

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

**ZONING CASE:** John Stafford is seeking to rezone from General Commercial (C-2) to Medium Density Single Family Residential (R-3) a tract of land (parcel 12-200-15-030) containing a total of 0.23 acres located at 445 N. Hamilton St. The tract is currently developed with a small 480 sq.ft. single-family dwelling. The rezoning request to R-3 is sought to serve the purpose of allowing the petitioner to utilize the property as a single-family detached dwelling since the property lapsed its non-conforming status:

The surrounding uses and zoning are as follows: 1) to the north, is a narrow lot containing a small single-family detached dwelling zoned C-2; 2) to the east, across N. Hamilton St., is a large tract containing a manufacturing-style building zoned Heavy Manufacturing M-2; 3) to the south, is a tract similar to the subject property containing a small single-family detached dwelling zoned C-2; 4) To the west, are two very small lots that each contain small single-family detached dwellings zoned R-3. A review of the zoning map and land use indicates that this area is a convergence urban residential and commercial land use.

The subject property is within the jurisdiction of the City of 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                      January 10, 2019 (16 days notice)			
2. Property posted            January 10, 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.**

In this area of the City of Dalton there is a notable convergence of commercial and residential. The subject property lies at the point of convergence between the commercial and residential zone districts. Residential zoning seems to consistently front N. Selvidge St. and, commercial zoning appears to primarily front N. Hamilton St. in this vicinity. The two adjacent tracts adjoining the subject property to the north and south along N. Hamilton St. are, however, developed with single-family detached dwellings much like the subject property. Due to the limiting factors of the subject property's size, it is unlikely a typical C-2 use could comfortably occur on this site and meet setbacks, buffer requirements, and off-street parking requirements. The subject property's shape and size make it a better candidate for R-3 than C-2.

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

Based on the previously mentioned factors such as lot sizes and existing surrounding development, this rezoning would not introduce a land use unlike what already exists in this area. This rezoning, if approved, would impose buffer requirements on the adjacent C-2 zoned tracts adjacent to the subject property but, these tracts are developed for single-family detached residential use rather than commercial.

**(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 developed as a residential property for some time now. At a point in time before the adoption of the UZO in 2015, having a residential dwelling on a commercially zoned property was permitted. Since the adoption of the UZO, however, the former pyramid-style zoning does not apply and therefore a residential dwelling is no longer a permitted use on a C-2 tract. The subject property is more in line with a typical R-3 tract in size, shape and character than a typical C-2 tract. The structure on the subject property has been utilized as a single-family dwelling since its construction several decades ago based on the Whitfield County Tax Assessor's data. With all these factors in mind, it is worth stating that the subject property's existing dwelling is almost half the square footage as the City's minimum standard for a residential unit. Since the subject property was vacant longer than twelve months it lost the non-conforming status that had allowed it to be grandfathered in after 2015. When observing the adjacent single-family detached dwellings, one will note that the dwelling on the subject property is significantly smaller than the other adjacent single-family dwellings.

**(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.**

NA

**(E) Whether the proposed (R-3) 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 subject property has been developed and utilized as a single-family detached dwelling, which typically have a far lesser impact on utilities and public infrastructure than a typical C-2 commercial use. It is fair to say, however, that the limited size of the subject property does not create an opportunity for intensive development in any zone district. There is significant space for off-street parking on the subject property as well as good visibility at the point of street access from both directions.

**(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 indicates that the subject property is within the Town Neighborhood Revitalization character area. This character area's intent is to encourage re-investment into aging residential areas. Maintaining the existing housing stock and encouraging newer infill housing that is similar to the character of existing housing stock are recommended for this character area. Commercial uses in this character area are only recommended to be light commercial uses that serve the adjacent or surrounding neighborhoods. The C-2 zone district is far more intense than recommended for the Town Neighborhood Revitalization character 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.**

None identified. This rezoning would simply reduce the C-2 zone district and enlarge the R-3 zone district. Since both of the C-2 tracts that are adjacent to the subject property are developed and utilized for single-family detached dwellings, there is no concern that this rezoning would create a burden for the adjacent or nearby commercially zoned properties.

**(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-3 rezoning of the subject property based on the following factors:

1. The requested use of the subject property reflects the uses of four adjacent tracts nearly surrounding the entire subject property.
2. No adverse impact to the values of adjacent or nearby properties are expected based on the historical use of the property.
3. This rezoning would implement the intent of the Town Neighborhood Revitalization Area in the comprehensive plan