

STAFF REPORT

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CASE NUMBER: P.D. 07-346 **L.U.C.B. MEETING:** January 10, 2008

DEVELOPMENT NAME: CHELSEA AVENUE LANDSCAPING PLANNED DEVELOPMENT

LOCATION: Southeast side of Chelsea Avenue; +/-240.70 feet east of Ozan Street

OWNER OF RECORD: James L. Freeman

APPLICANTS: B.P.L. Landscaping, Inc.

REPRESENTATIVE: Shroyer Engineering Company

REQUEST: Planned development to continue and expand a Landscaping Nursery

AREA: 1.70 Acres

EXISTING LAND USE & ZONING: Greenhouses and accessory structures in Single Family Residential(R-S6) District.

SURROUNDING LAND USES AND ZONING:

North: CSX Railroad in Single Family Residential(R-S15) District, single family homes in Jackson Ridge Subdivision in Single Family Residential(R-S6) District and Hartland Heights Baptist Church in T.E. Davis Subdivision in Local Commercial(C-L) District.

East: Landscape nursery and single family homes in Dwight Manor Subdivision in Single Family Residential(R-S6) District.

South: Single family homes in Bruce & Thrift-Haven Subdivisions in Single Family Residential(R-S6) District.

West: Single family homes in Bruce and G.M. Kee Subdivisions in Single Family Residential(R-S6) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

Staff: Brian Bacchus

E-mail: brian.bacchus@memphistn.gov

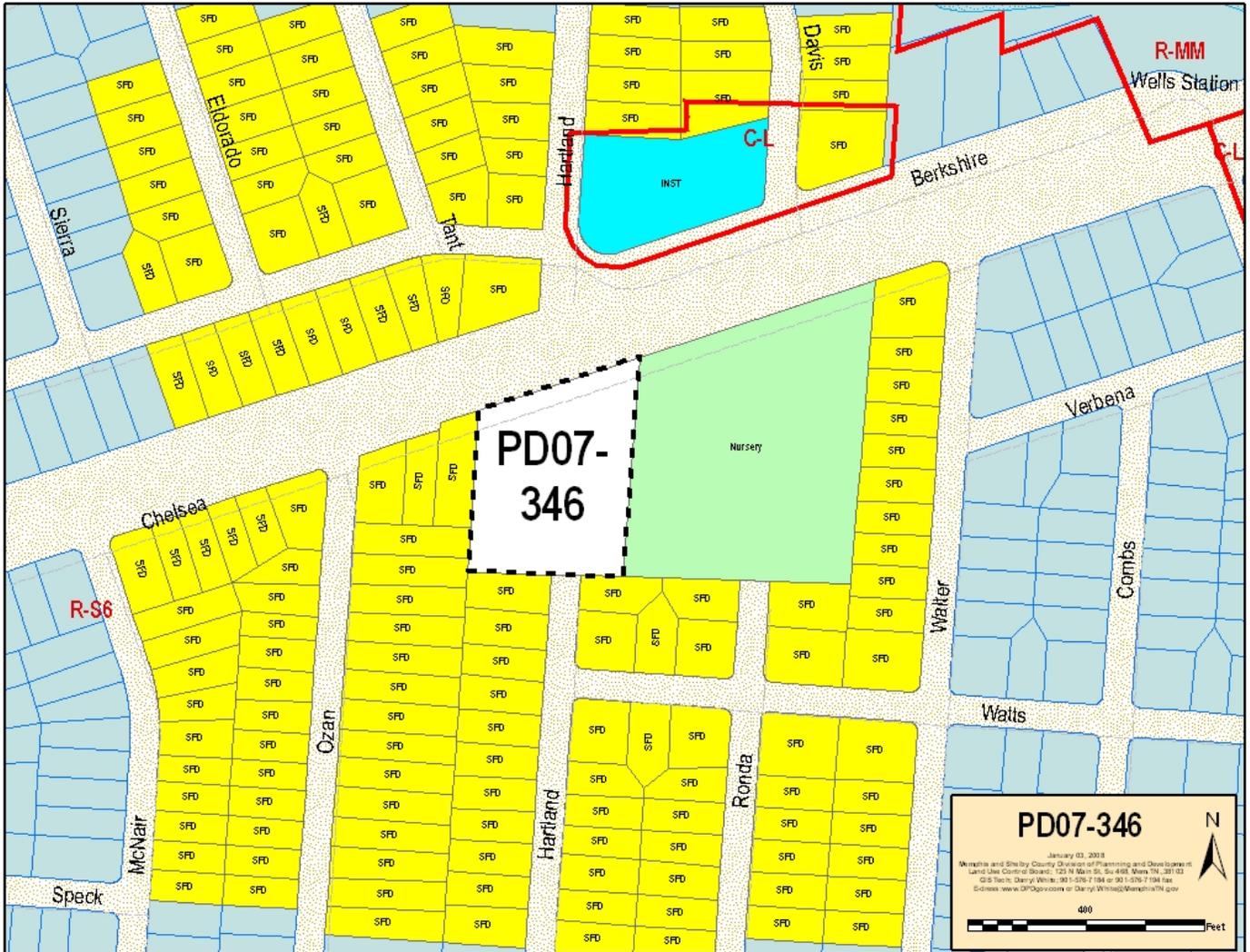
CONCLUSIONS:

1. The subject property is 1.72 acres located at the south side of Chelsea Avenue and CSX Railroad approximately one-quarter mile(1/4) east of North Graham Street in Signal Heights Subdivision. The site is located in Wells Station neighborhood in northeast Memphis in the Jackson Planning District..
2. The Wells Station Neighborhood extends west from Jackson Avenue to Interstate 240 east consisting of Jackson Ridge, Dwight Manor, Bruce & Thrift-Haven Subdivisions all in R-S6 District zoning..
3. The applicant's request is for a planned development to continue and expand a commercial landscaping and nursery operation with outdoor storage of landscaping materials and equipment. The site would include the storage of mulch, fertilizers, rocks, decorative stones, pipes and fittings for underground sprinkler systems, trees, shrubs and similar materials..
4. The owner of the entire 5.72 acre tract seeks to transfer ownership of this 1.72 acre tract to allow continuation of a land use established by special use permit. In order to acquire ownership, the applicant filed this planned development to place conditions on the property for expansion of operations with on-site improvements to a land use in a neglected condition..
5. The continuation and expansion of this land use for a change in ownership is acceptable with on-site improvements for conformance with current zoning standards. The standards and conditions attached to this planned development request will support the land use being located in close proximity to single family homes.

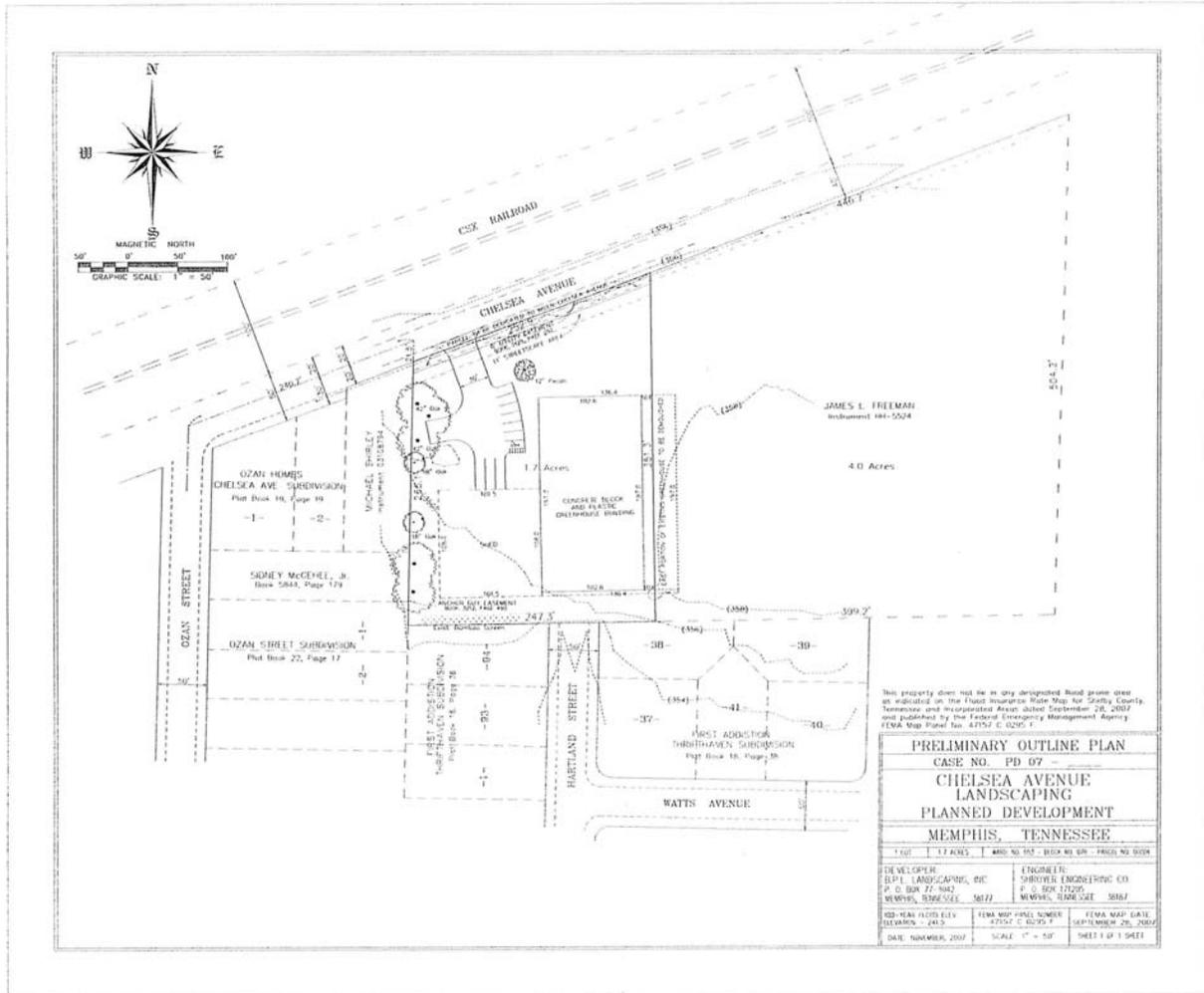
AERIAL PHOTO:
(4207 Chelsea Avenue)



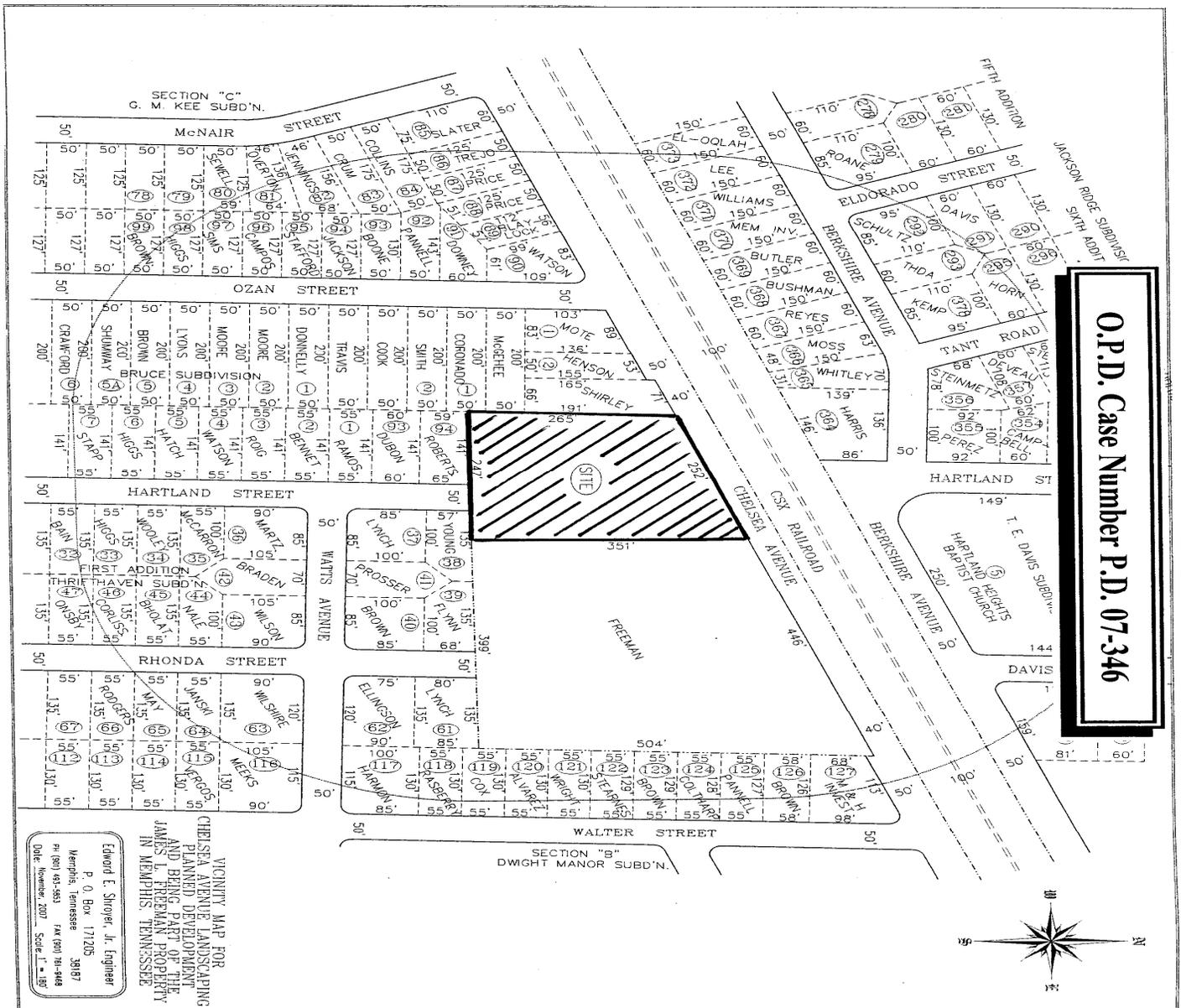
LAND USE & ZONING MAP:



OUTLINE PLAN:



OWNERSHIP & VICINITY MAP:



O.P.D. Case Number P.D. 07-346

VICINITY MAP FOR
 CHELSEA AVENUE LANDSCAPING
 AND BRING PART OF THE
 JAMES T. FREEMAN PROPERTY
 IN MEMPHIS, TENNESSEE

Edward E. Stroger, Jr. Engineer
 P. O. Box 171205
 Memphis, Tennessee 38187
 Ph (901) 451-5413 FAX (901) 751-9448
 Date: November, 2007 Scale: 1" = 180'

STAFF ANALYSIS:

Site Description

The subject property is 1.72 acres located at the south side of Chelsea Avenue and CSX Railroad approximately one-quarter mile(1/4) east of North Graham Street in Signal Heights Subdivision. The site is located in Wells Station Neighborhood in northeast Memphis in the Jackson Planning District. The site is a portion of a larger 5.72 acre tract being sold to the applicant with the balance of the property to remain a four(4) acre tract. The entire tract has been used as a landscape nursery since the early 1950's.

The site is currently occupied by five(5) greenhouse buildings to be renovated and used for that purpose. The buildings on the property are setback from Chelsea Avenue sixty(60) feet with no curb, gutter or sidewalk at the street. The site is enclosed in a chain-link fence six(6) feet in height with overhead power lines running parallel to Chelsea Avenue. The site is located at the northern terminus of Hartland Street adjacent to single family homes in Bruce Subdivision.

Area Overview

The land use and zoning in the surrounding area is primarily single family residential subdivisions in Single Family Residential(R-S6) District zoning. The subdivisions in this area developed in 1950's with average lot sizes of 6,000 square in area and homes an average of 1300 square feet. The Wells Station Neighborhood extends west from Jackson Avenue to Interstate 240 east consisting of Jackson Ridge, Dwight Manor, Bruce & Thrift-Haven Subdivisions all in R-S6 District zoning.

The neighborhood to the north is separated from the subject property by CSX Railroad which is lower in elevation with homes in Jackson Ridge Subdivision all in R-S6 District zoning. The Hartland Heights Baptist Church in T.E. Davis Subdivision is north in Local Commercial(C-L) District zoning. The nearest neighborhood commercial center is located west of the site in C-L District zoning at Chelsea Avenue and North Graham Street.

Land Use vs. Change of Ownership

The applicant's request is for a planned development to continue and expand a commercial landscaping and nursery operation with outdoor storage of landscaping materials and equipment. The site would include the storage of mulch, fertilizers, rocks, decorative stones, pipes and fittings for underground sprinkler systems, trees, shrubs and similar materials. There will also be the outdoor storage of vehicles and trailers necessary in conducting landscaping operations.

This site has been a landscaping operation since the early 1950's when the subdivisions in the area were designed and developed for single family homes. The owner of the entire 5.72 acre tract seeks to transfer ownership of this 1.72 acre tract to allow continuation of a land use established by special use permit. In order to acquire ownership, the applicant filed this planned development to place conditions on the property for expansion of operations with on-site improvements to a land use in a neglected condition.

The buildings on site will be maintained by the applicant to be used for greenhouses and storage of materials and equipment. The land use will not significantly change other than refurbishing the buildings and new parking to accommodate customers and employees. The mature trees on site will be preserved and maintained, but should include a sight-proof fence six(6) feet in height along the entire length of the west property line.

A streetscape eleven(11) feet in width is provided along the entire length of Chelsea Avenue. However, the horizontal distance between the buildings and the south property line should be landscaped with evergreen trees and a sight-proof fence at least eight(8) feet in height to buffer the single family homes. The parking in the front yard is acceptable and setback from Chelsea Avenue forty(40) feet from the right-of-way line.

All outdoor storage shall be inside the shed building and not located in the front or side yards. The continuation and expansion of this land use for a change in ownership is acceptable with on-site improvements for conformance with current zoning standards. The standards and conditions attached to this planned development request will support the land use being located in close proximity to single family homes.

RECOMMENDATION: ***Approval with Conditions***

OUTLINE PLAN CONDITIONS:

I. Uses Permitted:

- A. A commercial landscaping and nursery operation with outdoor storage of landscaping materials and equipment. The site would include the storage of mulch, fertilizers, rocks, decorative stones, pipes and fittings for underground sprinkler systems, trees, shrubs and similar materials, vehicles and trailers necessary in conducting landscaping operations.
- B. All outdoor storage shall be inside the shed building and not located in the front or side yards, including landscaping trucks, trailers and equipment.

II. Bulk Regulations:

- A. A minimum building setback of sixty(60) feet from Chelsea Avenue.
- B. A minimum building setbacks of twenty-five(25') feet for side and rear yards, except the east property line shall be ten(10') feet.
- C. A maximum height of twenty-five(25') feet for all buildings.

III. Access, Circulation and Parking:

- A. Dedicate thirty(30) feet from centerline of Chelsea Avenue in accordance with Subdivision Regulations.
- B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- C. The design and location of curb cut shall be approved by the City Engineer.
- D. All private drives shall be constructed to meet the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet exclusive of curb and gutter.
- E. Parking shall be provided in accordance with the Zoning Ordinance.

IV. Landscaping and Screening:

- A. A Landscape Plate 'A-3'(modified) eleven(11) feet in width to include existing chain-link fence with no parking shall be provided and maintained parallel to Chelsea Avenue.
- B. A Landscape Plate 'B-4'(modified) twenty(20) feet in width to include a sight-proof wood fence eight(8) feet in height along the south property line.
- C. A mature buffer shall be preserved and maintained along the west property line to include a sight-proof wood fence six(6) feet in height and supplemented with evergreen trees.

- D. A detailed Landscape Plan shall be submitted prior to forwarding to Memphis City council. The Landscape Plan shall be provided in the final plan of development subject to review and approval by the Office of Planning & Development.
- E. All landscaping requirements and improvements shall meet the Memphis and Shelby County Zoning Ordinance and subject to review and approval by the Office of Planning & Development.

V. Signs:

- A. A ground-mounted monument sign a maximum of thirty-five(35) square feet in area. The base of the sign shall be landscaped with similar plant materials in the streetscape.
- B. The minimum sign setback from right-of-way line shall be ten(10) feet.
- C. No temporary or portable signs shall be permitted.

VI. Drainage:

- A. All drainage plans shall be submitted to the City Engineer for review.
- B. All drainage emanating on-site shall be private. Easements will not be accepted.
- C. Drainage improvements to be provided under contract in accordance with Subdivision Regulations, and the City of Memphis Drainage design Manual, including possible on-site detention.
- D. The following note shall be placed on all final plans. "Common open space is reserved for the purpose of the conveyance of storm water in a natural drainage way. This Common Open Space (C.O.S.) shall not be used as a building site or filled without obtaining the written permission from the City and County Engineer. The drainage way system located with the C.O.S. except for those parts located in a public drainage easement, shall be owned and maintained by the property owners' association. Such maintenance shall be performed so as to assure that the drainage system operates in accordance with the approved plan on file in City/County Engineer's office. Such maintenance shall include but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures."

VII. Other:

The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping, and other site design requirements if equivalent alternatives are presented, provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten(10) days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative bodies.

- VIII. A final plan shall be filed within five(5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

- IX. 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 height of all buildings or build-able areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - 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 detention 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 or County Engineer, as applicable. 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 Owners' 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/County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet clearing; and repair of drainage structures.

GENERAL INFORMATION:

Street Frontage: Chelsea Avenue-----+/-252 linear feet.

Planning District: Jackson District

Zoning Atlas Page: 1840

Zoning History: The Single Family Residential(R-S6) District zoning of the site date to the adoption of the 1980 zoning map amendments.

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.

Roads:

3. Dedicate 30 feet from centerline of Chelsea Avenue in accordance with Subdivision Regulations.

Curbs Cuts/Access:

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.

Drainage:

6. 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.
7. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
8. 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.
9. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Services: No comments received.

Memphis& Shelby County Health Department:

Pollution Control: No objections.
Environmental Sanitation: No objections.

Memphis Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

AT&T: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments.

Memphis Park Services: No comments received.

TN Dep't of Environment & Conservation:

Be advised, it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

Neighborhood Associations: None registered.

Staff: bb