

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

ZONING CASE: Marty Lane Pratt is seeking to rezone from Medium Density Single-Family Residential (R-3) to Rural Residential (R-5) a tract of land (parcel 12-240-04-036) containing a total of 0.25-acres located at 1425 Joan Drive. The tract is currently developed with a manufactured home. The rezoning request to R-5 is sought in order to remove the manufactured home and replace it with a duplex dwelling.

The surrounding uses and zoning are as follows: 1) to the north, is an 1.5-acre tract of land zoned R-3 that contains a church. Also to the north is a 0.3-acre tract of land that is zoned R-3 that contains a single-family detached dwelling; 2) to the east, is an undeveloped 2.64-acre tract of land across Robinwood Drive zoned R-3; 3) to the south, is 0.27-acre tract of land across Joan Drive that is zoned R-3 and contains a single-family detached dwelling; 4) To the west, is a 0.25-acre tract of land zoned R-3 that contains a single-family detached dwelling. A review of the zoning map and existing development indicates that this area is predominantly zoned for single-family detached residential land use with the exception of the adjacent church.

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

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 part of a large R-3 zone district where the majority of development is single-family detached residential. This neighborhood transitions to higher-density residential and commercial development to the south nearing East Morris Street. The subject property has been non-conforming for quite some time as a manufactured home. The adjacent church is the only non-residential development in the immediate vicinity. The primary differences between the R-3 and R-5 zone districts is the fact that R-5 permits manufactured homes and duplex dwellings. The petitioner's proposal is to remove the manufactured home from the subject property and replace it with a duplex. While there are no adjacent multi-family dwellings, there are multi-family developments nearby. If the subject property is rezoned with conditions to prohibit manufactured homes and require the proposed duplex to meet a minimum of 1,000 sq. ft. per dwelling unit, the proposed redevelopment would reflect a similar character to the density of this neighborhood.

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

The subject property has been in non-conformity now for some time as a manufactured home in the R-3 zone district. Manufactured homes depreciate in value based on the National Auto Dealers Association's assessment. The proposed redevelopment of the

subject property would replace the aging manufactured home with a site-built residential duplex. A condition to require the proposed duplex to meet a minimum dwelling unit size of 1,000 sq. ft. would impose the same dwelling unit size as all adjacent properties.

(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.

While the subject property has been non-conforming for some time now, there is nothing to prevent the subject property from being redeveloped as a conforming R-3 property. The proposed rezoning, however, could be conditioned as such to allow only a site-built residential duplex with a minimum dwelling size of 1,000 sq. ft. The subject property could be redeveloped as proposed with additional conditions to minimize the impact on adjacent and surrounding single-family properties.

(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 burden to public utilities or infrastructure is expected if this rezoning is approved. The limited size of the subject property and the proposed rezoning would not increase density enough to have a notable impact to traffic or utilities.

(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. This character area is intended to protect the established residential neighborhoods throughout Whitfield County from development that would compromise the integrity of the suburban neighborhoods. Single-family detached residential development is always intended to be the primary development pattern in this character area, but the proposed rezoning could be conditioned as to improve the quality of the subject property while mitigating the impact to the surrounding neighborhood. One of the recommended patterns of development is that infill development and redevelopment within this character area be reflective of the established development pattern of the existing neighborhood. Conditions prohibiting manufactured homes and requiring the proposed duplex dwelling units to be a minimum of 1,000 sq. ft. each would maintain both the site-built character of this area as well as the dwelling unit size required in the R-3 zone district. Given the current state of the subject property along

with it being adjacent to a non-residential use, staff consider the proposed R-5 rezoning with conditions to be a reasonable use of the subject property without compromising the integrity of the surrounding neighborhood.

(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 requested R-5 rezoning would create an island of R-5 entirely surrounded by the R-3 zone district. While this would be an island of R-5, there would not be an issue of spot zoning due to the fact that both R-3 and R-5 are each of solely residential character. The R-3 and R-5 zone districts are different in the fact that R-3 only permits single-family detached dwellings while the R-5 zone district permits manufactured homes as well as duplexes. There are other multi-family dwellings near the subject property including a quadplex along Pinehill Drive just south of the subject property. This planner is of the opinion that the replacement of the manufactured home with a duplex would be considered an improvement to the subject property if conditions are met. The duplex would need to consist of units of at least 1,000 sq. ft. each in order to reflect comparable dwelling units in this area. Another condition to prevent an entering wedge effect would be to prohibit manufactured homes on the subject property to ensure that the proposed duplex would be site built as to reflect the site-built nature of all surrounding properties.

(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-5 rezoning of the subject property based on the following factors and conditions:

1. The requested R-5 rezoning would allow for the subject property to be redeveloped in a manner which would maintain the site-built character of this area as well as the dwelling unit density.
2. The R-5 rezoning can be made with conditions to prohibit manufactured homes and require the proposed duplex to meet the same dwelling unit area as permitted in the R-3 zone district in order to mitigate concern for the impact to any adjacent or surrounding property values.

3. This planner believes that the proposed rezoning would not be in conflict with the Comprehensive Plan by allowing the petitioner to redevelop the subject property for a residential use that would be of a similar dwelling unit density as seen in the area. The replacement of the manufactured home with a site-built structure would be more reflective of the established development pattern than the existing manufactured home.

Conditions

1. Prohibit manufactured homes on the subject property to ensure site-built character reflected throughout this area.
2. Require the proposed duplex to meet the minimum dwelling unit area of 1,000 sq. ft. per dwelling unit.