



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"

M E M O R A N D U M

DATE: **May 2, 2023**

TO: **THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH**

FROM: **METROPOLITAN PLANNING COMMISSION**

SUBJECT: **MPC RECOMMENDATION**

PETITION REFERENCED:

Petitioner: Josh Yellin
Owner: 14 W. 43rd, LLC
Aldermanic District: - 1, Alderman Lanier
County Commission District: - 8, Commissioner Adams
Current Zoning District: TC-1 (Traditional Commercial)
Future Land Use (FLU) Category: Traditional Commercial
File No. 23-000865-ZA
Location: 2602 Whitaker Street
PIN(s): 20074 14001

MPC ACTION:

Approval of the requested Special Use permit for restaurant with alcohol sales.

*Conditions may be recommended to Council by the City Manager

MPC STAFF RECOMMENDATION:

Denial of the request for a Special Use permit for restaurant w/ alcohol sales.

MEMBERS PRESENT: 10 + Chairman

Dwayne Stephens, Chairman Joseph Welch
Laureen Boles
Travis Coles
Karen Jarrett
Joseph Ervin
Tom Woiwode
Wayne Noha
Jeff Notrica
Michael Kaigler
Jay Melder

PLANNING COMMISSION VOTE: Approve Staff Recommendation (10-0-1)

APPROVAL Votes: 10	DENIAL Votes: 0	ABSENT	Abstained
Boles Coles Ervin Welch Jarrett Melder Noha Kaigler Stephens Woiwode		Coleman Epstein Watkins	Notrica

Respectfully submitted,



Melanie Wilson
Executive Director

MW/sh

Enclosure

cc Mark Massey, Clerk of Council
Lester B. Johnson, Assistant City Attorney
Jennifer Herman, Assistant City Attorney
Zarina Davis, Department of Inspections
Bridget Lidy, Department of Inspections





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

FROM: The Planning Commission

DATE: May 2, 2023

Subject:

Special Use Request

Josh Yellin, Agent

2602 Whitaker St

Aldermanic District: 1 - Lanier

County Commission District: 8 - Adams

20074 14001

File No. 23-000865-ZA

Marcus Lotson, MPC Staff

REPORT STATUS: Initial Report

Issue:

The petitioner is requesting approval of a Special Use Permit to operate a restaurant with on-site alcohol consumption in a TC-1 (Traditional Commercial) zoning district.

Background:

The subject property is located on Whitaker Street between West 42nd Street and West 43rd Street. The site is approximately 1/3 of an acre in size and is an existing nonconformity due to the fact that both a commercial building (which is intended to become the restaurant) and an occupied residential duplex exist on the same parcel. The commercial building was originally constructed in 1915 and substantially renovated in 2006, the duplex was built in 1935 and substantially renovated in 1960. Both buildings are under the same ownership. The owner has indicated that an application has been made to the City of Savannah to convert the duplex from a full-time residence to a short-term vacation rental.

The petitioner's intention is to convert the commercial building into a restaurant / bar. Both restaurants and alcohol sales in this zoning district require a special use permit to be granted by the City of Savannah.

- 1. 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 posted on site. Special use permits do not require neighborhood meetings. However, the applicant met with the Thomas Square Neighborhood Association on April 18th. There was general support for the petition as reflected by the attached letters of support.



2. Existing Zoning and Development Pattern: The land uses and zoning districts surrounding the subject site include:

<u>Location</u>	<u>Land Use</u>	<u>Zoning</u>
North	Vacant	TN-2
South	Cafe	TC-1
East	Restaurant	TC-1
West	Retail	TC-1

The site is unique due to the multiple structures on site. The development pattern in the area is primarily commercial along Whitaker and the blocks north and south of the subject property. The closest concentration of residential dwellings is northwest of the subject property across Whitaker, between West 41st Street and West 42nd Street. There have been several commercial renovations in the last 3-5 years of formerly vacant buildings. There are also other vacant buildings planned to be repurposed for commercial use. This has created a small entertainment zone in the neighborhood. This zone receives a relatively high influx of people when events are taking place in the area.

3. General Provisions 3.10.2

The General Provisions for Special Uses identify the purpose of the process and are as follows:

- Special uses within each zoning district are uses that would not be appropriate generally or without restriction but which, if controlled as to number, area, location, or relation to other uses may be appropriate in a particular zoning district.
- A special use permit shall be required for all special uses (identified with an “S” designation) as set forth in the permitted use table in [Sec. 5.4, Principal Use Table](#) or as part of a use condition in [Article 8.0, Use Standards](#).
- Specific use standards may be applicable to the approved special use.
- Any use or activity on the property not specifically permitted by [Article 5.0, Base Zoning Districts](#), or the special use permit as modified, shall be deemed unlawful and subject to [Article 12.0](#).

4. Review Criteria for Special Use Permits - Sec 3.10.8

When reviewing a special use permit request, the review authority shall consider the following criteria:

- a. Whether the special use is consistent with the intent, goals, strategies, policies, guiding principles and programs of the Comprehensive Plan and other adopted plans.

Staff Comment: The Comprehensive Plan identifies the subject property as Traditional Commercial in terms of land use. That designation is typical along the north south corridors in the Streetcar district. While the Streetcar district is mixed use, it is also important to balance commercial impacts on existing residences. Generally, commercial uses have frontage on the primary corridors including Whitaker, Bull and Drayton. The east west streets in the neighborhood are primarily residential.

- b. Whether specific use standards for the special use, if any, as provided in [Article 8.0. Use Standards](#), can be achieved;

Staff Comment: There are specific standards that pertain to this proposal that are listed here for reference with a staff comment under each.

8.4.32.C Commercial Use Standards for Limited and Special Uses

The restaurant must be located on a street classified as a collector or arterial (as identified in Appendix A-1), unless such use existed prior to the Effective Date of this Ordinance. Restaurants in the OI, OI-T, and OI-E districts are exempt from this condition.

Whitaker Street is classified as a minor arterial street and meets this requirement.

8.7.24.B.III Accessory Alcohol Sales

Alcohol sales are limited to on-premises consumption only.

This establishment is intended for on-premises consumption only and meets this requirement.

- c. Whether the special use is detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses.

Staff Comment: The Planning Commission found that the area can support hospitality

uses without being a detriment to the public interest.

- d. Whether the subject property is adequate in shape and size to accommodate the special use.

Staff Comment: The subject parcel is unusual in that it contains two buildings with separate types of principal uses. As a commercial building and residential building are together on the same lot in a TC-1 zoning district, this parcel is currently nonconforming. The building is large enough to accommodate the intended use and the Planning Commission has found that operational issues such as parking are the same as other existing uses in the area.

- e. Whether adequate public facilities are available to serve the proposed use, including, but not limited to: water; sanitary sewer; stormwater drainage facilities; public safety and emergency facilities; roadway capacity; vehicular ingress and egress; or, that the applicant will provide adequately for such services and for placement in an appropriate location.

Staff Comment: The Planning Commission found that facilities can be adequately provided by the applicant.

- f. Whether the special use will result in the destruction, loss, or damage of any feature determined by the review authority to be of natural, cultural, scenic, or historic importance.

Staff Comment: The special use would not result in the loss of a feature or building that is of historic significance. The building in question has been modified significantly from its original state and was not given contributing building status when the Streetcar Historic District was established.

POLICY ANALYSIS:

The special use provisions of the Savannah Zoning Ordinance are designed to allow the reviewing authorities to consider the establishment of uses in zoning districts, where the use may be appropriate but should not be allowed by right. The review criteria outlined in Section 3.10.8 are the standards for considering a special use. The zoning ordinance's definition of the TC-1 district is as follows.

The TC-1 district was 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.

In review of the circumstances and the Special Use criteria, it appears that the proposed use is likely to be similar to other hospitality uses in the area. The current zoning district,

TC-1, is meant for commercial uses that mix well with nonresidential uses.

RECOMMENDATION:

The Planning Commission recommends **approval** of the Special Use for 2602 Whitaker Street.