



# CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

---

*“Planning the Future, Respecting the Past”*

## STAFF REPORT

**To:** The Planning Commission

**From:** Edward Morrow, Director of Development Services & Current Planning

**Date:** February 18, 2025

**Subject:** Variance for Development Plan

**Owner:** Forsyth Commons Holding, LLC

**Petitioner/Agent:** Jeff Jepson, Evans General Contractors  
Michael Garcia, LS3P Associates, Ltd.

**Address:** 1001 and 1015 Whitaker Street, and 120, 124 West Park Street

**PIN(s):** 20044-25001, 20044-25002, 20044-240031 and 20044-24002

**Site Area:** 0.96 acres

**Alderman District:** 2 – Alderman Detric Leggett

**Chatham County Commission District:** 2 – Malinda Scott Hodge

**File Number:** 25-000446-ZA

### Request

The Petitioner seeks MPC approval of a General Development Plan with variances to permit the construction of three buildings with a number of stories and building heights in excess of the 3 stories and 45-foot height permitted within the TC-2 zoning district. One building is proposed to have 5 stories and a height of 71 feet; two other buildings are proposed to have 4 stories with a height of 57 feet.

The proposed structures will also require issuance of a *Certificate of Appropriateness* based on their location within the Victorian Historic Overlay and approval of a *Special Exception* to permit a building footprint in excess of the 10,000 square foot maximum permitted within the TC-2 zoning district. These requests will be heard by the Historic Preservation Commission at a future date.

Presently, the Petitioner intends to conform to all other development standards not discussed here.

## **Facts and Findings**

### **Site**

The four subject parcels consist of approximately 0.966 acres (42,114 square feet) in total across two blocks. The development will effectuate the recombination of two parcels fronting Whitaker Street, which will result in *parcel 1* having 236 feet of frontage with 113 feet in depth (26,668 square feet). The remaining two parcels fronting West Park Avenue will be recombined (*parcel 2*) resulting in a parcel 118 feet wide by 130.9 feet deep (15,446 square feet). Howard Street, classified as local, bisects the site.

### **Zoning History**

On [March 28, 2024](#) Savannah's City Council endorsed a development agreement with *Forsyth Park Commons, LLC* and Savannah Economic Development Authority (SEDA) in support of the development of two or more office buildings, and underground public parking garage and public restrooms for Forsyth Park. Per the agreement, the partnership would result in the construction of a 3-level underground parking garage in association with an estimated 115,000 square foot office and commercial building. One hundred spaces are to be made available to the public during business hours and all spaces made available to the public after business hours and on weekends. Further, the commissioned structure is expressly intended to serve as a "gateway entrance to [the] City's Historic District."

The subject parcels were approved for amendment of the Future Land Use Map to 'Traditional Commercial' and the zoning map to 'Traditional Commercial-2' on [January 9, 2025](#). The rezoning was approved with the following condition:

*In the absence of a zoning district that adequately captures the characteristics and nuance of the increasingly commercial-dominant mixed-use nature of development along higher volume corridors in the Victorian District, the Planning Commission recommends approval of the request to rezone to TC-2 with the following condition:*

1. *Permissible uses shall consist only of those permitted in the TN-1 zoning district and only in accordance with all applicable supplemental use standards.*

### **Existing Zoning and Development Pattern**

The subject parcel is currently zoned [TC-2 \(Traditional Commercial-2\)](#). This zoning district permits the development of the full spectrum of residential uses up to office and neighborhood-scale commercial uses.

<b>Location</b>	<b>Land Use</b>	<b>Existing Zoning</b>
<b>North</b>	Dwellings	TN-1
<b>South</b>	Dwellings, Commercial (Office, Fitness Studio)	TN-1

<b>East</b>	Parks and Recreation (Forsyth Park)	C-P
<b>West</b>	Dwellings	TN-1

Each of the subject parcels presently contains principal use nonresidential structures: two mid-century office buildings and a mortuary formed from the merging of two residences of historic character. According to the [District Resource Map](#), none of the structures in question were designated as ‘contributing’ to the character of the District at the time of its formation. Demolition of all three structures is proposed contingent upon approval of a COA for the proposed office buildings.

The structures to be demolished are not characteristic of the Victorian Historic Overlay’s period of significance (1870-1923), neither are they conforming with respect to the development standards of the zoning district assigned at the adoption of *NewZO* (TN-1), which stipulated a minimum 70% building frontage and maximum 2,500 square foot building footprint. The buildings demonstrate a suburban configuration that prioritizes automobile access and parking over the continuation of the well-defined pedestrian realm demonstrated by adjoining buildings of a more traditional, historic character.

By their description, the Traditional Neighborhood districts were established to allow residential-oriented mixed-use development in areas that were established in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. The TN-1 district, created specifically for the Victorian District, was 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. The district favors residential uses with allowance for limited non-residential uses.

Reflecting the intensification of commercial use along key corridors surrounding the Park, the site was rezoned to the TC-2 zoning district. The Traditional Commercial districts were established to allow commercial-oriented mixed-use development in areas that were developed in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Several factors, including location on higher classifications of streets, development standards that emphasize pedestrianism and the continuation of historic development patterns, combine to create a “Main Street” character within these districts. The TC districts were designed to be used in conjunction with nearby or adjacent TN and TR districts to create sustainable neighborhoods with convenient access to neighborhood-serving commercial uses.

**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 at least 15 days prior to the meeting. The mailed notice included instructions on how to access the public meeting via the internet.

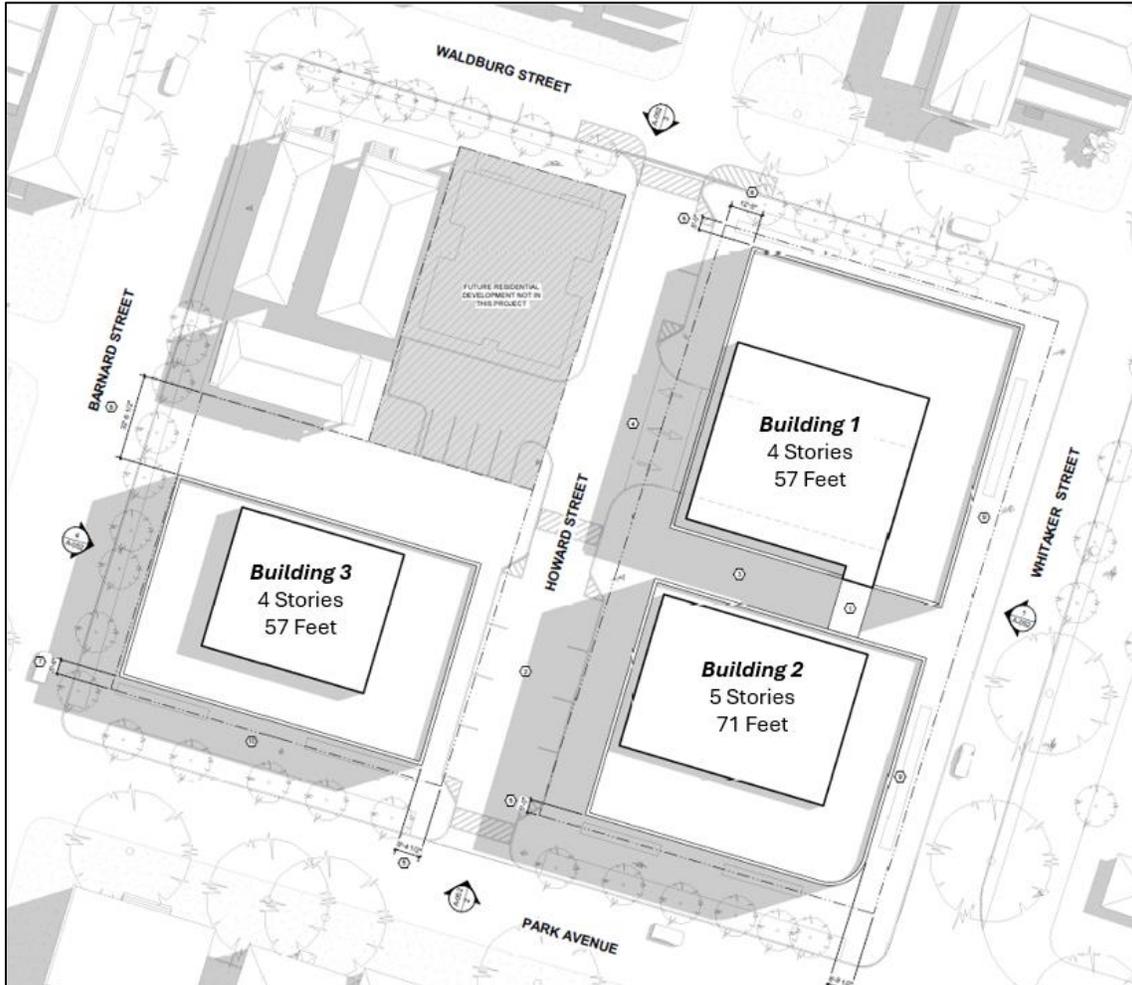
**Standards at Issue**

1. [Section 5.13.5 Height \(max\)](#) – *In the TC-2 district, 3 stories up to a maximum height of 45 feet is permitted. The Petitioner requests variances to the number of stories and final building height for*

all 3 proposed buildings. Per submitted documentation, the project's underlying governmental purpose and the building's intended status as a District landmark warrant relief from strict application of development and design standards.

General Development Plan with Variances – [Sec. 3.21.9.b.i](#)

The Planning Commission is authorized to grant variances to the standards of *Article 9, Base Zoning Districts*, upon the basis of the criteria established in [Sec. 3.21.10](#).



*Height and Number of Stories Requested by Petitioner*

**Zoning Ordinance Review**

The following review criteria for Variances are prescribed in the Savannah Zoning Ordinance Sec. 3.21.10:

**A. General Consistency**

*The variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.*

**MPC Comment:** The requested variances are consistent with the intent of the Ordinance in that the proposed structures are conceived in furtherance of the identified governmental purposes of 1) enhancing public parking and mobility service in proximity of Forsyth Park, a course of action derived from a [published study](#) seeking solutions and recommendations to this end, and 2) creation of a structure of architectural significance to serve as a gateway to the City’s Historic District.

The Ordinance makes provision for the allowance of such structures, identifying them as “[monumental](#)” owing to, among other factors, their unique form and/or function.

Monumental buildings, while given relief from strict application of the Victorian Overlay Design Standards are still subject to the Sec.7.9.9 [Visual Compatibility Criteria](#) to ensure their inclusion is not injurious to the integrity of receiving community’s character (see definition: [Visual Compatibility](#)). In this instance, the proposal will have the effect of preserving and extending the District’s stated intent and the area’s traditional development pattern.

## **B. Special Conditions**

*i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.*

**MPC Comment:** The proposed structures are unique in that their design is the result of a Public-Private-Partnership in support of a governmental purpose. Added to this, there are circumstances that reasonably restrict the number of suitable parcels available to host a development of the desired scale and significance (proximity to the Park, location on a key intersection, absence of contributing historic structures, requisite land area able to be assembled, suitability of soils, etc).

*ii. The special conditions and/or circumstances do not result from the actions of the applicant.*

**MPC Comment:** The proposed design is significantly influenced by the underlying governmental purpose. While the Project will effectuate the construction of approximately 120,000 square feet of office and commercial space, it includes more than 192,000 square feet of parking garage area.

*iii. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.*

**MPC Comment:** The requested variances are not purely financial in nature, though there are significant financial implications for an allowance to construct taller buildings than would otherwise be permitted. Aside from the intended office and commercial uses, though, the Project carries the stated purpose of being an architecturally significant landmark and entry point to the District.

### C. Literal Interpretation

*Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.*

**MPC Comment:** The literal interpretation of the regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. However, denial of relief in some form could have implications for the Project's status as a landmark. *While height and bulk alone are insufficient to imbue a structure with monumental qualities, for one that remains practical, well-reasoned allowances should be considered.*

### D. Minimum Variance

*The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.*

**MPC Comment:** The variance is not required to make reasonable use of the subject property. However, denial of relief in some form could have implications for the Project's status as a landmark.

### E. Special Privilege Not Granted

*The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.*

**MPC Comment:** The variance will confer on the applicant special privilege; however variance relief is a remedy available to all property owners.

## Discussion

In continuing to consider the future development and evolution of this District and its corridors, careful consideration should be given to similarly situated noncontributing structures and/or those that may be contributing but were later modified for reuse with the addition of surface parking to accommodate more intense commercial or residential uses.

*The present Petition is unique in that it involves the advancement of a governmental purpose. This will not be the case for other nearby infill projects, however.*

As preferences and policies surrounding mobility change over time, the reconfiguration of these spaces will introduce further redevelopment opportunities. Future development would be best conceived in the context of a new zoning district, overlay district or small area plan that strategically identifies and captures these limited opportunities, channeling them toward meaningful extension of the historic Victorian District's character.



**Staff Recommendation**

MPC Staff recommends **denial** of the requested variances as proposed.

***Alternatively, Staff recommends approval of the following:***

**Building 1** shall be permitted to contain **4 stories** up to a maximum height of **51 feet**;

**Building 2** shall be permitted to contain **5 stories** up to a maximum height of **63 feet**;

**Building 3**, adjoining Barnard Street, shall conform with the development standards of the TC-2 zoning district, which permit **3 stories** up to **45 feet** in height.

