

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

**ZONING CASE:** Baltazar Hernandez seeking to rezone from General Commercial (C-2) to Limited Commercial (C-1A) a tract of land totaling .06 acres located at 601 N. Elm Street, Dalton, GA. Parcel (12-200-10-006). The tract is currently developed with a single-family detached dwelling. The rezoning request to C-1A is sought to serve a single purpose on the site: Create a conforming residential tract with the potential for future limited commercial use.

The surrounding uses and zoning are as follows: 1) To the north, is a 3.3-acre tract of land zoned M-2 that contains a large commercial/industrial building. 2) To the east, are several tracts that make up the City of Dalton's Public Works barn. 3) To the south, is a 0.1-acre tract of land that contains a small non-conforming single-family detached dwelling zoned C-2. 4) To the west, is a continuation of the northern adjacent tract. All in all, a review of the zoning map in color shows the subject property to be at a point of convergence between the C-2 and M-2 zone districts with manufacturing and commercial development as the predominant land use character.

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 of the city, there is a consistent pattern of manufacturing and commercial development. The pattern of development in this area was a historical result of the railroad and the arterial Glenwood Ave. This area does, however, have several residential nodes that include the subject property and its southern adjacent neighbor. While the subject property and its southern adjacent neighbor are now considered non-conforming, the reason for their existence in this location is likely a result of the previous pyramid zoning ordinance. In the previous pyramid zoning ordinance residential development was permitted within both the commercial and manufacturing zone districts. While pyramid zoning protected residential areas from manufacturing and commercial spot zoning and infiltration, it did nothing to prevent residential development within heavy industrial and commercial areas. The current zoning of the subject property essentially renders the existing dwelling as useless since it has been vacant for more than 12-months. There is not a practical general commercial use for the subject property given the limited size of the dwelling and lot barring a redevelopment of the property. A C-1A rezoning would, however, allow the dwelling to be occupied for either residential or limited commercial/office use. The proposed rezoning would prevent creating an island of strictly residential zoning and land use in this heavily commercialized area.

**(B) Whether the proposed (C-1A) amendment would adversely affect the economic value or the uses of adjacent and nearby properties.**

The existing dwelling on the subject property appears to have had no notable impact on the surrounding commercial properties. Unlike a typical residential zone district, there would be no buffer requirement to burden the adjacent commercial and manufacturing properties since the C-1A district shares a commercial character.

**(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.**

As stated previously, there is no viable use of the subject property in its current state based on the existing C-2 zoning. The only way to create conformity as the property is currently zoned would require the property be redeveloped for a commercial use, or rezone for residential use. The C-1A zone district would solve the non-conforming issue without creating an island of residential zoning.

**(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 limited size of the subject property prevents any development or use that would burden any public infrastructure.

**(F) Whether the property sought to be rezoned (or annexed) is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.**

The Comprehensive Plan's Future Development Map shows the subject property to be within the Industrial character area. This character area is intended for commercial and industrial land use. Residential zoning is not an appropriate fit for this character area. The established development of the subject property and the other adjacent dwelling lead this planner to believe that the hybrid nature of the C-1A zone district would permits a reasonable use of the subject property without introducing an island of residential zoning in this area. While the C-1A district is not the most ideal zoning for the Industrial character area, it is the only zoning district that would be viable in this particular situation without creating a residential island.

**(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 would create an island of C-1A, but this would not be an issue of spot zoning since the C-1A and C-2 zone districts share a commercial character.

**(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-1A zone at this location based on the following:

1) By rezoning the subject property to C-1A, the permitted uses are not expected to negatively impact any of the economic values or compromise integrity of the surrounding properties; and

2) The C-1A request is the best fit for the Industrial character area within the comprehensive plan while allowing the existing dwelling to be reoccupied; and

3) There is not an expectation that this location would be developed for a commercial use as it is currently zoned based on the existing single-family detached dwelling.