

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT  
ADDENDUM TO NOVEMBER 8 STAFF REPORT #26**

**CASE NUMBER:** UV 07-11

**L.U.C.B. MEETING:** December 13, 2007

**LOCATION:**

Southeast corner of Mallory Avenue and Orleans Street

**OWNER:**

Memphis Investment Properties, L.L.C.

**APPLICANT:**

Jim Reedy

**REQUEST:**

Use of existing building as a Day Care Center

**AREA:**

14,000 sq. ft. (0.32 acres)

**EXISTING LAND USE & ZONING:**

Medical office building in the Single-Family Duplex (R-D) Zoning District

**SURROUNDING USES AND ZONING:**

**North:** Across Mallory Avenue, single-family residences in the R-D District

**East:** Single-family residences in the R-D District

**South:** Across an alleyway, Single-family residences in the R-D District, fronting on Dempster Ave.

**West:** A church in the R-D District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

**Hold**

**CONCLUSIONS**

- 1. This existing medical office building appears to be an anomaly in the R-D District, and this is the kind of situation that could often justify a variation from certain strict requirements of the zoning ordinance.*
- 2. The proposed day care center use would be allowable under current regulations if the lot were about 40% larger.*
- 3. OPD Staff has just received a revised site plan as requested from the applicant on 12/7/2007, and need additional time for review. Staff anticipates having site plan conditions ready for action on December 13 following a closer review and consultation, especially with respect to the proposed B-1 Landscape Plate and certain engineering issues.*

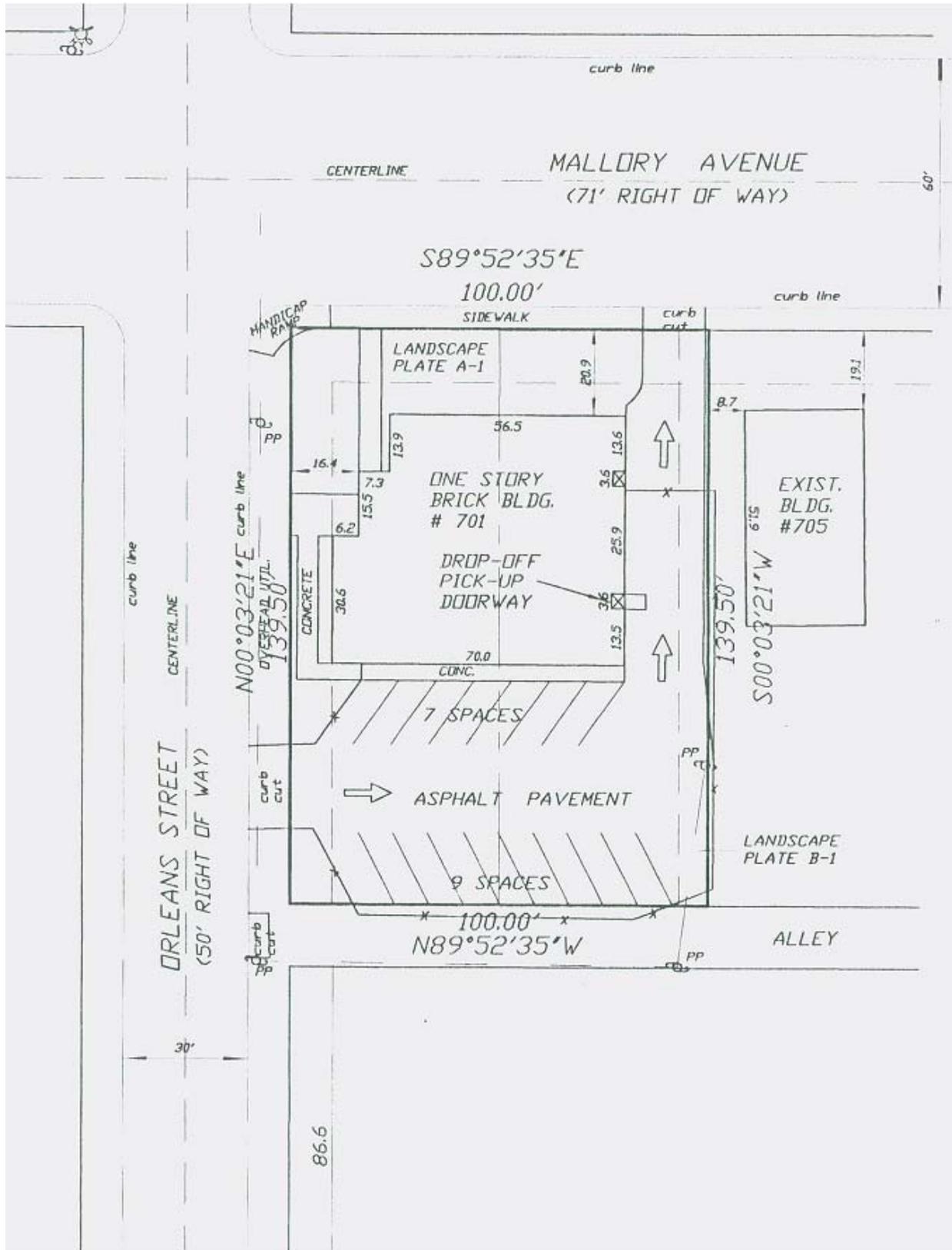


Figure 1: Revised Site Plan

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT  
STAFF REPORT #31**

(redacted 1/28/2008)

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**Hold**

**CONCLUSIONS**

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- 2. The proposed day care center use would be allowable under current regulations if the lot were about 40% larger.*
- 3. There are design issues that need to be considered in the context of a site plan which addresses them. The plot plan submitted by the applicant is not adequate for such a review, and a standard site plan is needed in this case.*

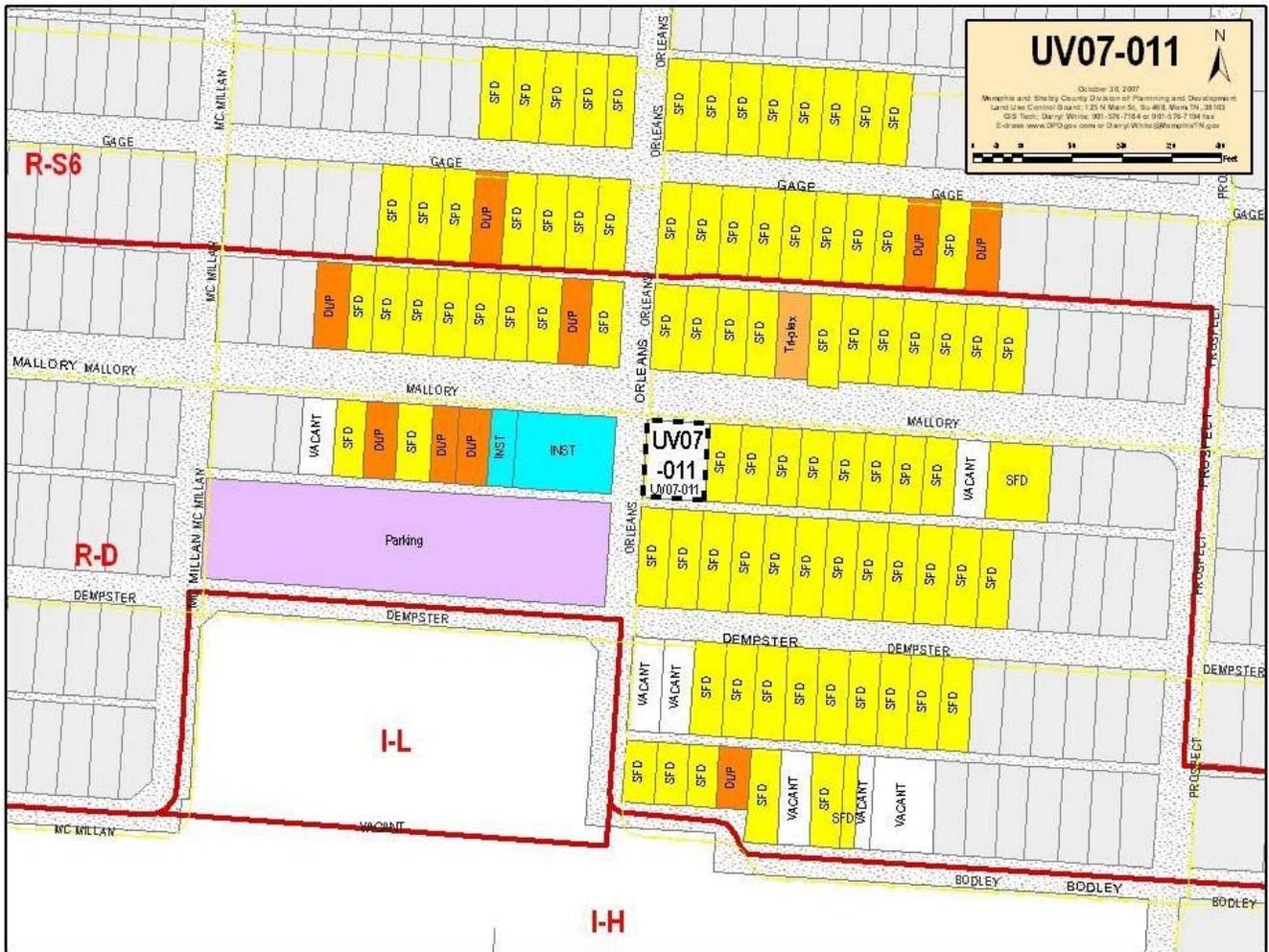


Figure 1: Land Use and Zoning in the Vicinity

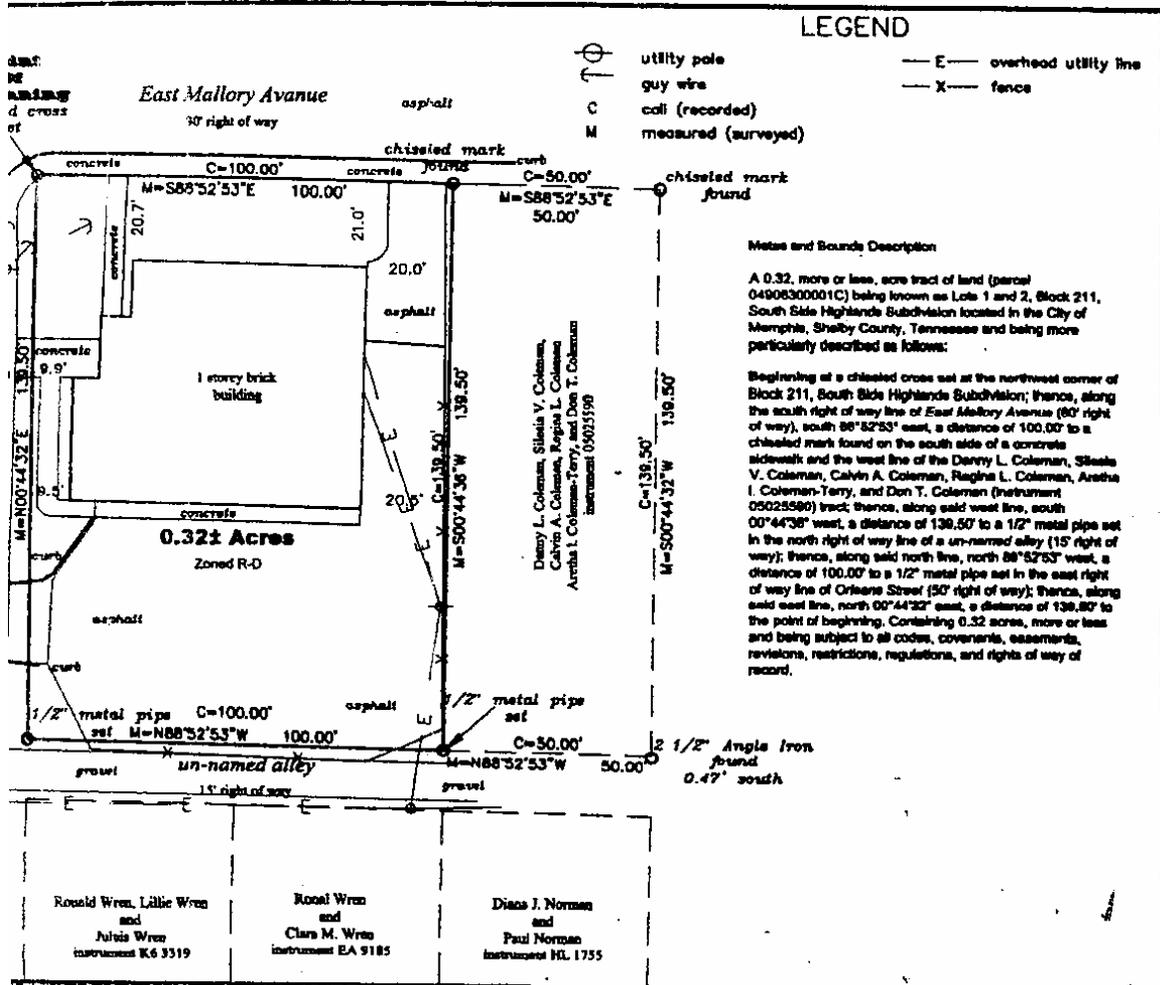
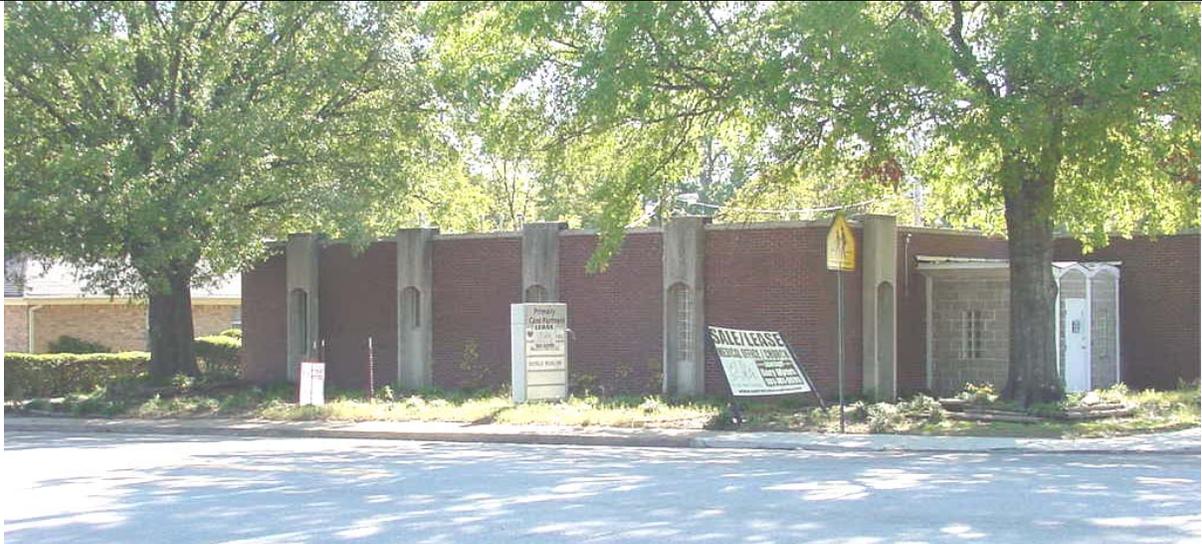




Figure 3: Overhead view of subject property



**Figure 4: Subject property viewed from Mallory**



**Figure 5: West side of subject property**



**Figure 6: Subject property viewed from Orleans**

## **STAFF ANALYSIS**

### Site Characteristics

The subject property is a 14,000 sq. ft. lot (1/3 acre) on the southeast corner of Mallory Avenue and Orleans Street. It is a rectangular lot, with 100 feet of frontage on Mallory (a major road, with heavy truck traffic) and roughly 140 feet of frontage on Orleans Street. The rear of the property abuts a public alleyway.

The subject property is occupied by a 38,000 sq. ft. medical office building dating from 1956. Since the property is current zoned for single-family and duplex residential (R-D) use, a bit of research is still required to pin down the basis for approval of this use --- mostly likely by a Board of Adjustment use variation. A large, paved parking area sits at the rear of the property, enclosed by a chain link fence.

### Proposed Development

The applicant is requesting a use variation to permit the use of the property as a day care center. Day care centers are ordinarily permitted in the R-D zoning district. However there is a requirement that such a facility be located on property no less than 20,000 square feet in size. Since the subject property is only 14,000 square feet, the application has been filed as a use variation.

The applicant has filed a plot plan, but not a site plan showing the details.

### The Vicinity and the Neighborhood

The subject property is located on Mallory Avenue, a major thoroughfare carrying a substantial amount of traffic. Within the 500-foot vicinity, the Mallory frontage is occupied by residential uses and a large church. Orleans is a local street running northward into a residential neighborhood. To the south it extends into an area of Heavy Industrial (I-H) Zoning where a large site is being cleared. However along the west side of Orleans is the border of a residential area that extends eastward along Dempster Avenue and the north side of Bodley. Across Orleans Street, opposite the subject property the above-mentioned church occupies the corner lot at Mallory, with a large fenced parking compound occupying the south half of the Mallory -Orleans- Dempster block.

### Planning Issues

Staff believes that relief from the 20,000 square foot lot requirement may be justified in this case due to the special circumstance by which a non-residential building was approved on this site.

However there are number of site planning issues involved, including screening to protect an adjacent house on Mallory, an appropriate circulation pattern as specified by the City Engineer and appropriate landscaping. Staff recommends that this case be held until the applicant submits a site plan that could be used in dealing with those issues.

**RECOMMENDATION:        Hold**

## **GENERAL INFORMATION**

**Parcel Number:** 049063 00001C

**Street Address:** 701 E Mallory Avenue, 38106

**Street Frontage:** Mallory Avenue – 100 feet on this major arterial street.  
Orleans Street – 140 feet on this local street

**Planning District:** South Memphis

**Census Tract:** 56

**Annexation Status:** Annexed by the City of Memphis in 1944

**Zoning Atlas Page:** 2230

**Zoning History:** Research Pending

## DEPARTMENTAL COMMENTS

### City Engineer:

#### Site Plan Notes:

1. 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.
2. 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.
3. Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.
4. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

#### Sewers:

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

#### Curb Cuts/Access:

7. The City Engineer shall approve the design, number and location of curb cuts.
8. Any existing nonconforming curb cuts shall be modified to meet current City Standards or

closed with curb, gutter and sidewalk.

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.
11. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

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

- |                                       |   |
|---------------------------------------|---|
| <b>City Fire Division:</b>            | No comments received.                                       |
| <b>City Real Estate:</b>              | None.   |
| <b>City/County Health Department:</b> | No objections.<br>The Water Quality Branch has no comments. |
| <b>City Board of Education:</b>       | No comments received.                                       |
| <b>Construction Code Enforcement:</b> | No comments received.                                       |
| <b>Memphis Light, Gas and Water:</b>  |   |

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **Landscaping prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.

- It is the responsibility of the owner/applicant to contact **TN-1-CALL** @ 1.800.351.1111, before digging and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
  - MLGW Engineering - **Residential Development:** 528.4858
  - MLGW Engineering - **Commercial Development:** 367.3343
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Bell South:** No comments regarding this request.

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

**OPD-Regional Services:** No comments received.

**OPD-Plans Development:** No comment.

**Sixty Point One Civic Club:** No comments received

**South Memphis. Neighborhood Foundation:**

“We reviewed the property at 701 E. Mallory. This commercial building is a perfect location for a Day Care Center. Since FedEx Grounds hires many working families, this day care will be busy with new clients. We approve the requests for a variance.”