

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Cody Spence is seeking to rezone from Medium-Density Single-Family Residential (R-3) to Rural Residential (R-5) a tract of land (parcel 12-201-01-162) containing a total of 0.25 acres located along Northview Drive. **The subject property is currently undeveloped:** The petitioner's request to rezone was made in order to develop the subject property with one residential duplex.

The surrounding uses and zoning are as follows: The R-3 zone district is adjacent to the subject property on all its boundaries. Zoning and land use surrounding the subject property almost entirely consist of conforming single-family detached dwellings.

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.

This area has remained extensively zoned for single-family detached use for a number of years. The R-3 zone district can be seen in a consistent pattern throughout this area surrounding the subject property. The R-5 zone district would allow the introduction of dissimilar development such as a duplex dwelling or manufactured home of which neither development type can be seen in the immediate vicinity.

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

The limited size of the subject property concerns this planner when considering the potential site design of the proposed duplex and how it would likely be notably different in appearance. The proposed development would disrupt the established single-family detached character of this neighborhood. It is difficult to determine the effect on residential property values, but there is no doubt the proposed duplex would be out of character with the adjacent single-family detached dwellings.

(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 an excellent property to be developed within the existing R-3 zone district. The existing R-3 zone district will ensure that enough space exists for front and rear lawns as well as driveway access that reflects the established pattern of development throughout this area.

(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 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.

There would be no concern regarding public water and sewer capacity for the proposed duplex.

(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 Town Neighborhood Revitalization character area. This character area is intended to promote public and private investment in aging neighborhoods to catalyze reinvestment in the area. Development patterns for this character area are to promote single-family development and accommodate infill development that compliments the scale, style, and setbacks of existing adjacent homes. The proposed infill duplex would be out of character with the existing development pattern of the surrounding neighborhood by introducing non-single-family development. The subject property's current R-3 zone is the best fit based on the comprehensive plan based on the existing zoning and development pattern of this area.

(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.

The R-5 zone district at this location could create an entering wedge given the number of nearby undeveloped tracts of land. The proposed R-5 rezoning would not be a transitional zoning but rather an island in an otherwise consistently single-family neighborhood.

(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 deny the requested R-5 rezoning of the subject property based on the following factors:

1. The requested R-5 zone district would allow for the use of the subject property in a manner that would conflict with the established pattern of zoning and development in this area.
2. The requested R-5 zone district would allow for the development of a duplex dwelling on the subject property. The units/acre of the subject property would not be comparable to any of the adjacent residential properties in the R-3 zone district. The R-5 zone district is a poor fit for the subject property based on the Town Neighborhood Revitalization character areas in the Comprehensive Plan when observing the existing zoning and development pattern of the surrounding area.