

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

CASE NUMBER: S.U.P. 08-229

L.U.C.B. MEETING: November 13, 2008
(edited 12/18/2008)

LOCATION: Southwest corner of Poplar Avenue and Barksdale St.

COUNCIL DISTRICTS: Super: 9 Regular: 5

OWNER/APPLICANT: Paige Williams

REQUEST: Special use permit for an office

AREA: 17,255 sq. ft. (0.40 ac)

EXISTING LAND USE & ZONING: Two-story single-family residence in the Multiple Dwelling Residential (R-MM) District and the Historic Conservation [HC] Overlay District

SURROUNDING USES AND ZONING:

North: Across Poplar Avenue, small apartment houses in the R-MM [HC] District.

East: Across Barksdale Street, an apartment complex in the R-MM [HC] District

South: College residence hall in the R-MM District

West: Single-family residence in the R-MM [HC] District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval, with conditions

CONCLUSIONS

- 1. The proposed office use appears to be an appropriate adaptation of a historic building that should have little adverse impact among the relatively high intensity uses of this immediate area.**
- 2. The zoning regulations specify certain requirements that can be incorporated in the site plan condition to insure the compatibility of the proposed use**

Staff Planner: Dave Adams

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

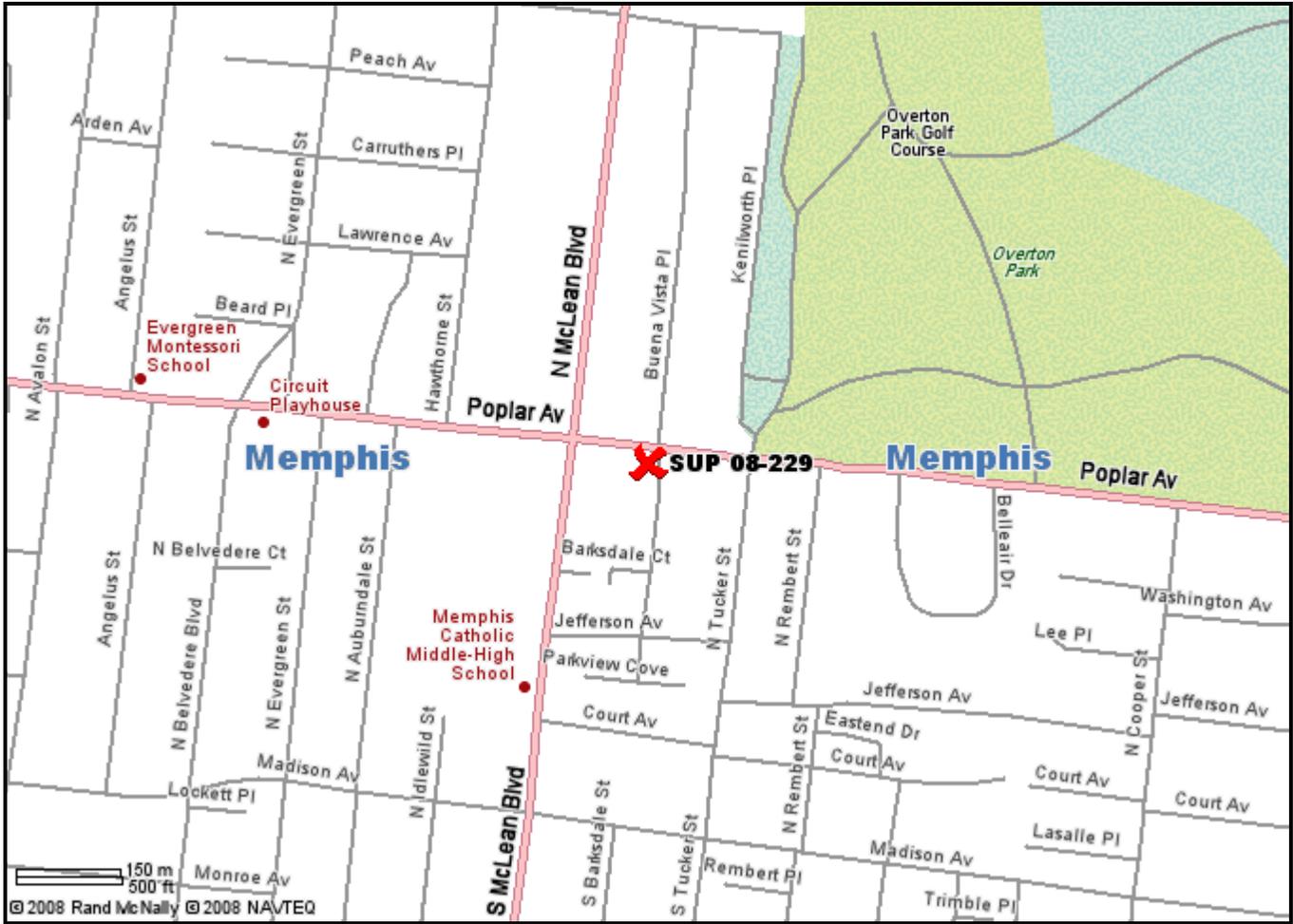


Figure 1: Vicinity Map

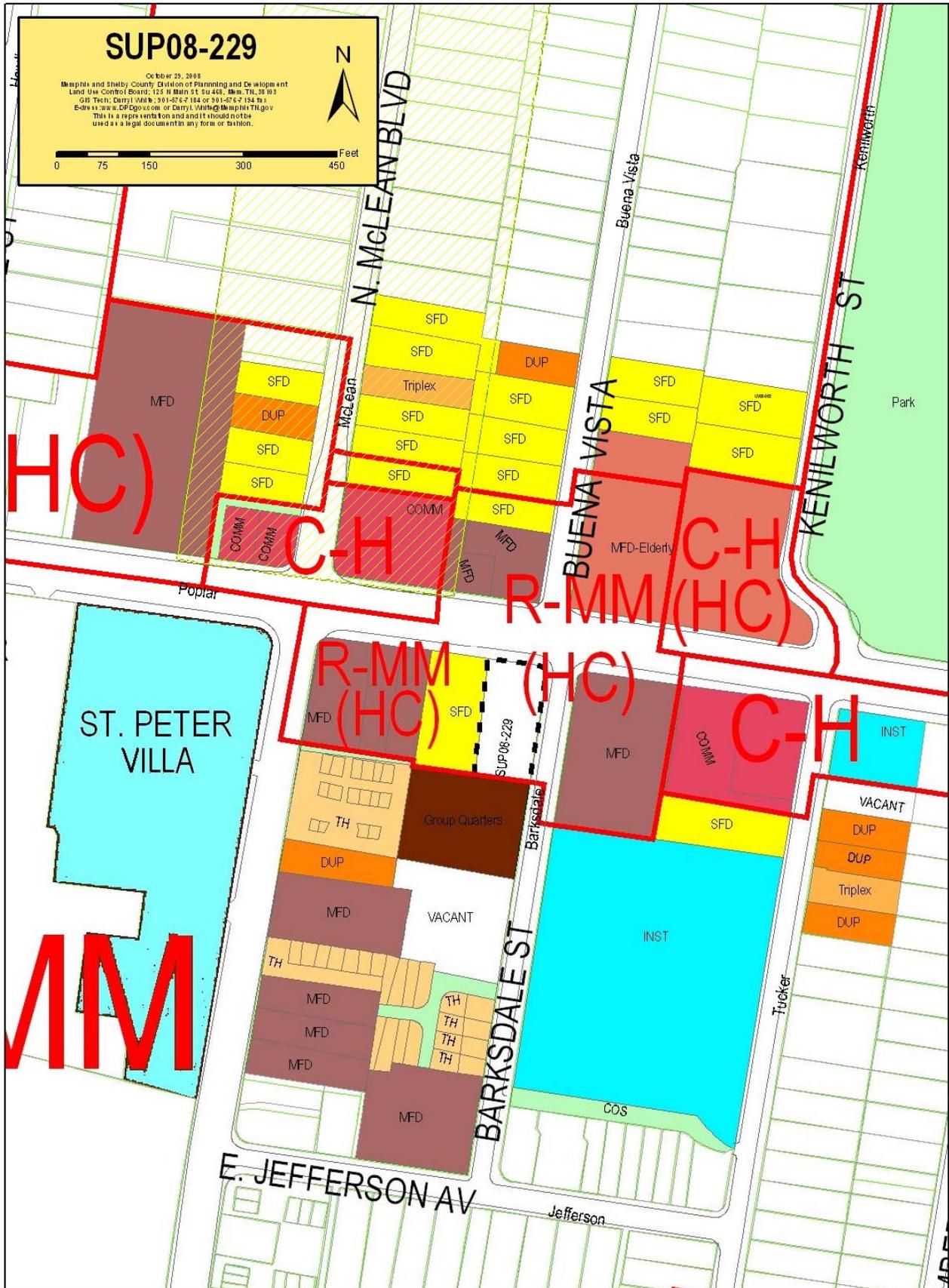


Figure 2: Zoning and Land Use in the Vicinity of the Subject Property



Figure 3: Overhead view of vicinity



Figure 4: Overhead view of subject property

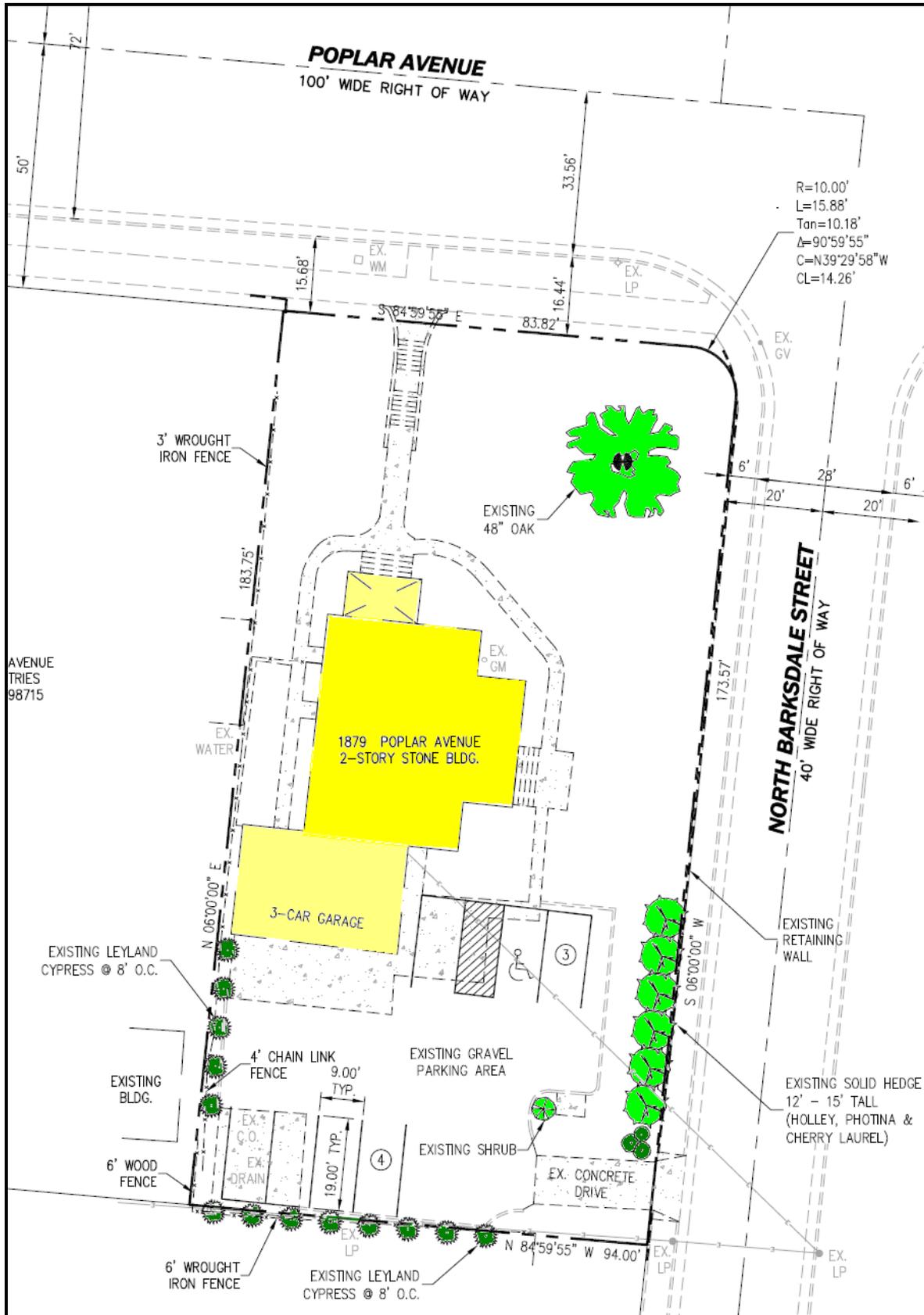


Figure 5: Proposed Site Plan (color-enhanced by OPD for easier interpretation)



Figure 6: The house on the subject property is elevated approximately 12 feet above Poplar Avenue.



Figure 7: View of the subject property as seen from the Barksdale frontage



Figure 8: The subject property viewed from the rear. Two of three garage door are visible. The driveway access from the street extends to the left from where this picture was taken.



Figure 9: A sidewalk leads from the parking area to this side entrance.



Figure 10: This is the rear of the apartment complex on the east side of Barksdale Street, opposite the subject property.

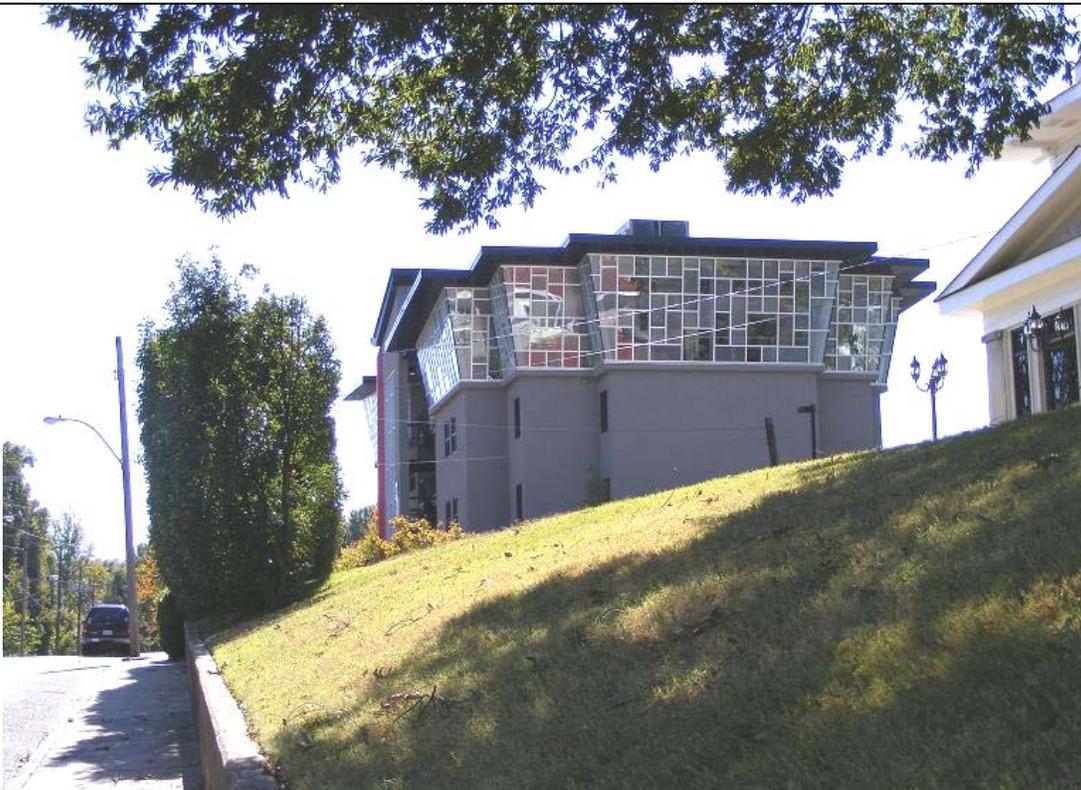


Figure 11: The Memphis College of Art has built a new 4-story residence hall immediately south of the subject property as seen here in a view southward along Barksdale Street.

STAFF ANALYSIS

Site Characteristics

The subject property is a 0.40 acre lot at the southwest corner of Poplar Avenue and Barksdale Street. Its frontages are ± 94 feet along Poplar Avenue and ± 184 feet along Barksdale, with adjustments for the dedication of a 10' corner radius. The subject property is part of Lots 11 and 12 of the Malone resubdivision recorded in Plat Book 3, Page 11. There is apparently no recorded plat for this particular lot in its current dimensions. Therefore it will be necessary to demonstrate that this lot is legally exempt from the Subdivision Regulations. (*i.e. identical, or smaller than the landholding here on March 6, 1956.*)

The site is occupied by a two-story single family residence in the foursquare style with a stone exterior. According to the Assessor of Property, the date of construction was 1918; the ground area is 1,655 square feet and the total floor area is 3,138 square feet. At the rear of the house is a three car garage, with a parking lot covering nearly the entire backyard. Except for a concrete apron immediately behind the garage, the parking lot surface is gravel.

The subject property fronts on Poplar Avenue, a major 7-lane east-west thoroughfare that has served as an axis for the development of the urban area. It extends eastward from Downtown Memphis through several major concentrations of shopping and offices --- the Poplar Plaza area; the Poplar/Perkins area, the Poplar office corridor east of I-240 --- past the Saddle Creek commercial development; through the heart of Germantown, and past downtown Collierville all the way to Tipton County.

The driveway access is provided through a curb cut on Barksdale Street, which is a narrow (40') local street extending southward 800 feet from Poplar to a short segment of Jefferson Avenue, which provides a connection to the major north-south thoroughfare, McLean Street. McLean is only about 275 feet east of the subject property. (Aligned with Barksdale on the north side of Poplar Avenue, Buena Vista Place extends northward into the Evergreen neighborhood.)

Proposed Development

As staff understands the application, the applicant wishes to maintain her residence at this address, but occupy only the second story. She would like to rent out her first floor for use as a professional or administrative office. It appears that a side entrance, facing Barksdale Street, would provide a convenient entryway for visitors to the business establishment. Further description of the proposal may be found by examining the proposed site plan (Figure 5, above) and reading the letter of intent (Exhibit B, below.)

The Vicinity and the Neighborhood

The subject property is located between two major Midtown institutional complexes. To the west --- on the south west corner of Poplar and McLean is a large campus that includes the St. Peter's Villa

rehabilitation facility, the St Peter's Home long term care facility, a Target House residence for St. Jude Hospital outpatients and the St Peter's Village apartments for the elderly. A motor-vehicle repair shop and gas station/convenience store are located at the on the north side of Poplar at the McLean Street intersection.

A few hundred feet to the east of the subject property, at the Kenilworth/Tucker intersection of Poplar Avenue is another concentration of commercial and institutional use --- featuring Overton Park with the Memphis College of Art (MCA), Brooks Museum and a golf course. A high-rise residence for the elderly is located across from the park on the northeast corner. The southeast corner of this intersection features commercial space converted for use by MCA. On the southwest corner are a gas station/convenience store and a night club that is an important venue for live music performances. Filling in the matrix of uses are mainly multi-family residential uses, (including the apartment complex across from the subject property on Barksdale) and institutional uses (including the 4-story MCA residence hall immediately south of the subject property).

The large four-square house immediately west of the subject property is listed by the assessor as a single-family residence. From there to McLean Street, the south side of Poplar Avenue is occupied by multi-family residences.

This area of relatively high-density uses lies amidst well-defined neighborhoods of predominantly single-family houses. Prominent among those are the Evergreen Historic District on the north side of Poplar and the Tucker-Jefferson neighborhood, which extends mainly southeastward from the Poplar-McLean area.

Planning Issues

By means of a special use permit, the zoning ordinance makes an office use allowable in the Multiple Family Residential (R-MM) District, subject to a site plan review whereby the layout can be reviewed, and operating conditions imposed, to insure that the project will be compatible with nearby uses and the neighborhood in general. In Footnote 9 of Chart 1, the zoning ordinance makes the following stipulation that only "a single office in a residential structure" would be allowed in the R-MM District.

A single office shall be permitted in a residential structure in the R-M districts subject to the issuance of a special use permit therefor in accordance with the provisions of Sections 8 & 9 of the Zoning regulations. Chapters 16-32 and 16-36.

Furthermore, Section 9 of the zoning regulations establishes certain criteria for the particular type of use, as listed in Exhibit A, below. In addition, Section 9 establishes certain general standards that apply to all special use permits.¹

¹ The General Standards of Applicability are as follows:

A. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;

The parking standard is 1 space for every 300 square feet of office space plus 1 space for every business vehicle. Since no floor plan is available, the operating assumption is that more than 6 parking spaces may be required. This may make it necessary to use some of the three spaces directly behind the garage, at least during business hours. The design of the parking will need refinement before the approval of a final site plan. Also staff believes that the current gravel surfaced parking lot should be paved so that parking spaces can be delineated in compliance with ADA regulations.

Analysis and Conclusions

OPD staff believes that the proposed addition of an office use on the first-floor of the subject property is a reasonable adaption of this historic building that is not out of place, when the intensity of the adjoining uses is considered. The impact of a small office operation should not have any significance adverse effect on nearby properties, provided that the proposed site plan conditions are observed.

The subject property is located in the Historic Conservation (H-C) overlay district of the zoning ordinance. However the design review requirements of that district only apply to new construction and / or major alternations of the existing exterior. As understood by staff, the intent of the applicant is to maintain the current building elevations. To insure the effectiveness of the historic conservation effort, staff recommends that the special use permit be designated for the exclusive use of the current owner, so that a change in ownership would require a new hearing before the Land Use Control Board as a correspondence item.

Landscaping is always a concern for special use permits and the subject property is generally well landscaped. Maintenance of the current trees and shrubs, and replacement when necessary, should be adequate, with some supplementation to better screen the view of the parking lot from Barksdale.

Staff is drafting site plan conditions that address the above issues as stated and include all the specific requirements of the zoning as stated above and in Exhibit A. Subject to those site plan conditions the staff recommendation is as follows.

RECOMMENDATION: Approval, with conditions

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- B. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;
 - C. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
 - D. That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the legislative body to be of significant natural, scenic or historic importance;
 - E. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

**SITE PLAN CONDITIONS
OFFICE AT 1879 POPLAR AVENUE
S.U.P. 08-229
As Recommended by OPD Staff*
November 13, 2008**

A Special Use Permit is hereby granted to Paige Williams permitting the operation of a single office in leased space in the existing building at 1879 Poplar Avenue, being the same property conveyed in Instrument KK5813 as recorded at the Shelby County Register's Office.

1. Professional, medical, insurance and administrative offices and other use consistent with zoning regulations for special use permits in the R-MM district, including Chart 1 and its Footnote #9. Examples of uses that are not permitted include tattooing, fortune telling, beauty shop, karate or tai-chi studio, banks and loan offices and storage / parking of construction equipment and materials.
2. There shall be no exterior alteration of the principal residential building which changes the character thereof as a dwelling.
3. No new construction, demolition, relocation or increase in habitable area of a building, object, structure or site on this property shall be permitted unless a certificate of appropriateness has been issued by the Landmarks Commission and a revised site plan has been approved by the Land Use Control Board.
4. Access to Poplar Avenue via private drive or driveway is prohibited.
5. Signage shall be limited to one attached business sign, not exceeding three square feet in area.
6. No additional accessory structures shall be permitted and no existing accessory structure shall be enlarged.
7. On-street parking shall be regulated by the standards of Section 28 of the zoning regulations. All parking designated for use by the office shall be paved and striped with a minimum setback of 19 feet from Barksdale Avenue.
8. The view of any parking along the south property line shall be screened from Barksdale Avenue by installing shrubs typical of the B-series of landscape plates. The exact design shall be subject to the review and approval of the Office of Planning and Development.
9. All trees and shrubs shall be maintained, and replaced if necessary, in conformance with the landscaping elements shown on the approval final site plan.

* Includes friendly amendments as agreed to on 11/13/2008.

GENERAL INFORMATION

Coordinates:	35° 08' 32"N, 89° 59' 52"W
Parcel Number:	017049 00005
Street Address:	1879 Poplar Avenue, 38104
Street Frontage:	Poplar Avenue: 84 feet on this 7-lane major thoroughfare (100' ROW). Barksdale Street: 174 feet on this local street (40' ROW)
Planning District:	Midtown
Census Tract:	32
Annexation Status:	Annexed in 1899
Zoning Atlas Page:	2035
Zoning History:	<1981 – Zoned Multiple Dwelling “R-4” District. 1981 – Converted to Multiple Dwelling Residential (R-MM) District with the adoption of the current zoning ordinance.

DEPARTMENTAL COMMENTS

City Engineer:

1. No objections to this request.
2. City sanitary sewers are available at developer's expense.

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.
5. Access to Poplar Avenue via private drive or driveway is prohibited. Convey right of access to Shelby County/City of Memphis.
6. The width of all existing off-street sewer easements shall be widened to meet current city standards.
7. Required landscaping shall not be placed on sewer or drainage easements.

Memphis City Schools:

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:

Idlewild Elementary- 87.1% capacity
Fairview Middle - 72.7%
Central High- 114.9% capacity

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.
- 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.

OPD-Regional Services:

Poplar Avenue is an existing major road on the Long Range Transportation Plan. Currently, the right-of-way and pavement widths are 82 feet and 66 feet respectively.

OPD-Plans Development: No comments

OPD – Landmarks Commission

This property is within the Evergreen Historic Conservation District and as such the changes in use for the property are not consistent with the single family zoning that is prevalent in the rest of the district. However, given the location and the fact that the appearance of a single family structure will remain intact and given the wonderful rehab the property owner has done to the structure the staff of the Landmarks Commission believes that this will be a good reuse for the property. The parking and landscaping changes are to the rear of the property and the Poplar façade of the structure will remain visible as if it was still in use as a single residence.

City/County Health Department: No objections

AT&T: AT&T has no comment regarding this new development.

Construction Code Enforcement: No comments received.

City Fire Division: No comments received.

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

Neighborhood Associations:

Evergreen Historic District Association

The EHDA Board has reviewed the documentation you sent and

we have no opposition to the application.

Thanks for keeping us informed of issues affecting the neighborhood.

31st Ward Civic Club
Idlewild East End NA
Belleair Woods NA
Tucker-Jefferson NA
East Parkway NA
Midtown Central NA

APPLICABLE SPECIAL USE PERMIT STANDARDS

p. A single office use in a residential structure originally built for residential occupancy in the R-M districts subject to the following additional standards:

- (1). There shall be no exterior alteration of the principal residential building which changes the character thereof as a dwelling.
- (2). One attached business sign, not exceeding three square feet in area, shall be permitted on each zoning lot.
- (3). No additional accessory structures shall be permitted and no existing accessory structure shall be enlarged.
- (4). Required off-street parking shall be prohibited in the required front yard;



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ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

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September 18, 2008

Ms. Mary Baker, Deputy Director
Office of Planning & Development
125 N. Main Street
Memphis, Tennessee 38103

Re: **Special Use Permit – Poplar & Barksdale**
ETI Project No.: **08073-10**

Dear Mary:

Attached is an application for a special use permit for an office at the southwest corner of Poplar Avenue and Barksdale Street. The property is presently a single-family house zoned R-MM, Medium Density Residential, with a Historic Conservation District overlay.

The properties surrounding the subject site are all zoned R-MM Medium Density Residential. To the north across Poplar Avenue are apartments, and the Parkview 11 story retirement housing community. To the east across North Barksdale Street are the Park Terrace Apartments, and farther east is the Hi-Tone restaurant, and the Circle K convenience establishment and 76 gas station. South of the site is the College Art School and across from the school is a nursing home. To the west along Poplar Avenue is a single-family residence and farther west are apartments.

An office use of the property without modifications to the existing site is compatible with the surrounding multifamily zoning. It is also compatible with the surrounding apartment uses, school and limited commercial zoning and uses in the area.

The proposed site plan shows no improvements to the outside of the building or grounds. Access will remain from Barksdale Street with the existing curb opening. There is a three-car garage to the rear of the home and seven additional parking spaces are proposed. The rear portion of the site is partially concrete and partially crushed gravel that is neatly kept. There is a large 48-inch specimen oak tree located on the corner and an existing solid hedge of holly, photiana and cherry laurel that screens the back parking area along Barksdale Street.

Ms. Mary Baker
September 18, 2008
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An existing screen of Leyland cypress eight feet on center is located along the west and south property lines adjacent to the parking area. To the west adjacent to the parking area is an existing garage structure. No additional landscaping improvements are proposed.

Because there will be no improvements to the home and no major improvements to the site, the Landmarks Commission will not have to review the site plan. Any detached sign that is eventually placed on the property may require Landmarks review.

We respectfully request your favorable recommendation. If you have any questions or need additional information please contact Rodney Joyner or me.

Sincerely,

ETI Corporation

A handwritten signature in black ink, appearing to read "R. B. Smith", written in a cursive style.

Ralph B. Smith
Principal

RBS:gp

CC:
Q:\08073\0807310L01.DOC