

Town of Tyrone
Planning Commission Meeting Minutes
05/25/2023
7:00PM

Present:

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

Town Attorney, Patrick Stough
Town Planner, Phillip Trocquet

Absent:

Post 2 - Vacant

I. Call to Order:

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

II. Approval of Agenda:

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

III. Appointment of Vice Chairman

Commissioner Duncan made a motion to nominate Carl Schouw
Commissioner Bousquet seconded the nomination.

Nomination was approved 4-0.

IV. Approval of May 25th, 2023, Minutes

Commissioner Schouw made a motion to approve the minutes with changes as noted by the
Commission members. Commissioner Duncan seconded the motion. Motion carried 4-0.

V. Public Hearing:

1. Consideration of a variance petition from applicant & owner Brett Davenport for 100 Brookfield Court to locate a 6' fence in the front yard facing Tyrone Road. **Phillip Trocquet, Community Development**

Mr. Trocquet presented the item and pointed to the map in the packet.

He stated that Applicant and owner Brett Davenport has applied for a variance to construct a 6' fence in the front yard of 100 Brookfield Court towards Tyrone Road. The stated intent for this request is for privacy associated with the soon-to-be constructed multi-use path along Tyrone Road. Staff's determination is that this request does not conflict with the purposes or intent of the zoning ordinance or Comprehensive Plan.

Mr. Trocquet continued that This property lies within the estate residential character area which promotes 1-acre lot single-family development and auxiliary uses. Fences and walls are to be constructed of wood, polyvinyl, or coated aluminum in front yards which is the stated intent of the owner. He then read an impact assessment as outlined in the Town's ordinance:

1. There are extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of land, structure or building in question which are not applicable to other lands, structures or buildings in the same district; It is staff's determination that the recently approved presence of a multi-use path along the Tyrone Rd. frontage of the property constitutes an exceptional and peculiar condition that is not applicable to most other R-18 properties and corner lots, particularly along Tyrone Road.

2. The application of these regulations to a particular piece of property would create a practical difficulty or unnecessary hardship; It is staff's determination that the recent addition of a cart path which was not a preexisting condition of the property would create a practical difficulty in regards to privacy previously enjoyed by the owner.

3. Relief granted would not be injurious to the neighborhood or otherwise detrimental to the public welfare or impair the purposes and intent of these regulations; It is staff's determination that relief would not be injurious or detrimental to the public or intent of the regulations. Corner lots are burdened with two frontages which encumbers a higher aesthetic standard on more of the property than a typical lot. 100 Brookfield Ct. has frontage within the Brookfield subdivision off of Brookfield Court, but the Tyrone Road frontage is outside of the neighborhood along a more intense arterial roadway. This circumstance, along with the addition of the multi-use trail, lends itself to a greater need for buffering, landscaping, or fencing to mitigate negative effects associated with the right-of-way. Aesthetically, since the variance is requested along frontage associated with the more intense roadway outside of the neighborhood, the 6' fence would not impair the purposes and intent of the regulations.

4. A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are afforded; It is staff's determination that a literal interpretation could deprive the owner of privacy enjoyed by others in the same district.

5. The special conditions and circumstances are not a result of any actions of the applicant; The special conditions are a result of the intensity of the roadway and the recently-approved addition of a multi-use path. Neither of which are a result of actions by the owner/applicant.

6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

It is staff's determination that this variance will not confer a special privilege as the circumstances are unique to the particular property and situation not as a result of the owners actions. This does not establish a precedent for all R-18 properties.

Mr. Nebergall opened the public hearing to those in favor of the petition. No one spoke.

Mr. Nebergall opened the public hearing to those in opposition to the petition.

Ms. Joy Bellue of Brookfield Court approached the podium and asked why 4' was considered normal. Mr. Trocquet responded to her question citing uniformity and aesthetic concerns as the typical basis for those regulations. She cited other fences she thought did not look appropriate with Mr. Trocquet and Commissioner Duncan noted that there could be a separate discussion about the multi-use path.

Commissioner Bousquet asked about the path location, landscaping, and setback of the property about the fence proximity to the path. Mr. Trocquet responded pointing to the map and noting where landscaping areas would potentially be.

Commissioner Duncan made a motion to approve the variance. Commissioner Bousquet seconded the motion. Motion carried 3-2 with Commissioner Schouw in opposition.

2. Consideration from applicant Scott Moore for the rezoning of a 14.7-acre tract with parcel number 0736074 off Shamrock Industrial Boulevard and McCarthy Court from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Phillip Trocquet, Community Development**

Mr. Trocquet presented his staff report for all rezoning items on the agenda and stated that applicants Miguel Almanza and Scott Moore have petitioned to rezone the properties consisting of Phase 8 of Shamrock Industrial Park, approximately 20 acres total, from M-2 Conditional to M-2. On July 20, 2000 Town Council placed conditions on the property then owned by Mr. Howard Guthrie. These conditions are outlined in the zoning assessment with a major condition being the establishment of secondary ingress/egress for the industrial park. On May 6, 2021, Town council directed the owners of Phase 8 to petition the remaining owners of the industrial park as to their interest in contributing towards the cost of establishing an emergency ingress/egress entrance into the industrial park. Remaining owners unanimously responded that they were unwilling to assist. In 2022, access easements and land was granted to the Town on the south end of the industrial park and in April of this year, Council directed staff to include the construction costs of building a secondary emergency access road in the 2023-2024 budget with the goal of completing the access road within that fiscal year.

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

Mr. Trocquet then read the zoning compatibility analysis and impact assessment:

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

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

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

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

The impact assessment was as follows:

Will Zoning permit suitable uses with surrounding properties? Yes, this property has been planned, platted, and designed for M- 2 uses for many years with similar uses surrounding it.

Will Zoning adversely affect adjacent properties? The proposed zoning is intended to be buffered adjoining residential as was the case with the previous zoning. Limiting hazardous uses will further reduce the adverse affect of surrounding properties.

Does the property have reasonable economic use as currently zoned? No, the current zoning does not permit construction as conditioned.

Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? It is staff's determination that with the construction of an emergency ingress/egress entrance on the south end of the industrial park as well as the continued limitation of uses not to include Hazardous Material handling/storage would not result in uses that would be excessively burdensome on existing infrastructure. The remainder of roads within Phase 8 would require minor repair and a top-coat upon the Town Engineer's discretion.

Mr. Nebergall opened the public hearing to those in favor of the petition. No one spoke.

Mr. Nebergall opened the public hearing to those in opposition to the petition. No one spoke.

Commissioner Duncan asked about the secondary emergency access easement location. Mr. Trocquet noted its location on a map.

Commissioner Duncan made a motion to approve with conditions as recommended by staff. Commissioner Schouw seconded the motion. Motion carried 4-0.

3. Consideration from applicant Hector Almanza for the rezoning of a 1.3-acre tract with parcel number 0736122 off Shamrock Industrial Boulevard and McCarthy Court from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Phillip Trocquet, Community Development.**

Mr. Nebergall opened the public hearing to those in favor of the petition. No one spoke.

Mr. Nebergall opened the public hearing to those in opposition to the petition. No one spoke.

Commissioner Schouw made a motion to approve with conditions as recommended by staff. Commissioner Bousquet seconded the motion. Motion carried 4-0.

4. Consideration from applicant Hector Almanza for the rezoning of a 1.43-acre tract with parcel number 0736121 off Shamrock Industrial Boulevard from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Phillip Trocquet, Community Development.**

Mr. Nebergall opened the public hearing to those in favor of the petition. No one spoke.

Mr. Nebergall opened the public hearing to those in opposition to the petition. No one spoke.

Commissioner Bousquet made a motion to approve with conditions as recommended by staff. Commissioner Duncan seconded the motion. Motion carried 4-0.

5. Consideration from applicant Hector Almanza for the rezoning of a 2.57-acre tract with parcel number 0736120 off Shamrock Industrial Boulevard from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Phillip Trocquet, Community Development**

Mr. Nebergall opened the public hearing to those in favor of the petition. No one spoke.

Mr. Nebergall opened the public hearing to those in opposition to the petition. No one spoke.

Chairman Nebergall made a motion to approve with conditions as recommended by staff. Commissioner Schouw seconded the motion. Motion carried 4-0.

VI. New Business:

6. Consideration of a Site Plan application from owner East Group Properties for a roughly 61-acre tract with parcel number 0725-014. **Phillip Trocquet, Community Development**

Mr. Trocquet presented the item stating that applicant East Group Properties, L.P. has submitted a site plan application for parcel 0725-014. This parcel recently underwent a development plan revision in July of last year and a stream-buffer variance earlier this year. Technical Review Committee review has been initiated with minor comments outstanding related to GA EPD required documentation, bond documentation, and final recording of amended easements. The applicant's expressed intent is to pursue site approval for two multi-flex light industrial buildings within their planned technology/business park development. The proposed development also shows the inclusion of a multi-use path along the rear property line for connectivity to northern subdivisions which will be completed before the final construction is complete of that last facility. A bond will be in place for a period of time until final phases enter into construction.

Staff determines this site plan to be consistent with the Town's Comp Plan, ordinance, and zoning. If Planning Commission chooses to recommend approval, staff recommends the following conditions be considered:

1. Land Disturbance permits not be issued until all TRC comments have been resolved.
2. Building construction permits not be issued until all legal easement, stormwater, and bonding documentation has been approved as well as architectural approval by Town Council.
3. Final TRC landscape plan approval not be issued until visual confirmation of screening requirements is established during construction.

Mr. Trocquet continued that this petition is consistent with the Town's Comprehensive Plan and Future Development strategy. The property lies within the Community Gateway character area which promotes 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 protect the scenic nature of the SR-74 corridor. The proposed development plan focuses on incorporating such landscaping, berming, and screening elements listed in the comprehensive plan. Architectural renderings are consistent with the development plan. If material requirements are adhered to, staff considers such renderings to meet the standard of the ordinance. A cart path constructed to Town Standards has also been reflected in the site plan furthering the goals of the Town's multi-use connectivity goals in the Comp Plan.

Mr. Trocquet state that upon completion of all legal easement, bonding, and stormwater documentation as well as architectural approval by Town Council, this submittal will be compatible with the Town's code of ordinances. Included in this submittal is an accounting for GILID Green Infrastructure through the use of two bioretention areas in the center of the site and bio-swales on the west end of the site that will capture stormwater runoff for further treatment quality.

Chairman Nebergall and Commissioner Bousquet asked about clarity on access management along SR-74. Mr. Trocquet explained the location of each curb cut and the jurisdiction of GDOT. Commissioner Schouw asked about the type of traffic to go in and out of the development.

Mr. John Coleman from the applicant team presented the item and explained the nature of the development. He continued that East Group was a long-term owner with interests in maintaining the development to a high standard going forward. Chairman Nebergall asked about the access management concerns he had earlier to which Johanna Patrick from the applicant team spoke; she stated that acceleration lane removal was dictated by GDOT due to the accident frequency associated with them. Ms. Patrick also noted the bioretention facilities on the site. Chairman Nebergall noted his frustration with GDOT's policy regarding access management and the removal of acceleration lanes.

Commissioner Duncan asked about the multi-use path. Mr. Trocquet responded that the construction of the path would be the responsibility of East Group.

Commissioner Schouw made a motion to approve the site plan with staff conditions. Commissioner Bousquet seconded the motion. Motion carried 4-0.

VII. Staff Comments

Mr. Trocquet noted the next First Friday Event in Shamrock Park.

VIII. Commission Comments

Chairman Nebergall noted that he would like to place some pressure on GDOT regarding the keeping of the acceleration lane coming out of Jenkins Road. Mr. Trocquet stated that he would make some calls.

Commissioner Schouw asked about the status of the Post Office reopening and DDA updates. Mr. Trocquet stated that they have not received any communication from the USPS and that the DDA would be opening an RFQ process soon for the redevelopment of the Fire Station Downtown.

Commissioner Duncan asked about the status of Pickleball courts to which Mr. Trocquet responded with an update.

IX. Adjournment

Chairman Nebergall made a motion to adjourn. Commissioner Duncan seconded the motion.

The meeting adjourned at 8:07 pm.

Chairman David Nebergall

Phillip Trocquet, Asst. Town Manager