

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND
DEVELOPMENT
STAFF REPORT #7**

CASE NUMBER: Z 14-102 L.U.C.B. MEETING: August 14, 2014

LOCATION: Northwest corner of Macon Rd. and Dexter Lane

COUNCIL DISTRICT: 2 **SUPER DISTRICT:** 9

OWNER OF RECORD: Joe Bryant

APPLICANT: Gene Higginbotham

REPRESENTATIVE: S R Consulting (Cindy Reaves)

REQUEST: Rezoning from Single Family Residential - 6 (R-6) to
General Office (O-G)

AREA: 4.21 Acres

**EXISTING LAND USE
& ZONING:** A house, garage and small accessory structure in the
Single Family Residential -6 (R-6) District

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION:
Approval of Rezoning to the Residential Work (RW) District**

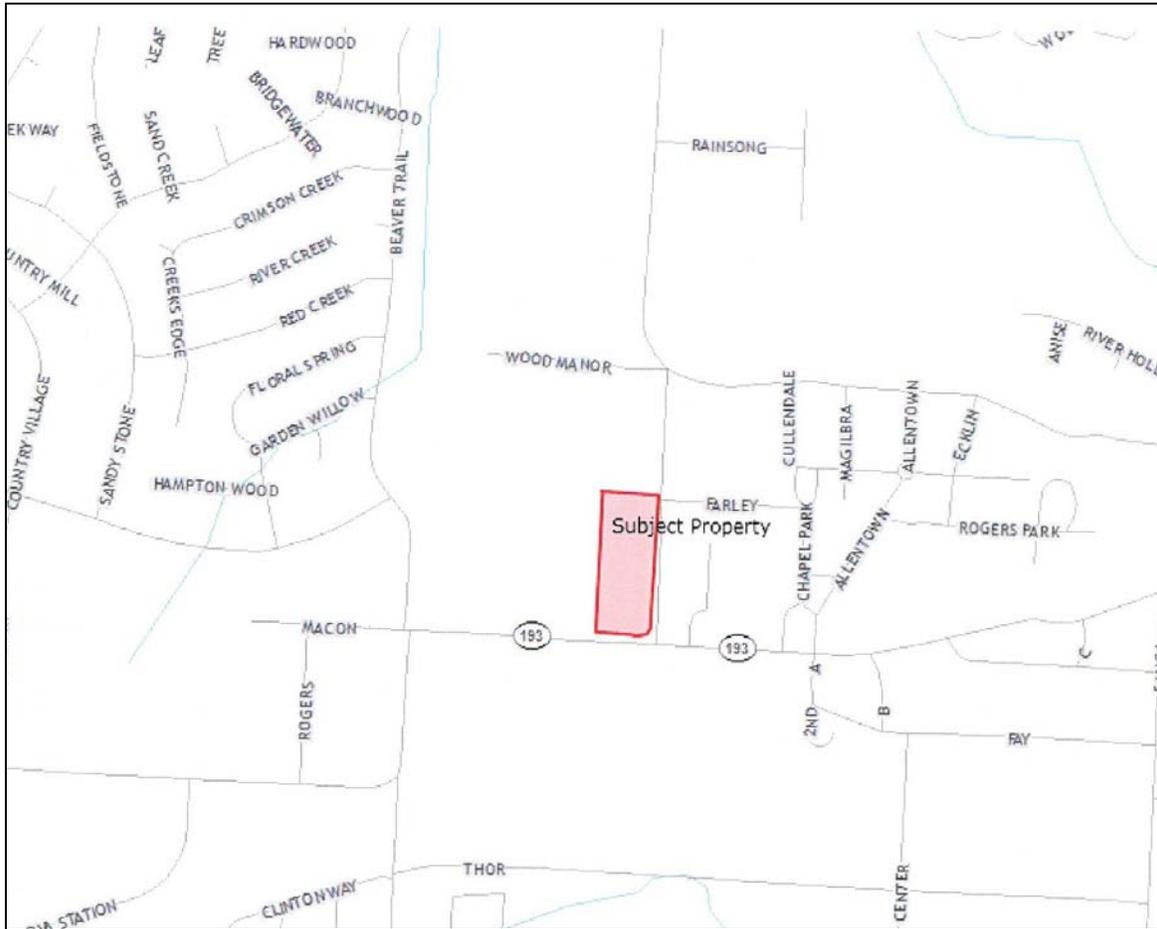
Staff: John D. (Don) Jones

E-Mail: john.jones@memphistn.gov

CONCLUSIONS:

1. Staff concludes that based on the overall development pattern of this area, rezoning to an office use is an appropriate choice.
2. Given the status of Macon Road that remains for the most part a two-lane road with a rural cross section, a blanket rezoning to General Office that would allow building heights and a development intensity that is not in keeping with the character of this area is not wise.
3. The Residential Work district which permits a comparatively less intensive development pattern and allows the adaptive re-use of the current residential building appears to be the better fit for this site.

General Location Map

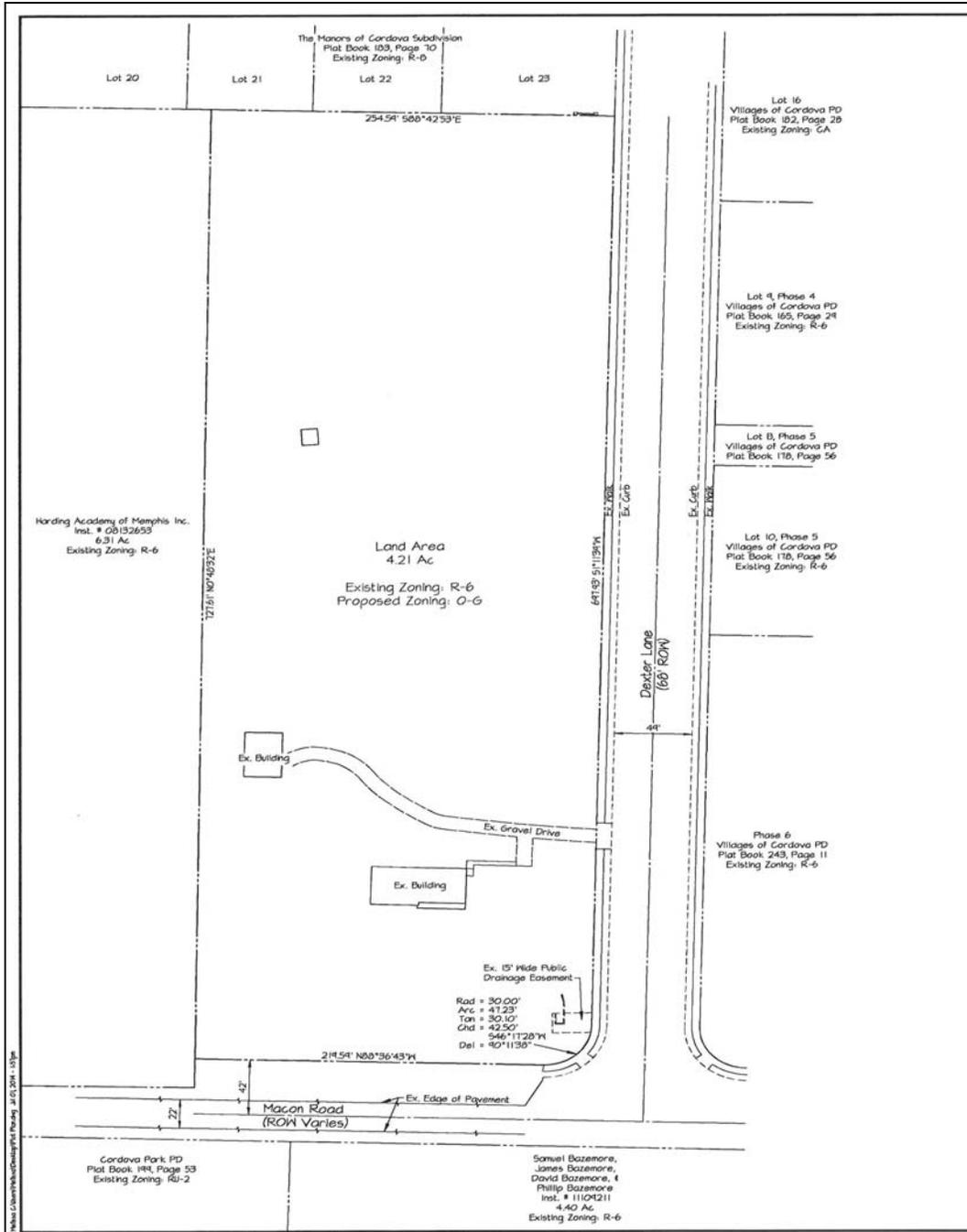


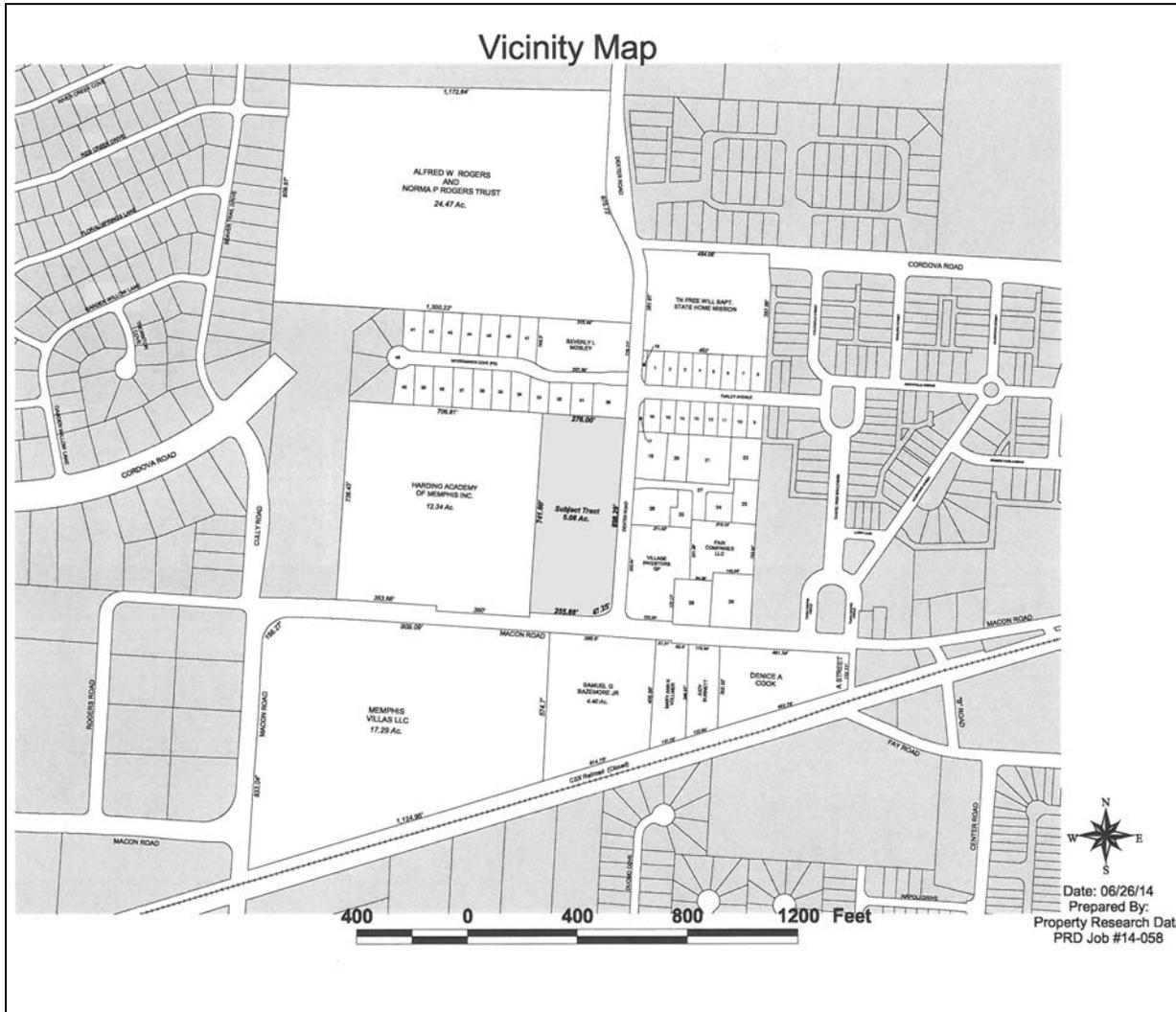
Overhead View



Subject property is in the center of this picture, it contains a residential structure, a garage and a smaller storage building. Site also includes a large wooded area that has not been cleared that abuts the north property line.

Plot Plan (Survey)





STAFF ANALYSIS

Location and Physical Characteristics:

The subject property is located at the northwest corner of Macon Road and Dexter Lane in the Cordova Area of Memphis.

The site contains a residential structure, which is currently vacant, on just over 4 acres of land. As the pictures show, the lot includes the main structure, a garage/storage building in close proximity to the house, and a smaller storage building near the rear of the property. There are areas of the lot which appear to have been cleared for active back yard space and other areas where a dense grove of trees and other vegetation has been left in tact. The wooded area is in

close proximity to the north property line.

The property is a corner lot, that takes access from Dexter Lane. Dexter Lane is fully improved street with 4 traffic lanes in this area and curb, gutter and sidewalk.

The Plot Plan indicates that 42 feet of the subject property's frontage has been dedicated for the future widening of Macon Road. This portion of the right-of-way has not been improved.

Surrounding Area

The subject property is located in close proximity to what is considered to be the heart of Cordova. The development pattern along Macon Road, beginning at Cully Road and moving eastward to Dexter Lane, includes a modern apartment complex approved under a Planned Development and vacant land on the south side of Macon Road. On the north side of Macon Road is the Harding Academy Campus, and a large residential lot that abuts the subject property on its west property line. The Plot Plan indicates that Harding Academy of Memphis owns the residential property to the west of the subject property.

Beginning at Dexter Lane and moving east along the north side of Macon Road are new commercial sites and former residential structures that have been converted to commercial uses. On the south side is a similar pattern of former residential structures being converted to office or commercial uses and older commercial sites.

Dexter Lane – Moving north from the intersection of Macon Road and Dexter Lane on the west side is the subject property which includes some just under 700 feet of road frontage and then a gated residential development on a private drive, Manors of Cordova. Beyond the manors, the street narrows to two lanes and the next property north is vacant.

On the east side of Dexter Lane at Macon Road is the commercial shopping center and office parking that were approved under a Planned Development (the Villages of Cordova). Immediately north of the office parking is a residential planned development that is part of the Cordova the Town Planned Development. Here again at this point, the r road narrows to two lanes and the next property is vacant.

So along both of the intersecting streets at this location are a mix of urban land uses, vacant land and remnants of the former development pattern that centered on the Cordova Train Station along the two-lined Macon Road.

Request:

The applicant, Gene Higginbotham, desires to purchase this property from the long time owners of this property, the Bryant family, for the purpose of converting the residential structure to a sales office. Mr. Higginbotham's business, Pure Air, installs air filters into commercial and industrial equipment. His plans include occupying the structure and possibly adding either a new carport or garage. He has no plans for the balance of the property at this time aside from

maintenance. During the conduct of his business, he will have materials delivered to the property that can and will be stored in the basement of the residential/office structure. The equipment will be loaded onto pick ups or vans and delivered to the client.

After meeting with staff and reviewing the Unified Development Code, it was determined that this use and operation could be accommodated under the General Office District as long as there is no outdoor storage of the materials.

Review of Request

Staff is considering this request as a “Sales Office” with “Ancillary storage” which is a recognized principal and accessory use in the Office Use Category of Section 2.5.2 of the Unified Development Code.

Given the development pattern in the immediate vicinity of the site, the rezoning of this former residential use is warranted. While there are still some residentially zoned properties to the west and south of the subject property, it is less likely that these properties will be redeveloped for single family development in the future. The use to the west of the site is owned by Harding Academy and a likely candidate for expansion of that campus. The vacant land to the south is situated between an apartment complex and a former residential building that is in use as an office.

The Unified Development Code recognizes two levels of office. The Residential Work and the General Office. The descriptions of both of these districts emphasizes the words transition and buffer between commercial areas and residential areas.

The distinction between the two is based on the intensity of the development of the site. General Office, (O-G), is the district that allows hi-rise buildings at a maximum height of 125 feet. Residential Work, (RW), has a maximum height of 50 feet.

The District Intent Statement for General Office states that

“the district is intended to accommodate a range of more intense professional office uses and a limited range of civic, residential, and commercial service uses.”

By contrast, the Residential Work District is described as

“a district that is intended to provide appropriate areas for new and existing development that incorporates both small-scale residential and office uses within close proximity to one another and adjacent neighborhoods.” The district can also be used as a transition between arterials and more intense commercial and established residential neighborhoods.” “Typical uses contain up to 4,000 square feet of floor area.”

One other point related to the RW District is that new construction in the RW District may be required to meet the standards for Residential Compatibility depending on the proximity to existing residential development.

Conclusions:

Staff concludes that based on the overall development pattern of this area, rezoning to an office use is an appropriate choice. However, given the status of Macon Road that remains for the most part a two-lane road with a rural cross section (large sections that do not include curb, gutter and sidewalk), a blanket rezoning that would allow building heights and a development intensity that is not in keeping with the character of this area is not wise. The Residential Work district, which permits a comparatively less intensive development pattern and allows the adaptive re-use of the current residential building, appears to be the better fit for this site. If the time comes that the applicant is ready to engage in a fully developed site plan, he can develop under this zoning district or apply for a rezoning and subdivision or possibly a planned development.

RECOMMENDATION: APPROVE REZONING TO RESIDENTIAL WORK (RW)

GENERAL INFORMATION:

Planning District:	Shelby Farms Germantown
Census Tract:	211.35
Street Frontage:	Macon Road – 219.59’ Dexter Lane – 697.93’
Zoning Atlas Page:	2025
Parcel ID:	091008 00009
Zoning History:	The current R-6 or its predecessors (R-2) dates back to 1960.

DEPARTMENTAL COMMENTS:

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

City Engineer:	No comment.
City Fire Division:	No comment.
City Real Estate:	No comments received.
City/County Health Department:	No comment
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:

- **Street Names:** It is the responsibility of the owner/applicant to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search:** <http://www.mlgw.com/builders/landandmapping>
- **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, without prior MLGW

approval.

- **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.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** 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.
- **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 received.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
Neighborhood Associations: Cordova Leadership Council	No comments received
Comments from interested citizens	See attached
Letter of Intent	See attached

Comments from Citizens

Jones, Donald

From: Barbara Fields [b1fields2@gmail.com]
Sent: Thursday, August 07, 2014 12:59 PM
To: Jones, Donald
Subject: 8466 Macon Rd. to be zoned for apartments

Dear Mr. Jones,

It has been brought to my attention that the property located at 8466 Macon Rd. Cordova, TN is about to be zoned for apartments. I live in Cordova the Town at 8552 Lurry Ln. I would like to make a suggestion to you and anyone else in the decision making of this proposal to do the following:

1. Drive to this area between the hours of 7:00 - 8:30
2. Drive back to the same area between the hours of 4:30 - 6:30.

You can not imagine the traffic jams that are present in this area at these times. There are two schools in the immediate area, a huge apartment complex, many commercial businesses, school buses and etc. We have all of the above with not ONE red light, all stop signs. You talk about confusion, it is MAJOR confusion. Now having said all this, no one in their right mind would ever think we need another apartment complex to create more traffic. May I suggest that you, the seller of the property and Gene Higginbotham come out to the site and see for your self what we as homeowners deal with every day. I think you might RECONSIDER.

Thank you.

Barbara Fields 901-494-7545 or b1fields2@gmail.com

Jones, Donald

From: Moss, Emily [emily.moss@merck.com]
Sent: Thursday, August 07, 2014 7:54 AM
To: Jones, Donald
Subject: Rezoning of 8466 Macon Road

Don,

Good morning! I live near 8466 Macon Road, the property that is being considered for rezoning to apartment living. I am greatly opposed to this rezoning, as it will add additional, unneeded traffic in an already highly congested area. There are three intersections near the property that are a nightmare during the morning and evening commutes, sometimes taking 20 minutes to make one block. Adding an apartment complex would make it impossible and unsafe to traverse the area. Please do not allow Gene Higginbotham's application to pass.

Thank you,

Emily Moss
Sr. Specialist
Supply Chain Finance
Merck
T 901.320.2357

Jones, Donald

From: Lane West [west.m.lane@gmail.com]
Sent: Thursday, August 07, 2014 12:16 PM
To: Jones, Donald
Subject: 8466 Macon Road, re zoning

Dear Mr. Jones,

It has come to my attention that the property located at 8466 Macon Road is being requested for re-zoning for an apartment complex to be build there.

I want to register an opposition to this change in zoning. That property sits at an intersection that currently has three roads with stops sign and there is traffic back up in all directions trying to get through there. When school is in session, the wait time is impossible.

I live in that area and it is very difficult to try to get home on Macon Road when you go a few feet and stop and have to do this for 20 minutes of so.

NO re-zoning for apartments for 8466 Macon Road. The current infrastructure is not able to handle it.

Regards,
L. West

Letter of Intent



Date: July 3, 2014
To: Office of Planning and Development
From: Cindy Reaves
Re: Rezoning Application for 8466 Macon Road
Job #: 14-0063

Letter of Intent

We are pleased to submit for approval the attached Rezoning application for a 4.21 acre site located at 8466 Macon Road, NW corner of Macon Road and Dexter Lane in the Cordova Community. The site is currently zoned R-6 and the existing house is used for residential purposes. The applicant wishes to rezone the site to OG and convert the existing house to an office.

The property is adjacent to commercial and office uses at the northeast corner of Macon Road and Dexter Lane and O-G zoning exist in the neighborhood approximately 220 feet east of the site on the south side of Macon Road. The proposed zoning and land use change is in character with the surrounding area and will not have an adverse impact on the surrounding neighborhood.

Please contact us at 901-373-0380 if you have any questions about this application. We look forward to working with you on this project.