

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

#18

CASE NUMBER: U.V. 08-09 **L.U.C.B. MEETING:** October 9, 2008

LOCATION: East side of S. Barksdale Street; ±145 feet south of
Madison Avenue

OWNER OF RECORD / APPLICANT: Richard Leike Living Trust

REPRESENTATIVE: Tim McCaskill

REQUEST: Automobile Parking Lot **AREA:** 0.207 Acres

EXISTING LAND USE & ZONING: A Parking Lot in the Multiple
Dwelling Residential (R-MM) District

SURROUNDING USES AND ZONING:

- North:** A vacant building (the former Anderton's Restaurant) in
the Highway Commercial (C-H) District
- East:** An apartment building in the Multiple Dwelling Residential
(R-MM) District
- South:** A single family detached dwelling in the Multiple Dwelling
Residential (R-MM) District
- West:** A duplex residential dwelling in the Multiple Dwelling
Residential (R-MM) District

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION:
Hold for Re-Design**

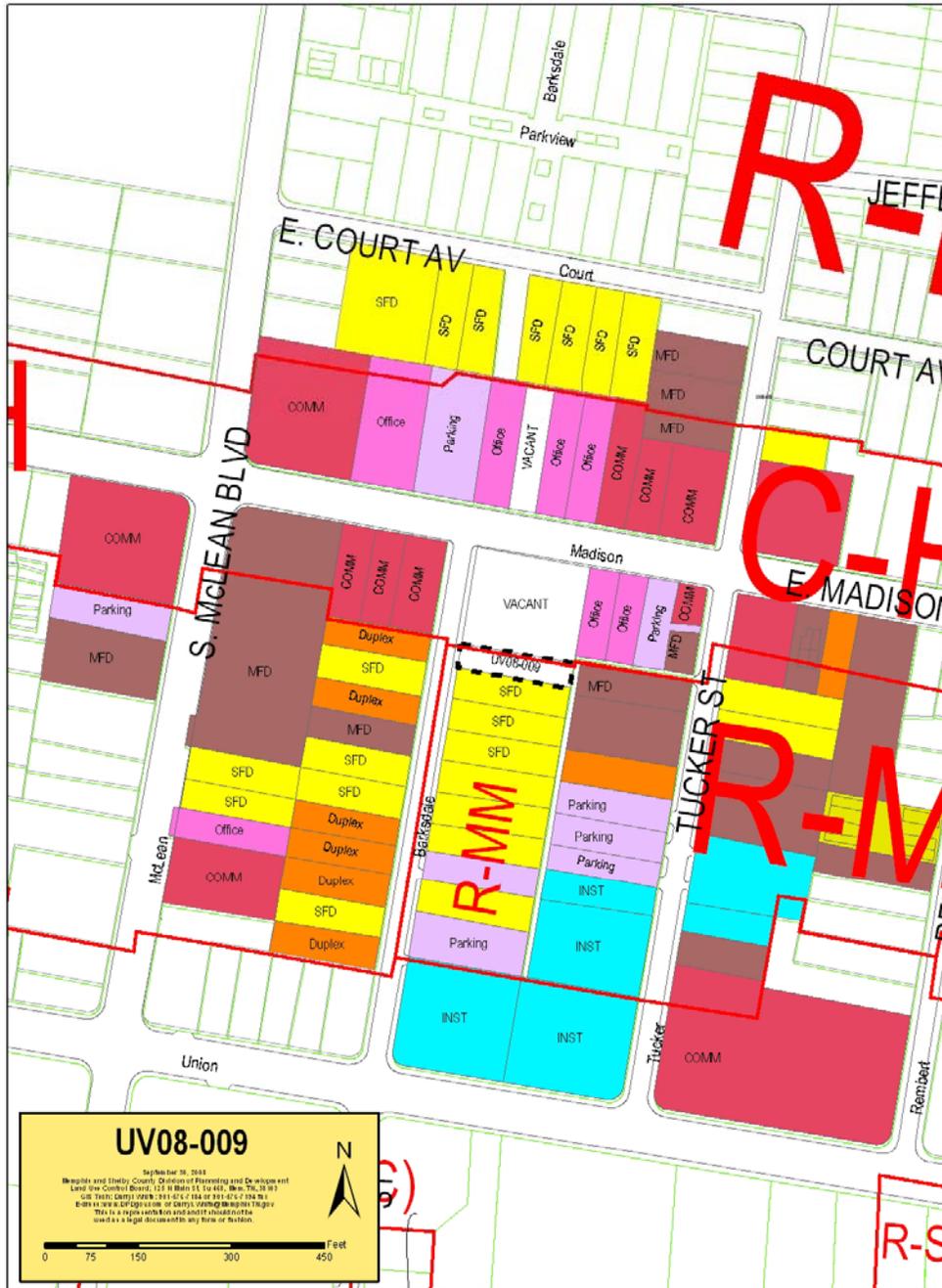
Staff: Don Jones

E-Mail: donald.jones@memphistn.gov

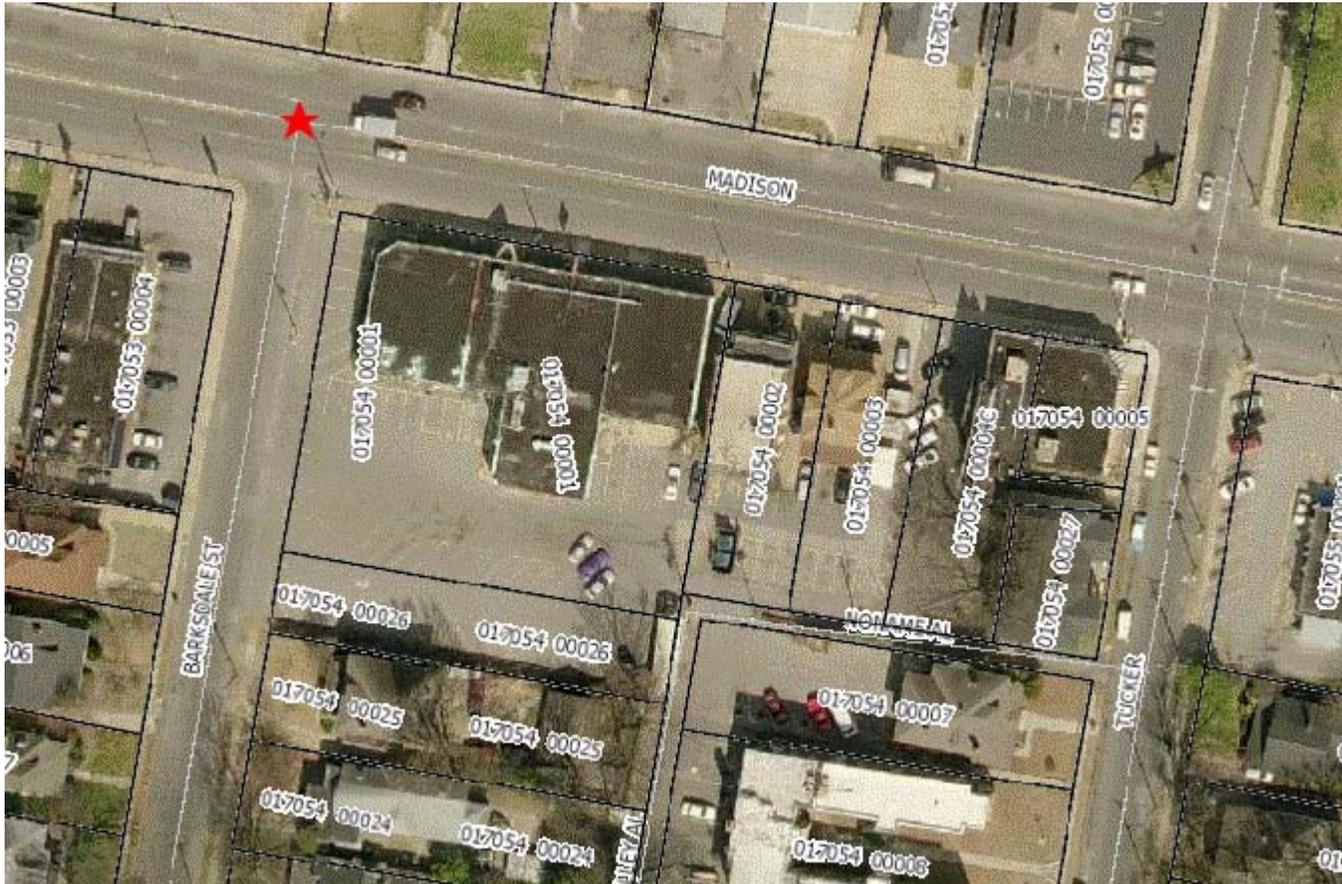
CONCLUSIONS

- 1.The subject property is zoned R-MM which does not permit parking for a commercial or office use
- 2.The property appears to have been in use for parking for a considerable period of time.
- 3.Revisions are needed to the site plan to bring it in compliance with the current codes and ordinances

Land Use and Zoning Map



Aerial View – former Anderton’s Restaurant and parking at southeast corner of Madison and Barksdale – subject property (017054 00026) immediately south



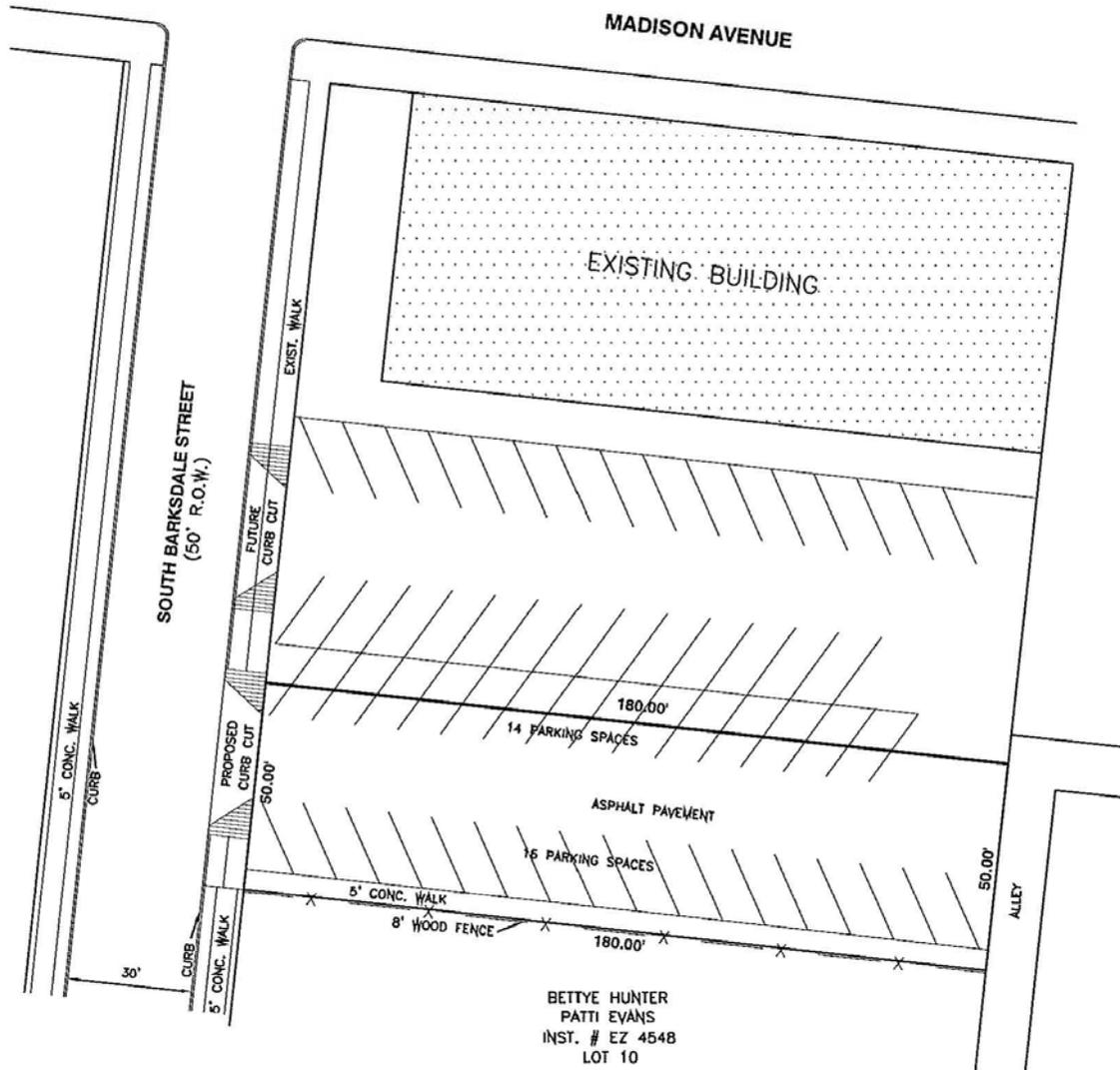
View of Subject Property from Barksdale facing east



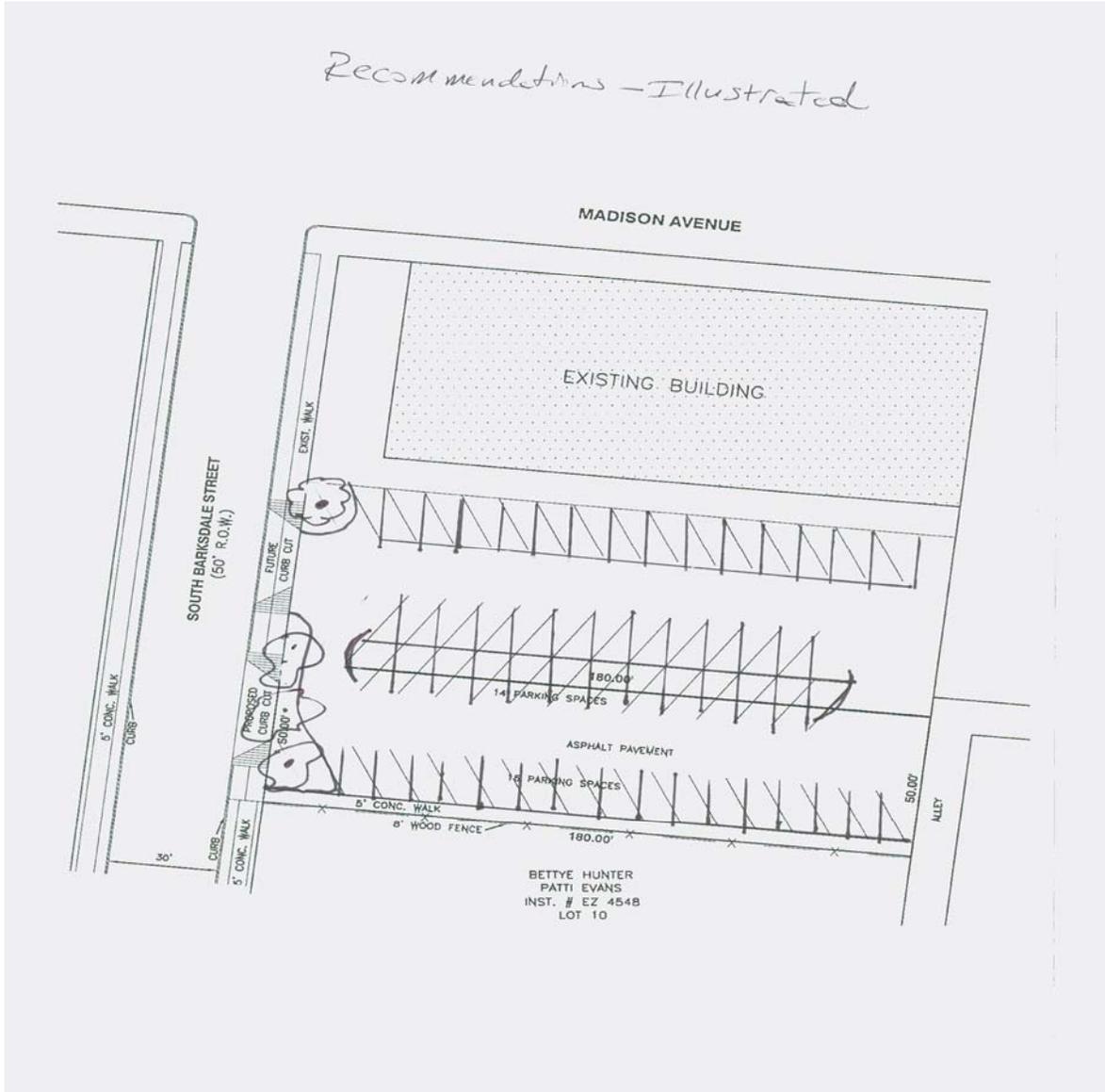
**View of Subject site looking south from former Anderton's
Restaurant Site**



Proposed Site Plan



Recommended Revisions to Site Plan



STAFF ANALYSIS:

Location and Site Characteristics:

The subject property is located on the east side of South Barksdale Street approximately 145 feet south of the intersection with Madison Avenue in the Midtown Area of Memphis.

The site is identified as Lot 11 of the Mary E. Thornton Resubdivision of Lot 3 of the C.J. McLean Seditions. A review of the Register's Records did not yield a recorded plat of record. However, a review of the Fire Insurance Maps, the Sanborn Maps, dated 1952, shows the existence of this lot at this location. The Sanborn Map was revised to reflect that the site no longer contained a residential structure.

The site is developed as a parking lot. This lot and the adjoining lot to the north have been in use for parking serving the former Anderton's Restaurant for some time. This lot and the adjoining lot to the north contain what can best be described as a self made curb cut. There is no curb gutter and sidewalk along S. Barksdale, and the parking lot pavement connects with the street.

Request:

The applicant's request is to continue to use this lot for accessory parking for the former Anderton's Restaurant building which is undergoing renovation for re-use as an office. The subject property is located within the Multiple Dwelling Residential (R-MM) District. The zoning ordinance does not permit an accessory use to be located in a zoning district that does not permit the principal use. The R-MM District does not permit an office use by right. The Use Variance request has been filed to legitimize the parking use which has been in place for a considerable length of time.

Review of Request:

The Use - The Sanborn Maps and aerial photographs dated 1990 suggest that this parking lot has been in place for some time. While the staff would not support a continued expansion of this use into the neighborhood it is not likely that the denial of this request would result in the removal of the pavement and the redevelopment of the site as residential.

It is likely however, that the approval of this request, will support the redevelopment of a site that is a Memphis Landmark, the former Anderton's Restaurant. This applicant is in the process of redeveloping this site for office and

has retained the front façade of the building that faces both S. Barksdale Street and Madison Avenue.

The Site Plan – The subject of this request is the 50' x 180' parcel that is identified on the plot plan. However, as this site is directly linked to the adjoining property to the north that contains both a parking area and the principal building, the staff has asked for a site plan for the adjoining property to the north in order to properly evaluate this site. The adjoining site is undergoing significant reconstruction which will require a review of the site under the current codes and ordinances, including the landscape ordinance.

It is the opinion of the staff that further revisions to the site plan are needed before the staff can recommend this request for a Use Variance. The two proposed curb cuts are too close together and set up both parcels to function independently of each other. As this is parking for one use, the two areas should be interconnected and work together.

The addition of the second cut for the subject site, precludes the inclusion of landscaping which is required under the current ordinance. Since this development is undergoing significant renovation, it makes good planning sense to bring this site up to current standards to the extent that is possible.

The staff is mindful however, that some requirements may require modification. Current landscaping requirements require a landscaping and screening where a parking lot abuts residential zoning. The addition of the standard landscape plate would hinder the ability to provide the necessary parking spaces. In this instance, since fencing has been in place for some amount of time, and there is a 5 foot wide sidewalk along the south property line that would have to be removed, the staff recommends replacing or adding to the existing fence.

The staff has asked the applicant's representative to re-draw the site plan to include the points listed below. If that site plan can be re-submitted prior to the Land Use Control Board hearing, the staff may be able to revise the recommendation.

- Revise the site plan to omit the southernmost curb cut
- Re-angle the parking spaces to 90 degrees
- Provide a drive aisle at the east and west ends of the subject tract to connect with the parcel to the north
- Provide a landscaped area to run parallel with S. Barksdale Street beginning at the south end of the north curb cut and continuing southward to the south property line of the subject tract. Landscaped area shall be the equivalent of the A-1 Plate, approximately 10 feet in width. Location and materials within the landscaped area shall be subject to the review and

approval of the Office of Planning and Development.

- In lieu of the standard B plate along the south property line the applicant shall be permitted to 1. Reconstruct the fence with a six foot tall shadow box style fence with cap, or attach a new partial fence to the existing fence to hide the braces (this new face will be a shadow box style fence with cap).

If these changes can be made to the site plan allowing enough time for the staff to review or if the applicant can show that there is not enough room to fully implement these changes, then the recommendation of Hold may be changed.

RECOMMENDATION: Hold for Redesign

USE VARIANCE CONDITIONS

U.V. 08-09

S. Barksdale south of Madison

A Use Variance is hereby authorized to Richard Leike Living Trust to allow a Automobile Parking Lot on the property located on the east side of S. Barksdale Street; +145 feet south of Madison Avenue (Assessors ID 01705400026) in accordance with the approved site plan and the following supplemental conditions:

1. The City Engineer shall approve the design, and location of curb cuts.
2. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
3. Landscaping as illustrated on the approved site plan, the equivalent of the A-1, A-2, or A-3 Plate subject to the review and approval of the Office of Planning and Development shall be required.
4. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
5. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
6. The final site plan shall include the proposed parking and circulation for the abutting property (Lots 12 and 13).

GENERAL INFORMATION

Street Frontage:	South Barksdale Street – 50 feet
Planning District:	Midtown
Census Tract:	32.00
Zoning Atlas Page:	2030
Zoning History:	The current R-MM or its predecessor R-4 dates to 1954

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.

Roads:

2. Improve S. Barksdale St. with curb, gutter and sidewalk in accordance with Subdivision Regulations.

Curb Cuts/Access:

3. The City Engineer shall approve the design, number and location of curb cuts.
4. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

5. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
6. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

Site Plan Notes:

7. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

8. The width of all existing off-street sewer easements shall be widened to meet current city standards.
9. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

No comments.

City/County Health Department:

The Water Quality Branch has no comments for OPD Case Number UV 08-09 Barksdale.

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). MCS students residing in this area are zoned to the following schools:

Idlewild Elem - 81.3%
Fairview Middle - 76.2%
Central High - 117.2%

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:

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **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. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is 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).
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development:** 528-4858
 - MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South/AT&T: No comments received.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning: No comment.

Landmarks:

This is an existing parking lot. It needs landscaping to provide a buffer into the residential section of the street (Barksdale) to the south. Street use landscaping should also be required.

31st Ward Civic Club: No comments received

Idlewild East End: No comments received