

**STAFF REPORT**

**17**

**CASE NUMBER:** S.U.P. 08-208 **L.U.C.B. MEETING:** March 13, 2008

**LOCATION:** Northeast side of Lamar Avenue(U.S. 78) at Dunn Avenue

**OWNER/APPLICANT:** Jatin Kumar

**REPRESENTATIVE:** Samuel Turner, III

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

**AREA:** 2.0 Acres

**EXISTING LAND USE & ZONING:** Vacant land in Highway Commercial(C-H) District.

**SURROUNDING USES AND ZONING:**

**North:** Junior billboard, small restaurant, Budget Motel in Highway Commercial(C-H) District and Cherokee Park(public) in Duplex Residential(R-D) District.

**East:** Vacant lots with dilapidated buildings in Highway Commercial(C-H) District and single family homes in Johnson's Cherokee Subdivision in Duplex Residential(R-D) District.

**South:** Vacant lots with dilapidated buildings, offices and Lamar Motel in Highway Commercial(C-H) District.

**West:** Vacant land approved for retail shops, new 'Aldi' grocery store and 120 multi-family apartments under construction in Lamar Crossing Planned Development(P.D. 06 313).

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

*Approval with Conditions*

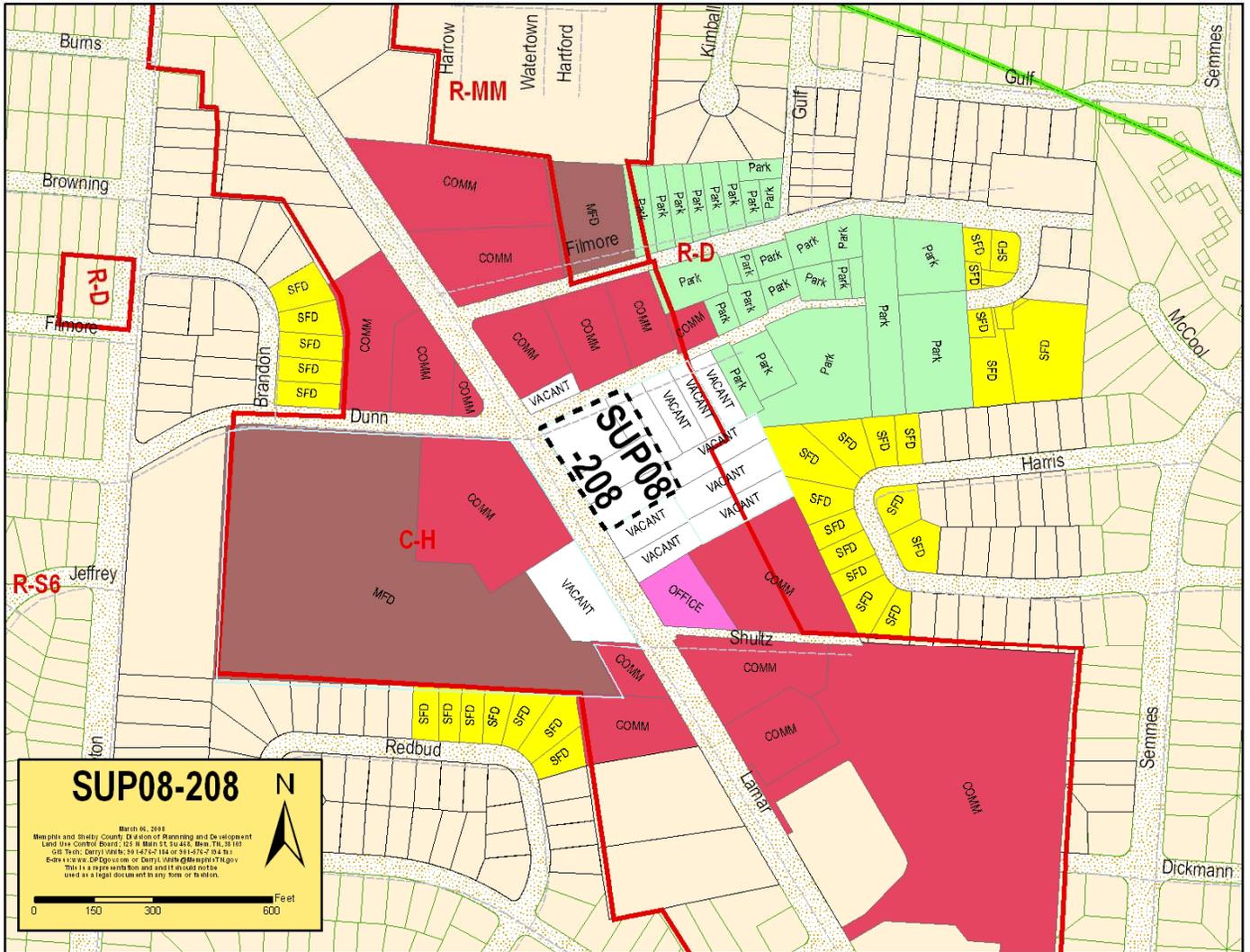
**Staff:** *Brian Bacchus*

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

***CONCLUSIONS:***

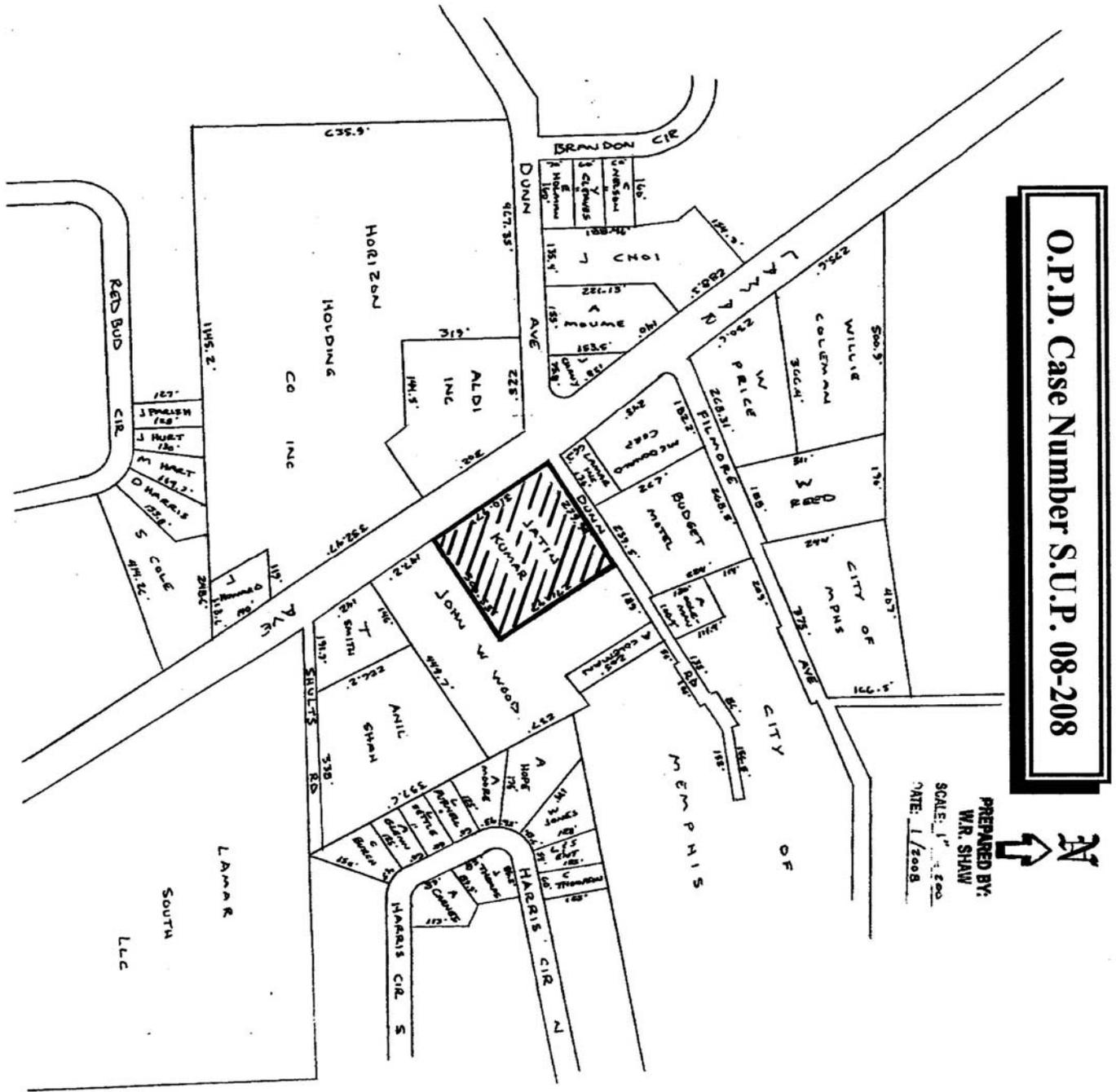
- 1. The subject property is a combination of several vacant lots totaling 2.0 acres of land at the northeast side of Lamar Avenue(U.S. 78) at Dunn Avenue in the Depot Planning District. There are five(5) lots that front on Lamar Avenue with curb, gutter and sidewalk at the street, including overhead power lines.**
- 2. In June 2006, a zoning request for C-H District zoning was filed by the same applicant. The application (Z 06-110) was withdrawn by the applicant and a new application filed for special use permit to allow construction of a new motel building for twenty-six(26??) rooms, including manager's office, indoor swimming pool and a meeting room.**
- 3. The land use in this area is predominantly intensive Highway Commercial(C-H) District land use and zoning concentrated along both sides of Lamar Avenue. The land use most affected by this proposal are single family homes in Johnson's Cherokee Subdivision directly adjacent to and east of the site in Duplex Residential(R-D) District zoning.**
- 4. Since this is a special use permit and administrative review is required, several modifications to the site plan are recommended by staff. The two-story elevation of the building should be to Lamar Avenue and not Dunn Avenue alley. The access to interior parking shall be as illustrated by the private drive, but the building orientation will rotate ninety(90) degrees.**
- 5. The landscaping between the building and front-loaded parking spaces shall be illustrated on the site plan, including width of beds and plant materials. The building elevations shall be at least 80% brick with window openings and brick soldier courses as distinct architectural features.**

**ZONING & LAND USE MAP:**





VICINITY & OWNERSHIP MAP:



***STAFF ANALYSIS:***

***Site Description***

The subject property is a combination of several vacant lots totaling 2.0 acres of land at the northeast side of Lamar Avenue(U.S. 78) at Dunn Avenue in the Depot Planning District. There are five(5) lots that front on Lamar Avenue with curb, gutter and sidewalk at the street and overhead power lines. Those lots were formerly used for motor vehicle sales and repair in Highway Commercial(C-H) District zoning operating from a mobile office trailer that has since been removed from the subject property and two dilapidated buildings that will be demolished.

There are three(3) lots that front on Dunn Avenue alley, an unimproved alley right-of-way designated for future extension of Dunn Avenue along the northwest property line of the subject property. In June 2006, a zoning request for C-H District zoning was filed by the same applicant to change zoning on a rear portion of property in R-D District zoning that abuts single family homes in Johnson's Cherokee Subdivision. The application (Z 06-110) was withdrawn by the applicant and a new application filed for special use permit to allow construction of a new motel building on the subject property located in C-H District zoning.

***Area Overview***

The land use in the area is predominantly intensive highway commercial land use in C-H District zoning concentrated along both sides of Lamar Avenue. The land use includes an array of uses from offices for financial services and public offices of MLG & W to motels, small restaurants and auto sales and service. A small restaurant and motel are located directly north and another motel is located directly adjacent to and south of the subject property. A dated retail center is located across Lamar Avenue to the northwest and a new retail center was recently constructed southeast of the subject property with four(4) out-parcels for future development.

The land use most affected by this proposal are single family homes in Johnson's Cherokee Subdivision directly adjacent to and east of the site in Duplex Residential(R-D) District zoning. The land use farther to the north and east is Cherokee Park(public) and duplex residential units also in R-D District zoning. The land use is a mix of older businesses, restaurants and retail shops with greater potential for redevelopment in an area of the city that has Highway Commercial(C-H) District zoning and land use concentrated along a major roadway corridor. A recent infill development approved by planned development(Lamar Crossing P.D. 06-313) is directly across from the subject property that includes a new grocery store and new apartments under construction with vacant land available for retail shops to front Lamar Avenue.

**Land Use vs. Building Orientation**

The applicant is requesting a special permit to construct a new motel building in Highway Commercial(C-H) District zoning. The zoning of this property allows a motel by right, but a special permit is required for any new construction of a motel or hotel or a change in ownership located in a zoning district that permits the land use. The request is for construction of a new motel building for twenty-six(26??) rooms, including manager's office, interior courtyard area parking, indoor swimming pool and a meeting room.

The rear lots that are not a part of this application will remain in Duplex Residential(R-D) District zoning and delineates a transition between commercial and residential land uses. The lots were created and zoning designated to create a buffer zone of residential zoning to maintain a horizontal separation between single family and highway commercial land uses. This area has been maintained in a manner undisturbed for decades and adjacent land uses for single family homes have maintained this balance for years without encroachment upon residential rear yards.

The new structure is a typical motel building, except for two-story units at the front with standing-seam metal pitch roofs and large windows. The building will be two-stories at the street and one-story to the rear with open air parking interior to the building. The orientation of the building is to Dunn Avenue alley with landscaping along the private drive with additional front loaded parking spaces against the building.

A landscape screen will be provided along the northwest property line to include street trees and flowering beds along Dunn Avenue alley and the private drive. A much wider landscape screen of fifty(50') with street trees will be provided along Lamar Avenue as mutually agreed upon with the Cherokee Heights Neighborhood Association as well as landscape screens along the northeast and southeast property lines to include a sight-proof fence six(6') feet in height.

Since this is a special use permit and administrative review is required, several modifications to the site plan are recommended by staff. The two-story elevation of the building should be to Lamar Avenue and not Dunn Avenue alley. The access to interior parking shall be as illustrated by the private drive, but the building orientation will rotate ninety(90) degrees. This will place the mass of the building at the street incorporating new urban design standards with no parking between the building and the major road.

The landscaping between the building and front-loaded parking spaces shall be illustrated on the site plan, including width of beds and plant materials. The building elevations shall be at least 80% brick with window openings and brick soldier courses as distinct architectural features. A detailed landscape plan shall be incorporated in the site plan review prior to this application proceeding to the legislative body. Although there are two motels in the immediate area, this franchise will be the first of its kind with architecture that blends well with new development directly across the street.

**RECOMMENDATION:**            *Approval with Conditions*

***SITE PLAN CONDITIONS:***

A *Special Use Permit* is hereby authorized to 'Vista Suites' to allow a 'new motel building' on property located at '2850 Lamar Avenue' and the 'northeast side of Lamar Avenue(U.S. 78) at Dunn Avenue' in accordance with an 'approved site plan' and the following supplemental conditions:

1. A new motel building a maximum of twenty-six(26??) rooms, including associated accessory uses for manager's residence, meeting room and an indoor swimming pool.
2. The placement and orientation of the hotel building, including design of access, circulation and parking shall be modified and illustrated on the site plan. The site plan shall be modified to reorient the building front to Lamar Avenue prior to forwarding to the Memphis City Council.
3. Any dumpster shall be located to the side or rear of the building and screened from view from adjacent properties and the public road.
4. All exterior walls shall be a minimum of 80% brick as generally depicted on submitted site plans and elevation drawings.
5. The maximum height of the hotel building shall be thirty(35')five feet or two(2) stories.
6. 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.
7. A Landscape Plate 'A-2' shall be installed and maintained along Lamar Avenue(U.S. 78) and Landscape Plate 'B-4' shall be installed and maintained along the northeast and southeast property lines.
8. Landscaping shall be provided between the building and front-loaded parking spaces and illustrated on the site plan, including width and plant materials. 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.
9. 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.
10. All attached and detached signs shall comply with Highway Commercial(C-H) District zoning in accordance with the Sign Ordinance-Regulations.
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:** Lamar Avenue(U.S. Hwy 78)-----+/-310.97 linear feet.  
Dunn Avenue(un-improved)-----+/-279.94 linear feet.

**Planning District:** Depot

**Census Tract:** 81.20

**Zoning Atlas Page:** 2235

**Zoning History:** The Highway Commercial(C-H) District zoning of the site date 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. City sanitary sewers are available at developer's expense.
2. The developer shall extend sanitary sewers through the site to serve upstream properties.

**Curb Cuts/Access:**

3. The City Engineer shall approve the design, number and location of curb cuts.
4. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

**Drainage:**

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. Required landscaping shall not be placed on sewer or drainage easements.

**Memphis Fire Services:** All exterior portions of the structures shall be within 500' hose lay from a fire hydrant accessible to fire apparatus.

**City Real Estate:** None.

**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. Since this is a Special Use Permit that could require the demolition of a structure or structures at this site, the developer will need to fill the attached questionnaire before any demolition activities begin at the site.
3. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer or contractor must contact the Asbestos Branch in the Air Pollution Section at (901) 544-7349 in order to secure the appropriate permit.

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.

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

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

**OPD-Plans Development:**

DEPOT DISTRICT PLAN, PENDING - There is a study underway for a large area including and around the subject site. The plan strives to, among other goals, enhance community livability; promote consistent and sustainable land development; improve quality of built and natural environment. The study identifies Lamar Avenue as an area in need of revitalization and encourages main-street type of development that encourages walkability and integrates into the community around. Requested special use is not the type that will encourage pedestrian oriented main-street type of development.

INTENDED USE - Motel as the intended use does not add value to the vision of the undergoing plan. Lamar Avenue, although a US Highway, is in the middle of an urban area at the subject site and is surrounded by a residential neighborhood. Considering there is already two existing motels in the immediate vicinity, there is no need for additional motels. Motels by nature give direct access to rooms, which allow problem guests and visitors to come and go without being seen by motel personnel. This apparent lack of control over visitors makes it difficult for motel management to control unwanted behavior in spite of their good intentions.

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

**Neighborhood Associations/Organizations:**

***Bethel Grove Neighborhood Association:***

These comments are to express my displeasure in the proposed application to the Vista Inn. I really don't see any difference in this application and the application for the Scottish Inn last year. I just don't see how a first-class motel being built between two hourly motels expect to stay reputable and make money. My feelings as those of last year have not changed. Lamar definitely does not need another hotel/motel or any venue that will promote or attract any kind of wrong doing. These people could not get this application through the front door now they are trying the back door. The two motels on Lamar that were recently closed for drugs and criminal activity started out as reputable places of businesses. One of them being the Garden Suites was originally the Ramada Inn and very classy in its day.

We need to keep out neighborhood as clean and crime free as possible. One way to do this is to not invite elements into the area that will be detrimental to the area. We have 5 motel within a mile and a half including the two that were closed. It is predicted that the supply of hotel room nationally and in Memphis will grow faster than the demand. So when the targeted people do not occupy the rooms, who will? It is true that when you build it they will come, but who will come and who will they bring with them. I have noting against truck drivers being of that profession myself, but that truck stop down Lamar is a beacon for pimps, prostitutes and drug activity. Personally I don't think another hotel/motel needs to be added to that equation. I just don't think it will add anything positive to the area. I can not with a clear conscience consent to this application.

***Cherokee Heights Neighborhood Association:***

The Neighborhood Association approve the permit for building Vista Suites. Mr. Kumar met with our organization several times and have met with us at our monthly meetings. The car lot was one eyesore to the community.

***Staff: bb***