

STAFF REPORT

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CASE NUMBER: Z 07-113 **L.U.C.B. MEETING:** August 9, 2007

LOCATION: Southeast & Southwest corners of N. Fourth Street & Chelsea Avenue; including the Southwest corner of N. Fifth Street and Chelsea Avenue

OWNERS/APPLICANTS: MLB-Uptown, LLC

REPRESENTATIVE: SR Consulting, LLC - Cindy Reaves

REQUEST: Moderate-Density Residential(MDR) District

AREA: 0.95 Acre(41,382 sq. ft.)

EXISTING LAND USE & ZONING: Neighborhood Center Overlay(NC) District

SURROUNDING USES AND ZONING:

North: Large vacant parcels and single family homes on large parcels in Neighborhood Center Overlay(NC) District zoning.

East: Neighborhood grocer and vacant commercial building in Neighborhood Center Overlay(NC) District zoning.

South: Vacant lots and new single family homes in the Moderate-Density Residential(MDR) District zoning.

West: Vacant lots and single family homes in Mixed Use(MU) and an old service station in Neighborhood Center Overlay(NC) District zoning.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval of Moderate-Density Residential(MDR) District

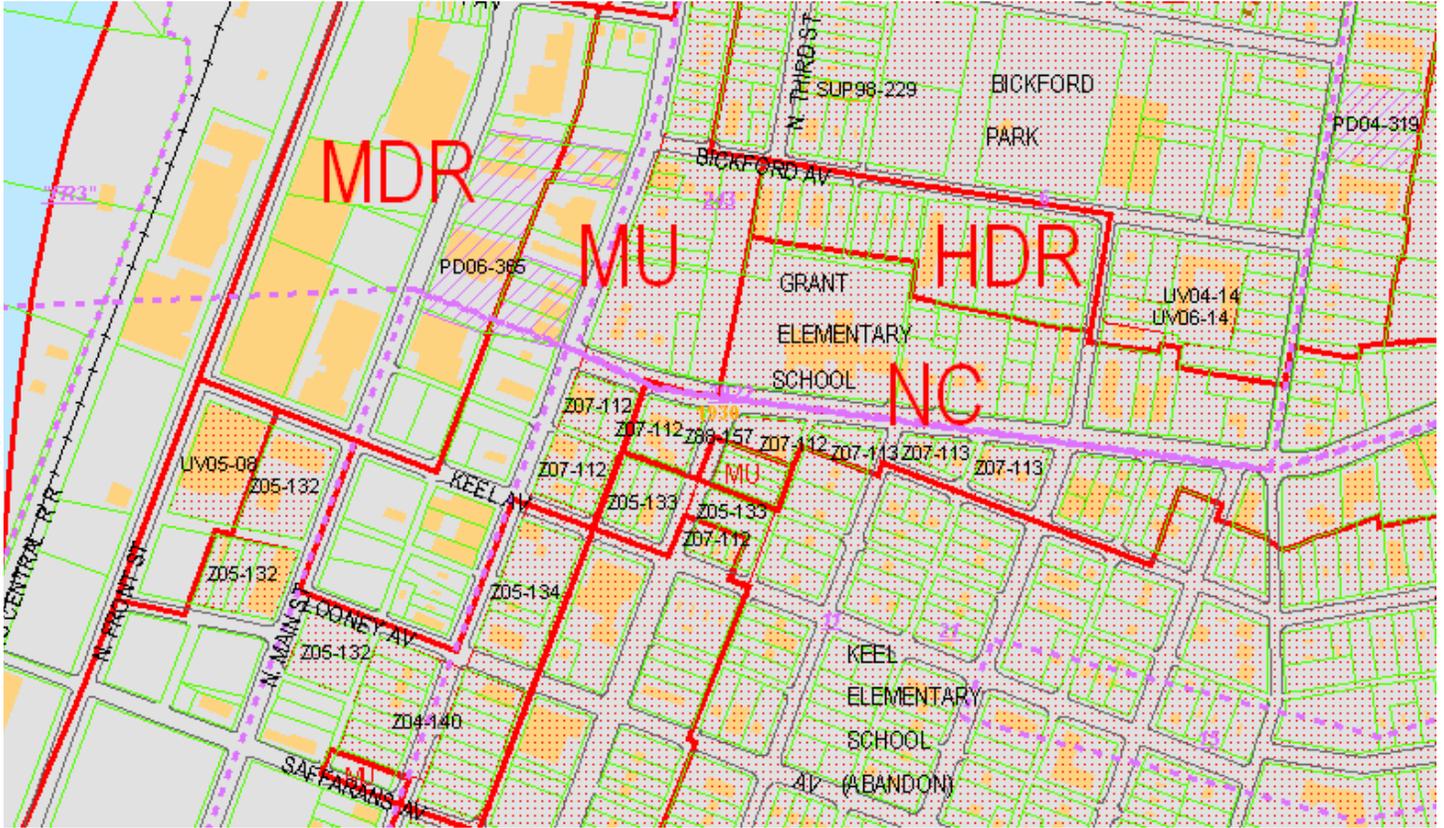
Staff: Brian Bacchus

E-mail: brian.bacchus@memphistn.gov

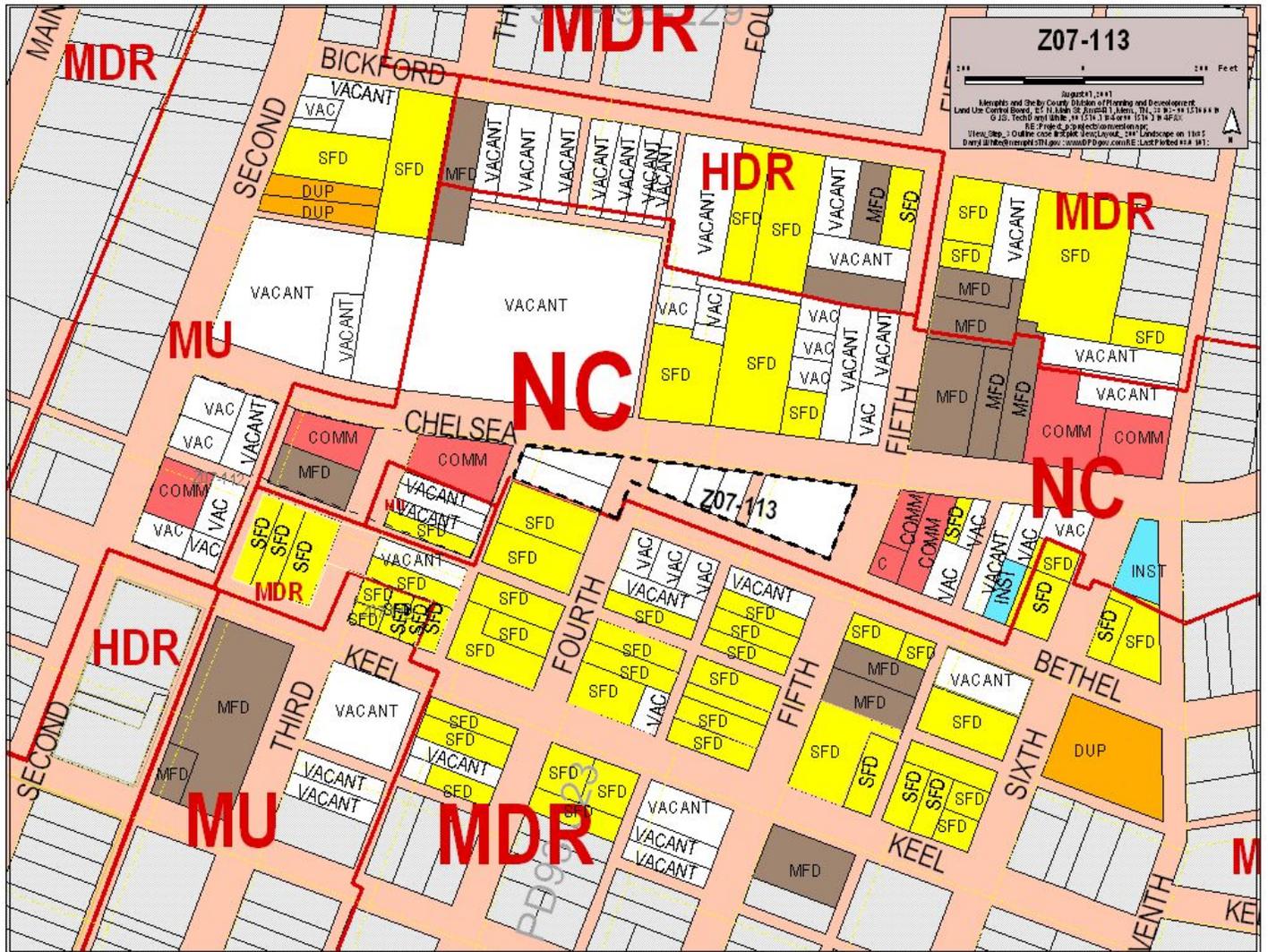
CONCLUSIONS:

- 1. The subject property consists of three(3) separate parcels of land totaling 0.95 Acre(41,382 sq. ft.) on three separate blocks in the Uptown Memphis Comprehensive Zoning District adopted in October, 2001. The current zoning of these parcels are Neighborhood Center Overlay(NC) District zoning.**
- 2. The land use and zoning is primarily single family residential homes in new Uptown District zoning for Mixed Use(MU) and Moderate-Density Residential(MDR) Districts. This area consists of old and new homes, including multi-story residential development south, southeast and northeast of the subject properties. There are also older commercial buildings and vacant properties along Chelsea Avenue and north on Bickford Avenue.**
- 3. The street system remains grid-block patterns and alley access to old and new single family homes with driveways and parking pads located to the rear of the buildings. This design is consistent throughout this area and maintains the historical uniqueness of grid-block patterns.**
- 4. The request for MDR District zoning is supported, because it is located on a corner and adjacent to a major road and would establish a zoning demarcation for low density development. The quarter blocks immediately south of the subject property have developed for new single family homes.**
- 5. A Moderate-Density Residential(MDR) District zoning reclassification directly adjacent to single family supports and maintains the balance in residential land use and zoning This zoning is more appropriate to reclassify these parcels and continue the single family development pattern established south of Chelsea Avenue. It may be necessary to remove the Neighborhood Center Overlay(NC) through a separate application. Further research will be needed to make that determination.**

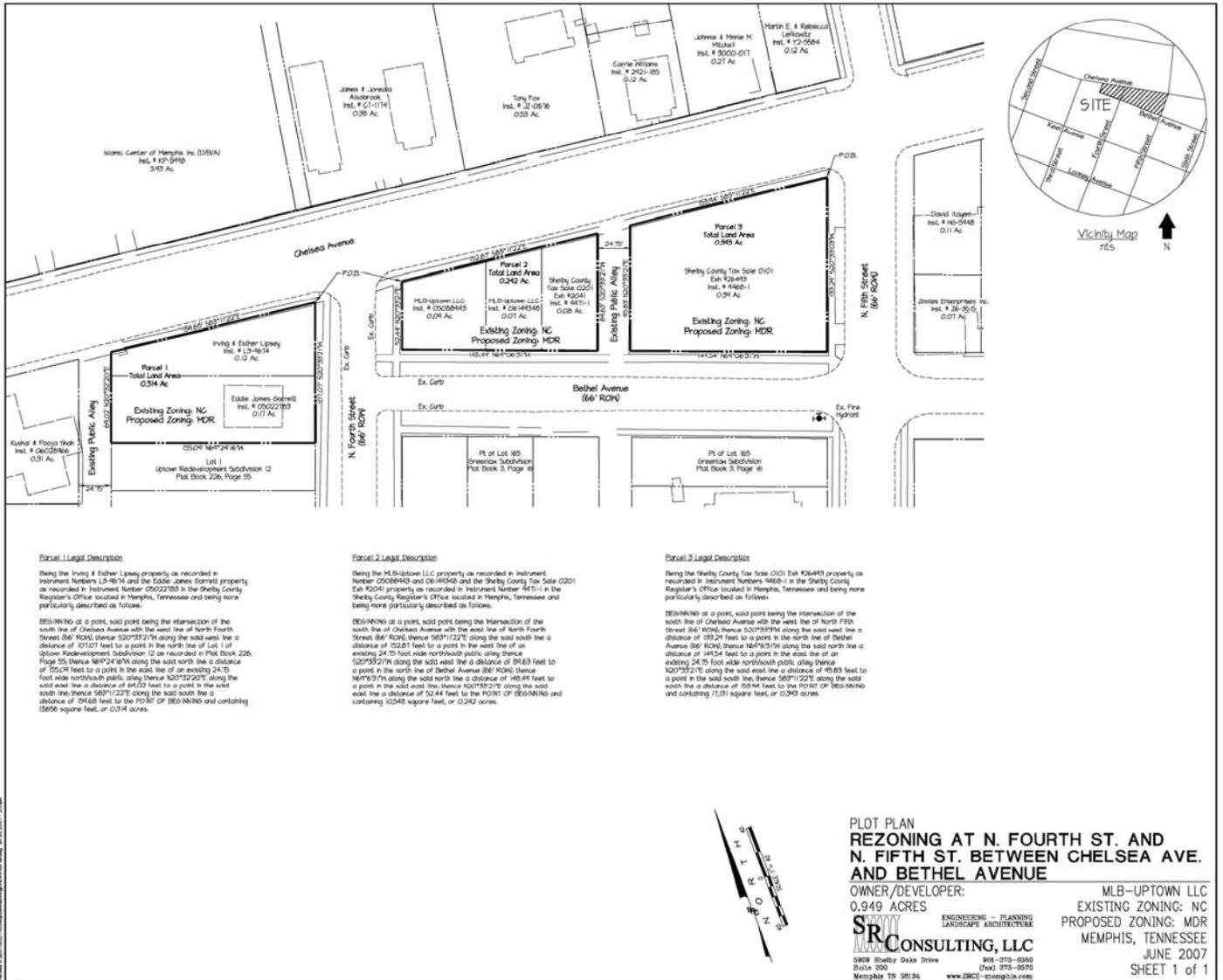
ZONING HISTORY MAP:



ZONING & LAND USE MAP:

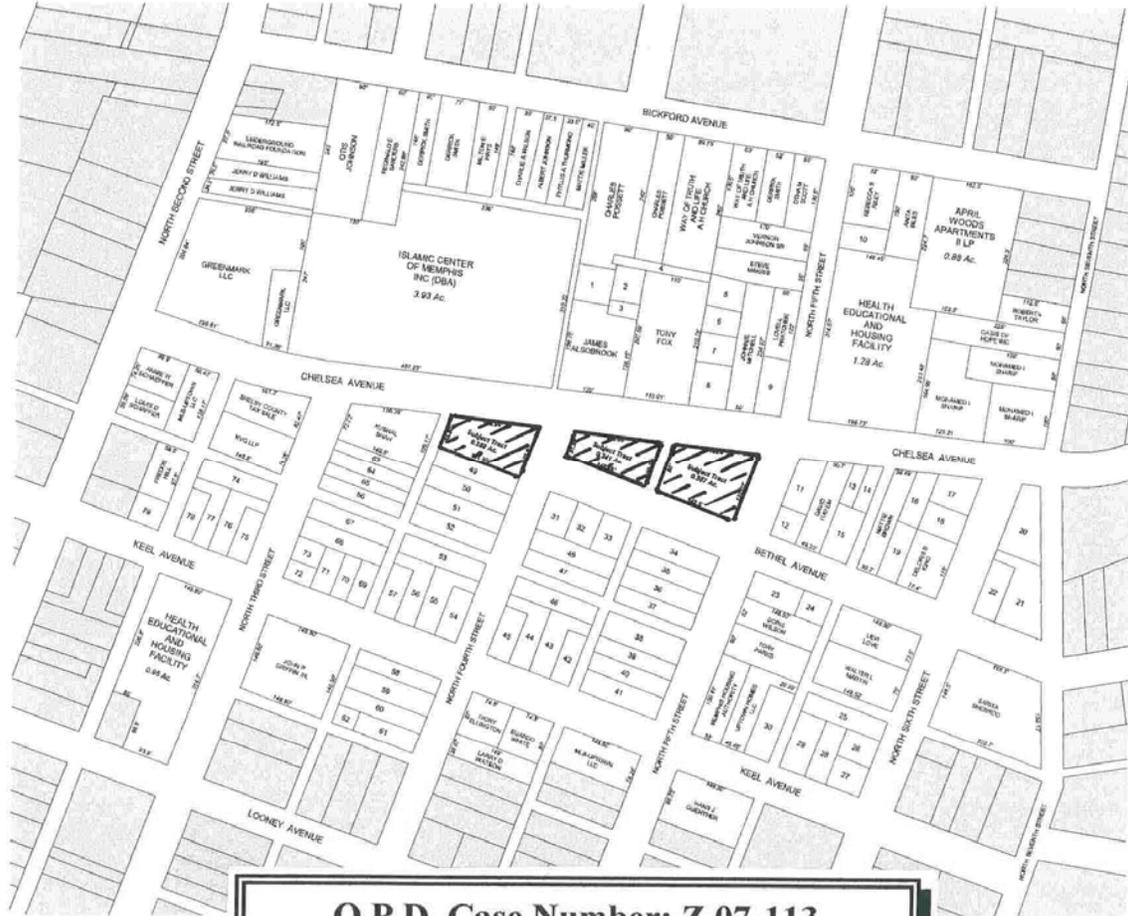


PLOT PLAN & LEGAL DESCRIPTION:



OWNERSHIP & VICINITY MAP:

Vicinity Map



O.P.D. Case Number: Z 07-113


Date: 06/25/07
Prepared By:
Property Research Data
PRD Job #07-088

STAFF ANALYSIS:

Site Description

The subject property consists of three(3) separate parcels of land totaling 0.95 Acre(41,382 sq. ft.) on three separate blocks in the Uptown Memphis Comprehensive Zoning District adopted in October, 2001. The subject properties are primarily vacant with the exception of a four(4) unit apartment building on N. Fourth Street. A vacant lot is adjacent to this building that may not have enough width to construct a single family home. The current zoning of these parcels are Neighborhood Center Overlay(NC) District zoning.

Area Overview

The entire subject area is located in Uptown-Memphis and has experienced a tremendous transformation of land use and zoning in a six(6) year time frame. The land use and zoning is primarily single family residential homes in new Uptown District zoning for Mixed Use(MU) and Moderate-Density Residential(MDR) Districts. This area consists of old and new homes, including multi-story residential development south, southeast and northeast of the subject properties. There are also older commercial buildings and vacant properties along Chelsea Avenue and north on Bickford Avenue.

The street system remains grid-block patterns and alley access to old and new single family homes with driveways and parking pads located to the rear of the buildings. This design is consistent throughout this area and maintains the historical uniqueness of grid-block patterns. There have been several zoning changes in the immediate area since the adoption of Uptown District zoning. The comprehensive zoning has been changed overtime due to development patterns as evidenced by new single family homes in what was once Mixed Use(MU) District zoning. It may be necessary to remove the Neighborhood Center Overlay(NC) through a separate application. Further research will be needed to make that determination.

Zoning vs. Development Patterns

The request is for a zoning reclassification to allow 0.95(41,382 sq. ft.) acre of land located in Neighborhood Center Overlay(NC) District zoning to be included in Moderate-Density Residential(MDR) District zoning. The current land use and zoning warrants all three(3) parcels to be included in a district that would allow the continuation of single family residential redevelopment. This district allows a maximum of 12.5 dwelling units per acre at a maximum height of forty-five(45') feet.

The request for MDR District zoning is supported, because it is located on a corner and adjacent to a major road and would establish a zoning demarcation for low density development. The quarter blocks immediately south of the subject property have developed for new single family homes and to allow a zoning reclassification directly adjacent to single family supports and maintains the balance in residential land use and zoning The Moderate-Density Residential(MDR) District zoning is more appropriate to reclassify this parcel and continue the single family development pattern established south of Chelsea Avenue.

RECOMMENDATION: Approval

GENERAL INFORMATION:

Planning District: Uptown Comprehensive Zoning District

Street Frontage: Chelsea Avenue-----+/-466.49 linear feet,
N. Fourth Street-----+/-52.44 linear feet.
N. Fifth Street-----+/-133.29 linear feet.
Bethel Avenue-----+/-298.03 linear feet.

Zoning History: In October, 2001, the Uptown-Memphis Zoning Plan was adopted by Memphis City Council for these parcels to be included in the Neighborhood Center Overlay(NC) District . Prior to this date the Highway Commercial(C-H) District zoning dates to the adoption of the 1980 zoning map amendments.

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.
2. City sanitary sewers are available at developer's expense.
3. Dedicate and improve a suitable radius on the SW corner at the intersection of N. Fifth Street and Chelsea Avenue to provide a 10 foot wide sidewalk and permit the installation of ADA compliant handicapped access ramp, in accordance with the Subdivision Regulations and the ADA guidelines.
4. Sign all alleys and drives for one-way traffic only if the width is less than 22 feet wide.
5. The developer shall be responsible for all improvements to alleys serving this project.
6. Convey right of access to the City of Memphis on Chelsea Avenue, N. Fifth Street, Bethel Avenue and N. Fourth Street.
7. The City Engineer shall approve the design, number and location of curb cuts.
8. Any existing nonconforming curb cuts shall be modified to meet current City/ Standards or closed with curb, gutter and sidewalk.
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.

10. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
11. 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.

Site Plan Notes:

12. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

13. The width of all existing off-street sewer easements shall be widened to meet current city standards.
14. All connections to the sewer shall be at manholes only.
15. Required landscaping shall not be placed on sewer or drainage easements

- City Fire Services:** No comments received.
- City Real Estate:** None.
- City/County Health Department:** No comments from Water Quality Branch.
- City Board of Education:**

The rezoning of this area from a commercial zone to medium density residential is welcomed by Memphis City Schools. The schools serving this area – Caldwell Elementary, Humes Middle, and Manassas High – have all received investment from the district to improve or upgrade facilities. Manassas High opens a new facility in the fall and Humes begins a major renovation this year. However, enrollments in these schools fall far short of the capacities. New residential development in this area will bring more enrollment to these schools.

- 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 comments:

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- 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.
- **Landscaping prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.

- 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).
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - MLGW Engineering - **Residential Development:** 528.4858
 - MLGW Engineering - **Commercial Development:** 367.3343
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell-South: No comments received.

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

OPD-Regional Services:

The MPO staff has determined that Chelsea Avenue is a Priority 1 major road on the 2026 Long Range Transportation Plan. Existing right of way and pavement widths are 64 feet and 54 feet respectively, and the proposed right of way and pavement widths are 84 and 64 feet.

OPD-Plans Development: No comments.

Neighborhood Associations/Organizations:

<i>Greenlaw N.A.:</i>	<i>No comments received as of 8/03/07.</i>
<i>Downtown N.A.:</i>	<i>“ “ .</i>
<i>N. Mphs. Civic Club:</i>	<i>No comments received as of 8/03/07.</i>
<i>N. Mphs. Concerned Citizens:</i>	<i>“ “ .</i>

Staff: *bb*