

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: David Armstrong is seeking to rezone parcel 12-197-01-035 from Low-Density Single-Family residential (R-2) to Transitional Residential (R-6). The parcel totals 1.8-acres and is located at the intersection of Walston Ave. and W. Waugh St.

The tract is currently undeveloped. The petitioner's request was made in order to develop the subject property with a single duplex or triplex dwelling fronting Walston Ave.

The surrounding uses and zoning are as follows: 1) To the north, are two northern adjacent tracts of land zoned R-2 of which one tract belongs to the adjacent Stone Ridge apartment complex and is undeveloped. The other adjacent northern tract is a small tract of land zoned R-2 that is owned in conjunction with the undeveloped western adjacent tract; 2) To the east, is a 5.9-acre tract of land across Walston Ave. zoned R-7 that contains the Stone Ridge apartment complex; 3) To the south, are two undeveloped tracts of land zoned R-2 that are each zoned R-2 and each total just under 3-acres in size; and 4) To the west, is an undeveloped 1.6-acre tract of land zoned R-2. All in all, a review of the zoning map shows a convergence of the R-2 and R-7 zone districts.

The subject property is in 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 property.

This area along W. Waugh St. is clearly an area where multi-family development is common. A look at the zoning map also shows the R-6 and R-7 zone districts over a number of properties throughout this area. The subject property, however, lies at the boundary of a large R-2 zone district. All of the adjacent R-2 zoned properties along W. Waugh St. have remained undeveloped largely due to topographical challenges and safe accessibility. The proposed rezoning would allow for the subject property to be developed for a higher-density residential use than would be permitted in the current R-2 zone district, but the proposed development would not be out of character with adjacent apartment complex and other nearby multi-family developments and zoning.

(B) Whether the proposed R-6 amendment would adversely affect the economic value of adjacent and nearby property.

The amount of buffer between the subject property and any existing developed R-2 properties is enough to mitigate sight and sound that would give grounds for concern with property devaluation. In addition to the existing natural buffer, the subject property

would be required to provide for a 15' buffer along all its boundaries with the exception of Waugh St. This case is one of the few times where an R-2 to R-6 rezoning would have a minimal affect on the adjacent R-2 zoned properties.

(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property of the proposed zoned uses.

It is fair to say that the subject property could be developed as it is currently zoned. There are reasons that a single-family detached dwelling is not the ideal use for the subject property given the adjacent unbuffered apartment complex across Walston Ave.

(D) Whether there is relative gain to the health, safety, morals, or general welfare to the public as compared to any hardship imposed upon the individual owner under the existing zoning.

N/A

(E) Whether the proposed (R-6) 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.

The limitations of the subject property prevent a significant increase in unit/acre density that would create cause for concern in terms of burden to public infrastructure. The subject property can safely access Walston Ave. from an existing driveway. One of the only notable issues regarding infrastructure is the concern with access directly to Waugh St. This section of Waugh St. has issues with sight distance, and therefore, limiting street access to Walston Ave. mitigates the concern for safe access.

(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 reasoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The Comprehensive Plan lists this area as within the Suburban character area in the comprehensive plan. The suburban character area exists to protect the integrity of conventional single-family suburban neighborhoods from intrusive uses that would disrupt the established character of the area. The subject property is in a unique situation being in an R-2 zone district flanked by high-density residential development. Based on the established development pattern in this area along with the established zoning districts, the proposed rezoning would not alter the character of this area in a way that would harm the integrity of the established suburban neighborhoods. The subject property is also adjacent to the Medical character area where multi-family housing is recommended as a development pattern. The Regional Activity Center character area is also near the subject property to the west where multi-family residential land use is a recommended development pattern.

(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 zoning) as interpreted by current Georgia law.

The subject property would be an island of R-6 if the proposed rezoning is approved. The subject property is, however, adjacent to the R-7 High-Density residential zone district, which is a compatible zone district for R-6 to be adjacent to. The intent of the R-6 zone district is to transition from high-density residential to lower-density residential zones so that there is a more subtle transition in residential density from high to low, so the proposed rezoning would not be out of place in terms of appropriateness at this location.

(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, stormwater, or historical issues that influence the development of the subject property under any zoning designation.

The eastern portion of the subject property has a relatively flat and “build ready” area. The western portion of the subject property, however, is burdened by significant topography and accessibility issues that will likely hinder future development of that portion of the subject property.

Conclusion:

The staff can recommend the R-6 rezoning of the subject property based on the following factors:

1. The R-6 zone district would soften the transition between the R-7 and R-2 zone districts at this location;
2. The R-6 rezoning would require the subject property to provide for a 15' buffer around the entire subject property with the exception of Waugh St. and Walston Ave;
3. This rezoning would not be in conflict with the intent of the Suburban character area at this location based on the existing zoning and established development pattern of this area.