

# **Rezoning Petition No. 22-04**

**(50 Faith Avenue)**

**Staff Report**  
**John Hunter**  
*Director*  
*Planning, Development, & Codes*

**City of Brunswick**  
**Planning and Appeals Commission**  
**Public Hearing**  
**September 14, 2022**

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## Requested Rezoning

Hunter, Maclean, Exley & Dunn, PC, agent, is petitioning to rezone the subject parcel to Conservation-Preservation (CP) from R9 One-Family Residential (R9).

## Existing Conditions

The subject parcels comprise 20+/- acres. The parcel at 50 Faith Avenue is wooded, contains wetlands, and is undeveloped.



Location map

## Existing Zoning

The subject parcel is zoned R9. The adjacent parcels immediately to the north, east and south are zoned R9. The parcel to the west is zoned General Commercial (GC). There are also adjacent Limited Industrial (LI) and Forest Agricultural (FA).



## Requested Zoning

The applicant has requested rezoning the parcel to Conservation-Preservation (CP). This would allow for the property to be used for agricultural purposes such as the growing and harvesting of fruits and vegetables, and the construction and use of a greenhouse and buildings for growing hydroponic vegetables.

## Staff Analysis

It is the intent of the CP zoning district to preserve and/or control development within certain land, marsh and/or water areas of the City of Brunswick which serve as wildlife refuges, possess great natural beauty or are of historical significance, are utilized for recreational purposes, provide needed open space for the health and general welfare of the city's inhabitants, or are subject to periodic flooding. The regulations which apply within this district are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the district.

When considering a rezoning, we examine our Comprehensive Plan for guidance:

### Character Area: North Brunswick

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

While the Comprehensive Plan does not contemplate a Conservation-Preservation use for future development, there are obvious benefits for this zoning classification in any area of the City. Notably, it is a low impact zoning classification with limited uses. A C-P zoning will prevent any industrial or commercial encroachment from adjacent properties and provide additional buffer to neighboring residential and educational properties.

## **Staff Recommendation**

Staff recommends approval of the rezoning application.



# 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 – CP Conservation-Preservation Districts

### Sec. 23-14-1. - Intent of district.

It is the intent of this article that the CP zoning district be established and maintained to preserve and/or control development within certain land, marsh and/or water areas of the City of Brunswick which serve as wildlife refuges, possess great natural beauty or are of historical significance, are utilized for recreational purposes, provide needed open space for the health and general welfare of the city's inhabitants, or are subject to periodic flooding. The regulations which apply within this district are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the district.

(Ord. No. 1006, § 1, 11-19-2008)

### Sec. 23-14-2. - Permitted uses.

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

- (a) Private boat dock or boat house.
- (b) Boat marina.
- (c) Bait house.
- (d) Public utility line, fire or water tower or substation.
- (e) Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing the users.
- (f) Farm for the growing of rice or other agricultural products, including timber.
- (g) Wildlife refuge, including one-family dwelling units of caretakers employed to maintain and protect the refuge.
- (h) Swimming beach.

(Ord. No. 1006, § 1, 11-19-2008)

### Sec. 23-14-3. - Conditional uses.

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

- (a) Cemetery, with or without chapel, provided that such use consists of a site of at least ten acres, has a planted buffer strip around its entire perimeter except for areas and includes no crematorium or dwelling unit other than for a caretaker.
- (b) Museum or exhibit area in conjunction with an area or use of recognized historical, aesthetic or educational significance, provided that no commercial activities other than the possible collection of an admission fee, if any, are associated with said museum or exhibit area.
- (c) Dredging, land fill or the excavation of natural materials, provided that such use does not block, alter, or divert the flow of a major stream, river or other such drainageway and provided further that plans for the alteration of any lands zoned CP, conservation-preservation must be approved by the commission of the City of Brunswick in writing before such alteration in land shall be permitted.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-14-4. - Other requirements.

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

- (a) Minimum lot area: 5,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum front yard: 20 feet.
- (d) Minimum side yard: Ten feet on each side.
- (e) Minimum rear yard: None, except that when the property abuts another zoning district, ten feet shall be required.
- (f) Maximum building height: 35 feet.

(Ord. No. 1006, § 1, 11-19-2008)

## **Appendix C – Application**

(Original application included on next page)



# 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 **REZONING** to the Official Zoning Ordinances of the City of Brunswick. Please read Article XXIII of Zoning Ordinance which applies to your proposal.

- Applicant (Your Name): Hunter, Maclean, Exley & Dunn, P.C Daytime Phone: 912-236-~~E~~ Email: scallahan@huntermaclean.com  
Mailing Address 200 E Saint Julian Street, Savannah, Georgia Zip: 31412
- Location of Property forming the basis for this text amendment: 50 Faith Avenue  
Street Brunswick, Georgia 31520 Tax Map and Parcel Number: 01-06275
- Is this rezoning due to annexation?  YES  NO
- Total Parcel area (indicate square feet or acres): 20.00 Acres +/- Square Feet/Acres
- Present Zoning: R9 Abutting zones (list all zones that touch the parcel): LI, GC, and R9
- Proposed Zoning: CP Conservation-Preservation
- Are any special use(s), variance(s), covenant(s), or prior rezoning(s) present on the parcel?  
 YES  NO If 'YES', list ALL and date: \_\_\_\_\_
- 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.**
- Reasons for the rezoning request: To change the current zoning to CP Conservation-Preservation to allow for agricultural uses such as growing and harvesting fruits and vegetables, and the construction and use of a greenhouse, and two buildings for growing hydroponic vegetables.
- 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\*): Glynn County Board of Education  
Address: 1313 Egmont Street, Brunswick, Georgia Zip: 31520 Daytime Phone: 912-275-7282 (\*If applicant is different from Owner, a legal authorization to represent the Owner must be attached to this application.)

I understand that the City of Brunswick will not process this application until I have submitted **ALL** required materials on or before the date of the approved schedule, which shall be **not less than 20 days prior to the 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.

Signed: \_\_\_\_\_ Date: 08/25/2022

(Printed Name: Sean Callahan )



City of Brunswick  
Planning, Development, & Codes Department  
601 Gloucester Street  
Brunswick, Georgia, 31520

Property Owner's  
Authorization Letter

I (we): Glynn County Board of Education  
(Print Property Owners Name/ Firm/ Organization)

Hereby Authorize: Sean Callahan  
(Applicant - Name of Person to Sign Permit)

Representative of: Hunter, Maclean, Exley & Dunn, P.C  
(Applicant Company Name/ Organization)

To apply for, sign, and represent the property owner for the following proposed action:

filing a rezoning application

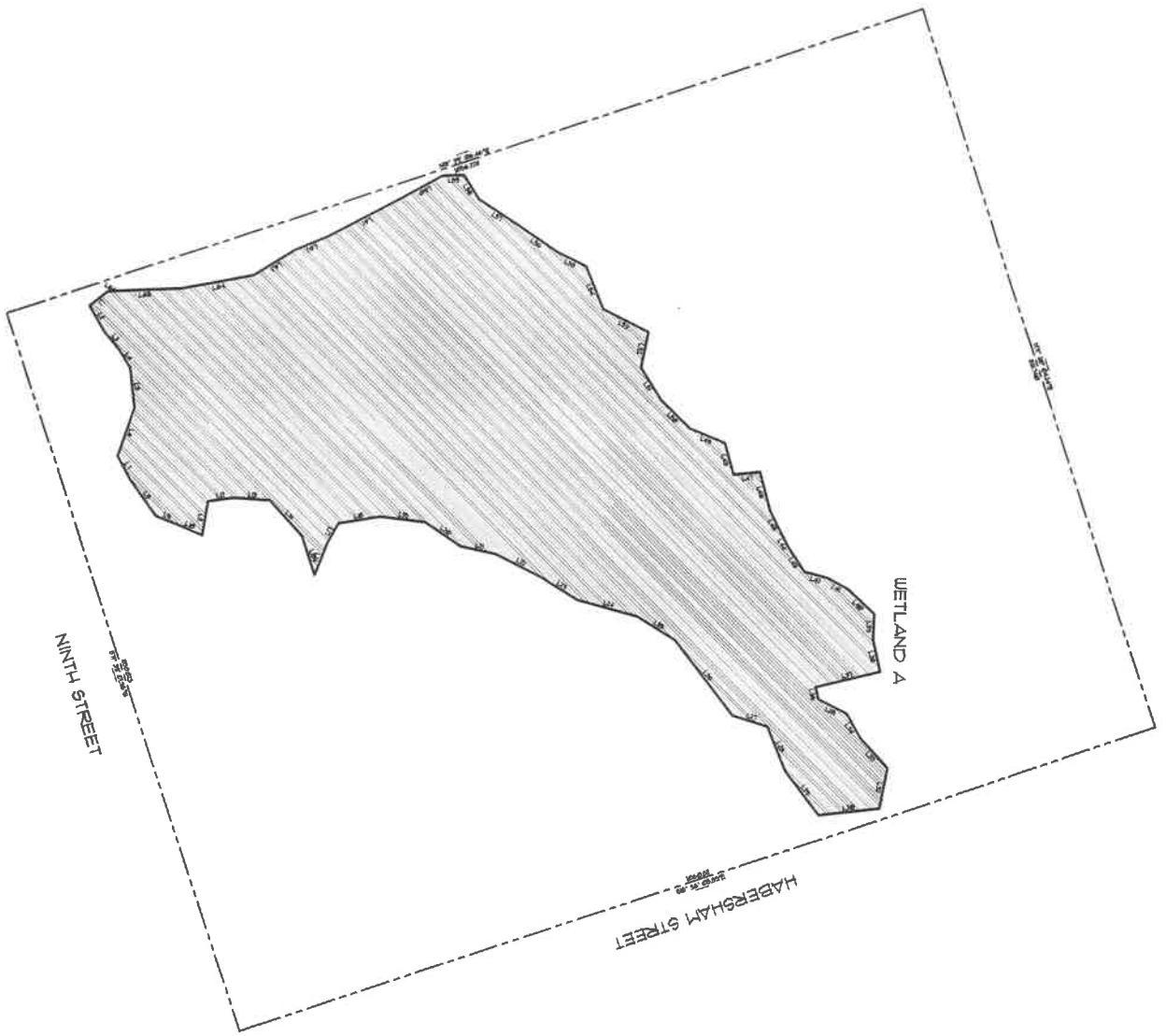
Property Location: 50 Faith Avenue, Brunswick, Georgia 31520  
(Property Address)

As property owner(s), I (we) hereby grant permission to the applicant referenced above to apply for, sign, and represent the owner as indicated above.

Jerry A. Mancil  
(Property Owner or Person with Power of Attorney Signature)

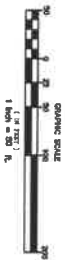
8/25/2022  
(Date)

Jerry A. Mancil Authorized Signatory  
(Printed Name) (Title)



Line #	Length	Dimension	Line #	Length	Dimension	Line #	Length	Dimension	Line #	Length	Dimension
L1	75.293	600' 00" 00.0000 W	L21	31.703	600' 00" 00.0000 W	L41	39.641	600' 00" 00.0000 W	L61	30.116	600' 00" 00.0000 W
L2	31.144	600' 00" 00.0000 W	L22	86.216	600' 00" 00.0000 W	L42	30.850	600' 00" 00.0000 W	L62	31.844	600' 00" 00.0000 W
L3	71.306	600' 00" 00.0000 W	L23	47.136	600' 00" 00.0000 W	L43	44.444	600' 00" 00.0000 W	L63	31.871	600' 00" 00.0000 W
L4	22.211	600' 00" 00.0000 W	L24	48.313	600' 00" 00.0000 W	L44	41.201	600' 00" 00.0000 W	L64	31.871	600' 00" 00.0000 W
L5	44.444	600' 00" 00.0000 W	L25	48.313	600' 00" 00.0000 W	L45	41.201	600' 00" 00.0000 W	L65	31.871	600' 00" 00.0000 W
L6	86.440	600' 00" 00.0000 W	L26	48.313	600' 00" 00.0000 W	L46	41.201	600' 00" 00.0000 W	L66	31.871	600' 00" 00.0000 W
L7	23.343	600' 00" 00.0000 W	L27	31.703	600' 00" 00.0000 W	L47	31.844	600' 00" 00.0000 W	L67	31.871	600' 00" 00.0000 W
L8	48.313	600' 00" 00.0000 W	L28	48.313	600' 00" 00.0000 W	L48	41.201	600' 00" 00.0000 W	L68	31.871	600' 00" 00.0000 W
L9	20.022	600' 00" 00.0000 W	L29	44.444	600' 00" 00.0000 W	L49	44.444	600' 00" 00.0000 W	L69	31.871	600' 00" 00.0000 W
L10	20.022	600' 00" 00.0000 W	L30	44.444	600' 00" 00.0000 W	L50	44.444	600' 00" 00.0000 W	L70	31.871	600' 00" 00.0000 W
L11	30.850	600' 00" 00.0000 W	L31	44.444	600' 00" 00.0000 W	L51	44.444	600' 00" 00.0000 W	L71	31.871	600' 00" 00.0000 W
L12	30.850	600' 00" 00.0000 W	L32	44.444	600' 00" 00.0000 W	L52	44.444	600' 00" 00.0000 W	L72	31.871	600' 00" 00.0000 W
L13	30.850	600' 00" 00.0000 W	L33	44.444	600' 00" 00.0000 W	L53	44.444	600' 00" 00.0000 W	L73	31.871	600' 00" 00.0000 W
L14	30.850	600' 00" 00.0000 W	L34	44.444	600' 00" 00.0000 W	L54	44.444	600' 00" 00.0000 W	L74	31.871	600' 00" 00.0000 W
L15	44.444	600' 00" 00.0000 W	L35	44.444	600' 00" 00.0000 W	L55	44.444	600' 00" 00.0000 W	L75	31.871	600' 00" 00.0000 W
L16	44.444	600' 00" 00.0000 W	L36	44.444	600' 00" 00.0000 W	L56	44.444	600' 00" 00.0000 W	L76	31.871	600' 00" 00.0000 W
L17	30.850	600' 00" 00.0000 W	L37	44.444	600' 00" 00.0000 W	L57	44.444	600' 00" 00.0000 W	L77	31.871	600' 00" 00.0000 W
L18	44.444	600' 00" 00.0000 W	L38	44.444	600' 00" 00.0000 W	L58	44.444	600' 00" 00.0000 W	L78	31.871	600' 00" 00.0000 W
L19	44.444	600' 00" 00.0000 W	L39	44.444	600' 00" 00.0000 W	L59	44.444	600' 00" 00.0000 W	L79	31.871	600' 00" 00.0000 W
L20	44.444	600' 00" 00.0000 W	L40	44.444	600' 00" 00.0000 W	L60	44.444	600' 00" 00.0000 W	L80	31.871	600' 00" 00.0000 W

AREAS  
 WETLANDS: 249,108 SF = 5.70 ACRES  
 UPLAND: 631,814 SF = 14.50 ACRES





STATE OF GEORGIA,  
COUNTY OF GLYNN.

THIS CONVEYANCE, made on this the 9<sup>th</sup> day of November, 1964, from GRADY B. EVERETT and JOHN R. MINIER, of Glynn County, Georgia, as GRANTORS, to THE BOARD OF EDUCATION OF GLYNN COUNTY, GEORGIA, a Georgia public corporation domiciled in Glynn County, Georgia, as GRANTEE;

WITNESSETH: That the said Grantors, for and in consideration of the sum of Ten (\$10) Dollars and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, its successors and assigns, all of the following described property, to-wit:

All that certain lot, tract or parcel of land situate, lying and being in the 26th District, G.M., in Glynn County, Georgia, containing 20.50 acres, more or less, and more particularly described according to the map and plat, made by John H. Ringeling, dated October 29, 1964, and attached hereto and made a part hereof, and thereon more particularly described as follows, to-wit: Commencing at an iron pin on the westerly line of Habersham Street, which iron pin is located by reference to the grid coordinates in feet of the Georgia Coordinate System, East Zone, as established by the U.S. Coast & Geodetic Survey, at Y 431,463.76 + X 710,684.35, which is also the point of intersection of the northerly line of Ninth Street with the westerly line of Habersham Street, and from said beginning point running thence south 72 degrees 16 minutes west for a distance of 837 feet to an iron pin; thence running north 18 degrees 01 minutes west for a distance of 1,062.60 feet to an iron pin; thence running north 71 degrees 59 minutes east for a distance of 837 feet to an iron pin on the westerly line of Habersham Street; thence running south 18 degrees 01 minutes east along said line of Habersham Street for a distance of 1,066.74 feet to the point or place of beginning.

The property hereby conveyed is a portion of the property which was conveyed to the Grantors herein by deed from Union Bag-Camp Paper Corporation, dated April 22, 1964, and of record in the office of the Clerk of the Superior Court of Glynn County, Georgia, in Deed Book 11-Y, Page 541, et seq.

TO HAVE AND TO HOLD said above and hereby conveyed property, together with all and singular the rights, members, improvements, easements and appurtenances to the same being or belonging to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, in fee simple;

AND THE SAID GRANTORS, the said bargained property above described, unto the said Grantee, its successors and assigns, against the said Grantors, their heirs, executors, administrators and assigns, and against the lawful

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claims and demands of all and every other person or persons, shall and will and do hereby warrant and forever defend, by virtue of these presents.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands, affixed their seals and delivered these presents on this the day and year first above writteh.

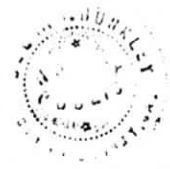
Grady B. Everett (L.S.)  
Grady B. Everett

John R. Minter (L.S.)  
John R. Minter

Signed, sealed and delivered in the presence of:

B. Wright

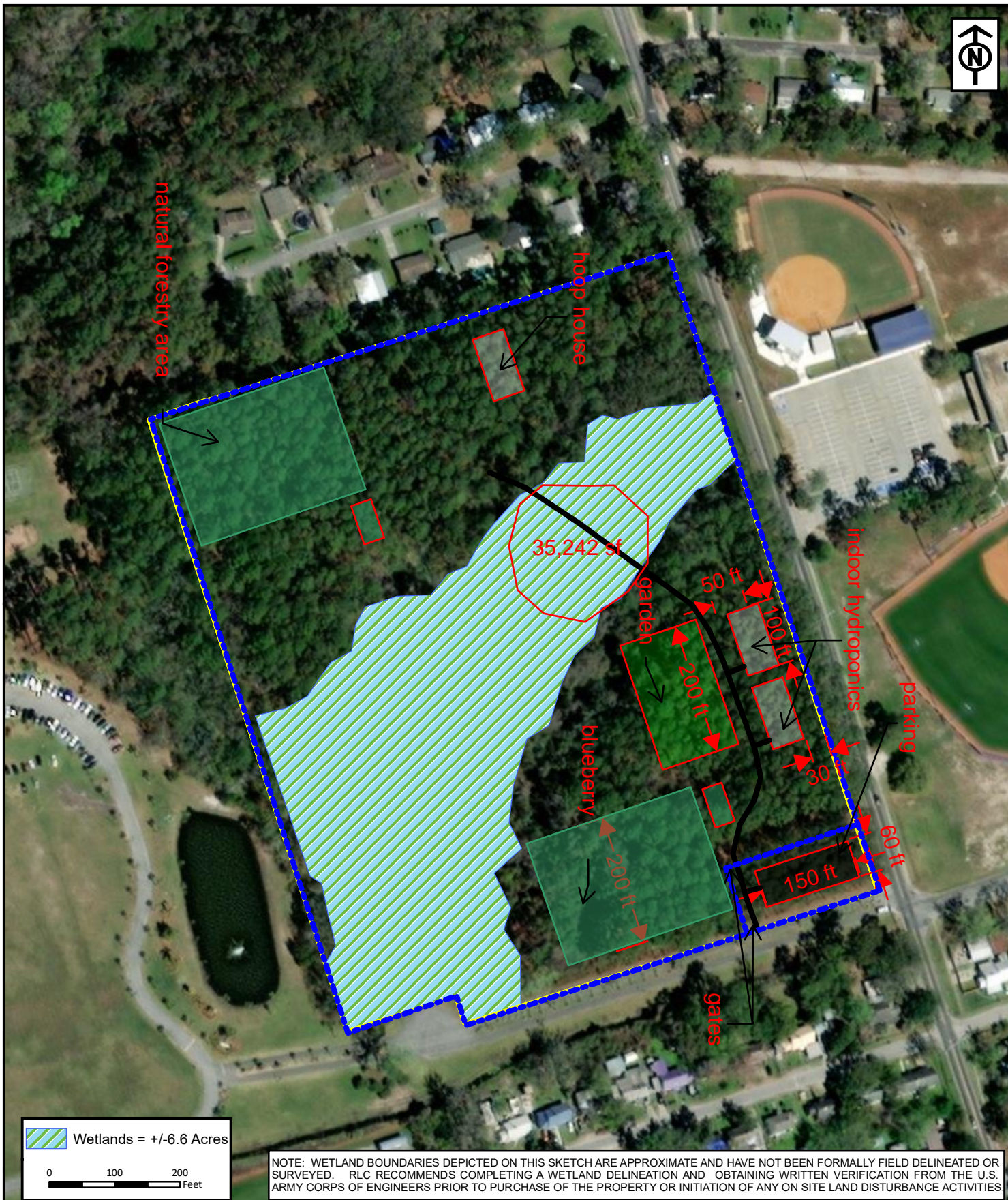
Silva B. Bunkley  
Notary Public, Glynn County, Georgia



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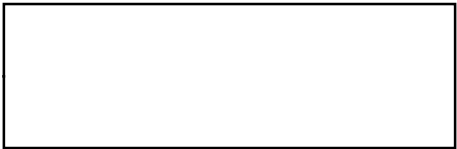
## Site Development Plan:





RLC Project No.:	21-414
Figure No.:	1
Prepared By:	DB
Sketch Date:	11/8/2021
Map Scale :	1 inch = 200 feet

**Parcel 01-06275**  
Glynn County, Georgia



**RLC**  
**RESOURCE+LAND**  
**CONSULTANTS**

41 Park of Commerce Way, Ste. 101  
Savannah, Georgia 31405  
912.443.8396 www.rlcinc.com





## **Appendix D – Correspondence from the public**