

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

ZONING CASE: Kelly Roy is seeking to rezone from Transitional Commercial (C-4) to Limited Commercial (C-1A) a tract of land (parcel 12-238-03-031) containing a total of 0.07 acres located along the west R/W of Oxford Street. The subject property is currently undeveloped. The petitioner's request to rezone was made in order to develop the subject property for either commercial or residential use.

The surrounding uses and zoning are as follows: The subject property is entirely surrounded by the C-4 zone district and commercial 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 is an undeveloped lot. While the subject property is greatly limited by its size, there are no minimum lot sizes in either the C-4 or C-1A zone districts. The setbacks in both C-4 and C-1A are identical, so the buildable area of the subject property would remain the same if it were rezoned. The only notable opportunity offered to the subject property in the C-1A zone district, which is not allowed in the C-4 district, is the option for residential development. Development of the subject property will be challenging regardless of the zone district due to the size and shape of the subject property. With a lot width of only 30' and two 10' side setbacks, the maximum building width for any structure would be 10'.

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

The area surrounding the subject property is entirely commercial in zoning and development, with the exception of three non-conforming single-family detached dwellings. There is no expectation that the proposed rezoning would have any negative impact on any adjacent or nearby properties. Even if the subject property were rezoned C-1A and developed for residential use, there would be no buffer imposed on the adjacent commercial properties due to the commercial zoning 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 hardship affecting the subject property can be attributed to its size and shape, regardless of its zoning classification. The only benefit of the C-1A zone district at this location would be the opportunity for residential development, as the setbacks are identical to the current C-4 zone district. Ideally, the subject property should be combined with an adjacent property or enlarged by the purchase of additional land from an adjoining lot to create a more functional 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-1A) 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.

There are no expectations for a burden on public utilities based on the existing commercial character of the area and the limited size of the subject property. Any new development would be required to adhere to setbacks and off-street parking requirements. However, it is unlikely that the subject property could provide more than three parking spaces due to the narrow lot size and limited buildable area.

(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 Downtown Town Center character area. This character area is intended to promote the expansion of the central business district zone as the historic downtown grows. The subject property lies within the C-4 zone district, which is intended to serve as a transition from the downtown district to more conventional commercial districts such as C-2. Based on a lack of pedestrian infrastructure and a notable distance to the C-3 zone district, either the C-4 or C-1A zone district would be a reasonable use of the subject property, when considering the intent of the Joint Comprehensive Plan and Future Development Map.

(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-1A rezoning would create an island of C-1A, but the C-1A and C-4 zone districts are highly compatible and share a number of permitted uses. There is no concern for spot zoning or an entering wedge at this location based upon the established zoning and development pattern.

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

1. The requested C-1A zone district would allow for the subject property to be zoned similarly to nearby properties in this area and allow for a reasonable use of the subject property at this location.
2. The proposed C-1A rezoning would not conflict with the intent of the Downtown character area in the Comprehensive Plan based on the established zoning and development pattern of this area and the nearby C-1A zone district.

3. The C-1A zone district would be unlikely to have a negative impact on the values of surrounding or nearby properties based on the adjacent commercial and nearby residential development.