

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

ZONING CASE: Lorenzo Valencia and Gracia Barragan is seeking to rezone from Transitional Commercial C-4 to General Commercial (C-2) a 0.41-acre tract of land located at 915 South Hamilton St. (parcel 12-257-02-016). The tract currently contains a small commercial building and parking lot.

The surrounding uses and zoning are as follows: 1) to the north, is a 0.41-acre tract zoned C-4 that contains a commercial garage structure; 2) to the east, are two adjacent tracts that are each zoned C-4. One of the eastern tracts is part of a multiparcel property that contains an industrial warehouse and commercial office building. The other eastern tract totals 0.48-acres and is undeveloped; 3) to the south, is a 0.16-acre tract zoned C-4 that contains a single-family detached dwelling; and 4) to the west, across S. Hamilton St, is a 0.26-acre tract zoned C-4 that is undeveloped. While this area, surrounding the subject property, appears to have a consistent zoning pattern, it is clear that the actual existing land uses are not all in conformity with the zone C-4 district.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

<u>Administrative Matters</u>		<u>Yes</u>	<u>No</u>	<u>N/A</u>
A.	Is an administrative procedure, like a variance, available and preferable to a rezoning?	—	<u>X</u>	—
B.	Have all procedural requirements been met?	<u>X</u>	—	—
	1. Legal ad July 10, 2020 (17 days notice)			
	2. Property posted July 2, 2020 (Yes -- one sign on the lot frontage; 25 days notice.)			
C.	Has a plat been submitted showing a subdivision of land?	—	<u>X</u>	—
D.	The following special requirements have an impact on this request:			
	100-year flood plain (land is filled to the 100-year flood level)	—	<u>X</u>	—
	Site Plan (none required)	<u>X</u>	—	—
	Buffer Zones (none required)	—	<u>X</u>	—
	Soil Erosion/Sedimentation Plan	—	<u>X</u>	—
	Storm Water Requirements	<u>X</u>	—	—

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.

In this area of the City, development varies significantly from industrial, commercial, and even single-family residential. The reason for the existing mix of uses is largely a byproduct of the former pyramid-style zoning ordinance. Under the law of a pyramid-style zoning ordinance a property zoned for general commercial or manufacturing land use could also be developed for all types of land use from retail to residential and all things in between. The pyramid-style ordinances were built such that a general commercial or manufacturing zone district essentially had no zoning at all and created opportunities for random patterns to develop. The byproduct of the pyramid zoning days remains visible in the area surrounding the subject property. On one side of the subject property is a commercial garage and on the other side is a single-family detached dwelling. Neither the commercial garage nor the single-family dwelling is permitted within the current C-4 zoning of the previously mentioned properties, which makes both of the adjacent structures non-conforming. The subject property itself contains a commercial structure with the potential for a number of commercial uses, including the proposed event center. The subject property is entirely surrounded by commercially zoned property as well as being near a number of larger commercial and industrial properties.

(B) Whether the proposed (C-2) amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

Since all of the surrounding properties are already zoned or developed for commercial use, the proposed C-2 rezoning would not introduce a characteristic that does not already exist in this vicinity. Only a few hundred feet from the subject property, in multiple directions, are several properties with much more intensive uses than could ever be developed upon the subject property if it were rezoned C-2. The only property that would stand a chance of being impacted in a negative way would be the southern adjacent single-family detached dwelling, but this dwelling has been surrounded by commercial land uses for decades and would not likely be affected to a greater degree if the subject property is rezoned C-2.

(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 for commercial use since at least 1969 based on tax records. The structure on the subject property was originally designed and built with an open floor plan and few windows, which make it ideal for typical retail-style use. The proposed event center, however, would also benefit from this style of building by giving plenty of open space for various gatherings. It is fair to say that the property has reasonable use as it is currently zoned, but the property would certainly be suitable if it is rezoned C-2.

(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-2) 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 on utilities is expected. The limiting factors of the subject property's size and lack of significant road frontage prevent any type of high consumptive use regardless of the underlying zoning. The only concern with the subject property, from an infrastructure and public safety perspective, is the availability of parking for the proposed event center. The existing parking area on the subject property contains approximately 20 spaces with two point of ingress/egress and a single-direction aisle. In order to meet the minimum requirements of section 5-4 within the UZO, the petitioner will need to create an additional 5 parking spaces. Based on the existing restraints of the subject property, any additional parking will, most likely, be created in the rear of the property. The rear of the subject property can be accessed via a narrow aisle on the southern border of the subject property, but the rear portion of the subject property is currently graveled and unmarked. Any additional parking area will be required to be either asphalt, pervious paver, or concrete surfaced in order to satisfy section 5-4-4 of the UZO.

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 identifies the subject property to be within the Industrial character area. While this character area is predominantly intended for industrial and manufacturing land use, it is also a good fit for high-intensity commercial land uses. The C-2 zone district is generally a compatible zone district within the Industrial character area. Based on the subject property's existing structure, limited size of property, and adjacent land uses and zoning, this planner believes that the C-2 zone district would not be in conflict with the Comprehensive Plan's Future Development Map.

(F) 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.

N/A, the subject property is already surrounded by a commercial district and C-2 is common in this area.

(G) 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:

Staff can provide a recommendation to approve the C-2 rezoning at this location based on the following factors:

- 1) No adverse impact to surrounding property values is expected.
- 2) The desired use can occur without creating long-term issues related to utilities or infrastructural burden, provided that additional parking can be created.
- 3) The proposed rezoning would not be in conflict with the Comprehensive Plan's Future Development Map since commercial use is one of the primary land uses within the Industrial character area.
- 4) A detailed parking plan should be submitted prior to this rezoning's approval/denial by City action in order to ensure adequate parking can be made available for the proposed event center.