

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Sergio Paez is seeking to rezone from Rural Residential (R-5) to Neighborhood Commercial (C-1) a tract of land (parcel 12-200-14-001) containing a total of 0.22 acres located at 401 Hawthorne St. The tract is currently undeveloped. The rezoning request to C-2 is sought to for the petitioner to develop the subject property to serve as a terminal for a waste disposal company:

The surrounding uses and zoning are as follows: 1) to the north, is an 0.19-acre tract of land that is zoned R-5 which contains a single-family detached dwelling; 2) to the east, is an undeveloped 0.37-acre tract of land zoned R-7; 3) to the south, are two tracts of land across the street that are each under 0.2-acres in size, are each zoned R-5, and each contain a single-family detached dwelling; 4) To the west, is 0.91-acre tract of land zoned C-2 that contains a large commercial building. A review of the zoning map and existing development indicates that this area is a convergence of several different land uses and zoning districts.

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 lies at the convergence of a five-point intersection as well as the convergence of three zone districts R-5, C-2, and R-7. This area is clearly a transitional convergence of residential and commercial development approaching the City's central business district. While the proposed C-1 zone district may be appropriate at this location in terms of transitional development, there are concerns regarding the viability of the subject property in supporting a commercial use due to its challenging shape and limited size.

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

The intensity of development in this area does not raise concerns for a negative impact if the subject property were rezoned C-1. The developer would be required to provide for a 20' buffer along the entire norther boundary of the subject property if the rezoning is approved.

(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 is adjacent to residential properties on the majority of its boundaries. The current R-5 zone district would not require a buffer and would have lesser setbacks than the requested C-1 zone district. There is no concern with the existing R-5 zone

district if it were developed as currently zoned.

(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.

There is no concern for an impact to utilities at this location. The location of the subject property is challenging due to the five-point intersection at the southern point of the subject property. No matter the zoning or development of the subject property, access must be limited to Spencer St. in order to ensure safe ingress and egress. Due to the limitations associated with the limited size and shape of the subject property there is a concern for the property's ability to accommodate commercial traffic during busy hours of operation. The proposed food truck operation would be dependent on drive-in or pick-up service which would potentially be inundated during peak hours of operation. If the subject property is unable to accommodate parking, waiting vehicles would begin to overflow onto Spencer St. affecting traffic flow in a densely developed area of the city.

(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. The intent of this character area is to encourage and support investment into aging neighborhoods. The infill or redevelopment within this area should be reflective of the established character of development to protect the integrity of the neighborhood. While the proposed Neighborhood Commercial zone district and development may not disrupt the character of this transitional area, the existing R-5 zone district is more reflective of the majority of existing adjacent properties.

(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 location is "sandwiched" between the R-7, R-5, and C-2 zone districts. The C-1 zone district can be an appropriate transitional zone in locations such as this without concern for spot zoning or an entering wedge.

(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.

While there are challenges affecting the subject property, it could be developed as it is currently zoned.

CONCLUSION: Staff can provide a recommendation to approve the requested C-1 rezoning of the subject property based on the following factors and two critical conditions:

1. While the requested C-1 zone district does not pose a zoning or land use conflict, at the proposed location, there are concerns of the subject property's ability to support the necessary parking due to its limited size and challenging shape.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the existing commercial and high-density residential character of this area as compared to the limited nature of the C-1 zone as a transitional commercial district.
3. While the requested C-1 zone district does not create significant concern in terms of compatibility with the intent of the Town Neighborhood Revitalization character area, the R-5 zone district is a better fit for this area.

Conditions necessary to address the potential accessibility issues:

***Note:** The conditions should be addressed prior to zoning given that a commercial zoning of the subject property will render it unusable in the event adequate parking is not feasible.

- Limit street access to Spencer St.
- Require a parking plan to illustrate the subject property's ability to provide sufficient parking for the proposed use.