

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

ZONING CASE: Amanda Brown is seeking to rezone from to Medium-Density Single-Family Residential (R-3) to Limited Commercial (C-1A) two tracts of land (parcels 12-199-20-004, 005) containing a total of 0.36-acres located at 524, and 526 W. Hawthorne St. The tracts are each currently developed small single-family detached dwellings. The rezoning request to C-1A is sought to for the petitioner to utilize the subject property as an expansion of the adjacent Creative Arts Guild complex:

The surrounding uses and zoning are as follows: 1) to the north, is a 0.57-acre tract of land zoned R-3 that contains two single-family detached dwellings; 2) to the east, is a 0.14-acre tract of land zoned R-3 that contains a single-family detached dwelling; 3) to the south, are two tracts of land across W. Hawthorne St. zoned C-1A that are part of the Creative Arts Guild complex and Dalton Police Department; 4) To the west, is a 3.67-acre tract of land zoned C-1A that contains the Creative Arts Guild complex. A review of the zoning map and established land use indicates that this block of land contains a pocket of medium-density residential properties flanked on three sides by commercial, institutional, and manufacturing development.

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 has been zoned and developed for single-family medium-density residential use for some time. The C-1A zone district, however, can be seen as a large district in this area and is adjacent to the subject property along approximately 50% of its boundaries to the south and west across W. Hawthorne St. The limited commercial nature of the C-1A zone district only permits low-intensity commercial uses along with certain residential uses. The size of the subject property also limits any significant commercial redevelopment when considering setbacks, parking, and buffer requirements. The subject property could be rezoned C-1A without altering the established character and development pattern or zoning of this area.

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

The C-1A zoned district is the most conservative commercial zone district in the UZO and can be found adjacent to approximately 50% of the boundaries of the subject property. While the proposed rezoning would allow for an increase in commercial zoning and land use at this location, all of the adjacent residential properties are already adjacent to properties zoned and developed for C-1A use. If the subject property were to be rezoned C-1A and redeveloped in the future, a 15' buffer would be required along any boundary adjacent to any residential zone district. There is no concern that the C-1A rezoning of

the subject property would have an adverse impact to the values of the adjacent residential properties based on the above-mentioned factors.

(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 be occupied for only residential use as it is currently zoned and developed. One of the single-family detached dwellings is encroaching in three of its four setbacks making it a non-conforming structure. The C-1A zone district would, if approved, allow both tracts of the subject property to be occupied for a limited commercial use or for residential use. The subject property is adjacent to the C-1A zone district on approximately 50% of its boundaries. The ability for the adjacent Creative Arts Guild complex to expand is greatly limited in this area due to the amount of developed adjacent property. The Arts Guild has acquired an option to purchase the subject property provided that the C-1A rezoning is approved.

(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 C-1A zone district is the UZO's most conservative commercial zone district with only low-impact commercial uses permitted in addition to residential uses as well. The limiting factors associated with the subject property's size would prohibit any type of intensive or high-traffic use.

(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 future development map shows this property to be within the Town Neighborhood character area. This character area was created in order to protect the integrity of established in-town neighborhoods from intensive development that would threaten the safety and values of said neighborhoods. The C-1A zone district was created as a buffering zone district for areas where commercial and residential development are in transition. The C-1A zone district can be developed and utilized for either residential or limited commercial use making it a hybrid zone district. The Town Neighborhood character area allows for neighborhood commercial scale development where appropriate. The adjacent Creative Arts Guild complex has been a community-oriented establishment for several decades at its current location, and the expansion of the Arts Guild at this location would not introduce a character to this area that would harm the adjacent residential properties within this neighborhood. It is worth pointing out that

several of the adjacent and nearby properties within this block are non-conforming due to setbacks encroachments and multi-family structures.

(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.

This rezoning, if approved, would shrink the existing pocket of R-3 in this area and expand the adjacent C-1A zone district. While this rezoning would not constitute a spot zone, one could see that the current block of tracts adjacent to the subject property is entirely zoned R-3. The introduction of the C-1A zone district into this residential block would increase the amount of commercial pressure affecting the residential properties within this block. However, the limited size of this city block coupled with the significant amount of commercial and manufacturing development in this area do not raise as significant a concern as areas where commercial development is less prominent. One must also consider that the C-1A zone district was specially created to allow for a transitional commercial/residential zone district where both limited commercial and residential use could occur.

(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.

The subject property has been developed as is for several decades.

CONCLUSION:

The staff can provide a recommendation to approve the requested C-1A rezoning of the subject property based on the following factors:

1. The requested C-1A zone district does not pose a zoning or land use conflict, neither does it constitute a “spot zone” at the proposed location based on the existing zoning and development in the area.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the significant amount of C-1A zoned properties established in this area.
3. The requested C-1A zone district is good fit for this location based on the comprehensive plan’s future development map and narrative based on the established development character of this area.

