

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Jose Morales is seeking to rezone a tract of land from Heavy Manufacturing (M-2) to General Commercial (C-2) (parcel 12-200-17-004, 006, 007) containing a total of 0.4-acre located at 716, 720 N. Hamilton St. The tract is currently developed with a commercial structure and parking area. The rezoning request to (C-2) is sought to serve the purpose of allowing the petitioner to utilize the commercial building for commercial use rather than manufacturing. No specific use has been identified as part of this request:

The surrounding uses and zoning are as follows: 1) to the north, is a single tract of land cross E. Long St. that contains a commercial/industrial building and is zoned M-2; 2) to the east, there is a small tract of land containing a fee simple townhouse unit zoned R-5; 3) to the south, are three adjacent tracts zoned M-2 that each contain commercial buildings; 4) To the west, is a vacant tract zoned M-2.

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 is flanked on three sides by the M-2 zone district, and the subject property is adjacent to the R-5 zone district to the east. This area has a long-standing exposure to many types commercial and manufacturing land use. Blight and vacant buildings/properties are common in this area. A look at the subject property and its existing building (see photo with maps) lead this planner to believe that the property is better suited for commercial use than manufacturing. A look at other factors such as sidewalk connectivity and adjacent and nearby neighborhoods create a good opportunity for any number of retail/service businesses.

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

The majority of adjacent properties are either commercial, industrial, or undeveloped. The only properties with the potential to be impacted in a negative sense are the residential tracts to the east of the subject property. There are two fee simple townhouse duplexes zoned R-5 that would have the potential to be impacted in a negative way if the subject property remains M-2 or is rezoned C-2. Both the M-2 and C-2 zone districts allow for high-intensive land uses that are prone to create significant noise and other inappropriate impacts to burden the adjacent residential tracts. It is worth noting that no matter the commercial or manufacturing zone district applied to the subject property, it will be required to have a 20' buffer along the entire eastern boundary.

(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.

As stated previously, the nature of most modern manufacturing requires much larger structures with much more modern amenities. The proposed C-2 rezoning would allow for a slightly more appropriate list of potential land uses. In this planner's opinion, however, the requested C-2

rezoning would create many of the same potential issues for the adjacent residential properties as the current M-2 zone district. A reasonable compromise for the subject property would be the C-1 Neighborhood Commercial zone district. The C-1 zone district allows for many low-intensive commercial land uses without the high-intensive commercial development permitted in C-2. The same 20' buffer applies to the C-1 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-1) 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.

The proposed rezoning would be a significant reduction in potential land use intensity than currently exists. Staff find no concerns for utility burden based on the size and location of the subject property. It is worth noting, however, that any improvements to the subject property for commercial use will require that the parking area be cement or asphalt and be striped according to the standards of the Unified Zoning Ordinance (UZO). This planner believes that there is more than sufficient area on the subject property to meet the minimum off-street parking standards of the UZO for most retail, service, or office space development.

(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. With that being said, however, one of the primary land uses recommended for this character area is neighborhood commercial.

Essentially, low-intensity commercial land uses aimed at serving neighborhoods are not in conflict with this character area, and therefore, the requested C-1 rezoning would not be in conflict with the Comprehensive Plan and Future Development Map.

(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 rezoning would, if approved, create an island of C-2 surrounded by M-2 and R-5, this would not be considered “spot zoning” since the M-2 zone district is adjacent and of significant size. It is worth restating that the C-1 zone district would allow for a more appropriate list of land uses while posing the least burden to adjacent and nearby housing.

(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 the subject property be rezoned **C-1** based on the following factors:

1. The C-1 rezoning would not be out of the character of existing development and zoning in this area.
2. Anticipation for adverse impact to property values surrounding the subject property is not an expected issue based on the existing development in the area and permitted uses within C-1. The required 20' buffer along the eastern boundary further mitigates potential impact to adjacent housing units.
3. The requested C-2 rezoning would be in conflict with the intent of the Comprehensive Plan and Future Development Map and Town Neighborhood Revitalization character area in this planner's opinion. A C-1 rezoning of the subject property would, however, permit more suitable uses of the subject property while respecting the intent of the Town Neighborhood Revitalization character area of the Comprehensive Plan.