

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT #2**

**CASE NUMBER: PD 04-322 CC L.U.C.B. MEETING: November 10, 2011**

**DEVELOPMENT NAME:** Barry Farms-3rd amendment, Area A-Phase 15

**LOCATION:** West side of Hacks Cross Road; +/-930 feet south of Lowrance Raod

**OWNER OF RECORD/APPLICANT:** Mid-South Food Enterprises, Inc.

**REPRESENTATIVE:** CJ Dhaliwal

**REQUEST:** Request for an electronic reader board as part of the sign

**EXISTING LAND USE & ZONING:** A restaurant regulated by Area A of the Barry Farms  
Planned Development (P.D. 04-322CC)

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**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

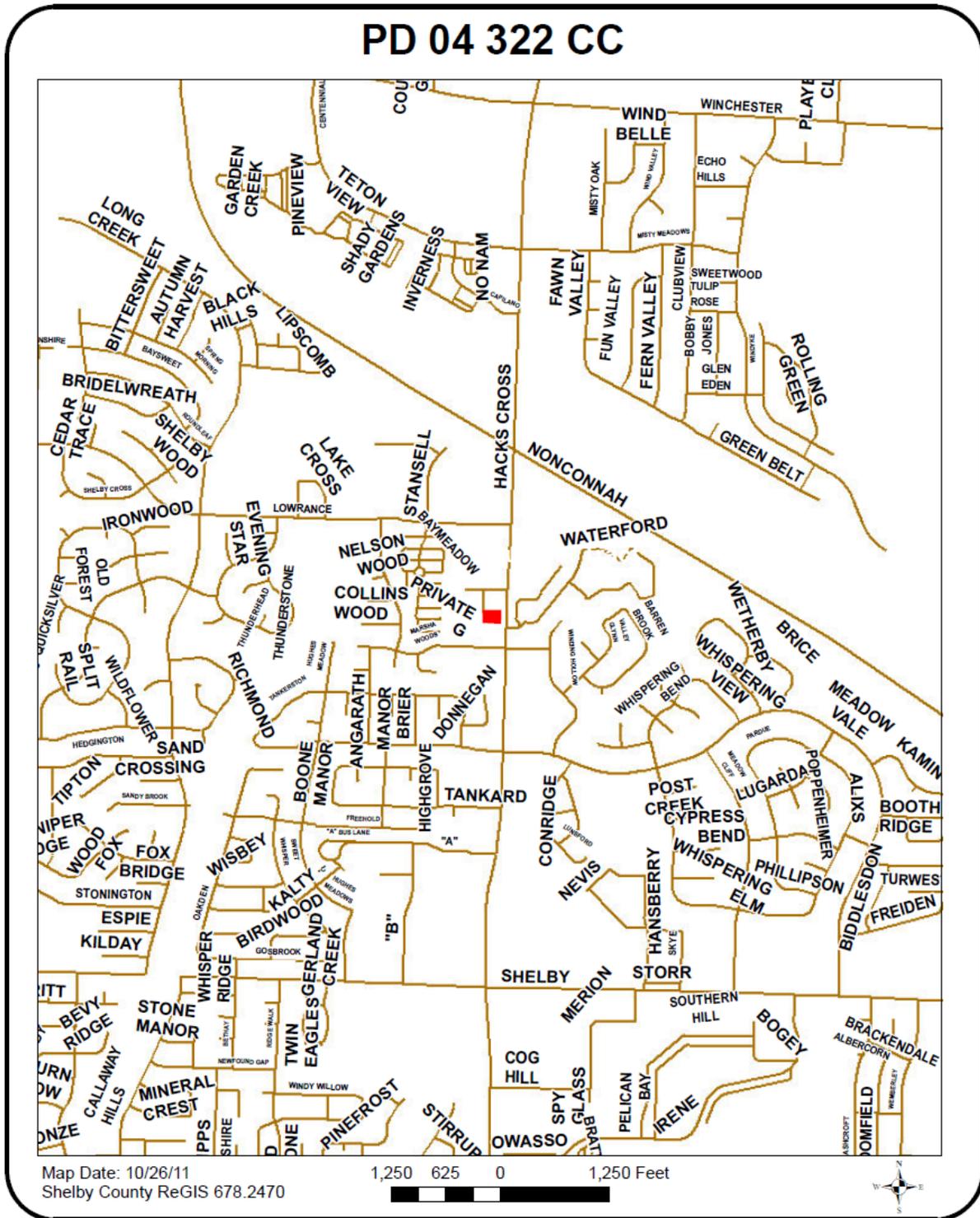
**REJECTION**

Staff: Don Jones      E-Mail: john.jones@memphistn.gov

**CONCLUSIONS**

1. At the outset, staff agrees with the applicant's contention that the new building façade and new sign are a significant improvement over the prior use of this site.
2. However, staff is not in agreement with the request for the Electronic Messaging Center aspect of the sign.
3. In review of the existing signs in the area, the staff concludes that the requested messaging center is out of character with the other signage in the area.
4. The Unified Development Code requires that Sign Boards between 20 square feet and 100 square feet shall not be erected within 200 feet of residential uses. Residential uses to the west and south fall within this 200 foot requirement, so this request should not be considered.
5. If the Board is inclined to approve this request, the size of the messaging board should be reduced to less than 20 square feet in area.

### General Location Map

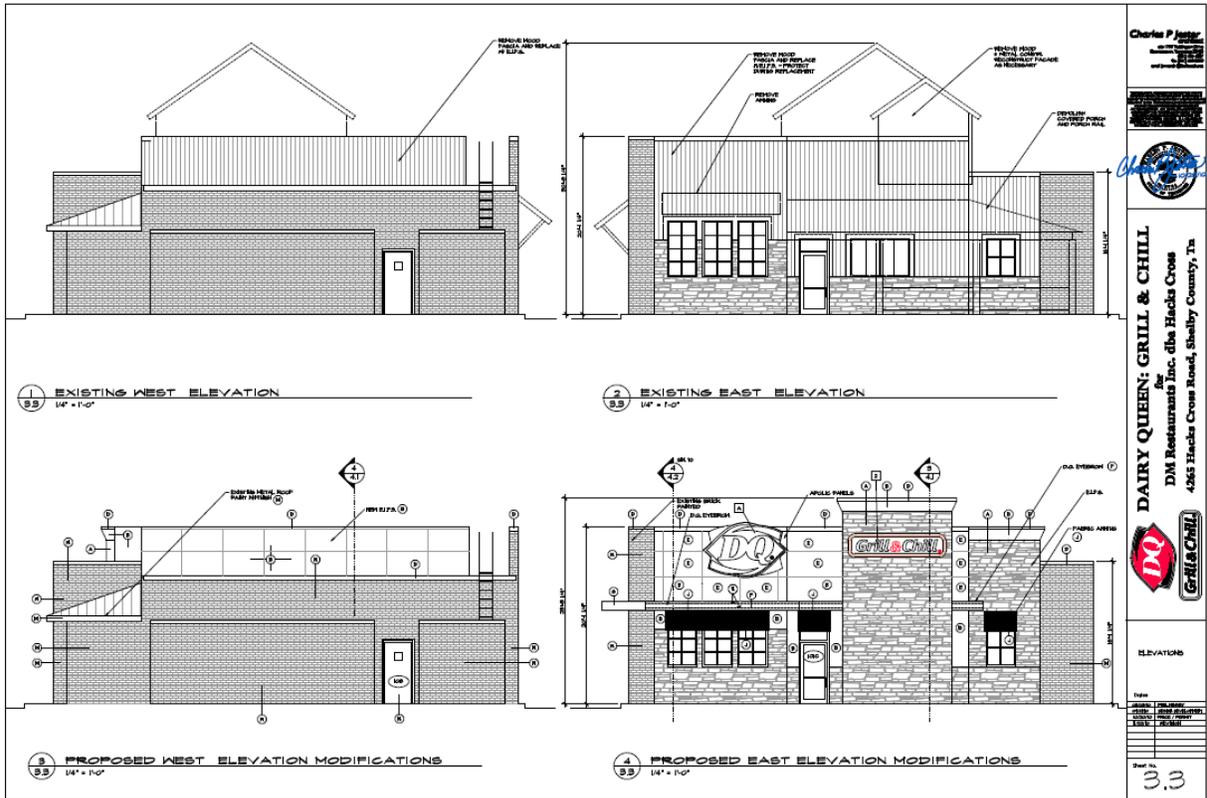




### Most Recent Use of Site

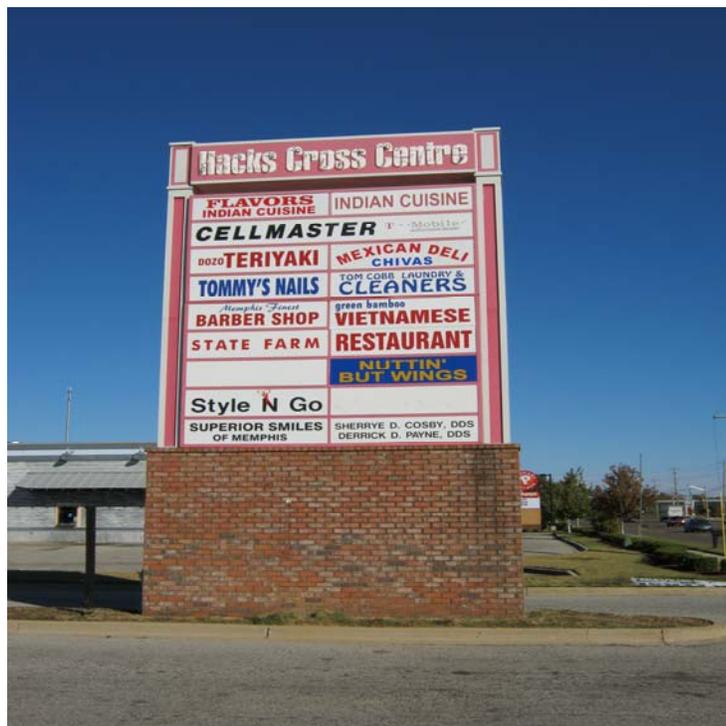


### New Elevations





**Existing Signs**







## **STAFF ANALYSIS:**

The subject property is located on the west side of Hacks Cross Road some 950 feet south of Lowrance Road and some 230 feet north of Marsha Woods Drive in southeast Shelby County.

The particular address is 4265 Hacks Cross Road which is the former location for the Pig-N-Whistle Bar-B-Que Restaurant. This property is regulated by the Barry Farms Planned Development, Area A. The most recent recorded plat is found at the Register's Web Site at Plat Book 227 Page 14, which was recorded in June of 2006.

### Request:

The applicant is requesting a change to the detached signage for this property to allow a Electronic Message Center (EMC) which employs video technology.

In support of his request, the applicant states on the application, " We are proposing an EMC electronic reader board as part of the sign. There are numerous Sonic Drive-In locations that incorporate this. ... Not having the EMC will put us at a competitive disadvantage. We feel we have greatly improved this property which helps in improving the overall business outlook for Memphis. The site was shut down and an eyesore. Extensive renovation is taking place which will make the property look new an vibrant. We feel with the extensive investment in this property, asking for an EMC, where our competitor is using the same EMC sign is not asking for too much"

Attached to the application are renderings of the new façade on the building and the new sign which is monument in style. The signs height and overall sign area are consistent with the sign regulations that regulate the P.D. The proposed EMC Board is listed as 24.7 square feet.

### Review of Request:

At the outset, the agrees with the applicant's contention that the new building façade and new sign are a significant improvement over the prior use of this site.

However, the staff is not in agreement with the request for the EMC Board aspect of the sign.

Existing Signage - An Outline Plan for the Barry Planned Development was first recorded in 1990. At that time, even automatic changeable copy signs were not envisioned by the development conditions, much less technology which produces graphic images to attract customers to a site. As this area has developed, it has done so under the existing sign conditions with an emphasis on signage that is monument in style and with a limit on the overall sign height and size area.

In review of this application, the staff has surveyed the existing signs along the stretch of Hacks Cross Road from Nonconnah Parkway to Marsha Woods Dr. and we does not find an example of any changeable copy sign with the exception of the manual changeable copy signs.

Nor do we find a location for a Sonic which was discussed in the applicant's application. So, as to the applicant's claim that to be denied would put them at a competitive disadvantage, the staff finds that approval of this request would be to put them at a competitive advantage with respect to their commercial neighbors. Or stated another way, the requested sign is out of character with the area.

With respect to the size of the message center, the Unified Development Code does regulate these signs with respect to their distance from residential uses. At the requested 24.7 square feet, the UDC requires that the sign shall not be erected within 200 feet of any Residential District or the residential portion of an approved planned development. Both the apartment development on the opposite side of Hacks Cross Road from this site and the residential development at Marsha Woods Drive fall within 200 feet from the property line of this development so this aspect of the request can not be approved.

If the Land Use Control Board does not agree with the Staff regarding the character issue and wishes to approve the request for the EMC board, it should be limited to a size of less than 20 square feet and subject to the requirements for Changeable Copy Signs found in Paragraph 4.10.6. E, 2 a. thru g.

**RECOMMENDATION: REJECTION**

If this application is approved the following language shall be added to the plat;

On November 10, 2011, the Land Use Control Board approved an addition to the site plan to permit a changeable copy sign with video technology measuring 24.7 sq. ft. This sign is subject to the requirements of 4.10.6. E. 2. a – e.

## GENERAL INFORMATION

**Street Frontage:** Hacks Cross Road – +/- 159.02’

**Zoning Atlas Page:** 2450

**Parcel ID:** D02420047

**Zoning History:** The Barry Farms Planned Development dates back to 1990. The most recent plat on file for this site is at the Registers Web Site at Plat Book 227 Page 14

## DEPARTMENTAL COMMENTS

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

<b>City Engineer:</b>	No comment on signs.
<b>County Engineer:</b>	No comment.
<b>City Fire Division:</b>	No comments received.
<b>County Fire Department:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>County Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	No comments by the Water Quality Branch & Septic Tank Program.

### City Board of Education:

The subject property is located in unincorporated Shelby County, as are the Shelby County schools that will serve this student population. Since the school structure themselves are located in unincorporated Shelby County, staff will defer to the Shelby County Schools District.

<b>County 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>	No comments received.

**Memphis Area Transit Authority (MATA):** No comments received.

**OPD-Regional Services:** No comments received.

**OPD-Plans Development:** No comments received.

**Division of Park Services:** No comments received.

**Neighborhood Associations:** No comments received

**Richwood Homeowner Associations:**

**Southwind Homeowner Associations:**

**Buckingham Farms**