

TYRONE TOWN COUNCIL MEETING

MINUTES

June 01, 2023 at 7:00 PM

Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Linda Howard, Post 1

Melissa Hill, Post 2

Billy Campbell, Post 3

Brandon Perkins, Town Manager

Dee Baker, Town Clerk

Dennis Davenport, Town Attorney

Also present:

Patrick Stough, Attorney

Patty Newland, Library Supervisor

Randy Mundy, Police Chief

Sandy Beach, Finance HR Manager

Scott Langford, Town Engineer / Public Works Director

Attorney Dennis Davenport was absent

I. CALL TO ORDER

Mayor Dial noted the change to the public comment sections of the agenda. Now the public could speak regarding any item on the agenda, twice.

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS: *Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Ms. Jessica Whelan who lives on Valleywood Road shared her approval for the needs of the public safety department within the proposed budget. She was in support of the police officer salary increases, new vehicles, and new equipment, including the non-lethal ammunition requests.

V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

Motion made by Council Member Campbell, Seconded by Council Member Hill.

Voting Yea: Council Member Howard, Council Member Furr.

VI. 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.*

1. Approval of minutes from the Budget Workshop and the regular meeting on May 18, 2023.
2. Approval of a Library Eagle Scout Project for the placement of a picnic table and cornhole board in between the Library and Recreation Center.
3. Approval of tent rentals from Classic Canopies for upcoming events at Shamrock Park for \$2,380.

A motion was made to approve the consent agenda.

Motion made by Council Member Howard, Seconded by Council Member Campbell.
Voting Yea: Council Member Hill, Council Member Furr.

Mayor Dial noted that Eagle Scout Candidate Jacob Weissflog was in attendance and invited him up to speak briefly about his Library project. Mr. Weissflog shared that he was from Troop 175 located in Fayetteville and added that his project consisted of a picnic table and 4 cornhole sets to be constructed and placed in the courtyard connecting the library and recreation center. Mayor Dial thanked him and Ms. Newland for partnering on the project.

VII. PRESENTATIONS

VIII. PUBLIC HEARINGS

4. FY 2023/2024 Budget Proposal Public Hearing

Ms. Beach shared that two weeks ago Council held its budget workshop and that tonight was the public hearing. She added that tonight's consideration was the General Fund budget totaling \$17,566,991.38 reflecting two small changes. One was a duplication from a Downtown Development Authority (DDA) amount, the other was from the recent change regarding janitorial services for the Town buildings. She stated that through staff research, it would be more cost effective to hire a janitorial position for public works than to contract the services. She stated that the other consideration for the public hearing was the Other Miscellaneous Fund budget in the amount of \$6,086,142.40 which consisted of Federal and State Confiscated Assets, Fire Impact Fee, Founders Day, Hotel/Motel Tax, 2017 and 2023 SPLOST, and the Tree Fund.

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 to the item. No one spoke. He then closed the public hearing.

5. Consideration of a variance petition from applicant and owner Brett Davenport for 100 Brookfield Ct. to increase the allowable front yard fence height from 4' to 6' facing Tyrone Road. **Brandon Perkins, Town Manager**

Mr. Perkins presented the item and shared that applicant Brett Davenport had applied for a variance to increase the fence height from 4' - 6' in the front yard of 100 Brookfield Court toward Tyrone Road. The stated intent for the request was for privacy associated with the soon-to-be constructed multi-use path along Tyrone Road. He added that staff's determination was that the request did not conflict with the purposes or intent of the Zoning Ordinance or Comprehensive Plan.

He stated that the property lies within the estate residential character area which promoted a 1-acre lot of single-family development and auxiliary uses. Fences and walls were to be constructed of wood, polyvinyl, or coated aluminum in front yards which was the stated intent of the owner.

He shared that it was staff's determination that the recently approved presence of a multi-use path along the Tyrone Rd. frontage of the property constituted an exceptional and peculiar condition that was not applicable to most other R-18 properties and corner lots, particularly along Tyrone Road. He added that it was staff's determination that the recent addition of a cart path which was not a preexisting condition of the property would create a practical difficulty to privacy previously enjoyed by the owner.

He stated that it was staff's determination that relief would not be injurious or detrimental to the public or the intent of the regulations. Corner lots were burdened with two frontages which encumbered a higher aesthetic standard on more of the property than a typical lot. He added that 100 Brookfield Ct. had frontage within the Brookfield subdivision off of Brookfield Court, but the Tyrone Road frontage was outside of the neighborhood along a more intense arterial roadway. This circumstance, along with the addition of the multi-use trail, lends itself to a greater need for buffering, landscaping, or fencing to mitigate negative effects associated with the right-of-way. Aesthetically, since the variance was requested along frontage associated with the more intense roadway outside of the neighborhood, the 6' fence would not impair the purposes and intent of the regulations.

Mr. Perkins stated that it was staff's determination that a literal interpretation could deprive the owner of privacy enjoyed by others in the same district. He added that the special conditions are a result of the intensity of the roadway and the recently-approved addition of a multi-use path. Neither of which were a result of actions by the owner/applicant. He ended by stating that it was staff's determination that the variance would not confer a special privilege as the circumstances were unique to the particular property and situation not as a result of the owner's actions. It did not establish a precedent for all R-18 properties. He then shared a map indicating the proposed fence location and the variance request area.

Council Member Campbell shared that he did not see the purpose of a fence when there was already a natural buffer in place. Mr. Perkins stated that through his research, the brush was not a total barrier, you could still see the backyard and pool.

Council Member Campbell asked for an approximate distance. Mr. Perkins gave the estimate of 95 feet from the path to the home.

Council Member Campbell added that he felt that normally, when fences were erected, they were not maintained and it would open it up for others to do the same. He shared his favor with the Williams' (Davenport neighbor) natural buffer.

Council Member Hill clarified that the variance was for a proposed fence to be 2 feet higher than an approved fence. Mr. Perkins stated that a 4-foot fence was allowed, the Davenports were asking for 2 additional feet. Council Member Campbell reiterated that he did not think that an additional 2 feet would increase privacy.

Mrs. Davenport thanked Council and shared that they had lived there for 28 years. They have kept the natural area for privacy, however in the fall and winter months it did not offer much privacy. She added that when the cart path is completed, her family would be more exposed. She stated that golf carts already travel passed her house and some stop, leaving both parties staring at each other. She shared her love for the Town, their natural area, and their support for the cart path but wished to have more privacy. She invited Council to visit her property for a better view. She also had videos that may help too.

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

Mayor Dial opened the public hearing for anyone that wished to speak in opposition to the item. He then closed the public hearing.

Mayor Dial shared that Town citizens spoke regarding a need for a cart path along Tyrone Road, we listened and now we have a unique situation.

A motion was made to approve a variance for 100 Brookfield Ct. to increase the allowable front yard fence height from 4' to 6' facing Tyrone Road.

Motion made by Council Member Hill, Seconded by Council Member Howard.
Voting Yea: Council Member Campbell, Council Member Furr.

6. Consideration from applicant Scott Moore for the rezoning of a 14.7-acre tract with parcel number 0736074 off Shamrock Industrial Boulevard and McCarthy Court from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Brandon Perkins, Town Manager**

Mr. Perkins presented the item and stated that applicants Miguel Almanza and Scott Moore had petitioned to rezone the properties consisting of Phase 8 of Shamrock Industrial Park, approximately 20 acres total, from M-2 Conditional to M-2. He added that on July 20, 2000, Town Council placed conditions on the property then owned by Mr. Howard Guthrie. The conditions were outlined in the zoning assessment with a major condition being the establishment of secondary ingress/egress for the industrial park.

On May 6, 2021, Council directed the owners of Phase 8 to petition the remaining owners of the industrial park as to their interest in contributing toward the cost of establishing an emergency ingress/egress entrance into the industrial park. He stated that the remaining owners unanimously responded that they were unwilling to assist.

In 2022, access easements and land were granted to the Town on the south end of the industrial park, and in April of this year, Council directed staff to include the construction costs of building a secondary emergency access road in the 2023-2024 budget with the goal of completing the access road within that fiscal year.

Mr. Perkins continued and stated that it was staff's determination that the petition was consistent with the Town's future development strategy in the comprehensive plan as well as the zoning ordinance. If Planning Commission and Council wished to rezone, staff recommended that original conditions 5 & 6 (prohibiting uses that predominately manufacture, process, store, or produce hazardous chemicals or substances) stay in place. That would also include industrial washes, incinerators, emission towers, landfills/trash storage, fertilizer manufacturers, and fat processing/rendering facilities. This was in keeping with limiting high-risk activities. Planning Commission recommended approval with staff conditions. He added that the existing zoning was M-2 Conditional and the proposed zoning was M-2.

He shared that the petition was consistent with the Town's Comprehensive Plan and Future Development strategy. He added that the property fell within the Production & Employment Character area which encouraged industrial and manufacturing facilities with sensitivity to environmental concerns and economic development expansion.

Mr. Perkins then shared the conditions that were placed upon the properties in 2000; 1. Establishing a secondary entrance into the park, with the stipulation that access be limited to emergency vehicles only, and enforced by leaving the roadway unpaved, chained and locked, or otherwise secured; 2. Maintaining the 100' buffer along the adjoining agricultural-residential property; 3. Submission of a landscape plan for the required buffer; 4. All lighting impacting the properties to the north is directed downward and onto the property; 5. Prohibition of the installation of telecommunication towers; 6. Restricting the use of the property to exclude the following permitted uses: a. sewage or wastewater treatment plants; b. heavy manufacturing establishments; c. use as a landfill or the permanent or temporary storage of any trash, waste, or sanitation products; d. manufacture of fertilizer or fat processing [rendering]; e. production or storage of any hazardous chemicals or substances; f. emission towers or incinerators; and g. industrial washes.

He added that conditions 2, 3, and 4 were already standard requirements of the Town's Code of Ordinances and did not need to be re-established for the properties. Given the history and unique conditions of the property, keeping conditions 5 and 6 would be most appropriate regarding the impact on adjoining property owners and the Industrial Park as a whole.

He stated that the property had been planned, platted, and designed for M-2 uses for many years with similar uses surrounding it. The proposed zoning was intended to be buffered, adjoining residential as was the case with the previous zoning.

He added that limiting hazardous uses would further reduce the adverse effect of surrounding properties. He shared that the current zoning did not permit construction as conditioned.

He ended by sharing that it was staff's determination that the construction of an emergency ingress/egress entrance on the south end of the industrial park as well as the continued limitation of uses not to include Hazardous Material handling/storage would not result in uses that would be excessively burdensome on existing infrastructure.

He added that the remainder of roads within Phase 8 would require minor repair and a top-coat upon the Town Engineer's discretion.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of rezoning parcel number 0736074. No one spoke.

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

A motion was made to approve the rezoning of a 14.7-acre tract with parcel number 0736074 from M-2 Conditional to M-2 Conditional (removal of certain conditions) but keeping the original conditions numbers 5 and 6 on the property.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

7. Consideration from applicant Hector Almanza for the rezoning of a 1.3-acre tract with parcel number 0736122 off Shamrock Industrial Boulevard and McCarthy Court from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Brandon Perkins, Town Manager**

Mayor Dial opened the public hearing for anyone that wished to speak in favor of rezoning parcel number 0736122. No one spoke.

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

A motion was made to approve the rezoning of a 1.3-acre tract with parcel number 0736122 from M-2 Conditional to M-2 Conditional (removal of certain conditions) but keeping the original conditions numbers 5 and 6 on the property.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

8. Consideration from applicant Hector Almanza for the rezoning of a 1.43-acre tract with parcel number 0736121 off Shamrock Industrial Boulevard from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Brandon Perkins, Town Manager**

Mayor Dial opened the public hearing for anyone that wished to speak in favor of rezoning parcel number 0736121. No one spoke.

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

A motion was made approve the rezoning a 1.43-acre tract with parcel number 0736121 from M-2 Conditional to M-2 Conditional (removal of certain conditions) but keeping the original conditions numbers 5 and 6 on the property.

Motion made by Council Member Campbell, Seconded by Council Member Howard.
Voting Yea: Council Member Hill, Council Member Furr.

9. Consideration from applicant Hector Almanza for the rezoning of a 2.57-acre tract with parcel number 0736120 off Shamrock Industrial Boulevard from M-2 Conditional to M-2 Conditional (removal of certain conditions). **Brandon Perkins, Town Manager**

Mayor Dial opened the public hearing for anyone that wished to speak in favor of rezoning parcel number 0736120. No one spoke.

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

A motion was made to approve the rezoning of a 2.57-acre tract with parcel number 0736120 from M-2 Conditional to M-2 Conditional (removal of certain conditions) but keeping the original conditions numbers 5 and 6 on the property.

Motion made by Council Member Campbell, Seconded by Council Member Howard.
Voting Yea: Council Member Hill, Council Member Furr.

IX. OLD BUSINESS

X. NEW BUSINESS

10. Consideration of architectural approval from owner East Group Properties for two buildings situated on parcel number 0725-014. **Brandon Perkins, Town Manager**

Mr. Perkins presented the item. He shared that applicant East Group Properties, L.P. had submitted architectural approval for 2 buildings on parcel 0725-014. The parcel recently underwent a development plan revision in August of last year and a stream-buffer variance earlier this year. He added that the Planning Commission recently approved the conceptual site plan on 05/25/2023 and that the minutes from the Development Plan approval were in their packets. He added that it was staff's determination that the proposed architectural elevations were consistent with what was submitted with the Development Plan in August 2022. The architectural elevations did not meet the Town's Quality Growth Overlay district requirements which stipulate 70% of the façade must consist of a Class A material of glass, brick, brick veneer, or stone. He stated that the currently proposed façade consisted of approximately 24% Glass, 10% Brick Veneer, and 66% EIFS equating to an approximate total of 34% Class A material and 66% Class B.

He stated that the petition was largely consistent with the Town's Comprehensive Plan and Future Development strategy.

The property lies within the Community Gateway Character area which promoted the development of future medical, entertainment, and other emerging high-tech industries as well as business headquarters through high-quality architectural and landscaping standards that protect the scenic nature of the SR-74 corridor. He added that the proposed development plan focused on incorporating such landscaping, berming, and screening elements listed in the comprehensive plan. Architectural renderings were consistent with the development plan. If material requirements were adhered to, staff considered such renderings to meet the standard of the ordinance.

He added that a cart path constructed to Town Standards had also been reflected in the site plan furthering the goals of the Town's multi-use connectivity goals in the Comp Plan.

He stated that regarding ordinance compatibility, the architectural elevations did not meet the Town's Quality Growth Overlay district requirements which stipulate 70% of the façade must consist of a Class A material of glass, brick, brick veneer, or stone. He stated that the currently proposed façade consisted of approximately 24% Glass, 10% Brick Veneer, and 66% EIFS equating to an approximate total of 34% Class A material and 66% Class B. He stated that architectural elevations were consistent with what was submitted with the Development Plan. He added that Council approved the development plan with the condition that 'Architectural and landscaping requirements listed in the development plan meet that of Sec. 113-191 (Quality Growth Development District Special Requirements) - specifically finish construction and perimeter berming requirements be adhered to.'

Mr. Perkins then shared the East Group rendering of the front of the building with materials consisting of brick veneer, aluminum storefront windows, spandrel glass, and architectural composite metal.

Council Member Hill asked why 66% of the Town's standards were not met. Mr. Perkins stated that members from East Group could better answer that question. He added that Mr. Trocquet had conversations with them, however, staff wanted to make Council aware that what was presented did not meet the ordinance requirements. East Group Executive Vice President John Coleman approached Council regarding the project, along with Vice President John Ratliff and Randall-Paulson Architects, Senior Project Leader Brian Petelle. Mr. Coleman stated that the Planning Commission approved their Phase I site plan last week for two buildings fronting Hwy 74. He added that his staff went above and beyond buyer retention and green infrastructure after working with Ms. Boullion. He added that as soon as Council approved, they would begin the construction process. They had a Peachtree City pharmaceutical company that identified two buildings on the property that they were interested in. He added that his staff had their DRI and GDOT approvals. They would continue to target the high-tech, and entertainment corporations. They had also worked with Town staff regarding the Overlay District requirements, and changes were made specifically to what was visible from the public view with HVAC units being blocked and additional brick being added.

He added that they were in compliance with the overlay, landscaping, and berm requirements, although it was Class A and B, not just A materials.

Mr. Coleman then went into specifics regarding the look of the building and the reveal lines which added recess and texture and added that it was a nice high-tech look. He shared that the two-story glass elevation also gave the building a nice look. The buildings also had multiple entrances with canopies and brushed aluminum. He understood that they were at 34% but that they did meet the threshold with the combined A and B materials and added brick, we are trying to keep a balance.

Mayor Dial repeated that the question on the floor was that Council asked for 70% of quality materials, why were they only at 34%? Mr. Petelle stated that the buildings were very large and glass for a building that size would be a lot. He added that the design was one of his best. He added that the composite metal used was that of high-end car dealerships and that the closed one gets to the building, they could see more detail. Mr. Coleman added (inaudible) that the height was added for the potential of the movie studios.

Council Member Hill shared that the design was beautiful. Council Member Howard asked how the buildings would be placed on the property in relation to Hwy 74. Mr. Coleman shared the drawings and stated that more glass was added to the corner piece because it was more visible to the public.

A motion was made to approve the architectural proposal from owner East Group Properties for two buildings situated on parcel number 0725-014.

Motion made by Council Member Furr, Seconded by Council Member Campbell.
Voting Yea: Council Member Howard, Council Member Hill.

XI. PUBLIC COMMENTS: *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Ms. Jessica Whelan shared that she loved the drawing from East Group and added that the point may be mute now. She shared that she was a member of the Steering Committee and the commitment that they made to each other for the Comprehensive Plan, the Town may be setting a precedent, compromising regarding the façade requirements. She added that this was our first major building along Hwy 74, and how would this look for future development.

Former Planning Commissioner, Mr. Dia Hunter spoke next. He reminded Council that a comment was added at the last Planning Commission meeting regarding the construction of a multi-use cart path in conjunction with the development of Phase III of the East Group project instead of ongoing with each phase. He suggested requiring a section as each phase was developed to ensure the completion of the path.

Mayor Dial shared that the item had already passed and it was a surprise to him. He deferred to Mr. Stough for his direction. Mr. Stough stated that tonight was the approval of the architectural rendering, the site plan went before the Planning Commission last week. The site plan was only for two buildings. He deferred to Mr. Trocquet, the Town's Planning and Zoning Coordinator regarding the determination of how the cart path would be built.

He added that the Town did not have any legal standing to make the developer build the entire path up front. He would research, speak with Mr. Trocquet, and come back to Council. Mayor Dial shared with the East Group representatives and that staff may come to them requesting that the cart path be built sooner than later.

Ms. Sharlene Alexander who lives on Anthony Drive spoke regarding the two buildings that were approved along Hwy 74. She agreed with Ms. Whelan on the new buildings and was also on the Steering Committee for the 5-Year Comprehensive Plan. She did not understand why the public was not allowed to speak on the matter before the vote. She asked where the buildings would be placed on Hwy 74. Mayor Dial stated that they would be on the east side near Jenkins Road. Ms. Alexander then asked how deep the project went. Mayor Dial shared that she could meet with Council after the meeting for particulars.

XII. STAFF COMMENTS

Mr. Perkins announced that tomorrow night was a Downtown Development Authority First Friday event at Shamrock Park. The musical guest would be the Jamie Pelfrey Band beginning at 6:00 pm with vendors and food trucks.

Mr. Langford (inaudible) gave Ms. Audris Pierce a shout-out for all of her work regarding the local restaurant's grease traps. She was doing a great job on staying on top of the businesses for keeping grease out.

Mr. Langford announced that the Tyrone Road cart path project would be accepting bids on June 20th. Staff also received the 90% plan submittal for the Palmetto/Spencer/Arrowood Road roundabout project. When the plans were complete, staff would then come to Council and then property acquisition would then take place.

Mr. Langford informed everyone (inaudible) that 50% of the paving project was complete. He added that Northwood Rd, Lloyd Ave, the intersection of Senoia Rd, Crabapple, and Rockwood Rd were all that was remaining. The majority was complete.

Mr. Langford informed Council that the contractor would resume work on the pickleball court next week.

XIII. COUNCIL COMMENTS

Council Member Furr shared that the East Group did a great job on the look of the two proposed buildings on Highway 74. Tyrone residents would be proud. She asked if the glass portion was the issue. Mayor Dial stated that glass, veneer, and brick needed to be up to 70% according to the Town's architectural standards. She added that the standards were not met but they still looked good.

Council Member Campbell noted that he and Mayor Dial were invited to attend the Fayette County Commission meeting and one of the topics was the closing of Crabapple Lane. He gave recognition to Mayor Dial and stated that he had worked very hard to help resolve the issue of the closing.

Council Member Campbell stated that Mayor Dial began the discussion that night and did a great job. As a result, the County Commissioners had taken steps to force Peachtree City to reopen Crabapple Lane (off Dogwood Trail, near Farr Road).

Mayor Dial stated that Council always did the best they could to give the public the ability to speak at their meetings and also to run an efficient meeting. He added that the reason why some items on that night's agenda allowed for public comment and others did not was that by law, they were public hearings. He stated that Council had expanded the public comment section to allow for the public to speak about items on the agenda before they took place. He displayed how to visit the Town's website at www.tyronega.gov, then Agendas and Minutes. Council packets were placed on the website days in advance for the public to review. Referring to the June 1, 2023 meeting packet, the public had everything that Council had. He explained that if someone saw something that they did not like, they could comment at that meeting under the first public comment section. Mr. Perkins shared that the packets were usually placed on the website the Friday before that meeting.

XIV. EXECUTIVE SESSION

A motion was made to approve the Executive Session minutes from May 18, 2023.

Motion made by Council Member Howard, Seconded by Council Member Furr.
Voting Yea: Council Member Hill, Council Member Campbell.

XV. ADJOURNMENT

A motion was made to adjourn.

Motion made by Council Member Furr.
Voting Yea: Council Member Howard, Council Member Hill, Council Member Campbell.

The meeting adjourned at 8:05 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk