

**STAFF REPORT**

8

**CASE NUMBER:** P. D. 09-321                      **L.U.C.B. MEETING:** October 8, 2009  
*Held from September 10, 2009*

**DEVELOPMENT NAME:** BUILDERS' EXCHANGE PLANNED DEVELOPMENT

**LOCATION:** Southeast corner of South Cooper Street and Cowden Avenue

**COUNCIL DISTRICT(S):** District 5-Super District 9-Positions 1, 2 & 3

**OWNERS/APPLICANTS:** Memphis Builders' Exchange

**REPRESENTATIVE:** Powers-Hill Design, LLC

**REQUEST:** Planned development to combine two(2) adjacent parcels to allow additional parking at the east side of the building

**AREA:** 0.47 Acres(20,430 sq.ft.)

**EXISTING LAND USE & ZONING:** One-story office building in Highway Commercial(C-H) and a vacant lot in Duplex Residential(R-D) Districts.

**SURROUNDING LAND USES AND ZONING:**

**North:** Office with accessory parking in Duplex Residential(R-D) and Highway Commercial(C-H) Districts.

**East:** Single family homes in Gladstone Heights Subdivision in Duplex Residential(R-D) District.

**South:** Office/warehouse company and CSX Railroad in Light Industrial(I-L) District.

**West:** Insurance office and headquarter offices, physical therapist and small restaurant in Highway Commercial(C-H) District.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

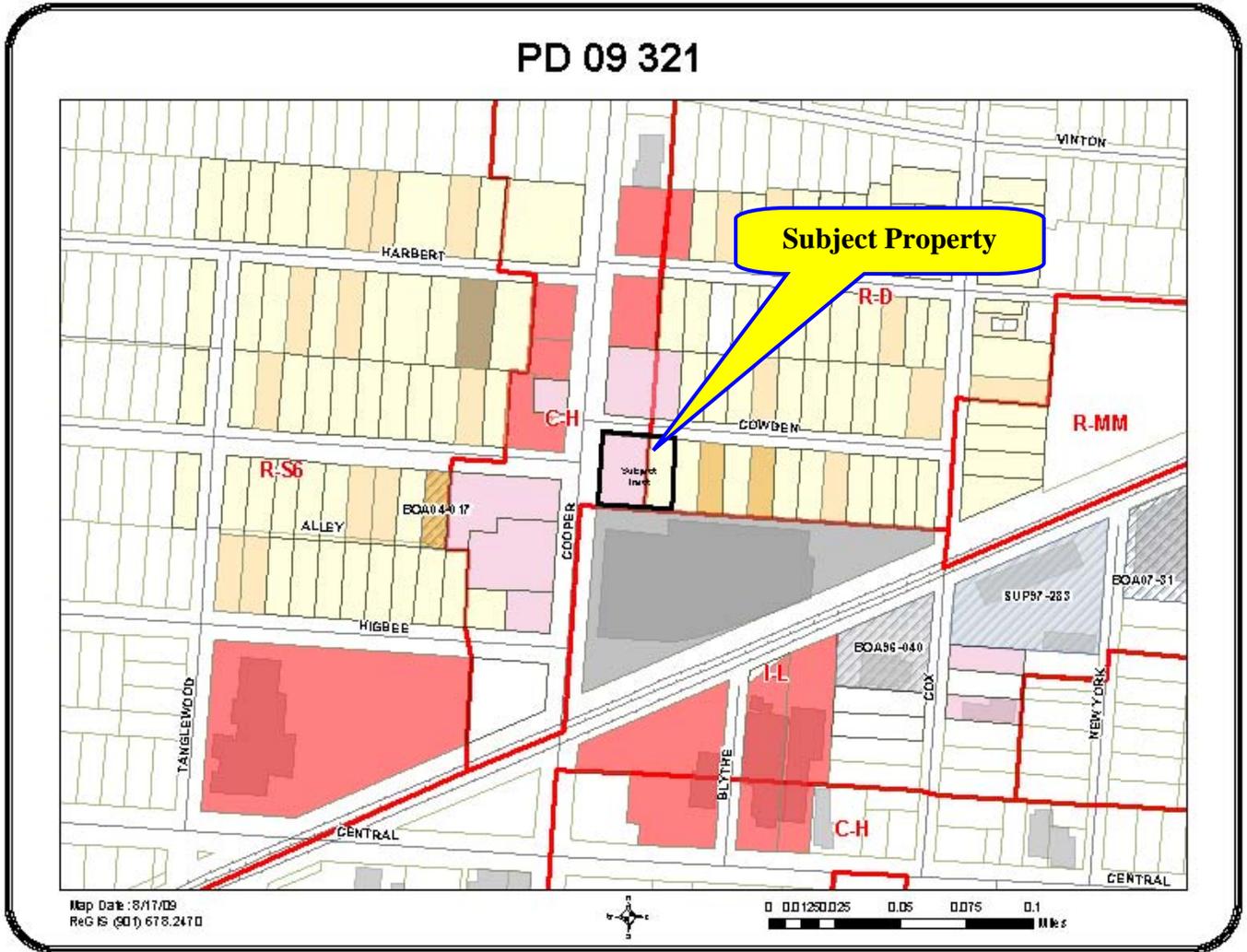
**Staff:** *Brian Bacchus*

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

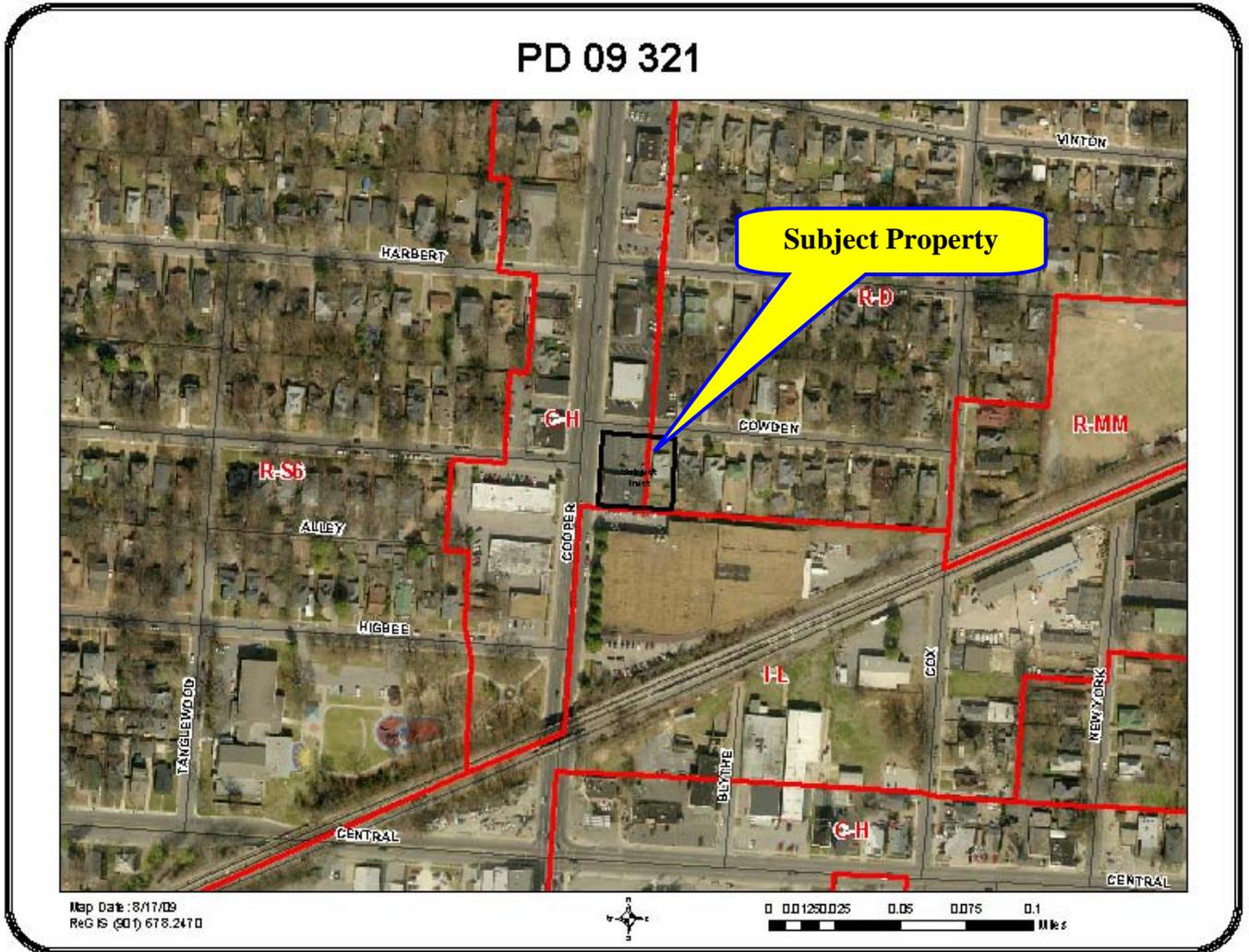
***CONCLUSIONS:***

- 1. The request is for a planned development to combine two(2) adjacent parcels to allow additional parking at the east side of an existing office building. The vacant lot immediately east of the building is in Duplex Residential(R-D) District zoning and does not allow a parking lot by right.**
- 2. The required parking for office is a 1:300 ratio plus one(1) for each business vehicle. The existing building is 5,040 square feet in area and requires seventeen(17) parking spaces. The site meets required parking standards, but client parking from time to time may exceed the standard ratio.**
- 3. The applicant is proposing to establish additional parking in residential zoning at the east side of the building with an improved access and circulation pattern, including adequate landscaping and screening adjacent to single family residential.**
- 4. This parking lot expansion with an improved access and circulation pattern aligns with the land use directly north and across the street. The use of this lot for parking prohibits any future residential property from facing directly into the back of a commercial land use.**
- 5. The Outline Plan illustrates a parking layout design with parking up to the street along South Cooper and Cowden Avenue. The parking spaces at the intersection shall be eliminated to provide a landscape treatment at South Cooper Street and Cowden Avenue. The parking should also be pulled back from the street with new landscape treatments along the streets.**

ZONING & LAND USE:



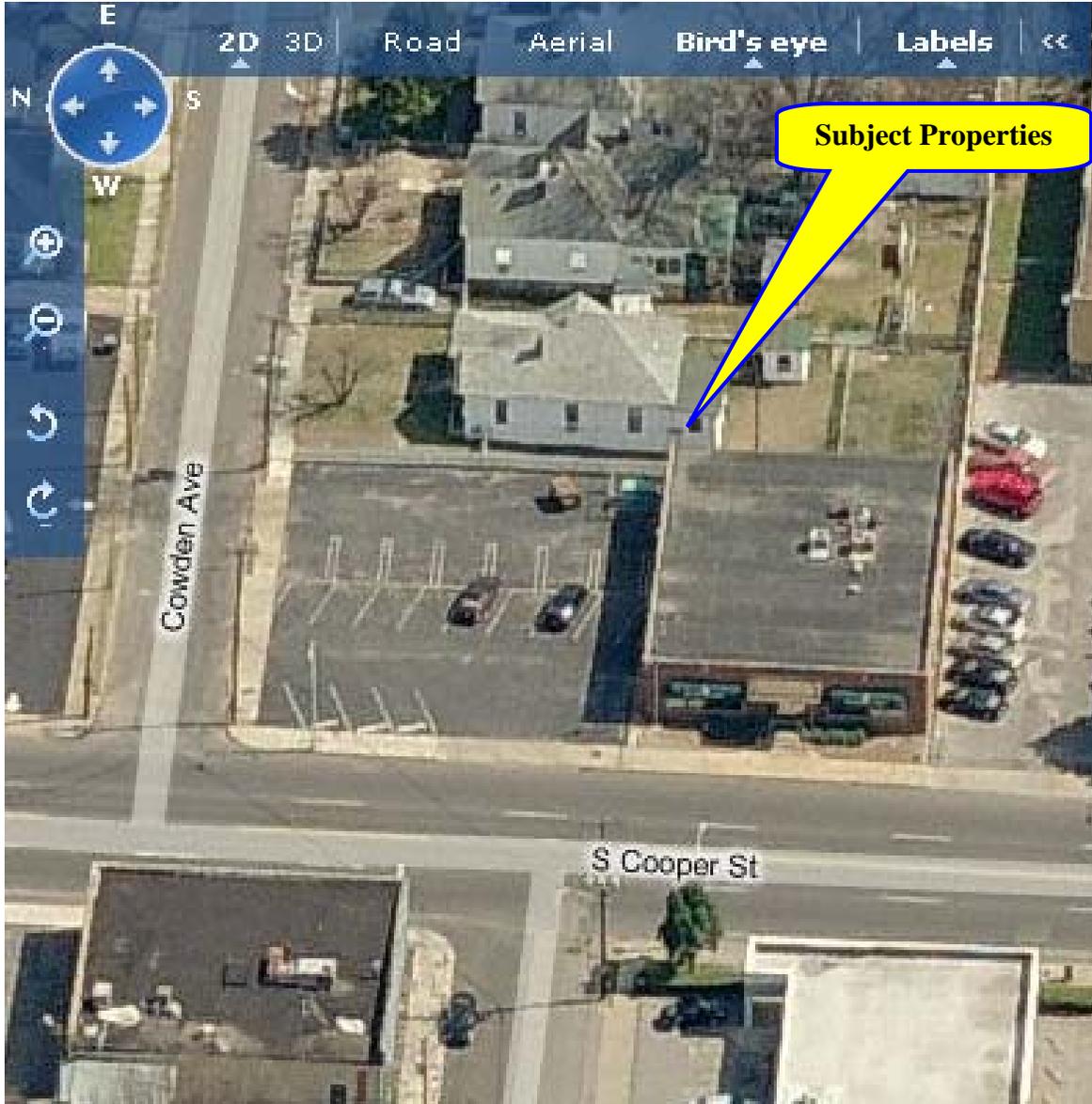
AERIAL ZONING MAP



642 South Cooper Street  
(Aerial View)



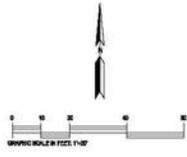
642 South Cooper Street  
(Bird's Eye View)



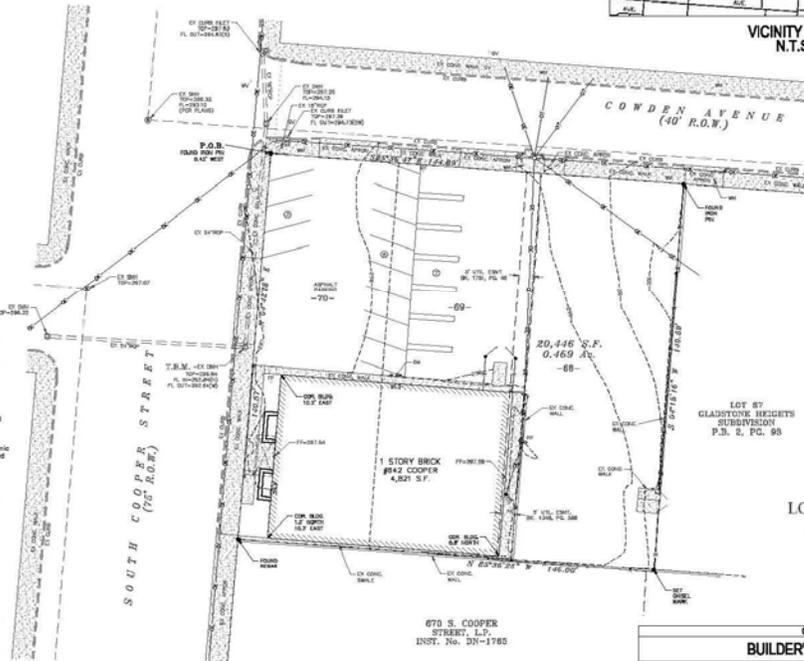
**SURVEY**

**NOTES:**

1. Survey prepared for Powers Hill Geog., LLC.
2. Easings are relative to NAD 83.
3. This survey was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss resulting in any matter that might be discovered by an abstract or title search of the property.
4. All deed book references shown herein are recorded in the Register's Office of Shelby County, Tennessee.
5. The property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47570C 0200 F, Community Panel No. 470771 0200 F, Effective Date: September 28, 2007.
6. Structures visible on the site of this survey are shown herein.
7. All visible utility structures located on this property of which we have knowledge are shown herein.
8. Underground pipes were assumed to be straight from structure to structure.
9. There may be non-visible underground utilities crossing or serving this property of which we have no knowledge.
10. There may be underground or non-visible utilities, dials and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
11. Subsurface and environmental conditions were not examined or considered as a part of the survey.
12. Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
13. Elevation shown herein were taken on the ground using T.B.M. noted herein.
14. Contours were plotted at one foot intervals for convenience only.
15. Contours were derived from elevations taken on the ground by means of rodless tape and are relative to T.B.M. noted herein.
16. Temporary Benchmark (T.B.M.) East end of an existing drain manhole located on the east side of South Cooper Street, 24 feet south of the south line of Cowden Avenue.  
Elevation: \_\_\_\_\_
17. Benchmark (B.M.) NGS Monument No. AJ-2921 being a stainless steel cap with a pinpoint set in a soil hole in the concrete sidewalk on the south side of Union Avenue in front of address #171 Union Avenue, 23.00 feet east of the southeast projection of Benchmark Street, 3.90 feet south of the south outline of Union Avenue.  
Elevation: 283.83 (NAD 83)
18. If this survey plot is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with the original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original printed document issued at the time of the survey.
19. Survey is void only if print has original seal of surveyor.
20. Distances shown on this plot are in feet and can be converted to meters by multiplying by 0.3048.
21. There are a total of 18 parked parking spaces on this property.
22. This property is zoned C-1H per the official website of the Shelby County Register's Office with the following bulk restrictions per an unofficial copy of the Memphis and Shelby County Zoning Ordinance:  
Front Setback - 30 feet  
Side Setback - 15 feet  
Rear Setback - 15 feet  
Maximum Height - 30 feet
23. Reference is hereby made to Easement Contract recorded in Book 1791, Page 46 that affects this property, as shown herein.
24. Reference is hereby made to Easement Contract recorded in Book 4346, Page 586 that affects this property, as shown herein.



VICINITY MAP  
N.T.S.

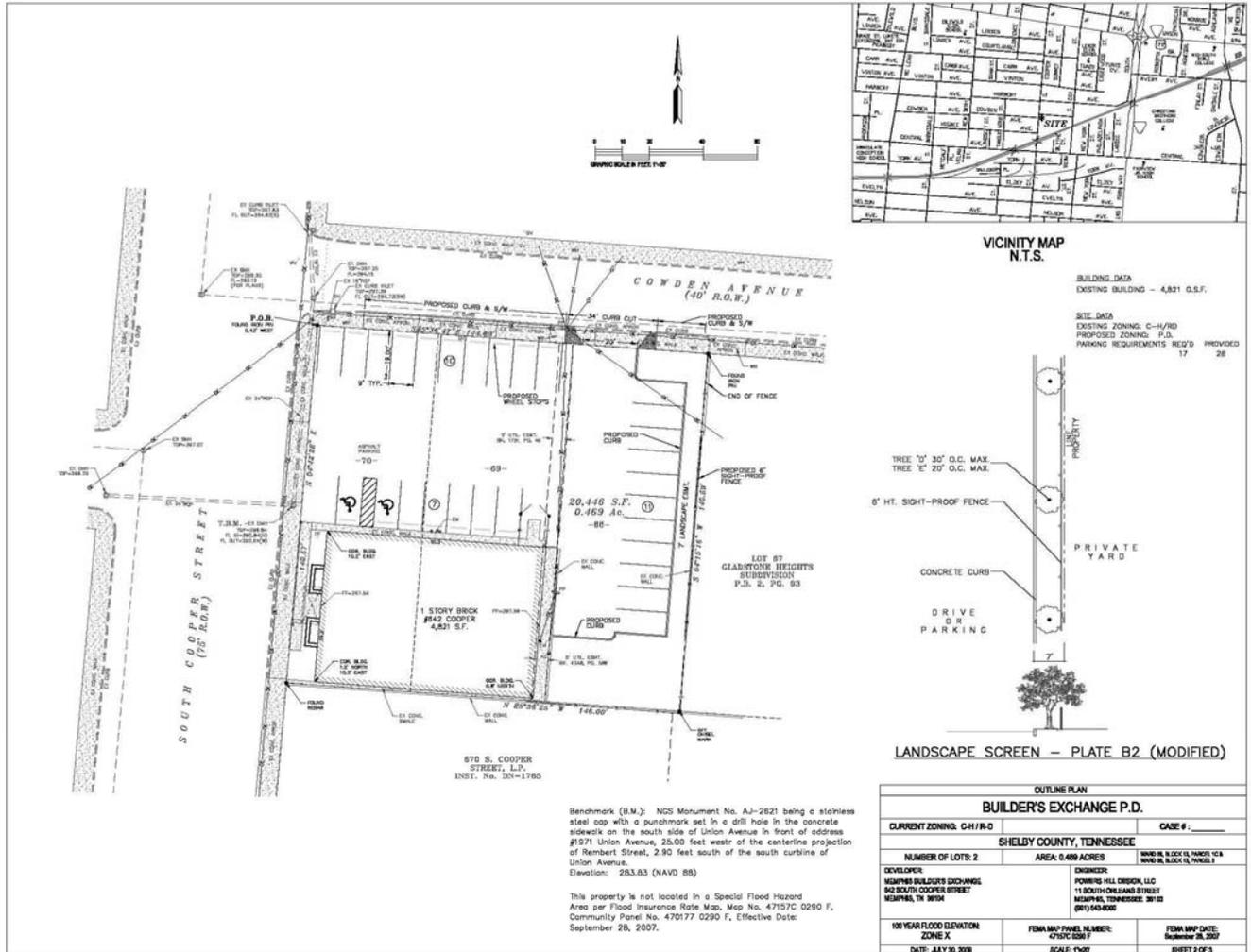


TOPOGRAPHIC SURVEY OF  
LOT No.'S 68, 69, & 70  
GLADSTONE HEIGHTS  
SUBDIVISION  
RECORDED IN  
PLAT BOOK 5, PAGE 93  
MEMPHIS,  
SHELBY COUNTY, TENNESSEE  
SCALE: 1" = 20' DATE: JUNE 08, 2008

**DESCRIPTION:**  
Description of Lot No.'s 68, 69, and 70, Gladstone Heights Subdivision recorded in Plat Book 5, Page 93 in Memphis, Shelby County, Tennessee:  
Beginning at the intersection of the east line of South Cooper Street (75' R.O.W.) and the south line of Cowden Avenue (40' R.O.W.) (found iron pin located 0.42' west of corner); thence south 85 degrees 36 minutes 47 seconds east with the south line of said Cowden Avenue, 144.89 feet to a found iron pin in the west line of Lot 67, Gladstone Heights Subdivision recorded in Plat Book 5, Page 93; thence south 24 degrees 15 minutes 18 seconds west with the west line of Lot 67 of said subdivision recorded in Plat Book 5, Page 93, 140.28 feet to a set of iron nails in the north line of the 670 S. Cooper Street, L.P. property recorded at Instrument No. DN-1785; thence north 85 degrees 38 minutes 20 seconds west with the north line of said property recorded at Instrument No. DN-1785, 146.00 feet to a found rebar in the west line of said South Cooper Street; thence north 24 degrees 42 minutes 28 seconds east with the west line of said South Cooper Street, 160.67 feet to the point of beginning and containing 20,446 square feet or 0.469 acres of land.

| OUTLINE PLAN  |  |  |
|---|--|--|
| BUILDER'S EXCHANGE P.D.   |  |  |
| CURRENT ZONING: C-1/RD  | SHELBY COUNTY, TENNESSEE   | CASE #:  |
| NUMBER OF LOTS: 2   | AREA: 0.469 ACRES  | WHERE IN BLOCK (IL MARK) OR IN BLOCK (IL MARK) |
| DEVELOPER<br>MEMPHIS BUILDER'S EXCHANGE<br>842 SOUTH COOPER STREET<br>MEMPHIS, TN 38104 | OWNER<br>POWERS HILL ORSON, LLC<br>11 SOUTH OAKLAND STREET<br>MEMPHIS, TENNESSEE 38118<br>(901) 443-8000 |  |
| 100 YEAR FLOOD ELEVATION<br>ZONE X  | FEMA MAP PANEL NUMBER:<br>4757C 0200 F   | FEMA MAP DATE:<br>September 28, 2007           |
| DATE: JULY 30, 2008   | SCALE: 1"=20'  | SHEET 1 OF 3                                   |

**OUTLINE PLAN:**



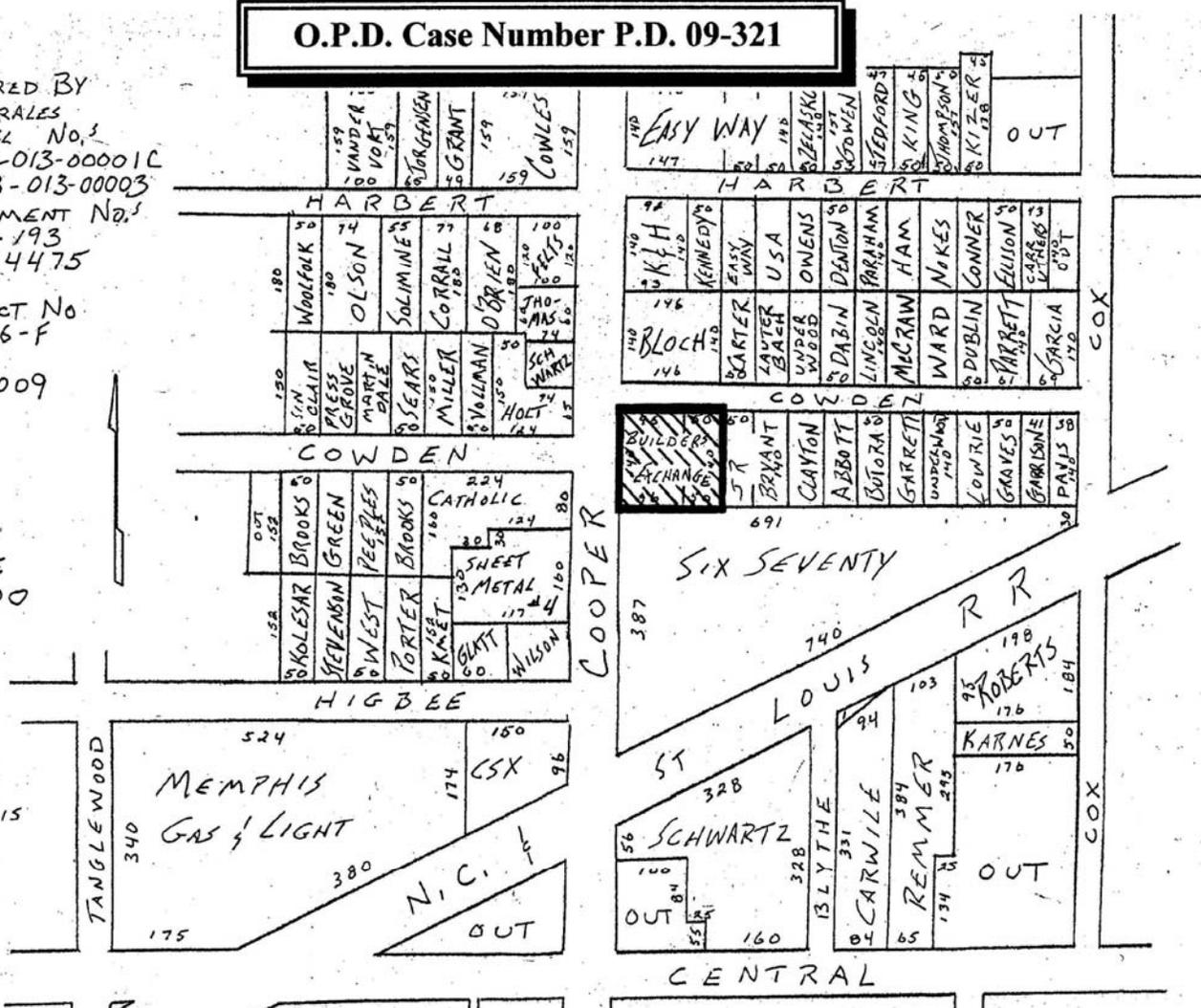
**VICINITY & OWNERSHIP:**

**O.P.D. Case Number P.D. 09-321**

PREPARED BY  
STORABLES  
PARCEL No. 3  
W 028-013-00001C  
W 028-013-00003  
INSTRUMENT No. 5  
4229-193  
09044475  
  
PROJECT No.  
0806-F  
  
6/2009

SCALE  
1:200

1" = N-C  
ST LOUIS  
RR



## ***STAFF ANALYSIS:***

### **Site Description**

The subject property consists of three(3) lots in Gladstone Subdivision located at the southeast corner of South Cooper and Cowden Avenue. The total area of all lots combined is approximately one-half( $\frac{1}{2}$ ) acre(0.47) or 20,430 square feet. On two(2) of the lots is a one-story brick office building 5,040 square feet in area built in 1957 and the remaining lot is vacant which is primarily the reason for this Outline Plan. The subject property is also located in Midtown Planning District in East-Midtown, just east of Idlewild Neighborhood.

There is curb, gutter and sidewalk along the east side of South Cooper with overhead power as well as curb, gutter and sidewalk along the south side of Cowden Avenue. The existing building is to the street with the front of the building facing South Cooper Street and parking, access and circulation to Cowden Avenue. The vacant lot to the east included in this application was once occupied by a single family home in Duplex Residential(R-D) District zoning.

### **Area Overview**

The immediate area is located just north of the intersection of South Cooper Street and Central Avenue in the Midtown area of the City of Memphis, but more specifically in East-Midtown neighborhood. The land use along both sides of South Cooper consists of office, retail, neighborhood grocer, small restaurant and Peabody Park, a public neighborhood park. This segment of Cooper Street from Union Avenue south to Central Avenue is primarily commercial with buildings built to the street with some exceptions to those built in the mid to late 1970's of suburban design. The zoning of this street is Highway Commercial(C-H) District zoning with primarily local neighborhood services. There are offices at the opposite side of the street and a long time business establishment for an office/manufacturing facility in Light Industrial(I-L) District zoning directly south and adjacent to the subject property.

The land use farther south and at the north side of Central Avenue is a nursery, gasoline sales/convenience store, antique shop, laundry and martial arts studio, including motor vehicle service. These land uses are separated from the subject property and the neighborhood by the CSX Railroad. This area is located between two prominent Midtown neighborhoods—Idlewild and Cooper-Young. The single family homes in these sustainable neighborhoods have been well-maintained in residential character with curb, gutter and sidewalks, including mature trees in the front and rear yards and along the streets. The width of South Cooper Street(75') has four(4) lanes of traffic with no parking along either side of the street. The neighborhoods experience parking along the residential portions of the streets that are only forty(40') feet in width and would benefit from additional neighborhood parking during a neighborhood festival or from any other annual event.

### *Land Use vs. Additional Parking*

The request is for a planned development to combine two(2) adjacent parcels to allow additional parking at the east side of an existing office building. The vacant lot immediately east of the building is in Duplex Residential(R-D) District zoning and does not allow a parking lot by right. Therefore, the applicant is proposing to combine the lots to expand the parking lot for the office building. The required parking for office is a 1:300 ratio plus one(1) for each business vehicle. The existing building is 5,040 square feet in area and requires seventeen(17) parking spaces. The site meets required parking standards, but client parking from time to time may exceed the standard ratio. The existing parking layout and design does not coincide with current standards for access and circulation.

The applicant is proposing to establish additional parking in residential zoning at the east side of the building with an improved access and circulation pattern, including adequate landscaping and screening adjacent to single family residential. The existing curb, gutter and sidewalk will remain with a new curb-cut thirty-four feet in width on Cowden Avenue. This parking lot expansion with an improved access and circulation pattern aligns with the land use directly north and across the street. The use of this lot for parking prohibits any future residential property from facing directly into the back of a commercial land use.

### *Site Plan Review*

The office building currently has eighteen(18) parking spaces with two(2) curb-cuts to Cowden Avenue and the vacant lot has a residential curb-cut that will meet commercial standards. The total parking would increase by ten(10) parking spaces, including required handicap spaces. The new parking provides eleven(11) spaces along the east property line adjacent to a single family home. A landscape screen seven(7) feet in width will be provided along this property line, including a sight-proof fence six(6') feet in height. However a new sight-proof wood fence already exists on the residential property. The Outline Plan illustrates a parking layout design with parking up to the street along South Cooper and Cowden Avenue. The parking spaces at the intersection shall be eliminated to provide a landscape treatment at South Cooper Street and Cowden Avenue. The parking should also be pulled back from the street with new landscape treatments along the streets to provide better streetscapes at a secondary entrance to a residential neighborhood.

***RECOMMENDATION:***      *Approval with Conditions*

***OUTLINE PLAN CONDITIONS:***

- I. Uses Permitted:
  - A. A parking lot with a maximum of eleven(11) spaces for an existing office building.
  - B. All storage shall be inside the building. No accessory structures shall be permitted.
- II. Bulk Regulations: In accordance with the Zoning Ordinance-Regulations.
- III. Access, Circulation and Parking:
  - A. Dedicate a ten(10') foot property line radius at the intersection of Cooper and Cowden and improved in accordance with the Subdivision Regulations. The developer shall install an ADA compliant access ramp at the corner.
  - B. The existing curb cut on South Cooper Street shall be relocated to line up with the proposed center drive aisle and shall be constructed to meet ADA cross slope requirements
  - C. Any existing nonconforming curb-cuts, including sidewalks shall be modified to meet current City of Memphis and ADA Standards.
  - D. The design, location and number of curb cuts shall be subject to review and approval by the City Engineer.
  - E. The parking spaces at the intersection shall be eliminated to provide a landscape treatment at the corner of South Cooper Street and Cowden Avenue.
- IV. Landscaping and Screening:
  - A. A Landscape Plate 'A' series or equivalent alternative shall be provided along South Cooper and Cowden Avenue.
  - B. A Landscape Plate 'B-2'(modified) seven(7') feet in width or equivalent alternative shall be provided along the east property line.
  - C. A detailed 'Landscape Plan' illustrating specific plant materials, including a fence design shall be provided on the final plan and subject to review and approval by the Office of Planning & Development.
  - D. Any landscaping shall not be placed on sewer or drainage easements.
- V. Signs shall be in accordance with the Highway Commercial(C-H) District.

VI. Drainage & Other:

- A. 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.
- B. The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping, and other site design 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(10) days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative body.

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

VIII. Any final plan shall include the following:

- A. The Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials for required landscaping and screening.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easement(s).
- F. The one-hundred(100) year flood elevation.

**GENERAL INFORMATION:**

**Street Frontage:** South Cooper Street-----140.57 linear feet.  
Cowden Avenue-----144.89 linear feet.

**Planning District:** Midtown

**Census Tract:** 34

**Zoning Atlas Page:** 2035

**Parcel ID:** 028012 00001C and 028013 00003

**Zoning History:** The Duplex Residential(R-D) & Highway Commercial(C-H) District zoning of the site date to the adoption of the 1980 zoning map amendments.

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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.
2. City sanitary sewers are available at developer's expense.
3. Dedicate a 10 foot property line radius at the intersection of Cooper and Cowden and improved in accordance with the Subdivision Regulations. The developer shall install an ADA compliant access ramp at the corner.
4. The City Engineer shall approve the design, number and location of curb cuts.
5. The existing curb cut on Cooper St shall be relocated to line up with the proposed center drive aisle and shall be constructed to meet ADA cross slope requirements.
6. The proposed curb cut onto Cowden Avenue will have to be relocated approximately 7 feet east of the existing power pole, or the pole will have to be relocated.
7. The two existing curb cuts on Cowden Avenue nearest the intersection shall be closed with curb, gutter and sidewalk.
8. The developer shall construct 6 foot wide sidewalks against the face of curb on all street frontages, as necessary.

9. 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.
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.

**Drainage:**

12. 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.

**Memphis Fire Services:** No comment.

**Memphis & Shelby County Health Department:**

|                                  |                |
|----------------------------------|----------------|
| <b>Pollution Control:</b>        | No objections. |
| <b>Environmental Sanitation:</b> | No objections. |
| <b>Water Quality Branch</b>      | No comments.   |

**City Real Estate:** None.

**Memphis Board of Education:**

There is no indication that any school aged children will be generated as a result of the approval of this application. No identifiable impact on MCS' school-aged population nor MCS' property interests.

**Construction Code Enforcement:** No comments.

**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).
- **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 Residential Engineer at 528-4855 for application of utility services.
  - All commercial developers must contact MLGW 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.

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

**OPD-Regional Services:** No comments.

**OPD-Plans Development:** No comments received.

**TN Dep't of Environment & Conservation:**

Be advised that it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

**Neighborhood Associations/Organizations:**

|  |   |
|--|---|
| <i>East Midtown Community Association:</i> | <i>No comments received as of 9/4/09.</i> |
| <i>Cooper-Young Community Association:</i> | “ “ .                                     |
| <i>Orange-Mound Concerned Citizens:</i>    | <i>No comments received as of 9/4/09.</i> |
| <i>Idlewild Neighborhood Association:</i>  | “ “ .                                     |

**Staff:** *bb*