

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

#15
(Rev. 8/11/2009)

CASE NUMBER: S.U.P. 09-211 **L.U.C.B. MEETING:** July 9, 2009

LOCATION: West side of Tchulahoma Rd., ± 953 ft. south of
Shelby Dr.

COUNCIL DISTRICT - REGULAR: #3
COUNCIL SUPER DISTRICT #8

OWNER: Easthaven Church of Christ

APPLICANT: Easthaven Community Development Corp.

REQUEST: Residential home for the aged – 30 units

AREA: 9.89 acres

EXISTING LAND USE & ZONING: Vacant, wooded tract in the Single Family Residential
(RS-8) District

SURROUNDING USES AND ZONING:

North: Vacant, wooded tract in the RS-8 District.

East: Vacant lot; a lot occupied by a trailer; and a cemetery in the RS-8 District.
Across Tchulahoma, single family residences in the Whitehaven – Shelby
Subdivision in the Single Family Residential (RS-8) District

South: Church complex in the R-S8 District

West: Vacant land in the R-S8 District, including the vacant, fenced-off Jackson Pit
hazardous waste site which borders the subject property for less than 100 ft.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval, with Conditions

CONCLUSIONS

- 1. The subject property is bordered by a church campus and a cemetery. The nearest single-family residences are on reverse frontage lots on the opposite side of a major road.**
- 2. This proposed use would provide an appropriate transition between the residential use east of Tchulahoma, and the developing business character of the area to the northwest along the south side of Shelby Drive**
- 3. The proposed site plan is still at a conceptual stage and will need greater detail in several respects before a final site plan could be approved. This should occur through the normal design and review process.**

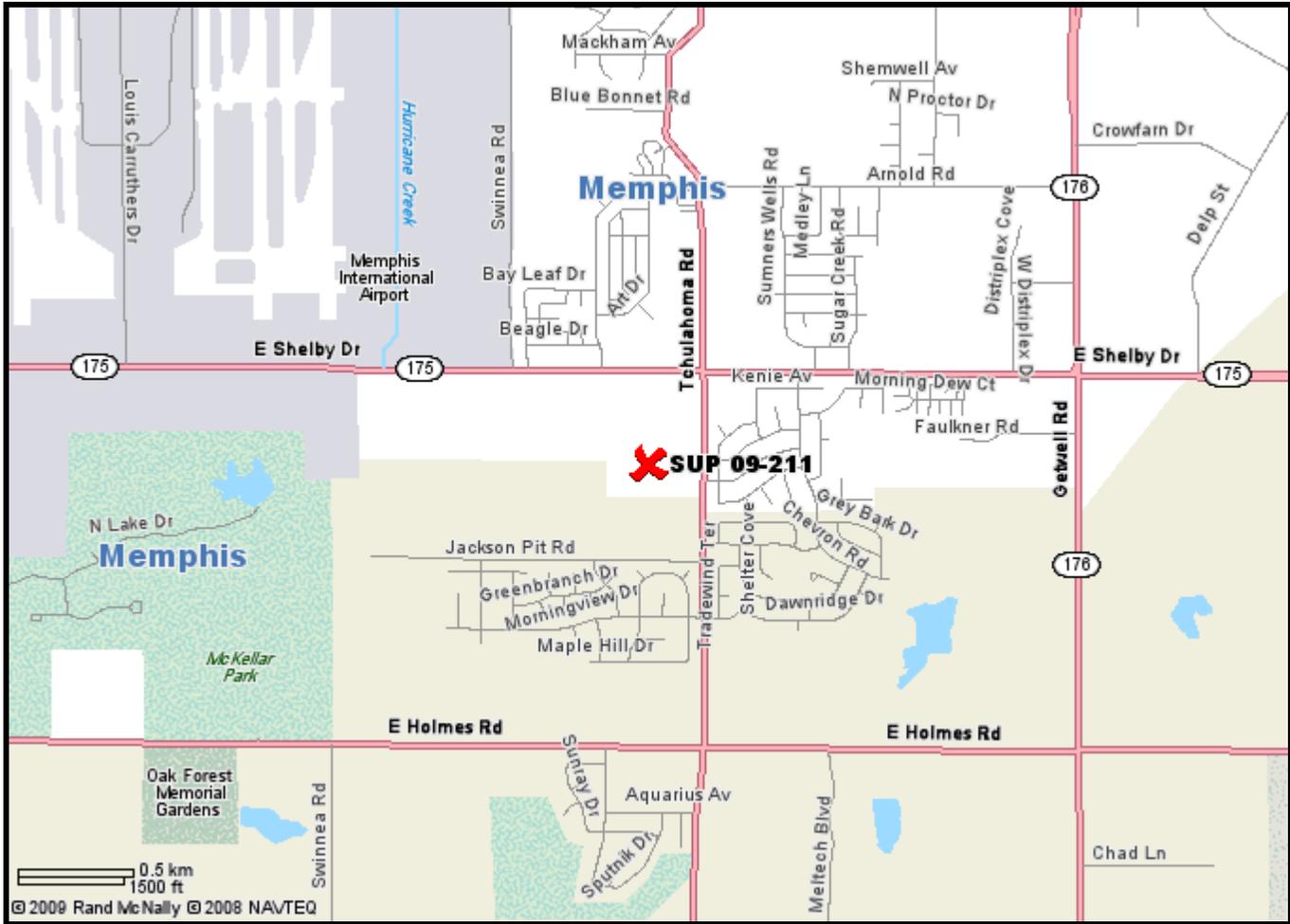


Figure 1: Location Map

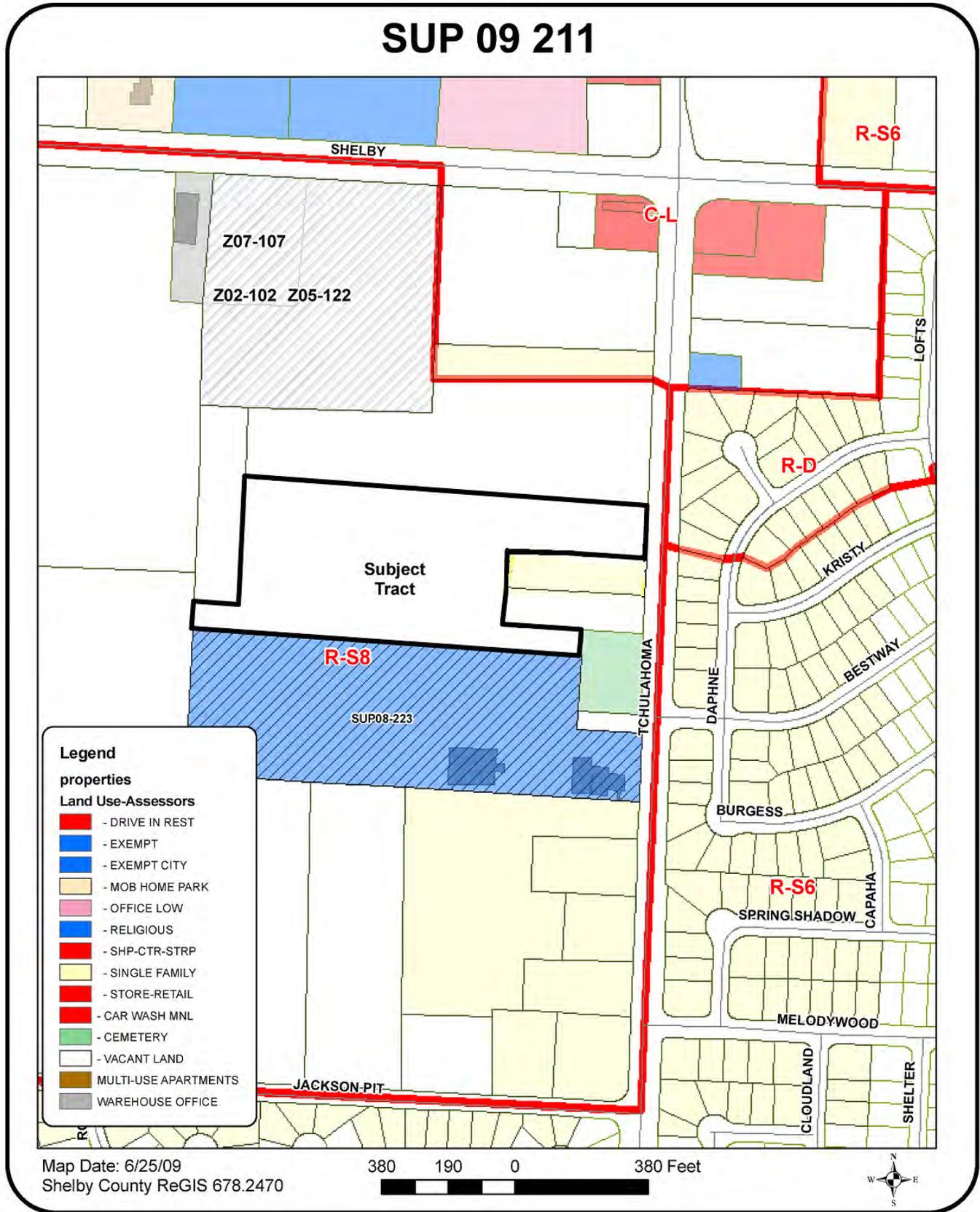


Figure 2: Zoning and Land Use in the Vicinity of the Subject Property

SUP 09 211



Map Date: 6/25/09
Shelby County ReGIS 678.2470

380 190 0 380 Feet



Figure 3: Overhead view of vicinity



Figure 4: Subject property
Note: Image is rotated to align with page.
Tchulahoma Road (east side) is at the bottom.
North is to the right.

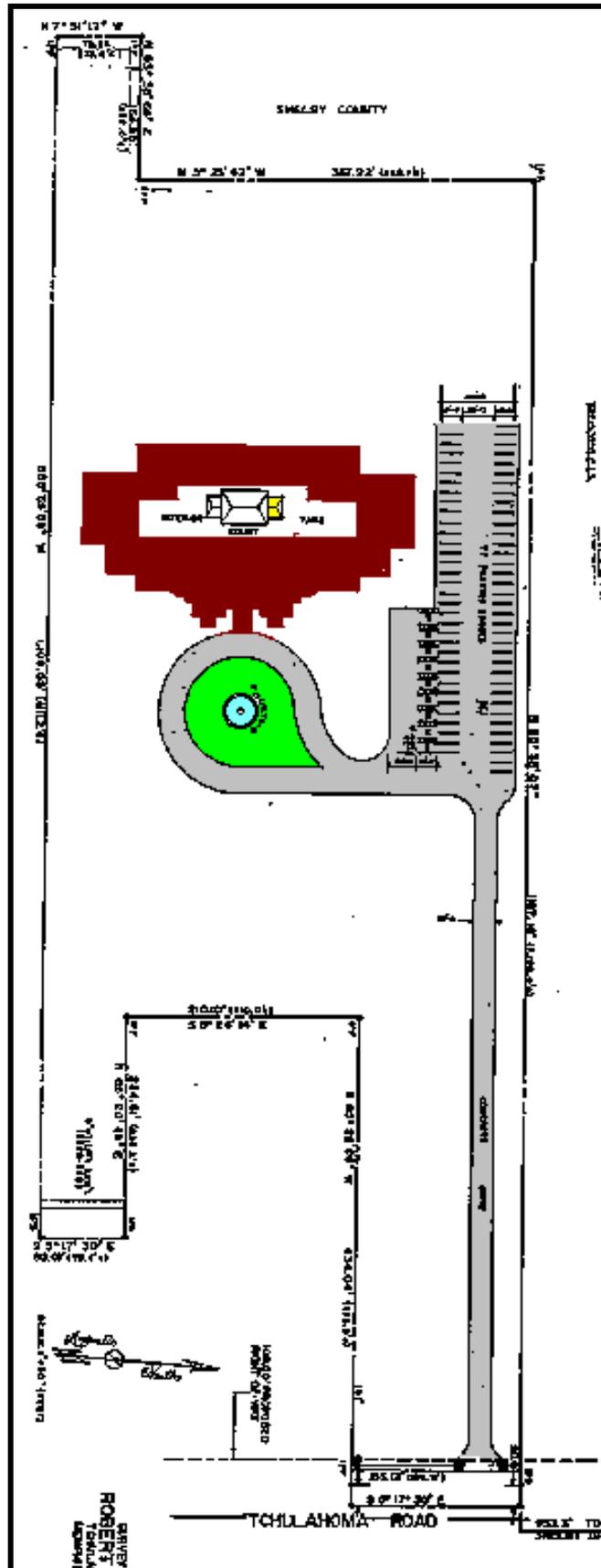


Figure 5: Site Plan Originally Proposed
Colorized by OPD for legibility

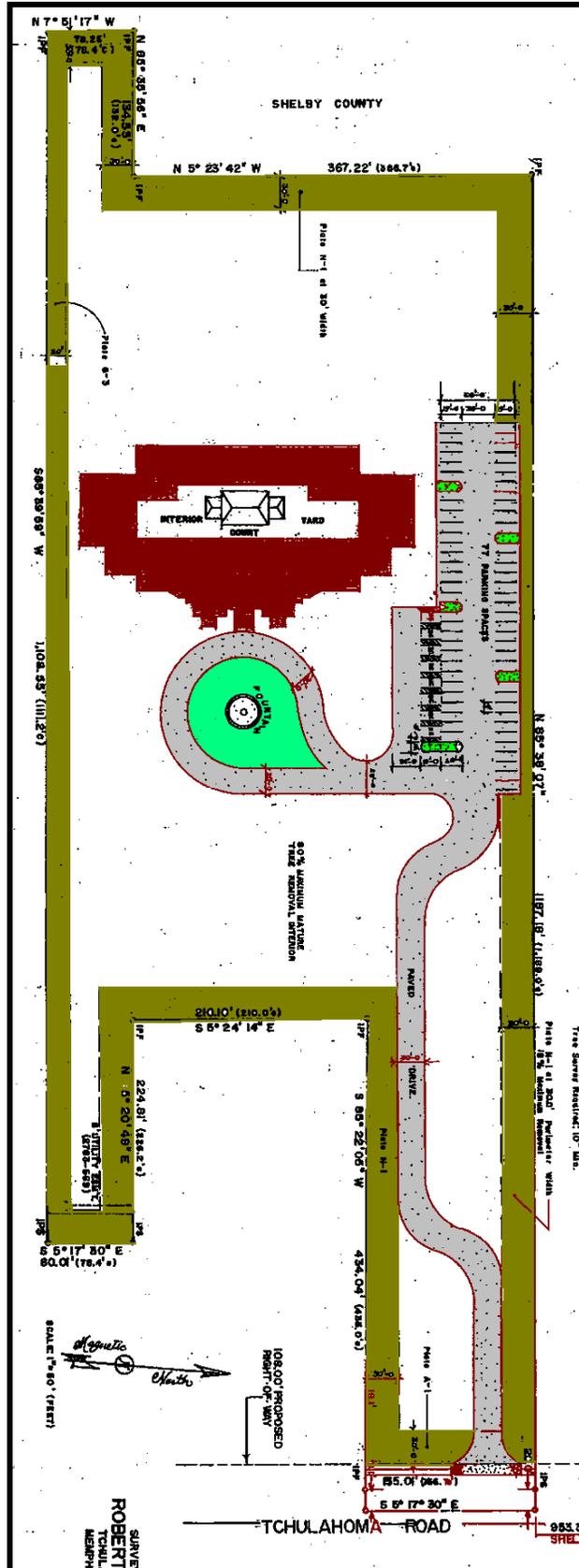


Figure 6: Landscaping Plan with Revised Site Plan Concept
Colorized by OPD for legibility

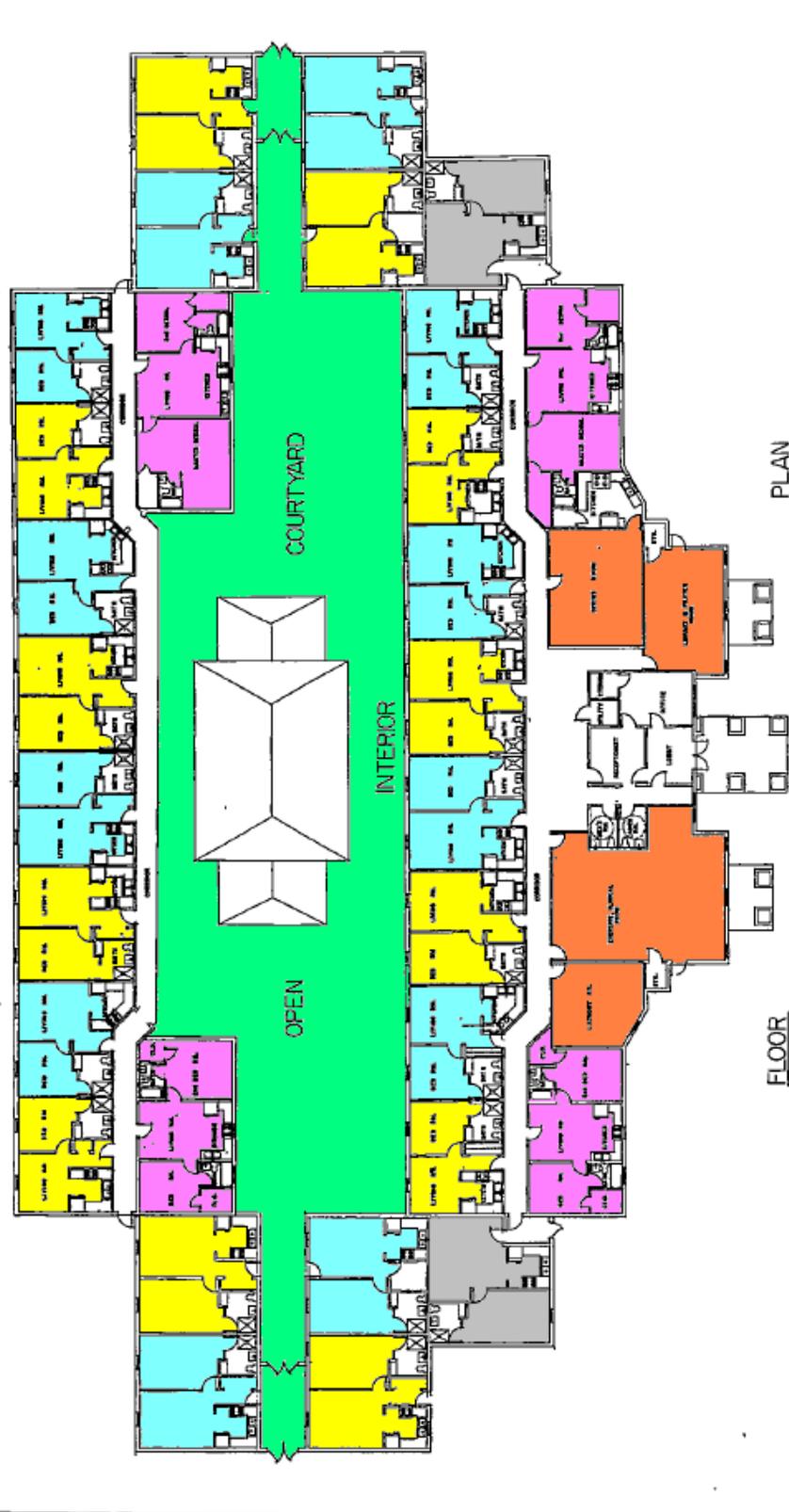


Figure 7: Proposed 30-Unit Site Plan with Open Courtyard
Colorized by OPD for legibility

[Note: Image is rotated to align with page.

Front of the building (east side) is on the left. North side is a top

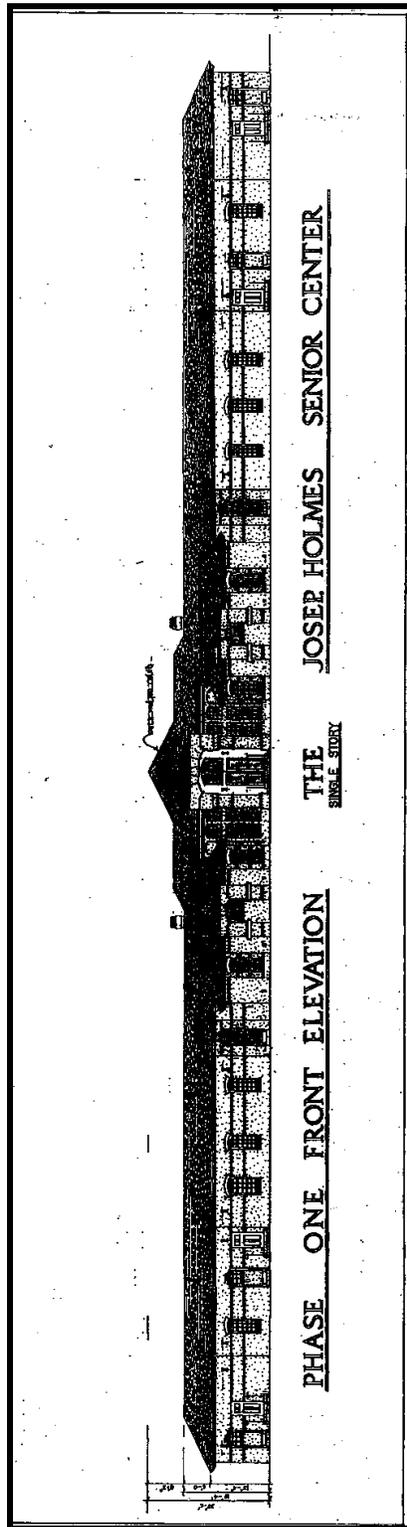


Figure 8: East Elevation of Proposed Senior Citizens Residence



Figure 9: The church at 4833 Tchulahoma is the principal landmark in the area and the owner of the subject property



Figure 10: The church site extends 1,300 feet back from the road to the west; and the subject property abuts the church property for the whole distance, except the easternmost 200 feet.



Figure 11: One of the surrounded properties is a cemetery, just south of the church complex.



Figure 12: This building at 4819 Tchulahoma is on a one-acre site that includes the cemetery.



Figure 13: This structure at 4791 Tchulahoma is set back 300 ft. from the road on a 1- acre tract that abuts the partially wooded subject property, which can be seen in the background.



Figure 14: Southbound traffic passes to subject property on an upgrade, with the roadway rising to reach the level of the cemetery driveway.



Figure 15: About 600 feet south of the subject property frontage, Bestway Drive provides an entrance to the subdivision, known locally as Thistlewood. Along Tchulahoma, the lots of this subdivision have reverse frontage and, for the most part, heavy screening.

STAFF ANALYSIS

Site and Location

The subject property is the former Wilson property a 9.9 acre site of irregular shape. The southernmost part of Shelby County was originally surveyed with the township and range system which identified uniform sections of land as one mile squares. (This is the basis for the survey and property record system in DeSoto County, Mississippi.) It appears that the subject property was carved out of an original tract that extended 1/12 (440 ft.) along Tchulahoma Road and westward to a depth of ¼ mile (1,320 ft.) The removal of small tracts along Tchulahoma Road left it with only 155 feet of frontage at the northern end of the original 444 feet and the removal of a tract at the rear, gave it an irregular rear boundary. No segment of the existing boundaries reaches the extent of the original hypothetical enveloping tract.

Overall, the subject property is relatively level. However the terrain descends abruptly to the north causing a grade on Tchulahoma Road that extends southward past the frontage of this tract. At the back property line of the site is a small drop-off, probably due to excavation for a solid waste site that has since been closed, and sealed with appropriate cover material. That property, still owned by Shelby County was the location of the Jackson Pit hazardous waste site.

The subject property is currently vacant. Trees, at various stages of growth are starting to restore the original woodland cover.

The subject property is located on Tchulahoma Road, which extends from American Way (near the Lamar Avenue exit of I-240) southward to Church Road in DeSoto County. For most of that distance it is designated as a Priority 1 major road by the Metropolitan Planning Organization. From American Way southward 1½ miles to Christine Road and from Stateline Road, 2 miles southward to Goodman Road, Tchulahoma has been improved to major road or at least collector street standards. However in front of the subject property it still has the cross section of a two-lane rural road in a 50-ft. right of way. .

Proposed Development

The owner of the subject property is a church occupying a tract immediately to the south with a common boundary. The applicant is a community development corporation under the auspices of the church, which is seeking federal financial assistance to establish a 30-unit residential facility for senior citizens under the category of “independent living”

Figure 7 above shows the proposed floor plan, with 26 single-bedroom units, (yellow and blue in the color edition of this report) and 4 two-bedroom units (pink). The residences would be built around a courtyard (green central area) providing direct access to the outdoors. The floor plan shows a gazebo-type structure in the middle of the courtyard. This facility would feature a central dining room and kitchen and rooms designated for laundry, exercise, and library/prayer use (all in orange.)

Figure 6 shows the proposed site/landscape plan, featuring a 77-car parking lot. “N-1” natural landscape buffers, mainly 50’ wide, are proposed along the northern, western and eastern boundaries with a 25’ landscape buffer shown the south side of the site.

Neighborhood Context

The subject property is located in the urban fringe on the south side of the City of Memphis, only ½ mile southeast of the Memphis International Airport. The airport has been a magnet for the development of industrial uses, primarily warehousing and distribution, which may be found within a mile or two in all directions, except directly westward. However the area also includes several established residential subdivisions in this area, which might be considered the Easthaven – Capleville neighborhood (although there is no known neighborhood based association). Also there is a small, but growing commercial center at the intersection of Tchulahoma Road and Shelby Drive about 750 feet north of the subject property.

One of the above referenced subdivisions --- “Thistlewood” --- is located immediately across Tchulahoma Road from the subject property, which, although it is in the R-S8 district, is not bordered by any other residential use except perhaps for a temporary structure that appears to be a trailer. In this location, the proposed residential facility for seniors would provide a good transition between the subdivision to the east and the business/industrial uses that have developed or have been proposed to the northwest along Shelby Drive between the airport property and Tchulahoma Road.

Key Planning Issues

The zoning ordinance classifies the proposed use as a **residential home for the aged**. This is one of the more intensive uses allowable in a single-family residential zoning district through the special use permit process. This use is defined as follows in the current zoning regulations as follows:

A building where at least two ambulatory persons, of at least 55 years of age, reside and are provided with food and custodial care for compensation, but not including nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

In addition to the five general standards of compatibility established for all special use permits¹, the

1 General standards of applicability

1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
2. That the proposed building or use will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.
3. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
4. That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the legislative body to be of significant natural, scenic or historic importance.

SITE PLAN CONDITIONS
Joseph R Holmes Senior Citizens Center
S.U.P. 09-211

As Recommended by the Land Use Control Board
July 9, 2009

A Special Use Permit is hereby granted for the operation of a residential home for the aged on the property at known as (*Instrument Number 02116090, Shelby County Register*), subject to and in accordance with the approved site plan and the following site plan conditions:

A Special Use Permit is hereby granted for the operation of a residential home for the aged on the property at known as (*Instrument Number 02116090, Shelby County Register*), subject to and in accordance with the approved site plan and the following site plan conditions:

1. The maximum number of independent living units shall be 30.
2. Occupants of this facility shall be 55 years of age or older.
3. At least one meal shall be prepared on site and provided to the occupants daily in a common dining area.
4. Final approval of the site plan shall be accompanied by a dedication plat. The property owner and / or developer shall dedicate 54 feet from the centerline of the planned Tchulahoma Road cross section and shall make or contribute to this improvement in accordance with Subdivision regulations.
5. The design and location of the curb cut shall be specified in the final site plan subject to review and approval of the City Engineer.
6. The final site plan shall indicate an appropriate pedestrian circulation system that allows for outdoor exercise and access to the adjoining institutional property.
7. The final site plan shall provide for emergency vehicle access through the adjoining institutional property, provided that casual / routine access may be prevented by a gate with access only possible by emergency vehicles.
8. The final approved site plan shall indicate compliance with engineering standards and the specific zoning regulations with regard to stormwater detention, landscaping and screening, signage and parking.

9. The southern boundary of the subject properly shall be screened by a 6-foot high sight-proof fence at showing in the site plan (extending to the point where the vending machine is screened from view from the gas pumps locations.)
10. A streetscape planting consist of Plate A-1 shall be installed and maintained along the frontage of the site.
11. Landscape buffers, consisting of Plates B -3 and N – 1, shall be installed and maintained around the perimeters of the property as shown in the approved landscape plan, subject to the review and approval of the Office of Planning and Development.
12. Equivalent alternatives to specified landscaping may be utilized in the final plan subject to the review and approval of the Office of Planning and Development.
13. As specified in Appendix C of the Airport Area Land Use Plan, the residential construction shall incorporate the standards necessary to reduce interior noise to the level generally recognized as appropriate for this type of residence in accordance with federal and state regulations and best practices as defined by the appropriate professional and industry organizations.
14. Maximum sign area for this property shall not exceed 32 sq. ft. Any freestanding signs shall be limited to a monumental style with no electronic message board or digital display. All signage is subject to review and approval by the Office of Planning and Development as to design and location, with approved elevation drawings to be made part of the final site plan.
15. Any and all fixtures for exterior illumination shall direct the light downward so as to eliminate upward glare detrimental to aircraft operations.
16. This site plan approval shall be in effect for a period of two years following legislative approval. Extension of this approval shall require a public hearing by the Land Use Control Board with full notification and the right of appeal to the Memphis City Council.

GENERAL INFORMATION

Coordinates:	35° 01' 02"N, 89° 51' 21"W
Parcel Number:	060232 00013
Street Address:	approximately 4787 Tchulahoma Road, 38118
Street Frontage:	Tchulahoma Road – 155 feet on this designated major thoroughfare, still in a rural cross section (50' ROW).
Planning District:	Oakhaven
Census Tract:	219
Annexation Status:	Annexed December 31, 1972
Zoning Atlas Page:	2435
Zoning History:	1961 – Single-Family Dwelling “R-1-A” District. 1981 – Converted to Single-Family Residential (R-S8) in current ordinance.

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. Tchulahoma Road is designated as a Priority 1 on the MPO Major Road Plan. Dedicate 54 feet from centerline and improve in accordance with Subdivision Regulations.

Curb Cuts/Access:

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.

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.
9. 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.

General Notes:

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

City Fire Division: No comments.

City/County Health Department-

Environmental Sanitation:

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.

125 Since this is a Special Use Permit that could require the demolition of a structure or structures at this site before 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 Public Works Division

To the best of my knowledge, given the information transmitted with this email, the property subject to this special use permit was not a part of the Jackson Pit Site(. ±70 acres). There have been numerous environmental studies conducted regarding the site and none have indicated any negative impact to the property east of the site which includes the location of the subject property. The site was closed in 1973 and covered with soil. An updated capping was completed in 2005 in accordance with the Tennessee Department of Environment and Conservation standards.

Paul Patterson

Memphis Light, Gas and Water:

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

- **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 without prior approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance – Landscape and Screening Regulations.
- **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).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW – Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
125Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- **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). Application for utility service is necessary before plats can be recorded.
125All residential developers must contact MLGW’s Residential Engineer at 528-4855 for application of utility services.

125 All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation process.

- **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:

ATT Tennessee has no comment regarding this new development.

City Board of Education:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Plans Development:

No comments received.

Memphis Park Commission:

No comments received.

Neighborhood Associations / Organizations:

No comments received.

Memphis Airport Area Development Corp.

August 11, 2009

David G. Adams, Principal Planner
Memphis and Shelby County Office of Planning and Development
125 N Main Street, Suite 468
Memphis, TN 38103-2030
Phone: 901-576-6619 / Fax: 901-576-7194
Email: David.Adams@memphistn.gov

RE: Requested Special Use Permit (SUP 09-211)
Residential Home for the Aged at 4787 Tchulahoma

Dear Mr. Adams:

It remains the Airport Authority's primary concern that all land developed adjacent to, or near airport owned property, not only be compatible with airport operations, but with the surrounding communities. We would request that new construction at this site incorporate proper building setbacks, building lights, building heights, access parking, landscaping, standards necessary to reduce interior noise, and sign requirements be made conditions of the approval.

I trust this is the information you desire. If you have any other questions or comments, please do not hesitate to contact this office.

Sincerely,

Solomon M. Garrett Jr.
Manager of Customer Service

SMG:gt

cc: Executive Vice President Finance and administration
Vice President of Operations
Director of Development
Vice President and General Council
James Brown
Nathan Luce
File

EXHIBIT A - Comments from Memphis and Shelby County Airport Authority

July 8, 2009

Memphis and Shelby County Land Use Control Board
Special Use Permit Applications,
124 N main Street, Room 476,
Memphis, TN 38103.

RE: Sup 09-211 - Placement of the Home For the Aged..

Attn: Mr. David Adams:

There are a number of reasons why the proposed placement of the "Home For The Aged" should be denied. The attached is FYI. Please pull and consult the full Report.

First, the location appears within/under the takeoff and landing pattern of aircraft operations at the Memphis International Airport.

Second, the Tenn. Air National Guard, has just moved to its new Air Base Facility at the corner of Swinnea Rd and Shelby Dr. Its Engine - Shop - run-ups noise production is prolific. Its operations should not be hamstrung by placement of such a sensitive development. Think on this.

Third, the property is located in the southwest quadrant of Shelby and Tchulahoma Road. It is also the location of the old Superfund site, The Jackson or Poison Pit Dump site. The Health Department cannot under the laws of the State of Tennessee approve the former Super Fund site for development. And even if the site could be developed, it would be for industrial, maybe offices, but most certainly not for a facility to house those in our society who are considered the most sensitive - the old or elderly and the young. In this instance, the old (defined as those over fifty-five), are more sickly, more prone to be impacted by the environment let alone residing in an area known to have been so impacted, it was declared a superfund site.

Fourth, the Memphis Airport Area Land Use Study paid for by the Memphis International Airport, Final Plan, show the proposed site as industrial/commercial.

Finally, commonsense suggest that placing the Home For The Aged in the southwest quadrant of Shelby and Tchulahoma Road: What happens at 0200 through 0500 hours at nights (early mornings) when those noisy cargo planes takeoff ever few minutes? Or when the weather is bad and the planes are vectored directly over the location of the Home For The Aged?

In the end, there are much better, quieter, safer locations to put a Residential Home For The Aged. The application should be denied.

MFAC Corp.

EXHIBIT B - Letter in Opposition

(Note: MFAC Corp is listed as owner of adjoining property at 4791 Tchulahoma)