

**STAFF REPORT**

**CASE NUMBER:** SUP 08-206                      **L.U.C.B. MEETING:** February 14, 2008

**LOCATION:**                      West side of New Brunswick Road; +/-244.37 feet south of U.S. Highway 64

**OWNERS OF RECORD:**    CFNM, LLC

**APPLICANTS:**                      CBH Hospitality

**REPRESENTATIVE:**        Bray-Davis Firm, LLC

**REQUEST:**                      Special use permit to allow a new hotel building

**AREA:**                              1.73 Acres

**EXISTING LAND USE & ZONING:**    Vacant lots in St. Charles Place Subdivision in Highway Commercial(C-H) District.

**SURROUNDING USES AND ZONING:**

- North:** Retail center, motor vehicle service and gasoline sales/convenience store in St. Charles Place Subdivision in Highway Commercial(C-H) District.
- East:** O’Charley’s and Hooter’s restaurants in Highway Commercial(C-H) District.
- South:** Texas Roadhouse restaurant and office for homes sales center in Highway Commercial(C-H) District.
- West:** Vacant lots, two(2) 3-story hotels and one under construction in St. Charles Place Subdivision in Highway Commercial(C-H) District.

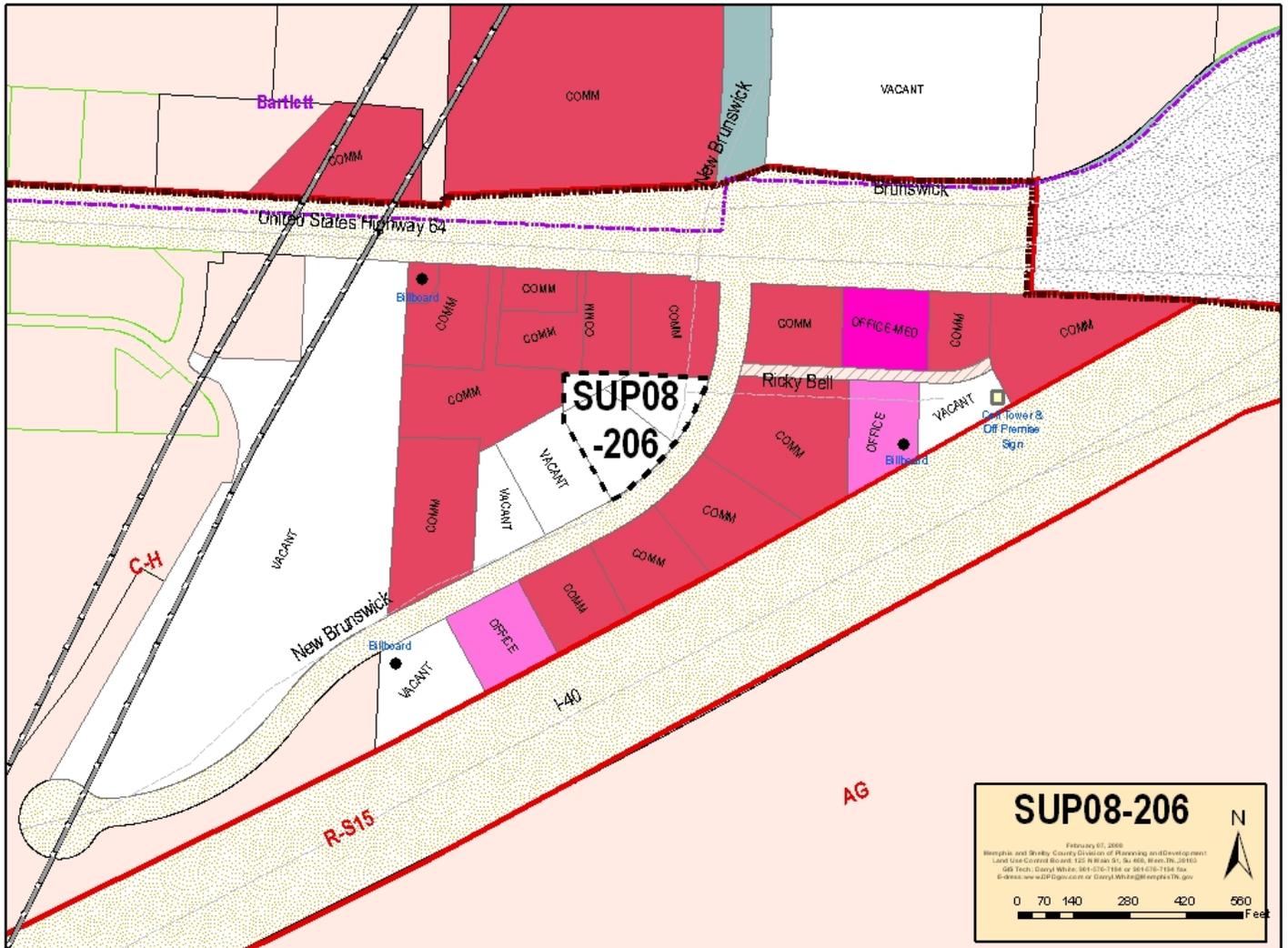
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

*Approval with Conditions*

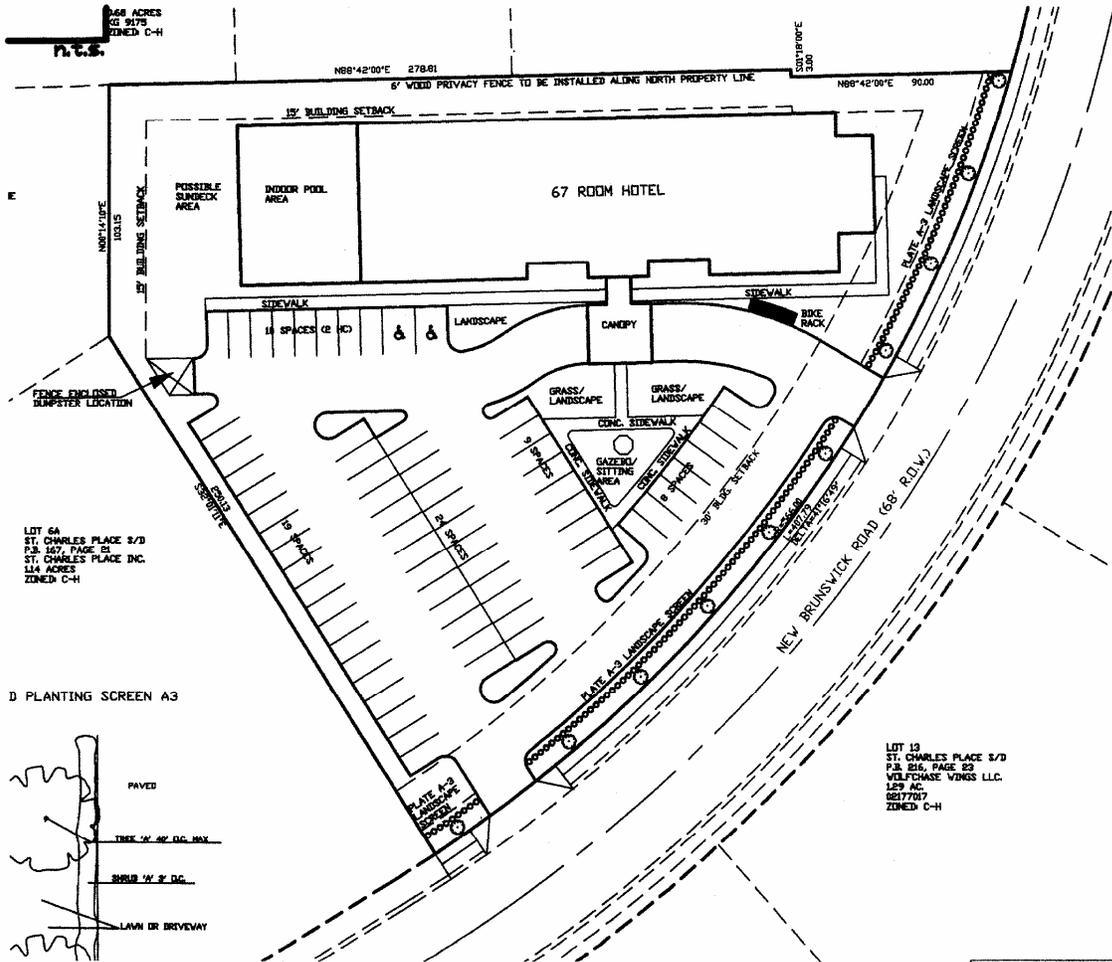
***CONCLUSIONS:***

- 1. The subject property is a combination of lots in St. Charles Place Subdivision for 1.73 acres located at the west side of New Brunswick Road; +/-244.37 feet south of U.S. Highway 64(Stage Road) in Shelby Farms-Germantown Planning District.**
- 2. The surrounding land use developed under existing zoning for several large restaurants located south of the subject property adjacent to Interstate 40. This subdivision is primarily developed, except for four(4) vacant lots, two of which are occupied by outdoor advertising signs or billboards.**
- 3. This is a proposal for a special permit to allow a new hotel building in Highway Commercial(C-H) District zoning, but a special use permit is required by the Zoning Ordinance for new construction of any hotel building.**
- 4. This proposal is for a sixty-seven(67) room hotel building with associated accessory structures for a gazebo with sitting areas and an indoor swimming pool. The site plan illustrates the face of the building to Interstate 40 instead of New Brunswick Road.**
- 5. The irregular shape of the lots dictates the placement of the building to not face directly to the street. However, the size, shape and placement of the new hotel construction maximizes the design of required parking, access, circulation and landscaping and compliments surrounding land uses.**

**ZONING & LAND USE MAP:**



SITE PLAN:



**OWNERSHIP & VICINITY MAP:**



***STAFF ANALYSIS:***

***Site Description***

The subject property is a combination of lots in St. Charles Place Subdivision for 1.73 acres located at the west side of New Brunswick Road; +/-244.37 feet south of U.S. Highway 64(Stage Road) in Shelby Farms-Germantown Planning District. The site is immediately east of the Wolfchase Galleria Mall within a wedge-shaped area bounded by North Germantown Road, U.S. Highway 64 and Interstate 40. The property includes vacant lots in St. Charles Place Subdivision approved in June, 1996 in Highway Commercial(C-H) District zoning. There is curb and gutter along New Brunswick Road with street trees and shrubs, but no sidewalks at the present time.

***Area Overview***

The surrounding land use developed under existing zoning for several large restaurants located south of the subject property adjacent to Interstate 40. This subdivision is primarily developed, except for four(4) vacant lots, two of which are occupied by outdoor advertising signs or billboards. The land uses at the south side U.S. Highway 64 are motor vehicle services for lube, tires and oil changes and a mixed-use convenience store with a small restaurant at the immediate corner of U.S. 64 and New Brunswick Road.

There are several office uses for homes sales and a physician care group, including a modular office trailer. There are also several hotels in the area with one under construction farther south on New Brunswick Road. The hotels south and west are three(3) story buildings and the hotel east is a five(5) story hotel at the northeast corner of the subdivision. There are also several outdoor advertising signs or billboards located along the front at Interstate 40, including the Wolfchase Galleria Mall off-premise sign/cellular tower.

**Special Use vs. Placement of New Construction**

This is a proposal for a special permit to allow a new hotel building in Highway Commercial(C-H) District zoning at the north side of Interstate 40 on New Brunswick in the Cordova community immediately east of Wolfchase Galleria Mall. The hotel is a permitted land use, but a special use permit is required by the Zoning Ordinance for new construction of any hotel building. This proposal is for a sixty-seven(67) room hotel building with associated accessory structures for a gazebo and an indoor swimming pool.

The site plan illustrates the face of the building to Interstate 40 instead of New Brunswick Road, because the irregular shape of the lots dictates the placement of the building to not face directly to the street. The design of New Brunswick Road within a wedged-shaped subdivision of lots does not promote this aspect in site planning and design. However, the size, shape and placement of the new hotel construction maximizes the design of required parking, access, circulation and landscaping and compliments surrounding land uses, but the location of the trash dumpster shall be located to the rear or side of the building.

**RECOMMENDATION:**            *Approval with Conditions*

***SITE PLAN CONDITIONS:***

A *Special Use Permit* is hereby authorized to '*CBH Hospitality*' to allow a '*new hotel building*' on property located at the '*west side of New Brunswick Road; +/-244.37 feet south of U.S. Highway 64*' in accordance with an approved '*site plan*' and the following supplemental conditions:

1. A hotel building for a maximum of sixty-seven(67) rooms, including associated accessory structures and uses for a gazebo, sitting areas and indoor swimming pool shall be permitted on Lots 4 & 5 and part of Lot 2 of St. Charles Place Subdivision.
2. The placement of the hotel building, including design of access, circulation and parking shall be as illustrated on the site plan, except the dumpster shall be located to the side or rear of the building.
3. All exterior walls shall be a minimum of 50% brick as generally depicted on submitted site plans and elevation drawings.
4. The maximum height shall be forty-five(45') feet or three(3) stories.
5. The City Engineer shall approve the design, number and location of curb cuts. The required note regarding Clear Sight Areas shall be placed on the final site plan.
6. A landscape Plate 'A-3' shall be installed and maintained along New Brunswick Road. The removal of live plants from the screen shall be prohibited.
7. Internal landscaping shall be provided in an amount equivalent to five(5%) percent of the lot area, exclusive of streetscape or other perimeter landscape areas.
8. A detailed Landscape Plan shall be submitted prior to forwarding to Memphis City Council. The Landscape Plan shall be included in the site plan approval subject to review and approval by the Office of Planning & Development.
9. All attached and detached signs shall comply with Highway Commercial(C-H) District zoning in accordance with the Sign Ordinance-regulations.
10. Dumpsters and refuse containers shall be completely screened from view from adjacent property and the public road.
11. 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.
12. 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.

**GENERAL INFORMATION:**

**Street Frontage:** New Brunswick Road-----+/-407.79 curvilinear feet.  
**Planning District:** Shelby Farms-Germantown  
**Census Tract:** 211.13  
**Zoning Atlas Page:** 1855  
**Zoning History:** The Highway Commercial(C-H) District zoning of the site dates to the adoption of the 1980 zoning map amendments.

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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.
3. Clear Sight Areas shall be provided on the final plat and engineering plans along the New Brunswick Road frontage for exiting each driveway. The landscaping plate shall be modified to provide clear sight distance in accordance with the Subdivision Regulations. The required note regarding Clear Sight Areas shall be placed on the final plat.
4. The City Engineer shall approve the design, number and location of curb cuts.
5. 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.
6. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
7. 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.
8. The width of all existing off-street sewer easements shall be widened to meet current city standards.

9. All connections to the sewer shall be at manholes only.
10. 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.
11. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Division:** No comments.

**Memphis & Shelby 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. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.

**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:*

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **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. No permanent structures will be allowed within any utility easements.
- Any proposed structures must comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances from existing overhead electric facilities.
- **Landscaping is 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).

- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
  - o MLGW Engineering - **Residential Development:** 528-4858
  - o MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**AT&T:** No comments received.

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

**OPD-Regional Services:** No comments received.

**OPD-Plans Development:** No comments received.

**Memphis Park Services:** No comments received.

**Neighborhood Associations/Organizations:** None contacted.

*Countrywood Ngh'd Association:*

*No comments received as of 2/08/'08.*

*Cordova Leadership Council:*

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*Cordova Community Watch:*

*No comments received as of 2/08/'08*

**Staff:** *bb*