



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: MPC Staff

Date: July 25, 2023

Subject: Special Use Request

Petitioner: Josh Yellin, HunterMaclean, Agent for Michael Condon

Property Owner: Michael Condon, Vintage Home Builders, LLC

Address: 222 West Duffy Street

Alderman: District 2 – Alderman Detric Leggett

County Commission: District 2 – Commissioner Larry Rivers

Property Identification Number: 20052 16013

Petition File No.: 23-003454-ZA

Melissa Leto, Senior Planner

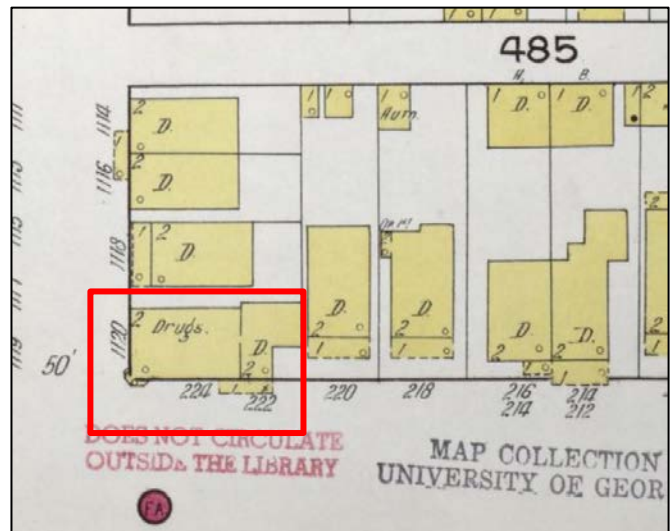
REQUEST: The Petitioner is requesting approval of a Special Use pursuant to Section 3.10 of the Savannah Zoning Ordinance to establish accessory alcohol sales within a restaurant. The Special Use process includes review by the Planning Commission and the Savannah City Council. Should the use be approved by the Council, a permit will be granted by the City of Savannah which will be governed by the permit enforcement criteria outlined in Article 3 of the Savannah Zoning Ordinance.



222 West Duffy Street – Front facade

BACKGROUND: The subject property is currently zoned TN-1 (Traditional Neighborhood-1). The applicant is requesting the TC-1 (Traditional Commercial-1) zoning district. The subject site currently has an existing historic 2-story building that was constructed in 1894 and is a contributing resource within the National Register Victorian Historic District and the local Victorian Historic District.

The site was initially constructed as a pharmacy/drug store per the 1916 and 1953 Sanborn Maps.

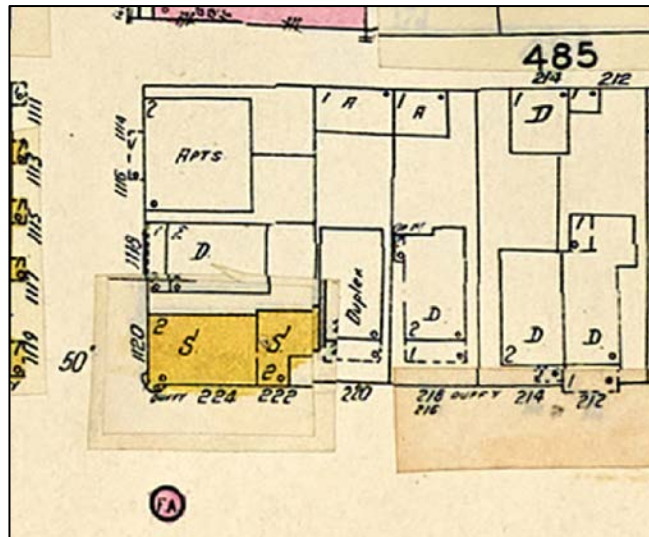


1916 Sanborn Map



1953 Sanborn Map

Per the 1966 Sanborn Map the property was used as a retail store.



1966 Sanborn Map



Current Building Footprint

The property owner has stated that when he purchased the property, it was a restaurant. There are historic images of the building including signage as “West Duffy Café” and at another time the building had signage as “Zenys Restaurant”. There is a projected sign for a hair salon currently on the building facing West Duffy Street. The past cafés served breakfast, lunch, and dinner. The establishment’s use as a restaurant was in business for over 30 years and closed in 1999. The property is currently being renovated and the

Petitioner is working with the MPC Historic Preservation Division to complete the conditions of a Certificate of Appropriateness provided in 2022.

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 over the internet.

The Petitioner hosted a neighborhood meeting on July 7, 2023, onsite at 3:15 p.m. which included Nancy Maia (Victorian Neighborhood Association President), and Jennifer Shearer (Vice-President of the Victorian Neighborhood Association). The meeting was very positive, and the Victorian Neighborhood Association liked the restaurant, use and hours.

2. **Existing Development Pattern:**

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

Location	Land Use	Existing Zoning
North	Residential-Single-family, two-family and St. Phillip Monumental A.M.E. Church, "The Mother Church of Georgia".	TN-1
South	One and two-family residential	TN-1
East	One and two-family residential, and The Sanctuary Church.	TN-1
West	One and two-family residential, Adler's Package Shop & A ministry of St. Paul Church.	TN-1 & TC-1

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 Comprehensive Plan Future Land Use Map designates the subject property as Traditional Neighborhood. The proposed TC-1 (Traditional Commercial-1) zoning classification by the Petitioner is consistent with the Traditional Neighborhood Future Land Use designation for a small-scale neighborhood establishment. Traditional Neighborhood allows for non-residential uses that are compatible with the residential character of the neighborhood. A small local restaurant within the neighborhood scale would be beneficial for the community. However, the intensity of a 40 to 60 seat restaurant with no parking expands any impacts the Petitioner is trying to mitigate within the residential neighborhood.

- 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 specific standards for Special Use have been met.

- 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 Petitioner is proposing a restaurant/cafe. The City regulates operational hours for businesses selling alcohol from 7:00 a.m. until 3:00 a.m.

Based on the location of the property and surrounding residential properties, Staff recommends the hours of operation be the following:

- Monday through Thursday – 9:00 a.m. until 8:00 p.m.

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

Staff Comment: The proposed restaurant shall be of a small scale to support the adjacent residential properties and to mitigate the intensities of the restaurant's use itself. There are no minimum parking requirements for the subject parcel as the building is 1,274 square feet per floor, totaling 2,548 interior square feet. Per Sec. 9.3.7.d no minimum parking is required. For alcohol, restaurants with more than 40 seats do not have a distance requirement in relation to churches per Sec. 6-1207(c)(1)(iv).

- 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: There will be no loss, destruction, or damage to any item of historic importance. The building is a contributing resource within the National Register Victorian Historic District and the local Victorian Historic District. The

property received a Certificate of Appropriateness in 2022 with conditions. The renovation of this historic building would be a benefit to the neighborhood.

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, Staff recommends **approval of the request with conditions.**

1. The Special Use permit shall be nontransferable.
2. Operational hours: Monday through Thursday - 9:00 a.m. until 8:00 p.m.

Note: Staff recommendation could change based on information gathered during the public hearing.