

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

ZONING CASE: Benjamin Cordova is seeking to rezone parcel 12-315-01-004 from Heavy Manufacturing (M-2) to Transitional Residential (R-6). The parcel totals 0.59-acres and is located at 1905 Abutment Rd.

The tract is currently developed as a single-family detached dwelling. The petitioner's request was made in order to redevelop the subject property with two duplex dwellings.

The surrounding uses and zoning are as follows: 1) To the north, are two northern adjacent tracts of land zoned M-2 of which both tracts contain commercial buildings; 2) To the east, is a 0.7-acre tract of land that contains a single-family detached dwelling that is zoned M-2; 3) To the south, is a 1.4-acre tract of land zoned M-2 that contains multiple commercial buildings; and 4) To the west, are two tracts of land across Abutment Rd. zoned M-2 that contain manufacturing developments. A review of the zoning map in this area shows a large M-2 zone district.

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.

The subject property is in a unique situation in terms of land use development patterns. It is, by principle, a poor practice in land development to allow a modern heavy manufacturing district to be directly adjacent to an unbuffered residential neighborhood. The subject property and neighborhood along Marbut Dr. pose a challenge in terms of ways to remedy the existing issue of the neighborhood surrounded by commercial and manufacturing development. The subject property, along with the other residential tracts along Marbut Dr. is simply too small to be a viable property in terms of manufacturing or industrial land use. The existing dwellings along Marbut Dr. were all constructed at least 60 years ago which predated many of the manufacturing developments now prominent in this area. Until 2015 the commercial and manufacturing zone districts would have permitted all residential uses, but the current UZO only permits industrial and manufacturing uses in the M-2 zone. All other residential properties along Marbut Dr. are now considered non-conforming properties. The subject property would meet the minimum requirements for the R-7 zone district and proposed development of two duplex dwellings in terms of tract size and setbacks.

(B) Whether the proposed R-7 amendment would adversely affect the economic value of adjacent and nearby property.

It is highly unlikely that the subject property would have a negative affect on the values of the adjacent properties if it were rezoned R-7. The amount of heavy manufacturing and

commercial development in the immediate proximity have already had a significant negative impact to the economic values of the single-family detached residential properties along Marbut Dr.

(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.

As stated previously, the subject property is too limited in size for industrial and manufacturing development. The subject property and other residential properties along Marbut Dr. are burdened due to their being a pocked neighborhood within a large manufacturing district. The proposed rezoning would allow for the subject property to be redeveloped for a higher residential density than it has been historically. This rezoning could set a precedent for the other residential properties along Marbut Dr. by creating a more flexible residential zone district for infill residential development in this area of converging zone districts.

(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-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 limited size of the subject property limits the ability to develop to an intensity that would place a burden on public infrastructure. The subject property, although being a corner lot with dual road frontage, would have road access to Marbut Dr. as it has historically been rather than having any access to the arterial Abutment Rd. corridor.

(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 Comprehensive Plan lists this area as within the Industrial character area in the comprehensive plan. The industrial character area is intended strictly for industrial and manufacturing development. This character area was never intended to represent areas with residential development. In this area in the City of Dalton it is not uncommon to see residential and manufacturing land use intermingled due to the nature of the City's former zoning ordinance which permitted residential uses within the manufacturing and commercial zone districts. The pocket neighborhood along Marbut Dr. is one of those areas that are difficult to address in the high-level perspective of a comprehensive plan future development map. The nearby suburban neighborhood along Shephard Ln. shows that the suburban character area exists in near proximity to

the subject property showing that the preservation of residential development is intended in this area of the City. The subject property and the other residential properties along Marbut Dr. are not feasibly suitable for the industrial character area and therefore require unique attention. Based on the hardship associated with the established development pattern of this area, this planner does not feel that the industrial character area provides for a viable use for the subject property and residential neighborhood along Marbut Dr. The proposed R-7 rezoning would create a more flexible residential development opportunity for the subject property than exists as it is currently zoned without disrupting the overall development pattern of the 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 zoning) as interpreted by current Georgia law.

The subject property would be an island of R-7 if the proposed rezoning is approved. The residential character of the subject property and other residential properties along Marbut Dr. do not give grounds for concern with the concern for conventional “spot zoning.” In other words, the existing residential character of the subject property would become a conforming use with the added opportunity for a slight increase in unit/acre residential density.

(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.

N/A

Conclusion:

While this was not an easy analysis given the challenge of this location, the staff can recommend the R-7 rezoning of the subject property based on the following factors:

1. The R-7 zone district would allow for a residential use of the subject property that would not be inappropriate at this location;
2. The R-7 rezoning would not burden the values of adjacent properties due to the intensity of manufacturing and commercial land use dominating this area;
3. This rezoning would not be a perfect fit for the future development map at this location given the expectation for industrial development in this area, but the established development pattern and hardship facing the subject property under its current zoning give grounds for special consideration at this location. If

approved, this rezoning would set a precedent for the other residential properties along Marbut Dr. to be considered for similar rezonings in the future.