

ADDENDUM
STAFF REPORT

10

CASE NUMBER: P. D. 11-304 CC **L.U.C.B. MEETING:** June 9, 2011
Heard May 12, 2011

DEVELOPMENT: SHELBY DRIVE/GERMANTOWN ROAD PLANNED DEVELOPMENT,
4th Amendment

LOCATION: North side of E. Shelby Drive; +/-516.33 feet west of Germantown Road

COMMISSION DISTRICT: District 4

OWNER/APPLICANT: Eulyse M. Smith Estate

REPRESENTATIVE: ETI Corporation

REQUEST: Planned development amendment to allow one(1) retail building in Parcel 'C' and to change the Concept Plan for remaining Parcels 'A', 'B' & 'C' of the Outline Plan

AREA: 6.42 Acres

On Thursday, May 12, 2011 the staff recommended and the Land Use Control Board granted approval of this plan amendment with conditions to allow one (1) retail building at E. Shelby Drive in Parcel 'C' and to change the Concept Plan for remaining Parcels 'A', 'B', & 'C' to develop for a maximum of seventeen(17) detached single family homes and a maximum of eighteen(18) attached homes on the balance of surplus property. The project was presented at a neighborhood meeting by the applicant's representatives and the residential component for attached residential dwelling units was supported by Harvest Knoll Neighborhood Association, but the retail store and detached residential units could not be supported by the neighborhood association.

However, since that time during project review a mistake was recognized in public notification to adjacent property owners, but signs were posted on the property indicating a public hearing. The mistake was in the vicinity and notification map that identified and illustrated the retail commercial parcel amendment only and not the balance of the property proposed for residential in the plan amendment. The applicant submitted new maps and notification labels and public notices were mailed to adjacent property owners within five-hundred(500) feet as well as sign postings to satisfy public notice requirements.

The staff recommended approval of the plan amendments with conditions as did the Land Use Control Board. There was no opposition present at the May, 2011 board meeting, but a letter from the Harvest Knoll Neighborhood Association was included in the Staff Report. The recommendation of staff has not changed, because another small retail store would balance the retail within a new Alternative Concept Plan with lower building coverage and low density residential development. However, since there is concern regarding housing types from area residents, staff is recommending Site Plan Review by the Land Use Control Board(See X. D.) for the residential amendment to the plan on the balance of surplus parcels A, B, & C.

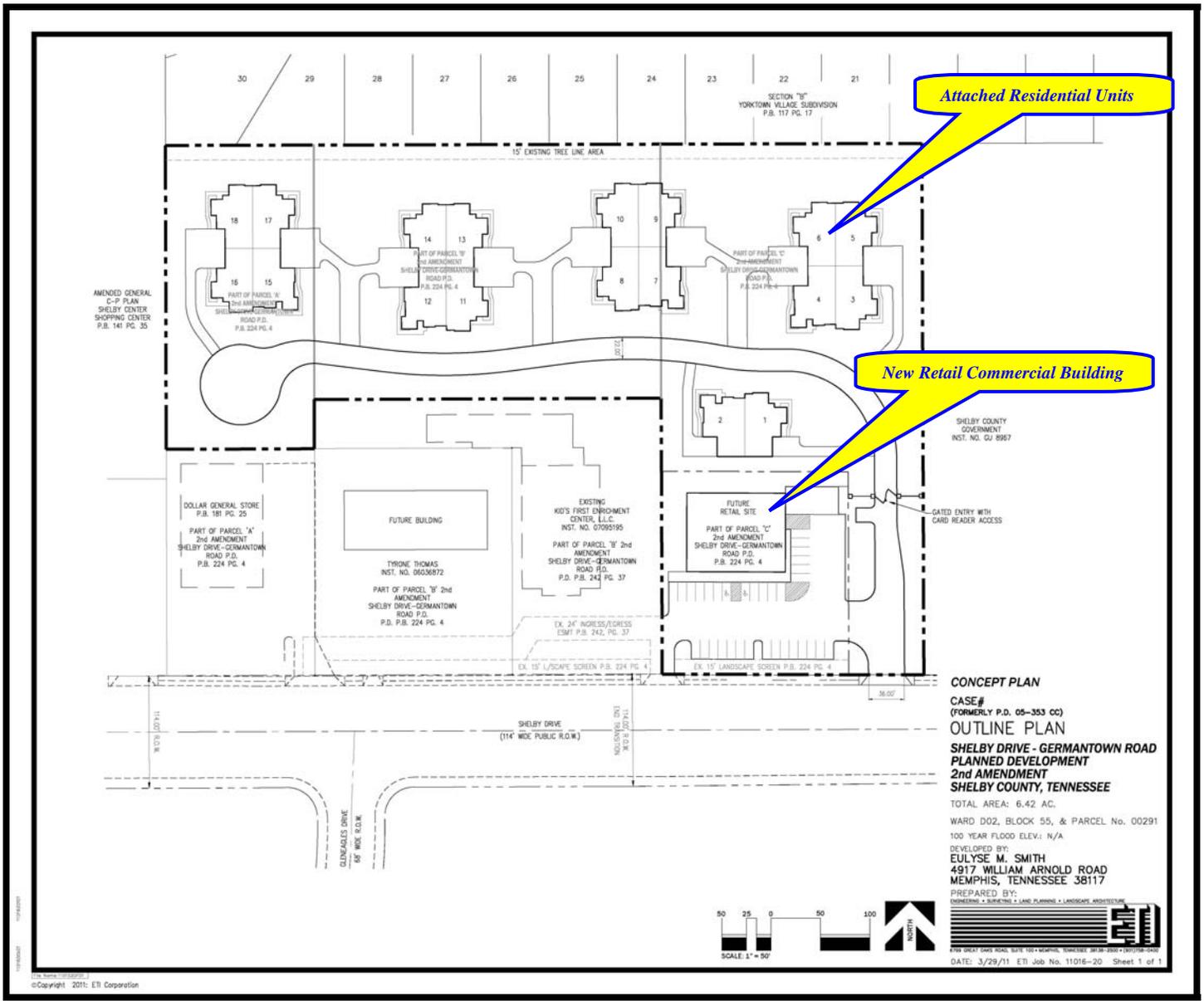
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

Staff: *Brian Bacchus*

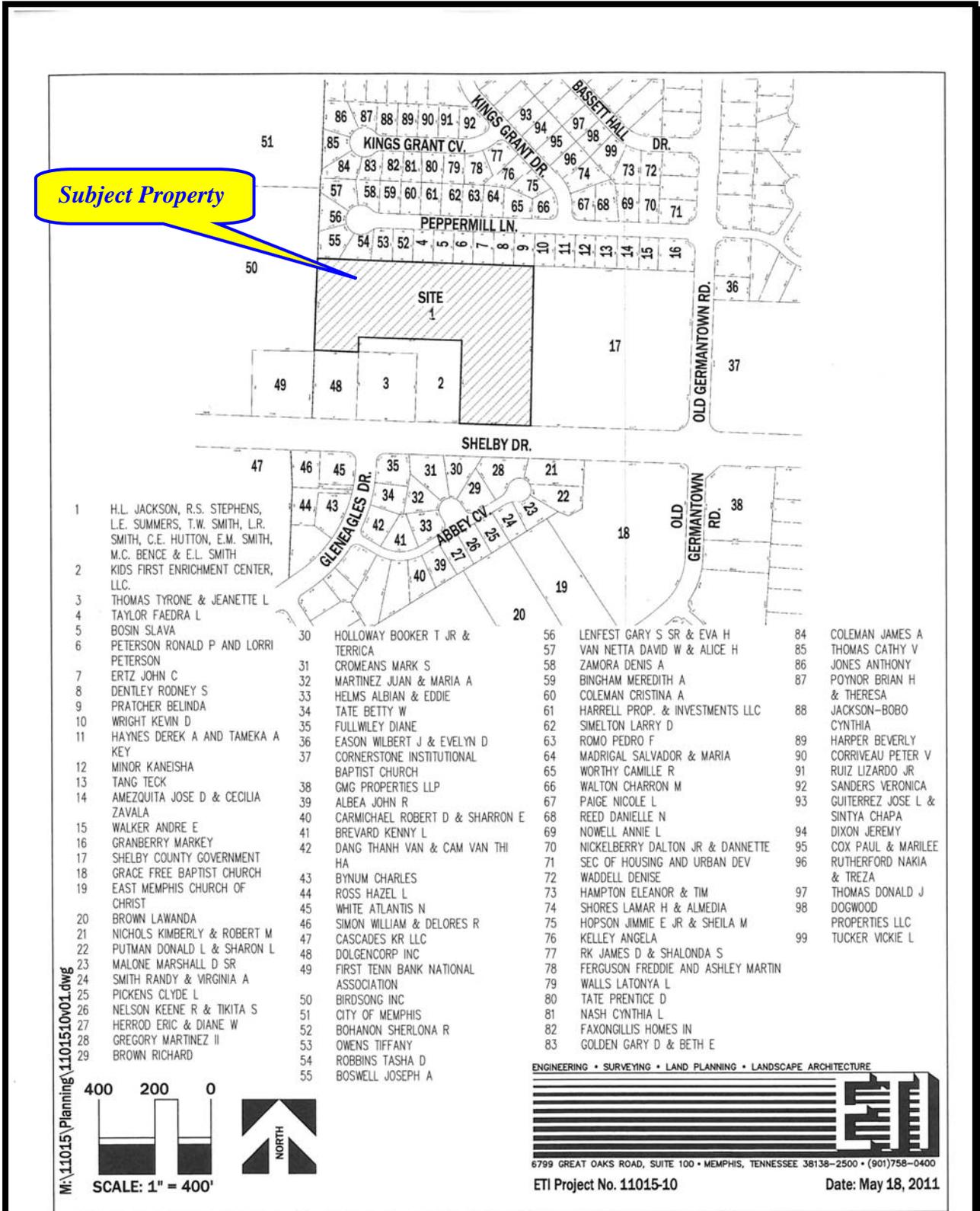
E-mail: brian.bacchus@memphistn.gov

New Alternative Concept Plan



©Copyright 2011: ETI Corporation

New Vicinity & Ownership Map



Opposition:

From: Chris Ertz [certz@bellsouth.net]

Sent: Tuesday, May 31, 2011 1:45 PM

To: Bacchus, Brian

Subject: Case Number P.D. 11-304 CC Shelby Drive - Germantown Road Planned Development

Hello Brian Bacchus,

I am against the changes to the zoning of the 3 parcels of land, once known as, the Eulyse M. Smith Estate.

The main reason is the close proximity to existing homes and the crowded arrangement of the plan.

This zoning change will continue to devalue the existing property in the zip code.

The zip code has already been devalued due to section 8 housing in the area and the poor economy.

The proposed apartments will be over looking into the back yards of the existing homes, one of them mine.

The necessary security lighting will be blaring into the windows of our homes.

The necessary security fence will be an eyesore.

The reality of apartment living:

The noise from parties,

The lack of adequate parking for 2+ cars per dwelling, plus boats, RV's, visitors, etc.,
One of the immediate downfalls of zero lot line homes is lack of adequate parking.

The lack of street frontage, this will allow the landlord to let go of required maintenance.

These are all the reality aspects of changing this zoning.

It is important that all building have curb appeal. It helps to keep neighborhoods safe.

Since the property is now considered commercial. It is better to keep it that way.

An office park or retail stores are better suited for this property than low rent apartments.

Sincerely,

John Christopher Ertz
7151 Peppermill Lane
Memphis, TN 38125
(901) 292-3827

Letter from Harvest Knoll Ngh'd Association

April 11, 2011

Mr. Ralph B. Smith
ETI Corporation
6799 Great Oaks Road. Suite 100
Memphis, TN. 38138-2500

Re: ETI Project No.: 11006-00

Dear Mr. Smith:

The Harvest Knoll Community Association has received the plans and proposed amendment changes to the above referenced Project Number. This proposed amendment was presented to the homeowners at the regular monthly meeting on the above date. The amendments were explained and a open discussion was held on the amendment by the membership. On ETI Project No. 11016-20 Proposed (17) Single-Family Detached Lots the Association cannot endorse this amendment. The Association was of the opinion that the concentration of 17 homes would be too high for that designated area. However the association voted to endorse the Planned Development 2nd Amendment Case No. PD 05-363-00 Senior Citizen Quad Housing Proposal. The membership felt it would be better maintained by mandatory maintenance on purchase of the Quad Homes. The proposed site on parcel "C" for a future retail site of a thrift store also cannot be endorsed by the association for the following reasons. There is already a retail thrift store, Dollar Store, within 450 feet of the proposed site on Parcel "C", and within .35 of a mile West on the north side of Shelby Drive another Dollar Store is located. Also within .55 of a mile from the proposed site another Thrift Store is located. The Association feels that the concentration of these thrift stores or Dollar Stores in every way is excessive retail outlets in such a small area.

The Harvest Knoll Association would like to go on record with ETI Corporation that our position is we can endorse the Senior Citizens Quad Construction on Block 55, Parcel No 00291 but choose by membership vote to NOT ENDORSE the construction of single family dwellings on the same parcel by a 2nd amendment.

The Harvest Knoll Association would also like to go on record with ETI Corporation that our position is to NOT ENDORSE the thrift store amendment as listed in the above as reasons described.



Robert Bogue
Board Member, Harvest Knoll Community Assn.
4759 Harvest Knoll Cove. N. Memphis TN 38125

OUTLINE PLAN CONDITIONS: *[Amendments: **Bold-Blue, Italic & Underlined**]*

I. Uses Permitted:

A. Parcel 'A' is permitted the following uses:

1. Church
2. Day care center
3. Group day care
4. Hospital
5. Museum
6. Nursing home
7. Park
8. Philanthropic institution
9. School
10. Art/photo studio or gallery
11. Bank
12. Barber or beauty shop
13. Business school
14. Flower or plant store
15. Music or dance academy
16. Offices
17. Radio or television studio
18. Recording studio
19. Restaurant(excluding drive-ins)
20. One(1) department/retail store

B. Parcel 'B' is permitted the same uses as Parcel 'A', except a Master Concept Plan of development shall be submitted and subject to review and approval by the Office of Planning & Development.

C. Parcel 'C' is permitted an out-patient surgery center and doctors' offices.

D. *A retail commercial establishment shall be permitted in Parcel 'C' as generally depicted on the Outline/Concept Plan of development.*

E. *Household living for residential single family detached and single family attached housing shall be permitted in Parcels 'A', 'B' & 'C' as generally depicted on the Outline/Concept Plan.*

II. Bulk Regulations:

In accordance with the **Commercial Mixed-Use(CMU-2)** District with the following exceptions:

A. The building setback from Shelby Drive shall be 60 feet.

B. *The maximum number of single family detached shall be seventeen (17) residential dwelling units.*

- C. The maximum number of single family attached shall be eighteen(18) residential dwelling units.
- D. Building setbacks for single family detached residential dwelling units shall have a minimum rear yard of twenty-five(25) feet and a fifteen(15) foot front yard, except a minimum building setback for front-loaded garages shall be twenty-five(25) feet.
- E. Building setbacks for single family attached residential dwelling units shall be a minimum of thirty-five(35) feet from the north and west property lines, a minimum of fifteen(15) feet from the private drive and a minimum of fifteen(15) feet from the south property line.

III. Access:

- A. Dedicate fifty-seven(57) feet from centerline of Shelby Drive and improve with full urban improvements.
- B. A maximum of three (3) curb-cuts, including the private drive shall be permitted along Shelby Drive. The design and location of these curb-cuts shall be subject to the approval of County and City Engineering.
- C. All private drive cul-de-sac turn-arounds shall have a minimum paved diameter of 66 feet. If the cul-de-sac exceeds 300 feet in length, the turn-around shall have a minimum paved diameter of 80 feet or shall be posted as a "Fire Lane" (Reference Section 602.6.7 of City Fire Code).
- D. 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').
- 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.

- IV. Parking: Shall be as prescribed in Chart 4 of the Memphis and Shelby County Zoning Ordinance-Regulations.
- V. Circulation: Internal circulation shall be required between all office/commercial adjacent phases and areas. All private streets and common open space shall be owned and maintained by a Property Owners Association.

VI. Landscaping, Screening and Lighting:

- A. Property along Shelby Drive shall be screened using Landscape Plate 'A-3' modified to a width of fifteen(15) feet.
- B. Existing vegetation shall be preserved along the northern property line and supplemented with Evergreen trees and shrubs for any attached housing subject to approval by the Office of Planning and Development.
- C. Internal landscaping for office/commercial shall be required based on the number of parking spaces provided. Three-hundred (300) square feet of landscaping and one(1) Tree 'A' shall be provided per every ten(10) parking spaces or fraction thereof.
- D. Required landscaping shall be located outside of all easements and overhead wires.
- E. The content and placement of all landscaping for office/commercial and attached residential uses shall be subject to the approval of the Office of Planning and Development.
- F. Office/commercial use lighting shall be directed to minimize glare and/or reflection toward residential property. Lighting shall be prohibited on the north side of the building.
- G. Office/commercial use refuse containers and loading docks shall be screened from view from adjacent properties and from public roads.
- H. Office/commercial use heating and air conditioning equipment, including that located on the roof shall be screened through the use of architectural features of the building.
- I. Office/commercial use utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.
- J. A detailed landscape and site lighting plan for office/commercial uses shall be approved by the Office of Planning and Development prior to the issuance of any building permit. Further, no final use and occupancy permit shall be issued without the express written certification by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plans. The lighting plan shall illustrate conformance with the following standards:
 - 1. Parking lot light sources shall be shielded and shall not be visible from any public right-of-way or adjacent properties.
 - 2. All pole mounted lighting fixtures shall be cutoff fixtures.
 - 3. Lighting fixtures shall be a maximum of thirty(30') feet in height within parking areas and shall be a maximum of fifteen(15') feet in height within non-vehicular pedestrian areas.

4. All light fixtures located within fifty(50') feet of any residential district shall not exceed fifteen(15') feet in height.
5. Building mounted light sources other than decorative fixtures, shall not be visible from any public right-of-way or adjacent properties.
6. All site lighting shall be designed so that the level of illumination as measured in foot candles(fc) at any one point meets the standards as set forth in the latest edition of the Illuminating Engineering Society of North America (ESNA) guidelines.
7. Fixtures shall be mounted in such a manner that the cone of light is contained on site and does not cross any property line of the site.

K. A detailed 'Landscape Plan' shall be included in the final plan of development for any residential attached household living units illustrating plant materials and an 'Undisturbed Natural Buffer' along the north property line.

VII. Signs:

A. Detached Signs:

1. Each office/commercial use parcel shall be permitted one(1) detached sign for a total of three(3) signs. These signs shall be ground mounted with a maximum height of seven (7) feet, and a maximum surface area of thirty-five (35) square feet. These signs shall be illuminated using light projected from ground mounted fixtures. Internal illumination shall not be permitted.
2. A ground-mounted sign with a maximum of seven(7) feet and a maximum surface area of thirty-five(35) square feet shall be permitted along Shelby Drive for any attached residential development.
3. A detached residential entrance sign shall be permitted along Shelby Drive in accordance with the Unified Development Code for any detached residential development.

B. Attached Signs:

Each office/commercial use establishment shall be permitted one(1) attached sign with a total surface area of thirty-five(35) square feet and shall be placed on the wall facing toward Shelby Drive.

VIII. Drainage:

- A. All drainage improvements to be provided in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual and subject to the approval of the City and County Engineer.
- B. This development must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

IX. Modifications:

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, within ten(10) days of such action file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Appropriate Governing Bodies.

X. Other:

- A. All office/commercial use buildings, signs and other structures shall be constructed in a complementary architectural style and use complementary building materials.
- B. In Parcel 'C' the proposed office/commercial use building shall be constructed using brick or brick with some concrete block in an earth tone color. The roof shall be green or dark gray in color.
- C. A rendering of the exterior appearance of proposed office/commercial use buildings and signs with proposed siding and roof materials labeled shall be provided on any final plan subject to the approval of the Office of Planning and Development.
- D. *A Site Plan shall be submitted and approved by the Land Use Control Board prior to final plan approval of any new residential development on the balance of Parcels 'A', 'B' & 'C' with public notice to adjacent property owners and area neighborhood associations subject to appeal to the legislative bodies.*

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 location and dimensions of office/commercial use building footprints pedestrian and utility easements, service drives, trash receptacles, loading facilities and required landscaping and screening areas.
- D. The content of all landscaping and screening to be provided.
- E. The location and ownership whether public or private of any easements.

- F. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity for ownership and maintenance purposes.
- G. Building and sign illustrations as required by Condition X.
- 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 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.

P.D. 11-304 CC (formerly P.D. 08-312 CC)
Shelby Drive/Germantown Planned Development, 4th Amendment

STAFF REPORT

CASE NUMBER: P. D. 11-304 CC **L.U.C.B. MEETING:** May 12, 2011

DEVELOPMENT: SHELBY DRIVE/GERMANTOWN ROAD PLANNED DEVELOPMENT, 4th Amendment

LOCATION: North side of E. Shelby Drive; +/-516.33 feet west of Germantown Road

COMMISSION DISTRICT: District 4

OWNER/APPLICANT: Eulyse M. Smith Estate

REPRESENTATIVE: ETI Corporation

REQUEST: Planned development amendment to allow one(1) retail building in Parcel 'C' and to change the Concept Plan for remaining Parcels 'A', 'B' & 'C' of the Outline Plan

AREA: 6.42 Acres

EXISTING LAND USE & ZONING: Governed by Shelby Drive/Germantown Road Planned Development, 4th Amendment(P.D. 08-312 CC).

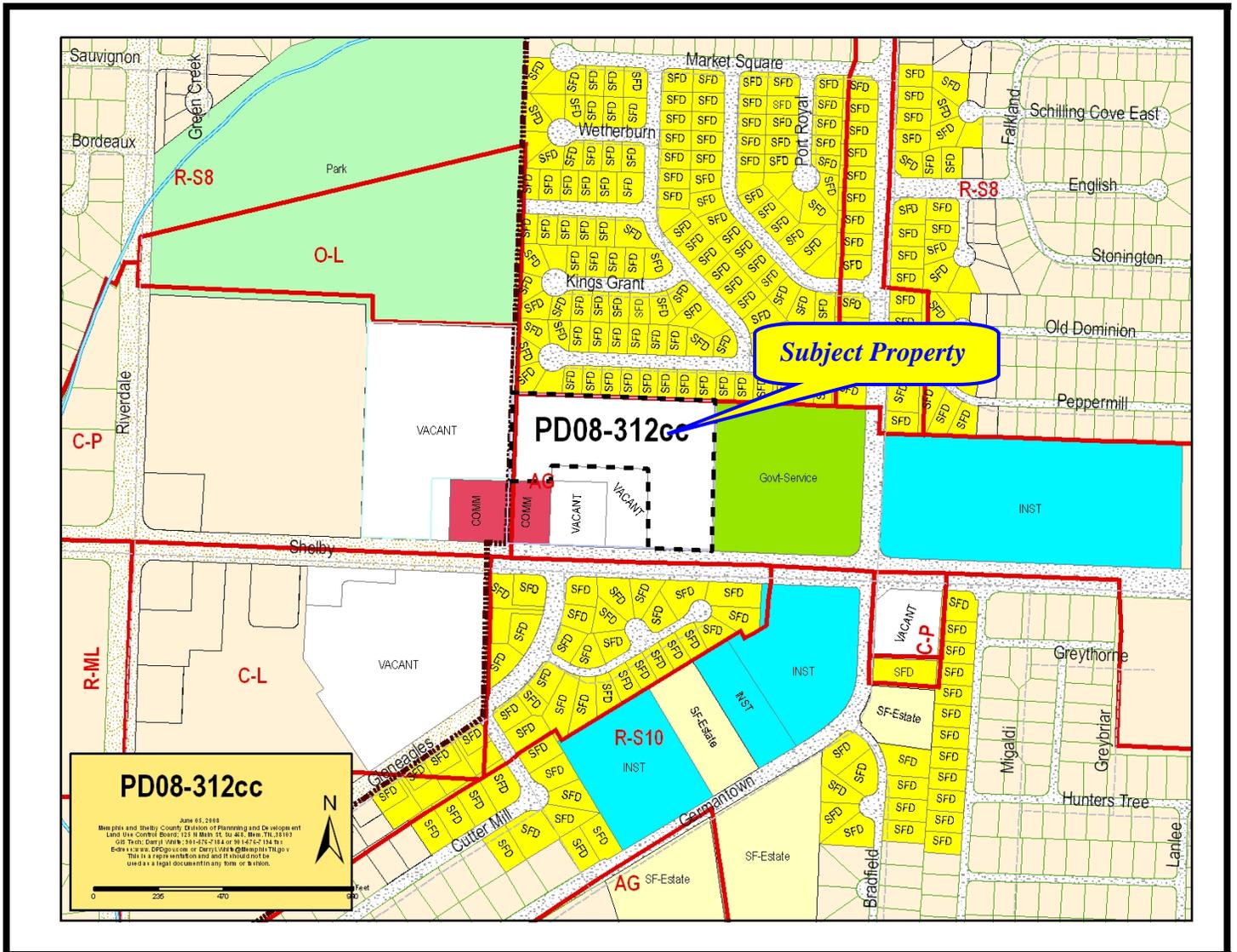
CONCLUSIONS:

1. The specific land uses approved in this development plan complements existing and approved institutional land uses. Since that time, the land uses have not significantly changed, except for one(1) approved retail building in Parcel 'A' and the construction of a new daycare facility.
2. Another retail store at this location would off-set and balance the retail within this development, but careful consideration should be given to colors and building materials, including architectural standards as stated in the Outline Plan.
4. This amendment also seeks to place seventeen(17) single family detached or an alternative for eighteen(18) single family attached dwelling units on the rear portions of Parcels 'A', 'B' and 'C' adjacent to single family homes in Yorktown Village Subdivision.
5. The land use would complement the area and serve as a book-end to existing development patterns. This new Alternative Concept Plan is supported for one(1) additional retail building with significantly lower building coverage and lower density residential.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

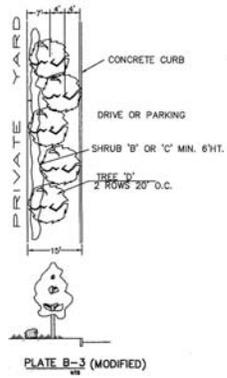
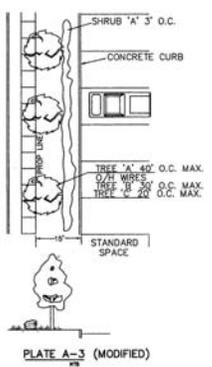
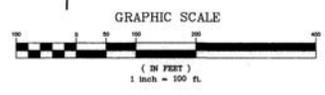
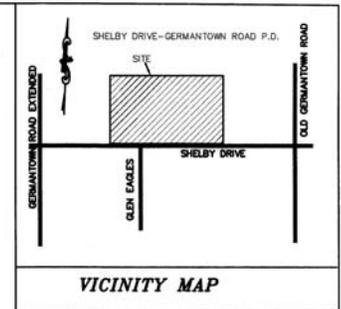
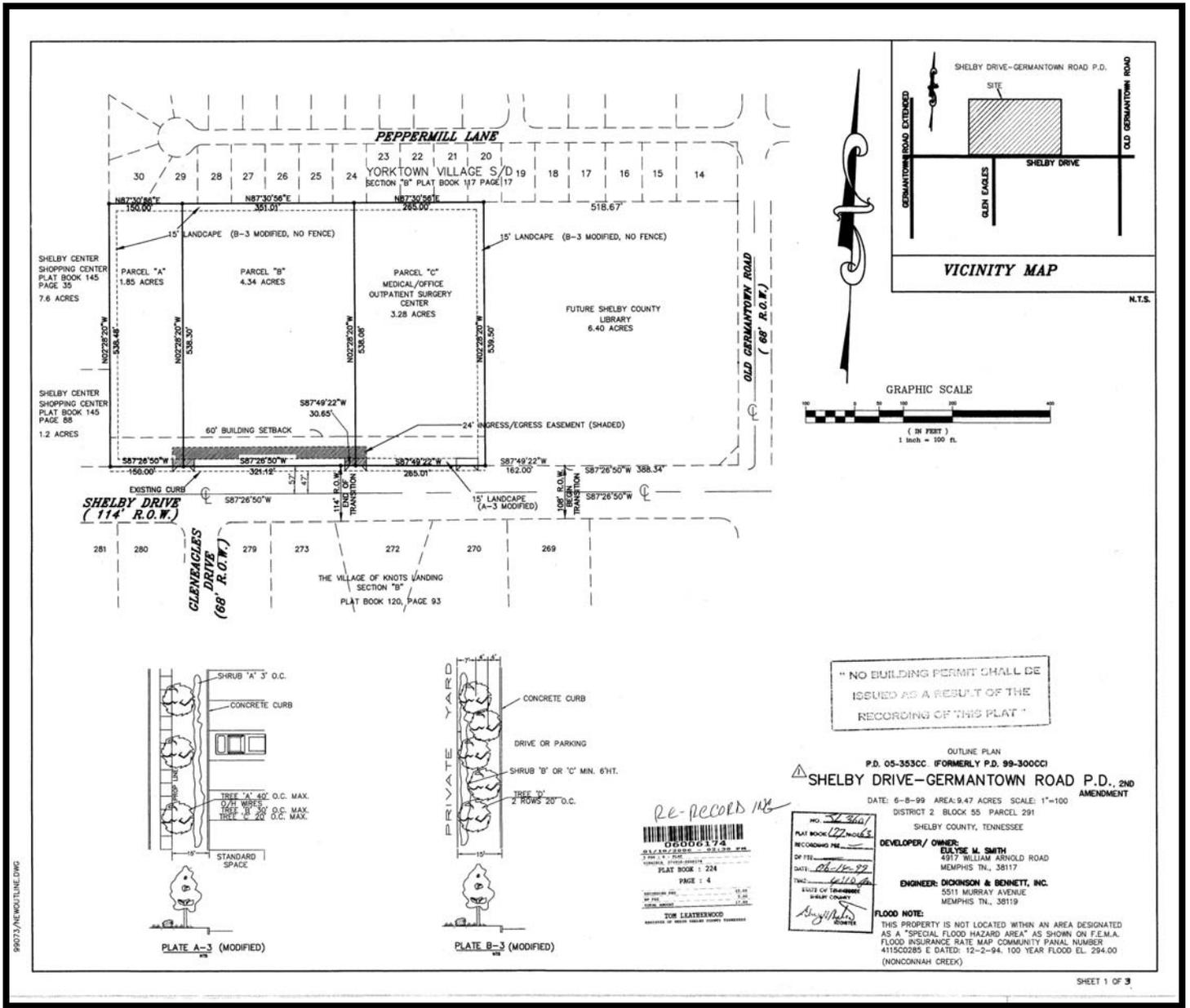
Zoning & Land Use



SURROUNDING LAND USE AND ZONING:

- North:** Single family homes in Residential Single Family(R-8) District in ‘Yorktown Village’ Subdivision.
- East:** Memphis & Shelby County Public Library in Conservation Agricultural(CA) District.
- South:** Single family homes in Residential Single Family(R-10) District in ‘Village of Knots Landing’ Subdivision.
- West:** Daycare facility, retail store and vacant commercial parcel within this planned development and a bank building and large vacant parcel in Commercial Mixed-Use(CMU-2) District.

Outline Plan-Recorded



"NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT"

OUTLINE PLAN
P.D. 05-353CC (FORMERLY P.D. 99-300CC)
△ SHELBY DRIVE-GERMANTOWN ROAD P.D., 2ND AMENDMENT
DATE: 6-8-99 AREA: 9.47 ACRES SCALE: 1"=100'
DISTRICT 2 BLOCK 55 PARCEL 291
SHELBY COUNTY, TENNESSEE
DEVELOPER/ OWNER: **ELISE M. SMITH**
4317 WILLIAM ARNOLD ROAD
MEMPHIS TN, 38117
ENGINEER: **DICKINSON & BENNETT, INC.**
5511 MURRAY AVENUE
MEMPHIS TN, 38119
FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED WITHIN AN AREA DESIGNATED AS A "SPECIAL FLOOD HAZARD AREA" AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP "COMMUNITY PANEL NUMBER 41500085 E DATED 12-2-94. 100 YEAR FLOOD EL. 294.00 (NONCONNAH CREEK)

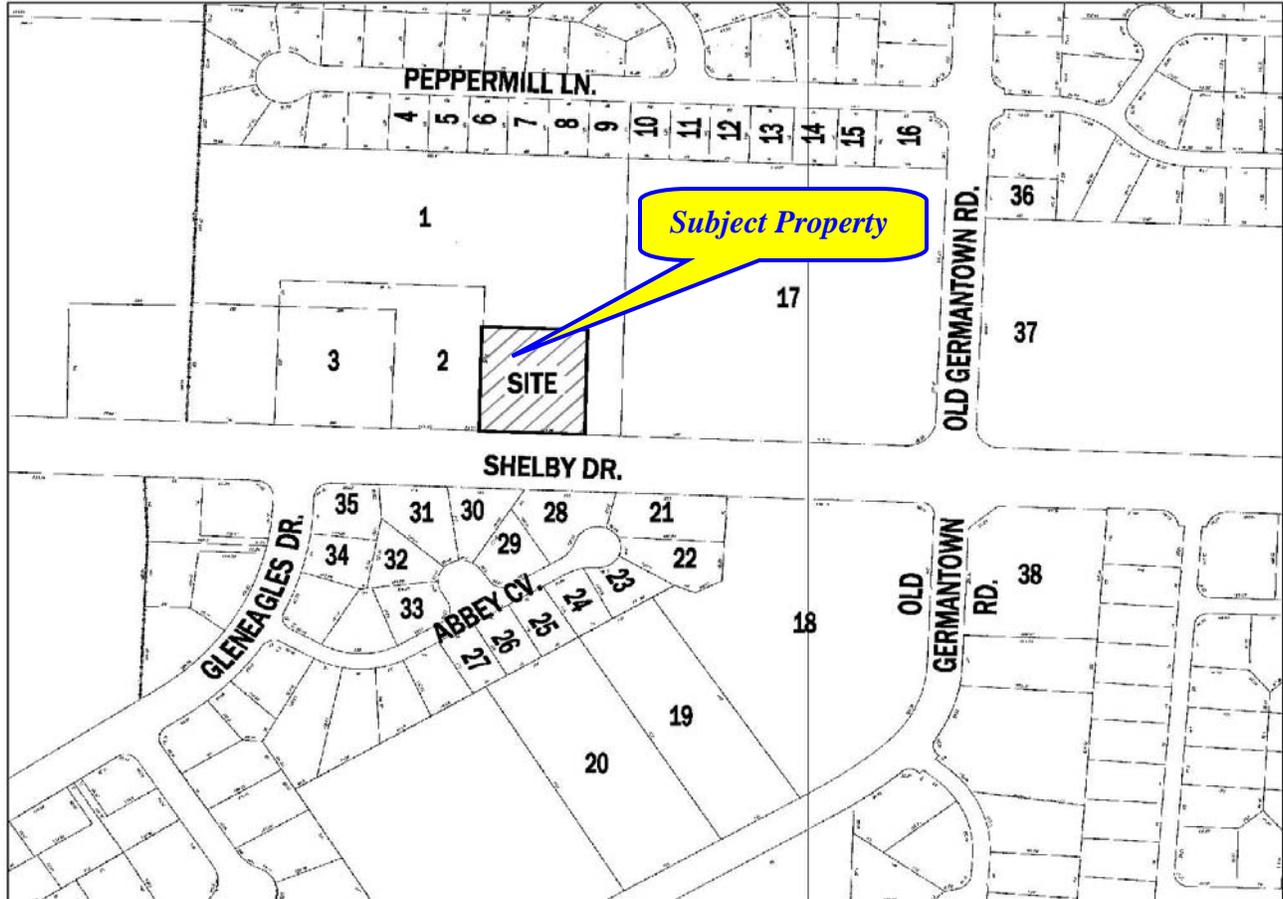
Re-record 1/8
06006174
PLAT BOOK : 224
PAGE : 4
TOM LEATHERWOOD
REGISTERED PROFESSIONAL ENGINEER

99073/ARC/OUTLINE.DWG

Surrounding Aerial View

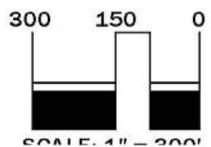


Old Vicinity & Ownership Map



- | | | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------|----|--------------------------------------|----|---------------------------------------------|
| 1 | H.L. JACKSON, R.S. STEPHENS,
L.E. SUMMERS, T.W. SMITH, L.R.
SMITH, C.E. HUTTON, E.M. SMITH,
M.C. BENCE & E.L. SMITH | 12 | MINOR KANEISHA | 27 | HERROD ERIC & DIANE W |
| 2 | KIDS FIRST ENRICHMENT CENTER,
LLC. | 13 | TANG TECK | 28 | GREGORY MARTINEZ II |
| 3 | THOMAS TYRONE & JEANETTE L | 14 | AMEZQUITA JOSE D & CECILIA
ZAVALA | 29 | BROWN RICHARD |
| 4 | TAYLOR FAEDRA L | 15 | WALKER ANDRE E | 30 | HOLLOWAY BOOKER T JR &
TERRICA |
| 5 | BOSIN SLAVA | 16 | GRANBERRY MARKEY | 31 | CROMEANS MARK S |
| 6 | PETERSON RONALD P AND LORRI
PETERSON | 17 | SHELBY COUNTY GOVERNMENT | 32 | MARTINEZ JUAN & MARIA A |
| 7 | ERTZ JOHN C | 18 | GRACE FREE BAPTIST CHURCH | 33 | HELMS ALBIAN & EDDIE |
| 8 | DENTLEY RODNEY S | 19 | EAST MEMPHIS CHURCH OF
CHRIST | 34 | TATE BETTY W |
| 9 | PRATCHER BELINDA | 20 | BROWN LAWANDA | 35 | FULLWILEY DIANE |
| 10 | WRIGHT KEVIN D | 21 | NICHOLS KIMBERLY & ROBERT M | 36 | EASON WILBERT J & EVELYN D |
| 11 | HAYNES DEREK A AND TAMEKA A
KEY | 22 | PUTMAN DONALD L & SHARON L | 37 | CORNERSTONE INSTITUTIONAL
BAPTIST CHURCH |
| | | 23 | MALONE MARSHALL D SR | 38 | GMG PROPERTIES LLP |
| | | 24 | SMITH RANDY & VIRGINIA A | | |
| | | 25 | PICKENS CLYDE L | | |
| | | 26 | NELSON KEENE R & TIKITA S | | |

I:\11015\Planning\1101510\01.dwg



ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE



6799 GREAT OAKS ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38138-2500 • (901)758-0400
EIT Project No. 44045 40 Date: March 24, 2011

STAFF ANALYSIS:

Site Description

The subject property is a 6.42 acre tract of vacant land located at the north side of a major road, E. Shelby Drive directly across from Gleneagles Drive in Oakhaven-Parkway Village Planning District. The site is east of another major road, Riverdale Road and west of Old Germantown Road at the eastern boundary of the City of Memphis. The west property line of the property is the City of Memphis limits in southeast Shelby County with available urban services and adequate facilities.

The original Outline Plan is 15.87 acres with major road frontage, including curb, gutter and sidewalk. This application seeks to amend uses permitted in Parcels 'A', 'B' & 'C' to allow another retail store in Parcel 'C' with surplus property to the rear of these areas for residential single family detached and attached dwelling units on the remaining L-shaped parcel located adjacent to a public library. This portion of the original Outline Plan has 265 linear feet of frontage on E. Shelby Drive with 539.50 feet of depth. The original Outline Plan did not allow more than one retail building on the entire tract of land with surrounding land use and zoning.

Area Overview

The surrounding land use and zoning is primarily retail commercial development at the northeast and southeast corners of the intersection of Shelby Drive and Riverdale Roads in the CMU-2 District and the Village of Bennington Planned Development(P.D. 84-385 CC). This retail accounts for approximately 320,000 square feet of retail and office use, not including the vacant land to the south.

The land use to the north is public facilities for new Fire Station #55 and Heroes Park in the Residential Work(RW) and R-8 Districts. Directly adjacent to this site is a bank building within Shelby Center Shopping Center C-P and a small retail store within this Outline Plan for Shelby Drive/Germantown Planned Development(P.D. 99-300 CC) approved primarily for institutional land use.

There are single family homes to the northeast and adjacent to the subject property in Yorktown Village Subdivision in R-8 District zoning and at the south side of E. Shelby Drive at Gleneagles Drive in Village of Knot Landing Subdivision. Farther east at Old Germantown Road is East Shelby Branch Library and church properties at immediate corner of the intersection, including a CMU-2 plan approved for an office/daycare building. The land use in this area has developed in a manner to provide protection for single family homes from the neighborhood community retail center at the northeast quadrant of a major road intersection.

The immediate land use and zoning is primarily institutional use for churches and a public library at the intersection in Conservation Agricultural (CA) and Residential Single Family(R-10) Districts. This area began to develop in the mid-1980's with single family homes to the north and south of the subject property and continues today with new residential developments that extend east along both sides of E. Shelby Drive, including Pinnacle Point Subdivision.

The suburban development in this area has maintained compatible relationships and consistent land use patterns with transition zoning for the protection of single family homes. There is a land use precedent as evidenced by land use to the west at the intersection of Riverdale Road and East Shelby Drive. This commercial, office and institutional land use also transitions to single family residential neighborhoods.

Project Review vs. Alternative Concept Plan

The request is for an amendment to allow one(1) retail building in Parcel 'C' and to the change the Concept Plan for the remaining surplus property in Parcels 'A', 'B' & 'C' as specified in the Outline Plan approved in 2008. This Outline was originally approved primarily for institutional and very specific commercial land use, including a restaurant building in Parcel 'A' and amended in 1999 to allow one retail building in Parcel 'A' of the plan. The Outline Plan was also amended and approved in December, 2005 to permit the same land use in Parcel 'B' as in Parcel 'A' of the plan.

The specific land uses approved in this development plan complements existing and approved institutional land uses. Since that time, the land use has not significantly changed, except for one(1) approved retail building in Parcel 'A' of the plan and the construction of a new daycare facility. The original intent of the Outline Plan for a medical office/outpatient surgery center was not constructed and a new Outline and Concept Plans for development were submitted and approved in 2005 and 2008 plan amendments, but did not develop for a community recreation center.

Another retail store at this location would off-set and balance the retail within this development, but careful consideration should be given to colors and building materials, including architectural standards as stated in the Outline Plan as well as buffer treatment along the north property line adjacent to single family homes. This amendment also seeks to place seventeen(17) single family detached or an alternative for eighteen(18) single family attached dwelling units on the rear portions of Parcels 'A', 'B' and 'C' adjacent to single family homes in Yorktown Village Subdivision. The mature trees and vegetation along this north property line shall be preserved and maintained and not disturbed and illustrated on the Landscape Plan.

This land use can be supported; because existing and proposed land uses would be more compatible than former land use requests by reducing the density of single family residential dwellings. The land use would complement the area and serve as a book-end to existing development patterns. The applicant's Alternative Concept Plan illustrates single family attached dwellings and one(1) new retail store in Parcel 'C' setback approximately 105 feet from the street with parking and drive aisles at the front entrance. This plan takes into consideration internal circulation to the balance of the property required by the original Outline Plan. This new Alternative Concept Plan is supported for one(1) additional retail building with significantly lower building coverage and lower density residential.

RECOMMENDATION: Approval with Conditions

GENERAL INFORMATION:

Street Frontage: East Shelby Drive-----+/-265.01 linear feet

Planning District: Oakhaven-Parkway Village

Census Tract: 217.45

Zoning Atlas Page: 2450

Parcel ID: D02255 00684

Zoning History: In August 2008, an amendment was approved (P.D. 08-312 CC) to allow a community recreation center in Parcels 'A', 'B' and 'C' and in December, 2005 an amendment was approved to allow the same land uses in Parcels 'A' & 'B' (P.D. 05-353 CC). Again in March, 1998, a planned development (P.D. 97-389 CC) was approved primarily for institutional land use and specific commercial land use. In April, 1999, an amendment was approved (P.D. 99-300 CC) to allow one(1) retail building in Parcel 'A' of the plan. Prior to March, 1998 the Agricultural (AG) District zoning of the site dated to the adoption of the 1980 zoning map amendments.

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.

Roads:

3. Generally the site plan and conditions submitted by the applicant are appropriate; however, Condition III Access: A: shall be amended to read as follows:

Dedicate 57 feet from centerline of Shelby Drive and improve with full urban improvements.

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. All private drive cul-de-sacs arounds shall have a minimum paved diameter of 66 feet. If the cul-de-sac exceeds 300 feet in length, the turn-around shall have a minimum paved diameter of 80 feet or shall be posted as a "Fire Lane" (Reference Section 602.6.7 of City Fire Code).
6. 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').

7. 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:

8. The City Engineer shall approve the design, number and location of curb cuts.
9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
10. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

Drainage:

11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
13. 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:

14. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
15. 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.
16. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

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.

Shelby County Engineer: No comments received.

Memphis Fire Services: Between Riverdale and S. Germantown: 6.4 Acres/
Name private drive.

Shelby County Fire Department: No comments received.

City Real Estate: None.

Shelby County Real Estate: No comments received.

Memphis & Shelby County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. Since this is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the attached questionnaire.
3. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

Memphis Board of Education: No comment.

Shelby County Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following 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 easement or dedicated utility easement without prior MLGW approval.
- **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-TN: AT&T Tennessee has no comment.

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

OPD-Regional Services/Transportation:

This application was reviewed by MPO staff. The staff has determined that Shelby Drive is an existing major road consisting of 114' feet of right of way, 94 feet of pavement, and no proposed improvements.

OPD-Plans Development: No comments received.

TN Dep't of Environment & Conservation: No comments received.

Shelby County Conservation Board: No comments received.

Neighborhood Associations/Organizations:

<i>Buckingham Farms Neighborhood Association:</i>	<i>No comments received as of 5/6/11.</i>
<i>Richwood Home Owners Association:</i>	“ “ “ .
<i>Southeast Shelby County Coalition:</i>	<i>No comments received as of 5/6/11.</i>
<i>Buckingham Area Neighborhood Association:</i>	“ “ “ .
<i>Irene Neighborhood Association:</i>	<i>No comments received as of 5/6/11.</i>
<i>Harvest Knoll Neighborhood Association:</i>	<i>See attached letter.</i>
<i>Pinnacle Point Neighborhood Association:</i>	<i>No comments received as of 5/6/11.</i>

Staff: bb