



**SPECIAL CALLED
MAYOR AND COUNCIL MEETING
THURSDAY, DECEMBER 22, 2022
10:00 AM
DALTON CITY HALL**

A G E N D A

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Commentary: *(Please Complete Public Commentary Contact Card Prior to Speaking)*

New Business:

- 1.** Ordinance 22-33 The request of RW Sales LLC to rezone from Heavy Manufacturing (M-2) to High Density Residential (R-7) a tract of land totaling 0.28 acres located at 433 Spencer Street, Dalton, Georgia. Parcel (12-238-19-008).
- 2.** Ordinance 22-34 The request of East Morris Properties, LLC to rezone from General Commercial (C-2) to Central Business District (C-3) a tract of land totaling 0.62 acres located at 222 East Morris Street, Dalton, Georgia. Parcel (12-238-18-004).
- 3.** Ordinance 22-35 The request of East Morris Properties, LLC to rezone from Heavy Manufacturing (M-2) to Central Business District (C-3) a tract of land totaling 0.17 acres located at 411 South Glenwood Street, Dalton, Georgia. Parcel (12-238-18-023).
- 4.** Ordinance 22-36 The request of Amanda Brown to rezone from Medium Density Single Family Residential (R-3) to Limited Commercial (C-1A) a tract of land totaling 0.36 acres located at 524 and 526 W. Hawthorne Street, Dalton, Georgia. Tax Parcels (12-199-20-004 and 12-199-20-005).

Adjournment



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 12/22/2022

Agenda Item: **The request of RW Sales LLC to rezone from Heavy Manufacturing (M-2) to High Density Residential (R-7) a tract of land totaling 0.28 acres located at 433 Spencer Street, Dalton, Georgia. Parcel (12-238-19-008)**

Department: Planning and Zoning

Requested By: Ethan Calhoun

Reviewed/Approved by City Attorney? Sent for Review

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 the attached staff analysis.

CITY OF DALTON
ORDINANCE
Ordinance No. 22-33

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Heavy Manufacturing (M-2) To High Density Residential (R-7) Being A Tract of Land Totaling 0.28 Acres Located At 433 Spencer Street, Dalton, Georgia (Parcel No. 12-238-19-008); To Provide An Effective Date; And For Other Purposes.

WHEREAS, RW Sales, LLC (Owner) has filed an application with the City to rezone property located at 433 Spencer Street (Parcel No. 12-238-19-008);

WHEREAS, the Property is currently zoned Heavy Manufacturing (M-2);

WHEREAS, the Owner is requesting the Property be rezoned to High Density Residential (R-7);

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 not in conformity with the City of Dalton Joint Comprehensive Plan or existing land use patterns in the area;

WHEREAS, the Dalton-Varnell-Whitfield County Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on December 19, 2022 and subsequently forwarded its favorable recommendation to the Mayor and Council for rezoning the property to M-2 although the Planning Staff's analysis was not favorable to the re-zoning;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

The Property located at 433 Spencer Street identified as Parcel No. 12-238-19-008 is hereby rezoned from Heavy Manufacturing (M-2) to High Density Residential (R-7) in accordance with the recommendation of the Dalton-Varnell-Whitfield County Planning Commission.

-3-

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect the rezoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the rezoning of the Property as approved herein.

-4-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the Ordinance not so declared to be unconstitutional, invalid, or unlawful.

-5-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-6-

This Ordinance shall take effect and be in force from and after its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the ____ day of _____, 20__, at the regular meeting of the Mayor and Council of the City of Dalton.

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.

CITY OF DALTON, GEORGIA

MAYOR

Attest:

CITY CLERK

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 the _____ day of _____, 20__.

CITY CLERK
CITY OF DALTON

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Terry Miller
Jean Garland

FROM: Jim Lidderdale
Chairman

DATE: December 20, 2022

SUBJECT: The request of RW Sales LLC to rezone from Heavy Manufacturing (M-2) to High Density Residential (R-7) a tract of land totaling 0.28 acres located at 433 Spencer Street, Dalton, Georgia. Parcel (12-238-19-008)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on December 19, 2022 at 6:00 p.m. at 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 Roger Mitchell.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis which recommended the R-7 rezoning be denied. There were no further questions for Calhoun.

Roger Mitchell stated that he is a partner with Wayne Burgess. Mitchell stated that he and Burgess also own the western adjacent mini warehouse property and that they were interested in constructing two duplex dwellings on the subject property as a means for infill development. Mitchell went on to note the nearby housing in the areas to the north and west of the subject property and believed that the proposed rezoning and development would be an investment for this area of the city and be a benefit to the community.

Vicky Alt spoke in favor of the proposed rezoning based on her beliefs that the proposed rezoning and development would provide for needed workforce housing and infill development in a well-served area of the city in terms of utilities and transportation. Alt went on to state that infill development such as this request is a better means of development than suburban sprawl development in the unincorporated county.

With no other comments heard for or against, this hearing closed at approximately 7:39pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested R-7 rezoning. **Chris Shiflett stated that he is very familiar with this area and believes that the duplexes would be a viable use for the subject property. Chris Shiflett then made a motion to approve the R-7 rezoning based on his belief that the infill development would work at this location. David Pennington then seconded the motion and a unanimous recommendation to approve the R-7 rezoning followed, 4-0.**

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

ZONING CASE: RW Sales is seeking to rezone from to Heavy Manufacturing (M-2) to High-Density Residential (R-7) a tract of land (parcel 12-238-19-008 containing a total of 0.28-acres located at the corner of S Green St. and Spencer St. The tract is currently undeveloped and was once part of the western adjacent tract of land. The rezoning request to R-7 is sought to for the petitioner to develop the subject property with a quadplex dwelling:

The surrounding uses and zoning are as follows: 1) to the north, is a 1.27-acre tract of land zoned M-2 that contains an industrial building; 2) to the east, is a 27-acre tract of land zoned M-2 that contains a large manufacturing complex; 3) to the south, is a 1.9-acre tract of land that contains a commercial building; 4) To the west, is a 0.64-acre tract of land zoned M-2 that contains two storage mini warehouses. A review of the zoning map and established land use indicates that all adjacent and nearby properties are zoned and developed for either manufacturing or commercial use.

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 has been zoned for manufacturing use for some time now and was formerly a part of the western adjacent tract of land that contains two mini warehouses. The proposed rezoning and development would create an island of R-7 zoning and a residential quadplex with no adjacent residential zoning or development in existence. There are but few tracts of land in this area of the city that have a residential zoning or development. With no adjacent residential development or zoning established in in this area, it would be ill advised to create an island or residential zoning and development for sake of the prospective residents safety and quality of life.

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

While there is no expectation that the proposed rezoning would have an adverse impact on the adjacent commercial and industrial properties in this area, the long-term value of the subject property would likely depreciate at a higher rate than if it were located in a more suitable residential environment.

(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.

Given the fact that the subject property was divided from the western adjacent tract of land containing mini warehouses, the subject property could serve as additional space for the existing development. There are a number of additional commercial uses that the

subject property could be developed for without creating an island of residential zoning in this area that is dominated by industrial and commercial 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 (R-7) amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

(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 future development map shows this property to be within the industrial character area. This character area is intended to depict areas where industrial and manufacturing development should occur due to established development patterns and adequate infrastructure and utilities. Residential uses are not recommended within this character area and there is no adjacent or nearby character area to support the R-7 rezoning or proposed development. While there are areas within the city where residential neighborhoods have been established within industrial areas, there is no adjacent residential development at this location.

(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.

(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.

The subject property was divided from its parent tract to the west and could potentially be developed for some type of commercial use.

CONCLUSION:

The staff can provide a recommendation to deny the requested R-7 rezoning of the

subject property based on the following issues:

1. The requested R-7 zone district poses a zoning and land use conflict. This rezoning would create an island of R-7 entirely surrounded by intensive manufacturing and commercial use with no adjacent residential development in existence.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved, but there is concern regarding the long-term value of the subject property and quality of life for the prospective residents due to the adverse impacts of the large manufacturing and commercial district.
3. The requested R-7 rezoning is not consistent with the Industrial character area in the Comprehensive Plan or established development pattern of this area.

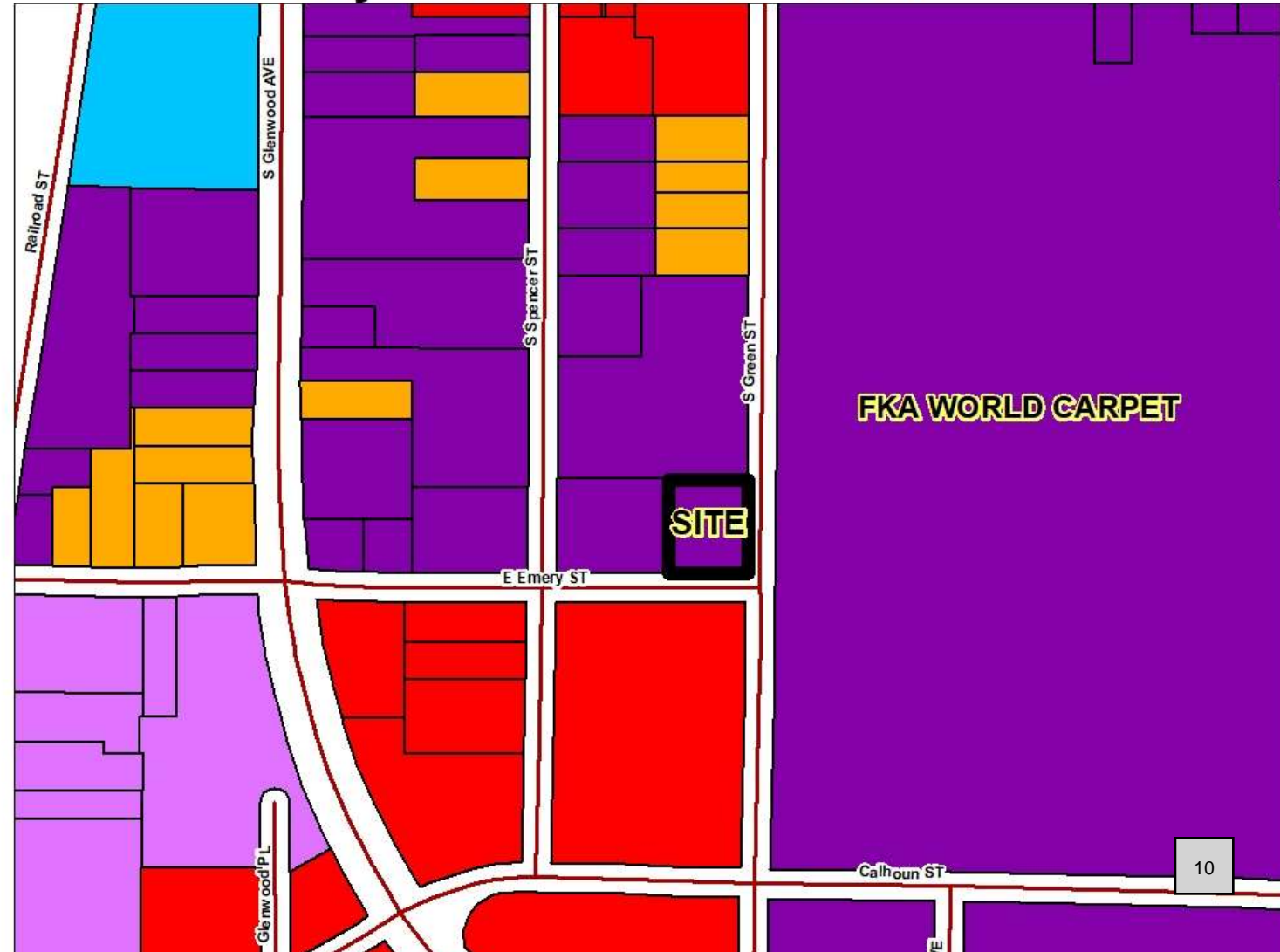


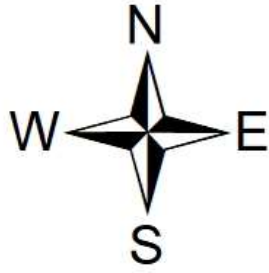
RW Sales Rezoning Request M-2, Heavy Manufacturing to R-7, High Density Residential City of Dalton Jurisdiction

Unified Zoning

-  Rural Residential (R-5)
-  Rural Residential (R-5) Cond
-  Mixed Use (MU)
-  General Commercial (C-2)
-  Light Manufacturing (M-1)
-  Heavy Manufacturing (M-2)

FEET
200





RW Sales Rezoning Request M-2, Heavy Manufacturing to R-7, High Density Residential City of Dalton Jurisdiction

**FEET
200**





**RW Sales Rezoning Request
M-2, Heavy Manufacturing
to
R-7, High Density Residential
City of Dalton Jurisdiction**

**FEET
100**



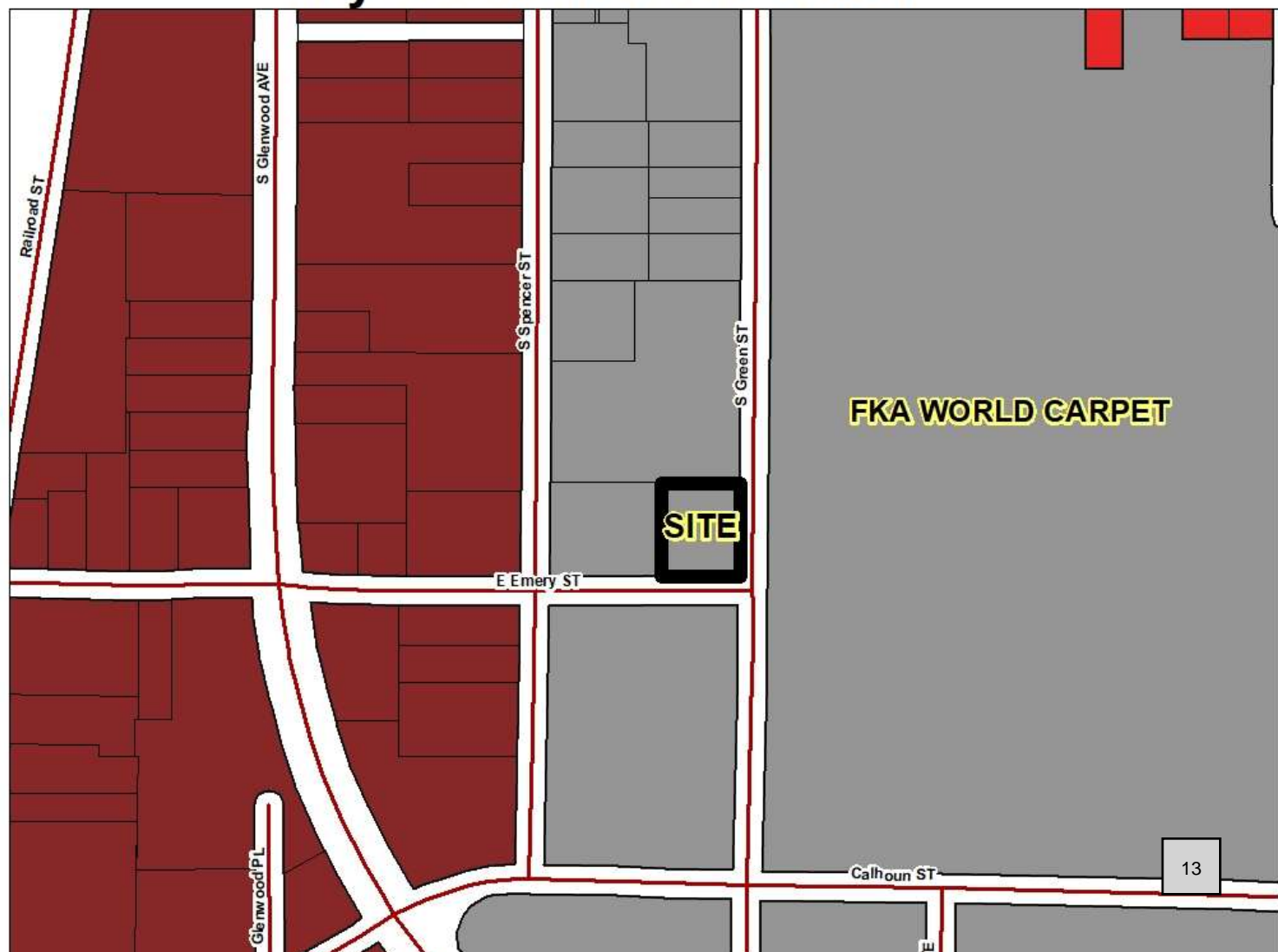
**RW Sales Rezoning Request
M-2, Heavy Manufacturing
to
R-7, High Density Residential
City of Dalton Jurisdiction**



FUTURE DEVELOPMENT MAP

-  Commercial Corridor
-  Downtown/Town Center
-  Industrial

**FEET
200**





CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 12/22/2022

Agenda Item: **The request of East Morris Properties, LLC to rezone from General Commercial (C-2) to Central Business District (C-3) a tract of land totaling 0.62 acres located at 222 East Morris Street, Dalton, Georgia. Parcel (12-238-18-004)**

Department: Planning and Zoning

Requested By: Ethan Calhoun

Reviewed/Approved by City Attorney? Sent for Review

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 the attached staff analysis.

CITY OF DALTON
ORDINANCE
Ordinance No. 22-34

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From General Commercial (C-2) To Central Business District (C-3) Being A Tract of Land Totaling 0.62 Acres Located At 222 East Morris Street, Dalton, Georgia (Parcel No. 12-238-18-004); To Provide An Effective Date; And For Other Purposes.

WHEREAS, East Morris Properties, LLC (Owner) has filed an application with the City to rezone property located at 222 East Morris Street (Parcel No. 12-238-18-004);

WHEREAS, the Property is currently zoned General Commercial (C-2);

WHEREAS, the Owner is requesting the Property be rezoned to Central Business District (C-3);

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;

WHEREAS, the Dalton-Varnell-Whitfield County Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on December 19, 2022 and subsequently forwarded its favorable recommendation to the Mayor and Council for rezoning the property to C-3;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

The Property located at 222 East Morris Street identified as Parcel No. 12-238-18-004 is hereby rezoned from General Commercial (C-2) to Central Business District (C-3) in accordance with the recommendation of the Dalton-Varnell-Whitfield County Planning Commission.

-3-

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect

the rezoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the rezoning of the Property as approved herein.

-4-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the Ordinance not so declared to be unconstitutional, invalid, or unlawful.

-5-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-6-

This Ordinance shall take effect and be in force from and after its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the ____ day of _____, 20__, at the regular meeting of the Mayor and Council of the City of Dalton.

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.

CITY OF DALTON, GEORGIA

MAYOR

Attest:

CITY CLERK

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 the ____ day of _____, 20__.

CITY CLERK
CITY OF DALTON

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Terry Miller
Jean Garland

FROM: Jim Lidderdale
Chairman

DATE: December 20, 2022

SUBJECT: The request of East Morris Properties, LLC to rezone from General Commercial (C-2) to Central Business District (C-3) a tract of land totaling 0.62 acres located at 222 East Morris Street, Dalton, Georgia. Parcel (12-238-18-004)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on December 19, 2022 at 6:00 p.m. at 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 Gerald Brown.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis which recommended the C-3 rezoning with the condition of 25 off-street parking spaces be maintained until public parking is adequate to serve this area. There were no further questions for Calhoun.

Gerald Brown stated that he planned to remodel the existing building on the subject property. Chairman Lidderdale confirmed that the commercial building on the subject property had burned and that the petitioner planned to remodel the existing building rather than construct a new building. Chairman Lidderdale confirmed with Brown that he was not concerned with the condition to provide the 25 off-street parking spaces.

With no other comments heard for or against, this hearing closed at approximately 7:46pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested C-3 rezoning. **Chris Shiflett then made a motion to recommend the requested C-3 rezoning based on his agreement with the content of the staff analysis and added that the condition for providing a minimum of 25 off-street parking spaces was included in his motion. David Pennington then seconded the motion and a unanimous recommendation to approve the requested C-3 rezoning and condition followed, 4-0.**

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: East Morris Properties is seeking to rezone from General Commercial (C-2) to Central Business District (C-3) a tract of land (parcel 12-238-18-004 containing a total of 0.62-acres located at 222 East Morris St. The tract is currently developed with two commercial buildings. The rezoning request to C-3 is sought to for the petitioner to remodel the existing buildings which are non-conforming in the current C-2 zone district due to setback encroachments:

The surrounding uses and zoning are as follows: 1) to the north, are four tracts of land across E. Morris St. that are all zoned C-3. Three out of four of the northern adjacent tracts are developed with 0-lot line commercial buildings and the other northern adjacent tract of land contains an off-street parking lot; 2) to the east, are two tracts of land of which one tract is zoned C-3 and contains a 0-lot line commercial building. The other eastern adjacent tract of land is zoned C-2 and contains a 0-lot line commercial building with a small off-street parking area; 3) to the south, is a 0.65-acre tract of land zoned M-2 that is serving as an off-street parking area for the nearby nonprofit complex (City of Refuge); 4) To the west, is a continuation of the southern tract of land used for off-street parking. A review of the zoning map and established land use indicates that all adjacent and nearby properties are zoned and developed for either commercial use.

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.

This area if the city is at a point of transition from the conventional historic downtown and the fringe of manufacturing and commercial development. This portion of East Morris St. near Glenwood Avenue has seen a recent interest in commercial reinvestment and redevelopment similar to that taking place in the historic downtown district. The nature of the majority of commercially developed tracts in this area are 0-lot line buildings housing retail, restaurant, or service based commercial uses. The C-3 zone district can be found along E. Morris St. along its north and south right-of-way (R/W) and adjacent to the subject property along two of its boundaries. The requested rezoning would not introduce a pattern of zoning or development unlike that which is already established in this vicinity.

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

All adjacent and nearby tracts of land are already zoned and developed with commercial or manufacturing zoning uses. There is no evidence to suggest the requested rezoning would have any negative effect on any of the property values in this 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.

While the underlying commercial use of the subject property does not create an issue in terms of zoning, the existing structure on the subject property is non-conforming due to the fact that it was built at 0-lot line along its eastern boundary. Since the structure is non-conforming, no building permit can be approved for expansion or significant remodeling. The only zone district that permits 0-lot line structures is the requested C-3 zone district. If approved, the C-3 rezoning would permit the petitioner to move forward with their remodeling and redevelopment of the subject property.

(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 an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

The change in zoning from C-2 to C-3 would have little to no effect on City infrastructure or utilities. The subject property's current configuration provides for more than 20 off-street parking spaces. While the C-3 zone district does not require off-street parking, this area of the city is not yet capable of provided adequate public parking for the amount of commercial space along this portion of E. Morris St. Much of the off-street parking area adjacent to the subject property is privately owned and could be redeveloped or restricted at any point by the owners. With all this in consideration, it is important that the subject property continue to provide for off-street parking until the point that public parking is sufficient in this area to avoid conflicts.

(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 future development map shows this property to be within the Downtown Town Center character area. This character area is intended to define the areas that are part of the central business district of the city. The characteristics of the downtown are predominantly commercial with opportunities for urban residential use as well. One of the primary focuses of this character area for the City of Dalton is to incentivize reinvestment and redevelopment in order to grow the downtown into a thriving central business district. The requested C-3 rezoning would be in alignment with the Comprehensive Plan and future development map.

(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 requested rezoning would simply shrink the C-2 zone district and enlarge the established C-3 zone district

(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 C-3 rezoning of the subject property based on the following factors:

1. The requested C-3 zone district does not pose any conflict with the established zoning or development pattern in this area, and the subject property is already adjacent to the C-3 zone district along two of its boundaries.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the similarly zoned and developed commercial properties throughout this area.
3. The requested C-3 rezoning is consistent with the Downtown Town Center character area in the Comprehensive Plan.

Condition to consider:

- A. Require the subject property to maintain a minimum of 25 off-street parking spaces until adequate public parking is made available to this area.

East Morris Properties Rezoning Request

C-2, General Commercial


to

C-3, Central Business District

City of Dalton Jurisdiction



Unified Zoning

-  Medium Density Single Family Residential (R-3)
-  Rural Residential (R-5)
-  Rural Residential (R-5) Cond
-  Transitional Residential (R-6)
-  General Commercial (C-2)
-  Central Business District (C-3)
-  Transitional Commercial (C-4)
-  Mixed Use (MU)
-  Heavy Manufacturing (M-2)

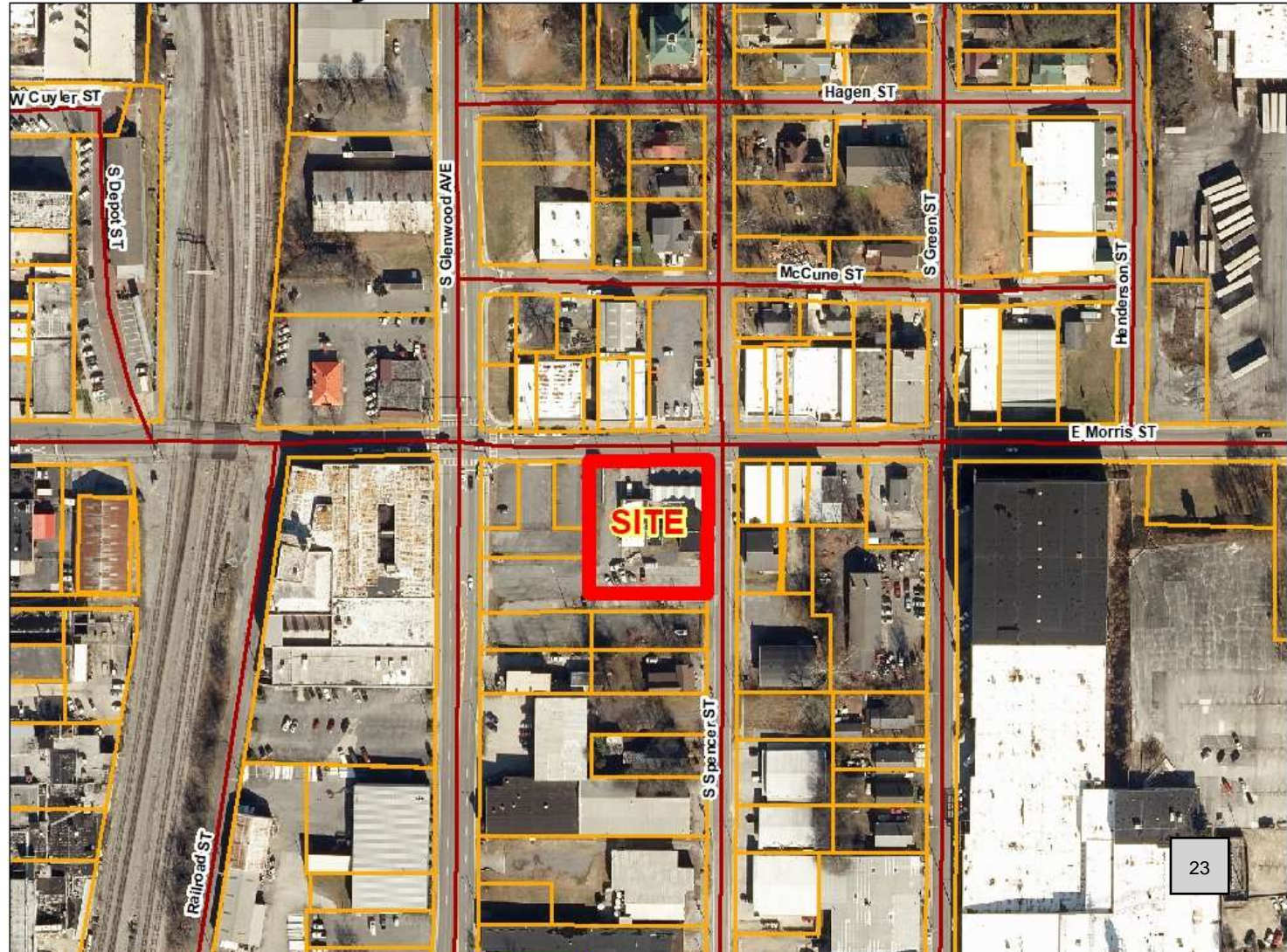
FEET
200



East Morris Properties Rezoning Request C-2, General Commercial to C-3, Central Business District City of Dalton Jurisdiction



FEET
200



East Morris Properties Rezoning Request C-2, General Commercial to C-3, Central Business District City of Dalton Jurisdiction



FEET
100



East Morris Properties Rezoning Request

C-2, General Commercial

to

C-3, Central Business District

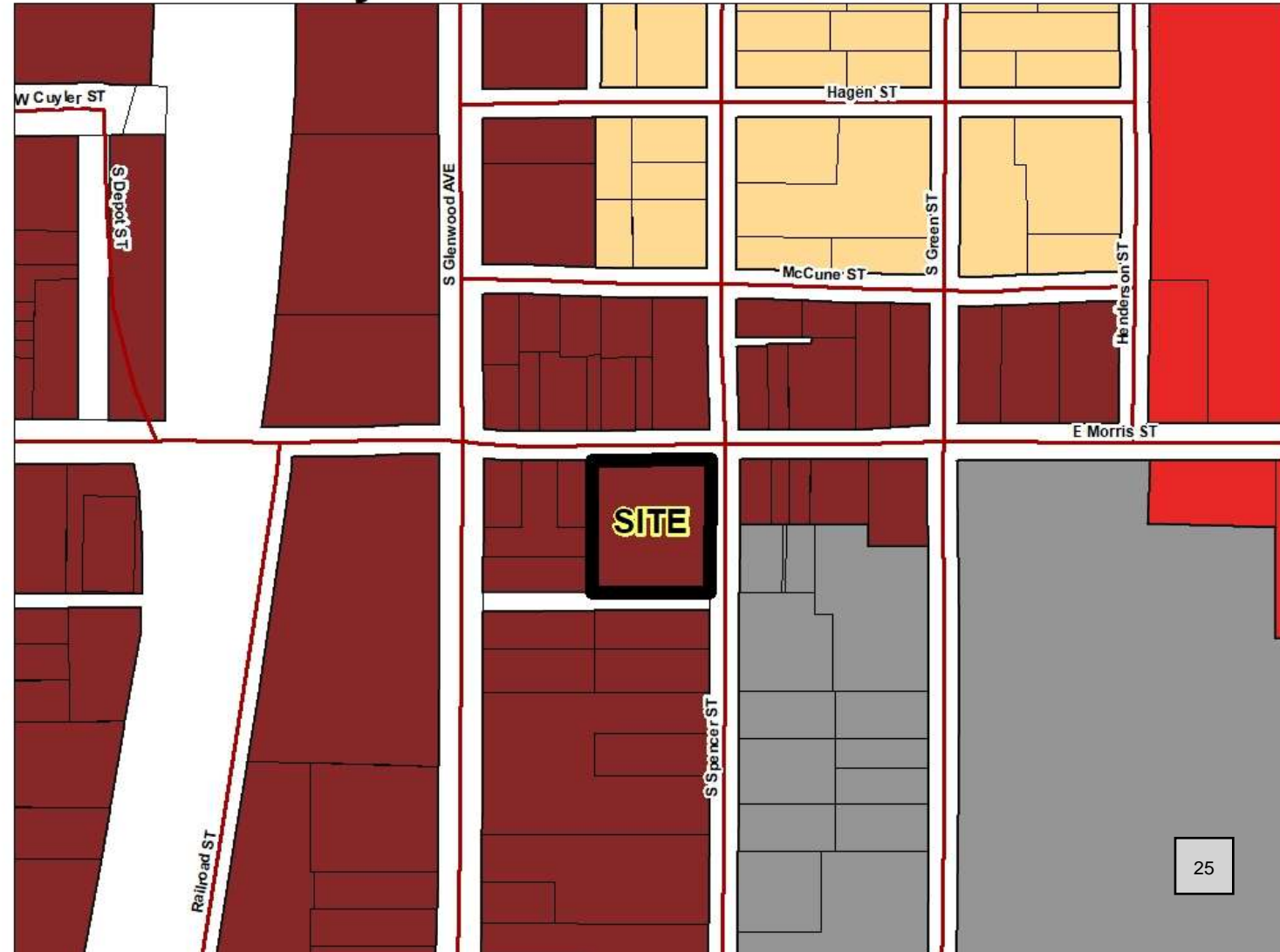
City of Dalton Jurisdiction



FUTURE DEVELOPMENT MAP

-  Commercial Corridor
-  Downtown/Town Center
-  Industrial
-  Town Neighborhood Revitalization

FEET
200





CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 12/22/2022

Agenda Item: **The request of East Morris Properties, LLC to rezone from Heavy Manufacturing (M-2) to Central Business District (C-3) a tract of land totaling 0.17 acres located at 411 South Glenwood Street, Dalton, Georgia. Parcel (12-238-18-023)**

Department: Planning and Zoning

Requested By: Ethan Calhoun

Reviewed/Approved by City Attorney? Sent for Review

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 the attached staff analysis.

CITY OF DALTON
ORDINANCE
Ordinance No. 22-35

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Heavy Manufacturing (M-2) To Central Business District (C-3) Being A Tract of Land Totaling 0.17 Acres Located At 411 South Glenwood Street, Dalton, Georgia (Parcel No. 12-238-18-023); To Provide An Effective Date; And For Other Purposes.

WHEREAS, East Side Properties, LLC (Owner) has filed an application with the City to rezone property located at 411 Glenwood Street (Parcel No. 12-238-18-023);

WHEREAS, the Property is currently zoned Heavy Manufacturing (M-2);

WHEREAS, the Owner is requesting the Property be rezoned to Central Business District (C-3);

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;

WHEREAS, the Dalton-Varnell-Whitfield County Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on December 19, 2022 and subsequently forwarded its favorable recommendation to the Mayor and Council for rezoning the property to C-3;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

The Property located at 411 Glenwood Street identified as Parcel No. 12-238-18-023 is hereby rezoned from Heavy Manufacturing (M-2) to Central Business District (C-3) in accordance with the recommendation of the Dalton-Varnell-Whitfield County Planning Commission.

-3-

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect

the rezoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the rezoning of the Property as approved herein.

-4-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the Ordinance not so declared to be unconstitutional, invalid, or unlawful.

-5-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-6-

This Ordinance shall take effect and be in force from and after its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the ____ day of _____, 20__, at the regular meeting of the Mayor and Council of the City of Dalton.

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.

CITY OF DALTON, GEORGIA

MAYOR

Attest:

CITY CLERK

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 the ____ day of _____, 20__.

CITY CLERK
CITY OF DALTON

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Terry Miller
Jean Garland

FROM: Jim Lidderdale
Chairman

DATE: December 20, 2022

SUBJECT: The request of East Morris Properties, LLC to rezone from Heavy Manufacturing (M-2) to Central Business District (C-3) a tract of land totaling 0.17 acres located at 411 South Glenwood Ave, Dalton, Georgia. Parcel (12-238-18-023)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on December 19, 2022 at 6:00 p.m. at 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 Gerald Brown.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis which recommended a C-4 rezoning to ensure off-street parking be required. There were no further questions for Calhoun.

Gerald Brown stated that he wished to get the C-3 rezoning in order to be able to build the prospective commercial building to 0-lot line which would not be permitted in the staff recommended C-4 zone district. Chairman Lidderdale deliberated with staff to determine if a similar condition to the previous item could be used. Jean Garland and Ethan Calhoun stated that a condition requiring 5 parking spaces per 1,000 SF of gross leasable commercial building area would be sufficient off-street parking. Lidderdale confirmed with Brown that he would be satisfied with the condition requiring off-street parking.

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

Recommendation:

Chairman Lidderdale sought a motion on the requested C-3 rezoning. **David Pennington then made a motion to approve the C-3 rezoning and added a condition requiring five off-street parking spaces per 1,000SF of commercial building area be required for any new development. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the C-3 rezoning and condition followed, 4-0.**

East Morris Properties Rezoning Request

M-2, Heavy Manufacturing

to

C-3, Central Business District

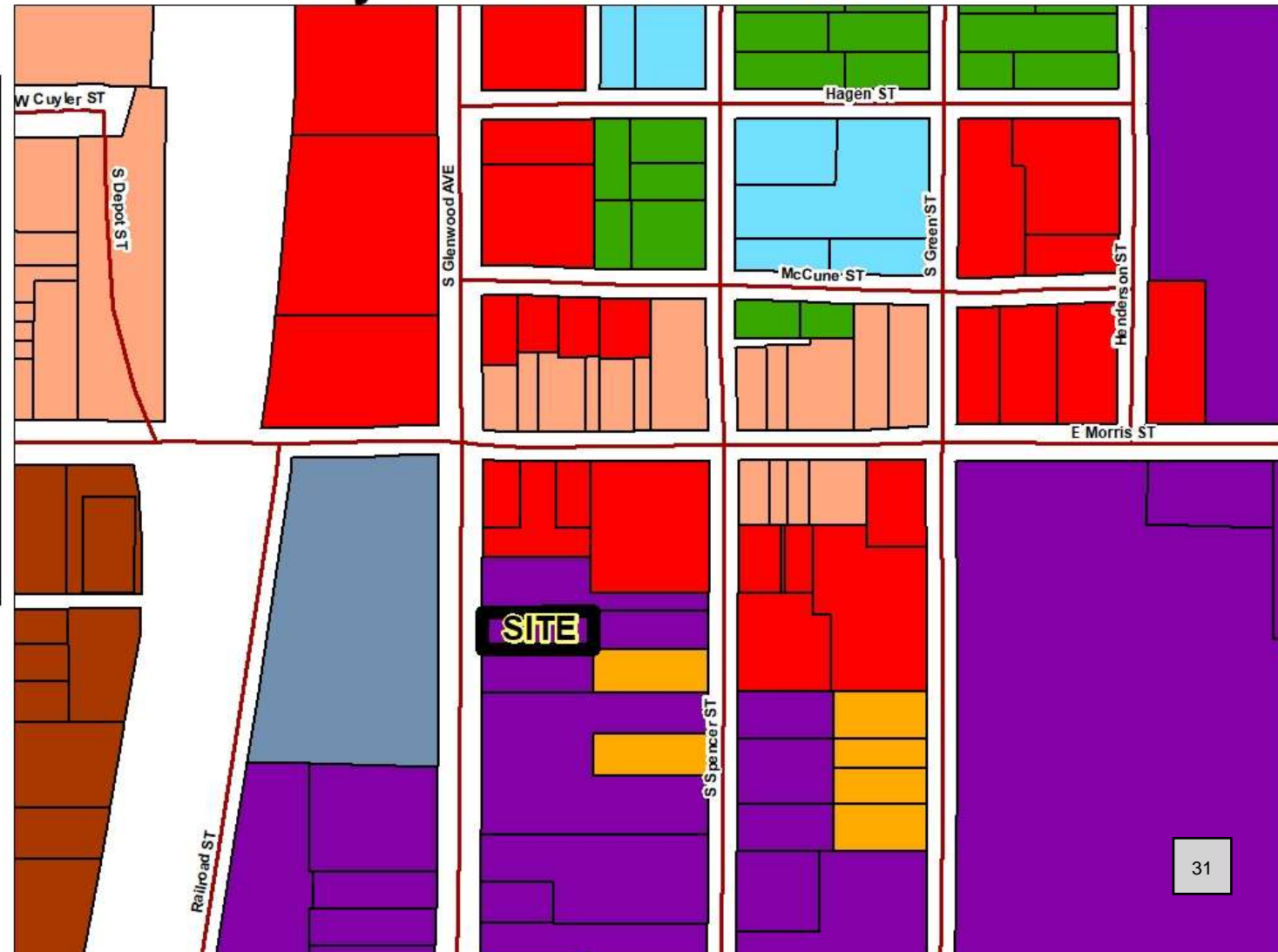
City of Dalton Jurisdiction



Unified Zoning

-  Medium Density Single Family Residential (R-3)
-  Rural Residential (R-5)
-  Rural Residential (R-5) Cond
-  Transitional Residential (R-6)
-  General Commercial (C-2)
-  Central Business District (C-3)
-  Transitional Commercial (C-4)
-  Mixed Use (MU)
-  Heavy Manufacturing (M-2)

FEET
200



East Morris Properties Rezoning Request

M-2, Heavy Manufacturing

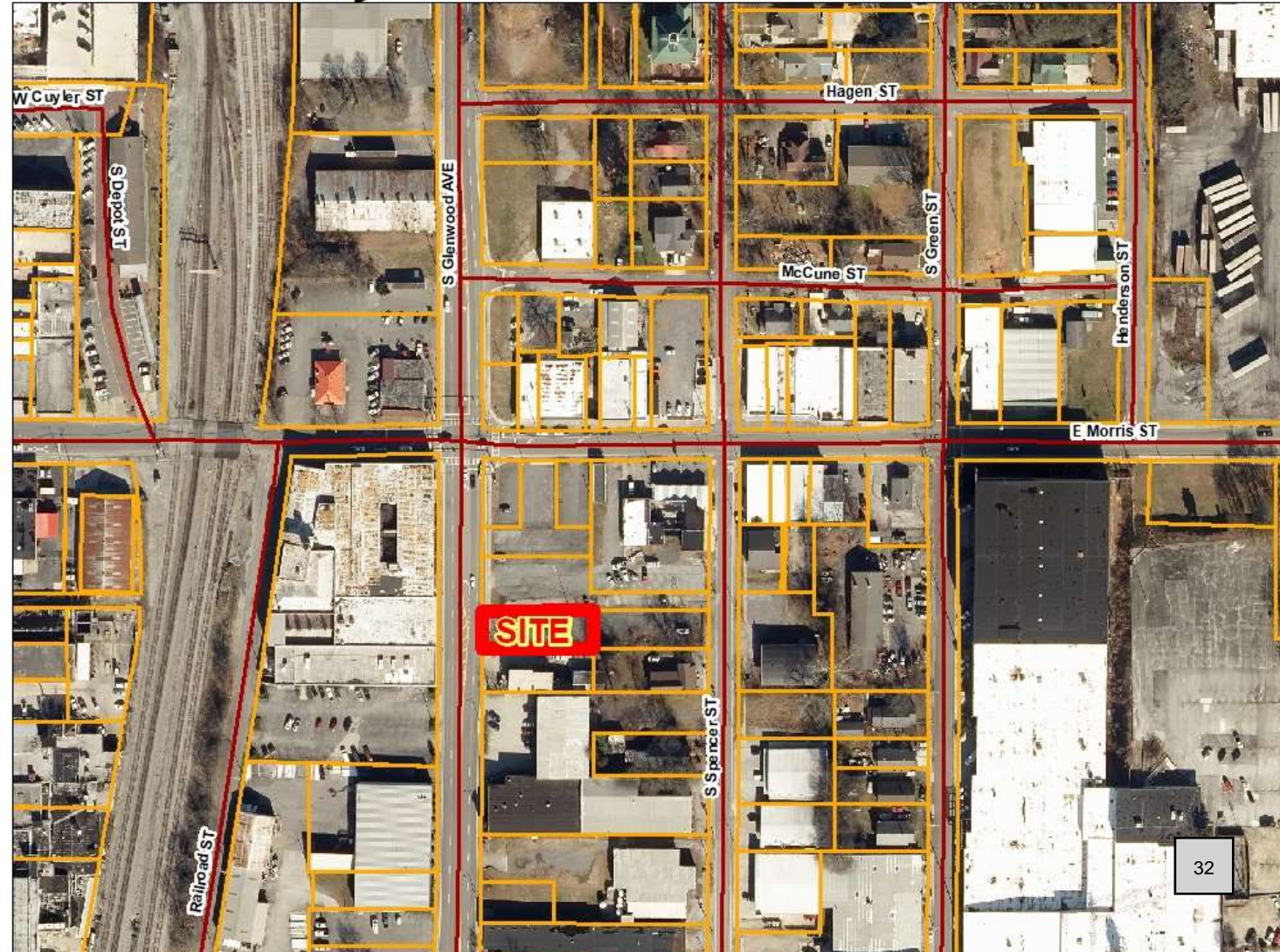
to

C-3, Central Business District

City of Dalton Jurisdiction



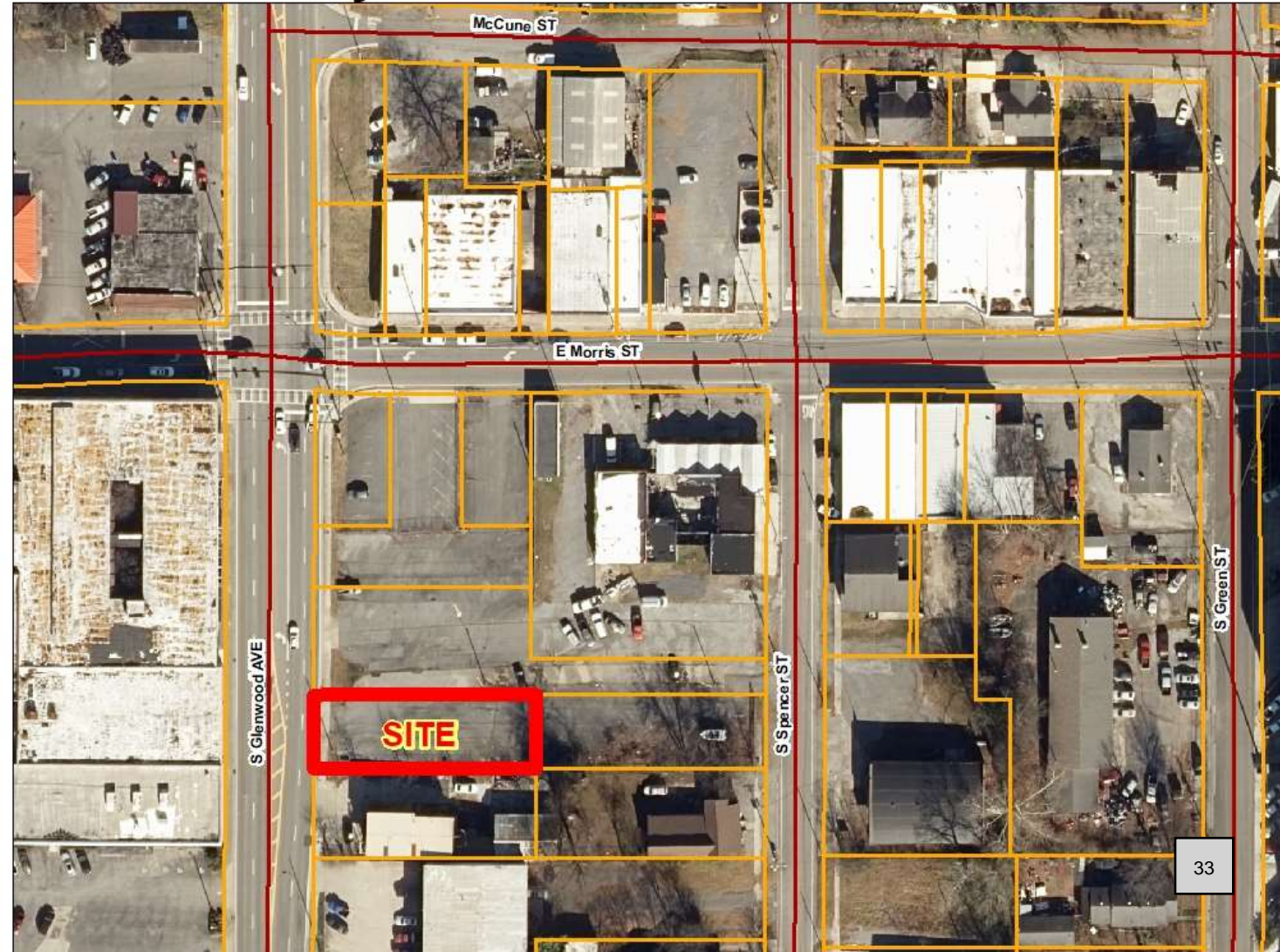
FEET
200



**East Morris Properties Rezoning Request
M-2, Heavy Manufacturing
to
C-3, Central Business District
City of Dalton Jurisdiction**



**FEET
100**



East Morris Properties Rezoning Request

M-2, Heavy Manufacturing

to

C-3, Central Business District

City of Dalton Jurisdiction



FUTURE DEVELOPMENT MAP

-  Commercial Corridor
-  Downtown/Town Center
-  Industrial
-  Town Neighborhood Revitalization

FEET
200



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

ZONING CASE: East Morris Properties is seeking to rezone from Heavy Manufacturing (M-2) to Central Business District (C-3) a tract of land (parcel 12-238-18-023 containing a total of 0.17-acres located at 411 South Glenwood Ave. The tract is currently undeveloped. The rezoning request to C-3 is sought to for the petitioner to develop the subject property for retail use:

The surrounding uses and zoning are as follows: 1) to the north, is a 0.65-acre tract of land zoned M-2 that is currently an undeveloped parking lot ; 2) to the east, is a 0.17-acre tract of land zoned M-2 that is also an undeveloped tract; 3) to the south, is a 0.19-acre tract of land zoned M-2 that contains a small commercial building; 4) To the west, is a 2.13-acre tract of land zoned MU that contains a large repurposed manufacturing building occupied by a nonprofit. A review of the zoning map and established land use indicates that all adjacent and nearby properties are zoned and developed for either commercial or manufacturing use.

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.

This area if the city is at a point of transition from the conventional historic downtown and the fringe of manufacturing and commercial development. Unlike the historic downtown district, this area is less pedestrian friendly and more vehicle oriented. While the requested change in zoning from manufacturing to commercial is an appropriate transition, the issue of available public parking in this area creates a concern with the C-3 zone district. The C-4 zone district permits the same commercial uses as the C-3 district while requiring conventional setbacks and off-street parking.

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

All adjacent and nearby tracts of land are already zoned and developed with commercial or manufacturing zoning uses. There is no evidence to suggest the requested rezoning would have any negative effect on any of the property values in this 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 limited size of the subject property greatly limits the potential development of the property for manufacturing use. The majority of properties in this area are zoned and/or developed for commercial use. As stated previously, the C-3 zone district does not create concern in terms of permitted uses or general characteristics, but the lack of public parking in this area creates a concern with the C-3 zone district at this location. The C-4

zone district would permit the same commercial uses as the C-3 zone district while requiring that the subject property provide off-street parking and meet conventional building setbacks.

(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 an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

The change in zoning from C-2 to C-3 would have little to no effect on City infrastructure or utilities with the exception of parking. The subject property is of significantly limited size and public parking is exceptionally limited in this area. If the subject property is to be redeveloped, it is highly recommended that adequate off-street parking be provided. While the subject property is currently adjacent to multiple tracts of land suited for off-street parking, each of these properties is privately owned and could be restricted or developed at any point in time. The volume and speed of traffic along Glenwood Ave. is notably higher than that of the majority of corridors within the historic downtown, and there are no on-street parking spaces provided for in the vicinity of the subject property. With the conditions such as they are along Glenwood Ave, it is important that any development of the subject property provide off-street parking where vehicles can safely enter and exit in a forward direction to minimize risk for vehicle conflicts.

(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 future development map shows this property to be within the Downtown Town Center character area. This character area is intended to define the areas that are part of the central business district of the city. The characteristics of the downtown are predominantly commercial with opportunities for urban residential use as well. One of the primary focuses of this character area for the City of Dalton is to incentivize reinvestment and redevelopment in order to grow the downtown into a thriving central business district. The requested C-3 rezoning would be in alignment with the Comprehensive Plan and future development map.

(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 requested rezoning would simply shrink the M-2 zone district and create an island of C-3 zoning. Neither the C-3 nor C-4 zone district would create any concern for spot zoning or an entering wedge at this location.

(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 a C-4 rezoning of the subject property based on the following factors:

1. The requested C-4 zone district provides for the same commercial uses as found in the C-3 zone district while requiring off-street parking and conventional setbacks. It is important to ensure off-street parking is provided if the subject property is developed because we cannot be certain that the adjacent privately owned parking area will remain accessible in the future.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the similarly zoned and developed commercial properties throughout this area.
3. The C-3 or C-4 zone districts would be consistent with the Downtown Town Center character area in the Comprehensive Plan.



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 12/22/2022

Agenda Item: **The request of Amanda Brown to rezone from Medium Density Single Family Residential (R-3) to Limited Commercial (C-1A) a tract of land totaling 0.36 acres located at 524 and 526 W. Hawthorne Street, Dalton, Georgia. Tax Parcels (12-199-20-004 and 12-199-20-005)**

Department: Planning and Zoning

Requested By: Ethan Calhoun

Reviewed/Approved by City Attorney? Sent for Review

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 the attached staff analysis.

CITY OF DALTON
ORDINANCE
Ordinance No. 22-36

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Medium Density Single Family Residential (R-3) To Limited Commercial (C-1A) Being A Tract of Land Totaling 0.36 Acres Located At 524 and 526 W. Hawthorne Street, Dalton, Georgia (Parcel Nos. 12-199-20-004 and 12-199-20-005); To Provide An Effective Date; And For Other Purposes.

WHEREAS, Amanda Brown, as designated attorney in fact for Scott M. Painter, acting by Hannah Nelson, his power of attorney, (Owner) has filed an application with the City to rezone property located at 524 and 526 W. Hawthorne Street (Parcel Nos. 12-199-20-004 and 12-199-20-005);

WHEREAS, the Property is currently zoned Medium Density Single Family Residential (R-3);

WHEREAS, the Owner is requesting the Property be rezoned to Limited Commercial (C-1A);

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;

WHEREAS, the Dalton-Varnell-Whitfield County Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on December 19, 2022 and subsequently forwarded its favorable recommendation to the Mayor and Council for rezoning the property to C-1A;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

The Property located at 524 and 526 W. Hawthorne Street identified as Parcel Nos. 12-199-

20-004 and 12-199-20-005 is hereby rezoned from Medium Density Single Family Residential (R-3) to Limited Commercial (C-1A) in accordance with the recommendation of the Dalton-Varnell-Whitfield County Planning Commission.

-3-

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect the rezoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the rezoning of the Property as approved herein.

-4-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the Ordinance not so declared to be unconstitutional, invalid, or unlawful.

-5-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-6-

This Ordinance shall take effect and be in force from and after its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the ____ day of _____, 20__, at the regular meeting of the Mayor and Council of the City of Dalton.

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.

CITY OF DALTON, GEORGIA

MAYOR

Attest:

CITY CLERK

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 the ____ day of _____, 20__.

CITY CLERK
CITY OF DALTON

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Terry Miller
Jean Garland

FROM: Jim Lidderdale
Chairman

DATE: December 20, 2022

SUBJECT: The request of Amanda Brown to rezone from Medium Density Single Family Residential (R-3) to Limited Commercial (C-1A) a tract of land totaling 0.36 acres located at 524 and 526 W. Hawthorne Street, Dalton, Georgia. Tax Parcels (12-199-20-004 and 12-199-20-005)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on December 19, 2022 at 6:00 p.m. at 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 Amanda Brown.

Public Hearing Summary:

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

Amanda Brown spoke on behalf of the Creative Arts Guild to inform the Planning Commission of their need for an expanded campus to meet the growing needs of the Guild. Brown stated that the current plans for the subject property would be to utilize the existing structures on the subject property for pottery and/or music classrooms. Brown then noted that their future plans may include demolishing the two dwellings on the subject property in order to make room for additional parking.

Lynne Morrise, a neighbor, stated that she would not be opposed to the use of the existing structures on the subject property for the Guild's classrooms. Morrise went on to state that she would be strongly opposed to any demolition on the subject property due to her concern for dust and debris that might affect her health. Morrise also stated her concern for the demolition of the existing housing due to the loss of the neighborhood's character.

Brown rebutted by stating that the Guild would not be looking to do any significant changes to the subject property any time soon due to budget limitations as well as the lack of a grounds and buildings plan. Brown stated that the Guild would be deliberate in their attempts to ensure that any alterations to the subject property would be aesthetically pleasing to the neighbors and the community.

With no other comments heard for or against, this hearing closed at approximately 7:05pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested C-1A rezoning. **Octavio Perez then made a motion to approve the C-1A rezoning. Chris Shiflett then seconded the motion and a unanimous recommendation to approve the C-1A rezoning followed, 4-0.**

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

ZONING CASE: Amanda Brown is seeking to rezone from to Medium-Density Single-Family Residential (R-3) to Limited Commercial (C-1A) two tracts of land (parcels 12-199-20-004, 005) containing a total of 0.36-acres located at 524, and 526 W. Hawthorne St. The tracts are each currently developed small single-family detached dwellings. The rezoning request to C-1A is sought to for the petitioner to utilize the subject property as an expansion of the adjacent Creative Arts Guild complex:

The surrounding uses and zoning are as follows: 1) to the north, is a 0.57-acre tract of land zoned R-3 that contains two single-family detached dwellings; 2) to the east, is a 0.14-acre tract of land zoned R-3 that contains a single-family detached dwelling; 3) to the south, are two tracts of land across W. Hawthorne St. zoned C-1A that are part of the Creative Arts Guild complex and Dalton Police Department; 4) To the west, is a 3.67-acre tract of land zoned C-1A that contains the Creative Arts Guild complex. A review of the zoning map and established land use indicates that this block of land contains a pocket of medium-density residential properties flanked on three sides by commercial, institutional, and manufacturing development.

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 has been zoned and developed for single-family medium-density residential use for some time. The C-1A zone district, however, can be seen as a large district in this area and is adjacent to the subject property along approximately 50% of its boundaries to the south and west across W. Hawthorne St. The limited commercial nature of the C-1A zone district only permits low-intensity commercial uses along with certain residential uses. The size of the subject property also limits any significant commercial redevelopment when considering setbacks, parking, and buffer requirements. The subject property could be rezoned C-1A without altering the established character and development pattern or zoning of this area.

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

The C-1A zoned district is the most conservative commercial zone district in the UZO and can be found adjacent to approximately 50% of the boundaries of the subject property. While the proposed rezoning would allow for an increase in commercial zoning and land use at this location, all of the adjacent residential properties are already adjacent to properties zoned and developed for C-1A use. If the subject property were to be rezoned C-1A and redeveloped in the future, a 15' buffer would be required along any boundary adjacent to any residential zone district. There is no concern that the C-1A rezoning of

the subject property would have an adverse impact to the values of the adjacent residential properties based on the above-mentioned factors.

(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 occupied for only residential use as it is currently zoned and developed. One of the single-family detached dwellings is encroaching in three of its four setbacks making it a non-conforming structure. The C-1A zone district would, if approved, allow both tracts of the subject property to be occupied for a limited commercial use or for residential use. The subject property is adjacent to the C-1A zone district on approximately 50% of its boundaries. The ability for the adjacent Creative Arts Guild complex to expand is greatly limited in this area due to the amount of developed adjacent property. The Arts Guild has acquired an option to purchase the subject property provided that the C-1A rezoning is approved.

(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-1A) amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

The C-1A zone district is the UZO's most conservative commercial zone district with only low-impact commercial uses permitted in addition to residential uses as well. The limiting factors associated with the subject property's size would prohibit any type of intensive or high-traffic use.

(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 future development map shows this property to be within the Town Neighborhood character area. This character area was created in order to protect the integrity of established in-town neighborhoods from intensive development that would threaten the safety and values of said neighborhoods. The C-1A zone district was created as a buffering zone district for areas where commercial and residential development are in transition. The C-1A zone district can be developed and utilized for either residential or limited commercial use making it a hybrid zone district. The Town Neighborhood character area allows for neighborhood commercial scale development where appropriate. The adjacent Creative Arts Guild complex has been a community-oriented establishment for several decades at its current location, and the expansion of the Arts Guild at this location would not introduce a character to this area that would harm the adjacent residential properties within this neighborhood. It is worth pointing out that

several of the adjacent and nearby properties within this block are non-conforming due to setbacks encroachments and multi-family structures.

(G) Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an “entering wedge” and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zone) as interpreted by current Georgia law.

This rezoning, if approved, would shrink the existing pocket of R-3 in this area and expand the adjacent C-1A zone district. While this rezoning would not constitute a spot zone, one could see that the current block of tracts adjacent to the subject property is entirely zoned R-3. The introduction of the C-1A zone district into this residential block would increase the amount of commercial pressure affecting the residential properties within this block. However, the limited size of this city block coupled with the significant amount of commercial and manufacturing development in this area do not raise as significant a concern as areas where commercial development is less prominent. One must also consider that the C-1A zone district was specially created to allow for a transitional commercial/residential zone district where both limited commercial and residential use could occur.

(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.

The subject property has been developed as is for several decades.

CONCLUSION:

The staff can provide a recommendation to approve the requested C-1A rezoning of the subject property based on the following factors:

1. The requested C-1A zone district does not pose a zoning or land use conflict, neither does it constitute a “spot zone” at the proposed location based on the existing zoning and development in the area.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the significant amount of C-1A zoned properties established in this area.
3. The requested C-1A zone district is good fit for this location based on the comprehensive plan’s future development map and narrative based on the established development character of this area.

Brown Rezoning Request

R-3, Medium Density Single Family Residential

to

C-1A, Limited Commercial

City of Dalton Jurisdiction



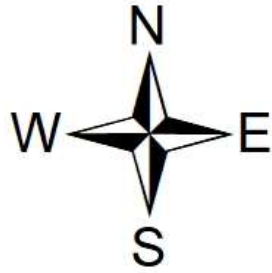
Unified Zoning

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

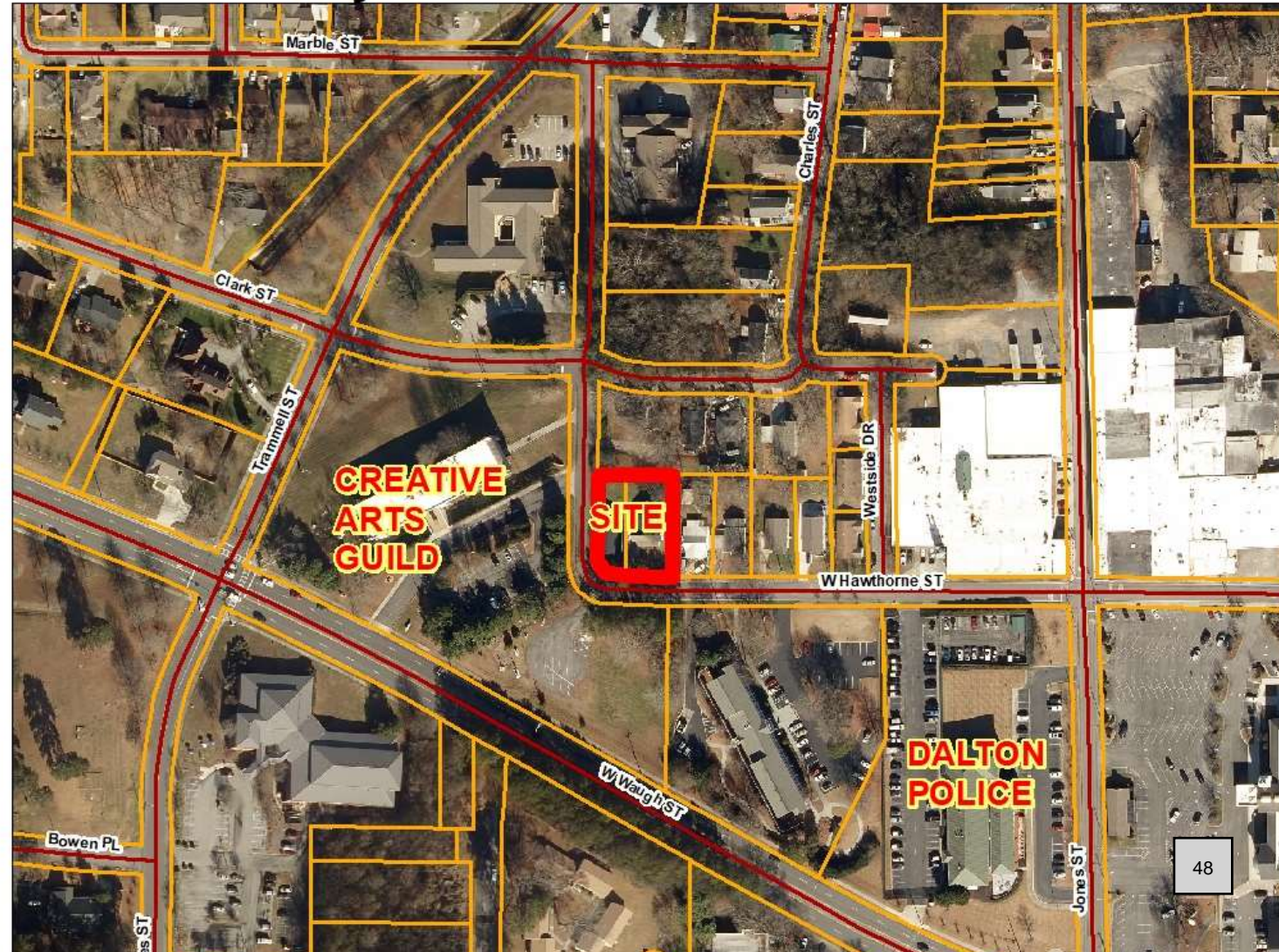
FEET
150



**Brown Rezoning Request
R-3, Medium Density Single Family Residential
to
C-1A, Limited Commercial
City of Dalton Jurisdiction**



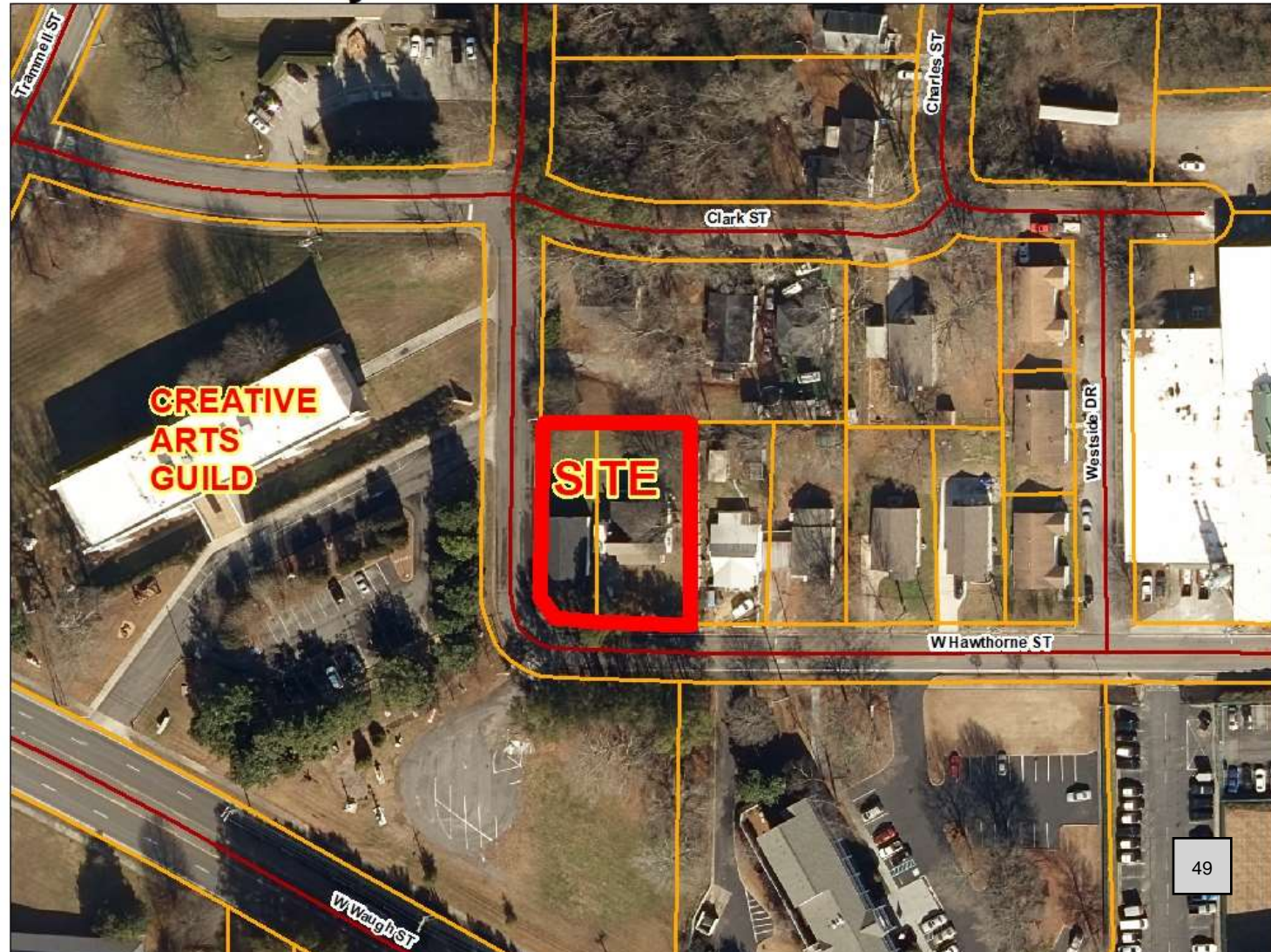
**FEET
150**



**Brown Rezoning Request
R-3, Medium Density Single Family Residential
to
C-1A, Limited Commercial
City of Dalton Jurisdiction**



**FEET
100**



Brown Rezoning Request R-3, Medium Density Single Family Residential to C-1A, Limited Commercial City of Dalton Jurisdiction



FUTURE DEVELOPMENT MAP

-  Downtown/Town Center
-  Suburban Neighborhood
-  Town Neighborhood

FEET
150

