

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

**ZONING CASE:** Greg Sims and John Forshner are seeking to rezone from High Density Residential (R-7) to Rural Residential (R-5) a tract of land (parcel 12-199-25-001) containing 3.00 acres and located at the corner of Lance and Richardson Street. The tract is currently undeveloped. The rezoning request to R-5 is sought to serve a single purpose on the site: create an R-5 zone district in order to permit the creating of approximately twelve new buildable tracts for the construction of single family detached dwellings.

The surrounding uses and zoning are as follows: 1) To the north, are three tracts zoned Medium Density Single Family Residential R-3 that each contain a single family dwelling; 2) To the east, across Richardson Street are five tracts zoned R-3 where all but one contain a single family dwelling; 3) To the south, are two tracts of which one is zoned R-7 , 4) To the west, are five adjacent tracts of which four are zoned R-3 and one R-7. Three out of the five western adjacent tracts contain a single family dwelling. All in all, a review of the zoning map shows the subject property to be flanked by C-2 zoned tracts along the majority of its boundary with the exception of the northern adjacent tract. Land uses in this area appear to be a mix of single-family and general commercial with no clear pattern.

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.**

In this area there is a significant and consistent pattern of, almost entirely, residential development. The residential development in this area does, however, vary in character from single family detached to multi family apartments. The most common zone districts in this vicinity are Medium Density Single Family Residential R-3 and High Density Residential R-7. While R-3 permits a similar lot size as R-5, R-3 only permits site built single family detached dwellings while R-5 permits manufactured homes, single family detached site build dwellings and duplexes. It is worth stating that R-5, in any form, would be significantly less dense than the current R-7 zoning of the subject property.

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

Since the subject property is already zoned for the most intensive residential zone district there is no expectation that zoning the property to a lesser residential zone district would have any negative economic impact on the adjacent or nearby 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.**

Based on the existing development in this area along with the zoning the subject property is not improperly zoned as it is. The subject property is, however, well-suited for the proposed rezoning given the fact that it would limit the amount of density on the subject property more than what is currently permitted.

**(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.**

N/A

**(E) Whether the proposed (R-5) 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.**

If the subject property is rezoned from R-7 to R-5 there would be a significant reduction in achievable density on the property which would reduce potential impacts to public infrastructure. Although each of the proposed lots will require an individual street entrance, the accessible streets are local collector streets where traffic is moving slow and viability is good.

**(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 future development map marks this property within the Suburban Neighborhood character area. The Suburban Neighborhood character area describes areas where conventional patterns of post-World War II suburban residential subdivision development have been the dominant pattern. In addition to conventional subdivisions, some multi-family uses are present in this character area. Neighborhoods tend to be characterized by low pedestrian orientation, larger lot sizes, high to moderate degree of building separation, and are predominantly residential with scattered civic buildings and varied street patterns (often curvilinear) that include cul-de-sacs. The primary development pattern should accommodate infill development that compliments the scale, setback and style of existing adjacent homes. Primary land use in this character area should be single family residential.

**(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 shrink the R-7 district and create an R-5 district. R-5 and R-3 share characteristics which means that this would not qualify as spot zoning.

**(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.**

Aside from some topographical variation on the subject property there are no major inhibitors such as flood zones that would prohibit development. Richardson Street was recently upgraded to better accommodate stormwater and two-way traffic as well.

## **CONCLUSION:**

Staff can give a recommendation for the proposed R-5 rezoning based on the following factors:

- 1) Single family dwellings are typical in this area and the proposed lot size for this development are similar to many existing lots in this area.

- 2) Since the subject property is planned to be developed for single family dwellings that are reflective of the existing properties nearby, there is no concern for negative affect on property values.
- 3) No burden on public infrastructure is expected and the property can be accessed and exited safely for residential use.