

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

**ZONING CASE:** Karen Green is seeking to rezone from Transitional Commercial (C-4) to Central Business District (C-3) a tract of land (parcel 12-238-24-001) containing 0.52 acres. The tract currently contains one aged commercial structure and off-street paved parking area. The rezoning request to C-3 is sought to serve a single purpose on the site: create the opportunity for up to five loft apartment dwellings to be created above the existing commercial space within the subject property's structure.

The surrounding uses and zoning are as follows: 1) To the north, across W. Morris Street are several tracts of land that contain commercial space and off-street parking area zoned C-3; 2) To the east, across Pentz Street is a tract of similar size to the subject property containing a commercial building and off-street parking area zoned Transitional commercial (C-4); 3) To the south, is another tract of similar size to the subject property containing an aged commercial structure and an off-street parking area zoned C-4; 4) To the west, is a slightly larger tract than the subject property containing two aged commercial structures. All in all, a review of the zoning map shows the subject property to be at a transition between the downtown and transitional commercial zone districts that are separated in this area by W. Morris Street.

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

<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 a rezoning?	—	<u>X</u>	—
B.	Have all procedural requirements been met? 1. Legal ad                      Friday 3, 2019 (16 days notice) 2. Property posted              Friday 3, 2019 (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:  <b>100-year flood plain</b> (land is filled to the 100-year flood level)  <b>Site Plan</b> (none required)  <b>Buffer Zones</b> (none required)  <b>Soil Erosion/Sedimentation Plan</b>  <b>Storm Water Requirements</b>	— — — — —	<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.**

When travelling along S. Pentz St. one would hardly notice a difference in character between the area north of W. Morris St. and the area south of it that is zoned C-4. This is largely due to the similarities in the C-3 and C-4 zone districts. The major difference between the C-3 and C-4 zone districts is that property zoned C-3 is not required to provide space for off-street parking. The structure occupying the subject property has existed for some time now and blends well with conventional commercial structures in the C-3 zone district. The requested C-3 rezoning would create the opportunity for the subject property to be utilized for both residential occupancy as well as retail commercial. The subject property has been preliminarily inspected by the county building inspector, and it was determined during the inspection that the existing building could be modified to accommodate loft dwellings provided that building and fire codes were met in the process. If this request is approved there is no expectation that the visual character of the building's exterior would be altered in any way that would conflict with surrounding land uses. Most of the notable alterations and modifications would occur on the building's interior with the exception of adding new windows to the second story at a minimum of one window per dwelling unit.

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

The current C-4 zone district shares many permitted uses and characteristics with the C-3 zone district. One of the most significant differences, as stated previously, is the fact that off-street parking must be included in the development of any C-4 property. The C-3 zone district does not require off-street parking due to the abundance of on-street parking or proximity to a public parking facility. Based on the fact that the subject property has already been developed with a principle structure that is now a candidate for a new investment there is no concern that any of the adjacent properties in this area would suffer from devaluation of their property value.

**(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 has been developed and utilized strictly for commercial use since its origination. In recent years, however, the property may have been underutilized and the property owner is interested in making a new investment in the property. The most significant change of the subject property if it is rezoned, as stated previously, would be the addition of up to five new loft apartment dwellings.

**(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.**

With the continuing investments and redevelopment of Dalton's downtown area there have been numerous investments aimed at creating residential space in the downtown. Multiple plans including the *2019 Downtown Dalton Strategic Plan* and *2019-2023 Whitfield County Joint Comprehensive Plan* have determined that an increase in residential density in the downtown area is crucial for this area's long-term vitality and sustainability.

**(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.**

There would be no burden on infrastructure or utilities created by rezoning the subject property given that the C-3 zone district has already been well-established in this area, and the C-3 and C-4 zone districts are almost identical in permitted uses. This area is one of the oldest portions of the City of Dalton and, for the most part, is served by an abundance of public utilities including public water, sewer and broadband. The subject property currently has an off-street parking area that could provide sufficient off-street parking for the proposed new loft dwellings as well as the current commercial space since on-street parking opportunities are very limited in this area.

**(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 Downtown character area. The Downtown character area includes Dalton's central business district and is made up of a mixture of uses such as commercial, government, religious, residential and industrial. Goals of the character area include encouraging a mix of uses to create vitality, reinforcing the area's role as a central business district and local activity center, and respecting and promoting the established development pattern of the downtown core. One of the primary uses recommended for this character area is mixed-use with upper story residential.

**(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.**

None identified. In this case, the requested C-3 zone district is adjacent to the subject property. If this C-3 rezoning is approved it would simply enlarge the C-3 district and shrink the C-4 district in this area.

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

N/A.

**CONCLUSION:** The staff can provide a recommendation for the C-3 zone at this location based on the following findings:

- 1) No significant alterations to the subject property's physical exterior character would be expected;
- 2) The (C-3) request is considered much more consistent with the Comprehensive Plan's Downtown character area than the current C-4 zone district and the petitioner's desire to develop loft apartments further implements the recommendations of the comprehensive plan;
- 3) There is not an expectation that this rezoning would, in any way, burden the adjacent or nearby property's economic values.

4) The subject property has sufficient off-street parking area as well as two opportunities for ingress/egress.