

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
August 28, 2023

MEMBERS PRESENT

Jim Lidderdale, *Chairman*
Chris Shiflett, *Vice Chairman*
Octavio Perez
Jody McClurg
Eric Barr

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

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

VISITORS PRESENT VIA VIDEO CONFERENCE

Clinton Moore, Chip Witherow, Dagoberto Hernandez, Sandra Milton, Chris James, Josh Land, David Armstrong, and others.

STAFF PRESENT

Ethan Calhoun
Robert Sivick
Robert Smalley
Jacob Bearden
Jean Garland

I. GENERAL

A. Call to Order: Chairman Jensen called the meeting to order at 6:09 p.m. after holding a brief special called Board of Commissioners meeting 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 David Pennington absent.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the June 26, 2023 meeting minutes. Octavio Perez made the motion to accept the minutes as written and his motion was seconded by Jody McClurg 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 September 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 Bobbie Jo Fetzer to rezone from Rural Residential (R-5) to General Agriculture (GA) a tract of land totaling 127 acres located on McGaughey Chapel Road Hill Road, Dalton, Georgia. Parcel (11-129-01-000)

Mr. Calhoun summarized the staff analysis which recommended approval of the GA rezoning. There were no further questions for Calhoun.

Robert Stanley represented the petitioner with power of attorney. Stanley stated that the petitioner has resided on the subject property her entire life of 92 years and that she wanted to rezone the subject property to GA. Stanley went on to state that the petitioner was not aware the subject property had been zoned for residential use and assumed that it had always been agricultural. Chairman Lidderdale confirmed with Staley that he was the

petitioner's neighbor and friend.

Todd Johnson, a nearby resident, stated that while he was not opposed to the GA rezoning, he was opposed to the potential use of the subject property for the commercial farming of poultry and swine. Johnson went on to clarify that he was not in opposition to other forms of livestock such as cattle. Johnson stated that the introduction of a commercial poultry or swine operation would threaten both the quality of life for nearby residents as well as threaten property values in the nearby area. Johnson also pointed out that the subject property was partially owned by a relative of the petitioner with whom he had spoken with regarding his concerns. Johnson stated that Susan Oliver, the petitioner's niece, had shown no interest in commercial poultry or swine production. Johnson distributed a petition signed by numerous neighbors throughout the area that were opposed to the commercial production of poultry or swine on the subject property.

Mike Key, the President of the nearby Leisure Lake neighborhood, echoed the concerns stated by Johnson. Key added by stating that he was also concerned with negative environmental impacts associated with large commercial poultry and swine operations.

Stanley rebutted by stating that the petitioner had no interest to develop the subject property for commercial poultry or swine production.

With no other comments being heard for or against, the hearing closed at 6:25

B. Heard the request of Clinton Davis Moore and Clinton Douglas Moore to rezone from Low Density Single Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 6.01 acres located at 3980 Lowery Lane, Rocky Face, Georgia. Parcel (27-312-02-000)

Mr. Calhoun summarized the staff analysis which recommended the GA rezoning be approved. There were no further questions for Calhoun.

Clinton Moore stated that he simply wishes to have a small herd of goats on the subject property.

With no other comments heard for or against, this hearing closed at approximately 6:29pm.

C. Heard the request of WBAK Properties to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 2 acres located on Reed Road, Dalton, Georgia. Parcel (12-106-34-000)

Mr. Calhoun summarized the staff analysis which recommended the R-5 rezoning be approved. There were no further questions for Calhoun.

Kelly Roy made no additional comments. Chairman Lidderdale confirmed with Roy that the intent is to construct a duplex dwelling on the subject property.

With no other comments heard for or against, this hearing closed at approximately 6:33pm.

D. Heard the request of North Georgia EMC to rezone from Low Density Single Family Residential to General Commercial (C-2) a tract of land totaling 1.76 acres located at 1800 Cleveland Highway, 103 Fleming Street, 105 Fleming Street, 107 Fleming Street, and 201 Fleming Street, Dalton, Georgia. Parcels (12-142-02-028, 12-142-02-027, 12-142-02-026, 12-142-02-025 and 90-142-02-024)

Mr. Calhoun summarized the staff analysis which recommended the C-2 rezoning be approved. There were no further questions for Calhoun.

Chip Witherow, President and CEO of North GA EMC, confirmed the details noted in the staff analysis. Witherow then stated that the proposed expansion would include a new 90' by 120' building after being asked to describe the expansion by Chairman Lidderdale.

With no other comments heard for or against, this hearing closed at approximately 6:44pm.

E. Heard the request of Josh Land to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 0.83 acres located at 469 Sam Love Road, Rocky Face, Georgia. Parcel (12-150-41-000)

Mr. Calhoun summarized the staff analysis which recommended the R-5 rezoning be denied. There were no further questions for Calhoun.

Josh Land stated that his intention is to construct a single duplex dwelling on the subject property after a fire had severely damaged the interior of the existing single-family dwelling on the subject property. Land went on to state that the proposed duplex dwelling would have an overall size of 1,800 sq. ft. Land then clarified that the existing dwelling would be demolished to make way for the proposed duplex after being asked by Chairman Lidderdale. Michael Robinson, president of the adjacent Westgate neighborhood Homeowner's Association, opposed the R-5 rezoning based on his agreement of the content of the staff analysis. Robinson went on to state that he believed

the proposed rezoning and duplex dwelling would alter the single-family detached character of the area. Phil Rymer, a neighbor, echoed Robinson's opposition remarks and concerns. David Pass, a neighbor, echoed Robinson's and Rymer's opposition remarks and concerns. Land clarified that his intent was to construct only one duplex structure on the subject property. With no other comments heard for or against, this hearing closed at approximately 6:45pm.

F. Heard the request of Jerry Wayne Lisenbee and Renee Lisenbee's request for a special use request on 2.51 acres located at 3801 Crow Road, Dalton, Georgia. Parcel (11-196-09-000)

Mr. Calhoun summarized the staff analysis which recommended the special use permit be approved for a Family Personal Care Home. There were no further questions for Calhoun.

Renee Lisenbee stated that she is a long-term caregiver with plans to make improvements to the existing dwelling on the subject property in order to provide care for up to six persons. Chairman Lidderdale confirmed with Lisenbee that the only external improvements needed to accommodate the personal care home would be the expansion of the subject property's septic system and that the character of the existing single-family detached dwelling would not be altered. Commissioner Thomas asked Lisenbee when the home was originally built to which Lisenbee stated 2000. Thomas noted the use of the subject property for single-family dwelling and noted the proximity to the adjacent High School campus. Thomas then asked if there would be an age restriction to which Lisenbee stated that the residents would be in their senior years. Thomas then stated that he believed the nature of the personal care home is more commercial in nature than residential. Chris Shiflett asked Lisenbee if the dwelling would be required to have a fire sprinkler system to which Lisenbee stated that a fire sprinkler system would only be required for 6 or more patients.

Vicky Alt, stated that she was concerned with the safety of the prospective residents due to the distance of the subject property from the nearest fire station as well as the visibility along this portion of Crow Road.

Lisenbee stated that a fire hydrant existed adjacent to the subject property.

With no other comments heard for or against, this hearing closed at approximately 6:58pm.

G. Heard the request of Heard the request of Chris James to rezone from Transitional Commercial (C-4) to General Commercial (C-2) a tract of land totaling 0.16 acres located at 923 S. Hamilton Street, Dalton, Georgia. Parcel (12-257-02-000)

Mr. Calhoun summarized the staff analysis which recommended the C-2 rezoning. There were no further questions for Calhoun.

Chris James confirmed the details in the staff analysis regarding his planned expansion. Lidderdale confirmed with James that the former single-family dwelling on the subject property had been removed.

With no other comments heard for or against, this hearing closed at approximately 7:02pm.

H. Heard the request of Sandra Milton to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) tracts of land totaling 0.46 acres located on Lavert Drive, Dalton, Georgia. Parcels (12-255-04-005 and 12-255-04-007)

Mr. Calhoun stated that the staff presentation and hearing on this item had occurred at the June meeting and that the petitioner was present.

I. Heard the request of Dagoberto Hernandez to rezone from Medium Density Single Family Residential (R-3) to High Density Residential (R-7) a tract of land totaling 0.52 acres located at High Mountain Drive, Dalton, Georgia. Parcel (12-241-06-017)

Mr. Calhoun summarized the staff analysis which recommended approval of the requested R-7 rezoning. There were no further questions for Calhoun.

Dagoberto Hernandez stated his intention to construct multiple 2-story multi-family structures on the subject property.

With no other comments heard for or against, this hearing closed at approximately 7:07pm.

J. Heard the request of David Armstrong to rezone two adjacent tracts of land. The first tract is a request to rezone from Low Density Single Family Residential (R-2) to High Density Residential (R-7) a tract of land totaling 1.90 acres located at intersection of Mack Street and Walston Avenue, Dalton, Georgia. Parcel (12-197-01-038). The second tract is to rezone from Transitional Residential (R-6) Cond to High Density Residential (R-7) a tract of land totaling 1.84 acres located on Walston Avenue, Dalton, Georgia. Parcel (12-197-01-035)

Mr. Calhoun summarized the staff analysis which recommended approval of the requested R-7 rezoning. Calhoun drew attention to the existing condition on the subject property that restricts all access to Walston St, and Calhoun stated that the existing condition must be made a part of the motion if the R-7 rezoning is recommended to be approved. There were no further questions for Calhoun.

David Armstrong confirmed the details noted in the staff analysis regarding future development plans. Chairman Lidderdale confirmed with Armstrong that he would have no issue with the condition limiting access to Walston St.

With no other comments heard for or against, this hearing closed at approximately 7:14pm.

III. REGULAR MEETING

A. Recommendation regarding the request of Bobbie Jo Fetzer to rezone from Rural Residential (R-5) to General Agriculture (GA) a tract of land totaling 127 acres located on McGaughey Chapel Road Hill Road, Dalton, Georgia. Parcel (11-129-01-000)

Chairman Lidderdale sought a motion on the requested GA rezoning. **Jody McClurg then then made a motion to recommend approval of the GA rezoning to include a condition prohibiting concentrated animal feeding operations for poultry or swine. Octavio Perez then seconded the motion and a unanimous recommendation to approve the GA rezoning with conditions followed, 4-0.**

B. Recommendation regarding the request of Clinton Davis Moore and Clinton Douglas Moore to rezone from Low Density Single Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 6.01 acres located at 3980 Lowery Lane, Rocky Face, Georgia. Parcel (27-312-02-000)

Chairman Lidderdale sought a motion on the requested GA rezoning. **Eric Barr then then made a motion to recommend approval of the GA rezoning. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the GA rezoning followed, 4-0.**

C. Recommendation regarding the request of WBAK Properties to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 2 acres located on Reed Road, Dalton, Georgia. Parcel (12-106-34-000)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Chris Shiflett then made a motion to recommend the R-5 rezoning be approved. Jody McClurg then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 4-0.**

D. Recommendation regarding the request of North Georgia EMC to rezone from Low Density Single Family Residential to General Commercial (C-2) a tract of land totaling 1.76 acres located at 1800 Cleveland Highway, 103 Fleming Street, 105 Fleming Street, 107 Fleming Street, and 201 Fleming Street, Dalton, Georgia. Parcels (12-142-02-028, 12-142-02-027, 12-142-02-026, 12-142-02-025 and 90-142-02-024)

Chairman Lidderdale sought a motion on the requested C-2 rezoning. **Chris Shiflett then made a motion to approve the C-2 rezoning. Octavio Perez then seconded the motion and a unanimous recommendation to approve the C-2 rezoning followed, 4-0.**

E. Recommendation regarding the request of Josh Land to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 0.83 acres located at 469 Sam Love Road, Rocky Face, Georgia. Parcel (12-150-41-000)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Jody McClurg then made a motion to recommend the requested R-5 rezoning be denied based on her concern that the rezoning and duplex would set a precedent for the single-family area. Octavio Perez then seconded the motion and a unanimous recommendation to deny the requested R-5 rezoning followed, 4-0.**

F. Recommendation regarding the request of Jerry Wayne Lisenbee and Renee Lisenbee's request for a special use request on 2.51 acres located at 3801 Crow Road, Dalton, Georgia. Parcel (11-196-09-000)

Chairman Lidderdale sought a motion on the requested special use permit for a group personal care home. Chris Shiflett confirmed with the petitioner that the cost for the proposed residents would be less than conventional long-term care facilities in the area. Shiflett stated that the proposed family personal care home would help to serve a

need in the community by offering a more affordable rate for long-term care. Chairman Lidderdale then confirmed that the petitioner had already identified several potential residents verbally. **Octavio Perez then made a motion to approve the special use permit for a Family Personal Care Home. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the special use permit for a family personal care home followed, 4-0.**

G. Recommendation regarding the request of Sandra Milton to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) tracts of land totaling 0.46 acres located on Lavert Drive, Dalton, Georgia. Parcels (12-255-04-005 and 12-255-04-007)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Chris Shiflett then made a motion to approve the R-5 rezoning. Jody McClurg then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 4-0.**

H. Recommendation regarding the request of Chris James to rezone from Transitional Commercial (C-4) to General Commercial (C-2) a tract of land totaling 0.16 acres located at 923 S. Hamilton Street, Dalton, Georgia. Parcel (12-257-02-000)

Chairman Lidderdale sought a motion on the requested C-2 rezoning. **Chris Shiflett then made a motion to approve the C-2 rezoning. Jody McClurg then seconded the motion and a unanimous recommendation to approve the C-2 rezoning followed, 4-0.**

I. Recommendation regarding the request of Dagoberto Hernandez to rezone from Medium Density Single Family Residential (R-3) to High Density Residential (R-7) a tract of land totaling 0.52 acres located at High Mountain Drive, Dalton, Georgia. Parcel (12-241-06-017)

Chairman Lidderdale sought a motion on the requested R-7 rezoning. **Octavio Perez then then made a motion to recommend approval of the R-7 rezoning. Eric Barr then seconded the motion and a unanimous recommendation to approve the R-7 rezoning followed, 4-0.**

J. Recommendation regarding the request of David Armstrong to rezone two adjacent tracts of land. The first tract is a request to rezone from Low Density Single Family Residential (R-2) to High Density Residential (R-7) a tract of land totaling 1.90 acres located at intersection of Mack Street and Walston Avenue, Dalton, Georgia. Parcel (12-197-01-038). The second tract is to rezone from Transitional Residential (R-6) Cond to High Density Residential (R-7) a tract of land totaling 1.84 acres located on Walston Avenue, Dalton, Georgia. Parcel (12-197-01-035)

Chairman Lidderdale sought a motion on the requested R-7 rezoning. **Octavio Perez then then made a motion to recommend approval of the R-7 rezoning including the condition limiting access to Walston St. Jody McClurg then seconded the motion and a unanimous recommendation to approve the R-7 rezoning and condition followed, 4-0.**

K. Final Plat Review-L&C Estates; flag lot

Ms. Price-Garland oriented the Planning Commission to the proposed final plat for L&C Estates. The plat would divide a single tract into two tracts consisting of 1.03 and 12.46-acres. Garland noted the proposed division would create a flag lot where both tracts of land would have access to Highway 41 Chattanooga Road. Garland noted that the plat meets all subdivision requirements and recommended approval based on the size of the subject property and lack of other options to divide. Chairman Lidderdale asked for a motion on the proposed flag lot. **Jody McClurg made a motion to approve the flag lot, and her motion was seconded by Chris Shiflett. The motion passed unanimously, 4-0.**

L. Final Plat Review- Denise Gates; flag lot

Ms. Price-Garland oriented the Planning Commission to the proposed final plat for Denise Gates. The proposed plat would divide a single tract of land into two tracts consisting of 1.18-acres and 8.8-acres. Garland stated that the reason for the flag lot was due to an existing septic tank. Garland noted that each tract would have access to Dawnville Beaverdale Road and that the plat had been signed off on by all other department heads. Garland recommended the flag lot be approved based on the size of the subject property. Chairman Lidderdale asked for a motion on the proposed flag lot. **Chris Shiflett made a motion to approve the flag lot, and his motion was seconded by Eric Barr. The motion passed unanimously, 4-0.**

M. Final Plat Review- Grant Investments; 4:1 ratio

Ms. Price-Garland oriented the Planning Commission to the proposed final plat for Grant Investments. Garland noted that the bottom three lots would slightly exceed the 4:1 lot ratio and would require Planning Commission approval. Citing no issues and noting that all required department head signatures had been obtained, Garland recommended approval. **Octavio Perez made a motion to approve the plat, and his motion was seconded by Eric Barr. The motion passed unanimously, 4-0.**

N. Final Plat Review- Squattersville PH 3; flag lots

Ms. Price-Garland oriented the Planning Commission to the proposed final plat for Squattersville Phase 3. Garland noted that the developer had recently developed the lots to the south of the subject property. Garland then pointed out that the flag lot design was the best solution to divide the subject property. Garland then recommended the plat be approved citing no issues in plat design with each of the proposed flag lots exceeding 4-acres in size. Garland stated that all department head signatures had been obtained. Chairman Lidderdale asked for a motion on the proposed plat. **Octavio Perez made a motion to approve the plat, and his motion was seconded by Jody McClurg. The motion passed unanimously, 4-0.**

O. Final Plat Review- Arturo Silva

Ms. Price-Garland oriented the Planning Commission to the subject property proposing to divide a single tract into two tracts totaling 0.96-acres each. Garland stated that the unusual plat design is a result of a divorce settlement. Garland stated that Lot A will be the site for the petitioner to build a new home. Garland recommended approval citing no issues and all department head signatures obtained. Chairman Lidderdale asked for a motion on the proposed plat. **Chris Shiflett made a motion to approve the plat, and his motion was seconded by Eric Barr. The motion passed unanimously, 4-0.**

p. Final Plat Review- John Suttles

Ms. Price-Garland oriented the Planning Commission to the subject property and noted that the issues discussed with the petitioner regarding their plat had not yet been resolved. Garland recommended the plat be denied. Chairman Lidderdale asked for a motion on the proposed plat. **Octavio Perez made a motion to deny the plat, and his motion was seconded by Chris Shiflett. The motion passed unanimously, 4-0.**

Q. Final Plat Review- Patterson Farm PH 1 revision

Ms. Price-Garland oriented the Planning Commission to the subject property proposing a revision to the original Patterson Farm PUD. Garland pointed out that the Tax Allocation District had been approved, which has enabled the developers to prudently invest in commercial space in the mixed-use development. Garland went on to note that the proposed revision would only affect the two tracts titled Out-Parcel 1 and Out-Parcel 2 fronting Cleveland highway. This revision would allow the developer to have the option for commercial development on these two parcels. Garland cited no issues with the proposal as commercial mixed-use was included in the PUD's original design and this would be a minor revision. Garland then stated that all required department head signatures had been obtained and recommended approval. Chairman Lidderdale asked for a motion on the proposed PUD revision. **Chris Shiflett made a motion to approve the plat revision, and his motion was seconded by Jody McClurg. The motion passed unanimously, 4-0.**

R. Annual Officer's Elections

Chairman Lidderdale asked for a motion nominating the officer's seats for Chairman and Vice-Chairman for July 2023-July 2024. **Eric Barr made a motion to maintain Jim Lidderdale as Chairman and Chris Shiflett as Vice-Chairman of the Planning Commission, and his motion was seconded by Jody McClurg. The motion passed unanimously, 4-0.**

IV. ADJOURNMENT

With no other business scheduled, the meeting adjourned at approximately 7:38 p.m.

Respectfully submitted,

Ethan Calhoun
Secretary