



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 7/15/2019

**Agenda Item:** The request of Bryan Spence is seeking to rezone a tract of land from Heavy Manufacturing (M-2) to Medium Density Residential (R-3) (parcel 12-182-19-000) containing a total of 1.56 acres located along the east R/W of Chattanooga Avenue.

**Department:** Planning and Zoning

**Requested By:** Ethan Calhoun

**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:**

See attached staff analysis and presentation

CITY OF DALTON  
ORDINANCE  
Ordinance No. 19-12

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Heavy Manufacturing (M-2) To Medium-Density Single Family Residential (R-3) Being A Tract Of Land Totaling 1.56 Acres Located At Corner Of Chattanooga Avenue And Chenille Drive (Parcel No.: 12-182-19-000); To Provide An Effective Date; And For Other Purposes.

WHEREAS, Bryan Spence (Owner) has filed an application with the City to rezone property described as lot at corner of Chattanooga Avenue and Chenille Drive (Parcel No.: 12-182-19-000) (the Property);

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

WHEREAS, the Owner is requesting the Property be rezoned to Medium-Density Single Family Residential (R-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-Whitfield Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on July 1, 2019 and subsequently forwarded its favorable recommendation to the Mayor and Council with the condition that the Owner donate to the City an alleyway (15 feet in width) along the east boundary line of the Property;

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 the corner of Chattanooga Avenue and Chenille Drive identified as Parcel No.: 12-182-19-000 is hereby rezoned from Heavy Manufacturing (M-2) to Medium-Density Single Family Residential (R-3) with the condition that the Owner shall donate an alleyway (15 feet



in width) to the City along the east boundary line of the Property.

-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 Alderman \_\_\_\_\_, second by Alderman \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_.  
\_\_\_\_\_  
ayes, \_\_\_\_\_ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

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MAYOR

Attest:

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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\_\_.

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CITY CLERK  
CITY OF DALTON

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

**MEMORANDUM**

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

**FROM:** Jim Lidderdale  
Chairman

**DATE:** July 1, 2019

**SUBJECT: The request of Bryan Spence to rezone from Heavy Manufacturing (M-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 1.56 acres located on the corner of Chattanooga Avenue and Chenille Drive. Parcel (12-182-19-000) (Dalton)**

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on June 24, 2019 at 6:00 p.m. at the Whitfield County Administrative Building #2, 214 West King Street. A portion of the agenda included a public hearing concerning the above matter. A quorum of six members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met.

The petition was represented by Bryan Spence, the property owner and rezoning petitioner.

**Public Hearing Summary:**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was not in favor of the requested R-3 rezoning and recommended an R-2 rezoning due to the factors described in the staff analysis. Chairman Lidderdale pointed out that the alleyway appeared to be mostly upon the subject property which would reduce lot sizes if more right-of-way is needed for improvements to the alleyway. Mr. Calhoun affirmed that Chairman Lidderdale's observation was correct and that any improvements made to the existing alleyway would need to be made with land from the subject property. Mr. Sanford asked Mr. Calhoun if the City of Dalton Public Works had expressed a desire to make the improvements discussed in the staff analysis to which Mr. Calhoun stated that he expected there would be improvements provided this development continues.

Bryan Spence stated that the flood engineering study had been completed and he does not expect any issues in regard to the flood plain and his proposed development. Mr. Spence went on to state that he fully intends to donate the alleyway to the City of Dalton. Mr. Sanford asked Mr. Spence what size of home he intended to build Mr. Spence replied that he intends to construct seven dwellings each of approximately 1300 square feet. Mr. Spence went on to state that he intends to construct dwellings with a modern architecture similar to a current project along Underwood Road in the City of Dalton. Mr. Spence showed the Planning Commission members a photo of his current project from his phone. Chairman Lidderdale asked what the expected price point will be for the proposed properties to which Mr. Spence stated that he intends the average selling price for each developed tract will be approximately \$169,000. Mr. Spence confirmed that both public water and sewer are available along both the front and rear lots and that he will be required to add an additional fire hydrant to complete his development as proposed.

With no other comments heard for or against this hearing closed at 6:52

**Recommendation:**

Chairman Lidderdale sought a motion on the requested R-3 rezoning. **Mr. Thomas then made a motion to recommend the R-3 rezoning as requested with the condition that the alleyway be donated to the City of Dalton based on his belief that there would be no issue with the proposed development. Mr. DeLay seconded the motion and a unanimous recommendation to approve the R-3 rezoning followed, 5-0.**

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

**ZONING CASE:** Bryan Spence is seeking to rezone a tract of land from Heavy Manufacturing (M-2) to Medium Density Residential (R-3) (parcel 12-182-19-000) containing a total of 1.56 acres located along the east R/W of Chattanooga Avenue. The tract is currently undeveloped. The rezoning request to (R-3) is sought to serve the purpose of constructing seven single-family detached dwellings along the Chattanooga Avenue R/W:

The surrounding uses and zoning are as follows: 1) to the north, is a 0.9 acre tract containing an office structure and parking area zoned M-2; 2) to the east are eight adjacent tracts zoned R-3 that each contain single-family detached dwellings; 3) to the south, is one adjacent tract zoned M-2 that contains a large commercial warehouse structure; 4) to the west, are three adjacent tracts all zoned M-2 and occupied by Columbia Recycling. All in all, a review of the zoning map is inconsistent in the vicinity of the subject property with a mix of few residential, commercial and industrial zone districts and land uses. One will note that the vicinity of the subject property is somewhat of a transitional area where Manufacturing and residential zones converge. The existing land uses in this area include residential, commercial, industrial and recreational.

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.**

In this area there is convergence of manufacturing, commercial and single-family residential land use. A significant portion of land flanking Chattanooga Avenue has been developed for commercial or industrial use for a significant amount of time. In fact, this area of Dalton began developing for a mix of residential and industrial use since the early 1880's when the Crown Cotton Mill was first established. From the period between the 1880's and 1960's the Crown Cotton Mill continued to expand both its industrial footprint as well as the mill's workforce-housing village. Almost all of the original mill structures remain intact including many of the mill's workforce housing which was subdivided and then sold to individual owners after the mill's closing nearly 60 years ago. Since that time this neighborhood, surrounded by commercial and industrial uses, has remained a single-family residential community. Based on the average lot and dwelling size the proposed R-3 zone district is not in conflict with the majority of land use in this area.

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

The M-2 and R-3 zone districts, of course, share absolutely no similarities in character. When observing the adjacent land use in this area, however, there is a long-term vested residential character adjacent to the subject property. These adjacent residential properties would benefit much more from residential development than manufacturing land use. There is no expectation that the existing adjacent commercial or industrial properties would suffer any negative economic impact if the requested R-3 rezoning is approved.

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

The proposed R-3 rezoning would allow the subject property to be developed for a use that would be reflective of the density and single-family character of the majority of adjacent parcels. When considering the subject property's limited size and buildable area it is unlikely that a conforming manufacturing use of the subject property would be likely.

**(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.**

The proposed rezoning, if allowed, would create a much less intensive zone district for the adjacent single-family neighborhood, and allow the petitioner to develop the subject property for a conforming use.

**(E) Whether the proposed (R-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.**

If the subject property were re-zoned R-3 then the developer would have the ability to utilize both public water and sewer services with no concern for capacity. The primary infrastructure conflict with the subject property is related to street access. Dalton Public works does not recommend road access to Chattanooga Avenue and will restrict street access to the existing paved alleyway along the subject property's eastern boundary. The primary concern with the existing alleyway is that it is limited to one unmarked lane, and this alleyway is already being utilized by several of the existing residential tracts to the east. If the subject property is rezoned and developed as proposed, then seven new single-family detached dwellings will be utilizing this one-lane alleyway as their only point of street access. Average traffic generation for single-family dwellings is four trips per dwelling per day which totals to 28 new trips per day to be generated on the subject property. Regardless of the density of the subject property this planner believes it would be a good idea to increase the R/W of this alleyway to ensure area for utility maintenance as well as future street improvements.

**(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 Future Development Map designates this area as a Town Neighborhood Revitalization Area. The Town Neighborhood Revitalization includes established neighborhoods north and east of downtown Dalton, including the following neighborhoods: Crown Mill, Fort Hill, East Dalton and Thread Mill. These neighborhoods are historic but have experienced disinvestment and decline due in part to the demolition of residences to accommodate commercial uses, parking areas, apartment buildings and industrial uses. Prevalent zoning of properties for industrial uses further contributes to the neighborhoods' instability and diminishing potential for revitalization. Recent planning efforts, including the City of Dalton Urban Redevelopment Plan (2012), Neighborhood Infill Guidelines (2003), Dalton Historic Housing Infill Study (2006), and the Believe Greater Dalton Housing Strategy address these areas and the issues of neighborhood revitalization, opportunities for new growth with infill, and inconsistencies between existing City regulations and desired development for the neighborhoods. The subject property is entirely surrounded by the Town Neighborhood Revitalization Area. Given the immediate adjacency to the intact neighborhood along with the existing surrounding land use this planner does view the requested use and rezoning as consistent with the intent 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 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 simply shrink the existing M-2 zone district and enlarge the existing R-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.**

The subject tracts have remained vacant for some time. This is likely due to the subject property's limited size and shape. Another issue with the subject property is that it is almost entirely within the 1% flood zone and partially within the floodway. In order to address this issue, a base flood elevation study will need to be conducted to determine the base flood elevation. Once a study notes the base flood elevation the developer will be required to construct all affected dwellings above the base flood elevation. Building above a base flood elevation may be done a few ways from a raised earthen building pad to a pier foundation that allows the potential flood waters to pass freely under the structure, but any and all of these techniques generally come at a great cost to the developer.

## **CONCLUSION:**

The staff cannot recommend approval for the R-3 request, but staff recommend a Low-Density Single-Family (R-2) rezoning based on the following factors:

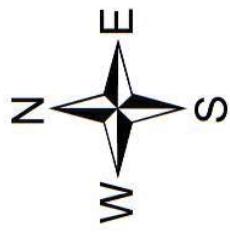
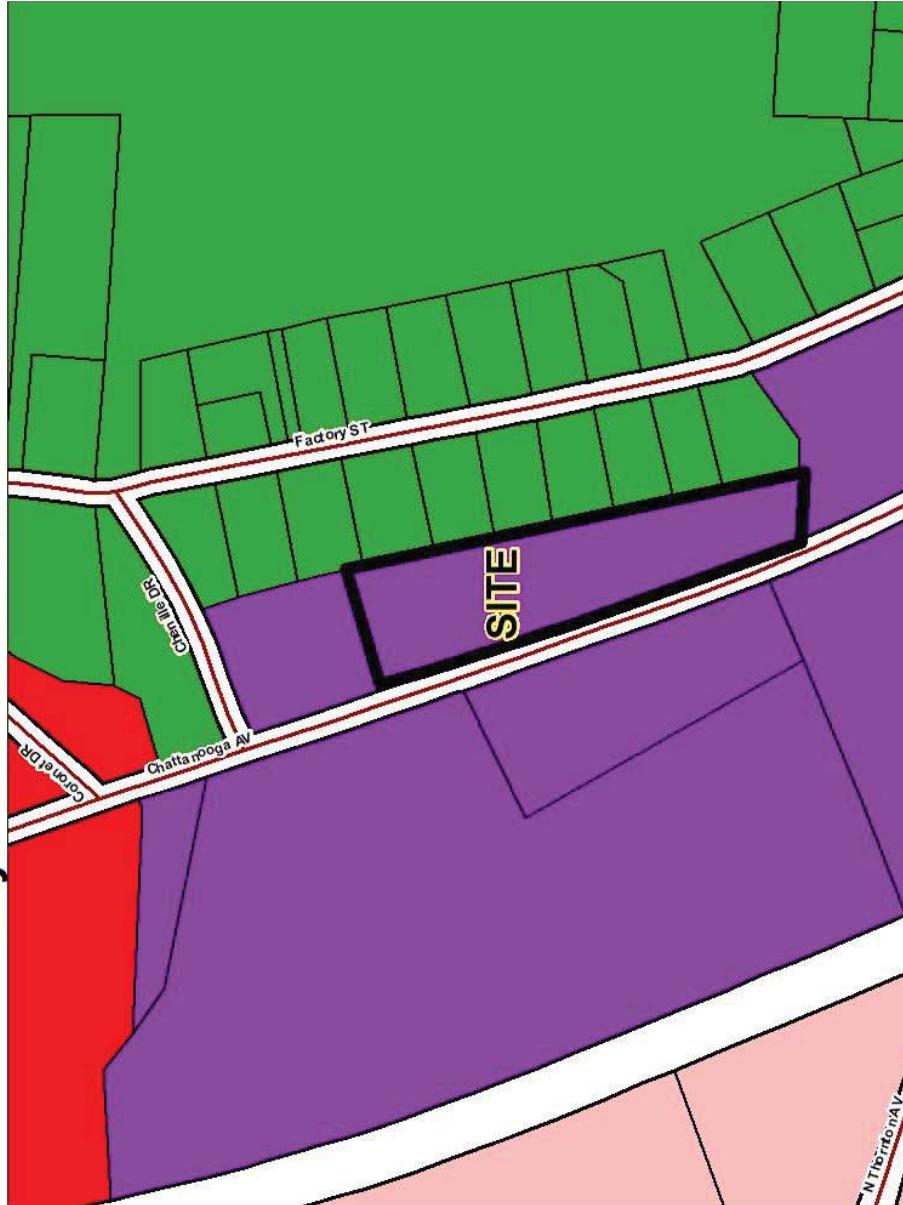
1. The existing one-lane alleyway creates a concern for congestion if the maximum

proposed density of seven single-family detached dwellings is achieved. An R-2 rezoning would reduce this density by approximately 50% while still permitting the potential for new single-family residential development.

2. An R-2 rezoning would certainly satisfy the intent of the Comprehensive Plan and Future Development Map.
3. The encroachment of new development affecting the 1% flood plain on the subject property would be a lesser concern if the density of the development were less than proposed. An R-2 rezoning would achieve a lower density while allowing for the ability of new development.

**Spence Rezoning Request  
M-2, Heavy Manufacturing  
to**

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



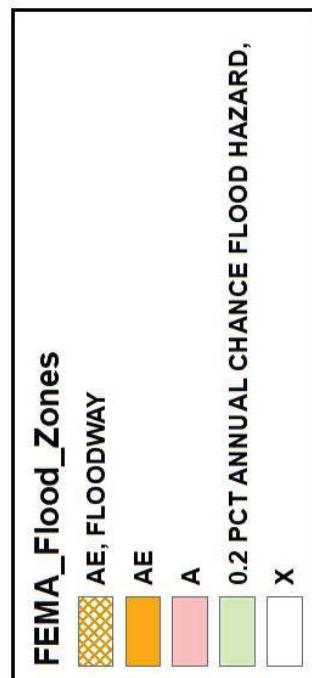
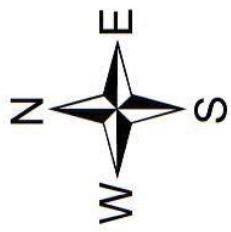
**ZONING**

- Medium Density Single Family Residential (R-3)
- Neighborhood Commercial (C-1)
- General Commercial (C-2)
- Heavy Manufacturing (M-2)

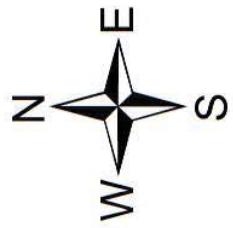
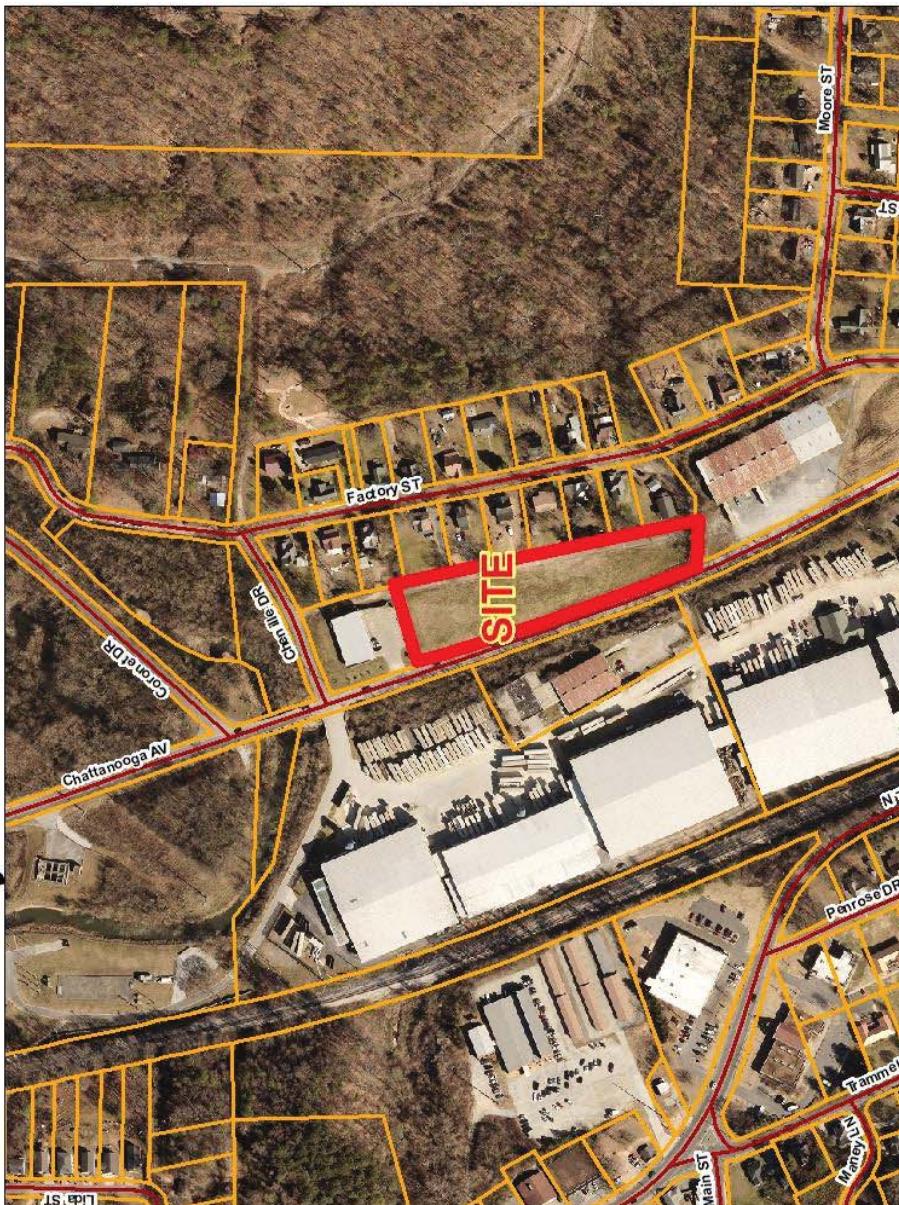
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**Spence Rezoning Request  
M-2, Heavy Manufacturing  
to**

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



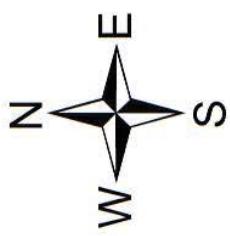
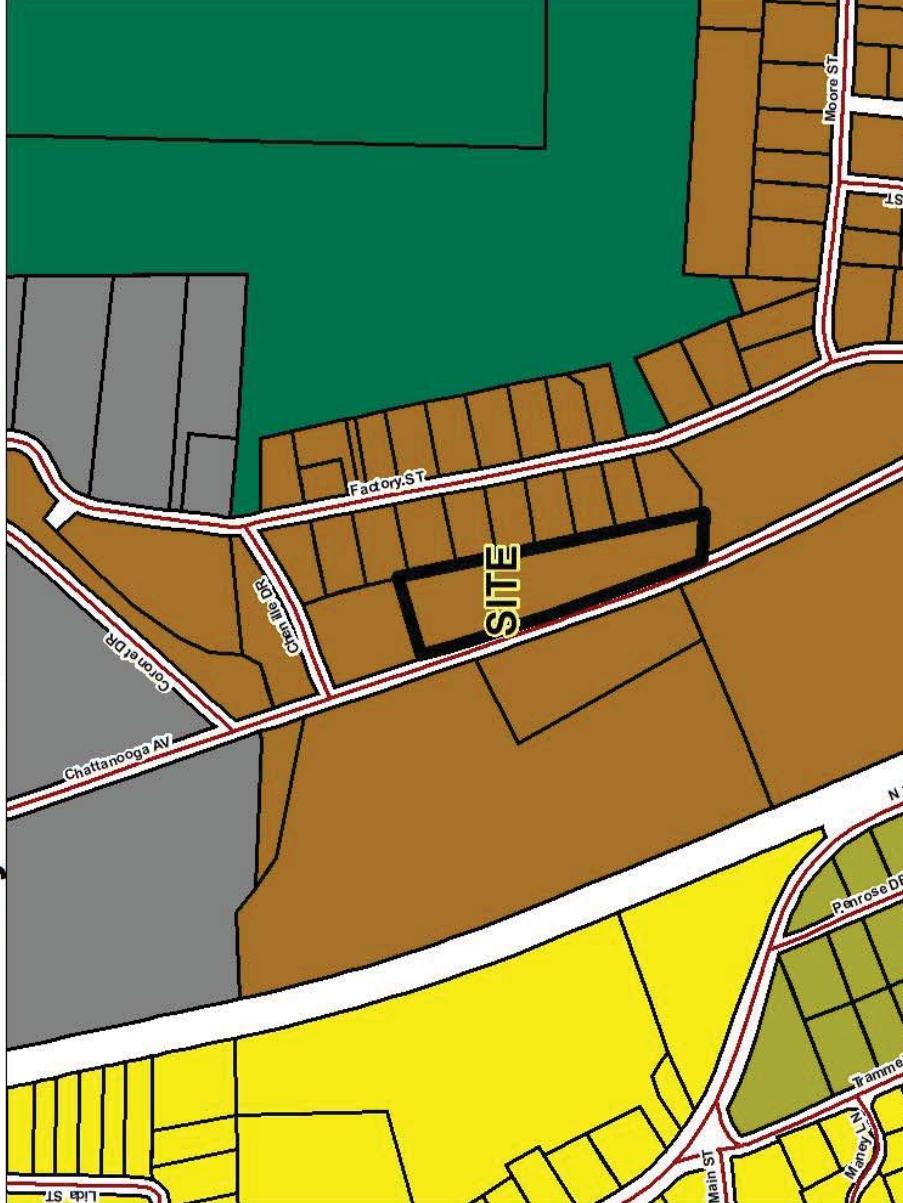
**Spence Rezoning Request  
M-2, Heavy Manufacturing  
to  
R-3, Medium Density Single Family Residential  
City of Dalton Jurisdiction**



**FEET**  
**300**

**Spence Rezoning Request  
M-2, Heavy Manufacturing  
to**

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



**FUTURE DEVELOPMENT MAP**

- Industrial
- Preserve
- Suburban
- Town Neighborhood
- Town Neighborhood Revitalization

**FEET**  
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