



PLANNING COMMISSION MEETING

October 26, 2023 at 7:00 PM

950 Senoia Road, Tyrone, GA 30290

David Nebergall, Chairman

Scott Bousquet, Commissioner
Jeff Duncan, Commissioner
Phillip Trocquet, Town Planner

Carl Schouw, ABSENT
Brad Matheny, Commissioner
Patrick Stough, Town Attorney

Minutes

I. CALL TO ORDER

Chairman Nebergall called the meeting to order at 7:00pm

II. APPROVAL OF AGENDA

Commissioner Duncan made a motion to approve the agenda. Commissioner Matheny seconded the motion. Motion passed 4-0.

III. APPROVAL OF MINUTES

1. October 12, 2023

Commissioner Duncan made a motion to approve the minutes, Chairman Nebergall seconded the motion. Motion passed 4-0.

Commissioner Bousquet nominated Mr. Brad Matheny as Vice-Chairman. Commissioner Duncan made a motion to close the nomination, Commissioner Bousquet seconded the motion. Motion passed 4-0. No other nominations were made. Chairman Nebergall made a motion to appoint Mr. Matheny as Vice-Chairman, motion was seconded by Commissioner Duncan. Motion passed 4-0.

IV. PUBLIC HEARING

2. Consideration of a text amendment to section 113-2 of Article I of the Zoning Ordinance regarding definitions for Hotels, Motels, and Extended Stay. **Phillip Trocquet
Community Development**

Mr. Trocquet presented each of the text amendments in one staff report. He stated that Town Council has initiated text amendments to the zoning ordinance to address two overarching items: the Town's Certificate of Appropriateness (CA) and provisions/conditions for hotel uses within the Town. Council has expressed an interest to make the ordinance for a CA more clear as well as implement conditions for hotels that address the health, safety, and welfare of residents consistent with the Town's character and future planning efforts. Staff has presented the following 5 Text Amendments to address Council's request.

The first text amendment to the certificate of appropriateness was aimed at making a more clear list of requirements so that there is less confusion for applicants about what is specifically required. The CA referenced standards in a few different sections of the ordinance. This amendment consolidates the necessary standards into a list. The remaining four text amendments aim to better define and regulate hotels in the town consistent with our development efforts for such buildings.

Section 113-2 has been defined to better define hotels as well as extended stay hotels.

Section 113-128 (Community Commercial) has been amended to reflect some housekeeping changes to C-1 development standards that better match similar standards in our ordinance as well as to move hotels and similar uses from the 'permitted' use section to the 'conditional' use section of the zoning district provisions.

Section 113-129 (Highway Commercial) has been amended to also reflect housekeeping changes to the development standards as well as to shift hotels and similar uses from the 'permitted' use section to the 'conditional' use section.

Section 113-190 was amended to establish conditions for hotels and similar uses.

Staff heavily researched zoning standards for hotels where they were listed as conditional uses across many cities in Georgia and based on APA zoning literature.

Commissioner Bousquet asked about the definition of extended stay hotel. Mr. Trocquet responded that the text amendment reflects any hotel allowing stays over 30 days. Staff recommends approval of the text amendments regarding the certificate of appropriateness, definitions changes, C-1 changes, and C-2 changes. Staff recommends approval of some or all of the listed conditions for hotels as outlined in Section 113-190.

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

Mr. Dia Hunter spoke and asked if hotels and extended stay hotel definitions are going to be separated in the ordinance. Mr. Trocquet stated that they are adding a definition for extended stay hotels and modifying the definition for hotels. Mr. Hunter voiced his support for the text amendments.

Jessica Whelan of Valleywood Road spoke in support of the text amendments and noted that there was much public interest in these measures.

Joram Kiggungu of Village Green Cir. spoke in favor and asked if the minimum stay requirement could be 'gamed' by the front desk simply checking someone out and checking them back in again.

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

Commissioner Duncan asked about the food preparation conditions. Mr. Trocquet stated that the definitions for extended stay usually always included food preparation conditions as they were usually implicit in the reason for extended stay hotels.

Chairman Nebergall referenced Mr. Kiggungu's comment. Mr. Trocquet responded that if the Town were made aware of such activities, it would likely constitute a code violation. Commissioner Bousquet asked if changes could be made to the wording such that guests could not stay more than 30 days within a certain period of time.

Mr. Stough stated that this could be worded to reflect that a guest could not stay more than 30 days within a 60 day period. Mr. Stough also mentioned that the prohibition of cooktop stoves and ovens would be an issue because it would cause an outright prohibition on extended stay hotels in their entirety which could present legal issues.

Commissioner Matheny asked how the 100' buffer was determined. Mr. Trocquet responded that hotels due to their 24-hour nature can present a more persistent and consistent level of activity as compared to other businesses which close after hours, particularly as it pertains to lit parking lots and outdoor activities which made an additional buffer reasonable.

Commissioner Duncan made a motion to recommend approval of the text amendment. Commissioner Bousquet Seconded the motion. Motion passed 4-0.

2. Consideration of a text amendment to Section 113-128 of the zoning ordinance regarding development standards, permitted, and conditional uses for the C-1 zoning district. **Phillip Trocquet, Community Development**

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

Jessica Whelan asked if the inclusion of a restaurant could be added as a condition.

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

Chairman Nebergall asked about Mrs. Whelan's question. Mr. Trocquet stated there would need to be a legitimate reason for the inclusion of such a condition from a health, safety, and welfare reason.

Chairman Nebergall made a motion to recommend approval of the text amendment. Commissioner Matheny seconded the motion. Motion passed 4-0.

3. Consideration of a text amendment to Section 113-129 of the zoning ordinance regarding development standards, permitted, and conditional uses for the C-2 zoning district. **Phillip Trocquet, Community Development**

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

Dia Hunter asked questions about the added height allowance.

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

Mr. Trocquet answered height questions stating that the height allowance applied to all four sides and that if there was an offset in grade that caused an unusual circumstance, then a variance would likely be applied for.

Commissioner Duncan made a motion to approve the text amendment. Commissioner Bousquet seconded the motion. Motion passed 4-0.

4. Consideration of a Text Amendment to section 113-190 of the zoning ordinance regarding conditions for hotels, motels, lodging houses, inns, and tourist courts. **Phillip Trocquet**

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

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

Commissioner Duncan asked about the reasonableness of creating a condition for having a restaurant in all hotels. Mr. Trocquet stated that he is not an expert in the pro-forma of all hotels and extended stay hotels, but that the condition of restaurants could likely be seen as an unreasonable burden for many hotel chains.

Chairman Nebergall asked about the lighting requirements. Mr. Trocquet responded that the downward and shielded conditions were intended to address lighting nuisance complaints. Chairman Nebergall noted a particular light along Senoia Road nearing Crabapple that is shining into the roadway.

Commissioner Bousquet noted that condition for an extended stay should be that no guest should stay for a period of over 30 days within a 60-day period.

Mr. Stough stated that conditions prohibiting cooking appliances in an effort to completely ban extended stay hotels as a use-type would likely invite litigation.

Chairman Nebergall made a motion to recommend approval of the text amendment with the condition that the 30-day period be better defined as requested by Commissioner Bousquet and worded by Mr. Stough. Commissioner Duncan seconded the motion. Motion passed 4-0.

V. NEW BUSINESS

VI. STAFF COMMENTS

VII. COMMISSION COMMENTS

Commissioner Duncan asked about the Certificate of Appropriateness. Mr. Trocquet explained this process and noted that it was solely a Council decision. Chairman Nebergall and the rest of the commissioners requested that council consider including the planning commission in their capacity to recommend approval for the Certificate of Appropriateness as well.

Commissioner Matheny inquired about the property at the corner of SR-74 and Dogwood Trail. Mr. Trocquet stated that the property was currently zoned R-18, but is within the Quality Growth Overlay district and that there has been much real-estate attention lately pushed on the property. Chairman Nebergall noted a historical recollection that the original developer wished to ask for the property to be rezoned in the past but was denied and instead sectioned the property off separately from Tullamore subdivision despite intentions from Planning Commission and Council that it remain.

There was commentary around re-instituting a public comment period back into Planning Commission agendas. Mr. Stough noted that this section was removed from Planning Commission agendas due to the Commission's role as an advisory and recommending body only. Since the Commission does not have power in the same way that Town Council does, general public comment was not seen as productive. Mr. Trocquet noted that all Public Hearing items do have an associated time for the public to speak on that particular agenda item which will not be altered. Chairman Nebergall stated it was something to think about for the future.

VIII. ADJOURNMENT

Commissioner Duncan made a motion to adjourn. Motion passed 4-0. Meeting adjourned at 8:00pm.