

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

19

CASE NUMBER: SUP 08-203 L.U.C.B. **MEETING:** February 14, 2008

LOCATION: Southwest corner of East Parkway South and Walker Avenue

OWNER OF RECORD: Joe Bosewell

APPLICANT: Edgar Flores

REPRESENTATIVE: Andre Williams

REQUEST: Auto Sales and Mecanic Shop

AREA: 0.55 Acres

EXISTING LAND USE & ZONING: Auto sales and service in the Local Commerical
(C-L) District

SURROUNDING USES AND ZONING:

North: A commercial building and a fast food restaurant in the Local
Commercial (C-L) District

East: A Municipally owned amusement park (The Mid-South Fairgrounds) in
the Duplex Residential (R-D) District

South: Residential dwellings and commercial uses in the Local Commercial
(C-L) District

West: Residential dwellings in the Single Family Residential (R-S6) District

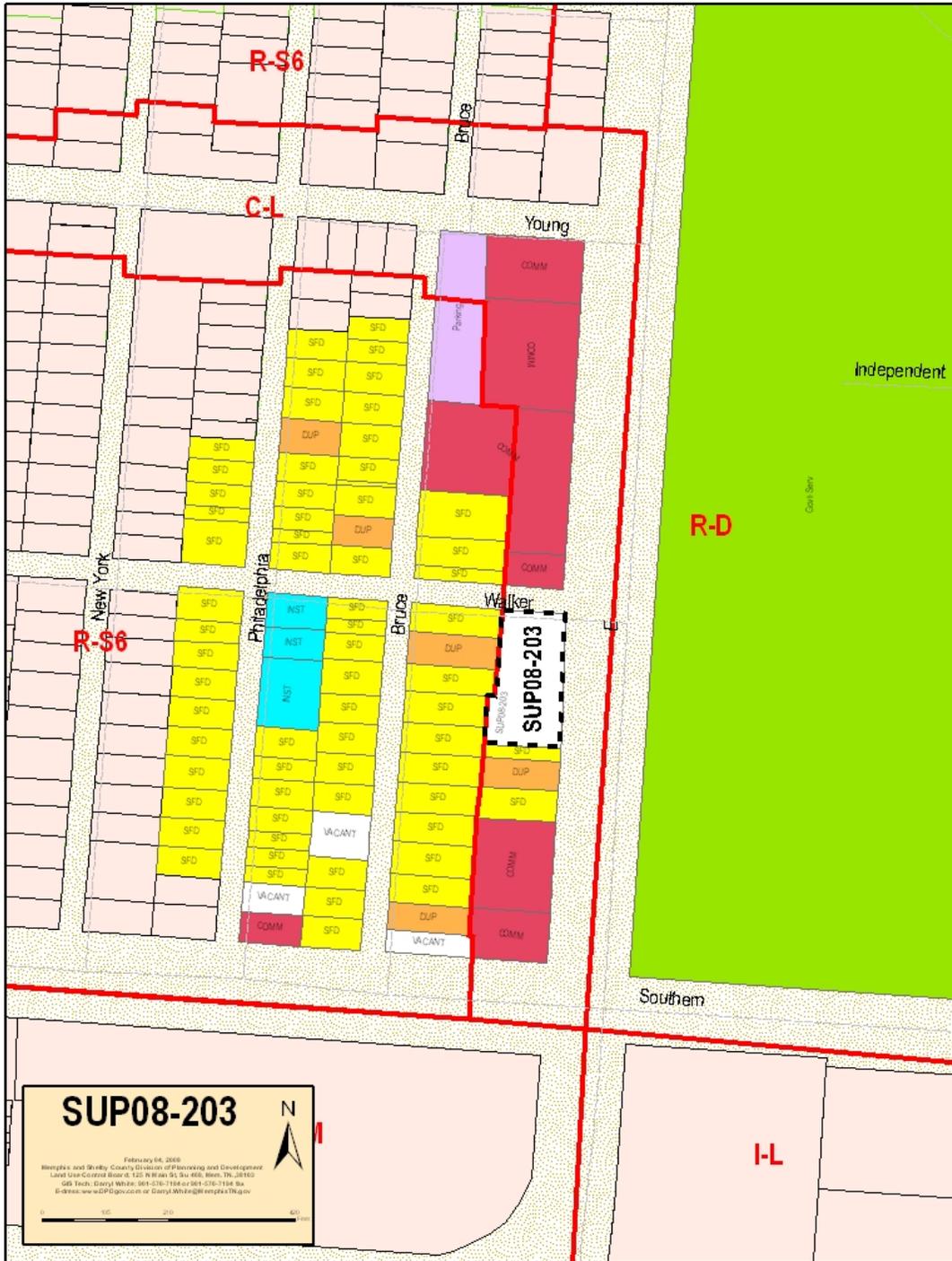
**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION:
REJECTION**

Staff: Donald Jones

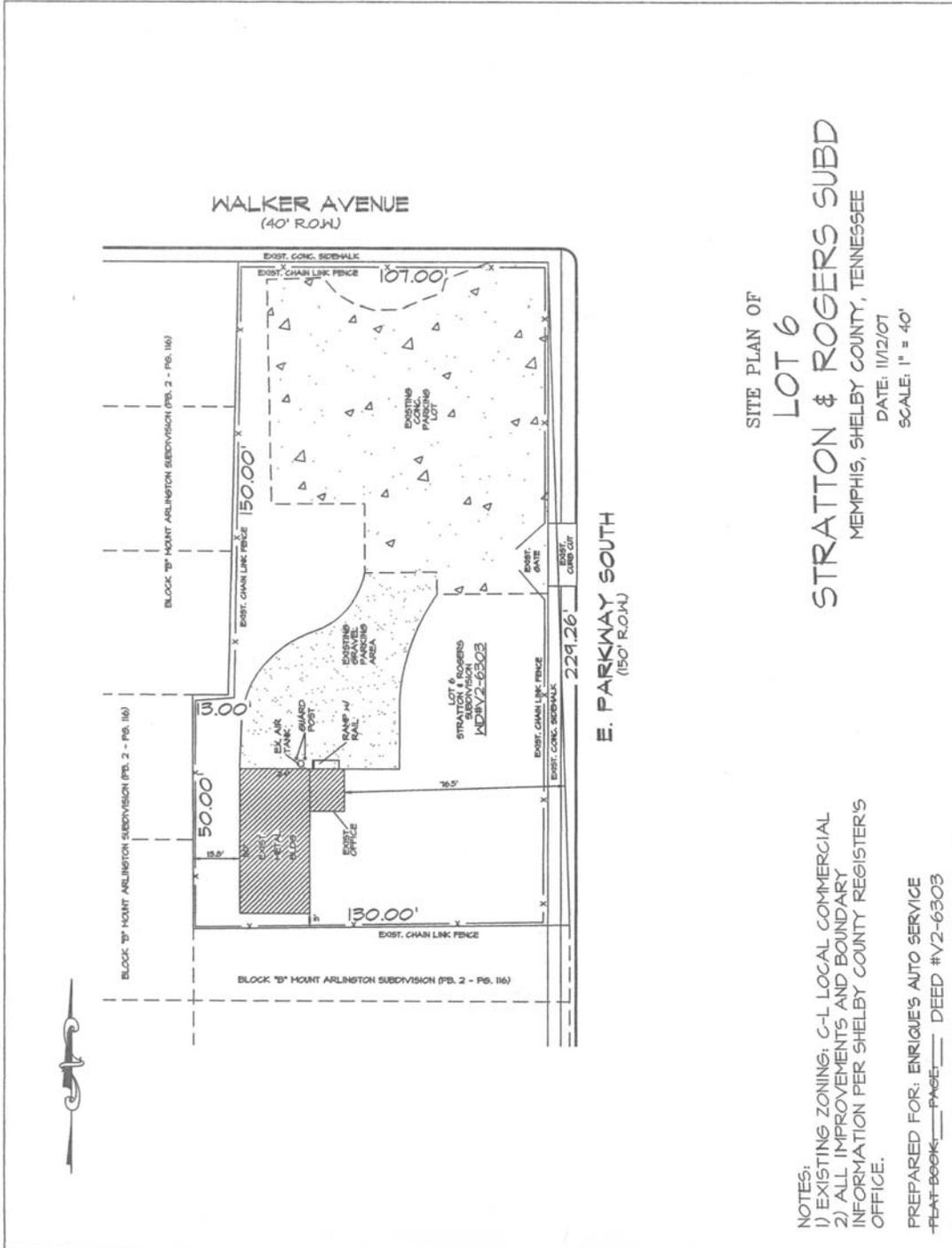
E-Mail: donald.jones@memphistn.gov

CONCLUSIONS

1. The subject property is located on a prominent City Street, South Parkway East, at the entry to the Cooper-Young neighborhood. A neighborhood that is one of the recent success stories in progress for revitalization. It also sits across from the former Libertyland Theme Park which is currently under study for a major public/private redevelopment effort which is intended to not only re-create the Fairgrounds site but serve as a catalyst for the revitalization of the parks neighbors as well.
2. Automobile sales and service introduces the outdoor storage of vehicles in various stages of repair on a 24 hour a day, seven days a week basis. While this use may serve some of the nearby neighbors, they typically draw from a much larger trade area to be successful.
3. At this location, and with so much re-investment taking place in this area, the staff cannot recommend in favor of this request.



Zoning and Land Use Map

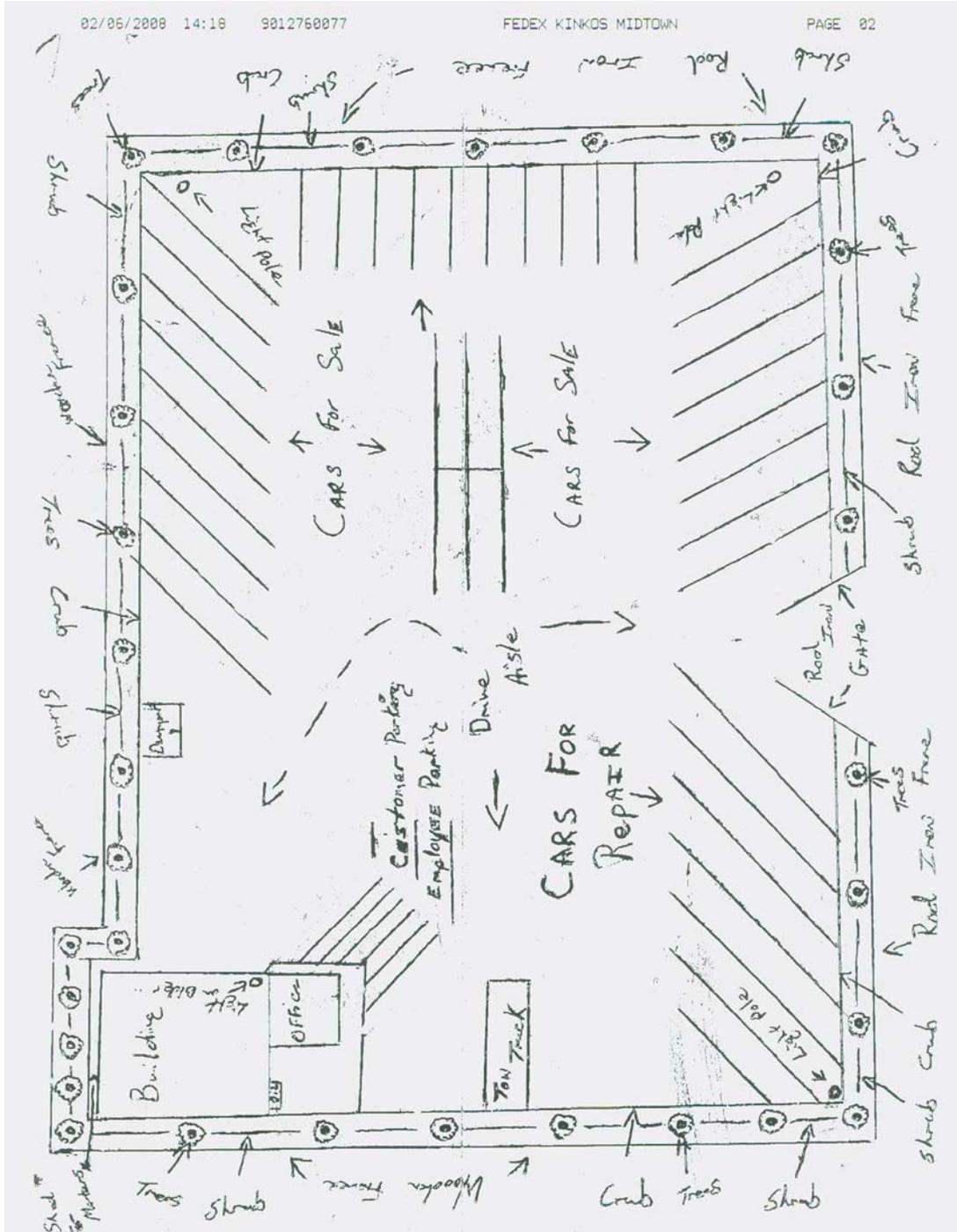


SITE PLAN OF
LOT 6
STRATTON & ROGERS SUBD
MEMPHIS, SHELBY COUNTY, TENNESSEE
DATE: 11/12/07
SCALE: 1" = 40'

NOTES:
1) EXISTING ZONING: C-L LOCAL COMMERCIAL
2) ALL IMPROVEMENTS AND BOUNDARY
INFORMATION PER SHELBY COUNTY REGISTER'S
OFFICE.

PREPARED FOR: ENRIQUE'S AUTO SERVICE
-FLAT BOOK- PAGE DEED #V2-6303

Plot Plan



Conceptual Site Plan



S.Parkway Viaduct on left side of picture, subject site in the middle



View of site from opposite side of Walker Avenue



View of site looking west from atop the viaduct

STAFF ANALYSIS:

General Location and Site Characteristics:

The subject property is generally located on the west side of E. Parkway South in an area that is known as the Cooper Young area of Memphis. Specifically, the site is located at the southwest corner of S. Parkway East and Walker Avenue.

The description of the site's location is somewhat misleading. While the site does have frontage on both Walker Avenue and S. Parkway East, this section of the Parkway is a one way street with the lots on the west side of the street and the concrete wall of the Viaduct that takes S. Parkway East above Southern Avenue and the rail yard further to the south.

The site contains Lots 1-8 of the Mount Vernon Subdivision and an additional unnumbered lot that measures 50 feet by 107 feet at the southwest corner of S. Parkway East and then Malcomb Avenue.

Request:

The request is to use this corner lot for a combination auto sales and repair facility. Toward that end, he has added a small office in the front of an existing building to perform out repair. The applicant also brings cars to the site to repair and sell to the public.

The applicant's representative has met with staff to talk over the project. He has provided staff with a very conceptual site plan showing the applicant's intention to operate the facility in an orderly manner that is consistent with current codes and standards.

Review of Request:

Background – This case is being brought forward due to a misunderstanding of the zoning requirements. The applicant thinking that this use was permitted began construction of an office addition to the existing building. After this error was caught, it was discovered that the Local Commercial District does not permit the requested use by right and that a Special Use Permit is required. The owner of the property states that the site has been used for a variety of purposes over the years included a Service Station a sign business, and more recently a parking lot serving patrons of the Mid-South Fair.

Plans in Progress: The City of Memphis has embarked on a Master Planning process for the redevelopment of the Mid-South Fairgrounds property. The Division of Housing and Community Development in concert with Fairgrounds Redevelopment Committee have prepared a study of the redevelopment potential for the site and recommended a re-development scenario. A Request for Qualifications for a Master Developer was sent out which resulted in two

responses. Housing and Community Development is now in the process of reviewing actual proposals by the would-be Master Developers. The goal of this planning process is not only to revitalize the Fairgrounds Facility itself but also to serve as a catalyst to upgrade the neighborhoods and uses of land that surround the Fairgrounds.

Zoning Ordinance and the Requested Land Use: The Local Commercial District is intended to permit retail uses and personal services serving the needs of a relatively small area. By requiring a Special Use Permit for a prospective use, the Ordinance is indicating that additional measures may be required in order to address the impacts of the use on its surrounding neighbors.

In reviewing these requests, the planning staff first considers whether the proposed use is in character with its surroundings. If that answer is yes, then the next step is to consider what operational aspects of the request need to be addressed.

In this instance, both auto repair and auto sales typically rely on a larger trade area than the immediate neighborhood to be successful. Both uses include an outdoor storage element. In the case of auto repair, cars in various stages of disrepair will sit on the lot awaiting their turn for service.

With respect to Auto Sales, the staff has observed a trend along other large streets in Memphis, that where this use has been introduced others have followed. On streets such as Summer Avenue, parts of Jackson Avenue, and Mendenhall/Mt. Moriah these land consumptive uses have had a tendency to dominate the street to the exclusion of other more neighborhood oriented uses.

Conclusions:

The subject property is located on a prominent City Street, South Parkway East, at the entry to the Cooper-Young neighborhood. A neighborhood that is one of the recent success stories in progress for revitalization. It also sits across from the former Libertyland Theme Park which is currently under study for a major public/private redevelopment effort which is intended to not only re-create the Fairgrounds site but serve as a catalyst for the revitalization of the parks neighbors as well.

Automobile sales and service introduces the outdoor storage of vehicles in various stages of repair on a 24 hour a day, seven days a week basis. While this use may serve some of the nearby neighbors, they typically draw from a much larger trade area to be successful.

At this location, and with so much re-investment taking place in this area, the staff cannot recommend in favor of this request.

RECOMMENDATION:

REJECTION

SITE PLAN CONDITIONS

A Special Use Permit is hereby authorized to allow automobile sales and service on the property located at the southwest corner of South Parkway East and Walker Avenue, identified by the Assessor Parcel I.D. as 02903600002C, in accordance with the approved site plan and the following supplemental conditions:

1. Automobile service shall be limited to service to engines and tire, and shall not include body work.
2. The site plan shall show designated parking spaces for cars for sale, customer parking including cars awaiting service, and spaces for employees and a wrecker.
3. All parking spaces and drive aisles shall meet the requirements of the zoning ordinance.
4. One curb cut, designed as a standard city drive opening, shall be permitted along S. Parkway East
5. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
6. 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.
7. A Plate A-2 or A-3 or an equivalent that is suitable to the Office of Planning and Development shall be required.
8. A B-1 Plate or an equivalent that is acceptable to the Office of Planning and Development shall be required.
9. The parking area and drive aisle shall be constructed of an all weather material such as concrete or asphalt.

GENERAL INFORMATION

| | |
|---------------------------|---|
| Street Frontage: | South Parkway East – 255 Feet Walker Avenue – 107 Feet |
| Planning District: | Midtown |
| Census Tract: | 66 |
| Zoning Atlas Page: | 2135 |
| Zoning History: | The C-L or its equivalent C-1 dates back to 1954 |

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. Access to the East Parkway South ramp via private drive or driveway is prohibited. Convey right of access to City of Memphis.
4. Any access to this site shall be from Walker Avenue and shall be located near the west property line.
5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

7. 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.
8. Drainage data for assessment of on-site detention requirements shall be submitted to and

approved by the City Engineer.

Site Plan Notes:

9. 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.
10. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

11. The width of all existing off-street sewer easements shall be widened to meet current city standards.
12. All connections to the sewer shall be at manholes only.
13. 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.
14. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

No comments.

City/County Health Department-

No comments from the Water Quality Branch.

Pollution Control:

No objections.

Environmental Sanitation:

No objections.

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. 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 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).
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - o MLGW Engineering - Residential Development: 528.4858
 - o 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: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development:

The applicant requests a special use permit in order to make improvements to an existing auto sales and mechanic shop. The parcel is zoned C-L, which does not permit the requested use by right, nor has there been a comprehensive rezoning of the area. In essence, the auto sales and mechanic shop is operating as a nonconforming use. The current business has been operating at this location for less than one year; therefore the grandfather clause would not apply in this case. If the area had been comprehensively rezoned, only then would the current use be considered a conforming use. If this special use application is considered for approval, planning principals suggest that the applicant seek a rezoning of the parcel to legally permit the requested use.

Memphis Park Commission: No comments received.

Neighborhood Associations:

31st Ward Civic Club No comments received

Magnolia Barksdale Civic Club No comments received

Orange Mound Civic Organization No comments received

Orange Mound Concerned Citizens No comments received

New Olivet Baptist Church No comments received

Cooper Young Community Association &
Cooper Young Business Association See Attached