

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **11#**

CASE NUMBER: PD 09-305 **L.U.C.B. MEETING:** April 9, 2009

DEVELOPMENT NAME: Tournament Drive Planned Development, 3rd Amendment

LOCATION: North side of Tournament Drive; +/-2,090 feet west of Hacks CrossRoad

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

OWNER OF RECORD/APPLICANT: Clark & Clark

REPRESENTATIVE: ETI Corporation (Ralph Smith)

REQUEST: Multi-Family Units and a Day Care Center

AREA: +/-21 Acres

EXISTING LAND USE & ZONING: Vacant Land, Area D of the Tournament Center
Planned Development (P-D 08-323)

SURROUNDING LAND USES AND ZONING:

North: The Fieldstone Apartments, regulated by the approved conditions for
Parcel B of the Fieldstone Planned Development (P.D. 05-337)

East: Vacant land, part of Area D and regulated by the approved conditions of
the Tournament Center Planned Development (recently amended –
P.D.08-323)

South: Vacant land. Areas B and C of the Tournament Center Planned
Development (P.D. 08-323)

West: Vacant land, Area G of the Callis Cutoff Planned Development, P.D. 05-
365)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL WITH CONDITIONS

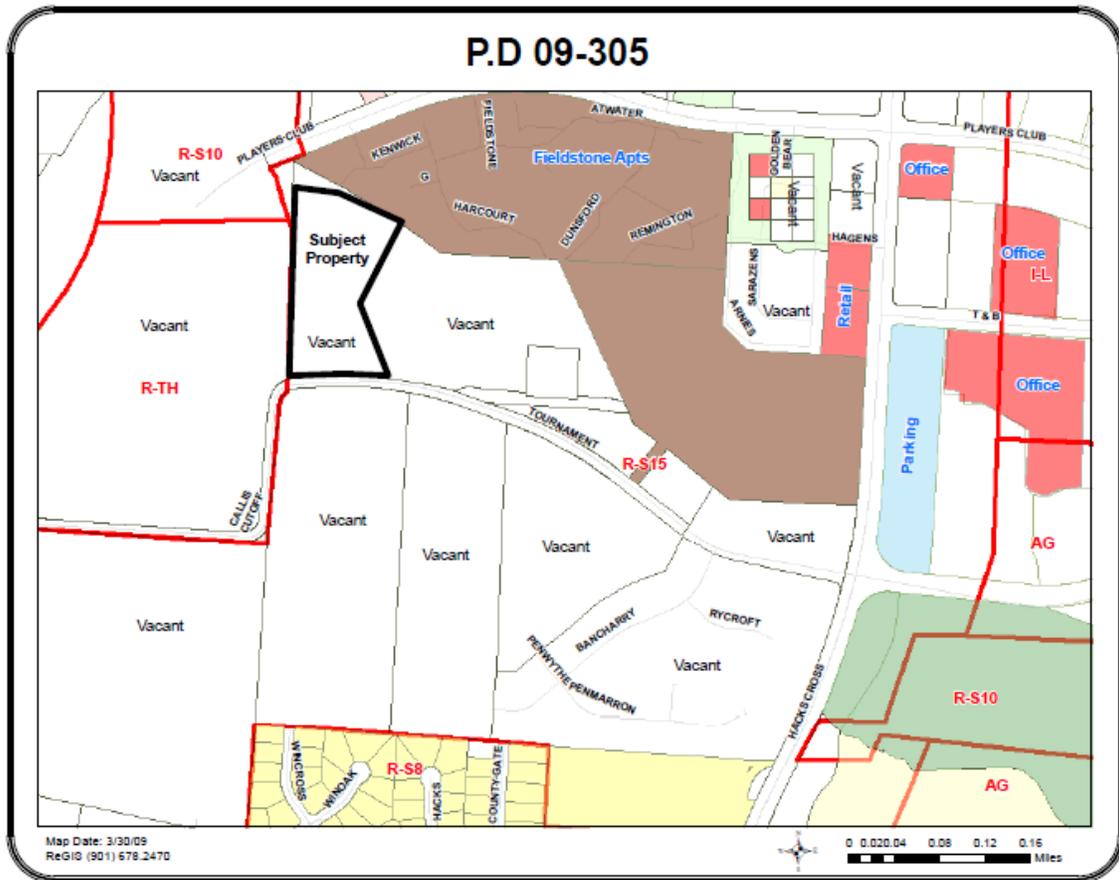
Staff: Don Jones

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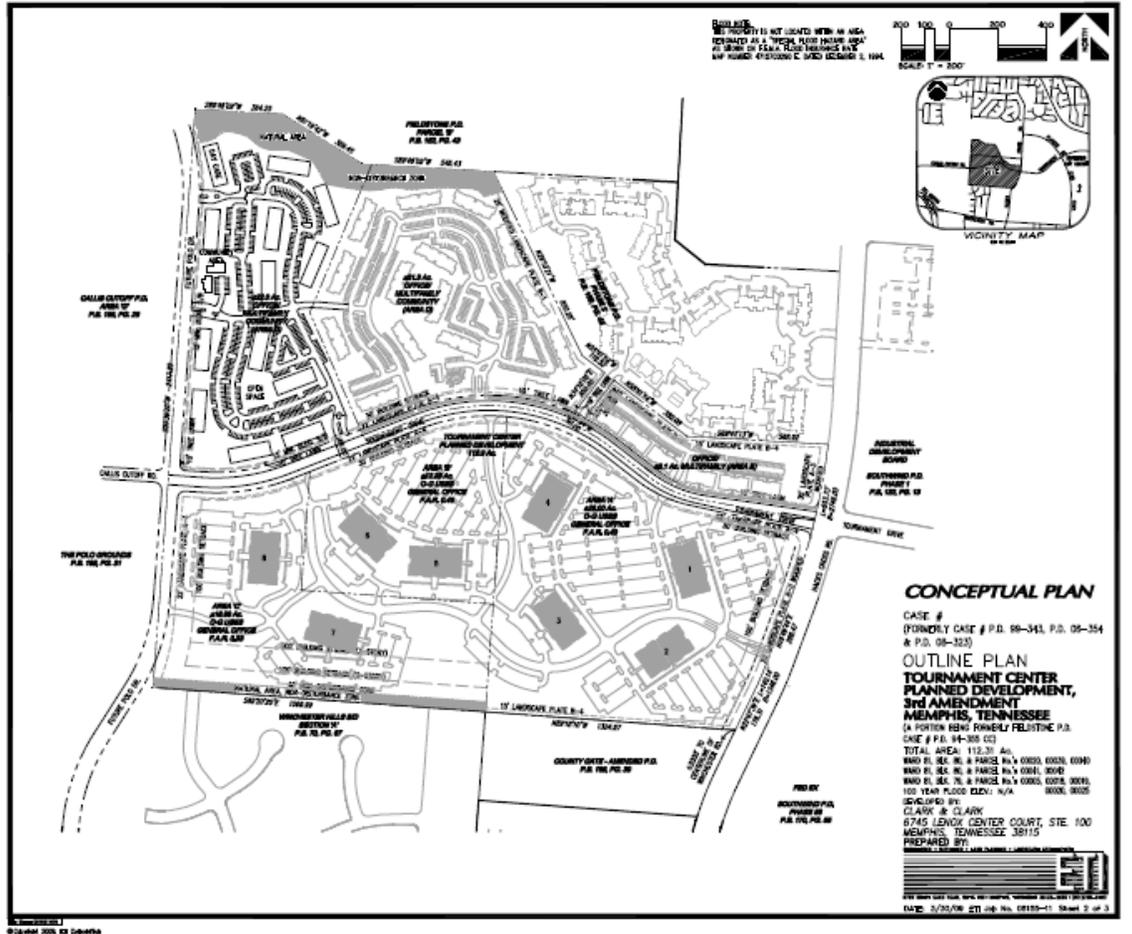
CONCLUSIONS

1. This amendment to the P.D. is consistent with the existing and proposed development to the north, south, and east.
2. The site planning elements that have been incorporated into these conditions and the concept plan (buildings facing the public streets, streetscape treatment, location of parking to the rear of the buildings, internal and external street connections) should ensure that this development will serve as a proper transition to the proposed lower density to the west and south west.

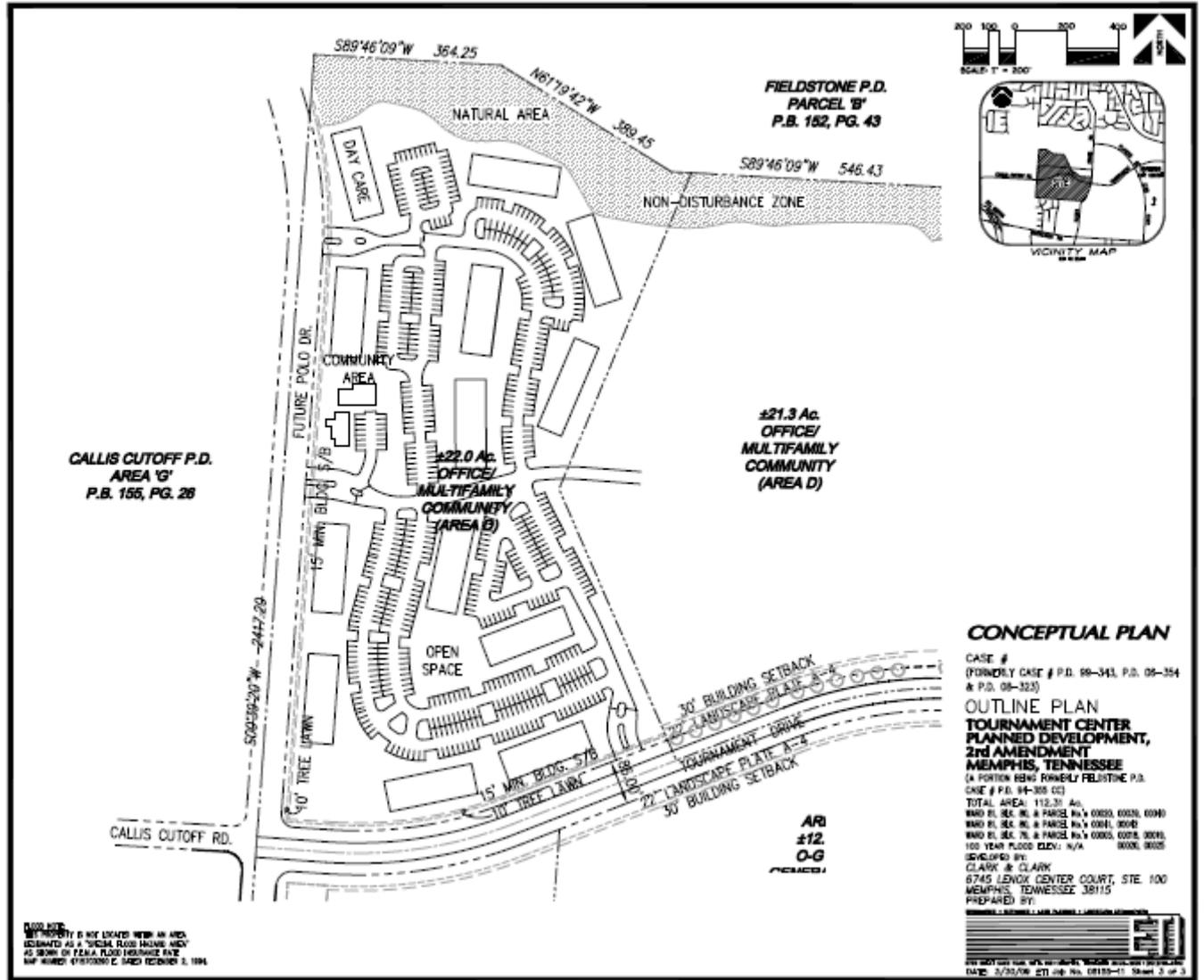
Land Use and Zoning Map



Concept Plan (includes all of Area D and E)



Site Plan



STAFF ANALYSIS

General Location and Background Information:

The subject property is located on the north side of Tournament Drive approximately 2,000 feet west of Hacks Cross in the Southwind area of Memphis.

The subject property is the western 22 acres of Area D of the Tournament Center Planned Development. This area of the P.D. permits office buildings with varying setbacks from the abutting Fieldstone Apartments depending on the building height (2 story to 4 story).

The Land Use Control Board and the Memphis City Council recently reviewed an amendment to the easternmost half of Area D and all of Area E to allow multi-family residential with a specific concept plan.

This proposed amendment continues the conditions of the most recent amendment (P.D. 08-323) to allow the addition of multi-family units as a permitted use. This amendment continues the same site planning elements which the OPD Staff and the applicant worked together to establish. These elements include bringing the buildings to within 25 feet from the street with a front door that addresses the public street. Locating the parking areas behind the apartment, community, and day care center buildings is another significant element. And continuing the streetscape treatment which includes the establishment of a 10 foot wide tree lawn, then the sidewalk, and then the building setback is another important character building element.

As indicated above, this proposed amendment also includes a request for a Day Care Center which will serve both the apartment units and the general public as well. This is an additional use of land that fits in well within a mixed use area.

Review of Request:

Surrounding Uses of Land – The requested amendment ties in well with the proposed multi-family or office use of the eastern half of Area D of tournament Center (the recently adopted amendment to Tournament Center PD). It is also consistent with the existing development to the north which is the Fieldstone Apartments.

The land on the south side of Tournament Drive is vacant, (Areas B & C. of the Tournament Center P.D.). Both of these areas of the P.D. permit office uses, so here again, the proposed use is a good fit.

The area to the west of the subject site is Area G of the Callis Cutoff P.D. which permits Single Family Residential. Area A of the Polo Grounds P.D. is located at the southwest corner of the intersection of Tournament Drive and future Polo Drive. This area of the P.D. permits Single

Family Residential uses.

The site planning steps that have been employed (orientation of buildings to the public street, locating parking areas behind buildings, revised streetscape) should serve to provide an effective transition to the future lower density residential areas.

Site Plan – Two other aspects of the site plan that should be pointed out are the internal and external road connections. As the site plan shows, there will be a physical point of connection between the multi-family development approved in the prior amendment and this request. This internal drive will link to the future Polo Drive and serve as an alternative point of ingress and egress or an emergency outlet.

Once this phase of the planned development is constructed, it will include Polo Drive which is a north-south connector. This first phase of Polo Drive will need to be continued northward to connect with Players Club Parkway and southward via the subsequent development of the Tournament Center and Polo Grounds P.D.'s. But once these connections are made, this road will provide an alternative to Germantown Road and Hacks Cross Roads for localized trips.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS

Tournament Center Planned Development – 3rd Amendment

P.D. 09-305

(New conditions are shown in bold and underline. Deletions shown with a strike through)

I. USES PERMITTED:

A. Area A, B, C, D and E - Any use including the usual and customary accessory uses permitted by right, or administrative site plan review in the O-G District, including apartments and accessory uses in Areas D & E as depicted on the conceptual plan.. **A day care center shall also permitted in Area D.**

1. The following uses shall not be permitted within Areas A, B, C, D or E

- a. Communication Towers and Mobile Communication Services (CMCS) Tower.
- b. Day, Family, Group Care Center or Home.
- c. Nursery School
- d. Art, Photo Studio or Gallery
- e. Barber or Beauty Shop
- f. Business School
- g. Cleaning Establishment
- h. Flower or Plant Store
- i. Cocktail lounge, night club, tavern

2. The following accessory uses shall be permitted but within an office building and limited to a maximum of 2,000 square feet.

- a. Restaurant
- b. Snack Bar
- c. Gift Shop
- d. Day Care (For tenants only)

II. BULK REGULATIONS:

A. Area A (+/- 28.00 acres) - Maximum net floor area ratio of .40. All other bulk requirements shall comply with the O-G District.

B. Area B (+/- 12.33 acres) - Maximum net floor area ratio of .45. All other bulk requirements shall comply with the O-G District.

C. Area C (+/- 18.99 acres) - Maximum net floor area ratio of .33. All other bulk

requirements shall comply with the O-G District.

- D. Area D (+/- 40.26 acres) - Maximum net floor area ratio of .40. All other bulk requirements shall comply with the O-G District.
- E. Areas D & E combined – The maximum density permitted shall be 15 dwelling units per acre.
- F. Area E (+/- 5.05 acres) - Maximum net floor area ratio of .12. All other bulk requirements shall comply with the O-G District.
- G.. Maximum overall office net floor area ratio shall not exceed .33. Each phase of the P.D. shall indicate its individual net F.A.R. and the overall net to date.
- H. The maximum height of structures:
 - 1. Area A - 4 stories
 - 2. Area B - 5 stories
 - 3. Area C - 3 stories
 - 4. Area D - 4 stories
 - 5. Area E - 1 story for Office Use
 - 6. Area E - 2 stories for multi-family dwellings
 - 7. Area D – 3 stories for multi-family dwellings
- I. In Areas C and D the perimeter building setbacks **for office use** shall be 100 feet from Polo drive. In area C the building setback shall be 100 feet from the south property line.
- J. In that portion of areas C and D that abut existing residential development, the minimum setback for a 2 story office building shall be 100 feet. The minimum setback for a 3 story office building shall be 200 feet.
- K. In area D, the minimum setback for a 4 story office building shall be 300 feet.
- L. In areas D & E, the minimum setback for multi-family residential buildings that abut residential development shall be 25 feet.
- M. In Areas D & E, the required front yard setback for multi-family buildings shall be as depicted on the Concept Plan.
- N. In Area A the perimeter building setback shall be 100 feet from Hacks Cross Road.

- O. All office buildings shall be composed of glass, brick or other masonry material and may include additional finish materials used within the office areas of the Southwind Planned Development.
- P. Only single story, residential style, office buildings or two story multi-family buildings shall be permitted in Area E.
- Q. All exterior multi-family residential building elevations shall contain no less than 50 percent brick materials. The calculation of the exterior façade shall exclude windows, garage doors, and breezeways.
- R. The community buildings in Area D shall be designed with a residential appearance including a typical single family pitched roof and materials that are consistent with the other apartment buildings as described in Q above.

III. ACCESS, PARKING AND CIRCULATION:

- A. Dedicate 54 feet from centerline of Hacks Cross Road and improve in accordance with Subdivision Regulations.
- B. Tournament Drive shall be dedicated and improved to 86 feet of right-of-way from Hacks Cross Road to Polo Drive. The Amendment for Areas D & E shall dedicate 43 feet from the centerline of Tournament Drive.
- C. Polo Drive shall be dedicated and improved to 34 feet from the centerline.
- D. All internal public streets in office and commercial areas shall be dedicated and improved as 68 foot wide commercial collectors, and all public streets shall meet the design requirements of the Subdivision Regulations.
- E. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22') feet
- F. Area A curb cuts on Tournament Drive shall not begin closer than 300 feet from the centerline of Hacks Cross Road.
- G. Area A shall be allowed two curb cuts onto Hacks Cross Road but shall not begin closer than 300 feet from the centerline of Tournament Drive.
- H. The City Engineer shall approve the design and location of curb cuts.

- I. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- J. Private drive medians shall be setback a minimum of 20 feet from the public right of way line.
- K. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- L. Provide internal circulation and shared access between phases/lots/parcels/with access easements reflected on all final plats.
- M. Developer shall provide additional right-of-way widths to meet lane requirements at all intersections where additional turning movements are proposed.
- N. Access to from the apartment units **in the eastern portion of** Area D to the future office **and/or apartment** area in the westernmost section of Area D shall be required. This access may be designed as an exit only or an emergency use only gate.
- O. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- P. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. SIGNAGE:

- A. Signage for office buildings each area shall be in accordance with the General Office (O-G) District.
- B. Signage for multi-family residential shall be in accordance with the Multi-family residential (R-ML) District.
- C. The minimum development identification sign setback from any property line shall be 15 feet.
- D. All signs shall be ground mounted, and composed of similar materials as that of the buildings.

V. LANDSCAPING AND SCREENING:

- A. A streetscape plate (Plate A-4 or equivalent) shall be provided along Tournament Drive and future Polo Drive and the access entrance to the Fieldstone Apartments from Tournament Drive. The actual cross section, if developed as multi-family buildings, shall be as depicted on the Concept Plan and shall include a 10 foot wide tree lawn in Area E and ~~a portion of Area D~~.
- B. A 25 foot wide landscape screen (Plate B-4 or equivalent) shall be provided along the northeast and north property lines in Area E if developed as with office uses. A 15 foot wide landscape screen shall be required if Area E is developed with apartment dwelling units. Fencing shall not be required if already provided on the adjoining property..
- C. A 30 foot wide landscape screen as shown on the Outline Plan, Plate A-3 modified, shall be provided and maintained along Hacks Cross Road. All existing trees shall be retained and incorporated into the required landscaping if possible.
- D. Along the northeast boundary line of Area D, from the back entryway to the Fieldstone Apartments (generally northward) to the very northern boundary, a Plate N-1, expanded to 25 feet, incorporating existing trees and supplementing with an evergreen species such as Leland Cypress but not Loblolly Pine, where gaps exist.
- E. A minimum 25 – foot wide non-disturbance zone shall be provided and shown on the Conceptual Plan along the boundary of Area D with Phase 2 of the Fieldstone P.D.
- F. A natural area, non-disturbance zone shall be maintained along the north property line of Area D.
- G. A non-disturbance zone incorporating existing vegetation of 40 feet in width shall be provided along the south boundary of Area C. However, a special plate, similar to the N-1 Plate shall be required along the south property line of Area C in the proximity of the terminus of County Gate Road. This plate shall be designed by the applicant and presented to the Office of Planning and Development for their review and approval. This plate should also consider the use of a berm. A brick based wrought iron fence shall be required along the south boundary line of the end of County Gate Road the full width of its right of way.
- H. All landscaped areas shall be provided exclusive of and in addition to any easements and shall not conflict with any easements, including overhead wires.

- I. Internal lot landscaping shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree (Tree A) per every 20 parking spaces or fraction thereof. Landscaped areas shall not be less than 300 square feet in area in any single location and shall be located so that no parking space is farther than 75 feet from a tree.
- J. All other landscaping required on the site shall comply with the Landscaping Ordinance (Section 32 of the Zoning Ordinance).
- K. Equivalent landscaping may be substituted for that required above subject to the approval of the Office of Planning and Development.
- L. All required landscaped areas shall be irrigated except for the required natural area..
- M. Refuse containers shall be completely screened from view of public roads being located at the rear of buildings or within a service court area which serves tenants.
- N. Air conditioning, heating, ventilation or other mechanical equipment including, that located on roofs, shall be screened using architectural features or landscaping.
- O. Utility features such as electrical wiring, conduit and meters shall also be screened using architectural features or landscaping.
- P. All utility services to buildings and signs shall be underground conduit.
- Q. Maximum height of all light standards shall be 25 feet. Lighting shall be directed so as not to glare onto residential property. The office buildings shall not be lit by floodlights on the sides of the buildings that abut residential property.
- R. Lot owners are responsible for the maintenance and replacement of all fences, trees, shrubs, and turf located within the landscape screen (s). Dead plants shall be replaced in-kind with live plants. Any plant species substitutions require the approval of the Memphis and Shelby County Office of Planning and Development. Removal of live plants from the screen is prohibited.

VI. DRAINAGE:

- A. An overall drainage plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.
- B. All drainage plans shall be submitted to the City Engineer's Office for review.

- C. Drainage improvement , including possible on-site detention, shall be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. The project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-03-101 et seq).
- E. The developer shall be aware of his obligation under 40 CFR 122.26 (B) (14) and TCA 69-03-101 et seq, to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of stormwater associated with the clearing and grading activity on this site.
- F.. All grading and drainage plans shall show a topo and site features a minimum of 100 feet off site on the site plan under review or its effect on adjacent properties.
- G. Proper erosion control measures must be in pace once clearing and regularly maintained to the satisfaction of the City Engineer and the Tennessee Department of Environment and Conservation. Applicant shall use “best management practices” to control the run off and stream siltation that occurs when land has been cleared prior to development.
- H All off- site drainage outfalls require a letter from affected property owners granting permission to allow a concentrated flow onto property and to proved temporary erosion control measures.

VII. PUBLIC SEWER, WATER, AND EASEMENTS

- A. A master Sewer Plan for the entire planned development shall be submitted to the City Engineer prior to the filing of the first final plat.
- B. A sewer development fee shall be paid to the City of Memphis at the time of each final plan approval.
- C. Off-street sewer easements shall be a minimum of 15 feet wide.
- D. Install fire hydrants 500 feet apart at 2000 gpm at 20 psi. Memphis Steamer 4.815 x 7.
- E. Provide a 5 foot utility easement along all front and rear property lines.

- F. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- G. All connections to the sewer shall be at manholes only.

VIII. SITE PLAN REVIEW:

- A. A final lot layout (site) plan shall be submitted for the review and approval of the Office of Planning and Development, and the appropriate City agencies with an appeal to the Land Use Control Board, if necessary.
- B. The site plan shall include the following items:
 - 1. An illustration of the location and dimensions of buildings, structures, parking areas, the street layout, classification, and geometry of all streets, a drainage plan, building elevations and landscape plan.
 - 2. Any other site information.
- C. The site plan shall be reviewed based upon the following criteria:
 - 1. Conformance with the outline plan conditions and to the standards and criteria for office planned developments contained in the Zoning and Subdivision Regulations.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc).
 - 3. Elements of site design such as building orientation and setback, access and parking and internal site circulation, landscaping and lighting.
 - 4. Consistency between buildings in regard to a unified development theme in building elevations, materials uses and signage.

IX. OTHER:

- A. The Land Use Control Board may modify the building setback, building height, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.
- B. The approval of a Final Plat for Area A shall effectively revoke the existing recorded plat (Phase III, Part of Area A of the Fieldstone Planned Development).

- C. It is intended that the Tournament Center Planned Development be developed in a quality manner as to encourage and support the overall aesthetics of its surrounding area. Office buildings shall be composed of glass, brick, or other masonry material, and may include additional finish materials used within the office area of the Southwind Planned Development.

X. TIME LIMIT:

A final plat shall be filed within five (5) years of the approval of the Outline Plan by the City Council. Upon the request of the applicant the Land Use Control Board may grant extensions, subject to additional conditions and standards, if any. A request for a time extension shall be filed a minimum of 35 days prior to the expiration date.

XI. FINAL PLAT REQUIREMENTS:

Any final plat shall include the following:

- A. The Outline Plan Conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations.
- C. The exact location and dimensions including height of all buildings or buildable area, parking areas, drives and required landscaping.
- 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 homeowners or property owners' association or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. The location, diameter and species name of existing trees over 8 inches in diameter, and differentiation between those trees and preserved and those to be removed.
- I. The following notes 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. 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: **Tournament Drive+/- 800 Feet**
Proposed Polo Drive+/- 1500 Feet

Planning District: Shelby Farms - Germantown

Census Tract: 213.20

Zoning Atlas Page: 2350

Parcel ID: 081079 00025

Zoning History:

The easternmost portion of Area D and all of Area E were amended to permit multi-family residential uses with the approval of P.D. 08-323, approved by the Memphis City Council in January 2009.

The Tournament Center Planned Development (originally part of the Fieldstone Planned Development) was first approved under File Number P.D. 99-343 to convert Single Family to Office. This project was amended with the approval of P.D. 06-354 which permitted office uses in Area E which was under prior approval was conditioned for use as Open Space.

DEPARTMENTAL COMMENTS

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

City Engineer:

City Fire Division: No comments.

City Real Estate: None.

City/County Health Department:

If any monitoring wells were installed as part of a site assessment they must be properly filled as outlined in Section's 6 & 9 of the Shelby County Well Construction Code.

City Board of Education: No comments received.

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.
- **Landscaping is prohibited** within any MLGW utility easement without prior approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - o Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- **It is the responsibility of the owner/applicant** to contact MLGW engineering to determine if system improvements may be required and any related cost:
 - o MLGW Engineering - **Residential Development:** 528-4858
 - o 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 at this time regarding this new development.

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

OPD-Regional Services:

No comments received.

OPD-Comprehensive Planning:

No comments.

Neighborhood Associations:

Roseleigh N.A.:

No comments received

Southeast Shelby County Coalition:

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Winchester Hills:

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Southwind Homeowners Assn.

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Buckingham Farms N.A.:

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