

**MINUTES**  
**DALTON-WHITFIELD COUNTY PLANNING COMMISSION**  
**May 20, 2019**

**MEMBERS PRESENT**

Scott DeLay, Vice Chairman  
Tom Minor  
John Thomas  
Jody McClurg

**WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT**

Harold Brooker; Vice Chairman, Greg Jones, Roger Crossen, Barry Robbins

**VISITORS PRESENT**

and others

**STAFF PRESENT**

Ethan Calhoun  
Jean Price-Garland  
Tracey Crawley  
Robert Smalley  
Gary Brown

**I. GENERAL**

A. Call to Order: Vice-Chairman Brooker called the meeting to order at 6:00 p.m. and confirmed a quorum of commissioners was present with Chairman Laughter absent. Vice-Chairman DeLay confirmed a quorum of members was present with the absence of Chairman Lidderdale.

B. Minutes: Vice-Chairman DeLay sought a motion to approve or correct the April 22, 2019 meeting minutes. Mr. Minor made the motion to accept the minutes as written and his motion was seconded by Mr. Thomas which then passed unanimously 4-0.

Mr. Calhoun summarized the procedures and standards for the public hearing at the request of Vice-Chairman DeLay. 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 June.

**II. REZONING PUBLIC HEARINGS**

**A. Heard the request of Jeff McDonald to rezone from General Agriculture (GA) to Low-Density Single-Family Residential (R-2) a tract of land totaling 1.042 acres located at 628 Good Hope Road (Parcel 11-267-04-000) (County)**

Mr. Minor 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-2 rezoning. The Board of Commissioners nor the Planning Commission had any further questions for Mr. Calhoun.

Mr. McDonald confirmed the details of the staff analysis related to the petitioner's needs were accurate at the request of Vice-Chairman DeLay.

With no other comments heard for or against this hearing closed at 6:10

**B. Heard the request of Henry and Deborah Smith to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 0.75 acres located at 468 McGaughey Chapel Road (Parcel 11-167-06-000) (County)**

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-5 rezoning. Commissioner Robbins asked how the issue of non-conformity occurred in such recent years with the subject property. Ms. Price-Garland stated that the parent tract was once GA which allowed for two dwellings to be constructed and was since somehow sub-divided into lots of record. She went on to clarify that the petitioner had purchased the subject property after the events resulting in the non-conforming lot occurred. The Board of Commissioners nor the Planning Commission had any further questions for the staff.

Deborah Smith confirmed her desire to have her property rezoned R-5 in order to become a conforming lot and dwelling. She stated that she and her husband were unaware of the non-conformity issue until hours of their closing deadline. Ms. Smith went on to say that she had been made to believe the non-conformity issue was an easily mendable issue that was to be taken care of by either one of the closing attorneys, and that she and her husband were disappointed to discover the issue had not been resolved after the closing had occurred. She stated that her intention was simply to have a conforming property.

Karen Roark, a neighbor, stated her concerns with the results of the subdivision of land that created the subject property since it resulted in a notable higher density than the majority of properties in this area. Some discussion occurred in regard to alleged deed violations made by the subject property's previous owner. She stated that she is concerned with a continuation of density increase in this area and notes improvements being made in order to construct another dwelling adjacent to the subject property on another small lot. Vice-Chairman DeLay asked Ms. Roark if she was in opposition to this rezoning to which she affirmed that she was opposed.

Ms. Smith rebutted by stating that the mistakes were made prior to her family purchasing the subject property and simply wishes to have a conforming lot. Some discussion occurred in regard to specific documents that should have been part of the petitioner's property closing procedure that ended with no certainty on behalf of the petitioner when asked by Mr. Thomas.

With no other comments heard for or against this hearing closed at 6:29

**C. Heard the request of Ruben Rodriquez Et. Al. to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.36 acres located at 248 Shephard Lane (Parcel 12-333-01-077) (County)**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-5 rezoning. Mr. Sanford asked Mr. Calhoun how the subject property is to be accessed to which Mr. Calhoun answered that a driveway exists on the adjacent eastern tract fronting Shephard Lane. There were no further questions for Mr. Calhoun from the Planning Commission.

Mr. Rodriquez was asked by Mr. Sanford if the proposed manufactured is intended for his family's residence to which Ms. Rodriquez affirmed that it would be. Commissioner Crossen confirmed with Mr. Rodriquez that the proposed manufactured home was intended to replace the former manufactured home.

With no other comments heard for or against this hearing closed at 6:35

**D. Heard the request of the Varnell City Council to rezone from Rural Residential, General Agriculture (GA), Neighborhood Commercial (C-1), and Central Business District (C-3) to**

**General Commercial (C-2) and Estate Residential (R-1) tracts of land totaling 13.67 acres located in Varnell City limits. (Parcel 11-192-01-012, 11-208-02-020 Et. Al.) (Varnell)**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested rezonings in the City of Varnell with the consideration that the two tracts noted in the staff analysis be rezoned C-1 rather than C-2. Mr. Minor asked Mr. Calhoun how these rezonings were brought before the Planning Commission. Mr. Calhoun stated that the City of Varnell overlooked these parcels during the adoption of the Unified Zoning Ordinance and map in 2015 and wanted to rezone them to their former zone districts. Vice-Chairman DeLay confirmed with Mr. Calhoun that all the tracts were in common ownership. There were no further questions for Mr. Calhoun from the Planning Commission.

Mike Brown, the city administrator of the City of Varnell, affirmed that the staff analysis summarized the City's needs to rezone the subject properties.

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

**E. Heard the request of Karen Green to rezone from Transitional Commercial (C-4) to Central Business District (C-3) a tract of land totaling 0.52 acres located at 201 West Morris Street (Parcel 12-238-24-001) (Dalton)**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested C-3 rezoning. There were no further questions for Mr. Calhoun from the Planning Commission.

Karen Green stated that the staff recommendation and analysis was reflective of her needs. She did clarify that the intent is to include ground level urban dwellings rather than lofts.

With no other comments heard for or against this hearing closed at 7:58

**F. Heard the request of Charles Acree to rezone from Heavy Manufacturing (M-2) to Limited Commercial (C-1A) a tract of land totaling 0.09 acres located at corner lot on E. Matilda Street and 8 N. Elm Street (Parcel 12-200-10-009) (Dalton)**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was not in favor of the requested C-1A rezoning but recommended consideration of an R-3 rezoning. There were no further questions for Mr. Calhoun from the Planning Commission.

Charles Acree affirmed that he wishes to construct a single-family dwelling on the subject property. When asked by Vice-Chairman DeLay if R-3 would satisfy his needs Mr. Acree stated that he believed that the setbacks in R-3 would create an issue. Some discussion between staff and the Planning Commission ended with the understanding that there would only be 15 feet of building width if the subject property were rezoned R-3 which would be difficult to construct within. Mr. Calhoun stated that C-1A would require less front setbacks than R-3 and would allow a single-family dwelling.

With no other comments heard for or against this hearing closed at 7:15

### **III. REGULAR MEETING**

**A. Recommendation regarding the request of Jeff McDonald to rezone from General Agriculture (GA) to Low-Density Single-Family Residential (R-2) a tract of land totaling 1.042 acres located at 628 Good Hope Road (Parcel 11-267-04-000) (County)**

Vice-Chairman DeLay sought a motion on the requested R-2 rezoning. Mr. Minor abstained from this vote. **Mr. Sanford then made a motion to recommend the R-2 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-2 rezoning followed, 3-0.**

**B. Recommendation regarding the request of Henry and Deborah Smith to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 0.75 acres located at 468 McGaughey Chapel Road (Parcel 11-167-06-000) (County)**

Vice-Chairman DeLay sought a motion on the proposed R-5 rezoning. Mr. Minor abstained from this vote. **Mr. Thomas then made a motion to recommend the R-5 rezoning based on his agreement with the content of the staff analysis. Mr. Sanford seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 3-0.**

**C. Recommendation regarding the request of Ruben Rodriquez Et. Al. to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.36 acres located at 248 Shephard Lane (Parcel 12-333-01-077) (County)**

Vice-Chairman DeLay sought a motion on the requested R-5 rezoning. **Mr. Sanford then made a motion to recommend a R-5 rezoning based on his agreement with the content of the staff analysis. Mr. Minor seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 4-0.**

**D. Recommendation regarding the request of the Varnell City Council to rezone from Rural Residential, General Agriculture (GA), Neighborhood Commercial (C-1), and Central Business District (C-3) to General Commercial (C-2) and Estate Residential (R-1) tracts of land totaling 13.67 acres located in Varnell City limits. (Parcel 11-192-01-012, 11-208-02-020 Et. Al.) (Varnell)**

Vice-Chairman DeLay sought a motion on the requested City of Varnell rezonings. **Mr. Minor then made a motion to recommend the rezonings as requested with the stipulation that tracts 11-208-02-083 and 11-225-26-000 be rezoned C-1 based on his agreement with the content of the staff analysis. Mr. Thomas seconded the motion and a unanimous recommendation followed, 4-0.**

**E. Recommendation regarding the request of Karen Green to rezone from Transitional Commercial (C-4) to Central Business District (C-3) a tract of land totaling 0.52 acres located at 201 West Morris Street (Parcel 12-238-24-001) (Dalton)**

Vice-Chairman DeLay sought a motion on the requested C-3 rezoning. **Mr. Sanford then made a motion to recommend the C-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 C-3 rezoning followed, 4-0.**

**F. Recommendation regarding the request of Charles Acree to rezone from Heavy Manufacturing (M-2) to Limited Commercial (C-1A) a tract of land totaling 0.09 acres located at corner lot on E. Matilda Street and 8 N. Elm Street (Parcel 12-200-10-009) (Dalton)**

Vice-Chairman DeLay sought a motion on the requested C-1A rezoning. **Some discussion occurred resulting in the understanding that conditions may be applied to a rezoning. Mr. Sanford then made a motion to recommend the C-1A rezoning under the condition that the subject property would be restricted to single-family residential use only. Ms. McClurg seconded the motion and a unanimous recommendation followed, 4-0.**

**G. Singleton - Final Plat Review (Dalton)**

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. Ms. Price-Garland stated that the proposed plat met all the City's subdivision regulations and had been signed by all the required departments. Mr. Minor made a motion to approve the plat as drawn. Mr. Sanford seconded the motion and a unanimous final plat approval followed 4-0.

#### **H. Bonds - Final Plat Review (Dalton)**

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 reminded the Planning Commission members of the recent rezoning that created the opportunity for this subdivision request, and she stated that the proposed plat met all the City of Dalton's subdivision regulations with the exception of the two existing structures being able to satisfy the side setback variances. She also stated that the plat had been signed by all the required departments. Mr. Minor made a motion to approve the proposed subdivision as drawn including the variance on both tract's adjoining side-setbacks. Mr. Sanford seconded the motion and a unanimous final plat approval followed 4-0.

#### **I. Herrin- Final Plat Review (Dalton)**

Ms. Price-Garland oriented the Planning Commission Members to the proposed subdivision's location in Whitfield County totaling 0.46 acres with 2 new lots proposed to be sub-divided from the parent tract with each new tract having frontage along existing city streets. Ms. Price-Garland stated that since the city was in process of rezoning the parent tract it was her recommendation that this plat be approved on the condition that the City of Dalton mayor and council rezone the parent tract to R-3. She clarified that the proposed subdivision would meet all the City's subdivision requirements provided that the subject property is rezoned R-3. Mr. Minor made a motion to approve the plat as drawn with the condition that the City of Dalton mayor and council rezone the parent tract to R-3. Mr. Sanford seconded the motion and a unanimous final plat approval followed 4-0.

#### **J. Spence- Final Plat Review (Dalton)**

Ms. Price-Garland oriented the Planning Commission Members to the proposed subdivision's location in the City of Dalton totaling 2.29 acres with two lots proposed to be divided from a single parent tract along Chattanooga Avenue. Ms. Price-Garland stated that the proposed plat met all the City's subdivision regulations as well as all the required department signatures, and she stated that Mr. Spence would return to the Planning Commission, at a later date, with a rezoning request if this subdivision is approved. Mr. Thomas made a motion to approve the plat as drawn. Mr. Minor seconded the motion and a unanimous final plat approval followed 4-0.

#### **K. Danny & Louise Wise, Ga Hwy 2- Preliminary Plat Review (County)**

Ms. Price-Garland oriented the Planning Commission Members to the proposed subdivision's location in Whitfield County totaling 24.15 acres with 24 new lots and stormwater infrastructure proposed to be divided from a single parent. She also pointed out that this plat proposes 1456 linear feet of new road construction to access State Route 2. Ms. Price-Garland stated that this preliminary plat would only grant the developers the ability to begin obtaining land disturbance permits and that a final plat will need to be submitted and signed by all the necessary department heads for approval before the tracts are officially created. Ms. Price-Garland stated that the proposed plat met all the County's subdivision regulations. Mr. Thomas made a motion to approve the plat as drawn. Ms. McClurg seconded the motion and a unanimous preliminary plat approval followed 4-0.

#### **L. David Lands-4:1 Ratio Plat Review**

Ms. Price-Garland oriented the Planning Commission Members to the proposed subdivision's location in Whitfield County totaling 10 acres with 2 new five-acre lots to be created from a single ten-acre parent tract fronting Blair Road. Ms. Price-Garland stated that the issue with this subdivision is the fact that the depth to width ratio of the proposed new tracts exceeds the County's 4:1 lot ratio and therefore requires the Planning Commission's review for approval. She went on to state that the size and relationship of the two proposed plats does not create a concern from the staff's perspective. She also stated that even though it is possible to construct two single-family dwellings per tract in the General Agriculture zone district the County health Department limited the density of the proposed tracts to one

single-family dwelling per tract due to poor soil. Mr. Minor made a motion to approve the plat as submitted with a variance on the 4:1 lot ratio. Mr. Sanford seconded the motion and a unanimous final plat approval followed.

**M. Other Business**

**IV. ADJOURNMENT**

With no other business scheduled, the meeting adjourned at approximately 7:40 p.m.

Respectfully submitted,

Ethan Calhoun  
Secretary