

**STAFF REPORT**

**# 5**

**CASE NUMBER:** SUP 12-201      **L.U.C.B. MEETING:** March 8, 2012

**LOCATION:** East side of Cherry Road, opposite of Haverhill Road

**COUNCIL DISTRICT**      4

**SUPER DISTRICT**      9

**OWNER OF RECORD/APPLICANT:** Harding Academy of Memphis, Inc.

**REPRESENTATIVE:** Jerry Sisson

**REQUEST:** A special use permit to allow a pre-school within the R-10 District

**AREA:** 4.5 acres

**EXISTING LAND USE & ZONING:** Residential Single Family-10 (R-10) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**  
**Approval with Conditions**

**Staff Writer:** Gregory Love

**Email:** [gregory.love@memphistn.gov](mailto:gregory.love@memphistn.gov)

**CONCLUSIONS**

This application requests to allow a pre-school to be allowed to continue its operation as it presumably has since its inception in 1991. Harding Academy currently operates as an institution that facilitates school instruction for pre-school through the 12<sup>th</sup> grade. The campus was initially developed in 1958 with the pre-school being developed in 1991. Under the Zoning Ordinance in effect at the time the pre-school was built, it was classified as a "Nursery School" which required a Special Use Permit. Schools were allowed within the R-10 District with administrative site plan approval.

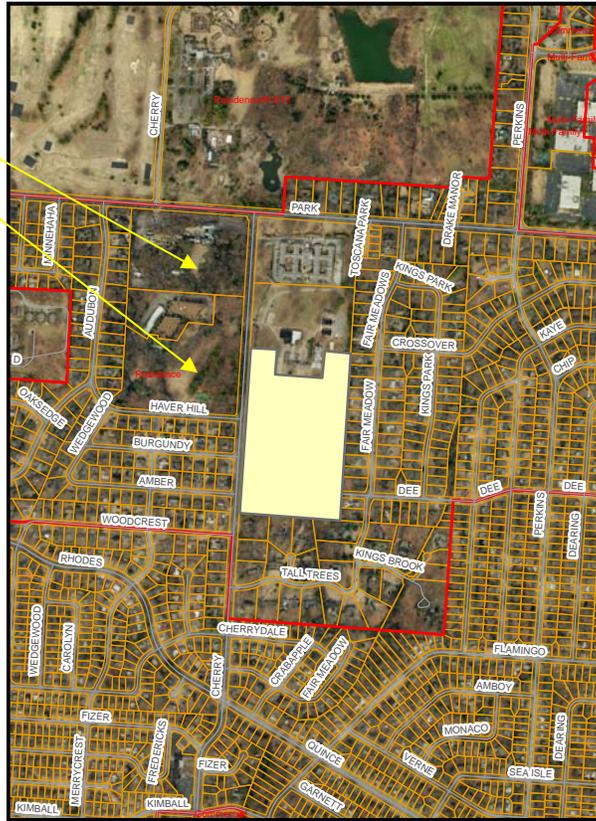
The current governing Code, the Unified Development Code, does specify pre-schools within the use chart, and they are allowed within the R-10 District with a special use permit. It is reasonable to believe that when the pre-school was established in 1991 the use was considered within the more general school category.

There is no intended development for the school at this time. The pre-school is in operation and it is intended to continue its operations as-is. The intent of this application is to bring the subject site into conformance with the Unified Development Code.

The school is a beneficial institutional use offering educational opportunities to the surrounding community. The pre-school has been in operation for over 20 years and should be allowed to continue.



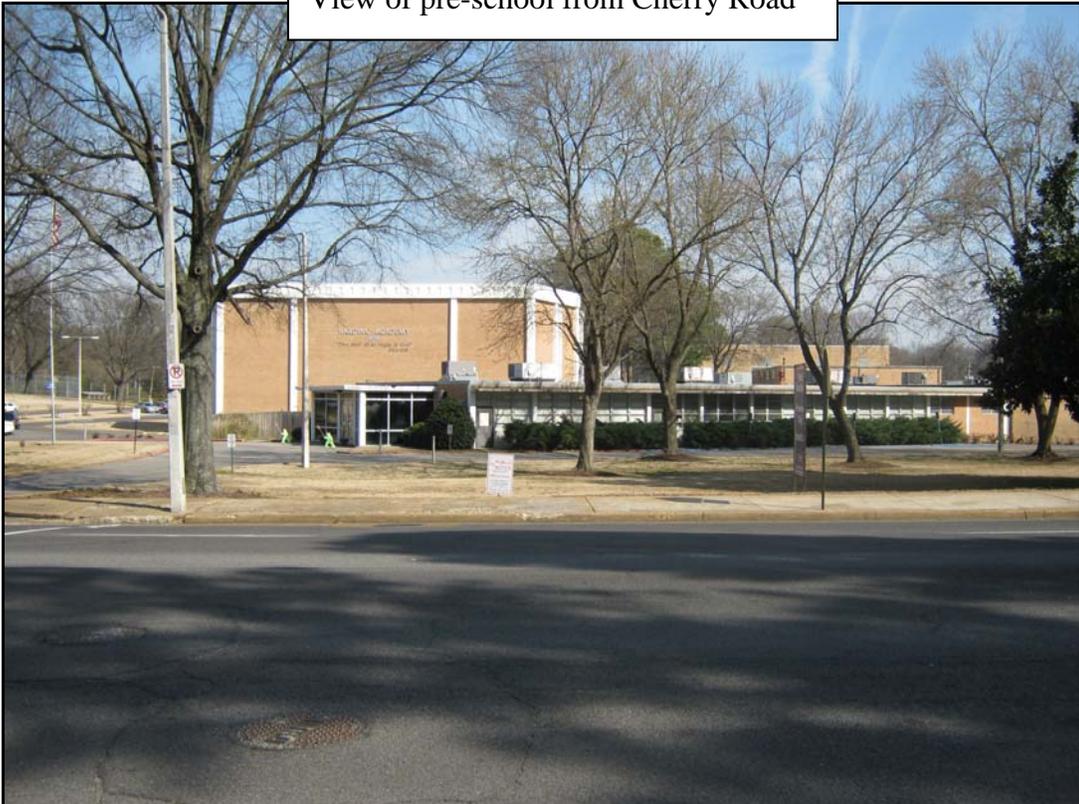
Low density office



View of pre-school from Cherry Road



View of pre-school from Cherry Road



South bound on Cherry Road



North bound on Cherry Road



Sidewalk conditions in front of the subject site at Cherry Road (facing south)



Sidewalk conditions in front of the subject site at Cherry Road (facing north)





## **STAFFANALYSIS**

### Site Characteristics

The subject site comprises 28.4 acres comprehensively, approximately 4.5 acres is utilized for the pre-school with the balance of the property being used for primary and secondary school purposes. The total land area is currently zoned R-10 (Single-family Residential).

The subject site is currently occupied with school buildings, administrative offices, and existing outdoor recreation fields.

The subject site currently serves as the campus of Harding Academy of Memphis; the initial school facility was built in approximately 1958, the pre-school was established some time in 1991. The pre-school, Little Harding Cherry Road program, was initiated to provide school services to 2 and 3 year old students.

Single family residences abut the site to the east and south where a Class III or an acceptable buffer is required as a Civic Use Standard (UDC 2.6.2). In this instance, there is a row of mature trees and a 40-50 foot green space between the rear property lines of the single-family residential land uses and the subject site; this landscape plat is an acceptable equivalent alternative. Furthermore, the pre-school is located near the center of the 28.4 acre site and uses an entrance at Cherry Road, which results in very little interaction between the pre-school and surrounding residential land uses. Residences abutting the site were notified of this application and there was no correspondence in opposition.

There are also several low density office land uses along the west side of Cherry Road located closer to the intersection of Park Avenue and Cherry Road, in this case the school could be considered a buffer.

### Request

To allow a pre-school to operate within the R-10 (Single-family Residential -10) District

### Conclusion

This application is requesting that the pre-school function of the Harding Academy be allowed to continue to operate by way of a special use permit.

The current Unified Development Code as adopted in January, 2011 requires pre-schools to be allowed within the R-10 District by special use permit approval. The applicant, Harding Academy of Memphis, Inc. does not intend to develop any additional land uses or initiate any new development that would increase the intensity or change the current density of the campus. It is the applicant's intent to simply bring the subject site into conformance with the current code.

**RECOMMENDATION:** Approval with conditions

A **Special Use Permit** is hereby authorized to **Harding Academy of Memphis, Inc.** to allow A special use permit for a pre-school on the property located at 1100 Cherry Road, along the east side of Cherry Road, opposite of Haverhill Road in accordance with the approved site plan and the following supplemental conditions:

Site Plan Conditions

1. The City Engineer shall approve the design, number and location of curb cuts.
2. Any existing curb cuts shall be meet the approval of the City Engineer or be modified to meet current City Standards.
3. All sidewalks must meet the approval of the City Engineer or be repaired or replaced in an effort to meet City Standards.

## GENERAL INFORMATION

**Street Frontage:** 485 feet  
**Planning District:** Quince  
**Census Tract:** 93  
**Zoning Atlas Page:** 2140  
**Parcel ID:** 065001 00037  
**Zoning History:** R-10

## 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 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. 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,
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.

### Drainage:

7. Drainage improvements, including possible 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:

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

General Notes:

9. The width of all existing off-street sewer easements shall be widened to meet current city standards.
10. 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.
11. Required landscaping shall not be placed on sewer or drainage easements.

<b>City Fire Division:</b>	No comments received.
<b>County Fire:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>County Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	No comments received.
<b>City Board of Education:</b>	No comment.
<b>County 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>Colonia Acres Neighborhood Association: Audubon Square Condominium Association: University District Incorporated:</b>	No comments received.

