

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

**ZONING CASE:** Scott Cunningham is seeking to rezone from Transitional Residential (R-6) to Neighborhood Commercial (C-1) a tract of land (parcel 12-219-24-016) containing a total of 0.57 acres located along 112 N. Spencer St. The subject property is currently developed with an aging commercial building: The petitioner's request to rezone was made in order to restore conformity to the subject property.

The surrounding uses and zoning are as follows: The R-3 zone district is adjacent to the north and east of the subject property and each of these adjacent tracts contains a single-family detached dwelling. The R-6 zone district to the subject property to the south of two parcels both of which each contain a single-family detached dwelling. The C-2 zone district bounds the subject property to the west. The western tracts contain former single-family detached dwellings that have been converted to light commercial use.

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 R-6, R-3, and C-2 zone districts converge in this area with a mix of existing residential development patterns including both single-family detached dwellings and some commercial developments. Commercially developed properties can be seen adjacent to the subject property to the west fronting Glenwood Ave. The subject property has been developed for commercial use for over 50 years according to the tax assessor's records. There are no commercial zone districts identified along this block of Spencer St., but each residential property within this block of Spencer St. is adjacent to a commercial zone district.

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

There is no expectation for any negative impacts on the values of the adjacent or nearby property values based on the consistency with the longstanding commercial character of the subject property and adjacency to the C-2 zone district throughout this area. While the structure on the subject property is non-conforming due to an encroachment on the northern side lot and eastern front setbacks, this issue would exist with any zone the subject property occupies. Any future redevelopment of the subject property would be required to meet current setbacks and buffer regulations.

**(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's location and existing structure limit its potential uses. The proposed C-1 rezoning would offer limited commercial uses within the existing commercial building.

**(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 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 public water or sewer would be burdened by the proposed development. The size of the subject property and its limited uses should mitigate utility impacts. While significant improvements will need to occur regarding off-street parking, there does appear to be sufficient area to create adequate parking on the subject property.

**(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's future development map shows this property to be within the Town Neighborhood character area. This character area is intended to incentivize reinvestment in aging neighborhood areas where vacancy and blight are observed. The proposed C-1 rezoning would permit neighborhood-scale retail or service opportunities on the subject property. Commercial occupation of the subject property would prompt improvements to the structure and grounds of the subject property as opposed to its current vacant condition.

**(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 R-5 rezoning would simply shrink the existing R-6 zone district and create an island of C-1 zoning. The island of C-1 zoning would, however, be adjacent to an existing C-2 zone district and occupy an existing commercial building.

**(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 approve the C-1 rezoning of the subject property based on the following factors:

1. The requested C-1 zone district would allow for the subject property to be zoned and developed similarly to neighboring properties in this area and bring the subject property into conformity with the UZO.
2. The proposed R-5 rezoning would not conflict with the intent of the Town Neighborhood character area in the Comprehensive Plan based on the established zoning and development pattern of this area and the existing commercial building on the subject property.
3. The C-1 zone district would be unlikely to have a negative impact on the values of surrounding or nearby properties based on the adjacent C-2 zone district and the longstanding commercial building occupying the subject property.