

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 17

CASE NUMBER: PD 11-301 **L.U.C.B. MEETING:** March 10, 2011

DEVELOPMENT NAME: Southwind Planned Development, 6th Amendment

LOCATION: Northeast corner of Hacks Cross Road and Players Club Parkway

COUNCIL DISTRICT: 2

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: Americare

REPRESENTATIVE: Tetra Tech, Inc.

REQUEST: Assisted living home for the elderly

AREA: 2.83 Acres

EXISTING LAND USE & ZONING: Residential Single Family-15 (R-15) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval

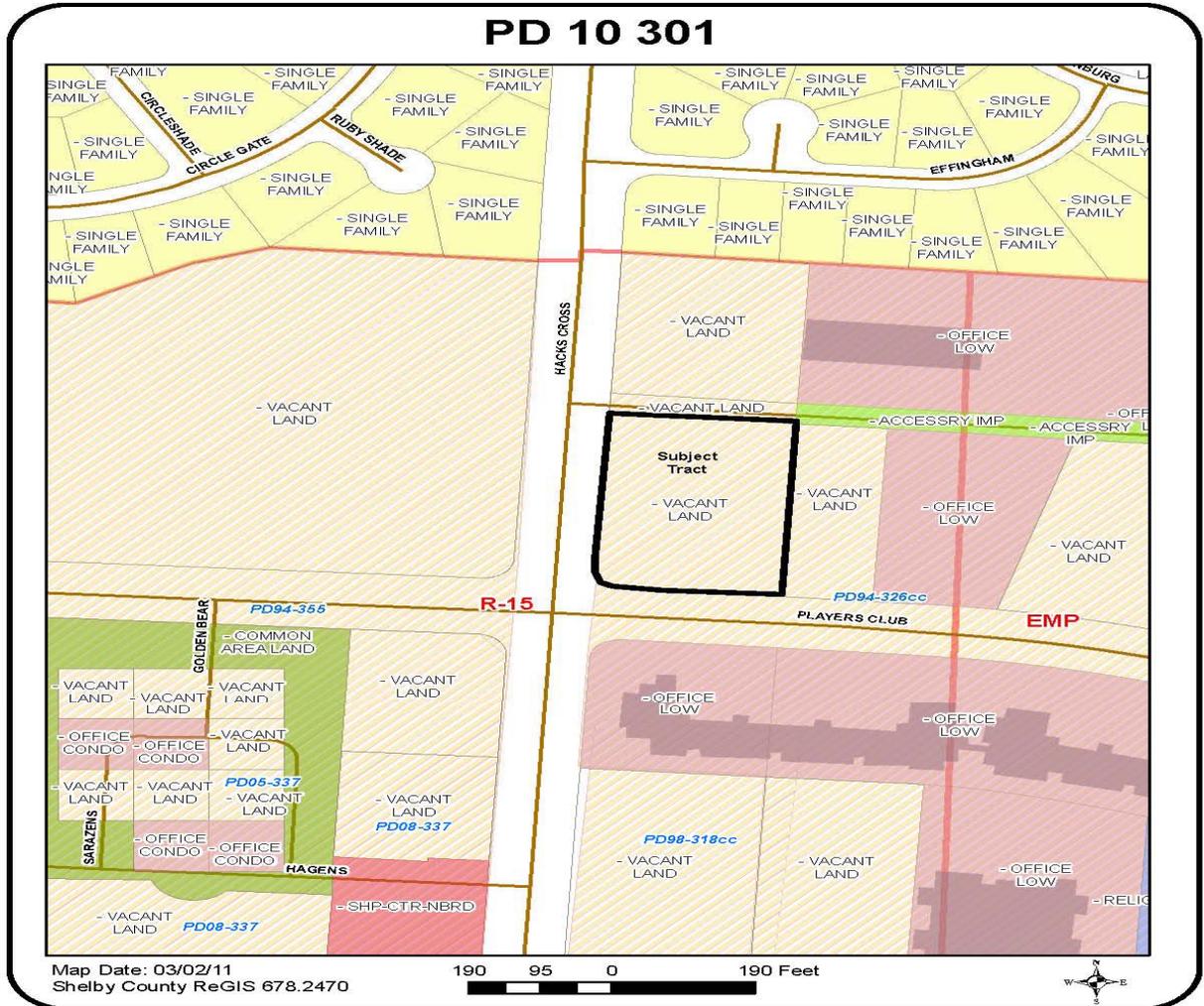
CONCLUSIONS

The subject site is a 2.83 acre vacant tract of land located along Hack Cross between Players Club Circle and Players Club Parkway. The site is within the Southwind Planned Development, established in 1985, which originally comprised 895 acres of land. This application describes a request to develop the site as an "Assisted Living Home for the Elderly"; this amendment is required as a result of condition 2.h of the Southwind Planned Development which prohibits residential land uses.

We believe that the trend at the time this subdivision was initially created was primarily characterized as commercial and office land use; particularly properties that front along Hacks Cross. However, there have been changes in trends for this area as well as in the overall economy that justify allowing a broader range of allowable uses.

The proposed land use will not increase the intensity of the immediate area as most assisted living facilities will not impose the density nor the activity of a typical residential use of the same land area. The development goals of this application seem to align with intent of the Southwind Plan as well as the general character and theme of the immediate area.

LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

North, east, south: General Office land uses governed by the Southwind Planned Development

West: General Office land use and vacant land within the R-15 (Residential Single Family 15) District





FedEx
World

STAFF ANALYSIS

The subject site is currently characterized as a 2.83 acre vacant parcel. This property is part of parcel 6 within the Southwinn Planned Development established in October 1985 (Spelling has been changed from Southwinn to Southwind). The Southwinn PD, originally comprised approximately 895 acres of land among 15 parcels.

This Southwinn project was conceptualized around a 224 acre golf course which is now TPC at Southwind, an acclaimed 18 hole golf course that opened in 1988. Soon after the golf course was completed, a second sizeable development was slated for the Southwind PD, the 9 building, and now LEED Gold certified, FedEx World Headquarters which was completed in 2000.

The Southwind Planned Development, its designers, supporters and neighborhood stake holders have continued to work to ensure that the general theme and character of the Southwind project remains and that future development is consistent with the plan and is compatible with the surrounding area.

The subject site fronts on Hacks Cross, a major north-south thoroughfare that has a mix of commercial and office land uses. When the Southwinn development was initially conceptualized, this area, because of its frontage on Hacks Cross, may have been envisioned for predominantly commercial and office land use which no doubt influenced the conditions of the PD.

Parcel 6, per the Southwind Plan, allows all uses permitted within the O-G (General Office) District **except**:

- art gallery or photo studio
- barber or beauty shop
- business school
- flower or plant store
- radio or TV studio
- restaurant
- telephone switching center or other utility facilities
- **residential uses**

This area was more than likely envisioned as an office and commercial center and as such would not be suitable for residential land use. However, as this area has developed with increased density and a more diverse mix of land uses, residential land use can be suitable. Furthermore, progressive planning principles and neighborhood studies show increasing support for mixing commercial, office, and residential land uses in an effort to provide “complete and sustainable neighborhoods and communities.

The plan, per condition # 2-h, does not allow residential land use although the designated zoning district, O-G (General Office), does. This application proposes to develop the subject site as an Assisted Living home for the Elderly, which per the current Code of Ordinances, is considered residential.

An assisted living home for the elderly would be an appropriate transition as Hacks Cross downshifts from its intense commercial character, generally beginning at the intersection of Hacks Cross and Winchester, to its more residential character as it traverses northward.

In previous projects within the Southwind PD developers have added value to the overall area by constructing buildings designed to respect and be compatible with the existing structures and implementing well thought out landscaping and lighting plans. These elements and their justified attention seem to influence compatibility possibly more so than the land use.

As part of the requirement of the UDC for a Planned Development application, the applicant was required to meet with adjacent property owners and neighborhood organizations to discuss the project. These meetings will help to fully vet design ideas and will hopefully help to produce a product that is acceptable to stakeholders and will also help to continue the high standards and success of the Southwind community.

RECOMMENDATION:

Approval

GENERAL INFORMATION

Street Frontage: 301.51 feet

Planning District: Shelby Farms-Germantown

Census Tract: 213.32

Zoning Atlas Page: 2355

Parcel ID: 081082 0021, 081091 00007

Zoning History: Currently governed by the Southwind Planned Development

DEPARTMENTAL COMMENTS

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

City Engineer:	No comment on a change of use.
City Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comments by the Water Quality Branch & Septic Tank Program.
City Board of Education:	No comment.
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:

- **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 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 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 easement or dedicated utility easement without prior MLGW 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). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
 - All commercial developers must contact MLGW's Builder Services at 901-367-3343 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/Bell South:

AT&T Tennessee has no comment regarding this new development.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Plans Development:	No comments received.
Landmarks Commission:	No comments received.
Memphis Park Commission:	No comments received.
TN Dep't of Environment & Conservation:	No comments received.
Southwind Homeowners Association:	
Southeast Shelby County Coalition:	
Roseliegh Neighborhood Association:	