



**METROPOLITAN PLANNING COMMISSION**

*"Planning the Future - Respecting the Past"*

M E M O R A N D U M

**DATE:** FEBRUARY 2, 2021  
**TO:** THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH  
**FROM:** METROPOLITAN PLANNING COMMISSION  
**SUBJECT:** MPC RECOMMENDATION

**PETITION REFERENCED:**

**Agent:** Michael Garcia, on behalf of LS3P Associates, Ltd.  
**Owner/Petitioner:** Brent Watts, on behalf of Cabretta Capital  
**Aldermanic District:** 2, Alderman Detric Leggett  
**County Commission District:** 2, Commissioner Larry "Gator" Rivers  
**Neighborhood/Subdivision:** Metropolitan  
**Current Zoning District:** Traditional Neighborhood, TN-2/Streetcar Historic District  
**Future Land Use (FLU):** Traditional Commercial  
**Requested Zoning District:** Traditional Commercial, TC-1  
**File No.** 21-002322-ZA  
**Location:** 315 West 38<sup>th</sup> Street  
**PIN:** 20065 25001 Acreage: .65

**MPC ACTION:**

**Approve** of the request to rezone the property listed as 315 West 38<sup>th</sup> Street from TN-2 to TC-1.

**MPC STAFF RECOMMENDATION:**

**Denial** of the request to rezone the property listed as 315 West 38<sup>th</sup> Street from TN-2 to TC-1.

**MEMBERS PRESENT:** 8 + Chairman

Joseph Welch, Chairman  
Laureen Boles  
Elizabeth Epstein  
Karen Jarrett  
Wayne Noha  
Eula Parker  
Lee Smith  
Dwayne Stephens  
Maliak Watkins

**PLANNING COMMISSION VOTE:** Approve Staff Recommendation (5-3)

<b>APPROVAL Votes: 5</b>	<b>DENIAL Votes: 3</b>	<b>ABSENT</b>
Welch Epstein Noha Parker Smith	Stephens Jarrett Boles	Brown Coles Ervin Joyner Watkins Woiwode

Respectfully submitted,



Melanie Wilson  
Executive Director

/jh

Enclosure



cc Mark Massey, Clerk of Council  
Lester B. Johnson, Assistant City Attorney  
Jennifer Herman, Assistant City Attorney  
Beth Barnes, Department of Inspections



CHATHAM COUNTY-SAVANNAH  
METROPLITAN PLANNING COMMISSION

*“Planning the Future, Respecting the Past”*

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**STAFF REPORT**



File No. 21-002322-ZA

Location: 315 West 38<sup>th</sup> Street

PIN: 20065 25001      Acreage: .65

Prepared by Kiakala Ntemo, Planner

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**Aldermanic District:** 2, Alderman Detric Leggett

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**Neighborhood/Subdivision:** Metropolitan

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**Future Land Use (FLU):** Traditional Commercial

**Requested Zoning District:** Traditional Commercial, TC-1

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**Background**

The subject property is located on the southern side of West 38<sup>th</sup> Street bounded by Jefferson Street, West 39<sup>th</sup> Street (side), and Montgomery Street within the Streetcar Historic District. The subject property is the former site of St. Paul’s Academy for Boys, which closed in 2014. Prior to St. Paul’s, the site had historically operated as a school. The building was constructed in 1900 and is a contributing structure in the Thomas Square-Streetcar National Register Historic District. The applicant recently filed a COA (21-001950-COA) to rehabilitate and develop the building into an apartment building. The Historic Preservation Commission approved the petition to rehabilitate the historic building. The subject property was zoned TN-2 prior to the City-wide zoning in 2019.

**Public Notice**

As required by the City of Savannah Zoning Ordinance, all property owners within 300 feet of the subject property were sent notices of the proposed rezoning. Public notice was also posted on site.

**Existing Development Pattern**

The land uses and zoning districts surrounding the subject property include:

<u>Location</u>	<u>Land Use</u>	<u>Designation</u>
North	BBQ restaurant, convenience store single family residence, vacant land	TC-1, TN-2
East	Single and Two-Family Residences	TN-2
South	Single and Two-Family Residences, Vacant commercial	TN-2, TC-2
West	Playground	TN-2

To the north of the subject property are two single-family residences and several vacant properties zoned TN-2. Further north are more single-family residences fronting on 37<sup>th</sup> Street zoned TN-2. The convenience store on the corner of Montgomery and 37<sup>th</sup> Street and the restaurant across the street from the subject property are zoned TC-1. To the east of the subject property are parcels developed with single and two-family residences zoned TN-2. South of the subject property is TN-2 zoned property developed with single and two-family residences and a vacant lot on the corner of 39<sup>th</sup> Street and Montgomery Street zoned TC-2. To the west of the subject property is Wells Park, a city owned park/playground zoned TN-2.

**Impact and Suitability**

*Public Utilities*

The area has access to the City's public water, sewer, and stormwater systems.

*Transportation and transit*

West 38<sup>th</sup> Street is an unclassified residential roadway with approximately 55 feet of right of way. The street bounding the subject property to the west, Montgomery Street is a two-lane roadway classified as a minor arterial per Appendix A-1 of the City's Zoning Ordinance. There is a public transit route one block west on Martin Luther King Jr. Boulevard and another route one block to the east on Barnard Street.

### Community Development

Rezoning the subject property would allow for a greater number of uses that are more intense, which have the potential to attract more vehicular traffic and parking to the area. The existing building on the subject property is limited in available off-street parking and its physical structure cannot be altered due to its contributing status. It is likely that there will be an increase of on-street parking, regardless of what is developed. The more intense the use, the more on-street parking will be present.

### Future Land Use

The Comprehensive Plan Future Land Use Map designates the subject property as Traditional Commercial. The Comprehensive Plan defines the category as “Business areas in close proximity to downtown or in outlying historically settled areas having development patterns characteristic of the Planned Town, Streetcar, and Early Automobile eras. This category includes residential uses that are compatible with the character of adjacent neighborhoods.”

### Existing Traditional Neighborhood (TN-2) District:

- **Intent of the TN-2 District:** “The TN-2 district is intended to ensure the vibrancy of historic residential neighborhoods with traditional development patterns characteristic of Savannah from approximately 1890 to 1930 during the streetcar and early automobile eras. While the district provides for primarily residential uses, it also includes limited nonresidential uses that were historically deemed compatible with the residential character of neighborhoods, including corner stores and mid-block ground floor office uses. The TN-2 district is intended for use only within the Streetcar Historic Overlay District.”
- **Allowed Uses:** Allowed uses in the TN-2 district are listed in Table 1 of this report.
- **Development Standards:** The development standards are listed in Table 2 of this report.

### Proposed Traditional Commercial (TC-1) District:

- **Intent of the TC-1 District:** “The TC-1 district is established to ensure the vibrancy of historic mixed use neighborhoods with traditional development patterns characteristic of Savannah during the streetcar and early automobile eras. The district provides for commercial areas that are developed at a mass and scale harmonious with nearby residential neighborhoods.”
- **Allowed Uses:** Allowed uses in the TC-1 district are listed in Table 1 of this report.

- **Development Standards:** The development standards are listed in Table 2 of this report.

### Zoning Ordinance Review

The following review criteria for rezoning are prescribed in the Savannah Zoning Ordinance Sec. 3.5.8

a. Suitability and Community Need

- i. Whether the range of uses permitted by the proposed zoning district is more suitable than the range of uses that is permitted by the current zoning district.

**MPC Comment:** The range of uses permitted by the proposed zoning district is not more suitable than the range of uses permitted by the current zoning district. The proposed zoning district allows for more commercial uses that may have the potential to increase on-street parking.

- ii. Whether the proposed zoning district addresses a specific need in the county or city.

**MPC Comment:** The proposed zoning district is not addressing a specific need in the County or City.

b. Compatibility

- i. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

**MPC Comment:** The zoning proposal has the potential to adversely affect the nearby existing residential housing stock. The range of uses permitted in TC-1 has the possibility to attract vehicular traffic that may take up on street parking used by the residences.

- ii. Whether the zoning proposal is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

**MPC Comment:** The zoning proposal is not compatible with the present zoning pattern. There is TC-1 and TC-2 zoning in the immediate area; however, they do not extend the entire block east of Montgomery Street.

- iii. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**MPC Comment:** The subject property is developed with a contributing structure. This limits the amount of off-street parking that is available for whichever use is developed into the building.

c. Consistency

Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and other adopted plans, such as a redevelopment plan or small area plan.

**MPC Comment:** The zoning proposal does conform with the Comprehensive Plan. However, the existing zoning already allows a mix of uses.

d. Reasonable Use

Whether the property to be affected by the zoning proposal has a reasonable use as currently zoned.

**MPC Comment:** The subject property has a number of reasonable uses under the current zoning.

e. Adequate Public Services

Whether adequate school, public safety and emergency facilities, road, ingress and egress, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the uses and densities that are permitted in the proposed zoning district.

**MPC Comment:** There are not adequate parking spaces available for the uses and density of residents permitted in the TC-1 zoning at this location.

### **Analysis**

The immediate area of the subject property is developed with a mix of uses and zoning districts. Towards the west of the subject property is Martin Luther King Jr. Blvd and Montgomery Street, both minor arterial roadways, that consist of commercial zoning and uses. There is a pattern of properties fronting Montgomery Street zoned as TC-1 and TC-2 and there is a pattern of properties fronting Jefferson Street zoned as TN-2. The subject property expands the width of the block of West 38<sup>th</sup> Street between Montgomery Street and Jefferson Street.

Article 7 Section 7.11.4 identifies that the subject property is within the Martin Luther King, Jr. Boulevard - Montgomery Street Urban Redevelopment Area. (See attached document). The Overlay establishes additional development standards and prohibits certain uses typically permitted in the base zoning district. The fact that the property is within this redevelopment area has little impact as it relates to a zoning decision. If the request is approved, the prohibited uses cited in the overlay does not eliminate the possibility of the subject property from being developed into other intense uses still permitted in the TC-1 zoning district.

Many of the residences in the immediate area, south and east of the subject property do not have off-street parking and park on their respective or nearby streets. The TC-1 zoning district allows for commercial uses that generally attract more vehicular traffic. This increase in vehicular traffic has the possibility to create a larger issue of parking for residents in the area. Also, TC-1 allows for a greater density of residential dwellings which has the potential to increase the number of cars in the area.

The definition for the Future Land Use category, Traditional Commercial, explicitly states “the category includes residential uses that are compatible with the character of adjacent neighborhoods”. At this particular location, TC-1 would allow for residential uses that are much higher in density than the surrounding residences in the TN-2 zoning district. This is not compatible with the character of the neighborhood.

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### **Recommendation**

Based upon the existing zoning pattern and character of the area surrounding the subject property, as well as the review criteria; Staff recommends **denial** of the request to rezone the property listed as 315 West 38<sup>th</sup> Street from TN-2 to TC-1.



Table 1: Comparison of Principal Uses for TN-2 (Existing) and TC-1 (Proposed) Zoning Districts	
TN-2	TC-1
Single-family detached	Single-family detached
Single-family attached	Single-family attached
Two-family	Two-family
Three-family / Four-family	Three-family / Four-family
Townhouse	Townhouse
Stacked townhouse	Stacked townhouse
Apartment	Apartment
Upper story residential	Upper story residential
Monastery/convent	Child caring institution
Agriculture, personal	Dormitory/student housing
Community Garden	Fraternity/sorority house
Park, general	Monastery/convent
Library/community center	Rooming house
Museum	Single room occupancy
Police/fire station or substation	Agriculture, personal
Child/adult day care home	Community Garden
Child/adult day care center	Park, general
All places of worship	Library/community center
Assisted living facility	Museum
Personal care home, registered	Post office
Personal care home, family	Police/fire station or substation
Office, general	Emergency Medical Services (EMS) substation/ Ambulance Service
Retail consumption dealer (on premise consumption of alcohol)	Shelter, emergency
Bed and Breakfast Homestay	Shelter, transitional

Bed and breakfast	Soup kitchen
Inn	Child/adult day care home
Short-term vacation rental	Child/adult day care center
Parking facility	Child/adult care home, 24 hour
Utilities, major	Child/adult care center, 24 hour
Utilities, minor	College, university, seminary
	Educational building used by a college, university or seminary
	School, public or private (K-12)
	School, trade, vocational or business
	All places of worship
	Private club/Lodge
	Correctional transition facility
	Hospice
	Nursing home
	Assisted living facility
	Personal care home, registered
	Personal care home, family
	Personal care home, group
	Substance recovery facility
	Office, general
	Office, medical
	Office, utility/contractor
	Studio/multimedia production facility
	Indoor amusement
	Indoor sports facility
	Teen Club
	Theater/cinema/ performing arts

	Retail, general
	Art/photo studio; gallery
	Convenience store
	Fuel/gas station
	Food-oriented retail
	Pharmacy
	Services, general
	Animal services, indoor
	Bank
	Body art services
	Business support services
	Catering establishment
	Hall, banquet or reception
	Instructional studio or classroom
	Laundromat;
	Dry Cleaner/Laundry, Neighborhood
	Personal service shop
	Psychic; palmist; medium; fortune teller
	Repair-oriented services
	Distillery, craft,
	Bar; tavern
	Restaurant
	Retail consumption dealer (on premise consumption of alcohol)
	Ancillary retail dealer (off-premise consumption of alcohol)
	Package store (not including wine specialty shops)

	Wine Specialty Shop (not including package stores)
	Winery; Meadery; Cidery
	Brewery, Micro
	Bed and Breakfast Homestay
	Bed and breakfast
	Inn
	Hotel/motel, 16-74 rooms
	Short-term vacation rental
	Vehicle service, minor
	Vehicle wash, full or self-service
	Manufacturing, Artisan/Craft
	Parking facility
	Utilities, major
	Utilities, minor

\*highlighted cells show uses that are permitted only in respective district

<b>TN-2 Corner Lot Uses</b>
Single-family detached
Single-family attached
Two-family
Three-family / Four-family
Townhouse
Stacked townhouse
Apartment
Upper story residential
Monastery/convent
Agriculture, personal
Community Garden
Park, general
Library/community center
Museum
Police/fire station or substation
Child/adult day care home
Child/adult day care center
School, trade, vocational or business
All places of worship
Assisted living facility
Personal care home, registered
Personal care home, family
Personal care home, group
Office, general
Retail, general
Art/photo studio; gallery
Food-oriented retail
Pharmacy
Services, general
Business support services
Catering establishment
Instructional studio or classroom
Personal service shop
Psychic; palmist; medium; fortune teller
Repair-oriented services
Restaurant
Retail consumption dealer (on premise consumption of alcohol)
Bed and Breakfast Homestay
Bed and breakfast
Inn

Short-term vacation rental
<b>Artisan/Craft</b>
Parking facility
Utilities, major
Utilities, minor

\*\*Highlighted cells show uses not permitted on TN-2 interior lots but permitted in TC-1 and TN-2 corner lots

**Table 2. Comparison of Development Standards**

<b>Standards</b>	<b>TN-2</b>	<b>TC-1</b>
<b>Lot Dimensions (min)</b>		
<i>Single-family Detached</i>		
Lot area (sq. ft)	3,000	3,000
Lot width (ft)	30	30
<i>Single-family Attached</i>		
Lot area per unit (sq. ft)	1,750	1,450
Lot width per unit (ft)	20	18
<i>Two-family (side by side)</i>		
Lot area pre unit (sq. ft)	1,750	1,450
Lot width (ft)	20	18
<i>Two-family (over-under)</i>		
Lot area per unit (sq. ft)	1,750	1,500
Lot width (ft)	30	30
<i>Three-Four Family</i>		
Lot area per unit (sq. ft)	1,750	1,450
Lot width (ft)	30	30
<i>Apartments</i>		
Lot area per unit (sq. ft)	1,750	435
Lot width (ft)	30	30
<i>Townhomes</i>		
Lot area per unit (min sq. ft)	1,750	1,450
Lot width per unit (min ft)	18	80
<i>Upper Story Residential</i>		
Lot area per unit (sq. ft)	None	None
Lot width per unit (ft)	None	None

<i>Nonresidential</i>		
Lot area (sq. ft)	None	None
Lot width (ft)	20	20
<b>Building Setbacks (ft)</b>		
<i>For blocks without contributing structures</i>		
Front yard (interior lot)	5 min; 10 max	5 max
Front yard (corner lot)	5 max	5 max
Side yard (interior)	3 min	10 min
Side yard (corner)	5 max	5 max
Rear yard	20 min	10 min
<i>For blocks with contributing structures</i>		
Front yard	Avg of block face	Avg of block face
Side yard (interior)	3 min	10 min
Side yard (corner)	Avg of block face	Avg of block face
Rear yard	20 min	10 min
<i>Building Separation</i>		
	See Fire Code	See Fire Code
<b>Building</b>		
Building Coverage (max)	60%	n/a
Building Frontage (min)	70%	70%
Building Footprint (max sq ft)	n/a	5,500
Nonresidential Building Footprint (max sq ft)	2,500	5,500
<b>Height (max ft)</b>	3 stories up to 45 ft	3 stories up to 45 ft



## **CHAPTER 3. - ZONING (EFFECTIVE SEPTEMBER 1, 2019)**

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### **ARTICLE 7.0 OVERLAY DISTRICTS**

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#### **Sec. 7.11 Streetcar Historic Overlay District**

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##### **7.11.14 Martin Luther King, Jr. Boulevard-Montgomery Street Redevelopment Plan**

The land use recommendations from the Martin Luther King, Jr. Boulevard-Montgomery Street Urban Redevelopment Plan provides for permitted and prohibited uses.

##### **a. Permitted Uses**

The permitted uses are the same as those in the base zoning district unless otherwise specified in this Section. The use standards listed below shall apply to any properties having frontage on Martin Luther King, Jr. Boulevard or Montgomery Street in addition to any use standard found in Article 8.0, Use Standards.

##### **i. Parking Facility**

Within the TC-2 district, any parking facility, approved after the Effective Date of this Ordinance, that is not structured shall provide a six (6) foot high opaque fence along any property line adjacent to a residential property. Pre-existing (non-conforming) parking facilities in existence as of the Effective Date of this Ordinance shall not be required to comply with the requirements of this Section unless substantial modifications are proposed.

##### **ii. Place of Worship**

In buildings not originally constructed for a place of worship, such use shall not be allowed on a ground floor. This standard shall not apply to such uses existing as of the Effective Date of this Ordinance.

##### **iii. Private Club/Lodge/Membership Club (with or without facility rental)**

Such use shall not be allowed on the ground floor.

##### **iv. Hall, banquet or reception**

Such use shall not be allowed on the ground floor.

##### **b. Prohibited Uses**

In addition to any use not permitted in the base zoning district in Sec. 5.4, Principal Use Table, the following uses are additional uses that are prohibited on any properties having frontage on Martin Luther King, Jr. Boulevard or Montgomery Street:

- i. Substance Recovery Facility;
- ii. Emergency Medical Services (EMS) substation/Ambulance service;
- iii. Hospital;
- iv. Day Labor Employment Center;
- v. Flea Market, not including farmer's market;

- vi. Outdoor Sales;
- vii. Package Store;
- viii. Check cashing/Title pawn;
- ix. Funeral Home; mortuary (not including crematorium);
- x. Crematorium;
- xi. Nightclub;
- xii. Heavy equipment/Heavy vehicle sales, rentals and leasing;
- xiii. Watercraft sales, rentals and service;
- xiv. Vehicle service, major. Those uses legally existing as of the Effective Date of this Ordinance shall not be considered nonconforming;
- xv. Self-Service Storage Facility; and
- xvi. Broadcast Transmission Tower.

**c. Additional Regulations Applicable to Martin Luther King, Jr. Boulevard and Montgomery Street**

**i. Parking and Access**

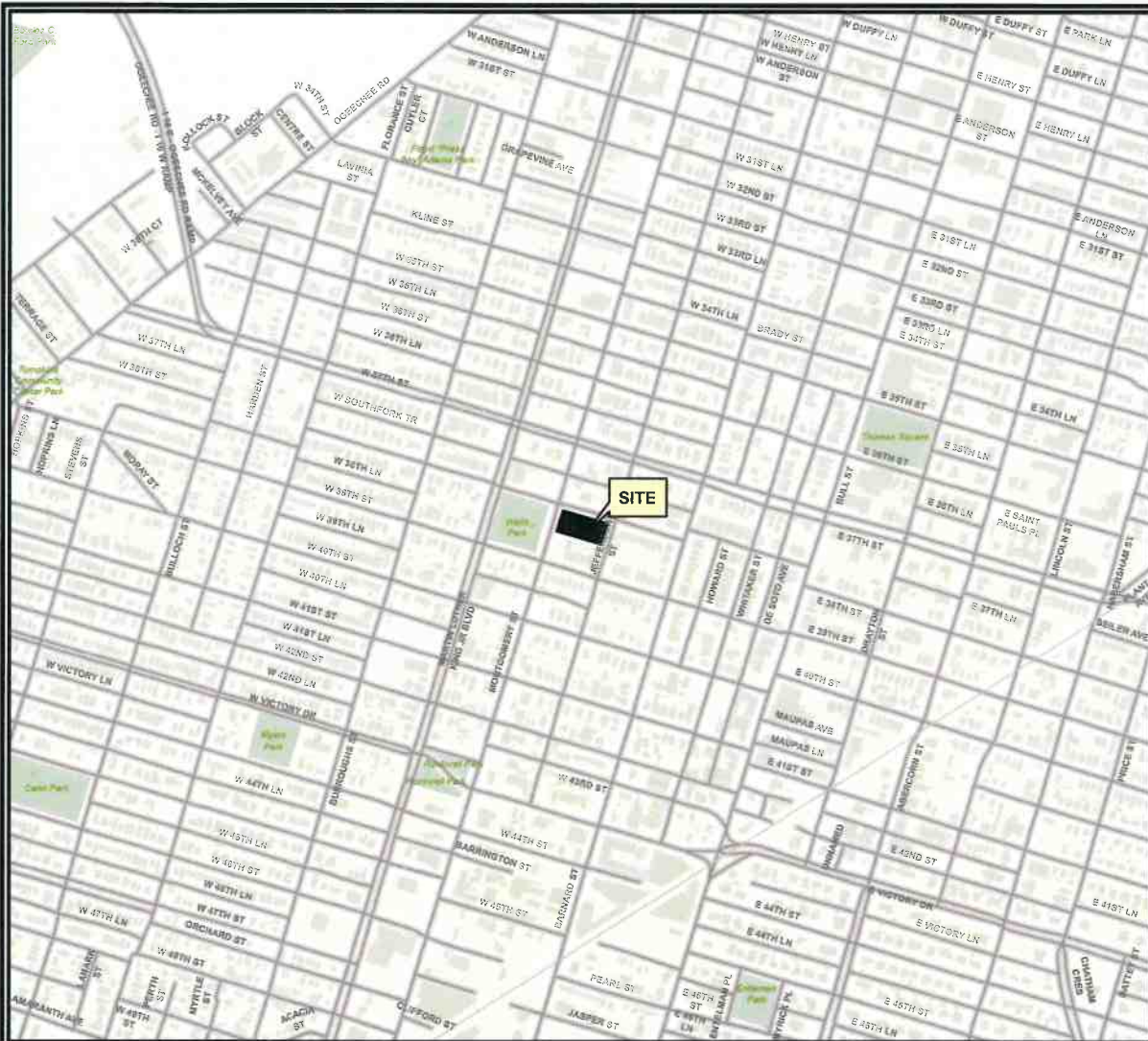
New curb cuts along Martin Luther King, Jr., Boulevard or Montgomery Street shall be limited to one (1) curb cut per 100 feet of street frontage. Such curb cut shall not exceed 20 feet in width unless otherwise required by the City Manager or his or her designee.

Ord. of 05-14-2020(39), § 1

Effective on: 5/14/2020

# VICINITY MAP

21-002322-ZA  
 315 W. 38th St.  
 Savannah, Ga  
 Aldermanic District: 2 (Leggett)  
 Commission District: 2 (Rivers)  
 Neighborhood: See Map  
 PIN(s): See Map



Date: 4/27/2021

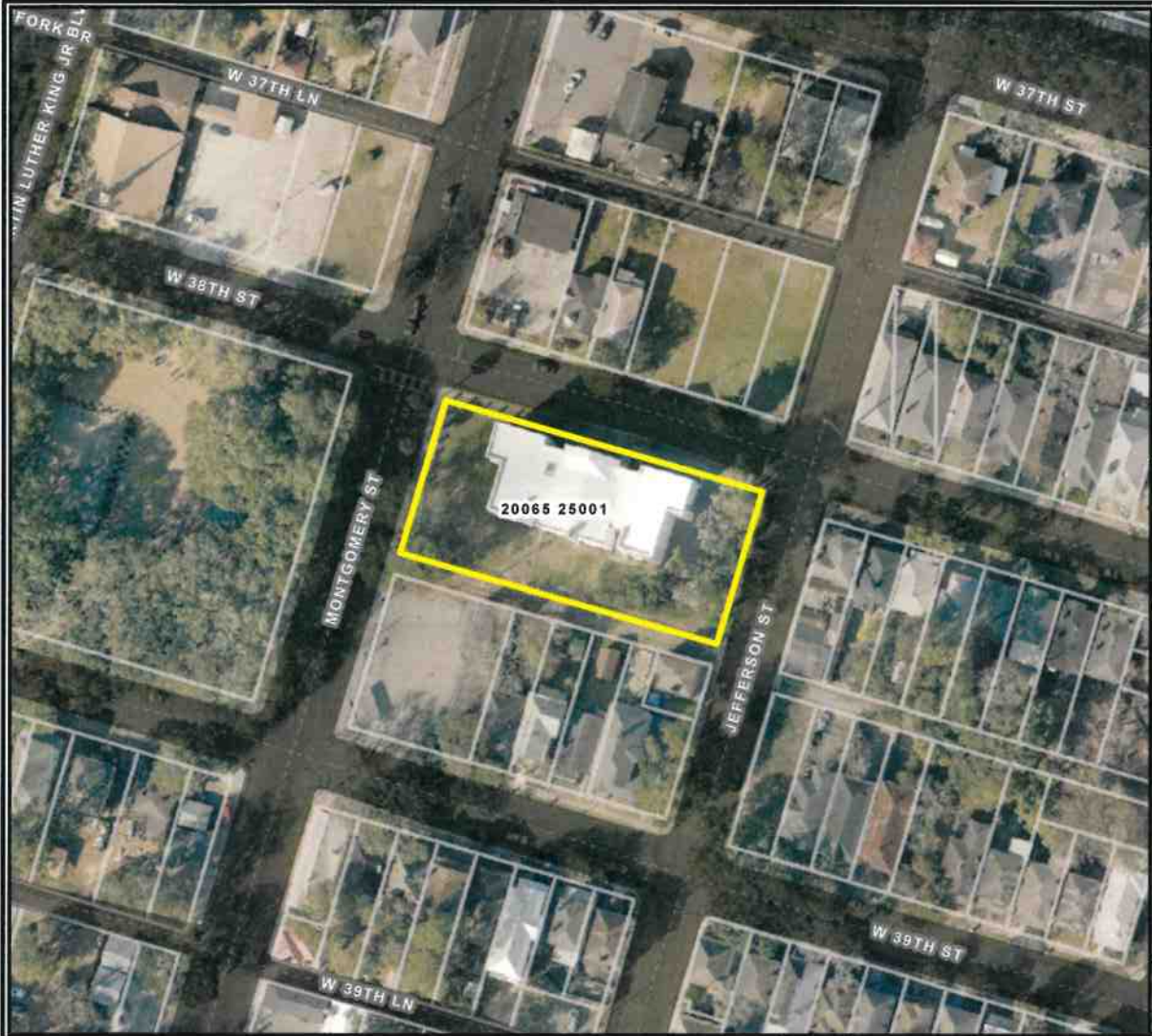


CHATHAM COUNTY · SAVANNAH  
 METROPOLITAN PLANNING COMMISSION  
 510 E. STATE ST. SAVANNAH, GA 31412-8246 PHONE 912-651-1443

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1 inch = 700 feet



# AERIAL MAP

21-002322-ZA  
 315 W. 38th St.  
 Savannah, Ga  
 Aldermanic District: 2 (Leggett)  
 Commission District: 2 (Rivers)  
 Neighborhood: See Map  
 PIN(s): See Map

20065 25001

Date: 4/27/2021



CHATHAM COUNTY - SAVANNAH  
**METROPOLITAN PLANNING COMMISSION**  
 110 E. STATE ST. SAVANNAH, GA 31412-2446 PHONE 912-651-1440

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1 inch = 100 feet





# ZONING MAP

21-002322-ZA  
 315 W. 38th St.  
 Savannah, Ga  
 Aldermanic District: 2 (Leggett)  
 Commission District: 2 (Rivers)  
 Neighborhood: See Map  
 PIN(s): See Map

Current property zoning(s) is primarily  
 TN-2  
 Proposed property zoning:  
 TC-1

City of Savannah NewZc Zoning When Applicable

Date: 4/27/2021

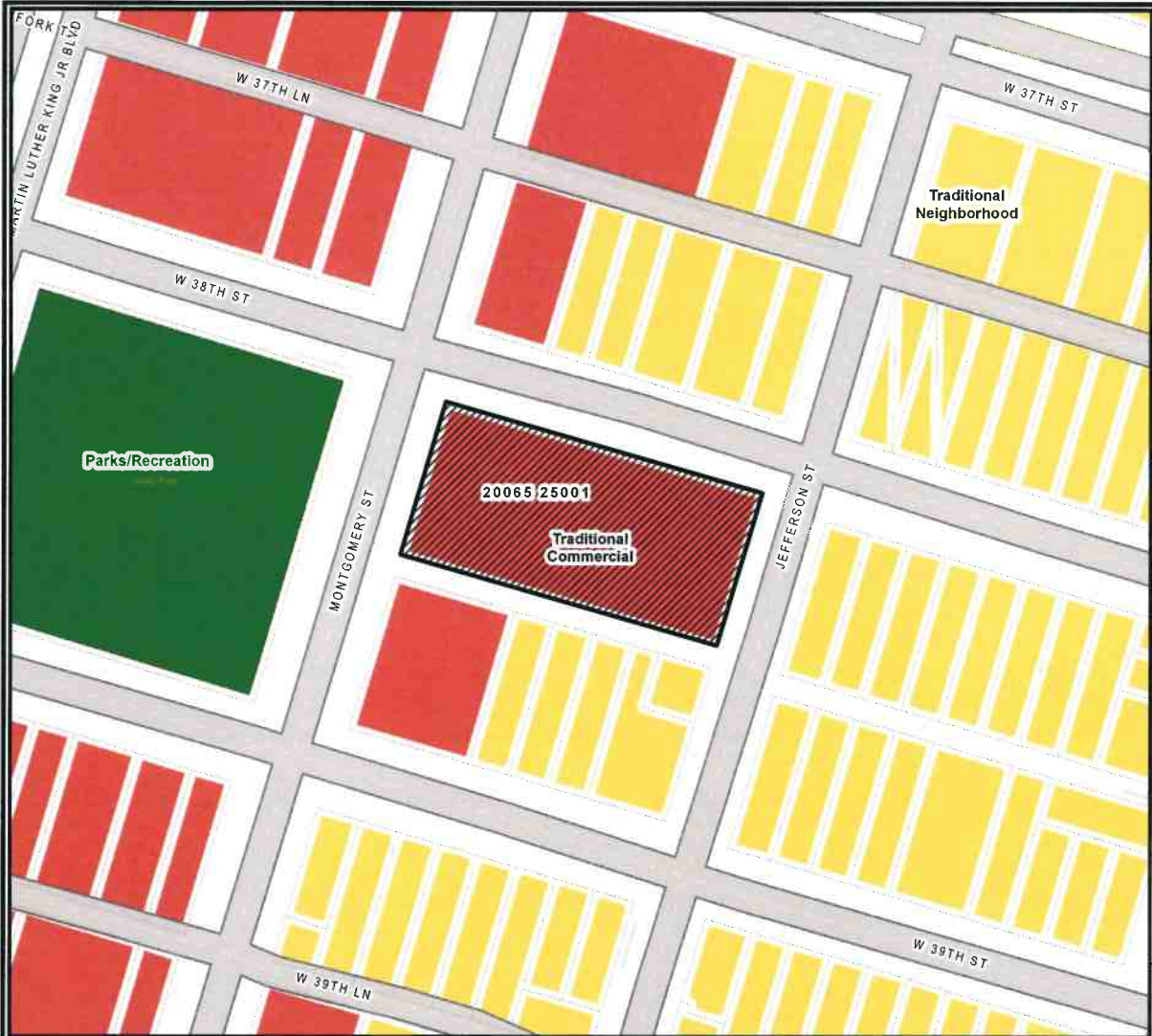


CHATHAM COUNTY - SAVANNAH  
**METROPOLITAN PLANNING COMMISSION**  
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1 inch = 100 feet



# FUTURE LAND USE

21-002322-ZA  
 315 W. 38th St.  
 Savannah, Ga  
 Aldermanic District: 2 (Leggett)  
 Commission District: 2 (Rivers)  
 Neighborhood: See Map  
 PIN(s): See Map

- ▬ Traditional Commercial
- ▬ Traditional Neighborhood
- ▬ Parks/Recreation

Date: 4/27/2021



CHATHAM COUNTY - SAVANNAH  
**METROPOLITAN PLANNING COMMISSION**  
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1 inch = 100 feet



# TAX MAP

21-002322-ZA  
 315 W. 38th St.  
 Savannah, Ga  
 Aldermanic District: 2 (Leggett)  
 Commission District: 2 (Rivers)  
 Neighborhood: See Map  
 PIN(s): See Map

Date: 4/27/2021



CHATHAM COUNTY - SAVANNAH  
**METROPOLITAN PLANNING COMMISSION**  
 110 E. STATE ST. SAVANNAH, GA 31412-8246 PHONE 912-651-1440

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1 inch = 100 feet