

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

#7

CASE NUMBER: PD 10-315 **L.U.C.B. MEETING:** November 10, 2010

DEVELOPMENT NAME: Power Center Planned Development

LOCATION: South side of Winchester Road; +/-670 feet east of Mendenhall Rd.

COUNCIL DISTRICT: 3

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: Power Center Community Development
Corporation (Derwin Sisnett)

REPRESENTATIVE: Askew Hargraves Harcourt and Associates, Inc.
(Jay Easter)

REQUEST: Mixed Use Planned Development (Middle and High School,
Performing Art Center, Residential and Commercial Uses

AREA: 41.83 Acres

EXISTING LAND USE & ZONING: A former apartment development (Marina
Cove) zoned R-MM and vacant land goverend by the conditions for P.U.D. 83-
002CC

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION**

APPROVAL WITH CONDITIONS

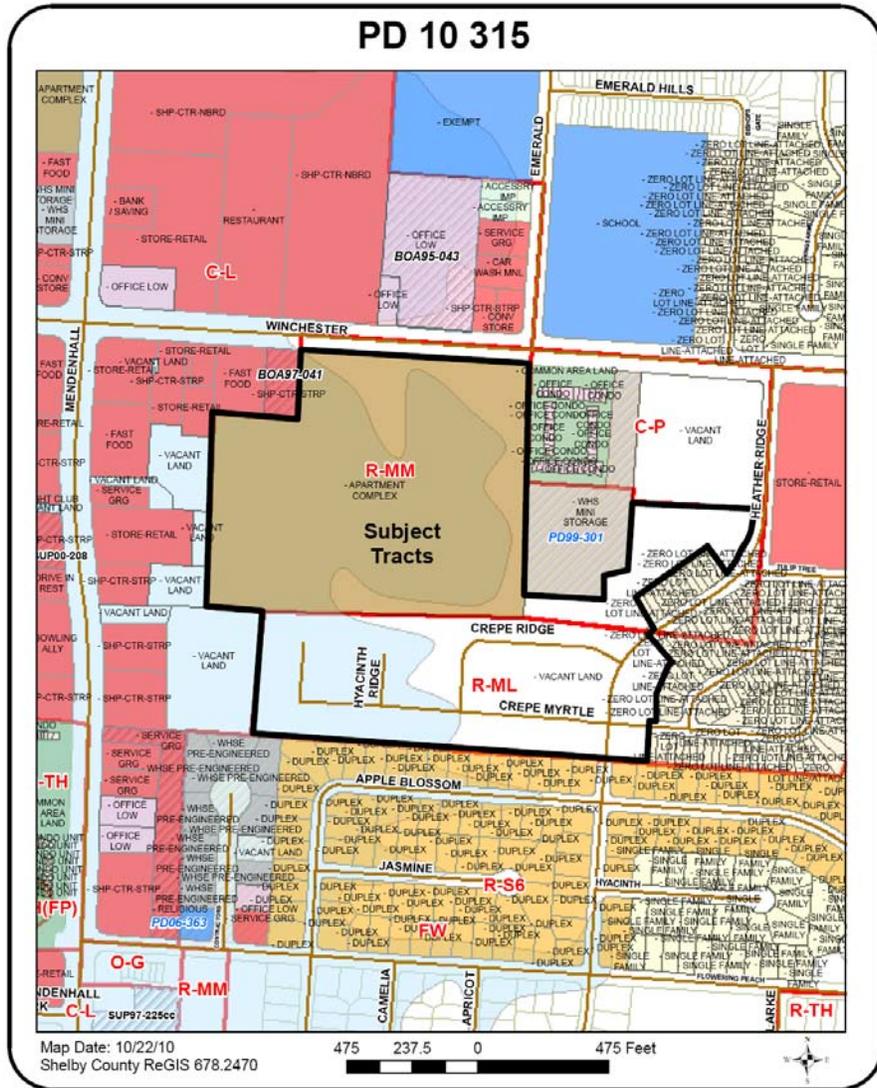
Staff: Don Jones

E-Mail: john.jones@memphistn.gov

CONCLUSIONS

1. On balance, this request is an ambitious undertaking which if successful will remove a blighted element for this area and replace it with a mix of retail, service and civic oriented uses in one integrated development.
2. In setting up the Outline Plan and Conditions, the applicant has incorporated the elements of smart growth: mixture of uses, high degree of connectivity within the project area, walkability, street cross sections that encourage various forms of pedestrian and vehicular transportation.
3. Where the staff has an area of concern is with the exterior connections to the east and south. Both the Unified Development Code in general, and the criteria for reviewing a Sustainable Subdivision in particular stress the need for connections within developments as well as to existing development along the perimeter.
4. The staff recommends limiting the gated aspect of the private streets to the area surrounding the school campus, extending the stub at the south property line (Hyacinth Dr.) into the development; and committing to the development of this private street to coincide with the development of the Mixed Use Market.

LAND USE AND ZONING MAP:



SURROUNDING LAND USES AND ZONING:

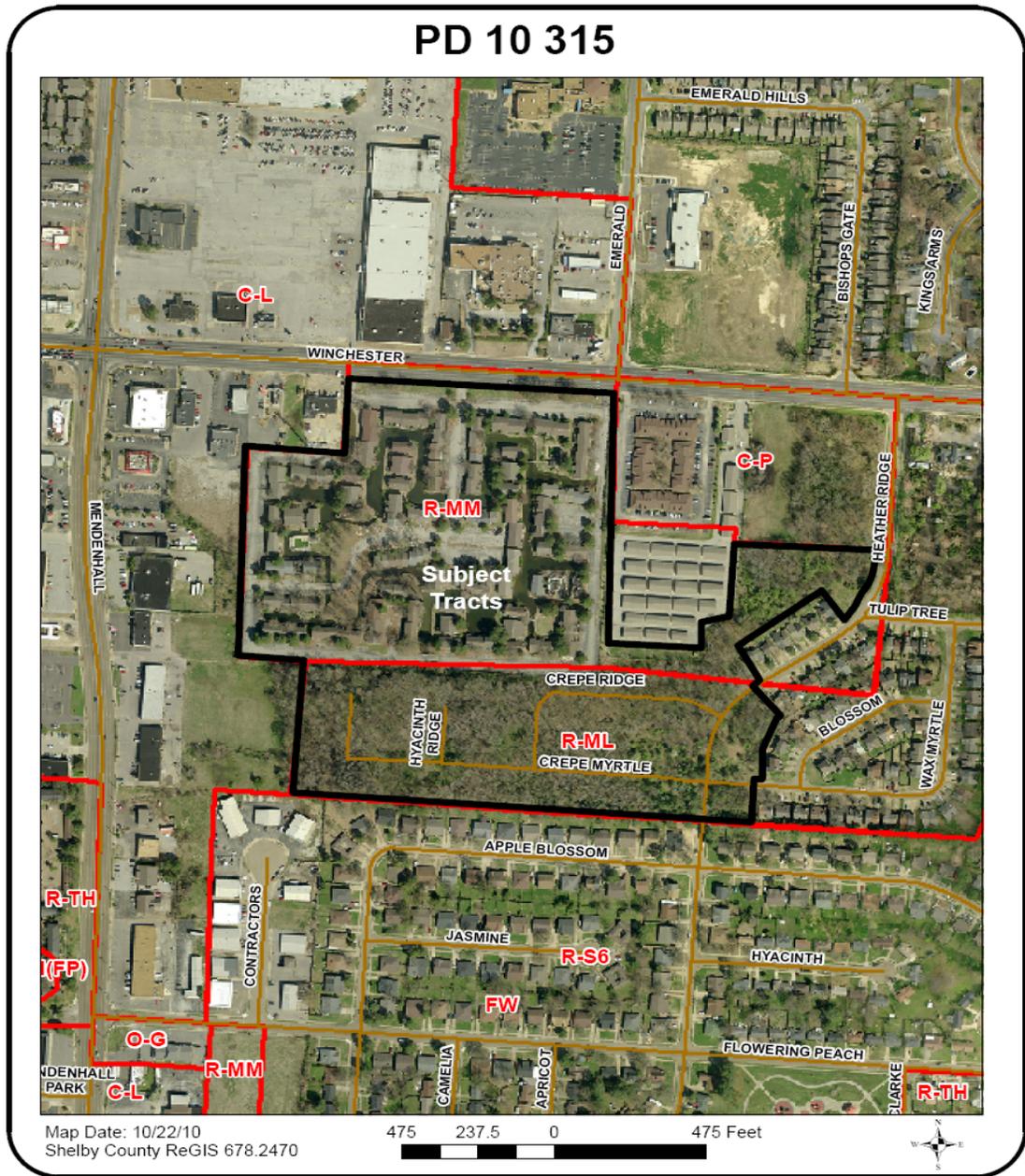
North: Primarily retail commercial, and office uses in the Local Commercial (C-L) District

East: An office complex in the Planned Commercial (C-P) District, Mini-Storage Warehousing permitted by P.D. 99-301 and attached residential dwellings as permitted by P.U.D. 83-002CC

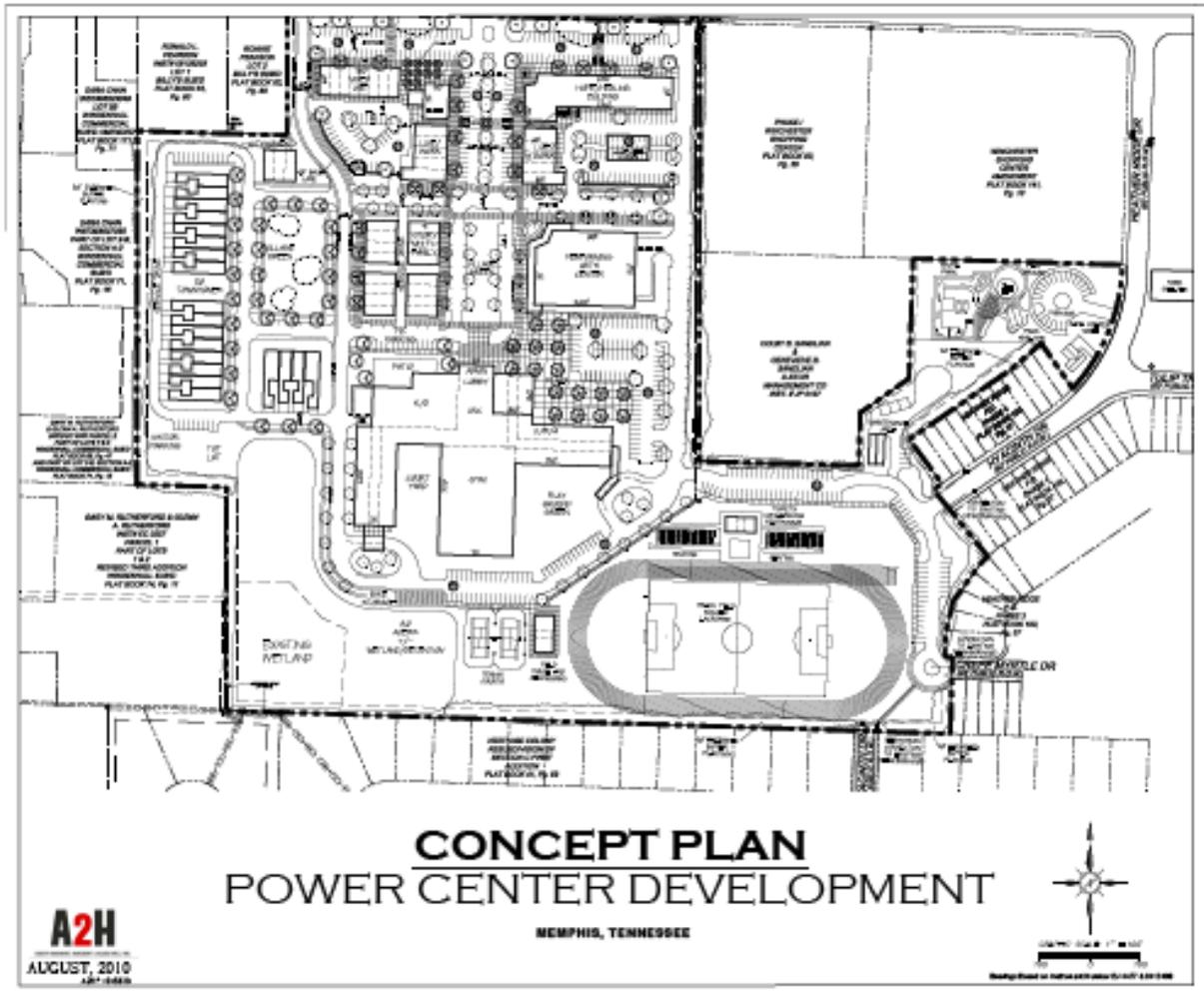
South: Residential Dwellings (Heritage Colony Subdivision) in the Single Family Residential R-S6 District

West: Retail and Service Based Commercial Uses in the Local Commercial (C-L) District

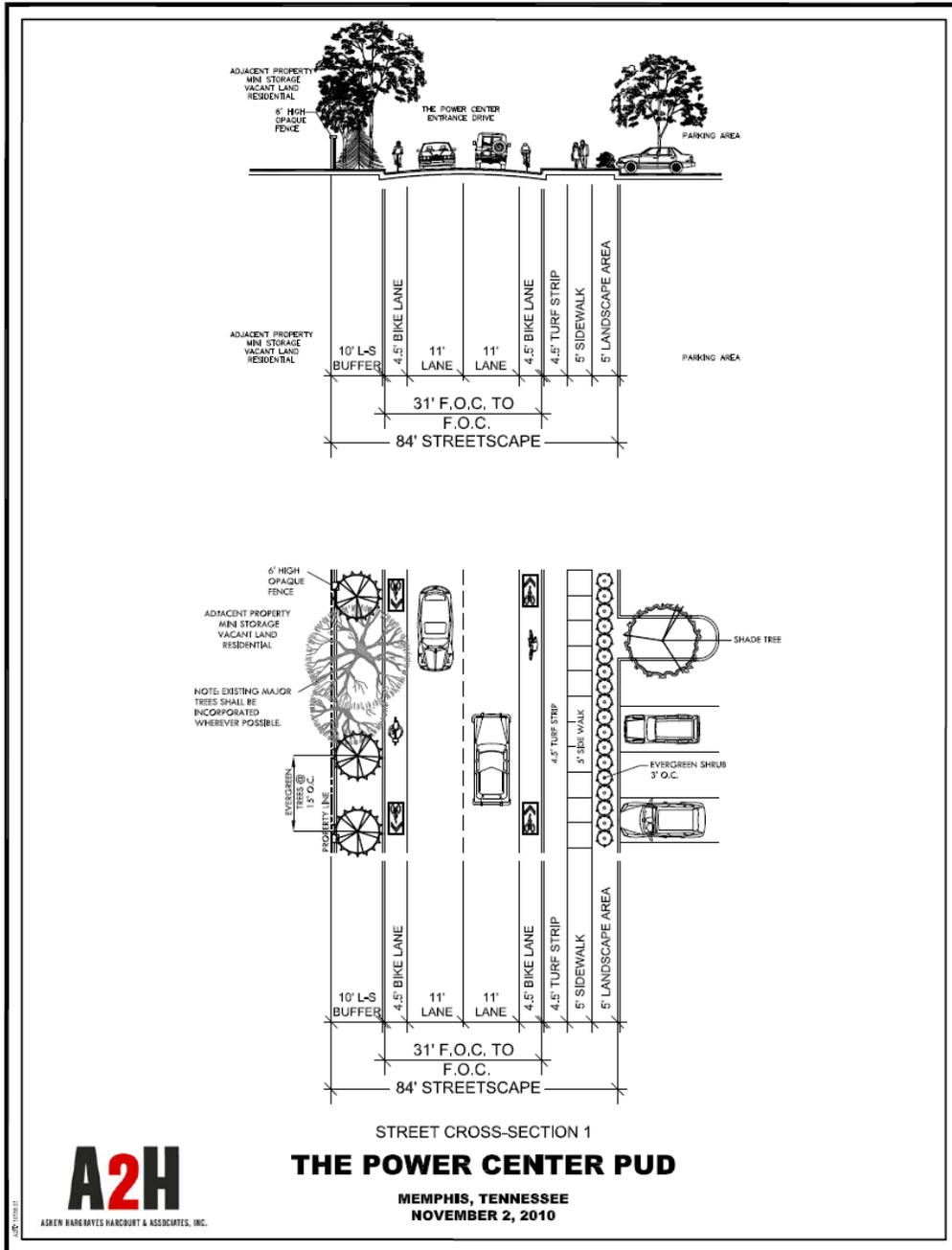
Aerial – Existing Conditions

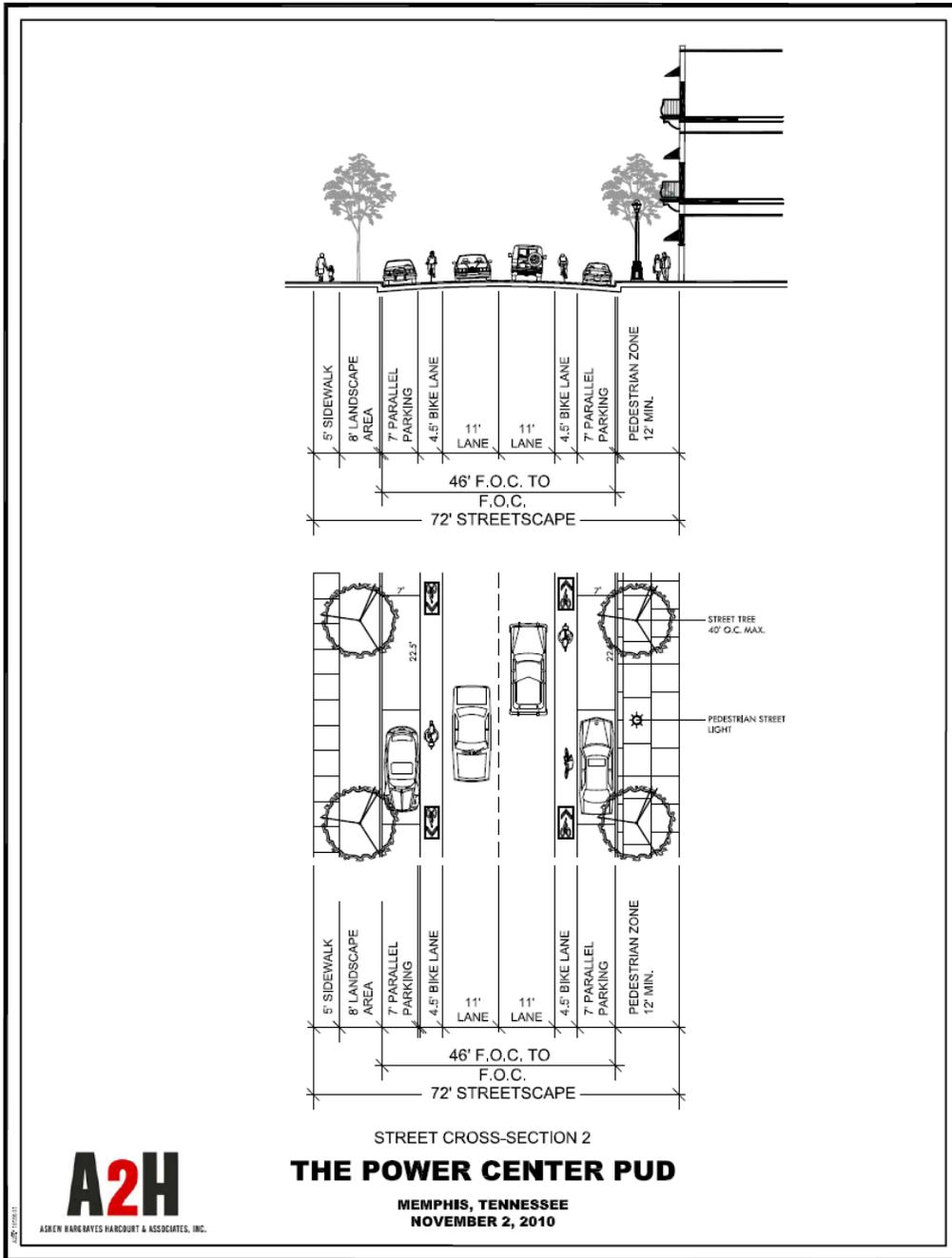


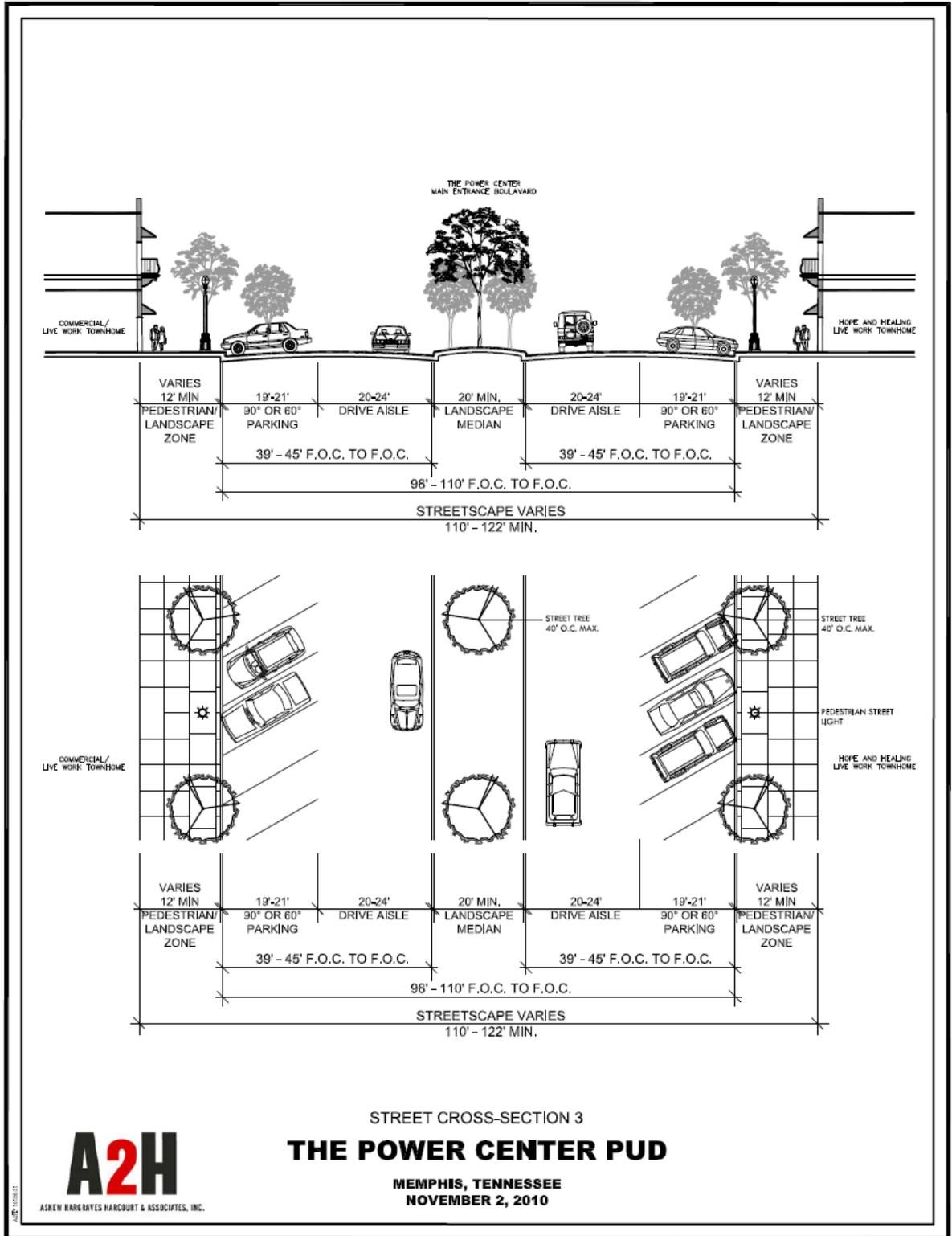
Concept Plan



Internal Street Cross Sections







STAFF ANALYSIS:

The subject site includes two large parcels of land on the south side of Winchester Road in southeast Memphis

The northernmost parcel which includes approximately 23 acres contains the Marina Cove Apartment Development. This development of over 300 apartment units is vacant and is undergoing demolition as a part of this project.

The southern parcel, approximately 18 acres in area, is currently vacant land. It is a part of a Planned Development (Heather Ridge P.U.D.) that permitted detached, attached, and townhouse dwellings. The first three phases of the Heather Ridge Development are located along Hyacinth Drive and Crepe Myrtle Drive along the east perimeter of this development.

Development Concept:

The owner/developer, Power Center Community Development Corporation is proposing a mixed used development composed of three primary development areas: Mixed Use Market, Residential Village, and The Power Center Campus.

Mixed Use Market – This area includes retail services, restaurants, hospitality, medical, worship, social services, live/work units, and residential units on the second floor with retail or office uses on the first floor. The arrangement and orientation of the buildings, sidewalks, and street network is designed to encourage a pedestrian oriented development that connects seamlessly with the Village and Campus to the south.

Residential Village – The residents of the Village act as important anchor component to the mixed use center. The village will consist of different housing types as permitted in the adopted Unified Development Code. This development will be designed to be pedestrian friendly with direct connections to the market area.

The development plan will follow the concept of a Sustainable Subdivision as found in the Unified Development Code. A Sustainable Subdivision allows a greater mix of housing units and flexible lot requirements in return for a compact, pedestrian oriented development pattern. A Sustainable Subdivision is one that is located within reasonable walking distances to shopping, services, potential employment opportunities and mass transit. Buildings within a Sustainable Subdivision will meet LEED standards.

The Power Center Campus- This is a mixed use area that provides for educational, cultural and recreational needs for the area. This area includes a middle and high school, Performing Arts Center, athletic facilities, (track, soccer, lacrosse, tennis), a neighborhood park (skate park, playground, park shelter) and support uses. Some residential uses will be incorporated into this area of the development.

Other Features – The applicant has submitted typical road cross sections that include the median divided, boulevard style main entry and two other cross sections that include the opportunity for bike lanes and on-street parking. The existing developments to the east and south are connected to this development by virtue of a private street network and/or a pedestrian easement.

The concept plan does not call for individual lots to be created by this development. The concept here is that all of the land will be owned by the Power Center CDC, although individual units, bay, or buildings may be individually owned in a condominium type arrangement.

Review of Request:

On balance, this request is an ambitious undertaking which if successful will remove a blighted element for this area and replace it with a mix of retail, service and civic oriented uses in one integrated development. In setting up the Outline Plan and Conditions, the applicant has incorporated the elements of smart growth; mixture of uses, high degree of connectivity within the project area, walkability, street cross sections that encourage various forms of pedestrian and vehicular transportation.

Connectivity - One area of concern for the Planning staff is the exterior connections to the east and south. Both the Unified Development Code in general, and the criteria for reviewing a Sustainable Subdivision in particular stress the need for connections within developments as well as to existing development along the perimeter.

As indicated above, the concept plan shows a private street network that provides vehicular and pedestrian access to the lots in Phases 1 and 3 of the Heather Ridge P.D., (Hyacinth Dr. and Crepe Myrtle Dr.) What is not clear is if these private drives will be gated and under which phase of this development these connections will be made. The conditions on phasing (Conditions – Roman Numeral VII) indicate that the recreation fields will be among the last phases of development. It makes sense that the development of these roads will coincide with the development of the fields. If these points of connection are cut off by a gate, then there will be periods where abutting residents will have to rely on the major road network to access the mixed use market area of this development. On a similar note, if not developed until later phases, this access will not be available.

The staff recommends that gates be limited to the area surrounding the school facility and that the timing of development for these roads coincide with the development of the mixed use market.

Along the south property line, Hyacinth Drive was stubbed into this site. Again, the Unified Development Code calls for extending stubs into new developments. The Concept Plan calls for a pedestrian connection here which will allow abutting residents access to the recreation field which is an important consideration. But here again, would-be customers of the uses included in the Mixed Use Market Area will be required to travel a somewhat circuitous path which ultimately will include the major roads of Mendenhall and Winchester for a trip that could

be accommodated within this development.

The staff recommends continuing this connection into the development.

RECOMMENDATION: APPROVAL WITH CONDITONS

OUTLINE PLAN CONDITIONS
Power Center Planned Development
P.D. 10-315

I. USES PERMITTED:

- A. Area 1 – (Mixed-Use Market): Retail and service uses as permitted by right in the CMU-1 District as further modified below:
1. Other uses permitted by right shall include; children’s arts center, adult education, farmers market, outdoor retail sales, and recycling drop-off, and live work units, subject to Use Standard 2.6.1B.
 2. The following uses are expressly prohibited; payday loan and title loan establishments, pawn shops, convenience stores with gas pumps, uses, drive thru windows, or any use listed under the Use Category of Group Living, and Hotel or Motel.
 3. Where the Unified Development Code establishes Use Standards, said standards will be in force unless waived by the Planning Director, a note will be added to the Final Plat if a standard(s) has/have been waived.
- B. Area 2 – (Residential Village):
1. Residential dwelling types as permitted by the RU-3 District as permitted in the Sustainable Subdivision Chart for the RU-3 District
 2. Live Work units shall also be permitted by right subject to Use Standards (2.6.1. B.).
 3. Non-residential uses as identified in the Sustainable Subdivision Section of the UDC with the exception of restaurants, and retails sales.
- C. Area 3 – (The Power Center Campus): Uses permitted by right in the Campus Master Plan -1 (CMP-1) District including a campus for a Middle and High School Facility and including a performing arts center, and a park with accessory uses including shelters for public gathering and a residential structure, subject to the Use Standards for Schools – 2.6.2.C).
- D. In Area 1 the mixing of units and uses both horizontally and vertically may be permitted. In Area 2, a non-residential use is permitted on the ground floor only.

- E. Accessory structures shall be permitted in Areas 1, 2, and 3 in accordance with the applicable provisions of the Memphis and Shelby County Unified Development Code pertaining to the principle use of the property as permitted and provided for in Sections A-C above.

II. BUILDING ENVELOPE STANDARDS (Bulk Regulations):

Development of The Power Center will be generally guided by the Outline Plan Conditions and the Conceptual Site Plan, and the area use descriptions provided in Section I above. Development of individual parcels will be specifically in compliance with the provision for dimensional regulations, and access and circulation conditions below. Where a specific development requirement is not listed below, the development standard of the Unified Development Code will apply. Where a specific standard is listed it shall be the requirement. Alternatives may be offered at the time of Final Plat Review, but the Planning Director shall have the discretion to determine how such alternatives will be reviewed.

A. Minimum Lot Size shall be as follows:

- 1. Area 1 – Mixed Use Market - No Minimum Lot Size
- 2. Area 2 – Residential Village - No minimum lot size
- 3. Area 3 - Power Center Campus No Minimum Lot Size

B. Minimum Lot Width shall be as follows:

- 1. Area 1 – Mixed Use Market No minimum Lot Width
- 2. Area 2 – Residential Village As regulated by the RU-3 District Chart for Sustainable Subdivisions
- 3. Area 3 – Power Center Campus No Minimum Lot Width

C. Maximum Height shall be as follows:

- 1. Multi-use buildings 55 Feet
- 2. All Residential uses 45 Feet
- 3. Live/Work units 45 Feet
- 4. Educational 55 Feet (subject to the bulk plane)

- D. Building Setbacks for Non-Residential Uses – Setbacks shall be measured from the Right of Way of Winchester Road and the Power Center Planned Development Site Boundary.
1. Area – 1 (Mixed Use Market)
 - a. North Boundary along Winchester Road (ROW). – Mixed Use Market and Hope and Healing Building - 100 feet
 1. Included within this setback is a 40' Streetscape, adjacent to Winchester Road and up to 2 tiers of 90 degree parking and drive aisle.
 2. Additional setbacks up to 40 feet (beyond said buildings setbacks) behind the curb line are allowed for small plazas, courtyards, pocket parks, and outdoor seating areas. Additional landscaped areas are to be illustrated on the final site plans.
 - b. Internal Side Yard Setback – No Minimum Setback
 - c. Internal Rear Yard Setback – No Minimum Setback
 - d. Separation between buildings – Minimum of 10 Feet
 2. Area – 2 (Residential Village)
 - a. North boundary adjacent to existing Commercial Development - All buildings shall be setback a distance of not less than 30 feet as indicated on the Outline Plan. This setback shall include a 20 foot Landscape Buffer.
 - b. West Boundary adjacent to existing development/vacant land - All buildings shall be setback a distance of not less than 30 feet as indicated on the Outline Plan. Setback shall include a 20 foot Landscape Buffer.
 - c. South Boundary adjacent to existing vacant property - All buildings shall be setback a distance of not less than 30 feet as indicated on the Outline Plan. Setback shall include a 20 foot wide Landscape Buffer.

- d. Internal Front Yard Setback – All buildings located on/adjacent to interior drives/parking in Area 2 shall be placed a minimum of 18 feet and a maximum of 25 feet from back of curb to primary façade of the building. Additional setbacks of coup to 40 feet may be provided for small plazas, courtyards, pocket parks, and outdoor seating areas and are to be illustrated on the Final Plat.
 - e. Internal Side Yard Setback –
 - 1. Lots 50 feet or less - 5 feet.
 - 2. Lots with rear access – 3.5 feet with a 7 foot separation between buildings.
 - f. Internal Side Yard Setback –
Multi-Family – Minimum building separation – 20 feet
 - g. Rear Yard Setback
 - 1. Minimum setback - 20 Feet
 - 2. Lots with rear access - 5 Feet.
3. Area 3 (The Power Center Campus)
- a. North and East Exterior Boundary (adjacent to existing mini-storage and undeveloped property)
 - 1. All buildings - 20 Feet
 - 2. Setback includes 10 Foot Landscape Plate
 - b. South and West Exterior Boundary (adjacent to existing residential neighborhood)
 - 1. All buildings - 30 Feet
 - 2. Setback includes a 20 foot landscape buffer
 - c. East Exterior Boundary (along Hyacinth Drive ROW)
 - 1. All buildings - 30 Feet from ROW
 - 2. Setback includes a 20 Foot Landscape Plate
- E. Maximum Densities: Dwelling units per acre (DUA) and Floor Area Ratios (FAR) for parcels and uses shall be as follows:
- 1. For all Retail Uses 0.25 FAR
 - 2. For all Office Uses 0.30 FAR
 - 3. For all Residential Uses 12 DUA

4. Area 2 is anticipated to develop within the concept and requirements of the Sustainable Subdivision. If developed in phases, each development is expected to provide the required percentage of open space. The Planning Director has the discretion to waive or alter this requirement if suitable alternatives or justification is presented at Final Plat Review.

F. Bulk Requirements for Area 1 shall be as follows:

1. Mixed Use Market - 6.73 acres @ .25 FAR = 73,289 SF.
2. Residential Lofts above Retail/Office - 20 +/- Units
3. Live/Work Units - 12 +/- Units
4. The actual distribution of units may vary, with a maximum number of units of 32. .

G. Bulk Requirements for Area 2 shall be as follows:

1. Residential - 7.54 acres @ 12 DUA = 90 units max
 - a. Stacked Town House - 38 units
 - b. Townhomes 20 units
2. Estimated unit mix may vary but will not exceed the percentages permitted in the RU-3 District Chart for Sustainable Subdivisions.

H. Bulk Requirements for Area 3 shall be as follows:

1. The Power Center Campus - 27.56 acres
2. The Power Center Academy Middle and High School – 150,000 S.F.
3. The Power Center Performing Arts Center - 50,000 S.F.
4. Estimated building square footages will be submitted with each final plan.

I. Building elevations that are comparable to the those included in the application packet shall be included on each Final Plat.

III. ACCESS, CIRCULATION, AND PARKING:

A. Infrastructure:

1. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
2. If the developer proposes any signalization of the center drive aisle, the east-west connection to the parking lot shall be relocated to a point at least 150 feet from the property line.

3. If signalization of the center drive aisle is proposed, the developer shall provide a traffic study to support the request.
4. 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.
5. The street cross section along Winchester Road shall be consistent with the S-10 or S-11 Plates found in the Unified Development Code and the cross section found in the Complete Streets Chapter of the Long Range Transportation Plan for Major Arterials. Alternatives that preserve existing mature trees may be considered during the review of the Final Plat.

B. Access and Internal Streets:

1. Three curb cuts along Winchester Road shall be permitted. The City Engineer shall approve the design and location of curb cuts.
2. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
3. If vehicle gates are proposed where a public street connects to a private drive, the Final Plat shall include adequate turn around areas (cul-de-sacs or hammer head). Said turn arounds will be located within the subject property not within existing public right of way.
 - a. Where a private drive connects to a public street, the applicant shall provide a transition by way of pavers or other alternate pavement and signage.
 - b. Area 3 is allowed to provide a secured/gated entry subject to # 3. above and the Fire Marshall.
 - c. Gates should be limited to the area immediately surrounding the school facility and shall not prohibit access to the balance of the Planned Development.

4. All streets and service drives shall be labeled as "Private". The appropriate street cross-section (as included with the Outline Plan) will be shown on each Final Plat, subject to the review and approval of the OPD.
5. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').
6. The north stub of Hyacinth Street at the south property line shall be extended into this development.
7. The development of the private drives that connect to Hyacinth Road and Crepe Myrtle shall coincide with the development of the Mixed Use market.
8. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

C. Parking and Circulation:

1. Areas 1, 2, and 3, all entities within, shall have a perpetual ingress/egress easement throughout for vehicular traffic access within the P.D.
2. The developer shall provide a circulation plan illustrating all school pick-up and drop-off vehicular patterns, subject to the review and approval of the City Engineer and the OPD..
3. The Final Plans shall identify the location and amount of all parking and loading areas, subject to the requirements of the Unified Development Code. Reductions shall be considered in light of the principals of a Sustainable Subdivision and shared parking principles. A shared parking plan shall be submitted with each Final Plat.
4. Areas 1, 2, and 3 are allowed to provide secured/gated parking for residents, students, and faculty subject to the requirements of the Memphis Fire Department.

5. Parking and loading spaces shall be in accordance with the Unified Development Code requirements. A shared parking plan will be submitted with final plans for review and approval of the OPD.
6. Parking for persons with disabilities will be in accordance with the requirements of the Unified Development Code.
7. All parking shall be in accordance with the requirements of the Unified Development Code unless specifically altered by these conditions or waived by the Planning Director.
8. Areas 1 and 2 shall be allowed to incorporate detached garages within the service areas for parking and storage, subject to the review and approval of the OPD .
9. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, OPEN SPACE, AND LIGHTING

- A.. Landscaping, screening, open space and lighting shall be as required by these conditions, the appropriate section of the Unified Development Code and the review of the OPD Staff. Detailed plans for each of these areas shall be attached to the Final Plat.
- B. Whenever possible, backflow prevention devices shall be located within the building or behind the front setback line so as to minimize their visibility from public view.
- C. Refuse containers and loading areas shall be reasonably screened from view of adjoining public roadways and residential properties.
- D. The streetscape treatment along Winchester Road shall be a minimum of 40 feet in width and in substantial conformance with the S 10 or S 11 Plates and Cross Section for Major Arterials found in the Complete Streets Chapter of the Long Range Transportation Plan, and subject to the final review and approval of the OPD.
- E. Perimeter landscaping will be consistent with the dimensions identified in II. D. above. A cross section for each area will be provided with the Final Plat subject to the review of the OPD for conformance with the requirements for Buffers as found in Article 4 of the Unified Development Code.

- F. The required perimeter landscaping along the south boundary of Area 3 shall include a minimum 20 foot wide planting area consistent with the Class IV Buffer, except where the existing identified wetlands fall on or near the south and west property lines. This entire area shall be labeled as a non-disturbance area” and the staff will work with the applicant to determine the appropriate fencing requirements.
- G. In all cases where landscaping, and screening is required, preservation of existing mature trees should be incorporated into the screen.
- H. A detailed landscape shall be provided for the review of the OPD. Said plans shall be consistent with the Concept Plan.
- I. In Area 2, Open space shall be located generally as indicated on the Concept Plan and in accordance with Article 6 of the Unified Development Code and the requirements for Sustainable Subdivisions particularly with respect to location and amount.
- J. Streetscapes internal medians, and other internal landscape/COS improvements shall be maintained by the Owner’s Association, a statement to this affect shall be shown on the Final Plat, and the instrument number creating such an association shall likewise be shown on the Final Plats.
- K. Streetscapes, internal medians, and other internal landscape/COS improvements shall have underground irrigation.
- L. Prior to any development activity in Area 3, the applicant shall file an NOI and demonstrate conformance with the Tree Ordinance.
- M. All required landscaping shall not conflict with any existing or proposed conditions.
- N. All electrical installations, excluding 3 phase power, shall be underground.
- O. All above ground utility transformers, telephone pedestals, air conditioning, heating and other mechanical equipment shall be reasonably screened from view of pedestrians on the public right of way adjoining the site and along the site boundary.

- P. All above ground utility transformers, telephone pedestals, air conditioning, heating, and other mechanical equipment shall be located to the rear of the building and concentrated in service court area and/or service drive areas. The building massing and configuration should strive to create enclosed service areas where utility equipment can be located for ease of service, and out of the public realm.
 - Q. Alternatives to the conditions in this section that are in the opinion of the OPD Staff/Planning Director may be considered at Final Plat Review.
- V. Signs:
- A. A comprehensive, coordinated signage system plan will be implemented to direct persons to various buildings, businesses facilities, amenities and locations within the development. This plan shall be submitted to the Office of Planning and Development for review and approval.
 - B. The minimum sign setback from any public right of way shall be 10 feet. Directional and stop signs may be located within the minimum setback provided that they do not fall within an intersection sight triangle and subject to the approval of the City Engineer.
- VI. Drainage and Sanitary Sewer:
- A. An overall Master Sewer Concept Plan shall be submitted with the first final plan to be reviewed and approved by the City Engineer.
 - B. All sanitary sewer and drainage plans shall be submitted to the City Engineer for review and approval.
 - C. 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.
 - D. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
 - E. Sanitary sewer improvements shall be provided in accordance with the requirements of the City Engineer.
 - F. All sewer lines within the development shall be provided by the Developer in accordance with the specifications of the City Engineer.

VII. Development Schedule:

A simple phasing timeline for The Power Center Development is provided below. Deviation from the phasing schedule shall be permitted upon the express permission of the Planning Director. Any permitted deviations from the schedule below, shall not require a re-recording of the Outline Plan.

- A. Phase 1 – The Power Center Academy and 24 Residential Homes.
 - 1. The development of Phase 1 shall require the installation of the Winchester Road streetscape, unless otherwise modified by the Planning Director.
- B. Phase 2 – The Performing Arts Center & The Hope and Healing Center
- C. Phase 3 – The Residential Village
- D. Phase 4 – The Mixed –Use Market
- E. Phase 5 - The Athletic Fields
- F. Phase 6 – Neighborhood Park

VIII. The Land Use Control Board shall 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.

IX. Time Period - A final plan shall be filed within five(5) years of the approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

X. SITE PLAN REVIEW:

The review of any final plat for this development shall be performed by the OPD in consultation with the appropriate department of City of Memphis Government. In the event that there is a disagreement between the applicant and the staff regarding the intent or meaning of a condition or requirement, either party may appeal to the Memphis and Shelby County Land Use Control Board and the Memphis City Council.

- XI. 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 or buildable areas, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. The number of parking spaces.
 - 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 Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City 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 100 year flood elevation.
 - J. Elevations of all buildings.
 - K. Conformance with Unified Development Code, and in particular those sections specifically identified in these conditions such as Landscaping, Buffers, Sustainable Subdivisions, and the Tree Ordinance.
 - L. Final plats may be submitted in phases for all or part of the project.

GENERAL INFORMATION

Street Frontage: Winchester +/- 820 Feet

Planning District: Oak haven Parkway Village

Census Tract: 217.31

Zoning Atlas Page: 2345

Parcel ID: 093400 00619, 093400 00281

Zoning History: The subject property consists of two parcels:
Parcel 09340000281 contained the Maria Cove apartments – the R-MM dates to approximately 1970. Parcel 09340000619 includes Phases 4-6 of the Heather Ridge Planned Unit Development – P.U.D. 83-002 (approved for Single Family Detached, Attached, and Townhouse Development at a density of 12 units per acre).

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.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. If the developer proposes any signalization of the center drive aisle, the east-west connection to the parking lot shall be relocated to a point at least 150 feet from the property line.
6. If signalization of the center drive aisle is proposed, the developer shall provide a traffic study to support the request.

7. The developer shall provide a circulation plan illustrating all school pick-up and drop-off vehicular patterns.
8. It appears that the parking area/number of spaces for the high school is inadequate to serve the number of students projected to attend this facility. Where will these automobiles be parked?
9. No gates will be approved where private drives make connections to public streets (most specifically at Hyacinth Drive and Crepe Myrtle Drive).

Private Drives:

10. Identify the drives as "Private".
11. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').
12. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

Curb Cuts/Access:

13. The City Engineer shall approve the design, number and location of curb cuts.
14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
15. 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,
16. 3 curb cuts along the Winchester Road frontage will be permitted as generally located on the outline plan.

Drainage:

17. 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.
18. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

19. 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.

Site Plan Notes:

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

General Notes:

21. The width of all existing off-street sewer easements shall be widened to meet current city standards.
22. All connections to the sewer shall be at manholes only.
23. 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.
24. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

No concerns.

City Real Estate:

No comments received.

City/County Health Department:

The Water Quality Branch & Septic Tank Program have no comments.

City Board of Education:

No comments received.

Construction Code Enforcement:

No comments received.

Center City Commission:

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
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** 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
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 528-4628 and submit proposed street names for review and approval.
- **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 line 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: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

Memphis Park Commission: No comments received.

Neighborhood Associations: No comments received

Southeast Memphis Betterment Association:

