

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND  
DEVELOPMENT  
STAFF REPORT #6**

**CASE NUMBER:** SUP 11-212 L.U.C.B. **MEETING:** August 11, 2011

**LOCATION:** South of Summer Avenue; +/-396.5 feet east of Graham Street

**COUNCIL DISTRICT:** 5

**SUPER DISTRICT:** 9

**OWNER OF RECORD:** Chase Properties LLC

**APPLICANT:** Aida Talley

**ENGINEER:** Madsen Engineering

**REQUEST:** Child Care Center (24 Children)

**AREA:** 0.14 Acres

**EXISTING LAND USE & ZONING:** A Residential Structure in an approved Planned Development – the Law Office PD, P.D. 82-023

**OFFICE OF PLANNING AND DEVELOPMENT  
RECOMMENDATION  
HOLD**

Staff: Don Jones

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**CONCLUSIONS**

1. This application was filed as a Special Use Permit for a Child Care Center (13 or more children) in a RU Zoning District
2. Research on this application has uncovered a recorded final plat for the Law Office P.D. The approved conditions allows any use permitted by right in the Limited Office (O-L) District. A Group Day Care Center or a Child Care Center requires a Special Use Permit in the O-L, now the Residential Work (RW) District.
3. This application will need to be converted to a Planned Development Amendment.

### LAND USE & ZONING MAP



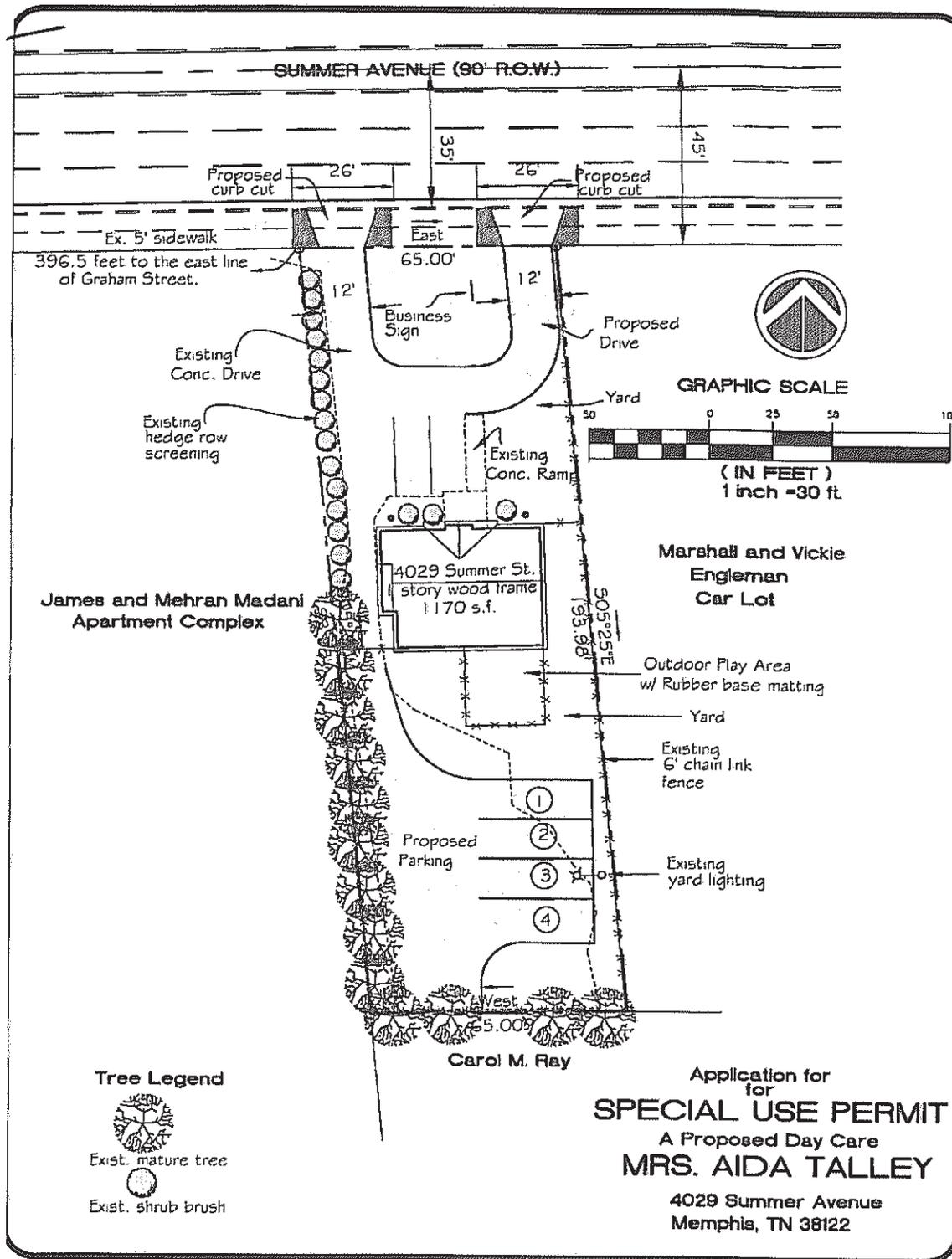
#### **SURROUNDING USES AND ZONING:**

**North:** Apartment development in the Residential Urban 3 (RU-3) District

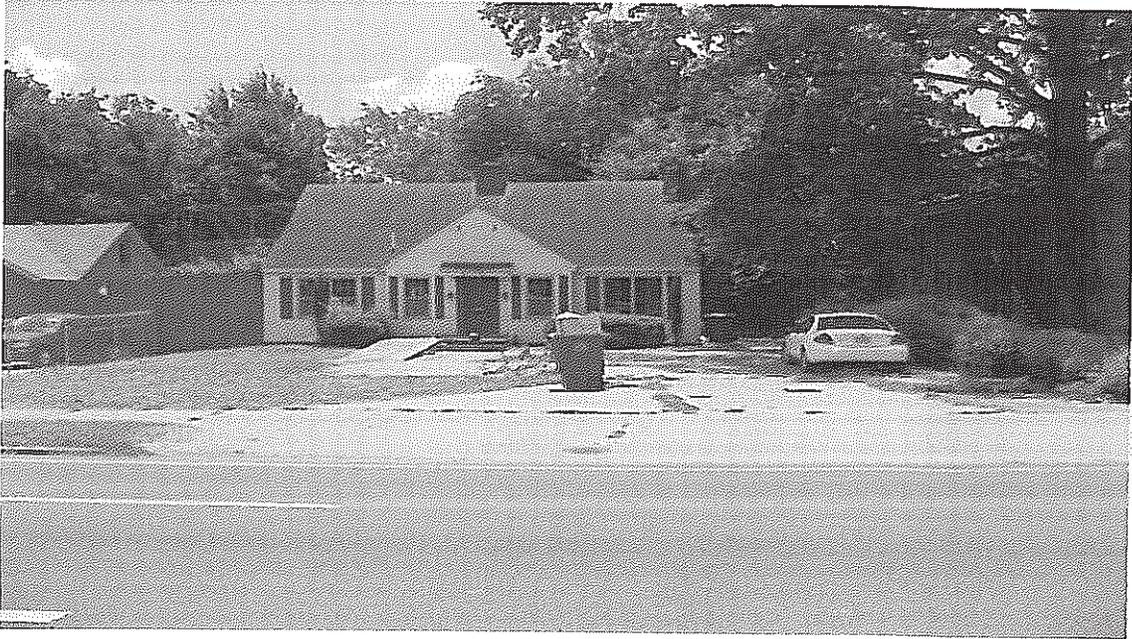
**East:** Auto Sales in the Commercial Mixed Use 3 (CMU-3) District

**South:** Single Family Homes in the Residential Urban -3 (RU-3) District

**West:** An apartment complex in the Residential Urban -3 (RU-3) District



**Existing Conditions**



**View in Rear Yard**



Facing South



Facing east

Neighbors  
East



West



## **STAFF ANALYSIS**

Background - This application was filed to allow a Child Care Center on property that is located in the RU-4 Zoning District. A Child Care Center in any R District requires an approved Special Use Permit.

Additional review by staff has revealed that there is a recorded final plat for this site, the Law Office P.D. (P.D. 82-023). The Planned Development conditions limit the future use of this site to those uses permitted by right in the Limited Office (O-L) District. The Limited Office District is now known as the Residential Work District in the Unified Development Code.

A Child Care Center, which is the use requested use, or a Group Day Care Center, require an approved Special Use Permit in either the former O-L or the current RW Districts. So, the requested use for this property can only be approved with an amendment to the Planned Development.

Agency Review and Comment – The site plan for this application was submitted to the Technical Review Committee for comment, see engineering comments under the Departmental Comments heading of this report. The comments at the committee meeting focused on the proposed access and circulation system. The consensus opinion was the proposed site plan will not work, there is not enough spacing between the curb cuts. A better idea is to work with the site as it is currently configured and provide pull-in parking that is oriented to the east property line. In a related comment, the applicant needs to provide a larger play area in the rear yard for the children than is what is shown on the attached plan.

Conclusion: The site's location on Summer Avenue, a Major Arterial Road, and general setting, surrounded by apartments units to the west and commercial and apartment units to the east, suggest that this site would be an appropriate location for a commercial or office related use. The approved Planned Development on this site also supports this premise.

If the applicant can provide the staff with a revised site plan that is consistent with review comments from the TRC meeting, in very short order, the staff is comfortable with converting this application to a PD application at the August Land Use Control Board meeting.

At this time, staff is not making a recommendation on the number of children to be permitted on site. The small size of the site, and the limited parking and circulation remain a concern for the safe pick up and drop off of the children. Staff will continue to review other day care applications to determine a recommended number.

**RECOMMENDATION:                      HOLD**

## GENERAL INFORMATION

<b>Street Frontage:</b>	Summer Avenue – 65 Feet
<b>Planning District:</b>	Walnut Grove
<b>Census Tract:</b>	86
<b>Annexation Reserve Area:</b>	Not Applicable. Annexed by Memphis on
<b>Zoning Atlas Page:</b>	2040
<b>Parcel ID:</b>	055001 00004

**Zoning History:** A Final Plat for a Planned Development, the Law Office Planned Development (P.D. 82-023), was recorded in October 0f 1994.

## 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.

### Sewers:

2. City sanitary sewers are available at developer's expense.

### Roads, Curb Cuts/Access:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
4. The frontage of this site is too narrow to permit two curb cuts as shown on the applicant's site plan. Revise the site plan to provide ONE curb cut, centered within the property, and shall be approximately 45 feet in width.
5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
7. 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,

Drainage:

8. 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.

Site Plan Notes:

9. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.
10. Locate the pick-up/discharge area as far as possible from the entrance as practical to maximize on-site queue space for vehicles between the right-of-way and the pick-up/discharge point.
11. Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.
12. All parking areas and driving aisles to be paved with asphalt or concrete.
13. The width of all existing off-street sewer easements shall be widened to meet current city standards.
14. Required landscaping shall not be placed on sewer or drainage easements.

<b>City Fire Division:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	No comments received
<b>City Board of Education:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>AT&amp;T/Bell South:</b>	AT&T Tennessee has no comment.
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.
<b>OPD-Regional Services:</b>	No comments received.

<b>OPD-Plans Development:</b>	No comments received.
<b>Memphis Park Commission:</b>	No comments received.
<b>Neighborhood Associations:</b>	None Identified