

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Omar Awad seeking to rezone from Medium Density Single-Family Residential (R-3) to Transitional Residential (R-6) a tract of land (parcel 12-218-27-004) containing a total of 0.44-acre located at 843 McAfee St. The tract is currently developed with a commercial building formerly converted into a residential quadplex. The rezoning request to R-6 is sought for the petitioner to bring the subject property into conforming status.

The surrounding uses and zoning are as follows: 1) to the north, is a 0.1-acre tract of land zoned R-3 that contains a single-family detached dwelling; 2) to the east, are three tracts of land across Bogle St. that are each zoned R-3. Each of the eastern adjacent tracts total 0.1 to 0.5-acre in size and each tract contains a single-family detached dwelling; 3) to the south, are two tracts of land across McAfee St. that are zoned C-1 and total 0.2-acre in size. The southern adjacent tracts of land contain a small commercial retail building and off-street parking area; 4) To the west, is a 3.9-acre tract of land zoned R-3 that contains the Mack Gaston Community Center. A review of the zoning map and existing development indicates that this area is predominantly medium-density single-family detached zoning and existing land use with the exception of a few neighborhood commercial tracts.

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.

Zoning and existing development in this area is mostly single-family detached on small sub-acre tracts of land. This area has been served by public sewer for many years which has enabled the small lot sizes. There are, however, a few commercial buildings adjacent to the intersection of McAfee and Bogle St. The adjacent Mack Gaston Community Center is also a notable feature in this neighborhood. The subject property appears to have been originally developed for a small neighborhood scale commercial use, but the subject property has been, at some point in time, remodeled and occupied as a residential quadplex. The existing development of the subject property does not fit the intent of the R-3 zone district, and the adjacent commercial zoning and community center also give grounds for consideration of a more fitting zone district. The requested R-6 rezoning would bring the subject property's existing use as a quadplex into conformity while limiting any additional expansion.

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

The subject property has been developed with the commercial style structure since 1970 according to tax assessor data and has housed a number of uses since its original development. The requested rezoning would allow the subject property to continue being utilized as-is while preventing any expansion of the building or dwelling unit density. While the proposed rezoning is of a higher density than that of the majority of residential development in this neighborhood, alternative uses for the subject property are limited due to its current state. It is worth noting that any construction or redevelopment of the subject property would prompt additional buffers, and that no additional dwelling units could be added.

(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 existing development of the subject property may be described as commercial in character with a masonry façade, flat roof, and off-street asphalt parking area. The only viable use in the current R-3 zone district would be a church, which would require a special use permit. The location of the subject property at the intersection where commercial zoning and uses already exist, as well as the adjacent community center make this property a viable location for the R-6 zone district.

(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-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.

The subject property has been occupied as a residential quadplex for some time, and the proposed rezoning would not allow for additional density. The required off-street parking can be satisfied in accordance with the UZO's parking standards. The subject property is also one of few properties with direct access to the sidewalk along McAfee St. where residents can safely walk to the Mack Gaston Community Center.

(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 Town Neighborhood Revitalization character area. This character area is intended to promote investment, infill development, and redevelopment in neighborhood areas. The R-6 zone district appears to be a good fit for the subject property based on its existing character and adjacency to the community activity center.

(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 the requested R-6 rezoning would create an island of R-6, the existing neighborhood commercial zoning and development along with the adjacent community center do not give grounds for spot zoning. The R-6 zone district would permit continued residential occupation of the subject property while granting reasonable increase in density compared to that of the surrounding area. It is worth noting here that while the R-6 zone district would grant a multi-family use, the unit/acre density is comparable to that of the majority of adjacent and nearby single-family detached lots.

(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-6 rezoning of the subject property based on the following factors:

1. The requested R-6 rezoning would allow for a reasonable zone district and use of the subject property based on the surrounding development and zoning.
2. The proposed unit/acre density is comparable to that of the majority of adjacent and nearby single-family properties.
3. The requested R-6 zone district would not be in conflict with the Town Neighborhood Revitalization character area at this location.