

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

ZONING CASE: Thomas Durkan III is seeking to rezone from Heavy Manufacturing (M-2) and Medium Density Single Family Residential (R-3) to Transitional Residential (R-6) a tract of land totaling 0.33 acres located at 624 Charles Street and 0.11 acres located at 620 Charles Street, Dalton, Georgia. **Parcels (12-199-19-008 and 12-199-19-016)**

The tract currently contains two vacant commercial buildings; the rezoning request of R-6 is sought to allow for the petitioner to redevelop the existing structures into condominiums.

The surrounding uses and zoning are as follows: 1) to the north, across Charles St, is a 0.24-acre tract of land containing a single-family detached dwelling zoned R-3. 2) to the east are three adjacent tracts of land zoned R-3 that each contain a single-family detached dwelling, and each of the eastern tracts is under 0.2-acres in size. 3) To the south is a 0.2-acre tract of land zoned R-3 that contains a single-family detached dwelling. 4) to the west, across Charles St, are two adjacent tracts of land zoned R-3 that each contain single-family detached dwellings.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council. Medium and high-density residential are common land uses in this area of the City.

<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?	<u>X</u>	—	—
	1. Legal ad October 29, 2021 (16 days-notice)			
	2. Property posted October 25, 2021 (Yes -- one sign on the lot frontage; 21 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:			
	100-year flood plain	—	<u>X</u>	—
	Site Plan (none required)	—	<u>X</u>	—
	Buffer Zones (none required)	<u>X</u>	—	—
	Soil Erosion/Sedimentation Plan	—	<u>X</u>	—
	Storm Water Requirements	—	<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 property.

The area surrounding the subject property is a point of convergence between the medium-density, high-density, and transitional residential zone districts. This area also contains an island of manufacturing zoning and land use. The character of this area may be described as an in-town neighborhood where residents may be near the city's downtown. The subject property's current M-2 zoning is a byproduct of the former pyramid zoning ordinance as the previous use of the property was a preschool/daycare facility. The proposed use of the subject property is to redevelop the existing structures into multi-family condominiums. One of the structures is approximately 2,000SF and the other structure is approximately 3,000SF, which would limit the smaller structure to a maximum of 2-units and the larger structure would be limited to 3 units based on the UZO requirement for dwelling units to be a minimum of 900SF within the City of Dalton. While all the adjacent properties are zoned and developed as single-family dwellings, the proposed zoning and density would not be unlike that which has already been established in this area.

(B) Whether the proposed R-6 amendment would adversely affect the economic value of adjacent and nearby property.

Based on the existing zoning and land use, as compared to the proposed redevelopment, the overall intensity of land use would be less than currently exists. While no buffer exists along the southern boundary of the subject property, a buffer would be required to be established there in order to obtain a building permit for the proposed redevelopment. The eastern boundary of the subject property, however, does not have sufficient area to establish the required 15' buffer due to the existing site conditions. The existing structures do not have appeared to have a negative impact on the surrounding properties as there have been several new dwellings constructed within the last three years. While it would be ideal for the subject property to have a buffer along the eastern boundary, the proposed zoning and land use would have a lesser impact on the adjacent property than currently exists.

(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property of the proposed zoned uses.

Neither the M-2 nor the R-3 zone districts permit the subject property for a use that would accommodate the types of structures that have existed on the subject property for several decades. Even the former use of the subject property would not be permitted within either of the current zone districts. The proposed rezoning and adaptive reuse of the subject property would create a more appropriate zoning and land use than currently exists on the subject property.

(D) Whether there is relative gain to the health, safety, morals, or general welfare to the public as compared to any hardship imposed upon the individual owner under the existing zoning.

N/A

(E) Whether the proposed (R-6) 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 is expected. The lack of sidewalks on Charles St. is not ideal for the amount of residential density of this area, so all of the residents of this area solely rely on automobile trips. Due to the large amount of undeveloped area on the subject property, there is no concern that the subject property can provide for sufficient off-street parking area. On street parking is an issue along Charles

St. due to the narrow R/W of the street which makes it difficult to access with large emergency vehicles when cars park on the 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 reasoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The Whitfield County Comprehensive Plan's 2019-2023 Future Development Map demonstrates that the surrounding area's future development is within the Town Neighborhood character area. This character area includes residential areas in older parts of the community typically developed prior to World War II. Characteristics include pedestrian-friendly streets with sidewalks, street trees, on-street parking, small, regular lots, shallow yards (relative to newer suburban counterparts), less space between buildings, and some mixed-use elements such as small neighborhood businesses. While this character area specifically lists single-family residential as the primary land use and recommends that infill development be reflective of the established residential character and architecture, the subject property has existed in its current state for several decades. The proposed redevelopment of the subject property would be a compromise to the existing zoning and commercial use of the subject property and the Comprehensive Plan's Town Neighborhood character area's recommended development pattern.

(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 zoning) as interpreted by current Georgia law.

The proposed rezoning would eliminate an island of M-2 surrounded by the R-3 zone district and create an island of R-6 surrounded by the R-3 zone district. The residential nature of the R-3 and R-6 zone districts does not create the situation of a spot zone. The established pattern of multi-family housing throughout this area does not give this planner cause for concern regarding the proposed rezoning creating an entering wedge of multi-family.

(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, stormwater, or historical issues that influence the development of the subject property under any zoning designation. No issues identified.

Conclusion:

The staff can recommend approval of the requested zoning change from M-2 and R-3 to R-6.
Reasons for approval:

1. The R-6 and multi-family residential character have existed in this area now for some time without impacting infill development/investment of the adjacent single-family properties.
2. This zoning request and proposed land use falls within the grey area of the Comprehensive Plan and future development map. This planner believes that the proposed rezoning and land use would be an improvement from the existing zoning and use of the subject property without any significant conflict with the Town Neighborhood character area.

3. There is no adverse impact expected public utilities or property values in this area based on existing development along with the limited size of the subject property.