

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

**10**

**CASE NUMBER: Z 10-111 L.U.C.B. MEETING: September 9, 2010**

**LOCATION:** South side of Raines Road; 400 feet east of Marlin Road

**COUNCIL DISTRICT:** 6

**SUPER DISTRICT:** 8

**OWNER OF RECORD / APPLICANT:** Robert T. Cooper, Jr.

**REPRESENTATIVE:** James Kincaide

**REQUEST:** Change zoning from Single Family Residential (RS-10) to Local Commercial (C-L) Districts

**AREA:** .47 acre

**EXISTING LAND USE & ZONING:** An office use in the Single Family Residential (R-S10) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

Change to Local Commercial (C-L) – Rejection  
Change to General Office (O-G) - Approval

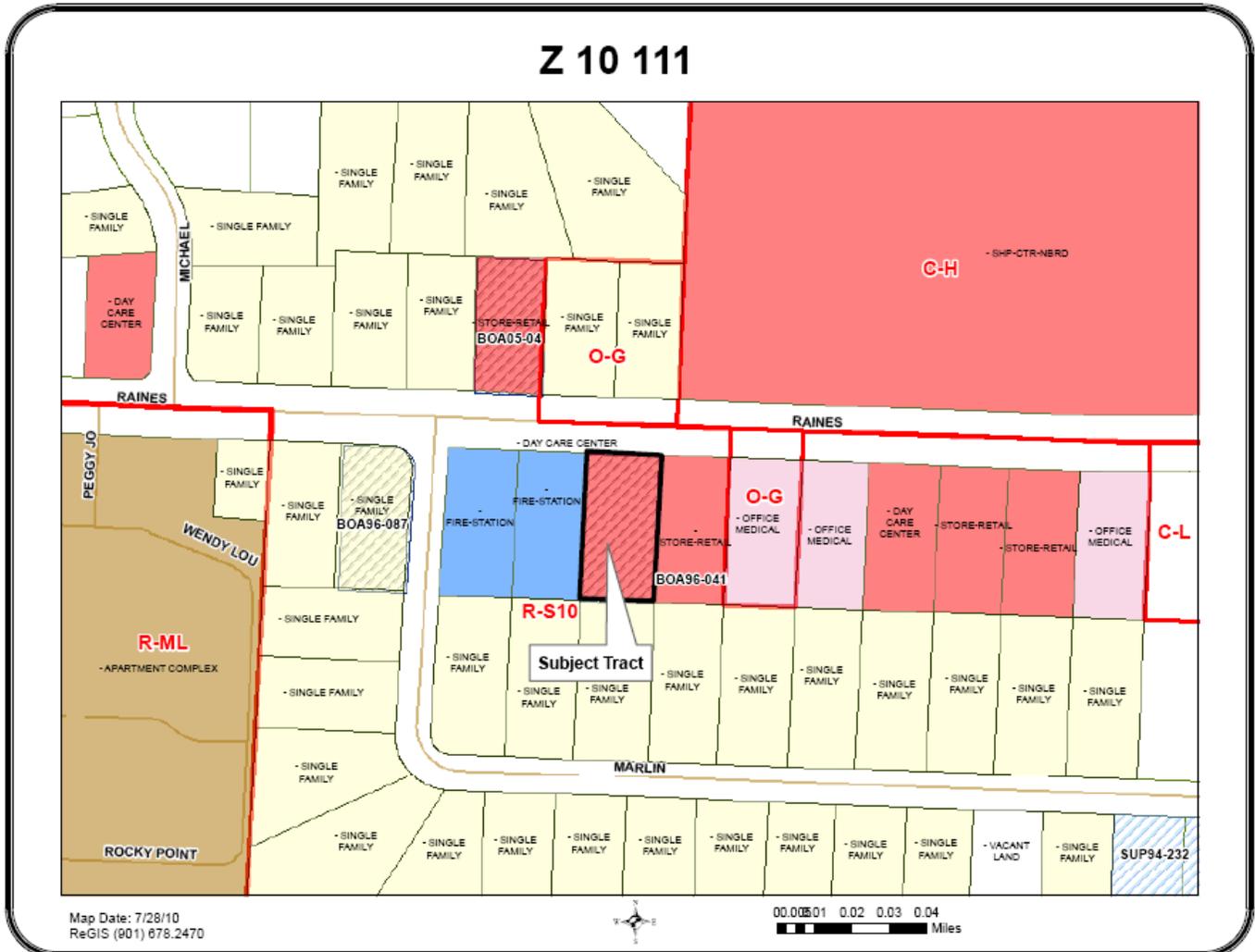
**CONCLUSIONS:**

1. The requested change to Local Commercial is not warranted unless a number of these individual properties, along the south side of Raines Road, can be assembled to create a small interconnected shopping center with appropriate parking and landscaped areas.
2. The General Office District will allow for an office use and some very limited commercial uses on this site. The uses permitted in the General Office District are consistent with the commercial character of this segment of Raines Road.
3. This O-G zoning designation will provide for an orderly transition moving from east to west along the Raines Road frontage and provide a transition for the single family residential uses located to the south of the subject property

**Staff: Don Jones**

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### LAND USE & ZONING MAP



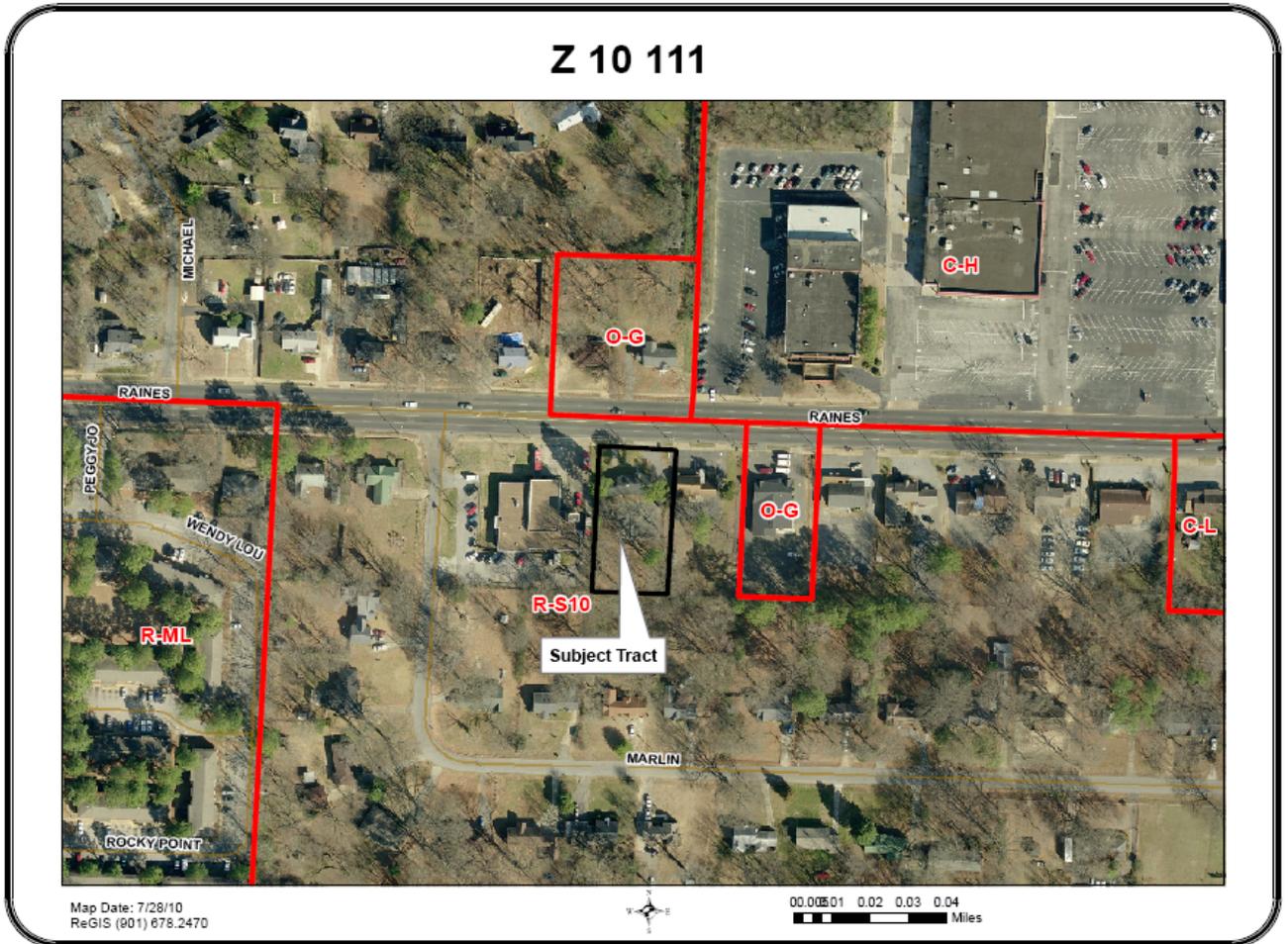
#### SURROUNDING USES AND ZONING:

**North:** A commercial shopping center and medical clinic in the Highway Commercial (C-H) District, vacant residential dwellings in the General Office (O-G) District and retail commercial permitted by a Use Variance in the Single Family Residential (R-S10) District

**East:** Primarily service based commercial uses such as Day Care Facilities and Beauty Shops in the Single Family Residential (R-S10) District, and Medical Office uses in the General Office and Single Family Residential (R-S10) District.

**South:** Single Family dwellings in the Single Family Residential (R-S10) District

**West:** A City of Memphis Fire Station in the Single Family Residential (R-S10) District.





**Subject site (looking south from across Raines Road)**



**Picture taken from the rear of the subject property facing the rear elevation of the building**

## **STAFF ANALYSIS:**

### General Location and Site Characteristics

The subject property is located on the south side of Raines Road in the Whitehaven area of Memphis, and three parcels to the east of Marlin Road

This site has been converted from its former residential use to a commercial/office use.

The attached Plot Plan shows this site to be just under ½ acre in size; with 100 feet of frontage along Raines Road and 223 feet of depth. The site contains a former residential structure that is setback approximately 40 feet from the right of way. Some of the front yard and most of the rear yard have been paved to serve the office re-use of this site.

### History of Subject Property:

The subject property was approved for a Use Variance by the Memphis and Shelby County Board of Adjustment in 1996. The approval at that time permitted the use of the structure as a Beauty Shop with some limited parking in the front yard.

A recent site visit indicated that the more recent use of the site actually split the building into two units for a real estate and financial consulting firm.

### Land Use and Zoning History of the area

This entire segment of Raines Road from Elvis Presley Boulevard to Marlin Road has been developed for or converted to commercial and office uses. In many instances, the current use of the properties are not consistent with the underlying zoning which suggests that these uses were approved by a Use Variance or they are illegal.

The most recent zoning activity along this segment of Raines Road took place in the year 2000, Z 00-132. That case involved property that is two parcels to the east of the subject property for this request. It was recommended for approval as a rezoning from R-S10 to General Office (O-G) District. It was approved by the Memphis City Council in November of 2000.

The Office of Planning and Development prepared a study of the Whitehaven – Levi Planning District in 2002-2003. The Plan's intent was to recommend strategies and policies that promote residential stability and encourage reinvestment in the commercial areas of the Planning District. A Comprehensive Rezoning Recommendation was also prepared. The Comprehensive Rezoning Report was adopted by the Memphis City Council in 2003. This section of Raines Road was not included in the list of recommended changes. However, the Future Land Use Plan did recognize the commercial nature of this section of Raines Road.

Conclusions and Recommendations:

Whether individually rezoned or redeveloped incrementally by Use Variations, there is no mistaking that the lots along the south side of Raines Road, from Elvis Presley Boulevard to Marlin Road, have changed in character from residential to commercial and office, even though the building form has remained residential in size and general character.

The subject property itself was approved for a Use Variation from residential to a service based commercial use. With front and rear yards paved, and the interior of the buildings remodeled to serve a more intensive purpose, it is unlikely that these buildings and lots would ever revert back to a residential use.

Rezoning from residential to non-residential is warranted in light of the current usage of these properties along Raines Road and recent approved re-zonings and Use Variances.

The requested change to Local Commercial is not warranted unless a number of these individual properties could be assembled to create a small interconnected shopping center with appropriate parking and landscaped areas.

The General Office District which was granted for the site that is two parcels to the east will allow for an office use and some very limited commercial uses on this site. The uses permitted in the General Office District are consistent with the commercial character of this segment of Raines Road. This O-G zoning designation, will provide for an orderly transition moving from east to west along the Raines Road frontage from the more intensive commercial uses located at the corner of Elvis Presley Boulevard and Raines Road to Marlin Road. It will also provide a transition for the single family residential uses located to the south of the subject property.

**RECOMMENDATION:**           **Rezone from R-S10 to C-L – Rejection**  
  **Rezone from R-S10 to O-G - Approval**

**GENERAL INFORMATION:**

**Planning District:** Whitehaven-Levi  
**Census Tract:**  
**Street Frontage:** Raines Road – 100 feet  
**Zoning Atlas Page:** 2430  
**Parcel ID:** 077044 00003

**Zoning History:** A Use Variance to allow a Beauty Shop and limited parking in the front yard was approved by the Board of Adjustment in the Year 2000, Case Number BOA 96-041.

**DEPARTMENTAL COMMENTS:**

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

**City Engineer:** No comments received.  
**City Fire Division:** No comments received.  
**City/County Health Department:** No comments received.  
**City Board of Education:** No comments received.  
**Construction Code Enforcement:** No comments received.  
**Memphis Light, Gas and Water:** No comments received.  
**AT&T/Bell South:** AT&T Tennessee has no comment regarding this new development.  
**Memphis Area Transit Authority (MATA):** No comments received.  
**OPD-Regional Services:** No comments received.  
**OPD-Comprehensive Planning:** No comments received

**Neighborhood Associations:**

**No comments received**

**Whitehaven Community Development Co.  
North Memphis Neighborhood Inc.  
Cummings Street CDC:  
Memphis Airport Area Development Corpora:  
Crescent Avenue Neighborhood Association:**