

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Octavio Perez is seeking to rezone from Medium-Density Single-Family Residential (R-3) to High-Density Residential (R-7) a tract of land (parcel 12-200-07-005, 041, 042) containing a total of 0.45 acres located at 509-511 N Hamilton Street. **The subject property contains two single-family detached dwellings and a duplex dwelling with accessory structures:** The petitioner's request to rezone was made in order to achieve use conformity of the duplex and rental dwellings.

The surrounding uses and zoning are as follows: To the north are two tracts of land across W. Waterworks St. that are each zoned M-2. One of the northern tracts contains a single-family detached dwelling and the other contains a small commercial structure. To the east are three tracts of land that are each zoned M-1. Two of the eastern tracts are undeveloped and the third contains a portion of an industrial building. To the south is a tract of land zoned R-7 that contains an aging commercial structure. To the west is a tract of land zoned R-3 that contains two small single-family detached 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.

This area is part of the transition from the historic downtown, historic Crown Mill village, and the historic industrial mills that once served as the heart of Dalton's manufacturing engine. The subject property lies at the eastern terminus of the residential Crown Mill village. The character of the Crown Mill village is predominantly single-family development consisting of cottage dwellings on small lots. However, there are a number of historic duplex dwellings throughout the Crown Mill village as well as some triplexes and quadplexes. The subject property is adjacent to a tract of land to the south that was recently rezoned for multi-family redevelopment. Given the subject property's location adjacent to higher intensity uses such as commercial and manufacturing, there is reason to consider an increase in permitted residential density beyond that of single-family detached.

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

With the adjacent convergence of the commercial and manufacturing zone districts, the rezoning of the subject property to R-7 would likely have no effect on the values of the adjacent properties. The proposed R-7 rezoning would not impose any burden on the adjacent commercial or manufacturing properties due to the street separation and the adjacent R-7 zone district does not appear to have had any observed negative impact on the surrounding 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 petitioner desires to create conformity of the subject property in a manner reflective of the established zoning and development of the area. The subject property, like many of the historic Crown Mill village properties, contains dwellings that do not conform to the required lot sizes or setbacks within the R-3 zone district. This is largely do to the fact that these properties were developed long before the City had adopted any type of zoning ordinance. While setback issues may continue to affect the subject property, the proposed rezoning would ensure conformity regarding the dwelling types on each of the subject property's three tracts.

(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-7) 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.

The limited size of the subject property coupled with the intent of the petitioner, as stated in the rezoning application, would not increase the intensity of the subject property in a manner that would burden public infrastructure or utilities.

(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 Revitalization character area. This character area is intended to promote investment, redevelopment, and infill development that would complement the existing development within this area. The proposed R-7 rezoning and proposed use of the subject property would likely have a neutral effect on the surrounding neighborhood based on the existing zoning and development in the 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 rezoning would shrink the R-3 zone district in this area and enlarge the existing R-7 zone district.

(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-7 rezoning of the subject property based on the following factors:

1. The requested R-7 zone district would allow for the use of the subject property in a manner that would be similar to that of the majority of adjacent and surrounding development and zoning.
2. The similar character of the proposed rezoning and development to the existing zoning and development of this area does not raise concerns regarding the impact on adjacent property values or public utilities and infrastructure.
3. The requested R-7 rezoning would likely have a neutral effect on the area in terms of the Town Neighborhood Revitalization character area in the Joint Comprehensive Plan when observing the established zoning and development in this transitional area.