

STAFF REPORT

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CASE NUMBER: **S.U.P. 09-212** **L.U.C.B. MEETING:** **July 9, 2009**

LOCATION: Northeast corner of Fields Road and Weaver Road

COUNCIL DISTRICT(S): District 6-Super District 8-Positions 1,2, & 3

OWNERS OF RECORD: Mt. Pisgah Missionary Baptist Church

APPLICANTS: 'Freedom Preparatory Academy'

REPRESENTATIVE: SR Consulting, LLC

REQUEST: Special use permit for a Charter School

AREA: 2.40 Acres

EXISTING LAND USE & ZONING: 'Family Life Center' and 'Day Care' buildings, including accessory storage approved by special use permit in Single Family Residential(R-S6) District

SURROUNDING USES AND ZONING:

North: Vacant lots and single family homes in 'Pisgah Heights' Subdivision in Single Family Residential(R-S6) District.

East: Vacant lots and single family homes in 'Pisgah Heights' Subdivision' in Single Family Residential(R-S6) District.

South: 'Mount Pisgah M.B. Church', large vacant tracts and single family homes in Single Family Residential(R-S6) District.

West: Vacant lots and single family homes in 'Malone' and 'Wilkinson-Carroll' Subdivision in Single Family Residential(R-S6) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

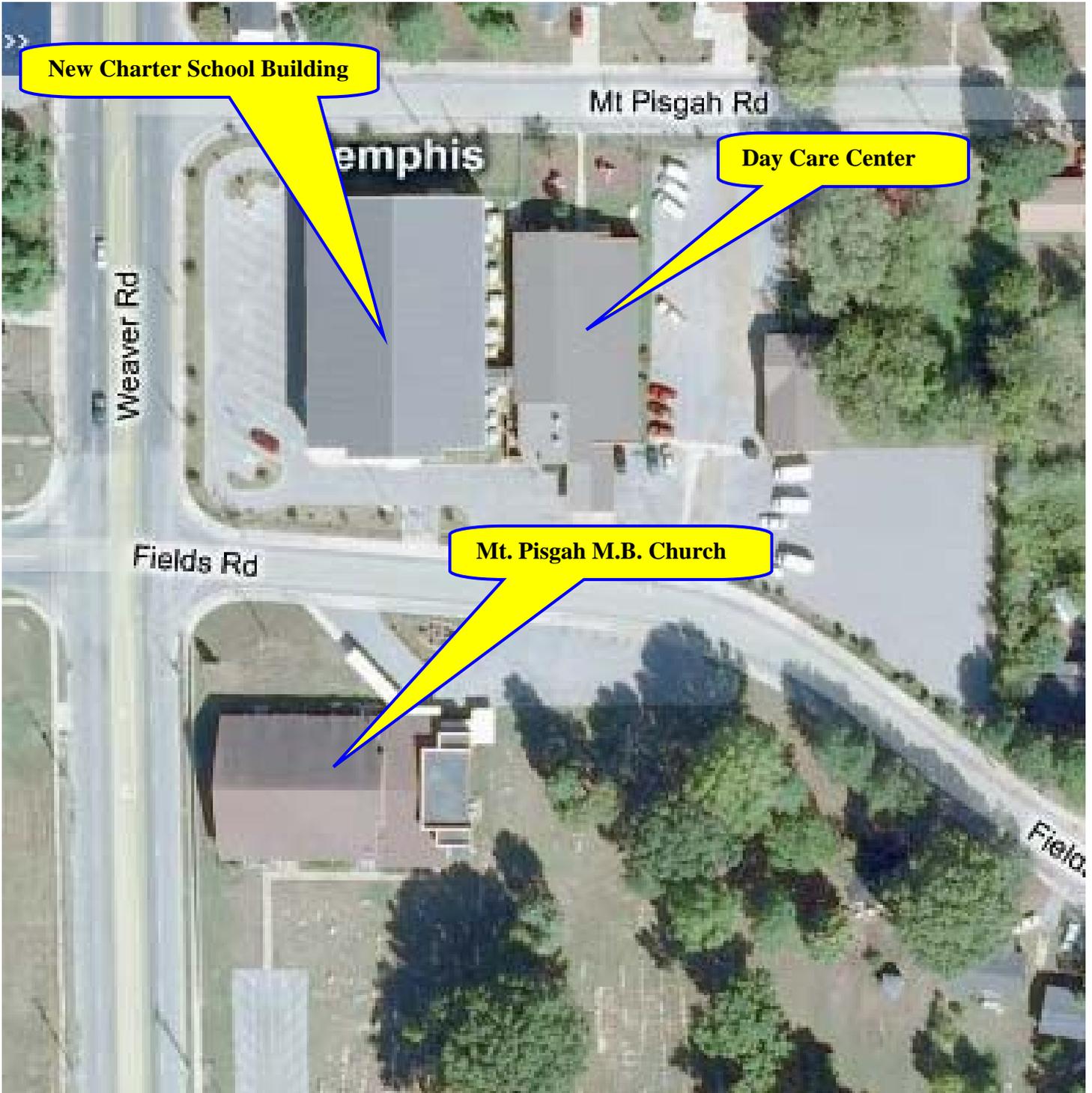
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

CONCLUSIONS:

- 1. The subject property is a 2.40 acre triple-frontage lot located at the northeast corner of Fields Road and Weaver Road occupied by a two-story brick and steel frame family life and daycare center building.**
- 2. This site was approved for a day care center, including a family life center in July, 2001 by special use permit(S.U.P.01-212). The main church building is on a separate parcel from all other structures and uses associated with the church.**
- 3. The land use requires a special permit for a private school, because the parcel is less than five(5) acres in Single Family Residential(R-S6) District zoning.**
- 4. The request is for a special permit to allow a private school on a parcel occupied by a family life center and daycare center building. The land use is supported, because it adds a new dimension to an established institutional use without impacting surrounding residential properties.**

Mt. Pisgah Church, Family Life Center and Day Care
3636 Weaver Road
(Aerial View)



Family Life Center Building
@ 3636 Weaver Road
(Bird's Eye View)



VICINITY & OWNERSHIP MAP:

Vicinity Map



Date: 06/03/09
Prepared By:
Property Research Data
PRD Job #09-040

STAFF ANALYSIS:

Site Description

The subject property is a 2.40 acre triple-frontage lot located at the northeast corner of Fields Road and Weaver Road occupied by a two-story brick and steel frame family life center and daycare building. There is an accessory storage building on the site, including associated parking, drives, fencing and landscaping. There is curb, gutter and sidewalk along the east side of Weaver Road and the south side of Mt. Pisgah Road. The entire church property is enclosed with a black vinyl-coated chain-link fence six(6') feet in height. The site is located in the western portion of Whitehaven-Levi Planning District in Single Family Residential(R-S6) District zoning.

This site was approved for a day care center, including a family life center in July, 2001 by special use permit(S.U.P.01-212). The main church building is on a separate parcel from all other structures and uses associated with the church. A Site/Landscape Plan has been approved and recorded for this property and the applicant simply wants to add an additional use for a private school on the property. The land use requires a special permit, because the property is less than five(5) acres in Single Family Residential(R-S6) District zoning. The site plan will not be modified, only to add the land use to an existing family life center building.

Area Overview

The surrounding land use and zoning in the immediate area is primarily single family homes in residential zoning of older established subdivisions. This segment of Weaver is primarily residential with large tracts of available land for residential purposes. The land use to the north and east is single family with some vacant lots in Pisgah Heights Subdivision. On the opposite side of Weaver Road, there are also vacant lots available and single family homes in Malone and Wilkinson-Carroll Subdivisions all in R-S6 District zoning. This land use has been an institutional use within this community for years and continues to serve as a neighborhood service to residents within the immediate area.

Similar Land Use Request

The request is for a special use permit to allow a private school on a parcel occupied by a family life center and daycare center building. The land use is similar in nature to existing land use for a daycare center and governed by the size of buildings and classroom sizes. There will be no addition to the building, only interior alterations to meet necessary requirements for building and fire codes. The land use is supported, because it adds a new dimension to an established institutional use without impacting surrounding residential properties. There will be no significant changes to the original site plan or special permit, only to add the land use for a charter school to be located within the family life center.

RECOMMENDATION: *Approval with Conditions*

SITE PLAN CONDITIONS:

A *Special Use Permit* is hereby authorized to '*Freedom Preparatory Academy*' to allow a '*Private Charter School*' on property located at '*3636 Weaver Road*' at the '*northeast corner of Fields Road and Weaver Road*' in accordance with an approved '*site plan*' and the following supplemental conditions:

- I. Uses Permitted: A Private Charter School, including existing land uses approved by S.U.P.01-212.
- II. Bulk Regulations: All building setbacks shall remain for front, rear and side yards.
- III. Access & Circulation:
 - A. Any new curb cut shall be subject to review and approval by City Engineer.
 - B. Any new private drives shall be constructed to meet Subdivision Regulations, applicable City Standards and provide a minimum width of twenty-two(22) feet exclusive of curb and gutter.
- IV. Landscaping and Screening:
 - A. All landscaping and screening shall be in accordance with revised 'Site/Landscape Plan' for Mt. Pisgah M.B. Church(S.U.P.01-212).
 - B. Required landscaping shall not be placed on any sewer or drainage easements or under any utility easement.
- V. Signs:
 - A. Any new sign shall be in accordance with the Single Family(R-S) District.
 - B. No temporary or portable signs shall be permitted.
- VI. A Private Charter School shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

GENERAL INFORMATION:

Street Frontage: Weaver Road-----+/-208.54 linear feet.
Fields Road-----+/-509.86 linear feet.
Mt. Pisgah Road-----+/-377.50 linear feet

Planning District: Whitehaven-Levi

Census Tract: 223.10

Zoning Atlas Page: 2230

Parcel ID: 075007 00379C and 075087 00573

Zoning History: The Single Family Residential(R-S6) District zoning of the property dates to the adoption of the 1980 zoning map amendments and the Whitehaven-Levi Comprehensive Zoning approved in February, 2003.

DEPARTMENTAL COMMENTS:

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

City Engineer:

Curb Cuts/Access:

1. The proposed driveways should be 44 feet wide instead of the 40 feet indicated on the plan, per the City Traffic Engineer.
2. The City Engineer shall approve the design, number and location of curb cuts.
3. All existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
4. The existing curb cut on Weaver shall be closed with curb, gutter and sidewalk.
5. The width of all existing off-street sewer easements shall be widened to meet current city standards.
6. Required landscaping shall not be placed on sewer or drainage easements.

Memphis Fire Division: No comment.

Memphis & Shelby County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.
3. Since this is a Planned Development that could require the demolition of a structure or structures at this site before starting any demolition activities the developer will need to fill out the attached questionnaire.
4. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 545-7349 in order to secure the appropriate permit.

Memphis Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

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

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comment.

Neighborhood Associations/Organizations:

Weaver Road/Mt. Pisgah Concerned Citizens: No comments received as of 7/02/'09.
South Memphis Ngh'd Inc.: " " "
Ford Road Residents Association: No comments received as of 7/02/09.

Staff: bb