

ADDENDUM
STAFF REPORT

17

CASE NUMBER: Z 11-104 (formerly S.U.P. 11-206) **L.U.C.B. MEETING:** June 9, 2011
Held from May 12, 2011

LOCATION: Northeast corner of Pendleton Street and Brandon Circle

COUNCIL DISTRICT(S): District 4-Super District 8-Positions 1, 2 & 3

OWNERS/APPLICANTS: Pendlove, Inc. D/B/A 'Pendleton House of Love'

CURRENT ZONING: Two (2) residential structures in Residential Single Family(R-6) District

REQUEST: Civic (CIV) District to allow Group Living for an Assisted Living Facility

AREA: 0.64 Acre (27,922 Sq. Ft.)

On May 12, 2011, the staff recommended and the Land Use Control Board agreed to a hold of this application for thirty (30) days until such time the applicant could provide additional information to determine the proposed land use. Since that time, the applicants and administrators of Pendleton House of Love have submitted a letter outlining the level of care for low-to-moderate income seniors 55 years and over who are veterans, non-veterans and homeless individuals that require daily assistance with day-to day activities, personal care, and assistance with medication and daily nutritional meals. The applicants are currently providing this level of care at the current facility located at the southeast corner of this intersection.

The applicant is proposing to construct a new facility at the northeast corner of Pendleton Street and Brandon Circle to house a maximum of thirty (30) persons who do not qualify for skilled nursing care provided by a nursing home, but can reside in an assisted-living or care home providing a homelike setting with daily assistance. The applicant is requesting Civic(CIV) District zoning to allow this land use by right by the Unified Development Code. The zoning district allows similar Group Living facilities by right including a monastery, nursing home, personal care and residential homes for the elderly and supportive living facilities. The Civic District also allows Community Services such as a museum, library, neighborhood arts center and police and fire stations as well as Day Care, Educational, Parks and Open recreational facilities.

On the zoning map, the Residential Single Family(R-6) District boundary abuts a Commercial Mixed-Use (CMU-3) District boundary that allows more intensive land uses typically located along major roads. These properties share rear zoning and lot lines at the rear of the subject property, but not at the north boundary line where there are single family homes in R-6 District zoning. The applicant is proposing to construct a one-story building similar to a large conventional home of residential architecture to be placed twenty (20) feet from both streets with rear yard parking. The request for Civic (CIV) District zoning is supported due to location and proximity to commercial land uses and zoning. This land use for an assisted-living facility and any future land use allowed in this district would not negatively impact adjacent residential properties, but rather create a practicable conversion of residential structures to a residential group living facility.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval of Civic(CIV) District

Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

ZONING CASE APPLICATION (REVISED)

**PENDLETON HOUSE OF LOVE
NORTHEAST CORNER OF PENDLETON STREET AND BRANDON CIRCLE**

JUNE 2, 2011

LETTER OF INTENT

- a) This project is intended to be an extension of the existing Pendleton House of Love (PHOL) facility on the southeast corner of Pendleton and Brandon Circle. The PHOL is an Assisted Living Facility. The new facility will be built on what was once three R-6 zoned lots. Owner is requesting that the zoning of the properties be changed to Civic (CIV) District to accommodate this Assisted Living Facility.
- b) Michael J. Walker, AIA is the architect for the project. Pickering Firm, Inc. is the civil engineer and surveyor for the project. The contact individual at Pickering is Jeffrey W. Old, P. E.
- c) The new building will be built to look like a zero-lot residential development with a staggered front wall. This will give the impression of multiple buildings and add interest to the look of the development. Signage will be minimal and parking will be in the rear of the building to help blend the facility into the residential fabric of the neighborhood. The building itself will sit between a small church to the north and the existing PHOL facility to the south.
- d) The applicant's planning objectives are to build a facility the neighborhood will be proud of and to be a good neighbor to the community.


Applicant

6/2/2011
Date


Engineer

6/3/11
Date



JUNE 2, 2011

BEING A LEGAL DESCRIPTION OF PART OF LOT 1, PHILLIPS' PENDELTON STREET SUBDIVISION IN PLAT BOOK 18, PAGE 75, AS RECORDED AT THE SHELBY COUNTY REGISTER'S OFFICE (S.C.R.O.) AND PARTS OF LOTS 1 AND 2 OF DONSON TERRACE SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 8 (S.C.R.O.), SAID PROPERTY SITUATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF PENDLETON STREET AS WIDENED (PUBLIC, ASPHALT PAVED, 35.5 FEET EAST OF THE CENTERLINE OF SAID STREET), SAID POINT BEING 15.02 FEET NORTHWARDLY FROM THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE OF PENDLETON STREET AND THE NORTH RIGHT-OF-WAY LINE OF BRANDON CIRCLE (PUBLIC, ASPHALT PAVED, 50-FT. RIGHT-OF-WAY); THENCE NORTH 04 DEGREES 01 MINUTES 04 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF PENDLETON STREET - 197.31 FEET TO THE SOUTH LINE OF LOT 2 OF PHILLIPS' PENDELTON STREET SUBDIVISION; THENCE SOUTH 85 DEGREES 47 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 153.24 FEET TO A POINT IN THE WEST LINE OF THE B & W PROPERTIES PER INSTRUMENT NUMBER 06173976 (S.C.R.O.); THENCE SOUTH 04 DEGREES 01 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE - 62.00 FEET TO A POINT IN THE NORTH LINE OF THE WILLIE WEBER PROPERTY PER INSTRUMENT NUMBER M2-2402 (S.C.R.O.); THENCE NORTH 85 DEGREES 47 MINUTES 25 SECONDS WEST ALONG SAID NORTH LINE - 30.00 FEET TO THE NORTHWEST CORNER OF THE WILLIE WEBER PROPERTY, BEING THE NORTHEAST CORNER OF SAID LOT 2 OF DONSON TERRACE SUBDIVISION; THENCE SOUTH 04 DEGREES 01 MINUTES 04 SECONDS WEST ALONG THE WEST LINE OF SAID PROPERTY, ALSO BEING THE EAST LINE OF LOTS 1 AND 2 OF SAID DONSON TERRACE SUBDIVISION - 149.73 FEET TO A POINT IN THE NORTH RIGHT OF WAY LINE OF BRANDON CIRCLE; THENCE NORTH 86 DEGREES 04 MINUTES 09 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE - 108.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET; THENCE NORTHWESTWARDLY ALONG SAID CURVE (CENTRAL ANGLE OF 90 DEGREES 05 MINUTES 13 SECONDS, CHORD OF NORTH 41 DEGREES 01 MINUTES 32 SECONDS WEST - 21.23 FEET) AN ARC DISTANCE OF 23.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,942 SQUARE FEET OR 0.6415 ACRE, MORE OR LESS.

BEARINGS ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE GRID SYSTEM, NAD - 83.

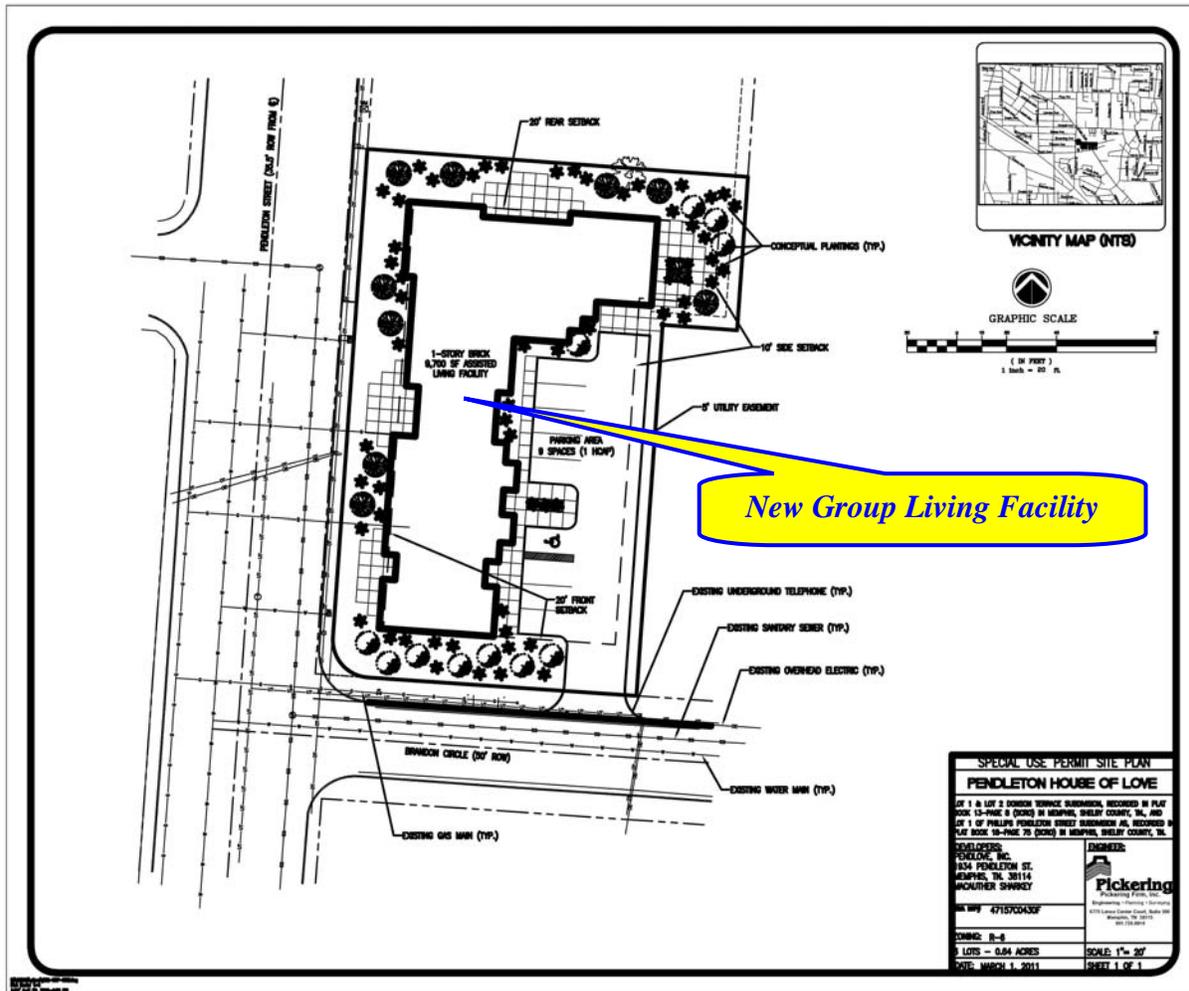
EASEMENTS AND BUILDING SETBACK LINES ARE SHOWN PER THE RECORDED PLATS.



Aerial Zoning Map



Site Plan



PENDLOVE, INC

In Partnership with the City of Memphis

Wednesday, May 11, 2011

Brian s. Bacchus, Principal Planner
Memphis/Shelby County
Office of Planning & Development
City Hall-125 N. Main Street-Suite 468
Memphis, TN 38103-2084

RE: Pendlove, Inc.

Dear Mr. Bacchus,

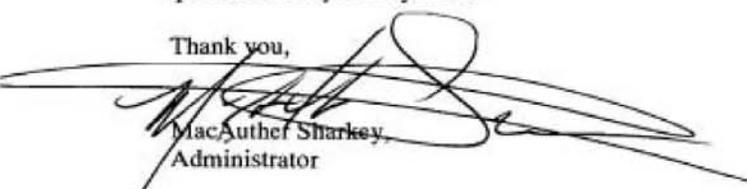
Pendlove, Inc. dba Pendleton House of Love is a Care Home for the Aged which has been providing assisted living care to senior individuals 55 years and over for 26 years under the Administration of Shirley S. Deberry within the Great City of Memphis. During this time our facility, which is located at 1934 Pendleton (South Corner of Brandon Circle and Pendleton), has grown from 5 and to it has now reached its final maximum capacity of 30.

The Clients that Pendleton House of Love serves have low-to-moderate income, they are veterans and non-veterans and homeless individuals that requires daily assistance with day-to-day activities, personal care, as well as assistance with medication and daily nutritional meals.

Pendlove, Inc. is looking to provide these services to at least 30 additional Clients in a new structured building located at the Northeast corner of Brandon Circle and Pendleton Street. The demand for care of these individuals grow more and more each day whereas, they do not qualify for the Skilled care of a nursing home; but they can reside in a Care Home which provides a homelike setting giving them daily assistance when needed.

I hope I have answered your questions and please feel free to give me a call for any additional questions that you may have.

Thank you,



MacAulter Sharkey,
Administrator

Shirley S. Deberry,
Administrator

STAFF REPORT

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CASE NUMBER: S.U.P 11-206 **L.U.C.B. MEETING:** May 12, 2011

LOCATION: Northeast corner of Pendleton Street and Brandon Circle

COUNCIL DISTRICT(S): District 4-Super District 8-Positions 1, 2 & 3

OWNERS/APPLICANTS: Pendlove, Inc. D/B/A 'Pendleton House of Love'

REQUEST: Special permit to allow a new assisted-living facility building 9,700 square feet in area

AREA: 0.64 Acre (27,922 Sq. Ft.)

EXISTING LAND USE & ZONING: Vacant lot and two one-story residential structures in Residential Single Family(R-6) District

CONCLUSIONS:

1. The request is for a special permit to allow construction of residential group living for a new assisted-living facility building totaling 9,700 square feet in area with associated parking to the rear of the building.
2. An assisted-living facility is not a permitted use in Residential Single Family(R-6) District zoning, but under prior Zoning-Regulations was allowed subject to approval of a special use permit in all R-S districts.
3. Since this change in the Unified Development Code, additional information is needed to determine the proposed land use such as number and age of persons residing, level of care and skilled nursing as well as state licensing requirements, if applicable.
4. Until such time additional information is submitted by the applicant, including a floor plan—staff cannot adequately determine the proposed land use. Without the benefit of more information—a hold is warranted for further project review.

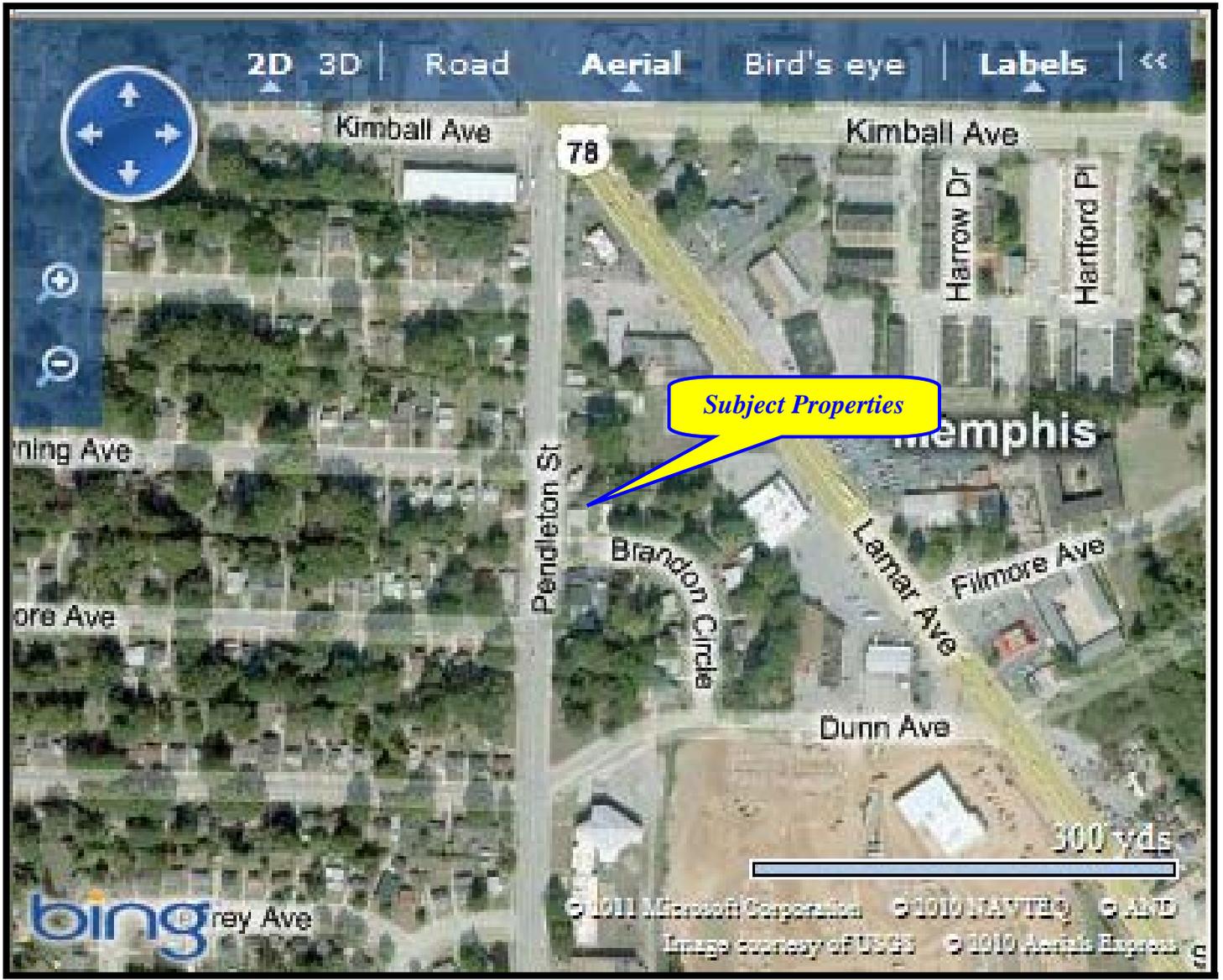
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Hold for Thirty(30) Days

Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

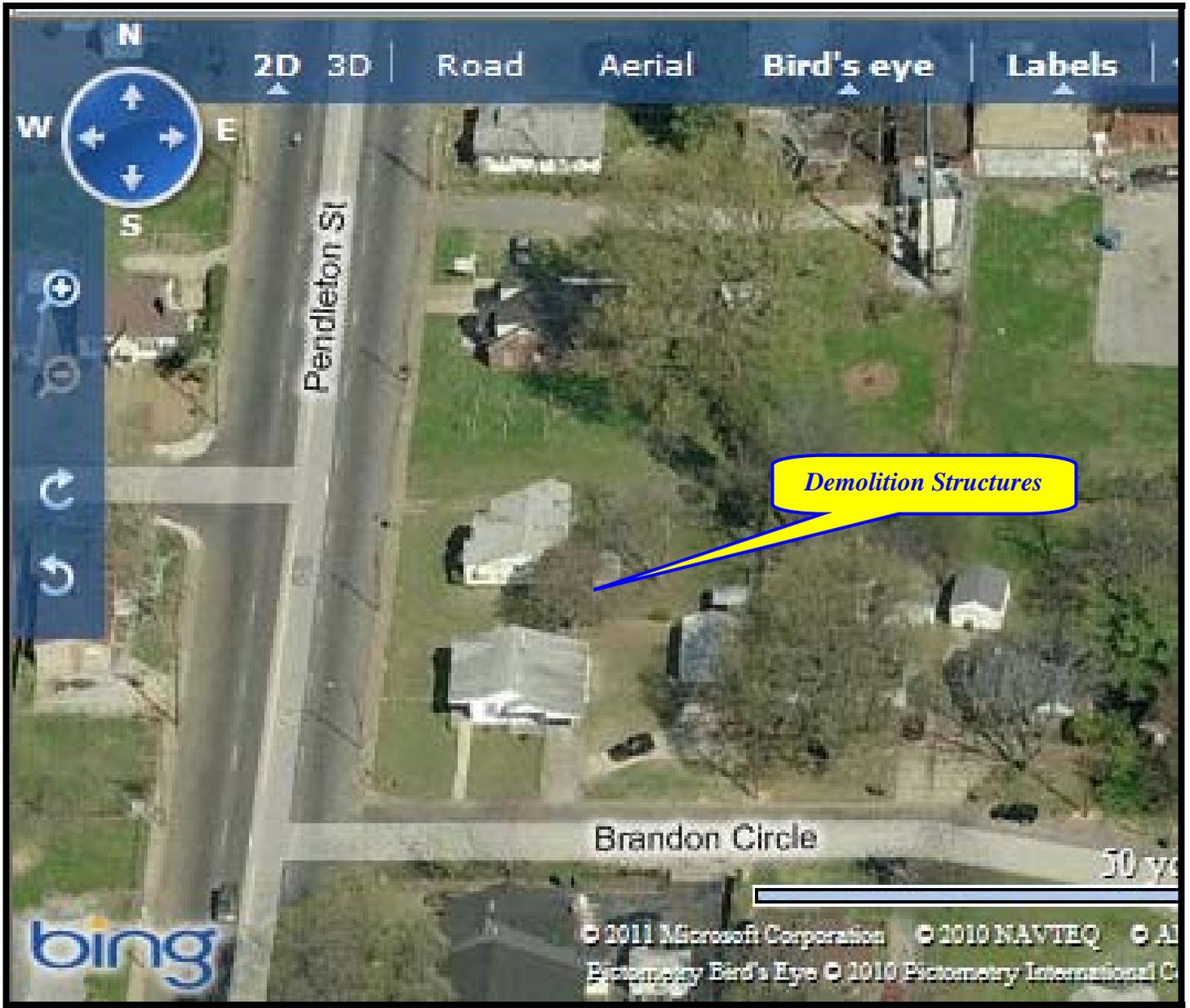
Surrounding Aerial View
(Pendleton St. @ Brandon Circle)



Demolition Structures-View East
(1914 & 1922 Pendleton St)



Pendleton Street & Brandon Circle
(Bird's Eye View)



Pendleton Street View-North



1934 Pendleton Street
(Similar Group Living Facility)



STAFF ANALYSIS:

Site Description

The subject property is a total of 0.64 acre(27,922 sq. ft.) containing three(3) lots located at the northeast corner of Pendleton Street at Brandon Circle approximately an eighth of a mile south of its intersection with Lamar Avenue(U.S.78) in Depot Planning District. The properties are currently two residential structures in Donson-Terrace subdivision with a vacant surplus property in Phillips-Pendleton subdivision. These single family homes were built in 1949 as residential structures on lots averaging 9,800 square feet in area with detached accessory storage buildings.

There is no perimeter landscaping on the site, except for mature trees in the rear yards and shrubs near and against the buildings. The front of the subject property along Pendleton Street has no landscaping, but overhead power lines, curb, gutter and sidewalk at the street with one(1) residential curb-cut to Brandon Circle. The only existing curb-cut to the site is from Brandon Circle at the corner property at the east side of the building. The current access is the easternmost curb-cut from Brandon Circle with no internal circulation to adjacent properties north at the rear property lines.

Area Overview

The surrounding area is wedged between two major roads and a minor collector street, Dunn Avenue in Residential Single Family(RS-6) District. The immediate area is primarily single family homes along this segment of Pendleton Street extending south to the Burlington Northern-Santa Fe Railroad. The properties are between commercial properties along Lamar Avenue (U.S. 78) and residential properties along Brandon Circle. The land use immediately adjacent to the properties is single family homes at the Pendleton Street intersections of Browning and Filmore Avenues. The land use directly south and Brandon Circle is a large care home and farther south on the same side of the street is a place of worship.

The land use farther north and east are primarily commercial uses in Commercial Mixed-Use(CMU-3) District zoning for a small retail center and grocery store, including a cell tower and small restaurant within the same block. The land use at the opposite side of Lamar Avenue is a fire station, motor vehicle sales and repair, including small retail shops. The land uses west are single family homes in the Bethel Grove community in Residential Single Family(R-6) District zoning and north are retail shops, including gasoline sales. The land use southeast of the subject property is an incomplete development of an apartment community approved by planned development.

Request vs. Definition

The request is for a special permit to allow construction of residential group living for a new assisted-living facility building totaling 9,700 square feet in area with associated parking to the rear of the building. According to the Permitted Use Table in the Unified Development Code, an assisted-living facility is not a permitted use in Residential Single Family(R-6) District zoning, but under prior Zoning-Regulations was allowed subject to the approval of a special use permit in all R-S districts. The applicant formerly applied for a special use permit for a current and similar land use at the southeast corner of Pendleton Street and Brandon Circle. Since this change in the Unified Development Code, additional information is needed to determine the proposed land use such as number and age of persons residing, level of care and skilled nursing as well as state licensing requirements, if applicable.

The applicant may be a permitted use in R-6 District, but may also require a special permit allowing a public hearing in the planning process to monitor such land uses in close proximity to each another and more importantly, single family homes. The opportunity to place conditions to limit possible affects upon adjacent residential homes is necessary. An assisted-living is a Residential Use Category for Group Living, but not permitted in R-6 District zoning in the new zoning code. Until such time additional information is submitted by the applicant, including a floor plan—staff cannot adequately determine the proposed land use. Without the benefit of more information on this type of group living facility within close proximity to single family homes—a hold is warranted for further project review.

RECOMMENDATION: ***Hold for Thirty(30) Days***

SITE PLAN CONDITIONS:

A *Special Use Permit* is hereby authorized to '*Pendleton House of Love*' to allow an '*assisted-living facility*' located at the '*northeast corner of Pendleton Street and Brandon Circle*' at '*1914 & 1922 Pendleton*' in accordance with approved '*site plan*' and the following supplemental conditions:

- I. Uses Permitted: Residential Group Living for an assisted-living facility with a maximum of thirty(30) persons shall be allowed meeting the definition of an Assisted-Living facility.
- II. Bulk Regulations: The bulk regulations of the Residential Single Family(R-6) District shall apply.
- III. Access & Circulation:
 - A. The City Engineer shall approve the design, number and location of curb cuts.
 - B. All existing curb cuts along the Pendleton Street frontage shall be closed with curb, gutter and sidewalk.
 - C. The existing non-conforming curb cut on Brandon Circle shall be closed with curb, gutter and sidewalk, and a new ADA compliant curb-cut shall be located not less than 10 feet from the east property line.
 - C. All existing sidewalks and curb openings along the front of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- IV. Landscaping and Screening:
 - A. All landscaping and screening shall be subject to final review and approval by the Office of Planning & Development.
 - B. Any required landscaping and screening shall not be placed on or over any sewer or drainage easements or under any utility easement.
 - C. All landscaping and screening shall be installed prior to final Certificate of Occupancy.
- V. Signs:
 - A. Signs shall be in accordance with the Residential Single Family(R-6) District.
 - B. No temporary or portable signs shall be permitted.
- VI. An assisted-living facility housing a maximum of thirty(30) persons shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

GENERAL INFORMATION:

Street Frontage: Pendleton Street-----+/-208.78 linear feet.
Brandon Circle-----+/-120.78 linear feet.

Planning District: Depot

Atlas Page: 2235

Parcel ID: 059019 00019, 059019 00020, 059019 00021

Zoning History: The Residential Single Family(R-6) District zoning of the site date to the conversion in August, 2010 from the Single Family Residential(R-S6) District zoning dating to the adoption of the 1980 zoning map amendments.

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.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

Curb Cuts/Access:

4. The City Engineer shall approve the design, number and location of curb cuts.
5. All existing curb cuts along the Pendleton Street frontage shall be closed with curb, gutter and sidewalk.
6. The existing non-conforming curb cut on Brandon Circle shall be closed with curb, gutter and sidewalk, and a new ADA compliant curb cut shall be located not less than 10 feet from the east property line.
7. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

Drainage:

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. 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:

11. The width of all existing off-street sewer easements shall be widened to meet current city standards.

12. 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.

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

Memphis Fire Services: No comment.

Memphis & Shelby County Health Department:

Septic Tank Program: No comment.
Water Quality: No comment.

Memphis 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). No identifiable impact on MCS' school-aged population nor MCS' property interests.

Construction Code Enforcement: No comment.

Memphis Light, Gas and Water:

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

- **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.
- **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:

AT&T has no comment.

Memphis Area Transit Authority(MATA):

No comments.

OPD-Regional Services:

No comments.

OPD-Plans Development:

No comments received.

Neighborhood Associations/Organizations:

*Orange Mound Concerned Citizens:
Bethel Grove Community Organization:*

*No comments received as of 6/3/11.
No comments received as of 6/3/11.*

Staff: bb