

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Carlos Miranda is seeking to rezone from Neighborhood Commercial (C-1) to Medium-Density Single-Family Residential (R-3) a tract of land (parcel 12-182-02-033) containing a total of 0.43 acres located at 1123 Trammell Street. The subject property is currently developed with a building formerly occupied by a church: The petitioner's request was made to bring the existing single-family detached dwelling into conformity.

The surrounding uses and zoning are C-2 to the north, east, south, and west. R-3 also exists adjacent to the south of the subject property.

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 subject property was zoned C-1 in the past, likely due to the amount of commercial development surrounding the adjacent intersection. The subject property itself, however, is more residential, in character, than commercial. Since the subject property is adjacent to a consistent R-3 neighborhood, there is no concern about introducing a pattern of development that would be out of character with this area.

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

The proposed rezoning would essentially limit the subject property in its current character as a single-family detached dwelling on a single tract of land. Given the character of the subject property compared to that of the adjacent properties, there is no concern for a negative impact on any of the surrounding properties. In fact, two of the adjacent properties zoned C-1 are actually non-conforming single-family detached dwellings like the subject property.

(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 would have to be remodeled or redeveloped for commercial use in order to be in conformity in the C-1 zone district. The proposed rezoning would allow the subject property to be utilized in its current form.

(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 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 small size of the subject property limits any significant development or any division if the R-3 rezoning is approved. The limited nature of the R-3 zone district coupled with the limited size of the subject property do not raise concerns for public utility or infrastructural burden in this case.

(F) Whether the property sought to be rezoned (or annexed) conforms 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 that are compatible with the existing uses in the vicinity.

The comprehensive plan's future development map shows this property to be within the Suburban Neighborhood character area. The Suburban Neighborhood character area is intended to protect the integrity of established suburban neighborhoods from encroachment of inappropriate uses. While the neighborhood commercial zone district is not an inappropriate zone district for this location, the R-3 zone district would be a better implementation measure given the majority of adjacent land use.

(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.

No issues identified based on adjacent zoning and land use patterns.

(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-3 rezoning of the subject property based on the following factors:

1. The requested R-3 zone district would allow for the use of the subject property in a manner that would be reflective of the established residential pattern of development adjacent to the subject property.
2. There is no expectation that the R-3 rezoning of the subject property would have

a negative impact on any of the adjacent or nearby properties.

3. The requested R-3 zone district would allow for exactly what the Suburban character area is intended to accomplish based on the established development pattern of this area.