growth Corridor Overlay
- Limited Use Residential (LUR)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Planned Industrial Park (PIP) Overlay
- Mobile Home Park (MHP)
- Office Institutional (O-I)
- Open Space (OS)
- Residential 1,800 s.f. min (R-18)
- Residential 1,200 s.f. min (R-12)
- Residential 2,000 s.f. min (R-20)
- Residential Multi-Family (RMF)

Other Features

- Town Boundary
- Tyrone Roads (2020)
- Tyrone Rail



Town of Tyrone

Future Development Map

Legend

Character Areas

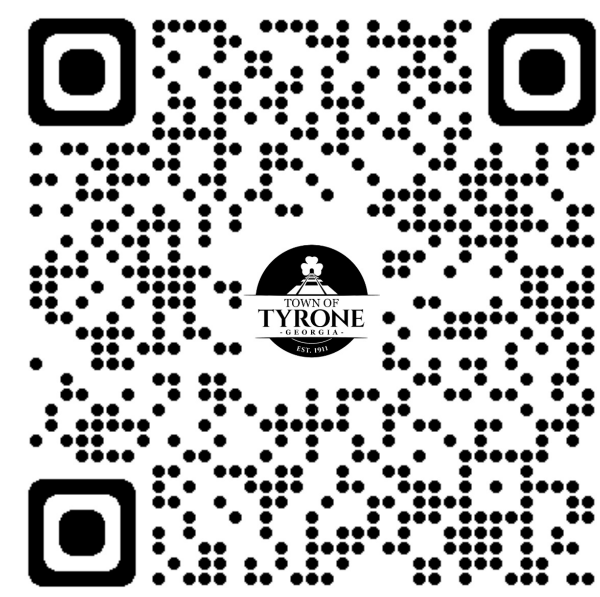
- Estate Residential
- In-Town Residential
- Town Center
- Community Gateway
- Commercial Corridor
- Production and Employment

Potential Annexation Areas

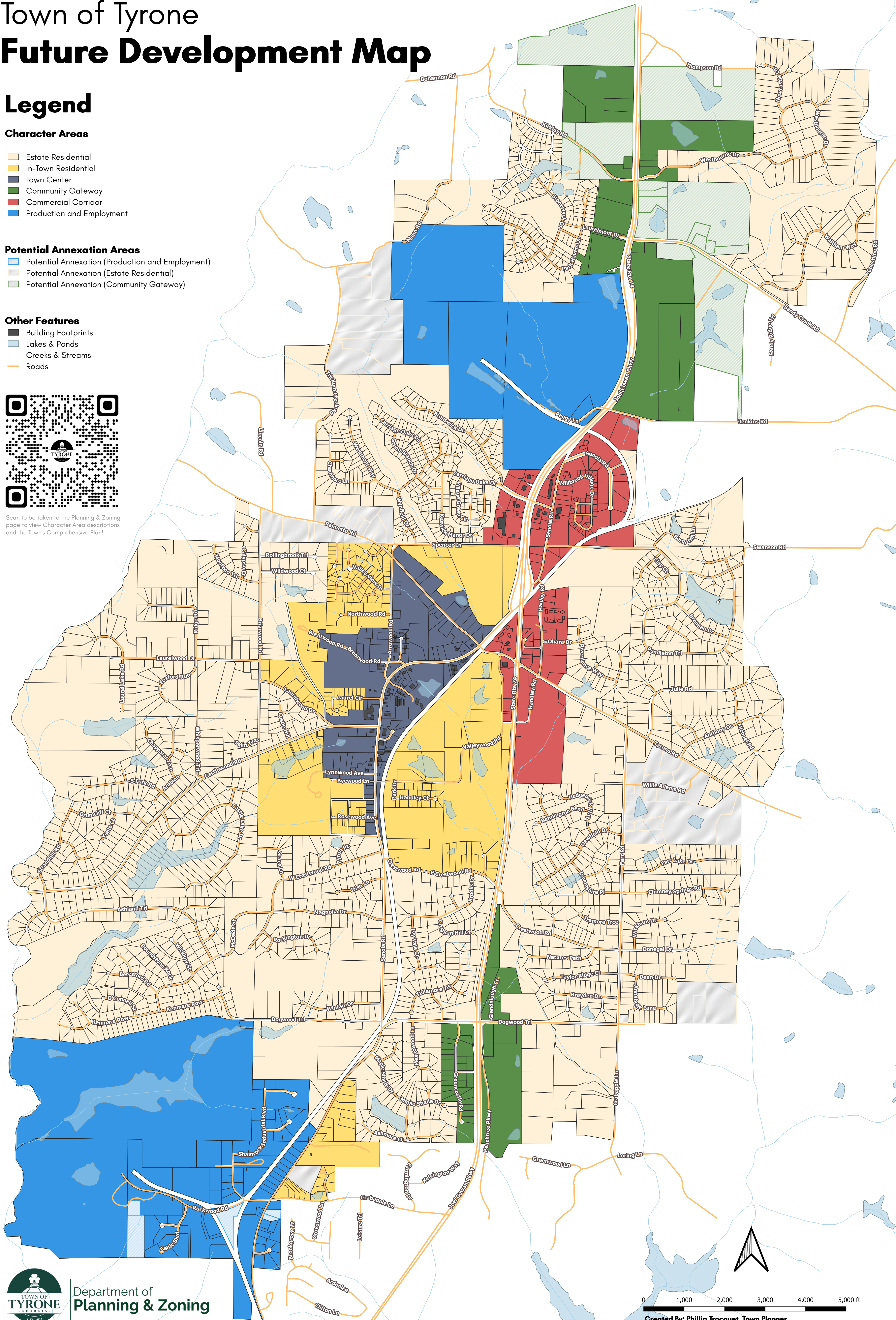
- Potential Annexation (Production and Employment)
- Potential Annexation (Estate Residential)
- Potential Annexation (Community Gateway)

Other Features

- Building Footprints
- Lakes & Ponds
- Creeks & Streams
- Roads



Scan to be taken to the Planning & Zoning page to view Character Area descriptions and the Town's Comprehensive Plan!



**MINUTES
TYRONE COUNCIL MEETING
JULY 20, 2000**

The Tyrone Town Council held their regularly scheduled meeting on Thursday, July 20, 2000 at Town Hall. Mayor Lee called the meeting to order at 7:30 PM.

PRESENT: Mayor Lee, Council members Lisa Richardson, Ray Bogenschutz, and Paul Letourneau; Town Manager Barry Amos, Town Attorney Brad Sears and Town Clerk Valerie Fowler. Councilman Ronnie Cannon was not in attendance.

Mr. Amos gave the invocation followed by the Pledge of Allegiance.

PUBLIC COMMENTS – None

PUBLIC HEARING ON FAYETTE COUNTY JAIL AND FIRE IMPACT FEE PROGRAM – Mr. Amos presented an overview of the County's revised impact fee program and expressed his concern regarding the equitability of the user fees. Mr. Amos stated no additional information had been received upon the basis or rationale utilized for the various weighting of businesses. He stated he felt he would be remiss if he recommended moving forward prior to something truly equitable being formulated. Mr. Amos recommended continuing this item pending receipt of additional data. Councilman Letourneau stated he had a real problem with the weighting of a number of the businesses. He stated he wished to see office development in Tyrone, and this would discourage that type of development. Councilman Letourneau stated he was also concerned about the 3% administrative fee, which will go to the county, however Tyrone would be handling the administrative function of collecting the fees. He stated that Tyrone should be compensated for this, rather than the County. Mr. Amos stated the debt service for the jail was included in the current budget, and suggested the county make a commitment as to what would happen with the additional funds; i.e., reduction in taxes, acceleration of bond pay-off; etc. Councilman Bogenschutz stated he saw no relief for the citizens. Councilman Letourneau also expressed concern the possibility of challenge to the county fees and the effect such a challenge might have on Tyrone's current impact fees. Councilwoman Richardson asked why the fees could not be negotiated along the same lines as the LOST distributions. There appearing to be more questions generated by the latest proposal, and with no answers forthcoming, **motion was made by Councilman Bogenschutz to continue this item to the August 17th meeting. This motion was seconded by Councilman Richardson and was unanimously approved.**

PUBLIC HEARING ON LAND USE MAP AMENDMENT AND REZONING REQUESTED BY HOWARD GUTHRIE – Mr. Amos stated the petitioner wished to amend the land use map from 1.1 (Agricultural – Residential) to 3.2 (Heavy Industrial) and to rezone approximately 40 acres adjacent to the Railroad, Florida Rock, and Shamrock Industrial Park from AR (Agricultural – Residential) to M-2 (Heavy Manufacturing). Mr. Amos stated that Mr. Guthrie wished to expand the industrial park

by inclusion of the subject property. Speaking in favor was the applicant Howard Guthrie, who stated that he had purchased the property from an adjoining property owner several years ago, with the intent of expansion of the industrial park. Councilman Letourneau questioned the proximity of residential. Mr. Guthrie stated it was fairly isolated back there and Mr. Amos interjected the distance was approximately the depth of the property. Mr. Amos stated that Florida Rock has two lakes and Mr. Slaton, the adjoining property owner from which Mr. Guthrie purchased the subject property, also had a lake in the northeast which flows generally in a southwestward direction, which forms a natural barrier which cannot be developed. He stated that would serve as a natural buffer between an industrial and non-industrial use. No one was present to speak in opposition. Mr. Amos presented the staff reports and read into the record the conditions upon which the Planning Commission had recommended approval. Those conditions are enumerated as follows: (1) establishing a secondary entrance into the park, with the stipulation that access be limited to emergency vehicles only, and enforced by leaving the roadway unpaved, chained and locked, or otherwise secured; (2) maintaining the 100' buffer along the adjoining agricultural – residential property; (3) submission of a landscape plan for the required buffer; (4) all lighting impacting the properties to the north being directed downward and onto the property; (5) prohibition of the installation of telecommunication towers; (6) restricting the use of the property to exclude the following permitted uses: (a) sewage or wastewater treatment plants; (b) heavy manufacturing establishments; (c) use as a landfill or the permanent or temporary storage of any trash, waste, or sanitation products; (d) manufacture of fertilizer or fat processing [rendering]; (e) production or storage of any hazardous chemicals or substances; (f) emission towers or incinerators; and (g) industrial washes. Councilman Letourneau asked Mr. Guthrie if he was agreeable to these conditions. Mr. Guthrie stated that he was, and did not see he would have a problem with any of the stated restrictions. **Motion was made by Councilman Bogenschutz to amend the land use map from 1.1 to 3.2. This motion was seconded by Councilman Letourneau and unanimously approved. Motion to rezone the subject property from AR to M-2 with the stipulations as above stated was made by Councilwoman Richardson, seconded by Councilman Bogenschutz and was unanimously approved.**

PUBLIC HEARING ON VARIANCE REQUEST SUBMITTED BY TOMMY O. DAVIS FOR PROPERTY LOCATED AT 1918 HIGHWAY 74 NORTH – Motion was made by Councilman Letourneau to continue this item to the August 17th meeting. This motion was seconded by Councilwoman Richardson and was unanimously approved.

ADOPTION OF CONSENT AGENDA – Item approved – Minutes of the 07/06/00 meeting

PUBLIC COMMENTS – None

COUNCIL COMMENTS – None

STAFF COMMENTS – Mr. Amos stated that paving of the Castlewood Road multi-use path would begin the following week. He also stated that the State Secretary of Transportation was seeking a TEA project nearing completion for a ribbon cutting ceremony. Mr. Amos stated he had offered the Town's Castlewood path. He also reported grading had begun on the new park and anticipated completion within three weeks.

There being no further business, motion to adjourn was made by Councilman Bogenschutz, seconded by Councilman Letourneau and was unanimously approved. 7:58 PM.

Valerie C. Fowler