

STAFF REPORT

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CASE NUMBER: **P.D. 08-311** **L.U.C.B. MEETING:** **May 8, 2008**

DEVELOPMENT NAME: **SKIFF MOUNTAIN PLANNED DEVELOPMENT**

LOCATION: West side of N. Fourth Street; +/-74 feet north of Jefferson Avenue

OWNERS/APPLICANTS: Skiff Mountain Patners, LLC

REPRESENTATIVE: Hugh Fraser

REQUEST: Planned development to re-use an existing building for a medical device manufacturing establishment.

AREA: 0.20Acre(8,712 sq. ft.)

EXISTING LAND USE & ZONING: Central Business (CBD) District

SURROUNDING LAND USES AND ZONING:

North: Surface parking lots and attorney at law offices in Central Business(CBD) District.

East: Multi-story office building with associated parking for Blue Cross-Blue Shield Corporate Headquarters of Memphis.

South: Surface parking lots, office and small warehouse in Central Business(CBD) District.

West: Motor vehicle service repair shop, surface parking lots and open-air parking garage in Central Business(CBD) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

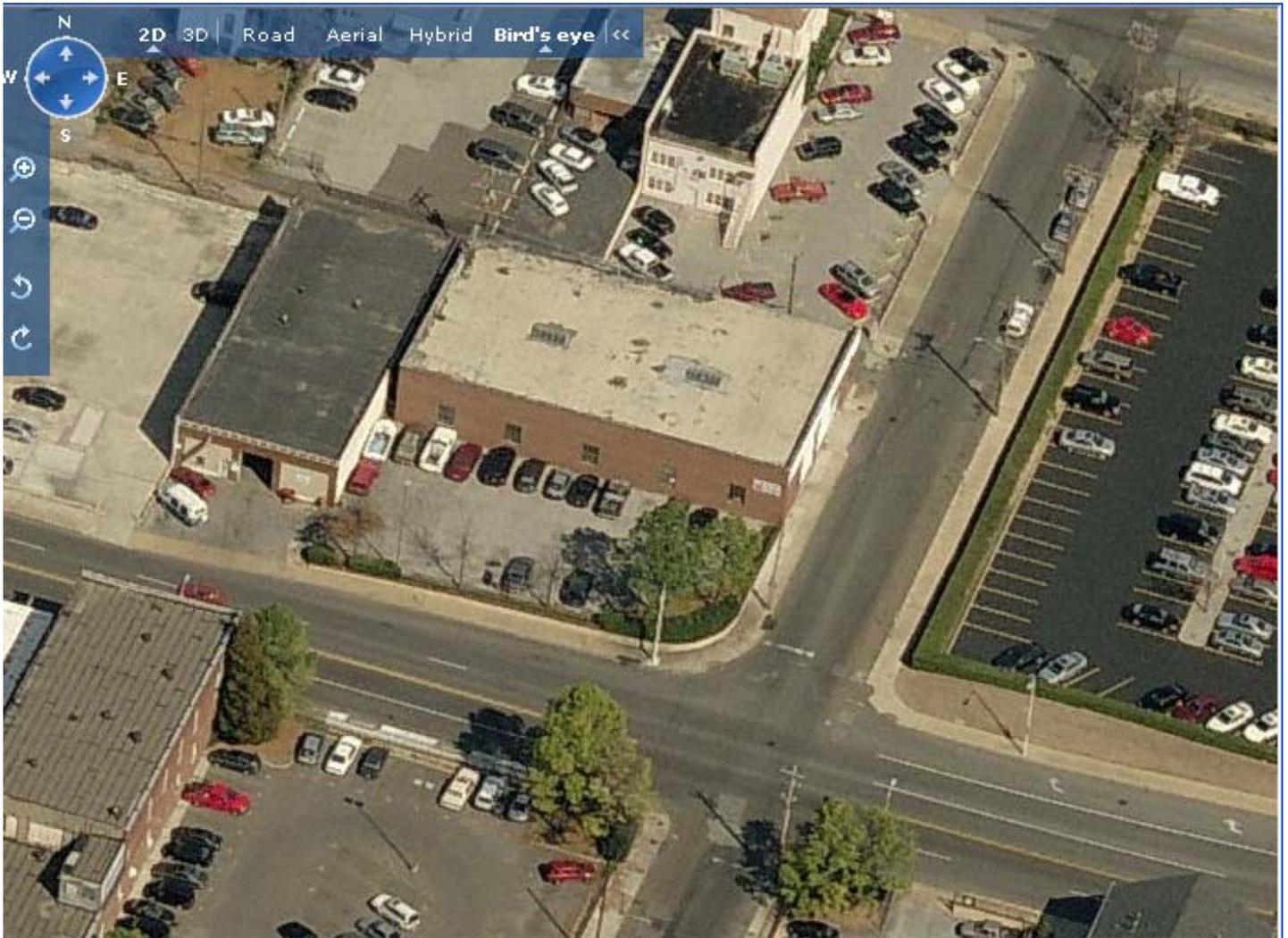
Staff: *Brian Bacchus*

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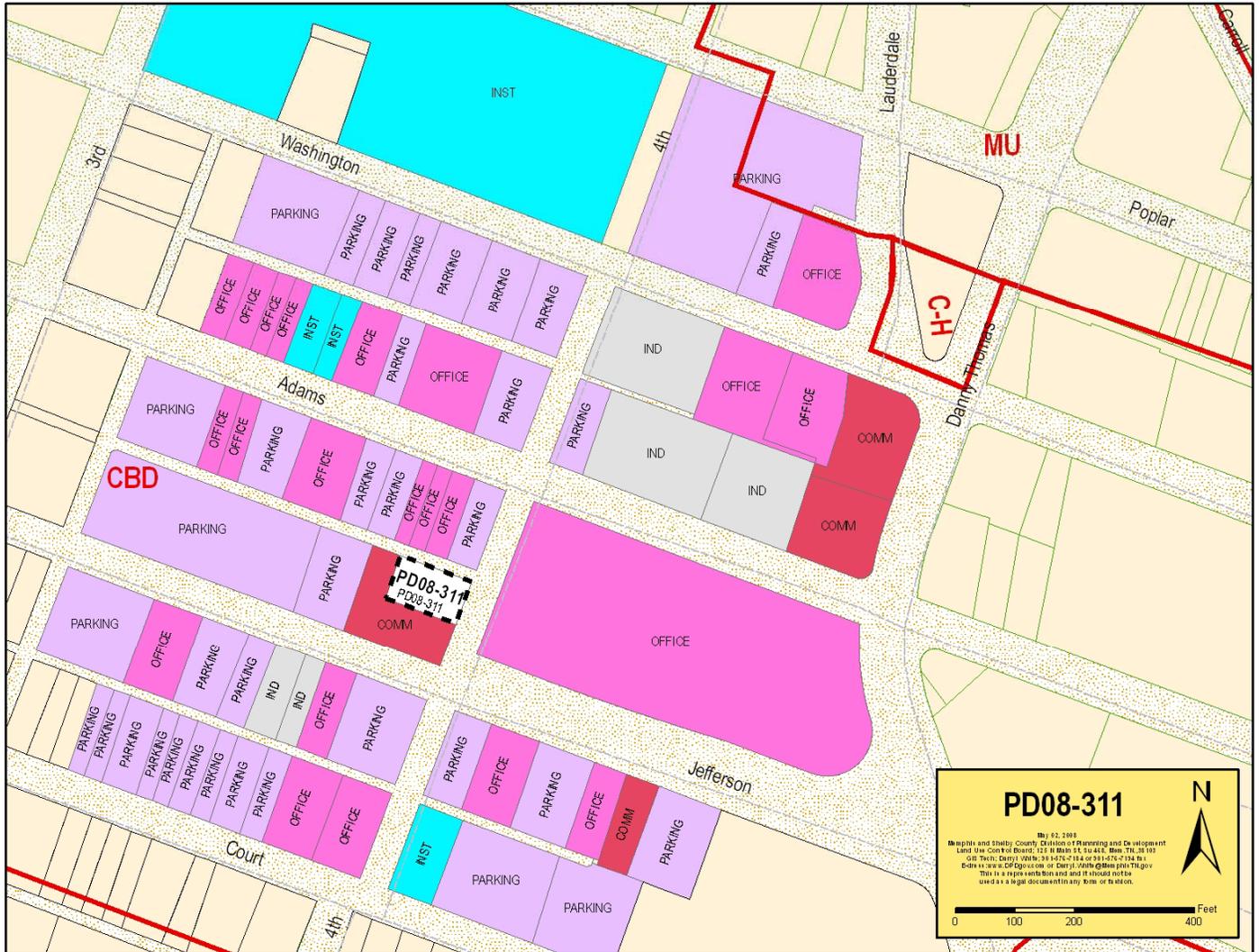
CONCLUSIONS:

- 1. The subject property is an existing building located at the west side of N. Fourth Street approximately 75 north of Jefferson Avenue and 500 feet west of Danny Thomas Boulevard. The lot is adjacent to a public alleyway containing 0.20 acres totaling 8,712 square feet in area currently in Central Business(CBD) District zoning.**
- 2. The subject property is located between downtown and the medical center and has experienced a transformation in land uses. The surrounding land use and zoning is primarily law offices in close proximity to the judicial center, including numerous surface parking lots and an historic building.**
- 3. The request is for a planned development to allow the conversion of an existing building to a medical device manufacturing establishment located in the Central Business(CBD) District zoning, because current zoning does not allow this light manufacturing.**
- 4. Although the building is not built for such an establishment, a small medical manufacturing company is not an industrial land use, but more of a machine shop of tool and die makers.**
- 5. This request for planned development is an acceptable land use in an adaptive structure. The land use is supported, because it is located in close proximity to the medical center as a supportive land use utilizing an existing structure in an appropriate location.**

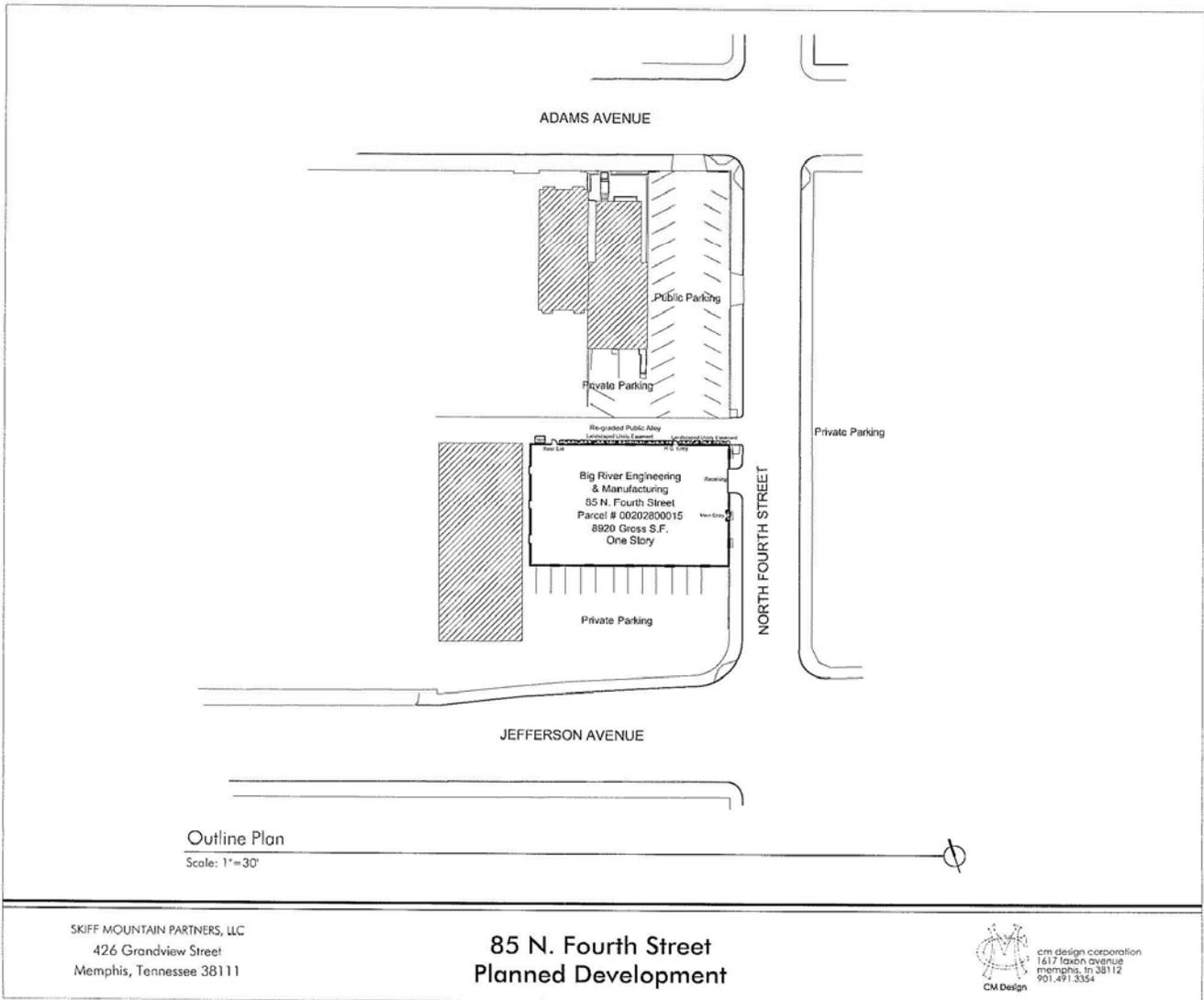
85 N. Fourth Street (Bird's Eye View):



ZONING & LAND USE MAP:



OUTLINE PLAN:



85 NORTH FOURTH STREET-NORTH FACADE:

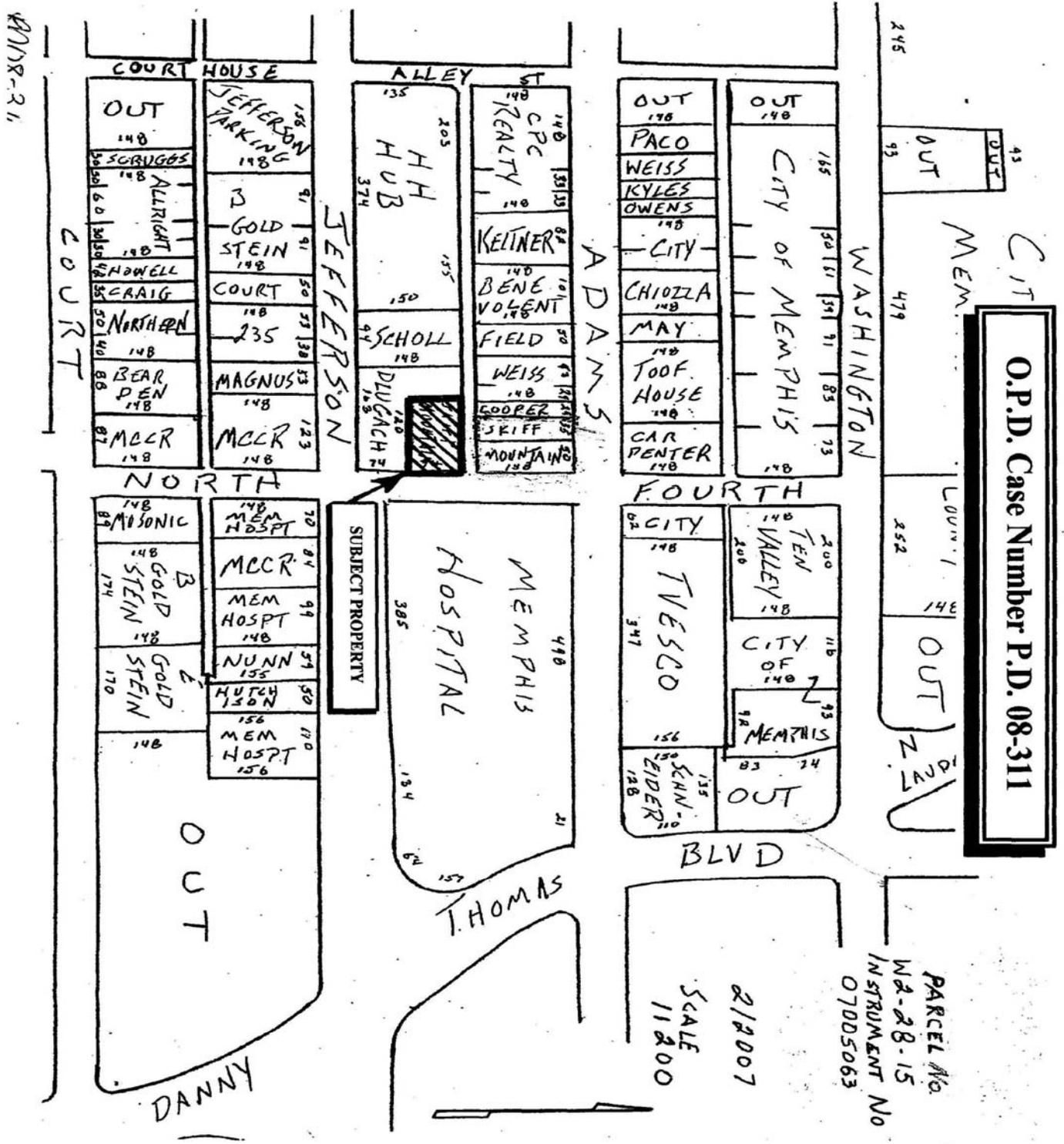


85 N. FOURTH STREET-EAST FACADE:



**85 N. Fourth Street
Proposed East Facade**

OWNERSHIP & VICINITY MAP:



STAFF ANALYSIS:

Site Description

The subject property is an existing building located at the west side of N. Fourth Street approximately 75 north of Jefferson Avenue and 500 feet west of Danny Thomas Boulevard. The lot is adjacent to a public alleyway containing 0.20 acres totaling 8,712 square feet in area in the Downtown Medical Center Planning District currently in Central Business(CBD) District zoning. The subject property was once used for several land uses, including transmission repair, wrecker service and horse stables.

There are overhead power lines that parallel to the public alleyway and curb, gutter and sidewalk along the front of the building facing N. Fourth Street. The site has no parking and no curb cut—except for alleyway access to surface parking lots. There are several surface parking lots—one directly adjacent to this building under different ownership and across from the site on Jefferson Avenue. All land use in the immediate area is located in Central Business(CBD) District zoning.

Area Overview

The subject property is located between downtown and the medical center and has experienced a transformation in land uses. The surrounding land use and zoning is primarily law offices in close proximity to the judicial center, including numerous surface parking lots and an historic building. The institutional land use farther north includes the Correction Center, a parking garage and a vacant public building. There is an electrical supply company northeast, including warehouse space and immediately east is a multi-story office building with a vast amount of parking for Blue Cross-Blue Shield of Memphis. This downtown Jefferson Avenue corridor consists of office, motor vehicle service and a small warehouse for a meat company, but primarily surface parking lots and an open-air parking garage.

Land Use vs. Adaptive Structures

The request is for a planned development to allow the conversion of an existing building to a medical device manufacturing establishment located in the Central Business(CBD) District zoning in the Downtown-Medical Center Planning District. The site is a 0.20 acre parcel totaling 8,712 square feet in area. The applicant is proposing a planned development, because current CBD District zoning does not allow light manufacturing.

The existing building is an appropriate land use of an adaptive structure, because adaptive re-use of an older structure is encouraged for up-grading older buildings within the downtown area to become viable land uses. This adaptive structure warrants the proposed use as a medical device manufacturing establishment with ample parking on-site with adjacent surface parking for the general public. However, the public alleyway shall remain clear of any obstructions, including landscaping subject to review and approval by staff.

Although the building is not built for such an establishment, a small medical manufacturing company is not an industrial land use, but more of a machine shop of tool and die makers. The existing building can support such an establishment in Central Business District zoning, because this request for planned development is an acceptable land use in an adaptive structure. The land use is supported, because it is located in close proximity to the medical center as a supportive land use utilizing an existing structure in an appropriate location.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS:

- I. Uses Permitted:
 - A. A medical device manufacturing establishment with associated accessory uses, including parking.
 - B. All storage shall be inside the building. No accessory structures shall be permitted.
- II. Bulk Regulations: In accordance with the Central Business(CBD) District.
- III. Access, Circulation and Parking:
 - A. Any existing nonconforming sidewalks and curb-cuts shall be modified to meet current City and ADA Standards.
 - B. The design and location of curb cut shall be approved by the City Engineer.
 - C. A curb and concrete sidewalk on the south side of the alley shall be installed in lieu of a planting strip in the public right-of-way.
- IV. Sign: The sign shall be subject to review and approval by the Center City Commission.
- V. 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.
- VI. 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.
- VII. 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 for 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 one-hundred(100) year flood elevation.

P.D. 08-311
Skiff Mountain Planned Development

GENERAL INFORMATION:

Street Frontage: N. Front Street-----+/-74.40 linear feet.
Public Alleyway-----+/-120 linear feet.

Planning District: Downtown Medical Center

Census Tract: 41.0

Zoning Atlas Page: 2030

Zoning History: The Central Business(CBD) District zoning dates to the adoption of the 1980 zoning map amendments.

DEPARTMENTAL COMMENTS:

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

City Engineer: No comments received.

City Fire Division: No comments.

City Real Estate: None.

Memphis & Shelby County Health Department: No objections.

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 Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the attached questionnaire.
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 Control Section at (901) 544-7349 in order to secure the appropriate permit.

Memphis Board of Education:

After reviewing the P.D. 08-311 Skiff Mountain land use case, the Memphis City School Capital Planning staff concludes that the subject property is not adjacent to any properties which have been identified as belonging to Memphis City Schools. In addition, the Capital Planning staff believes that there is no identifiable impact on school aged population nor Memphis City Schools property interests.

Construction Code Enforcement: No comments received.

Center City Commission:

No comment on use variation. On public alley improvements, we would recommend a curb and concrete sidewalk on the south side of the alley in lieu of a planting strip in this public ROW.

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.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **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).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website:
 - http://www.mlgw.com/images/water_manual.pdf
- **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:

This application was reviewed by the MPO staff/Department of Regional Services on April 25, 2008. Jefferson Street is an existing major road consisting of 50 feet of right of way, 40 feet of pavement, and proposed improvements.

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:

Downtown Neighborhood Association:

No comments received as of 5/02/08.

Staff: bb