

STAFF REPORT

11

CASE NUMBER: U.V. 09-02 **L.U.C.B. MEETING:** June 11, 2009

LOCATION: West side of North Second Street @ Plum and Pear Avenues

COUNCIL DISTRICT(S): District 7-Super District 8-Positions 1, 2 & 3

OWNER/APPLICANT: Harbor View Properties, Inc.

REPRESENTATIVE: SR Consulting, LLC

REQUEST: Use Variance to allow an eighteen(18) bed hospital

AREA: 8.40 Acres

EXISTING LAND USE & ZONING: Vacant land in Mixed Use(MU) District

SURROUNDING USES AND ZONING:

North: Senior assisted living facility under construction in Mixed Use(MU) District and vacant surplus properties in Heavy Industrial(I-H), Flood Plain(FP) and Floodway(FW) Districts.

East: Vacant surplus properties, Kimberly Clark Credit Union and duplex units in Mixed-Use(MU) District and Fire Station # 4 in Light Industrial(I-L) District.

South: Vacant surplus properties and Cargill Grain Elevator in Heavy Industrial(I-H) and Flood Plain(FP) Districts.

West: Wolf River Harbor and vacant surplus properties in Light Industrial(I-L) & Flood Plain(FP) Districts.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

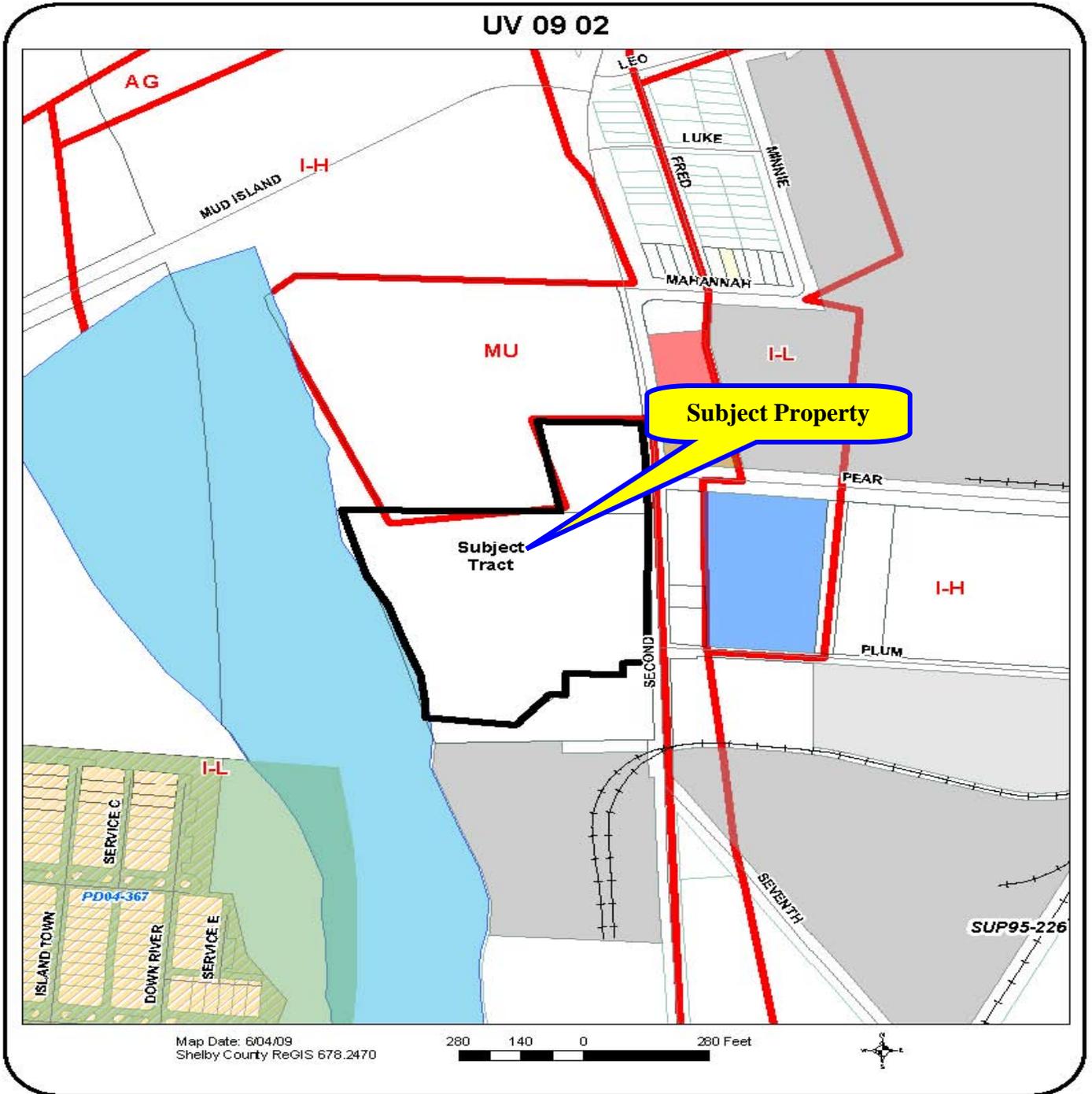
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

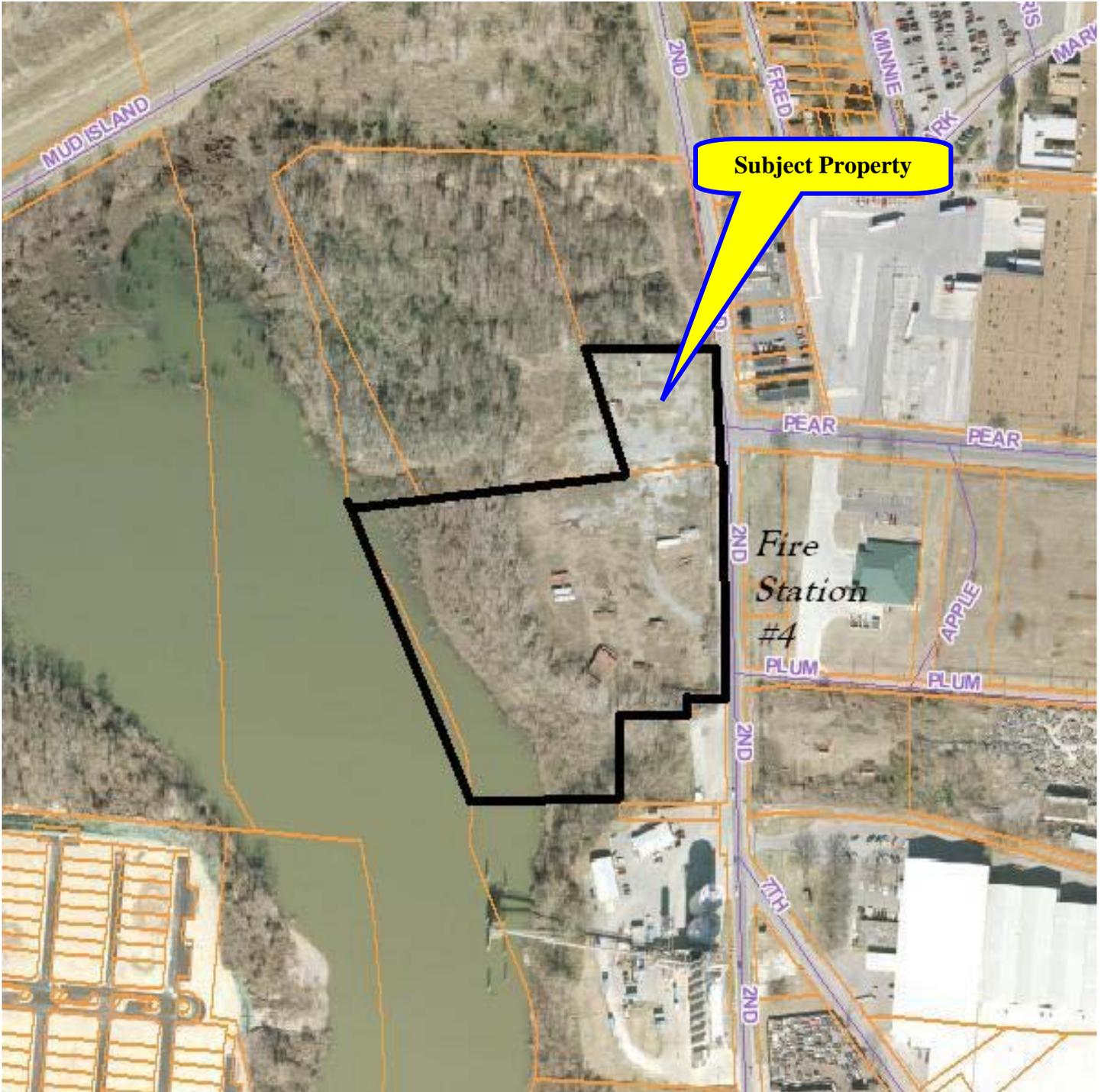
CONCLUSIONS:

- 1. This parcel and the adjacent parcel was down zoned in October, 2008 and January, 2007 respectively from Heavy Industrial(I-H) to Mixed-Use(MU) District zoning to become an extension of Uptown Memphis Comprehensive Land Use Plan adopted in October, 2001.**
- 2. This land is located in Uptown-West Area Plan, a comprehensive plan amendment to the Community Redevelopment Plan for Uptown Memphis approved in March, 2009.**
- 3. The proposed land use for a hospital provides a logical extension for a senior living campus facility that is currently under construction directly adjacent to this site and complements the relationship and the connectivity between similar land uses.**
- 4. The site design elements recommended by the Community Redevelopment Agency(CRA) include the dedication of a pedestrian easement for the continuation of a river walk along the Wolf River harbor and the dedication and improvement of N. Second Street. Other recommendations also include architectural design features of the building, such as exterior transparent walls(glass windows, doors) to maximize any potential harbor views.**
- 5. If the land use is to be recommended for development, the applicant should also demonstrate by an alternative site plan that a street connection can be accommodated to the harbor for implementation of planning objectives recommended by the Uptown-West Area Plan.**

ZONING & LAND USE MAP



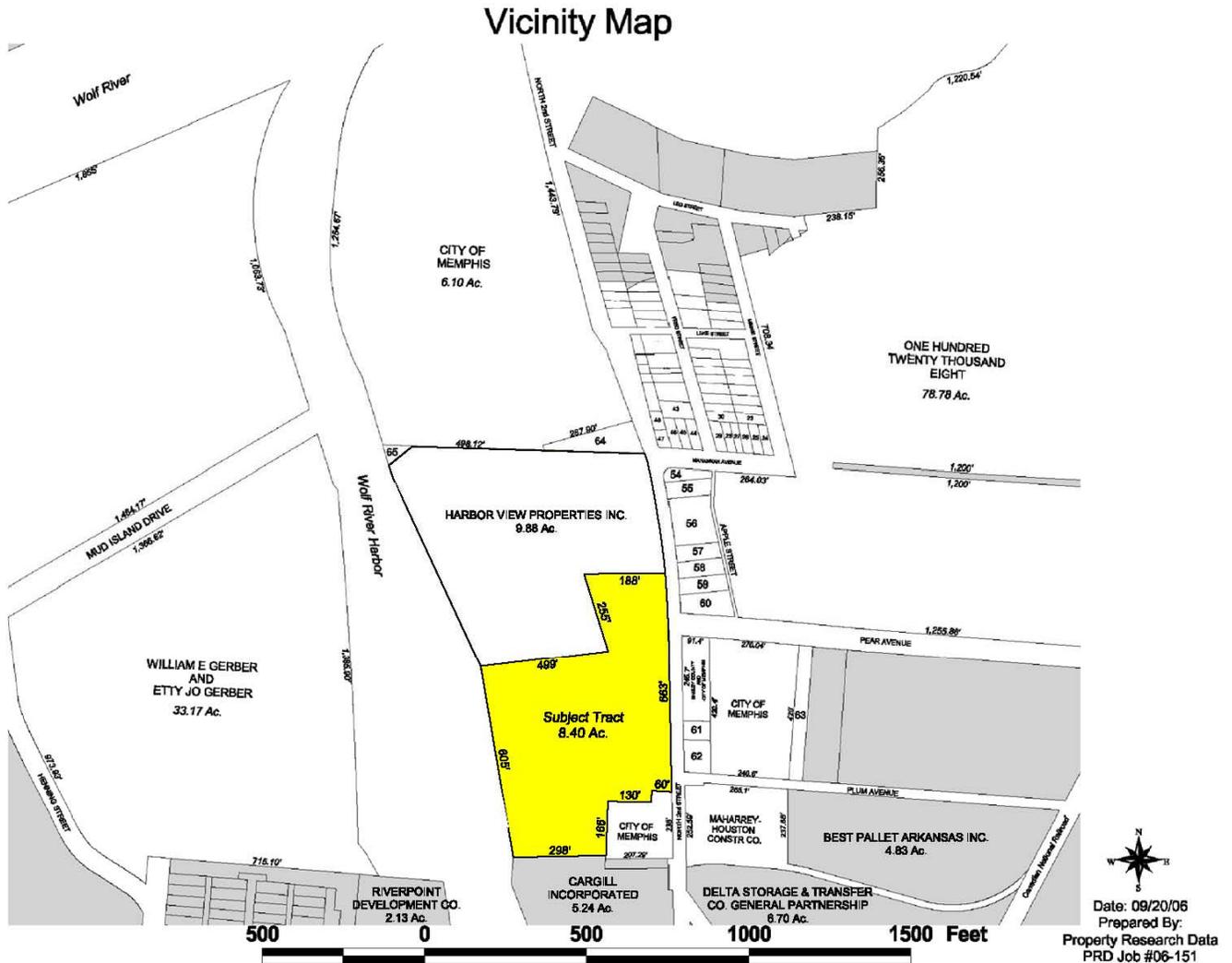
SUBJECT PROPERTY
(Aerial View)



SURROUNDING AREA
(Aerial View)



VICINITY & OWNERSHIP MAP



STAFF ANALYSIS:

Site Description

The subject property is an 8.40 acre vacant parcel located at the west side of N. Second Street opposite Plum Avenue and Pear Avenue in North Memphis Planning District. The site has significant road frontage with no curb, gutter or sidewalk, but there is curb and gutter at the east side of the street. There was once a flashing yellow traffic signal at the intersection of N. Second Street and Mahannah Avenue leading to a major industrial land use in this part of north uptown development. The site is encumbered by Wolf River Harbor Flood Plain(FP) District that extends up to the road bed. This parcel has significant depth that extends within the harbor with potential Wolf River harbor views.

Area Overview

The land use and zoning in the immediate area is predominantly industrial manufacturing processing and warehousing, including grain silo storage and processing in Heavy Industrial(I-H) District zoning. The properties directly adjacent to the site are vacant parcels in Heavy Industrial(I-H) and Flood Plain(FP) Districts to the south and a senior assisted-living facility currently under construction to the north in Mixed Use(MU) District zoning. The land use farther north is primarily vacant, sparsely wooded land largely encumbered by Flood Plain(FP) and Floodway(FW) Districts that extend across Mud Island Drive north to the Wolf River.

The land use directly across the street is Fire Station #4 in Light Industrial(I-L) District zoning and vacant parcels with no depth that front on N. Second Street in Mixed-Use(MU) District zoning. Also in close proximity and directly across the street from the subject property is a credit union building with drive thru teller lanes, including associated parking and accessory storage as well as duplex units in Mixed-Use(MU) District zoning. More significantly are single family homes for long time residents farther to the northeast in Greenville Subdivision, including vacant lots in both MU and I-L District zoning.

Use Variance vs. Alternative Site Plan

The request is for a use variance to allow an eighteen(18) bed hospital on an 8.40 acre parcel of land in a zoning district that currently prohibits the proposed land use. This parcel and the adjacent parcel was down zoned in October, 2008 and January, 2007 respectively from Heavy Industrial(I-H) to Mixed-Use(MU) District zoning to become an extension of Uptown Memphis Comprehensive Land Use Plan adopted in October, 2001. The dominant structure, land use and employer in the immediate area is KTG, USA, a light manufacturing, processing and warehousing facility located between N. Second Street and Canadian National Railroad.

SITE PLAN CONDITIONS:

A *Use Variance* is hereby authorized to *'Harbor View Properties, Inc.'* to allow an *'eighteen(18) bed Hospital'* on property located at the *'west side of North Second Street @ Plum & Pear Avenues'* in accordance with an *'approved site plan'* and the following supplemental conditions:

I. Use Permitted:

- A. An eighteen(18) bed hospital building with associated accessory structures and uses, including a public pedestrian easement 25 to 30 feet in width for a harbor walkway.
- B. There shall be no other type of land use allowed on this lot other than permitted by this Use Variation for an eighteen(18) bed hospital.

II. Access, Parking and Circulation:

- A. Dedicate forty-two(42) feet from the centerline of N Second Street and improve in accordance with Subdivision Regulations.
- B. The City Engineer shall approve the design, number and location of curb cuts
- C. All required parking and drives shall be located and illustrated on the site plan. No parking shall be allowed on any adjacent lots or parcels.
- D. All private drives, including public pedestrian easements and walkways shall be connected to the adjacent senior assisted-living facility.
- E. The vehicular and pedestrian access to the parking lot and areas shall meet the minimum standards by the City of Memphis and ADA standards.

III. Landscaping and Other:

- A. All mature trees along the harbor shall be preserved and maintained.
- B. The Landscape Plan shall be subject to review and approval by the Office of Planning & Development.

IV. All signs shall be in accordance with the Mixed Use District regulations.

V. An eighteen(18) bed hospital with associated accessory structures and uses, including a public pedestrian easement 25 to 30 feet in width for a harbor walkway shall be permitted for the above mentioned user and maintained in accordance with site plan conditions.

GENERAL INFORMATION:

Street Frontage: N. Second Street-----+/-663 linear feet.

Planning District: North Memphis

Census Tract: 1

Zoning Atlas Page: 1830

Parcel ID: 039001 00006

Zoning History: On October 21, 2008, the Memphis City Council approved a zoning request(Z 08-108) for Mixed Use(MU) & Mixed Use Flood Plain(MU{FP}) District zoning for this property. Prior to this date, the Heavy Industrial(I-H) and Heavy Industrial Flood Plain(I-H[FP]) District zoning of the site dated to the adoption of the 1980 zoning map amendments.

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. Second Street is designated as a Priority 1 on the MPO Major Road Plan. Dedicate 42 feet from centerline improve in accordance with Subdivision Regulations.

Curbs 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.
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.

City Fire Division:

No comments.

Memphis & Shelby County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.
2. Any abandoned water wells must be filled as outlined in Section 9 of the Shelby County Well Construction Code.

Memphis Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

AT&T: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development:

CRA/Comprehensive Planning

This site is located within the Uptown Redevelopment Area, a Tax Increment Finance District administered through the Memphis and Shelby County Community Redevelopment Agency (CRA). The site is specifically located in the proposed Uptown West Area.

Uptown West is defined as the eastern side of the Wolf River bounded roughly by the former Wolf River to the west, North Main Street to the east, Auction Avenue to the south and Mud Island Road to the north. The plan amendment to the "Community Redevelopment Plan for the Uptown Area" calls for the area to be developed to include public green space and possibly residential or commercial uses depending on the results of engineering and flood controls studies as well as economic feasibility and environmental considerations. Site considerations should include:

- Dedication of an easement for the continuation of a river walk,
- The placement of windows and doors and/or other architectural features on the rear of the building that would permit some degree of orientation, view and accessibility if desired to the river walk and river, and
- Dedication and/or improvement of Second Street.

The plan amendment to the “Community Redevelopment Plan for the Uptown Area” was approved by the CRA on December 14, 2008, the Memphis City Council on February 17, 2009 and the Shelby County Board of Commissioners on March 2, 2009.

The CRA also shares jurisdiction of this portion of the Uptown Redevelopment Area with the Memphis Center City Commission and the Riverfront Development Corporation. These organizations should also be contacted for comments.

Center City Commission:

See attachment.

Riverfront Development Corporation:

From: John Conroy [jconroy@memphisriverfront.com]
Sent: Wednesday, June 10, 2009 12:56 PM
To: Cindy Reaves; Bacchus, Brian
Cc: kitsinger@downtownmemphis.com
Subject: RE: U.V. 09-02 Uptown-Hospital

Brian,

This properly reflects the easement I had requested.

John

Neighborhood Association/Organizations:

North Memphis Civic Club:

No comments received as of 6/05/09.

Harbortown Home Owners Association:

“ “ .

Downtown Ngh'd Association:

No comments received as of 6/05/09.

Staff: bb

Memo

To: Memphis & Shelby Co. Office of Planning & Development
From: Andy Kitsinger
Date: 6/12/2009
Subject: U.V. 09-02 Uptown-Hospital

Thanks for forwarding the above referenced application for our review and comment. As you may or may not know, the Center City Commission along with the OPD, RDC and other stakeholders spearheaded a redevelopment plan for the Wolf River Harbor area.

The Wolf River Harbor plan was recently approved by the Center City Commission board of directors. The entire harbor front is envisioned as a future mixed-use residential and commercial neighborhood with public access to the waterfront. Per the attached land-use plan, the Wolf River Harbor Plan also recommends a waterfront conservation easement located west of the 100 year flood plain running the full length of the harbor. It also recommends public east-west corridors connecting the Uptown Neighborhood to the waterfront.

Center City Commission staff recommends that both of these easements be provided as a condition of the application approval.

Below are excerpts from the plan that describe the waterfront and east-west corridor easements.

Waterfront Access

A portion of all waterfront property with the Uptown Waterfront Overlay should be reserved as a continuous, linear public right-of-way (ROW) parallel with the Wolf River Harbor. The waterfront shall be considered 216 feet above mean sea level or 32.1 feet on the Memphis River Gauge. The ROW should run immediately adjacent to the waterfront; should provide a connection between the Wolf River Harbor and the Wolf River; should be dedicated to the public; and, should be 50 feet in width at a minimum. The land area dedicated may still be utilized in calculating residential densities and non-residential Floor Area Ratios (FARs).

East- West Waterfront Access Corridors

To facilitate public access to the Wolf River Harbor, public access corridors oriented on an east-west axis and located to the east of the Uptown Waterfront Overlay shall be extended west to the waterfront and utilized as the primary access corridors for future waterfront access. These easement corridors shall be dedicated as a future public right-of-way (ROW) by the developer as part of the site plan approval. The corridors shall extend to the west to provide access to the dedicated waterfront ROW. These corridors shall be an extension of the following public streets: Mahannah, Pear, Seventh, Weakley, Marble, Cedar, Sunflower/T.M. Henderson, Henry, Keel, Saffarans, Greenlaw, and Mill. See the land-use plan for the location of the east- west waterfront access corridors. The extension of future public street improvements should extend as far west as is reasonably possible, given natural constraints such as a floodplain. Consideration must be given to floodwall to minimize impact on this structure. If natural constraints are present, the future streets may extend from the constrained area to the waterfront ROW in the form of a pedestrian path.