

**DALTON-WHITFIELD COUNTY PLANNING COMMISSION**  
**503 WEST WAUGH STREET**  
**DALTON, GA 30720**

**MEMORANDUM**

**TO:** City of Dalton Mayor and Council  
Kim Witherow  
Jason Parker  
Gandi Vaughn  
Jean Price-Garland

**FROM:** Jim Lidderdale  
Chairman

**DATE:** July 31, 2019

**SUBJECT: The request of Maria Amaya to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.17 acres located at 900 Riverbend Road. Parcel (12-255-02-024) (Dalton)**

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on July 22, 2019 at 6:00 p.m. at the Whitfield County Administrative Building #2, 214 West King Street. A portion of the agenda included a public hearing concerning the above matter. A quorum of five members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met.

The petition was represented by Maria Amaya, the subject property owner.

**Public Hearing Summary:**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was not in favor of the requested C-1 rezoning. There were no further questions for Mr. Calhoun from the Planning Commission. Mr. Sanford asked Mr. Calhoun what the leading reason for the recommendation to deny was based upon and Mr. Calhoun stated that the proposed expansion would create a situation where the required number of parking spaces would be more than double the number of spaces that could be created on the subject property. There were no further questions for Mr. Calhoun from the Planning Commission.

Maria Amaya accompanied by a local real estate broker Manuel Mesa as her translator, began by stating that she would like to expand her existing restaurant business in order to seat her patrons in the single family detached dwelling structure on the property while they wait for their orders so they would not have to wait in their cars. Chairman Lidderdale asked Ms. Amaya if she was okay with not being able to live in the dwelling if it is utilized for restaurant purposes and she confirmed that she understood and was okay with that. Chairman Lidderdale asked Ms. Amaya if she intended to cook or prepare food inside the dwelling structure to which she stated that no food preparation would occur in the house. She re-stated that it would only be used for a temporary waiting area and for some food storage since the food truck was limited in storage capacity. Mr. Thomas asked Ms. Amaya if she had experienced parking issues in the past and she stated that there had not been any issues since she had been in business. She continued by mentioning that up to six cars can fit on the subject property at a time without parking on the street. Mr. Minor asked Ms. Amaya if she intended to remove the food truck from the property as part of her expansion and she stated that it would remain part of her business. She stated that she had purchased the property from a man around five years ago with the

intention of only using the property for her restaurant business based from the food truck and that she had not used nor did she intend to ever use the dwelling as a residence.

With no other comments heard for or against this hearing closed at 6:29

**Recommendation:**

Chairman Lidderdale sought a motion on the proposed C-1 rezoning. **Mr. Minor then made a motion to deny the C-1 rezoning based on his agreement with the content of the staff analysis. Mr. Sanford asked Ms. Price-Garland if Ms. Amaya could use the house to store food inside if the rezoning is denied and Ms. Price-Garland stated that it could not be utilized in any conjunction with the restaurant operation unless the property is rezoned commercially. She re-stated that the food truck operation may continue indefinitely as a non-conforming use if this request is denied. Ms. McClurg seconded the motion and a unanimous recommendation to deny the C-1 rezoning followed, 4-0.**