

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

**ZONING CASE:** Viviana Ramirez is seeking to rezone from Commercial (C-2) to Medium-Density Single-Family Residential (R-3) a tract of land (parcel 12-238-19-002) containing a total of 0.33 acres located at 409 South Spencer Street. The subject property currently contains a vacant commercial structure: The petitioner's request to rezone was made in order to convert the subject property from commercial use to residential.

The surrounding uses and zoning are as follows: To the north is are two tracts of land zoned C-2 that contain a commercial structure. To the east there is a 0.67-acre tract of land zoned C-2 that contains a commercial building. To the south is an undeveloped tract of land zoned M-2. To the west, are three adjacent tracts of land across Pencer Street. Two of the western adjacent tracts of land are zoned M-2 and utilized for parking while the other western tract is zoned R-5 and 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.**

The subject property lies at the convergence of the C-2, C-3, M-2, and R-5 zone districts. This diverse landscape can be attributed to the City's former zoning ordinance that permitted all land uses in the M-2 zone district. While the M-2 zoned district appears dominant in this area, most adjacent and nearby land uses are commercial and residential. This downtown-adjacent area has been the focus of redevelopment and revitalization for a number of years with notable improvement. The proposed rezoning would allow the subject property to be converted for residential use. At first glance, this rezoning appears out of place, however, there are two adjacent tracts of land as well as four nearby tracts of land that are zoned and developed for single-family residential use. With other adjacent tracts of land unlikely to be developed for manufacturing use, a small "pocket neighborhood" could be formed.

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

It is unlikely that the proposed R-3 rezoning and residential use of the subject property would have a negative effect on the values of the adjacent properties. Typically, residential development within walkable distance to retail, dining, and services tends to have a positive effect for the commercial businesses. Investment within blighted and underutilized areas can also have a catalytic effect on other adjacent and nearby properties by prompting investment and revitalization.

**(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 could continue to be utilized as it is currently developed. However, the adjacent residential zoning and development pattern of this area suggests potential for the proposed use of the subject property.

**(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 (R-3) 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 proposed rezoning and development would not create a notable concern regarding public utilities or services based on the limited potential for development of the subject property in the R-3 zone district.

**(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 Joint Comprehensive Plan's future development map (FDM) shows this property to be within the Industrial character area. This character area is intended to represent areas of the city where industrial development should be located. While this area has historically been dominated by manufacturing and warehousing operations, housing has existed for decades. This area has seen a reduction in industrial land use and a rise in downtown commercial and residential revitalization. The subject property lies at the convergence of the Industrial and Downtown character areas. Creating additional housing within walkable distance to the downtown commercial areas would benefit further downtown revitalization efforts by increasing housing options for residents seeking an urban lifestyle. With downtown revitalization and the need for additional housing within walkable distance to the downtown being priorities in the Comprehensive Plan, the proposed rezoning would not be in conflict with the intent of the Comprehensive Plan.

**(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 C-2 rezoning would create an island of R-3 zoning at this location. However, the adjacent R-5 zone district and multiple single-family detached dwellings suggest this rezoning would not be out of place.

**(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 R-3 rezoning of the subject property based on the following factors:

1. The requested R-3 zone district would allow for the subject property to be zoned and utilized in a manner that would be similar to multiple adjacent properties.
2. The need for additional housing within walkable distance to the downtown coupled with the need for revitalization of the surrounding area, the proposed rezoning and redevelopment project could be in alignment with the intent of the Comprehensive Plan.
3. The R-3 rezoning of the subject property would be unlikely to have a negative impact on the values of adjacent and nearby properties.