

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND
DEVELOPMENT
STAFF REPORT # 1**

CASE NUMBER: BOA 14-37 **B.O.A. MEETING:** Sept. 24, 2014

DEVELOPMENT NAME: 4865 Raleigh-Lagrange Road

LOCATION: 4865 Raleigh-Lagrange Road

OWNER OF RECORD/APPLICANT: Avery Park Apartments Utah, LLC

REPRESENTATIVE: Bryan Smith

REQUEST: To request relief from UDC Subsection 2.2.2C and to allow a use variance and relief from the recorded front yard setback.

AREA: 15.34 acres

EXISTING LAND USE & ZONING: Residential Urban 3 (RU-3) and Residential (R-10),

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Planner: Calvin Abram

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CONCLUSIONS:

The applicant is requesting a variance from the UDC Subsection 2.2.2C to allow a multi dwelling structure within a residential zoning district and relief from the recorded plat front yard 30-foot setback. The apartment complex was constructed in 1974 with over 13 acres of the property being zoned RU-3; however, approximately 1.41 acres of the overall property is zoned R-10. The property was sold in 2012 and the current owners' would like to bring the entire property into conformance with the UDC by submitting this BOA application.

The applicant's request meets the character and integrity of the area.

Aerial of Site



The subject site has frontage along Raleigh-Lagrange Rd

SURROUNDING LAND USES AND ZONING:

North: R-10

East: EMP

South: EMP

West: RU-2

Conflict of zoning: The red is zoned R-10 and the remainder of the property RU-3



The single-family residential districts are intended to accommodate one single-family detached principal dwelling unit per lot. These districts should be applied in areas where the land-use pattern is predominately single-family residential or where such a land use pattern is desired in the future. Five single-family residential districts are established – R-15, R -10, R-8, R-6, and R-3 – which are differentiated primarily on the basis of minimum lot area and setback requirements.

The applicant is requesting variances from the BOA being the subject property does not meet the front yard setback requirements of thirty-feet as called out on the recorded plat (Plat Book 55, Page 42), the applicant is also requesting relief from Subsection 2.2.2C of the UDC, which would allow structure multi dwelling structure and the use of said structure in the portion of the property zone R-10.

The apartment complex was developed in 1974 and was recently sold to the Avery Parks Apartments LLC in 2012. The current owners would like to bring the entire property into conformance of the UDC through the use of the BOA process. The owners' do not plan to change the existing property or add additional structures to the site.

Variances:

Front yard setback:

The Plat Book 55, page 42, identifies a 30-foot front yard setback; however, the front yard setback of the property meanders between 28.5 feet and 29 feet. The UDC calls for a 20 foot front yard setback.

Multi dwelling use structure and use:

Multi dwelling uses are not allowed byright within a R-10 zoning district; however, the applicant is requesting a variance which would be consistent with the existing surrounding land uses and the dwellings were constructed on the property in 1974. Being over 13 acres of the property is zoned RU-3 and the apartments have been in continuous operation in excess of four decades, the applicant's proposal is consistent with the surrounding land uses and will not have a significant impact to the area.





STAFF ANALYSIS:

The proposal meets the integrity and character of the surrounding land-uses. The proposal is supported by the UDC Paragraphs 9.22.6A(2)

- Practical difficulties or undue hardship. By reason of the unusual characteristic found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property;

RECOMMENDATION: Approval with Conditions

Conditions BOA14-37:

1. The applicant shall comply with the site plan and elevations as submitted.
2. The applicant shall continue to conform to the conditions as established with the Plat Book 55, Page 42, with the exception to the front yard setback. The applicant shall rerecord the new plat to memorialize the BOA approved setback.
3. The front yard setback shall be no less than 27 feet.

GENERAL INFORMATION:

Street Frontage: Raleigh Lagrange Road
Planning District: Raleigh Community Council
Zoning History: RU-3 and R-10

DEPARTMENTAL COMMENTS:

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

City Engineer: No Objections.
County Engineer: No comment received.
Memphis Fire Department: No comment received.
City Board of Education: No comment received.
OPD-Plans Development/Landmarks: No comment received.
OPD-Regional Services/Transportation: No comment received.
City Real Estate: No comment received.
OPD-Construction Code Enforcement: No comment received.

Memphis, Light, Gas & Water: Comment Received.

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.

o All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

o 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.

**Memphis & Shelby County
Health Department:**

No comments by the *Water Quality Branch & Septic Tank
Program.*

Bell South/ATT:

No comment received.

MATA:

No comment received.

NEIGHBORHOOD ASSOCIATIONS NAMES: