# **Rezoning Petition No. 21-01**

(Multiple Parcels at Howe and Grant)

Staff Report
John Hunter
Director
Planning, Development, & Codes

City of Brunswick
Planning and Appeals Commission
Public Hearing
May 12, 2020

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## **Requested Rezoning**

Peter Schoenauer, representing the owner, is petitioning to rezone the subject parcels from General Residential Core (GR-CORE) to General Commercial Core (GC-CORE).

### **Existing Conditions**

The subject parcels comprise .7+/- acres. Based on our records the properties appear to have been rezoned from General Residential (GR) to GR-CORE in 1983. The parcels are outlined below in yellow.



Location map

### **Existing Zoning**

The subject parcel is zoned General Residential Core (GR-CORE). Parcels to the North, across Howe Street, are zoned GC-CORE. Parcels to the west, across Bay St, are zoned GC. Properties to the South are zoned GR, as are properties across Grant St to the East. Reference the zoning map below.



## **Requested Zoning**

The applicant has requested rezoning the parcels to GC-CORE. This would facilitate the renovation of the property for use as a new School Building.

## **Staff Analysis**

The applicant has asked for a rezoning to General Commercial Core (GC-CORE). It is the intent that the GCCore zoning district be developed and reserved for downtown business purposes. Notably, the GR zoning which was the properties prior zoning designation has "Elementary, junior, or senior level school" listed as a permitted use. However, St. Francis has requested zoning under GCCore to eliminate the Set Back requirements on the sides of the property not abutting Residentially zoned parcels. There would remain a requirement for a buffer between the School and the residentially zoned properties, which is reflected in the attached site plan.

Comprehensive Plan designation – Old Town Character Area

The Old Town Character Area exhibits the widest mix of land uses of any part of the City, with civic and governmental structures, retail and business establishments, and a variety of historic and modern single-family homes. The downtown area has seen recent revitalization, with restored historic structures, new streetscapes, and a variety of new businesses opening on Newcastle Street, Most of Old Town is covered by the Old Town Historic District, within which new development and renovations are overseen by the City's Historic Preservation Board. Parts of the character area, particularly the Newcastle, Gloucester, Norwich, and MLK corridors, are covered by the Downtown Development Authority and are eligible for its programs.

Schools and Churches are well established in the Old Town Character Area, and their development is encouraged where it can front main streets and has adequate traffic capacity. The Recommended Development patterns for the Old Town Character Area include "Major institutions, such as government buildings, churches, and schools, particularly along major corridors." The full list is included below.

#### Vision

The Old Town Character area is the historic, civic, and cultural center of the Brunswick community. Although recent years have seen revitalization of both its commercial and residential areas, much work remains to be done. One of the highest priorities is to reconnect the City with its historic waterfront, with improved public access, commercial activities along the waterfront, a publicly accessible pedestrian riverwalk, increased public spaces and parks, and new mixed-use development along the waterfront to capitalize on this high-value property. Additional streets should serve to better connect the riverfront with downtown and views to the water should be preserved where possible. The Blueprint Brunswick plan provides a detailed urban design strategy for fulfilling this vision for infill development in the waterfront area. In addition, historic squares need to be restored to their original dimensions and filled with community-friendly amenities such as walking paths, lighting, and benches. Neighborhoods in Old Town need to see continued renovation of homes and infill on vacant lots. Glynn Academy needs to be made more pedestrian-friendly, with sidewalk improvements connecting the school with surrounding neighborhoods. Downtown should see a continued revitalization and a wider variety of activities and entertainment for all ages, but particularly for young adults and community youth.

### Appropriate Land Uses

- · Single-family residential development
- · Multifamily development in existing locations of multifamily development
- Community scale commercial, institutional, and mixed-use development along Gloucester St and Newcastle St downtown
- Multi-story mixed development or condominium development along the Newcastle St and Bay St corridors and in the waterfront area with publicly accessible boardwalks along the waterfront
- Hotels, resorts, and hospitality developments in the downtown area and along

**Newcastle and Bay Streets** 

- Tourism and cultural facilities in the downtown area and along Newcastle, Gloucester, and Bay Streets
- Protected greenspace, parks, wetlands, and wildlife habitats
- Public marinas and associated uses

Rezoning the parcels to GCCore will allow the development of a School Building which has greater capacity to provide services while limiting its impact on the adjacent residential property.

### **Staff Recommendation**

Being that the use is listed as appropriate for the Character Area, is compatible with the previous zoning designation, and is adjacent to similarly zoned parcels, Staff recommends approval the rezoning to GCCore.

## Appendix A – zoning standards and policies

#### ZONING STANDARDS AND POLICIES AND PROCEDURES FOR ZONING HEARINGS

Approved by the Commission City of Brunswick, Georgia
April 5, 1989

#### Part I. Standards

The current Georgia statutory law, O.C.G.A.; s; 36-66-5(b) expressly mandates that each local government exercising zoning power establish and consider such factors in the form of substantive standards for zoning decisions. That subsection provides:

[E]ach local government shall adopt standards governing the exercise of the zoning power, and such standards may include any factors which the local government finds relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. Such standards shall be printed and copies thereof shall be available for distribution to the general public.

In keeping with the foregoing statutory requirement, the City of Brunswick has adopted the following substantive standards to govern its zoning decisions:

- A. A PROPOSED ZONING CLASSIFICATION OR CONDITIONAL USE REQUEST SHOULD BE COMPATIBLE WITH EXISTING USES AND ZONING OF ADJACENT AND NEARBY PROPERTY, AND ``SPOT ZONING'' SHOULD ALMOST ALWAYS BE REJECTED.
- (1) Would the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?
- (2) Is the proposed rezoning a logical extension of a zoning boundary which would improve the pattern of uses in the general area?

## B. A PROPOSED ZONING CLASSIFICATION SHOULD NOT DESTABILIZE THE SURROUNDING NEIGHBORHOOD.

- (1) Is the proposed zoning classification one which would promote integrity of the neighborhood and preserve its general character?
- (2) Would the proposed rezoning precipitate similar rezoning requests which would generate or accelerate adverse land use changes in the neighborhood?
- C. A PROPOSED ZONING CLASSIFICATION SHOULD MAXIMIZE THE ECONOMIC VALUE OF THE SUBJECT PROPERTY WITHOUT DEPRECIATING THE VALUE OF ADJACENT AND NEARBY PROPERTY.
- (1) To what extent does the existing zoning classification depress the value of the subject property?

- (2) To what extent would the proposed zoning classification result in appreciation of the value of the property?
- (3) What effect does the existing zoning classification have on the values of adjacent and nearby property?
- (4) What effect would the proposed zoning classification have on the values of adjacent and nearby property?

## D. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE AN ADVERSE EFFECT ON TRAFFIC FLOW, TRAFFIC SAFETY OR POPULATION DENSITY.

- (1) Is there adequate public or private parking for the proposed use and other uses permitted within the classification?
  - (2) Would such uses create any problem of traffic congestion in the area?
- (3) Would such uses create any traffic safety problem with regard to ingress and egress, visibility or otherwise?
- (4) Would such uses necessitate changes in streets or sidewalks or traffic signage or signalization?
- (5) Would such uses contribute to an undesirable level of population density?
- (6) Would such uses substantially conflict with existing density patterns in the neighborhood?

## E. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE ENVIRONMENTAL IMPACT.

- (1) Would the proposed use or other uses permitted within the classification create noise, dust, smoke or odors?
  - (2) Would such uses affect air quality or water quality and quantity?
- (3) Would such uses create problems with drainage or soil erosion and sedimentation?
  - (4) Would such uses aggravate problems with flood damage control?
  - (5) Would such uses aggravate waste disposal problems?

## F. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE AESTHETIC EFFECTS.

- (1) Would the proposed rezoning lead to removal of existing vegetation?
- (2) Would the proposed use incorporate new planting?
- (3) Would the proposed use necessitate unattractive structures or result in removal or alteration of historic structures?
- (4) Would the proposed use be visually compatible with the surrounding neighborhood?

- (5) Would the proposed use include machinery or work visible from the street or neighboring property?
- (6) Would the proposed use be adequately separated from conflicting uses by an appropriate buffer?

## G. A REZONING SHOULD NOT RESULT IN COSTS TO THE PUBLIC DISPROPORTIONATE TO TAX REVENUES GENERATED BY THE PROPOSED USE.

- (1) Would the rezoning increase the cost of government in providing public utilities, schools, streets, police and fire protection, etc.?
  - (2) What additional public facilities would be required?
- (3) To what extent would such increased costs be offset by increased tax revenues?

#### H. THE SUBJECT PROPERTY SHOULD BE SUITABLE FOR THE ZONED PURPOSES.

- (1) Is the property suitable for uses within the existing zoning classification?
- (2) Has the property been vacant as zoned, and if so, for what period or periods of time?
- (3) Are there substantial reasons why the property cannot be economically used in accordance with existing zoning?
  - (4) Would the proposed rezoning benefit the general public in any way?
- (5) Would the proposed rezoning conform to or diverge from the comprehensive land use plan?

\* \* \*

It is obvious that the foregoing standards are very general, not at all specific, and that the public and private interests cannot be balanced with mathematical certainty in a zoning decision. Moreover, particular zoning issues which may arise, considered in context, may suggest concerns in addition to the foregoing standards and further questions which will need to be addressed by the Commission. It can only be said that any zoning decision, to be lawful, must be based on a relative gain to the public, as compared to the hardship imposed upon private parties. Such decisions must never be based simply upon the numbers of supporters or opponents or other political factors without consideration of the standards.

(excerpt from addendum that was added to the zoning ordinance by the City Commission on April 5, 1989)

### **Appendix B – General Commercial Code**

ARTICLE IX. - GC COMMERCIAL DISTRICT

Sec. 23-9-1. - Intent of district.

It is the intent of this section that the GC zoning district be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for regionally oriented business, financial, service and professional uses which benefit from being located in close proximity to each other, and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-9-2. - Permitted uses.

The following uses shall be permitted in any GC zoning district:

- (a) Any use permitted in any GR residential district, in compliance with the provisions of section 23-6-2 unless otherwise set forth herein.
- (b) Retail, wholesale or storage business involving the sale of merchandise on the premises, except those uses which involve open yard storage of junk, salvage, used auto parts or building materials. Open storage shall be permitted under conditions set forth in section 23-9-3(g).
- (c) Business involving the rendering of a personal service, other than an automobile laundry or an automobile repair garage, which shall be permitted under conditions set forth in section 23-9-3(b) and (e).
- (d) Seafood processing facilities and/or dock operations involving seafood processing.
- (e) Private or semi-private club, lodge, union hall or social center.
- (f) Church.
- (g) Off-street commercial parking lot or garage.
- (h) Hotel, tourist home, and motel.
- (i) Commercial recreation facility, specifically including:
  - (1) Bowling alley.
  - (2) Billiard parlor.
  - Roller or ice skating rink.
  - (4) Theatre, but not including drive-in type of facility.
- Transportation terminal.
- (k) Commercial trade or vocational school.
- (I) Eating and/or drinking establishment, including drive-in or curb service.
- (m) Radio and/or television station and/or transmission tower.
- (n) Public utility installation or sub-installation, including water towers.
- (o) Office building and/or office for governmental, business, professional or general purposes.

- (p) Accessory use in compliance with the provisions of section 23-3-17.
- (q) Two-family dwelling, including patio dwelling in compliance with section 23-6-4.
- (r) Multi-family dwelling in compliance with section 23-6-4.
- (s) Townhouse dwelling in compliance with section 23-6-4.
- (t) Group dwelling in compliance with section 23-6-4.
- (u) Boarding house in compliance with section 23-6-4.
- (v) One-family dwelling, attached in compliance with section 23-6-4.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1012, § 1, 9-2-2009)

Sec. 23-9-3. - Conditional uses.

The following uses shall be permitted on a conditional basis in any GC zoning district, subject to conditions set forth in section 23-25-4.

- (a) Automobile service station, provided that all pumps are set back at least 25 feet from the rightof-way line of the street and parking and/or service areas are separated from adjoining residential properties by a suitable planting a screen, fence, or wall at least six feet in height above finish grade.
- (b) Garage for the repair and servicing of motor vehicles, provided that all operations are conducted within a fully enclosed building or buildings, and there is no open storage of wrecked vehicles, dismantled parts, or supplies visible beyond the premises.
- (c) Newspaper publishing plant, provided that the requirements for parking, loading and unloading conform to those for industrial buildings, as set forth in sections 23-3-19 and 23-3-20.
- (d) Automobile laundry or washateria, provided that an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least 200 square feet per waiting vehicle) and no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
- (e) Animal hospital and/or boarding facility, provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is perceptible beyond the premises.
- (f) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage, provided that such uses are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six feet in height above finish grade.
- (g) Community hospitals or clinics, including any function such as cafeterias and laundries which relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic, provided such uses are in compliance with the provisions of section 23-17-4.
- (h) Any educational facilities directly related to an authorized hospital or the Glynn County Board of Health, and under the supervision of said hospital or the Glynn County Board of Health, provided such uses are in compliance with the provisions of section 23-17-4.
- (i) Single or multi-story dormitories or living quarters for the staff and the student body of an authorized hospital or its related activities, including eating and laundry facilities, provided such dormitories and sleeping quarters are under the supervision and control of an authorized hospital, and provided such uses are in compliance with the provisions of section 23-17-4.

- (j) Public or private care homes, provided such facilities conform with the requirements of the Georgia State Board of Health and receive the written approval of the Glynn County Board of Health and the state fire marshal prior to the issuance of any permits for construction and operation, copies of such approvals to be attached to the building permit and to be retained in the files of the building official and provided further that such use conforms with the provisions of section 23-17-4 pertaining to care homes.
- (k) Temporary use in compliance with the provisions of section 23-23-5.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1012, § 1, 9-2-2009)

Sec. 23-9-4. - Other requirements.

Unless otherwise specified elsewhere in this chapter, uses permitted in GC general commercial zoning districts shall be required to conform to the following standards:

- (a) Minimum lot area: 2,500 square feet.
- (b) Minimum lot width, measured at the building line: 25 feet.
- (c) Minimum front yard, measured from the nearest abutting street right-of-way line: Ten feet.
- (d) Minimum side yard: None.
- (e) Minimum rear yard: None.
- (f) Maximum building height: 60 feet, subject to the approval of the fire chief.

(Ord. No. 1006, § 1, 11-19-2008)

## **Appendix C – General Commercial Core Code**

#### ARTICLE X. - GCCORE GENERAL COMMERCIAL CORE DISTRICT

Sec. 23-10-1. - Intent of district.

It is the intent of this article that the GCCore zoning district be developed and reserved for downtown business purposes. The regulations which apply within this district are designed to encourage the formulation and continuance of a compatible and economically healthy environment for generally oriented business, financial, service and professional uses which benefit from being located in close proximity to each other, and to discourage any encroachment by uses considered capable of adversely affecting the basic commercial character of the district.

(Ord. No. 1006, § 1, 11-19-2008) Sec. 23-10-2. - Permitted uses.

The following uses shall be permitted in any GCCore zoning district:

(a) Any use permitted in any GC zoning district subject to the conditions of section 23-9-2.

(Ord. No. 1006, § 1, 11-19-2008) Sec. 23-10-3. - Conditional uses.

The following uses shall be permitted on a conditional basis in any GCCore zoning district.

(a) Any use permitted on a conditional basis in any GC district subject to the conditions of section 23-9-3 and section 23-25-4.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-10-4. - Other requirements.

Unless otherwise specified elsewhere in this chapter, uses permitted in GCCore districts shall be required to meet all standards set forth in this chapter for uses permitted in GC zoning districts, except that all front yard requirements, as well as all off-street parking and loading requirements shall be waived.

(Ord. No. 1006, § 1, 11-19-2008)

# **Appendix D – Application**

(Original application included on next page)



# **CITY OF BRUNSWICK, GEORGIA APPLICATION FOR REZONING**

APPLICANT: After completely reading this form, the applicant will answer each item as completely as possible. Please print or type. The Planning Staff will assist you if necessary.

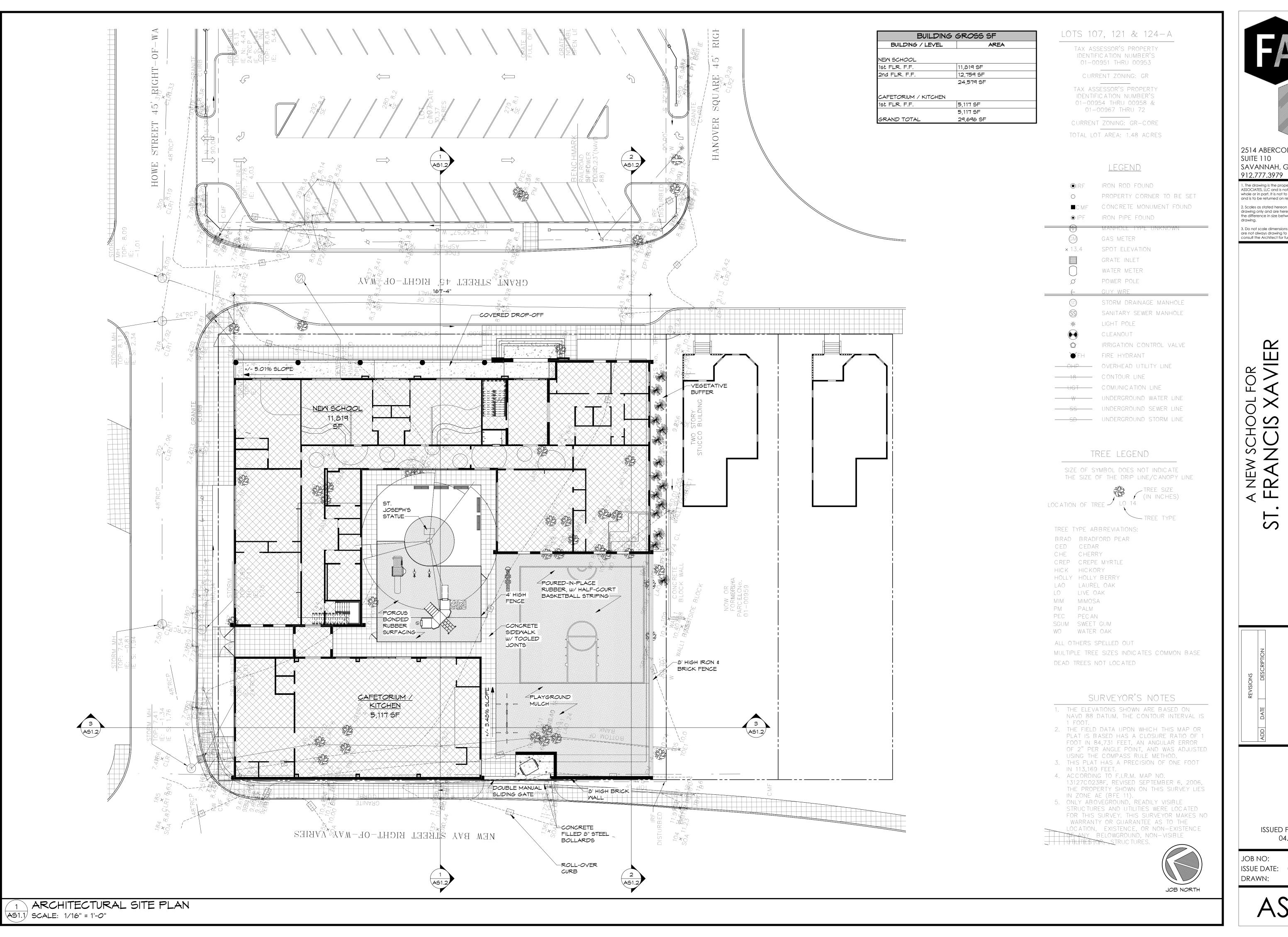
| This is a request for a <u>REZONING</u> to the Official Zoning Ordinances of the City of Brunswick. Please read  Article XXIII of Zoning Ordinance which applies to your proposal.   |  |  |  |
|--|--|--|--|
|  |  |  |  |
| 1.   | Applicant (Your Name): Peter Schoenauer Daytime Phore  | ie:Email: pete@tidewatereng.com  |  |
|  | Mailing Address 200 Plantation Chase, St. Simons Island, GA  | Zip: 31522   |  |
| 2.   | . Location of Property forming the basis for this text amendment: see attached tax maps  |  |  |
| :  | StreetTax Map and Parcel Number: see attached tax maps   |  |  |
|  | 3. Is this rezoning due to annexation?YES_XNO  |  |  |
| 4.   | 4. Total Parcel area (indicate square feet or acres): 0.74 ac.   | Square Feet/Acres  |  |
| 5.   | 6. Present Zoning: GR Core Abutting zones (list all zones that touch the parcel): GC   |  |  |
| 6.   | 6. Proposed Zoning: GC Core General Commercial   |  |  |
|  | 7. Are any special use(s), variance(s), covenant(s), or prior rezoning(s) present on the parcel?  TYES V NO If 'YES', list ALL and date:   |  |  |
| 8.   | 8. The following data shall be attached as applicable: Petition signed by Property Owner or agent requesting the Rezoning. Full text of the proposed amendment in the format of the ordinance it is intended to amend. |  |  |
| 9.   | 9. Reasons for the rezoning request: <u>see attachment</u>   |  |  |
|  |  |  |  |
| 10. Do you have legal possession of the parcel(s) proposed for this zoning text amendment? YES NO (If 'NO' then this application cannot be processed until an application is received for all parcels intended to be affected by the text amendment and legal authorization provided.)   |  |  |  |
| 11. Owner's Name (If different from Applicant*): See Attached Owner's Name.  |  |  |  |
|  | Address: 2170 East Victory Drive, Savannah, GA Zip: 31404 applicant is different from Owner, a legal authorization to represent application.)  | Daytime Phone: 912-201-4100 (*If nt the Owner must be attached to this |  |
| I understand that the City of Brunswick will not process this application until I have submitted <b>ALL</b> required materials on or before the date of the approved schedule, which shall be <b>not less than 20 days prior to the</b> regularly scheduled and advertised monthly meeting of the Planning and Appeals Commission. The PAC |  |  |  |
| meets on the Second Wednesday of each month at 5:15 PM in Commission Chambers, Old City Hall. The  |  |  |  |
| recommendation of the Planning Commission is forwarded to City Commission for their review at the  |  |  |  |
| next regularly scheduled meeting following the PAC meeting.  |  |  |  |
| Sig  | Signed: <u>Veter Skoenau</u>   | Date: 4/16/21  |  |
| (Printed Name: Peter Schoenauer, PE  |  |  |  |
|  |  |  |  |

### **Reason for Rezoning Request:**

St. Francis Xavier Catholic Church is seeking to build a new state of the art school building to replace their existing, declining facilities nearby. The church has owned the subject properties for a number of years and recently decided the best use for them and the community is to build a new school. The current zoning of the properties (GR-Core) does not allow a school use. We believe these properties were rezoned previously to accommodate a multi-family development that was never built. Rezoning the lots to a GC-Core district would allow for a school use. Furthermore, the GC-Core district is extremely close in proximity to these properties, covering the majority of lots across Howe Street.

# Appendix E – Site Plan

(Site plan and Survey included on next two pages)



INTERIOR DESIGN

2514 ABERCORN STREET SUITE 110 SAVANNAH, GA 31401

1. The drawing is the property of BRIAN FELDER & ASSOCIATES, LLC and is not to be reproduced or copied in whole or in part. It is not to be used on any other project and is to be returned on request.

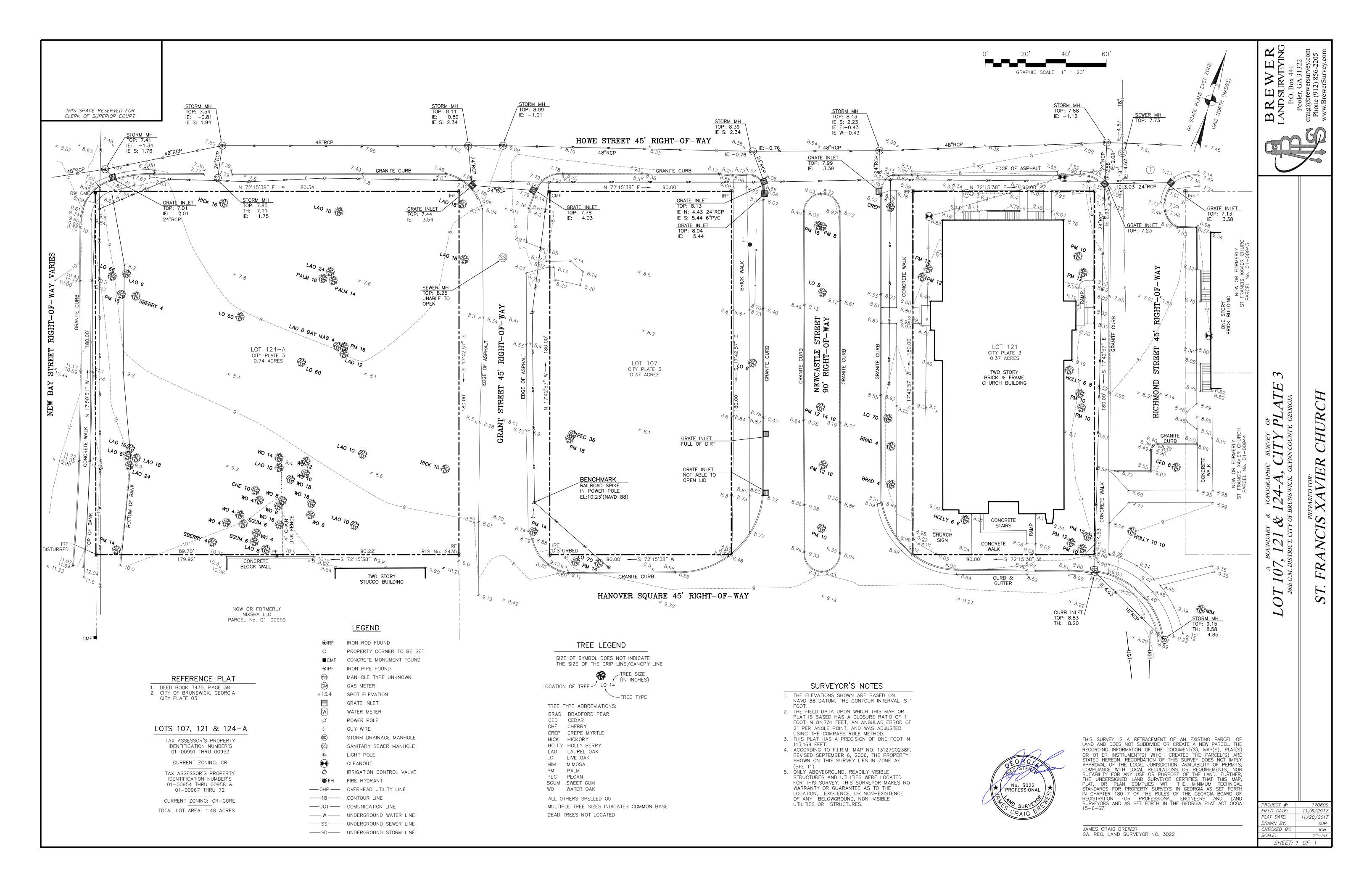
2. Scales as stated hereon are valid on the original

drawing only and are hereby changed in proportion to the difference in size between the print and the original

3. Do not scale dimensions from prints. Plans and details are not always drawing to scale. Use dimensions given or consult the Architect for further clarification.

ISSUED FOR REVIEW 04.16.21

JOB NO: 21.012 ISSUE DATE: 04.16.21 DRAWN: RCLAUS



# Appendix F – correspondence from the public