

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Hamilton Medical Center Inc, Hamilton's Children's Institute Inc, and HLTC Inc, Are jointly seeking to rezone from Neighborhood Commercial (C-1) to General Commercial (C-2) 57 tracts of land (parcels 12-159-01-058, 12-160-02-001, 12-160-02-002, 12-160-02-003, 12-160-02-004, 12-160-03-000, 12-160-06-000, 12-160-16-000, 12-160-21-001, 12-160-21-006, 12-160-39-000, 12-160-51-000, 12-161-01-087, 12-182-02-001, 12-182-02-007, 12-182-02-041, 12-182-15-000, 12-183-03-000, 12-183-04-001, 12-183-04-002, 12-183-04-003, 12-183-04-004, 12-183-04-005, 12-183-04-009, 12-183-04-110, 12-183-04-111, 12-183-04-112, 12-183-04-113, 12-183-04-114, 12-183-04-115, 12-183-04-117, 12-183-04-119, 12-183-04-020, 12-183-04-021, 12-183-04-024, 12-183-05-000, 12-183-10-000, 12-183-11-000, 12-184-01-001, 12-184-01-010, 12-184-01-039, 12-160-14-000, 12-160-15-000, 12-160-22-000, 12-183-04-022, 12-184-01-047, 12-145-01-001, 12-145-01-002, 12-145-01-003, 12-145-01-004, 12-145-03-000, 12-159-01-021, 12-160-09-000, 12-160-19-000, 12-160-37-000, 12-160-58-000, and 12-160-59-000) containing a total of 0.45-acres located at the corner of Straight St. and Frederick St. The subject properties make up various developed and undeveloped tracts of land that are all part of the Hamilton Medical Center campus: The petitioner's request is to be ensure conformity of their various medical offices, and hospital facilities in regard to the Unified Zoning Ordinance. Currently, hospitals, health and medical institutions are not permitted in the C-1 zone district. The requested C-2 rezoning would ensure zoning conformity of all the petitioner's properties.

The surrounding uses and zoning are Low-Density Single-Family Residential, Neighborhood Commercial, High-Density Residential, Transitional Residential, and General Commercial.

The subject property is primarily within the jurisdiction of the City of Dalton Mayor and Council, but 13 tracts of land are currently within the jurisdiction of the Whitfield County Board of Commissioners.

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.

All of the collective tracts of land that make up the subject property are currently zoned C-1. The vast majority of the subject property has been developed for hospital or medical institution use for multiple decades. Only a few individual tracts of land within the subject property remain undeveloped. All setback and buffer requirements for the C-1 and C-2 zone districts are identical. The C-2 zone district can be found adjacent to the collective subject property to the east and near the subject property to the west. Both the subject property and many adjacent tracts of land have been developed for various commercial uses for a number of decades. Much of the commercial property in this area is directly associated with the medical industry including pharmacies, offices and private medical

practices, medical supplies, retail, dining, and other supporting retail and offices.

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

The proposed C-2 rezoning would certainly increase the opportunity for more intensive commercial uses, but the majority of land within the subject property has already been developed. The remaining tracts of land within the subject property are limited in size. It is also worth noting here that any new development or redevelopment would be required to meet the same setbacks and buffers that are currently in place.

(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.

Much of the subject property would be considered non-conforming under the current C-1 zoning. The proposed C-2 rezoning would permit all the uses already existing within the subject property as well as any future development associated with Hamilton Medical Center. While this area is zoned as Neighborhood Commercial, the established development pattern exceeds the intent of the Neighborhood Commercial zone district. The established development pattern of this area and existing uses are more representative of the General Commercial zone district. The adjacent neighborhoods are not expected to be negatively impacted if the subject property is rezoned C-2 based on the large existing commercial zoning district and longstanding commercial development of the surrounding area.

(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 Hamilton Medical Center and its affiliates have long served Whitfield County's public health needs. Under the current C-1 zoning of the collective subject property, the hospital and other medical institutions are in non-conforming status. This means that the hospital nor other medical institutions would be permitted to expand in any way.

(E) Whether the proposed (C-2) 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.

Based on the existing commercial zoning and development of this area, the requested rezoning would have minimal potential impact on public utilities and services. This area is heavily served by public water and sewer as well as direct or proximate access to an arterial corridor (N. Thornton Ave.).

(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 majority of the subject property is within the Medical District character area on the

Future Development Map in the Joint Comprehensive Plan. The Medical District character area is intended to represent commercial and residential development surrounding and including the Hamilton Medical Center hospital. The current C-1 zone district assigned to the collective subject property does not permit hospitals or medical institutions, which has placed the majority of the subject property into non-conforming status. The requested C-2 rezoning would bring the subject property into conformity and allow for future expansion of the Hamilton Medical Center's campus. There are several tracts of land along the periphery of the collective subject property that are within the Suburban Neighborhood character area. The Suburban Neighborhood character area is not intended for commercial use, but all of the tracts within the subject property that are found within the Suburban Neighborhood character area are already zoned C-1. As stated previously, any new development or redevelopment of the collective subject property would be required to meet the same setbacks and buffers are required in the current C-1 zone district if the subject property is rezoned C-2.

(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 proposed C-2 rezoning would increase the adjacent C-2 zone district while shrinking the existing C-1 zone district in this area. Since much of the subject property is already developed for uses permitted in the C-2 zone district, there is little concern for the issue of an entering wedge. The adjacent C-2 zone district eliminated the concern for the creation of a spot zone in this case.

(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-2 rezoning of the subject property based on the following factors:

1. The requested C-2 zone district would allow for the collective subject property to be in consistent conforming status.
2. The existing commercial development pattern and zoning do not suggest that the increase in permissible commercial use or development would have a negative impact on the values of adjacent and nearby properties.
3. The requested C-2 zone district would not be in conflict with the Joint

Comprehensive Plan or its Future Development map based on the majority of the subject property being within the Medical District character area. The existing zoning and development of this area fit the intent of the Medical District character area. The current C-1 zoning of the collective subject property does not permit hospitals or medical institutions. The few tracts on the periphery of the subject property within the Suburban character area are already zoned for commercial use, and this rezoning should have minimal impact on the adjacent residential neighborhoods based on the existing zoning and development throughout this area.