

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #19 (on 10/11/07 agenda)

CASE NUMBER: U.V. 07-05

L.U.C.B. MEETING: August 9, 2007 (redacted 2/26/08)

LOCATION:

North side of Raines Road; between Barton Drive and Charles Drive

OWNER:

Brenda A. Daniel

APPLICANT:

Robert Landshof

REQUEST:

Variation to permit use of an existing building as a warehouse for storage of furniture

AREA:

36,300 sq. ft. (0.833 acres)

EXISTING LAND USE & ZONING:

In the Single-Family Residential (RS-10) District, an existing two-story brick building that was apparently used by South Central Bell as a telephone switching center in connection with the operation of the telephone network.

SURROUNDING USES AND ZONING:

- North:** In the RS-10 District, single-family residences of the Graceland Subdivision, fronting on Charles Drive and a vacant building, formerly the Whitehaven Branch of the Memphis and Shelby County Public Library, in the Multiple Dwelling Residential (R-MM) District, fronting on Barton Drive.
- East:** Across Charles Drive, single-family residences of the Graceland Subdivision, in the RS-10 District.
- South:** Across Raines Road, in the R-MM District is a 16-unit apartment complex; and in the Local Commercial (C-L) District are a dentist's office, a seemingly empty 16-unit apartment complex, and a laundromat.
- West:** Across Barton Road, in the Highway Commercial (C-H) District, is the Whitehaven Plaza Shopping Center.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

*Originally: HOLD; Amended to APPROVAL, WITH CONDITIONS as recommended by staff at 10/11/meeting.
See Conditions attached to forwarding letter.*

CONCLUSIONS

- 1. This proposed use is similar to a previous dead storage use that had been approved by Board of Adjustment use variation in 1989.**
- 2. The relatively low volume of proposed activity at this existing building should not adversely affect nearby residences or businesses.**
- 3. The site plan should be updated to maintain current landscaping and engineering standards.**

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Staff Planner: Dave Adams

E-mail Address: david.adams@memphistn.gov

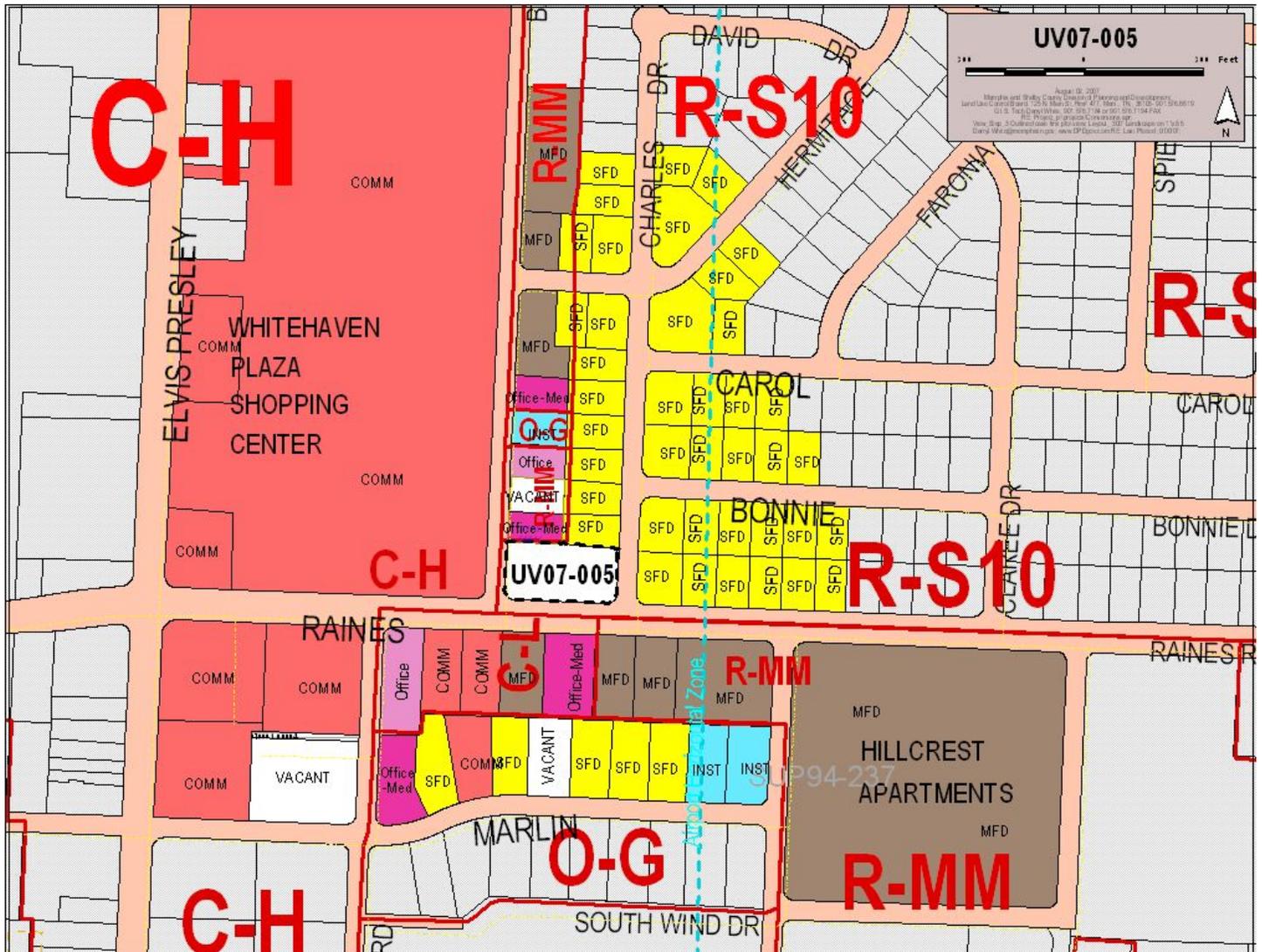


Figure 1: Land Use and Zoning in the Vicinity

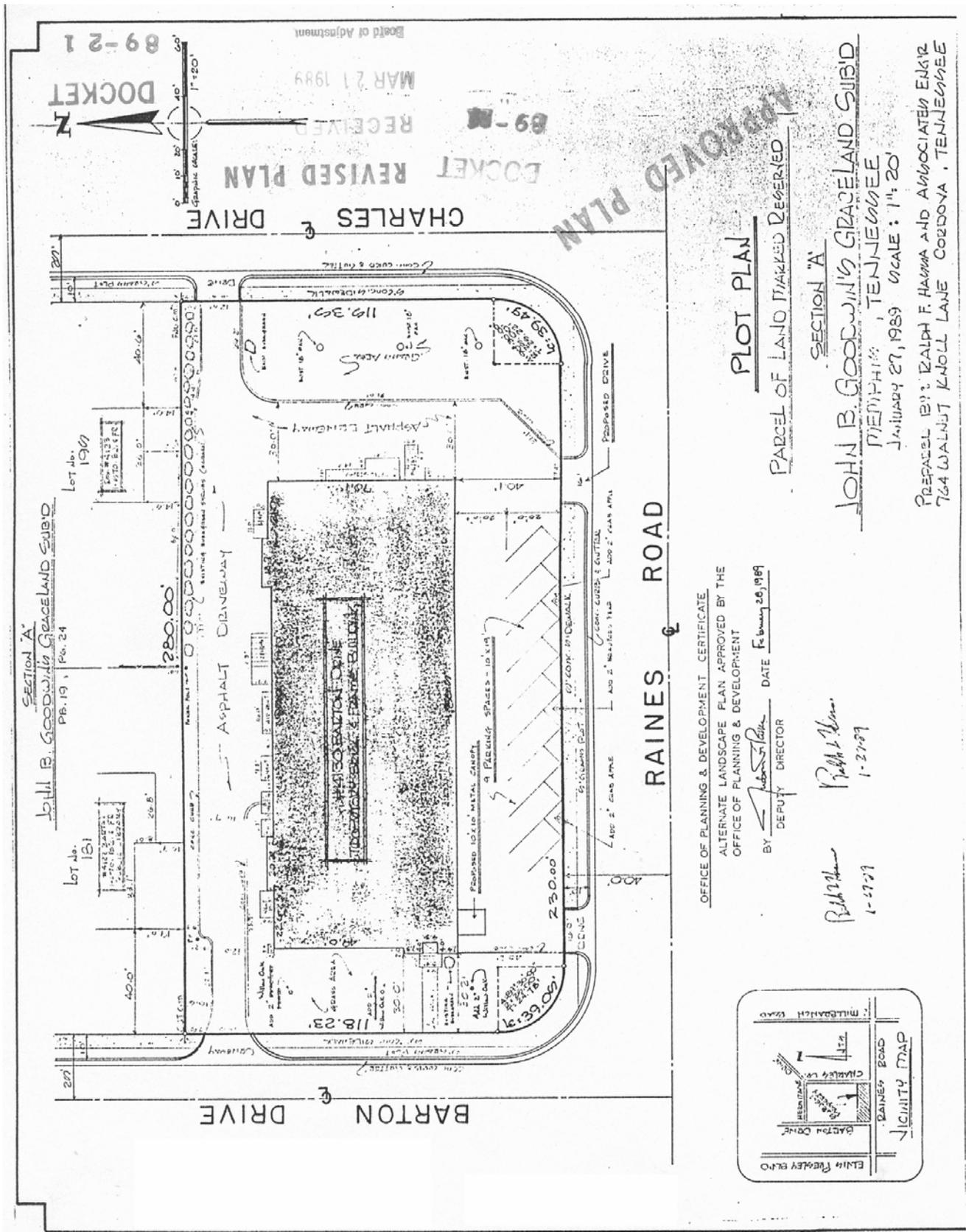


Figure 2: Approved Landscape / Site Plan for B.O.A. Docket # 89-21 City



Figure 3: Overhead view of subject property



Figure 5: Southwest corner of property at 4310 Barton



Figure 6: Southern elevation along Raines Road has no windows



Figure 3: A view northward along the east wall which faces Charles Drive



Figure 4: Vehicular traffic through this drive along north side of the building is blocked by barriers --- at the Charles Dr. curb cut; and NW corner of the building.



Figure 5: Adjoining house on east side (4123 Charles Drive)



Figure 6: House at the corner of Charles and Raines (1288 East Raines), eastward and across the street from the subject property.

STAFF ANALYSIS

Site Characteristics

The subject property is located in the heart of the Whitehaven community. It is just across a street from the Whitehaven Plaza shopping center, the focus of what is today a major community activity area. In addition to neighborhood shopping opportunities, Methodist Hospital-South is located two blocks south of the subject property. Although the surrounding neighborhood is relatively stable, the role of this commercial area has diminished somewhat in the past 30 years, as marked by the loss of a major department store branch and the relocation of the Whitehaven Branch of the Public Library system, which was located immediately north of the subject property.

The property which is the subject of this application consists of a 36,300 sq. ft. parcel identified as a reserved tract in John B Goodwin's Graceland Subdivision (*P.B. 19, Pg 24.*), recorded in 1954.

It is the site of a relatively large brick building, identified by the Assessor of Property as a 26,000 sq. ft. warehouse building constructed in 1955. Apparently this building was constructed by South Central Bell and used as a telephone switching center. Such centers housed the complex equipment required to make connections between telephone circuits as required by technology available at that time.

Eventually, with changing technology, etc., the building was no longer needed for its original purpose and it was sold by the telephone system operator. In 1989, the Board of Adjustment granted a Use Variation (Docket 89-21 City) to Darrell Hopper for use of the property as a storage facility for documents and office supplies. At that time the Board of Adjustment also approved a modification to make improvements to a loading area, which has been added previously, and to construct one additional curb cut.

Requested Use Variation

The building is now under new ownership, and the current owner wishes to use the building for "dead storage" warehouse space in connection with a furniture store operation in Collierville. This would require a new use variation specific to the new owner and the nature of the business to be conducted there. Since 1989, the process for issuing a use variation has changed. Instead of being a quasi-judicial process handled by the Board of Adjustment, it is now a legislative process requiring a hearing by the Land Use Control Board and approval by the Memphis City Council. The procedure for use variations is quite similar to the procedure for special use permits, which are subject to certain generally applicable standards.¹

¹ The General Standards of Applicability are as follows:

- A. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
- B. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;

Community and Neighborhood Context

The subject property is located in a transitional area. Across the Barton Street to the west, is the rear of a relatively large shopping center. To the southwest, across Raines Road are commercial and office uses. Directly to the south are an apartment complex and an office, and apartments extend eastward along the south side of Raines. To the north along Barton Street, are the empty Whitehaven Library building, a day care center, office and apartments --- all facing a large parking lot at the rear of the Whitehaven Plaza shopping center. To the north along Charles Drive and to the east along the north side of Raines are the edges of an attractive residential neighborhood as originally designed in the Graceland Subdivision.

On the subject property, the bulky brick building, with blank, nearly windowless walls on three sides, is unlike anything in the immediate vicinity. A landscaped front yard with three large oak trees provides good screening along Charles Drive. However the transition is abrupt along the north side of Raines Road, where the subject property has a front yard paved for parking and vehicular access to the loading dock area. The Barton Avenue frontage benefits from windows in the building façade and a green landscaped area. However, the two Bradford pear trees, one with major damage, contribute less to the blending of this facility into the neighborhood.

Planning Issues

This building was built in 1955 as something of an exception, to the 2nd zoning ordinance. (The 3rd ordinance, in effect since 1981, permits telephone switching centers by special use permit). If it were vacant, an ideal use for this transition site might be some type of offices. However, conversion of this building for use as offices is probably an unlikely scenario. Under the circumstances, the use of the property for “dead storage” --- no retail sales --- could be a reasonable alternative to having the building sit vacant, if the neighborhood is adequately protected by appropriate conditions.

Conclusions

OPD staff is willing to support the proposed use of this property. However the “site plan” submitted with this application has not had the benefit of input regarding existing deficiencies in the landscaping or in the curb cut issue. Moreover the history for the approvals for this site should receive some additional investigation to determine the history of this property with respect to the Board of Adjustment proceedings. Staff believes that a review of these issues is needed before it would be in a position to support the application in its entirety.

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- C. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
 - D. That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the legislative body to be of significant natural, scenic or historic importance;
 - E. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

RECOMMENDATION: Hold

**PROPOSED SITE PLAN CONDITIONS
FURNITURE STORAGE AT 4130 BARTON
U.V. 07-05**

A Use Variation is hereby authorized to Robert Landshof and /or Brenda Daniel for operation of a dead storage warehouse at 4310 Barton Street (*Instrument #HC3293*) subject to the adopted site plan and the following site plan conditions.

1. The approved use shall be limited to the storage of furniture. The interior of the building shall be accessible only to the above-referenced business owner and his employees.
2. No vehicular access shall be permitted from Charles Drive. No drive-through access from Barton Drive shall be permitted along the rear property line.
3. Any signage shall be in conformance with the regulations for the R-S zoning districts and shall be approved by means of a drawing attached to the approved site plan.
4. It shall be the responsibility of the owner to removal all graffiti and maintain the walls of the building in a graffiti-free condition.
5. The existing non-conforming curb cuts on Raines Road shall be modified to meet current City standards and located a minimum of 20 feet from the end of the radius. (See City Engineer comment #2)
6. The design, number and location of curb cuts shall be subject to the review and approval of the City Engineer. (See City Engineer comment #3)
7. The approved site plan shall indicate streetscape plantings to include Landscape plate A-2 or A-3 along the Raines Road frontage.
8. The approved site plan shall include appropriate screening along the northern property line using the B-1 through B-5 Landscape plates.
9. The approved site plan shall indicate Landscape Plate A-1 streetscape planting along the Barton Drive frontage. The damaged Bradford Pear tree shall be removed,
10. The approved site plan shall indicate the existing front-yard landscaping along Charles Drive.
11. Equivalent alternatives may be substituted for landscape materials specified in the standard plate, subject to the review an approval of the Office of Planning and Development.

12. It shall be the responsibility of the property owner to install and maintain all landscaping as specified in the approved site plan.
13. All parking limitations previously established shall remain in effect.
14. Any amendment or alteration of the site plan shall require the approval of the Land Use Control Board as a correspondence item, subject to notification of all property owners within 500 feet and subject to the right of appeal to the legislative bodies.

GENERAL INFORMATION

Coordinates:	35° 01' 48"N, 90° 00' 51"W
Parcel Number:	078100 00010
Street Address:	4130 Barton Drive, 38116-5821
Street Frontage: ROW	Raines Road: 269 ft. on this 5-lane major arterial road with 80' Barton Drive: 138 feet on this major collector with 50' ROW Charles Drive: 139 feet on this local street with 50' ROW
Planning District:	Whitehaven-Levi
Census Tract:	220.21
Zoning Atlas Page:	2430
Annexation History:	Annexed December 31, 1969
Zoning History:	<p>1954 - B.O.A. approved use variation to permit construction of a "telephone dial exchange" in the Residential District (<i>B.O.A. Docket 54-62 County</i>). No map of pre-1961 County zoning is available</p> <p>1956 - Amendment of BOA-approved site plan to permit construction of a 70' x 56' addition / extension on the east side of the original building.. (<i>B.O.A. Docket 56-55 County</i>).</p> <p>1961 - Zoned Single Family Dwelling "R-1-A" District under the 2nd (Yellow Book) County Zoning Regulations.</p> <p>1966 - Amendment of BOA-approved site plan to permit parking in the front yard along Raines Road and the construction of a 10' x 10' addition --- currently used for a loading dock. (<i>B.O.A. Docket 66-69 County</i>)</p> <p>1981 - Zoned converted to Single-Family Residential (RS-10) with the adoption of the current Zoning Regulations</p> <p>1989 - Board of Adjustment issued use variation "to allow the location of an</p>

office supply and document storage facility in an existing building with a proposed 10' x 10' canopy addition, in an R-S10 District.” (B.O.A. 89-21)

DEPARTMENTAL COMMENTS

City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.
2. The existing nonconforming curb cuts on Raines Road shall be modified to meet current City Standards, and located a minimum of 20 feet from the end of radius.
3. The City Engineer shall approve the design, number and location of curb cuts.
4. The width of all existing off-street sewer easements shall be widened to meet current city standards.
5. Required landscaping shall not be placed on sewer or drainage easements.

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on July 18, 2007. Raines Road is an existing major road on the Long Range Transportation Plan consisting of 80 feet of right-of-way, 60 feet of pavement, and no proposed improvements

City/County Health Department:

No objections.

City Fire Division:

Prior SUP 97-268.

City Board of Education:

[No impact – *ed.*]

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

No comments received.

Bell South:

No comments received.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Plans Development:

No comments received.

Neighborhood Associations:

None identified.



MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

ROOM 1B-13 CITY HALL • 125 NORTH MID AMERICA MALL
MEMPHIS, TENNESSEE 38103

NOTICE OF DISPOSITION

TO: Darrell Hopper
P. O. Box 30307
Memphis, TN 38130

DATE: February 28, 1989

RE: DOCKET 89-21 City

LOCATION: 4130 Barton Drive, (at the north-
east corner of Barton Drive and
Raines Road)

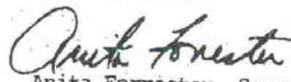
On February 22, 1989, the MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT approved your application requesting a variation from the Zoning Regulations to allow the location and operation of an office supply and document storage facility in an existing building with a proposed 10' x 10' canopy addition; subject to the following conditions:

1. This application is approved as amended at the hearing as follows:
 - (a) This approval is to allow a storage facility for documents and office supplies.
 - (b) There is to be no retail sales of office supplies.
 - (c) The Office of Planning and Development is to approve the landscape plan. The applicant is to submit a revised site plan, with the approved landscape plan, to the Board of Adjustment.
2. The revised plan to be submitted is the approved plan and is to be so marked and made a part of the records of this case. Such approval is based in part upon the Board's evaluation and conclusion that the plan, as approved, eliminates or minimizes the potentially harmful characteristics or impact upon surrounding properties. Any change or deviation from this plan, including installation or placement of temporary and portable signs, is to be resubmitted to the Board for its review and reaffirmation of the approval hereby granted.

ALL APPEALS AND APPLICATIONS GRANTED ARE EXPRESSLY CONDITIONED UPON THE APPLICANT OBTAINING THE PERMIT REQUESTED OR OTHER ORDER WITHIN ONE (1) YEAR FROM THE DATE OF THE DECISION OF THE BOARD OF ADJUSTMENT.

The resolution of the Board is subject to your inspection at the office of the Board of Adjustment.

Respectfully,


Anita Forrester, Secretary
Board of Adjustment

xc: Homer B. Branan, III, Attorney

EXHIBIT A: B.O.A. Docket 89-21 (City) Notice of Disposition

August 7, 2007

Memphis and Shelby County
Office of Planning and Development
125 North Main Street, Suite 476
Memphis, Tennessee 38103-3074

RE: Case Number: U.V.07-005

To whom it may concern:

Concerning the Property for the use of the Building as requested, I have no objection.

Thereby knowing who will responsible for the upkeep of the Property. Hoping it will be properly kept in decent condition.

Sincerely,

Mattie Moody
4113 Charles Dr
Memphis, Tennessee 38116

[Ed. Note: Ms. Moody is owner-occupant of 2nd house north of the east side of the site]

EXHIBIT B: Letter in Support