

RESOLUTION

WHEREAS, Section 14 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064, dated October 7, 1980, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and,

WHEREAS, Application has been made for a planned development for property located on the east side of Getwell Road; +257 feet south of American Way; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 14 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 11, 2007 and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and

WHEREAS, The Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board, and the report and recommendation of the Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted for an in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: Building Official
City Engineer
Office of Planning and Development

P.D. 07-330

OUTLINE PLAN CONDITIONS:

I. PERMITTED USES:

- A. Any use permitted by right (X) or administrative site plan review (P) in the C-H District including the following uses:
1. Self service warehouse (mini-storage) including the outdoor storage of vehicles in the area as depicted on the Outline Plan.
 2. Automobile rental/leasing office shall be located within the office of the existing mini-storage warehouse and the automobiles for rental/leasing shall be parked in the area designed on the outline/final plat.
 3. Truck rental/leasing shall only be permitted for trucks allowed to be driven with an automobile license.
 4. Covered parking shall be permitted as depicted on the Outline Plan.
 5. Any additional covered parking shall be subject to the approval of the Office of Planning and Development.
 6. Accessory structures to be used as an office and/or dwelling unit for residential occupancy by a custodian, watchman, or caretaker.
- B. The following uses shall be prohibited:
1. Adult Entertainment
 2. Boat rental, sale, storage or repair
 3. Beverage container collection & recycling center
 4. Campground, travel trailer park
 5. Commercial garage
 6. Commercial Fishing
 7. Crop, soil preparation, agricultural services, animal and veterinary services
 8. Group Shelter
 9. Laboratories
 10. Lumberyard
 11. Mobile home sales
 12. Motor vehicle sales
 13. Pawn shop

14. Sheet metal shop
15. Tavern, cocktail lounge, night club
16. No tractor-trailer truck parking or semi-truck parking shall be permitted on site.
17. No non-operative vehicles shall be stored on-site.

C. Prohibited Activities Within Mini Storage Warehouse Area:

1. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed.
2. Examples of activities prohibited in this district include but are not limited to the following:
 - a. Auctions, except as permitted by state law, commercial wholesale or retail sales, or miscellaneous or garage sales.
 - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - d. The establishment of a transfer and storage business.
 - e. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - f. Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
 - g. Habitation of storage units by humans or animals.

D. No electrical power supply shall be accessible to the renter/lessee of the storage unit.

E. All storage shall be within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored only in designated screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

II. BULK REGULATIONS:

- A. Minimum building setback from American Way - 40 ft.
- B. Minimum building setback from Getwell Road - 30
- C. Minimum building setback from east property line –15 feet
- D. Minimum building setback from south property line – 50 ft.
- E. Individual mini storage units shall not exceed 500 square feet. Individual mini storage units shall be shown on the Final Plat.

III. BUILDING DESIGN AND MATERIALS FOR MINI WAREHOUSE:

- A. Exterior walls around the perimeter of mini storage area shall be constructed of brick or concrete block.
- B. The perimeter of the mini-warehouse site shall be a solid facade, excluding the office/manager's apartment.

IV. ACCESS, CIRCULATION AND PARKING:

- A. 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.
- B. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance requirements.
- C. Adequate queuing spaces to meet the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse /cardreader.
- D. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

V. LANDSCAPING AND SCREENING:

- A. The landscaping shall be provided as approved by the Board of Adjustment (B.O.A. 07-) along Getwell Road and American Way.
- B. Existing plant and fence screening along the south property line shall be maintained and shown on outline/final plat.
- C. A wrought iron gate shall be provided along the southwestern property line as indicated on the Outline Plan.
- D. Landscaping shall be irrigated as required by Zoning Ordinance.
- E. Refuse containers shall be screened from view from adjacent property and from the public roads.

VI. SIGNS:

- A. Sign shall conform with the Zoning Ordinance and shall be illustrated on the final plat(s).
- B. Attached signs shall be permitted in accordance with the adopted Memphis and Shelby County Sign Ordinance.

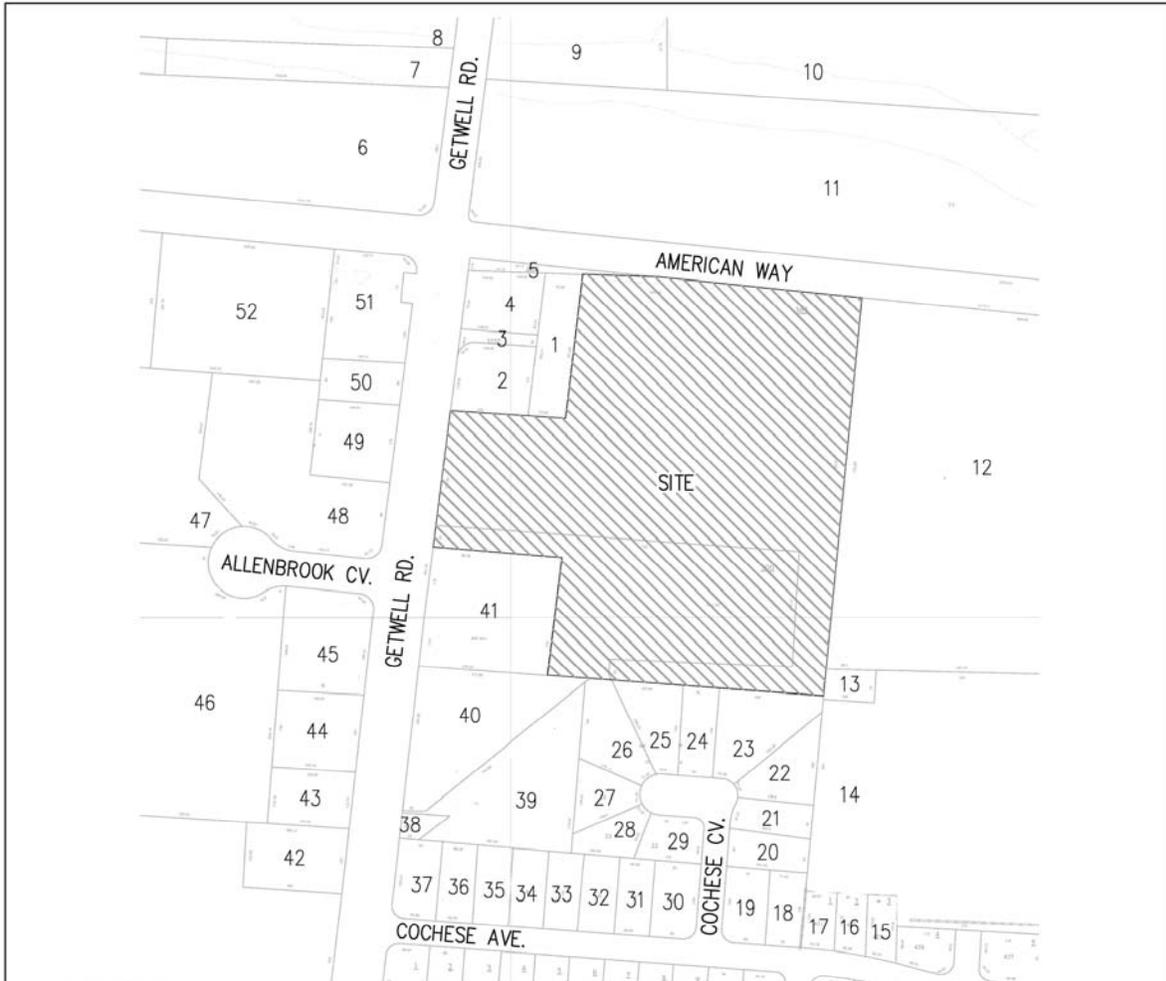
VII. SITE LIGHTING:

- A. Parking lot lighting shall not exceed 20 feet in height within 100 feet of the southern property line.
- B. All outdoor lighting shall be directed away from abutting residential lots.

VIII. The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping and screening, and other site design requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modification of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of Office Planning and Development, to have such action reviewed by the City Council.

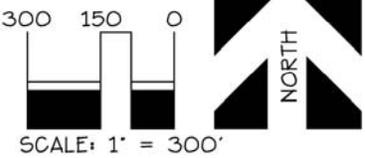
IX. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

- X.** Any final plan shall include the following:
- A. The Outline Plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominate construction materials.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
 - G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City 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.



- | | | | | | |
|----|--|----|--|----|--|
| 1 | CIRCLE K STORES INC | 22 | TAYLOR ASA J AND BONNIE MAE TAYLOR REVOCABLE LIVING TRUST | 43 | FELLMANN GRISELDA G |
| 2 | CIRCLE K STORES INC | 23 | OKELLY ROBERT R & PATRICIA A | 44 | FELLMANN GRISELDA G |
| 3 | CIRCLE K STORES INC | 24 | AVILA JUAN P | 45 | HORI TENNESSEE PROPERTIES LLC |
| 4 | CIRCLE K STORES INC | 25 | COX HAROLD L & DIANNE F | 46 | OZRAIL PROPERTY CO INC |
| 5 | CIRCLE K STORES INC | 26 | TENNESSEE INVESTMENT RENTAL PROPERTY LLC | 47 | HICKORY HOLLOW SENIOR APARTMENTS LTD PARTNERSHIP |
| 6 | ELLER MEDIA COMPANY | 27 | BRADFORD WILLE B JR | 48 | BISHOP RICOEY E AND PATRICIA A BISHOP (RS) |
| 7 | COUNTY OF SHELBY | 28 | BECKUM RICHARD H AND GEORGIAN N BECKUM | 49 | FEBELMAN JOSEPH E & BARBARA K AND |
| 8 | ELLER MEDIA COMPANY | 29 | JOHNSON DOROTHY A | 50 | ALEXANDER ALONZO K AND JEFFREY E ALEXANDER (RS) |
| 9 | CROWN ENTERPRISES INC | 30 | HAGOOD G M JR & EVELYN E | 51 | MM INVESTMENTS INC |
| 10 | CROWN ENTERPRISES INC | 31 | SENGCHANNAVONG KHAMHOU & LAMONE | 52 | MEMPHIS AREA TRANSIT AUTHORITY |
| 11 | TP AMERICAN WAY LLC | 32 | SOUNAKHEND PHOUVANH & NIMITH | | |
| 12 | INLAND-SAU MEMPHIS AMERICAN WAY LLC | 33 | JONES ANNIE R | | |
| 13 | SHELBY COUNTY TAX SALE 93.1A EXH #000380 | 34 | WILLIAMS MICHAEL & NATAKI WILLIAMS & JAMES OLIVER & DEBORAH C OLIVER | | |
| 14 | HEALTH EDUCATIONAL HOUSING FACILITY BOARD OF THE CITY OF MEMPHIS | 35 | TYLER EDWARD A & BRENDA G | | |
| 15 | GOODWIN IDA P AND DEIDRIA W ECHOLS | 36 | REINOS ALBA A V | | |
| 16 | SANCHEZ AURORA | 37 | SANDERS SEAN R & LISA L | | |
| 17 | TIMBERLAKE CLEMMIE AND SHELA TIMBERLAKE (RS) | 38 | RK REED LIMITED PARTNERSHIP | | |
| 18 | HENDERSON FORREST W AND EMILY A MOSELEY | 39 | REED MORRIS LEROY & MARIAN KAY | | |
| 19 | MEHN JOSEPH C | 40 | OZRAIL ZHAO S AND LINDA K EDWARDS | | |
| 20 | LENTI ANGELO L JR | 41 | PAPANICOLAPOULOS ALECK AND RHODA | | |
| 21 | BAILEY MAUDE E | 42 | BOARD OF EDUCATION OF THE CITY OF MEMPHIS | | |

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ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

6799 GREAT OAKS ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38138-2500 • (901)758-0400

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P.D. 07-330

At its regular meeting October 11, 2007, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of Watson-Taylor Management, Inc., requesting a planned development on the property described as follows:

LOCATION: East side of Getwell Road; +257 feet south of American Way

APPLICANT: Watson-Taylor Management, Inc.

REPRESENTATIVE: ETI Corporation

REQUEST: Mini-Storage warehouse facility with indoor/outdoor vehicle storage and an automobile rental/leasing office

AREA: 11.97 Acres

EXISTING LAND USE & ZONING: Mini-Storage warehouse facility with indoor/outdoor vehicle storage in the Highway Commercial (C-H) District

The following spoke in support of the application:

Rodney Joyner, ETI Corp., 6799 Great Oaks Road, Ste. 100, Memphis, TN 38138
Tom Maxfield, Watson-Taylor Management, Inc., 4015 Beltline Road, Addison, TX,
75501

No one spoke in opposition of the application:

The Land Use Control Board reviewed the application of Watson-Taylor Management, Inc., requesting a planned development and the report of the staff. The applicant requested that they be allowed to convert an existing legal non-conforming sign to a 400 square foot integrated center sign. They also requested that they be allow to meet the requirement for landscaping at the base of the sign by placing the landscaping on another part of the site since the base of the existing sign could not be seen from the street. Staff recommended that the applicant be required to meet the requirements of the Sign Ordinance which requires that non-conforming signs that can not meet the landscaping requirements be reduced by 12% in size or that the sign be relocated to the front of the site along Getwell Road and landscaped at the base. The did not agree with the applicant's requested amendment and the main motion was made and seconded to recommend approval of the application as recommended by staff.

The motion passed by a unanimous vote 10 to 0.

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Sheila Pounder, Principal Planner for
Mary L. Baker, Deputy Director
Land Use Control

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 - F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
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MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
#22

STAFF REPORT

CASE NUMBER: P.D. 07-330 L.U.C.B. MEETING: October 11, 2007

DEVELOPMENT NAME: Getwell American Way Planned Development

LOCATION: East side of Getwell Road; +257' south of American Way

APPLICANT: Watson-Taylor Management, Inc.

REPRESENTATIVE: ETI Corporation

REQUEST: Mini-Storage warehouse facility with indoor/outdoor vehicle storage and an automobile rental/leasing office

AREA: 11.97 Acres

EXISTING LAND USE & ZONING: Highway Commercial (C-H) District

SURROUNDING LAND USES AND ZONING:

North: A convenience store with gasoline sales at the corner of Getwell Road and American Way in the Local Commercial (C-L) District and vacant land on the north side of American Way, along Nonconnah Creek in the Agricultural Flood Plain (AG[FP]) District

South: Various commercial uses along Getwell Road in the Local Commercial (C-L) District and single family homes in the Single Family Residential (R-S6) District

East: Commercial center in the Planned Commercial (C-P) District

West: Various commercial uses in the Local Commercial (C-L) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
HOLD FOR 30 DAYS**

CONCLUSIONS:

- 1. The applicant seeks approval of a planned development to permit a mini-storage warehouse facility with indoor/outdoor vehicle storage and an automobile rental/leasing office.**
- 2. This application has been filed to clarify all existing and future uses on this site and follows the recent approval by the Board of Adjustment to modify a 1994 approved site plan that originally permitted the mini-storage warehouse facility at this location.**
- 3. This site was the previous location of a big box retailer, K-mart Department Store, many years ago but was approved in 1997 by the Board of Adjustment for reused as a mini-storage warehouse facility through the use variation process (B.O.A. 97-04).**
- 4. The continued use of this site for the mini-storage warehouse facility is acceptable given its location at the intersection of two major road, American Way and Getwell Road.**
- 5. Changes to the site to accommodate the proposed automobile rental/leasing office will pertain mainly to the new parking area for the rental business and the location of a new service counter for the rental business inside of the existing office building which is acceptable since it will have minimum impact to the overall site design, layout, and scale of this development.**
- 6. This site is currently a commercial site with an industrial look and requires that some additional consideration be given to the appearance of the site in conjunction with the newly proposed landscaping plan approved by the Board of Adjustment. Two supplemental changes to the BOA approved landscape plan are recommended to address the overall appearance of this site.**
- 7. There is one item of major concern on this site pertaining to the two existing pole signs currently located along the Getwell Road frontage and the of information that has been provided concerning the status, size, and height of these existing signs as requested by staff. No detail or rendering of the proposed new signs have been submitted to staff that would allow an evaluation of the applicants signage request, therefore, it is premature to make a recommendation on this application. Signage is an important factor at this location that will impact the appearance of not only the site but also the surrounding community.**

AERIAL MAP



FRONTAGE ALONG GETWELL ROAD



FRONTAGE ALONG AMERICAN WAY



STORAGE UNITS INSIDE THE EXISTING TEMPERTURE CONTROLLED BUILDING



INSIDE VEHICLE STORAGE AREA



PROPOSED PARKING AREA FOR RENTAL VEHICLES



SOUTHERN PROPERTY LINE AND PROPOSED TRUCK PARKING AREA



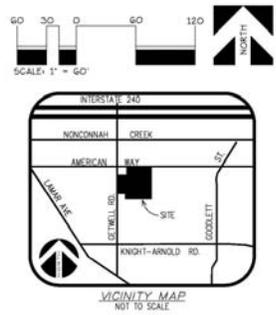
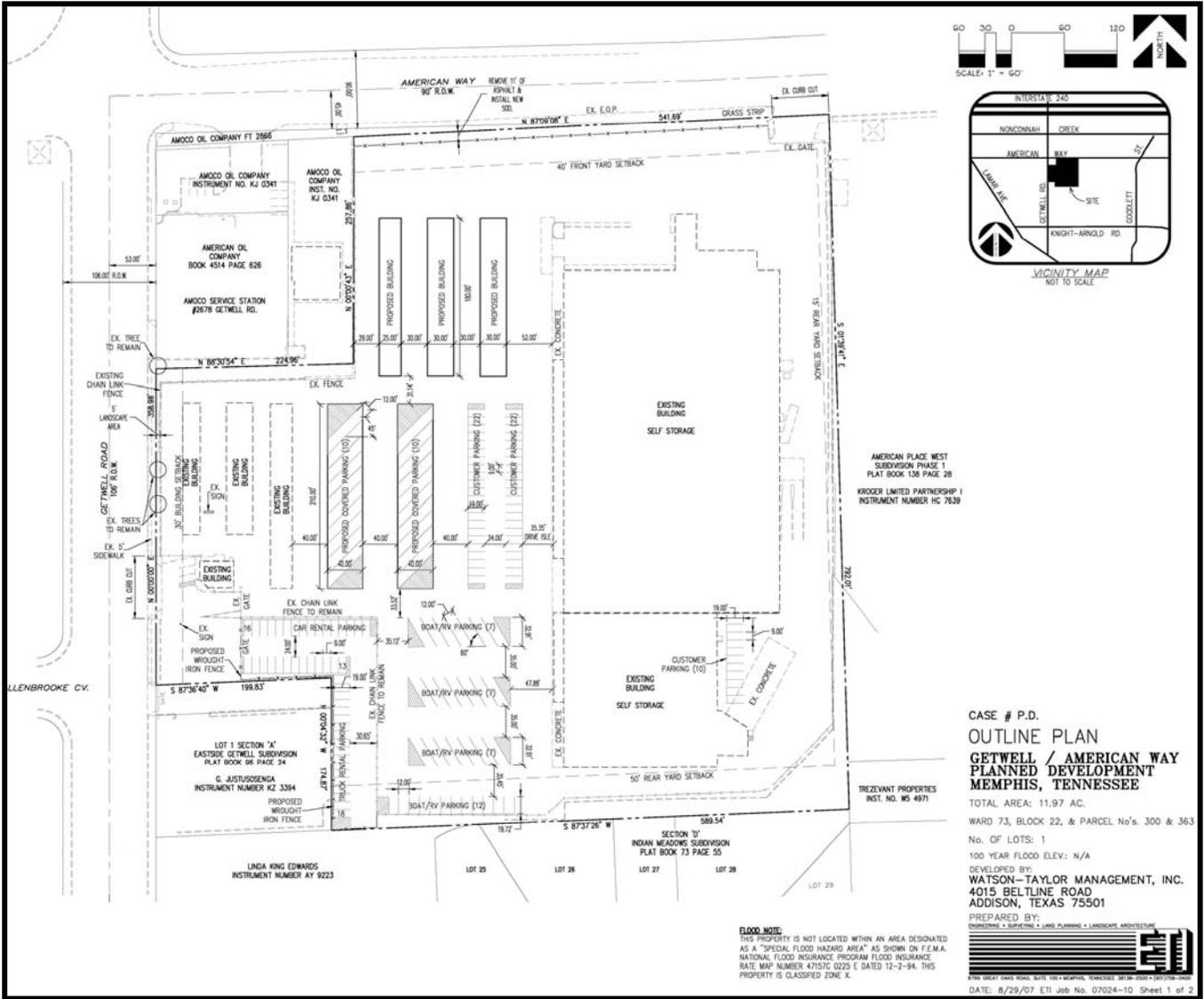
**PROPOSED RENTAL AREA IN BACKGROUND AND
TRUCK PARKING AREA IN FORGROUND OF PICTURE**



**PROPOSED FENCING ALONG THE WESTERN PROPERTY LINE
BETWEEN THE ADJACENT COMMERCIAL BUSINESS AND SUBJECT SITE**



PROPOSED SITE PLAN



AMERICAN PLACE WEST
SUBDIVISION PHASE 1
PLAT BOOK 136 PAGE 28

KROGER LIMITED PARTNERSHIP I
INSTRUMENT NUMBER HC 7639

CASE # P.D.
OUTLINE PLAN
GETWELL / AMERICAN WAY
PLANNED DEVELOPMENT
MEMPHIS, TENNESSEE

TOTAL AREA: 11.97 AC.
WARD 73, BLOCK 22, & PARCEL No's. 300 & 363

No. OF LOTS: 1
100 YEAR FLOOD ELEV: N/A

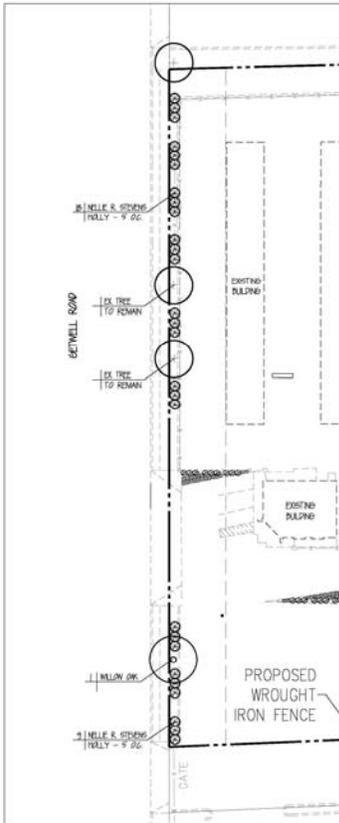
DEVELOPED BY:
WATSON-TAYLOR MANAGEMENT, INC.
4015 BELTLINE ROAD
ADDISON, TEXAS 75501

PREPARED BY:
INSURANCE • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

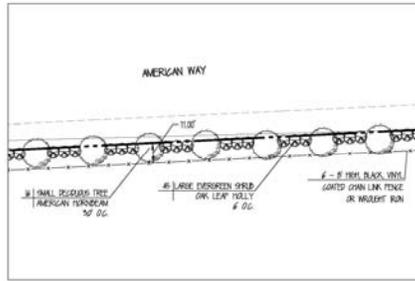
ELOOD NOTE:
THIS PROPERTY IS NOT LOCATED WITHIN AN AREA DESIGNATED AS A "SPECIAL FLOOD HAZARD AREA" AS SHOWN ON F.E.M.A. NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NUMBER 47107C 0220 E DATED 12-2-94. THIS PROPERTY IS CLASSIFIED ZONE X.

DATE: 8/29/07 ETI Job No. 07024-10 Sheet 1 of 2

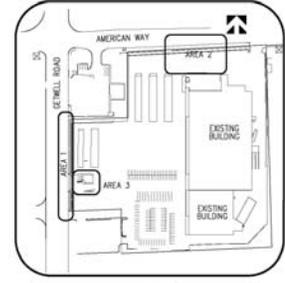
APPROVED BOARD OF ADJUSTMENT LANDSCAPE PLAN (BOA 97-04)



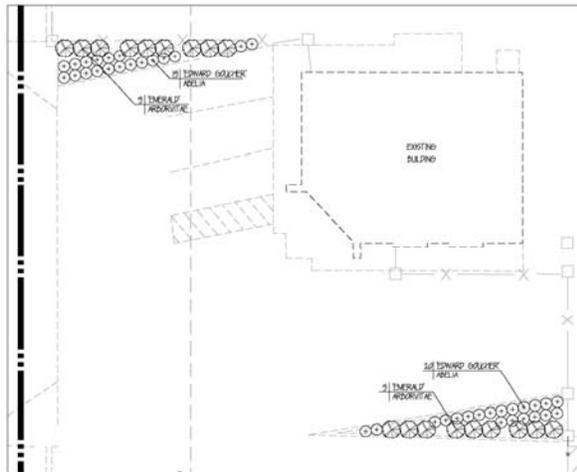
AREA 1
TYPICAL LANDSCAPING ALONG GETWELL RD.
SCALE: 1"=30'



AREA 2
TYPICAL LANDSCAPING ALONG AMERICAN WAY
SCALE: 1"=30'



KEY MAP
NOT TO SCALE



AREA 3
LANDSCAPING DETAIL AT OFFICE
SCALE: 1"=10'

IRRIGATION NOTE:
A COMPLETE IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL LANDSCAPED AREAS SHOWN ON THIS PLAN

CASE # P.D.
OUTLINE PLAN
GETWELL / AMERICAN WAY
PLANNED DEVELOPMENT
MEMPHIS, TENNESSEE

TOTAL AREA: 11.97 AC.
WARD 73, BLOCK 22, & PARCEL No's. 300 & 363
No. OF LOTS: 1
100 YEAR FLOOD ELEV.: N/A
DEVELOPED BY:
WATSON-TAYLOR MANAGEMENT, INC.
4015 BELTLINE ROAD
ADDISON, TEXAS 75501

PREPARED BY:
ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

DATE: 8/29/07 EIT Job No. 07024-10 Sheet 2 of 3

KEY	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	COND.	REMARKS
-	39	Abelia x grandiflora 'Edward Goucher'	'Edward Goucher' Abelia	14"-18" HT.	Cont.	Full
-	44	Ilex x 'Nellie R. Stevens'	'Nellie R. Stevens' Holly	6' HT.	B & B	Full
-	25	Juniperus chinensis 'Nick's Compact'	Nick's Compact Juniper	14"-16"HT, 18"-24"Sp	Cont.	
-	18	Thuja occidentalis 'Emerald'	Emerald Arborvitae	6' HT.	Cont.	
-	1	Quercus phellos	Willow Oak	4"-4.5"Cal, 18"-22"HT	B & B	Full

STAFF ANALYSIS:

Site and Location Description

The subject property is located in a commercial area of the Parkway Village community near the southeast corner of American Way and Getwell Road. The site consist of 11.97 acres of land that was the previous site of the now closed K-mart Department Store. The site is surrounded on two sides by existing commercial uses consisting mostly of retail uses fronting along both American Way and Getwell Road. An existing BP gasoline station and convenience store is located adjacent to the northwest corner of the site. Single family homes are located along a portion of the southern property line of the site.

Applicant's Request

The applicant seeks approval of a planned development to permit a mini-storage warehouse facility with indoor/outdoor vehicle storage and an automobile rental/leasing office. This application has been filed to clarify all existing and future uses on this site and follows the recent approval by the Board of Adjustment to modify a 1994 approved site plan that originally permitted the mini-storage warehouse facility at this location. The recently approved site plan modification in June, 2007 permitted three changes as follows: the construction of three new storage buildings, a revised landscape plan to increase the screening of the property, and approval to continue using a portion of the large existing building for indoor parking/storage of vehicles. The request to allow an automobile rental/leasing office as a permitted use will be a new addition to the site.

Review of Request

The subject property lies partially within two different zoning districts, the Highway Commercial (C-H) and Local Commercial (C-L) Districts. The currently proposed uses of this planned development are permitted uses by right in the C-H Districts but not in the C-L District. A zoning text amendment that implements some specific development standards for this type of land use was adopted by the legislative bodies in 1996 to help minimize their impact on existing urban environments. The standards regulate the minimum distance from public right-of-way, interstate ramps, intersections, and residences required for this type of use, the minimum number of parking spaces, perimeter treatment, building appearance and scale, and provides restriction on advertising devices.

This site was the previous location of a big box retailer, K-mart Department Store, many years ago. The large building remained after the business closed and was subsequently approved in 1997 by the Board of Adjustment for reuse as a mini-storage warehouse facility through the use variation process (B.O.A. 97-04). The applicant recently sought and received approval to modify the approved 1997 site plan to allow the construction of some additional storage units and to increase the landscaping along the street frontages of the site. The continued use of this site for the mini-storage warehouse facility is acceptable given its location at the intersection of two major roads, American Way and Getwell Road. The recent site plan modification and conditions approved by the Board of Adjustment should help to make this site a visual asset to the community.

The site plan shows the location of an automobile rental/leasing, parking area near the front of site's entrance on Getwell Road. This area will be fenced separately from the mini-storage facility to provide extra security for each use. The plan reflects a circulation route that would permit customers to visit the mini storage facility without having to access the rental/leasing parking area. This will allow independent control of each business by the individual owners. However, the automobile rental/leasing office is proposed to be located within the existing mini-storage office building located on the site. Changes to the site will pertain mainly to the new parking area for the rental business and the location of a new service counter for the rental business inside of the existing office building. The current proposal to allow the rental service business to be located on the same site as the mini-storage warehouse facility is acceptable since it will have minimum impact to the overall site design, layout, and scale.

This site is currently a commercial site with an industrial look. Although it is heavily landscaped along its adjacent border with the residential homes to the south, both street frontages are lacking in plant materials. Due to the current planned development request, some additional consideration must be given to the appearance of the site in conjunction with the newly proposed landscaping plan approved by the Board of Adjustment. First, the Zoning Ordinance amendment requires that "a barrier be provided around the perimeter of the site and that it consist of either the solid facades of the storage structures or a fence". The recently approved BOA site plan modification provides for the installation of a 6 foot high, black or green vinyl coated, chain link fence along the American Way frontage of the site. This same fencing should be continued along the western property line between this site and the Amoco property in order to comply with the intent of the Ordinance and provide continuity in the site's appearance. Also, although some new landscaping has been approved along the Getwell Road frontage of the site where either none exist or it is very minimal in amount and scale, some additional landscaping should be installed along the southern property line between the front property line and the beginning of the newly installed wrought iron fencing for the rental/leasing area. There is an approximately 97 foot setback between the right-of-way and the new fencing that is completely paved over and vacant except for an existing pole sign. Given the minimum width (5 feet) of the approved streetscape screen along the road, additional landscaping along the southern property line will help to screen and downplay the newly proposed rental/leasing parking area on the site.

There is one item of major concern for this site that must be addressed on the proposed site plan. There are two pole signs currently located along the Getwell Road frontage. The applicant has not provided any information concerning the status, size, and height of these existing signs. Also, no detail or rendering of the proposed new signs have been submitted to staff that would allow an evaluation of the applicants signage request. This is not the first request for signage information on this site. The same request was made by staff during the review of the site plan modification in June, 2007. The applicant failed at that time to also comply with the request prior to the BOA meeting. However, the modification request was approved with the assurance that signage information would be provided as part of the planned development application. Consequently, given the continued lack of information and details, it is premature to make a recommendation on this application. Signage is an important factor at this location that will impact the appearance of not only the site but also the surrounding community.

RECOMMENDATION: HOLD FOR 30 DAYS

OUTLINE PLAN CONDITIONS:

I. PERMITTED USES:

- A. Any use permitted by right (X) or administrative site plan review (P) in the C-H District including the following uses:
1. Self service warehouse (mini-storage) including the outdoor storage of vehicles in the area as depicted on the Outline Plan.
 2. Automobile rental/leasing office shall be located within the office of the existing mini-storage warehouse and the automobiles for rental/leasing shall be parked in the area designed on the outline/final plat.
 3. Truck rental/leasing shall only be permitted for trucks allowed to be driven with an automobile license.
 4. Covered parking shall be permitted as depicted on the Outline Plan.
 5. Any additional covered parking shall be subject to the approval of the Office of Planning and Development.
 6. Accessory structures to be used as an office and/or dwelling unit for residential occupancy by a custodian, watchman, or caretaker.
- B. The following uses shall be prohibited:
1. Adult Entertainment
 2. Boat rental, sale, storage or repair
 3. Beverage container collection & recycling center
 4. Campground, travel trailer park
 5. Commercial garage
 6. Commercial Fishing
 7. Crop, soil preparation, agricultural services, animal and veterinary services
 8. Group Shelter
 9. Laboratories
 10. Lumberyard
 11. Mobile home sales
 12. Motor vehicle sales
 13. Pawn shop
 14. Sheet metal shop
 15. Tavern, cocktail lounge, night club
 16. No tractor-trailer truck parking or semi-truck parking shall be permitted on site.
 17. No non-operative vehicles shall be stored on-site.

- C. Prohibited Activities Within Mini Storage Warehouse Area:
1. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed.
 2. Examples of activities prohibited in this district include but are not limited to the following:
 - a. Auctions, except as permitted by state law, commercial wholesale or retail sales, or miscellaneous or garage sales.
 - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - d. The establishment of a transfer and storage business.
 - e. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - f. Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
 - g. Habitation of storage units by humans or animals.
- D. No electrical power supply shall be accessible to the renter/lessee of the storage unit.
- E. All storage shall be within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored only in designated screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

II. BULK REGULATIONS:

- A. Minimum building setback from American Way - 40 ft.
- B. Minimum building setback from Getwell Road - 30
- C. Minimum building setback from east property line –15 feet
- D. Minimum building setback from south property line – 50 ft.
- E. Individual mini storage units shall not exceed 500 square feet. Individual mini storage units shall be shown on the Final Plat.

III. BUILDING DESIGN AND MATERIALS FOR MINI WAREHOUSE:

- A. Exterior walls around the perimeter of mini storage area shall be constructed of brick or concrete block.
- B. The perimeter of the mini-warehouse site shall be a solid facade, excluding the office/manager's apartment.

IV. ACCESS, CIRCULATION AND PARKING:

- A. 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.
- B. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance requirements.
- C. Adequate queuing spaces to meet the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse /cardreader.
- D. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

V. LANDSCAPING AND SCREENING:

- A. The landscaping shall be provided as approved by the Board of Adjustment (B.O.A. 07-) along Getwell Road and American Way.
- B. Existing plant and fence screening along the south property line shall be maintained and shown on outline/final plat.
- C. A wrought iron gate shall be provided along the southwestern property line as indicated on the Outline Plan.
- D. Landscaping shall be irrigated as required by Zoning Ordinance.
- E. Refuse containers shall be screened from view from adjacent property and from the public roads.

VI. SIGNS:

- A. Sign shall conform with the Zoning Ordinance and shall be illustrated on the final plat(s).
- B. Attached signs shall be permitted in accordance with the adopted Memphis and Shelby County Sign Ordinance.

VII. SITE LIGHTING:

- A. Parking lot lighting shall not exceed 20 feet in height within 100 feet of the southern property line.
- B. All outdoor lighting shall be directed away from abutting residential lots.

VIII. The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping and screening, and other site design requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modification of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of Office Planning and Development, to have such action reviewed by the City Council.

IX. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominate construction materials.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City 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: 358.98 feet along Getwell Road
541.69 feet along American Way

Planning District: OPV

Census Tract: 106.10

Zoning Atlas Page: Map 2240

Zoning History: The existing C-L zoning dates back to the adoption of county wide zoning in 1960 and the C-H zoning dates back to the approval of case Z-1373 in 1969.

DEPARTMENTAL COMMENTS:

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

City Engineer:

Curb Cuts/Access:

1. The City Engineer shall approve the design, number 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. 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.
4. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
5. The width of all existing off-street sewer easements shall be widened to meet current city standards.
6. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

All exterior portions of structures shall be within 500' hoses lay from fire hydrant accessible to fire apparatus.

City Real Estate: None.

City/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. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.

City Board of Education: This case does not have a significant impact on Memphis City Schools.

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 comments:

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- 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.
- **Landscaping prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- 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).

MLGW engineering area:

- MLGW Engineering - **Residential Development:** 528.4858
- MLGW Engineering - **Commercial Development:** 367.3343
- The owner/applicant will be responsible for 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:

This application was reviewed by the MPO staff/Department of Regional Services on September 27, 2007. Getwell Road and American Way are existing major roads on the current MPO Long Range Transportation Plans. No improvements are proposed for either Getwell or American Way.

OPD-Plans Development:

No comments.

Neighborhood Associations:

None listed.