

STAFF REPORT

10

CASE NUMBER: P. D. 09-323 CC **L.U.C.B. MEETING:** October 8, 2009
DEVELOPMENT: VILLAGES OF BENNINGTON PLANNED DEVELOPMENT, 3rd Amend
LOCATION: East side of Riverdale Road; +/-395.66 feet north of Holmes Road
COUNCIL DISTRICT(S): Unincorporated Shelby County
OWNERS/APPLICANTS: Arnett CarWash, LLC
REPRESENTATIVE: Prime Development Group, Inc.
REQUEST: Plan amendment to allow outdoor vending for an ice house facility
AREA: 0.74 Acre(32,234 sq. ft.)
EXISTING LAND USE & ZONING: Vehicle wash in Phase 34 of the Villages of Bennington Planned Development, 2nd Amendment(P.D. 02-332 CC).

SURROUNDING LAND USES AND ZONING:

- North:** Retail commercial center with drycleaners, sundry store, beauty shop and small restaurants in Villages of Bennington Planned Development(P.D. 02-332 CC).
- East:** Common Open Space and Storm-Water Detention facility in Villages of Bennington Planned Development(P.D. 02-332 CC).
- South:** ‘Walgreens’ pharmacy store and motor vehicle service in Villages of Bennington Planned Development-Phase 33(P.D. 02-332 CC).
- West:** Single family homes in ‘Village of Lake Point Subdivision’ in the Villages of Bennington Planned Development(P.D. 02-332 CC).

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

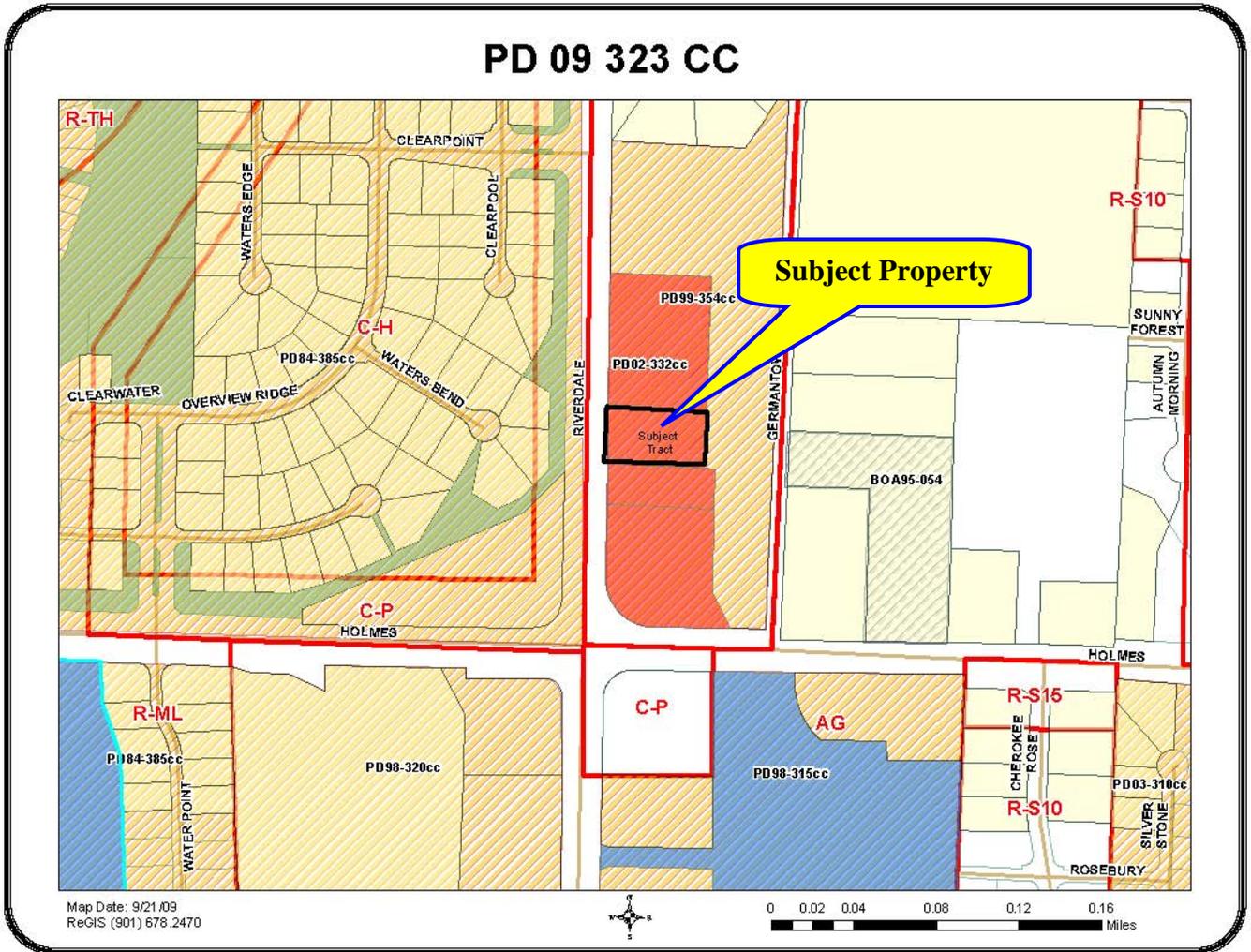
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

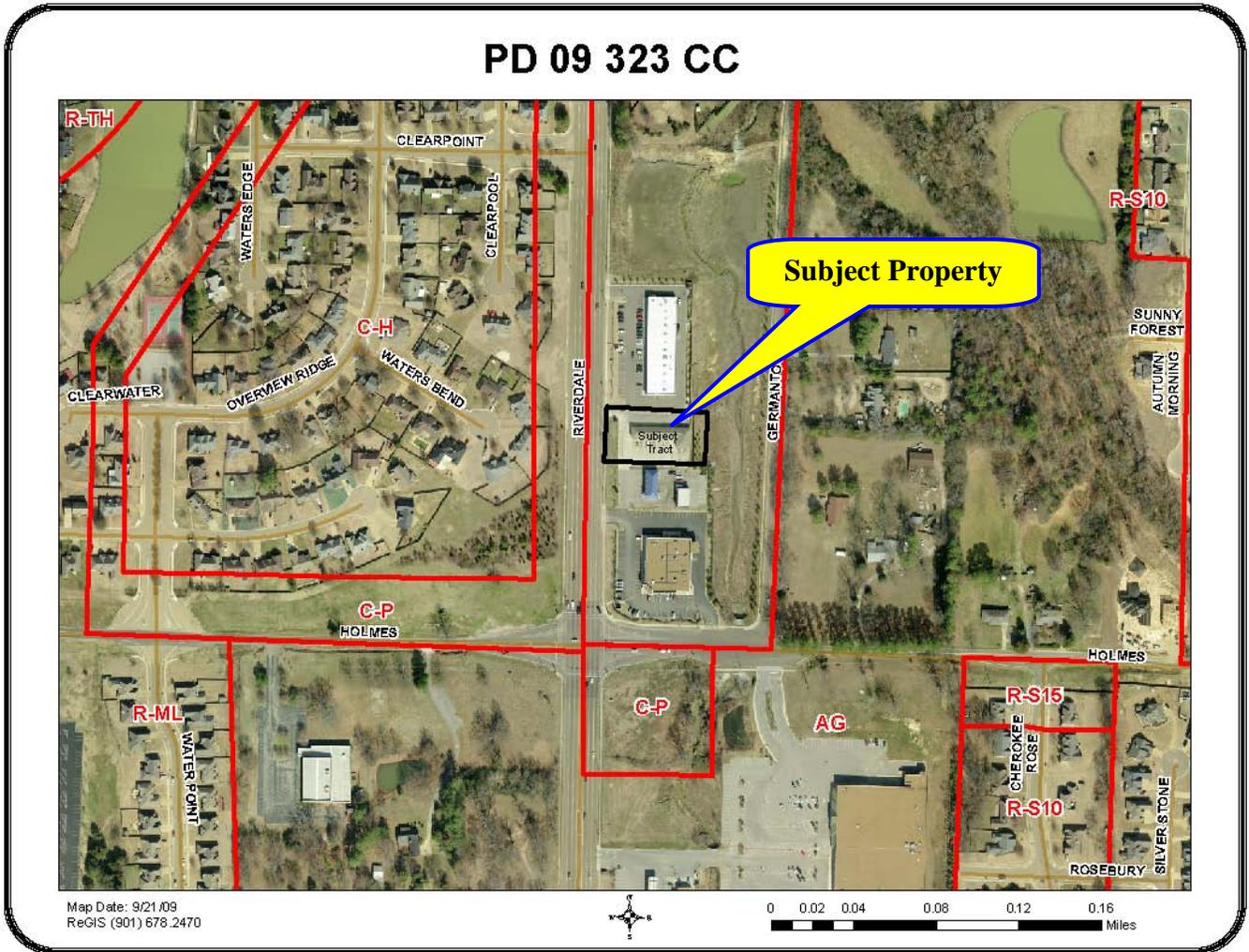
CONCLUSIONS:

1. This amendment is Phase 34 recorded for a vehicle wash building with six(6) bays, equipment room and two(2) touchless drive-thru car wash facilities. This land use was approved as an amendment to the Outline Plan in December, 2002 for the Villages of Bennington Planned Development, 2nd Amendment.
2. The proposed land use is less than one-half(1/2) mile south of the City of Memphis limits in a neighborhood commercial center at the intersection of two major roads in Oakhaven-Parkway Village Planning District less than 400 feet north of the intersection of Holmes Road and Riverdale Road.
3. The applicant is proposing a land use that is typically an accessory use, but classified as outdoor vending. This planned development allows specific commercial land uses in Area 'A' with no zoning district attached to the uses permitted section in the approved resolution.
4. The zoning ordinance allows outdoor vending facilities with specific standards for distances to public right-of-ways, intersections and residential properties. The facility should not obstruct required parking for the operation of a concurrent land use and provide a minimum of three(3) parking spaces.
5. The nature and use of this facility coincides with the principal use for a coin-operated self-service vehicle wash facility. The land use would not significantly change the intent of Area 'A' in the Outline Plan for a neighborhood center.

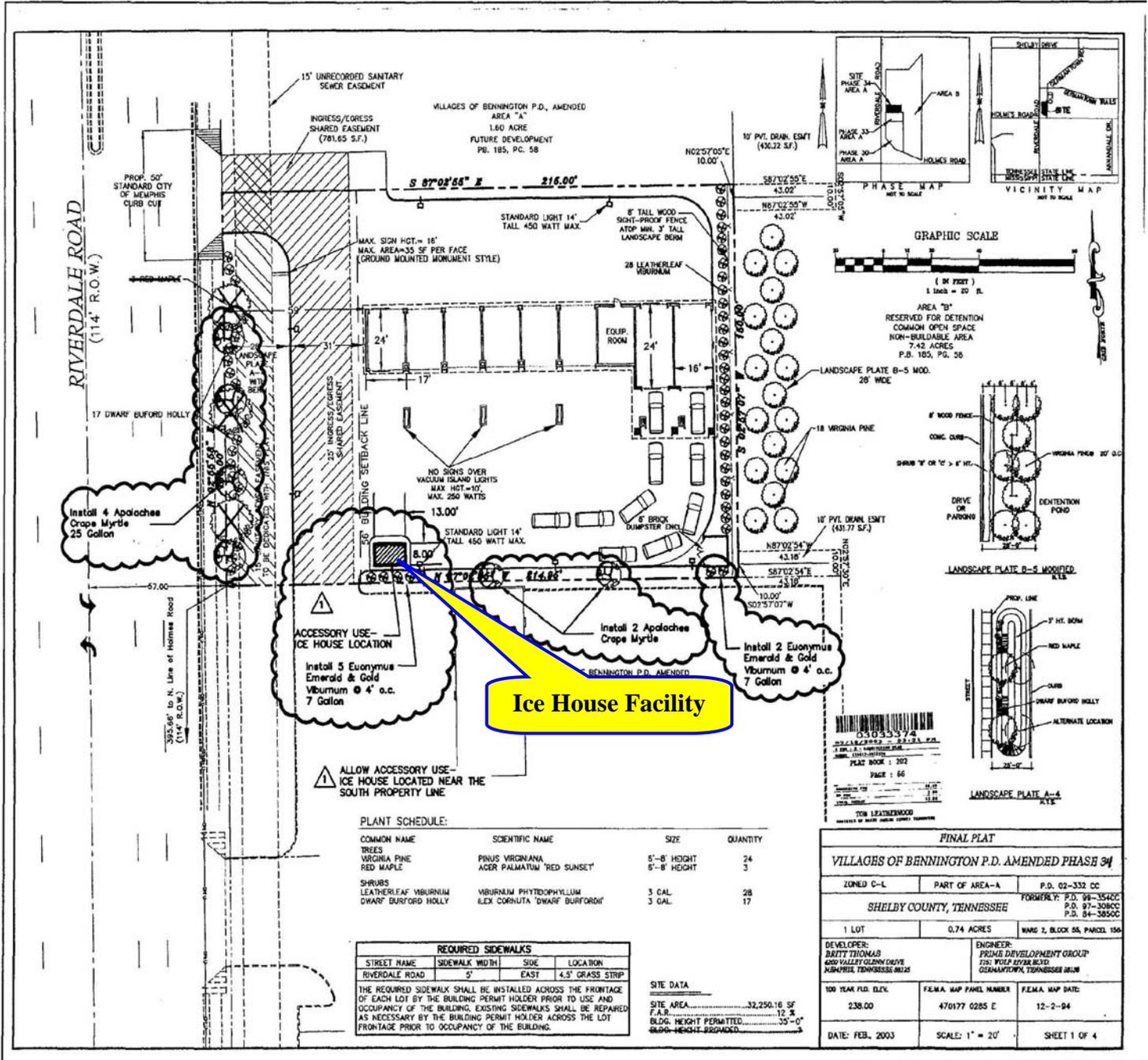
ZONING & LAND USE MAP:



ZONING AERIAL MAP:



VILLAGES of BENNINGTON: Phase 34
(Revised Site Plan)



Ice House Facility

PLANT SCHEDULE:

COMMON NAME	SCIENTIFIC NAME	SIZE	QUANTITY
TREES			
VIRGINIA PINE	PINUS VIRGINIANA	5'-8' HEIGHT	24
RED MAPLE	ACER PALMATUM 'RED SUNSET'	5'-8' HEIGHT	3
SHRUBS			
LEATHERLEAF 'MORNING'	VIORNIUM PHYTODIHYLLUM	3 GAL.	28
DWARF BURFORD HOLLY	ILEX CORNUTA 'DWARF BURFORD'	3 GAL.	17

REQUIRED SIDEWALKS			
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION
RIVERDALE ROAD	5'	EAST	4.5' GRASS STRIP

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

SITE DATA

SITE AREA	32,250.16 SF
F.A.C.	12 %
BLDG. HEIGHT PERMITTED	35'-0"
BLDG. HEIGHT-BELOW	

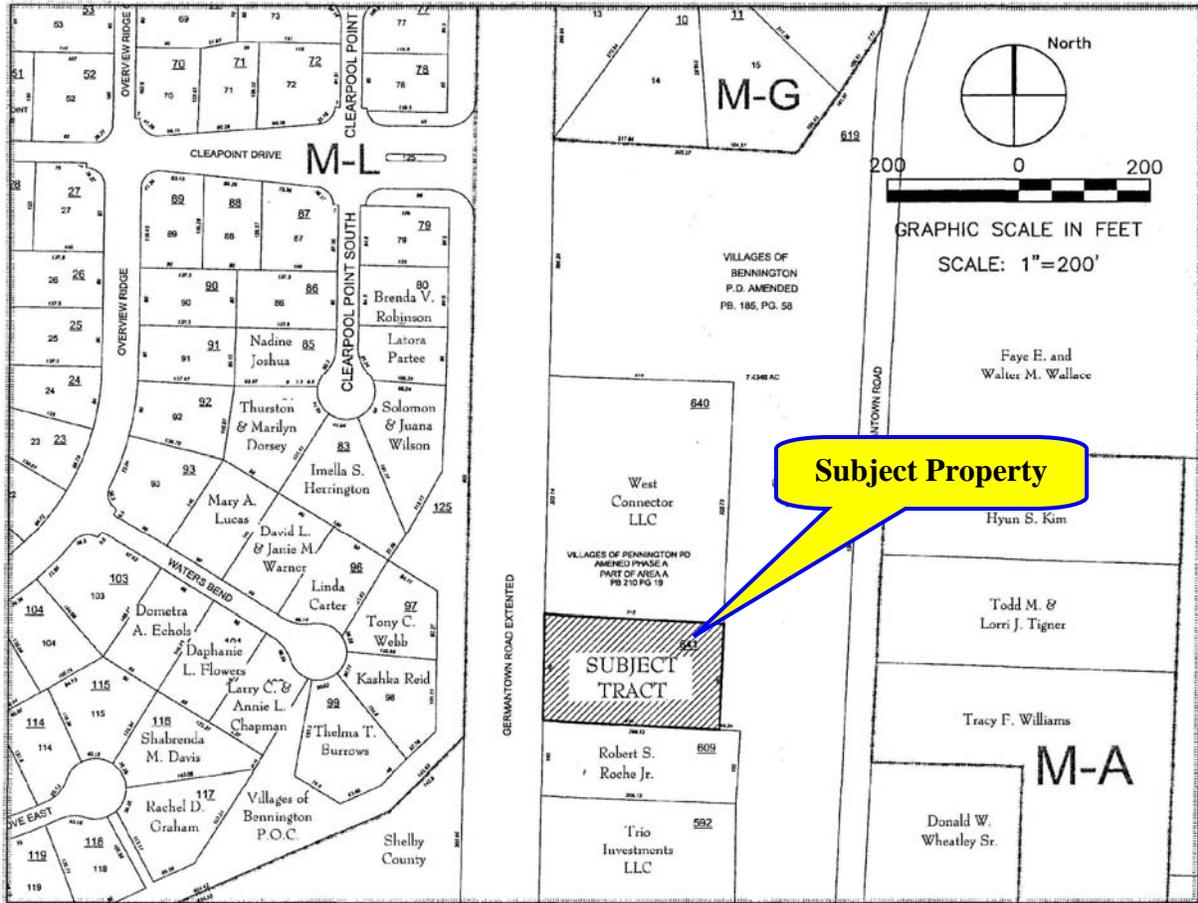
FINAL PLAT

VILLAGES OF BENNINGTON P.D. AMENDED PHASE 34

ZONED C-L	PART OF AREA-A	P.D. 02-332 CC
SHELBY COUNTY, TENNESSEE		
1 LOT	0.74 ACRES	WARG 2, BLOCK 55, PARCELS 156
DEVELOPER: BATTY THOMAS 400 VALLEY OAKS DRIVE MEMPHIS, TENNESSEE 38125	ENGINEER: FRISH DEVELOPMENT GROUP 725 WOLF EVANS BLVD. OSHEANATOWN, TENNESSEE 38368	FORMERLY: P.D. 99-3542C P.D. 97-3080C P.D. 94-3855C
100 YEAR FLD. ELEV.	F.E.M.A. MAP PANEL NUMBER	F.E.M.A. MAP DATE
238.00	470177 0285 E	12-2-94
DATE: FEB. 2003	SCALE: 1" = 20'	SHEET 1 OF 4

VICINITY & OWNERSHIP MAP:

Vicinity Map



Date: 06-16-09 Prepared by: Prime Development Group

STAFF ANALYSIS:

Site Description

The subject property is a 0.74 acre(32,234 sq. ft.) parcel located at the east side of Riverdale Road, just north of Holmes Road in the southeast portion of the county. This amendment is Phase 34 recorded for a vehicle wash building with six(6) bays, equipment room and two(2) touchless drive-thru car wash facilities. This land use was approved as an amendment to the Outline Plan in December, 2002 for the Villages of Bennington Planned Development, 2nd Amendment. The property is improved along Riverdale Road with curb, gutter and sidewalk with a landscape screen twenty-eight(28) feet in width to match adjacent developments within this Outline Plan. The parcel is part of Area 'A' approved for specific retail commercial land uses with the exception of the vehicle wash and service facilities.

This parcel currently allows specific land uses in Area 'A' across from single family land use and zoning within this Outline Plan, including adjacent retail development. The land uses in the immediate area are primarily neighborhood services such as a pharmacy, drycleaners, beauty/barber and retail shops located within this plan immediately north of this building. The site is located in close proximity to single family neighborhoods and places of worship. The immediate area began to develop as residential in the early 1980's as subdivisions within this planned development—The Villages of Bennington.

Area Overview

The proposed land use is less than one-half(½) mile south of the City of Memphis limits in a neighborhood commercial center at the intersection of major roads. The surrounding land use and zoning is primarily approved residential development within this Outline Plan with single family estate lots to the east in Agricultural(AG) District zoning along Old Germantown Road. The subject property is located in Oakhaven-Parkway Village Planning District less than 400 feet north of the major road intersection of Holmes Road and Riverdale Road.

The surrounding land use and zoning is predominantly single family homes in the Villages of Bennington to the north and west. Farther east and southeast are single family homes in 'Logans Run' and 'Savannah Woods' Subdivisions in Single Family Residential(R-S10) District zoning. The land uses at the southwest corner of the major road intersection are two(2) places of worship and single family homes in 'Oakbrook Village' Subdivision also in Villages of Bennington. The land use at the southeast corner was formerly a large grocery store, including gasoline sales-convenience store.

Amendment vs. Accessory Use

The requested amendment is to allow outdoor vending for an ice house facility in Phase 34-Area 'A' on property currently developed for a self-service vehicle wash building. The applicant is proposing a land use that is typically an accessory use, but classified as outdoor vending. This planned development allows specific commercial land uses in Area 'A' with no zoning district attached to the uses permitted section in the approved resolution. This amendment is for a specific land use for an outdoor ice house vending machine that maybe otherwise an accessory use.

The plan development was amended in the past to allow motor vehicle service facilities directly adjacent to each other and this facility will share a lot with the vehicle wash building. This facility will maintain the same front yard setback as other buildings within the plan, but is similar in nature to an accessory use. Since this facility is outdoor vending, the planned development process would allow for this type of land use as an accessory use to a principal structure without the benefit of a specific zoning district spelled out in the conditions.

The zoning ordinance allows outdoor vending facilities with specific standards for distances to the public right-of-ways, intersections and residential properties. The facility should not obstruct required parking for the operation of a concurrent land use and provide a minimum of three(3) parking spaces. The sign shall be an attached sign and regulated to be a maximum of thirty-five(35) square feet in area and a maximum of ten(10) feet in height. The location of this outdoor vending facility meets the minimum distance standards defined in the zoning ordinance and is therefore supported—if operated and maintained in accordance with these standards.

The nature and use of this facility coincides with the principal use for a coin-operated self-service vehicle wash facility. The land use would not significantly change the intent of Area 'A' in the Outline Plan for a neighborhood center. Furthermore, the location and placement of the facility would not interrupt the internal access and circulation pattern of the subject property. The land use is supported with landscaping installed at the base of the facility, including landscaping to fill and replace the voids along Riverdale Road and the south property line. However, the color of the facility should match the earth tone colors of the buildings.

RECOMMENDATION: *Approval with Conditions*

OUTLINE PLAN CONDITIONS: *[Amendments: Bold-Blue Italic-Underlined]*

I. USES PERMITTED:

A. Area A: (Commercial Parcel)

1. Car Wash *with Outdoor Vending for an Ice House Facility*
2. Convenience Store with or without gasoline sales
3. An Oil Change and Brake Maintenance Facility with minor repairs. Prior to the issuance of the Final Use and Occupancy Permit, the Office of Planning and Development shall inspect the improvements for conformance with the Outline Plan Conditions.
4. Church
5. Day Care Center
6. Bank
7. Museum
8. Nursery School
9. Public Building
10. Art or Photo Studio or Gallery
11. Business School
12. Financial Services
13. Flower or Plant Store
14. Restaurant and Carry-Out Restaurant
15. Retail Shop, Other
16. Services, Other Business and Personal
17. Offices
18. Music or Dancing Academy
19. Nursing Home
20. Residential Home for the Aged

B. Area B: (Open Space Parcel)

Open Space only with drainage control features included such as a detention basin or lake. The ownership and maintenance of this area shall be the responsibility of a property owners' association which must be established prior to or concurrent with the recording of the first final plat of the development. Prior to the recording of any final plat for Area A, the developer shall enter into a fully bonded public improvements contract for the drainage, proposed streets, and landscaping improvements for Area B.

II. BULK REGULATIONS:

- A. Bulk regulations of the Local Commercial(C-L) District shall apply and the following additional condition.
- B. The car wash facility shall have a minimum building setback of 56 feet from Riverdale Road, *including the outdoor vending for an ice house facility.*

III. ACCESS, CIRCULATION & PARKING:

- A. One curb-cut to Holmes Parkway is permitted. If it is to be a full movement curb cut, it can begin no closer than 300 feet from the centerline of Riverdale Road.
- B. Access to the commercial parcel from Old Germantown Road is prohibited.
- C. The design, number and location of curb-cuts along Riverdale Road shall be subject to the approval of the City and County Engineering Offices.
- D. Dedicate 26 feet from the centerline of Old Germantown Road and improve in accordance with the Subdivision Regulations.
- E. Dedicate and improve Holmes Road 57 feet from the centerline.
- F. Internal circulation shall be provided between all adjacent phases/sections of the development.

IV. LANDSCAPING & SCREENING:

- A. Perimeter landscaping shall be provided as follows:
 - 1. Plate A-4 Modified (22 feet wide) shall be provided along the Riverdale Road and Holmes Road frontage of the property. This plate shall include Shrub A's planted every 3 feet on center on top of the berm.
 - 2. The landscaping screen with an eight(8') foot sight proof fence shall be installed along the rear of the car wash as well as a 3' tall berm. The evergreen trees and shrub types and minimum sizes shall be as shown on the site plan.
 - 3. The north and east boundaries of Area 'A' shall be landscaped with a Modified Plate B-5 that excludes the fence and one row of evergreen trees. This plate shall be a minimum of 28 feet in width.
 - 4. Internal landscaping shall be provided at a ratio of 300 square feet and one Tree 'A' for every 20 parking spaces.
 - 5. Plate B-4 Modified (without a fence) shall be installed along Old Germantown Road.
 - 6. A detailed landscaping plan shall be made part of the final plat. The Office of Planning and Development shall approve all plant materials.
- B. The landscaping screening along the rear of the car wash shall be placed above a 3' tall berm. The evergreen trees and shrub types and minimum sizes have been called out on the revised plan.
- C. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.

- D. Lighting shall be directed so as to not glare onto residential property.
- E. Refuse containers shall be completely screened from view from adjacent residential property.
- F. All heating and air conditioning equipment including that located on the roof shall be hidden from view through the use of architectural features.
- G. Utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.

V. SIGNS & LIGHTING:

- A. The attached and detached signage requirements of the Planned Commercial(C-P) Zoning District shall apply for Outline Plan Area 'A' from Holmes Road to a distance of 200 feet north of Holmes Road. These signs shall be illustrated on the final plat. The detached signs shall be designed as ground mounted, monument style structures and include brick or other architectural features.
- B. The signs for the remainder of Outline Plan Area 'A' shall be limited to one detached and one attached sign per establishment along Riverdale Road. The maximum sign face area shall be 35 square feet and the detached signs shall be limited in height to a maximum of 16 feet. The detached signs shall be designed as ground mounted, monument style structures and include brick or other architectural features. The signs shall be illustrated on the final plat.
- C. No attached signage shall be placed facing east or north of the car wash.
- D. Maximum height of light standards - 25 feet.
- E. There shall be no signage above the vacuum islands. The vacuum island lights shall be a maximum height of 10' and a maximum wattage of 250 watts.
- F. The seven yard lights within the car wash facility shall have a maximum height of 14' and a maximum wattage of 450 watts.
- G. Temporary and portable signs shall be prohibited.
- H. The street sign shall be ground-mounted.
- I. Roof signs shall be prohibited.
- J. All signs shall be located a minimum of 15 feet from street right-of-ways and from private drives.
- K. There shall be 24 hour monitoring of the car wash facility security system.

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, 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 appropriate legislative bodies.

VIII. DESIGN & OTHER:

- A. The car wash roof material shall be a “weathered wood” dimensional residential-style shingles.
- B. The car wash brick material shall be a “beige” color similar to the Walgreen’s brick color.
- C. All buildings, signs and other structures shall be constructed in a consistent architectural style and use consistent building materials. The rear of buildings shall be constructed with similar materials as building facades and shall be articulated using architectural features such as pilasters. General design and materials shall be subject to approval by the Office of Planning and Development.
- D. Buildings of metal or concrete block siding shall be prohibited.
- E. A rendering of all elevations of the exterior appearance of proposed buildings and signs with proposed siding and roof materials labeled shall be provided on any final plan subject to the approval of the Office of Planning and Development.

IX. A final plat shall be filed within five(5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. FINAL PLANS: Any final plan shall include the following:

- A. The Outline Plan Conditions,
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements,
- C. The exact location and dimensions, including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas,
- D. The content of all landscaping and screening to be provided,
- E. The number of parking spaces,

- 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. Building and sign illustrations as required by Condition VIII.C.
- I. 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.
- J. *The Outline Plan for Villages of Bennington Planned Development, 3rd Amendment shall be recorded with the Office of Shelby County Register reflecting this plan amendment prior to filing any revised final plan of development.*

P.D. 09-323 CC (formerly P.D. 02-332 CC)
Villages of Bennington Planned Development, 3rd Amendment

GENERAL INFORMATION:

Street Frontage: Riverdale Road-----+/-150 linear feet.

Planning District: Oakhaven-Parkway Village

Census Tract: 217.51

Zoning Atlas Page: 2550

Parcel ID: D0255 000641

Zoning History: In 1984, this Planned Development was approved for a mixed-use Outline Plan with amendments approved in 1997, 1999 and 2002. Prior to these dates, the Multiple Dwelling Residential(R-ML) District zoning dated to the adoption of the 1960 Shelby County Comprehensive Zoning and the 1980 zoning map amendments.

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. No comment on accessory use for existing carwash.
2. No new curb openings will be granted for this accessory use.

Shelby County Engineer: No comments received.

Memphis Fire Services: No comment.

Shelby County Fire Department: No comment.

Memphis & Shelby County Health Department:

Water Quality: No comment.

Memphis Board of Education:

The subject property is located in the Memphis Reserve area. The property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools.

Shelby County 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:

- The subject property is encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by the **MLGW Right of Way Encroachment Policy**.
- **It is the responsibility of the owner/applicant**, prior to any development, to contact **Ronnie Alberson, Land Rights Specialist, with MLGW @ 528-4186** and obtain written approval for any improvements within the Easement.
- **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.
- 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 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 528-4855 for application of utility services.
- All commercial developers must contact MLGW's Builder Services line at 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 regarding this development.

Memphis Area Transit Authority(MATA):

No comments received.

OPD-Regional Services:

According to the Memphis Urban Area 2030 Long-Range Transportation Plan (LRTP), this section of Riverdale Road is classified as an “Urban Minor Arterial” on the “Functional Classification” map.

- “Existing Plus Committed Network” illustrates that there are no improvements programmed for this section of Riverdale Road and no existing congestion.
- “Future Transportation Network” includes projects identified through the public participation process.

As part of the public participation process stakeholders provided a needs assessment that determines the transportation desires of the community for future roadway improvements.

- No funding source was indentified for these roadway recommendations. The roadway assessment recommended future widening improvements for Riverdale Road.
- The LRTP has classified this roadway as a “Tier I” roadway and recommends future widening. The Bicycle and Pedestrian Plan has no recommendations for future facilities.

OPD-Plans Development:

No comment.

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 there are 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>Harvest Knoll Neighborhood Assn.:</i>	<i>No comments received as of 10/2/09.</i>
<i>Buckingham Farms Neighborhood Assn.:</i>	“ “ .
<i>Irene Neighborhood Association:</i>	<i>No comments received as of 10/2/09.</i>
<i>Lake Village Homeowners Assn.:</i>	“ “ .

Staff: bb