

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

**ZONING CASE:** Sebastian Arroqui is seeking to rezone from Neighborhood Commercial (C-1) to Rural Residential (R-5) six tracts of land (parcels 12-182-02-024, Et Al) containing a combined total of 1.74 acres located along North Thornton Avenue. The subject property is currently developed with four single-family detached dwellings and a duplex dwelling: The petitioner's request to rezone was made in order to construct two new duplex dwellings.

The surrounding uses and zoning are as follows: The subject property is flanked to the north by commercial development and zoning. Across Thornton Avenue to the east is the M-2 zone district and conforming development. The R-3 and C-1 zone districts are adjacent to the south with a mix of single-family dwellings and two duplexes. All western adjacent properties are zoned and developed for R-3 uses.

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 lies at the convergence of the R-3 and C-1 zone districts. The three southern adjacent C-1 properties contain either a single-family detached dwelling or a duplex dwelling. Residential dwellings are non-conforming in the C-1 zone district. The proposed R-5 zone district would permit the proposed duplex dwellings on the subject property as well as to bring the existing duplex dwelling into conformity. There are two duplex dwellings adjacent to the subject property as well as the existing duplex dwelling on the subject property, which shows an existing multi-family development pattern. The adjacent C-1 properties to the south of the subject property are more consistent with the proposed R-5 zone district than their current C-1 zoning.

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

The existence of multiple duplex dwellings adjacent to and on the subject property does not raise concern for dissimilar land use that would harm the values of the 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.**

The existing single-family detached dwellings occupying the subject property have become blighted over time and are slated for demolition. The proposed new duplex dwellings would be in compliance with the building codes and standards within the R-5 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-5) 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.**

Both public water and sewer are available at this location with no concern for capacity. There are multiple ingress/egress points along the subject property, accessing three public streets. The proposed new development should not create an issue based on the multiple routes available.

**(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 that are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses that 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 character area. This character area is intended to protect the integrity of the established residential town neighborhoods within the city. Infill and redevelopment within this character area should be reflective and respectful of the established neighborhood development pattern. With multiple duplex dwellings adjacent to the subject property, this pattern of development has already been established, and the proposed rezoning and development would be reflective of the existing zoning and development.

**(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 rezoning would create an island of R-5 at this location. However, the adjacent R-3 zone district shares several characteristics with the R-5 zone district, so this would not be considered spot zoning. The other C-1 tracts of land adjacent to the subject property are developed with either single-family dwellings or duplex dwellings, indicating a similar development pattern and unit/acre density to that proposed in this request. With the previously mentioned factors in mind, the proposed rezoning does not create concern for an entering wedge.

**(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 an R-5 rezoning of the subject property based on the following factors:

1. The R-5 zone district would allow for similar zoning and development to the majority of adjacent and nearby properties.
2. The R-5 zone district would be unlikely to have a negative impact on the values of adjacent properties based on the existing zoning and development of the neighboring properties.
3. The R-5 zone district would be a good fit for the Town Neighborhood character area in the Comprehensive Plan based on the adjacent and nearby zoning and development patterns.