



STAFF REPORT

AGENDA ITEM: 11

CASE NUMBER: S.U.P. 16-17 **L.U.C.B. MEETING:** October 13, 2016

LOCATION: Northeast corner of Summer Avenue and Munson Road

COUNCIL DISTRICT(S): District 1; Super District 9-Positions 1, 2 & 3

OWNER: Sutter Investments LLC

APPLICANT: Byron Jacobs Motorcars, Inc

REPRESENTATIVE: The Bray Firm (David Bray)

REQUEST: Automobile Sales

AREA: 0.71 Acres

EXISTING LAND USE & ZONING: Landscaping contracting business in the Commercial Mixed Use (CMU-3) District

CONCLUSIONS

1. The corridor extending from Sycamore View to the west and Raleigh-LaGrange to the east includes a mix of land uses from service and retail based commercial to multiple dwelling residential and institutional uses.
2. Immediately abutting land uses include outdoor display and sales of gardening material including mulch, stones, and statuary to the east and a self-storage warehousing.
3. The most recent use of the site is a landscaping contractor with large trucks.
4. Staff finds that the proposed use with some revisions to the site plan is in character with the surrounding area and will not have an adverse impact on abutting or surrounding uses.

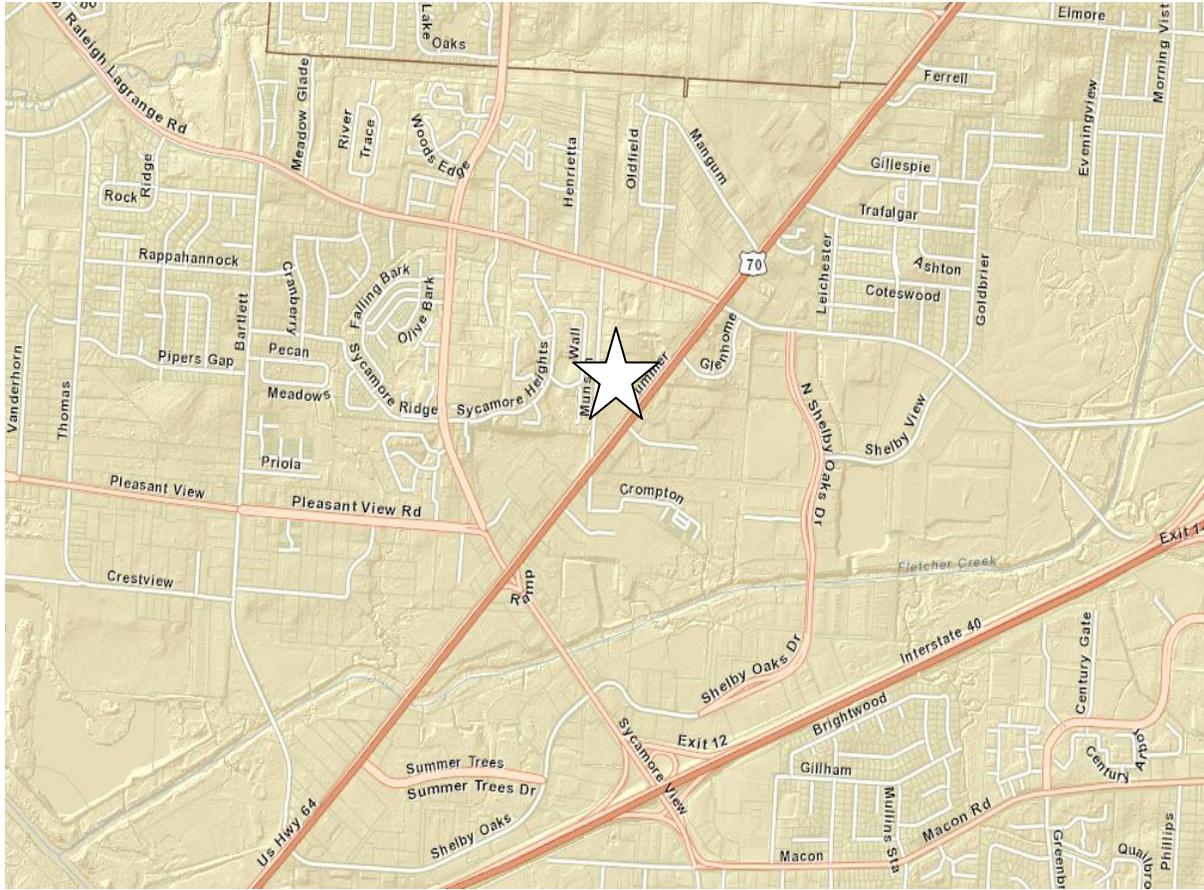
RECOMMENDATION

Approval with Conditions

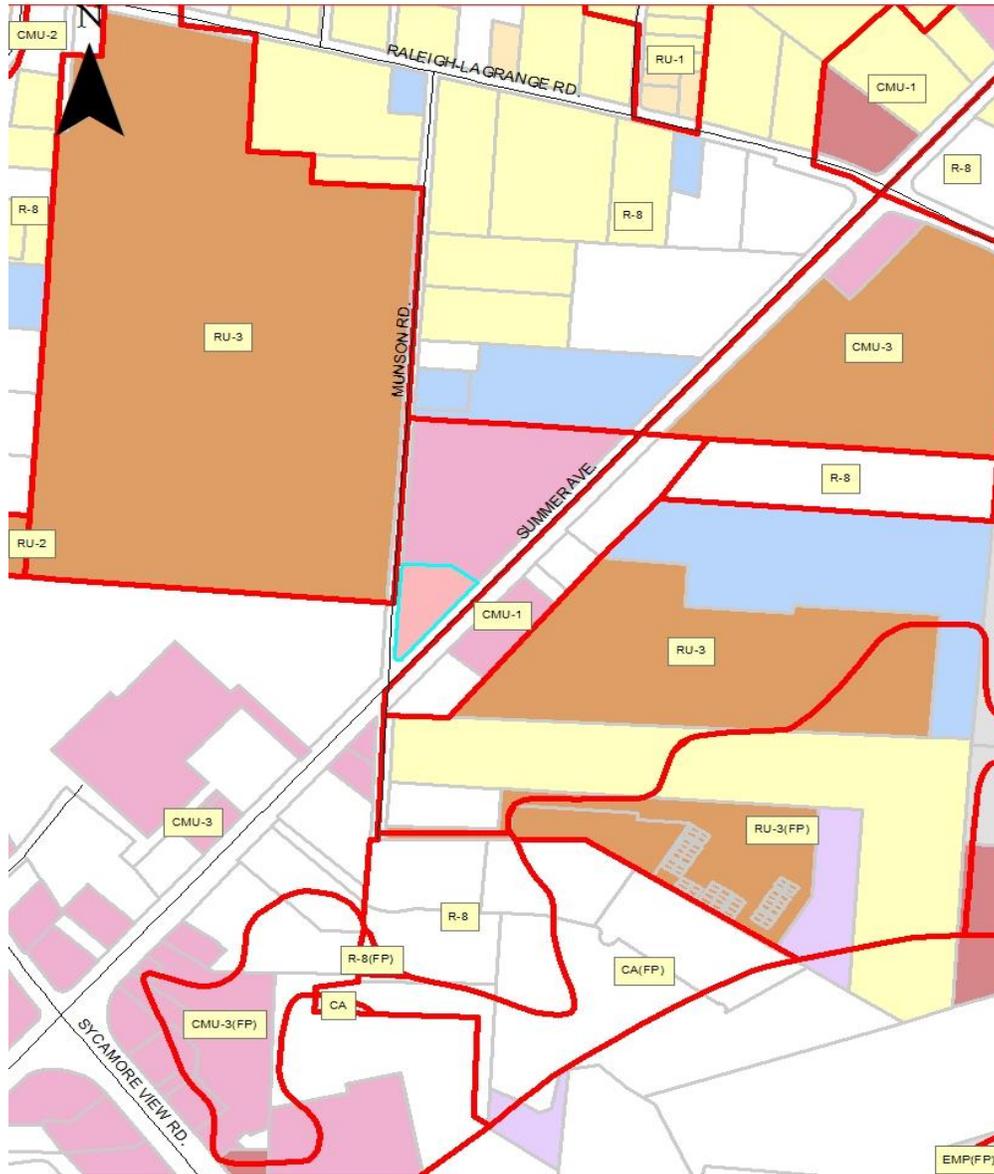
Staff Writer: John D. (Don) Jones

E-mail: john.jones@memphistn.gov

General Location Map



Zoning and Land Use Map



Surrounding Land Use and Zoning

- North:** Outdoor sales of Landscaping and garden sculptures and a self-storage warehouse in the Commercial Mixed Use -3(CMU-3) Districts
- South:** Vacant land retail commercial uses in the Commercial Mixed Use-1 (CMU-1) District
- East:** A shopping center in the Commercial Missed Use-1 (CMU-1) District
- West:** Vacant land in the Commercial Mixed Use -3 (CMU-3) District and an apartment complex in the Residential Urban-3 (RU-3) District

Aerial Overview



Existing Conditions

Two views of subject property looking north opposite side of Summer Avenue at Munson Road



View of northernmost edge of the property abutting the landscaping operation



STAFF ANALYSIS

Request

The applicant, Byron James Motorcars, LLC, intends to convert this property from its current use as a landscaping contractor's office and storage area to a lot for Automobile Sales.

Review of Request

Location and Surrounding Uses of Property

The subject site is located at the intersection of a U.S. Highway and a minor residential street, Munson Road. The attached site plan describes Munson as Old Munson Road and reflects the future alignment of Munson Road along the site's easternmost boundary line.

Immediately east of the subject site is a landscaping business that includes the outdoor display of landscaping materials including mulch, stone, and statuary. North of the subject site is a self-storage warehouse facility. To the west, across Old Munson Road, is vacant land and the Edgewater Apartments.

On the opposite side of Summer Avenue, Highway 70, are individual parcels developed with retail commercial uses, vacant land, and a four-bay shopping center.

As indicated by the land use map, page 4 of this report, the corridor between Sycamore View on the west and Raleigh-LaGrange Road to the east is a mixed use corridor of various levels of commercial uses, multi-family residential, and institutional uses such as churches and schools.

The uses of land immediately abutting this site are particularly intensive. The prior use of this site, which included the overnight storage of large trucks associated with a landscaping contractor, contributed to the intensity of the use of land at this location.

Special Use Permit Review

The criteria for the review of a Special Use Permit Review is intended to address the proposed use of land at a specific location and any embellishments to the site plan that will address the operational issues of the requested use.

The requested use meets the intent of the underlying zoning district. Auto sales is an intensive use that requires a high degree of visibility and access to an arterial street.

Staff finds that the proposed use is in character with its surrounding uses and will not have an undue adverse affect upon adjacent property or other properties nearby.

Site Plan

While there is a lot of green space located along the Highway 70/79 frontage, a significant amount of the land is in the right-of-way. Staff observes that some additional landscaping has been added to the site prior to the submission of this application. The conditions require that a detailed landscape plan be submitted with the site plan and staff will determine at that time whether the existing landscaping is sufficient.

Munson Road is a narrow, rural designed right-of-way. Any use of this road related to this business should be limited to employees driving to and from this site. The parking shown on the north end of the site shall be designated for employee parking only.

RECOMMEDATION: APPROVAL WITH CONDITIONS

Conditions:

S.U.P. 16-17

Northeast corner of Summer Avenue and Old Munson Road

A Special Use Permit is hereby granted for property identified as 5960 Summer Avenue, Assessor's Parcel ID # 088045 00018, to allow Automobile Sales subject to an approved site plan and the conditions listed below.

1. The outdoor overnight storage of vehicles is permitted, provided however, those only operable vehicles shall be stored on this site.
2. All vehicle parking, display and customer, shall be accomplished on site and in no case shall a parked vehicle be encroach into the right-of-way.
3. Impounded or inoperable vehicles are not permitted.
4. Outdoor lighting shall be directed downward to the extent possible and shall be designed so as not to trespass onto the multiple family dwelling property across Munson Road.
5. No banners, flags, streamers, balloons or similar advertising devices temporary or portable signs, reader board signs, roof-mounted signs or tents shall be permitted.
6. Signs shall be regulated by the CMU-3 District, any proposed existing signage shall be shown on the Final Site Plan, the re-use of any existing signage must be brought into compliance with UDC.
7. An S-10 Streetscape Plate or an equivalent shall be installed along the existing and proposed road frontages.
8. An exception to the road improvements, curb, gutter, and sidewalk may be permitted subject to an approved application for an Administrative Deviation.
9. If additional fencing beyond what is shown on the submitted site plan, it shall be composed of a wrought iron material.
10. Where parking spaces face into or are adjacent to a public right-of-way, the applicant shall submit a detailed landscape plan identifying the species of plant and the height of plan subject to the review and approval of the OPD.
11. Customer parking shall be limited to the area in front of the building. The parking on the north side of the property abutting Old Munson Road shall be designated for employee parking only.

12. The test driving of cars shall be limited to Summer Avenue.
13. The City Engineer shall approve the design, number and location of curb cuts.
14. The location of the existing curb cut on US 70 is appropriate under current conditions, however at such time as US 70 and realigned Munson Road are constructed, the developer will be required to relocate the driveway to New Munson road frontage.

GENERAL INFORMATION

Road Frontage Highway 70 (Summer Avenue) ... +/- 1,800'
Old Munson Road +/- 2,600'
Future Munson Road +/- 1,600'

Zoning Atlas Page: 1945

Parcel ID: 08804500018

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. This development is adjacent to Summer Avenue/US Hwy 70 which has been identified by TDOT (Project ID# 115) to receive future improvements. The applicant is advised that land from his/her parcel may be reserved or dedicated to accommodate the future expanded R.O.W."

Curb Cuts/Access:

4. The City Engineer shall approve the design, number and location of curb cuts.
5. The location of the existing curb cut on US 70 is appropriate under current conditions, however at such time as US 70 and realigned Munson Road are constructed, the developer will be required to relocate the driveway to New Munson road frontage.

General Notes:

6. The width of all existing off-street sewer easements shall be widened to meet current city standards.
7. 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.

8. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:

Water Quality Branch/SepticTank Program No comments

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Neighborhood Associations: No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: 9.01.16

Case #: SUP 16-17

PLEASE TYPE OR PRINT

Property Owner of Record: SUTRA INVESTMENTS, LLC Phone #: _____
 Mailing Address: 8594 DOWELL ROAD City/State: MILLINGTON Zip 38053
 Property Owner E-Mail Address: _____
 Applicant: BYRON JACOBS MOTORCARS, INC Phone # _____
 Mailing Address: 8594 DOWELL ROAD City/State: MILLINGTON Zip 38053
 Applicant E-Mail Address: _____
 Representative: _____ Phone #: _____
 Mailing Address: _____ City/State: _____ Zip _____
 Representative E-Mail Address: _____
 Engineer/Surveyor: THE BRAY FIRM Phone # 901.383.8668
 Mailing Address: 2950 STAGE PLAZA NORTH City/State: BARLETT Zip 38134
 Engineer/Surveyor E-Mail Address: braydavisfirm@aol.com
 Street Address Location: 5960 SUMMER
 Distance to nearest intersecting street: NE CORNER SUMMER AND OLD MUNSON

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.716</u>	_____	_____
Existing Zoning:	<u>CMU-3</u>	_____	_____
Existing Use of Property	<u>CONTRIBUTOR SITE</u>	_____	_____
Requested Use of Property	<u>AUTO SALES</u>	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes _____ No _____

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- 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 (UDC sub-section 9.6.9A).

THIS APPLICATION IS TO CONVERT THE EXISTING CONTRACTOR USES TO AUTO SALES ON AN EXISTING COMMERCIAL SITE. THE SURROUNDING PROPERTIES ARE COMPATIBLE WITH THE PROPOSED USE.

- 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 (UDC sub-section 9.6.9B).

THE SITE IS EXISTING AND CURRENTLY COMPATIBLE WITH EXISTING USES. RESIDENTIAL PROPERTIES ARE LOCATED NORTH OF THIS SITE AND THE TEST DRIVING OF VEHICLES SHALL BE PROHIBITED NORTHBOUND ON MURKIN.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

THIS SITE IS EXISTING AND CURRENTLY SERVED BY PUBLIC SERVICES

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

NO

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

YES

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

NO