

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT** **# 4**

**CASE NUMBER:** SUP97-200      **LUCB MEETING:** November 14, 2013

**DEVELOPMENT NAME:** Emerald Auto Sales

**LOCATION:** 2748 Emerald Street

**COUNCIL DISTRICT:** 3

**SUPER DISTRICT:** 8

**OWNER OF RECORD/APPLICANT:** Larry Saulsberry

**REPRESENTATIVE:** Delinor Smith

**REQUEST:** Time extension to operate a used car lot within a CMU-1 Zoning District

**AREA:** .41 acres

**EXISTING LAND USE & ZONING:** Commercial Mixed Use-1

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**  
Approval with Conditions

Staff Planner: Calvin Abram

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**CONCLUSIONS:**

The applicant is requesting a Special Use Permit to operate a used car lot without repair services in a CMU-1 Zoning District.

The applicant is proposing to utilize the existing 1,610-square-foot structure as sales office and the 20,000-square-foot surface lot to house used cars.

This proposal meets the integrity and character of the area and the surrounding businesses.

## LAND USE AND ZONING MAP



### SURROUNDING LAND USES AND ZONING:

- North:** Commercial
- East:** Commercial
- South:** Residential
- West:** Residential

## Aerial of Site



The subject site has frontage along Emerald Street.







South of site  
abutting  
residential home



East of site  
abutting  
townhomes





North of site  
abutting  
commercial



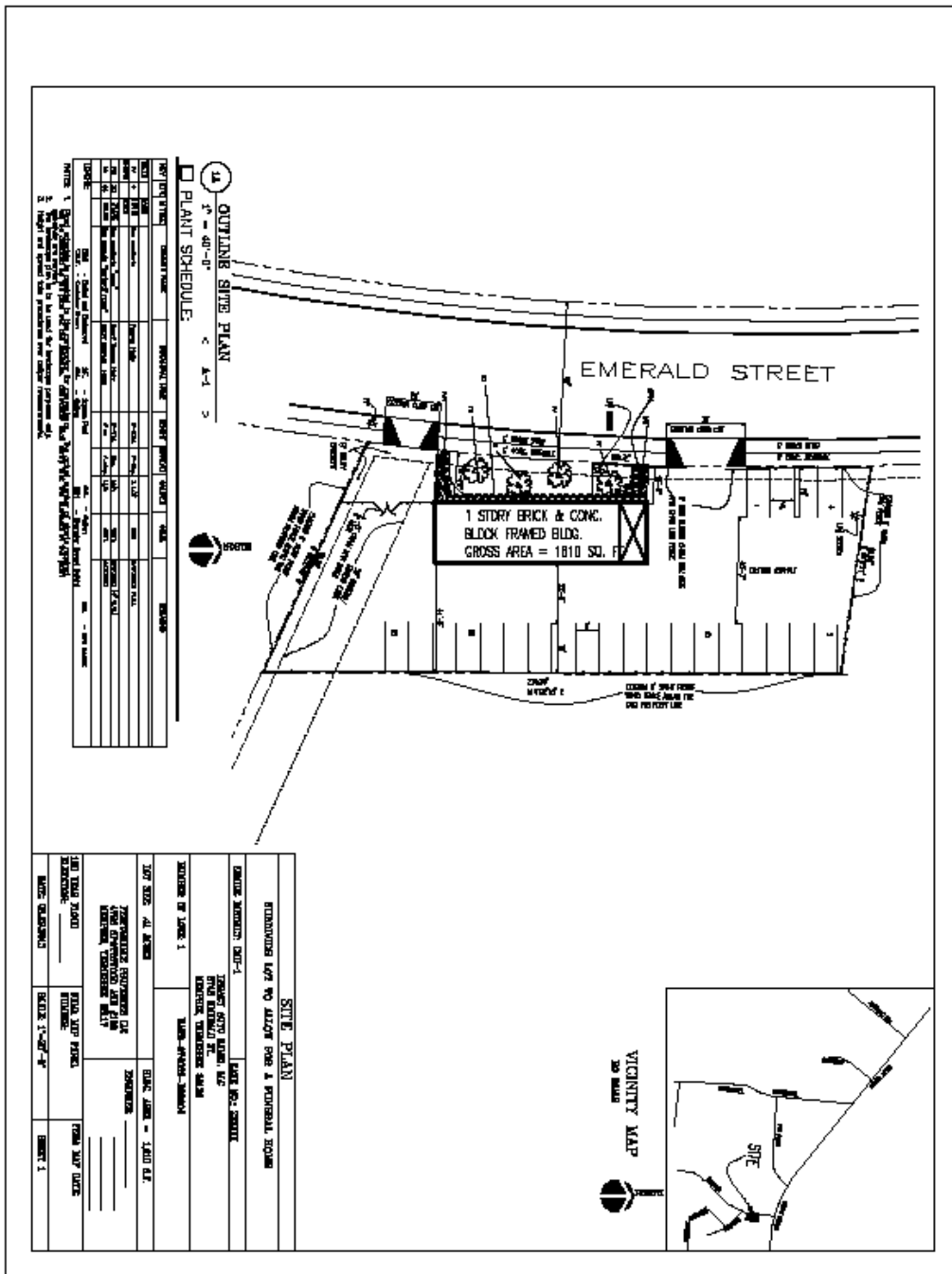
Tire and auto  
repair  
services

Gas  
sales/convenience  
store





# Site Plan



## **STAFF ANALYSIS:**

This application is a request for a Special Use Permit within the Commercial Mixed Use-1 zoning district along Emerald Street and within proximity of Mount Moriah. The applicant proposes to utilize the 0.41 acre Lot for used car sales. The site is located at 2748 Emerald Street.

The original SUP was approved in 1997 as a used car sales lot; however, the property was sold and converted into an office building in 1999. After the conversion of the building to a offices, it set vacant for several years until 2013. At this time, the new owner is requesting a time extension of the originally approved SUP for the used car lot. All time extensions are classified as major modifications by the UDC (see Sub-section 9.6.14B and Section 9.6.12).

Emerald Street serves as a north-south local street between the abutting neighborhood and Mount Moriah. The applicant is proposing a project which will be consistent with the character and integrity of immediate area, provide an additional tax base to the City and remove a potential blight from the community.

The Commercial Mixed Use-1 Zoning District is intended to provide for commercial, office, and employment uses that serve through traffic as well as surrounding neighborhoods. Uses in this district are intended are intended to be located within convenient traveling distance from the multiple neighborhoods they are designed to serve.

Site:

The applicant is requesting to establish a used car sales lot to be located at 2748 Emerald Street. The 0.41 acre lot will consist of a 1,610-square-foot used car sales office to include a total of 23 parking spaces to the site. Re-approval of this SUP shall not allow the servicing or repairing of vehicles at this location. The existing vacant structure onsite was approved as a used car lot by SUP97-200, but the owner of the site failed to utilize the lot for used car sales within the two (2) year timeframe as identified by the UDC; therefore, the SUP expired.

The applicant has improved the site by repairing the existing structure on the property, resurfacing the lot and will install a new six (6) foot-height wooden fence along the southern and eastern border of the site to serve as a modified class-III buffer.

The design of the site will be consistent with other development located along Emerald Street. Some of the designs will include:

- Chain-linked fence separating property boundaries
- Class III buffer
- Additional Landscaping to the site

The applicant proposes landscaping along the site's western frontage. The site plan as submitted will add to the character and integrity of the Emerald Street business community.



The development is supported by the UDC subsections 9.6.9A(B and D):

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare;
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations;
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.

**RECOMMENDATION:**            Approval with Conditions

1. The subject site shall comply with the site plan as submitted.
2. The applicant shall provide additional landscaping along the western frontage of the site and all landscaping shall be in compliance with the UDC Section 4.6.9 and landscape plan as submitted.
3. The applicant shall identify the dimensions of all signage to the site and signage shall be in compliance with the CMU-1 Zoning District. If applicant wishes to waiver from CMU-1 signage requirements, the applicant shall submit an application for a sign variance.
4. The applicant shall erect a six (6) foot-height wooden sight-proof fence which separates the subject on its eastern and southern boundary and the fencing shall be of same material, height and color.
5. The applicant shall provide a minimum of five (5) parking spaces to the site, to include one (1) ADA parking space. These spaces shall not be used to store vehicles, employee parking or storage.
6. The test driving of vehicles shall not be permitted on residential streets.
7. The business nor patrons to the site shall park in residential areas.
8. All new lighting shall be attached to the building and shall not exceed 12-feet in height.
9. All new and existing lighting shall be directed to the northwest away from any residential use and shall be limited to a maximum of two (2) candles of luminescence.
10. The hours of operation shall be limited to the hours of 9:00 a.m. to 8:00 p.m.; Monday through Saturday only.
11. The repair and/or servicing of vehicles are prohibited onsite.

Sewers:

12. City sanitary sewers are available at developer's expense.

Roads:

13. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
14. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

Drainage:

15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

General Notes:

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

Curb Cuts/Access:

18. The City Engineer shall approve the design, number and location of curb cuts.
19. The existing nonconforming curb cut on the south end of the site shall be designated for one way movement only and signed to reflect its use, or closed with curb, gutter and sidewalk.

20. The existing nonconforming curb cut on the north end of the site shall be modified to meet current City Standards.



## GENERAL INFORMATION

<b>Street Frontage:</b>	Emerald
<b>Planning District:</b>	Oakhaven
<b>Census Tract:</b>	010720
<b>Annexation Reserve Area:</b>	Not Applicable.
<b>Zoning Atlas Page:</b>	2245
<b>Parcel ID:</b>	074089 800004
<b>Zoning History:</b>	CMU-1

## DEPARTMENTAL COMMENTS

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

**City Engineer:** Comments received.

**Roads:**

21. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
22. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

**Curb Cuts/Access:**

23. The City Engineer shall approve the design, number and location of curb cuts.
24. The existing nonconforming curb cut on the south end of the site shall be designated for one way movement only and signed to reflect its use, or closed with curb, gutter and sidewalk.
25. The existing nonconforming curb cut on the north end of the site shall be modified to meet current City Standards.

**Site Plan Notes:**

26. Will the gates be closed only during non-business hours? If not then a modification in their design will be required to provide adequate queuing spaces in accordance with the current ordinance between the street right-of-way line and any proposed gate/guardhouse/card reader.

27. 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:

28. The width of all existing off-street sewer easements shall be widened to meet current city standards.

29. 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.

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

<b>City Fire Division:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>City/County Health Department- Pollution Control:</b>	No comments received.
<b>Environmental Sanitation:</b>	No comments received.
<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>	<a href="#">AT&amp;T Tennessee has no comment.</a>
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.
<b>OPD-Regional Services:</b>	No comments received.

**Division of Park Services:**

No comments received.

**Neighborhood Associations:**

No comments received.