MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT #13

CASE NUMBER: PD 11-310 **L.U.C.B. MEETING:** June 9, 2011

DEVELOPMENT NAME: Bridges Parking Lot Planned Development

LOCATION: North side of A.W. Willis Ave. between North Fifth St. and North Sixth St.

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

OWNER OF RECORD/APPLICANT: Bridges USA Inc. (Jim Boyd)

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

REQUEST: Legalize the existing parking lot and add a future parking lot

AREA: 0.49 Acres

EXISTING LAND USE & ZONING: An existing parking lot and vacant land in the Mixed Used (MU) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

APPROVAL WITH CONDITIONS

CONCLUSIONS

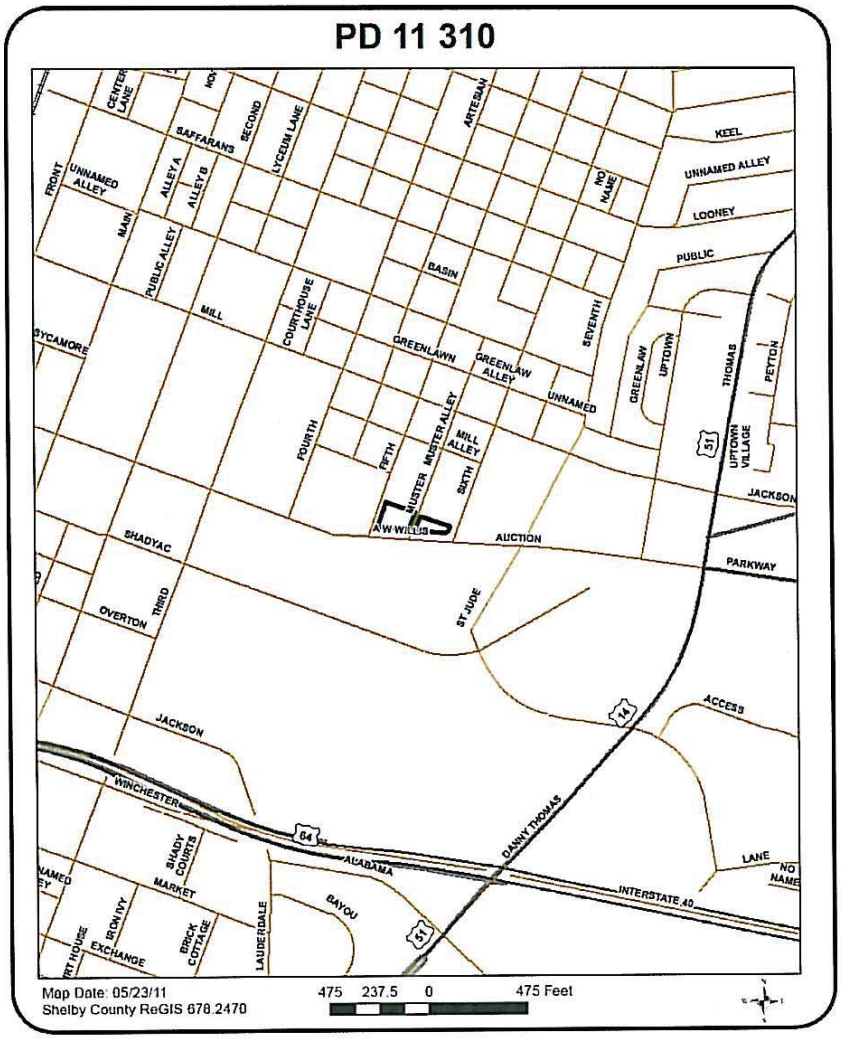
1. Without question, institutional uses such as Bridges, St. Jude Children's Hospital, and Churches in general play a large role in contributing to the quality of life of a specific community and the overall community at large.

2. Factors that support this request include, prior usage of the two sites, the irregular configuration and limited depth of the property, and the existing exceptions to the regulations in close proximity to the site.

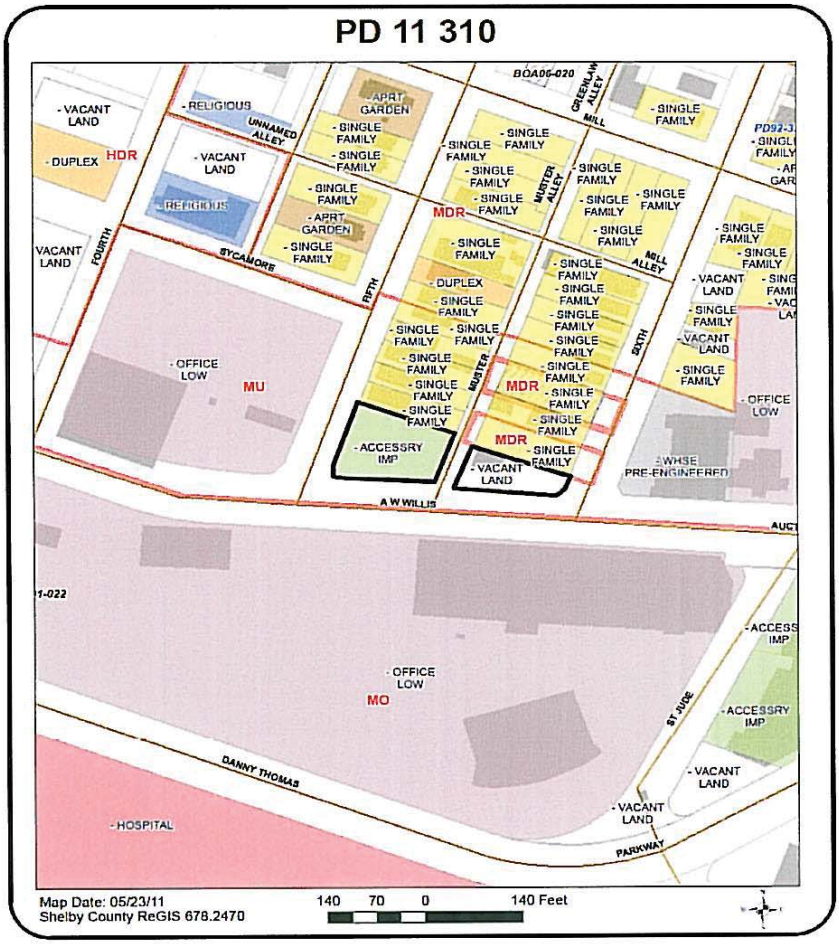
3. The original site plan has been altered to re-locate an unsafe curb cut. The landscaping plan has been revised to make up for the loss of an existing mature tree and add an additional tree and green space that will make this as attractive parking lot as possible.

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

General Location Map



LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

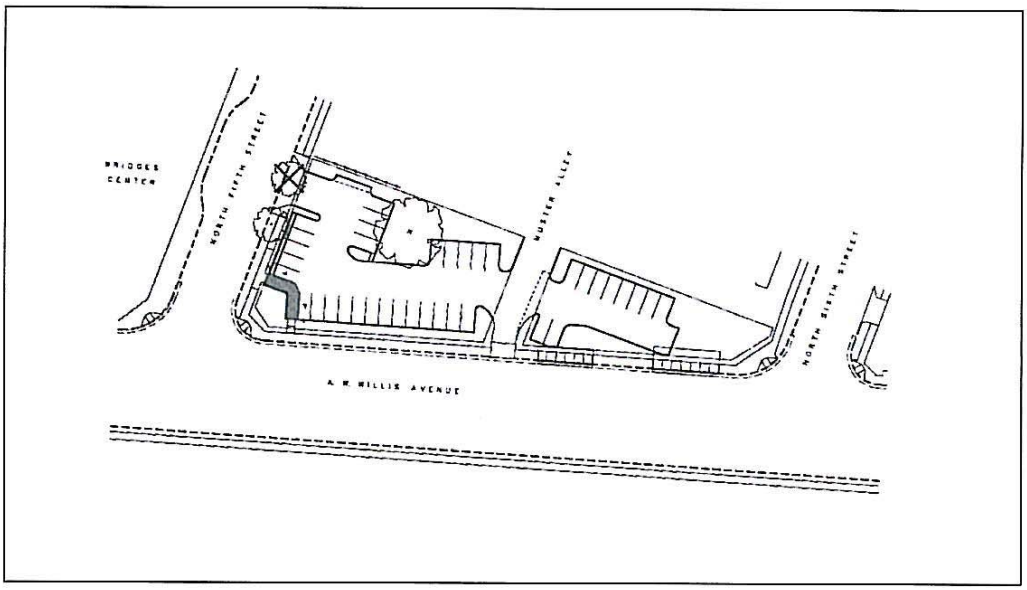
North: Detached residential dwellings in the Moderate Density (MDR) or Mixed Use (MU) Districts

East: A commercial use (office and warehousing) in the Mixed Use (MU) District

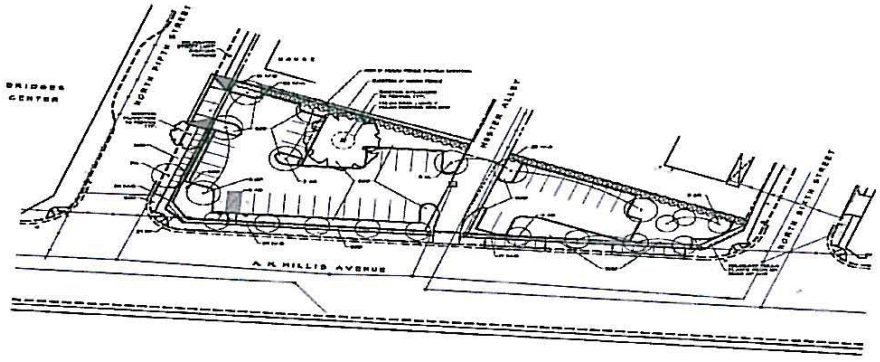
South: Building and parking associated with the St. Jude Hospital Campus

West: An institutional use, Bridges USA, in the Mixed Use (MU) District

Illustration of Mixed Use Concept for Uptown



Revised Site Plan showing new curb cut moved to the north along N. Fifth Street.



Revised Landscape plan based on change to curb cut

View of Subject Site(s)

Facing North from A. W. Willis Av

Facing East from N. 5th St.

Facing west – unimproved lot (Parcel 2) in foreground

Facing north from A.W. Willis Av

Neighboring Properties:

Buildings and parking associated with the St. Jude Campus

Facing East along A.W. Willis Ave

STAFF ANALYSIS:

Location and Site Characteristics:

The subject properties are located on the north side of A.W. Willis Avenue (formerly Auction Avenue) in the Uptown District of Memphis.

This proposal includes two parcels. Parcel - One: This is the larger of the two parcels. It is located at the northeast corner of A.W. Willis Avenue and North Fifth Street. It contains just under ½ acre (0.36 acres) in area and is irregular in its configuration. This property has 141 feet of frontage along A.W. Willis Avenue and 171 feet of frontage along N. Fifth Street. The depth of this property ranges from 171 feet at the west property line to 76 feet at the east property line.

This parcel is current in use as a parking lot with a "do it yourself" curb cut located near the intersection of A.W. Willis Avenue and N. Fifth Street. Other features include overhead power lines near the back of the sidewalk that is parallel to A.W. Willis Avenue, two existing trees in the grass strip along N. Fifth Street, a mature Sycamore Tree that is behind a curb and will be incorporated into the future parking lot design, and a hedgerow and fence along the north property line.

Parcel Two, the smaller of the two parcels, is a vacant lot that is under separate ownership from Parcel I but sometimes gets used as an overflow parking lot. This parcel is less than ¼ acre (0.16 acres) with 140 feet of frontage along A.W. Willis Avenue and approximately 36 feet of frontage along N. Seventh Street. This parcel is also irregular in its configuration especially in regard to its depth. The depth of the property ranges from 35.5 feet on the east property line to 68 feet of depth along the north property line. Access to this property will be limited to the alley (Muster Alley) which runs between both of these properties

History of Use

Parcel One – This property and the parcel to the west are now in the ownership of Bridges USA. According to the spokesperson for Bridges, prior to its transfer to Bridges, this site was used for overflow parking by its prior owner. Upon taking over ownership, Bridges proceeded to pave the site and make the improvements that are on the site today including the curbing off of the large Sycamore Tree that serves as a popular location for parkers. Today's applicant was unaware of the zoning restriction for stand alone parking lots.

Parcel Two – This property was formerly in use as oil change facility and most likely a gas station at some prior time. This property was listed as a Brownfield. It was purchased by the Memphis Land Bank and has since been cleaned up with the intention of putting it back in productive use as envisioned by the Community Redevelopment Plan for Uptown and the Uptown District Zoning Regulations.

Request:

The request is to legitimize the existing parking lot (Parcel 1) and allow the extension of the parking lot onto parcel two.

While the Bridge's building provides parking on the roof top, the need for the additional parking is a result of the success of this institution's programs. Bridges provides services in the form leadership training to the area's public and private schools both during and after the school year and both during and after the school day. In addition, Bridges provides an outreach mission that serves adults to enhance their leadership and work force skills. It is the growth and success of this later program which leads to the demand for more parking. Also, the unique building is available for meetings and large gatherings which also contributes to the additional need for parking.

Adopted Plan and Special Zoning District Regulations

The subject property is located with the study area boundaries of the Community Redevelopment Plan for the Uptown Area, one of only two Tax Increment Financing (TIF) Districts. Specifically, this site is in "Fifth Street-Sixth Street Demonstration Area" which identified this area for development in a Mixed Use (Commercial/Residential) or multi-family pattern, please see comments from OPD-comprehensive Planning.

Consistent with the recommended land use pattern from the Community Redevelopment Plan for the Uptown Area, the Zoning Map for this area shows the sites as Mixed Use. Ideally, this mixed use would take the form of ground floor commercial and upper story residential, but mixed use can also be looked in a larger setting such as a single use building if it adds to the overall character of the area.

The Unified Development Code does not permit a free standing parking lot as a permitted use in the Mixed Use District of the Uptown Memphis Zoning Regulations. The fact that these parcels are separated from their host by a public street make them a principal use of land. If these parcels abutted their host, they could be considered an accessory use.

The zoning regulations for Uptown promote buildings with build-to requirements and limit parking to the sides or rear of those buildings. The regulations did not envision free standing parking lots. The illustration on page 4 of this report for the Mixed Use District shows the preferred arrangement with trees in grates and mixed use buildings pulled close to the public streets. Buildings with windows and doors at a pedestrian scale encourage walkability, large expanses of parking areas make the pedestrian feel that it is they and not the cars that are in the wrong place.

Review of Request:

Without question, institutional uses such as Bridges, St. Jude Children's Hospital, and churches in general play a large role in contributing to the quality of life of a specific community and the overall community at large. In the case of Bridges USA, their dedication to the enrichment of their client's lives speaks for itself. Their efforts to build "the first commercial green building in Memphis speaks to their sense of environmental stewardship and commitment to sustainable practices. But at the end of the day, the request is to build a parking lot facing a 5-lane arterial road that runs thru the heart of the Uptown District.

The Use - Factors that support this request include, prior usage of the two sites, the irregular

configuration and limited depth of the property, and the existing exceptions to the regulations in close proximity to the site.

The staff does not concede that a parking lot is the only viable use for these sites. However, the location on a major road and the limited depth would rule out most residential uses of the sites. The limited depth would only support a very small commercial or mixed commercial/multi-family use. The prior use of Parcel Two, as an oil change or automobile related use would likewise not be permitted by the Zoning Regulations.

In the review of the recent development of the Sun Trust Bank site (BOA 09-14) near the intersection of A.W. Willis Avenue and Danny Thomas Boulevard, the staff supported a limited variance to the Uptown Regulations to allow the principal building to be setback beyond the 0-10 build to line and to allow limited front yard parking. In the review, the staff found that the design of A.W. Willis Avenue, with its wide right of way and prohibition on on-street parking did not fit well with the Mixed Use Model envisioned by the Zoning Regulations. These variations were approved by the Board of Adjustment.

With respect to other parking lots in the area the only examples are accessory lots to uses that were in existence prior to the adoption of the Uptown Zoning Regulations. The St. Jude Parking Lot which is located across from the new Sun Trust Bank, was in existence prior to the adoption of the Uptown Zoning Regulations, St. Jude has added landscaping and fencing around that lot as part of the improvements to the site which included adding a primary entryway to their campus from the Southside of A.W. Willis Avenue.

Design Considerations and Site Plan Changes - The original site plan included the curb cut near the intersection of N. Fifth Street and A.W. Willis Avenue. Preliminary comments from City Engineering determined that this was an unsafe location and that the curb cut needed to be moved. The revised site plan, shows the curb cut moved to the north. As a result, the companion landscape plan had to be revised. The revised landscaping plan will make up for the loss of one of the existing trees on the site that is now in the path of the new curb cut, by adding a new tree where the old curb cut was located and by adding a new tree in the green area at the curve near A.W. Willis Avenue and N. Fifth Street. Other landscaping and screening improvements include a new sight proof fence which will provide screening to the abutting residential properties to the north, interior parking lot landscaping resembling the requirements in the Unified Development Code, and planted green space at the easternmost area of Parcel Two.

In reviewing this request, the staff considered adding a requirement for a wrought iron fence to surround the sites, with the exception of any area need for access. Similar fences are found on the commercial property to the east, the St. Jude Hospital Campus, and the Mata Transfer Station. This design element would tie in with these other sites and provide a vertical urban design element to "hold" the building line which has been used in other development reviews.

The project design team has persuaded the staff to not make the fence a requirement. They offer that the proposed hedgerow along the A.W. Willis Avenue frontage will serve as that vertical urban design element and would do a better job of screening the view of the cars and the parking area than a wrought iron fence. The hedge will also serve a similar purpose to a building wall in defining space. Persons

walking on the sidewalk in front of the parking lot will have the sense that this is uninterrupted space for pedestrians and cars are limited to one entrance point along A. W. Willis Avenue and one entrance point along N. Fifth Street.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS
Bridges Parking Lot
P.D. 11-310

I. USES PERMITTED:

The two parcels shown on the Outline Plan may be used for parking for the Bridges USA facility only subject to a recorded final plat. Any other use of, or redevelopment of, these sites will require the filing of an application. The Planning Director will determine the type of application and the applicable required notice.

II. BUILDING ENVELOPE AND SETBACK REQUIREMENTS:

The approved Outline/Final Plat shall establish the envelope and setback requirements for this project.

III. LANDSCAPING, SCREENING, LIGHTING, AND SIGNAGE

A. A detailed landscape plan in conformance with the submitted site plan and indicating the following: species type, size of plant at planting, existing plants to remain, existing plants to be removed, shall be provided with the site plan.

B. The detailed plan indicated above shall indicate the area devoted to green space and shall be in substantial conformance to the requirements for parking lot landscaping found in Article 4 of the Unified Development Code to be determined by the Office of Planning and Development.

C. All landscaping shall be irrigated.

D. Equivalent Alternatives may be considered at Final Plat Review subject to the review and approval of the Office of Planning and Development. In the event there is disagreement that a revised landscape plan is an equivalent alternative, the applicant may file an appeal to the Land Use Control Board.

E. Required landscaping shall not be placed on sewer or drainage easements

F. The proposed sight proof wooden fence shall be illustrated on the Final Plat and is subject to the review and approval of the Office of Planning and Development.

G. The proposed landscaping located in front of the sight proof wooden fence, shall include a material that is recognized to be a fast growing plant.

It shall be planted a minimum of 4 feet in height, and spaced so as to provide a continuous hedge. It shall be maintained at a height that is equal to the height of the fence.

H. If free standing lighting is anticipated, the locations of the light standards and the light fixtures shall be shown on the Final Plat. The applicant shall demonstrate to the satisfaction of the Office of Planning and Development that the lighting plan meets the requirements of the Unified Development Code.

I. The only signage permitted on these sites are directional (way finding) signs as identified and regulated in the sign section of the Unified Development Code.

IV. ACCESS, CIRCULATION AND PARKING:

A. The City Engineer shall approve the design, number and location of curb cuts.

B. The existing nonconforming curb cut on North Fifth Street shall be closed and relocated to a point a minimum of 20 feet from the end of radius at the intersection of AW Willis Avenue. The new curb cut shall be designed and constructed to meet current City Standards.

C. Access to AW Willis Avenue shall only be permitted via the curb opening for Muster Alley. Convey right of access along the frontages of Lots 1 and 2 to the City of Memphis.

D. 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.

E. The applicant shall be responsible for the improvements to Muster Alley, and the street connection to AW Willis through the site only. All improvements shall comply with City Standards for public alley construction in Uptown.

D. The parking stalls and drive aisles shall meet the minimum requirements of the Unified Development Code.

V. DRAINGE:

A. 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.

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

VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

VII. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

VIII. Any final plan shall include the following:

A. The outline plan conditions,

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements,

C. The exact location and dimensions including height, of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas,

D. The content of all landscaping and screening to be provided,

E. The number of parking spaces,

F. The location and ownership, whether public or private of any easement,

G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes,

H. Building and sign illustrations as required by Condition VIII.B.,

I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structure

GENERAL INFORMATION

Street Frontage:	Parcel One:	A.W. Willis Avenue - 141.83' North Fifth Street ------ 107.17'
	Parcel Two:	A. W. Willis Avenue – 138.02' North Sixth Street ------- 35.90'
Planning District:	North Memphis	
Census Tract:	21.00	
Zoning Atlas Page:	1930	
Parcel ID:	001092 00013 and 001092 00014C	

Zoning History: The current Mixed Use Zoning Designation on the property dates to 2002 when the Memphis City Council adopted the Uptown Memphis Zoning Regulations.

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.

Curb Cuts/Access:

2. The City Engineer shall approve the design, number and location of curb cuts.

3. The existing nonconforming curb cut on North Fifth Street shall be closed and relocated to a point a minimum of 20 feet from the end of radius at the intersection of AW Willis Avenue. The new curb cut shall be designed and constructed to meet current City Standards.

4. Access to AW Willis Avenue shall only be permitted via the curb opening for Muster Alley. Convey right of access along the frontages of Lots 1 and 2 to the City of Memphis.

5. 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.

6. The applicant shall be responsible for the improvements to Muster Alley, and the street connection to AW Willis through the site only. All improvements shall comply with City Standards for public alley construction in Uptown.

Drainage:

7. 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.

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

Site Plan Notes:

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

10. The width of all existing off-street sewer easements shall be widened to meet current city standards.

11. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

12. 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: The Water Quality Branch & Septic Tank Program has no comments.

City Board of Education:

Bridges Parking Lt Planned Development 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: No comments received.

AT&T/Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning:

The site is located in Uptown Memphis. Uptown Memphis is a Community Redevelopment Area, a tax increment financing district administered by the Memphis and Shelby County Community Redevelopment Agency (CRA). The "Community Redevelopment Plan for the Uptown Area" and the "Uptown Memphis Zoning Regulations" (Section 7.2 of the Unified Development Code) provide land use policies and regulations for the redevelopment of the Uptown Community Redevelopment Area.

The site is zoned Mixed-Use (MU) District. The "Community Redevelopment Plan for the Uptown Area" on page 40 refers to the Fifth/Sixth Street Single Family Demonstration Area and states:

Fifth/Sixth Street Demonstration Area is the redevelopment area adjacent to the Hurt Village. This area was chosen because a number of efforts have already been undertaken there and because there continue to be a number of vacant or dilapidated properties which can be obtained for single family residential development. Its proximity to St. Jude also allows the synergy of these two projects to develop. The properties within the area adjacent to Auction Street provide opportunities for mixed-use commercial-residential or higher density residential development.

The first plan amendment to the "Community Redevelopment Plan for the Uptown Area" did not change the language for the Fifth/Sixth Street Demonstration Area nor did it delete the area from the Demonstration Area Map. The only change to the redevelopment plan occurred on the Land Usage Plan where the Bridges Building is colored green for Civic/Institutional use: the current parking lot and proposed parking lot expansion are colored yellow on the map indicating Mid to High Density Residential. It is important to note the parking lot expansion (located between Muster Alley and Sixth Street) is the former Anointed Oil site. The site was a former Brownfield site and was cleaned up to permit residential redevelopment of the site.

A principal parking lot is not a permitted use in the Mixed-Use District per the Land Use Zoning Matrix contained in 7.2.11 of the Unified Development Code and the parking lot could not qualify as accessory parking since it was not located on the same property as the Bridges facility. CRA Planning Staff made the applicant aware of this restriction when the applicant first discussed this request in early 2010 and during a meeting with the Development Partners on September 21, 2010. The Development Partners were advised to seek a use variation prior to the implementation of the Unified Development Code on January 10, 2011. Section 7.2.9 of the Unified Development Code discusses

parking lot locations and criteria for areas where this use is a permitted use in the Uptown Area. CRA Planning Staff recommends the proposed use comply with these landscaping and design requirements to the extent that is feasible.

Center City Commission: No comments received

Neighborhood Associations:

Downtown Neighborhood Association:

The Memphis Downtown Neighborhood Association welcomes this improvement.

Uptown Neighborhood Association: No comments received

North Memphis CDC: No comments received