

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**

**STAFF REPORT**

#

**CASE NUMBER:** PD15-318      **LUCB Meeting:** 11/12/2015

**DEVELOPMENT NAME:** MVS Real Estate PD

**LOCATION:** Located at the NW corner at the intersection of Sam Cooper Blvd and Tillman St.

**COUNCIL DISTRICT:** 5

**SUPER DISTRICT:** 9

**OWNER OF RECORD/APPLICANT:** MVS Real Estate, LLC

**REPRESENTATIVE:** Brenda Solomito Basar

**REQUEST:** To allow a veterinary clinic and other animal related uses within an R-6 zoning district.

**AREA:** 1.40 acres

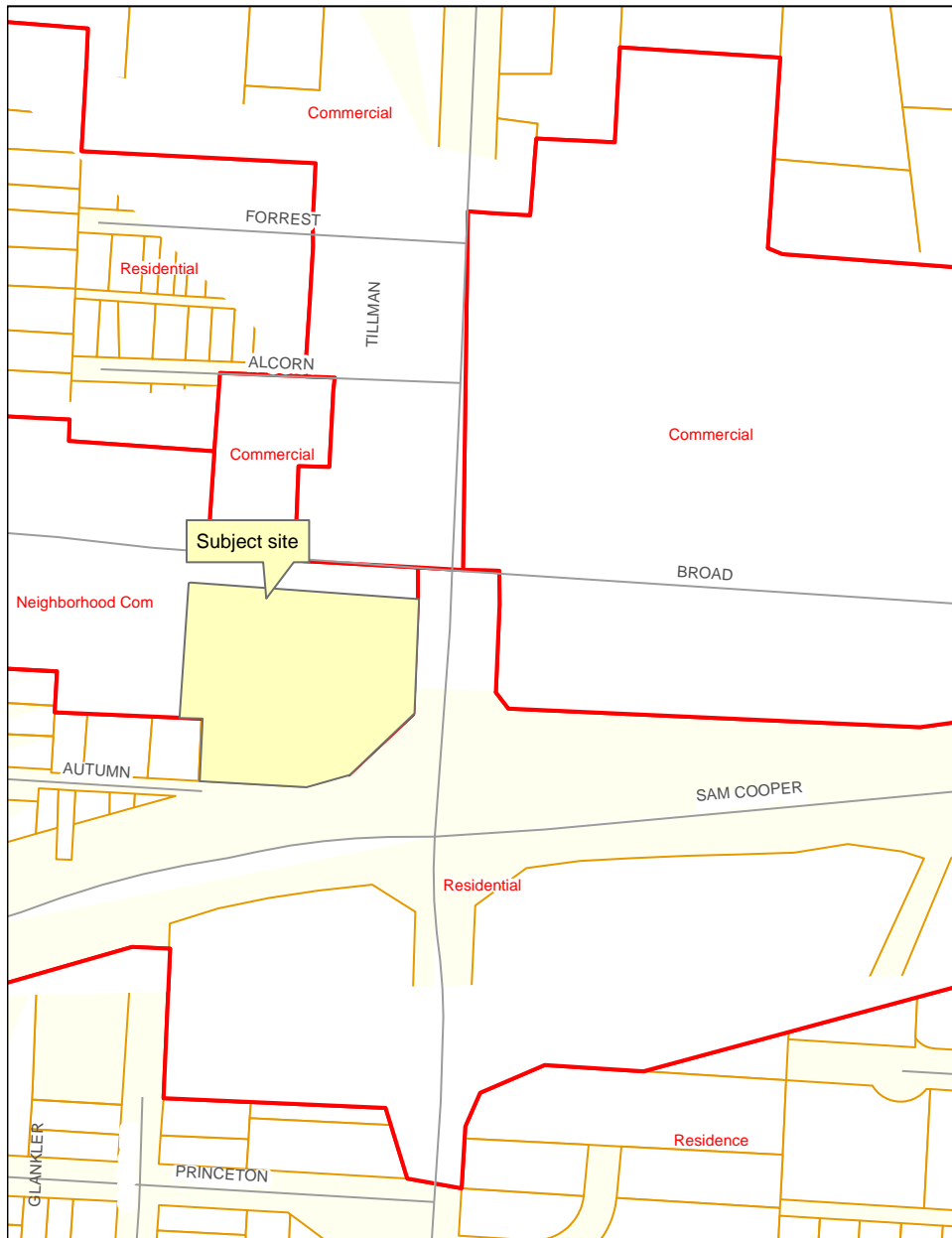
**EXISTING LAND USE & ZONING:** Residential-6 (R-6)

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

**CONCLUSIONS:**

The subject site is an approximately 1.40 acre site situated at the NW intersection of Sam Cooper Blvd and Tillman St. The subject site is an improved lot and is surrounded by Residential and Commercial Land-Uses. The applicant proposes to construct a two (2) story commercial structure which will house an animal hospital and related uses. The project would improve the area and provide additional jobs for the City of Memphis. OPD Staff supports the applicant's request.

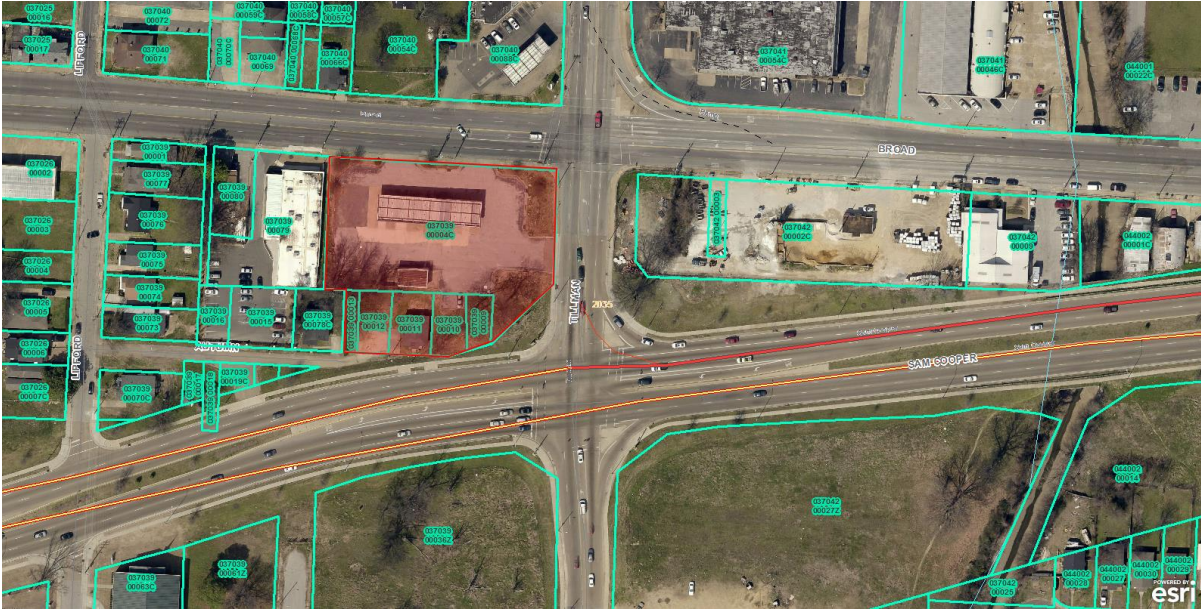
## LAND USE AND ZONING MAP



### SURROUNDING LAND USES AND ZONING:

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

# Aerial of Site



The subject site has frontage along Sam Cooper Blvd, Broad Avenue and Tillman Street.

# Concept Plan



## **STAFF ANALYSIS:**

### Site Characteristics:

The subject site is an approximately 1.40 acre site situated at the NW corner at the intersection of Sam Cooper and Tillman Street. The parcel is an improved lot and is surrounded by Residential and Commercial Land-Uses.

This area was rezoned by the Memphis City Council in December of 2003. The parcel in question was identified as the following:

- 22a – Local Commercial to Neighborhood Commercial
- 22b – Highway Commercial to Neighborhood Commercial
- 26 – Duplex Residential to Single Family Residential infill

### Applicant Request:

The applicant is requesting to construct a two (2) story, 17,400-SF building with surface parking that would accommodate 58 parking stalls. The structure is being proposed as an animal hospital to include other animal related uses. The applicant proposes to combine six adjoining parcels located along the northwest corner of Sam Cooper Blvd. and Tillman Street. The site plan identifies the applicant will signalize the intersection of Tillman Street and Broad Avenue; this signalization will serve the HAMP line with safe connectivity for cyclist who connects to the Greenline Bike Trail.

### Building Elevations:

The applicant is proposing a two story building, the first story will consist of a burnished concrete masonry veneer with a small percentage of prefinished aluminum; however, the second story is being proposed as a prefinished perforated metal system. Staff objects to the amount of aluminum the applicant is proposing for the construction of the building. Staff recommendation is for the applicant to submit a revised building elevation utilizing a construction material that does not include the prefinished metal panel system as part of the final plan.

### Landscape Plan:

The applicant's site plan identifies a landscape plate which should extend closer to the frontage of the site; however, the landscape plate will not be consistent with PD15-315 that will be located at the southeast corner of Sam Cooper and Tillman Street. This PD was approved by the City Council in September of 2015. Staff will condition the applicant to submit a landscape plan that is more consistent with PD15-315 and extend closer to the frontage of the site as part of the final plan approval process.

Conclusion:

The intent of this request is to construct a 2-story veterinary clinic with animal related uses. The applicant's proposal will help revitalize the area and provide development that aligned with the neighborhood commercial vision for this area. The development will improve the infrastructure along Sam Cooper, Tillman Street and Broad Avenue in addition to add jobs to the area, increase bicyclist safety in this area and beautify the area.

The proposal by the applicant is supported by the UDC Subsections 9.6.9A, B, and F:

- 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 request will not adversely affect any plans to be considered (see the UDC Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.

**RECOMMENDATION:**      Approval with Conditions

I. PERMITTED USES

- A. Uses Permitted by right in the Commercial Mixed Use – (CMU-1) District with the following additional uses permitted:
1. Medical or dental laboratory
  2. Medical, dental, chiropractic, or massage therapy clinic/office; outpatient surgery center
  3. Pharmacy
  4. Animal hospital, veterinary clinic, pet clinic
  5. Animal boarding, animal shelter, kennel, doggy day care

II. Prohibited Uses

- A. The following uses are expressly prohibited

1. Payday Loan/Title Loan

III. BULK REGULATIONS

- A. The bulk regulations shall be in accordance with CMU-1 District Regulations except:
1. Ground floor area may exceed the maximum: 15,000 square feet with OPD administrative approval
  2. The applicant shall revise the building elevations to incorporate another building material that is not a prefinished perforated metal panel system or other comparable materials to the prefinished metal panel system or aluminum building materials.
  3. Maximum height: 48 feet, two stories
  4. Setback minimums
    - a. Front and Side (street): 20 feet
    - b. Side rear (abutting single-family): 10 feet
    - c. Side/rear abutting multi-family, nonresidential, or alley: 5 feet
    - d. Any front and side setbacks may be reduced to zero feet, provided the certain provisions are met for any portion of the building façade that comes within 20 feet of the front or side property line as per UDC Section 3.10.2.B.1.

IV. CIRCULATION, ACCESS AND PARKING

- A. The applicant shall provide a minimum of 58 parking stalls to the site to include three (3) ADA stalls.
- B. Parking shall be landscaped according to the standards of UDC Sec. 4.5.5D.
- C. Minimum parking requirements

1. Parking shall be in accordance with the regulations for the appropriate use being considered.
  2. Bicycle parking spaces will be provided within the area of the planned development.
- D. The curb cuts shall be approved as generally depicted on the Outline/Conceptual Site Plan. The City Engineer shall approve the design, and location of curb cuts.

V. STREETSCAPES AND LANDSCAPING

- A. The applicant shall submit a detailed landscape plan that exceeds Streetscape Plate S-10 along Broad Avenue.
- B. The applicant shall submit a detailed landscape plan that exceeds Streetscape along Tillman Avenue.
- C. A Class III, Type B buffer a minimum of 10'-0" wide shall be installed adjacent to single-family uses and the applicant shall submit a lighting plan as part of the final plan.
- D. A detailed streetscape/landscape plan shall be submitted as part of any final plat which shall be reviewed and approved by the Office of Planning and Development for conformance with the Outline Plan Conditions.

VI. SIGNS

- A. The location of detached signs shall be shall be illustrated on the final plat.
- B. Signage shall be constructed in accordance with Mixed Use District Regulations.
- C. Additional Signage at the corner of Sam Coover and Tillman shall be coordinated with the Tennessee Department of Transportation.

VII. DRAINAGE

- A. Design and construction of the storm water conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the "City of Memphis Drainage Design Manual".
- B. All drainage plans shall be submitted to the City or County Engineer for review.

- VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site 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 the Office of Planning and



Development, to have such action reviewed by the Appropriate Governing Bodies.

- IX. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
  
- X. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:
  - A. The Outline Plan conditions.
  - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or privates of any easement.
  - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

XI. SITE PLAN REVIEW

- A. A site plan shall be submitted for the review and approval of the Office of Planning and Development for compliance with the outline plan conditions.
  
- B. The site plan shall include the following:
  - 1. The location of all existing and proposed public roadways on or adjacent the property.
  - 2. The location, dimensions and floor area of all buildings, structures and parking areas.
  - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
  - 4. The location of pedestrian systems.

5. The location and use of open space.
6. Internal and perimeter landscaping.
7. The location, diameter and species name of all trees and plants, the identification of plants to be preserved and methods intended to be used to protect plants during construction.

XII. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

**GENERAL INFORMATION:**

**Planning District:** University

**Census Tract:** 021510

**Street Frontage:** Sam Cooper Blvd and Tillman Street

**Municipal Annexation Reserve Area:**

**Zoning Atlas Page:** 2035

**Parcel ID:** 037039 00036Z

**Zoning History:** R-6/Z03-122

**DEPARTMENTAL COMMENTS:**

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

**City Engineer:** Comments received.

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:

Curb Cuts/Access:

3. Sam Cooper Blvd is a controlled access facility at this location. No new access to Sam Cooper will be approved. The proposed project has access to the paved street Autumn Avenue and a recently installed curb cut to serve properties in this area is existing.
4. The City Engineer shall approve the design, number and location of curb cuts.
5. 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.
6. The developer shall be responsible for any modifications to the striping on Broad Avenue made necessary by this development.

7. 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,
8. All existing nonconforming curb cuts shall be closed with curb, gutter and sidewalk. This includes two residential curb openings onto Sam Cooper, the curb cut on Tillman and the eastern curb cut on Broad Avenue. The existing curb cut to the west on the Broad Avenue frontage shall be reconstructed to meet current City Of Memphis standards and shall be approved by the City Engineer.
9. Access to Sam Cooper Blvd and Tillman Street via private drive or driveway is prohibited. Convey right of access to City of Memphis.
10. This development does not appear to be effected by a project that has been identified by TDOT or the MPO on the LTRP to receive future improvements. However, the applicant is advised to inquire with the MPO, MATA, TDOT and any adjacent railroad authority regarding any future projects that may impact this site.

**Drainage:**

11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

**Site Plan Notes:**

13. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

**General Notes:**

14. The width of all existing off-street sewer easements shall be widened to meet current city standards.
15. 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.
16. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Division:**

No Comment

**City Real Estate:**

No comments received.

**City/County Health Department:**

No comments.

<b>City Board of Education:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	MLGW has reviewed the referenced application, and has no objection.
<b>Bell South:</b>	AT&T Tennessee has no comment.
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.
<b>OPD-Regional Services:</b>	No comments received.
<b>Neighborhood Associations:</b>	No comments received.