



Tyrone Planning Commission Agenda

May 27, 2021
7:00 PM

Planning Commission

David Nebergall
Chairman

Dia Hunter
Vice-Chairman

Jeff Duncan
Commissioner

Carl Schouw
Commissioner

Scott Bousquet
Commissioner

Staff

Phillip Trocquet
Planning &
Development
Coordinator

Patrick Stough
Town Attorney

Meeting Information

2nd & 4th Thursday
of each month

881 Senoia Road
Tyrone, Ga 30290
770-487-4038
www.tyrone.org

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes from *April 22nd, 2021*

IV. Public Hearing

V. New Business

1. Consideration of a final plat revision from applicant Richard Ferry for parcels 0738140. **Phillip Trocquet, Town Planner**

VI. Staff Comments

VII. Commission Comments

VIII. Adjournment

**Town of Tyrone
Planning Commission Meeting
Minutes April 22, 2021
7:00PM**

Present:

Chairman, David Nebergall
Vice-Chairman, Dia Hunter
Commission Member, Jeff Duncan
Commission Member, Scott Bousquet
Commission Member, Carl Schouw
Town Attorney, Patrick Stough
Town Planner, Phillip Trocquet

Call to Order:

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

Approval of Agenda:

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

Approval of Minutes:

Commissioner Duncan made a motion to approve the minutes from February , 2021
Commissioner Bousquet seconded the motion. Motion carried 4-0.

Public Hearing:

1. *Consideration of a rezoning petition from applicant Daniel Dahlke of a 14.7-acre tract with parcel number 0736-074 from M-2 with Conditions to M-2 without conditions involving a construction moratorium. Phillip Trocquet, Town Planner*

New Business:

Mr. Trocquet presented the item stating that the applicant, Mr. Dahlke, submitted this petition on behalf of the property owner, Mr. Scott Moore, for the expressed intent of constructing a concrete facility on the property. Mr. Trocquet continued that the subject property is the largest tract of Phase 8 of Shamrock Industrial park which has had a rezoning condition on it since 2000. This zoning condition placed a moratorium on the occupancy and construction of any properties in Phase 8 until secondary emergency ingress/egress was constructed into the industrial park. This secondary access has not been constructed although much effort has been put into finding opportunities for the construction of the emergency ingress/egress drive.

Mr. Trocquet stated that there is still only one way in and out of the industrial park over the active CSX rail line. Due to railroad construction, emergencies, or other situations, the train has blocked this crossing for hours at a time at least 3 times a year. To-date no emergency has occurred simultaneous with the blocking of the crossing, but it has disrupted business operations causing traffic delays on both sides of the crossing. Mr. Trocquet went on to state that the surrounding zoning was AR to the north and east and M-30 to the South and West. He continued that the petition to M-30 is consistent with the Future Development Map and Comprehensive Plan in general. This property lies within the Production and Employment character area which permits M-30 Zoning. The property is also located adjacent to other M-30 Zoned properties. Specific site conditions, zoning considerations, and property history should be taken into account for this determination.

Mr. Trocquet read the impact assessment as follows:

Will Zoning permit suitable uses with surrounding properties? Under normal hazard and access conditions, the proposed zoning would permit suitable uses with surrounding properties to the south and west. The property is abutted by residential on the north and eastern portions of the property, however, a 100' buffer will be required.

Will Zoning adversely affect adjacent properties? Under normal hazard and access conditions to the Industrial Park, this zoning would not adversely affect adjacent properties to the west and south. Residential properties to the north and east may be affected adversely however, development conditions including buffers would be present on the property to protect the impact on adjoining residential properties. This petition will also adversely affect the other property owner in Phase 8 who will be disproportionately burdened with the current zoning conditions if they are lifted for select properties and not others.

Does the property have reasonable economic use as currently zoned? Given that there is a construction moratorium placed on the property, reasonable economic use has been suspended until safety conditions via secondary access have been provided to the industrial park. The sale of this property has occurred multiple times since the zoning condition was placed on the property in 2000, so the condition and subsequent value as a result of the property has been known by each owner.

Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? Yes, the proposed removal of the construction moratorium without the provision of a secondary ingress/egress access point into the industrial park will exacerbate the current burden on emergency and police services to access the businesses and people in the industrial park in the case of an emergency with a train blocking primary entrance.

Staff Recommends Maintaining the construction moratorium on the property until secondary emergency ingress/egress is provided to the industrial park.

Chairman Nebergall opened the public hearing to anyone wishing to speak in favor of the zoning petition. Applicant Daniel Dhalke approached the podium and stated that he spoke to the fire chief and that he believed the fire department would not find the development of the remaining lots to be that much more dangerous. He continued that he didn't believe much could be done regarding the construction of the secondary access. He stated that he believed it made more sense to make productive use of the land and that it would not increase the burden significantly regarding the train blockage situation.

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

Commissioner Duncan asked what other way there was to get a road back to the industrial park and asked if Mr. Slaton to the north would be willing to sell a portion of his property for this purpose. Mr. Trocquet stated that he believed that option was pursued many years ago to no avail. Commissioner Duncan stated that there was an unfortunate amount of dumping on the property and that the lots are already graded and the streets are already curbed and guttered. He continued that if the Fire Marshal did not believe there to be a significant issue with continued construction, that it was hard for him to see property owners deal with the construction moratorium burden.

Commissioner Bousquet asked who's responsibility it was to construct the secondary access. Mr. Trocquet responded that it was the original developer's responsibility and that over time as ownership of the property changed, that responsibility was essentially shifted to all property owners of the industrial park. Ultimately this would be maintained by a business-owners association, but one was never formed after the original developer went bankrupt.

Mr. Trocquet stated that he was recently made aware of a recent Peachtree City Zoning decision on property bordering the southern portion of the industrial park whereby they created a zoning condition for the developer to leave space for an emergency access drive to planned street, Cottonwood Lane.

Vice-Chairman Hunter asked if the owner was aware of these conditions when they purchased the property. Mr. Trocquet stated that Mr. Moore had indicated that he was aware of the condition when he purchased the property. Mr. Hunter stated that he believed it would be important for any future owner of this land to consider the estimated minimum cost of building secondary access to the industrial park as a cost of owning and developing on the property.

Chairman Nebergall stated that he was intimately aware of this situation having lived in the Town and serving on the Commission for many years. He stated that the access issue was unsafe and posed a threat to those occupying the industrial park if a train was parked on the tracks. He continued that this had happened quite a few times over the years and that he was happy it never coincided with a true medical or hazardous emergency within the park.

The commissioners further discussed the issue. Chairman Nebergall Called for a vote. Commissioner Schouw voted to recommend denial of the rezoning petition. Commissioner Bousquet seconded the motion. Motion passed 3-1 with Commissioner Duncan in opposition.

Staff Comments

Commission Comments

Adjournment

Commissioner Schouw made a motion to adjourn.

The meeting adjourned at 8:00 pm.

Chairman David Nebergall

Phillip Trocquet, Town Planner

DOCKET/CASE/APPLICATION NUMBER

PC 065272021

APPLICANT/PROPERTY OWNER

Richard Ferry, Clarendon Place

PLANNING COMMISSION MEETING DATE

May 27, 2021

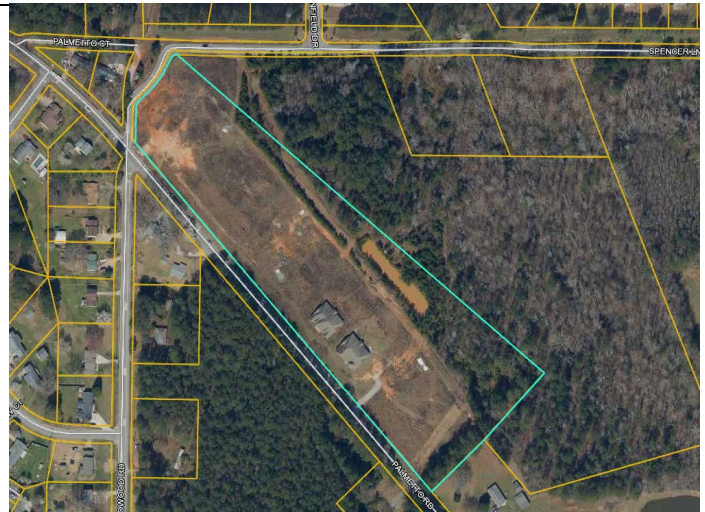
TOWN COUNCIL MEETING DATE

ADDRESS/LOCATION

Parcel 0738140

Summary

Applicant has applied to revise a plat to subdivide parcel 0738140 into 3 tracts. Planning commission approved the consolidation of the previous configuration of the tract in June of last year. The owner now wishes to keep the two preexisting unfinished structures on a single 3-acre parcel and create two additional parcels flanking the structures. The approved site plan for these structures has not been affected.



MAP SOURCE: Fayette County Q- Public

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
C-1 (Downtown Commercial)	Commercial - Office Partially Developed	North: C-1 South: AR & R-12 East: AR & R-12 West: AR, R-12, & C-1	Water	

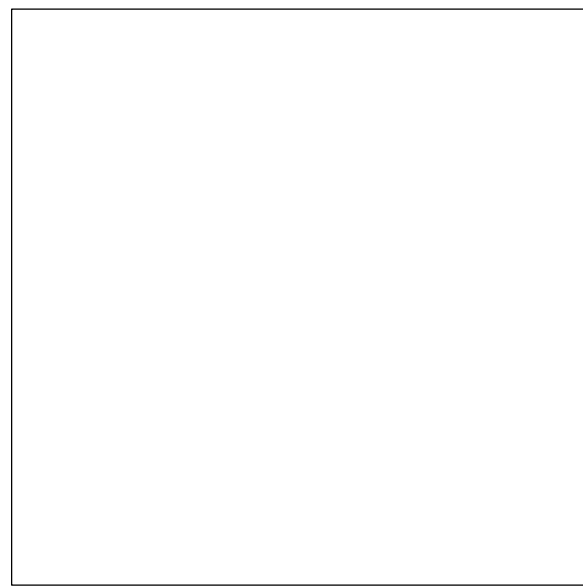
COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN This submission is compatible with both the Comp Plan and the Future Development Map. This property lies within the Commercial Corridor Character Area. This character area permits O-I, C-1, and C-2 zoning with a strategy of preserving the scenic nature of the corridor it is adjacent to. Pedestrian improvements should be made and a high standard of architecture and landscaping should be adhered to.	PROPERTY HISTORY This property was previously part of a PUD applied for in the early 2000's. The two shell office buildings were the first iteration of this development, but the developer went bankrupt in 2008. As a result, the shell structures have been sitting in their current state for over 12 years. The applicant previously applied for a lot consolidation last year which was approved.
COMPATABILITY WITH ZONING ORDINANCE This plat submission is compatible with the Town's Zoning ordinance	

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

S60°45'19"W
CHD=20.76
ARC=21.83
RAD=20.000

LL 148
LL 141
LL 140
LL 149

APPROX. L.L.

N29°27'58"E
48.85'

N38°20'01"E
CHD=55.86
ARC=56.09
RAD=180.060

N47°22'21"E
51.35'

N32°20'56"E
CHD=17.30
ARC=17.54
RAD=30.410

N01°38'56"E
104.27'

N42°21'27"W
48.92

N42°21'27"W
88.86

N42°21'27"W
135.80

N42°21'27"W
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SURVEY NOTES

1. THE FIELD DATA DATED 5/31/18 AND 3/09/2020 UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 0.3 SECONDS PER ANGLE AND WAS ADJUSTED USING THE LEAST SQUARES RULE. A TRIMBLE S-SERIES ROBOTIC TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.

2. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83 GEORGIA WEST ZONE) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE (R10) GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POSITIONS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.

3. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THIS SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST OR BIOLOGIST, PRIOR TO ANY LAND DISTURBANCE, SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.

4. NO IDENTIFIED AND DELINEATED WETLANDS WERE OBSERVED DURING THE COURSE OF THE FIELD SURVEY. HOWEVER THIS SURVEYOR DID NOT DO A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY WETLANDS THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.

5. NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE AS PER F.E.M.A. INSURANCE RATE MAP OF 13113C0077E & 13113C0076E FAYETTE COUNTY, GEORGIA, EFFECTIVE DATE 9/26/08.

6. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WERE NO VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.

7. THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

8. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 30,939,442 FEET.

9. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER)

10. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.

11. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

NOTE:

Any streams or bodies of water may be subject to State, County, and Local buffers and restrictions. This survey makes no interpretation regarding these buffers or restrictions. Users of this survey are cautioned to consult with the appropriate government authorities concerning possible buffers or restrictions.

FAYETTE COUNTY ENVIRONMENTAL HEALTH:

THIS PROPERTY HAS BEEN REVIEWED AND, IN GENERAL, APPROVED FOR SEPTIC TANK USE.

ENVIRONMENTAL HEALTH DATE

FAYETTE COUNTY WATER SYSTEM:

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