

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

**ZONING CASE:** Eloy Moreno Jr. is seeking to rezone from High-Density Residential (R-7) to General Commercial a tract of land (parcel 12-218-16-015) containing a total of 0.14 acres located at 709 McAfee Street. **The subject property contains a small accessory structure previously used for storage:** The petitioner's request to rezone was made in order to use the property for commercial storage.

The surrounding uses and zoning are as follows: To the north is a tract of land zoned R-7 that contains an apartment complex. To the east are two adjacent tracts of land zoned R-7 that each contain single-family detached dwellings. To the south is a tract of land zoned M-2 that contains a manufacturing structure. To the west is a tract of land zoned R-7 that contains a single-family detached dwelling.

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 is an area of community activity ranging from multi-family, commercial, manufacturing, and parks. The subject property has been essentially undeveloped for a number of years and has been used for the outdoor storage of vehicles. The proposed rezoning would allow the subject property to be used for commercial storage among many other potential commercial uses in the C-2 zone district. The adjacent properties surrounding the majority of the subject property are all residential in nature.

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

With the majority of adjacent development consisting of residential uses, the potential commercial use of the subject property may threaten the values of those adjacent properties. The lack of ability to provide for setbacks or adequate buffers on the subject property means that the potential for negative impact is much greater.

**(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 petitioner desires to have the ability to use the subject property for commercial storage. The limited size of the subject property coupled with the setback and buffer requirements of the C-2 zone district make the desired use of the subject property nearly impossible without variances for setbacks and buffers. The subject property could be used for personal storage or developed for single-family detached use as it is.

**(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 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 coupled with the intent of the petitioner, as stated in the rezoning application, would not increase the intensity of the subject property in a manner that would burden public infrastructure or utilities.

**(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 that are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses that are compatible to the existing uses in the vicinity.**

The comprehensive plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. This character area is intended to promote investment, redevelopment, and infill development that would complement the existing development within this area. The proposed C-2 rezoning and proposed use of the subject property would conflict with the intent of the Town Neighborhood Revitalization character area at this location.

**(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 create an island of C-2 surrounded by the R-7 and M-2 zone districts. While the subject property is adjacent to the M-2 zone district, most of the immediately adjacent properties are zoned and developed for residential use, which would create both an island of commercial as well as 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 provide a recommendation to deny the requested C-2 rezoning of the subject property based on the following factors:

1. The requested C-2 zone district would allow for the use of the subject property in a manner that would be dissimilar to that of the majority of adjacent and surrounding development and zoning.
2. The proposed C-2 rezoning would likely have a negative impact on the adjacent residential property values.
3. The requested C-2 rezoning would be in conflict with the intent of the Town Neighborhood Revitalization character area.