

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

ZONING CASE: Ed Staten is seeking to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land (parcel 12-255-03-022) containing a total of 0.38 acres located at 1112 Riverbend Drive. The subject property is currently developed with a **single-family detached dwelling**: The petitioner's request to rezone was made in order to bring the subject property into conformity.

The surrounding uses and zoning are as follows: The M-2 zone district surrounds the subject property on all its boundaries. However, all but one adjacent tract of land contains residential dwellings.

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 is within a small pocket neighborhood in an otherwise industrial area. The R-5 and M-2 zone districts converge throughout this area with no consistent pattern. The mix of zoning and development in this area is a product of development that occurred prior to unincorporated county zoning. The proposed rezoning would restore conformity to the subject property and better reflect the majority of the adjacent development.

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

There is no expectation for any negative impacts on the values of the adjacent or nearby property values based on the established pattern of development in 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 is too small for any type of industrial or manufacturing use, and the existing dwelling is in non-conforming status as it is currently zoned. The proposed R-5 rezoning would allow for the subject property to become conforming.

(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.

There is no expectation that public water or sewer would be burdened by the proposed development. Utilities are available at high capacity in this area and the subject property's limited size does not give cause for concern regarding available capacities.

(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 represent areas of the city that are in need of residential and community reinvestment. The proposed rezoning is an excellent fit for the subject property based on the established development pattern of 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 create an island of R-5 at this location on the zoning map. However, all but one of the adjacent tracts of land are developed with residential dwellings. The land use character of the subject property would not be altered if the R-5 rezoning is approved, and there is no expectation that this rezoning would have a negative impact on the adjacent properties or the surrounding community.

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

1. The requested R-5 zone district would allow for the subject property to be restored to a conforming status based on its existing development character.
2. The Town Neighborhood character area in the Comprehensive Plan supports the proposed rezoning.
3. The R-5 zone district would better protect the values of the adjacent and nearby residential properties than the existing M-2 zone district.