MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT #18

CASE NUMBER: SE 11-01 **L.U.C.B. MEETING:** April 14, 2011

Held from March 10. 2011

STREET NAME: Cotton Mills Apartments

LOCATION: Southside of Monroe Ave.; +/-504 feet east of Lauderdale Street

COUNCIL DISTRICT: **7**

SUPER DISTRICT: 8

APPLICANT: Memphis Housing, LLC (Tony Crosby)

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

REQUEST: A Special Exception from the approved Height Map of the Medical Overlay (MO) District to permit a maximum building height of 51 feet where a maximum of 35 feet is permitted

AREA: 1.16 Acres

EXISTING LAND USE & ZONING: A surface parking lot in the Central Business District (CBD) and Medical Overlay (MO) Districts

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

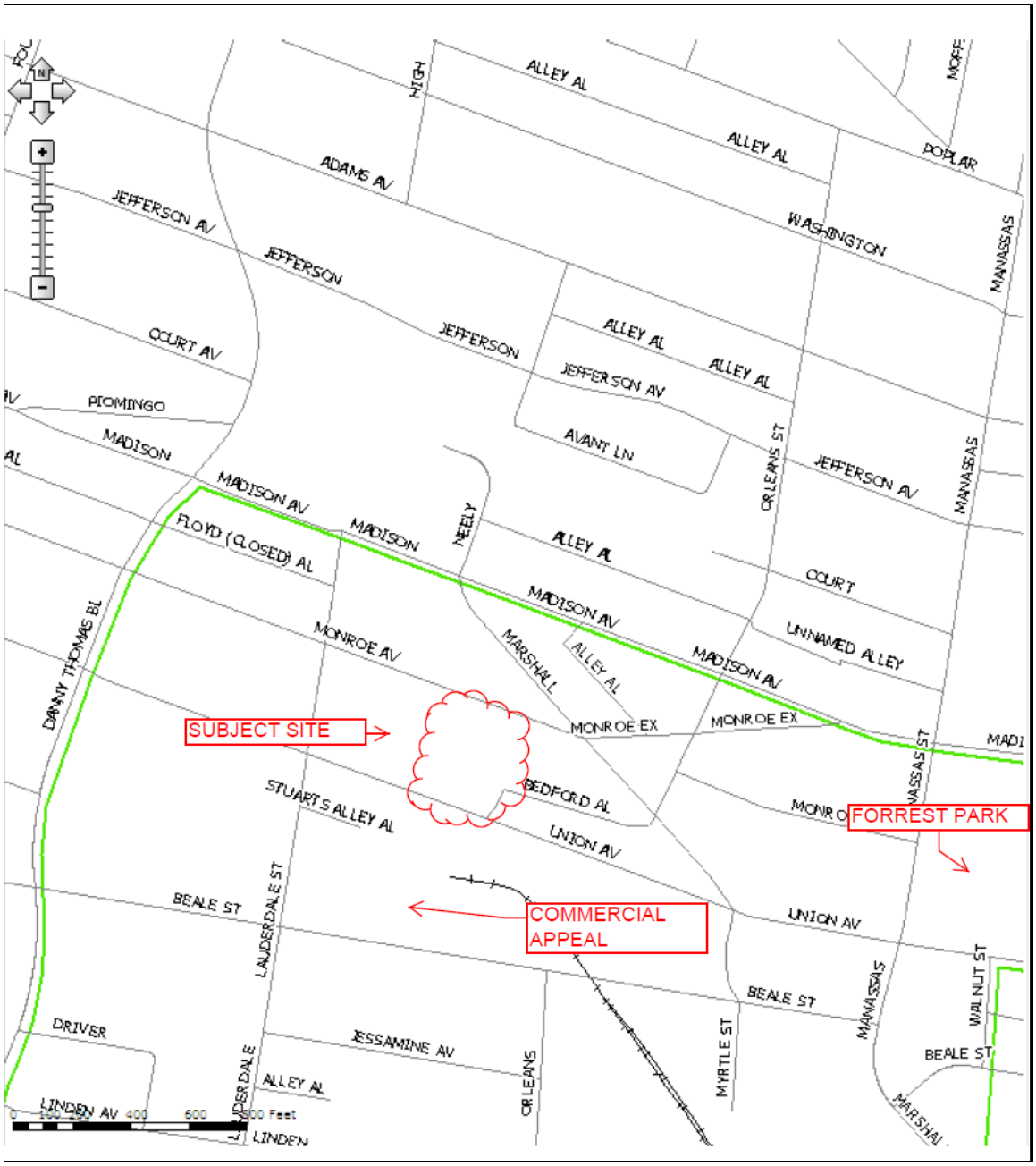
APPROVAL

CONCLUSIONS

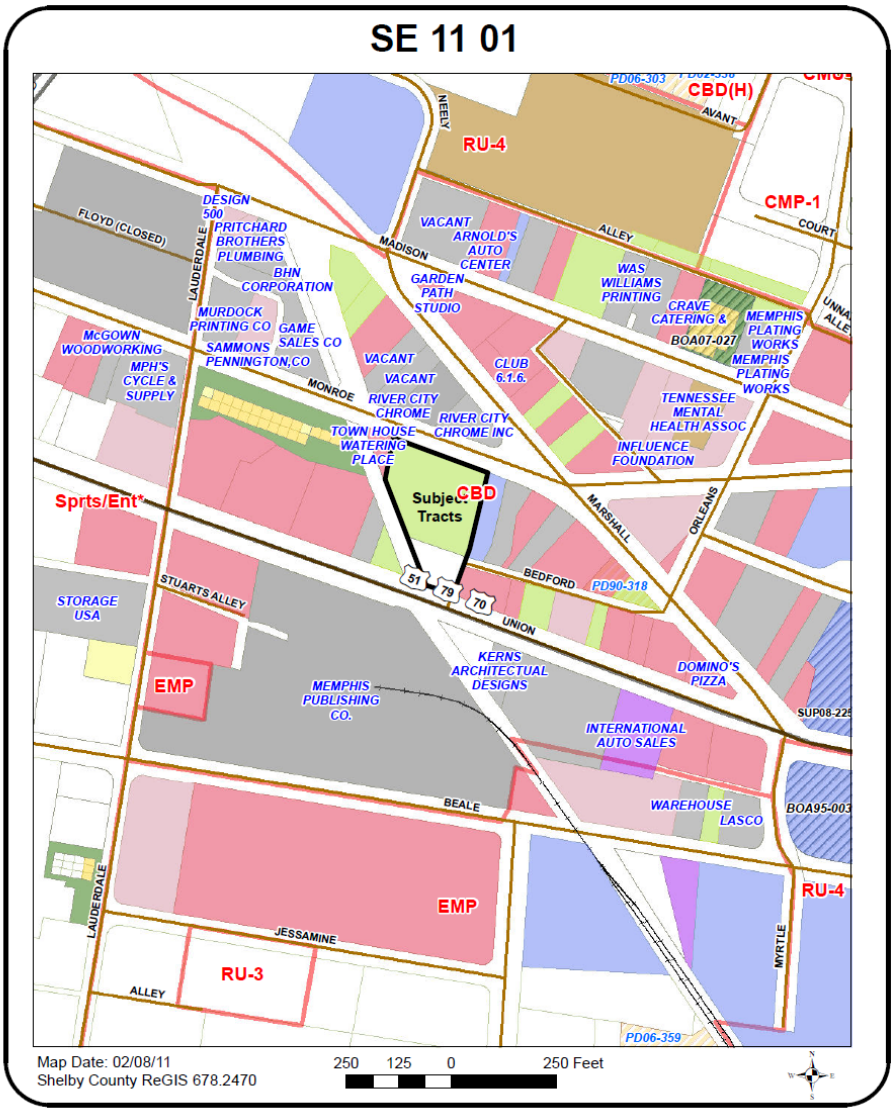
1. In considering this request for additional height, the staff has asked the applicant to provide building renderings which presented a strong pedestrian orientation.
2. The proposed building will present a taller building, approximately 11 feet taller than the current tallest building in the immediate area. However, the elevations do reflect a mix of materials at the base and vertical lines that give the appearance that this is a number of connected buildings rather than one large building which is characteristic of the area.
3. The addition of residential units in this area is a positive development. This project, along with the condominium project to the west of this site, represent the introduction of residential units into a former commercial and industrial area that meets the overall goal of creating a mixed use area.

Staff: Don Jones E-Mail: john.jones@memphistn.gov

General Location Map



LAND USE & ZONING MAP



SURROUNDING LAND USE & ZONING:

North: A vacant commercial building and automobile service in the Central Business District (CBD) and the Medical Overlay (MO) District

East: A church and other instutional and commercial uses in the Central Business District (CBD) and Medical Overlay (MO) Distinct

South: An industrial use, Memphis Publishing Company, in the Central Business District (CBD) and Medical Overlay (MO) District

West: A restaurant and bar and vacant land in the Central Business District (CBD) and Medical Overlay (MO) District

SE 11 01
CBD(H)
AVANT
HAMLIN
NEELY
RU-4
CMP-1
COURT
ALLEY
FLOYD (CLOSED)
LAUDERDALE
MADISON
UNNAMED A
MONROE
Subject Tracts
CBD
Sprts/Ent*
MARSHALL
ORLEANS
BEDFORD
STUARTS ALLEY
51
79
70
UNION
EMP
BEALE
EMP
RU-4
JESSAMINE
RU-3
ALLEY
MYRTLE
Map Date: 02/08/11
Shelby County ReGIS 678.2470
250 125 0 250 Feet

View of Site from Monroe

View of Site from Union

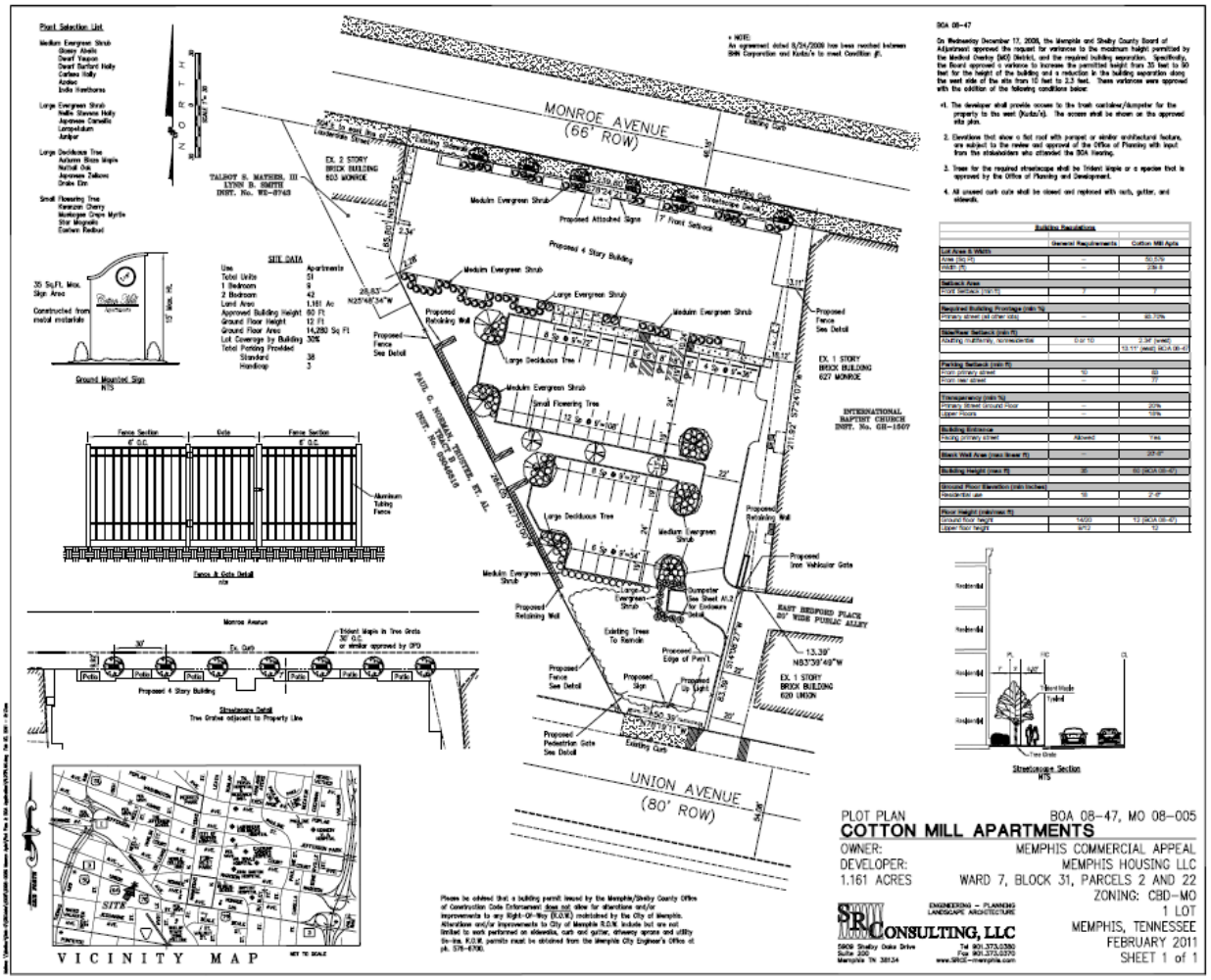
Pictures from surrounding area

Facing North

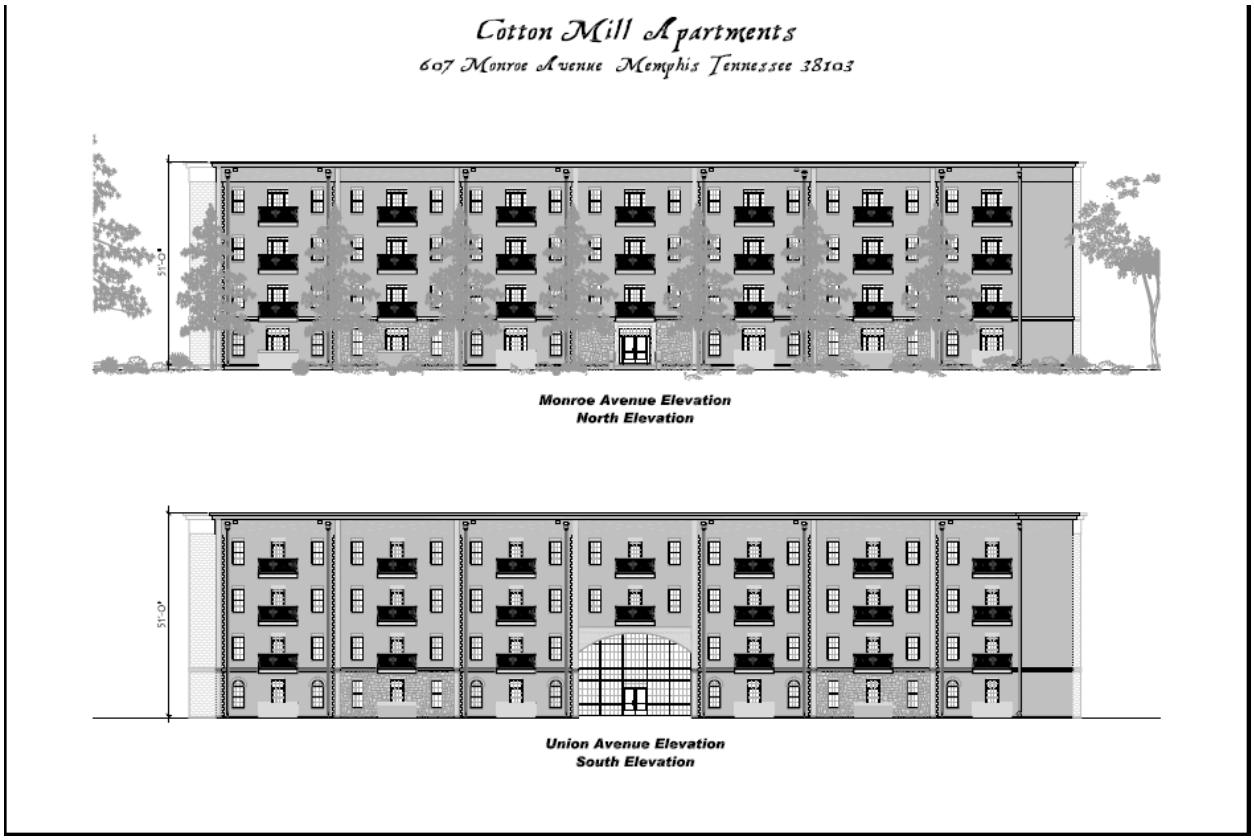
Facing west

Facing East

Site Plan


MONROE AVENUE
(66' ROW)
UNION AVENUE
(80' ROW)
PLOT PLAN
COTTON MILL APARTMENTS
BOA 08-47, MO 08-005
OWNER: MEMPHIS COMMERCIAL APPEAL
DEVELOPER: MEMPHIS HOUSING LLC
1.161 ACRES
WARD 7, BLOCK 31, PARCELS 2 AND 22
ZONING: CBD-MO
1 LOT
MEMPHIS, TENNESSEE
FEBRUARY 2011
SHEET 1 of 1
SRC CONSULTING, LLC
VICINITY MAP

Elevations – North Facing and South Facing

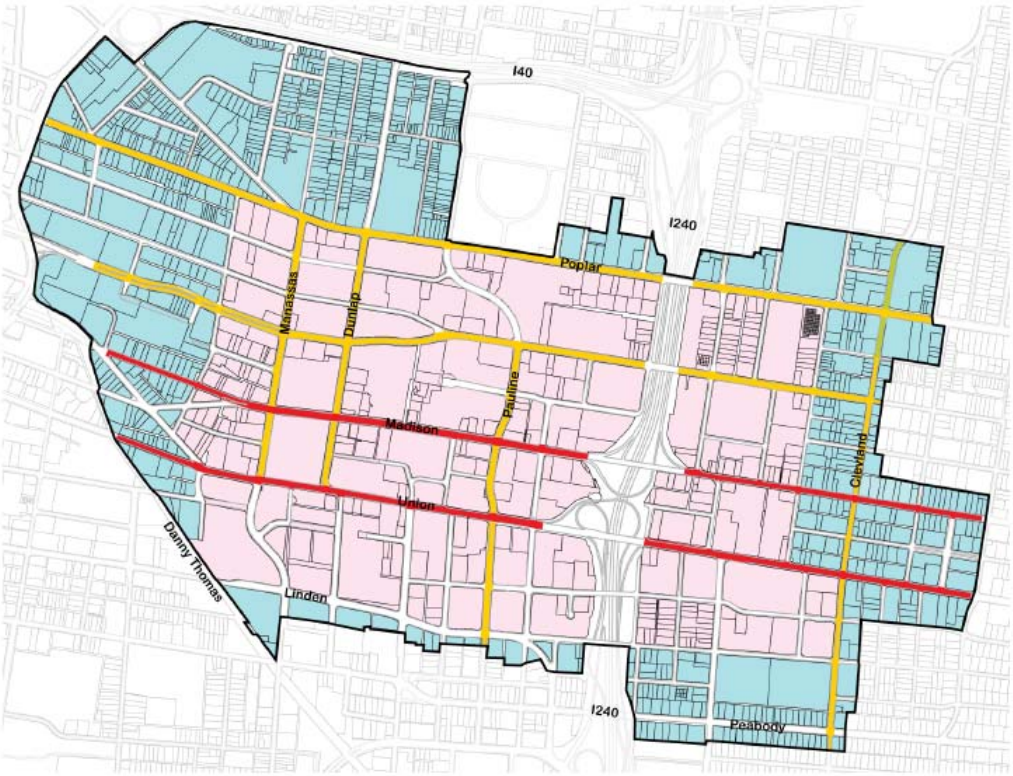


Medical Overlay District Height Map

1.7 HEIGHT STANDARDS

1.7.1 Building Height Standards

The following map designates maximum building height limits within the Medical Overlay District.



Medical Overlay District Height Map

Pedestrian Frontage | Urban Frontage | Commercial Frontage

Area 1 | Area 2

	Max Height
Area 1	
General (no frontage designation)	35 feet
Commercial/Urban/Pedestrian Frontage	60 feet *
Area 2	
General (no frontage designation)	80 feet *
Commercial Frontage	80 feet
Urban/ Pedestrian Frontage (anywhere on lot)	
Block face (0 - 30 feet of lot depth)	80 feet
Block interior (30+ feet of lot depth)	128 feet
Additional height permitted for block interiors by special exception	

* subject to bulk plane (see 1.7.2)

STAFF ANALYSIS:

Special Exceptions: With the adoption of the Unified Development Code, (UDC), comes a new category of Applications known as Special Exceptions. Special Exceptions were found in the prior Zoning Ordinance but were limited to requests for Mobile Homes in the Agricultural Zoning District and subject to the review of the Board of Adjustment. Special Exceptions were also found in the Overlay Districts, the Medical Overlay District, the University District Overlay and the Midtown Overlay. Special exceptions were incorporated into these special districts to allow for a reasonable variance procedure that is limited to particular elements of a site plan.

Under the current UDC, a Special Exception is somewhat of a cross between a variance and what has been referred to in the past as a correspondence item. Article 9 Chapter 14 describes the circumstances under which the Special Exception applies; increased height, drive thru facilities in the Residential Work (RW) Zoning District, alternative streetscape plates, and/or on-site creative signs are some of the specified examples.

Approval Criteria: To approve a special exception, the Land Use Control Board shall make an affirmative finding that all of the following criteria are met:

A. The request will not adversely affect any plans to be considered.
B. The special exception does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development surrounding property.
C. A special exception does not have an adverse impact on land use Compatibility.
D. A special exception does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use.
E. When approving a special exception, the Land Use Control Board shall give special consideration to building and site improvements that enhance the level of pedestrian amenities.

Special Exception Requested: Section 9.14.1 of the UDC authorizes the following condition to be considered as a Special Exception: Increased height limits above that permitted in the base district *or on an officially adopted height map.* The applicant is requesting a Special Exception from the adopted height map for the Medical Overlay (MO) District, Area 1, to permit a 4 story building, with 51 feet of height where a maximum height of 35 feet is permitted.

The subject property is zoned Central Business District and Medical Overlay District. A map showing the boundaries, height regulations, and streets with

special designation is included in this report. Certain streets within the boundaries of the overlay were deemed as particularly important to the overall function of the district. The road frontages such as Union, Poplar, Madison, Dunlap, and Cleveland, for example, include additional requirements for building elements. These roads are seen as significant carriers of both vehicle and pedestrian traffic. Streetscape and building element requirements are in place that address the amount of building frontage on the lot, the percentage of windows and doorways that address the public street (transparency) and support a mixed use character.

Certain areas of the Overlay District exhibit a strong character with respect to the building heights. The area of the Medical Overlay Height Map shown in blue is recommended for a lower height requirement, (2 – 3 stories) while the pink shaded areas area permitted taller buildings (6 to 10 stories).

The subject property is in the westernmost area of the Overlay District. Monroe Avenue is a non-designated street so it has limited requirements with respect to its street frontage. It is however in the blue area of the map which restricts its height to 35 feet which would permit a 3 story building with a relatively flat roof.

Character of Area - The subject property is located in an area of Memphis that is known as the "Edge" . Generally the "Edge Neighborhood" extends north to south from Madison Avenue to Union Avenue and west to east from Danny Thomas Boulevard to Dunlap Street. In regard to land use, this area is experiencing a change in character from predominately intensive automobile service and industrial uses to uses that that include restaurant and entertainment venues. The Edge also includes recording studios such as Sun Studios, office, and research facilities. Recent additions to the overall landscape include a two- story condominium project built in 2008 to the west of the subject property and a 3-story condominium project on Madison Avenue also constructed in 2008. The area is emerging as a true mixed use area.

With respect to height, this area is comprised primarily of one and two story buildings most of which are commercial in nature and most of which are connected to one another The exception to this rule is the three story building to the east, formerly the Heartbreak Hotel, pictometry analysis indicates that this building is approximately 40 feet in height.

Background - An application for a variance (BOA 08-47 City) was reviewed by the Board of Adjustment in December of 2008, after being held from a prior meeting. The application requested a variance from the height map as well as variations to the side yard setback, building separation, and height of the ground floor. After considerable discussion and input from concerned citizens, the application was approved with the conditions that required the pitched roof be redesigned as a flat roof, that the applicant work with its neighbor, Kudzu, to re-

locate the restaurants dumpster to a new location, and to specify the type of trees that will be required as a part of the streetscape.

The Board of Adjustment's Rules and Requirements stipulate that any approval is conditioned upon the applicant securing a permit within one year from the date of approval. Due to delays in securing financing and in reaching an agreement with Kudzu and a third party to relocate the dumpsters, the applicant was not able to meet the Board timing requirement. Since that time, the Unified Development Code has been adopted, and the UDC directs requests for Special Exceptions to the Memphis and Shelby County Land Use Control Board**.**

Review of Request – The subject property is currently developed as a surface parking lot surrounded on two sides by a chain link fence. The site has been in use as additional parking for the Commercial Appeal which is located across Union Avenue from this site and accessory parking for its neighbors Kudzu's to the west and the Church to the east. History materials indicate that the site has been vacant or in use as parking lot since approximately 1952.

The site has frontage on two streets; Union Avenue which is designated as Shopfront under the Medical Overlay District, and Monroe which is an undesignated frontage. Because of the unusual shape and topography of the subject property, Monroe Avenue is the preferred frontage for development.

In considering this request for additional height, the staff has asked the applicant to provide building renderings which presented a strong pedestrian orientation. This is accomplished with the front door and steps, the balconies, and a residential streetscape that are reflected in the Shopfront Pedestrian and Urban street frontages. The applicant has complied.

The proposed building will present a taller building, approximately 11 feet taller than the current tallest building in the immediate area. However, the elevations do reflect a mix of materials at the base and vertical lines that give the appearance that this is a number of connected buildings rather than one large building which is characteristic of the area.

The addition of residential units in this area is a plus. This project along with the condominium project to the west of this site, represent the introduction of residential units into the area that meet the overall goal of creating a mixed use area for residents that will work, attend Medical School, and enjoy the entertainment venues of this area.

RECOMMENDATION: APPROVAL

GENERAL INFORMATION

Planning District: Downtown-Medical Center

Census Tract: 41.00

Zoning Atlas Page: 2030

Parcel ID: 007031 00002

DEPARTMENTAL COMMENTS:

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

City Engineer: No comment

City Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments by the Water Quality Branch
& Septic Tank Program.

City Board of Education: The subject property lies within the close proximity of a MCS location. The Elementary schools in this area are functioning in excess of capacity and are not prepared to accommodate a substantial increase in density. The school aged children in this area are zoned to the following schools:

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning: No comments received.

Park Services Division: No comments received.

Neighborhood Associations and Citizen Comments:

New Pathways: No comments received

The Edge:
This project was "fast tracked" two years ago and we still have the same concerns over the request for a height variance. A lot of thought and effort was put into constructing the zoning overlay. Its purpose is to help guide development to benefit our neighborhood. The size and scale of the proposed building is not in keeping with the existing buildings and the zoning guidelines and will be a detriment to the neighborhood. It will dwarf everything else in the neighborhood. Also, the building will in essence face union with the back facade on Monroe. The main entrance will be towards the parking spaces. There are other concerns over the building set back to the west and the encroachment of planters in the sidewalk. Also, as a concession to Kudzu's in the last meeting before the opd, the developers were going to provide a space for Kudzu's dumpster, and I don't see it marked on the site map. Without that provision there is no solution for keeping kudzu's dumpster and Kudzu's will be forced to close. Please respect and uphold the zoning overlay guidelines.

Paul Border Towers Resident Association: No comments received

Victorian Village Inc. CDC:
We recommend denying this variance because consistency and building standards are the entire concept behind the Medical Overlay District and the Unified Development Code. If we keep breaking the rules, especially in the Edge neighborhood, there will be nothing left to enforce.

Mike Todd, Owner/Chief Mgr.Premiere Contractors, Inc. Monroe Associates, LLC
This building obviously dwarfs the building immediately adjacent to it on the West, and is substantially out of scale with anything within 500 ft. of the property, that’s not on a major thoroughfare. Also the 2.3 ft setback request, especially in light of the extreme height of the building, is completely inappropriate, and well outside of the guidelines of the Medical Center Overlay District Plan, as I understand it.

I strongly oppose acceptance of these variances, and strongly feel that it will be detrimental to the future development of the neighborhood.

Thank you for your consideration in this matter.