

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
February 24, 2020

MEMBERS PRESENT

Jim Lidderdale, Chairman
Scott DeLay, Vice-Chairman
John Thomas
Mitch Sanford
Jody McClurg
David Pennington IV

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

Lynn Laughter; Chairperson, Harold Brooker, Greg Jones, and Barry Robbins

VISITORS PRESENT

Eric and Robin Jenkins, Grady Griggs, Bruce Pendley, Carlie Ponder, Emily Oliver, Andrea Porter, Robin Jenkins, Brian Spence, Brandon Harrison, Billy Deal, Joseph Blankenship, Connie Hanes, Chris Carter, Greg Simms, 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 5:57 p.m. and confirmed a quorum of commissioners was present with Commissioner Crossen absent. Chairman Lidderdale confirmed a quorum of members was present with Mitch Sanford absent.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the January 27, 2020 meeting minutes. Mr. DeLay 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 gave a brief overview of the meeting procedures and stated that final action would likely occur during the regular March meeting of the Whitfield County Board of Commissioners. Mr. Sanford entered the chambers.

II. REZONING PUBLIC HEARINGS

A. Heard the request of Grady Griggs to rezone from General Agriculture (GA) to Single Family Residential (R-2) a tract of land totaling 2.64 acres located at Shelby Drive, Dalton, Georgia. Parcel (08-002-02-011) (County)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-2 rezoning. There were no further questions for Mr. Calhoun.

Grady Griggs had no additional comments or questions from the Planning Commission.

With no other comments heard for or against this hearing closed at 6:07.

B. Heard the request of Angie Johnson to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling .38 acres located at 3914 Hwy. 41, Tunnel Hill, Georgia. Parcel (28-307-19-000) (County)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was not in favor of the requested C-2 rezoning. There were no further questions for Mr. Calhoun from the Planning Commission

Angie Johnson stated that she understood that when her late husband purchased the property it was zoned for commercial use. She stated that her understanding was that the property was rezoned on 2015 and she was not aware of the zoning change. Johnson stated that since her husband passed that she will be relying on this property as a source of income. She noted that the proposed business would not be a very busy one and pointed out the proximity to other businesses nearby. Commissioner Robbins asked Johnson what the proposed business for the subject property to which Johnson stated an auto-repair shop. Robbins then asked Johnson if the subject property was the only property she owned at this location to which Johnson confirmed that it was. Chairman Lidderdale asked if the intent was to occupy the building or lease to a tenant to which Johnson stated that it would be leased. Lidderdale asked Johnson how long she and her husband had owned the property, and Johnson stated that they had owned the property for approximately fifteen years. Lidderdale then asked how long the property had been vacant to which Johnson stated it had remained vacant since she and her husband purchased the property. Chairperson Laughter asked Ms. Price-Garland to clarify the zoning change that took place in 2015. Price-Garland stated that the adoption of the Whitfield, Varnell, and Dalton Unified Zoning Ordinance were adopted on 2015 along with the accompanying zoning map. She stated that some changes had been made to the zoning map where properties that appeared to be no longer utilized commercially were rezoned in compliance with the surrounding zoning and land uses. Laughter asked if letters had been mailed to landowners to inform them of said zoning map changes to which Price-Garland stated that letters had not been mailed and properties were not posted since the rezoning action was county-wide rather than piecemeal. Price-Garland clarified that articles were published in the newspaper, public hearings were conducted, and maps were posted prior to action occurring. Laughter confirmed that since the subject property had been vacant for longer than a period of twelve months the prior use as an auto repair shop was no longer permitted. John Thomas inquired if the subject property would be large enough for a residential dwelling due to the property's limited size. Discussion regarding the property's size and lack of a sewer tap ended with the understanding that if a septic system is already in place it may be possible for the structure to be remodeled into a dwelling. Lidderdale confirmed with staff that the structure on the subject property does, in fact, set at a 0-lot line based on the attached GIS aerial overlay. Jody McClurg asked Calhoun if there would be enough space for parking if the property is rezoned C-2 to which Calhoun stated there would be no room for a sufficient parking given the size of the subject property after appropriate setbacks and buffers are installed. Mr. Calhoun pointed out that no parking can occur within the required buffer area, and McClurg clarified that the buffer would be twenty feet along the north, east, and southern boundaries. Some discussion occurred in regard to the commercially usable area of the subject property if proper buffers were in place, which resulted in the understanding that the vast majority of the subject property would be rendered unusable for a structure or parking area. Commissioner Brooker asked what the property could be developed for if it is not rezoned, and Price-Garland stated that it could be redeveloped for residential use only. Laughter confirmed with Johnson that the existing building would be used rather than a new building constructed. Johnson then stated that the existing structure's roof was recently replaced due to significant water damage and rot and that the interior of the structure had been cleaned out. McClurg confirmed that the existing structure is a cinderblock structure.

Bruce Pendley, Ms. Johnson's late husband's business partner, stated that he had a vested interest in the subject property and that twenty thousand dollars had been invested in a new roof for the existing structure prior to having known about the prior zoning change. He went on to state that converting the existing structure into a single-family detached dwelling would be impractical due to the size and character of the structure. Pendley stated that he has driven around the structure in his truck and believed that there is sufficient space on the property. Laughter asked if the petitioner had been notified

about the property's zoning when they obtained a building permit to replace the rotting roof. Pendley stated that no building permit had been obtained when the roof was replaced. Some discussion occurred that resulted in the understanding that a building permit would have been required since structural material had been replaced on the roof. This discussion ended with the understanding that the owners would have been notified about the zoning issue if a building permit would have been requested. Pendley stated that no electricity existed for the roof replacement and that they used a forklift to place the new metal roofing.

Johnson's sister-in-law stated that the reason the subject property sat vacant for so long was due to Mr. Johnson's health and long-term cancer battle.

Carlie Ponder, an adjacent neighbor, stated that he was opposed to the use of a mechanic garage. Ponder stated that he was concerned with the view of junk cars and the operation of a garage that would be an eye sore from his well-maintained property. DeLay asked if a business existed at any time since Ponder had lived in his current home to which Ponder stated that it had been a number of businesses a long time ago. Ponder also noted an issue with storm water and erosion in the ditch bordering he and the subject property.

Emily Oliver, another neighbor along Ernest Drive, stated that she was opposed to the subject property being used as a business due to traffic and parking that may overflow onto Ernest Drive. She also stated that she would be concerned with the view of a garage with used tires, noise, and other things related to this type of business.

Johnson's sister-in-law stated that during the time the subject property was being cleaned up and re-roofed Mr. Ponder and the other neighbors were supportive and thankful for the visual improvement to the subject property. She also stated that the stormwater issue is related to topography in this area rather than the subject property.

Pendley stated that the subject property should not create any traffic along Ernest Drive. He clarified that the owners are not specifically interested in a garage business and that they would consider other commercial uses such as a warehouse. Pendley did state that there is significant room inside the building for the storage of vehicles and that the structure has two rollup doors. Pendley stated that they would repair the fence along the southern boundary of the property and noted that the ditch along this boundary is sufficient enough for typical stormwater events.

Ponder stated that the fence is in good shape and confirmed that he allowed them to use his electricity to maintain and improve the subject property. He once again opposed the use of a garage business on the subject property.

With no other comments heard for or against this hearing closed at 6:40

C. Heard the request of Hubert and Donna Gibson to rezone from Heavy Manufacturing (M-2) to Single Family Residential (R-2) a tract of land totaling 5.05 acres located at 201 Polk Way, Dalton, Georgia. Parcel (13-012-08-000) (County)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-2 rezoning. There were no further questions for Calhoun from the Planning Commission.

Andrea Porter, stated that she has lived on the subject property for approximately twenty-three years and that the current owners plan to gift a portion of the subject property to her and her children. Porter stated that the banks will not proceed with the property since it is zoned for manufacturing. Some discussion occurred regarding the other family members that currently reside on the subject property.

With no other comments heard for or against this hearing closed at 6:48

D. Heard the request of Eric and Robin Jenkins to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling .96 acres located at Stewart Street, Dalton Georgia. Parcel (12-313-02-032) (County)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was not in favor of the requested C-2 rezoning. Brooker asked Calhoun if he believed that the existing

islands of C-2 to the west of the subject property had a devaluating effect on the surrounding residential properties. Calhoun stated that he believed the effect of a commercial spot zone on adjacent residential property often depends on which of the two uses first existed. Calhoun continued by stating that if the residential uses first existed, that the introduction of an intense commercial property would likely devalue the adjacent residential property. There were no further questions for Mr. Calhoun.

Robin Jenkins stated that this had been a family owned property for some time and that they had attempted to sell this tract to a residential developer. She noted that the soil quality was not sufficient enough to support a septic system for a single-family dwelling and that sewer was unavailable at this location. Jenkins stated that the adjacent commercial business had existed for many years with no negative impact to the neighborhood based on her observation. She stated that she had been in conversation with the adjacent business owner and discovered that he had an interest in the subject property as a way to expand his business.

Billy Deal, the business owner adjacent to the subject property, came forth in support of this rezoning by stating the history of his business along with his ongoing need to expand. Deal stated that he would be proposing to build a sixty-foot by one-hundred and ten feet quonset structure, similar to the one on his current property. Deal then stated that he understood that the structure would not be able to have restrooms for the lack of septic or sewer but stated that he felt that his employees could walk across the street and utilize the sanitary facilities in his existing business. When asked about safe and sufficient access to the subject property, Deal noted that his commercial-related traffic already utilizes Stewart St. Deal went on to state that he felt the subject property could accommodate his shipping and receiving traffic with no concerns for space.

Joseph Blankenship, neighbor, stated that he did not feel as though being adjacent to a business would be an issue based on his proximity to the existing businesses along Stewart St. Blankenship stated that he was in favor of the rezoning.

Connie Hanes, neighbor, points out that several of the properties along the east R/W of Stewart St. are non-conforming residential properties. Hanes stated that she is opposed to the proposed rezoning for fear of the potential uses on the property in the future. Hanes clarified that she has experienced no issues with Deal's business and that her concern did not lie within his plans for the subject property. Hanes drew attention to existing water drainage issue on the subject property and stated that she believed the proposed amount of impervious surface would worsen the issue. Hanes passed out photos of the subject property to illustrate the drainage issues to Chairman Lidderdale. Hanes also passed out a petition opposing the rezoning signed by a number of adjacent and nearby property owners.

Eric Jenkins addressed the opposition by stating that the drainage issue on the subject property does not originate on the subject property. Laughter asked Jenkins if he believed that the addition of a building and concrete on the subject property would worsen the stormwater drainage. Some discussion occurred that resulted in the understanding that the size of the proposed structure and impervious surface would trigger the need for a stormwater retention area for the commercial property.

Chris Carter, a neighbor, stated that he had been misinformed regarding the petition and clarified that he is not opposed to the proposed rezoning.

With no other comments heard for or against this hearing closed at 7:25

III. REGULAR MEETING

A. Recommendation regarding the request of John Stafford to rezone from General Commercial (C-2) to Medium Density Single Family Residential (R-3) a tract of land totaling .23 acres located at 445 N. Hamilton Street, Dalton, Georgia. Parcel (12-200-15-030) (City)

Chairman Lidderdale sought a motion on the requested R-3 rezoning. Mr. DeLay then made a motion to table the rezoning recommendation having not heard back from the petitioners.

Mr. Thomas seconded the motion and a unanimous recommendation to table the requested R-3 rezoning followed, 5-0.

B. Recommendation regarding the request of Grady Griggs to rezone from General Agriculture (GA) to Single Family Residential (R-2) a tract of land totaling 2.64 acres located at Shelby Drive, Dalton, Georgia. Parcel (08-002-02-011) (County)

Chairman Lidderdale sought a motion on the requested R-2 rezoning. **Mr. DeLay then made a motion to recommend an approval for the R-2 rezoning based on his agreement with the content of the staff analysis. Mr. Sanford seconded the motion and a unanimous recommendation to approve the requested R-2 rezoning followed, 5-0.**

C. Recommendation regarding the request of Angie Johnson to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling .38 acres located at 3914 Hwy. 41, Tunnel Hill, Georgia. Parcel (28-307-19-000) (County)

Chairman Lidderdale sought a motion on the proposed C-2 rezoning. Mr. Thomas asked the staff if conditions could be placed on the rezoning limiting concerning uses. Ms. Price-Garland stated that conditions could be placed on the rezoning, but she cautioned the Planning Commission that the long-term administration of said conditions is very difficult. Mr. Thomas asked if a buffer requirement had been in place prior to 2015, and Ms. Price-Garland stated that buffer requirements had been in place since 1993. Ms. Price-Garland clarified that no buffer would be required if the property were left residential. **Mr. Thomas then made a motion to approve the C-2 rezoning. After hearing no second, Mr. DeLay then made a motion to recommend a denial of the C-2 rezoning based on his agreement with the content of the staff analysis. Mr. Sanford seconded the motion and a recommendation to recommend a denial of the C-2 rezoning followed, 4-1 with Mr. Thomas voting nay.**

D. Recommendation regarding the request of Hubert and Donna Gibson to rezone from Heavy Manufacturing (M-2) to Single Family Residential (R-2) a tract of land totaling 5.05 acres located at 201 Polk Way, Dalton, Georgia. Parcel (13-012-08-000) (County)

Chairman Lidderdale sought a motion on the requested R-2 rezoning. **Mr. Sanford then made a motion to recommend an approval for the R-2 rezoning based on his agreement with the content of the staff analysis. Mr. Thomas then seconded the motion and a unanimous recommendation to approve the R-2 rezoning followed, 5-0.**

E. Recommendation regarding the request of Eric and Robin Jenkins to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling .96 acres located at Stewart Street, Dalton Georgia. Parcel (12-313-02-032) (County)

Chairman Lidderdale sought a motion on the requested C-2 rezoning. Mr. Sanford noted the concern of the long-term impact of a commercial zoning and structure on the subject property. He stated that his concerns were the potential for other more disruptive uses on the property as well as the issue of having no restrooms. The fact that stormwater retention would be required if a commercial building greater than five-thousand square feet was constructed. Mr. Thomas noted the precedent of introducing C-2 on the west R-W of Stewart St. may give reason for other undeveloped tracts to request to be rezoned C-2. **Ms. McClurg then made a motion to recommend a denial for the C-2 rezoning based on her agreement with the content of the staff analysis. Mr. DeLay seconded the motion and a unanimous recommendation to deny the C-2 rezoning followed, 5-0.**

F. Spence- Final Plat Review

Ms. Price-Garland oriented the members of the Planning Commission to the final plat showing twelve new tracts subdivided from a 3-acre parent tract zoned R-3 with road frontage along both Lance and Richardson Streets in the City of Dalton. Price-Garland noted that the plat meets all city subdivision regulations and that it had obtained all the required department signatures. Mr. Delay made a motion to approve the plat as drawn, and his motion was seconded by Mr. Pennington. Mr.

DeLay's motion to approve the plat as drawn then passed unanimously, 5-0.

G. Crow Road Holdings- Final Plat Review

Ms. Price-Garland oriented the Planning Commission members to the plat which showed 35 new tracts subdivided from a parent tract of 61.7-acres zoned R-2 with Frontage along Crow Road. Price-Garland also noted that the rezoning approval's condition to limit the number of driveway cuts had been satisfied by the submitted plat. Price-Garland drew attention to the two tracts requiring special attention due to the 4:1 lot ratio for lots 34 and 35. Some discussion occurred regarding the overall size and topography of these two tracts that resulted in the understanding that the 4:1 ratio issue would not have a long-term negative impact to any of the proposed tracts if approved as drawn. Mr. DeLay then made a motion to approve the plat as drawn including a variance for lots 34 and 35 for the 4:1 lot ratio. Mr. DeLay's motion was seconded by Mr. Sanford which then passed unanimously, 5-0.

H. Dalton Housing Authority- Final Plat Review

Ms. Price Garland stated that no plat had been received at this time.

I. Other Business

Ms. Price-Garland stated that a total of six rezoning applications had been received for the March Planning Commission meeting.

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 8:05 p.m.

Respectfully submitted,

Ethan Calhoun
Secretary