

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

ZONING CASE: Charles and Bernita Cofield are seeking to rezone from Rural Residential (R-5) to Neighborhood Commercial (C-1) a tract of land (parcel 12-202-12-007) containing a total of 2.82-acres located at 618 Veterans Drive. The tract is currently developed with a vacant commercial building. The rezoning request to C-1 is sought in order to remodel and re-occupy the vacant commercial building.

The surrounding uses and zoning are as follows: 1) to the north, is an undeveloped 2.72-acre tract of land zoned R-3; 2) to the east, is the 6.10-acre tract of land zoned R-3 that contains a ball field associated with the adjacent church. Also to the east is a 3-acre tract of land zoned R-3 that contains a church complex; 3) to the south, is an undeveloped 2.5-acre tract of land associated with the adjacent church; 4) To the west, are nine adjacent tracts of land across Veterans Drive zoned R-3 of which eight tracts contain single-family detached dwellings. A review of the zoning map and existing development indicates that this area is predominantly zoned for single-family detached residential land use with islands of multi-family zoning and a nearby neighborhood commercial district.

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 developed for commercial use since 1959 according to the Tax Assessor's records. While this area is clearly dominated by the R-3 zone district, the subject property has been developed for commercial use for many years. The existing development in this area also shows non-residential uses adjacent to the subject property including the large church and ball fields. A small neighborhood commercial district also exists just one tract south of the subject property at the intersection of Veterans Drive and Underwood Road. The proposed C-1 rezoning would create an island of C-1 surrounded by the R-3 zone district, but the majority of adjacent properties are not developed for residential use. The C-1 zone district may be the best possible district for the subject property at this location given its existing state and lack of use as currently zoned.

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

One must always consider the potential for property values when there is a commercial rezoning adjacent to a single-family neighborhood. The subject property, however, has been developed and utilized commercially for decades. The argument can be made in the case of the subject property that the proposed C-1 rezoning and investment would be an improvement as compared to the property's continued vacancy and aesthetic decline.

The limitations in the C-1 zone district should prevent intensive uses that could threaten the adjacent neighborhood.

(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 has been developed and utilized commercially for several decades according to our records. The R-3 zoning of the subject property leaves no reasonable use for the subject property other than a complete demolition and residential redevelopment. The proposed rezoning would grant the opportunity for the vacant commercial building on the subject property to be remodeled and occupied for neighborhood-scale commercial use.

(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-1) 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.

No burden to public utilities or infrastructure is expected if this rezoning is approved.

(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 Town Neighborhood Revitalization character area. This character area is intended to promote investment into areas where housing stock and infrastructure is aging. The subject property is a good example of an area in need of investment. This property has been vacant now for a number of years and has since declined in condition. While the proposed rezoning would introduce a commercial zone to this residential area, the established pattern of development indicated that commercial development has existed here for quite some time. Intensive commercial use of the subject property would raise concern with the impact to the neighborhood, but the low-intensity uses permitted in the C-1 zone district give less concern for negative impact to the neighborhood. The fact that the subject property has existed as a commercial building for many years gives grounds for considering a rezoning aimed at creating a conforming status.

(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 requested C-1 rezoning would create an island of commercial zoning within a large R-3 zone district. A closer look at the subject property, however, shows us that the subject property itself has been developed for commercial use for several decades. The large adjacent church and nearby neighborhood commercial development at the crossroads indicate that the subject property is not greatly separated from existing community activity centers. The issue of creating an entering wedge or spot zone, in this case, is minimal based on the existing character of the area including the nearby commercial zone district.

(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-1 rezoning of the subject property based on the following factors:

1. The requested C-1 rezoning would allow for a conforming use of the subject property based on its existing commercial development while limiting the scale of commercial development.
2. The C-1 rezoning would not alter the established character of this area given the long-standing existence of the subject property's commercial building. The adjacent church complex and nearby neighborhood commercial zone district do not raise concern for a spot zone or entering wedge.
3. This planner believes that the proposed rezoning would be in compliance with the Comprehensive Plan by allowing the petitioner to invest in a vacant and partially blighted commercial building. If the subject property is not rezoned for commercial use, it will likely continue to deteriorate and remain vacant.