

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

**ZONING CASE:** Edger Rincon is seeking to rezone from transitional Commercial (C-4) to General Commercial (C-2) a tract of land (parcel 12-257-02-028) containing a total of 0.92 acres located at 908 Elk Street. The subject property contains a commercial building: The petitioner's request to rezone was made in order to use the property as an event center.

The surrounding uses and zoning are as follows: To the north is a tract of land zoned C-2 that contains a restaurant. To the east is a tract of land zoned M-2 that contains an aging industrial building. To the south is an undeveloped tract of land zoned C-4. To the west are 6 tracts of land of which 5 are zoned C-4 and one is zoned C-2. All of the western adjacent tracts are undeveloped or developed for 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 subject property is located in an area transitioning from commercial to industrial in zoning and land use. It is unlikely that the future of development in this area will remain that of industrial and will most likely consist of commercial and residential development. The C-2 zone district is consistent in this area along with the C-4 zone district.

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

The existing zoning and development of this area consist of a mix of commercial uses as well as some industrial. The proposed rezoning would not likely alter the overall character of the subject property.

**(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 existing zoning of the subject property limits the potential uses of the subject property when considering the existing building type. The structure on the subject property encroaches on two setbacks to the north and west, but this issue of conformity will exist unless the existing structure is demolished. The proposed use would allow for the subject property to be utilized similarly to others in the area.

**(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 subject property's proposed use will likely generate notable parking needs. While there is available space on the subject property on which to provide parking, there is no parking plan to illustrate the number of spaces to be created. It will also be required for the parking lot to be cement, pervious pavers, or asphalt.

**(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 industrial character area. This character area is solely intended for industrial use. However, based on recent developments and rezonings in this area, the future of this area will be better suited for commercial and residential use.

**(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 shrink the C-4 zone district and enlarge the C-2 zone district in this area.

**(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 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 similar to that of the majority of adjacent and surrounding development and zoning.
2. The proposed C-2 rezoning would be unlikely to 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 industrial character area, but the proposed zoning and land use would be more appropriate for this area based on the existing zoning and development.