

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 three significantly different zone districts in the immediate vicinity, there is a vast amount of difference in existing land use ranging from highway 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-family residential as well as some manufacturing uses. This diversity in land use is due in part to the abundant availability of sewer access within the city as well as the City's previous pyramid style zoning ordinance. The subject property is also located near one of Whitfield County's primary arterial corridors, Highway 76 Walnut Avenue. Arterial corridors like Walnut Avenue are good candidates for commercial and industrial development due to high traffic counts and ease of access for deliveries and shipments. Walnut Avenue is flanked by commercial or industrial zoned property along nearly the entirety of the corridor. When considering that the subject property is adjacent to a tract zoned C-2 and M-2, the C-1 zone district and proposed use of the subject property are not foreign to this area of Dalton. It is worth stating, however, that this rezoning would further the encroachment of commercial development on the adjacent single-family residential neighborhood that includes the subject property.

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

The C-1 zone district is a somewhat limited commercial district that allows a variety of uses aimed at serving the needs of and providing convenience to nearby neighborhoods. The subject property has supported a non-conforming food service business for some time now with no noticeable negative impact to the existing neighborhood. Staff discovered that, according to tax assessor's data, the fair market property values of the adjacent residential properties actually remained the same or appreciated in value over the past four years even considering the subject property's non-conforming restaurant business. The limited size of the subject property will not allow for intense commercial use of the subject property. Based on the proposed site plan, the subject property would struggle to create the required 20' buffer along the northern boundary. Staff believe the west side-yard buffer could be met with slight alteration to the proposed site plan, and no buffer is required along the southern boundary due the adjacent M-2 zone. Based on the existing development and condition of adjacent and surrounding properties, staff do not anticipate negative impacts to property values 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.

The subject property has been deteriorating now for some time and is currently in very poor condition. It is fair to say, however, that the subject property could be redeveloped as a conforming R-3 property. The subject property could be developed as a conforming C-1 property with a few alterations to the proposed site plan.

(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 (R-3) 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.

No impact to utilities or public infrastructure is expected based on the limited size of the subject property. It is worth noting here, however, that parking is an important factor to consider in this request. The proposed site plan provides for sufficient parking based on the proposed use of the property, but with alterations to accommodate the required buffer along the northern boundary may come at the cost of a few parking spaces. Without sufficient parking accommodations on the subject property patrons may be tempted to park on Riverbend Rd. creating traffic safety issues.

(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 adjacency to the intact neighborhood along with the existing surrounding land use this planner does view the requested use or rezoning as a commercial encroachment into the residential area. Neighborhood commercial uses are cited as potential development patterns in this character area, but this development pattern is aimed at supporting commercial services and retail in underserved areas. Since there is already an abundance of commercial development in proximity to the subject property there is no argument to suggest there is a need for more commercial in this area. The proposed rezoning and development would, however, allow for reinvestment into a vacant and blighted property to create a new viable use of the property.

(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 (C-1) 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.

This rezoning would introduce an island of C-1 in this area. The subject property is adjacent to the M-2 zone district as well as the C-2 zone district. There is no concern for "spot zoning" or the effect of an entering wedge in this case.

(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 analysis can provide the following pros and cons of the proposed C-1 rezoning:

- 1) The proposed rezoning would allow the subject property to be improved from its current blighted and vacant state;
- 2) The proposed rezoning and development would not be in conflict with the Comprehensive Plan and future development map based on the existing character of this area and potential for the subject property to be redeveloped for a viable land use;
- 3) There is a concern that the required 20' buffer along the northern portion of the subject property will come at the cost of parking spaces;
- 4) If there is not sufficient space for the required parking spaces, then staff would be concerned with the potential of patrons parking on Riverbend Rd;
- 5) While staff do not identify issues with the proposed C-1 zone district at this location, if parking and site issues are not viable per the proposed use this property may return for rezoning back to R-3 at a later date.