



**MAYOR AND COUNCIL MEETING
MONDAY, MARCH 03, 2025
6:00 PM
DALTON CITY HALL**

AGENDA

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Commentary: *(Please Complete Public Commentary Contact Card Prior to Speaking - Limit of 3 Minutes/Person)*

Presentations:

1. Staff Reports

Minutes:

2. Mayor & Council Minutes of February 17, 2025

New Business:

3. Review of (3) New 2025 Alcohol Beverage Applications
4. Demolition Agreement and Easement for Signage at 1505 W. Walnut Avenue
5. Resolution 25-02 Authorizing Municipal Property Disposition
6. First Reading Ordinance 25-02 To Amend Unified Zoning Ordinance of Whitfield County, Georgia; To Provide an Effective Date; To Repeal All Conflicting Ordinances; To Provide for Severability; And for Other Purposes.
7. First Reading Ordinance 25-03 The request of Elda Ramirez to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.38 acres located at 436 S. Glenwood Avenue, Dalton, Georgia. Parcels (12-238-17-008 and 12-238-17-007).
8. First Reading Ordinance 25-04 The request of Juan Figueroa to rezone from Heavy Manufacturing (M-2) to Transitional Residential (R-6) a tract of land totaling 0.41 acres located at 909 Riverbend Road, Dalton, Georgia. Parcel (12-255-03-030).
9. First Reading Ordinance 25-05 The request of Juan Figueroa to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.996 acres located at Water Street, Dalton, Georgia. Parcel (12-218-06-039).

10. First Reading Ordinance 25-06 The request of Jason Jackson to rezone from Transitional Commercial (C-4) to Central Business District (C-3) a tract of land totaling 0.34 acres located at 400 S. Hamilton Street, Dalton, Georgia. Parcels (12-238-21-002 and 12-238-21-003).
11. First Reading Ordinance 25-07 The request of Preferred Tufters to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 1.36 acres located on Cargal Drive, Dalton, Georgia. Parcel (12-255-10-017).
12. First Reading Ordinance 25-08 The request of Don W. Adcock to rezone from Limited Commercial (C-1) to Medium Density Single Family Residential (R-3) a tract of land totaling 0.18 acres located at 404 W. Hawthorne Street, Dalton, Georgia. Parcel (12-199-09-005).
13. Mayoral Appointments

Supplemental Business

Announcements

Adjournment

THE CITY OF DALTON
MAYOR AND COUNCIL MINUTES
FEBRUARY 17, 2025

The Mayor and Council held a meeting this evening at 6:00 p.m. at City Hall. Present were Mayor Annalee Sams, Councilmembers Nicky Lama and Steve Farrow, City Administrator Andrew Parker and City Attorney Jonathan Bledsoe. Council members Dennis Mock and Tyree Goodlett were absent.

CALL TO ORDER

Mayor Sams called the meeting of the Mayor and Council to order.

PLEDGE OF ALLEGIANCE

Councilmember Lama led the audience in the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion of Councilmember Lama, second Councilmember Farrow, the Mayor and Council approved the agenda. The vote was unanimous in favor.

PUBLIC COMMENTARY

There were no Public Comments.

PRESENTATIONS

Dalton CVB Report - Margaret Thigpen

Margaret Thigpen presented the Dalton Convention & Visitors Bureau Travel & Tourism presentation to the Mayor and Council outlining the 2024 Successes and the Economic Impact that travel and tourism brings to Dalton. A copy of this report is a part of these minutes.

MINUTES

The Mayor and Council reviewed the Regular Session minutes of January 21, 2025. On the motion of Councilmember Farrow, second Councilmember Lama, the minutes were approved. The vote was unanimous in favor.

PYROTECNICO FIREWORKS CONTRACT FOR FOURTH OF JULY SHOW

Recreation Director Steve Roberts presented a Fireworks Display Agreement with Pyrotecnico for the City of Dalton's July 4th's firework display show in the amount of \$35,000.00. On the motion of Council member Lama, second Council member Farrow, the agreement was approved. The vote was unanimous in favor.

AMENDMENT NO.1 TO AIA DOCUMENT B101 -2017 KRH ARCHITECTS FOR NEW ARTIFICIAL TURF INFIELDS FOR AL ROLLINS PARK

Recreation Director Steve Roberts presented Amendment No. 1 to AIA Document B101 – 2017 KRH Architects for New Artificial Turf Infields for Al Rollins Park. Roberts stated the Amendment will include renovations to the existing press box, concessions, restroom building, the addition of new handicapped accessible restrooms, regarding of the existing field to improve drainage and prepare for potential future turf in-fields. Roberts stated the work will also include new underdrainage and associated natural turf and work to the infield. Roberts further stated some additional fencing will be required to reduce the playing area on one field. Roberts stated the project may also include the design of a new covered batting building. On the motion of Councilmember Farrow, second Councilmember Lama, the Amendment was approved. The vote was unanimous in favor.

PROFESSIONAL SERVICES AGREEMENT WITH CONSOR AMERICA - MILL LINE EXTENSION

Recreation Director Steve Roberts presented the Professional Services Agreement with Consor America for the Mill Line Extension Phase 2 in the amount of \$449,172.39 which includes \$23,128.98 of permitting contingency. Roberts stated Consor America will perform preparation and permitting of construction plans for the Mill Line extension, routed from the Trail Head of Mill Line Phase II to the intersection of Hawthorne Street and Hamilton Street. Roberts further stated the project will have seven task 1. Conceptual Planning Phase, 2. Data Collection, 3. Preliminary Plans, 4. Right of Way plans and final utility coordination, 5. Final Plans, 6. Construction documents, 7. Project bidding. Roberts continued stating the project should be complete within 12 months from the notice to proceed. On the motion of Councilmember Lama, second Councilmember Farrow, the Agreement was approved. The vote was unanimous in favor.
*Funding source 2024 SPLOST

3-YEAR CONTRACT WITH IMPERIAL LANDSCAPES, INC. AT DALTON MUNICIPAL AIRPORT

City Administrator Andrew Parker presented a 3-Year Contract with Imperial Landscapes, Inc. at Dalton Municipal Airport. Parker stated the services include mowing of 75 acres of land, bush and flower bed maintenance, decorative tree maintenance, mulching, weeding, herbicide treatments, etc. at a cost of \$35,999.99 per year. On the motion of Councilmember Lama, second Councilmember Farrow, the Contract was approved. The vote was unanimous in favor.

RE-APPOINTMENT - JOINT DEVELOPMENT AUTHORITY

On the motion of Council member Farrow, second Council member Lama, the Mayor and Council reappointed Bob Caperton to the Joint Development Authority for a 3-year appointment to expire January 31, 2028. The vote was unanimous in favor.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on the motion of Councilmember Farrow, second Councilmember Lama the meeting was adjourned at 6:25 p.m.

Bernadette Chattam
City Clerk

Annalee Sams, Mayor

Recorded
Approved: _____
Post: _____



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

(3) 2025 Alcohol Beverage Applications

DEPARTMENT

Clerk's Office

REQUESTED BY

Deputy Clerk – Gesse Cabrera

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

Review of (3) New 2025 Alcohol Beverage application recommendations by the Public Safety Commission (February 18th meeting).

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

2025 ALCOHOL BEVERAGE APPLICATION REVIEW/APPROVAL

PSC MEETING – TUESDAY FEBRUARY 18, 2025

M&C MEETING – MONDAY MARCH 3, 2025

(3) 2025 ALCOHOL APPLICATION(S)

1. Business Owner: El Ranchito Mexican Restaurant, LLC
d/b/a: El Ranchito Mexican Restaurant, LLC
Applicant: Gerardo Mendiola Flores
Business Address: 101 W. Walnut Ave. Suite 19
License Type: Pouring Beer, Wine, Liquor (Restaurant)
Disposition: New
Staff Comments: None. Have approvals from Fire Department, Code Enforcement and City Attorney's Office

PSC Recommendation: Approve (Unanimous motion) Stipulation(s): None

2. Business Owner: Rosa Negra, LLC
d/b/a: Rosa Negra Lounge
Applicant: Manuel Alex Vital
Business Address: 323 N. Hamilton St.
License Type: Pouring Beer and Liquor (Bar)
Disposition: New
Staff Comments: Police Department Letter Attached.

PSC Recommendation: Deny (Unanimous motion) Due to Sec. 6-107 Disqualification

3. Business Owner: Dejavu Social Club, LLC
d/b/a: Dejavu Social Club
Applicant: Manuel Alex Vital
Business Address: 224 N. Hamilton St.
License Type: Pouring Beer and Liquor (Bar)
Disposition: New
Staff Comments: Police Department Letter Attached.

PSC Recommendation: Deny (Unanimous motion) Due to Sec. 6-107 Disqualification

William C Cason III
Chief of Police
CCason@daltonga.gov
www.daltonga.gov



Public Safety Commission
Mayor Annalee Sams
Terry Mathis
Truman Whitfield
Alex Brown
Lane Jackson

DALTON POLICE DEPARTMENT

301 Jones Street, Dalton, Georgia 30720
Phone: 706-278-9085

Cliff Cason
Chief of Police
Dalton Police Department

Re: Rosa Negra Lounge

Members of the Public Safety Commission,

I have reviewed the alcohol beverage license application for Rosa Negra Lounge. The applicant listed on this application has history of failing to comply with the rules and regulations of the City of Dalton. In addition he voluntarily surrendered his previous alcohol licenses prior to a scheduled revocation hearing. I cannot recommend that this alcohol license be approved. I have attached a synopsis of the past incidents and issues.

Sincerely,

A handwritten signature in blue ink that reads "William C Cason III". The signature is stylized and includes a flourish at the end.

William C Cason

William C Cason III
Chief of Police
CCason@daltonga.gov
www.daltonga.gov



Public Safety Commission
Mayor Annalee Sams
Terry Mathis
Truman Whitfield
Alex Brown
Lane Jackson

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

Cliff Cason
Chief of Police
Dalton Police Department

Re: Dejavu Social Club

Members of the Public Safety Commission,

I have reviewed the alcohol beverage license applications for the Dejavu Social Club. The applicant has a history of failing to comply with the rules and regulations of the City of Dalton. In addition, the applicant voluntarily surrendered his previous alcohol licenses prior to a scheduled revocation hearing. I cannot recommend that this alcohol license be approved.

Sincerely,

A handwritten signature in blue ink, appearing to read "William C Cason".

William C Cason



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/25

AGENDA ITEM

Demolition Agreement and Easement for 1505 W. Walnut Avenue

DEPARTMENT

Code Enforcement

REQUESTED BY

Dan Lewallen

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

Demolition Agreement and Easement for signage at 1505 W. Walnut Avenue

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

[Space above this line for recording data.]

Please Record and Return To:	Tax Parcel I.D. No.:	Cross Reference:
Jonathan L. Bledsoe The Minor Firm P.O. Box 2586 Dalton, GA 30722-2586	12-260-35-000	Deed Book 7071 Page 304, Whitfield County, Georgia Land Records

DEMOLITION AGREEMENT AND EASEMENT

Georgia, Whitfield County

This Demolition Agreement and Easement (this "Agreement") made this 19th day of February, 2025, between **Babubhai C. Patel and Gitaben Patel a/k/a Geetaben Patel**, collectively referenced as "Grantor," and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, Grantee.

WITNESSETH:

WHEREAS, Grantee claims that a sign (the "Sign") located on certain real property at 1505 West Walnut Avenue, Dalton, Georgia, and being more particularly described on Exhibit "1" attached hereto and by this reference made a part (the "Property") is unused, substandard, deteriorated, and dilapidated, which amounts to a violation of the ordinances of the City of Dalton; and

WHEREAS, Grantor is the owner in fee simple of the Property, and Grantor's mailing address is 1915 Rickland Ln. Dalton GA (the "Mailing Address"); and

WHEREAS, Grantee contacted Grantor and has demanded that the Grantor pay for the removal of the Sign because it is in violation of City Ordinances; and

WHEREAS, Grantee claims that removal of the Sign is for the betterment of the public's health, safety, and welfare; and

WHEREAS, Grantor is unable to demolish Sign expediently, and as a result, the parties entered into negotiations to resolve their dispute; and

WHEREAS, Grantee has agreed to demolish the Sign provided that Grantor pay Grantee for all costs thereof, and Grantor has agreed to secure Grantor's obligation to repay Grantee by granting Grantee a Security Deed to the Property;

NOW, THEREFORE, for and in consideration of the above-recited premises, the mutual covenants and agreements hereinafter set forth, the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto do hereby covenant and agree as follows:

1. Recitals. The parties hereto acknowledge that the above recitals to this Agreement are true and correct and agree that the same are incorporated by reference into the body of this Agreement.

2. Consideration by Grantee. Grantee, its agents and representatives agree to do the following:

a. Remove the Sign by demolition and remove all resulting demolition debris as well as all rubbish, scrap metal, wood, building materials, rubble and other trash located on or about the Sign, and all other surfaces that Grantee determines must be removed to complete the demolition, in the sole discretion of Grantee staff, and to clear the site at the sole discretion of Grantee staff. Such demolition and removal shall occur as soon as possible, but no later than 90 days following the execution of this Agreement.

b. Leave the Property without the Sign and related equipment or structures as the case may be, after the demolition has occurred, in reasonably good condition and to perform its demolition work in a workmanlike manner for which Grantor shall have no liability to any third persons.

c. Remove any trees or shrubs that Grantee determines must be removed to complete the demolition, in the sole discretion of Grantee.

d. Within 60 days after the work contemplated by this Agreement is completed, to provide to Grantor at the Mailing Address an invoice identifying the costs for: i) title search and all attorney's fees arising out of or in any way related to this Agreement; ii) any asbestos survey; iii) any abatement of asbestos, if applicable; iv) the lot leveling, seeding and strawing, if applicable; v) the haul off of demolition debris to landfill (the "Costs of Removal").

3. Consideration by Grantor. Grantor, and Grantor's agents and representatives agree to the following:

a. Grantor shall remove all personal property from the Property on or near the Sign at least twenty-four (24) hours prior to when the demolition is scheduled to occur. Grantor agrees that all personal property left on or about the Property on or near the Sign at the time of the scheduled demolition shall be considered abandoned and that ownership of such personal property remaining on or about the Property, including the Sign, related equipment, and resulting debris, shall be transferred to Grantee, which shall have the right and sole discretion to dispose of such items as Grantee as it sees fit.

b. Grantor specifically agrees that Grantor will not enter onto the Property while the demolition is occurring and will not interfere with the demolition, debris removal, grading or the re-establishment of vegetation, if any, on the Property in any manner.

c. Grantor authorizes trees and shrubs located on the Property to be removed at Grantee's discretion without any interference in order to facilitate Sign removal and related work.

d. Grantor shall receive Grantee's invoice referenced in paragraph 2.d of this Agreement and shall pay same upon receipt but not later than 30 days thereafter.

e. Grantor waives all objections to any special assessment upon the Property of the amount identified in the invoice, and if Grantor fails to pay same, any lien filed against the Property in conjunction therewith.

f. By his signature on this Agreement, Grantor hereby grants Grantee authority to act on his behalf to disconnect all utilities to the Property at the point or origin or mains as may be needed to remove the Sign and to do any electrical or grading work that may be necessary in connection with removal of the Sign.

g. Grantor represents to Grantee that any and all insurance policies covering the Sign and any personal contents contained therein have been cancelled and are, therefore, no longer in force and effect.

h. The Grantor, and Grantor's agents and representatives release Grantee, its agents and assigns from all claims, demands, suits, judgments, and causes of action of any kind arising out of Grantee's actions taken pursuant to this Agreement. The Grantor shall indemnify and hold Grantee harmless of and from any and all claims, suits, actions or judgments, including all expenses, attorneys' fees, witness fees, cost of defending any such action or claim, or appeals, arising out of Grantee's actions taken pursuant to this Agreement.

i. Grantor hereby agrees to grant a Security Deed to Grantee (the "Security Deed") in the form as attached in Exhibit "2" to security the obligations of Grantor to repay Grantee for all Costs of Removal, said Security Deed to be recorded in the Whitfield County, Georgia Land Records. Upon payment of the Costs of Removal Grantee shall execute a Quit Claim Deed from Grantee to Grantor releasing the Property from the Security Deed and the obligations and easements contained in is Agreement.

4. Easement. The Grantor hereby grants Grantee and its contractors full easement and right of entry to accomplish the purposes set forth in Section 2 hereof but limited temporarily to such time as necessary for completion of such Sign and debris removal, clean up, and related work in order to fulfill Grantee's work set forth in Section 2 of this Agreement.

5. Additional Promises. The parties agree that no promise or inducement has been offered except as herein set forth; the parties voluntarily enter into this Agreement.

6. Integration. This Agreement and any other agreement contemplated hereby supersede all prior negotiations, agreements, and understandings between the parties with respect to the subject matter hereof and thereof and constitute the entire agreement between the parties with respect to the subject matter hereof and thereof.

7. Amendment and Modification. The terms of this Agreement may be amended, modified or eliminated, and the observance or performance of any term, covenant, condition or provision herein may be omitted or waived (either generally or in a particular instance and either prospectively or retroactively) only by the written consents of all parties hereto. No omission or waiver shall be deemed to excuse any future observance or performance or to constitute an amendment, modification or elimination unless it

expressly so states. The waiver by any party hereto of a breach of any term or provision of this Agreement shall not be construed as a waiver of any subsequent breach.

8. Successors and Assigns. This Agreement shall be binding upon the heirs, executors, administrators, successors, representatives, and assigns of the parties.

9. Controlling Law. This Agreement shall be governed by and construed in accordance with the domestic laws of the State of Georgia without giving effect to the principles of conflicts of law thereof. Each of the parties consents to the exclusive jurisdiction of the Superior Court of Whitfield County, Georgia for any legal action, suit, or proceeding arising out of or in connection with this Agreement, and agrees that any such action, suit, or proceeding may be brought only in such court. Each of the parties further waives any personal jurisdiction defense regarding the laying of venue for any such suit, action, or proceeding in such court.

10. Severability. Any term or provision of this Agreement, which is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

11. Time of the Essence. Time is of the essence of each and every provision of this Agreement.

12. Captions. The sections and other headings contained in this Agreement are for reference purposes only and shall not be deemed to be part of this Agreement, or to affect the meaning or interpretation of this Agreement.

13. Counterparts. This Agreement may be executed in several counterparts, and all such executed counterparts shall constitute the same agreement. It shall be necessary to account for only one such counterpart in proving this Agreement.

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

Signed, sealed and delivered
In the presence of:

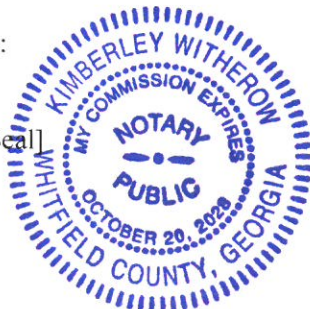
By: B. C. Patel (Seal)
Babubhai C. Patel

[Signature]
Unofficial Witness

[Signature]
Notary Public

My commission expires:

[Notarial Seal]



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

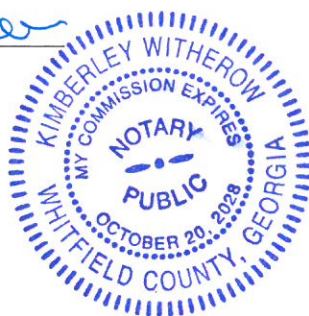
Signed, sealed and delivered
In the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My commission expires:

[Notarial Seal]



Grantor:

By: B. C. Patel (Seal)
Babubhai C. Patel

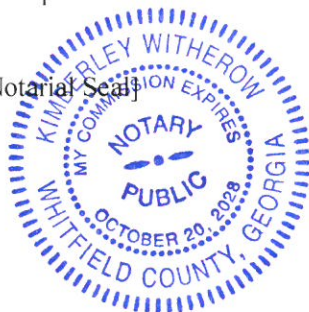
Signed, sealed and delivered
In the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My commission expires:

[Notarial Seal]



Grantor:

By: G. B. Patel (Seal)
Gitaben Patel a/k/a Geetaben Patel

EXHIBIT "2"

[Space above this line for recording data.]

Please Record and Return To:

Jonathan L. Bledsoe
The Minor Firm
P.O. Box 2586
Dalton, GA 30722-2586

1. Date of the Deed: _____, 20__.
2. Signatories/Parties to the Deed:
Grantor: _____
Grantee: City of Dalton, Georgia
3. Mailing Address of Grantee: PO Box 1205, Dalton, GA 30722
4. Map and Parcel ID Number(s): _____
5. Original Loan Amount: \$ n/a
6. Initial Maturity Date: _____, 20__
7. Intangible Recording Tax: \$ none
8. Intangible Recording Tax Exemption Authority: Grantee is a Municipality and exempt under the provisions of O.C.G.A. § 48-6-2(a)(2).

NOTE: THIS COVER SHEET DOES NOT MODIFY THE TERMS OF THE ATTACHED INSTRUMENT.

SECURITY DEED

Georgia, Whitfield County

THIS SECURITY DEED (this "Deed"), made this ____ day of _____, 20__ between **Babubhai C. Patel and Gitaben Patel a/k/a Geetaben Patel**, collectively referenced as "Grantor," and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, having a mailing address of PO Box 1205, Dalton, GA 30722, Grantee.

WITNESSETH:

THAT, WHEREAS, this Security Deed is granted by Grantor to secure the prompt payment and performance when due (whether at the stated maturity, by acceleration or otherwise) of all obligations, indebtedness and liabilities of the Grantor under that certain Demolition Agreement and Easement Agreement of even date entered into between Grantor as grantor therein and Grantee as grantee therein (the "Demolition Agreement"), pursuant to which Grantor is obligated to repay certain indebtedness described therein. The parties intend to establish a perpetual or indefinite and perpetual security interest in the real property conveyed.

NOW, THEREFORE, in consideration of the premises and of the sum hereinabove set forth, Grantor has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee all that tract or parcel of 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 such property unto Grantee together with all improvements now or hereafter erected on the property and all easements, rights appurtenances, rents, profits and fixtures in fee simple.

1. Grantor shall pay to Grantee the Secured Indebtedness (as defined hereinafter) as in the Demolition Agreement and this Security Deed provided, but in no event the Secured Indebtedness shall be due and payable on or before _____, 20__.
2. Grantor covenants that Grantor is lawfully seized of the estate hereby conveyed and has the right to grant and convey the property, that the property is unencumbered except as is set forth hereinafter, and that Grantor will warrant and defend generally the title to the property against the claims of all persons whomsoever.
3. This instrument is made and intended to secure all obligations, indebtedness and liabilities of the Grantor under that certain Demolition Agreement (the "Secured Indebtedness").
4. Upon the occurrence of an event of default under Demolition Agreement secured hereby and this Security Deed and prior to placing an advertisement for notice of foreclosure and sale of the property, the Grantee herein agrees to: (a) notify Grantor in writing of such default, specifying the nature thereof and the actions necessary to cure said default; (b) permit grantor to cure such default within ten (10) days from the

date of such notice by making payment or doing such other act or things which may be considered by the Grantee herein necessary or proper.

5. Time is of the essence of this Security Deed and should the Secured Indebtedness not be promptly paid when due or should Grantor breach any covenant contained herein or as provided by law, Grantee, at its option and without further notice to Grantor, may declare all sums secured by this deed to be immediately due and payable; and Grantee is authorized to invoke the power of sale herein granted (and Grantor hereby appoints Grantee the agent and attorney-in-fact for Grantor to exercise said power of sale) and any other remedies permitted by law. Grantee shall be entitled to collect all reasonable costs and expenses incurred in pursuing the remedies provided herein, including but not limited to reasonable attorney's fees.

6. If Grantee invokes the power of sale, Grantee shall give notice of sale by public advertisements for the time and in the manner required by applicable law. Grantee, without further demand on Grantor, shall sell the property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in such order as Grantee may determine. Grantee or Grantee's designee may purchase the property at any sale.

7. Grantee shall deliver to the purchaser Grantee's deed to the property in fee simple and Grantor hereby appoints Grantee agent and attorney-in-fact to make such conveyance. The recitals in Grantee's deed shall be prima facie evidence of the truth of the statements made therein. Grantor covenants and agrees that Grantee shall apply the proceeds of the sale in the following order: (a) to all reasonable costs and expenses of the sale, including, but not limited to, reasonable attorney's fees and costs of title evidence; (b) to all sums secured by this Security Deed; and (c) the excess, if any, to the person or persons legally entitled thereto. The power and agency hereby granted are coupled with an interest, are irrevocable by death or otherwise and are cumulative to the remedies for collection of said indebtedness as provided by law.

8. If the property is sold pursuant to the provisions herein, Grantor, or any person holding possession of the property through Grantor, shall immediately surrender possession of the property to the purchaser at such sale. If possession is not surrendered, Grantor or such person shall be a tenant holding over and may be dispossessed in accordance with applicable law.

9. All remedies provided in this Security Deed are distinct and cumulative to any other right or remedy under this Security Deed or approved by law or equity, and may be exercised concurrently, independently or successively.

10. Upon payment of all sums secured by this Security Deed, Grantee shall cancel this Security Deed. Grantor hereby waives all rights of homestead exemption in the property. This conveyance is to be construed under the existing laws of the State of Georgia as a deed passing title and not as a mortgage and is intended to secure the payment of all sums secured hereby and the performance of the covenants of Grantor to Grantee.

11. The words "Grantee" and "Grantor" whenever used herein shall include all individuals, corporations (and if a corporation, its officers, employees, agents or attorneys) and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns to 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 word "Note" shall also include one or more notes and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this Security Deed, the term "Grantor" shall mean all parties signing, and each of them, and each agreement, obligation and Secured Indebtedness of the Grantee shall be and mean the several as well as joint undertakings of each of them

Signed, sealed and delivered
In the presence of:

Haley P
Unofficial Witness

Kimberly Witherow
Notary Public

My commission expires:

[Notarial Seal]



By: B-E Patel (Seal)
Gitaben Patel a/k/a Geetaben Patel

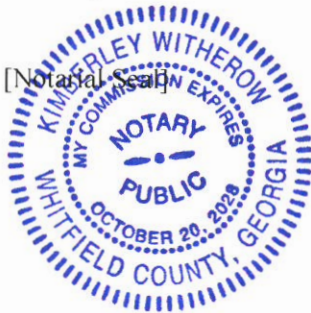
Signed, sealed and delivered
In the presence of:

Haley P
Unofficial Witness

Kimberly Witherow
Notary Public

My commission expires:

[Notarial Seal]



City of Dalton

By: D Lewallen (Seal)

Print Name: Daniel Lewallen

Title: Code Enforcement.

By: _____ (Seal)

Printed Name: _____

Title: _____

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot No. 260 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southerly right of way line of Walnut Avenue, said point being located south 76 degrees 55 minutes east 530.8 feet from the intersection of the west line of Land Lot No. 260 and the south right of way line of Walnut Avenue, as measured along the southerly right of way line of Walnut Avenue; thence south 76 degrees 55 minutes east, along the southerly right of way line of Walnut Avenue, 100 feet to an iron pin; thence south 12 degrees 50 minutes west 225 feet to an iron pin; thence north 76 degrees 55 minutes west a distance of 100 feet to an iron pin; thence north 12 degrees 50 minutes east a distance of 225 feet to THE POINT OF BEGINNING.

For prior title, see Deed Book 7071 Page 304, Whitfield County, Georgia Land Records.

EXHIBIT "1"

All that tract or parcel of land lying and being in Land Lot No. 260 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southerly right of way line of Walnut Avenue, said point being located south 76 degrees 55 minutes east 530.8 feet from the intersection of the west line of Land Lot No. 260 and the south right of way line of Walnut Avenue, as measured along the southerly right of way line of Walnut Avenue; thence south 76 degrees 55 minutes east, along the southerly right of way line of Walnut Avenue, 100 feet to an iron pin; thence south 12 degrees 50 minutes west 225 feet to an iron pin; thence north 76 degrees 55 minutes west a distance of 100 feet to an iron pin; thence north 12 degrees 50 minutes east a distance of 225 feet to THE POINT OF BEGINNING.

For prior title, see Deed Book 7071 Page 304, Whitfield County, Georgia Land Records.

CITY OF DALTON
 P.O. BOX 1205
 DALTON, GEORGIA 30722
 PHONE: 706-278-9500
code@daltonga.gov
www.daltonga.gov



CODE ENFORCEMENT

Date: 11/25/2024

Raj Patel

-

-, GA -

Reference Address: 1505 W Walnut Ave, Dalton, GA, 30720
 Parcel #: 12-260-35-000

NOTICE OF VIOLATION

Owner and/or Occupant,

On or about 11/25/2024, at approximately 10:34:25 the property located at 1505 W Walnut Ave, Dalton, GA, 30720 was inspected due to visible violations observed by a Code Compliance Inspector from the public roadway. Upon inspection of the above referenced property it was determined the property is not within compliance of the International Property Maintenance Code (City of Dalton Code of Ordinances Code Section 22-3 and 22-96).

The following issues are in non-compliance and should be addressed immediately. The owner and/or occupant has 30 working days from the date of this letter to come within, or have scheduled to come within, compliance.

Municipal Code: Signs; Abandoned Article VI 6.3

Description: Nonconforming signs which have been abandoned, shall be removed in their entirety by the record owner of the building or the person who obtained the sign license, whichever owns the sign or portion thereof, within 90 days after the business using the sign closes or ceases to operate on the premises where the sign is located.

Resolution: Remove sign within 90 days of business closure or ceasing operations on premises or 30 days after notice.

Additional Notes:

This notice is Not a Court Summons and No Civil fines are applicable at this time. By signing below you are Only acknowledging receipt of this letter.

Received By: _____ Date: 11/25/2024 Time: 10:34:25

Code Enforcement Inspector: Dan Lewallen

Your immediate attention to the above matter is greatly appreciated. Failure to correct the stated violations could result in a court summons and civil penalties.

Please direct all inquiries regarding this matter to the below listed Inspector.

City Of Dalton
Code Enforcement Inspector
300 W Waugh Street
PO Box 1205
Dalton, Georgia 30722

Photo	Details
	<p>Title: Facing East</p> <p>Date: May 15, 2023 12:43</p> <p>Uploaded by: Dan Lewallen</p>
	<p>Title: Affixed Notice</p> <p>Date: Jan 18, 2024 08:21</p> <p>Uploaded by: Dan Lewallen</p>



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Resolution 25-02 Authorizing Municipal Property Disposition

DEPARTMENT

Administration

REQUESTED BY

Andrew Parker

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

The City has been asked to grant a temporary nonexclusive access easement over a portion of the Raisin Woods Property in order to facilitate development of a telecommunications site.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

RESOLUTION 25-02

RESOLUTION AUTHORIZING MUNICIPAL PROPERTY DISPOSITION

WHEREAS, the City of Dalton, Georgia, an incorporated municipality of the State of Georgia (the “City”), owns certain real property located referenced as Tax Parcel 12-128-01-000 as described in Deed Book 557 Page 151 of the Whitfield County Land Records (the “Raisin Woods Property”); and

WHEREAS, the City has been asked to grant a temporary nonexclusive access easement (the “Easement”) over a portion of the Raisin Woods Property in order to facilitate development of a telecommunications site, said Easement being more particularly described as follows:

An easement being a portion of the lands described in Deed Book 557 Page 151 recorded in the Whitfield County, Georgia Land Records, lying and being in Land Lot Nos. 139, 165 and 166, in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described as follows:

Commencing at a ½” rebar at the apparent Northwest corner of said lands described in Deed Book 4687 Page 231; thence S53°15’16”E for a distance of 429.18’ to a 5/8” capped rebar (BAILEY LAND GROUP) marking the Southwest corner of a 100’ x 100’ Lease Area; thence S88°35’37”E along the South line of said Lease Area for a distance of 100.00’ to a 5/8” capped rebar (BAILEY LAND GROUP); thence N1°24’23”E along the East line of said Lease Area for a distance of 100.00’ to a 5/8” capped rebar (BAILEY LAND GROUP); thence N88°35’37”W along the North line of said Lease area for a distance of 50.00’; thence N1°24’23”E for a distance of 121.72’; thence S89°05’30”E for a distance of 408.99’; thence N0°54’30”E for a distance of 30.00’ to the North line of said lands described in Deed Book 4687 Page 231, also the South line of said lands described in Deed Book 5706 Page 228 and the Point of Beginning of an easement 30’ in width, lying and being 15’ on each side of the following described centerline: continuing North onto said lands described in Deed Book 5706 Page 228 thence N0°54’30”E for a distance of 72.07’; thence N89°27’46”W along Raisin Way (private drive) for a distance of 521.64’; thence N85 53’02”W for a distance of 287.87’ to the apparent East right-of-way line of Pleasant Grove Drive NE (variable width Public right-of-way) and the Point of Ending. Said easement containing 26,447 SQFT (0.61 acres) +/-; and

WHEREAS, a certified general appraiser in the state of Georgia has determined that the fair market value of the Easement is four thousand eight hundred dollars (\$4,800.00); and

WHEREAS, O.C.G.A. § 36-37-7 *et seq.* allows for transfer of the Easement following proper notice, advertisement, and public auction of the Easement; and

WHEREAS, the City has determined that it is in the public interest to transfer said Easement in accordance with the terms of this Resolution and the Public Notice attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, the City is hereby authorized to complete the transaction contemplated in Exhibit A, subject to satisfaction of certain statutory formalities for effectuation of such transaction.

BE IT FURTHER RESOLVED, that the Mayor of the City of Dalton be, and hereby is, authorized and empowered to take such action and to execute for and on behalf of the City a temporary nonexclusive Easement, which conforms to the terms set forth in Exhibit A, and such other documents, instruments, certificates, assignments, and papers which, in the judgment of the Mayor, may be necessary and desirable to effect the proposed transaction. Such agreements, instruments, certificates, assignments, papers and/or documents shall be in such form and contain such terms and conditions as may be approved by the Mayor on behalf of the City in accordance with this Resolution, and the execution of such agreements, instruments, certificates, assignments, papers, and documents by the Mayor on behalf of the City is herein authorized and shall be conclusive evidence of any such approval.

BE IT FURTHER RESOLVED, that all acts and doings of the Mayor in connection with the proposed transaction which are in conformity with the purposes and intents of these Resolutions and in furtherance of the transaction contemplated hereby and thereby shall be, and the same hereby are, in all respects approved and confirmed.

BE IT FURTHER RESOLVED, that the signature of the Mayor to any of the consents, agreements, instruments, certificates, assignments, papers, and documents executed and delivered in connection therewith shall be conclusive evidence of the authority of the Mayor to execute and deliver such consents, agreements, instruments, certificates, assignments, papers, and other documents on behalf of the City.

BE IT FURTHER RESOLVED, that the Clerk or any Assistant Clerk of the City of Dalton be, and each hereby is, authorized to attest the signature of any officer of the City of Dalton and impress or attest the City of Dalton's seal appearing on any agreement, instrument, certificate, financing statement, assignment, paper or document executed in connection with any of the foregoing Resolutions, but shall not be obligated to do so, and the absence of the signature of the Clerk or any Assistant Clerk of the City or the City's seal on any such document shall not affect its validity or the obligation of the Mayor and Council thereunder.

BE IT FURTHER RESOLVED, that all resolutions or parts thereof of the City of Dalton in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

BE IT FURTHER RESOLVED, that these Resolutions shall take effect immediately upon their adoption.

SO RESOLVED, this ____ day of _____, 2025.

CITY OF DALTON, GEORGIA

Mayor/Mayor Pro Tempore

ATTESTED TO:

City Clerk

EXHIBIT "A"

PUBLIC NOTICE OF PROPOSED AUCTION OF AN INTEREST IN REAL PROPERTY

INTRODUCTION: The Mayor and City Council of the City of Dalton, Georgia (the "City") invites members of the general public to submit sealed bid proposals to purchase a non-exclusive easement in certain real property (the "Property") in accordance with O.C.G.A. 36-37-6 (a).

DESCRIPTION OF REAL PROPERTY INTEREST OFFERED FOR SALE: A nonexclusive thirty-foot utility, ingress, and egress easement more particularly described as follows:

An easement being a portion of the lands described in Deed Book 557 Page 151 recorded in the Whitfield County, Georgia Land Records, lying and being in Land Lot Nos. 139, 165 and 166, in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described as follows:

Commencing at a ½" rebar at the apparent Northwest corner of said lands described in Deed Book 4687 Page 231; thence S53°15'16"E for a distance of 429.18' to a 5/8" capped rebar (BAILEY LAND GROUP) marking the Southwest corner of a 100' x 100' Lease Area; thence S88°35'37"E along the South line of said Lease Area for a distance of 100.00' to a 5/8" capped rebar (BAILEY LAND GROUP); thence N1°24'23"E along the East line of said Lease Area for a distance of 100.00' to a 5/8" capped rebar (BAILEY LAND GROUP); thence N88°35'37"W along the North line of said Lease area for a distance of 50.00'; thence N1°24'23"E for a distance of 121.72'; thence S89°05'30"E for a distance of 408.99'; thence N0°54'30"E for a distance of 30.00' to the North line of said lands described in Deed Book 4687 Page 231, also the South line of said lands described in Deed Book 5706 Page 228 and the Point of Beginning of an easement 30' in width, lying and being 15' on each side of the following described centerline: continuing North onto said lands described in Deed Book 5706 Page 228 thence N0°54'30"E for a distance of 72.07'; thence N89°27'46"W along Raisin Way (private drive) for a distance of 521.64'; thence N85 53'02"W for a distance of 287.87' to the apparent East right-of-way line of Pleasant Grove Drive NE (variable width Public right-of-way) and the Point of Ending. Said easement containing 26,447 SQFT (0.61 acres) +/-.

FORM OF PROPOSAL: Public Auction.

PLACE OF AUCTION: At the council chambers at Dalton City Hall, 300 West Waugh Street, Dalton, Georgia 30720 at 2:00 p.m. on March 25, 2025.

TERMS OF SALE: The Easement will be sold AS IS, WHERE IS, to the highest responsible bidder, by public auction after due notice has been given not less than 15 days nor more than 60 days preceding the day of the auction in the official legal organ of the county in which the municipality is located, the City of Dalton. Payment of the purchase price is due in full at the time of the auction payable in Collected Funds (as defined in O.C.G.A. § 44-14-13(a)(2) to the City of Dalton. The City of Dalton reserves the right to reject any and all bids or to cancel the proposed sale in accordance with state law.

CONDITIONS OF SALE: The Easement will be conveyed subject to all outstanding ad valorem taxes (including taxes which are a lien, whether or not now due and payable), assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and other matters of record, and subject to the following restrictions (collectively the "Restrictions") to be placed in the Easement

conveying the Easement by the City of Dalton to the purchaser of the Easement: (a) the easement is made in connection with the a certain lease (“Lease”) of adjacent property for the purpose of constructing, maintaining and operating a telecommunications facility (the “Facility”); (b) if the Leased Premises ceases to be used for a Facility for more than thirty (30) days, or if the Lease is terminated, this Agreement shall automatically terminate; (c) Grantee shall maintain the Easement in a condition suitable for its use as a means of vehicular access to and from the Facility, but not otherwise; (d) Grantee shall provide and maintain in force and effect throughout the term of this Agreement liability insurance in an amount of not less than \$1,000,000.00 per claim, no aggregate, naming Grantor as a named insured; (e) Grantee shall assume sole responsibility and liability for any injury to person or property caused by any act or omission of any person while on the Grantor Property and shall indemnify and hold Grantor harmless against any claim of liability or loss from personal injury or property damage.

MINIMIUM PRICE: The City has obtained an independent valuation of the fair market value of the property and has determined that a minimum bid of \$4,800.00, is required in order to be accepted by the City.

TYPE OF CONVEYANCE: The non-exclusive temporary Easement will be conveyed subject to the Restrictions. No provision is made for a due diligence period once the bid has been made and accepted by the City of Dalton. The City of Dalton will not pay any real estate commissions, broker’s fees or other expenses of the bidder.



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-02 The request of the Whitfield County Board of Commissioners to amend Section 4-6-35 of the Unified Zoning Ordinance for Commercial Poultry Farming in unincorporated Whitfield County.

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached staff analysis

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

Ordinance 25-02

To Amend Unified Zoning Ordinance Of Whitfield County, Georgia; To Provide An Effective Date; To Repeal All Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

WHEREAS, the Mayor and Council of the City of Dalton previously adopted the *Unified Zoning Ordinance*; and

WHEREAS, said ordinance has been amended from time to time in order to protect the health, welfare, and safety of the public; and;

WHEREAS, the Mayor and Council desire to amend the *Unified Zoning Ordinance* as set forth herein; and

WHEREAS, the Mayor and Council have determined that said amendments are useful, necessary, and proper, and they protect the health, welfare, and safety of the public; and

WHEREAS, the Mayor and Council have determined that said amendments promote the goals, objectives, and policies of the *Joint Comprehensive Plan for Whitfield County and Cities of Dalton, Cohutta, Tunnel Hill, and Varnell*; and

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

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

Section 1.

The *Unified Zoning Ordinance* is hereby amended as follows:

1. Delete the first sentence of Section 4-6-35 in its entirety and replace with the following:

Commercial poultry farming shall be allowed in unincorporated Whitfield County within the General Agriculture (GA) district, provided that no structures for housing said animals shall be located closer than two hundred (200) feet from any property line, with the following additional requirements:

- a. All new commercial poultry housing structures shall be constructed on a lot or parcel of a minimum size of ten (10) contiguous acres;***
- b. An additional five (5) acres is required to be added to such lot or parcel for every commercial poultry housing structure constructed after the first two (2) such permitted structures;***
- c. Such use shall be limited to no more than eight (8) individual houses upon any approved lot or parcel regardless of the number of acres;***
- d. Existing operable commercial poultry houses which are not in compliance with this article may be replaced in accordance with Article X (Non-conforming Use/Structure) of the Unified Zoning Ordinance.***

Section 2.

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.

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 _____, 2025.

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 Councilmember _____, second by Councilmember _____ and upon the question the vote is ____ ayes, ____ nays and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEM

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

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

MEMORANDUM

TO: Whitfield County Board of Commissioners
Robert Sivick
Robert Smalley
City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
City of Varnell Mayor and Council
Mike Brown
Terry Miller
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: November 26, 2024

SUBJECT: The request of the Whitfield County Board of Commissioners to amend Section 4-6-35 of the Unified Zoning Ordinance for Commercial Poultry Farming in unincorporated Whitfield County.

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Ethan Calhoun and Jean Price-Garland.

Public Hearing Summary:

Ethan Calhoun summarized the staff analysis which recommended approval of the UZO text amendments. Chris Shiflett inquired about the impact of the non-conformity policy on existing poultry operations that may prevent them from expanding existing structures to meet their integrator's future demands. Calhoun stated that improvements and repairs could be made to any existing structure so long as the building's footprint is not expanded. Octavio Perez asked Calhoun if the proposed ordinance would prevent any new poultry farms from being developed to which Calhoun stated that the amendments could be reasonably met on many tracts of land in Whitfield County for future poultry farms or farm expansions. There were no further questions for Calhoun.

Heath Ewton, a poultry farmer in Whitfield County, spoke in favor of the proposed amendments even though they may limit the number of large farm operations in the future.

Mike Key, a Whitfield resident, voiced his concerns that the proposed ordinance amendments were not restrictive enough and that he believed local oversight is necessary due to erosion runoff and other public health concerns that state and federal offices are unable to regularly inspect. Key requested a 90-day moratorium on new chicken houses until additional research could be conducted.

William Morgan, a Whitfield County resident, voiced concern regarding the ability to subdivide large properties and build additional chicken houses. Morgan suggested a commercial agriculture zone district for concentrated animal feeding operations. Morgan drew attention to the density of poultry houses in northern Whitfield County negatively affecting many citizens quality of life. Morgan then stated that he would support the previously mentioned moratorium.

Ferrel Cooksey, a Whitfield County resident, stated that he would like to see additional regulation on poultry farming in Whitfield County due to the lack of regulation at the state and federal levels.

Richard Holland, a Whitfield County resident, notes his concerns with existing poultry farm density on the south end of the county creating issues with commercial poultry truck traffic.

Chris Shiflett confirmed with the audience the collective opinion that the proposed text amendment did not address all the concerns of the audience and that additional regulations are of interest. Shiflett also confirmed with the audience that a moratorium was collectively supported until stricter regulations could be implemented.

Heath Ewton, rebutted by stating that developers have purchased large farms and divided them into multiple poultry farms. Ewton went on to ask the Commission to consider those under contract in the event a moratorium on poultry farming is entertained.

Suzanne Ratliff, a Whitfield County resident, expressed concern regarding public health risks associated with additional commercial poultry farms

With no further comments, Chairman Lidderdale closed this public hearing at approximately 6:52 pm.

Recommendation:

Chairman Lidderdale sought a motion for the proposed UZO text amendments. Some discussion occurred regarding moratorium capabilities and the public outcry for additional poultry farming regulations. Chris Shiflett made a motion to approve the text amendments as well as to pass a 60-day moratorium on new poultry house permits with the exception of those properties under contract for poultry production, and Jody McClurg seconded the motion. There was a unanimous recommendation to approve the text amendments as well as to pass a 60-day moratorium on new poultry house permits with the exception of those properties under contract for poultry production 4-0.



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-03 The request of Elda Ramirez to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.38 acres located at 436 S. Glenwood Avenue, Dalton, Georgia. Parcels (12-238-17-008 and 12-238-17-007) (City)

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached staff analysis

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 25-03

To rezone property of Vasaesa Investments, LLC from a Rural Residential (R-5) Classification to a General Commercial (C-2) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Vasaesa Investments, LLC, by and through its authorized representative, Elda Ramirez, has petitioned for rezoning of certain real property it owns from R-5 classification to C-2 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from R-5 classification to C-2 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

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 _____, 2025.

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 Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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"

Tax Parcel Nos. 12-238-17-007 and 12-238-17-008

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: February 25, 2025

A. SUBJECT: The request of Elda Ramirez to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.38 acres located at 436 S. Glenwood Avenue, Dalton, Georgia. Parcels (12-238-17-008 and 12-238-17-007) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Elda Ramirez.

Public Hearing Summary:

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

Elda Ramirez stated that she did not have a specific plan and simply wished to sell the property with the option for commercial use.

With no further comments, Chairman Lidderdale closed this public hearing at approximately 8:01 pm.

Recommendation:

Chairman Lidderdale sought a motion for the C-2 rezoning. Octavio Perez made a motion to approve the C-2 rezoning, and Chris Shifflett seconded. There was a unanimous recommendation to approve the C-2 rezoning 4-0.

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Elda Ramirez is seeking to rezone from Rural Residential (R-5) to General Commercial (C-2) two tracts of land (parcels 12-238-17-008 and 007) containing a combined total of 0.38 acres located at the intersection of Glenwood Avenue and East Emery Street. The subject property is currently developed with two single-family detached dwellings: The petitioner's request to rezone was made in order to use the subject property commercially.

The surrounding uses and zoning are as follows: The R-5 zone district can be seen to the north of the subject property in an undeveloped state. The subject property is flanked on the east by the M-2 zone district across Glenwood Avenue. The southern adjacent tracts of land are zoned M-1 across E. Emery St. and each contains industrial buildings. To the west of the subject property is a tract of land zoned R-5 that contains a single-family detached dwelling.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

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.

The subject property is surrounded by manufacturing, commercial, and industrial land use and zoning with the exception of two tracts of land to the west that are zoned and developed for residential use. With no buffers or notable separation between the four residential properties at this location, the residential properties appear out of place. The proposed C-2 rezoning would enlarge the adjacent C-2 zone district in an industrial and commercial area.

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

There is no expectation for negative impacts on the values of the adjacent or nearby property values given the amount of established manufacturing zoning and development throughout this area. The other two residential properties in this area have already been impacted by the surrounding industrial and commercial operations that have diminished their values as residential properties. The subject property has undergone similar impacts which likely explains the petitioner's interest in the commercial reuse of the subject property.

(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, as previously stated, has been negatively impacted by its current residential zoning and character. The proposed C-2 rezoning would permit more viable and appropriate uses for the subject property based on surrounding zoning and 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.

N/A

(E) Whether the proposed (C-2) amendment, if adopted or approved, would result in a use which would or could cause 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.

There is no expectation that public water or sewer would be burdened by the proposed development. Utilities are available at high capacity in this area and the subject property's limited size do not give cause

for concern. The only notable concern regarding potential impacts on public infrastructure and safety is related to parking. The existing single-family detached dwellings on the subject property combine to a total in excess of 4,000 square feet. The minimum parking requirements for commercial office/retail would be 3.5-5 parking spaces per 1,000 square feet of the commercial building floor area. When coupling the required buffers and setbacks along the northern and western boundaries, the remaining site area would be too small to accommodate the minimum amount of parking spaces required in the UZO. Either the subject property will have to be entirely redeveloped, or one of the existing structures will need to be demolished in order to create parking for any future commercial use of the subject property.

(F) Whether the property sought to be rezoned (or 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 comprehensive plan's future development map shows this property to be within the Downtown/Town Center character area. Based on the location of the subject property and the adjacent development and zoning patterns, the expansion of the Downtown district has not yet reached the subject property. The C-2 rezoning would be a good fit for the subject property when considering the adjacent zoning and development around the subject property. The limited size of the subject property and plans for future downtown development of this area lead this planner to believe that a commercial rezoning would be advisable at this location. However, with no public on-street or off-street parking in the immediate vicinity, it is imperative that the subject property develop sufficient off-street parking.

(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.

The proposed R-5 rezoning would simply enlarge the adjacent C-2 zone district and shrink the existing R-5 island in this area.

(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.

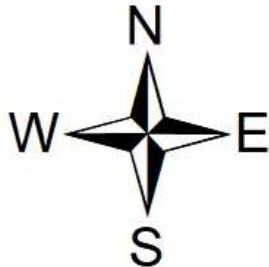
N/A











CONCLUSION:

The staff can provide a recommendation to approve the C-2 rezoning of the subject property based on the following factors:

1. The requested C-2 zone district would allow for the subject property to be developed in a manner that is compatible with the established zoning and development of adjacent properties.
2. The Downtown/Town Center character area in the Joint Comprehensive Plan would align with the proposed C-2 rezoning at this location based on the existing zoning and development pattern of this area.
3. The C-2 zone district would likely have a neutral impact on the values of the adjacent and surrounding properties when considering the established development pattern.

Ramirez Rezoning Request R-5, Rural Residential to C-2, General Commercial CITY OF DALTON JURISDICTION

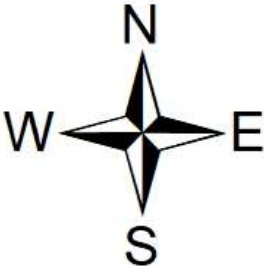


ZONING	
	Rural Residential (R-5)
	Rural Residential (R-5) Cond
	High Density Residential (R-7)
	Mixed Use (MU)
	Central Business District (C-3)
	Central Business District (C-3) Cond
	General Commercial (C-2)
	Transitional Commercial (C-4)
	Light Manufacturing (M-1)
	Heavy Manufacturing (M-2)

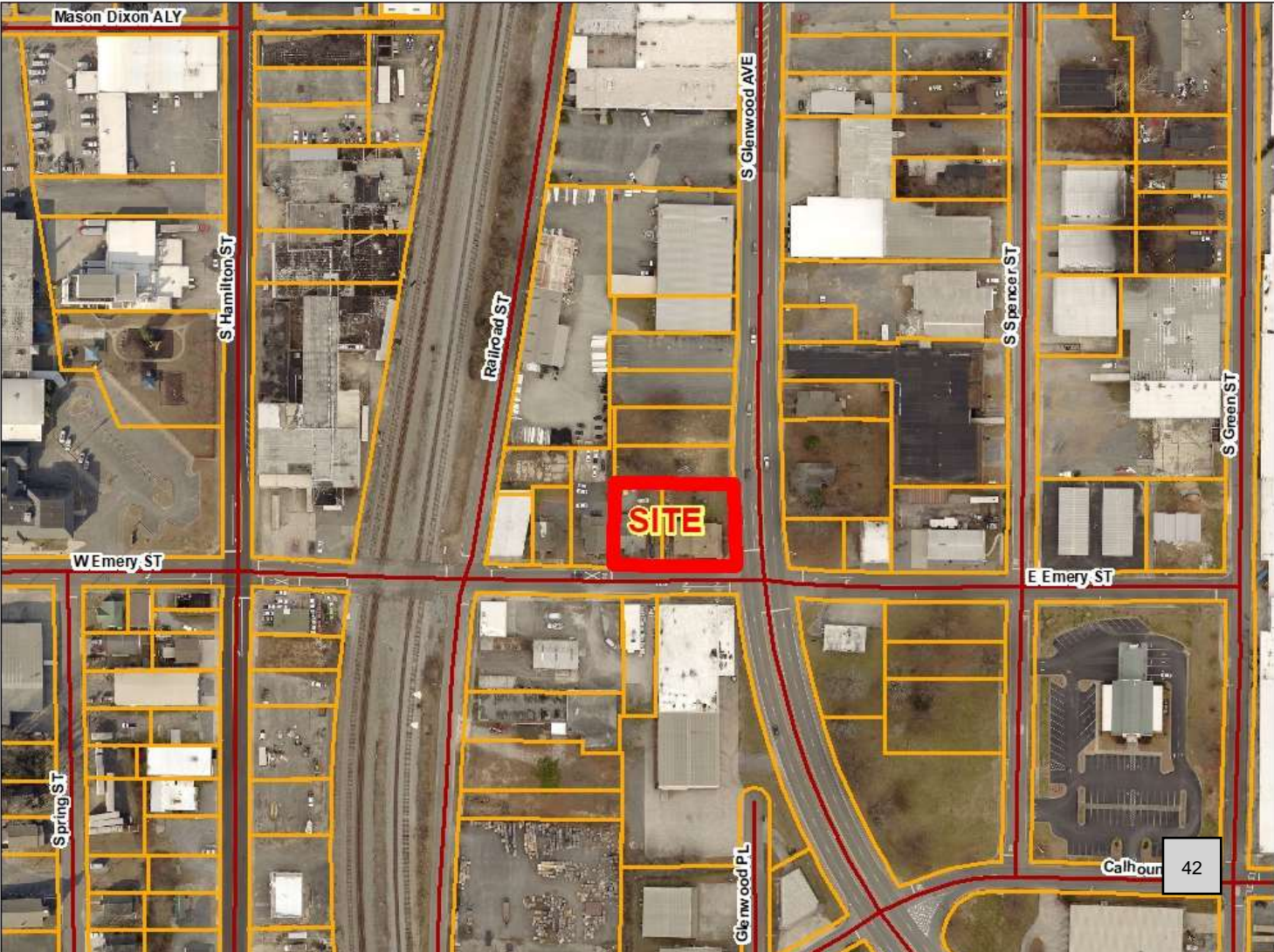
FEET
150




**Ramirez Rezoning Request
R-5, Rural Residential
to
C-2, General Commercial
CITY OF DALTON JURISDICTION**



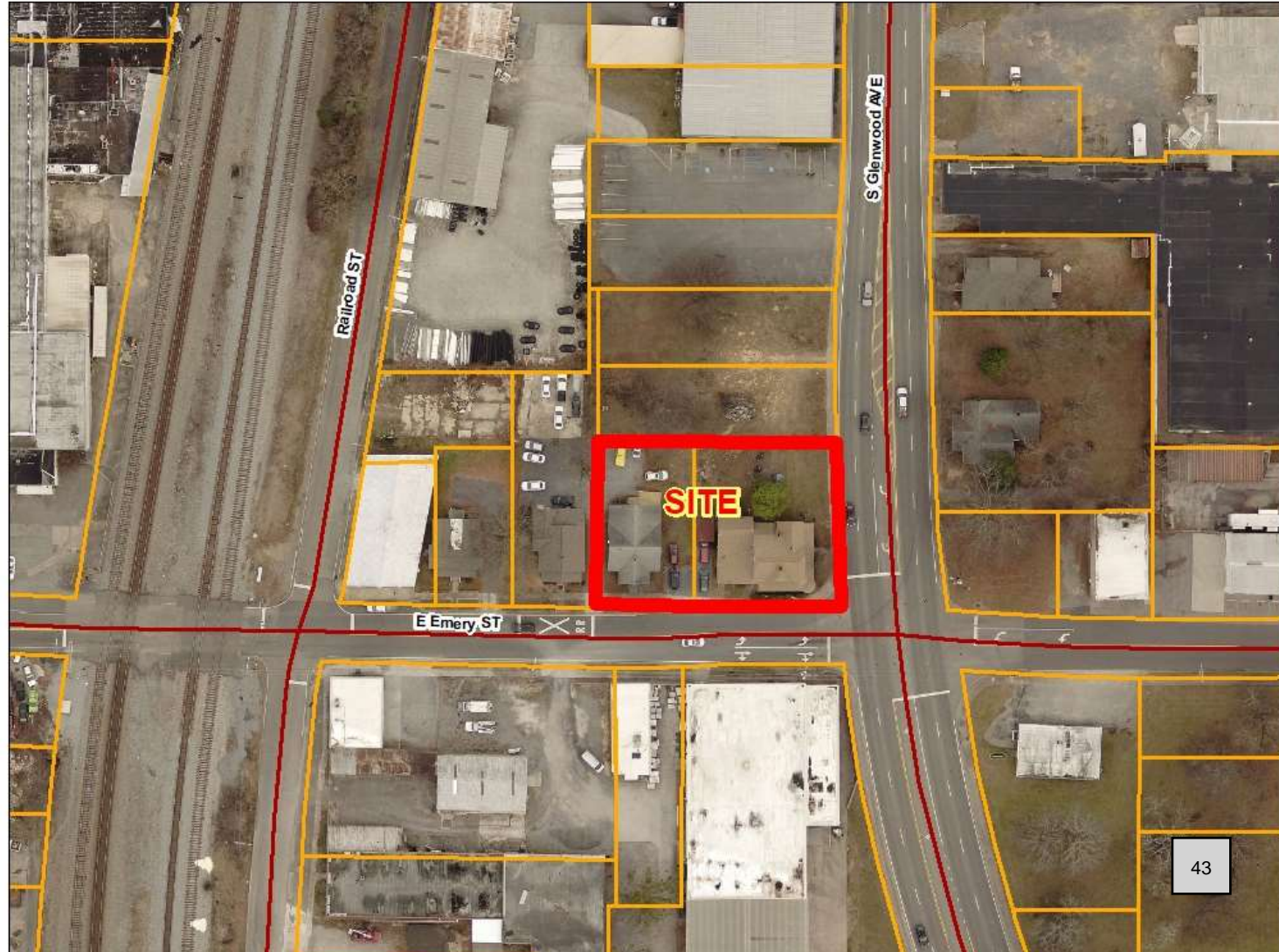
**FEET
150**



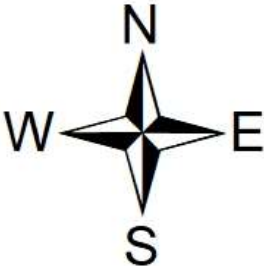
**Ramirez Rezoning Request
R-5, Rural Residential
to
C-2, General Commercial
CITY OF DALTON JURISDICTION**



**FEET
100**



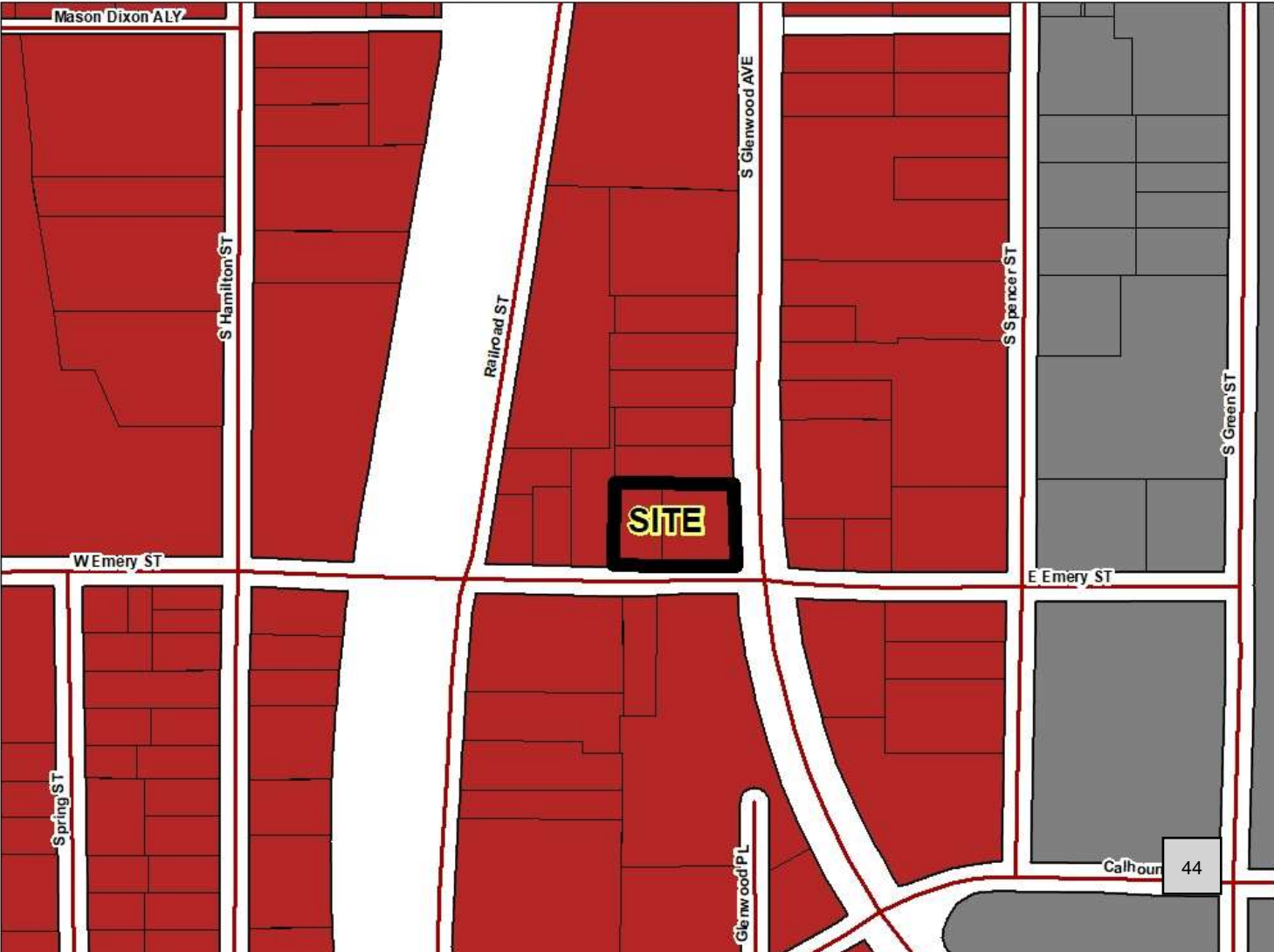
Ramirez Rezoning Request R-5, Rural Residential to C-2, General Commercial CITY OF DALTON JURISDICTION



FUTURE DEVELOPMENT MAP

-  Downtown/Town Center
-  Industrial

**FEET
150**





CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-04 The request of Juan Figueroa to rezone from Heavy Manufacturing (M-2) to Transitional Residential (R-6) a tract of land totaling 0.41 acres located at 909 Riverbend Road, Dalton, Georgia. Parcel (12-255-03-030) (City)

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached staff analysis.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 25-04

To rezone property of J. Figueroa Construction, LLC from a Heavy Manufacturing (M-2) Classification to a Transitional Residential (R-6) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, J. Figueroa Construction, LLC, by and through its authorized agent, Juan Figueroa, has petitioned for rezoning of certain real property it owns from M-2 classification to R-6 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from M-2 classification to R-6 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

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 _____, 2025.

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 Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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"

Tax Parcel No. 12-255-03-030

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: February 25, 2025

A. SUBJECT: The request of Juan Figueroa to rezone from Heavy Manufacturing (M-2) to Transitional Residential (R-6) a tract of land totaling 0.41 acres located at 909 Riverbend Road, Dalton, Georgia. Parcel (12-255-03-030) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Juan Figueroa.

Public Hearing Summary:

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

Juan Figueroa was present with a translator. Figueroa made no additional comments.

With no further comments, Chairman Lidderdale closed this public hearing at approximately 8:05 pm.

Recommendation:

Chairman Lidderdale sought a motion for the R-6 rezoning. Octavio Perez made a motion to approve the R-6 rezoning, and Chris Shifflett seconded. There was a unanimous recommendation to approve the R-6 rezoning 4-0.

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Juan Figueroa is seeking to rezone from Heavy Manufacturing (M-2) to Transitional Residential (R-6) a tract of land (parcel 12-255-03-030) containing a total of 0.41 acres located at 909 Riverbend Road. The subject property is currently undeveloped: The petitioner's request to rezone was made in order to construct a residential triplex on the subject property.

The surrounding uses and zoning are as follows: The M-2 and R-5 zone districts can be seen to the north of the subject property with both lots containing a single-family detached dwelling. The subject property is flanked on the east by the M-2 zone district occupied by a small commercial building. The M-2 zone district abuts the subject property to the southern and western boundaries of which both adjacent southern and western tracts contain single-family detached dwellings.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

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.

The subject property lies at the convergence of the R-5 and M-2 zone districts. This area is the point of convergence between multiple residential zone districts consisting of a mix of development patterns. The R-5 zone is established in this area and adjacent to the subject property. The R-6 zone district and proposed lot triplex development would be more reflective of the established neighborhood development pattern adjacent to the subject property than the current M-2 zone district. While there are no adjacent multi-family dwellings, similar unit/acre density can be seen in this area.

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

There is no expectation for any negative impacts on the values of the adjacent or nearby property values given the similarity in proposed zoning, development, and unit/acre residential density to that of the adjacent and surrounding area.

(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 too small for any type of heavy industrial or manufacturing use, and the residential character of this area is far more appropriate. The proposed R-6 rezoning would allow for the subject property to be developed similarly to other adjacent residential properties.

(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.

N/A

(E) Whether the proposed (R-6) amendment, if adopted or approved, would result in a use which would or could cause 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.

There is no expectation that public water or sewer would be burdened by the proposed development. Utilities are available in this area and the subject property's limited size do not give cause for concern. The proposed unit/acre residential density is similar to that already established throughout this area. The subject property would be required to provide for off-street parking at a minimum of five spaces for the proposed triplex.

(F) Whether the property sought to be rezoned (or 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 comprehensive plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. This character area is intended to promote public and private investment in aging neighborhoods to catalyze reinvestment in the area. Development patterns for this character area are to promote single-family development and accommodate infill development that complements the scale, style, and setbacks of existing adjacent homes. The proposed R-6 rezoning would be in alignment with the Town Neighborhood Revitalization character area in the Comprehensive Plan based on the existing zoning and development in this area. Many of the single-family detached dwellings in this area are rented rather than owner occupied units, and duplexes are a permitted use in the adjacent R-5 zone district.

(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.

The proposed R-6 rezoning would create an island of R-6 surrounded by the M-2 and R-5 zone districts. Three of the adjacent M-2 zoned tracts are occupied by single-family detached dwellings indicating less of a manufacturing character and more of a residential character regarding adjacent land use. The adjacent R-5 zone district would permit duplex dwellings as well single-family, so there is no concern for spot zoning or an entering wedge effect at this location based on the established development and zoning patterns.

(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.

N/A

CONCLUSION:

The staff can provide a recommendation to approve the R-6 rezoning of the subject property based on the following factors:

1. The requested R-6 zone district would allow for the subject property to be developed in a manner that is compatible with the established zoning and development of adjacent properties.
2. The Town Neighborhood Revitalization character area in the comprehensive plan would align with the proposed R-6 rezoning at this location based on the existing zoning and development pattern of this area.
3. The R-6 zone district would better protect the values of the adjacent and nearby residential properties than the existing M-2 zone district.

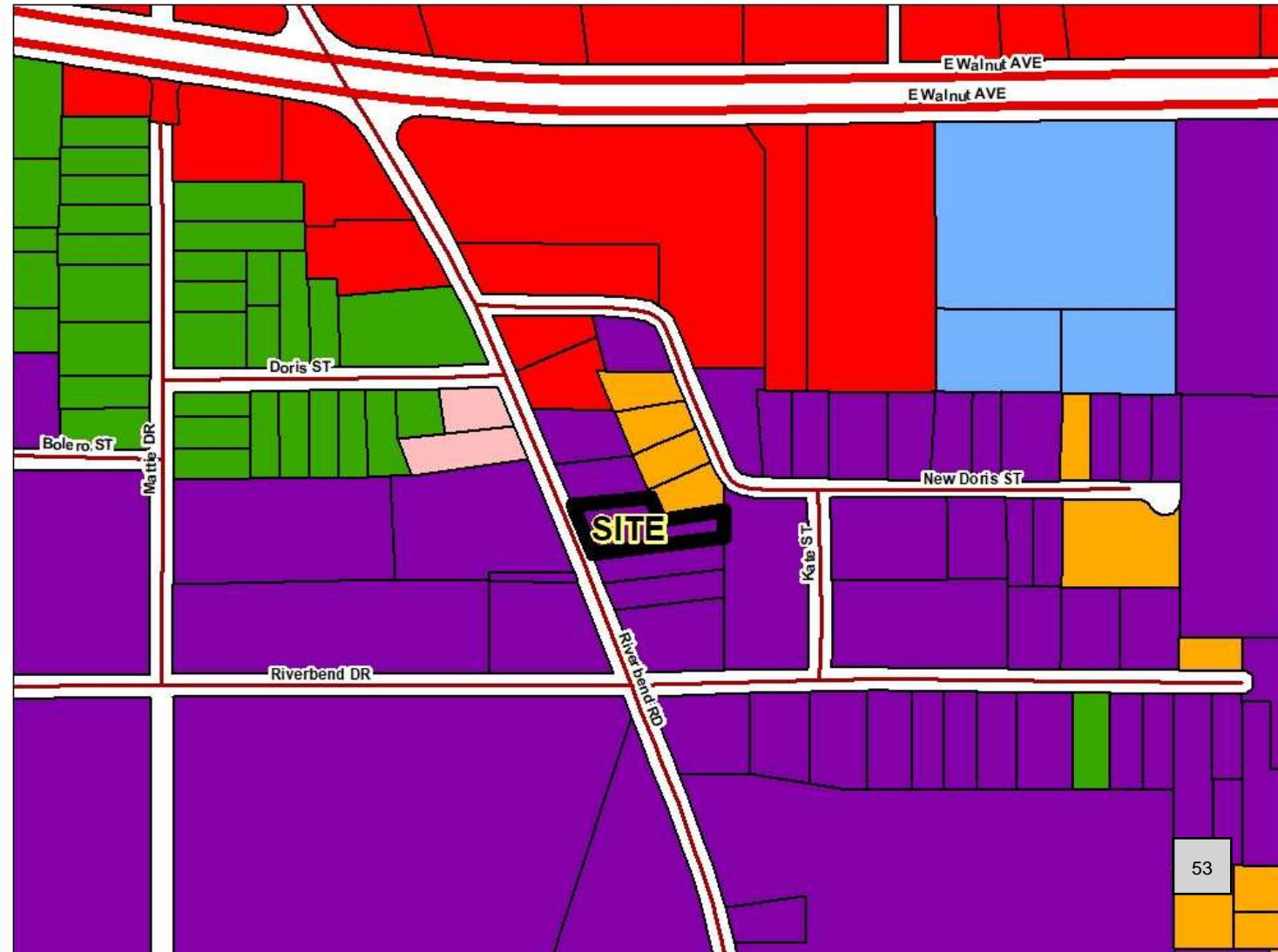
Figueroa Rezoning Request M-2, Heavy Manufacturing to R-6, Transitional Residential CITY OF DALTON JURISDICTION



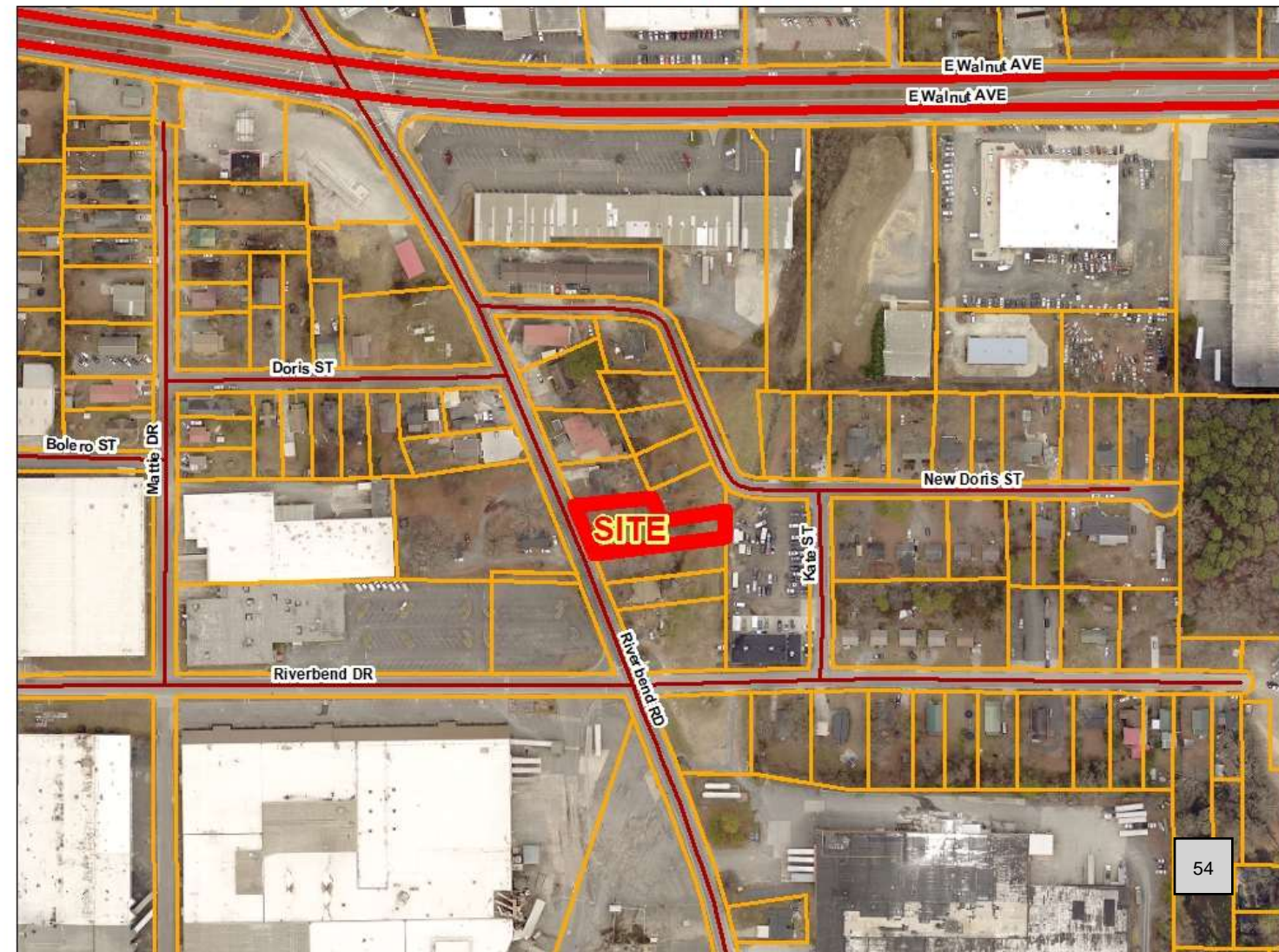
ZONING

- Medium Density Single Family Residential (R-3)
- Rural Residential (R-5)
- Mixed Use (MU)
- Neighborhood Commercial (C-1)
- General Commercial (C-2)
- Heavy Manufacturing (M-2)

FEET
200



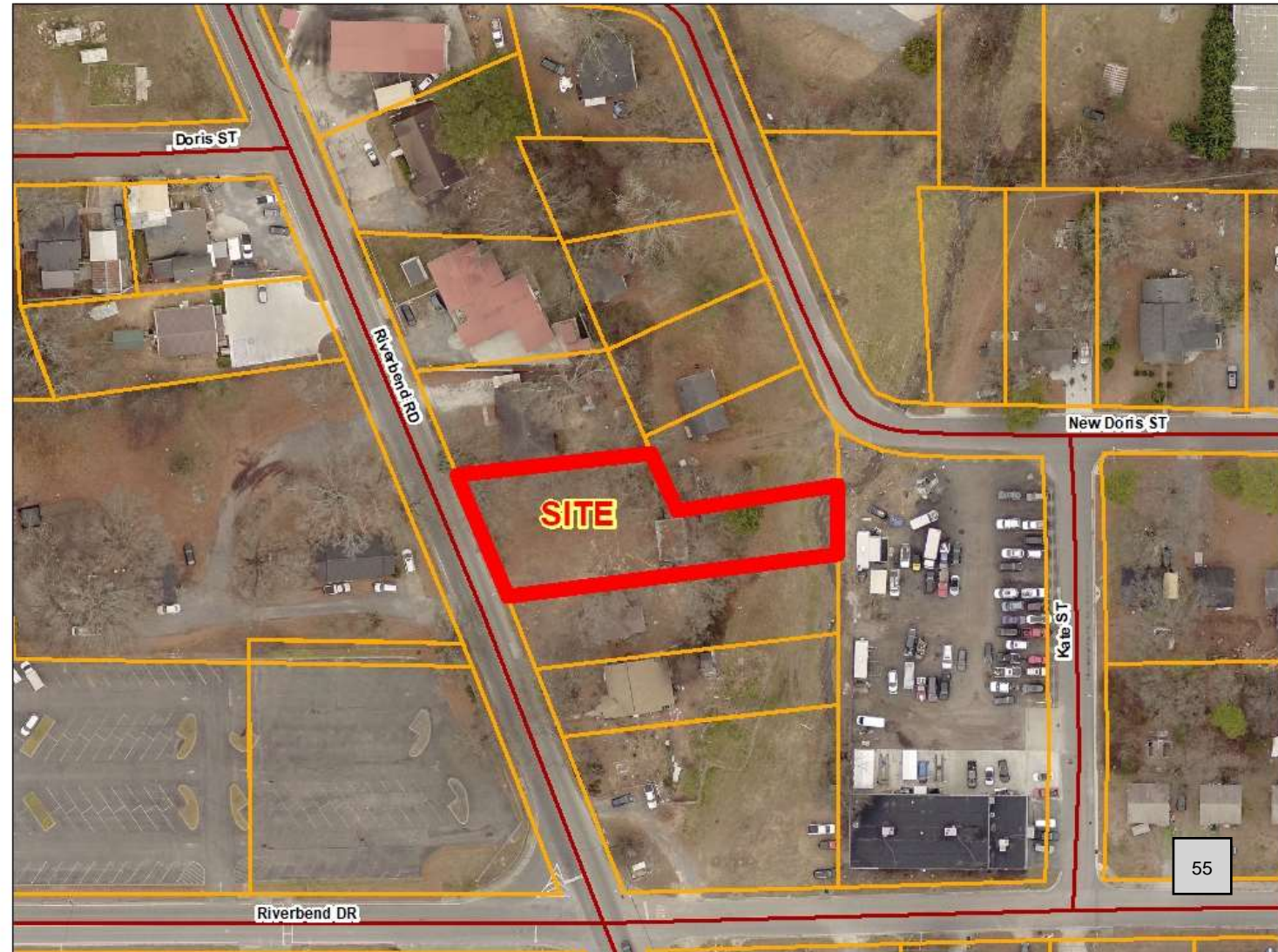
Figueroa Rezoning Request M-2, Heavy Manufacturing to R-6, Transitional Residential CITY OF DALTON JURISDICTION



FEET
200

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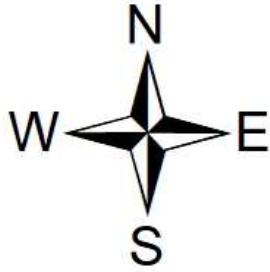
Figueroa Rezoning Request M-2, Heavy Manufacturing to R-6, Transitional Residential CITY OF DALTON JURISDICTION



FEET
100

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Figueroa Rezoning Request M-2, Heavy Manufacturing to R-6, Transitional Residential CITY OF DALTON JURISDICTION



FUTURE DEVELOPMENT MAP

-  Commercial Corridor
-  Industrial
-  Town Neighborhood Revitalization

FEET
200





CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-05 The request of Juan Figueroa to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.996 acres located at Water Street, Dalton, Georgia. Parcel (12-218-06-039) (City)

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached staff analysis.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 25-05

To rezone property of J. Figueroa Construction, LLC from a Heavy Manufacturing (M-2) Classification to a Rural Residential (R-5) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, J. Figueroa Construction, LLC, by and through its authorized agent, Juan Figueroa, has petitioned for rezoning of certain real property it owns from M-2 classification to R-5 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from M-2 classification to R-5 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

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 _____, 2025.

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 Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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"

Tax Parcel No. 12-218-06-039

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: February 25, 2025

A. SUBJECT: The request of Juan Figueroa to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.996 acres located at Water Street, Dalton, Georgia. Parcel (12-218-06-039) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Juan Figueroa.

Public Hearing Summary:

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

Juan Figueroa, accompanied by a translator, showed the proposed 5 lots to contain a mix of single-family dwellings and duplexes.

With no further comments, Chairman Lidderdale closed this public hearing at approximately 8:08 pm.

Recommendation:

Chairman Lidderdale sought a motion for the R-5 rezoning. Octavio Perez made a motion to approve the R-5 rezoning, and Chris Shifflett seconded. There was a unanimous recommendation to approve the R-5 rezoning 4-0.

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Juan Figueroa is seeking to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land (parcel 12-218-07-039) containing a total of 0.99 acres located at the intersections of Water, Ford, and Rowena Streets. The subject property is currently undeveloped: The petitioner's request to rezone was made in order to divide and develop up to five new residential lots with a combination of duplexes and single-family detached units.

The surrounding uses and zoning are as follows: The R-7 zone district can be seen to the north of the subject property containing an apartment complex. The subject property is flanked on the east and west boundaries by the M-2 zone district. The eastern and western tracts of land each contains a single-family detached dwelling despite being zoned M-2. To the south of the subject property are two tracts of land zoned R-5 that each contains a single-family detached dwelling.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

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.

The subject property is within a residential area of the city despite being zoned M-2. This area is the point of convergence between multiple residential zone districts consisting of primarily single-family detached dwellings and various multi-family developments. The R-5 zone is established in this area and adjacent to the subject property. The R-5 zone district and proposed lot sizes and development would be much more reflective of the established development pattern than the current M-2 zone district

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

There is no expectation for any negative impacts on the values of the adjacent or nearby property values given the similarity in proposed zoning, development, and unit/acre residential density to that of the adjacent and surrounding area.

(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 too small for any type of heavy industrial or manufacturing use, and the residential character of this area is a far more appropriate. The proposed R-5 rezoning would allow for the subject property to be developed similarly to other adjacent residential properties.

(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.

N/A

(E) Whether the proposed (R-5) amendment, if adopted or approved, would result in a use which would or could cause 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.

There is no expectation that public water or sewer would be burdened by the proposed development. Utilities are available at high capacity in this area and the subject property's limited size do not give cause for concern. The proposed unit/acre residential density is similar to that already established throughout this area. Each of the proposed new lots would front existing city maintained streets and would be required to go through the Final Plat review process pending rezoning action.

(F) Whether the property sought to be rezoned (or 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 comprehensive plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. This character area is intended to promote public and private investment in aging neighborhoods to catalyze reinvestment in the area. Development patterns for this character area are to promote single-family development and accommodate infill development that complements the scale, style, and setbacks of existing adjacent homes. The proposed R-5 rezoning would be in alignment with the Town Neighborhood Revitalization character area in the Comprehensive Plan based on the existing zoning and development in this area.

(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.

The proposed R-5 rezoning would simply enlarge the adjacent R-5 zone district and shrink the existing M-2 island in this area.

(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.

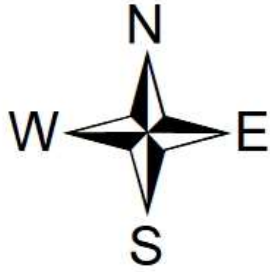
N/A

CONCLUSION:

The staff can provide a recommendation to approve the R-5 rezoning of the subject property based on the following factors:

1. The requested R-5 zone district would allow for the subject property to be developed in a manner that is compatible with the established zoning and development of adjacent properties.
2. The Town Neighborhood Revitalization character area in the comprehensive plan would align with the proposed R-5 rezoning at this location based on the existing zoning and development pattern of this area.
3. The R-5 zone district would better protect the values of the adjacent and nearby residential properties than the existing M-2 zone district.

Figueroa Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential CITY OF DALTON JURISDICTION

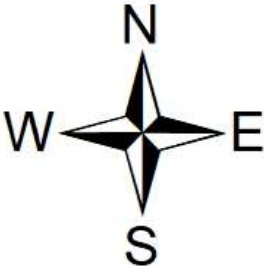


ZONING	
	Medium Density Single Family Residential (R-3)
	Rural Residential (R-5)
	Transitional Residential (R-6)
	High Density Residential (R-7)
	Limited Commercial (C-1A)
	Neighborhood Commercial (C-1)
	Neighborhood Commercial (C-1) Cond
	General Commercial (C-2)
	Heavy Manufacturing (M-2)

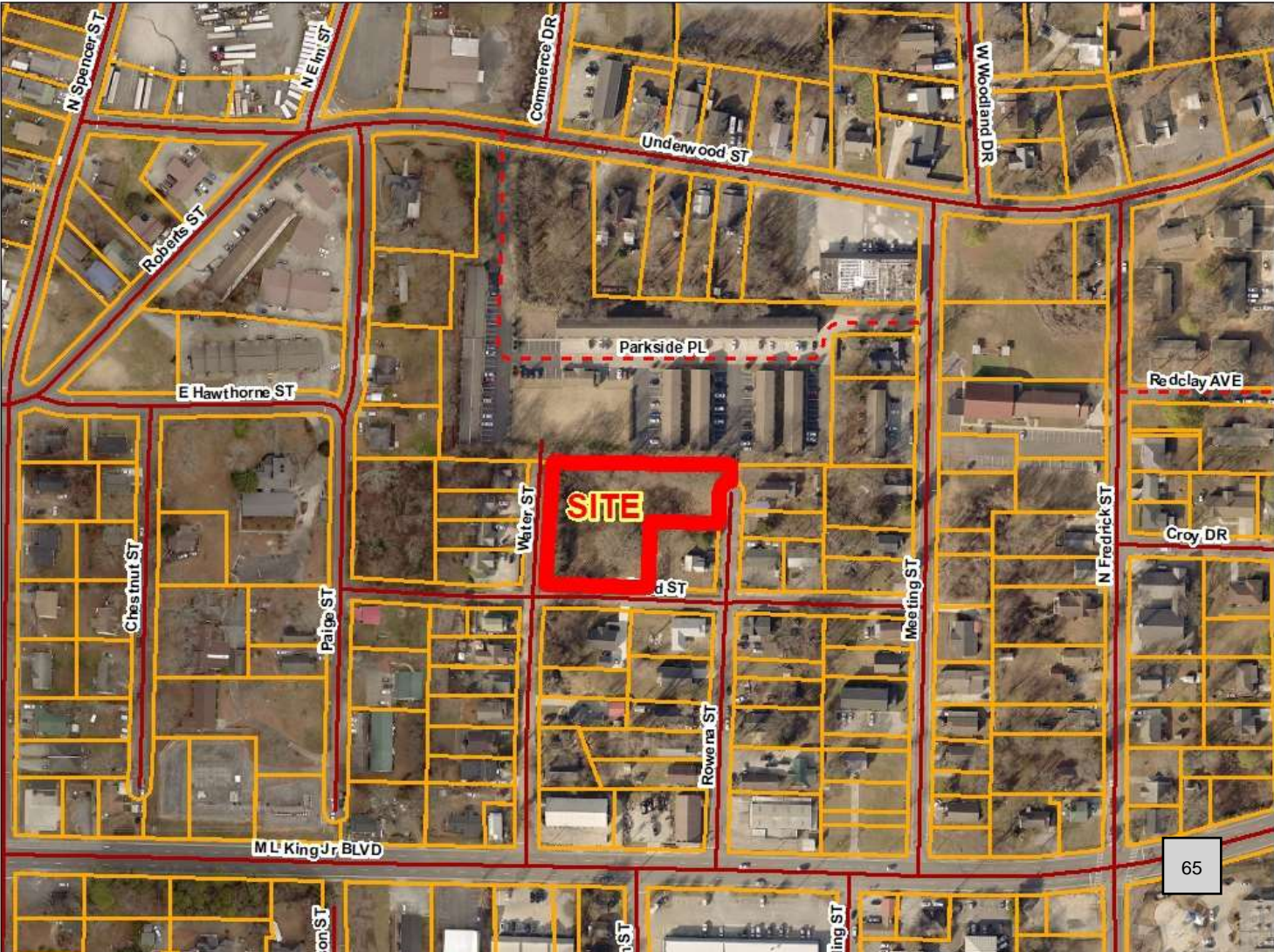
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Figueroa Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential CITY OF DALTON JURISDICTION



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**Figueroa Rezoning Request
M-2, Heavy Manufacturing
to
R-5, Rural Residential
CITY OF DALTON JURISDICTION**



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Figueroa Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential CITY OF DALTON JURISDICTION

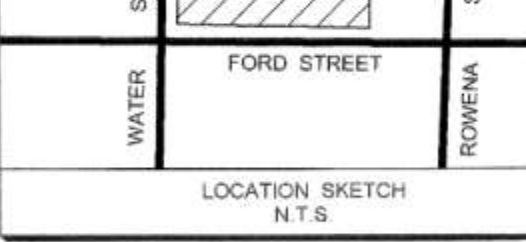


FUTURE DEVELOPMENT MAP

- Industrial
- Preserve
- Town Neighborhood Revitalization

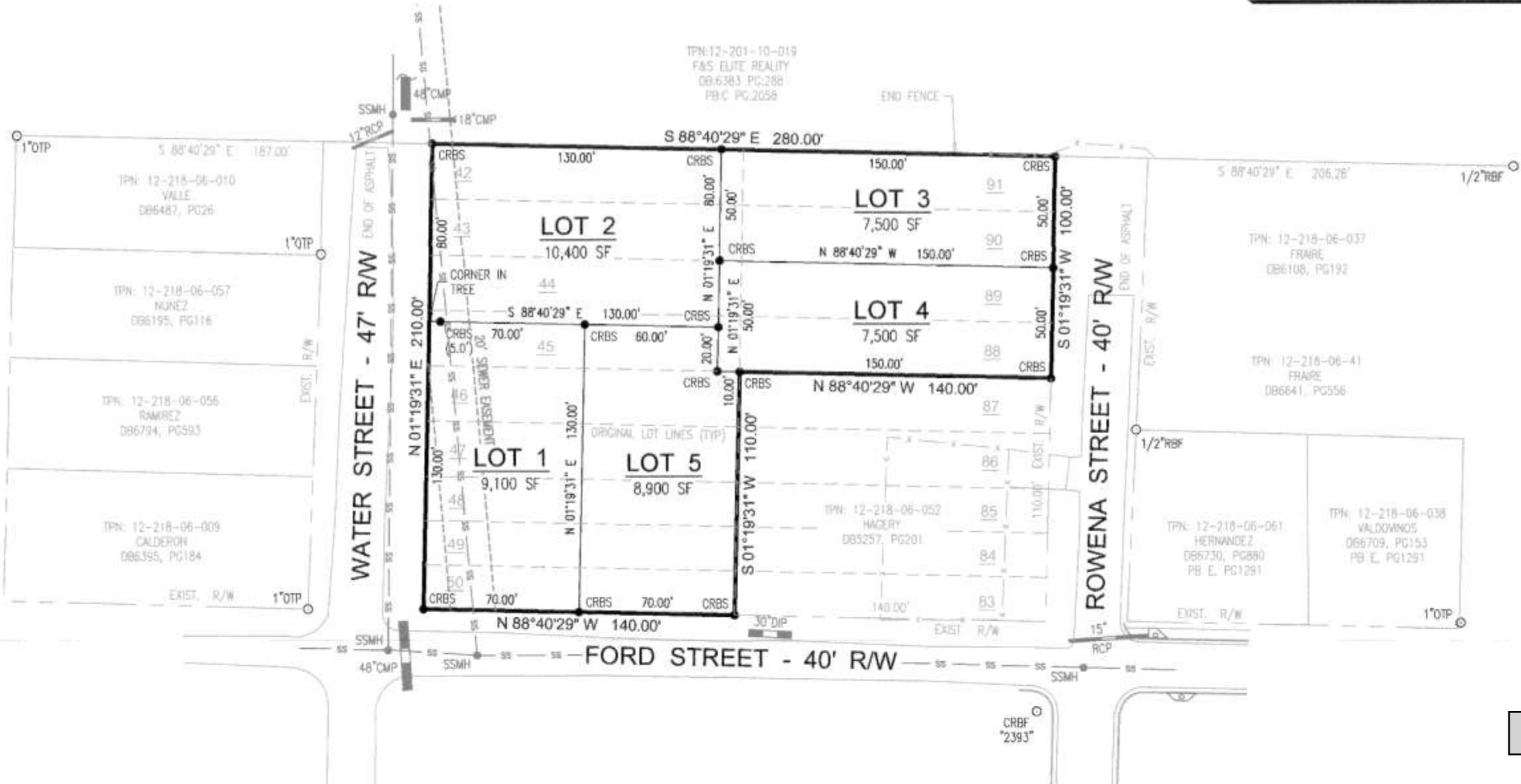
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TPN:12-201-10-019
F&S ELITE REALTY
DB:6383 PG:288
P.B.C PG:2058

END FENCE





CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-06 The request of Jason Jackson to rezone from Transitional Commercial (C-4) to Central Business District (C-3) a tract of land totaling 0.34 acres located at 400 S. Hamilton Street, Dalton, Georgia. Parcels (12-238-21-002 and 12-238-21-003) (City)

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached staff analysis.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 25-06

To rezone property of S&S Property Holdings, LLLP from a Transitional Commercial (C-4) Classification to a Central Business District (C-3) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, S&S Property Holdings, LLLP by and through its authorized agent, Jason Jackson, has petitioned for rezoning of certain real property he owns from C-4 classification to C-3 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from C-4 classification to C-3 classification subject to the following condition:

Any automobiles or equipment scheduled for service/repair must be stored on the subject property, or other private property, and not stowed in public parking.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

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 _____, 2025.

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 Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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"

Tax Parcel Nos. 12-238-21-002 and 12-238-21-003

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: February 25, 2025

A. SUBJECT: The request of Jason Jackson to rezone from Transitional Commercial (C-4) to Central Business District (C-3) a tract of land totaling 0.34 acres located at 400 S. Hamilton Street, Dalton, Georgia. Parcels (12-238-21-002 and 12-238-21-003) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Jason Jackson.

Public Hearing Summary:

Ethan Calhoun summarized the staff analysis which recommended approval of the rezoning with conditions. There were no further questions for Calhoun.

Jason Jackson stated that he intends to replace the old commercial trailers on the subject property with the new permanent structure. Jackson stated that he believed the new structure will increase his off-street parking. Jackson then voiced concern regarding the condition requiring a masonry façade and stated his plans for a metal three-bay garage façade similar to the existing garage bays on his property.

With no further comments, Chairman Lidderdale closed this public hearing at approximately 8:18 pm.

Recommendation:

Chairman Lidderdale sought a motion for the C-3 rezoning. Chris Shiflett made a motion to approve the C-3 rezoning with condition a., and Octavio Perez seconded. There was a unanimous recommendation to approve the C-3 rezoning 4-0.

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Jason Jackson is seeking to rezone from Transitional Commercial (C-4) to Central Business District (C-3) two tracts of land (parcels 12-238-21-002, and 003) containing a combined total of 0.34 acres located at 400 S. Hamilton St. The subject property is currently developed and occupied as an automobile service/repair shop: The petitioner's request to rezone was made in order to construct an additional building that would not meet the setback requirements of the C-4 zone district.

The surrounding uses and zoning are as follows: The C-3 zone district can be seen to the north of the subject property on two tracts of land consisting of one conventional historic downtown retail building and another lot used for outdoor inventory storage. The subject property is flanked on the east by the C-4 zone district by a single tract of land developed as a tire shop. The subject property is flanked to the south by two tracts of land zoned C-4 of which one contains a retail building and the other an office building owned by the City of Dalton Board of Education. The western adjacent tract of land is zoned C-4 and contains an office building.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

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.

The subject property lies at the convergence of the C-4 and C-3 zone districts. While these zone districts essentially share the same permitted uses, these two zone districts differ in nature by two characteristics. The C-4 zone district requires conventional building setbacks and off-street parking while the C-3 zone district allows 0-lot line buildings and has no requirement for off-street parking. The proposed use of the subject property would remain the same as an automobile service/repair shop which is a permitted use in both the C-3 and C-4 zone districts. The subject property's current use has been established for a number of years and other automobile service shops can be seen adjacent to the subject property and within the C-4 and C-3 zone districts.

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

Determining the impact on the adjacent property values in this case is a difficult speculation considering the existing character of the subject property as well as multiple non-conforming adjacent properties. All five tracts of land within the small city block, in which the subject property is located, contain non-conforming commercial structures as they each abut at least one lot boundary at 0-lot line. The expansion of the structure on the subject property could have impact on other adjacent structures that were not engineered for multiple 0-lot line construction.

(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's current use is permitted in both the C-4 and C-3 zone districts. The proposed C-3 rezoning would allow the petitioner to add an additional structure or expansion of the existing structure without meeting the conventional setbacks required in the C-4 zone district.

(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.

N/A

(E) Whether the proposed (C-3) amendment, if adopted or approved, would result in a use which would or could cause 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.

There is no expectation that public water or sewer would be burdened by the proposed development. Utilities are available in this area and the subject property's limited size do not give cause for concern. The addition of another structure or expansion of the existing structure on the subject property would, however, have the potential to further reduce the subject property's, already limited, off-street parking area. Any additional development of the subject property would leave it with less off-street parking area than five out of six adjacent properties. The subject property's use as an automobile repair/service shop means that there will often be automobiles and other vehicles on-site in various stages of service/repair. Public on-street parking along West Morris St. is intended to serve patrons of downtown businesses and should not be used for any long-term vehicle storage related to the petitioner's adjacent business.

(F) Whether the property sought to be rezoned (or 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 comprehensive plan's future development map shows this property to be within the Downtown/Town Center character area. Goals of this character area include encouraging a mix of uses to create vitality, reinforcing the area's role as a central business district and local activity center, and respecting and promoting the established development pattern of the downtown core. While the subject property is within the planned expansion of the downtown, the character of the subject property is notably different than the core business district of the historic downtown. Infrastructure such as on-street parking is limited in this area, and the development pattern of this block was originally intended for off-street parking. The current use of the subject property is permitted within the C-3 zone district. Consideration for public parking and the management of off-street vehicle parking and storage should be addressed if the subject property is rezoned C-3. Previous C-3 rezonings in this area provided ample off-street parking.

(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.

The proposed rezoning would simply enlarge the existing C-3 zone district and shrink the C-4 zone district in this area.

(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.

N/A

CONCLUSION:

The staff can provide a recommendation to approve the C-3 rezoning of the subject property based on the following factors and conditions:

1. The requested C-3 zone district would allow for the subject property to be developed in a manner that is compatible with the established zoning and development of adjacent properties as well as bringing the existing structure into conforming status regarding the existing setback encroachment.

2. The Downtown/Town Center character area in the comprehensive plan would align with the proposed C-3 rezoning at this location based on the existing zoning and development pattern of this area.








Conditions:

- A. Any automobiles or equipment scheduled for service/repair must be stored on the subject property, or other private property, and not stowed in public parking.
- B. Any building additions or new structures will be required to have a masonry façade on any walls with public street frontage to maintain the conventional style of the downtown.

Jackson Rezoning Request C-4, Transitional Commercial to C-3, Central Business District CITY OF DALTON JURISDICTION



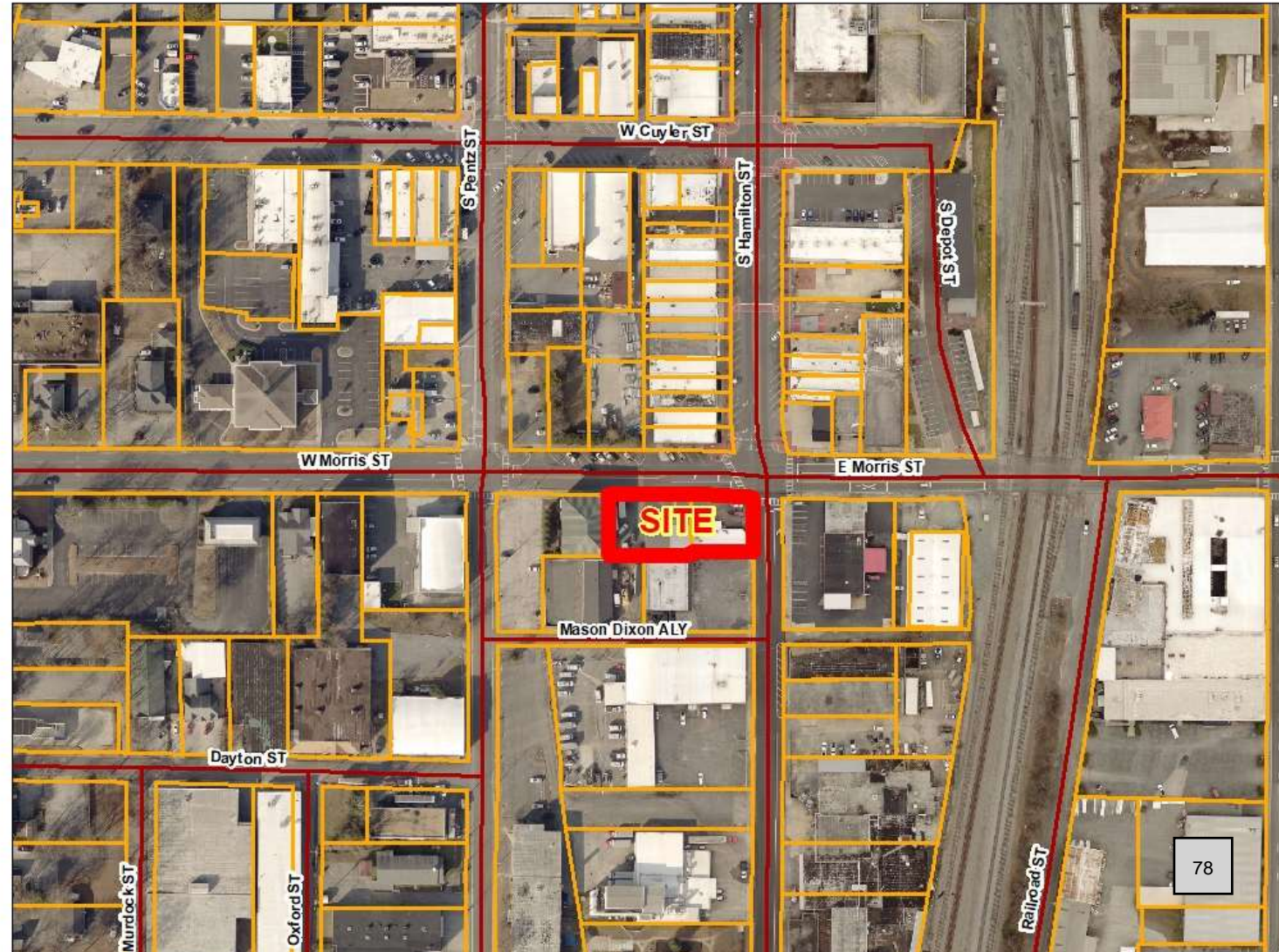
ZONING

-  Limited Commercial (C-1A)
-  General Commercial (C-2)
-  Central Business District (C-3)
-  Central Business District (C-3) Cond
-  Transitional Commercial (C-4)
-  Mixed Use (MU)
-  Heavy Manufacturing (M-2)

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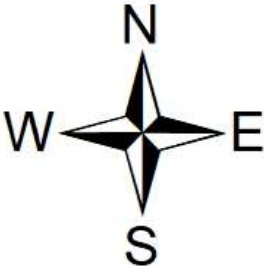
Jackson Rezoning Request C-4, Transitional Commercial to C-3, Central Business District CITY OF DALTON JURISDICTION



**FEET
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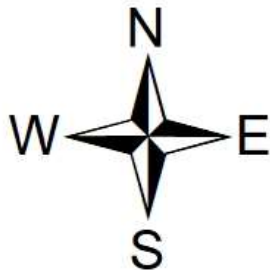
**Jackson Rezoning Request
C-4, Transitional Commercial
to
C-3, Central Business District
CITY OF DALTON JURISDICTION**



**FEET
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Jackson Rezoning Request C-4, Transitional Commercial to C-3, Central Business District CITY OF DALTON JURISDICTION



FUTURE DEVELOPMENT MAP

 Downtown/Town Center

FEET
200





CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-07 The request of Preferred Tufters to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 1.36 acres located on Cargal Drive, Dalton, Georgia. Parcel (12-255-10-017) (City)

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached staff analysis

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 25-07

To rezone property of Preferred Tufters, Inc. from a Heavy Manufacturing (M-2) Classification to a Rural Residential (R-5) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Preferred Tufters, Inc., by and through its authorized agent, Jason Goldberg, has petitioned for rezoning of certain real property it owns from M-2 classification to R-5 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from M-2 classification to R-5 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

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 _____, 2025.

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 Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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"

Tax Parcel No. 12-255-10-17

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: February 25, 2025

A. SUBJECT: The request of Preferred Tufters to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 1.36 acres located on Cargal Drive, Dalton, Georgia. Parcel (12-255-10-017) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Jason Goldberg.

Public Hearing Summary:

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

Jason Goldberg stated the lack of commercial/industrial development potential of the subject property and that he believed the proposed residential rezoning would be a better fit for the neighborhood.

With no further comments, Chairman Lidderdale closed this public hearing at approximately 8:23 pm.

Recommendation:

Chairman Lidderdale sought a motion for the R-5 rezoning. Octavio Perez made a motion to approve the R-5 rezoning, and Jody McClurg seconded. There was a unanimous recommendation to approve the R-5 rezoning 4-0.

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Preferred Tufters is seeking to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land (parcel 12-255-10-017) containing a total of 1.36 acres located along Cargal Drive. The subject property is currently undeveloped: The petitioner's request to rezone was made in order to divide the subject property and construct multiple duplex dwellings on the subject property.

The surrounding uses and zoning are as follows: The M-2 zone district can be seen to the north of the subject property on a tract of land containing an industrial building. The subject property is flanked on the east by the R-5 and C-2 zone districts which are all occupied by single-family detached dwellings. The R-5 zone district abuts the subject property to the southern boundary of which all southern adjacent tracts contain single-family detached dwellings. The western adjacent tract of land is a continuation of the northern adjacent tract of land zoned M-2.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

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.

The subject property lies at the convergence of the R-5 and M-2 zone districts. This area is the point of convergence between multiple residential zone districts consisting of a mix of development patterns. The R-5 zone is established in this area and adjacent to the subject property. The R-5 zone district and proposed duplex development would be more reflective of the established neighborhood development pattern adjacent to the subject property than the current M-2 zone district. While there are no adjacent multi-family dwellings, similar unit/acre density can be seen throughout this area.

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

There is no expectation for any negative impact on the values of the adjacent or nearby property values given the similarity in proposed zoning, development, and unit/acre residential density to that of the adjacent and surrounding area. The proposed R-5 rezoning would be far less impactful to the adjacent property values than the existing M-2 zone district.

(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 too small for any type of modern heavy industrial or manufacturing use, and the residential character of this area is far more appropriate. The proposed R-5 rezoning would allow for the subject property to be developed in a manner more appropriate to the adjacent residential properties than could occur under the current M-2 zone.

(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.

N/A

(E) Whether the proposed (R-5) amendment, if adopted or approved, would result in a use which would or could cause 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.

There is no expectation that public water or sewer would be burdened by the proposed development.

Utilities are available in this area and the subject property's limited size do not give cause for concern. The proposed unit/acre residential density is similar to that already established throughout this area. The subject property would be required to provide for off-street parking at a minimum of four spaces for each of the proposed duplexes.

(F) Whether the property sought to be rezoned (or 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 comprehensive plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. This character area is intended to promote public and private investment in aging neighborhoods to catalyze reinvestment in the area. Development patterns for this character area are to promote single-family development and accommodate infill development that complements the scale, style, and setbacks of existing adjacent homes. The proposed R-5 rezoning would be in alignment with the Town Neighborhood Revitalization character area in the Comprehensive Plan based on the existing zoning and development in this area. Duplexes are a permitted use in the adjacent R-5 zone district.

(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.

The proposed R-5 rezoning would simply enlarge the existing R-5 zone district and shrink the M-2 zone district in this area.

(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.

N/A


CONCLUSION:

The staff can provide a recommendation to approve the R-5 rezoning of the subject property based on the following factors:

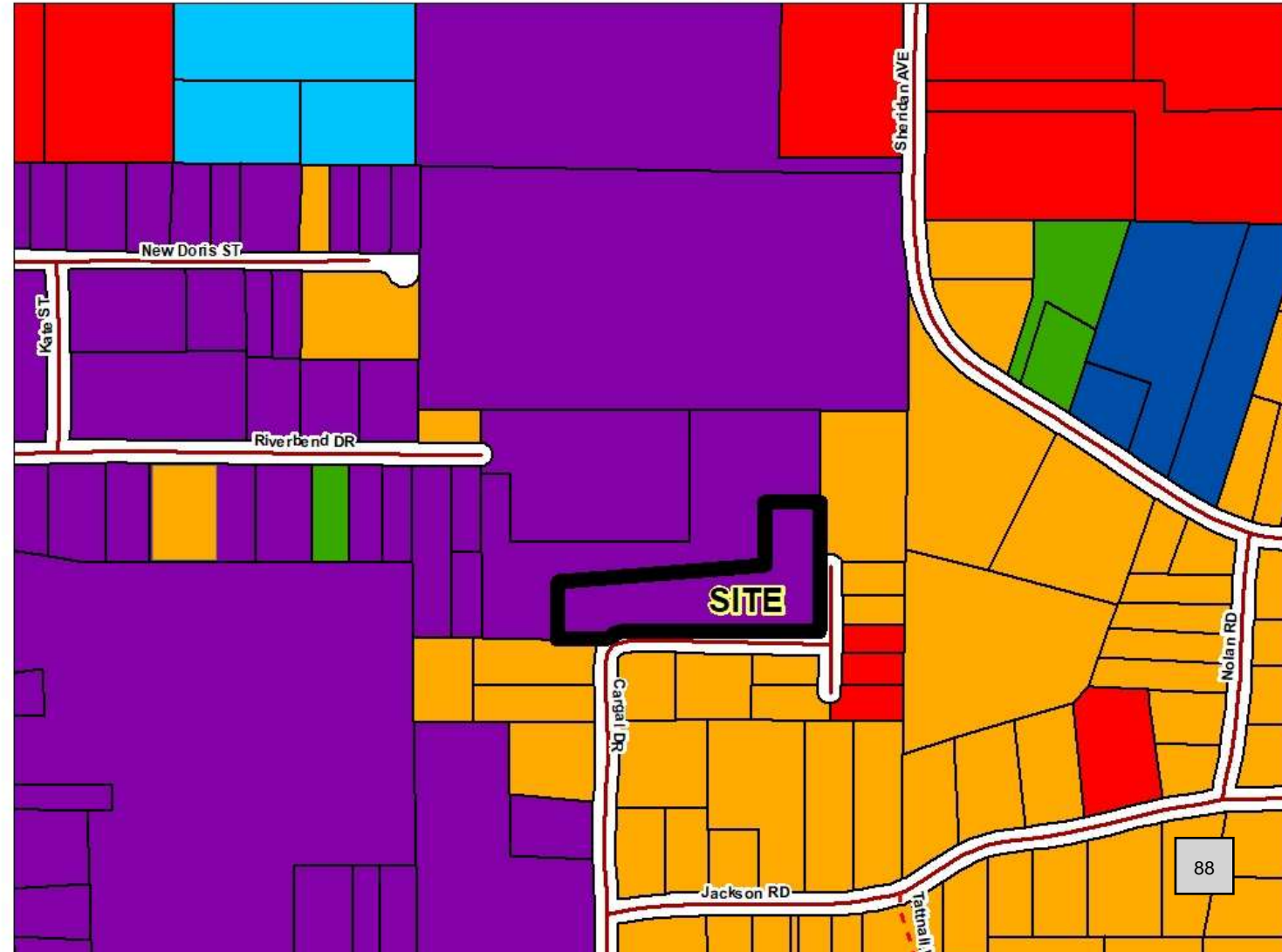
1. The requested R-5 zone district would allow for the subject property to be developed in a manner that is compatible with the established zoning and development of adjacent properties.
2. The Town Neighborhood Revitalization character area in the comprehensive plan would align with the proposed R-5 rezoning at this location based on the existing zoning and development pattern of this area.
3. The R-5 zone district would far better protect the values of the adjacent and nearby residential properties than the existing M-2 zone district.

Preferred Tufters Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential CITY OF DALTON JURISDICTION

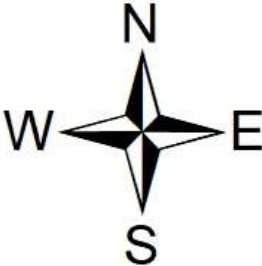


ZONING	
	Medium Density Single Family Residential (R-3)
	Rural Residential (R-5)
	High Density Residential (R-7)
	Mixed Use (MU)
	General Commercial (C-2)
	Heavy Manufacturing (M-2)

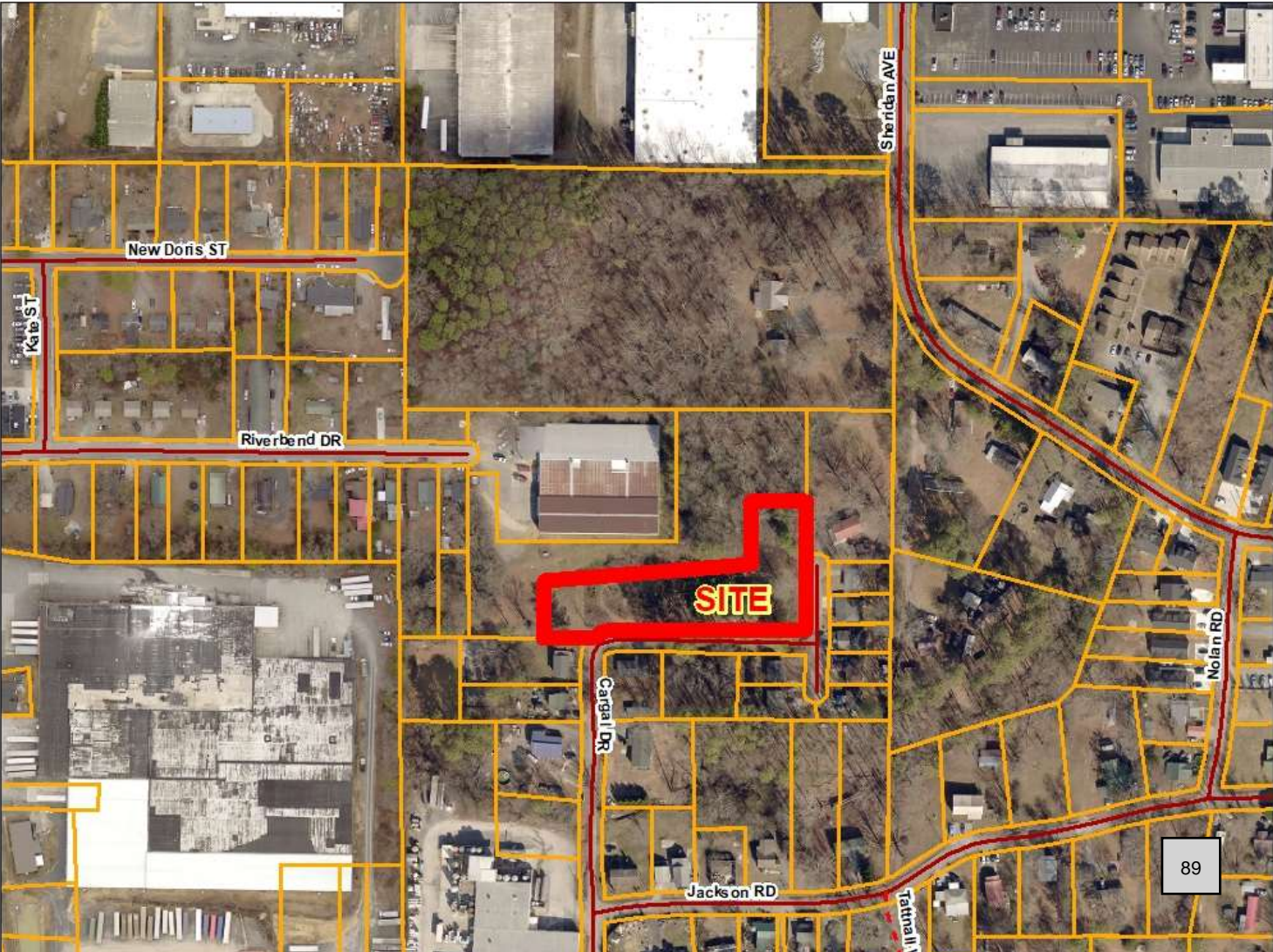
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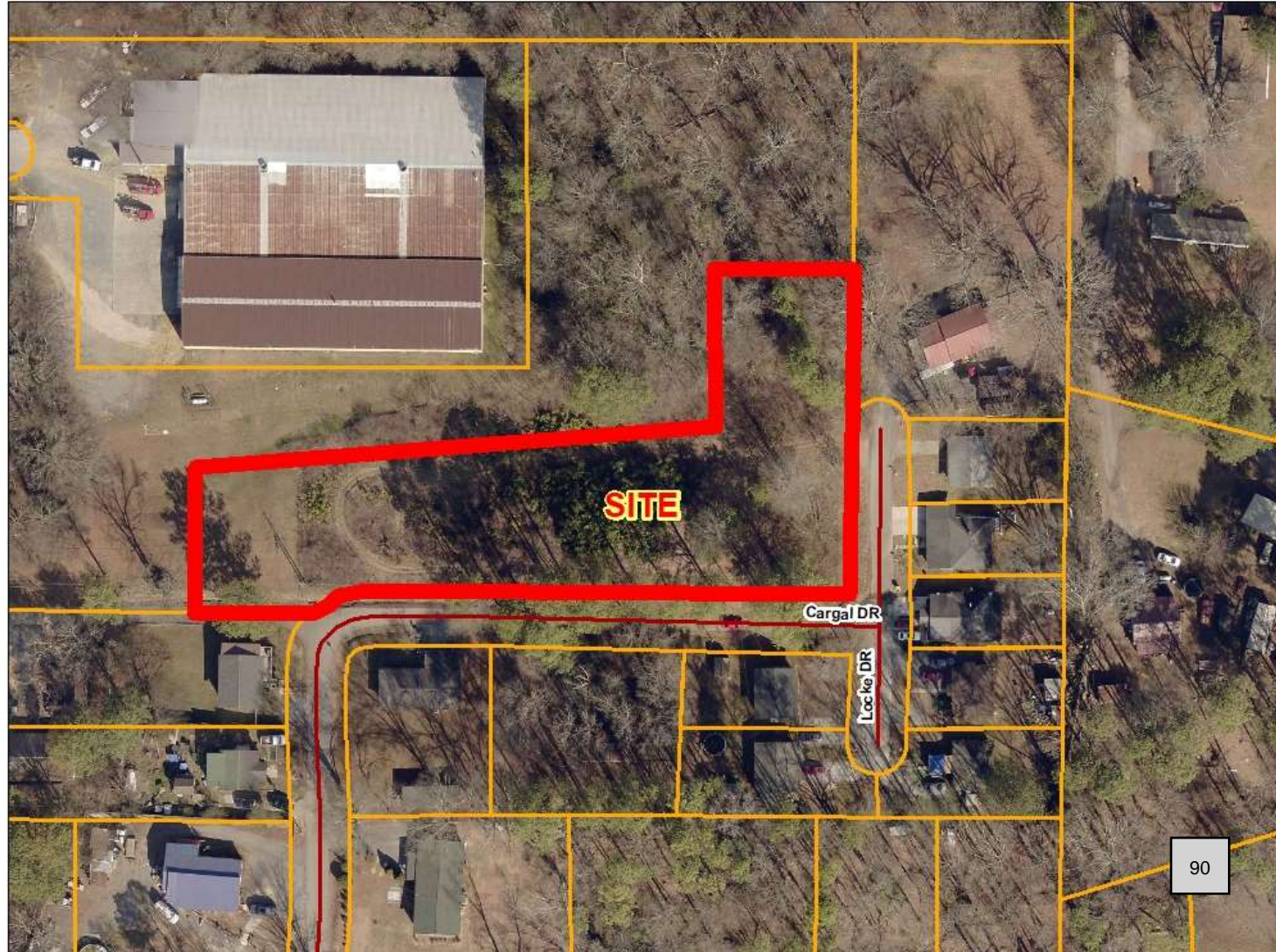
**Preferred Tufters Rezoning Request
M-2, Heavy Manufacturing
to
R-5, Rural Residential
CITY OF DALTON JURISDICTION**



**FEET
400**



**Preferred Tufters Rezoning Request
M-2, Heavy Manufacturing
to
R-5, Rural Residential
CITY OF DALTON JURISDICTION**



**FEET
150**



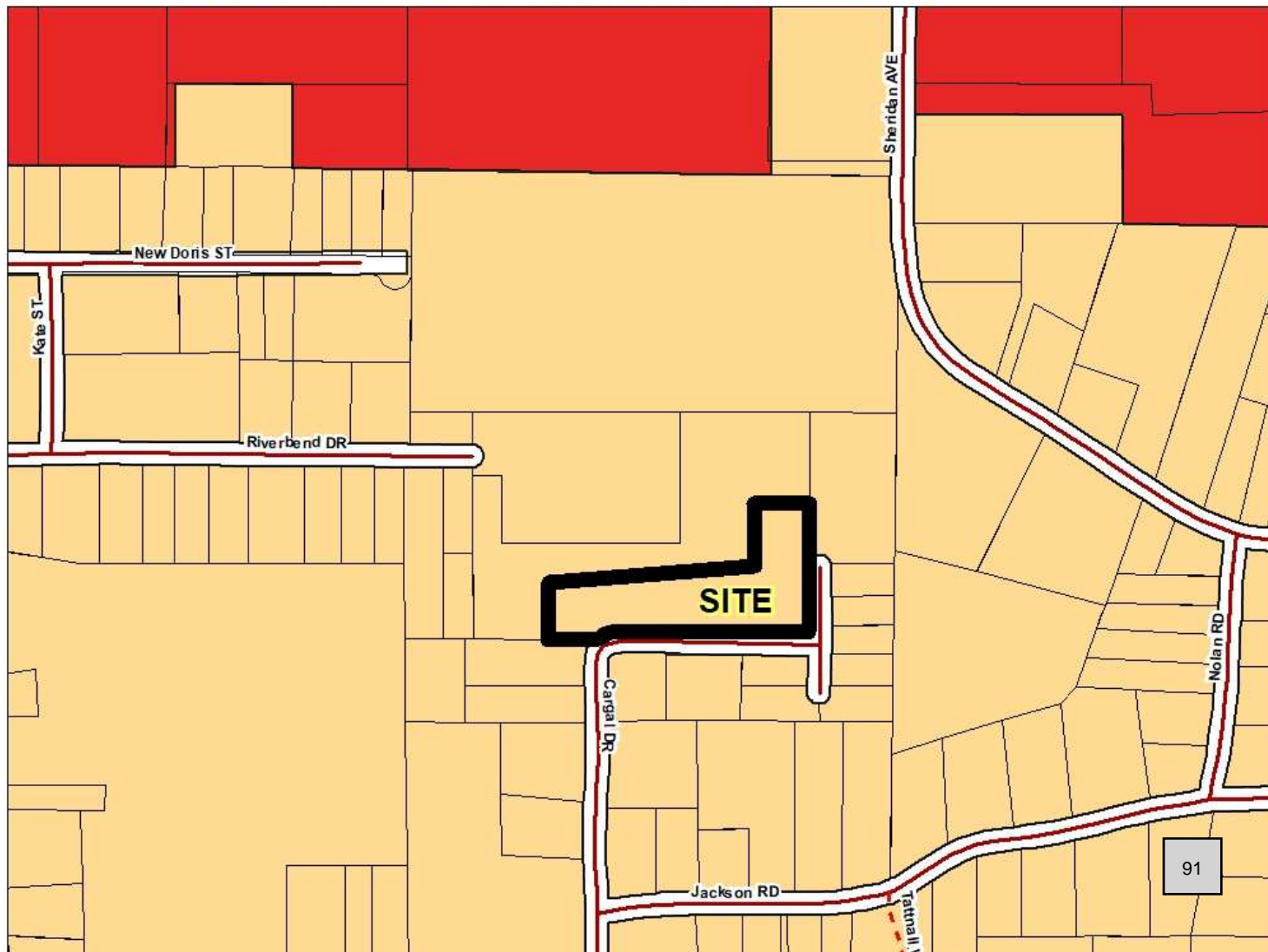
Preferred Tufters Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential CITY OF DALTON JURISDICTION



FUTURE DEVELOPMENT MAP

-  Commercial Corridor
-  Town Neighborhood Revitalization

FEET
400





CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Ordinance 25-08 The request of Don W. Adcock to rezone from Limited Commercial (C-1) to Medium Density Single Family Residential (R-3) a tract of land totaling 0.18 acres located at 404 W. Hawthorne Street, Dalton, Georgia. Parcel (12-199-09-005) (City)

DEPARTMENT

Planning and Zoning

REQUESTED BY

Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

See attached analysis.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 25-08

To rezone property of Don Adcock from a Neighborhood Commercial (C-1) Classification to a Medium-Density Single-Family Residential (R-3) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Don Adcock has petitioned for rezoning of certain real property he owns from C-1 classification to R-3 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from C-1 classification to R-3 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

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 _____, 2025.

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 Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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"

Tax Parcel No. 12-199-09-005

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: February 25, 2025

A. SUBJECT: The request of Don W. Adcock to rezone from Limited Commercial (C-1) to Medium Density Single Family Residential (R-3) a tract of land totaling 0.18 acres located at 404 W. Hawthorne Street, Dalton, Georgia. Parcel (12-199-09-005) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 24, 2025, at 6:00 p.m. in the Whitfield County Courthouse meeting room. 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 Don Adcock.

Public Hearing Summary:

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

Don Adcock stated that he intends to rent the subject property as a residential dwelling due to a lack of commercial interest at this time. Adcock voiced interest in the staff suggestion for consideration of C-1A.

With no further comments, Chairman Lidderdale closed this public hearing at approximately 8:30 pm.

Recommendation:

Chairman Lidderdale sought a motion for the R-3 rezoning. Chris Shiflett made a motion to approve a C-1A rezoning based on the staff analysis, and Jody McClurg seconded. There was a unanimous recommendation to approve the C-1A rezoning 4-0.

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Don Adcock is seeking to rezone from Neighborhood Commercial (C-1) to Medium-Density Single-Family Residential (R-3) a tract of land (parcel 12-199-09-005) containing a total of 0.18 acres located at 404 W. Hawthorne St. The subject property contains a single-family detached dwelling: The petitioner's request to rezone was made in order for the heir/heirs of the estate to divide the subject property.

The surrounding uses and zoning are as follows: The surrounding parcels are zoned C-1 to the north and east, C-1A to the south, and M-2 to the west.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

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.

The subject property is adjacent to two tracts of land that each contain single-family detached dwellings that were converted for office use similarly to the subject property. While the subject property is not adjacent to any residential zoning, there was a historic character of single-family development at this location. The R-7 zone district can be found within a few hundred feet to the north of the subject property which illustrates an established residential character in the immediate vicinity.

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

The R-3 rezoning would be restricted to only single-family detached use, which is unlikely to have any negative impact on the adjacent or nearby properties.

(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 could be used as an office space as it is currently zoned and developed. The former use of the subject property as a single-family dwelling indicates that it is also conducive for the proposed use.

(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.

N/A

(E) Whether the proposed (R-3) amendment, if adopted or approved, would result in a use which would or could cause 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.

The proposed rezoning would have no effect on public infrastructure and utilities based on the subject property's limited size and existing development.

(F) Whether the property sought to be rezoned (or 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 that are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses that are compatible to the existing uses in the vicinity.

The Comprehensive Plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. This character area is intended to represent aging residential communities in the city in need of reinvestment. The proposed rezoning would serve the intent of this character area and address the need for additional housing near the historic downtown.

(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.

The proposed R-3 rezoning would create an island of residential zoning surrounded by commercial and manufacturing zoning. However, the adjacent C-1A zone district permits residential development, and the R-7 zone district is within the immediate vicinity.

(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.

N/A

CONCLUSION:

The staff can provide a recommendation to approve the requested R-3 rezoning of the subject property, but this planner believes that a recommendation for a C-1A rezoning may be a better fit based on the following factors:

1. The C-1A zone district would allow for the use of the subject property in a manner that would be more similar to the established pattern of zoning and development in this area by permitting both residential and limited commercial uses.
2. The C-1A zone district would be unlikely to have a negative impact on the adjacent or surrounding properties. The R-3 zone district would impose a buffer requirement on the adjacent C-1 properties that could burden them in the future given their limited lot size.
3. The C-1A rezoning would be reflective of the intent of the Town Neighborhood character area in the Joint Comprehensive Plan.

Adcock Rezoning Request C-1, Neighborhood Commercial

to

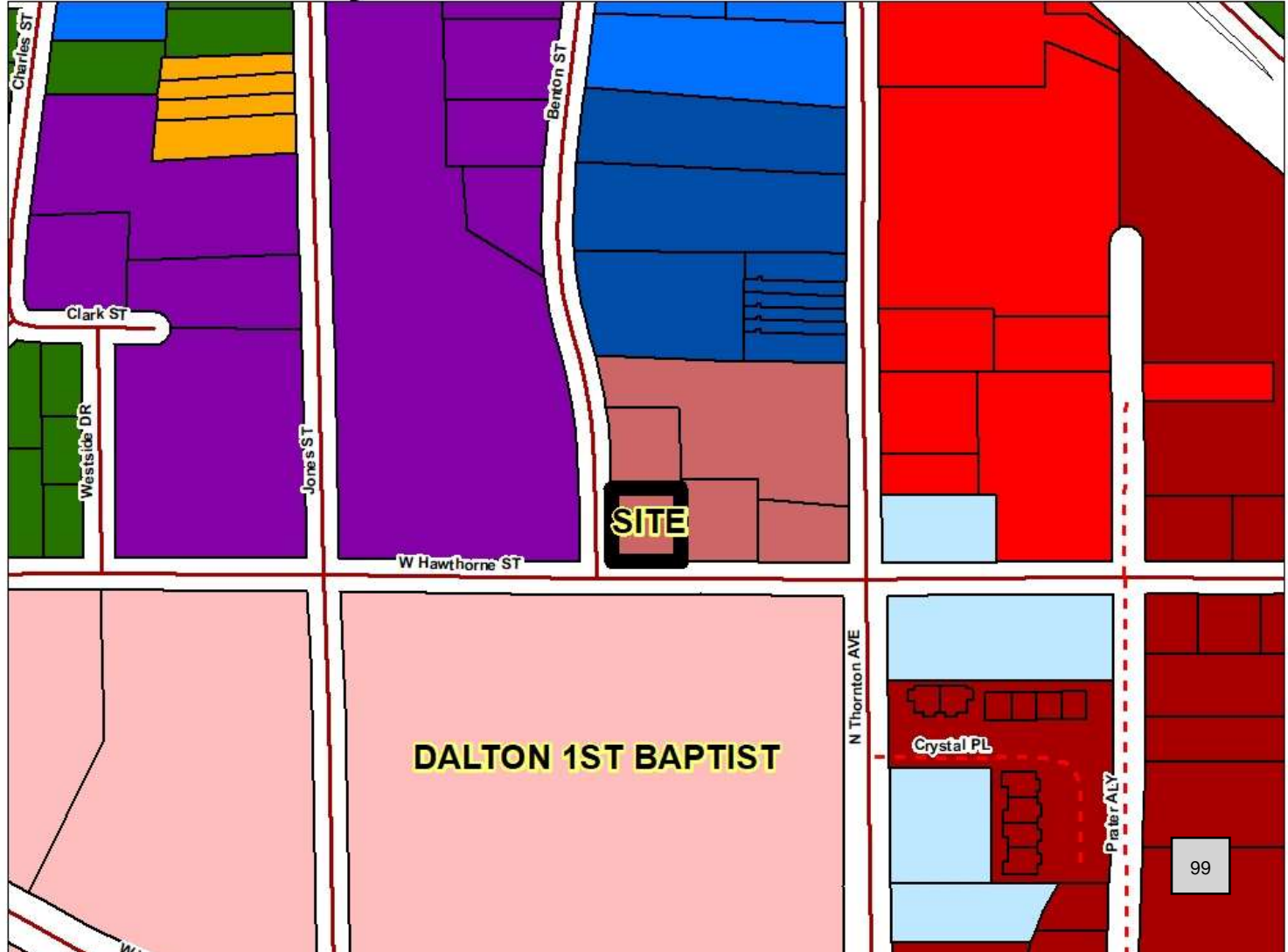
R-3, Medium Density Single Family Residential City of Dalton Jurisdiction



ZONING

- Medium Density Single Family Residential (R-3)
- Rural Residential (R-5)
- Transitional Residential (R-6)
- High Density Residential (R-7)
- Mixed Use (MU)
- Limited Commercial (C-1A)
- Neighborhood Commercial (C-1)
- General Commercial (C-2) Cond
- Transitional Commercial (C-4)
- Heavy Manufacturing (M-2)

FEET
100



Adcock Rezoning Request C-1, Neighborhood Commercial

to

R-3, Medium Density Single Family Residential City of Dalton Jurisdiction



FEET
100

Adcock Rezoning Request C-1, Neighborhood Commercial

to

R-3, Medium Density Single Family Residential City of Dalton Jurisdiction



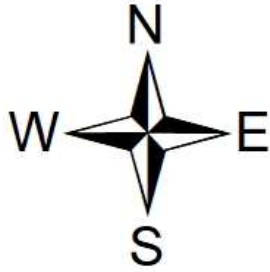
**FEET
100**



Adcock Rezoning Request C-1, Neighborhood Commercial

to

R-3, Medium Density Single Family Residential City of Dalton Jurisdiction



FUTURE DEVELOPMENT MAP

-  Downtown/Town Center
-  Town Neighborhood
-  Town Neighborhood Revitalization

FEET
100






CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

3/3/2025

AGENDA ITEM

Mayoral Appointments

DEPARTMENT

Administration

REQUESTED BY

Andrew Parker

REVIEWED/APPROVED BY CITY ATTORNEY?

No

COST

N/A

FUNDING SOURCE IF NOT IN BUDGET

N/A

PLEASE PROVIDE A SUMMARY OF YOUR REQUEST, INCLUDING BACKGROUND INFORMATION TO EXPLAIN THE REQUEST:

Mayoral Appointments to Land Bank Authority and Historic Preservation Commission

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

2025 Mayoral Appointments

Type	Current Member	New Member	Term	Current Expiration	New Expiration
Land Bank Authority	Mock, Dennis	Mock, Dennis	1-year	12/31/2024	12/31/2025
Land Bank Authority	Sams, Annalee	Sams, Annalee	1-year	12/31/2024	12/31/2025
Historic Preservation Commission	Farrow, Steve	Farrow, Steve	1-year	12/31/2024	12/31/2025