



GLPC AGENDA ITEM # 9

JANUARY 27, 2025

Rezoning Request by James Warren File #: VA-2025-01

Mr. James Warren is proposing to rezone two (2) parcels totaling 0.73 acres from Single-Family Residential (R-6) to Community Commercial (C-C). The subject properties are located in the Little Miami neighborhood at 202 Denmark Street, which is along the north side of the street about 300 feet west of the intersection with Pendleton Avenue. The properties collectively contain an existing nonconforming commercial/warehouse building (11,100-sf). The applicant is proposing the rezoning in order to market for a future commercial tenant.

The subject property is located within a **Community Activity Center (CAC)** Character Area on the Future Development Map of the Comprehensive Plan, which allows the possibility of C-C zoning. This is mostly the same property which received approval of an FDM Character Area amendment last fall, to change the designation from Established Residential (ER) to CAC (file # VA-2024-18). *** Staff was opposed to the Character Area amendments at that time, and remains opposed to this Rezoning request as well --- for many of the same reasons.*

The subject properties are part of a residential neighborhood which was one of the unincorporated islands (# 85) that were annexed by the City in 2006. These properties had Cluster Residential (R-C) zoning in the County, which was the County's multi-family residential zoning district at that time. They were given R-6 zoning in the City upon annexation (which was the City's multi-family residential zoning district at that time). With the adoption of the LDR, the City's rules for R-6 changed such that multi-family is no longer a permitted use in R-6.

Despite the previous zonings allowing multi-family development, virtually none of the properties in the Little Miami area developed with multi-family uses, but instead remained as mostly single-family, with some scattered mobile home development occurring while in the County before the time of annexation. There were also a number of existing small commercial or industrial type uses in this area at the time of annexation, and most of these were likely in place before the County's initial establishment of Zoning in the early 1970's. These commercial/industrial uses were already non-conforming uses in the County at the time of annexation, and have remained completely nonconforming ever since. They are now subject to the City's rules for "nonconforming uses", which stipulates that once a nonconforming use is discontinued for a period of at least 12 months, it may not be reestablished. For the subject properties, there is little to no business licensing history and the exact timeline of business usage is uncertain. However, based on Google imagery it appears that the "South Georgia Garage Door" business occupied the premises for a number of years after the time of annexation. However, they have been gone from the site now for several years.

Last fall, the applicant's primary purpose in requesting the Character Area change was to make the properties eligible for commercial zoning, so that the property can be marketed to a wider range of potential uses. The applicant pointed out the subject property being adjacent to the CAC character area to the west. However, this portion of the CAC character area fronts South Patterson Street which is an intensive commercial corridor along a busy 4-lane highway. In the applicant's Rezoning application, there is no statement of the intended/proposed use of the property. It only states that the purpose is to make the zoning of the property consistent with the CAC character area. It should be noted that R-6 zoning is also a compliant zoning district within the CAC character area as well. With the current use of the property and its relation to C-C zoning being unclear, and there being no stated alternative proposed use of the property requiring C-C zoning, the applicant's Rezoning request is deemed to be SPECULATIVE.

In general, it is considered highly inappropriate for commercial uses (particularly the intensive ones...) to have their only means of access through a residential area, and therefore such intensive zoning districts in these areas should not be approved as part of any redevelopment proposal. In the City's Land Development Regulations (LDR) it gives general purpose statements for each of the City's zoning districts. For C-C zoning (LDR section 206-16(A)), it states that it "*should be located on **collector streets** where they are convenient by car and on foot to surrounding neighborhoods but will not cause excessive traffic on residential streets.*"