

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

**16**

**CASE NUMBER:** PD 08-304 **L.U.C.B. MEETING:** February 14, 2008

**DEVELOPMENT NAME:** RBM Cherry Road Partners Planned Development

**LOCATION:** Northwest corner Haver Hill and Cherry Road

**OWNER OF RECORD:** RBM Cherry Road Partners

**APPLICANT:** RBM Cherry Road Partners and TIC Cherry Road Investors, LLC

**REPRESENTATIVE:** Ronald Harkavy

**REQUEST:** Amend the P.D. to Transfer 1.3 acres from Lot 2 to Lot 1 and add parking between the existing building and Cherry Road in Lot 1.

**AREA:** 25.5 Acres

**EXISTING LAND USE & ZONING:** Office and training space as regulated by P.D. 99-366 (RBM Cherry Road Partners Planned Development)

**SURROUNDING LAND USES AND ZONING:**

**North:** The Dixon Gallery and Gardens in the Single Family Residential (R-S10) District

**East:** Harding Academy High School in the Single Family Residential (R-S10) District

**South and West:** Single Family Dwellings in the Single Family Residential (R-S10) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

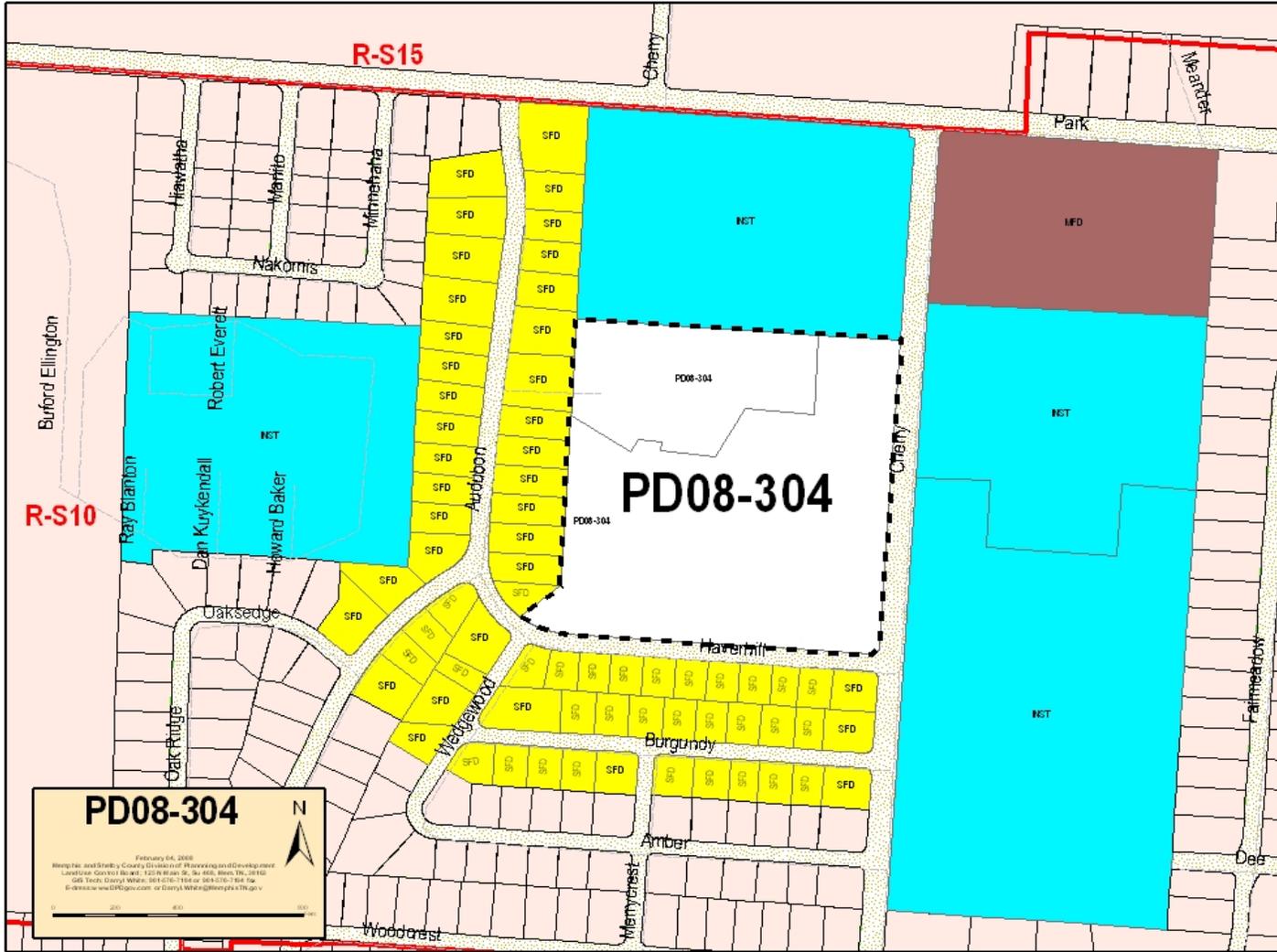
**APPROVAL WITH CONDITIONS**

Staff Reviewer: Don Jones

E-Mail: donald.jones@memphistn.gov

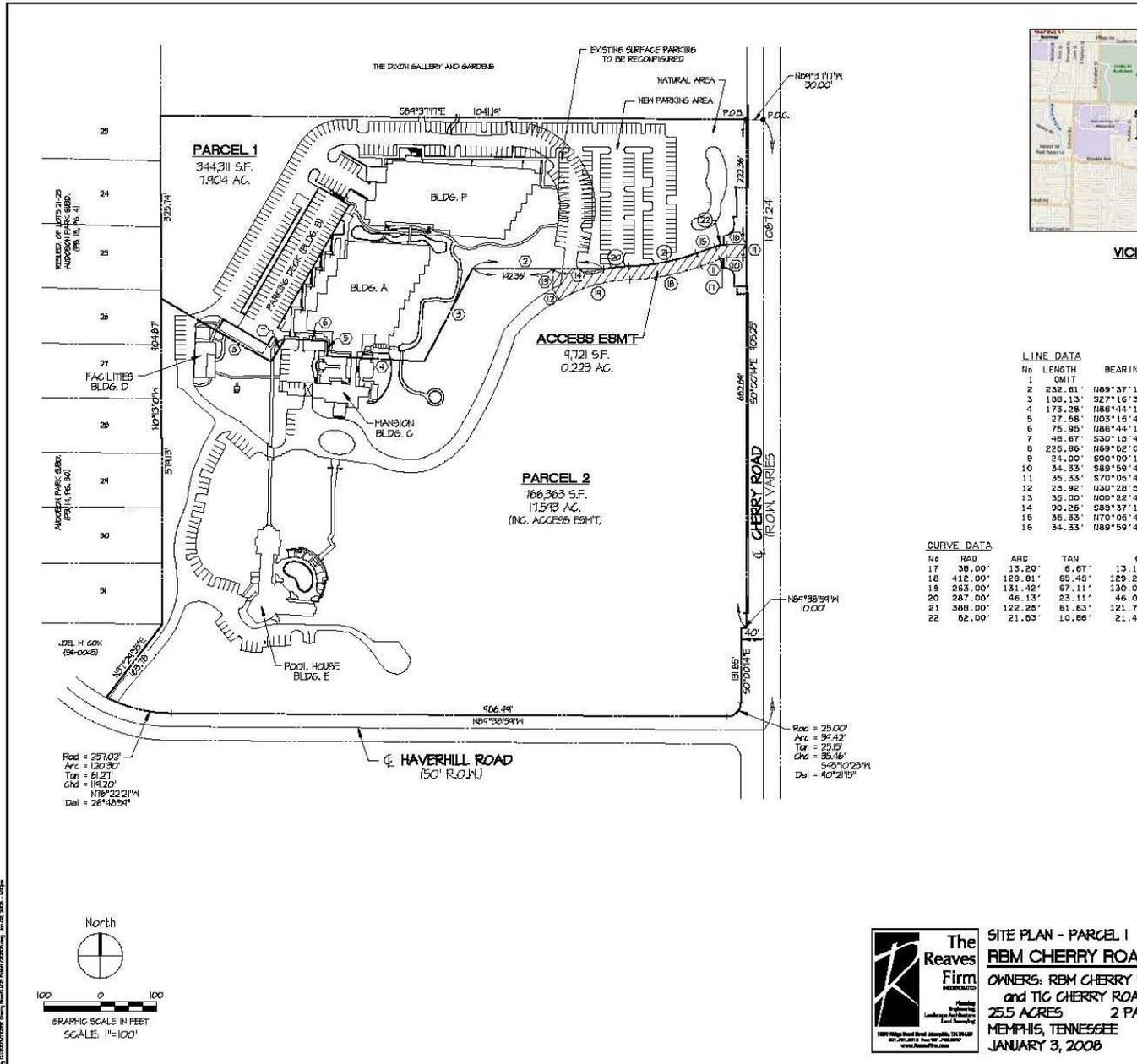
## **CONCLUSIONS**

1. The need for the requested amendment stems in part from the prior subdivision of this Planned Development which now permits these two lots to perform separately from each other.
2. According to the applicant's representatives, there is an opportunity to attract a local company to this property. That company has a specific parking requirement that must be met in order for them to consider this site. This requirement will necessitate the addition of approximately 100 spaces raising the total number of spaces to serve buildings A and F to 450.
3. In return expanding the surface on the site, the applicant has agreed to designate a the area between the new surface parking and Cherry Road as an ubuildabe area. The applicant shall also provide a detailed landscape plan for the new parking area and where need supplemental planting in the non-buildable area.

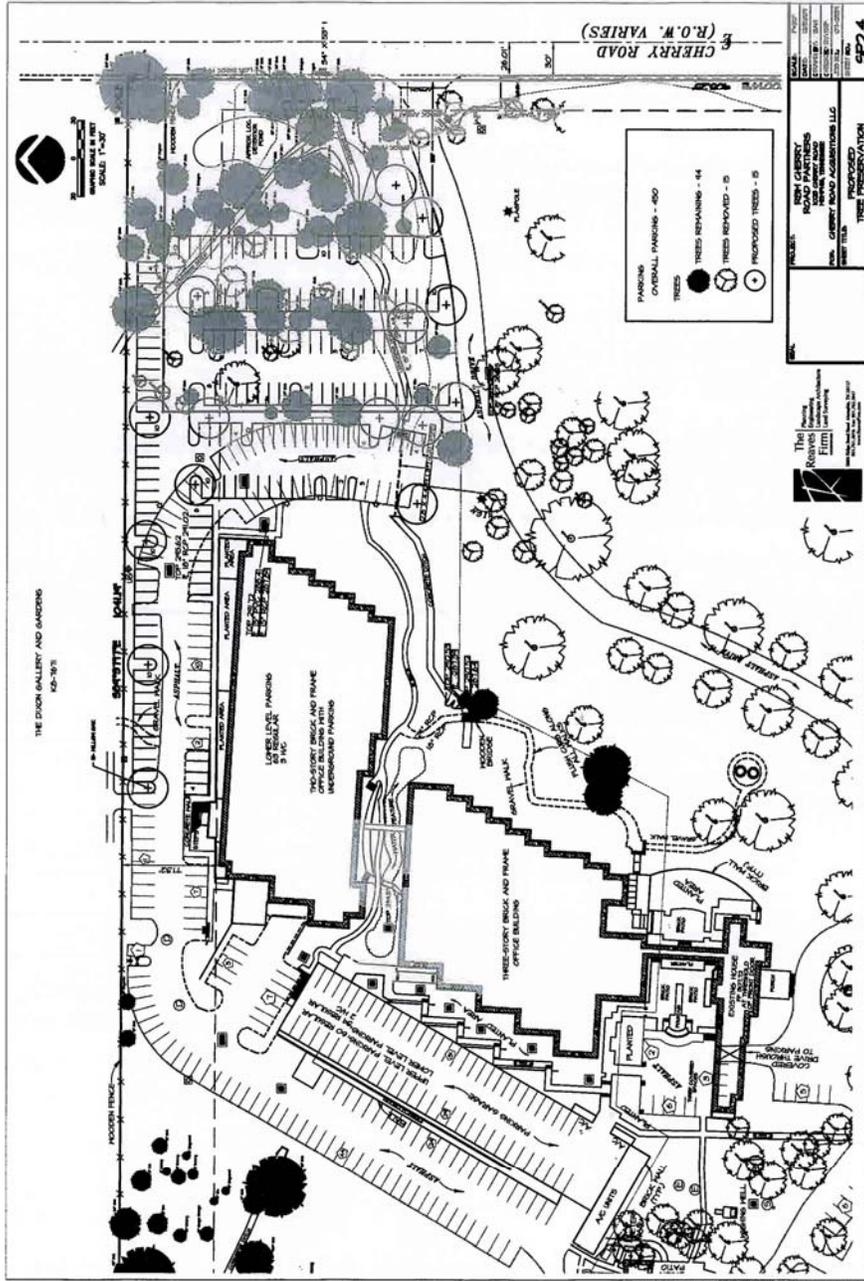


**Land Use and Zoning Map**

Site Plan with new parking layout



### Proposed Landscape Plan



## **STAFF ANALYSIS**

### Location and Characteristics:

The subject property is located at the northwest corner of Cherry Road and Haverhill Road in East Memphis. The site is a 25 acre tract that has served as the corporate home to a number of companies such as Holiday Inn, Promus, and Harrahs since 1984.

In addition to two large buildings and a parking deck that were built to accommodate corporate office space, the subject property also contains the original house, a pool house, a facilities building, a swimming pool, and a recently added tennis court. The property contains mature vegetation along the perimeter and within the center of the site, especially in Lot 2. The frontage along Cherry Road has remained largely undisturbed for a distance of approximately 250 feet back from the road.

### History of Planned Development

As the site has developed over the years, beginning with a Planned Development with a limited building square footage of 63,000, the site has retained its campus setting. Amendments to the plan have increased the amount of building square footage and expanded the uses permitted to the smaller buildings on the site.

For the most part, surface and structured parking have been oriented to the buildings that they served. In fact, the two parcels have shared parking when necessary. In 2003, a correspondence request was approved which allowed the property to be subdivided into two lots for the purpose of selling the lots.

### Request

Since this request was filed and sent out for public notice, an agreement has been reached to separate the request for additional buildable square footage for Lot 2 from the request to add parking area to serve Lot 1. Only the request for additional parking area will be considered at this time.

The current request includes a sale of 1.3 acres of land from Lot 2 to Lot 1. This is located in the northeast section of the site. In this area, the applicant TIC Cherry Road Developers are requesting to amend the Planned Development to add surface parking to the site. The plan contains a commitment to retain at least a 100 foot non-disturb area between Cherry Road and the edge of the parking area.

Review of Request

The need for the requested amendment stems in part from the prior subdivision of this Planned Development which now permits these two lots to perform separately from each other. According to the applicant's representatives, there is an opportunity to attract a local company to this property. That company has a specific parking requirement that must be met in order for them to consider this site. This requirement will necessitate the addition of approximately 100 spaces raising the total number of spaces to serve buildings A and F to 450.

The proposed landscaping plan shows two landscaped islands of approximately 15 feet in width which will increase the likelihood that many of the existing trees that are currently located within the proposed parking area may survive. The plan also shows a desire to replace trees that are lost on a one for one basis.

**RECOMMENDATION:**            APPROVAL WITH CONDITIONS

**OUTLINE PLAN CONDITIONS**  
**RBM Cherry Road Partners**  
**P.D. 08-304**

- I. Uses Permitted:
  - A. A maximum of 108,000 square feet of office space for administrative, executive, professional, and research activities, inclusive of existing corporate office facilities
  - B. Accessory parking as specified in Condition III C, below
  - C. Buildings C and E, and the swimming pool located within this P.D. may be used for single family residential use or for administrative, executive, professional, and research activities inclusive of existing corporate office facilities.
- II. Bulk Regulations: In conformance with the R-S10 District with the following exceptions
  - A. The minimum building setback shall be as illustrated on the Outline Plan.
  - B. Maximum height – 35 feet above grade and a maximum of three (3) stories.
- III. Access, Circulation, and Parking:
  - A. The existing internal private drive system shall be extended to serve the additional building and parking. Extensions of the private drive shall be a minimum of 22 feet in width exclusive of curb and gutter in accordance with the Subdivision Regulations.
  - B. Access to Haverhill Road shall be prohibited.
  - C. The existing parking structure and surface spaces shall be preserved serving the existing buildings.
    1. ***Lot 1 shall be served by a maximum of 450 parking spaces. This total includes the existing parking structure, existing surface parking and new parking areas north of the entry drive from Cherry Road.***

2. ***A new Lot 3 shall be created to accommodate the additional parking requested. Lot 3 shall serve the existing buildings in Lot 1 only.***

D. Development of the parking areas shall incorporate a major tree preservation plan. The plan shall include generous unpaved island to accommodate preservation of large trees.

#### IV Landscaping, Screening, and Lighting

A. A landscape plan shall be submitted to the Office of Planning and Development for approval. The landscape plan shall be designated to screen the proposed new building and parking areas from residential property to the northwest along Audubon Drive. Development of the parking area including specific measures for preserving existing trees shall be incorporated into the overall landscape plan. No final plan shall be approved until a landscape plan including the specific parking development plan is approved.

1. ***A landscaping plan for the proposed additional parking in Lot 1 shall be submitted to the Office of Planning and Development for approval. The landscape plan shall be designed to screen the parking area from Cherry Road. Development of the parking area including specific measures for preserving existing trees shall be incorporated into the overall landscape plan. No final plan shall be approved until a landscape plan including the specific parking development plan is approved.***

2. ***An NOI demonstrating conformance with the Tree Ordinance shall be required. A copy of the NOI for the file shall be required prior to the recording of the Final Plat.***

3. ***The area between Cherry Road and the expanded parking lot and north of the access easement shall be identified as open space-unbuildable.***

B. Existing trees shall be preserved and incorporated within the landscape plan wherever possible.

C. All required landscaping and screening shall be provided exclusive of any easements and shall not conflict with any easements including overhead wires.

- D. Light standards shall be maximum of ten feet high and shall be designated to direct light away from any adjacent residential properties.
- E. Equivalent landscaping, screening, and lighting may be substituted for that required above subject to the approval of the Office of Planning and Development.
- V. The following conditions shall pertain specifically to protection and preservation of existing trees and selection of supplementary planting,
  - A. Protection
    - 1. Tree protection operations shall be completed prior to the commencement of earthwork.
  - B. Root Pruning
    - 1. Pruning shall be done prior to the commencement of earthwork in the vicinity of trees.
    - 2. The line of root pruning shall be clearly flagged and no equipment shall enter the area within the pruning line.
    - 3. Wherever possible, pruning of a single tree shall be done sequentially (one quadrant per each 10-14 days) instead of pruning the circumference, or a major segment thereof, in a single operation.
    - 4. Tools
      - a. All pruning shall be done with a sharp blade or pruning shears with a minimum of disturbance to the earth surrounding the root to remain.
      - b. No bulldozer cuts shall be made in the vicinity of a tree prior to root pruning.
      - c. No earthwork shall be done within six feet of the drip line of a tree prior to root pruning.
  - C. Maintenance
    - 1. A maintenance program shall be instituted when root pruning is

initiated and continuous maintenance shall be provided for all existing and proposed vegetation.

2. Crown growth shall be thinned as appropriate to compensate for root pruning and as appropriate for light penetration.

3. All existing trees shall be fertilized prior to the placement of paving and /or fill material.

D. Supplementary Planting

1. Supplementary planting shall be done with plants indigenous to the locale as represented and as shown on the approved landscape plan

2. Additional or alternate plant material may be selected subject to approval of the Office of Planning and Development at time of final plan review.

VI. Drainage:

A. Design and construction of the stormwater conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual. Adequate non-buildable areas shall be provided on each final plan for required on-site stormwater detention facilities as determined by drainage calculations performed in accordance with the Drainage Manual and approved by the City Engineer.

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

C. Drainage improvements to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

D. This project 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 sec.)

VII. Signs:

Two signs shall be permitted attached to the walls at the main entrance along Cherry Road. No internal illumination of the signs shall be permitted and the signs shall be a maximum of 12 square feet each.

VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, lighting, sign and other site design requirements if equivalent alternatives are presented; provided however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the 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 building footprint and floor area, pedestrian and utility easements.
- D. A landscape plan illustrating the content of all landscaping and screening to be provided including specific plant species and size at planting,
- E. A specific plan for development of the proposed parking area including all measures taken to preserve existing trees and specific paving materials to be utilized.
- F. The location, diameter and species name of existing trees over 8 inches in diameter located within the yard spaces and required landscape/screening areas, and differentiation between those trees to be preserved and those to be removed,
- G. The location and ownership, whether public or private of any easement,
- H. The 100 year flood elevation,
- I. 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.

## GENERAL INFORMATION

**Street Frontage:** Cherry Road .....+/- 1,037 Feet  
Haverhill Road ..... +/- 1,106 Feet

**Planning District:** Quince

**Census Tract:** 83

**Zoning Atlas Page:** 2140

**Zoning History:** Originally approved under the File Name Holiday Inn Executive – File Number P.D. 83-055, this planned development was last amended in 1999 (P.D. 99-366 to revised the permitted uses from Corporate Office only to executive, administrative, and professional offices and single family uses for specific buildings in Parcel 2. A correspondence item was approved in April of 2003 to permit the property to be subdivided into two lots.

## DEPARTMENTAL COMMENTS

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

**City Engineer:**

1. No comments on FAR/parking ratios.

**City Fire Division:** No comments received.

**City/County Health Department-  
Pollution Control:** No objections.

**Environmental Sanitation:** No objections.

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.
3. 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.

4. 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.

**City 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 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 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.
- Any proposed structures must comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances from existing overhead electric facilities.
- **Landscaping is 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).
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
  - MLGW Engineering - **Residential Development:** 528-4858
  - MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Bell South:** No comments received.

<b>Memphis Area Transit Authority (MATA):</b>	No comments received.
<b>OPD-Regional Services:</b>	No comments received.
<b>OPD-Comprehensive Planning :</b>	No comments.
<b>Memphis Park Commission:</b>	No comments received.
<b>Neighborhood Associations:</b>	
<i>Colonial Acres -</i>	No comments received
<i>University District Association</i>	No comments received
<i>Audubon Park Neighborhood Association</i>	<i>See Below</i>



Audubon Park Community Association, Inc.  
979 Audubon Drive  
Memphis, TN 38117

February 5, 2008

Mary Baker, Deputy Director  
Office of Planning and Development  
125 North Main Street, Room 476  
Memphis, TN 38103

Re: Cherry Road Partners Planned Development  
P.D. 99-366

Dear Ms. Baker:

I'm writing on behalf of the Audubon Park Community Association regarding the application to amend the referenced Planned Unit Development that is pending with your office.

The Audubon Park Community Association has met with the representatives of the two property owners that are covered under this PUD regarding the proposed changes.

We have had a good dialogue and working relationship with the owners of Lot 1 on the application, TIC Properties, and their representatives Paul Aiesi, Ron Kastner and Ron Harkavy. TIC Properties has taken the neighborhood concerns into account in planning their changes to the PUD affecting their lot and have explained that they intend to purchase the north east portion of Lot 2 from its owner, RBM Cherry Road Partners, for the purposes of adding the required parking for their tenant.

TIC Properties has adequately addressed our concerns regarding visual intrusion into the neighborhood by placing their expanded parking area on the East side of the buildings away from the neighbors, saving existing trees as noted on their plan, providing for undisturbed natural area along Cherry Road and adding evergreen screening around the new parking area.

We have also had dialogue with the owners of Lot 2, RBM Cherry Road Partners, and its representative, Scott Imorde. The neighborhood is opposed to the changes to the PUD proposed for Lot 2. RBM does not have a pending tenant or material reason to request any of their proposed changes to the PUD, and these changes would adversely affect the neighbors and associated property values needlessly.

The Audubon Park Community Association reviewed the application letter provided to your office by Lee Davidson with The Reaves Firm, and we support the request to Amend Conditions III and IV of the PUD to allow construction of an additional parking area on Parcel 1. We also support modifications to the Outline Plan Condition III to allow a maximum of 450 parking spaces on Parcel 1. Parcel 2 parking and drives to remain unchanged and modifications to the

Ms. Mary Baker  
February 7, 2008  
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Outline Plan Condition IV regarding landscape, screening and lighting of the proposed parking area for Parcel 1.

However, we strongly oppose any Amendment to Condition I to increase the allowable square footage of office space under this PUD. The request to Amend Condition I would allow the existing Pool House (Building E) to be used for office and permit up to 5,000 SF of office in the facilities building (Building F.) These two buildings are extremely close to the existing property lines and any change in their use or construction would have a tremendous adverse effect on the neighborhood and privacy of the back yards along this property line. Building F is currently being used in violation of the PUD by Buzz Off Mosquito Control for the purposes of storing chemicals and running their service business. This activity adversely affects the neighboring properties.

We also strongly oppose any amendment to the Outline Plan Condition I to allow an increase of the office space to 118,100 square feet and any change to allowable uses under Condition I.

The Audubon Park Community Association, Inc. held an official meeting at 6:30 p.m. February 5, 2008 to review the application and discuss neighborhood concerns. The neighborhood officially voted on and passed a motion to support the requested changes to Lot 1 and oppose the requested changes to Lot 2.

Subsequent to this meeting, we understand that TIC Properties and RBM Cherry Road Partners have discussed the result of our vote, and intend to amend their application to remove all of the changes we oppose. We understand their representative Ron Harkavy will communicate the removal of these changes from the application with OPD. We appreciate their responsiveness to our concerns.

The neighborhood intends to have representatives present at the Public Hearing to voice our concerns and any subsequent City Council Meeting that will consider this matter.

Sincerely,

AUDUBON PARK COMMUNITY ASSOCIATION, INC.

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Megan Grinder, President