MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT #12

CASE NUMBER: PD 11-308 **L.U.C.B. MEETING:** June 9, 2011

DEVELOPMENT NAME: The Stone Institue Planned Development

LOCATION: ~~West~~ North side of Collierville-Arlington Road: +/-242 feet ~~to~~ West of the intersection of Washington Road

COUNCIL DISTRICT: 1

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: Kevin Merigian **AREA:** 4.04 Acres

REPRESENTATIVE: Solomito Land Planning (Brenda Solomito)

REQUEST: A private medical office with a self contained pharmacy for office patients, a private art gallery/studio on the site.

EXISTING LAND USE & ZONING: Vacant Land in the Conservation Agriculture (CA) and Residential Single Family-15 (R-15) Districts

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

APPROVAL WITH CONDITIONS

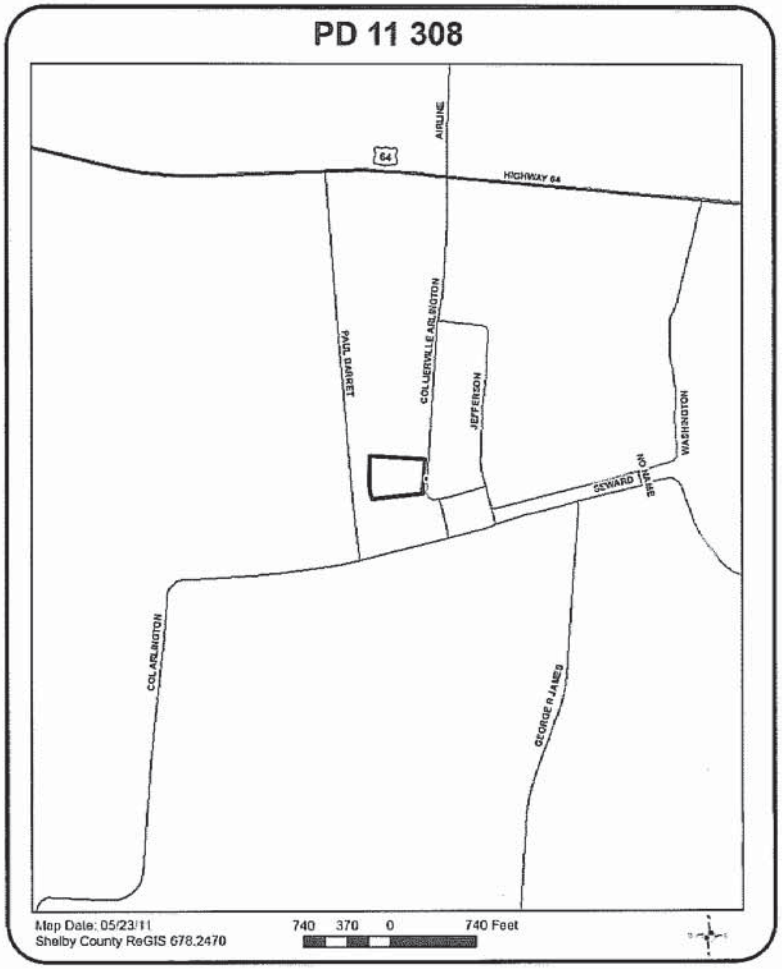
CONCLUSIONS

1.The review of this request is a study in contrasts. The subject proposal is for a single practitioner's office on a large rural lot. There is an adopted plan that recommends urban level land uses in close proximity to an established rural community. There is urban level zoning to the east of the subject property and the re-use of former residential buildings in limited commercial uses (primarily arts and crafts). There is a Post Office and a large lot with an historic building devoted to a public meeting space that all combined make a small and idealic public square.

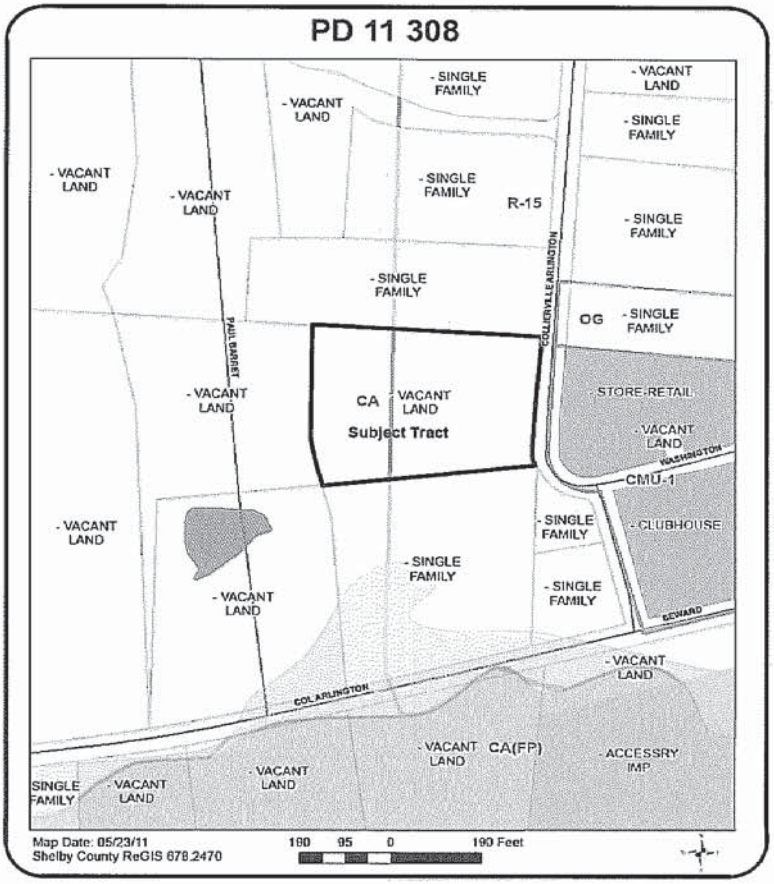
2. The proposed use at this location may at first glance seem premature, given that there is land between this site and Highway 64 that could be developed for this purpose. However, this use at this location could and should serve as a marker for the southern limits of urban uses in this area. While some redevelopment of this site may be proposed in the future when public sewer is extended and some widening of Collierville Arlington has taken place, the proposed use should serve as an interim use which will not place an unreasonable demand on the existing public facilities.

Staff: Don Jones E-Mail: john.jones@memphistn.gov

Generalized Location Map



LAND USE AND ZONING MAP



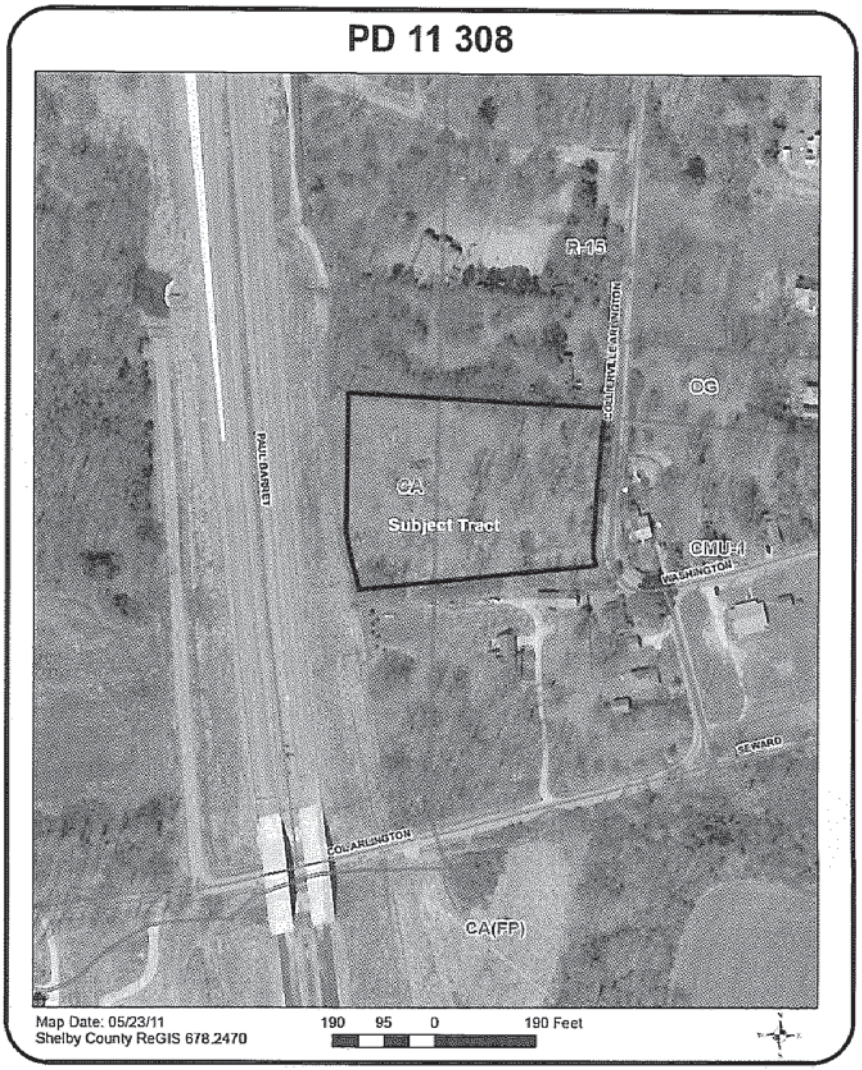
SURROUNDING LAND USES AND ZONING:

North and South: Residential dwelling units on large lots in the Single Family Residential (R-15) and Conservation Agriculture (CA) Districts

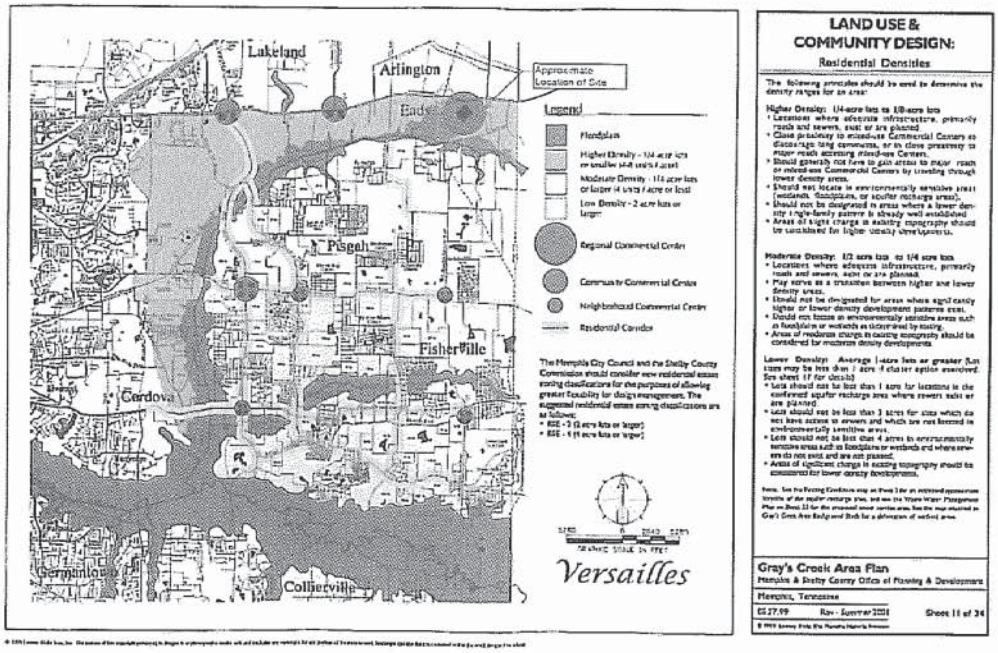
East: Commercial uses in the Commercial Mixed Use (CMU-1 District

West: Right of Way for Highway 385

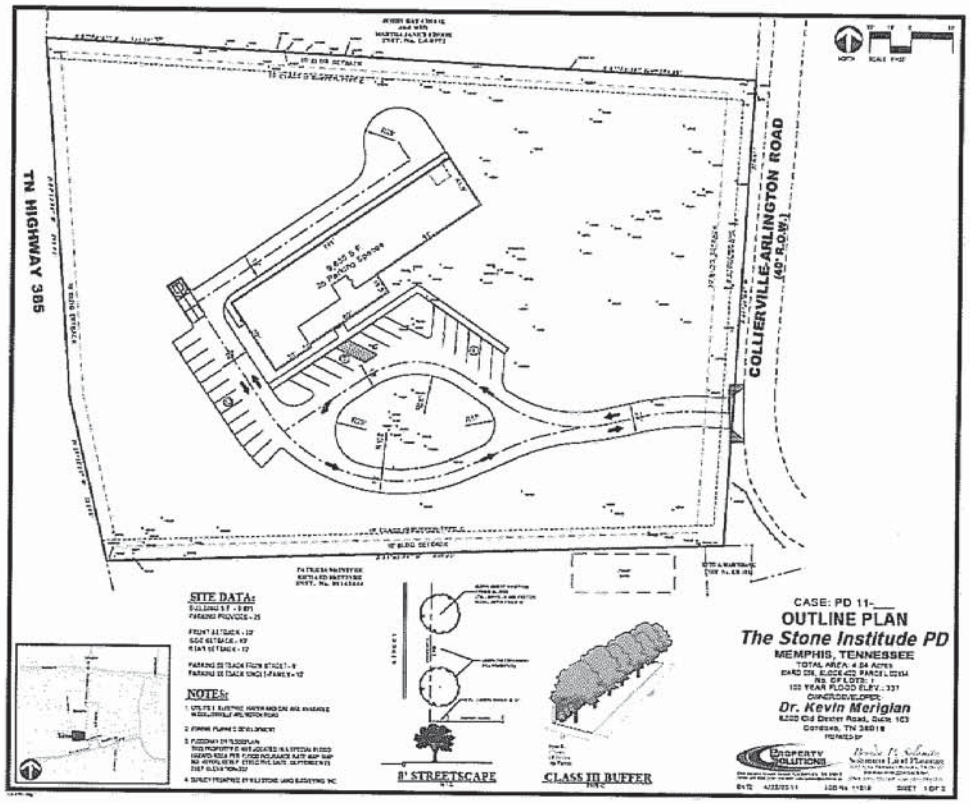
Aerial View


PD 11 308
R-15
DG
CA
Subject Tract
CMU-1
PAUL BARLEY
COLLIERVILLE ARLINGTON
WASHINGTON
SEWARD
COLARLINGTON
CA(FP)
Map Date: 05/23/11
Shelby County ReGIS 678.2470
190 95 0 190 Feet

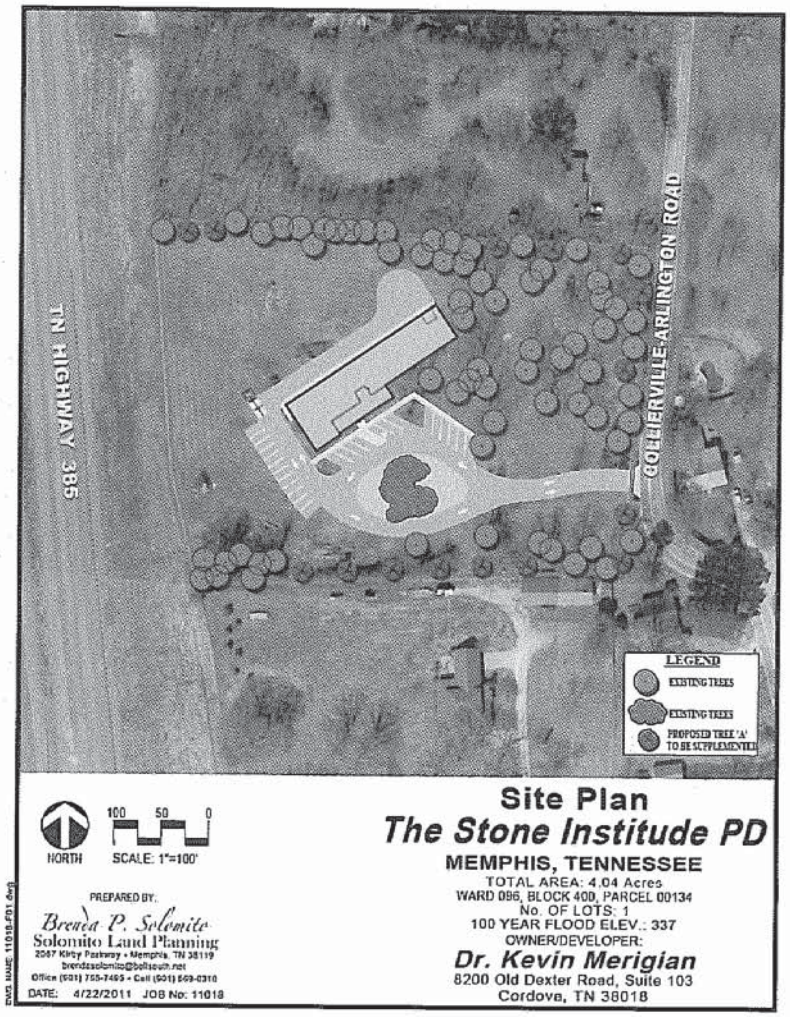
Grays Creek Area Plan



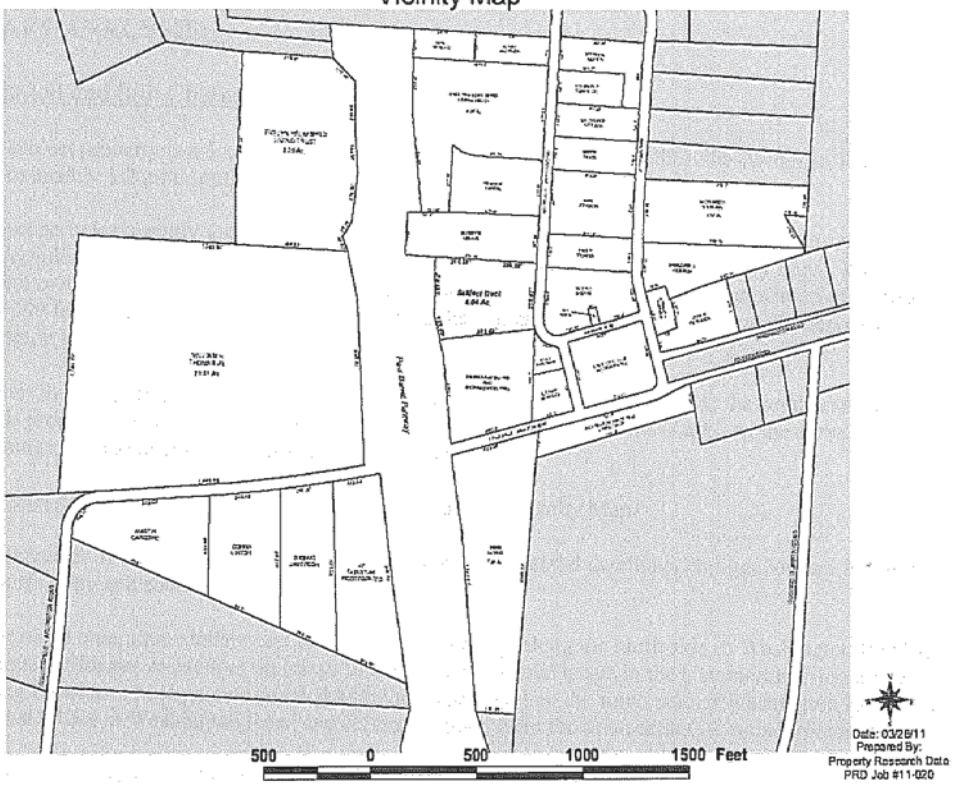
Outline Plan



Illustrated Site Plan



Vicinity Map



interconnection between land uses, small blocks, and places a premium on good urban design. In anticipation of the Grays Creek Interceptor, the plan calls for making the connection to the interceptor when available. When not immediately available, the plan calls for making allowances for the eventual connection by providing an easement and a dry sewer system.

Request:

The applicant's request is be allowed to establish a small private medical office and private art gallery/studio on the site. Also included in the building will be a self contained pharmacy for the benefit of the medical office.

Dr, Kevin Merigian will be the owner and sole physician for the Stone Institute along with 5 staff members. The letter of explanation states that the office will operate with limited hours usually Monday thru Friday. According to the letter, a typical day's patients load ranges from between 6 to 10 persons.

The site plan shows one building of approximately 9,800 square feet in area served by a single entry at Collierville Arlington Road. The building, connecting road, and parking area have been located in a more or less clear area of the site so as to minimize the loss of mature trees. The Site Plan illustrates where trees will be added to supplement the streetscape and the screening to the north and south. The proposed drive is located at or near the highest elevation of the site.

Review of Request:

The review of this request is a study in contrasts. The subject proposal is for a single practitioner's office on a large rural lot. There is an adopted plan that recommends urban level land uses in close proximity to an established rural community. There is urban level zoning to the east of the subject property and the re-use of former residential buildings in limited commercial uses (primarily arts and crafts). There is a Post Office and a large lot with an historic building devoted to a public meeting space that all combined make a small and idealic public square.

Serving this area is a series of two land rural roads, with an urban freeway to the west and a state highway to the north.

Requested Use - At its most basic level, this is a request to introduce a medical office into a predominately residential area. In land planning, office is considered a transitional use between commercial and residential use. In this instance, the office is a 9,835 square foot building, which is large in comparison to its residential neighbors but sits in the middle of a large 4 acre site. The setback, preservation of existing trees, and planting of additional trees provide a balance between the size of the building and the surrounding area. Just as important is the fact that the intended user of the property is a sole practitioner which will limit the amount of activity on the site. Other uses associated with this site such as the art gallery and/or studio may attract some additional traffic, but it does not appear to be out of character for the area considering that there are similar uses nearby.

The proposed use at this location may at first glance seem premature, given that there is land between this site and Highway 64 that could be developed for this purpose. However, this use at this location could and should serve as a marker for the southern limits of urban uses in this area. While some redevelopment of this site may be proposed in the future when public sewer is extended and some widening of Collierville-Arlington has taken place, the proposed use should serve as an interim use which will not place an unreasonable demand on the existing public facilities.

Site Plan

Some changes to the site plan are needed. The most notably change is to the location of the entry drive. This driveway is located very close to the beginning of the S curve in Collierville-Arlington and needs to be relocated. Other changes include some revisions to the setbacks.

This plan is being reviewed as a one phase site plan to allow the building and parking as shown on the Outline Plan/Site Plan. While the conditions allow for multiple buildings on the lot, this plan does not illustrate that concept. Changes to the Site Plan and Conditions will require the filing of an application. The type of application and the required notice are subject to the discretion of the Planning Director.

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

OUTLINE PLAN CONDITIONS

The Stone Institute Planned Development
P.D. 11-308

I. PERMITTED USES

A. The following uses shall be permitted:

1. The building shown on the Outline Plan may include a residential unit for the applicant.
2. Medical offices
3. Private Pharmacy for the benefit of the medical office, not for the benefit of the general public
4. Art Studio
5. Private Art Gallery
6. Multiple buildings
7. The medical practice associated with this request shall be limited to a sole practitioner and staff.

II. BULK REGULATIONS

A. The bulk regulations shall be as follows:

1. Front Yard Setback – Minimum of 40 feet
2. Side Yard Setback – Minimum of 30 feet
3. Rear Yard Setback – Minimum of 10 feet
4. Maximum Building Height – 35 feet
5. Multiple Buildings are permitted on site.

B. Parking Setbacks shall be as follows:

1. From Street – 30 feet
2. Adjacent to single family – 20 feet
3. Adjacent to multi-family or non-residential – 10 feet

C. The building shall be designed to have a residential appearance with features such as a pitched roof, residential type shingles, a porch, a front door, and windows of a residential size.

III. CIRCULATION, ACCESS, PARKING, AND SITE LIGHTING

A. Parking and/or loading spaces shall be illustrated on final plat and shall conform to the current requirements of the Unified Development Code.

B. The number, type, and location of curb cuts shall be subject to the approval of the City Engineer.

C. Dedicate 25 feet from the centerline of Collierville Arlington consistent with the Proposed 2-Lane Urban Cross Section (50 feet of R-O-W) found in the Grays Creek Area Plan, Sheet 20 of 24, improvement shall not be required at this time.

D. The driveway connection shall be an asphalt driveway connection.

E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

G. The location of any free standing light poles shall be illustrated on the Final Plat, and a lighting plan meeting the requirements for an office use shall be required.

IV. LANDSCAPING

Landscaping shall be provided as generally depicted on the Outline /Final plat, Specifically:

A. Collierville Arlington Road – Provide landscape treatment as required by the S-12 Plate or an equivalent that is acceptable to the Office of Planning and Development. Tree A's from the approved planting list shall be supplemented along the street frontage as illustrated on the outline/final plat.

B. A Class III, Type C Buffer shall be provided to supplement the existing landscaping along the northern and southern boundaries. No fence shall be required.

C. Along the west property line, a Class I A Buffer shall be required.

D. The Final Plat shall demonstrate conformance with the Tree Ordinance.

IV. SIGNS

All signage shall be regulated by the R-District Requirements.

V. DRAINAGE AND SEWER PLANS:

A. 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.

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

C. The Final plat shall indicate the location of the septic tank well field, and conformance with the requirements of the Health Department for the installation of a Septic Tank. The plat shall include a signature block for the Memphis and Shelby County Health Department indicating all appropriate requirements have been met.

D. Install a dry sewer in anticipation of the extension of sanitary sewer into this area. The location and size of the sewer line and easement shall be at the discretion of the City Engineer, unless this requirement is waved by the City Engineer.

VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, appeal the decision of the Land Use Control Board to the appropriate governing body as outlined in the Unified Development Code.

VII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.

VIII. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:

A. The Outline Plan conditions.

B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

C. The location and ownership, whether public or privates of any easement.

D. All common, open areas, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by the Property Owner or a Property Owners' Association. A statement to this effect shall appear on the final plan.

E. 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 and/or County 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 and/or

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:	Collierville-Arlington --- 339.67 Feet
Planning District:	East Central Shelby The Grays Creek Area Plan was adopted in 2001 to serve as a guide for the future development of this area
Census Tract:	210.10
Zoning Atlas Page:	1865
Parcel ID:	096400 00134

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. No City sewers are currently available to serve this site.

3. The Memphis and Shelby County Health Department shall approve private septic tanks for each lot.

Roads:

4. Dedicate 34 feet from centerline of Collierville Arlington Road along the frontage of this site. No improvements required.

Curb Cuts/Access:

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

6. The sight distance from the proposed location of the driveway appears insufficient. The driveway shall be moved further north to a location where adequate sight distance is achieved.

7. The driveway connection shall be an asphalt driveway connection, rather than the standard urban curb cut shown on the plan.

Drainage:

8. 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.

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

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.

Site Plan Notes:

11. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

12. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

13. 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.

14. 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:

1. Conventional subsurface sewage disposal statutory criteria T.C.A. 68-221-403 (c) which requires either a high intensity soils evaluation by a soil scientist certified by the State of Tennessee or a percolation test must be performed to verify that the soil is sufficiently permeable to allow proper absorption of the sewage into the soil. The soil mapping or percolation test must be performed as outlined in the Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.02 (3).
2. For proposed subdivisions and Planned Unit Developments a plat with results of a soil evaluation performed by a soil scientist certified by the Department must be submitted in order to assure that the soil is suitable for subsurface sewage disposal systems for the proposed development.

3. If a subsurface sewage system can not be sited using the above two requirements, then any alternative system approved by the Tennessee Department of Environment and Conservation pursuant to Title 68, Chapter 221, Part 4 Subsurface Sewage Disposal Systems as of the date of septic system permit application receipt at the Memphis and Shelby County Health Department could be permitted by the Department as outlined in the Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.14.
4. As outlined in Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.03, areas consisting of fill material shall be excluded from the area considered for the installation of the disposal field unless soil conditions provide for adequate filtration and will prevent outcropping of sewage effluent.
5. Subsurface sewage disposal systems or field lines cannot be installed within the designated boundaries of the one hundred (100) year floodplain or flood zone.
6. Abandoned wells of any type at the site must be properly filled as outlined in the Shelby County Well Construction Code, Sections 6 and 9.
7. The minimal lot size must be two acres excluding lakes, ponds, utility easements or similar usage.
8. Each lot must show the proposed location of the house in order to properly assess the lot so that both an original as well as a duplicate disposal field bed area can be sited for each proposed home for all lots in the subdivision.
9. An area denoted by "Reserved for Storm Water Detention" shall be located and not be used as a building site or filled without first obtaining written permission from the City and/or County 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.

City Board of Education:

The Stone Institute 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.

Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
AT&T/Bell South:	No comments received.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.

OPD-Comprehensive Planning: No comments received.

Neighborhood Associations:

Fisherville Civic Club: No comments received

Gray's Creek Association: No comments received