

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

ZONING CASE: Juan Figueroa is seeking to rezone from Heavy Manufacturing (M-2) to High-Density Residential (R-7) a tract of land (parcel 12-143-11-003) containing a total of 1.12-acres located along Waring Road. **The subject property currently contains a single-family detached dwelling:** The petitioner's proposal is to bring the subject property into conformity to use as it has been historically.

The surrounding uses and zoning are M-2 to the north, west, and south, with R-7 to the east. The subject property borders the R-7 zone district along a portion of its eastern boundary.

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

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.

This area is a point of convergence between the R-7 and M-2 zone districts. Commercial and industrial uses are found along Waring Road and Cleveland Highway throughout this area. The adjacent North Oaks Neighborhood consists of hundreds of town houses and condominiums, and there are several duplex dwellings south of the subject property along Waring Road. The proposed R-7 rezoning would allow for a reasonable use of the subject property that better reflects this area than the subject property's current M-2 zoning.

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

The proposed rezoning would simply allow for the subject property to become conforming. There is no anticipation for adverse economic impact to the residential or manufacturing properties in this area if the subject property is rezoned R-7.

(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 as a quadplex for a number of years, which means that the subject property is in non-conforming status. Non-conformity can affect owner's ability to obtain a mortgage/loan, obtain building permits for significant renovation, or even to reoccupy a unit that has been vacant for a period of more than 12-months.

(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 (R-7) 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.

The R-7 rezoning of the subject property would reduce the potential land use intensity of the subject property. The limited size of the subject property and similar characteristics to other properties in this area also do not create cause for concern regarding public utilities or infrastructure at this location.

(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 Suburban Neighborhood character area. The Suburban Neighborhood character area is intended to represent areas of the county where conventional post WWII neighborhoods have been developed. The intent of this character area is to protect the integrity of those already established neighborhoods by ensuring that new development is reflective of the development pattern of the existing neighborhood. The Suburban Neighborhood character area recommends that single-family residential be the primary land use. Based on the large adjacent R-7 zone district and existing character of the subject property, the proposed R-7 rezoning and quadplex would be in character with the built environment and zoning of this area.

(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 rezoning would simply shrink the M-2 zone district in this area and enlarge the established R-7 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 requested R-7 rezoning of the subject property based on the following factors:

1. The requested R-7 zone district does not pose a zoning or land use conflict based on a large consistent R-7 zone district.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the existing R-7 zone district and the built environment of this area.
3. The requested R-7 zone district is good fit for this location based on the Comprehensive Plan's future development map and narrative based on the established zoning and development character of this area.