

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
May 22, 2023

MEMBERS PRESENT

Jim Lidderdale, *Chairman*
Octavio Perez
Eric Barr

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

John Thomas
Barry Robbins, *Vice Chairman*
Greg Jones

VISITORS PRESENT VIA VIDEO CONFERENCE

Vicky Alt, Garland Barnes, Nicholas Tucker, John Alt, Jason Burnette, and others.

STAFF PRESENT

Ethan Calhoun
Robert Sivick
Robert Smalley
Jacob Bearden

I. GENERAL

A. Call to Order: Vice-Chairman Robbins called the meeting to order at 6:00 p.m. and confirmed a quorum of commissioners was present with Robby Staten and Jevin Jensen absent, then turned the meeting over to Chairman Lidderdale who confirmed a quorum of planning commissioners was present with Jody McClurg and David Pennington absent.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the April 24, 2023 meeting minutes. Octavio Perez made the motion to accept the minutes as written and his motion was seconded by Eric Barr which then passed unanimously 3-0.

Mr. Calhoun summarized the public hearing procedures and clarified that final action regarding the rezoning matters would likely occur during the June meetings of the Whitfield County Board of Commissioners and Mayor and Council of the City of Dalton.

II. REZONING PUBLIC HEARINGS

A. Heard the request of Garland Barnes to rezone from Low-Density Single-Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 1.52-acres located at 400 Sam Love Road. Parcel (12-150-07-000)

Mr. Calhoun summarized the staff analysis which recommended approval of the R-5 rezoning. There were no further questions for Calhoun.

Garland Barnes stated that he wished to sell the subject property and wanted to have more density than permitted in the current R-2 zoning of the subject property. Commissioner Thomas asked Barnes why he needed to rezone the subject property to which Barnes replied that he wanted the ability to achieve more lots than permitted in the R-2 zone district.

With no other comments heard for or against, this hearing closed at approximately 6:08pm.

B. Heard the request of Nicholas Tucker to rezone from Low-Density Single-Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 20-acres located along Bowers Road. Parcel (09-036-07-000)

Mr. Calhoun summarized the staff analysis which recommended the GA rezoning be approved. There were no further questions for Calhoun.

Nicholas Tucker stated that he is building a home for his family for them to have a homestead. Erika Hembre, a neighbor along Rayburn Road, stated that she was in favor of the GA rezoning because she herself would like to be rezoned to allow for her and her family to keep and raise chickens. With no other comments heard for or against, this hearing closed at approximately 6:15pm.

C. Heard the request of the Whitfield County Board of Commissioners, Mayor and Council of the City of Dalton, and Mayor and Council of the City of Varnell to amend the Dalton-Whitfield-Varnell Unified Zoning Ordinance regarding compliance with GA HB 1405.

Mr. Calhoun summarized the staff analysis which recommended the text amendments be approved as written based on the understanding that the amendments are to be in compliance with HB1405. Octavio Perez asked why there was a 180-day window for Zoning Board of Appeals decisions in section 11-3-9 to which Robert Smalley stated that additional time was granted in order to compensate for the additional advertising time. Commissioner Jones and Perez expressed interest in reducing the 180 days to the minimum amount of time to ensure decisions were not to be delayed longer than necessary. Smalley stated that staff could revisit this section and reduce the 180 days to the minimum amount of time as legally necessary. There were no further questions for Calhoun.

Vicky Alt stated that she did not feel as though sufficient time had been given for citizens to review the proposed text amendments. Some discussion occurred regarding the text amendments draft having had a first reading at the May Commissioner's meeting as well as the opportunity for additional public comment at the upcoming June Commissioner's meeting.

With no other comments heard for or against, this hearing closed at approximately 6:29pm.

D. Heard the request of DPG Single Tenant Georgia, LLC to rezone from General Agriculture (GA) to General Commercial (C-2) a tract of land totaling 1.73-acres located at 4036 Hwy. 2. Parcel (11-229-01-025)

Mr. Calhoun summarized the staff analysis which recommended the C-2 rezoning be approved. There were no further questions for Calhoun.

Jason Burnette represented the petitioner with power of attorney. Burnette noted that he serves as the petitioner's surveyor and made no additional comments.

Chris Caylor, a nearby neighbor to the north, stated that he is opposed to the C-2 rezoning based on his concerns with commercial sprawl into the agricultural area. Caylor stated that he purchased his farm based on the fact that it is surrounded by agricultural zoning. Caylor stated that the noise generated from existing commercial businesses affects his quality of life and he believed that his rezoning would worsen the issue. Caylor closed by noting the lack of public sewer at this location.

John Alt, a non-neighboring citizen of the county, opposed the C-2 rezoning with concerns of additional traffic, lack of sewer affecting ground water quality, and public safety. Alt stated that he believed C-2 would encroach on the agricultural community in this area. Alt closed with concerns as to why the staff analysis did not include a traffic study concerning the proposed development.

With no other comments heard for or against, this hearing closed at approximately 6:46pm.

E. Heard the request of Edwin and Jose Machado to annex a tract of land totaling 0.17-acre zoned Medium-Density Single-Family Residential (R-3) located at 1232 Frazier Drive into the City of Dalton. Parcel (12-179-02-059)

Mr. Calhoun summarized the staff analysis which recommended the annexation be approved. There were no further questions for Calhoun.

The petition was represented by Ethan Calhoun since the petitioner filed to rezone their property and was not required to be present for the hearing.

With no other comments heard for or against, this hearing closed at approximately 6:49pm.

F. Heard the request of the Whitfield-Dalton-Varnell Planning Commission to amend Article III - Meetings of the Bylaws of the Dalton-Varnell-Whitfield County Planning Commission to update the meeting location.

Mr. Calhoun summarized the staff analysis which recommended the R-5 rezoning be approved with conditions. There were no further questions for Calhoun.

III. REGULAR MEETING

A. Recommendation regarding the request of Danny Edwards to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.81 acres located at 211 Florence Ave, Dalton, Georgia. Parcel (12-296-02-047)

Ethan Calhoun gave a brief recap of the staff analysis along with an update that the petitioner had completed the survey as the Planning Commission had requested the previous meeting. Calhoun went on to state that the discrepancies related to property boundaries had been addressed by the completion of the survey which accounted for roughly a whole additional acre. Jacob Bearden stated that any further dispute amongst the neighboring property boundaries would be considered a civil matter and not in the jurisdiction of the Planning Commission.

Chairman Lidderdale sought a motion on the requested GA rezoning. **Octavio Perez then then made a motion to recommend approval of the C-2 rezoning. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the C-2 rezoning followed, 3-0.**

B. Recommendation regarding the request of Garland Barnes to rezone from Low-Density Single-Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 1.52-acres located at 400 Sam Love Road. Parcel (12-150-07-000)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Chris Shiflett then then made a motion to recommend approval of the R-5 rezoning. Eric Barr then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 3-0.**

C. Recommendation regarding the request of Nicholas Tucker to rezone from Low-Density Single-Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 20-acres located along Bowers Road. Parcel (09-036-07-000)

Chairman Lidderdale sought a motion on the requested GA rezoning. **Eric Barr then made a motion to recommend the GA rezoning be approved. Chris Shiflett then seconded the motion and a unanimous recommendation the GA rezoning followed, 3-0.**

D. Recommendation regarding the request of the Whitfield County Board of Commissioners, Mayor and Council of the City of Dalton, and Mayor and Council of the City of Varnell to amend the Dalton-Whitfield-Varnell Unified Zoning Ordinance regarding compliance with GA HB 1405.

Chairman Lidderdale sought a motion on the requested UZO text amendment. Robert Smalley stated that one reading of the ordinance took place at the May Commissioner's meeting in addition to the public meeting held earlier at this meeting, and Smalley stated that there will be a second reading at the June Commissioner's meeting. Smalley stated that staff will reduce the 180-day appeal window for decisions to the least amount of time as legally allowed per the request of the Planning Commission and Board of Commissioners. **Chris Shiflett then made a motion to approve the text amendment with the conditions discussed in the public hearing regarding. Octavio Perez then seconded the motion and a unanimous recommendation to approve the text amendments followed, 3-0.**

E. Recommendation regarding the request of DPG Single Tenant Georgia, LLC to rezone from General Agriculture (GA) to General Commercial (C-2) a tract of land totaling 1.73-acres located at 4036 Hwy. 2. Parcel (11-229-01-025)

Chairman Lidderdale sought a motion on the requested C-2 rezoning. Chris Shiflett stated that he was concerned about the growth of commercial development along the southern portion of Highway 2 at this location. Ethan Calhoun was asked if the petitioner also owned the adjacent property to which Calhoun stated that was correct. Jason Burnette clarified with Calhoun that the petitioner plans to sell the 1.73-acre property which would mean that the two properties would no longer be in common ownership. Octavio Perez stated that the growing population has created a demand for additional commercial development in this area. Some discussion occurred regarding the future tenant of the subject property as a type of dollar store. **Eric Barr then made a motion to recommend the requested C-2 rezoning based on his agreement with the content of the staff analysis. Octavio Perez then seconded the motion and a recommendation to approve the requested C-2 rezoning followed, 2-1 with Chris Shiflett voting nay.**

F. Recommendation regarding the request of Edwin and Jose Machado to annex a tract of land totaling 0.17-acre zoned Medium-Density Single-Family Residential (R-3) located at 1232 Frazier Drive into the City of Dalton. Parcel (12-179-02-059)

Chairman Lidderdale sought a motion on the requested annexation. **Eric Barr then made a motion to recommend the requested annexation. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the requested annexation followed, 3-0.**

G. Recommendation regarding the request of the Whitfield-Dalton-Varnell Planning Commission to amend Article III - Meetings of the Bylaws of the Dalton-Varnell-Whitfield County Planning Commission to update the meeting location.

Chairman Lidderdale sought a motion on the requested C-1 rezoning. **David Pennington then made a motion to recommend the requested C-1 rezoning. Octavio Perez then seconded the motion and a unanimous recommendation to approve the requested C-1 rezoning followed, 3-0.**

H. Flag Lot Review- Babb

Jacob Bearden oriented the Planning Commission to the subject property. Bearden noted the flag lot would be created in order for the petitioner to grant access to their immediate family member. Bearden stated that no issues had been cited by any department heads.

Chairman Lidderdale sought a motion on The Grove preliminary plat. **Octavio Perez then made a motion to approve the plat as requested. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the preliminary plat followed, 3-0.**

I. 4:1 Lot Ratio Review- Stone

Jacob Bearden oriented the Planning Commission to the subject property. Bearden stated that the proposed plat was requested in order to re-align property lines on existing lots of record. Bearden noted that the proposed changes would trigger the 4:1 lot ratio which would require Planning Commission approval. Octavio Perez confirmed with Bearden that the lots had already been developed and that this request was simply in order to create more uniform lots. Chairman Lidderdale sought a motion on the requested plat. **Chris Shiflett then made a motion to approve the plat as drawn. Octavio Perez then seconded the motion and a unanimous recommendation to approve the plat followed, 3-0.**

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 7:12 p.m.

Respectfully submitted,
Ethan Calhoun
Secretary