

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Christopher Maria Aguilar is requesting to rezone from Low-Density Single-Family Residential (R-2) to Transitional Residential (R-6) a tract of land totaling 0.28 acres located at 800 Luckie Street, Dalton, Georgia. Parcel (12-200-07-078). The subject property is currently undeveloped, and the petitioner has requested a rezoning to allow for the construction of a triplex dwelling.

Surrounding uses include both R-2 and R-3. To the north and east, adjacent lots are all R-2 and each contain a single-family detached dwelling. To the south across Matilda Street, adjacent parcels are R-3, and each contain a single-family detached dwelling. To the west across Luckie St, are two tracts of land zoned R-3 that each contain single-family detached dwellings.

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 proposed rezoning would significantly increase the density of the subject property as compared to its current character. This proposed increase in density would also be notably higher than any of the adjacent properties. One cannot, however, overlook the amount of non-conformity in this area as well as the existence of multiple multi-family properties throughout the Crown Mill Village community. While this planner understands the desire and demand for in-town multi-family residential development, there must be consideration given to the affects of added density to existing neighborhoods. While the R-2 and R-3 zone districts would be a much more appropriate fit for this location, the R-5 zone district may offer a reasonable compromise. The R-5 zone district would, at most, allow for a duplex dwelling on the subject property as well as the option for single-family detached dwellings.

(B) Whether the proposed R-6 amendment would adversely affect the economic value of adjacent and nearby property.

Given the age and condition of the adjacent and nearby properties, the proposed rezoning would not likely have an adverse effect on the values of said properties. On the other hand, establishing islands of multi-family zoning and new multi-family development may set a pattern or precedent that could begin to alter the single-family dominant character of this community. Limited multi-family density such as duplexes may be an alternative to create opportunity for redevelopment and affordable housing without having as significant an impact as higher-density housing in this area.

(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 could currently be developed for single-family detached use as it was developed historically with no obvious impediments. The proposed rezoning would permit an increase in unit/acre density of three times that of the current R-2 zoning. Other zone districts such as R-3 and R-5 may create opportunity for an increase in density but to a lesser degree than the requested R-6 rezoning.

(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-6) 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.

Changing the zoning will have an impact on the overall density potential for the subject property. This planner is unsure as to whether or not the subject property is large enough to support a triplex dwelling and meet City stormwater and parking requirements. Even if the property could meet said parking and stormwater requirements, the subject property would be notably different from the surrounding single-family detached dwellings. The R-3 or R-5 zone districts would offer greater opportunity for multiple single-family detached tracts or even a single duplex dwelling.

(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 proposed rezoning is within the Town Neighborhood Revitalization character area. This character area is intended to promote redevelopment and reinvestment within areas of Whitfield County that have been impacted by aging housing stock and blight. The development pattern recommended for this character area should be in attempt to protect single-family residential uses as well as infill development that reflect the established character of the area in terms of housing, setbacks and overall lot density. Infill development and affordable housing are also key development patterns in this character area. The subject property has been vacant for some time now since the former dwelling on the property has been demolished. Infill development is the only option available for the subject property moving forward. As stated previously, the R-6 zone district would be in conflict with the established development pattern of this area despite islands of multi-family. Other zone districts such as R-3 or R-5 would not create the notable conflicts in terms of compatibility with the established development pattern in 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 zoning) as interpreted by current Georgia law.

While this rezoning would not be deemed as “spot zoning” since it would be of residential nature, it would introduce a significantly higher unit/acre density than that established in this area. The introduction of the R-6 zone district at this location could set a precedent for other developers or landowners in this area to seek higher lot density zone districts. If more properties are redeveloped for multi-family use in this already dense community, one could expect to see that pattern continue over time whereby reducing the number of single-family dwellings. While a certain amount of multi-family development is needed to create affordable housing options, this planner believes that multi-family should be limited.

(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.

The subject property was once developed with a single-family detached dwelling. The former dwelling would have been a historic dwelling part of the Crown Mill Village. There are no factors in place that would prohibit the development of the subject property.

Conclusion:

The staff cannot recommend approval of the requested zoning change from R-2 to R-6 on the subject property. The R-3 or R-5 zone districts may be a better fit based on the surrounding zoning and development in this area.

Reasons for approval:

1. The proposed R-6 rezoning and triplex would simply be too great an increase in unit/acre density at this location based on the established character of this area.
2. The change in zoning to R-6 would be in conflict with the intent of the comprehensive plan and future development map at this location due to the significant increase in unit/acre density and proposed transition from single-family to triplex infill development.
3. This planner recommends considering the R-3 zone district or possibly the R-5 zone district in order to create either multiple single-family detached lots or even the opportunity for a single duplex dwelling. Either of the R-3 or R-5 zone districts would mitigate the concerns cited throughout the staff analysis.