

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #26**

CASE NUMBER: Z 07-121

L.U.C.B. MEETING: January 10, 2008
(Redacted 2/12/2008)

LOCATION:

West side of South Willett Street

OWNER/ APPLICANT:

Mad Will Properties, LLC

REPRESENTATIVE:

Evans Taylor Foster Childress, Architects and
SR Consultants (Cindy Reaves)

REQUEST:

Parking (P) District

AREA:

0.154 acres (6,700 sq. ft.)

EXISTING LAND USE & ZONING:

Vacant lot in the Multiple Dwelling Residential (R-
MH) District

SURROUNDING USES AND ZONING:

- North:** Commercial building (owned by applicant) in the Highway Commercial (C-H) District
- East:** Across Willett Street, a parking lot and a law office in the Parking (P) and Highway Commercial (C-H) Districts
- South:** Two vacant lots, partially paved with old asphalt surface, in the P District
- West:** Single family residences in the R-MH District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval**

CONCLUSIONS

- 1. The proposed zoning map amendment would result in more consistent land use policy, since the current R-MH zoning is essentially isolated by C-H zoning to the north and P zoning to the south and on the opposite side of the street.**
- 2. This isolated residential lot is too small to be attractive for apartment development as expected in the R-MH District.**
- 3. This subject property abuts the adjoining single-family residential lot along the rear half of a side yard, and would create less of a compatibility problem than the existing P District zoning on the lots abutting the front half of that residential property.**

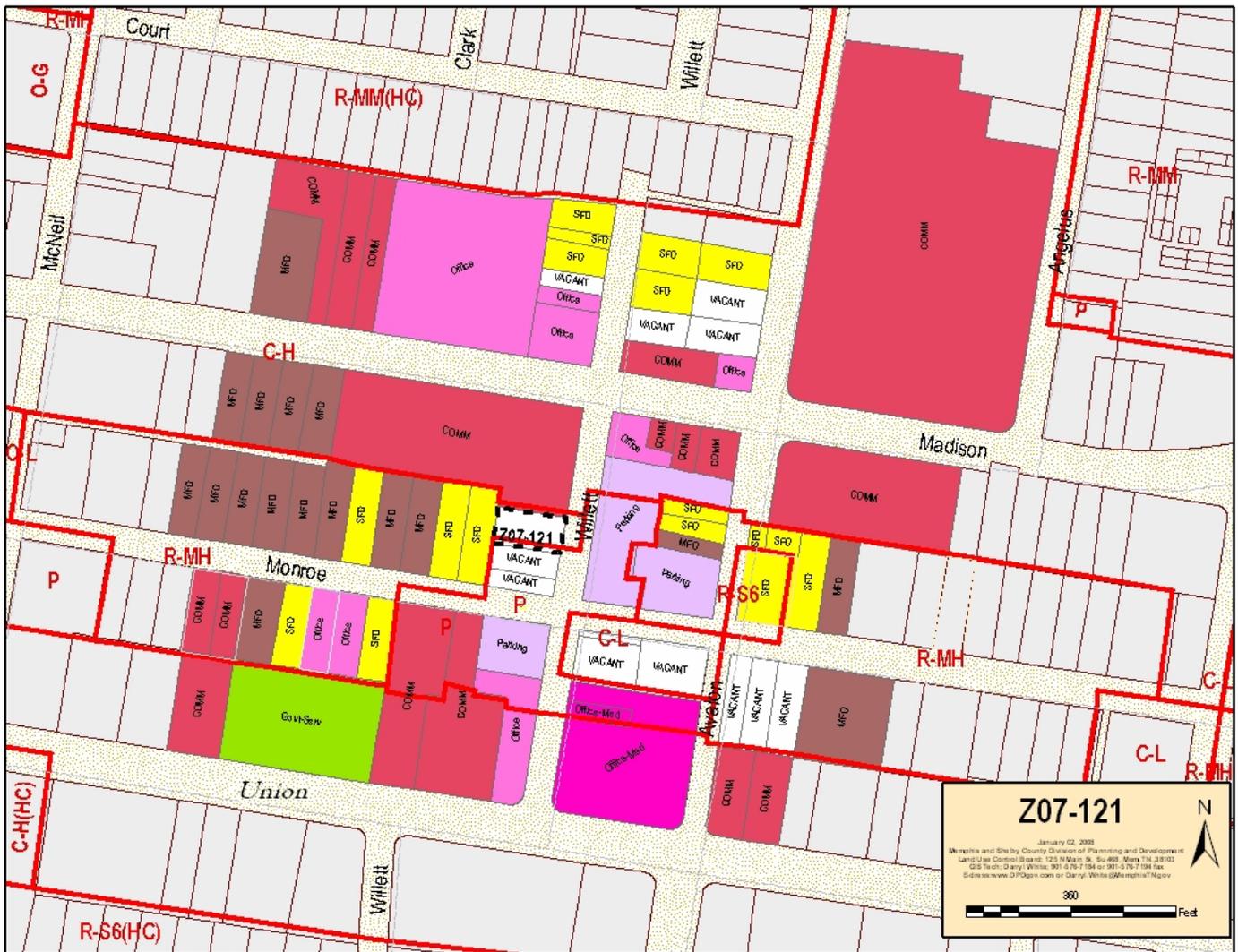


Figure 1: Land Use and Zoning in the Vicinity



Figure 2: Overhead View of Vicinity

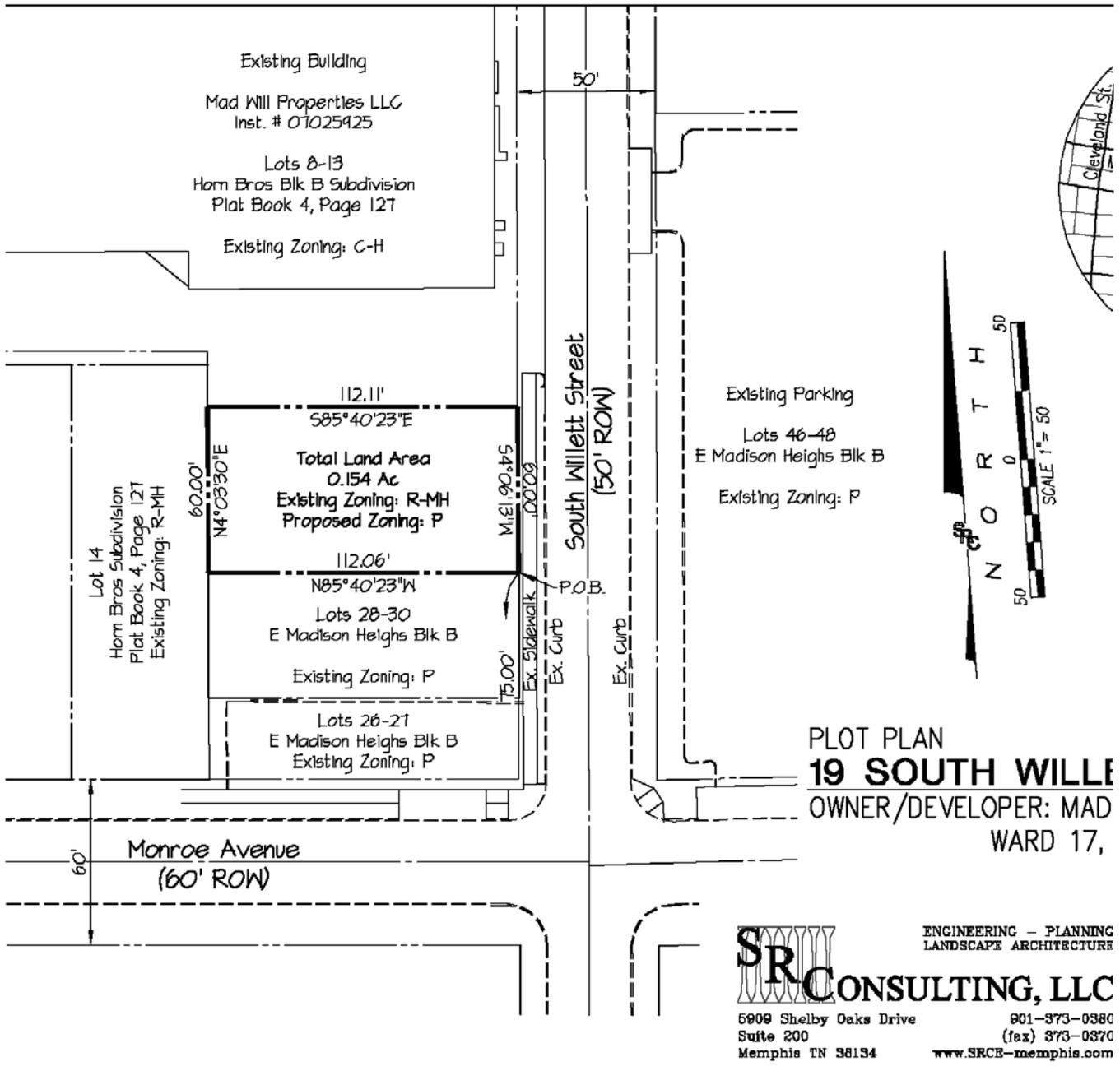


Figure 3: Plot Plan of Area Proposed for Rezoning

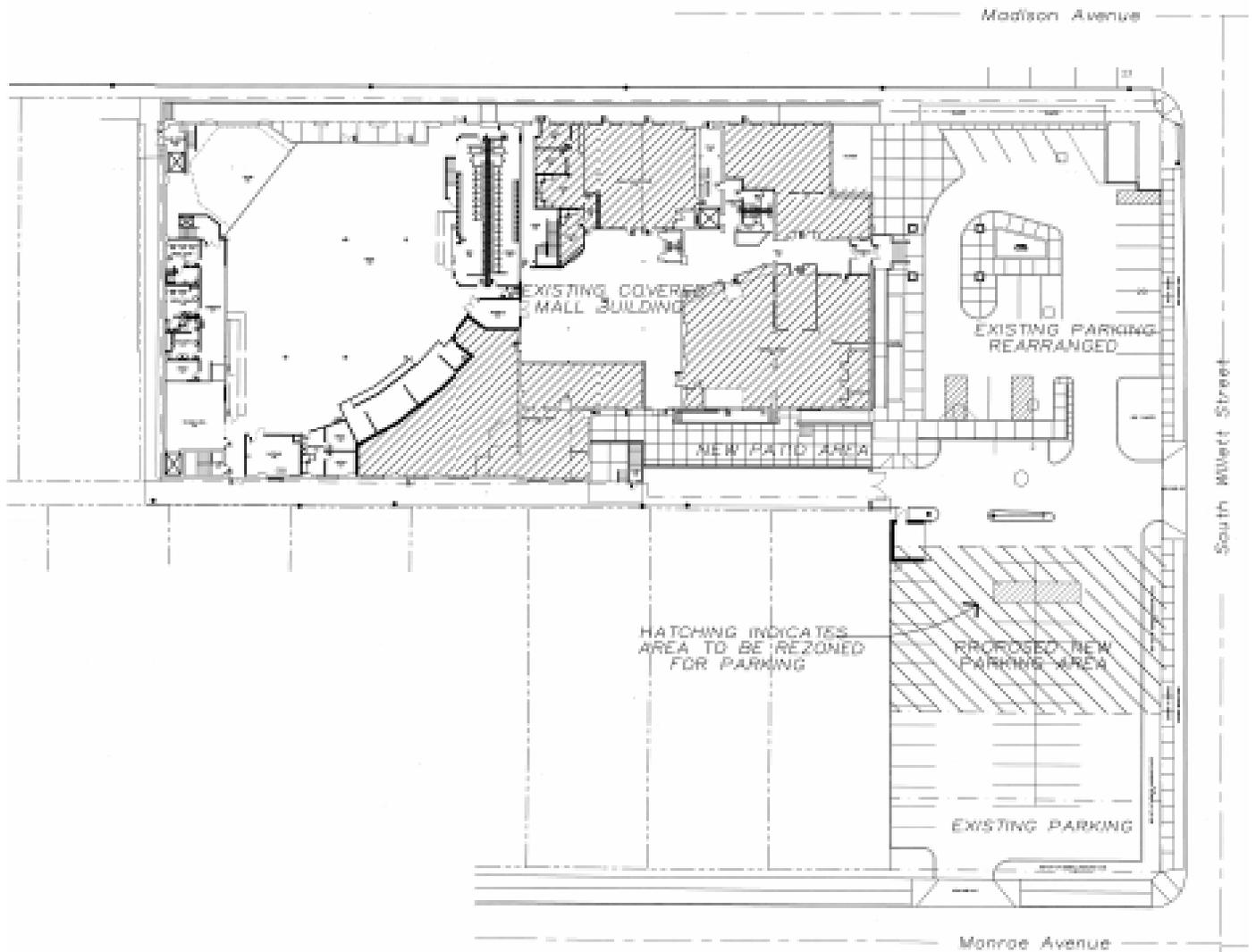


Figure 4: Mad Will Properties, LLC conceptual plan for redevelopment --- detail for western part



Figure 5: Subject property – as seen from Willett Street frontage.



Figure 6: Adjoining property at southwest corner of Willett and Madison
--- in the C-H District, owned by the applicant



**Figure 7: Parking lot, owned by the applicant,
on the opposite side of Willett Street in the C-H and P Districts**



Figure 8: Law Office at southeast corner of Willett and Madison in the C-H District



**Figure 9: House at 1544 Monroe (in R-MM)
and old parking lot on NW corner of Monroe and Willett (P District)**



**Figure 10: Single-family residence at 1554 Monroe adjoins
one additional single-family residence as a buffer from apartments to the west.**

STAFF ANALYSIS

Site Characteristics

The subject property is located in Midtown in a high density corridor south of Madison Avenue, adjoining the former streetcar line. The predominant zoning districts in this corridor, extending from Bellevue to McLean have been multiple family residential (R-MH and R-MM) and various commercial districts. The subject property is located on a local street connecting the parallel commercial corridors of Madison Avenue and Union Avenue.

The site includes one parcel of land that is comprised of Lots 31-34 of Block B in the East Madison Heights Subdivision. This parcel has 60 feet of frontage and 112 feet of depth. It was formerly occupied by a garden apartment building as defined by the Shelby County Assessor. This building was demolished less than six months ago. The vacant tract is slightly below the grade of the adjoining property to the north and the west.

Requested Zoning Change

The applicant is requesting a zoning map amendment that would designate this property for use as a parking lot by amending the current Multiple Dwelling Residential (R-MH) District to the Parking (P) District. The applicant Mad Will Properties, LLC, now owns the entire frontage of Willett between Madison and Monroe on both sides of the street --- except for the law office on the southeast corner of Madison and Willett.

A key part of this holding is the commercial parcel immediately north of the subject property in the Highway Commercial (C-H) District which is occupied by a large brick building that was remodeled some years ago for use as a small shopping / office mall. (The anchor store has been Strings and Things.)

With the applicant's rezoning application was included a redevelopment concept plan which shows structural changes including the already accomplished removal of an attached covered garage structure. This plan proposes to extend the onsite parking onto the subject property which adjoins the principal parcel. Parking for a commercial use is not permitted by the R-MH District currently regulating the subject property. The proposed Parking (P) District is the lowest intensity use district that would permit the desired parking.

Community and Neighborhood Context

As noted, the immediately surrounding property fronting on Willett Street is owned by the applicant. The Parking (P) District is already in effect on the two vacant lots --- formerly used for parking --- immediately to the south and on the existing paved parking lot on opposite (east) side of Willett. To the north are commercial and office uses fronting on Madison Avenue in the C-H, including the shopping mall structure described above. Immediately south of Monroe are vacant parcels, and a parking lot in the Local Commercial (C-L) and Parking (P) Districts. However there is adjoining residential use along Monroe Avenue, immediately west of the subject

property, which abuts the rear half of a single-family residential lot. This is one of two single residences facing the north side of Monroe between the subject property and the point where the use on the north side becomes predominantly multi-family, all in the R-MH District. On the south side of Monroe, west of Willett the frontage features parking and driveways (in the P District) serving business that face Union Avenue changing to a mixture of single family, office and multi-family uses in the R-MH District. *(However the office use may be a Code Enforcement issue following the recent rejection of a special use permit application there – S.U.P. 07-210)*

Planning Issues

The creation of a zoning map is an expression of public policy that should reflect a fair and consistent approach to the regulation of land use with the objectives of maintaining compatibility among uses while permitting certain development and redevelopment initiatives that would be consistent with comprehensive planning and generally applicable land use policies.

The current R-MH zoning district in effect on the subject property is an isolated feature that is surrounded on the north, and south and east side by districts that are more commercial in character. The former presence of an apartment house on this property is one reason that the transition away from the original multi-zoning along Willett did not include the subject property.

Of course the subject property does abut a substantial corridor of R-MH zoning, but this connection is along the rear property line, toward the rear of the adjoining property residential property. Its connection to the R-MH District is therefore less significant than its connection to adjoining P and C-H Districts.

Apart from the land use pattern, compatibility is a potential concern. It should be noted that this parcel, if rezoned to the P District, would create less of a compatibility problem than the two parcels to the south already in the P District and abutting the front half of the residential lot. More generally, if the subject property were rezoned, the zoning ordinance would require the same landscaping screening along the rear edge of any parking as if the property itself were developed for commercial use. This would also be true for any use and occupancy permit issued for the two parcels to the south. Parking is considered a reasonable transitional district between commercial and residential zoning.

Final Analysis

The above issues appear to favor the rezoning. It should also be noted that rezoning will encourage business redevelopment and continuance of an adaptive reuse of a relatively historic structure that contributes to the unique urban character of the Madison Avenue streetscape.

RECOMMENDATION: Approval

GENERAL INFORMATION:

Coordinates: 35° 08' 15"N, 90° 00' 33"W

Parcel Number: 017030 00010

Street Address: 19 S Willett Street, 38104

Street Frontage: Willett Street - 60 ft. on a local street with improved 50' R-O-W

Planning District: Midtown (Traditional Neighborhood: Madison Heights)

Census Tract: 34

Election Precinct: 01700-1

City Council Districts: 59

Annexation Status: Annexed by Memphis 1899.

Zoning Atlas Page: **2030**

Zoning History: *1931- In 1st^d Ordinance: 'B' Residential District (multiple dwelling)*
1955- In 2nd Ordinance: Multiple Dwelling "R-5" District with Parking "P" Overlay.
1981 – Converted to Multiple Dwelling Residential (R-MH) District under the current ordinance

DEPARTMENTAL COMMENTS:

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

City Engineer: 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:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. Since this could require the demolition of a structure or structures at

this site before any demolition the developer will need to fill out the attached questionnaire.

3. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

City 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.
- 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.

Bell South (AT&T): AT&T TN has no comment regarding this

development.

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

OPD-Regional Services: This application was reviewed by the MPO staff/Department of Regional Services on January 3, 2007. The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization.

OPD-Plans Development: No comments.

Neighborhood Associations: No comments received.

31st Ward Civic Club	No comments received.
Central Gardens Area Association	No comments received.
Evergreen Historic District Association	No comments received.
Idlewild - East End Historical Assoc.	No comments received.
Idlewild Neighborhood Association	No comments received.
Monroe Avenue Residents Coalition	No comments received.
Midtown Central Neighborhood Assoc.	No comments received.