

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #26**

CASE NUMBER: S.U.P. 07-217

L.U.C.B. MEETING: September 13, 2007
(redacted 10/15/2007)

LOCATION:

Northwest side of Austin Peay Highway, 1,100 ft.
northeast of Lakehurst Drive

OWNER/APPLICANT:

Raleigh Assembly of God

REQUEST:

Special use permit for a group shelter use

AREA:

8.92 acres

EXISTING LAND USE & ZONING:

Church campus in the Single Family Residential (RS-10) Zoning District and Planned Commercial (C-P) District, potentially subject to Dan West Shopping Center General Plan (PB 64 Page 5; pursuant to 1976 Zoning Case Z-2880).

SURROUNDING USES AND ZONING:

Northwest: Single-family residences fronting Lakehurst Dr. and Springfield Road in the Lakemont Gardens and Lake Forest Subdivisions.

Northeast: A restaurant and a bank branch in the Local Commercial (C-L) District.

Southeast: Across Austin Peay Highway, a fast-food restaurant in the C-P District and several vacant lots in the General Office (O-G) District..

Southwest: A funeral home regulated by the Denver Roller Planned Development. (PB 146 Page 60; pursuant to P.D.93-325).

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval, with Conditions

CONCLUSIONS

- 1. This proposed group shelter use is similar in some respects to a monastery or convent and in other ways to the residential facilities at a boarding school at the junior college level.***
- 2. The 9-acre church campus has sufficient area to accommodate this use and the low intensity commercial and institutional uses nearby should not be adversely affected.***
- 3. Any impact on nearby residential neighborhoods should be minimal.***

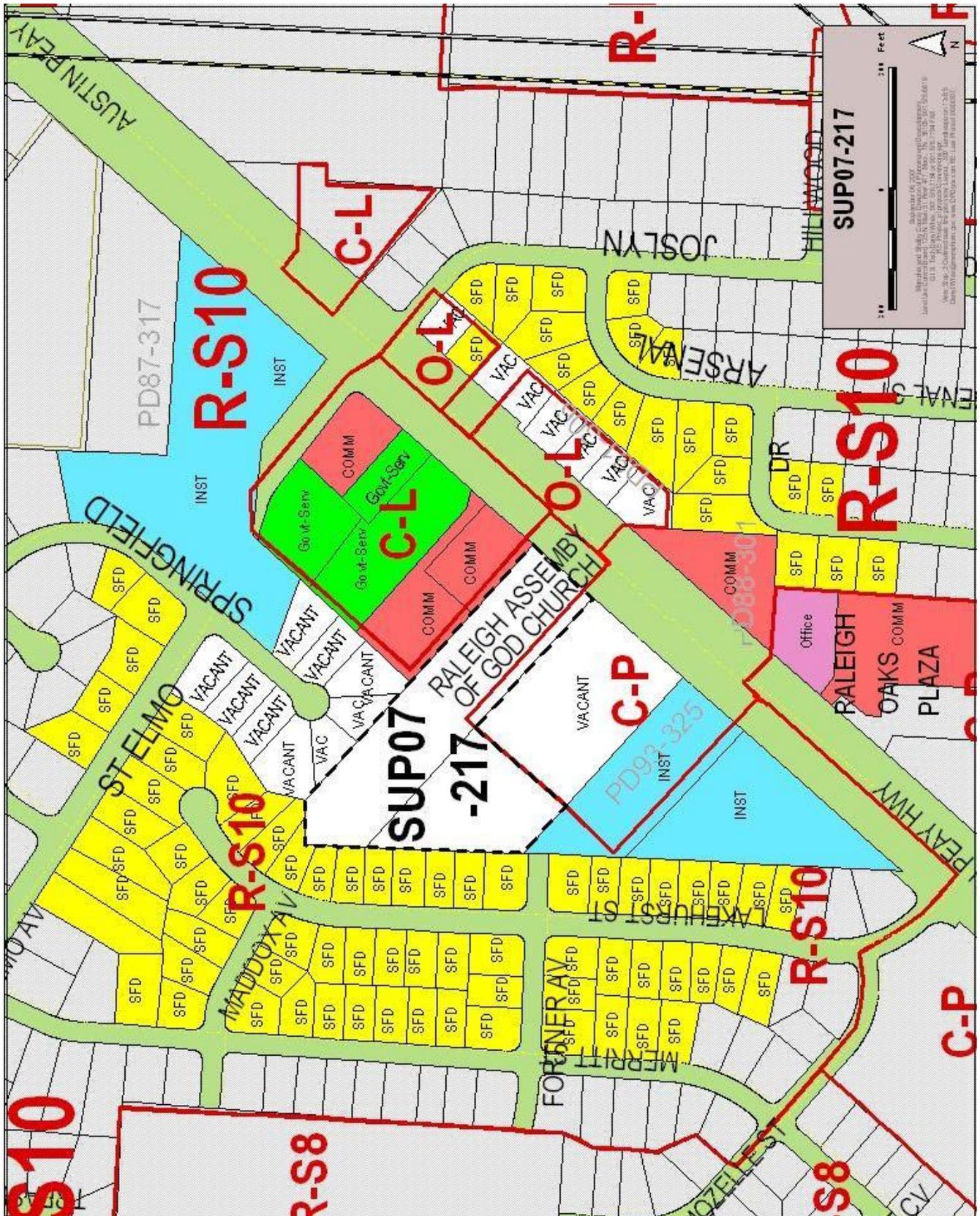


Figure 1: Land Use and Zoning in the Vicinity



Figure 3: Overhead view of subject property



**Figure 5: View of church's new sanctuary on the subject property
(Not shown on plot plan or site plan)**



Figure 6: Front of Church Campus: A chapel (former sanctuary) is on the left, the nursery building is in the middle and the two- story building for classrooms and offices is in the rear.



Figure 7: Rear of Church Campus Looking Eastward – Behind the new sanctuary are a family life center (gym) seen in the rear of this view and the residence complex for the Master’s Commission, of which two buildings are shown here.



Figure 8: Walkway between first two buildings of Master’s Commission residential complex.



Figure 9: The proposed permanent building for the Master's Commission program would be located to right of this ball field / play area.



Figure 10: This adjoining funeral home is connected to the church with driveway and there is an arrangement for shared off-street parking.

STAFF ANALYSIS

Site Characteristics

The subject property consists of two tracts of land totaling roughly 6 acres and one three-acre property (omitted from the application) which represents the area recorded as Phase II of the Dan West Shopping Center General Plan. This irregularly shaped property, in total, has 490 feet of frontage and a maximum depth of approximately 930 feet.

The site fronts on Austin Peay Highway (TN 14) which provides a connection between with Interstate 40 (2½ miles south) and northeastern Shelby County, and a direct route to the Brownsville area through Tipton and Haywood Counties as an alternative to I-40.

This nine-acre area is the location of a large church campus which includes several buildings designed specifically, or adapted, for various church programs. The original church sanctuary is now a chapel, having been replaced by a larger structure. At the rear of the original sanctuary is a two-story building used for classrooms and administrative offices. A child day care --- Treehouse Learning Center --- also operates in this building. Another building in this cluster is used by the church as a nursery. Two curb cuts provide ingress and egress with one-way drives which pass each side of this group of building, leading to a large parking lot at the rear of the property.

A new, larger sanctuary building is located near the south corner of the property. When this building was added a third curb cut was permitted, for ingress only, providing access to a drop-off area for the new sanctuary. Behind the sanctuary is a large, 18,000 sq. ft. building occupied by a gym / family life center. Behind the gym are a sizeable metal storage building and five buildings manufactured and moved on site as modular and mobile structures. It is these existing temporary buildings that are a focus of this application.

In addition to these major structures there are two small storage buildings, a large, paved parking lot and play areas --- one fenced with play equipment and one grassy area equipped with back stop for softball. There is some screening along the rear property line that borders the residential areas to the northeast, but not enough to block all sight lines across that boundary. This situation is mitigated by a change in grade which leaves the church property at roof-level, with respect to the houses along Lakehurst Drive. The church owns two buffer lots in the Lake Forest subdivision, which provide screening between the back of the church property and Springfield Road.

Proposed Development

The proposed application is for approval to continue an existing program which utilizes the above-referenced temporary structures as living quarters similar to college dormitories. Unaware of a zoning issue, the church has undertaken this program, which has now been operating for five years. At this point the leadership is addressing the possibility of constructing permanent to replace, or at least supplement, the existing temporary buildings.

The reason for this application is a church ministry that is known as “The Master’s Commission”,

following a model that has been used by certain other churches of this denomination. This ministry addresses the needs of talented youth aged 18-21 who find themselves unmotivated, or at least uncommitted, to any positive career path. For a small group of youth --- 28 is the current maximum --- this ministry provides for a program lasting as long as three years, whereby they learn good habits, discipline and work skills that should be beneficial to the careers. However the underlying objective is to take the youth through a program to discern whether they have a calling to a church ministry and to facilitate that career choice. To maintain an appropriately supportive environment, the students live in on-site housing and are supervised by two program assistants who live with the students.

More information about the program may be found in Exhibit 1A in documents provided by the pastor who has developed this program and oversees it closely. The Master's Commission uses space in other parts of the church campus for offices, classrooms, and for cooking and serving meals.

The Vicinity and the Neighborhood

The subject property is in a non-residential area with relatively low-intensity uses. To the southeast, is located a funeral home, which shares parking with the subject property. Beyond this is another church. To the north, a bank branch has direct frontage on Austin Peay and a restaurant is located to the rear on a flag lot. Farther north is a US Postal Service facility and a credit union facility. The most intense use in the area is a fast food restaurant located immediately across Austin Peay Highway, with an office buildings and a strip center for specialty shops located farther south.

Immediately to the rear of the subject property are single-family residences. Due to the street pattern, pedestrian and vehicular traffic between these residences and the subject property would have to follow a circuitous, somewhat lengthy path. Residences east of Austin Peay Highway on Joslyn Drive and Arsenal Drive are even more remote, and have the additional barrier of the heavily traveled major road with six lanes and a median.

Planning Issues

The Master's Commission residential program, as described above, goes beyond what would be considered a recognized ancillary use for a church. Our staff considers it to fall in the category of a Group Shelter, which would require a special use permit, located as it is currently, and as proposed, in the R-S10 portion of the church campus. Unlike certain other uses, the zoning ordinance specifies no particular standards for group shelter use other than the general standards that apply to all special use permits.¹

¹ The General Standards of Applicability are as follows:

- A. 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;
- B. 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;

Conclusions

This proposed group shelter use is similar in some respects to a monastery or convent and in other ways to the residential facilities at a boarding school at the junior college level. The 9-acre church campus has sufficient area to accommodate this use and the low intensity commercial and institutional uses nearby should not be adversely affected. Any impact on nearby residential neighborhoods should be minimal.

Design Criteria

A conceptual site plan was submitted for construction of a future building to house this program. However, the design of this project has not proceeded very far, and the site plan does not provide enough detail to adequately assess the construction proposal and its impact on the rest of the property.

OPD staff is willing to recommend approval of a special use for continuation of the current Group Shelter use as it currently exists in temporary quarters, provided that a any approval for construction of a permanent facility awaits the completion of a detailed site plan for the entire nine acres, with a specification of all use areas, the number of parking spaces, the current setbacks and landscaping elements and other details as required by ordinance.

In this situation the completed site plan could be submitted for approval by the Land Use Control Board as a correspondence item, with the right to appeal their decision to the City Council on behalf of either the applicant or any opponents.

The OPD Staff recommendation for final site plan approval would include a requirement for complete landscaping of the entire site with the standard landscape plates, as required by the zoning ordinance, subject to review and approval by the OPD staff. In addition staff proposes that an ample rear yard setback be established to provide adequate buffering from this atypical use.

RECOMMENDATION: Approval, with Conditions

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- C. 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;
 - D. 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;
 - E. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

PROPOSED SITE PLAN CONDITIONS GROUP SHELTER USE AT RALEIGH ASSEMBLY OF GOD

A Special Use Permit is hereby approved to allow Group Shelter use of the property located at 3683 Austin Peay Highway (*Instruments # K9 6755 and # K9 6754, Shelby County Assessor*) in accordance with the approved site plan and the following supplemental conditions:

1. The proposed Group Shelter Use shall be limited to the operation of training and educational program for youth between the ages of 17 and 22, similar in character to the Master's Commission model as described in documents to be attached hereto.
2. The maximum number of participants to be housed on site in temporary quarters (i.e. mobile homes and modular buildings) shall not exceed 26.
3. A maximum of 50 participants will be allowed, if housed exclusively in permanent buildings.
4. No construction of permanent residential quarters shall proceed prior to the approval of detailed site plan by the Land Use Control Board with notices to be sent to all adjoining property owners and the right of appeal to the City Council by the applicant or opponents.
5. In any site plan submitted for approval by the Land Use Control:
 - a. The entire 9-acre church site shall be included.
 - b. The minimum rear-yard setbacks shall be 50 feet.
 - c. Standard landscape plates as established by the zoning regulations, or equivalent alternatives subject to approval by OPD, shall be incorporated in any site plan
 - d. Parking and signage shall be specified subject to review based on the current zoning standards.

GENERAL INFORMATION

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|-------------------------|--|
| Coordinates: | 35° 13' 36"N, 89° 54' 19"W |
| Parcel Number: | 086021 00002, -33, -34 |
| Street Address: | 3683 Austin Peay Highway, 38128 |
| Street Frontage: | Austin Peay Highway: 493 feet on this 6-lane major road with median (180' ROW). |

| | |
|---------------------------|---|
| Planning District: | Raleigh |
| Census Tract: | 205.30 |
| Annexation Status: | Annexed in December 31, 1972 |
| Zoning Atlas Page: | 1740 |
| Zoning History: | 1961 – Single Family Dwelling “R-1” District under County zoning 1976 – Partially rezoned to Shopping Center “SC-1” District (Case # Z-2880) 1981 – Zoning district converted to Single Family Dwelling (RS-10) and Planned Commercial (C-P) Districts under current zoning ordinance. |

DEPARTMENTAL COMMENTS

City Engineer:

1. Any future building will require connection to the sewer.

Memphis Light, Gas and Water:

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

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- 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.
- **Landscaping prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- 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).
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - MLGW Engineering - **Residential Development:** 528.4858
 - MLGW Engineering - **Commercial Development:** 367.3343
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

OPD-Regional Services:

1. This application was reviewed by the MPO staff/Department of Regional Services on August 20, 2007. Austin Peay Highway between Yale Road and Singleton Parkway is an existing seven lane thoroughfare with no proposed improvements.

OPD-Plans Development:

1. The applicant proposes a Special Use Permit (SUP) to allow a Group Home use in this location. The parcel is zoned RS-10, which allows a SUP in the event that the applicant receives legislative approval. This preliminary SUP application should be approved because the RS-10 zone allows for a Group Home, the site had adequate accessibility and the structure in which the services will be held is oriented toward major thoroughfare (Austin Peay Highway). The applicant, however, did not specify how many individuals will be housed at the site. It is recommended that the individuals housed at the site be kept to a minimal number to avoid any safety concerns.

City/County Health Department:

The Water Quality Branch has no comments.

Bell South:

No comments.

City Board of Education:

This case has no impact on Memphis City Schools.

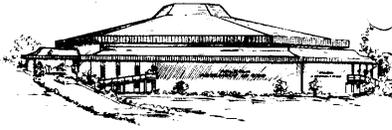
**Construction Code Enforcement:
City Fire Division:**

1. All exterior portions of structures shall be within 500' hose from a public or on-site (private) fire hydrant accessible to fire apparatus.

**Memphis Area Transit Authority (MATA):
Neighborhood Associations:**

**Raleigh Community Council
Springhill CA
Sunset Trace NA**

No comments received
No comments received
No comments received



RALEIGH ASSEMBLY OF GOD
Rev. Ron Woods, Senior Pastor

July 31, 2007

To Whom It May Concern,

We are making application for approval for a Special Use/Variance Permit. We are asking permission to house people at the above location on a temporary basis for the purpose of training them in life skills and what it means to be a disciple of Christ. We will use current buildings on site for the near term and are planning a new building for the future. We believe our training will enhance the community of Raleigh by training men and women to be responsible and productive citizens.

We are looking forward to your approval and will be available to answer any of your questions.

Regards,

Don Hardy
Master's Commission, Pastor

Phone: (901) 386-5055 Fax: (901) 377-9226

P.O. Box 280536 ♦ 3683 Austin Peay Highway ♦ Memphis, Tennessee 38128
www.raleighassembly.com

EXHIBIT A-1: LETTER OF INTENT

WHAT IS MASTER'S COMMISSION?

“GO INTO ALL THE WORLD AND MAKE DISCIPLES”...just that – a program to make disciples. It's Not a Bible school, Theological Seminary or an Evangelistic outreach program, nor is it designed to replace any of these, nor are we opposed to them. (Some of our trainees attend Master's Commission before or after attending a School of learning.) Master's Commission is a hands on training ground that provides a balanced growth environment to develop and equip the whole person. A balanced combination of Bible study, correspondence studies, personal discipleship and evangelism help to make this an effective ministry training program; a program which can be beneficial to the home church and the entire body of Christ.

Technically defined, Master's is a discipleship training ground, balanced with evangelism training to develop and equip the whole person. If one were to practically define Master's, it would be one word – RESULTS – changes taking place in people's lives. Yes, changes!

Young people are tired of being challenged...they want to change!

The first area of change is RELATIONSHIPS.

Master's Commission directs the student into right relationships. Strong, healthy relationships do not come naturally. They must be taught and developed. Three important aspects of relationships in Master's are:

- A. The student needs a right relationship with **God**. Phil. 1:1 says, *“Paul and Timothy, servants of Jesus Christ...”* Throughout the New Testament, the early church leaders and disciples of Christ understood very well, a right relationship with God was evident in our servant hood. We are here to serve Him! Giving up our life to Jesus is to become His servant. That is our true relationship to God. During the session we strive to let Jesus be, Lord of All.
- B. The student needs a right relationship with **others**. They learn how to relate to others by praying together, sharing their lives with each other and ministering the Word of God to one another. Through this, a team concept is formed and they learn to trust one another. The trainee goes one step further than just loving one another for God's kingdom.
- C. The students need a right relationship with **themselves**. By learning how to relate to God and others, the disciple develops healthy attitudes toward themselves. These changes are evidenced in lives transformed from selfishness to selflessness. Right relationships are a beginning of spiritual development and understanding.

The second area of change is learning RESPONSIBILITY.

The student is taught by example and the lifestyle placed on them as to how they are expected to fulfill responsibilities as a follower of Christ. Listed below are five areas of responsibility:

- A. To God, by commitment and obedience to the Lord.
- B. To the Word, taught by Bible study, Bible reading and scripture memory.
- C. To prayer, by learning how to talk to the Lord and develop a greater love and understanding of God and realize He is their source.
- D. To people, lost, needy, forgotten and sick. Every type of person needing the love, power and forgiveness of Christ.
- E. To the Church. The Bride of Jesus Christ. You don't really love Jesus if you don't love His Bride.

The third area of change is experiencing God's RESULTS in the disciples' lives.

The student gets a first-hand look as God changes lives through anointed ministries. They see sinners changed to saints, diseased people healed, hurting people touched by the Spirit of God. Results do not depend on man's ability, but come from God.

According to Dr. Billy Graham's statistics, 85% of all Christians have accepted the Lord as their Savior before 18 years old. Before the age of 25, life's most major decisions are made in career, marriage and what our belief in God will be. Young people, during this time of decision making, need an environment and atmosphere filled with the presence of God. They also must see needs and be actively involved in meeting those needs in the name of Jesus.

Master's Commission helps young people during the most decisive time of their lives to form strong relationships, learn responsibility and see God move in people's hearts and lives. As a result, these young people find purpose and direction from God. The purpose and on going result of Master's is for the student to receive direction from God for their life.

[*Ed. Note: Additional information available at Master's Commission International Network web site: <http://www.mcin.org/> and local affiliate web site: <http://www.memphismasterscommission.com> .]*

To: Dave Adams, OPD Staff Planner

From: Jim Wilkinson [jmwilkin@bellsouth.net]

Sent: Wed 9/12/2007 11:37 PM

Re: OPPOSITION to approval of S.U.P. 07-217

I spoke with you on Monday of this week regarding the application for a Special Use Permit (**SUP Case Number S.U.P. 07-217**) being made by Raleigh Assembly of God. I requested and received today the staff report issued by your office. After thorough review of the report, I have concluded that I do not agree with approval of this application, and correspondingly want to register my **opposition as a resident** of the residential area surrounding the property in question.

While I do not question the integrity or the purpose of this particular program, I do not think this type of program should be physically housed in or near a residential area. Based upon the "General Standards of Applicability" as outlined in your department's report, I believe the continued and expanded operation of this program would adversely affect "the character of the neighborhood" and would not be "compatible with the immediate vicinity". If the church wishes to continue this program, I believe it should be located elsewhere in an area not closely populated by private single family residences.

I request that you include my opposition to this case at the public hearing to be held Thursday, September 13, 2007, at 1:00 PM in the City Hall Council Chambers. Also, I request that your office notify me of the outcome of that meeting since I will be unable to be there in person. Thank you for your time spent in hearing and processing my concerns.

Sincerely,

James M. Wilkinson
3661 Lakehurst Drive
Memphis, TN 38128-3741

EXHIBIT B-1: E-MAIL IN OPPOSITION