

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Octavio Perez is seeking to rezone a tract of land from High-Density Residential (R-7) to General Commercial (C-2) (parcel 12-200-24-000) containing a total of 0.74-acre located at 501 N. Hamilton St. The tract is currently developed with a commercial building. The rezoning request to (C-2) is sought to serve the purpose of allowing the petitioner to use the subject property as a community convenience store:

The surrounding uses and zoning are as follows: 1) to the north, is a single tract of land containing a single-family detached dwelling zoned R-3; 2) to the east, there are four adjacent tracts across N. Hamilton St that each contain commercial/industrial buildings that are all zoned Light Manufacturing M-1; 3) to the south, is a single adjacent tract of land zoned M-1 that contains an aging commercial building; 4) To the west, are three adjacent tracts of land that each contain a single-family detached dwelling and are zoned M-1.

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.

The area surrounding the subject property is one of great diversity from a land use perspective. In this area, there is a mix of single-family, multi-family, commercial, and manufacturing zoning and land use. The subject property itself has also seen multiple uses within the existing building since it was constructed in 1959, ranging from a grocery store to a funeral home. The subject property has been vacant for some time now. Based on the size of the subject property's existing structure and existing parking area, there is sufficient space for a commercial retail use of the subject property. The proposed rezoning would be comparable to its existing development and former zoning. There would be very little expectation for a change in the character of the subject property based on the existing commercial building.

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

No impact on the economic value of adjacent property is expected if this rezoning is approved based on the existing development character of the subject property. The proposed C-2 rezoning of the subject property will simply permit commercial use of this property, similar to its previous commercial uses.

(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.

The subject property has been host to several different commercial businesses since it was first developed over 50 years ago. The subject property was certainly developed for commercial uses and has maintained its commercial character.

(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-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.

No impact is expected based on the existing development character of this area. This would simply allow the reoccupation of an existing commercial building.

(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 and Future Development Map show the subject property to be within the Town Neighborhood Revitalization character area. This character area is intended to focus on aging neighborhoods within the city that have seen a decline in residential investment and that have been impacted by the encroachment of commercial and industrial developments. The goals for this character area are to restore the residential integrity to these areas by phasing out the aging commercial and industrial developments. While the existing development pattern throughout most of this area is single-family detached residential, the subject property lies at the point of convergence of the residential and manufacturing zones. An attempt was made in past years to convert the subject property to residential land use, but this conversion did not come to fruition. The proposed rezoning and use of the subject property would create an environment where a vacant structure could be reoccupied. Investment in the aging commercial building would better serve the adjacent neighborhood than vacancy and blight that will likely continue under its current zoning.

(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 rezoning would, if approved, create an island of C-2 between the R-3 and M-1 zone districts. The historic development pattern in this area was diverse, and the existing character of the subject property is commercial. The adjacent manufacturing and nearby commercial zone district on North Hamilton St. do not give grounds for concern regarding spot zoning or an entering wedge.

(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 recommend that the subject property be rezoned C-2 based on the following factors:

1. The C-2 rezoning would allow for the vacant commercial building on the subject property to be reoccupied.

2. Anticipation of adverse impact on property values surrounding the subject property is not an expected issue based on the existing development in the area and occupancy of the vacant commercial building.
3. The requested C-2 rezoning would be a better fit for the Comprehensive Plan and Future Development Map based on the lack of development interest in the residential zone district and the need to reduce vacancy in this area.