

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **13**

CASE NUMBER: P.D. 07-331
Companion Case **Z 07-118**

L.U.C.B. MEETING: July 10, 2008
Held from November 2007

DEVELOPMENT NAME: **Kirby Gate Northwest Planned Development**

LOCATION: East side of Quince Road; +60 feet north of Kirby Gate Boulevard

OWNER OF RECORD/APPLICANT: Wills & Wills L.P. **AREA:** 14.011 Acres

REPRESENTATIVE: Fisher & Arnold, Inc.

REQUEST: Reinstate P.D, formerly P.D. 97-353, to permit uses in the Townhouse Residential District and institutional uses such as a Assisted Living or a Nursing home. This request includes a specific plan for a Hospice Facility in Area A.

EXISTING LAND USE & ZONING: Single Family Residential Flood Plain (R-S10{FP} & Floodway (FW) Districts

SURROUNDING LAND USES AND ZONING:

North: A church in the Single Family Residential (R-S10 and R-S10 [FP]).

East and South: Vacant land in the Floodway (FW) and Single Family Residential Floodplain (R-S10[FP]) Districts.

West: A church and public recreation fields in the Single Family Residential (R-S10) and (R-S8) Districts

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL WITH CONDITIONS

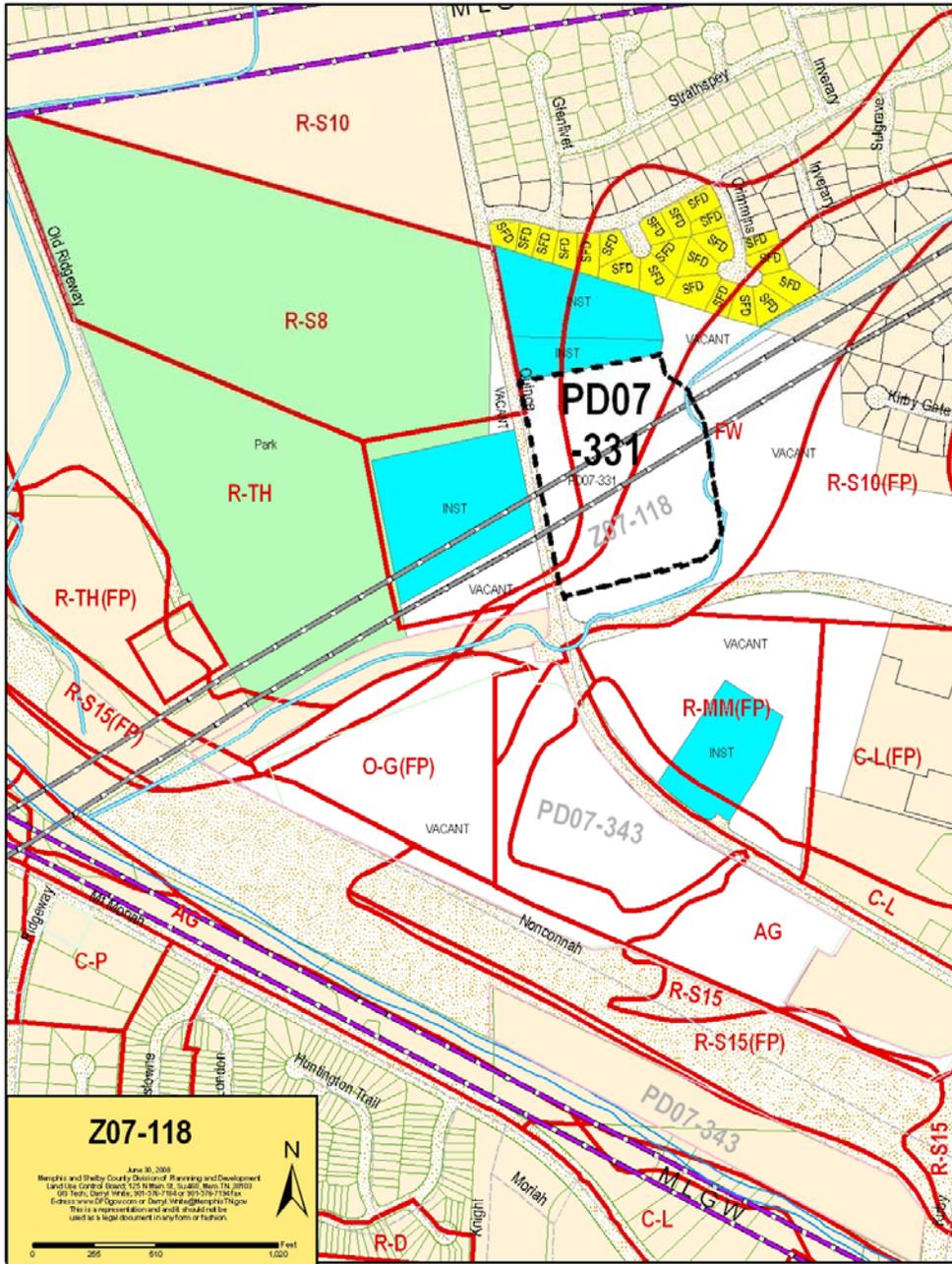
Staff: Don Jones

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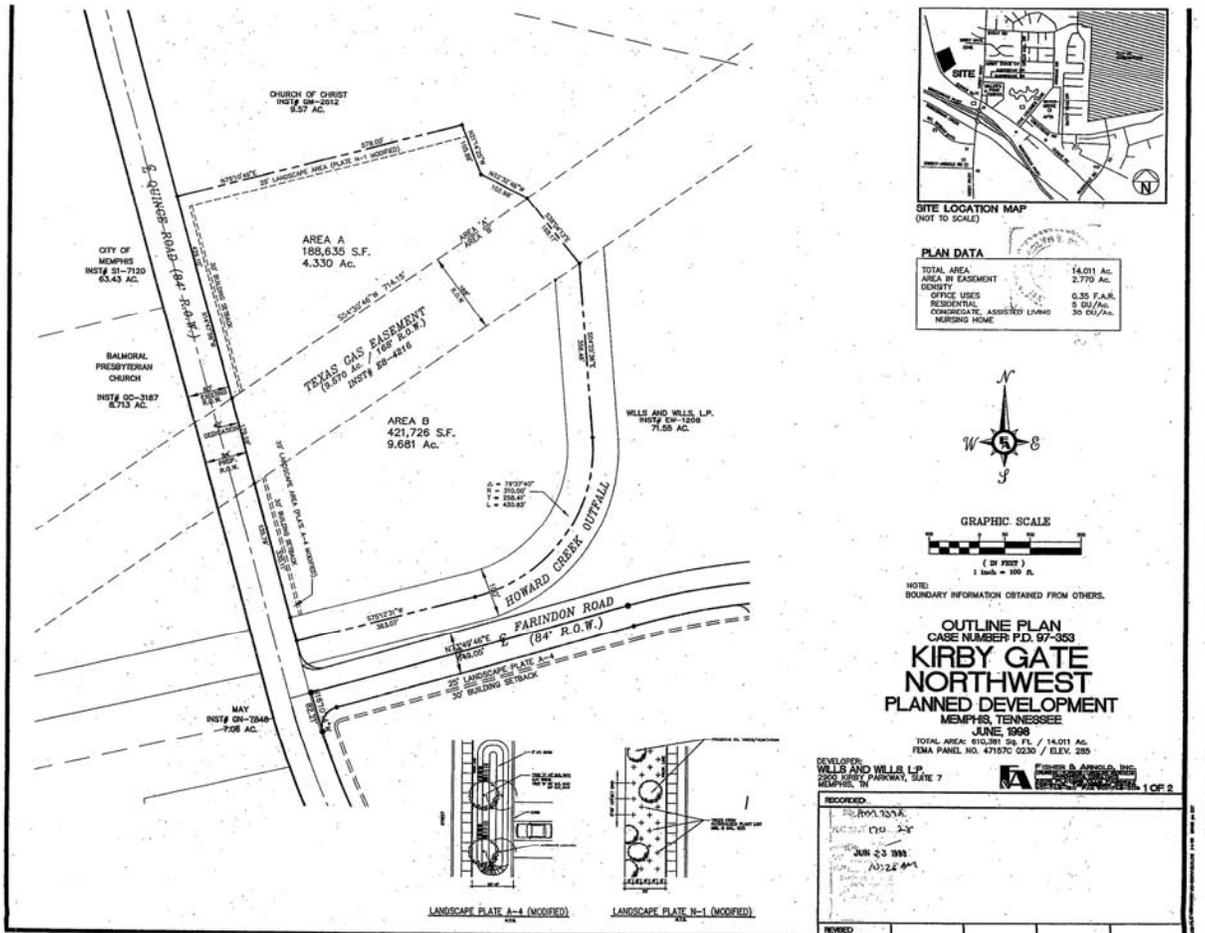
CONCLUSIONS

1. This planned development continues the uses and conditions that were approved in 1997 with some exceptions that support the specific request for the development in Area A.
2. Overall, this Planned Development is being seen as providing a transition in use from the commercial and office uses to the south of the site and the single family residential uses to the north.
3. The site plan, landscape plan, and building elevations combine to offer a strong residential appearance, and provide an effective transition.
4. The articulated buildings, pitched roofs, and commitment to use a variety of colors of brick are important features in creating a residential feel and appearance, which is an important consideration in a designated residential corridor.
5. One recommended addition to the site plan is that a connection to Area B should be shown on this site plan. If Area B develops in a similar use, both a pedestrian and vehicular connection makes good sense. If Area B should develop in something other than a related use, the connection would not have to be continued.

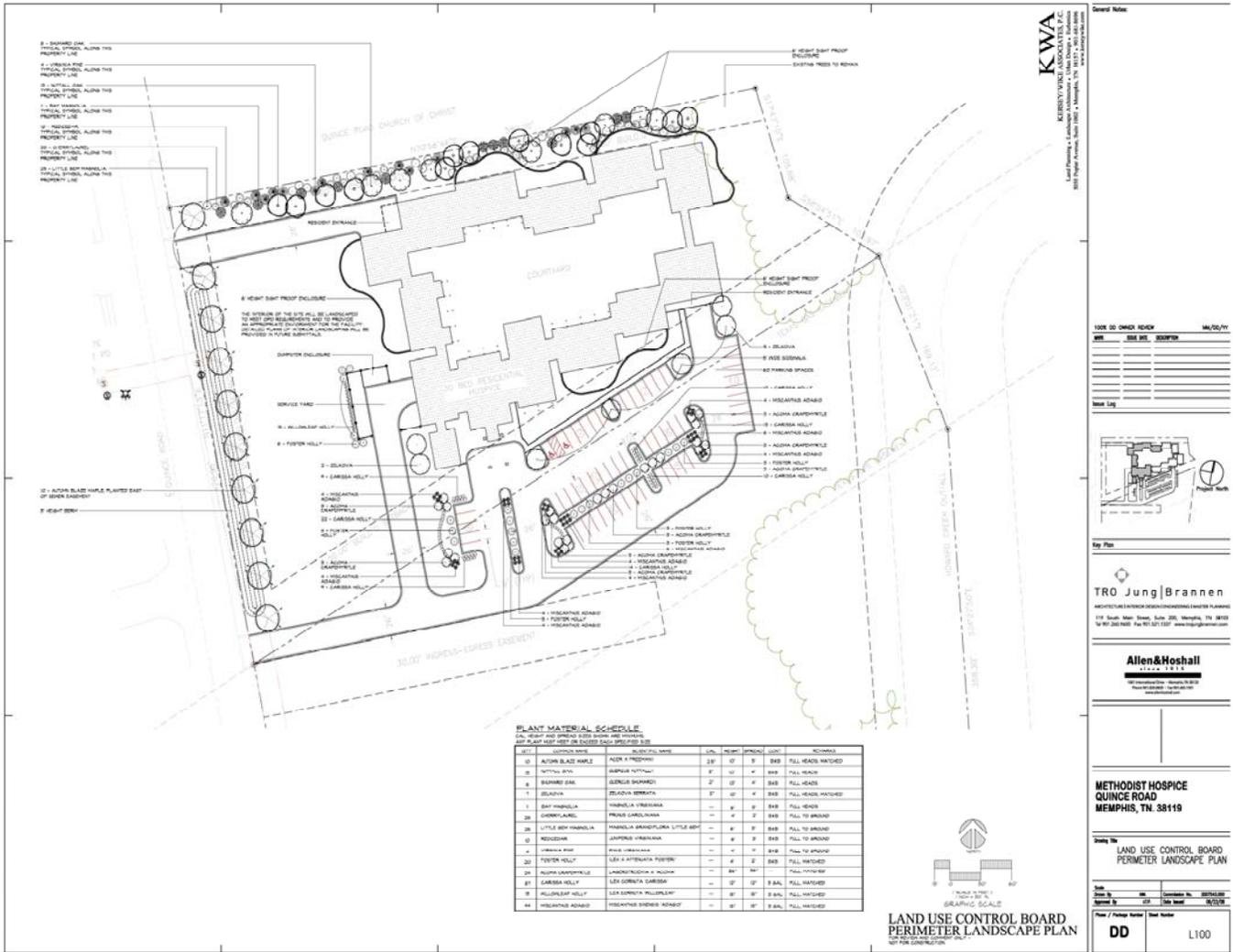
Land Use and Zoning



Outline Plan



Site Plan for Area A – Hospice Facility



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METHODIST HOSPICE
QUINCE ROAD
MEMPHIS, TN 38110

Issued To:
LAND USE CONTROL BOARD
PERIMETER LANDSCAPE PLAN

Scale:
Date: 07/10/08
Drawing No.: 00000000
Sheet No.: 001
Scale: 1" = 10'-0"

Client/Project Name: **DD**
Sheet Number: **L100**

STAFF ANALYSIS

General Location and Site Characteristics:

The subject property is located on the north side of Quince Road, some 100 feet north of the intersection with Farindon Road. The site contains approximately 14 acres which is bisected by a Texas Gas Easement (168 feet of right-of-way). To the north of the easement is area A which contains 4.3 acres. Area B is located on the south side of the easement and contains 9.8 acres.

The site is surrounded by the Howard Creek Outfall (sewer) on its south and east boundary, an existing Church to the north and the Quince Road right-of-way along the west boundary. Quince Road from Lynfield Street to approximately the Howard Creek Outfall is a Residential Corridor which is intended to discourage rezonings or planned developments allowing nonresidential uses but does permit institutional uses.

The applicant has filed a companion zoning item with this request to rezone the land from Floodway to Single Family Residential (R-S10) District. The existing zoning for the majority of Area A is R-S10 and R-S10 [FP], while the majority of Area B is in Floodway and Floodplain designations.

Request:

The request is to re-instate the Kirby Gate Northwest Planned Development which was approved in 1997. The P.D. has lapsed since no final plat had been filed within 5 years of its approval.

This request includes the original approved conditions that permit uses in the Townhouse Residential District or institutional uses such as assisted living, or independent living for the elderly. The applicant has also submitted a plan for a Hospice Facility. The attached site includes the facility in its initial phases. The area in front of the proposed building is labeled as “future development”. Proposals for additions to that area are not under review here.

Review of Request:

This plan development continues the uses and conditions that were approved in 1997 with some exceptions that support the specific request for the development in Area A. Overall, this Planned Development is being seen as providing a transition in use from the commercial and office uses to the south of the site and the single family residential uses to the north.

Hospice Center – The plan for the Hospice Center shows a 30-bed residential hospice

facility. The site plan and landscape plan show an articulated building footprint which will breakup any long expanses of building. The buildings are designed to include a large internal court yard.

The landscape plan includes a berm along Quince Road and a detailed treatment along the north property line. Private gardens and open areas are also included in close proximity to the north, east, and west walls.

The elevations included in the presentation materials show a residential character with pitched roofs and a strong orientation to Quince Road. Being that this site is within a designated Residential Corridor this is deemed as an important consideration.

One recommendation addition to the site plan is that a connection to Area B should be shown on this site plan. If Area B develops in a similar use, both a pedestrian and vehicular connection makes good sense. If Area B should develop in something other than a related use, the connection would not have to be continued.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS:

Kirby Gate Northwest Planned Development

P.D. 07-331 (Changes or additions from previous PD conditions in Bold)

I. Uses Permitted

A. Area A and B:

Any use permitted by right, or administrative site plan review in the R-TH Use District and the following additional uses which are subject to Site Plan Review:

1. Residential Home for the Aged, Assisted Living, or Independent Living Facility

a. A Hospice Facility consistent with the site plan and landscape plan submitted with this application.

2. Nursing Home, either in connection with or separate from number 1. above.

B. An Office, constructed and operated in conjunction with an elderly health and living care facility, subject to Site Plan Review. This use shall not be a freestanding use **and may at the discretion of the Office of Planning and Development require the filing of an application to delete the Residential Corridor.**

II. Bulk Regulations:

A. Area A: As regulated by the R-TH District

B. Area B As regulated by the R-TH District with the following exceptions:

1. If developed as congregate housing, assisted living units, and /or a nursing home the maximum gross density of 30 units per acre will be permitted with a minimum Livability Space Ratio of .45.

2. The maximum height for a an assisted living or nursing home will be 4 stories or 60 feet whichever is the lesser.

3. The office shall be limited to 15,00 square feet of medical space in conjunction with a senior housing facility.

C. **Building Elevations – Building elevations that are consistent with the**

materials submitted with this application shall be shown on the Final Plat. These elevations shall depict a building that is primarily brick in materials, and residential in style including a pitched roof. An articulated elevation or sections of the building using a different color of brick to give the appearance of articulation shall be required.

III. Access:

A. Dedicate Quince Road 42 feet from centerline and improve in accordance with the alignment on file in the City Engineer's Office and the requirements of the Subdivision Regulations. Proposed alignment for Farindon is not as approved by City Engineer's office. A portion of that street crosses this proposed development

B. The design, number ,and location of curb cuts is subject to the approval of the City Engineer.

C. Provide internal circulation between adjacent phases, lots, sections. Common ingress/egress easements shall be shown on the final plats.

D. Provide a physical point of connection to Area B.

IV. Landscaping, Screening, and Lighting:

A. Quince Road shall be landscaped with Plate A-4 (20 feet wide). No trees shall be planted within the Sanitary Sewer Easement.

B. The northern boundary of the phase one hospice facility shall provide a Plate N-1 planting screen modified to **20** feet in width. This plate **shall include a brick wall. An elevation of the wall shall be shown on the Final Plat .**

C. Any existing trees in excess of 5 inches in caliper along the eastern and southern boundary of this site shall be incorporated into the landscaping plan and shown on the site plan, **the equivalent of the N-1 Plate.**

D. A tree survey, shall be required at the time that this Outline Plan is submitted for recording, or at the submittal of a Site Plan for Site Plan Review by the Land Use Control Board.

E. Internal parking lot landscaping shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree (Tree A from the approved plant list of the Landscape Ordinance) per every 20 parking spaces of fraction thereof. Required perimeter landscaping shall not be included when calculating internal landscaping.

- F. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- G. Required landscaping shall not interfere or in any way conflict with any easements.
- H. Lighting shall be directed so as to not glare onto residential property.
- I. Refuse containers and HVAC equipment shall be completely screened from view of adjacent properties, **through the use of landscaping, fencing, or architectural features such as parapets..**
- V. Signs shall be regulated in Area A and Area B by the R-TH District requirements with the following exceptions or additional requirements:
- A. All detached signs shall be set back a minimum of **10** feet from the right-of-way of Quince Road.
- B. The maximum sign size shall be 40 square feet. **The maximum height shall be 10 feet.**
- C. All signs shall be ground mounted.
- D. The design of the signs shall be illustrated on the Site Plan and is subject to the review and approval of the Office of Planning and Development.
- VI. Drainage:
- A. Design and construction of the storm water conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the "City of Memphis Drainage Design Manual". Adequate non-buildable areas shall be provided on each final plan for required on-site storm water detention facilities as determined by drainage calculations performed in accordance with the Drainage Manual and approved by the City Engineer.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et

seq.).

C. All drainage emanating on site shall be private in nature. Easements will not be accepted.

D. All drainage plans shall be submitted to the City Engineer for review.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading screening, signage and other site requirements if equivalent alternatives are presented; provide, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Body.

VIII. Site Plan

A. **Site Plan for Phase 1, Area A, if developed as submitted with this Application, as a Hospice Facility shall not require Site Plan Review by the Land Use Control Board unless there is a disagreement between the applicant or the Office of Planning as to the meaning of any of the conditions or requirements. The applicant shall submit documentation to confirm that the holder of the Gas Easement is in agreement with development proposal within their easement. Development within the area denoted as "Future Development" shall at the discretion of the OPD require Site Plan Review or an amendment to the Planned Development**

B. A site plan for review by the Office of Planning and Development and the Land Use Control Board shall be submitted no less than 35 days prior to the Land Use Control Board meeting, if either Area A or B is proposed for development as congregate, assisted living or nursing home, except where stipulated above. The site plan will demonstrate its conformance to the Outline Plan Conditions. However, if a Site Plan is submitted which offers increased landscaping, or open space, alternatives may be considered.

A Letter of Map Amendment (LOMA) approved by FEMA must proceed the consideration of the Site Plan by the Land Use Control Board. In addition, an application shall be filed to rezone the portion of Area B currently shown as Floodway to R-TH or any of the R-S designations prior to Final Plan Approval. Review.

IX. A final plan shall be filed within five years of the approval of the outline plan.

The Land Use Control Board may grant extensions at the request of the applicant.

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, or buildable areas, including height, of all buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of required parking spaces.
- E. The location and ownership, whether public or private.
- F. If applicable, a statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

GENERAL INFORMATION

Street Frontage: Quince Road936 Feet

Planning District: Shelby Farms Germantown

Census Tract: 213.31

Zoning Atlas Page: 2245

Zoning History: A Planned Development (Kirby Gate Northwest – P.D. 97-353) was approved for Townhouse Residential and Institutional uses in 1997.

DEPARTMENTAL COMMENTS

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

City Engineer: No objections to this request.

City Fire Division: No comments received.

City/County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be properly filled as outlined in Section 6 of the Shelby County Well Construction Code.

City Board of Education: No comments received.

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).

- 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 received.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Comprehensive Planning : No comment.

Neighborhood Associations:

Kirby Trace No comments received

Keswick Stornway No comments received

(The revised site plan and materials were sent to the associations the week of June 30, 2008)

