

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

**ZONING CASE: Melvin Terry is seeking to rezone parcel 12-218-28-016 from Medium-Density Single-Family Residential (R-3) to Neighborhood Commercial (C-1). The parcel totals 0.06-acres and is located along ML King BLVD.**

The tract is currently undeveloped and wooded. The petitioner's request was made in order to develop up to three duplexes on the subject property.

The surrounding uses and zoning are as follows: 1) To the north, are two tracts of land across MLK BLVD zoned R-3 that each contain a single-family detached dwelling; 2) To the east, is a 0.46-acre tract of land zoned R-3 that contains a single-family detached dwelling; 3) To the south, is a 5.8-acre tract of land zoned R-3 that contains the Dalton Community Center; and 4) To the west, is an undeveloped 0.15-acre tract of land across MLK BLVD zoned R-3. All in all, a review of the zoning map shows a large R-3 district.

The subject property is in 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 property.**

The subject property is entirely surrounded by the R-3 zone district and conventional medium-density residential development. The one non-residential adjacent property contains a public community center that serves the surrounding neighborhood. The limited size and shape of the subject property prevent the possibility of any residential or commercial development aside from a potential sign. The proposed rezoning would be out of character with the surrounding zoning and development established in this area.

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

The intent of the C-1 zone district is to provide opportunity for neighborhood scale commercial development aimed at serving the immediate needs of residential neighborhoods. The proposed rezoning and sign would provide no benefit to the surrounding neighborhood or community center. The proposed sign could become an eye sore for the adjacent residences across MLK BLVD based on the direct visibility. The City's sign ordinance allows for a 40' tall sign with up to 100sqft of display area and lighting in the C-1 zone district based on the size of the subject property.

**(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property of the proposed zoned uses.**

**(D) Whether there is relative gain to the health, safety, morals, or general welfare to the public as compared to any hardship imposed upon the individual owner under the existing zoning.**

N/A

**(E) Whether the proposed (C-1) 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 does not create concern for a burden on any public infrastructure at this location. The only feasible use of the subject property if rezoned C-1 would be for the placement of a commercial sign.

**(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 reasoning or annexation request allow uses which are compatible to the existing uses in the vicinity.**

The Comprehensive Plan lists this area as within the Neighborhood Revitalization character area. This character area is intended to promote reinvestment in areas where housing stock is aging and where there are pockets of blight. While appropriate neighborhood commercial uses can be a viable land use within this character area, the proposed use of the subject property would not create a commercial use that would benefit any of the adjacent or surrounding neighborhoods.

**(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 zoning) as interpreted by current Georgia law.**

The proposed rezoning would create an island of C-1 surrounded by the R-2 zone district. There are circumstances where the C-1 zone district is appropriate within a residential area if the proposed development would be beneficial to the surrounding neighborhoods. This rezoning would, however, create a commercial spot zone with no observed benefit to the adjacent and surrounding residential properties.

**(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, stormwater, or historical issues that influence the development of the subject property under any zoning designation.**

The subject property isn't affected by historical or environmental conditions that would limit its development potential, but the size and shape of the subject property create a situation where no conventional residential or commercial structures could meet setbacks or parking requirements.

**Conclusion:**

The staff cannot recommend the C-1 rezoning of the subject property based on the following factors and condition:

1. The C-1 zone district would permit the petitioner to construct a sign on the subject property;
2. The C-1 rezoning would create a spot zone with no benefit to the surrounding residential neighborhood;
3. The proposed sign's location could be both an eye sore for adjacent residential properties across MLK BLVD as well as a distraction to drivers at this location based on adjacent and nearby unsignalized intersections;
4. This rezoning would be in conflict with the intent of the Neighborhood Revitalization character area at this location.