

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
ADDENDUM TO STAFF REPORT #11**

CASE NUMBER: S.U.P. 09-209

L.U.C.B. MEETING: November 12, 2009

LOCATION:

Southeast corner of Mallory Avenue and Lauderdale Street.

COUNCIL DISTRICTS:

Regular: 6 Super: 8

OWNERS:

Kalid Ibrahim and Salh Abdilahi

APPLICANT:

Forrest Dockersy

REQUEST:

Special use permit for a motor vehicle repair operations (Also required: Board of Adjustment variance for two principal uses on the same lot.)

AREA:

0.34 acres

EXISTING LAND USE & ZONING:

Convenience store – gas station in the Local Commercial (C-L) District

SURROUNDING USES AND ZONING:

- North:** Across Mallory Avenue, a church in the C-L District and residences and vacant lots i in the Duplex Residential (R-D) District.
- East:** Single-family residences in the C-L and R-D district.
- South:** Across and alleyway, commercial uses in the C-L District
- West:** Across Lauderdale Street, commercial and office use in the C-L District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval, with Conditions

CONCLUSIONS

- 1. The deficiencies in the original application have been addressed --- in that an acceptable site plan has been submitted and the Board of Adjustment, on October 28, approved two separate principal uses appears to involve two primary uses on this single parcel of land.**
- 2. A site plan and conditions have been prepared for the approval of small scale motor vehicle service operation limited in scope so as to be appropriate and neighborhood-friendly in the context of this C-L District zone.**

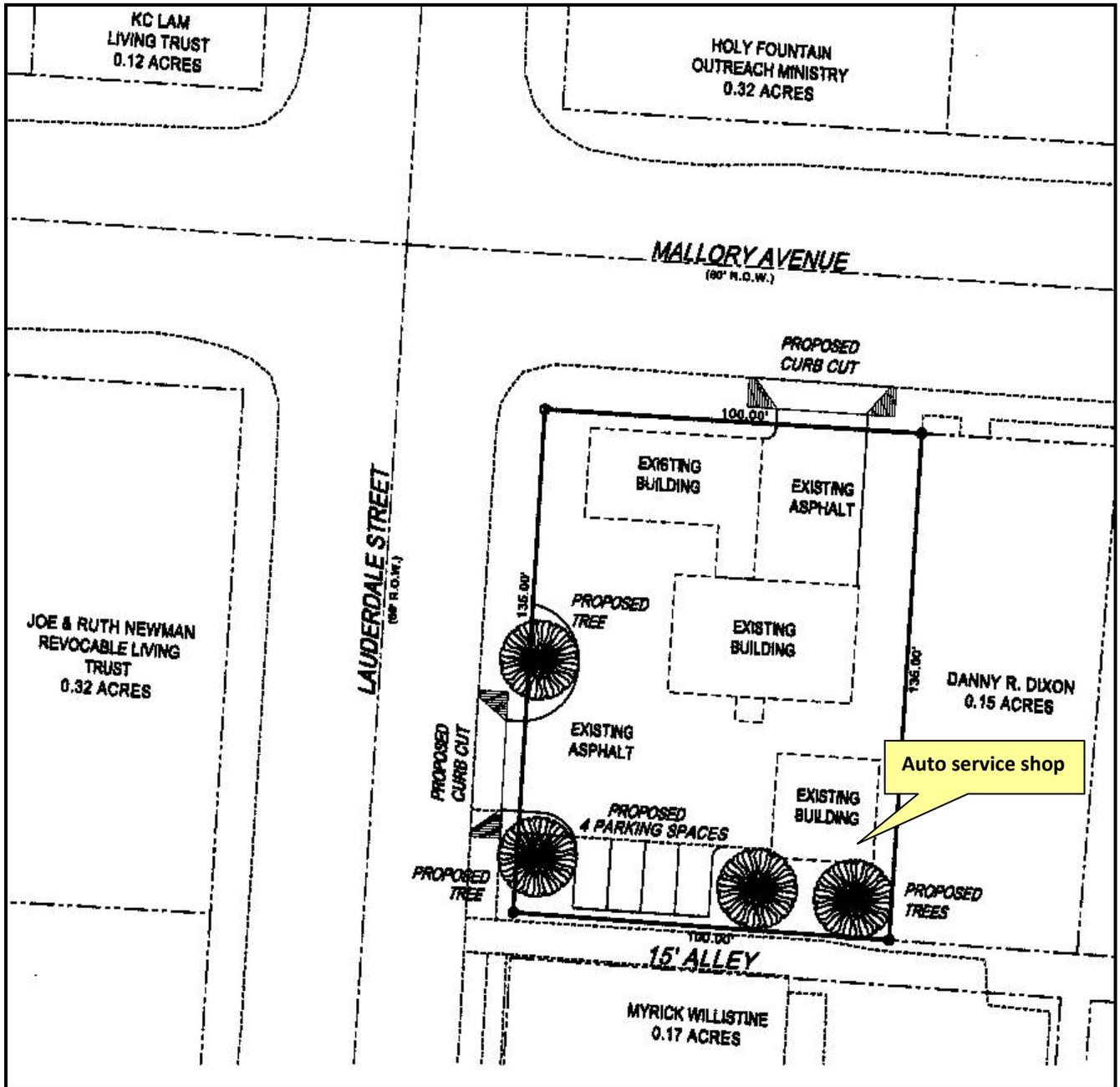


Figure A1: Revised Site Plan

SITE PLAN CONDITIONS
Motor Vehicle Repair as a Second Use
S.U.P. 09-209
As Recommended by OPD Staff for the
November 12, 2009 Meeting

A Special Use Permit is hereby granted to Forrest Dockersy, lessor, for the operation of a motor vehicle sales establishment at the southeast corner of Mallory Avenue and Lauderdale Street on the lot recorded at the Shelby County Register's Office as Instrument Number 06016375, subject to the approved site plan and the following site plan conditions:

1. No new building construction shall occur in connection with the issuance of this special use permit.
2. A maximum of four vehicles may be kept on site overnight, and the designated parking spaces shall be used for that purpose. No more than 5 vehicles shall be parked outside the service building at any time, on the southern 50 feet of the subject property.
3. Auto service work shall be confined to automobiles and light truck. No service may be performed on cargo trucks, etc. .
4. No auto body work shall be performed at this location, nor shall any service be performed requiring removal of an engine block or a transmission. No vehicle requiring such work shall be parked overnight on this site.
5. Subject to the review and approval of the City Engineer, one standard curb cut may be installed to permit direct access to this use from Lauderdale Street. In connection with this installation, the sidewalk shall be rebuilt as necessary...
6. No fencing shall be installed except in connection with edge screening along the north property line, as required by the zoning regulations.
7. As an equivalent alternate to zoning ordinance requirements, a streetscape planting of trees *[to be specified here]* shall be installed and maintained in accordance with the approved site plan.
8. Signage shall be in conformance with the current sign regulations, with the understanding that the case of single lot is the applicable standard for calculating permitted sign area for the convenience store – gas station and the motor vehicle service establishment. The entire lot must be in compliance, and the signage for the convenience store-gas station will also be regulated by this site plan.

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

CASE NUMBER: S.U.P. 09-209

L.U.C.B. MEETING: June 11, 2009

LOCATION:

Southeast corner of Mallory Avenue and Lauderdale Street.

COUNCIL DISTRICTS:

Regular: 6 Super: 8

OWNERS:

Kalid Ibrahim and Salh Abdilahi

APPLICANT:

Forrest Dockersy

REQUEST:

Special use permit for a motor vehicle repair operations (Also required: Board of Adjustment variance for two principal uses on the same lot.)

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- South:** Across and alleyway, commercial uses in the C-L District
- West:** Across Lauderdale Street, commercial and office use in the C-L District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Hold, for determination of subdivision status and filing of companion cases, if necessary.

CONCLUSIONS

- 1. This application appears to involve two primary uses on the same parcel of land, which would require the filing of an appropriate companion application with the Land Use Control Board (subdivision) or the Board of Adjustment (variance).**
- 2. Under the circumstances, it will be necessary to determine the status of the current land division, with respect to the subdivision regulations in order to know how to proceed with the issue as stated above.**

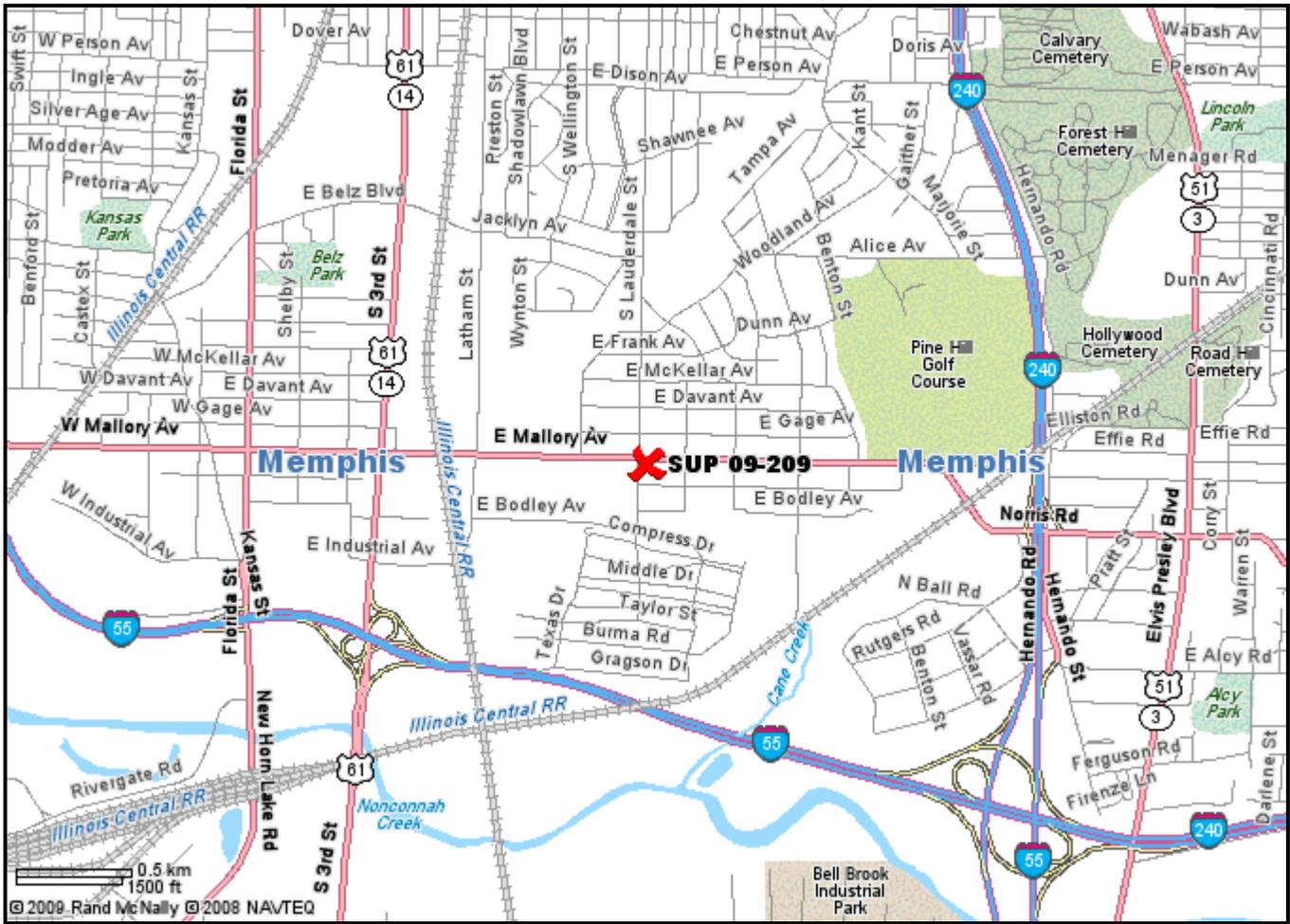


Figure 1: Vicinity Map



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



Figure 3: Overhead view of subject property

Source:

CivilEngineering Solutions LLC *Brenda P. Solomito*
Land Planner

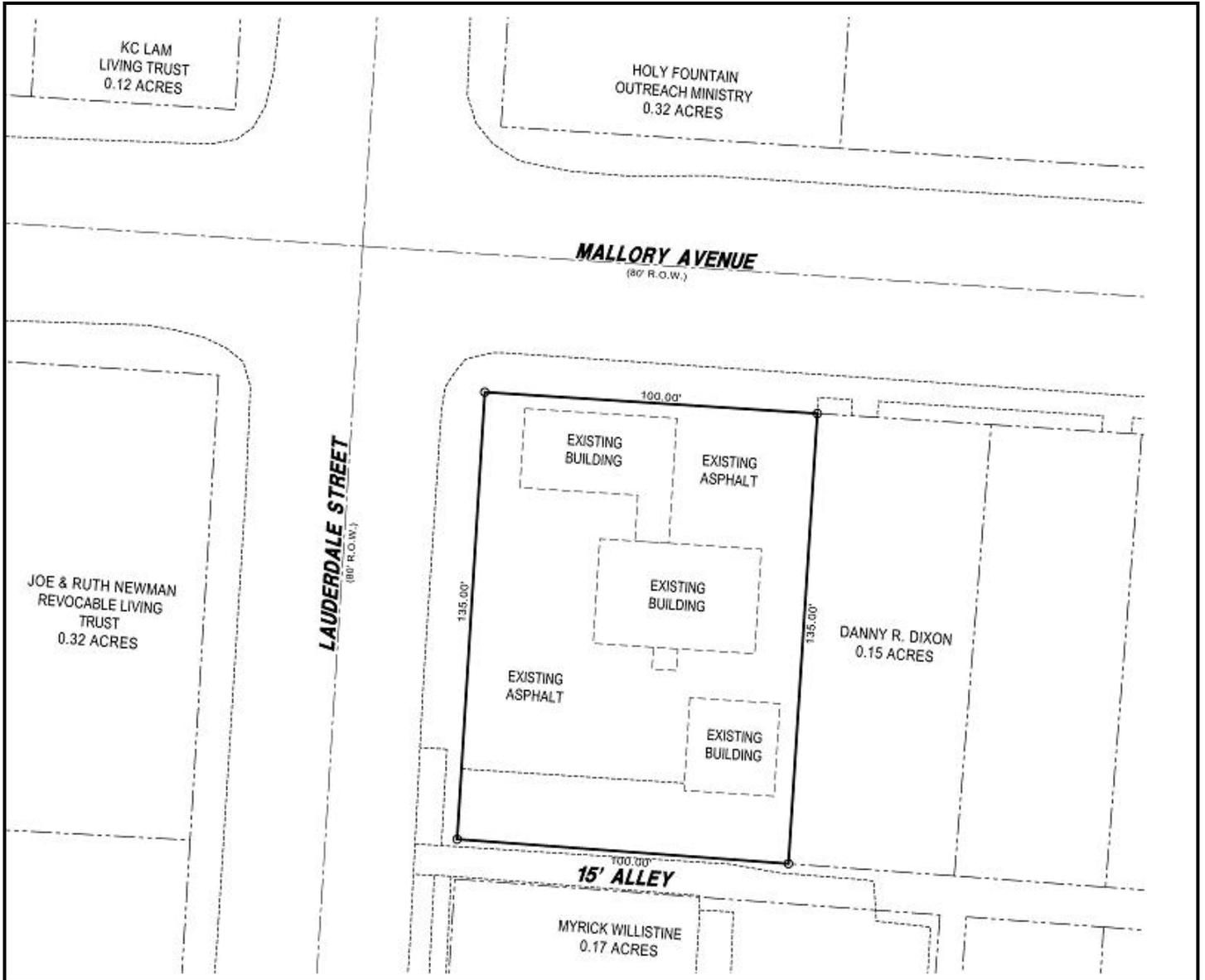


Figure 4: Proposed Plot / Site Plan as submitted



Figure 5: The application wishes to use this existing building as the site for a motor vehicle repair operation. The view is from the Lauderdale Street frontage.



Figure 7: The rear of the above building may be seen here from Mallory Avenue, behind the convenience store building.



Figure 8: A broader view of the Mallory Avenue frontage of the subject property.



Figure 9: View looking southward along the Lauderdale frontage includes the commercial building south of the alley in which a restaurant operates.



Figure 10: This house commercial is across Lauderdale Street at the southwest of the intersection with Mallory Avenue, which is the street shown here.



Figure 11: Visitors to this office on the west side of Lauderdale will have a fairly good view of the proposed motor vehicle repair operation on the subject property.

STAFF ANALYSIS

Site and Location

The subject property is a 13,000 sq. ft. corner lot, rectangular in shape at the southeast corner of Mallory Avenue and Lauderdale Street. Mallory Avenue is a 80' wide major throughfare connecting Elvis Presley Boulevard (US Hwy 51) and the nearby Norris Road interchange on Interstate 240 about a mile to the east, with South Third Street, which is approximately ½ mile to the west. Lauderdale which begins in the industrial area about ¼ mile south of the subject property is a 80' wide 4-lane industrial collector street that is a significant route for truck traffic, much of which turns onto or from Mallory. Lauderdale continues to the north as a 80' side to Person Avenue, and then continues northward at a reduced width, through South Memphis, all the way to Crump Boulevard.

The application concerns a property occupied by a convenience store / gas station operation on the north half of the lot fronting on Mallory Avenue, with direct curb cut access to Lauderdale Street also, near the corner. However the property also contains a separate garage-type building located on the south half on the property, with direct access to Lauderdale Street and an alleyway. The applicant, an individual other than the property owners, is seeking approval for continuation of a motor vehicle repair operation on the south half of the subject property.

Under this circumstance, the applicant is ostensibly seeking to establish a second primary use on the same lot. However since the legal description in the deed makes reference to Lots 1 and 2 (in an apparent unrecorded subdivision, it is a least possible that there is an underlying division of land here, whereby existing lots have been included for the sake of convenience in the same parcel record.

However, nowhere in the legal description is there reference to a recorded subdivision. Therefore some title research may be needed to determine the status of this parcel of land with respect to requirements of the subdivision regulations.

It may be that this application needs to be accompanied, as a companion item, by a subdivision application. Alternatively, the potential issue of two primary uses on the same parcel may be one best handled by the Board of Adjustment (BOA). In that case as BOA application needs to be filed in conjunction with the hearing of this application, and which would preferably be timed for a BOA hearing later in the same month as the Land Use Control Board meeting.

RECOMMENDATION:

Hold, for determination of subdivision status and filing of companion cases, if necessary.

SITE PLAN CONDITIONS
Motor Vehicle Repair as a Second Use
S.U.P. 09-209
As Recommended by OPD Staff for the
June 11, 2009 Meeting.

A Special Use Permit is hereby granted to Forrest Dockersy, lessor, for the operation of a motor vehicle sales establishment at the southeast corner of Mallory Avenue and Lauderdale Street on the lot recorded at the Shelby County Register's Office as Instrument Number 06016375 , subject to the approved site plan and the following site plan conditions:

To be developed with the assistance of appropriate cadastral data and a more detailed site plan.

GENERAL INFORMATION

Coordinates:	35° 06' 22"N, 90° 01' 49"W
Parcel Number:	0419061 00001
Street Address:	563 East Mallory Avenue, 38106
Street Frontage:	Mallory Avenue.: 100 feet on this major thoroughfare (80' ROW). Lauderdale Street: 136 feet on this industrial collector street (50' ROW)
Planning District:	South Memphis
Census Tract:	56
Annexation Status:	Annexed in 1944
Zoning Atlas Page:	2230

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.
3. Dedicate and improve a 30 foot property line radius at the intersection of Mallory and Lauderdale in accordance with Subdivision Regulations.
4. The developer will be responsible for any reconstruction of damaged sidewalks, curbs and gutters along their frontage and all improvements shall meet ADA access/cross slope requirements.
5. The City Engineer shall approve the design, number and location of curb cuts.
6. The existing existing nonconforming curb cut on Lauderdale, closest to the intersection shall be r closed with curb, gutter and sidewalk.

7. All existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
8. 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.
9. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
10. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: What use is requested?

**City/County Health Department-
Pollution Control:** No objections.

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.

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/Bell South:

AT&T Tennessee has no comment regarding this development.

Memphis Area Transit Authority (MATA):
OPD-Regional Services:

No comments received.
No comments received.

OPD-Plans Development:

Memphis Park Commission:
Shelby County 911:
Neighborhood Associations:

No comments received.
No comments.
No comments received.

Concerned Citizens Network System, Inc.
Longview Heights Civic Club
Sixty Point One Ward Civic Club
Gsouth Mememphis Neighborhoods, Inc.
Orange Mound Concerned Citizens Co.
Prospect Park/ Rayner / Eloise Block Club
Elliston Heights Civic Club / Neighborhood Watch
Cane, Sparks / Elliston Concerned Citizens
Defense Depot Concerned Citizens