



STAFF REPORT

AGENDA ITEM: 23

CASE NUMBER: SUP 18-02 **L.U.C.B. MEETING:** March 8, 2018

LOCATION: 4024 Jackson Avenue
(West side of Jackson Avenue; south of Wales Avenue)

COUNCIL DISTRICTS: District 7; Super District 9

OWNER/APPLICANT: Flea Market Properties LLC/Leticia Barreto on behalf of Logistics Motor Corp.

REPRESENTATIVE: Maureen Valdez

REQUEST: Used Car Dealership

AREA: +/- .60 acres (1,800 square feet bldg.)

EXISTING LAND USE & ZONING: Tire Sales & Mounting/Commercial Mixed Use-3 (CMU-3)

CONCLUSIONS

1. The subject site comprises .60 acres of land and is occupied by a 1,800 square-foot vehicle service garage with an accessory parking lot built in 2001.
2. This section of Jackson Avenue is characterized as a commercial corridor with office and retail sales including new and used tire sales, convenience store with gasoline sales, automobile parts retail sales and title loan processing.
3. The area abuts two vacant parcels totaling 28 acres to the rear which was part of a commercial planned development approved for use as mini storage warehouse and a flea and farmer's market.
4. A dilapidated structure formerly used as a laundromat sits directly to the northeast of the subject site.

RECOMMENDATION:
Approval with conditions

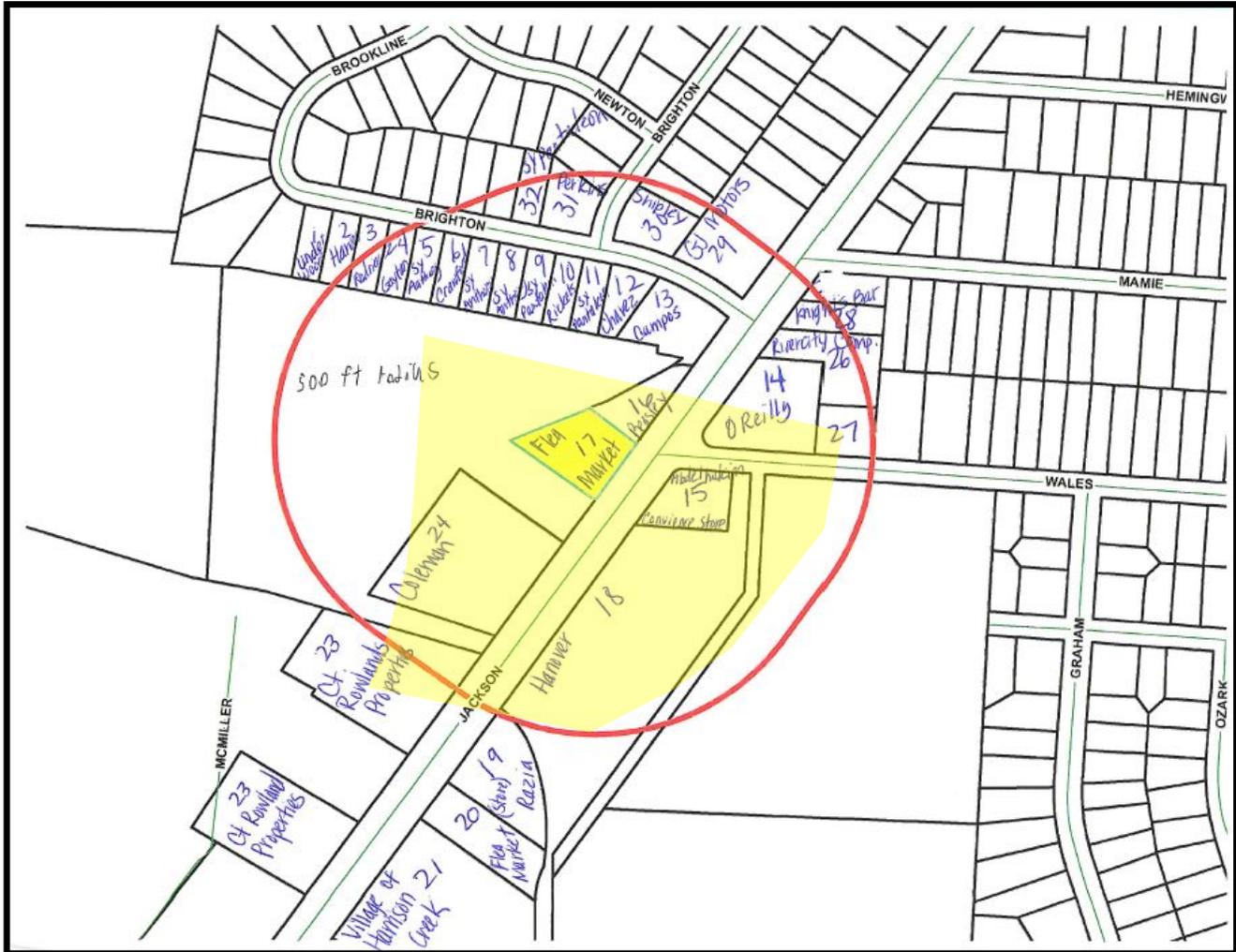
Staff Writer: *Staci Tillman*

E-mail: staci.tillman@memphistn.gov

LOCATION MAP



VICINITY & OWNERSHIP



PUBLIC NOTICE:

In accordance with Sub-Section 9.3.4A of the Unified Development Code a total of 32 public notices were mailed on February 23, 2018, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this document as shown on the following page.

NEIGHBORHOOD MEETING:

The meeting was held at 2 PM on February 25, 2018, at the Flea Market, 3972 Jackson Avenue.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Milmi Acosta, being duly sworn, depose and say that at 8 am/pm on the 5 day of Feb, 2018, I posted a Public Notice Sign(s) pertaining to Case No. SUP-18-02 at 4024 Jackson Ave. Memphis, TN 38128 providing notice of a Public Hearing before the _____ Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

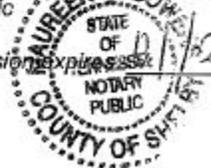
Milmi Acosta
Owner, Applicant or Representative

2/5/18
Date

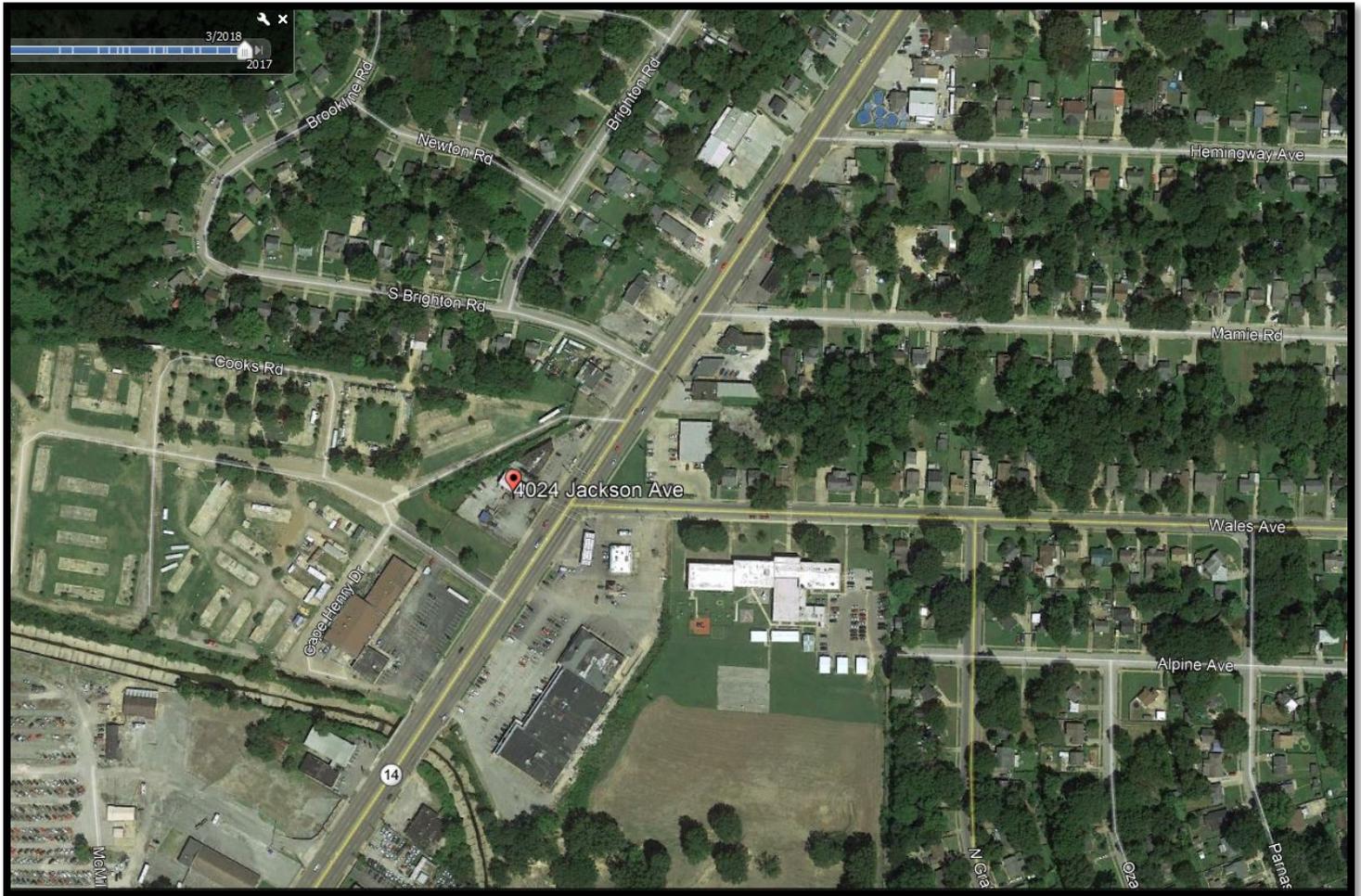
Subscribed and sworn to before me this 5 day of Feb, 2018.

Maureen J.A. Bowers
Notary Public

My commission expires 01/20/2019

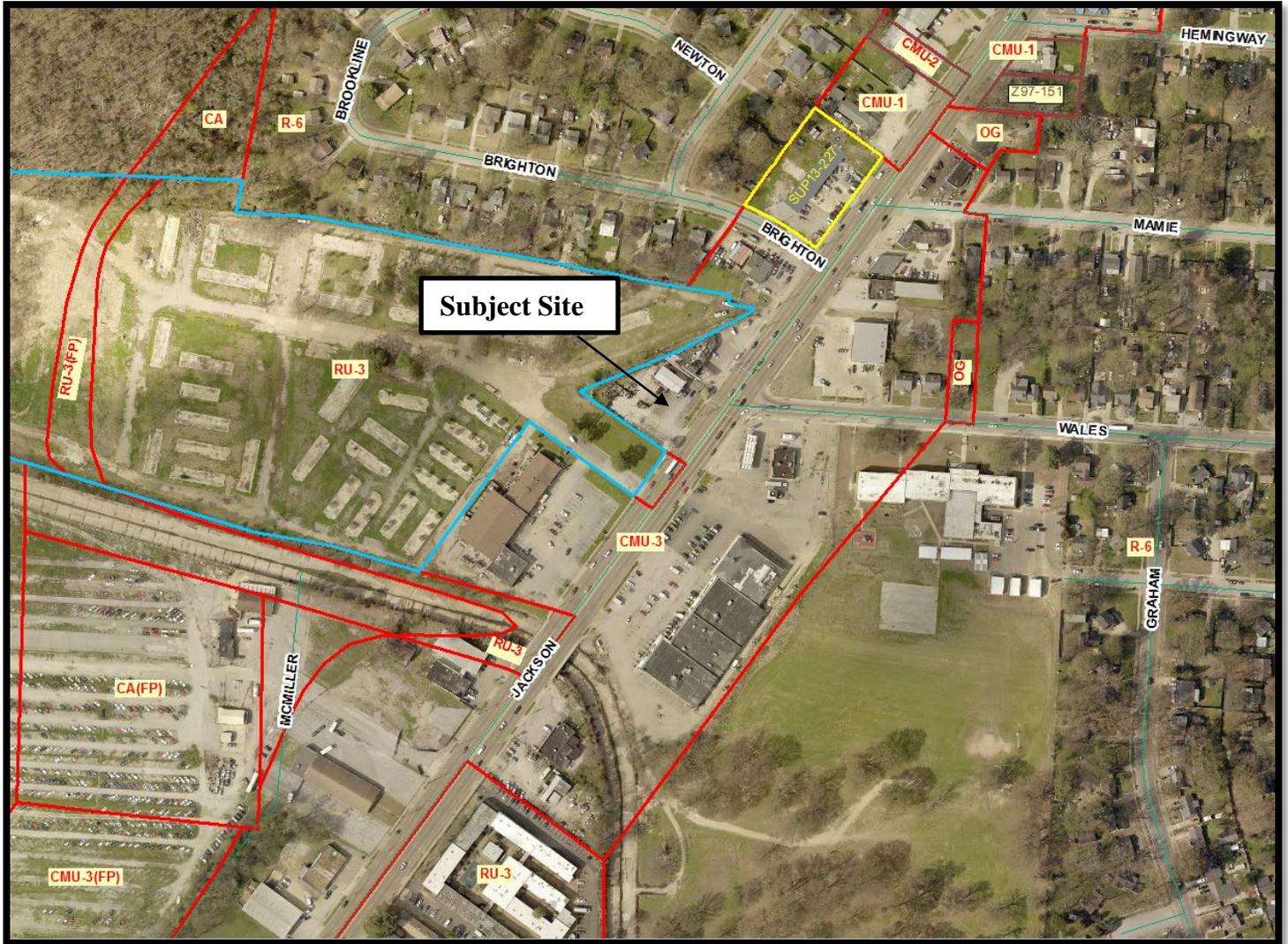


AERIAL

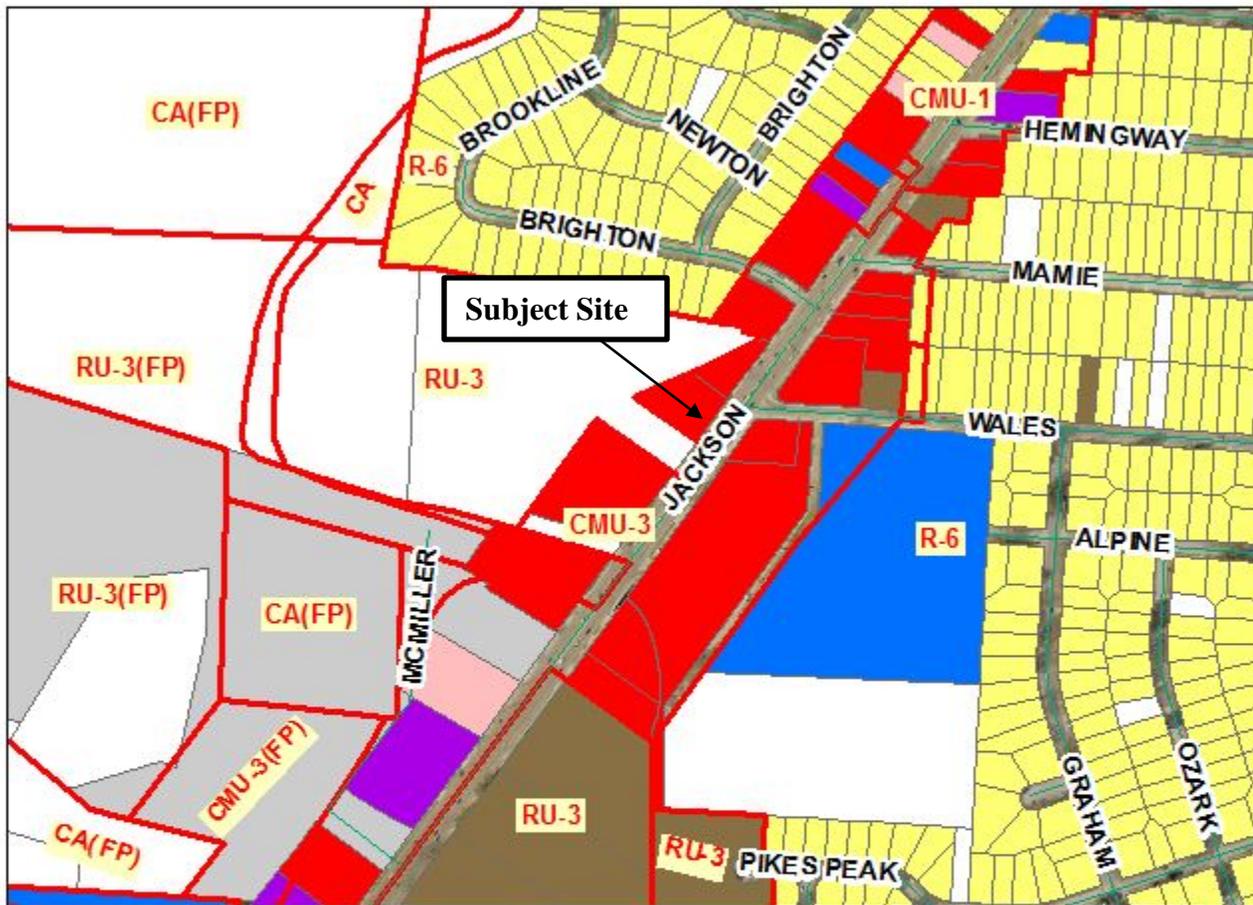


Google Earth Pro Imagery captured on August 2017

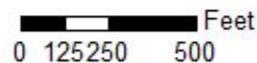
ZONING MAP



LAND USE MAP



LandUse



 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	



SURROUNDING LAND USES AND ZONING

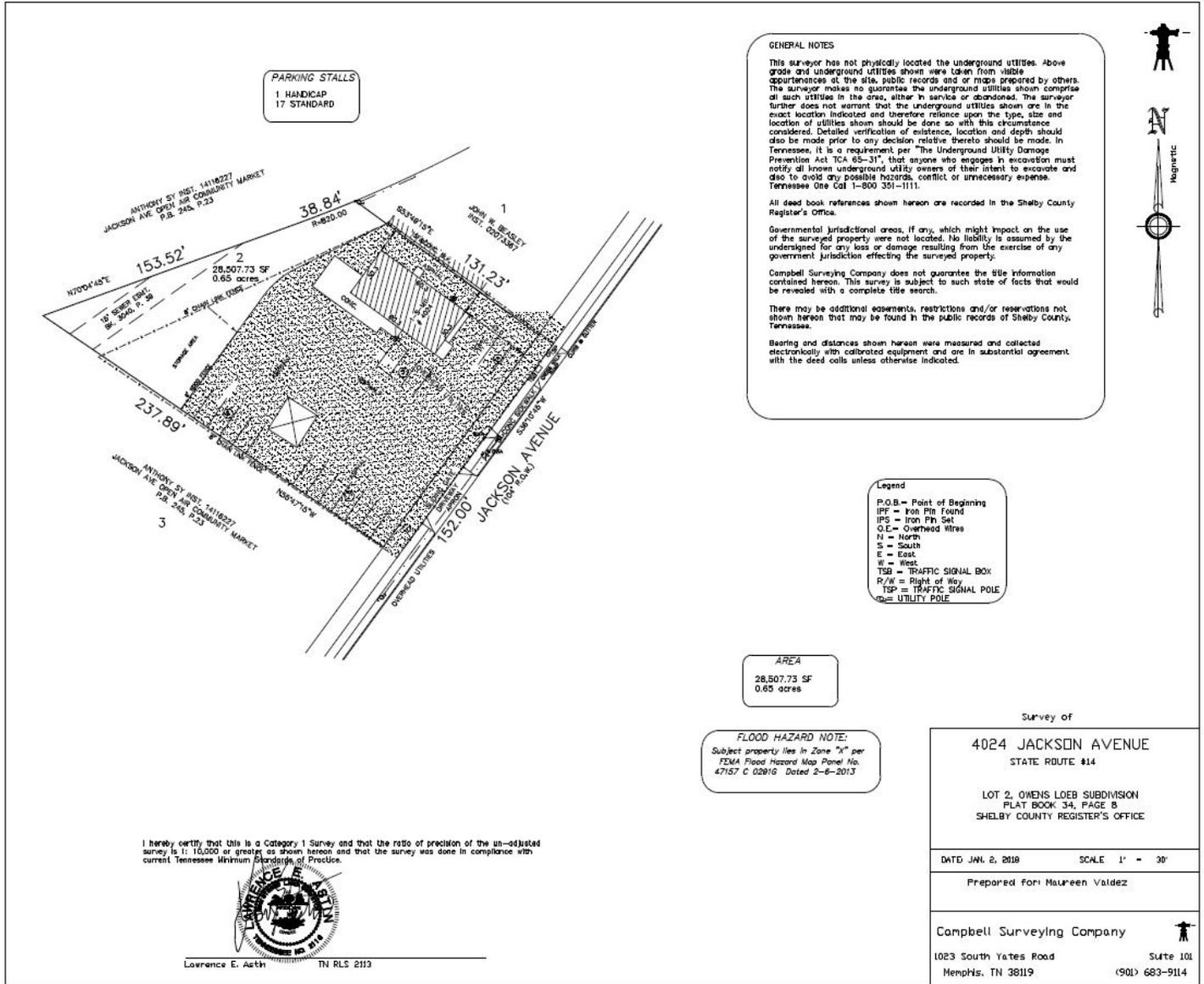
North: Commercial uses within the Commercial Mixed Use-3 (CMU-3) District

East: Commercial uses within the Commercial Mixed Use-3 (CMU-3) District

South: Vacant land within the Residential Urban -3 (RU-3) District and Commercial uses within the Commercial Mixed Use-3 (CMU-3) District;

West: Vacant land within the Residential Urban -3 (RU-3) District

SURVEY



SITE PHOTOS



View of subject property from Jackson Avenue

SURROUNDING AREA PHOTOS



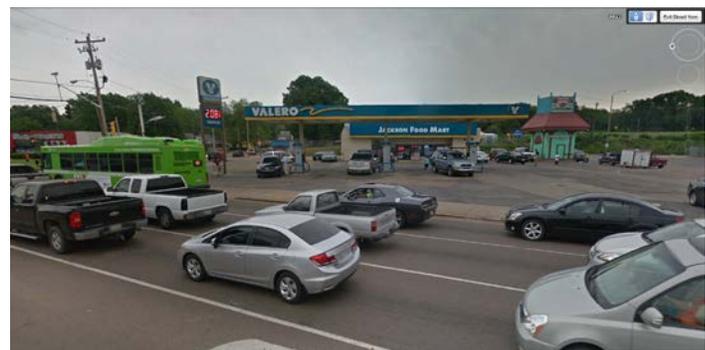
View of adjacent property



View looking south down Jackson Avenue



View looking north up Jackson Avenue



View of property directly across from subject site on Jackson Avenue and Wales

STAFF ANALYSIS

Request

The application and letter of intent have been added to this document.

The request is for a used car dealership.

Approval Criteria

Staff agrees the approval criteria regarding special use permits as set out in the Unified Development Code Section 9.6.9 are met.

- 9.6.9A 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.
- 9.6.9B 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.
- 9.6.9C 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.
- 9.6.9D 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.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject property is located at 4024 Jackson Avenue. The site comprises approximately .61 acres and is currently zoned Commercial Mixed Use -3 (CMU-3). The site is improved with an existing 1,800 square foot vehicle service garage built in 2001 with an accessory parking lot. The site was most recently occupied by a used tire business. A dilapidated structure formerly used as a laundromat sits directly to the northeast of the subject site. The site abuts two vacant parcels to the rear totaling 28 acres which was part of a commercial planned development approved for use as mini storage warehouse and a flea and farmer's market.

Conclusion

The applicant is seeking a Special Use Permit to allow a Used Car Dealership at 4024 Jackson Avenue. Jackson Avenue is a major arterial with three lanes of traffic flowing in each direction. This section of Jackson Avenue is characterized as a commercial corridor with office and retail sales including new and used tire sales, convenience store with gasoline sales, automobile parts retail sales, and title loan processing. The proposed redevelopment of this site will enhance this section of Jackson Avenue if approved under tailored conditions.

Staff agrees 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.

RECOMMENDATION: Approval with conditions

SITE PLAN CONDITIONS

SUP 18-02

1. A final site plan shall be submitted for administrative review and approval by the Office of Planning and Development prior to review by the governing bodies to include all elements of site design including building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
2. A landscape screen shall be installed and maintained along Jackson Avenue subject to approval by the Office of Planning and Development. The landscape plan shall include perimeter screening for all parking and vehicular use areas along Jackson Avenue.
3. Internal landscaping shall be provided, installed and maintained such as small flowering trees and shrubs, including flower beds, subject to review and approval by OPD.
4. Chain link fencing must be galvanized, polyvinyl chloride (PVC) color coated in black, dark green or dark brown coatings and be part of an evergreen landscape screening system.
5. Any light fixtures installed on the site shall meet the requirements and standards of the Memphis and Shelby County Unified Development Code.
6. Refuse containers shall be screened from view from adjacent property and from the public roads.
7. All storage shall be within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored only in designated screened exterior areas.
8. No partially dismantled, wrecked, or inoperable vehicles shall be stored on the site.
9. No advertising devise shall be permitted to emit or broadcast any sound, noise or outcry.
10. Any signs installed on the site shall meet the requirements and standards of the Memphis and Shelby County Unified Development Code.
11. Outdoor Display shall occupy no more than 30% of the horizontal length of the building façade.
12. All existing sidewalks and curb openings along the front of this site shall be inspected for ADA compliance and any reconstruction or repair necessary to meet City standards shall be the responsibility of the applicant.
13. A pole sign shall be permitted in accordance with the Commercial Mixed Use-3 (CMU-3) District.
14. A minimum of five (5) total parking spaces including (1) accessible parking space and four (4) bicycle parking spaces shall be provided.
15. All existing sidewalks and curb openings along the front of this site shall be inspected for ADA compliance and any reconstruction or repair necessary to meet City standards shall be the responsibility of the applicant.

GENERAL INFORMATION

Street Frontage:	Jackson Avenue: +/-152.00 linear feet
Zoning Atlas Page:	1840
Parcel ID:	062021 00020
Existing Zoning:	Commercial Mixed Use -3 (CMU-3)

DEPARTMENTAL COMMENTS

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

City/County Engineer:	No objections to this request.
City/County Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comments by the Water Quality Branch & Septic Tank Program.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Land and Mapping-Address Assignment:	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: 01/17/2018

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: FLEA MARKET PROPERTIES LLC. Phone #: 702-927-4500
 Mailing Address: 2504 SOLERA SKY DR City/State: HENDERSON NV Zip 89044
 Property Owner E-Mail Address: _____
 Applicant: LETICIA BARRETO Phone # 901-503-7174
 Mailing Address: 3394 KIRBY RD City/State: MEMPHIS TN Zip 38115
 Applicant E- Mail Address: LETICIA.BARRETO@YAHOO.COM
 Representative: MAUREEN VALDEZ Phone #: 901-498-2622
 Mailing Address: 4090 SUMMER AVE City/State: MEMPHIS TN Zip 38122
 Representative E-Mail Address: NOTARIOPUBLICO@MAIL.COM
 Engineer/Surveyor: CAMPBELL'S SURVEYING CO. Phone # _____
 Mailing Address: 1023 SOUTH YATES SUITE 101 City/State: MEMPHIS TN Zip 38119
 Engineer/Surveyor E-Mail Address: _____
 Street Address Location: 4024 JACKSON AVE MEMPHIS TN 38128
 Distance to nearest intersecting street: _____
500 FEET

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.60</u>	_____	_____
Existing Zoning:	<u>CMU-3</u>	_____	_____
Existing Use of Property	<u>AUTO REPAIR</u>	_____	_____
Requested Use of Property	<u>USED CAR DEALERSHIP</u>	_____	_____

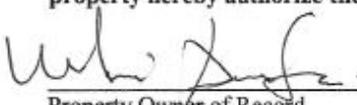
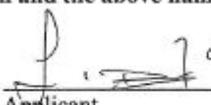
Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) 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: 0 Bedrooms: 0
 Expected Appraised Value per Unit: 0 or Total Project: 0

Variations: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

 01/17/2018  01/17/2018
Property Owner of Record Date Applicant Date

X 

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: _____ with _____

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes Not yet
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

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).

NO

- 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).

Yes

- 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).

Yes

- 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

LETTER OF INTENT

12/19/2017

Shelby County Public Works & Development

Planning Division

125 NORTH MAIN STREET-SUITE 468

Memphis TN. 38103-2084

RE: Proposed Car dealership

Dear Public Works & Development:

Our company Logistics Motor Corp. on behalf of the property owner, proposing a project within incorporated Shelby County. The project is located at 4024 Jackson Ave, intersection of Jackson & Wales, OWENS-LOEB subdivision, and with the parcel id of 062021 00020. The project includes 0.60 acres and is currently zoned CMU-3. USE INCLUDES Used Car Dealership, 1 Building the building already exists, for a total of 0.60 acres,

For Final This property has had a used car dealer in the past we are changing ownership.

Sincerely,

Leticia Barreto

PUBLIC COMMENTS

No comments from the public were received at the time this report was published.