

STAFF REPORT

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CASE NUMBER: P. D. 10-311 CC **L.U.C.B. MEETING:** September 9, 2010

DEVELOPMENT: OFFICES OF SOUTHWIND PLANNED DEVELOPMENT, 2nd Amendment

LOCATION: East side of Southwind Park Cove; +/-182.82 feet north of Winchester Road

COMMISSION DISTRICT: District 4

OWNERS/APPLICANTS: Trustmark National Bank

REPRESENTATIVE: Prime Development Group, Inc.

REQUEST: Planned development amendment to allow a veterinary clinic

AREA: 0.99 Acre(43,124 sq. ft.)

EXISTING LAND USE & ZONING: Governed by Offices of Southwind Planned Development, Amended (P.D. 08-310 CC)

CONCLUSIONS:

1. The site is occupied by a one-story brick and steel frame building with glass store fronts, including parking and landscaping designated Parcel 5 of the Outline Plan and approved primarily for General Office(O-G) District land use.
2. The plan was approved in January, 2003 that includes four(4) existing buildings and a fifth yet to be constructed on Parcel 4 of the final plan.
3. The land uses in the area are developed by mixed-use development plans and by existing zoning.
4. This plan amendment is to allow a veterinary clinic as a permitted land use in a new building with available tenant space.
5. This amendment for a veterinary clinic to what has become a neighborhood service is acceptable to approved land uses, because it does not significantly change the intent of the Outline Plan.

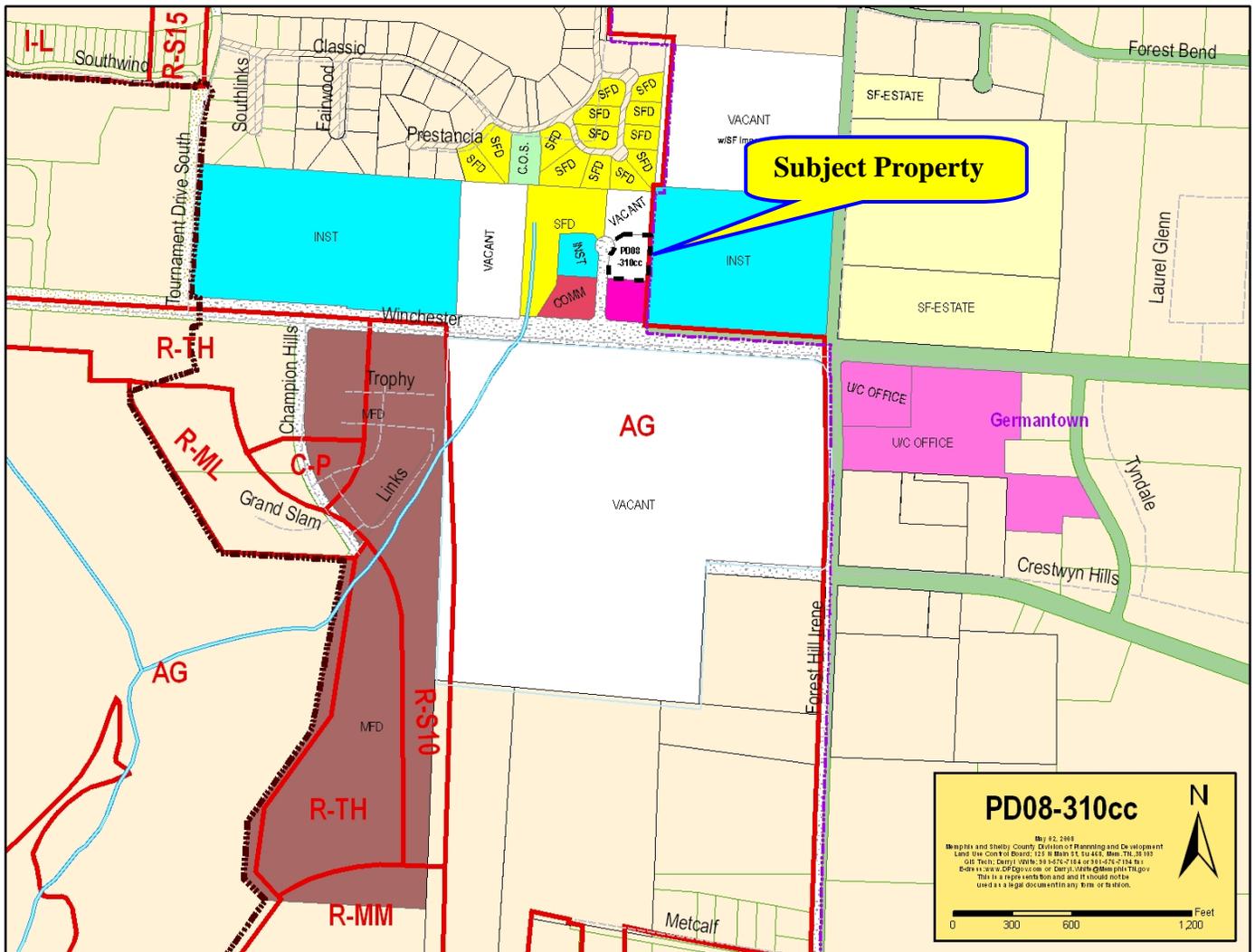
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

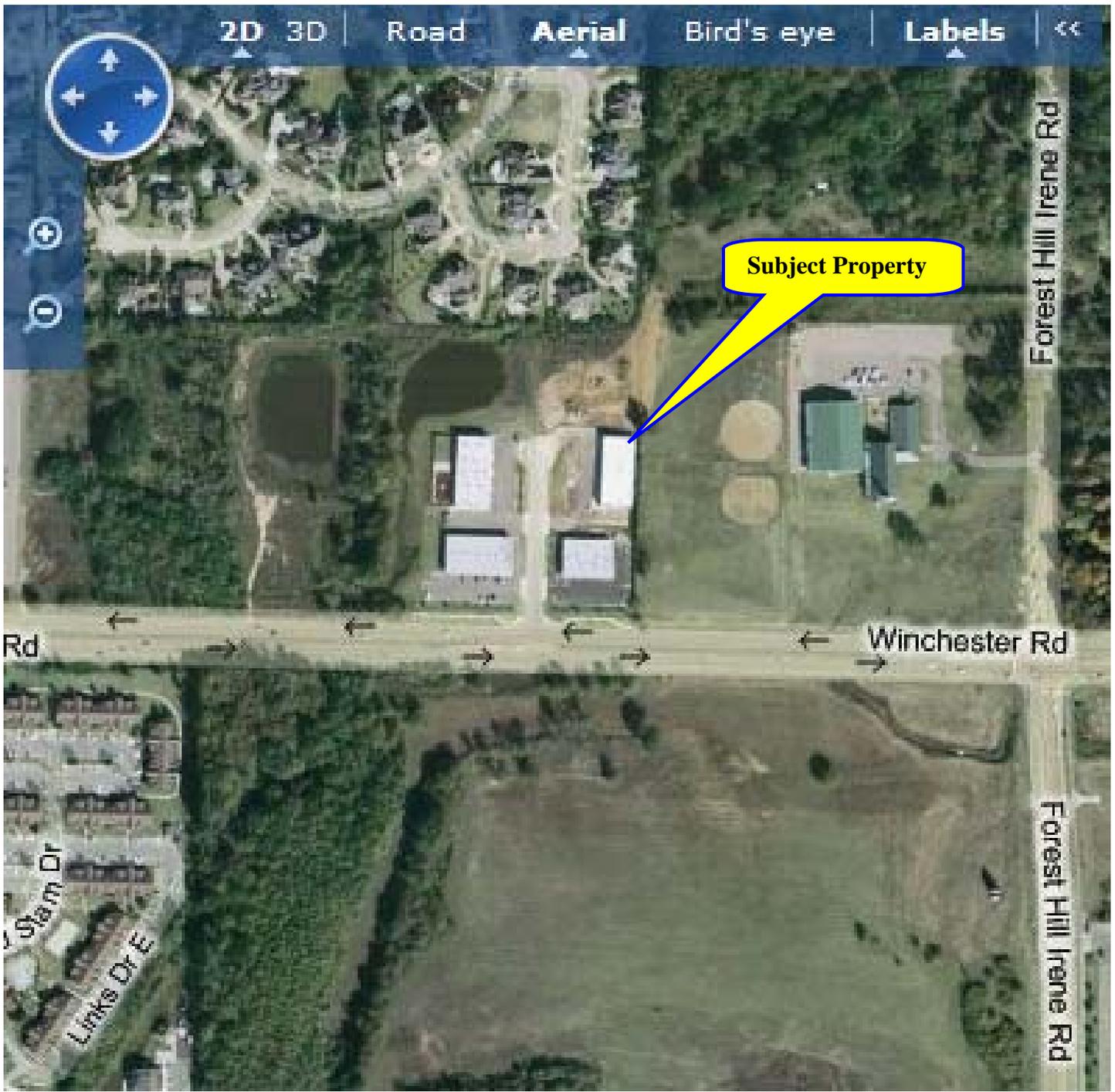
Zoning & Land Use



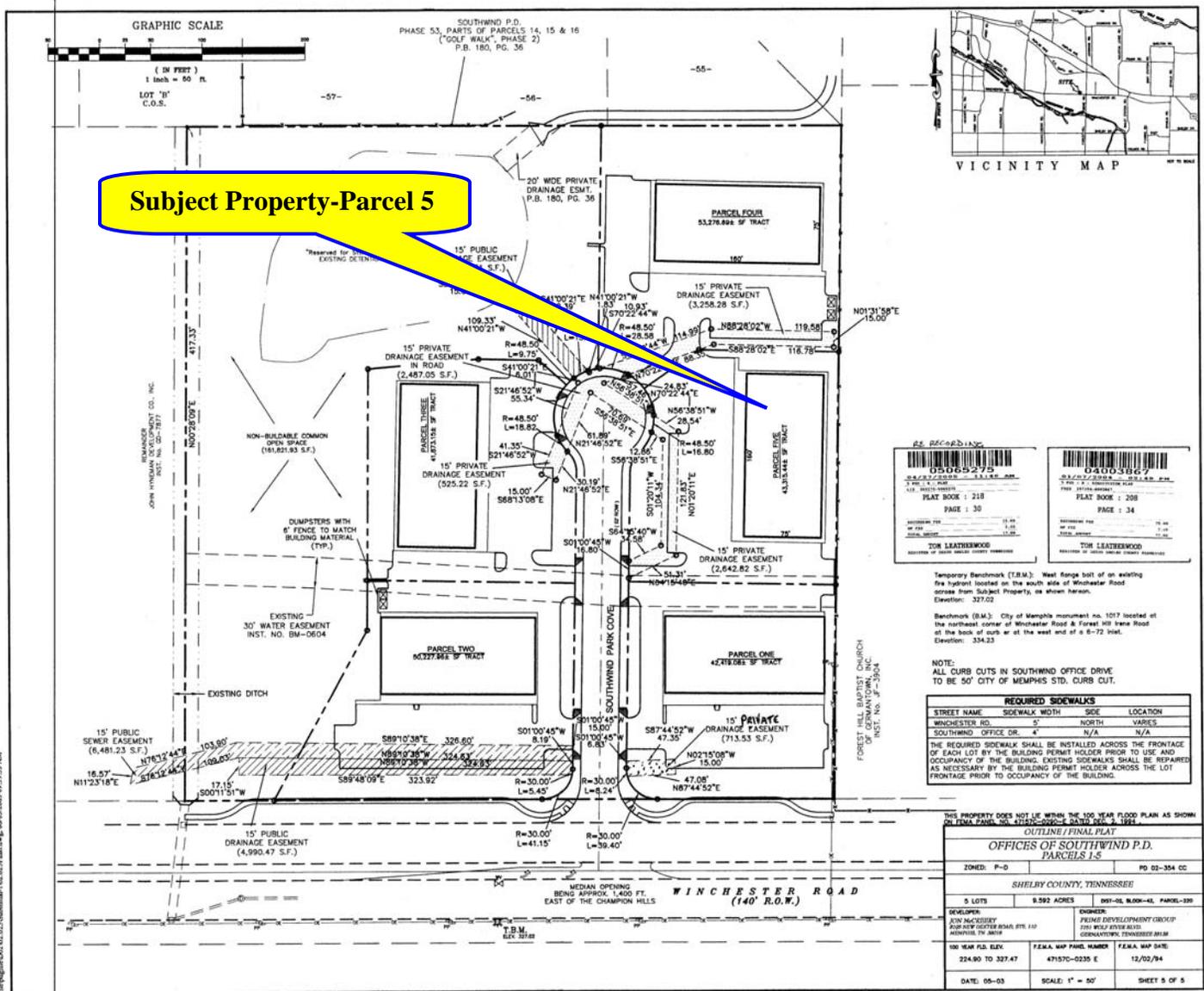
SURROUNDING LAND USE AND ZONING:

- North:** Single family homes in Southwind Planned Development(P.D. 94-326 CC) and vacant land with infrastructure improvements underway for single family homes in City of Germantown.
- East:** Single family homes on estate lots and Forest Hill Baptist Church in the City of Germantown.
- South:** Multi-family apartment communities in Windyke Park(P.D. 96-322 CC) and Windyke Park-South(P.D. 97-363 CC) Planned Developments and vacant land governed by Forest Hill Plaza Planned Development(P.D. 06-312 CC).
- West:** Large tract of vacant land in Southwind Planned Development(P.D. 94-326 CC) District and ‘Common Open Space’ for Storm Water Detention, retail shops and Christ the Rock Christian Academy in Offices of Southwind Planned Development(P.D. 02-354 CC).

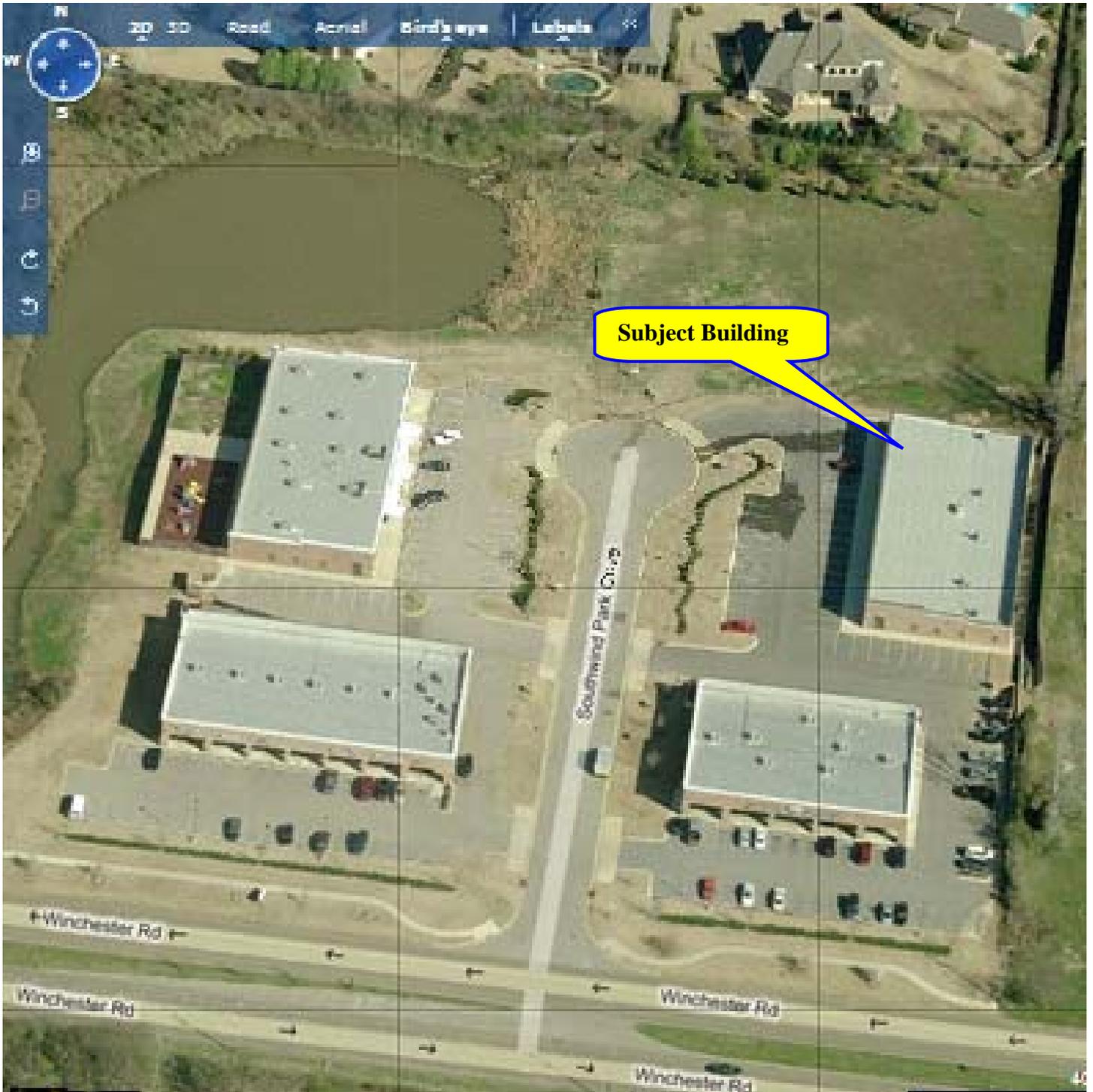
Aerial View



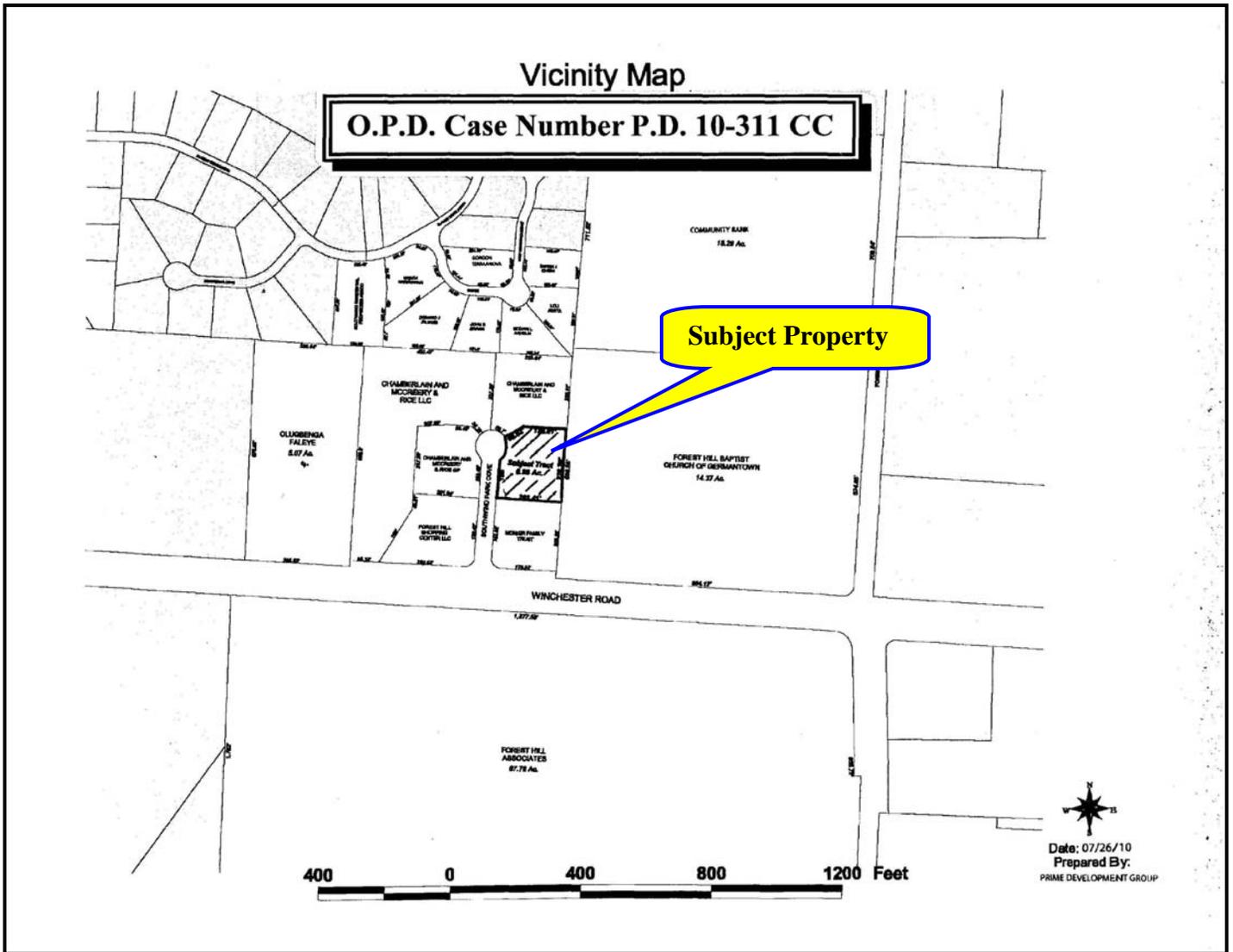
Outline Plan-Recorded



3650 Southwind Park Cove
(Bird's Eye View)



Vicinity & Ownership



STAFF ANALYSIS:

Site Description

The subject property is a 0.99 acre lot containing 43,124 square feet designated Parcel 5 of an approved planned development for primarily General Office(O-G) District land uses. The site is occupied by a one-story brick and steel frame building with glass store fronts, including parking and landscaping. The property is located at the east side of a public cove with access to a major arterial roadway—Winchester Road approximately 900 feet west of Forest Hill-Irene Road. The site is located in Shelby Farms-Germantown Planning District in southeast Shelby County within Memphis Annexation Reserve Area.

Along the east property line, a sight-proof fence six(6') feet in height and evergreen shrubs atop the entire length of a retaining wall are to the rear of the building. The required landscaping has been installed at the street, including shrubs and street trees in accordance with the final plan. An additional landscape screen has been supplemented with evergreens trees along the north line of Parcel 4 and maintaining the natural buffer adjacent to single family homes north in Southwind Planned Development. The subject property is a lot on the east side of Southwind Park Cove in the Offices of Southwind Planned Development approved in January, 2003 that includes three(3) existing buildings and a fifth to be constructed on Parcel 4 of the plan. The overall Outline/Final Plan consists of 9.5 acres, including a Storm Water Detention Basin along the west property line.

Area Overview

The land use in the surrounding area is primarily mixed-use developments approved in planned developments as well as land use developed under current zoning. The land uses to the north and west of Forest Hill-Irene Road are single family homes in Southwind Planned Development, including a golf course and Christ the Rock Church. There are new retail shops and a Christian Academy(daycare) as well as offices, retail shops and a small restaurant within this development for the Offices of Southwind Planned Development(P.D. 02-354 CC). The land use directly adjacent to and east of the site is Forest Hill Baptist Church and single family estate properties in the City of Germantown.

In the northeast quadrant of this major road intersection, the land use is large single family estate properties within the City of Germantown that extend north along both sides of Forest Hill-Irene Road as well as vacant lots available for new home construction. The southeast area is within the Forest Hill Heights Planned Development with new office development currently under construction. There are other large and small office land uses along both sides Crestwyn Hills Drive with the balance of the property. The land use to the south of the subject property is primarily vacant land in Forest Hill Plaza Planned Development(P.D. 06-312 CC) approved for Planned Commercial(C-P) District land uses, including a hotel on a 67.20 acre tract at the southwest corner of this major road intersection—Winchester and Forest Hill-Irene roads.

Amendment vs. Development Plan

This application is for a planned development amendment to allow a veterinary clinic with no outdoor kennel as a permitted use in practically a new building with available tenant space in Parcel 5 of a recorded final plan for the Offices of Southwind Planned Development. The subject property is part of the eastern portion of the plan that allows General Office(O-G) District land uses. This zoning district allows beauty and barber shops and music or dancing academy. This land use change in the development plan is not an office use, but operates like an office environment with the exception of temporary boarding for domestic animals or house pets.

This parcel was exclusively approved for O-G District land use as well as Parcels 3 and 4. The remaining Parcels 1 and 2 allow O-G and specific land uses not otherwise permitted in this zoning district. The storm water detention basin is a required system for this property, but an amenity that serves as a water feature to the development, including the natural buffer along the north property line adjacent to single family homes in the Southwind development. This amendment for a veterinary clinic to what has become a neighborhood service use is acceptable to approved land uses, because it does not significantly change the intent of the Outline Plan.

RECOMMENDATION: *Approval with Conditions*

OUTLINE PLAN CONDITIONS:

- I. Uses Permitted: *Amendments:* *[Bold-Blue-Italic & Underlined]*
- A. In Parcels 1-5, any use permitted in the General Office (O-G) District by right or administrative site plan review. In addition to above permitted uses, music or dancing academy and beauty shop, *including a veterinary clinic with no outdoor kennel* shall be allowed in Parcel 5-Only.
- B. Alternatively, in Parcel 5, a Day Care Center with no outside play equipment, or a Senior Day Care Center.
- C. Alternatively, in Parcels 1 and 2, any of the following uses:
1. Photo studio
 2. Bakery, retail
 3. Bank
 4. Beauty or Barber Shop
 5. Cleaning Pick-Up
 6. Financial Services
 7. Photo Finishing and Pick-Up Station
 8. Flower or Plant Shop
 9. Restaurant limited to 20 seats and no drive-thru
 10. Retail Sales
 11. Services, Other Business and Personal
 12. Music or Dancing Academy
 13. Offices
 14. Personal Service Establishment
- II. Building Design:
- A. The maximum gross floor area on each parcel shall be limited to the following:
1. Parcel 1 – 11,625 sq. ft.
 2. Parcel 2 – 11,250 sq. ft.
 3. Parcel 3 – 12,000 sq. ft.
 4. Parcel 4 – 12,000 sq. ft.
 5. Parcel 5 – 12,000 sq. ft.
- B. The height of a building on any parcel shall be 24 feet, provided that the number of stories shall be limited to one.
- C. The architecture of the proposed building shall be similar to what is shown in the attached figures and elevations.

- D. A parapet wall shall be constructed around the roof of each building to equally screen any and all roof-mounted mechanical equipment.

III. Access, Parking and Circulation:

- A. The developer shall construct, at his sole expense, a median modification in Winchester Road with location and design subject to the approval of the City/County Engineer.
- B. The design of the cul-de-sac end shall be subject to the approval of the City Engineer.
- C. The design and location of the curb cuts on Southwind Office Drive shall be subject to the approval of the City Engineer.
- D. Any existing nonconforming curb cuts shall be modified to meet the current standards of the City of Memphis and Shelby County or shall be closed with curb and gutter.
- E. Internal circulation shall be provided between all adjacent parcels.

IV. Signs:

- A. Any attached signage shall consist of individual letters of logos no more than 24 inches in height. All letters shall be white and have a dark, earth-tone metal edge around each letter. Any lighting must be internal
- B. One detached ground-mounted center sign shall be permitted with a maximum size of 150 square feet per sign face. The sign shall be made of the same materials used in the nearest building, or an equivalent alternative subject to the approval of the Office of Planning and Development.
- C. Any signage will be set back a minimum of 15 feet from the right-of-way and shall be sited clear of the vision triangle.
- D. Outside flags, banners and temporary or moving signs are prohibited.

V. Landscaping:

- A. A 30-foot streetscape planting shall be installed along the frontage of Winchester Road for the entire width of the development and continuing to include any portion of the outer 10 feet of the right-of-way that is unencumbered by sidewalk, easements, curbing or overhead utility wires, provided that the sidewalk may be curvilinear within the streetscape area, subject to the approval of the County Engineer. The streetscape shall consist of three rows of trees and shrubs as specified below, and a three-rail split cedar fence, to be installed by the developer and maintained by the Property Owners' Association. The northern planting row shall be Shrub A, planted 3 feet on center, and be maintained in a height of 24" to 30". The middle row shall include species from Tree B, tree C, and/or Tree D planted 30 feet on center in accordance with the standards in Chapter 29, Section M of the zoning ordinance. The southern row shall be a row of Yoshino cherry trees 10 feet to 12 feet in height and planted 40 feet on center.

- B. Landscape Plate A-1, A-2, A-3 or A-4 shall be installed on both sides of Southwind Office Cove by the developer and maintained by the property owner.
 - C. The median of Winchester Road shall be landscaped with trees, shrubs and flowers in accordance with guidelines promulgated by the Technical Corridor Association. If the guidelines have been promulgated at the time the property is developed, the developer shall install the median landscaping. Otherwise the developer shall contribute the cost of installation to an escrow account controlled by the Property Owners' Association.
 - D. A 40-foot landscape screen shall be installed by the developer and maintained by the property owner at the rear of Parcel 4. This screen shall consist of 4 rows of Tree 'D' planted in the pattern illustrated by plate B-5.
 - E. A detailed landscaping plan shall be made a part of each final plan.
 - F. Equivalent alternatives may be substituted for the landscaping required above, subject to the approval of the Office of Planning and Development.
- VI. Final Plan Notes: The following notes shall be placed on the Final Plan:
- A. No adult entertainment or sexually-oriented business shall be permitted in this phase of development.
 - B. No outside speaker or paging system shall be permitted.
 - C. Required landscaping shall not be placed on sewer or drainage easements.
 - D. The existing storm water detention area shall be noted on the final plat by the phrase "Reserved for Storm Water Detention," and the following shall appear in the conditions: The existing storm water detention area 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 owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located 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.
 - E. A statement to this effect shall appear on the final plat: "All commons, open area, lakes, drainage detention facilities, private streets, private sewers and private drainage systems and common area landscaping as specified above shall be owned and maintained by a Property Owners' Association."

VII. Other:

The Land Use Control Board may modify the bulk, access, parking circulation, signage, lighting, landscaping, and other site design 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 legislative bodies.

VIII. A final plan 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.

IX. 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 all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved For Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning; and repair of drainage structures.

GENERAL INFORMATION:

Street Frontage: Southwind Park Cove-----+/-198 curvilinear feet.

Planning District: Shelby Farms-Germantown

Census Tract: 213.42

Zoning Atlas Page: 2335

Parcel ID: D02 42P E00005

Zoning History: In July, 2008 an amendment was approved by the legislative bodies to allow a music or dance school/academy and in January, 2003 the Offices of Southwind Planned Development (P.D. 02-354 CC) was approved for limited General Office(O-G) District land uses. In 1994, The Southwind Planned Development (P.D. 94-326 CC) governed this tract and the adjoining tract of vacant land west of the subject property approved for General Office (O-G District land use. Prior to these dates, the Agricultural (AG) District zoning of the site dates to the adoption of the 1960 Shelby County Comprehensive zoning.

DEPARTMENTAL COMMENTS:

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

City Engineer: No comment on use change.

Shelby County Engineer: No comment.

Shelby County Fire Department: No comments received.

Memphis & Shelby County Health Department- The Water Quality Branch & Septic Tank Program has no comments.

Shelby County Board of Education: No comments received as of 9/03/10.

Memphis Board of Education:

The subject property is located in the Memphis Reserve Area, as are the Shelby County schools that will serve this student population. Since the school structures are located within Memphis Reserve Area, staff will defer to Shelby County Schools District.

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 comments:

- **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 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). 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: AT&T Tennessee has no comment.

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

OPD-Regional Services:

Winchester Road is a Priority 1 facility with right of way and pavement widths of 134 feet and 94 feet, respectively.

OPD-Plans Development: No comments.

Shelby County Conservation Board: No comments received.

Neighborhood Associations/Organizations:

<i>Southwind Homeowners' Association – Danhardesty@Bellsouth.Net:</i>	<i>No comments received as of 9/3/10.</i>
<i>Lakes Of Forest Hill:</i>	<i>“ “ .</i>
<i>Buckingham Farms Homeowners' Association:</i>	<i>No comments received as of 9/3/10.</i>
<i>Windyke Homeowners' Association:</i>	<i>“ “ .</i>
<i>Southeast Shelby County Coalition – Rufuswashington@Bellsouth.Net:</i>	<i>Supports this application—good project and the kind the SSCC would like to see more of...</i>

Staff: *bb*