

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Octavio Perez is seeking to rezone from Heavy Manufacturing (M-2) to Transitional Residential (R-6) a tract of land (parcel 12-239-16-012) containing 1.47 acres. The tract is currently undeveloped. The rezoning request to R-7 is sought to serve a single purpose on the site: Allow the owner to sub-divide the site in order to construct four separate fourplexes.

The surrounding uses and zoning are as follows: 1) To the north is a single adjacent tract containing a single family detached dwelling zoned Rural Residential R-5; 2) To the east is a single adjacent tract containing multiple warehouse structures along Third Avenue zoned M-2; 3) To the south is a single adjacent half-acre corner lot that is undeveloped and wooded zoned M-2; 4) To the west are five adjacent tracts all zoned M-2 and all located across Harris Street. The largest of these tracts is nearly 28 acres and contains a large multi-structured manufacturing facility owned by World Carpet INC. Three of the smaller adjacent tracts that appear to have once been residential are also owned by World Carpets INC. The southernmost adjacent tract is approximately half an acre and contains a single-family detached dwelling across Harris Street. A review of the zoning map shows the vicinity surrounding the subject property to a convergence of residential, commercial, and various manufacturing uses. The inappropriate blend of residential uses amongst commercial and manufacturing is, without a doubt, a byproduct of the former pyramid style zoning ordinance which allowed all types of residential uses in any commercial or manufacturing zone district without the need for a rezoning.

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?	—	X	—
B. Have all procedural requirements been met? <ol style="list-style-type: none"> 1. Legal ad August 2, 2016 (20 days notice) 2. Property posted July 29, 2016 (Yes -- one sign on the lot frontage; 24 days notice.) 	X	—	—
C. Has a plat been submitted showing a subdivision of land?	—	—	X

D. The following special requirements have an impact on this request:	—	<u>X</u>	—
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.

With several zone districts and land uses nearby there is an evident lack of consistency in development. The subject property is adjacent to two single-family dwellings and is within 100 feet of a sizeable node of the High-Density Residential R-7 zone district. Multiple low-rise apartment complexes can be found in the vicinity of the subject property as well as the previously mentioned single family dwellings along Harris Street. The subject property has remained undeveloped most likely due to its size and shape that make manufacturing development unlikely to occur.

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

The only adjacent tract that could be impacted adversely by the proposed rezoning and development is the northern adjacent R-5 tract. It is, however, fair to say that this R-5 tract has already been greatly impacted by the adjacent manufacturing uses and that an adjacent R-6 zone district would be less detrimental than the current M-2 zoning of the subject property. It is also worth noting that if this R-6 rezoning is approved that the subject property is required to provide a buffer along its northern border to mitigate the potential impact of the proposed multi-family development on the adjacent R-5 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.

Due to the shape of the subject property along with the property's topography it is unlikely that it would be developed for manufacturing purposes. The requested R-6 rezoning, if approved, would allow the subject property to be developed in such a way that reflects nearby land use and zoning.

(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.

As stated previously the subject property is, no doubt, difficult to develop for manufacturing or commercial uses.

(E) Whether the proposed (R-6) 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 would be no burden on infrastructure or utilities created by rezoning the subject property to R-6 at this location due to the abundance of public water and sewer capacity throughout this area. This is an area already impacted by various forms of both residential and manufacturing growth over time. Due to the limiting size of the subject property there is no expectation that the proposed development would generate traffic congestion. Sight distance for ingress and egress of the subject property is also sufficient at this location. The petitioner's intention to construct four fourplex structures totals 16 individual dwelling units. Given the limiting size of the subject property along with the density limitations of the R-6 zone district the potential impact on the school system should be minimal.

(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 Future Development Map designates this area as a "Town Neighborhood Revitalization" character area and is also noted in the Dalton Urban Redevelopment Plan (2003). The subject property is included in the projected boundary, which would propose the location of single family residences, town houses, parks, public institutional, mixed use live/work, and neighborhood commercial. Restoration of existing houses to maintain and stabilize existing housing stock is the preferred development in this character area. It also accommodates a mix of housing types and small lot single family residences. This planner believes that the current M-2 zoning of the subject property does not satisfy the intent of this character area and that the proposed R-6 zone would satisfy the intent of this character area to a much greater degree. Although the character area recommends only single-family dwellings the surrounding zone districts and land use throughout this area would not be burdened if this R-6 rezoning is approved.

(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.

None identified. R-5 and R-6 share some similar uses such as duplex dwellings and both zones are limited to strictly residential development.

(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.

The property has remained undeveloped most likely due to the fact that its size and shape are not ideal for commercial or manufacturing uses like those seen throughout this area.

CONCLUSION:

The staff can provide a recommendation to approve the R-6 rezoning at this location based on the following:

- 1) The subject property is adjacent to conforming residential use as well as its proximity to several multi-family structures showing an existing residential character in this area;
- 2) The subject property's size and shape make manufacturing and commercial development less likely to attract investment; and
- 3) The Town Neighborhood character area for the subject property does not recommend multi-family as a primary land use, but the current requested R-6 zone district's residential character is much better suited to implement the comprehensive plan than the subject property's current M-2 zone district.
- 4) There is no expectation that the economic values of adjacent or nearby properties would be negatively impacted if this R-6 rezoning is approved.