

**STAFF REPORT**

**14**

**CASE NUMBER:** P.D. 08-301                      **L.U.C.B. MEETING:** February 14, 2008

**DEVELOPMENT NAME:** ROCK OF AGES PLANNED DEVELOPMENT

**LOCATION:**                      West side of N. Thomas Street; ±98 feet north of T.M. Henderson Avenue

**OWNERS OF RECORD:** D & M Incorporated

**APPLICANT:**                      Edgar T. Miller

**REPRESENTATIVE:**              A. Carmichael Johnson

**REQUEST:**                      Planned development to allow a funeral home establishment

**AREA:**                              0.85 Acre(37,026 sq. ft.)

**EXISTING LAND USE & ZONING:**      Vacant one-story medical and dental offices with associated parking in Mixed Use(MU) District in Uptown.

**SURROUNDING LAND USES AND ZONING:**

**North:**      Vacant lots, single family residence, motor vehicle service and vacant commercial buildings in Mixed-Use(MU) District.

**East:**      Church ministry, vacant lots and motor vehicle service in Mixed-Use(MU) District.

**South:**      Vacant lots and single family homes in Moderate Density(MDR) Residential District and vacant lots in Mixed-Use(MU) District.

**West:**      Mt. Pleasant Missionary Baptist Church and single family homes in Moderate Density(MDR) Residential District.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

***CONCLUSIONS:***

1. The subject property is an existing building located at the west side of a major road, North Thomas Street approximately 100 feet north of T.M. Henderson Avenue and one-quarter(1/4) mile north of Chelsea Avenue in Uptown Zoning District adopted in October, 2001.
2. The land use and zoning is primarily a mix of single family residential homes and an abundance of vacant lots in Moderate Density Residential(MDR) to the west, including institutional land uses for church buildings.
3. The request is for a planned development to allow the conversion of an existing medical office building to a funeral home establishment to be located in Mixed Use(MU) District zoning, because the current zoning does not allow the proposed land use.
4. Although the building does not meet all the design requirements in Mixed Use(MU) District zoning, this request for planned development is an acceptable land use in an adaptive structure.
5. However, the surplus land to the rear should remain an open green space to serve as a reflective garden—an amenity that coincides with such establishments.









***STAFF ANALYSIS:***

***Site Description***

The subject property is an existing building located at the west side of a major road, North Thomas Street approximately 100 feet north of T.M. Henderson Avenue and one-quarter(1/4) mile north of Chelsea Avenue on a 0.85 acre parcel totaling 37,026 square feet in area in Uptown Zoning District adopted in October, 2001. The subject property was once used for medical and dental offices in Mixed Use(MU) District zoning with curb, gutter and sidewalk at the street, including some mature shrubs in the front yard.

There are overhead power lines at the street with front and rear yard parking. The site has two(2) existing curb cuts—one at each end of the subject property to form ingress-egress of the site by a semicircle private drive. There are several vacant lots directly adjacent to this building for any future expansion. These parcels are also located in Mixed Use(MU) District zoning.

***Area Overview***

The subject property is located in Uptown-Memphis and has experienced a tremendous transformation of land use and zoning within a six(6) year time frame. The land use and zoning is primarily a mix of single family residential homes in Moderate Density Residential(MDR) to the west, including institutional land uses for church buildings. There are also duplex residential homes along the west side of Seventh Street, single family homes and an abundance of vacant lots to the east in Duplex Residential(R-D) District zoning and outside of Uptown-Memphis District boundaries. This North Thomas Street corridor consists of vacant commercial buildings that front the street all in MU District zoning. A fire station is south of the property at the east side of North Thomas Street and Manassas High School is northeast of the site in R-MM District zoning.

**Land Use vs. Adaptive Structures**

The request is for a planned development to allow the conversion of an existing medical office building to a funeral home establishment to be located Mixed Use(MU) District zoning in Uptown-Memphis Zoning District. The site is a 0.85 acre parcel totaling 37,026 square feet in area. The applicant is proposing a planned development, because the current MU District zoning does not allow a funeral home establishment.

The existing building with associated parking is an appropriate land use of an adaptive structure, because the site design and type of building warrants the proposed use as a funeral home establishment with ample parking, access and circulation. However, the surplus land to the rear should remain an open green space to serve as a reflective garden—an amenity that coincides with such establishments.

Although the building does not meet all the design requirements in Mixed Use(MU) District zoning, this request for planned development is an acceptable land use in an adaptive structure that was somehow overlooked in the Uptown-Memphis District Plan. The land use is supported, because it is located on a major road and utilizes a structure in an appropriate location not within the neighborhood.

***RECOMMENDATION:        Approval with Conditions***

***OUTLINE PLAN CONDITIONS:***

**I. Uses Permitted:**

- A. A funeral home establishment with associated accessory uses, including parking. The surplus land to the rear of the building shall be preserved and maintained 'Common Open Space' to serve as a reflective garden.
- B. All storage shall be inside the building and not located in front or side yards, including business vehicles and equipment. No accessory structures shall be permitted, except a gazebo and park benches.

**II. Bulk Regulations:**

- A. A maximum building setback of forty-five(45) feet from North Thomas Street.
- B. All other setbacks shall be as illustrated on the Survey and Landscape Plan.

**III. Access, Circulation and Parking:**

- A. Any existing nonconforming curb cuts shall be modified to meet current City Standards.
- B. The design and location of curb cut shall be approved by the City Engineer.
- C. 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.
- D. Parking shall be provided in accordance with the Zoning Ordinance.

**IV. Landscaping and Screening:**

- A. A Landscape Plate 'A' (modified) as illustrated on the Landscape Plan shall be provided and maintained parallel to North Thomas Street.
- B. A Landscape Plate 'B-4' as illustrated on the Landscape Plan shall be provided and maintained to the rear abutting residential zoning to include a sight-proof wood fence six(6') feet in height.
- C. All mature trees and shrubs on the subject property shall be preserved and maintained.
- D. All required landscaping shall not be placed on or within any sewer, drainage or utility easements.

- E. The Landscape Plan shall be provided in the final plan of development subject to review and approval by the Office of Planning & Development.
- F. All landscaping requirements and improvements shall meet the Memphis and Shelby County Landscape Ordinance 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 the building, 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:** North Thomas Street-----+/-153.51 linear feet.

**Planning District:** North Memphis

**Census Tract:** 1.0

**Zoning Atlas Page:** 1930

**Zoning History:** The Mixed-Use(MU) District zoning of the site date to the adoption of the Uptown Comprehensive Zoning adopted by Memphis City Council October, 16, 2001 by Ordinance # 4903.

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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.

**Curb Cuts/Access:**

3. The existing nonconforming curb cuts shall be relocated to meet the standards of the City Engineer.
4. The south curb cut shall be 10' X 44' with the edge of slab located 10' north of the south property line.
5. The north curb cut, which is located on the adjacent site, shall be reconstructed to 10' X 44' with an ingress egress easement shown on the plat.
6. The City Engineer shall approve the design, number and location of curb cuts.
7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

**Drainage:**

8. 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.

9. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
10. 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.

Site Plan Notes:

11. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

12. The width of all existing off-street sewer easements shall be widened to meet current city standards.
13. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Services:** No comments.

**City Real Estate:** None.

**Memphis & Shelby County Health Department:**

**Pollution Control:** No comments from Water Quality Branch.  
**Environmental Sanitation:** No objections.

**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:
  - MLGW Engineering - **Residential Development:** 528-4858
  - 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.

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

**TN Dep't of Environment & Conservation:**

Be advised that it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. As a rule of thumb, 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/Organizations:**

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| <i>North Memphis Civic Club:</i>            | <i>No comments received as of 2/08/'08.</i> |
| <i>Downtown Ngh'd Association:</i>          | <i>" "</i>                                  |
| <i>Harbor Town Homeowners' Association:</i> | <i>No comments received as of 2/08/'08.</i> |
| <i>Uptown Community Association:</i>        | <i>" "</i>                                  |
| <i>North Memphis Concerned Citizens:</i>    | <i>No comments received as of 2/08/'08.</i> |

**Staff: bb**