

**STAFF REPORT**

**CASE NUMBER:** Z 08-101

**L.U.C.B. MEETING:** March 13, 2008

**LOCATION:** West side of Getwell Road; +805 feet north of Crowfarn Drive

**APPLICANT:** John R. McCommon

**REPRESENTATIVE:** SR Consulting, LLC - Cindy Reaves

**REQUEST:** Light Industrial (I-L) District

**AREA:** 2.26 Acres

**EXISTING LAND USE & ZONING:** Vacant land in the Single Family Residential (R-S8) District

**SURROUNDING USES AND ZONING:**

**North:** Various industrial uses in the Light Industrial (I-L) District

**East:** Various industrial and commercial uses in the Light Industrial (I-L) District

**South:** Various industrial and commercial uses in the Light Industrial (I-L) District

**West:** Vacant land in the Light Industrial (I-L) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION  
APPROVAL**

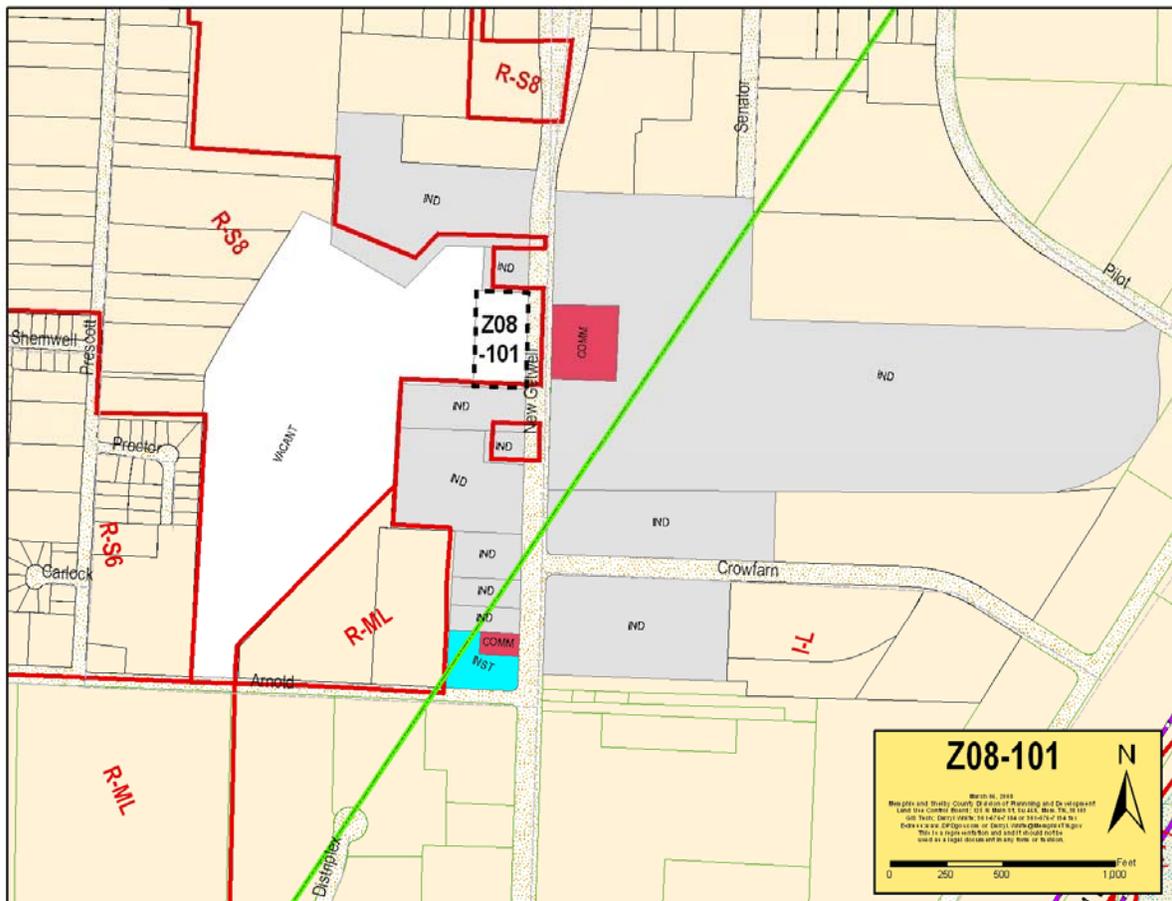
Staff Planner: Sheila Pounder

E-mail Address: [sheila.pounder@memphistn.gov](mailto:sheila.pounder@memphistn.gov)

**CONCLUSIONS:**

- 1. The proposed rezoning is not inconsistent with the existing development patterns and will not have a negative impact on surrounding properties. The proposed tour bus facility is an acceptable use on this site.**
- 2. The main concern of staff with the proposed rezoning of this site to I-L is the fact that adult entertainment or sexual oriented businesses are a use permitted by right in the District.**
- 3. The applicant has agreed to record new deed restrictions on this property that would prevent this type of business from locating on this site.**
- 4. Also, as long as the adjacent property remains residentially zoned, the Zoning Ordinance will not permit adult entertainment or sexual oriented businesses to locate on this site due to a minimum distance requirement that must be maintained from residentially zoned or used property.**
- 5. With the two safe guards attached to the property, rezoning of the site to Industrial is acceptable as requested by the applicant.**

### ZONING AND LAND USE MAP



**AERIAL OF SUBJECT SITE AND SURROUNDING PROPERTIES**



**SUBJECT SITE ALONG GETWELL ROAD**



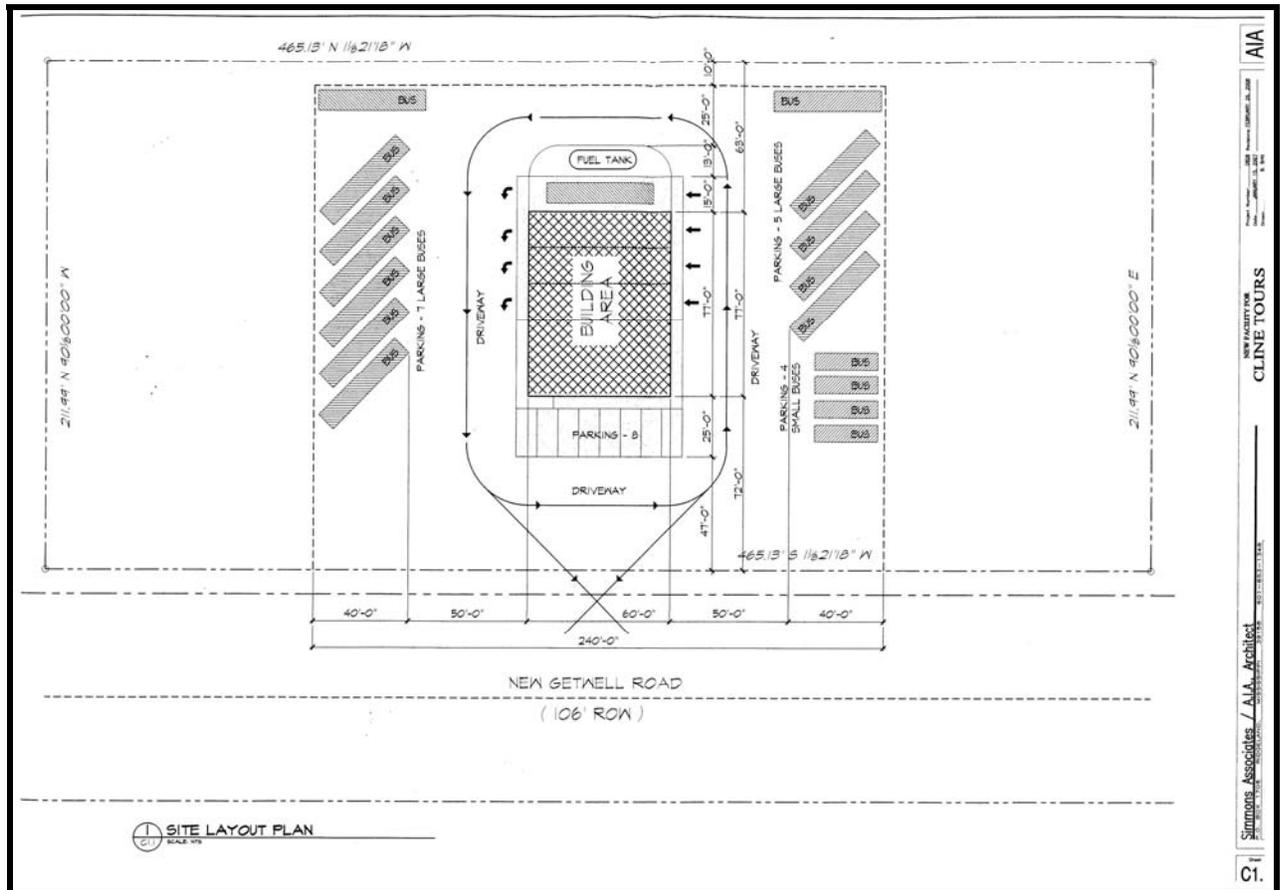
**SUBJECT SITE ALONG ITS EASTERN PROPERTY LINE**



**NORTH SIDE OF SITE**



### PROPOSED SITE PLAN



### PROPOSED BUILDING ELEVATIONS



## **STAFF ANALYSIS:**

### Site Characteristics

The subject property is a vacant parcel that lies on the west side of Old Getwell Road with approximately 426.62 feet of frontage. The site appears to be relatively flat with significant tree cover. Properties immediately surrounding the site on three sides are developed with various industrial uses within the Light Industrial (I-L) District. However, immediately adjacent to the west of the site is vacant land within the Single Family Residential (R-S8) District.

### Request:

The applicant's request is to rezone this property from the current R-S8 District to the I-L District. The applicant's desired re-use of the site is as a bus terminal for Cline Bus Tours. The applicant has provide both a proposed site plan and building elevation plan to support his request for rezoning of the subject property. He has also indicated that property deed restrictions are being formatted for recording to ensure that no adult entertainment or sexual oriented businesses will ever be located on this site. These deed restrictions will run with the land and transfer with future ownership of this property.

### Review of Request and Conclusions

The applicant's request to rezone the site from residential to industrial is based on the presence of similar uses that are currently located in the surrounding area. The proposed rezoning is not inconsistent with the existing development patterns and will not have a negative impact on surrounding properties. The proposed tour bus facility is an acceptable use on this site.

The main concern of staff with the proposed rezoning of this site to Light Industrial is the fact that there is at least one use permitted by right in the District that may be objectionable if residential uses are ever built on the adjacent property to the west which is currently zoned R-S8. The use that would be objectionable is adult entertainment or sexual oriented businesses. The applicant has agreed to record new deed restrictions on this property that would prevent this type of business from locating on this site. It is recommended that a copy of the recorded deed restrictions be submitted to OPD prior to this case being forwarded to the Memphis City Council for final action. Also, as long as the adjacent property remains residentially zoned, the Zoning Ordinance will not permit adult entertainment or sexual oriented businesses to locate on this site due to a minimum distance requirement that must be maintained from residentially zoned or used property. With these two safe guards attached to the property, rezoning of the site to industrial is acceptable as requested by the applicant.

**RECOMMENDATION:      APPROVAL**

**GENERAL INFORMATION:**

**Planning District:** Oakhaven Parkway Village  
**Census Tract:** 110.20  
**Street Frontage:** 426.62 feet along Getwell Road  
**Zoning History:** The current Single Family Residential (R-S 8 or R-1A equivalent) District on this site dates back to the adoption of county wide zoning in 1960.

**DEPARTMENTAL COMMENTS:**

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

<b>City Engineer:</b>	City sanitary sewers are available at developer's expense.
<b>City Fire Division:</b>	No comments received.
<b>City Real Estate:</b>	No comments.
<b>City/County Health Department:</b>	The Water Quality Branch has no comments.
<b>City Board of Education:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Bell South:</b>	AT&T TN has no comment regarding this new development.
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.

**OPD-Regional Services:**

This application was reviewed by the MPO staff/Department of Regional Services on February 15, 2008. Getwell Road is a Priority 1 facility with proposed right of way and pavement widths of 108 feet and 88 feet respectively.

**OPD-Plans Development:**

No comments.

**Neighborhood Associations:**

None listed.