

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

**ZONING CASE:** Elmer Lopez is seeking to rezone from Transitional Residential (R-6) to General Commercial (C-2) a tract of land totaling 0.278 acres located at 729 Riverbend Rd. (Parcel 12-240-15-004) (Dalton) The rezoning request to C-2 is sought to serve the purpose of allowing for retail use on the subject property.

The surrounding uses and zoning are as follows: 1) To the north, is a tract of roughly triple the size of the subject property zoned R-7 that contains several multi-family structures; 2) to the east, are two adjacent tracts of similar size to the subject property of which one is zoned R-3 and contains a single family dwelling and the other is zoned R-6 and contains a triplex dwelling; 3) to the south, is a tract of approximately double the size of the subject property that contains a commercial retail structure zoned C-2; and 4) to the west, is a noticeably larger tract containing one large commercial structure zoned C-2. All in all, a review of the zoning map in color shows a mix of different zone districts near the subject property ranging in intensity from single family residential to heavy manufacturing. Although the zoning map appears to be somewhat consistent in the vicinity of the subject property with commercial and industrial land use as the dominant character.

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.**

*With five different zone districts in the immediate vicinity, there is a vast amount of difference in existing land use ranging from commercial to single family residential and industrial.*

*When observing the area surrounding the subject property one will note the diversity of current land use and zoning. The surrounding uses include commercial, single and multi-family residential as well as some manufacturing uses. This diversity in land use is due in part to the availability of sewer access within the city as well as the City's previous pyramid style zoning ordinance. The subject property is also located along one of Whitfield County's major arterial corridors, Highway 76 Walnut Avenue. Arterial corridors like Walnut Avenue lend themselves to commercial and industrial development due to high traffic counts and ease of access for deliveries and shipments. Walnut Avenue is flanked by commercially or industrial zoned property along nearly the entirety of the corridor. When considering that the subject property is flanked along approximately fifty percent of its boundary by C-2 zoned tracts it is fair to say that the requested rezoning is not in conflict with the majority of adjacent land use and zoning.*

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

*The C-2 zone is a wide-open commercial district that allows a variety of uses, but many of the adjacent tracts are already zoned and/or developed for C-2 use. The proposed C-2 rezoning is not expected to alter the subject property's visual character, but the subject property could be re-developed with a larger structure at any point if it is rezoned. If any new structure is added or if the existing structure is enlarged a more effective visual barrier will be needed along the northern and eastern boundaries of the subject property where it is adjacent to residential zone districts. The residential tracts adjacent and nearby the subject property are unlikely to be affected by this rezoning if it is approved based on the large commercial and industrial district that has long been established 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.**

*It is fair to say that the subject property has had fairly limited since the commercial and industrial growth in this area. The structure occupying the subject property appears to have originally been a single family detached dwelling. The location of the subject property being immediately adjacent to general commercial retail structures is not ideal for single family residential use and would be far more suited for the requested C-2 zone district.*

**(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.**

*We will minimize comment here, knowing that the limited size of the subject property restricts highly-intensive uses that could burden local infrastructure. As stated previously the subject property is located along a major arterial corridor and has access to public water and sewer.*

**(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 Future Development Map designates this area as a Town Neighborhood Revitalization Area. The Town Neighborhood Revitalization includes established neighborhoods north and east of downtown Dalton, including the following neighborhoods: Crown Mill, Fort Hill, East Dalton and Thread Mill. These neighborhoods are historic but have experienced disinvestment and decline due in part to the demolition of residences to accommodate commercial uses, parking areas, apartment buildings and industrial uses. Prevalent zoning of properties for industrial uses further contributes to the neighborhoods' instability and diminishing potential for revitalization. Recent planning efforts, including the City of Dalton Urban Redevelopment Plan (2012), Neighborhood Infill Guidelines (2003), Dalton Historic Housing Infill Study (2006), and the Believe Greater Dalton Housing Strategy address these areas and the issues of neighborhood revitalization, opportunities for new growth with infill, and inconsistencies between existing City regulations and desired development for the neighborhoods. The subject property is on the border of the Town Neighborhood Revitalization Area and Commercial area. Given the immediate proximity to Walnut Avenue and the existing surrounding land use this planner does not view the requested use or rezoning as a commercial encroachment into the residential 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.**

*Much of the adjacent and surrounding property, as stated previously, is already zoned and developed for C-2 use.*

**(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 for the C-2 zone at this location based on the following:

- 1) Hardship is not expected to affect the surrounding or nearby properties;
- 2) Commercial development and zoning already exist near and adjacent to the subject property;
- 3) Given the previously mentioned factors, this planner believes there should be no conflict with the Future Development Map character area within the current

comprehensive plan.