



CHATHAM COUNTY-SAVANNAH
METROPLITAN PLANNING COMMISSION
“Planning the Future, Respecting the Past”

STAFF REPORT



Figure 1 Location Map

File No. 21-002668-ZA

Location: 9 W 43rd Street

PIN: 20074 24002 Acreage: .26

Prepared by Kiakala Ntemo, Planner

Petitioner: Dana Braun

Owner: 42/43 LLC

Aldermanic District: 2, Alderman Detric Leggett

County Commission District: 2, Commissioner Larry “Gator” Rivers

Neighborhood/Subdivision: Metropolitan

Current Zoning District: Traditional Commercial, TC-1

Future Land Use (FLU) Category: Traditional Commercial

Summary of Request

The petitioner is requesting a special use permit to operate a restaurant with alcohol sales at the location of the subject property. Both restaurant use and on-premise consumption of alcohol are special permitted uses in the TC-1 zoning district.

Background

The subject property is located on the southern side of West 43rd Street bounded to the east by Bull Street, Victory Street towards the south, and Whitaker Street towards the west. The subject property is 11,520 sq ft or .26 acres with a lot width of 120 ft and lot depth of 90 ft. The subject property was created from a recombination of two lots in 2017 (17-006816-SUBP). The property is developed with a vacant two-story residential building that is currently being rehabbed to house a restaurant/coffee shop.

Existing Development Pattern

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

<u>Location</u>	<u>Land Use</u>	<u>Designation</u>
North	Two-family residential and vacant commercial	TC-1
East	vacant commercial	TC-2
South	restaurant and vacant commercial	TC-2
West	vacant commercial ad event venue	TC-1

General Provisions Section 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.

Review Criteria for Special Use Permits Section 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 Future Land Use Map designates the subject property as Traditional Commercial. The Comprehensive Plan defines the Traditional Commercial land use category as “a business area in close proximity to downtown or in an outlying historically settled area having a development pattern characteristic of the Planned Town, Streetcar, and Early Automobile eras. This category includes residential uses that are compatible with the character of adjacent neighborhoods.” The specific use as a restaurant is compatible with the intent of the Comprehensive Plan’s Future Land Use category of the subject 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: Per Section 8.7.24(b)(iii) of the Zoning Ordinance, alcohol sales are limited to on-premises consumption only. This standard can be achieved by only serving alcoholic beverages in glasses or dishes not considered “to-go”.

- 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: It does not appear that the proposed special use will have a detrimental impact on the general vicinity of the subject property; there are several preexisting restaurants within the area. The applicant is proposing to provide off-street parking

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

Staff Comment: Yes, the subject property is adequate in shape and size to accommodate restaurant use.

- 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 public facilities are available to support the proposed use.

- 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 does not appear to have the potential to damage any natural, cultural, or scenic importance to the general vicinity of the subject property.

Analysis:

The subject property is located in the evolving area of the Metropolitan neighborhood and Streetcar Historic District popularly known as Starland. The immediate vicinity is developed with restaurants, bars, and commercial stores. There is a two-family residence across the street from the subject property. This residence is on a lot that is also developed with a vacant commercial structure. Abutting this residence to the east is a barbeque restaurant. This is the only residentially developed property in the immediate vicinity. TC-1 is a zoning district that permits a mix of residential and commercial uses given they meet certain criteria. The addition of a commercial use (restaurant with alcohol sales) to this immediate area is not likely to disrupt the existing character of the area. The subject property and the two family residence are the only properties that have frontage on this portion of West 43rd Street.

The site plan submitted by the applicant has the specific restaurant use listed as a coffee shop. The submitted plans show the proposal to be a two-story structure with an area of 1,744 square feet and an outdoor dining deck of approximately 545 sq feet. There are 17 off-street parking spaces being proposed on the subject property and an unstriped area labeled as overflow parking. The subject property is in the Victorian and Streetcar Parking District and is permitted a reduction to the off-street parking requirement by 25%. The total square footage of the proposed building and the outdoor dining area reduced by 25% produces a required number of 17 parking spaces. A designated off-street loading space is not detailed on the provided plans. Given the nature of the restaurant, a loading space may not be necessary.

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 over the internet.

RECOMMENDATION: Based upon the review criteria, Staff recommends the **approval** of the request for a special permitted use of a restaurant with alcohol sales at 9 West 43rd Street **with the condition** that the restaurant only operate between the hours of 7am and 10pm **and that either of following the conditions being met:**

- That the applicant provide the exact square footage of the outdoor dining area to ensure the proposal meets the parking requirement.
- Supplement required parking count with overflow parking area.

Note: Staff's recommendation is based upon information contained in the application and discussions with the Applicant. This recommendation could change based on information gathered during the public hearing.