

**STAFF REPORT**

**11**

**CASE NUMBER:** P.D. 09-314 **L.U.C.B. MEETING:** July 9, 2009

**DEVELOPMENT NAME:** SOUTH PERKINS PLANNED DEVELOPMENT, 6<sup>TH</sup> AMENDMENT

**LOCATION:** East side of Perkins Road; +/-241 feet north of Spottswood Avenue

**COUNCIL DISTRICTS:** DISTRICT 5-SUPER DISTRICT 9, POSITIONS 1, 2, & 3

**OWNERS/APPLICANTS:** Frank N. Stanley, III & Harry Day

**REPRESENTATIVE:** Farris, Bobango, Branan, PLC-Homer Branan, III

**REQUEST:** Planned development amendment to allow additional parking to the rear of a previously approved restaurant building and on the adjacent property to the north, including a small building expansion and a revised front elevation plan.

**AREA:** 1.35 Acres

**EXISTING LAND USE & ZONING:** One-story wood-frame building approved for a restaurant governed by P.D 08-322.

**SURROUNDING LAND USES AND ZONING:**

**North:** Dentist office in 'South Perkins' Planned Development, 2<sup>nd</sup> Amendment(P.D. 00-308).

**East:** Office Park in 'Audubon Office Park' Planned Development(P.D. O-102.).

**South:** Single family home and interior design shop in 'South Perkins' Planned Development, 2<sup>nd</sup> Amendment(P.D. 00-308).

**West:** Vacant lot, single family home and 'Theatre Memphis' in Single Family Residential (R-S10 & S15) Districts.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

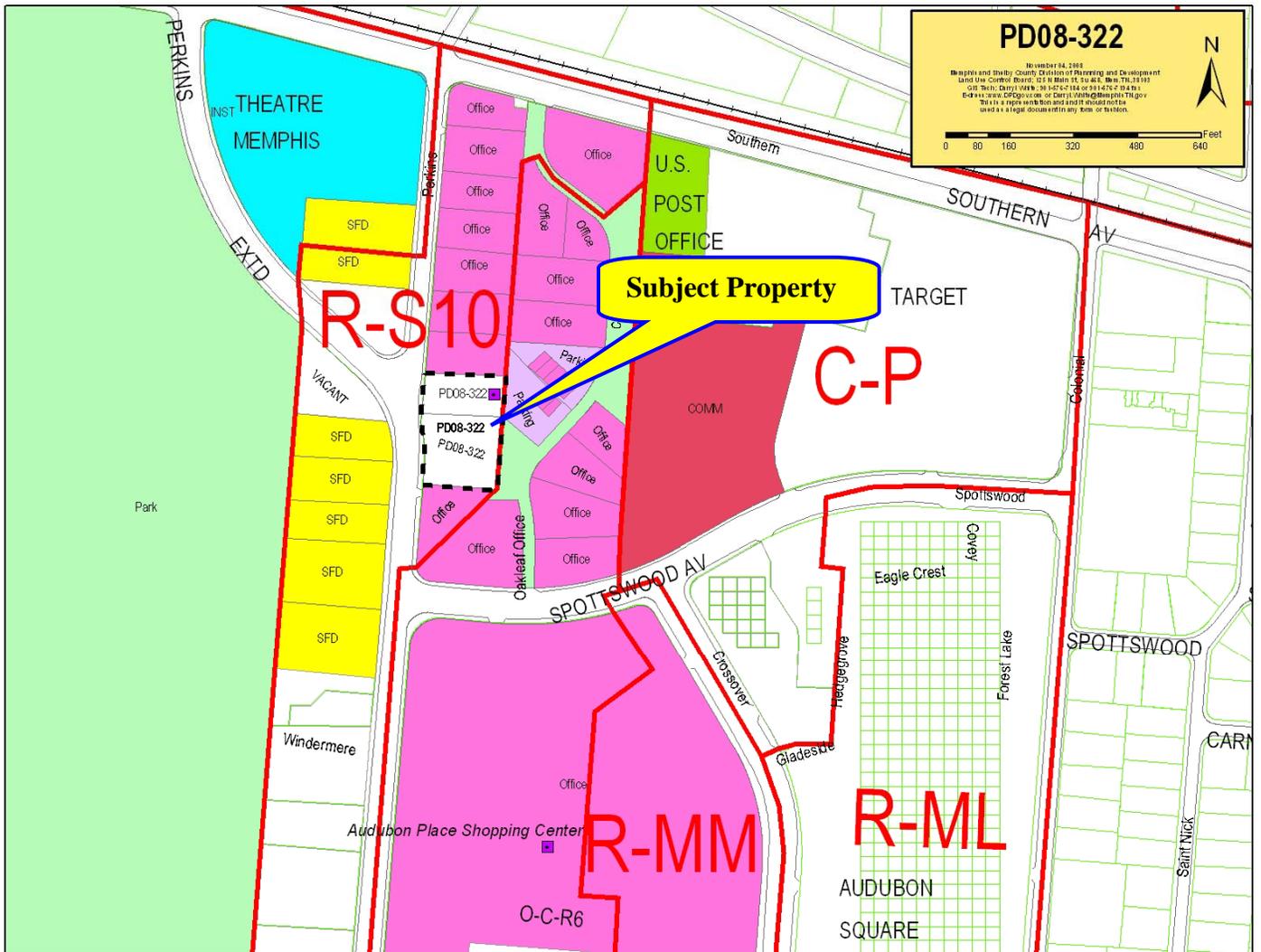
*Staff: Brian Bacchus*

*Email: [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)*

***CONCLUSIONS:***

1. The request is for an amendment to a recently approved restaurant building with a maximum seating capacity of seventy-five(75) seats to allow additional parking to the rear of the building and on the adjacent property to the north.
2. The planning objectives for this segment of South Perkins from Spottswood Avenue north to Park Avenue has been to maintain the urban residential design and appearance along South Perkins Road.
3. The recommendation for approval of the restaurant was to remain compatible with surrounding land use and zoning and any new land use should be specific and limited due to location, lot size and the ability to provide adequate parking to the rear of buildings.
4. This request to allow additional parking to the rear and on the adjacent property, including a small building expansion and a revised front elevation plan does not significantly change the intent of the approved restaurant plan.
5. The majority of the parking to the rear of the building and other design features and modifications to the plan preserves the residential design and appearance prevalent throughout the original planned development.

**ZONING & LAND USE MAP:**



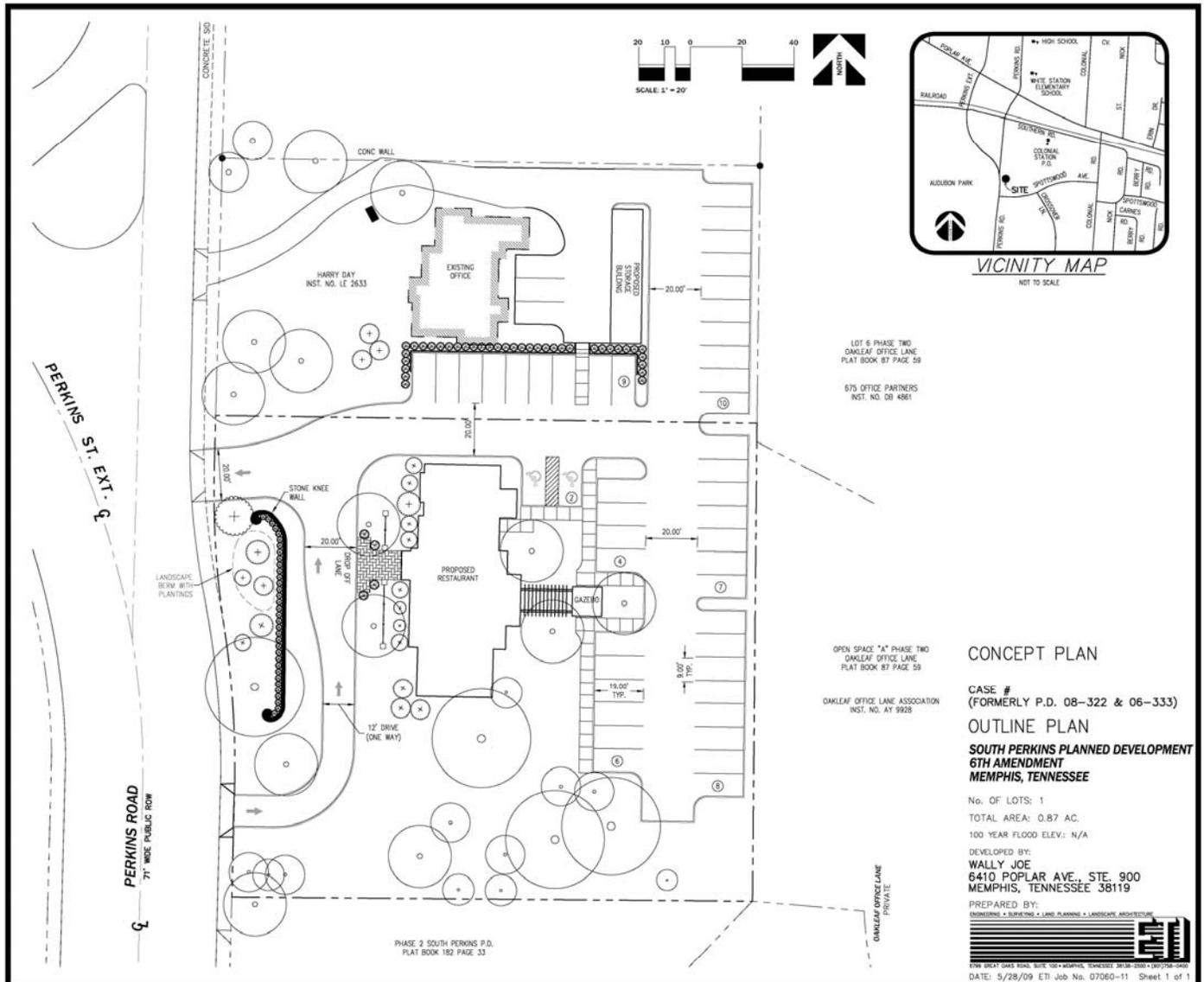
SURROUNDING AERIAL VIEW



690 & 680 South Perkins Road  
(Bird's Eye View)



**NEW OUTLINE PLAN:**



VICINITY MAP  
NOT TO SCALE

LOT 6 PHASE TWO  
OAKLEAF OFFICE LANE  
PLAT BOOK 87 PAGE 59

675 OFFICE PARTNERS  
INST. NO. DB 4861

OPEN SPACE "A" PHASE TWO  
OAKLEAF OFFICE LANE  
PLAT BOOK 87 PAGE 59

OAKLEAF OFFICE LANE ASSOCIATION  
INST. NO. AT 9938

CONCEPT PLAN

CASE #  
(FORMERLY P.D. 08-322 & 06-333)

OUTLINE PLAN

**SOUTH PERKINS PLANNED DEVELOPMENT  
6TH AMENDMENT  
MEMPHIS, TENNESSEE**

No. OF LOTS: 1  
TOTAL AREA: 0.87 AC.  
100 YEAR FLOOD ELEV.: N/A

DEVELOPED BY:  
**WALLY JOE**  
6410 POPLAR AVE., STE. 900  
MEMPHIS, TENNESSEE 38119

PREPARED BY:  
ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

PHASE 2 SOUTH PERKINS P.D.  
PLAT BOOK 182 PAGE 33

DATE: 5/28/09 ETI Job No. 07060-11 Sheet 1 of 1

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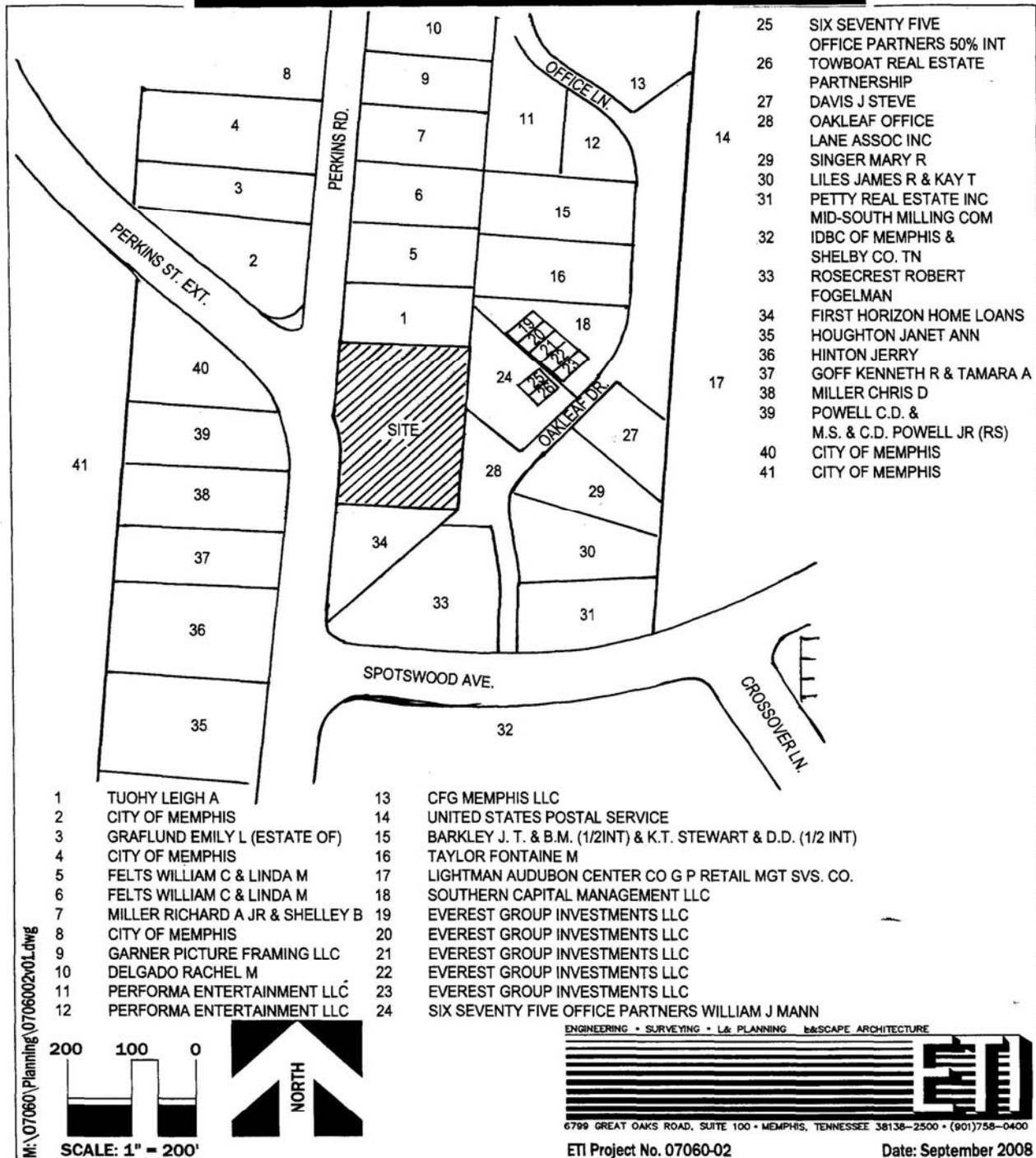
NEW ELEVATION PLAN:



Architectural Rendering by Doug Enoch Architects

**VICINITY & OWNERSHIP MAP:**

**O.P.D. Case Number P.D. 09-314**



***STAFF ANALYSIS:***

**Site Description**

The subject property is located on the east side of S. Perkins Road; just south of Southern Avenue in east Memphis within boundaries of the Poplar Corridor Area Study and the Quince Planning District. The existing buildings were once one-story wood frame single family homes, but have been converted to office land uses by approved planned developments.

The lots were originally approved for primarily residential and office land use in R-S15 and O-G District zoning. The subject properties are directly adjacent to properties used and approved for interior design shops, including very limited and specific retail commercial land uses also approved by planned development. The lot is located within a tier of lots to the east side of South Perkins governed by South Perkins Planned Development, 5<sup>th</sup> Amendment(P.D. 08-322).

**Area Overview**

The land use to the west is single family homes and vacant lots in the R-S10 District and Theater Memphis across Perkins Road. Directly south of the site and across Spottswood Avenue is Audubon Business Campus developed as an office park. The site is bordered on the north primarily by small scale business establishments that are governed by this planned development with regard to use, bulk and other conditions.

The land use to the east is primarily office development in Oakleaf Lane Planned Development(PD O-102 AM). The Audubon Square Shopping Center with a Target Store, including accessory retail shops are farther east along Spottswood Avenue. The Audubon Business Center to the south was designed to be compatible with its location near residential neighborhood properties.

**Urban Re-Design & Alterations**

The request is for an amendment to a recently approved restaurant building with a maximum seating capacity of seventy-five(75) seats to allow additional parking to the rear of the building and on the adjacent property to the north, including a small building expansion and a revised front elevation plan. This re-design for additional parking area will be for a fine dining establishment to be located in a structure once used and approved by planned development for an office. A contractor's office adjacent to this property is also party to this application to allow additional parking for the restaurant.

The planning objectives for this segment of South Perkins from Spottswood Avenue north to Park Avenue has been to maintain the urban residential design and appearance along South Perkins Road. The size of these lots were originally platted for a residential subdivision and should be maintained in urban residential design and not allow combining of lots for one single land use.

The recommendation for approval of the restaurant was to remain compatible with surrounding land use and zoning and any new land use should be specific and limited due to location, lot size and the ability to provide adequate parking to the rear of buildings. The residential appearance of existing single family homes should always be maintained and not disturb front yard open spaces. This is an established residential area with structures converted to office land use directly across from single family homes.

This request to allow additional parking to the rear and on the adjacent property, including a small building expansion and a revised front elevation plan does not significantly change the intent of the approved restaurant plan. This amendment continues to support and enhance the planning objectives for this segment of the corridor. The parking shall be as illustrated on the site plan and allowed to encroach north onto the adjacent property to accommodate required parking for the restaurant. The majority of the parking to the rear of the building and other design features and modifications to the plan preserves the residential design and appearance prevalent throughout the original planned development.

***RECOMMENDATION: Approval with Conditions***

***OUTLINE PLAN CONDITIONS: [Bold-italic-underlined items indicate amendments]***

I. Uses Permitted:

- A. Any use permitted by right or administrative site plan review in the General Office(O-G) and Single Family Residential(R-S15) Zoning Districts. Additionally, a retail home interior store is permitted at 670 South Perkins Road; an antique store and bed & breakfast is permitted at 710 South Perkins Road; and a retail frame shop is permitted at 630 South Perkins Road and a restaurant shall be permitted at 690 South Perkins Road with additional parking for the restaurant at 680 South Perkins Road as illustrated on the Outline Plan.
- B. 650 and 660 S. Perkins Road: Any use permitted by right or administrative site plan review in the General Office(O-G) district, including the following:
  - 1. Interior Design/Home Furnishings/Antiques
  - 2. Music or Dancing Academy
  - 3. Gift Shop
  - 4. Knitting/Yarn Shop
  - 5. Rug/Carpet/Flooring Gallery
  - 6. Consignment/Re-sale Shop
  - 7. Flower/Plant Shop
  - 8. Jewelry Shop
  - 9. Arts and Crafts Gallery
  - 10. Fabric Shop
  - 11. Clothing/Bridal Boutique
  - 12. Gourmet/Specialty Foods
  - 13. Day Spa
- C. A detailed site plan shall be submitted prior to this application being forwarded to the legislative body illustrating on-site parking to the rear of the building and other design features to maintain the urban residential design and appearance.
- D. Any restaurant at 690 S. Perkins Road shall open for customer business no earlier than 11:00 a. m. and close no later than 11:00 p. m. on Monday through Saturday, and open for business no earlier than 10:00 a. m. on Sunday and close no later than 10:00 p. m. on Sunday. No new customers will be permitted after the closing times above.
- E. Any restaurant at 690 S. Perkins Road shall be required to have at least 50 percent of its annual gross sales from food.
- F. For any restaurant at 690 S. Perkins Road no alcoholic beverages shall be sold earlier than 11:00 a. m. Monday through Saturday nor sold later than 11:00 p. m. No alcoholic beverages shall be sold earlier than 10:00 a. m. or later than 10:00 p. m. on Sunday.
- G. Any restaurant at 690 S. Perkins Road shall be open for lunch and dinner only.

**II. Bulk Regulations:**

- A. Bulk regulations of the Single Family Residential(R-S15) Zoning District shall apply.
- B. All structures shall maintain a residential appearance.
- C. Maximum seating capacity for any restaurant at 690 S. Perkins Road is seventy-five(75) seats at tables, excluding the bar area.

**III. Access, Parking and Circulation:**

- A. Required parking shall be provided in the rear yard. Parking in the front yard is prohibited.
- B. Existing curb-cuts shall be preserved providing the building footprint is not altered.
- C. The following access improvements shall be required if any of the building footprints are modified:

The design, number and location of curb cuts to be approved by the City Engineer. Nonconforming curb cuts to be modified to meet current City Standards or closed with curb, gutter and sidewalk.

- D. An additional curb-cut shall be permitted at 690 South Perkins Road as indicated on the Outline Plan.
- E. Valet parking availability for any restaurant at 690 South Perkins Road shall be required on site.
- F. For the restaurant at 690 S. Perkins Road, no modification to the parking area as depicted on the approved site plan shall be permitted without site plan approval by the Office of Planning and Development (OPD). OPD shall notify all property owners within 500 feet of the property prior to permitting any parking area modification. Any notified property owner may, by written notice to OPD within ten(10) working days of notification, request that the Land Use Control Board hear the application for modification.

**IV. Landscaping, Screening and Lighting:**

- A. Plate A-1, A-2, A-3 or an equivalent subject to the approval of the Office of Planning and Development shall be provided along South Perkins Road.
- B. Required landscaping shall be provided exclusive of all easements and shall not conflict with any easements, including overhead wires.
- C. All refuse containers shall be screened from public view and shall be located in the rear yard.
- D. Lighting shall be a maximum of 20 feet high and shall be directed so as not to glare onto residential property.

- E. For the restaurant at 690 S. Perkins Road no removal of trees shall be permitted without an amendment to the Planned Development except that diseased trees may be removed provided a replacement tree a minimum of three (3) inch caliper with a height of 14 to 16 feet shall be planted in the same general location.
- F. For the restaurant at 690 S. Perkins Road any parking lot lighting shall not be located higher than the eave of the building and shall be directed away from any residential property. Lighting shall not be greater than one (1) foot candles at the property line.
- G. Any lighting in the front portion of the site shall be no greater than four(4) feet in height. Building facade lighting and landscape lighting in the front yard shall be residential in character and directed away from residential property.
- H. For the restaurant at 690 S. Perkins Road the landscaping and screening, and the parking areas shall be as shown on the submitted site plan for 680 and 690 S. Perkins Road.
- V. Signs: Sign regulations shall be in accordance with the Single Family Residential Zoning District(R-S15).  
  
For 690 S. Perkins Road any restaurant sign shall be either a freestanding ground mounted monument sign or an attached sign. The sign shall be a maximum of 12 square feet in area. A detached sign shall be a maximum of four (4) feet in height with a minimum setback of 5 feet from the right-of-way. An attached sign shall be a garden wall sign the location of which is generally depicted on the conceptual building elevation rendering. The sign shall be either externally lit or back-lighted channel letters shall be used. No pole sign shall be permitted.
- VI. Other: Any alterations to the exterior of buildings or building footprints shall require Site Plan Review before the Land Use Control Board.
  - A. No bands or speakers shall be permitted outdoors, except for weddings, anniversaries and similar occasions with low volume non-amplified instruments.
  - B. Any garbage containment for a restaurant shall be totally enclosed and be a walk in only. No open dumpsters shall be permitted. Garbage pick-up service by a private company shall be at least twice per week or more frequently if necessary. The garbage containment area shall be kept in a clean and neat condition at all times.
  - C. All companies delivering restaurant goods to the site shall be notified that deliveries shall be restricted between the hours of 9:00 a. m. and 5 p. m. Monday through Saturday, and that deliveries shall be specifically prohibited on Sunday. Notice of the days and hours of deliveries shall also be posted on the property. Deliveries shall be restricted to the rear of the building.

- D. The use of the property as a restaurant is restricted to the present ownership of the property. Any change in ownership to the property for use as a restaurant shall require submittal of an application to the Land Use Control Board and notification of all property owners within 500 feet of the property. The Land Use Control Board shall hold a public hearing and shall approve or reject the application. Any decision of the Board may be appealed to the City Council.

VII. All final plans shall include the following:

- A. The Outline Plan Conditions.
- B. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.
- C. The exact location and dimensions, including height of all buildings, parking areas, lighting in parking areas, landscaping and screening.
- D. Number of parking spaces.
- E. Illustrations of all proposed signage.
- F. The location and ownership of any public and private easements.
- G. A statement conveying all common facilities and areas to a property owners association 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 Engineer. 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 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:** South Perkins Road-----+/-100 linear feet.

**Planning District:** Quince

**Zoning Atlas Page:** 2140

**Parcel ID:** 057014 00008 & 057014 00009

**Zoning History:**

The equivalent of the Single Family Residential(RS-10/R-1) District dates to February, 1954 District Map, but more likely dates to the annexation of the site in 1950 by the City of Memphis.

On October 9, 1997 the Land Use Control Board recommended approval of the South Perkins Planned Development(PD 97-347) for office and commercial uses. On May 5, 1998 the Memphis City Council concurred with the Board's recommendation and approved the application subject to conditions as recommended.

The City Council on May 5, 1998 also approved deletion of the Residential Corridor along South Perkins Road north of Park Avenue upon recommendation of the Land Use Control Board.

On November 9, 1999 the Land Use Control recommended an amendment to the planned development to permit use of 710 South Perkins Road as a bed and breakfast facility. The Memphis City Council concurred with this recommendation on December 21, 1999.

In April, 2000 an amendment was approved for a frame shop and a new 2,543 sq. ft. addition to the rear of the building at 630 S. Perkins Road.

In May, 2005 an amendment was approved for a consignment/re-sale shop and limited retail land use, including a new 1,052 sq. ft. addition to the rear of the building at 650 S. Perkins Road.

In October, 2006 an amendment was approved for additional limited O-G District land uses at 650 and 660 S. Perkins Road.

In December, 2008 an amendment was approved for a restaurant at 690 South Perkins with adjacent lot parking at 680 South Perkins with mutually agreed amendments between the applicant and several property owners.

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***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.

**Curb Cuts/Access:**

3. The proposed curb cut on the south end shall be 10 x 30, and the one on the north end shall be 10 x 40.
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.

**Drainage:**

6. 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.
7. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
8. 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:**

9. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
10. The width of all existing off-street sewer easements shall be widened to meet current city standards.
11. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Division:** No comments.

**City Real Estate:** None.

**Memphis & Shelby County Health Department:** No comment.

**Memphis Board of Education:**

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. The school aged children in this area are zoned to the following schools:

Sea Isle Elementary- 94.6% capacity  
Colonial Middle - 40.2% capacity  
White Station High- 111.3% capacity

**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 comments:

- **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. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **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 the appropriate MLGW engineering area 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 has no comment.

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

**OPD-Regional Services:**

Perkins Road Extended is on the Long Range Transportation Plan consisting of 80 feet of right-of-way, 60 feet of pavement and no proposed improvements. South Perkins Road is not a major road.

**OPD-Plans Development:**

No comments.

**Neighborhood Associations/Organizations:**

*Colonial Acres Neighborhood Assoc.:*

*No comments received as of 7/02/09.*

*University District Incorporated:*

*No comments received as of 7/02/09.*

**Staff: *bb***