

STAFF REPORT

12

CASE NUMBER: P. D. 09-324 **L.U.C.B. MEETING:** November 12, 2009

DEVELOPMENT NAME: FIELDSTONE PLANNED DEVELOPMENT, 3RD Amendment

LOCATION: West of Hacks Cross Road +/-225' @ T & B Boulevard

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

OWNERS OF RECORD: Players Crossing Partners

APPLICANT: Tower Ventures V, LLC

REPRESENTATIVE: Prime Development Group, Inc.

REQUEST: Planned development amendment to Parcel 'C' to allow a cellular communications tower one-hundred fifty(150) feet in height designed as a flag pole to be located to the rear of Players Crossing Shopping Center.

LEASED AREA: 5,500 sq. ft. of 6.18 Acres

EXISTING LAND USE & ZONING: 'Player's Crossing Shopping Center' governed by Fieldstone Planned Development, 2nd Amendment(P.D. 08-337).

SURROUNDING LAND USES AND ZONING:

North: Vacant, graded land with mature trees approved for General Office(O-G) District uses in Fieldstone Planned Development, 2nd Amend-Parcel 'D'(P.D. 08-337).

East: 'Players Crossing Shopping Center' with retail commercial establishments in Fieldstone Planned Development, 2nd Amendment-Parcel 'C'(P.D. 08-337).

South: 'Fieldstone Apartments' and vacant land approved for Single Family Residential (R-S10) District land use in Fieldstone Planned Development, 2nd Amendment-Parcel 'B'(P.D. 08-337).

West: 'Fieldstone Apartments' in Fieldstone Planned Development, 2nd Amendment-Parcel 'B'(P.D. 08-337).

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

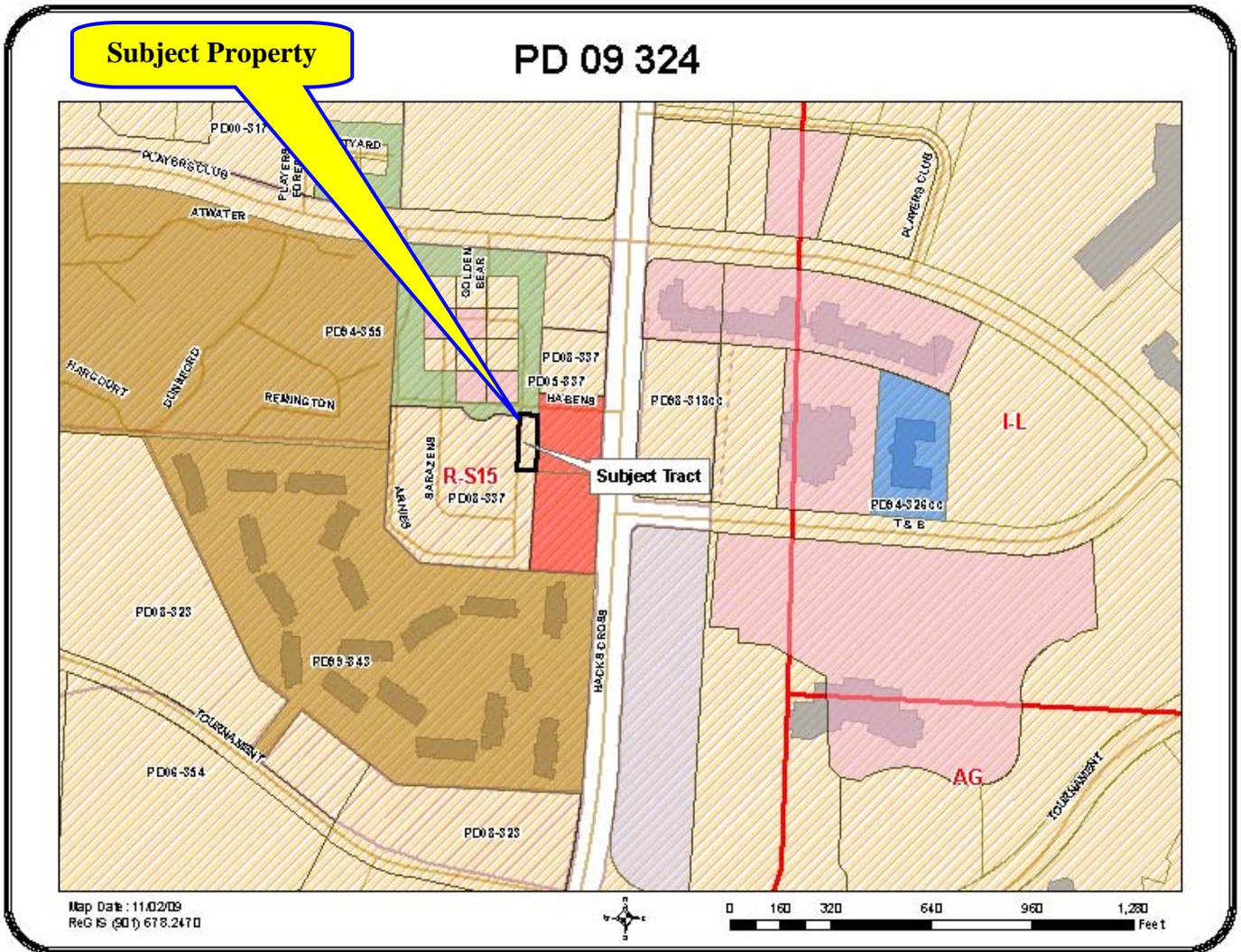
Staff: Brian Bacchus

E-mail: brian.bacchus@memphistn.gov

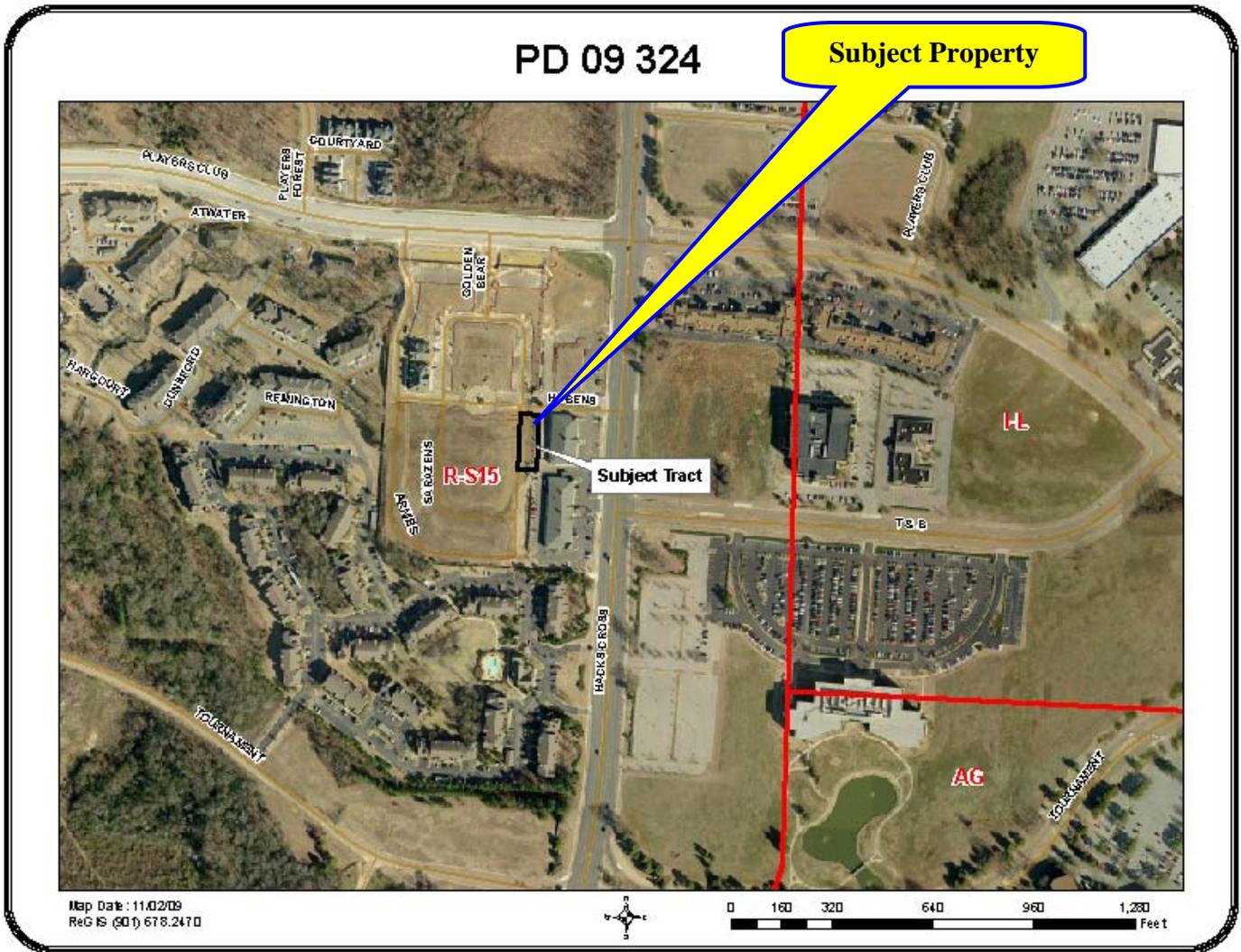
CONCLUSIONS:

- 1. The request is for a planned development amendment to Parcel 'C' to allow a cellular communications tower one-hundred fifty(150) feet in height designed as a flag pole to be located to the rear of Players Crossing Shopping Center, but within an area approved for mini-storage warehouses in Parcel 'C' of the Outline Plan.**
- 2. The tower designed as a flag pole would not enhance the retail center or surrounding office and multi-family development. However, consideration should be given to design and color of the tower to match dominant colors of the retail center and the approved mini-storage buildings.**
- 3. The proposed tower will appear as an accessory structure to the retail building and located at the eastern edge of a vacant parcel that is undeveloped, but approved for mini-storage. The tower site is setback from Hacks Cross Road approximately 225 feet and approximately 575 feet south of Players Club Parkway.**
- 4. The proposed location of this tower minimizes the affect upon residential land use and zoning with the tower being located to the rear of the retail building. The view from T & B Boulevard and single family homes in 'Southwind' and Germantown Park' subdivisions will be primarily the top half of the tower appearing as a flag pole.**
- 5. The immediate area has no other cellular towers within the required one-quarter(1/4) mile spacing requirement. The land use survey performed by staff did not yield a reasonable and practical alternative for a wireless communication service tower to be located in the Southwind community.**

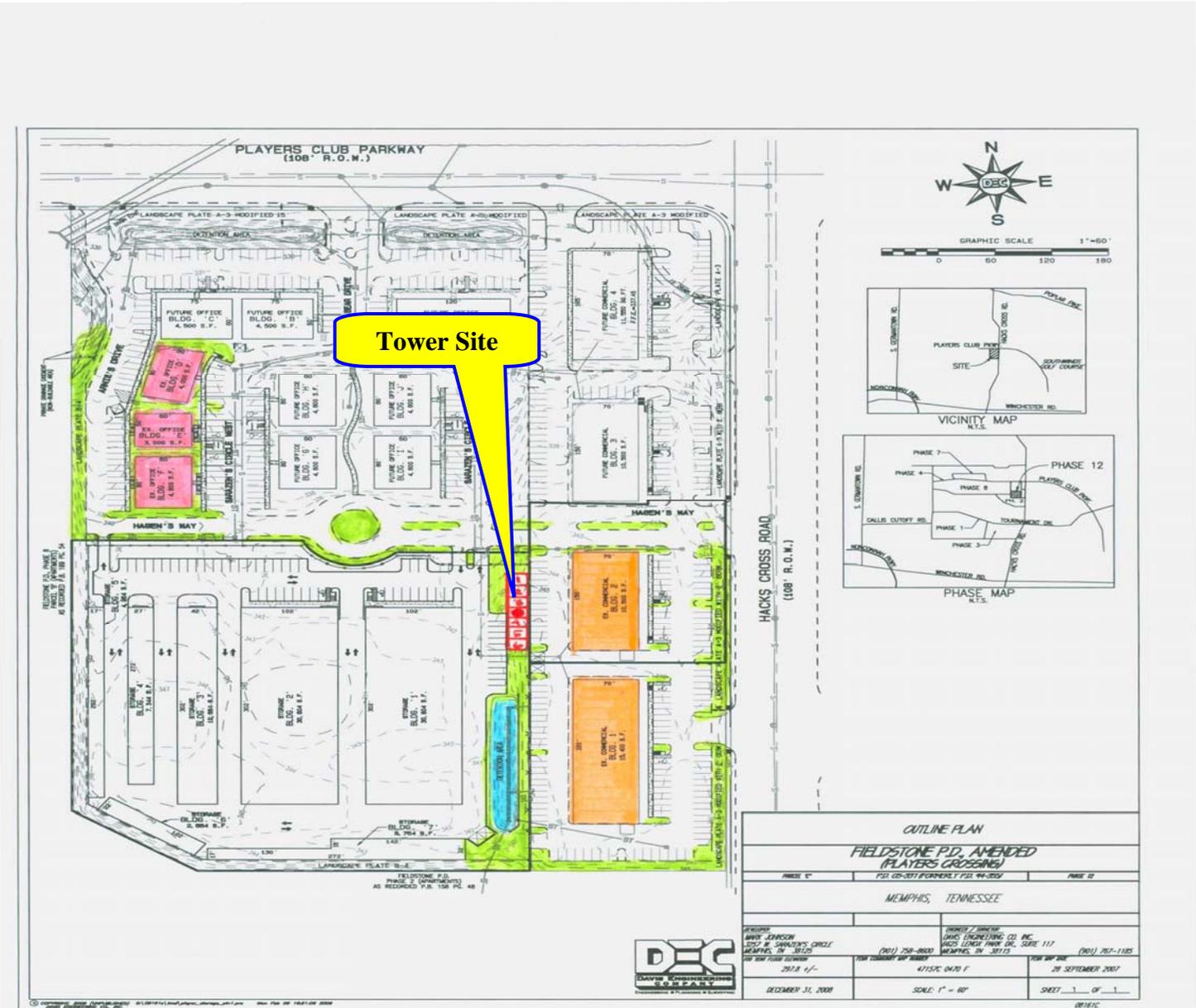
ZONING & LAND USE:



AERIAL ZONING MAP

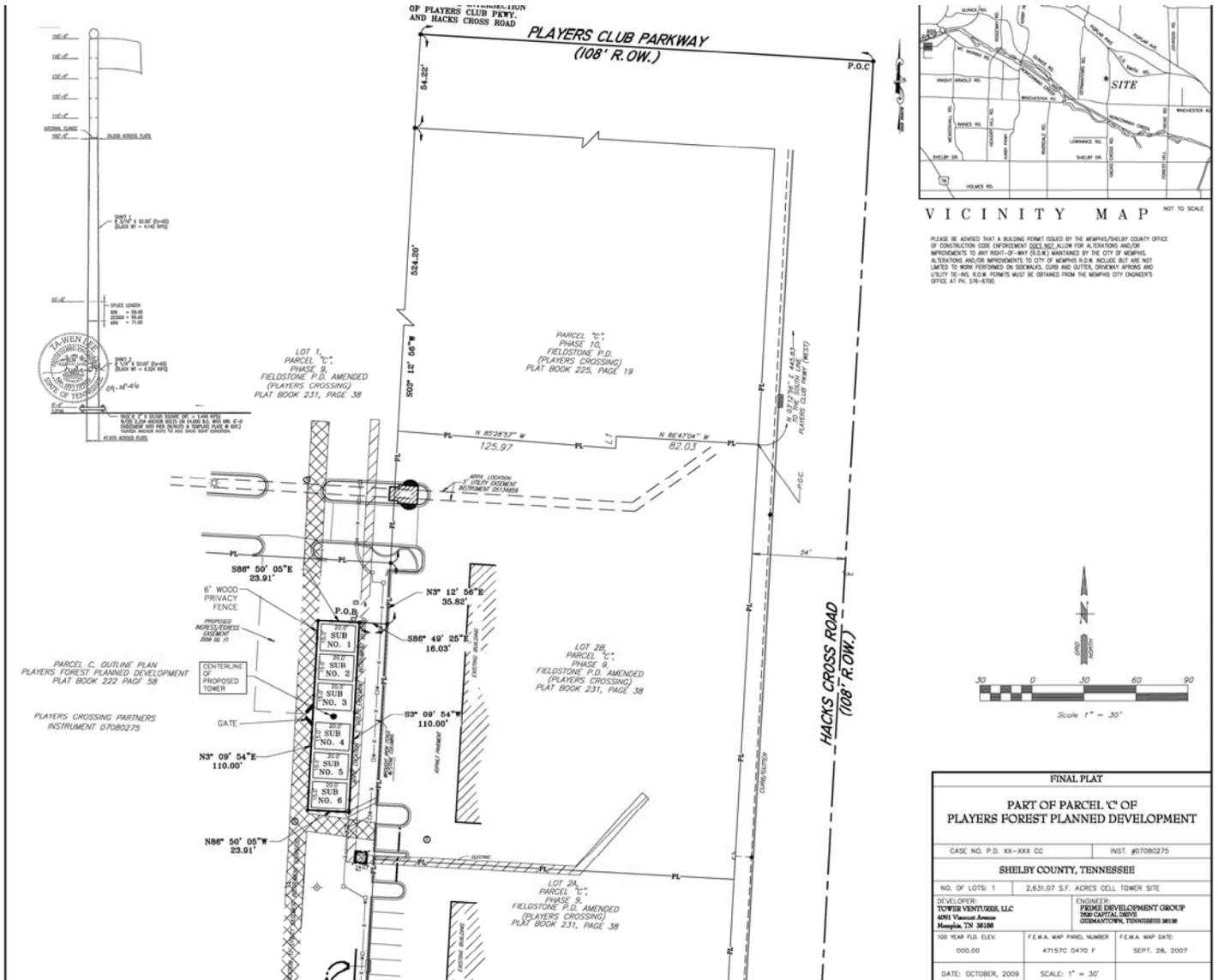


MINI-STORAGE CONCEPT PLAN with Tower Site):



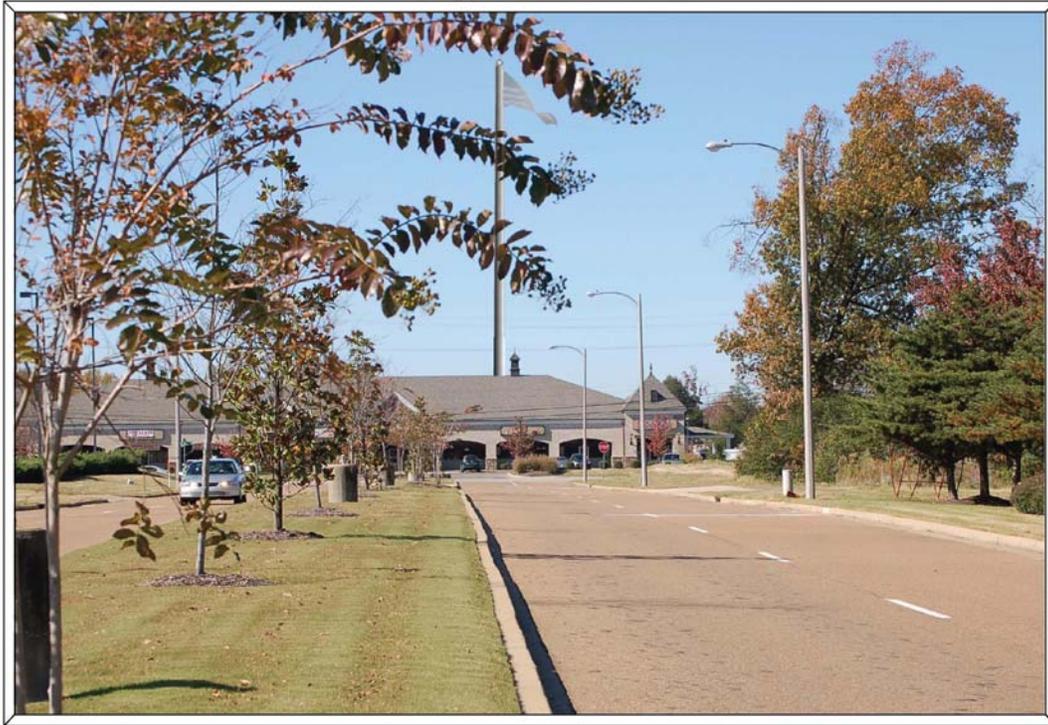
OUTLINE PLAN		
FIELDSTONE P.D. AMENDED (PLAYERS CROSSING)		
PHASE 11	P22 02-021 (REVISED) P22 04-002	PHASE 12
MEMPHIS, TENNESSEE		
<small> ARCHITECT: BARRY JOHNSON 1057 N. SANDWICH CIRCLE MEMPHIS, TN 38103 (901) 758-8800 2518 +/- </small>		
<small> ENGINEER: SHERRILL W. HARRIS CIVIL ENGINEERING CO. INC. 1405 LEXINGTON PARK DR., SUITE 117 MEMPHIS, TN 38115 4153C 0470 F 08 SEPTEMBER 2007 </small>		
DECEMBER 31, 2008	SCALE: 1" = 60'	SHEET 1 OF 1
<small>08161C</small>		

TOWER SITE PLAN:



T & B Boulevard View

*Fieldstone Crossing Planned Development
150' Flag Pole Cellular Tower*



View from T & B Boulevard

November 5, 2009

Players Club Parkway & Hacks Cross Road View

*Fieldstone Crossing Planned Development
150' Flag Pole Cellular Tower*

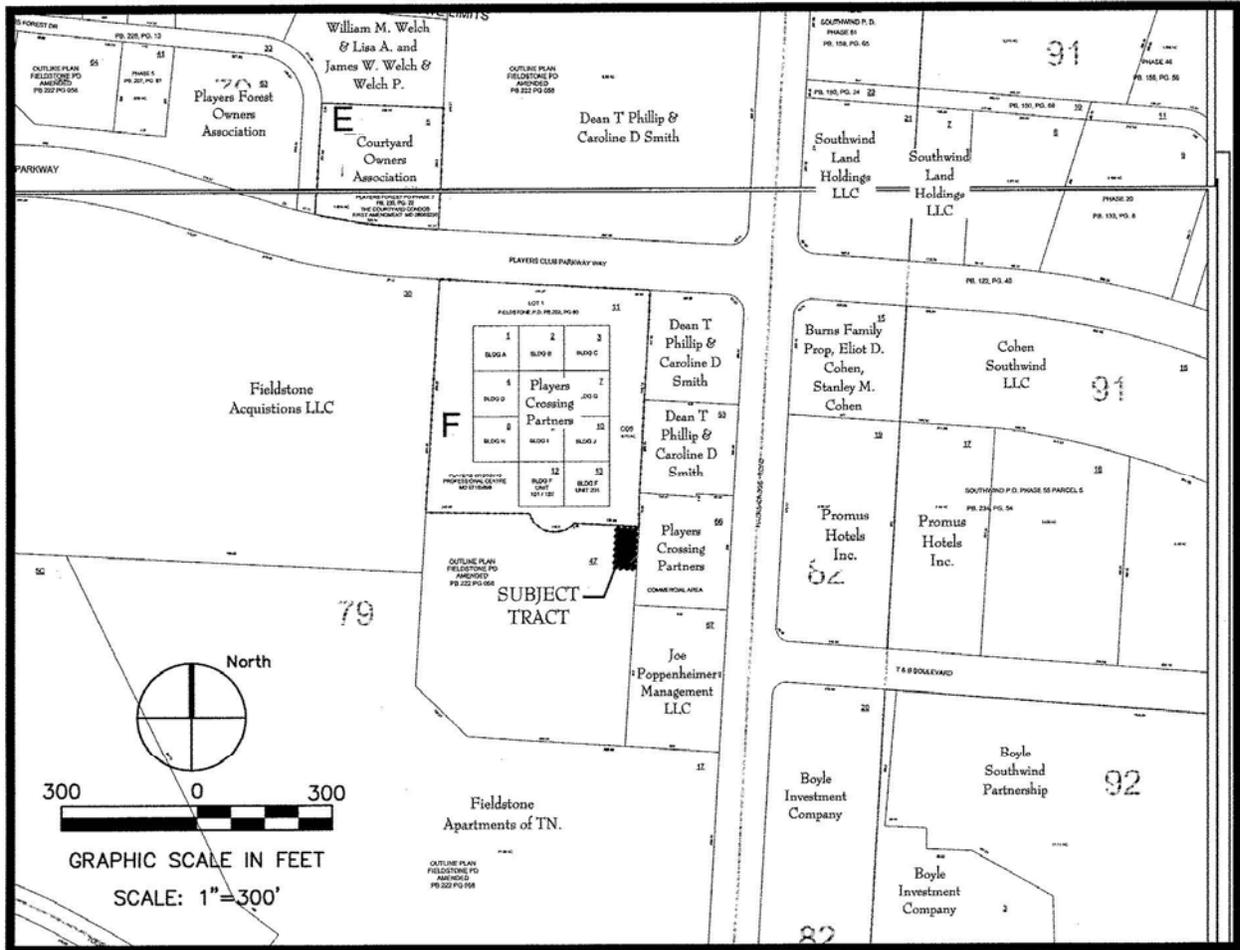


View from Players Club Parkway

November 5, 2009

VICINITY & OWNERSHIP:

Vicinity Map



Date: 09-22-09 Prepared by: Prime Development Group

STAFF ANALYSIS:

Site Description

The subject property is a portion of a parcel that is currently approved for mini-storage warehouse development in designated Parcel 'C' of an Outline Plan amended and approved April 7, 2007. A final plan has not been recorded for this 6.18 acre parcel to develop as mini-storage buildings with internal access and circulation to the balance of the Outline Plan. The leased parcel is more specifically located to the rear of two(2) retail commercial buildings that front on Hacks Cross Road. There is curb, gutter and sidewalk along both streets with two(2) points of access to Hacks Cross Road.

Internal private street improvements are in place for the primary access to Hacks Cross Road, including the construction of some office buildings also in Parcel 'C' of the development plan. This amendment relates only to Parcel 'C' approved for Local Commercial(C-L) District land uses, including mini-storage warehouses, excluding taverns and gasoline sales and one(1) retail wine/liquor store. The remaining portion of this parcel also allows C-L District land uses for a total of 7.13 acres of retail commercial land use.

Area Overview

This is an area at the eastern boundary of the City of Memphis directly south of the southern boundary of the City of Germantown within the Shelby Farms-Germantown Planning District. The land use in this immediate area is primarily office employment center land uses to the east side of Hacks Cross Road in Southwind Planned Development(P.D. 98-318 CC) and multi-family residential apartment development directly adjacent to the west and south of the subject property within Fieldstone Planned Development(P.D. 94-355). This Outline Plan has been approved for over ten(10) years for single and multi-family residential, office, and commercial development.

This planned development has developed primarily with two(2) phases of multi-family residential development for a total of 698 units. The employment center includes the corporate offices for Thomas & Betts and the Social Security Administration, including offices and training centers for PanAm Flight Academy and Faith-Ridge Fellowship offices. The Southwind Village Center is at the immediate corner of Players Club Parkway and Hacks Cross Road within Southwind Planned Development.

Tower Design vs. Visibility

The request is for a planned development amendment to Parcel 'C' to allow a cellular communications tower one-hundred fifty(150) feet in height designed as a flag pole to be located to the rear of Players Crossing Shopping Center. More specifically, to the rear of a retail building that will house the rental office, but within an area approved for mini-storage warehouses in Parcel 'C' of the Outline Plan. The plan allows Local Commercial(C-L) District uses which would allow a communications tower, but less than sixty-five(65) feet in height. The mini-storage buildings are not currently under construction, but the tower could be the first structure built within this parcel.

The tower designed as a flag pole would not enhance the retail center or surrounding office and multi-family development. However, this vertical structure is more of an appurtenance than a land use—similar to HVAC units, emergency generators and utility and lamp posts, but with much greater height. The structure is vertical in nature and will tower above any building within this retail center. However, consideration should be given to design and color of the tower and to attempt to match the dominant colors of the retail buildings and approved mini-storage buildings. The structure should be compatible in color to coincide with the color of roof-tops in 'Players Crossing Shopping Center'.

The proposed tower will appear as an accessory structure to the retail building and located at the eastern edge of a vacant parcel that is undeveloped, but approved for mini-storage. The tower site is setback from Hacks Cross Road approximately 225 feet and approximately 575 feet south of Players Club Parkway. The greatest visibility will be from the north only because the remaining Parcel 'C' is vacant and also undeveloped. The zoning ordinance allows cell towers to be accessory structures in Local Commercial(C-L) District zoning, but this request requires an amendment to this Outline Plan.

The proposed location of this tower minimizes the affect upon residential land use and zoning with the tower being located to the rear of the retail building. The view from T & B Boulevard and single family homes in 'Southwind' and Germantown Park' subdivisions will be primarily the top half of the tower appearing as a flag pole. The retail building is hip-roof design and the height is at least fifty(50') feet to the ridgeline. This height coupled with a distance of more than a half($\frac{1}{2}$) mile from single family homes in Southwind and more than a quarter($\frac{1}{4}$) mile from homes in Germantown Park Subdivisions lessens the visual affect from single family homes north and east of the subject property.

The applicant proposes to enclose the equipment for six antennae at the base of the tower with a sight-proof wood fence six(6) feet in height. The location of the tower would delete landscaping within this area, but landscaping should remain adjacent to the fence outside the leased area with shrubs of foster hollies planted five(5') feet on center with small tree type C or D subject to approval of OPD to enhance the base of the tower site. The landscaping and screening requirements shall be installed before the tower is launched for operation

The immediate area has no other cellular towers within the required one-quarter(1/4) mile spacing requirement. Therefore, the location complies with the zoning ordinance subject to site plan review and approval to include the recording of a final plan. The applicant has provided documentation in the form of cellular coverage maps for the need of wireless communication service in this area and to also state there are no existing or pending structures in the immediate area to satisfy those concerns. The land use survey performed by staff did not yield a reasonable and practical alternative for a wireless communication service tower to be located in the Southwind community.

RECOMMENDATION: ***Approval with Conditions***

OUTLINE PLAN CONDITIONS: ***[Bold-Italic-Underlined: Indicates amendments]***

I. Uses Permitted:

- A. Parcel B: Any use permitted by right or by administrative site plan review in the Multiple Dwelling Residential(R-ML) District.
- B. Parcel C: Any use permitted by right and administrative site plan review in the Local Commercial (C-L) District with the exception of taverns and gasoline sales. One(1) retail wine/liquor store establishment to allow retail sales only shall be permitted with a maximum square feet of 7,565 square feet of floor area, a Self-storage (mini-warehouse) facility and ***a cellular communications tower one-hundred fifty(150) feet in height designed as a flag pole*** with the following additional conditions:
 - 1. 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.
 - 2. Prohibited Activities include but are not limited to the following:
 - a. No activities other than the rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
 - b. Outdoor storage of materials of any kind.
 - c. Auctions except as required by state law.
 - d. Commercial wholesale or retail sales (except as permitted in B.1 and B.2 a. above) or miscellaneous or garage sales
 - e. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - f. The operation by a lessee of power tools, spray painting equipment, table saws, laths, compressors, welding equipment, kilns, or other similar equipment.
 - g. The establishment of a transfer and storage business.
 - h. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - i. The storage of hazardous chemicals or materials including filled gasoline and propane storage tanks.
 - j. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.
 - k. The design and color of the tower shall match the dominant colors of the retail and mini-storage buildings. The structure shall be compatible in color to coincide with the color of roof-tops in 'Players Crossing Shopping Center'.***
- C. Parcel D: Any use permitted by right and administrative site plan review in the General Office(O-G) District.

II. Bulk Regulations:

- A. Parcel B: The bulk regulations of the R-ML District shall apply with the following exception: Maximum density permitted shall be 15 dwelling units per acre.

- B. Parcel C: The bulk regulations of the C-P District shall apply. A maximum floor area of .28 shall apply, except that building coverage area for the mini-storage facility and the location of the cell tower shall be as shown on the approved Outline and Concept Plans.
- C. Parcel D: The bulk regulations of the O-G District shall apply except as follows. A maximum floor area ratio of .25 shall be permitted. A maximum height of 35 feet shall be permitted and a buffer and setback of seventy-five(75) feet shall be required for the northern boundary of the property for this parcel only.

III. Access and Circulation:

- A. Dedicate 54 feet from centerline of Knight Arnold Road in accordance with the plan on file with the City Engineer and improve in accordance with the Subdivision Regulations.
- B. Callis Cutoff shall be extended from the west property line to connect either with Knight Arnold Road or one of the internal streets in Parcel 'A' at a right-of-way to be determined at the time of construction.
- C. A collector street system shall be provided within the property to allow free circulation from Hacks Cross Road to Knight Arnold Road through Parcels 'A' and 'B'. A collector street shall be reserved between phases two and three of Parcel 'B' at the time of construction of either of those phases as to allow eventual free circulation from the collector streets in Parcel 'A' to future Knight Arnold Road.
- D. Internal circulation shall be provided between all adjacent phases/sections of the development.
- E. The following number of curb cuts/public street accesses shall be permitted:

<u>PARCEL</u>	<u>Hacks Cross Road</u>	<u>Knight Arnold Road</u>
B	2	4
C	3	3
D	1	1

- F. The design and location of the curb cuts shall be subject to the approval of the City Engineer. A right in/right out curb cut shall be permitted along Players Club Parkway with its design and location subject to the approval of the City Engineer.
- G. All private drives shall be constructed to meet County/City standards and provide a minimum pavement width of 22 feet exclusive of curb and gutter.
- H. No curb cut permitting access by left turn along Hacks Cross Road or Knight Arnold Road shall begin closer than 300 feet from the intersection of the centerline of Hacks Cross Road and Knight Arnold Road.

IV. Landscaping, Screening, Lighting, and Building Design:

A. Perimeter landscaping shall be provided as follows:

1. Landscape Plate A-3 Modified (15 feet wide with no berm shall be permitted along Hacks Cross Road.
 - a. Landscaping Plate A-3 Modified (15 feet wide with a berm a minimum of 2 feet high) shall be permitted along Players Club Parkway.
2. Plate B-4 along the western and northern boundaries of Parcel 'E', the southern and western boundary of Parcel 'C' and the southern boundary of Parcel 'B'.
3. Establish a 75 foot wide landscape buffer along the northern boundary of Parcel 'D' and western boundary of Parcel 'B'.
4. Save existing vegetation in buffer where possible and where possible supplement with evergreen material to provide an immediate visual screen.
5. Supplemental trees to be a minimum of 3 inches in caliper when planted. Supplemental shrubs to be a 3 gallon minimum size when planted.

B. Internal landscaping in Parcels 'C' and 'D' shall be provided at a ratio of 300 square feet of landscaped area and one shade tree (Tree A from the Landscape Ordinance) per every 20 parking spaces. Landscaping for the tower shall be installed adjacent to the fence outside the leased area with shrubs of foster hollies planted five(5') feet on center with a small tree Type 'C' or 'D', subject to the approval of Office of Planning & Development.

C. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.

D. All required landscaping and screening shall be provided outside of and shall not conflict with any easement, including overhead wires.

E. Existing trees shall be preserved whenever feasible.

F. Maximum height of light standards to be 25 feet, except for Parcel 'D' wherein the maximum height shall be 20 feet.

G. Lighting shall be directed so as to not glare into residential property, and lighting in Parcel 'D' shall be high pressure sodium. Parcel C – Self-storage Facility – applicant shall provide a detail of the light fixtures used along with photometric analysis that limits the trespass of light onto the adjacent residential uses in Area B. A foot candle rating of 1 at the commons property line shall be achieved.

H. All loading facilities shall be screened from view of public roads and adjacent properties.

I. Refuse containers shall be completely screened from view from adjacent properties and public roads subject to the approval of the Office of Planning and Development.

J. Wood and/or chain link fences shall be prohibited along the frontages of Knight Arnold Road and Hacks Cross Road.

- K. The developer of Parcel 'B' shall provide centrally located trash disposal areas which shall comply with all sanitary requirements of the City of Memphis. All trash disposal areas shall be oriented with any openings away from any view from the single family subdivision. No trash disposal areas shall be located along or between the buildings situated directly along the property boundary shared with the single family dwellings.
- L. No recreational amenity such as pools or sport courts shall be situated along the shared boundary of Parcel 'B' and the single family neighborhood to the south or between any buildings along the shared boundary.
- M. In Parcel 'B' all exterior building elevations shall contain no less than 50% brick materials. The calculation of the exterior facade shall exclude windows, garage doors and breezeways.
- N. All air conditioning and heating equipment shall be screened from view from adjacent properties and public roads. Roof-mounted equipment shall be screened using a parapet or other architectural feature.
- O. In Parcel 'D', all exterior building facades shall contain no less than 70% brick materials and tinted or reflective glass. A planted berm will be created along the northern boundary of the parking area sufficient to create a barrier impenetrable to headlights wherever the natural grade does not already block such light, and the setback area required by Section II. D. above shall be heavily landscaped utilizing existing growth wherever possible and replacing whatever growth is necessary by mature plants and hardwoods.
- P. All required landscaping shall be irrigated unless specifically exempted from this requirement. If exempted a note to that effect shall be provided on the Final Plat and initialed by the appropriate member of the OPD Staff.
- Q. In Parcel C, the buildings shall have building elevations containing no less than 50 percent brick, stone or similar material. The calculation of the exterior facade shall exclude windows and door openings. Roof designs shall incorporate pitched roofs. Building design conditions for the Self-Storage Facility are further detailed below:
 - 1. The north and south ends of the interior buildings (Buildings 1-5) shall contain a brick façade.
 - 2. The Final Plat shall include the materials and a color rendering showing that buildings present a united theme in color, materials and architectural elements such as dormers, cupolas, and chimneys with the rest of Area C.
 - 3. A metal roof for the buildings is permitted, the roof shall be of a seamless or standing seam design, and shall contain earth tones (tan, slate, or brown) that compliment the colors of the buildings and under no circumstances shall these colors include blue, green, or red.
 - 4. No storage bay doors shall face to the north, excluding those buildings along the southwest and south property lines (Buildings 6 & 7).

R. Parcel C: Self Storage Mini-warehouse:

A detailed landscaping and screening plan shall be submitted for the review and approval of the Office of Planning and Development with the Final Plat. The details plans shall address the following issues:

1. Perimeter landscaping and screening shall include:
 - a. A six foot tall, sight proof wooden fence (the existing fence along the south and west property lines may be used to meet this condition—and if needed this fence may be repaired, subject to the approval of its owner, if any parts are in disrepair) with a shadow box design with cap shall be required if a new fence is needed.
 - b. A ‘B-4’ Plate or acceptable alternative along the west and south property lines. Trees planted to provide this screen shall be irrigated. The developer shall provide proof to the OPD that the said plants shall include a 5 year guarantee that the plants shall remain alive. Any plants that do not survive within that time period shall be replaced.
 - c. The rear elevations of buildings that abut Parcel B shall contain a brick facade that matches the colors of the building, and ties into a brick wall that matches the colors of the buildings.
 - d. East property line: The existing metal fence on brick piers, and if deemed necessary at Final Plat Review a row of evergreen shrub to block the view into the side elevation of Building 1.
 - e. North property line: A Plate A-3 or equivalent that is enhanced to block direct views into the drive aisles that serve the storage units. A six foot tall, wrought iron fence on brick piers that is similar to the existing fence on the east property line or an alternative that is acceptable to the Office of Planning and Development.
2. The dumpster shall be enclosed with a brick wall on three sides, the brick shall match the materials and color of the buildings.

V. Signs:

- A. Parcel B: Signs shall be regulated in accordance with the requirements of the R-ML District.
- B. Parcel C: Signs shall be regulated in accordance with the C-P District, with the following Exceptions:
 1. The maximum detached sign height shall be 25 feet.
 2. The detached sign(s) can advertise the office development behind the commercial areas.
 3. Attached signs shall not exceed 50 square feet in area per bay or 1,400 feet of space.
 4. Detached and attached signs may be illuminated but not flash, revolve, oscillate, be animated, or create the illusion of continuous movement.
 5. All detached signs shall be ground mounted and composed of similar materials as that of the buildings.

- C. Parcel D: Signs shall be regulated in accordance with the requirements of the O-G District.
- D. In addition, the following conditions shall apply in Parcels 'B', 'C' & 'D':

Signs shall be designed and constructed to maintain the aesthetic continuity of the materials and quality of development. There shall be allowed one project identification sign bearing the name of the commercial center and individual tenant identification. No other detached tenant identification signage will be allowed. All lighting of signs shall be internal. No signs shall be allowed for the tower site, except for the necessary decal sign for displaying the name, address and phone numbers of the owner and operators of the facilities. The decals shall be placed on and outside the fence.

- E. All signs shall be set back a minimum of 15 feet from street rights-of-way.
 - F. All detached signs shall be in conformance with the Sign Regulations with respect to the requirement for irrigated landscaping at the base of the sign.
- VI. Drainage: Drainage improvements including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- VII. The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.
- VIII. A final plan shall be filed within five(5) years of the approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Site Plan Review by the Land Use Control Board:
- A. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to approval of any final plan. The self-storage (mini-warehouse) facility in Parcel C is exempted from site plan review before the Land Use Control Board unless the applicant and/or Office of Planning and Development do not agree on the meaning of a condition or the interpretation of the submitted graphics. In that instance, either party shall submit a correspondence application to the Land Use Control Board for review as indicated below.
 - B. Notice of the site plan review application shall be sent to the President of the Germantown Park Subdivision Association.

- C. The site plan shall be submitted at least 35 days prior to a Land Use Control Board meeting and shall include the following information:
 - 1. In commercial and multi-family residential parcels the location, dimensions, floor area and height of all buildings, structures, signs and parking areas.
 - 2. Specific plans for internal and perimeter landscaping and screening including plant material types and sizes.
 - 3. The location and use of open space.
 - 4. In commercial areas the proposed exterior appearance of buildings and signs.
 - 5. The location of loading facilities and trash receptacles.
 - 6. Proposed means of access and circulation of automobile and pedestrian traffic.
 - 7. In residential areas plans for street and lot layout, dimensions of lots and all other information required for the review of a residential subdivision in accordance with the Subdivision Regulations.

- D. The site plan shall be reviewed based upon the following criteria:
 - 1. Conformance with the Outline Plan Conditions and the Subdivision Regulations.
 - 2. Conformance to the standards and criteria for commercial planned developments contained in Sections 14.C. and 14. E. of the Zoning Ordinance.
 - 3. Compatibility with adjacent properties as judged from the final elements of site development.
 - 4. Providing attractive corridors along Hacks Cross and Knight Arnold Roads through the use of building design, orientation, landscaping and screening.

- X. Any final plan shall include the following:
 - A. The Outline Plan Conditions,
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements,
 - C. In commercial areas and multi-family parcels, the exact location and dimensions including height, of buildings or buildable areas, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. Streets, lots, landscaping and all information required to review residential subdivisions in accordance with the Subdivisions Regulations.
 - E. The content of all landscaping and screening to be provided
 - F. The location and ownership, whether public or private of any easement,

- G. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity, for ownership and maintenance purposes,
- H. 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.
- I. The Outline Plan reflecting this amendment shall be recorded with the Office of Shelby County Register prior to the recording of a final plan of development. The Outline Plan Conditions shall be modified to reflect changes to the Fieldstone Planned Development, 2nd and 3rd Amendments
- J. The following note shall be placed on the Outline Plan:

Note: Be advised, the former Parcel 'A' is now regulated by Outline Plan Conditions for Tournament Center Planned Development(P.D. 99-343) and the former Parcel 'E' is now regulated by Outline Plan Conditions for Players Forest Planned Development(P.D. 07-317).

DOC #: 5453U

P.D. 09-324 (formerly P.D. 08-337)
Fieldstone Planned Development, 3rd Amendment

GENERAL INFORMATION:

Street Frontage: Hacks Cross Road-----+/-00.0 feet.

Planning District: Shelby Farms-Germantown

Census Tract: 213.42

Zoning Atlas Page: 2350

Parcel ID: 081079 00047

Zoning History: Prior to March, 1995, the Agricultural(AG) District zoning dates to the adoption of the 1980 zoning map amendments. In May, 1995, the Memphis City Council approved a multi-use plan for multi-family, office and commercial development in Fieldstone Planned Development(P.D. 94-355). On October 11, 2005, the Memphis City Council approved an amendment to permit a wine/liquor store in Parcel 'C'(P.D. 05-337). On April 7, 2009, the Memphis City Council approved another amendment to Parcel 'C' to permit self-service mini-storage warehouse in Parcel 'C'(P.D. 08-337) of Outline Plan.

DEPARTMENTAL COMMENTS:

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

City Engineer: No comment on location of cell tower.

Memphis Fire Services:

Memphis & Shelby County Health Department:

Water Quality Branch:	No comments.
Pollution Control:	No objections.
Environmental Sanitation:	No objections.

Memphis 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:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **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 contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **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 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 MLGW 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).
- **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). Application for utility service is necessary before plats can be recorded.
- All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services. All commercial developers must contact MLGW's Builder Services at 901-367-3343 to initiate the utility installation process.
- **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: No comment.

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

OPD-Regional Services:

OPD-Plans Development: No comments received.

TN Dep't of Environment & Conservation:

Be advised, it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

Neighborhood Associations/Organizations:

<i>Roseleigh Neighborhood Association:</i>	<i>No comments received as of 11/06/09.</i>
<i>Southwind Homeowners Association – danhardesty@bellsouth.net:</i>	<i>“ “ “ .</i>
<i>Southeast Shelby County Coalition – rufuswashington@bellsouth.net:</i>	<i>“ “ “ .</i>
<i>Buckingham Farms N. A. – gmgipssy@aol.com:</i>	<i>No comments received as of 11/06/09.</i>
<i>Lakes of Forest Hill:</i>	<i>“ “ “ .</i>
<i>Germantown Park Community Association:</i>	<i>“ “ “ .</i>
<i>Bromley-Foster-Ridge-Oaks Homeowners – celiabrug@hotmail.com:</i>	<i>“ “ “ .</i>
<i>Wyndkye Area N.A. – scoutdoyle@aol.com:</i>	<i>No comments received as of 11/06/09.</i>
<i>Winchester Hills N.A. – being@bellsouth.net:</i>	<i>“ “ “ .</i>

Staff: bb