

**STAFF REPORT**

**14**

**CASE NUMBER:** S.U. P. 10-212 **L.U.C.B. MEETING:** May 13, 2010

**LOCATION:** West side of N. Thomas Street; +/-98 feet north of T.M. Henderson Avenue

**COUNCIL DISTRICT(S):** District 7-Super District 8-Positions 1, 2 & 3

**OWNERS/APPLICANTS:** House of Knowledge Childcare, Inc.

**REPRESENTATIVE:** A. Carmichael Johnson

**REQUEST:** Special use permit to allow a day care center

**AREA:** 0.85 Acre(37,026 sq. ft.)

**EXISTING LAND USE & ZONING:** Vacant one-story medical and dental offices with associated parking in Mixed Use(MU) District in Uptown.

**SURROUNDING LAND USES AND ZONING:**

**North:** Vacant lots, single family residence, motor vehicle service and vacant commercial buildings in Mixed-Use(MU) District.

**East:** Church ministry, vacant lots and motor vehicle service in Mixed-Use(MU) District.

**South:** Vacant lots and single family homes in Moderate Density(MDR) Residential District and vacant lots in Mixed-Use(MU) District.

**West:** Mt. Pleasant Missionary Baptist Church and single family homes in Moderate Density(MDR) Residential District.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

**Staff:** *Brian Bacchus*

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

***CONCLUSIONS:***

- 1. The subject property is an existing building located at the west side of a major road, North Thomas Street approximately one-quarter ( $\frac{1}{4}$ ) mile north of Chelsea Avenue within the boundaries of Uptown-Memphis District Plan adopted in October, 2001.**
- 2. The request is for a special use permit to allow the conversion of an existing medical office building to a day care center establishment to be located in Mixed Use(MU) District zoning.**
- 3. Although the building does not meet all the design requirements in Mixed Use (MU) District zoning, this request for a special use to allow a day care center is an acceptable land use in the Uptown-Memphis District Plan as an adaptive re-use of a structure formerly used for medical offices.**
- 4. The land use is supported, because it is located on a major road and meets the criteria for day care centers to locate adjacent to single family neighborhoods and similar institutional land uses.**



ZONING-AERIAL VIEW:

**SUP 10 212**



Map Date: 04/26/10  
Shelby County ReGIS 678.2470

175 87.5 0 175 Feet

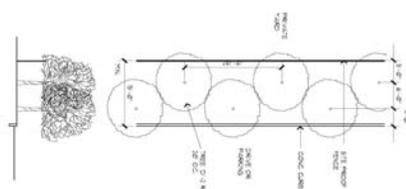


**SITE-LANDSCAPE PLAN:**



**1** LANDSCAPE SCREEN PLAN

**2** LANDSCAPE PLATE B-4



PLANT LIST	Common Name	Size	Quantity
1	Shrubbery (various types)	2' x 4' max	10
2	Shrubbery (various types)	4' x 6' max	5
3	Shrubbery (various types)	6' x 8' max	3
4	Shrubbery (various types)	8' x 10' max	2
5	Shrubbery (various types)	10' x 12' max	1
6	Shrubbery (various types)	12' x 14' max	1
7	Shrubbery (various types)	14' x 16' max	1
8	Shrubbery (various types)	16' x 18' max	1
9	Shrubbery (various types)	18' x 20' max	1
10	Shrubbery (various types)	20' x 22' max	1
11	Shrubbery (various types)	22' x 24' max	1
12	Shrubbery (various types)	24' x 26' max	1
13	Shrubbery (various types)	26' x 28' max	1
14	Shrubbery (various types)	28' x 30' max	1
15	Shrubbery (various types)	30' x 32' max	1
16	Shrubbery (various types)	32' x 34' max	1
17	Shrubbery (various types)	34' x 36' max	1
18	Shrubbery (various types)	36' x 38' max	1
19	Shrubbery (various types)	38' x 40' max	1
20	Shrubbery (various types)	40' x 42' max	1
21	Shrubbery (various types)	42' x 44' max	1
22	Shrubbery (various types)	44' x 46' max	1
23	Shrubbery (various types)	46' x 48' max	1
24	Shrubbery (various types)	48' x 50' max	1
25	Shrubbery (various types)	50' x 52' max	1
26	Shrubbery (various types)	52' x 54' max	1
27	Shrubbery (various types)	54' x 56' max	1
28	Shrubbery (various types)	56' x 58' max	1
29	Shrubbery (various types)	58' x 60' max	1
30	Shrubbery (various types)	60' x 62' max	1
31	Shrubbery (various types)	62' x 64' max	1
32	Shrubbery (various types)	64' x 66' max	1
33	Shrubbery (various types)	66' x 68' max	1
34	Shrubbery (various types)	68' x 70' max	1
35	Shrubbery (various types)	70' x 72' max	1
36	Shrubbery (various types)	72' x 74' max	1
37	Shrubbery (various types)	74' x 76' max	1
38	Shrubbery (various types)	76' x 78' max	1
39	Shrubbery (various types)	78' x 80' max	1
40	Shrubbery (various types)	80' x 82' max	1
41	Shrubbery (various types)	82' x 84' max	1
42	Shrubbery (various types)	84' x 86' max	1
43	Shrubbery (various types)	86' x 88' max	1
44	Shrubbery (various types)	88' x 90' max	1
45	Shrubbery (various types)	90' x 92' max	1
46	Shrubbery (various types)	92' x 94' max	1
47	Shrubbery (various types)	94' x 96' max	1
48	Shrubbery (various types)	96' x 98' max	1
49	Shrubbery (various types)	98' x 100' max	1
50	Shrubbery (various types)	100' x 102' max	1

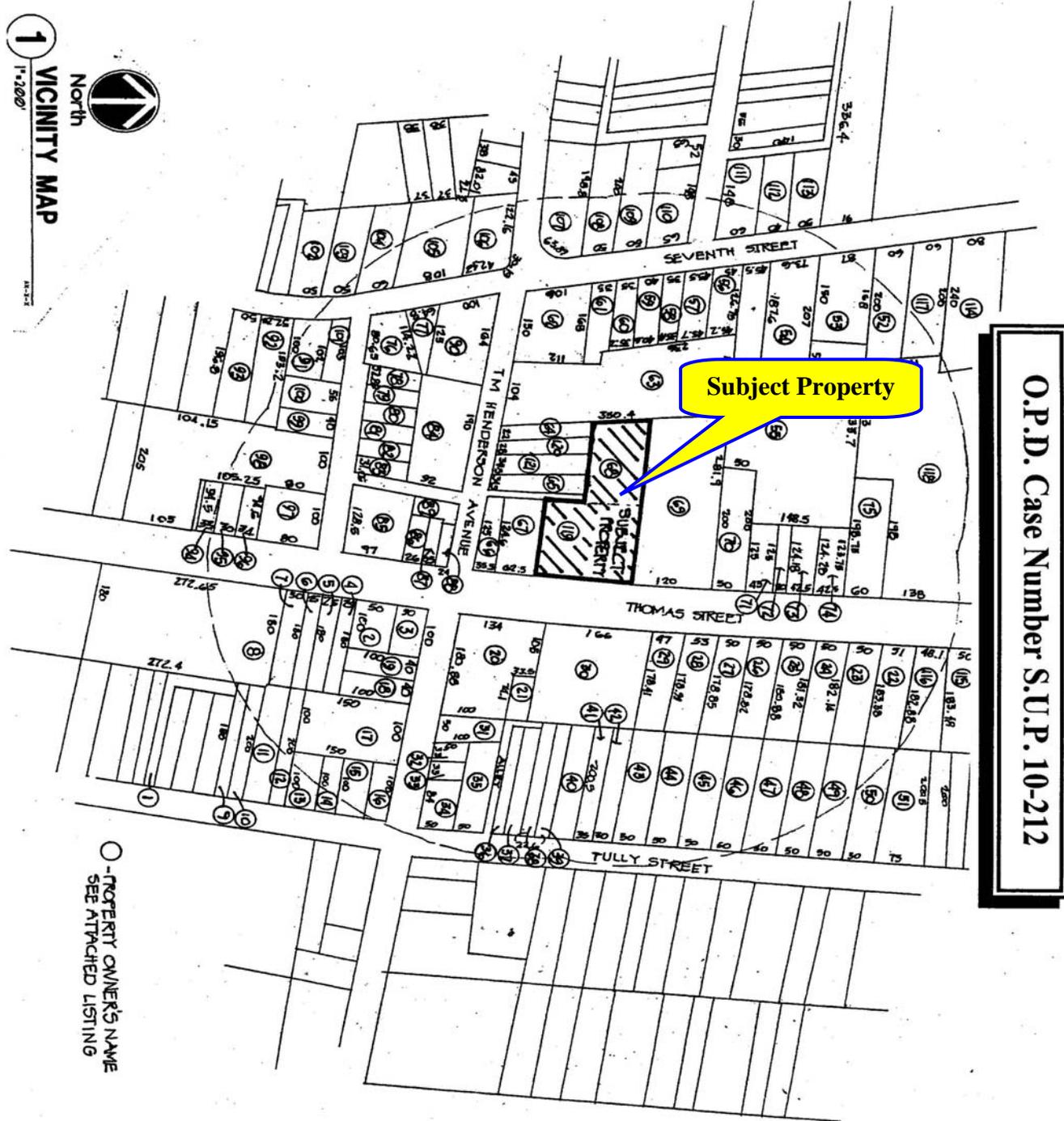
**AMG**  
ARCHITECTURAL MANAGEMENT GROUP  
200 N. WASHINGTON ST. SUITE 200  
INDIANAPOLIS, IN 46204  
TEL: 317.644.1111  
WWW.AMGARCHITECTS.COM

**House of Knowledge  
Child Care Center**  
518 N. Thomas Street  
Indianapolis, IN 46204

DATE: 3/18/10  
PROJECT: A102



VICINITY-OWNERSHIP MAP:



O.P.D. Case Number S.U.P. 10-212

## ***STAFF ANALYSIS:***

### **Site Description**

The subject property is an existing building located at the west side of a major road, North Thomas Street approximately 100 feet north of T.M. Henderson Avenue and one-quarter( $\frac{1}{4}$ ) mile north of Chelsea Avenue on an 0.85 acre parcel totaling 37,026 square feet. The site is within the boundaries of Uptown-Memphis Zoning District Plan adopted in October, 2001. The subject property was formerly medical and dental offices in designated Mixed Use(MU) District zoning with curb, gutter and sidewalk at the street, including some mature shrubs in the front yard.

There are overhead power lines at the street with front and rear yard parking. The site has two(2) existing curb cuts—one at each end of the subject property to form ingress-egress of the site by a semicircle private drive. There are several vacant lots directly adjacent to this building for any future expansion. These parcels are also located in Mixed Use (MU) District zoning and subject to special use permit provisions.

### **Area Overview**

The subject property is located in Uptown-Memphis and has experienced a tremendous transformation of land use and zoning within a six(6) year time frame. The land use and zoning is primarily a mix of single family residential homes in Moderate Density Residential(MDR) to the west, including institutional land uses for church buildings. There are single family and duplex residential homes in the Duplex Residential(R-D) District along the west side of Seventh Street.

There is an abundance of vacant lots to the east also in Duplex Residential(R-D) District zoning outside of the Uptown-Memphis District boundaries. This North Thomas Street corridor consists of vacant commercial buildings that front the street all in MU District zoning. A fire station is south of the property at the east side of North Thomas Street and Manassas High School is northeast of the site in R-MM District zoning.

**Land Use vs. Adaptive Re-Use**

The request is for a special use permit to allow the conversion of an existing medical office building to a day care center establishment to be located in Mixed Use(MU) District zoning in Uptown-Memphis District Plan. The site is a 0.85 acre parcel totaling 37,026 square feet in area. The applicant is requesting the special use because the current MU District zoning allows the use only by filing a special use permit application.

The existing building with associated parking is an appropriate adaptive re-use of an existing structure. The site design and type of building provides the day care center establishment with ample parking, access and circulation. However, the surplus land to the rear should remain an open green space to accommodate a playground with associated equipment—an amenity necessary to this land use.

Although the building does not meet all the design requirements in Mixed Use(MU) District zoning, this request for a special use to allow a day care center is an acceptable land use in the Uptown-Memphis District Plan as an adaptive re-use of a structure formerly used for medical offices. The land use is supported, because it is located on a major road and meets the criteria for day care centers to locate adjacent to single family neighborhoods and similar institutional land uses.

**RECOMMENDATION:**      *Approval with Conditions*

***SITE PLAN CONDITIONS:***

A *Special Use Permit* is hereby authorized to *'House of Knowledge Childcare, Inc.'* to allow a *'Day Care Center'* on property located at the *'west side of N. Thomas Street; +/-98 feet north of T.M. Henderson Avenue'* in accordance with an approved *'site plan'* and the following supplemental conditions:

- I. Use Permitted: A day care center with a maximum of sixty(60) children.
- II. Bulk Regulations:
  - A. A maximum building setback of forty-five(45) feet from North Thomas Street. All other setbacks shall be as illustrated on the Survey and Landscape Plan.
  - B. Any new addition shall be in accordance with the Mixed Use(MU) District regulations.
- III. Access & Circulation:
  - A. Any new curb cut shall be subject to review and approval by City Engineer.
  - B. Any new private drive shall be constructed to meet Subdivision Regulations, applicable City Standards and provide a minimum width of twenty-two(22) feet, exclusive of curb and gutter.
  - C. The developer shall be responsible for any reconstruction or repair necessary to meet ADA compliance or City of Memphis standards.
- IV. Landscaping and Screening:
  - A. A Landscape Plate 'A' (modified) as illustrated on the Landscape Plan shall be provided and maintained parallel to North Thomas Street.
  - B. A Landscape Plate 'B-4' as illustrated on the Landscape Plan shall be provided and maintained to the rear abutting residential zoning to include a sight-proof wood fence six(6') feet in height.
  - C. All mature trees and shrubs on the subject property shall be preserved and maintained. Required landscaping shall not be placed on any sewer or drainage easements or under any utility easement.
- V. Signs:
  - A. A ground-mounted monument sign a maximum of thirty-five(35) square feet in area. The base of the sign shall be landscaped with similar plant materials as in the streetscape.
  - B. No temporary or portable signs shall be permitted.
- VI. A day care center for a maximum of sixty(60) children shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

**GENERAL INFORMATION:**

**Street Frontage:** North Thomas Street-----+/-153.51 linear feet.

**Planning District:** North Memphis

**Census Tract:** 1.0

**Zoning Atlas Page:** 1930

**Parcel ID:** 022014 00035C and 022034 00034

**Zoning History:** On April 1, 2008, the Memphis City Council approved 'The Rock of Ages' Planned Development(P.D. 08-301) for the establishment of a funeral home. The Mixed-Use (MU) District zoning of the site dates to the adoption of the Uptown-Memphis District Plan adopted by Memphis City Council October, 16, 2001 by Ordinance # 4903.

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**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. # is designated as a Priority # on the MPO Major Road Plan.
4. Dedicate # feet from centerline of (street name) and improve in accordance with Subdivision Regulations.

**Curbs Cuts/Access:**

5. The curb cut on the south is located too near the property line. This curb cut shall be moved to a point not less than 10 feet north of the line.
6. The City Engineer's office has a question about the ownership and right of use for the access point on the north. This does not appear to be an ingress-egress easement, or an alley, and is not on the applicant's property. It was not included in the application for Rock of Ages PD, and we do not consider it legal access, particularly with respect to having parking and circulation directly off it.
7. The parking aisle in front of the building is wide enough only for one way access. The applicant shall show directional flow of traffic, both on the site plan and by signs when the site is developed.

8. The City Engineer shall approve the design, number and location of curb cuts.
9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
10. 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:**

11. 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:**

12. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
13. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.
14. Locate the pick-up/discharge area as far as possible from the entrance as practical to maximize on-site queue space for vehicles between the right-of-way and the pick-up/discharge point.
15. Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.

**General Notes:**

16. The width of all existing off-street sewer easements shall be widened to meet current city standards.
17. 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.
18. Required landscaping shall not be placed on sewer or drainage easements.

**Memphis Fire Services:**

No comments.

**City of Memphis Real Estate:**

None.

**Memphis & Shelby County Health Department:**

**Pollution Control:**

No comments from Water Quality Branch.

**Environmental Sanitation:**

No objections.

**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 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 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 line 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 has no comments.

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

**OPD-Regional Services:** No comments received.

**OPD-Plans Development:** No comments.

**Memphis Park Services:** No comments received.

**TN Dep't of Environment & Conservation:**

Be advised, it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

**Neighborhood Associations/Organizations:**

*North Memphis Civic Club:*

*No comments received as of 5/07/'10.*

*Downtown Ngh'd Association:*

*“ “ .*

*Harbor Town Homeowners' Association:*

*No comments received as of 5/07/'10.*

*Uptown Community Association:*

*“ “ .*

*North Memphis Concerned Citizens:*

*No comments received as of 5/07/'10.*

**Staff: bb**