

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Bryan Spence is seeking to rezone from Rural Residential (R-5) and High Density Residential (R-7) to Zero Lot Line Residential (R-4) two tracts of land (parcels 12-254-45-000, and 12-254-06-001) containing a total of 2.8-acres located along Sheridan Ave. The tract is currently undeveloped. The rezoning request to R-4 is sought to for the petitioner to develop the subject property with a major subdivision consisting of approximately 21 small-lot single-family detached dwellings:

The surrounding uses and zoning are as follows: 1) to the north, are two adjacent tracts of land that are each zoned C-2. One of the northern tracts is undeveloped and is approximately 4.4-acres in size while the other tract is 1.6-acres and contains a portion of an automobile dealership; 2) to the east, are two adjacent tracts of land that are each approximately 0.56-acres and each are undeveloped and zoned R-5; 3) to the south, are three adjacent tracts of land that are each zoned R-5. One of the southern tracts is undeveloped and totals approximately 0.5-acres in size while the other four tracts are notable smaller and each contain a duplex dwelling; 4) To the west, is a 1.5-acre tract of land zoned R-7 that contains an apartment complex owned by the Housing Authority of the City of Dalton. A review of the zoning map and existing development indicates that the subject property is in a transitional area between the busy commercial corridor and the existing suburban neighborhoods to the south. The petitioner's request was made in order to create a Zero Lot-Line single-family detached major subdivision.

The subject property is within the jurisdiction of the Whitfield County Board of Commissioners as well as the City of Dalton.

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 point of convergence between multiple zone districts as well as the boundaries of the City of Dalton and unincorporated Whitfield County. The three tracts of the subject property itself occupy two jurisdictions as well as two zone districts. The proposed R-4 rezoning would be similar, in terms of residential density, to the existing zoning and development of adjacent properties. While the R-4 zone district would permit a higher lot density than that which exists in the immediate vicinity, the subject property is located between an apartment complex as well as multiple duplex dwellings. The residential character of this area would not undergo a significant change if the proposed R-4 rezoning is approved.

(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby 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 subject property is zoned for both high-density residential and rural residential development. In order for the subject property to be developed as a single contiguous unit, it would need to have a single zone district applied to the three tracts as requested in the rezoning application. The two tracts of land listed as parcels 12-254-06-001 lack public road access independent of the tract listed as parcel number 12-254-45-000. The proposed rezoning would bring the collective subject property into a single unit with the ability to create a new public road to access Sheridan Ave.

(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-4) 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.

Both public water and sewer access is available to the subject property with no concern for capacity at this location. While the subject property lies within an s-curve along Sheridan Ave. where visibility can be limited, staff have determined adequate sight distance for safe ingress/egress. The additional automobile trip generation from the subject property is not expected to create notable concern due to the limited number of additional units proposed.

(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 in areas where either residential redevelopment or infill development could improve or protect the character of the area. The subject property, being adjacent to both the commercial, high-density residential, and rural residential zone districts make it part of a transitional area. While single-family detached lot densities are less than that proposed in the R-4 rezoning, multiple multi-family developments are adjacent to the subject property. The proposed rezoning would not establish a pattern of development that would threaten future residential development or reinvestment in 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 subject property is at a point of convergence between three zone districts. While the R-4 rezoning, if approved, would create an island of R-4 at this location, the existence of high-density residential development as well as multi-family in this area does not give grounds for the concern of an entering wedge or spot zone.

(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-4 rezoning of the subject property based on the following factors contingent upon a single condition:

1. The requested R-4 rezoning would allow for a land use that is not dissimilar to other tracts in this area.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the existing character of development in this area where high-density residential has existed for some time.
3. The requested R-4 zone district is a good fit based on the Comprehensive Plan's Town Neighborhood Revitalization character area based on the existing development in this area.

Condition

Require that the subject property either be entirely within either the City of Dalton's corporate boundaries or unincorporated Whitfield County prior to the final approval of the zoning action.