



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: NOVEMBER 21, 2017
TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH
FROM: METROPOLITAN PLANNING COMMISSION
SUBJECT: MPC RECOMMENDATION

PETITION REFERENCED:

Midtown Redevelopment, LLC, Petitioner
Harold B. Yellin (HunterMaclean), Agent
Rezone 311-313 W. Anderson Street from 3-R to 3-B / Rezone 312 W. 31st
Street from TN-2 to TC-1
PINs: 2-0066-05-001 & 007 (W. Anderson) / 2-0066-05-002 (W. 31st)
Lot Size: 0.60 acres (26,145 sf)
Aldermanic District: 2 (Durrence)
County Commission District: 2 (Holmes)
File No. 17-004805-ZA

MPC ACTION:

DENIAL of the rezoning of Parcel 2-0066-05-001 from 3-R to 3-B; and, Parcel 2-0066-05-002 from TN-2 (Traditional Neighborhood-2) to TC-1 (Traditional Commercial-1); **APPROVAL** of the rezoning of Parcels 2-0066-05-003 and 004 from B-C (Community Business) to TC-2 (Traditional Commercial-2); and Parcel 2-0066-05-007 from 3-R to 3-B.

MPC STAFF RECOMMENDATION:

DENIAL of the rezoning of Parcels 2-0066-05-001 and 007 from 3-R to 3-B; and, Parcel 2-0066-05-002 from TN-2 (Traditional Neighborhood-2) to TC-1 (Traditional Commercial-1); **APPROVAL** of the rezoning of Parcels 2-0066-05-003 and 004 from B-C (Community Business) to TC-2 (Traditional Commercial-2).

MEMBERS PRESENT: 8 + Chairman

James Overton, Chairman
Shedrick Coleman
Travis Coles
Ellis Cook
Karen Jarrett
Lacy Manigault
Tanya Milton

Linder Suthers
Tom Woiwode

PLANNING COMMISSION VOTE: Approve Staff Recommendation (7-2)

| APPROVAL Votes: 7 | DENIAL Votes: 2 | ABSENT |
|--|---------------------------|--|
| Overton Cook Coleman Coles Manigault Suthers Woiwode | Jarrett Milton | Ervin Hernandez Mackey Smith Welch |

Respectfully submitted,



Melony West
Interim Executive Director

/jh

Enclosure

cc Dyanne C. Reese, Clerk of Council
Brooks Stillwell, City Attorney
Lester B. Johnson, Assistant City Attorney
Jennifer Herman, Assistant City Attorney
Beth Barnes, Department of Inspections



TO: The Mayor and Aldermen of the City of Savannah

FROM: The Planning Commission

DATE: November 21, 2017 (Continued from October 31, 2017)

SUBJECT: Midtown Redevelopment, LLC, Petitioner
Harold B. Yellin (HunterMaclean), Agent
Rezone 311-313 W. Anderson Street from 3-R to 3-B / Rezone 312 W. 31st Street from TN-2 to TC-1
PINs: 2-0066-05-001 & 007 (W. Anderson) / 2-0066-05-002 (W. 31st)
Lot Size: 0.60 acres (26,145 sf)
Aldermanic District: 2 (Durrence)
County Commission District: 2 (Holmes)
File No. 17-004805-ZA

ISSUE: A request to rezone 311-313 West Anderson Street from a Victorian District 3-R district to 3-B district and 312 W. 31st Street from a Mid-City TN-2 (Traditional Neighborhood-2) district to TC-1 (Traditional Commercial-1) district.

In addition to the proposed rezoning, the petitioner also seeks text amendments to the 3-B and B-C zoning districts. The text amendment is scheduled for the same City Council meeting as the rezoning petition (See File No. 17-004803-ZA).

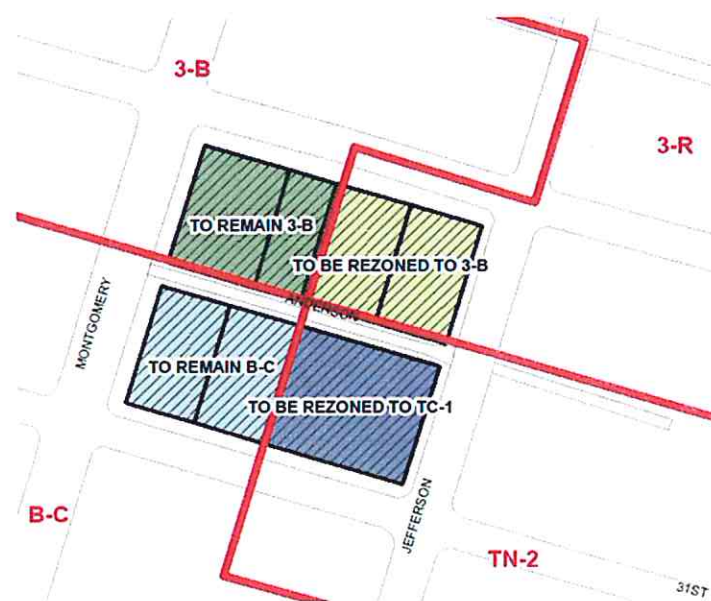
BACKGROUND:

The subject property is the eastern portion of a block located between Montgomery Street to the west, Anderson Street to the north, Jefferson Street to the east and W. 31st Street to the south. The block is separated by Anderson Lane. The block contains seven parcels with a cumulative total of 1.17 acres of land (approximately 50,965 square feet, not including the public lane). See map on next page and attached maps. The petitioner owns the entire block and seeks to construct upwards to 105 dwelling units in addition to rehabilitating nine (9) existing dwelling units.

The northern portion of the block is located within the Victorian Planned Neighborhood Conservation District and includes four parcels. The two westernmost parcels, zoned 3-B, were a former gas and service station that became an auto sales lot. The parcels are 0.28 acres and are not proposed to be rezoned; however, a text amendment is proposed to the 3-B district to change: 1) the district intent statement; 2) to allow residential uses by-right instead of with Zoning Board of Appeals approval; and, 3) eliminate the lot area requirement for multi-family. The two easternmost parcels include a one-family residence that is historic contributing building and a

vacant lot that are both proposed to be rezoned from 3-R to 3-B. Together, these parcels are 0.31 acres in size.

The southern portion includes three parcels. The two westernmost parcels (0.29 acres) are zoned B-C (Community Business). They are presently vacant but previously served as a vehicle storage area for the former auto sales business to the north. The easternmost parcel (0.29 acres) is zoned TN-2 and contains three multi-family residences with a total of eight (8) dwelling units. A rezoning to the TC-1 district is proposed to increase residential density. While this parcel is in the Mid-City district, the two parcels to the west are not.



Both the Victorian and Mid-City districts are local historic districts. These districts require that certain activities, such as new construction, exterior renovations and the demolition or moving of historic structures that contribute to these districts be reviewed using specific standards that were adopted to protect the historic and architectural character of these areas. The B-C zoned portion of the block is not located in a local historic district.

In 1974, the Victorian District became a National Register Historic District. In 1981 it became a local historic district when it was zoned to the Victorian Planned Neighborhood Conservation District which included six base zoning districts: 1-R, 2-R, 3-R, 1-B, 2-B and 3-B. The districts were not named. All districts are mixed-use but permit uses that are either more predominantly residential (“R”) or business (“B”). 3-B has the most intensive commercial uses of all the districts.

In 1997, Thomas Square became a National Register Historic District. In 2005, it became a local historic district known as “Mid-City.” Mid-City includes the Thomas Square neighborhood and portions of the Metropolitan and Mid-City neighborhoods. Mid-City has four districts: TN-2,

TC-1, TC-2 and CIV. All districts are mixed-use. The CIV (Civic and Institutional) is most limited in nature in terms of use. The TC (Traditional Commercial) districts are more predominantly commercial in nature, with the TC-2 district being the more use intensive.

In 2002, the existing 3-B and B-C portions of the block were included in the Martin Luther King, Jr. Boulevard/Montgomery Street Urban Redevelopment Area that extends from Gwinnett Street to West 52nd Street.

The petitioner seeks the rezoning and text amendments to redevelop the entire block for the potential of 114 residential units, including nine existing units to be rehabilitated. The attached concept plan shows a possible development scenario. However, a concept plan is not a guarantee of what could be developed if the rezoning and related text amendments are approved. The concept plan is provided only to help explain the purpose of the petitioner's amendments. No action is to be taken on the plan.

FACTS AND FINDINGS:

1. **Public Notice:** A notice of the meeting was sent to all property owners within 300 feet of the subject property and to the Victorian District and Thomas Square neighborhood associations on September 1, 2017. The petitioner held a neighborhood meeting on August 28 to present the concept plan. The proposed rezoning and text amendments were not discussed in any detail. Approximately 15 residents were in attendance.

A second meeting to discuss the amendments was held with some of the leadership and residents of both neighborhoods (a total of seven people) on October 12, 2017. One of the petitioners, the petitioner's agent and his urban design team were in attendance.

A third meeting on October 15 was held with the Victorian Neighborhood Association president and the petitioner's agent to discuss the restriction of package alcohol sales.

2. **Existing Development Pattern:** The property is within an area that was developed prior to the adoption of a zoning ordinance by the City of Savannah in 1960. The lack of a zoning ordinance likely explains why there is variation among the surrounding development, including uses. The "newer" development is mostly auto-oriented uses, including fast food restaurants, auto repair and sales, and commercial buildings often fronted with parking lots.

The land uses and zoning districts surrounding the parcels proposed to be rezoned include:

| <u>Location</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------------|--|---|
| North | W. Anderson Street / Unknown Commercial Use / Residential | 3-B |
| East | Jefferson Street / Residential | 3-R (north of Anderson Lane) TN-2 (south of Anderson Lane) |

| | | |
|-------|--|--|
| South | W. 31 st Street / Residential | TN-2 |
| West | Vacant Fuel Station / Vacant Lot | 3-B (north of Anderson Lane) B-C (south of Anderson Lane) |

3. **Transportation Network:** The property proposed to be rezoned abuts W. Anderson Street, Jefferson Street and W. 31st Street. W. Anderson Street is a two-lane one-way (east bound) arterial street. Jefferson Street is a two-lane, north-south residential street with on-street parking on both sides of the street. W. 31st Street is a two-lane, east-west residential street with on-street parking.
4. **Public Services and Facilities:** The property is served by the Metropolitan Police Department, City fire protection and by City water and sewer services. The property is also served by Gadsen Elementary School, DeRenne Middle School, and Savannah High School.
5. **Land Use Element:** The Comprehensive Plan Future Land Use Map (FLUM), designates the subject property as Traditional Neighborhood. This designation is defined as: “Residential 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 non-residential uses that are compatible with the residential character of neighborhoods.”
6. **Existing 3-R and TN-2 Zoning Districts:**
 - a. ***Intent of the 3-R and TN-2 Districts***
 - i. ***3-R District:*** The 3-R district permits a density range of between 35 and 60 dwelling units per gross acre of residential land, based on the type of dwelling unit (efficiency unit, one-bedroom unit, two-bedroom unit, etc.), plus various nonresidential uses considered appropriate for the district.
 - ii. ***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 1890 to 1930 during the streetcar and early automobile era. While the district provides for primarily residential streets, it also includes limited nonresidential uses that were historically deemed compatible with the residential character of neighborhoods, specifically located as corner stores and limited ground-floor uses.”
 - b. ***Allowed Uses in the 3-R and TN-2 Districts***
 - i. ***3-R District:*** **Table 1** identifies the uses permitted in the 3-R district. Most of the non-residential uses permitted in the 3-R district require Zoning

Board of Appeals approval. They include, but are not limited to personal service shops, photography studios, pet grooming and specialty shops (e.g., florist, hobbies and bookstores).

- ii. ***TN-2 District:*** Table 2 identifies the uses permitted in the TN-2 district. Because the district was created primarily for residential streets, permitted non-residential uses are limited, especially on interior lots within a block. Interior lots allow congregate care homes (more than 15 residents), offices and art studios/galleries on the ground floor; corner lots can also have these uses, in addition to neighborhood service and retail uses. With special use approval, restaurants with alcohol sales and package stores can be permitted.

c. ***Required Development Standards for the 3-R and TN-2 Districts:***

- i. ***3-R District:*** The development standards for the 3-R district appear in attached Table 3.
- ii. ***TN-2 District:*** The development standards for the TN-2 district appear in attached Table 4.

7. **Proposed 3-B and TC-1 Zoning Districts:**

a. ***Intent of the 3-B and TC-1 Districts:***

- i. ***3-B District:*** The 3-B district permits limited heavy commercial uses and mixed residential uses. Specific commercial uses permitted in these respective "B" districts are listed in the schedule of permitted uses. The 3-B district permits a density range of between 30 and 50 dwelling units per gross acre of land, based on the type of dwelling unit (efficiency unit, one-bedroom unit, two-bedroom unit, etc.).

Note: The petitioner proposes to eliminate the last sentence to remove the density range as part of its text amendment petition.

- ii. ***TC-1 District:*** "The TC-1 District is intended to ensure the vibrancy of historic mixed-use neighborhoods with traditional development patterns characteristic of Savannah from 1890 to 1930 during the streetcar and early automobile era. The district provides for commercial areas that are developed at a mass and scale harmonious with nearby residential neighborhoods."

b. ***Allowed Uses in the 3-B and TC-1 Districts:***

- i. ***3-B District:*** Table 1 identifies the uses permitted in the 3-B district. The

3-B district is the most commercially intense of six Victorian zoning districts. Uses permitted by-right include but are not limited to: short-term vacation rentals, hotels, package store, fast food restaurants with or without a drive-thru, package stores, bars, gas stations and minor and major vehicle repair.

The VNA president met with MPC staff and the petitioner's agent to discuss limiting package sales and nightclubs. The agent indicated that this could be accomplished through a private deed restriction. Because of the private nature of this restriction, it cannot be enforced by the City. If the property is rezoned to 3-B, the petitioner would have the right to establish any of the permitted uses.

- ii. ***TC-1 District:*** **Table 2** identifies the uses permitted in the TC-1 district. The TC-1 district allows a range of uses, including civic and commercial. Commercial uses allowed by-right include but are not limited to inns, hostels, neighborhood and general retail, neighborhood and general service, minor vehicle repair, restaurants that do not serve alcohol and gas stations with convenience retail.

c. ***Required Development Standards for the 3-B and TC-1 Districts:***

- i. ***3-B District:*** The development standards for the 3-B district appear in attached **Table 1**. The petitioner proposes to change the required lot area requirement for "new construction of multi-family dwelling units that abut Martin Luther King, Jr. Boulevard or Montgomery Street..." and replace lot area with a requirement that each dwelling unit will have to have a minimum of 450 square of dwelling size. This square footage is not tied to land area.
- ii. ***TC-1 District:*** The development standards for the TC-1 district appear in attached **Table 2**.

8. **Expansion of the 3-B District:** The petitioner proposes to expand the 3-B district to two parcels presently zoned 3-R. One parcel includes a contributing historic single-family building, and the other parcel is vacant. The two parcels have a cumulative total of 0.31 acres. With the existing 3-B parcels to west, the total acreage is 0.59 acres.

As shown on the concept plan, the petitioner would like to move the residence across the lane into the Mid-City District to be a fourth residential building or office. Moving a contributing building out of the historic Victorian District into the historic Mid-City district would require two certificates of appropriates: 1) to remove the structure from its present location; and 2) to review its appropriateness for the new location.

The removal of the structure as proposed is not supported for two reasons: 1) it would remove of structure from the Victorian District, where it was constructed; and, 2) it is a

street-facing residence and not a lane-facing residence. The structure could be moved to the corner lot at W. Anderson and Jefferson streets as an alternative location if relocation is necessary.



Upper Levels 2-4

CONCEPTUAL MASTER PLAN

Montgomery, Anderson, Jefferson & 31st Streets

The expansion of the 3-B district would allow the possibility that uses could be developed that are more appropriate for the Montgomery corridor, such as gas stations, fast food restaurants with a drive-thru and major vehicle repair. A rezoning does not provide a guarantee that the concept plan will be developed, therefore the potential for this to occur should be carefully considered.

9. **TC-1 District Proposal:** The petitioner seeks to rezone the TN-2 zoned property to a TC-1 district to increase residential density based on an expectation the contributing structure across Anderson Lane will be approved for relocation. The petitioner is unsure if the building would be used as a residence or an office, or a combination of both. Use of that

building, or a newly constructed building, for an office would be permitted in the existing TN-2 district.

The property presently contains three (3) existing multi-family residences for a total of eight (8) dwelling units. Based on the present TN-2 maximum density, the current density is exceeded; TN-2 has a maximum of 20 units per gross acre. The density of eight (8) residential units would result in a density of 27.5 units per gross acre, which exceeds the maximum density permitted.

The TC-1 district has a maximum density of 30 units—which would make the existing density conforming. However, a ninth dwelling unit would not be permitted because the density would be exceeded because there would be a total of 31 units. If the density bonus were used (the bonus is an incentive to provide affordable housing), up to 36 equivalent residential units would be permitted.

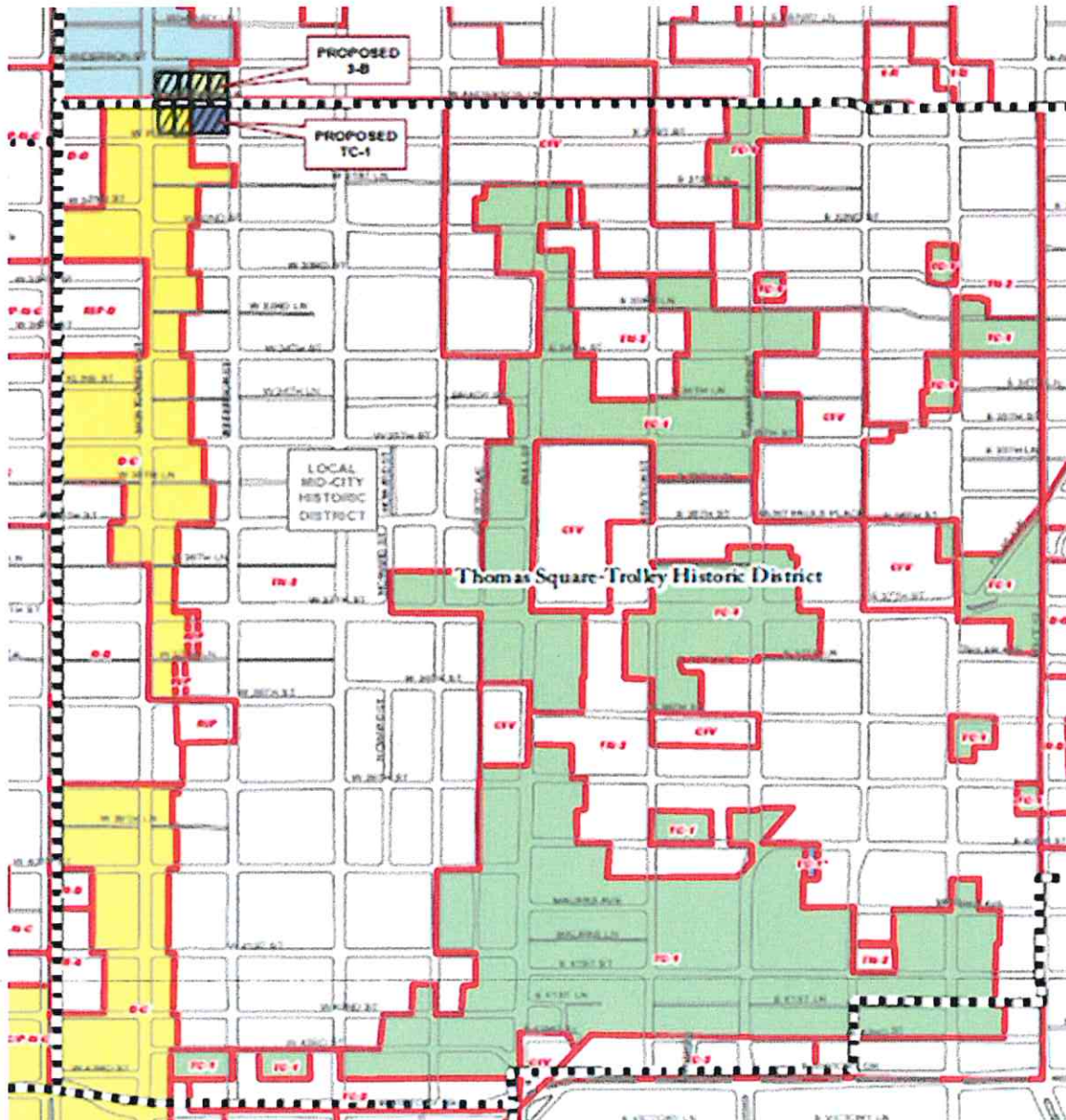
The TC-1 district in Mid-City exists mostly on arterial and collector streets, and other areas where commercial development has existed for decades. The map on the next page shows the TC-1 districts in green. The closest property zoned TC-1 is over three blocks in distance from the subject property.

TC-1 allows uses that would be inconsistent with the surrounding residential uses and that would be more appropriate in the commercial corridors of Mid-City, such as Bull Street and Victory Drive. **Table 2** provides all permitted uses within the district.

10. **Suggested TC-2 District for B-C Zoned Property:** The southwest corner of the block (West 31st Street and Montgomery) includes two parcels that are zoned B-C. The petitioner wants to develop multi-family and proposes a text amendment (File No. 17-004803-ZA) to include multi-family and upper-story residential in the B-C district for the area extending from Anderson Lane to Victory Drive, but excluding the Cuyler-Brownville neighborhood.

The petitioner also proposes that design review would follow a Planned Neighborhood Conservation district requirement, but a PNC district would have to be created first. Without a PNC district in place (which is the creation of a local historic district), there would be no design review or protection of the many buildings in the area that would likely qualify for historic contributing status. The proposal of adding multi-family to the district without a density requirement could make the area attractive enough that such buildings could be demolished. Additionally, there would be no design standards to prevent suburban-style multi-family development from occurring.

The request could result in detrimental consequences to the MLK/Montgomery corridor when the TC-2 district, with some amendments to text, would be more appropriate. A rezoning to TC-2 for the two parcels, with the suggested text amendments, is recommended in place of the petitioner's text amendment to the B-C district.



ADDITIONAL REVIEW CRITERIA:

The following criteria are to be considered for zoning map amendments as required by Zoning Ordinance Sec. 8-3183:

- a. *Will the proposed zoning district permit uses that would create traffic volumes, noise levels, odor, airborne particulate matter, visual blight, reduced light or increase density of development that would adversely impact the livability or quality*

of life in the surrounding neighborhood.

Yes. Both the 3-B and TC-1 districts, as proposed have the potential for uses that could impact the quality of life for surrounding residents. It is not anticipated that the proposed TC-2 district for the existing B-C zoned property would create adverse impacts.

- b. *Will the proposed zoning district permit uses that would adversely impact adjacent and nearby properties by rendering such properties less desirable and therefore less marketable for the type of development permitted under the current zoning.*

Possibly. As indicated in the report, the 3-B and TC-1 districts allow for more intensive commercial uses than is permitted in the present 3-R and TN-2 districts. The TC-2 district is a less intense district than the existing B-C districts with respect to allowed land uses.

- c. *Will the proposed zoning district permit uses that would generate a type or mix of vehicular traffic on a street or highway that is incompatible with the type of land use development along such street or highway.*

Jefferson and West 31st Streets are both local residential streets. The proposed TC-1 and 3-B districts allow more intense uses, some of which could increase traffic if developed. The TC-2 district would be more compatible.

- d. *Will the proposed zoning district permit uses that would generate greater traffic volumes at vehicular access points and cross streets than is generated by uses permitted under the current zoning district to the detriment of maintaining acceptable or current volume capacity (V/C) ratio for the streets that provide vehicular access to the proposed zoning district and adjacent and nearby properties.*

It is possible that some of the uses permitted in the 3-B and TC-1 districts could increase traffic. New development would be reviewed by the City Traffic Engineering department.

- e. *Will the proposed zoning district permit uses or scales or development that would require a greater level of public services such as drainage facilities, utilities or safety services above that required for uses permitted under the current zoning district such that the provision of these services will create a financial burden to the public.*

It is possible that improvements to utilities (water, sewer and drainage) could be required of the petitioner to construct the desired development. However, a greater level of public service improvements that would create a financial burden does not seem likely because the area is already developed.

- f. *Will the proposed zoning district permit uses or scale of development that would adversely impact the improvement or development of adjacent and nearby properties in accordance with existing zoning regulations and development controls deemed necessary to maintain the stability and livability of the surrounding neighborhood.*

Possibly. As indicated in the report, the 3-B and TC-1 districts allow for more intensive commercial uses than is permitted in the present 3-R and TN-2 districts. The TC-2 district is a less intense district than the existing B-C districts with respect to allowed land uses. The recommendation and suggested text amendments are intended to help maintain the stability and livability of the neighborhood.

OCTOBER 31 PLANNING COMMISSION MEETING: CONTINUATION TO PROVIDE ALTERNATE TEXT

At the October 31 meeting, the Commission continued this item and the related text amendment petition. The Commission appeared to support the rezoning of the parcel with the historic structure (PIN 2-006-05-007) from 3-R to 3-B. Because the parcel is not within the URA, the density requirement would not be eliminated as proposed in the text recommended by staff on that date. Therefore, the amendment was continued to allow an opportunity to provide text that would allow density to be eliminated in a 3-B district that is not located with the URA.

The Commission approved the alternate text (File No.17-004803-ZA) and supports rezoning the parcel from 3-R to 3-B. With this one exception, the Commission supported staff's alternate recommendation that was provided on October 31. The petitioner supports the alternate recommendations.

POLICY ANALYSIS:

The 3-B district is a predominantly commercial zoning district that is more appropriate for the Montgomery and Martin Luther King, Jr. corridors. Gas stations, fast food restaurants, package stores and vehicle repair are just some of the uses that could encroach into the interior of the neighborhood that is mostly residential in nature. This district is not appropriate for the corner property at Jefferson and Anderson streets because the surrounding development is residential.

The TC-1 district is sought to increase residential density for the TN-2 property. However, an additional dwelling unit (for a total of nine) would exceed the maximum density permitted for the TC-1 district. Use of the building as an office would be allowed in the present TN-2 district. A rezoning to TC-1, even if supported, would not provide the benefit sought by the petitioner.

While not requested, the B-C parcel is recommended to be rezoned to TC-2. This would bring the parcel into the Mid-City local historic district and provide for design standards, which the B-C district does not have. It would also reduce the amount of required off-street parking and have more flexible development standards than the B-C district, including some standards (density and height) that are suggested to be relaxed for property within the Martin Luther King, Jr. / Montgomery Street Urban Redevelopment Area.

RECOMMENDATION:

DENIAL of the rezoning of Parcel 2-0066-05-001 from 3-R to 3-B; and, Parcel 2-0066-05-002 from TN-2 (Traditional Neighborhood-2) to TC-1 (Traditional Commercial-1); **APPROVAL** of the rezoning of Parcels 2-0066-05-003 and 004 from B-C (Community Business) to TC-2 (Traditional Commercial-2); and Parcel 2-0066-05-007 from 3-R to 3-B.