

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#25**

CASE NUMBER: P.D. 07-324 **L.U.C.B. MEETING:** September 13, 2007

DEVELOPMENT NAME: Lindsey's Commercial Planned Development

LOCATION: Northwest corner of James Road and Warford Road

OWNER OF RECORD/APPLICANT: Edward Lindsey

REPRESENTATIVE: Frank P. Palumbo, Jr.

REQUEST: Two Commercial Lots

AREA: .94 acre

EXISTING LAND USE & ZONING: **Single family residence in the R-S10 Single Family Dwelling District.**

SURROUNDING LAND USES AND ZONING:

North: Single family homes on larger lots in the R-S10 Single Family Dwelling District.

East: A convenience gas station and commercial shops in the C-P Planned Commercial District and two churches in the R-S10 Single Family Dwelling District.

South: Vacant land and single family dwellings on larger lots in the R-S10 Single Family Dwelling District and the AG Agriculture District.

West: Single family homes on larger lots in the R-S10 Single Family Dwelling District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

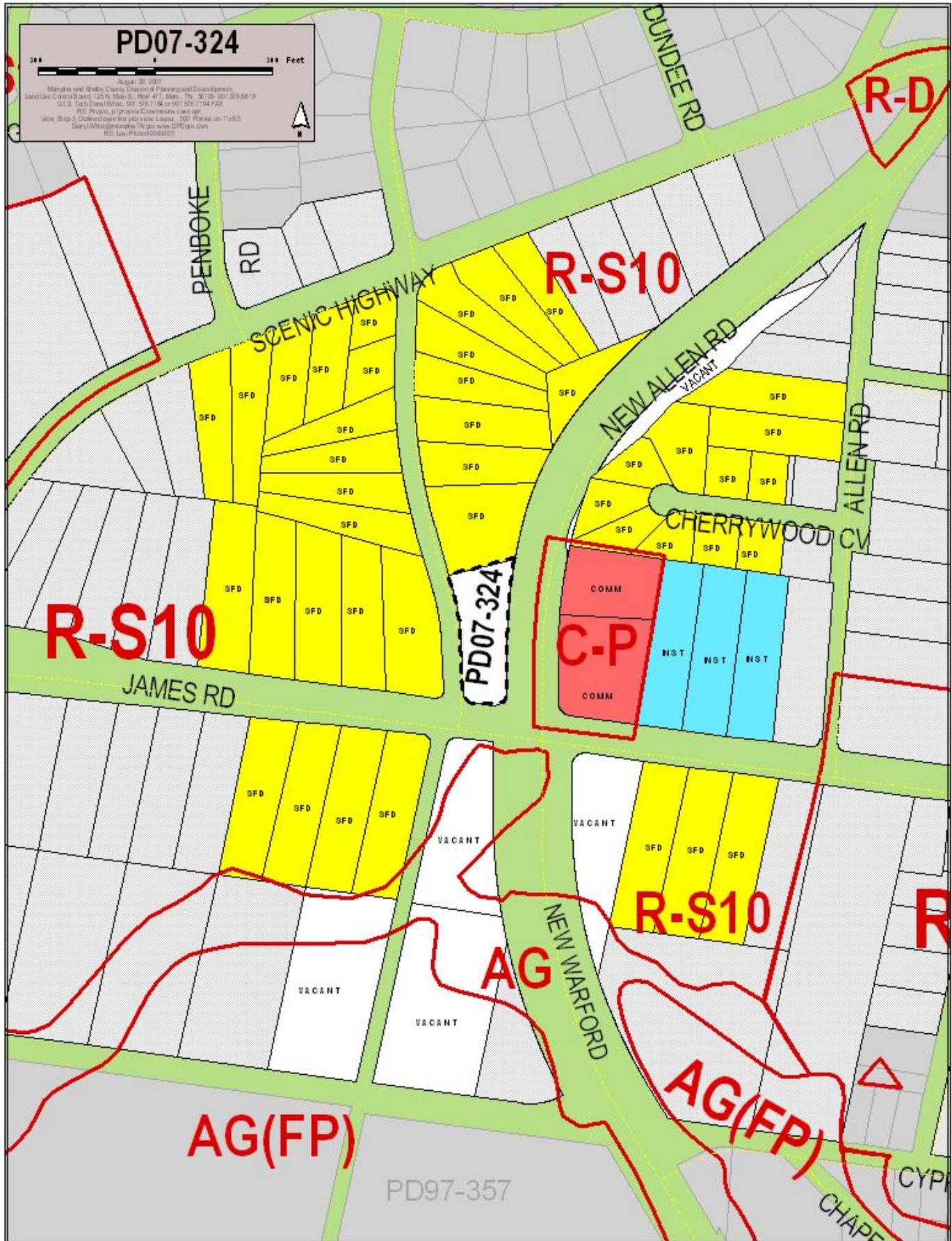
Rejection

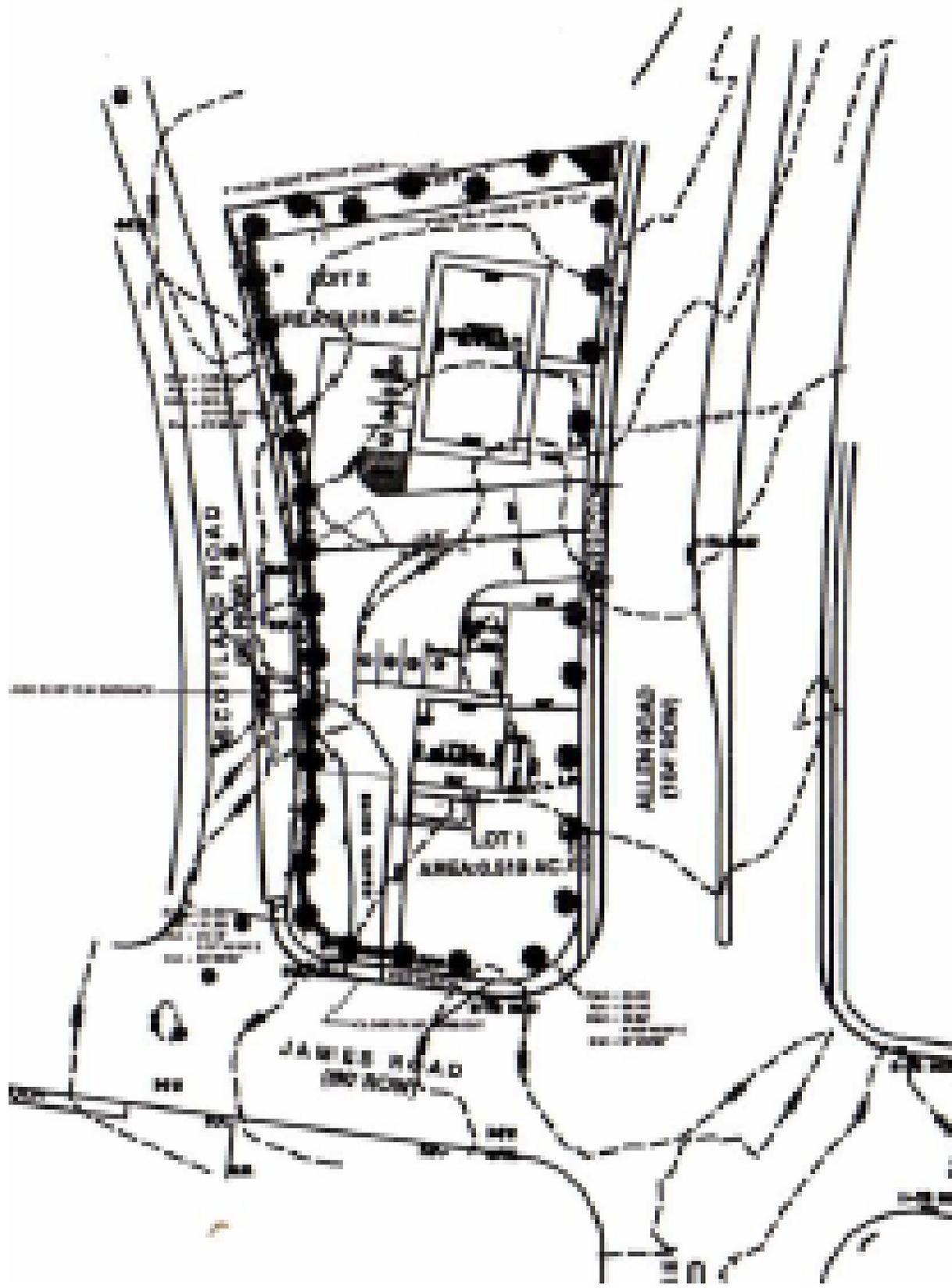
Staff: Eugene Bryan

Eugene.bryan@memphistn.gov

CONCLUSIONS

- 1. Access to the site is significantly restricted, thus limiting traffic access to south bound New Allen Road only.**
- 2. The demand for commercial activity and the anticipated impact of Interstate 40 in this area of James Road has not developed**
- 3. The property is more suited given its location for re-subdivision for smaller lot residential development, as a transition from uses to the east.**







STAFF ANALYSIS

The subject property along with other parcels of land along this segment of James Road, sits at the bottom of a Wolf River bluff. South of James Road the land is flat and much lies within the floodplain of the Wolf River. The area was developed in the 1940's and 1950's with larger lot single family suburban homes. In the late 1970's the Interstate was finished to the south, with an interchange located at Warford Road. Given the low nature of the land to the south and significant cost of filling, a change in character was anticipated for James Road. In the nearly 30 years since the interstate has opened, little impact from the roadway has been evident in this area.

The property to the east across New Allen Road was zoned for commercial use in 1978, and is now developed with a gas station and other retail and office uses. Further east on James Road are two recently constructed churches. Properties to the west and north remain single family homes on larger suburban lots.

The subject site itself, has frontage along three streets. Two are major roadways and one a minor residential street, with about 20 feet of pavement and swale drainage. A house sits on the front part of the lot, with the remaining portion of the lot being vacant.

The proposal is to utilize the existing 1370 square foot structure on the front of the lot, with four off street parking spaces, and allow for the development of the rear portion of the lot with approximately 2,200 square feet of additional space. The development would share a common curb cut to New Allen Road, a divided 104 foot right of way major road. No median cut is proposed. Additionally existing curb cuts to James Road and Scotland Roads would be closed. No specific uses have been proposed for the site, although a previous application was filed for C-N Neighborhood Commercial.

The City Engineering Division is recommending denial of access to Scotland and James Roads, and limited access to New Allen Road due to the location of the site in proximity to the left hand turn lane for the James Road, New Allen Road intersection. This restricts available traffic to the site to southbound traffic along New Allen Road.

The subject property is clearly in a transitional position. Its road frontage along three streets, one of which is a minor residential roadway makes any redevelopment of this property other than single family difficult. The potential uses of the site for non-residential are clearly limited by the limited access due to only having access from southbound New Allen Road. With proper design and layout, smaller lot residential may be more suited for the property with access provided from Scotland Road, when properly improved.

RECOMMENDATION: REJECTION

If Approved the staff recommends the following conditions

OUTLINE PLAN CONDITIONS

- I. Development Standards:
 - a. The regulations of the C-N Neighborhood Commercial District shall apply to the property in regard to use, bulk, parking, landscaping and signage..
- II. Site Plan Review:
 - a. Final plans for this property shall be reviewed in accordance with the C-N site plan approval process.
- III. Access
 - a. Dedicate and improve Scotland Road 25 feet from centerline.
 - b. Close all existing non-conforming curb cuts.
 - c. The location and design of the curb cut on New Allen Road shall be subject to the approval of the City Engineer and shall be right-in and right-out only.
 - d. Improve Scotland Road in accordance with Subdivision Regulations.
 - e. Dedicate a 180-65-180 (3-centered corner) radius, with a 6-foot offset, at the intersection of James Road and Allen Road.
 - f. The developer shall modify the traffic signal at the intersection of James Road and New Allen Road to accommodate the necessary improvements in accordance with standards on file in the City Engineer's office.
 - g. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
 - h. Access to Scotland Road via private drive or driveway is prohibited. Convey right of access to City of Memphis.
 - i. Access to James Road via private drive or driveway is prohibited. Convey right of access to City of Memphis.
- IV. Landscaping:
 - a. A detailed landscape plan shall be submitted with any final plan.
 - b. Major road street frontages shall be landscaped with a minimum of Plate A-1
 - c. A 15 foot wide landscape plate (Plate B-4 or greater) shall be provided along the north and west property lines and shall include a 6 foot high wood fence.
- V. Drainage:
 - a. 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.
 - b. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
 - c. 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.

VI. Final Plans

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 lots, build-able areas, parking areas, drives and required landscaping.
- d. The location and ownership, whether public or private, of any easement.
- e. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- f. The 100-year flood elevation.
- g. The following note shall be placed on the final plat of any development requiring on-site storm water 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 Engineer. 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

GENERAL INFORMATION

Street Frontage: James Road – 114 Feet
New Allen Road – 358 feet
Scotland Road – 319 feet

Planning District: Raleigh Bartlett

Census Tract: 205.11

Zoning Atlas Page: 1835

Zoning History: Zoning Dates to the Adoption of the City Comprehensive Rezoning of 1955. Case # Z-06-121 was filed for C-N Zoning but held pending the filing of this application for a PD.

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

Roads:

5. Improve Scotland Road in accordance with Subdivision Regulations.
6. Dedicate a 180-65-180 (3-centered corner) radius, with a 6-foot offset, at the intersection of James Road and Allen Road.
7. The developer shall modify the traffic signal at the intersection of James Road and New Allen Road to accommodate the necessary improvements in accordance with standards on file in the City Engineer's office.

Curb Cuts/Access:

8. The proposed shared curb cut shown on the preliminary plan will be limited to right-in, right-out because of its proximity to the intersection stack lane.
9. The City Engineer shall approve the design and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
11. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
12. Access to Scotland Road via private drive or driveway is prohibited. Convey right of access to City of Memphis.
13. Access to James Road via private drive or driveway is prohibited. Convey right of access to City of Memphis.

Drainage:

14. 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.
15. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
16. 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.

City Fire Division:	Prior S 06-040
City Real Estate:	None.
City/County Health Department:	No objections.
City Board of Education:	This case has no significant impact on Memphis City Schools.
Memphis Light, Gas and Water:	

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).
- **Fire Protection Water Services:** It is the responsibility of the owner/applicant to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- 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.

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on August 20, 2007. James Road and Warford Road are existing major thoroughfares on the Long Range Transportation Plan. No future improvements are identified for either facility.

OPD-Plans Development:

No comments.

Landmarks Commission:

No comments received.