

STAFF REPORT

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CASE NUMBER: **Z 10-101** **L.U.C.B. MEETING:** **February 11, 2010**

LOCATION: **Northwest side of South Third Street (Hwy 61-South); +/-191.93 feet northeast of West Holmes Road**

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

OWNERS/APPLICANTS: **Howard and Lawrence Lipman**

REPRESENTATIVE: **SR Consulting, LLC**

REQUEST: **Highway Commercial(C-H) District**

AREA: **1.21 Acres**

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

SURROUNDING USES AND ZONING:

North: 'Longcrest Baptist' Church and single family homes in 'Old Home Town' Subdivision in Single Family Residential(R-S6) District.

East: Vacant lots, single family homes, retail and motor vehicle service garage in Highway Commercial(C-H) District.

South: Vacant lots, retail stores and motel in Highway Commercial(C-H) District and single family homes in 'Airview' Subdivision in Single Family Residential(R-S6) District.

West: Vacant surplus property for 'Longcrest Baptist' Church, retail/gasoline sales, night club/lounge and large vacant tract in Highway Commercial(C-H) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval

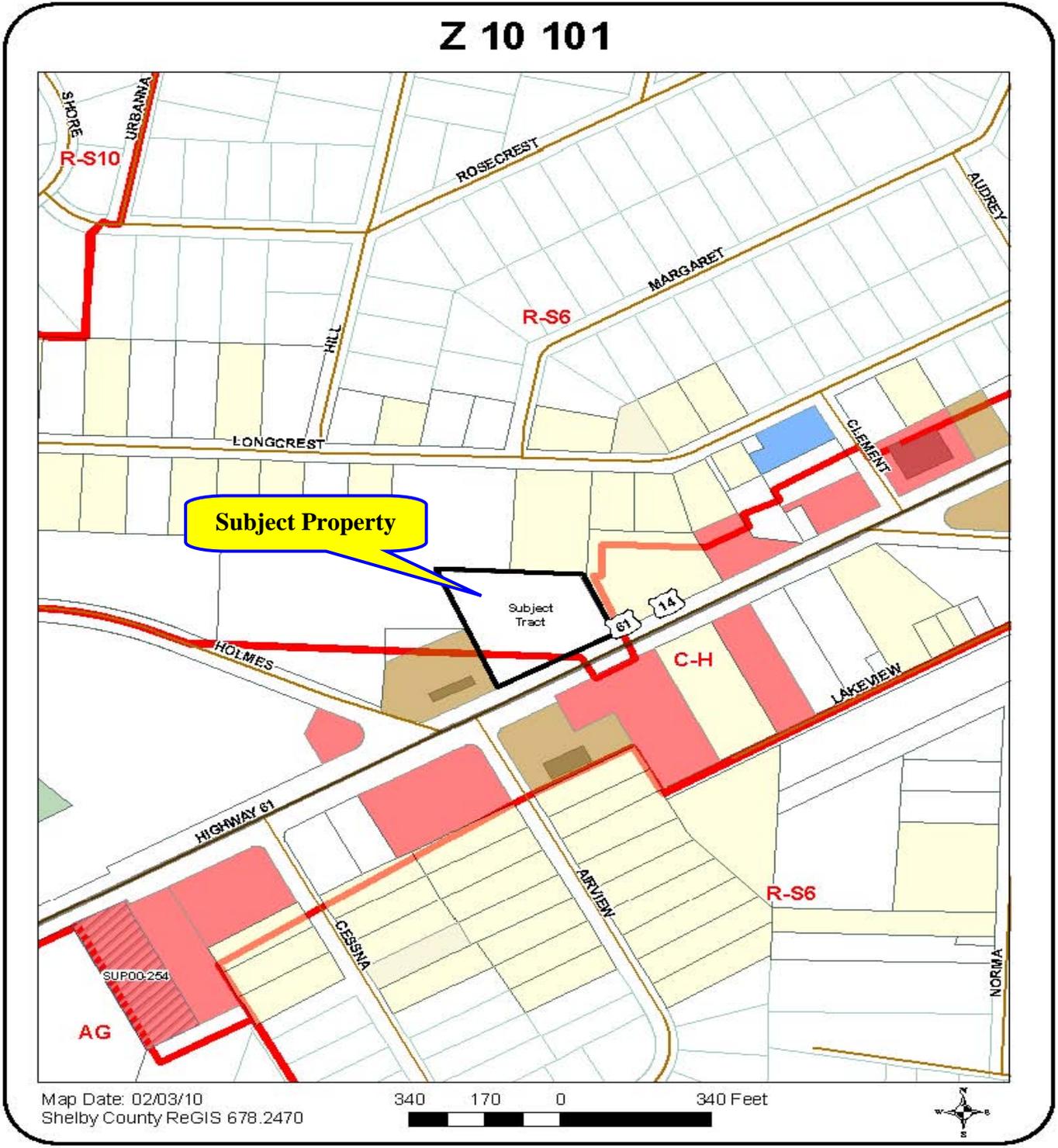
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

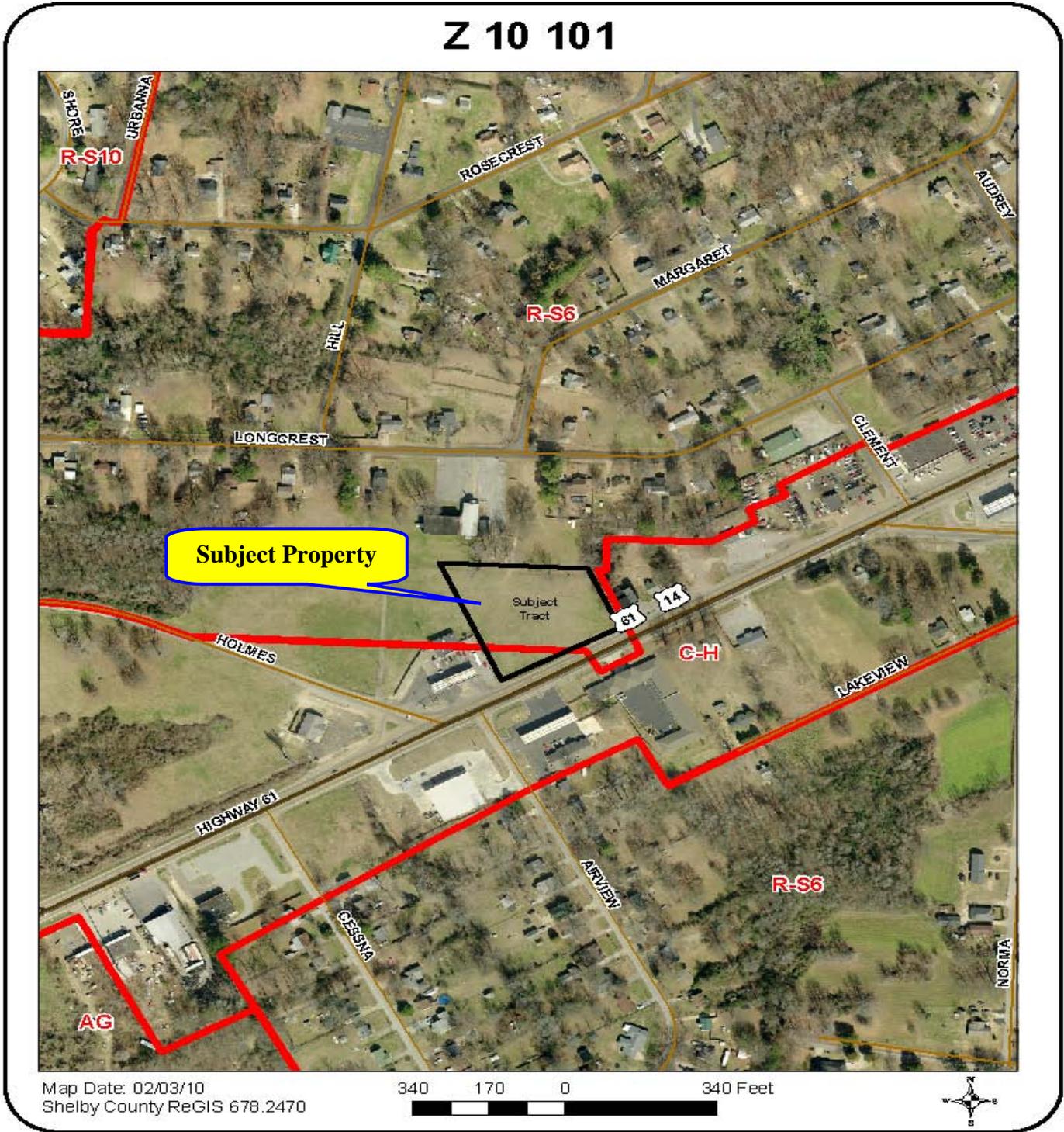
CONCLUSIONS:

- 1. The subject property is a vacant 1.71 acre parcel in the Whitehaven-Levi Planning District relatively horizontal in topography with opportunities for site and public improvements to advance new development of large vacant tracts.**
- 2. The parcel is located in two (2) separate zoning districts at the edge of residential and commercial zoning with significant road frontage along this segment of South Third Street.**
- 3. The zoning request is to reclassify a vacant parcel in Single Family Residential(R-S6) and partially in the Highway Commercial(C-H) District to be totally included in Highway Commercial(C-H) District zoning near Coro Lake community between Old Home Town and Airview Subdivisions.**
- 4. The requested zoning allows very intensive commercial land uses and although the request is intensive commercial zoning, the location would be a logical extension of the zoning line to allow C-H District zoning.**
- 5. The City of Memphis' Division of Engineering is currently in the process of right-of-way acquisition along the front of this property. The zoning and acquisition of this property contributes to possible public improvements along this segment of a major road without traffic controls.**

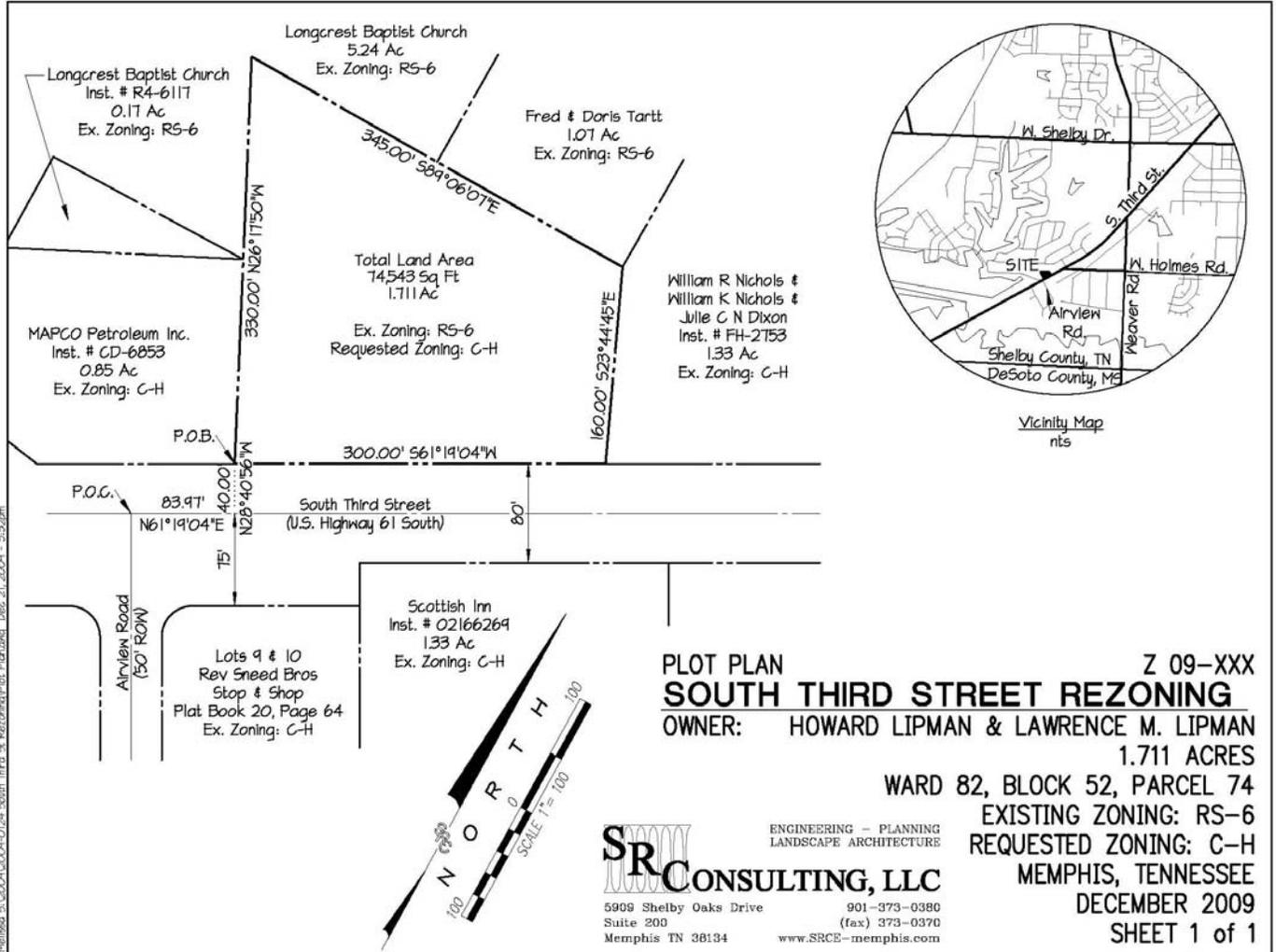
ZONING & LAND USE:



ZONING AERIAL MAP:



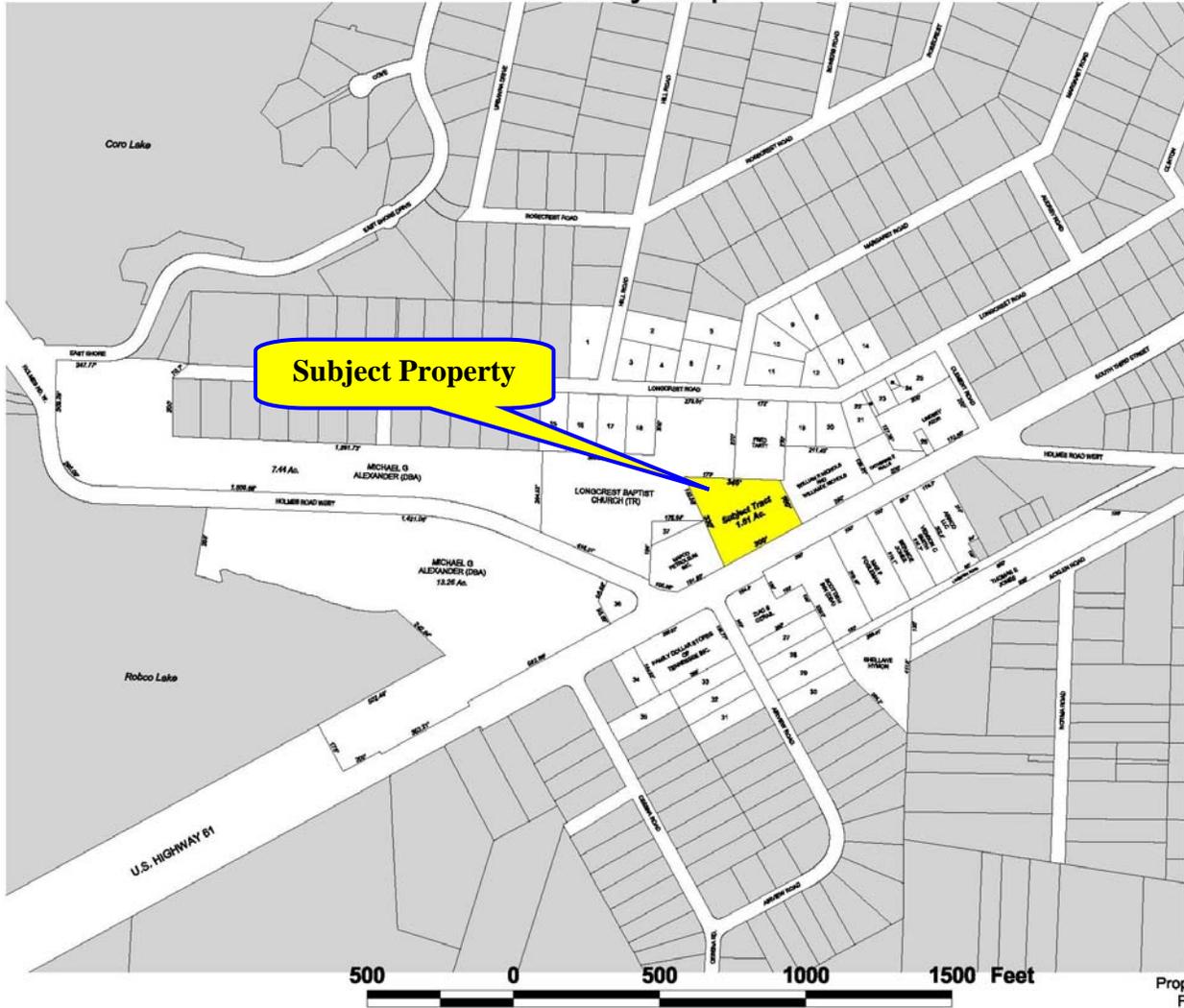
SUBJECT PROPERTY
PLOT PLAN



Modified: 5/13/2009 10:04:01 AM South Third St. Rezoned Plot. Paradise, Dec. 21, 2009 - 3:33pm

VICINITY & OWNERSHIP MAP:

Vicinity Map



Date: 12/22/09
Prepared By:
Property Research Data
PRD Job #09-087

STAFF ANALYSIS:

Site Description

The subject property is a vacant 1.71 acre parcel (74,488 sq. ft.) located at the northwest side of South Third Street (U.S. Highway 61-South) and 192 feet northeast of the intersection of West Holmes Road in the Whitehaven-Levi Planning District. The property has frontage on a major road with no curb, gutter nor sidewalk along either side of the highway. There is also no overhead power along this side of the highway frontage. The subject tract is relatively horizontal in topography with opportunities for site improvements to advance new development of large vacant tracts in the immediate area. There are no mature trees or shrubs on this property ready for new development in southwest Memphis.

Area Overview

The land use and zoning in the immediate area is predominantly single family homes in 'Old Home Town' and 'Airview' Subdivisions to the northwest and southeast in Single Family Residential(R-S6) District zoning. The single family homes in this area of the southwest Memphis are primarily one-story brick and wood frame homes ranging in size from 1500 to 1800 square feet in area on lots designed for current R-S6 District standards. The subject property is approximately one-quarter (1/4) mile south of the off-set of Holmes Road and South Third Street intersection with commercial land uses concentrated along the major road.

The parcel is located at the edge of residential and commercial zoning and adjacent to established neighborhoods west and northwest of the property. The surrounding land use and zoning consist of vehicle sales and a service garage, retail establishments for gasoline sales and dollar store, including a motel at the southeast side of the S. Third Street. Directly adjacent to the property and to the north is a church that owns adjacent surplus property and shares a common property line. There are also single family homes on estate-sized lots in Highway Commercial(C-H) District zoning that front on the highway. The parcel is oriented away from the adjacent neighborhood with significant road frontage along this segment of the highway. Although the subject property is located in two (2) separate zoning districts, any new development would be oriented to face South Third Street with greater emphasis on ingress and egress to the major road relative to West Holmes Road.

Zoning Change vs. Public Improvements

The zoning request is for a vacant 1.70 acre parcel in the Single Family Residential(R-S6) District to be included in Highway Commercial(C-H) District zoning in the Coro Lake community between Old Home Town and Airview Subdivisions. The property has been in R-S6 District zoning for over 40 years as vacant surplus residential property that has remained undeveloped in two different zoning districts. The primary access to this property will be from the major road, but careful consideration should be given to ingress/egress to this property and the balance of the property being located directly adjacent to a place of worship and single family homes.

The subject property is not limited in buildable area, but is designated in two (2) separate zoning districts for residential and commercial zoning purposes. The land uses permitted in the R-S6 zoning district by right consist primarily of residential with institutional land uses permitted by special use permit with the benefit of administrative site plan review such as group shelter, boarding house and transitional homes. A day care center, including group day care, lodge, club/country club, museum and a nursing home are also land uses permitted by special use permit.

The requested zoning for Highway Commercial(C-H) District zoning allows very intensive commercial land uses compatible with surrounding land uses and zoning. The uses permitted by C-H District zoning include an array of land uses ranging from indoor/outdoor amusements to wholesale display, including motor vehicle sales and service facilities, printing, publishing facilities, boat storage repair and mini-storage warehouses. Although the request is intensive commercial zoning, this location would be a logical extension of the zoning line to allow C-H District zoning. The parcel is located on a major roadway with zoning and land uses of similar form, but not very well-maintained in C-H District zoning along this segment of the roadway.

The City of Memphis' Division of Engineering is currently in the process of right-of-way acquisition for 3,904 sq. ft. of area along the front 13.01 feet wide and 300 feet in length. A permanent drainage easement 150 square feet in area is also in the process of being acquired in the southwest corner of the property. Although a zoning change would not affect the acquisition—the property being in two different zoning classifications could complicate the acquisition process. The zoning and acquisition of this property contributes to possible public improvements along this segment of a major road without traffic controls.

RECOMMENDATION: Approval

GENERAL INFORMATION:

Street Frontage: South Third Street (U.S. Highway 61-South) ----- +/-300 linear feet.
Planning District: Whitehaven-Levi
Atlas Page: 2520
Parcel ID: 082052 00074
Zoning History: The Single Family Residential(R-S6) 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:

City Fire Services: No comment.

Memphis & Shelby County Health Department: The Water Quality Branch has no comments.

Memphis Board of Education: No comment.

Construction Code Enforcement: No comment.

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: No comments.

Memphis Area Transit Authority (MATA): No comments.

OPD-Regional Services: No comments.

OPD-Plans Development: No comments.

Neighborhood Associations/Organizations:

Westwood Shores Property Owners Association: No comments received as of 2/5/10.
South Memphis Neighborhood Inc.: " "
Cummings Street CDC: No comments received as of 2/5/10.
Memphis Airport Area Development Corporation: The MAADC does not oppose the zoning request.

Staff: bb