

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

**ZONING CASE:** Walter Benitez is seeking to rezone a tract of land from Heavy Manufacturing (M-2) to Medium-Density Residential (R-3) (parcel 12-255-03-018) containing a total of 0.23-acre located at 1120 Riverbend Drive. The tract is currently developed with an aging duplex dwelling. The rezoning request to (R-3) is sought to serve the purpose of allowing the petitioner to utilize the property for residential purpose rather than manufacturing:

The surrounding uses and zoning are as follows: 1) to the north, is a single tract of land across Riverbend Dr. that contains a single-family detached dwelling and is zoned M-2; 2) to the east, there is a small tract of land containing another single-family detached dwelling zoned M-2; 3) to the south, is a large tract containing an occupied industrial building; 4) To the west, is another small tract containing a single-family detached dwelling zoned M-2.

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

<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 July 9, 2021 (16 days notice) 2. Property posted July 9, 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: <b>100-year flood plain</b> <b>Site Plan</b> (none required) <b>Buffer Zones</b> (none required) <b>Soil Erosion/Sedimentation Plan</b> <b>Storm Water Requirements</b>		<u>X</u> <u>X</u> <u>X</u> <u>X</u> <u>X</u>	

## **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 area surrounding the subject property is one of great diversity from a land use perspective. In this area there is a mix of single-family, multi-family, commercial, and manufacturing zoning and land use. The subject property is entirely surrounded by the M-2 zone district, but the existing development surrounding the subject property is almost entirely residential. There is no practical use for the subject property as it is currently zoned based on the limiting factor of its size. While a duplex dwelling is not a permitted use in the R-3 zone district, the proposed rezoning would be a great improvement to this area. The existing duplex would be permitted to continue existing as a non-conforming use within the parameters specified in the UZO.

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

By rezoning the subject property to R-3, the existing residential properties along Riverbend Dr. would benefit rather than suffer adverse impact. The proposed rezoning would create more conformity on the subject property and this neighborhood than exists as currently zoned.

**(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 previously stated, the subject property is in no way suited for heavy manufacturing development, and it is highly unlikely that a developer would purchase enough of the residential tracts in this area to redevelop industrially. The R-3 zone district would be, as previously stated, a far better fit for this location.

**(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-3) 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 based upon the existing development character of this area along with the reduction in potential development intensity as compared to the existing M-2 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 and Future Development Map show the subject property to be within the Town Neighborhood Revitalization character area. This character area is intended to focus on aging neighborhoods within the city that have seen a decline in residential investment and that have been impacted by the encroachment of commercial and industrial developments. The goals for this character area are to restore the residential integrity to these areas by phasing out the aging commercial and industrial developments. With that being said, however, one of the primary land uses recommended for this character area is neighborhood commercial.

Essentially, low-intensity commercial land uses aimed at serving neighborhoods are not in conflict with this character area, and therefore, the requested C-1 rezoning would not be in conflict with the Comprehensive Plan and Future Development Map.

**(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 proposed rezoning would, if approved, create an island of R-3 surrounded by M-2, this would not be considered “spot zoning” since the rezoning is one of a far lesser intensity than the area surrounding it. It is also worth restating that the majority of adjacent properties have been developed for residential land use for many years.

**(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 the subject property be rezoned R-3 based on the following factors:

1. The R-3 rezoning would not be out of the character considering the existing development and zoning in this area.
2. Anticipation for adverse impact to property values surrounding the subject property is not an expected issue based on the existing development in the area and limited single-family detached dwelling development potential in R-3.
3. The requested R-3 rezoning would be an excellent implementation of the intent of the Comprehensive Plan for this area based on the Future Development Map and other factors related to housing and revitalization efforts.