

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#12**

CASE NUMBER: P.D. 09-315 **L.U.C.B. MEETING:** July 9, 2009

DEVELOPMENT NAME: Kirby Gate Business Campus Planned Development 2nd
Amendment

LOCATION: Northeast corner of Kirby Parkway and Kirby Gate Boulevard

COUNCIL DISTRICT: 2 **SUPER DISTRICT:** 9

OWNER OF RECORD: Wills and Wills L.P. (Walter Wills)

APPLICANT: Mike Hampton **REPRESENTATIVE:** ETI Corporation (Ralph Smith)

REQUEST: Senior Speciality Care Facilities to include Out-Patient Clinic,
Acute Care Facility, and Skilled Nursing Facility

AREA: 9.51 Acres

EXISTING LAND USE AND ZONING: Vacant land in the Kirby Gate Business Park
Planned Development (P.D. 99-338)

SURROUNDING LAND USES AND ZONING:

North: Office uses in Phase 1 of the Kirby Gate Planned Development (P.D. 99-338)

East: Residential dwellings in the Single Family Residential (R-S10) District

South: Commercial uses (Kirby Gate Commercial Subdivision) in the Local Commercial (C-L) District

West: Vacant land, the remaining portion of this Outline Plan as governed by the approved conditions of the Kirby Gate Business Park (P.D. 99-338).

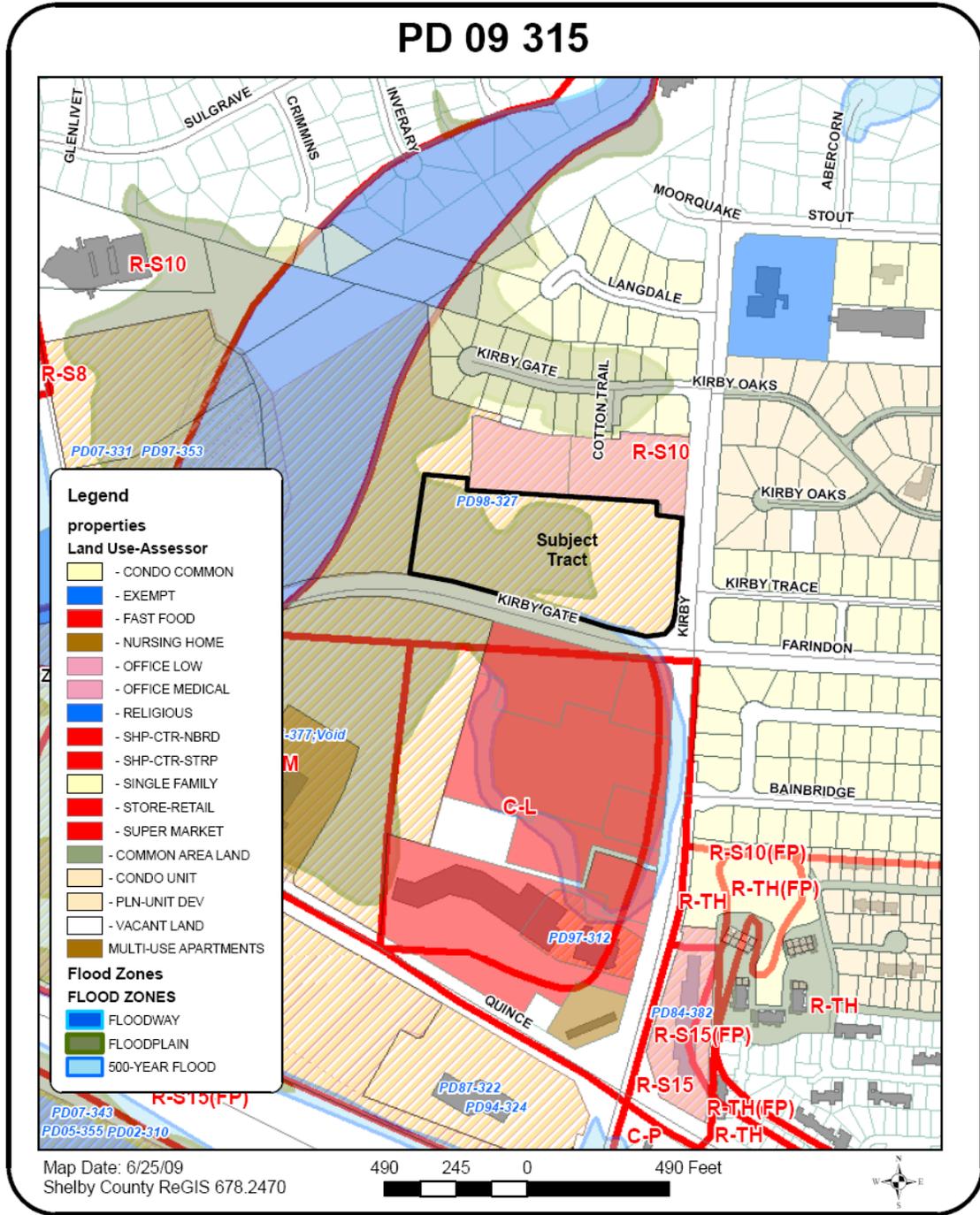
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL WITH CONDITIONS

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

CONCLUSIONS

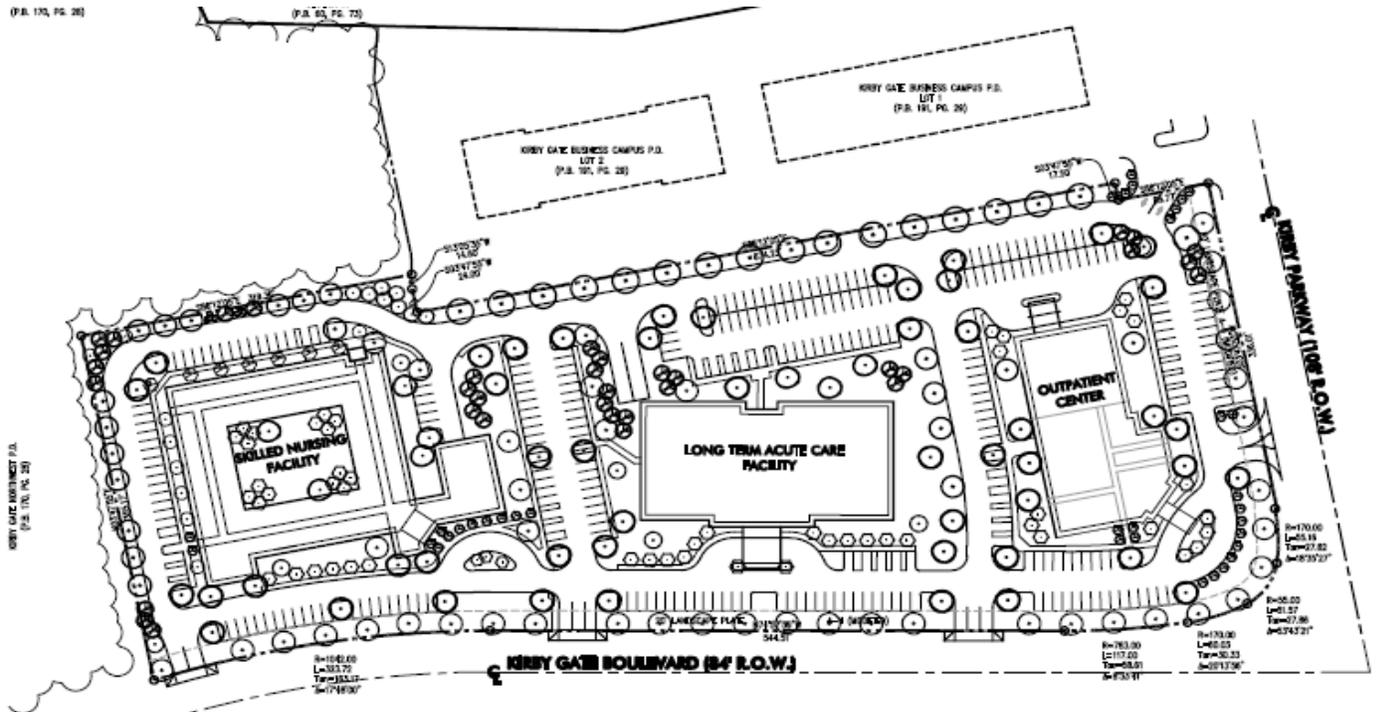
- 1. The subject property is located within the Kirby Gate Business Park P.D. The various P.D.'s within Kirby Gate contain primarily office oriented development with some support commercial uses. However, of late some recent development for assisted living and a P.D. amendment for assisted living and a hospice have been incorporated into the area.**
- 2. This request for medically related services for the elderly is well located with respect to arterial and limited access freeway facilities.**
- 3. The staff is recommending only minor changes to the proposed site plan such as providing similar or complimentary colors and materials to the existing phase of this PD and providing access to the remaining undeveloped portions of this P.D.**



Zoning and Land Use



Aerial Photograph



Outline Plan Amendment

STAFF ANALYSIS

Location and Site Characteristics:

The subject property is located at the northwest corner of Kirby Parkway and Kirby Gate Boulevard in the Balmoral area of east Memphis.

The subject site is a 9.5 acre tract of undeveloped land that is associated with the Kirby Gate Business Park that was originally approved in 1985.

The site includes a berm along the Kirby Parkway and Kirby Gate Boulevard frontages. Beyond the berms, the site is low and relatively flat. The aerial attached to this staff report indicates that there is some mature vegetation in the westernmost area of the site. A significant portion of this site is located within the Floodplain designation.

Area Overview:

This PD seeks to amend the Kirby Gate Business Park P.D. which is the first of a series of Planned Developments under the ownership of Wills and Wills L.P. Each of the subsequent developments share the name Kirby Gate and are further delineated by location such as Kirby Gate South, East, West, and Northwest.

The Kirby Gate envelope begins at approximately 1,000 feet west of the intersection of Kirby Gate Boulevard and extends eastward along both sides of Quince Road to Kirby Parkway. With the exception of the Kirby Gate Shopping Centers, the Kirby Gate P.D.'s extend northward along the west side of Kirby Parkway from Kirby Gate Boulevard to the south property line of the Kirby Gate residential subdivision.

These various P.D.'s within Kirby Gate contain primarily office oriented development with some support commercial uses. However, of late some recent development for assisted living and a P.D. amendment for assisted living and a hospice have been incorporated into the area.

Request:

The applicant's request is to develop this 9.5 acre tract for medical services oriented to the elderly. These uses include an Outpatient Clinic, an Acute Care Facility, and a Skilled Nursing Facility that serves as both a rehab facility and a nursing home. The later two uses are described in more detail below.

Long Term Acute Care Facility – Long-term acute care facilities are a specialty type of medical care where patient's average length of stay is between 25 and 30 days. Acute care facilities are

different from traditional hospitals. Acute care specializes in long-term services, while transitional hospitals offer many general services such as emergency rooms, maternity wards, and general surgery. Acute care facilities do not offer these services.

long term acute care facilities are focused on patients with some medical problems that require intensive specialized treatment. Acute care patients are often transferred from intensive care units in traditional hospitals. It would not be unusual for an acute care patient to need ventilator or other life supports. The biggest difference between a general hospital and an acute care facility is in the specialization.

Nursing Home – The nursing home will be a traditional nursing home and also contain a skilled nursing program that will complement the long-term acute care facility. Patients may be transferred from the acute care facility to the nursing home for more minor treatment and rehabilitation with the expectation of being transferred to the internal conventional nursing home, and assisted living facility or home care.

Review of Request:

At the outset, this looks like a good use for this site. The site has good access to a series of arterial streets that provide connections in each cardinal direction and is in close proximity to a limited access facility (Bill Morris Parkway). As noted above, an assisted living facility is located nearby on the north side of Quince and other medical and similar service uses have been approved by amendments to nearby P.D.'s

Beyond, amending this P.D. to permit the uses requested, the staff recommends on a limited number of changes to the submitted site plan. The building detail and elevations look good. The staff offers a condition that the colors of the building should be complimentary to the existing phase of this P.D. so that there is a unifying theme. And finally, since there is some remaining area of the P.D. outside of the limits of this request, the staff recommends that connections be added to the west and north.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS

P.D. 09-315

Kirby Gate Business Campus 2nd Amendment

I. Uses Permitted:

- A. Any use permitted by right or administrative site plan review in the General Office (O-G) Use District, provided commercial and service uses shall not exceed 3,000 square feet of floor space in any one building.
- B. **Outpatient Center, Long Term Acute Care Facility, and Skilled Nursing Facility for Seniors (Aged 55 and up) as shown on the Concept Plan submitted with this amendment (P.D. 09-315)**
- C. The area identified on the Outline Plan as “Floodway” shall be understood to be unbuildable until such time as FEMA issues a Letter of Map Amendment or Revision (LOMA or LOMR). At that time, the area included in the FEMA amendment shall be subject to the conditions of this P.D. and a Final Plat shall be required.
- D. Any property located within the 100 year floodplain shall be subject to the regulations of the Floodplain (FP) District.
- E.. No free standing commercial building shall be permitted.
- F. **Applicant shall demonstrate that the remaining land in this P.D. which is outside of this development proposal meets the exempt criteria of the Subdivision Regulations or it shall be added to this development. If the former condition is met, requirements for connections to the west and north boundary lines may be removed.**

II. Bulk Regulations:

- A. The development shall comply with the bulk regulations of the General Office (O-G) Use District, except as follows: minimum building setback adjacent to the residential property to the north shall be seventy six (76) feet. A determination of what constitutes adjacency will be made by the staff at the time of final plat review.
- B. **Maximum** building height shall be forty - two (42) feet, or three (3) stories whichever is less, with the following exception: the height of buildings located adjacent to the residential property to the north shall be limited to a maximum of (1) story.

- C. Setback from the west property line shall be 20 feet.
 - D. A 100 foot buffer yard along the west boundary of the Kirby Gate Subdivision shall be retained for the retention and preservation of the existing trees.
 - E. The colors and materials used in the development of the Elderly Care Facilities shall be similar to or complimentary to those of the existing buildings in Phase 1 as judged by the Office of Planning and Development.
- III. Access, Circulation, and Parking:
- A. Kirby Parkway shall be dedicated and improved to 54 feet from the centerline, in accordance with the alignment on file in the City Engineer's Office. A fee in lieu of improvement may be accepted if approved by the City Engineer.
 - B. Dedicate Farindon Road (Kirby Gate Blvd.) 42 feet from centerline and improve in accordance with Subdivision Regulations.
 - C. The centerline of Farindon Road (Kirby Gate Blvd.) shall be realigned to a point 210 feet south of the centerline of the Howard Creek Outfall, or as approved by the City Engineer.
 - D. Dedicate 3 centered compound curves on Farindon at each corner of intersection with Quince Road and Kirby Parkway.
 - E. A maximum of five (5) curb cuts onto Farindon Road (Kirby Gate Blvd) and two (2) curb cuts onto Kirby Parkway shall be permitted.
 - F. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - G. Any curb cut along the Farindon Road (Kirby Gate Blvd) frontage beginning closer than 300 feet from the centerline of either Quince Road or Kirby Parkway will be limited to right in/right access only.
 - H. Any curb cut along either the Quince Road or Kirby Parkway frontage beginning closer than 300 feet from the centerline of Farindon Road (Kirby Gate Blvd) will be limited to right in/right access only.
 - I. The design and location of curb cuts are subject to the approval of the City Engineer.

- J. All private drives shall be constructed to meet or exceed City Standards and provide a minimum pavement width of 22 feet, exclusive of curb and gutter. Internal circulation between all phases of development shall be provided.
 - K. Provide internal circulation between adjacent phases, lots and sections. Common ingress/egress easements shall be shown on the final plats.
 - L. No parking shall be permitted within the required setback from the existing residential property to the north.
 - M. Provide a point of access to the remaining portion of this Outline Plan along the west and north boundaries of this P.D. amendment (PD 09-315)**
- IV. Landscaping and screening:
- A. The Kirby Road (Parkway) and Farindon (Kirby Gate Blvd) frontages shall be bermed and landscaped with Plate A-4 (modified to 20 feet wide).
 - B. A 30-foot wide landscape screen, (modified landscape Plate B-4) shall be provided and maintained adjacent to the single-family residential property to the north to create visual separation between the office and residential areas.
 - C.. Internal parking lot landscaping shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree (Tree A from the approved plant list of the Landscape Ordinance) per every 20 parking spaces or fraction thereof. Required perimeter landscaping shall not be included when calculating internal landscaping. Specimen trees located within this parking area shall be preserved to where feasible. The final plat shall reflect the proposed treatment of the landscaping berm at the curb cut to Kirby Road. The view into the parking area at the aforementioned curb cut shall include a landscaped island designed to limit the direct view into the parking area, and this treatment shall be illustrated on the final plat.
 - D.. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
 - E. Required landscaping shall not be placed on sewer or drainage easements.
 - F. Lighting shall be directed so as to not glare onto residential properties.

- G. Refuse containers shall be completely screened from view from adjacent properties.
- H. HVAC equipment shall be completely screened from view from adjacent properties through the use of landscaping, fencing, or architectural features such as a parapet. The method of screening shall be identified on the Final Plat. .
- I. **The Final Plat shall demonstrate conformance with the Tree Ordinance.**
- V. Signs: Signs shall be regulated by the O-G District requirements, except as modified herein
 - A. The maximum size for attached and detached signs shall be 100 square feet.
 - B. All detached signs shall be set back a minimum of 10 feet from the right-of-way of all public streets.
 - C. All detached signs shall be monument style signs with a maximum height of ten (10) feet.
 - D. No detached signs shall be located nearer than 200 feet from the adjacent residential property located to the north.
 - E. No attached signs shall face the residential property to the north.
- VI. Drainage:
 - A. Design and construction of the storm water conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the “City of Memphis Drainage Design Manual.” Adequate non-buildable areas shall be provided on each final plan for required on-site storm water detention facilities as determined by drainage calculations performed in accordance with the Drainage Manual and approved by the City Engineer.
 - B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TA 69-3-101 et seq.).
 - C. All drainage plans shall be submitted to the City Engineer’s Office for review.

- D. All drainage emanating on site shall be private. No easements will be accepted.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site 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 by the Appropriate Governing Bodies.

- VIII. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

- IX. Any final plan shall included the following:
 - A. The outline plan conditions.

 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

 - C. The exact location and dimension (including height) of all buildings, parking areas, utility easements, drives, curb cuts, trash receptacles, loading facilities, and required landscaping and screening areas.

 - D. The number of parking spaces.

 - E. The 100- year flood elevation

 - F. The location and ownership, whether public or private of any easements.

 - G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes.

 - H. The following note shall be placed on the final plat of any development requiring on-site storm water detention 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 owners' 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 and trash, mowing, outlet cleaning, and repair of drainage structures.

GENERAL INFORMATION

Street Frontage: Kirby Parkway+/- 425 Feet
Kirby Gate Boulevard.....+/- 1,045 Feet

Planning District: Shelby Farms - Germantown

Census Tract: 213.20

Zoning Atlas Page: 2245/2250

Parcel ID: 081053 00070 & 081053 00074

Zoning History: A Planned Development (Kirby Gate Business Campus - P.D. 85-345) was approved for this site in 1985. The most recent amendment (P.D. 99-338) was filed to remove the residential component and revise conditions related to building height and limited commercial uses in an office campus development. This amendment was approved by the Memphis City Council in September of 1999.t

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.

Curb Cuts/Access:

3. The City Engineer shall approve the design, number and location of curb cuts.
4. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
5. The proposed curb cut on the Kirby Parkway frontage, nearest the intersection of Kirby Gate Blvd shall be limited to right in/right access only.

Drainage:

6. 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.

7. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
8. 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:

General Notes:

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

City Fire Division: No comments.

City/County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.
3. Since this is a Planned Development that could require the demolition of a structure or structures at this site before starting any demolition the developer will need to fill out the attached questionnaire.
4. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

City Board of Education: No comments received.

Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received
AT&T:	No comments received.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Comprehensive Planning	No comments.
Memphis Park Services:	No comments received.
Neighborhood Associations:	
Kirby Trace N.A.:	No comments received
Keswick Stornaway N.A.:	No comments received