

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

**ZONING CASE:** East Morris Properties is seeking to rezone from General Commercial (C-2) to Central Business District (C-3) a tract of land (parcel 12-238-18-004 containing a total of 0.62-acres located at 222 East Morris St. The tract is currently developed with two commercial buildings. The rezoning request to C-3 is sought to for the petitioner to remodel the existing buildings which are non-conforming in the current C-2 zone district due to setback encroachments:

The surrounding uses and zoning are as follows: 1) to the north, are four tracts of land across E. Morris St. that are all zoned C-3. Three out of four of the northern adjacent tracts are developed with 0-lot line commercial buildings and the other northern adjacent tract of land contains an off-street parking lot; 2) to the east, are two tracts of land of which one tract is zoned C-3 and contains a 0-lot line commercial building. The other eastern adjacent tract of land is zoned C-2 and contains a 0-lot line commercial building with a small off-street parking area; 3) to the south, is a 0.65-acre tract of land zoned M-2 that is serving as an off-street parking area for the nearby nonprofit complex (City of Refuge); 4) To the west, is a continuation of the southern tract of land used for off-street parking. A review of the zoning map and established land use indicates that all adjacent and nearby properties are zoned and developed for either commercial use.

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.**

This area if the city is at a point of transition from the conventional historic downtown and the fringe of manufacturing and commercial development. This portion of East Morris St. near Glenwood Avenue has seen a recent interest in commercial reinvestment and redevelopment similar to that taking place in the historic downtown district. The nature of the majority of commercially developed tracts in this area are 0-lot line buildings housing retail, restaurant, or service based commercial uses. The C-3 zone district can be found along E. Morris St. along its north and south right-of-way (R/W) and adjacent to the subject property along two of its boundaries. The requested rezoning would not introduce a pattern of zoning or development unlike that which is already established in this vicinity.

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

All adjacent and nearby tracts of land are already zoned and developed with commercial or manufacturing zoning uses. There is no evidence to suggest the requested rezoning would have any negative effect on any of the property values in this area.

**(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.**

While the underlying commercial use of the subject property does not create an issue in terms of zoning, the existing structure on the subject property is non-conforming due to the fact that it was built at 0-lot line along its eastern boundary. Since the structure is non-conforming, no building permit can be approved for expansion or significant remodeling. The only zone district that permits 0-lot line structures is the requested C-3 zone district. If approved, the C-3 rezoning would permit the petitioner to move forward with their remodeling and redevelopment 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 (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.**

The change in zoning from C-2 to C-3 would have little to no effect on City infrastructure or utilities. The subject property's current configuration provides for more than 20 off-street parking spaces. While the C-3 zone district does not require off-street parking, this area of the city is not yet capable of provided adequate public parking for the amount of commercial space along this portion of E. Morris St. Much of the off-street parking area adjacent to the subject property is privately owned and could be redeveloped or restricted at any point by the owners. With all this in consideration, it is important that the subject property continue to provide for off-street parking until the point that public parking is sufficient in this area to avoid conflicts.

**(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 future development map shows this property to be within the Downtown Town Center character area. This character area is intended to define the areas that are part of the central business district of the city. The characteristics of the downtown are predominantly commercial with opportunities for urban residential use as well. One of the primary focuses of this character area for the City of Dalton is to incentivize reinvestment and redevelopment in order to grow the downtown into a thriving central business district. The requested C-3 rezoning would be in alignment with 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.**

The requested rezoning would simply shrink the C-2 zone district and enlarge the established C-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.**

N/A

**CONCLUSION:**

The staff can provide a recommendation to approve the requested C-3 rezoning of the subject property based on the following factors:

1. The requested C-3 zone district does not pose any conflict with the established zoning or development pattern in this area, and the subject property is already adjacent to the C-3 zone district along two of its boundaries.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the similarly zoned and developed commercial properties throughout this area.
3. The requested C-3 rezoning is consistent with the Downtown Town Center character area in the Comprehensive Plan.

Condition to consider:

- A. Require the subject property to maintain a minimum of 25 off-street parking spaces until adequate public parking is made available to this area.