

EARLIEST PUBLIC HEARING DATE: JULY 6

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #12**

CASE NUMBER: Z 10-105 **L.U.C.B. MEETING:** May 13, 2010

LOCATION: Westward side of Jackson Avenue; opposite and ±140 ft. southwestwardly from the intersection of Hemingway Avenue

COUNCIL DISTRICT: 7
SUPER DISTRICT: 9

OWNER/APPLICANT: Beatris Jimenez

REPRESENTATIVE: Tim McCaskill

REQUEST: Planned Commercial (C-P) District

AREA: 0.227 Acres

EXISTING ZONING: General Office (O-G) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval, with Conditions

CONCLUSIONS:

- 1. This request is for a minor intensification in a pattern of commercial use that has already been established.**
- 2. The transitional character of the O-G District is of no benefit when it is, as here, a single lot between the C-L and C-P Districts**
- 3. This request involves the amendment of a C-P plan which needs review as to compliance with the previous and current standards for landscaping.**

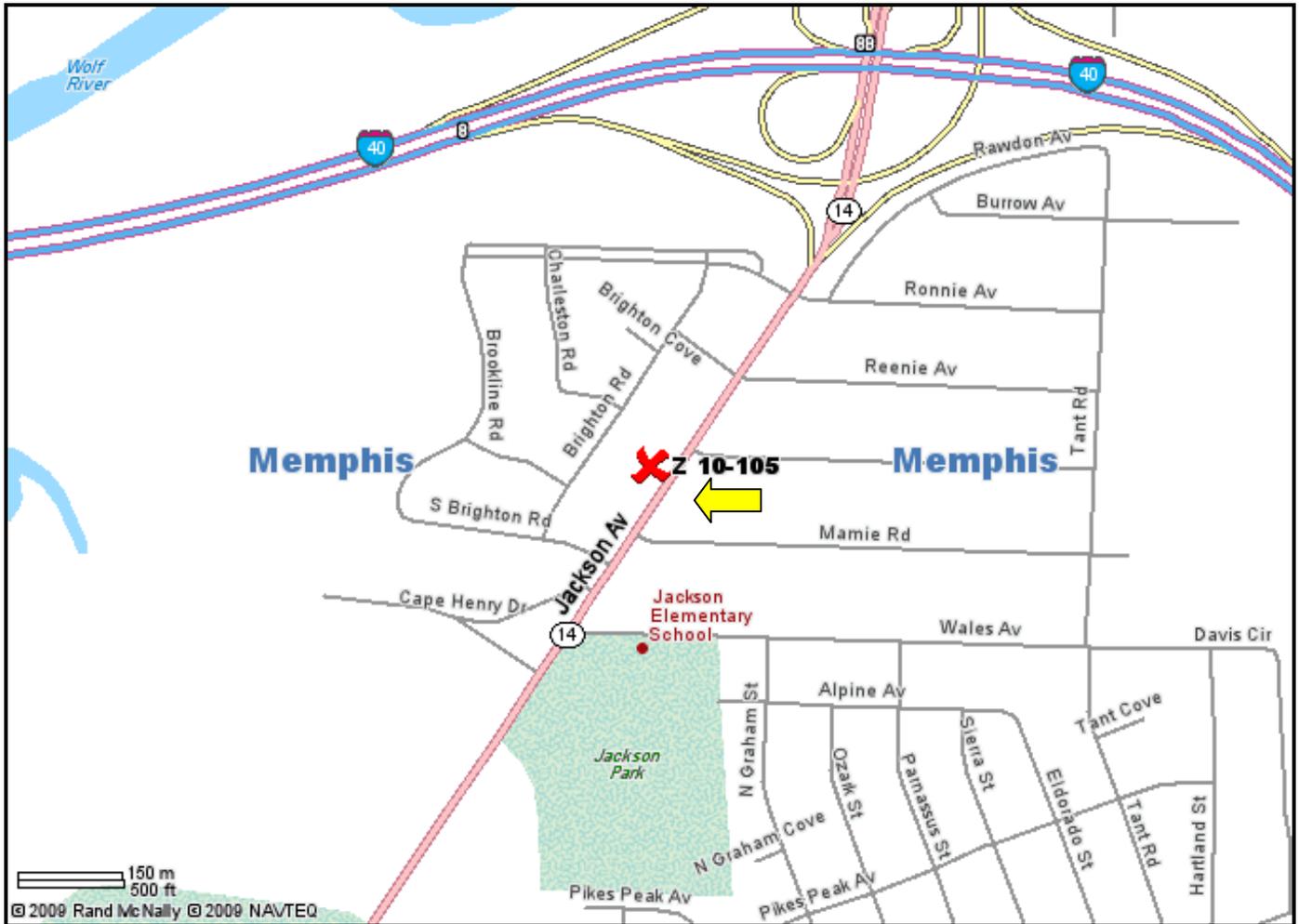


FIGURE 1: LOCATION MAP



FIGURE 2: BIRD'S EYE VIEW
Looking westward as shown in Figure 1 arrow

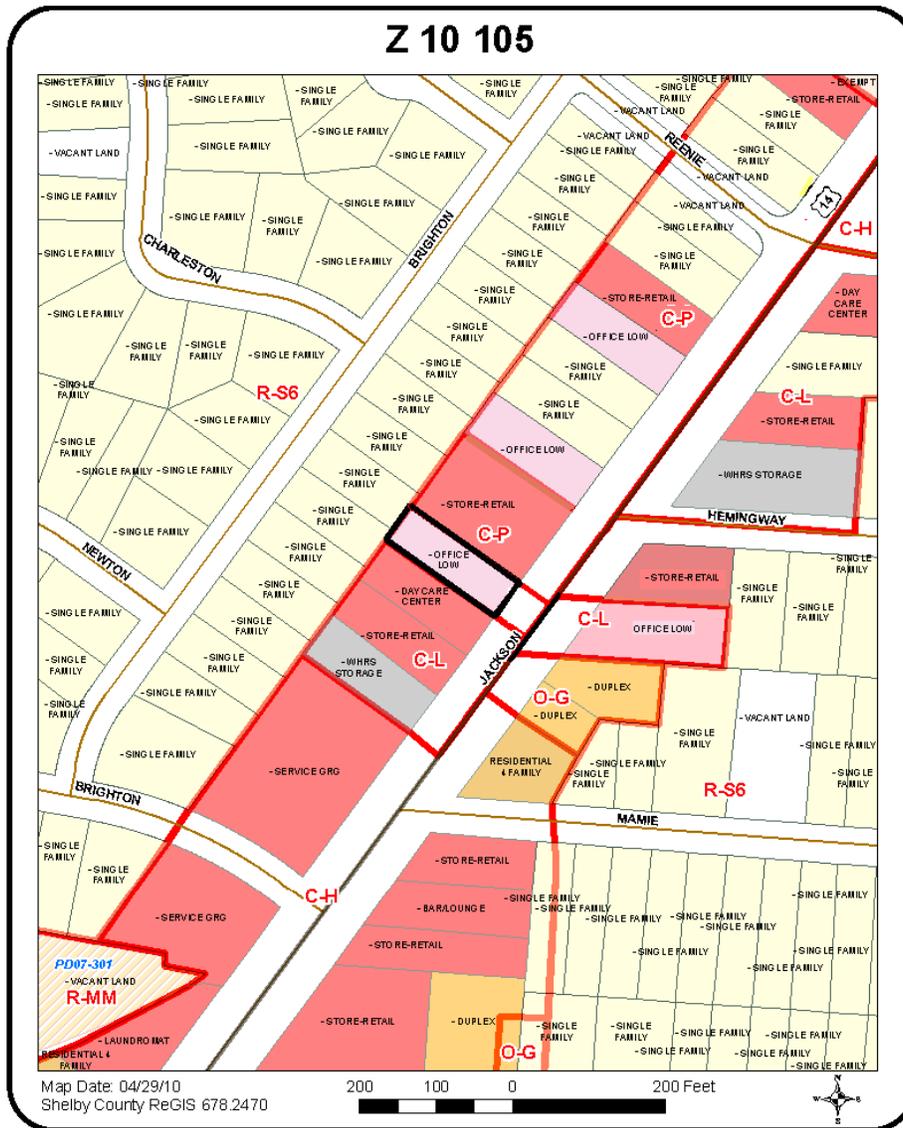


FIGURE 3: LAND USE & ZONING MAP

SURROUNDING USES AND ZONING:

- Northeast:** Retail and office use in the Planned Commercial (C-P) District
- East** (across Jackson): Dental office in the Local Commercial (C-L) District & beauty salon in the Single-Family Residential (R-S6) District
- Southwest:** Day care (*not listed by TDHS*) and retail shop in the C-L District
- West** (to the rear): Fronting on Brighton Road, single-family residences of the Austin Peay Subdivision in the R-S6 District



Figure 4: Subject property at 4114 Jackson in the O-G District. The development plan calls for demolition of this building and extension of the adjoining commercial building onto this lot.



Figure 5: Adjoining commercial property at 4118 Jackson in the C-P District; subject property would be added to the recorded general plan for this property. A translation of the sign would be "Jimenez Butcher Shop – Products of Mexico and Central America - fresh meat, vegetables, groceries, music and much more"



Figure 6: This office at 4132 Jackson occupies the next property to the northeast in this C-P District



Figure 7: On the opposite side of Jackson, this gang-tagged building at 4125 Jackson --- directly across the road from the "Carniceria" store --- is the location of a hair salon / day spa in the R-S6 District



Figure 8: Directly across the road from the subject property, at 4119 Jackson, is this dentist's office in the C-L District



Figure 9: South of the dental office, At 4105 Jackson, opposite and slightly southeast of the subject property in the O-G District, is one of two adjacent boarded-up duplex residential buildings, located just south of the dental office in Figure 8.



Figure 10: Adjacent to (and southwest of) the subject property, in the C-L District, is this day care center at 4108 Jackson, as seen on a weekend.



Figure 11: Beyond the day care center, also in the C-L District, is this retail business identified by a sign with the Spanish equivalent of "Reynoso News"



Figure 12: Overhead view of 4114 & 4118 Jackson properties to be incorporated in the proposed general plan revision

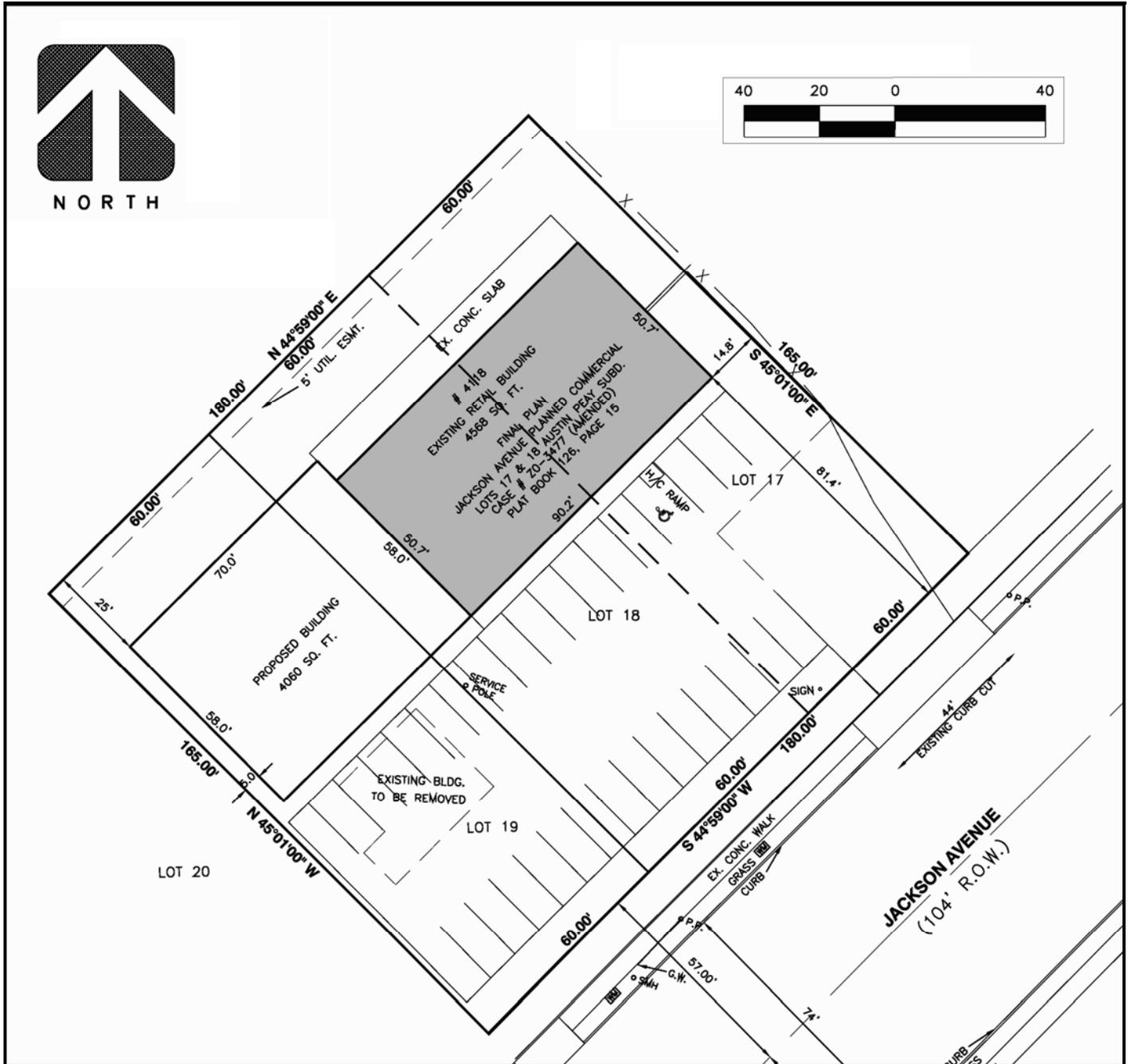


Figure 13: Proposed Site Plan for 4114 & 4118 Jackson Avenue
[Drawing by McCaskill & Associates]

STAFF ANALYSIS:

Site Characteristics

The subject property is identified as Lot 10 of the Austin Peay Subdivision (Plat Book and Page, unknown). The lot has 60 feet of frontage on Jackson Avenue and extends to a depth of 165 feet, comprising an area of 9,900 sq. ft. (0.23 acres). It is currently occupied by a 966 sq. ft. brick residential structure built in 1950 and subsequently converted for office use, probably in conjunction with a rezoning of this one lot more than 35 years ago.

The proposed rezoning to the Planned Commercial (C-P) would integrate this property into the final plan for the Jackson Avenue Planned Commercial District, which occupies Lot 18 & Lot 17 immediately northeast of the subject property and which has an additional 120 feet of frontage on this segment of Jackson Avenue, which is aligned diagonally to the major compass headings. Lots 17 & 18 are occupied by a retail store in a 4,500 sq. ft. metal building with a decorative stone-like façade, built in 1989.

Location and Access

Jackson Avenue is one of six major road corridors that radiate from the heart of the urban area into the Tennessee and Mississippi suburbs. Jackson Avenue and its extension Austin Peay Highway, until the completion of the interstate highway north leg, was the busiest, quickest and most heavily traveled route from downtown through the heart of the Raleigh community and past the region's second major shopping mall --- Raleigh Springs. The Jackson / Austin Peay alignment is still designated Tennessee Highway 14, extending through part of Tipton County to Brownsville in Haywood County.

In the Jackson Planning District, Jackson Avenue still serves the greatest concentration of commercial activity, southwestward from Exit 8 on I-40. The intensity of uses increases from small businesses in converted residences as one travels southwest, with mixed commercial, multi-family and industrial uses for about 2¼ miles to the Gateway shopping center opposite the intersection of Jackson Avenue and Macon Road.

Proposed Development

The applicant proposes to expand the commercial operations at 4118 Jackson from what is shown on the current C-P plan (See Exhibit A at the back of this report.). In proposed revision (shown in Figure 13 above) the commercial area would be expanded by 89%, by adding Lot 19, the subject property, to the current site, which includes Lots 17 & 18. A new 4,060 sq. ft. building would adjoin and align with the existing store to the southwest; and the new site plan would require the demolition of the existing residential building that has been used for a long time as an office building.

Design Issues

The established front yard set back is 81 feet. This plan would eliminate the separate curb cut on Lot 19, permitting an on-site front-yard parking area of up 33 spaces, of which just one is shown ADA-accessible for the handicapped. For the proposed total of 8,628 sq. ft. of retail area, the current parking regulations would require 29 parking plus an allowance for any business vehicles.

The proposed plan would provide for a 5 ft. setback on the southwest side, where a day care business has been operating in the Local Commercial (C-L). The northeast boundary, already established, provides for a 14.8 ft. setback from the adjoining property, which is occupied by an insurance office in a Planned Commercial (C-P) District.

There is a five-foot grass strip between the sidewalk and the parking lot. However, a streetscape planting was specified in the C-P plan, as shown is Exhibit A.2, at the end of this document. There is no evidence of that planting currently on the site. The required side and rear-year edge screening should also be checked for compliance.

From the overhead photo, it appears that outdoor storage in the rear may be an issue, and some kind of enclosure or additional building space may be required to accommodate such storage. Also the plan makes no provision for a waste-handling facility, for example, by means of a screened and secured dumpster, with driveway access.

Conclusions

In concept, this request is a minor intensification of a pattern of commercial use that has already been established. Since the subject O-G property lies between C-P commercial and C-L commercial districts, the transitional O-G lot does not contribute to the pattern in any meaningful way.

Of more concern is compliance with the landscaping requirements as originally prescribed in the approved 1982/-89 C-P plan and reinforced by subsequent amendments to Section 32 of the zoning regulations. Maintenance of a consistent and attractive building façade treatment and prohibition of sales of materials contrary to the welfare of Jackson Elementary School are other notable concerns.

The staff recommendation is contingent upon the approval and recording of a final plan which satisfies these concerns, as more specifically recommended in the proposed conditions that follow. Since the property at 4118 Jackson is current out of compliance with the current general plan, installation of all the landscaping will be requirement before the final plan is recorded and a use and occupancy permit is issued based on the revised plan.

RECOMMENDATION: *Approval, with Conditions*

General Plan Conditions (*The conditions approved with Z-3477 are included for reference at the end of this list*)

1. Dedicate 57 feet from the center line of Jackson Avenue.
2. One curb cut will be permitted across the 180 foot frontage; the existing curb cut and sidewalk shall be reconstructed, subject to the approval of the City Engineer, if necessary to conform to current standards and regulations.
3. A streetscape planting shall be installed and maintained according to the A-2 plate standard, or an equivalent alternative subject to the review and approval of the Office of Planning and Development.
4. The façade treatment for the front elevation of the principal structure shall be identical or similar to what has heretofore been used on the structure at 4118 Jackson. Any modifications of this design shall be subject to review and approval by the Office of Planning and Development.
5. The sale of alcoholic beverages and of any paraphernalia for the use of illegal substances is prohibited [as requested by Memphis City Schools]
6. Screening along the rear property shall be installed and maintained according to a B-3 plate standard, or an equivalent alternative subject to the review and approval of the Office off Planning and Development.
7. Waste handling facilities and their driveway access shall be indicated on the final plan. Any dumpsters shall be screened so as not to visible from off-site.
8. Parking and detached signs shall be designed and installed as specified on the final plan in conformance with Sections 28 & 29 of the zoning regulations as current to the date of approval by the City Council.
9. Attached signs shall be permitted in conformance with the sign regulations for the C-L district.

The original conditions follow:

CONDITIONS

- 1 DEDICATE 57 FEET FROM CENTER LINE OF JACKSON AVENUE
 - 2 ONE COMMERCIAL CURB CUT WILL BE PERMITTED ACROSS THE 180 FOOT FRONTAGE THE LOCATION, DESIGN, AND WIDTH OF CURB CUT TO BE APPROVED BY THE CITY TRAFFIC ENGINEER. EXISTING RESIDENTIAL CURB CUTS SHALL BE REPLACED WITH CURB, GUTTER AND SIDEWALK
 3. STANDARD SUBDIVISION CONTRACT
 - 4 A FIVE-FOOT WIDE CONTINUOUS LANDSCAPE SCREEN OF EVERGREEN SHRUBS PLANTED THREE FEET ON CENTERS, 2 1/2 TO 3 FEET HIGH AT PLANTING AND REACHING 6 TO 8 FEET AT MATURITY, OR AN EQUIVALENT SCREEN APPROVED BY THE OFFICE OF PLANNING AND DEVELOPMENT, SHALL BE PROVIDED ALONG THE NORTH AND WEST PROPERTY LINE.
 - 5 PLANTING SCREEN PLATE "D" OR AN EQUIVALENT APPROVED BY THE OFFICE OF PLANNING AND DEVELOPMENT EXCLUDING THE MASONRY WALL, SHALL BE LOCATED ALONG THE EAST PROPERTY LINE
 - 6 OFF-STREET PARKING SHALL BE PROVIDED IN THE FRONT AND SOUTH SIDE YARD ONLY
 7. ONE FREE-STANDING SIGN, A MAXIMUM OF 75 SQUARE FEET IN AREA AND SETBACK 15 FEET FROM THE RIGHT-OF-WAY SHALL BE PERMITTED, WHICH MAY IDENTIFY INDIVIDUAL OCCUPANTS IS PERMITTED
 - 8 ATTACHED SIGNS AS REGULATED FOR THE C-L DISTRICT SHALL BE PERMITTED
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GENERAL INFORMATION:

Coordinates:	35° 11' 15"N, 89° 55' 47"W
Parcel ID Number:	062027 000180
Street Address:	4114 Jackson Avenue, 38128
Street Frontage:	<u>Jackson Avenue: 60'</u> on this major street w 104' ROW
Census Tract:	89
Planning District:	Jackson
Zoning Atlas Panel:	1840
Annexation Date:	1950
Zoning History:	1955 – >1967 Originally Single-Family Dwelling “R-3” District in 2 nd zoning ordinance <1976 – Rezoned to Office District “O-2” 1981 – Converted to General Office (O-G) in current zoning ordinance

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.
2. City sanitary sewers are available at developer's expense.
3. The proposed addition to this site shall have no access to Jackson Avenue. All access to this lot shall be from the existing curbcut as shown on the site plan.
4. The City Engineer shall approve the design, number and location of curb cuts.
5. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
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,

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

City Fire Division:

No comments received.

City Real Estate:

No comments received.

City/County Health Department:

No comments by the Water Quality Branch & Septic Tank Program.

City Board of Education:

Please note that Jackson Elementary is located within a quarter mile of the subject property. The proposed rezoning would enable the intensification of commercial uses at this site. Concomitant with any action supporting the conversion of this property to the C-P zone, please prohibit the onsite, retail sales of products and services that would clearly be objectionable in close proximity to the presence of school aged students (e.g. retail sales of liquor, etc.).

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 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.

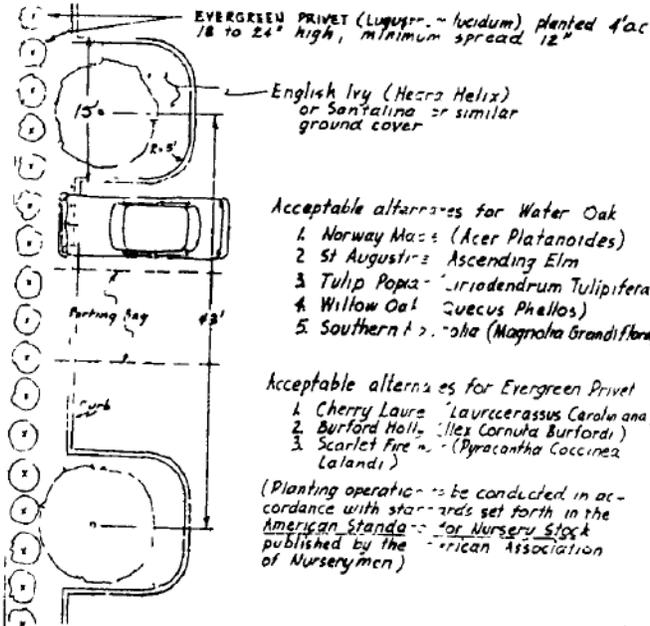
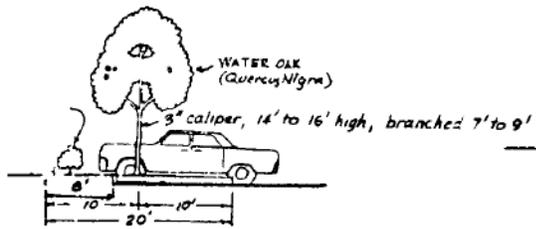
Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

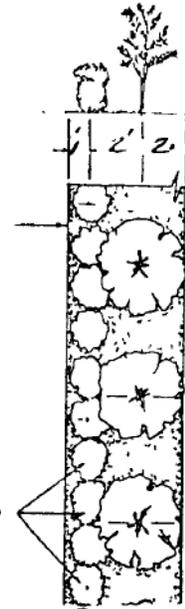
Neighborhood Associations: None identified



- Acceptable alternatives for Water Oak
1. Norway Maple (*Acer Platanoides*)
 2. St Augustine Ascending Elm
 3. Tulip Poplar (*Liriodendrum Tulipifera*)
 4. Willow Oak (*Quercus Phellos*)
 5. Southern Magnolia (*Magnolia Grandiflora*)

- Acceptable alternatives for Evergreen Privet
1. Cherry Laurel (*Laurcerassus Carolina*)
 2. Burford Holly (*Ilex Cornuta Burfordi*)
 3. Scarlet Firethorn (*Pyracantha Coccinea Lalandi*)

(Planting operations to be conducted in accordance with standards set forth in the American Standards for Nursery Stock published by the American Association of Nurserymen)



LANDSCAPE SCREEN NORTH & WEST PL

LANDSCAPE SCREEN FRONT PL
PLATE "D"

Exhibit A.2 Final Plan for Jackson Avenue C-P
Landscaping Detail
(Z-3477 Approved. 1982; Amended 1989)