

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
MAY 23, 2022

MEMBERS PRESENT

Jim Lidderdale, *Chairman*
Jody McClurg
Chris Shiflett
Octavio Perez
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

Brandon Harrison, Diana Rico, Daniel Laird, Mary Hyder, David Ramos, Danny Wise, Wes Jones, Charles Meyers, Johnny Washington, Cody Etling, and others.

STAFF PRESENT

Ethan Calhoun
Jean Price-Garland
Robert Smalley
Robert Sivick
Jacob Bearden

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 Eric Barr absent.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the April 25, 2022 meeting minutes. Mr. Perez made the motion to accept the minutes as written and his motion was seconded by Mr. Shiflet 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 June meetings of the Whitfield County Board of Commissioners and Mayor and Council of the City of Dalton.

II. REZONING PUBLIC HEARINGS

A. **Heard the request of Mary Hyder to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 16.14 acres located at 2088 Bowers Road, NE, Dalton, GA. Parcel (09-001-03-000) (County)**

Mr. Calhoun summarized the staff analysis which recommended an SA rezoning. There were no further questions for Calhoun.

Mary Hyder stated that she had no plans to subdivide the subject property. Hyder went on to note the subject property and existing dwelling had been owned by her great grandparents. Hyder stated that she needed a larger home for her children and that the cost to remodel the existing dwelling would far exceed the cost of a new manufactured home. Chairman Lidderdale confirmed with Hyder that she would have no issues with the staff recommendation for SA.

Tara Panter, a nearby neighbor noted her confusion with the rezoning process and notification, and Panter went on to state that she had no issues with the proposed rezoning as long as the subject property would not become a mobile home park.

Melanie Flood stated that she did not receive a letter of rezoning notification, but some discussion occurred that resulted in the understanding that her sister received a letter due to her being on her property's deed. Flood did not oppose the SA rezoning after learning of the restrictions in the SA zone district.

With no other comments heard for or against, this hearing closed at approximately 7:13pm.

B. Heard the request of David C. Ramos to rezone from Rural Residential (R-5) to Transitional Residential (R-6) a tract of land totaling 7.72 acres located on Reed Road, Dalton, GA. Parcels (12-123-17-000 and 12-123-19-000) (County)

Chairman Lidderdale informed the audience that the petition had been withdrawn prior to the hearing at the request of the petitioner.

C. Heard the request of Louise and Danny Wise to rezone from General Agriculture (GA) to Estate Residential (R-1) a tract of land totaling 17.76 acres located at Tucker School Road and Keith Valley Road, Dalton, GA. Parcel (10-073-01-000) (County)

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested R-1 rezoning. There were no further questions for Calhoun.

Danny Wise stated that his intentions are to divide the subject property into 1.6-3-acre tracts with four of said tracts fronting Keith Valley Rd. and three tracts fronting Tucker School Rd. Wise went on to speculate that the properties will be listed between \$480,000-\$600,000 each depending on lot size and dwelling sizes. Wise also noted that he and his wife are in the process of building their home on a larger adjacent tract.

Jimmy Williams, a neighbor to the west of the subject property, stated that he was not in opposition to the proposed rezoning and development after learning of the restrictions of the R-1 zone district along with the petitioner's stated plans.

With no other comments heard for or against, this hearing closed at approximately 6:21pm.

D. Heard the request of Dave Canter to rezone from Low Density Single Family Residential (R-2) to Planned Unit Development (PUD) a tract of land totaling 401.19 acres located on 4616 Cleveland Highway, Dalton, GA. Parcels (11-121-12-000, 11-133-01-000, 11-132-01-000, 11-121-10-000) (County)

Chairman Lidderdale informed the audience that this item would be postponed.

E. Heard the request of Brass Investments, LLC to rezone from Low Density Single Family Residential (R-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 1.02 acres located at 2735 Chattanooga Road, Dalton, GA. Parcel (12-117-04-000) (County)

Mr. Calhoun summarized the staff analysis which was in favor of the requested R-3 rezoning with the condition that the subject property be limited to its current 3-tract density. Calhoun stated that the condition is recommended to protect the established pattern of density in the area while allowing the petitioner to make the proposed adjustment to the existing plat. There were no further questions for Calhoun.

Brandon Harrison, the petitioner, explained the situation prompting the rezoning where he plans to sell a small portion of two of the existing tracts on the subject property to a neighboring tract (shown in staff analysis). Harrison then stated that he was opposed to the three-tract density limit recommended by the staff due to his preference to potentially create an additional tract in the future. Chris Shiflet confirmed with staff that without the staff recommended condition the subject property could support an additional tract if rezoned R-3 if no conditions existed since the subject property had access to public sewer.

Cody Manly, an adjacent property owner to the east, stated that he was the neighboring property owner that requested to purchase the additional property in order to create a more evenly shaped lot on his property. Manly stated that the current shape of his tract created difficulties with a fence and rear yard. Danny Roach, a neighbor on Bearden Rd, made several statements about the history of the neighborhood and his long-time residence there. Roach discussed the widening of Highway 41 many years ago as well as sight visibility issues at the intersection of Bearden Rd. and Hwy. 41. Roach made statements regarding a historic building on the subject property. Roach did not oppose the proposed rezoning or proposed plat alteration.

Debra Burke, a neighbor along Bearden Rd, stated that she would be opposed to an increase in density if an additional lot were created on the subject property. Burke went on to affirm Roach's comments regarding sight visibility at the Bearden Rd. and Hwy. 41 intersection. Burke went on to state that she felt as though the existing lot density would be an issue if the three undeveloped lots were to be developed.

Holly Crews, an adjacent neighbor along Bearden Rd, stated that she would prefer as least density as possible on the subject property and went on to state that she would like to purchase the southernmost tract of the subject property.

With no other comments heard for or against, this hearing closed at approximately 6:51pm.

F. Heard the request of Diana Rico to rezone from Low Density Single Family Residential (R-2) to Neighborhood Commercial (C-1) or General Commercial (C-2) a tract of land totaling 1.30 acres located at 2319 Cleveland Highway, Dalton, GA. Parcels (12-103-02-063, 12-103-02-011 and 12-103-02-093) (County)

Mr. Calhoun summarized the staff analysis which was not in favor of the proposed C-2/C-1 rezoning. Octavio Perez confirmed with Calhoun that the subject property has existing access to both Cleveland Hwy. as well as Todd Ave. There were no further questions for Calhoun.

Daniel Laird, the petitioner's attorney, began his statements by defining the C-1 Neighborhood Commercial zone district and stated that he believed the subject property would be a good candidate for the C-1 district. Laird distributed copies of a map he had color-coordinated to illustrate the amount of commercially taxed properties on the same block the subject property occupies. Laird pointed out that the majority of tracts within the block occupied by the subject property are zoned and/or utilized for commercial purposes. Laird then pointed out that two access easements already exist on the subject property that serve as ingress and egress for the adjacent non-conforming Global HWAC business adjacent to the southern boundary of the subject property. Laird then distributed a rezoning analysis from the Garst rezoning that was heard at the February 2022 meeting of the Planning Commission. Laird pointed out that the Garst rezoning, approved in March 2022 by the Board of Commissioners, created a C-2 spot zone that was entirely surrounded by residential zoning. Laird stated that he believed that the Rico rezoning was a better for commercial rezoning than the Garst rezoning based on the facts that it is adjacent to commercial zoning and commercial land use to the south and east sides of the property. Laird stated that he felt the staff recommendation to deny a C-1/C-2 rezoning of the subject property was inconsistent with prior rezonings. Laird also pointed out that he felt the Rico staff analysis was directed toward C-2 more so than it addressed the potential for a C-1 rezoning. Laird summarized his remarks by stating that the petitioner would be open to conditions limiting the use of the subject property for personal and professional offices as well as conditions requiring additional buffer in order to mitigate the concerns cited in the staff analysis.

Tom Minor represented adjacent property owners to north across Todd Ave by stating their opposition to the proposed C-1 or C-2 rezoning. Minor referenced the issues cited in the staff analysis with concerns for commercial use of the subject property that would further encroach into the established residential neighborhood with commercial traffic and noise. Minor then pointed out the Jones rezoning request to rezone the large commercial property across Cleveland Hwy, which was requesting to be rezoned for single-family detached development. Minor stated that if the Jones property is rezoned R-4, that the subject property would become a commercial spot zone if it is approved. Minor then pointed out the issues of creating an effective buffer on the subject property. Minor then pointed out that Todd Ave. is a narrow residential street that was not engineered to support commercial traffic citing concerns with traffic safety and vehicle conflict potential. Minor summarized by noting the former attempt to rezone the subject property to C-2 was denied and stated that his clients are asking that this C-1/C-2 rezoning be denied as well.

Laird rebutted by stating that Todd Ave. already served commercial properties by pointing out the existing access easements to the Global HVAC business adjacent to the subject property. Laird stated that limiting the subject property to personal and professional offices would mitigate the concern for commercial traffic along Todd Ave.

With no other comments heard for or against, this hearing closed at approximately 7:16pm.

G. Heard the request of Wes Jones to rezone from General Commercial (C-2) and Low-Density Single Family Residential (R-2) to Zero Lot Line Residential (R-4) a tract of land totaling 26.31 acres located at 2310 and 2318 Cleveland Highway, Dalton, GA. Parcel (12-102-11-000) (County)

Mr. Calhoun summarized the staff analysis which was in favor of the requested R-4 rezoning. Octavio Perez confirmed with Calhoun that the preliminary plat included in the staff analysis was slightly different than the one shown at the public hearing. Jacob Bearden distributed the current preliminary plat. There were no further questions for Calhoun.

Wes Jones stated that their plans are to develop 81 lots that will be known as The Grove development. Jones stated that their preliminary plat shows most of the lots conforming to the setbacks and lot density within the R-3 zone district, but rather than apply for variances, staff recommended they apply for the R-4 zone district in order to create conforming lots. Jones noted that the original preliminary plat was reduced in density in order to account for additional stormwater infrastructure.

With no other comments heard for or against, this hearing closed at approximately 7:29pm.

H. Heard the request of Charles Meyers and Johnny Washington to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.87 acres located on New Doris Street, Dalton, GA. Parcels (12-255-03-036 and 12-255-03-040) (City)

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

Charles Myers and Johnny Washington stated that their plan is to demolish the existing manufactured home and replace it with a new single-family detached dwelling.

With no other comments heard for or against, this hearing closed at approximately 7:35pm.

III. REGULAR MEETING

A. Recommendation regarding the request of Crow Road Holdings to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling 3.04 acres located at 3424 Chattanooga Road, Dalton, GA. Parcels (12-076-05-000, 12-076-30-000, 12-076-38-000, 12-076-39-000)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. Ethan Calhoun informed the

Planning Commission that the Board of Commissioners had sent this rezoning back to the Planning Commission for a recommendation. Chris Shiflett abstained from the vote due to his absence during the April public hearing. **David Pennington then made a motion to recommend the R-5 rezoning. Jody McClurg then seconded the motion and a unanimous recommendation to approve the R-1 rezoning followed, 3-0.**

B. Recommendation regarding the request of Mary Hyder to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 16.14 acres located at 2088 Bowers Road, NE, Dalton, GA. Parcel (09-001-03-000) (County)
Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Octavio Perez then made a motion to recommend the SA 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-1 rezoning followed, 4-0.**

C. Recommendation regarding the request of Louise and Danny Wise to rezone from General Agriculture (GA) to Estate Residential (R-1) a tract of land totaling 17.76 acres located at Tucker School Road and Keith Valley Road, Dalton, GA. Parcel (10-073-01-000)
Chairman Lidderdale sought a motion on the requested R-1 rezoning. **Chris Shiflett then made a motion to recommend the R-1 rezoning based on his agreement with the content of the staff analysis. David Pennington then seconded the motion and a unanimous recommendation to approve the R-1 rezoning followed, 4-0.**

D. Recommendation regarding the request of Brass Investments, LLC to rezone from Low Density Single Family Residential (R-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 1.02 acres located at 2735 Chattanooga Road, Dalton, GA. Parcel (12-117-04-000)
Chairman Lidderdale sought a motion on the requested R-3 rezoning. **Jody McClurg then made a motion to recommend the R-3 rezoning including the condition to limit the density of the subject property to three tracts based on her agreement with the content of the staff analysis. David Pennington then seconded the motion and a unanimous recommendation to approve the R-3 rezoning with the condition followed, 4-0.**

E. Recommendation regarding the request of Diana Rico to rezone from Low Density Single Family Residential (R-2) to Neighborhood Commercial (C-1) or General Commercial (C-2) a tract of land totaling 1.30 acres located at 2319 Cleveland Highway, Dalton, GA. Parcels (12-103-02-063, 12-103-02-011 and 12-103-02-093)
Chairman Lidderdale sought a motion on the requested C-2/C-1 rezoning. Chris Shiflett confirmed with staff that use restrictions could be added to the rezoning. Octavio Perez noted the precedent issue pointed out by Daniel Laird. David Pennington listed conditions to limit access to Cleveland Highway, create a buffer along the north R/W along Todd Ave, and to limit commercial use for only personal and professional offices. **David Pennington then made a motion to recommend a C-1 rezoning with the conditions based on his agreement with the content of the staff analysis along with other factors regarding significant commercial occupation of the area. David Pennington listed conditions to limit access to Cleveland Highway, create a buffer along the north R/W along Todd Ave, and to limit commercial use for only personal and professional offices. Jody McClurg then seconded the motion and a unanimous recommendation to approve a C-1 rezoning with conditions followed, 4-0.**

F. Recommendation regarding the request of Wes Jones to rezone from General Commercial (C-2) and Low Density Single Family Residential (R-2) to Zero Lot Line Residential (R-4) a tract

of land totaling 26.31 acres located at 2310 and 2318 Cleveland Highway, Dalton, GA. Parcel (12-102-11-000)

Chairman Lidderdale sought a motion on the requested R-4 rezoning. Chris Shiflett then made a motion to recommend an R-4 rezoning based on his agreement with the content of the staff analysis. Octavio Perez then seconded the motion and a unanimous recommendation to approve the R-4 rezoning followed, 4-0.

G. Recommendation regarding the request of Charles Meyers and Johnny Washington to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.87 acres located on New Doris Street, Dalton, GA. Parcels (12-255-03-036 and 12-255-03-040)

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. Octavio Perez then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 4-0.

H. Preliminary Plat Review- The Grove

Wes Jones and Cody Etling described the proposed preliminary plat for the Grove development. Jones pointed out separation from the adjacent Miller Grove neighborhood as well as the reduction in lot density from their original site plat in order to account for stormwater infrastructure. Jacob Bearden stated that the plat had been reviewed by all department heads and that the additional stormwater infrastructure was needed in order to satisfy the State's standards.

Chairman Lidderdale sought a motion on the preliminary plat Chris Shiflett then made a motion to approve the plat as presented, and his motion was seconded by Octavio Perez which then passed unanimously, 4-0.

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 7:55 p.m.

Respectfully submitted,
Ethan Calhoun
Secretary