

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

ZONING CASE: CKD Properties is seeking to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land (parcel 12-241-13-003) containing a total of 0.55 acres located at 1506 E. Morris St. The subject property has been developed for commercial use. The petitioner's request to rezone was made in order to redevelop the subject property with two residential duplexes.

The surrounding uses and zoning are as follows: To the north are two tracts of land across E. Morris St., zoned C-1 and C-2 that each contain commercial developments. To the east is a tract of land zoned C-2 that is undeveloped. To the south is a tract of land zoned C-2 that is part of a large commercial development. To the west is a portion of the subject property's parent tract that will remain zoned C-2.

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 surrounded by tracts of land zoned and/or developed for commercial use. Not a single adjacent tract of land is zoned or developed for residential use. The subject property is detached from any consistent residential development. The predominant zoning and development pattern along E. Morris St. is that of commercial. Only a few tracts of land along E. Morris St. are zoned or developed for residential land use. The proposed rezoning would create an island of R-5 zoning and development surrounded by commercial zoning and land uses.

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

The proposed rezoning would create a burden for the adjacent commercial tracts to the east, south, and west by introducing the need for a 20' buffer that would not be required if the subject property remains zoned C-2. These required buffers must be left undeveloped and cannot be used for driveways or parking areas. The adjacent undeveloped properties could be burdened by this buffer requirement should they be developed for commercial use in the future, as it would reduce their developable 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 has been used commercially in the past and would better reflect the adjacent and nearby development pattern as currently zoned.

(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 immediate concern regarding the proposed rezoning and development's impact on public utilities or infrastructure. However, without a site plan illustrating the proposed duplex locations and parking area, it is difficult to determine the safety of the ingress/egress of the subject property.

(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 Commercial Corridor character area. This character area is intended to promote commercial development along arterial corridors. While this character area does recommend mixed use residential development, it recommends that type of development have ground-floor commercial space with loft-style residential. The proposed R-5 rezoning is not reflective of the recommended mixed-use style development, nor does it reflect the character of any existing adjacent 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.

This request would not be considered spot zoning, but the proposed rezoning would create a small island of R-5 zoning surrounded by C-1 and C-2 zoning and development.

(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 deny 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 developed in a manner that would not reflect the zoning and development of any adjacent properties.
2. The proposed R-5 rezoning would conflict with the intent of the Commercial Corridor character area in the Comprehensive Plan based on the established zoning and development pattern of this area.
3. The R-5 zone district would impose a 20' buffer on the boundaries of three adjacent properties, which could limit their commercial development potential.