

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

**ZONING CASE:** Charles Acree is seeking to rezone from Heavy Manufacturing (M-2) to High Density Residential (R-7) a tract of land (parcel 12-200-10-009) containing a total of 0.09 acres. The tract is currently undeveloped. The rezoning request to C-1A is sought to serve the purpose of allowing the construction of a single-family detached dwelling on the subject property. We understand that residential use has already been well-established in this vicinity in both single and multi-family character.

The surrounding uses and zoning are as follows: 1) To the north, is a 0.17 acre lot zoned General Commercial (C-2) occupied by a commercial structure used for auto-repair; 2) to the east, is a 0.3 acre lot zoned R-7 containing an apartment building and another 0.49 acre undeveloped tract zoned (M-2); 3) to the south, is an undeveloped 0.36 acre lot zoned (M-2); and 4) to the west, is a .13 acre lot containing a non-conforming triplex dwelling zoned M-2. All in all, a review of the zoning map in color shows a convergence of four different zone districts within a few hundred feet of the subject property.

*[The subject property is within the jurisdiction of the Dalton Mayor and Council]*

<u>Administrative Matters</u>		<u>Yes</u>	<u>No</u>	<u>N/A</u>
A.	Is an administrative procedure, like a variance, available and preferable to a rezoning?	—	<u>X</u>	—
B.	Have all procedural requirements been met?	<u>X</u>	—	—
	1. Legal ad                                      May 3, 2019 (16 days notice)			
	2. Property posted                              May 3, 2019 (Yes -- one sign on the lot frontage; 16 days notice.)			
C.	Has a plat been submitted showing a subdivision of land?	—	—	<u>X</u>
D.	The following special requirements have an impact on this request:			
	<b>100-year flood plain</b> (land is filled to the 100-year flood level)	—	<u>X</u>	—
	<b>Site Plan</b> (none required)	—	<u>X</u>	—
	<b>Buffer Zones</b> (none required)	—	<u>X</u>	—
	<b>Soil Erosion/Sedimentation Plan</b>	—	<u>X</u>	—
	<b>Storm Water Requirements</b>	—	<u>X</u>	—

## **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.**

Development in this vicinity has become a mix of uses ranging from single-family residential to heavy manufacturing. The subject property's size and location on a local street are not at all ideal for heavy manufacturing uses. Traveling north of the subject property on Elm Street one would note that single-family residential development has been established in this area for some time. Given the existing commercial and manufacturing uses near the subject property, however, residential development would be impacted by the noise and commercial traffic of nearby established businesses along Matilda and Elm Street. With that being said the requested (C-1A) zone, if granted, would allow the ability of the petitioner to construct a single-family detached dwelling on the subject property. The dual intent of the C-1A zone district is, of course, to create a transitional zone district between the commercial and residential zone districts in order to be developed for either low-intensity commercial uses or for residential use. One may refer to the Limited Commercial C-1A zone district as an office/residential zone district.

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

Considering that the request is to rezone from a high intensity district to a much lower intensity district it is unlikely that there would be any negative impact on adjacent properties. It is also worth noting that the requested C-1A zone district is of a lesser intensity than the majority of zone districts adjacent to the subject property.

**(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.**

As stated previously, the subject property's size, and location are not ideal for most any heavy manufacturing use. While (M-2) allows the highest intensity uses in this ordinance it does not permit any non-manufacturing uses. In Dalton's previous pyramid ordinance an (M-2) zone district would essentially allow all uses to be permitted within it which would explain the vast blend of existing land uses near the subject property. The proposed (C-1A) zone would allow the subject property to be utilized, rather than vacant, for a use that already exists consistently in this area.

**(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.**

The effect of the requested (C-1A) zone would likely have a minimal effect on the surrounding properties. However, the addition of residential dwellings in this vicinity means the occupants of said dwellings will be within range of any noise and light transmission from nearby commercial and manufacturing facilities. The subject property's size, shape, and location are not ideal for most heavy manufacturing uses

and would likely remain vacant under its current M-2 zone district.

**(E) Whether the proposed (C-1A) 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.**

As previously stated, the requested (C-1A) zone is a less intensive zone district that would only generate light commercial or residential traffic. There would be an expected increase in water and sewer demand, but the increase would not be considered a burden based on the extreme limited size of the subject property. The subject property should be large enough to accommodate the two required off-street parking spaces for the proposed single-family dwelling. It is important that the subject property create sufficient off-street parking on order to avoid on-street overflow parking on North Elm Street.

**(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 Future Development Map designates this area east of North Elm Street as a Town Neighborhood Revitalization character area. The requested C-1A zone district would be in compliance with the comprehensive plan at this location based on the properties size and the use desired by the petitioner. Some of the recommended development patterns in this area are to accommodate a mix of housing types and sizes with redevelopment, including small-lot single family, allow for limited neighborhood commercial uses to serve local residents, promote single-family uses and prevent encroachment by commercial and industrial uses.

**(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.**

If approved, the requested (C-1A) zone would not be considered a “spot zone” or an entering wedge given that the requested zone district shares both commercial and residential characteristics. It is also worth noting that rezoning from M-2 to C-1A would be a significant decrease in zoning intensity at this location. It is worth pointing out that the C-1A district does permit all types of multi-family uses as well as single-family and commercial use.

**(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.**

The fact that the subject property has remained vacant is likely due to the fact that it is rather limited in buildable area. When this tract became a lot of record, in the past, the city's zoning ordinance would have permitted essentially any thinkable use on the subject property since it was Zoned M-2, and the M-2 district has no minimum lot size which explains the subject property's limited size. Since the adoption of the UZO in 2015, many properties like the subject property have been burdened with non-conformity and will thus require attention on a case by case basis moving forward.

**CONCLUSION:** The staff believe that an R-3 rezoning of the subject property would be a best fit for the subject property at this location for the following reasons:

- 1) Part of the reason is the understanding that the subject property is not ideal for most any heavy manufacturing use and will likely remain vacant under its current zoning.
- 2) The R-3 zone district is a great fit for the Comprehensive Plan's future development map at this location.
- 3) This planer believes that standard corner lot setbacks can be satisfied as part of the proposed new construction on the subject property without the need for a variance as well as the ability to provide the required off-street parking area.
- 4) The R-3 zone district would provide the opportunity to build a single-family dwelling on the subject property even though it is smaller than the minimum lot size required for R-3 since the subject property is an existing lot of record.