



## PLANNING COMMISSION MEETING

**April 27, 2023 at 7:00 PM**

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950 Senoia Road, Tyrone, GA 30290

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**David Nebergall**, Chairman

**Dia Hunter**, Vice Chairman

**Jeff Duncan**, Commissioner

**Phillip Trocquet**, Town Planner

**Carl Schouw**, Commissioner

**Scott Bousquet**, Commissioner

**Patrick Stough**, Town Attorney

### AGENDA

*Social Distancing will be observed, and seating is limited. The meeting can be accessed live at [www.tyrone.org/youtube](http://www.tyrone.org/youtube). If you do not plan to attend, please send any agenda item questions or comments to Town Manager Brandon Perkins ([bperkins@tyrone.org](mailto:bperkins@tyrone.org)).*

#### I. CALL TO ORDER

#### II. APPROVAL OF AGENDA

#### III. APPROVAL OF MINUTES

- [1.](#) Approval of Minutes from February 9th, 2023.

#### IV. PUBLIC HEARING

- [2.](#) Consideration to recommend approval of a text amendment to section 113-10 of Article 1 of the Zoning Ordinance regarding appeals of zoning administrator decisions. **Phillip Trocquet, Community Development**
3. Consideration to recommend approval of a text amendment to section 113-68 of Article 1 of the Zoning Ordinance regarding zoning appeals. **Phillip Trocquet, Community Development**
4. Consideration to recommend approval of a text amendment to section 113-243 of Article IX of the Zoning Ordinance regarding variance appeals. **Phillip Trocquet, Community Development**

#### V. NEW BUSINESS

- [5.](#) Consideration to approve a site plan and landscape plan from applicant Charlie Heath for a 1.61-acre tract located at property address 1540 Senoia Road. **Phillip Trocquet, Community Development**

#### VI. STAFF COMMENTS

**VII. COMMISSION COMMENTS**

**VIII. ADJOURNMENT**

**Town of Tyrone  
Planning Commission Meeting Minutes  
February 09, 2023  
7:00PM**

**Present:**

Chairman, David Nebergall  
Vice-Chairman, Dia Hunter  
Commission Member, Scott Bousquet

Town Attorney, Patrick Stough  
Town Planner, Phillip Trocquet

**Absent:**

Commission Member, Jeff Duncan

**Call to Order:**

Commission Chair, Nebergall called the meeting to order at 7:00 pm.

**Approval of Agenda:**

Commissioner Schouw made a motion to approve the agenda.  
Vice-Chairman Hunter seconded the motion. Motion was approved 4-0.

**Approval of January 26, 2023 Minutes**

Vice-Chairman Hunter made a motion to table the January 26, 2023 minutes to the next Planning Commission meeting.  
Commissioner Bousquet seconded the motion. Motion carried 4-0.

**Approval of December 8<sup>th</sup>, 2022 Minutes**

Chairman Nebergall made a motion to approve the December 8<sup>th</sup>, 2022 minutes with the condition to correct a noted grammatical change to pages 6 and 1.  
Commissioner Schouw seconded the motion. Motion carried 4-0

**Public Hearing:**

1. *Consideration of a text amendment to section 113-191 of Article V of the Zoning Ordinance regarding the Quality Growth Development District Special Requirements. Phillip Trocquet, Community Development*

Mr. Trocquet presented the item. He stated that One of the major text amendments called for in the Comprehensive Plan was to bolster the SR-74 Quality Growth District Overlay. This overlay calls for higher architectural and landscaping standards but was found to be missing elements called for by citizens and Council.

Although higher architectural and landscaping requirements are part of the current overlay, there is not much specific direction on each. This amendment specifies landscaping requirements much more specifically and expands the buffer from 20' to 50'; planting requirements are specified by quantity and size as well as other specific requirements. Architectural standards have been slightly modified to accommodate more class A building materials as well as specified percentage ratios achievable by the type of developments the Town is seeking to attract. This also includes screening and exterior storage requirements. Traffic management has been one of the top requirements associated with the SR-74 corridor. In an effort to reduce the impact of any new economic development projects along SR-74, the overlay district is being modified with a special traffic management area requirement for all properties on the east side of SR-74. This required road connection will act as a service road for all business traffic as the area develops. Staff recommended approval of the item.

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

Commissioner Bousquet asked what the major standards were altered in this amendment regarding landscaping. Mr. Trocquet stated that one of the major changes was encouraging preexisting tree coverage and dense forestry to count towards landscaping requirements. He also noted the percentage of class A materials allowed in the overall.

Commissioner Schouw asked if the 8-10 trees per 100 square feet could be modified to just be 8 or 10 to remove ambiguity.

Commissioner Schouw made a motion to approve the text amendment with the condition that the tree density provision simply reflect 10 trees instead of a range of 8-10 trees. Vice-Chairman Hunter seconded the motion. Motion passed 4-0.

2. *Consideration of a text amendment to section 113 of Article V of the Zoning Ordinance regarding district regulations to create a Business Technology Park (BTP) zoning classification. Phillip Trocquet, Community Development*

Mr. Trocquet presented the item. He stated that the Comprehensive Plan has made mention of attracting quality economic development projects to the Town of Tyrone, specifically on the northern portion of the SR-74 corridor. Subsequent Council retreats and public input



sessions associated with the comprehensive plan update confirmed this desire and noted that the zoning ordinance should be modified to better accommodate this vision and desire.

He continued that after performing research and coordinating with entities such as the Fayette County Development Authority, staff has formulated a Business Technology Park(BTP) zoning classification intended on accommodating quality economic development projects to Tyrone in an effort to bolster the local economy and job market. The difference between this district and the M-1 or M-2 district is that it more accurately reflects citizen desires for the northern corridor of SR-74 as well as the unincorporated county's future development strategy in hopes to ease the annexation process. Many of the uses intended for this district are light assembly, manufacturing, production, and fabrication as well as industries focused on medical, technology, and research facility expansion. Ancillary support uses are allowed as well. Uses such as outdoor storage facilities, exclusive warehousing & distribution facilities, trucking establishments, heavy manufacturing not housed within a building, heavy material dealers and mining operations are not intended for this district. This district is meant to operate in tandem with the Town's Quality Growth Overlay district for SR-74 which helps guide architecture, landscaping, and transportation to a high standard. Staff recommended approval of the item.

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

Commissioner Bousquet asked about the gross floor area dedicated to warehousing and distribution. Mr. Trocquet mentioned the conditions in Article 5 and how this ordinance had those conditions at the zoning district itself.

Commissioner Schouw asked about the height limitation and how it was different from other zoning classifications. Mr. Trocquet noted that the height limitation in other districts varies between 35'-40'. Vice-Chairman Hunter noted that this height difference was different and what other measures were in place to adjust the larger scale of the buildings. Mr. Trocquet mentioned that larger front-yard setbacks that push the building further from the road can help with scale. Vice-Chairman Hunter stated that he had a concern that berms and setbacks may not be enough to address the scale. Commissioner Schouw confirmed that he had similar sentiments. There was continued planning commission discussion about the impact of the increased height allowance and the berms at Trilith development in Fayetteville. Mr. Trocquet then explained the height allowance ordinance for movie studios in the Town and how setbacks are increased for every foot of building height over 35 feet.

There was continued discussion on how to apply similar regulations to the BTP ordinance. Commissioner Schouw made a motion to approve the BTP ordinance with the following conditional change to the height limitation: The front setback shall be increased 2 feet for every one foot of building height over 35 feet to a maximum building height of 50 feet; or an earthen berm shall be constructed one foot high for every one foot of building height over 35 feet to a maximum building height of 50 feet; or any combination thereof. The side or rear yard setback shall be increased 5 feet for every one foot of building height over 35 feet to a maximum building height of 5 feet.

Vice-Chairman Hunter seconded the motion. Motion passed 4-0.

3. *Consideration of a text amendment to section 113-128 of Article V of the Zoning Ordinance regarding the Downtown Commercial (C-1) zoning district. **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item stating that the Downtown Commercial zoning classification may have, at one point in time, been relegated to the downtown district exclusively, but over time has been used as a light commercial alternative between O-1 and C-2 (Highway Commercial) across all corners of the Town. Given our latest focus on the Town Center (Downtown) district, this has caused some confusion amongst citizens and rezoning applicants as well as business owners. He continued that in an effort to reduce confusion, staff recommends a minor update to this district that re-titles it to Community Commercial while retaining the C-1 shorthand classification. It is staff's opinion that this name better reflects the application of the zoning district as it has evolved across Town and reduces confusion when discussing zoning matters. Staff recommended approval of this item.

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

Chairman Nebergall wanted to make sure that this did not affect the Downtown Overlay. Mr. Trocquet responded that the overlay district would not change and the properties zoned C-1 within the downtown area. Vice-Chairman Hunter asked if C-2 would be affected in any way due to this change. Mr. Trocquet responded that it would not.

Commissioner Schouw made a motion approve the item. Commissioner Bousquet seconded the motion. Motion passed 4-0.

## **New Business**

1. *Consideration of a revised final plat from applicant Richard Ferry to consolidate parcels 0738140, 0738156, 0738155, 0738166, 0738134, & 0738132 into an approximately 32.95 acre tract. **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item. He stated that his staff report would cover the last two items. He continued that Applicant Richard Ferry on behalf of owner Clarendon Place LLC. Has applied to consolidate two collections of parcels: Tract A north of Palmetto Road would consolidate parcels 0738140, 0738156, 0738155, 0738166, 0738134, & 0738132 into an approximately 32.95 acre tract. Tract B south of Palmetto Rd. would consolidate parcels 0738160, 0738158, 0738159, 0738166, & 0738133 into an approximately 21.89 acre tract. The stated intent for this re-plat is to prepare the two properties for rezoning

He continued that the petition is consistent with the Town's Comprehensive Plan and Future Development strategy. The property lies within the Town Center District Future Development

Character area which promotes pedestrian-oriented mixed-use development and zoning. Buildings are encouraged to be located along the street which is not the case currently, however, any new proposals for development including new building structures should follow the requirements in the ordinance and comprehensive plan. Such site plans and building elevations will need to be approved by the Planning Commission. Staff recommended approval of this item.

Commissioner Schouw asked if the applicant knew what zoning he was looking to apply for. The applicant, Mr. Richard Ferry, approached the podium and stated that his company purchased the property about 5 years ago with the intention of finishing the preexisting buildings on the property, but that venture did not pan out as office uses are just not in demand any longer. He stated that their new long-term goal is to develop the property as residential.

Vice-Chairman Hunter made a motion to approve the item, Commissioner Bousquet seconded the item. Motion passed 4-0.

2. *Consideration of a revised final plat from applicant Richard Ferry to consolidate parcels 0738160, 0738158, 0738159, 0738166, & 0738133 into an approximately 21.89 acre tract. Phillip Trocquet, Community Development*

Vice-Chairman Hunter inquired about access to these properties given the new roundabout going at the intersection and the frontage of the multiple roads. Mr. Trocquet stated that nodal connectivity that avoided cul-de-sacs was the goal of this area in the Town Center District and that the roundabout plans were at 60% giving the developer enough information to design around the new location.

Commissioner Shouw made a motion to approve the item, Commissioner Bousquet seconded the item. Motion passed 4-0.

### **Staff Comments**

### **Commission Comments**

### **Adjournment**

Chairman Nebergall made a motion to adjourn. Commissioner Schouw seconded the motion

The meeting adjourned at 7:58pm.

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**Chairman David Nebergall**

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**Phillip Trocquet, Asst. Town Manager**



# PLANNING COMMISSION AGENDA REQUEST COVER SHEET

**Department:** Community Development

**Meeting Date:** 04/27/2023

**Staff Contact:** Phillip Trocquet

**Agenda Section:** Public Hearings

## Staff Report:

### Item Description:

### Background/History:

The following text amendments are being pursued in response to Georgia House Bill 1405 which became effective on July 1, 2022. HB 1405 is intended to clarify the process for appeals of zoning decisions and disputes with local governments.

### Findings/Current Activity:

This is an administrative change in response to State HB 1405. The attached ordinance changes reflect the appropriate response for the Town's compliance with the new State Law.

**Is this a budgeted item?** \_\_\_\_\_ **If so, include budget line number:** \_\_\_\_\_

### Actions/Options/Recommendations:

Staff Recommends approval of these text amendments.

**Sec. 113-10. Appeals. NOTE – this concerns appeals of Mayor and Council decisions regarding appeals from decisions of the zoning administrator**

The mayor and council will hear appeals of decisions made by the zoning administrator. The mayor and council will make a decision concerning the appeal and record the decision in the minutes for that meeting. ~~Any person aggrieved by such a decision of the mayor and council may petition the Fayette County Superior Court for a writ of certiorari pursuant to those procedures set forth by the Official Code of Georgia Annotated. Decisions of the mayor and council made pursuant to this section shall be subject to appellate review by the superior court in the manner prescribed in Section 113-243 of this chapter.~~

**Sec. 113-68. Appeals. [NOTE – this concerns appeals of Mayor and Council decisions regarding text amendments and map amendments]**

~~Any person aggrieved by a decision of the mayor and council made pursuant to this article may appeal said decision to the Fayette County Superior Court pursuant to those procedures set forth by law. Text amendment or map amendment decisions made subject to this article shall be subject to direct constitutional challenge regarding the validity of said decisions in the superior court pursuant to its original jurisdiction over declaratory judgments and equity jurisdiction. Such challenges shall be by way of de novo review by the superior court wherein such review brings up the whole record from the town and all competent evidence shall be admissible in the trial thereof, whether adduced in the process before the town or not and employing the presumption that the town's zoning decision is valid and can be overcome substantively by a petitioner showing clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare. Such challenge shall be brought within 30 days of the written decision of the challenged action.~~

**Sec. 113-243. Appeals of town council decision. [NOTE – this concerns appeals of Mayor and Council decisions regarding variances]**

~~Any person aggrieved by any decision on any request for variance may appeal such decision to the Superior court of Fayette County by writ of certiorari. Decisions of the town council shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in said Title 5. Such appeals shall be brought within 30 days of the written decision of the appealed action. The mayor, or his or her designee, shall have authority, without additional action of the town council, to approve or issue any form or certificate necessary to perfect any petition required by Title 5 of the Official Code of Georgia Annotated for review of lower judicatory bodies. Service of any such petition may be effected on or accepted by the mayor, or his or her designee, on behalf of the town council, during normal business hours, at town hall.~~



PLANNING DATE 04/27/2023
COUNCIL DATE NA

Section V, Item 5.

# STAFF REPORT

## TOWN OF TYRONE COMMUNITY DEVELOPMENT

Phillip Trocquet, Asst. Town Manager | Community Development  
ptrocquet@tyrone.org | (770) 881-8322

DOCKET/APPLICATION #	APPLICANT	ADDRESS/PARCEL #
PC 04272023	Jason Walls	1415 Senoia Road

### SUMMARY & HISTORY

Applicant Charlie Heath is requesting site plan approval for a roughly 6,000 square foot commercial structure to be located at 1540 Senoia Road on behalf of the owner, Ken Spivey.

This property has been reviewed by the Town's Technical Review Committee (TRC) with only minor engineering and environmental management comments outstanding.

### STAFF DETERMINATION

Staff recommends that this site plan be approved with the condition that any remaining TRC comments be resolved.



MAP SOURCE: FAYETTE COUNTY TAX ASSESSOR

EXISTING ZONING	PROPOSED ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	PROPERTY ACREAGE
C-2	N/A	Commercial	North: C-2 South: C-2 East: N/A West: C-1	N/A	1.61 acres

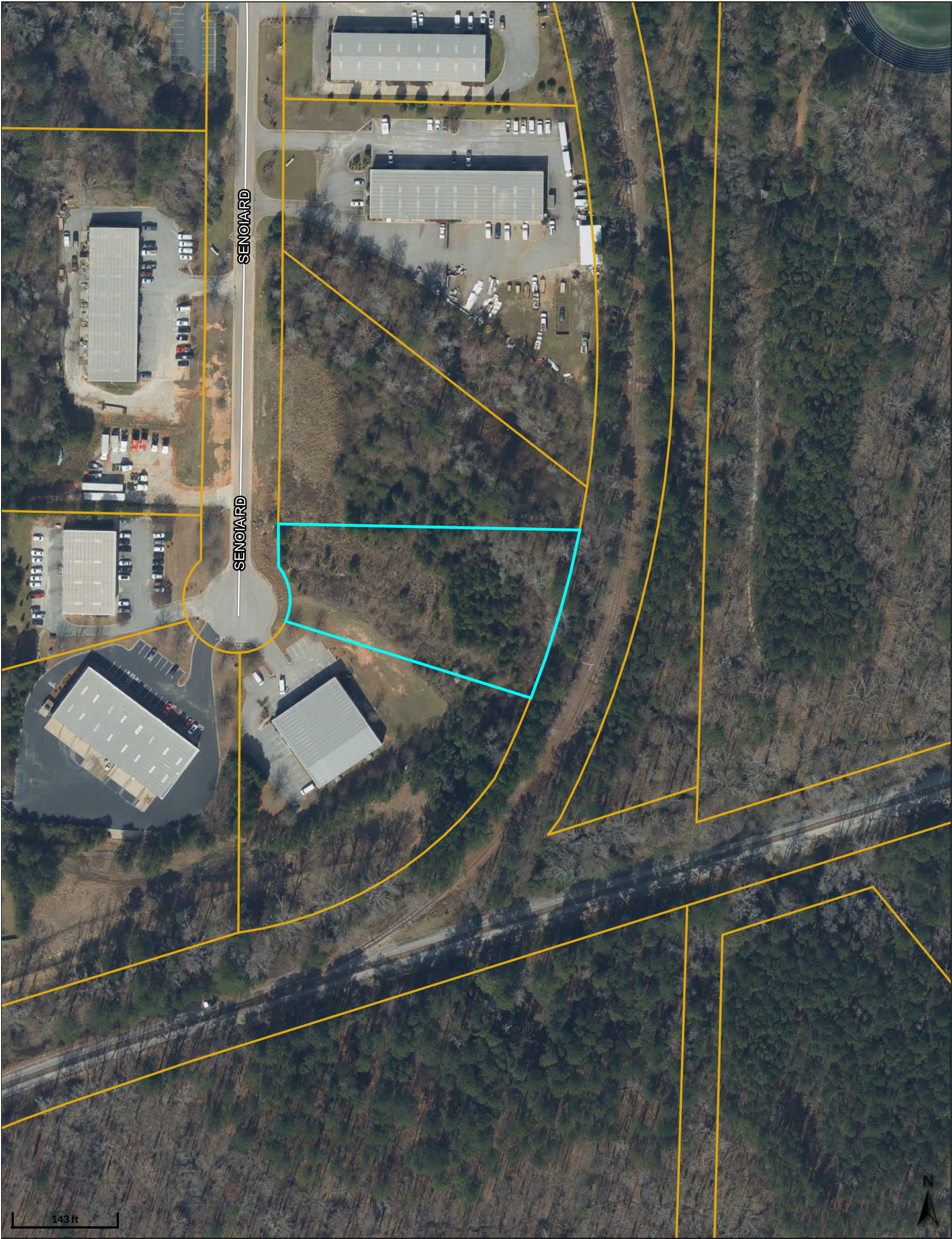
### COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY

This petition is consistent with the Town's Comprehensive Plan and Future Development strategy. The property lies within the Commercial Corridor Character Area which encourages non-residential areas to be screened from view of SR-74. This character area promotes high standards of architecture, landscaping, and sign controls.

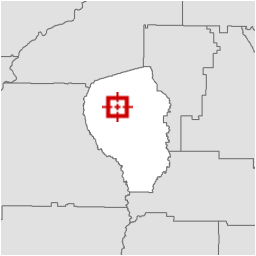
### ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT

Based on Technical Review Committee and staff reviews, this site plan will be compatible with the Town's Land Development ordinance, tree ordinance, and environmental management ordinances once final minor comments are resolved.





Overview



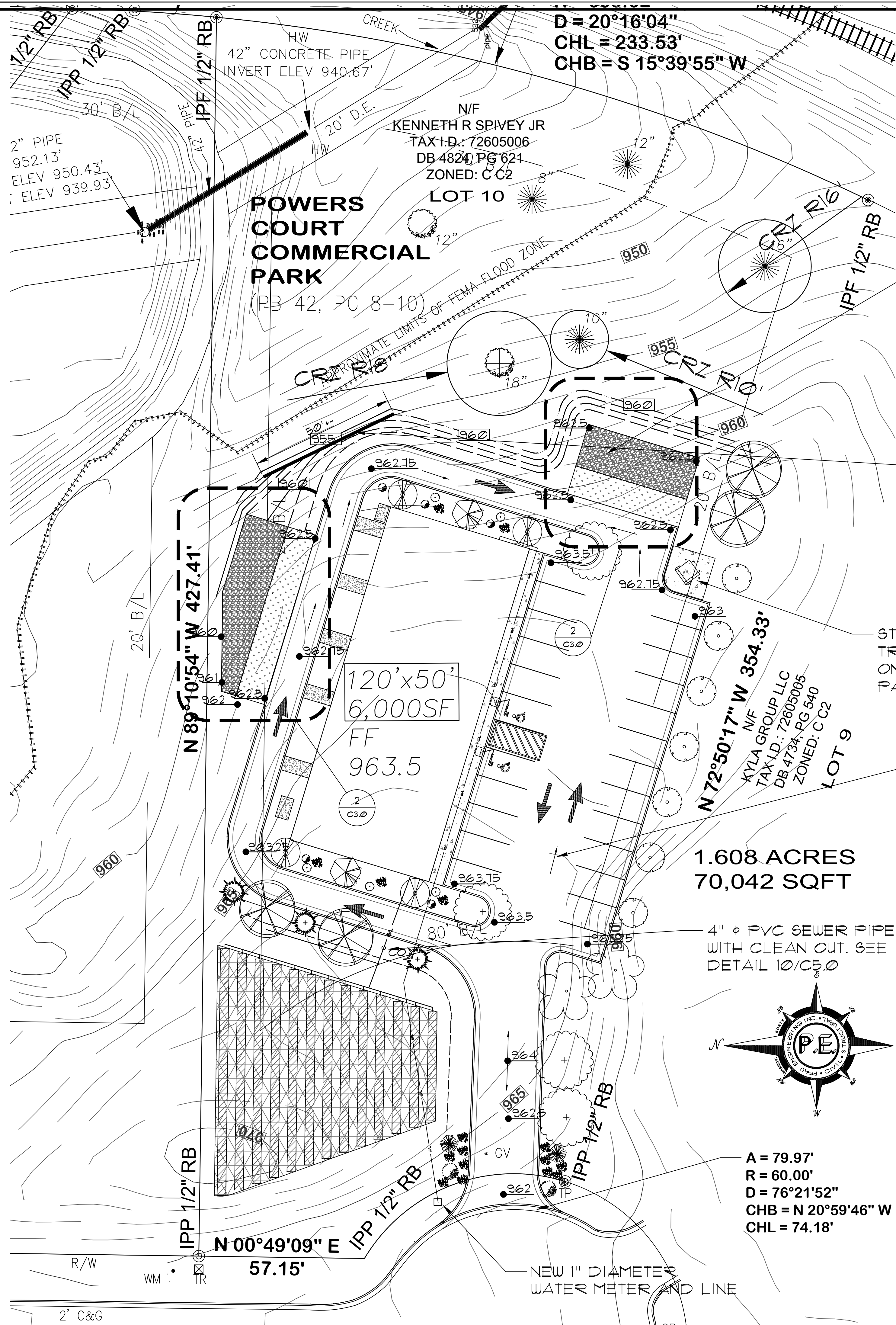
Legend

-  Parcels
-  Roads

Parcel ID	072605006	Alternate ID	n/a	Owner Address	SPIVEY JR KENNETH R
Sec/Twp/Rng	42-8-	Class	C3		SPIVEY SYLVIA T
Property Address	1540 SENOIA RD	Acreage	1.61		2505 PLANTATION POINT LANE
					BIRMINGHAM, AL 35226
District	03				
Brief Tax Description	LOT 10 POWERS COURT POWERS COURT				
	(Note: Not to be used on legal documents)				

Date created: 4/26/2023  
Last Data Uploaded: 4/26/2023 6:08:05 AM





CONCRETE RETAINING WALL SEE S1.0

INFILTRATION TRENCH SEE C4.6 WITH 10' VEGETATIVE BUFFER

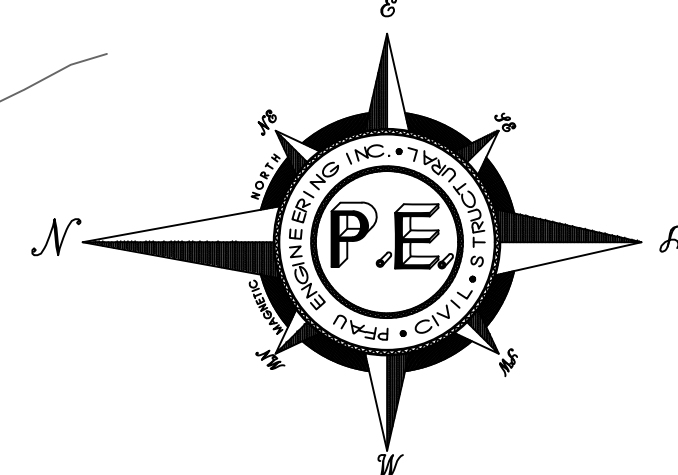
CONCRETE RETAINING WALL SEE S1.0

STANDARD SIZE TRASH DUMPSTER ON A 15'x15' 4\"/>

DRAINAGE FLOW ARROWS TYP.

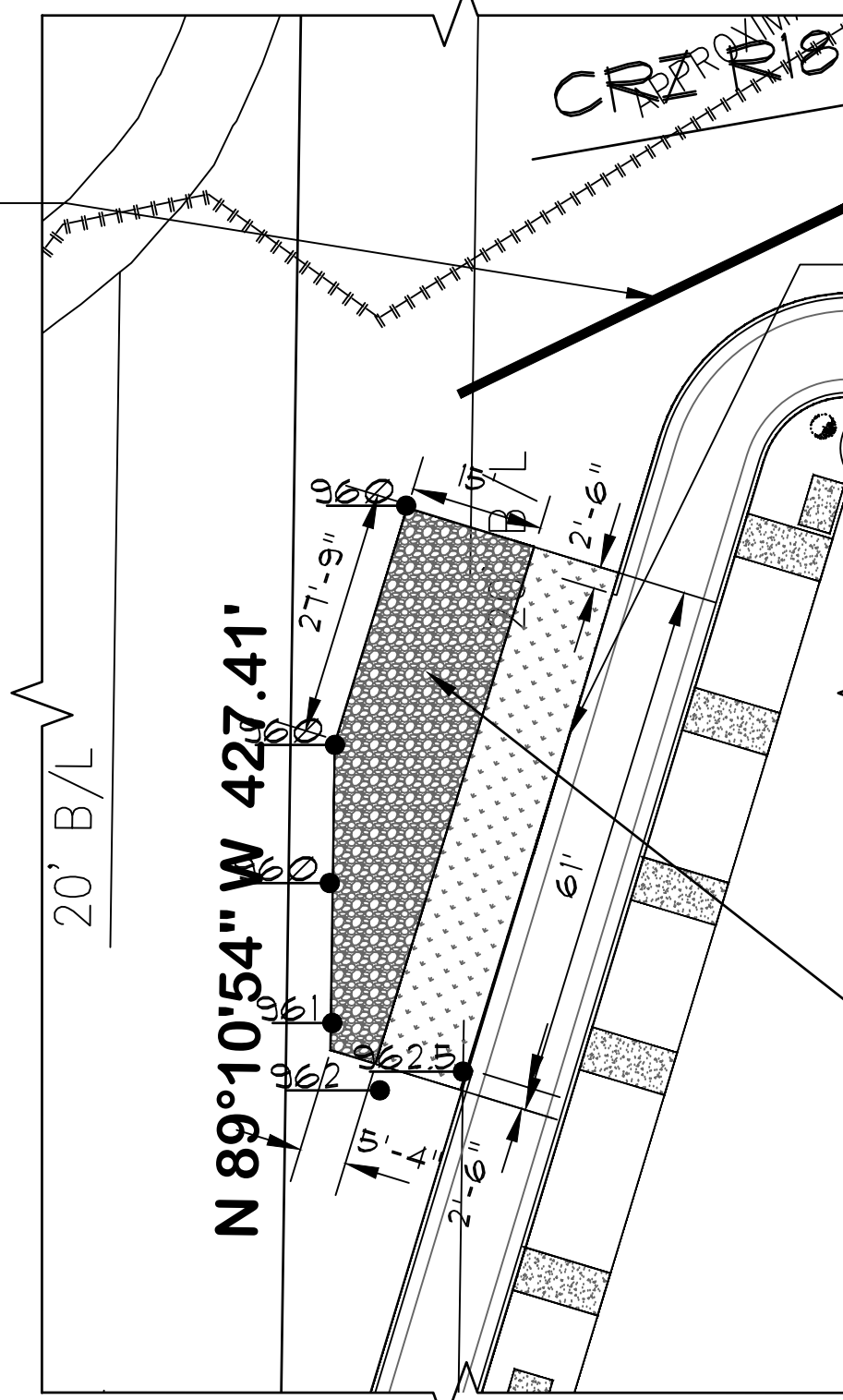
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4\"/>

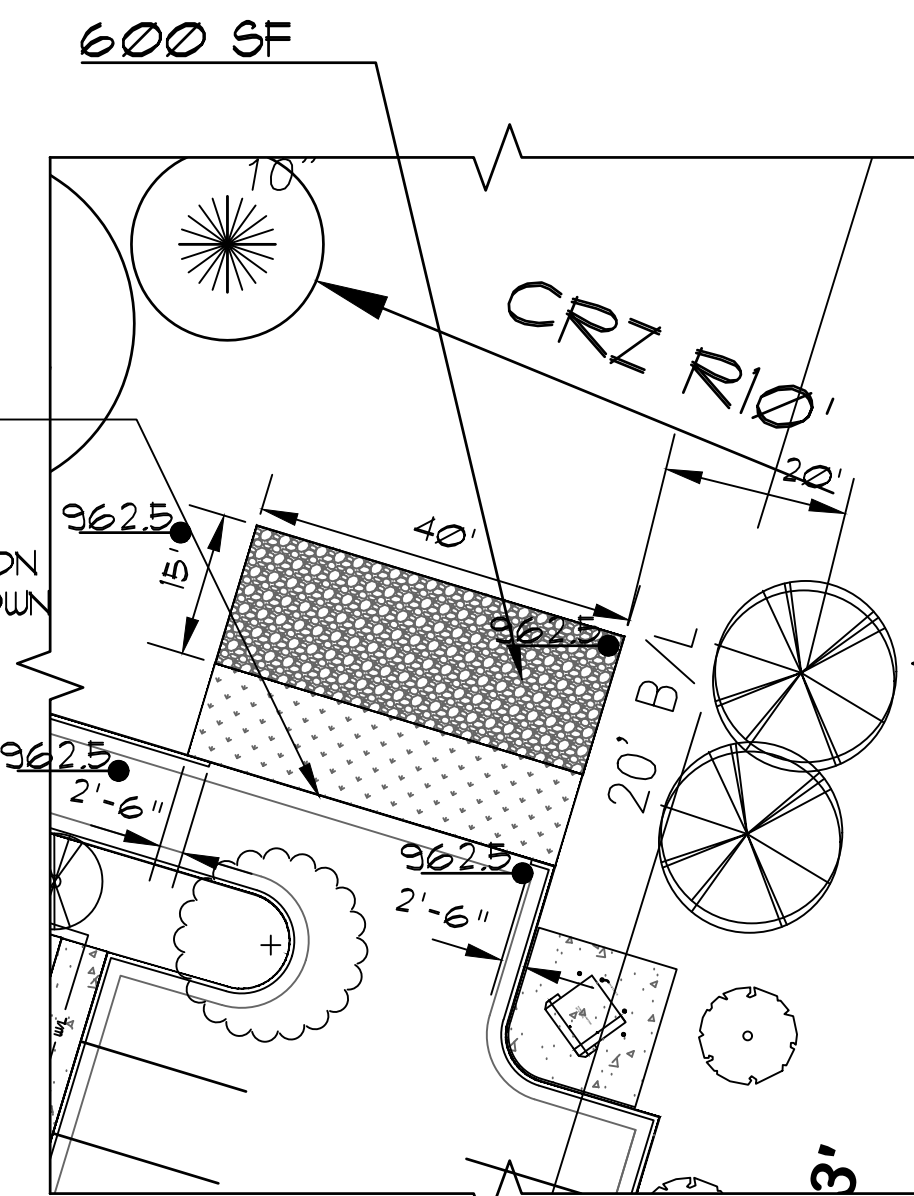
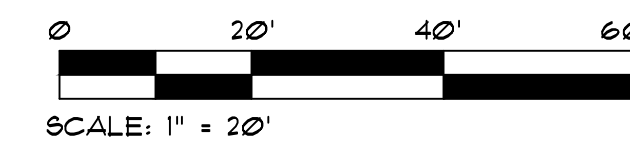


A = 79.97'  
R = 60.00'  
D = 76°21'52\"/>

NEW 1\"/>

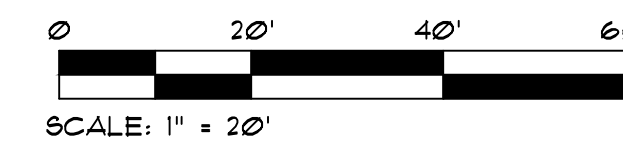


INFILTRATION TRENCH "A"



INFILTRATION TRENCH "B"

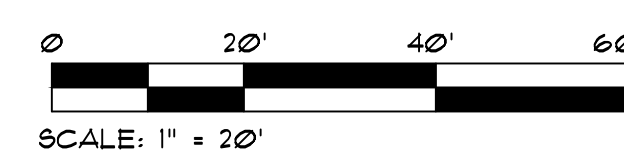
3  
C3.0



### LEGEND

TREE PROTECTION	
SILT FENCE	
OVERHEAD POWER	OH P/L
UNDERGROUND TELEPHONE	UG T/L
OVERHEAD TELEPHONE LINE	OH T/L
UNDERGROUND ELECTRICAL SERVICE CABLE	UGESC
WATER	W/L
SEWER	S/L
PROPOSED SEWER MANHOLE	⊙
EXISTING SEWER	S
UNDERGROUND GAS	GAS
EXISTING FIRE HYDRANT	⊙
PROPOSED FIRE HYDRANT	⊙
EXISTING CATCH BASIN	□
EXISTING UTILITY POLE	⊙
IRON PIN	•
EXISTING CONTOUR	—
PROPOSED 2' CONTOUR	—
PROPOSED ELEVATION	180

### GRADING PLAN



24 HOUR EMERGENCY CONTACT  
CHARLIE HEATH  
COMMERCIAL BUILD ATLANTA  
1025 Rose Creek Dr, ste 620-139 Woodstock,  
GA 30189  
Phone: 470-495-5249  
email: commercialbuildatlanta@gmail.com

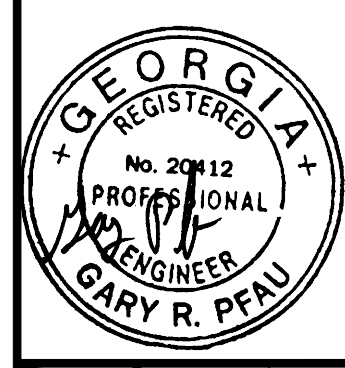


PERMIT SET

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**PFAU ENGINEERING INC.**  
STRUCTURAL-CIVIL ENGINEERING  
29 Lundy Way, Kennesaw, Georgia 30145  
Phone/Fax: 770-426-0449  
Email: greg@pfaue.com

REV	DATE	DESCRIPTION
2	4-5-23	COUNTY COMMENTS
1	3-8-23	COUNTY COMMENTS



**Commercial Build Atlanta**  
1540 Senola Road, Tyrone, Georgia 30290

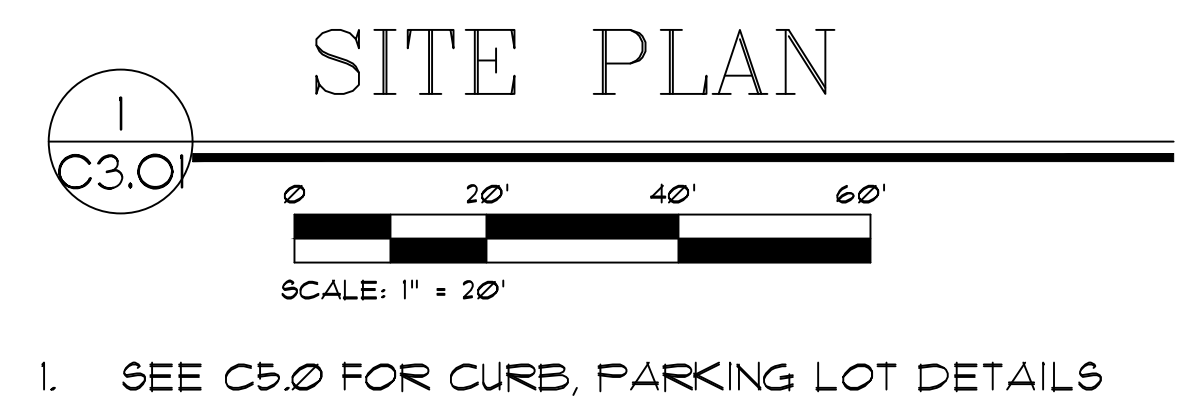
PROJECT NO.:  
DESIGNED BY: G.R.P.  
DATE: 07-25-2023

DRAWN BY: GEP.  
CHECKED BY: GEP.

**GRADING PLAN**

DRAWING NUMBER  
**C3.0**

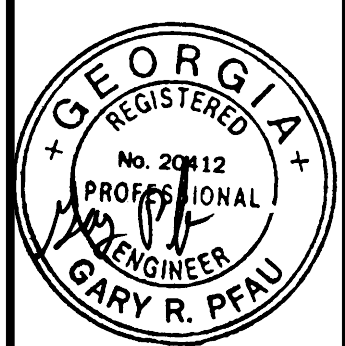




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0770-506-0449 Email  
spfaus3@aol.com

[illegible]

<b>Commercial Build Atlanta</b> 1340 Seneca Road Lyons, Georgia 30290	
SALE: SEE PLAN DATE: 02-25-2023	PROJECT NO.: DESIGNED BY: G.R.P. CHECKED BY: G.R.P.
DRAWN BY: G.R.P.	
<b>SITE PLAN</b>	