

## METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

MEMORANDUM

DATE:

February 27, 2024

TO:

THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

FROM:

**METROPOLITAN PLANNING COMMISSION** 

**SUBJECT:** 

Text Amendment Section 5.4 Use Schedule for I-L (Light Industrial)

#### **PETITION REFERENCED:**

Petitioner: Robert McCorkle

Property Owner: Ramsey Khalidi

Address: 100 Old West Lathrop Ave

Alderman: District - 2 - Bernetta B. Lanier

County Commission: District - 2- Kenneth A. Adams

**Property Identification Number: 20025 12001** 

Petition File No.: 24-000624-ZA-Test

**MPC ACTION:** 

The Planning Commission recommends <u>Denial</u> of the requested text amendment to permit 'indoor amusement' uses in the I-L zoning district as a limited (L) use.

Alternatively, Approval of the following text amendments: 1) To permit 'indoor amusement' and 'indoor sports facility' uses as a Limited Use (L) in the I-L zoning district in Section 5.4, Principal Use table, with the following use-specific standards to be included in Article 8, Section 8.5, Industrial Use Standards for Limited and Special Uses: Section 8.5.14 Indoor Amusements and Indoor Sports Facilities When such use is located in a light industrial (I-L) zoning district: a. Such use shall be permitted only on a property sharing at least one zoning boundary line with property having a zoning classification other than I-L or I-H. b. Such use shall occur in a standalone building not shared by an industrial use. Where an indoor amusement or indoor sports facility is proposed within the same facility or parcel as an industrial use, a Special Exception shall be required from the Planning Commission. c. The proposed use shall maintain I-L buffers with adjoining uses in accordance with the requirements of the zoning district; however, where the proposed use adjoins a residence or residential-zoned property, an 80' buffer with double-staggered

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plantings or a berm shall be maintained adjoining the existing residential use or residential-zoned parcel. A reduction of this standard shall only be permitted through approval of a Special Exception by the Planning Commission in accordance with Sec. 3.12.2.a.iii. d. All activities shall be conducted indoors. 2) To amend Section 3.12.2.a of the Zoning Ordinance regarding Special Exceptions, to include consideration of "colocation of an 'indoor amusement' or 'indoor sports facility' use in the same facility or on the same parcel as an industrial use." 3) To include Theatre, Cinema, and Performing Arts.

#### MPC STAFF RECOMMENDATION:

The Planning Commission recommends **Denial** of the requested text amendment to permit 'indoor amusement' uses in the I-L zoning district as a limited (L) use.

Alternatively, Approval of the following text amendments: 1) To permit 'indoor amusement' and 'indoor sports facility' uses as a Limited Use (L) in the I-L zoning district in Section 5.4, Principal Use table, with the following use-specific standards to be included in Article 8, Section 8.5, Industrial Use Standards for Limited and Special Uses: Section 8.5.14 Indoor Amusements and Indoor Sports Facilities When such use is located in a light industrial (I-L) zoning district: a. Such use shall be permitted only on a property sharing at least one zoning boundary line with property having a zoning classification other than I-L or I-H. b. Such use shall occur in a standalone building not shared by an industrial use. Where an indoor amusement or indoor sports facility is proposed within the same facility or parcel as an industrial use, a Special Exception shall be required from the Planning Commission. c. The proposed use shall maintain I-L buffers with adjoining uses in accordance with the requirements of the zoning district; however, where the proposed use adjoins a residence or residential-zoned property, an 80' buffer with double-staggered plantings or a berm shall be maintained adjoining the existing residential use or residentialzoned parcel. A reduction of this standard shall only be permitted through approval of a Special Exception by the Planning Commission in accordance with Sec. 3.12.2.a.iii. d. All activities shall be conducted indoors. 2) To amend Section 3.12.2.a of the Zoning Ordinance regarding Special Exceptions, to include consideration of "colocation of an 'indoor amusement' or 'indoor sports facility' use in the same facility or on the same parcel as an industrial use." 3) To include Theatre, Cinema, and Performing Arts.

## **MEMBERS PRESENT**: 11

Traci Amick Jeff Notrica
Coren Ross Joseph Ervin
Travis Coles- Vice Chair Joseph Welch

Karen Jarrett - Chairwoman

Laureen Boles Wayne Noha Jay Melder Michael Kaigler

# <u>PLANNING COMMISSION VOTE</u>: Approve Staff Recommendation. (9-0)

APPROVAL Votes: 9	DENIAL Votes: 0	ABSENT
Amick		Stephens
Boles	1	Woiwode
Coles		
Noha		
Ross		
Jarrett		
Notrica		
Welch		
Ervin		
Melder		
Kaigler		
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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

To:

The Mayor and Aldermen, City of Savannah

From:

The Planning Commission

Date:

February 27, 2024

Subject: Text Amendment

Petitioner: Robert McCorkle

Property Owner: Ramsey Khalidi

Address: 100 Old West Lathrop Ave

Alderman: District 2 - Alderman Bernetta B. Lanier

County Commission: District 2 – Commissioner Kenneth A. Adams

**Property Identification Number: 20025 12001** 

Petition File No.: 24-000624-ZA-TEXT

**REQUEST:** A petition to amend *Article 5, Section 5.4, Principal Use Table*, to permit 'indoor amusement' uses as a 'limited' use in the I-L (Light Industrial) zoning district.

CODE OF ORDINANCES SAVANNAH, GEORGIA > DIVISION || > Part 8 - PLANNING AND REGULATION OF DEVELOPMENT > CHAPTER 3. - ZONING (EFFECTIVE SEPTEMBER 1, 2019) > Article 5.0 Base Zoning Districts > Sec. 5.4 Principal Use Table Principal Use Table ✓= Permitted Use L= Limited Use S=Special Use Blank Cell = Use not permitted RRR R ... 2 MMMMM N ... 2 FFFH -1 Int. Cor. Lot Lot D D c PRINCIPAL USES D production facility Indoor Recreation: Arena; convention center Indoor amusement indoor firearm range Indoor sports facility indoor archery range/paintball facility Teen Club LV Sec. 8.4.7 Theater/cinema/

Proposed Amended Principal Use Table

#### **BACKGROUND:**

Savannah's Zoning Ordinance defines an 'indoor amusement' as inclusive of such activities as "pool halls, bowling lanes, game arcades, escape rooms, haunted houses, skating rinks and similar uses." The Ordinance specifies that the term does *not* include 'adult entertainment."

## **FACTS AND FINDINGS:**

- 1. Per Section 5.17.1 of the Zoning Ordinance, "The Industrial ("I-") districts are established to allow industrial and industrial-like uses with limited non-industrial uses. The intensity of uses allowed is indicated by the suffix following the district name, with the Light Industrial- Restricted (I-L-R) district being the most limited and the Heavy Industrial (I-H) district the most intense.
- 2. The I-L district is established to provide for a wide range of research and development, light manufacturing and assembly, warehousing, and wholesaling activities as well as some support services. These uses are subject to standards intended to ensure such development is compatible with adjacent and nearby non-industrial areas. Development must be operated in a clean and quiet manner, with most activities occurring indoors, and should not be a nuisance to nearby non-industrial uses.
- 3. Accessory structures and uses in this District are governed by Sec. 8.7, Accessory Structures and Uses.
- 4. The Ordinance distinguishes between 'indoor amusements' and 'indoor sports facilities,' which include "athletic, racquet, swim or health club, gymnastic facility or similar uses. The term excludes firearm and archery ranges. These terms are also distinct from sports arenas, which place greater emphasis on assembly of spectators.
- 5. Per Section 9.3-1 of New ZO, indoor amusements require one (1) off-street parking space per 250 sf. Indoor sports facilities require one (1) space per 225 sf of gross floor area. Arenas require 1 off-street parking space per 5 seats.
- 6. Neither indoor sports facilities nor arenas are currently permitted in the I-L zoning district.
- 7. Bars, taverns, restaurants, food truck parks, and retail alcohol sales (on premise consumption of alcohol) are all presently limited (L) uses in the I-L zoning district.
- 8. Nightclub use requires grant of a Special Use permit in the I-L zoning district.

## **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 Staff Comment:** While not appropriate in all circumstances, proper conditioning (identification of appropriate limiting factors) can ensure the proposed amendment remains consistent with the remainder of the Zoning Ordinance.

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 Staff Comment:** The proposed amendment is somewhat of a new idea that represents a proactive approach to a likely issue the City and region could face in the future – namely, that of un- and underused warehouse space. The proposed amendment offers a viable solution to utilize warehouses that may experience periods of vacancy either due to decline in market demand or for their structural lack of fitness for use.

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 Staff Comment:** The proposed amendment does not correct any error in the Zoning Ordinance or otherwise 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 Staff Comment:** The proposed amendment is not a revision to bring a local ordinance into conformance with state or federal law.

#### **POLICY ANLYSIS:**

The overall intent of the requested amendment is to provide a potential new use for underutilized warehouse space. Indoor amusements, which are increasing in popularity, often require large volumes of unobstructed floor area common to these structures. What they sometimes lack, however, are large parking areas for passenger vehicles. Additionally, depending on context, accessing these facilities may place passenger vehicles in common circulation with large commercial vehicles.

The Petitioner has proposed a text amendment applicable to all I-L-zoned property with an eye toward a specific use case. The site identified at 100 Old West Lathrop is consistent with the single Petitioner-proposed limiting condition of requiring that a proposed I-L-zoned parcel adjoin a parcel not zoned I-L or I-H. The effect of the condition is believed to be identification of parcels that are in 'transition' zones between less intense commercial and residential uses and more heavily concentrated industrial uses. Allowance as a limited use within the current zoning district would allow the facility to retain its zoning for what could prove to be a temporary need while leaving it situated to accommodate current by right uses as future opportunities may present.

Acknowledging the potential effectiveness of this first condition, Staff proposes to add to it additional limiting factors that will help further distinguish ideal warehouse locations that would not require unnecessary Board oversight for establishment. The first being that such uses should be located in standalone buildings that will not be shared with active industrial users. Isolating these uses in this manner will serve to reduce the exposure of common passenger vehicles to commercial traffic and potentially dangerous or hazardous uses from the general public. Where any indoor amusement and industrial/warehouse use will occupy the same building, the Zoning Board of Appeals (ZBA) should review the proposal to ensure parking, loading, circulation and other aspects of the proposed configuration are sufficient to accommodate both uses safely.

Added to this should be conditions regarding any potential nuisance to nearby land uses. As the parcel will be zoned I-L and has the potential to contain an activity that would generate noise, light, a high volume of patrons, and other impacts to its surroundings, the buffer standards of the I-L zoning district should be maintained regardless of use; however, where the proposed use adjoins a residence or residential-zoned property, an 80' buffer

or a berm should be maintained adjoining the existing residential use. All activities should be conducted within a building to ensure preservation of the orderly character of the district.

## **ALTERNATIVES:**

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

## Planning Commission RECOMMENDATION:

The Planning Commission recommends <u>denial</u> of the requested text amendment to permit 'indoor amusement' uses in the I-L zoning district as a limited (L) use.

Alternatively, the Planning Commission recommends <u>approval</u> of the following text amendments:

1) To permit 'indoor amusement' and 'indoor sports facility' uses as a Limited Use (L) in the I-L zoning district in Section 5.4, Principal Use table, with the following use-specific standards to be included in Article 8, Section 8.5, Industrial Use Standards for Limited and Special Uses:

## Section 8.5.14 Indoor Amusements and Indoor Sports Facilities

When such use is located in a light industrial (I-L) zoning district:

- Such use shall be permitted only on a property sharing at least one zoning boundary line with property having a zoning classification other than I-L or I-H.
- b. Such use shall occur in a standalone building not shared by an industrial use. Where an indoor amusement or indoor sports facility is proposed within the same facility or parcel as an industrial use, a Special Exception shall be required from the Planning Commission.
- c. The proposed use shall maintain I-L buffers with adjoining uses in accordance with the requirements of the zoning district; however, where the proposed use adjoins a residence or residential-zoned property, an 80' buffer with double-staggered plantings or a berm shall be maintained adjoining the existing residential use or residential-zoned parcel. A reduction of this standard shall only be permitted through approval of a Special Exception by the Planning Commission in accordance with Sec. 3.12.2.a.iii.
- d. All activities shall be conducted indoors.
- 2) To amend Section 3.12.2.a of the Zoning Ordinance regarding Special Exceptions, to include consideration of "colocation of an 'indoor amusement' or 'indoor sports facility' use in the same facility or on the same parcel as an industrial use."
- 3) To include Theatre, Cinema, and Performing Arts

CODE OF ORDINANCES SAVANNAH, GEORGIA > DIVISION II > Part 8 - PLANNING AND REGULATION OF DEVELOPMENT > CHAPTER 3. - ZONING (EFFECTIVE SEPTEMBER 1, 2019) > Article 5.0 Base Zoning Districts > Sec. 5.4 Principal Use Table

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#### 3.12.2 Applicability

- a. Special exceptions to specific provisions of this Ordinance may be considered only for the following:
  - To extend the hours of operation required for certain uses where hours are firmited.
  - To reduce the minimum distance between certain uses when a separation is required by Secs. 8.1 thru 8.8.
- To provide alternate buffering and/or screening for certain uses when either is required by Secs. 8.1 thru 8.8.
- iv. To decrease the distance from a property line required for certain uses and activities as required by Sec. 8.1 thru 8.8.
- v. To increase the maximum number of fuel pump stations within a TC- or D-zoning district.
- vi. To increase the height of items being stored for certain uses when height is limited by Secs. 8.1 thru 8.8.
- To increase the percentage of building permitted to be used for a specific use or activity where the percentage is limited.
- viii. To increase the amount of outdoor storage area in the iL-R zoning district.
- ix. To increase the maximum building footprint where the footprint is limited in ARTICLE 5 or Secs. 8.1 thru 8.8.
- x. To adjust Preservation and Design Standards for local historic districts as fol-
  - Secs. 7.8.8, 7.9.8, 7.10.8, and 7.11.8 Secretary of the Interior's Standards and Guidelines for Rehabilitation.
  - 2. Secs. 7.8.10, 7.9.10, 7.10.10, and 7.11.10 Design Standards.
- xi. To adjust side, front, and rear yard setback requirements where limited in Article 5.0 Base Zoning Districts as follows:
  - 1. Up to a one (1) foot adjustment may be approved by the Planning Director in all local historic districts.
  - 2. More than one (1) foot up to a two (2) foot adjustment may be approved by the Historic Preservation Commission or Historic District Board of Review.
- xii. To permit collocation of an indoor amusement or indoor sports facility with an industrial use in the same facility or on the same parcel.