

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #18**

CASE NUMBER: Z 08-103

L.U.C.B. MEETING: June 12, 2008

LOCATION:

Northwest corner of Sam Cooper Boulevard and North Perkins Street

OWNER/ APPLICANT:

Leopold L Brown, Lorraine Brown, W. A. Newsom, & Sarah Newsom

REPRESENTATIVE:

Tim McCaskill, McCaskill and Associates

REQUEST:

Local Commercial (C-L) District

AREA:

0.54 Acres

EXISTING LAND USE & ZONING:

Office building in the General Office (O-G) District

SURROUNDING USES AND ZONING:

- North:** Site of a “big box” building and home supplies store regulated by the Lowe’s Home Centers Planned Development (PD 95-312)
- East:** Elevated roadway and / entrance exit ramps for Perkins Road at the Sam Cooper [Expressway] interchange.
- South:** Across the 250’ right of way of the Sam Cooper [Expressway], single-family residences in the Single-Family Residential (R-S10) District
- West:** Site of a “big box” building and home supplies store regulated by the Lowe’s Home Centers Planned Development (PD 95-312)

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval**

CONCLUSIONS

- 1. The proposed zoning map amendment would be consistent with the existing uses that surround it on the north side of the adjacent expressway right-of-way.**
- 2. No significant adverse consequences are foreseen from the proposed rezoning, other than the possible future replacement of the attractive office building that currently occupies the site in accordance with operation of the commercial real estate market.**

An higher intensity use can be anticipated as a result of the proposed rezoning; however the Local Commercial (C-L) District would still require approval of a special use permit for such relatively intense commercial uses such as motor vehicle sales and service.

Staff Planner: Dave Adams

E-mail Address: david.adams@memphistn.gov

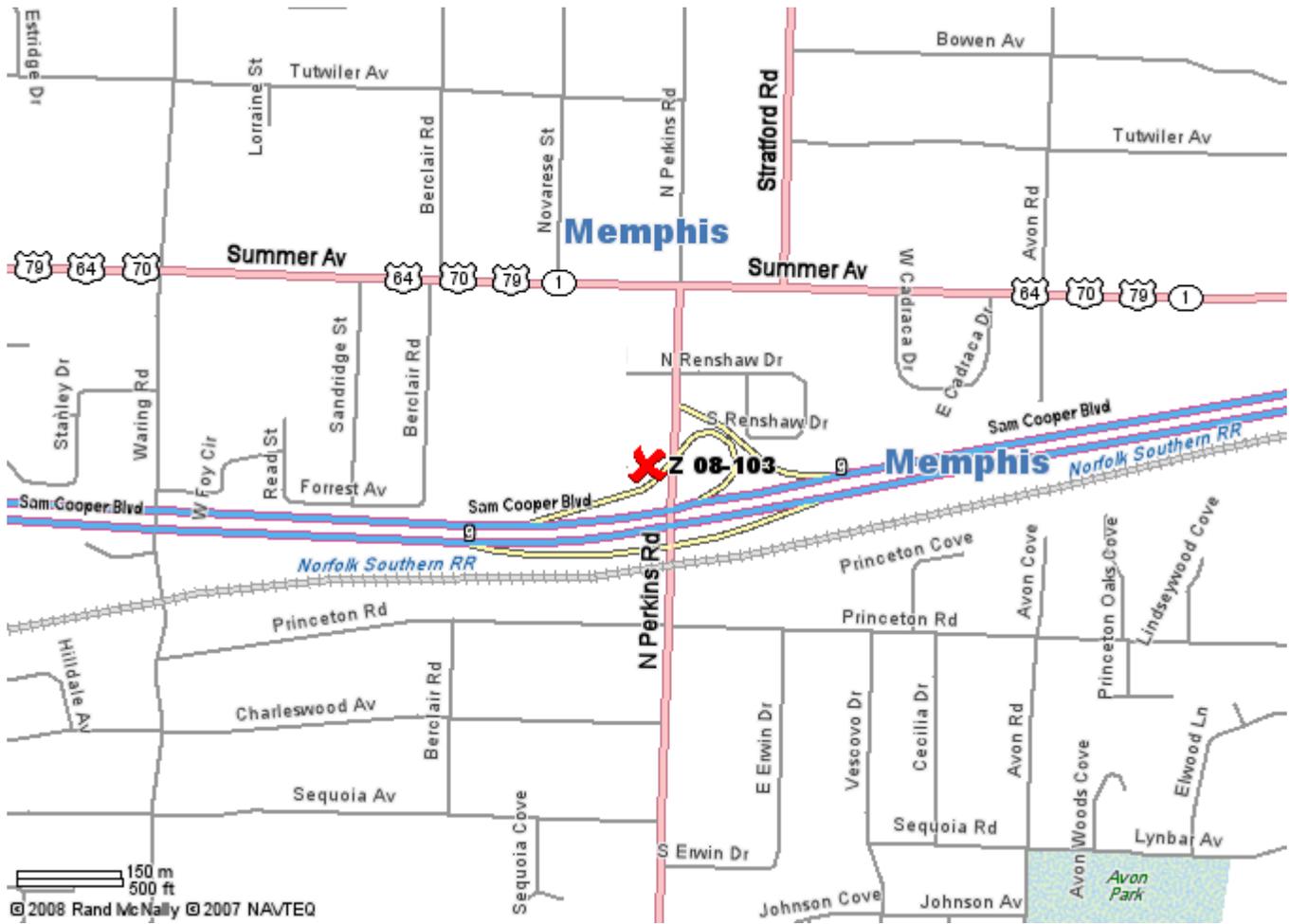


Figure 1: LOCATION OF SUBJECT PROPERTY
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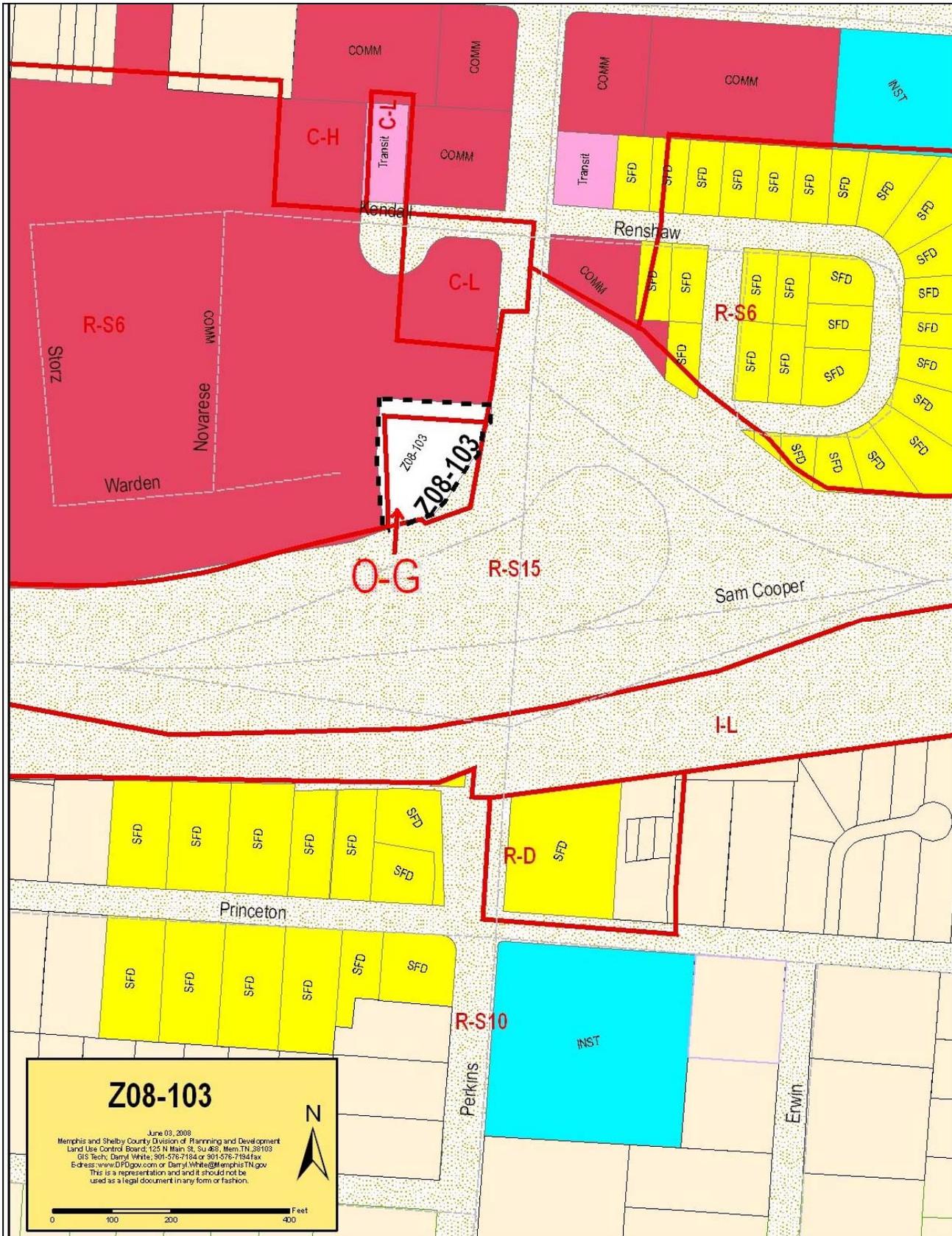


Figure 2: Land Use and Zoning in the Vicinity



Figure 3: Overhead View of Vicinity

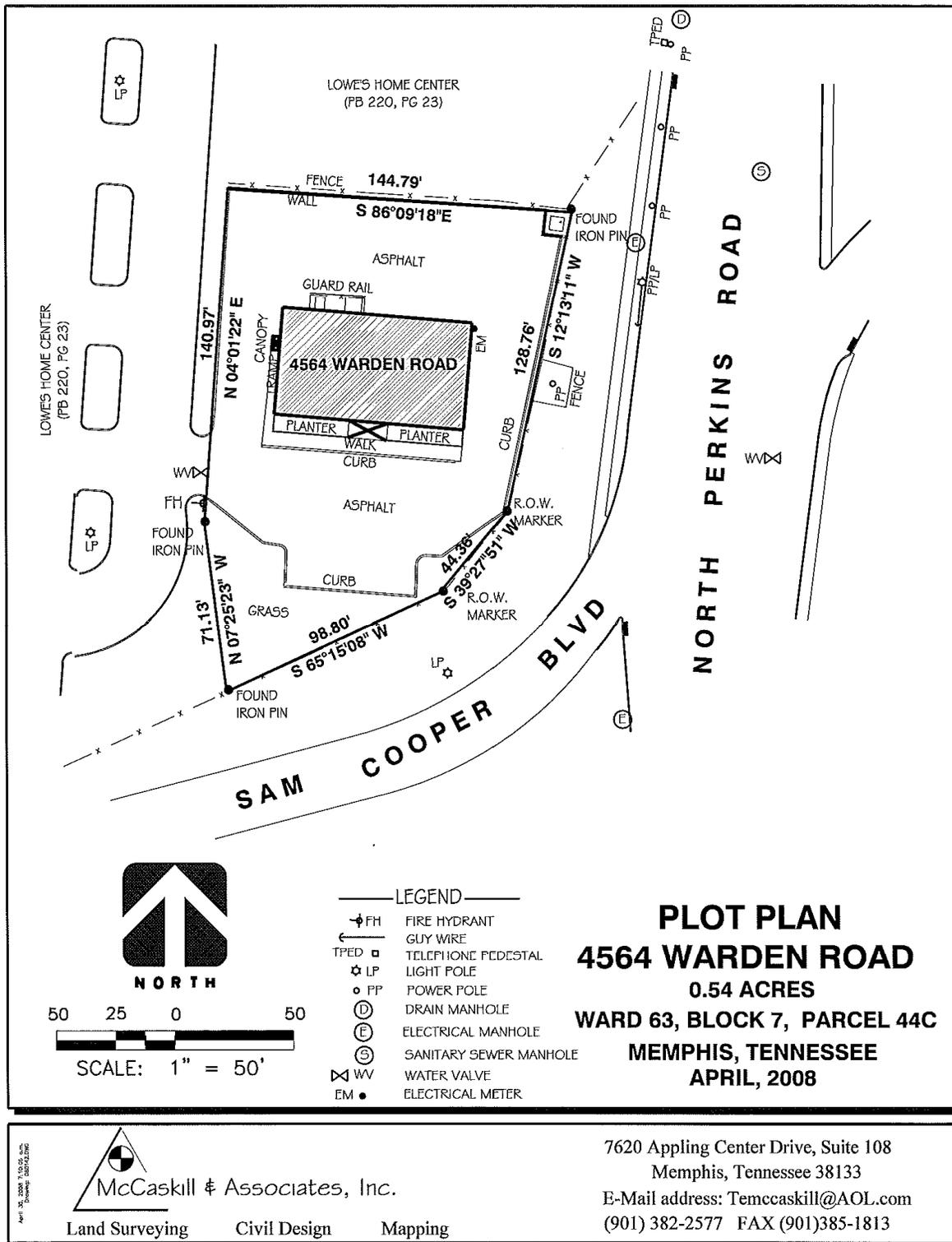


Figure 4: Plot Plan of Area Proposed for Rezoning



Figure 5: Overhead View of Site



Figure 6: Subject property – viewed from the southwest as seen from the driveway that was formerly the Warden Street right-of-way.



Figure 7: Opposite view looking toward the southwest



Figure 8: View westward across the main parking lot of the Planned Development

STAFF ANALYSIS

Site Characteristics

The subject property is tucked into the northwest quadrant of the interchange where Perkins Road crosses what used to be a portion of Interstate Highway that ended in a stub at Tillman Street. Now the interstate highway stub has been redesignated as Sam Cooper Boulevard (really an expressway) and extended so to directly connect Interstate 40 with East Parkway, a major Midtown artery that is designated as the route for US Highways 64, 70 and 79. Perkins Road is a major north-south artery as it extends southward from nearby Summer Avenue across Interstate Highway 240 to Lamar Road (US Highway 78). It provides connections for the East Memphis, and farther south, the Parkway Village neighborhood to the above referenced highways and to the strong regional commercial center known as Poplar-Perkins.

The site is on a lot that includes portions of Lots 31 & 32 of the Plainview Terrace Subdivision as they remained after right-of-way acquisitions for the construction of the Perkins Road overpass and interchange with the expressway formerly known as I-40. It is located at what used to be the end of the cul-de-sac of Warden Road.

The subject property is an irregular polygon, which a maximum extent of 144 feet in an east-west direction and about 210 from north to south. The core of the property, which contains one structure, would be roughly a rectangle, 125 feet by 125 feet, with additional parking area, landscaping and open space distributed around the periphery of the site. Although the property retains its office zoning, which dates back to the 1970s, it appears to have been covered by the McDowell Planned Unit Development Outline Plan (PD 87-323 [*Plat Book 123, Page 43*]) which has since expired.

The site is occupied by a two-story brick office building listed as having 7,200 square feet off interior space with a construction date of 1979.

Requested Zoning Change

The applicant is requesting a zoning map amendment that would designate this property for retail-type commercial uses and services in addition to the office uses currently permitted. For more detail about the proposed changes in permitted uses Exhibit A includes a digest of the relevant portion of the Zoning Ordinance's Chart of Permitted Uses.

Community and Neighborhood Context

Since 2005 the entire area of the McDowell PD, except for the subject site, has been superseded by the Lowe's Home Centers Planned Development (PD 95-312 [*Plat Book 220, Page 23*] – *Originally proposed as the Costco Wholesale Planned Development*). Today, except for road right-of-ways, the entire border of the subject property abuts the site of a Lowe's Home Center store, including the "big box" store itself, a large parking lot and outdoor merchandise displayed. The only vehicular access to the subject property is through one of the Lowe's Center main driveway entrances and along the eastern edge of the parking lot on a perimeter private drive.

ordinance from "O-2" Office District under the 2nd current ordinance

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:

Sewers:

1. City sanitary sewers are available at developer's expense.

Curb Cuts/Access:

2. Access to either Sam Cooper or Perkins Road via private drive or driveway is prohibited. Convey right of access to City of Memphis/State of Tennessee.

City Fire Division:

No comments received.

City/County Health Department:

No comments from the Water Quality Branch for OPD Case Number Z 08-103.

City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. Thank you for the opportunity to comment.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- Landscaping prohibited within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before

digging and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc

- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- Fire Protection Water Services: It is the responsibility of the owner/applicant to contact MLGW - Water Engineering @ 528-4720 to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the MLGW Water Service Policy Manual, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - MLGW Engineering - Residential Development: 528.4858
 - MLGW Engineering - Commercial Development: 367.3343
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South (AT&T):

AT&T TN has no comment regarding this development.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Plans Development:

No comments.

Neighborhood Associations:

None Identified

No comments received.

**EXHIBIT A
USES PERMITTED IN SPECIFIED
DISTRICTS**

Uses Permitted⁸	O- G⁸	C- L⁸
DWELLINGS:		
Single-family detached	X	
Single-family attached.	X	
Two-family	X	
OTHER HOUSING:		
Accessory dwelling unit	X ³	X ³
Group shelter	S	X
Hotel		
Manufactured home*	X	
Personal care home for the elderly ²⁵		X
Student dormitory		X
Supportive living facility ²⁶		X
Transitional home	S	X
INSTITUTIONS:		
Airport, heliport	S	
Church	P	X
Day care center, less than three acres	X ¹³	X ¹³
Day care center, three acres or more	X ¹³	X ¹³
Family day care home, less than one acre	X	X
Family day care home, one acre or more	X	X
Group day care home, less than one acre	X ¹³	X ¹³
Group day care home, one acre or more	X ¹³	X ¹³
Lodge, club, country club	S	X
Museum	S	X
Nursing home		
Nursery school	P	X
Park	X	X
Philanthropic institution	X	X
Public building	P	X
Recreation field	P	X
School, public or private, grades K-12, less than 5 acres	P	X
School, public or private, grades K-12, 5 acres or more	S	X
AGRICULTURAL USES:		
Crop, soil preparation, agricultural services, animal and veterinary services	X	
Farm labor and management services	P	X
Sale of agricultural products, outdoors	P ¹⁸	P ¹⁸

Sale of agricultural products, outdoors and agricultural products, seasonal outdoor sales of pumpkins and Christmas trees		P ^{17.A}
COMMERCIAL:		
Automobile parking lot		S
Automobile service station		P
Art or photo studio or gallery	P	X
Bakery, retail		X
Bank	P	X
Barber or beauty shop	P	X
Beverage container collection center		X
Business school	P	P
Catering establishment		P
Cleaning establishment		S
Cleaning, pickup station		X
CMCS tower and facilities	P ^{1.A}	P ^{1.A}
Communication towers (65 feet or less)	X ¹	X ¹
Financial services	P	X
Flower or plant store	P	X
Garage, commercial		P
Gasoline sales		X
General services and repair shop		P
Greenhouse or nursery, commercial		P
Lawn, tree or garden service		P
Mobile coffee/ cappuccino bars	X ²³	X ²³
Offices	P	X
Pawnshop		X
Personal service establishment		X
Photofinishing pickup station		X
Radio or TV studio	X	
Radio or TV tower (see Communications towers)		
Restaurant	P ⁷	A
Restaurant with sale of alcoholic beverages	X	S ¹⁷
Restaurant, drive-in		P
Retail sales or vending, outdoor		S
Retail shop, other		X
Services, other business and personal		P
Tavern, cocktail lounge, nightclub	S	
Undertaking establishment		S
Used goods, secondhand sales ²⁴		X
Used goods, second hand sales (with outdoor sale, display and/or storage) ²⁴		S
Vehicle wash		P
Veterinary clinic		X
INDUSTRIAL:		
MANUFACTURE, STORAGE, DISTRIBUTION OF:		

TRANSPORTATION AND PUBLIC UTILITIES:		
Post office or postal facility		P
Telephone switching center, electric transmission, gas piping, water pumping station	P	P
OTHER:		
Advertising sign		X ¹²
Home occupations	S	X
Planned developments	S	S

END OF EXHIBIT A
Uses Permitted in O-G & C-L Districts