

**ADDENDUM**  
**STAFF REPORT**

18

**CASE NUMBER:** U.V. 07-13                      **L.U.C.B. MEETING:** January 10, 2008  
*(Held from Dec. 13, 2007)*

**LOCATION:**                      South side of Fields Road; ±218.64 feet west of Osceola Drive

**OWNERS/APPLICANTS:** Leroy Walls & Robert L. Hale

**REPRESENTATIVE:**              Self-Tucker Architects

**REQUEST:**                      Use variation to allow motor vehicle service

**AREA:**                              1.26 Acres

**EXISTING LAND USE & ZONING:**      One-story single family home w/ accessory metal garage building in Single Family Residential(R-S6) District zoning.

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This application was requested by the applicant to held over from the December 13, 2007 Land Use Control Board meeting in order to revise the site plan to accommodate the recommended conditions by staff attached to the application. The Land Use Control Board agreed to the hold for thirty(30) days to allow the applicant representative to prepare a 'Revised Site Plan' in line with conditions for approval.

The staff recommended modifications to the Site Plan and the applicant has submitted the 'Revised Plan' that addresses some of the concerns of staff. However, the applicant has yet to justify the land use would be an improvement more desirable to the surrounding neighborhood residential zoning. The conclusions of staff in the original staff report have not changed and to allow the continuation of motor vehicle service at this location is not an appropriate land use to be located in current Single Family Residential(R-S6) District zoning.

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**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

***Rejection***

**Staff:** *Brian Bacchus*

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)





**STAFF RECOMMENDED**  
**SITE PLAN CONDITIONS:**

A Use Variance is hereby authorized to *'Leroy Walls & Robert L. Hale'* to allow *'motor vehicle service'* on the property located at *'1351 Fields Road'* at the *'south side of Fields Road; +/-218.64 feet west of Osceola Drive'* in accordance with the *'approved site plan'* and the following supplemental conditions:

1. A motor vehicle service facility shall be permitted for a maximum of twenty(20) vehicles for outdoor storage to the rear of the building. All vehicles shall be enclosed in a sight-proof wood fence at least six(6') feet in height.
2. No parking or outdoor storage shall be permitted in the required front yard, except one(1) handicap space. All required parking and service drives shall be asphalt pavement. The vehicle storage area may be limestone gravel.
3. Any major vehicle service, excluding battery and tire service shall be prohibited and not performed at any time.
4. The centermost curb cut shall be re-constructed to meet City Standards and shall be 10' deep x 44' wide. The design, number and location of curb-cuts shall be subject to the approval of the City Engineer.
5. A landscape Plate 'RV-2' shall be installed and maintained along Fields Road. A landscape Plate 'B-2' ten(10') feet in width shall be installed along the east and west property lines.
6. Mature trees and shrubs shall be preserved and maintained. All landscaping, screening and fencing shall be installed prior to final Use and Occupancy.
7. External loud speakers and call systems shall be prohibited. No exterior lighting shall be permitted to glare onto adjacent properties or into public right-of-ways.
8. The site shall be allowed one(1) attached sign a maximum of thirty-five(35) square feet in area. Temporary, portable, flashing and free-hand painted signs shall not be permitted. Streamers and banners shall also be prohibited.
9. A motor vehicle service facility shall be allowed for the above mentioned users if maintained in accordance with site plan conditions, including no zoning or code violations.

**U.V. 07-13**  
**'Walls-Hale Use Variance'**

**STAFF REPORT**

**31**

**CASE NUMBER:** U.V. 07-13                      **L.U.C.B. MEETING:** December 13, 2007  
**LOCATION:**                      South side of Fields Road; ±218.64 feet west of Osceola Drive  
**OWNERS/APPLICANTS:** Leroy Walls & Robert L. Hale  
**REPRESENTATIVE:**              Self-Tucker Architects  
**REQUEST:**                      Use variation to allow motor vehicle service  
**AREA:**                              1.26 Acres  
**EXISTING LAND USE & ZONING:**      One-story single family home w/ accessory metal garage building in Single Family Residential(R-S6) District zoning.

**SURROUNDING USES AND ZONING:**

- North:**      Large tracts of vacant land and single family homes in Single Family Residential (R-S6) District zoning.
- East:**      Large tract of vacant land and a single family homes in Single Family Residential (R-S6) District zoning.
- South:**      Large tract of vacant land partially in Single Family Residential(R-S6) District zoning and Heavy Industrial(I-H) District zoning.
- West:**      Large tracts of vacant land in Single Family Residential(R-S6) District zoning.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Rejection*

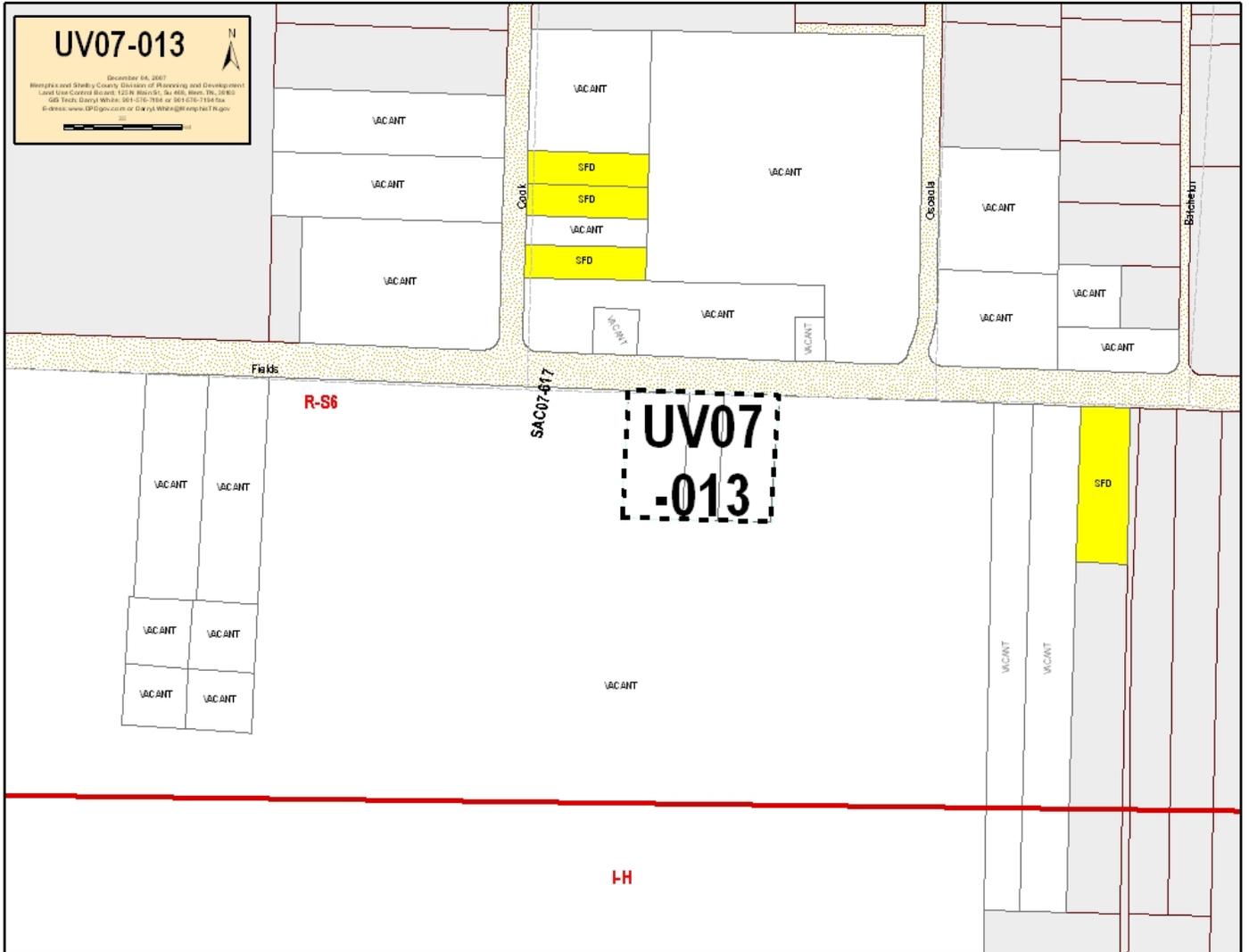
**Staff:** *Brian Bacchus*

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

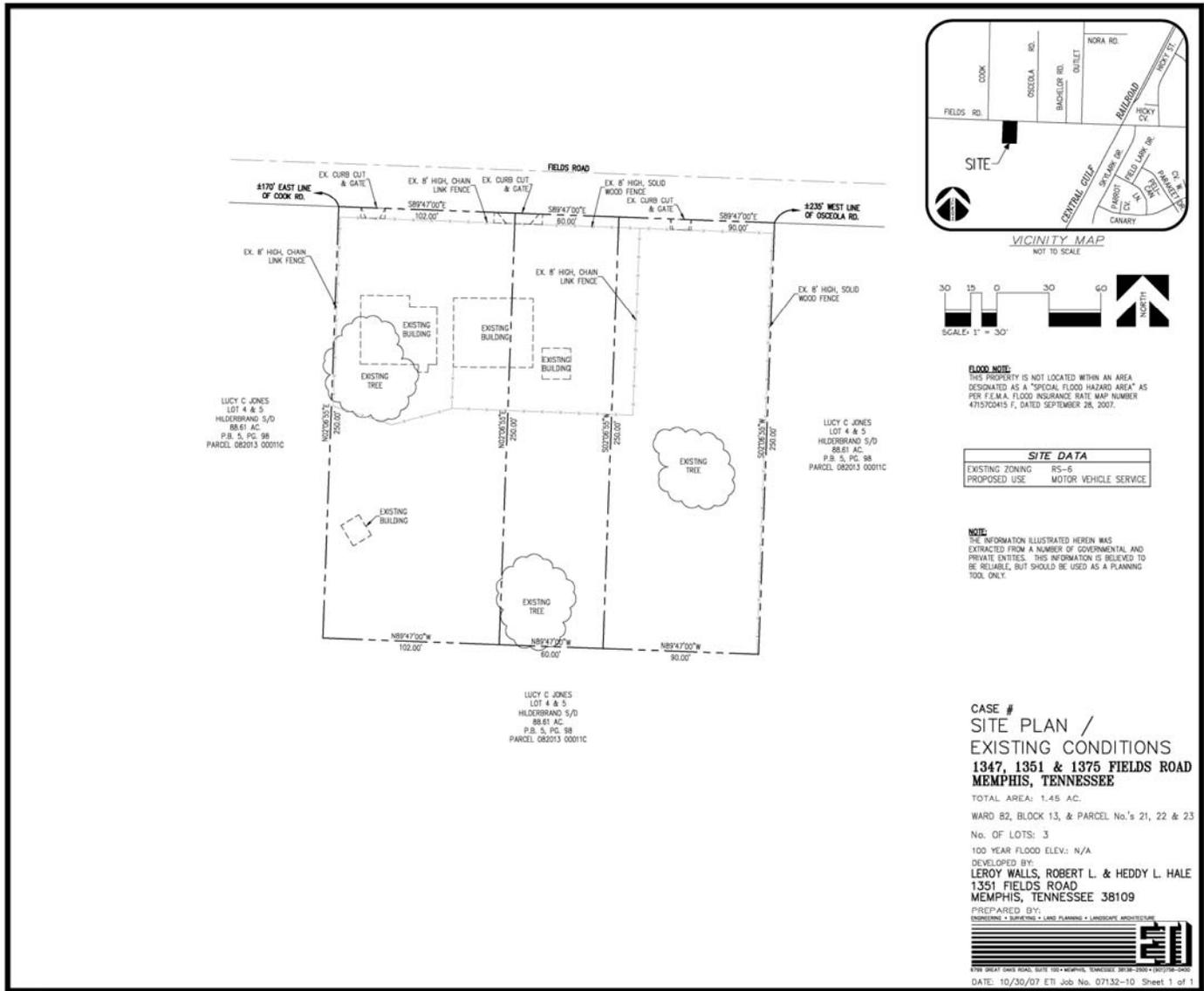
***CONCLUSIONS:***

- 1. The subject property is a 1.26 acre tract located at the south side Fields Road generally located immediately east of the Boxtown Community situated one(1) mile east of Boxtown Road and one(1) mile west of Weaver Road.**
- 2. The site is occupied by a one-story wood frame single family home and a one-story accessory garage metal building with two(2) overhead doors and bays currently used for motor vehicle service being part of Lot 5 of James B. Hilderbrand Subdivision.**
- 3. The Single Family Residential(R-S6) District zoning dates to adoption of the 1980 zoning map amendments and the most recent Whitehaven-Levi Planning District Study adopted by Memphis City Council in February, 2003.**
- 4. This request is for a use variance to allow the motor vehicle service in a one-story metal frame accessory garage building in Single Family Residential(R-S6) District zoning at the eastern edge of Boxtown Community and one(1) mile west of Mount Pisgah Baptist Church.**
- 5. This application as submitted cannot be supported, because the proposed land use is not compatible with future land use and zoning. Although the area is primarily vacant residential zoning, an intensive motor vehicle service land use will reverse any efforts to develop this area single family residential.**

ZONING & LAND USE:



**EXISTING CONDITIONS:**



DATE: 10/30/07 ET Job No. 07132-10 Sheet 1 of 1

**SITE PLAN:**



**Self Tucker Architects, Inc.**  
Architecture - Planning - Interior Design  
505 Tennessee St, Suite 101  
Memphis, Tennessee 38103  
Telephone: 901.281.1505  
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E-Mail: info@selftucker.com

SEA:  
  
CONSULTANT

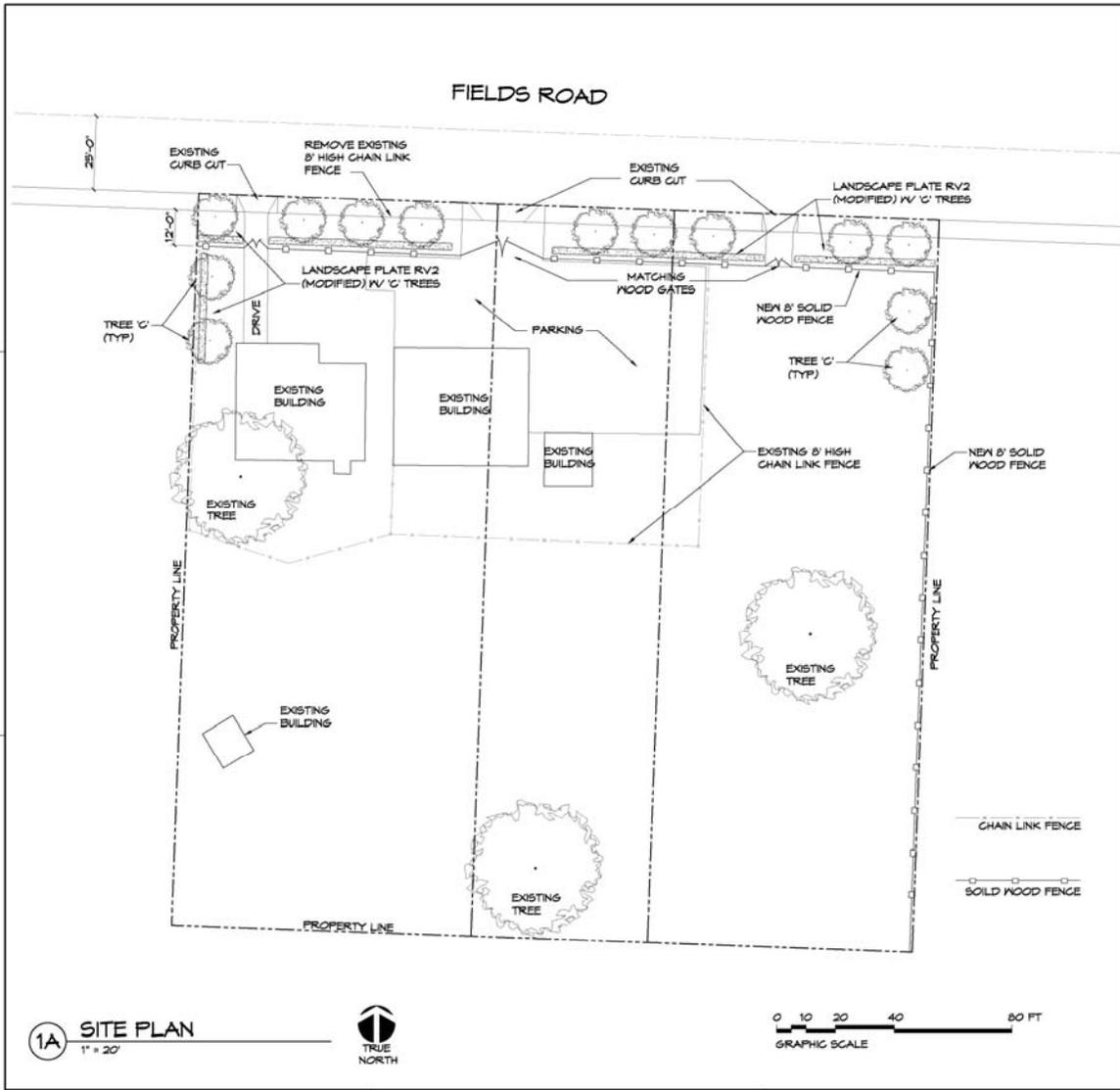
PROJECT/CLIENT  
**USE/ VARIANCE PERMIT FOR**  
**1351 FIELDS ROAD**  
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ISSUES AND REVISIONS  
1. 11.1.07 APPLICATION SUBMISSION

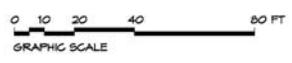
PROJECT NUMBER 0748  
FILE NAME SP01  
DRAWN BY MW  
CHECKED BY JIM  
APPROVED JT

**SITE PLAN**

SHEET NUMBER  
**A100**



**1A SITE PLAN**  
1" = 20'



1 2 3

**VICINITY & OWNERSHIP MAP:**

Vicinity Map



Date: 10/30/07  
Prepared By:  
Property Research Data  
PRD Job #07-143

**STAFF ANALYSIS:**

**Site and Property Description:**

The subject property is a 1.26 acre tract located at the south side of a major local street, Fields Road approximately 213 feet west of Osceola Road in southwest Memphis in the Whitehaven-Levi Planning District. The property is generally located immediately east of Boxtown Community situated one(1) mile east of Boxtown Road and one(1) mile west of Weaver Road. The site is occupied by a one-story wood frame single family home and a one-story accessory garage metal building with two(2) overhead doors and bays currently used for motor vehicle service being part of Lot 5 of James B. Hilderbrand Subdivision.

The subject property has 252 linear feet of curb and gutter, but no sidewalk and two(2) curb-cuts. The tract has a depth of 250 feet containing 63,000 square feet in Single Family Residential(R-S6) District zoning. The vehicle service area has a sight-proof wood fence at the street with razor wire and a sight-proof wood fence eight(8) feet in height at the east property line. The balance of this tract east and south of the accessory service building has been used for an auto salvage yard, but is currently ceasing operation.

**Area Overview:**

The single family residential land use dates to 1940 with homes on estate-sized lots in rural west Shelby County, but annexed into the City of Memphis in 1972. The Single Family Residential(R-S6) District zoning date to adoption of the 1980 zoning map amendments and the most recent Whitehaven-Levi Planning District Study adopted by Memphis City Council in February, 2003. The land use in the immediate area is more appropriately characterized as rural residential in proximity to institutional land use for churches, schools and a fire station.

There is no dominant land use in the immediate area surrounding the subject property other than large tracts of vacant land in R-S6 District zoning. The neighborhoods east of the site and across Canadian National Railroad consist of homes in R-S6 District zoning in a more suburban pattern and lots north and west of the subject property are more rural in character. This area called Boxtown consists of long time residents and property owners that date to the late 1800's in homes built in the mid 20<sup>th</sup> Century all in R-S6 District zoning.

**Use Variation vs. Future Land Use**

This request is for a use variance to allow the motor vehicle service in a one-story metal frame accessory garage building in Single Family Residential(R-S6) District zoning at the eastern edge of Boxtown Community and one(1) mile west of Mount Pisgah Baptist Church. The building has two(2) bays with an enclosed area for outdoor storage of vehicles. Since 1980, the subject property has been in residential zoning and the most recent Whitehaven-Levi Planning District Study sustained the current zoning for future residential land use development.

The land use has been operating as a motor vehicle wrecker service in the accessory garage building and is now requesting to continue operating as motor vehicle service. This land use was operating prior to and after the comprehensive zoning study and presently cannot make necessary improvements to allow the land use to continue. The proposed land use is not a permitted use in R-S6 District zoning. Therefore, the applicant is filing a use variance to demonstrate the current zoning is an unnecessary hardship placed upon the property by the zoning.

The size of the tract supports the land use for a use variance because any activity associated with the site would be primarily limited to the applicant and would not be a customer-oriented business establishment. The owners' proposal is to maintain the accessory garage building for a motor vehicle service establishment. This proposal seeks to make additional improvements with landscaping and fencing to shield the outdoor storage from adjacent residential zoning. This area can accommodate such a land use if operated and maintained in a manner conducive to the needs and services of the area.

The site plan does not adequately illustrate parking spaces partially located in the required front yard. A minimum of one(1) handicap space should be provided on site and parking and outdoor storage areas should be limited. The site plan does not illustrate the land use for the balance of the property. There is evidence the surplus property was used for an auto salvage yard and some vehicles remain and should be removed from the site. The balance of the property should not be used for the storage of motor vehicles.

The required parking and outdoor storage of motor vehicles should be placed to the rear of the building, with the exception of one(1) handicap space. The modifications to the site plan, including the removal of the new sight-proof wood fence eight(8) feet in height from the front of the home and maintain the existing chain-link fence. The single family home should not be enclosed within the boundaries of the land use.

This application as submitted cannot be supported, because the proposed land use is not compatible with future land use and zoning. There is also evidence that the land use expanded to the north side of the street for additional outdoor storage of motor vehicles. Although the area is primarily vacant residential zoning, an intensive motor vehicle service land use will reverse any efforts to develop this area single family residential.

***RECOMMENDATION:           Rejection***

***SITE PLAN CONDITIONS:***

A Use Variance is hereby authorized to *'Leroy Walls & Robert L. Hale'* to allow *'motor vehicle service'* on the property located at *'1351 Fields Road'* at the *'south side of Fields Road; +/-218.64 feet west of Osceola Drive'* in accordance with the *'approved site plan'* and the following supplemental conditions:

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2. No parking or outdoor storage shall be permitted in the required front yard, except one(1) handicap space. All required parking and service drives shall be asphalt pavement. The vehicle storage area may be limestone gravel.
3. Any major vehicle service, excluding battery and tire service shall be prohibited and not performed at any time.
4. The centermost curb cut shall be re-constructed to meet City Standards and shall be 10' deep x 44' wide. The design, number and location of curb-cuts shall be subject to the approval of the City Engineer.
5. A landscape Plate 'RV-2' shall be installed and maintained along Fields Road. A landscape Plate 'B-2' ten(10') feet in width shall be installed along the east and west property lines.
6. Mature trees and shrubs shall be preserved and maintained. All landscaping, screening and fencing shall be installed prior to final Use and Occupancy.
7. External loud speakers and call systems shall be prohibited. No exterior lighting shall be permitted to glare onto adjacent properties or into public right-of-ways.
8. The site shall be allowed one(1) attached sign a maximum of thirty-five(35) square feet in area. Temporary, portable, flashing and free-hand painted signs shall not be permitted. Streamers and banners shall also be prohibited.
9. A motor vehicle service facility shall be allowed for the above mentioned users if maintained in accordance with site plan conditions, including no zoning or code violations.

***U.V. 07-13***  
***'Walls-Hale Use Variance'***

**GENERAL INFORMATION:**

**Street Frontage:** Fields Road-----+/-252 linear feet.

**Planning District:** Whitehaven-Levi

**Census Tract:** 223.10

**Zoning Atlas Page:** 2320

**Zoning History:** The Single Family Residential(R-S6) District zoning of the site date to the adoption of the 1980 zoning map amendments. In February, 2003; the Memphis City Council approved the Whitehaven-Levi Comprehensive Zoning that sustained this tract R-S6 District zoning.

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**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 centermost curb cut shall be re-constructed to meet City Standards and shall be 10' deep x 44' wide.
4. The City Engineer shall approve the design, number and location of curb cuts.
5. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
6. If the gates are intended to monitor traffic, they will be required to meet the standards of the Zoning Ordinance, and 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. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
7. If the gates are intended only for security after hours, then they are acceptable as shown.

Drainage:

8. 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.
9. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
10. 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.

Site Plan Notes:

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

General Notes:

12. The width of all existing off-street sewer easements shall be widened to meet current City standards.
13. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
14. All connections to the sewer shall be at manholes only.
15. 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.
16. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Services:**

No comments.

**Memphis & Shelby County Health Department:**

The Water Quality Branch has no comments.

**Memphis Board of Education:**

No comments received.

**Construction Code Enforcement:**

No comments received.

**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.

