

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

**ZONING CASE:** Dagoberto Hernandez is seeking to rezone from Medium-Density Single-Family Residential (R-3) to High-Density Residential (R-7) a tract of land (parcel 12-242-06-017) containing a total of 0.52-acres located High Mountain Dr. The tract is currently undeveloped. The rezoning request to R-7 is sought to for the petitioner to develop the subject property with three multiple multi-family structures with a total of 8-12 dwelling units:

The surrounding uses and zoning are as follows: 1) to the north, are lots of lesser area than the subject property that are all zoned R-3 and contain single-family detached dwellings; 2) to the east, are three tracts of land zoned R-3 that are each smaller than the subject property in area. Each of the three eastern tracts contain a single-family detached dwelling; 3) to the south, is a larger commercial tract of land that is developed for commercial use; 4) To the west, are two tracts of land that are each undeveloped. One of the western tracts is zoned C-1 while the other is zoned R-3. A review of the zoning map and existing development indicates that this area is a convergence of the R-3, C-2, and C-1 zone districts.

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.**

The subject property is located at the convergence of the residential and commercial zone districts. All the zoning and established development to the north is medium-density residential, while all of the southern boundary of the subject property is adjacent to the C-1 and C-2 zone districts. The proposed rezoning would introduce a multi-family zone district and development pattern at this location where there are no adjacent multi-family zone districts or existing developments. The immediately adjacent commercial development to the south gives grounds for consideration of a higher residential density for the subject property. The East Morris St. corridor has been largely developed for commercial and industrial use, but the R-7 zone district can be seen in numerous locations in the vicinity of the subject property.

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

The introduction of the R-7 zone district to the R-3 neighborhood would introduce a multi-family character that has not existed previously. The adjacent commercial zone district along East Morris St, however, has created a transitional area at which the subject property lies on the point of convergence. Given the adjacent commercial zoning and development, the R-7 rezoning of the subject property is not expected to have a negative economic impact on the adjacent R-3 properties. If the requested R-7 rezoning is approved, the subject property would be required to create a 15' buffer along its boundary

anywhere it is adjacent to the R-3 zone district.

**(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.**

While the subject property could be developed as it is currently zoned, the previously mentioned issue of the adjacent commercial zone district gives grounds for consideration of a higher residential density at this location.

**(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-7) 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 limiting factor of the subject property's size prevent any type of development that would burden public infrastructure or utilities.

**(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 shows this property to be within the Commercial character area. This character area is intended to promote commercial development for retail and services. The adjacent commercial zone districts along East Morris St. is likely the reason the subject property was mapped for commercial development. The only street access for the subject property is along High Mountain Drive, which is currently only accessed by residential properties. The proposed rezoning would be a reasonable transition from the C-2 zone district to the R-3 zone district. The requested R-7 rezoning would be far more appropriate for the subject property than a commercial zone district.

**(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 there are no adjacent R-7 zoned properties, the subject property is adjacent to both the commercial and residential zone districts. The requested R-7 rezoning would be reflective of similar properties in the area nearby East Morris St.

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

1. The requested R-7 rezoning would allow for a zone district and land use that is appropriate given the adjacent commercial zone district and existing R-7 development throughout this area.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected if the request is approved based on the existing pattern of development throughout this area as well as the required buffers affecting the subject property.
3. The requested R-7 zone district is a more appropriate zone district for this location than the commercial character area in the comprehensive plan's future development map. The R-7 rezoning would ensure only residential traffic along High Mountain Dr, while simultaneously permitting a higher density potential for the subject property. The adjacent commercial zone districts and existing development of this area lead this planner to believe the R-7 rezoning would be a more gradual transition from residential to commercial than currently exists.