

**STAFF REPORT**

**CASE NUMBER:** S.U.P 10-229      **L.U.C.B. MEETING:** December 9, 2010

**LOCATION:** Northwest side of American Way; +/-1,182.41 feet southwest of Mount Moriah Road

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

**OWNER/APPLICANT::** RSB Investments, LLC

**REPRESENTATIVE:** The Burton Company

**REQUEST:** Special use permit to allow warehouse storage of supermarket goods, products and merchandise

**AREA:** 8.11 Acres

**EXISTING LAND USE & ZONING:** Vacant one-story mercantile building with loading docks in Highway Commercial(C-H) District

**CONCLUSIONS:**

1. The building is 65,365 square feet in area with an office mezzanine, including truck wells and loading docks to the rear of the building formerly used by a major grocery store.
2. The proposed land use could create and expand opportunities for this shopping center with available retail space to support and promote similar land uses to locate in close proximity.
3. The applicant will use the mezzanine office space for corporate offices employing eight(8) to ten(10) people with one(1) employee in the warehouse space with hours of operation 8 a.m. to 5 p.m. Monday through Friday.
4. The applicant has indicated a desire to fence the entire property for security reasons. A security fence surrounding the entire property would not be appropriate at this location at the main entrance to a shopping center.
5. The opportunity to convert a vacant building to an adaptive land use is supported, but site improvements for landscaping are also warranted being located in the front of a shopping center.

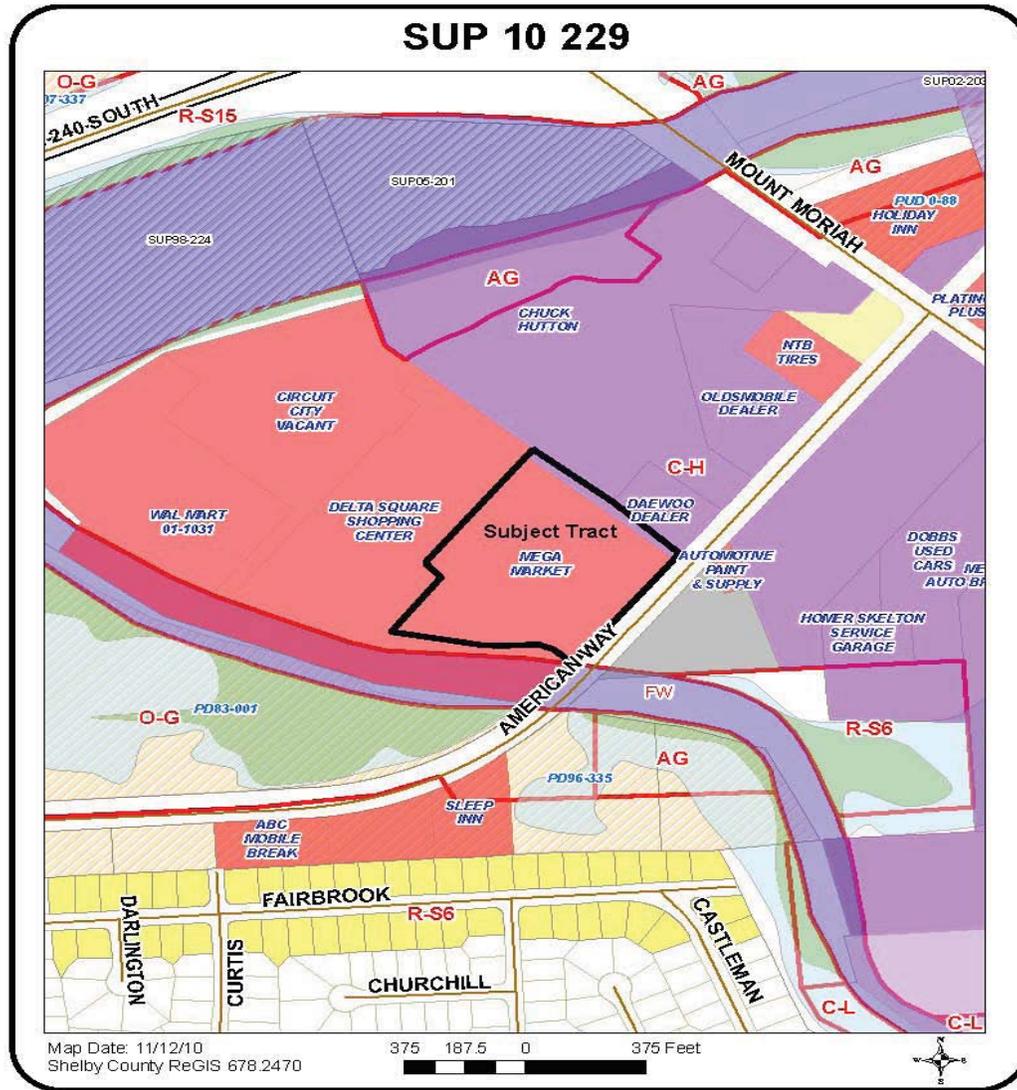
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

**Staff:** *Brian Bacchus*

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

Zoning & Land Use

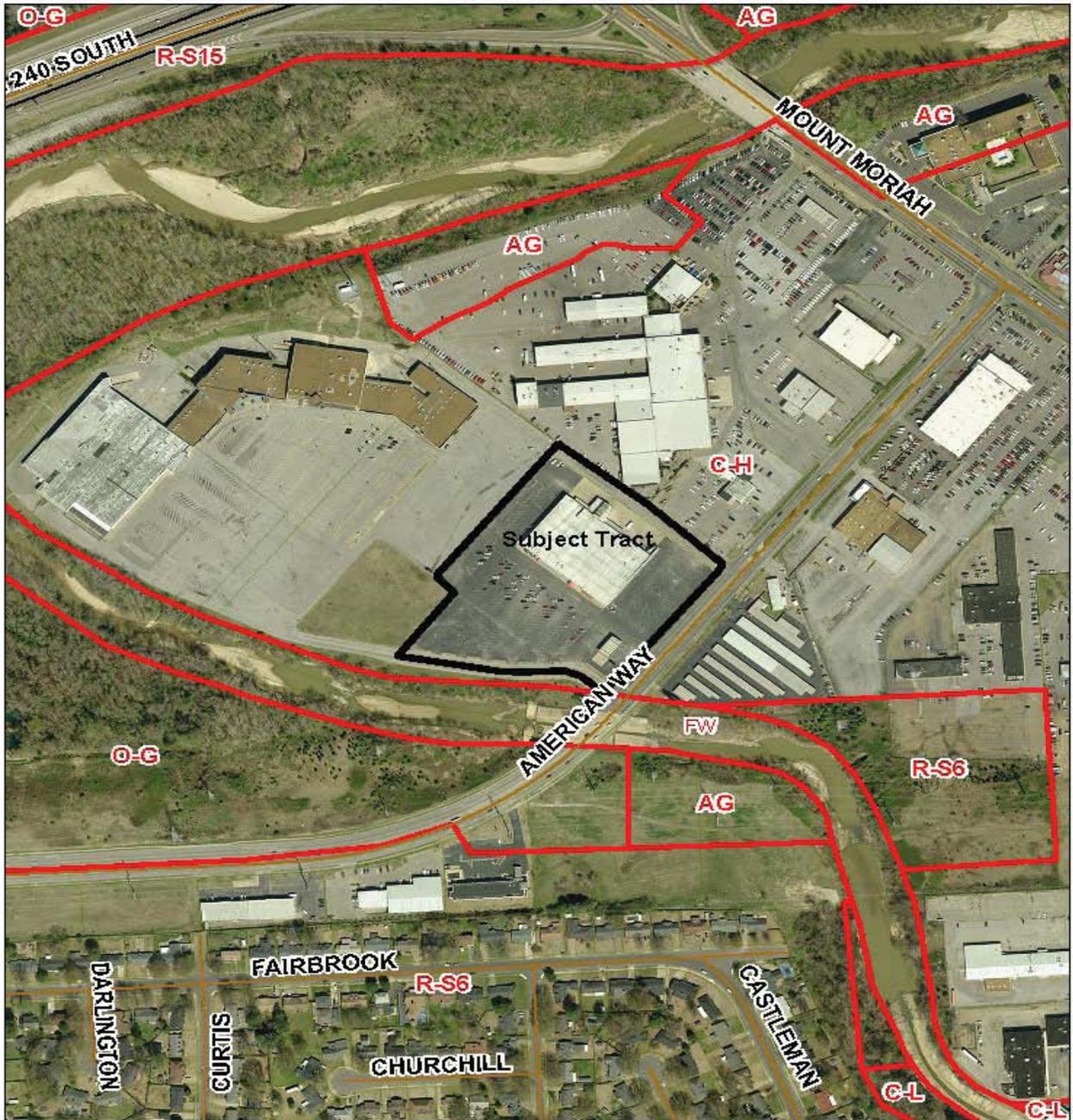


SURROUNDING USES AND ZONING:

- North: 'Chuck Hutton' motor vehicle sales and service facilities in Highway Commercial(C-H) District with outdoor display areas and accessory structures
- East: Automotive supply shop, mini-storage warehouses and 'Dobbs Ford' & 'Homer Skelton' motor vehicle sales and service facilities in Highway Commercial(C-H) District.
- South: John's Creek in Floodway(FW) District, vacant land in Thousand Oaks P.D. 96-336 and motel, retail shops and motor vehicle service garage in John's Creek Planned Development (P.D. 96-335).
- West: 'Delta Square Shopping Center' with vacant mercantile building, night club, retail shops and services in Highway Commercial(C-H) District.

Zoning Aerial View

**SUP 10 229**



Map Date: 11/12/10  
Shelby County ReGIS 678.2470

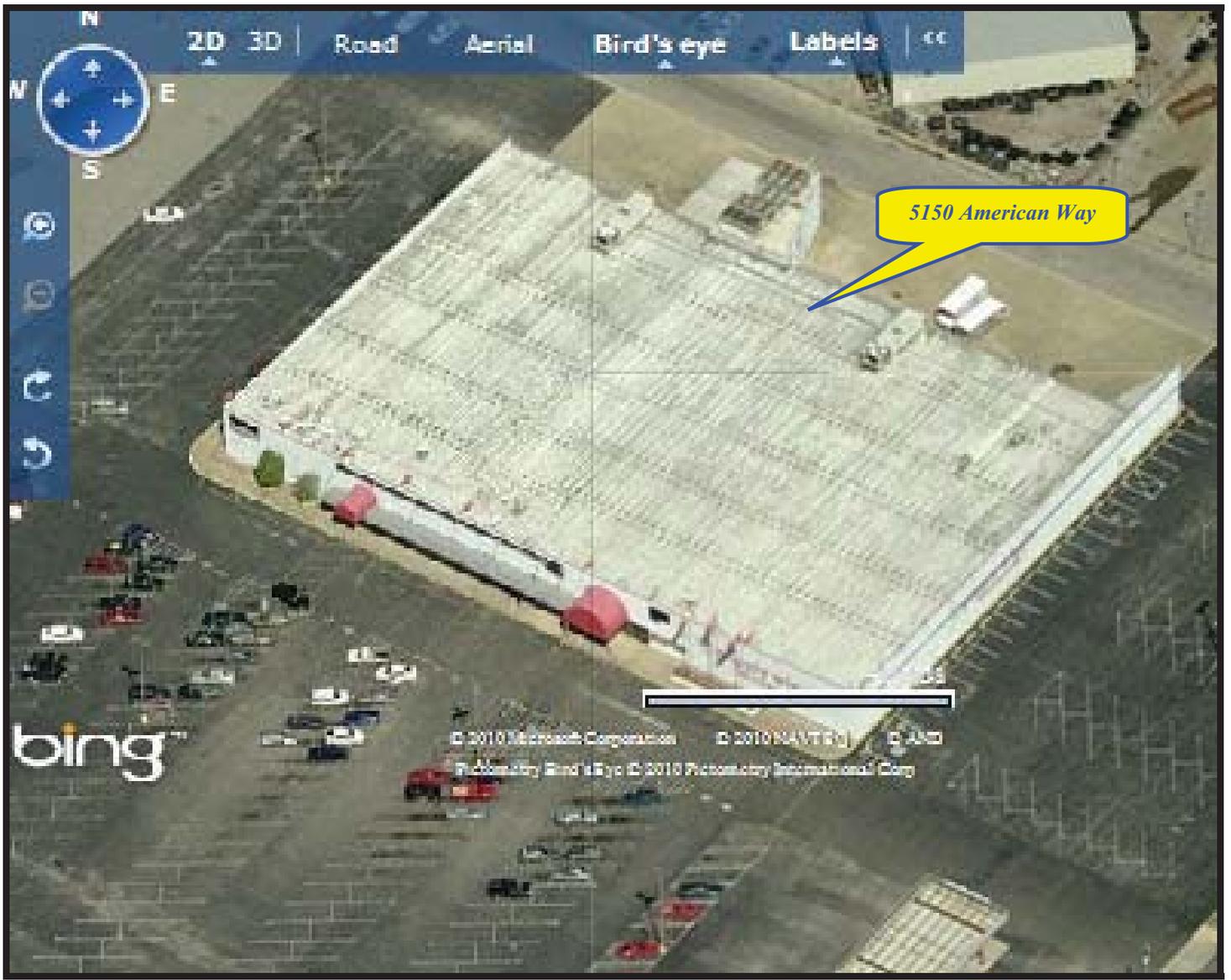
375 187.5 0 375 Feet



5150 American Way  
(Area View)

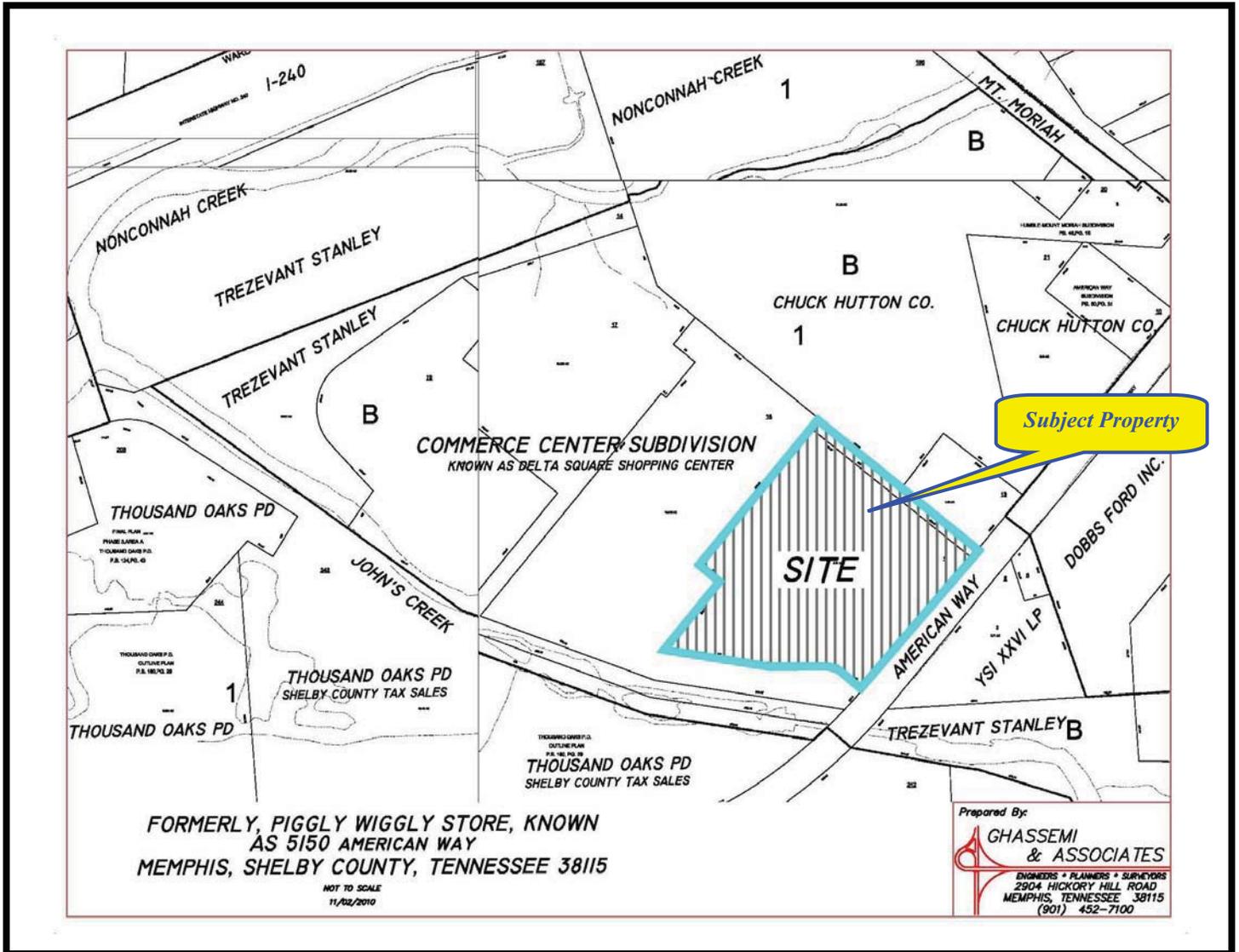


5150 American Way  
(Bird's Eye View)





Vicinity & Ownership



***STAFF ANALYSIS:***

**Site Description**

The subject property is an exempt 8.11 acre parcel located at the northwest side of American Way and approximately one-quarter mile southwest of Mt. Moriah Road in 'Commerce Center' Subdivision in Highway Commercial(C-H) District zoning. The property is currently occupied by a one-story mercantile building 65,365 square feet in area with loading docks and truck wells. The subject property is located along the front of American Way adjacent to Johns Creek drainage basin in southeastern portion of the City of Memphis. The building is currently vacant with a mezzanine used as office space, three front entry doors with canopies and seven loading dock areas. There are no accessory buildings on this property with interior parking, drive aisles and lighting standards.

There is curb and gutter along the front of the property with no sidewalks on American Way. There are overhead power lines and utilities along the public road, including three curb-cuts from American Way and a private access drive serving the balance of the shopping center. A traffic signal is located at the intersection of American Way and the private drive for traffic control due to very limited sight-distances for vehicles to enter and exit the shopping center. There is a ten foot wide area for a landscape screen along the public street as well as interior landscape islands along the main private drive entrance. The shopping center has a second private entrance north and at the rear of the building that also serves the shopping center with internal circulation.

**Area Overview**

The subject property is located in the southeast area of the City of Memphis in the 'Delta Square Shopping Center' in Highway Commercial(C-H) District zoning in 'Commerce Center' subdivision consisting of a vacant mercantile building, retail shops and services, including a night club. The surrounding land use and zoning are highway commercial uses for motor vehicle sales and services, including auto body shops and service garages as well as mini-storage warehouses and a motel building.

There are large vacant tracts south and adjacent to Johns Creek in Thousand Oaks Planned Development(P.D. 96-336) and surplus land in Johns Creek Planned Development(P.D. 96-335). There are single family homes farther south in 'Meadowbrook Park' Subdivision in Single Family Residential(R-S6) District zoning along both sides of Fairbrook Avenue, but not within the required notification area of 500 feet. The dominant land use in the area is highway commercial with intensive land uses for motor vehicle sales and service and other auto related facilities as well as mini-storage warehouses directly across American Way from the subject property.

**Request vs. Adaptive Land Use**

The request is for a special use permit to allow office/warehouse storage of supermarket goods; products and merchandise in an existing building once used for retail grocery/supermarket with accessory gasoline sales with pump islands. The gasoline sales building has been demolished and the applicant is proposing to use this building as office/warehouse storage space for area supermarkets. The building is 65,365 square feet in area with an office mezzanine, including truck wells and loading docks to the rear of the building adjacent to a rear service drive for access to other buildings within the subdivision. The shopping center has experienced a loss of tenants, including this building formerly used by a major grocery store.

The subject tract is a large lot in a commercial subdivision with three(3) points of access from the public road, American Way. The proposed land use could create and expand opportunities for this shopping center with available retail space to support and promote similar land uses to locate in close proximity. This land use for a proposed office/warehouse facility is permitted by special permit in Highway Commercial(C-H) District zoning, but should be improved in appearance to help promote and stimulate greater occupancy rates in the shopping center.

The site plan submitted by the applicant illustrates existing conditions of the property with parking and aisle widths typical of a shopping center, including handicap spaces and pedestrian crosswalks. The gasoline sales building has been removed from the property and this area of the site requires new paving. The existing pylon sign located at the edge of the property near American Way will remain and changed to identify the new business. The applicant will use the mezzanine office space for corporate offices employing eight(8) to ten(10) people with one(1) employee in the warehouse space with hours of operation 8 a.m. to 5 p.m. Monday through Friday and weekends on occasion.

The request for office/warehouse space will not require any significant changes or modifications to the building—only to change the land use from a retail grocery to a grocery storage building with corporate office space. The applicant has indicated a desire to fence the entire property for security reasons. The former land use of the property allowed public access because of the nature of the use as well as the shopping center on the balance of the subdivision. This property has very high visibility from the public street and could set the standard for future tenants of the vacant spaces in the shopping center.

A security fence surrounding the entire property would not be appropriate at this location at the main entrance to a shopping center. An alternative would be to allow a portion of the building to remain a grocery store with public access. The opportunity to convert a vacant building to an adaptive land use is supported, but site improvements for landscaping are also warranted being located in the front of a shopping center district. The landscaping along American Way should match landscaping provided on the opposite side of the street at the mini-storage warehouse facility and landscaping should also be installed in the tree islands along the private drive entrance to the shopping center.

**RECOMMENDATION:**        *Approval with Conditions*

***SITE PLAN CONDITIONS:***

A *Special Use Permit* is hereby authorized to *'RSB Investments, LLC'* to allow *'warehouse storage of supermarket goods, products and merchandise'* on property located at *'5150 American Way'* at the *'northwest side of American Way; +/-1,182.41 feet southwest of Mount Moriah Road'* in accordance with an approved *'Site Plan'* and the following supplemental conditions:

**I. Use Permitted:**

- A. An office/warehouse storage building with hours of operations on Monday through Friday from 8 a.m. to 5 p.m. and weekends on occasion.
- B. A grocery store shall be operated in conjunction with this special use for an office/warehouse storage building.
- C. No outdoor storage shall be permitted in the front or rear yards of the property.

**II. Access and Parking:**

- A. All curb-cuts and parking spaces shall remain as illustrated on the Site Plan, except for required truck parking spaces to be modified to meet minimum standards. No truck parking spaces shall be allowed in the front yard.
- B. A minimum of seventeen(17) parking spaces shall be provided for the corporate office, including required handicap spaces and a minimum of eight(8) spaces for warehouse storage.
- C. All existing sidewalks and curb openings along the front of this site shall be inspected for ADA compliance and any reconstruction or repair necessary to meet City standards shall be the responsibility of the applicant.

**III. Landscaping and Other:**

- A. A landscape screen shall be installed and maintained along American Way subject to approval by the Office of Planning & Development. Additional landscaping shall be provided in the tree islands along the main private drive entrance.
- B. Internal landscaping shall be provided, installed and maintained such as small flowering trees and shrubs, including flower beds, subject to review and approval by OPD.

**IV.** A pylon sign shall be permitted in accordance with Highway Commercial(C-H) District.

**V.** An office/warehouse storage building shall be permitted for the above mentioned user and maintained in accordance with site plan conditions.

**GENERAL INFORMATION:**

**Street Frontage:** American Way-----+/-500.72 linear feet.

**Planning District:** Oakhaven-Parkway Village

**Atlas Page:** 2245

**Parcel ID:** 074001 B00004

**Zoning History:** The Highway Commercial(C-H) District zoning of the site date to the adoption of the 1980 zoning map amendment.

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**DEPARTMENTAL COMMENTS:**

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

**City Engineer**

1. All improvements are existing.
2. The City Engineer has no comment on the change of use.
3. 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.

**Memphis Fire Services:** None.

**Memphis & Shelby County Health Department:**

**Septic Tank Program:** No comments.  
**Water Quality Branch:** No comments.

**Memphis Board of Education:**

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

MLGW has no objection to the referenced special use application.

**AT&T:**

AT&T Tennessee has no comment.

**Memphis Area Transit Authority (MATA):**

No comments received.

**OPD-Regional Services:**

No comments received.

**OPD-Plans Development:**

No comments received.

**Memphis Park Services:**

No comments received.

**Neighborhood Associations/Organizations:**

*Southeast Memphis Betterment Association – [samba@comcast.net](mailto:samba@comcast.net):*

*No comments received as of 12/3/10.*

***Staff: bb***