

STAFF REPORT

CASE NUMBER: SUP 11-209 **L.U.C.B. MEETING:** July 14, 2011

LOCATION: Northwest intersection of Joy Lane and Interstate-240

COUNCIL DISTRICT: 4

SUPER DISTRICT: 8

APPLICANT: Tennessee Learning Academy (Sharon Page)

REPRESENTATIVE: Jim Whalen

REQUEST: Juvenile Transitional Housing Facility

AREA: 1.42 Acres

EXISTING LAND USE & ZONING: Commercial Mixed Use-3 (CMU-3) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION APPROVAL WITH CONDITIONS

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CONCLUSIONS:

1. The subject property is located in the Depot Planning District in an established Memphis community and is an existing 3-story structure that was previously used for a hotel and later as a nursing home facility with only one point of access, though the adjacent residential neighborhood. Given the site's elevation above I-240 and its location behind the residential homes on Joy lane, site visibility is at a minimum.
2. The request is for approval of a Special Use Permit and site plan that reflects the layout of an existing building to be used as a Juvenile Transitional Housing Facility with the intent to provide "alternative and temporary placement to detention for non-violent youthful offenders for pre-adjudicated youths".
3. Based on research, it appears the structure was built on this site in 1969. Given that this commercial structure with its past history as a hotel and nursing home has been long established on the subject site and its unobtrusive location, the continued use and presence of it for residential purposes should not adversely impact the neighborhood.
4. There are three minor site plan issues that should be resolved prior to final approval by the Memphis City Council. These issues are acquisition of the east/west segment of Joy Lane, as shown on the official City of Memphis Map, that provides access to this site, requiring future standard site improvements to be made on this site upon any modification to the existing site, building, or parking spaces, and revising the site plan to clearly reflect some additional items such as existing mature trees, fencings, signage, and entrance gate. All of these items have been addressed with the inclusion of conditons to the approval of this SUP application.

VICINITY MAP

SUP 11 209

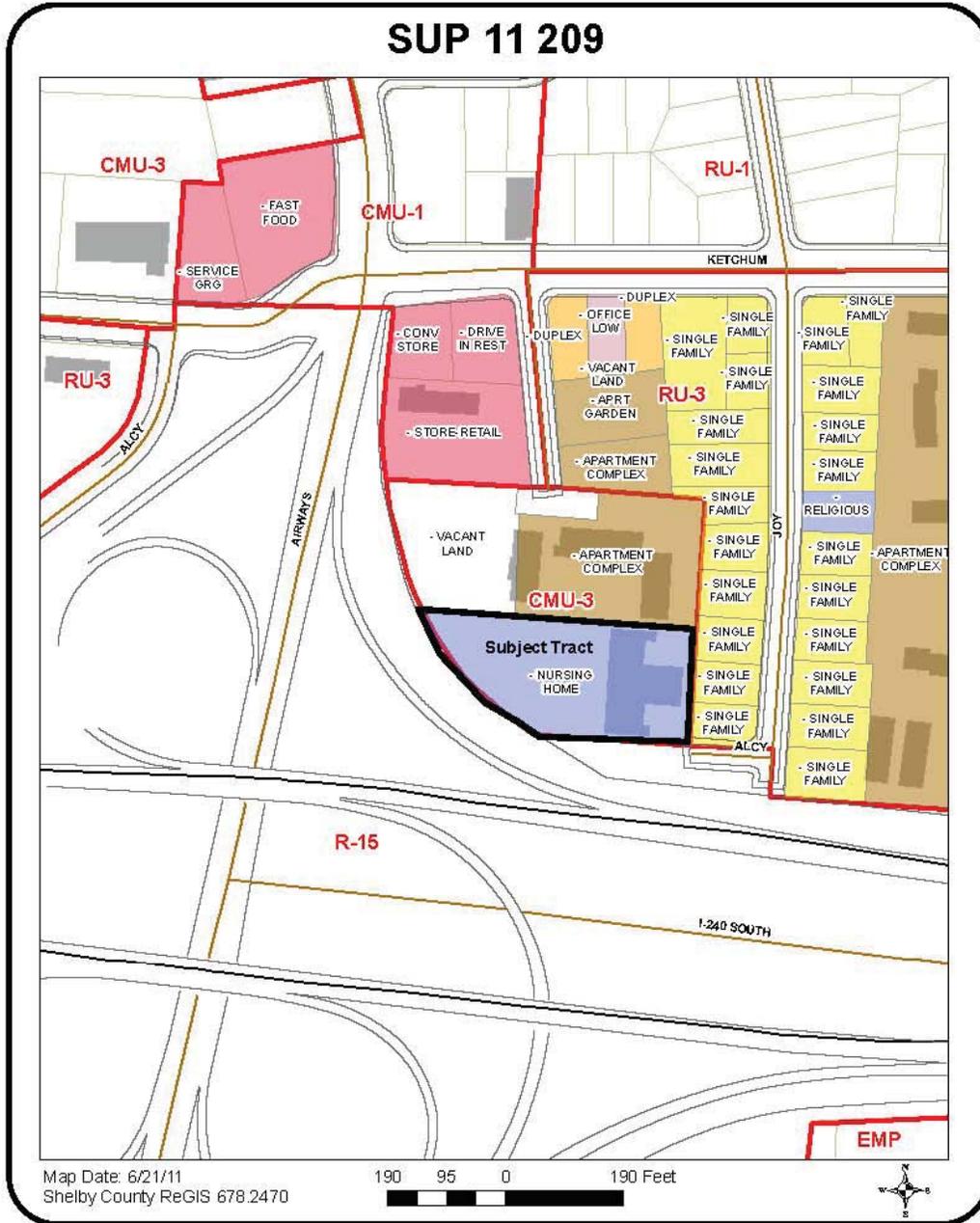


Map Date: 6/21/11
Shelby County ReGIS 678.2470

510 255 0 510 Feet



LAND USE & ZONING MAP

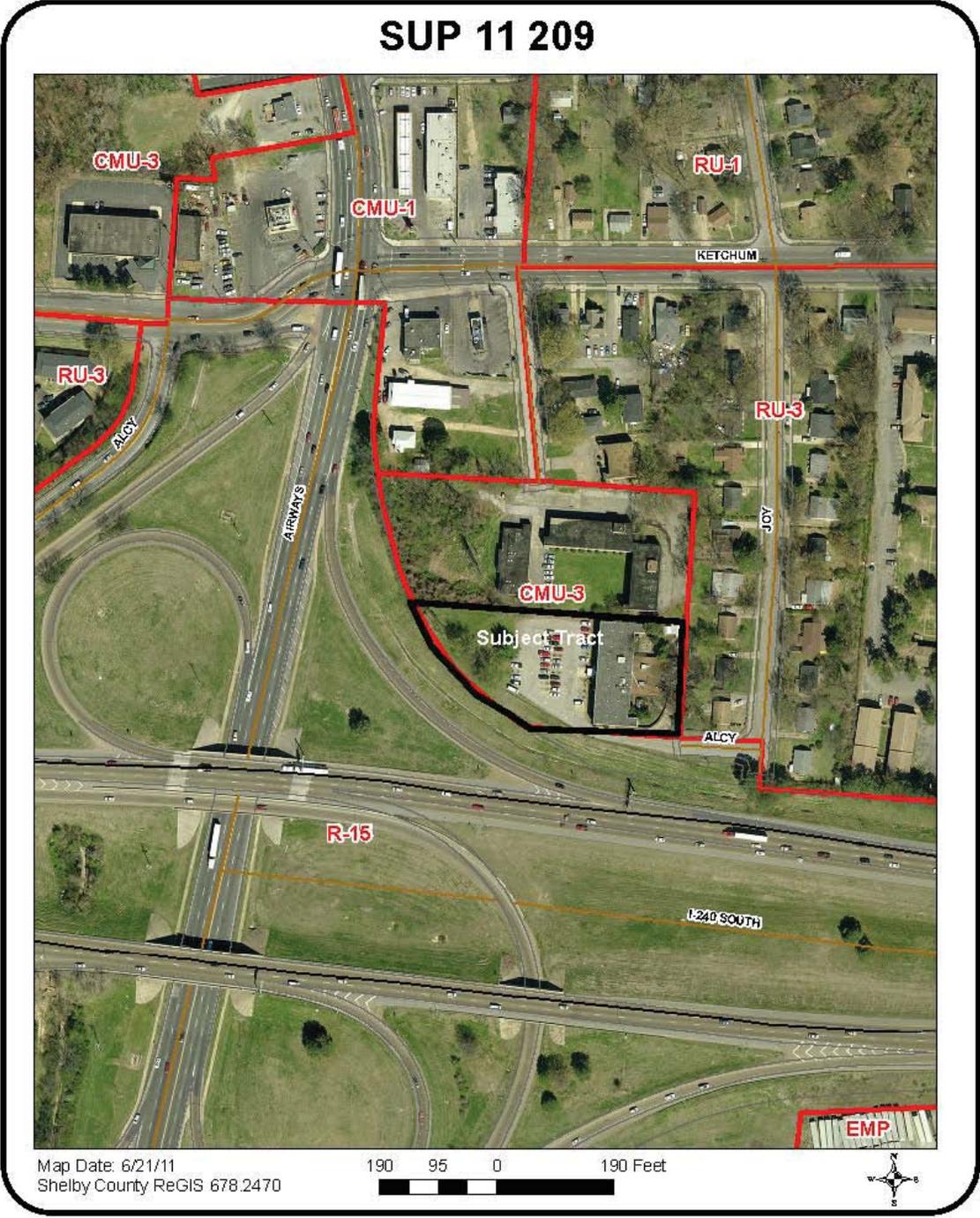


SURROUNDING USES AND ZONING:

- North:** Vacant land and Apartments in the Commercial Mixed Use-3 (CMU-3) District
- East:** Single family homes in the Residential Urban-3 (RU-3) District
- South:** Interstate-240 in Single Family Residential-15 (R-15) District
- West:** Interstate-240 ROW and Airways Blvd. in Single Family Residential-15 (R-15) District

AERIAL MAP

SUP 11 209



SUBJECT SITE



**Entrance gate to facility on East/West segment of Joy Lane
(As shown on the official City of Memphis Map)**



Existing driveway via Joy Lane



ing driveway behind the
ng and court-yards



One of 2 outside court-yards



The second of 2 outside
court-yards



Adjacent home along the entrance drive (east/west segment of Joy Lane)



Northern view along both sides of the north/south segment of Joy Lane



STAFF ANALYSIS:

Site and Surrounding Area Description

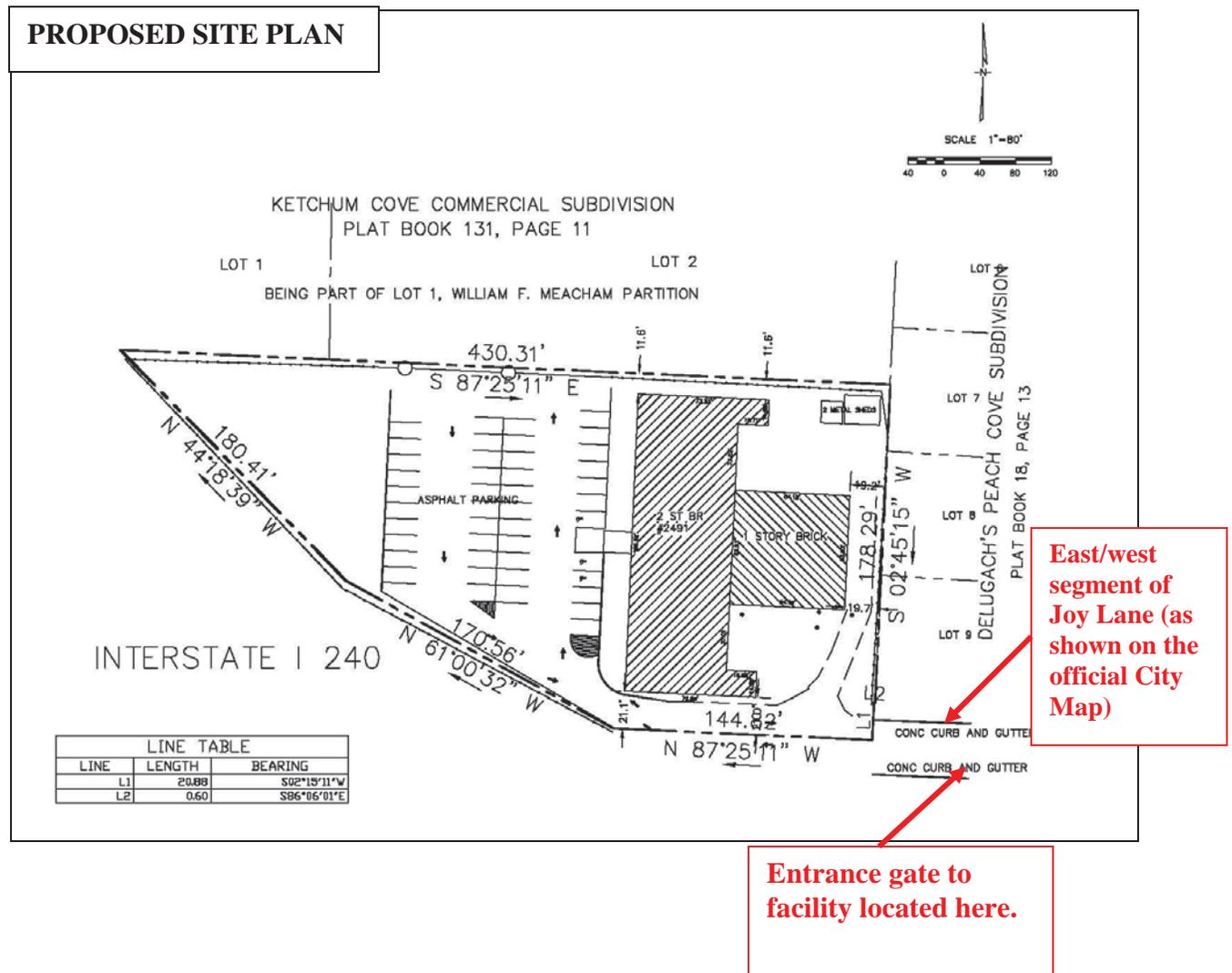
The subject property is located in the Depot Planning District, on the west side of Joy Lane at the northeast corner of Interstate 240 and in an established Memphis community. The subject property and existing 3-story structure was previously used for a hotel and later as a nursing home facility and has only one point of access, though the adjacent residential neighborhood. Properties adjacent to the north and east are developed with residential uses in the Commercial Mixed Use-3 (CMU-3) and Residential Urban-3 (RU-3) Districts, respectively. Although some landscaping is present on the property it is very spare, however, given the site's elevation above Interstate 240 and its location behind the residential homes on Joy lane, site visibility is minimum. The building can be seen from the interstate but not from the neighborhood.



**Entrance gate to
facility across public
ROW located here.**

Applicant's Request

The request is for approval a special use permit and site plan that reflects the layout of an existing building to be used as a Juvenile Transitional Housing Facility. The applicant, Tennessee Learning Academy, will operate this facility known as the Damascus Road Residential Center. The 3-story facility is proposed to accommodate up to a maximum of 250 residences on site. The intent of this facility is to provide "alternative and temporary placement to detention for non-violent youthful offenders for pre-adjudicated youths". "The center will offer multi-dimensional levels of services through academic, clinical, social, nutritional, recreational, and spiritual assistance based on individual needs assessment." The need for this application is because although the property is currently zoned for mixed commercial uses transitional facilities are classified as social service institutions and consequently requires approval of Special Use Permit.



Review of Request

Section 9.6.9 of the Unified Development Code provides for approval of SUP application based on specific finding of facts which primarily pertains to “the project not having a substantial or undue adverse effect upon the surrounding area as well as ensuring that there are conditions to mitigate the impact of the project. Based on research, it appears the structure was built on this site in 1969. Given that this commercial structure with its past history as a hotel and nursing home has been long established on the subject site and its unobtrusive location, the continued use and presence of it for residential purposes should not adversely impact the neighborhood so there is no reason to object to its location in this South Memphis community.

There are some issues that must be address on the proposed site plan. First, a site visit revealed that the applicant has installed an electronic gate in the east/west segment of the Joy Lane, as shown on the official City Map, where it provides direct access to this site. Research reflects that in fact this area may be abandon excess State right-of-way and not a local public road. However, since this segment of what is known as Joy Lane provides the only access to the subject site, it is recommended that the applicant acquire this area and incorporated it within the boundaries of the SUP site plan. This would give the applicant ownership of this area and the right to control access to the property by gating it. Final SUP site plan approval should be contingent upon this area being acquired and added to the boundaries of the site plan.

Secondly, the proposed site plan reflects the existing building, parking, and landscape buffering as it was on the site when it was lasted used as a nursing home. According to documentation provide with the application, the building is 3-story and has approximately 114 beds, 45 parking spaces, and 2 recreational court yards. Perimeter landscaping consist of a 6 foot high wooden fence along the northern property line, 6 foot high chain link fencing with heavy vegetation along the southern, western, and eastern property lines. Given the major changes to this site to accommodate the new use as a transitional facility will require mostly interior changes, it is recommended that the proposed site plan with the existing building, parking, and landscape buffering, signage be approved as is. Consequently, any changes to the site, parking addition or building expansion will require the approval of a new site plan in conformance development standards of the Unified Development Code.

Thirdly, there are some items that are not reflected on the site plan that should be shown. The plan should be revised to show the location and type of fencing along the perimeter of the site, the location of existing mature trees and scrubs, existing detached sign (size & height), trash dumpster, entrance gate and driveway width, and number parking space with dimensions.

RECOMMENDATION:

APPROVAL WITH CONDITIONS

SITE PLAN CONDITIONS:

A **Special Use Permit** is hereby authorized to allow a **Juvenile Transitional Housing Facility** on the property located at the **northwest intersection of Joy Lane and Interstate-240** in accordance with the approved site plan and the following supplemental conditions:

1. Final SUP site plan approval shall be contingent upon the driveway area shown as the east/west segment of Joy Lane on the Official City Map being acquired and added within the boundaries of the site plan.
2. The proposed site plan with the existing building, parking, and landscape buffering, signage is approved as is. Any changes to the site, parking addition or building expansion shall require the approval of a new site plan in conformance development standards of the Unified Development Code.
3. Signage shall be regulated by the CMU-3 District and no signage facing the residential neighborhood shall be illuminated.
4. Lighting on the site adjacent to the northern and eastern property lines shall be limited to what is customary for a residential site (ie., a motion detector or security light mounted on a MLGW pole).
5. Any refuse dumpster shall be screened from the view of traffic on the adjoining streets and from adjoining properties.
6. A new site plan that reflects the location and type of fencing along the perimeter of the site, the location of existing mature trees and scrubs, existing detached sign (size & height), trash dumpster, entrance gate and driveway width, and number parking space with dimensions shall be submitted for review and approval by OPD prior this application being forwarded to the Memphis City Council for final disposition.

GENERAL INFORMATION:

Street Frontage: 496 feet along Interstate 240
20 feet along Joy Lane

Planning District: Depot

Census Tract: 81.10

Zoning Atlas Page: 2235

Parcel ID: 060137 00163

DEPARTMENTAL COMMENTS:

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

City Engineer: No comments on access or use for this request.

City Fire Division: No comments received.

City Real Estate: No comments received.

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 Use Variation 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.
5. Please complete the attached form/questionnaire on the second page.

City Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

AT&T/Bell South: AT&T Tennessee has no comment.

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:

Orange Mound Concerned Citizens Co.:

No comments received.

Memphis Airport Area Development Corpora:

No comments received.

Imogene Heights Neighborhood Association:

No comments received.

Defense Depot Concerned Citizens:

No comments received.

Alcy-Ball Community Association:

No comments received.