

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
March 25, 2019

MEMBERS PRESENT

Jim Lidderdale, Chairman
Scott DeLay, Vice Chairman
Tom Minor
John Thomas
Jody McClurg

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

Lynn Laughter; Chairman, Harold Brooker, Greg Jones, Roger Crossen, Barry Robbins

VISITORS PRESENT

Thompson Curry, Larry Anderson, James Crow, Billy Vinyard, Jan Pourquoi, Margaret Herrin and others

STAFF PRESENT

Ethan Calhoun
Jean Price-Garland
Robert Smalley
Gary Brown

I. GENERAL

A. Call to Order: Chairman Laughter called the meeting to order at 6:03 p.m. and confirmed a quorum of commissioners was present with no absences. Chairman Lidderdale confirmed a quorum of members was present with the absence on Mitch Sanford.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the March 25, 2019 meeting minutes. Mr. Minor made the motion to accept the minutes as written and his motion was seconded by Mr. DeLay which then passed unanimously 4-0.

Mr. Calhoun summarized the procedures and standards for the public hearing at the request of Chairman Lidderdale. He also informed the audience that final action would likely occur during the regular meetings of the Board of Commissioners as well as the Dalton and Varnell City Councils in May.

II. REZONING PUBLIC HEARINGS

A. Heard the request of Hallmark Development Partners, LLC to rezone from Low-Density Single-Family Residential (R-2) and to High-Density Residential (R-7) a tract of land totaling 28.8 acres located along the west R/W of Crow Valley Road (Parcel 12-147-07-000) (County)

Mr. Thomas recused himself from this public hearing. Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-7 rezoning. The

Board of Commissioners nor the Planning Commission had any further questions for Mr. Calhoun. Thompson Curry, the petitioner, confirmed the accuracy of the staff's analysis regarding the proposed use of the subject property. Mr. Curry stated that his company already had invested in two other multi-family developments in Whitfield County of which one of these developments is the Crown Mill Apartment complex. Mr. Curry went on to state that the other two properties in Whitfield County are not workforce housing but market-rate housing. Mr. Curry stated that his company believes there is a need for new workforce housing based off his research that the most recent affordable housing project in Whitfield County was before the year 2000. Commissioner Crossen confirmed with Mr. Curry that the proposed footprint of this project would be less than ten acres and that no further development of the subject property beyond the preliminary site plan is desired by the developer. Mr. Curry clarified that the maximum capacity allowed in order for their development to be competitive for tax credits would be 80 dwelling units which can easily be achieved on the proposed footprint in the staff report. Chairman Laughter noted the efforts of the County's leadership and volunteer group regarding the preservation of the historic Civil War entrenchments along the Rocky Face Ridge and went on to state that the preservation of these features is a critical factor. Chairman Laughter then asked Mr. Curry if he would consider donating the portion of the subject property un-needed by the developer to Whitfield County to which Mr. Curry stated that his company would certainly be willing to donate the portion of the subject property to Whitfield County.

Larry Anderson, an adjacent resident of Ashton Woods, stated that he was concerned that the proposed development would create more traffic congestion and safety concerns due to limited sight visibility where the entrance for the proposed development was shown. Mr. Anderson also stated his concern regarding the Civil War features near the proposed development and stated he would be opposed if these artifacts were destroyed by the proposed development. He ended his statement by saying that he would much prefer low-density housing on the subject property.

Mr. Curry stated that he would work with staff to determine the best solutions for traffic safety to mitigate congestion and safety hazards related to the ingress and egress of the proposed development.

With no other comments heard for or against this hearing closed at 6:30

B. Heard the request of James Crow to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 1.25 acres located at 3838 Tibbs Bridge Road (Parcel 12-251-03-018) (County)

Mr. Thomas returned to the commissioner's chamber. Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested C-2 rezoning. Commissioner Jones asked Mr. Calhoun how this property wound up being zoned R-5 when it was clearly commercial at the time. Mr. Calhoun and Mr. Smalley stated that it was likely overlooked by the staff at the time zoning was instituted in the county and has continued as a non-conforming use until recently. Chairman Laughter made inquiries as to why the petitioner needed a rezoning if the non-conforming status was in effect. Ms. Price Garland stated that the building has two separated commercial spaces and the use for one of the spaces has changed and went on to clarify that non-conformity only applies to the specific use of the property and that any change in use voids its non-conforming status and therefor a rezoning is necessary.

Mr. James Crow, the property owner, stated that the structure is 32 feet by 120 feet and is divided into the center which creates two separate commercial leasable units. Mr. Crow went on to state that he recently renovated one of the two units after a tenant did not renew their lease. He clarified that one of the units had been used for auto repair and the other for various churches over time. Mr. Crow stated that since the church did not continue leasing their unit he decided to remodel it for another commercial use such as retail space.

With no other comments heard for or against this hearing closed at 6:49

C. Heard the request of Vinyard Construction to rezone from General Commercial (C-2) to High-Density Residential (R-7) a tract of land totaling 2.85 acres located along the west R/W of

New Hope Road. (Parcel 11-281-07-000) (Varnell)

Mr. Minor recused himself from this hearing and left the commissioner's chamber. Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-7 rezoning. There were no further questions for Mr. Calhoun from the Planning Commission.

Mr. Billy Vinyard, the subject property owner, stated that the parcels adjacent to the subject property that belong to him were planned as a new phase of his existing R-2 developments nearby. Mr. Vinyard stated that he intends for his development to range from \$170,000 to \$250,000 per unit. He went on to state that his plans were to have a small neighborhood commercial development along Highway 201 and to rezone the other un-developed adjacent tracts from C-2 to R-7 in order to build more townhouses. Mr. Vinyard stated that he was unsure how the majority of his undeveloped properties along New Hope Road were all zoned C-2 since he had only intended to have one small tract zoned commercial. Chairman Lidderdale asked if Mr. Vinyard would consider the addition of sidewalks with this development to which Mr. Vinyard stated that he would.

Roger Crossen, a resident in the nearest neighborhood, stated that he was opposed to the rezoning due to his concerns that the proposed density is dissimilar to the majority of the existing neighborhoods in the area. Mr. Crossen stated that several of his neighbors shared the same concerns since the vegetation had been cleared and the subject property had become visible to the existing neighborhoods. Mr. Crossen went on to state that he also had concerns with the number of driveways proposed to access New Hope Road due to existing traffic congestion during peak school hours and special events like ball games. He ended by stating that he would much prefer that the subject property and adjacent C-2 tracts be rezoned and developed as R-2 in order to conform to the existing neighborhoods in the vicinity.

Jan Pourquoi, a resident of the adjacent R-2 neighborhood, stated that he was opposed to the request to rezone the subject property to R-7 based on his concern that it is a higher density than the existing nearby neighborhoods and that increase in density would have a negative impact on the existing R-2 neighborhoods in the area. Mr. Pourquoi stated that he was very concerned with the possibility that the subject property, if rezoned R-7, could be developed for apartments or other multi-family by Mr. Vinyard or another developer in the future, but Mr. Pourquoi clarified that he is opposed to the R-7 rezoning regardless of whether it is developed for townhomes or other R-7 uses. He went on to say that he was not opposed to a small tract of neighborhood commercial along Highway 201, but he stated that he much preferred the subject property and Mr. Vinyard's other adjacent tracts be rezoned R-2 and developed similar to the existing neighborhoods.

Mr. Vinyard rebutted by stating that his request for R-7 suits the property far more than the current C-2 and that his intent is to develop the remainder of his adjacent tracts as a major subdivision of R-7 townhomes as a next phase if his current request is approved. Mr. Vinyard stated that he believed his proposed development would increase property values in the area. Mr. Thomas inquired the size of the proposed units to which Mr. Vinyard stated approximately 1,500 square feet to 2,200 square feet per unit.

With no other comments heard for or against this hearing closed at 7:11

D. Heard the request of Margaret Herrin to rezone from Low-Density Single-Family Residential (R-2) to Medium-Density Residential (R-3) a tract of land totaling 0.43 acres located at 511 School Street (Parcel 12-220-10-008) (Dalton)

Mr. Minor returned to the commissioner's chamber. Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-3 rezoning. There were no further questions for Mr. Calhoun from the Planning Commission.

Ms. Margaret Herrin, the property owner confirmed the details of the staff analysis were correct in her desire to sub-divide the subject property into two residential tracts that would be reflective of the surrounding neighborhood.

With no other comments heard for or against this hearing closed at 7:18

III. REGULAR MEETING

A. Recommendation regarding the request of Hallmark Development Partners, LLC to rezone from Low-Density Single-Family Residential (R-2) and to High-Density Residential (R-7) a tract of land totaling 28.8 acres located along the west R/W of Crow Valley Road (Parcel 12-147-07-000) (County)

Chairman Lidderdale sought a motion on the requested R-7 rezoning. Mr. Thomas abstained from this vote. **Mr. DeLay then made a motion to recommend the R-7 rezoning based on his agreement with the content of the staff analysis. Mr. Minor seconded the motion and a unanimous recommendation to approve the requested R-7 rezoning followed, 3-0.**

B. Recommendation regarding the request of James Crow to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 1.25 acres located at 3838 Tibbs Bridge Road (Parcel 12-251-03-018) (County)

Chairman Lidderdale sought a motion on the proposed C-2 rezoning. **Mr. Minor then made a motion to recommend the C-2 rezoning based on the structure's good condition and long-term commercial use. Mr. DeLay seconded the motion and a unanimous recommendation to approve the C-2 rezoning followed, 4-0.**

C. Recommendation regarding the request of Vinyard Construction to rezone from General Commercial (C-2) to High-Density Residential (R-7) a tract of land totaling 2.85 acres located along the west R/W of New Hope Road. (Parcel 11-281-07-000) (Varnell)

Chairman Lidderdale sought a motion on the requested R-7 rezoning. Mr. Minor abstained from this vote. **Mr. Thomas then made a motion to recommend a R-7 rezoning based on his agreement with the content of the staff analysis. Mr. DeLay seconded the motion and a unanimous recommendation to approve the R-7 rezoning followed, 3-0.**

D. Recommendation regarding the request of Margaret Herrin to rezone from Low-Density Single-Family Residential (R-2) to Medium-Density Residential (R-3) a tract of land totaling 0.43 acres located at 511 School Street (Parcel 12-220-10-008) (Dalton)

Chairman Lidderdale sought a motion on the requested R-3 rezoning. **Mr. DeLay then made a motion to recommend the R-3 rezoning based on his agreement with the content of the staff analysis. Ms. McClurg seconded the motion and a unanimous recommendation to approve the requested R-3 rezoning followed, 4-0.**

E. Steve Payne- Final Plat Review (City)

Ms. Price-Garland oriented the Planning Commission to the location of the subject property and parent tract totaling 0.39 acres located on the south R/W of Winton Drive near Hamilton Medical Center. Ms. Price-Garland stated that this sub-division would create two new lots that each total 0.199 acres. She explained that the proposed plats are undeveloped and that the plat was submitted such that it met all the minor plat requirements. She showed the Planning Commission members that all required department officials had signed off for the plat's approval as required. Mr. Minor made a motion to approve the plat as submitted. His motion was seconded by Mr. Thomas which passed unanimously 4-0 which allowed Mr. Calhoun to sign the plats to be recorded.

F. Gordon Brown- Final Plat Review (City)

Ms. Price-Garland oriented the Planning Commission members to the subject property's proposed new parcel totaling 0.66 acres located along the corner of Fernwood Drive and New East Morris Street in the City of Dalton and zoned M-2. Ms. Price-Garland stated that the proposed tract met all the city subdivision requirements with the exception of one. She noted the issue with the proposed plat is that the existing structure on the subject property would not be able to meet the required side-yard setback

and therefore would require a side-yard setback variance of 15 feet. She went on to state that the proposed new parcel's southern boundary is a fire wall physically separating the structure on the proposed plat from the rest of the building on the parent tract. Some discussion occurred, and Mr. DeLay made a motion to approve the plat as submitted including the side-yard setback variance of 15 feet along the proposed plat's southern boundary. His motion was seconded by Mr. Minor which then passed unanimously 4-0.

G. Classic Estates Phase 6- Preliminary Plat Review (County)

Ms. Price-Garland oriented the Planning Commission Members to the proposed subdivision's location in Whitfield County totaling 4.1 acres with 28 new lots proposed to be sub-divided from the parent tract and 792 linear feet of new streets. She stated that this preliminary plat had been approved in 2004 but no final plat had been submitted. She stated that since the initial preliminary plat had been submitted the subject property had been rezoned to R-4 Zero Lot Line Residential. Mr. Minor asked if any work had been done and Ms. Price-Garland stated that the property had been graded and the road had been laid out as well as some infrastructure like water, sewer and power taps for each parcel. She stated that since so much time had passed the preliminary plat would need to be re-reviewed and approved by the Planning Commission for the developer to begin construction of the new roads. Ms. Price-Garland stated that since the Planning Commission approved the preliminary for this plat in 2004 the County's regulations had become stricter requiring larger lot size and widths than were required at the time the plat had been previously approved. She clarified that in the current version of the UZO the minimum lot size in R-4 is 4,356 square feet per lot which would be an issue for eleven of the lots on the plat submitted and that these eleven parcels would require a variance of approximately 350 square feet each if the plat is to be approved as it was submitted. Mr. Calhoun stated that variances related to density are not good practice, however, he went on to say that there has been significant investment into the subject property based on its original design. Bert Watts, the property owner, stated that the water, sewer, and power taps had been put into place several years ago but the development was placed on hold due to the recession and the final plat was never submitted. Mr. Minor asked Mr. Watts if there was a way to shift some of the parcels in order to create lots that conform to the current standards. Mr. Watts stated that if the lots were shifted then the water taps would have to be dug up and moved at a high cost to the developer. Ms. Price-Garland stated that the proposed plat is similar to the former phases of this development that have already been built-out. Mr. Minor made a motion to approve the plat as drawn including a minimum lot size variance for the eleven lots under 4,356 square feet. His motion was seconded by Ms. McClurg which passed unanimously 4-0.

H. Other Business

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 7:49 p.m.

Respectfully submitted,

Ethan Calhoun
Secretary