

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

ZONING CASE: Johnny Bonds is seeking to rezone from Heavy Manufacturing (M-2) to Limited Commercial (C-1A) a tract of land (parcel 12-218-06-038) containing 0.29 acres. The tract currently contains two single family dwellings. The rezoning request to C-1A is sought to serve a single purpose on the site: Reverse the subject property's non-conforming status in order for the petitioner to sub-divide and sell the subject property for residential use.

The surrounding uses and zoning are as follows: 1) To the north, is a single vacant tract totaling 0.2 acres zoned M-2. 2) To the east, are two adjacent tracts that are each approximately 0.2 acres in size zoned M-2. Each of the eastern adjacent tracts contain a single family dwelling; 3) To the south across Ford Street, is a 0.3 acre tract that contains a single family dwelling zoned R-5. 4) To the west across Rowena Street, is a 0.34 acre tract containing a single family dwelling zoned M-2. All in all, a review of the zoning map shows the subject property to be flanked by R-5 zoned tracts along its entire southern boundary. Land uses in this area appear to be a mix of single-family and multi-family residential.

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.

Although the subject property is zoned M-2 it has been utilized residentially for some time. It is worth noting, however, that one of the two structures on the subject property has been utilized commercially at a point in time. It is also worth pointing out that the distance between the two existing structures is approximately twelve feet. Although the density of these structures is slightly higher than the surrounding residential tracts they have existed this way for some time with no noticeable effect on this area. Although C-1A is not an adjacent or common zone district in this vicinity it is the only zone district where the subject property could be both sub-divided and utilized for either residential or limited commercial use. Due to the required setbacks in C-1A, however, the existing structures will still be encroaching on both the side and rear setbacks and would require a variance in the event a minor subdivision plat is later approved.

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

The current M-2 zone is a wide-open industrial district that allows a variety of intense uses unlike those permitted in the proposed Limited Commercial C-1A zone district. The surrounding residences would likely benefit from the proposed rezoning. It is fair to say, however, that this non-conforming M-2 island is highly unlikely to ever be developed for a conforming M-2 use based on limited lot sizes and existing residential development on the majority of lots within the island.

(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.

Due to the limited size of the subject property, as well as the structures occupying it, it is unlikely that an M-2 business would locate itself on the subject property if it remains industrially zoned. It is, however, more likely that the subject property will remain utilized for residential uses for the foreseeable future.

(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.

As stated previously the current M-2 zone is an inappropriate zone district for the subject property based on surrounding land use, residential street access, and the subject property's size. The proposed C-1A zone district is a much more appropriate district for the subject property and surrounding neighborhood than the existing M-2 zone district. This property's current state is likely a result of the City's previous pyramid style zoning ordinance which allowed all uses to exist within an M-2 zone district along with less strict setbacks.

(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.

There would be no burden on infrastructure or utilities created by rezoning the subject property given that C-1A is a much less intensive zone district requiring much less infrastructural capacity than M-2. It is worth noting that this property is served by both public drinking water as well as sanitary sewer.

(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 as a Town Neighborhood Revitalization Area. These neighborhoods are historic but have experienced disinvestment and decline due in part to the demolition of residences to accommodate commercial uses, parking areas, apartment buildings and industrial uses. Prevalent zoning of properties for industrial uses further contributes to the neighborhoods' instability and diminishing potential for revitalization. Recent planning efforts, including the City of Dalton Urban Redevelopment Plan (2012), Neighborhood Infill Guidelines (2003), Dalton Historic Housing Infill Study (2006), and the Believe Greater Dalton Housing Strategy address these areas and the issues of neighborhood revitalization opportunities for new growth with infill. Primary land uses for this character area should be limited to single-family residential, townhomes, mixed use (live/work units), neighborhood commercial (as identified in the City of Dalton Urban Redevelopment Plan's concept plans), parks, and public/institutional.

(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. In this case, the requested C-1A zone is a less intensive zone district than the subject property's current zoning. It is also worth noting that C-1A shares permitted uses with the adjacent R-5 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: This analysis is not a difficult one due to the consistent development pattern of the existing residential development adjacent and nearby the subject property.

The staff can provide a recommendation for the C-1A zone at this location:

- 1) The main reason for this recommendation is that by rezoning the subject property to C-1A the permitted uses would reflect the majority of residential properties nearby as opposed to the current M-2 zone;
- 2) The Limited Commercial (C-1A) request is considered much more consistent with the Comprehensive Plan's Town Neighborhood Revitalization character area than the current M-2 zone district;
- 3) There is not an expectation that this location is to expect industrial development for the foreseeable future.
- 4) The issues of the existing two structures encroaching the required setbacks will exist regardless of

the zoning of the subject property, but there is no minimum lot size requirement within the requested C-1A zone district and would therefore create the opportunity for the subject property to be subdivided into two tracts.