

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

ZONING CASE: Margaret Herrin is seeking a rezoning on a parcel (12-220-10-008) located at 511 School Street. The parcel totals 0.43 acres and her request is to rezone from Low Density Single Family Residential (R-2) to Medium Density Residential (R-3). The parcel is presently developed with one single-family dwelling, but the petitioner would like to create one new lot approximately half the size of the subject property in order to be more reflective of the neighboring lots. This proposed subdivision cannot be achieved as the property is currently zoned.

The surrounding land uses and zoning are as follows: 1) To the north, is a single tract much larger than the subject property developed as the former jail zoned Limited Commercial C-1A; 2) To the east, are two adjacent tracts less than half the size of the subject property that are both developed with a single-family dwelling and zoned R-2; 3) To the south, is a slightly smaller tract than the subject property developed with a single-family dwelling zoned R-2; and 4) To the west, are two adjacent tracts that are each under half the size of the subject property, and each of the western adjacent tracts are developed with single-family dwellings.

The rezoning request is in 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 April 5, 2019 (16 days notice)			
	2. Property posted April 5, 2019 (Yes -- one sign on the lot frontage; 16 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.

When comparing the character of the R-2 and R-3 zone districts one will note that they are quite similar with the exception of a significantly smaller minimum lot size permitted in R-3. The minimum lot size permitted in R-3 is 7,500 square feet less than the minimum lot size permitted in R-2 with sewer availability. With that being said the R-2 and R-3 zone districts both only allow one single-family dwelling per lot and neither R-2 or R-3 permit manufactured homes. When reviewing the surrounding zoning and land use one will see a mix of lot sizes ranging from large to small, but a very consistent majority of "site built" single-family detached dwellings is seen in the attached aerial photo. The larger lots in this are developed for civic or public structures like City Park Elementary School, the former jail and Harmon Field. The average lot density in this area is comparable to the petitioner's request.

(B) Whether the proposed (R-3) amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

It is clear that the R-2 zone district is a consistent in the small residential area surrounding the subject property. When reviewing the other adjacent zone districts and development in this area, like the former jail site and City Park Elementary, it is noticeable that this is an in-town neighborhood. Based on the average lot density of the adjacent and nearby residential properties the proposed rezoning and subdivision would be reflective of the area. Since the only permitted uses within the R-3 zone district are single-family detached site-built dwellings at a density of one dwelling per lot there is no expectation that the proposed R-3 rezoning or subdivision would have a negative impact on the surrounding property values.

(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 is zoned and developed for Low Density Single Family Residential and has been for some time now. The owner would have the ability to continue utilizing the subject property as it is currently developed or have the ability to build a new single-family dwelling on the subject property. There is no considerable hardship on the subject property under the current R-2 zone district other than requiring a larger minimum lot size than the majority of adjacent and nearby residential properties.

(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-2) zoning.

N/A

(E) Whether the proposed (R-3) 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 vicinity has all available services - water, sewer, fire, electricity, and close proximity to public schools. If the subject property is to be rezoned R-3 and a new lot is created, it would have street access along Vernon Avenue like several other adjacent properties. Each of the potential tracts would have a reasonable amount of room for one or two off-street parking spaces which should be sufficient for single-family dwellings of this size. There are adequate sidewalks along School Street, but one will note that sidewalks do not yet exist along the portion of Vernon Avenue adjacent to the subject property. This would make pedestrian walkability difficult for the new residential tract proposed to front Vernon Ave.

(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 (R-3) rezoning request allow uses which are compatible to the existing uses in the vicinity.

The Future Development Map designates this area as a Town Neighborhood Character Area. 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. Development patterns for this area should accommodate infill development that compliments the scale, style and setbacks of existing adjacent homes, promote single-family uses, increase pedestrian connectivity between neighborhoods and activity centers, maintain existing housing stock and preserve neighborhood character.

(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.

N/A

(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: The staff recommendation is that the requested R-3 zone can be supported:

1) R-3 allows uses that are very similar to those residential uses existing in the vicinity of the subject property and it is not-likely to burden any public infrastructure;

2) R-3 here would directly implement the intent of the Town Neighborhood character area within the comprehensive plan; and

3) The staff does not feel there should be a concern for any negative economic impact of the adjacent or nearby tracts.