

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

ZONING CASE: Jason Jackson is seeking to rezone from Transitional Commercial (C-4) to Central Business District (C-3) two tracts of land (parcels 12-238-21-002, and 003) containing a combined total of 0.34 acres located at 400 S. Hamilton St. The subject property is currently developed and occupied as an automobile service/repair shop: The petitioner's request to rezone was made in order to construct an additional building that would not meet the setback requirements of the C-4 zone district.

The surrounding uses and zoning are as follows: The C-3 zone district can be seen to the north of the subject property on two tracts of land consisting of one conventional historic downtown retail building and another lot used for outdoor inventory storage. The subject property is flanked on the east by the C-4 zone district by a single tract of land developed as a tire shop. The subject property is flanked to the south by two tracts of land zoned C-4 of which one contains a retail building and the other an office building owned by the City of Dalton Board of Education. The western adjacent tract of land is zoned C-4 and contains an office building.

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 the C-4 and C-3 zone districts. While these zone districts essentially share the same permitted uses, these two zone districts differ in nature by two characteristics. The C-4 zone district requires conventional building setbacks and off-street parking while the C-3 zone district allows 0-lot line buildings and has no requirement for off-street parking. The proposed use of the subject property would remain the same as an automobile service/repair shop which is a permitted use in both the C-3 and C-4 zone districts. The subject property's current use has been established for a number of years and other automobile service shops can be seen adjacent to the subject property and within the C-4 and C-3 zone districts.

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

Determining the impact on the adjacent property values in this case is a difficult speculation considering the existing character of the subject property as well as multiple non-conforming adjacent properties. All five tracts of land within the small city block, in which the subject property is located, contain non-conforming commercial structures as they each abut at least one lot boundary at 0-lot line. The expansion of the structure on the subject property could have impact on other adjacent structures that were not engineered for multiple 0-lot line construction.

(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's current use is permitted in both the C-4 and C-3 zone districts. The proposed C-3 rezoning would allow the petitioner to add an additional structure or expansion of the existing structure without meeting the conventional setbacks required in the C-4 zone district.

(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-3) 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 is no expectation that public water or sewer would be burdened by the proposed development. Utilities are available in this area and the subject property's limited size do not give cause for concern. The addition of another structure or expansion of the existing structure on the subject property would, however, have the potential to further reduce the subject property's, already limited, off-street parking area. Any additional development of the subject property would leave it with less off-street parking area than five out of six adjacent properties. The subject property's use as an automobile repair/service shop means that there will often be automobiles and other vehicles on-site in various stages of service/repair. Public on-street parking along West Morris St. is intended to serve patrons of downtown businesses and should not be used for any long-term vehicle storage related to the petitioner's adjacent business.

(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. Goals of this character area include encouraging a mix of uses to create vitality, reinforcing the area's role as a central business district and local activity center, and respecting and promoting the established development pattern of the downtown core. While the subject property is within the planned expansion of the downtown, the character of the subject property is notably different than the core business district of the historic downtown. Infrastructure such as on-street parking is limited in this area, and the development pattern of this block was originally intended for off-street parking. The current use of the subject property is permitted within the C-3 zone district. Consideration for public parking and the management of off-street vehicle parking and storage should be addressed if the subject property is rezoned C-3. Previous C-3 rezonings in this area provided ample off-street parking.

(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 simply enlarge the existing C-3 zone district and shrink the C-4 zone district in this area.

(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-3 rezoning of the subject property based on the following factors and conditions:

1. The requested C-3 zone district would allow for the subject property to be developed in a manner that is compatible with the established zoning and development of adjacent properties as well as bringing the existing structure into conforming status regarding the existing setback encroachment.

2. The Downtown/Town Center character area in the comprehensive plan would align with the proposed C-3 rezoning at this location based on the existing zoning and development pattern of this area.

Conditions:

- A. Any automobiles or equipment scheduled for service/repair must be stored on the subject property, or other private property, and not stowed in public parking.
- B. Any building additions or new structures will be required to have a masonry façade on any walls with public street frontage to maintain the conventional style of the downtown.