

STAFF REPORT

CASE NUMBER: S.U.P. 07-210 **L.U.C.B. MEETING:** July 12, 2007

LOCATION: South side of Monroe Avenue; +/-362 feet west of Willett Street

OWNERS/APPLICANTS: John & Juanita Gheens

REPRESENTATIVE: Kevin Gheens

REQUEST: Special use permit to allow a single office in a residential structure.

AREA: 0.15 Acre(6,835 sq. ft.)

EXISTING LAND USE & ZONING: A two-story wood, frame single family home in Multiple Dwelling Residential(R-MH) District zoning.

SURROUNDING USES AND ZONING:

North: Single family homes and apartments in Horn Brothers Subdivision in Multiple Dwelling Residential(R-MH) District zoning.

East: Vacant lot and single family home in Horn Brothers Subdivision in Multiple Dwelling Residential(R-MH) District and parking lots in Parking(P) District zoning.

South: Professional offices, Cadence Bank, ‘Crosstown’ Post Office, and retail center in Highway commercial(C-H) District zoning.

West: Single family home and apartments in Horn Brothers Subdivision, accessory parking and contractor’s office in S M Neely Subdivision in Multiple Dwelling Residential(R-MH) District zoning.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

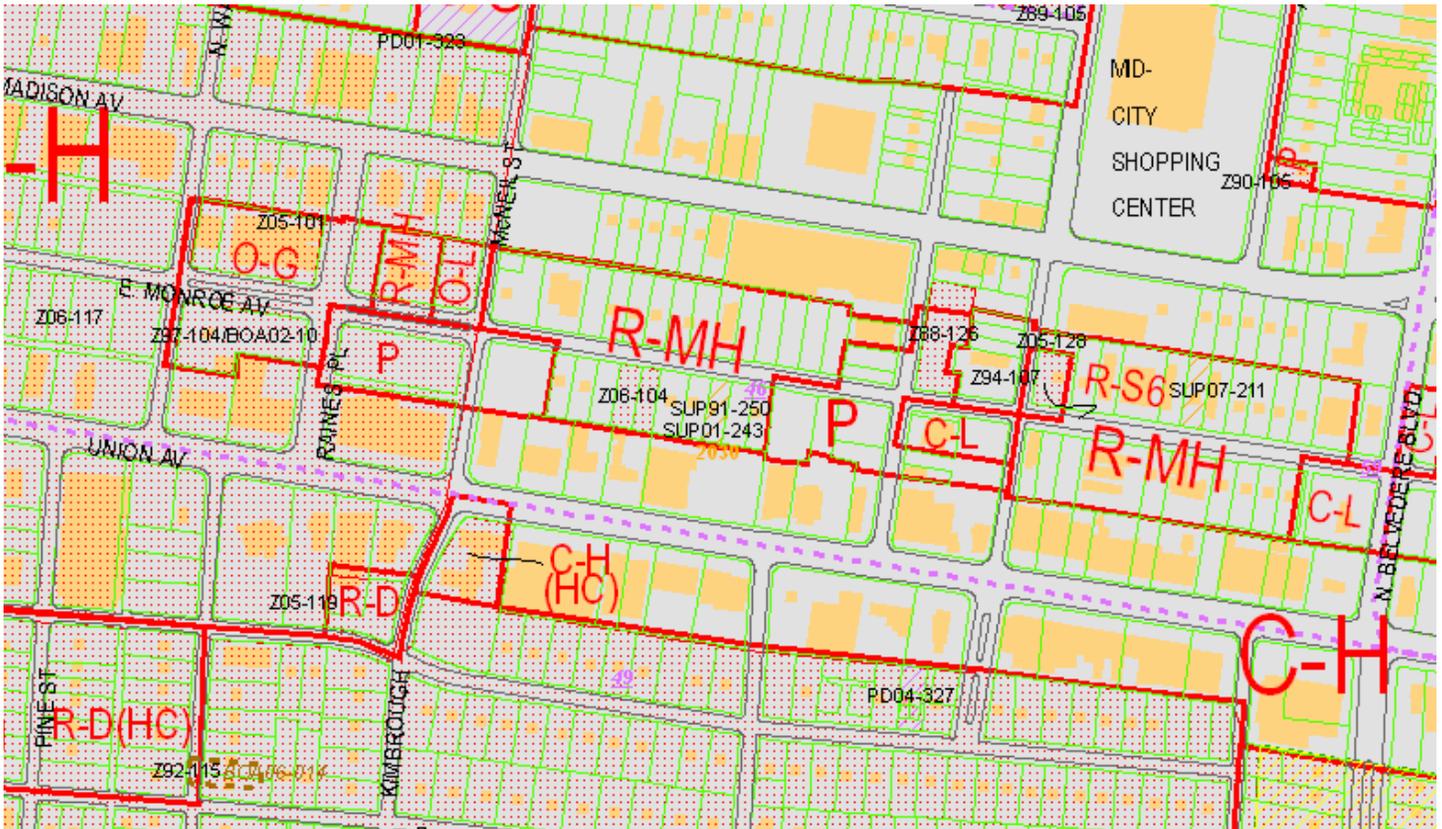
Staff: Brian Bacchus

Email: brian.bacchus@memphistn.gov

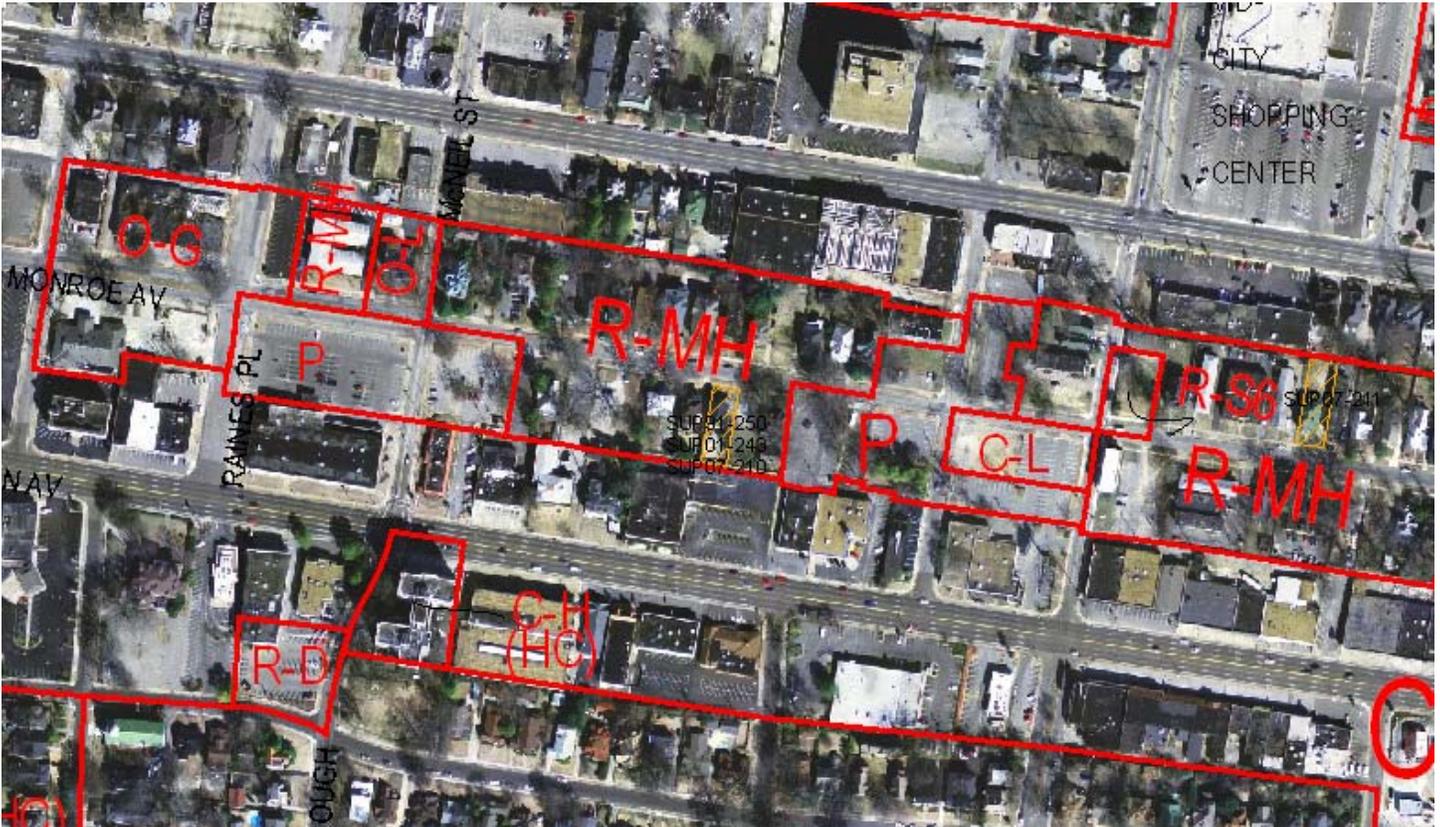
CONCLUSIONS:

1. The site is a two-story single family home formerly approved by special permit for a doctor's office in 1991. The front yard and façade has been maintained and has not been altered, but the rear yard has been paved for parking, including a handicap ramp installed for entry to the rear door. A sight-proof fence is along the south and west property lines.
2. The land use and zoning in the immediate area is primarily mixed-use development from single family residential to local and highway commercial development along the major roads. The subject property and the immediate surrounding area has experienced zoning and land use changes not conducive to maintaining a single family residential character. The trend is toward a mixture of multi-family residential and small offices.
3. The properties in this area were placed in this zoning classification in 1978 for land use warranted by a comprehensive zoning study that provided a transitional zoning designation from Highway Commercial(C-H) District zoning north and south of the subject property.
4. Since that time, zoning and land use requests have significantly changed the south side of Monroe Avenue for those properties that share common lot lines on the same side of the street and within the same block. The subject property being mid-block normally does not support a land use change, but its location and zoning history coupled with physical changes to the structure would otherwise render the property useless for residential purposes.
5. The real estate and management office in a residential structure is supported at this location because it does not require additional physical changes to the exterior of the building and the appearance at the street side will remain residential. This site, except for prior improvements to the rear of the building, should conform in accordance with standards for a single office located in a residential structure.

ZONING HISTORY MAP:



AERIAL PHOTO:



STAFF ANALYSIS:

Site Description

The subject property is a 6,835 sq. ft lot located at the south side of Monroe Avenue; +/-362 feet west of Willett Street in the Midtown Planning District area in Multiple Dwelling Residential(R-MH) District zoning. The site is a two-story single family home formerly approved by special permit for a doctor's office in 1991. The front yard and façade has been maintained and has not been altered, but the rear yard has been paved for parking, including a handicap ramp installed for entry to the rear door. A sight-proof fence is along the south and west property lines.

The site is fifty(50) feet in width with 136 feet of depth that conforms to R-MH District zoning located on a neighborhood street fifty(50) feet in width with curb, gutter and sidewalk. The City of Memphis is upgrading the street with new paving and related improvements in this area situated between two(2) major roads, Madison Avenue and Union Avenue. The neighborhood has been maintained, but is also in transition as evidenced by recent land use request and the acquisition of adjacent parcels for parking.

Area Overview

The land use and zoning in the immediate area is primarily mixed-use development from single family residential to local and highway commercial development along the major roads. The land use farther north is mixed-use for a vacant office building, apartments, catering establishment, nightclub and café as well as single family residential, parking garage and a new self-storage facility under construction in Highway Commercial (C-H) District zoning.

Along the north side of Monroe Avenue is land use primarily of residential single family and small apartment developments in Multiple Dwelling Residential(R-MH) District zoning extending from McNeil Street on the west to Willett Street on the east. The land use along the south side of Monroe Avenue is primarily paved parking lots for business establishments that front on Union Avenue with the exception of two(2) single family homes, a triplex apartment building, contractor's office and a vacant lot directly adjacent to the subject property.

The area farther south along both sides of Union Avenue is office and retail commercial developments, including small restaurants and high-rise residential development with retail on the ground floors. There are small mixed-use buildings of retail with offices on the second floor along the south side of Union Avenue that backs up to single family residential development in Central Gardens Historic District. The subject property and the immediate surrounding area has experienced zoning and land use changes not conducive to maintaining mixed residential land uses as permitted by R-MH District zoning.

Request vs Mixed Residential Development

The request is for a special permit to allow a single office in a residential structure in Multiple Dwelling Residential(R-MH) District zoning that allows mixed residential developments. The properties in this area were placed in this zoning classification in 1978 for land use warranted by a comprehensive zoning study that provided a transitional zoning designation from Highway Commercial(C-H) District zoning north and south of the subject property.

Since that time, zoning and land use requests have significantly changed the south side of Monroe Avenue for those properties that share common lot lines on the same side of the street and within the same block. The requests have been zoning changes to General Office(O-G) District zoning west of the subject property to Parking(P) District zoning east at Willett Street. This neighborhood is wedged between Highway Commercial(C-H) District zoning and land use within an area in transition which has been subject to zoning and land use changes that make it difficult to maintain single family residential character. The trend is toward a mixture of multi-family residential and small offices.

The subject property being mid-block normally does not support a land use change, but its location and zoning history coupled with physical changes to the structure would otherwise render the property useless for residential purposes. The properties along this side of the street and within this block are in need of further zoning review and should be designated residential office district zoning to provide protection from non-residential land use and zoning.

However, this request unlike other requests in the immediate area is for such a purpose. The real estate and management office in a residential structure is supported at this location because it does not require additional physical changes to the exterior of the building and the appearance at the street side will remain residential. This mixed residential(R-MH) district zoning allows a single office by special permit within a structure originally built for a residential purpose, but is restricted to standards set forth in Zoning Ordinance-Regulations(Section 9-D.2.o.). This site, except for prior improvements to the rear of the building, should conform with standards for a single office located in a residential structure.

RECOMMENDATION: *Approval with Conditions*

SITE PLAN CONDITIONS:

A Special Use Permit is hereby authorized to *'John & Juanita Gheens'* to allow a *'single office in a residential structure'* for property located at *'1535 Monroe Avenue'* at the *'south side of Monroe Avenue; +/- 362 feet west of Willett Street'* in accordance with the *'approved site plan'* and the following supplemental conditions:

I. Use Permitted:

- A. A single real estate management office in a residential structure. No exterior alterations or additions other than general repair and maintenance shall be allowed to the structure.
- B. The hours of operation shall be from 7 a.m. through 5 p.m.
- C. There shall be no other type of business operated from this site other than permitted by this special permit for a single office in a residential structure.

II. Access and Parking:

- A. All required parking, except one(1) front yard parking space shall be located to the rear of the building. No parking shall be allowed on any adjacent lots or parcels.
- B. A maximum of four(4) parking spaces and one(1) handicap space shall be provided in the rear yard.
- C. The location, design and number of curb-cuts shall be subject to the approval of the City Engineer.

III. Landscaping and Other:

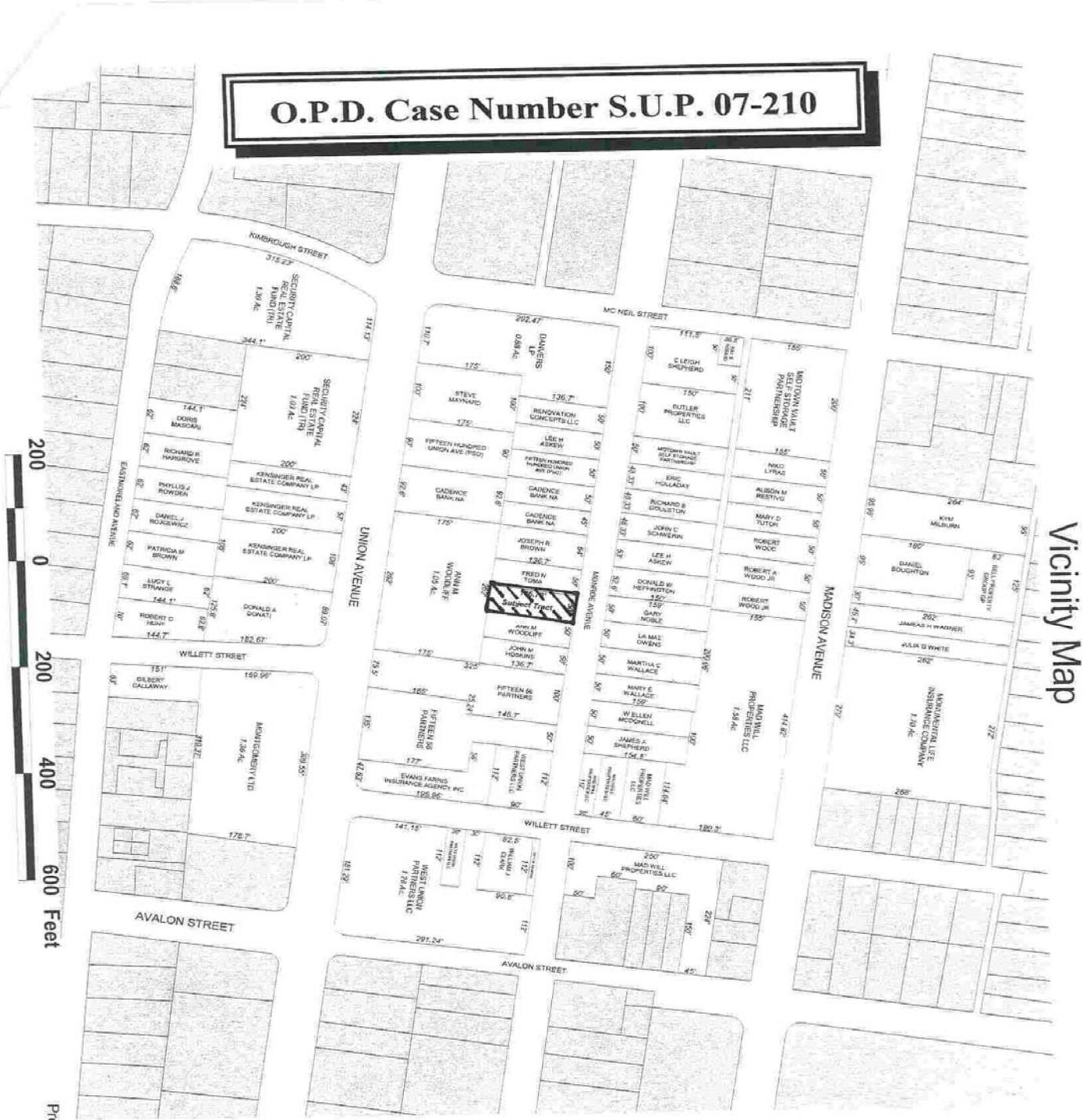
- A. All existing mature trees, shrubs and hedges shall be preserved and maintained.
- B. Flowering bushes and shrubs shall be planted in the front yard.
- C. A sight-proof fence six(6') feet in height shall be installed along the east property line.

IV. A maximum of one(1) attached sign shall be permitted with a maximum of twelve(12) square feet in area.

V. The real estate management office shall be permitted for the above mentioned user and maintained in accordance with site plan conditions.

OWNERSHIP MAP:

O.P.D. Case Number S.U.P. 07-210



Vicinity Map



Date: 05/28/07
Prepared By:
Property Research Data
PRD Job #07-085

GENERAL INFORMATION:

Street Frontage: Monroe Avenue-----+/-50 linear feet.

Planning District: Midtown

Zoning Atlas Page: 2030

Zoning History: The Multiple Dwelling Residential(R-MH) District zoning dates to 1978-Zoning Study 118 and to the adoption of 1980 zoning map amendments. In December, 1991; a Special Permit (S.U.P. 91-250) was approved by Memphis City Council to allow the use of this structure as a medical office for one(1) doctor. In November, 2001, a special permit(S.U.P. 01-243) was rejected by the Land Use Control Board and withdrawn by the applicant to allow offices, meeting spaces and special events.

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. City sanitary sewers are available at developer's expense.
2. The existing curb opening and driveway will not accommodate two-way traffic as shown on the site plan. The developer should be required to widen the drive opening and driveway enough to permit two cars to pass.
3. The City Engineer shall approve the design, number and location of curb cuts.
4. 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.
5. The width of all existing off-street sewer easements shall be widened to meet current city standards.
6. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Services: No comments received.

Memphis & Shelby County Health Department: No objections.

Memphis Board of Education: No comment.

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).
- **Fire Protection Water Services:** It is the responsibility of the owner/applicant to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
- 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:

This application was reviewed by the MPO staff/Department of Regional Services on June 29, 2007. The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization.

OPD-Plans Development: No comments received.

Neighborhoods Associations/Association:

31st Ward Civic Club: No comments received as of 7/6/07.
Midtown Council of Neighborhoods: No comments received as of 7/6/07.

Staff: *bb*