

**STAFF ANALYSIS  
ANNEXATION REQUEST  
*Unified Zoning Ordinance***

**ZONING CASE: The request of Anita Sammons to rezone a tract of land totaling 0.07 acres, zoned Medium-Density Single-Family Residential (R-3) and located at 830 McAfee St. (Parcel 12-218-02-011) (Dalton)**

The surrounding land uses and zoning are as follows: 1) To the north are is the Mack Gaston Community Center zoned R-3; 2) to the east is a tract totaling 0.14 acres that contains a single-family detached dwelling zoned R-3; 3) to the south is a 0.18 acre tract containing a single-family detached dwelling zoned R-3; 4) to the west is a 0.14 acre tract that contains a single-family detached dwelling zoned R-3. All in all, a review of the zoning map shows a very consistent R-3 zone district in this area.

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 annexation?		<u>X</u>	
B. Have all procedural requirements been met?	<u>X</u>		
1. Legal ad	November 13, 2020 ( <i>16 days notice</i> )		
2. Property posted	November 13, 2020 ( <i>Yes -- one sign on the lot frontage; 16 days notice.</i> )		
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>		<u>X</u>	
<b>Site Plan</b> (none required)		<u>X</u>	
<b>Buffer Zones</b> (none required)		<u>X</u>	
<b>Soil Erosion/Sedimentation Plan</b>		<u>X</u>	
<b>Storm Water Requirements</b>		<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.

A review of the zoning map indicates that this area is consistently medium-density single-family residential. A closer look at the actual land use and existing development in this area indicates that there

are some commercial structures that appear to all be in proximity to the Bogle St. and McAfee St. intersection. The subject property was developed for commercial use in 1958, based on tax records, which means that the existing commercial structure predates the City's original zoning ordinance that was adopted in 1960. A historical zoning map indicates that the subject property had been zoned M-2 for many years, which meant that any land use would have been permitted based on the nature of the former pyramid-style zoning ordinance. After over six-decades of zoning text and map amendments, including the adoption of the UZO in 2015, the subject property no longer meets the requirements set forth in the UZO. While the subject property was both developed and utilized for commercial land use for some time, the commercial use of the building ceased for a period greater than 12 consecutive months. Once a non-conforming use ceases for a period of more than 12 consecutive months the use may no longer continue without rezoning action to establish conformity. None of the adjacent properties around the subject property are commercial in use or nature based on tax records and a site visit.

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

As stated previously, none of the adjacent properties are zoned or utilized for commercial use. A close look at the subject property indicates that neither the front nor side setbacks could be met based on the existing structure. The subject property would also not be able to meet the 20' buffer requirements for either of the side lots. In fact, the only portion of the subject property that could meet the setback and buffer requirements is the rear lot. While the C-1 zone district is designed for neighborhood commercial uses, setbacks and buffers are intended to protect adjacent residential properties from the sights and sounds associated with commercial land uses. With so little separation and no potential for a sufficient buffer area, there is concern for a negative impact to the adjacent residential properties' values and the quality of life for the adjacent residents.

**(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.**

Based on the commercial nature of the existing structure on the subject property, it is unlikely that this structure would be converted for the purpose of residential occupation. It is fair to say, however, that the subject property is unable to meet the requirements for parking, side and front setbacks, and buffers even if the rezoning is approved. It is also worthy noting that parking requirements in the City's original 1960 zoning ordinance would have required the subject property to have a minimum of 7 parking spaces based on the building's size. In the current UZO, a minimum of 5 parking spaces would be required based on the proposed use and size of the structure. The subject property has been out of compliance with parking requirements since 1960, and staff cannot contemplate a parking solution based on the limitations of the subject property.

**(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 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 and the existing structure do not give concern for utility capacity, police service, or traffic generation. It is, however, worth noting that on-street parking is prohibited along both sides of McAfee St. in this area. The lack of available on-street parking is clearly signed along this portion of McAfee St.

**(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 Joint Comprehensive Plan's future development map indicates that the subject property is well within the Town Neighborhood Revitalization area. This character area is intended primarily to promote residential zoning and land use that encourages reinvestment. Some of the key elements of this area are to encourage infill development that complements the existing character of the current housing styles and sizes. This character area does note that neighborhood commercial land use should be permitted where it is appropriate in order to provide services to the surrounding neighborhood. It is also stated in this character area, as well as in the 2012 Dalton Urban Redevelopment Plan, that a sufficient buffer between commercial/industrial and residential land use is paramount in the encouragement of redevelopment in these areas. Essentially, this character area does support the proposed neighborhood commercial land use, but the previously mentioned constraints of the subject property regarding setbacks, parking, and buffers remain an unaddressed issue.

**(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 subject property is entirely surrounded by properties zoned R-3 of which  $\frac{3}{4}$  of adjacent properties contain single-family detached dwellings. While there are other non-conforming commercial buildings and uses in the greater area, no commercial land use exists adjacent to the subject property. If the subject property is rezoned C-1, an island of C-1 would be created where 100% of adjacent properties would remain R-3. This rezoning would constitute a spot zone.

**(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 subject property is not suited for the requested C-1 rezoning based on the following factors;**

1. The C-1 zone district would create a “spot zone” surrounded by R-3 zoned and developed tracts.
2. If the rezoning is approved, there would be no feasible way to create off-street parking or appropriate buffers and setbacks.
3. The Comprehensive Plan and Future Development map do not support the rezoning based solely on the fact that there is no room to buffer the subject property from the adjacent residential properties.