

STAFF REPORT

14

CASE NUMBER: Z 10-117

L.U.C.B. MEETING: March 10, 2011

LOCATION: West side of Hollywood Street; +/-176.52 feet north of Chelsea Avenue

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

OWNER OF RECORD / APPLICANT: Golden Leaf MB Church, TR

REPRESENTATIVE: Market Place Development, LLC / Hunter Smith

REQUEST: Rezone property from Duplex Residential (R-D) (UDC conversion- Residential Urban - 1 (RU-1)) to Highway Commercial (C-H) District (UDC conversion-Commercial Mixed Use -3 (CMU-3))

AREA: 0.21 Acres

EXISTING LAND USE & ZONING: Single family home within the RU-1 and CMU-3 Districts.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval

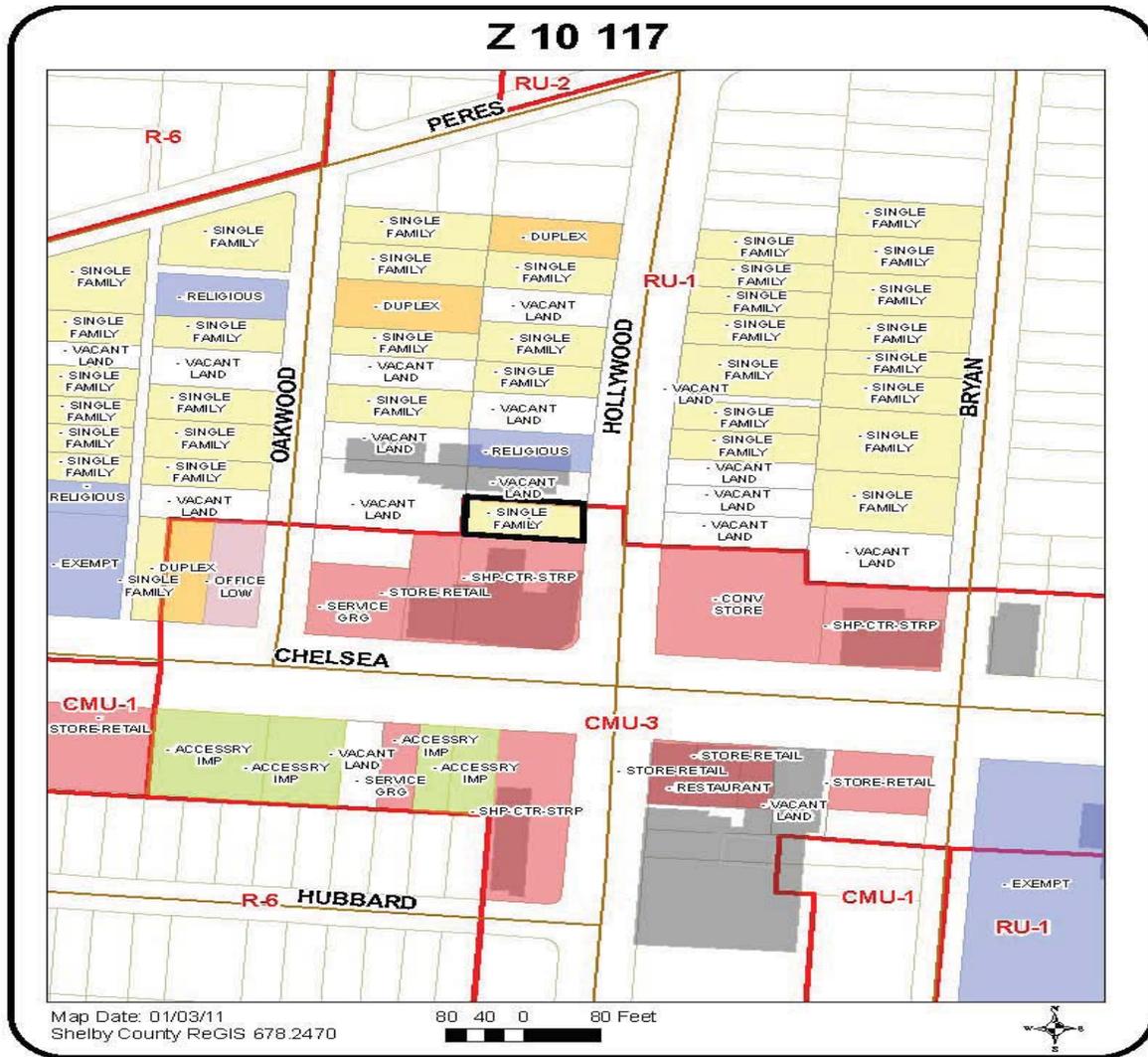
Staff Writer: Gregory Love

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CONCLUSIONS:

1. The subject site consists of 4 lots (443,444,445,446); Lot # 444 is currently zoned Commercial Mixed Use (CMU-3). Property being consolidated with Lot # 444, just north and west of lot #444 (lots: 443, 445, and 446) are zoned Residential Urban -1 (RU-1).
2. A total of approximately 3812 square feet will be added to Lot #444 to comprise a total of 0.875 acres. The subject site is situated just 155 feet north of the intersection of Hollywood Street and Chelsea Avenue which is characterized as a commercial node and is predominantly zoned CMU-3.
3. The subject site is located between a commercial structure zoned CMU-3 and a Church. Rezoning the subject site from RU-1 to CMU-3 is appropriate as the property is surrounded by commercial and institutional uses and will not impose a negative effect upon the community. Rezoning this property would establish a more sensible zoning pattern for the immediate area.

LAND USE & ZONING MAP



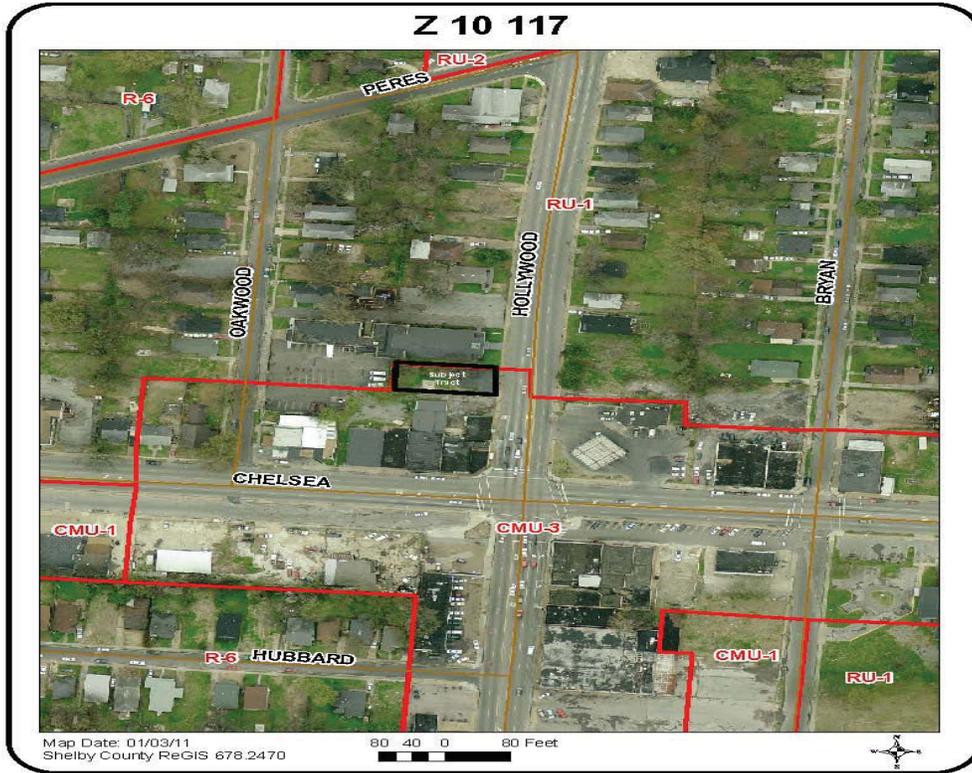
SURROUNDING USES AND ZONING:

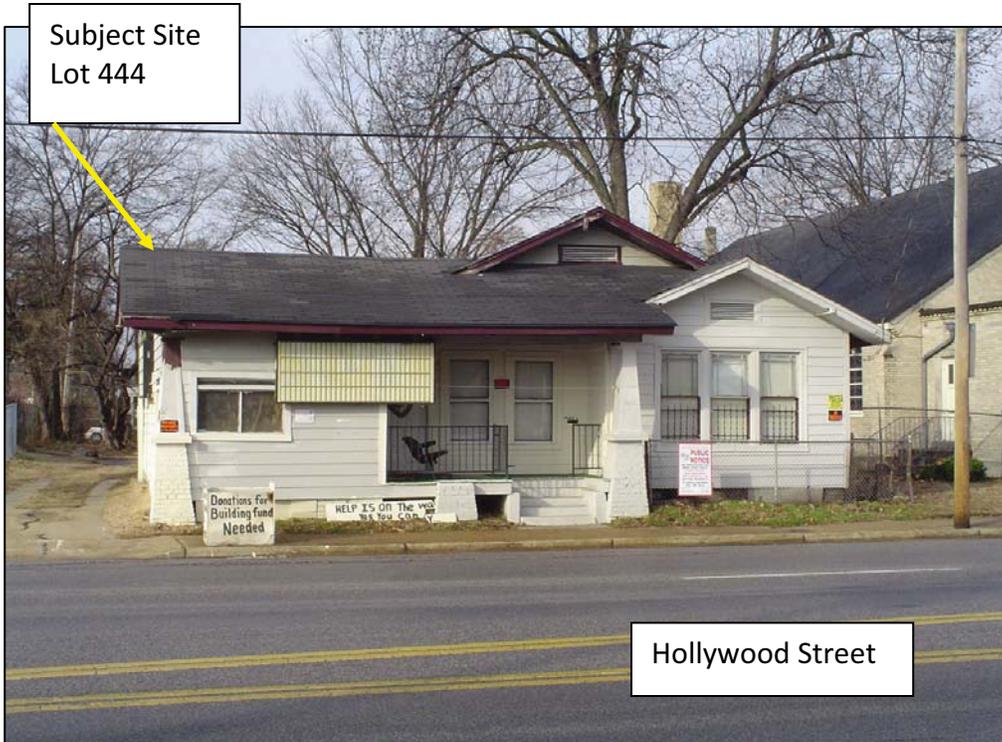
North: Religious institution within the RU-1 (Residential Urban) District. (UDC conversion R-D)

East: Vacant land within the RU-1 (Residential Urban) District. (UDC conversion R-D)

South: Commercial Strip Center within the CMU-3 (Commercial Mixed Use) District (CMU-3 UDC conversion C-H)

West: Vacant land within the RU-1 (Residential Urban) District. (UDC conversion R-D)

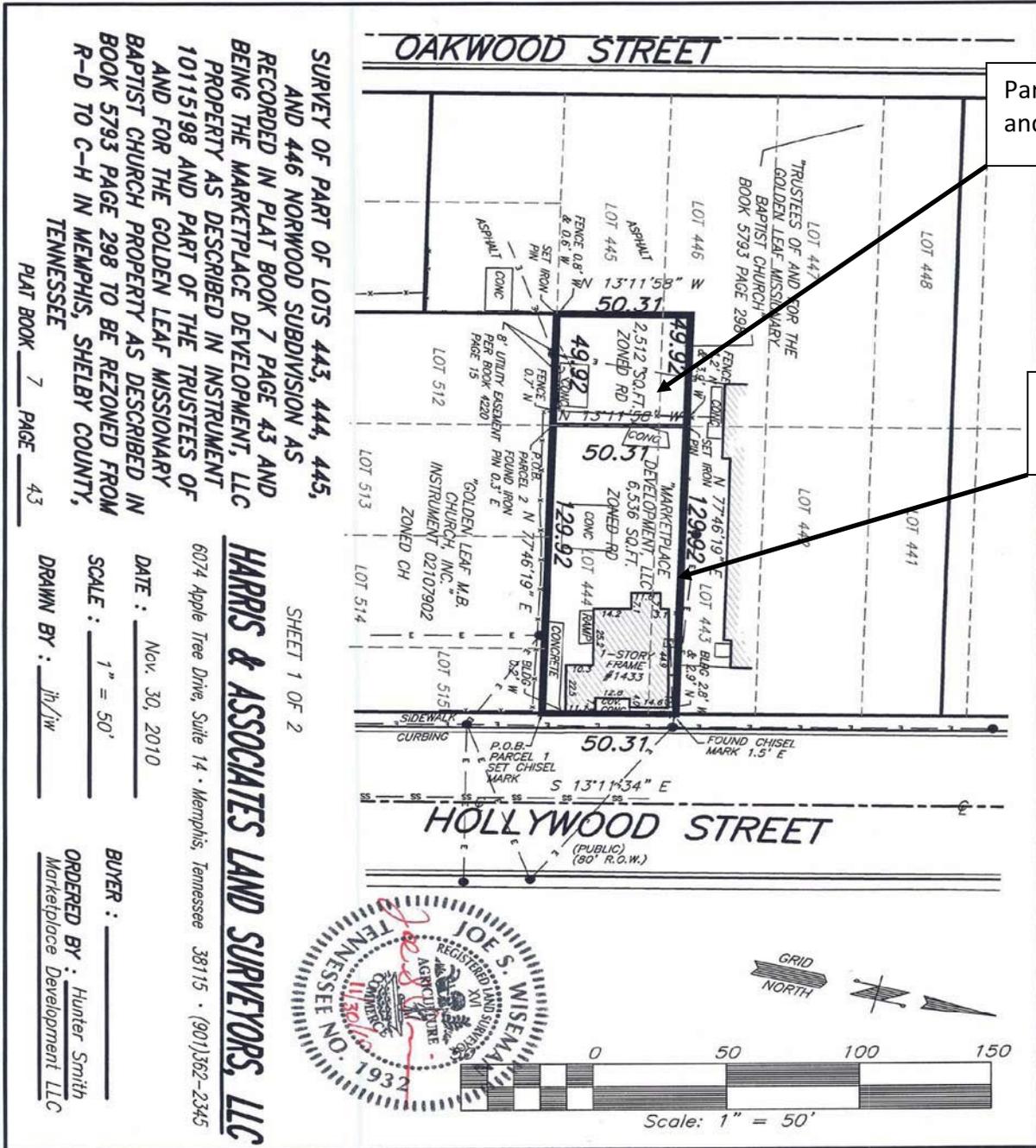




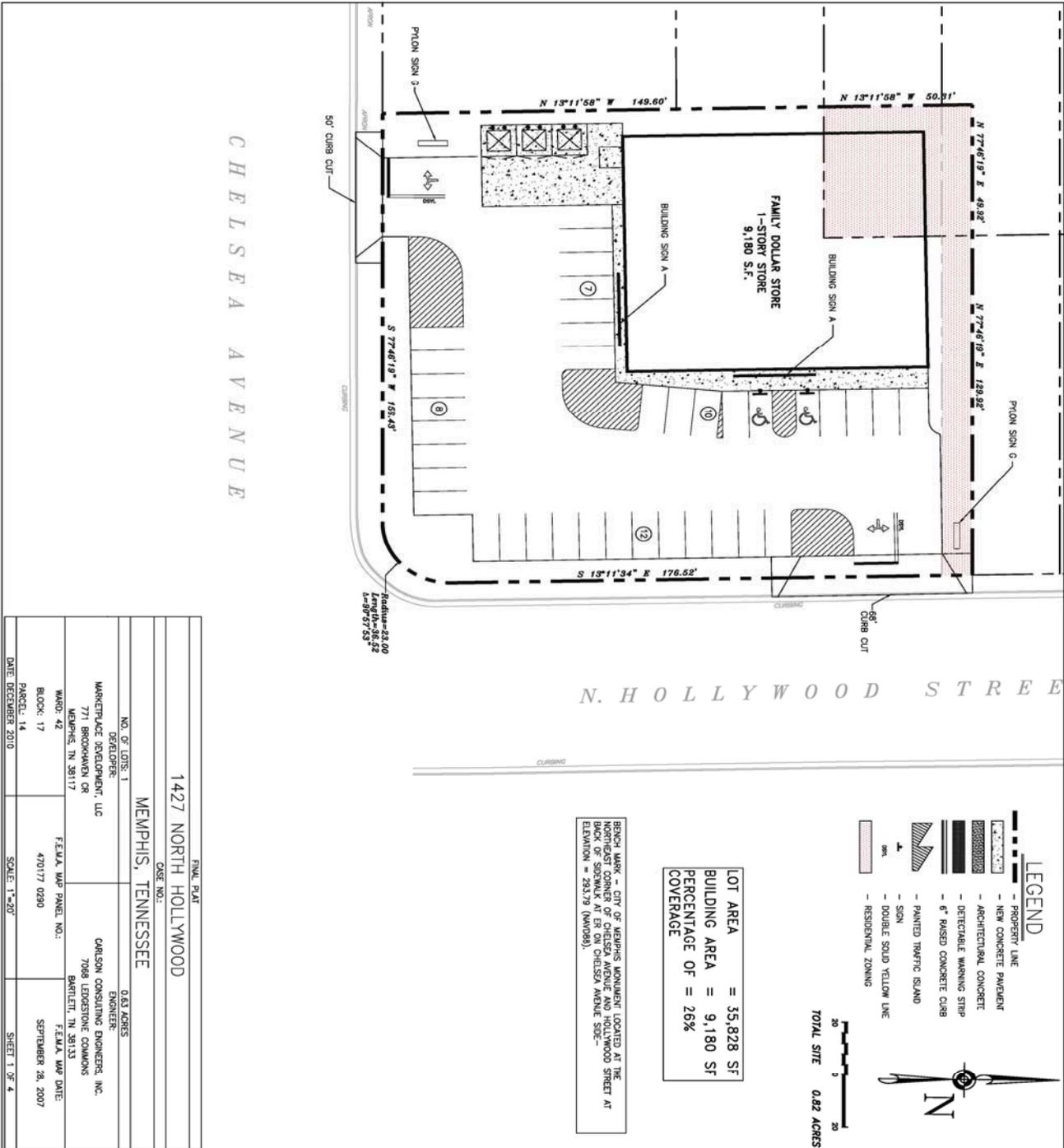




Survey



Area requested to be rezoned is highlighted in red



STAFF ANALYSIS:

Site Characteristics

The subject site is situated along the west side of Hollywood Street just 155 feet north of Chelsea Avenue; this site was established by the Norwood Subdivision in 1915.

The site is comprised of four lots as illustrated by the survey included in this report. The subject site comprises a total of approximately .24 acres, all of lot 444 and parts of the adjacent lots 443, 445, and 446.

A single family structure currently occupies lot 444; the lot is situated between a commercial structure to the south and Golden Leaf Church on the north. The property is across the street from a vacant lot and a gas station located at the northeast corner of Hollywood Street and Chelsea Avenue. A portion of the subject site (lot 444) is currently zoned CMU-3 but the most northern and western portions of the site are zoned RU-1.

Conclusions

The applicant is requesting that the subject property be rezoned from Duplex Residential (R-D) (UDC conversion - Residential Urban 1 (RU-1)) to Highway Commercial (C-H) District (UDC conversion - Commercial Mixed Use -3 (CMU-3)). The site is within close proximity to commercial and institutional uses and zoning and is better suited for a commercial use rather than residential.

The site faces a considerable challenge being developed for residential use as a result of it being located between two, more intense uses. It is envisioned that the subject site would be more useful if added to adjacent property to the south to achieve a larger developable area.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

Planning District: North Memphis

Census Tract: 8

Street Frontage: 50.31

Zoning Atlas Page: 1935

Parcel ID: 042017 00012, 042017 00013, and 042017 00017

Zoning History: RU-1 and CMU-3

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. This site is not wide enough to permit for a commercial curb cut, with current building location. In any case, if a curb cut is approved, it will cover the entire frontage of the site and will not provide for landscaping as required by the UDC.
2. City sanitary sewers are available at developer's expense.
3. 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 received.

City 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 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.
- **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-Plans Development:

No comments received.

Hollywood Hyde Park Springdale Neighborhood Association:

Rhodes Hollywood Springdale Partnership:

Hubbard Street Block Club: