

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **9**

CASE NUMBER: P.D. 09-301 **L.U.C.B. MEETING:** March 12, 2009

DEVELOPMENT NAME: Villages of Bennington, 5th Amendment
Gleneagles Center

LOCATION: South side of Shelby Drive; +658 feet east of Riverdale Road

COUNCIL DISTRICT: 2 **SUPER DISTRICT:** 8

OWNER OF RECORD: Cascades KR LLC **APPLICANT:** NHSS, LLC (Brad Sherman)

REPRESENTATIVE: SR Consulting, LLC - Cindy Reaves

REQUEST: Amend the Conditions for the Gleneagles Center to permit self storage/mini-warehouse

AREA: 8.57 Acres

EXISTING LAND USE & ZONING: Vacant land governed by the approved conditions for the Villages of Bennington Planned Development – Gleneagles Center (P.D. 02-332)

SURROUNDING LAND USES AND ZONING:

North: Retail Commercial uses in the Shelby Center Shopping Center, Parcel 1, Phase 1; and vacant land and a bank in Parcel 2 in the Planned Commercial (C-P) District

East: Residential dwellings in the Village of Knots Landing regulated by the approved conditions for the Villages of Bennington Planned Development (P.D. 02- 332)

South: Residential dwellings in the Village of Red Maples regulated by the approved conditions for the Villages of Bennington Planned Development, (P.D. 02-332)

West: Retail Commercial uses in the Gleneagles Court Shopping Center regulated by the Villages of Bennington Planned Development, (P.D. 02-332)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

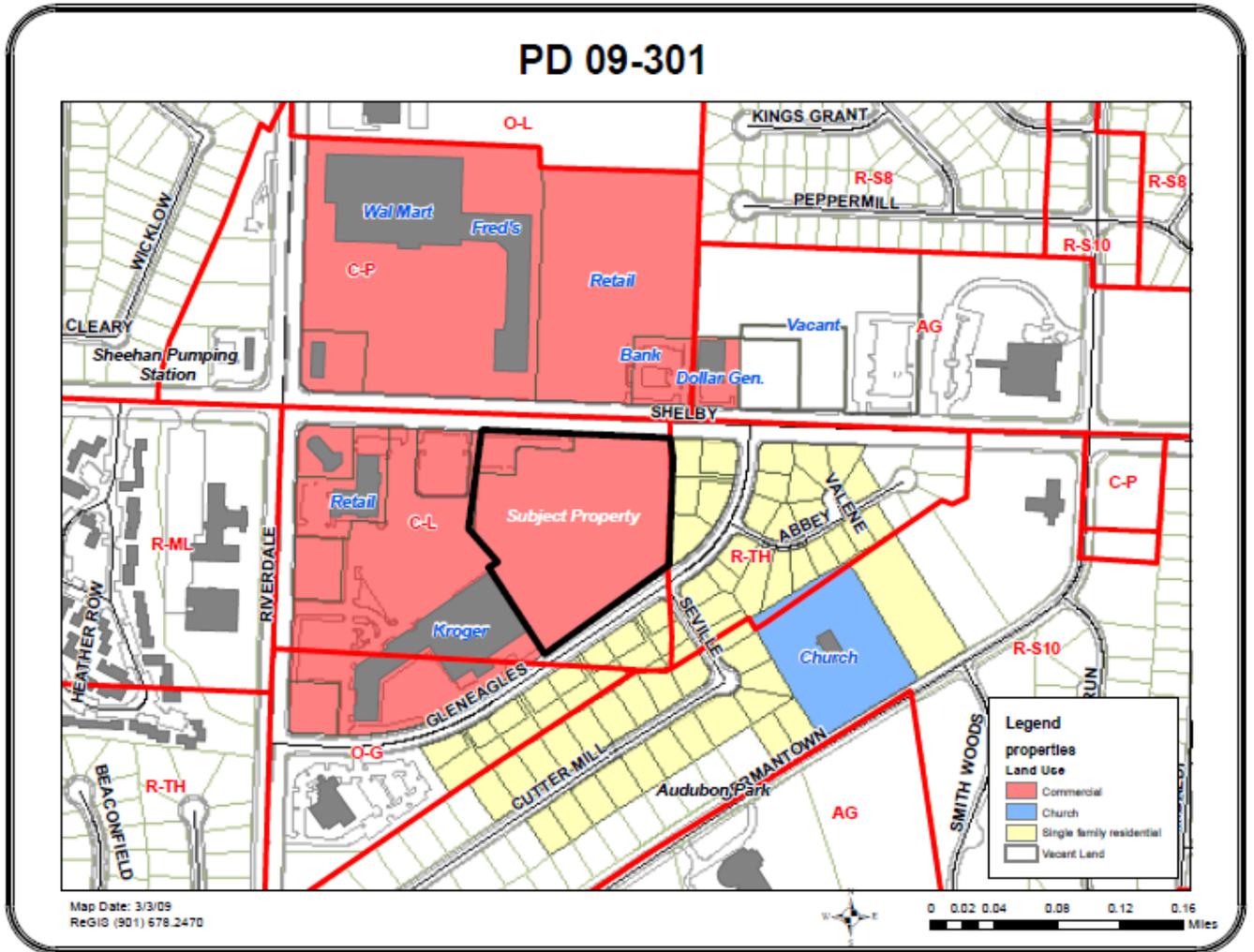
APPROVAL WITH CONDITIONS

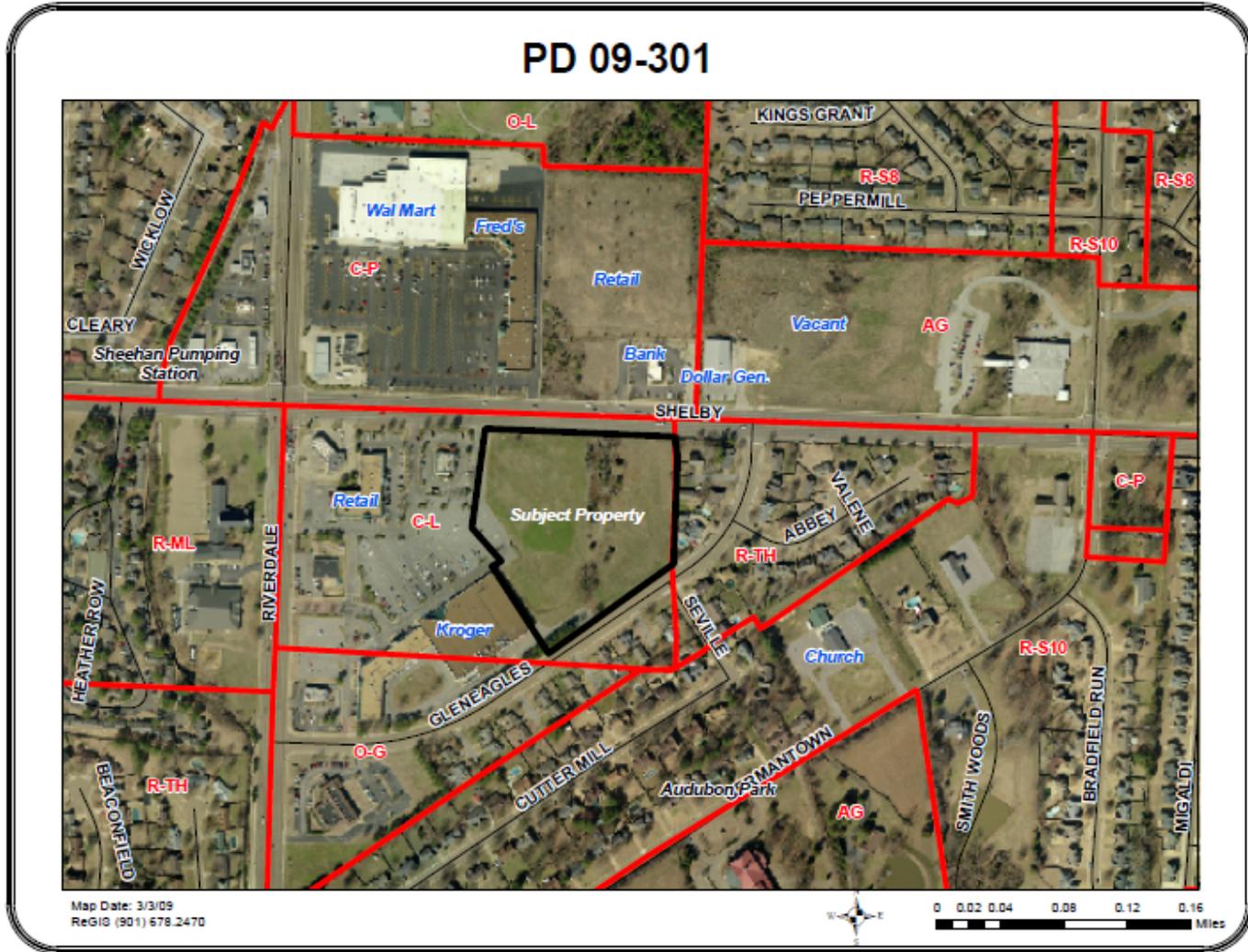
Staff Writer: Don Jones

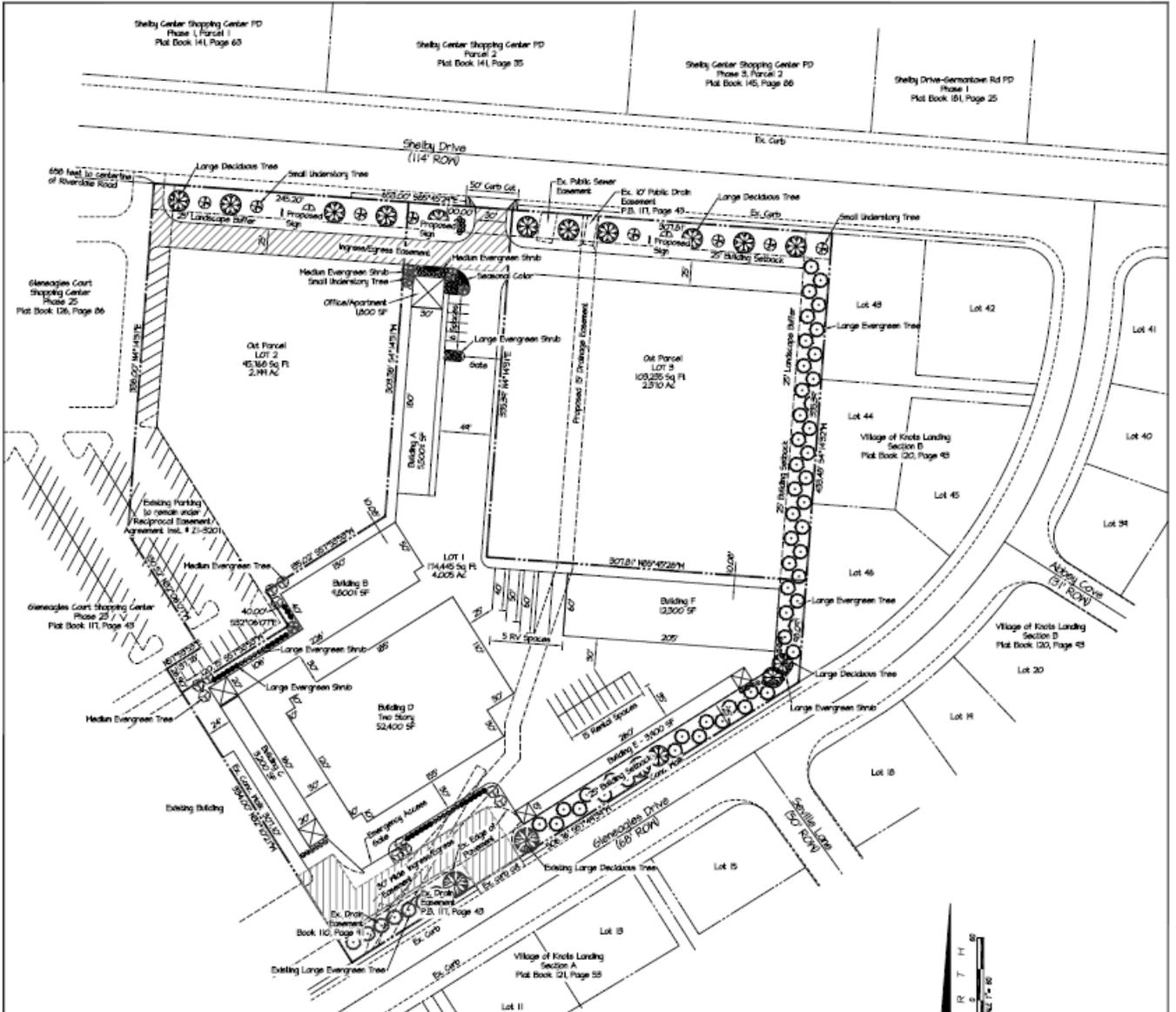
E-Mail: donald.jones@memphistn.gov

CONCLUSIONS

1. In virtually every respect, the proposed site plan is consistent with the recommended standards and criteria for mini-warehouse uses.
2. This still leaves the concern of introducing a more intensive use as the first use into a large vacant tract. This issue speaks to the possibility of this use serving as justification for other intensive uses being attracted to the remaining two lots
3. There is also a concern regarding the provision of adequate screening of the proposed use for the balance of the commercial center and the abutting residential.
4. There is no perfect answer for this situation. It is expected that the land use staff will continue to object to any motor vehicle sales or service uses on Lots 2 and 3 as being out of character with the overall uses in the center and the proximity to existing residential.
5. While having this use as the first use in is not the ideal scenario, the staff must balance that this site has been vacant for well over 20 years and that this use could be the catalyst for future re-development.
6. Since we do not have a grading plan at this time, the staff has requested a line of site study to illustrate what abutting home owners to the east and south will see when the site is developed.
7. The site line illustrations show that any direct views into the site from the south and west will be limited by a combination of a berm, fencing, and landscaping.









View of the site at Shelby Drive



Existing use on the opposite side of Shelby Drive



View of the site from Gleneagles Drive (easternmost edge)



View of site from Gleneagles Drive (western end)

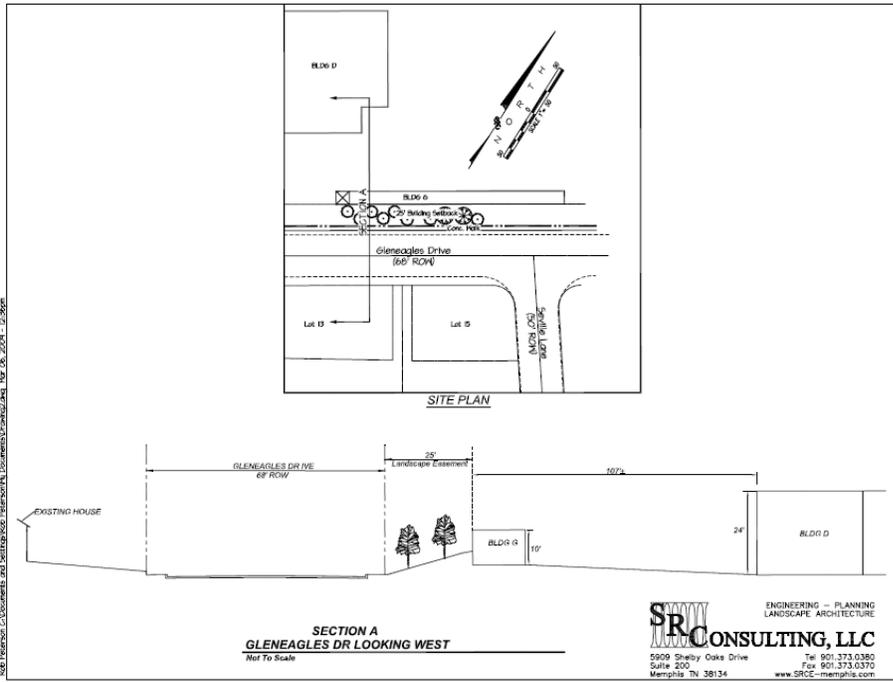
Existing House on the south side of Gleneagles Drive



Below and right – houses and fence on the east property line

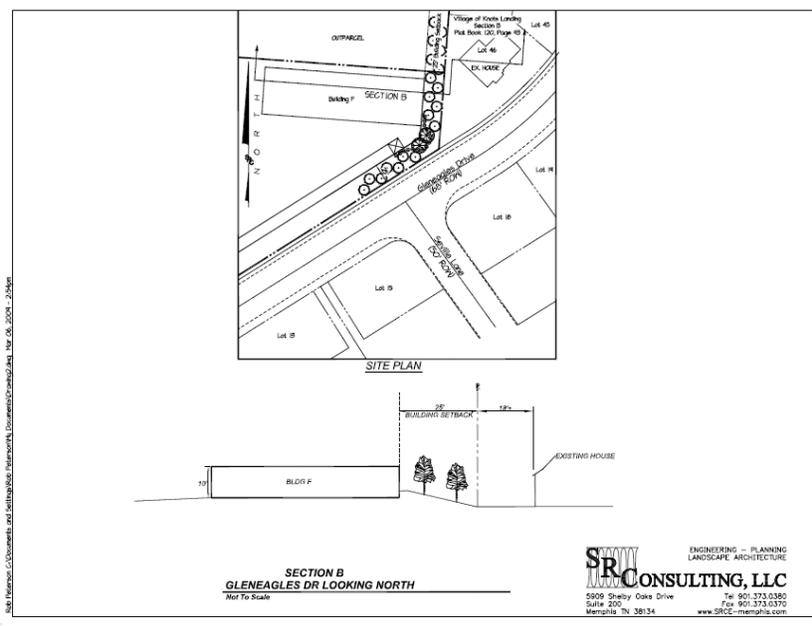


Line of Sight Review



View line for residential property on south side of Gleneagles Drive

Below and right – Line of site for existing houses to the east





Aerial photograph with contour lines

STAFF ANALYSIS

General Location:

The subject property is located on the south side of Shelby Drive some 658 feet to the east of the intersection with Riverdale Road in southeast Shelby County.

This 8.5 acre site is the last undeveloped tract within the designated Gleneagles Center in the Villages of Bennington Planned Development. This commercial center includes a mix of retail and service oriented commercial uses. Current uses include a Kroger, both fast food restaurants such as McDonalds's and Kentucky Fried Chicken, and sit down restaurants. Other uses include a convenience store with gasoline pumps and service based retail such as hair and nail salons and phone repair, and a day care.

Site Characteristics:

This property which has the shape of "home plate" on a baseball field, contains some 600 feet of frontage on a major road (Shelby Drive) and 500 feet of frontage on Gleneagles Drive, a residential collector street.

As the aerial and topos show this site sits above the grade of the street for both streets. It is also well above the finished grade of the parking area for the commercial center to the west of the site. Other physical features include a drainage feature which bisects the site and runs north to south. There is some mature vegetation along that stream. The applicant and his engineer have indicated that this site will be graded down to make a level development site.

Request:

The request is to add a self-storage/mini-warehouse subject to a specific site plan to the list of permitted uses in the Gleneagles Center. The site plan divides this 8.5 acre tract into three development parcels.

Lot 1 includes the self-storage facility to be operated as a Storesmart facility. Features of the site plan include:

- Limited frontage (100 feet in width) along Shelby Drive
- An office with a second story apartment facing Shelby Drive
- A 25 foot wide setback with landscaping along the north, south, and east property lines
- Architectural elevations which include building end caps for the office building and the other two buildings with the most public exposure
- Parapets and screen walls that link buildings together and screen the internal storage area
- A total of 6 buildings which amount to approximately 867,000 square feet (49 percent of

site coverage in building)

The remaining two lots will continue to be regulated by the C-L District. While no specific proposal is presented here, these lots when developed will serve to screen the requested use for Lot 1. The applicant's plan does include an access easement for these two lots that will continue to connect this property to the remaining center. The landscape plan applies to both the proposed use for Lot 1 and the future use of Lots 2 and 3.

Approved Plans and Requirements;

The Bennington Planned Development dates back to 1981. The Gleneagles Center is one of only two areas identified for commercial use. This Center is regulated by the Local Commercial District which promotes neighborhood serving uses. The requested use, self-storage, mini-warehouse is permitted by right in the Highway Commercial District. The intensity of the development plan (buildings and pavement), the regional draw for customers and the outdoor storage component make this use a fit for that zoning designation.

ZTA 96-002 CC – This amendment to the text of the Zoning Ordinance addressed the location, site development, and operational aspects of the Self-Storage/Mini-Warehouse. Under these standards and criteria, the preferred site is located within an existing developed commercial center where the use is surrounded by that existing center. The site should be no larger than 6 acres and no larger than 4 acres when abutting residential uses. Other criteria to be met include the use of the buildings rear walls and connecting wing walls to serve as barriers to the internal view of the site. These standards also address landscaping, lighting and both permitted and prohibited activities on the site (the site's operation).

Review of Request:

Comparison to existing plans and criteria:

In virtually every respect, the proposed site plan is consistent with the recommended standards and criteria for mini-warehouse uses. The frontage is limited, the overall size of the site, and the percentage of building coverage is within the recommended limits. Some tweaking of the submittal is recommended for the color of the buildings as they abut residential and with respect to building A which is in close proximity to Shelby Drive.

This still leaves the concern of introducing a more intensive use as the first use into a large vacant tract. This issue speaks to the possibility of this use serving as justification for other intensive uses being attracted to the remaining two lots. There is an equal concern for adequate screening between the proposed use and the balance of the commercial center and the abutting residential. There is no perfect answer for this situation. It is expected that the land use staff will continue to object to any motor vehicle sales or service uses on Lots 2 and 3 as out of character with the overall uses in the center and the proximity to existing residential.

While having this use as the first use in is not the ideal scenario, the staff must balance that this site has been vacant for well over 20 years and that this use could be the catalyst for future re-development.

Site Topography – The applicant and his engineer have made it clear that they intend grade this site down to the point that it will be at the same elevation as the Kroger to the west. This will be a substantial change to the site. Since we do not have a grading plan at this time, the staff has requested a line of site study to illustrate what abutting home owners to the east and south will see when the site is developed.

Section A shows the view from the south side of Gleneagles. With the retention of the berm, approximately half of the building will be visible and that site line will be further limited by landscaping. Section B focuses on the houses to the east of the site. The site line for these houses is obstructed by a six foot tall, site proof fence and landscaping. This building is shown as 10 feet in height with no additional architectural features above the roof line.

Commitment to these site lines, the building features, screen walls, and landscaping should serve to make this a compatible use for this site.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS

Villages of Bennington
P.D. 09-301

I. Village Uses and Maximum Number of Units or Floor Areas

A. Gleneagles Center

- 1. Any use permitted by right or administrative site plan review in the Local Commercial (C-L) District including department stores and self-storage/mini-warehouse if the later includes a specific plan approved by the appropriate reviewing body as determined by the OPD and meets the conditions enumerated below.**
 - a. Permitted Accessory Activities for the mini-storage includes the sale of items by the mini-storage operator that are accessory to the mini-storage use (cardboard boxes, packing materials, tape are typical examples) shall be permitted.**
 - 1. An office with a caretakers apartment is also a permitted activity.**
 - 2. Leasing of vehicles may be permitted with maximum of two trucks displayed at any one time.**
 - 3. The storage of automobiles, trucks but not tractor trailers, and recreational vehicles is a permitted activity provided that all vehicles shall be stored in the areas shown on the site plan and that no vehicle exceeds s ten feet in height from the ground.**
 - b. Prohibited Activities include but are not limited to the following:**
 - 1. No activities other than the rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.**
 - 2. Outdoor storage of materials of any kind (not to be confused with the outdoor storage of vehicles at specific locations shown on the approved site plan)**
 - 3. Auctions except as required by state law.**
 - 4. Commercial wholesale or retail sales (except as permitted in B.1 and B. 2 a above) or miscellaneous or garage sales**

5. **The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.**
 6. **The operation by a lessee of power tools, spray painting equipment, table saws, laths, compressors, welding equipment, kilns, or other similar equipment.**
 7. **The establishment of a transfer and storage business.**
 8. **Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.**
 9. **The storage of hazardous chemicals or materials including filled gasoline and propane storage tanks.**
 10. **No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.**
2. A maximum of 175,000 square feet of commercial floor area. **Additional square feet may be added based on a specific site plan that is presented to the appropriate reviewing body as determined by the OPD.**
 3. A maximum of 40,000 square feet of office floor area. **Additional square feet may be added based on a specific site plan that is presented to the appropriate reviewing body as determined by the OPD.**
- B. Red Maples – A maximum of 73 Single Family Detached or Attached Dwellings.
 - C. Wildwoode – A maximum of 80 Single Family Detached or Attached Dwellings
 - D. Germantown Trails – A maximum of 169 Single Family Detached Dwellings
 - E. Holly Knoll – A maximum of 96 Single Family Detached Dwellings
 - F. Woods Landing – A maximum of 12 Single Family Detached Dwellings
 - G. Evergreen Point – A maximum of 85 Single Family Detached or Townhouse Dwellings
 - H. Courts of Hedgerow – A maximum of 177 Multiple Family, Townhouse, Single Family Attached, or Single Family Detached Dwellings
 - I. Hedgerow South – A maximum of 54 Single Family Detached or Attached Dwellings
 - J. Pheasant Run – A maximum of 110 Single Family Detached or Attached Dwellings

- K. Quail Crest – A maximum of 83 Single Family Attached or Detached Dwellings
- L. Lake Point – A maximum of 397 Multi-Family, Townhouse, Single Family Attached, or Detached Dwellings
- M. Oakbrook Tract - A maximum of 105 Single Family Attached or Detached Dwellings
- N. Finch Tract – A maximum of 471 Single Family Detached or Attached Dwellings
- O. Germantown Acres – A maximum of 471 Single Family Detached or Attached Dwellings
- P. Hedgerow A maximum of 135 Single Family Detached or Attached Dwellings

II. Other Uses:

- A. Churches are permitted on any property with Major Road frontage subject to the approval of a site plan by the Land Use Control Board. The Site Plan shall depict the location of buildings, structures, activity areas, parking , access drives, landscaping, and buildings on adjacent parcels.
- B. Common open space (COS) shall be provided as shown on the Outline Plan and shall include a swimming pool and two tennis courts.
- C. A Private Club whose membership may include property owners outside of the Planned Development shall be permitted in the COS area.

III. Bulk Regulations:

- A. Commercial and Office Buildings shall be set back a minimum of 25 feet from any street right-of-way or residential use area.

1. Requirements specific to the amendment area (P.D. 09-301)

- a. All buildings that front Shelby Drive shall continue the existing brick façade treatment and brick color found throughout the Gleneagles Center for their facade that faces Shelby Drive.**
- b. The side facades (west facade of Lot 2 and the east façade of Lot 3) of the future buildings for the lots identified in this amendment as Lots 2 and 3 shall include the same brick façade and color as referenced in #1 above.**

- c. If lot 1 is developed for any other use than the proposed mini-storage use, it's building materials shall include brick of the same color as found throughout the Gleneagles Center, unless otherwise approved by the Land Use Control Board through the appropriate application process as determined by the OPD.**
- d. The materials, and height of the storage buildings (proposed mini-storage use for Lot 1) shall be as shown on the attached architectural elevations which shall be made a part of the Final Plat..**
 - 1. The exterior walls and screen walls may be permitted to use the mixed split face block and Effie shown on the elevations. However, the color of these walls shall be an earth tone such as tan, or light brown.**
 - 2. The color of the metal roof may be as shown on the architectural elevations or a color that is complementary to the earth tones but not a bright green, blue, or red in lose proximity to the residential.**
- e. Prior final plats have established a numbering system for lots in the Gleneagles Center, the Final Plat for this amendment area shall continue that numbering system with a reference back to the amended conditions (i.e . Lot 1 P.D. 09-301) of this P.D.**

B. Residential Areas:

1. Minimum lot size for areas designated on the site plans as:
 - a. Single Family Detached (SFD) areas – 10,000 square feet
 - b. Single Family Attached (SFA) and Single Family Zero Lot Line (SF-ZL) Areas - 3,000 square feet.
 - c. Townhouse and Multi-Family areas shall comply with the minimum lot requirements of the R-TH and R-ML Districts respectively.
2. Minimum Building Setback
 - a. Single Family Detached Dwellings
 - i. Front Yard – 30 Feet
 - ii. Rear Yard – 25 Feet

- iii. Side Yard - a minimum building separation of 10 Feet.
- b. Single Family Attached Dwellings:
 - i. Front Yard – 15 Feet
 - ii. Rear Yard – 15 Feet
 - iii. Side Yard – 10 Feet separation between buildings.
 - iv. Single Family Attached Dwellings that abut existing Single Family Detached Dwellings shall comply with the setback requirements of Single Family Detached Dwellings.
- c. Townhouse and Multi-Family Dwellings
 - i. Front Yard – 30 Feet
 - ii. Rear Yard – 25 Feet
 - iii. Side Yard – 5 Feet
- 3. Any lot that abuts a lot within the Planned Development for which a Final Plan was approved prior to March 7, 1985 shall equal or exceed the area of the approved lot except for that portion of Holly Knoll which abuts Woods Landing.
- 4. Front or rear yards of dwellings in the area west of Germantown Road, north of Holmes Road, east of Germantown Parkway and south of street B shall not abut Germantown Road.
- 5. The front or rear yards of dwelling units across a street from a commercial (CC) area shall not face the commercial area.
- 6. Single family detached buildings may be constructed within the minimum setbacks described above to preserve existing mature trees, adapt to unusual topographic conditions or provide a varied building setback along the street, subject to the approval of the Land Use Control after notification of abutting property owners; however, no setback shall be less than:
 - a. Front Yard – 15 Feet
 - b. Rear yard – 15
 - c. Side Yard – 10 Feet separation between buildings
- C. Buildings in the COS area shall be set back a minimum of 60 feet from street A and 50 feet from adjacent residential areas.
- D. A maximum of 600 square feet of floor area shall be permitted in the sales/information pavilion building. The building shall be set back a minimum of 30 feet from all property lines.

IV. Circulation and Access:

- A. The design and location of curb cuts shall be approved by the City/County Engineer.
- B. All private drives shall be constructed to meet or exceed county/city standards and provide a minimum pavement width of 22 feet excluding curb and gutter.
- C. Street A shall be dedicated 30 feet from the centerline
- D. The right of access along Germantown Road Extended (Riverdale) and Holmes Road shall be conveyed to Shelby County except for one curb cut without a median opening to the cemetery off Germantown Road Extended (Riverdale).
 - 1. The right of access to Shelby Drive for the three lots associated with the amendment area (P.D. 09-301) shall be conveyed to the City of Memphis with the exception of the single curb cut discussed in M 1 below.**
- E. All internal streets shall be dedicated and improved as required by the Subdivision Regulations for the number and density of dwellings served.
- F. Any median modifications on Germantown Road Extended (Riverdale) needed to accommodate streets A and D shall be at the developer's expense.
- G. Germantown Road shall be dedicated and improved to 30 feet from the centerline.
- H. Wood Landing Drive shall be improved to a pavement width of 36 feet between curbs.
- I. Holmes Road shall be dedicated and improved to 80 feet from the centerline.
- J. Street D shall be dedicated as a major collector street with a minimum centerline radii subject to the approval of the County Public Works Division or City Engineer.
- K. Shelby Drive shall be dedicated and improved to 57 feet from the centerline.
- L. The street stub on the east side of Germantown Road, approximately 450 feet north of Street D shall be closed and the median in Germantown Road Extended (Riverdale) shall be modified as required.
- M. The Gleneagles Office and Commercial Center (CC and O Areas) shall be permitted the following maximum curb cuts:

1. Commercial Area
 - a. Three curb cuts on Shelby Drive
 - b. One curb cut on Germantown Road Extended (Riverdale) without a median opening
 - c. Four curb cuts to Street D
 - d. **The area amended by P.D. 09-301 shall be permitted one curb cut on Shelby Drive, generally as shown on the Site Plan.**
 - e. **Any non conforming curb cuts shall be modified to meet current City of Memphis standards.**

2. Office Area
 - a. One curb cut to Germantown Road Extended (Riverdale)
 - b. Two curb cuts to Street D

- N. The control of access along the Shelby Drive frontage of the residential area of Red Maples shall be conveyed to Shelby County.

- O. Germantown Trails shall be dedicated with a 53 foot Right-Of-Way, 40 feet of pavement between curbs and a five foot wide utility easement along each right-of-way line.

- P. Finch Road shall be extended and dedicated as an East-West Collector Street in accordance with the Subdivision Regulations.

- Q. At least one point of pedestrian access shall be provided from Street C to Ross Elementary.

- R. Alternative pedestrian systems may be provided in place of public sidewalks on one or both sides of a street subject to the approval of the Office of Planning and Development.

- S. Ross Road south of Holmes Road shall be offset from Ross Road north of Holmes Road in conformance with the Subdivision Regulations.

- V. Drainage:
 - A. All drainage plans and improvements shall be subject to the approval of the County/City Engineer.

 - B. All lakes shall be privately owned and maintained

- C. A breach hydrograph shall be submitted to the City and County Engineers for review of development downstream from the Lake in Holly Knoll.
- VI. Sanitary Sewers – A Master Sewer Plan for the development shall be submitted to the City and County Engineers for review.
- VII. Signs
- A. The CC area shall be permitted a maximum of two detached signs. The sign shall a maximum surface area of 100 square feet each and shall be setback at least 15 feet.
- 1. Signage for the amendment area (P.D. 09-301) shall include one detached sign for each lot and the following additional requirements**
- a. **Each sign shall be ground mounted, monument in style, and limited to a height of ten feet.**
- b. **Each sign shall be composed of materials and in a style that is similar to the existing Integrated Center Signs of the Gleneagles Center.**
- c. **The permitted square footage is regulated by the Zoning Ordinance for On-Premise Detached Signs.**
- d. **Attached signs are regulated by the Local Commercial Districts.**
- e. **No advertising signs of any type are permitted along any of the exterior building or screen walls or along the Gleneagles Drive frontage.**
- B. The O area along the east side of Germantown Road Extended (Riverdale) shall be permitted one detached sign with a maximum area of 50 square feet and a minimum setback of 15 feet.
- C. Billboards shall not be permitted.
- D. One detached sign is permitted in each location indicated on the Outline Plan. Each sign shall identify the entire development and separate phases or segments of the development, or the sales information pavilion. Signs shall be a maximum of 7 feet high. Signs along Holmes Road., Ross Road, Germantown Road, Shelby Drive, and Germantown Road Extended (Riverdale) are permitted up to 32 square feet and other locations are permitted up to 20 square feet per face.

VIII. Landscaping

- A. The road frontage of the Commercial (CC) and Office (O) areas shall be landscaped with Plate F.
- B. A 15 foot wide Landscape Screen as described on the Outline Plan of the Villages of Bennington (R-C-I-95 CC) shall be planted between all residential and nonresidential areas. Existing vegetation shall be incorporated wherever feasible.
- C. The rear property line of any reverse frontage lot shall be landscaped with a minimum 10 foot wide Landscape Area of low growing shrubbery, planted three feet on center.
- D. Equivalent landscaping may be substituted for that required above subject to the approval of the Office of Planning and Development.
- E. Light standards shall be a maximum of 20 feet high. Lighting of non-residential uses shall be directed away from adjacent residential uses or areas.

F. Landscaping and screening requirements for the Amendment Area (P.D. 09-301). If the mini-storage is submitted as the first phase of this tract, all of the perimeter landscaping enumerated below shall be provided with that Final Plat.

- A. Perimeter Requirements: Any grading of this site shall preserve the existing height (contour) within the 25 foot wide required landscaping areas associated with the Gleneagles Drive Frontage and the east property line.**
 - 1. Shelby Drive frontage – A 25 foot wide area composed of a mix of Tree A and Tree C generally meeting the requirements of the A-1 Plate. The final mix of Plant Materials shall be shown on the First Final Plat filed for this 3 lot area and is subject to the review and approval of the OPD.**
 - 2. East Property Line – A Plate B-4, modified to 25 feet in width shall be required. If there is an existing wood fence that is in good repair, the existing fence can be used to meet the requirement of this plate. Where the fence needs repair or where the fence is missing, the applicant shall be required to make the repairs or install a new fence. If an entire section of fence needs to be repaired, replaced or installed, the new fence shall include cap.**
 - 3. Gleneagles Drive frontage: A 25 foot wide area composed of double row of primarily evergreen trees, Tree B as generally depicted on the submitted site plan. The existing rise in elevation in this area between the**

back of the sidewalk to the 25 foot wide point, shall be preserved and maintained and where there is a lower elevation (such as the area along the easternmost section of this site) that area shall be filled and raised to meet the current ground elevation of this area (estimated at Contour Level 358).

4. Other –

- a. A screen wall composed of similar materials as the rear walls shall connect storage building to storage building and block direct views into the main storage area. This wall shall have a minimum height of eight feet and shall be labeled on the final site plan. An illustration of the wall shall be attached to the Final Site Plan.**
- b. Other locations where landscaping is needed to break a direct view into the storage facility or screen parking or a vehicle storage area shall be accomplished with either landscaping that includes an evergreen material such as a species of Holly and/or fencing. In either event, the materials used shall be shown on the plat and are subject to the review and approval of the OPD.**

5. Any gate shall be composed of wrought iron or similar materials subject to the review and approval of the OPD and its design shall be illustrated on the Final Plat.

6. All required landscaping shall be irrigated.

7. The Final Plat shall demonstrate conformance with the Tree Ordinance.

G. Lighting requirements for the area Amended by P.D. 09-301.

- 1. For any areas that abut or are adjacent (including across a public street) to residential uses. Present photometric analysis to demonstrate in foot candles the level of light that presently experienced by these residential dwellings. Then present, photometric analysis that indicates that the light levels for these dwellings shall not be increase as a result of the development of these parcels.**
- 2. The actual height of any free standing light poles shall be illustrated on the Final Plat, and that height is dependent upon the results of the foot candle analysis in # 1 above.**
- 3. The final plat shall illustrate the type of light fixtures**

IX. Final Plan Review Process:

- A. A Final Plan that substantially conforms to the submitted “Site Plan” and the Subdivision Regulations shall be processed in accordance with Section 14 J of the Zoning Ordinance Regulations.
- B. If a Final Plan does not substantially conform to the submitted “Site Plan”, then a Revised Site Plan shall be submitted to the Office of Planning and Development for a recommendation and shall be presented to the Land Use Control Board for approval. The Land Use Control Board may only approve Site Plan modifications consistent with Condition X.
- C. The Bennington Property Owners Conservancy shall be sent a copy of any final plan when it is recorded.
- D. The applicant for Amendment (P.D. 09-301) shall work with staff to bring these Outline Plan conditions up to date with respect to all of the prior amendments prior to the recording of the Final Plat for the mini-storage use.**

X. The Land Use Control Board may modify the minimum lot size, building orientation, type of dwelling permitted, collector street and minor street pattern, bulk requirements, recreation facilities, open space plan, signage, landscaping, access and curb cut and drainage requirements after notification of the property owners association and abutting landowners if equivalent alternatives are presented. The Land Use Control Board not increase the density or intensity of development in each village.

XI. Any Final Plan shall include the following:

- A. Reference to 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, buildable areas, (whichever is appropriate), parking area, streets, drives, required landscaping, signs, and open space.
- D. The number of parking spaces.
- E. The location, ownership, whether public or private of any easement.
- F. A statement conveying all common facilities and areas to a Homeowner’s

Association, or other entity for ownership and maintenance purposes.

- G. The number of lots and minimum lot size.
- H. The size of each lot.
- I. The floor area of each office, commercial, or multi-family building.
- 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.**

GENERAL INFORMATION

Street Frontage: Shelby Drive: +/- 563 Feet
Gleneagles Drive +/- 506 Feet

Planning District: Oakhaven – Parkway Village

Census Tract: 217.51

Zoning Atlas Page: 2550

Parcel ID: 093700 00566

Zoning History:

P.U.D. R-I-95 CC was approved by the County Commission and City Council January 26 and 27, 1981. The subject property was part of this approval and designated for single family zero-lot line uses as part of the original approval of the Villages of Bennington P.D., a mixed use planned development covering some 694 acres.

P.D. 84-321 CC amended P.U.D. R-I-95 CC to permit single family detached units in areas previously approved for attached units. The County Commission and City Council approved this request on October 8 and 16, 1984 respectively.

P.D. 84-385 CC amended P.D. 84-321 CC by removing the regional commercial center at the northwest corner of Holmes Road and Germantown Extended in favor of residential development. It also permitted changes in the Village of Wildwoode to permit attached and detached single family dwellings on lots of 3,000 square feet where previously only zero-lot line dwellings were permitted on minimum 3,800 square foot lots.

P.D. 97-308 CC was approved on the site in July 1997 as a limited use planned development with open space. To date, nothing has been built on the site, although a Walgreen's Drug Store is pending construction on the northeast corner of Holmes Road and Riverdale Road.

P.D. 99-354 CC was approved by the County Commission on March 13, 2000, and the Memphis City Council on April 25, 2000 to permit automobile service for a site located at the northeast corner of Riverdale and Holmes.

P.D. 02-332 CC was approved by the County Commission on December 16, 2002 and the Memphis City Council on November 12, 2002 to permit a specific site plan for vehicle wash immediately to the north of the site in P.D. 99-354.

DEPARTMENTAL COMMENTS

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

City Engineer:

No comment on use changes.

Any non conforming curb cuts shall be modified to meet current City of Memphis standards.

All existing conditions related to infrastructure shall remain in force.

City Fire Division: No comments received.

City Real Estate: None.

City/County Health Department:

Please add the following comments for:

OPD File # P.D. 09-301

Villages of Bennington Planned Development

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:

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.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:	No comments received
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:	No comments received.
OPD-Comprehensive Planning:	No comments.
Irene N.A.:	No comments received
Harvest Knoll:	“
Buckingham Farms:	“
Pinnacle Point:	“
Southeast Shelby Coalition/Richwood:	On behalf of the Southeast Shelby County Coalition (SSCC), I appreciate the opportunity to submit this response. Although I'm not particularly excited about another outside storage facility in this nexus; I suppose this is as good of a project as can be expected to be developed on this parcel. Therefore , I will not oppose it