

STAFF REPORT

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CASE NUMBER: Z 09-107 **L.U.C.B. MEETING:** November 12, 2009
LOCATION: Northwest corner of North Bellevue and Smith Avenue
COUNCIL DISTRICT(S): District 7-Super District 8-Positions 1, 2 & 3
OWNERS/APPLICANTS: Wolf River Site Development, LLC
REPRESENTATIVE: Judson TePaske
REQUEST: Highway Commercial(C-H) District
AREA: 0.26 Acre(11,325.60 sq. ft.)
EXISTING LAND USE & ZONING: Local Commercial(C-L) District
SURROUNDING USES AND ZONING:

North: Vacant lots and duplex in Local Commercial(C-L) District and single family homes in New Chicago Subdivision in Duplex Residential(R-D) District.

East: Retail store and vacant lots in Local Commercial(C-L) District and vacant lots, single family homes and duplexes in New Chicago and Jones Avenue Subdivisions in Duplex Residential(R-D) District.

South: Bar/Lounge, single family homes and vacant lots in Local Commercial(C-L) District and single family homes and vacant lots all in Meacham-Chelsea Subdivision in Duplex Residential(R-D) District.

West: Interstate 240 and single family homes in Breedlove Avenue Place and New Chicago Subdivisions in Duplex Residential(R-D) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Rejection

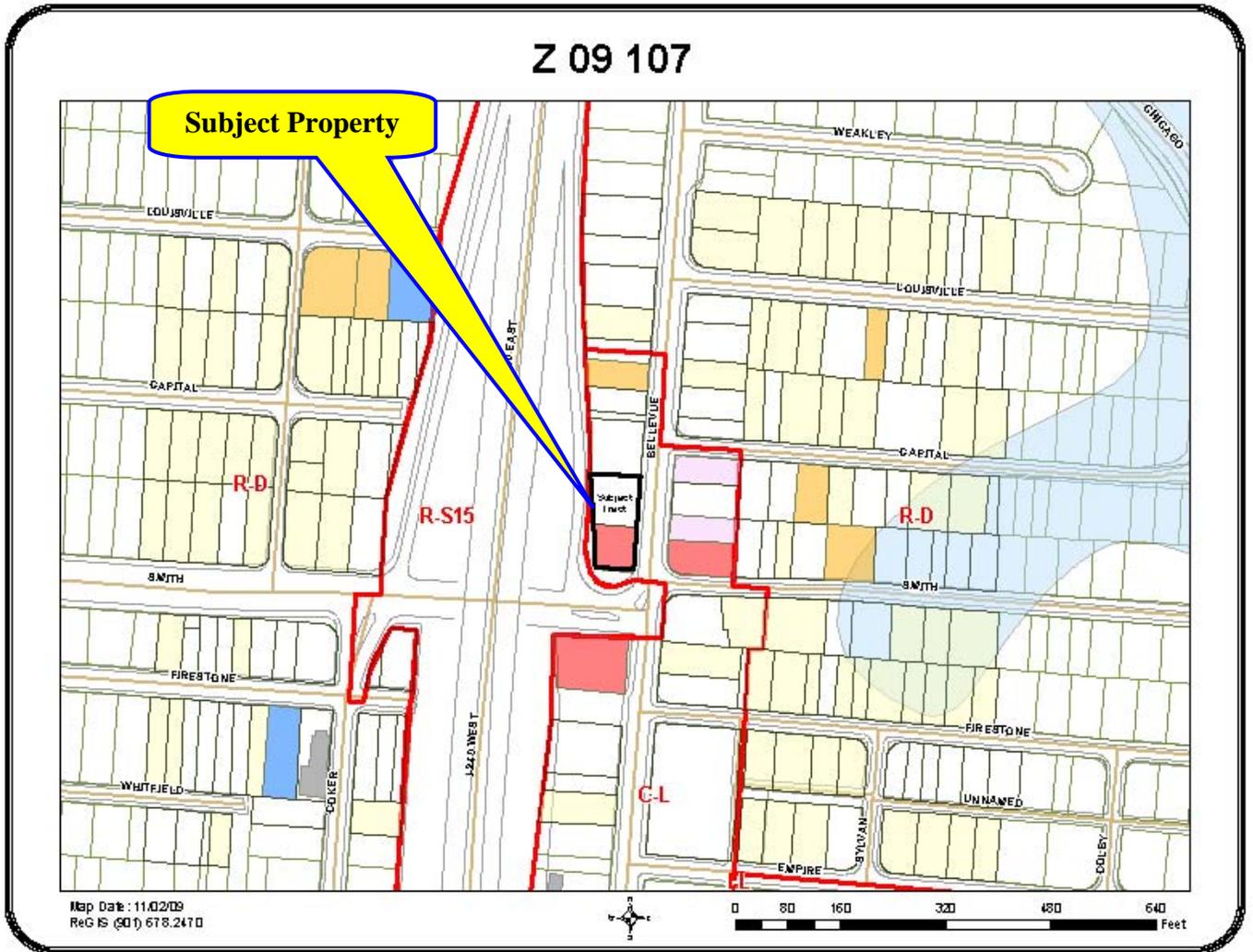
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

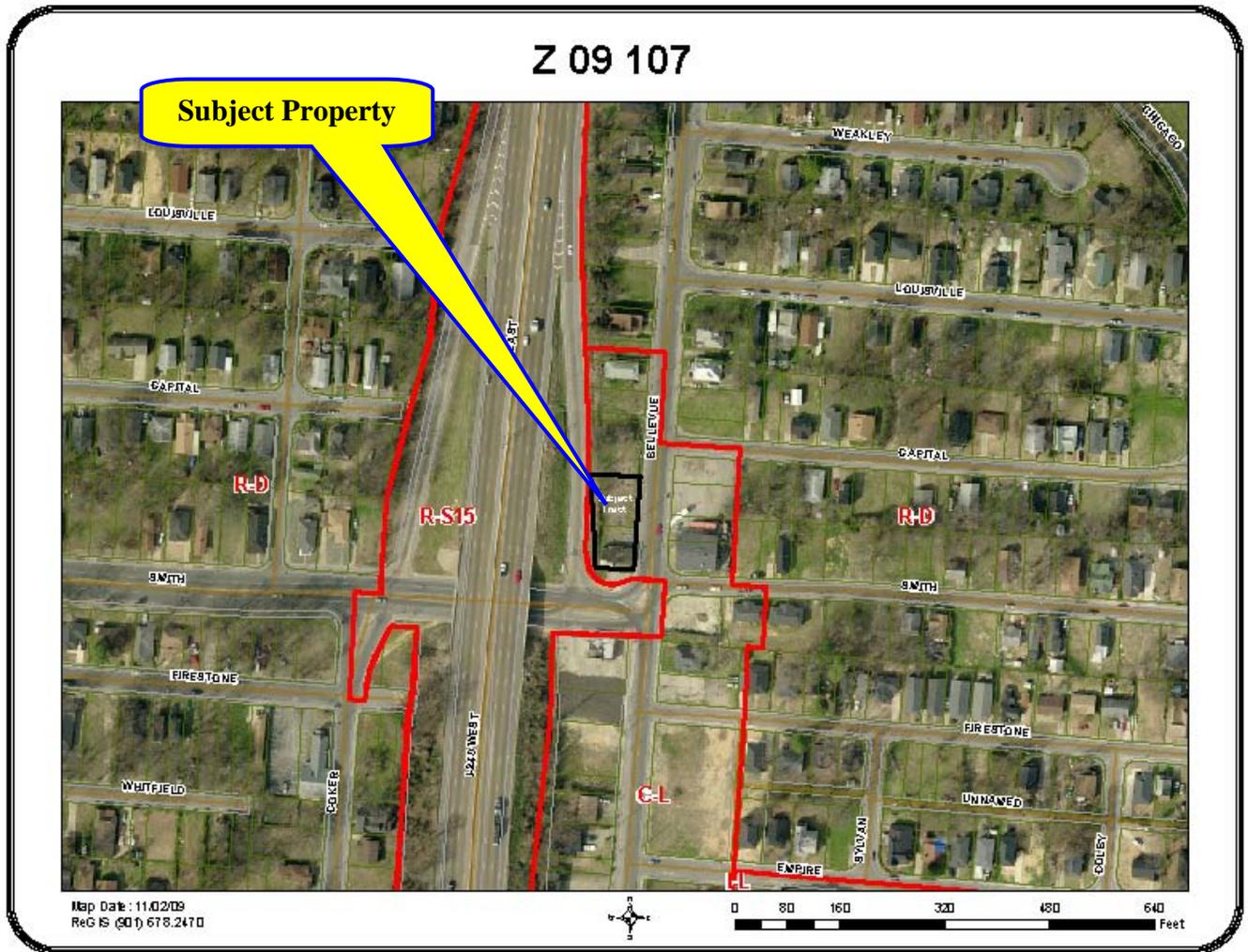
CONCLUSIONS:

- 1. The zoning request is for two(2) lots in the Local Commercial(C-L) District to be included in the Highway Commercial(C-H) District in North Memphis in the New Chicago neighborhood. The property has been in C-L District zoning over 35 years.**
- 2. With the construction of the interstate, this property is at the edge of a neighborhood and approximately fifty(50) feet lower in elevation than the interstate highway.**
- 3. The site is very limited in buildable area, but is located in a neighborhood zoning district that should benefit from C-L neighborhood zoning. The land uses permitted in this district consist of neighborhood services.**
- 4. If this request for zoning to the C-H District is allowed, land uses such as night club, auto body shop, sheet metal shop and motor vehicles sales and services, including laboratories, billboards and commercial garages with wrecker service.**
- 5. The current C-L zoning benefits the neighborhood with greater opportunity for redevelopment of neighborhood services, but this request for C-H zoning does not promote the concept of sustainable neighborhoods.**

ZONING & LAND USE:

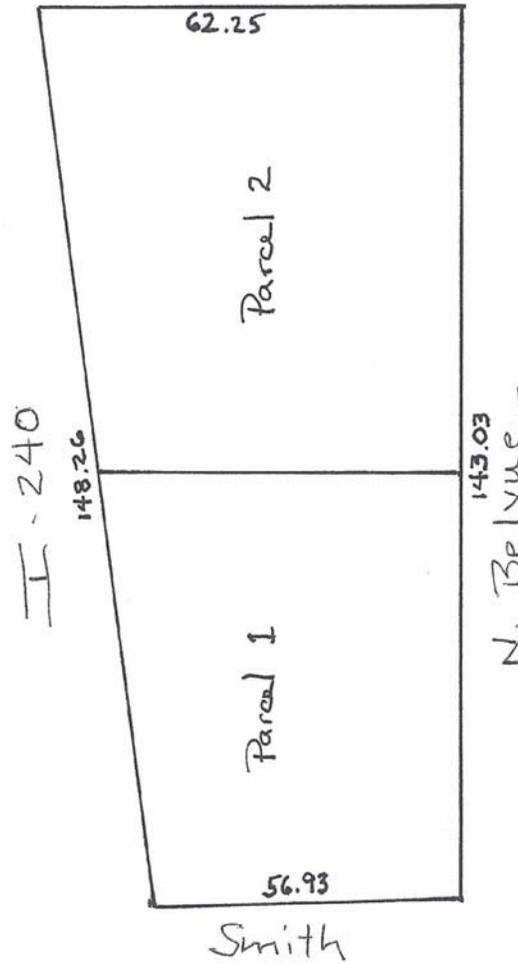


ZONING AERIAL MAP:



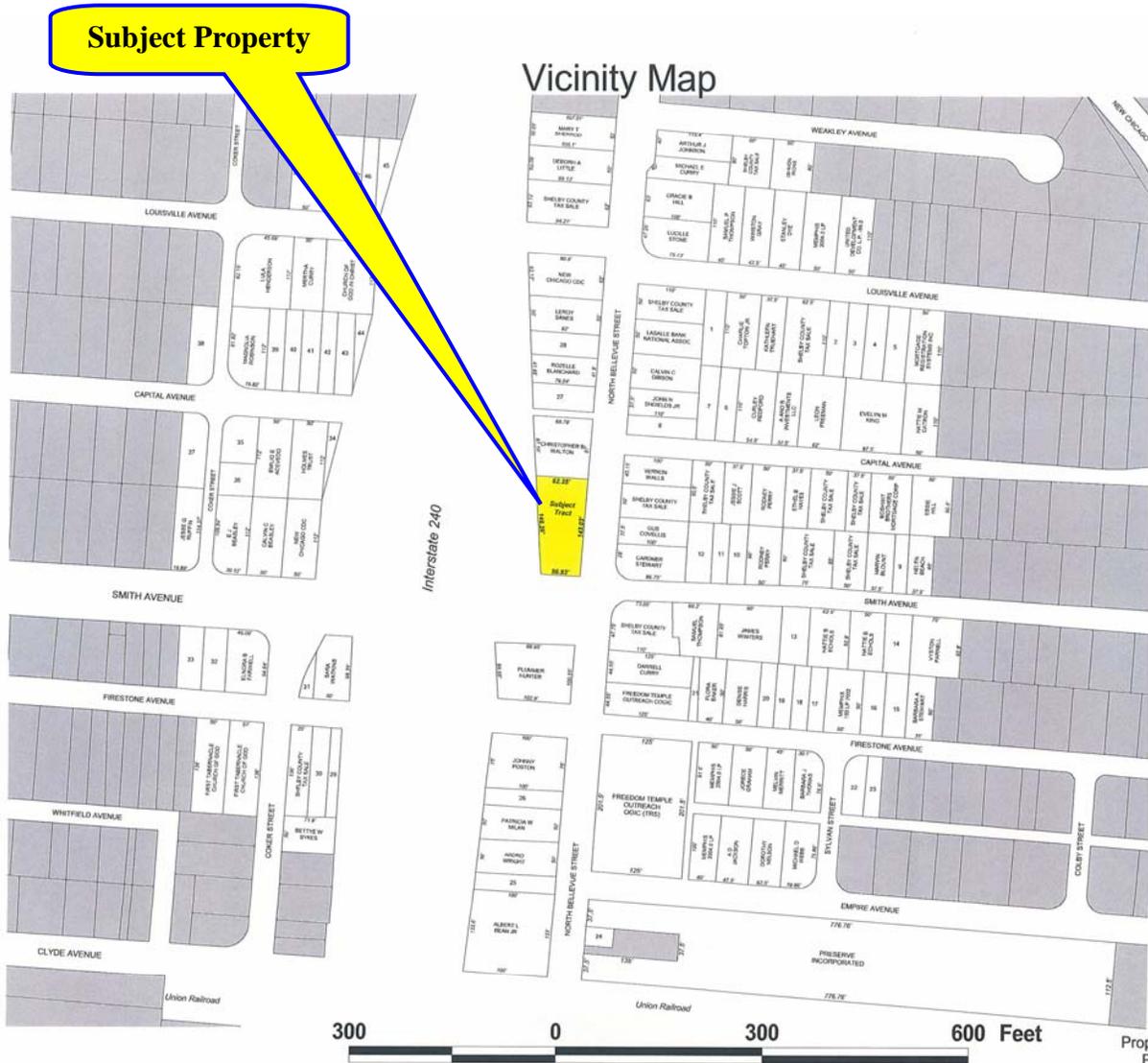
PLOT PLAN:

PLOT PLAN



SCALE
1 inch = 30 feet

VICINITY & OWNERSHIP MAP:



Date: 09/24/09
Prepared By:
Property Research Data
PRD Job #09-064

STAFF ANALYSIS:

Site Description

The subject property consists of two(2) lots for a total of 0.26 acre(11,325.60 sq. ft.) in Meacham-Chelsea Subdivision at the northwest corner of Smith Avenue and North Bellevue in the North Memphis Planning District in the New Chicago Neighborhood. The southernmost lot is occupied by a vacant neighborhood/sundry store and the northern lot is currently vacant with both under one ownership. The retail store on Parcel 1 was built in 1965 with 1,094 square feet of floor space. The lots have public street frontage with curb and gutter on Smith Avenue and North Bellevue. The lots are located at an intersection with a traffic signal and east-bound ramp to Interstate 240. The traffic pattern at this intersection is not very well defined due to the construction of interstate highway that split the New Chicago neighborhood in the early 1970's.

Area Overview

The land use and zoning in the immediate area is predominantly single family homes in New Chicago and Jones Avenue Subdivisions to the north and east in Duplex Residential(R-D) District zoning. The single family homes in this area of North Memphis are primarily one-story wood frame homes ranging in size from 1300 to 1800 square feet in area on lots smaller than current zoning standards. The lots are in close proximity to older retail establishments with vacant lots available in Local Commercial(C-L) District.

This intersection is located within a commercial district with homes to the north, east and south as well as vacant lots available for the redevelopment of single family or duplex residential housing. The original neighborhood is separated by construction of Interstate 240 to the west side of the subject property. The balance of the neighborhood farther to the west in Breedlove Avenue Place Subdivision and the remaining New Chicago Subdivision is predominantly single family residential with institutional uses for places of worship in Duplex Residential(R-D) District zoning.

Zoning Change vs. Neighborhood Edge & Elevation

The zoning request is for two(2) lots in the Local Commercial(C-L) District to be included in the Highway Commercial(C-H) District in North Memphis in the New Chicago neighborhood. The property has been in C-L District zoning over 35 years and the corner lot has been used as a neighborhood grocer/sundry store, but is now a vacant dilapidated building consistently deteriorating. With the construction of the interstate, this property is at the edge of a neighborhood and approximately fifty(50) feet lower in elevation than the interstate highway. There is no access to this property from Smith Avenue, except from the north end of the subject property from North Bellevue.

The site is very limited in buildable area, but is located in a neighborhood zoning district that should benefit from C-L neighborhood zoning. The land uses permitted in this district consist of neighborhood services for small retail shop establishments such as a grocer, pharmacy, flower or clothing store, including a deli, bakery, drycleaners and beauty/barber shops. The requested zoning for Highway Commercial(C-H) allows such land uses, but also more intensive commercial land uses than would otherwise be permitted by the C-L District. If this request for zoning to the C-H District is allowed, land uses such as night club, auto body shop, sheet metal shop and motor vehicles sales and services, including laboratories, billboards and commercial garages with wrecker service. This request to allow C-H District zoning at the edge of the neighborhood does not promote revitalization of an area in need of adequate affordable housing.

The maximum height in Highway Commercial(C-H) District is fifty(50) feet and the elevated difference between the interstate highway and the elevation of the subject property does not offer very much visibility from the interstate. The future land use of this property should remain in Local Commercial(C-L) District zoning, because of its location in the neighborhood and the lack of buildable area to accommodate taller or more larger structures. The current C-L zoning benefits the neighborhood with greater opportunity for redevelopment of neighborhood services, but this request for C-H zoning does not promote the concept of sustainable neighborhoods. The zoning in place today promotes the concept by not allowing land uses incompatible with the current neighborhood zoning.

RECOMMENDATION: *Rejection*

GENERAL INFORMATION:

Street Frontage: Smith Avenue-----+/-56.93 linear feet.
North Bellevue-----+/-143.03 linear feet.
Interstate 240-----+/-148.26 linear feet.

Planning District: North Memphis

Parcel ID's: Parcel 1: 040016 00013 Parcel 2: 040016 00011C

Zoning History: The Local Commercial (C-L) District zoning of the site date to the adoption of the 1980 zoning map amendment.

DEPARTMENTAL COMMENTS:

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

City Engineer: No comments received as of 11/06/09.
City Fire Services: No comments.
City Real Estate: None.
Memphis & Shelby County Health Department: The Water Quality Branch has no comments.
Memphis Board of Education: No comments received.
Construction Code Enforcement: No comments received.
Memphis Light, Gas and Water:

MLGW has reviewed referenced application, and has no objection, subject to the following comments:

- **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 contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **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 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 MLGW 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's Residential Engineer at 901-528-4855 for application of utility services.
- All commercial developers must contact MLGW's Builder Services at 901-367-3343 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:

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

The subject property is located east of the I-40 entrance ramp for northbound traffic. The "Congested Roadway Network" illustrates that I-40 in this location is a congested corridor, with an existing Level of Service (L.O.S.) "E" as well as in the years 2017 and 2030.

The "Existing Plus Committed Network" shows that there are no improvements programmed. The "Future Transportation Network" includes projects identified through the public participation process.

As part of the public participation process, stakeholders provided a need assessment that determines the transportation desires of the community for future roadway improvements. No funding source was indentified for these roadway recommendations.

The "Future Transportation Network" recommended this section of I-40 for future widening improvements. The nearest station count in this area recorded the traffic volume for I-40 in this area with approximately 112, 057 vehicles per day.

OPD-Plans Development:

No comments.

Housing & Community Development:

E-mailed copy of Staff Report

Neighborhood Associations/Organizations:

10th Ward Civic Club

No comments as of 11/06/09.

Mid Inner City Assn. for Heritage

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North Memphis CDC – csanders@oakleafoundation.com

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1700 Eldridge Street & Marble Ave. Block

No comments as of 11/06/09.

Staff: bb