Rezoning Petition No. 21-04, & Annexation Petition No. 21-01

(3399 Trout Street)

Staff Report
John Hunter
Director
Planning, Development, & Codes

City of Brunswick
Planning and Appeals Commission
Public Hearing
September 8, 2021

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Requested Land Use Approvals

Viper Brunswick, LLC, owner, is petitioning to:

- 1) Annex one parcel of land (0.73 Acres) into the City of Brunswick, and
- 2) Rezone the subject parcel from R9 Single Family (R9) to Highway Commercial (HC).

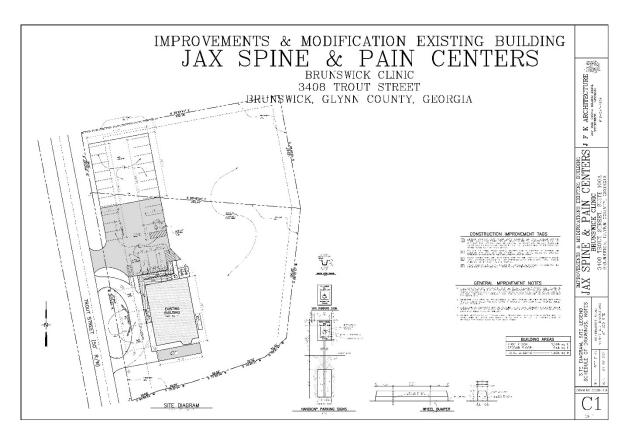


Location map

Proposed Development

The owners of Jax Spine & Pain Centers will be operating their Brunswick Clinic at 3408 Trout Street and want to expand the existing parking as a part of their overall renovation of the building.

The Jax Spine and Pain Center at 3408 Trout Street is located within the City of Brunswick. They own the adjacent parcel at 3399 Trout Street, which is located within unincorporated Glynn County. County Staff recommended that the owners seek annexation to simplify building and zoning requirements for the planned renovations. The annexed parcel will allow for the construction of 14 additional parking spaces to service the clinic. The location of adjacent residential zoning to the north will require the maintenance of a vegetative buffer. Site work and any proposed exterior changes to the building will need to conform to the Glynn Avenue Design Framework as the property will be added to the US 17 Overlay District.



Proposed Site Plan (Larger Version attached in Appendix C)

Proposed Annexation

The location map on page 1 shows the parcels located within the City of Brunswick shaded in dark purple. Properties in unincorporated Glynn County are not shaded. The parcel under consideration is outlined in blue.

Annexation will follow the 100% method as permitted by the official code of Georgia (O.C.G.A. 36-36-1). Written notice of the petition to annex property was given to Glynn County and they responded with no objections or development conditions.

Proposed Rezoning

The parcel is currently zoned R9 Single Family (R9) while the adjacent medical clinic is zoned Highway Commercial (HC). As uses in R9 are limited to non-commercial activities, and the proposed parking expansion is an accessory use to a commercial use, a rezoning is required.



Zoning Map

Staff Analysis

The proposed annexation will be beneficial to the property owner, as they will be able to operate within a single jurisdiction instead of two.

When considering a rezoning, we refer back to the Character Areas within our Comprehensive Plan:

Character Area: North Brunswick/ Altama Avenue

This northern portion of the City includes an irregularly shaped area primarily centered on Altama Avenue but also with frontage on Community Road/ Cypress Mill Road, and the Spur 25. The development pattern here is very mixed with no one type of development predominating. The campus of the College of Coastal Georgia and Brunswick High School comprise mayor civic uses in this area. Linear, auto-oriented commercial uses with scattered building sites and large parking areas are found along Altama Avenue, Community Road/ Cypress Mill Road, and the Spur 25.

Two residential neighborhoods with curved buy connected street systems, Magnolia Park and College Park, are also part of this area. These neighborhoods have well defined boundaries and consistent single-family development patterns but also offer proximity to nearby commercial and institutional services.

Vision

The vision for the North Brunswick area is multi-layered, reflecting its land use diversity. For the single-family neighborhoods of Magnolia Park and College Park, the vision is to preserve the character and boundaries of these suburban, single-family neighborhoods. For Altama and Community Road/Cypress Mill Road, the vision is for new, mixed-use, urban boulevards with active, pedestrian-oriented streetscapes. For Spur 25, the vision is for a major commercial corridor including big box retail with limited access to ensure transportation mobility. It is also important to the North Brunswick community that it retain its institutional assets – the Coastal Georgia Community College, Brunswick High School, and Jane Macon Middle School. These institutional assets should be better connected with nearby neighborhoods and knit together with a connected framework of pedestrian and bicycle paths.

Appropriate Land Uses

- •Single-family residential development within Magnolia Park and College Park
- •Community-scale commercial, institutional, multifamily, and mixed-use development along Altama Avenue and Community Road/ Cypress Mill Road
- •Regional-scale commercial development including big box development along Altama Avenue, Community Road/ Cypress Mill Road, and Spur 25
- •Industrial development on the western portions of Habersham

Recommended Development Patterns

- Vertical, multi-story mixed-use development with retain on the ground floor along major corridors
- Potential housing for college students developed in New Urbanist-style/ traditional neighborhood patterns along Altama Avenue, Community Road/ Cypress Mill Road, or US 17 corridor
- Clustering high-density development at nodes along major corridors
- Greyfield redevelopment that converts vacant or underutilized commercial strips to mixed-use assets
- Development that have easy access to nearby transit, shopping, schools, and other areas where residents travel daily
- Single-family residential areas with strong boundaries and consistent massing, setbacks, and front yards
- Preservation and enhancement of major institutions, such as high schools and colleges, along major corridors
- Community facilities such as schools developed in a way that the entire community can share facilities such as meeting rooms, libraries, and playgrounds

Staff Recommendation

Staff recommends in favor of granting the requested annexation and rezoning petitions. The annexation and rezoning of the subject parcel will not have a negative impact on other City parcels.

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 – Highway Commercial Code

ARTICLE XI. - HC HIGHWAY COMMERCIAL DISTRICT

Sec. 23-11-1. - Intent of district.

It is the intent of this section that the HC zoning district be developed and reserved for commercial uses which primarily render a service or cater to tourists, vacationers, truckers, and the traveling public in general. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for highway oriented uses, insure adequate and properly designed means of ingress and egress, and to discourage any encroachment by industrial, residential or other uses capable of adversely affecting the specialized commercial character of the district.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-11-2. - Permitted uses.

The following uses shall be permitted in any HC zoning district.

- (a) Any use permitted in any GC zoning district, subject to standards set forth in this section.
- (b) Commercial recreation facility including drive-in theatres, but not including miniature auto racing tracks.
- (c) Two-family dwelling, including patio dwelling in compliance with section 23-6-4.
- (d) Multi-family dwelling in compliance with section 23-6-4.
- (e) Townhouse dwelling in compliance with section 23-6-4.
- (f) Group dwelling in compliance with section 23-6-4.
- (g) Boarding house in compliance with section 23-6-4.
- (h) 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. 23-11-3. - Conditional uses.

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

- (a) Any use permitted on a conditional basis in any GC zoning district, subject to the conditions of section 23-9-3.
- (b) Truck terminal, provided that paved acceleration and deceleration lanes at least ten feet in width and 100 feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites, no safety hazard or impediment to traffic movement is produced as a result of such operation and sites for such facilities have direct access to major streets or controlled access highways.
- (c) Temporary use in compliance with the provisions of section 23-23-5.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-11-4. - Other requirements.

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

- (a) Minimum lot area: 6,000 square feet.
- (b) Minimum lot width: 60 feet.
- (c) Minimum front yard: 25 feet.
- (d) Minimum side yard: None is required except on corner lots and lots adjacent to any residential district. Commercial buildings and structures shall provide a minimum ten feet setback on corner lots and a minimum 20 feet setback where adjacent to a residential zone district. Zero setback can only be utilized where the adjacent parcel is within the same development or strip center. If a setback is provided where none is required, the side yard setback shall be a minimum of five feet in width between the buildings.
- (e) Minimum rear yard: 15 feet.
- (f) Maximum building height: 35 feet.

(Ord. No. 1006, § 1, 11-19-2008)

Appendix C – Applications





601 Gloucester Street Brunswick, Georgia 31520 (912) 267-5527

Annexation Application

COME NOW, the undersigned being the owner(s) of all said tract(s) of land, as more particularly described in the plat survey attached hereto as Exhibit "A", and the metes and bounds legal description as set forth in Exhibit "B'". This application is submitted by the undersigned owner(s) pursuant to Official Code of Georgia Annotated 36-36-3 et seq., and hereby petitions the Mayor and Commission do the following at said property into/from the corporate limits of the City of Brunswick, Georgia.

In making this application and petition to the Mayor and Commission, the undersigned shows that:

Section A	Applicant Information			
Owner Name	VIPER BRUNSWICK LLC			
Mailing Address	10475 CENTURION PARKWAY NORTH	SUITE 210		
City	JACKSONVILLE	State FL	A ZIP	32256
Phone Number	(239) 823-3974			
Email Address	steveb@jaxspine.com			
	Property Information			
Property Address	3399 TROUT ST BRUNSWICK, GA 3	1520		
Tax Parcel #	03-08242			
Property Size	0.73 Acres	Proposed Zoning	GC	
Number of People Residing at Property	Number of People 18 Years	0	Number of Registered Voters Residing at Property	0
2. Attached hereto existing corpora 3. Attached hereto Section C I hereby declare unherein is true and a Executed on	nder penalty of perjury that I am authorized	lescription of said to make this applic	property. cation and that the inform	mation contained
Printed Name and	Title of Authorized Officer or Agent STEVE	BORON		
	day of July, 2	21	LESLIE FA State of Florida-N Commission # 6 My Commission September 2	otary Public GG 242549 In Expires

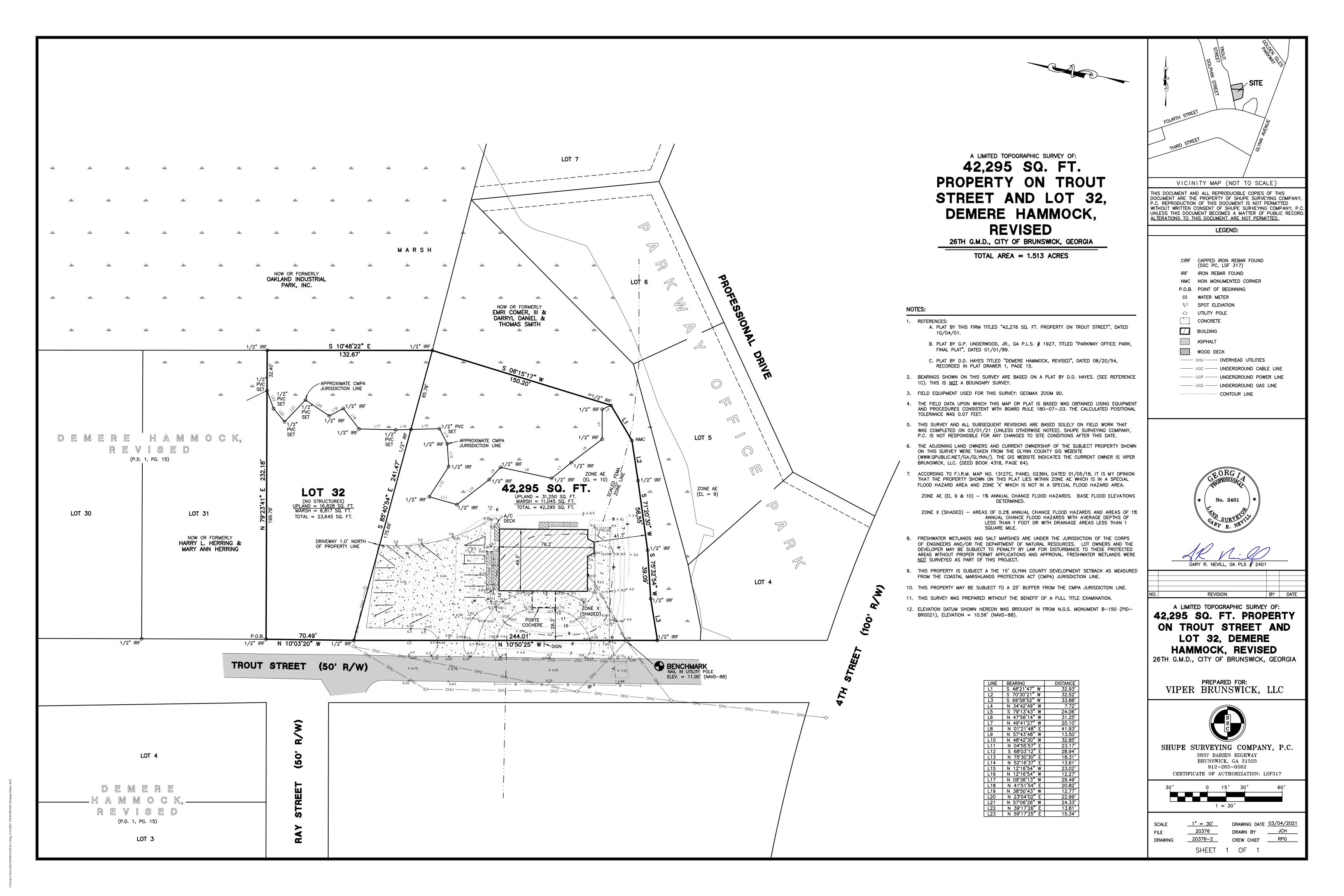


CITY OF BRUNSWICK, GEORGIA APPLICATION FOR REZONING

RZ

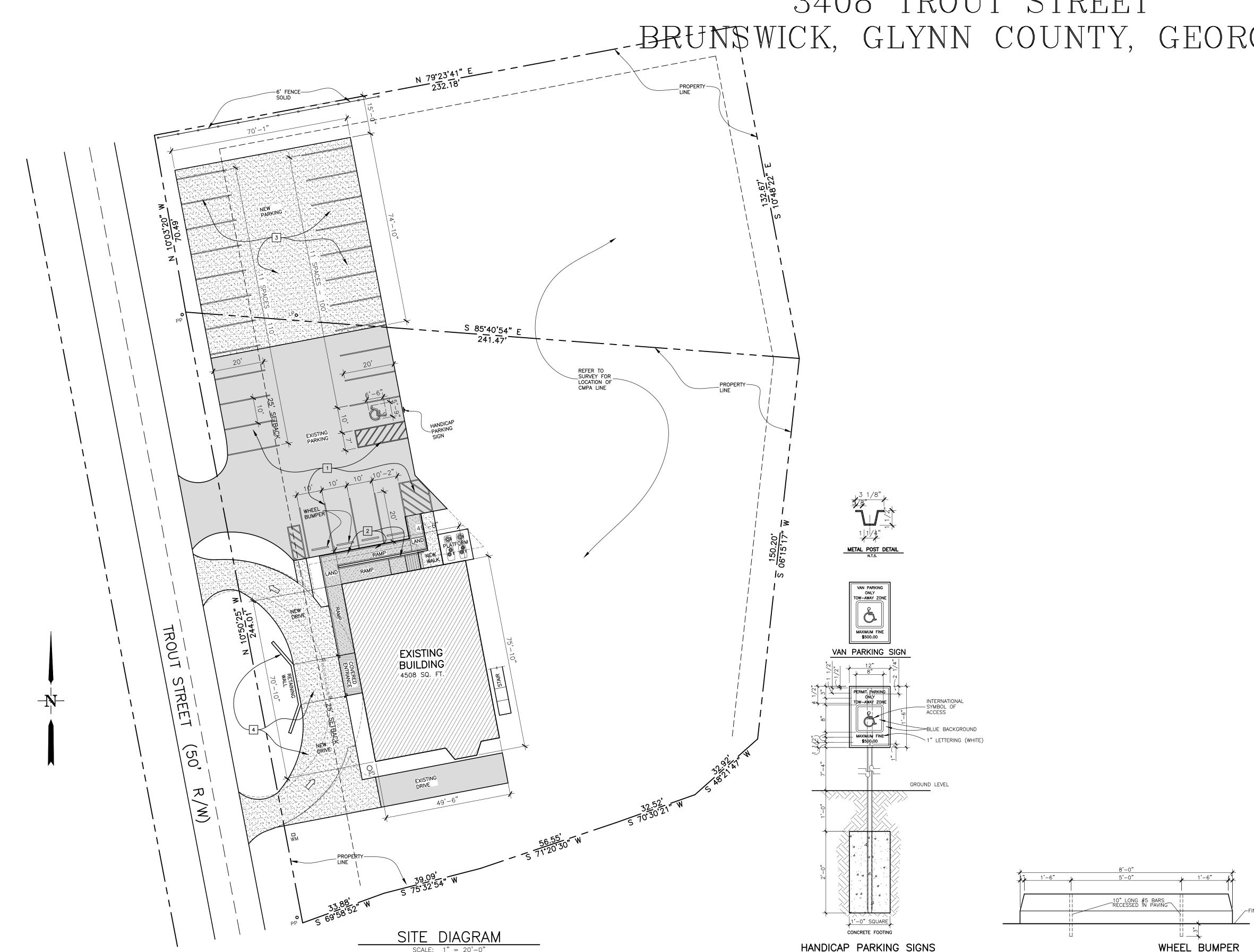
APPLICANT: After completely reading this form, the applicant will answer each item as completely as possible. Please print or type. The Planning Staff will assist you if necessary.

	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): VIPER BRUNSWICK LLC Daytime Phone: (239) 82 mail: steveb@jaxspine.com							
	Mailing Address 10475 CENTURION PARKWAY NORTH SUITE 210, JACKSONVILLE, FL Zip: 32256							
2.	Location of Property forming the basis for this text amendment: 3399 TROUT STREET, BRUNSWICK, GA 31520							
	StreetTax Map and Parcel Number: 03-08242 (Glynn County)							
3.	Is this rezoning due to annexation? X YES NO							
4.	Total Parcel area (indicate square feet or acres): 23,645 SF / 0.73 ACRES Square Feet/Acres							
5.	Present Zoning: R9Abutting zones (list all zones that touch the parcel): R9 & GC							
6.	Proposed Zoning: GC							
7.	Are any special use(s), variance(s), covenant(s), or prior rezoning(s) present on the parcel? YES V NO If 'YES', list ALL and date:							
8.	8. The following data shall be attached as applicable: X 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.	Reasons for the rezoning request: COMMERICAL BISINESS PURCHASED BOTH PARCELS IN SINGLE SELL REZONE TO "GC" IN ORDER TO EXPAND PARKING, NO STRUCTURE,							
	A BUFFER WILL BE REQUIRED ADJACENT TO THE RESIDENTIAL PROPERTY TO THE NORTH.							
	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.)							
	. Owner's Name (If different from Applicant*): SAME							
	Address:Zip:Daytime Phone:(*If applicant is different from Owner, a legal authorization to represent the Owner must be attached to this application.)							
ma reg me rec nex	Inderstand that the City of Brunswick will not process this application until I have submitted ALL required aterials on or before the date of the approved schedule, which shall be not less than 20 days prior to the gularly scheduled and advertised monthly meeting of the Planning and Appeals Commission. The PAC eets on the Second Wednesday of each month at 5:15 PM in Commission Chambers, Old City Hall. The commendation of the Planning Commission is forwarded to City Commission for their review at the ext regularly scheduled meeting following the PAC meeting. Date:							
Pri	rinted Name: STEVE BORON							





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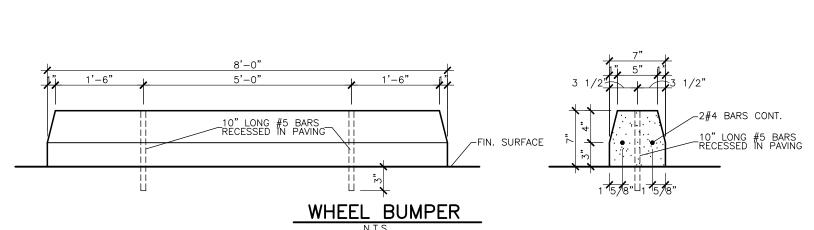


SCALE: 1" = 20' - 0'

CONSTRUCTION IMPROVEMENT TAGS

- PRESSURE WASH AND CLEAN EXISTING PAVING, CONSTRUCT AND INSTALL STRIPPING STANDARD PARKING AND HANDICAP PARKING AREA WITH SIGNAGE AS DETAILED. PAVEMENT STRIPING SHALL BE 4" YELLOW LINES. HANDICAP SPACE THE FIELD SHALL BE PAINTED BLUE, THE WHITE SYMBOL AND ACCESS AREA STRIPPED YELLOW LINES AT 24" O.C. ALL STRIPPING SHALL BE REFLECTING TYPE THERMO PLASTIC W/ GLASS BEADS ADDITIVE
- SAW CUT OUT, DEMO, REMOVE EXISTING CONCRETE SLAB AS NECESSARY TO EXTENDED AND CONSTRUCT NEW RAMP, STEPS AND PLATFORM. REMOVE EXISTING SHURBS AND CONSTRUCT EARTHWORK AS NECESSARY TO POUR NEW CONCRETE WALK TO STEPS.
- REMOVE EXISTING TREES AND UNDER BRUSH, STRIP TOP SOIL, PROOF ROLL/COMPACT SUBGRADE, INSTALL COMPACTED STRUCTURAL FILL AND CONSTRUCT/EXTEND PARKING AREA. INSTALL PARKING STRIPPING. REFER TO CIVIL ENGINEER DRAWINGS. REMOVE EXISTING CIRCLE DRIVE, RECONSTRUCT EARTHWORK AS NECESSARY TO CONSTRUCT NEW CIRCLE DRIVE AND RETAINING WALL. REFER TO CIVIL ENGINEER DRAWINGS.
 - GENERAL IMPROVEMENT NOTES
- 1. THESE DRAWINGS REFLECT DIAGRAMMATIC LAYOUT & DO NOT NECESSARILY CONTAIN EXACT INFORMATION NEEDED TO CONSTRUCT BUILDING IMPROVEMENTS, SITE IMPROVEMENTS, GRADING, DRIVE ENTRANCES, WALKS, PARKING IMPROVEMENTS AND UTILITIES. THE CONTRACTOR IS REQUIRED TO CONFIRM EXISTING CONDITIONS WITH LAYOUT AND DESIGN. ALL APPLICABLE LOCAL, STATE & FEDERAL CODES SHALL BE USED AS GUIDELINES FOR CONSTRUCTION.
- 2. CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS AND TREE LOCATIONS AND THEIR RELATED ROOT SYSTEM PRIOR TO BIDDING PROJECT AND CONSTRUCTING IMPROVEMENTS. CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH SOIL CONDITIONS.
- 3. EROSION CONTROL, CONTRACTOR PRIOR TO DISTURBING THE SITE SHALL CONSTRUCT SILT FENCING AROUND PERIMETER OF THE SITE AND MAINTAIN DURING ENTIRE DURATION OF CONSTRUCTION. AT EXISTING AND NEW STORM DRAIN INLETS INSTALL HAY BAIL DAM.
- 7. PAVEMENT STRIPING SHALL BE 4" YELLOW LINES. HANDICAP SPACE THE FIELD SHALL BE PAINTED BLUE, THE SYMBOL WHITE AND ACCESS AREA STRIPPED YELLOW LINES AT 24" O.C. ALL STRIPPING SHALL BE REFLECTING TYPE THERMO PLASTIC W/ GLASS BEADS ADDITIVE.

BUILDING	AREAS		
FIRST FLOOR———————————————————————————————————	3,564 944	sq sq	ft ft
TOTAL BUILDING —	4,508	sq	ft





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Appendix D – Glynn County Response

Appendix E – correspondence from the public