

**Town of Tyrone**  
**Planning Commission Meeting Minutes**  
**February 24<sup>th</sup>, 2022**  
**7:00 PM**

**Present:**

Chairman, David Nebergall  
Commission Member, Jeff Duncan  
Commission Member, Carl Schouw  
Commission Member, Scott Bousquet

Town Attorney, Patrick Stough  
Town Planner, Phillip Trocquet

**Call to Order:**

Chairman Nebergall called the meeting to order at 7:00 pm. The meeting was also available via YouTube Live.

**Approval of Agenda:**

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

**Approval of Minutes:**

1. Commissioner Schouw made a motion to approve the minutes from January 27<sup>th</sup>, 2022.  
Commissioner Duncan seconded the motion. Motion carried 4-0.

**Public Hearings:**

2. Consideration to hear a revision of a development plan as part of the Light Industrial (M1) Planned Industrial Park (PIP) overlay of parcel 0726-068 from applicant East Group Properties LP on behalf of the owner, Hobgood Family, LP. **Phillip Trocquet, Town Planner**

Mr. Trocquet stated that the applicant East Group Properties, L.P. had submitted a petition on behalf of the property owner, Hobgood Family, L.P. for a revision of development plan rezoning petition for parcel 0725-014. This parcel was rezoned from O-I to M-1 (Light Industrial) PIP (Planned Industrial Park) with a specific development plan for movie media production studios and ancillary businesses a few years ago. This property was also associated with DRI 2830 which reviewed both the studio development plan and mixed use development plan for the 43 acre tract to the north. The applicant's expressed intent with the current rezoning application was to revise the approved development plan for studios to a development plan for multi-flex light industrial buildings within a planned technology/business park environment. He said that the proposed

development also showed the inclusion of a multi-use path to be constructed along the rear property line for further connectivity to northern subdivisions and that the proposed development plan reflected 5 such buildings ranging from 102,600 s.f. to 178,200 s.f. A traffic study, rough architectural examples, and visual line of site rendering was also included with this development plan.

He put the concept rendering up on the screen. He noted that the original plan had proposed about 400,000 s.f., and this development proposal jumped up to about 700,000 s.f.

Mr. Trocquet stated that this petition was generally consistent with the Town's Comprehensive Plan and Future Development strategy. He said that the property was within the Community Gateway Character area which promoted the development of future medical, entertainment, and other emerging high-tech industries as well as business headquarters through high-quality architectural and landscaping standards that would protect the scenic nature of the SR-74 corridor. He said that the proposed development plan focused on incorporating such landscaping, berming, and screening elements listed in the comprehensive plan and highlighted high-quality architectural standards. The lower traffic count of this development compared with previous approvals reflected a lower-intensity transportation impact with fewer access points on SR-74. A cart path constructed to Town Standards had also been reflected in the development plan furthering the goals of the Town's multi-use connectivity goals in the Comprehensive Plan.

He said that staff determined this development plan revision to be generally consistent with the Town's Comp Plan & ordinance. If Planning Commission chooses to recommend approval, staff recommended the following conditions be considered:

1. Architectural and landscaping requirements listed in the development plan meet that of Sec. 113-191 (Quality Growth Development District Special Requirements) - specifically finish construction and perimeter berming requirements.
2. Confirmation from ARC be obtained that no Development of Regional Impact (DRI) review will be required before Council.
  - Mr. Trocquet noted that the previous plan triggered a DRI review due to the size and scope of the development. He noted that even though the new proposal with have a lighter traffic impact, due to the increase in square footage, an updated DRI might be needed.
3. Confirmation from Fayette County Board of Education that potential school conflicts have been addressed before Council.
4. Confirmation from GDOT that access along SR-74 can be granted similarly to the previous approved plan.
5. Confirmation of estimated sewerage usage and connectivity point.

Mr. Trocquet then read the impact assessment.

1. *Will Zoning permit suitable uses with surrounding properties?*

The proposed development plan suggests appropriate uses for SR-74 and the Community Gateway Character area and surrounding properties if appropriately screened, buffered, and constructed to the architectural guidelines listed in the ordinance.

2. *Will Zoning adversely affect adjacent properties?*

The proposed development plan has the potential to adversely affect adjacent properties from a traffic perspective, although a traffic study reflecting a lower impact from the previously approved zoning has been submitted. Comment from the Fayette County Board of Education has not yet been acquired at the writing of this staff report; however, a lower traffic impact than what was previously approved is an improved condition for the FCBOE.

3. *Does the property have reasonable economic use as currently zoned?*

Yes, the property has reasonable economic use under the current development plan.

4. *Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?*

Given the traffic capacity of SR-74 and Jenkins Rd as well as the Town's sewer capacity, it is staff's opinion that the proposed use would not be excessively burdensome on preexisting infrastructure.

Chairman Nebergall opened the floor for those in favor of the petition.

Mr. Rick Lindsey approached the podium. He noted that the land in question was owned by the Hobgood family and that Ed Wyatt was also present to represent them. He said they had met with the Fayette County School Superintendent and his management team. He said that they were supportive of the proposal and had no objections to it. The only comment they had was in regard to one of the entrances on Jenkins Road, which was across from one of the high schools. He wanted it noted that they were there for a revision to the current development plan and in his opinion was not there for a rezoning. He said that either way, they were still zoned M-1 Light Industrial. He said they were asking the Town to modify the current plan since the land had sat vacant for almost 5 years.

Mr. Lindsey made it clear that they were not proposing a distribution center or a warehouse. He stated that EastGroup would own the business park. Because it would be owner operated, Mr. Lindsey said that they would take great care in the businesses that they partner with. He said that the buildings were designed to be subdivided, not for one single tenant, and that the average tenant occupied about 30,000 square feet. He continued that the proposal fully met the Town's Comprehensive plan and was located in the Community Gateway District. He said they were absolutely going to comply with the heightened architectural and landscaping guidelines for the area. They were planning on one entry along HWY 74 and one along Jenkins Road. He also said that a recent traffic study found that the traffic impact for this development to be lower than what was already approved and in place. He noted that instead of semi-trucks, it would most likely be a mix of panel trucks, box trucks, etc. He reemphasized that they were not asking for a distribution

center, but a nice, quality business center in Tyrone. He said that the jobs generated will be good, high paying jobs, and probably even better than what would have been under the current plan.

He then pointed out the aesthetics of other buildings that his client has already built in other communities. He pointed out the glass and high quality exterior. He then showed examples of the interior aesthetics and showed photos taken from actual tenants from the other buildings.

He reiterated that he believed that his client would fit and fulfill all of the guidelines and desires of the Town's ordinances. He also pointed out the increase in taxes that the Town would receive. He said that according to his estimates, it would produce 7 million in taxes over the next 10 years.

Mr. Lindsey then stepped down from the podium.

Mr. John Coleman then approached the podium. He said that EastGroup is a REIT (Real Estate Investment Trust) on the NYSE with ownership primarily in the Sunbelt states. He said that he himself is located in Atlanta, so if there were ever any issues, he would be happy to come down and discuss. He emphasized that they look for high quality locations as well. He noted that they would have also high signage restrictions for their tenants.

He said that the elevations will be extensive glass from the entry and that quality was a top focus. He said that they will target local companies and some of the focus would be on biotech and aviation and homeowners. He said that traffic generation would be lower than the movie studios and even lower than the previous O/I zoning. He then left the podium.

Mr. Ed Wyatt approached the podium. He said he had been the president of the Hobgood Family Partnership for 25 years. He noted that the family also owns the 43 acres north of the property in questions as well. The Hobgood family had been on the property for 6 generations and all that the family wanted now was nationally renowned high quality business park developer. He said that this development would be the life of the community. He then stepped down from the podium.

Chairman Nebergall closed the public hearing for those in favor and opened the hearing for those in opposition.

Mr. Marcelino Laconte of Rivercrest Subdivision approached the platform. He wanted clarification on the project since he frequently drives in the area with his children. He wanted to know how they could guarantee that the businesses displayed in the presentation would be the types of businesses that would actually frequent the park. He was worried about the traffic that had occurred with the Amazon distribution centers in nearby towns. He also wanted to make sure that the fire station would be able to handle the load of a business park at this time. He then stepped down from the podium.

Mr. Gary Swint approached the podium. He said he usually works nights and that he loved the family friendly feel of Tyrone, and that he believed this business park would change that picture. He said he loves seeing people at the park and did not want anything to change the small-town feel. He then stepped down from the podium.

No one else spoke in opposition. Chairman Nebergall then closed the public hearing.

Mr. Rick Lindsey approached the podium again. He reiterated that the entire site plan process was to approve the design and idea of the building so that it would have to meet the specifications presented. He also noted that Tyrone had strong ordinances, making it difficult to deviate from any approved plan. He reiterated the types of vehicles and traffic that would be expected from the development. He pointed out that this development was along HWY 74, which was a more commercial area to begin with.

Chairman Nebergall asked Mr. Lindsey about the school and church traffic and the impact that the development could have.

He said that the Superintendent was not concerned about the traffic impacts on the schools and was overall very supportive of the project. He noted that no meeting had been yet set with the church, but that he would like to believe that since the operating times are so different, that it would not impact the church much at all in terms of traffic. He reiterated that they wanted to come in and be an asset to the community and did not want to shove this project down anyone's throat.

Mr. Trocquet pointed out that only the development plan and concept plan were being approved at this time. When it came time for construction, a set of fully engineered plans would be coming back before planning commission. He reiterated again that a site plan would be coming back for approval.

Commissioner Duncan asked about the DOT and HWY 74. Mr. Trocquet said that the original plan did have a curb cut off of HWY 74 and that the rear one off of Jenkins ran along the road. He said that this plan would still have the cart path crossing.

Mr. Lindsey said that they wanted to further discuss and look at that area, and that the school board did not say that they for sure that they wanted the curb cut or cart path moved. They did not think that it would be a problem, but noted that the placement warranted further discussion.

Mr. Trocquet added that the school board would be added to the Technical Review Committee given the property's proximity to the school. He added that any curb cut on HWY 74 would have to be approved by GDOT and that would be gotten during site plan approval.

Mr. Lindsey then stepped down from the podium and Mr. Coleman approached the podium.

Mr. Coleman added that they were sure to maintain the previously approved curb cut and that this proposal had a greater differential of peak hours than the current plan. He stated that they hired the same traffic company, Kim Horn, that originally did it for the last rezoning petition.

Commissioner Bousquet asked how many employees they were expecting to have. He responded that it could vary based on the business use, but they normally say about 1 employee per 1,000 square feet. He then pulled out a photo of what an Amazon warehouse looks like and

pointed out the differences between the two. He made sure to note that their proposed project will be nothing like an Amazon warehouse.

Commissioner Schouw asked if the applicant does any business with Amazon in their other properties.

Mr. Coleman approached the podium. He said that they do not have Amazon as a big client. He then stepped down from the podium.

Chairman Nebergall asked if the Town had an ordinance about a max size of 30,000 square feet for a building of this size.

Mr. Trocquet stated that the ordinance referenced was pertaining to C-1 and C-2 zoning, not to M-1. He stated there was not a limit for a M-1, but the ordinance did prohibit warehousing or distribution facilities. He also noted that there was no exterior storage proposed as part of the development plan, which would be consistent with the overlay district, and that also limited certain higher intensity units. He pointed out that this particular rezoning was different because its zoning was attached to the development plan, which was different than just a regular M-1 zoning. This particular development plan did not include restricted uses, but it was something that the applicant could chose to do, though it was not a requirement.

Mr. Trocquet said that there were some conditions that were proposed. He also wanted to point out that a council meeting had not yet been advertised for this rezoning. The applicant had chosen to do one at a time in order to have time to address any comments.

The conditions were to confirm with ARC (Atlanta Regional Commission) that a DRI was not required, confirmation from the FCBOE (Fayette County Board of Education) that there were no major school conflicts, and then confirmation from GDOT (Georgia Department of Transportation) regarding configuration of access.

Mr. Rick Lindsey asked if a written note from the superintendent would suffice or if it had to be from the FCBOE itself. Mr. Trocquet stated that either should be fine.

Chairman Nebergall asked for a motion. Commissioner Duncan made a motion to approve the rezoning with the earlier stated conditions. Motion passed, 3-0.

### **New Business:**

3. Consideration to approve a revised final plat for 129 and 163 Palmetto Road from applicant Douglas E. Pollard. *Phillip Trocquet, Town Planner*

Mr. Trocquet stated that applicant Douglas Pollard was seeking to re-plat parcels 0738-053 and 0738-161 (163 & 129 Palmetto Road). Mr. Pollard's expressed intent was to finalize original plans made in August of last year to parcel off a one-acre tract of 163 Palmetto Road with the remaining acreage being combined with 129 Palmetto Road. Given the non-conforming

accessory structures located on the property, Mr. Pollard would need to request conditional approval of the plat contingent upon receiving a setback variance allowing the accessory structures upon the new lot as variances are invalidated when properties are altered.

Mr. Trocquet said it was staff's determination that approval of the proposed plat should be conditioned upon all TRC comments being resolved and upon a variance being granted to the new lot for structures to be located within the setback.

The proposed lot configuration was consistent with the Future Development Map. This plat petition was not consistent with the Town's zoning ordinance as the existing accessory structures would transfer from legal nonconforming (granted with a variance in September 2021) to illegal in violation of R-12 setback standards if the plat were approved with no conditions. A variance would be required to bring this petition into conformity with the zoning ordinance.

Mr. Trocquet said that the original variance was granted as part of a rezoning to the property. The applicant desired to rezone the piece of land at 163 Palmetto Road so that he could combine the two properties, for two properties of different zonings cannot be combined. Mr. Trocquet said that the rezoning was approved contingent upon getting a variance for the structures. When the lots are combined, the variance will not carry over to the new property, hence the reason that he would need to apply for a new one with a similar setback request to the original. He noted that the variance was not what was up for approval, just the plat.

Chairman Nebergall asked if the approval of this variance would be applicable to other parts of town. Mr. Trocquet said that he was not aware of another similar situation, but that approving one did set a precedent. Mr. Davenport said that variances were designed to allow extraordinary relief, not to set a precedent. He said that each variance application should be considered on its own merits, and that this decision would not necessarily set a precedent.

Commissioner Bousquet asked if the zoning would remain R-12. Mr. Trocquet stated that it would.

Chairman Nebergall asked for a motion. Commissioner Schouw made a motion to approve the plat with the condition that a setback variance be granted to approved to bring the accessory structures into compliance with Town ordinances. Commissioner Bousquet seconded. Motion passed, 3-0, with Commissioner Duncan in dissent.

4. Consideration to approve a Landscape Plan for 1415 Senoia Road from applicant Brian Selleck. ***Phillip Trocquet, Town Planner***

Mr. Trocquet said that Mr. Selleck already owned property along Senoia Road and was building another building directly next door. He noted that he already had an issued building permit and completed engineer plan and just needed to finish things off with an approved landscape plan. Mr. Trocquet said that environmental specialist Devon had done a thorough review of the plan and that it met all tree protection ordinances and landscaping ordinances. Mr. Trocquet stated that staff recommended approval with one revision. He said that since the applicant owns both

buildings, the applicant wanted to be able to access both rear lots and was asking for the landscaping plan be approved with the condition that the hedges be shifted a little to the north and for the hedges that could not be replaced, that he be able to donate to the tree bank. He said that he would move the wax myrtles north. For any trees that were removed and not replaced, he would donate to the tree bank. He also noted that he advised the applicant on what to do should he ever sell one of the lots.

Chairman Nebergall asked for a motion. Commissioner Duncan made a motion for approval with stated revisions. Motion approved 3-0.

### **Staff Comments**

Mr. Trocquet said that the online survey was out for the Comprehensive plan. Signage was out as well. He said they were leaning very heavily on citizen input. He said the focus was going to be town-wide, with a concentration towards the north 74 corridor.

### **Commission Comments**

Commissioner Bousquet asked about the mixed use of a property along HWY 74. Mr. Trocquet stated that the mixed use was approved with a specific development plan, which consisted of a mix of residential and commercial, with some limitations on the residential aspect. He said that some have wanted to revise that development plan to be high density residential, but that type of proposal was not consistent with the Town's future land use plan. Commissioner Duncan clarified that the property in question would front HWY 74 and Sandy Creek Road. Mr. Trocquet stated that a curb cut would be required so that traffic could flow from one section of that property to the adjacent property as well.

He then pulled up a map and showed where the multi-use trail would go for Tyrone Road. It would connect Farr Road and Julie Road. Chairman Nebergall asked about the possibility of creating a bridge over HWY 74 for residents at the north end of town. Mr. Trocquet noted that those neighborhoods were located more than two miles from existing path networks, making connectivity a challenge. He said that GDOT had explicitly stated that they did not want a cart path in their right-of-way, making a path down Hwy 74 impossible. Mr. Trocquet said that part of the development plan for the mixed-use property would be to have a multi-use path to help connect those neighborhoods to the rest of the Town. He then said that the Town's main priority was to connect its residents to the Carriage Oaks/Publix area and to downtown.

### **Adjournment**

Meeting ended at 8:19PM.

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Chairman David Nebergall

Phillip Trocquet, Town Planner