



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting
Meeting Date: 10/1/2018
Agenda Item: Robert Kinard Ryman Farm Phase 6 Annexation
Department: Zoning
Requested By: Ethan Calhoun
Reviewed/Approved by City Attorney? No
Cost: Fee for Legal Ad, Already Invoiced
Funding Source if Not in Budget EnterSource

Please Provide A Summary of Your Request, Including Background Information to Explain the Request:

Request of Kinard Development, INC to annex one parcel into the City of Dalton's corporate boundary. The property is zoned Low Density Single Family Residential (R-2) and totals 0.6 acres and is located along the west R/W of Threadmill Road (Parcel 12-298-01-049)

Mr. Kinard failed to include a small tract of land with his prior Ryman Farm phase 6 annexation. No zoning action is required as part of the annexation. All legal requirements have been met. Both staff and Planning Commission recommend approval of the request, and no opposition was heard regarding this item at the public hearing. For more detail please refer to the attached staff report and recommendation.

ORDINANCE NO. 18-11

To Annex Property Of Kinard Development, Inc. Into The City of Dalton, Georgia, Pursuant To Chapter 36, Title 36 Of The Official Code Of Georgia Annotated; To Provide for an Effective Date; To Provide For the Repeal of Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

WHEREAS, Kinard Development, Inc, the owner of certain unincorporated real property in the County of Whitfield, has petitioned for annexation of the property into the city limits of the City of Dalton, Georgia; and

WHEREAS, all other procedures as required by Georgia law have been followed.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Mayor and Council of the City of Dalton, Georgia, as follows:

Section 1.

The area contiguous to the City of Dalton as described in Exhibit "A" (the "Property"), which is attached to and incorporated herein as a part of this Ordinance, is hereby annexed into the City of Dalton, Georgia and made a part of said city.

Section 2.

This Ordinance shall be effective on the 1st day of November, 2018.

Section 3.

The City Clerk is instructed to send a report that includes certified copies of this Ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to census maps during the next survey and stating that the survey map will be completed and returned to the Census Bureau, Department of Community Affairs, and to the governing authority of Whitfield County, Georgia, within thirty (30) days after the effective date of the annexation as set forth above in Section 2.

Section 4.

All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

Section 5.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this _____ day of _____, 2018.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Alderman _____, seconded by Alderman _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of _____.

CITY CLERK, CITY OF DALTON

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 298 in the 12th District and 3rd Section of Whitfield County, Georgia, and being the north half of Oak Crest Drive, located immediately south of Lot 24 as shown on a plat of survey of Oak Crest Subdivision dated August 10, 1957, and recorded in Plat Book 4 Page 76 (Plat Cabinet A Slide 136) Whitfield County, Georgia Land Records, reference to which is hereby made and incorporated herein for more detail and particular description hereof.

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Kim Witherow
Jason Parker
Jim Bisson
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: September 26, 2018

SUBJECT: The request of Kinard Development, INC to annex one parcel into the City of Dalton's corporate boundary. The property is zoned Low Density Single Family Residential (R-2) and totals 0.6 acres and is located along the west R/W of Threadmill Road (Parcel 12-298-01-049) (City)

The most recent meeting of the Dalton-Whitfield County Planning Commission was held on September 24, 2018 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 six members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met.

The petition was filed by Robert Kinard, the property owner. Mr. Kinard was not required to represent this petition at the Planning Commission meeting.

Public Hearing Summary:

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested City of Dalton Annexation.

With no other comments heard for or against this public hearing closed 7:02p.m.

Recommendation:

Chairman Lidderdale sought a motion on the requested City of Dalton annexation. **Mr. DeLay made a motion to recommend approval of the annexation based on his agreement with the content of the staff analysis. His motion was seconded by Ms. Mathis which passed unanimously, 5-0.**

Kinard - Oak Crest Drive Annexation Request Into the City of Dalton



Dalton City Limits

 Town_Boundaries

Feet
200



**STAFF ANALYSIS
ANNEXATION REQUEST
Unified Zoning Ordinance**

ZONING CASE:

Robert Kinard is seeking annexation of approximately three parcels (#12-298-01-049) into The City of Dalton. The parcels are within the Oak Crest Subdivision within the Low Density Single Family Residential zone district. Dalton's current corporate boundary abuts the parcel requested for annexation on two sides.

The surrounding land uses and zoning are as follows: In all directions - north, south, and west there are existing single family detached homes occupying most lots in the vicinity, all a part of Ryman Farm and Oak Crest Subdivisions. There are, however, a few lots adjacent to the subject property that remain undeveloped. Several of the adjacent vacant tracts are planned to be included in the newest phase of The Ryman Farm subdivision. The zoning in the area is uniformly R-2 and R-1, both in the city and in the county under the Unified Zoning Ordinance.

<u>Administrative Matters</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Is an administrative procedure, like a variance, available and preferable to annexation?		<u>X</u>	
B. Have all procedural requirements been met? 1. Legal ad Aug. 10, 2018 (17 days notice) 2. Property posted Aug. 10, 2018 (Yes -- one sign on the lot frontage; 17 days notice.)	<u>X</u>		
C. Has a plat been submitted showing a subdivision of land?			<u>X</u>
D. The following special requirements have an impact on this request: 100-year flood plain Site Plan (none required) Buffer Zones (none required) Soil Erosion/Sedimentation Plan Storm Water Requirements		<u>X</u> <u>X</u> <u>X</u> <u>X</u> <u>X</u>	

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

(A) Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby properties.

Yes. Almost all properties in the vicinity are single family detached dwellings in the heart of existing subdivisions. The subject property was once part of an access for the former Oak Crest development, but will likely be re-drawn as part of an upcoming subdivision plat proposal.

(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

No impact is expected, regarding this annexation, if is approved.

(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property for the proposed zoned uses.

The subject property is zoned R-2. This tracts is currently within the County and because of the Unified Zoning Ordinance, the annexation will maintain the same R-2 zoning district if annexed. This annexation will not affect the type of uses permitted on the subject property but simply create jurisdictional uniformity for a newly proposed development.

(D) Whether there is relative gain to the health, safety, morals, or general welfare of the public as compared to any hardship imposed upon the individual owner under the existing zoning.

No impact. The zoning will be the same, but the jurisdiction will change. The property owner has completed an application to annex under the 100 percent method, which means it is by their choice.

(E) Whether the proposed amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

No impact is expected. Service extensions to the area have occurred through the years. More properties in the vicinity are now within the city of Dalton, as compared to the county jurisdiction. The size of the subject property along with its zoning would not create a burdensome increase in density if annexed.

(F) Whether the property sought to be annexed is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The residential development that are The Ryman Farm and Oak Crest subdivisions is consistent with the comprehensive plan that shows the area to be part of the Suburban Neighborhood character area, which is implemented primarily by single family residential land uses.

(G) Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change

constitutes an “entering wedge” and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zone) as interpreted by current Georgia law.

This request, if approved, would simply slightly enlarge the City of Dalton’s incorporated boundary. No county islands would be created as a result of this annexation’s approval.

(H) Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, storm water, or historical issues that influence the development of the subject property under any zoning designation.

Although the subject property has been vacant for some time it appears to be related to economic stresses rather than environmental or cultural factors.

CONCLUSION: The staff recommendation is that the subject property is very much suited for annexation into the City of Dalton. The request is consistent with the Comprehensive Plan, and the uses and zoning of all properties in the vicinity.



ANNEXATION APPLICATION

I HEREBY REQUEST THE MAYOR AND COUNCIL OF THE CITY OF DALTON ANNEX THE PROPERTY DESCRIBED BELOW IN THIS APPLICATION.

PLEASE LIST THE APPLICANT NAME REQUESTING ANNEXATION

APPLICANT NAME:	Kinard Development, Inc.
APPLICANT ADDRESS:	1920 Fairington Drive
CITY, STATE & ZIP:	Dalton, GA 30720
TELEPHONE NUMBER:	(706)876-5401

PROPOSED PROPERTY TO BE ANNEXED

(1) STREET ADDRESS OF PROPERTY TO BE ANNEXED:	Oak Crest Drive
(2) SUBDIVISION OF THE PROPERTY TO BE ANNEXED:	Ryman Farm
(3) LOT(S) NUMBER OF THE PROPERTY TO BE ANNEXED:	n/a
(4) FUTURE INTENDED USE OF THE PROPERTY TO BE ANNEXED:	Subdivision Development

- PROPOSED ZONING CLASSIFICATION R2
- PROPOSED AMOUNT OF ACREAGE TO BE ANNEXED 0.06 acres
- TAX MAP NUMBER/PARCEL NUMBER 12-298-01-049
- HOUSING UNITS n/a

- (1) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF REGISTERED VOTERS
- (2) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS OF VOTING AGE, IF DIFFERENT NUMBER THAN SHOWN IN NUMBER (1)
- (3) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS IN THE HOUSEHOLD.
- (4) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF CHILDREN IN THE HOUSEHOLD.
- (5) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF HOUSING UNITS.
- (6) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, PLACE NUMBER OF RESIDENTS IN APPLICABLE BOX.

<input type="checkbox"/> CAUCASIAN	<input type="checkbox"/> LATINO
<input type="checkbox"/> AFRICAN AMERICAN	<input type="checkbox"/> OTHER
- (7) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF PERSONS WHOSE PRIMARY LANGUAGE IS OTHER THAN ENGLISH

SIGNATURE OF APPLICANT(S)

07/17/18
 DATE

OWNERSHIP VERIFICATION

The undersigned is the / an owner of an interest in the lands described in the attached Annexation Contract, which proposes to amend the Official Zoning Map of Dalton, Georgia, and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

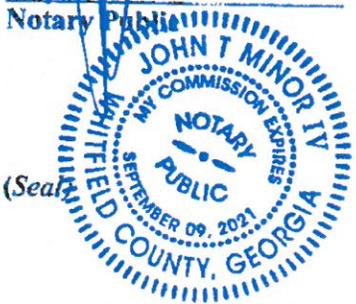
Kinard Development, Inc. 100%

*Describe parcel or parcels and nature of interest
and percentage of interest*

I hereby appoint Robert W. Kinard
my attorney in fact with full authority, my name, place, and stead, to apply for the
zoning amendment as set forth in the attached annexation contract.

Kinard Development, Inc.
By: *Robert W. Kinard*
(Owner's Name)

Sworn to and subscribed
Before me, this 17th day
of July, 2018.





NOTICE TO ALL LANDOWNERS REGARDING ANNEXATION

If your request to annex your property into the City of Dalton is approved by Whitfield County, you will be charged a city property tax for the City of Dalton as well as a Public School tax. This will appear on your property tax bill that you receive from Whitfield County. The millage rate is 2.537 mils per at 100% of assessed property value.

Example: If your property is valued at \$100,000 – your assed value is 100% or $\$100,000 \times 2.537$ mils, your Dalton City tax would be \$253.7 per year.

Should you have any questions, please contact the Whitfield County Tax Commissioners office at (706) 275-7510.

I have read the above statement and understand that if my property is annexed, I will be charged Dalton City tax.

Kinard Development, Inc.

By: *[Signature]*

SIGNED

president

07/17/18

DATE



OAK CREST SUBDIVISION

LAND LOT 28, 1ST, 3RD SECTION
 WHITFIELD COUNTY, GEORGIA
 SCALE: 1" = 100' AS SHOWN
 E.M. SMITH, RELEVANT 9/21/1967
 REDRAWN 5/13/90

ATT-1147
 11-2-1

MULLER

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 298 in the 12th District and 3rd Section of Whitfield County, Georgia, and being the north half of Oak Crest Drive, located immediately south of Lot 24 as shown on a plat of survey of Oak Crest Subdivision dated August 10, 1957, and recorded in Plat Book 4 Page 76 (Plat Cabinet A Slide 136) Whitfield County, Georgia Land Records, reference to which is hereby made and incorporated herein for more detail and particular description hereof.

ADJOINING LAND OWNER

Parcel: 12-298-01-062
Owner: Jason McGill
Address: 1412 Treadmill Drive, Dalton, GA 30720

[Space above this line for recording data.]

Please Record and Return To:

J. Tom Minor, IV
The Minor Firm
P.O. Box 2586
Dalton, GA 30722-2586

QUIT CLAIM DEED

Georgia, Whitfield County

THIS INDENTURE made this 28 day of June, 2018, between **Deborah Carol Graham, as executrix of the last will and testament of Jewel Edward Richards and Deborah Carol Graham, as executrix of the last will and testament of Ellen L. Richards, Grantor, and Kinard Development, Inc.,** a Georgia corporation, Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

THE GRANTOR, for and in consideration of the sum of one dollar and other valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell, convey, remise, release and forever quit claim unto the said Grantee, all the right, title, interest, claim or demand which the Grantor may have in and to the land as more particularly described in Exhibit "A" attached hereto, reference to which is hereby made and incorporated herein by reference.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee so that neither Grantor nor any other person claiming under him shall at any time, claim or demand any right, title or interest to the said tract of land, or its appurtenances.

IN WITNESS WHEREOF, this deed has been duly executed and sealed by Grantor the day and year first above written.

Signed, sealed and delivered
In the presence of:

X Ray Scurlough
Unofficial Witness

[Signature]
Notary Public

My commission expires:

[Notarial Seal]

Deborah C Graham (Seal)
Deborah Carol Graham, as executrix of
the last will and testament of Jewel
Edward Richards

Deborah C Graham (Seal)
Deborah Carol Graham, as executrix of
the last will and testament of Ellen L.
Richards



EXHIBIT "A"

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Exhibit B

4-1-4 Low density single family residential (R-2). This district is established to protect single family detached dwellings, including typical residential subdivisions, on lots of not less than 27,500 square feet if served by on-site sewage management systems and not less than 15,000 square feet if served by public sewer or an approved central on-site sewage management system. All dwellings in this district shall contain in excess of 1,200 square feet of heated floor area upon a permanent foundation and shall have the electrical meter base serving such dwelling attached directly to such dwelling. There shall be no manufactured or mobile homes within this district in order to maintain the traditional residential character of such districts. If served by on-site sewage management system, the lots in this district shall conform at least with the minimum standards for lot sizes as promulgated by the health department or other authority having proper jurisdiction over such minimum lot sizes, as amended from time to time. Only one dwelling unit per lot shall be allowed in this district.



Whitfield County

Board of Commissioners

Board Members
R. Lynette Laughter, Chairman
Harold Brooker
Barry W. Robbins
Roger Crossen
Greg Jones



August 17, 2018

Honorable Dennis Mock
Mayor, City of Dalton
P.O. Box 1205
Dalton, GA 30722

RE: Tax Parcel No. 12-298-01-049

Dear Mayor Mock:

At the August 13, 2018, Regular Business Meeting of the Whitfield County Board of Commissioners, the Board voted unanimously to have no land use classification objection to the annexation of Tax Parcel No. 12-298-01-049.

Regards,

A handwritten signature in blue ink, appearing to be "MG".

Mark Gibson,
County Administrator

C: Ethan Calhoun, Northwest Georgia Regional Commission
Jess Hansen, GIS Coordinator
Claude Craig, Emergency Services Director
File



Whitfield County

Board of Commissioners

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August 17, 2018

Honorable Dennis Mock
Mayor, City of Dalton
P.O. Box 1205
Dalton, GA 30722

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Mark Gibson,
County Administrator

C: Ethan Calhoun, Northwest Georgia Regional Commission
Jess Hansen, GIS Coordinator
Claude Craig, Emergency Services Director
File

Cliff Cason
Chief of Police
ccason@cityofdalton-ga.gov
www.daltonpblog.org
www.cityofdalton-ga.gov/police



Public Safety Commission

Terry Mathis
Keith Whitworth
Bill Weaver
Kenneth E. Willis
Carlos Calderin

DALTON POLICE DEPARTMENT
301 Jones Street, Dalton, Georgia 30720
Phone: 706-278-9085 • Fax: 706-272-7905

Date: July 24, 2018
To: Chief Cliff Cason
From: Lieutenant Mike Wilson
RE: Oak Crest Drive

Chief Cliff Cason:

I have reviewed the annexation request for Oak Crest Drive (.06 acres), parcel number 12-298-01-049. The annexation of this property will have little or no impact on law enforcement services in this area.

Sincerely,

A handwritten signature in blue ink, appearing to be "Mike Wilson", written in a cursive style.

Lieutenant Mike Wilson
Patrol Operations

DALTON PUBLIC WORKS DEPT.
Benny Dunn, Director

P.O. Box 1205
Dalton, GA 30722-1205
Ph: 706-278-7077
Fax: 706-278-1847
bdunn@cityofdalton-ga.gov



MAYOR
DENNIS MOCK

CITY COUNCIL
DENISE A. WOOD
ANNALEE HARLAN
TYREE GOODLETT
GARY CREWS

M E M O R A N D U M

TO: Dennis Mock, Mayor
Attn: Bernadette Chattam, City Clerk

FROM: Benny J. Dunn
Public Works Director

RE: ANNEXATION REQUEST
Name: Kinard Development, Inc.
Street Address: Oak Crest Drive
Amount of Acreage: 0.06 Acre
Parcel Number(s): 12-298-01-049
Zoning Classification: R-2

DATE: July 24, 2018

Please be advised that the Public Works Department has no objections to the annexation of the above referenced property.

DALTON FIRE DEPARTMENT

404 School Street
Dalton, GA 30720

TODD PANGLE
FIRE CHIEF
TELEPHONE 706-278-7363
FAX 706-272-7107
tpangle@cityofdalton-ga.gov



PUBLIC SAFETY COMMISSION
BILL WEAVER
KEITH WHITWORTH
TERRY MATHIS
KENNETH E WILLIS
CARLOS CALDERIN

July 30, 2018

Mr. Jason Parker
City Administrator
City of Dalton
Dalton, GA 30720

Re: Annexation proposal for parcel #12-298-01-049

Greetings,

At the present time there is **no** indication the proposed annexation of above listed property would render a reduction in the level of fire protection to this area by Dalton Fire Department. The property is undeveloped and therefore the specific needs of this property would be identified at such time as proposed development is tendered.

Additional fire protection may be required to manage risks associated with development of the property. However until such time as plans are made known, no recommendation can be made as to specific fire protection needs for this property.

Dalton Fire Department would not oppose annexation with the contingency for expansion of fire protection, and apparatus access measures relative to development of the property.

Thank you for your consideration,

Todd Pangle
Fire Chief
Dalton Fire Department



May 29, 2018

Mr. Dennis Mock
Mayor, City of Dalton
Post Office Box 1205
Dalton, Georgia 30722-1205

RE: Annexation Request for Thread Mill Road (12-298-06-000 & 12-298-01-049)

Dear Mayor Mock:

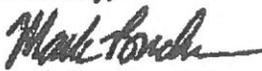
As requested in your May 25, 2018, memorandum, Dalton Utilities has reviewed the annexation request for AKC Holding/Robert W. Kinard for 2.02 Acres +/- located at Thread Mill Road, Land Lot 298, 12th District & 3rd Section of Whitfield County, Georgia. These properties are further described as parcel number 12-298-06-000 & 12-298-01-049 by the Whitfield County Tax Assessors Office.

Dalton Utilities does not currently have any infrastructure or easements on the property. For informational purposes, Dalton Utilities has evaluated the capacity of our utility infrastructure to serve the property. Dalton Utilities can provide the following:

1. Potable water – Is available to this property.
2. Sanitary Sewer- Is not currently available to this property, but could be extended to serve this property.
3. Natural Gas- Is not currently available to this property, but could be extended to serve this property.
4. Electric- DU and NGEMC both have nearby infrastructure which could serve this property, a close examination of electric territorial maps must occur before a final determination of which electric provider can serve this development.
5. Optilink- Service is not currently served to this property, but could be extended to site.

Please do not hesitate to contact me at (706) 529-1011 or mbuckner@dufil.com should any questions arise or if we may be of assistance.

Sincerely,


Mark Buckner, P.E.