

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

**#10**

redacted 4/15/09

**CASE NUMBER:** Z 09-101

**L.U.C.B. MEETING:** March 12, 2009

**LOCATION:**

Southwest corner of Raines Road and Graceland Street

**City Council Districts:**

Regular District: 3; Super District: 8

**OWNERS/APPLICANTS:**

Shelby County Government

**REPRESENTATIVE:**

Tom Moss, Shelby County Real Estate

**REQUEST:**

Planned Commercial (C-P) District

**AREA:**

0.112 acres

**EXISTING LAND USE & ZONING:**

Vacant tract in the Single-Family Residential (R-S10) District

**SURROUNDING USES AND ZONING:**

**North:** Across Raines Road, single-family residence in the R-S10 District

**Southeast:** Across Graceland Drive, Hillcrest High School campus

**West:** Vacant 1.8 acre tract in the Planned Commercial (C-P) District, bordered by the Wesley Graceland Gardens senior living apartment complex in the Multiple Dwelling Residential (R-MM) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

*Approval*

**CONCLUSIONS**

1. The proposed rezoning is consistent with the overall development policy as expressed in the current zoning pattern, and accomplishes the elimination of an anomaly in the current zoning map.
2. The proposed rezoning contributes to traffic safety by permitting traffic for the adjacent commercial (C-P) tract to have a point of access onto Graceland Drive.

**Staff Planner:** Dave Adams

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**Figure 1: LOCATION OF SUBJECT PROPERTY**  
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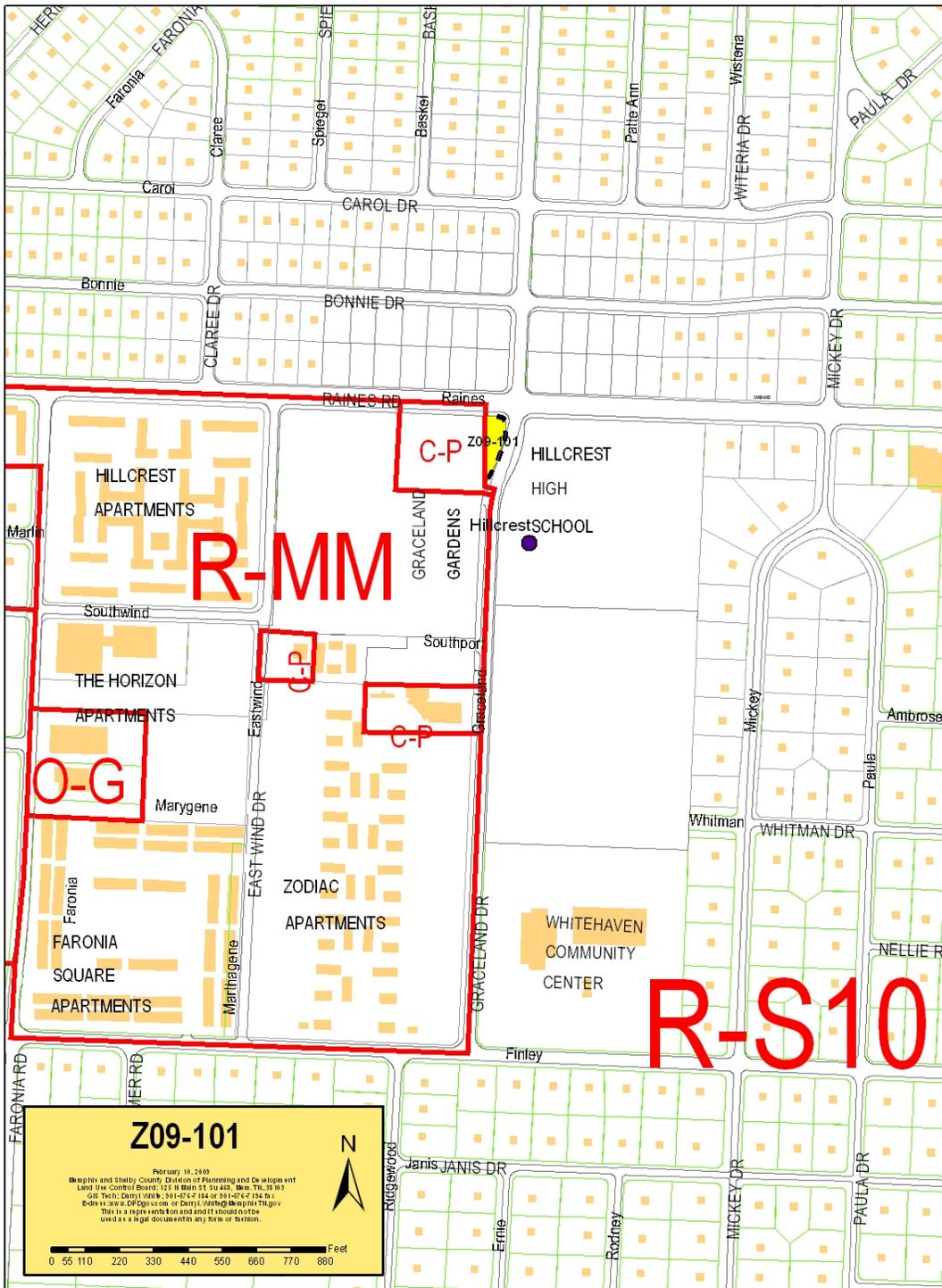


Figure 2: Zoning Map

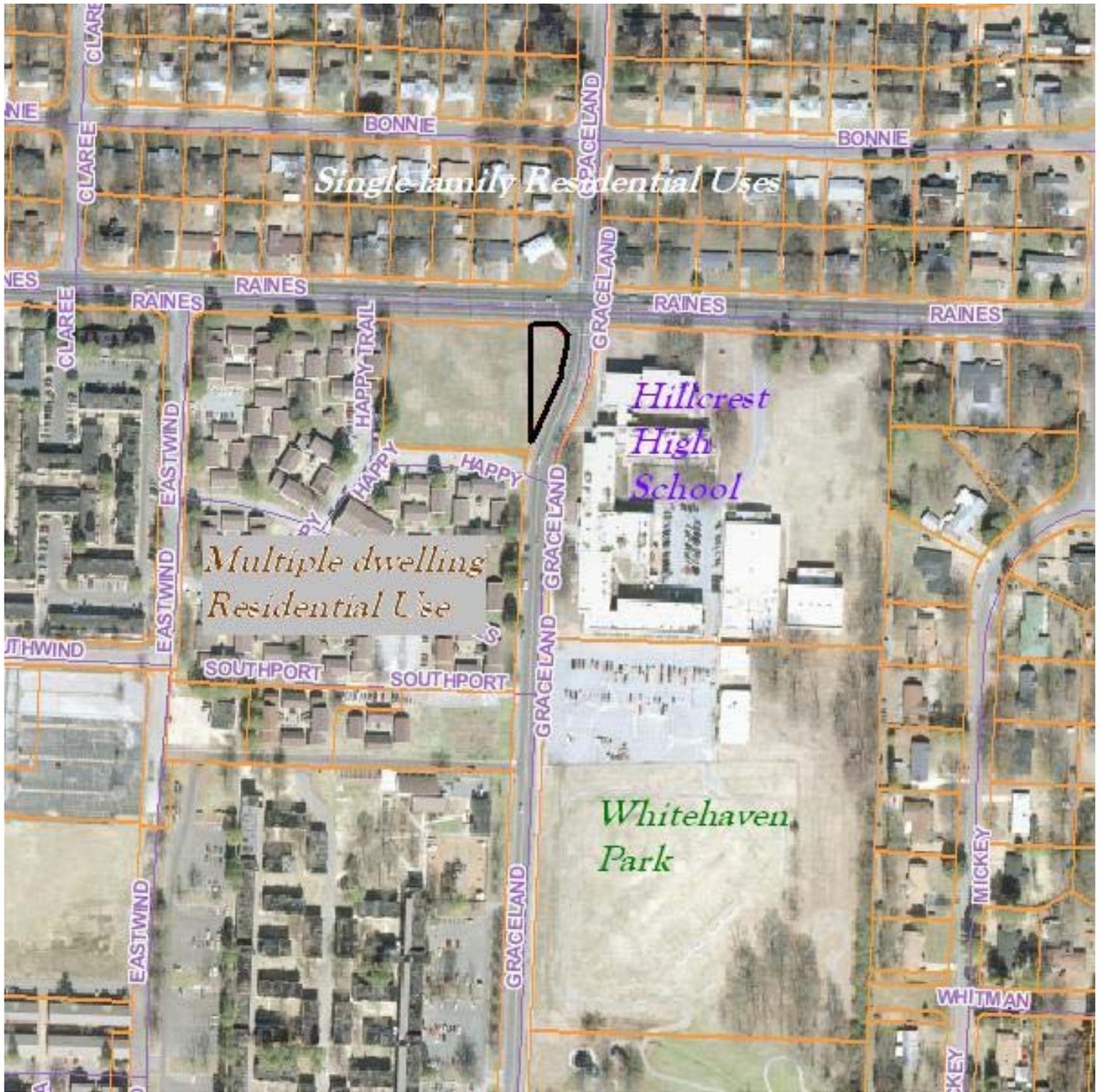


Figure 3: Overhead View of Vicinity  
With Land Use Annotation



Figure 4: Overhead View of Site

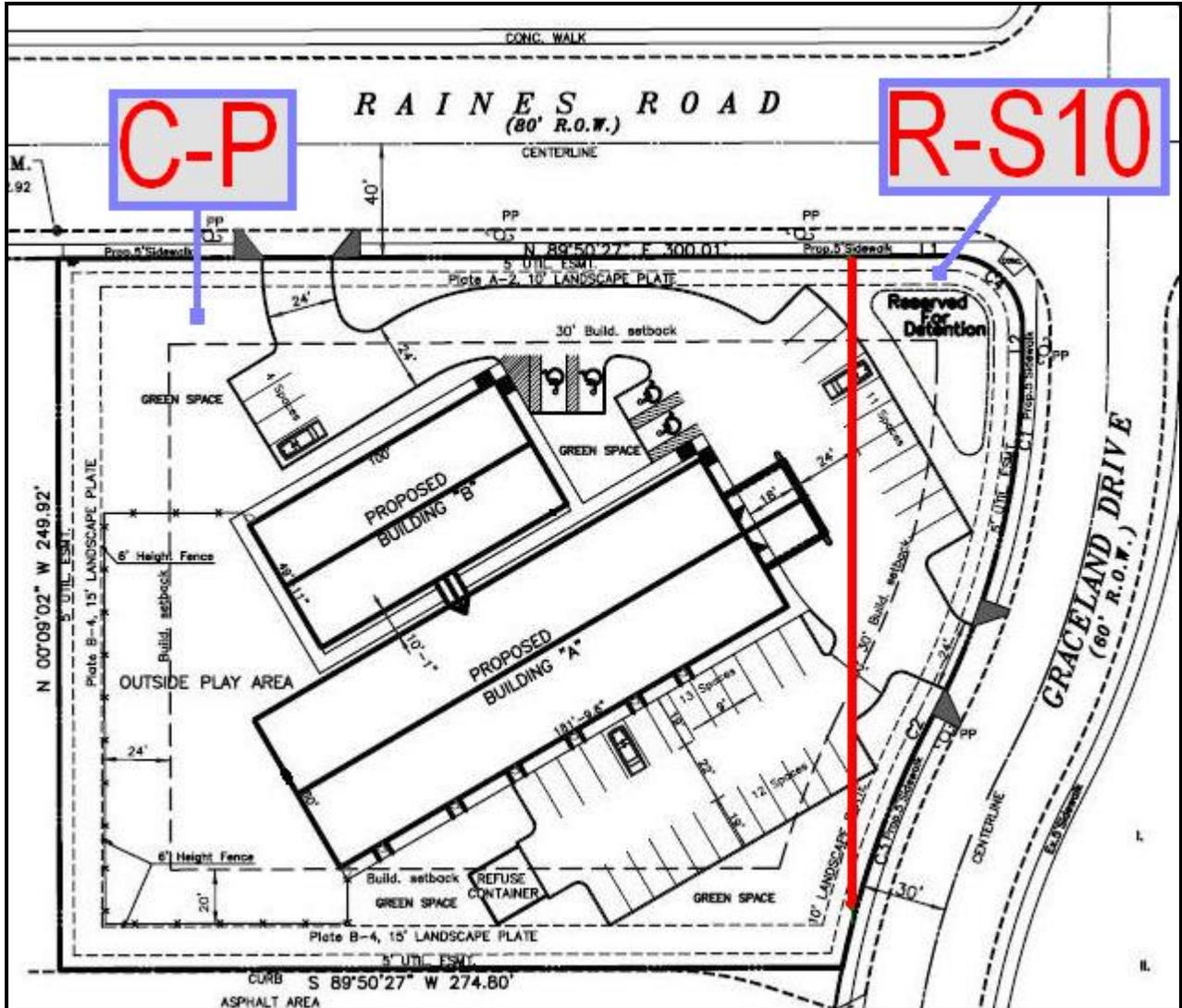


Figure 5: Plot / Site Plan  
(As approved by LUCB 2/12/2009)



**Figure 6: Subject property – Viewed from the south on Graceland Street, looking toward Raines Road**



**Figure 7: The south side of the adjacent C-P tract, looking westward from Graceland Street toward part of the adjoining Graceland Gardens apartment complex.**



**Figure 8: A view southward along Graceland Street toward the intersection of Raines Road, looking toward Hillcrest High School which is across the street from the subject property.**

## STAFF ANALYSIS

### Site Characteristics

The subject property consists of a 4,860 sq. ft. parcel of land acquired by Shelby County, apparently in connection with the construction of Graceland Drive along a curving alignment that borders this parcel for 250 feet. The property is at the southwest corner of Graceland Drive and Raines Road. If Graceland had followed a straight perpendicular alignment approaching Raines from the south, it would have gone through the subject property bordering along the border with tract to the west. However, as designed/constructed in 1967, Graceland Drive took a bend to the east to put it on the alignment of the Graceland Drive segment north of Raines Road in Graceland Subdivision, as platted in 1955. When Shelby County built Graceland Drive past the new Hillcrest High School site, the bend in the right of way apparently left a remnant that was too small and narrow to be sold as a developable property.

The subject property has approximately 40 feet of frontage on **Raines Road**, a major arterial street that provides access across the Whitehaven and Levi communities. This segment extends eastward for 7½ miles from Airways Boulevard across Elvis Presley Blvd., Third Street and Weaver Road to Sewanee Road. **Graceland Drive** is a collector street; it extends 0.4 miles southwardly, going past Hillcrest High School and the Whitehaven Community Center to Finley Road. Northwardly it extends about ¾ miles, going past Timothy Road to Lehr Road. Then it jogs and continues as a local and then a collector street, winding through a residential subdivision to reach Winchester Road.

Bordering the subject property to the west is a 1.80 acre site, which is zoned for Planned Commercial (C-P) use under the General Plan for the *Raines Graceland CP Plan (Z 88-103)*. **At the February 12, 2009, meeting of the Land Use Control Board, this general plan was amended, through a correspondence item, to provide for a revised plan that would accommodate a day care center.** (A day care center is a permitted use in the C-P District). The layout of the proposed plan may be found above in Figure 5. **The site plan provides for the inclusion of the subject (County-owned) property in the *Raines Graceland CP Plan* so as to permit direct access from Graceland Drive.**

### Requested Zoning Change

In order to become part of the proposed *Raines Graceland CP Plan* development as amended, the subject property would have to be rezoned from the Single-Family Residential (R-S10) District to the Planned Commercial (C-P) District through a zoning map amendment. Gaining the approval of such a rezoning is apparently a condition for the sale of the subject property by Shelby County to the T. David Goodwin Company for inclusion in the proposed day care center site.

### Community and Neighborhood Context

The subject property is opposite the single-family residences across the 80' right of way of Raines Road, and opposite the Hillcrest High School complex across the 60' right of way of Graceland Drive. The adjoining 1.8 acre tract, proposed for day care center use, is bordered on the west and



**City Fire Division:** No comment  
**OPD-Plans Development:** No comment

**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 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 MLGW engineering 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 Tennessee has no comment regarding this new development.

**City Engineer:**

1. No comment on use changes.
2. Any non conforming curb cuts shall be modified to meet current City of Memphis standards.
3. All existing conditions related to infrastructure shall remain in force.

*[Comments submitted for February 12 LUCB meeting in connection with Item 9, a correspondence application for a General Plan Amendment to Raines Graceland CP Plan (Z 88-103)*

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. *[Street dedication shall be required in accordance with the Subdivision Regulations]*
4. *The developer shall dedicate either a 30-foot property line radius at the intersection of Graceland and Raines, or grant a 10 X 10 foot signal easement at the center of the radius.*
5. *The installation of the curb cut on Raines Road will impact the underground conduit and pullboxes associated with the traffic signal at the intersection. Therefore, the developer will be responsible for replacing all damaged equipment as part of the curb cut construction.*

*Curb Cuts/Access:*

6. *The City Engineer shall approve the design, number and location of curb cuts.*
7. *The proposed curb cut on Graceland Drive shall be shifted approximately 85 feet to the south of the location shown on the site plan to provide adequate spacing from the signalized intersection.*
8. *Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.*

*Drainage:*

9. *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.*
10. *Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.*
11. *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.*

*Site Plan Notes:*

12. *Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.*
13. *Locate the pick-up/discharge area as far as possible from the entrance as practical to maximize on-site queue space for vehicles between the right-of-way and the pick-up/discharge point.*
14. *Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.*
15. *The width of all existing off-street sewer easements shall be widened to meet current city standards.*
16. *All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.*
17. *Required landscaping shall not be placed on sewer or drainage easements.*

<b>City/County Health Department:</b>	No comments received, yet
<b>City Board of Education:</b>	No comments received, yet
<b>Construction Code Enforcement:</b>	No comments received, yet
<b>Memphis Area Transit Authority (MATA):</b>	No comments received, yet
<b>OPD-Regional Services:</b>	No comments received, yet

**Neighborhood Associations:**

<b>South Memphis Neighborhood Assoc.:</b>	No comments received, yet
<b>Whitehaven Community Development Corp:</b>	No comments received, yet
<b>Memphis Airport Development Corp.:</b>	No comments received, yet