

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Royal Oak Community Ltd. is seeking to rezone from High-Density Residential (R-7) to General Commercial (C-2) a tract of land (parcel 12-183-04-023) containing a total of 15.21-acres located along the east R/W of Broadrick Drive. The subject property is developed with a congregate personal care home: The petitioner's request is to ensure conformity of their various medical offices, and hospital facilities in regard to the Unified Zoning Ordinance. Currently, hospitals, health and medical institutions are not permitted in the C-1 zone district. While the subject property is currently in a conforming status, the Royal Oak Ltd. Is an affiliate of the Hamilton Medical Center, and the petitioner is requesting to have all of their campus in a contiguous conforming zone district. The requested C-2 rezoning would ensure zoning conformity of all the petitioner's collective properties.

The surrounding uses and zoning are C-1 to the north, east, and west. R-7 can be seen adjacent to the south.

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 currently zoned R-7. The subject property is bounded on three of its property boundaries by the C-1 zone district. It is worth stating here that the Hamilton Medical Center and its affiliate properties abut the subject property along nearly all of the subject property, and Hamilton Medical Center is requesting a C-2 rezoning of these adjacent tracts concurrent to this rezoning. This rezoning would allow the subject property to remain in conforming status while being consistent with the rest of the Hamilton Medical Center's collective campus.

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

The proposed C-2 rezoning would certainly increase the opportunity for more intensive commercial uses, but the subject property has been developed as a congregate personal care home for a number of years. All but a single tract of land is associated with the Hamilton Medical Center. The other adjacent tract of land, not affiliated with Hamilton Medical Center, is both zoned and developed for commercial use as well.

(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.

This rezoning would allow the subject property to remain in conforming status while being consistent with the rest of the Hamilton Medical Center's collective campus. Staff do not

identify any hardship given the current conforming status 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 (C-2) 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.

Based on the existing commercial zoning and development of this area, the requested rezoning would have minimal potential impact on public utilities and services. This area is heavily served by public water and sewer as well as direct or proximate access to an arterial corridor (N. Thornton Ave.).

(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 subject property is within the Medical District character area on the Future Development Map in the Joint Comprehensive Plan. The Medical District character area is intended to represent commercial and residential development surrounding and including the Hamilton Medical Center hospital. There would be no conflict with the Joint Comprehensive Plan if the requested C-2 rezoning is approved.

(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 not be considered a spot zone based on the majority of adjacent commercial zoning and development.

(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 subject property to be in consistent conforming status as part of the collective Hamilton Medical Center campus.
2. The existing commercial development pattern and zoning do not suggest that the increase in permissible commercial use or development would have a negative impact on the values of adjacent and nearby properties.
3. The requested C-2 zone district would not be in conflict with the Joint Comprehensive Plan or its Future Development map based on the subject property being within the Medical District character area. The existing zoning and development of this area fit the intent of the Medical District character area.