



## PLANNING COMMISSION

### MEETING MINUTES

**April 25, 2024 at 7:00 PM**

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*950 Senoia Road, Tyrone, GA 30290*

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**David Nebergall**, Chairman

**Scott Bousquet**, Vice Chairman  
**Jeff Duncan**, Commissioner  
**Phillip Trocquet**, Town Planner

**Carl Schouw**, Commissioner  
**Brad Matheny**, Commissioner  
**Patrick Stough**, Town Attorney

Absent:

Jeff Duncan, Commissioner

Also Present:

Billy Campbell, Council Member  
Gloria Furr, Council Member  
Ciara Willis, Assistant Town Clerk

#### **I. CALL TO ORDER**

Chairman Nebergall called the meeting to order at 7:00 p.m.

#### **II. APPROVAL OF AGENDA**

A motion was made to approve the agenda.

Motion made by Commissioner Bousquet, Seconded by Commissioner Noble.

Voting Yea: Chairman Nebergall, Vice-Chairman Matheny.

#### **III. APPROVAL OF MINUTES**

1. April 11th, 2024

A motion was made to approve the April 11, 2024 minutes.

Motion made by Vice-Chairman Matheny, Seconded by Commissioner Bousquet.

Voting Yea: Chairman Nebergall, Commissioner Noble.

#### **IV. PUBLIC HEARING**

2. Consideration of a rezoning petition from applicant Clarendon Place, LLC to rezone a 32.949-acre tract with parcel number 0738-156 from C-1 (Community Commercial) to TCMU (Town Center Mixed-Use). **Phillip Trocquet, Community Development**

Mr. Trocquet shared that applicant Clarendon Place, LLC, on behalf of owner Brent Holdings, LLC, had applied for the rezoning of two tracts, 165 Palmetto Road and 172 Palmetto Road. He pointed out that there would be separate Public Hearings for parcel numbers 0738-156 and 0738-158, but he would present one staff report for both properties.

He then displayed a picture of parcel number 0738-156 on the screen. He noted that the tax map reflected several parcels, but the property was re-platted into a single 1-acre tract. The property was currently zoned C-1, and the proposed zoning was TCMU (Town Center Mixed-Use), which included 32.9 acres. This property's Future Land Use character area was split between In-Town Neighborhoods and Town Center designations. He stated that the surrounding zoning to the north of the property was Limited Use Residential (LUR), which included the Southampton subdivision. He added that the zoning to the south was Agricultural Residential (AR), R-12, R-18, and C-1. In addition, the zoning to the east was Agricultural Residential (AR), R-12, and R-18, and the zoning to the west was R-12 and R-18.

The petition included a conceptual development plan proposing 100 single-family detached lots and 22 townhome units at 2.3 units/acre total site density split between the two properties. The proposed development plan incorporated the R/W necessary for the Town's roundabout project, which was currently in land acquisition. He added that he would summarize some items related to the proposal, such as the Comprehensive Plan, ordinance compatibility, impact assessment, and staff recommendation.

He stated that these properties fell under the Comprehensive Plan's Town Center and In-Town Neighborhoods designations, encouraging downtown-oriented development patterns and street connections. Town Center emphasized commercial mixes, while In-Town Neighborhoods prioritized residential support for the Town Center. The goal was to create diverse uses connected by walkable pathways. Residential areas should avoid front-loaded garages and prioritize clustering homes to preserve open spaces. In addition, developments should include pedestrian, cyclist, and PTV connections, with traffic calming measures such as street trees integrated into the right-of-way design. The proposed development provided some open spaces, although not centrally planned. Multi-use paths, sidewalks, and street connections had been provided throughout the development, with speed tables proposed as traffic calming measures to support multi-use users on the roadway and path connections out of many cul-de-sacs towards existing and future facilities.

In terms of the Envision Tyrone Downtown Plan and its compatibility, the proposed development did provide the basic mobility framework as outlined in the downtown plan, with connectivity from Arrowood Road to Palmetto Road to Spencer Lane and a future street connection going south towards Senoia Road. This project favored a cul-de-sac design in terms of development.

He stated that some proposed architectural examples met the Comp Plan and the Envision Tyrone Downtown Plan standards. However, other examples reflected street-

facing garages that did not functionally pair with the district's build-to lines. Side-entry and rear-access homes were preferred.

The TCMU district encouraged walkable, mixed-use developments with residential components, subject to Council's approval. This proposal focused solely on residential development, comprising single-family detached lots and townhomes, falling below the maximum density of 4 units/acre at 2.3 units/acre. Lot sizes adhered to Sec. 113-137, with a mandated 75' undisturbed buffer adjoining AR, R-12, and R-18 zoning districts. The development contributed to a connected Town Center network, as the ordinance requires. While cul-de-sacs were discouraged, most included in this plan feature multi-use access points for connectivity to existing and future path facilities.

He continued that the Town Center Overlay aimed to enhance architectural quality, pedestrian-friendly environments, and road connectivity. Requirements included architectural materials like brick, stone, and natural wood siding to reduce garage prominence. While some architectural examples met the criteria, those with front-loaded garages require alternative solutions to align with design standards.

Mr. Trocquet read the impact assessment:

1. **Will the zoning permit suitable uses with surrounding properties?** The surrounding area is predominately residential in nature. The TCMU district aimed to provide uses that are compatible with both residential and light-commercial areas. The development plan specific to this request is residential in nature, which is suitable for surrounding lots.
2. **Will zoning adversely affect adjacent properties?** It is determined that the proposed zoning aligns with that of surrounding properties and will not negatively impact them, given the implementation of adequate screening, 75' buffering, and architectural standards as required by the TCMU and Town Center Overlay districts.
3. **Does the property have reasonable economic use as currently zoned?** Staff concludes that the northern property currently zoned, C-1 (Community Commercial) did have reasonable economic use as currently zoned as this is considered a higher-intensity zoning classification than TCMU. Staff concludes that the southern property, zoned AR (Agricultural Residential), does not have reasonable economic use as currently zoned given the future land use classification for the area as well as the higher intensity zoning that surrounds it. A market analysis provided confirms this assessment.
4. **Would the proposed zoning overburden existing infrastructure?** The proposed development plan notates a traffic impact of approximately 1,112 trips/day at buildout which would overburden the nearby Palmetto Road intersection at current conditions. The approximate number of trips per day was consistent with single-family residential homes. With the construction of the RAB at this location, it is staff's determination that the development would not affect the LOS of the intersection after the RAB construction. Sewer impact is estimated at 17,000 gpd which the Town currently had capacity to handle. This capacity was at a first-come-first serve basis and will only be reserved upon the approval of a final civil/site plan by Planning Commission.

He then noted that upon the Technical Review Committee review, comments were made regarding future environmental and architectural items that may conflict during the site/civil design process. He stated that the current lot configurations may conflict with runoff reduction standards for implementing best management practices. He added that current lot configurations may conflict with existing riparian buffer and tree protection requirements depending on where structures were sited on 2-3 lots.

He pointed out that staff did not consider adjustments to the layout a feasibility constraint for meeting the above standards. It was recommended that the applicant continue working with staff to develop the appropriate architecture for any lots considered for front-facing garages. He added that staff suggests addressing the above items during the civil/site design phase, as they would have minimal impact on the overall development. He noted that geotechnical or engineering work was not required for conceptual development plans during rezoning.

If the Planning Commission or Council desired to approve this rezoning request, staff recommended the following conditions: 1. The existing structures on 165 Palmetto Road be demolished prior to the issuance of a land disturbance permit. 2. The developer dedicates adjoining R/W of Palmetto Road, Spencer Lane, and Arrowood Road.

Chairman Nebergall invited the applicant to the podium to speak.

The applicant, Richard Ferry of Claredon Place, LLC, approached the podium. He presented a slide showing the location of both properties. The properties were on Palmetto Road's north and south sides, with frontage on Arrowood Road and Spencer Lane.

He noted that the main character of the property was the two existing commercial buildings that had been there since 2005. Mr. Trocquet clarified that they had been constructed since 2007 or 2008. Mr. Ferry then stated that his company acquired the property in 2018 and wanted to rezone the two buildings to meet the current zoning, which was C-1. The primary objective at the time was to get a use out of the property that was adequate for the upgrade cost it would require. He added that a site plan was presented to the Planning Commission and approved.

At that time, the first step was to market the two buildings. He stated that there was only minimal commercial interest in the property. He added that his company realized commercial use was not viable, so they pivoted their plans to reflect residential use. He then stated that the current request to the Planning Commission was to rezone the northern tract from C-1 to TCMU and the southern tract from (AR) to TCMU. He added that TCMU was a logical fit for both properties.

He pointed out that his company looked at the properties' topography. The design plan aimed to include as many TCMU requirements as possible. He noted that several elements, such as runoff reduction, could not be determined at this phase in the zoning process but would be determined as they went through the process. He shared that the design plans were revised after meeting with town staff due to the proposed traffic circle, which caused several lots to be removed from the development plan.

He then shared architectural renderings of townhomes with different characteristics on the screen that were proposed to front Arrowood Road. There were 22 units proposed for this project. He commented on the 1,500 sq. ft. minimum requirement, but some of the units for this development plan would far exceed that requirement. In addition, he displayed several types of single-family homes previously built in other developments to give the Planning Commission an idea of what was planned for this project. He pointed out that the goal was to run a driveway along the side of the homes so the garage entry was on the side or rear of the homes. However, sometimes, that could not be achieved due to many factors, such as topography and easement. If that was not possible, he proposed that garages be recessed or architectural features around the garage doors be created to enhance the homes aesthetically. He noted that he would work with town staff on the architectural requirements.

Chairman Nebergall opened the public hearing for anyone who wished to speak in favor of the item.

Chad Floyd, a long-time Tyrone resident, spoke in support of the development. He expressed that the current site had been an eyesore for many years, and he was glad someone was taking the initiative to improve the property. He added that the proposed project would greatly benefit our community and looked forward to approval.

Chairman Nebergall opened the public hearing for anyone who wished to speak in opposition to the item.

Kelly Stavely stated that the development would be beneficial in dealing with the property's eyesore, but she had reservations regarding its intentions. She expressed concern about whether the homes would be mainly rental properties or owned by property owners. She then added that she would support the project if it were developed as it was proposed.

Gary Chapo, who lives on Arrowood Road, shared that he opposed the project. He mentioned that he had lived in Tyrone since 1986, and the Town needed to tackle sewage and waste issues adequately. He inquired whether a soil or water analysis had been done on the property because body and repair shops were businesses in the late 1980s. He was concerned about how the soil would be remediated before homes were built.

Jennifer Morath, who lives on Palmetto Road, spoke next. She shared that she and her husband were against the proposal. The density that would come from the project would impact the area significantly. She mentioned that many people, including herself, moved to Tyrone because it was quaint but would no longer be if the development was approved. In addition, it would reduce property value and negatively change Tyrone.

Dena Cowan, who lives on Arrowood Road, expressed concerns regarding the proposal to rezone the tracts. Her concerns centered around the community character in the Comp Plan, such as the loss of Tyrone's unique small-town atmosphere, the loss of natural habits, and the loss of Tyrone's high quality of life. She then read several sections from the Comp Plan, which included general questions, housing, and transportation. She

mentioned that the 1,100 potential daily trips would affect traffic on Arrowood Road. She stated that though she had concerns, she welcomed growth and progress but not at the expense of losing our unique and special hometown community.

Andrew Lerner expressed that he and his wife were opposed to the development. He shared that he had 12 years of experience in public safety on the federal, state, and local levels. He added that he worked for the Tyrone Police Department for about two years. Therefore, he did not believe the Town could handle the infrastructure as far as public safety was concerned with a drastic increase in population.

Shenna Morris, who lives on Castlewood Road, spoke next. She shared that her family moved to Tyrone because of its small-town community, which attracted her to the area. She supported some residential developments, but 122 units felt excessive. She emphasized that it was essential to consider the other developments around Tyrone, which would cause additional traffic flow issues.

Melanie Allen, who lives on Arrowood Road, spoke. She shared that she and her husband were long-time Tyrone residents and were raising two children. She noted that Mr. Ferry spoke with her that week regarding the plans for the development. She was concerned about the influx of people moving to the area. She mentioned the forest area in front of her home, which she wanted to keep. She added that her main concern was the townhomes, but she understood that progress was necessary. She then asked why the townhomes could not be built on Palmetto Road instead of Arrowood Road. She requested that the Planning Commission consider that suggestion.

Shawnee Dudley, who lives on Hedgewick Way, spoke next. She shared that her family moved from New York to Fayette County three years ago. She did not understand why the Town wanted that type of infrastructure in a small town neighborhood. She mentioned that the developers would build the neighborhoods but not live there. However, the residents would be left to deal with the residual impacts. She asked the Planning Commission to think about the unintended consequences on the community.

Rebecca Marosy, who lives on Alison Way, opposed the development. She suggested that potential residents be given opportunities to build homes on vacant lots so the Town could have good organic growth. She added that she liked the Town because it was unique. She added that the Town could still grow and progress by being true to its character.

Scott Hanes, who lives on Palmetto Road, spoke next. He shared that he lived in Tyrone for 35 years and raised his family. He noted that he lived in College Park, East Point, and Fairburn and believed the development would increase crime. He expressed that he was upset and did not want to move from Tyrone.

Jane Cruse, who lives on Tyrone Road, approached the podium to speak. She commented that the traffic had increased over many years, making it difficult for her to leave her driveway. She loved Tyrone but did not want that development in the area because of the traffic. She mentioned that the hole at the Palmetto Road/ Spencer intersection must be repaired. She also commented on the Tyrone Post Office.

Ildiko Gossett, who lives on Alison Way, spoke. She shared that she built her home in 2010 and felt Tyrone would be a beautiful place to raise a family. She added that she did not want Tyrone to lose its small-town character and did not like the direction in which it was moving. She did not support the increased traffic that the new development would cause.

Ann Wittenberg, who lives on Lincoln Road outside the Town limits, spoke next. She expressed her concerns regarding current traffic flow issues in the area and the additional traffic with the proposed development. She mentioned that her environmental engineer son-in-law told her nothing should be built on that property because the soil was toxic. She was against the development and hoped the project would not be approved.

Mr. Ferry was given the opportunity for rebuttal time.

Mr. Ferry stated that he would answer some of the questions posed by the citizens.

The first question was whether the properties would be rental-type homes. He stated they would not because his company did not build products for rent. They built fee-simple units to be sold to individuals only.

The next question addressed was about property values. He stated that the units would be costly and in the 500,000-plus range. He noted that when his company built subdivisions, they never saw property values decrease.

He pointed out that residents were the economic drivers of their downtowns. He added that his company could change some elements of their plans. He stated that the townhomes were not his idea. He reiterated his request for rezoning approval based on the current plan.

Chairman Nebergall clarified that they were the Planning Commission, not Council. In addition, they were appointed by Town Council and not elected officials.

Commissioner Noble inquired if the \$500,000 price point was for the townhomes or the single-family homes. Mr. Ferry stated that the townhomes would be less than the homes in the \$400,000 range.

Commissioner Noble pointed out that the TCMU zoning classification detailed mixed commercial and residential use. However, the proposal did not include a mix of commercial and residential use. Mr. Ferry reiterated that there was insufficient interest for commercial use when the property was initially marketed for several months.

Commissioner Noble then asked how the townhomes became part of the plans. Mr. Ferry stated that town staff recommended them, and they were not included in the original plans.

Commissioner Bousquet asked if commercial use could be incorporated into the plans instead of all residential units. Mr. Ferry stated that he found that area unmarketable for commercial use and insisted that he did not see it as a viable commercial property.

Commissioner Noble asked for clarification regarding the entry points for garages. Mr. Trocquet stated that it was mentioned in several places, such as the Comp Plan, Downtown Plan, and Town ordinances, to minimize the impact of garages on the streetscape. That could be done in various ways, such as through rear access, side access, or a recessed garage. Mr. Ferry mentioned that he wanted to minimize front access as much as possible. He added that the vast number of homes built would include a driveway along the side of the property.

Chairman Nebergall raised several concerns regarding this development. He stated that the townhomes should not be built on Arrowood Road and should instead be positioned on Palmetto Road. He added that he did not favor cul-de-sacs because they were overdone in the metro region. In his opinion, that was one of the reasons for the traffic issues, as traffic funneled into one or two main roads. He added that he liked grid patterns because they gave drivers several options to move from point A to point B. He also mentioned that the greenspace should be more centrally located instead of on the outskirts of the development. He noted that he could not support what was currently presented.

Vice-Chairman Matheny inquired if switching the townhomes from their proposed location to the other property would be considered. Mr. Ferry stated that it was an option.

Vice-Chairman Matheny then asked if a soil test had been done or if one would be completed. Mr. Ferry stated that his company dug on the site, but a formal environment study still needed to be completed.

Chairman Nebergall asked staff to answer the question regarding waste on the site from years ago. Mr. Trocquet stated there were historical elements on this property from previous owners. He added that there was an EPD hold on the property many years ago, but it had been lifted. Soil testing on that level would happen during the civil engineering and site plan processes. He noted that environmental remediation would be required before establishing any homes if something came to light. He added that those issues would be resolved during the development process.

Vice-Chairman Matheny asked if there would be any provisions in the HOA to anticipate short-term rentals. Mr. Ferry stated that short-term rental provisions would be a part of the covenant and in the 10-20% range. He added that short-term rentals were not the goal.

Vice-Chairman Matheny asked staff about the possibility of Tyrone Elementary School reopening if the project was approved. Mr. Trocquet stated that the Board of Education was waiting to reopen the school because there were not enough young families in the area. Vice-Chairman Matheny followed up by asking if the developer anticipated the type of demographics that included large or young families for the project. Mr. Ferry could



not definitively respond with accurate numbers. He added that his company was not creating an age-restrictive environment.

Chairman Nebergall commented on traffic at the Tyrone Road/Palmetto Road intersection. Though the planned roundabout would ease traffic at Spencer Lane and Arrowood Road, the other intersection would be affected. Mr. Ferry stated that the railroad was the most significant contributing factor.

Commissioner Noble mentioned that he had a follow-up question for staff. He then asked for clarification on whether the proposal met all of the elements of the Comp Plan. Mr. Trocquet stated that some aspects of the Comp Plan were met, but not all. He added that the proposal was under the density allowance and included multiple-use connections out of the cul-de-sacs. However, improvements could be made based on the Comp Plan and ordinance.

Attorney Stough stated that there would be two separate votes on the zoning petitions.

A motion was made to deny the rezoning petition from applicant Calrendon Place, LLC to rezone a 32.949-acre tract with parcel number 0738-156 from C-1 (Community Commercial) to TCMU (Town Center Mixed-Use).

Motion made by Chairman Nebergall, Seconded by Commissioner Bousquet.

Voting Yea: Commissioner Noble.

Voting Nay: Vice-Chairman Matheny.

3. Consideration of a rezoning petition from applicant Clarendon Place, LLC to rezone a 21.887-acre tract with parcel number 0738-158 from AR (Agricultural Residential) to TCMU (Town Center Mixed-Use). **Phillip Trocquet, Community Development**

Chairman Nebergall opened the public hearing for anyone who wished to speak in favor of the item. No one spoke.

Chairman Nebergall opened the public hearing for anyone who wished to speak in opposition to the item. No one spoke. He then closed the public hearing.

A motion was made to deny the rezoning petition from applicant Clarendon Place, LLC to rezone a 21.887-acre tract with parcel number 0738-158 from AR (Agricultural Residential) to TCMU (Town Center Mixed-Use).

Motion made by Commissioner Noble, Seconded by Commissioner Bousquet.

Voting Yea: Chairman Nebergall.

Voting Nay: Vice-Chairman Matheny.

## **V. NEW BUSINESS**

## **VI. STAFF COMMENTS**

Mr. Trocquet announced that a DDA's First Friday event would be on May 3 at Shamrock Park, and everyone was welcome to attend.

## **VII. COMMISSION COMMENTS**

Chairman Nebergall asked for an update on the Tyrone Post Office. Mr. Trocquet stated it was a federal operation, and an estimated completion date was unknown.

Commissioner Bousquet inquired about the Shamrock Park improvement project. Mr. Trocquet stated that Council approved the master plan design of Shamrock Park. He added that the stage and pavilion project would be bid out once the projects next to Shamrock Park were completed.

Chairman Nebergall informed the audience that the Planning Commission made recommendations to Council and the two rezoning petitions would be on Council's May 16 agenda.

Commissioner Noble commented that he was happy to see citizens voice their opinions and concerns about the community.

## **VIII. ADJOURNMENT**

A motion was made to adjourn.

Motion made by Commissioner Bousquet, Seconded by Commissioner Noble.

The meeting adjourned at 8:42 p.m.

By: \_\_\_\_\_  
David Nebergall, Chairman

Attest: \_\_\_\_\_  
Ciara Willis, Assistant Town Clerk