



PLANNING COMMISSION MEETING

February 22, 2024 at 7:00 PM

950 Senoia Road, Tyrone, GA 30290

David Nebergall, Chairman

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

Terry Noble, Commissioner
Brad Matheny, Commissioner
Patrick Stough, Town Attorney

I. CALL TO ORDER

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

II. APPROVAL OF AGENDA

Commissioner Duncan made a motion to approve the agenda. Commissioner Noble seconded the motion. Motion carried 5-0.

III. APPROVAL OF MINUTES

1. Approval of Minutes from December 14th, 2023

Commissioner Bousquet made a motion to approve the minutes. Commissioner Matheny seconded the motion. Motion carried 5-0.

IV. APPOINTMENTS

2. Appointment of a Chairman to the Tyrone Planning Commission

Commissioner Duncan nominated Commissioner Nebergall as chairman. No other nominations were made.

Commissioner Noble made a motion to close nominations, Commissioner Bousquet seconded. Motion carried 5-0.

A vote was made to appoint Mr. Nebergall as Chairman. Vote carried 4-0, with Mr. Nebergall abstaining.

3. Appointment of a Vice-Chairman to the Tyrone Planning Commission

Commissioner Duncan nominated Mr. Brad Matheny as vice-chairman. No other nominations were made.

Chairman Nebergall made a motion to close nominations, Commissioner Duncan seconded. Motion carried 5-0.

A vote was made to appoint Mr. Matheny as Vice-Chairman. Vote carried 5-0.

V. PUBLIC HEARING

4. *Consideration to recommend approval of a text amendment to section 113-211 of Article VIII of the Zoning Ordinance regarding off-street automobile parking requirements. **Phillip Trocquet, Community Development***

Staff requested that this item be tabled to the next regularly scheduled planning commission meeting to resolve any outstanding legal conflicts that may be present in the current language.

Commissioner Bousquet made a motion to table the item to the next planning commission meeting on March 14th, 2024. Commissioner Noble seconded the motion. Motion carried 5-0.

4. *Consideration to recommend approval of a text amendment to section 113-190 of Article VII of the Zoning Ordinance regarding conditions for hotels. **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item. He stated that Recent revisions to the conditions section for hotels have been requested by Council to be re-visited to be made more clear and better accomplish the Town's goals for development. He continued that the Town of Tyrone currently allows hotels as conditional uses in our C-1, C-2, CMU, and TCMU zoning classifications which provide places of public accommodation. Such conditions are aimed at ensuring that hotels are compatible with surrounding uses and will not impede the normal and orderly development of surrounding property. These conditions are also aimed at preventing hotels from becoming transitional residences, which blur the lines between commercial and high-density residential uses. The Town wishes to promote guest stays that are compatible with the Town's comprehensive plan, quality standards, tourism goals, and economic development goals. The Town has found the proposed provisions strike a balance between these goals and the demand from businesses and the community. These provisions are designed to accommodate longer-term business travelers, families in the process of locating a new residence or awaiting a remodel, and similar individuals while also preventing such guests from becoming permanent residents in accommodations meant for temporary stays, which would be inconsistent with Town's planning, zoning, tourism, and economic development goals.

Mr. Trocquet stated the text amendment would revise condition 'i' in section 113-190 (43) to read: *"No hotel under these provisions shall have more than 30% of guestrooms which have facilities for the preparation of food by guests to include cooktop stoves, ovens, convection ovens, or ranges. This excludes mini-fridges and microwaves. All guestrooms which have such facilities shall have a minimum of four-hundred square feet (400 s.f.) of floor area. For any such guestrooms designed for occupancy of more than (2) guests, a minimum of five-hundred-and-fifty square feet (550 s.f.) of floor area shall be required."*

Chairman Nebergall opened the public hearing for any in favor of the text amendment. No one spoke. Chairman Nebergall closed the public hearing for any in favor and opened

the hearing for those in opposition. No one spoke. Chairman Nebergall closed the public hearing for those in opposition.

Commissioner Bousquet asked where the standards that were presented were derived from. Mr. Trocquet responded that the standards were derived from similar conditions on hotels in other Georgia municipalities such as Alpharetta.

Commissioner Noble commented that this text amendment and the others present on the agenda were meant to clarify the Town's regulations on hotels to include extended-stay hotels. Mr. Trocquet confirmed that was the case, particularly that extended-stay hotels are included in the base definition for hotels in general, so additional language defining them differently was confusing. Mr. Trocquet stated that the purpose of these text amendment was to strike closer to Town Council's intention for the development standards of such facilities.

Commissioner Duncan made a motion to approve the text amendment. Commissioner Noble seconded the motion. Motion carried 5-0.

5. Consideration to recommend approval of a text amendment to section 113-2 of Article I of the Zoning Ordinance to modify definitions for "hotels" and "extended-stay hotels." **Phillip Trocquet, Community Development**

Mr. Trocquet presented the item and stated that staff has concluded that since "extended-stay hotels" are included in the definition of "hotels," and both have the same conditions, that the definition for "extended-stay hotels" should be removed.

Chairman Nebergall opened the public hearing for any in favor of the text amendment. No one spoke. Chairman Nebergall closed the public hearing for any in favor and opened the hearing for those in opposition.

Mr. Carl Jackson of 115 Kettering Trace spoke. Mr. Jackson stated that the discussion seemed unclear and was inquiring whether extended-stay hotels were intended to be excluded from the ordinance considerations all together? Chairman Nebergall stated that the intention of the ordinances were not to exclude extended-stay hotels, but rather place parameters around all hotels to include extended-stay hotels that offer negative impact protections of nearby residential properties. Mr. Jackson asked what the protections were regarding hotels. Mr. Stough advised that back-and-forth questions and answers be addressed after the meeting or as commentary during the commission comments section of the item.

Ms. Janis Shelton of 125 Waltham Way spoke. Ms. Shelton noted that she had a concern that if there was no ability to answer citizen questions by the commission, that it did not make sense as it could influence the vote. She continued that she thought up to 30% of rooms with cooktop equipment seemed too high. She also thought that the elimination of extended stay hotels as a specific use would confuse residents in that they would not be aware if a regular hotel or extended-stay hotel was being proposed for any particular development.

Mr. Bernie Costan of 615 Westbourne Drive spoke. He stated that he agreed with Ms. Shelton and feared that he felt it opened the ordinance up to extended-stay hotels being constructed more easily.

Chairman Nebergall closed the public hearing for those in opposition.

Chairman Nebergall stated that he believed there was some misunderstanding as to the purpose of these text amendments by residents and asked Mr. Trocquet to clarify by reading the definition of hotels and by going through the conditions for hotels, including the condition proposed at the meeting tonight.

Mr. Trocquet read the definition for hotels: *"Hotel. A Facility with more than three rooms in which lodging, along with, customary lodging facilities and services, such as meeting rooms, restaurants, maid service, and fitness centers, are provided for transient guests for stays of less than 30 days and offered to the public for compensation."* Mr. Trocquet noted that since extended-stay hotels are listed in the definitions section of 'hotels' that there was no need for a separate definition.

Chairman Nebergall requested that Mr. Trocquet review the existing ordinance conditions for hotels in order to answer inquiries regarding what impact protections were in place for adjoining residents. Mr. Trocquet read the ordinance as follows:

- a. *Minimum lot size – 3 acres;*
- b. *A minimum of a 100' buffer shall separate the development from residential or AR zoning districts;*
- c. *Exterior lighting shall be designed to be completely downward facing and shielded to prevent light spillage onto neighboring residential or mixed-use properties;*
- d. *Service entrances, loading docks, and garbage collection areas shall not be located adjacent to residential property lines and shall be screened with landscaping or architectural features;*
- e. *Windows, balconies, and rooftop amenities such as pools or lounges facing any residential district shall be designed to be screened from direct line of sight into neighboring residential properties. A line of sight study may be required;*
- f. *Hotels shall be required to provide main access to all guest rooms through a lobby of at least one thousand (1,000) square feet;*
- g. *All guest rooms shall be accessed through an interior hallway and shall not have direct access to the exterior of the building unless required by fire safety regulations.*
- h. *Outside storage or long-term parking of over 24 hours of heavy equipment or construction or related equipment shall be prohibited;*
- i. *No business shall be allowed to operate from a guest room within a hotel;*
- j. *If within 300' of residentially-zoned properties, hotels shall implement noise-control measures, such as soundproofing assembly areas, and soundproofing or restrictions on outdoor assembly activities during the hours of 9:00 p.m. to 8:00 a.m.;*

- k. No guest rooms shall be utilized for continuous occupancy by a single guest beyond 30 days and only one such stay may occur during any given 60-day period; and*
- l. No hotel under these provisions shall have more than 30% of guestrooms which have facilities for the preparation of food by guests to include cooktop stoves, ovens, convection ovens, or ranges. This excludes mini-fridges and microwaves. All guestrooms which have such facilities shall have a minimum of four-hundred square feet (400 s.f.) of floor area. For any such guestrooms designed for occupancy of more than (2) guests, a minimum of five-hundred-and-fifty square feet (550 s.f.) of floor area shall be required”*

Mr. Trocquet noted that most of the conditions were applied when adjacent to a residentially zoned property.

Commissioner Duncan stated that this was discussed in relationship to extended-stays typically having kitchens and cook-tops which was the regulatory mechanism at play in the text amendments. Mr. Trocquet responded that the Town cannot outright ban extended-stay hotels which is not the intention of any of these ordinances. The intention of the ordinances was to regulate all hotels, extended-stay included, in a way that met the spirit and intention of the Town’s development and quality standards.

Commissioner Bousquet noted that he believed these conditions provided better regulatory items to address hotels in the quality standard the community was looking for.

Commissioner Noble stated that for clarity, these conditions would need to be applied to any facility that considered itself a hotel including such facilities that would consider themselves extended-stay hotels.

Chairman Nebergall stated that these ordinances were meant to place quality controls on hotels, but not to ban them. Mr. Stough responded that similar to other uses such as adult businesses, which the Town’s ordinances restrict severely, a legitimate governmental purpose must be ascertained in placing the conditions. He noted that in the case of adult businesses, many jurisdictions performed a number of studies in response to the effects of such businesses and established a legitimate governmental authority on their regulation to the degree they are. He continued that he did not see where the Town has such reasons to prohibit a particular hotel.

Chairman Nebergall made a motion to recommend approval of the text amendment. Commissioner Duncan seconded the motion. Motion carried 5-0.

6. Consideration to recommend approval of an annexation and rezoning petition from applicant Fayette County Development Authority of a 70-acre tract with parcel number 0904-008 from AR (Unincorporated) to BTP (Tyrone Incorporated). **Phillip Trocquet, Community Development**

Mr. Trocquet noted that is staff report would be for the remaining five public hearings, but that he was available to answer questions on each of the items. He continued that the Fayette County Development Authority has put forward the annexation of two

properties, 2044 SR-74 and 1940 SR-74, as well as the rezoning of three additional properties: 2008, 1980, and 1960 SR-74. All properties have been petitioned to be rezoned BTP (Business Technology Park) with a proposed conceptual development plan consisting of two (2) 252,300 s.f. data processing centers. Due to the square footage, this proposal has triggered a Development of Regional Impact (DRI) which is currently under review by the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA). The methodology documentation for this DRI have been included and outline total number of trips at 500 ADT with an approximate 60 gross trips at the AM Peak hour and 50 gross trips at the PM peak hour. This low trip generation has qualified the project for an expedited DRI review which will be complete before the Town Council hearings for these items. Staff recommends approval of the annexations and Rezonings with the following conditions: 1) The project incorporate any major DRI recommendations. 2) All properties be replatted to be combined within 180 days of council approval.

Mr. Trocquet stated that the petition is consistent with the Town's Comprehensive Plan and future development map. The Future Land Use designation for this property is Community Gateway which encourages BTP zoning north of the Jenkins Rd. intersection. The development strategy aims to limit access points along SR-74 and encourage traffic flow on the corridor. Developments shall "be identified by the development community as high-value properties that can contribute to the Town's local economy. . . consistent with the Fayette County Development Authority's standards." The project, as proposed, conserves a major percentage of the overall land area of the combined site and incorporates an internal connection from Thompson Road to Kirkley road satisfying both the conservation and traffic management strategies in the Comp Plan.

Mr. Trocquet read the impact assessment from the staff report:

1. *Will the zoning permit suitable uses with surrounding properties? The development plan is appropriate for SR-74 and the Community Gateway area, requiring proper screening, buffering, and adherence to architectural guidelines.*
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, buffering, and architectural standards from the BTP and Quality Growth Overlay districts.*
3. *Does the property have reasonable economic use as currently zoned? Staff concludes that, under the current zoning and considering Future Land Use designations, the properties lack reasonable economic use.*
4. *Would the proposed zoning overburden existing infrastructure? While the zoning could affect infrastructure, the town's traffic management requirements and planning processes are designed to mitigate such impacts. The development is expected to have lower traffic impacts than anticipated and will be supported by existing utilities.*

Chairman Nebergall opened the public hearing for those in favor of the rezoning.

Mrs. Niki Vanderslice of the Fayette County Development Authority approached the podium and greeted the Commissioners. She began by acknowledging the community's directives regarding the future land use plan that has been in place for over a decade.

This plan specifically called for the property in question to be zoned as BTP. The property is located west of 74 and north of Kirkley Road. She pointed out that the current zoning allows for significant traffic. If the property is not zoned to BTP, it could potentially become a distribution center, such as a last-mile distribution center for a company like Amazon. This would involve trucks coming in to drop off packages and then other trucks taking them from the distribution point to homes, leading to increased traffic. Mrs. Vanderslice also mentioned that the two unincorporated pieces of land have been on the market for more than ten years. The Development Authority became involved in this project because they understood what Tyrone wanted with the BTP zoning. She shared some information about Tyrone's tax digest, which is 90% residential. This means that the majority of the budget is borne by the citizens of Tyrone. The proposed project would help balance the tax digest. For every dollar that a resident pays in taxes, they utilize \$1.30 worth of services. However, for every dollar that a commercial and industrial user pays in taxes, they use 70 cents in services. The proposed project would provide a boost to the tax digest with a very low impact, less than many other options even as it is currently zoned. Mrs. Vanderslice concluded by saying that the property will be utilizing approximately 25% of the acreage, leaving much of the land undisturbed. The wetlands have buffers set back from them, so a significant portion will be preserved. She expressed her willingness to answer any further questions on the topic.

Mr. Ed Wyatt of 362 Lees Mill Road approached the podium. He began by stating that he represents the Hobgood family, which owns the northernmost 70-acre tract of land. The family partnership has been in existence for about 30 years, and he has been the family representative for that entire time. The family, now into its third and sometimes fourth generation, consists of about 50 members. As interests are passed down to their children and get split, the average ownership interest is about 2%. He mentioned that they have been marketing this land for decades. Many people have shown interest, sometimes even putting it under contract. However, the intended use for the land often wasn't what the town of Tyrone wanted. He pointed out that the proposed use would result in an unbelievably small amount of traffic. Mr. Wyatt asserted that this is by far the least burdensome use he has seen in 25 years. He mentioned that at peak times, there would be about 60 cars for a development of this size, and 50 cars at other peak times. He believes this is a wonderful use for the community as it will bring in tax dollars without burdening the school system or congesting the roads with trucks and other traffic. He concluded by asking for favorable consideration and thanked everyone for their time. He also invited anyone else who would like to speak in favor of the proposal to do so.

Mr. Bernie Coston of 615 Westbourne Drive approached the podium. He expressed that while he is generally in favor of the proposed development, he has some concerns due to its proximity to his residence in River Oaks Phase One, which is adjacent to the proposed data center site. He has lived in his current residence for 20 years and has observed changes in traffic patterns over time. He noted that the intersection of River Oaks and Kirkley Road has been a point of concern. Initially, it was possible to make a left turn by crossing over into the median. However, as traffic volume increased, the solution was to prohibit left turns. Instead, drivers would have to make a right turn out of Westbourne, go down the road, make a U-turn, and then come back. Mr. Coston expressed concern

that the new facility might increase the burden on people coming out of River Oaks, as well as those coming off of Sandy Creek who would also have to make that U-turn. He suggested that installing intersections with traffic lights might help control the traffic more effectively. Despite the projected number of cars coming in and out of the new facility, he believes there will still be a constant flow of traffic and potential congestion. He urged for these issues to be considered and addressed.

Chairman Nebergall closed the public hearing for those in favor of the rezoning and opened the public hearing for those in opposition. No one spoke. Chairman Nebergall closed the public hearing for those in opposition.

Commissioner Duncan asked Mrs. Vanderslice about the power and water consumption of these facilities, particularly water. Mrs. Vanderslice stated that all power and water needs were shown to be available for the project. Commissioner Duncan then asked about the QTS data center of SR-54 in Fayetteville. Mrs. Vanderslice noted that the QTS project was much larger with 16 buildings part of the development plan. This project consisted of 2 buildings at a much smaller square footage for each. Mrs. Vanderslice also noted the property taxes being paid by QTS is nearly \$2.2 million in 2024 with just construction happening on the site. She noted that citizens inquired how they could offset taxes and stated that these projects will positively impact the tax digest in a way that makes it easier for cities to not increase the millage rate.

Commissioner Duncan asked about the property usage. Mrs. Vanderslice stated that the proposed development plan only occupies 25% of the land with the remaining land being left as open and undeveloped space. She noted that the entrances would be secured.

Commissioner Bousquet asked if there were any additional environmental concerns the Town should be aware of. Mrs. Vanderslice noted that the data center was trying to utilize resources in the most efficient way possible and that the small percentage of occupied land was one of their efforts to mitigate impact.

Commissioner Noble asked about the M-1 zoned land and its development and impact potential. Mrs. Vanderslice stated that the M-1 zoning is light industrial which is a higher intensity zoning classification than BTP. Mr. Trocquet stated that BTP has more regulatory control than BTP and is favored over M-1 Light Industrial due to the higher regulatory standards. Mrs. Vanderslice stated that their pursuit of BTP zoning is more restrictive than M-1, so for that property, they were requesting a down-zoning.

Commissioner Bousquet asked about the previous applicant for the small 5-acre M-1 parcel. Mr. Trocquet responded that the previous owner of that property was Georgia Specialty Metals Supply company and that they found a preexisting space in Shamrock Industrial Park which was preferable to building new on this property the Development Authority has since acquired that tract.

Commissioner Duncan made a motion to approve the annexation of the tract. Commissioner Bousquet seconded the motion. Motion carried 5-0.

Commissioner Matheny made a motion to approve the rezoning with staff conditions. Commissioner Duncan seconded the motion. Motion carried 5-0.

7. Consideration to recommend approval of an annexation and rezoning petition from applicant Fayette County Development Authority of a 27.8-acre tract with parcel number 0725-027 from AR (Unincorporated) to BTP (Tyrone Incorporated). **Phillip Trocquet, Community Development**

Mr. Trocquet referenced his staff report from the previous item.

Chairman Nebergall opened the public hearing for any in favor of the petition.

Ms. Janis Shelton stated that she wished to echo the traffic concerns of needing to U-turn at Kirkley Road and felt it was dangerous. She asked that something be taken into consideration for this intersection, but that she was supportive of the project.

Mr. Carl Jackson of 115 Kettering Trace spoke and stated that he had a concern for how long the proposed developer would occupy the structure and did not want the Town to be left with a stranded asset.

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

Mr. Onyeka Ndubusi of 175 Holly Park Lane spoke. His concern was regarding traffic along SR-74 at Kirkley Road.

Chairman Nebergall closed the public hearing for those in opposition.

Mrs. Niki Vanderslice responded to traffic concerns and noted that the secondary entrance along Kirkley Road would not be heavily used and it was her understanding that most traffic would come in and out of the Thomson Road intersection along SR-74.

Mr. Trocquet noted that the Development of Regional Impact (DRI) preliminary findings was that an R-CUT would be required at the Thomson Road intersection. This was the GDOT standard for intersection upgrades along SR-74 in order to preserve traffic flows. Mr. Trocquet noted that the entrance along Kirkley Road was a requirement of the ordinance.

Commissioner Bousquet asked about the GDOT requirements for a deceleration lane. Mr. Trocquet stated that GDOT had not yet issued a requirement for that curb cut as that would occur during the site-planning process. The same would go for the Kirkley Road curb cut, but that deceleration lanes are typically part of the requirements.

Commissioner Duncan made a motion to recommend approval of the annexation. Commissioner Matheny seconded the motion. Motion carried 5-0.

Commissioner Bousquet made a motion to recommend approval of the rezoning with staff conditions. Commissioner Noble seconded the motion. Motion carried 5-0.

8. Consideration to recommend approval of a rezoning petition from applicant Fayette County Development Authority of a 37.6-acre tract with parcel number 0725-005 from OI & M-1 (Office Institutional & Light Industrial) to BTP (Business Technology Park). **Phillip Trocquet, Community Development**

Mr. Trocquet referenced his previous staff report.

Chairman Nebergall opened the public hearing for any in favor of the petition. No one spoke.

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

Stephanie Angelrie of 182 Thomson Road. She spoke in opposition of the R-CUT designs and noted that she had seen individuals use it incorrectly. She noted that she felt more comfortable making a left across SR-74 and that she did not like the other intersections like at Kirkley Road and Sandy Creek Road.

Chairman Nebergall closed the public hearing for those in opposition.

Mr. Trocquet noted that GDOT controlled the right-of-way and intersections along SR-74 and noted that those R-CUT treatments were standard practice of GDOT and have been pre-planned as part of the SR-74 Gateway Coalition Plan that was developed by the County and cities. Mr. Trocquet noted that GDOT has stated these intersections improve traffic flow north and south along the corridor and have improved safety statistics.

Chairman Nebergall stated that the Town does not have a lot of control over SR-74 design and encouraged citizens to write to their local representatives if they have concerns.

Commissioner Matheny made a motion to recommend approval of the rezoning with staff conditions. Commissioner Noble seconded the motion. Motion carried 5-0.

9. Consideration to recommend approval of a rezoning petition from applicant Fayette County Development Authority of a 5.1-acre tract with parcel number 0725-035 from M-1 (Light Industrial) to BTP (Business Technology Park). **Phillip Trocquet, Community Development**

Mr. Trocquet referenced his previous staff report and pulled an image of the property up on the screen.

Chairman Nebergall opened the public hearing for any in favor of the petition. No one spoke.

Chairman Nebergall closed the public hearing for those in favor and opened the public hearing for those in opposition to the petition. No one spoke

Chairman Nebergall closed the public hearing for those in opposition.

Commissioner Duncan made a motion to approve the rezoning with staff conditions. Commissioner Noble seconded the motion. Motion carried 5-0.

- 10.** Consideration to recommend approval of a rezoning petition from applicant Fayette County Development Authority of a 5-acre tract with parcel number 0725-036 from OI (Office Institutional) to BTP (Business Technology Park). **Phillip Trocquet, Community Development**

Mr. Trocquet referenced his previous staff report and pulled an image of the property up on the screen.

Chairman Nebergall opened the public hearing for any in favor of the petition.

Mrs. Vanderslice noted that the broker of this property had written a letter of support.

Chairman Nebergall closed the public hearing for those in favor and opened the public hearing for those in opposition to the petition. No one spoke

Chairman Nebergall closed the public hearing for those in opposition.

Commissioner Noble asked what would happen with the existing church on the property. Mrs. Vanderslice noted that the congregation had found another facility in Tyrone that better suited their needs and that the building will not remain going forward.

Commissioner Matheny made a motion to approve the rezoning with staff conditions. Commissioner Bousquet seconded the motion. Motion carried 5-0.

VI. NEW BUSINESS

VII. STAFF COMMENTS

Mr. Trocquet gave an update on the Shamrock Park redesign and LCI plan as well as the project status of Tyrone Road Multi-Use Path and Phase I downtown streetscaping.

VIII. COMMISSION COMMENTS

Commissioner Duncan inquired about the post office. Mr. Trocquet stated that they have a permit, but he does not have a time-frame.

Commissioner Noble expressed his appreciation for the Fayette County Development Authority and for the members of the community being present and active.

IX. ADJOURNMENT

Commissioner Duncan made a motion to adjourn. Motion carried 5-0. Meeting adjourned at 8:37pm.