

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

ZONING CASE: Jose Gonzalez is seeking to rezone from Medium-Density Single-Family Residential (R-3) to General Commercial (C-2) High Density Residential (R-7) a tract of land (parcel 12-102-05-000) containing a total of 9.2-acres located at the intersection of Dawnville Road and Pleasant Grove Road. The tract is currently undeveloped. The rezoning request is sought to serve a dual purpose of creating an event center on the proposed C-2 tract as well as 20 apartment units on the proposed R-7 tract:

The surrounding uses and zoning are as follows: 1) to the north across Dawnville Road, are a total of 8 adjacent tracts. One of these tracts is within the Zero Lot line Residential R-4 zone district and contains a single-family detached dwelling. There are 6 adjacent tracts zoned R-3 that each contain a single-family detached dwelling and are part of the Amberfield subdivision. The other northern adjacent tract is also zoned R-3 and is currently undeveloped; 2) to the east, across Pleasant Grove Rd., are two adjacent tracts zoned Low-Density Single-Family Residential R-2 that each contain single-family detached dwellings; 3) to the south, are four adjacent properties zoned R-2. The largest of the southern adjacent tracts contains a non-conforming commercial/manufacturing structure, and the remaining three tracts contain single-family detached dwellings; 4) To the west across Roberts Drive, is a single tract zoned R-2 that contains a single-family detached dwelling. A review of the zoning map and land use indicates that this area is a convergence of various residential land use with islands of commercial/manufacturing development.

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 March 6, 2020 (38 days notice)			
	2. Property posted March 6, 2020, reposted on March 18, 2020 (Yes -- one sign on the lot frontage; 38 total 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 (land is filled to the 100-year flood level)	—	<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 properties.

This area of the City of Dalton is host to a number of various zone districts and land uses. The City’s corporate boundary is inconsistent in this area of Whitfield County. Development patterns tend to be more diverse near highways and intersections, and the area surrounding the subject property is no exception to this development pattern. The nearby intersection of Cleveland Highway and Dawnville Road, to the west, carries a significant amount of daily commuter traffic. The other factor that created opportunity for diverse development would be the availability of both public water and sewer in this area. When one observes the areas to the north and to the west of the subject property, it becomes obvious that the existing density would not be possible without sewer service. Many of the residential tracts within the adjacent Amberfield subdivision average 0.3-acres in size. Also, less than 200-yards west of the subject property lies a well-established and conforming apartment complex as well as a Zero Lot Line subdivision. While the subject property is not adjacent to any property zoned commercially, there is an adjacent commercial/light manufacturing property on the southern boundary of the subject property. There are, however, several conforming islands of commercial and manufacturing properties in the immediate vicinity of the subject property. Most commercial and manufacturing uses in this area tend to be located along or nearby Cleveland Highway.

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

As previously stated, the area surrounding the subject property is host to both commercial and high-density residential developments. The overall footprint of the proposed R-7 portion of the subject property would be less than that of the nearby existing apartment complex. The impact of a General Commercial rezoning on the remaining portion of the subject property, however, does create reason for concern regarding several adjacent residential properties. The consideration of a lesser intensive zone district that would permit the desired development of an event center would be less impactful to the surrounding area while satisfying the needs of the petitioner. Since the majority of the

subject property is flanked by public roads, the majority of the subject property will not be required to create any type of visual buffer. The only portion of the subject property required to create a buffer would be along the southern boundary, which is adjacent to the non-conforming commercial property.

(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, in this case, could certainly be developed as a conforming R-3 community based on the size, shape, and topography of the property. It is worth stating, however, that the amount of potential residential lot density (approximately 35-40) on the subject property within the R-3 zone district would create many of the same issues in regard to trip generation and traffic safety concerns regarding Dawnville Road access.

(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. The subject property could be developed as currently zoned, but many of the same issues related to density, safe vehicular access, and lack of pedestrian infrastructure connectivity remain.

(E) Whether the proposed (R-7 and C-2) 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 access to three County-maintained Roads, Dawnville Road, Roberts Drive, and Pleasant Grove Road. The primary concern with the requested rezoning is related to access to Dawnville Road from the subject property. There is a bend in Dawnville Road along the subject property as well as a number of unsignalized street access from the adjacent and nearby developments such as Amberfield. Traffic congestion along this portion of Dawnville Road during peak hours is significant and more development in this area means more congestion. Based on the subject property's size and amount of street access, however, it is fair to say that the issue of exacerbated traffic congestion would exist to the same degree if the property were developed as it is currently zoned R-3. The commercial portion of the subject property already has an impromptu access to Pleasant Grove Road. Pleasant Grove Road would be a much safer access point for the commercial portion of the subject property than direct access to Dawnville Road. Due to the dissection of the subject property by the natural gas line easement, it is difficult to say if the petitioner would be able to obtain permission to construct an access road to connect the residential portion of the subject property to Pleasant Grove Road, and therefore, staff is reluctant to recommend this as it may be unachievable. The subject property also has been officially notified, by Dalton Utilities, that sewer access to the subject property can be made available for the proposed development. It is noted in the attached letter that the subject property may need a pump due to the elevation of the subject property in relation to the gravity sewer line. Due to the limited portion of the subject property planned for residential development, along with the proposed 20 units, staff do not anticipate this density to create a burden for schools or public safety.

(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 Suburban Neighborhood character area. This character area was created to show areas in Dalton and Whitfield that have, for the most part, already been developed in a post WWII style cul-de-sac character. The subject property likely fell within this character area due to the amount of this type of residential development in the immediate vicinity. One will also note that the adjacent and nearby commercial and manufacturing tracts are also planned to be redeveloped for residential use in the future. The Suburban character area recommends single-family detached residential as the primary land use, but the plan does note that some multi-family use may exist in this character area. For commercial use in the Suburban character area, it is noted that small-scale commercial centers may also be permitted.

(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.

While the subject property may not be adjacent to an existing R-7 zone district, it is adjacent to the R-4 zone district and rather near an existing R-7 zone district as well. When considering the amount of residential density that already exists in this area, this planner believes that the R-7 rezoning is not out of place with the current land use and zoning in the area. In regard to the portion of the subject property requesting a C-2 rezoning, however, there is no similarity to existing zoning adjacent to the subject property. While there is an adjacent commercial/manufacturing property, that property is non-conforming and unlike the majority of properties in the immediate vicinity. The potential permitted uses within the C-2 zone district are significant when coupled with the subject properties access to public sewer and its overall size. It is this planner's opinion that the C-2 zone district would be considered a spot zone with the potential to negatively impact the existing housing stock. It is also, however, the opinion of this planner to suggest the consideration of a less-intensive commercial zone district such as C-1 may be more appropriate for the area and still allow the petitioner's desired use of the subject property.

(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.

While the subject property has been undeveloped for quite some time, reasons for the property's lack of development do not seem to be related to environmental or historical

concerns. One will note a small stream on the subject property as well as a natural gas easement dissecting the subject property, but these factors are certainly not significant impediments for the proposed development.

CONCLUSION:

The staff can provide a recommendation to approve the requested R-7 rezoning of the subject property based on the following factors:

1. No adverse impact to existing adjacent or nearby property values is expected.
2. No issues with the intent of the Comprehensive Plan or character area were noted.
3. Concerns with traffic safety and trip generation may be mitigated by restricting street access to a particular area along Dawnville Road or Roberts Drive.

The Staff cannot provide a recommendation to approve the requested C-2 rezoning of the subject property, but can recommend consideration of a C-1 Neighborhood Commercial rezoning of the subject property based on the following factors:

1. While the C-2 zone district may permit uses that could create a visual and audible impact on the surrounding residential properties, the C-1 zone district permits a number of commercial uses while not permitting the more intensive uses.
2. The C-2 zone district would be in conflict with the character area within the Comprehensive Plan, but a C-1 rezoning would be able to achieve the needs of the petitioner as well as the intent of the Comprehensive Plan's Suburban character area.
3. Staff recommend that the only access to the commercial portion of the subject property be limited to Pleasant Grove Road. This will allow travelers to be routed through the signalized intersection of Pleasant Grove and Dawnville Roads rather than direct access to Dawnville Road where traffic speeds may be much higher and visibility more limited.