

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **13**

CASE NUMBER: P.D. 09-325 **L.U.C.B. MEETING:** November 12, 2009

DEVELOPMENT NAME: Whitten Road Commercial Planned Development, Amended

LOCATION: Northeast corner of Whitten Road and Captains Rite Cove

COUNCIL DISTRICT: 1

SUPER DISTRICT: 9

OWNER OF RECORD: Ross Hamilton

APPLICANT: Scott D. Marshall

REQUEST: Amend the conditions for Lot 1 to permit automotive repairs and auto sales

AREA: 1.53 Acres

EXISTING LAND USE & ZONING: Governed by the approved conditions for P.D. 03-347

SURROUNDING LAND USES AND ZONING:

North: An office warehouse use in the Highway Commercial (C-H) District

East: Vacant land, lots 2 and 3 of the Whitten Road Commercial Planned Development

South: Vacant land associated with the Whitten Road Commercial Planned Development and the Sections A, B, and C of the Whitten Road Business Center.

West: Predominately vacant land in the Agricultural (AG) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

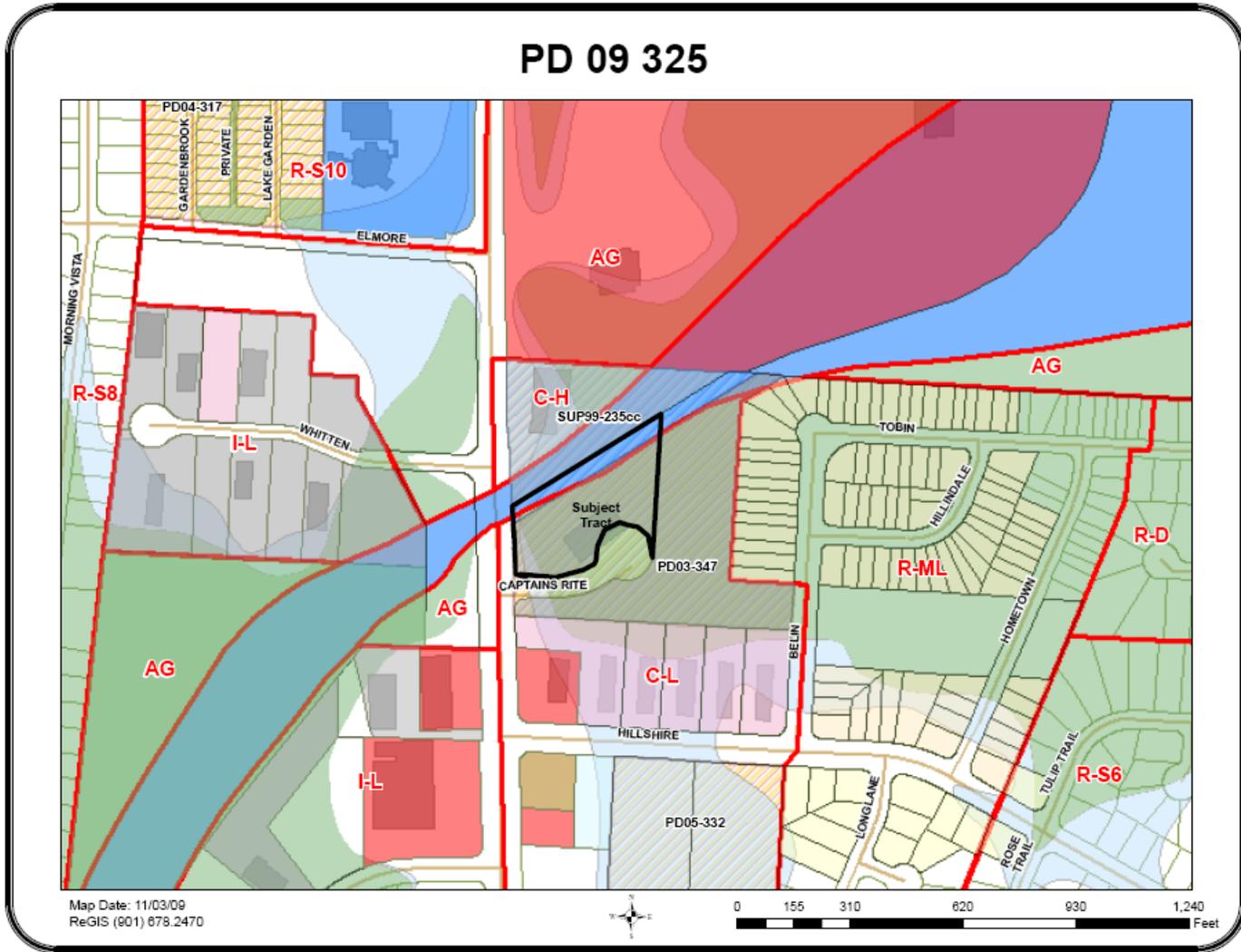
APPROVAL WITH CONDITIONS

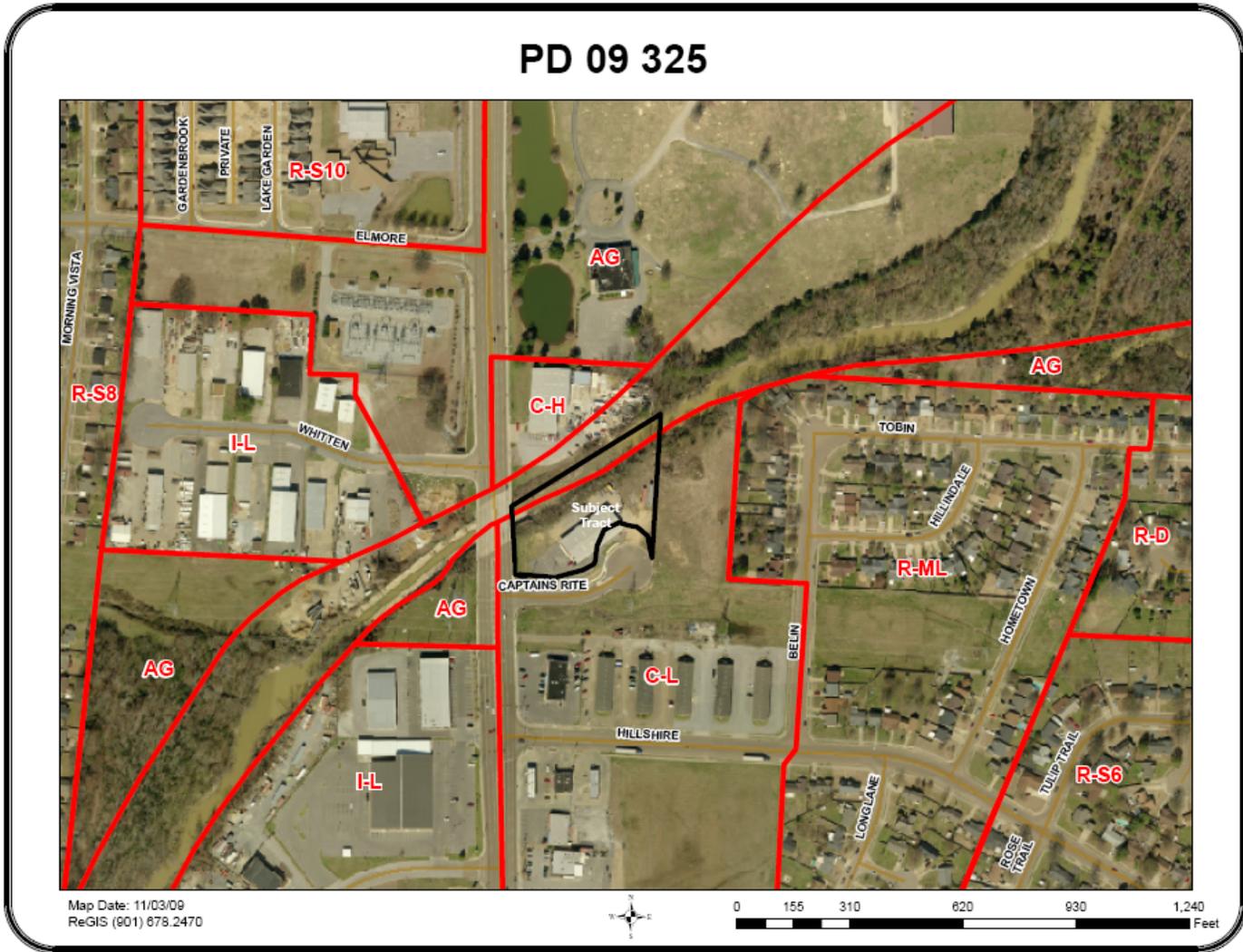
STAFF: Don Jones

E-Mail: john.jones@memphsitn.gov

CONCLUSIONS

1. The current request is to amend the conditions of the Planned Development to permit automobile sales and service. These uses are permitted by right in the Highway Commercial District and by an approved Special Use Permit in the Local Commercial District.
2. Whitten Road from I-40 to Summer Avenue exhibits a wide range of uses from retail uses in small strip centers to large scale office showroom uses. Included within this range are automobile service uses.
3. The subject site is currently developed with a one story metal building which dates to 1986. This building's design is better suited to an office/warehouse or service related use such as the requested use than a typical retail use found in the Local Commercial District.
4. Physical encumbrances to the site, including Fletcher Creek, an existing drain easement, and overhead utility lines, provide a limitation on how the site can be developed. Among these limitations is its visibility for south bound traffic along Whitten Road.
5. The site has a small parking field of 19 spaces between the building and the street frontage, which will serve as a limitation on the number of cars that can be displayed for sale at any one time.





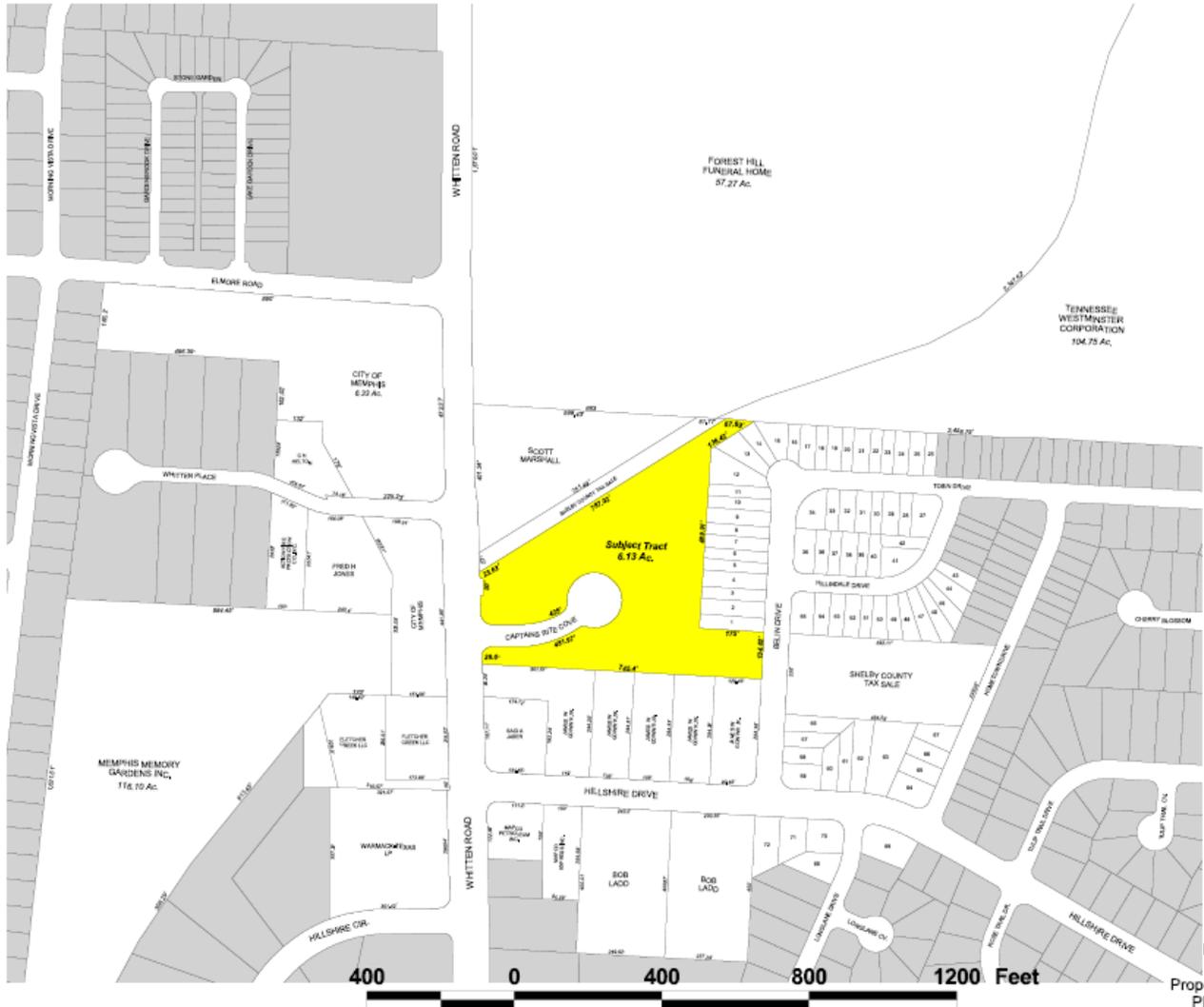
Views from Whitten Road



Views from Captains Rite Cove



Vicinity Map



Date: 10/26/09
Prepared By:
Property Research Data
PRD Job #09-067

STAFF ANALYSIS

Location and Site Characteristics:

The subject property is located at the northeast corner of Whitten Road and Captains Rite Cove in the Hillshire area of Memphis.

The site sits well below the grade level of Whitten Road but at an even grade level to the Cove. Whitten Road at this location is elevated to cross Fletcher Creek which forms the north boundary of the subject site.

The subject site, which is lot 1 of the Whitten Road Commercial Planned Development, contains a one-story metal building which predates the approval of the current planned development. The site also contains a parking area adjacent to the Whitten Road frontage, a drive aisle that provides access to two service bays and three curb cuts on Captains Rite Cove. On the north side of the building, between the building and Fletcher Creek, is a storage area for equipment and vehicles that are not currently being serviced.

Other physical characteristics of the site include a 15 foot wide public drain easement which runs across the front parking lot and overhead wires that run on a diagonal across this parking area.

History of Site

The subject property is part of a 3-lot planned development that was approved by the Memphis City Council in December of 2003. The conditions of that Planned Development limit the approved uses to those that are by right or by administrative site plan review in the Local Commercial District. Lots 2 and 3 which are further to the east of the subject property were permitted some additional uses that include limited outdoor storage.

The site's overall proximity to residential uses to the east was the primary justification for limiting the uses on this site.

The applicant is occupying the back 2/3 of the building as an auto repair shop with a small office. Now that the front office is available, the plan is to move the office function to the front of the building which will allow for a more orderly use of the site.

A final plat was recorded to dedicate the cove that provides access to the three lots. As a result, of that recording, the planned development has been activated making the effective zoning of Lot 1 Local Commercial.

Review of Request:

The current request is to amend the conditions of the Planned Development to permit automobile sales and service. These uses are permitted by right in the Highway Commercial District and by an approved Special Use Permit in the Local Commercial District.

A Final Plat for Lot 1 should have been filed prior to any occupancy of this building. If it had, the site plan conditions would have been imposed and this site would be in compliance with its zoning.

Zoning and Land Use – Whitten Road from I-40 to Summer Avenue exhibits a wide range of uses from retail uses in small strip centers to large scale office showroom uses. Included within this range are automobile service uses.

In close proximity to this site, uses include an auto parts facility in the C-H District which is located to the north of the subject property on the east side of Whitten Road. On the west side of Whitten Road are contractors offices with outdoor storage to in the Light Industrial District. Road.

South of the subject site are small retail centers in the Local Commercial and Light Industrial Districts.

Issues related to this site – As indicated above, the subject site has a combination of issues which support this request. First, the existing building on the site which dates to 1986, is a one-story metal building whose design best fits an office warehouse use or the requested auto service use. Neither of these uses are C-L uses.

Second, the physical encumbrances to the site, Fletcher Creek, drain easement, and overhead utility lines, provide a limitation on how the site can be developed. Among these limitations is its visibility for south bound traffic along Whitten Road.

Finally, the site has a small parking field of 19 spaces between the building and the street frontage. With at least six of these spaces devoted to customer parking, the remaining 13 would not look out of place next to small shopping centers that provide similar parking in their front parking lots.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS

Whitten Road Commercial Planned Development – Amended P.D. 09-325

(Bold Print represents new conditions added for this request)

I. Uses Permitted:

- A. Any use permitted by right and with administrative site plan review in the Local Commercial (C-L) District on Lots 1, 2, and 3.
- B. Any use permitted by right or with administrative site plan review in the Local Commercial (C-L) District with the following additional uses on Lot 3 only:
 - 1. Outdoor storage incidental to retail
 - 2. Contractor's storage, indoor
 - 3. Contractor's yard or storage, outdoor
- C. Automotive sales and service shall be permitted on Lot 1 only.

II Bulk Regulations:

- A. Setbacks shall be in accordance with the C-L District except as follows:
 - 1. Setback from Whitten Road shall be 40 feet.
- B. All other bulk regulations shall be in accordance with the C-L District**
- C. The Final Plat shall designate the six parking spaces in the front of the building as customer parking. The remaining 13 spaces may be used for display or customer parking.**
- D. The Final Plat shall designate spaces on the site for vehicles that are awaiting service.**
- E. Any vehicles left overnight shall be located within the building or behind a screened area.**

III Access and Circulation:

- A. Dedicate 60 feet from the centerline of Whitten Road and improve in accordance with Subdivision Regulations.

- B. Dedicate a cul-de-sac (60 foot right-of-way with a 75 foot radius) as shown on the site plan and as approved by the City Engineering Office.
- C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. Access to Whitten Road via individual private drive or driveway is prohibited. Convey right of access to City of Memphis.
- E. Access to Belin Drive via individual private drive or driveway is prohibited. Convey right of access to City of Memphis.
- F. Provide internal circulation between adjacent phases, lots, and sections.
- G. Parking shall be in accordance with Section 29 of the Zoning Ordinance.

IV Landscaping and Screening:

- A. An A-2 landscape plate or alternative equivalent (acceptable to the Office of Planning and Development) shall be installed and maintained along the Whitten Road frontage of each adjacent lot.
- B. A B-4 landscape plate or alternative equivalent (acceptable to the Office of Planning and Development) shall be installed and maintained on each lot adjacent to residential development.
- C. Required landscaping shall not be placed on sewer or drainage easements.
- D. All exterior on-site lighting will be shielded and confined within the site boundaries. No direct lighting or glare shall shine onto public streets or adjacent property.
- E. Refuse containers shall be completely screened from view of the public roads and adjacent residentially zoned or used property.
- F. The storage area located north of the building in Lot 1, shall be screened from public view by the use of landscaping (a species of holly, maintained as a hedge – 3 gallon size at installation and spaced 3 feet on center) or a six foot tall, sight proof, wooden fence with a cap.**

V Signs:

- A. Lot 1 shall be permitted a ground mounted sign on Whitten Road with a maximum height of 20 feet and a maximum area as per the C-L District requirements for Zone 3 of the current sign ordinance.
- B. Lot 2 and 3 shall each be permitted ground mounted, monument style sign on the interior local cove with a maximum height of 10 feet and maximum area of 35 square feet.

VI Drainage:

- A. Drainage improvements, including possible 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 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.
- C. If the State will not issue an ARAP Permit for the concrete channel lining of the major drainage way, a drainage easement - unbuildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.
- D. The outline plan shall reflect a minimum 25-foot rear yard, exclusive of the easement along the natural drainage way, as well as a buildable area and front yard setback on each buildable lot.
- E. Part of this site is located within the 100-Year floodplain according to the FEMA maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100 year floodplain boundary line and elevation shall be reflected on the final plat and engineering plans.
- F. Part of this site is within the FLOODWAY according to the FEMA maps. No filling or construction shall be permitted within the Floodway. The Floodway boundary shall be reflected on the final plat and engineering plans.

- G. This project shall comply with the requirements of the Fletcher Creek Overlay District. Any new construction or addition of heated space in Lot 1 shall be required to meet this requirement unless it is otherwise exempted by the City Engineer or Director of the Division of Public Works.**

VII Public Sewer, Water, and Easements:

- A. Provide a 5-foot utility easement along all front, rear and side property lines.
- B. No driveways or other permanent structures shall be placed on any sewer, water, or storm drain easements.

VIII Other:

- A. A site plan showing building locations, storage areas, screening, landscaping, and parking/loading areas shall be submitted to the Office of Planning and Development for administrative approval prior to the final approval of an outline plan by Memphis City Council.
- B. The Land Use Control Board may modify the bulk, access, landscaping, screening, and other site requirements if equivalent alternatives are presented.
- C. A Use and Occupancy Permit shall not be issued for the Vehicle Sales and Service Use on Lot 1 until all required landscaping and screening has been installed and inspected and a Final Plat has been recorded.**

IX Time and Approval Limit:

A final plan shall be filed within five (5) years from the date that this Outline Plan is approved by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

X Final Plat Requirements: Any final plats shall include the following:

- C. The outline plan conditions.
- D. A standard subdivision contract as defined by the Subdivision Regulations.
- E. The exact location and dimensions of all lots, including buildable areas, streets, and required landscaping.
- F. The location and ownership, whether public or private, of any easement.

G. The 100 year flood elevation.

H. The following note shall be placed on the final plat of any development requiring 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 County Engineer, as applicable. 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 owner’s association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the County 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.

I. The following notes shall be reflected on the front of the final plat:

All outdoor storage shall be located only within the side or rear-yard of any principal building and shall be adequately screened from the public view as per an approved site plan from the Office of Planning and Development.

GENERAL INFORMATION

Street Frontage: Whitten Road - +/- 145 Feet
Captains Rite Cove - +/- 340 Feet

Planning District: Shelby Farms Germantown
The Germantown Parkway Study (adopted in 1992)
recommends
uses related to a Planned Business Park

Census Tract: 211.12

Zoning Atlas Page: 1850

Parcel ID: 095300 00237

Zoning History: A Planned Development consisting of 3 lots and regulated by the Local Commercial (C-L) District was approved by the Memphis City Council in December of 2003 (P.D. 03-347 Whitten Road Commercial P.D.)

DEPARTMENTAL COMMENTS

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

City Engineer:

All infrastructure for this site is in place, provided by standard improvement contract.

No comments on use.

Access to Whitten Road is denied. No curb openings will be approved except within Captain's Rite Cove.

City Fire Division: No comments received.

City Real Estate: None.

City/County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. If any abandoned water wells are present on this site they must be properly filled and

abandoned as outlined in Section 9 of the Shelby County Well Construction Code.

3. Since this is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the attached questionnaire.
4. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

City Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

AT&T: AT&T has no comment.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning: No comments received

Neighborhood Associations: No comments received
Cordova Leadership Council:
Cordova Community Watch, Inc.: