

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: James Suttles is seeking to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.11 acres located at 842 McAfee Street, Dalton, Georgia. Parcel (12-218-02-068)

The subject property currently contains a building formerly used as a single-family detached dwelling. The petitioner's plan is to demolish the existing dwelling in order to utilize the subject property as parking for the adjacent commercial business.

The surrounding uses and zoning are as follows: 1) to the north across McAfee St, is a 0.4-acre tract of land zoned R-2 that contains a commercial retail building. 2) to the east across Bogle St, are two adjacent tracts of land that are each zoned R-2 and each contain a single-family detached dwelling. 3) to the south, are two adjacent undeveloped tracts of land zoned R-2. 4) to the west, is a 0.1-acre tract of land zoned C-1 that contains a commercial retail building. Despite the large R-2 zone district, this area is home to a number of developments both residential, public, and commercial. Many of the residential and commercial tracts were developed prior to the City's original zoning ordinance and have issues related to setbacks and adequate off-street parking accommodations. It is worth noting here that on-street parking is prohibited along either right-of-way (R/W) of McAfee St.

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 property.

This area was largely developed prior to the City's original zoning ordinance, and/or it was developed during the time of early zoning ordinances that were more lenient than today's Unified Zoning Ordinance (UZO). A look at the surrounding zoning and development shows a predominantly single-family detached neighborhood with a few small commercial buildings. It was once common to have small commercial retail stores amid residential neighborhoods to provide goods and services to the residents of the neighborhood. We can see the adjacent tract to the west of the subject property is a conforming neighborhood commercial development zoned C-1. The western adjacent commercial property has very limited parking accommodations and requires patrons of the business to back onto the City street in order to exit. The petitioner's request would allow for the adjacent subject property to be redeveloped in a manner where it can be used to improve the amount of off-street parking to serve the adjacent business. Based on the existing zoning and development of this area, this planner believes that the proposed redevelopment would be a benefit to this area and improve both parking and public safety as it relates to the ingress/egress of the adjacent commercial business.

(B) Whether the proposed C-1 amendment would adversely affect the economic value of adjacent and nearby property.

The subject property has been burdened by being only a few feet away from the adjacent commercial building, and this building may at one time have been used in conjunction with the commercial building. If the proposed rezoning is approved, there would be little to no adverse impact to the surrounding properties given that the adjacent commercial building has been zoned and utilized for commercial purpose for some time now. Due to the limited size of the subject property, the proposed rezoning would not allow for an additional expansion of commercial building area. This rezoning would simply allow for the removal of a non-conforming residential dwelling in order to develop a conforming parking area for the adjacent commercial business that currently suffers from a lack of necessary parking space. If approved, the subject property would be required to provide for a 20' buffer along the entire southern boundary of the subject property even though the two southern adjacent tracts are currently undeveloped.

(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property of the proposed zoned uses.

The subject property, as stated previously, contains an aging non-conforming single-family detached dwelling. The dwelling is encroaching on the western side setback of the subject property and does not meet the minimum 1,200 square feet of gross floor area required in the R-2 zone district. The proposed C-1 rezoning would allow for the petitioner to utilize the subject property for the much-needed parking area to serve the adjacent commercial business. In short, this rezoning would help to bring two non-conforming properties into conformity.

(D) Whether there is relative gain to the health, safety, morals, or general welfare to 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 expectation that this rezoning would have any negative impact to public infrastructure or utilities. In fact, the proposed rezoning and parking lot expansion would help to create much-needed off-street parking for the adjacent commercial 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 reasoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The subject property, like most in this area, is within the Town Neighborhood Revitalization character area on the Comprehensive Plan's future development map. This character area is intended to promote appropriate redevelopment and infill development in areas that have suffered from aging buildings and/blight. The proposed rezoning and redevelopment of the subject property would remove a non-conforming single-family detached dwelling and replace it with a much-needed parking expansion for the adjacent commercial business. Since the adjacent commercial building has existed at this location for a number of decades, the proposed rezoning and development would simply improve the conforming status of the commercial building by allowing for a more appropriate parking area than has previously existed. Neighborhood commercial land use is a development pattern recommended for this character area in the Comprehensive Plan.

(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 zoning) as interpreted by current Georgia law.

The C-1 zone district has already been established on the western adjacent tract, and the adjacent commercial building has existed at this location for multiple decades. There is no concern for either an entering wedge or a “spot zone” at this location if the proposed C-1 rezoning is approved.

(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, stormwater, or historical issues that influence the development of the subject property under any zoning designation.

N/A

Conclusion:

The staff can recommend approval of the requested zoning change from *R-2 to C-1* for the subject property.

Reasons for approval:

1. The proposed amendment would allow for a use that is generally suitable for the site compared to other uses. The parcel's relatively small size of 1.65 acres limits its potential for an expansion of commercial buildings.
2. The existing dwelling on the subject property is undersized and encroaching on the side setback making it a non-conforming structure. The proposed redevelopment of this property would reduce the amount of non-conformity in the

area by eliminating the dwelling and providing much-needed parking for the adjacent commercial business.

3. There is no anticipated negative impact to the values of the adjacent residential properties based on the established commercial use of the adjacent business. There will also be a 20' buffer required that will be triggered at the stage of permitting the proposed parking lot expansion.