

**Town of Tyrone
Planning Commission Meeting Minutes
Thursday February 13, 2019
7:00 PM**

Present:

Chairman, David Nebergall

Vice-Chairman, Dia Hunter

Commission Member, Jeff Duncan

Commission Member, Carl Schouw

Commission Member, Scott Bousquet

Town Attorney, Patrick Stough

Planning & Development Coordinator, Phillip Trocquet

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

Appointments:

Town Attorney, Patrick Stough, asked Mr. Bousquet and Mr. Hunter to rise and administered their oaths of office. Both Mr. Bousquet and Mr. Hunter took their oaths for Commissioner posts 1 and 2.

Chairman David Nebergall asked for a motion to nominate a Tyrone Planning Commission Chairman for the 2020 year. Commissioner Duncan made a motion to reappoint David Nebergall as chairman. Commissioner Schouw seconded the motion. Motion passed 4-0.

Chairman Nebergall asked for a motion to nominate a Tyrone Planning Commission Vice-Chairman for the 2020 year. Commissioner Bousquet made a motion to reappoint Dia Hunter. Commissioner Duncan seconded the motion. Motion passed 4-0.

Approval of Agenda

Commissioner Duncan made a motion to approve the agenda.

Commissioner Schouw seconded the motion. Motion was approved 4-0.

Approval of Minutes for Thursday December 12th, 2019

Commissioner Schouw made a motion to approve the minutes from Thursday December 12th, 2019. Commissioner Schouw seconded the motion. Motion was approved 4-0.

Public Hearing:

1. To consider a text amendment from applicant Steven Gulas of MAP Equities to amend section 113-128 of the zoning ordinance, permitted uses, to add assisted living memory care independent living. Phillip Trocquet, Planning & Development Coordinator

Assisted Living, Memory Care, and Independent Living establishments are currently not listed in the Town's ordinance. Given that these establishments are being developed at an increasing rate in the County, it seems appropriate for the Town to incorporate them into the ordinance in some fashion.

The closest use the Town has is Nursing Home, defined as: *"A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care and rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; it otherwise complies with these rules and regulations."*

Mr. Gulas presented each term as interchangeable and as a single proposed use. Based on the application of such uses in other communities, staff recommends that an overarching term of "care home" be used for assisted living & memory care with the following definitions:

1. Care home means a state licensed convalescent center, assisted living facility, memory care facility, or similar use established to render long-term domiciliary care to individuals of retirement status no longer able to live independently. This shall not include facilities for the care of mental patients, epileptics, alcohol/drug use patients, or nursing homes.

2. Independent Living Facility – a facility containing units which is part of a life care community and includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the life care community.

Mr. Trocquet continued that the request for said uses to be included in the C-1 district is consistent with other uses allowed in the district. The lower intensity district of O-I (Office-Institutional) includes nursing homes as a permitted use. Staff recommends the investigation of adding nursing homes to C-1 if Care Homes and Independent Living Establishments are added to this district. It should be noted that all permitted uses in the C-1 zoning district are allowed in the C-2 (Highway Commercial) district as well.

Chairman Nebergall asked for clarification on where Nursing Homes are currently allowed in the ordinance. Mr. Trocquet stated that they are allowed in O-I (Office-Institutional). Chairman Nebergall asked if there was a recommendation to remove Nursing Homes from O-I if the other uses are added. Mr. Trocquet stated that he did not make that recommendation, but Council could choose to remove it. Commissioner Bousquet asked if there were any Nursing Home facilities within the Town limits. Mr. Trocquet stated that there were none.

Mr. Trocquet's staff recommendation was to amend section 113-128 subsection (a) to add Care Home and Nursing Home as permitted uses for the C-1 District. Mr. Trocquet also recommended an amendment to section 113-2 to add definitions for Care Home with the definition provided in his staff report at a later date if Care Homes and Nursing Homes were added as permitted uses for the C-1 district.

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

Mr. Gulas approached the podium. He stated that he had a feasibility study done for the construction of an assisted living facility in town and it came back favorably. He stated that he owned property at the corner of Dogwood Trail and SR-74 and that the idea of an assisted living facility seemed favorable from his neighbors. Mr. Gulas stated that Fayette County had one of the fastest growing elderly populations in the state and that there was a need for such facilities. Mr. Gulas spoke on the ratio of assisted living to memory care units a facility such as his would have as well as a standard floor-plan layout. Mr. Gulas stated that Coweta County was moving forward on a lot of these facilities as well.

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

Chairman Nebergall opened the item up for commission comments.

Vice-Chairman Hunter asked how such an addition to the ordinance would affect the SR-74 Quality Growth Overlay district. Mr. Trocquet stated that buildings associated with such uses, would be held to the same standards. Vice-Chairman Hunter inquired about access. Mr. Trocquet stated that a curb cut moratorium existed from the Peachtree City border to the SR-74/Jenkins Rd. intersection. Beyond that point, limited access is encouraged and GDOT approves only what is necessary from a curb cut perspective.

Commissioner Bousquet asked about the definitions and the inclusion of Hospice Care. Mr. Trocquet stated that based on the type of care given, hospice care would likely fall within the Nursing Home definition.

Mr. Stough made a point of clarification that Town staff's recommendation was to add only Care Home as a new use in C-1 and that the movement of nursing homes from O-I to C-2 would need to happen at a later date. He further added that this was different from the applicant's request which was to add Assisted Living and Independent Living facilities to the C-1 district. Commissioner Bousquet made a motion to amend the ordinance per staff's recommendation. Vice-chairman Hunter seconded the motion. Motion passed 4-0.

2. To consider a text amendment from applicant Steven Gulas of MAP Equities to amend section 113-128 of the zoning ordinance, development standards, to alter the permitted maximum building size. Phillip Trocquet, Planning & Development Coordinator

Mr. Trocquet presented the item. He stated that Mr. Steve Gulas had submitted a text amendment request to alter language in Section 113-128 for the C-1 (Downtown Commercial) zoning district regarding permitted uses and development standards regarding maximum building size. Specifically, Mr. Gulas presented an addition of Assisted Living/Memory Care/Independent Living institutions as permitted uses in the C-1 district. He is also requesting that the current standard maximum building size of 30,000 total square feet be amended to read "Maximum building size - 30,000 s.f. footprint" or "Maximum building size - 45,000 s.f. for single story & 30,000 s.f. for multi-story."

Mr. Trocquet stated that in researching the history of the 30,000 s.f. requirement in the ordinance, staff found ordinance 306 from 2007 which intended a square footage maximum to limit big-box development. Given that big box developments in suburban communities are almost always single-story structures, it does not seem contradictory to the intent of the ordinance to allow a 30,000 s.f. maximum footprint requirement. From a size and massing perspective, buildings would still be held to the same height restrictions and architectural standards. Mr. Trocquet continued that given that the 30,000 s.f. footprint does not seem to contradict the ordinance, it is staff's opinion that the C-2 district should be treated equally with a follow-up text amendment to occur for that zoning district.

Chairman Nebergall opened the hearing for those in favor of the text amendment.

Mr. Gulas approached the podium. He stated that he believed the 30,000 s.f. footprint language was the appropriate interpretation in order to limit big-box development while also allowing for flexibility of construction for other developers. He stated that for nursing homes, the larger square footage was necessary from a business model perspective. He re-stated that the feasibility study done supported this model as well.

A Dr. Ruchir Agrawal of 320 White Springs Lane in Peachtree City stated that he saw a need for such facilities in Tyrone and across the County. He was supportive of larger facilities that could accommodate more residents.

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

Chairman Nebergall asked for Commission comments.

Commissioner Duncan clarified that they were just addressing the footprint section of the request. Chairman Nebergall clarified that the applicant's request was for a 30,000 s.f. footprint multi-story structure and for a 45,000 s.f. single-story structure and that staff's recommendation was only to amend language allowing for a 30,000 s.f. footprint development requirement.

Vice-chairman Hunter made a motion to approve the applicant's request. Commissioner Bousquet seconded the motion.

Chairman Nebergall and Commissioners Duncan and Schouw expressed concern with the 45,000 s.f. single-story provision in the motion. Vice-chairman Hunter stated that Planning Commission was unaware of site conditions on any particular site and that the flexibility of building a multi-story or single-story structure should be available to a developer. He continued that he believed that a 45,000 s.f. was compatible with the Town given his experience with such buildings. Vice-chairman Hunter withdrew his motion.

Commissioner Duncan made a motion to approve staff's recommendation to amend language to allow for a 30,000 s.f. footprint structure in the C-1 district. Commissioner Schouw seconded the motion. Motion carried 4-0.

Old Business:

New Business:

1. To consider a final plat lot consolidation to combine lots 1, 2, 3, & 4 of the Market Hill business park into one 6.4 acre tract. From applicant John Lee on behalf of Konos Academy. Phillip Trocquet, Planning & Development Coordinator

Mr. Trocquet presented the item and stated that Konos Academy is applying for the approval of a lot consolidation plat for the purposes of combining lots 1, 2, 3, & 4 of the Market Hill business park. The respective parcels are 073610001, 073610002, 073610003, & 073610004. The new property will assume the address 100 Greencastle Road. He continued that the properties were currently zoned O-I and that the surrounding zoning districts were R-18 to the north, O-I to the south, C-1 & O-I to the east, and R-12 to the west. The submission was compatible with both the comprehensive plan and future development map. The property lies within the Community Gateway character area which allows O-I uses at similar acreages. The submission was also compatible with the zoning ordinance.

Mr. Trocquet stated that the applicant was still working with the applicant and the Technical Review Committee on a few outstanding items. Approval with the condition that these TRC items be resolved before recording is recommended.

Chairman Nebergall noted that he was a resident in the adjoining subdivision and that he was aware of serious water run off issues as a result of construction in the Market Hill business park. Mr. Trocquet stated that this application was not part of any development plan, but that any future construction on the property would come with a formal site plan to appear before Planning Commission again.

Vice-Chairman Hunter made a motion to conditionally approve the plat contingent on the resolution of all TRC items. Commissioner Duncan seconded the motion. Motion passed 4-0.

Staff Comments:

Mr. Trocquet gave an update to Planning Commission regarding the status of the new Town Hall. He stated that the landscape plan for the new Town Hall was being done in house and that the detention pond in front of the building would be implementing stormwater better management practices such as rain gardens and bio-swales. Mr. Trocquet stated that he knew many of the Planning Commissioners were big advocates of such stormwater management practices.

Commission Comments:

Commissioner Duncan stated that he spoke to Steve Hoffman regarding the Dogwood Trail culvert repair in the unincorporated county. He stated that they seemed to be waiting on the gas company as the final roadblock in the project.

Adjournment:

Commissioner Duncan made a motion to adjourn. Meeting adjourned at 8:05pm

David Nebergall, Planning Commission Chairman

Phillip Trocquet, Planning & Development Coordinator