

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND
DEVELOPMENT
STAFF REPORT #7**

CASE NUMBER: Z 11-110 L.U.C.B. MEETING: January 12, 2012

LOCATION: South side of Hwy. 64, +/- 1,500 feet west of Highway 385

COUNCIL DISTRICT: 1

SUPER DISTRICT: 9

OWNER OF RECORD / APPLICANT: India Cultural Center & Temple, Inc.

REPRESENTATIVE: John M. Leake, Jr.

REQUEST: Rezone property from the Conservation Agriculture (CA) District to the Campus Master Plan -2 (CMP-2) District

AREA: 13.058 Acres

EXISTING LAND USE & ZONING: A religious institution in the Conservation Agriculture (CA) District

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION:**

APPROVAL

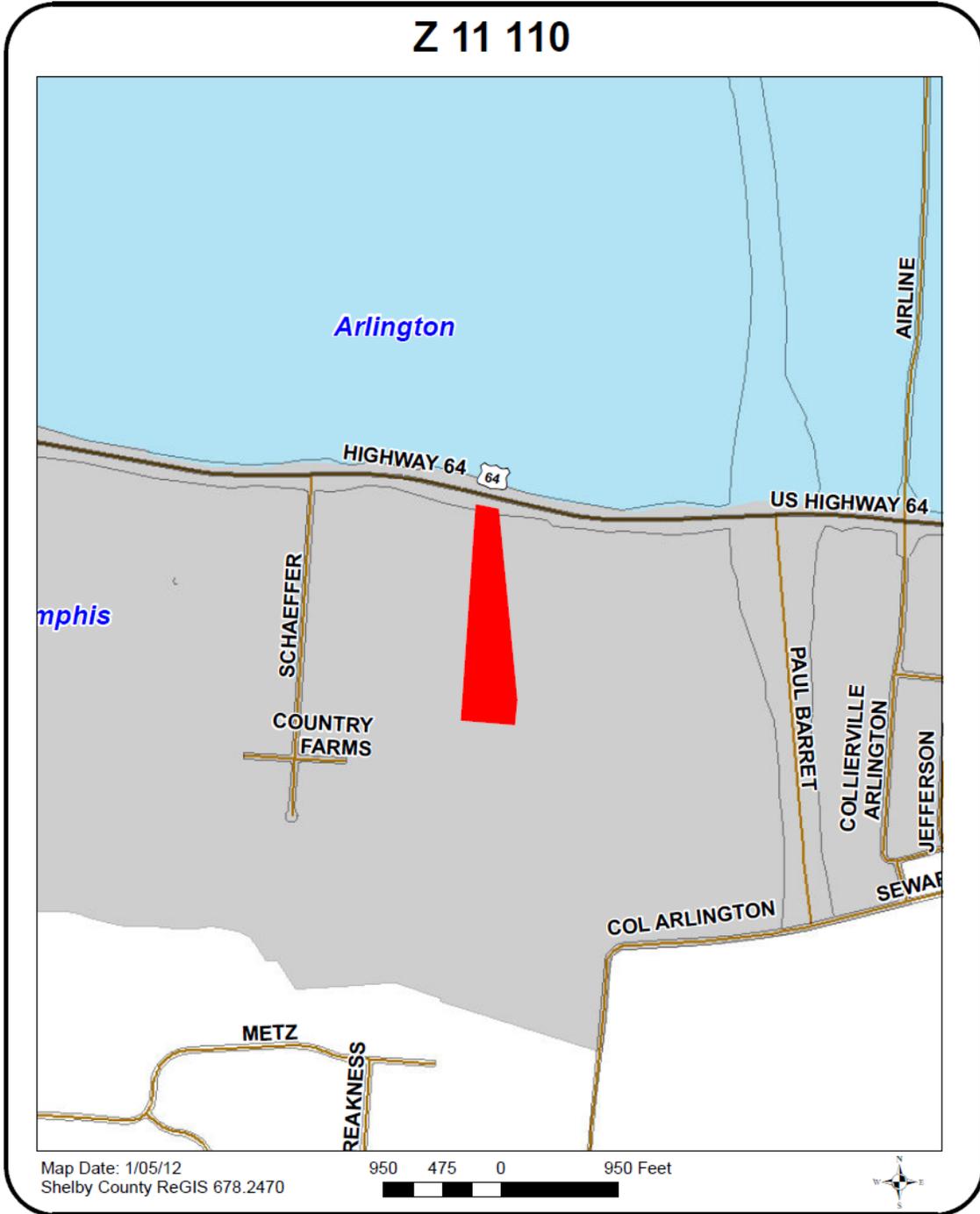
Staff – Don Jones

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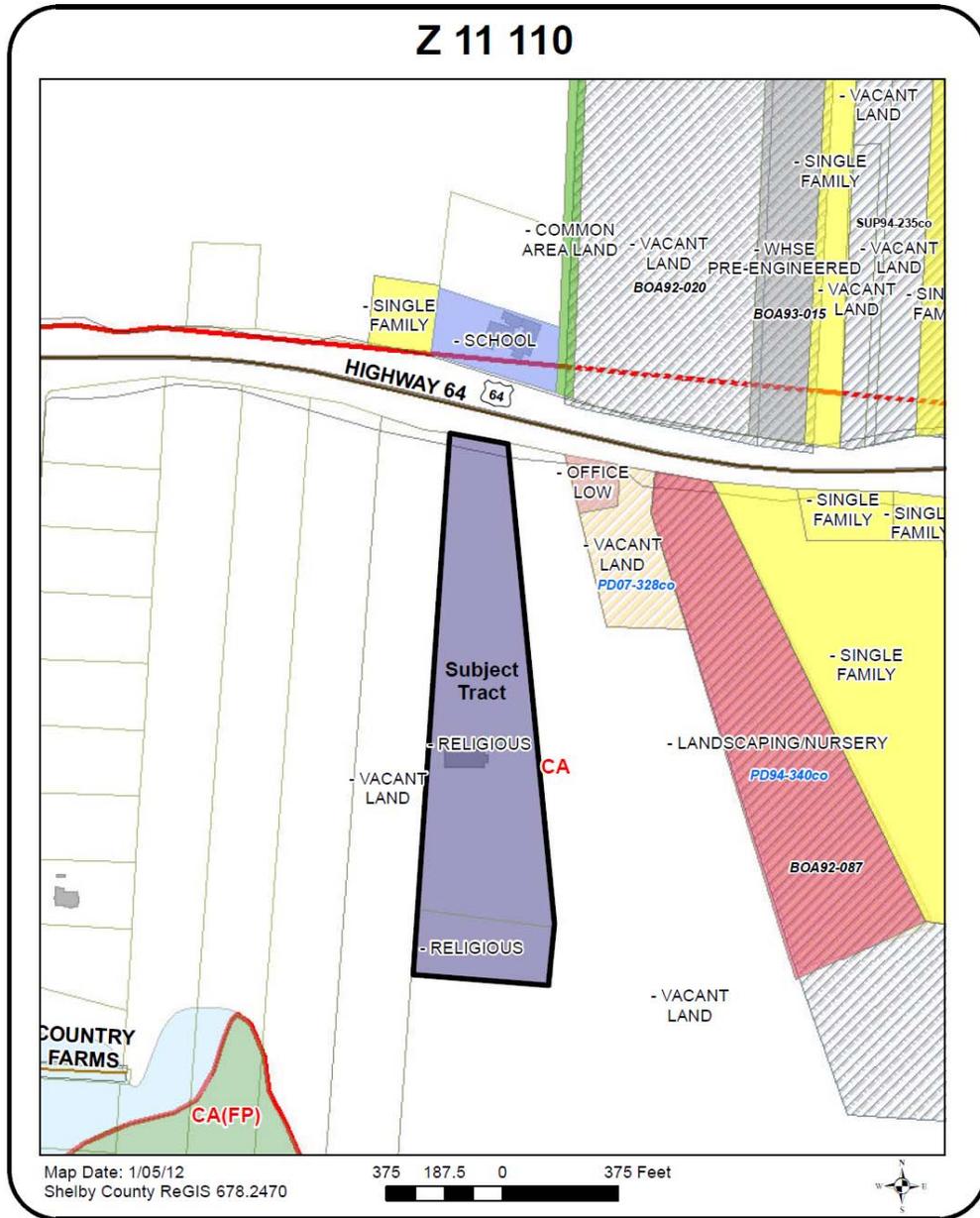
CONCLUSIONS:

1. The request for the change in zoning designation from Conservation Agriculture to Campus Master Plan can be supported based on the recommendation of the current land use plan for the area (Grays Creek Area Plan) and based on the characteristics of the subject property
2. The Campus Master Plan not only serves the needs of the current user of the site but future development along the Highway 64 corridor as well.
3. In its existing state, this site is very much of a campus style development.

General Location Map



LAND USE & ZONING MAP



SURROUNDING USES AND ZONING:

North: Rural residential, a vacant public school building, and vacant land within the municipal limits of Arlington, TN

East, South and

West: Estate residential or land in agricultural use in the Conservation Agriculture (CA) District

Z 11 110



Map Date: 1/05/12
Shelby County ReGIS 678.2470

375 187.5 0 375 Feet



Images from Subject Property



STAFF ANALYSIS:

General Location and Site Characteristics

The subject property is a 13 acre site located on the south side of Highway 64 situated between Schaeffer Road to the west and Highway 385 on the east. The boundaries of the subject site form an elongated triangle with approximately 199 feet of frontage at Highway 64 and just over 450 feet of width at the rear property line.

Although located within the City Limits of Memphis, this is a predominately rural area with a mix of land uses from large tracts devoted to residential estates or agricultural pursuits, to office and commercial pursuits such as the landscape/nursery located two parcels to the east.

The Master Plan (site plan) shows that the site contains multiple structures on the site such as the primary worship center, a fellowship hall, an outdoor pavilion, a fountain, and behind the worship building 3- two story duplexes.

Approved Land Use Plans

The approved land use plan for this area is the Grays Creek Area Plan. Grays Creek recommends a more intensive land development pattern that can be accomplished under the current Conservation Agriculture Zoning District. The plan calls for Higher Density residential development ranging from 4 -8 dwelling units per acre. This level of development is consistent with the anticipated expansion of the sanitary sewer to serve this area.

Recent History of Site

In September of 2011, the Memphis and Shelby County Board of Adjustment met to consider the request of this applicant to approve a variance to the requirements of the Unified Development Code with respect to the location of an accessory structure that was proposed to be located in front of the principal structure and within the required 60 foot front yard setback of the Conservation Agriculture District. The Board subsequently rejected this request.

Campus Master Plan-2

The Campus Master Plan Designation – With the adoption of the Unified Development Code comes two new zoning designations the Campus Master Plan level 1 and level 2. Campus Master Plan -1 has application in the more Urbanized Areas of Memphis such as within the Interstate 240 beltway or in an area where the land use patter has a more urban characteristic. Level - 2 applies in the more rural or suburban areas of the County or in areas where the land use pattern is more suburban in character.

As the name implies, these districts are intended to promote a campus like setting. Typical users would include office, research and development, universities, and hospitals. Depending on the

location, the height and setbacks can be altered to create the intended land development pattern.

Review of Request

The request for the change in zoning designation from Conservation Agriculture to Campus Master Plan can be supported based on the recommendation of the current land use plan for the area (Grays Creek Area Plan) and based on the characteristics of the subject property.

The intent of the Conservation Agriculture is to “conserve” land for primarily agriculturally related uses. The approved land use plan for the area envisions the redevelopment of the properties fronting Highway 64 with comparatively higher density/intensity land uses. Toward that end, the Campus Master Plan -2 is a much more compatible fit with respect to zoning and future land use.

With respect to the site itself, both the site plan and the aerials reflect a property that is campus like in its setting with a deep setback from the Highway and large areas of mature trees. The site contains a large fountain and pond and a pavilion that suggests a commitment to an aesthetic approach that is in keeping with the intent of the district. From a technical view point, the setback requirement in the CMP-2 is considerable less than that of the Conservation Agriculture District (20 feet versus 60 feet). The rezoning addresses one of the issues that the applicant sought relief for from the Board of Adjustment – a building that encroached into the required front yard setback.

However, even with this rezoning, the applicant has an outstanding issue that is not overcome even if this request is ultimately approved by the Memphis City Council. The front-most building on the site is proposed as a maintenance facility which is an accessory use to the main use of the property. While the Campus Master Plan does give the staff and the applicant greater flexibility with respect to the number of buildings on the site and the uses of those buildings, it does not override the requirement that accessory buildings are not permitted to locate “forward of the front building façade”. To this issue, staff recommends a slight re-purposing and possibly a re-design of this forward-most building to include an office. By doing so, the office becomes an allowable principal structure on this site and it may include space for maintenance equipment and materials.

If this suggestion is followed, the applicant will revise the master plan to show the building footprint, the floor plan, and building elevations.

RECOMMENDATION: APPROVAL

GENERAL INFORMATION:

Planning District: East Central Shelby – A comprehensive land use plan – The Grays Creek Area Plan – has been approved for this area.

Census Tract: 210.10

Street Frontage: Highway 64 - +/- 198.90'

Zoning Atlas Page: 1865

Parcel ID: 096400 00108

Zoning History: An application to permit a variance to the requirements for the placement of accessory structures in the Conservation Agricultural (CA) District was heard by the Memphis and Shelby County Board of Adjustment on September 28, 2011. The request was denied due to the lack of 5 affirmative votes.

DEPARTMENTAL COMMENTS:

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

City Engineer:

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

City Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:

This variance request for a Zoning District Reclassification approval to allow construction of an accessory use structure in the required front and side yards should not have any effect on the approved subsurface sewage disposal system for this site. It is located on the southeast corner of this property and was installed in 2002.

A copy of the approved subsurface sewage disposal plan, site inspection report, high intensity soil map and design of the system are being attached to this e-mail for the India Cultural Center so that they can be included in the report.

City Board of Education: No comments received.

Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
AT&T:	AT&T Tennessee has no comment.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Comprehensive Planning:	No comments received.
Fisherville Civic Club:	No comments received