

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT  
STAFF REPORT #7**

**CASE NUMBER:** S.U.P. 09-213

**L.U.C.B. MEETING:** August 13, 2009

**LOCATION:**

South side of EH Crump Blvd; ±252 ft. west of Mississippi Blvd.

**COUNCIL DISTRICT - REGULAR:**

**#6**

**COUNCIL SUPER DISTRICT:**

**#8**

**OWNER:**

Yemaj Abbas

**APPLICANT:**

Yemaj & Mohamed Abbas

**REQUEST:**

Motor Vehicle Sales – Used Cars

**AREA:**

0.40 Acres

**EXISTING LAND USE & ZONING:**

Vacant, paved tract in the Local Commercial (C-L) District

**SURROUNDING USES AND ZONING:**

- North:** Across EH Crump Blvd, single-family residences and a motor vehicle service use in the Light Industrial (I-L) District.
- East:** Commercial building with 50% occupancy by liquor store and convenience store with gasoline sales in the C-L District
- South:** Across an alleyway, vacant lots and a single-family residence in the Single-Family Residential (R-S6) District
- West:** Vacant lots and a building identified by a sign as a neighborhood mission church facility.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

**Approval, with Conditions**

**CONCLUSIONS**

- 1. The large amount of vacant land in this area is working against the development of neighborhood-service retail uses that are permitted by right in the C-L District.**
- 2. Having a well-maintained used car lot at this location would be a better alternative than continuation of this property in its current unkempt, vacant state.**

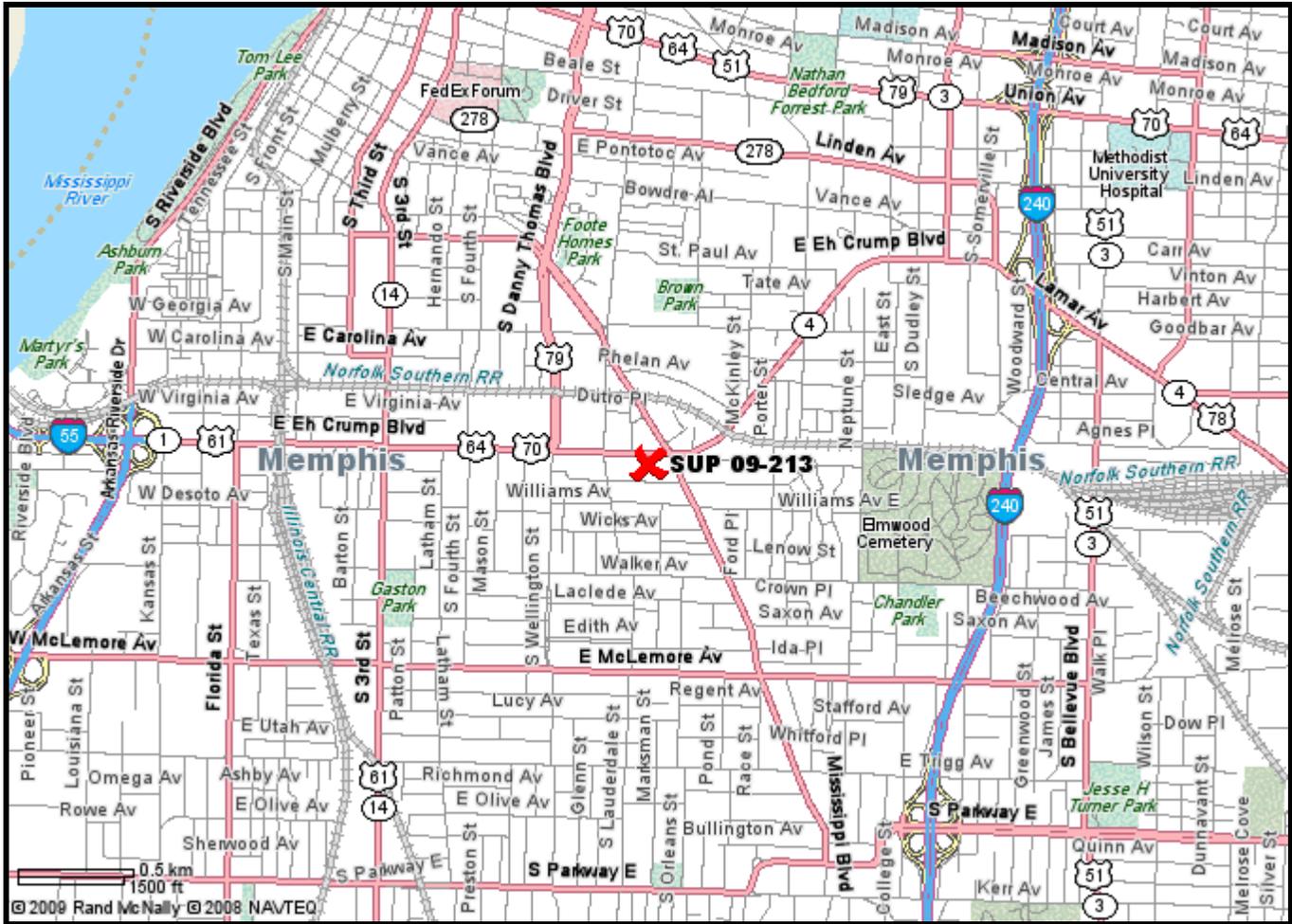


Figure 1: Location Map

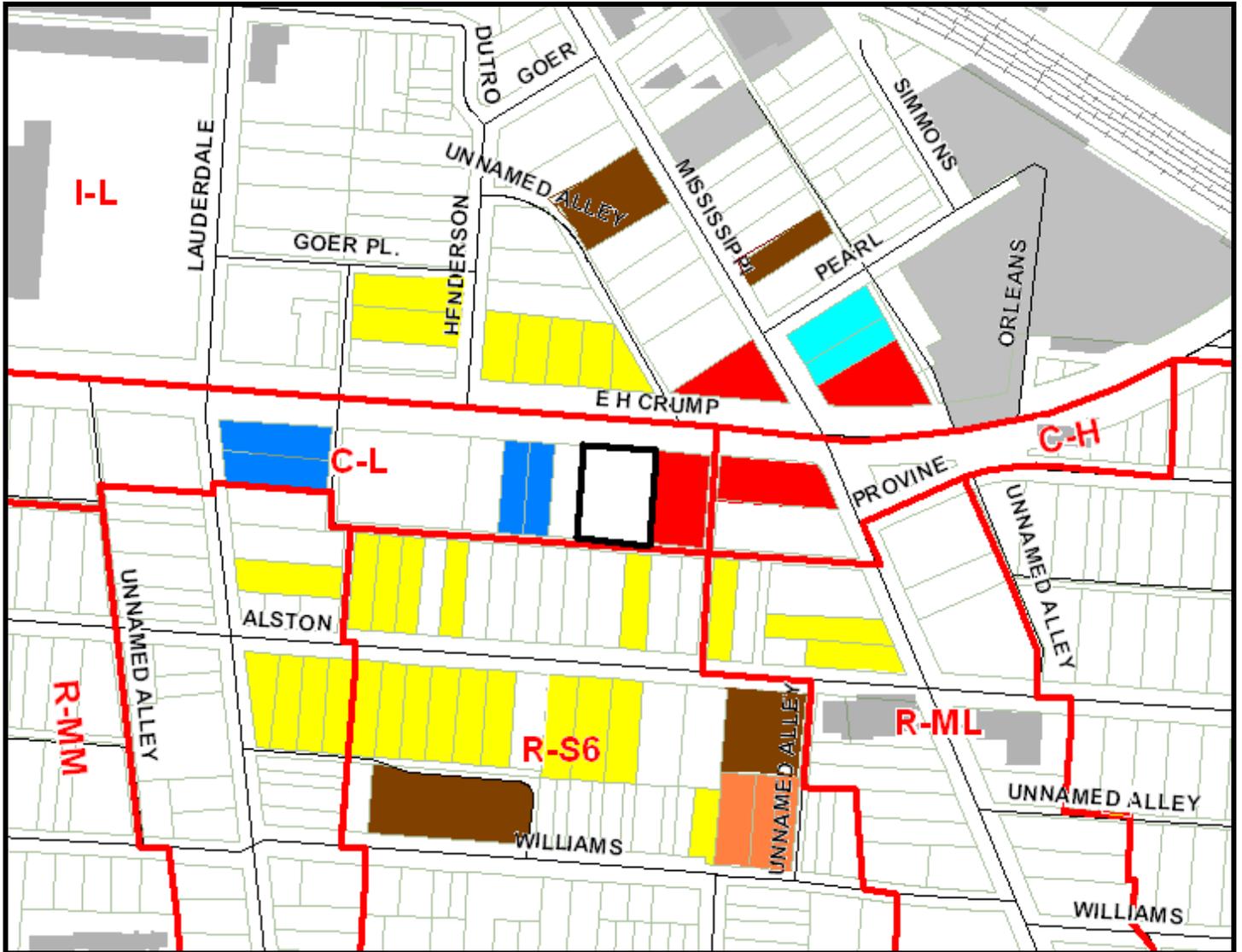


Figure 2: Zoning and Land Use in Vicinity of Subject Property

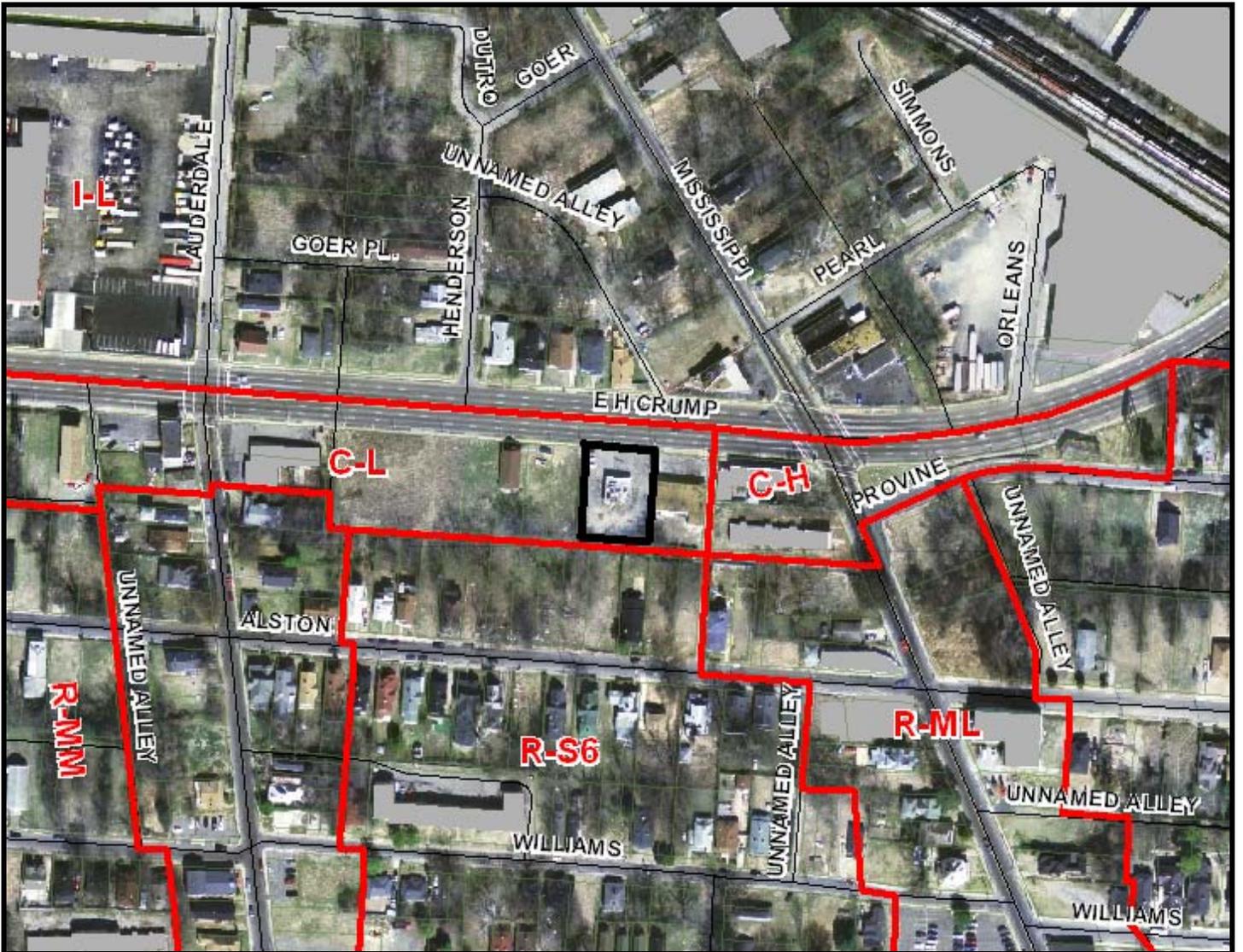


Figure 3: Zoning and Overhead View in Vicinity of the Subject Property

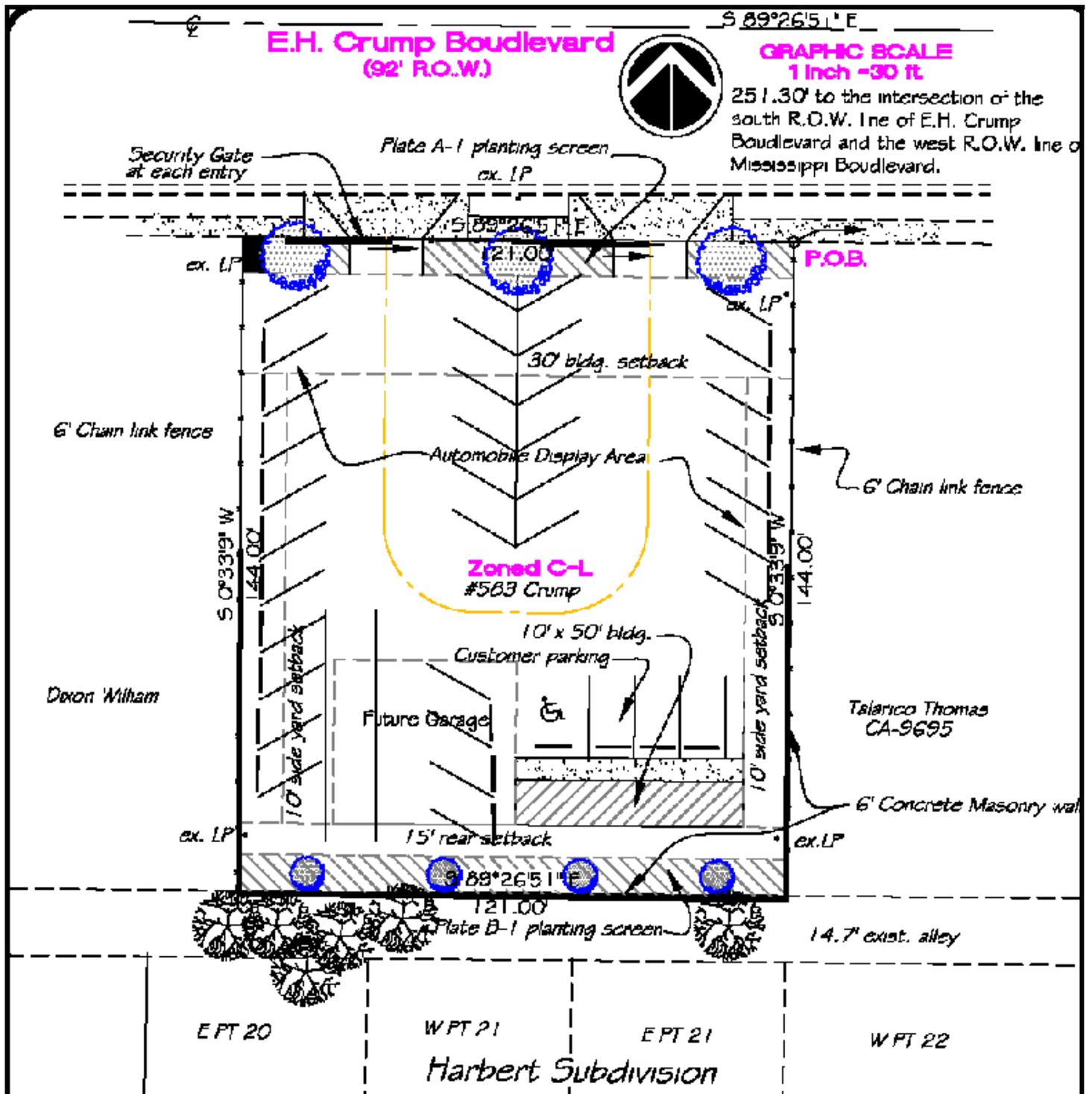


Figure 5: Site Plan



**Figure 6: Westward view along EH Crump Blvd from gas station / convenience store at SW corner of Crump & Mississippi Blvd. The subject property is about 200 feet past this corner.**



**Figure 7: A liquor store is in the eastern end of this commercial building at 595 EH Crump Blvd, just east of the subject property.**



**Figure 8: The subject property at 583 EH Crump is a paved vacant lot with currently overgrown vegetation, particularly trees along the southern and western property lines.**



**Figure 9: A view westward along the front property line, past a vacant lot and an, apparently little used, church building.**



**Figure 10: A view eastward from the western entrance of the subject property looking toward the second curb cut on the east side of the property.**



**Figure 11: View looking northwest across subject property. Note concrete slab in the foreground and single-family residence at 578 EH Crump in the distance, on the north side of the street.**



**Figure 12: This motor vehicle service business is located at the northwest corner of Crump and Mississippi Blvd.**



**Figure 13: An existing used car sales operation is located at the northeast corner of Crump and Mississippi Boulevard. In the background, to the left, may be seen the post office branch at 862 Mississippi Blvd, which serves one of the City's smallest zip code areas --- 38126.**

## **STAFF ANALYSIS**

### **Site and Location**

The subject property is a 17,424 sq. ft. (0.40 acre) site, a perfect rectangle, with 121 feet of frontage on EH Crump Blvd. and extending to depth of 144 feet. At the rear property line, it abuts a 14.7 ft. unpaved, overgrown alleyway that may have provided rear access to the rear of residential lots fronting on Alston which parallels EH Crump to the south. Since the subject property is described in the most recent warranty deed as “**Part** of Lots 2 & 3, John Harbert Subdivision” some additional title research will be required to definitely establish whether the subject property constitutes a legal lot according to the Subdivision Regulations.

E H Crump Boulevard is an extension of the bridge route that provided the only automobile access across the Mississippi River to Arkansas from the completion of the Memphis & Arkansas Bridge in 1948 until the completion of the Hernando Desoto Bridge in 1973. Today it continues to feed traffic directly into Interstate Highway 55 (and US Highways 64, 70 & 79), which still utilize the Memphis & Arkansas Bridge route. However much of the cross-river traffic is siphoned off with the divergence of these highway routes which turn onto intersecting north-south streets and a freeway. However in the segment that goes past the subject property, EH Crump Boulevard continues as a major road 7-lane roadway, connecting West Memphis with the Medical Center and Midtown Memphis and providing direct access to the region’s inner beltway, Interstate Highway 240.

The subject property is located roughly 250 feet east of Crump Boulevard’s intersection with Mississippi Boulevard, which extends in a radial fashion southeastwardly from the downtown area. Following the upgrade of Iowa Avenue to Crump Boulevard, this intersection may have acquired some additional importance as a neighborhood commercial node. However today, the businesses at this corner are limited to a branch post office, a used car lot, a radiator repair shop, a gas station with a convenience store and liquor store utilizing a portion of a commercial building, which happens to be adjacent to the subject property.

This property at 583 EH Crump Boulevard appears to have been formerly used for some commercial purpose. Today it is a paved vacant lot with two curb cuts and a concrete slab --- probably the foundation of a demolished building --- in the center. Currently the property is unkempt with overgrown grass in the street lawn and coming up through the cracks of the pavement. Bushes and small trees along the western and southern borders are in need of pruning or trimming.

### **Proposed Development**

The applicant has recently purchased the subject property and would like to use it as a used car sales lot. The applicant’s site plan appears to show a 10’ x 50’ business office structure at the rear of the property, customer parking space for seven (7) vehicles, display parking spaces for 26 vehicles, improved curb cuts, A-1 plate landscaping with three (3) street trees and a B-1 planting screen with a 6 ft. concrete, masonry wall at the rear of the property. The proposed site plan may be seen above in Figure 5.

### Neighborhood Context

Roughly half of the properties within 500 feet of the subject property are vacant. Presumably the previous uses of those properties have vanished and the occupied structures have been demolished. Considering the properties that continue in use, single-family residential use predominates to the south. The limited number of uses along the south side of Crump Boulevard include commercial and institutional --- a mission church and a day care center. North of Crump Boulevard there is a mixture of industrial, multi-family, single-family, two commercial uses and institutional – a modern church building and the branch post office

### Planning Issues

Between Downtown Memphis and the South Memphis communities and their various planning efforts, the interface approximates the alignment of Crump Boulevard. However the subject property is too far west to be included in the South CBD Gateway area and it was just missed by the new “Triangle Noir” area for community development planning.

This site was included in the South Memphis Comprehensive Plan and it was on the basis of that plan that the southern frontage of EH Crump Boulevard was downzoned from Highway Commercial (C-H) to Local Commercial (C-L). This was done as part of a district-wide effort to discourage the evolution of new strip commercial development patterns. Unchanged, at least for the time being, is the Light Industrial (I-L) zoning that covers the entire northern half of the vicinity map between Crump Blvd and the heavily used railroad tracks leading up to the Harahan and Frisco bridges.

### Analysis

Under the previous C-H zoning, motor vehicle sales would have been permitted by right. The C-L zoning now requires the special use permit and the site plan review foot this use.

As to whether the use should be permitted at all, it needs to be considered in the context of the existing nearby uses and the existing and planning development patterns. To the rear, on the other side of the alley, there would be almost no impact on the one residence at 584 Alston Avenue which backs up to the subject property. With respect to the properties on either side and across the street, the immediate impact would be positive, in that an ugly unkempt vacant commercially zoned lot would be cleaned up. What would be given up would be the opportunity to utilize the property for a use more convenient and supportive of the neighborhood, in accordance with the South Memphis plan.

However, with the continuing trend of declining population in the immediate vicinity, it is extremely unlikely that a use more supportive of the comprehensive plan would be a realistic option. Staff concludes that public policy is best served by approving the proposed use and using the site plan review as a means to insure that the best planning practices will be used in the design of the site plan.

The zoning ordinance specified five general standards of compatibility for all special use permits<sup>1</sup>. OPD staff concludes that these standards will be complied with in the context of the site plan conditions that are proposed below.

**RECOMMENDATION:                      Approval, with Conditions**

The salient issue that arises in the review of the proposed site plan is the layout of the parking lot. The drive aisles are not sufficiently wide to permit traffic in two directions, so signs need to be erected and about three directional arrows need to be painted on the driveway pavement. . With two curb cuts, it should not be difficult to establish a pattern of one-way traffic through the drive aisles. The parking spaces should be oriented so that vehicles can easily enter parking spaces from the direction of travel and exit by backing into the drive aisle and then proceeding forward in the direction of the established traffic flow. Staff notes that the front 26 spaces are intended only for vehicles on display. However it is assumed that these will be subject to exiting and entering the established traffic flow when they are taken out for a test drive, etc.

Other specific conditions have been added to insure a safe and neighborhood-compatible facility.

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**1 General standards of applicability**

1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
2. That the proposed building or use will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.
3. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
4. That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the legislative body to be of significant natural, scenic or historic importance.
5. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

**SITE PLAN CONDITIONS**  
**Used Car Sales at 583 EH Crump Blvd.**  
**S.U.P. 09-213**  
**As Recommended by OPD Staff for the**  
**August 13, 2009 Meeting.**

A Special Use Permit is hereby granted to Yemaj and Mohammed Abbas for the operation of a used car sales lot on the property at 583 E.H. Crump Blvd. (*Instrument Number 09047203, Shelby County Register*), subject to and in accordance with the approved site plan and the following site plan conditions:

1. The maximum number of vehicles on display shall be 26, parked in designated parking spaces.
2. All parking spaces shall be delineated with painted stripes on the pavement surfaces as shown in the site plan.
3. One-way circulation of traffic shall be maintained with entrance and exit signs at the appropriate curb cuts and arrows painted on the pavement in the drive aisles.
4. Curb cuts shall be subject to the review and approval of the City Engineer with respect to design and location.
5. Any fencing within 30 feet of the frontage shall be limited to steel barriers no more than 36 inches (3 feet) in height, designed to prevent vehicles from being driven off the lot. Such fencing shall be specified on the final plan and subject to review by the City Engineer with respect to sight distance for exiting vehicles.
6. Any use of chain link fencing shall be limited to fencing material coated with black or dark green vinyl, no greater than 6 feet in height. No barbed wire, razor wire or concertina wire shall be permitted.
7. Streetscape landscaping as specified in Landscape Plate A-1 shall be installed and maintained as shown in the site plan, with three street trees --- bald cypress or equivalent alternatives.
8. A landscape buffer as specified in Landscape Plate B-3 shall be installed and maintained at the rear property line in consideration of the residential zoning and use to the south.
9. Equivalent alternatives to specified landscape plates and plant materials may be substituted with the approval of the Office of Planning and Development.
10. Except as may be specified in Conditions 1 – 7, all other provisions and standards of the Zoning Regulations shall remain in effect, including specifically the sign regulations and the parking regulations. The location of any proposed free-standing signs shall be subject to

review by the Office of Planning and Development and the City Engineer in the context of the final site plan. .

## GENERAL INFORMATION

<b>Coordinates:</b>	35° 07' 26"N, 90° 02' 33"W
<b>Parcel Number:</b>	025006 00007C
<b>Street Address:</b>	583 EH Crump Blvd. 38126
<b>Street Frontage:</b>	<u><b>EH Crump Blvd</b></u> (TN Hwy 4): 121 feet on this major thoroughfare (90' ROW).
<b>Planning District:</b>	South Memphis
<b>Census Tract:</b>	49
<b>Annexation Status:</b>	Annexed in 1899
<b>Zoning Atlas Page:</b>	2030
<b>Zoning History:</b>	1931 – Commercial 'C' District. 1955 – Commercial "C-2" District. 1981 – Converted to Highway Commercial (C-H) in the current ordinance. 1999 – Comprehensively downzoned to Local Commercial (C-L) in connection with the South Memphis comprehensive plan

## 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. Each of the proposed curb cuts shall be designed for one way movement (10 X 24).
4. The orientation of the parking lot shall be revised to reflect the one way traffic movement.

5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

7. 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.
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.

General Notes:

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

**City Fire Division:** No comments.

**City/County Health Department-  
Water Quality Branch:** No comments.

**Environmental Sanitation:** No objections.

**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.

**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](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.

**OPD-Plans Development:**

No comments

**Bell South:**

No comments received.

**Memphis Area Transit Authority (MATA):**

No comments received.

**DPD-Regional Services:**

No comments received.

**DPD-Construction Code Enforcement:**

No comments received.

**Memphis Park Commission:**

No comments received.

**Neighborhood Associations:**

No comments received.

Washington Heights N.A.  
South Memphis Neighborhood Inc.  
New Pathwwys

**EXHIBIT A.**