



STAFF REPORT

AGENDA ITEM: #4

CASE NUMBER: P.D. 18-347 **L.U.C.B. MEETING: August 9, 2018**

CASE NAME: **Harbor Town P.D. Phase 1, Area B, Lots 44 and 45**

LOCATION: 774 and 778 River Park Dr. \
North side of River Park Drive; +/- 95' west of Harbor Bend

COUNCIL DISTRICT(S): District 7-Super District 8-Positions 1, 2 & 3

OWNER/APPLICANT: Lon Jackson McDurmon IV

REQUEST: Revisions to the adopted plat to:
1. Adjust the common lot line between Lots 44 and 45 by 0-7' and
2. Allow a 0' setback from the east property line of Lot 44.

AREA: Lot 44 – 0.12 acres, Lot 45 – 0.11 acres

EXISTING LAND USE & ZONING: Two vacant lots for residential uses regulated by Area B of the Harbor
Town Planned Development, P.D. 88-347

CONCLUSIONS

1. Staff supports the requested changes to the lots.
2. These are some of the last vacant lots in the planned development and some tweaking of the lots to accommodate a new residential structure is reasonable.
3. The Use Standards of UDC 2.6.1A(1)(2)(3) provide guidance as to how to address the inclusion of a zero lot line – Side Yard House - into this development.

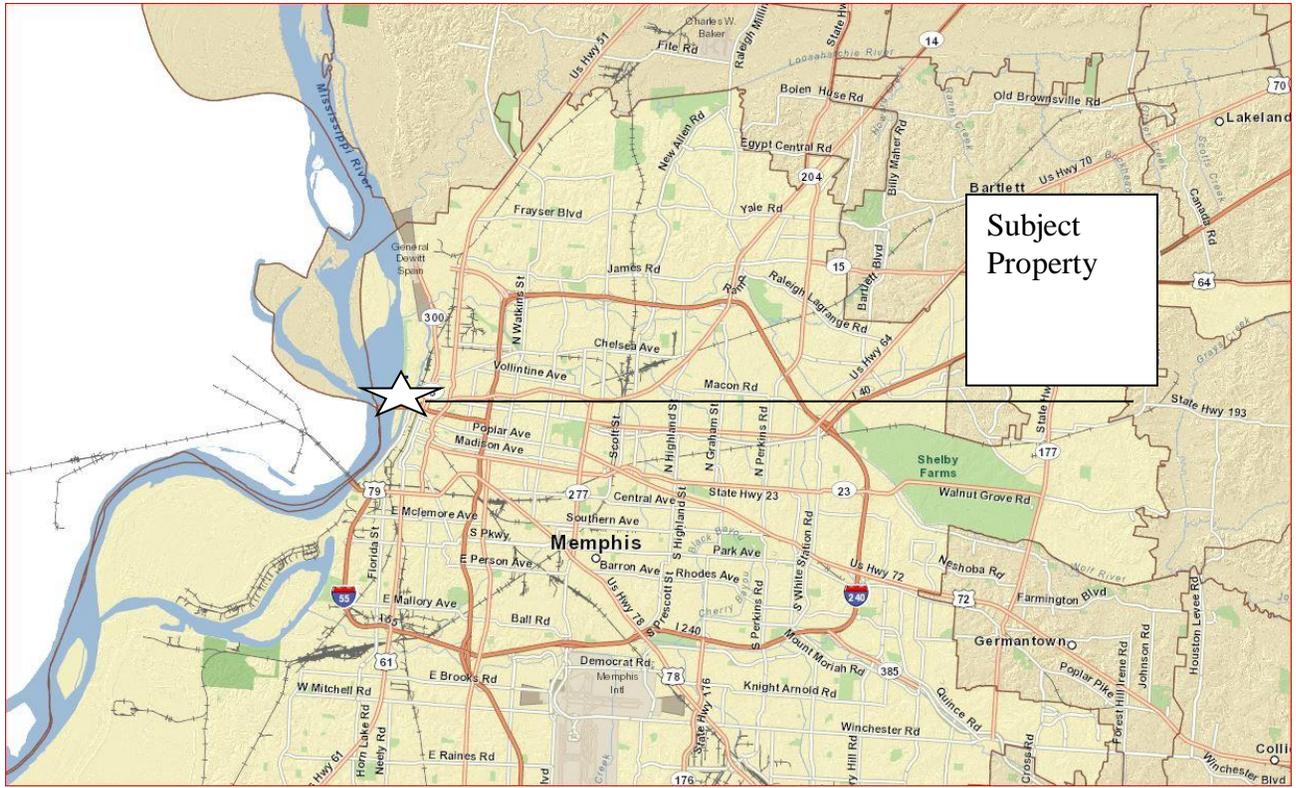
RECOMMENDATION

Approval with Conditions

Staff Writer: John D. (Don) Jones

E-mail: john.jones@memphistn.gov

General Location Map



Subject Location – Mud Island, Harbor Town Planned Development

Aerial Overview



The subject tracts are trimmed in blue.

Vicinity/Notification Map

Vicinity Map



Adjoining Property Owners

- Lot 25 - ROWAN ROBERT J & SUSAN D
773 RIVER PARK DR
MEMPHIS TN 38103
- Lot 26 - RISHER GERALD W & CAROL G
777 RIVER PARK DR
MEMPHIS TN 38103
- Lot 27 - HOOPER HENRY II & HILDRED C
781 RIVER PARK DR
MEMPHIS TN 38103
- Lot 28 - DODD JOHN H & HARRIET F
785 RIVER PARK DR
MEMPHIS TN 38103
- Lot 41 - SIMMONS BRYAN P AND
BARBARA B SIMMONS
798 RIVER PARK DR
MEMPHIS TN 38103
- Lot 42 - SZYCH GREGORY
792 RIVER PARK DR
MEMPHIS TN 38103
- Lot 43 - YOAKUM BARRY A AND
MARY K YOAKUM
80 HARBOR VILLAGE DR
MEMPHIS TN 38103
- Lot 46 - CLARKE JULIA H & GEORGE G
770 RIVER PARK DR
MEMPHIS TN 38103
- Lot 47 - DAVIS CLARENCE JR & KAMELA
787 HARBOR BEND RD
MEMPHIS TN 38103
- Lot 48 - GIBBS RYAN E & JENNIFER L
793 HARBOR BEND RD
MEMPHIS TN 38103
- Lot 50 - BARNETT CYNTHIA M
63 RIVER MIST LN
MEMPHIS TN 38103
- Lot 131 - LAWHEAD MICHAEL W & NANCY H
61 RIVER MIST LN
MEMPHIS TN 38103



**CHEYENNE JOHNSON, ASSESSOR
SHELBY COUNTY, TENNESSEE**

DISCLAIMER: THIS MAP IS FOR PROPERTY ASSESSMENT PURPOSES ONLY. IT IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP AND THEREFORE, SHOULD NOT BE RELIED UPON AS A REPRESENTATION OF ANY PROPERTY FOR ANY PURPOSE.
MAP DATE: June 19, 2018

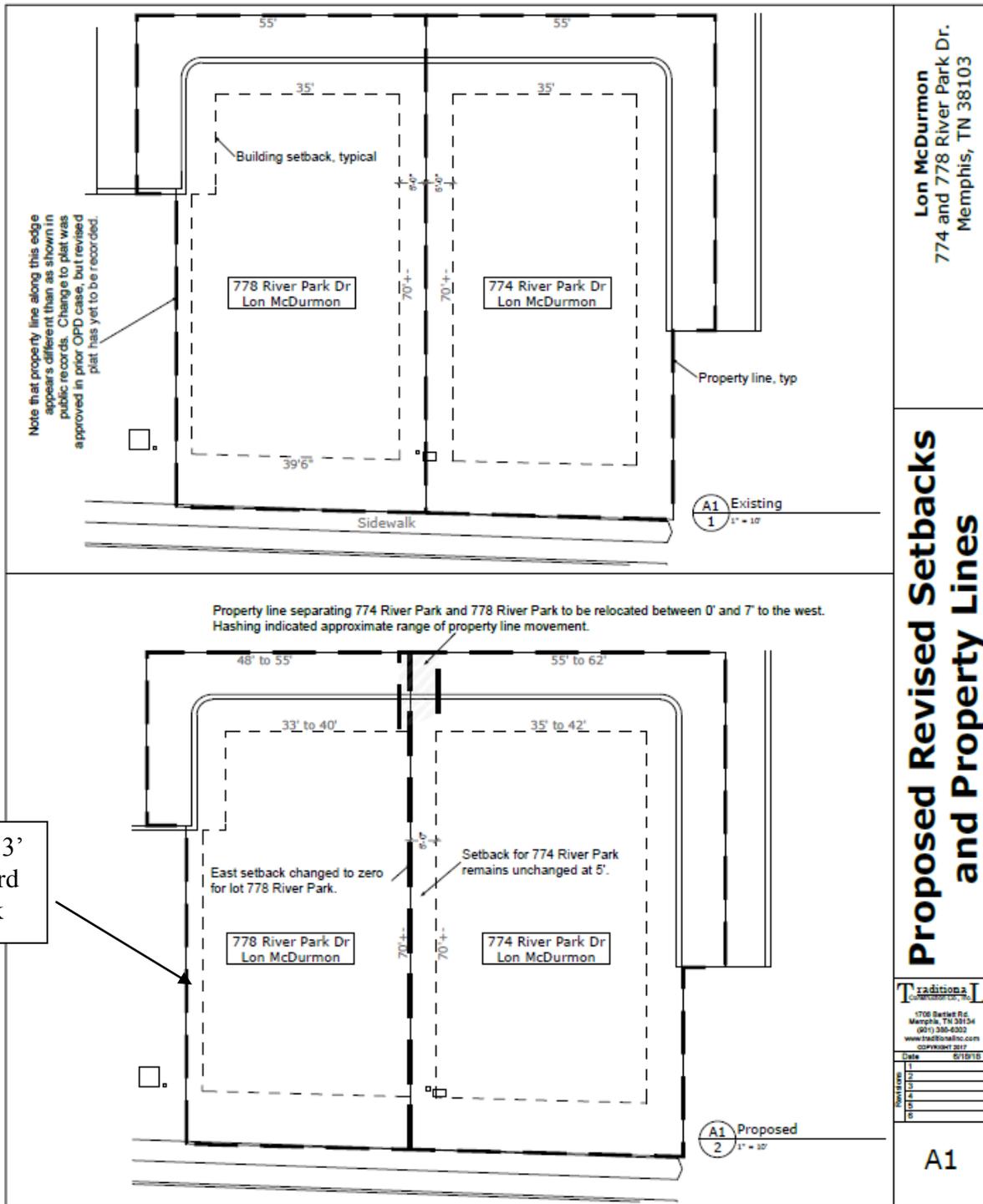
Public Notice:

Neighborhood Meeting – Not required for Major Modification Applications

Mailed Public Notice – 12 notices were mailed on July 26, 2018.

Public Notice Sign – Staff has received a picture from the applicant indicating that a sign was posted.

Survey/Site Plan



STAFF ANALYSIS

Request and Justification:

From the letter of intent, the applicant states:

“My intent is to modify the property line separating these lots by approximately 5’, and to change the setbacks of this property line.”

It is expected that because of this change to the plat, the applicant will be able to construct a new house on lot 44 without having to change the design. The applicant further states that Lot 45 will grow “in both buildable area and privacy as a result.”

Review of Request:

In April of 2018, the Land Use Control Board reviewed the application of the neighbor to the west of this application, Lot 43. The request at that time was to gain some additional land from Lot 44 in order to better accommodate the turning radius for the rear loaded garage located at the northeast corner of Lot 43 and abutting the northwest corner of Lot 44. One result of this land swap was to reduce the width of Lot 44 and reduce the side yard setback on the west side of Lot 44 from 5 feet to three feet. The note to the left of the top image of page 6 of this report is referencing that change to the platted lots.

The shaded area of the proposed site plan, this the image on the lower half of page 6 of this report, reflects the “approximate range of property line movement.” Both of the lots in this application are currently vacant and under the same ownership. The UDC, at 9.7.3C allows for sale, exchange or combining of parcels providing that no new lots are created and further provided that the parcel from which the land was transferred can still meet the building envelope requirements of the zoning district. Thus, the plat will be re-recorded to show the change to the lot lines for both the previous review and this one.

A Phase 1, Final Plat of the Harbor Town Planned Development, Area B, was most recently re-recorded in July of 2004. The Conditions of the Outline Plan defer the specifics of the lot’s setbacks to be determined by the road cross section that serves the lots. A note on the Final Plat indicates that each lot will observe the following setbacks; a 10’ front yard setback, a 15’ rear yard setback and two 5’ wide side yard setbacks unless the lot is one of the ones that are listed as an exception. The lots listed as an exception may be developed as zero lot line lot and require only front and rear lot setbacks.

The subject lots are not listed among the lots identified as an exception. The UDC at 3.2.9F gives the Land Use Control Board the authority to review requests for a removal of or alteration to a setback as a Modification application. show the change to the lots.

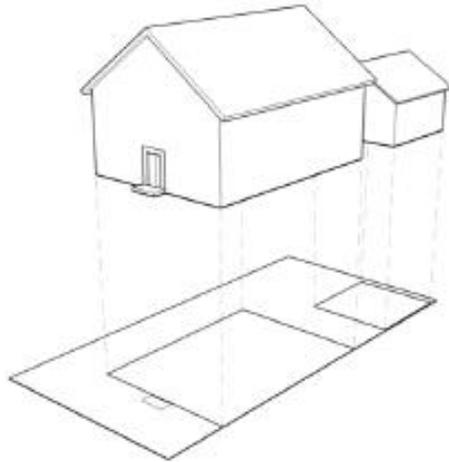
Staff agrees that the modest adjustment to the lot widths will not be out of character with its surroundings. This is an area with large homes sit on relatively small lots with a minimum amount of separation between the buildings and their side yard setbacks and a minimum Sheraton between buildings.

With respect to the decrease in the side yard setback from 5' to 0', staff has pointed out to the applicant that the UDC recognizes the Side Yard House, see below, as a type of Single Family Detached unit.

The Side Yard House includes Use Standards, UDC Section 2.6.1A(1)(2)(3), that address the placement of the house on the site, requires a maintenance easement on the adjoining property, Lot 45, and addresses the type and placement of windows on the zero-lot façade of the dwelling.

SINGLE-FAMILY DETACHED – SIDE YARD HOUSE

A house containing one principal dwelling unit located on a single tract or lot with private yards on three sides. A side yard house has only a single side yard comprising the equivalent of the two side yards of a conventional single-family house.



CHARACTER EXAMPLES

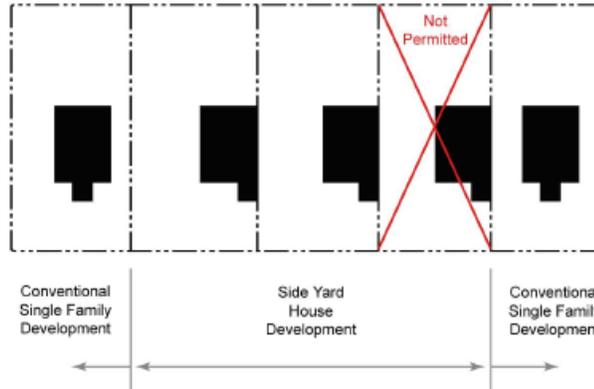


2.6.1 Residential Use Standards

A. Side Yard House

1. Single Side Yard

A single side yard shall be provided comprising the equivalent of two side yards of a conventional single-family detached house. This zero side setback may not be allowed on the side yard adjacent to residential district lots that are not part of the side yard house development. Each lot line with no side yard setback shall be indicated on the final plat.



2. Maintenance Easement

An easement to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are proposed within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property shall provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

3. Privacy Windows

If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed provided they comply with applicable building code requirements.

The applicant has acknowledged that he is aware of the requirements for side yard houses and has indicated that the private covenants for Harbor Town has a similar requirement with respect to the maintenance easement and windows.

CONCLUSIONS:

Staff supports the requested changes to the lots. These are some of the last vacant lots in the planned development and some tweaking of the lots to accommodate a new residential structure is reasonable.

The Use Standards of UDC 2.6.1A(1)(2)(3) for Side Yard Houses provide guidance as to how to address the inclusion of a zero lot line – Side Yard House into this development

RECOMMEDATION

APPROVAL WITH CONDITIONS

If approved by the Memphis and Shelby County Land Use Control Board, site plan and the following conditions shall be added to the plat.

Conditions
Harbor Town Planned Development Area B
P.D. 88-347

On August 9, 2018, the Memphis and Shelby County Land Use Control Board approved the following modifications to Lots 44 and 45

1. The common property between Lots 44 and 45 may be shifted up to a maximum of 7 feet to the east.
2. The east side yard setback of Lot 44 may be reduced from 5 feet to 0 feet.
3. Lot 44 is permitted to observe a 3' side yard setback from its west property line
4. Lot 45 shall be required to provide a 7-foot setback from the west property line and a minimum 3 ½' building setback from the east property line exclusive of the ingress easement.
5. A maintenance easement, seven feet in width, to allow for maintenance of the house on Lot 44 shall be required on Lot 45 when the roof overhang or side wall of the house are proposed within four (4) feet of the adjacent property line (lot 45). No roof overhang shall be permitted to extend across the property line.
6. If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory story window or translucent window, shall be allowed provided they comply with the building code requirements.

GENERAL INFORMATION

Zoning Atlas Page: 1925

Parcel ID: 001001 A00044 & 001001A00045

DEPARTMENTAL COMMENTS

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

City Engineer:

City Engineering has no comment on the adjusted property lines or setbacks for these two lots.

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

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department:

The Water Quality Branch & Septic Tank Program have no comments for this correspondence item.

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.

Appendix:

Application

Letter of Intent

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 PLANNED DEVELOPMENT
MAJOR MODIFICATION/LUCB SITE PLAN
(CORRESPONDENCE) APPROVAL**

Date: June 19, 2018

Previous Case #: N/A

PLEASE TYPE OR PRINT

Name of Development: Harbor Town

Property Owner of Record: Lon Jackson McDurmon IV Phone #: 901-388-6302

Mailing Address: 1706 Bartlett Rd. City/State: Memphis, TN Zip 38134

Property Owner E-Mail Address: LonMcDurmon@gmail.com

Applicant: Lon Jackson McDurmon IV Phone # 901-388-6302

Mailing Address: 1706 Bartlett Rd. City/State: Memphis, TN Zip 38134

Applicant E- Mail Address: LonMcDurmon@gmail.com

Representative: Lon Jackson McDurmon IV Phone #: 901-388-6302

Mailing Address: 1706 Bartlett Rd. City/State: Memphis, TN Zip 38134

Representative E-Mail Address: LonMcDurmon@gmail.com

Engineer/Surveyor: Campbell Surveying Company Phone # 901-683-9114

Mailing Address: 1023 S. Yates, Suite 101 City/State: Memphis, TN Zip 38119

Engineer/Surveyor E-Mail Address: _____

Correspondence item Street Address Location: 774 and 778 River Park Dr., Memphis, TN 38103

Distance to nearest intersecting street: Approximately 150 feet west of the Intersection of River Park Dr. and Harbor Bend Dr.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	_____	_____	_____
Existing Zoning:	_____	_____	_____
Existing Use of Property	_____	_____	_____
Requested Use of Property	_____	_____	_____

Type of Correspondence Item Requested:

- Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)
- Land Use Control Board Site Plan Approval

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

Number of Residential Units: _____ Bedrooms: _____

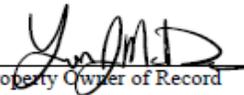
Expected Appraised Value per Unit: _____ or Total Project: _____

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

Lon McDurmon owns lot 44 (778 River Park) and lot 45 (774 River Park).

The property line dividing lot 44 and lot 45 will be relocated and
the building setback between the 2 lots altered.

I (we) hereby make application for the Correspondence Case 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.

	6/19/18		6/19/18
Property Owner of Record	Date	Applicant	Date

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 for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
 - 1. 25 feet for final plans of two or less acres;
 - 2. 50 feet for final plan of more than two but less than eight acres;
 - 3. 100 feet for final plans of eight acres but than 20 acres; and
 - 4. 150 feet for final plans of 20 acres or more.

Letter of Intent

June 18, 2018

Office of Planning and Development
City of Memphis
125 North Main
Memphis, TN 38103

RE: Letter of Intent
Property Line Realignment and Modification of Setbacks
Harbor Town Lots 44 and 45 – 774 River Park Dr and 778 River Park Dr

To Whom It May Concern,

I own two adjacent lots in Harbor Town. My intent is to modify the property line separating these lots by approximately 5', and to change the setbacks of this property line.

The change will allow the intended house design on lot 44 to be completed with no change to its design, while increasing the area of lot 45 for its unknown future design. Lot 45 will grow in both buildable area and privacy as a result of the property line movement and changes to the building setbacks.

Once approved, the plat for the planned development will be re-recorded.

Thank You,



Lon McDurmon IV