

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

ZONING CASE: Joel Banda is seeking to rezone a tract of land from Heavy Manufacturing (M-2) to Rural Residential (R-5) (parcel 12-216-01-003) containing a total of 0.23-acres located at Goodwill Drive. The tract currently contains two single-family detached dwellings. The rezoning request to (R-5) is sought to serve the purpose of allowing the property to be brought into conformity in order for the property to be sold:

The surrounding uses and zoning are as follows: 1) to the north, is a 0.16-acre tract of land zoned M-2 that contains a single-family detached dwelling; 2) to the east, is a 4.41-acre tract zoned M-2 that contains a commercial building and graveled area; 3) to the south, is a 0.1-acre tract that is zoned M-2 and undeveloped; 4) to the west, are three tracts of land across Goodwill Drive. Two of the western tracts are zoned Low-Density Single-Family Residential and contain a manufactured home. The other western tract is zoned high-Density Residential and contains a quadplex. All in all, a review of the zoning map indicates that the R-2 and R-5 zone districts converge in this area, with R-5 being the most prominent zone district.

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

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

<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 annexation?		<u>X</u>	
B.	Have all procedural requirements been met? 1. Legal ad Mar 5, 2021 (16 days notice) 2. Property posted Mar 5, 2021 (Yes -- one sign on the lot frontage; 16 days notice.)	<u>X</u>		
C.	Has a plat been submitted showing a subdivision of land?		<u>X</u>	
D.	The following special requirements have an impact on this request: 100-year flood plain Site Plan (none required) Buffer Zones (none required) Soil Erosion/Sedimentation Plan Storm Water Requirements		<u>X</u> <u>X</u> <u>X</u> <u>X</u> <u>X</u>	

(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.

In this area of Dalton land use, lot size, and zoning may vary dramatically from tract to tract. Non-conforming properties are common in this area as well as blight. The current M-2 zone district likely exists as a byproduct of the City's previous pyramid zoning ordinance where the M-2 zone district allowed for incredible flexibility in land use and site design. While there have been manufacturing operations on Goodwill Dr. in proximity to the subject property, the subject property itself has been developed for residential use for several decades. By rezoning the subject property to R-5, there would be an opportunity for the subject property to become a conforming property and therefore become eligible for a mortgage.

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

As stated previously, this area is home to a diverse blend of land uses, from manufacturing to residential, that are not intended to be blended such as they are. The petitioner has made a conscious effort to renovate and improve the existing single-family detached dwellings on the subject property from their previous blighted condition. While the two single-family detached dwellings on the subject property will require modification into a single duplex dwelling, this would not be in conflict with the existing adjacent or nearby residential properties. No negative impact on economic value is expected.

(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.

As stated previously, the subject property is non-conforming. While non-conformity allows for the present use of the property to continue, it does create certain issues with property improvements as well as mortgage eligibility in the case of residential uses.

(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-5) 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.

No impact is expected.

(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 and Future Development Map show the subject property to be within the suburban character area. This character area is intended to preserve the integrity of post WWII style subdivisions. Since residential land use is the predominant character of land use in this area the Suburban character area is a great fit for this location. It is a recommendation within the narrative of the Suburban character area that any new development or infill development be reflective of the established pattern and character of land use. The subject property would be reflective of the established pattern and character of land use for this area even when it is converted into a duplex.

(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.

While there are no tracts of land adjacent to the subject property that are already zoned R-5, there are several residential zone districts established that would be similar to that of the R-5 zone district. There is no concern in regard to a “spot zone” or an entering wedge for that matter.

(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 recommend approval for the R-5 rezoning based on the following factors:

1. The proposed rezoning would be reflective of existing adjacent properties with no concern for adverse impact to adjacent or nearby property values.
2. No issues regarding public infrastructure are expected if this rezoning is approved.
3. The Suburban character area shown in this area would be in support of the proposed rezoning and proposed use of the subject property, especially when considering the non-conforming status of the present M-2 zone district.