

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

ZONING CASE: City of Refuge is seeking a rezoning a tract of land at 120 East Morris Avenue near the downtown. The property totals 2.3 acres and their request is to rezone from Heavy Manufacturing (M-2) to Mixed Use (MU). The tract is presently a large (former) manufacturing structure with an off-street parking lot. The request was prompted by the desire to continue redeveloping the structure in order to serve as a youth and education center, food bank, meal service, offices, 8 loft apartments, counselling services, up-scale lower-level retail, community event center, wellness center, and vocational training center.

The surrounding land uses and zoning are as follows: 1) north across East Morris street are a restaurant and automobile and tire service station, zoned C-2; 2) to the east, are several tracts developed for off street parking as well as an adjacent commercial structure, zoned C-2 and M-2; 3) to the south is a commercial business (Bath and Lighting Gallery) as well as another commercial structure used for plumbing materials, zoned M-2; and 4) to the west is a large metal clad warehouse as well as a few commercial and manufacturing structures, all zoned C-4.

The rezoning request is in the jurisdiction of the Mayor and Council of Dalton.

<u>Administrative Matters</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Is an administrative procedure, like a variance, available and preferable to annexation?	—	<u>X</u>	—
B. Have all procedural requirements been met? 1. Legal ad March 5, 2021 (16 days-notice) 2. Property posted March 5, 2021 (Yes -- one sign on the lot frontage; 16 days-notice.)	<u>X</u>	—	—
C. Has a plat been submitted showing a subdivision of land?	—	<u>X</u>	—
D. The following special requirements have an impact on this request: 100-year flood plain Site Plan (none required) Buffer Zones (none required) Soil Erosion/Sedimentation Plan Storm Water Requirements	 — <u>X</u> — — <u>X</u>	 <u>X</u> — <u>X</u> <u>X</u> —	 — — — — —

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

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

This request is interesting because of the existing diversity of land use and zoning in this vicinity. The former pyramid style zoning ordinance allowed many incompatible uses to mix randomly, which explains why the uses and structures vary dramatically in this part of the city. The M-2 zone previously made all uses conforming uses under that severe mix design, which is no longer the case under the UZO. M-2, now, does not allow any type of residential, or general retail uses. The subject property is surrounded by commercial and industrial enterprises in all directions. Streets in this area, for the most part, have good pedestrian infrastructure including sidewalks and crosswalks allowing individuals to safely walk to and from the subject property. The subject property's existing structure has been utilized primarily as an office building for several years. The subject property has not been utilized for manufacturing purposes for quite some time. The proposed redevelopment of the subject property could only be possible within the MU zone district as requested. No other zone district allows for such a diverse blend of uses under a single roof or on a single tract of land. All MU developments are required to present a preliminary site plan, and that site plan will be the basis of an approval or denial. If a MU zone district is approved, the property will be tied to the approved preliminary site plan and, therefore, any significant alterations would require review and a revised submittal of the site plan. All of the proposed uses described in the application and shown on the preliminary site plan are uses already permitted within the nearby commercial zone districts. The proposed MU zone district and proposed site plan would allow for a much more appropriate character than the current M-2 zone district for this area.

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

No impact is expected on the businesses surrounding the subject property. Investment in an underutilized and outdated facility would likely complement those surrounding and nearby properties. Buffers would not be required for this rezoning based on existing zoning and characteristics surrounding the subject property. In fact, the proposed rezoning and site plan would allow for much more appropriate use of land than the existing M-2 zone district as it relates to the impact of adjacent property values.

(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 size, location along a high traffic commercial corridor, and its access to high capacity utilities and sewer make it an attractive property for industrial uses. It is also notable, however, that the subject property's structure is dated and would limit many types of modern industrial uses that can make structures like this a "hard sell" for strictly industrial and manufacturing 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 (M-2) zoning.

The applicant is committed to redevelop the subject property's structure into a shelter for women and children including educational programs, a food bank and meal service, retail, as well as administrative offices. The rezoning request is sought only because of the organization's need to expand from their existing facilities in order to serve a larger population. The previous owner, Shaw Industries, donated the subject property to City of Refuge with this in consideration. The petitioners

have invested significant efforts in the redevelopment of the subject property but will need to obtain the requested rezoning in order to further invest in the property as shown in the attached preliminary site plan.

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

The vicinity likely has all available services - water, sewer, fire, natural gas, and electricity. With such diversity of uses under a single roof, staff efforts to ensure adequate parking exists for the proposed site plan will be necessary.

(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 character area designated for the subject property is absorbed into the Downtown character area which aims to expand the central business district. Primary uses within this character area are noted as offices, parks, retail, multi-family residential, government facilities/services, and mixed-use (including upper story residential), and government services. It is also stated that development patterns in this area should serve, and connect to, surrounding neighborhoods. If the CBD were to absorb the subject property in the future, then the (C-3) zone would surround the subject property. The C-3 zone district does share many of the same uses as are proposed in the attached preliminary site plan. Other development patterns suggested for the downtown character area include:

- Promote commercial, civic and leisure functions of the downtown and discourage industrial uses.
- Retain and enhance existing building stock with appropriate maintenance and rehabilitation.

The proposed site plan would satisfy the intent of the Downtown character area of 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 (MU) 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 MU zone district requires a preliminary site plan for the staff analysis and final zoning action to be based upon, since MU allows for a more flexible mix of uses than typical zone districts. Based on the attached site plan, the proposed uses for the subject property are not at all in conflict with the types of uses permitted in the C-3 or C-4 zone districts with the exception of schools. All in all, the proposed MU rezoning would not constitute a “spot zone” even though it would be an island of MU. The inherent characteristic of the MU zone district is that it is a unique zone district and often applies to a single property surrounded by other zone districts. The intent of the required site plan allows staff to ensure the proposed site plan and uses are compatible with the surrounding area and ensures that no substantial deviation from the approved site plan may occur in the future without restarting the rezoning process.

(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 recommendation is that the requested MU rezoning and attached site plan be approved based on the following factors:

- 1) The attached preliminary site plan allows uses that are similar to those existing in the vicinity of the subject property;
- 2) The attached site plan is a much better fit in regard to the Downtown character area of the Comprehensive Plan than the existing M-2 zone; and
- 3) Staff do not feel there is a probability that the current M-2 zoning designation will prompt business development at this location based on modern manufacturing trends.