

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
August 23, 2021

MEMBERS PRESENT

Jim Lidderdale, Chairman
Chris Shiflett
Jody McClurg
Scott DeLay

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

Jevin Jensen, Chairman
Barry Robbins, Vice Chairman
Robby Staten
John Thomas
Greg Jones

VISITORS PRESENT VIA VIDEO CONFERENCE

Kenneth Adams, Joe and Mary Newton, Troy Overby, Antonio Rodriguez, Jonathan Morin, Juan Vasquez, William Voyles, Any Loeb, Matthew Totten, JeVoris Blackwell, Zaquari Johnson, Sir Hasan, and others.

STAFF PRESENT

Ethan Calhoun
Jacob Bearden
Robert Smalley
Valerie Molina

I. GENERAL

A. **Call to Order:** Chairman Jensen called the meeting to order at 6:05 p.m. and confirmed a quorum of commissioners was present with no absences, then turned the meeting over to Chairman Lidderdale who confirmed a quorum of planning commissioners was present with Eric Barr and David Pennington absent.

B. **Minutes:** Chairman Lidderdale sought a motion to approve or correct the July 26, 2021 meeting minutes. Mr. Shiflett made the motion to accept the minutes as written and his motion was seconded by Ms. McClurg 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 September meetings of the Whitfield County Board of Commissioners and Mayor and Council meeting of the City of Dalton.

II. REZONING PUBLIC HEARINGS

A. Heard the request of Kenneth Adams to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.13 acres located at 111 Powell Drive, Dalton, Georgia. Parcel (12-334-09-005)

Mr. Calhoun summarized the staff analysis, which was in favor of the requested R-5 rezoning. There were no further questions for Calhoun.

Kenneth Adams made no additions to the staff report.

With no other comments heard for or against, this hearing closed at approximately 6:12pm.

B. Heard the request of Joe Donald and Mary Ann Newton to rezone from Rural Residential (R-5) to General Agriculture (GA) a tract of land totaling 7.22 acres located along Mark Brown Road. Parcel (09-140-08-000)

Mr. Calhoun summarized the staff analysis, which was in favor of the GA rezoning. There were no further questions for Calhoun.

Joe Newton stated that he simply wished to obtain a permit to construct a pole barn on the subject property.

With no other comments heard for or against, this hearing closed at approximately 6:15pm.

C. Heard the request of Troy Overby Sr. to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling 4.13 acres located at 4753 Tammy Dr. Parcel (09-147-04-004)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-5 rezoning. There were no further questions for Calhoun.

Troy Overby stated that he wishes to remove all of the junk cars from the property and build a single-family detached dwelling in order to sell the property.

With no other comments heard for or against, this hearing closed at approximately 6:18pm.

D. Heard the request of Antonio Rodriguez to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.52 acres located along Orange Drive. Parcel (12-251-02-031)

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. Some discussion occurred regarding the ability of the subject property to be used for residential purposes that resulted in the understanding that no sewer is available to the property, nor would there likely be enough area for a septic system. Chris Shiflett asked Calhoun if the petitioner had requested C-1 would the staff analysis have been to approve. Calhoun stated that the C-1 zone district would certainly be more considerable for the subject property than C-2, but that C-1 would not satisfy the needs of the petitioner or fit the style of the existing building. Calhoun clarified that the setback issue would remain no matter the zoning of the subject property. There were no further questions for Calhoun.

Johnathan Morin translated for Antonio Rodriguez. Rodriguez stated his desire was to operate an auto repair shop in the existing building on the subject property. Chairman Lidderdale asked Rodriguez how long he had owned the property to which Rodriguez stated he had owned the property for around one-year. Commissioner Thomas asked Rodriguez if he lived on or adjacent to the subject property. Rodriguez stated that he did not live on the subject property and indicated that he lived elsewhere. Commissioner Robbins asked Rodriguez if the property had a septic system or a bathroom currently to which Rodriguez stated that it did not.

With no other comments heard for or against, this hearing closed at approximately 6:30pm.

E. Heard the request of Juan Vasquez to rezone from General Commercial (C-2) to Low-Density Single-Family Residential (R-2) a tract of land totaling 0.83 acres located at 2710 Pleasant Drive. Parcel (12-213-01-007)

Mr. Calhoun summarized the staff analysis which was in favor of the requested R-2 rezoning. There were no further questions for Calhoun.

Valerie Molina translated for Juan Vasquez. Vasquez made no addition to the staff report. Chairman Lidderdale confirmed with the petitioner that no one was currently living on the subject property and that the property had been cleared of former structures in preparation to build a new dwelling.

With no other comments heard for or against, this hearing closed at approximately 6:34pm.

F. Heard the request of William Voyles to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 13.81 acres located at 153 Stancil Road. Parcel (11-014-

02-000)

Mr. Calhoun summarized the staff analysis which was in favor of the proposed R-5 rezoning. There were no further questions for Calhoun.

William Voyles stated that he wished to build a few single-family dwellings on the subject property for his daughters.

With no other comments heard for or against, this hearing closed at approximately 6:39pm.

G. Heard the request of Towersource, Andy Loeb to obtain a Special Use Permit for a telecommunications tower for a tract of land totaling 19.42 acres zoned Rural Residential (R-5) and located at 846 Fennel Drive. Parcel (13-243-09-000)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested Special Use Permit for a telecommunications tower. Chairman Jensen asked Calhoun if 5G would be part of the new tower's technology to which Calhoun stated that the petitioner would be better equipped to answer questions about the tower's specific capabilities. There were no further questions for Calhoun.

Andy Loeb stated that the proposed tower would be 200' tall with a 5' lightning rod. Loeb then stated that the proposed tower would have 5G technology. Loeb also noted the proposed tower's use for first responder communication. Loeb went on to describe that the tower's design is such that it should buckle and collapse within the 100'x100' lease area should it ever be structurally compromised. Commissioner Thomas confirmed that the proposed tower would create three additional lease spaces for other carriers. Chairman Jensen asked Loeb if any studies regarding 5G and health risks had been conducted to which Loeb stated that the radio waves would be much like those generated by AM/FM transmission for radios.

Matthew Totten stated that he is a representative of SBA towers and that his client has a 199' tower approximately 0.4 miles from the proposed tower's location. Totten went on to state that the SBA tower sits over 60' higher than the proposed tower due to the higher elevation at the base of the existing SBA tower. Totten stated that since the existing SBA tower was under 200' in height, it did not have the flashing light required by the FFA. Totten goes on to state that the SBA tower may soon have additional lease area available due to the merging of two carriers already leasing area on the SBA tower.

Totten stated that AT&T has been leasing space on the SBA tower since 2012 and that no issues had been brought to his client's attention. Totten then stated that improvements to the SBA tower are possible in order to better accommodate AT&T, but he stated that no such request had been made by the carrier to the SBA tower management. Commissioner Robbins asked Totten when the lease was set to expire for AT&T to which Totten stated the lease would expire in 2022. Totten stated that his client was never asked about rent reduction by AT&T. Totten stated that he was of the opinion that the petitioner's request did not satisfy the UZO's section 6-8-1 in regard to co-location. Totten additionally stated that he believed the RF area of the proposed tower would not be an improvement over the existing SBA tower referencing information that was printed and distributed to the Planning Commission and Board of Commissioners. Robbins asked Totten the age of the SBA tower to which Totten stated the SBA tower was built in 2001. Commissioner Thomas confirmed that there will be additional space available for co-location on the existing SBA tower. Totten ended his statements by stating that the affidavit filed by the petitioner appeared to be a mirror copy regarding another tower proposal for another area.

Loeb stated that his interpretation of the Unified Zoning ordinance is such that he believes all of the requirements for tower approval were met. Loeb noted that zoning staff had informed him that his application was complete and sufficient. Loeb ended by noting that the proposed tower would have improved technology compared to the existing SBA tower.

With no other comments heard for or against, this hearing closed at approximately 7:20pm.

H. Heard the request of JeVoris Blackwell to rezone from Medium-Density Single-Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.13 acres located at 840 McAfee Steet. Parcel (12-218-02-069)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which listed pros and cons for the proposed C-1 rezoning, and Calhoun went on to state that further research had been conducted since the staff analysis was written that resulted in the staff recommendation to approve the C-1 rezoning. There were no further questions for Calhoun.

JeVoris Blackwell stated that he was the owner of Marty Mart, the convenient store proposed to occupy the subject property. Blackwell went on to describe the history of the subject property as a commercial space that doubled as a community center prior to the Mack Gaston community center. Blackwell stated the adjacent residential property to the west was planned to be demolished in order to create more parking for the subject property. Blackwell stated that the subject property and building were ready for City inspection such as fire code compliance and other permitting. Zaquari Johnson, a business partner, stated that the plan for the subject property is to occupy the existing building with a neighborhood convenient store. Johnson stated that items such as over-the-counter medication, tobacco products, snacks, and basic auto parts would be some of the planned inventory. Scott DeLay confirmed with Blackwell that the proposed store would likely attract a lot of pedestrian traffic being that it is located in the heart of the residential neighborhood. Sir Hasan, another business partner, stated that he believes the store's opening will reinvigorate the neighborhood and allow the vacant building to be re-established as a viable business.

With no other comments heard for or against, this hearing closed at approximately 7:39pm.

III. REGULAR MEETING

A. Recommendation regarding the request of Kenneth Adams to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.13 acres located at 111 Powell Drive, Dalton, Georgia. Parcel (12-334-09-005)

Chairman Lidderdale sought a motion on the proposed R-5 rezoning. **Scott DeLay then made a motion to recommend the R-5 rezoning based on his agreement with the content of the staff analysis. Chris Shiflett seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 3-0.**

B. Recommendation regarding the request of Joe Donald and Mary Ann Newton to rezone from Rural Residential (R-5) to General Agriculture (GA) a tract of land totaling 7.22 acres located along Mark Brown Road. Parcel (09-140-08-000)

Chairman Lidderdale sought a motion on the proposed GA rezoning. **Scott DeLay then made a motion to recommend approval of the GA rezoning based on his agreement with the content of the staff analysis. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the GA rezoning followed, 3-0.**

C. Recommendation regarding the request of Troy Overby Sr. to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling 4.13 acres located at 4753 Tammy Dr. Parcel (09-147-04-004)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Jody McClurg then made a motion to recommend the R-5 rezoning based on her agreement with the content of the staff analysis. Chris Shiflett then seconded the motion and a recommendation to approve the R-5 rezoning followed, 3-0.**

D. Recommendation regarding the request of Antonio Rodriguez to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.52 acres located along Orange Drive. Parcel (12-251-02-031)

Chairman Lidderdale sought a motion on the requested C-2 rezoning. **Scott 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. Chris Shiflett then seconded the motion and a unanimous recommendation to deny the C-2 rezoning followed, 3-0.**

E. Recommendation regarding the request of Juan Vasquez to rezone from General Commercial (C-2) to Low-Density Single-Family Residential (R-2) a tract of land totaling 0.83 acres located at 2710 Pleasant Drive. Parcel (12-213-01-007)

Chairman Lidderdale sought a motion on the requested R-2 rezoning. **Chris Shiflett then made a motion to recommend the R-2 rezoning based on his agreement with the content of the staff analysis. Scott DeLay then seconded the motion and a unanimous recommendation to approve the R-2 rezoning followed, 3-0.**

F. Recommendation regarding the request of William Voyles to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 13.81 acres located at 153 Stancil Road. Parcel (11-014-02-000)

Chairman Lidderdale sought a motion on the proposed R-5 rezoning. **Chris Shiflett then made a motion to recommend the proposed R-5 rezoning based on his agreement with the content of the staff analysis. Scott DeLay then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 3-0.**

G. Recommendation regarding the request of Towersource, Andy Loeb to obtain a Special Use Permit for a telecommunications tower for a tract of land totaling 19.42 acres zoned Rural Residential (R-5) and located at 846 Fennel Drive. Parcel (13-243-09-000)

Chairman Lidderdale sought a motion on the requested Special Use Permit for the telecommunications tower. Some discussion occurred that resulted in the understanding that staff required more time to research the information presented by the opposition of the public hearing. **Chris Shiflett then made a motion to table the recommendation to allow staff more time to investigate the new information. Scott DeLay then seconded the motion, and the recommendation was unanimously tabled, 3-0.**

H. Recommendation regarding the request of JeVoris Blackwell to rezone from Medium-Density Single-Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.13 acres located at 840 McAfee Steet. Parcel (12-218-02-069)

Chairman Lidderdale sought a motion on the requested C-1 rezoning. **Chris Shiflett then made a motion to recommend approval of the annexation based on his agreement with the content of the staff analysis. Scott DeLay then seconded the motion and a recommendation to approve the C-1 rezoning followed, 3-0.**

I. Preliminary Plat Review- Patterson Farm

Mr. Calhoun oriented the Planning Commission to the proposed plat and its location. Calhoun mentioned that the proposed development had been approved as a PUD by the Planning Commission over a year ago. Calhoun noted that department heads cited no issues with the preliminary plat as it had been presented. Jerome Hollis approached the Planning Commission with conceptual designs of the prospective residential dwellings. Chairman Lidderdale sought a motion on the preliminary plat. Scott DeLay then made a motion to approve the preliminary plat as presented. His motion was seconded by Chris Shiflett, and the preliminary plat was then approved unanimously, 3-0.

J. Final Plat Review- Patterson Farm Phase 1

Mr. Calhoun oriented the Planning Commission to the proposed plat and its location. Calhoun stated that the proposed final plat was only for the first phase of the development, and that more final plats will come before the Commission as time passes. Calhoun stated that the final plat could be approved now since the preliminary plat had officially been approved. Jacob Bearden brought the Planning Commission's and Mr. Hollis' attention to the only issue raised by department heads. Bearden stated that all drainage pipe easements are to be the diameter of the pipe plus the width required for the trench and slopes to safely maintain or replace drainage structures at a future date. Under no circumstance may

the easement be within the influence zone of structural foundation. All building foundations are to be designed by professional engineer to an adequate depth to facilitate safe excavation for storm drain maintenance or replacement at a future date. Hollis and Bearden agreed that this could be easily solved by the developer. Calhoun stated that the plat had received one department head signature, and that the other department heads cited no issues but had simply not physically signed the plat prior to the meeting. Calhoun stated that his recommendation was to approve the plat with the condition that all department heads sign the plat before it may be filed. Chairman Lidderdale sought a motion on the final plat for the Patterson Farm Phase 1. Scott DeLay then made a motion to approve the final plat with the condition that all other department heads sign off on the plat. His motion was seconded by Chris Shiflett, which then passed unanimously, 3-0.

K. Preliminary Plat Review- The Andros

Mr. Calhoun oriented the Planning Commission to the subject property and reminded the Planning Commission that the property had been rezoned several months prior based on the development shown on the preliminary plat. Calhoun stated that the lot density is based on the fee simple townhouse design, which allows for zero lot line for attached dwellings. Calhoun stated that all department heads had reviewed the plat and had no issues with the proposed design. Calhoun drew attention to the multiple private drives that were the only unique feature of the proposed site design. Chairman Lidderdale sought a motion on the preliminary plat for the Andros. Chris Shiflett then made a motion to approve the preliminary plat as drawn. His motion was seconded by Scott DeLay, which then passed unanimously, 3-0.

L. Final Plat Review- A&J Properties

Mr. Calhoun oriented the Planning Commission members to the subject property, near Glenwood Avenue, and stated that the request was a simple division of a single tract of land into two new lots. Calhoun drew the Planning Commissions attention to the fact that both of the proposed lots were a few hundred square feet short of the 7,500SF minimum lot size required by the UZO. Mr. Calhoun then stated that an audit of numerous adjacent and nearby lots of record were smaller than the 7,500SF minimum lot size as well and that the proposed division of land would not introduce a higher density that had already been established in this area. Calhoun stated that all City plats must be approved by the Planning Commission. Chairman Lidderdale then sought a motion on the proposed final plat for A&J Properties. Jody McClurg then made a motion to approve the final plat as drawn. Her motion was then seconded by Chris Shiflett, which then passed unanimously, 3-0.

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 8:12 p.m.

Respectfully submitted,
Ethan Calhoun
Secretary