

**Tyrone Town Council
Meeting Minutes
February 4, 2021
7:00 P.M.**

Present:

Mayor, Eric Dial

Mayor Pro Tem, Gloria Furr

Council Member, Linda Howard

Council Member, Melissa Hill

Council Member, Billy Campbell

Town Manager, Brandon Perkins

Town Clerk, Dee Baker

Town Planner, Phillip Trocquet

Finance Manager, Sandy Beach

Police Chief, Randy Mundy

Mayor Dial called the meeting to order with limited seating and broadcasted on YouTube Live at 7:00 pm, this was followed by the invocation. The public was invited to watch.

Approval of Agenda

Council Member Campbell made a motion to approve the agenda.

Council Member Howard seconded the motion. Motion was approved 4-0.

Consent Agenda: *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

Approval of minutes, January 21, 2021

Council Member Furr made a motion to approve the consent agenda.

Council Member Howard seconded the motion. Motion was approved 4-0.

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Public Hearing

1. Consideration of a petition from applicant Brian Selleck for the rezoning of a 1-acre tract with parcel number 072604001 at property address 1415 Senoia Road. The proposed rezoning is from C-1 (Downtown Commercial) to C-2 (Highway Commercial). ***Phillip Trocquet, Town Planner***

Mr. Trocquet stated that the first two public hearing items were from applicant Brian Selleck. The first was for the rezoning of a 1-acre lot with parcel number 072604001 at property address 1415 Senoia Road. He wished to rezone the property from C-1(Downtown Commercial) to C-2 (Highway Commercial). The second petition was to also rezone address 1425 Senoia Road from C-1(Downtown Commercial) to C-2 (Highway Commercial). Mr. Selleck's general intent for the rezonings was to increase the flexibility for uses on his properties and to match other surrounding zoning categories. Mr. Trocquet added that the surrounding area and business park had developed with a light industrial character although most of the properties were zoned C-1 and C-2. He added that the Millbrook Village subdivision was located directly to the south, but the new zoning would still require a 75-foot buffer. Certain C-2 zoning uses would also incur extra conditions when abutting residential districts designed to protect residential owners from potential nuisances. He added that regarding land use, 1415 was vacant and 1425 housed a multi-tenant commercial building. Changing the zoning for 1425 would not create a nonconforming issue. He stated that the surrounding zoning uses were O-I, R-12, C-1 and C-2. He shared that both properties were 1-acre lots. Regarding the compatibility with the future development map and comprehensive plan, rezoning to C-2 was compatible with both. They both lie within the commercial corridor area of the Town, which permitted C-2 zoning. They were also located within a business park with C-2 zoning on both sides of the street. Mr. Trocquet also shared that the uses for both properties allowed in C-2 were compatible with the surrounding commercial properties. The residential properties to the south would retain protections from our ordinance including buffers and conditional uses. He stated that it was staff's opinion that the rezoning would not harm surrounding properties. More intense uses came with conditions and existing buffers would be left in place. He added that the property had reasonable economic uses as currently zoned, however other properties had been zoned C-2 within the business park in similar situations. Denying the rezoning would deny the applicant to economic opportunities enjoyed by others similarly situated. He added that the intensity of C-2 uses, although higher than C-1, had been accommodated for in the development of the business park. Other developed and un-developed C-2 properties existed in the park with the intent that the present infrastructure could handle the park in a build-out scenario.

Council Member Hill stated that the application reflected that the property used to be C-2. Mr. Trocquet explained that currently, the property was C-1, the proposed zoning would be C-2.

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Mayor Dial opened the public hearing for anyone that wished to speak in favor of the rezoning. Mr. Selleck spoke in favor and stated that he resided in Tyrone, and he initially purchased 1425 Senoia Road which was undeveloped. He shared that what Council Member Hill noticed on his application was that he understood that the original plat reflected C-2. The old maps changed to reflect that the property was C-1. He filled the rezoning application to get the property back to C-2, which he felt was more appropriate zoning. Mayor Dial asked what year that was. He stated that it was approximately five years ago. Mr. Davenport shared that he recalled that approximately, ten years ago, Council reduced the commercial zoning from C-1, C-2, and C-3, to only having C-1 and C-2. All C-3 uses went to C-2, all C-2 uses went to C-1. The uses were not lost.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item. No one spoke.

Council Member Campbell made a motion to approve the rezoning of parcel number 072604001 at property address 1415 Senoia Road from C-1(Downtown Commercial) to C-2 (Highway Commercial).

Council Member Hill seconded the motion. Motion was approved 4-0.

2. Consideration of a petition from applicant Brian Selleck for the rezoning of a 1-acre tract with parcel number 072604002 at property address 1425 Senoia Road. The proposed rezoning is from C-1 (Downtown Commercial) to C-2 (Highway Commercial). ***Phillip Trocquet, Town Planner***

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item.

No one spoke.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition.

No one spoke.

Council Member Furr made a motion to approve the rezoning of parcel number 072604002 at address 1425 Senoia Road from C-1 (Downtown Commercial) to C-2 (Highway Commercial).

Council Member Howard seconded the motion. Motion was approved 4-0.

3. Consideration of a petition from applicant Anil Midha for the rezoning of a 1-acre tract with parcel number 07382604002 at property address 105 Howell Road. The proposed rezoning is from C-1 (Downtown Commercial) to TCMU (Town-Center Mixed Use).

Phillip Trocquet, Town Planner

Mr. Trocquet stated that the applicant submitted a petition to rezone a .9-acre tract from C-1 (Downtown Commercial) to TCMU (Town Center Mixed Use).

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The expressed intent for the petition was to position the property for future development consistent with the goals of the Comprehensive Plan for the Town Center District. He added that there was no current development plan for the property, although the applicant did submit renderings of potential future development. He added that under the TCMU guidelines, it stated that if the property was under 3-acres, there was no need for a full development plan for rezoning. Mr. Trocquet informed Council that currently the lot was vacant and those surrounding zoning categories consisted of C-1, OS, and OI. Site improvements consisted of water and sewer upon completion. He added that the petition was consistent with the Future Development Map and Comprehensive Plan. TCMU was designed to be a zoning district that would best facilitate the desired development pattern in the downtown area. The zoning would permit suitable uses with surrounding properties. The zoning would not adversely affect adjacent properties. Mr. Trocquet stated that currently, the property was severely restricted by the C-1 setback requirements. The property was also below 1-acre which was not permitted in the C-1 district, thereby leaving the property virtually un-buildable. TCMU setbacks had zero-lot lines on the sides and were significantly reduced toward the street. The zoning would not result in use that could be burdensome on existing infrastructure. The intensity of TCMU was similar to C-1 and the Town was currently pursuing a development strategy downtown, consistent with TCMU's development standards. He added that the Planning Commission and staff recommended approval.

Council Member Furr recognized that the application indicated that the proposed use of the property would be retail with residential lofts. She asked if the use was appropriate for the area. Mr. Trocquet stated that the TCMU zoning did allow residential above commercial space. The density allowed four spaces per acre. That particular lot would only allow for three. Council Member Furr questioned how much of the 0.9-acre lot was buildable, there was often a lot of standing water on the lot. Mr. Trocquet stated that during the development phase, water could be redirected. Fill dirt may be brought in, stormwater adjustments could be made, all for the site plan approval.

Mayor Dial posed a question for Mr. Davenport. If an area of multiple lots initially designated C-1, was the applicant required to come to Council for the rezoning? Could this be accomplished on a staff-level? Mr. Davenport stated that it would never be a possibility due to the zoning map requirements. Zoning laws are concrete. The process needed to go through a public hearing process, along with Council approval.

Council Member Furr shared that she had an issue with the rezoning if the plans were to place residential with retail. It was not consistent with the other buildings surrounding the property. She added that she did not care for the stand-alone development. Council Member Campbell asked Mr. Trocquet for clarification.

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If anyone came to staff and Council with a TCMU development, they too could have commercial on the bottom and lofts on top? Mr. Trocquet explained that when the zoning district was approved, mixed-use was part of that zoning district, which accommodates residential within the same development as commercial. He added that discussions included that type of mixed-use. Lofts were part of the uses. Conditions were added that lofts could only be accepted with the commercial component. He clarified that anyone in the TCMU zoning district could develop the commercial development with lofts on top.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item.

Mr. Anil Midha spoke in favor. He stated that he wished to complete the boundaries, rezoning, and preliminary planning for the property. He was still evaluating his options. He shared that by definition, mixed-use implied walking space, street space, patio space, and rooftop type areas, which was his intent. He added that this would comply with the plan that was set. He stated that he planned to work with the Town as opposed to dropping-in a development.

Council Member Hill posed the question, was it not our goal according to the approval of the TCMU to bring more development downtown? Mr. Trocquet stated that the TCMU was created and brought to Council for that purpose. This was also listed in the Comprehensive Plan. Council Member Hill added that the development would be centered in Town. Mr. Trocquet added that the property was fronted by three roads. Given that it was a corner lot, it had the potential to set the tone for downtown. He stated that the ARC/ UGA, RSVP plan mapped out sites such as Mr. Midha's as catalytic sites. They are vacant lots located in the middle of the downtown area, which had the potential to contribute heavily to what the Town was trying to accomplish. Council Member Hill asked what could currently be placed on the lot? Mr. Trocquet stated that the current C-1 zoning did not allow anything without conditions, due to the minimum 1-acre lot requirement. Mr. Midha added that he purchased the lot about a year ago due to the Comprehensive Plan and the potential for sewer. Council Member Hill stated that basically if Council did not approve the rezoning, Mr. Midha could not develop the lot. Mr. Davenport shared that just because the lot was under 1-acre did not mean it could not be developed. There would, however be more restrictions placed on the lot due to its size and it is a nonconforming lot. Mr. Trocquet stated that he could also apply for a variance.

Council Member Furr stated that the plan looked as though it fell under spot zoning. She added that she did not think the location was right for the plan. For people to live and work in the same location, it looked out of place. Mr. Trocquet stated that the Howell Road Office Park was zoned C-1. TCMU would not be considered spot zoning. He added that another property was rezoned TCMU that was also surrounded by C-1 zoning. The two zoning districts were similar.

Mr. Trocquet added that TCMU was created for that character area, to coincide with the comp plan. Overtime, applicants would strive to potentially rezone their lots to that classification, providing uses that were noted in the TCMU ordinance.

Council Member Campbell asked if Howell Park could potentially be rezoned to TCMU. Mr. Trocquet informed Council that Mr. Midha's lot was strategically positioned, being that it was unbuilt. The Howell Park buildings would have to be looked at on an individual basis according to setbacks and such. Theoretically, the buildings could be rezoned to the TCMU district with ease.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item. No one spoke.

Council Member Hill made a motion to approve the rezoning of parcel number 07382604002 at property address 105 Howell Road from C-1 (Downtown Commercial) to TCMU (Town-Center Mixed Use).

Motion dies for lack of a second.

Council Member Furr made a motion to deny the rezoning of parcel number 07382604002 at property address 105 Howell Road from C-1 (Downtown Commercial) to TCMU (Town-Center Mixed Use).

Council Member Campbell seconded the motion. Motion was 2-2. Mayor Dial voted in opposition of the motion and the motion failed 2-3.

Council Member Howard stated that at some point someone had to be first, change was sometimes hard. Mayor Dial stated that Council gave guidelines to potential property owners and buyers through the TCMU. He added that Mr. Midha bought the property because we did that. If this was not approved it would be similar to moving the goal post. Council Member Hill shared that she believed that it was the wish of Council to bring more people downtown and to have more walkable and path friendly areas. She added that Mr. Midha was directly across from Veterans Park and near to Shamrock Park. Council Member Campbell stated that Mr. Trocquet was correct and that many more could have the same development; the flood gates would be open. He shared that personally he did like the commercial aspect, but not the housing element. We are not able to separate the two. Council Member Hill reiterated that Council had already approved commercial on the bottom, residential on the top. Mr. Trocquet restated that everything mentioned was approved along with the TCMU ordinance. Council Member Furr questioned how many units were allowed? Mr. Trocquet shared that it allowed four units per acre. Mr. Midha's property was less than 1-acre which meant that he was only allowed three units.

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Council Member Howard inquired about the proposed square footage. Mr. Trocquet stated that he would need to reference the ordinance but he believed it to be a minimum of 800 square feet for lofts, a little above what a typical apartment would be. He added that a TCMU rezoning was previously approved with conditions a few weeks ago.

Council Member Howard made a motion to approve the rezoning of parcel number 07382604002 at property address 105 Howell Road from C-1 (Downtown Commercial) to TCMU (Town-Center Mixed Use).

Council Member Hill seconded the motion. Motion was tied at 2-2. Mayor Dial voted in favor of the item. The item was approved 3-2.

4. Consideration to update and readopt the Town of Tyrone's official Zoning Map.

Phillip Trocquet, Town Planner

Mr. Trocquet informed Council that the Town was awarded ARC's Community Development Assistance Project (CDAP) grant for the 2020 year. The service grant offered the Town professional GIS services to recreate the Town's official zoning map in a GIS format. He added that the recreation of the zoning map through GIS yielded staff the ability to update the map on a more frequent basis. He stated that staff recommended updates ideally to occur after every rezoning petition. Updates should happen quarterly at a minimum. Along with a new static PDF map, the CDAP project had also created a digital online version that could be accessed by the public. He added that the map was interactive and could give users additional information as they clicked on a particular property. The online interactive map would be a tool, but the official zoning map would be the static PDF map accessible on the website and hung in the Town Hall lobby. He shared that the final map if approved by Council, would reflect that night's rezonings. When additional rezonings occur, the map would be changed to reflect the changes.

Council Member Furr brought attention to the Water's Edge subdivision zoning; the homes were currently zoned Duplex Residential (DR). Mr. Trocquet stated that there were a few properties that needed to be researched, he would look into those also. He added that there were properties that were zoned DR in the past that may have had conditions put on them that only single families could occupy the properties. He shared that he would need to look at the history of the property, to make sure of the acreage. The Waters Edge properties have been zoned DR for quite some time. Council Member Furr asked if the properties should be corrected before the approval of the map. Mr. Trocquet stated that if the properties were zoned DR, the approval of the zoning map with those changes would not be the appropriate way to make the corrections. We would need to contact the property owners, manually hold public hearings for each property, and rezone accordingly.

Council Member Furr stated that it seemed wrong to approve a map that reflected single-family homes as duplexes. Mr. Davenport gave an example of a property that sat next to the Southampton subdivision. It was shown as being zoned AR but it was supposed to be M1. The property owner came to the Town and said that the property was never zoned AR, it should be M1. Through research, it was found that the property owner was correct. Although the Town knew the zoning was in error, it went through the public hearing process to properly rezone the property from AR to M1. He added that if errors were recognized, each property needed to be researched and public hearings would have to take place for each property. Zoning procedure laws must be followed, if not, the error could become compounded.

Mr. Trocquet shared that staff recommended the adoption of the map before Council. It was consistent with research and also past zoning maps. It also included many past rezonings. He added that after research was complete for Waters Edge, staff would continue with the process prescribed by Mr. Davenport. The map would then reflect those changes and come back to Council for readoption. He reiterated that after each rezoning, the map would come back to Council for readoption. Mr. Trocquet wished to inform Council that the colors had changed. This was in line with industry standards. The colors darken as the zoning categories intensify.

Mayor Dial opened the public hearing to anyone that wished to speak in favor of the item. No one spoke.

Mayor Dial opened the public hearing to anyone that wished to speak in opposition of the item. No one spoke.

Council Member Furr made a motion to approve the update and readoption of Tyrone's official zoning map.

Council Member Campbell seconded the motion. Motion was approved 4-0.

New Business

5. Consideration of a Deannexation request by Jeremy Hilsman on behalf of Gene Gibbons and Victoria Hill for a roughly 3.7-acre portion of parcel number 0724-002.

Phillip Trocquet, Town Planner

Mr. Trocquet briefed Council on the item. He added that the property was located off Coastline Road and was previously owned by Pulte Corporation (aka John Wieland Homes). The property straddled the Town's municipal boundary with a small 3.7-acre portion falling within the Town's limits while the remainder of the 57-acre property was located in the unincorporated County.

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The small 3.7-acre portion lies almost completely in a floodplain as un-buildable land. As such, the owner had put forth a petition to deannex the small portion so that the property would entirely be located within the unincorporated County. Mr. Trocquet stated that Fayette County had already passed a resolution and deannexation agreement in preparation to accept the property if the Town Council voted to approve the petition. He added that it was staff's opinion that the property would benefit from the process as it would allow them to develop the property as they wished in the unincorporated county. The service delivery and development standards were more appropriately offered by the county for the property given its location and proposed development plan.

Council Member Campbell made a motion to approve the deannexation of the approximately 3.7 -acre portion of parcel number 0724-002.

Council Member Howard seconded the motion. Motion was approved 4-0.

Public Comments

Mr. Anil Midha stated that he wanted to respond regarding the comp plan. He shared that if Council solicited the community for input for development to alleviate the eyesore in the report, and they submitted a tasteful plan, you should encourage it and not manually deny it based on something else.

Council Comments

Council Member Furr stated that Mr. Trocquet did a great job. Council Member Hill agreed and stated that Mr. Langford also did a great job.

Council Member Howard updated everyone on the Friends of the Tyrone Museum progress. They currently had thirty excited volunteers and were moving forward. She added that the group has acquired their EIN and after early voting, the group would move toward moving into the building and to obtain their corporation.

Mayor Dial shared that Council Members were entitled to their opinions, whatever they may be.

Mr. Davenport wished to commend Mr. Trocquet and thanked him for implementing the update to the zoning map. It needed to be done for some time and he rose to the challenge. He added that it was a good business practice regarding the zoning map processes.

Mayor Dial thanked Ms. April Spradlin for standing in for two positions by herself for a few weeks.

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Adjournment

Council Member Howard made a motion to adjourn. Motion was approved 4-0.
The meeting adjourned at 7:52 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk