

STAFF REPORT

5

CASE NUMBER: P.D. 11-312 **L.U.C.B. MEETING:** August 11, 2011
DEVELOPMENT NAME: TEMPLE ISRAEL PLANNED DEVELOPMENT
LOCATION: Northeast corner of East Person Avenue and Hernando Road
COUNCIL DISTRICT(S): District 4-Super District 8-Positions 1, 2 & 3
OWNERS/APPLICANTS: Temple Israel
REPRESENTATIVE: Solomito Land Planning
REQUEST: Planned development to allow the expansion of burial plots to an existing cemetery, including new fencing, landscaping and site amenities
AREA: 4.24 Acres
EXISTING LAND USE & ZONING: Residential Urban-1(RU-1) and Commercial Mixed Use(CMU-3) Districts governed by Temple Israel (S.U.P. 91-231)

CONCLUSIONS:

1. The land use and zoning in the immediate area is predominantly single family and institutional land use for single family homes and cemeteries. The expansion of an existing cemetery on surplus property in same ownership is a logical extension of land use.
2. The permitted use table for Park/Open Area allows cemeteries and mausoleums in Conservation Agricultural (CA) and in the new Civic(CIV) Districts by special permit, but not in any single or multifamily residential district.
3. The planned development will include Temple Israel property in one Outline Plan with new fencing, landscaping and site amenities. The applicant is proposing to install new fencing to match the wrought-iron entry feature as well as new landscaping along the roadways.
4. There are several cemeteries in close proximity: Calvary, Temple Israel and Forest Hill Cemeteries east and south of the subject property and given the prevalence of cemeteries within the immediate area, the land use is supported—although it does not meet the ten(10) acre minimum requirement.
5. This plan adds approximately a one-half(1/2) acre parcel to a 3.7 acre cemetery property that is below the ten(10) acre requirement. However, the location immediately adjoining other cemeteries well in excess of 10 acres with noticeable presence satisfies the intent of the zoning code.

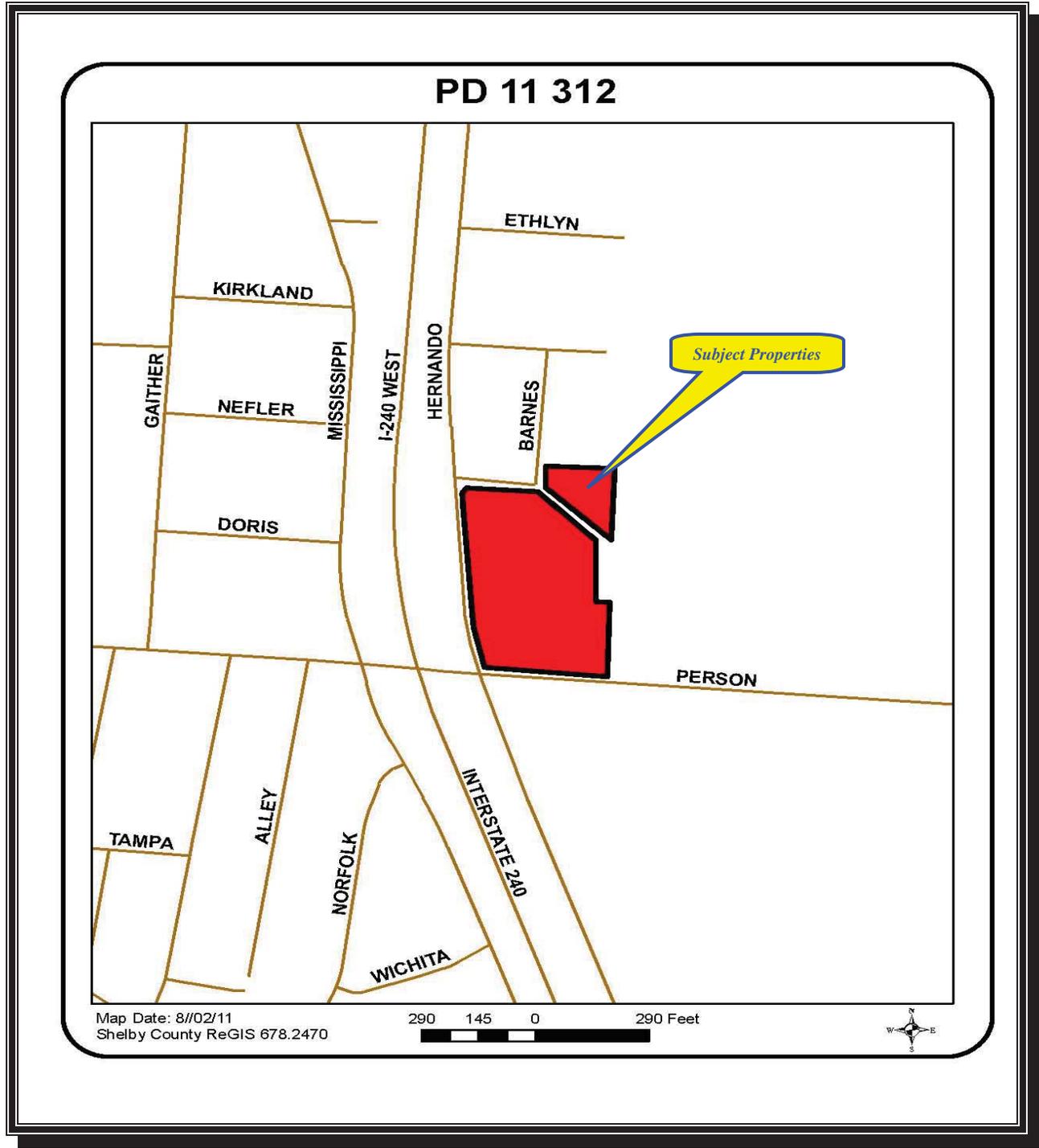
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

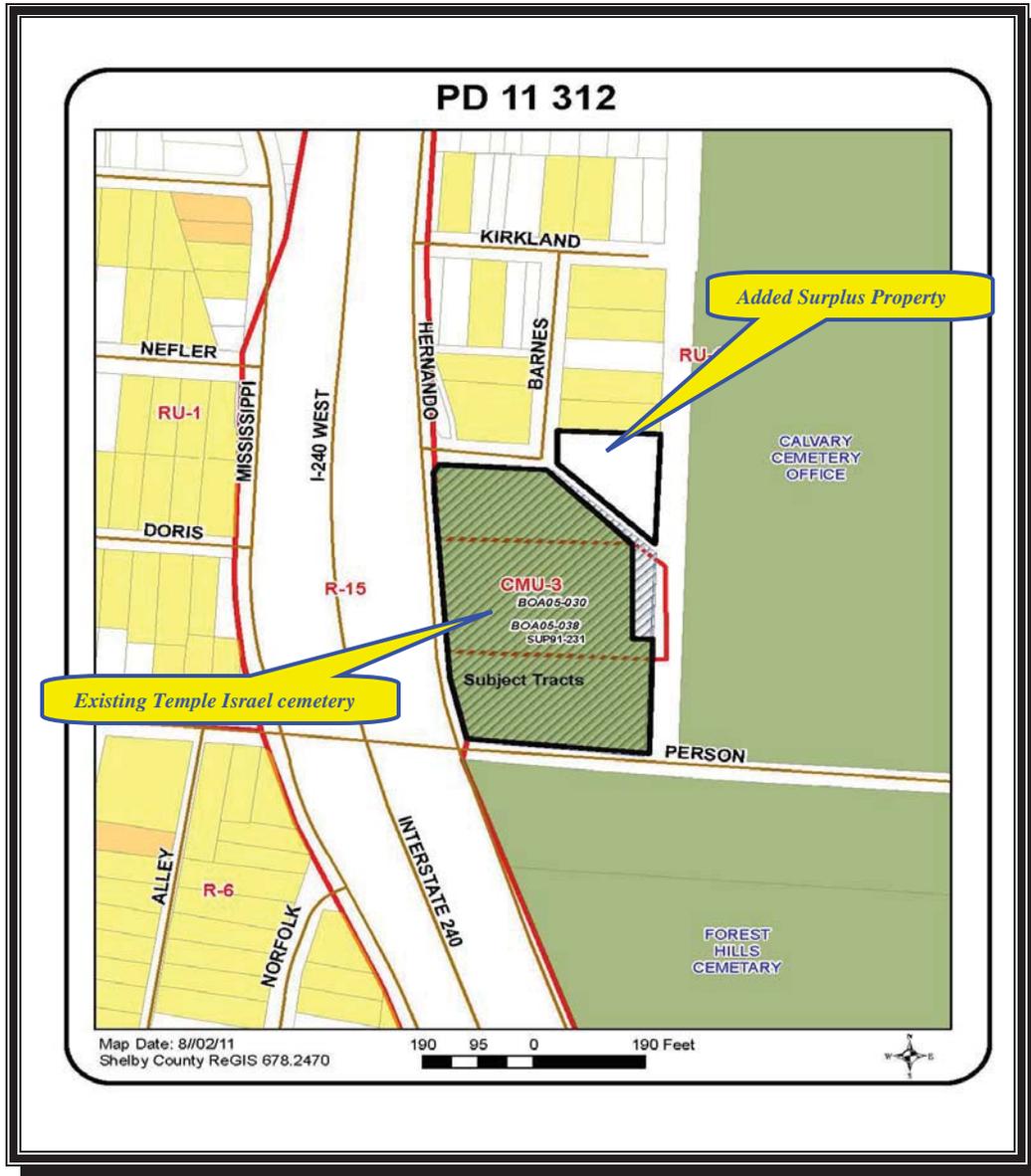
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

Location Map



Zoning & Land Use

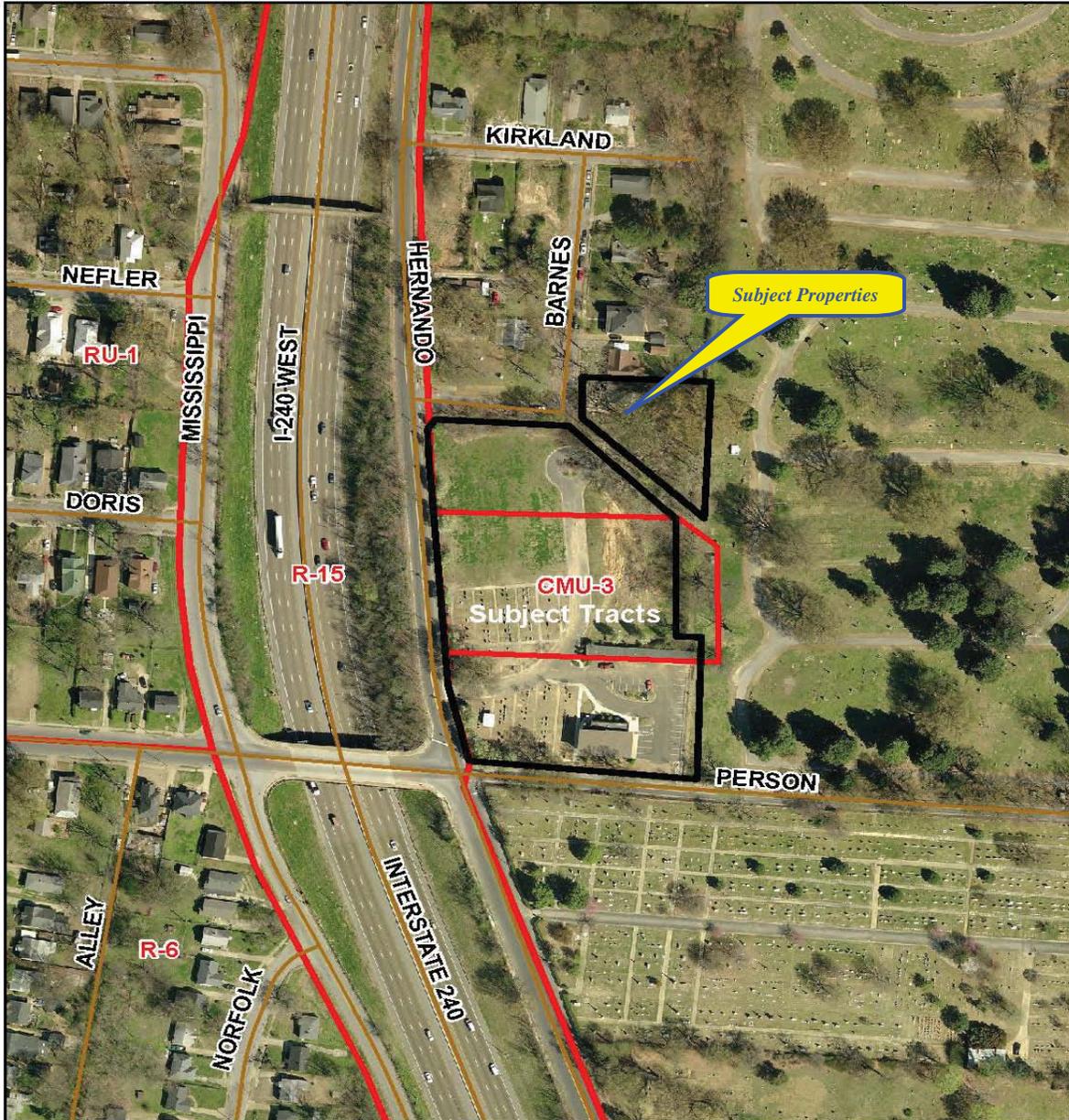


SURROUNDING LAND USES AND ZONING:

- North:** Single family homes and vacant lots in 'Barrett' & 'Robert W. Lincoln' subdivisions in Residential Urban-1(RU-1) District.
- East:** Cavalry Cemetery in Residential Urban-1(RU-1) District.
- South:** Temple Israel and Forest Hill Cemeteries in Residential Urban-1(RU-1) District.
- West:** Interstate 240-North in Residential Single Family-15(R-15) and single family homes in Residential Single Family-6(R-6) District.

Zoning Aerial Map

PD 11 312

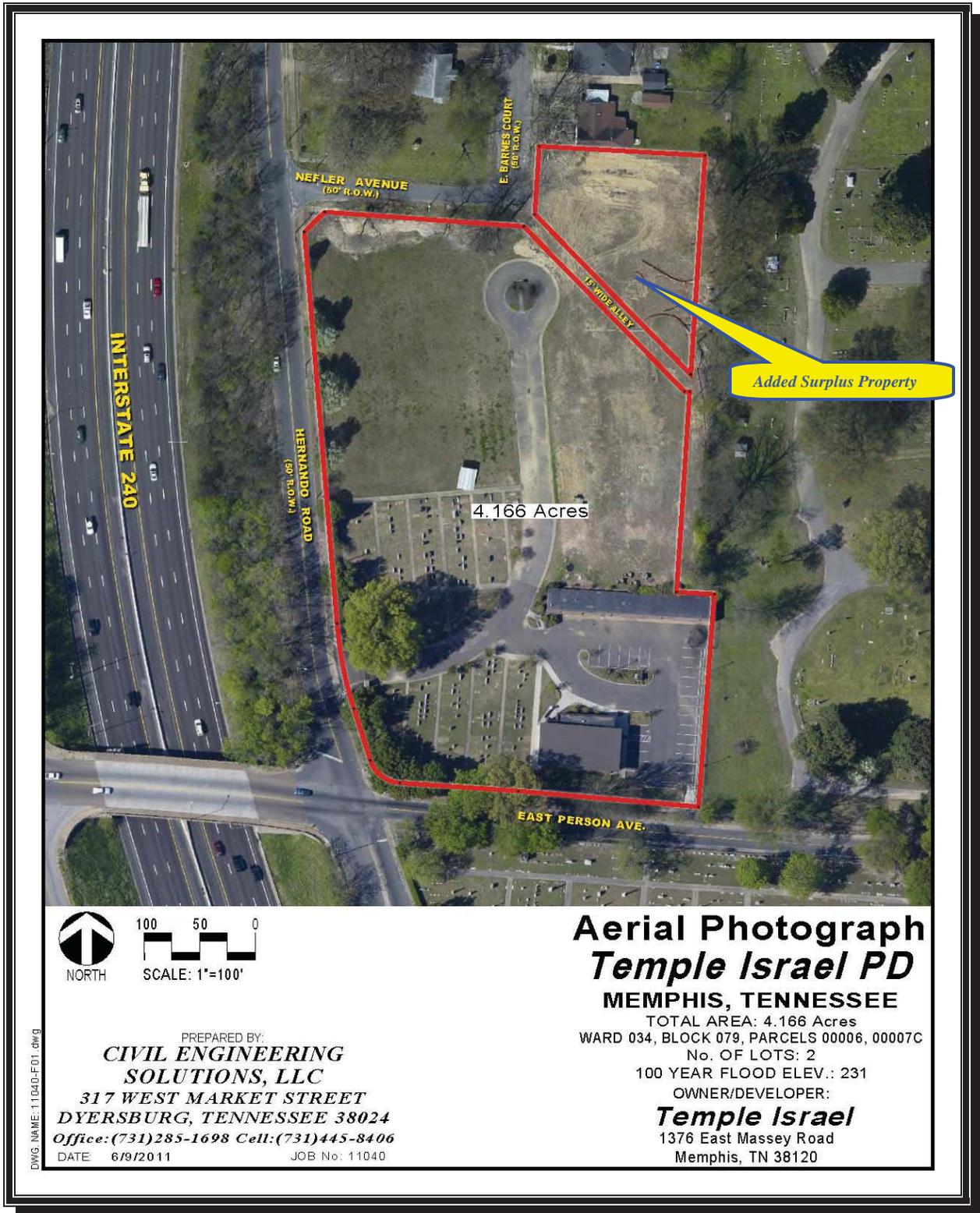


Map Date: 8/02/11
Shelby County ReGIS 678.2470

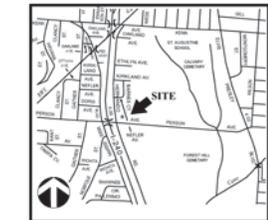
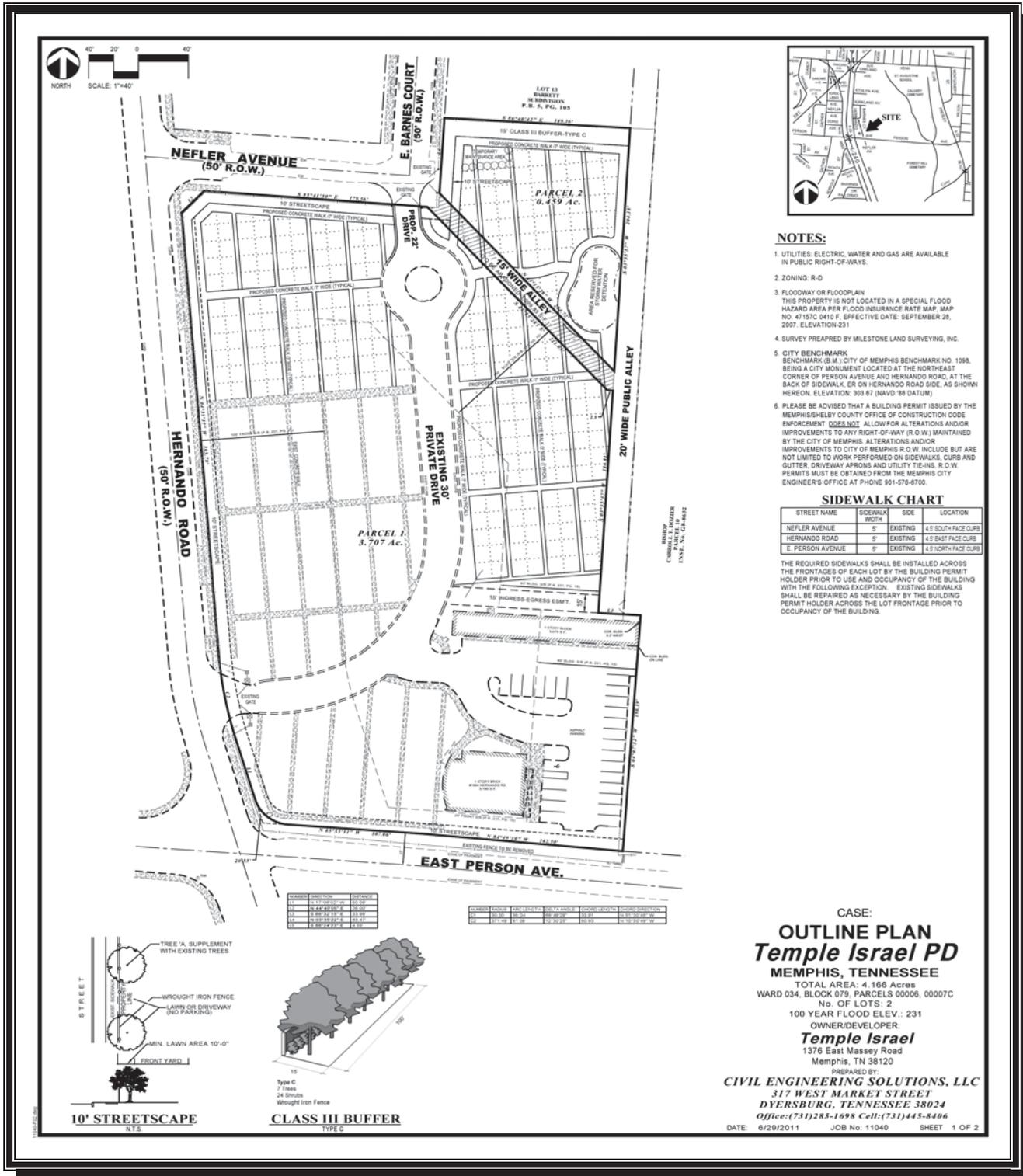
190 95 0 190 Feet



Subject Properties (Aerial View)



Temple Israel Outline Plan



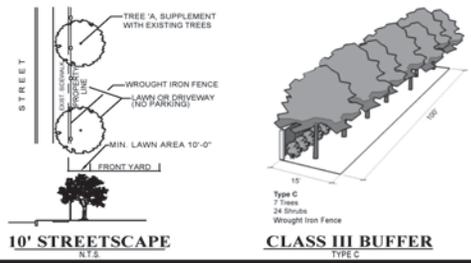
- NOTES:**
1. UTILITIES: ELECTRIC, WATER AND GAS ARE AVAILABLE IN PUBLIC RIGHT-OF-WAYS.
 2. ZONING: R-D
 3. FLOODWAY OR FLOODPLAIN
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 4757C 0410-F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-231
 4. SURVEY PREPARED BY MILESTONE LAND SURVEYING, INC.
 5. CITY BENCHMARK
BENCHMARK (B.M.), CITY OF MEMPHIS BENCHMARK NO. 1098, BEING A CITY MONUMENT LOCATED AT THE NORTHEAST CORNER OF PERSON AVENUE AND HERNANDO ROAD, AT THE BACK OF SIDEWALK, ER ON HERNANDO ROAD SIDE, AS SHOWN HEREON. ELEVATION: 393.87 (NAVD '88 DATUM)
 6. PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHILBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURBS AND CUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE 901-576-6700.

SIDEWALK CHART

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION
NEFFLER AVENUE	5'	EXISTING	43 SOUTH FACE CURB
HERNANDO ROAD	5'	EXISTING	43 EAST FACE CURB
E. PERSON AVENUE	5'	EXISTING	43 NORTH FACE CURB

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING WITH THE FOLLOWING EXCEPTION. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

AREA	DESCRIPTION	AMOUNT	DATE	BY	CHECKED	DATE	BY
1.00	AS SHOWN	1.00	08/11/11	INS.	INS.	08/11/11	INS.
2.00	AS SHOWN	2.00	08/11/11	INS.	INS.	08/11/11	INS.
3.00	AS SHOWN	3.00	08/11/11	INS.	INS.	08/11/11	INS.
4.00	AS SHOWN	4.00	08/11/11	INS.	INS.	08/11/11	INS.
5.00	AS SHOWN	5.00	08/11/11	INS.	INS.	08/11/11	INS.
6.00	AS SHOWN	6.00	08/11/11	INS.	INS.	08/11/11	INS.
7.00	AS SHOWN	7.00	08/11/11	INS.	INS.	08/11/11	INS.
8.00	AS SHOWN	8.00	08/11/11	INS.	INS.	08/11/11	INS.
9.00	AS SHOWN	9.00	08/11/11	INS.	INS.	08/11/11	INS.
10.00	AS SHOWN	10.00	08/11/11	INS.	INS.	08/11/11	INS.

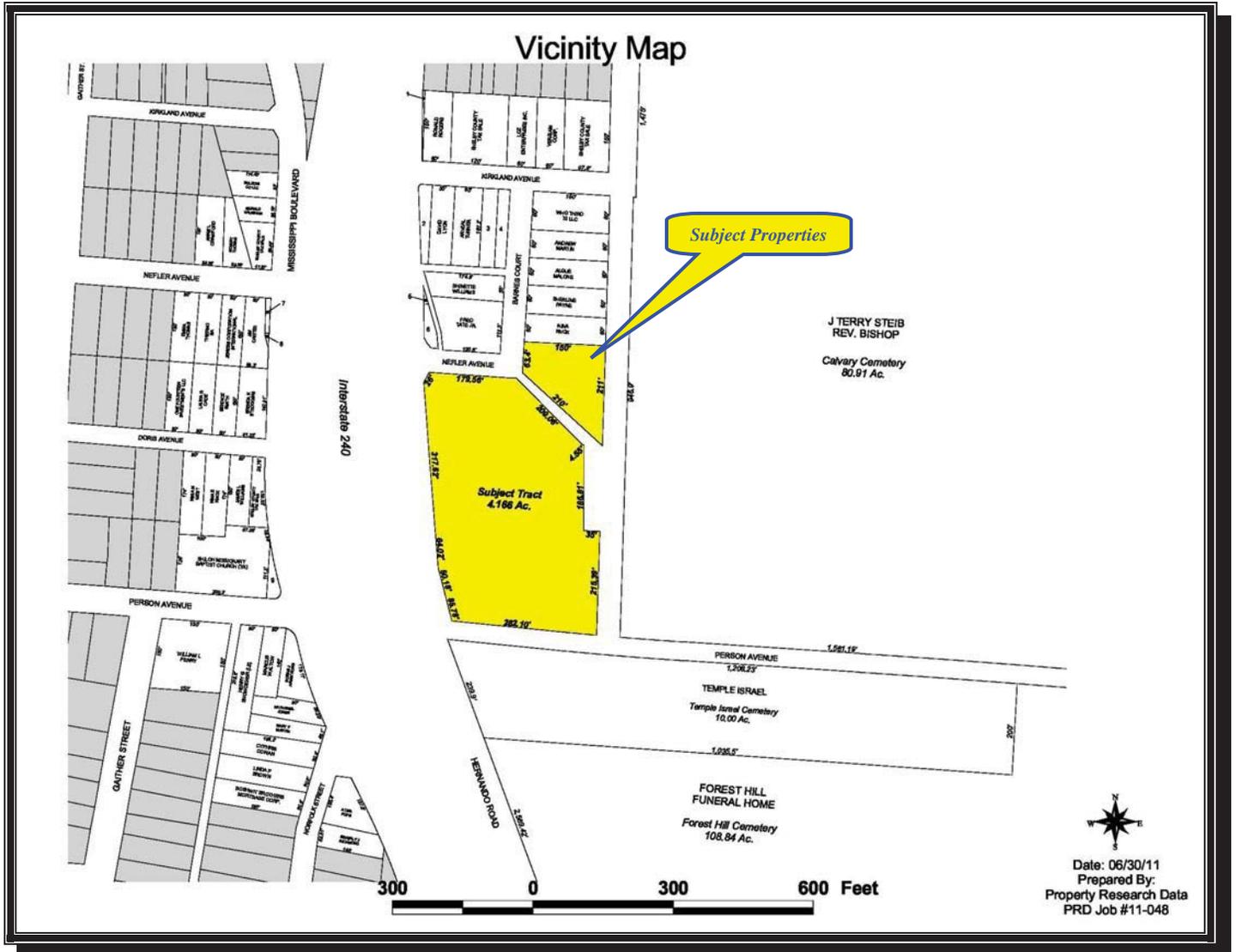


CASE:
**OUTLINE PLAN
Temple Israel PD
MEMPHIS, TENNESSEE**
TOTAL AREA: 4.166 Acres
WARD 034, BLOCK 079, PARCELS 00006, 00007C
No. OF LOTS: 2
100 YEAR FLOOD ELEV.: 231
OWNER/DEVELOPER:
Temple Israel
1376 East Massey Road
Memphis, TN 38120
PREPARED BY:
CIVIL ENGINEERING SOLUTIONS, LLC
317 WEST MARKET STREET
DYERSBURG, TENNESSEE 38024
Office: (731)285-1698 Cell: (731)445-8406
DATE: 6/29/2011 JOB No: 11040 SHEET 1 OF 2

Site Improvements Plan (Aerial View)



Vicinity & Ownership Map



STAFF ANALYSIS:

Site Description

The subject property is a four(4) or more acre parcel with the larger portion at the immediate northeast corner of Hernando Road and Person Avenue currently recorded and used as a cemetery by a special use permit approved in 1991 by S.U.P. 91-231. In 2005, the Board of Adjustment approved a reduction in the front yard setback along Person Avenue for the chapel building by B.O.A. 05-30. This property and surrounding properties are cemetery land uses that extend east to Bellevue, north to Kerr Avenue and south to Elliston Avenue in Depot Planning District. The property is in single ownership and currently enclosed with a chain-link fence along all property lines with primary access to Hernando Road.

The cemetery entrance is a wrought-iron gate with decorative stone pillars to each side of a private asphalt drive with valley gutter leading to burial plots and grave sites. There is curb, gutter and sidewalk along Hernando Road, curb and gutter only along Nefler with no curb, gutter or sidewalk along Person Avenue. The recorded site plan for the special permit approved in 1991 dedicated a thirty (30) foot radius at the intersection of Hernando Road and Person Avenue and twenty-seven(27) feet from the centerline of Person Avenue for any future improvements. The site is adjacent to similar land use and zoning in an area predominantly used for cemetery purpose.

Area Overview

The immediate area is located at the northern edge of Depot Planning District in Victor-Kerr neighborhood of South Memphis. The site is surrounded primarily of similar land use and zoning for large cemeteries to the east and south as well as land use immediately north for single family homes all in Residential Urban-1(RU-1) District zoning. This property and adjacent land uses are separated from the neighborhoods in South Memphis Planning District by Interstate 240-North immediately west that runs parallel to Hernando Road. The dominant land use in the area is cemetery land use with single family homes north of the site along Barnes Court and Kirkland Avenue.

The single family homes in the immediate area date to the early 1900's prior to the construction of the interstate highway dividing this neighborhood into two separate, but distinct planning districts. There is no infrastructure planned at this time for this intersection of Hernando Road and Person Avenue for public improvements. The land uses west of the site are single family homes in Residential Single Family(R-6) and Residential Urban-1(RU-1) District zoning in neighborhoods that extend west to South Third Street(U.S. 61). There are no undeveloped properties within this immediate area, except for future grave sites within the cemeteries and vacant and available residential lots within recorded subdivisions.

Land Use vs. Expansion

The request is for a planned development to allow the expansion of burial plots to an existing cemetery, including new fencing, landscaping and site amenities on a surplus piece of property adjoining Temple Israel cemetery. The land use and zoning in the immediate area is predominantly single family and institutional land use for single family homes and cemeteries. The expansion of an existing cemetery on surplus property in same ownership is a logical extension of land use, but consideration should also be given to any future expansion, because of lack of the availability of land. The standard provisions in the zoning code did not change significantly, except cemeteries are no longer permitted in residential districts by special permit.

The permitted use table for Park/Open Area allows cemeteries and mausoleums in Conservation Agricultural (CA) and in the new Civic(CIV) Districts by special permit, but not in any single or multifamily residential district. The applicant is requesting an expansion to a cemetery approved by special permit in 1991 by the legislative body for a parcel less than ten(10) acres. This planned development will include Temple Israel property in one Outline Plan with new fencing, landscaping and site amenities. The applicant is proposing to install new fencing to match the wrought-iron entry feature as well as new landscaping along the roadways and adjacent to single family residential properties. The site amenities include installing a new water feature to serve as storm water detention in the northeast portion of the site and new sidewalks three(3) and seven(7) feet in width to accommodate pedestrians to the new burial plots.

There are several cemeteries in close proximity: Calvary, Temple Israel and Forest Hill Cemeteries east and south of the subject property and given the prevalence of cemeteries within the immediate area, the land use is supported—although it does not meet the ten(10) acre minimum requirement established by the Unified Development Code. The intent of this requirement is to ensure the site is adequate and to discourage the establishment of numerous cemeteries. The minimum acreage requirement is to concentrate this land use in areas with large vacant tracts of land. This plan adds approximately a one-half(½) acre parcel to a 3.7 acre cemetery property that is below the ten(10) acre requirement. However, the location immediately adjoining other cemeteries well in excess of 10 acres with noticeable presence satisfies the intent of the zoning requirement and does not significantly alters the landscape.

RECOMMENDATION: *Approval with Conditions*

Outline Plan Conditions:

- I. Uses Permitted:
 - A. Cemetery;
 - B. Chapel and mausoleum;
 - C. Office, maintenance/storage buildings, and other such structures/buildings accessory to the cemetery.
- II. Bulk Regulations:
 - A. All buildings shall have a minimum setback of 100 feet from any property line, except as approved for a chapel building by Board of Adjustment Docket Number B.O.A. 05-30(City).
 - B. The minimum building setback from private drives shall be twenty(20) feet.
 - C. Mausoleums, monuments, and other markers over six(6) feet in height shall be setback a minimum of thirty (30) feet from the property line.
 - D. The maximum building height shall be thirty-five(35) feet but shall not include steeples, spires, belfries, or other architectural features.
 - E. Burial sites shall be located a minimum of ten (10) feet from all public right-of-way.
- III. Access and Circulation:
 - A. The design and location of curb cuts shall be subject to the approval of the City Engineer.
 - B. All private drives shall be constructed in accordance with City standards and shall provide a minimum pavement width of twenty (20) feet with valley curb and gutter.
 - C. Retain the thirty(30) foot radius dedication at the intersection of Person Avenue and Hernando Road and the twenty-seven(27) foot dedication from the centerline of Person Avenue as required by special use permit S.U.P. 91-231 recorded in PB 231-PG 15 in the Office of Shelby County Register.
- IV. Landscaping, Screening & Lighting:
 - A. A fence line greenbelt ten(10) feet in width containing a mixture of evergreen and deciduous trees shall be preserved and supplemented along Hernando Road and Person Avenue.
 - B. A Class III Buffer fifteen(15) feet wide shall be installed and maintained along the north property lines adjacent to residential zoning and land use. An equivalent alternative landscape treatment may be substituted subject to review and approval by the Office of Planning and Development.
 - C. A wrought-iron fence to match existing entry gates shall be installed on the entire perimeter of the site. All lighting shall be directed so as not to glare onto adjacent residential properties.

- D. Refuse containers shall be completely screened from view from Hernando Road, Person Avenue, and Neffler Avenue.
 - E. All areas not devoted to buildings, parking, burial plots or access ways shall be landscaped.
 - F. All required landscaping and screening shall not conflict with any easements, including overhead power and pole lines.
- V. Signs:
- A. Signs shall be regulated in accordance with the Residential Urban(RU-1) District regulations of the Unified Development Code, except:
 - 1. The minimum sign setback shall be 15 feet.
 - 2. No temporary, roof or portable signs shall be permitted.
 - 3. Ingress/egress or directional signs shall be permitted.
 - 4. One ground, non-illuminated sign a maximum of thirty-five(35) square feet in area shall be permitted on Person Avenue.
 - B. No banners, streamers or balloon signs shall be permitted.
- VI. Drainage:
- A. All drainage plans shall be submitted to the City Engineer for review.
 - B. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
 - C. All drainage emanating on-site shall be private in nature and no public easements will be accepted.
 - D. 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 structures.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign 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(10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate governing bodies.
- VIII. A final plan shall be filed within five(5) years of approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. 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 all buildings or buildable areas, parking areas, drives and identification of plant materials for required landscaping and screening.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.

GENERAL INFORMATION:

Street Frontage: Hernando Road----- +/-543.60 curvilinear feet.
Person Avenue----- +/-282.10 linear feet.
Nefler Avenue----- +/-179.56 linear feet.
Barnes Court----- +/-63.40 linear feet.

Planning District: Depot

Zoning Atlas Page: 2130

Parcel ID: 034079 0006 and 034079 00007C

Zoning History: In 1991, the Memphis City Council approved S.U.P. 91-231 for a cemetery in former Duplex Residential(R-D) and Highway Commercial(C-H) District zoning and in 2005, the Board of Adjustment approved Docket Number B.O.A. 05-30(City) for a reduction in the front yard setback for a chapel building. Prior to these dates, the 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.

Sewers:

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

Curb Cuts/Access:

3. The City Engineer shall approve the design, number and location of curb cuts.
4. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Street Closures:

5. The applicant shall file a separate street closure application for the abandonment of the 15' wide alley shown on the outline plan.
6. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

7. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb-cut permit from the City Engineer to cover the above required construction work.
8. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.

Drainage:

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.

General Notes:

11. The width of all existing off-street sewer easements shall be widened to meet current city standards.
12. Required landscaping shall not be placed on sewer or drainage easements.

Memphis Fire Services: No comments received.

Memphis & Shelby County Health Department:

Water Quality Branch: No comments.
Septic Tank Program: No comments.

Memphis Board of Education:

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 or MCS' property interests.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received as of 8/5/11.

AT&T: AT&T TN has no comment.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

TN Dep't of Environment & Conservation:

Be advised, it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

Neighborhood Associations/Organizations:

<i>South Memphis Alliance & Re-growth Team: – Milton@SMAweb.org:</i>	<i>No comments received as of 8/5/11.</i>
<i>South Memphis Neighborhood Association: – elv4643@aol.com:</i>	<i>“ “ .</i>
<i>Victor-Kerr Neighborhood Association:</i>	<i>No comments received as of 8/5/11.</i>
<i>Sixty-One Point Ward Civic Club: – cgfg@bellsouth.net:</i>	<i>“ “ .</i>

Staff: bb