



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: September 26, 2024

TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

FROM: METROPOLITAN PLANNING COMMISSION

SUBJECT: Text Amendment to amend Sections 5.4, 8.7.24, and 8.4.32, to Permit and Regulate the Establishment of Restaurants in the TN-1 Zoning District, (parcel was rezoned from TN-1 to TC-2)

PETITION REFERENCED:

Petitioner: Josh Yellin, Agent for Farina Kingsley

Property Owner: 17 West Park LLC

Address: 17 West Park Avenue

Alderman: District – 2 – Detric Leggett

County Commission: District – N/A

Property Identification Number: 20044 31008

Petition File No.: 24-004304-ZA

MPC ACTION:

The Planning Commission recommends **approval** of a rezoning to TC-2.

MPC STAFF RECOMMENDATION:

The MPC Staff recommends **denial** of the request as presented.

Alternatively, Staff recommends consideration of a new park-adjacent TN-zoning designation or Forsyth Park 'Lifestyle' Overlay district to capture the localized changes and ensure the continued harmony of mixed uses surrounding the Park.

If, however, the Commission and/or City Council is inclined to support the request, MPC Staff recommends that 'Restaurants' and 'Ancillary Retail Dealers' be regarded as limited uses denoted with an 'L' in the principal use table to ensure reference to the modified use standards proposed.

MEMBERS PRESENT: 10

Traci Amick
Dwayne Stephens
Coren Ross
Karen Jarrett – Chairwoman
Laureen Boles
Amanda Wilson
Jay Melder
Travis Coles – Vice Chair
Jeff Notrica
Tom Woiwode

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

APPROVAL Votes: 10	DENIAL Votes: 0	ABSENT
Amick Boles Wilson Stephens Jarrett Woiwode Ross Melder Coles Notrica		Ervin Kaigler Plunk Welch



Respectfully submitted,



Melanie Wilson
Executive Director and CEO

MW/sh

Enclosure

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



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

TO: The City Council

FROM: The Planning Commission

DATE: September 24, 2024

SUBJECT: Text Amendment to amend Sections 5.4, 8.7.24, and 8.4.32, to Permit and Regulate the Establishment of Restaurants in the TN-1 Zoning District

APPLICANT: Josh Yellin, Agent for Farina Kingsley

MPC FILE NO: 24-004304-ZA-TEXT

REQUEST:

The Petitioner seeks to amend the text of the Zoning Ordinance to permit and regulate the establishment of restaurants with ancillary alcohol sales for both on and off-premise consumption in the [TN-1](#) (Traditional Neighborhood-1) zoning district where restaurants are not currently permitted. The TN-1 district is only intended for use within the [Victorian Historic Overlay District](#).

The request is filed in support of a proposal to establish a restaurant and/or food-oriented retail business with ancillary alcohol sales at 17 West Park Avenue. If all necessary approvals are obtained, the business would sell alcoholic beverages by the glass for on-premise consumption, and by the package for off-premise consumption. On-premise consumption requires a separate Special Use Permit that has been filed concurrently with this Petition (24-004300-ZA), but requires approval of the present amendments to effectuate.

The Petition includes specific amendments to the following sections of the Ordinance:

- 1) [Section 5.4](#): Principle Use Table
- 2) [Section 8.7.24](#): Accessory Alcohol Sales
- 3) [Section 8.4.32](#): Commercial Use Standards for Limited and Special Uses - Restaurant

The proposed amendments would read as follows:

Section 5.4:

Principal Use Table																																		
✓ = Permitted Use L = Limited Use S = Special Use Blank Cell = Use not permitted																																		
PRINCIPAL USES	C	C-M	C-P	A-1	R-S	R-S	R-S	R-S	R-S	R-S	R-S	R-S	R-S	R-S	R-S	R-S	R-S	TN-2 Int. Lot	TN-2 Cor. Lot	T-N-3	T-C-1	T-C-2	D-R	D-C	D-CBD	D-W	D-X	B-N	B-C	B-M	IL-T	IL-L	IL-H	Use Standards
	Restaurant																		✓	✓	✓	✓	✓	S	L	✓	✓	✓	✓	✓	✓	✓	✓	✓
Food Truck Park																																		Sec. 8.4.50
Retail consumption dealer (on premise consumption of alcohol)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 8.7.24 and Sec. 7.14
Ancillary retail dealer (off-premise consumption of alcohol)																		✓	✓															Sec. 8.7.24 and Sec. 7.14
Package store (not including wine specialty shops)																				S	S		✓	✓	✓	✓			S	✓				Sec. 7.14
Wine Specialty Shop (not including package stores)																				S	S		✓	✓	✓	✓			S	✓				Sec. 7.14
Winery, Meadery, Cidery																				S	S		✓	✓	✓	✓			S	✓		✓	✓	Sec. 7.14
Brewery, Micro																				S	S		✓	✓	✓	✓			S	✓		✓	✓	Sec. 7.14

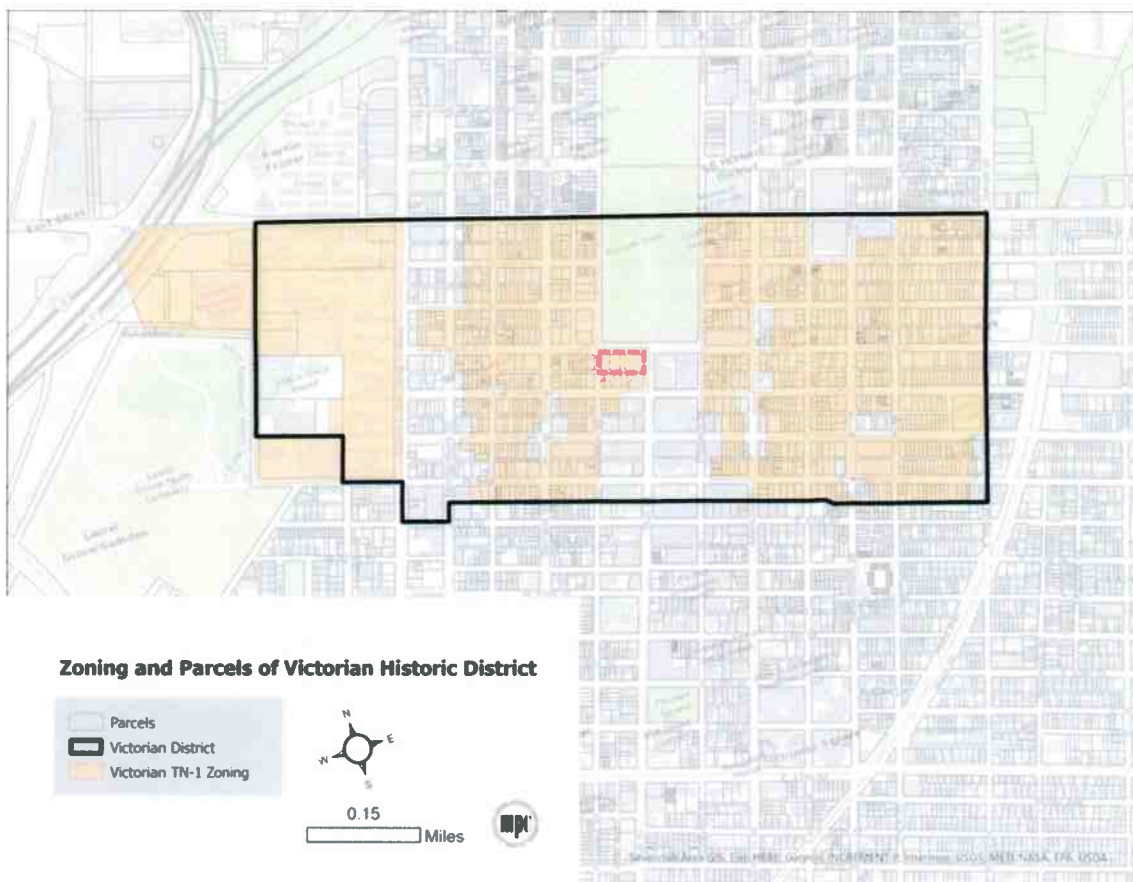
Section 8.7.24:

<p>Section 8.7.24 – Accessory Alcohol Sales</p> <p>a. Accessory Sales of Beer and Wine by the Package</p> <p>Such use shall only be permitted in the TN-1 (in connection with a restaurant or food-oriented retail establishment, only), TC-1, TC-2, D-C, D-CBD, D-W, D-X, B-N, B-C, B-M, IL-T and I-L zoning districts, except where prohibited by Section 7.14, Alcohol Density Overlay District.</p> <p>b. Accessory Alcohol Sales by the Drink in Association with a Restaurant</p> <p>i. Such use shall be permitted by right in the TC-2, D-N, D-C, D-CBD, D-W, D-X, B-N, B-C, B-M and IL-T zoning districts, except where prohibited by Section 7.14, Alcohol Density Overlay District.</p> <p>ii. Such use shall be permitted in the TN-1 (subject to Section 8.4.32), TN-2 (corner lot), TC-1, D-R, OI, OI-T, and OI-E zoning districts only with a Special Use Permit.</p> <p>iii. Alcohol sales are limited to on-premises consumption only.</p>
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Section 8.4.32:

Section 8.4.32 – Restaurant

- a. In the D-R and TN-1 zoning districts, the hours of operation shall be limited to between 7:00 a.m. and 11:00 p.m.
- b. In the D-N zoning district, the hours of operation shall be limited to between 6:00 a.m. to 12:00 a.m.
- c. 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. Within the TN-1 district, restaurants must be located on located on Park Avenue, between Drayton Street and Whitaker Street.
- d. Restaurants shall be permitted by right in zoning districts OI, OI-T, and OI-E under the following conditions:
 - i. Within the identified districts, restaurants shall be allowed within existing buildings only.
 - ii. Required parking shall be five (5) spaces per thousand square feet for restaurants over 3,000 square feet in gross floor area.
 - iii. Drive-thru restaurants shall be prohibited.



BACKGROUND:

The purpose of the Victorian Historic Overlay District is to promote the educational, cultural and economic welfare of Savannah through the preservation of historic resources and to ensure that new construction, alterations and additions are visually compatible with the existing resources within the district. The boundaries of the Victorian Historic District include the Victorian National Register Historic District boundaries and extend further to the west. The Period of Significance for the Victorian Historic District is 1870-1923.

The Traditional Neighborhood (“TN-”) districts are established to allow residential-oriented mixed-use development in areas that were established in the 19th and early 20th centuries. Residential uses are the foundation of the TN- districts, but each TN- district also allows a mix of non-residential uses. It is this mix of residential, commercial, and institutional uses that distinguishes TN- districts from Residential Single Family (RSF) and Traditional Residential (TR) districts.

The [TN-1](#) district is intended for use only within the Victorian Historic Overlay District. The district is intended to ensure the vibrancy of historic residential neighborhoods with traditional development patterns characteristic of Savannah from approximately 1890 to 1920 during the streetcar era. While the district provides for primarily residential uses, it also includes limited non-residential uses that are considered compatible with the residential character of the neighborhood.



Victorian Historic and Overlay District Map with Contributing Resources

In addition to development standards regulating permitted uses, setbacks, and lot coverage, the TN districts are crafted with unique standards that create a desired neighborhood character. These supplemental standards ensure harmony between the mixed uses.

5.12.8 Additional Requirements Applicable to the Traditional Neighborhood Districts

a. All TN- Districts

- i. Deliveries shall be restricted to the hours of 8:00 a.m. to 8:00 p.m., any day of the week.
- ii. Hours of operation for commercial uses shall be limited to:
 - 1. 6:00 a.m. until 10:00 p.m., Sunday through Thursday; and
 - 2. 6:00 a.m. until 11:00 p.m., Friday and Saturday.
- iii. Drive-thru service is not permitted.
- iv. Accessory structures with a roof must be located in the rear yard.
- v. Principal use dwellings shall be a minimum of 450 square feet.
- vi. On interior lots, permitted nonresidential uses are allowed only on the ground floor.

b. TN-1 District

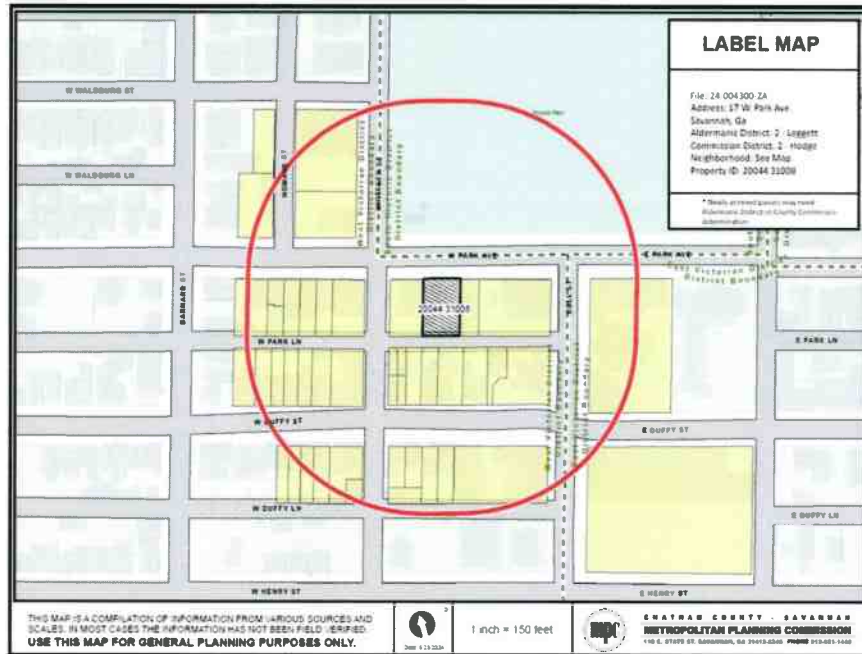
- i. Nonresidential uses shall be located on a corner lot and abut a street that is classified as a collector or greater.
- ii. Lots of record existing as of the Effective Date of this Ordinance, shall be utilized to determine the extent to which the corner lot provision of this Section shall be allowed. The recombination of parcels is permitted but shall not be used as the basis for the expansion of non-residential usage beyond a distance of 60 feet as measured from the property line beginning at the corner.



Southwest view of the intersection of Park Avenue and Bull Streets

FACTS AND FINDINGS:

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



Neighborhood Meeting: The Petitioner voluntarily continued the request from the September 10 MPC meeting for the purpose of consulting with the Victorian Neighborhood Association. Per correspondence from the group’s leadership, both the proposed use and text amendment were well-received by membership broadly at its meeting on the evening of September 10, 2024.

Relevant Definitions:

Restaurant: *An establishment that prepares and serves food and beverages to the public. This use may include table, counter, drive-thru, drive-in, take-away and delivery services either individually or some combination thereof. This term includes ice cream, yogurt, gelato and smoothie shops; bakeries; bagelries; doughnut shops; coffee shops; and, similar establishments. Accessory beer, wine and liquor sales may or may not be permitted as provided in Sec. 8.7.24, Accessory Alcohol Sales. Restaurants deriving more than 50% of its annual gross food and beverage sales from the sale of alcoholic beverages shall be considered a bar, tavern, or nightclub, as applicable. This term does not include catering establishments.*

Food-oriented Retail: *An establishment primarily engaged in the sale of food products for off-premise consumption. This term includes butcher shops, fish and seafood markets, bakeries, produce and fruit markets and similar establishments. This term does not include restaurants, grocery stores, convenience stores, catering establishments, farmer’s markets, package stores or wine specialty shops.*

ORDINANCE ANALYSIS:

Per Section 3.7.7 of Article 3, Savannah's Zoning Ordinance offers four (4) review criteria for proposed text amendments:

- a. **Consistency** – The extent to which the proposed text amendment is consistent with the remainder of the Zoning Ordinance, including any purpose and intent statements.

MPC Comment: Staff found no conflicts or inconsistencies that are created by the requested amendment.

- b. **New or Changing Circumstances** – The extent to which the proposed text amendment represents a new idea not considered in the existing Zoning Ordinance, or represents a revision necessitated by changing circumstances over time.

MPC Comment: The proposed amendment does represent a response to localized changing circumstances near the southern end of Forsyth Park over a period of time -- particularly, the movement toward non-residential use of the large, historically residential structures surrounding the park.

While the intent of the text amendment is not inconsistent with the purpose for adoption of the overlay and its associated zoning and development standards, the use of this particular mechanism is likely inappropriate. Text amendments are adopted for the purpose of broad application of standards, while zoning districts and overlays are employed to achieve protection, character preservation or to address geographically localized concerns.

Where a text amendment has the effect of impacting only a limited number of specifically identified parcels, it is likely more suited to a rezoning or overlay adoption.

- c. **Error or Inappropriate Standard** – Whether or not the proposed text amendment corrects an error in the Zoning Ordinance, or otherwise improves upon existing requirements or standards.

MPC Comment: The proposed amendment does not correct any error in the Zoning Ordinance or improve upon existing requirements or standards.

- d. **Compliance with Higher Law** – Whether or not the proposed text amendment revises the Zoning Ordinance to comply with state or federal statutes.

MPC Comment: The proposed amendment is not a revision to bring a local ordinance into conformance with state or federal law.

POLICY ANALYSIS:

Acknowledging that the proposed use is not in conflict with the district context, localized means of land use control are generally employed to effectuate allowance of a use on a specific parcel or in a specific geographic area. In this instance, creation of a park-focused overlay district or a new zoning designation for use within the Victorian District would be preferential to the identification

of a specific street on which to permit particular uses. This haphazard and piece-meal approach to land use control sets an undesirable precedent and becomes increasingly difficult to administer effectively.

ALTERNATIVES:

1. Recommend approval of the request or an alternate amendment.
2. Recommend denial of the request.

RECOMMENDATION:

The Planning Commission recommends **approval** of a rezoning to TC-2