

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT 14**

CASE NUMBER: Z 09-105 L.U.C.B. MEETING: November 12, 2009

LOCATION: Southwest corner of Shelby Drive and Riverdale Road

COUNCIL DISTRICT: 2

SUPER DISTRICT: 8

OWNER OF RECORD: Capleville United Methodist Church

APPLICANT: Hart-Redd LLC
(A.M. Redd Jr, G. Marshall Hart Jr, Margaret Staats)

REPRESENTATIVE: S R Consulting (Cindy Reaves)

REQUEST: Planned Commercial (C-P) District

AREA: +1.75 Acres

EXISTING LAND USE & ZONING: Vacant land associated with an existing Church in the Multiple Dwelling Residential (R-ML) District

SURROUNDING USES AND ZONING:

North: Commercial uses in the Planned Commercial (C-P) District

East: Commercial uses associated with the Glen Eagles Shopping Center in the Local Commercial (C-L) District

South: An existing church in the Multiple Dwelling Residential (R-ML) District and apartment units (Courts of Hedgerow) – Villages of Bennington Planned Development (P.D. 84-385CC)

West: Apartments (Courts of Hedgerow) – Villages of Bennington Planned Development (P.D. 84-385CC)

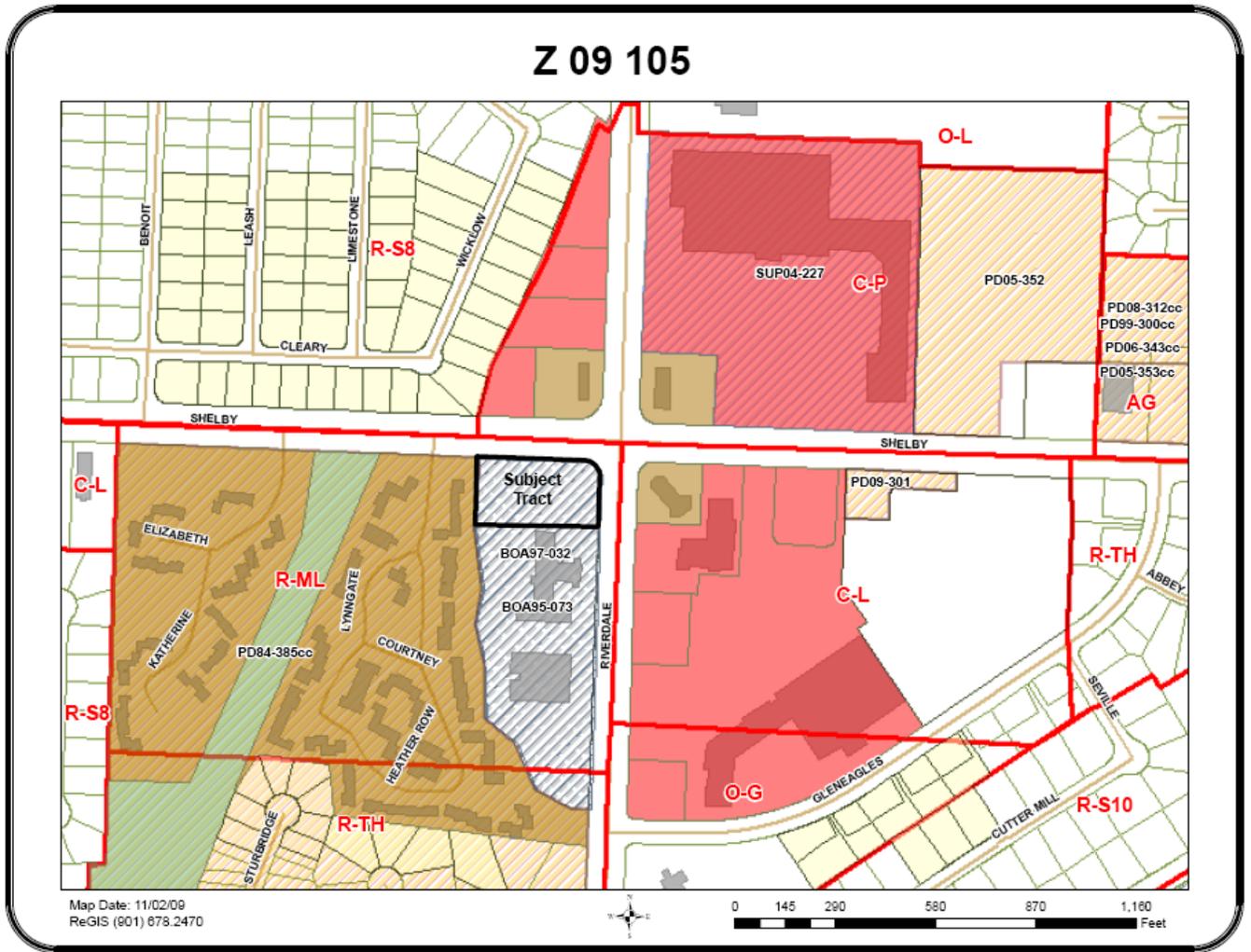
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:
Approval with Conditions**

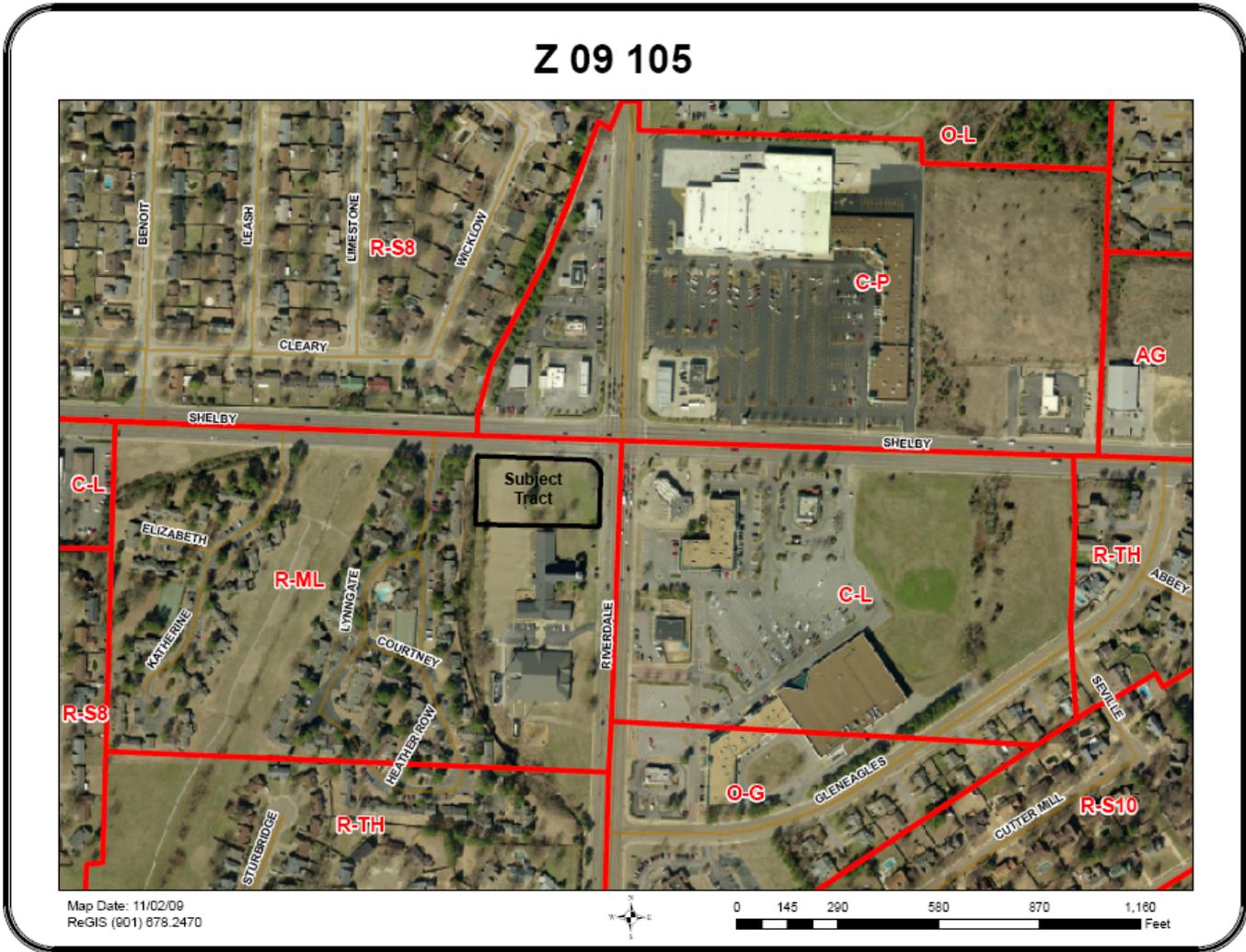
Staff: Don Jones

E-Mail: john.jones@memphistn.gov

CONCLUSIONS:

- 1.** The requested change in zoning is in keeping with the development pattern of the area. This site, which is at the intersection of two major roads is adequately served by public infrastructure.
- 2.** There are issues with the site plan with respect to the preservation of trees on this site and the location of a dumpster in front of the proposed building.
- 3.** The attached conditions require that the landscape strip adjacent to Riverdale Road be widened to accommodate the preservation of mature trees.
- 4.** The issue of the dumpster will require some further discussions between the staff and the applicant.





Existing Conditions



Facing East from Existing Parking Lot



Facing south from Shelby Drive

Existing Conditions (cont'd)



Facing South (picture taken near the intersection of Shelby Dr, and Riverdale Road)



Facing west from Riverdale Road

Existing Conditions (cont'd)



Along the west edge of the property (large parking field, drainage feature in natural state at the end of this concrete lining)

STAFF ANALYSIS:

Site Location and Characteristics;

The subject property is located at the southwest corner of Shelby Drive and Riverdale Road in Hickory Hill area of Memphis.

The site is part of a 7 acre tract that is owned by Capleville United Methodist Church. As the pictures indicate, the site is somewhat of a bowl shape. The areas nearest the two public roads, Shelby Drive and Riverdale Road, sit significantly above the grade of the site. There is a natural slope both north to south from Shelby Drive and east to west from Riverdale Road.

Other significant features include a stand of mature trees near the street frontages. A number of the mature trees on this site lie within or in close proximity to the building pad or parking/drive aisles. However, there is a stand of trees near the intersection of Shelby Drive and Riverdale Road and

along Riverdale Road frontage that could and should be preserved. In addition to the trees, is a large drainage feature which runs along the west boundary of this property. Approximately 120 feet of this drainage feature has been included in a concrete culvert.

Manmade features on this site include a large existing drive aisle and parking area that will provide access to the proposed CVS Pharmacy and the existing Church.

Review of Request:

The request here is to re-zone this site from the current Multiple Dwelling Residential (R-ML) District to the Planned Commercial (C-P) District. As a part of this request, the applicant has submitted a site plan for a CVS Pharmacy. This report will assess the viability of the zoning request and address some of the site planning issues.

Land Use and Zoning - The Land Use and Zoning Map shows that the other 3 corners of this intersection are in commercial useage. Both the northeast and southeast corners contain convenience stores with gasoline pumps as out parcels to neighborhood level commercial centers. The Northwest corner contains a small strip commercial center. Both the Northwest and Northeast corners are zoned Planned Commercial

The requested change in zoning is in keeping with the development pattern of the area. This site, which is at the intersection of two major roads is adequately served by public infrastructure.

Site Plan –The existing slopes bring into question what modifications will be made to the site to deal with drainage and provide a level surface for the building pad and the parking. The addition of fill material and the grading down of the slopes are typical solutions.

The current site plan shows a 15 foot wide landscape strip along the road frontages. The landscape area is wider at the actual intersection. There are existing mature trees, especially along the Riverdale Road frontage, that are located beyond that 15 foot wide area. The staff would like to see a tree survey that correctly locates the trees on this site.

The use of standard techniques to develop sites, grading and filling, will in all likelihood mean that the mature trees on this site would be lost either by direct or indirect means. The Tree Ordinance requires an equivalent alternative landscape treatment expanded to 20 feet in width when trees of 10 inches in caliper are removed. A measurement in the field indicates that some of the trees in this area are setback approximately 25 feet from the sidewalk.

A positive recommendation on this request does not mean that all of the issues of this site plan have been met. In addition to the landscaping issues, the site plan shows the location of a dumpster at the northwest corner of the proposed building. The dumpster is an accessory building and accessory buildings are typically located behind or to the side of the principal building. The staff will continue to discuss this issue with the applicant.

RECOMMENDATION: APPROVAL WITH CONDITIONS

GENERAL PLAN CONDITIONS

Z 09-105

Southwest Corner of Shelby Drive and Riverdale C-P

- I. Uses Permitted – Any use permitted by right (X), or by Administrative Site Plan Review (P) in the Planned Commercial (C-P) District with the following exceptions
 - A. Group Shelter
 - B. Transitional Home
 - C. Crop, Soil Preparation, Agricultural Services, Animal and Veterinary Services (with the exception that a Veterinary Clinic is permitted)
 - D. Beverage Container Collection Center
 - E. Campground, Travel Trailer Park
 - F. Parking Garage
 - G. Lawn, Tree or Garden Services (except that a retail plant nursery shall be permitted)
 - H. Vehicle Wash (except for a Single-Bay facility that is associated with a convenience store)

- II. Bulk Regulations: As regulated by the Planned Commercial (C-P) District

- III. Access and Circulation:
 - A. One curb cut on Shelby Drive and one curb cut on Riverdale Road.
 - B. The curb cut on Riverdale Road shall be designed for right in- right out only.
 - C. The location and design of the curb cuts is subject to the review and approval of the City Engineer.

- IV. Landscaping, and Screening:
 - A. A Plate A-2 (widened to a minimum of 15 feet) or an equivalent that is acceptable to the Office of Planning and Development shall be required along the Shelby Drive frontage.
 - B. A Plate A-4 (widened to a minimum of 25 feet) or an equivalent that is acceptable to the Office of Planning and Development shall be required along the Riverdale Road frontage.
 1. This landscape treatment shall be designed to preserve the existing mature trees along this frontage.
 2. The applicant shall provide a survey of the existing trees on the subject property. The survey shall include the tree type, caliper, and distance from the respective rights-of-way.
 - C. A B-1 Plate without the wall or an equivalent that is acceptable to the Office of Planning and Development shall be required along the west property line

- D. A B-1 Plate or an equivalent that is acceptable to the Office of Planning and Development shall be required along the south property line
- E. An NOI as required under the Tree Ordinance shall be submitted with the Final Plan for this development.

V. Building and Other

- A. The building shall be composed of brick or stone except for windows and doors.
- B. The applicant shall provide an elevation of the proposed wall and doors that are intended to screen the refuse dumpster and the compactor. The final locations for these units is subject to the review and approval of the Office of Planning and Development.
- C. The Final Plan shall indicate the location for the HVAC equipment and the intended screening for that unit, subject to the review and approval of the Office of Planning and Development.
- D. The Final Plan shall indicate the location and height of all detached lighting. Along with the Final Plan the applicant shall include photometric analysis that demonstrates a foot candle level of 1 or less is achieved at the boundary lines.
- D. Signs shall be regulated by the Planned Commercial District except that any detached signage along Shelby Drive and Riverdale Road shall be a ground mounted, monument style sign. A detail of the sign shall be shown on the Final Plan.

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. Final Plan: Any final plan shall include the following:

- A. The General 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
- 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.

GENERAL INFORMATION:

Planning District: Oakhaven-Parkway Village
Census Tract: 217.54
Street Frontage: Shelby Drive -- +/- 345 Feet
Riverdale Road -- +/- 215 Feet
Parcel ID: 093700 00150

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.
2. This site is located in the Memphis Reserve Area.

Sewers:

3. City sanitary sewers are available at developer's expense.
4. Dedicate and improve a 3 centered corner radius at the intersection of Shelby and Riverdale.

Curb Cuts/Access:

5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
7. Any curb cut along the either street frontage beginning closer than 300 feet from the centerline of the intersection will be limited to right in/right access only.
8. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

Drainage:

9. Drainage improvements, including on-site detention, shall be provided under a

Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

10. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
11. If the State will not issue an ARAP Permit for the concrete channel lining of the major drainage way, a drainage easement - unbuildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.

Site Plan Notes:

12. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

13. The width of all existing off-street sewer easements shall be widened to meet current city standards.
14. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
15. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	The Water Quality Branch has no comments.
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 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.
 - o All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
 - o 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.

Bell South: AT&T Tennessee has no comment regarding this development.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

Neighborhood Associations:

Bennington Park Neighborhood Watch Group – ypaulettewilson@hotmail.com

Irene Neighborhood Association – mbirkhol@comcast.net

Harvest Knoll N.A. – Williamsjedw@aol.com

Buckingham Farms N.A. – gmgipsy@aol.com

Pinnacle Point N.A.

Villages of Bennington Property Owners – Earlterrel@hotmail.com

Southeast Shelby Coalition - Sent a positive comment (e-mail)