

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
DECEMBER 20, 2021

MEMBERS PRESENT

Jim Lidderdale, Chairman
Chris Shiflett
Jody McClurg
Eric Barr
David Pennington IV

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

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

VISITORS PRESENT VIA VIDEO CONFERENCE

Cindy Ingle, Elaine Smith, Armando Vasquez, Tom Minor, Terry Miller, Brandon Smith, Gretchen Lughart, Pauline Peden, Chuck Butler, Baltazar Hernandez, Michelle Cantrell, and many others.

STAFF PRESENT

Ethan Calhoun
Jean Price-Garland
Dan Strain
Robert Sivick

I. GENERAL

A. Call to Order: Chairman Jensen called the meeting to order at 6:00 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 Octavio Perez absent.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the November 15, 2021 meeting minutes. Mr. Pennington made the motion to accept the minutes as written and his motion was seconded by Mr. Shiflett which then passed unanimously 4-0.

Mr. Calhoun summarized the public hearing procedures and clarified that final action regarding the rezoning matters would likely occur during the January 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 John Davis to rezone from General Commercial (C-2) and Low-Density Single Family Residential (R-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 26.31 acres located at Cleveland Highway, Dalton, GA. Parcel (12-102-11-000) (County)**

Chairman Lidderdale stated that this rezoning would be tabled and appear on the January agenda.

B. **Heard the request of Octavio Perez to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 1.08 acres located at 785 Beaverdale**

Road, Dalton, GA. Parcel (12-016-02-001) (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. There were no further questions for Calhoun.

Cindy Ingle represented the petition with power of attorney. Ingle stated that she intends to purchase the subject property and reside in the manufactured home.

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

C. Heard the request of Elaine Smith to rezone from Low Density Single Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 5.78 acres located at 855 Reed Pond Road, Dalton, GA. Parcel (12-032-01-015) (County)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which recommended an R-5 rezoning rather than the requested GA rezoning. Chairman Lidderdale confirmed that the petitioner would be able to add a second manufactured home if zoned R-5 to which Calhoun stated that it could be accomplished by the family exempt subdivision process. There were no further questions for Calhoun.

Elaine Smith noted her intent to provide a location for her son to build a home or place a manufactured home on the subject property. Chairman Lidderdale asked Smith if she would be satisfied with an R-5 rezoning to which Smith stated that she would be okay as long as they would be able to create a location for a second home on their property. Smith stated that the division of land would be more of an upfront cost for them, but Smith did not object to the staff recommendation for R-5 once she understood that it would also permit a manufactured home.

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

D. Heard the request of Armando Vasquez to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling .095 acres located at 1705 Antioch Road, Dalton, GA. Parcel (12-293-24-000) (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. There were no further questions for Calhoun.

Armando Vasquez had no additional comments to make following the staff analysis.

With no other comments heard for or against, this hearing closed at approximately 6:17pm.

E. Heard the request of Dalton Quarries, LLC to rezone from Low Density Single Family Residential (R-2), Rural Residential (R-5), General Agriculture (GA), General Commercial (C-2), and Suburban Agriculture (SA) to Heavy Manufacturing (M-2) along with a special use request for a quarry a tract of land totaling 673.96 acres located on Dalton Beaverdale Road, Old Rock Crusher Road, and Cherokee Estates Road, Dalton, Georgia. Parcels (12-016-02-010, 12-021-01-000, 12-022-01-000, 12-023-05-000, 12-023-10-000, 12-053-01-004, 12-054-07-000, 12-054-09-000, 12-055-01-000, 12-056-02-001, 12-056-02-002, 12-056-02-003, 12-056-02-004, 12-056-02-005, 12-056-02-006, 12-056-02-017, 12-061-03-000) (County)

Mr. Calhoun summarized the staff analysis which was in favor of the requested M-2 rezoning and special use permit for a quarry. Chairman Jensen asked Calhoun if all property owners were notified as to the proposed zoning of their property when zoning was first adopted in 1993. Calhoun was not able to provide an answer to Jensen as Calhoun stated that he was not on staff at that time. Chris Shiflett asked Calhoun if one of the tracts could be rezoned but not granted a special use permit for a quarry to which Calhoun confirmed that would be possible. There were no further questions for Calhoun. Calhoun distributed large printed site plans to the Planning Commissioners and Board of Commissioners that was shared with staff earlier in the day.

Tom Minor represented the petitioner with power of attorney. Minor began by giving a description of the history of the subject property and quarry operation dating back 50+ years. Minor then stated that the desire of the petitioner was to create a conforming property rather than remain partially non-conforming. Jensen asked Minor if the quarry would be able to continue its operation if the property is not rezoned M-2 cond. to which Minor and County staff confirmed would be the case. Jensen inquired

as to the sudden desire to rezone the property after nearly 30-years of nonconformity. Minor stated that nonconformity can create issues with the selling of a property.

Hearing no further comments in favor, Lidderdale asked the attending crowd for a show of hands for all those opposed to the rezoning, and a majority of the crowd raised their hands signifying their opposition.

Brandon Smith then approached the Planning Commission with his concerns with public health related to the breathing of fine dust particulate matter with a concern for long-term respiratory illness. Smith then stated his concern with his family's safety related to his young son and daughter's pre-existing chronic health issues that may be further threatened by the potential expanding quarry. Smith then noted his concerns that the proposed rezoning would increase heavy equipment operating noise as well as increased commercial truck traffic. Smith then stated that he was concerned that the proposed rezoning would have a negative impact on the value of his family's estate. Smith then drew attention to the staff analysis citing the conflict with the Comprehensive Plan and future development map as well as the lack of a site plan. Smith summarized his opposition remarks by stating that he did not feel as though a 100' buffer would be effective in regard to his concerns.

Gretchen Lugthart stated that she is a Whitfield County resident and that she and her husband, a biology professor at Dalton State College, are concerned with the potential impact to the Trispot Darter. Lugthart stated that the trispot darter is listed as an endangered species and has been recently found in the Coahulla Creek watershed. Lugthart went on to describe the darter's habitat and its sensitivity as an endangered species. Lugthart mentioned the need to work with GA EPD in order to ensure adequate buffers are utilized to protect the minor tributaries and dry creek beds on the subject property as they have an indirect impact to the Coahulla Creek watershed water quality.

Pauline Peden stated her opposition as a long-time resident of this area. Peden stated that she has been content with the quarry operation all of her life based on the natural buffer of an adjacent hill on the subject property. Peden stated her concern with quarry expansion that may eliminate the hillside buffering her view of the quarry operation and that she would be in opposition of the quarry expanding.

Peden stated her concerns with the noise of the expanding quarry as well as the increased truck traffic. Peden stated that she intends to live out her life in her home and simply wishes not to be affected by the sight of a growing quarry in her direct view.

Michelle Cantrell stated that she was opposed to the rezoning based on her concerns with the quarry expanding in the direction of her farm adjacent to the northeast boundary of the subject property. Cantrell stated that her animals already suffer anxiety from the commercial truck noise and blasting that occurs at the existing quarry operation. Cantrell went on to state her concern with dust and the unattractive appearance of a quarry from her property. Cantrell stated that she was opposed due to her concern that the existing issues would be exacerbated by the expansion of the quarry.

Lidderdale asked for a show of hands for those who lived along McCamish Road to which a majority of the crowd signaled. Lidderdale then asked the crowd for a show of hands for those that reside along Beavertdale Road and a small portion of the crowd signified by raising their hands.

Minor rebutted by stating the limitations regarding quarry expansion heavily regulated by GA EPD as well as the economics of supply and demand for rock production. Minor restated that the quarry may continue operating as a non-conforming property. Chris Shiflett noted that the proposed rezoning would create an opportunity for conditions such as those noted in the staff analysis that do not currently exist in regard to the subject property. Minor restated that the petitioner is agreeable to the proposed 100' buffer and limited access conditions. Some discussion occurred in regard to the amount of land in acres that would make up the proposed 100' boundary buffer.

With no other comments heard for or against, this hearing closed at approximately 7:19pm.

F. Heard the request of Trey Butler to rezone from Heavy Manufacturing (M-2) and General Commercial (C-2) to General Commercial (C-2) a tract of land totaling 2.15 acres located at 303 & 305 Fernwood Avenue, and 1206 & 1208 New East Morris Street, Dalton, Georgia. Parcels (12-240-20-009 and 12-240-20-007) (City)

Mr. Calhoun summarized the staff analysis which was in favor of the proposed C-2 rezoning. There

were no further questions for Calhoun.

Chuck Butler made no additional comments following the staff analysis.

With no other comments heard for or against, this hearing closed at approximately 7:25pm.

G. Heard the request of Baltazar Hernandez to rezone from General Commercial (C-2) to Limited Commercial (C-1A) a tract of land totaling .06 acres located at 601 N. Elm Street, Dalton, GA. Parcel (12-200-10-006) (City)

Mr. Calhoun summarized the staff analysis which was in favor of the proposed C-1A rezoning. Jody McClurg confirmed with Calhoun that the C-1A rezoning would allow a single-family dwelling. There were no further questions for Calhoun.

Baltazar Hernandez was accompanied by his real estate agent. Hernandez stated that his need was simply to purchase and occupy the existing dwelling on the subject property.

With no other comments heard for or against, this hearing closed at approximately 7:30pm.

III. REGULAR MEETING

A. Recommendation regarding the request of John Davis to rezone from General Commercial (C-2) and Low-Density Single Family Residential (R-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 26.31 acres located at Cleveland Highway, Dalton, GA. Parcel (12-102-11-000) (County)

Chairman Lidderdale stated that the Davis Rezoning would be tabled until the January meeting.

B. Recommendation regarding the request of Octavio Perez to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 1.08 acres located at 785 Beaverdale Road, Dalton, GA. Parcel (12-016-02-001) (County)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **David Pennington then made a motion to recommend the R-5 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 R-5 rezoning followed, 4-0.**

C. Recommendation regarding the request of Elaine Smith to rezone from Low Density Single Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 5.78 acres located at 855 Reed Pond Road, Dalton, GA. Parcel (12-032-01-015) (County)

Chairman Lidderdale sought a motion on the requested GA rezoning. **Jody McClurg then made a motion to recommend an R-5 rezoning based on her agreement with the content of the staff analysis. Eric Barr then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 4-0.**

D. Recommendation regarding the request of Armando Vasquez to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling .095 acres located at 1705 Antioch Road, Dalton, GA. Parcel (12-293-24-000) (County)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **David Pennington then made a motion to recommend the R-5 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 R-5 rezoning followed, 4-0.**

E. Recommendation regarding the request of Dalton Quarries, LLC to rezone from Low Density Single Family Residential (R-2), Rural Residential (R-5), General Agriculture (GA), General Commercial (C-2), and Suburban Agriculture (SA) to Heavy Manufacturing (M-2) along with a special use request for a quarry a tract of land totaling 673.96 acres located on Dalton Beaverdale Road, Old Rock Crusher Road, and Cherokee Estates Road, Dalton, Georgia. Parcels (12-016-02-010, 12-021-01-000, 12-022-01-000, 12-023-05-000, 12-023-10-000, 12-053-01-004, 12-

054-07-000, 12-054-09-000, 12-055-01-000, 12-056-02-001, 12-056-02-002, 12-056-02-003, 12-056-02-004, 12-056-02-005, 12-056-02-006, 12-056-02-017, 12-061-03-000) (County)

Chairman Lidderdale sought a motion on the proposed M-2 rezoning and special use permit for a quarry. Chris Shiflett confirmed with staff that greater buffers could be made a condition as well as not granting a special use permit for a one parcel of the subject property. **Chris Shiflett then made a motion to approve the M-2 rezoning for the subject property with the condition that the special use permit for the quarry be granted on all but parcel 12-016-02-010. Shiflett went on in his motion to recommend that the staff analysis condition for a 100' buffer be upheld with the addition of a 300' buffer along the outer boundary of parcels 12-021-01-000 and 12-056-02-005 as well as along McCamish Road. Shiflett stated that his motion was based on the recommendation of the staff analysis as well as the site plan showing the quarry expansion affecting the eastern portion of the subject property in order to better protect adjacent property owners from the quarry operation. David Pennington then seconded the motion and a unanimous recommendation to approve the rezoning and special use with conditions followed, 4-0.**

F. Recommendation regarding the request of Trey Butler to rezone from Heavy Manufacturing (M-2) and General Commercial (C-2) to General Commercial (C-2) a tract of land totaling 2.15 acres located at 303 & 305 Fernwood Avenue, and 1206 & 1208 New East Morris Street, Dalton, Georgia. Parcels (12-240-20-009 and 12-240-20-007) (City)

Chairman Lidderdale sought a motion on the proposed C-2 rezoning. **Eric Barr then made a motion to recommend the C-2 rezoning based on his agreement with the content of the staff analysis. Jody McClurg seconded the motion and a unanimous recommendation to approve the C-2 rezoning followed, 4-0.**

G. Recommendation regarding the request of Baltazar Hernandez to rezone from General Commercial (C-2) to Limited Commercial (C-1A) a tract of land totaling .06 acres located at 601 N. Elm Street, Dalton, GA. Parcel (12-200-10-006) (City)

Chairman Lidderdale sought a motion on the proposed C-1A rezoning. **Chris Shiflett then made a motion to recommend the C-1A rezoning based on the content of the staff analysis. Jody McClurg seconded the motion and a unanimous recommendation to approve the C-1A rezoning followed, 4-0.**

H. Final Plat Review (City)- Juan Figuero

Ms. Price Garland oriented the Planning Commission to the proposed plat and its location along South Grimes Street. Garland stated this was a City of Dalton plat and had met all department head approvals, but she noted that all City plats must be approved by the Planning Commission. Garland stated that the division of land was one lot into two lots with the purpose of building a second home on Tract 1. Garland stated that the existing home on Tract two was planned to remain. Garland also pointed out the 25' stream buffer shown on the plat that must remain undeveloped.

Chairman Lidderdale sought a motion on the final plat. Chris Shiflett then made a motion to approve the final plat as presented. His motion was seconded by Jody McClurg, and the plat was then approved unanimously, 4-0.

I. Flag Lot Review- Roberto Pintor

Ms. Price-Garland oriented the Planning Commission to the proposed plat and its location at 3469 Riverbend Road in unincorporated Whitfield County. Garland pointed out that the proposed lot would be classified as a flag lot per the County's subdivision regulations, and the flag lot would require Planning Commission approval in order to be recorded. Garland pointed out that the proposed plat would separate the manufactured home and single-family dwelling that both currently exist on the parent tract. Garland noted that the proposed new lot would mean that the parent tract would become a flag lot. Garland drew attention to the access easement and road access at the terminus of Riverbend Road. Garland then stated that all department head signatures had been obtained and that staff did not

identify any issues to be created if the plat is approved.

Chairman Lidderdale sought a motion on the final plat for the. Jody McClurg then made a motion to approve the final plat as presented. Her motion was seconded by Chris Shiflett, which then passed unanimously, 4-0.

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 7:48 p.m.

Respectfully submitted,
Ethan Calhoun
Secretary