

**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