

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 13

CASE NUMBER: SUP 13-227 **L.U.C.B. MEETING:** November 14, 2013

LOCATION: 4027 Jackson Avenue; northeast corner of Jackson Avenue and Brighton Road

COUNCIL DISTRICT: 7

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: Amanulla Sajwami/Terry Boyd, PE

REPRESENTATIVE: Fasil Kedebe

REQUEST: Convenient Store with Gasoline Sales

AREA: 0.93 Acres

EXISTING LAND USE & ZONING: Vacated Automobile Use/ CMU-3 (Commercial Mixed Use)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Writer: Gregory Love

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CONCLUSIONS

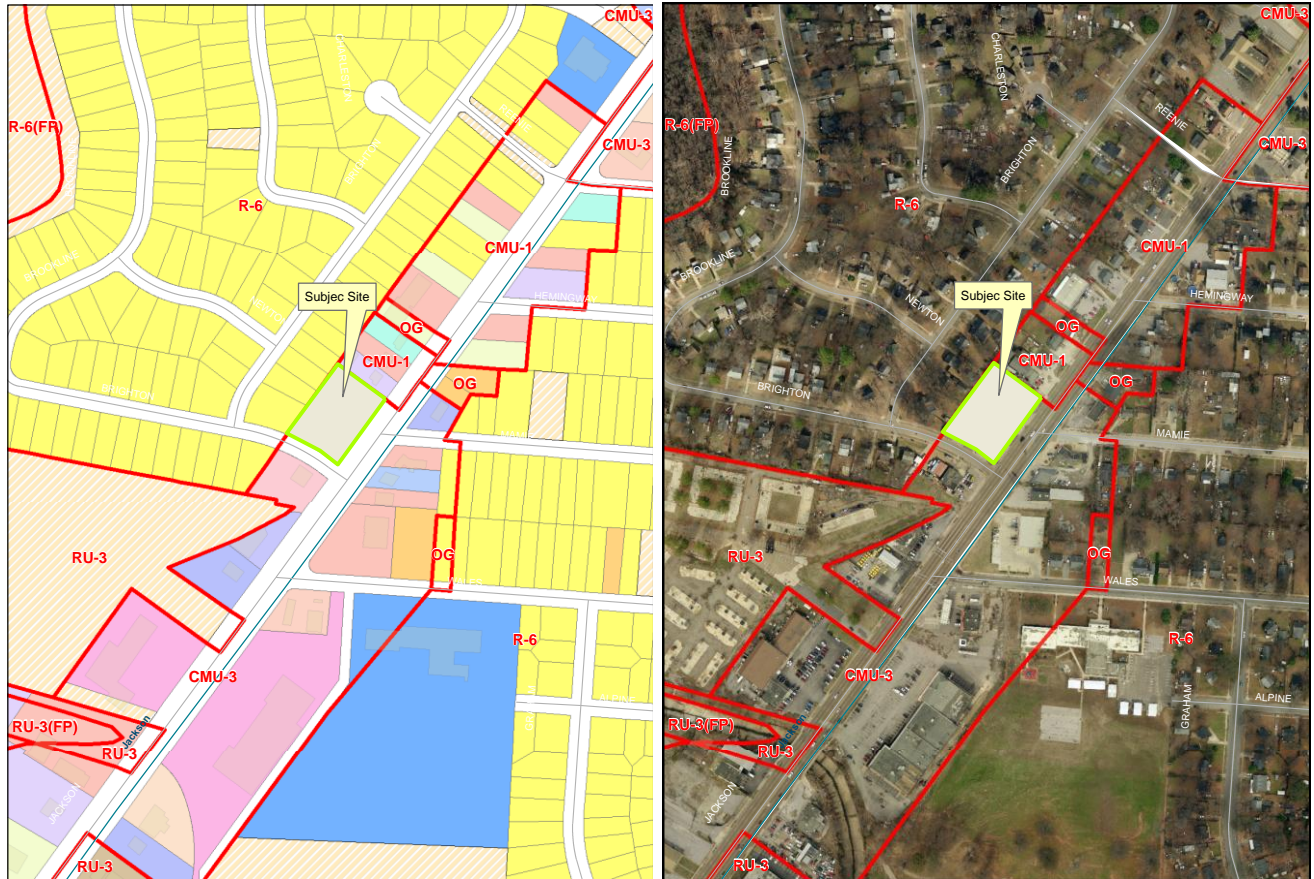
The subject site comprises approximately 0.96 acres of land and is it occupied by a commercial/office building and an accessory parking lot. The property is situated along Jackson Avenue and is currently zoned CMU-3. The site seems to have been used as an auto-related use but is now vacant. The applicant intends to develop the site as a convenient store with gasoline sales.

The subject area, particularly along the frontage of Jackson Avenue, is characterized as a commercial corridor with commensurate commercial and office uses surrounding it. However, the site abuts a local street on the west and directly abuts single-family land use and zoning to the rear.

The Unified Development Code, Item 2.6.3J(1)(f) recommends that “any convenience store with gas pumps be located at the intersection of two arterials, an arterial and a collector, or two collectors; the subject site does not meet either of these recommendations.

However, with carefully tailored conditions this site can be utilized for the proposed use without negatively affecting the surrounding residential neighborhood.

LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

- North:** Commercial uses with the CMU-1 (Commercial Mixed Use) District
- East:** Commercial uses with the CMU-3 (Commercial Mixed Use) District
- South:** Single-family residential within the R-6 (Single-family residential) District
- West:** Brighton Road and neighboring commercial use within the CMU-3 (Commercial Mixed Use) District

Subject Site (4076
Jackson Ave.)



Jackson
Ave.



Jackson Ave



Jackson Ave.



Brighton
Road



Subject Site

STAFF ANALYSIS

Site Characteristics

The subject site is located along the north side of Jackson Avenue; more specifically the northeast corner of Jackson Avenue and Brighton Road. The site is improved with a commercial/office structure with asphalt surface parking along its frontage. The site comprises approximately 0.96 acres and is currently zoned CMU-3 (Commercial Mixed Use). Jackson Avenue is considered to be a major east west arterial with six lanes of traffic and a turning lane, Brighton Rd is classified as a local road.

Zoning along Jackson Avenue is primarily commercial in character with commensurate Commercial Mixed Use zoning; however, the subject site immediately abuts single-family residential land use and zoning to the west.

This site seems to have been formerly used for auto sales and at one time may have been used as a gas station.

Request

Convenient Store with Gasoline Sales

Conclusion

UDC Item 2.6.3J(1)(f) suggests that “any convenience store with gas pumps be located at: the intersection of two arterials, at an arterial and a collector, or at two collectors; the subject site does not meet either of these recommendations.

The intent of this recommendation as explained in Zoning Text Amendment 12-002, is primarily to avoid potential negative impacts imposed by gas stations upon nearby residential neighborhoods and residential land use. In this case the subject site is within close proximity to single-family residential land use.

However, the subject site is fronting on a major road and with carefully drawn conditions may be utilized for the propose use without being detrimental to the abutting residential neighborhood.

RECOMMENDATION

Approval with conditions

SITE PLAN CONDITIONS

SUP13-327

1. The two curb cuts closest to the intersection of Brighton and Jackson shall be closed with curb, gutter and sidewalk. The two existing nonconforming curb cuts shall be reconstructed to meet current City Standards.
2. The City Engineer shall approve the design, number and location of curb cuts.
3. One curb cut per lot per street frontage will be permitted.
4. Install a modified Class III, A Buffer along the most northern property line. Erect 8 foot masonry wall matching the material of the principal structure.
5. Install modified S-9 Plate with 10 foot grass strip along Jackson Avenue and Brighton Road.
6. Site plan shall illustrate proposed lighting both attached to the principal structure and parking area lighting.
7. Site plan shall illustrate proposed access for fueling tanker trucks
8. No alcohol sales shall be allowed

GENERAL INFORMATION

Street Frontage: approximately 236' along Jackson Avenue and 174' along Brighton Road

Planning District: Jackson

Census Tract: 89

Zoning Atlas Page: 1840

Parcel ID: 014006 00008

Zoning History: CMU-3 (Commercial Mixed Use)

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 5.5.5 of the Unified Development Code.

Sewers:

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

Roads:

3. 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.
4. 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:

5. The City Engineer shall approve the design, number and location of curb cuts.
6. The two curb cuts closest to the intersection of Brighton and Jackson shall be closed with curb, gutter and sidewalk. The two existing nonconforming curb cuts shall be reconstructed to meet current City Standards.
7. The public improvements to this site shall be completed to the satisfaction of the City

Engineer prior to the issuance of as Use and Occupancy permit on this site.

8. One curb cut per lot per street frontage will be permitted.

Drainage:

9. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
10. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

General Notes:

11. The width of all existing off-street sewer easements shall be widened to meet current city standards.
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. A statement to this effect shall appear on the final plat.
13. Required landscaping shall not be placed on sewer or drainage easements.

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| City Fire Division: | No Comment |
| City Real Estate: | No comments received. |
| City/County Health Department- Pollution Control: | <i>No comments by the Water Quality Branch & Septic Tank Program.</i> |
| Environmental Sanitation: | No comments received. |
| City 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 conditions:

- **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 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 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 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 easement or dedicated utility easement without prior MLGW approval.

- **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). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **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.

Bell South:

No comments

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

Comprehensive Planning:

No comments