

MINUTES
DALTON-WHITFIELD COUNTY PLANNING COMMISSION
November 28, 2022

MEMBERS PRESENT

Jim Lidderdale, *Chairman*
Chris Shiflett, *Vice Chairman*
Jody McClurg
David Pennington IV

WHITFIELD COUNTY BOARD OF COMMISSIONERS PRESENT

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

VISITORS PRESENT VIA VIDEO CONFERENCE

Vicky Alt, Matt Coker, Charles Smith, Jamie McCutchen, Salvador Garcia, Bryan Spence, Maria Aguilar, Sharon Gibson, Mack Davis, Natalie Grace, Kathleen Stewart, Steve Simmons, Ryan Herbort, Maddison Monroe, William Brown, Sebastian Alvarez, Tammy Herndon, James Suttles, Greg Silvers, and others.

STAFF PRESENT

Ethan Calhoun
Robert Sivick
Dan Strain
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 and Octavio Perez absent.

B. Minutes: Chairman Lidderdale sought a motion to approve or correct the November 1, 2022 meeting minutes. David Pennington made the motion to accept the minutes as written and his motion was seconded by Chris Shiflett 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 December 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 Charles Smith to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 10.49 acres located at 1496 Houston Valley Road, Ringgold, Georgia. Parcel (27-133-18-000)

Mr. Calhoun summarized the staff analysis which recommended approval of the R-5 rezoning with the condition limiting the subject property to single-family land use as well as suggesting that the Planning Commission require the petitioner to create a survey showing the proposed new tract of land so that only the proposed new tract of land could be considered for rezoning rather than the entire 10-acres. Chairman Jensen confirmed with Calhoun that the staff analysis contained a typo in the conclusion and that the staff analysis did, in fact, recommend approval of the R-5 rezoning with conditions. There were no further questions for Calhoun.

Charles Smith stated that he intends to sell the manufactured home and associated tract of land. Smith stated that the prospective buyer of the manufactured home could not obtain a mortgage if the property contained two dwellings. Chairman Jensen confirmed with the petitioner that he was accepting of the condition to limit the

subject property to only single-family detached use.

Vickie Alt, a resident of Whitfield County, stated her opposition to the proposed R-5 rezoning based on her belief that the R-5 rezoning would result in a precedent leading to increased residential density in this low-density area.

Alt went on to point out the typo in the staff analysis' conclusion and confirmed with the Planning Commission that the staff did, in fact, recommend approval of the rezoning.

Sharon Gibson, a resident of Catoosa County, spoke on behalf of her family members that live in the area near the subject property. Gibson also stated her opposition to the proposed rezoning based on her concern with the potential for increased density in this area. Gibson stated that she was concerned with potential development leading to erosion, trespassing, increased traffic, and impaired water quality. Gibson concluded her remarks by stating that she believed the proposed rezoning threatened the rural character of this area.

Mack Davis, a resident on Wimpy Road, stated that he opposed the R-5 rezoning based on his belief that the rezoning would result in a trend where additional properties are rezoned for higher-density in this area. Davis stated that he and many neighbors wish to remain in a rural low-density environment and oppose increased density in this area. Davis asked for a show of hands from the audience to illustrate the amount of opposition to which over a dozen members of the audience raised their hands in opposition.

Matt Coker, a Whitfield County resident, stated that he was opposed to the R-5 rezoning due to his understanding that the subject property could be divided as it is currently zoned without the need for the R-5 rezoning. Chairman Jensen clarified that the petitioner is requesting to divide a tract of land less than 5-acres.

Natalie Grace, a resident on Wimpy Rd, stated that she was opposed to the R-5 rezoning due to her concern that the subject property could be further developed. Grace went on to state that her concern for increased density in the area was largely based on her concern for water quality in the area.

Charles Smith rebutted by stating that he wished to withdraw his petition based on his agreement with the opposing statements. Staff informed Chairman Lidderdale that as a matter of procedure, the Planning Commission and Board of Commissioners would have to vote to approve or deny the rezoning since the public hearing has been held.

With no other comments heard for or against, this hearing closed at approximately 6:25pm.

B. Heard the request of Hugh Wilkins to rezone from Suburban Agriculture (SA) to General Agriculture (GA) a tract of land totaling 15.64 acres located on Old Dixie Highway, Dalton, Georgia. Parcel (13-170-01-003)

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

Hugh Wilkins stated that the request was made in order to expand an existing farm operation in excess of 200-acres.

Kathleen Stewart a resident of George Brock Rd. stated that she was opposed to the GA rezoning based on her concern that the introduction of poultry houses would depreciate the value of her property. Stewart also stated her concern with air and water quality that would be threatened by poultry houses. Stewart went on to note the nearby houses in the area also threatened by the introduction of poultry houses. Stewart also noted her concern with commercial truck traffic associated with poultry farm operations. Stewart then stated that she was concerned with the potential for the attraction of animals like coyotes as a result of a poultry farm operation.

Richard Holland, a resident of Shipman Hill Rd, stated that he is concerned with the logging of the large tracts of land. Holland noted his concern with the proposed poultry houses and how close said poultry houses could be located to adjacent properties. Holland noted his concerns with the potential size of the poultry farm. Holland did not state that he was in opposition to the rezoning, but Holland did note his concerns were with the overall size of the poultry operation and the impacts it could have on the surrounding area.

With no other comments heard for or against, this hearing closed at approximately 6:35pm.

C. Heard the request of Salvador Garcia to rezone from Low Density Single Family Residential (R-2) to General Commercial (C-2) a tract of land totaling 1.50 acres located on South Dixie Highway, Dalton, Georgia. Parcel (13-009-01-000)

Mr. Calhoun summarized the staff analysis which recommended an approval of the special use permit with the conditions noted in the staff analysis. There were no further questions for Calhoun.

Salvadore Garcia stated that he recently purchased the subject property with the intent to construct a commercial building to house his electrical equipment for his business. Garcia stated that he purchased the property based on his realtor's assurance that the subject property could be rezoned for commercial use. John Thomas asked Garcia who it was that informed him that the subject property could be rezoned commercial to which Garcia stated that

it was advertised on the realtor's website, but Garcia was unable to recall a specific individual.

Ryan Herbort, a resident on Forrest Hill Cr, stated that while the zoning map shows a large commercial and industrial zone district in this area, the established character of the area is predominantly residential and agricultural. Herbort went on to state that he believed the proposed C-2 rezoning would result in an entering wedge that would disrupt the residential properties in the area. Herbort then pointed out the future development map and stated that he believed the C-2 rezoning would be in conflict with the plan for suburban residential development in this area.

Steve Simmons, adjacent property owner to the west, stated that he opposed the C-2 rezoning based on his concern with the other potential commercial use that could take place on the subject property. Simmons went on to state his concern with safe access to the subject property along Forrest Hill Rd. Simmons then stated his concerns with the impact of a commercial development due to noise, visual impact, and environmental impacts to the residential neighborhoods in this area. Simmons then noted his concern with the potential for impact to the water quality of the area including runoff that could affect the pond on his property. Simmons stated that he did not believe the required buffer would effectively mitigate any of his concerns.

Madison Monroe, a resident on Forrest Hill Rd, stated that her family has lived in this community for a number of decades and that she opposed the C-2 rezoning and proposed commercial development. Monroe stated her concerns were with the potential for further commercial encroachment of the residential area that would generate increased traffic and disrupt the quality of life for the established residents in this area.

Garcia rebutted by requesting that his request be withdrawn and that he did not wish to pursue commercial development of the subject property.

With no other comments heard for or against, this hearing closed at approximately 6:55pm.

D. Heard the request of Eclipse Cottages to rezone from Estate Residential (R-1) to General Agriculture (GA) a tract of land totaling 58.64 acres located on North Dug Gap Road, Dalton, Georgia. Parcels (13-005-03-000, 13-005-04-000, 13-005-06-000)

Mr. Calhoun summarized the staff analysis which recommended the GA rezoning based on the site plan submitted by the petitioner. Calhoun did note that conditions such as limitations to the size of campers and RVs as well as a limitation on the total number of RV sites be limited in order to mitigate traffic along the access easement as well as limit land disturbance of the steep slopes. Calhoun noted that the petitioner is proposing 30-50 tiny hone style camper units, and Calhoun clarified that the proposed tiny homes would not be permitted to be permanently built on a foundation and would be required to be treated as a camper unit. Jody McClurg then confirmed with Calhoun that the proposed camper units are limited to a maximum of 14-day occupancy and were not permitted to be long-term residential rental units. Chairman Lidderdale confirmed with staff that the responsibility of ensuring these units are used only for short-term stay would be achieved through County code enforcement. There were no further questions for Calhoun.

Jamie McCutchen, represented the property owners with power of attorney as the project's civil engineer. McCutchen stated the petitioner's plans are to develop the subject property into an eco-tourism campground similar to others built and operated by his company. McCutchen stated that the average size of the tiny home campers would be 8'x18' and that they would be set in place on an attached chassis and stabilized like typical camper units. Chris Shiflett asked McCutchen for the average nightly rental rate for the proposed units to which McCutchen stated the rental rates would be a minimum of \$200/night. Chairman Lidderdale confirmed that the campground would require a metered power source, and McCutchen went on to state that they will augment the utility power with solar panels atop the proposed camper units. Chairman Lidderdale then confirmed with McCutchen that the site would also require public water and an on-site septic management system. Shiflett then asked if the petitioners utilize platforms such as Air B&B to advertise and rent their units to which McCutchen stated they used such platforms as well as their own website to advertise and rent the camper units. McClurg then confirmed with McCutchen that there would be no RVs or camper sites that would require tourists to bring their own unit and that the only rental units on the property would be those set-in place by the petitioner. McCutchen then stated that a thorough engineering study will need to be completed in order to determine the exact number of units the subject property could support with minimal disturbance and accessibility.

Tom Breitweiser, a representative of Niche Graphic Flooring the adjacent manufacturing business, stated that he was concerned with the potential impacts of the proposed development that would affect the established adjacent business. Breitweiser also stated that he doubted the ability of the subject property to be developed as proposed due to the challenging topography. Breitweiser went on to note that Niche Flooring solely maintains the access road to N. Dug Gap Rd. at a significant expense and that the business generates approximately 10-12 commercial tractor trailer trucks per day as well as smaller box trucks and employee traffic. Breitweiser then stated that

Niche intends to expand its operation in the future with additional building and shifts. Breitweiser went on to note that the access road varies in width from 14'-20' and that he has concerns with traffic conflicts with their employees and commercial trucks. Breitweiser then stated that he did not believe adequate parking could be provided on the subject property to accommodate the prospective tourists and that he wanted to avoid issues of overflow parking on the Niche property. Breitweiser concluded his remarks by stating his concerns with the potential for other uses of the subject property if rezoned as well as the impact related to erosion and water quality that could affect Niche's groundwater well.

Noah Breitweiser, resident of Whitfield County, stated his concerns with additional traffic generated by the proposed development. Breitweiser then stated that the property's adjacency to US Forest Service land poses concern in regard to wildfire threats from the proposed campfires on the subject property. Breitweiser then noted concerns with the impact to the water quality in this area if development occurs on the subject property.

William Brown, owner of the northern adjacent property, stated that he is concerned with the threat of wildfires as well as other potential issues. Brown also stated he is concerned with impact to water quality from logging and grading. Brown noted the concern for stormwater runoff affecting properties downhill and even across I-75.

Brown then stated that he is also concerned with the potential for trespassing on his property by prospective tourists on the proposed campsite.

McCutchen rebutted that he and his partners would like to work with the adjacent property owners in order to make improvements to the access road. McCutchen then stated that their plan is to conserve as much of the natural landscape as possible during the development phase of the proposed RV park. McCutchen stated that the placement of the tiny home camper units requires minimal disturbance.

With no other comments heard for or against, this hearing closed at approximately 7:28pm.

E. Heard the request of Bryan Spence to rezone from Rural Residential (R-5) for modifications to the conditions placed on the September 12, 2022 rezoning for a tract of land totaling 1.65 acres located at 623 Hill Road, Dalton, Georgia. Parcel (12-281-06-000)

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

Bryan Spence stated that while he originally agreed to the condition limiting driveways on the subject property, he did not take into consideration that the limitation applied to the 2 existing driveways on Hill Rd. Spence noted that the alteration of the condition would not change the existing lot density, but the condition alteration would allow for less shared driveways. Chairman Lidderdale confirmed with Spence that the two access easements already existed along Hill Rd.

Matt Coker stated that he was opposed to the proposed condition alteration based on his belief that the alteration would increase the issue of traffic safety in this area and believed that the original limitation of 4 driveways should remain in place.

Chris Shiflett confirmed with Spence that the lot density of the subject property could not be increased if the requested condition modification was approved, and Shiflett went on to confirm that the limit of four driveways along Wagner Rd. would still apply.

With no other comments heard for or against, this hearing closed at approximately 6:35pm.

F. Heard the request of Earl Eleton to rezone from General Commercial (C-2) to Low Density Single Family Residential (R-2) a tract of land totaling 0.50 acres located at 1911 Dug Gap Road, Dalton, Georgia. Parcel (12-311-26-000)

Mr. Calhoun summarized the staff analysis which recommended approval of the requested R-6 rezoning. There were no further questions for Calhoun.

Greg Silvers, represented the petitioner with power of attorney. Silvers stated that the petitioner purchased the subject property as part of the adjacent commercial building. The petitioner divided the subject property in order to sell the single-family dwelling to a residential buyer. Silvers noted that the prospective home buyer would not be able to obtain a mortgage with the subject property being zoned for commercial use.

With no other comments heard for or against, this hearing closed at approximately 7:40pm.

G. Heard the request of Maria Aguilar to rezone from Low Density Single Family Residential (R-2) to Transitional Residential (R-6) a tract of land totaling 0.28 acres located at 800 Luckie Street, Dalton, Georgia. Parcel (12-200-07-078)

Mr. Calhoun summarized the staff analysis which recommended an R-5 rezoning rather than the requested R-6 rezoning. There were no further questions for Calhoun.

Sebastian Alvarez served as Maria Aguilar's translator during the public hearing. Aguilar stated that she owned the adjacent property and wished to develop the subject property. Jody McClurg confirmed with Aguilar that they would accept the staff recommendation of only allowing up to a duplex rather than the request for a triplex. With no other comments heard for or against, this hearing closed at approximately 7:51pm.

H. Heard the request of Tammy Herndon to rezone from Low Density Single Family Residential (R-2) to Limited Commercial (C-1A) a tract of land totaling 0.39 acres located at 207 Jones Street, Dalton, Georgia. Parcels (12-220-10-009, and 013)

Mr. Calhoun summarized the staff analysis which recommended approval of the requested C-1A rezoning. There were no further questions for Calhoun.

Tammy Herndon noted the nearby Shaw Living Lab development that she had previously developed and that she wished to redevelop the subject property for high-end multi-family use. Chairman Lidderdale confirmed with Herndon that the limiting factors may allow less than her original request for 10-units.

With no other comments heard for or against, this hearing closed at approximately 7:56pm.

I. Heard the request of James Suttles to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.11 acres located at 842 McAfee Street, Dalton, Georgia. Parcel (12-218-02-068)

Mr. Calhoun summarized the staff analysis which recommended approval of the requested C-1 rezoning. There were no further questions for Calhoun.

James Suttles stated that he had owned the adjacent property and commercial building for quite some time and always struggled with leasing the space due to the lack of parking. Suttles stated that he purchased the subject property with the plan to create more parking for the adjacent commercial building.

With no other comments heard for or against, this hearing closed at approximately 8:01pm.

III. REGULAR MEETING

A. Recommendation regarding the request of Charles Smith to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 10.49 acres located at 1496 Houston Valley Road, Ringgold, Georgia. Parcel (27-133-18-000)

Chairman Lidderdale sought a motion on the requested R-5 rezoning. David Pennington then made a motion to recommend denial of the R-5 rezoning based on his agreement with the petitioner's request to withdraw his petition. Chris Shiflett then seconded the motion and a unanimous recommendation to deny the R-5 rezoning followed, 3-0.

B. Recommendation regarding the request of Hugh Wilkins to rezone from Suburban Agriculture (SA) to General Agriculture (GA) a tract of land totaling 15.64 acres located on Old Dixie Highway, Dalton, Georgia. Parcel (13-170-01-003)

Chairman Lidderdale sought a motion on the requested GA rezoning. Jody McClurg then made a motion to recommend approval of the GA rezoning based on her agreement with the content of the staff analysis. David Pennington then seconded the motion and a unanimous recommendation to approve the GA rezoning followed, 3-0.

C. Recommendation regarding the request of Salvador Garcia to rezone from Low Density Single Family Residential (R-2) to General Commercial (C-2) a tract of land totaling 1.50 acres located on South Dixie Highway, Dalton, Georgia. Parcel (13-009-01-000)

Chairman Lidderdale sought a motion on the requested C-2 rezoning. David Pennington then made a motion to recommend a denial of the C-2 rezoning based on the petitioner's request to withdraw his rezoning petition. Chris Shiflett then seconded the motion and a unanimous recommendation to recommend a denial of the rezoning followed, 3-0.

D. Recommendation regarding the request of Eclipse Cottages to rezone from Estate Residential (R-1) to General Agriculture (GA) a tract of land totaling 58.64 acres located on North Dug Gap Road, Dalton, Georgia. Parcels (13-005-03-000, 13-005-04-000, 13-005-06-000)

Chairman Lidderdale sought a motion on the requested GA rezoning. **Chris Shiflett then made a motion to approve the GA rezoning based on his belief that the developer would address the issues raised in the staff analysis and public hearing. Jody McClurg then seconded the motion and a unanimous recommendation to approve the GA rezoning followed, 3-0.**

E. Recommendation regarding the request of Bryan Spence to rezone from Rural Residential (R-5) for modifications to the conditions placed on the September 12, 2022 rezoning for a tract of land totaling 1.65 acres located at 623 Hill Road, Dalton, Georgia. Parcel (12-281-06-000)

Chairman Lidderdale sought a motion on the requested modifications to the R-5 zoning conditions. Chris Shiflett restated that the conditional modification would not increase lot density on the subject property and that Wagner Rd. would still be restricted to four driveways. **Chris Shiflett then made a motion to recommend the requested condition modification based on his agreement with the content of the staff analysis. David Pennington then seconded the motion and a unanimous recommendation to approve the requested condition modification followed, 3-0.**

F. Recommendation regarding the request of Earl Eleton to rezone from General Commercial (C-2) to Low Density Single Family Residential (R-2) a tract of land totaling 0.50 acres located at 1911 Dug Gap Road, Dalton, Georgia. Parcel (12-311-26-000)

Chairman Lidderdale sought a motion on the requested R-2 rezoning. **David Pennington then made a motion to approve the R-2 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-2 rezoning followed, 3-0.**

G. Recommendation regarding the request of Maria Aguilar to rezone from Low Density Single Family Residential (R-2) to Transitional Residential (R-6) a tract of land totaling 0.28 acres located at 800 Luckie Street, Dalton, Georgia. Parcel (12-200-07-078)

Chairman Lidderdale sought a motion on the requested R-6 rezoning. **Jody McClurg then made a motion to approve an R-5 rezoning based on her agreement with the content of the staff analysis. David Pennington then seconded the motion and a unanimous recommendation to approve an R-5 rezoning followed, 3-0.**

H. Recommendation regarding the request of Tammy Herndon to rezone from Low Density Single Family Residential (R-2) to Limited Commercial (C-1A) a tract of land totaling 0.39 acres located at 207 Jones Street, Dalton, Georgia. Parcels (12-220-10-009, and 013)

Chairman Lidderdale sought a motion on the requested C-1A rezoning. **Chris Shiflett then made a motion to approve the C-1A 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 C-1A rezoning followed, 3-0.**

I. Recommendation regarding the request of James Suttles to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.11 acres located at 842 McAfee Street, Dalton, Georgia. Parcel (12-218-02-068)

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

J. Flag Lot Review-

Jean Price-Garland oriented the Planning Commission to the subject property that fronts Elton Dr. in unincorporated Whitfield County. Price-Garland stated that the owner is subdividing the property from one tract into two tracts in order to build a second dwelling on the proposed new lot, Tract 2. Price-Garland pointed out that the flag lot proposal was the only way the owner could divide the subject property due to limited frontage along the access easement. Chris Shiflett confirmed with Price-Garland that all department heads had signed off on the plat and cited no issues.

Chairman Lidderdale sought a motion on the requested flag lot. **Chris Shiflett then made a motion to approve the requested flag lot based on his understanding that all departments had signed off on the plat for**

approval. David Pennington then seconded the motion and a unanimous recommendation to approve the flag lot followed, 3-0.

IV. ADJOURNMENT

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

Respectfully submitted,
Ethan Calhoun
Secretary

