

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Luis and Maria Herrera are seeking to rezone parcel 12-201-10-001 and 017 from Heavy Manufacturing (M-2) to Rural Residential (R-5). The parcel totals 1.22-acres and is located at 500 Underwood St.

The tract is currently developed with a single-family detached dwelling on one tract and a manufactured home on the second tract; the petitioner's rezoning request of R-5 will allow for conforming use of the residential property. Buyers are often unable to obtain a mortgage or building permit regarding non-conforming properties like this one.

The surrounding uses and zoning are as follows: 1) To the north, is a 0.9-acre tract of land that contains a commercial store that is zoned C-2; 2) To the east, is a 5.6-acre tract of land that contains several apartment buildings zoned High-Density Residential R-7; 3) To the south, is a 0.42-acre tract of land that contains a single-family detached dwelling zoned M-2; and 4) To the west, is a 1.6-acre tract of land that contains multiple apartment buildings zoned R-7. All in all, a review of the zoning map shows convergence of the commercial, residential, and manufacturing zone districts. The subject property is a non-conforming residential property zoned M-2.

The subject property is in 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 property.

This area is a point of convergence between the manufacturing, commercial, and residential zone districts. These situations are not uncommon in Dalton due to the former pyramid zoning ordinance where residential use was permitted within the commercial and manufacturing zone districts. Residentially developed properties zoned M-2 are not uncommon in this area of the city. The proposed R-5 rezoning would shrink the M-2 zone district along Paige St. and create another island of R-5 along Paige St. The proposed rezoning would not change the physical character of the subject property based on the existing residential development. This rezoning would simply allow the subject property to become a conforming property.

(B) Whether the proposed R-5 amendment would adversely affect the economic value of adjacent and nearby property.

Adverse impact to property values is not a significant concern if this rezoning is approved based on the existing zoning and development of adjacent property. The R-5 zone district is significantly less intensive than the adjacent R-7, C-2, and M-2 zone districts.

(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.

The subject property is a non-conforming property that could continue being used as so for years to come. Some issues with residential non-conformity lie if getting building permits for significant remodeling or in obtaining a mortgage in order to purchase a home. Having a non-conforming residence can be somewhat of a hardship in certain circumstances.

(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-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.

No impact is expected.

(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 future development map designates this property as the Town Neighborhood Revitalization character area. This character area is intended to promote investment in to aging areas of the city. The intent is to catalyze residential reinvestment where there is blight and or inappropriate zoning and development. The proposed rezoning would be a good fit for the subject property based on the existing development as well as the surrounding area. The proposed R-5 zone district would be a much better fit for the Comprehensive Plan than the existing M-2 zoning.

(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.

No issues identified. While there would be an island of R-5 at this location, the subject property is adjacent to multiple R-7 developments as well as R-5 properties along Paige St. to the south.

(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 the requested R-5 rezoning of the subject property.

Reasons for approval:

1. The R-5 zone district would allow the subject property to become conforming in character based on its existing development;
2. The R-5 rezoning would be consistent with the Town Neighborhood Revitalization character area identified in the Whitfield County Comprehensive Plan's 2019 Future Development Map;
3. There is no adverse impact expected public utilities or property values in this area based on the existing development of this area if the subject property is rezoned R-5.