

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

ZONING CASE: The request of Sergio Paez to rezone from Transitional Commercial (C-4) to General Commercial (C-2) a tract of land totaling 0.10 acres located at 624 S. Hamilton Street, Dalton, Georgia. Parcel (12-238-05-023).

The surrounding land uses and zoning are as follows: 1) To the north is an undeveloped 0.9-acre tract of land zoned C-4; 2) to the east, across S. Hamilton St., is a 0.35-acre tract that contains a commercial structure zoned C-4; 3) to the south is a 0.13-acre tract that contains a small commercial building and is zoned C-4; 4) to the west is a 0.08-acre tract of land containing a non-conforming single-family detached dwelling zoned C-4. All in all, a review of the zoning map shows a highly consistent C-4 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? 1. Legal ad Feb 15, 2021 (16 days notice) 2. Property posted Feb 15, 2021 (Yes -- one sign on the lot frontage; 16 days notice.)	<u>X</u>		
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: 100-year flood plain Site Plan (none required) Buffer Zones (none required) Soil Erosion/Sedimentation Plan Storm Water Requirements		<u>X</u> <u>X</u> <u>X</u> <u>X</u> <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 well within the C-4 zone district. The C-4 zone district is intended to permit the same type of commercial land use as seen in the C-3 Central Business

District in a conventional off-street parking environment. The subject property is entirely surrounded by the C-4 zone district and there is no existing C-2 zone district in the immediate vicinity. The proposed C-2 rezoning would, if approved, introduce a much higher commercial intensity than is permitted in C-4.

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

While the proposed C-2 rezoning may not have an immediate negative impact on the surrounding property values, the type of land uses permitted within C-2 may discourage developers and investors in the area from redeveloping and investing along this critical downtown gateway corridor.

(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.

There are many commercial retail, office, and service uses that could occupy the subject property as it is currently zoned. The subject property's limited size would make the proposed used car lot difficult to house inventory and allow for safe ingress/egress for prospective customers.

(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.

There is no expectation that this rezoning would have a negative impact on utilities or public infrastructure. It is worth restating that safe ingress and egress of the subject property would be difficult and potentially unsafe if much of the property's lot is occupied by automobile inventory.

(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 well within the Downtown/Town Center character area. This character area is intended to illustrate the continued growth and investment of the downtown and central business district. The existing grid pattern streets and connected pedestrian infrastructure are already in place to support the growth of downtown into this area. One of the most significant outcomes of the most recent Comprehensive Plan was the significance of Dalton's downtown district and its continued growth and investment. To approve a C-2 rezoning at this location would contradict the intent of the Comprehensive Plan and Downtown character area.

(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.

While the proposed C-2 rezoning would create an island of C-2 entirely surrounded by a large C-4 district, it would not be considered a "spot zone." The proposed rezoning would, however, introduce a wedge of C-2 into the C-4 district that could set an unintentional precedent for higher commercial

intensity in this area.

(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-2 rezoning based on the following factors:

1. The C-2 rezoning would not be reflective of the existing zoning and development in this area.
2. The C-2 rezoning would be in conflict with the intent of the Comprehensive Plan and downtown character area.