

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#14**

CASE NUMBER: S.U.P. 08-225 **L.U.C.B. MEETING:** October 9, 2008

LOCATION: North side of Union Avenue @ Mynders Street

OWNER OF RECORD: University of Tennessee

APPLICANT: American Cancer Society

REPRESENTATIVE: Michael Calhoun

REQUEST: Boarding House (Hope Lodge)

AREA: 1.001 Acres

EXISTING LAND USE & ZONING: A parking lot in the Central Business (CBD)
District/Medical Overlay (MO) District

SURROUNDING USES AND ZONING:

North: Medical Office and accessory parking in the Central Business (CBD)
and Medical Overlay (MO) District

East: Vacant land in the Central Business (CBD) and Medical Overlay (MO)
District

South: An institutional use (Southwest Community College) in the Multiple
Dwelling Residential (R-MH) and Medical Overlay District

West: A restaurant and museum (Sun Studios) and a mix of auto service and
retail or service oriented commercial uses in the Central Business (CBD)
and Medical Overlay District

OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION: Approval with Conditions

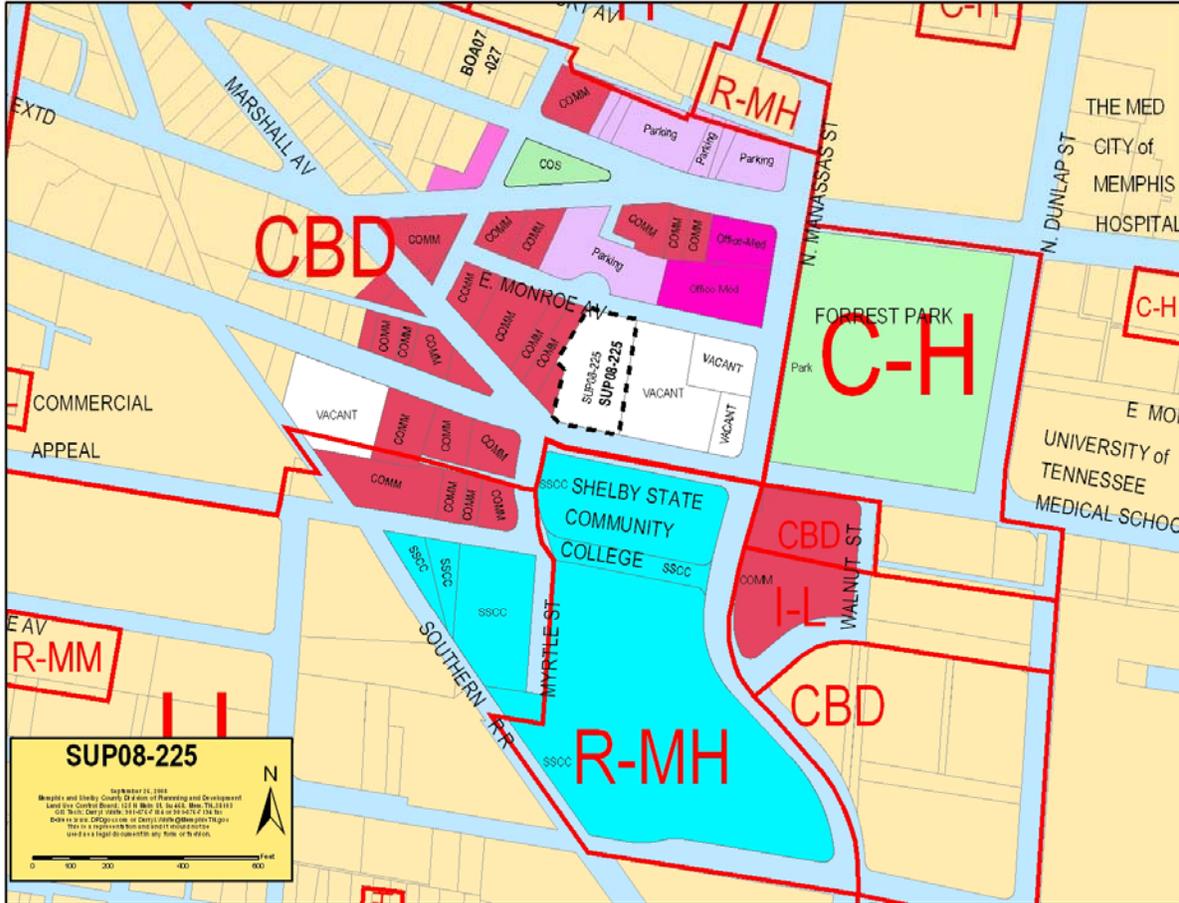
Staff: Don Jones

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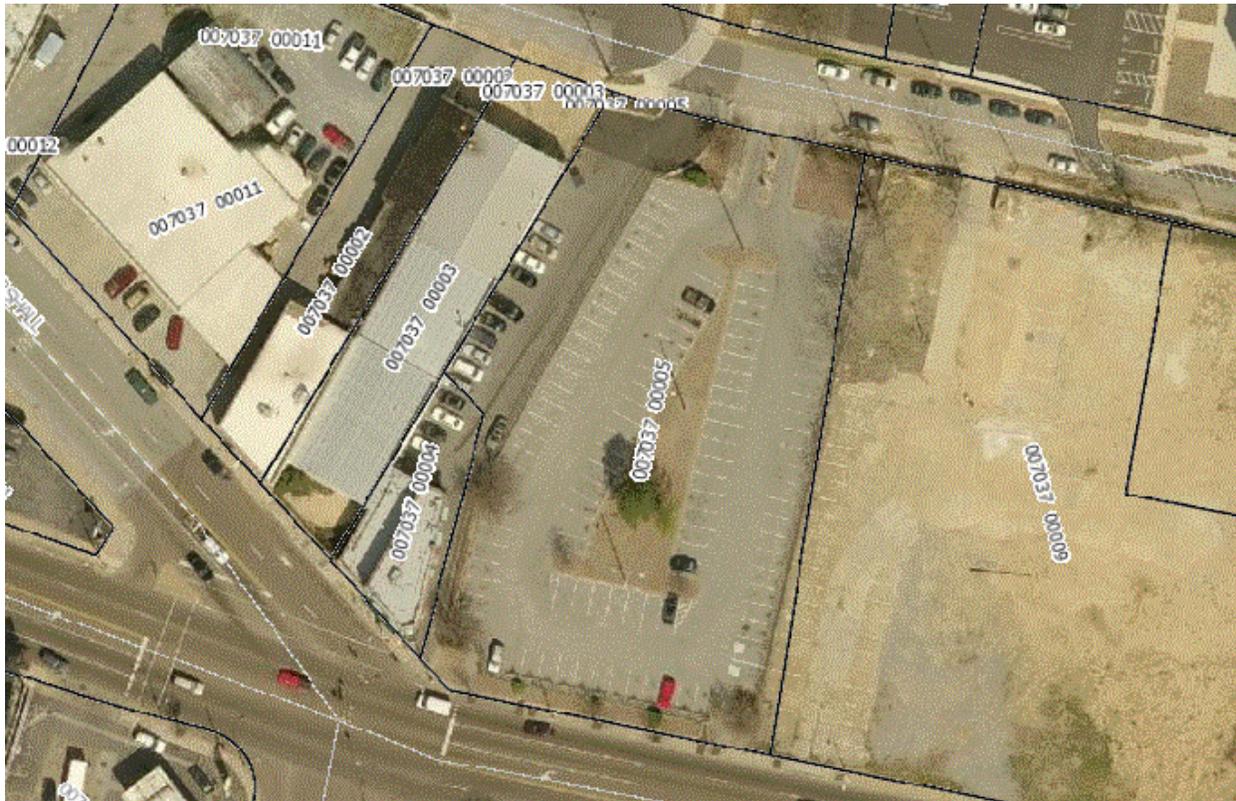
CONCLUSIONS

- 1. The request falls under the definition of Boarding House. A Boarding House requires a Special Use Permit in the Medical Overlay District**
- 2. The establishment will be run by the American Cancer Society for the benefit of families of patients who are receiving treatment for Cancer in one of the nearby Hospitals. It is a complimentary use that fits in well within the Medical Center location.**
- 3. The current site plan is not in compliance with the requirements of the Medical Overlay District, a companion application to the Board of Adjustment for variances to the setback and building element requirements will be needed. The Final Site Plan shall be revised to reflect the required streetscape treatment and any approved variances.**

Zoning and Land Use Map



Aerial View of site – Subject property is in the center of the picture (Parcel ID 007037 00005)



View of Site

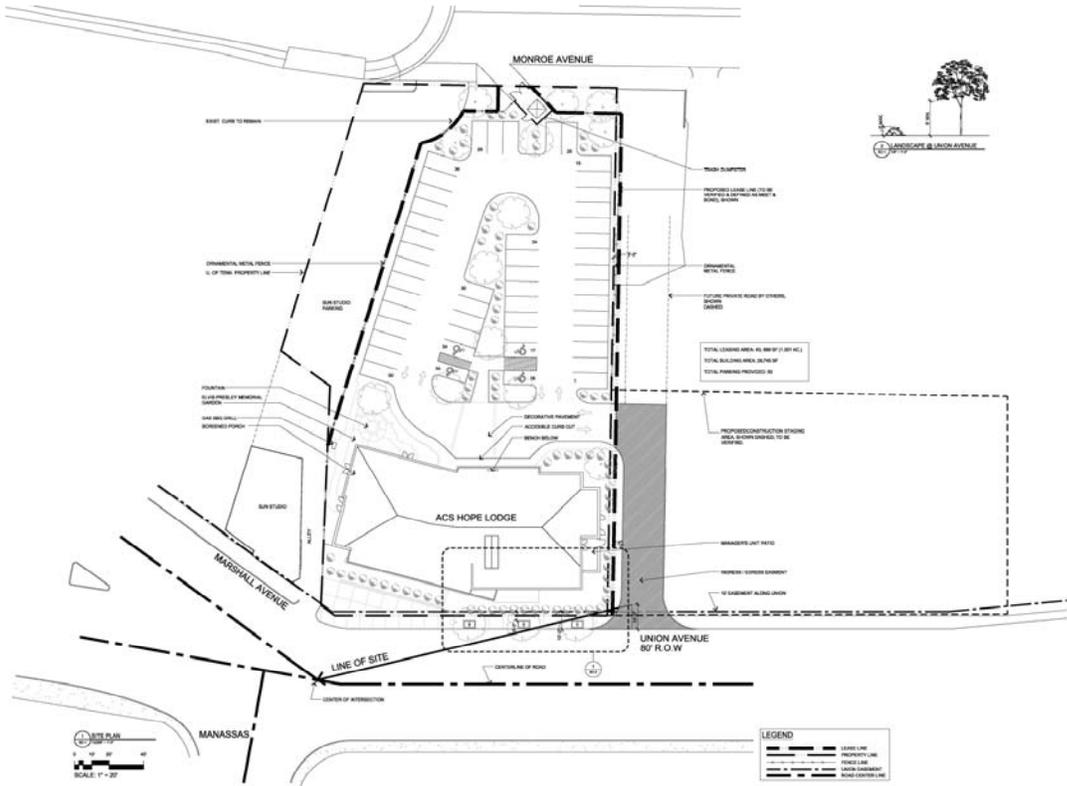


View of front of site along Union Avenue (west half)



East portion of site

Site Plan – Street Cross Section Plan

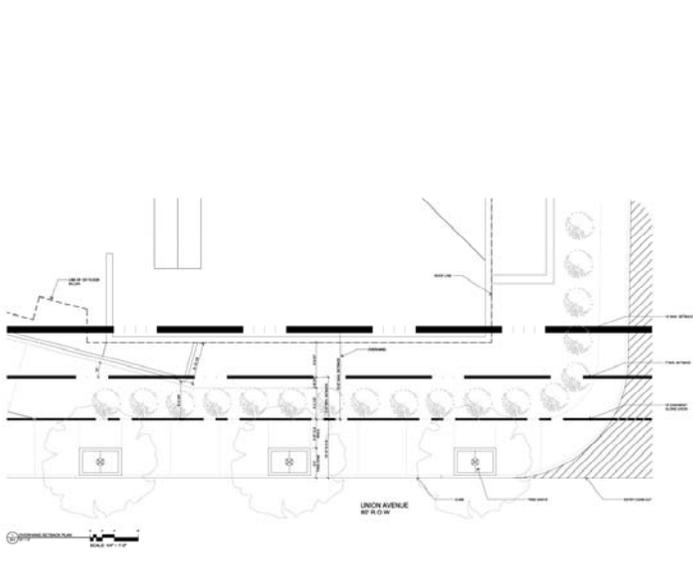


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AMERICAN CANCER SOCIETY - MEMPHIS
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NOT FOR CONSTRUCTION

SITE PLAN
 10.02.2008
SD-1



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ENLARGED SITE PLAN
 10.02.2008
SD-2

Building Elevations – top elevation faces Union Avenue



STAFF ANALYSIS

General Location and Site Characteristics:

The subject tract is part of the Fowler Subdivision which was recorded in 1918 and can be found at Plat Book 1 Page 48, at the Shelby County Register's Office. This site includes the original homestead site and part of a lot identified on the Plat as "B".

The subject property is located is on the north side of Union Avenue, some 350 feet west of the intersection with Manassas Street. The site is currently in use by the University of Tennessee for surface parking. Current access to the site is from Monroe Avenue.

Request:

The American Cancer Society is requesting a Special Use Permit to construct "Hope Lodge" which will serve families of Cancer Patients who are being treated in the nearby Medical Center. The Lodge will be operated like a hotel with second and third floor guest rooms and a main floor that includes a Lobby, Office and Kitchen facilities. This use is described as being analogous to the Target House and Ronald McDonald House which are designed to allow for both short term and long term occupancy for families of patients that require treatment for Cancer in one of the Medical District's hospitals.

Need for the Application:

The staff has met with the applicant's representatives and requested a detailed explanation of the operation of the use. Based on that explanation the staff (planning, code enforcement, and legal) have reviewed the definitions section of the ordinance and determined that the use classification that best met the description of this use is a Boarding House. The Boarding House permits meals and lodging for compensation as long as the guests are not transients and as long as no convalescent or chronic care is provided.

The definition of a Hotel, by contrast, requires the rooms to be available to the general public. In this instance, the rooms are rented to a particular group not the general public at large.

According to the Uses Permitted Section of the Medical Center Overlay District, a Special Use Permit is required to allow a Boarding House.

Medical Center Overlay District

The purpose of the Medical Center Overlay District is to support and encourage development and reinvestment that is complimentary to and in harmony with the long term vision of a revitalized patient care and research center. The district is not intended to be punitive in its

identification of uses that are either no longer permitted or require additional review. Rather, the Overlay District recognizes that there are a variety of existing zoning districts in its study boundaries that permit a wide range of land consumptive uses that do not contribute to the long range vision of the area.

In addition to regulating uses, the Overlay District also requires that new construction include certain characteristics that encourage pedestrian activity and lessen the visibility of the automobile be included in the site plan. Building elements that contribute to the character of the district are also required as a part of site plan review.

Review of Request

The Use- The requested use fits well within the Medical Center Overlay District. It is complimentary to one of the major functions of the medical center which is the care and treatment of victims of chronic illness.

The Site Plan – Revisions are needed to the site plan for it to be consistent with the requirements of the Medical Center Overlay District. The applicant has been working with the staff and has identified a number of areas where the site plan and building elevations are at variance with the requirements of the district. The applicant is revising the site plan to show the required street frontage along Union Avenue. Other issues including the maximum setback of the building, the percentage of transparency, the amount of building that addresses the setback, and the floor height (floor to ceiling) will have to be addressed through an application to the Board of Adjustment for a variance.

The recommended conditions will require that the final site plan be adjusted to reflect the outcome of the BOA process and consistency with the Medical Center Overlay District requirements.

RECOMMENDATION: APPROVAL WITH CONDITIONS

SITE PLAN CONDITIONS

S.U.P 08-225

Hope Lodge – Union Avenue +/- 350 feet west of Manassas

A Special Use Permit is hereby authorized to allow a Hope Lodge, boarding house, to be operated by the American Cancer Society on the property identified as 718 Union Avenue, Assessors I.D. 00703700005 located on the north side of Union Avenue +/- 300 feet west of Manassas Street in accordance with the approved site plan and the following supplemental conditions:

1. The approved final site plan shall include a metes and bounds description of the subject site.
2. Dedicate 10 feet from the face of curb along the Union Avenue frontage and provide sidewalks in accordance with the Medical District Overlay., all in accordance with Subdivision Regulations, and ADA requirements.
3. The developer shall provide an ingress-egress easement from Union Avenue frontage to the parking lot connection (approximately 120 deep by 30 feet wide). Said easement shall be shown on the face of the final site plan for this project.
4. Clear sight line shall be shown on the driveway located east of the site, and shall be clearly delineated on the final plat and engineering plans in accordance with the Subdivision Regulations. The required note regarding Clear Sight Areas shall be placed on the final plat.
5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
7. All curb cuts shall be a minimum of 10 feet in depth from the face of curb to the back of the curb cut and shall meet ADA requirements.
8. 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.
9. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
10. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

11. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
12. Required landscaping shall not be placed on sewer or drainage easements
13. Fencing shall stop at the midpoint of the building and not extend in front yard, between building and the street.
14. The Final Site Plan shall demonstrate conformance with the Medical Overlay District Requirements as identified below:
 - a. The elements listed in Section 1.3.3 (Page 1-2) of the Medical Overlay District Report;
 - b. The elements listed in Section 1.9 Site Development Standards (pp 1-22 and 23)
 - c. A detailed landscape plan subject to the review and approval of the Office of Planning and Development
 - d. A detail of the proposed fence
 - e. A chart reflecting the site plans conformance with the Building Regulations (Section 1.6.3 pps 1-10 thru 1-11) or the amount of variance approved by the Board of Adjustment.
 - f. Conformance with the Tree Ordinance

GENERAL INFORMATION

Street Frontage: Union Avenue - +/- 1160.87 Feet
Monroe - +/- 18.86

Planning District: Downtown Medical Center

Census Tract: 40

Zoning Atlas Page: 2030

Zoning History: The current CBD or its equivalent C-4 dates back to 1954. The Medical Overlay District was approved by the Memphis City Council in January of 2007.

DEPARTMENTAL COMMENTS

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

City Engineer:

Sewers:

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

Roads:

2. # is designated as a Priority # on the MPO Major Road Plan.
3. Dedicate 10 feet from the face of curb along the Union Avenue frontage and provide sidewalks in accordance with the Medical District Overlay., all in accordance with Subdivision Regulations, and ADA requirements.
4. The developer shall provide an ingress-egress easement from Union Avenue frontage to the parking lot connection (approximately 120 deep by 30 feet wide). Said easement shall be shown on the face of the final site plan for this project.
5. Clear sight line shall be shown on the driveway located east of the site, and shall be clearly delineated on the final plat and engineering plans in accordance with the Subdivision Regulations. The required note regarding Clear Sight Areas shall be placed on the final plat.

Curb Cuts/Access:

6. The City Engineer shall approve the design, number 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.

8. All curb cuts shall be a minimum of 10 feet in depth from the face of curb to the back of the curb cut and shall meet ADA requirements.

Drainage:

9. 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.
10. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

Site Plan Notes:

11. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
12. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
13. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

14. The width of all existing off-street sewer easements shall be widened to meet current city standards.
15. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
16. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

What is the supplemental use permit for? Short term residential during cancer treatment at the UT facility to the east at Dunlap & Monroe (SW corner)?

City/County Health Department:

The Water Quality Branch has no comments for OPD Case Number SUP 08-225.

City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). MCS students residing in this area are zoned to the following schools:

Downtown Elem - 102.2%
Vance Middle - 44.4%
Manassas High - 65.1%

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development:** 528-4858

- MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T/Bell South: AT&T has no comment.

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

OPD-Regional Services: No comments received.

OPD- Comprehensive Planning: No comment

Center City Commission:

Fencing should stop at midpoint of building and not extend in front yard, between building and the street.

New Pathways: No comments received

The Edge: No comments received