

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

CASE NUMBER: P.D. 08-329 L.U.C.B. MEETING: December 11, 2008

DEVELOPMENT NAME: Trinity Road Planned Development

LOCATION: North side of Trinity Road; +749 feet west of Germantown Road

COUNCIL DISTRICT: 2 **SUPER DISTRICT:** 9

OWNER OF RECORD: Richard Leike Living Trust

APPLICANT: B & H Hospitality, LLC

REPRESENTATIVE: Ronald Harkavy **AREA:** 4.26Acres

REQUEST: Mixed Use PD for Hotel, Restaurant, and Office Uses

EXISTING LAND USE & ZONING: Vacant Land in the Heavy Industrial (I-H) District

SURROUNDING LAND USES AND ZONING:

North: Industrial uses (a Concrete Plant) in the Heavy Industrial (I-H) District

East: An institutional use (Ballet Memphis) in the Heavy Industrial (I-H) District

South: Vacant land and a Shopping Center in the Heavy Industrial (I-H) District

West: Vacant land (the remaining 4 acres of this property holding) and an industrial use – large equipment rental in the Heavy Industrial (I-H) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

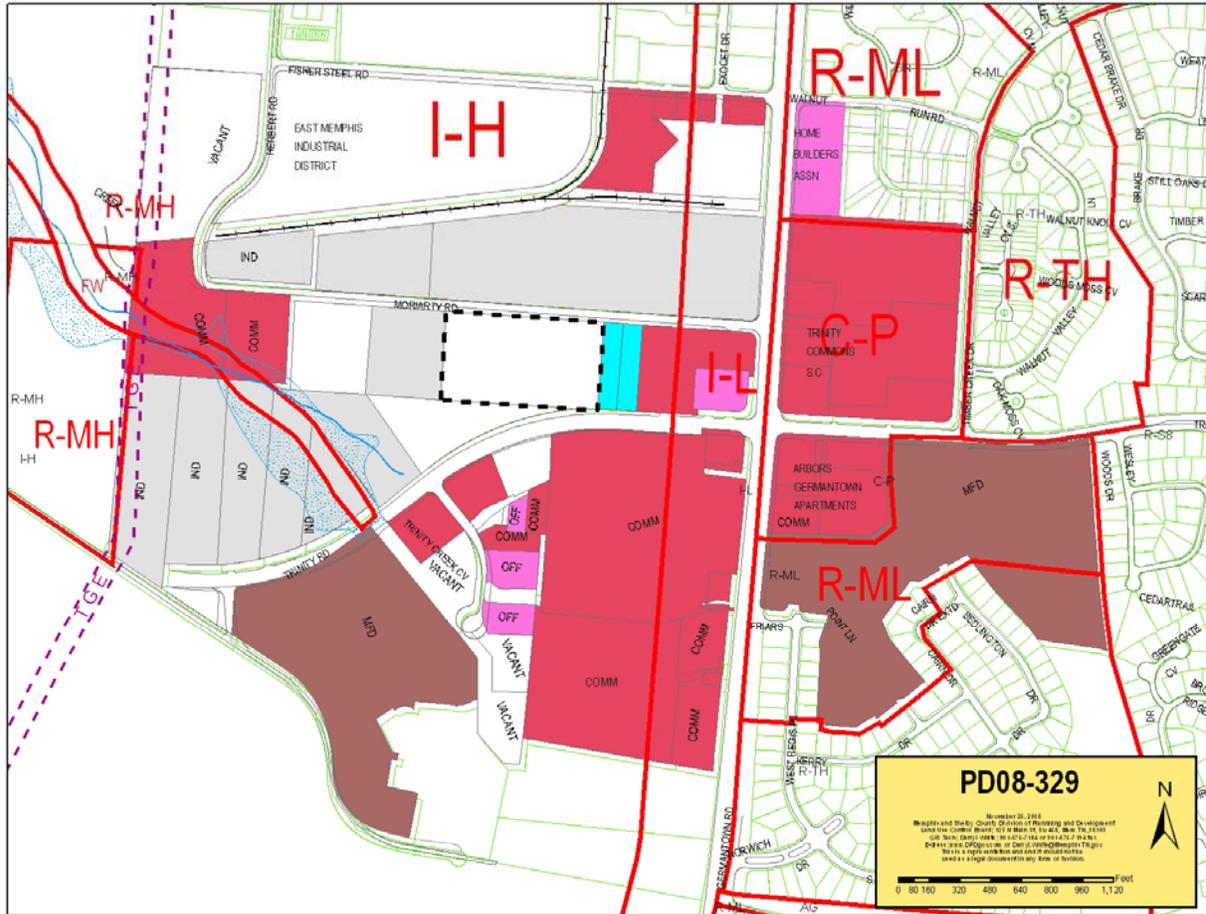
APPROVAL WITH CONDITONS

Staff: Don Jones

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CONCLUSIONS

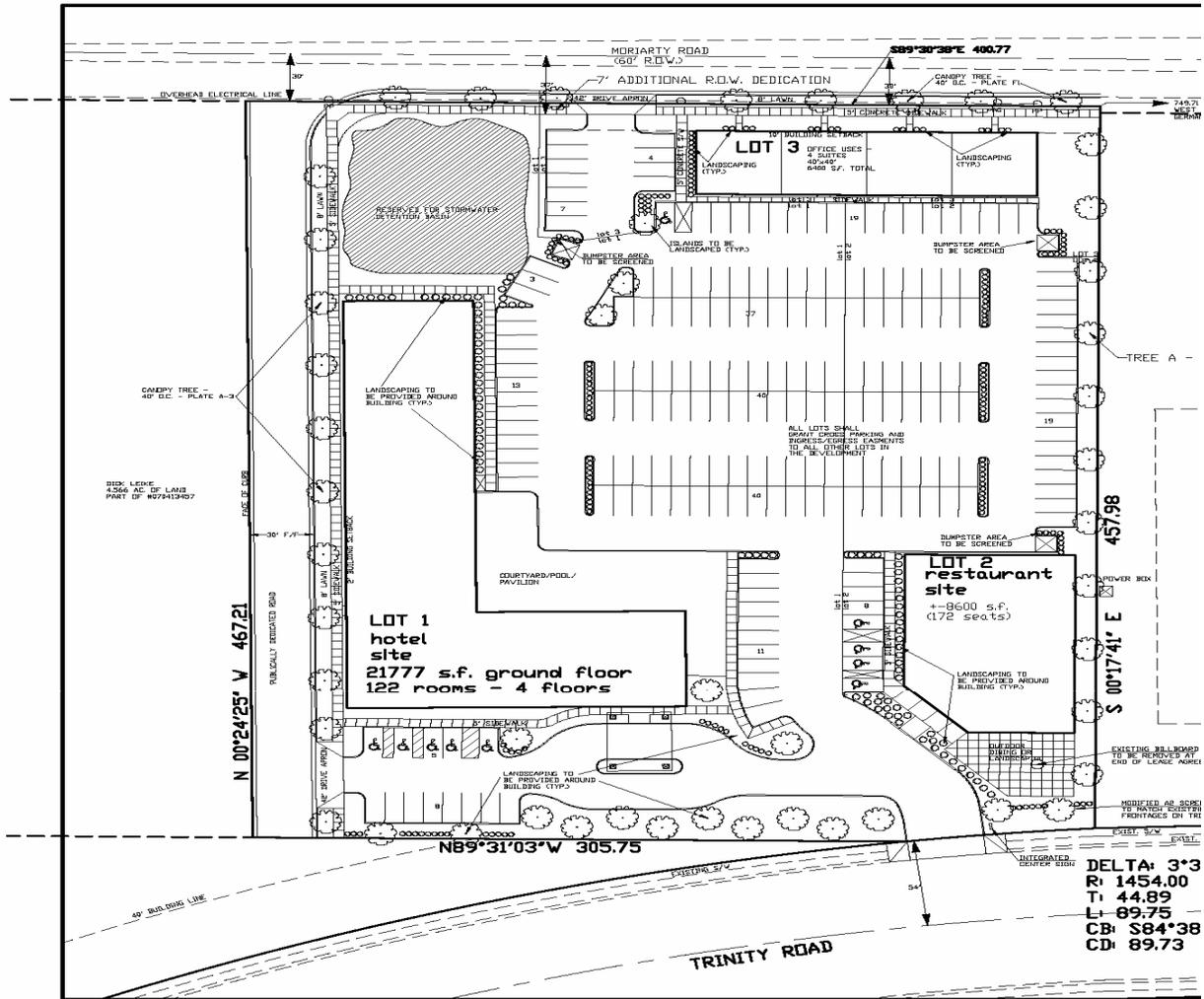
1. The fundamental design principles of the Charrette are 1. to increase both vehicular, pedestrian, and bicycle connections throughout the study area, 2. mix uses so that where possible reliance on the car can be lessened and allowing one parking space to do the work of two or three, 3. not only provide the connections but locate buildings with respect to the roads and sidewalks so that someone will be encouraged to walk.
2. The site plan contained in this staff report is the fourth revision. It represents a willingness on the part of both the applicant and the staff to find common ground around the design principles of the charrette.
3. The inclusion of a new north-south street and revisions to the site plan to provide a true frontage to Trinity Road are considerable changes to the original plan.
4. In consideration of these significant changes, and considering that the property on the north side of Moriarity Road is a current industrial use that may take some time to convert to another use, the staff is offering a compromise to allow the building on Lot 3 to be developed as a mixed use office and residential building.
5. With the numerous changes that have been offered, along with the suggested compromises and conditions, the staff concludes that this project meets the intent of the Charrette process and will serve as a good model for future development along this corridor.



Land Use and Zoning Map



Aerial of entire Leike Trust Property





Pages from Fischer Steel illustrating needed connections and generalized land use pattern



Immediate neighbor to the north

STAFF ANALYSIS:

Location and General Characteristics:

The subject property is the eastern half of the 8 acre property that is part of the Leike Trust as depicted on the Land Use and Zoning Map. This property is located with the area boundaries of two planning studies; The Germantown Parkway Area Study, adopted in 1992, and the Fischer Steel Road Area Charette which is in progress.

This site has approximately 400 feet of frontage on Moriarity Road which is a rural collector street. The south property line of this property runs parallel with Trinity Road, but the site has less than 100 feet of actual frontage on Trinity Road. The bend in Trinity Road to the south creates a triangular shaped property that separates the western portion of this site from the Road.

This site has some natural elevations in grade from Trinity Road and slopes south to north. The site has been recently cleared in preparation for development.

Conformance with Land Use Plans:

The Germantown Parkway Area Study designates this area as a Community Level Commercial area which is envisioned to contain retail commercial and complementary uses that support a mixed use center.

The Fischer Steel Road Area Planning Charrette which was conducted in October of this year, envisions this site with commercial uses fronting to Trinity Road , townhouse or multi-family fronting on Moriarity Road and parking located between the two buildings. The design concept also shows a new north-south road way along the east boundary of the subject property to provide connections to Trinity Road to the south.

Applicant's Request

The applicant's request includes a restaurant, and a 4-story hotel oriented to Trinity Road and a four suite office building of approximately 6,400 square feet facing Moriarity Road. This revised plan also locates most of the parking in a court yard located in the center of the plan and a new north-south road with streetscape on the subject property side on the west side of the site.

The plan shows three points of access, one from Trinity Road, one from the new north-south road, and one from Moriarity Road. The access from Trinity Road includes a treatment that is similar to a multi-way boulevard which runs along the frontage of the Hotel. This treatment includes landscaping, limited parking, and a sidewalk in front of the building.

Review of Request:

Comparisons to Charrette's Preliminary Recommendations

The fundamental design principles of the Charrette are 1. to increase both vehicular, pedestrian, and bicycle connections throughout the study area, 2. mix uses so that where possible reliance on the car can be lessened and allowing one parking space to do the work of two or three, 3. not only provide the connections but locate buildings with respect to the roads and sidewalks so that someone will be encouraged to walk.

The site plan in this staff report is the fourth revision and represents a willingness on the part of both the applicant and the staff to find common ground around the design principles of the charrette.

These latest revisions set the tone for a streetscape along Trinity Road that is both attractive and also pedestrian friendly. The proximity of this site to Shelby Farms can not be underestimated and by providing the link for both the pedestrian and the bicyclist the uses in this site could be benefit as guests of this site can visit Shelby Farms and visitors of Shelby Farms may be attracted to this restaurant site.

The new north-south road which is shown on the Charette Plan to the east of this property will provide the same purpose on the west side as it did on the east. The connection will not only serve both vehicles and pedestrians but at this location will also provide much needed access to the balance of the Leike property.

Along with the re-located road is a relocated hotel that now addresses two streets. The relocated hotel building will now have a potential view of Shelby Farms with windows on the west and south elevations. An altogether improved view than the side and back of the Memphis Ballet property.

The remaining outstanding issue is the use of Lot 3. The applicant proposes 1-story office with a residential style. The Charrette calls for townhouse or multi-family. After much in-house discussion, and considering that the property to the north is a concrete plant that may be some years before it is ready to be converted, the staff is offering a compromise to make this a two story mixed use building with ground floor office and second story residential.

In conclusion, the numerous changes that have been offered, along with the suggested compromises and conditions lead this staff to conclude that this project meets the intent of the Charrette process and will serve as a good model for future development along this corridor.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS
Trinity Road Planned Development
PD 08-329

- I. Uses Permitted
 - A. Lot 1: Hotel
 - B. Lot 2: Commercial Retail or Restaurant
 - C. Lot3: Office and second story residential in a townhouse style building
 - D. Accessory uses as permitted by the Planned Commercial District
 - E. The existing billboard is permitted to remain until its current lease has expired. At that time the Billboard shall be removed as provided for by the Off-Premise Signs section of the Zoning Ordinance. A copy of the current lease shall be provided for the file prior to the recording of the first final plat. A note to this effect shall be shown on the Final Plat.
- II. Bulk Regulations: As regulated by the Planned Commercial (C-P) District except where further modified below
 - A. Setbacks shall be as shown on the adopted plan.
 - B. The Hotel in Lot 1 shall be permitted a maximum height of 4 stories or 50 feet which ever is the lesser.
- III. Building Requirements
 - A. All buildings in this planned development shall be composed of similar materials and complimentary colors with the provision that smooth faced concrete block is prohibited.
 - B. Buildings facing Trinity Road:
 - 1. All buildings facing Trinity Road shall have a useable front door oriented toward the street
 - 2. The ground floor of any building facing Trinity Road shall provide a minimum of 50 percent transparency (windows and doors)

3. Upper story floors shall provide a minimum of 20 percent transparency

C. Buildings facing the North-South Street

1. The ground floor of any building fronting on this street shall provide a minimum of 30 percent transparency
2. Upper story floors fronting on this street shall provide a minimum of 20 percent transparency

D. Buildings facing Moriarity Road

1. Each unit/bay shall have a useable front door oriented to Moriarity Road.
2. This building shall be designed as Residential Townhouse in style.
3. A ground floor non-residential use shall provide a minimum of 50 percent transparency.
4. The second story of the building shall provide a minimum of 20 percent transparency.

- E. The facades of any building fronting on a public street shall not have an area of blank wall that is in excess of 30 linear feet.

IV. Landscaping, Screening, and Signage:

- A. Trinity Road frontage – As depicted on the attached site plan, the equivalent of the A-2 Plate.
- B. Moriarity Road frontage – Tree A's planted in an 8 foot wide tree lawn planted 40 feet on center, the equivalent of the F-1 Plate .
- C. North – South Street – Street trees in an 8 foot wide tree lawn, the equivalent of the A-1 Plate.
- D. East property line – Tree A's planted 40 feet on center. No fencing shall be required, if fencing is proposed it shall be subject to the review and approval of the Office of Planning and Development.
- E. Center parking lot - Internal landscaping shall be provided as indicated on the Outline Plan and shall be a minimum of 300 square feet of required landscaping for every twenty (20) vehicles and one (1) shade tree (Tree A) shall be planted for

every twenty (20) parking spaces or fraction thereof.

- F. To the extent possible that applicant shall provide screening of the public views into the required parking area particularly along the inside edges of the stormwater detention area.
 - G. Each Final Plat shall provide a detailed landscape plan with species type, size and/or height of material at planting. This plan shall be in conformance with the approved Outline Plan and is subject to the review and approval of the Office of Planning and Development.
 - H. All refuse containers shall be screened from view from the public streets by the use of landscaping and or fencing.
 - I. All utility boxes, meters, conduit, and HVAC shall be screened from the view of public streets. In the case of roof-mounted HVAC it shall be screened by architectural features such as a parapet.
 - J. Required landscaping shall not be placed on sewer or drainage easements.
 - K. All landscaping shall be irrigated.
 - L. Attached and detached signs shall be as regulated by the Planned Commercial District
- V. Access, Circulation, Parking and Site Lighting:
- A. Dedicate an additional 1 ½ feet of right of way from centerline of Moriarty Road and improve as a Major Local with a total pavement width of 36 feet, curb and gutter, 8 foot tree lawn on both sides and 5 foot sidewalk on both sides.
 - 1. Dedication and improvement including the streetscape with the tree lawn and sidewalk, shall coincide with the phase that includes the building for Lot 3, unless the access drive to Moriarity Road is brought in with an earlier phase.
 - 2. If the access drive proceeds the development of the building for Lot 3, then the requirements for dedication and improvement and the streetscape shall be required.
 - B. Dedicate and improve the north-south street as a public street with 30 feet from face of curb to face of curb, and an 8 foot wide tree lawn, and sidewalk will coincide with the development of the Hotel. This requirement will be for the

entire street.

- C. The City Engineer shall approve the design, number and location of curb cuts.
- D. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- E. Parking shall be located on the attached site plan. The total number of required parking spaces may be reduced by ten percent.
- F. All lots shall grant cross parking and ingress/egress easements to all other lots in the development.
- G. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- H. The applicant and the Office of Planning and Development shall work together to establish lot lines and common areas.
- I. The design of the lighting for the internal parking lot shall be indirect or incorporate full shield cut-offs and demonstrated on the Final Site Plan.

VI. Drainage

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

VII. The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, screening and other site requirements defined in the Outline Plan if

equivalent alternatives are presented.

VIII. Final Plan:

- A. A Final Site Plan for any phase shall be submitted to the Office of Planning and Development for administrative site plan approval only prior to approval and recording of any Final Plan. However, if the applicant and the OPD disagree on the meaning or intent of any condition other than Uses Permitted, either side may file an appeal to the LUCB with a correspondence application.

The first final plan shall be submitted within 5 years from the date of approval by the Legislative Bodies. The Land Use Control Board may grant a time extension at the request of the applicant.

B. The Final Site Plan shall include:

1. The exact location, dimensions, floor area and height of all buildings.
2. The number, location and dimensions of parking spaces.
3. The location of all existing and proposed public roadways on or adjacent to each phase.
4. The location of internal streets and private drives and the location of all curb cuts and utility easements.
5. The location of pedestrian systems.
6. The location and use of open spaces.
7. Internal and perimeter landscaping.
8. The location, diameter and species name of all trees and plants proposed.

C. Each Final Site Plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan conditions.
2. Elements of design such as building mass and height, setback, access, parking and internal circulation, pedestrian circulation, landscaping, and lighting.

- IX. 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 of buildings, building heights, parking areas, pedestrian and utility easements, drives, roads and common areas.
 - D. The number of parking spaces available.
 - E. The location and ownership whether public or private of any easements.

GENERAL INFORMATION

Street Frontage: Trinity Road +/- 89 Feet
Moriarity Road +/- 400 Feet

Planning District: Shelby Farms-Germantown

Planning Studies - Germantown Parkway Area Study, Adopted by the Shelby County Board of Commissioners and the Memphis City Council in 1992, recommends the redevelopment of the Industrial Park as a Mixed Use Center

Fischer Steel Road Area Planning Charrette – October 2008 - This plan is in the development stage and recommends a further refinement of uses and road network for this area including commercial and mid to high density residential uses with connecting streets.

Census Tract: 211.37 **Zoning Atlas Page:** 2050

Parcel ID: 091029 00011

Zoning History: **The current Heavy Industrial (I-H) or its M-3 date back to 1960.**

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.

Roads:

4. Dedicate 34 feet from centerline of Moriarty Road and improve to urban cross-section for a major collector street in accordance with Subdivision Regulations.
5. All improvements to Moriarty Road shall be made in the first phase of development.

Curb Cuts/Access:

6. The City Engineer shall approve the design, number and location of curb cuts.

7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

8. 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.
9. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
10. 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.

Site Plan Notes:

11. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
12. The width of all existing off-street sewer easements shall be widened to meet current city standards.
13. All connections to the sewer shall be at manholes only.
14. 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.
15. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No comments.

City/County Health Department: No objections.

City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. Thank you for the opportunity to comment on this case.

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 conditions:

- **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.
- **It is the responsibility of the owner/applicant** to comply with the **City of Memphis Zoning Ordinance - Chapter 16, Landscape and Screening Regulation - Chapter 16-120, and Other Requirements - Section 16-120-5. Landscaping is prohibited**, without prior approval, within any MLGW utility easement.
- **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).
- **It is the responsibility of the owner/applicant** to contact MLGW engineering area to determine if system improvements may be required and any related cost:
 - 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/Bell South:

AT&T Tennessee has no comment regarding this new development.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

Trinity Road is an existing major road consisting of 108 feet of right of way, 88 feet of pavement, and no proposed improvement.

OPD-Comprehensive Planning:

There is a plan in the development stage for the Fischer Steel area. The development of this parcel should follow the overall design principals for the area as, it will set the pattern for all future development with in the Fischer Steel Plan area.

Trinity Roads street frontage should be treated as a Multi-way boulevard with sidewalks edged with wide grass strips and street trees. Buildings should be brought up to the street with little or no parking on the street side.

Trinity Road's frontage should follow the curve of the road incorporating the triangular parcel in front of this site. Commercial buildings should front this street.

The plan recommends a connector street between Moriarty Road and Trinity Road on the Memphis Concert Ballet's parcel side.

Moriarty Road should have Multi-family development or mixed use and streetscaping All parking on site should be to the rear of buildings, as should all dumpsters.

The existing billboard sign should be removed at the end of the lease and the lot become part of lot 2.

This plan seems to be only half of the site. The whole site should be reviewed at the same time to guarantee continuity of the design principles.

The storm water feature should become an amenity for the site including landscaping, access to all buildings on site and possibly street furniture.

This planned development should be held until the development concept is completed.

Cordova Leadership Council:	No comments received
Cordova Community Watch:	No comments received
Walnut Creek Homeowners	No comments received
Alliance of Cordova Neighborhoods	No comments received