MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT

#14

CASE NUMBER: UV 09-07 **L.U.C.B. MEETING:** December 10, 2009

LOCATION: South side of Broad Street, 195 feet east of Lipford Street

COUNCIL DISTRICT: 5

SUPER DISTRICT: 9

OWNER OF RECORD / APPLICANT: Christ Community Health Services, Inc.

REPRESENTATIVE: Fisher & Arnold, Inc.

REQUEST: A use variance to permit parking within the R-S6I Zoning District located behind the existing building at 2953 Broad Avenue to serve a proposed medical clinic

AREA: 0.63 Acres

EXISTING LAND USE & ZONING: Northern two-thirds of property is zoned Neighborhood Commercial (C-N) with a vacant office building and 17 parking spaces; Southern one-third of property is zoned Single Family Residential (R-S6I) with a graveled parking lot that is currently a non-conforming use.

SURROUNDING USES AND ZONING:

North: Vacant building and a triplex in the C-N Zoning District
East: Vacant gas station in the C-N District
South: Single-family homes and remnant parcels in the R-S6I District
West: Single-family homes in the R-S6I District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval With Conditions

Staff Writer: Chip Saliba *E-Mail: chip.saliba@memphistn.gov*

CONCLUSIONS

1. The site contains an existing building that has been used for various office functions for many years, but is now vacant. Through the years, parking has been added to rear of the building, but without any records available proving the parking expansion is legal as the expanded parking was placed in residential zoning.

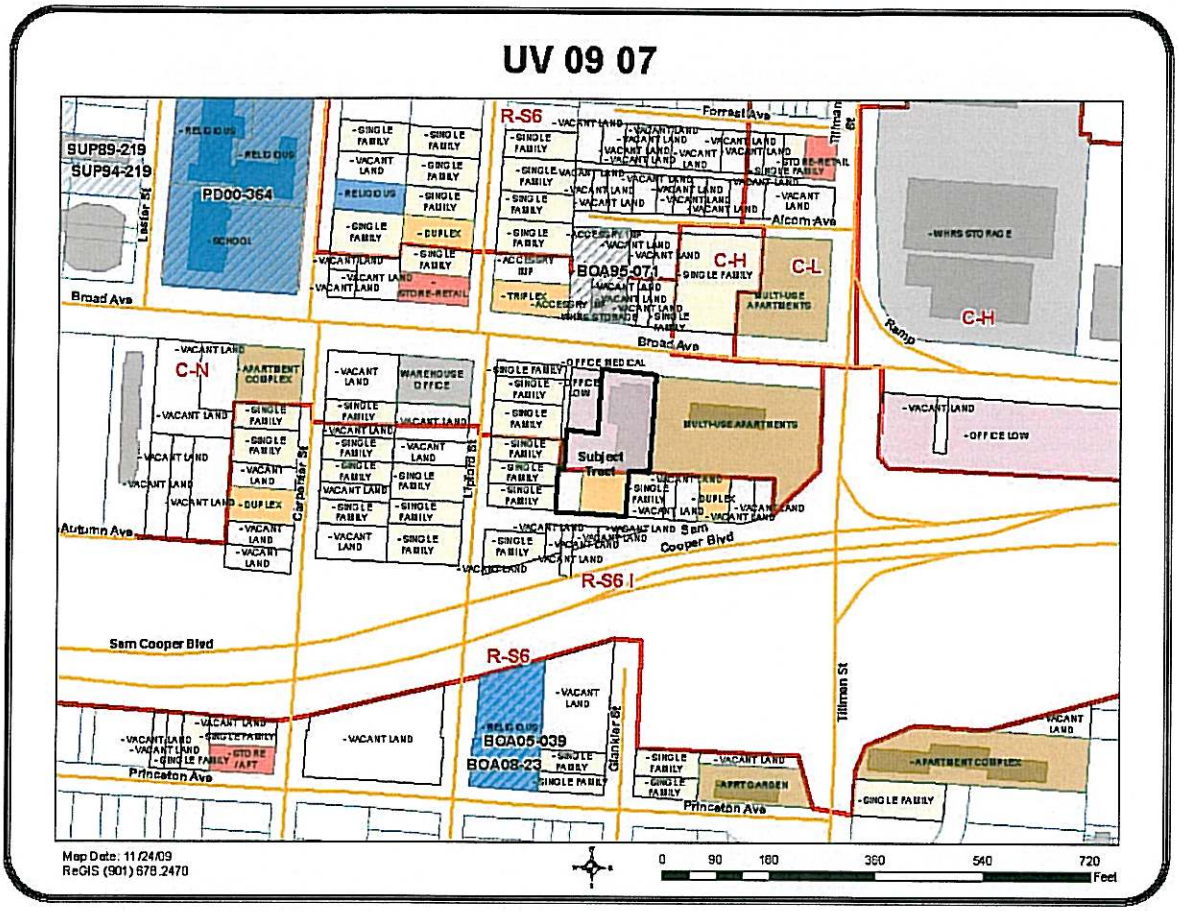
2. The applicant would like to make the parking area legally conforming to use it for a proposed dental clinic that will occupy the vacant building.

3. The Broad Avenue Corridor Planning Initiative Charrette Report and Master Plan indicate that this area would be suited for mixed uses including commercial, office, and higher density residential uses. The conceptual master plan graphic illustrates the proposed area in question as future parking for the existing building.

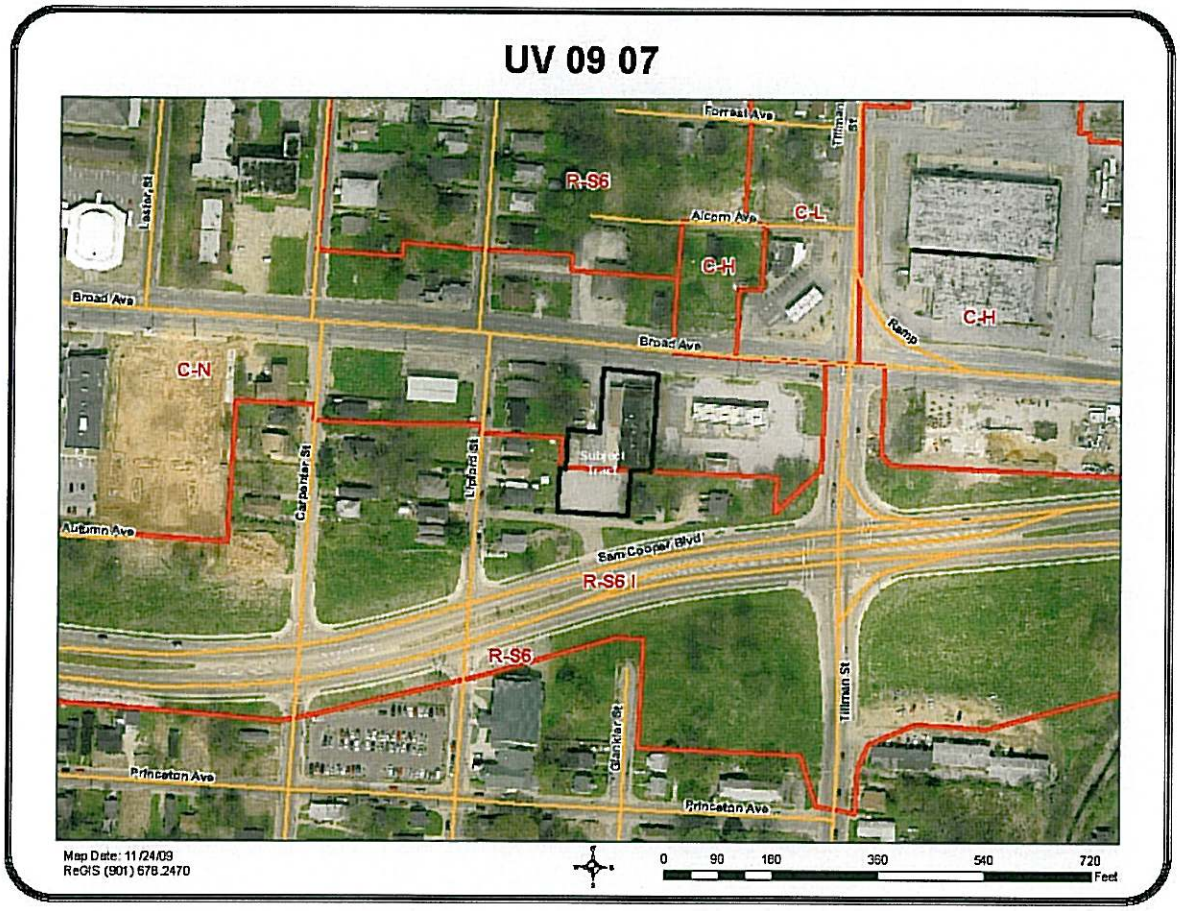
4. Before the Binghampton Comprehensive Rezoning approved by the City Council (Case # Z 03- 122), the northern two-thirds of the site was zoned Local Commercial (C-L). It was downzoned to Neighborhood Commercial (C-N). The southern one-third of the site was zoned Duplex Residential (R-D), but was downzoned to Single Family Residential (R-S6I) as part of the comprehensive rezoning.

5. The applicant will comply with the C-N Zoning requirements that prohibit front yard parking by removing the existing parking spaces along Broad Avenue. As part of this compliance, the applicant seeks a tradeoff in allowing the parking in the rear.

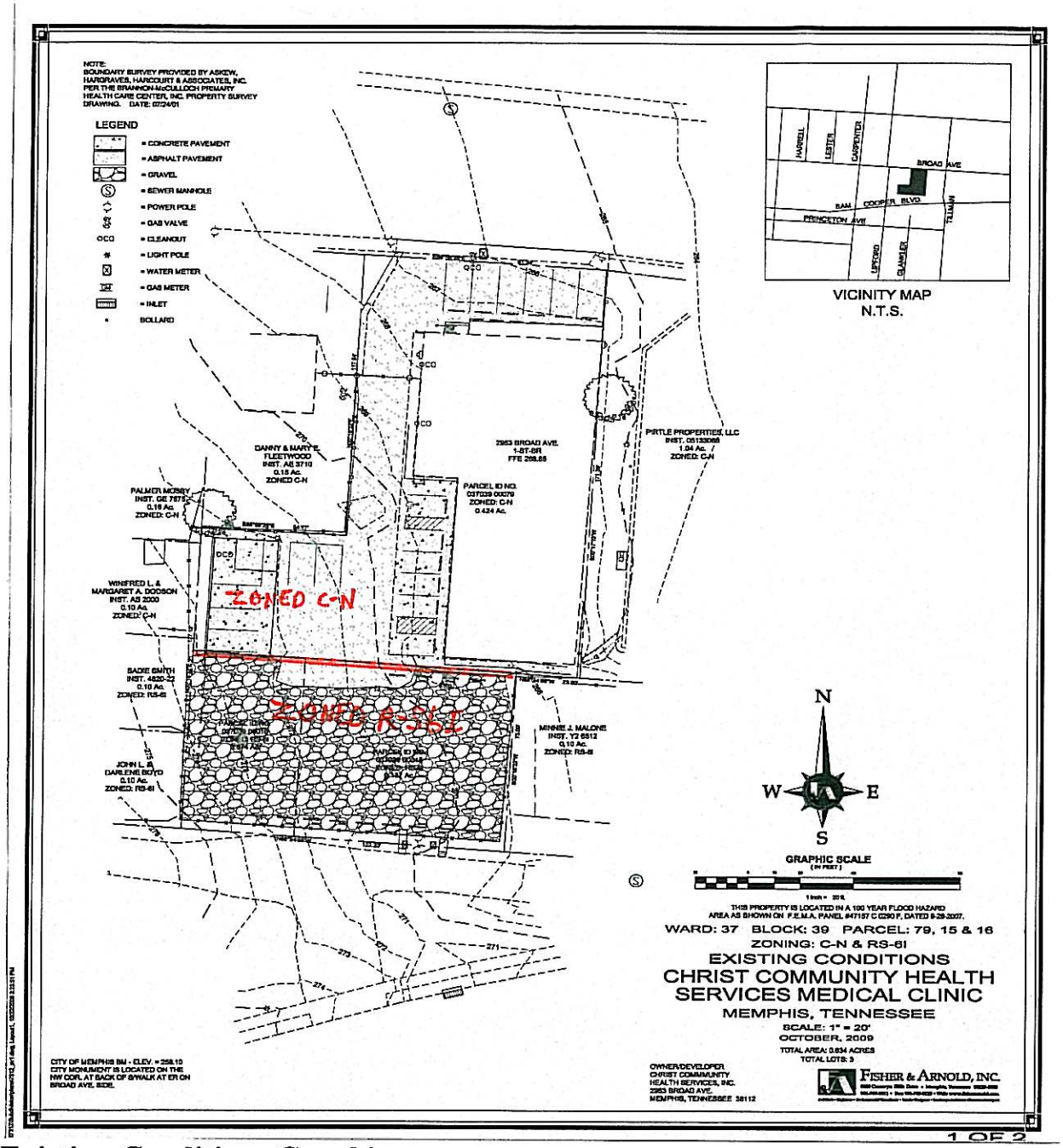
6. The parking is recommended for approval subject to an adequate landscaping and access plan that creates a visual asset at the rear of the parking lot that is easily seen from Sam Cooper Boulevard.



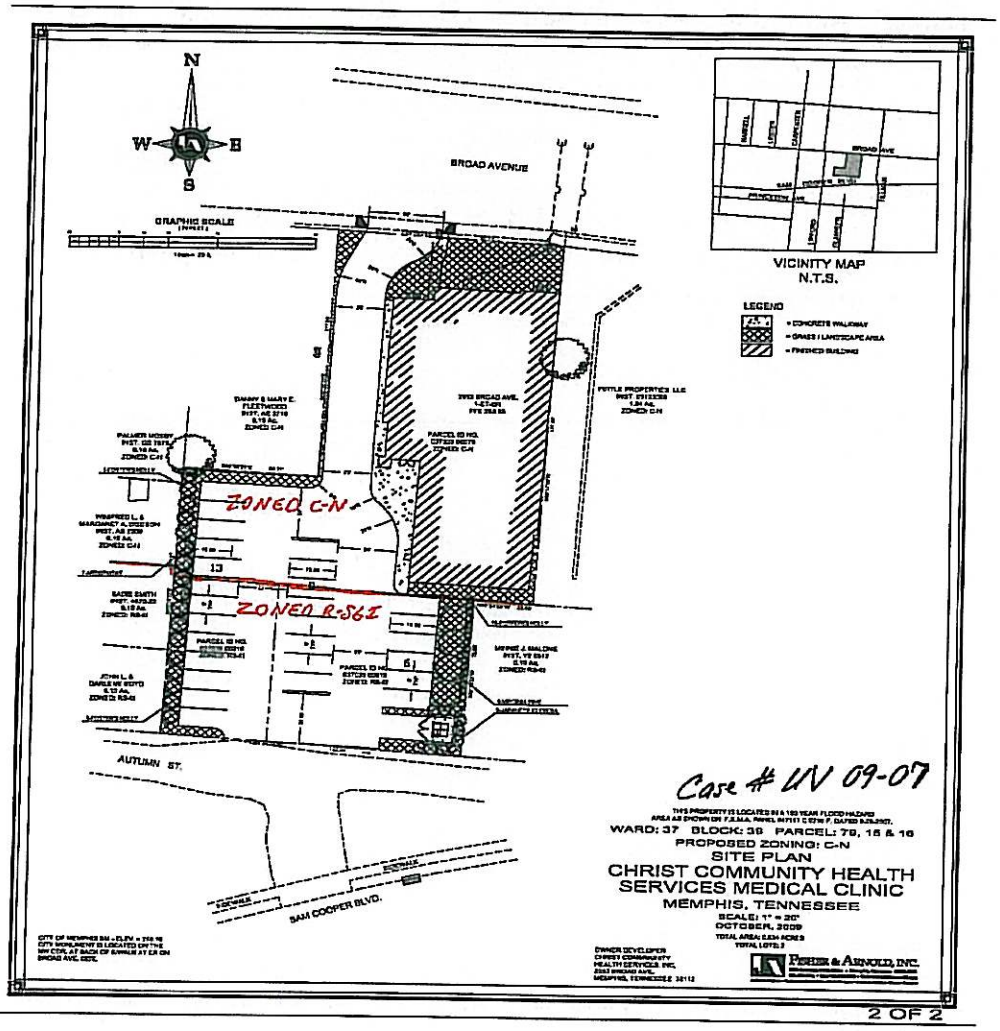
Vicinity/Zoning/Land Use Map



Aerial Photo

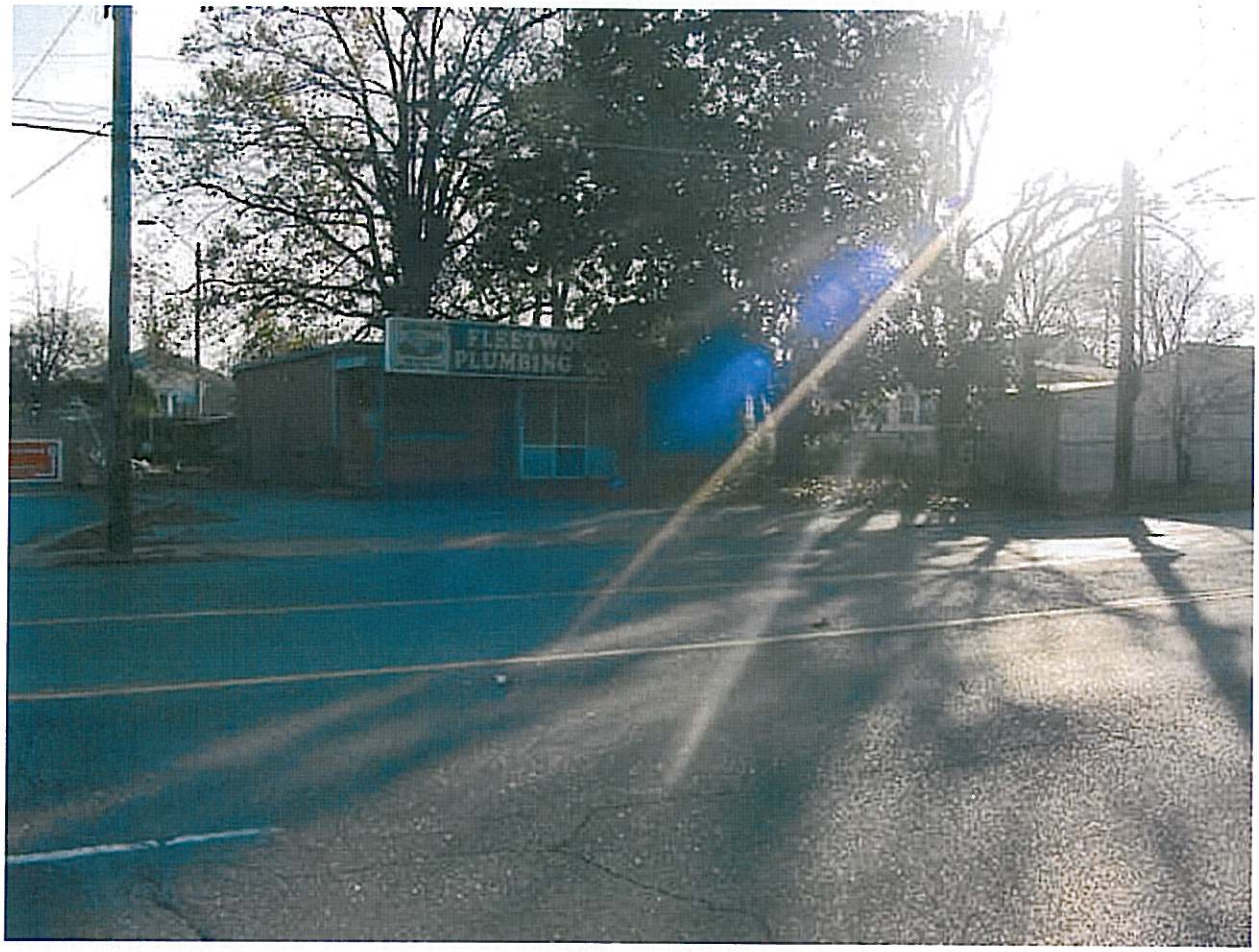


Existing Conditions Graphic

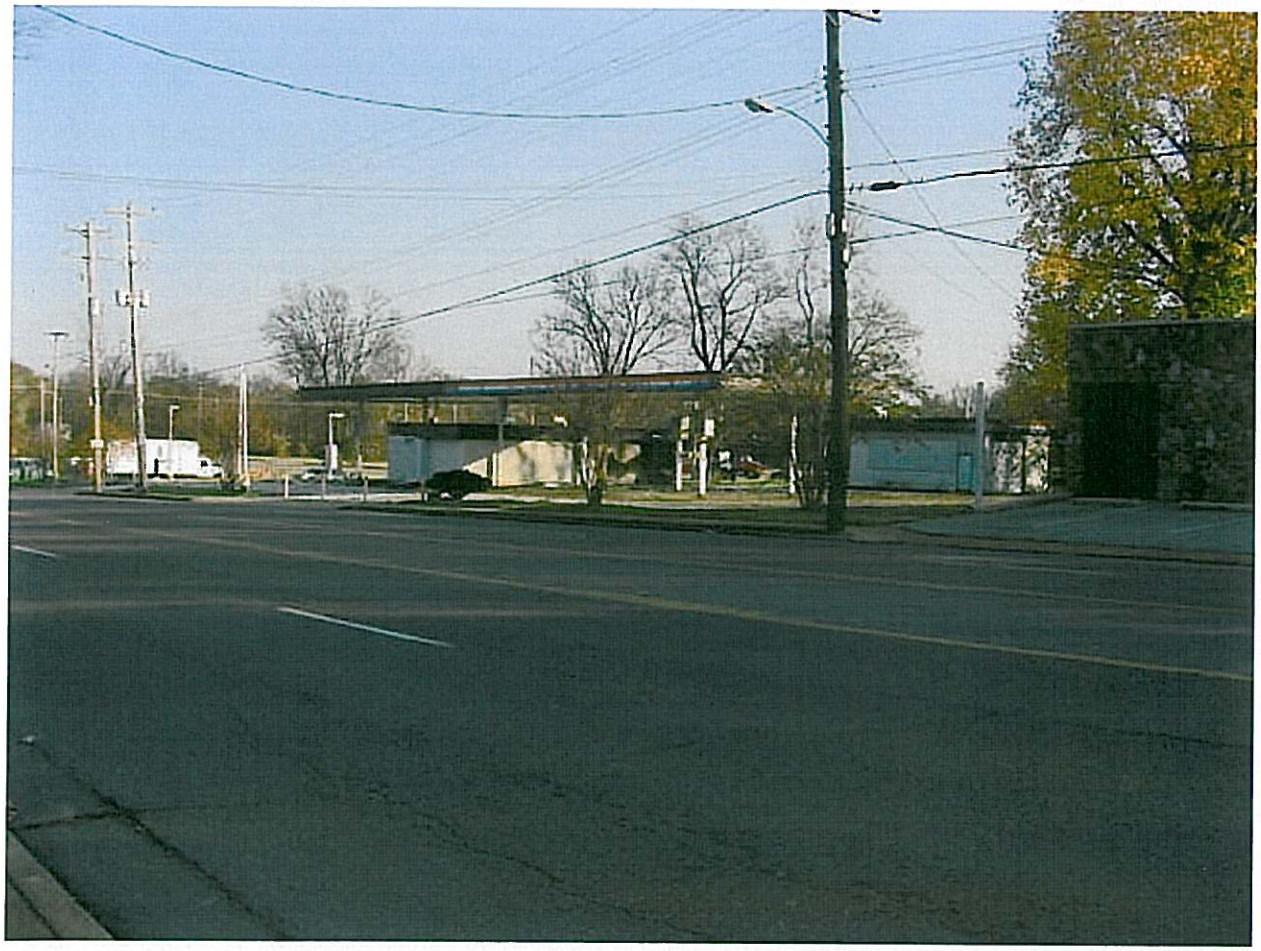


Proposed Site Plan

Existing building faces Broad Street. It is proposed for conversion to a dental clinic.



A vacant plumbing company lies west of the proposed dental building.



A vacant convenience store/gasoline sales facility is located east of the proposed dental office.

This is a view from Broad Avenue at the site looking at the parking area. Sam Cooper Boulevard is easily seen in the background.

The rear of the parking lot is abutted by Autumn Avenue which parallels and nearly touches Sam Cooper Boulevard. The applicant is proposing access to this street.

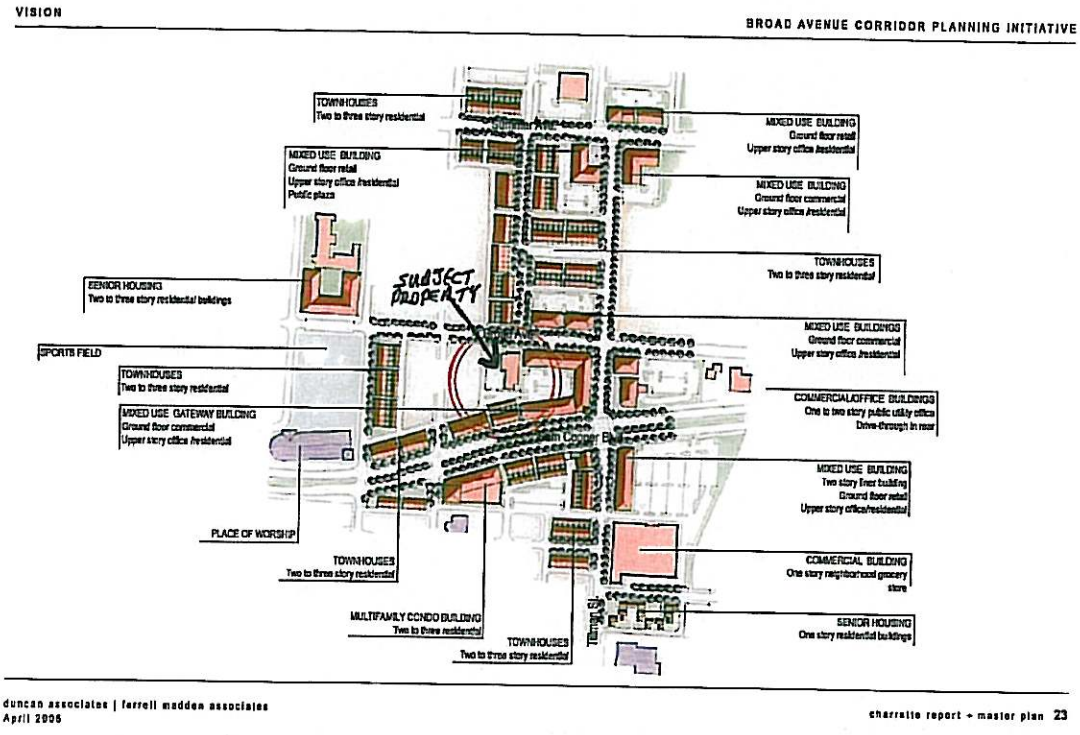
The graveled parking area is currently surrounded by a chain-link fence with razor wire.

A larger picture of the graveled parking area.

This photo is taken from Sam Cooper Boulevard. The parking area is easily seen from this street.

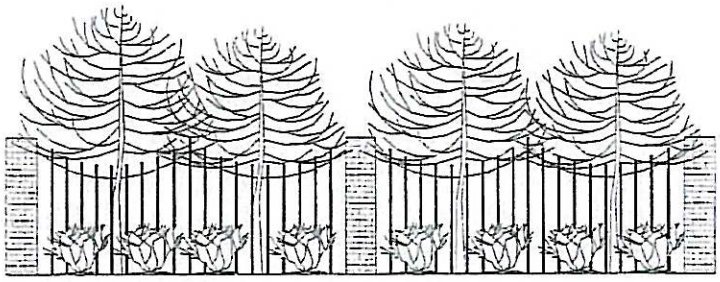
These single-family homes are along the west side of the parking lot. The only screening present is some scrub brush with a chain-link fence.

This existing home abuts the parking lot to the east and is accessed by Autumn Avenue.

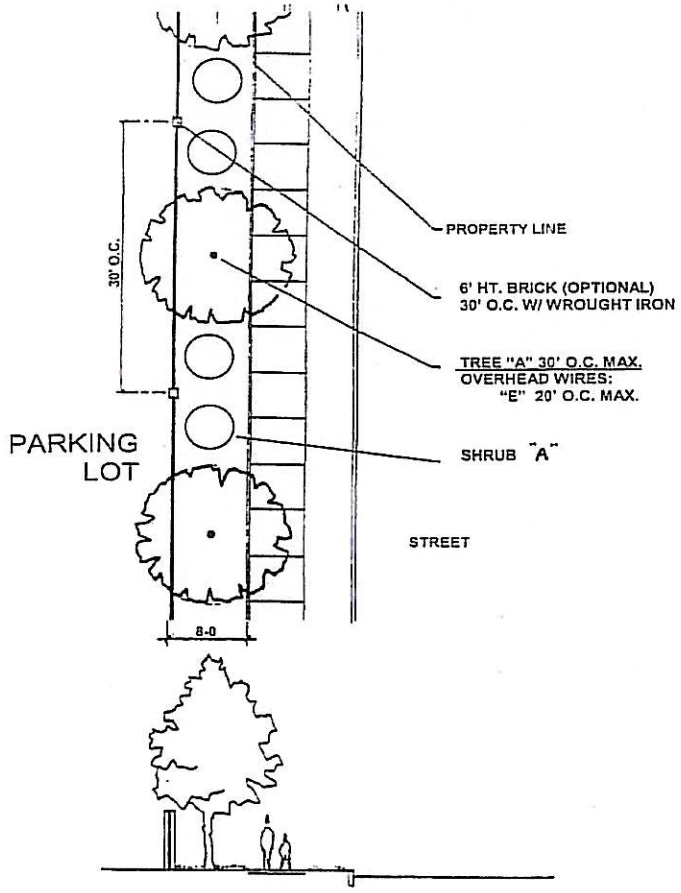


The Broad Avenue Corridor Planning Initiative Charrette Report and Master Plan supports the use of this area as a parking lot as is illustrated.

This recent church parking lot expansion on the south side of Sam Cooper Boulevard south of the subject property was required to provide a wrought iron fence with brick columns and landscaping to provide an aesthetic appearance along Sam Cooper Boulevard.



ELEVATION



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A proposed screening treatment such as this should be provided at the rear of the parking lot along Autumn Avenue/Sam Cooper Boulevard.

STAFF ANALYSIS

Christ Community Health Services is proposing to renovate an existing building at 2953 Broad Avenue into a dental clinic. During the due diligence phase of the feasibility of the building re-use it was discovered that the site contained split zoning (C-N and R-S6I) and further that the bulk of the parking area at the rear of the building fell within the R-S6I area. More research led to the conclusion that the parking in the R-S6I area was never lawfully established, but simply was expanded over the years without legal authorization. The applicant is now attempting to legally establish the parking area and improve it to serve the proposed dental clinic.

The proposed parking lot is in a small pocket of R-S6I Zoning that frankly may be difficult to redevelop for single-family homes simply due to the proximity of Sam Cooper Boulevard to this area and limited property available. On Page 17 of this report, a graphic prepared as part of the Broad Avenue Corridor Planning Initiative seems to support this as it calls for mixed uses to be developed here that includes permitting the parking lot area in question.

The use variance requested for the parking lot can be supported provided it is designed correctly. On Page 6 of this report, the applicant proposes edge screening in the form of evergreen shrub and tree species along the east and west property lines abutting the existing single-family homes. These homes currently have chain-link fencing installed, so it is agreeable that planting tightly-spaced evergreens will suffice here in lieu of adding a sight-proof fence.

One of the most important screening improvements to be established will be along Autumn Avenue at the rear of the parking lot. The existing parking lot area is easily visible from Sam Cooper Boulevard. As is illustrated on Pages 18 and 19, an existing church near the subject property has established a standard for screening parking lots along Sam Cooper Boulevard. Something similar to this or the sketch on Page 19 will be expected to be constructed by the applicant.

The proposed parking lot is recommended for approval subject to the attached conditions. Christ Community is adding an asset to the community here and is also improving the property to bring it into compliance with the current C-N Regulations. The tradeoff of eliminating the existing parking spaces along Broad Avenue in favor of the rear parking area is a good one and the parking lot and screening improvements can even be an asset to beautify this area along Sam Cooper Boulevard and give abutting residents much more adequate screening than currently exists.

RECOMMENDATION: Approval of a Use Variation to establish a surface parking lot at 2953 Broad Avenue on the portion of property zoned R-S6I for the sole use by Christ Community Health Services for the operation of a medical clinic and offices in the building known as 2953 Broad Avenue subject to the following conditions:

1. The parking area shall be paved with asphalt or concrete and striped.

2. One curb cut from the parking lot to Autumn Avenue is permitted with a maximum throat width of 24 feet.

3. A Modified B-Series Landscaping Plate or equivalent shall be provided along the east and west property lines of the parking lot. Existing chain link fencing may be used to meet any fencing requirement. All landscaping species installed shall be evergreen varieties subject to the approval of the Office of Planning and Development. A minimum planting width of 7 feet shall be provided.

4. Autumn Avenue shall be fenced using a wrought iron fence with brick or other suitable material columns and include landscaping in the form of shrubs and trees subject to the approval of the Office of Planning and Development. A minimum planting width of 8 feet shall be provided.

5. A final site plan shall be provided that contains the entirety of the site including the existing building and elimination of the existing parking along Broad Avenue in favor of a landscaped yard. The final site plan shall include a detailed landscaping plan for the entirety of the site.

6. Any parking lot lighting installed in the R-S6I portion of the property shall be designed to cast light away from adjoining residents by the use of deflectors or light fixture heads designed to disburse light downward. No light pole standard shall exceed 20 feet in height.

GENERAL INFORMATION

Street Frontage: 122 feet on Autumn Street

Zoning Atlas Page: 2035

Parcel ID: 037079 00079, 037039 00015, 037039 00016

Zoning History: The subject property (parking lot area) was rezoned from Duplex Residential to Single-Family Residential in 2003 as part of the Binghampton Comprehensive Rezoning.

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.

Curb Cuts/Access:

2. The City Engineer shall approve the design, number and location of curb cuts.

3. The existing nonconforming curb cut on Broad Avenue shall be removed and replaced with a new curb cut that meets current City Standards.

4. 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.

5. The proposed curb cut on Autumn Avenue shall be a standard asphalt connection with a maximum throat width of 24 feet.

City Fire Division: No comments.

City Real Estate: None.

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

City Board of Education: No comments.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

Memphis Park Commission: No comments received.

Neighborhood Associations:
Binghampton/Lester Community Org.: No comments received.
Masjid Al-Hoor Housing Development Corp.: No comments received.
Northeast Neighborhood Association: No comments received.
Binghampton Development Corporation: No comments received.