

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Jorge Laredo is seeking to rezone from Transitional Commercial (C-4) to Limited Commercial (C-1A) a tract of land (parcel 12-257-01-006) containing a total of 0.21-acres located at 1127 S. Thornton Ave. The subject property currently contains a single-family detached dwelling that has been remodeled for use as a commercial office space: The petitioner's request is to be able to utilize the subject property for both residential and commercial use inside the same structure. This request stems from the fact that the subject property contains a single-family detached structure in a heavily commercialized area.

The surrounding uses and zoning are C-4 to the north, east, and west, with C-2 to the south. All adjacent property is zoned and developed solely 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 adjacent to the C-4 zone district along three of its four sides with C-2 being the only other adjacent zone district. The subject property was originally developed as a single-family detached dwelling that was later remodeled for some type of commercial office use. The petitioner began remodeling a portion of the interior of the dwelling on the subject property back into a residential dwelling. The petitioner wishes to utilize a portion of the existing building for commercial use while also utilizing the other portion for residential use. The C-1A zone district exists to serve as a buffering zone to transition in areas where commercial and residential zone districts converge. There are no residential properties or zoning adjacent to the subject property, and the character of this portion of S. Thornton Avenue is predominantly commercial.

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

The proposed rezoning would be unlikely to impact the values of adjacent properties based on the limited size of the subject property along with the diverse blend of commercial development throughout this area.

(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 was a conforming property until the petitioner began remodeling it for commercial/residential hybrid use. The C-1A zone district was created in order to serve as a transitional zone district in areas where older residential neighborhoods are transitioning to commercial use. The C-1A zone district permits limited commercial use

in buildings that have a single-family detached character in order to preserve the residential character of the area. All the adjacent zoning and development surrounding the subject property is commercially zoned and developed.

(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-1A) 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 subject property's limited size prevents most any use that would burden public infrastructure.

(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 commercial corridor. This character area is intended to permit various commercial retail and services along significant corridors such as Thornton Ave. While the C-1A zone district is commercial, the commercial corridor character area is intended for more conventional commercial zoning. The C-1A zone district is a hybrid transitional zone district that would not reflect any of the adjacent properties if the subject property were developed as proposed.

(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 create an island of C-1A surrounded by the C-4 and C-2 zone districts. While this would not be considered a spot zone, it would introduce a residential character at a location entirely surrounded by commercial zoning and land use.

(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 deny the requested C-1A rezoning of the subject property based on the following factors:

1. The requested C-1A rezoning would create a development pattern unlike that of all adjacent properties.
2. The C-1A zone district is intended to be used in specific areas of commercial and residential transition in order to protect the residential character of an existing neighborhood. All adjacent properties are solely developed and zoned for commercial use.
3. The requested C-1A zone district is a poor fit for this location based on the Comprehensive Plan's future development map and narrative based on the established zoning and development character of this area.