

**STAFF REPORT**

**14**

**CASE NUMBER:** U.V. 10-09                      **L.U.C.B. MEETING:** August 12, 2010

**LOCATION:** East side of Graham Street @ Queensbury Circle

**COUNCIL DISTRICT(S):** District 5-Super District 9-Positions 1, 2 & 3

**OWNERS:** Graham Heights Baptist Church

**APPLICANTS:** Streets Ministries

**REQUEST:** Use Variance to allow a Christian neighborhood recreation center

**AREA:** 3.88 Acres

**EXISTING LAND USE & ZONING:** One-story brick and frame church building with two-story classrooms, including accessory gymnasium building in Single Family Residential(R-S6) District.

**CONCLUSIONS:**

1. The church building will remain and parking located in the front yard will be removed and placed to the rear of the site. The existing metal accessory gymnasium building may be demolished and new parking and a play areas will be provided in the rear yard.
2. All parking will be located to the rear of the new recreation center building to be placed 25 feet from N. Graham Street inline with the public school building immediately south of the subject property.
3. This request for a Christian neighborhood recreation center located directly across the street from single family homes should be in character and scale with adjacent school buildings to include similar architectural elements and building materials.
4. The site will be dramatically improved to urban standards with existing and new parking areas, including drives to be redesigned to meet current standards. The N. Graham Street frontage will be landscaped, including internal parking areas to meet the landscape ordinance.
5. A detailed site and landscape plans shall be submitted for review and approval by staff prior to final action by the Memphis City Council, including elevation plans of the new building.

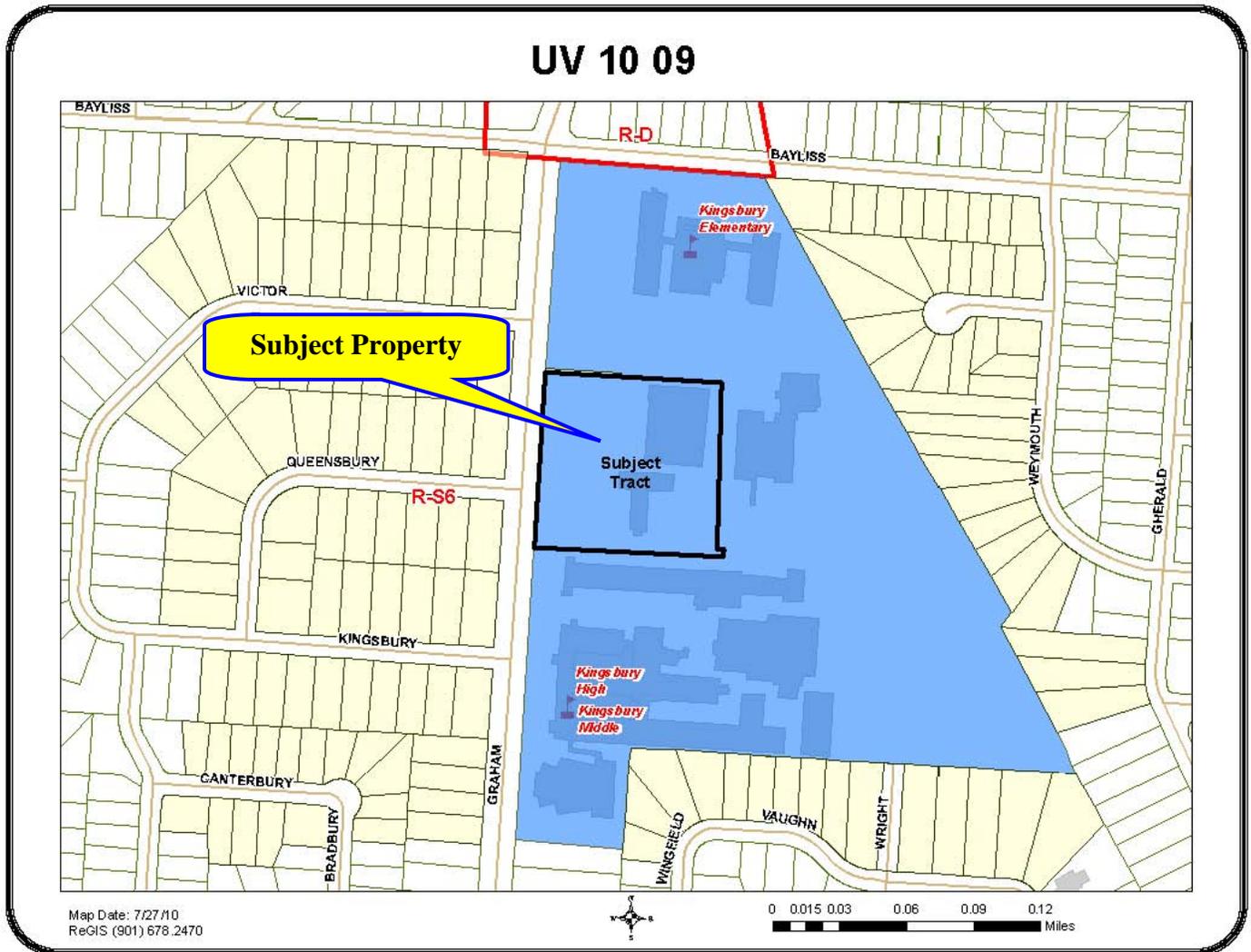
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

**Staff:** *Brian Bacchus*

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

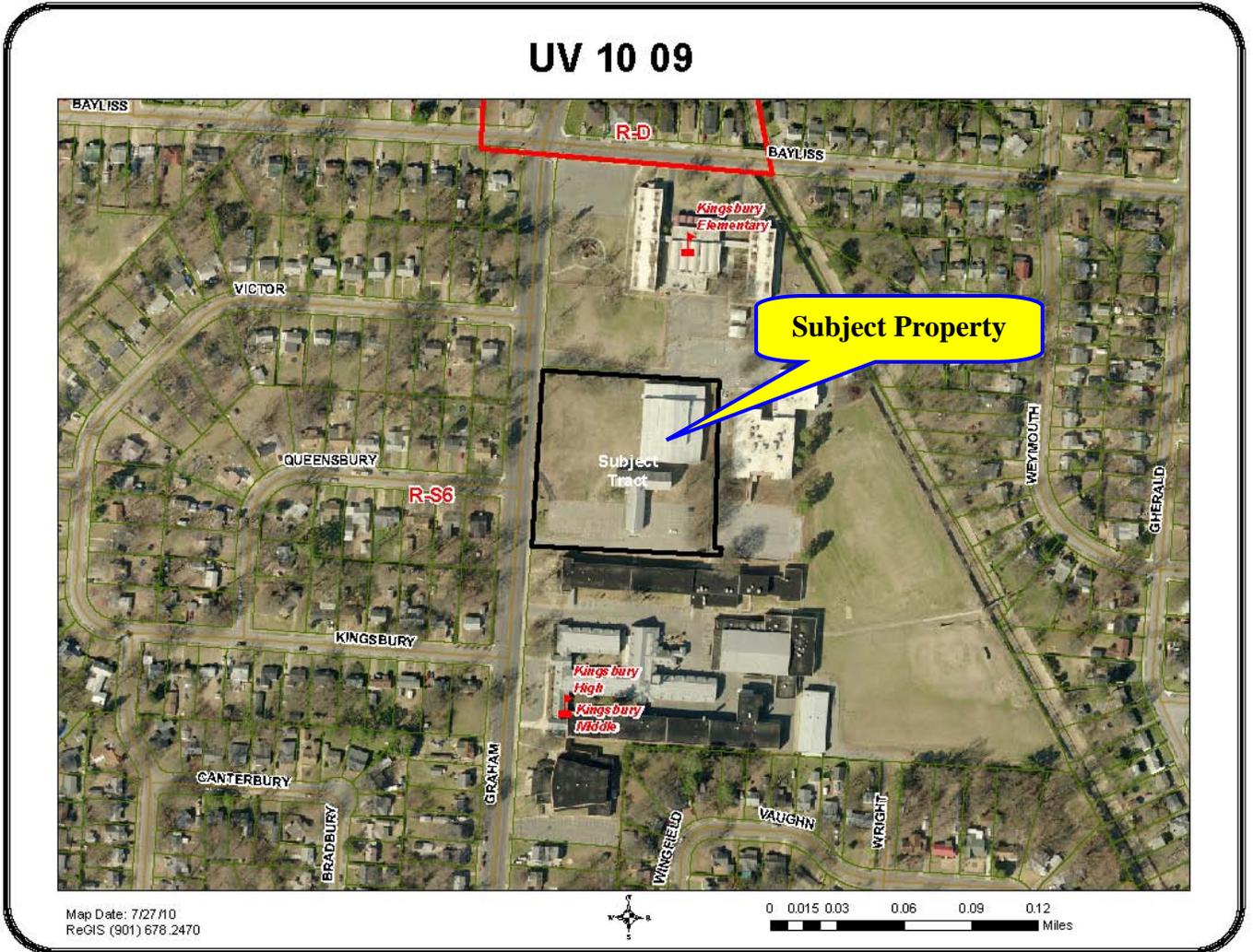
Zoning & Land Use



**SURROUNDING USES AND ZONING:**

- North:** 'Kingsbury Elementary School' in Single Family Residential(R-S6) District and single family homes in Duplex Residential(R-D) District.
- East:** 'Kingsbury Career & technology Center' and single family homes in 'Wells Terrace' Subdivision in Single Family Residential(R-S6) District.
- South:** 'Kingsbury Middle and High Schools' and single family homes in 'Shirley Manor' Subdivision in Single Family Residential(R-S6) District.
- West:** Single family homes in 'Clifton Park' and 'Clifton Park-1<sup>st</sup> Addition' Subdivisions in Single Family Residential(R-S6) District.

Aerial Zoning View



1302 N. Graham Street  
(Bird's Eye View)



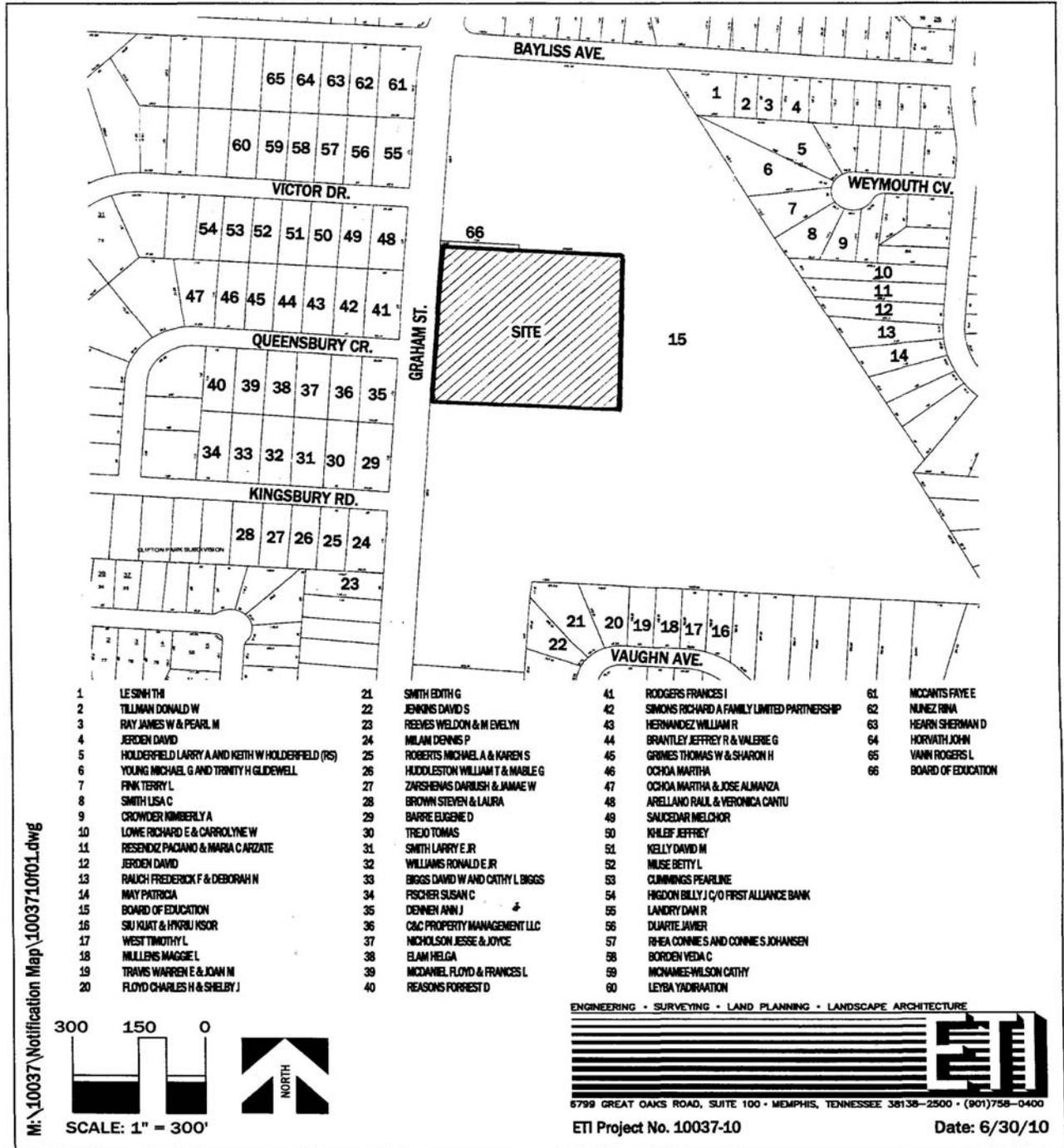
1302 N. Graham Street  
(Aerial View)





Vicinity & Ownership

**O.P.D. Case Number U.V. 10-09**



***STAFF ANALYSIS:***

***Site Description:***

The subject property is a 3.88 acre parcel located at the east side of N. Graham Street in 'Fulmer's West' Subdivision in Jackson Planning District. The property is located in Single Family Residential(R-S6) District zoning with street frontage along a major road approximately 500 feet south of the intersection of Bayliss Avenue and N. Graham Street. There is curb, gutter and sidewalk, including overhead power along the street with one curb-cut and a private drive leading to an existing church building, parking areas and an accessory gymnasium building. The sidewalks along N. Graham Street are in need of repair and do not meet current ADA standards.

***Area Overview***

The land use and zoning in the immediate area is predominantly single family homes in 'Wells Terrace' 'Shirley Manor' and 'Clifton Park' Subdivisions in Single Family Residential(R-S6) District zoning. The single family homes in this area date to the early 1940's & 50's with lot sizes ranging from 12-14,000 square feet in area. There are also institutional land uses directly adjacent to the subject property for three public schools on the same side of the street within the same block. The properties directly west and across the street from the subject property would be most affected by this proposed land use for a neighborhood recreation center.

***Use Variance vs. Urban Design Standards***

This request for a use variation is to allow a Christian neighborhood recreation center in Single Family Residential(R-S6) District zoning at the east side of a major road, south of a minor local street in Grahamwood Neighborhood directly adjacent to Kingsbury Career & Technology Center and Kingsbury High School. The church building will remain and parking located in the front yard will be removed and placed to the rear of the site. The existing metal accessory gymnasium building may be demolished and new parking and a play area will be provided in the rear yard.

A new curb-cut and private drive will also be provided along the south property line with new landscaping, including the preservation of mature trees. The site plan illustrates adequate vehicle access designed with direct access to the rear of the property with the ability to safely enter and exit the center parking lot by forward motion to N. Graham Street. All parking will be located to the rear of the new recreation center building to be placed 25 feet from N. Graham Street inline with the public school building immediately south of the subject property.



***SITE PLAN CONDITIONS:***

A *Use Variance* is hereby authorized to '*Streets Ministries*' to allow a '*Christian neighborhood recreation center*' on property located at '*1302 N. Graham Street*' at the '*east side of N. Graham Street at Queensbury Circle*' in accordance with an '*approved site plan*' and the following supplemental conditions:

**I. Use Permitted:**

- A. A Christian neighborhood recreation center with hours of operation Monday thru Saturday from 9:00 a.m. to 9:00 p.m.
- B. There shall be no other type of land use operated on this lot other than permitted by this Use Variation for a Christian neighborhood recreation center in a residential district.
- C. A detailed Site, Landscape and Elevation Plans shall be submitted for review by staff prior to legislative review and final action by the Memphis City Council.

**II. Access and Parking:**

- A. All required parking shall be located to the rear of the buildings as illustrated on the Site Plan. No parking shall be allowed on any adjacent lot or parcel.
- B. A maximum of seventy-four(74) 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-1' or equivalent shall be installed and maintained along the public street.
- B. Internal landscaping shall be provided, installed and maintained in accordance with the Landscape Ordinance. A 'Landscape Plan' shall be submitted for review and approval by staff.

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

**V.** A Christian neighborhood recreation center with a maximum of seventy-four(74) parking spaces shall be permitted for the above mentioned user and maintained in accordance with site plan conditions.

**GENERAL INFORMATION:**

**Street Frontage:** N. Graham Street-----+/-408 linear feet  
**Planning District:** Jackson  
**Zoning Atlas Page:** 1940  
**Parcel ID:** 053056 00168C  
**Zoning History:** This Single Family Residential(R-S6) District zoning dates to the adoption of the 1980 zoning map amendments.

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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.

**Curb Cuts/Access:**

3. The City Engineer shall approve the design, number and location of curb cuts.
4. 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:**

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. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
7. 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.

**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.

**Memphis Fire Division:** No comment.

**Memphis & Shelby County Health Department:**

Water Quality Branch: No comments.

**Memphis Board of Education:**

MCS strongly supports this proposed development as it will be a tremendous asset to the Kingsbury community. The Street Ministries Complex will not only provide an environment conducive to academic achievement, it will also serve as an epicenter of unity for area residents. MCS looks forward to an extensive and rewarding partnership with Streets Ministries.

**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:**

*Grahamwood Neighborhood Association:*

*No comments received as of 8/6/10.*

*Staff: bb*