

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#9**

CASE NUMBER: P.D. 09-322 **L.U.C.B. MEETING:** October 8, 2009

DEVELOPMENT NAME: Memphis College of Art Planned Development

LOCATION: West side of Barksdale Street; +/-184.77 feet south of Poplar Avenue

COUNCIL DISTRICT: 5

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: Memphis College of Art

REPRESENTATIVE: Nathan Bicks

REQUEST: A second residence hall

AREA: 1.34 Acres

EXISTING LAND USE & ZONING: The remaining undeveloped portion of the LaGivenchy/Barksdale Manor PUD (PUD R-114) and a student dormitory in the Multiple Dwelling Residential (R-MM) Districts

SURROUNDING LAND USES AND ZONING:

North: A residential structure approved for office uses (SUP 08-229) in the Multiple Dwelling Residential (R-MM) and Historic Conservation Overlay {HC} Districts

East: A two story institutional use (a nursing home) in Multiple Dwelling Residential (R-MM) District

South: Single family attached dwellings (2-story) as regulated by the approved conditions for the LaGivenchy/Barksdale Manor PUD (PUD R-114)

West: Primarily multi-family buildings in the Multiple Dwelling Residential (R-MM) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL WITH CONDITIONS

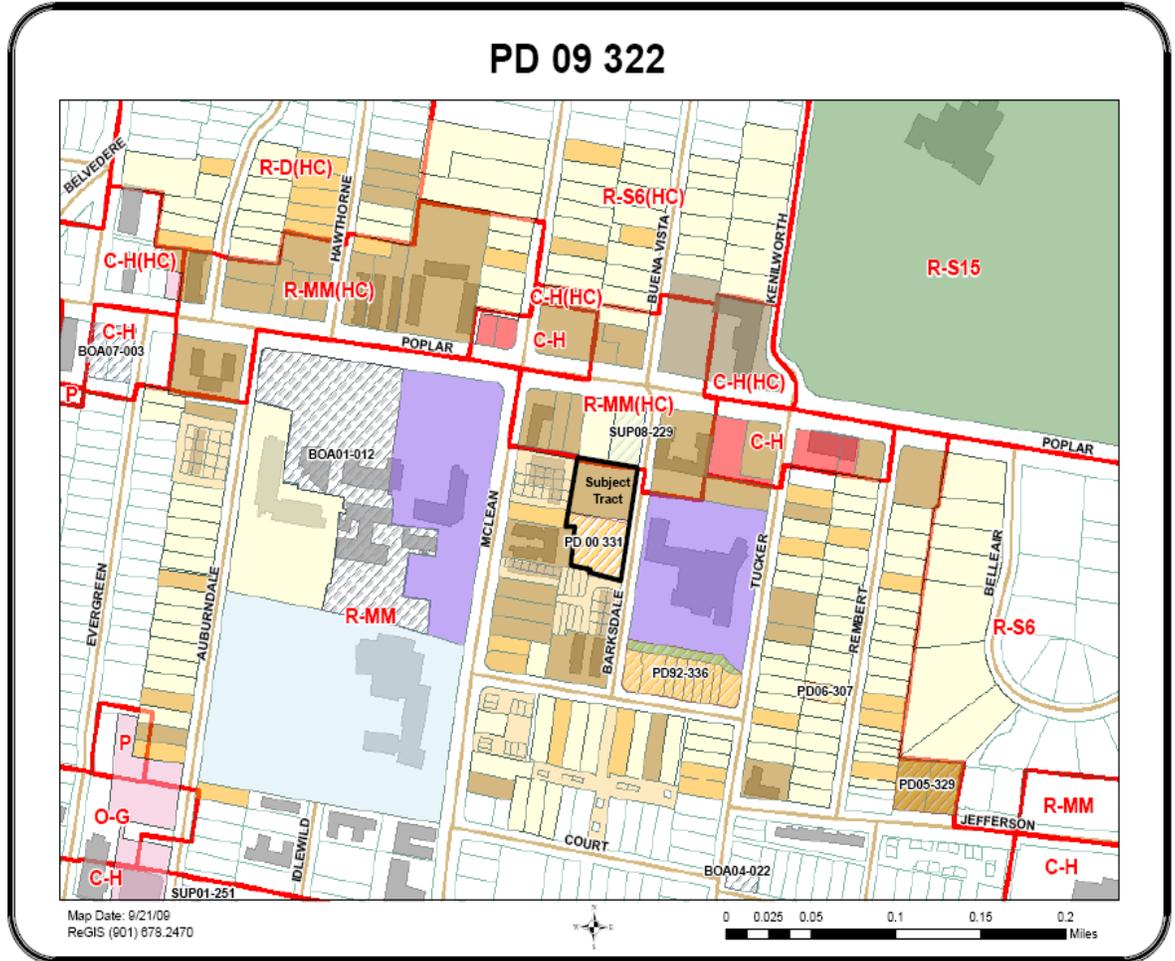
Staff: Don Jones

E-Mail: john.jones@memphistn.gov

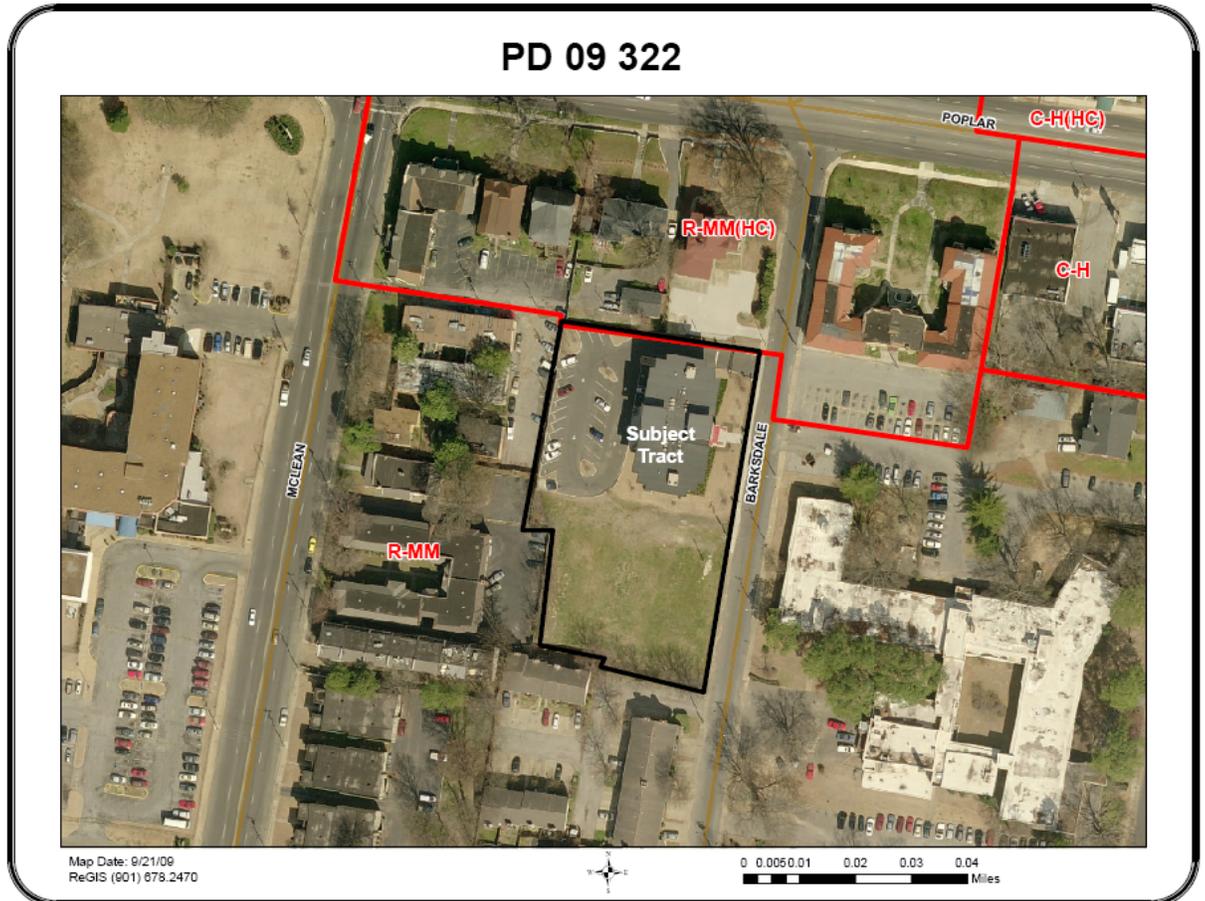
CONCLUSIONS

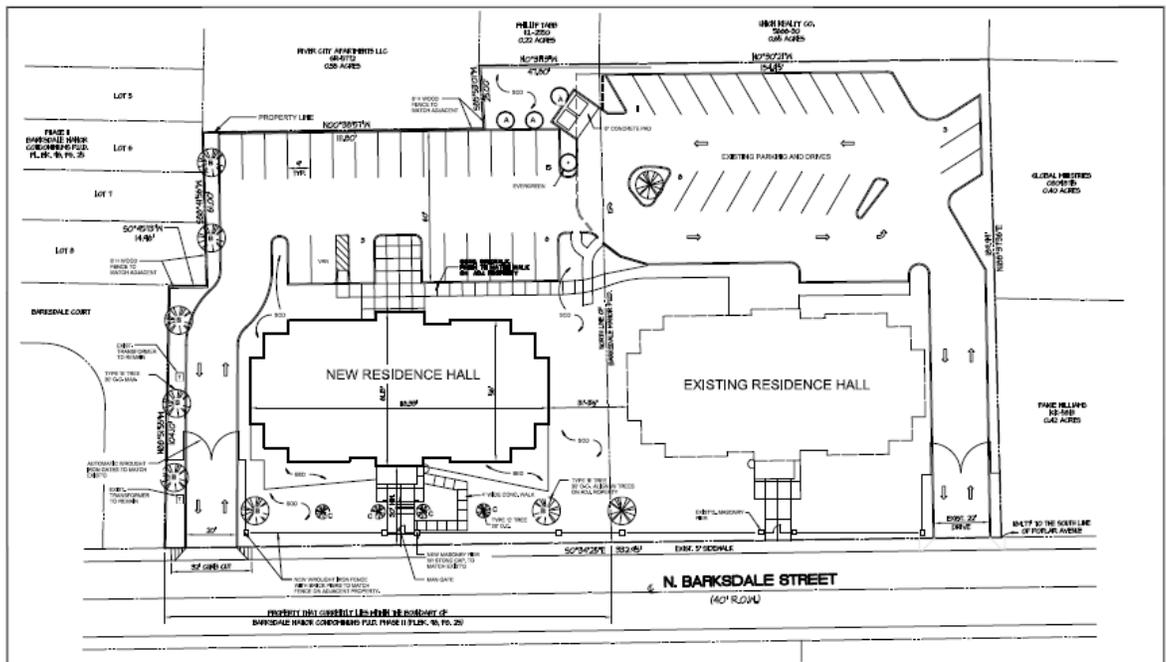
1. The subject property consist of two parcels of land both under the ownership of the current applicant, the Memphis College of Art.
2. This application brings together both parcels that the College owns on this section of Barksdale. The requested conditions will govern the development of the new dormitory and will allow the existing building to remain as it is with no additional changes.
3. The overall area surrounding this site from McLean Boulevard to Tucker Street and Poplar Avenue to Jefferson Avenue is characterized by multi-family units and institutional uses in various building configurations.
4. The height and the design of the residence halls are unusual for the area. The building's design is considerably more modern in style than most of the residential buildings in the area. The buildings requested maximum height of 53 feet is about twice that of its neighbors.
5. The nearest residential building with a window that faces toward the proposed structure is located to the south and west of the proposed building.
6. The proposed building has a setback of approximately 33 feet from the south property line which exceeds the setback requirements of the R-MM District and the Bulk Plane requirements found in the proposed Unified Development Code.

Zoning and Land Use



Aerial View of Site





Outline Plan

Existing Conditions



Current Building On Site



Area where new building is proposed



South face of existing building



North wall of building adjacent to new building



Existing townhouse style residential to the south and west of proposed building



Existing development to the west

ANALYSIS

General Location:

The subject property is located on the west side of N. Barksdale Street some 160 feet south of Poplar Avenue in the Mid-Town area of Memphis.

This section of Barksdale runs between Poplar Avenue and Jefferson Avenue. North McLean Boulevard is approximately ½ of a block to the west.

Site Characteristics and Development History:

The subject property consist of two parcels of land both under the ownership of the current applicant, the Memphis College of Art. The northernmost parcel (017049 00006) contains the existing 4 story student dormitory.

The parcel to the south, (017049 B00009C) is currently vacant, although the site has been graded in anticipation of constructing a second student dormitory on this site. This parcel is included within the boundaries of an approved Planned Development known as the LaGivenchy/Barksdale Manor Planned Unit Development. This planned development was approved for up to 36 single family attached units on individual lots, in 1981. Some 16 units have been built leaving the approximately 0.6 acres out for future development.

An amendment to the PD was filed in 2000 for this undeveloped parcel requesting 16 apartment units in one 2-story building. This amendment was withdrawn prior to being considered by the Memphis City Council. The owner of this site subsequently conveyed this property to the Memphis College of Art mistakenly thinking that since it had not been developed that it would revert back to the underlying zoning. The applicant has presented the OPD Staff with a document indicating that the prior owner had indicated that he had no intention to develop this site under the requirements of the PUD. The Memphis College of Art proceeded with their development plans until it was brought to their attention that some type of amendment of the current conditions was needed.

Request:

This application brings together both parcels that the College owns on this section of Barksdale. The requested conditions will govern the development of the new dormitory and will allow the existing building to remain as it is with no additional changes.

The plan calls for a second 4-story building to mirror the existing one. Both buildings show 3 stories for apartment units and a tall 4th story for studio useage and gathering. The proposed conditions call for two buildings with 13 apartments each. An apartment will contain up to 4 bedrooms. The breakdown of apartments per floor is as follows:

Ground Floor - 5 apartment units: 1 – one bedroom, 1 – two bedroom, and 3 – four bedrooms.

Second Floor and Third Floor - 4 apartments each, 4 bedrooms each.

The plan also requests two curb cuts, one new one existing, which serve a large inter-connected parking area which is located to the rear of the structures. Both buildings have an articulated design which breaks up the long expanse of building wall. The ends of the buildings do not have windows except for the 4th floor.

Review of Request:

The overall area surrounding this site from McLean Boulevard to Tucker Street and Poplar Avenue to Jefferson Avenue is characterized by multi-family units and institutional uses in various building configurations. Many of the apartment buildings in the area have been purchased by this applicant to provide living accommodations for their students. So this request is not out of character with the overall area.

The height and the design of the buildings are unusual for the area. The building' design is considerable more modern in style than most of the residential units in the area. As this is not a landmarks district, the design does not come under particular scrutiny except for its setback relative and window locations in close proximity to its neighbors.

The buildings requested maximum height of 53 feet is about twice that of its neighbors. The height of the building is permitted in the R-MM District. It is taken note of here to ensure that the design and setback are sensitive to its neighbors.

The nearest residential building with a window that faces toward the proposed structure is located to the south and west of the proposed building. This is the two story, townhouse style building that is located on lot 8 of the LaGivenchy/Barksdale Manor PUD. The closest edge of the proposed building to the existing residential unit is actually stepped back so that there is a separation of approximately 30 – 35 feet.

The residential units of the Barksdale Manor PUD that face Barksdale Street have no windows that face to the north. The closest edge of the proposed building to the PUD's north property line is approximately 30 feet. The proposed building has a setback of approximately 33 feet from the south property line which exceeds the setback requirements of the R-MM District and the Bulk Plane requirements found in the proposed Unified Development Code.

These distances coupled with existing and proposed landscaping should provide privacy to the existing residential units.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS

Memphis College of Art Planned Development
P.D. 09-322

- I. Uses permitted: Two student dormitory buildings, each containing a maximum of 13 apartments, A total of 47 bedrooms each. One of these buildings is currently existing and will remain as-is.

- II. Bulk Regulations:
 - A. Height: No structure shall exceed 53 feet in height.
 - B. Minimum building setbacks shall be as follows:
 - 1. Barksdale Street – 30 feet
 - 2. West property line – 70 feet
 - 3. South property line – 25 feet
 - 4. North property line – 20 feet

- III. Access, Circulation and Parking:
 - A. Permit two curb cuts as shown on the outline plan, subject to the review of the City Engineer for design and location.
 - B. The developer's engineer shall revise the proposed outline plan to reflect the curb cut configuration previously agreed upon in consultation with the City Traffic Engineer.
 - C. Permit security gates at each entrance as shown on the outline plan.
 - D. Provide internal circulation between the two buildings.
 - E. Provide a minimum of 46 parking spaces.
 - F. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - G. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

- IV. Landscaping and Screening:
 - A. The landscaping currently provided for the existing building is sufficient and no additional plant material shall be required.

- B. The following shall be provided for the proposed building and shall be designed/installed to match that of the existing building:
 1. Provide a wrought iron gate with brick piers along Barksdale Street, an illustration of the gate and fence shall be shown on the Final Plat and is subject to the review and approval of the OPD..
 2. Provide a 6' high wood fence with a cap along all other property lines. An illustration shall be shown on the Final Plat, and is subject to the review and approval of the OPD.
 3. Provide a Tree 'B' (30 feet o.c.) and Tree 'C' (20 feet o.c.) along Barksdale Street as shown on the Outline Plan.
 4. Provide Tree 'B' (30 feet o.c.) along the south property line. Species shall be listed on the Final Plat
 5. Provide screening around the dumpster as shown on the outline plan. An illustration subject to the review and approval of the OPD shall be required on the Final Plat.
 6. The above conditions shall be in conformance with the Landscape Plan that has been approved by the OPD and that plan shall be incorporated into the Final Plan set of drawings.
- V. Signs:
 - A. Signs shall be permitted in accordance with the R-MM District regulations.
 - B. Directional, instructional, and identification signs may be permitted subject to the review and approval of the Office of Planning and Development.
- VI. Drainage:
 - A. All drainage plans shall be submitted to the City Engineer for review.
 - B. Public drainage improvements shall be provided under a Standard Subdivision contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
 - C. All drainage emanating on-site shall be private. Easements will not be accepted.
- VII. The Land Use Control Board may modify the bulk regulations; access, circulation and parking; landscaping; site design, including building elevations and materials; and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council. Public notice must be provided at least 10 days prior to the LUCB meeting.

VIII. Any final plan shall include the following:

- A. The Outline Plan Conditions.
- B. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping.
- C. The location and ownership, whether public or private, of any easement.
- D. The number of parking spaces.
- E. All commons, 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.

IX. Time Limit

A final plan shall be filed within five (5) years of the approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

GENERAL INFORMATION

Street Frontage: Barksdale Street +/- 332.95'

Planning District: Midtown

Census Tract: 32.00

Zoning Atlas Page: 2030/2035

Parcel ID: 017049 00006 and 01749 B00009C

Zoning History:

Parcel 01704900006 is zoned Multiple Dwelling Residential (R-MM), this designation or its equivalent R-4 dates to 1954

Parcel 017049B00009C is included within the boundaries of the LaGivenchy/Barksdale Manor P.U.D. R-114 recorded at the Shelby County Register's Office at Plat Book 98, Page 7. This plan permits a maximum of 36 Single Family Attached Units on separate lots, Final Plats for Phases 1 and 2 have been recorded but only 16 of the 36 units have been built. .

A Planned Development on this parcel requesting 16 apartments in one 2-story building was presented to the Land Use Control Board in June of 2000 but withdrawn prior to being heard by the Memphis City Council.

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 City Engineer shall approve the design, number and location of curb cuts.
4. The developer's engineer shall revise the proposed outline plan to reflect the curb cut configuration previously agreed upon in consultation with the City Traffic Engineer.

5. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
7. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

Gated Entrances:

8. The proposed gate locations do not meet the requirements for setback, and no turn-around has been provided on the outline plan.
9. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
10. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

Drainage:

11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
13. 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.

General Notes:

14. The width of all existing off-street sewer easements shall be widened to meet current city standards.
15. 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.
16. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

Total number of residents in each building?

City Real Estate: None.

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

City 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.

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 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 comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **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).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- **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). Application for utility service is necessary before plats can be recorded.

- All residential developers must contact MLGW's Residential Engineer at 528-4855 for application of utility services.
- All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation process.
- **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:

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

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received

OPD-Comprehensive Planning:

No comments received

Neighborhood Associations:

Idlewild – East End Historical Assn.:

No comments received

Bellaire Woods Neighborhood Assn.:

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Tucker-Jefferson Neighborhood Assn:

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Evergreen Historic District Association:

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Midtown-Central Neighborhood Association:

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Midtown Memphis Development Corporation

See Next Page

MEMPHIS MIDTOWN DEVELOPMENT CORPORATION

Midtown – the heart of the arts and the creative center of Memphis

September 30, 2009

Ms. Kim Williams
Memphis College of Art
1930 Poplar Avenue
Memphis, TN 38104

Dear Ms. Williams:

Thank you so much for the opportunity to recently review your plans for a second student dormitory in the Tucker Jefferson neighborhood. It was a very enlightening presentation and we look forward to the start of construction.

The Memphis College of Art is a great asset for Midtown. Your expansion will only increase that value. Living in the Tucker Jefferson neighborhood, I can personally attest to how much your presence and involvement means to our community. Thank you for MCA's vision and belief in Midtown!

Sincerely,



Sam Goff
President, Memphis Midtown Development Corporation