

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **15**

CASE NUMBER: P.D. 09-307 **L.U.C.B. MEETING:** May 14, 2009

DEVELOPMENT NAME: Community Capital Planned Development

LOCATION: North side of Monroe Avenue; +/-120.8 feet east of Belvedere Boulevard

COUNCIL DISTRICT: 5 **SUPER DISTRICT:** 9

OWNER OF RECORD/APPLICANT: Community Capital LLC (Archie Willis III)

REPRESENTATIVE: Archie Willis/Paul Young

REQUEST: Single tenant office building

AREA: 0.27 Acres

EXISTING LAND USE & ZONING: Vacant Land in the Multiple Dwelling Residential (R-MH) District

SURROUNDING LAND USES AND ZONING:

North: Predominately office uses in the Highway Commercial (C-H) District

East: A residential dwelling in the Multiple Dwelling Residential (R-MH) District

South: A surface parking lot serving Idlewild Presbyterian Church in the Multiple Dwelling Residential (R-MH) District

West: An interior design office in the General Office (O-G) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

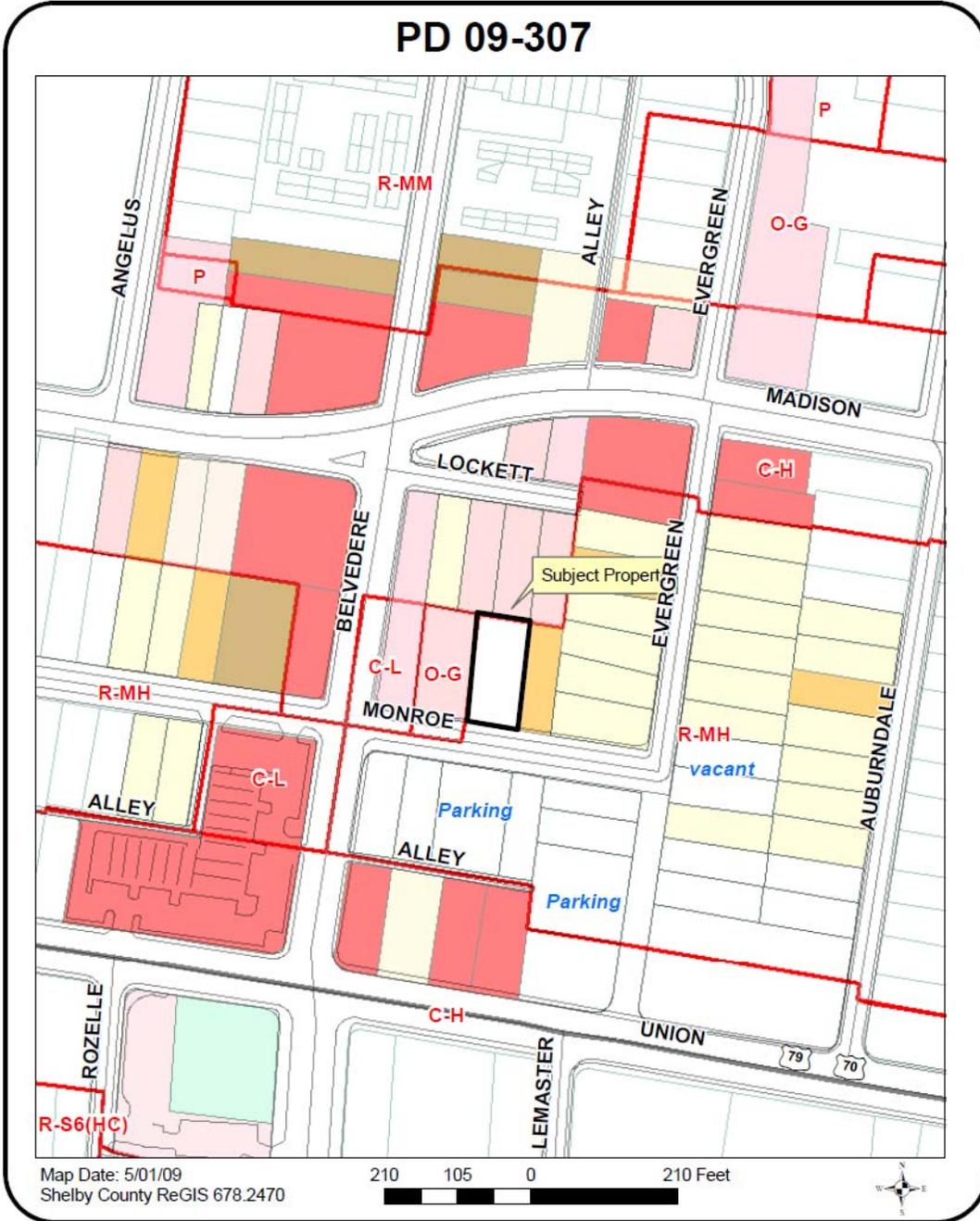
APPROVAL WITH CONDITIONS

Staff: Donald Jones

E-Mail: donald.jones@memphistn.gov

CONCLUSIONS

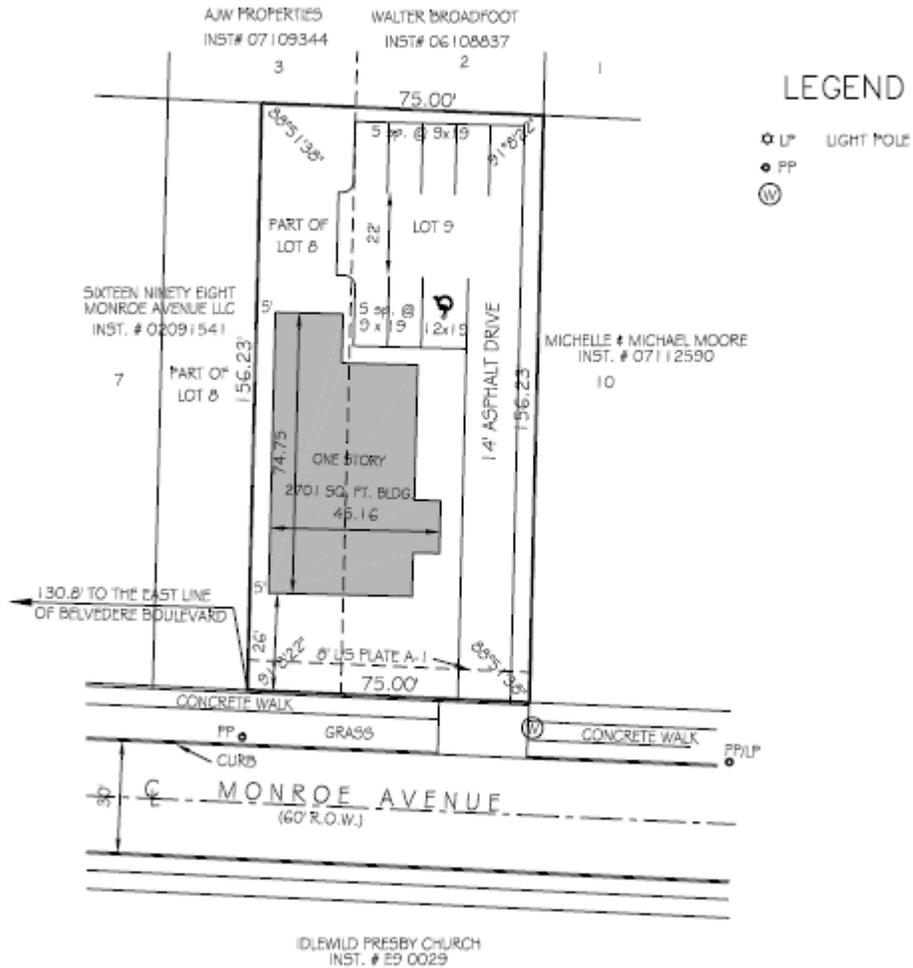
1. This application addresses two of the biggest issues that were raised by the OPD and the LUCB in a prior review of the Zoning Application on this site. The site plan allocates the parking to the rear of the site, no parking is shown in the required front yard, and a typical elevation that is residential in style is made part of the application.
2. The existing site, which is vacant, is a former residential lot which is limited in both width and depth for non-residential development. This is an important consideration in evaluating the proposed site plan for required parking and access. Another important consideration is the requested use. In this case that request is for a Single Tenant Office.
3. The single tenant use should serve to limit the demand for customer parking. Not to mention that there is adequate parking available on the street and across the street via the surface parking lot.
4. The drive aisle though more narrow than is typically required should not provide an impairment to the safe passage of vehicles since the site has limited depth and vehicles either entering or exiting should easily see one another and make accommodations for another.



Zoning and Land Use

Aerial View





Site Plan



Typical Elevation

STAFF ANALYSIS

Location and Site Characteristics:

The subject property is located on the north side of Monroe Avenue between Belvedere Street and Evergreen Street in the Idlewild area of Midtown Memphis. Specifically, the site is located in the middle of this block with two residential buildings to the east and one residential building and one vacant tract to the west.

The subject site is Lot 9 and Part of Lot 8 of the East End Land Syndicate Subdivision which dates to approximately 1892. This property has 75 feet of frontage on Monroe and a depth of 156 feet for a total of a 11,700 square feet.

Description of Surrounding Area:

This area can be described as transitional in character. The presence of non-residential zoning to the north and west are testimony to that point. Conversion of former residential lots to a surface parking lot to the south also points to the transitional nature.

One other significant point about this area is the character of the non-residential buildings. While the zoning to the north and west permit non-residential use, almost all of the non-residential activity has occurred within former residential buildings.

To the east of the subject property along Evergreen Street is the Idlewild Community which is a strong residential neighborhood with good property values.

Zoning History:

The current R-MH designation dates back to 1954 as part of a Comprehensive Plan and Rezoning for Memphis. More recently an application to rezone this site from R-MH to O-G was filed in April of 2008. The Office of Planning and Development staff recommended against this request stating that the requested change was not consistent with good zoning practice. In addition, the staff expressed the concern that straight zoning could not control the general building character or limit front yard parking. These two points are critical to maintaining the character of the area.

The Land Use Control Board shared the view of the staff and encouraged the then applicant to re-file the request as a Planned Development.

Request:

The applicant has filed a Planned Development Application with a site plan which requests a single structure to serve as office space for a financial institution. The building is one story in

height with a decidedly residential style, including a front porch, containing approximately 2,700 square feet. The applicant has submitted a typical elevation with this application.

The site plan shows standard setbacks on all four sides and no parking in the front yard. Vehicular access to the site shall be gained via a slightly widened (14 foot wide) residential driveway which leads to a parking area that accommodates 8 parking spaces, one of the spaces is designed to serve vehicles for handicapped individuals.

Review of Request:

General Review - This application addresses two of the biggest issues that were raised by the OPD and the LUCB in prior review of Zoning Application of this site. The site plan allocates the parking to the rear of the site, no parking is shown in the required front yard, and a typical elevation that is residential in style is made part of the application.

Site Plan - The existing site, which is vacant, is a former residential lot which is limited in both width and depth for non-residential development. This is an important consideration in evaluating the proposed site plan for required parking and access.

Another important consideration is the requested use. In this case that request is for a Single Tenant Office.

The Site Plan indicates that the building footprint is just over 2,700 square feet. The Parking Regulations require one space for every 300 square feet of building, or 9 spaces. The site plan shows 7 spaces plus one space for the handicapped for a total of 8 spaces.

A standard two-way drive aisle is 22 feet although a private drive may be permitted at 18 feet. The applicant's proposal shows a 14 foot wide drive.

The importance of stipulating that this is a single tenant office is that as such the use will tend to reduce the number of drive up customers as opposed to a site that has multiple users. The provided parking here is expected to primarily serve the employees of the office. There is also parking available on the street. And if the need should arise, there is the potential to have the user of the site enter into a shared parking arrangement with the owner of the parking lot across the street from the subject site to provide additional spaces.

With a lot depth of approximately 150 feet, it will not be difficult for cars attempting to exit or enter the parking area to see an opposing car and make arrangements to let the opposing car to pass. Widening the drive another 4 to 8 feet will only serve to add more pavement and call attention to this site as something other than residential which in contradiction to what is trying to be achieved by the filing of the Planned Development application.

One change does need to be made to the site plan. In the area at the terminus of the drive aisle,

the aisle needs to be extended to the west to allow for proper room for a vehicle to turn around.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS

Community Capital Planned Development P.D. 09-307

- I. Uses Permitted
 - A. A Single Tenant Office
 - B. Single Family Residential either in combination with an office or as the principal use of the site
 - C. Accessory uses as regulated by the O-L District
 - D. Parking area and drive aisles.
- II. Bulk Regulations and Building Design:
 - A. The site shall be governed by the bulk requirements of the Limited Office (O-L) District, except where further modified below.
 - B. The front, side, and rear yard setbacks shall be as shown on the approved plan.
 - C. Front and side elevations of the proposed building that depict a residential style comparable to the age of the housing in the general area shall be attached to the Final Plat and is subject to the review and approval of the OPD.
 1. Elevation shall be comparable to the example that was included in the application.
 2. The building shall include a raised foundation of at least 18" as measured from the finished grade of the site.
 3. The building shall include a front porch with a minimum depth of 8 feet.
- III. Landscaping, Site Lighting, and Signage
 - A. A Tree A or an equivalent that is acceptable to the Office of Planning and Development shall be installed in the front yard.
 - B. A single row of an evergreen shrub (preferred species Burford or Nellie Stevens Holly) shall be planted in the area between the proposed drive and the east property line. Shrubs shall be placed 3 feet on center and maintained as a hedge.

- C. At the time of Final Plan Submittal, applicant shall provide evidence regarding the existence and condition of any existing fencing. If existing and the condition is acceptable, then no additional requirements will be necessary. If not in good condition, then a six foot tall, site proof wooden fence (shadow box in style with cap) shall be required.
- D. All HVAC shall be screened from public view by use of landscaping or fencing.
- E. Any commercial dumpsters shall be screened from public view by means of fencing.
- F. Any required or existing fence shall not be permitted to extend any further to the south than the front edge of the proposed building.
- G. Landscaping shall not interfere with any required utility easements.
- H. Free standing lighting shall be designed so as not to spread onto adjoining properties. An example of the height, location, and type of lighting structure and fixture shall be shown on the final plat.
- I. One attached or one detached sign shall be permitted. The sign shall be limited to 12 square feet in area and shall be internally lit.

IV. Access and Circulation:

- A. Access to the site shall be via the 14 foot wide drive and curb cut as shown on the submitted plan.
- B. The number and location of parking spaces shall be as shown on the submitted plan.
- C. The drive aisle specifically serving the parking shall be extended to the west at least 10 feet to provide for a turnaround

V. Drainage:

Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

VI. The Land Use Control Board may modify the bulk, access, circulation, parking,

landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

VII. 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.

VIII. Any final plan shall include the following:

- A. The Outline Plan Conditions,
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements,
- C. In commercial areas and multi-family parcels, the exact location and dimensions including height, of buildings or buildable areas, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. Streets, lots, landscaping and all information required to review residential subdivisions in accordance with the Subdivisions Regulations.
- E. The content of all landscaping and screening to be provided
- F. The location and ownership, whether public or private of any easement,
- G. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity, for ownership and maintenance purposes,
- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved 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 owners' 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: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.

GENERAL INFORMATION

Street Frontage: Monroe75 Feet
Planning District: Midtown
Census Tract: 34.00
Zoning Atlas Page: 2030
Parcel ID: 017042 00013

Zoning History:

A request to re-zone this site from Multiple Dwelling (High Density) R-MH to General Office (Z 08-102) was heard by the Land Use Control Board May of 2008 – The Land Use Control Board and the Office of Planning and Development recommended converting this file to a Planned Development. No further action was taken by the applicant.

The current R-MH on this site or its predecessor R-5 dates to 1954.

DEPARTMENTAL COMMENTS

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

City Engineer: No comments received
City Fire Division: No comments.
City Real Estate: None.
City/County Health Department: The Water Quality Branch has no comments.
City Board of Education: No comments received.
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 conditions:

- **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 without prior approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **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 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). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at 528-4855 for application of utility services.
 - All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation process.
- **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 comments.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Comprehensive Planning:

Landmarks:

The design and site plan for this PD are very good with the parking in the back and the entry of the structure on the façade addressing the street. It would be best if the new structure front set back is in line with the adjacent existing structure. This will create a consistent façade setback for the rest of the vacant properties on the street.

Park Services:

No comments received.

Neighborhood Associations:

No comments received

31st Ward Civic Club:

East End Historical Assn:

Monroe Avenue Residents Coalition:

Midtown Central Neighborhood Association: