

**Town of Tyrone
Council Meeting Minutes
March 3, 2016
7:00 p.m.**

Present:

Mayor Eric Dial

Mayor Pro Tem Gloria Furr

Council Member Ken Matthews

Council Member Ryan Housley

Council Member Linda Howard

Town Manager Kyle Hood

Town Clerk Dee Baker

Town Attorney Dennis Davenport

The Invocation was given by Doug Domeck from Operation Mobilization and followed by the Pledge of Allegiance.

Public Comments

Approval of Agenda

Council Member Housley 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, February 4, 2016

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

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

PUBLIC HEARING:

Consideration of Rezoning application RZ 2016-002 for rezoning by the property owner, McEachern Lora Effie Estate for a 58.40 acre plat located at Tax Parcel # 0728002 from Agricultural Residential (AR) to Residential -20 (R-20). **Kyle Hood, Town Manager**

Mr. Hood informed Council that applicant Trent Foster applied for the rezoning on behalf of the owner, McEachern Lora Effie Estate. The applicant wishes to rezone the property from Agricultural Residential (AR) to Residential-20 (R-20). The property is 58.4 acres with two adjacent sides which are residential, one side Office Institutional (OI) and the fourth adjacent property is located in Fayette County. He stated that Planning Commission Chairman, Wil James was in attendance for any questions regarding the Planning Commission's recommendation for approval.

Mayor Dial opened the Public Hearing for anyone that wished to speak in favor of the rezoning.

Mr. Trent Foster spoke on behalf of the McEachern Lora Effie Estate and added that the project engineer was also in attendance to answer any questions. Mr. Foster stated that the proposal was to create a front porch, sidewalk community with thirty three lots, utilizing three different home builders at eleven homes a piece. The price range for the homes would be \$400,000-\$500,000 and the square footage would be 2,500 and 3,500 per home. Mr. Foster added that the project is well funded and it will not depend on banks for loans. He ended by stating that with approval, the project would begin in mid-fall.

Mr. Carl Ryals with The Paletta Group spoke next. He stated that the McEachern family has six brothers and sisters and their mother passed last year at 103 years of age. He stated that thirty to forty parties were interested in the property, including a tree farm and a John Deer tractor dealer. Mr. Ryals stated that there are forty six acres to build thirty three homes on one acre lots. The development would include buffers, several retention ponds and the homes would be on a septic system. He informed Council that in regards to the Planning Commission meeting, the meeting started with five people in opposition but when the meeting had ended there were five people in favor of the development. He added that this would be a plus for the Town and the neighboring Taylor Ridge community.

Mr. David Hovie, the project engineer spoke next. He discussed stormwater discharge, transportation and water distribution. He informed Council that the ingress/egress would be from Farr Road, not Dogwood Trail or through the Taylor Ridge subdivision. The project zoning is consistent with Cathy Estates, Farr Lake Estates, The Estates, Chimney Springs and Taylor Ridge. The site would be in compliance with the Federal Clean Water Act and the Georgia Stormwater Manual. He stated that as engineers, they are required to gather information regarding stormwater and water quality prior based on impervious surfaces. Mr. Hovie added that he has several years of experience with stormwater and developments in Fayette County.

Mayor Dial opened the Public Hearing for anyone in opposition of the item.

Mr. Tim Breyne, a resident of the Taylor Ridge subdivision, spoke. He stated that his main concern is the stormwater runoff, being that his house is closest to the creek. He shared pictures with Mayor and Council and added that when it rains, he has a river going through his back yard. He stated that he was not against development; however, he has witnessed the water moving over Dogwood Trail during a heavy rain and it also settles twenty feet from his basement.

Mr. Derrick Jackson, a River Oaks subdivision resident, spoke. Mr. Jackson shared that this sounds like a great project; however, his main concern is that there are currently eighty-three homes in foreclosure and one hundred fifty on the market for sale in Tyrone. Tyrone has a surplus inventory of homes available and this would be a negative impact, especially with the price point this development will offer. Mr. Jackson compared the negative impact to the Rivers Elementary School in Fayette County; when you build something and there is no demand, you then need to sale it for less. Mr. Jackson posed the question, "Is this development in accordance with the Town's Comprehensive Plan?" He added that we need to make sure we design Tyrone the way we desire. If a project comes along that is not in compliance with our Comprehensive Plan, the Town needs to go back to the public and inform them so this does not adversely affect those that already live here.

Mr. John Harris, an Estates subdivision resident, stated that he is not against the development; however, what will it look like 2-3 years in the future. He shared his concerns for the need of covenants for the future subdivision, being that the development will have multiple builders. In the case of a recession, what will the subdivision look like and what will the price point be? He added that he approves the current price point but questioned whether the Town has any measures in place to protect the vision of the development to make sure it resembles the description.

Mr. Bryan Newby, a resident of Taylor Ridge, shared his concerns with water run-off and the rezoning of two separate properties adjacent to Taylor Ridge. He added that the Cathy Estates subdivision was once slated to be a school. Mr. Newby stated that currently, there is flooding in the area caused by the Glendalough development. He questioned if the developer is going to extend the sidewalk down Farr Road? Mr. Newby showed concern regarding the development having more than one builder and whether the subdivision will have covenants? He echoed Mr. Jackson and stated there are over one hundred fifty homes in Tyrone that are vacant. We have enough housing currently in Tyrone. The price point is now \$400,000-\$500,000, what will it be when the homes do not sell? How will that leave our market? He ended by stating that he would much rather see homes than apartments.

Planning Commission Chairman, Wil James, briefed Council of the Planning Commission's recommendation for approval. He stated that tonight was the first time he has heard concerns shared regarding water run-off but felt that the project engineer addressed the run-off issue sufficiently. The Planning Commission felt that the project was feasible and the Commission made a motion to recommend.

Council Member Furr inquired as to why all members were in opposition, then all on board? Mr. James addressed that their initial concerns were aesthetics; buffers, keeping mature trees and where would the ingress/egress come from, but all questions were answered.

Council Member Housley asked for clarification regarding the water-run off concerns and the sidewalk issue from Mr. Harris and Mr. Newby.

Mr. Hovie stated that in regards to the homeowner that lives on the stream; stormwater from his development should not affect his property. Water from the site is below Taylor Ridge and should decrease any stormwater issue. Mr. Hovie stated that a study was performed ten to fifteen years ago and showed that water will flow over Dogwood Trail, but most of the water will be diverted in the dry pond on the property. He added that in regards to “grey water,” all septic tanks must be approved by the Fayette County Environmental Health Department.

Council Member Housley shared his concerns regarding the aesthetics and the utilization of three builders for the development. Mr. Hood reminded everyone that the public hearing was only for the rezoning of the property. There is a committee that still needs to review the site plan prior to final platting the property. This is only the beginning phase, only the rezoning.

Mr. Foster shared that recently most homes in the surrounding areas are being built by the larger developers such as Crown Communities and DR Horton, while smaller, local builders suffer. They chose three local builders, out of the nearly 25 that showed interest, that will work together and build the same style house. Mr. Foster stated that the sidewalk will remain inside the subdivision and will not continue down Farr Road. He added that there will be a legally binding covenant for the homeowners to sign.

Council Member Howard asked if all 58.4 acres is on the east-side of the creek. Mr. Foster stated that most homes will be constructed on the east-side (Farr Road side), there will be a buffer on the Taylor Ridge side and will not encroach on neighboring properties.

Council Member Furr asked to view plans that show the future homes. Mr. Foster shared plans with the potential homes shown. Discussion took place at the dais regarding setbacks and buffers.

Council Member Furr inquired about the home and barn currently on the property. Mr. Foster stated that they are considering physically moving the home after an asbestos test.

Mayor Dial asked Mr. Harris if he felt that his covenant question was properly addressed. Mr. Harris answered no and added that it is possibly ‘an ignorance thing.’ He added that the crux of his concern is whether there are procedures in place from the Town or the County, that after the rezoning, there is something that can force the creation of covenants in regards to the aesthetics.

Mayor Dial asked Mr. Breyen if he was satisfied with the answer that his property would be downstream from the development. Mr. Breyen answered from the audience, and stated that he is upstream of the future development approximately thirty yards. He added that his concern is in regards to the 52 acres being developed in a flood zone and that he felt one acre lots is dense zoning.

Mayor Dial asked Mr. Davenport if the Town would play any role in the requirement of covenants.

Mr. Davenport stated that there are some jurisdictions that require covenants but that he believes that Tyrone's ordinance does not require it. You must form a Home Owner's Association prior to issuing covenants. He added that through conversations, the developer did indicate that covenants would be put in place, which requires an HOA.

Council Member Furr asked for an amount of actual buildable acres. Mr. Hovie stated that there are approximately 43-45 acres. Mr. Foster stated that there are four retention ponds on the property.

Mr. Hood informed Council that currently the property is zoned Agricultural Residential and homes can be built on larger lots. The developer has asked to be placed in the largest minimum square footage zoning category and will forego any farming operations and raise no livestock on the property. Mr. Hood added that in regards to the stormwater and sidewalk extension and tree removal, these issues will be brought to a technical review committee of experts, once the site plans are submitted for consideration of the subdivision. The Planning Commission vetted all the same concerns and recommended approval without conditions. He added that staff recommends the same. All matters such as design aesthetics and type of homes being built is essentially the builder's choice, by code specifications and maintained as such. The questions and answers that were brought to light have little relation to the rezoning of the property. Mr. Hood added that in regards to Mr. Jackson's concerns involving the Comprehensive Plan; most properties east of Hwy 74 and south of Tyrone Road are listed as Estate Residential in future land use. One-plus acre lots with 3,000 square feet and a price point of nearly \$500,000 is in line with what he considers an estate.

Council Member Matthews made a motion to approve Rezoning application RZ 2016-002 by property owner McEachern Lora Effie Estate.

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

OLD BUSINESS:

NEW BUSINESS:

Public Comments

Mr. John Harris asked Council if there were measures in place for a builder being approved to build 3,000 square foot homes but building 2,000 square foot homes instead? Mr. Hood replied that it is zoned for 2,000 minimum square foot homes. Mr. Harris shared his concern for the need of a right turn lane from Tyrone Road onto Hwy 74. Mr. Hood stated that the turn lane is in the process of being constructed. The State Road and Tollway Authority had approved funding and GDOT is issuing a permit. The existing lane will remain for those who wish to turn left or continue straight.

Mr. Tim Breyne stated that in regards to the property that was currently rezoned that is in a flood plain, the property also has a huge amount of granite. With the large amount of granite it may be difficult for the soil to perk for septic lines. This space for building keeps getting smaller and smaller. He added that he is not opposed to building; however, the density is ridiculous.

The buildable acreage has been trumped down due to the large amount of granite, set-backs, buffer zones. He invited Council to look at the development and the creek from his property and realize how much area is not buildable for that many lots. "It is density, density, density, density that is my major concern".

Mr. Newby asked if the blue prints and drawings are public record so he can see where the developer is placing the runaway ponds. He stated that when you have one acre lots with 2,000 square foot homes' that is "stacking houses." He added that the granite would make development very difficult and the soil will never perk. Mr. Newby informed Council that the current lake does not hold water. He was asked years ago to scrape and re-plastic the lake. He shared his concern with the development abutting the back doors of the Taylor Ridge residents. Thirty three homes is a lot.

Discussion took place regarding lot sizes and soil testing. Mr. Hood reiterated that all lots must be one acre and there will not be septic if the soil does not perk.

Mr. John Harris stated that he has heard rumors regarding a potential redistricting in Fayette County due in part to the growth of the McDuff Parkway development and the movie studio. He asked Council if they had any information regarding the redistricting of schools and asked if Council would be informed by the Fayette County Board of Education. Mayor Dial stated that they have not heard of any school redistricting and he believed that Fayette County Board of Education would show professional courtesy and inform the Town.

Staff Comments

Chief Perkins reminded Council that a few months ago, Tyrone passed a Social Hosting Ordinance making parents liable for hosting underage parties where alcohol is served. He added that Fayette FACTOR informed Fayette County's municipalities that their organization would be producing an informational video, explaining how the Ordinance works. This will be geared toward parents and teachers. The cost for each municipality is \$750, which assists in the production of the video. Chief Perkins stated that there are Federal Drug Fund monies available for this project. He ended by stating that law enforcement members from each municipality were asked to participate in the video.

Council Member Housley made a motion to approve the request in the amount of \$750 to assist in the production of the Fayette FACTOR Social Hosting informational video. Council Member Howard seconded the motion. Motion was approved 4-0.

Council Comments

Council Member Matthews stated that two months ago the lot adjacent to the Waffle House looks horrible. He shared that he would like for the lots to be cleaned and for the large trucks to be informed not to park there. Mr. Hood stated that those properties and two dozen more are regularly visited by our Code Enforcement Officer, through due process. The Palmetto Road property is a testament to the process.

The property near the Waffle House has not been deeded over and is basically a large driveway. If the owners will allow this to happen, the Town has no way of stopping 18 wheelers parking there.

Executive Session

Council Member Matthews made a motion to move into Executive Session for one item of pending litigation.

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

Attorney Davenport briefed the Mayor and Council on one item of pending litigation.

Council Member Furr made a motion to reconvene.

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

Adjournment

Council Member Furr made a motion to adjourn. Motion was approved 4-0.

Meeting adjourned at 8:17 pm.

Eric Dial, Mayor

Dee Baker, Town Clerk