

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

**16**

**CASE NUMBER: P.D. 08-325      L.U.C.B. MEETING: November 13, 2008**

**DEVELOPMENT NAME: Kisber Planned Development**

**LOCATION:** Northwest corner of Mulberry Street and Talbot Street

**COUNCIL DISTRICTS: SUPER: 8 REGULAR: 7**

**OWNER OF RECORD:** Trust One Bank      **APPLICANT:** Michael Kisber

**REPRESENTATIVE:** Ronald Harkavy      **Property Size:** - 0.30 Acres

**REQUEST:** 1. Re-use of existing building for the storage and minor service to vintage/classic cars by the applicant, 2. Redevelop the balance of the site for retail, office, and/or residential uses

**EXISTING LAND USE & ZONING:** An existing vacant building and vacant land in the South Main (SM) District

**SURROUNDING LAND USES AND ZONING:**

**North:** Office uses in the South Main (SM) and Historic Preservation Overlay (HP) Districts

**East:** A commercial use (Radio Station and equipment) in the South Main (SM) District

**South:** A commercial use – furniture repair and restoration – in the South Main (SM) and Historic Preservation Overlay (HP)

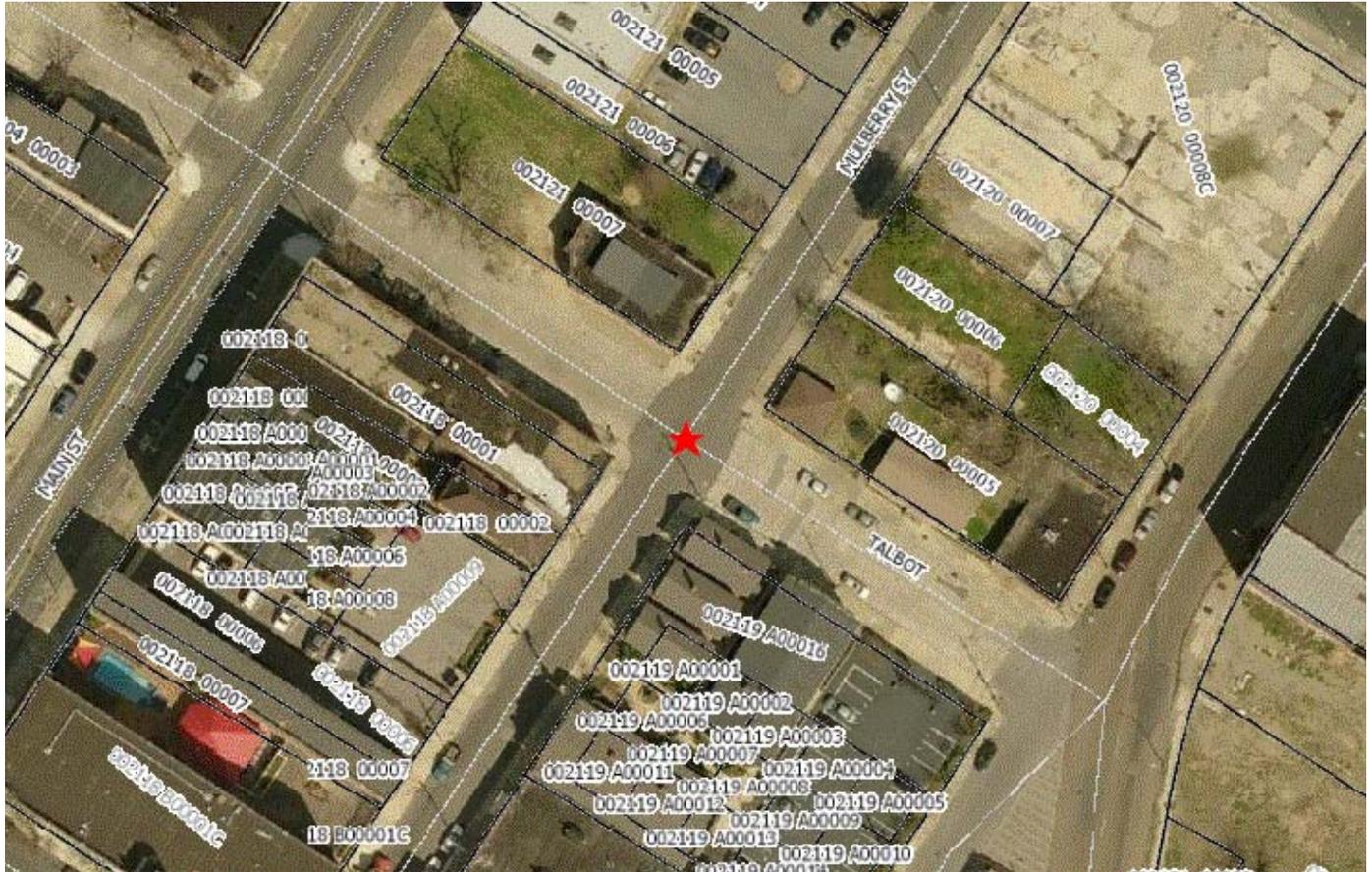
**West:** Retail Commercial in the South Main (SM) and Historic Preservation Overlay (HP) Districts

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

**APPROVAL WITH CONDITIONS**

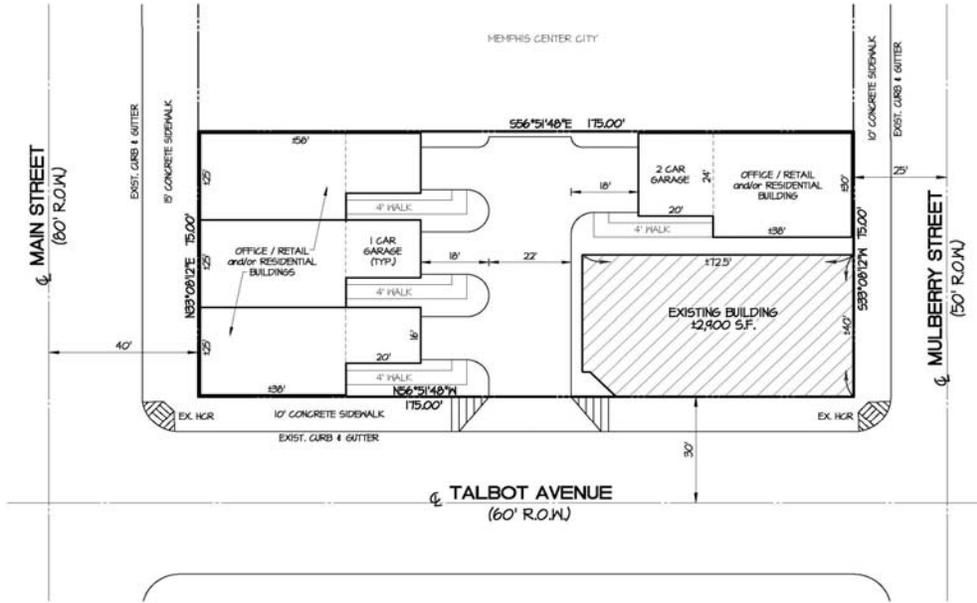


**Aerial View**

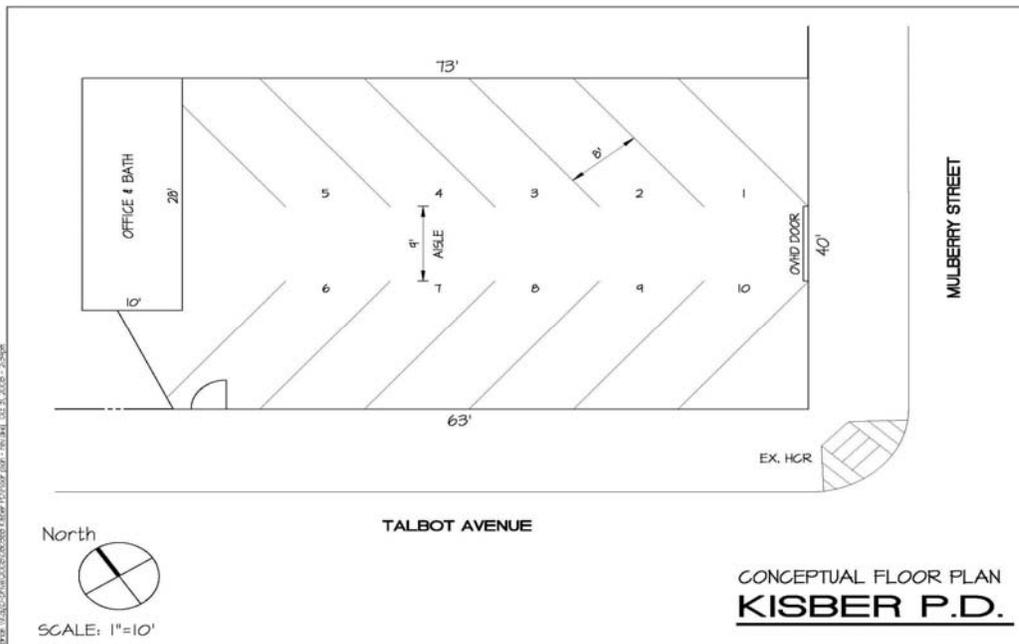


**Aerial View – Star is at the intersection of Mulberry Street and Talbot Avenue – Subject Site is the Northwest Corner of the intersection.**

Site Plan



Floor Plan – Existing Building



**Views of Existing Building:**



**Front of Building Facing Mulberry Street**



**Side of Building Facing Talbot Avenue**



**View of rear of building from Talbot Avenue**

## **STAFF ANALYSIS**

### Site Location and Area Characteristics:

The subject site is located at the northwest corner of Mulberry Street and Talbot Avenue in the South Main area. This property contains just over  $\frac{1}{4}$  of an acre and extends westward to Main Street.

Today the property contains a single, two-story, brick building on the southeast corner of the site. The Sanborn Maps indicate that the building was in use for Automobile Repair in 1927. The 1952 Sanborn Maps show the building in use for Electrical Appliances, not clear if that was retail sales or service or both. The building outline from that time to the present appears to be the same.

The South Main area is a true mixed use area both in terms of uses and building types. The area surrounding this site includes single family attached units, apartments retail commercial, service based commercial and significant sections of vacant land. Building types include 1 story commercial buildings, multi-story former warehouse buildings converted to accommodate residential uses.

Approved Regulatory Plans and Zoning:

This site is located within the boundary of South Main (SM) District which is a part of the much larger South Central Business Improvement District Plan and Zoning Regulations which was adopted in 2002. This site is also regulated by the South Main Historic Preservation District. The South Main District Zoning will require a specific streetscape plan along Mulberry Street and Talbot Avenue. Repair and maintenance of the building fall under the requirements of the Historic Preservation District.

New development on the site will require coordination between the Land Use Controls Section and the Landmarks Commission. The Center City Commission also has jurisdiction in this area of the City. The requested use for the existing building is not among the list of permitted uses.

Request:

The applicant's request is two-fold. The initial phase will focus on the existing building on the site. The requested use will allow for the re-use of the building for office and the storage and minor maintenance of vintage antique and classic automobiles that are owned by this applicant.

The second aspect of this request deals with the vacant part of the site. The proposed conditions will permit the uses that are permitted by the South Main District, in particular a mix of residential, office, and retail commercial uses.

Review of Request:

*Phase One* - With respect to the first phase the following points must be considered. First, this is historic building was built for commercial use. Its past usage has included automobile repair and some storage function. This building, though in need of some repair and maintenance, contributes to the character of this area. The overall size of the building places limits the redevelopment of the building for mixed usage.

For his part, the applicant's representative has committed to a condition that limits the storage of vehicles owned by the applicant. A conceptual plan has been presented that shows the building footprint remaining as it currently exists and provides conceptual footprints for future buildings to the north on Mulberry Street and to the west facing Main Street. At the request of staff, the applicant's design team has presented us with a conceptual floor plan that will accommodate a small office and parking for up to 10 cars.

The requested re-use can be viewed as an interim use of the site until future redevelopment near the site warrants further reinvestment to convert the building to office, retail, and/or limited residential uses. More importantly, the requested re-use is consistent with the buildings former use and puts the building back into use rather than sitting vacant and subject to the extremes of the climate.

Phase Two – The proposed site plan illustrates the re-use of the vacant land on this site which is very similar to the site's former development as depicted by the Sanborn Maps. The actual redevelopment of this site will be regulated by the South Main District regulations for Site Plan Review and the South Main Historic District Guidelines.

**RECOMMENDATION:            APPROVAL WITH CONDITIONS**

**OUTLINE PLAN CONDITIONS :**  
**Kisber Planned Development**  
**P.D. 08-325**

I. Uses Permitted:

- A. Uses permitted in the South Main District and the following additional uses:
  - 1. Vintage (antique or classic) automobile storage/museum facility within the existing building at 363 Mulberry
  - 2. Office
- B. Residential uses shall be permitted above the commercial space at a density conforming with the South Main District
- C. The following restrictions shall apply to the vintage automobile storage facility permitted above:
  - 1. Only minor maintenance to the vehicles may be performed on site to include oil changes, battery checks, tire pressure testing. All such work to be performed within the interior of the building.
  - 2. Detailing of vehicles kept on this site shall be performed inside of the building.
  - 3. Storage, outside or inside of hazardous chemicals, flammable liquids, or combustible and explosive materials is prohibited.
  - 4. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations shall be prohibited.
  - 5. No outside storage of vehicles or parts shall be permitted.
- D. The existing building may remain and be restored for vintage automobile storage and office for this applicant only. The spaces shown on the conceptual floor plan shall not be leased/rented for use by persons other than the applicant.

II. Bulk Regulations:

- A. The requirements of the South Main District shall apply.

- B. Air conditioning and heating or other mechanical equipment shall be screened using architectural features or other means.
  - C. All exterior changes to the property must be approved by the Landmarks Commission prior to obtaining a Building Permit from Shelby County Codes Enforcement. This includes but is not limited to the following: cleaning brick on existing building, tuck pointing, mortar content, curb cuts, parking, new construction – design, materials, height, setbacks, solids and voids etc.-demolition, fencing, paving, signage, additions, and alterations to existing buildings in accordance with the South Main Historic Preservation District Design Guidelines.
  - D. The re-development of this site to add the additional buildings and uses indicated on the Concept Plan shall follow the procedures for Site Plan Review as described in the SCBID Zoning Regulations. The OPD Staff will combine the Final Plat process with the Site Plan Review Process.
- III. Access, Circulation, and Parking:
- A. Any existing nonconforming curb cuts, shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
  - B. All existing sidewalks shall be repaired as necessary.
  - C. The developer shall install ADA compliant access ramps at both corners, in accordance with the City of Memphis Engineering Standards.
- IV. Landscaping & Signage:
- Landscaping and signage shall be in conformance with the requirements of the South Main District. Detailed graphics of both shall be shown on the final plat.
- V. A final plan shall be filed within five (5) years of the approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VI. Any final plan shall include the following:
- A. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - B. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping.

- C. A rendering of the building facades that abut public streets.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. The one hundred (100) year flood elevation.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Required for Storm Water Detention” shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner’s association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer’s Office. Such maintenance shall include but not be limited to, the removal of sedimentation, fallen objects, debris, and trash, mowing, outlet cleaing, and repair of drainage structures.

## GENERAL INFORMATION

**Street Frontage:** Main Street – 75 Feet  
Talbot Avenue – 175 Feet  
Mulberry Street – 75 Feet

**Planning District:** Downtown – Medical Center

**Census Tract:** 42.00

**Zoning Atlas Page:** 2025

**Parcel ID:** 002121 00007

**Zoning History:** The South Main (SM) District is part of the larger South Central Business Improvement District Plan and Zoning Regulations. The most recent amendment to the South Main District was approved by the Memphis City Council in November of 2002 (ZTA 02-003 and Z 02-123)

## DEPARTMENTAL COMMENTS

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

### City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

### Sewers:

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

### Roads:

3. All existing sidewalks shall be reconstructed to meet the requirements of the South Main District and shall be ADA compliant.

### Curb Cuts/Access:

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

### Drainage:

6. 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.

7. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

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 received.

**City/County Health Department:** No comment.

**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. The school aged children in this area are zoned to the following schools:

Downtown Elementary- 94.6% capacity  
Vance Middle - 40.2% capacity  
B.T. Washington High- 91.1% capacity

**Construction Code Enforcement:** No comments received.

**Center City Commission:** 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.

**AT&T/Bell South:**

AT&T has no comment.

**Memphis Area Transit Authority (MATA):**

No comments received.

**OPD-Regional Services:**

Main Street is an existing major road on the Long Range Transportation Plan. Main Street consists of 80 feet of right-of-way and 56 feet of pavement, and no proposed improvements.

**OPD-Comprehensive Planning:**

No comments.

**Landmarks Commission:**

This property is in the South Main Special District and in the South Main Historic Preservation District. The Preservation District has stricter design requirement than the Special District and all exterior changes to the property must be approved by the Landmarks Commission prior to obtaining a Building Permit from Shelby County Codes Enforcement. This includes but is not limited to the following: cleaning brick on existing building, tuck pointing, mortar content, curb cuts, parking, new construction – design, materials, height, setbacks, solids and voids etc.- demolition, fencing, paving, signage, additions, and alterations to existing buildings in accordance with the South Main Historic Preservation District Design Guidelines (a copy can be obtained in the Landmarks Commission office). The Landmarks Commission has a set schedule for Commission meeting with deadlines for applications.

**S. Main Historic D.A.:**

No comments received

**Downtown N.A.:**

No comments received