

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**

**STAFF REPORT**

**#17**

**CASE NUMBER:** P.D. 08-326      **L.U.C.B. MEETING:** November 13, 2008

**DEVELOPMENT NAME:** Galleria of Memphis Planned Development, 2<sup>nd</sup> Amendment

**LOCATION:** Existing western terminus of Market Plaza Drive

**COUNCIL DISTRICTS:**    **SUPER: 9**    **REGULAR: 1**

**OWNER OF RECORD/APPLICANT:** Tombo Properties

**REPRESENTATIVE:** John Maxwell

**REQUEST:** Amend Outline Plan Parcel I-D to expand it by including 15 acres from Outline Plan Parcel I-A in order to permit hotels/motels including site plan approval for the construction of a Hilton Garden Inn Hotel six stories in height with 138 guest rooms.

**AREA:** 15 Acres

**EXISTING LAND USE & ZONING:** Vacant/Currently governed by PD 04-312.

**SURROUNDING LAND USES AND ZONING:**

**North:** Recently-approved but as yet not constructed Lifetime Fitness Facility within Outline Plan Parcel I-D

**East:** Retail shops within Phase 10 of the Galleria Planned Development

**South:** Vacant property within the Galleria Planned Development

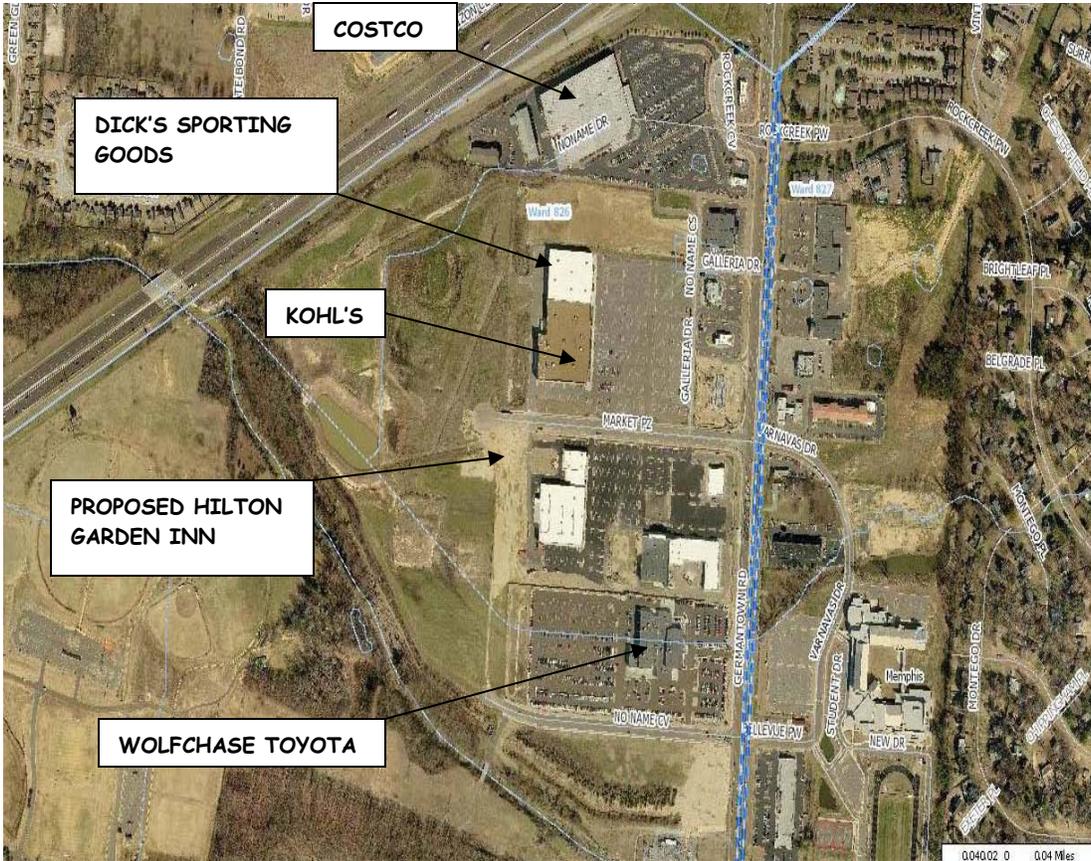
**West:** Bellevue Baptist Church recreational fields

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

**Approval With Conditions**

## CONCLUSIONS

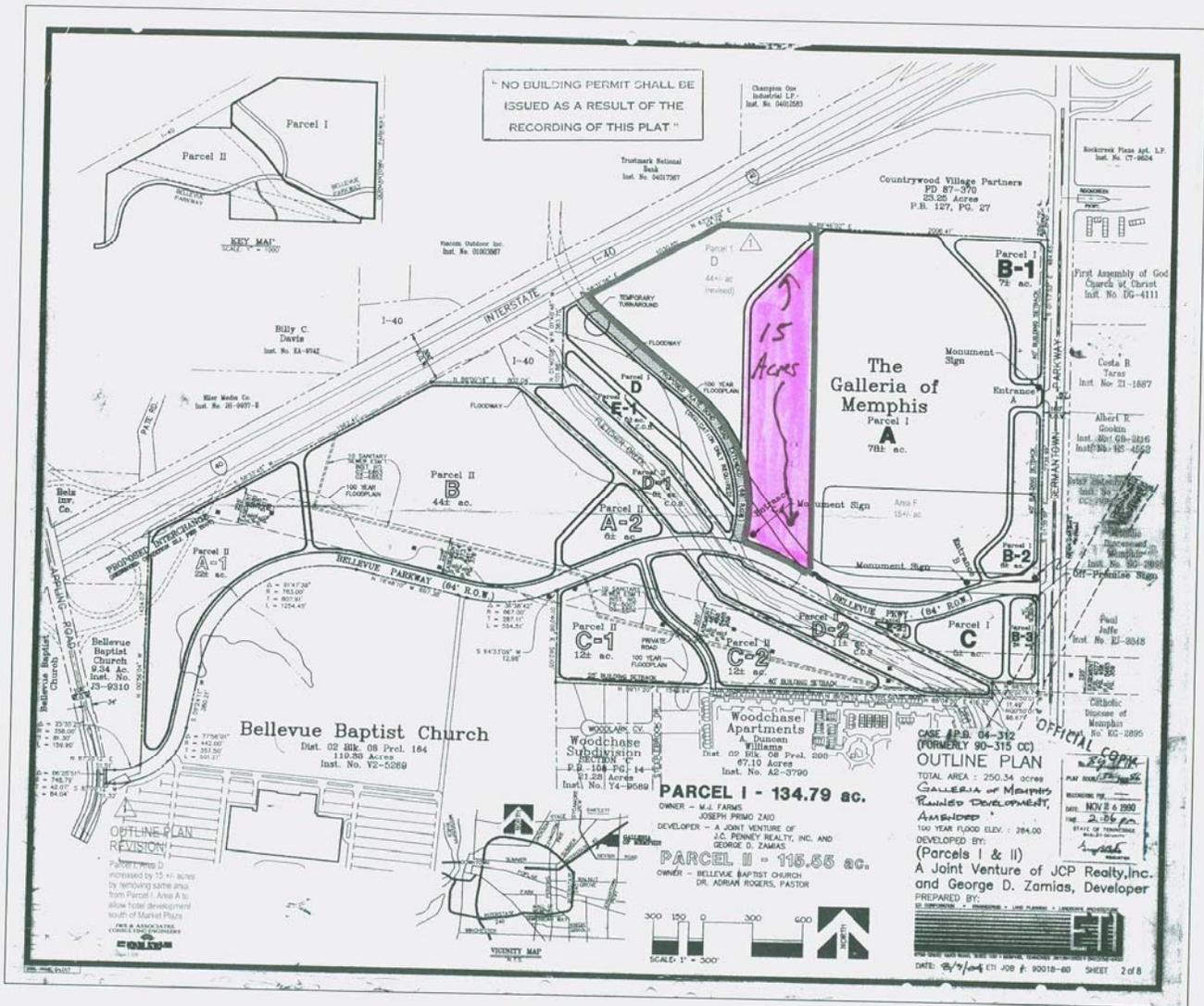
1. The Galleria Planned Development is nearing build out after being approved some 18 years ago. To this point, development has been primarily with retail space. No hotels or motels have been constructed in the planned development though portions of the planned development permit their use.
2. This amendment would permit an expansion of Outline Plan Parcel I-D by 15 acres. Parcel I-D currently permits hotels/motels subject to site plan approval by the Land Use Control Board. The expanded area is behind and abutting retail establishments such as Kohl's Department Store, Dick's Sporting Goods, and Ross Department Store.
3. There is no objection to the parcel expansion to allow additional room for hotel/motel sites. A Hilton Garden Inn is ready to move forward in the expansion area and is included for site plan approval as part of this amendment. Should other hotels/motels wish to locate in the permitted locations for such uses within the planned development, the specific user will be required to have approval from the City Council to assure no hourly-rate facility is being established.
4. Any subsequent development requests within Parcel I-D after the Hilton Garden Inn Hotel shall not be approved until the right-of-way of Kate Bond Road Extended from Interstate 40 south to Market Plaza Drive has been established by the City Engineer.



**Aerial Photograph of Subject Property and Vicinity**

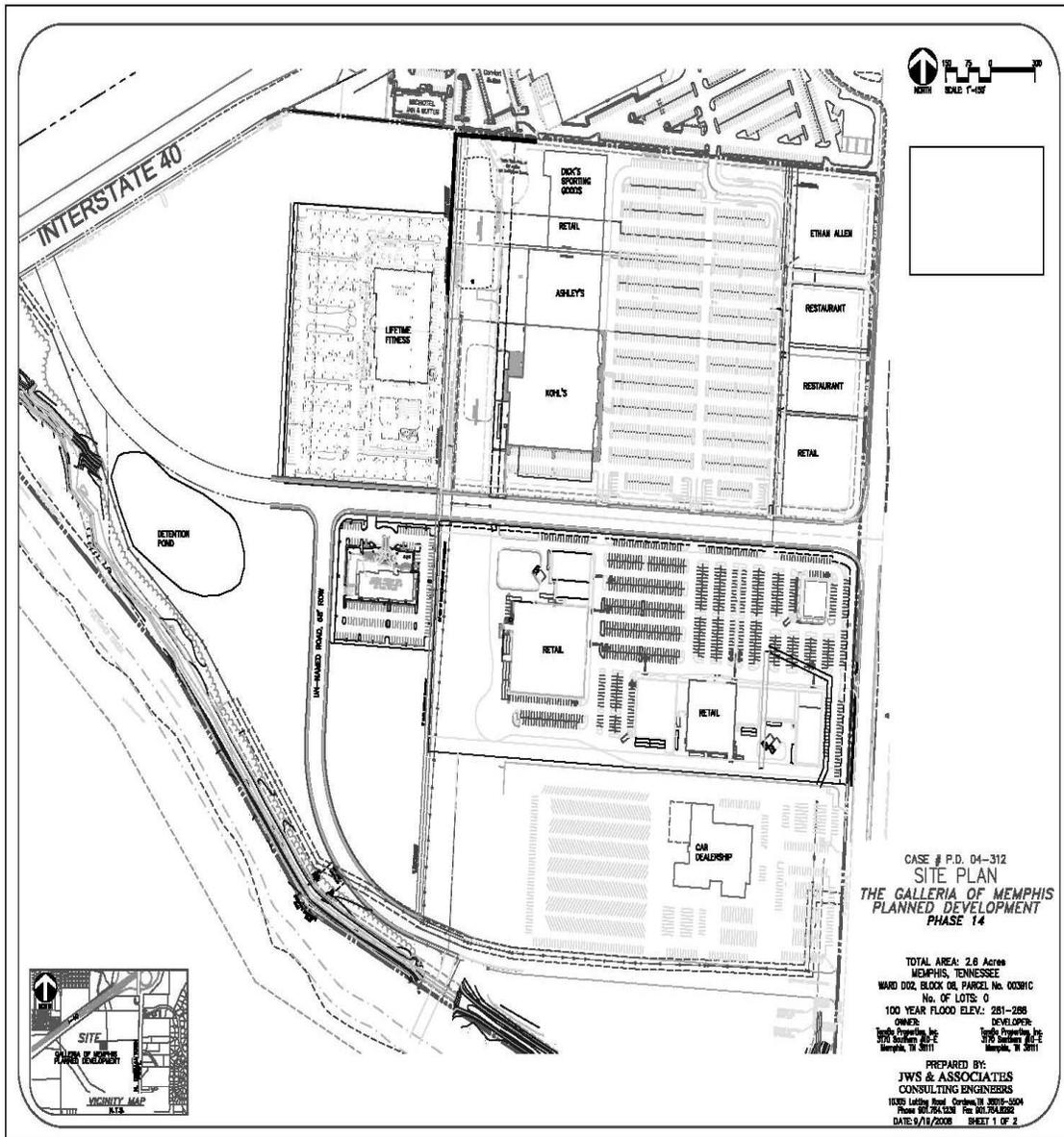


Galleria of Memphis PD, 2<sup>nd</sup> Amendment  
 PD 08-326  
 11/13/08  
 Page 5



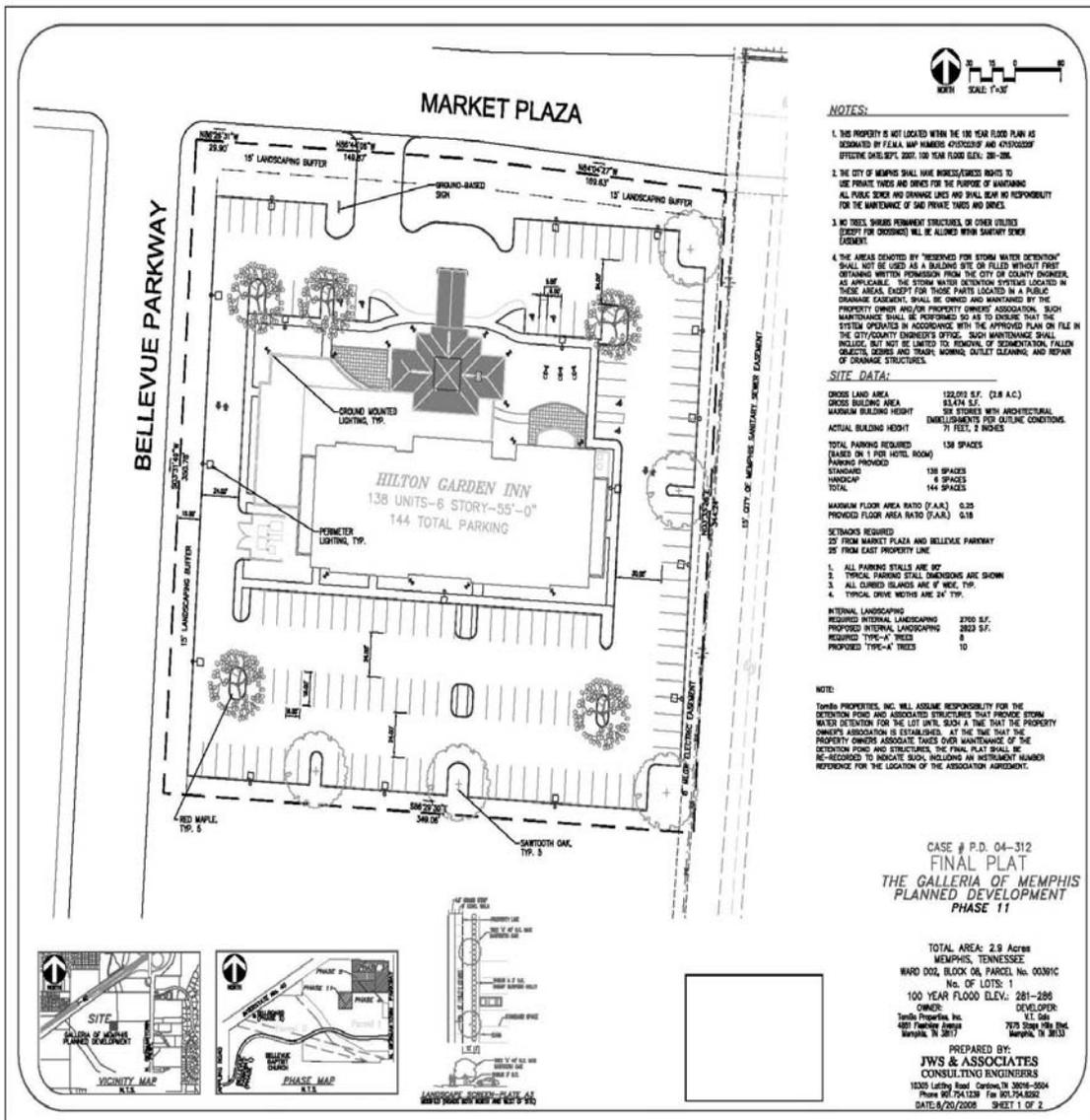
Proposed Area Of Amendment

Galleria of Memphis PD, 2<sup>nd</sup> Amendment  
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Area Site Plan Showing Recently-Approved Lifetime Fitness Health Club Opposite The Proposed Location Of A Hilton Garden Inn Hotel

Galleria of Memphis PD, 2<sup>nd</sup> Amendment  
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 Page 7



Proposed Hilton Garden Inn Hotel Site Plan

Galleria of Memphis PD, 2<sup>nd</sup> Amendment  
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 Page 8



HILTON GARDENS - NORTH ELEVATION

**Office of Planning and Development Certificate**  
 This plat is being re-recorded to show the increase in size of Area II by 15 +/- acres to revise the recorded Ultimate Plan Conditions. The amended plan of development to show the revised area delineations and proposed hotel site plan was acted on by the Land Use Control Board on \_\_\_\_\_ and was approved by the Memphis City Council on \_\_\_\_\_.

By: \_\_\_\_\_  
 Director  
 Office of Planning & Development

**Owner's Certificate**  
 I/We, Loeb Properties, Inc., the undersigned owner of the property show, hereby adopt this plat as our plan of development and dedicate the streets, right-of-way, and grant the easements as shown and/or described to public use forever. We certify that we are the owner of the said property in fee simple, duly authorized to act, and that it is not encumbered by any taxes or mortgages which have said property become due and payable.

By: \_\_\_\_\_ Date: \_\_\_\_\_



CASE # P.D. 04-312  
 FINAL PLAT  
 THE GALLERIA OF MEMPHIS  
 PLANNED DEVELOPMENT  
 PHASE 14

TOTAL AREA: 2.9 Acres  
 MEMPHIS, TENNESSEE  
 WARD 002, BLOCK 08, PARCEL No. 00391C  
 No. OF LOTS: 1  
 100 YEAR FLOOD ELEV.: 281-286  
 OWNER: X.L. ROE  
 Loeb Properties, Inc. 7075 Stage Hills Blvd.  
 3175 Saddle Ave. #102 Memphis, TN 38111

PREPARED BY:  
**JWS & ASSOCIATES**  
 CONSULTING ENGINEERS  
 10305 Letting Road, Cordova, TN 38016-5504  
 Phone 901.754.1238 Fax 901.754.6292  
 DATE: 10/03/2008 SHEET 8 OF 8

Proposed Hilton Garden Inn Building Elevation

## **STAFF ANALYSIS**

**Area and Site Description** - The subject property is located within the 250-acre Galleria Planned Development which has been approved since 1990 as a mixed-use planned development. While the Galleria Planned Development was originally envisioned as a possible location for a regional mall, it has subsequently developed as a more typical suburban shopping center in lieu of the regional mall for the area (Wolfchase Galleria) being developed in 1994 northeast of the Galleria Planned Development approximately one-half mile away.

The overall area surrounding the subject property typifies suburban development patterns with linear development along Germantown Parkway and Interstate 40. The Galleria Planned Development is no exception to this development pattern having developed with a multitude of retail uses including large retailers such as Kohls, Dick's Sporting Goods, Ashley Furniture, and Ross Dress For Less.

The proposed area of amendment within the planned development consists of 15 acres currently located in Outline Plan Parcel I-A. This area is proposed for inclusion in Outline Plan Parcel I-D. It is currently vacant and abuts the aforementioned large retailers to their rear. The area is flat and devoid of any trees and is currently accessed by the stub street end of Market Plaza Drive. A recent street dedication approval will improve access to the site by extending a collector street north from Bellevue Parkway to intersect with Market Plaza Drive (see Page 6 for an illustration of this road extension). Parcel I-D would increase in size to 44 acres. Parcel I-D is currently vacant but soon will see construction of a Lifetime Fitness Health Club that was recently approved by the Land Use Control Board. If the amendment to expand Parcel I-D is approved, a proposed Hilton Garden Inn will be developed here as well.

**Purpose of the Amendment** – The existing Galleria of Memphis Planned Development (Case # PD 04-312) is comprised of several parcels and areas. These parcels have certain ranges of uses and specific prohibited uses as described in the document. The purpose of this amendment is to reconfigure Parcel I-D to encompass some additional area to allow for the development of a hotel. The area affected by this is in the central portion of the site and is currently in Parcel I-A. Hotels are a prohibited use in that parcel. Therefore, it is being requested that the parcel boundary between Parcel I-A and Parcel I-D be moved approximately 400 feet eastward to allow for development of a hotel. As has been the case, the objective of this development is to provide regional retail services and the development of a hotel, as is shown on Pages 6, 7, and 8 of the staff report furthers the objectives and goals of this site.

**Companion Site Plan Approval Request for a Hilton Garden Inn Hotel** – As illustrated on Pages 6, 7, and 8 of this staff report, the applicant has a proposed hotel development ready for development pending approval of this amendment and approval of a site plan for the hotel. Development within the Galleria Planned

Development requires site plan approval first by the Land Use Control Board prior to filing a final plat, so the applicant is asking that site plan approval be given now. Further, the City Council requires all new hotel construction to be approved by them, so the inclusion of the Hilton Garden Inn site plan review as a companion item to this amendment will permit the City Council at the same time of the amendment consideration to consider the specific site plan for the Hilton Garden Inn.

The proposed Hilton Garden Inn will contain 138 guest rooms with 144 parking spaces in a 6-story building 55 feet in height on 2.90 acres. The actual building height with parapets included is 71 feet, 2 inches in height, but the Zoning Ordinance measures maximum height at the actual flat part of the roof. The exterior appearance of the building will be expected to comply with the other buildings in the Galleria of Memphis Planned Development which has been earth-tone coloring. There is no objection to the site plan. Recommended conditions for its approval are attached.

***Conclusions*** - The approval of the amendment and proposed Hilton Garden Inn site plan are recommended for approval. There are no changes that are proposed that would alter how the approved development exists with neighboring properties and their respective abilities to develop. The subject property is ideally suited for hotel/motel development due to its regional location served by Interstate 40 and Germantown Parkway. Any subsequent development of hotels or motels proposed for Parcel I-D will be required to have site plan approval by the Land Use Control Board and City Council. The recommended conditions of approval for the amendment itself and site plan approval conditions for the Hilton Garden Inn are attached.

P.D. 08-326

Galleria of Memphis

Planned Development, Amended

*(Bold, italicized print indicates proposed amendments)*

Outline Plan Conditions:

I. Uses Permitted:

A. Parcel I A - Any use permitted by right, by administrative site plan review or by special use permit in the C-P District except the following uses:

1. Group Shelter
2. Hotel
3. Motel
4. Transitional Home
5. Airport, Heliport
6. Church
7. Lodge, Club, Country Club
8. Recreational Field
9. School, Public or Private
10. Farm Labor and Management Services
11. Amusements, Commercial Outdoor
12. Automobile Service Station
13. Garage, Commercial
14. General Service and Repair Shop
15. Pawn Shop
16. Restaurant, Drive-in
17. Retail Sales, Outdoor
18. Tavern, Cocktail Lounge, Night Club
19. Undertaking Establishment
20. Used Goods, Second-hand Sales
21. Vehicle Wash
22. Telephone Service Center
23. Telephone Switching Center, Electric Transmission, Gas Piping, Water Pumping Station
24. Bingo Games
25. Convenience Stores
26. Only one(1) motor vehicle sales and service establishment shall be permitted on Parcel I-A and shall only be located in Area 'F'.

B. Parcel I B - Any use permitted by right, by administrative site plan review or by Special Use Permit in the C-P District, except the following uses;

1. Group Shelter
2. Hotel
3. Motel
4. Transitional Home
5. Airport, Heliport
6. Church
7. Day Care Center
8. Family Day Care Home
9. Group Day Care Home
10. Lodge, Club, Country Club
11. Museum
12. Nursery School
13. Recreational Field
14. School, Public or Private
15. Farm Labor and Management Services
16. Amusements, Commercial Indoor
17. Amusements, Commercial Outdoor
18. Automobile Service Station
19. Beverage Container Collection Center
20. Business School
21. Catering Establishment
22. Department or Discount Store
23. Garage, Commercial
24. Gasoline Sales
25. General Service and Repair Shop
26. Greenhouse or Nursery, Commercial
27. Lawn, Tree or Garden Service
28. Music of Dancing Academy
29. Pawn Shop
30. Personal Service Establishment
31. Restaurant, Drive in
32. Retail Sales, Outdoor
33. Tavern, Cocktail Lounge, Night Club
34. Undertaking Establishment
35. Used Goods, Second-hand Sales
36. Vehicle Wash
37. Veterinary Clinic
38. Telephone Service Center
39. Telephone Switching Center, Electric Transmission, Gas Piping, Water Pumping Station
40. Bingo Games
41. Convenience Stores

42. Post Office or Postal Facility
43. Only one(1) motor vehicle sales and service establishment shall be permitted on Parcel I-B-2 and shall only be located in Area 'F'.

C. Parcel I C - Any use permitted by right, by administrative site plan review or by special use permit in the C-P District, except the following uses:

1. Group Shelter
2. Transitional Home
3. Airport, Heliport
4. Church
5. Lodge, Club, Country Club
6. Recreational Field
7. School, Public or Private
8. Farm Labor and Management
9. Garage, Commercial
10. Motor Vehicle Sales
11. Pawn Shop
12. Restaurant, Drive-in
13. Retail Sales, Outdoor
14. Tavern, Cocktail Lounge, Night Club
15. Undertaking Establishment
16. Used Goods, Second-hand Sales
17. Bingo Games

D. Parcel I D - Any use permitted by right, by administrative site plan review or by special use permit in the C-P District, except the following uses:

1. Group Shelter
2. Transitional Home
3. Airport, Heliport
4. Lodge, Club, Country Club
5. Recreational Field
6. Farm Labor and Management Services
7. Amusements, Commercial Outdoor
8. Garage, Commercial
9. Motor Vehicle Sales
10. Pawn Shop
11. Restaurant, Drive-in
12. Tavern, Cocktail Lounge, Night Club
13. Undertaking Establishment
14. Bingo Games

- E. Other Uses - Tire, battery and accessory services shall be permitted in Parcels I A, I C and I D.
- F. Parcel II A - Any use permitted by right, by administrative site plan review or by special use permit in the C-P District, except the following uses:
1. Airport, Heliport
  2. Farm Labor and Management Services
  3. Amusements, Commercial Outdoor
  4. Motor Vehicle Sales
  5. Motor Vehicle Service
  6. Pawn Shop
  7. Drive-in Restaurant
  8. Retail Sales, Outdoor
  9. Tavern, Cocktail Lounge, Night Club
  10. Used Goods, Second-hand Sales

The following additional uses are permitted in Parcel II A:

1. Laboratories
  2. Processing and manufacturing incidental to retail establishment
  3. Office showroom
  4. Wholesale Display Establishment
  5. Electrical or Electronic Appliances and Instruments
  6. Warehouse, Storage
- G. Parcel II B - Any use permitted in the O-G District shall be permitted, and the following additional uses shall also be permitted:
1. Cleaning Pick-up Station
  2. Office and Art Supply, Display and Storage
  3. Laboratories
  4. Personal Service Establishment
  5. Photo-finishing Pick-up Station
  6. Apothecary
  7. Day Care Center
  8. Health Spa
  9. Restaurant
  10. Answering Services
  11. Duplicating Services
  12. Computer Sales and Services
  13. General Service and Repair
  14. Recreational Fields
  15. Retail Shop

16. Services, Other Business and Personal
  17. Warehouse, Storage
  18. Electrical or Electronic Appliances and Instruments
  19. Wholesale sales, service, storage and display as related to businesses for which offices within the development are maintained
  20. Hotel, Motel
- H. Parcel II C - Any use permitted by right or special use permit in the R-TH District, except the following uses:
1. Boarding House
  2. Fraternity, Sorority
  3. Group Shelter
  4. Rooming House
  5. Student Dormitory
  6. Cemetery, Mausoleum
  7. Lodge, Club, Country Club
  8. Museum
  9. Nursery School
  10. Recreational Field - Lighted
  11. Schools K-12, Public or Private
  12. Offices
  13. Parcel II C-1 shall be single family attached and detached; no townhouse or multi-family dwellings shall be permitted.
- I. All property located in the Floodway (FW) shall be governed by the Floodway District Regulations.
- J. All property located in the Flood Plain (FP) District shall be governed by the Flood Plain District Regulations.
- K. All property within Parcels II D-1, II D-2, I E-1 and I E-2 shall be designated as common open space for the purpose of natural drainage and passive recreational use.

II. Bulk Regulations:

A. Parcel I and Parcels II A and II B

The requirements of the Planned Commercial (C-P) District will apply with the following exceptions:

1. Parcel I - Maximum .25 Floor Area Ratio (FAR) shall be permitted for the property, or 1.47 million square feet of floor area. Individual Phases or Areas may exceed the .25 FAR.
2. Parcels II A and II B - Maximum .25 Floor Area Ratio (FAR) shall be permitted.
3. Minimum setback from Germantown Parkway - 40 feet.
4. Minimum setback from internal private drives - 15 feet.
5. Maximum Heights:
  - a. Parcel I A - Two stories with architectural embellishments and atriums.
  - b. Parcel I B - 22 feet, except for Area 'F' that shall be thirty(30') feet.
  - c. Parcels I C, I D and II B - 55 feet
  - d. Parcel II A - 35 feet

B. Parcel II C

The requirements of the Townhouse Residential (R-TH) District shall apply, with the following exceptions:

1. Parcel II C-1 - Maximum residential density shall be seven (7) dwelling units per acre. This area shall be single family attached or detached dwellings. No townhouse or multifamily dwellings shall be permitted.

2. Parcel II C-2:  
Maximum residential density, except for elderly or assisted care facilities, shall be 14.6 dwelling units per acre. A minimum setback of 40 feet shall be maintained along the south property line.
  3. Parcel II C-1 shall not be connected to Steeplebrook Drive.
- C. Parcel II D-1, II D-2, I E-1 and I E-2:  
Bulk requirements shall be determined at time of site plan review.
- D. Air conditioning, heating, and other mechanical equipment shall be screened using architectural features, planting, fences, or other means.

III. Access, Circulation and Parking:

- A. Dedicate and improve Bellevue Parkway (a major collector) sixty-eight(68') feet wide right-of-way and the centerline shall align with the existing Bellevue Parkway to the east side of N. Germantown Parkway and improve in accordance with the Subdivision Regulations.
- B. Dedicate and improve a 30 foot radius at both intersections of Bellevue Parkway and Appling Road and Bellevue Parkway and Germantown Road.
- C. Improve a southbound auxiliary lane and a 12 foot paved shoulder from the eastbound I-40 exit ramp southwardly approximately 800 feet across the Countrywood Village Partners tract and along the full Germantown Parkway frontage of the subject property. Dedicate additional right-of-way as required across the subject site.
- D. Three points of access to N. Germantown Parkway right-in and right-out only shall be permitted, and two public streets shall be provided one to accommodate Bellevue Parkway and one directly opposite Varnavas Drive. No additional curb cuts to Germantown Parkway shall be permitted.
- E. Dedicate and improve any internal public road as a commercial collector (68 feet right-of-way and 48 feet or pavement) in accordance with the Subdivision Regulations.
- F. Access to Appling Road via private drive or driveway shall be prohibited. Access shall be permitted by public street only.
- G. The design and location of curb cuts shall be approved by the City Engineer.
- H. All private drives shall be constructed to meet the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet exclusive of curb and gutter.
- I. Internal circulation shall be provided between compatible adjacent phases, lots, sections.

- J. Right-of-way for the I-40 interchange with Appling Road shall be reserved in accordance with the Tennessee Department of Transportation plans.
- K. No curb cuts shall be permitted on Bellevue Parkway within 300 feet of Germantown Parkway. No curb cuts shall be permitted on Entrance A within 200 feet of Germantown Parkway.
- L. Internal access from Parcel I to the property to the north (Countrywood Collection, P.D. 87-370 CC) shall be provided so as to allow indirect access to the Rockcreek Parkway intersection subject to site plan review by the Land Use Control Board.
- M. Access from the adjacent property with frontage on Appling Road and zoned I-L shall be permitted through Parcel II A-1 to Bellevue Parkway.
- N. A sidewalk shall be provided on the south side of Bellevue Parkway. No sidewalks are required on the north side of Bellevue Parkway or on Germantown Parkway. However, a defined alternative pedestrian system shall be provided linking Bellevue Parkway to commercial or other employment uses within each parcel.
- O. Parking shall be provided in accordance with the Zoning Ordinance.
- P. Dedicate 34 feet from the centerline of Kate Bond Road through Parcels I D-1 and II B.
- Q. Improve the I-40 eastbound exit ramp at Germantown Parkway to two lanes in accordance with Tennessee Department of Transportation guidelines and upon volume warrants being met.
- R. Dedicate and improve necessary right-of-way on Appling Road at proposed Bellevue Parkway to accommodate two left-turn lanes from Appling Road to Bellevue Parkway.
- S. Traffic signals shall be installed at the following seven locations: 1) Germantown Parkway and I-40 east ramp; 2) Germantown Parkway and Rockcreek Parkway; 3) Germantown Parkway and Entrance A; 4) Germantown Parkway and Bellevue Parkway; 5) Bellevue Parkway and Appling Road, all in accordance with applicable governmental standards and upon warrants being met. The developer's funding responsibility for the traffic signal at Germantown Parkway and Rockcreek Parkway shall be limited to providing displays for northbound and southbound Germantown Parkway and westbound Rockcreek Parkway.

#### IV. Landscaping and Screening

- A. Plate A-4, with a berm, or without a berm and shrubbery, 25 feet wide shall be provided along Germantown Parkway and within 299 feet of Germantown Parkway along Bellevue Parkway and proposed Entrance A.
- B. Plate F, 15 feet wide and without a sidewalk shall be provided along Interstate 40.

- C. Plate A-2 or A-3 shall be provided along Bellevue Parkway.
- D. Plate B-4, 15 feet wide at a minimum or the equivalent, shall be provided along the Woodchase Subdivision northern boundary. The natural vegetation shall remain where ever feasible. The intent is that the natural vegetation shall remain.
- E. Internal landscaping shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree per every 20 parking spaces. No parking space shall be located more than seventy-five (75') feet from a Tree A. This requirement shall only apply to the area in front of any building located on N. Germantown Parkway or Bellevue Parkway for Area 'F'.
- F. All required landscaping shall be provided exclusive of any area encumbered by easements and shall not conflict with any easements, including overhead wires.
- G. Equivalent landscaping may be substituted for that required above, subject to the approval of the Land Use Control Board as part of site plan review of any final development plan.
- H. Refuse containers shall be completely screened from view from the public roads.
- I. Maximum height of light standards shall be:
  - 1. Parcels I B, I C, - 20 feet
  - 2. Parcels I A, I D, II A, II B - 40 feet.
- J. During development of Parcel II C-1 a construction fence shall be installed to protect the landscape/natural area during construction.
- K. For the automobile sales and service establishment located in Area 'F', the following additional conditions shall apply:
  - 1. Development shall be in general conformance with the site plan;
  - 2. The automobile dealership building shall be as generally depicted on the building elevation plan with earth tone colors and recorded as part of the amended Outline Plan;
  - 3. No banners, flags, streamers, balloon or similar advertising devices, temporary or portable signs, reader board signs, roof mounted signs or tents shall be permitted;

4. No outside speaker system shall be permitted;
5. No automobile test drives shall utilize Rockcreek Parkway, the Bellevue Baptist Church private drive, or Chimneyrock Boulevard.

V. Signs:

- A. Two ground mounted monument signs, identifying the regional shopping center, a maximum of 175 square feet in area each, shall be permitted along Germantown Parkway. A ground mounted detached on-premise monument sign a maximum of 175 square feet in area shall be permitted at the right-in/right-out drive in Area 'F'. In addition, a ground mounted detached on-premise monument sign a maximum of 60 square feet in area shall be permitted at the corner of N. Germantown Parkway and Bellevue Parkway in Area 'F'. No other detached on-premise signs shall be permitted along Germantown Parkway.
- B. One ground-mounted off-premise sign, identifying Bellevue Baptist Church, a maximum of 175 square feet in area, shall be permitted along Germantown Parkway.
- C. Two ground-mounted signs, identifying the regional shopping center. a maximum of 175 square feet in are each shall be permitted along Bellevue Parkway.
- D. Parcel II A - Signage shall be in accordance with the Planned Commercial (C-P) District.
- E. Parcel II B - Signage shall be in accordance with the General Office (O-G) District.
- F. Signs along the Interstate 40 right-of-way frontage shall be permitted in Parcels I-D and II B only. Two (2) detached signs for Parcel I-D, and two (2) detached signs for Parcel II B, with a maximum surface area of 400 square feet each, in accordance with the C-P District sign requirements. Sign height shall be determined at the time of site plan review.
- G. The two existing off-premise signs identifying Bellevue Baptist Church shall be permitted to remain and may be replaced if damaged or destroyed.
- H. Attached signs for all parcels except for Parcel II C-1 and II C-2 shall be permitted in accordance with the Planned Commercial (C-P) District subject to site plan review by the Land Use Control Board.
- I. Parcels II C-1 and II C-2 - Signs shall be permitted in accordance with the Townhouse Residential (R-TH) District.
- J. No temporary or portable signs shall be permitted.
- K. Minimum sign setback from the public right-of-way shall be 15 feet.

- L. Any additional sign shall be requested under the provisions of the site plan review by the Land Use Control Board, Condition VII.

VI. Drainage:

- A. All drainage plans shall be submitted to the City and County Engineer for review.
- B. All drainage emanating on-site shall be private. Easements will not be accepted.
- C. Drainage improvements to be provided under contract in accordance with Subdivision Regulations, and the City of Memphis Drainage Design Manual including possible on-site detention.
- D. A pro rata drainage fee may be required.
- E. The following note shall be placed on all final plans. Common open space is reserved for the purpose of the conveyance of storm water in a natural drainageway. This C.O.S. shall not be used as a building site or filled without obtaining the written permission from the City and County Engineer. The drainage way system located with the C.O.S., except for those parts located in a public drainage easement, shall be owned and maintained by the property owners' association. Such maintenance shall be performed so as to assure that the drainage 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.

VII. Other:

- A. The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping, and other site design 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 days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative bodies.
- B. The first phase of development shall include all of the Common Open Space Parcels I E-1, I E-2, II D-1 and II D-2.

VIII. Site Plan Review by the Land Use Control Board

- A. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development(OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to approval of any final plan. The Woodchase Homeowners Association and property owners adjacent to Parcels II C-1 and II C-2 shall be notified 10 days prior to the Land Use Control Board meeting. ***Any site plan involving the construction of a new hotel/motel shall be forwarded to the City Council for final disposition after recommendation by the Land Use Board.***
  
- B. The site plan shall be submitted at least twenty days prior to a Land Use Control Board meeting and shall include following:
  - 1. The location, dimensions and floor area of all buildings, structures and parking areas.
  - 2. An illustration of the dimensions, design, materials and method of lighting for all attached signs.
  - 3. An access plan for the site entrance and exit lanes and any proposed traffic signing or signal.
  - 4. Specific plans for internal and perimeter landscaping and screening including the identification by name and location of plant materials.
  - 5. Roadway improvements necessary to accommodate traffic generated by this development shall be in place or under contract before any final plan shall be approved.
  - 6. Illustration of the public and private pedestrian systems.
  - 7. A composite plan showing all built and/or approved final plans within a parcel shall be submitted for review with each request for site plan review.
  
- 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 commercial planned developments contained in Sections 14.C. and 14.E. of the Zoning Regulations.
  - 3. Compatibility with adjacent land uses.
  - 4. Provision of an adequate access plan including availability of needed major road facilities and pedestrian facilities as detailed above.

- IX. A final plan shall be filed within ten years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
- 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 including height, of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials,
  - D. The number of parking spaces,
  - E. The location and ownership, whether public or private of any easement,
  - F. The location, diameter and species name of existing trees over 10 inches in diameter, and differentiation between those trees to be preserved and those to be removed.
  - G. The Floodway District boundary, the 100 year flood elevation and any wetlands;
  - H. The location of any conservation easement and the agency in whose favor the easement is granted.
  - I. 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.

*Site Plan Approval Conditions*  
*Hilton Garden Inn Hotel*  
*Parcel I-D*  
*PD 08-326*

1. A maximum building height of 71 feet, 2 inches is permitted.
2. One detached, monument-style sign no more than 10 feet in height and no more than 50 square feet in area is permitted along Market Plaza Drive.
3. Landscaping Plate A-3 a minimum of 15 feet in width is required along the public street frontages.
4. Attached signs shall be subject to the approval of the Office of Planning and Development.
5. No signs shall flash, revolve, oscillate, or create the illusion of continuous movement .
6. The building exterior shall be finished in earth tone colors to be consistent with the existing buildings in the planned development.
7. All building elevations, signs, and a detailed landscaping plan shall be provided with the final plat.
8. No additional development shall occur in Parcel I-D until the right-of-way of Kate Bond Road Extended from Interstate 40 south to Market Plaza Drive has been established by the City Engineer.
9. All Outline Plan Conditions remain applicable unless modified by Conditions 1-8 above.

**GENERAL INFORMATION**

**Street Frontage:** None currently. Market Plaza Drive is being extended to access the site.

**Planning District:** Walnut Grove/Shelby Farms

**Zoning Atlas Page:** 1855

**Parcel ID:** 096500 00685

**Zoning History:** The site has been previously approved under PD 90-315 CC and PD 04-312.

**DEPARTMENTAL COMMENTS**

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

**City Engineer:**

No objections to the requested change in use.

**City Fire Division:** No comments.

**City Real Estate:** None.

**City/County Health Department:** No objections.

**City Board of Education:** No comments received.

**Construction Code Enforcement:** No comments received.

**Center City Commission:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**AT&T/Bell South:** AT&T has no comment at this time regarding this development.

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

**OPD-Regional Services:**

This application was reviewed by the MPO staff/Department of Regional Services on October 15, 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.

**Cordova Leadership:** No comments received.

**Cordova Community Watch:**. No comments received.