

STAFF REPORT

11

CASE NUMBER: U.V. 10-02 **L.U.C.B. MEETING:** March 11, 2010

LOCATION: Northwest corner of Texas Street and South Parkway-East

COUNCIL DISTRICT(S): District 6-Super District 8-Positions 1, 2 & 3

OWNERS/APPLICANTS: Mt. Zion M. B. Church

REQUEST: Use Variance to allow church parking

AREA: 0.785 Acre(34,195 sq. ft.)

EXISTING LAND USE & ZONING: Vacant lots in Single Family Residential(R-S6) District.

SURROUNDING USES AND ZONING:

North: Single family homes in 'Factory Highlands' Subdivision in Single Family Residential(R-S6) District.

East: Mount Zion M.B. Church in 'Factory Highlands' Subdivision in Single Family Residential(R-S6) District.

South: Vacant surplus land, vacant lots and single family homes in 'South Parkway-Texas Street' and 'Crenshaws' Subdivisions in Light Industrial(I-L) District.

West: Vacant lots and single family homes in 'Boyd' Subdivision in Single Family Residential(R-S6) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

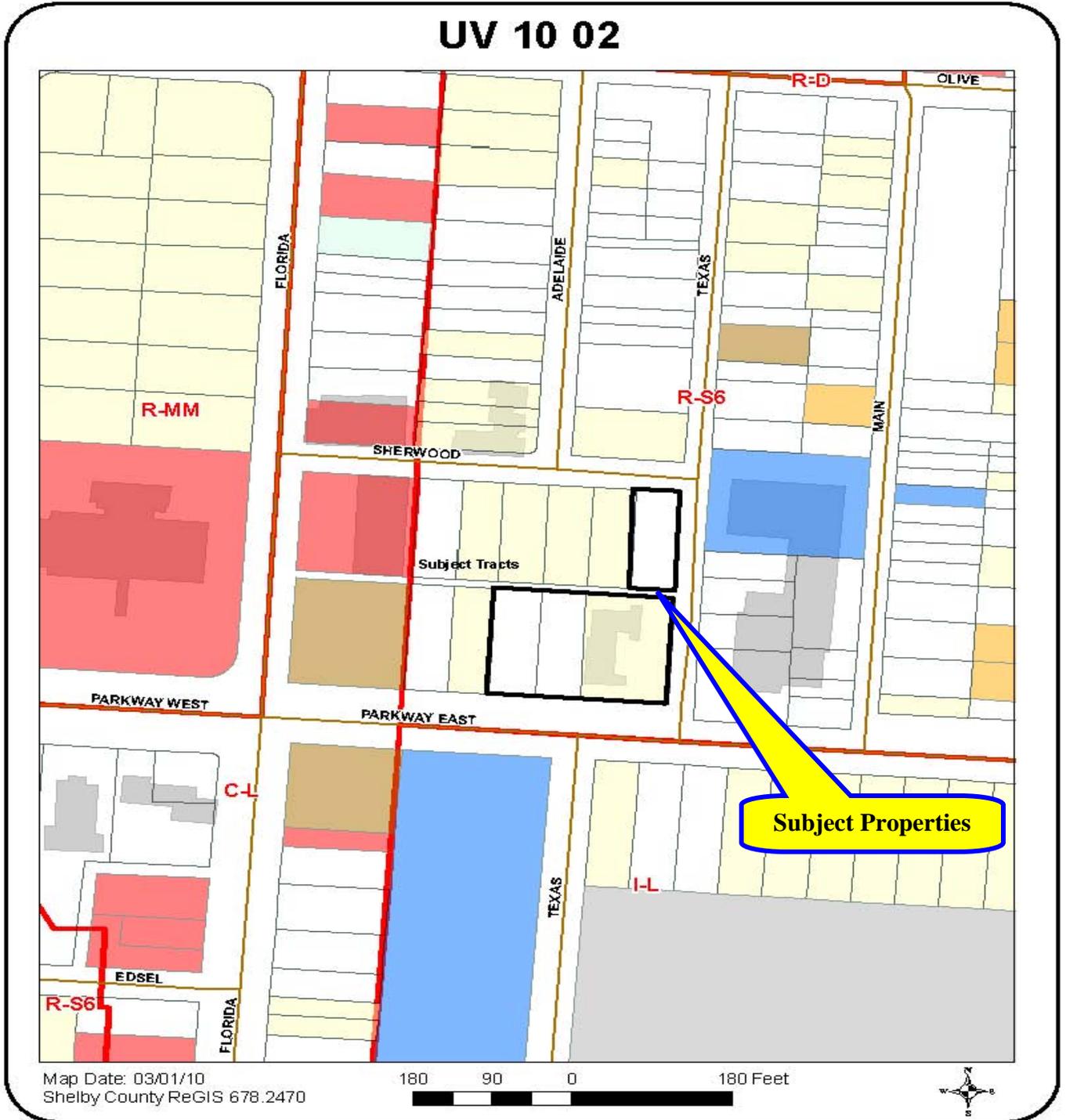
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

CONCLUSIONS:

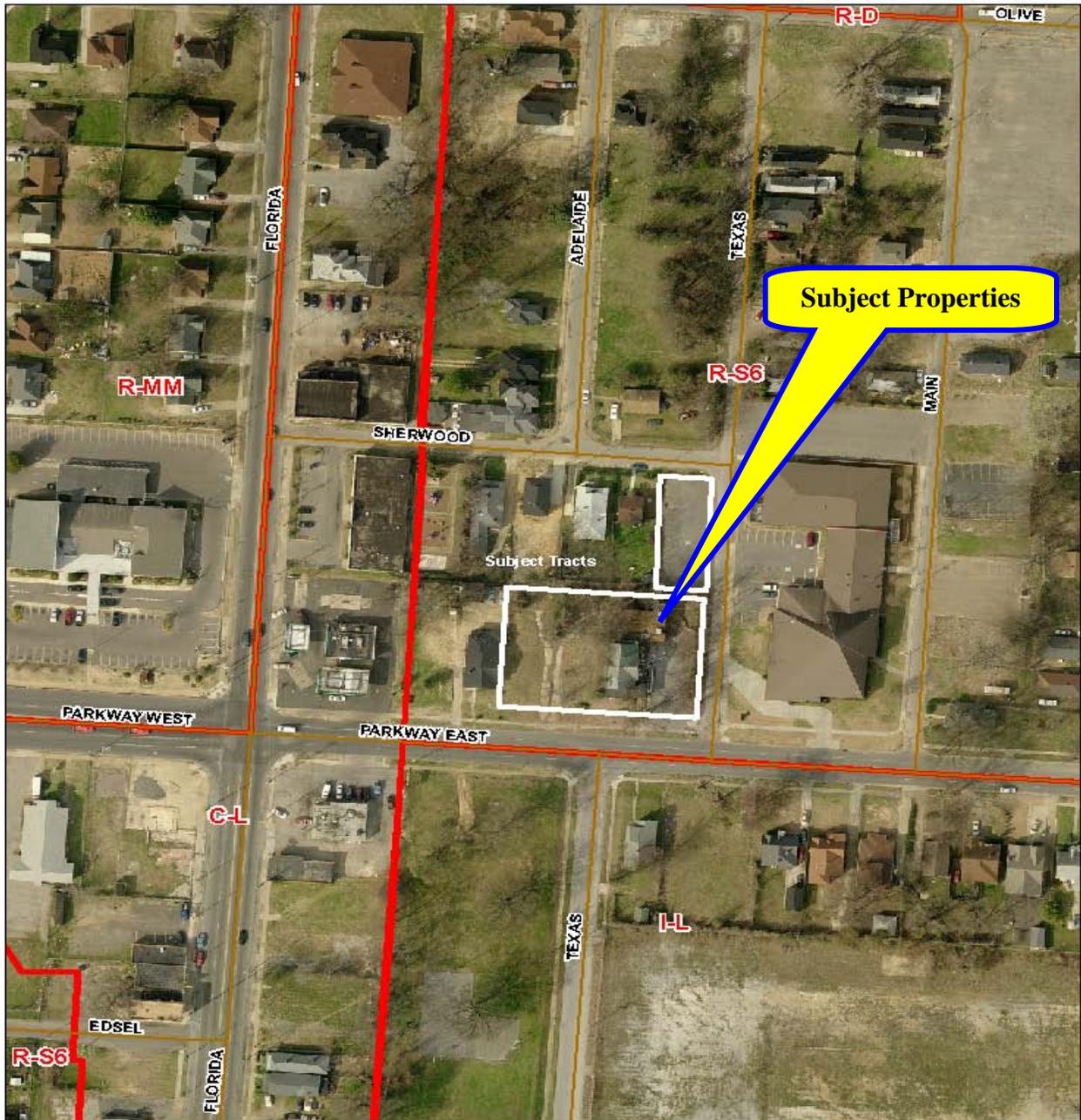
- 1. The subject properties are four(4) vacant lots totaling 0.78 acre(34,195 sq.ft.) of surplus land at the northwest corner of Texas Street and South Parkway-East in Boyd Subdivision in South Memphis Planning District.**
- 2. The request is for a use variation to allow church parking in Single Family Residential(R-S6) District zoning at the intersection of a major road and a minor local street in the South Memphis community in 'Boyd' Subdivision directly across the street from Mount Zion M. B. Church.**
- 3. The site plan illustrates adequate vehicle access designed in a circular motion with the ability to safely enter and exit the proposed church parking lot by forward motion to South Parkway-East and via a public alley to Texas Street.**
- 4. This request for a Use Variance for church parking located directly across the street from the principal church building is required parking to comply with the zoning ordinance. This request will also assist in the consolidation of church property into one contiguous piece of property.**
- 5. A new sight-proof fence six(6') feet in height along the west property lines shall be constructed adjacent to single family homes and landscaping shall be installed to meet the landscape ordinance. A landscape plan shall be submitted for review and approval by staff prior to legislative review and final action by the Memphis City Council.**

ZONING & LAND USE

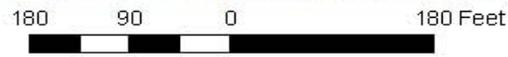


AERIAL ZONING MAP

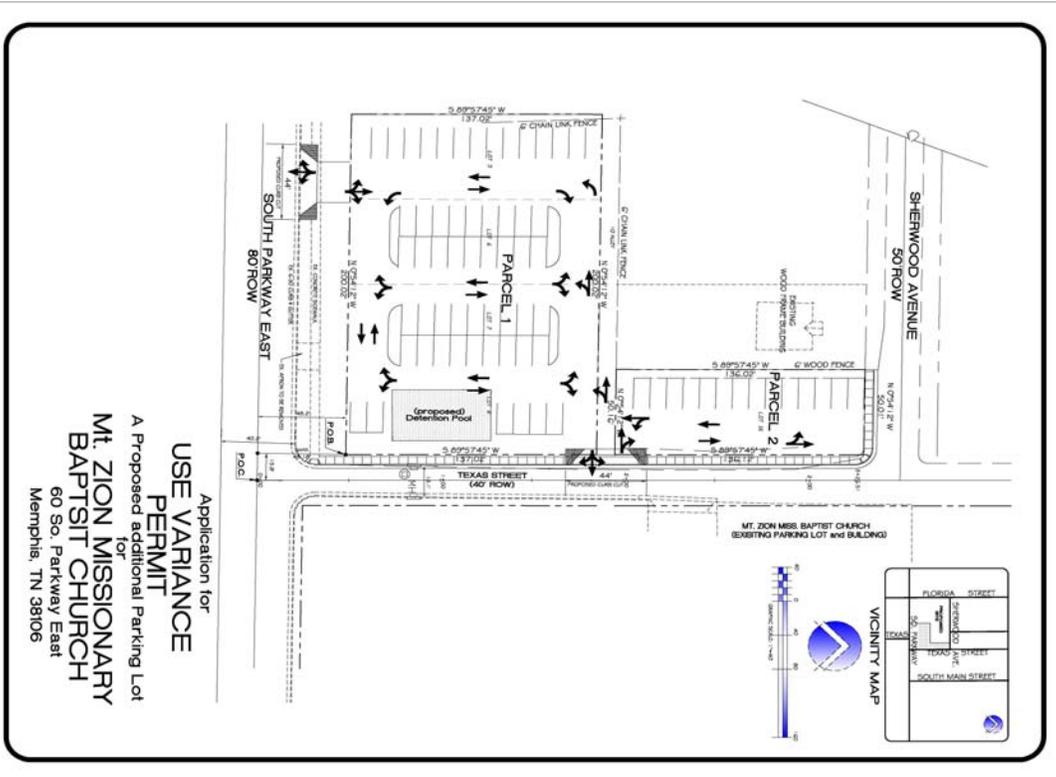
UV 10 02



Map Date: 03/01/10
Shelby County ReGIS 678.2470



SITE PLAN & LEGAL DESCRIPTION

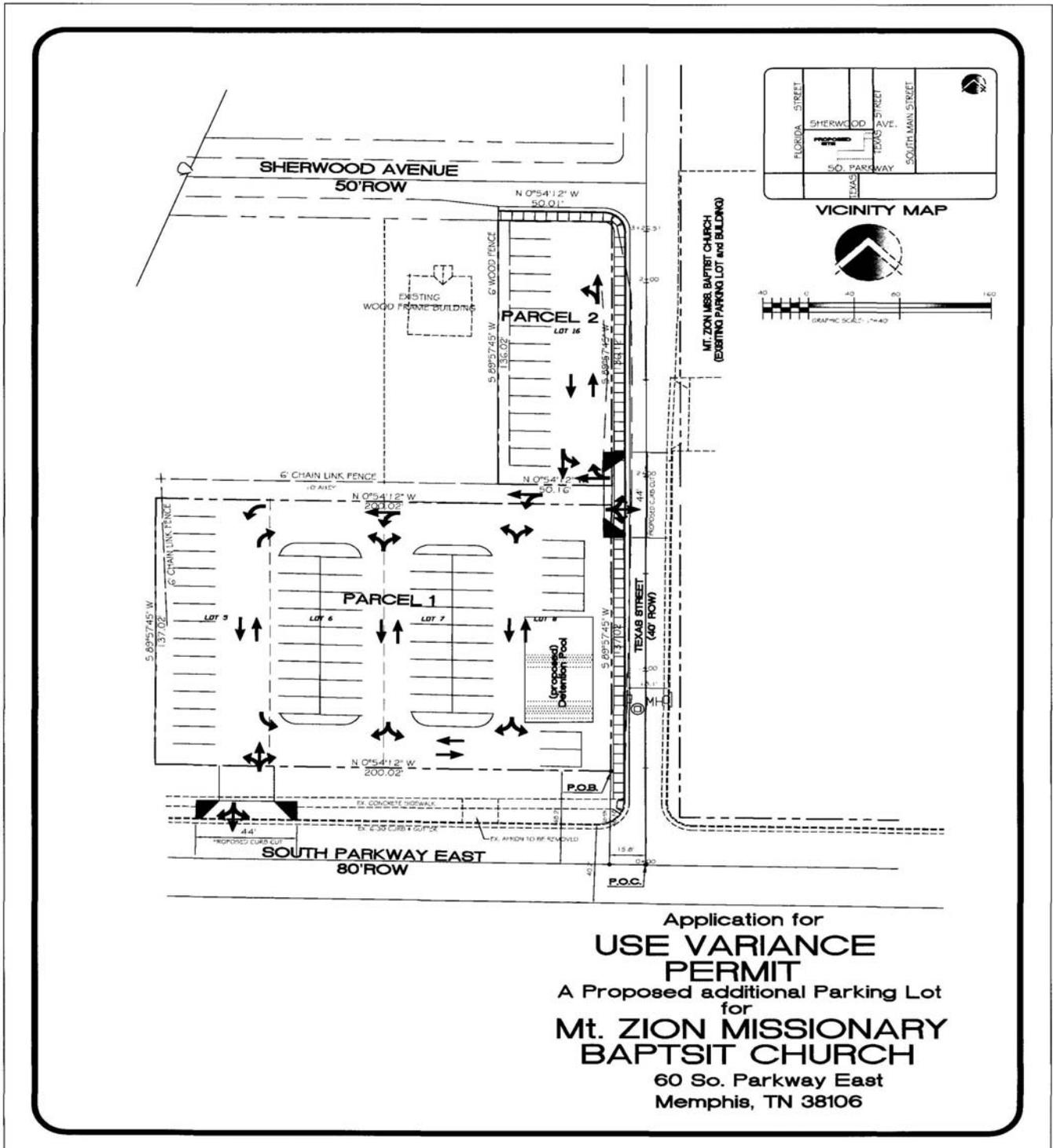


LEGAL DESCRIPTION
for LOT No. 5, 6, 7, 8 and 16 of the
IRBY BOYD SUBDIVISION
recorded under Instrument No. 09069730, 08045159, and FN 1223

Parcel #1
Commencing at the centerline intersection of South Parkway East and Texas Street, thence: heading westwardly along the centerline of South Parkway, a distance of 15.87 feet to a point, thence: on a relative bearing of N00°00'00"E, a distance of 48.18 feet to the Point of Beginning, thence: heading westwardly along the north R.O.W. line of South Parkway East, a relative bearing of N07°54'12"W, a distance of 200.02 feet to a point, thence: N59°57'45"E a distance of 137.02 feet to a point in the south line of a 10 feet alley, thence: S07°54'12"E a distance 200.02 to a point in west R.O.W. line of Texas Street, thence: southwardly along the west R.O.W. line of Texas a distance of 137.02 to the Point of Beginning and containing 27,403.13 sq. ft. or 0.629 ac. more or less.

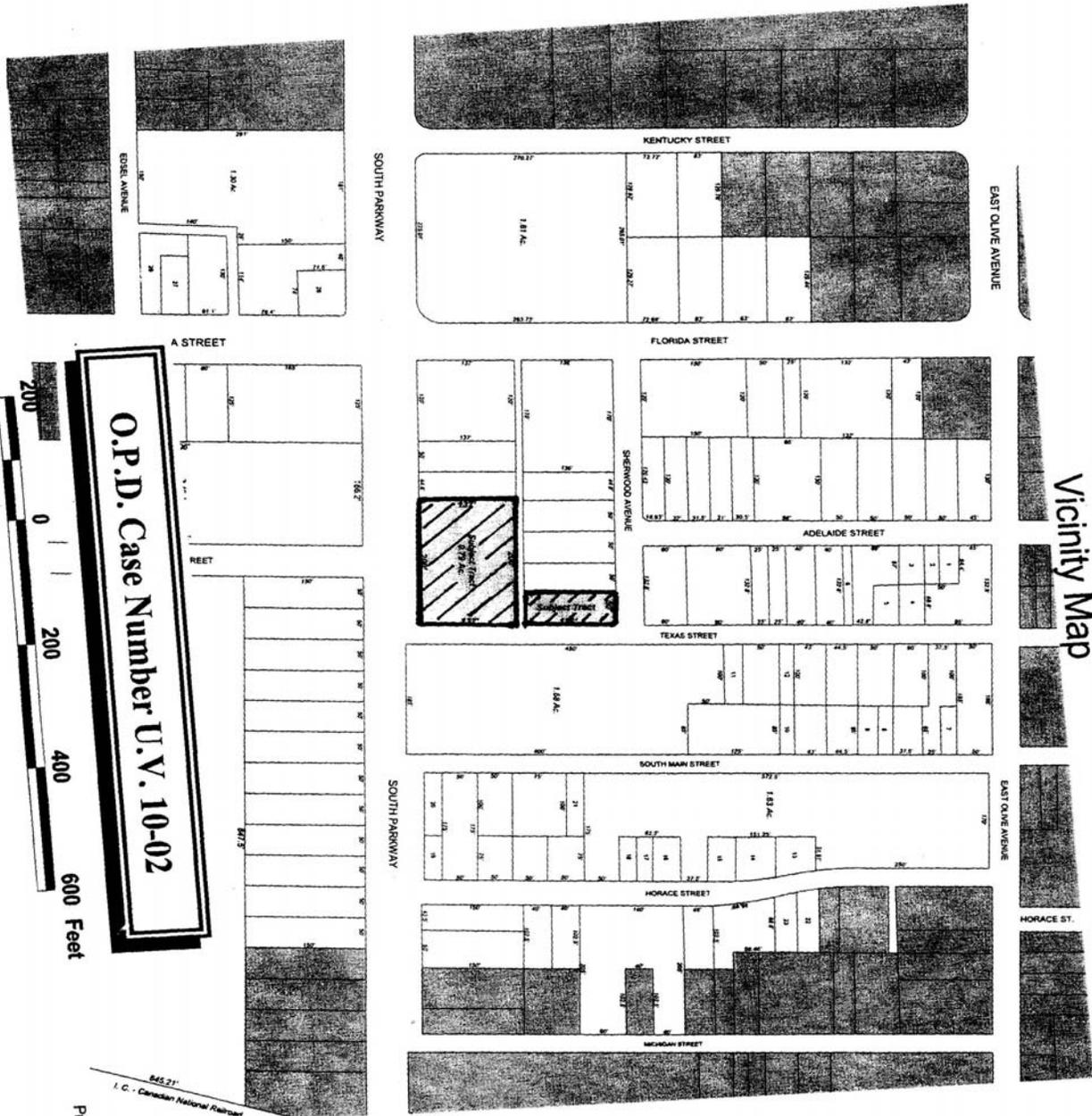
Parcel #2
Commencing at the centerline intersection of South Parkway East and Texas Street, thence: heading westwardly along the centerline of South Parkway, a distance of 15.87 feet to a point, thence: on a relative bearing of N00°00'00"E, a distance of 48.18 feet to the southeast corner of Parcel #1, which is the north R.O.W. line of South Parkway East and West R.O.W. line of Texas Street, thence: heading northwardly along the west R.O.W. line of Texas Street and crossing a 10 feet alley, distance of 147.02 feet to the Point of Beginning, thence: N07°54'12"W a distance of 50.16 feet to a point, thence: N59°57'45"E a distance of 136.02 feet to a point in the south R.O.W. line of Sherwood Avenue, thence: S07°54'12"E a distance 50.01 feet to a point in west R.O.W. line of Texas Street, thence: southwardly along the west R.O.W. line of Texas a distance of 136.12 feet to the Point of Beginning and containing 5,911.05 sq. ft. or 0.156 ac. more or less.

SITE PLAN (Church Parking Lot)



Application for
USE VARIANCE PERMIT
A Proposed additional Parking Lot
for
Mt. ZION MISSIONARY BAPTIST CHURCH
60 So. Parkway East
Memphis, TN 38106

VICINITY & OWNERSHIP MAP



Date: 09/28/09
Prepared By:
Property Research Data
PRD Job #09-065



845.21'
I.C. - Canadian National Railroad

STAFF ANALYSIS:

Site Description:

The subject properties are four (4) vacant lots totaling 0.78 acre(34,195 sq.ft.) of surplus land at the northwest corner of Texas Street and South Parkway-East in Boyd Subdivision in South Memphis Planning District. The properties are all located in Single Family Residential(R-S6) District zoning with street frontage along a major road and two minor local streets approximately 600 feet east of the intersection of Florida Avenue and South Parkway-East. There is no curb, gutter or sidewalk along the minor streets, except South Parkway-East is improved with a new handicap ramp. The sidewalk along South Parkway-East is in need of repair and does not meet current ADA standards.

Area Overview

The land use and zoning in the immediate area is predominantly single family homes in 'Factory Highlands', 'South Parkway-Texas Street', 'Crenshaws' and 'Boyd' Subdivisions in Single Family Residential(R-S6) and Light Industrial(I-L) District zoning. The single family homes in this area date to the early 1940's & 50's with available vacant lots for redevelopment of single family homes. The institutional land uses are primarily places of worship, day care, funeral homes and parlors. The property directly east and across the street from the subject properties is Mount Zion M. B. Church, the subject of the Use Variance request for an off-street parking lot located in a residential zoning district.

Use Variance vs. Residential Zoning

The request is for a use variation to allow church parking in Single Family Residential(R-S6) District zoning at the intersection of a major road and a minor local street in the South Memphis community in 'Boyd' Subdivision directly across the street from Mount Zion M.B. Church. The church parking will be maintained by the church in close proximity to single family homes in 'Factory Highland' and directly south across South Parkway-East in 'South Parkway-Texas Street' Subdivisions.

The site plan illustrates adequate vehicle access designed in a circular motion with the ability to safely enter and exit the proposed church parking lot by forward motion to South Parkway-East and via a public alley to Texas Street. The parking lot will be located on the same side of the street and within the same block and directly across the street from the church building. The pedestrian access to the parking area will be from new sidewalks installed along Texas Street and South Parkway-East. The site is located on a major road of high traffic volumes with four(4) lanes of pavement and eighty(80') feet of right-of-way.

The zoning ordinance permits accessory uses such as parking for principal buildings in residential zoning districts, but located on the same lot within the same block at a maximum distance of 300 feet. This request for a Use Variance for church parking located directly across the street from the principal church building is required parking to comply with the zoning ordinance. This request will also assist in the consolidation of church property into one contiguous piece of property and to include required parking in the overall future development plans for Mount Zion M.B. Church.

However, because the proposed church parking is not a contiguous lot to the church, a variance is required for the parking lot to be established in current residential zoning. Although the request is adjacent to single family homes, this variance to allow church parking does not significantly interrupt the relationship with adjacent residential and institutional properties if continued to be owned and maintained by the church.

The church parking lot shall not be altered or enlarged in any shape or form and occupied only by the applicant. A new sight-proof fence six(6') feet in height along the west property lines shall be constructed adjacent to single family homes and landscaping shall be installed to meet the landscape ordinance. A landscape Plate 'A' series or equivalent alternative shall be installed and maintained along South Parkway-East, Texas Street and Sherwood Avenue and one Tree 'A' for shall be required for every twenty parking spaces on the interior of the site. A landscape plan shall be submitted for review and approval by staff prior to legislative review and final action by the Memphis City Council.

RECOMMENDATION: Approval with Conditions

SITE PLAN CONDITIONS:

A *Use Variance* is hereby authorized to *'Mt. Zion M.B. Church'* to allow a *'church parking lot'* on the property located at the *'northwest corner of Texas Street and South Parkway-East'* in accordance with an *'approved site plan'* and the following supplemental conditions:

I. Use Permitted:

- A. A church parking lot with a maximum of seventy(70) spaces in a residential district. The parking lot shall not be altered or enlarged in any form and occupied only by the applicant with exceptions by the owner. No alterations, other than general repair and maintenance shall be allowed to the parking lot.
- B. There shall be no other type of land use operated on this lot other than permitted by this Use Variation for a church parking lot in a residential district.

II. Access and Parking:

- A. All required parking shall be located as illustrated on the site plan. No parking shall be allowed on any adjacent lot, parcel or public alleyway.
- B. A maximum of seventy(70) parking spaces shall be provided, including two (2) handicap spaces.
- C. The vehicular and pedestrian access to the parking lot shall meet the minimum standards for residential curb-cuts by the City of Memphis and ADA standards.

III. Landscaping and Other:

- A. A Landscape Plate 'A' or equivalent shall be installed and maintained along the public streets.
- B. A Landscape Plate 'B' or equivalent shall be installed and maintained along the east property lines. A 'Landscape Plan' shall be submitted for review and approval by staff.
- C. The parking lot shall not allow the overnight parking of recreational vehicles, trailers or boats. The parking lot shall allow overnight parking of passenger vehicles-only, and subject to approval by Mt. Zion M. B. Church.

IV. A monument sign shall be in accordance with the Single Family Residential(R-S6) District.

V. A church parking lot with a maximum of seventy(70) parking spaces shall be permitted for the above mentioned user and maintained in accordance with site plan conditions.

GENERAL INFORMATION:

Street Frontage: South Parkway-East-----+/-200.02 linear feet
Texas Street-----+/-273.14 linear feet

Planning District: South Memphis

Zoning Atlas Page: 2125

Parcel ID: 024049 00007 and 024049 0008C

Zoning History: This Single Family Residential (R-S6) District zoning dates to the adoption of the 1980 zoning map amendments.

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.

Curb Cuts/Access:

3. The City Engineer shall approve the design, number and location of curb cuts.
4. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

5. 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.
6. 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.

Site Plan Notes:

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

General Notes:

8. The width of all existing off-street sewer easements shall be widened to meet current city standards.
9. 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.
10. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No comment.

Memphis & Shelby County Health Department:

Water Quality Branch: No comments.

Memphis 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 TN: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comment.

Neighborhood Association/Organizations:

Montgomery Plaza Resident Association: No comments received as of 3/5/10.

Creative Life Inc.: “ ”

South Memphis Neighborhood Inc.: No comments received as of 3/5/10.

35th Ward Civic Club: “ ”

South Third & Parkway Neighborhood Association: No comments received as of 3/5/10.

Area Property Owner: *E-Mail:*

In regard to the notice I received in the U. S. Mail today from your office in regard to Case No. U. V. 10-02. I want to inform you that I am not or anyone else in my family (to my knowledge) owns the property at 1450 South Main St. that is adjacent and east of the Mt. Zion Baptist Church at the intersection of Main St. and South Parkway.

When my aunt, Mrs. Melvanor Fisher, owned the property during her lifetime, she offered to give the property to the Mt. Zion Baptist Church. I never knew what the result of the decision was. If your records show that we are owners of the 1450 South Main Street property, I would say that you have our permission to let the church members use the property as a parking lot. If you have questions, you may call me at 310 753-3200.

Most sincerely,

Ronald G. Turner

Staff: bb