



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: December 19, 2024
TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH
FROM: METROPOLITAN PLANNING COMMISSION
SUBJECT: Special Use Permit

PETITION REFERENCED:

Petitioner: William R. Claiborne

Owner: Robert M. Ansley

Address: 1308 Montgomery Street

Alderman: District – 2- Detric Leggett

County Commission: District – 2- Malinda Scott Hodge

Property Identification Number: 20052 29001

Petition File No.: 24-005878-ZA

MPC ACTION:

the Planning Commission recommends **approval** of the request with the following conditions

1. The Special Use permit shall be nontransferable.

MPC STAFF RECOMMENDATION:

The MPC Staff recommends **approval** of the request with the following conditions.


1. The Special Use permit shall be nontransferable
2. The establishment shall close by 10:00 pm Sunday through Thursday nights and by 12:00 midnight on Friday and Saturday nights, consistent with City Council's prior approval on August 10, 2023

MEMBERS PRESENT: 13

Michael Kaigler Joseph Welch
Dwayne Stephens Travis Coles
Coren Ross Jeff Notrica
Tom Woiwode Travis Coles
Laureen Boles Jay Melder
Amanda Wilson Joseph Ervin
Karen Jarrett – Chairwoman

PLANNING COMMISSION VOTE: Approve Staff Recommendation.
(13-0)

APPROVAL Votes: 12	DENIAL Votes:	ABSENT	Abstain	Recused	Online
Jarrett Boles Woiwode Ervin Wilson Kaigler Melder Ross Coles Amick Notrica Welch		Plunk	Stephens		



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



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 Metropolitan Planning Commission
From: Edward Morrow, Director of Development Services
Date: December 17, 2024
Subject: Special Use Request
Petitioner: William R. Claiborne
Property Owner: Robert M. Ansley
Address: 1308 Montgomery Street
Alderman: District 2 – Alderman Detric Leggett
County Commission: District 2 – Commissioner Malinda Scott Hodge
Property Identification Number: 20052 29001
Petition File No.: 24-005878-ZA

REQUEST: The Petitioner requests MPC consideration of a Special Use Permit to allow ancillary alcohol sales in association with a proposed 165-seat restaurant, the Henry Street Bistro. Per Sec. 13.2 of the Ordinance, a restaurant is an establishment that prepares and serves food and beverages to the public whose offerings may or may not include 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.”*

BACKGROUND: The subject property (~8,223 square feet) is currently zoned TC-1 (Traditional Commercial-1) and contains a 1-story, 4,164 square foot commercial structure built in or about 1950, according to the Tax Assessor. The structure, identified on the resource map as number 277, is non-contributing within the Victorian Historic District.

A past Business Approval (22-003230-BA) for the site indicates use as a restaurant and ‘tavern.’ The 2022 approval references a 2018 Business Approval, citing the use as pre-existing. The most recent approval (24-004188-BA), dated August 9, 2024, indicates only restaurant use and stipulates that alcohol sales will require issuance of a Special Use

Permit and Alcohol License.

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 via the internet.

As of the writing of this report, the Petitioner has not conferred with the Victorian Neighborhood Association regarding this Special Use request. *A neighborhood meeting is not required by the Ordinance for review of a Special Use Permit.* The Association's President, however, has verbally conveyed that a 'Good Neighbor Agreement' has previously been signed with the Petitioner, which stipulates operating terms for the establishment with which all parties are in agreement.

2. **Existing Development Pattern:**

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

Location	Land Use	Existing Zoning
North	Fueling Station	TC-1
South	Commercial (Multi-tenant)	TC-1
East	Residences	TN-1
West	Commercial (Furniture Store)	TC-2

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 Section 3.10.8:

When reviewing a Special Use permit request, the reviewing 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 Future Land Use Map designates the subject property as TC (Traditional Commercial). A restaurant with ancillary alcohol sales is consistent with both the present FLUM designation and zoning of the property.

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

Staff Comment: The subject parcel adjoins Montgomery Street at a segment identified as a minor arterial. The only applicable specific use standard in the TC-1 zoning district has been satisfied.

- 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: Per Business Location Approval 24-004188-BA, the Petitioner proposes a principal use restaurant. The City of Savannah regulates operational hours for businesses selling alcohol. Based on the adjacency of the proposed use to existing residential properties,

Staff recommends restriction of operating hours to those ordinarily consistent with a restaurant more so than a 'bar/tavern,' which is a distinct Special Use per Sec 13.2 and Sec. 8.4.30 of the Ordinance.

- d) Whether the subject property is adequate in shape and size to accommodate the Special Use;

Staff Comment: The request represents the reuse of an existing facility which has previously housed uses of a similar nature. The Petitioner has not indicated an intent to expand the existing structure, which is legal nonconforming.

- 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: Adequate infrastructure is available to support the proposed use. Additionally, the structure is legal nonconforming, particularly with regard to off-street parking. As long as the structure is not expanded and use remains continuous, it should retain its legal nonconforming status.

- 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: There will be no loss, destruction, or damage to any structures of historic significance.

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. In review of the standards, the subject property and proposed use meet the requirements.

ALTERNATIVES:

1. Approve the Petitioner's request as presented or with conditions.
2. Deny the Petitioner's request.

RECOMMENDATION: Based upon the compatibility with the Comprehensive Plan, and the ability to meet the criteria for a Special Use permit, the Planning Commission recommends **approval** of the request with the following conditions

1. The Special Use permit shall be nontransferable.