

**Town of Tyrone**  
**Planning Commission Meeting Minutes**  
**April 28<sup>th</sup>, 2022**  
**7:00 PM**

**Present:**

Chairman, David Nebergall  
Vice-Chairman, Dia Hunter  
Commission Member, Scott Bousquet  
Commission Member, Jeff Duncan  
Commission Member, Carl Schouw

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:**

Vice Chairman Hunter made a motion to approve the agenda. Motion was seconded by Commissioner Duncan. Motion passed 4-0.

**Approval of Minutes:**

1. Commissioner Duncan made a motion to approve the minutes from March 24<sup>th</sup>, 2022. Motion was seconded by Commissioner Bousquet. Motion passed 4-0.

**Public Hearings:**

2. Consideration of a petition from applicant Teresa Shell for the rezoning of a 2-acre tract at property address 458 Senoia Road from R-12 (Residential 1200 s.f. min.) to C-1 (Downtown Commercial). **Phillip Trocquet, Town Planner**

Mr. Trocquet stated that applicant Teresa Shell had applied for a rezoning of 458 Senoia Road from R-12 (Residential 1,200 s.f. min) to C-1 (Downtown Commercial). The stated intent of this rezoning was to accommodate a Montessori school/daycare at this property. The current configuration of structures on the property would accommodate C-1 development regulations and setback requirements without creating nonconformities. The barn on the north end of the property and the house both lie outside of the setback and buffer requirements for adjoining residential for C-1. Ms. Shell applied for the same request in August of 2021. Planning Commission recommended approval of the request with the condition that a traffic study be

performed. Town Council denied the petition. Prior to January of 2022, the character area for this property and others west of Senoia Road was for Production and Employment consistent with development on that side of the road. It was Council's determination that this future land use character area was not appropriate for the undeveloped or currently residential properties west of Senoia Road and thereby amended the Comprehensive Plan and Future Land Use Map in accordance with O.C.G.A standards in a public hearing.

He continued that this property currently lies as a border property on the Future Land Use map between production and Employment and the Estate Residential character areas. Situated within the Estate Residential Character area, the property would ideally assume a residential zoning. He noted that the Future Development Map was a guiding document with properties situated on the edge as potentially assuming a different zoning based on unique circumstances. Given that 458 Senoia Rd. borders an already zoned C-2 property as well as a very active rail line, C-1 or O-I could be appropriate classifications since they would be considered transitional step-down zoning districts in terms of intensity. Commercial zoning would also remove zoning buffers incurred on the C-2 property to the south that make it impractical to build on. He said that staff determined either residential or light commercial such as O-I (Office-Institutional) as appropriate zoning classifications for this property. Heavy Commercial or Industrial zoning would not be consistent for this property. He said that the existing land use was vacant, the surrounding land use to the north was agricultural, to the south was highway commercial and to the east was R-12 and to the west was agricultural.

1. *Will Zoning permit suitable uses with surrounding properties?* C-1 zoning is not explicitly permitted within the Estate Residential character area, however, C-1 zoning is compatible with commercial properties to the south. Land to the north, although zoned residential, is likely too narrow for construction of a building. Commercial to residential buffers would be applied to the north and east of the property for the purpose of protecting residential properties within a certain proximity.
2. *Will Zoning adversely affect adjacent properties?* Commercial properties to the south will not be adversely affected and would recapture buildable area with the removal of a buffer requirement currently in place due to the current residential zoning of this property. This property will be subject to residential buffers to the north and east for adjacent owner protection and be required to submit a traffic impact analysis with a site plan if used for commercial purposes that require site improvements.
3. *Does the property have reasonable economic use as currently zoned?* It is staff's determination that the property does have reasonable economic use given its Future Land Use Character Area designation unless evidence to the contrary in the form of sale and occupancy records is reported to the Town due to site or other conditions.
4. *Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?* It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure. Higher intensity commercial or industrial land uses exist along Senoia Road in this area of Town. A lower-intensity commercial zoning would likely not overburden Senoia Road. Specific site considerations on traffic movement will be identified during the site planning portion of any further development for the

property. Schools must provide a circular drive for pickup and drop-off which can be done on this property given the preexisting curb cuts. If a traffic study yields data suggesting an unacceptable impact on roads, the site plan will need to be adjusted until such impact is proven to be mitigated or resolved.

Chairman Nebergall opened the hearing to those in favor of the petition.

Mr. Newton Galloway approached the podium. He stated that he was there on behalf of his client, Ms. Teresa Shell. He noted that the commissioners had seen this petition before. He stated that the property was approximately two acres with an existing barn and house. He said that Ms. Shell acquired the property after investigating the comprehensive plan and the potential uses of the location. He noted that the only change between now and the original petition was a change in the comprehensive plan. He said that the staff report was thorough and that it identified the key issues involved in the rezoning request. He pointed out that this was a problem piece of property in part due to its location. He noted that it was surrounded by the second heaviest trafficked road in Tyrone. He reiterated the uses of the surrounding pieces of property. He noted that either a zoning of C-1 with restrictions or an O/I zoning would allow his client to accomplish their intent with the property. He said that even if it was left as estate residential, he thought it would be unlikely for the property to be in use as such as it bordered a railroad track on one side and commercial activity on the other. He concluded by stating that the property is a transitional piece of property and that they would be happy with either recommendation of a C-1 zoning with restrictions previously mentioned or an O/I zoning. He then stepped down from the podium.

Chairman Nebergall then opened the hearing to those in opposition of the changes.

Mr. Gary Farr approached the podium. He said he lives across the street from 458 Senoia Road. He did not like that the property was being described as “transitional.” He said that if this piece of property is rezoned, then there is nothing to stop the next piece of property from being described as transitional and then that property could also transition to commercial. He stated that the house was bought as a residential house and he questioned why someone would buy a residential piece of property with the hopes of using it for commercial purposes. He noted that nothing had been done in regards to the upkeep of the property. He noted that he did not care if the property continued to deteriorate. He also pointed out that the vast majority of the surrounding residential properties were owned by the same family. He said the property could have been easily fixed and restored as a place of residence. He then stepped down from the podium.

Mr. Jamie Roberts approached the podium. He noted that he owned the land adjacent to the property in question. He said that he did not want the rezoning to happen. He noted the large truck traffic and did not think a day care was a good idea for that spot. He said that traffic is already bad and he didn't want more cars added. He then stepped down from the podium.

Mrs. Mindy Walding approached the podium. She said that there were plenty of properties in Tyrone already zoned appropriately for what the applicant wanted to do. She said that the property shouldn't have been bought with a commercial intent when it was still zoned residential.

She said that as a mom she was concerned of the proximity of the property to the railroad tracks and to the large tractor trailers that are going in and out of the industrial park. She said that kids love cars and railroad tracks and was worried about their safety.

She was also worried about the standing traffic along Senoia Road. She continued that if it was rezoned to commercial, then there was nothing to stop her from utilizing any of the other allowed uses for the property instead of a Montessori school. She then stepped down from the podium.

My. Lloyd Walding approached the podium. He pointed out the little triangle of property directly next to the property in question. He said that once one piece of property is allowed to change to commercial, then there is nothing to stop the next property and the next to also become commercial, and that there's no stopping it at that point. He then stepped down from the podium.

Chairman Nebergall then closed that portion of the meeting and opened it up for Commissioner comments.

Commissioner Duncan stated that he was still concerned about traffic and would have liked to see a traffic study before them. Commissioner Bousquet agreed with that statement. Mr. Trocquet noted that there was not a full traffic study, but that there were a few preliminary counts presented with the previous petition. He continued that normally traffic studies are looked at during the site planning process, not during a rezoning. At that time, if the traffic study shows that the impact is too great, then the site plan can be amended and adjusted as appropriate.

Mr. Stough did not recommend placing a condition on the rezoning stating that a traffic study needed to be conducted. He also did not recommend placing a condition on the property stating that it could only be turned into a Montessori school. Mr. Trocquet explained conditional uses as laid out in the ordinance and the impact those have on zonings.

Chairman Nebergall stated that he would like to see a study showing that traffic would be handled appropriately, but that if that came with the site planning process, then he would look at it then. He also noted that the back side of the property was up against the railroad.

Commissioner Bousquet asked who owned the property to the north. He wanted to clarify that if O/I was granted, then the next property over would not be able to potentially rezone into something with a heavier rezoning classification than that. Mr. Trocquet confirmed that if O/I was granted, should the residential properties petition to be rezoned in the future, they would most likely not be granted anything higher than that same classification. He clarified that the setback for O/I against a residential property was still 75 feet, but against another O/I property that setback diminishes greatly.

Vice Chairman Hunter asked about traffic studies being done in the Town and how that could potentially affect Senoia Road. He noted that schools have to get certifications and pass certain inspections with the state before they can operate, so the proximity of the property to the railroad tracks would be addressed at that point.

He then asked about the unbuildable property to the south. He asked if the applicant had attempted to purchase that land as well. She said she had reached out but had not heard a response. He was worried about the impact on that property owner.

He then asked about the other Montessori school in the area and asked that it be brought up on the big screen. After looking at the way the site was laid out, he wondered if there had been any traffic issues resulting from that development. He noted that there was a similar blend of commercial and residential space in the area as well.

He then asked the square footage of the buildings on the property. He noted that the square footage was smaller than the other Montessori school in the area.

Vice Chairman Hunter continued that he was still worried about the property to the south as well as the traffic in the area. He said he did not agree with the idea of making it a conditional rezoning.

Mr. Galloway then addressed the property to the south of the property. He pointed out that the property was not zoned for residential, but for C-2 highway commercial.

Chairman Nebergall said that he recommended that if a motion was to be made, that it be made for O/I, not for C-1. Vice Chairman Hunter agreed.

Vice Chairman Hunter made a motion to recommend approval of the rezoning from R-12 to O/I. Seconded by Commissioner Duncan. Motion passed 4-0.

#### **New Business:**

Update on the final edit of the Town's 2022 Comprehensive Plan. **Phillip Trocquet, Town Planner**

Mr. Trocquet noted that the final public hearing before the comprehensive plan went to DCA would be at the Town Council meeting on May 5<sup>th</sup>. He said that this was an update to the comprehensive plan, not a complete rewrite.

#### **Staff Comments**

No staff comments.

#### **Commission Comments**

Commissioner Duncan wanted to acknowledge that Tyrone was listed as the 3<sup>rd</sup> safest community in Georgia.

Vice Chairman Hunter pointed out that with an R-12 zoning, 1200 square feet was the minimum size for a house, not the maximum.

#### **Adjournment**

Meeting ended at 8:03pm.

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Chairman David Nebergall

Phillip Trocquet, Town Planner