

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT (Revised) 15**

CASE NUMBER: P.D. 08-314 CC L.U.C.B. MEETING: August 14, 2008

DEVELOPMENT NAME: Gray's Creek Planned Development, 4th Amendment

LOCATION: Beginning at the southern terminus of Cobb Road; +635.06 feet south of
U.S. Highway 64

OWNER OF RECORD/APPLICANT: South 64 Joint Venture

REPRESENTATIVE: Solomito Land Planning - Brenda Solomito

REQUEST: Amend the current Areas C and D to add a maximum of 336
apartment units in 42 buildings

AREA: 132.15 Acres

EXISTING LAND USE & ZONING: Vacant Land, Areas C and D in the Grays Creek
Business Park Planned Development (P.D. 04-364)

SURROUNDING LAND USES AND ZONING:

North: Estate Residential Lots in the Cobb Road Planned Development (P.D. 00-362 CC)

East: Shelby County Schools Bus and Maintenance Facility, Area B of the
Grays Creek Business Park Planned Development (P.D. 04-364)

South: Vacant land in the Agricultural Floodplain (AG[FP]) District

West: Single family detached dwellings governed by the Franklin Farms Planned
Development (Areas A,B,D & E ((P.D. 98-332))

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

RECOMMENDATION:

APPROVAL WITH CONDITIONS

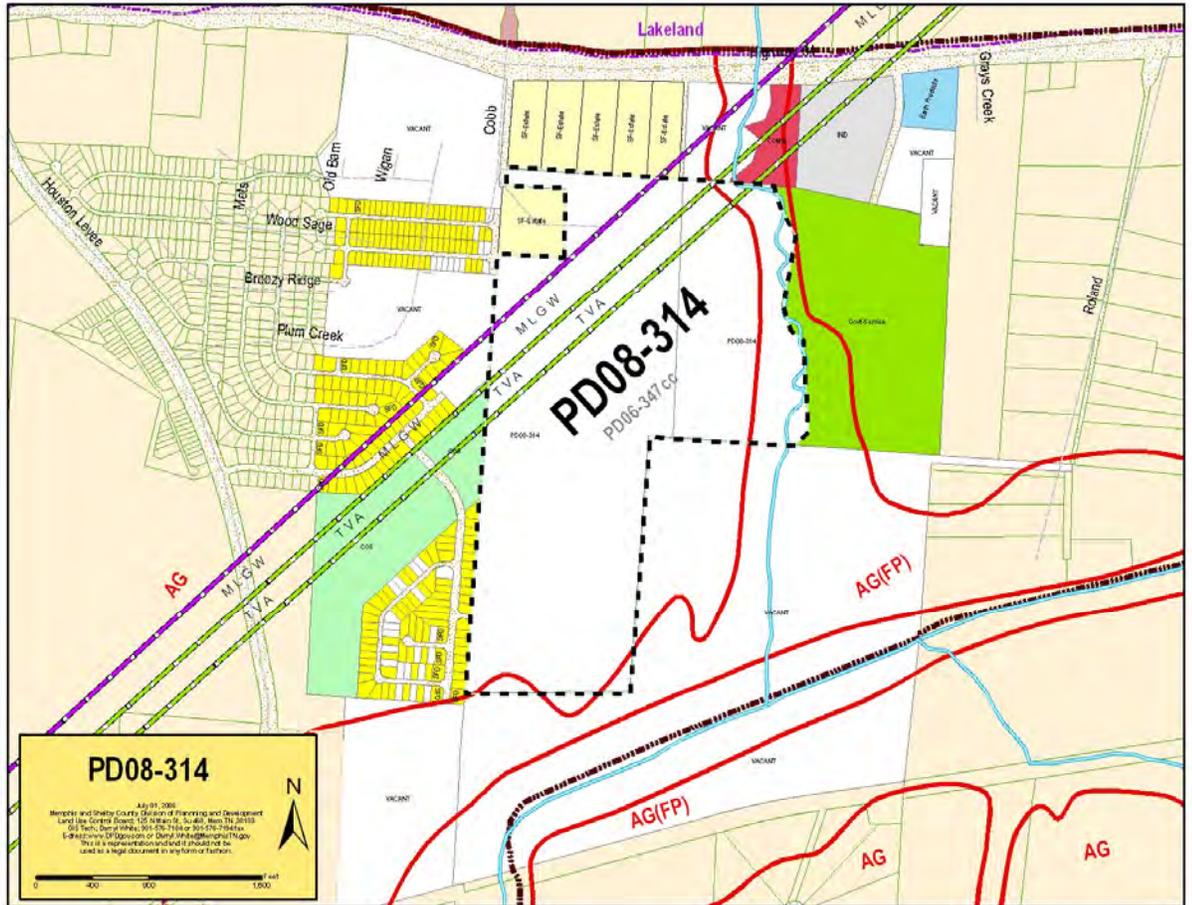
Staff: Don Jones

E-Mail: donald.jones@memphistn.gov

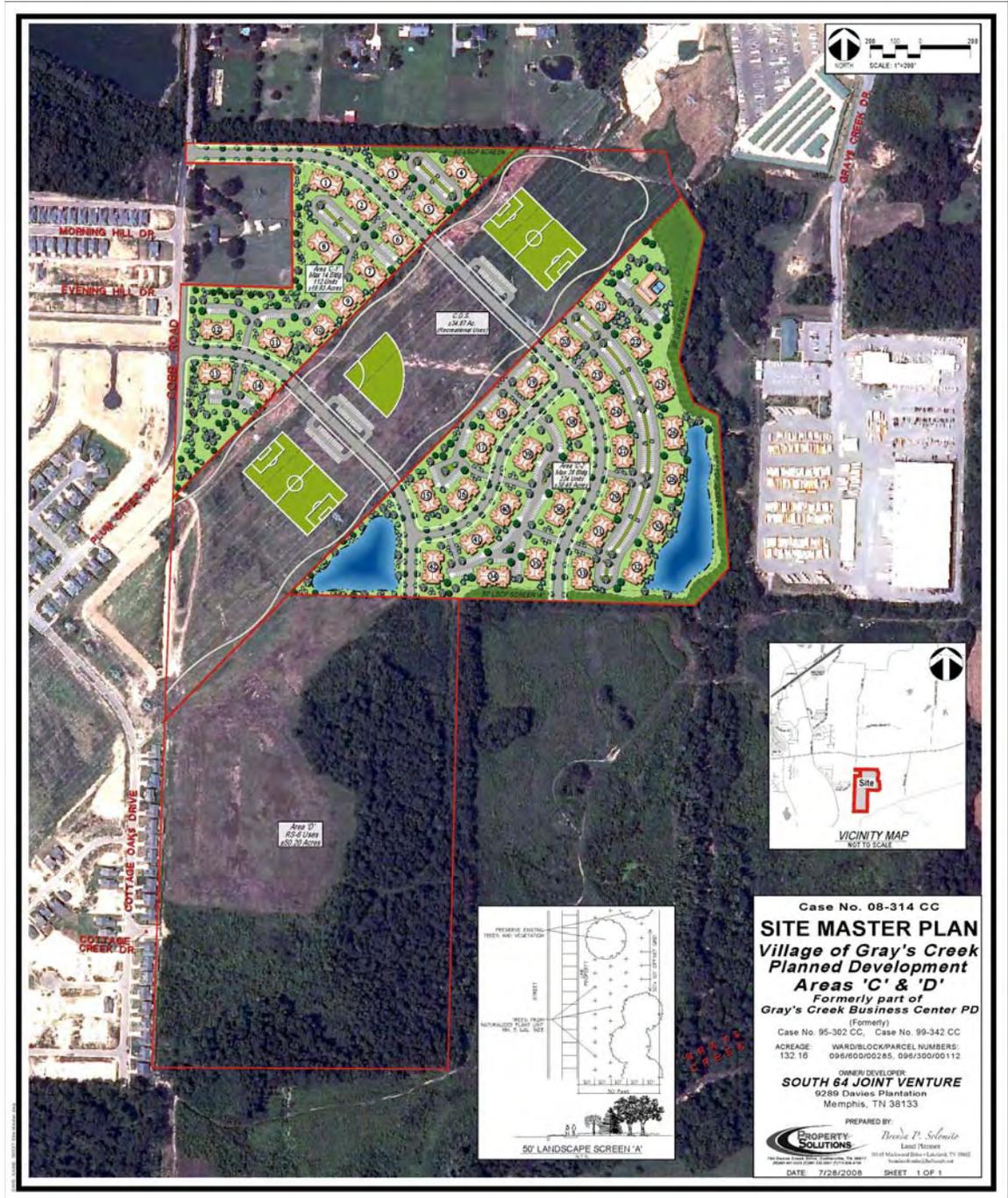
CONCLUSIONS

1. *Grays Creek Plan* – This plan does recommend development in this area at a density of 4 – 8 units per acre. This density range recognizes the need to provide a transition between commercial areas and lower density residential areas.
2. Access to this site is limited to Cobb Road which provides access to Highway 64. The applicant has submitted a Traffic Study that indicates that Cobb Road will handle the traffic associated with this request at full build out. This report calls for additional improvements to be to Cobb Road.
3. The staff is in agreement with the comments of the Grays Creek Association who offers their support for the development of this site in a “Large Home” format. This concept permits up to eight units in one residential structure. The building will typically have one point of entry, will be oriented to the public street, and will observe a setback from the right of way that is consistent with single family structures.
4. With this concept, the multi-family will be integrated into the community so that it blends in with the future residential development to the south.
5. The applicant has redesigned the site plan to orient the buildings to the public streets and re-locate the parking areas behind the residential structures. The applicant has also provided two examples as typical building types that have more of a single family character. The staff is amenable to a mixture of the two building types illustrated here. The conditions will further reflect that the buildings should be varied in style and materials so that there is not a continuous row of buildings that are exactly alike which is the case of a typical apartment project.

Land Use and Zoning



Concept Plan



Typical Buildings



STAFF ANALYSIS

General Location and Site Characteristics:

The subject property is located in East Shelby County within the study area boundaries of the Grays Creek Area Plan. This portion of the Gray's Creek Business Park (this is areas C & D) has access and limited frontage along Cobb Road and is some 630 feet south of U.S. Highway 64.

The topography of the site is gently rolling in character. The site does include mature vegetation along the north, east, and south boundaries. The center of the site has been cleared either for agricultural or tree harvesting activities. The Outline Plan indicates that the Grays Creek Floodplain extends into and runs parallel with the easternmost property line of the site.

In addition to the floodplain, two other significant features of this site include an approximately 600 foot wide MLGW/TVA easement that runs on a diagonal (southwest to northeast) through the north half of this site. In the northwest corner of this site is a five acre tract which is owned by Fred and Ruby Via. This property is currently in use as a small farm.

Development Proposal:

This amendment to the Grays Creek Plan introduces multi-family uses into Area C and the northernmost portion of Area D. The balance of Area D is to remain as originally planned as a standard residential development under the R-S6 designation and utilizing 31 foot alternative design streets.

The Outline Plan and Site Data Sheet show a development plan consisting of 42 buildings and 336 apartment units in two development pods.

Each building contains eight units and covered parking. The plan also includes a 50 foot wide landscape buffer along the west, south, and east perimeters and a 20 foot wide buffer to the north of the multi-family area.

The street includes both public streets and private drives.

Approved Area Plan

The Gray's Creek Area Plan was approved by the Memphis City Council in 2001 as a guide for the future development of the area. The subject site lies within an area that is identified by the plan as Higher Density - 1/4 acre lots or smaller (4-8 units/acre). In describing the criteria for

recommending in favor of higher density residential, the plan recommends the following: Locations where adequate infrastructure, primarily roads and sewers, exist or are planned; Close proximity to mixed-use Commercial Centers, or in close proximity to major roads accessing mixed use Centers; Should generally not have to gain access to major roads or mixed use Commercial Centers by traveling through lower density areas; Should not locate in environmentally sensitive areas; Should not be designated in areas where a lower density single-family pattern is already well established.; Areas of slight change in existing topography should be considered for higher density developments.

Approved Land Use Plans:

Subject Property - As indicated earlier, the subject property is currently governed by the conditions of the Grays Creek Business Park Plan (P.D. 04-364). This property includes Areas C and D. Area C included a sliver of land that abuts the north property line to be regulated by the R-S15 District. The balance of the site, 124 acres, was approved for residential uses under the R-S6 designation. A site plan for these two areas (Clairborne Farms) was presented for review in May of 2000. This site plan included some 428 lots for single family detached units.

North – To the north of the site is P.D. 00-362CC which was approved for commercial uses in the Planned Commercial District. There is a recorded Outline Plan on file but a final plat has not been recorded. According to the conditions, a final plat was required to be recorded no later than 5 years from the date of approval, thus this Planned Development has expired.

East - Area B of the Grays Creek Business Park Plan was amended from residential use to accommodate the Shelby County School Vehicle Maintenance Facility. East of proposed Area C is the Roland Estates Planned Development (P.D. 99-364 CC) which was approved for single family uses at a R-S6 Density. This plan received a time extension in 2007.

West – Franklin Farms Planned Development, Areas A, B, D, and E abut this site. Areas A, B, and D are regulated by the R-S6 District, Area E is regulated by the R-TH District.

Review of Request:

Grays Creek Plan – This plan does recommend development in this area at a density of 4 – 8 units per acre. This density range recognizes the need to provide a transition between commercial areas and lower

density residential areas.

Access to this site is limited to Cobb Road which provides access to Highway 64. The applicant has submitted a Traffic Study that indicates that Cobb Road will handle the traffic associated with this request at full build out. This report calls for additional improvements to be made to Cobb Road.

This site does abut the Franklin Farms Planned Development, and shares a section of Cobb Road from south of the Via property to the point where Cobb Road turns to the west. In this area, the site plan requires a 50 foot wide landscaped area. A substantial portion of this area is left in green space to provide a transition.

On balance, the staff concludes that this request addresses the issues associated with the Grays Creek Plan.

Infrastructure and Services:

Comments from the City Engineer's Office indicate that sanitary sewer is available.

The City Fire Department has indicated that they are looking to add a Fire Station to augment the one located at Rockcreek Parkway but has not indicated a concern about serving this area.

The Memphis City Schools has expressed concerns regarding their ability to adequately serve this area.

Review of Site Plan-(re-design of July Site Plan

The staff is in agreement with the comments of the Grays Creek Association who offers their support for the development of this site in a "Large Home" format.

The "Large Home" is a concept that is found in the "Draft" Unified Development Code. This concept permits up to eight units in one residential structure. The building will typically have one point of entry, will be oriented to the public street, and will observe a setback from the right of way that is consistent with single family structures. With this concept, the multi-family will be integrated into the community so that it blends in with the future residential development to the south.

Examples of this concept include the apartments in the Harbor Town Development along Harbor Village Drive and the plan for the University

Place redevelopment of the former Lamar Terrace Public Housing development.

This concept is consistent with comments and recommendations from the Sustainable Shelby Initiative which recommends blending Multi-Family and Single Family developments to create a neighborhood with a variety of housing types. This creates a community where a resident can live in the same area throughout the various stages of life.

The applicant has redesigned the site plan to orient the buildings to the public streets and re-locate the parking areas behind the residential structures. The applicant has also provided two examples as typical building types that have more of a single family character. The staff is amenable to a mixture of the two building types illustrated here. The conditions will further reflect that the buildings should be varied in style and materials so that there is not a continuous row of buildings that are exactly alike which is the case of a typical apartment project.

RECOMMENDATION: APPROVAL WITH CONDITONS

OUTLINE PLAN CONDITIONS

Grays Creek Business Park 4th Amendment
P.D. 08-314.

I. USES PERMITTED:

A. Area A-1 (+11.50 Acres)

1. Self-service mini-storage warehouses. A caretaker residence may be provided on premises.
2. Outside storage of recreational vehicles, boats, etc. with adequate landscaping and screening as provided under paragraph IV below.

B. Area A-2 (+3.99 Acres) -- Any uses permitted by right or administrative site plan review within the Planned Commercial (C-P) District with the following exceptions:

1. Group Shelter
2. Hotel, Motel
3. Transitional Home
4. Airport, Heliport
5. Family Daycare Home
6. Group Daycare Home
7. Lodge, Club, Country club
8. Amusement, commercial in-door & out-door
9. Automobile service station
10. Beverage container collection center
11. Department or discount store
12. Garage, commercial
13. Gasoline sales
14. General service and repair
15. Greenhouse, or nursery, commercial
16. Motor Vehicle Sales and Service
17. Pawn shop
18. Personal Service Establishment
19. Retail Sales, Outdoor
20. Services, other Business and personal
21. Restaurant, drive-in
22. Tavern, cocktail lounge, night club
23. Used goods, second hand sales
24. Vehicle wash

- C. Area A-3 (+7.64 Acres) -- Any use permitted in "Area A" and one additional type of use -- contractors office with ancillary indoor and outdoor storage area, subject to the following imitations:
1. The contractor's office shall consist of no less than 2,000 square feet of building area finished and furnished for office use.
 2. Special landscaping and design requirements shall apply to such contractor's offices and their ancillary storage areas, as specified below
- D. Area B (±43.5 Acres) --Any use permitted by right or administrative site plan review in the Estate Residential (R-E) District, or a Shelby County School Storage and Maintenance Facility to include the following functions:
1. Office
 2. Warehouse
 3. Bus Parking Lot, maximum 120 spaces
 4. Bus maintenance
 5. Bus/truck wash
 6. Bus training area
 7. The use of underground storage tanks shall be prohibited with the exception of double insulated gasoline tanks, regulated by the State of Tennessee
- E. Area C (C-1 and C-2) Multiple Dwelling Residential and common open space**
- F. Area D -- Any use permitted by right or administrative site plan review in the RS-6 District.

II. BULK REGULATIONS:

- A. Area A-1 (±11.50 Acres)
1. In accordance with the bulk regulations of the Planned Commercial (C-P) District in Chart 2 of the Zoning Regulations with the following exception: A maximum

floor area ratio of .20

2. The front yard setback along Highway 64 west side shall be 40 feet.

B. Area A-2 and A-3 (±8.50 Acres)

1. In accordance with the bulk regulations of the Planned Commercial (C-P) District in Chart 2 of the Zoning Regulations with the following exception: A maximum floor area ratio of .20
2. Height shall be limited to two stories (35 feet).

C. Area B (+43.50 Acres) -- In accordance with the bulk regulations for the Residential Estate (R-E) District in Chart 2 of the Zoning Regulations. The following additional conditions shall apply to the School Maintenance/Storage Facility:

1. 100 foot setback from the north, south, east, and west boundary
2. A Floor Area Ratio of .25 shall be observed
3. All buildings within 200 feet of the north boundary line shall composed of brick, or a brick veneer on that portion facing the internal street.
4. All other buildings shall be designed with a tilt-up concrete construction using earth tone colors.
5. The height of any buildings shall be limited to 35 feet.

D. Area C 1 (+/- 16.63 acres) and C-2 (+/- 30.46 acres) -- In accordance with the bulk regulations for the Multiple Dwelling Residential District (R-ML) except where noted below:

1. **C-1 – A maximum of 112 units in 14 buildings.**
2. **C-2 – A maximum of 224 units in 28 buildings.**
3. **There shall be no minimum lot area for multi-family dwelling units.**
4. **Buildings along the public streets shall be setback 15 feet from the right of way**

5. **The Final Plat shall be in substantial conformance with the submitted "Site Master Plan":.**

E. Areas C-1 and C-2 - Building Design

1. **A rendering of the typical building designs (consistent with the examples submitted with this application) shall be included on the Final Plats). All residential buildings shall be consistent with the typical elevations.**
2. **Buildings shall be designed with a single entry and windows facing the street. The shall be varied in color, materials, and or style, not simply the same building side by side.**
2. **Building materials may include, brick, stucco, and or siding, but no building shall be composed of more than 50 percent siding.**
3. **No parking spaces shall be permitted between the building and the street. Accessory parking shall be placed behind the building in landscaped parking courts.**
4. **The Office of Planning and Development shall review the setbacks and unit placement.**

- F. Area D (+50.20 Acres) --** In accordance with the bulk regulations for the Single Family Residential (R-S6) District in Chart 2 of the Zoning Regulations. .

III. ACCESS, PARKING, AND CIRCULATION:

- A. Dedicate 60 feet from the centerline of Highway 64 and improve with one additional eastbound lane (pavement, curb and gutter) in accordance with Subdivision Regulations or requirements of Tennessee Department of Transportation.
- B. Dedicate and improve the proposed Street "A" as a major collector street (60 feet R.O.W./36 feet of pavement rural cross-section in Area A in accordance with Subdivision Regulations and Shelby County Paving Policy. Provide a private drive to serve Area B. Said drive shall be a developed at a rural cross section, minimum of 22 feet in width and subject to the Shelby County Paving

Policy.

- C. Reserve the extension of Cobb Road along the western boundary of Area D generally to the north line of the MLGW transmission right-of-way, for connection to Grove Road extension. Dedication and improvement in accordance with the Subdivision Regulations may be required at the time of final/site plan review.
- D. Curb Cuts:
1. Permit two curb cuts along the US 64 frontage west of Grays Creek Drive and one curb cut east of Grays Creek Drive.
 2. The design and location of curb cuts shall be subject to approval by the County Engineer.
 3. No curb cut along the US 64 frontage permitting ingress by left turn shall begin closer than 300 feet from the centerline of Grays Creek Drive.
 4. **Areas C-1 and C-2**
 - a. **The proposed apartments on the east of Cobb Road, south of the Fred Via property, are situated on both sides of the proposed through street, and shall have internal access provided within/between the units and shall be limited to one curb cut on the north side and one on the south side of the road. These curb openings shall align with their corresponding curb openings on the opposite side of the street.**
 - b. **The City Engineer shall approve the design, number and location of curb cuts.**
 - c. **All common open space, private streets, service drives, and medians shall be owned and maintained by a property owner's association. Evidence that such an association has been formed shall be depicted on the final plat.**
- E. All private drives shall be constructed to meet County/City standards and provide a minimum pavement of 22 feet exclusive of curb and gutter.

- F. (Area D) Two points of public road access shall be provided upon development of the 51st lot. A third point of public road access shall be provided upon development of the 201st lot. A collector street (i.e. Cobb Road) may be considered as two separate points of access.
- G. (Area D) Streets serving more than 100 lots shall be designed and constructed as major local streets (52' R.O.W./ 36' pavement).
- H. Parking shall be provided in accordance with the Zoning Ordinance.
- I. Parking in Area A-2 and Area A-3 shall be located to the side or rear of buildings with office type uses. Parking shall be permitted in front of buildings with retail type uses or with rear and side yards fenced pursuant to Condition IV. C.
- J. **Streets - Areas C & D –**
 - 1. Streets in Area D shall be permitted in accordance with the 31' alternative design right of way section.
 - 2. **The two through streets which connect Cobb Road to the south property line of areas C-1 and C-2 shall be designed as Major Locals with 36 feet of pavement, curb and gutter, an 8 foot wide lawn(on each side) and a 5 foot wide sidewalk (on each side) for a total right of way of 63 feet.**
 - 3. **The north-south street in Area C-2 which runs between the two streets described in 2 above, shall be designed as a minor local with 27 feet of pavement from curb to curb, curb and gutter, an eight foot wide tree lawn on each side, and a five foot wide sidewalk on each side. .**
 - 4. **Dedicate 34 feet from centerline of Cobb Road and improve to urban standards in accordance with the specifications of the City Engineering Division.**
 - 5. **Show Cobb Road below the Fred Via property as a 52 foot wide major local. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.**
 - 6. **Cobb Road shall be improved in the first phase of**

development from the north property line to the intersection of US 64 to a pavement width of 24 feet, on a rural section (shoulders and roadside ditches) in accordance with the Subdivision Regulations. Improvement to Cobb Road shall include a left turn lanes under the direction and approval of the City Engineer.

- 7. Phasing of this development shall comply with the access requirements of the Subdivision Regulations.**
- 8. All drives internal to the apartment complexes shall be private. 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') with 18 feet exclusive of curb and gutter..**

IV. LANDSCAPING AND SCREENING:

- A. A 50 foot wide greenbelt (Plate N-1) shall be provided along the west line of Area A-1 and the east lines of Areas A-1, A-2 and A-3. Within the 50 foot wide screen area existing growth shall be selectively cleaned and mature trees and valuable shrubs are to be manicured and preserved. The existing trees and shrubs shall be supplemented with evergreen trees, shrubs and ground cover subject to the approval of the Office of Planning and Development. Where this borders the 30 acre, Hennington Tract, equivalent alternative screening may be installed subject to the approval of the Office of Planning and Development.
- B. The required landscaping and planting screens shall be illustrated on any final plan. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements, including overhead wires or shall be modified to accommodate the electrical transmission easement as provided in paragraph V. A. below.
- C. Landscape Plate A-3 (22' wide) shall be provided along all road frontages in Areas A-1, A-2 and A-3. In addition a site proof fence shall be provided along Highway 64 and Gray's Creek Drive to prevent view of any outdoor storage, including stored vehicles, from the public street. Along Gray's Creek Drive, such sight-proof fence shall consist of decorative wood treatment with brick

columns on 30-foot center in a style matching the fencing constructed in accordance with Condition 9 of the Phase I Site Plan Conditions as recorded in Plat Book 163 page 48 at the Shelby County Registers' Office.

- D. Landscape Plate B-4 (15' wide) shall be provided along all the eastern and southern boundaries of Area B. Any fencing shall be a minimum of six feet in height, Cedar or treated wood with the finished side of the fence facing adjacent properties. This condition shall apply if the site is developed as residential.
- E. Internal landscaping shall be provided at a ratio of 300 square feet of landscaped area and one shade tree ('A') per every 20 parking places in Areas A-1, A-2 and A-3. No parking space shall be located farther than 75 feet from a Tree 'A'.
- F. In Area A-3, each site plan shall contain a certification of intent to comply with the Tree Ordinance and a specification of the method by which compliance will be achieved.
- G. Throughout the development, existing trees shall be preserved wherever feasible. A tree survey of trees with a six inch diameter measure at breast height (dbh) shall be provided prior to recording of any final plan, differentiating between trees to be removed and those to be preserved.
- H. Light standards shall have a maximum height of fifteen(15) feet in Areas A-1, A-2 and A-3.
- I. Lighting shall be directed so as not to glare onto residential property.
- J. Refuse containers shall be completely screened from adjacent properties and from the public roads subject to the approval of the Office of Planning and Development.
- K. The planting screen along the east, and south property lines shall be an N-1 Plate, 50 feet in width. The planting screen along the west property line in Area B 'Plate N-1' shall be modified to 100 feet in width. The plate on the west shall utilize existing trees and vegetation and shall be supplemented with evergreens including "Loblolly" Pine and Leland Cypress as approved by the Office of Planning and Development. This condition shall apply if Area B is developed by the Shelby County School Board.

L. Areas C-1 and C-2

1. The applicant shall submit a detailed landscape plan for each phase of development subject to the review and approval of the Office of Planning and Development prior to Final Plan recordation.

2. An 8 foot wide walking trail shall be provided as generally depicted on the conceptual plan.

3. Required landscaping and screening shall not conflict with any easement including overhead wires.

4. A property owners association shall be responsible for the maintenance and repair of all fences, trees, shrubs and turf located within the common open space areas.

V. SIGNS:

A. Areas A-1, A-2 and A-3 -- Detached ground mounted monument signs and integrated center signs in accordance with the Planned Commercial (C-P) District.

B. The minimum sign setback shall be fifteen (15) feet from the public right-of-way.

C. Areas B, C and D -- In accordance with the R-S Districts.

D. No banners, flags, streamers, balloons or similar advertising devices, temporary or portable signs and roof mounted signs are permitted in any Area of the planned development.

E. Minimum sign setback is 10 feet.

VI. DRAINAGE:

A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

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 plans to be submitted to the City and County Engineer for review.
- D. The developer's engineer shall perform the necessary hydraulic studies (HEC-2, etc.) to determine the 100 year flood elevation for each drainage channel assuming full upstream development at proposed land uses.
- E. A drainage easement/un-buildable area/common open space along the major drainageway must be provided consistent with drainage plans approved by the City/ County Engineer and an A.R.A.P. Permit. The width may be equal to 2 1/2 times the top of bank width, measured from the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.

VII. PUBLIC SEWER, WATER AND EASEMENTS:

- A. Provision of sanitary sewer service approval to all lots within the development is the responsibility of the City of Memphis.
- B. A gravity sanitary sewer system shall be designed and constructed, including dry sewer lines to provide adequate capacity for this development as well as all upstream properties, and so as to tie into the City's future Grays Creek Interceptor.
- C. A sewer development fee shall be paid to the City of Memphis at the time of each final plan approval.
- D. A master Sewer Plan for the entire planned development shall be submitted to the City Engineer prior to the filing of the first final plat.
- E. Off-street sewer easements shall be a minimum of 15 feet wide.
- F. Install fire hydrants 500 feet apart at 2000 gpm at 20 psi. Memphis Steamer 4.815 x 7. A circulating water main capable of flowing 3000 gpm @ 20 psi will be required.
- G. Provide a 5 foot utility easement along all front and rear and certain side property lines.

VIII. SITE PLAN REVIEW:

- A. A site plan shall be submitted for the review, comment, and recommendation of the Office of Planning and Development(OPD) with an appeal to the Land Use Control Board and the appropriate Legislative Bodies. **For Areas C-1 and C-2, Final Plats that are in substantial conformance to the Concept Plan attached to this application will not require Site Plan Review before the Land Use Control Board. If the applicant or the OPD disagree on the meaning or intent of a condition, then either party may appeal in the form of a correspondence item to the Land Use Control Board.**
- B. The site plan shall include the following:
1. The location and dimensions of buildings, structures and parking areas;
 2. The location of streets and private drives and the number and general location of curb cuts;
 3. The location of groupings of trees to be preserved in the planting screen;
 4. The location of pedestrian systems;
 5. The location and use of open spaces;
 6. Internal and perimeter landscaping;
 7. Drainage data as required by the City Engineer;
 8. Soils map for Area B.
 9. Lot lines, the number of dwelling units, building floor area and other appropriate information;
 10. Provide a lighting plan showing the location of all light standards, lamp types and characteristics, light intensity at various locations on and off-site, including the maximum horizontal and vertical foot candles at all property lines.
- C. The site plan shall be reviewed based upon the following criteria:
1. Conformance with the outline plan conditions,

2. Conformance to the standards and criteria for mixed-use planned developments contained in Sections 14.C, 14 D., 14.E, and 14.F of the Zoning Regulations,
3. The adequacy of the street system to accommodate the projected traffic.
4. Use of low-pressure sodium luminaries or fixtures that eliminate light above the horizontal plane eliminating light trespassing onto adjacent residential properties.

IX. OTHER:

- A. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented **provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) 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 bodies. .**
- B. The Memphis and Shelby County Health Department shall approve all septic tanks or any other form of waste disposal prior to the recording of any final plan.
- C. The caretaker residence in Area A-1 shall have a residential appearance, i.e. brick veneer and pitched roof. No metal roof will be allowed for house/office building.
- D. Buildings constructed in Area A-2 and Area A-3 shall be constructed in a residential style and character with pitched roofs and brick veneer. No metal roofs will be allowed.
- E. No outside storage or storage of vehicles shall be permitted, except in Area A-3 and Area B.
- F. While unconfirmed at this time, this property is suspect as being located within an area that may have the geologic characteristics which allows storm water to recharge of the underground aquifer. Therefore, the following condition is provided to address this potential; Unless and until specific ordinances or laws are promulgated regarding the protection of aquifer recharge areas that will regulate the underground aquifer for this property prior to a

Final Plan submittal, a geotechnical investigation shall be undertaken, consisting of not less than 5 soil borings distributed across the property to determine the average water conveyance characteristics of the soils on the property. Based on the results of this investigation and provided the natural geology exists on the property, and considering the general design of the development as provided in the Conceptual Development Plan, the final design of the development, and the existing and proposed topographic, the quantity of water which percolates into the soil on the property during a design storm (ie., a rainfall of 4.93 inches within a 24 hour period) shall be estimated, and portions of the storm water detention basin(s) in total with other features proposed for the developments shall be designed to allow approximately this same quantity of storm water to percolate into the soil after development of the property.

- G. Any security fencing in Area A-3, shall be chain-link coated with black vinyl, except as specified by Condition IV C. No concertina wire or razor wire shall be permitted.

X. TIME OF APPROVAL LIMIT:

A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

XI. FINAL PLAT REQUIREMENTS:

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 dimensions, including height, of all buildings or buildable areas, parking areas, drives required landscaping;
- D. The number of parking spaces;
- E. The location and ownership, whether public or private of any easement;
- F. Easements shall be granted to the City for the future construction

of sanitary sewers along the Tributary A of Grays Creek passing through the site. The easement shall be located a minimum of 150 feet from the top of bank of the creek.

- G. A statement conveying all common facilities and areas to a homeowners' or property owners' association, or other entity, for ownership and maintenance purposes;
- H. The one-hundred(100) year flood elevation;
- I. The location, diameter and species name of existing trees over 8 inches in diameter, and differentiation between those trees to be preserved and those to be removed;
- J. 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 or County Engineer, as applicable. The storm water 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/County 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.
- K. All ditches outside public R.O.W. shall be maintained by property owners. A statement to this effect shall appear on the final plans.

GENERAL INFORMATION

Street Frontage: Cobb Road80.29 feet
Planning District: East Central Shelby (Grays Creek Area Plan)
Census Tract: 210.10
Zoning Atlas Page: 1860

Zoning History: The Subject Property is Areas C and D of the Grays Creek Business Park Planned Development. Most recent amendment was in 2004 (P.D. 04-364)

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. This site is located within the area served by the Grays Creek Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.

Roads:

5. The east/west cross street in Area C, designated as Cottage Creek Drive, is shown as a 60 foot right-of-way, which is not consistent with the currently constructed stub in Franklin Farms PD, Phase 4, (a 31 foot alternate design street). Therefore, Cottage Creek shall be a 31 foot alternative design street up to the intersection of Old Well Terrace extended.
6. The extension of Old Well Terrace at Cobb Road (shown as a 50 foot right of way) shall be dedicated and improved as a minor collector street with 60 feet of right of way and 40 feet of pavement. The attendant connections (east/west) into the Roland Estates PD, shall be dedicated and improved as major local streets (52/36). If a boulevard cross section is desirable, then the developer shall provide additional right-

of-way to permit the construction of the median in the center of the collector street.

7. Dedicate 34 feet from centerline of Cobb Road and improve to urban standards in accordance with the specifications of the City Engineering Division.
8. Show Cobb Road below the Fred Via property as a 52 foot wide major local which is fully improved in Franklin Farms PD, Phases 5 and 6.
9. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.
10. The final plat shall reflect the appropriate width pedestrian/sidewalk/utility easement along both sides of all alternative design street dedications in accordance with Subdivision Regulations.
11. Provide approved names for all streets reflected on the outline plan.
12. Cobb Road shall be improved in the first phase of development from the north property line to the intersection of US 64 to a pavement width of 24 feet, on a rural section (shoulders and roadside ditches) in accordance with the Subdivision Regulations.
13. Phasing of this development shall comply with the access requirements of the Subdivision Regulations.

Private Drives:

14. The northern most street in Area A serves only the proposed apartments and shall be designated as a private drive.
15. All drives internal to the apartment complexes shall be private.
16. 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').
17. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

Curb Cuts/Access:

18. The proposed apartments on the east of Cobb Road, south of the Fred Via property, are situated on both sides of the proposed through street, and shall have internal

access provided within/between the units and shall be limited to three curb cuts on the north side and two curb cuts on the south side of the road. These curb openings shall align with their corresponding curb opening on the opposite side of the street.

19. The City Engineer shall approve the design, number, and location of curb cuts.
20. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Drainage:

21. Drainage issues: This property is immediately north of Grays Creek and sits on the west bank of a major tributary to the creek which has a drainage area of at least 2000 acres. The plan, as submitted, is insufficient in detail to determine to what extent the developer is considering these drainage issues. Special new drainage considerations are now required by FEMA and must be addressed. City Engineering suggests that the developers familiarize themselves with the new FEMA mandated regulations and the new flood plain maps that are available.

22. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the first final plan.

23. 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.

24. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

25. 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.

26. This project must be evaluated by the Tennessee Department of Environment and Conservation regarding their jurisdiction over the watercourses on site, in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

27. If the State will not issue an ARAP Permit for the concrete channel lining of the major drainage way, a drainage easement - unbuildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.

28. The preliminary/outline plan shall reflect a minimum 25-foot rear yard, exclusive of the easement along the natural drainage way, as well as a buildable area and front yard setback on each buildable lot.

29. Part of this site is located within the 100-Year floodplain according to the FEMA maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100 year floodplain boundary line and elevation shall be reflected on the final plat and engineering plans.

Site Plan Notes:

30. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

31. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

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

33. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

34. All connections to the sewer shall be at manholes only.

35. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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

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 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.

City Board of Education:

A representative of Memphis City Schools (Capital Planning) has contacted this office by phone and expressed concern about the ability to serve this development. Written comments are forthcoming.

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:

- The subject property is encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by the **MLGW Right of Way Encroachment Policy**.
- **It is the responsibility of the owner/applicant**, prior to any development, to contact **Ronnie Alberson, Land Rights Specialist, with MLGW @ 528-4186** and obtain written approval for any improvements within the Easement.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is 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
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development**: 528-4858
 - MLGW Engineering - **Commercial Development**: 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T: AT&T has no comment.

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

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on June 24, 2008. The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization

OPD-Comprehensive Planning: No comments.

Neighborhood Associations:

Fisherville Civic Club:

No comments received on this particular amendment to the plan, however the Civic Club was not supportive of the prior revised plan for this area that was associated with P.D. 06-347

Gray's Creek Association:

The Grays Creek Assoc. board met with Brenda Solomito this past Monday and reviewed the proposed plan for the Village of Gray's Creek. We reviewed the items which are denoted on the attached plan and advised of what we would and would not support.

In general the single family section with primarily 40 ft front loaded lots are NOT acceptable. The adjacent single family uses have 60 ft. front loaded lots and the 40 ft lots are rear loaded. Also the vacant land to the south and east is zoned for single family 10 to 15,000 sq. ft. lots.

The multi-family area could be acceptable if appropriate grading and tree buffer zones are incorporated and if the actual built project is as Brenda presented it to be. This would

be a “big house” design concept; she mentioned they could include some photos of similar built projects that would become part of the PD conditions/ requirements.

Letters of Opposition – The Planning Staff is in receipt of numbers letters, and a petition in opposition to this request for multi-family units.