

STAFF REPORT

12

CASE NUMBER: P.D. 08-336 **L.U.C.B. MEETING:** February 12, 2009

DEVELOPMENT: MEMPHIS HOMEBUILDERS' CENTER PLANNED DEVELOPMENT, Amended

LOCATION: Southeast corner of N. Germantown Parkway and Walnut Run Road

COUNCIL DISTRICT(S): District 2-Super District 9-Positions 1, 2 & 3

OWNERS OF RECORD: Home Builders' Association of Memphis

APPLICANT: Gill Properties

REPRESENTATIVE: Harkavy, Shainberg, Kaplan & Dunstan, PLLC(Ron Harkavy)

REQUEST: Plan amendment to allow Planned Commercial(C-P) District land uses, including a restaurant, retail center and a three(3) story hotel building.

AREA: 3.57 Acres

EXISTING LAND USE & ZONING: One-story office building currently governed by P.D. 84-348.

SURROUNDING LAND USES AND ZONING:

- North:** Office and drop-box for Goodwill Industries, retail center and medical offices in Timber Creek Office Park Planned Development(P.D. 86-352).
- East:** Day care center and office park in Walnut Run Office Center Planned Development (P.D.84-348) and single family homes in Walnut Creek Subdivision(S 85-113).
- South:** Retail shops in Trinity Commons Shopping Center C-P(Z 83-045), including bank buildings and small restaurant in Planned Commercial(C-P) District.
- West:** Gasoline sales, veterinary clinic, insurance office and automotive service facility in Germantown Business Center Subdivision(S 85-009) and vacant land, billboard and casting of concrete products in Light & Heavy Industrial(I-L) & (I-H) Districts.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

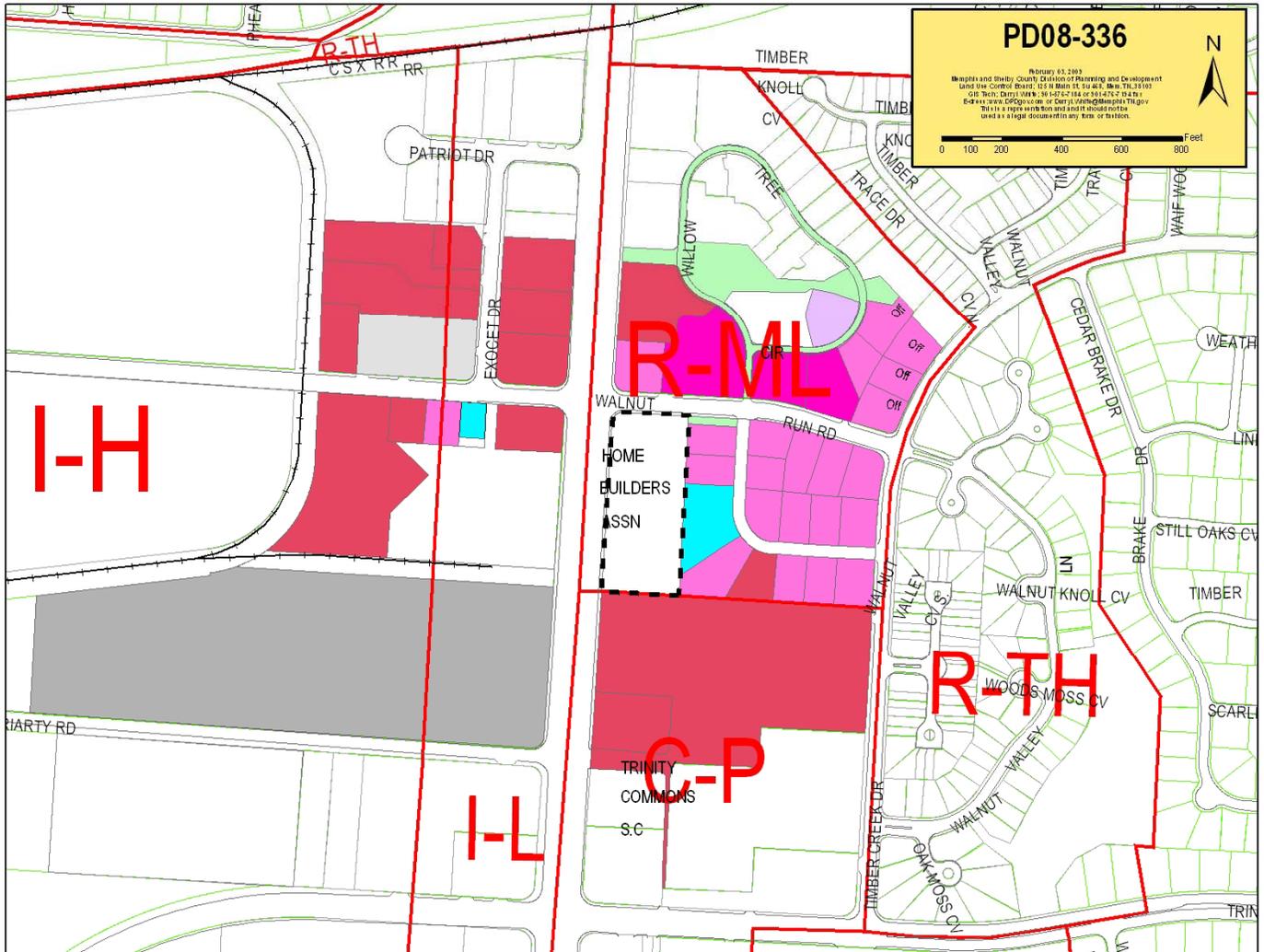
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

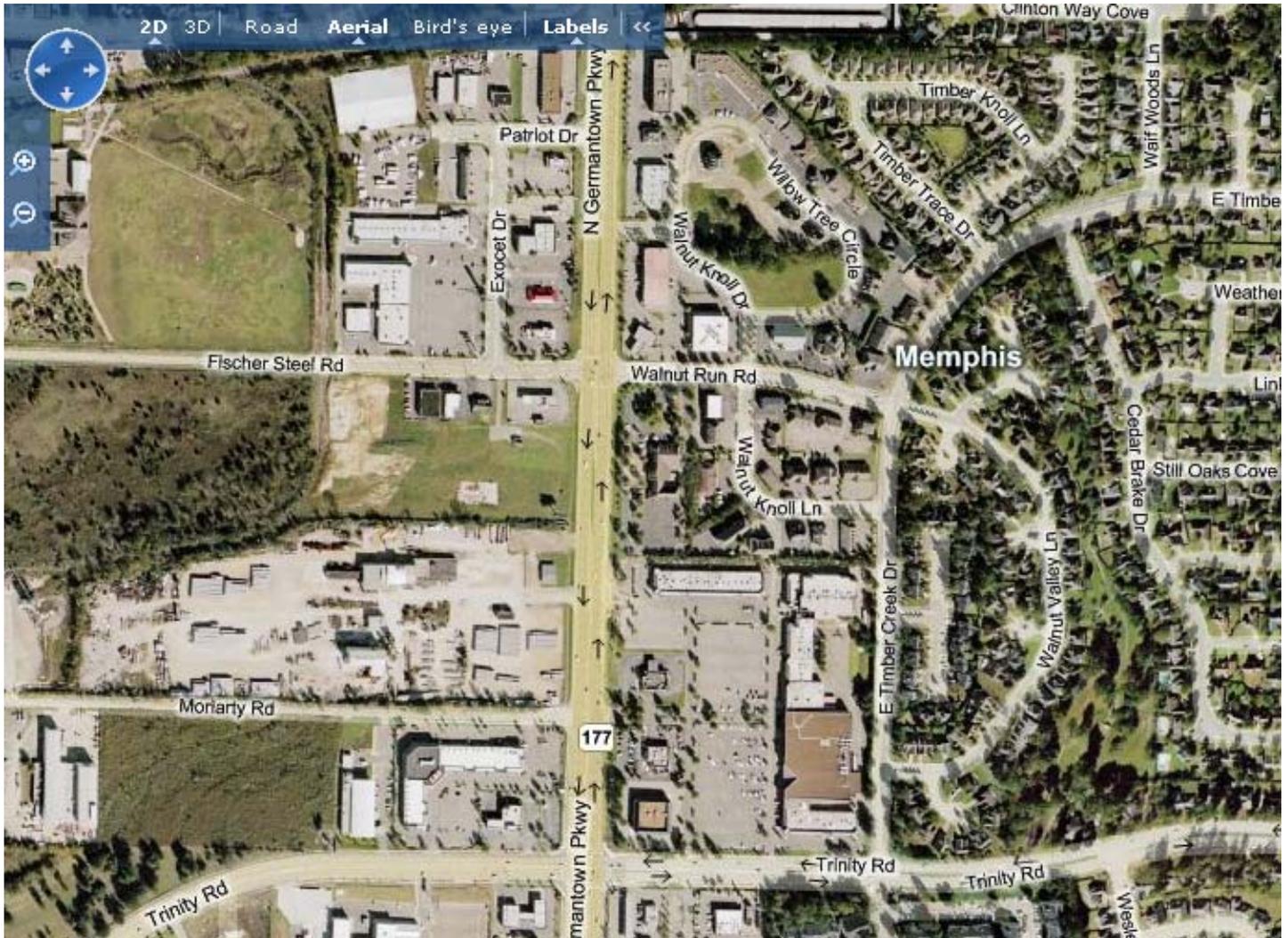
CONCLUSIONS:

1. The land use and zoning in the immediate area developed primarily in the mid to late 1980's for residential and industrial subdivisions, including planned residential and commercial developments. The land use adjacent and south is 'Trinity Commons Shopping Center'(Z 83-045) for a retail center.
2. The request is for a plan amendment to allow Planned Commercial(C-P) District land uses, including a restaurant, retail center and a three(3) story hotel building. If this amendment is approved, the existing office building will eventually be demolished to make way for the redevelopment of this parcel for either a restaurant and a retail center or a restaurant and a hotel building.
3. The applicant has since requested a maximum height of sixty(60) feet or four(4) stories for the hotel building proposed at the south end of the property. This planned development was originally approved and developed for the General Office(O-G) District zoning.
4. The applicant is also requesting a right-in/right-out curb-cut midpoint of the parcel to allow primary access and internal circulation at the south-end with Trinity Commons Shopping Center. The traffic patterns and good planning practice warrants internal circulation between adjacent parcels so long as the parties agree.
5. This plan amendment for redevelopment of an office building is supported by office land use creating an adequate buffer zone of more than 650 feet between commercial and residential land use. However, careful consideration should be given to common architectural elements of any proposed new building to coincide with adjacent construction types.

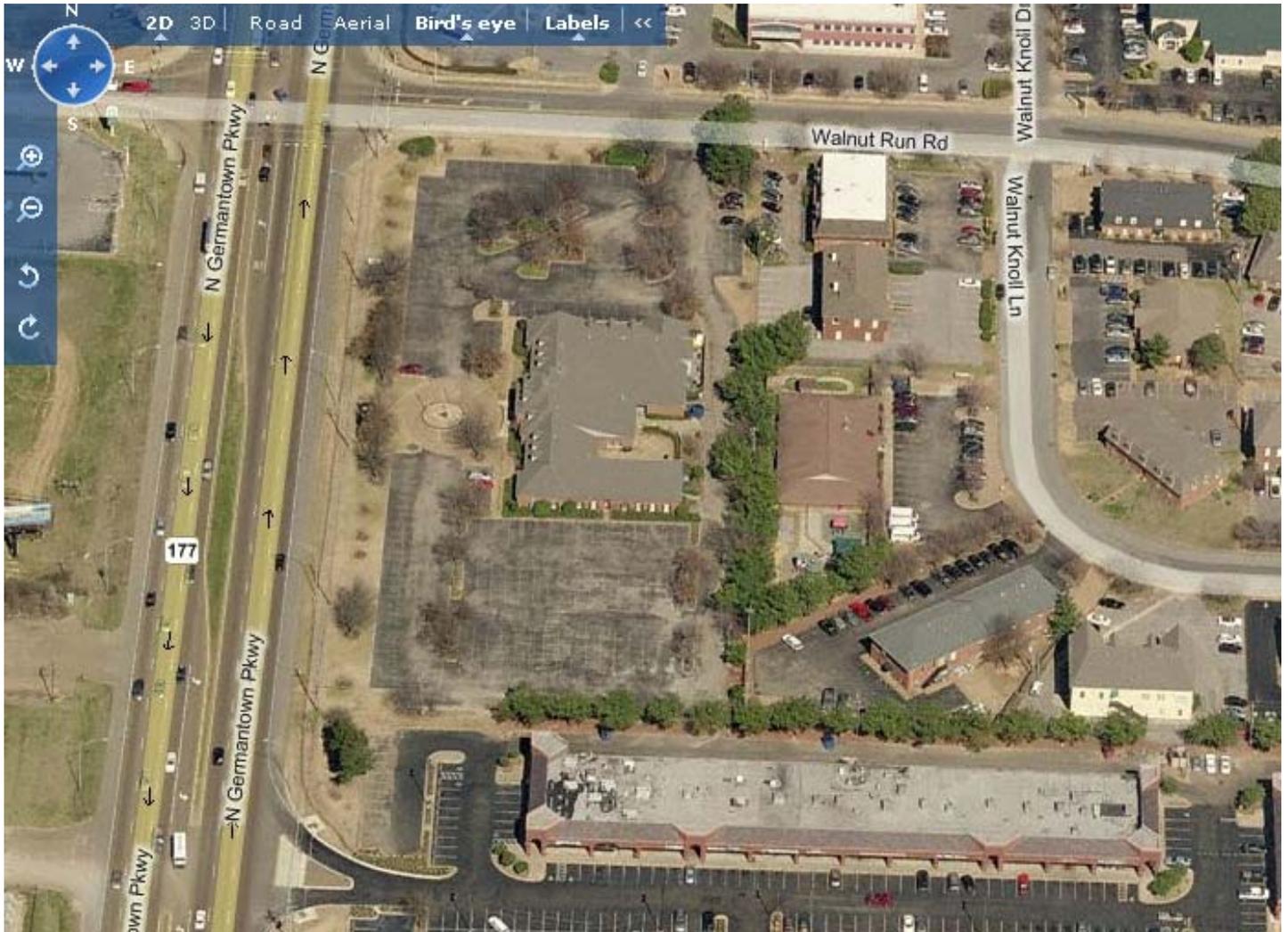
ZONING & LAND USE MAP



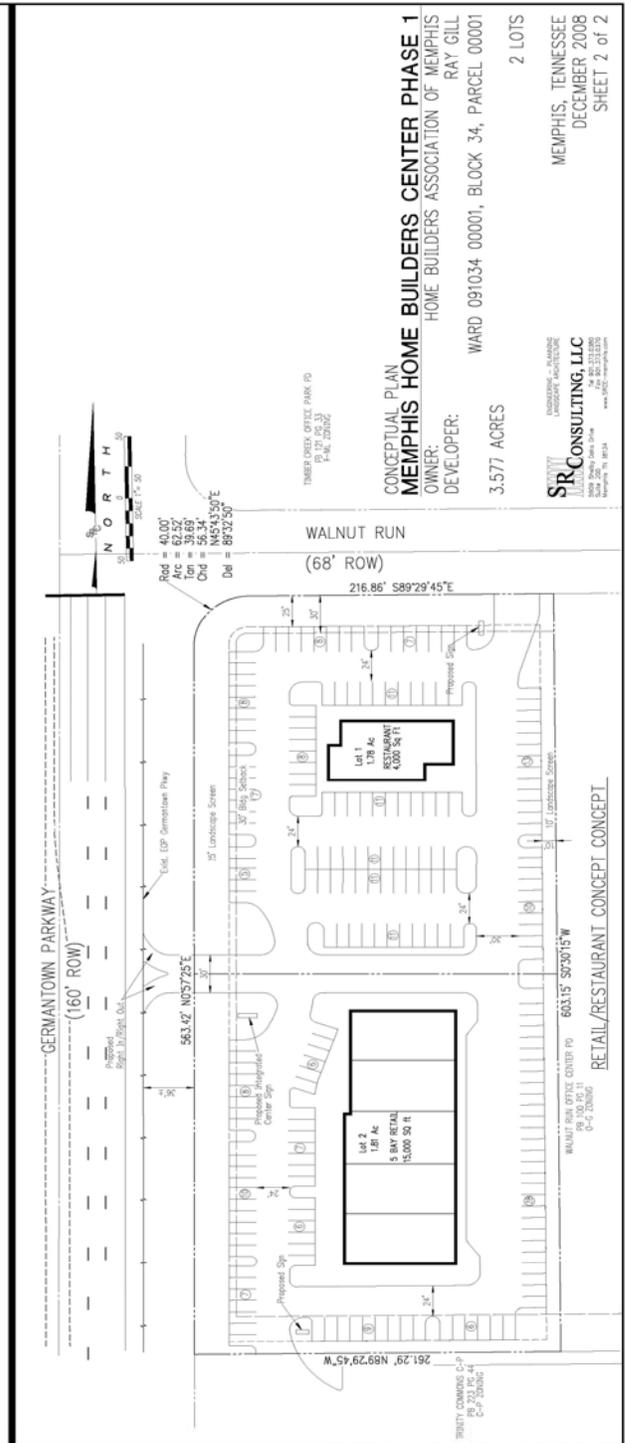
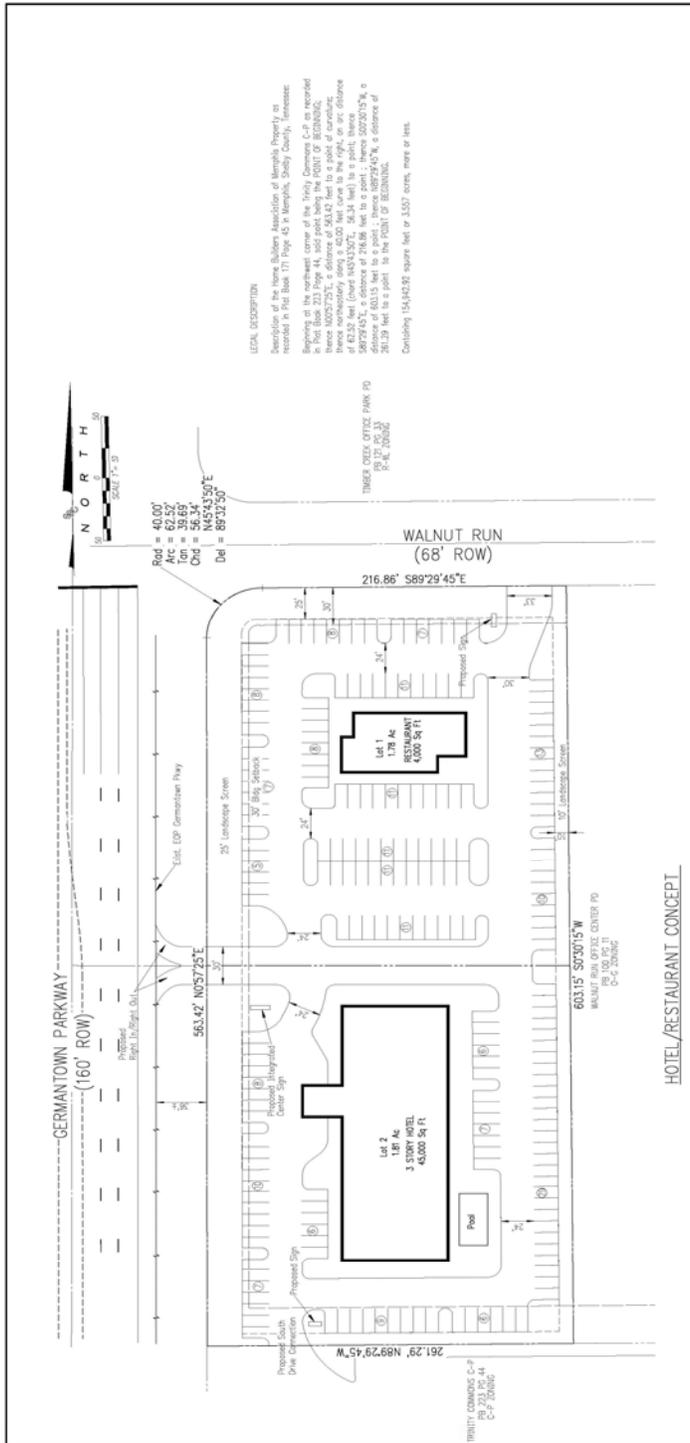
PROJECT AERIAL VIEW



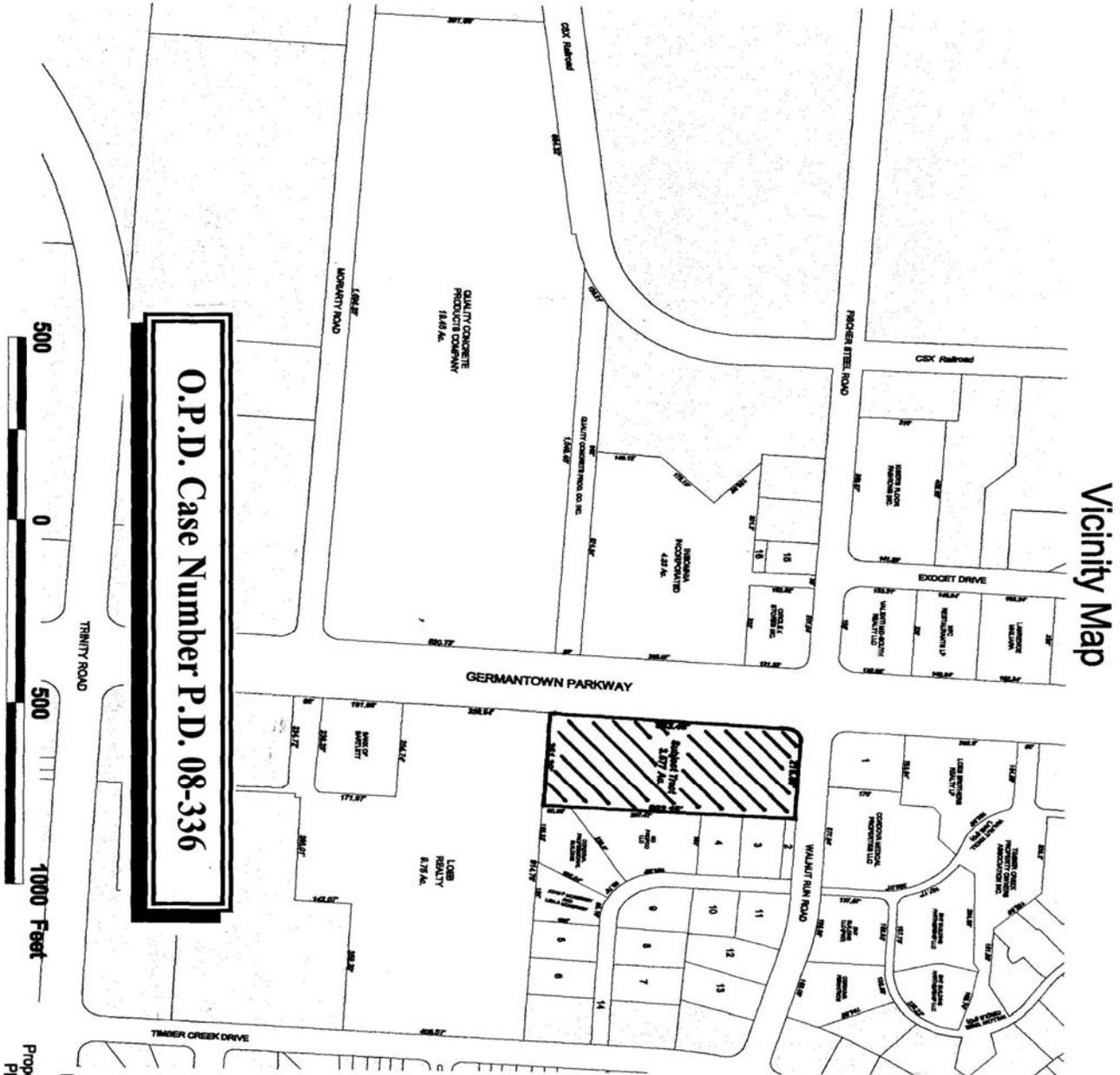
BIRD'S EYE VIEW



OUTLINE/CONCEPTUAL PLANS



OWNERSHIP & VICINITY MAP



Vicinity Map

Date: 12/22/08
Prepared By:
Property Research Data
PRD Job #08-110

STAFF ANALYSIS:

Site Description

The subject property is located at the southwest corner of a major road, N. Germantown Parkway and a major local street, Walnut Run Road in Shelby Farms-Germantown Planning District. The parcel is 3.58 acres occupied by a single-story brick and frame office building with associated parking, landscaping and drive aisles. There is curb, gutter and sidewalk along Walnut Run Road, including overhead power lines with no curb, gutter or sidewalk along N. Germantown Parkway.

There are landscape treatments with street trees along both roadways, including the interior with mature trees and shrubs, parking and drive aisles. There are no other accessory structures, except for a trash enclosure to the rear of the building. This building is part of a planned office park approved and developed by planned development in the mid 1980's.

Area Overview

The land use and zoning in the immediate area developed primarily in the mid to late 1980's for residential and industrial subdivisions, including planned residential and commercial developments. The land use adjacent and south is 'Trinity Commons Shopping Center'(Z 83-045) for a retail center, including a movie theatre with out-parcels for a small restaurant and bank office buildings.

The land use directly north of the subject property and at the northeast corner of Walnut Run and North Germantown Parkway developed as a small retail center and an office park for real estate and medical offices in Timber Creek Office Park(P.D. 86-352). The development directly adjacent to and east of the subject property is Walnut Run Office Center(P.D. 84-348) with office land use and a daycare center.

Directly across from the site and a major road is light and heavy industrial zoning for East Memphis Industrial Subdivision(S 90-064) developed with small restaurants, retail shops and commercial center, including a retail and wholesale display showroom. The Germantown Business Center Subdivision(S 85-009) developed as gasoline sales, veterinary clinic, insurance office and automotive service land uses, including a commercial building under construction and vacant land along N. Germantown Parkway.

The land use to the northeast is single family residential homes in Timber Creek Subdivision(S 89-075) and single family homes in Walnut Creek Subdivision(S 85-113) all in Townhouse Residential(R-TH) District zoning. The subdivisions farther to the southeast are single family homes in R-S8 and R-TH District zoning in The Gardens of Trinity Woods and Walnut Creek Subdivisions.

Planned Redevelopment vs. Office Buffer Zone

The request is for a plan amendment to allow Planned Commercial(C-P) District land uses, including a restaurant, retail center and a three(3) story hotel building. If this amendment is approved, the existing office building will eventually be demolished to make way for the redevelopment of this parcel for either a restaurant and a retail center or a restaurant and a hotel building. The applicant has since requested a maximum height of sixty(60) feet or four(4) stories for the hotel building proposed at the south end of the property. This planned development was originally approved and developed for the General Office(O-G) District zoning.

This parcel fronts on a major road with limited access. There are two(2) synchronized traffic lights along this segment of the roadway that balances the distribution of traffic along the major corridor. The traffic signals at both major road intersections with Trinity Road and Walnut Run Road have left-turn signals with queue lanes to maintain traffic circulation. The applicant is requesting a right-in/right-out curb-cut approximately at the midpoint of the parcel to allow primary access and also internal circulation at the south-end of the property with Trinity Commons Shopping Center. The existing traffic patterns and planning practice warrants internal circulation between adjacent parcels so long as the parties agree. Since the properties are under separate ownership and development plans—an ingress/egress easement should be established and recorded between both property owners.

The existing office development has mature trees and shrubs and every attempt should be made to preserve the mature landscape treatments interior to the site and especially along the east property line. The existing layout and design should be modified to a minimum to not disrupt mature landscaping. This site is not within the boundaries of the Fischer Steel Area Plan.

This plan amendment for redevelopment of an office building is supported by office land use creating an adequate buffer zone of more than 650 feet between commercial and residential land use. The residential homes in Timber Creek and Walnut Creek Subdivisions will not be affected by Planned Commercial(C-P) district land uses nor a four(4) story hotel building. This horizontal separation in land use, including the rolling topography of the area supports redevelopment of this parcel adjacent to a major roadway. However, careful consideration should be given to common architectural elements of any proposed new building to coincide with adjacent construction types.

RECOMMENDATION: *Approval with Conditions*

OUTLINE PLAN CONDITIONS: *[Bold-Italic-Underline: Amendments]*

- I. Use Permitted:
 - A. Any use permitted by right in the O-G General Office District.
 - B. *Any use permitted by right and administrative site plan review in Planned Commercial(C-P) District, including a four(4) story hotel building.*

- II. Bulk Regulations:
 - A. Minimum building setbacks:
 - 1. Germantown Parkway – 42 feet
 - 2. Walnut Run Road and Timber Creek Drive – 30 feet
 - 3. South property line – 35 feet
 - B. Maximum building height – 35 feet *and sixty(60') feet for a hotel building.*

- III. Access and Circulation:
 - A. *Germantown Road is designated as a Priority 1 on the MPO Major Road Plan. The developer shall improve the existing right-of-way with an additional lane and curb, gutter and sidewalk (urban standards) in accordance with Subdivision Regulations.*
 - B. *The City Engineer shall approve the design, number and location of curb cuts. No median modification will be approved at this location.*
 - C. *Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.*
 - D. Phase I may have one curb cut on Walnut Run Road.
 - E. Phase II may have up to three curb cuts on Walnut Run Road and one curb cut on Timber Creek Drive.
 - F. Provision shall be made for pedestrian and vehicular access between Phases I and II, and for considerable access to the C-P District to the south.
 - G. The development shall provide efficient and adequate traffic circulation, both within and adjacent to the site. Each final plan shall be reviewed based upon this criterion.
 - H. Germantown Parkway shall be dedicated 80 feet from the centerline.
 - I. The intersections of Germantown Parkway and Walnut Run Road and Walnut Run Road and Timber Creek Drive shall be dedicated with a 40 foot radius.

J. Walnut Run Road Timber Creek Drive shall be dedicated and improved to 34 feet from the centerline.

IV. Landscaping:

A. Germantown Parkway, Walnut Run Road and Timber Creek Drive shall be landscaped with a 25 foot wide planting area. (Plate F or equivalent material approved by the Office of Planning and Development).

B. At least five percent of the parking area, excluding the required landscape areas, shall be landscaped with trees, shrubs and grass.

C. All areas not used for building or parking shall be landscaped.

V. Lighting:

No light standard shall exceed 20 feet in height, and all lighting shall be directed away from property zoned or used for residential purposes.

VI. Signs:

Signs shall comply with the O-G District regulations.

VII. Building Design:

The design of Phase I building shall generally conform to the building elevation plan submitted with the application.

VIII. The Land Use Control Board may modify the building setback, building height, access, lighting, landscape and sign requirements if equivalent of suitable alternatives are proposed.

IX. A final plan shall be filed within two years of approval of the Outline Plan. The Land Use control Board may grant extensions, at the request of the applicant, in two years increments. If no final plan or request for extension is filed the Outline Plan shall be void.

X. Any final plan shall include the following:

A. The Outline Plan conditions.

B. A Standard Subdivision Contact as defined by the Subdivision Regulations.

C. The exact location and dimensions, including height, of all buildings, parking areas, drives, required landscaping and light standards.

D. The number of parking spaces.

- E. The location and ownership, whether public or private of any easements.
- F. A statement conveying all common facilities and areas to a Property Owners' Association or other entity for ownership and maintenance purposes.
- G. A building elevation plan for Phase I.
- H. The applicant shall be required to provide adequate security for all public improvements required by this plan or the Subdivision Regulations. Said security shall be in the form of a bond, certificates of deposit or cash.
- I. *An Outline Plan for reflecting this plan amendment, including the Concept Plan shall be recorded with the Office of Shelby County Register prior to filing a final plan of development.*

P.D. 08-336 (formerly P.D. 84-348)
MHBC Planned Development

GENERAL INFORMATION:

Street Frontage: North Germantown Parkway-----+/-563 linear feet.
Walnut Run Road-----+/-217 linear feet.

Planning District: Shelby Farms-Germantown

Census Tract: 211.37

Zoning Atlas Page: 2055

Parcel ID: 091034 00001

Zoning History: In July, 1985, this planned development was approved for General Office(O-G) District land uses for a total of 12 acres. Prior to Outline Plan approval, the Multiple Dwelling Residential(R-ML) District zoning dates to the adoption of the 1980 zoning map amendments.

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.

Roads:

3. Germantown Road is designated as a Priority 1 on the MPO Major Road Plan. The developer shall improve the existing right-of-way with an additional lane and curb, gutter and sidewalk (urban standards) in accordance with Subdivision Regulations.
4. No median modification will be approved at this location.

Curb Cuts/Access:

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

Drainage:

7. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

Site Plan Notes:

8. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
9. The width of all existing off-street sewer easements shall be widened to meet current city standards.
10. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

Fire Station 58 is south of the parcel and respond, most likely, onto the right-in, right-out access point at the south side of the buildings. The width is shown as 16.5'. Is this typical? What signage, if any, would violate the 20' clearance required for fire access?

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| Memphis & Shelby County Health Department: | No objections. |
| Memphis Board of Education: | No comments received. |
| Construction Code Enforcement: | No comments received. |
| Memphis Light, Gas and Water: | No comments received as of 2/06/'09. |
| AT & T: | No comments received. |
| Memphis Area Transit Authority(MATA): | No comments received. |
| OPD-Regional Services: | No comments received. |
| OPD-Plans Development: | |

The location of this planned development is directly across Germantown Parkway from the Fischer Steel Study Area. The street treatment should be a multi-way boulevard with sidewalks edges with wide grass strips and streets trees. Building should be brought up to the street with little or no parking on the side of buildings as reflected in the Fischer Steel Plan.

Neighborhood Associations/Organizations:

- | | |
|--|---|
| <i>Alliance of Cordova:</i> | <i>No comments received as of Feb. 6, 09.</i> |
| <i>Walnut Creek Homeowners' Association:</i> | <i>" " "</i> |
| <i>Cordova Leadership Council:</i> | <i>No comments received as of Feb. 6, 09.</i> |
| <i>Cordova Community Watch:</i> | <i>" " "</i> |

Staff: bb

From: Cindy Reaves [cindy.reaves@SRCE-memphis.com]

Sent: Wednesday, February 04, 2009 2:22 PM

To: Bacchus, Brian; Ronald Harkavy

Subject: Home Builders PD

Brian;

Please accept this request to increase the height for the Home Builders Center Planned Development to 60' as previously discussed.

Thank you so much for your attention to this matter. Please contact me if you have any questions or need any additional information.

[Cindy Reaves](#)

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