

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**ADDENDUM TO MARCH 13 STAFF REPORT #11**

**CASE NUMBER:** P.D. 07-334 **L.U.C.B. MEETING:** June 12, 2008

**DEVELOPMENT NAME:** Evergreen Senior Living Planned Development

**LOCATION:** North of Vollintine Ave., east of Evergreen St., and west of Hawthorne St.

**OWNER OF RECORD/APPLICANT** Church of God in Christ

**REPRESENTATIVES:** Vanecia Belser Kimbrow, Esq. & Charles Goforth, *Barge, Waggoner, Sumner & Cannon*

**REQUEST:** Residential Home for the Aged (Independent living in age-restricted apartments – # of **beds: 117**, (amended from 167 beds in 128 occupancies: 128;

**AREA:** 2.81 acre site on a 12.38 acre lot

**EXISTING LAND USE & ZONING:** A church in the Single-Family Residential (RS-6) District.

**SURROUNDING USES AND ZONING:**

- North:** Single family residences and duplexes of the Vollintine Hills Subdivision (*PB 11, pg. 70*) in the RS-6 District
- East:** Across Hawthorne Street, single family residences of the Vollintine Hills Subdivision in the RS-6 District
- South:** Across Vollintine Avenue, single family residences of the Terry's Colonial Place Subdivision (*PB 9, pg. 45*) in the RS-6 District
- West:** Across Evergreen Street, the Vollintine Elementary School in the RS-6 District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**  
Approval, with Conditions

**SUMMARY OF CONCLUSIONS:**

- 1. While new, infill homes are desirable in this community, it is paramount that the design is compatible with the historic character of this established neighborhood.**
- 2. The latest site plan has, to a large extent, successfully addressed the key concerns raised in the previous report which was based the February, 2008 version of the plan.**
- 3. A remaining issue, important to the neighborhood, is continuation of quality maintenance. An appropriate requirement triggered by a change of ownership is included in the conditions to address this concern.**



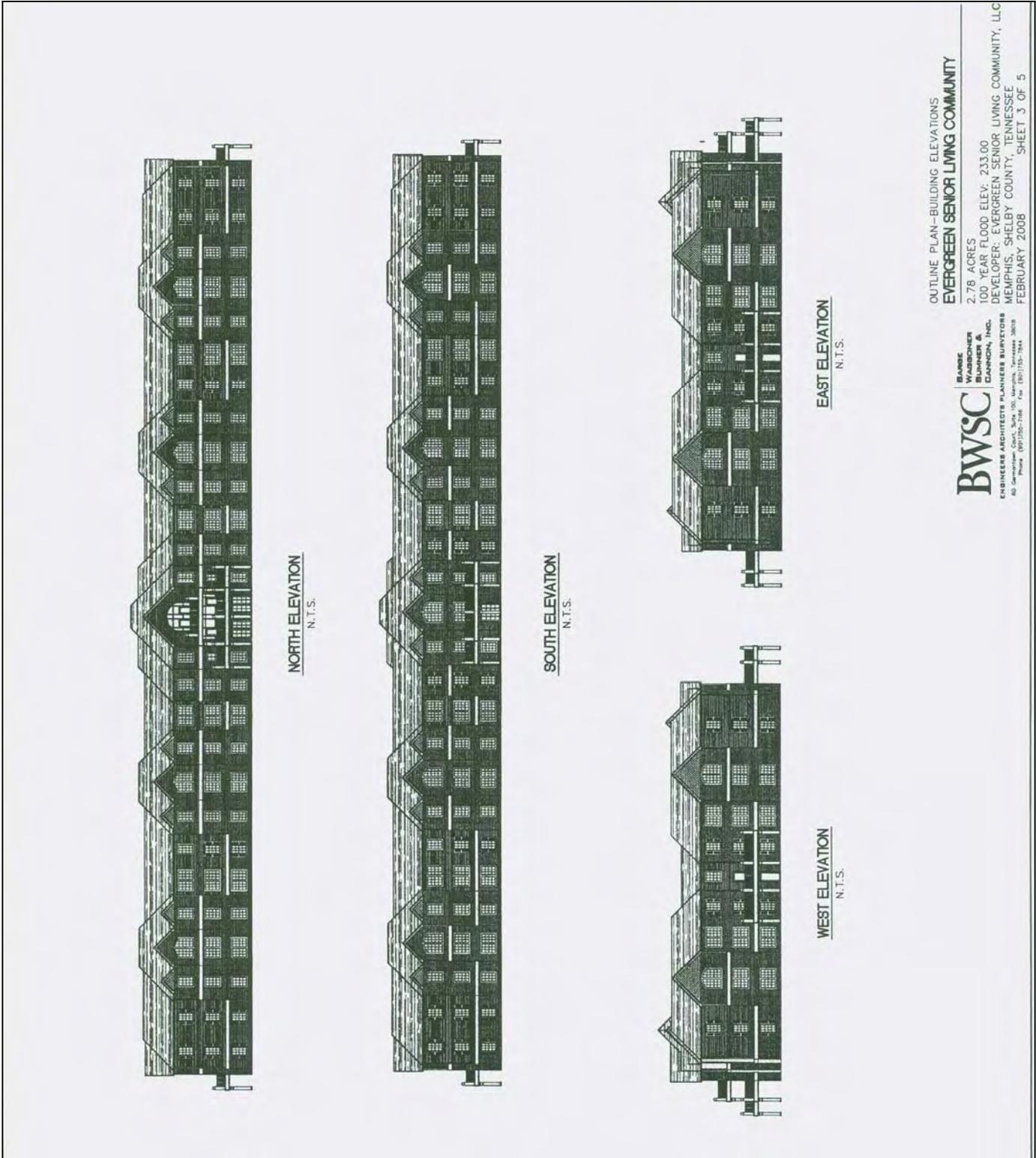


Figure 2: Proposed Building Elevations  
as Proposed in February, 2008





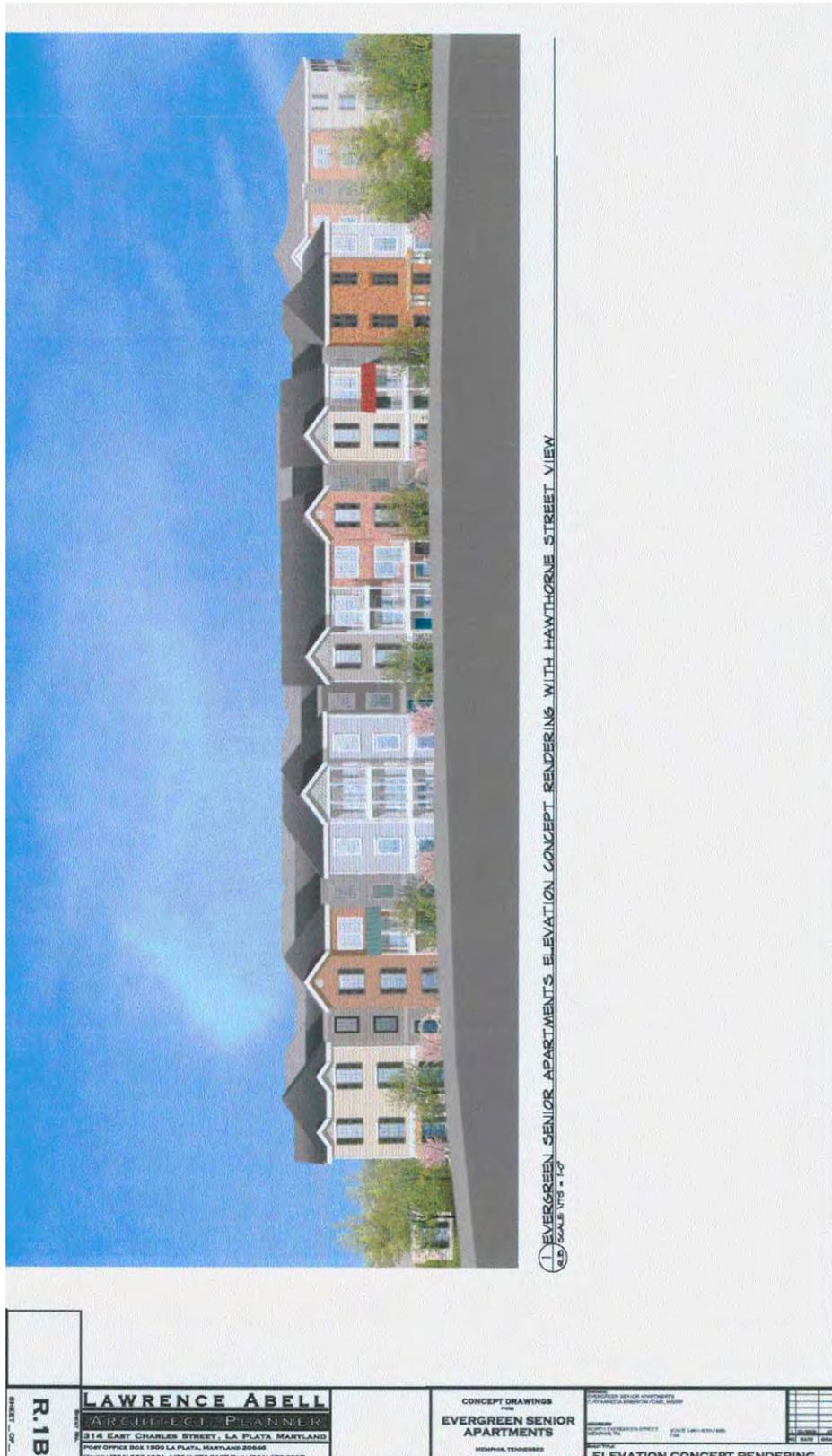


Figure 4: West Elevation as Revised - May, 2008  
(View from Hawthorne Street)  
CURRENT PROPOSAL



Figure 5: South Elevation as Revised - May, 2008  
(View from church parking lot)  
CURRENT PROPOSAL

## **STAFF ANALYSIS**

### The Vicinity and the Neighborhood [revised from March 1 staff report]

The subject property is in the heart of the Vollintine-Evergreen neighborhood, an area of moderately priced generally well-maintained residences, mostly 50 – 80 years in age. The construction of the Baron Hirsch synagogue at this site spurred construction of some the newer residences in the area, including the Vollintine Hills subdivision, situated immediately to the north and east of this site. Having been built in the post World War II era, the houses in this area are relatively upscale in size and value in comparison to the rest of the neighborhood. Vollintine Hills has recently joined nearby Vollintine-Evergreen areas on the National Register of Historic Places.

Over the past few decades, this neighborhood has been a relatively stable one; but it is located not far from neighborhoods where issues of blight and crime are much more substantial. It is not a “fragile” neighborhood, per se, but is one that should be closely watched and aggressively maintained.

### The Proposed Development

The applicant has proposed a “residential home for the aged”. As the proposal has been revised it would provide housing for housing for 117 elderly residents, in comparison with 167 in the February plan. . The building elevations above in Figure 6 appear show a three-story brick building. In the applicant’s draft of the outline plan conditions, the building height limitation was indicated as 40 feet.

The current proposal represents a 25 percent reduction in height from the design originally submitted. The applicant also states that this would be 29 percent reduction in occupancy units to 128 from the 180 units in the original plan. These modifications were requested by the applicants after meetings with neighborhood representatives.

### Design Issues:

In its previous recommendation for rejection, OPD Staff raised certain concerns. These concerns are revisited below as they relate to the revised May, 2008 plan

- **The building orientation, scale and setbacks are out of character with the neighborhood, and particularly with the historic subdivision to the east.**
  - In the revised plan the housing facility consists of two separate buildings, one of them V-shaped, so as to face the street frontage and the church parking lot. Along Hawthorne and Evergreen the building façades have been articulated in order to give the impression of several smaller building modules connected by covered walkways. Additional articulation of the facades, as well as their orientation along the 30-foot setback line provide a more interesting and neighborhood-friendly appearance.
- **The standard parking requirement for this type of housing, with 166 beds, would require 110 spaces, but only 84 are shown.**
  - The number of beds has been reduced to 117, meeting the parking standard, while accommodating a reduction in parking spaces from 84 to 78.

- **The main entrance to the facility for elderly residents is right on the main drive aisle, which may create hazardous situations for elderly residents, particularly if their mobility is limited.**
  - A revised parking and circulation layout appears to have reduced the importance of this issue.
- **The design says nothing about kitchen / dining facilities, which are typical in high-quality senior housing facilities. No provision is shown for separate loading facilities for a kitchen or for any other bulk supplies.**
  - Apparently the business and marketing plan are not going to include congregate meal service. Technically this omission means that the definition of “Residential Home for the Aged” would not be met with this proposal. However, that is not a barrier to approval under the Planned Development process.
- **It appears that no provision has been made for handling of solid waste. No dumpster compound or access way has been designated.**
  - Staff had overlooked the facility drawn (but not labeled) at the extreme northern end of the site in the February, 2008 plan. The revised plan adjusts the location in a way that will tend to reduce the impact on surrounding properties.
- One neighborhood resident has expressed concern about elderly living complexes that are gradually transformed into a mixed-age population including even children, by permitting family members or young “care givers” to share living quarters with the elderly residents. Some conditions have been drafted as amendment to the applicant’s proposal to address these concerns.
  - Subcategory I.C in the outline plan conditions was put forward in the original March 13 staff report.

A remaining issue, that is important to the neighborhood, is continuation of quality maintenance. For that reason, staff proposes an additional condition to require a public hearing by the Land Use Control Board if ownership is assumed by another entity. (The current owner is the Church of God in Christ.) Such transfer could trigger a sunset clause that would require reapproval to continue operations (allowing a reasonable period for compliance.) Following the public hearing any action of the Land Use Control Board with regard to the reapproval issue, according to the proposed condition, could be appealed by proponents or opponents to the City Council for a final decision.

### **RECOMMENDATION: Approval, with Conditions**

### **DEPARTMENTAL COMMENTS ON REVISED PLAN - City Engineer**

The conditions can remain as is with one addition: “Access to Hawthorne Street via private drive or driveway is prohibited. Convey right of access to City of Memphis.”



**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT** **#11**

**CASE NUMBER:** P.D. 07-334 **L.U.C.B. MEETING:** March 13, 2008

**DEVELOPMENT NAME:** Evergreen Senior Living Planned Development

**LOCATION:** North of Vollintine Ave., east of Evergreen St., and west of Hawthorne St.

**OWNER OF RECORD/APPLICANT** Church of God in Christ

**REPRESENTATIVES:** Vanecia Belser Kimbrow, Esq. & Charles Goforth, *Barge, Waggoner, Sumner & Cannon*

**REQUEST:** Residential Home for the Aged (Independent living in age-restricted apartments – **occupancies: 128**; [amended from 180])

**AREA:** 2.78 acre site on a 12.38 acre lot

**EXISTING LAND USE & ZONING:** A church in the Single-Family Residential (RS-6) District.

**SURROUNDING USES AND ZONING:**

**North:** Single family residences and duplexes of the Vollintine Hills Subdivision (*PB 11, pg. 70*) in the RS-6 District

**East:** Across Hawthorne Street, single family residences of the Vollintine Hills Subdivision in the RS-6 District

**South:** Across Vollintine Avenue, single family residences of the Terry's Colonial Place Subdivision (*PB 9, pg. 45*) in the RS-6 District

**West:** Across Evergreen Street, the Vollintine Elementary School in the RS-6 District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**  
Rejection

**Staff Planner:** Mary Baker

**E-mail Address:** [mary.baker@memphistn.gov](mailto:mary.baker@memphistn.gov)

***SUMMARY OF CONCLUSIONS***

- 1.*** While new, infill homes are desirable in this community, it is paramount that the design is compatible with the historic character of this established neighborhood.
- 2.*** The current site plan does not properly address the street, is too large in scale and features a parking lot in the front yard which is not a desirable model for the neighborhood.
- 3.*** This proposed infill cannot be supported with the design that has been presented.



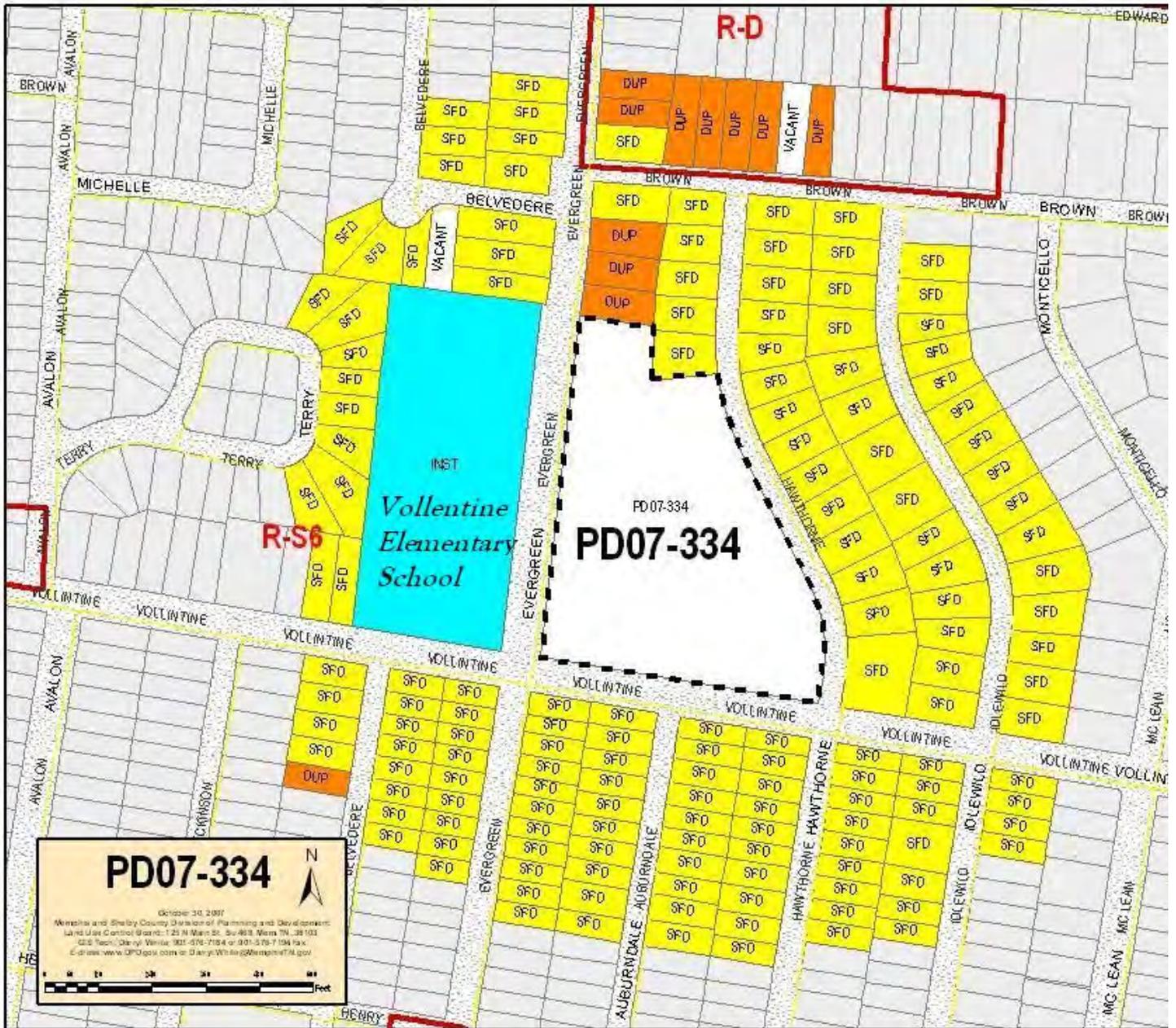


Figure 2: Land Use and Zoning in the Vicinity



Figure 3: Overhead View of Site



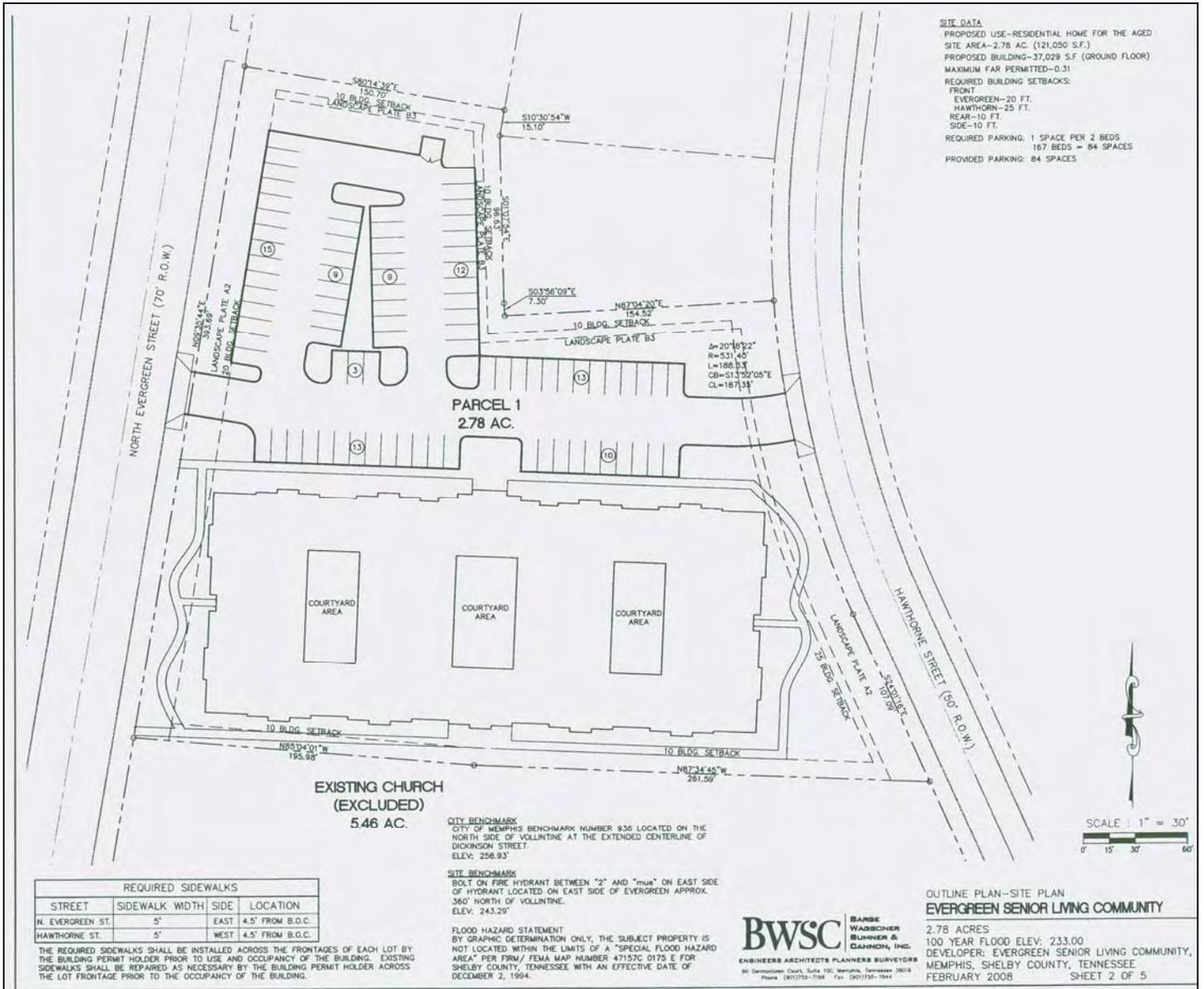


Figure 5: Proposed Outline Plan –Detail  
[Revised February 20]

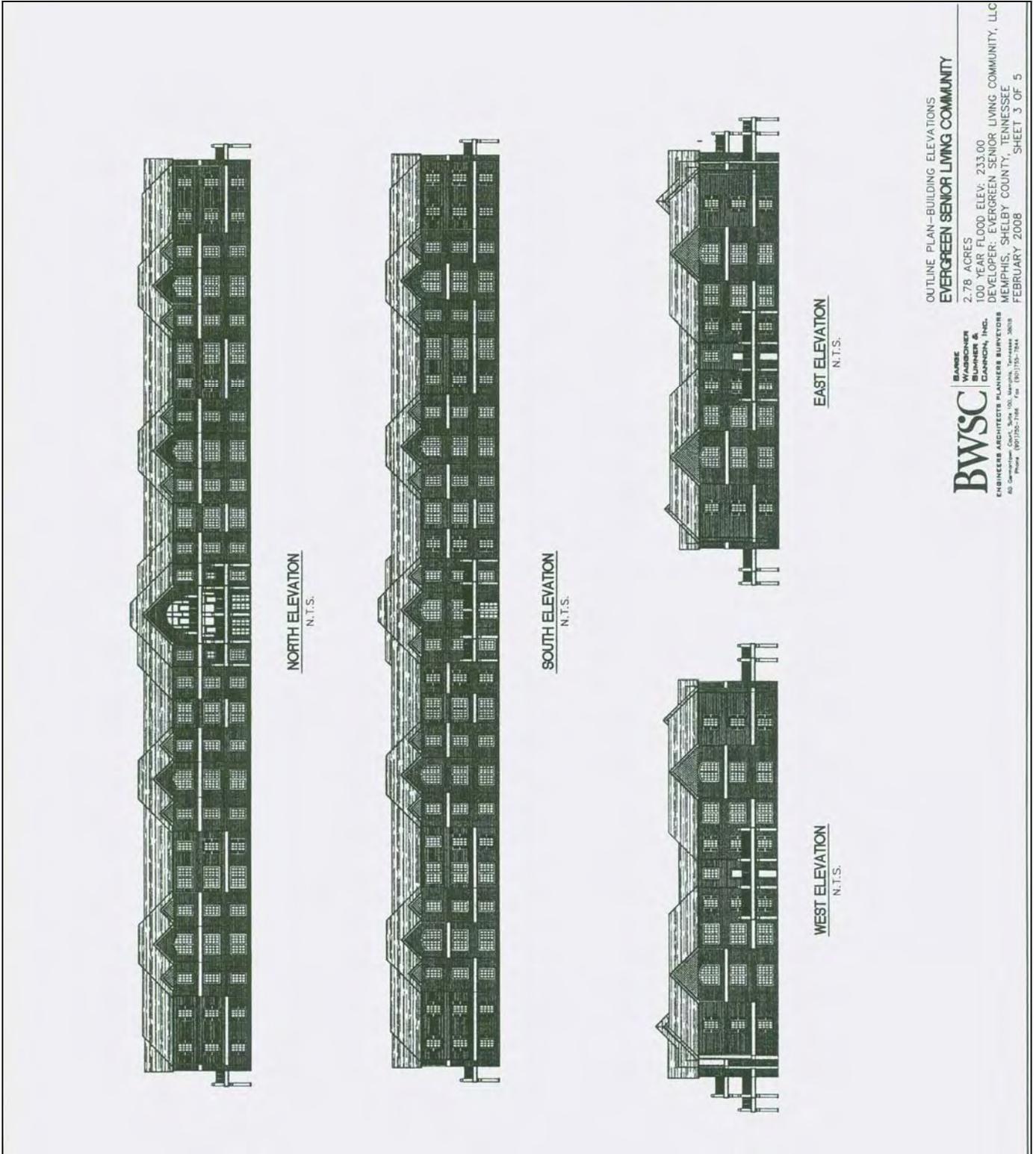


Figure 6: Proposed Building Elevations  
[Revised February 20]



**Figure 7: This church building at 1740 Vollintine Avenue occupies the subject property and will continue to occupy 2/3 of this tract of land.**



**Figure 8: The main entrance to the church is from the parking lot on the north side as seen here from Hawthorne Street.**



**Figure 9: This secured parking compound marks the south end of the proposed elderly housing development. Note that the site is a few feet below the street level.**



**Figure 10: View from Hawthorne Avenue to the northwest looking across the development**



**Figure 11: Typical house in Vollintine Hills.  
Residence at 994 N Hawthorne, overlooking the proposed development.**



**Figure 12: Southern elevation of house at 1017 Hawthorne,  
bordering the site of the proposed development.**



**Figure 13: Duplex at 1024 N Evergreen, bordering the subject property**



**Figure 14: Vollintine (sic) Elementary School borders the west side of Evergreen Street across from the subject property.**

## **STAFF ANALYSIS**

### Site Characteristics

The 8.24 acre subject property is located at corner of two arterial streets --- Evergreen Street which borders the west side of the site and Vollintine Avenue which borders the south side. Evergreen is a minor arterial that provides a north-south connection through Midtown Memphis, connecting Chelsea Avenue (a major North Memphis arterial) with Jackson Avenue, North Parkway, Poplar Avenue and --- via a segment of Belvidere Boulevard --- with Central Avenue. Vollintine Avenue provides an east-west connect through the Vollintine-Evergreen and Klondike neighborhoods from Springdale Street across North Watkins Street and Breedlove to a terminus at Ayers Streets just south of Chelsea Avenue.--- at the edge of the Uptown neighborhood. The east side of the subject is bordered by Hawthorne Street, a local street that extends southward for one long block from Brown Avenue to Vollintine through the Vollintine Hills residential subdivision. South of Vollintine, Hawthorne continues as a local residential street through Terry's Colonial Place subdivision to Jackson Avenue.

The site contains a landmark building formerly occupied by the Baron Hirsch Synagogue and now used by the Church of God in Christ. Functions include church offices and church services. However, there is apparently no congregation meeting here for services on a weekly basis. The proposed development would focus on the vacant portion of this tract of land --- an irregularly shaped area consisting of 2.78 acres between Evergreen and Hawthorne Street, identified as Parcel 1 in the proposed Outline Plan. At the south end it extends 450 deep in an easterly-westerly direction as measured perpendicular to Evergreen. Measuring in a northerly-southerly direction, the frontage along North Evergreen is about 392 feet, but there is only a clearance of about 250 feet between the southern property line and the southwest corner of the adjoining single-family residential lot on Hawthorne Street.

This property generally consists of an open area maintained in grass with a scattering of trees. The center of the property is low --- roughly 10 feet below the grade of the Hawthorne right of way and 5 feet below the grade of Evergreen Avenue.

### The Vicinity and the Neighborhood

The subject property is in the heart of the Vollintine-Evergreen community, an area of moderately priced generally well-maintained residences, mostly 50 – 80 years in age. The construction of the Baron Hirsch synagogue at this site spurred construction of some the newer residences in the area, including the Vollintine Hills subdivision, situated immediately to the north and east of this site. Having been built in the post World War II era, the houses in this area are relatively upscale in size and value in comparison to the rest of the neighborhood.

In addition to the church building, the Vollintine Elementary School provides a major institutional presence from its site on the northwest corner of Vollintine Street and Evergreen just across the street to the west of the subject property.

Over the past few decades, this neighborhood has been a relatively stable one; but it is located not far from neighborhoods where issues of blight and crime are much more substantial. It is not a “fragile” neighborhood, per se, but is one that should be closely watched and aggressively maintained.

### The Proposed Development

The applicant has proposed a “residential home for the aged”, which would provide housing for 128 elderly building occupancy units, including 90 one-bedroom units and 38 two-bedroom units. If all bedrooms were occupied by one individual, the total number of residents would be 166. The building elevations above in Figure 6 appear show a three-story brick building. In the applicant’s draft of the outline plan conditions, the building height limitation was indicated as 40 feet.

The current proposal represents a 25 percent reduction in height from the design originally submitted. The applicant also states that this would be 29 percent reduction in occupancy units to 128 from the 180 units in the original plan. These modifications were requested by the applicants after meetings with neighborhood representatives.

The proposed building extends about 315 feet in an east-west direction with a 25-foot front yard setback on the Hawthorne side (east) and a 20-foot front-yard setback on the Evergreen side (west). Comparable setbacks are as follows. On Hawthorne the proposed 25-foot setback for senior living center compares approximate 35-foot setbacks in the Vollintine Hills subdivision. On Evergreen, residences to the north also have about a 35-ft setback and on the grounds of the existing church/office building some screened mechanical equipment has a setback of about of 45-feet from the Evergreen right-of-way, while the main bulk of the building has a setback of about 155 feet. On the opposite of Evergreen, the setback of the school on the west side is about 90 feet.

The layout of the building puts it just 10 feet from the property line; however the adjoining use is the parking lot for the church/office building. Parking would occupy most of the northern end of the site, the plan provides for 84 spaces for the proposed development

The proposed landscaping would feature the standard A-2 plate providing trees and evergreen shrubs along the street frontage. The applicant is proposing to landscape the northern edge adjacent to the existing residences with a B-4 plate that features a 15-foot strip with a sight-proof fence along the property line and two offset rows of evergreen trees. (However the outline plan drawing shows a B-3 plate, which would have a chain link fence, with an extra row of evergreen shrubs..)

#### Design Issues:

- The building orientation, scale and setbacks are out of character with the neighborhood, and particularly with the historic subdivision to the east.
- The standard parking requirement for this type of housing, with 166 beds, would require 110 spaces, but only 84 are shown.
- The main entrance to the facility for elderly residents is right on the main drive aisle, which may create hazardous situations for elderly residents, particularly if their mobility is limited.
- The design says nothing about kitchen / dining facilities, which are typical in high-quality senior housing facilities. No provision is shown for separate loading facilities for a kitchen or for any other bulk supplies.
- It appears that no provision has been made for handling of solid waste. No dumpster compound or access way has been designated.
- One neighborhood resident has expressed concern about elderly living complexes that are

gradually transformed into a mixed-age population including even children, by permitting family members or young “care givers” to share living quarters with the elderly residents. Some conditions have been drafted as amendment to the applicant’s proposal to address this concern.

### Conclusions

While new infill homes are desirable in this community, it is paramount that the design is compatible with the historic character of this established neighborhood. The current site plan does not properly address the street, is too large in scale and features a parking lot in the front yard. This proposed infill cannot be supported with the design that has been presented.

**RECOMMENDATION:** Rejection

## **OUTLINE PLAN CONDITIONS**

**As Submitted By the Applicant**

**With Subsequent Changes Recommended by OPD Staff**

- I USES PERMITTED: - Residential Home for the Aged, subject to the following conditions and limitations:**
- A This facility shall include a kitchen and congregate dining room and shall provide at least one meal per day.**
- B This facility shall make available appropriate space and personnel to perform on-site services and activities for residents of this facility, including hair care and grooming, age-appropriate exercise, games, social events, religious services and access to computer with internet capability, or other similar current information / communication technology of a similar character.**
- C Occupancy shall be limited persons of age 55 and above, provided that**
- 1 Residents may share their quarters with spouses no younger than the age of 50.**
  - 2 Licensed home care personnel may stay overnight in order to provide care for patients, but may under no circumstances make this their residence unless otherwise qualified to do so under these provision of section I. C.**
  - 3 Under no circumstances shall persons under 25 years of age be permitted spend the night in this facility.**
  - 4 Under no circumstances shall children under the age of 18 be admitted to the facility unless accompanied by an adult, under the age of 50, and such admission shall be solely for purposes of visiting a specific person currently in residence.**

## **II. BULK REGULATIONS**

**A. Minimum Lot Requirements:**

Area: 2.78 Acres  
Width: 300 feet

**B. Minimum Yard Requirements**

Front: Evergreen - 20 feet  
Hawthorne – 25 feet  
Side: 10 feet  
Rear: 10 feet.

C. Maximum Height: 3 Stories, 40 feet

D. Maximum Floor Area Ratio: 0.31

E. Units Permitted: 128  
90 – 1 bedroom  
38 - 2 Bedroom

### III. ACCESS AND CIRCULATION

A. The design and location of curb cuts shall be subject to the approval of the City Engineer.

### IV. LANDSCAPING

A. Internal landscaping shall be provided in an amount equivalent to five (5) percent of the area covered by buildings and pavement exclusive of streetscape or perimeter landscape.

B. All public street frontages shall be provided **and maintained** with Plate A-2 or equivalent.

C. Along the adjacent property lines Plate B-4 shall be provided **and maintained.**

D. Alternative landscaping may be substituted for that required above, subject to the review and approval of the Office of Planning and Development.

E. Landscaping shall not conflict with any easements.

F. Lighting shall be directed so as to not glare onto residential property.

G. Refuse containers shall be completely screened from view from public roadway and adjacent property.

H. Existing trees shall be preserved wherever feasible.

### V. SIGNS

A. Two ground-mounted signs shall be permitted along each project frontage specified as follows:

Evergreen St.: maximums of 6 ft in height and 25 sq. ft of sign area

**Hawthorne St: maximums of 4 ft. in height and 12 ft in sign area.**

B. Detached signs shall have a minimum setback of 15 feet from the street right-of-way.

- C. **Drawing of the signs shall be made a part of the site plan and subject to review by the Office of Planning and Development staff.**
- D. **No message boards, marquees digital displays shall be permitted.**
- E. **Changes in sign lettering or appearance shall be subject to a plan review and approval by the Land Use Control Board.**

#### VI. DRAINAGE

- A. Drainage and construction of the storm water conveyance and management facilities for this project shall be in accordance with the Subdivisions Regulations and the “City of Memphis Drainage Manual”
- B. All relevant data and plans for drainage and stormwater management shall be submitted to the City Engineer for review and approval.

VII. The Land Use Control Board may modify the building setback, building height, parking, landscaping and sign requirements if equivalent alternatives are presented.

#### VIII. SITE PLAN REVIEW

- A. A Site plan shall be submitted for the review, . Comment and recommendation of the Office of Planning and Development staff and appropriate City agencies prior to approval of any final plan
- B. The site plans shall include the following:
  - 1. The location of all existing and proposed public roadway on or adjacent to the property.
  - 2. The location, dimensions and floor area of all building, structures, and parking areas.
  - 3. The location and number of private drives and the general location of curb cuts and utility easements.
  - 4. The location of pedestrian systems.
  - 5. The location and use of open space.
  - 6. Internal and perimeter landscaping
  - 7. The location, diameter and species name of all trees and plants.
  - 8. The location and appearance of signage, as specified above in Section V.D
- C. The site plan shall be reviewed based on the following criteria:
  - 1. Conformance with the **Outline** Plan conditions
  - 2. Conformance to the standards and criteria for commercial planned developments

contained in Section 14.C, 14.D, 145.E, and 14.F of the Zoning Regulations.

XI. Any final plan shall include the following:

- A. The outline plan conditions,
- B. A standard subdivision contract as defined by the Subdivision Regulations,
- C. The exact location and dimension, including height of all buildings or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces,
- E. The location and ownership, whether public or private, of any easement,
- F. A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership purposes.
- G. The 100-year flood elevation
- H. **A tree survey of all trees, over 24 inches in diameter. Those trees to be removed and those to be preserved shall be indicated.**

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## GENERAL INFORMATION

**Parcel Number:** 041023 00010

**Coordinates:** 35° 09' 55"N, 90° 00' 00"W

**Approximate Address:** 992 N EVERGREEN STREET, 38107

**Street Frontage (Site):** **North Evergreen Street** – 395 feet of frontage on this major arterial street in a 70 ft. right of way with two traffic lanes, a center turn lane, and on-street parking.  
**Hawthorne Street** - 295 feet of frontage on this local street in a 50ft. right of way.

**Planning District:** North Memphis

**Census Tract:** 07

**Zoning Atlas Page:** 1930

**Annexation Date:** 1899

**Zoning History:** 1931 – Zoned as **Residential 'B'** under original City zoning ordinance.

- 1955** - Designated as **Two Family Dwelling “R-3”** in the 1955 zoning ordinance  
**1981** – Converted to **Duplex Residential (R-D)**, in the 1981 Ordinance.  
**1996** – Rezoned to **Single-Family Residential (RS-6)** in the VECA (Vollintine Evergreen Community Association) comprehensive rezoning initiative.
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## 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.
4. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').
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 connections to the sewer shall be at manholes only.

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

**City Fire Division:**

1. Interior courts have “exterior portions” of the building and shall be within 500’ hose lay of a fire hydrant accessible to fire apparatus.

**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 is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the [appropriate] 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. [Comments received March 7]

**City Board of Education:**

*No comment received yet.*

**Construction Code Enforcement:**

*No comments received.*

**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).
- **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.
  - Please 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](http://www.mlgw.com/images/water_manual.pdf)
- 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.

**Bell South:** No comments on this new development at this time.

**Memphis Area Transit Authority (MATA):** No comment received yet.

**OPD-Regional Services:** No comment received yet.

**OPD-Plans Development:** No comment received yet.

**Landmarks Commission:**

It is the position of Landmarks that although the PD for elder housing is a commendable idea this is not the best location for a massive building. This is a residential, 1 to 1 ½ story, neighborhood and the mass and height of the proposed building is out of scale for the area. The architects design a building that has modulation rather than flat plains for the façade and elevation which provides interest to the structure; however, this does not solve the major problem of the mass and scale of the proposed 320' long, three story structure. This is not a good location for this project and will have a detrimental effect on the Veca National Register District.

**Neighborhood Associations:**

**University Lane C.A.:** No comments received yet.  
**Hollywood-Hyde Park-Springdale NA:** No comment received yet.  
**Rhodes View NA:** No comment received yet.

***Vollintine Hills C.A.:***

As residents of the Vollintine Hills Neighborhood Association, and VECA we are writing to express our concerns about the proposed zoning change which would allow a PUD in our neighborhood. This would constitute a zoning change and therefore, hopefully will be treated as such. It should be processed through the Department of Planning and Development. The current proposed process would amount to an unrecognized zoning change. This would be a major change in the direction and future development in this neighborhood, potentially affecting home values, quality of life, and much more. In addition, it is vitally important that this and any other such proposal be viewed as zoning change. There are a number of questions being raised by some residences in the community. This is symptomatic of the numerous concerns which may be presented by the broad community should they be given the opportunity to be heard through the appropriate procedures.

It is our understanding that PUDs should not be used when the underlying zoning will be changed, a zone process should be used.

Please, give the Vollintine Hills Community the opportunity to be heard before any further action takes place on this important community issue. *[Response by Chuck Scruggs in November]*

***Vollintine Evergreen C.A.:***

I am writing this letter because I am concerned about the proposed Senior Housing project P.D. 07-334 to be located at Vollintine and Evergreen in the Vollintine Community.

This request is an inappropriate use of the PUD process and needs to be done at a Zone request change with full community participation allowed under the Zone Change process

Proposed is for a 150 unit four story apartment complex for seniors. The land is zoned single family. This request should be for a Zone Change Plan as opposed to a PUD request. This is a PUD request which overrides the zoning change request guidelines and can change the zoning to RMM-residential multi-family with no public hearings or input outside one Land Use Control meeting and one City Council meeting.

[Ed. Note: Author's annotation removed]

Concerns:

1. This should be a zone change as opposed to a PUD.
2. Not enough time for the community to consider and understand the request.
3. Changing the zoning on Vollintine to RMM could open the flood gate for future RMM development and change the residential nature of the area.
4. There are no four story buildings on Vollintine nor are there any multi family apartments units.
5. This project is out of scale and density for the area.
6. Is this subsidized housing?
7. Is this a nursing care facility?

8. Will this be a licensed facility?
9. Is this a business not just housing?
10. Why can this not go through a zone change and allow the community to be a part of this process?

The Planned Unit Development process is being overused and inappropriately used when really what needs to be considered is a zoning change

I request that this request go through the Zone change Planning process and not be allowed to use the PUD process. *[response by Mary Wilder in November]*

S.W. - MB -

60 BERMANTOWN COURT  
SUITE 100  
MEMPHIS, TENNESSEE 38018  
901 755 7166  
901 755 7844 FAX  
www.bargewaggoner.com



September 27, 2007  
Job No: 33651-01

Ms. Mary Baker  
Deputy Director  
Department of Planning, Land Use Control Section  
125 North Main Street, Room 468  
Memphis, TN 38103

**RE: Letter of Intent - Evergreen Senior Living Apartments Planned Development**

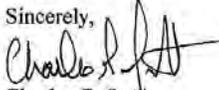
Dear Ms. Baker:

On behalf of the property owners, the Gethsemane Garden Church of God in Christ at 1740 Vollintine Ave., and the Evergreen Senior Living Community, we are pleased to submit this application for a Planned Development for the above referenced project. The project team is composed of Ms. Vanecia Belser Kimbrow, Attorney, who is the authorized agent for the project. The Architect is Lawrence Abell and Barge Waggoner Sumner and Cannon is pleased to assist in the development of the Planned Development and Civil Engineering.

Ms. Vanecia Kimbrow held a pre-application meeting with Ms. Denise Sharpe and discussed the various ways to obtain approval for this project. We have chosen to apply for a Planned Development and request a 180 bed Residential Home for the Aged as defined in the Zoning Ordinance. The building will be a four story structure with one and two bedroom apartments, each with kitchen facilities. The project will be located on the north end of the church site on a 2.78 acre portion of the 8.24 acre tract. This will leave 5.46 acres remaining for the Church. The site is bounded by the Church to the south, Evergreen School to the west, and single family residential to the north and single family residential across Hawthorne Street to the east. Screening is being provided between the site and the adjacent residential uses.

This project will provide housing for the elderly that is closely related to the Church and area shopping and community facilities. The design has been selected to minimize the impact to the surrounding residential uses to the east. A complete set of restrictions and conditions have been included to provide adequate control for the development.

We look forward to working with you on this project. Please contact myself or Mark Donley, ASLA at 901 755-7166 or [cagoforth@bwsc.net](mailto:cagoforth@bwsc.net) or [madonley@bwsc.net](mailto:madonley@bwsc.net) if you have any questions or require additional information.

Sincerely,  
  
Charles Goforth  
Vice President

60 GERMANTOWN COURT  
SUITE 100  
MEMPHIS, TENNESSEE 38018  
901 755 7166  
901 755 7844 FAX  
www.bargewagoner.com



February 19, 2008  
Job No: 33651-01

Mr. Dave Adams  
Principal Planner  
Department of Planning, Land Use Control Section  
125 North Main Street, Room 468  
Memphis, TN 38103

**RE: REVISED PLANS FOR EVERGREEN PD**

Dear Mr. Adams:

As you know, we submitted the Planned Development for Evergreen Senior Living Community and planned for it to be reviewed at the November LUCB meeting. The original schedule was delayed to allow time to have meetings with the neighborhood. We have held two separate meetings with the Neighborhood groups and are now prepared to proceed with the hearing at the LUCB.

We have made substantial changes to the original plan in response to the requests from the neighborhood. The size of the facility has been reduced from a four story to a three story building. In addition, the number of units has been reduced to 128 dwellings. Additional brick has been added to the elevations of the building. In addition, the owners are also acceptable of using stone that would match the existing church building if that is determined to be the preference.

We are enclosing six full-size copies of the Planned Development Outline Plan and a disk with copies of all of the sheets and a color rendering of the front and side of the building.

We look forward to working with you on this project. Please contact myself or Mark Donley, ASLA at (901)755-7166 or [cagoforth@bwsc.net](mailto:cagoforth@bwsc.net) or [madonley@bwsc.net](mailto:madonley@bwsc.net) if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Charles Goforth". The signature is stylized and includes a long horizontal flourish extending to the right.

Charles Goforth  
Vice President

Dear City Councilpersons,

As a resident of Vollentine Hill for 37 years, I strongly oppose the construction for a Senior Living Development in this community for various reasons:

- A.) Increased traffic flow during various affairs the church sponsors affects us now. They (church-members, guests) park in their parking lot and on both sides of Hawthorne Street which makes it hard for the house owners to come down their driveway in order to get out because Hawthorne is a narrow street and if the emergency vehicles have to come down the street when an affair is going on this will be chaotic. With this new division of houses planned for the church, traffic problems will continually affect us.
  
- B.) A construction of this sort will pose a threat to our district being removed from the Historic Register because the altering in structure of the surrounding will hinder the historic values already in place.
  
- C.) If the church does not get enough sponsors and begin losing money, they will eventually sell the property to other people who will more than likely govern it in a different way allowing different acceptance of renting and/or rules to those renting from them.
  
- D.) This construction could also cause our property taxes to increase because our tax assessor will think young adults live in the area and will be renting there. In this particular area the majority of us are senior citizens and fighting our own battles of having to pay the increasing property and state taxes as of now.

We urge our devoted public officials to think hard on this matter with a reasonable conscious and help vote against this injustice to this neighborhood and community. A better solution for all is to take the issue downtown and tear down those closed stores and vacant land and begin construction there. This will better enrich Memphis by helping restore life and beauty in those lost/vacant areas.

Thank-you,

Sammie (Sand) Elion  
994 Hawthorne

**EXHIBIT B-1 – LETTER IN OPPOSITION**  
**Received by email – March 6, 2008**

Dear City Councilpersons:

My husband and I have been residents of Vollentine Hills for 37 years. When we moved to this address it was a mainly Jewish community, with the Baron Hirsch Synagogue (now Gethsemane Gardens Church of God in Christ), an integral part of the community. Since Gethsemane's purchase of the synagogue, it has not functioned as a part of this community .

It has come to our attention that Gethsemane Gardens is in the process of seeking approval to erect a building comprised of 150 units for use as a residential home for the aged on a 2.78 acre lot adjacent to the church. This email is being sent to voice our strong opposition to such a building for many reasons, some of which are as follows:

- a. The area is zoned single family residential. Such a multi-family facility could set a precedence for other such buildings in our neighborhood.
- b. The number of residents who would inhabit this building would increase the population density to an unacceptable level.
- c. Vollentine Elementary School is located just west of this site and creates traffic conjection at certain times of day during the school year. The number of proposed residents (age 55 and over, along with their visitors), would further increase traffic congestion and create an even more dangerous situation. .
- d. Residents of Hawthore Street would be plagued with the constant flow of traffic, and the blocking of their driveways and their view. The proposed building would be situated on the west side of a considerable portion of Hawthorn with anexit and an entrance on that street..

There are many other areas of concern expressed by a number of residents at a meeting on February 6, 1008, such as garbage disposal, pests, rodents, etc. A Mr. Goforth and Pastor Briggs were in attendance at the meeting, but were not able to adequately answer most of our questions regarding square footage of the units, number of parking spaces, etc.

Your assistance and support in this regard would be greatly appreciated. We look forward to hearing from you.

Martha and Maynard Jordan  
1054 Monticello Drive  
Memphis, TN 38107  
725-7163

**EXHIBIT B-2 – LETTER IN OPPOSITION**  
**Received by email – March 3, 2008**