

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

ZONING CASE: Worldcap Solutions is seeking a rezoning seven tracts of land along Brady Drive. The property totals 3.17-acres and their request is to rezone from Transitional Residential R-6 and Medium-Density Residential R-3 to High-Density Residential (R-7). The tracts are presently undeveloped. The request was prompted by the desire to develop these tracts of land with up to 28 fee simple townhouses.

The surrounding land uses and zoning are as follows: 1) To the north are several tracts of land zoned R-6 and R-7 that contain townhouses and multiplexes; 2) to the east, are several tracts zoned R-2 Low-Density Single-Family Residential that are each developed in a conforming fashion; 3) To the south are several larger tracts zoned Heavy Manufacturing that are either developed for conforming uses or undeveloped; and 4) to the west is an undeveloped tract zoned M-2 as well as a tract zoned R-7 that contains a multi-family development.

The rezoning request is in the jurisdiction of the Mayor and Council of Dalton between the Haignill Lake community and Crow Valley Road community.

<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 annexation?	—	<u>X</u>	—
B. Have all procedural requirements been met? 1. Legal ad October 8, 2021 (16 days-notice) 2. Property posted October 8, 2021 (Yes -- one sign on the lot frontage; 16 days-notice.)	<u>X</u>	—	—
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: 100-year flood plain Site Plan (none required) Buffer Zones (none required) Soil Erosion/Sedimentation Plan Storm Water Requirements	 — — <u>X</u> — <u>X</u>	 <u>X</u> <u>X</u> — <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.

This area of the City is a point of convergence between the industrial, high-density, and low-density residential areas. The tracts which make up the subject property are some of very few undeveloped tracts of land in this community. The subject property may only be accessed via Brady Drive, which has been entirely developed for multi-family residential use. The zoning map shows the subject property to be directly adjacent to the Haigmill community, but a “boots on the ground” perspective of these communities indicates that there is a substantial vegetative and topographic buffer between the two communities. The proposed R-7 rezoning would be consistent with the established pattern of zoning and land use in this area.

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

The only adjacent or nearby properties with any concern for impact are the R-2 properties that are part of the Haigmill community. The existing topography and heavily wooded area separating these properties mitigates the potential for negative impact to the R-2 community. Each of the tracts of land adjacent to the R-2 properties will be required to maintain a 15’ buffer along their boundary with the R-2 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 subject property could certainly be developed according to the existing R-3 zoning, but all other existing tracts accessed by Brady Drive are zoned and developed for R-6 and R-7 density. The subject property is a good candidate for the R-7 zone and proposed townhouses.

(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 (R-6 and R-3) zoning.

N/A

(E) Whether the proposed 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.

No impact to utilities or public infrastructure is expected.

(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 subject property is within the Suburban Neighborhood character area. This character area is intended to protect existing suburban neighborhoods in such a way that new infill development is representative and compatible with the established development pattern of the area. The proposed rezoning and townhouse development would be reflective of the established development pattern on the Brady Drive community, and the previously mentioned buffer between the subject property and the Haigmill community effectively mitigates any potential issues of the R-2 and R-7 convergence.

(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 (MU) 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 rezoning would simply enlarge the existing R-7 zone district and eliminate an island of R-3 in this area.

(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 subject property has remained vacant now for some time. While there are some challenges with topography on the site, these challenges are not insurmountable considering the nature of the proposed development.

CONCLUSION: The staff recommendation is that the requested R-7 rezoning be approved based on the following factors:

- 1) The proposed rezoning is consistent with the established development pattern and zoning of the area;
- 2) There is no expectation for negative impact to any of the adjacent or nearby properties; and
- 3) There are no issues identified regarding the Comprehensive Plan and Future Development Map based on the proposed R-7 rezoning and townhouse development.