

**STAFF REPORT**

**CASE NUMBER:** P.D. 08-335      **L.U.C.B. MEETING:** January 8, 2009  
**COMPANION CASES:** SAC 08-613 and 614

**DEVELOPMENT NAME:** Lakeview Estates Planned Development

**LOCATION:** East side of Tillman Street; north side of Johnson Avenue

**COUNCIL DISTRICT:** 5                      **SUPER DISTRICT:** 9

**OWNER OF RECORD:** City of Memphis

**APPLICANT:** Lakeveiw Estates Development, LLC (Darrell Cobbins)

**REPRESENTATIVE:** Powers-Hill (Nisha Powers)

**REQUEST:** Housing for Seniors (100 units in one 3-story building)

**AREA:** 8.66 Acres

**EXISTING LAND USE & ZONING:** Vacant land in the Single Family Residential (R-S6) District

**SURROUNDING LAND USES AND ZONING:**

**North:** A Police Precinct in the Single Family Residential (R-S6) District

**East:** Single Family dwellings facing Johnson and Multiple Dwelling Residential units oriented to Yale Avenue in the Single Family Residential (R-S6) District

**South:** Single Family dwellings on both sides of Johnson Avenue and an institutional use (a church) in the Single Family Residential (R-S6) District

**West:** Predominately single family residential units in the Single Family Residential (R-S6) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

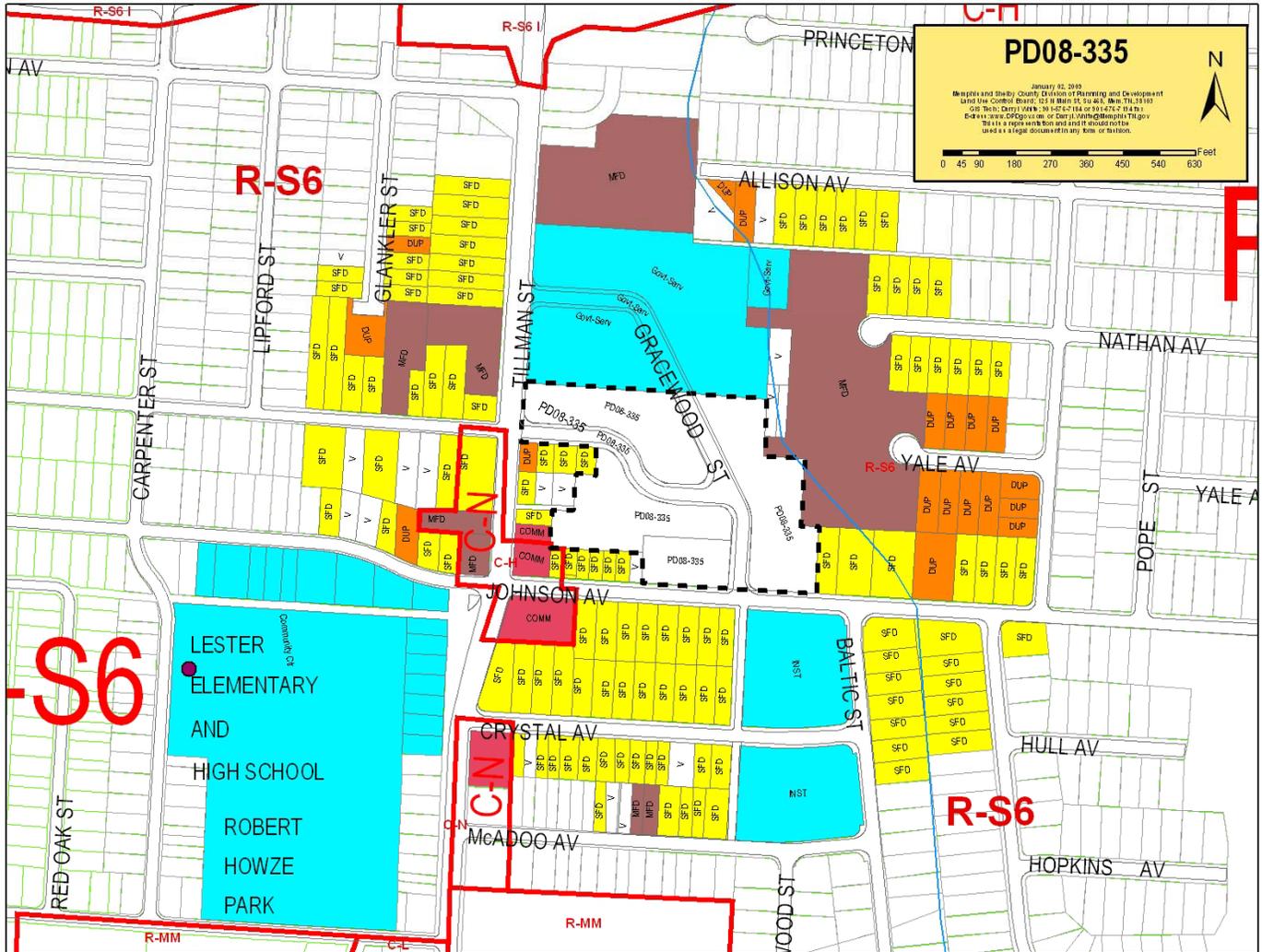
HOLD FOR REDESIGN

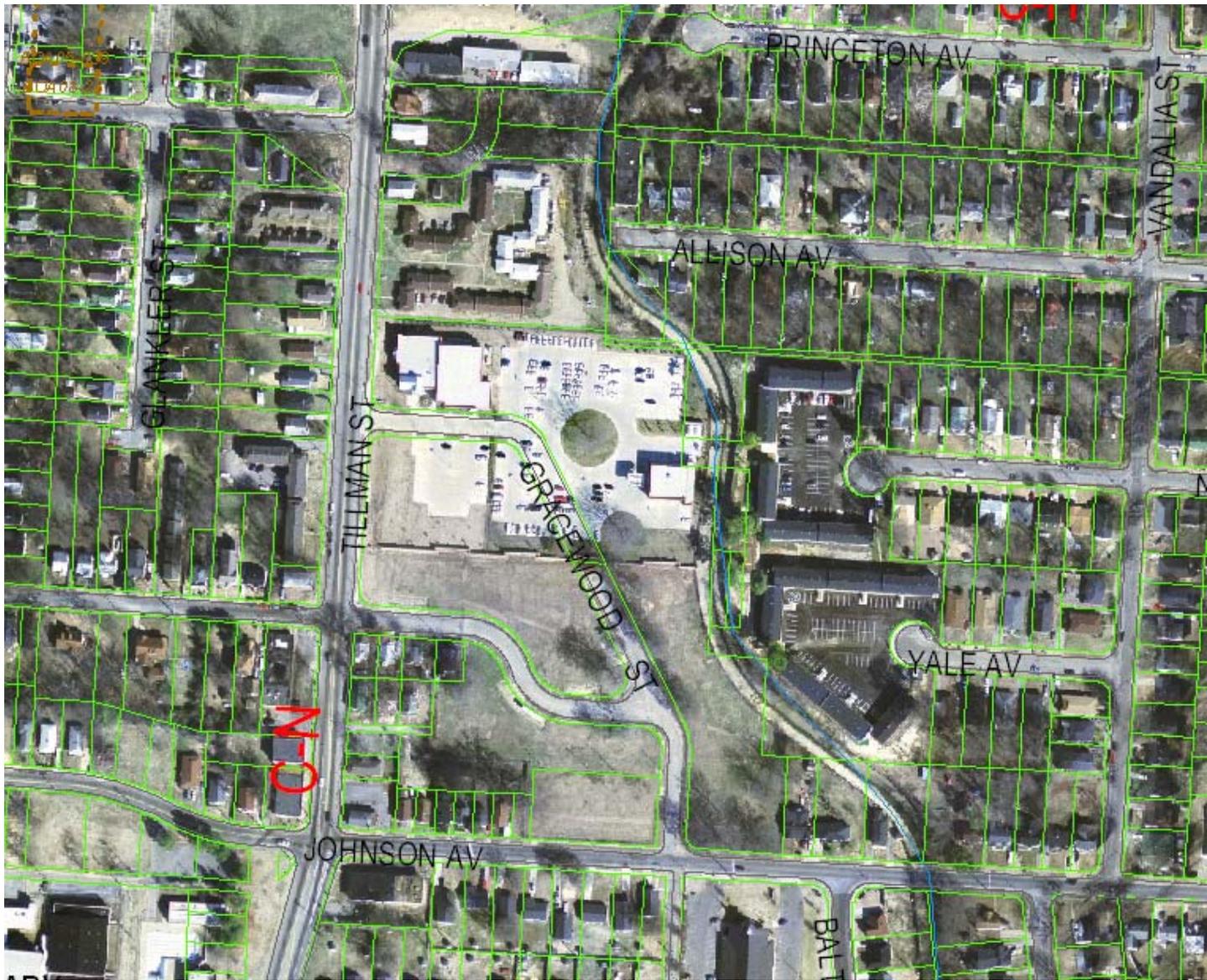
Staff Writer: Don Jones      E-mail: donald.jones@memphistn.gov

## CONCLUSIONS

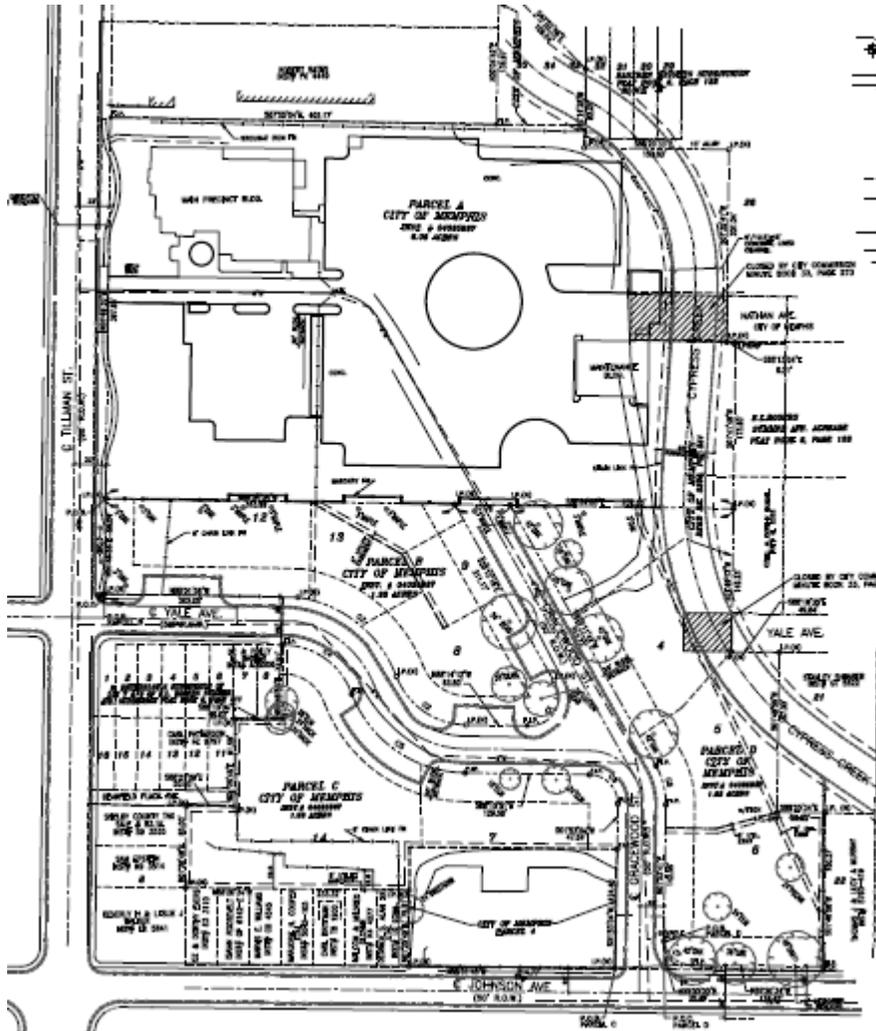
1. The applicant's request is to develop this site to provide affordable rental units for seniors. The desire is to serve the Binghampton area primarily by providing affordable housing for the area's elderly.
2. In 2003, the private consulting firm, ETI, prepared a comprehensive plan for the redevelopment of the Midtown East Corridor/Binghampton Area. In regard to the subject property, the plan recommended the redevelopment of the subject site as single family detached residential units.
3. The intent to provide to alternative housing that will allow older residents to remain connected to their neighborhood is one of the tenets of the Sustainable Shelby Initiative. So, while this is a variation from a recommended plan it does address an important planning objective.
4. While the staff supports the request redevelopment of this site, it cannot enthusiastically support the site plan as it is currently drawn. The proposed 3-story building has an internal orientation that does not connect it visually to the neighborhood. As drawn, this building and its occupants will be separated from the larger community, much like most apartment complexes which operate with no connection to the greater community.
5. As an alternative, the staff recommends turning this building approximately 90 degrees to face Johnson Avenue. The porte cochere and limited parking could be continued between the building and the street and there is enough space to accommodate a small green area between the parking and the sidewalk.
6. This will present a front rather than a side view to the public and provide a direct route for the occupants to Johnson Street which is on a designated MATA bus line. The applicant has submitted an elevation of the front of the building which is very attractive and deserves to be shared with the rest of the community. Beyond aesthetics, well designed, attractive buildings signal reinvestment into a community.

### Zoning and Land Use Map





Aerial of Site and immediate environs – The intersection of Gracewood and Yale Avenue is the approximate center of the subject property



Existing Conditions





**Rendering of Building**



**Looking north from Johnson Avenue**



**Houses on the south side of Johnson Avenue facing subject**



**Houses on the north side of Johnson Avenue, east of subject**



**View of site from Yale Avenue at Tillman Street**



View of site from Yale Avenue at Tillman Street

## **STAFF ANALYSIS**

### General Location and Site Characteristics:

The subject property is an 11 acre tract with approximately 100 feet of frontage along the east side of Tillman Street and some 430 feet of frontage along the north side of Johnson Avenue. This is an “L” shaped property that fits around residential and commercial properties along Tillman Street and Johnson Avenue.

The subject property is currently vacant but was previously developed with apartment units. The site includes the pavement and rights of way for Yale Avenue which extends into the property from the east and Gracewood Street which extends into this site from the south.

Other manmade encumbrances to the site include sewer and utility easements and power lines which were extended to serve the previous use of the site.

The site also includes a section of Cypress Creek which is located in the northeast portion of the site. The Outline Plan shows some 16 mature trees over 10 inches in diameter on the site.

Request:

The applicant's request is to develop this site to provide affordable rental units for seniors. The desire is to serve the Binghampton area primarily by providing affordable housing for the area's elderly. This proposal includes 100, 1-bedroom units, in a single 3-story building with parking and open space. This is phase one of a two-phased project that will provide up to 135 rental units. The second phase will include 2, 3, and 4 unit buildings surrounding this 3-story building.

Associated with this request is a companion application to close two public streets, Yale Avenue and Gracewood Street.

Adopted Land Use Plan

In 2003, the private consulting firm, ETI, prepared a comprehensive plan for the redevelopment of the Midtown East Corridor/Binghampton Area. In regard to the subject property, the plan recommended the redevelopment of the subject site as single family detached residential units. This recommendation was based on the large amount of rental apartments in this area many of which were in poor condition and in need of renovation. The plan also touted the reinvestment into the area by the public sector including the new elementary school, the community center and the police precinct which abuts this site to the north. This reinvestment coupled with the removal of a large apartment complex that once occupied this site were seen as catalyst to promote a lower density pattern and encourage home ownership.

Review of Request:

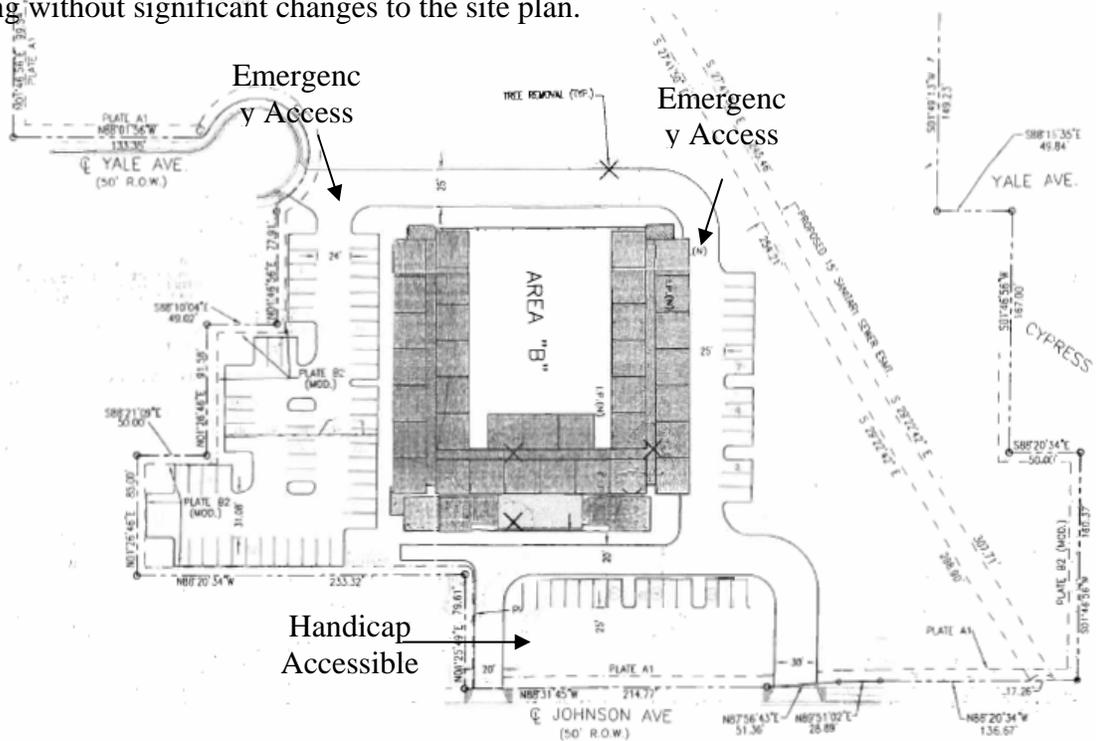
The requested use - Although the request to develop this site for rental units rather than owner occupied units is not exactly consistent with the Binghampton Plan, this request can be supported since it is oriented to a particular segment of the community, seniors, who are in need of housing choices other than the traditional single family home. The intent to provide to alternative housing that will allow older residents to remain connected to their neighborhood is one of the tenets of the Sustainable Shelby Initiative. So, while this is a variation from a recommended plan it does address an important planning objective.

The Site Plan – While the staff supports the requested redevelopment of this site, it cannot enthusiastically support the site plan as it is currently drawn. The proposed 3-story building has an internal orientation that does not connect it visually to the neighborhood. As drawn, this building and its occupants will be separated from the larger community, much like most apartment complexes which operate with no connection to the greater community.

As an alternative, the staff recommends turning this building approximately 90 degrees to face Johnson Avenue. The porte cochere and limited parking could be continued between the building and the street and there is enough space to accommodate a small green area between the parking and the sidewalk. This will present a front rather than a side view to the public and

provide a direct route for the occupants to Johnson Street which is on a designated MATA bus line. The applicant has submitted an elevation of the front of the building which is very attractive and deserves to be shared with the rest of the community. Beyond aesthetics, well designed, attractive buildings signal reinvestment into a community.

Comments from the Comprehensive Planning Section of this office, page 23, illustrate this alternative. Their comments also cite examples such as the Parkview, University Place, and the housing for the elderly at Cherry and Park as examples of the concept of building facing into the public realm. From this illustration, it appears that there is ample room to accommodate this building without significant changes to the site plan.



Illustrated comment from the Comprehensive Planning Section-OPD

For their part, the applicant has presented an overall concept plan for the site which includes this building and 13 other buildings with 2, 3, and 4 units and garages. This concept plan has not been refined to the point that it is ready for inclusion into this planned development. It will be included as an amendment once funding hurdles have been crossed. The alternative recommended by the staff will require some further tweaking to the concept plan.

One other design concern of the staff is the ability to provide adequate screening of the proposed parking area to the existing residential houses that front onto Johnson Avenue and Tillman Street. Whenever possible, the staff recommends a double row of trees and fencing as a screen. In this instance, the site plan is showing approximately 5 feet of green space in some areas and a public utility easement. In our review of the site plan, some of the drive aisles are wider than

necessary and some of the parking stalls appear deeper than necessary. So there is an opportunity to provide a standard screen (B-1) with evergreens and a shadow box fence.

**RECOMMENDATION:**        HOLD FOR REDESIGN

## **OUTLINE PLAN CONDITIONS**

Lakeview Estates  
P.D. 08-335

### **I. Uses Permitted:**

- A. Residential units for seniors, aged 55 and up (a 100 unit, 1 bedroom/unit facility, in one 3-story ) building
- B. Governmental uses
- C. Accessory uses as permitted in the R-M District

### **II. Bulk Regulations:**

- A. The bulk regulations of the R-ML District shall govern, except where modified below.
- B. The site development plan shall substantially conform with the Outline Plan, subject to the review and approval of the Office of Planning and Development with one exception, see below
  - 1. The building shall be oriented to have the front door and porte cochere face to Johnson Avenue.
  - 2. Elevations of the front of the building and any wall that faces into a public street shall be shown on the Final Plat and is subject to review by the Office of Planning and Development.
  - 3. Elevations shall substantially conform to the submitted elevation attached to this application.
  - 4. Building materials shall include brick, stone, stucco, and siding. No elevation shall contain more than 50 percent wood or hardy plank siding.
- C. Land Use Intensity Ratios are as shown on the approved Outline Plan.
- D. Maximum height permitted shall be 40 feet.

III. Access, Circulation, and Parking

- A. The City Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- C. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').
- D. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- E. 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.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- G. Parking as required for "Home for the elderly" in Chart 4, Section 28 of the Zoning Ordinance. The geometric requirements of parking spaces are regulated by Chart 3 of Section 28 of the Zoning Ordinance.
- H. Dedicate a 25 foot property line radius at the intersection of Yale Avenue and Tillman St. in accordance with Subdivision Regulations.
- I. The depth of the curb cut on Yale Avenue shall be a minimum of 10 feet from face of curb to the back of the sidewalk in order to comply with ADA requirements.

IV. 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.

- C. The developer should 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.

V. Landscaping, Screening, and Lighting

- A. All public street frontages shall be provided and maintained with an A-1 Plate, unless parking is provided between the sidewalk and a building, in that event an A-2 or A-3 Plate shall be required.
- B. A Plate B-1 with a six foot tall, shadow box style, wooden fence with cap, shall be provided along the rear property lines of lots fronting on Johnson Avenue or Tillman Street, or the side lot lines of the lots that front Bearfield Place.
- C. Required landscaping shall not be placed in utility or sewer easements. All required landscaping is exclusive of and in addition to any required easements.
- D. Required landscaping shall be irrigated.
- E. Existing Trees to be preserved shall be shown on the Final Plat and may count toward meeting the landscaping and Tree Ordinance requirements.
- F. Any proposed fencing along the public street frontages shall be decorative wrought iron or a masonry wall. Any proposed fencing to abutting single family or duplex residential shall be a shadow box fence with cap, six feet in height.
- G. All HVAC equipment shall be screened from view with the use of landscaping, fencing or in the case of roof mounted equipment, an architectural element such as a parapet.
- H. All dumpsters shall be screened from public view with the use of landscaping or fencing and the location of the dumpster and its screening shall be shown on the Final Plat.
- I. Lighting shall be designed so as not to trespass onto adjoining residential properties. Fixtures shall employ techniques such as shoe box style with diffusers to meet this requirement.
- J. Equivalent alternatives to the landscaping and screening requirements above may be considered at the time of Final Plat submittal.

VI. Signs:

- A. Signs shall be governed by the requirements of the R-M District.
- B. Detached signs shall be ground mounted and monument in style.

VII. Modifications by the Land Use Control Board:

- A. The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, screening, and other site requirements if equivalent alternatives are presented.
- B. If the applicant and the Office of Planning and Development disagree with the meaning or intent of any approved condition, except use, either party may file an appeal with the Land Use Control Board through a correspondence item. The Office of Planning and Development shall determine what public notice is necessary.

VIII. A Final Plat shall be filed within five (5) years of the approval of the Outline Plan by the Legislative Bodies. Extensions may be granted by the Land Use Control Board.

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:** Johnson Avenue ....+/- 425 Feet  
Tillman Street .....+/- 99.54 Feet

**Planning District:** University

**Census Tract:** 28.00

**Zoning Atlas Page:** 2035

**Parcel ID:** 037044 00007

**Zoning History:** The current Single Family Residential (R-S6) dates to December of 2003 when the City Council approved the change from Multiple-Dwelling Residential (R-MM) as a part of the overall implementation of the Midtown Corridor East/Binghampton Comprehensive Plan and Rezoning Report.

## 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.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.

### Roads:

4. Dedicate a 25 foot property line radius at the intersection of Yale Avenue and Tillman St. in accordance with Subdivision Regulations.
5. The cul-de-sac radius on Yale Avenue shall be 40.5 feet in accordance with the subdivision regulations.
6. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').

7. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

Curb Cuts/Access:

8. The City Engineer shall approve the design, number and location of curb cuts.
9. The depth of the curb cut on Yale Avenue shall be a minimum of 10 feet from face of curb to the back of the sidewalk in order to comply with ADA requirements.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
13. The developer should 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.

Site Plan Notes:

14. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
15. 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.
16. 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:

17. The width of all existing off-street sewer easements shall be widened to meet current city standards.
18. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

19. 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.

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

**City Fire Division:** See SAC 08-613 a & b.

**City Real Estate:** None.

**City/County Health Department:** No objections.

**City Board of Education:**

In our review, we have noted that one or more phases of this development request proposes residential units with an age-specific condition limiting residency to those 55 years and older. MCS, therefore, believes that this development request will not generate school-aged children nor have an identifiable impact on MCS school-aged population or property interests.

**Construction Code Enforcement:** No comments received.

**Center City Commission:** No comments received.

**Memphis Light, Gas and Water:**

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

- MLGW has existing facilities within the present public road right of way. The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- MLGW reserves the right to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- MLGW must be able to access any overhead or underground facilities. Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- If there are existing fire hydrants within the proposed closure of the public right-of-way, these hydrants will become private facilities, and the owner/applicant will be billed a monthly fee by MLGW.

- If there are existing street lights within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **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 (NEC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement without prior approval .
- **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:** AT&T has no comments.

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

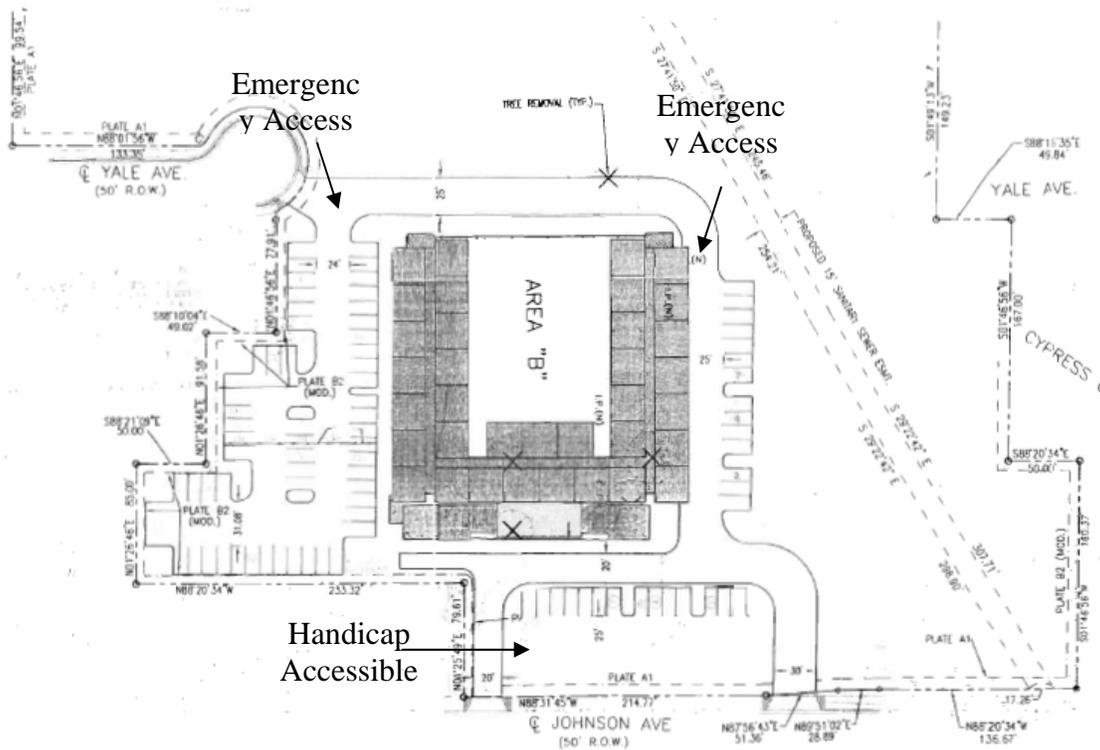
#### **OPD-Regional Services:**

This application was reviewed by the MPO staff/Department of Regional Services on December 11, 2008. Tillman Road is identified as an urban minor arterial in the 2030 Long Range Transportation Plan (LRTP), and improvements for this facility are not contained in either the LRTP's Horizon Year or Vision Year Plans. The MPO recommends dedication and improvement as deemed appropriate by the City Engineer.

#### **OPD-Comprehensive Planning:**

While a residential home for the aged is consistent with the existing character of the neighborhood, the building orientation depicted on the site plan accompanying the case application should be reconsidered. Changing the orientation of the building to front

Johnson Avenue would better integrate the building with the rest of the neighborhood and be consistent with the proposed land use depicted in the “Midtown Corridor East Binghampton Plan” (adopted in 2004). An orientation similar to that depicted in the diagram below is one alternative to the existing plan.



Handicap accessible parking should be located at the front of the building and there should be emergency service access located at the rear of the building. Further, the proposed building relationship to the street and surrounding context could potentially emulate several local examples: 1) The Parkview, adjacent to Overton Park, on Poplar Avenue 2) University Place (formerly Lamar Terrace) and 3) The Village, located at the intersection of Park and Cherry in front of Harding Academy.

**Binghampton/Lester:**

**No comments received**

**Masjid Al-Noor:**

**No comments received \*-**