

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

ZONING CASE: Jose Arias is seeking to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land (parcel 12-241-13-009) containing a total of 0.25-acres located at 1503 Byron St. The tract currently contains a single-family detached dwelling that has been partially demolished. The rezoning request to R-5 is sought to for the petitioner to develop the subject property with either a duplex or single-family detached dwelling:

The surrounding uses and zoning are as follows: 1) to the north, is a 0.6-acre tract of land zoned M-2 that contains a church; 2) to the east, is 1.5-acre tract of land zoned M-2 that contains an industrial building; 3) to the south, is a 4.27-acre tract of land zoned R-7 that contains an apartment complex operated by the Dalton Housing Authority; 4) To the west, is a 0.23-acre tract of land zoned M-2 that contains a single-family detached dwelling. A review of the zoning map and existing development indicates that this area is a mix of zoning and land use from manufacturing, commercial, and various residential densities.

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.

The R-5 and M-2 zone districts are as dissimilar as apples and oranges. The R-5 zone district is intended to allow for more flexible residential development from single-family detached to duplex dwellings, while the M-2 zone district is solely intended for intensive industrial and manufacturing development. The subject property has been developed for residential use since, at least, 1950 based on County Tax Assessor's data. Multiple residential zone districts can be seen adjacent and nearby the subject property including the R-7 and R-5 zone districts, so the proposed rezoning would not introduce a dissimilar character to that which has been established in this area.

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

The requested rezoning would reduce the overall intensity of the subject property to that of single-family detached residential or a duplex dwelling. Both single-family and multi-family development can be seen adjacent to the subject property in multiple directions. There is no expectation that the proposed rezoning would have a negative impact on the value of adjacent or nearby properties based on the existing zoning and development throughout this area.

(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 was likely lumped into the M-2 zone district in this area due to the

majority of industrial properties on the north R/W of Byron St. The current M-2 zoning of the subject property creates issues with residential building permits as well as mortgage opportunities for prospective home buyers. The requested R-5 rezoning would bring the subject property into conforming status based on its historic residential use without burdening the values of adjacent properties. The likelihood of any sort of industrial or manufacturing development of the subject property is highly doubtful based on its limited size.

(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.

The subject property's limited size prevents most any intensive land use likely of impacting the public utilities or any other public infrastructure regardless of the underlying zone district.

(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. The intent of this character area is to promote investment in neighborhoods where aging housing stock exists. The primary future development for this character area should be residential development that compliments the size and character of the adjacent and nearby neighborhood properties. The proposed rezoning would bring the subject property into conformity based on its historic use. While a duplex would be a higher-density use than the previous use of the subject property, the large adjacent apartment complex has already established a multi-family character for 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 R-5 rezoning would not cause any sort of entering wedge or spot zone at this location based on the adjacent R-7 zone district and apartment complex. The R-5 zone district can also be seen in the immediate vicinity of the subject property.

(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:

1. The requested R-5 rezoning would allow for a zone district and land use that is similar to adjacent and nearby tracts.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the existing pattern of development throughout this area.
3. The requested R-5 zone district is a great fit for this location based on the Comprehensive Plan's future development map and Town Neighborhood Revitalization character area based on the established development pattern of this area.