

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #13**

CASE NUMBER: UV 10-13 **L.U.C.B. MEETING:** October 14, 2010

LOCATION: South side of Griggs Avenue and west of Hyde Park Boulevard

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

OWNER OF RECORD / APPLICANT: Macedonia Missionary Baptist Church Hyde Park, Inc

REPRESENTATIVE: Hord Architects, Inc – Carter Hord

REQUEST: Use variation for non-contiguous church parking lot

AREA: 1.10 Acres

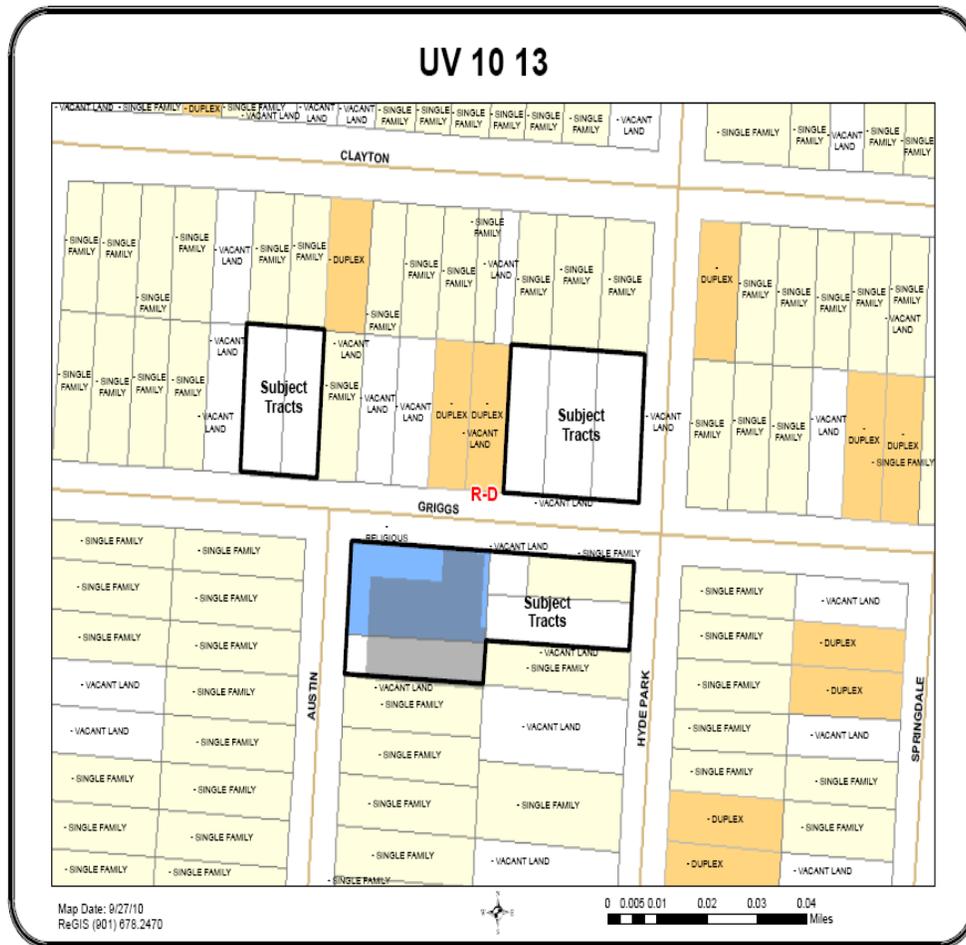
EXISTING LAND USE & ZONING: Duplex Residential (R-D) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS**

CONCLUSIONS

1. The Zoning Code requires that any legally established use of land must accommodate its required off-street parking. When that parking is not on the same property or adjacent to the use it serves, it becomes a Principal Use and must be permitted by the underlying zoning.
2. A Parking Lot is not a permitted Principal Use in the Duplex Residential District.
3. Strict compliance with the Zoning Ordinance would require that additional lots adjacent to the church be purchased to meet the parking requirement.
4. The properties that abut the Church to the south are viable, existing residential properties. Demolition of existing residential structures to provide accessory parking spaces is not consistent with the principal of creating and maintaining strong neighborhoods.
5. The applicant has existed in this area for a considerable period of time and serves as a stabilizing factor in a neighborhood with a large number of vacant lots and abandoned residential structures.

LAND USE & ZONING MAP



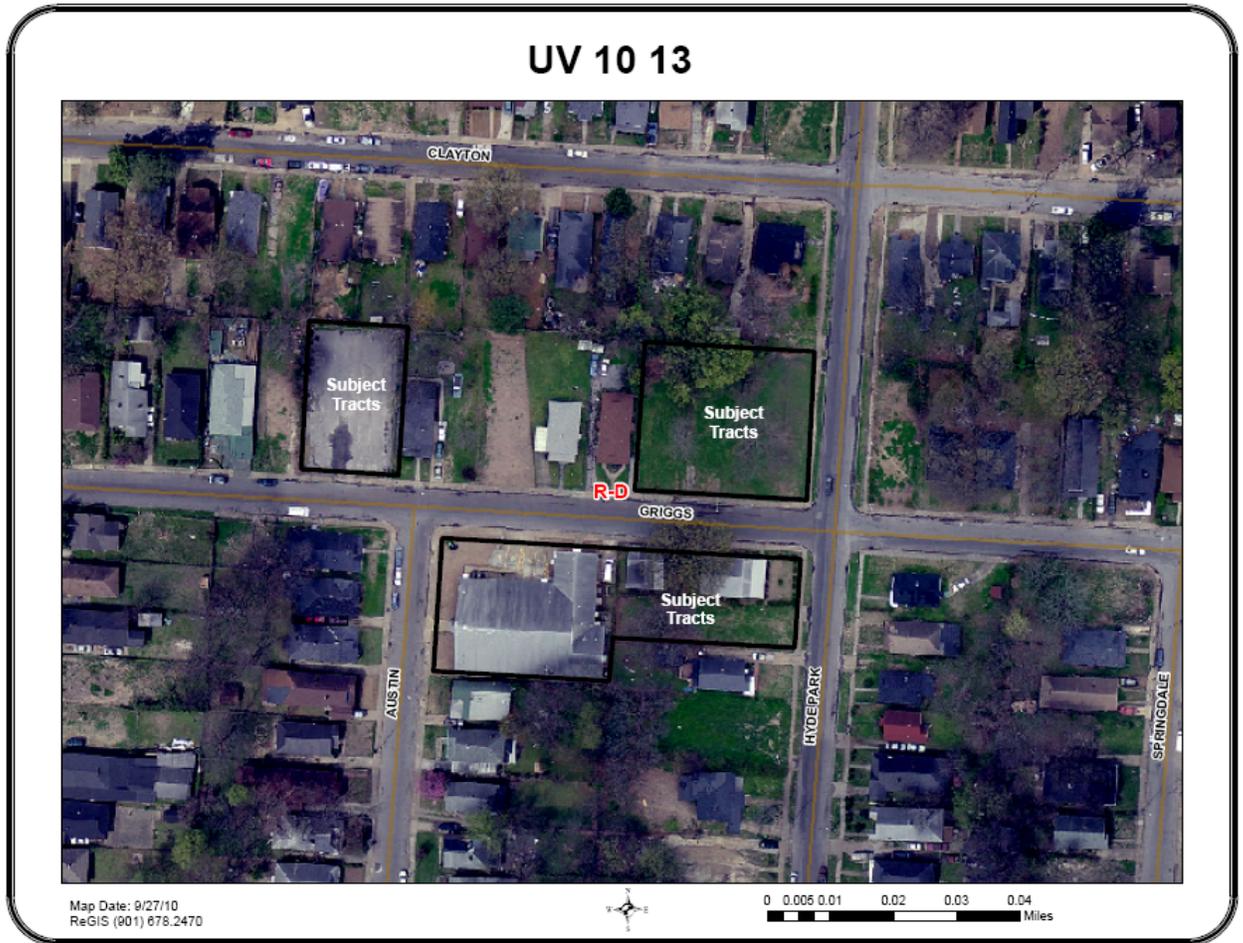
SURROUNDING USES AND ZONING:

North: Predominately Single Family Detached Units in the Duplex (R-D) District

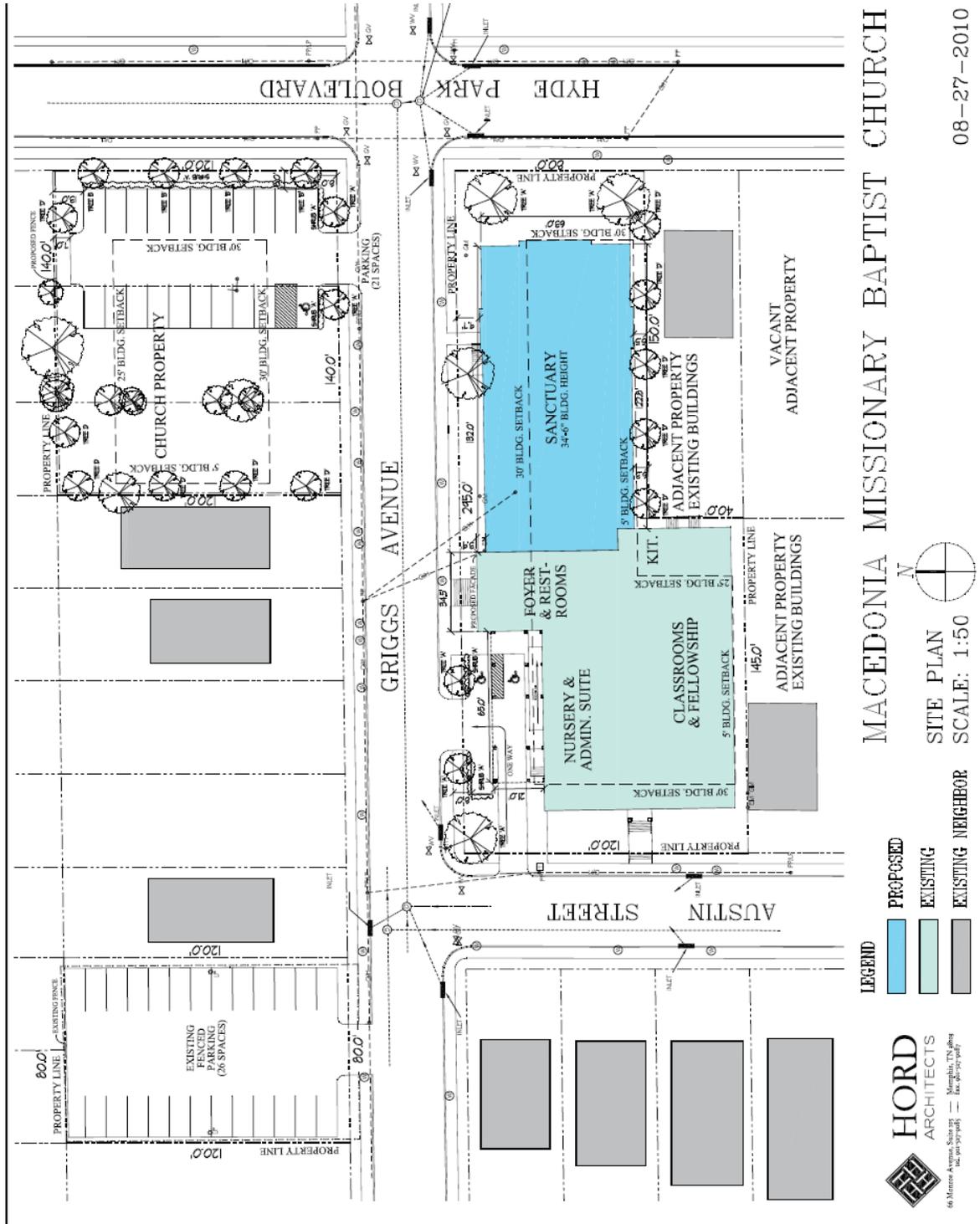
East and

West: Predominately Single Family Detached Units and Vacant Land in the Duplex Residential (R-D) District

South: A church in the Duplex Residential (R-D) District



Aerial View



MACEDONIA MISSIONARY BAPTIST CHURCH
 SITE PLAN
 SCALE: 1:50

LEGEND
 PROPOSED
 EXISTING
 EXISTING NEIGHBOR

HORD
 ARCHITECTS
 64 Monroe Avenue, Suite 300
 Memphis, TN 38103
 (901) 525-7000

08-27-2010

Site Plan

Pictures of Existing Parking Lot – north side of Griggs Avenue at Austin Street (Lots 111 and 112)



View from interior looking west



View from interior looking east



Looking into parking lot from Griggs Street (facing north)

Pictures of Site – Proposed Parking Lot at Hyde Park Boulevard and Griggs Street



North side of Griggs Street facing north



Immediately west of preceding picture



View from Hyde Park Blvd – facing west

STAFF ANALYSIS

Location and Site Characteristics

The subject properties of this Use Variance application are the three lots at the northwest corner of Hyde Park Boulevard and Griggs Street and the two lots on the north side of Griggs Avenue at Austin Street.

The three lots at the northwest corner of Hyde Park Boulevard and Griggs Avenue are Lots 118, 119, and 120 of the Hyde Park Subdivision, Block C, found in the Shelby County Registers Office at Plat Book 7 Page 62.

The site plan shows that all of Lot 120, and part of Lot 119 are proposed for use as a parking lot to serve the church. These lots are vacant and relatively flat with some existing mature vegetation along the north and west property lines, and some mature trees on the common property line between Lots 118 and 119.

The two lots on the north side of Griggs Avenue at Austin Street are Lots 111 and 112 of the Hyde Park Subdivision, Block C. These two lots are developed with a surface parking lot. A review of the deeds for these two lots indicates that these properties were conveyed to the Church in 1987.

Request

The applicant has filed this request for a Use Variance to allow a surface parking lot for the three lots at the northwest corner of Hyde Park Boulevard and Griggs Avenue as the principal use on residentially zoned land. At the advice of the OPD Staff, the applicant has amended the application to include the existing parking some 5 lots to the west to legitimize that use.

The applicant has submitted a site plan to show the parking layout, ingress and egress, and the landscaping for the proposed surface parking lot.

Character of Area

As indicated on the Land Use and Zoning Map, the subject area is characterized a primarily Single Family in nature. There are, however, a large number of vacant lots and abandoned houses within close proximity of the subject properties.

Background

In September of 2010, Macedonia Missionary Baptist Church filed an application with the Memphis and Shelby County Board of Adjustment seeking a variance to the required front yard setback from Griggs Avenue for expansion of the Church Sanctuary. During

the review of that request, the Office of Planning and Development became aware of the Church's plans to add surface parking on two of the three lots that they owned on the opposite side of Griggs Avenue. At that point, the staff advised the Church to file a Use Variance to permit the installation of a surface parking lot on property zoned Duplex Residential.

Upon additional review of the request, the staff became aware of an existing surface parking lot owned and used by the church. The applicant was advised to include these two lots to the application so that both parking lots can be considered concurrently as approved parking for the church.

Zoning Code

The Zoning Code requires that any legally established use of land must accommodate its required off-street parking. Parking is considered an accessory use when it is located adjacent to or on the same site as the use it serves and under the same ownership.

When that parking is not on the same property or adjacent to the use it serves, it becomes a Principal Use and must be permitted by the underlying zoning. A Parking Lot is not a permitted Principal Use in the Duplex Residential District, thus a Use Variance is required to legitimize the use.

Use Variations

To justify a Use Variation there must be a finding of hardship to the land that would prevent the property from being used as zoned. Parking, as indicated above, is a part of the site's zoning requirements.

In this instance, the original sanctuary dates back to approximately 1938. At that time cars were in short supply and it was reasonably to expect a large percentage of the Church Members to walk or park on the street. Thus, only a limited amount of parking was ever provided for this purpose. As the Church has expanded, land has been purchased to provide off-street parking, (see lots 111 and 112).

Today, the Church and its proposed addition occupy 5 residential lots in the Hyde Park Subdivision. Strict compliance with the Zoning Ordinance would require that additional lots adjacent to the church be purchased to meet the parking requirement. The properties that abut the Church to the south are viable, existing residential properties. Demolition of existing residential structures to provide accessory parking spaces is not consistent with the principal of creating and maintaining strong neighborhoods.

The Church has been able to acquire 3 lots across the street. The site plan shows that about 1 ½ of the lots will be used for parking and the balance could be used for church related uses.

Conclusions

Given that this Church has a long established presence in this neighborhood; and that Churches can be a positive force in adding stability to a neighborhood, consideration should be given to recommending in favor of this request.

The existing surface parking lot (Lots 111, and 112, Hyde Park Subdivision) will be legitimized by the approval of this application. Landscaping along the east and west boundaries or an equivalent screening treatment that is approved by the Office of Planning and Development shall be required.

RECOMMENDATION: APPROVAL WITH CONDITONS

SITE PLAN CONDITIONS

U.V. 10-13

A Use Variation is hereby authorized to Macedonia Missionary Baptist Church Hyde Park, to allow non-contiguous church parking lot on the property located at the northwest corner of Hyde Park Boulevard and Griggs Avenue (Lots 118, 119, and 120 of the Hyde Park Subdivision) and on the north side of Griggs Avenue at Austin Street (Lots 111, and 112) subject to an approved site plan and the following supplemental conditions:

1. The existing surface parking lot (Lots 111 and 112) shall require screening to its residential neighbors. Screening may take one of the following forms:
 - a. Cull up 2 feet of the existing pavement(east and west side of site) between the chain link fence and the curb stops; amend the soil to create a landscape bed, and plant with Hollies, 3 feet on center – hollies maintained at 4 feet in height, or
 - b. Replace the existing chain link fence along the east, south, and west property lines with a shadow box style fence with cap or other fence type acceptable to the Office of Planning and Development
2. Proposed surface parking lot (Lots 119 and 120) – revise drawing to show site vision triangle.
3. Revise site plan to indicate specific species of plants and to show existing and proposed trees and shrubs.
4. Dedicate and improve a 10 foot curb radius on both corners of the intersection of Hyde Park Blvd and Griggs Ave, along the frontage of the site in accordance with the UDC and standards of the City Engineer’s Office.
5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of the proposed surface parking area as necessary.
6. The City Engineer shall approve the design, number and location of curb cuts.
7. 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.
- 8.. The applicant shall work with the City Engineer to determine if any drainage improvements, including on-site detention, for the proposed parking area are necessary.

GENERAL INFORMATION

Street Frontage: Lots 118, 119, 120Hyde Park Blvd. +/- 120'
.....Griggs Avenue +/- 140'
Lots 111 and 112.....Griggs Avenue +/- 80'

Planning District: North Memphis

Census Tract: 6.00

Zoning Atlas Page: 1935

Parcel ID: 041044 00022, 23, 24; 04104400031 and 32

Zoning History: The current Duplex Residential (R-D) or its predecessor R-3 on these properties dates to 1955.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. The site plan submitted with the application is missing important data necessary for engineering review, such as ROW widths, curb radii, etc.
2. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

Sewers:

3. City sanitary sewers are available at developer's expense.

Roads:

4. Dedicate and improve a 25 foot curb radius on both corners of the intersection of Hyde Park Blvd and Griggs Ave, along the frontage of the site in accordance with the UDC and standards of the City Engineer's office.
5. Dedicate and improve a 25 foot curb radius on the corner of the intersection of Austin Street and Griggs Ave, along the frontage of the site in accordance with the UDC and standards of the City Engineer's office.

6. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

Curb Cuts/Access:

7. The City Engineer shall approve the design, number and location of curb cuts.
8. 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:

9. 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.

General Notes:

10. The width of all existing off-street sewer easements shall be widened to meet current city standards.
11. 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.
12. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No comment.

City/County Health Department:
No comments by the Water Quality Branch & Septic Tank Program.

City Board of Education: No comments.

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/Bell South: AT&T Tennessee has no comment.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning No comments received.

Memphis Park Commission: No comments received.

Neighborhood Associatons: No comments received

Hollywood Hyde Park Springdale Neighborhood Association:

Rhodes Hollywood Springdale Partnership:

Lambert Street Block Club: