



PLANNING COMMISSION MEETING

December 08, 2022 at 7:00 PM

950 Senoia Road, Tyrone, GA 30290

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. If you do not plan to attend, please send any agenda item questions or comments to Town Manager Brandon Perkins (bperkins@tyrone.org).

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

1. Minutes October 27, 2022

IV. PUBLIC HEARING

2. Consideration of a petition from Foster Holdings, LLC for the rezoning of parcel 073611002 at property address 160 Greencastle Road from Office Institutional (O-1) to Downtown Commercial (C-1). **Phillip Trocquet, Community Development**
3. Consideration of a rezoning petition from applicant Ivo Jansink for the rezoning of an approximately 5-acre tract at property address 555 Dogwood Trail from R-20 to C-1 (Downtown Commercial). **Phillip Trocquet, Community Development**
4. 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**
5. 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**
6. 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**

V. NEW BUSINESS

VI. STAFF COMMENTS

VII. COMMISSION COMMENTS

VIII. ADJOURNMENT

**Town of Tyrone
Planning Commission Meeting Minutes
10/27/2022
7:00PM**

Present:

Chairman, David Nebergall
Vice-Chairman, Dia Hunter
Commission Member, Scott Bousquet
Commission Member, Jeff Duncan
Commission Member, Carl Schouw
Town Attorney, Patrick Stough
Town Planner, Phillip Trocquet

Call to Order:

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

Approval of Agenda:

Vice-Chairman Hunter made a motion to approve the agenda.
Commissioner Schouw seconded the motion. Motion was approved 5-0.

Approval of October 13, 2022 Minutes

Chairman Nebergall suggested modifications to reflect an accurate vote structure of 4-0 where it is stated as 3-0.
Commissioner Shouw made a motion to approve the October 13, 2022 minutes with the suggested corrections.
Chairman Nebergall seconded the motion. Motion was 5-0.

Public Hearing:

New Business

1. *Consideration to approve a revised final plat from applicant Jason Walls on behalf of owner, 74 South, LLC at property address 1400 Senoia Road. **Phillip Trocquet, Community Development***

Mr. Trocquet presented the item stating that the application was initiated for the purposes of consolidating the parcels into a conforming state. The current condominium parcels do not meet the minimum dimensional standards for O-1 in our ordinance. The owner is also seeking to rezone these properties to C-2 which would also necessitate consolidation to avoid perpetuating a non-conforming lot configuration.

He continued that the surrounding zoning was C-1 to the north, C-1 and C-2 to the South, C-2, to the east, and M-2 to the west. Mr. Trocquet stated that the petition is consistent with the Town's Comprehensive Plan and Future Development strategy. This property falls within the Commercial Corridor Character area which encourages high architectural and landscaping standards. Commercial areas should be screened from the right-of-way and pedestrian connectivity should be accommodated throughout the site and in accord with future path plans. This property lies within the SR-74 Quality Growth Overlay district which requires higher architectural and landscaping provisions for any portion of the site fronting or visible from SR-74. The re-plat was compatible with the Town's ordinances for both O-1 and C-2.

Mr. Trocquet mentioned that this property was on the agenda to be rezoned to C-2 by Town Council the following week and that the previous Planning Commission meeting had recommended approval of that rezoning petition conditioned upon bringing the properties into a conforming condition. This application for re-plat was doing this by consolidating the properties applied to be rezoned thereby making them conforming before reaching Council. This would also result in Town Council having a single hearing instead of three for separate parcels. He continued that Planning Commission's recommendation would still stand save the condition as it would have been fulfilled. Mr. Stough confirmed this statement.

Commissioner Bousquet made a motion to approve the replat.

Commissioner Duncan seconded the motion. Motion carried 5-0.

Staff Comments

Mr. Trocquet gave an update on the playground installation. Commissioner Duncan asked what the age range was. Mr. Trocquet stated that the design age of the playground was 6 years and older. Chairman Nebergall asked about toddlers, Mr. Trocquet pointed out the toddler playground was next to the recreation department.

Mr. Trocquet gave an update on the streetscape and crosswalk project by Keck and Wood along Senoia Road in front of Partners II pizza and Gunnin Graphics. He also discussed that the 2023 SPLOST was heavily focused on streetscaping.

Commission Comments

Commissioner Bousquet inquired about the status of the car wash and old Sonic building. Mr. Trocquet stated that the car wash architectural approval was issued by Council, but that construction plans were not yet submitted. The Sonic code enforcement actions were taken care of.

Commissioner Schouw inquired about the status of the Tyrone Road multi-use trail. Mr. Trocquet that the Town has been engaged in frequent volleying of offers and counter-offers with the property owners regarding purchasing their property and privacy.

Commissioner Duncan inquired about the future of the old police station. Mr. Trocquet stated that he believed the ultimate goal would be to leverage it for downtown economic development.

Adjournment

Commissioner Schouw made a motion to adjourn. Motion carried 5-0.

The meeting adjourned at 7:14pm.

Chairman David Nebergall

Phillip Trocquet, Asst. Town Manager



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|-----------------------------|
| PLANNING DATE 12/08/2022 |
| COUNCIL DATE 01/05/2023 |

Section IV, Item 2.

P&Z STAFF REPORT

PREPARED BY:

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org | (770) 881-8322

| DOCKET/APPLICATION # | APPLICANT | ADDRESS/PARCEL # |
|----------------------|----------------------|---------------------------------------|
| RZ-2022-10 | Foster Holdings, LLC | Parcel 073611002, 160 Greencastle Rd. |

SUMMARY & HISTORY

Foster Holdings, LLC has submitted an application to rezone 160 Greencastle Rd. from Office Institutional (OI) to Downtown Commercial (C-1). The stated intent of this rezoning is to permit a greater variety of uses on the property than are otherwise permitted, namely an exercise studio/gym.

STAFF DETERMINATION

It is staff's determination that the building placement on site would be illegal under C-1 setback standards, particularly along the southern property line where the building would encroach on the 20' C-1 setback. Although C-1 zoning is permitted in the Commercial Gateway character area, Market Hill business park was developed for office-institutional structures and uses; subsequent buildings and sites are designed according to this configuration. Staff cannot recommend approval of the rezoning given the building placement according to C-1 setback standards. Given the applicant's stated reason for the request, a discussion regarding which uses are/are not appropriate within the O-I district may be relevant for future text amendments.



SOURCE: FAYETTE COUNTY TAX ASSESSOR

| EXISTING ZONING | PROPOSED ZONING | EXISTING LAND USE | SURROUNDING ZONING | SITE IMPROVEMENTS | PROPERTY ACREAGE |
|-----------------------------|----------------------------|------------------------------|--|-------------------|------------------|
| O-I Office Institutional | C-1 Downtown Commercial | Multi-Tenant Office Building | North: OI South: OI East: OI West: R-12 | Office Building | 1 Acre |

COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY

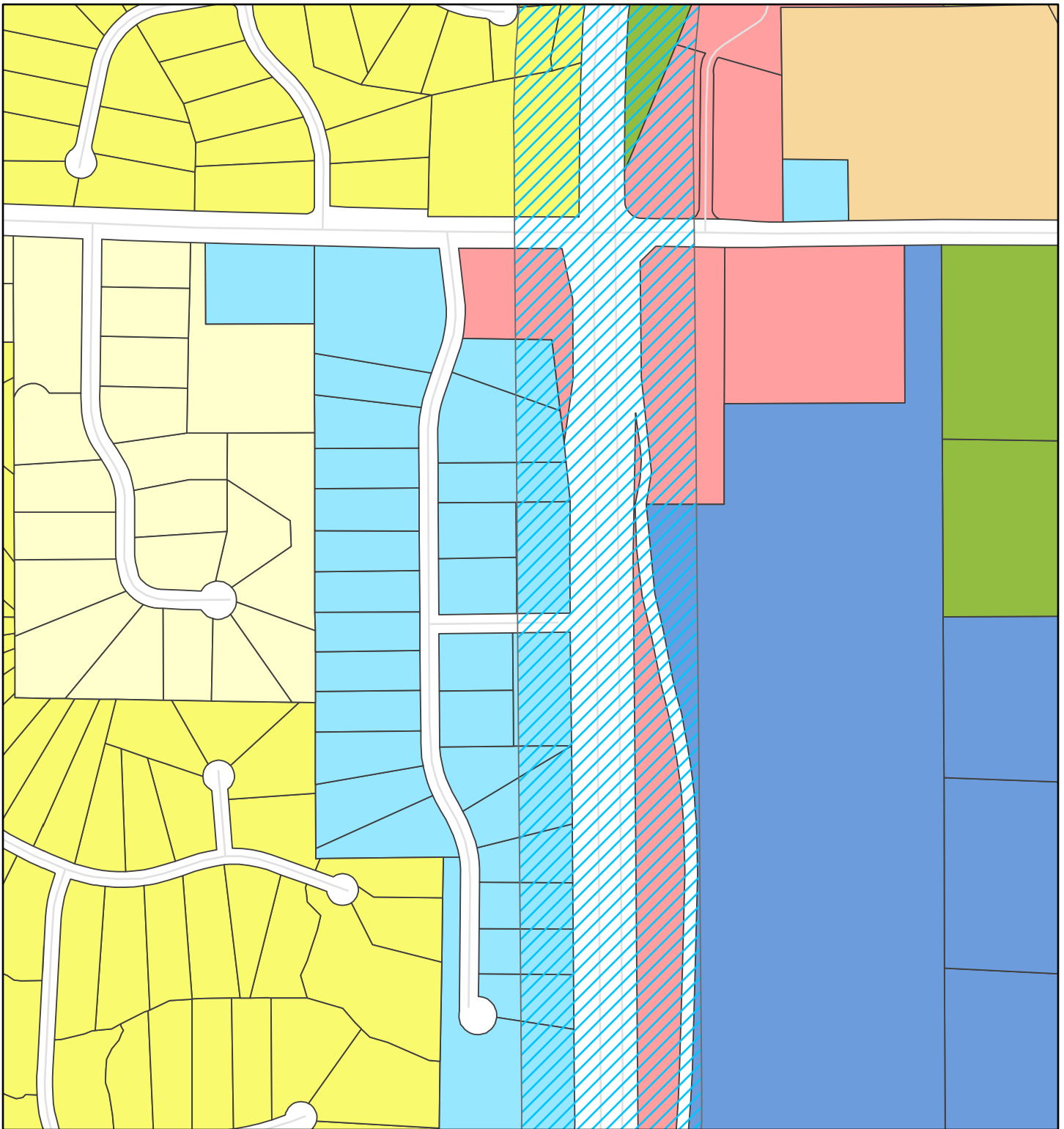
This petition could be interpreted as consistent with the Comp Plan and Future Development map as C-1 is listed as a permitted zoning classification in the Commercial Gateway character area. Local context and surrounding zoning also contributes to the compatibility of this request. All surrounding commercial properties are O-I with many buildings built to O-I development standards, including this property. That being the case many of the buildings and site configurations within the Market Hill business park would be unable to move to C-1 zoning due to the more restrictive setback standards designed to accommodate their higher intensity uses.












ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT

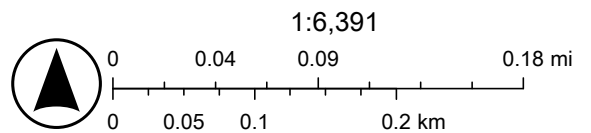
1. **Will Zoning permit suitable uses with surrounding properties?** *C-1 zoning is still considered a lighter intensity commercial district; however, all surrounding properties are zoned O-I per the design of the business park. Use suitability would be inconsistent with the business park's original design and intention, but staff does believe C-1 is suitable for the overall Character Area. The current building placement does not make C-1 a suitable zoning given that it would create an illegal zoning situation.*
2. **Will Zoning adversely affect adjacent properties?** *Given the required 75' buffer along the rear of the property, it is staff's opinion that the residential properties would not be adversely affected. Given that OI setbacks are lower to reflect the lower intensity of uses, it is staff's opinion that if zoned to C-1, the encroachment of the current building on that setback would adversely affect the southern property owner with higher intensity uses located closer than what is otherwise permitted.*
3. **Does the property have reasonable economic use as currently zoned?** *It is staff's determination that the property does have reasonable economic use as currently zoned.*
4. **Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?** *It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure.*

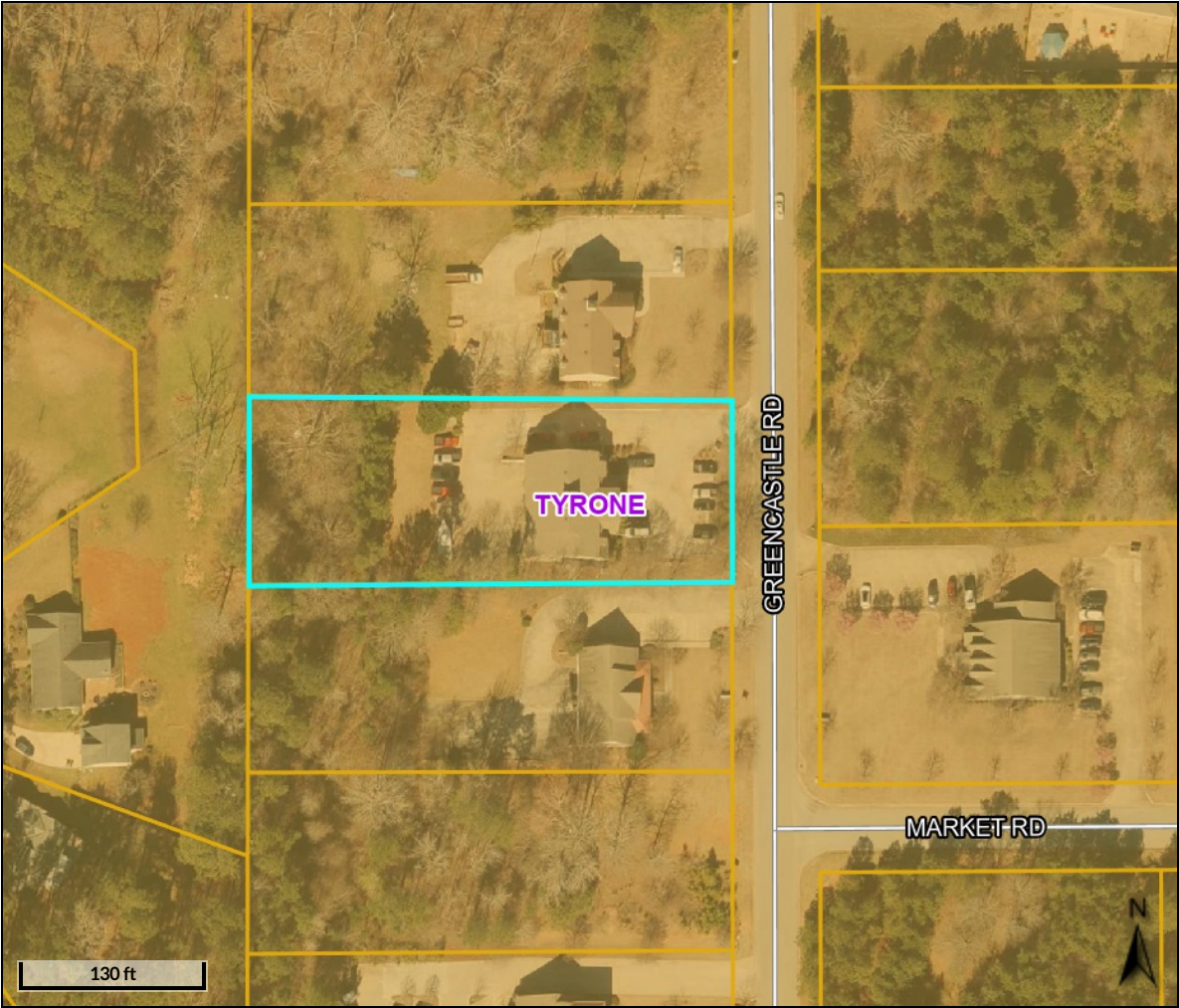
Town of Tyrone Zoning Map

Section IV, Item 2.

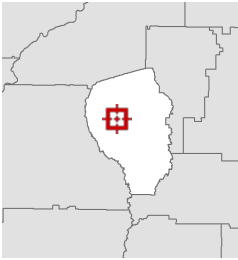


- | | |
|---|--|
|  Tyrone Online Zoning Map_WFL1 - Highway 74 Overlay District |  R-18 |
|  Tyrone Online Zoning Map_WFL1 - Roads |  R-12 |
| Tyrone Online Zoning Map_WFL1 - Zoning Districts | |
|  A-R |  DR |
|  CR-3 |  C-1 |
|  R-20 |  O-I |
| |  E-I |





Overview



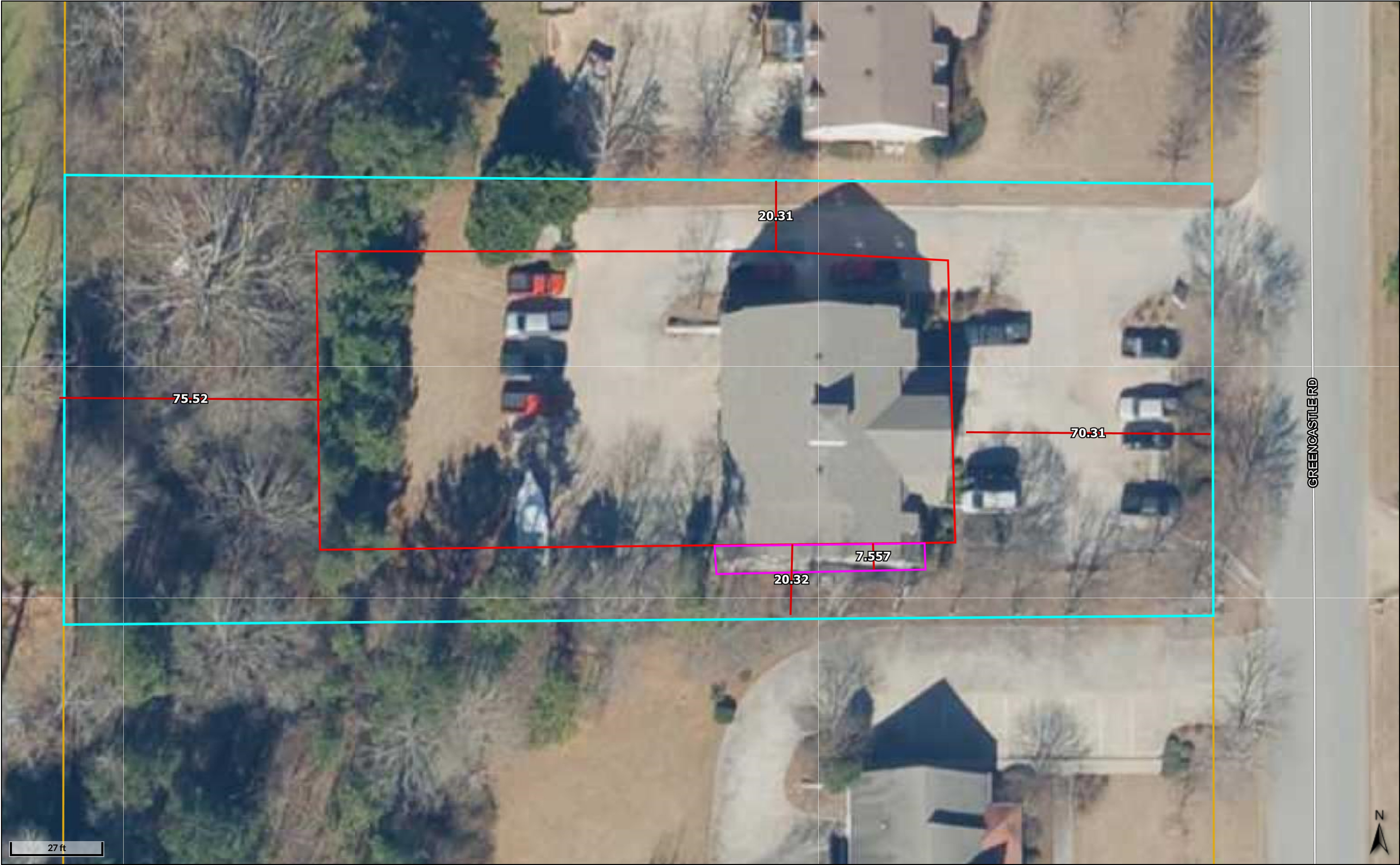
Legend

- Parcels
- Roads
- City Limits
 - BROOKS
 - FAYETTEVILLE
 - PEACHTREE CITY
 - TYRONE
 - WOOLSEY

| | | | | | |
|-----------------------|---|--------------|-----|---------------|----------------------|
| Parcel ID | 073611002 | Alternate ID | n/a | Owner Address | FOSTER HOLDINGS LLC |
| Sec/Twp/Rng | 37-78- | Class | C3 | | 3055 BLUE ROCK RD |
| Property Address | 160 GREENCASTLE RD | Acreage | n/a | | CINCINNATI, OH 45239 |
| District | 03 | | | | |
| Brief Tax Description | LOT 6 MARKETHILL OFFICE CENTRE MARKETHILL OFFICE CENTRE | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 12/7/2022
Last Data Uploaded: 12/7/2022 7:12:18 AM

Developed by  Schneider
GEOSPATIAL





| |
|-----------------------------|
| PLANNING DATE 12/08/2022 |
| COUNCIL DATE 01/05/2023 |

| DOCKET/APPLICATION # | APPLICANT | ADDRESS/PARCEL # |
|----------------------|-------------|-------------------|
| RZ-2022-09 | Ivo Jansink | 555 Dogwood Trail |

SUMMARY & HISTORY

Applicant Ivo Jansink has applied to rezone Tract 'B' of parcel 0728065 at property address 555 Dogwood Trail from R-20 to C-1. The stated intent of this rezoning is to establish a business on the western half of the previously single tract and a home on the eastern tract, Tract 'A'

STAFF DETERMINATION

It is staff's determination that this petition is consistent with the Town's Comp Plan and future Land Use strategy. Many properties around this one have been zoned C-1 in order to foster a light community commercial concentration at the intersection of Dogwood Trail and SR-74. This rezoning would also eliminate an existing non-conforming condition of the building at the Shops at Glendalough directly to the west. Under the current zoning of R-20, the adjoining C-1 commercial center (Shops at Glendalough) are required to maintain a 75' buffer from their property line. This buffer is currently not in place. With the rezoning of Tract '5', this buffer requirement reduces down to simply a setback requirement of 20' which would be maintained. Staff recommends approval of this petition.



| EXISTING ZONING | PROPOSED ZONING | EXISTING LAND USE | SURROUNDING ZONING | SITE IMPROVEMENTS | PROPERTY ACREAGE |
|--------------------------------------|-------------------------------|-------------------|---|-------------------|------------------|
| R-20 2,000 s.f. min. home size | C-1 Downtown Commercial | Vacant | North: C-1 South: C-1 East: R-20 West: C-1 & O-I | N/a | 5 Acre(s) |

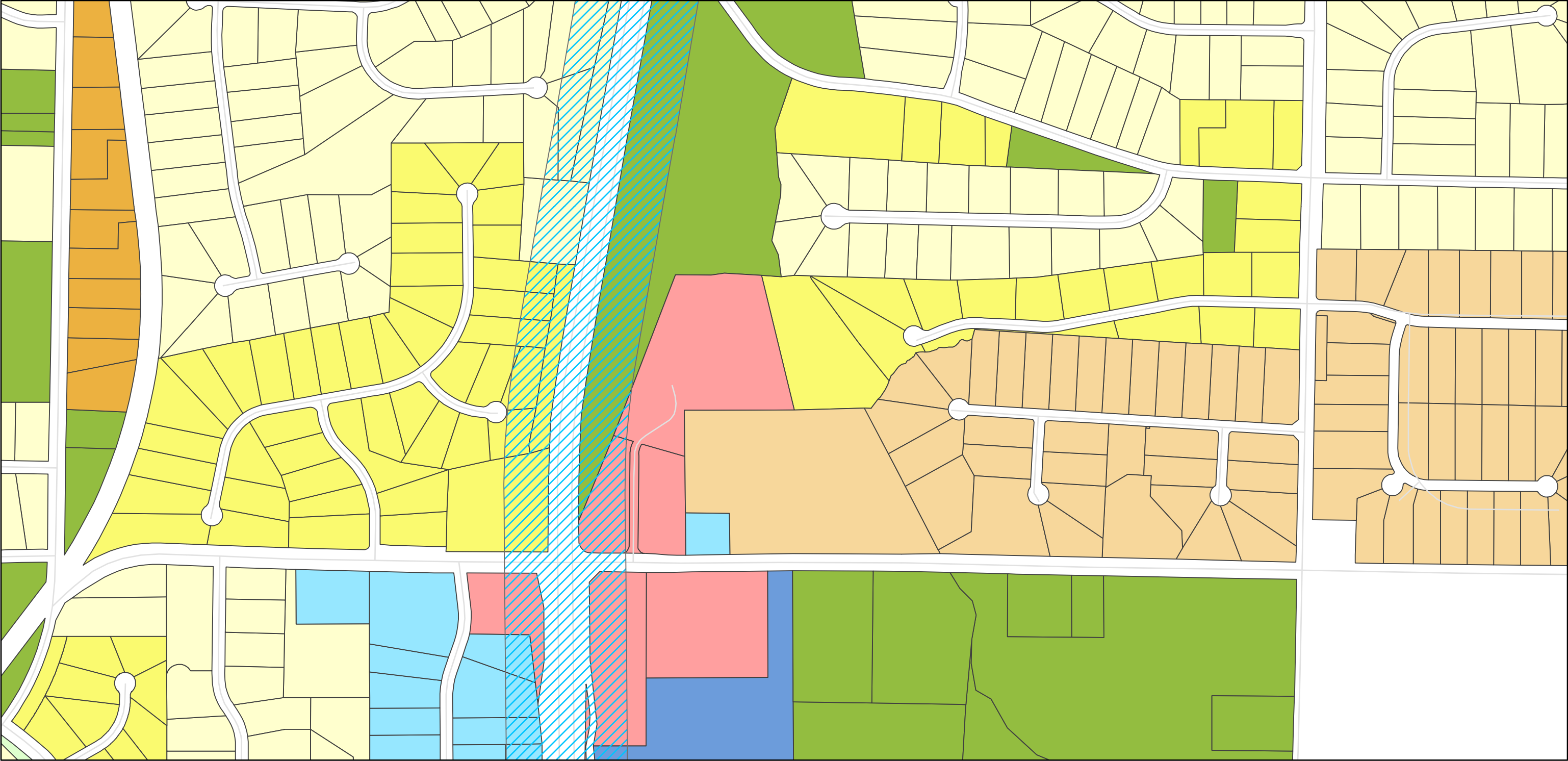
COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY

This petition is consistent with the Town's Comp Plan and Future Development Strategy. The property is located in the Community Gateway Character area which encourages commercial development with high quality architectural and landscaping standards. Although this property would incur a 75' buffer on its eastern property line, staff has determined that a significant buildable area would still be maintained on the property. This property would constitute the border between the Community Gateway character area and Estate Residential character area. With the property having been split and with large acreage, this provides an adequate transition between character areas.


ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT


1. Will Zoning permit suitable uses with surrounding properties? C-1 zoning is situated on most sides and would be suitable adjoining these properties.
2. Will Zoning adversely affect adjacent properties? Given that this rezoning would eliminate a non-conforming issue with the western property of the same zoning, it is staff's determination that this would not adversely affect this neighbor. Given the large 75' buffer between this property and the R-20 tract to the east as well as the large land area of both tracts, it is staff's opinion that this zoning will not adversely affect the adjoining R-20 property.
3. Does the property have reasonable economic use as currently zoned? Given the large amount of floodplain on the property and unusual topography, it is staff's opinion that residential zoning for this 5-acre tract would not be economically viable.
4. Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure. Only a single business entity or small multi-tenant building would be able to be constructed given the property line locations, topography, flood plain location, and known soils.

Town of Tyrone Zoning Map





12/8/2022


-  Tyrone Online Zoning Map_WFL1 - Highway 74 Overlay District


 Tyrone Online Zoning Map_WFL1 - Roads


Tyrone Online Zoning Map_WFL1 - Zoning Districts


 A-R

 CR-3


 R-20


 R-18

 R-12

 DR

 C-1

 O-I






 E-I
- A north arrow points upwards. Below it is a scale bar with markings for 0, 0.05, 0.1, and 0.2 miles, and 0, 0.1, 0.2, and 0.4 kilometers. The scale is labeled 1:6,591.
- Town of Tyrone Community Development
- 11

Type: PLAT FILED
Recorded: 8/11/2022 9:16:00 AM
Fee Amt: \$10.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 6176929952

BK 101 PG 338

SYMBOL LEGEND

- | | |
|---|-------------------------|
| ● | IRON PIN FOUND |
| ○ | 1/2" REBAR SET |
| ■ | CONCRETE MONUMENT FOUND |
|  | UTILITY POLE |
|  | LIGHT POLE |
|  | FIRE HYDRANT |
| — | CREEK LINE |
| — | WIRE FENCE LINE |
| — | WETLANDS LINE |
| — | WATER LINE |
| — | OVERHEAD POWER LINE |
| — | PROPERTY LINE |
| — | ADJACENT LOT LINE |
| — | LAND LOT LINE |
|  | ASPHALT AREA |
|  | CONCRETE AREA |

NOTES

1. **SUBDIVIDER:**
IVO JANSINK
599 MCDADE STREET
TYRONE, GA 30259
PHONE: 404-824-7139
EMAIL: jansink8@hotmail.com
2. TAX PARCEL NO. 0728 065
3. A PORTION OF THIS PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA FIRM MAP 13113C0079E, DATED 9/26/2008. THE BE/FME/FI DATA SOURCE IS PER 2013 FAYETTE COUNTY FLOOD STUDY. UPON SUBMITTAL OF ANY BUILDING PERMIT / SITE PLAN THE BE/FME/FI SHALL BE EVALUATED BASED ON THE MOST PROTECTIVE APPLICABLE BE/FME/FI FOR THE PROPOSED BUILDING / SITE PLAN.
4. **ZONING INFORMATION**
CURRENT ZONING: R-20 (SINGLE-FAMILY RESIDENTIAL)
SETBACKS:
MIN. FRONT YARD: 80' (MAJOR THOROUGHFARE)
MIN. SIDE YARD: 15'
MIN. REAR YARD: 30'
MINIMUM LOT AREA: 1.0 ACRES
MAXIMUM BUILDING HEIGHT: 35'
MINIMUM AREA PRINCIPAL STRUCTURE: 2,000 SF
MINIMUM LOT WIDTH AT BUILDING LINE: 125'
5. **SEWAGE DISPOSAL PROVIDED BY INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS.**
6. **POTABLE WATER SERVICE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.**
7. **THERE ARE EXISTING STATE WATERS ON THIS SITE.**
8. **WETLAND DELINEATION BY APPLIED ENVIRONMENTAL SCIENCES, INC. DATED NOVEMBER 8, 2021. ANY JURISDICTIONAL WETLANDS ON THE PROPERTY ARE BEYOND THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL WETLAND AREA WITHOUT PROPER AUTHORIZATION.**
9. **SOIL STUDY BY SOIL PROFILES INC., J. SHANNON HUDGINS GA DNR SOIL CLASSIFIER #147, DATED MAY 6, 2021.**
10. **BOTH PROPERTIES ARE LOCATED IN A SIGNIFICANT GROUNDWATER RECHARGE AREA PER THE GA DNR HYDROLOGIC ATLAS 18 (1989 EDITION).**
11. **THE TOWN OF TYRONE DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVER-ALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT.**

LOT TABLE

| ITEM | SQUARE FEET | ACRES |
|------------|-------------|--------|
| TRACT 'A' | 417,149 | 9.576 |
| TRACT 'B' | 218,675 | 5.020 |
| STREETS | 0 | 0 |
| GREEN BELT | 0 | 0 |
| TOTAL | 635,824 | 14.596 |

PLAT CERTIFICATION:

The field data, completed on 12/2/21, upon which this plat is based has a closure precision of one foot in 50,139 feet and an angular error of 66" per angle point and was adjusted using equal angle adjustment. This plat has been calculated for closure and is found to be accurate within one foot in 651,552 feet.

The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station & Geomax Zenith 35 Man GPS.

REFERENCES

CURRENT OWNER:
LORA EFFIE MCEACHERN ESTATE

DEEDS:
DB 4858 PG 355
DB 4858 PG 355 - R/W

PLATS:
PB 48 PGS 191-193

OWNER'S ACKNOWLEDGEMENT

I, the undersigned, certify that as the legal owner of the subject property, I hereby authorize the submittal of this final plat for my property.

Callie M. King 8/3/2022
~~Callie M. King~~ 8/3/22
 Owner Date

FINAL PLAT APPROVAL

I hereby certify that the design and layout of the proposed lots, blocks, streets, and other plan features included in this Final Plat have been prepared by me or under my direct supervision.

Bonnie Turner
Fayette County Health Department

Town Engineer

Mayor

Will Baker
Town Clerk

CERTIFICATE OF DESIGN

I hereby certify that the design and layout of the proposed lots, blocks, streets, and other planned features included in this Final Plat have been prepared by me or under my direct supervision.

Mark A. Buckner GA RLS 2422 Date 3/2/22

As required by subsection (d) of O.G.C.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval signatures, signatures, and statements hereon. Such approvals or affirmations should be confirmed with the appropriate governing bodies by any purchaser or user of this plat as to intent use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with minimum technical standards for property surveys in Georgia as set forth in the rules and regulations the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.G.C.A. Section 15-6-67.

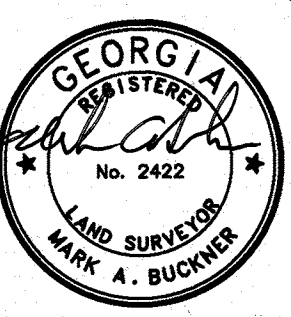
Mark A. Buckner GA RLS 2422 Date 8/2/22

LIVING BUSINESS HOUSE

FINAL PLAT FOR

LOCATED IN LAND LOT 120 OF THE 7th DISTRICT,
TOWN OF TYRONE, FAYETTE COUNTY, GEORGIA

| Rev. | Description | Date |
|--------|------------------------------|---------------------------------|
| 114441 | (s)rev(Donwood Trail V2 dwn) | Monday, May 16, 2022 9:45:27 AM |



FINAL PLAT

| | |
|--------------------------|---------------------|
| Review by: MAB | Drawn by: JWS |
| Project #: S210421444 | Date: 12/20/2022 |

SHEET TITLE
404D
SHEET # 01 OF 01



Rezoning Request Application

Petition#:

Applicant & Property Owner Information

Applicant Name: Ivo Jansink Email: ijansink@hotmail.com
Applicant Address: 599 McDade Street Tyrone, GA 30290 Phone:(404) 824 7139
Company Name:

Property
Owner Name: Lora Effie McEachern Est/Mary Terry Email:
Property
Owner Address: PO Box 21 Tyrone, GA 30290 Phone:()

Property Details

Property
Address: Dogwood Trail Lot#
Reason Requesting Rezoning:
Commercial development of Tract B to Nature Center
Current Zoning of Property: R-20 Proposed Zoning of Property: C-1
Parcel #: 0728 065 Total Number of Acres to be Rezoned: 5.020
Present Use of Subject Property: Undeveloped
Proposed Use of Subject Property: Nature Center
Land Use Plan Designation:
Name & Type of Access Road: Dogwood Trail, Major Thoroughfare
Location of Nearest Water Line: Along frontage

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of:
☐ Application & all required supporting documentation is sufficient and complete.
By Staff Date
Received from a check in the amount of \$
Date of Planning Commission Hearing: Date of Town Council Hearing:



Rezoning Request Additional Information

Petitions to the Town of Tyrone Planning Commission and Town Council requesting a revision to the official Zoning Map must be filed by the property owner(s) or by the authorized agent of the property owner(s). Rezoning requests require a total of two (2) public hearings: one by the Planning Commission (4th Thursday of each month) and another public hearing by the Town Council (1st Thursday of the following month). Public Hearings are held at the Tyrone Town Hall Council Chambers at 7:00 p.m.

Application Fees

| Fees | Acreage |
|----------------|------------|
| 0-5 Acres | \$500.00 |
| 5-10 Acres | \$1,000.00 |
| 10-20 Acres | \$1,500.00 |
| 20-100 Acres | \$2,000.00 |
| Over 100 Acres | \$2,500.00 |

Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR to placement of the legal advertisement for said public hearing request (at least 15 days before the scheduled Planning Commission public hearing)

Quality Growth District Overlay

The Quality Growth Development District requirements are applicable of any structure or portion thereof within 870' feet off the right of way of SR 74. Every application for the construction of a new building or structure and alterations or additions to existing structures shall be accompanied by drawings signed by the engineer, architect, or appropriate professional which clearly shows the following:

- Exterior elevations drawn to scale with color rendering.
- Proposed colors, materials, and textures for structures.
- Location of all exterior utility facilities including any roof units.
- Proposed sign and location including size, color, and material.
- Line of sight study from State Route 74

The Quality Growth and Development District requirements can be found in the Town of Tyrone's Zoning Ordinance Under Section 7-2.

Links

Town Zoning Ordinance:

https://www.municode.com/library/ga/tyrone/codes/code_of_ordinances

Town of Tyrone Planning & Zoning:

<http://tyrone.org/departments/planning-and-zoning/>

Contact

Phillip Trocquet (Planning & Zoning Coordinator)

Phone: (770) 487-4038 Extension 108

Fax: (770) 487-4529

Email: ptrocquet@tyrone.org



Property Owner Consent & Agent Authorization Form

(Application requires authorization by ALL property owners of a subject property)

Name(s) of All Property Owners of Record found on the latest recorded Warranty Deed for the subject property:

Lora Effie McEachern Estate/Mary Terry

(Please Print Names)

Property Tax Identification Number(s) of Subject Property: **0728 065**

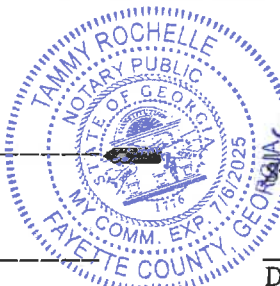
(I am) (We are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in the Land Lot(s) 120 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ District, and said property consists of a total of acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

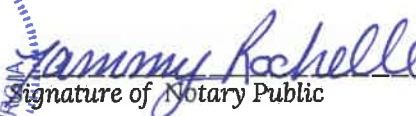
(I) (We) hereby delegate authority to **Ivo Jansink** to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning, which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showing made in an paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.


Signature of Property Owner 1

P.O. Box 21, Tyrone, GA 30290
Address

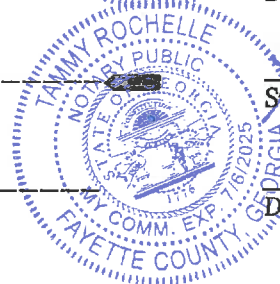



Signature of Notary Public

Date **6/16/22**


Signature of Property Owner 2

P.O. Box 21, Tyrone, GA 30290
Address




Signature of Notary Public

Date **6/16/22**

Signature of Property Owner 3

Signature of Notary Public

Address

Date



Petition for Rezoning

Petition#:

Name: Ivo Jansink Email: ijansink@hotmail.com

Petition Number:

Address: 599 McDade Street Tyrone, GA 30290 Phone#: 404-824-7139

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Ivo Jansink affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-20 Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ to cover all expenses of the public hearing. He/She petitions the above named to change its classification to C-1

This property includes (Check one of the following):

- See attached legal description on recorded Warranty Deed for subject property
- Legal Description for subject property is as follows:

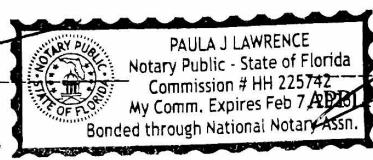
By: Ivo Jansink Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 18 DAY OF Nov 2022

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the 3th day of December, 2022 at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the 5th day of January, 2023 at 7:00 p.m.

Notary Public signature



Signature



Agreement to Dedicate Property for Future Right-of-Way (ROW)

Petition#:

I/We, _____ said
property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to
the Town of Tyrone, _____ feet of right-of-way along _____
as measured from the centerline of the road. Based on the Future Thoroughfare Plan Map streets in the
Town of Tyrone require a minimum street width as specified below:

- Local Street (Minor Thoroughfare) 60 foot ROW (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80 foot ROW (40' measured from each side of centerline)
- Arterial Street (Major Thoroughfare) 100 foot ROW (50' measured from each side of road centerline)

Sworn and subscribed before me this _____ day of _____, 20_____ .

Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date



Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#:

The undersigned, making application for rezoning, variance, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Callie M. King

Callie M. King

Mary M. Terry
Signature of Property Owner

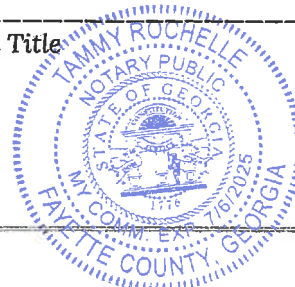
MARY M. TERRY
Type or Print Name and Title

Signature of Owner's Attorney or Representative

Type or Print Name and Title

Tammy Rochelle
Signature of Notary Public

6/16/22
Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO

[Signature]
Signature of Applicant

If the answer is yes, please complete the following section:

| Name and Official Position of Government Official | Contributions (List all which aggregate to \$250.00 or more) | Date Contribution was made (Within last 2 years) |
|---|--|--|
| | | |
| | | |
| | | |
| | | |

Attach additional sheets if necessary to disclose or describe all contributions



Rezoning Request Checklist

Section IV, Item 3.

Petition#:

Map amendment application. A map amendment (rezoning) application shall include the following:

- ☐ A legal description of the tract to be rezoned.
- ☐ Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect, or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat.
- ☐ The present and proposed zoning district for the tract.
- ☐ Existing and intermediate regional flood plain and structures.
- ☐ The names and addresses of the owners of the land and their agents, if any, and abutting land owners.
- ☐ A written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;*
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties;*
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*
 - d. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools;*
 - e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan; and*
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
- ☐ Disclosures. The applicant shall file all disclosures required by the Conflict of Interest in Zoning Actions Act, O.C.G.A. Title 36, Chapter 67 A.
- ☐ One (1) original and eight (8) copies of completed application form.



AMENDMENT TO AGREEMENT

AMENDMENT # 3

Date: 06/02/2022



2022 Printing

Whereas, the undersigned parties have entered into a certain Agreement between Ivo Jansink ("Buyer") and Mary M Terry Callie M King ("Seller"), with a Binding Agreement Date of 08/19/2021 for the purchase and sale of real property located at: 0 Dogwood Trail, Tyrone, Georgia 30290; and

Whereas, the undersigned parties desire to amend the aforementioned Agreement, it being to the mutual benefit of all parties to do so;

Now therefore, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations paid by each to the other, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to modify and amend the aforementioned Agreement as follows: [Note: The following language is furnished by the parties and is particular to this transaction.]

All parties agree to the following:

Due Diligence and closing to be extended to Sept 30th, 2022.

☐ Additional pages (F801) are attached.

It is agreed by the parties hereto that all of the other terms and conditions of the aforementioned Agreement shall remain in full force and effect other than as modified herein. Upon execution by all parties, this Amendment shall be attached to and form a part of said Agreement.

By signing this Amendment, Buyer and Seller acknowledge that they have each read and understood this Amendment and agree to its terms.

DocuSigned by:

Ivo Jansink

1 Buyer's Signature Ivo Jansink

2 Buyer's Signature

Callie M. King

1 Seller's Signature Callie M King

Mary M Terry

2 Seller's Signature Mary M Terry

☐ Additional Signature Page (F267) is attached.

BHHS

Buyer Brokerage Firm

DocuSigned by:

Kay McInroe

Broker/Affiliated Licensee Signature

FCBR

REALTOR® Membership

☐ Additional Signature Page (F267) is attached.

Keller Williams Rlty Atl. Part

Seller Brokerage Firm

Broker/Affiliated Licensee Signature

FCBR

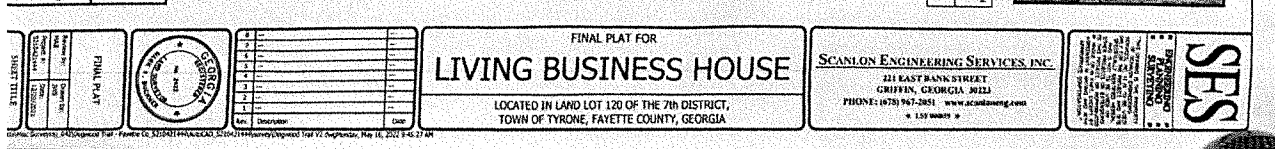
REALTOR® Membership

Acceptance Date. The above Amendment is hereby accepted, 10:30 o'clock 9 .m. on the date of 06/08/2022, ("Acceptance Date"). This Amendment will become binding upon the parties when notice of the acceptance of the Amendment has been received by offeror. The offeror shall promptly notify offeree when acceptance has been received.

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F701, Amendment to Agreement, 01/01/22

21



All that tract or parcel of land lying and being in Land Lot 120 of the 7th District, Town of Tyrone, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the Land Lot Line common to Land Lots 120 & 137 North 00°54'00" East, a distance of 183.96 feet from a 1/2 inch rebar found at the intersection of said Land Lot Line and the northerly right-of-way of Dogwood Trail (80' R/W); thence continuing along said Land Lot Line North 00°54'00" East, a distance of 501.41 feet to a 1/2 inch rebar found; thence leaving said Land Lot Line South 89°04'58" East, a distance of 112.96 feet to a 1/2 inch rebar found; thence South 88°07'20" East, a distance of 150.00 feet to a point; thence South 34°49'52" East, a distance of 217.46 feet to a point; thence South 00°21'46" East, a distance of 500.00 feet to a point on the northerly right-of-way of Dogwood Trail (80' R/W); thence along said right-of-way South 89°38'14" West, a distance of 190.00 feet to a 1 inch open top pipe found; thence leaving said right-of-way North 00°15'26" East, a distance of 183.96 feet to a 1/2 inch rebar found; thence North 89°41'43" West, a distance of 208.95 feet to a point, being the POINT OF BEGINNING.

Said tract contains 5.020 acres or 218675 square feet.

Callie M. Kuy

Mary M. Terry



STAFF REPORT

Planning Commission Meeting

December 8, 2022 / 7:00 pm / Regularly Scheduled Meeting

Subject: Quality Growth Overlay Alterations

1. **Background/History:** 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.
2. **Findings/Current Activity:** 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.

3. **Actions/Options/Recommendations:** Staff recommends approval of this item.
4. **Planning Commission Recommendation:**

Sec. 113-191. - (SR-74 Quality Growth Overlay District)

The purpose of this section is to maintain a physically and aesthetically pleasing gateway into the Town of Tyrone, while keeping it in line with the surrounding environment to ensure visual continuity. In reviewing any application within this area, the mayor and council shall consider among other things, the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structures in question and the relationship of such elements to similar features of structures in the surrounding area. Any structure or portion of property that is visible via line of sight from State Route 74 shall, in addition to the other requirements of this Ordinance, comply with the following:

(1) Landscaping and Screening Requirements

- a. Landscape plan submission. A landscape plan shall be submitted and approved as part of the predevelopment site plan as required by the provisions of this ordinance with particular attention paid to the following:
 - i. Preservation: an effort should be made to preserve as much of existing plant material and land form as possible; clear-cutting and mass grading are not acceptable practices.
 - ii. Context: The design shall be planned in such a fashion that it is physically and aesthetically related and coordinated with other elements of the project and surrounding environment to insure visual continuity and context (color, material, mass, function, topography).
 - iii. Quality: landscape design shall be designed in a sound manner and constructed according to accepted good planting procedures.
- b. Planted Buffer. A maintained planted buffer shall be in place for the first 50 feet of the building setback adjacent to State Route 74. The buffer area is defined as the unpaved segment of land located between the property line that abuts a right-of-way and any building or vehicular use area and designed for the preservation and placement of plant materials. If a parcel or lot has more than one street planting area (i.e. more than one street frontage), each shall be considered separately. If a building site contains more than one parcel or lot, the entire site shall be treated by the landscape ordinance as a single entity
 - i. The landscaping design shall protect scenic views via berms and screening and utilize natural features of the site;
 - ii. Within the required street planting area, measuring the total length of the project street frontage exclusive of drives, trees from the large category shall be planted at intervals of 40 feet with either one medium category or three small category trees in between; however, creativity is encouraged. Trees in the large category shall be three inches caliper and not less than 12 feet in height at planting. Trees in the medium category shall be two and one-half inches caliper and not less than ten feet in height at planting. Trees in the small category shall be two inches caliper and not less than six feet in height at planting. The remaining area shall be landscaped with shrubs and ground cover. The shrubs and ground cover shall be defined in three categories: large shrubs (at a minimum size of 7 gallon and 3-foot in height at time of planting), medium shrubs (at a minimum size of 3 gallon and 18 inches in height at time of planting), and ground cover (at a minimum size of 4 inch pots and 4 inches in height at time of planting). Each category shall comprise of the following percentages of required shrubbery: a minimum 15% large shrubs, a minimum 15% medium shrubs, and maximum 10% ground cover. All plants must meet ASFNS standards.

| Category | Height Range at Full Growth | Description |
|----------------------|-----------------------------|--|
| Small/ understory | 10-20 | This category shall be used primarily where there are overhead obstructions or in a planting area which cannot accommodate an overstory or shade tree. The Town's environmental specialist shall have the authority to disallow trees that are not suitable for a specific location due to growth habits of the tree or site conditions. |
| Medium | 20-40 | These trees shall be used primarily as street and shade trees. The Town's environmental specialist shall have the authority to disallow trees that are not suitable for a specific location due to growth habits of the tree or site conditions. |
| Large/ overstory | 40+ | These trees will be used primarily as street and shade trees. The Town's environmental specialist shall have the authority to disallow trees that are not suitable for a specific location due to growth habits of the tree or site conditions. |

- iii. All side and rear yards shall be used for planted buffers and/or landscaping;
- iv. Berms. When required as a condition of site plan or zoning approval shall be a minimum of five feet in height, and shall be placed to the inside of the applicable buffer along State Route 74.
- c. Right-of-way beautification. Developments within the quality growth development corridor shall be encouraged to obtain a landscape easement from the Georgia Department of Transportation to landscape the right-of-way fronting the project. The right-of-way shall be landscaped, at a minimum, with sod. If the state highway department refuses to issue a landscape easement, required by this ordinance, denial shall be in writing stating the reason(s) for denial.

(2) Architectural & Dimensional Requirements

- a. Every application for the construction of a new building or structure and alterations and/or additions to existing structures shall be accompanied by drawings signed by the architect, engineer, or other appropriate professional which clearly show the following:
 - i. Exterior elevations drawn to scale with color rendering;
 - ii. Proposed colors, materials and textures for structures;
 - iii. Location of all exterior utility facilities including any roof top units;
 - iv. Proposed signs and location including size, color and material;

- v. Line of sight study from State Route 74;
- b. The design shall protect adjacent properties from negative visual and functional impacts;
- c. All loading docks, trash receptacles and equipment areas shall be screened from all streets via the use of plantings, fences, walls, and berms where feasible;
- d. Loading and unloading shall be done only into or from the rear or side of buildings;
- e. All roof-top HVAC equipment shall be visually screened from adjacent roads and residential areas. The screen shall extend to the full height of the objects being screened.
- f. Outside finish construction
 - i. 70 percent category "A" materials - brick (hard burned clay), brick veneer, stone (with weathered or polished fluted broken face), or glass.
 - ii. 30 percent category "B" materials – masonry backed stucco, E.I.F.S, metal, or fiber cement boards.
- g. Exterior walls must be designed to provide visual relief at a minimum of every 20 feet (no long flat walls);
- h. Exemptions
 - i. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement. Only one structure per lot shall be entitled to the exemption. When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned architectural standards.
 - ii. Development approved prior to the adoption of this ordinance, provided the property is not rezoned from one category to another. If rezoning occurs, the requirements of this ordinance shall take full effect on the parcel or lot to the extent parcel dimensions will allow.

(3) *Traffic management*

- a. A traffic management plan, prepared by a qualified professional engineer or transportation planner shall be submitted at the discretion of the Town engineer, based on the size and intensity of the development, and traffic conditions. The traffic management plan must identify any traffic impacts that will be created by the development as well as present and reasonable solutions to those impacts.
- b. *Multi-use path connectivity.* In order to provide for alternative modes of transportation (including the accommodation of golf carts, bicyclists, and pedestrians), the integration of multi-use paths is required consistent with the Town's multi-use path plan. Path construction standards will be held to the standards set forth in the Fayette County Master Transportation Plan.
- c. *Northwest Corridor Special Traffic Management Area* - An internal collector road connecting all three of the large tracts identified in exhibit A, in the quality growth development district will be required, from the existing median break at Thompson Road south to Kirkley Road if these properties are annexed into the Town's municipal limits. The remaining large tract in the unincorporated county will be encouraged to connect one right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to

developments. Final design approval of these intersections will be made by the Town's engineer and the Georgia Department of Transportation.

(4) Fences & Walls

- a. All required opaque fences or walls shall be constructed of one or a combination of the following: decorative wood, stone, stucco on block, decorative block, or brick. These fences or walls shall not exceed eight feet in height.
- b. Decorative wrought iron fencing may be used for architectural and security purposes only.
- c. Chain link, unfinished concrete or cinder block, plastic or fiberglass, barbed or razor wire, and plywood fences, or like materials are prohibited in the front yard of any property and shall be screened from view if visible from SR-74. Paint shall not be considered a finish material.

(5) *Lighting and shielding.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or residential areas. Fixtures shall be a maximum of 35 feet in height within parking lots.

(6) *Utilities and service equipment.* All utilities shall be located underground. All entry fixtures and other service equipment shall be located in side and rear yards and away from high use or high visibility areas, unless Planning Commission or Town Council determines that placement elsewhere is warranted due to the topography of the land or other site conditions. These fixtures shall be adequately screened with a masonry wall, wood privacy fencing, or plantings.

(7) *Outdoor Storage.* Outside storage of merchandise, commercial vehicles, equipment and parts shall not be visible from the right-of-way or adjoining properties. This shall not apply to overnight parking of regular business vehicles under GVWR of 26,000 ancillary to business activities.

(8) *Location.* The location of the SR-74 Quality Growth overlay shall apply to properties fronting SR-74 and buildings visible from SR-74 via a line-of-sight study. This area extends from the northern limits of the Town to the southern limits.



STAFF REPORT

Planning Commission Meeting

December 8, 2022 / 7:00 pm / Regularly Scheduled Meeting

Subject: BTP (Business Technology Park) Zoning Classification

1. **Background/History:** 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.
2. **Findings/Current Activity:** 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.

3. **Actions/Options/Recommendations:** Staff recommends approval of this item.
4. **Planning Commission Recommendation:**

Sec. 113-____. - BTP, Business Technology Park District.

- (a) *Purpose.* The purpose of the Business Technology Park District (BTP) is to encourage a business/employment center or technology research park in a planned campus setting with internal streets serving individual lots that contain a single business or multi-tenant buildings housing uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The district regulations are intended to promote an environment that is conducive to continued development of a technology, manufacturing, headquarters, or research park and to accommodate the unique needs of research, development, high tech firms, light manufacturing/distribution firms, and professional firms. Such facilities, along with offices, are the primary intended uses in the district, with secondary uses such as retail and personal services intended for the convenience of workers and visitors in the area. These convenience uses are encouraged to be located on the ground floor of buildings devoted to permitted principal uses and with active pedestrian orientation incorporated in the design. The district is designed to enable flexibility of development, maximum utilization of scarce land resources and innovative and efficient means of providing needed off-street parking facilities, while affording protection from potentially incompatible development. Through the district regulations and the plan of development review process, the district is intended to encourage high-quality development that promotes continued economic investment; that provides amenities that contribute to an attractive and comfortable pedestrian environment; and that complements and does not detract from the adjacent downtown retail, office, and medical areas.

(b) *Permitted uses.* The following permitted uses shall be allowed in the BTP zoning district:

- 1) Business, professional, and/or government offices;
- 2) Research, development and laboratory facilities related to the medical, biotechnology and other life science industries;
- 3) Financial, credit, real estate, and/or insurance offices;
- 4) General medical and surgical hospitals
- 5) Publishing and/or printing;
- 6) Computer services and/or information technology;
- 7) Television/radio broadcasting studio, movie/media productions and/or telecommunication;
- 8) Training center, trade school, and/or vocational center;
- 9) Educational/instructional/tutoring facilities, including, but not limited to: art; computer; dance; driving and/or DUI; martial arts; music; professional/business/trade; and similar facilities;
- 10) College and/or university, classrooms and/or administration only;
- 11) Computer or data collection / processing centers / IT services
- 12) Automotive/ marine parts sales
- 13) Trade contractors;
- 14) Land Development firms
- 15) Professional and/or Business offices
- 16) Light manufacturing and/or fabricating and/or assembling of products, including, but not limited to, the following:
 - a. Production of food, beverages, cosmetics, and/or pharmaceuticals, but not including, fish and meat products, sauerkraut, vinegar, yeast, and rendering plants;
 - b. Fabrication and assembly of metal, wood, cloth, and/or plastic products;

c. Production of computer and/or electronic components and products.

(c) *Support uses.* In addition to the permitted uses in subsection (b) of this section, no more than 25 percent of the floor area of an individual multi-tenant building may consist of business operations providing support services for the larger development. Permitted support service uses include:

- 1) Accounting, auditing and bookkeeping services
- 2) Advertising agencies including sign contractors
- 3) Appraisers
- 4) Automobile claims adjusters
- 5) Blueprinting and photocopying services
- 6) Business agents, property managers and brokers
- 7) Business, professional and government offices
- 8) Business service support establishments
- 9) Call Centers
- 10) Clerical services
- 11) Commercial photography, art and graphics offices
- 12) Counseling and guidance services
- 13) Credit reporting services
- 14) Detective agency and protective services
- 15) Drafting services
- 16) Engineering, planning and architectural services
- 17) Finance, insurance and real estate institutions
- 18) Graphics services
- 19) Interior Decorators
- 20) Land surveying service
- 21) Management, consulting and public relations services
- 22) Occupational physical therapy services
- 23) Photographic studios
- 24) Political organizations
- 25) Radio and television broadcasting stations
- 26) Restaurant/restaurant take-out;
- 27) Telecommuting centers
- 28) Technical and vocational schools
- 29) Ticket brokers
- 30) Travel agencies
- 31) Utility business offices

- 32) Personal services (i.e., alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 - 33) Convenience store;
 - 34) Blueprinting, graphic, and/or copying service;
 - 35) Office and/or computer supplies; and
 - 36) Cellular phone/communication device supplies and/or service.
- (d) *Conditional uses.* The following conditional uses shall be allowed in the BTP zoning district provided that all conditions specified in article V of this chapter are met:
- 1) Movie and media production studios (including ancillary businesses that supply support services, equipment and resources to the movie / media industry);
 - 2) Animal hospitals and veterinary clinics;
 - 3) ATM's
 - 4) Building materials dealers (all materials interior);
 - 5) Telecommunications antennas and towers; and
 - 6) Warehousing and distribution (as an ancillary use not to exceed 40% of gross floor area).
- (e) *Dimensional requirements.* The minimum dimensional requirements in the BTP shall be as follows:
- (1) Minimum site area for a BTP development: 10 acres.
 - (2) Minimum Lot width: 150 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Major arterial: 100 feet.
 - 2. Arterial: 100 feet.
 - 3. Collector: 65 feet.
 - b. Minor thoroughfare: 65 feet.
 - (5) Rear yard setback: 25 feet.
 - (6) Side yard setback: 25 feet.
 - (7) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 100 feet shall be provided adjacent to the lot line. Where a side or rear lot line abuts property in a residential or A-R district with little to no dense forestry, there shall be a continuous evergreen vegetative screen within the buffer not less than 4 feet in height at the time of installation or opaque structural fence or wall not less than six feet in height erected along such lot line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.
 - (8) Height limit: 50 feet.
 - (9) Impervious surface coverage limit, including structure and parking area: 60 percent of total lot area.
 - (10) *Outside storage, refuse area, and bay door requirements.* The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall apply.

- a. Outside storage of merchandise, equipment, and parts shall not be allowed in the front or side yard and limited to the rear yard only. Exterior storage shall not be visible from Town right of way and shall be screened on all sides as to limit negative effects from adjoining property owners.
- b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.
- c. Bay doors shall not be visible from SR-74 right of way and shall be screened from all other right of way.

(11) Maximum building footprint: 200,000 s.f.

(f) *Other requirements.*

(1) *Utilities.* All utilities shall be underground.

(2) *Multi-tenant buildings.*

- a. *Location.* Developable frontage on a major arterial road to a minimum depth of 300 feet shall be reserved for multi-tenant buildings.
- b. *Uses limited.* Multi-tenant buildings in this area will be limited to the aforementioned business uses.

(h) *Rezoning requirements.* The following is required for a rezoning petition for the BTP zoning district in addition to what is normally required for a rezoning petition:

- (1) A development plan is required for the rezoning petition and will take the place of the required concept plan. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the town council upon the recommendation of the planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary. The development plan shall include what is normally required on the concept plan, as well as the following:
 - a. A delineation of the business use area and the light manufacturing/distribution use area, including the acreage within each area and the 30-foot separation buffer;
 - b. A delineation of the internal transportation network, including roads, multi-use paths, and inter-parcel access/roads as applicable;
 - c. Requirements of any overlay zone which is applicable to the property; and
 - d. Indicate and label existing structures to remain.

(Code 1992, § 20-6-24; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 5, 12-13-2012)



STAFF REPORT

Planning Commission Meeting

December 8, 2022 / 7:00 pm / Regularly Scheduled Meeting

Subject: C-1 Downtown Commercial Edit

1. **Background/History:** 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.
2. **Findings/Current Activity:** 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.
3. **Actions/Options/Recommendations:** Staff recommends approval of this item.
4. **Planning Commission Recommendation:**

Sec. 113-____. - BTP, Business Technology Park District.

- (a) *Purpose.* The purpose of the Business Technology Park District (BTP) is to encourage a business/employment center or technology research park in a planned campus setting with internal streets serving individual lots that contain a single business or multi-tenant buildings housing uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The district regulations are intended to promote an environment that is conducive to continued development of a technology, manufacturing, headquarters, or research park and to accommodate the unique needs of research, development, high tech firms, light manufacturing/distribution firms, and professional firms. Such facilities, along with offices, are the primary intended uses in the district, with secondary uses such as retail and personal services intended for the convenience of workers and visitors in the area. These convenience uses are encouraged to be located on the ground floor of buildings devoted to permitted principal uses and with active pedestrian orientation incorporated in the design. The district is designed to enable flexibility of development, maximum utilization of scarce land resources and innovative and efficient means of providing needed off-street parking facilities, while affording protection from potentially incompatible development. Through the district regulations and the plan of development review process, the district is intended to encourage high-quality development that promotes continued economic investment; that provides amenities that contribute to an attractive and comfortable pedestrian environment; and that complements and does not detract from the adjacent downtown retail, office, and medical areas.

(b) *Permitted uses.* The following permitted uses shall be allowed in the BTP zoning district:

- 1) Business, professional, and/or government offices;
- 2) Research, development and laboratory facilities related to the medical, biotechnology and other life science industries;
- 3) Financial, credit, real estate, and/or insurance offices;
- 4) General medical and surgical hospitals
- 5) Publishing and/or printing;
- 6) Computer services and/or information technology;
- 7) Television/radio broadcasting studio, movie/media productions and/or telecommunication;
- 8) Training center, trade school, and/or vocational center;
- 9) Educational/instructional/tutoring facilities, including, but not limited to: art; computer; dance; driving and/or DUI; martial arts; music; professional/business/trade; and similar facilities;
- 10) College and/or university, classrooms and/or administration only;
- 11) Computer or data collection / processing centers / IT services
- 12) Automotive/ marine parts sales
- 13) Trade contractors;
- 14) Land Development firms
- 15) Professional and/or Business offices
- 16) Light manufacturing and/or fabricating and/or assembling of products, including, but not limited to, the following:
 - a. Production of food, beverages, cosmetics, and/or pharmaceuticals, but not including, fish and meat products, sauerkraut, vinegar, yeast, and rendering plants;
 - b. Fabrication and assembly of metal, wood, cloth, and/or plastic products;

c. Production of computer and/or electronic components and products.

(c) *Support uses.* In addition to the permitted uses in subsection (b) of this section, no more than 25 percent of the floor area of an individual multi-tenant building may consist of business operations providing support services for the larger development. Permitted support service uses include:

- 1) Accounting, auditing and bookkeeping services
- 2) Advertising agencies including sign contractors
- 3) Appraisers
- 4) Automobile claims adjusters
- 5) Blueprinting and photocopying services
- 6) Business agents, property managers and brokers
- 7) Business, professional and government offices
- 8) Business service support establishments
- 9) Call Centers
- 10) Clerical services
- 11) Commercial photography, art and graphics offices
- 12) Counseling and guidance services
- 13) Credit reporting services
- 14) Detective agency and protective services
- 15) Drafting services
- 16) Engineering, planning and architectural services
- 17) Finance, insurance and real estate institutions
- 18) Graphics services
- 19) Interior Decorators
- 20) Land surveying service
- 21) Management, consulting and public relations services
- 22) Occupational physical therapy services
- 23) Photographic studios
- 24) Political organizations
- 25) Radio and television broadcasting stations
- 26) Restaurant/restaurant take-out;
- 27) Telecommuting centers
- 28) Technical and vocational schools
- 29) Ticket brokers
- 30) Travel agencies
- 31) Utility business offices

- 32) Personal services (i.e., alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 - 33) Convenience store;
 - 34) Blueprinting, graphic, and/or copying service;
 - 35) Office and/or computer supplies; and
 - 36) Cellular phone/communication device supplies and/or service.
- (d) *Conditional uses.* The following conditional uses shall be allowed in the BTP zoning district provided that all conditions specified in article V of this chapter are met:
- 1) Movie and media production studios (including ancillary businesses that supply support services, equipment and resources to the movie / media industry);
 - 2) Animal hospitals and veterinary clinics;
 - 3) ATM's
 - 4) Building materials dealers (all materials interior);
 - 5) Telecommunications antennas and towers; and
 - 6) Warehousing and distribution (as an ancillary use not to exceed 40% of gross floor area).
- (e) *Dimensional requirements.* The minimum dimensional requirements in the BTP shall be as follows:
- (1) Minimum site area for a BTP development: 10 acres.
 - (2) Minimum Lot width: 150 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Major arterial: 100 feet.
 - 2. Arterial: 100 feet.
 - 3. Collector: 65 feet.
 - b. Minor thoroughfare: 65 feet.
 - (5) Rear yard setback: 25 feet.
 - (6) Side yard setback: 25 feet.
 - (7) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 100 feet shall be provided adjacent to the lot line. Where a side or rear lot line abuts property in a residential or A-R district with little to no dense forestry, there shall be a continuous evergreen vegetative screen within the buffer not less than 4 feet in height at the time of installation or opaque structural fence or wall not less than six feet in height erected along such lot line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.
 - (8) Height limit: 50 feet.
 - (9) Impervious surface coverage limit, including structure and parking area: 60 percent of total lot area.
 - (10) *Outside storage, refuse area, and bay door requirements.* The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall apply.

- a. Outside storage of merchandise, equipment, and parts shall not be allowed in the front or side yard and limited to the rear yard only. Exterior storage shall not be visible from Town right of way and shall be screened on all sides as to limit negative effects from adjoining property owners.
- b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.
- c. Bay doors shall not be visible from SR-74 right of way and shall be screened from all other right of way.

(11) Maximum building footprint: 200,000 s.f.

(f) Other requirements.

(1) Utilities. All utilities shall be underground.

(2) Multi-tenant buildings.

- a. *Location.* Developable frontage on a major arterial road to a minimum depth of 300 feet shall be reserved for multi-tenant buildings.
- b. *Uses limited.* Multi-tenant buildings in this area will be limited to the aforementioned business uses.

(h) Rezoning requirements. The following is required for a rezoning petition for the BTP zoning district in addition to what is normally required for a rezoning petition:

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