

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#17**

CASE NUMBER: PD 10-304 **L.U.C.B. MEETING:** February 11, 2010

DEVELOPMENT NAME: Memphis Drum Shop Campus

LOCATION: Southwest corner of B lythe Street and Nelson Avenue

COUNCIL DISTRICT: 4

SUPER DISTRICT: 8

ANTICIPATED DATE OF HEARING BEFORE THE COUNCIL – March 9, 2010

OWNER OF RECORD/APPLICANT: MDS Realty, LLC (Jim Pettit)

REPRESENTATIVE: David W. Milem Consulting Engineer

REQUEST: 1.Re-use Church for Storage, Audio-Visual Recording Studio, Student Lessons, and Upstairs Apartment; 2. Maintain existing Single Family House; 3. Provide Parking for Drum Shop Staff; 4. Permit temporary tents (3/year) for Special Events

AREA: 0.45 Acres

EXISTING LAND USE & ZONING: A Church, a Single Family Residence and a Parking Lot in the Single Family Residential (R-S6) District

SURROUNDING LAND USES AND ZONING:

North: Single family homes in the Single Family Residential (R-S6) District

East: Single family homes in the Single Family Residential (R-S6) District

South: Single family homes in the Single Family Residential (R-S6) District

West: Commercial uses in the Highway Commercial (C-H) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL WITH CONDITIONS

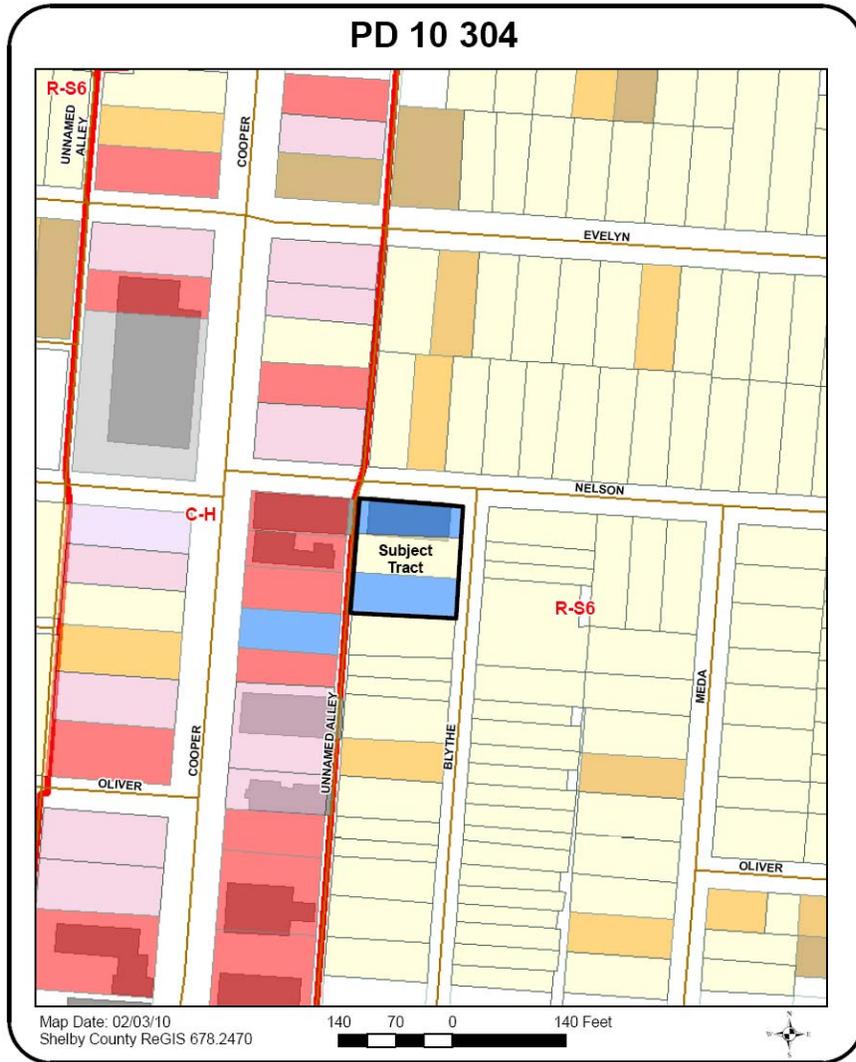
Staff: Don Jones

E-Mail: john.jones@memphistn.gov

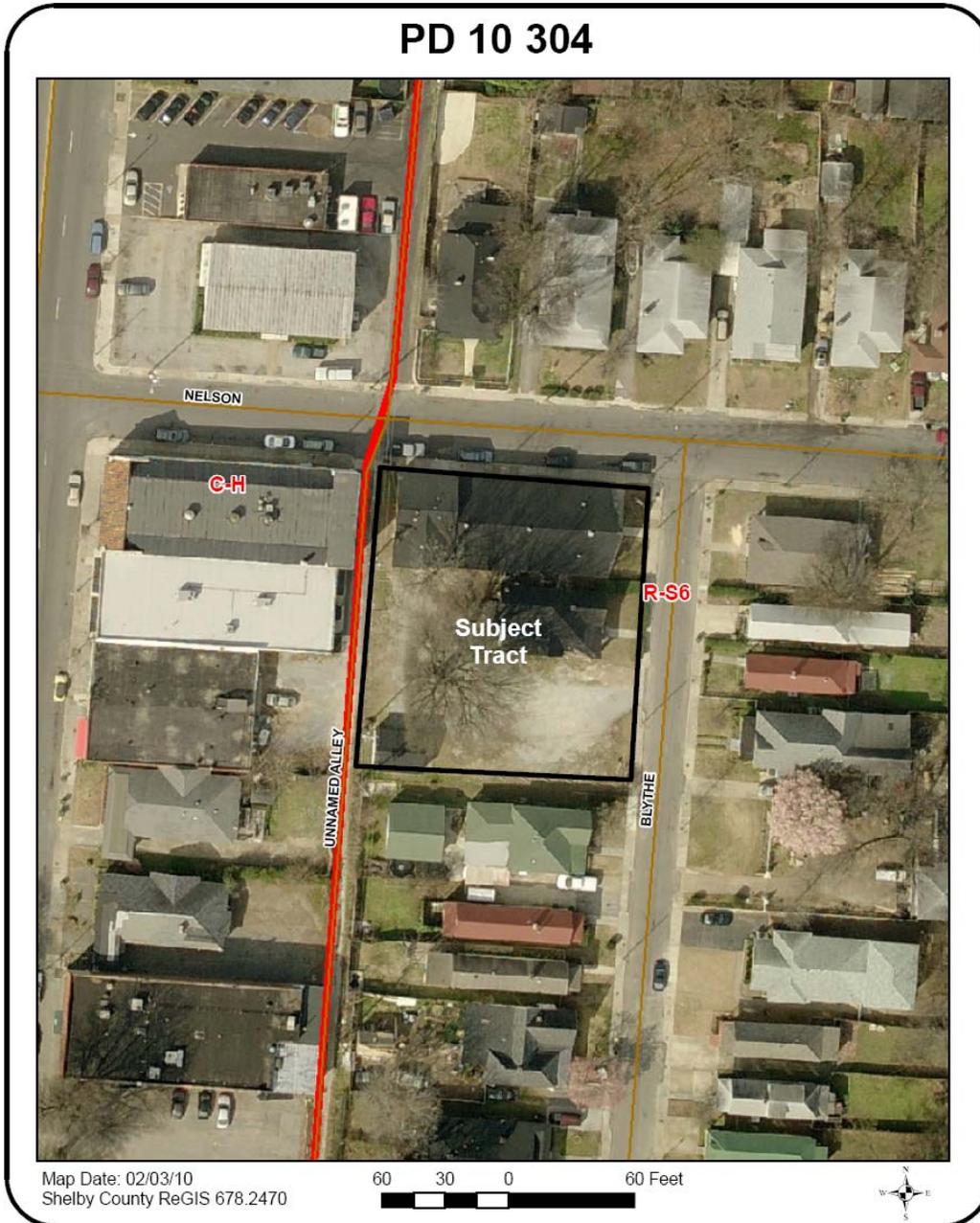
CONCLUSIONS

1. This proposal is being viewed as a mixed use plan which incorporates stabilizing features such as the continuation of existing structures; the church and the existing single family house and upgrades to the overall site..
2. Upgrades in the form of landscaping along the perimeter and within the parking area; a gate at the curb cut on Blythe Street to restrict its access and accent fencing along the street are proposed.
3. The staff also reluctantly accepts the loss of an existing mature tree on this site, but notes that there are opportunities on site for a new canopy tree to be added.
4. In reviewing the preliminary landscape plan, the staff notes that there is an emphasis on native plantings which is encouraged by the proposed Unified Development Code and the work done in the Sustainable Shelby Initiative.

Zoning and Land Use



Aerial





Picture of Subject Site (existing buildings)



Existing parking area (foreground) Back of Drum Shop property



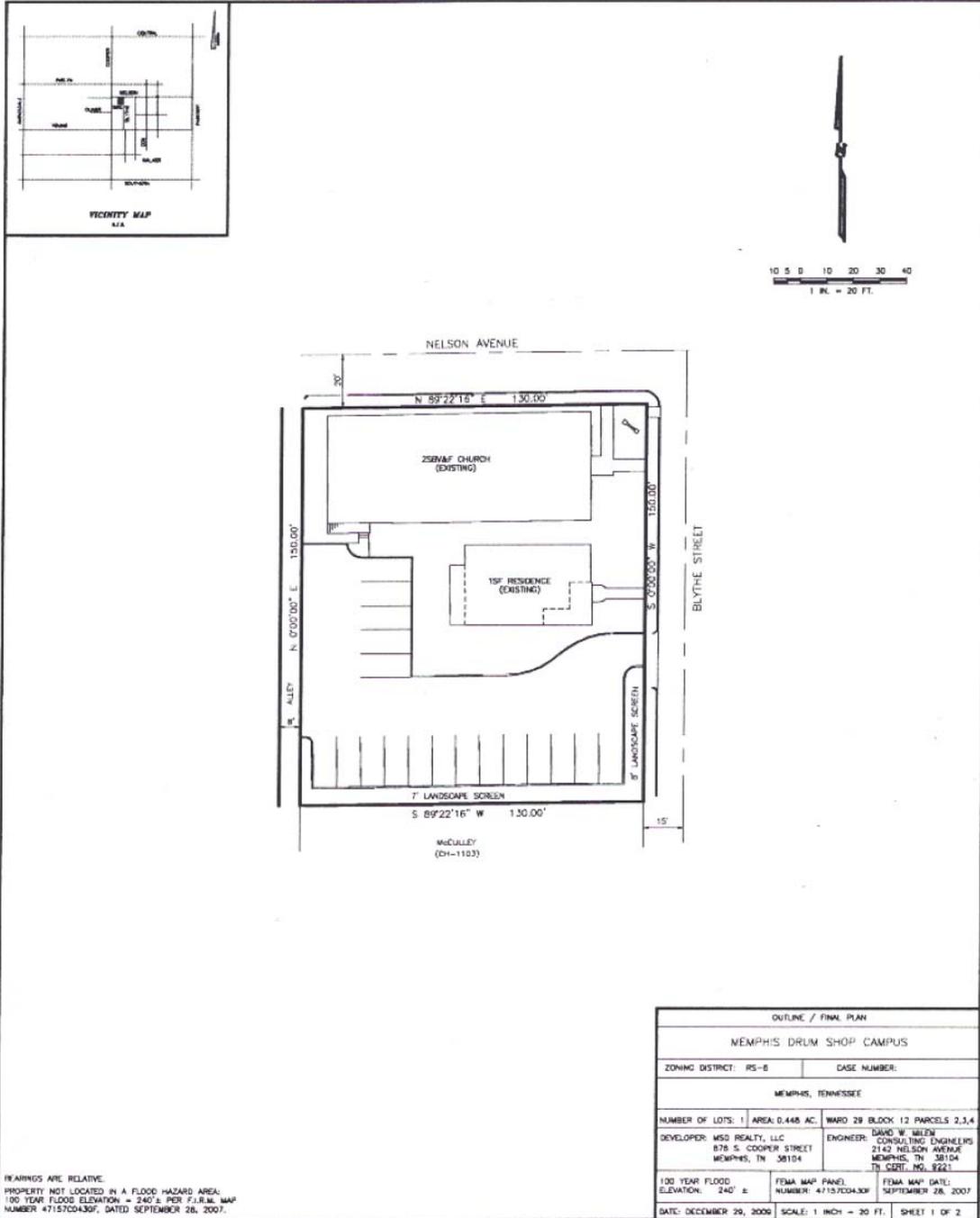
Neighbor to the south



Neighbors to the east

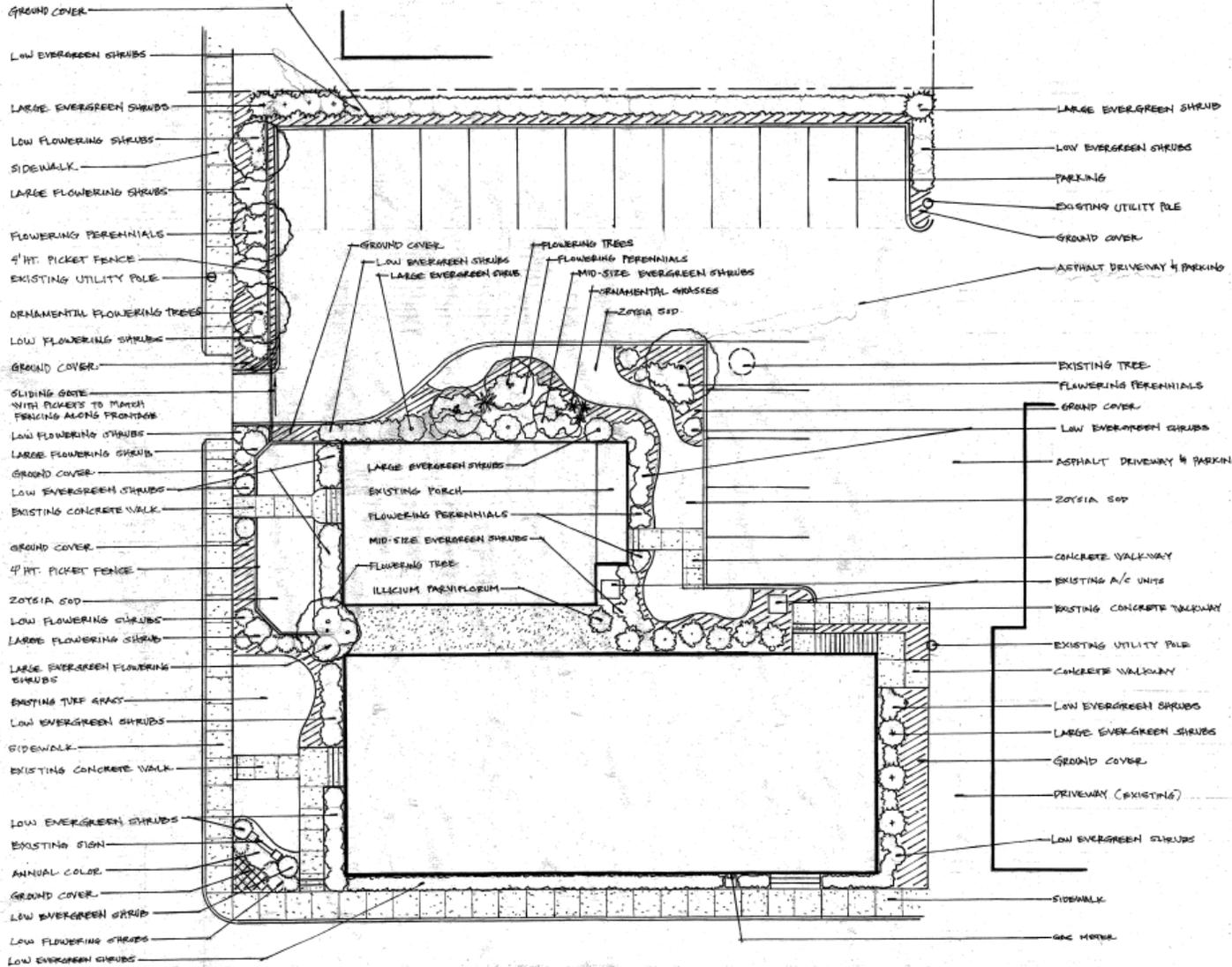


Neighbors to the north



Site Plan

LANDSCAPE PLANTING PLAN FOR THE MEMPHIS DRUM SHOP CAMPUS



PREPARED BY
GREG TOULIATOS & ASSOCIATES, INC.
62 FLICKER STREET
MEMPHIS, TENNESSEE 38104
901-323-0031

SCALE
1" = 10'-0"

STAFF ANALYSIS

Location:

The subject property is generally located within the Cooper Young Neighborhood of Midtown Memphis. Specifically, it is located at the northwest corner of Nelson Avenue and Blythe Street some 125 feet west of Cooper Street.

Site Characteristics:

The subject site contains 3 lots (Lots 16, 17, 18 of the Tidwell Subdivision) which all together account for just under ½ area of land.

These properties contain an existing Church Structure which is in partial use by the Salvation Army; a renter-occupied single family structure, vacant land which is used for a gravel surfaced parking lot, and an accessory structure. The site also contains a large tree located in the approximate center of the property.

Characteristics of the Surrounding Area:

The predominate use of land to the north, east, and south of the subject site is single family residential. The dimensions of these lots which range from 25 feet in width to 50 feet in width is representative of the historic character of this area, where many of these homes were built in the early 20th century. Many of the homes along Blythe Street have a parking pad that extends from the sidewalk to the front of the house. Blythe Street itself is approximately 30 feet in width.

To the west of the site are properties that front onto Cooper Street. The site's immediate neighbor is the Drum Shop which occupies two store fronts. Other uses in close proximity to the subject include office, retail commercial, and restaurants. Most of the commercial uses along Cooper Street compete for the limited parking.

Applicant's Request:

The applicant, The Drum Shop, proposes to maintain the two principal buildings on the site and upgrade the parking area with an asphalt surface, fencing and landscaping into a campus like setting. The site plan also calls for the removal of the accessory structure.

Within the Church structure, the applicant's request a mix of storage, recording and rehearsal space, and continuation of an upstairs apartment. Mr. Pettit has indicated that while he is most likely to use room within the existing Drum Shop for the recording and rehearsal space, he

would like to keep his options open with respect to the church structure, but in no event would that activity (recording and rehearsal studio) use more than the westernmost ¼ of the church building.

The single family home shall continue as a for rent use residential only use. Both the apartment within the church structure and the house will share parking with the Drum Shop's employees.

The attached (preliminary) landscape plan includes the addition of native shrubs and plants along the south and east boundaries.

Access to the site shall be gained from the existing alley along the west property line. While the existing curb cut on Blythe Street will remain in tact, the intention is that it be used for emergency exit only. Overall the intent is to channel this site related traffic away from Blythe Street as a concession to area neighbors.

Review of Request:

This proposal is being viewed as a mixed use plan which incorporates stabilizing features such as the continuation of existing structures; such as the church and the existing single family house, and upgrades to grounds.

Upgrades to the site include resurfacing, and stripping of the former gravel surfaced parking area which served as parking area by the church. The parking area will be screened with a combination of native shrubs and trees. The drive opening to Blythe Street which has been a source of contention in the neighborhood, will be de-emphasized by added a gate and limiting its use to emergency access. Along the street frontage a picket fence will be added to blend this improved site into the immediate neighborhood.

The landscaping plan is also extended not only along the street frontage on Blythe Street in front of the house and the church, but also along the south side of the house and the south property line. This will have the affect of softening the hardscape associated with the pavement.

A mature tree in the center of the parking area will be lost as a part of these revisions. But landscaping plan does offer other locations where a native canopy tree can be planted.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS

Memphis Drum Shop Campus Planned Development
P.D. 10-304

- I. Uses Permitted:
 - A. Reuse of the existing church building for:
 - 1. Indoor storage for the Drum Shop,
 - 2. In-house audio and visual recording studio,
 - 3. student lesson studio,
 - 4. single family rental of the upstairs apartment
 - 5. Items 2 and 3 above shall be limited to the westernmost $\frac{1}{4}$ of the building, during normal business hours, and subject to the installation of sound proofing.
 - B. Continued use of the Single Family Structure (883 Blythe Street) for residential purposes only. Any transfer of ownership of this site shall require the filing of an application as determined by the OPD and the re-recording of the Final Plat.
 - C. Surface parking to serve employees of the Drum Shop, the residential apartment, and the single family structure.
 - D. Outdoor events (with or without a temporary tent) in the parking lot – limited to no more than 3 during a calendar year.
- II. Bulk Regulations:
 - A. As regulated by the Neighborhood Commercial (C-N) District and the following additional conditions.
 - B. The three principal uses on this site, the Church building, the single family building and the surface parking will function as one overall lot.
 - C. The setbacks, building footprint, overall parking layout and access aisles shall be as shown on the approved site plan.
- III. Access and Circulation:
 - A. Dedicate a 10 foot property line radius at the intersection of Nelson and Blythe and improve with an ADA compliant access ramp.

- B. Ingress and egress to the site shall be from the north-south alley with a curb cut on Nelson.
- C. The existing curb cut on Blythe Street shall be gated and used for emergency exit only.
- D. 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

IV. Landscaping and Screening

- A. A detailed landscaping and screening plan shall be submitted for the review and approval of the OPD.
- B. Said plan shall be incorporated into the Final Plat and shall identify the species type and the materials used for fencing and screening.
- C. A minimum of one canopy tree shall be required on the site. The plan shall indicate the location and type of that canopy tree.
- D. Landscaping shall not interfere with any required easements.

V. Other:

- A. No signage shall be permitted on this site.
- B. No lighting other than standard security lighting (floodlights) attached to the house or the church structures shall be permitted.

VI. Drainage:

Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

- VII. The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, signage, and other site 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 days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

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

IX. 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. In commercial areas and multi-family parcels, the exact location and dimensions including height, of buildings or buildable areas, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. Streets, lots, landscaping and all information required to review residential subdivisions in accordance with the Subdivisions Regulations.
- E. The content of all landscaping and screening to be provided
- F. The location and ownership, whether public or private of any easement,
- G. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity, for ownership and maintenance purposes,
- H. The following note shall be placed on the final plat of any development requiring on-site 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 City or 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 owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/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.

GENERAL INFORMATION

Street Frontage: Nelson Avenue ----- 130.00 Feet
Blythe Street ----- 150.00 Feet

Planning District: Midtown

Census Tract: 66

Zoning Atlas Page: 2035/2135

Parcel ID: 029012 00002, 029012 00003, 029012 00004

Zoning History: The current R-S6 designation dates to approximately 1980.

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.

Roads:

3. Dedicate a 10 foot property line radius at the intersection of Nelson and Blythe and improve with an ADA compliant access ramp.
4. If the applicant wishes to use the existing alley for access, it will have to be widened and improved to a minimum of 14 feet for one way access only.
5. The City/Engineer shall approve the design, number and location of curb cuts.
6. 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,

Drainage:

7. 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.

Site Plan Notes:

8. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

9. The width of all existing off-street sewer easements shall be widened to meet current city standards.
10. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
11. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:	No comments received.
City Real Estate:	None.
City/County Health Department:	The Water Quality Branch has no comments.
City Board of Education:	No comments received.
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 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 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). 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: AT&T Tennessee has no comment.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning: No comments

Memphis Park Services: No comments received.

Cooper Young Community Association: **See Attached**

Cooper Young Community Development Corporation – See Attached

Cooper Young Business Association: **See Attached**

Central Gardens Area Association: **No comments received**



Cooper Young
Community Association
2298 Young Ave
Memphis TN 38104
901-272-2922
www.CooperYoung.org

January 10, 2010

City of Memphis
Land Use Control Board
Office of Planning and Development
125 N Main Street
Memphis TN 38103

To Whom it May Concern,

I have met with Jim Pettit, the owner of the Memphis Drum Shop and viewed their plans for the land they have purchased 877, 883, and 885 Blythe Street. They have a site plan with improvements to the streetscape with landscaping and fencing and intend to limit all traffic from Blythe, which is a very narrow street.

We believe that the uses that are intended in these existing buildings will not be obtrusive to the surround neighbors but are anxious to hear their questions after letters are sent out to the neighborhood.

We value the Drum Shop and what they provide in the CY neighborhood. We also understand and respect the request for change to adhere to the residential area. We are here for the Drum Shop should they need any direction with needed changes. At this time, we support this Planned Development.

Please feel free to call me with any questions about this recommendation.

Sincerely,

Debbie Sowell
President, CYCA



Cooper Young Business Association

December 31, 2009

Memphis and Shelby County Office of Planning and Development
125 North Main Street
City Hall
Suite 468
Memphis, TN 38103

Re: Planned Development – 877, 883, 885 Blythe Street

The Cooper Young Business Association supports the Memphis Drum Shop in their acquisition and future improvements of recently acquired 877, 883, and 885 Blythe Street. The Memphis Drum Shop has been a member in good standing with the area Business Association for the last twenty-two years.

Their plans to upgrade the existing buildings to include a recording studio, student lesson studio, storage area, and single-family rental plus extensive landscaping, building improvements, and painting are a much needed addition to this area of the neighborhood. The 885 Blythe parcel has been a place of decay in our area and also a favorite dumping place for trash and debris. It will be a wonderful improvement for this parcel to be maintained and have additional lighting installed to deter future criminal activities in this area.

The Memphis Drum Shop has been a model business over the last years and has supported our efforts to reclaim this area for the enjoyment of all people. They support our efforts to keep a Police Co-Act office open, our annual fundraising efforts and keep their buildings free of graffiti and disrepair which enhances our efforts to move Cooper Young along as one of the top entertainment areas in Memphis. We applaud their efforts in being a good neighbor and for setting a high standard for others to follow.

Thank you for your consideration of their request.

Sincerely,

Tamara Walker
Director



COOPER YOUNG
DEVELOPMENT CORPORATION

REB HAZLEP
PRESIDENT

JASON POTTER
VICE PRESIDENT

PAUL YOUNG
TREASURER

SECRETARY

SUTTON MORA HAYES
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JOHN WILLEL

December 29, 2009

The City of Memphis
Office of Planning and Development
Attn: Mary Baker
125 North Main Street, 4th Floor
Memphis, TN 38104

Dear Ms. Baker, *Mary*

Please accept this letter of support for the planned unit development being submitted on behalf of the Memphis Drum Shop for 877, 883, and 885 Blythe Street.

I recently met with Mr. Pettit and he shared the plans for the landscaping and redesign of the former church site and single-family home with me. The new landscaping will have a strong, visible impact on the appearance of Blythe. It is a much needed improvement over the current condition of the lots. I am also pleased to know that he intends for the traffic on and off the site to come from the alley, rather than Blythe. I understand that there will be an exit on Blythe if needed, but I am happy to know that this exit will have a gate and not be used unless absolutely necessary. This will help to mitigate the parking and traffic hazards that exist on Blythe now due to the narrow width of the street.

Mr. Pettit also shared with me that he had spoken with several of the residents of the area, and was planning on sending a letter to all the homes and businesses immediately affected by this project. We appreciate that Mr. Pettit is taking the time to reach out to our community members.

The Memphis Drum Shop is a long-time and vital resident of Cooper-Young. The Shop and Mr. and Mrs. Pettit have supported the Cooper-Young Development Corporation and the neighborhood for many years, and we believe their growth and expansion will be good for the neighborhood. We hope you look favorably upon their request.

Please feel free to contact me with any questions.

Sincerely,

Sutton Mora Hayes
Executive Director

