

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: John Davis and Alex Vital are seeking to rezone from Transitional Commercial (C-4) to General Commercial (C-2) a tract of land (parcel 12-249-40-017) containing a total of 1.4 acres located at 323 North Hamilton Street. **The subject property is currently developed with a commercial building:** The petitioner's request to rezone was made in order to use the property as a child care learning center and event center.

The surrounding uses and zoning are as follows: The subject property is entirely surrounded by commercial zoning and development, with the exception of the adjacent manufacturing district. The C-2 zone district is adjacent to the subject property to the north across the railway.

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 for several decades. All adjacent zoning and development is commercial or manufacturing. The C-3 zone district can be seen near the subject property to the south, but the C-3 zone district is not adjacent to the subject property. Based on the location of the subject property at the point of convergence of the C-4 and C-2 zone districts, the proposed rezoning and use of the subject property would not be out of character with this area. The proposed use of the subject property would occur in the existing structures, totaling 4,000 square feet.

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

Based on the limiting factors of the subject property's size and existing structures, there is little expectation for land uses that would have a negative impact on the adjacent and nearby properties. The entire area surrounding the subject property is zoned and developed for commercial and manufacturing. The structures on the subject property are non-conforming in the current C-4 zone district and will remain non-conforming in the proposed C-2 zone district, meaning that the existing building cannot be enlarged in either zone district.

(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.

There are many uses for the subject property within the existing C-4 zone district, but the proposed use of the subject property may be a good fit based on its location and abundance of off-street parking.

(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 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. Improvements have been made to create significant off-street parking on this property of approximately 54 spaces, including aisles. With the subject property near the downtown historic district, there are additional on-street parking spaces adjacent to the subject property. Based on the proposed use of the subject property compared to the gross floor area of the existing structures, there should be ample parking 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 on the periphery of the C-4 zone district and abuts the C-2 zone district, which indicates this area is transitional. While the C-2 zone district does allow for a broader list of permitted uses, the limited size and existing development of the subject property lead this planner to believe the character of the subject property will remain the same.

(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-2 rezoning would, if approved, enlarge the adjacent C-2 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 C-2 rezoning of the subject property based on the following factors:

1. The requested C-2 zone district would allow for the subject property to be zoned similarly to neighboring properties in this area and allow for a reasonable use of the subject property at this location.
2. The proposed C-2 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 adjacent C-2 zone district.
3. The C-2 zone district would be unlikely to have a negative impact on the values of surrounding or nearby properties based on the adjacent commercial and manufacturing zone districts.