MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT #11

CASE NUMBER: P.D. 11-307 **L.U.C.B. MEETING:** June 9, 2011

DEVELOPMENT NAME: Winchester-Riverdale Planned Development

LOCATION: Southeast corner of Winchester Road and Malco Way

COUNCIL DISTRICT: 2

SUPER DISTRICT: 9

APPLICANT: Winchester-Riverdale Holdings, LLC

REPRESENTATIVE: The Reaves Firm

REQUEST: A planned development with Commercial Mixed Use-2 (CMU-2)

AREA: 4.5 Acres

EXISTING LAND USE & ZONING: Vacant Land in the Conservation Agriculatural (CA) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS

Staff Planner: Sheila Pounder *E-mail Address: sheila.pounder@memphistn.gov*

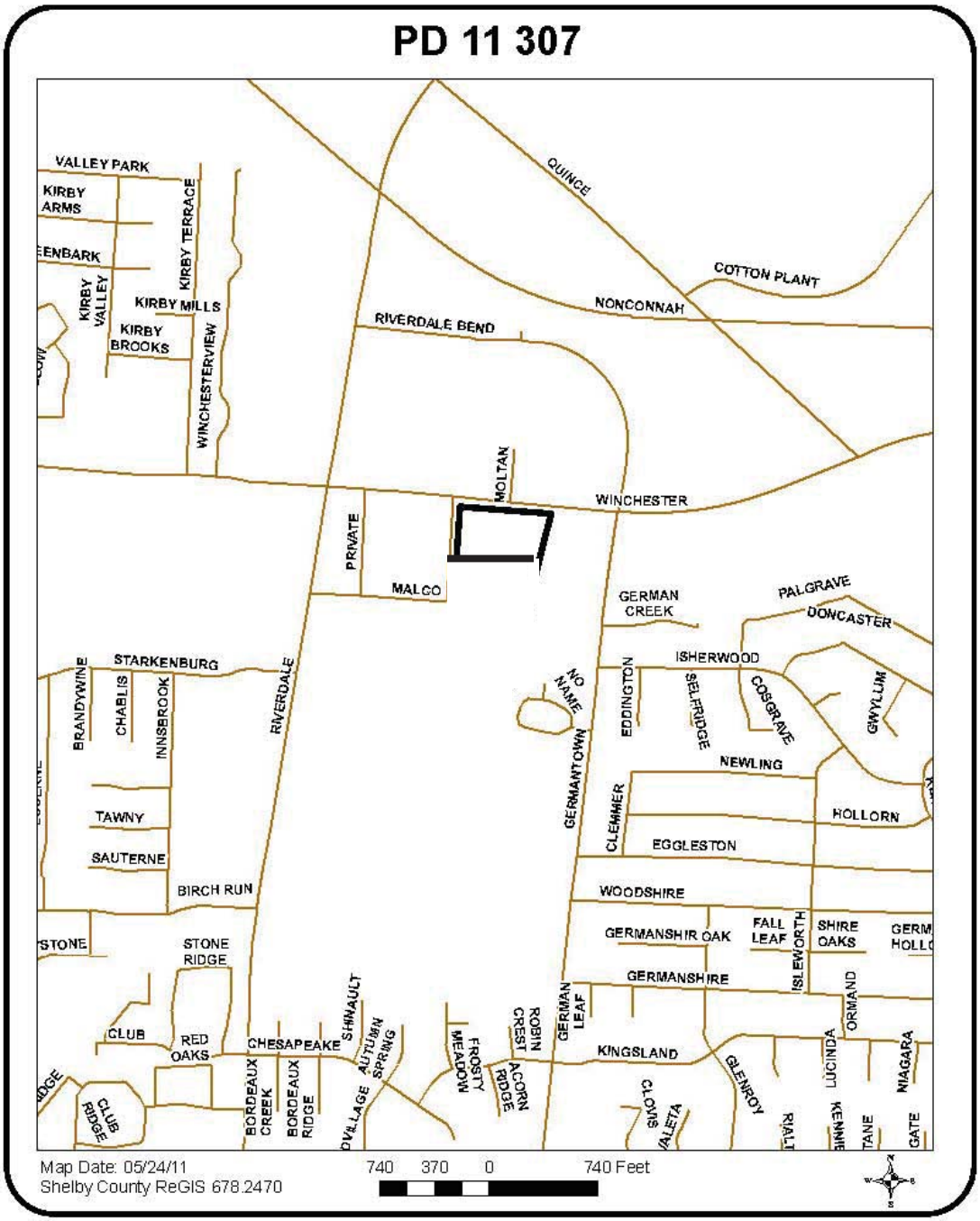
CONCLUSIONS:

1. **The request is for a planned development with CMU-2 uses. Based on previous review of the surrounding area for a 2006 P.D. (P.D. 06-324) that was approved at the western corner of this subject site and the current land use pattern along Winchester Road, the proposed CMU-2 uses are acceptable with some exclusions.**

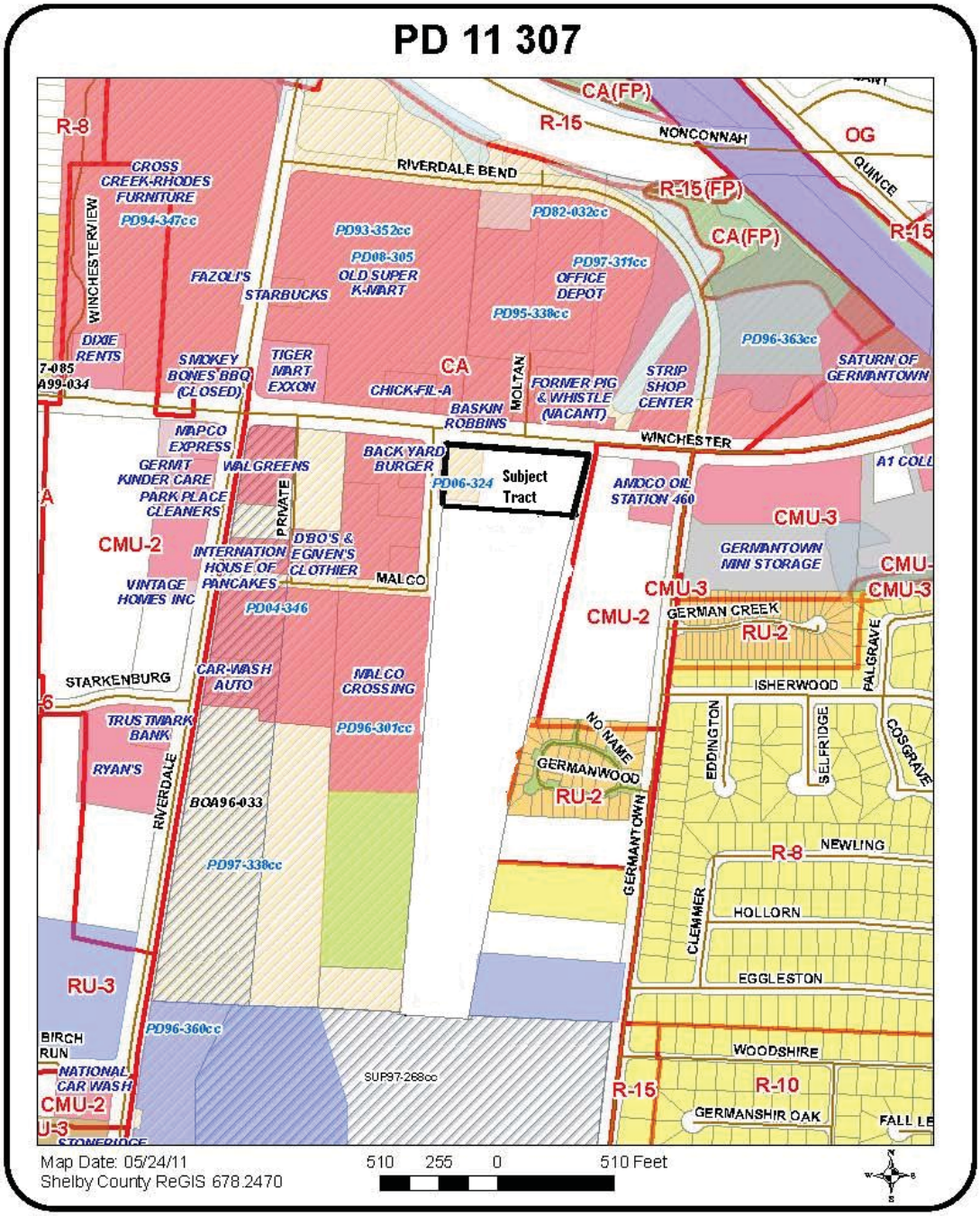
2. **The request also seeks approval of any use permitted by SUP; however, given that some of these uses should meet higher standards for approval is recommended that theses not be permit without the opportunity for individual review by the governing bodies to ensure their compatibility with the general area.**

3. **The proposed concept/site plan provides for the creation of three lots along the Winchester Road frontage which appears to be acceptable with conditions requiring site plan review of each final plat by OPD and appeal to the Land Use Control Board so that a more detailed evaluation of each lot based on the proposed use can be made prior to the plat's recordation.**

VICINITY MAP



LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

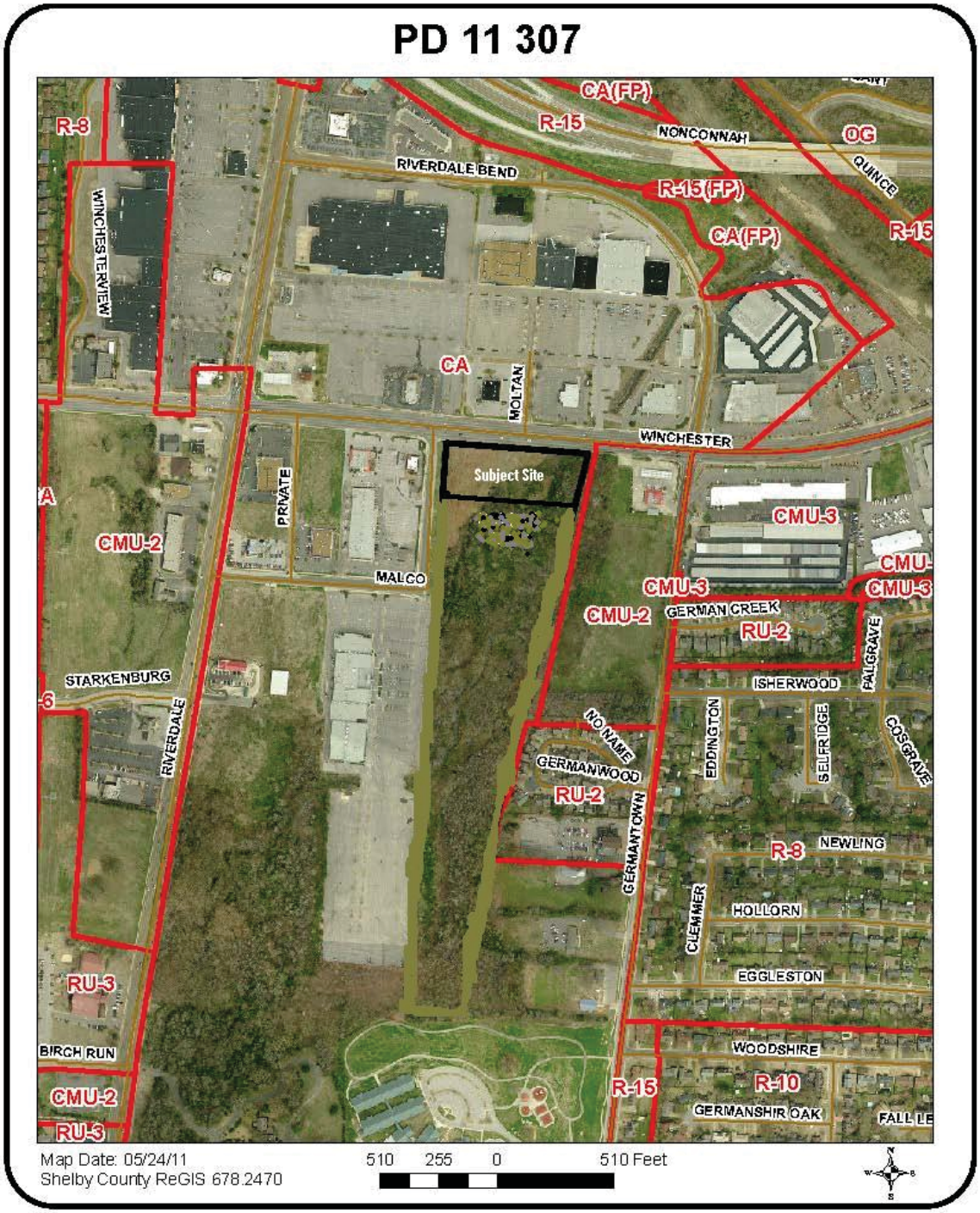
North: Retail centers, discount stores, gasoline sales, large and small restaurants in Winchester Center (P.D. 93-352), Gurley Development Center (P.D. 95-338) and Market @ Riverdale Planned Developments (P.D. 97-311).

East: Vacant land in the Easttowne Village General Plan, Plat Book 130, Page 52.

South: Vacant land in the Conservation Agricultural (CA) District.

West: Vacant lot, small restaurants, retail shops and bank buildings in Malco Crossing Planned Development(P.D.86-312).

AERIAL MAP


PD 11 307
CA(FP)
R-15
NONCONNAH
OG
QUINCE
R-8
RIVERDALE BEND
R-15(FP)
CA(FP)
R-15
WINCHESTERVIEW
CA
MOLTAN
WINCHESTER
Subject Site
PRIVATE
CMU-3
CMU-2
MALCO
CMU-3
CMU-3
CMU-2
GERMAN CREEK
RU-2
PALGRAVE
STARKENBURG
ISHERWOOD
RIVERDALE
NO NAME
EDDINGTON
SELFRIDGE
COSGRAVE
GERMANWOOD
RU-2
GERMANTOWN
R-8
NEWLING
CLEMMER
HOLLORN
RU-3
EGGLESTON
BIRCH RUN
WOODSHIRE
R-15
R-10
CMU-2
GERMANSHIR OAK
RU-3
Map Date: 05/24/11
Shelby County ReGIS 678.2470
510 255 0 510 Feet

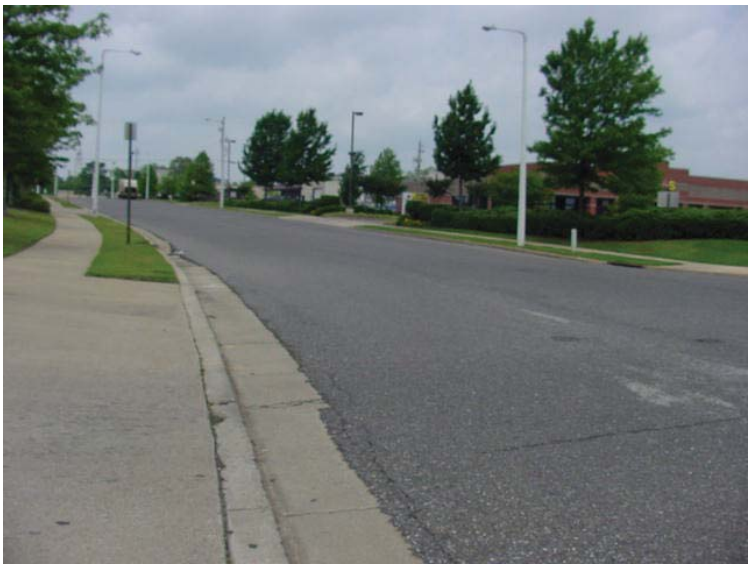
SUBJECT SITE

Street frontages along Winchester and Malco Way

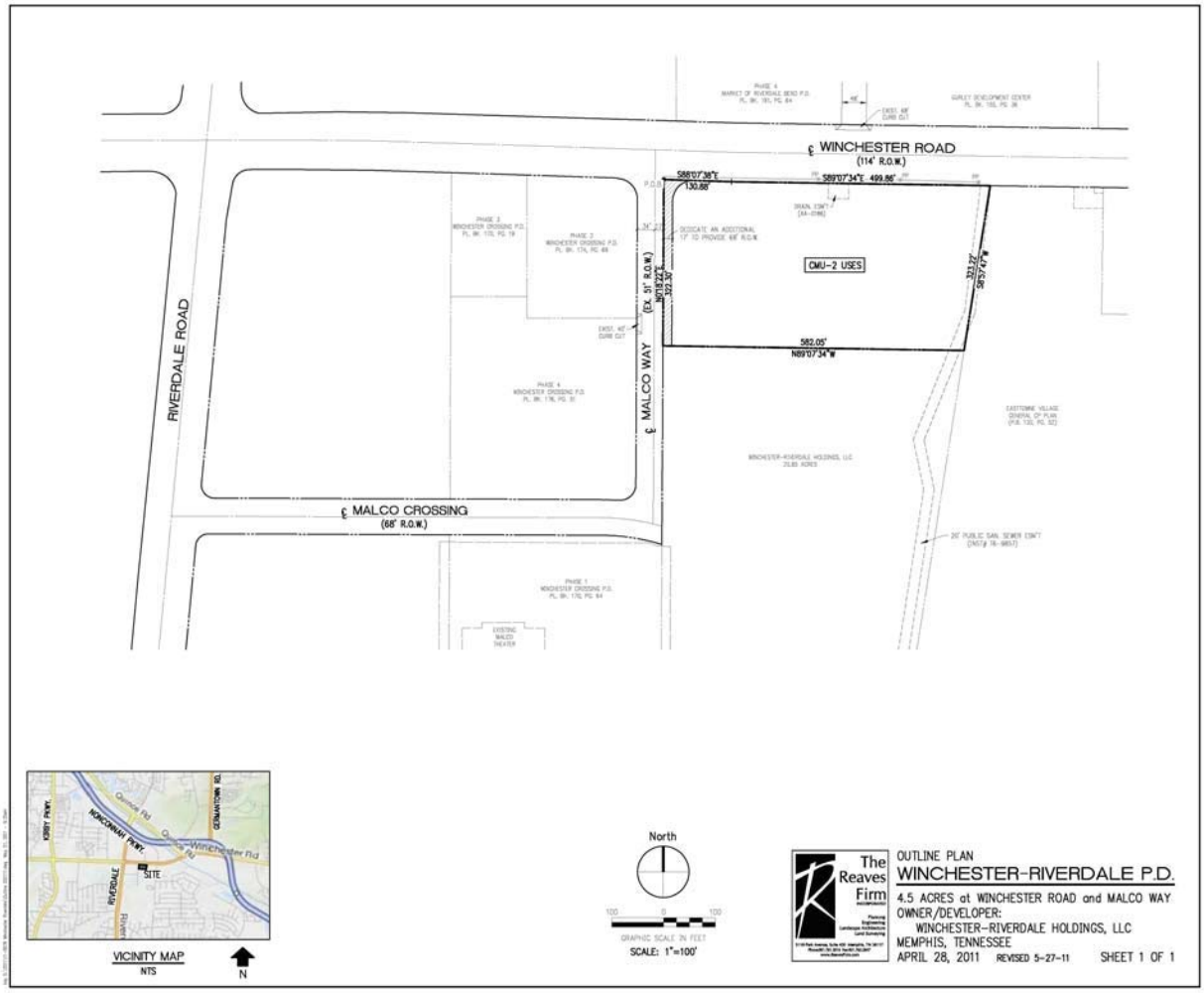
Frontage along Malco Way

Commercial center at the southwest corner of Winchester Road & Malco Way, as well as at the northwest corner of Malco Way and Malco Crossing

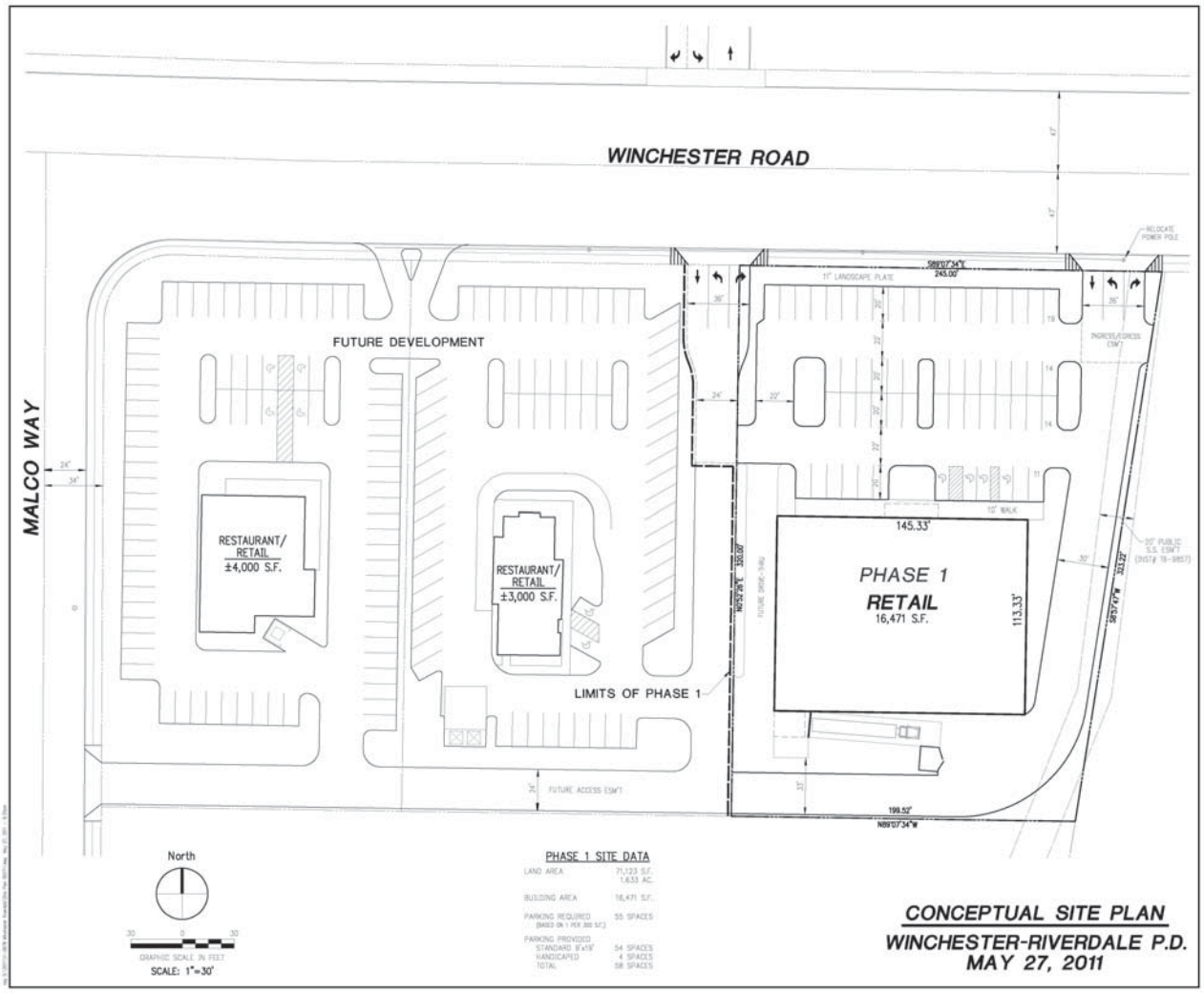
Commercial development along the frontage of Malco Crossing



PROPOSED OUTLINE PLAN



PROPOSED CONCEPT/SITE PLAN



STAFF ANALYSIS:

Description of the site and surrounding area

The subject site consists of 4.5 acres of land at the southeast corner of Winchester Road and Malco Way. Although the property is currently vacant, it has a number of existing mature trees along its eastern and southern boundaries. A Blue Line Stream has also been identified along the eastern property line of this site. The site is surrounded on two sides, north & west, by existing commercial uses fronting along Winchester Road. The property to the east is currently vacant and governed by the Easttowne Village General Plan, Plat Book 130, Page 52. South of the site is approximately 21 acres of vacant property also owned by the applicant.

In 2006, a 0.993 acres commercial planned development was approved at the west corner of the subject site, P.D. 06-324. Planned Commercial (C-P) District, recently converted to CMU-2, uses were approved with some limited exclusions. Neither an Outline Plan nor a Final Plat was recorded for the approved P.D. The recordation of an Outland Plan for this current P.D., if approved, will void the 2006 P.D. approval.

The applicant currently has a potential retail user for the eastern most lot. The request seeks approval of CMU-2 uses on this site. Based on previous review of the surrounding area for the 2006 P.D. and the current land use pattern along Winchester Road, the proposed CMU-2 uses are acceptable with exclusion of such uses as Pawn Shop, Tavern, Cocktail Lounge, Night Club, and Motor Vehicle Sales/Services. The request also seeks approval of any use permitted by SUP. Given some of the types of uses that requires SUP approval; such as social services institution, hotel/motel, tattoo shop, mini-warehouse, and including some industrial uses, it is recommended that theses not be permit without the opportunity for individual review by governing bodies to ensure their compatibility with the general area.

The proposed concept/site plan provides for the creation of three lots along the Winchester Road frontage. The general concept of the site appears to be acceptable; however, site plan review with approval by OPD and appeal to the Land Use Control Board should be required so that a more detailed evaluation of each lot based on the proposed use can be made prior to the final plat recordation. The previous 2006 P.D. staff report indicated that when additional development was proposed on the adjacent properties, a master site plan would be required prior to any new approvals. The applicant complied with this requirement. However, after review and discussion between the applicant's representative, OPD, and City Engineering it was determined that future development of the southern 21 acres may be difficult and costly. Also, during this discussion it was verified that the parcel could meet the exemption criteria of the Unified Development Code and could be excluded from the proposed P.D. Consequently, there is objection to the approval of the revised 4.5 acres proposed concept/site plan.

The City Engineering is recommending some changes that will impact the proposed access to the site. These changes deal solely with number and location of curb cuts along Winchester Road. A revised site plan should be submitted to reflect these recommendations.

RECOMMENDATION: APPROVAL WITH CONDITIONS

WINCHESTER-RIVERDALE P.D.
OUTLINE PLAN CONDITIONS:

I. USES PERMITTED:

A. Any use permitted by right in the Commercial Mixed Use-2 (CMU-2) District.

B. Any use permitted by Special Use Permit in the Commercial Mixed Use District-2 (CMU-2) shall require an amendment to this plan development.

II. BULK REGULATIONS: All bulk requirements shall comply with the CMU-2 District.

III. ACCESS AND CIRCULATION:

A. Dedicate and improve Malco Way, 34 feet from the centerline along the west property line, from Winchester to the south edge of Malco Crossing, in the first phase of development. All design and construction shall be in accordance with the construction standards of the City Engineer's office.

B. 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.

C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

D. 2 full movement curb cuts will be permitted along the Winchester Road frontage. One shall be located on the east property line and shall grant mutual access to the neighboring property known as Easttowne Village CP. The second curb cut shall be aligned with the existing curb opening on the north side of Winchester, approximately 380 feet from the centerline of Malco Way.

E. One right-in, right-out channelized curb opening will be permitted and shall be located midway between Malco Way and the full movement curb cut in the center of the property

F. Any curb cut along the Winchester Road frontage beginning closer than 300 feet from the centerline of Malco Way will be limited to right in/right access only.

G. 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.

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

IV. SIGNAGE: Signage shall be governed by the regulations of the CMU-2 District.

V. LANDSCAPING:

A. An "S" series streetscape plate or alternative equivalent, acceptable to Office of Planning and Development, shall be installed along the Winchester Road and Malco Way frontages of this site.

B. A Class III buffer or alternative equivalent, acceptable to Office of Planning and Development, shall be installed along the southern property line.

C. All landscaped areas shall be provided exclusive of any easements and shall not conflict with any easements, including overhead wires.

D. Internal landscaping shall be provided at a ratio of 300 square feet of landscaped area and one shade tree for every 20 parking spaces.

E. All other landscaping required on the site shall comply with Section 4.7 of the Unified Development Code.

F. The trash dumpsters shall be screened from public view with sigh-proof fencing and evergreen plantings.

G. All HVAC equipment shall be screened from view and the public roads by the use of landscaping, sight-proof fencing, or architectural features.

H. All landscaping condition shall be complied with prior to a Certificate of Occupancy being issued on any portion of the property within the boundaries of this planned development.

VI. DRAINAGE:

A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with the Unified Development Code and the City of Memphis Drainage Design Manual.

B. All drainage plans shall be submitted to the City Engineer for review.

VII. ARCHITECTURAL STANDARDS:

Building design and materials shall be of similar character and color subject to review and approval by OPD and made a part of the final plan prior to recording.

VIII. SITE PLAN REVIEW:

A. A site plan shall be submitted for review, comment and recommendation of appropriate City agencies and for approval by the Office of Planning and Development prior to the recordation of any final plat. If the developer is in disagreement with OPD, they may appeal the decision to the Land Use Control Board.

B. The site plan shall include the following:
1. The location and dimensions of buildings, structures, and parking areas.
2. The location of streets and private drives and the number and location of curb cuts.
3. The location and use of open spaces.
4. Internal and perimeter landscaping.
5. Lot lines, the number of dwelling units, building floor area, and other appropriate information.
6. Any detached signage detail including location, size, height, and appearance.

C. The site plan shall be reviewed based upon the following criteria:
1. Conformance with the Outline Plan conditions.
2. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, and landscaping.

D. The Land Use Control Board may modify the signage, parking, access, building setback, building height, loading, screening, and other site requirements if equivalent alternatives are presented; provided public notification must be mailed to all adjacent property owners to the planned development and all property owners within the planned development. Any notified 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 the Office of Planning and Development to have such action reviewed by appropriate governing bodies.

E. The Outline Plan shall be recorded within five (5) years of the approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

F. Any final plat shall include the following:

1. The Outline Plan Conditions.
2. A Standard Subdivision Contract as defined by the Unified Development Code.
3. The exact location and dimensions, including height, of all building or buildable areas, parking areas, drives, and required landscaping.
4. The number of parking spaces.
5. The location and ownership, whether public or private, of any easement.
6. A statement conveying all common facilities and areas to a homeowners' or property owners' association or other entity for ownership and maintenance purposes.
7. The 100 year flood elevation.

G. The following note shall be placed on the final plat of any development requiring on-site 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 Engineering 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: 217.44

Zoning Atlas Page: 2350/2540

Parcel ID: 093500 00519C

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. Dedicate and improve Malco Way, 34 feet from the centerline along the west property line, from Winchester to the south edge of Malco Crossing, in the first phase of development. All design and construction shall be in accordance with the construction standards of the City Engineer’s office.

5. 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.

Curb Cuts/Access:

6. The City Engineer shall approve the design, number and location of curb cuts.

7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

8. 2 full movement curb cuts will be permitted along the Winchester Road frontage. One shall be located on the east property line and shall grant mutual access to the neighboring property known as Easttowne Village CP. The second curb cut shall be aligned with the existing curb opening on the north side of Winchester, approximately 380 feet from the centerline of Malco Way.

9. One right-in, right-out channelized curb opening will be permitted and shall be located midway between Malco Way and the full movement curb cut in the center of the property.

10. Any curb cut along the Winchester Road frontage beginning closer than 300 feet from the centerline of Malco Way will be limited to right in/right access only.

11. 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,

Private Drives:
12. 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').

Drainage:
13. 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.

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

15. 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:
16. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

17. The width of all existing off-street sewer easements shall be widened to meet current city standards.

18. 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.

19. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: This seems to be a request for a zoning change.

City Real Estate: No comments received.

City/County Health Department: No comments received.

City Board of Education:

Winchester-Riverdale Planned Development The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests.

Memphis Light, Gas and Water: No comments received.

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.

Landmarks Commission: No comments received.

Memphis Park Commission: No comments received.

Neighborhood Association:

Buckingham Farms N.A.: No comments received.
Burlington Area N.A.: No comments received.
Southeast Shelby County Coalition: No comments received.