

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **21**

CASE NUMBER: P.D. 06-355

L.U.C.B. MEETING: December 14, 2006
Held from November 9, 2006

DEVELOPMENT NAME: Peabody Planned Development

LOCATION: South side of Peabody Avenue; +165 feet west of Cooper Street

OWNER OF RECORD/APPLICANT: Martin Pantik

REPRESENTATIVE: Same

REQUEST: Eleven (11) Zero Lot Line, Detached Units

AREA: 0.61 Acre

EXISTING LAND USE & ZONING: A former day care building with accessory parking and play area in the General Office (O-G) District

SURROUNDING LAND USES AND ZONING:

North: Residential dwellings in the Duplex Residential (R-D) District

East: A commercial use and an institutional use in the Highway Commercial (C-H) District

South: Parking lot, vacant land, and single family dwellings in the Single Family Residential Dwellings in the Single Family Residential (R-S6) District

West: A duplex and single family dwellings in the Single Family Residential (R-S6) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL OF TEN LOTS

Planner: Donald Jones

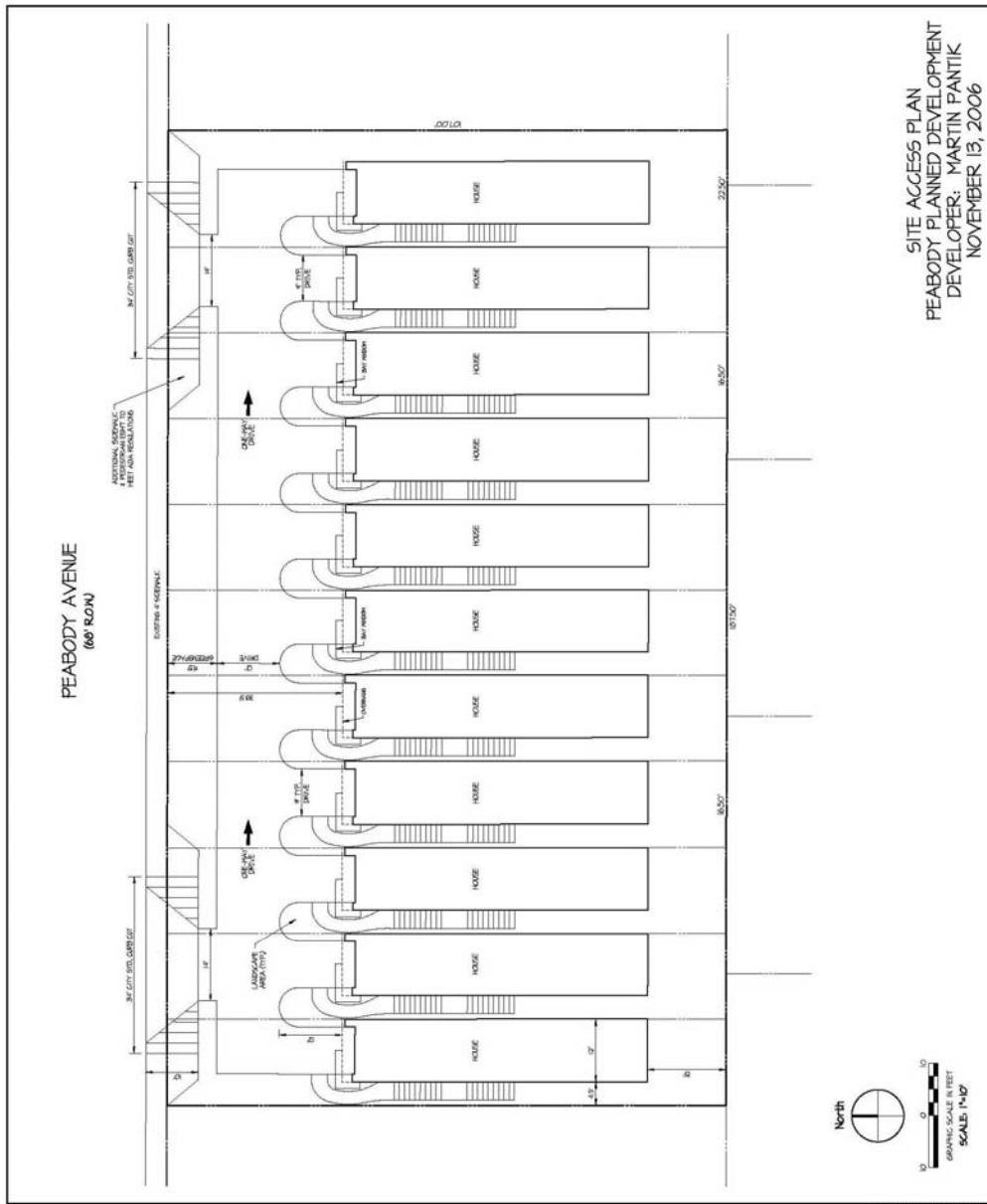
E-Mail donald.jones@memphistn.gov

CONCLUSIONS

1. At this location, the requested units provide a transition in land uses moving west from the intersection of Cooper Street and Peabody Avenue.
2. This location also makes sense from a sustainability point of view since there is access to transit and retail commercial uses which are within a reasonable walking distance.
3. At this location, the requested units provide a transition in land uses moving west from the intersection of Cooper Street and Peabody Avenue. This location also makes sense from a sustainability point of view since there is access to transit and retail commercial uses which are within a reasonable walking distance.
4. It is the recommendation of the staff that one unit be removed from this request and that the land be divided back into the living area of the units. This will effectively add about 1.5 feet to the lot and at least one foot to the remaining units. This is a modest addition that increases the minimum building width to 13 feet.

[illegible]

Site Plan



Architectural Rendering



Existing Use:



Existing Use (cont)



Recent Development to the West:



STAFF ANALYSIS

General Location and Site Characteristics:

The subject property is generally located near the intersection of Peabody Avenue and Cooper in the Midtown area of Memphis. More particularly, this approximately 1/2 acre tract of land is located on the south side of Peabody Avenue some 130 feet west of Cooper Street.

The subject property includes lots 39 through 53 of the Lenox Highlands Subdivision which is found in the Registers Office on Plat Book 3 Page 19. Each of the lots on this plat have a width of 12.4 feet.

The subject site is currently developed with a one story, nondescript, brick building. The also includes a paved drive aisle and parking area and a children's play area. The most recent use of this property was for a children's day care.

Request:

The applicant is requesting to redevelop this site in a manner that is similar to the original subdivision plan. The site plan calls includes the following elements;

- Eleven single family detached units
- Each unit is a 3-story building with underground parking for two cars – 1428 heated sq. ft.
- Minimum lot width 16.5 Feet
- Zero Lot Line setback on east property line (Lots 2-11)
- Opposite side yard a minimum of 4.5 feet
- Two curb cuts with an access easement for each lot

Review of Request:

History – This application was originally filed for review by the Land Use Control Board for the November Meeting. The plan at that time showed individual curb cuts for each lot. This created multiple points of vehicular ingress and egress to Peabody Avenue and an unworkable pedestrian path under the guidelines of the American with Disabilities Act. The application was put on hold and revisions as described above have been made.

Location and Surrounding Uses - As the land use and zoning map indicate, the subject property is zoned for primarily non-residential uses and abuts an active commercial (a bar) use to the east. To the south of the subject property is a parking lot that serves the Lodge that faces on Cooper Street and vacant land. On the opposite side of Peabody, the subject property faces the rear property lines and fences of lots that are oriented to Courtland. West of the subject property is a duplex residential unit

and a number of townhouse style residential units that were redeveloped using the existing lots.

Peabody Avenue has a primarily residential character with a mixture of housing types that include traditional bungalow units, multi-family, and the townhouse style units previously mentioned.

At this location, the requested units provide a transition in land uses moving west from the intersection of Cooper Street and Peabody Avenue. This location also makes sense from a sustainability point of view since there is access to transit and retail commercial uses which are within a reasonable walking distance.

Review of proposed design – As indicated above, some revisions to the original site plan have taken place and are reflected in the attached site plan. Overall, this request is seen a modern approach within an historic setting. Clearly, these are long and narrow units with a townhouse style design. But the project has similar characteristics to the townhouse style units that are located one lot to the west. The addition of a garage provides a modern convenience and replaces the parking pad which is found in the units to the west. This change add value to the units.

The staff is concerned however in the width of the unit. This concern translates into a livability issue and a long term value issue. It seems obvious that these units will be attractive to a empty nester population who will enjoy the proximity to the shopping and entertainment areas in the immediate area as well as along Cooper Street including the Overton Square and Cooper-Young areas.

It is the recommendation of the staff that one unit be removed from this request and that the land be divided back into the living area of the units. This will effectively add about 1.5 feet to the lot and at least one foot to the remaining units. This is a modest addition that increases the minimum building width to 13 feet.

RECOMMENDATION: Approval of 10 residential lots

OUTLINE PLAN CONDITIONS
Peabody Planned Development
P.D. 06-355

- I. Uses Permitted
 - A. A maximum of ten (10) single family detached dwellings
 - B. Accessory uses as regulated by the R-S Districts
- II. Bulk Regulations
 - A. Lot Widths:
 - 1. Lot 1 – Minimum Lot Width - 22.5 Feet
 - 2. Lots 2-10 – Minimum Lot Width – 18.0 Feet
 - B. Minimum Width of Building – 13.0 Feet
 - C. Front Yard Setback – 30 Feet
 - D. Rear Yard Setback – 15 Feet
 - E. Side Yard Setback:
 - 1. Lot 1: Between east building elevation and east lot line- Minimum 5 Feet
Between residential buildings – Minimum 4.5 Feet
 - 2. Lots 2–10: East property line – Zero Feet
Between residential buildings – 4.5 Feet
 - F. Maximum Height – 35 Feet
- III. Building Elements:
 - A. Each unit shall contain a minimum two car (tandem style) garage.
 - B. Building materials shall contain a mixture of materials including brick, stucco,

hardy plank or hardy board. Split face block may be used along the foundation of the building and surrounding the garage door,. (around the garage door).

- C. Garage – The garage shall be recessed within the building envelope. The garage door shall be a standard four panel door that blends into the surrounding building.
- D. No two succeeding units shall be painted the exact same color. It is recommended that the applicant choose a consistent approach in assigning colors to these units as in all warm colors or all cool colors. More specific language regarding the colors of the units should be contained in a property owners agreement.
- E. A detail of the gate shall be depicted on the Final Plat. The gate should be designed so as to blend in with the structure.
- F. The Final Plat shall include both the plan view and cross section views.

IV. Access and Circulation:

- A. Dedicate 2 feet of additional right-of-way along the Peabody Avenue frontage in accordance with Subdivision Regulations.
- B. The developer shall provide a 6-foot wide sidewalk along the Peabody Avenue frontage in accordance with the Subdivision Regulations, and shall meet all ADA requirements for pedestrian access. An additional sidewalk and pedestrian easement shall be granted adjacent to the curb cuts as shown on the outline plan.
- C. A maximum of two curb cuts shall be permitted.
- D. The design and location of the curb cuts is subject to the review and approval of the City Engineer.
- E. Access to individual lots shall be via a one way, 12 foot wide, ingress/egress easement. This easement shall be shown on the final plat and a Homeowners Association shall be created to address the maintenance of the easement.
- F. The easement and driveway leading to the unit shall be constructed of grass-crete,

scored concrete, pavers, stamped concrete or similar material that is approved by the Office of Planning and Development and shown on the final plat. Under no circumstance shall asphalt or smooth concrete be substituted as the top coat.

- G. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

V. Landscaping and screening

- A. The Final Plat shall demonstrate conformance with the Tree Ordinance.
- B. Planting of the Peabody Avenue streetscape is subject to the review and approval of the Office of Planning and Development. The planting shall include an acceptable Street Tree, such as Maple, spaced 30 feet on center, unless circumstances dictate that another tree species or spacing is warranted.
- C. The green strip running parallel to Peabody Avenue shall be individually owned but maintenance shall be the responsibility of a home owners association.
- D. Fencing along the east, west and south property lines shall be composed of a shadow box style, wooden fence, with cap. The continued use of the existing fencing on east side of this site is subject to the review and approval of the Office of Planning and Development.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

VII. The Land Use Control Board may modify the bulk, access, paring, landscaping and sign 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 days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed b the City Council.

VIII. A Final Plat shall be filed within 5 years from the date of approval by the Memphis City Council. The Land Use Control Board may grant extensions to that time limit with the filing of a Correspondence Item.

IX. Final Plat Requirements:

Any Final Plan shall include the following:

- A. The Outline Plan Conditions,
- B. A standard subdivision contract as defined by the Subdivision Regulations,
- C. The location and ownership, whether public or private of any easement,
- D. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, pedestrian and utility easements, service drives, and access easements, trash receptacles, loading facilities, and identification of plant materials in required landscaping areas, as well as a rendering of the appearance of all proposed buildings and signs including labeling of predominate construction materials,
- E. The number of parking spaces being provide versus required by the Zoning Ordinance,
- F. The developer shall be aware of his obligation under 40 CFR 122.26 (B) (14) and TCA 69-3-101 ET Seq. to submit a notice of intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's 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 Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

GENERAL INFORMATION

Street Frontage:	Peabody Avenue – 187.50 Feet
Planning District:	Midtown
Census Tract:	33.0
Zoning Atlas Page:	2035
Zoning History:	The current O-G dates back to August of 1964, Z-362

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 500 of Subdivision Regulations.

Sewers:

2. City sanitary sewers are available at developer's expense.

Roads:

3. Dedicate 2 feet of additional right-of-way along the Peabody Avenue frontage in accordance with Subdivision Regulations.
4. The developer shall provide a 6-foot wide sidewalk along the Peabody Avenue frontage in accordance with the Subdivision Regulations, and shall meet all ADA requirements for pedestrian access. An additional sidewalk and pedestrian easement shall be granted adjacent to the curb cuts as shown on the outline plan.

Curb Cuts/Access:

5. Two curb cuts shall be permitted along the Peabody Avenue frontage.
6. The City Engineer shall approve the design and location of curb cuts.
7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

7. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
8. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

Site Plan Notes:

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

General Notes:

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

City Fire Division: No comments received.

City/County Health Department: No objections.

City Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received

Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning No comments.

Neighborhood Associations:

E. Midtown Asso.: No comments received

Idlewild N.A.: No written comments received, however, the association and the applicant have been

in communication regarding this request.

Midtown Council of Neighborhoods:

No comments received

