



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: APRIL 27, 2021

TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

FROM: METROPOLITAN PLANNING COMMISSION

SUBJECT: MPC RECOMMENDATION

PETITION REFERENCED:

Petition File No. 21-001901-ZA
Aldermanic District – 5 Shabazz

Property Owner/Petitioner: Shammy & Shimei Magabo
Address: 5501 Montgomery Street
PIN: 20129 06006

MPC ACTION:

Denial of the requested rezoning from an RSF-6 (Single Family Residential) zoning classification to a B-N (Neighborhood Business) zoning classification and recommended **approval** to rezone to a B-L (Limited Business) zoning classification.

MPC STAFF RECOMMENDATION:

Denial of the requested rezoning from an RSF-6 (Single Family Residential) zoning classification to a B-N (Neighborhood Business) zoning classification and recommended **approval** to rezone to a B-L (Limited Business) zoning classification.

MEMBERS PRESENT: 12 + Secretary

Joseph Welch	Dwayne Stephens
Karen Jarrett, Secretary	Malik Watkins
Eula Parker	Tom Woiwode
Laureen Boles	Lee Smith
Michael Brown	
Travis Coles	
Elizabeth Epstein	
Joseph Ervin	
Wayne Noha	

PLANNING COMMISSION VOTE: Approve Staff Recommendation (11-0)

APPROVAL Votes: 11	DENIAL Votes: 0	ABSENT/DIDN'T VOTE
Jarrett Parker Boles Brown Coles Epstein Ervin Noha Stephens Woiwode Smith		Welch Joyner Watkins

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



C H A T H A M C O U N T Y - S A V A N N A H
METROPOLITAN PLANNING COMMISSION

Planning the Future - Respecting the Past

TO: **The Mayor and Aldermen, City of Savannah**

FROM: **The Planning Commission**

DATE: **April 27, 2021**

SUBJECT: **Rezone 5501 Montgomery Street from RSF-6 to B-N**
Shammy & Shimei Magabo, Owner/Petitioner
PIN: 20129 06006
Acreage: .17 acres
Aldermanic District: 5 (Shabazz)
County Commission District: 5 (Milton)
File No. 21-001901-ZA

Kiakala Ntemo, MPC Project Planner

ISSUE:

The petitioner is requesting to rezone a 7200 square foot lot on Montgomery Street from its current zoning classification of Residential Single Family (RSF-6) to the proposed zoning classification Neighborhood Business (B-N).

BACKGROUND:

The subject property bears the address 5501 Montgomery Street in the City tax records; however, it possesses the physical street address of 221 Birchfield Street. It is located near the corner of Montgomery Street and Birchfield Drive in the Poplar Place/University Place neighborhood where Montgomery Street bends south of DeRenne Avenue. The subject property is developed with a single-family house that has operated as a hair salon for the past 16 years. The owner learned her property had been rezoned during the process of her leasing her space to a barber last year. Prior to the City-wide rezoning in 2019, the subject property was zoned as commercial property under a previous zoning classification, B-H, Highway Business. The property owner also owns the two adjacent properties to the east near Montgomery Street. These two properties were zoned B-H prior to the rezoning as well. However, they retained a commercial zoning designation under the City-wide rezoning to the zoning classification B-N, the zoning classification the petitioner is seeking to rezone the subject property. According to the applicant, all three properties were purchased in the same deal. The subject property is in the area where the proposed road expansion for DeRenne Avenue will take place. This property does not appear to be one of the potential properties to be taken for this project.

FACTS AND FINDINGS:

1. **Public Notice:** Mailed notice of the Planning Commission meeting was sent to all property owners within 300 feet of the subject property, signs were posted on site and required newspaper advertisements were run. The notice included instructions on how to access the meeting over the internet.

2. **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	Single-family residential	RSF-6
East	Commercial/apartment complex	B-N/RMF-2-15
South	Self storage facility	B-N
West	Single-family residential	RSF-6

The subject property is currently functioning as a nonconforming use (barbershop); it is the only business and nonconforming use on Birchfield Drive. All of the structures on the street are single family residences with the exception of a two-family house and a two-story office space (abutting property owned by applicant). North of the subject property is an established development pattern of single-family homes. Abutting to the east of the subject property is the B-N zoned property that the applicant also owns. The owner's lot abutting the subject property is developed with a two-story vacant office space, and the lot fronting Montgomery Street is currently vacant. East across Montgomery Street is property zoned B-N, developed with a vacant commercial store front. Abutting the subject property to the south is a self-storage facility, commercial strip center, and a mobile home park within the B-N zoning district.

3. **Future Land Use:** The Comprehensive Plan Future Land Use Map designates the subject property as Residential-Suburban Single Family. The Comprehensive Plan defines the Residential-Suburban Single Family land use category as an "area identified for single-family detached dwellings at a density not to exceed five (5) units per gross acre." Although the subject property is developed with a single-family house, it has operated as an outright business for over 15 years. According to the applicant, the subject property had existed as a business through the previous property owner as well. The proposed zoning and current use of the subject property is not consistent with the intent or definition of the Future Land Use designation.
4. **Existing Residential Single Family (RSF-6) District:**
 - a. **Intent of the RSF Districts:** "The Residential Single-family ("RSF") districts are established to allow single-family detached development on varying lot sizes which are indicated by the number (suffix) following the district name. A limited number of nonresidential uses are allowed that are compatible with single-family residential uses."
 - b. **Allowed Uses:** Allowed uses in the RSF-6 district are listed in Table 1 of this report.
 - c. **Development Standards:** The development standards are listed in Table 2 of this report.
5. **Proposed Neighborhood Business (B-N) District:**
 - a. **Intent of the B-N District:** "The B-N district is established to permit small-scale, neighborhood-oriented nonresidential uses and upper story residences. This district is intended to provide for limited commercial opportunities in a walkable environment and to reduce or prevent impacts on adjacent or nearby residential uses. Uses in this district are intended to be located primarily on collector or arterial streets within convenient traveling distance from neighborhoods which they will serve."

- b. **Allowed Uses:** The allowed uses are listed in Table 1 of this report.
- c. **Development Standards:** The development standards are listed in Table 2 of this report.
- 6. **Transportation Network:** The subject property fronts Birchfield Drive, an unclassified residential roadway with approximately 60 feet of right-of way. The street is approximately 300 ft from Montgomery Street, a 4-lane minor arterial roadway. The subject property has access to a paved and gravel parking lot area via two curb cuts on the adjacent lots.
- 7. **Public Services and Facilities:** The property is served by the Savannah Police Department, City fire protection, and by City water and sewer services.

ADDITIONAL REVIEW CRITERIA:

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.*

Staff Comment: The range of uses permitted in the B-N zoning district are not more suitable at this location than the range of uses permitted in the current RSF-6 zoning district. However, the RSF-6 zoning district limits the usability of the subject property, which was previously designated as commercial prior to 2019.

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

Staff Comment: The proposed zoning district does not address a specific need in the City. However, the consistent and current use of the property as a personal care service shows that there is a demand being met for barber/salons in the area.

b. Compatibility

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

Staff Comment: Some of the more intense uses in the B-N zoning district have the potential to adversely impact adjacent and nearby properties developed with residences. However, the less intense uses of B-N are not likely to be a detriment.

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.

Staff Comment: Although the zoning proposal would be an extension to the existing B-N zoning pattern fronting along Montgomery, it would be encroaching further into the existing residential neighborhood on Birchfield Street. The wide array of uses within B-N have the potential to adversely impact the overall residential character of the street.

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

Staff Comment: There are no other existing or changing conditions affecting the land which would give supportive grounds for approval or denial of the proposal.

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.

Staff Comment: The zoning proposal does not conform with the Future Land Use element of the Comprehensive Plan. However, the current use of the subject property does not either.

d. Reasonable Use

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

Staff Comment: As currently zoned, the property has one reasonable use which is its current use as a nonconforming barber/hair salon. The property has operated as a hair salon for the past 15 years and is not usable as a residential dwelling.

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.

Staff Comment: The subject property has adequate infrastructure present for the permitted uses of the proposed zoning district, with the exception of the adequate road type. Uses in B-N are intended to be located on arterial or collector roads. It is near Montgomery Street but does not have direct frontage to this roadway. It's frontage is on Birchfield Drive, an unclassified residential roadway.

f. Proximity to a Military Base, Installation or Airport

In accordance with the O.C.G.A. §36-66-6, when a rezoning is proposed for property located within 3,000 feet of a military base, installation or airport, or within the 3,000-foot Clear Zone and Accident Prevention Zones I and II as prescribed in the definition of an Air Installation Compatible Use Zone that is affiliated with such base.

Staff Comment: The subject property is within 3,000 feet of a military base or within the other listed zones. Due to proximity, the following additional criteria shall be considered. In addition to these criteria, any development of the property should include consideration of the effects of sound transmission into any residential buildings.

(1) Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent or nearby property within 3,000 feet of a military base, military installation, or military airport.

Staff Comment: The zoning proposal would permit a use that is similar in nature to property within 3,000 feet of the military installation.

(2) Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3,000 feet of a military base, military installation, or military airport.

Staff Comment: The zoning proposal would have the potential to adversely affect the existing residential character of the immediate area.

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

Staff Comment: The property does appear to have a reasonable economic use as currently zoned; it can continue to operate as nonconforming barber/salon. However, keeping the property zoned as RSF-6 decreases the value of the originally, commercial-zoned property and limits the uses of the property to its nonconforming use.

(4) Whether the zoning proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military base, military installation, or military airport.

Staff Comment: The zoning proposal will not likely result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military base.

(5) If the local government has an adopted land use plan and whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Staff Comment: The local government has a Future Land Use component within its adopted land use plan which does not support or conform with the zoning proposal. However, the current land use is not supported by the Future Land Use Map; the zoning proposal is attempting to restore the commercial zoning designation the subject property had until 2019.

POLICY ANALYSIS:

Per the City's current Comprehensive Plan, the subject property's Future Land Use category is labeled as Residential-Suburban Single Family. This Future Land Use category presumes that the land use of the selected area will consist of single-family residences with medium-low density. The definition for the Residential-Suburban Single Family Future Land Use category in the Comprehensive Plan does not list or give any notice to nonresidential development within the category. As previously mentioned, the subject property was commercially zoned prior to the City-wide rezoning in 2019. It is possible that the subject property was mistaken as a residence at the time the assessment for the future land use map initially took place around 2010 (Comp Plan update in 2016). The subject property's Future Land Use may have been selected as Residential-Suburban Single Family and ultimately rezoned to RSF-6 because of its lack of frontage on Montgomery Street. The two adjacent properties, closer to Montgomery Street, are designated as Commercial-Neighborhood on the Future Land Use Map. The Comprehensive Plan defines this category as "nodal and strip business areas that are within predominately residential areas and are developed at a scale and intensity compatible with adjacent residential uses." Although the Future Land Use of the subject property is designated as Residential-Suburban Single Family, its current land use, and land use for the past 15 years, displays a reality that is more consistent with the definition of the Commercial-Neighborhood Future Land Use category. Currently, the Comprehensive Plan is being updated and the Future Land Use designation of the subject property may be amended.

ALTERNATIVES:

1. Recommend approval of the staff recommendation.
2. Deny the petitioner's request.

RECOMMENDATION: Based upon the subject property's current and historic land use, along with its location within a residential neighborhood; Staff recommends **denial** of the request to rezone the property listed as 5501 Montgomery (PIN: 20129 06006) from RSF-6 to B-N. However, Staff **recommends approving the rezoning of the property to BL, Limited Business.** This district is established to accommodate a variety of residential uses and a limited range of small-scale, neighborhood-oriented commercial and nonresidential uses together within the same district. This district is intended to be used in conjunction with nearby or adjacent Residential districts to create sustainable neighborhoods with convenient access to neighborhood-serving commercial uses. B-L would allow for the barber shop to continue as a conforming use and allow for several other commercial uses appropriate for the proximity to residential dwellings. The list of uses and dimension standards for B-L are listed in Tables 1 and 2.

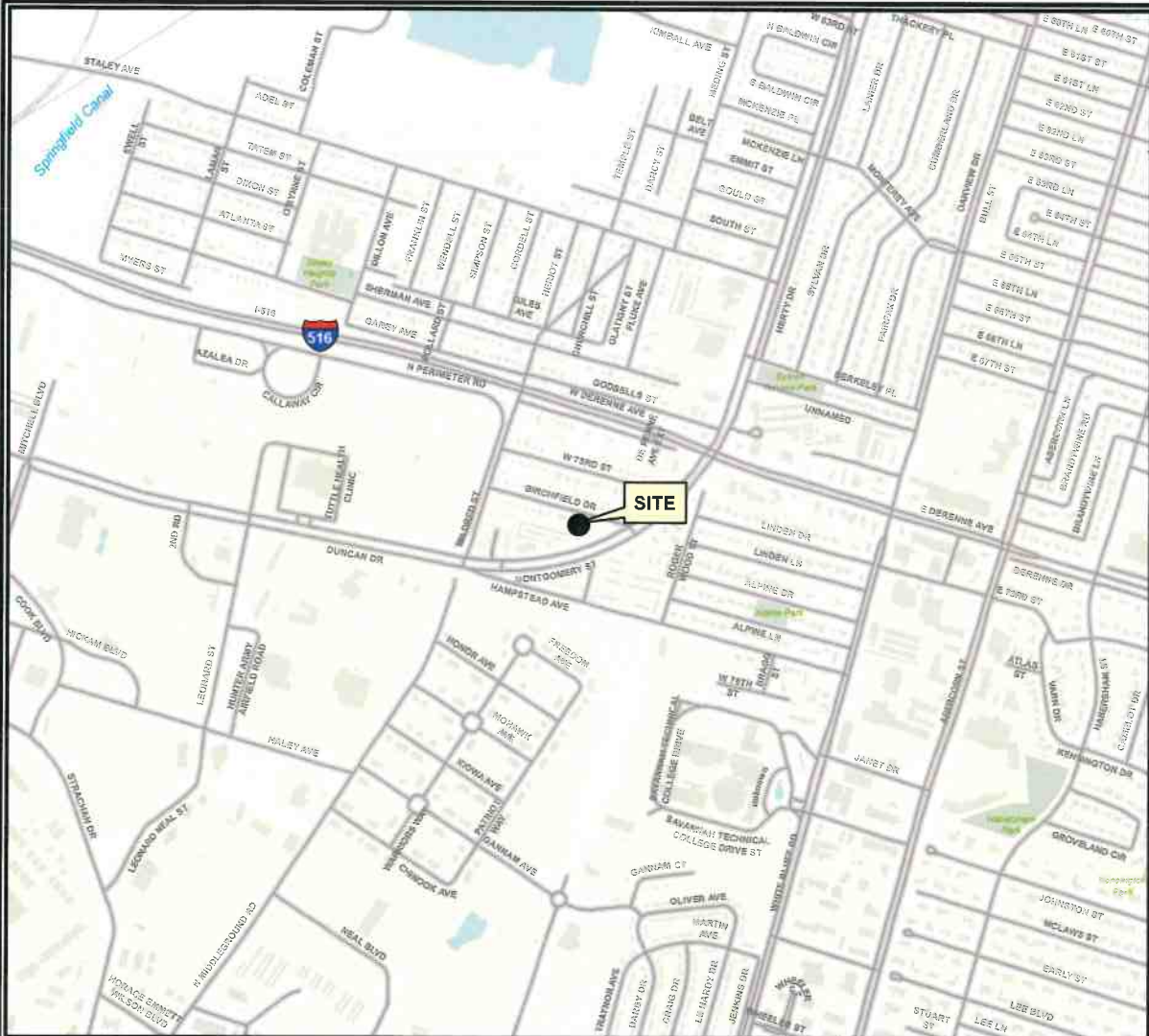
Note: Staff recommendation could change based on information gathered during the public hearing.

Table 1: Comparison of Principal Uses for RSF-6 (Existing), B-N (Proposed), and B-L (Recommended)		
RSF-6	B-N	B-L
Single-family detached	Upper story residential	Single-family attached
Cluster development	Child caring institution	Two-family
Agriculture, personal	Agriculture, personal	Three-family/four-family
Community garden	Community Garden	Townhouse
Park, general	Park, general	Stacked Townhouse
Library/community center	Library/community center	Apartment
Police/fire station or substation	Museum	Upper story residential
Child/adult day care home	Post office	Child caring institution
School, public or private (K-12)	Police/fire station or substation	Agriculture, personal
All places of worship	Emergency Medical Services (EMS) substation/	Library/community center
Personal care home, registered	Ambulance Service	Museum
Golf course	Shelter, transitional	Post office
Retail consumption dealer	Child/adult day care center	Police/fire station or substation
Dock, private	Child/adult care center, 24 hour	Child/adult day care home
Dock, residential community	College, university, seminary	Child/adult care home, 24 hour
Marina, residential	Educational building used by a college, university or	Child/adult care center, 24 hour
Watercraft launch/ramp	seminary	School, public or private (K-12)
Utilities, major	School, public or private (K-12)	All places of worship
Utilities, minor	School, trade, vocational or business	Assisted living facility
	All places of worship	Personal care home, registered
	Hospice	Personal care home, family
	Nursing home	Office, general
	Assisted living facility	Office, medical
	Personal care home, registered	Indoor sports facility
	Office, general	Theater/cinema
	Call center	Retail, general
	Office, medical	Art/photo studio; gallery
	Office, utility/contractor	Food-oriented retail
	Studio/multimedia production facility	Pharmacy
	Indoor amusement	Services, general
	Indoor sports facility	Animal services, indoor
	Teen Club	Bank
	Theater/cinema/performing arts	Business support services
	Retail, general	Catering establishment

	Art/photo studio; gallery	Event Venue
	Convenience Store	Instructional studio or classroom
	Fuel/gas station	Laundromat
	Food-oriented retail	Dry Cleaner/Laundry, Neighborhood
	Garden center	Personal service shop
	Pawnshop	Psychic; palmist; medium; fortune teller
	Pharmacy	Repair-oriented services
	Services, general	Retail consumption dealer (on premise consumption of alcohol)
	Animal services, indoor	Bed and Breakfast Homestay
	Bank	Bed and breakfast
	Body art services	Short-term vacation rental
	Business support services	Utilities, major
	Catering establishment	Utilities, minor
	Check cashing; Title Pawn	
	Funeral home; mortuary (not including crematorium)	
	Hall, banquet or reception	
	Event Venue	
	Instructional studio or classroom	
	Laundromat; Dry-cleaning/laundry/drop-off facility	
	Dry Cleaner/Laundry, Neighborhood	
	Personal service shop	
	Psychic; palmist; medium; fortune teller	
	Repair-oriented services	
	Self-service storage facility	
	Distillery, craft	
	Bar; tavern	
	Restaurant	
	Food Truck Park	
	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	
	Inn	
	Short-term vacation rental	
	Vehicle sales, rentals and leasing	
	Moped/motor scooter sales, rentals, and leasing	
	Vehicle service, minor	
	Vehicle service, major	
	Vehicle towing and impound facility	
	Vehicle wash, full or self-service	
	Artisan/Craft	
	Parking facility	
	Utilities, major	
	Utilities, minor	

Table 2 Comparison of Development Standards				
	RSF-6 (res. Dev.)	RSF-6 (non res. Dev.)	B-N	B-L
Standards				
Lot Dimensions (min. sq. ft)	6,000	20,000	n/a	n/a
Lot Area (min ft)	60	100	n/a	n/a
Building Setbacks (min. ft)				
Front yard	20	30	15	15
Side (interior) yard	5	20	n/a	n/a
Side (street) yard	10	20	15	15
Rear yard	20	30	n/a	n/a
From access easement	5	5	5	5
Building Separation	See Fire Code	See Fire Code	See Fire Code	See Fire Code
Building Coverage (max)				
Building Coverage (max)	40%	40%	n/a	n/a
Height (max ft)	36	36	40	36
Parking Area Setback (min. ft)				
From collector or arterial street row	n/a	15	15	15
From local street row	n/a	10	10	10
Abutting lane, property line or access easement	n/a	5	5	5



VICINITY MAP

21-001901-2A
 5501 Montgomery St.
 Savannah, Ga
 Aldermanic District: 5 (Shabazz)
 Commission District: 5 (Milton)
 Neighborhood: See Map
 PIN(s): See Map

SITE

Date: 4/12/2021

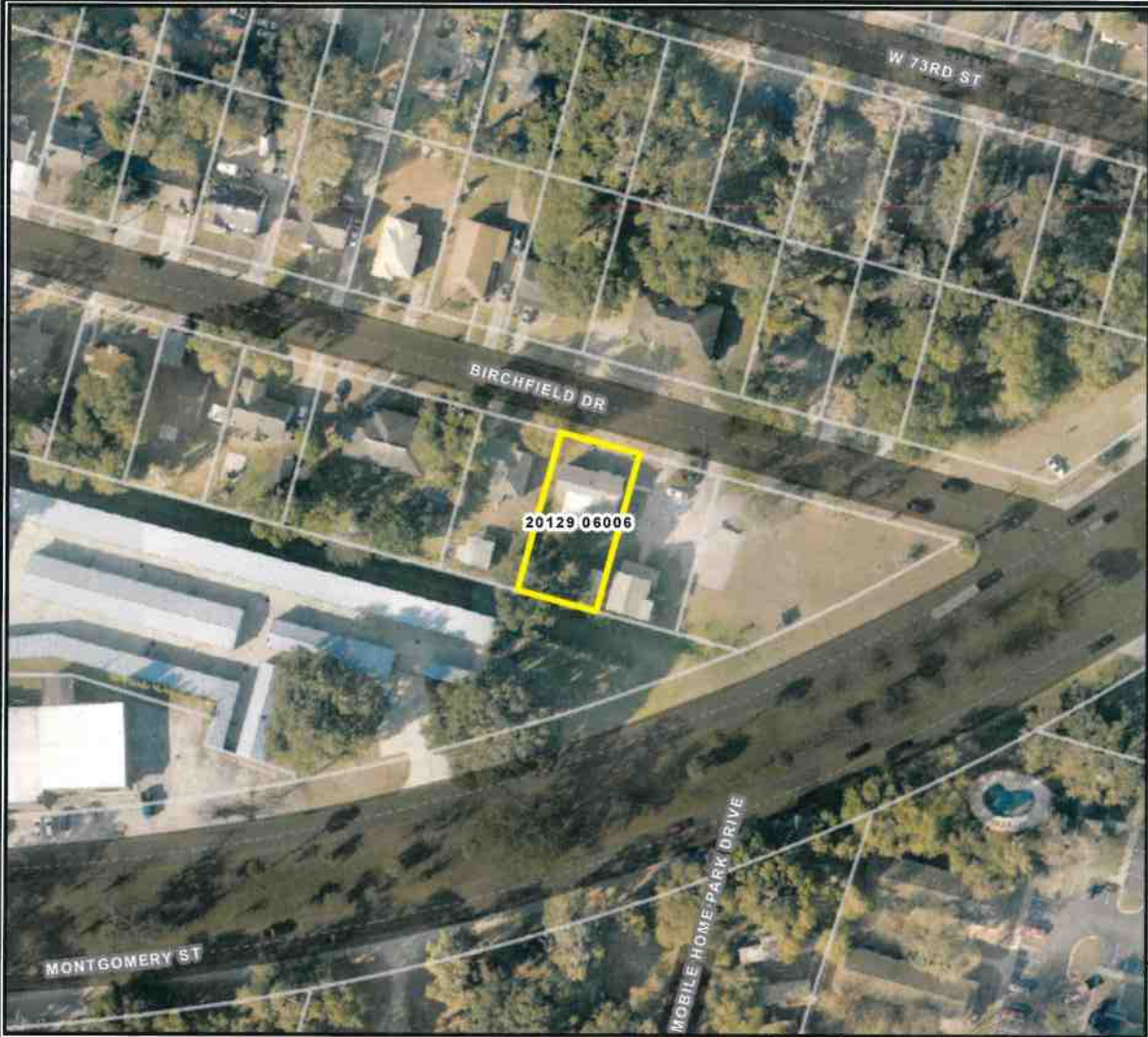


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METROPOLITAN PLANNING COMMISSION
 110 E. STATE ST. SAVANNAH, GA 31412-8246 PHONE 912-651-1440

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1 inch = 1,000 feet



AERIAL MAP

21-001901-2A
5501 Montgomery St.,
Savannah, Ga
Aldermanic District: 5 (Shabazz)
Commission District: 5 (Milton)
Neighborhood: See Map
PIN(s): See Map

Date: 4/12/2021



CHATHAM COUNTY - SAVANNAH
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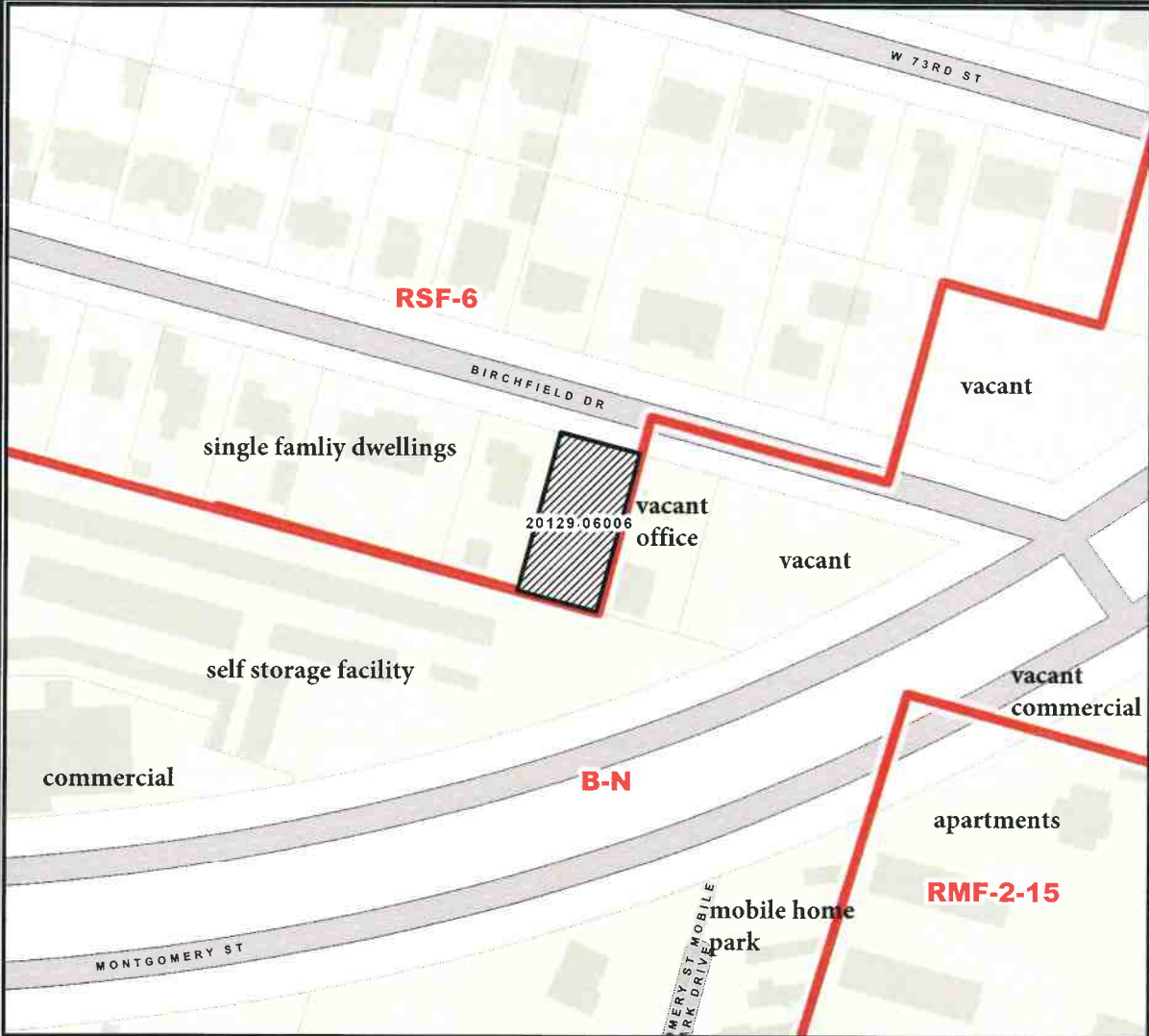
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ZONING MAP

21-001901-2A
 5501 Montgomery St.
 Savannah, Ga
 Aldermanic District: 5 (Shabazz)
 Commission District: 5 (Milton)
 Neighborhood: See Map
 PIN(s): See Map

Current property zoning(s) is primarily RSF-6
 Proposed property zoning: B-N

City of Savannah: New/No Zoning When Applicable



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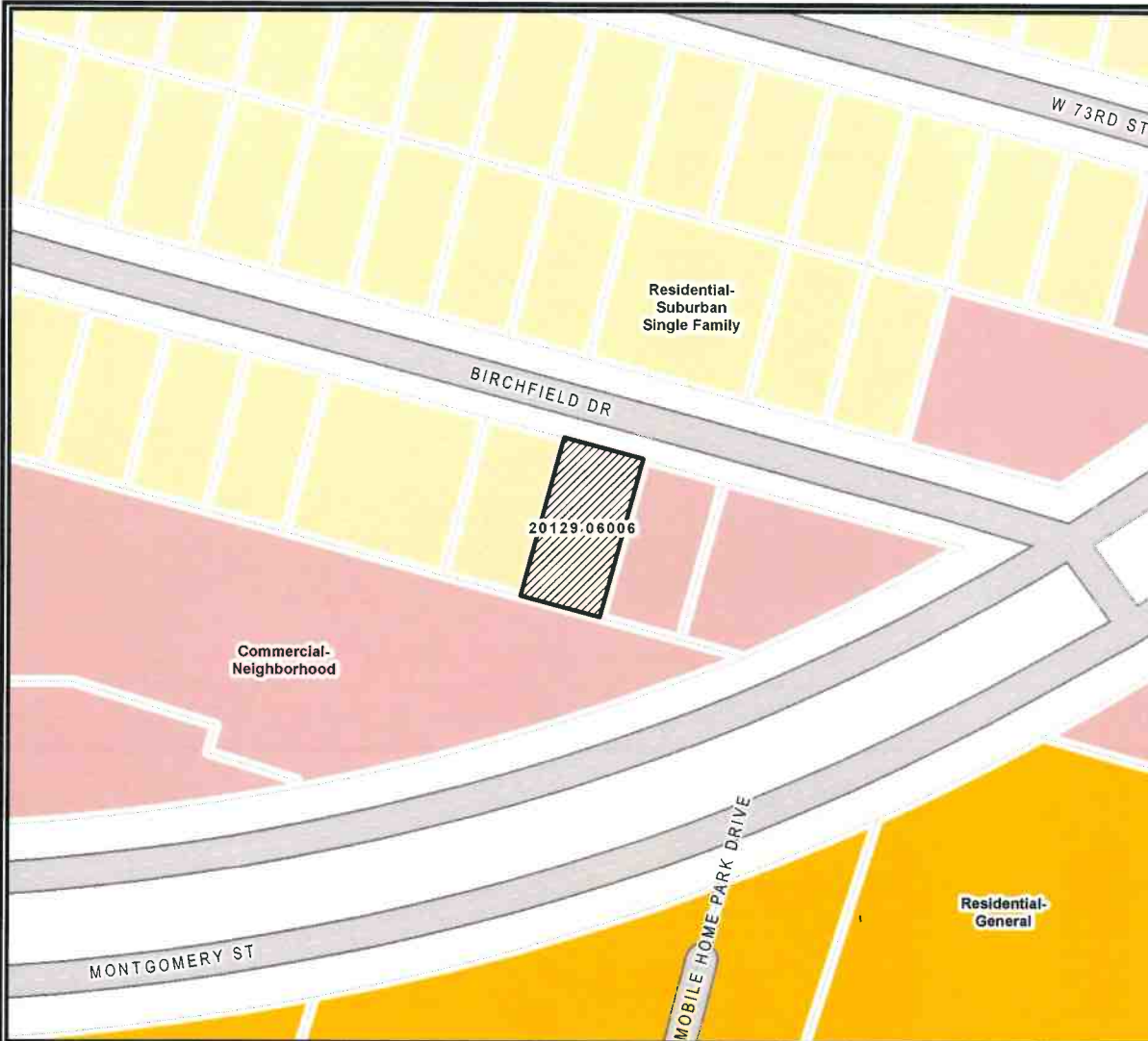
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FUTURE LAND USE

21-001901-ZA
 5501 Montgomery St.
 Savannah, Ga
 Aldermanic District: 5 (Shabazz)
 Commission District: 5 (Milton)
 Neighborhood: See Map
 PIN(s): See Map



- Commercial- Neighborhood
- Residential- Suburban Single Family
- Residential- General



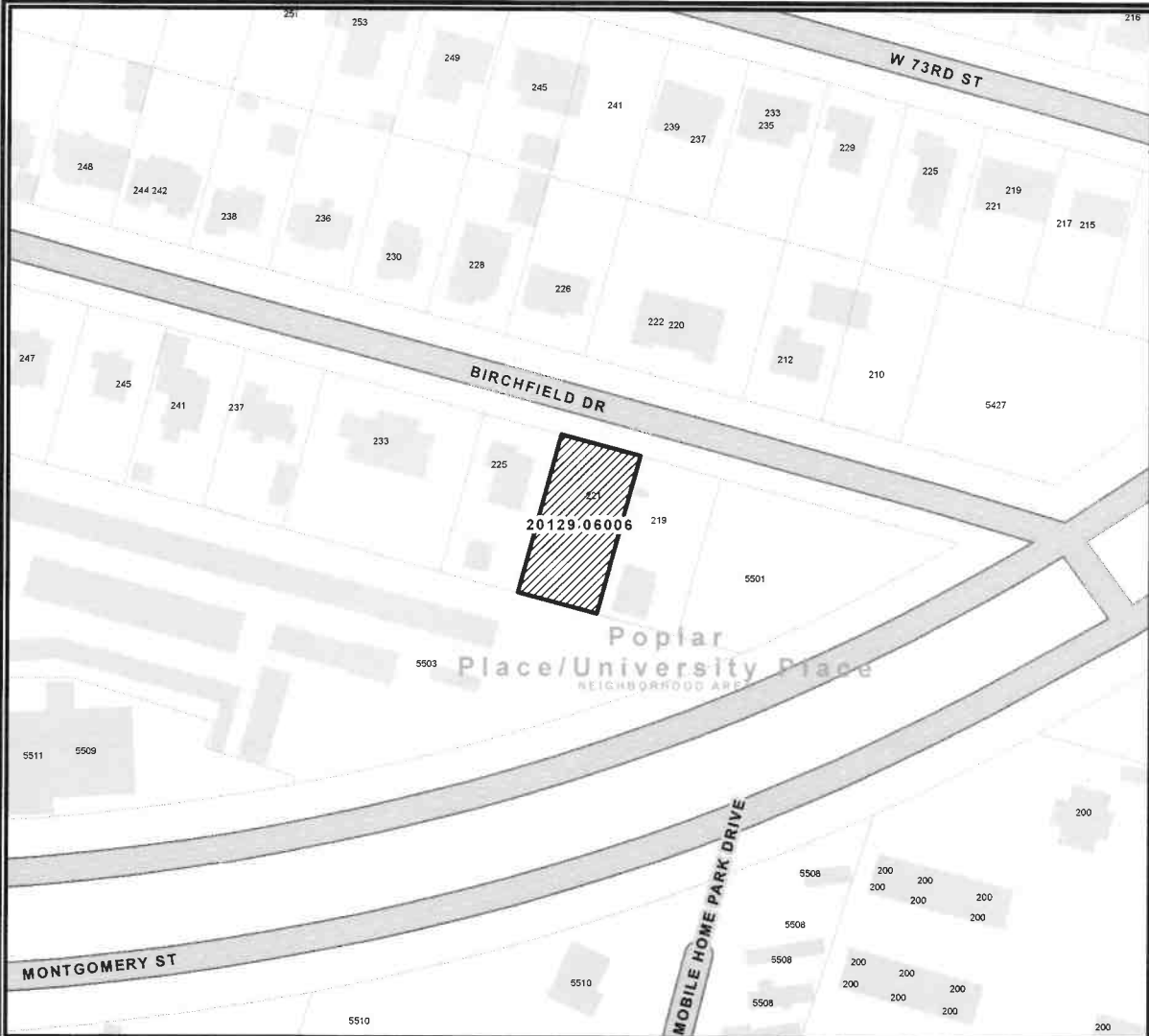
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TAX MAP

21-001901-ZA
 5501 Montgomery St.
 Savannah, Ga
 Aldermanic District: 5 (Shabazz)
 Commission District: 5 (Milton)
 Neighborhood: See Map
 PIN(s): See Map

Date: 4/12/2021



CHATHAM COUNTY - SAVANNAH
METROPOLITAN PLANNING COMMISSION
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Image capture: May 2019 © 2021 Google

Savannah, Georgia



Street View





Google


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