

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

12

CASE NUMBER: U.V. 09-03 **L.U.C.B. MEETING:** June 11, 2009
LOCATION: West side of S. Bellevue, South of Linden Avenue
COUNCIL DISTRICT: 7
SUPER DISTRICT: 8
OWNER OF RECORD / APPLICANT: Nyanday Oti
REPRESENTATIVE: Ryan Edwards
REQUEST: Pharmacy
AREA: 7,144 Square Feet
EXISTING LAND USE & ZONING: Hospital (H) District (Medical Center Overlay)
SURROUNDING USES AND ZONING:

North: A parking lot owned by Methodist Hospitals in the Hospital (H) District and within the Medical Overlay (MO) District

East: Central High School in the Multiple Dwelling Residential (R-MM) District and Medical Overlay (M-O) District

South: An eighteen story apartment building in the Multiple Dwelling Residential (R-MM) District and Medical Overlay (M-O) District

West: A parking deck which serves the 18 story apartment building in the Multiple Dwelling Residential (R-MM) District and Medical Overlay (M-O) District

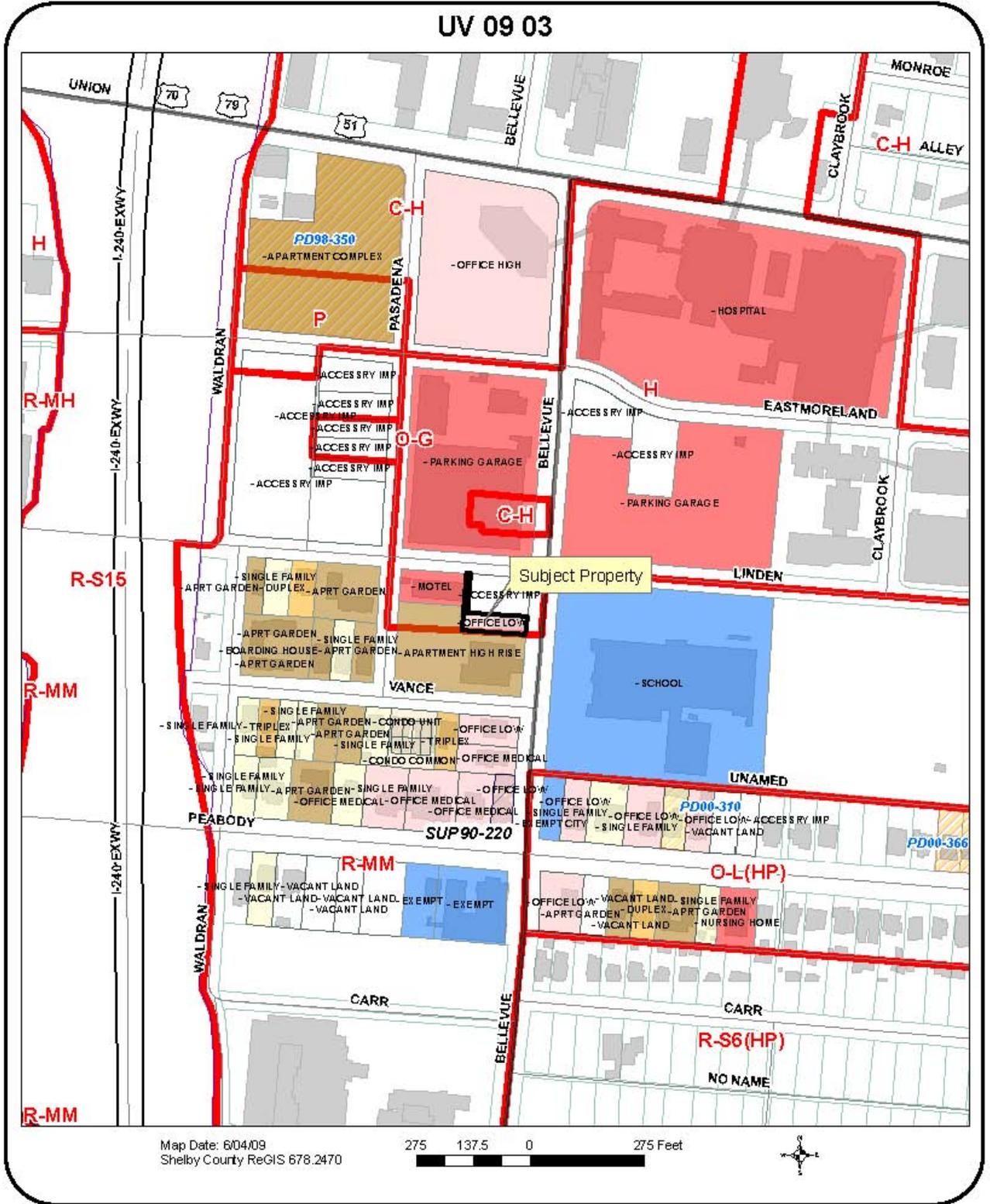
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:
Approval**

Staff Writer: Mary L. Baker

email mary.baker@memphistn.gov

CONCLUSIONS

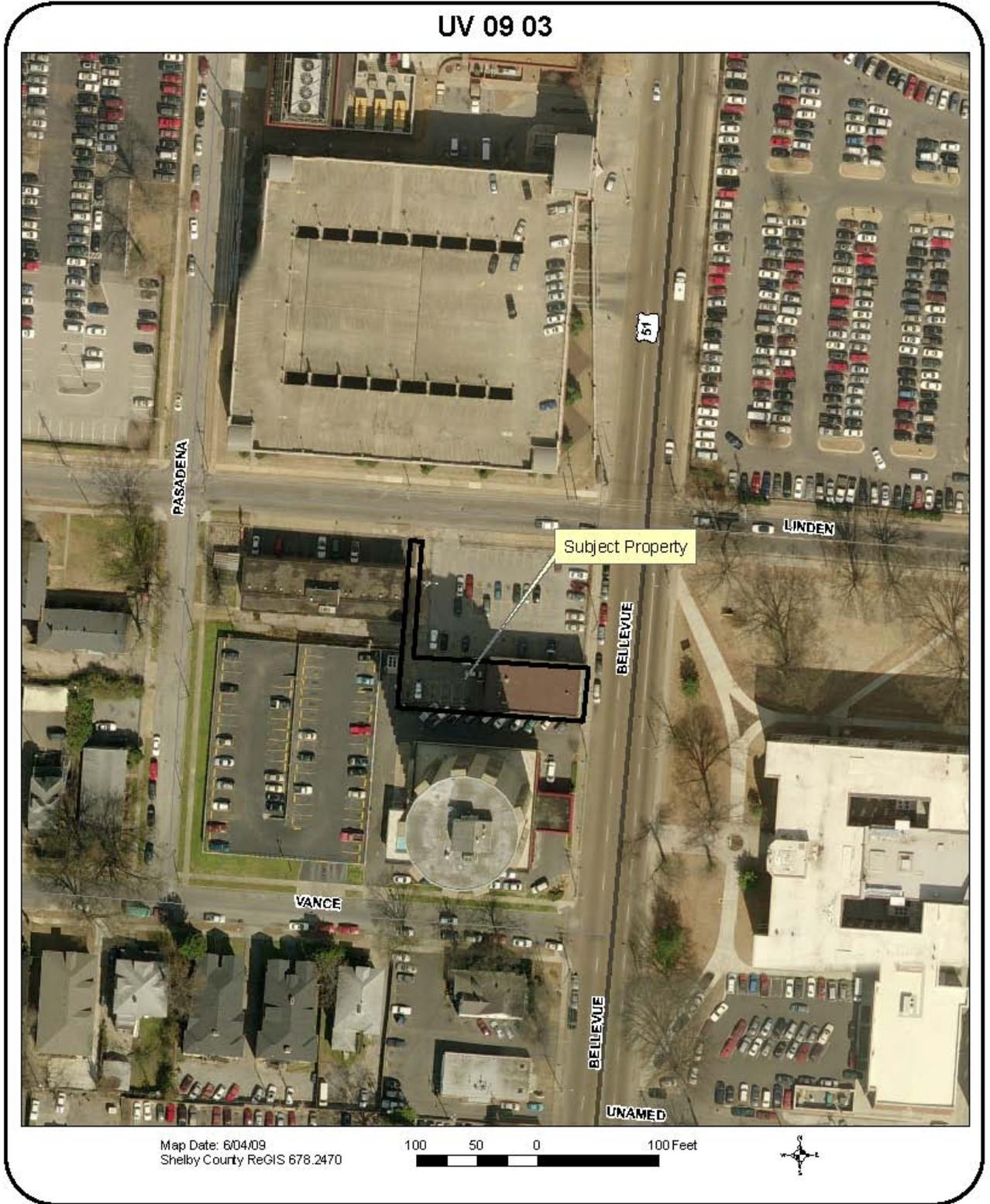
1. The site meets the test of hardship for a use variation. Use of the property for a medical office is hampered by the very limited parking and access available.
2. This site is near enough to the Church Health Center so it is feasible for patients to walk there. That is particularly positive since this pharmacy specializes in lower cost medicine in comparison with other drug stores or hospital pharmacies.
3. A pharmacy at this location adds positively to the mix of medical center related uses and has no negative effects on the surrounding neighborhood.

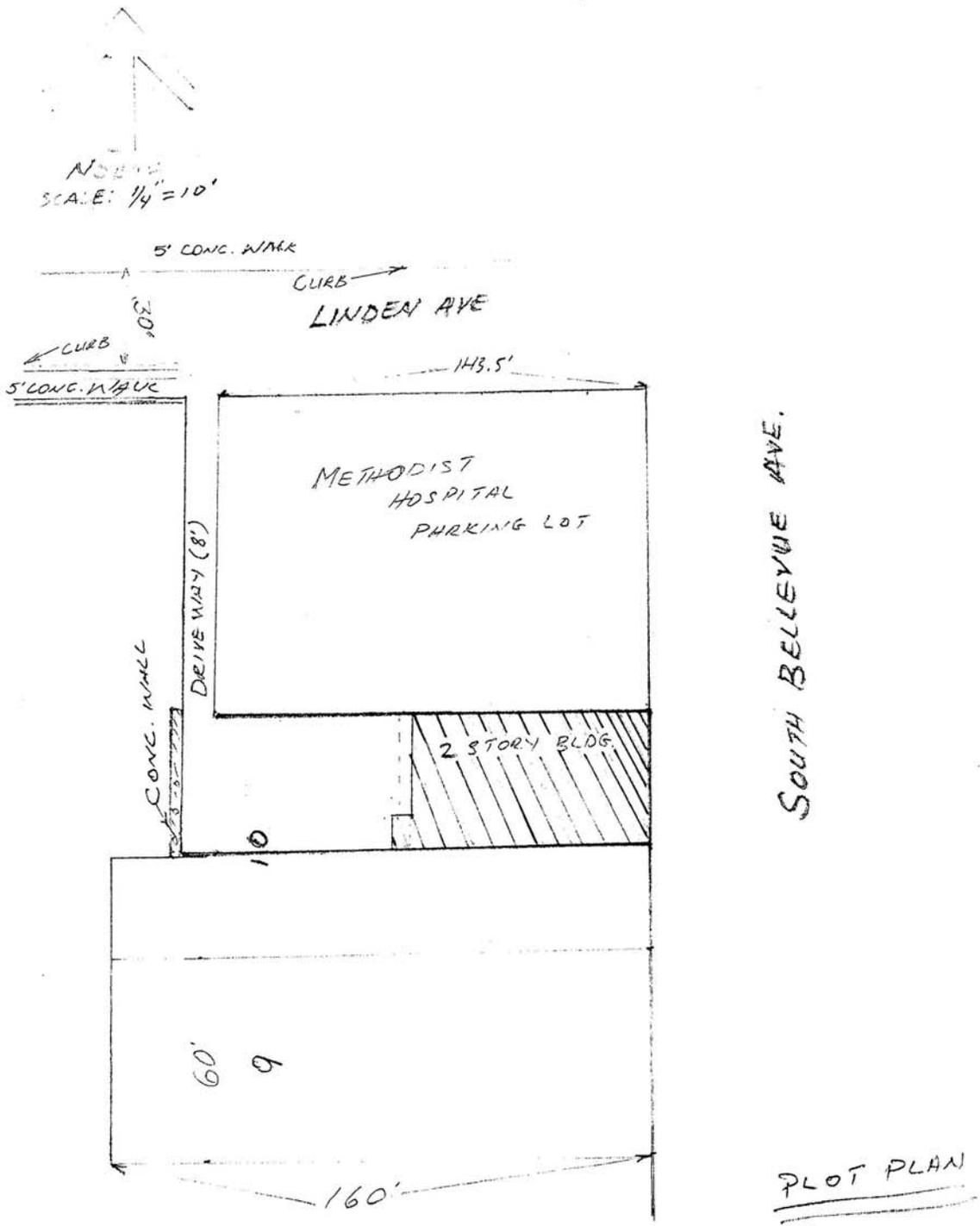


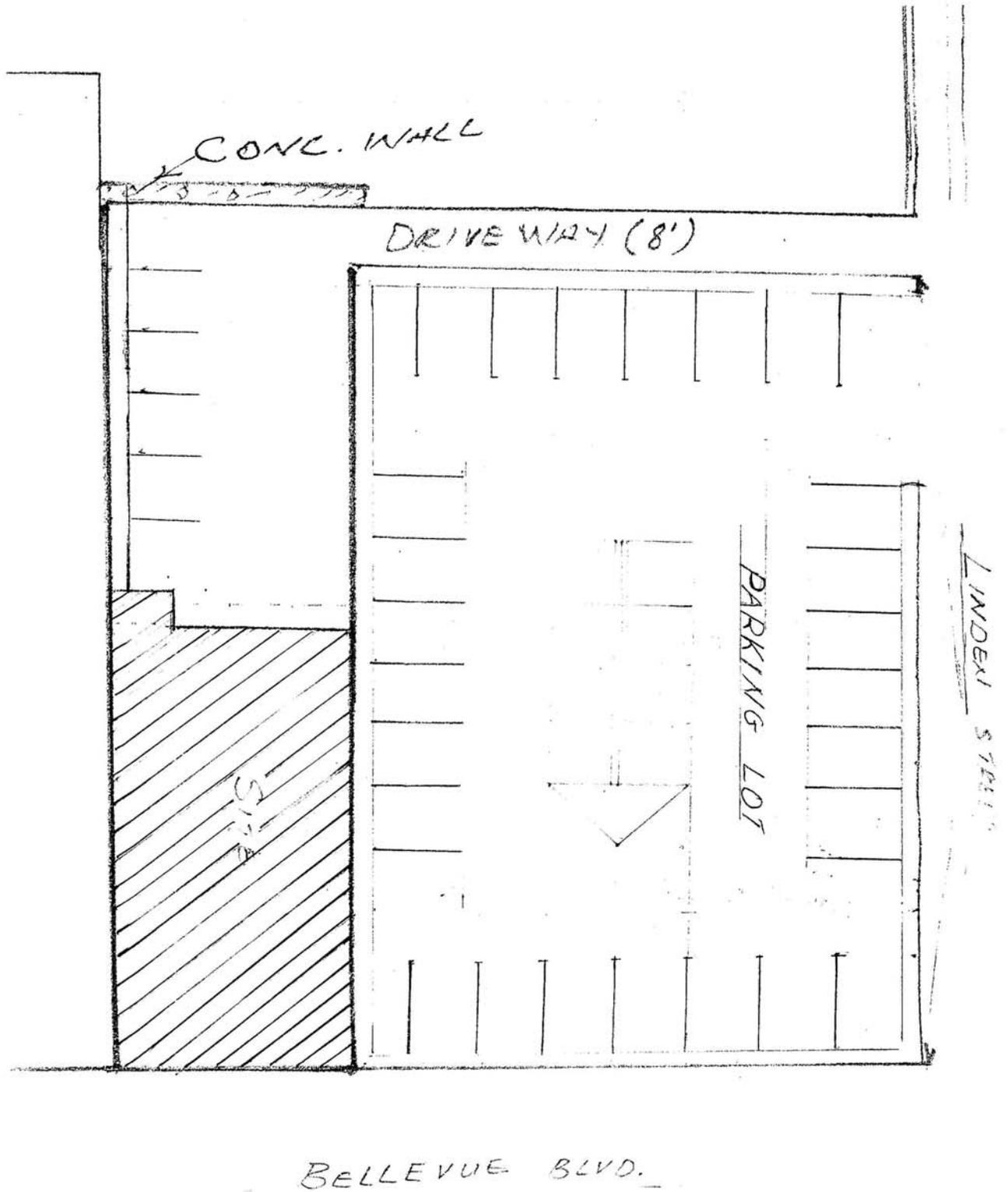
Map Date: 6/04/09
Shelby County ReGIS 678.2470

275 137.5 0 275 Feet











Front View of Site with 18 Story Apartment Building in Background

STAFF ANALYSIS:*Description of the Site and Surrounding Area*

This site in Midtown and the Medical Center consists of a small lot developed with an existing building and a small parking lot in the rear which vehicular traffic enters through an eight (8) foot wide drive. There are diverse land uses surrounding the site including parking garages, surface parking, a hotel and an 18 story apartment building.

Request

The request is for a use variation to allow a pharmacy to occupy a portion of the existing building. For a reason not evident from the record, a pharmacy is not allowed in the Hospital (H) District unless accessory to another permitted use such as a hospital. There is no intent to expand the existing building or parking.

Approval of a use variation requires a finding of hardship because of the physical circumstances of the property which prevents it from being reasonably used for a use permitted by the existing zoning of the site. The hardship must not be self created. The use must not have adverse impact on the health, safety and welfare of surrounding inhabitants.

Conclusion

The site meets the test of hardship for a use variation. Use of the property for a medical office is hampered by the very limited parking and access available. This site is near enough to the Church Health Center so it is feasible for patients to walk there. That is particularly positive since this pharmacy specializes in lower cost medicine in comparison with other drug stores or hospital pharmacies. A pharmacy at this location adds positively to the mix of medical center related uses and has no negative effects on the surrounding neighborhood.

RECOMMENDATION: Approval

GENERAL INFORMATION

Street Frontage: 42 along Bellevue Boulevard, 8 feet along Vance Avenue

Planning District: Midtown

Census Tract: 35

Zoning Atlas Page: 2030

Parcel ID: 018046 0003

Zoning History: The Hospital District was approved in 1981 with the adoption of the new zoning ordinance. The Hospital District zoning of this site was approved after that during the 1980's. The Medical Overlay District was approved and applied to this site in 2007.

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.

Curb Cuts/Access:

2. The City Engineer shall approve the design, number and location of curb cuts.
3. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
4. The developer will be responsible for any reconstruction of damaged sidewalks, curbs and gutters along their frontage and all improvements shall meet ADA access/cross slope requirements/

City Fire Division: No comments.

City Real Estate: None.

City/County Health Department: No comments from the Water Quality

Branch.

Environmental Sanitation:

No objections.

City Board of Education:

MCS has concerns regarding the close proximity of the proposed use to our schools. Moreover, we are concerned about the precedence it sets encouraging the commercialization of this area. The school aged children in this area are zoned to the following schools:

Bruce Elementary which is functioning at 82.8% capacity Bellevue Middle which is functioning at 99.5% capacity Central High which is functioning at 117.0% capacity

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

No comments received.

AT&T/Bell South:

AT&T Tennessee has no comments.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Plans Development:

No comments received

Memphis Park Commission:

No comments received.

Neighborhood Associations:

Memphis Bioworks – Beth Flanagan

I have checked with several of the Medical Center stakeholders and we are very much in favor of allowing this use at this location. This pharmacy is working with the Church Health Center and Methodist University Hospital to better serve the patients of both institutions.

Please let me know what else you may need from any of our organizations to support this zoning variance. I will be traveling Monday - Wednesday for a Vacant Properties Conference, but am available via email and phone.

Respectfully,

*Beth Flanagan, Director
Memphis Medical Center*

901-448-2520

memphismedicalcenter.com

NEW NUMBER BEGINNING ON JUNE 17, 2009 - 901.866.1444

New Pathways:

No Comments Received.

31st Ward Civic Club:

No Comments Received.