

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: _____
DATE
PUBLIC SESSION: _____
DATE

ITEM (CHECK ONE)
 ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a planned development. The following item was heard and a recommendation made by the Land Use Control Board.
(L.U.C.B. Date: November 8, 2007)

CASE NUMBER: P.D. 07-332 **DEVELOPMENT NAME:** AIRWAYS INDUSTRIAL PLANNED DEVELOPMENT

LOCATION: Northeast corner of Stateline Road and Airways Boulevard

APPLICANT: William H. Thomas, Jr.

REPRESENTATIVE: Fisher & Arnold, Inc. – Jud TePaske

EXISTING ZONING: Single Family Residential (R-S8) & Multiple Dwelling Residential (R-ML) Districts

REQUEST: Planned development to permit industrial warehouse uses

AREA: 48.181 Acres

RECOMMENDATION: The Office of Planning and Development and Land Use Control Board recommended **APPROVAL WITH CONDITIONS**

RECOMMENDED COUNCIL ACTION: Set date for public hearing. Suggest **April 15, 2008**

PRIOR ACTION ON ITEM:
 _____ APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:
 _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS
 \$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:	DATE	POSITION
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN

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 northeast corner of Stateline Road and Airways Boulevard; 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 November 8, 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 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

Airways Industrial Planned Development
P.D. 07-332

OUTLINE PLAN CONDITIONS:

I. PERMITTED USES:

- A. Any principal or accessory use listed in Chart I and permitted by right (X) or by administrative site plan review (P) in the Light Industrial (I-L) District shall be permitted, except as follows:
1. Adult entertainment and novelty stores.
 2. Advertising signs or billboards, other than temporary real estate marketing signs.
 3. Amusements, commercial outdoor.
 4. Brewery
 5. Campground, travel trailer park
 6. Drive-in outdoor motion picture theaters
 7. Heliport
 8. Mobile home retail sales and outlets/service
 9. Motor vehicle sales/service
 10. Motor freight, bus terminal or service facility
 11. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer and abrasive products.
 12. Lumber Yard
 13. Tavern, cocktail lounge, night club
 14. Undertaking establishments
 15. Garbage or refuse collection service
 16. Taxi cab dispatch station
 17. Retail sales outdoor
 18. Used goods, second hand sales
 19. Chemical manufacturing
 20. Slaughtering businesses
 21. Boat rental, sales, storage or repair
 22. Beverage recycling center
 23. Contractor's yard or storage, outdoor
 24. Truck stop and /or gasoline service station
 25. Gasoline Sales
 26. Garage, commercial
 27. Schools, public or private
 28. Business school
 29. Music or dancing academy
 30. Free standing restaurant or drive-in restaurant
 31. Airline terminal

32. Pawn shop
33. Leather, tanning and finishing
34. Convenience store
35. Mini/maxi storage facility

II. BULK REGULATIONS: The bulk regulations of the I-L District shall apply except for the following:

- A. Maximum buildable floor area ratio shall be .50.
- B. Maximum building height shall be 45.
- C. Minimum buildings setback from Airways Blvd. shall be 280 feet.
- D. Building elevations and renderings shall be shown on the final plat and subject to the approval of OPD.

III. CIRCULATION, ACCESS AND PARKING:

- A. Identify the 68 foot wide drives as "Private".
- B. 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).
- C. 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.
- D. All private drives shall be constructed in accordance with the Subdivision Regulations and have a minimum width of twenty-two feet (22) exclusive of curb and gutter in accordance with the Subdivision Regulations.
- E. 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.

- F. All curb openings onto Airways Blvd shall be spaced a minimum of 300 feet apart.
- G. Internal circulation shall be provided between adjacent property and between phases/sections and/or lots depending on the required vehicular circulation patterns.
- H. 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.
- I. 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. LANDSCAPING AND LIGHTING:

- A. Airways Boulevard shall be landscape with plate A-4 or an equivalent landscaping approved by the Office of Planning and Development.
- B. A landscape plan including proposed fencing for this site shall be submitted for approval by OPD either before or concurrent with the a final plat. Existing mature trees shall be preserved where feasible.
- C. All landscaping shall be provided exclusive of all drainage retention basins, easements and shall not be located to conflict with any easements or utilities on the site.
- D. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers and the design of lighting standards shall be of a type appropriate to the development and the city.
- E. Refuse containers shall be completely screened from view from the public roads and adjacent residentially zoned or used property with architecturally equivalent materials.
- F. Air conditions, heating, ventilation or other mechanical equipment, including that located on roofs, which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.

- G. Utility features such as electrical wiring, conduit, and meters shall also be screened using architectural features or landscaping.

V. SIGNAGE: Signs shall conform to the sign regulations for the I-L District.

VI. DRAINAGE:

- A. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the first final plan.
- B. 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.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- D. 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.

VII. DEVELOPMENT SCHEDULE:

A final plan for the construction of a use permitted in the planned development shall be filed within five years of the approval of the outline plan by the legislative bodies. Additional five year time extensions may be approved by the Land Use Control Board.

VIII. MODIFICATION OF PARAGRAPHS II, III, IV AND V BY LAND USE CONTROL BOARD:

The Land Use Control Board may modify setbacks, building height, signage, parking, landscaping and other site requirements if equivalent alternatives are presented.

- XI. FINAL PLANS:** In addition to the outline conditions, the following shall be included on any final plan:
- A. The outline plan conditions
 - B. Standard improvement contract as defined by the Subdivision Regulations.
 - C. The exact location and dimensions including height of all buildings, parking areas, lighting standards, driveways, street landscaping and screening.
 - D. The number of parking spaces and common ingress/egress easements.
 - E. Illustrations of attached and detached signs.
 - F. The location and ownership of any private or public easements.
 - G. The 100 year flood elevation.
 - H. 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.
 - 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 operated 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.

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P.D. 07-332

At its regular meeting November 8, 2007, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of William H. Thomas, Jr., requesting a planned development on the property described as follows:

LOCATION: Northeast corner of Stateline Road and Airways Boulevard

APPLICANT: William H. Thomas, Jr.

REPRESENTATIVE: Fisher & Arnold, Inc. – Judson TePaske

REQUEST: Planned development to permit industrial warehouse uses

AREA: 48.181 Acres

EXISTING LAND USE & ZONING: Vacant land in the Single Family Residential (R-S8) & Multiple Dwelling Residential (R-ML) Districts

The following appeared in support of the application:

Judson TePaske, Fisher & Arnold, Inc., 9180 Crestywn Hills Dr., Memphis, TN 38125

No one spoke in opposition of the application:

The Land Use Control Board reviewed the application of William H. Thomas, Jr., requesting a planned development and the report of the staff. A motion was made and seconded to recommend approval with conditions of the application.

The motion passed by a unanimous vote 7 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

OUTLINE PLAN CONDITIONS:

I. PERMITTED USES:

- A. Any principal or accessory use listed in Chart I and permitted by right (X) or by administrative site plan review (P) in the Light Industrial (I-L) District shall be permitted, except as follows:
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 7. Heliport
 8. Mobile home retail sales and outlets/service
 9. Motor vehicle sales/service
 13. Motor freight, bus terminal or service facility
 14. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer and abrasive products.
 15. Lumber Yard
 13. Tavern, cocktail lounge, night club
 14. Undertaking establishments
 15. Garbage or refuse collection service
 16. Taxi cab dispatch station
 17. Retail sales outdoor
 18. Used goods, second hand sales
 19. Chemical manufacturing
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 21. Boat rental, sales, storage or repair
 22. Beverage recycling center
 23. Contractor's yard or storage, outdoor
 24. Truck stop and /or gasoline service station
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 27. Garage, commercial
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- K. 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).
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- M. All private drives shall be constructed in accordance with the Subdivision Regulations and have a minimum width of twenty-two feet (22) exclusive of curb and gutter in accordance with the Subdivision Regulations.
- N. 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.

- O. All curb openings onto Airways Blvd shall be spaced a minimum of 300 feet apart.
- P. Internal circulation shall be provided between adjacent property and between phases/sections and/or lots depending on the required vehicular circulation patterns.
- Q. 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.
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- E. Refuse containers shall be completely screened from view from the public roads and adjacent residentially zoned or used property with architecturally equivalent materials.
- F. Air conditions, heating, ventilation or other mechanical equipment, including that located on roofs, which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.

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 - N. Illustrations of attached and detached signs.
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**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
#22**

STAFF REPORT

CASE NUMBER: P.D. 07-332 L.U.C.B. MEETING: November 8, 2007

DEVELOPMENT NAME: Airways Industrial Planned Development

LOCATION: Northeast corner of Stateline Road and Airways Boulevard

APPLICANT: William H. Thomas, Jr.

REPRESENTATIVE: Fisher & Arnold, Inc. – Jud TePaske

REQUEST: Planned development to permit industrial warehouse uses

AREA: 48.181 Acres

**EXISTING LAND USE & ZONING: Vacant land in the Single Family Residential (R-S8)
& Multiple Dwelling Residential (R-ML) Districts**

SURROUNDING LAND USES AND ZONING:

North: Vacant land and warehouses in the I-L Light Industrial District.

East: Vacant land in the R-S8 Single Family District

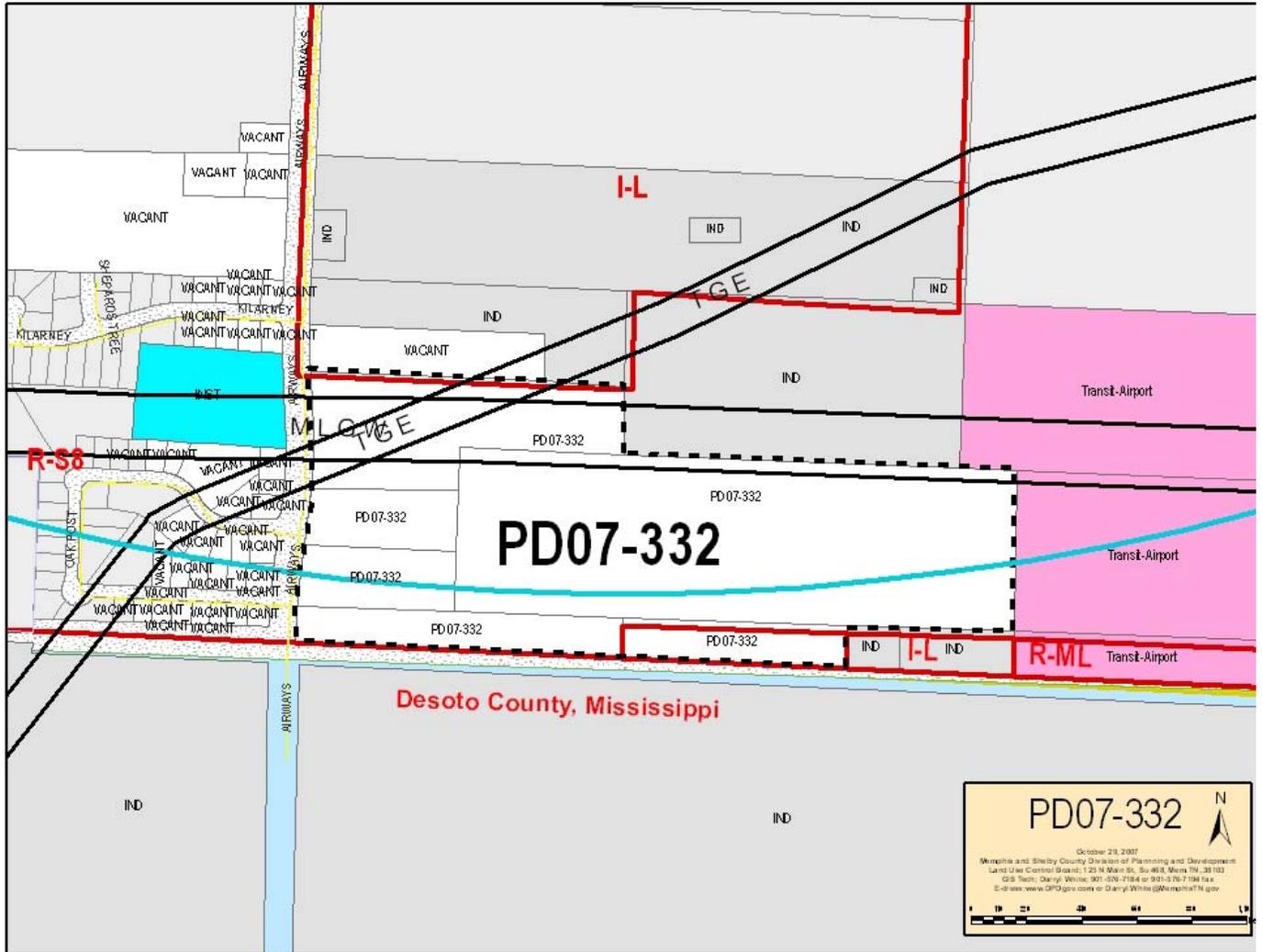
South: Warehouses across the State line in Mississippi

West: Vacant land predominately cleared from the Airport Buy-out in the
mid 1990's.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS**

CONCLUSIONS:

1. A rezoning application (Z 07-110) was filed and heard by the Land Use Control Board earlier this year but remanded back to OPD for conversion to a planned development application by Memphis City Council so that conditions could be placed on the application that would limit the permitted uses for this site, specifically the prohibition of adult entertainment and billboards uses.
2. The request is for a planned development to permit industrial warehouse uses on a 41 acre tract of land with a minimum building setbacks of 260 feet from Airways Blvd and parking and storage proposed under the existing TVA easement along the north property of the site.
3. This site is situated within the boundaries of the Airport Land Use Study and the future recommended land use for this site is Planned Office Park with all access to the this area being via an internal roadway system.
4. The proposed planned development for an industrial warehouse is not inconsistent with the existing development patterns and the adopted plan for the area, nor will it have a negative impact on surrounding properties.



SUBJECT SITE ALONG THE EAST SIDE OF AIRWAYS BLVD.



EXISTING WAREHOUSE DEVELOPMENT NORTH OF PROPOSED SITE



STAFF ANALYSIS:

Site Location and Description

The subject property lies along the east side of Airways Boulevard, an improved 6 lane major arterial; between Holmes Road and State Line Road, in the Whitehaven Community of Memphis. The site is composed of several parcels totaling approximately 48.18 acres of land and is currently situated within the Single Family Residential (R-S8) and Multiple Dwelling Residential (R-ML) Districts. The site is currently vacant land with approximately 652 feet of frontage along Airways Boulevard.

The subject site is impacted in the northwest corner by both a TVA and Texas Gas Transmission easements. The site is relatively flat with significant tree cover vegetation. Surrounding the site on two sides, north and south are large warehouse facilities, with access to Airways Boulevard or Stateline Road in Mississippi. West of the site vacant land in the Airport buyout area and to the east is Airport owned and used property.

Applicant's Request

A rezoning application (Z 07-110) was filed and heard by the Land Use Control Board earlier this year. Upon presentation to the Memphis City Council, it was remanded back to OPD for conversion to a planned development application. The Council requested that conditions be placed on the application that would limit the permitted uses for this site, specifically the prohibition of adult entertainment and billboards uses.

The request is for a planned development to permit industrial warehouse uses on a 41 acre tract of land. The proposed outline plan reflects two points of access via Airways Boulevard with no direct access to or from adjacent property. The minimum building setback is 260 feet from Airways Blvd with parking and storage proposed under the existing TVA easement along the north property line of the site. The site plan does not reflect a proposed streetscape along Airways or screening around the perimeter of the site. A large area to the rear of the site is proposed for fleet parking.

Airport Land Use Study

This site is situated within the boundaries of the *Airport Land Use Study* adopted 1992 by both the Memphis City Council and Shelby County Commission. The Study recommended that future land uses for this site be Planned Business Park. The plan recommends that all access to the this area be via an internal roadway system.

Review of Request

The applicant's request to develop industrial uses along Airway Boulevard is based on the close proximity of the site to the Memphis International Airport and the presence of other similar uses that are currently located along this eastern side of Airways Blvd..

This site is impacted by the presence of the airport and policies related to its location in this community. The site is located within the Airport Approach Zone of the west runway. While such location does not per say preclude the development of residential uses, non- residential developments are encouraged in this area of the City. The site is also located within the Memphis International Airport noise buy-out area. While the site was not directly impacted by that program, introduction of residential uses to this area would be in conflict with the purpose and intent of that program. Consequently, the proposed industrial planned development is an acceptable use at this location.

This site is not suitable for residential development and adopted policies of the City of Memphis and the Memphis International Airport affirm that determination. The proposed planned development for an industrial warehouse is not inconsistent with the existing development patterns and the adopted plan for the area, nor will it have a negative impact on surrounding properties

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS:

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- D. 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.

VII. DEVELOPMENT SCHEDULE:

A final plan for the construction of a use permitted in the planned development shall be filed within five years of the approval of the outline plan by the legislative bodies. Additional five year time extensions may be approved by the Land Use Control Board.

VIII. MODIFICATION OF PARAGRAPHS II, III, IV AND V BY LAND USE CONTROL BOARD:

The Land Use Control Board may modify setbacks, building height, signage, parking, landscaping and other site requirements if equivalent alternatives are presented.

- XI. FINAL PLANS:** In addition to the outline conditions, the following shall be included on any final plan:

- A. The outline plan conditions
- B. Standard improvement contract as defined by the Subdivision Regulations.
- C. The exact location and dimensions including height of all buildings, parking areas, lighting standards, driveways, street landscaping and screening.
- D. The number of parking spaces and common ingress/egress easements.
- E. Illustrations of attached and detached signs.
- F. The location and ownership of any private or public easements.
- G. The 100 year flood elevation.
- H. 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.

- 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 operated 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:	1,090 feet along Airways Boulevard
Planning District:	Oakhaven Parkway Village
Census Tract:	219
Zoning Atlas Page:	Map 2535
Zoning History:	Zoning of the site dates to the adoption of the County-wide comprehensive zoning ordinance of 1960.

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.

Private Drives:

1. Identify the 68 foot wide drives as "Private".
2. 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).
3. 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').
4. 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:

5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
7. All curb openings onto Airways Blvd shall be spaced a minimum of 300 feet apart.

Drainage:

8. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the first final plan.
9. 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.
10. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
11. 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:

12. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
13. 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.
14. 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:

15. The width of all existing off-street sewer easements shall be widened to meet current city standards.
16. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
17. All connections to the sewer shall be at manholes only.
18. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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

City Fire Division: No comments received.

City Real Estate: None.

City/County Health Department: The Water Quality Branch has no comments.

City Board of Education: No comments received.

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:

- The subject property is encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by MLGW's Right of Way Encroachment Policy.
- It is the responsibility of the owner/applicant, prior to any development, to contact Ronnie Alberson, Land Rights Specialist, with MLGW @ 528-4186 to obtain written approval for any improvements within the Easement.
- 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 (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.
- 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.
- To determine if system improvements may be required, please contact the appropriate 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 comment regarding this development at this time.

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

Memphis and Shelby County Airport Authority:

It remains the Airport Authority's primary concern that all land developed in or near airport acquired property, not only be compatible with the airport, but with the surrounding communities. We would request that proper building setbacks, building lights, access parking, landscaping and sign requirements be made conditions of the approval. A review of the planned development concept attached to the application appears to address these issues.

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments.

Neighborhood Associations:
Whitehaven CDC: No comments received.

OUTLINE PLAN CONDITIONS:

I. PERMITTED USES:

- A. Any principal or accessory use listed in Chart I and permitted by right (X) or by administrative site plan review (P) in the Light Industrial (I-L) District, including a motor freight terminal, shall be permitted, except the following:
1. Adult entertainment and novelty stores.
 2. Advertising signs or billboards, other than temporary real estate marketing signs.
 3. Brewery
 5. Campground, travel trailer park
 6. Motor vehicle sales/service
 7. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer and abrasive products.
 8. Lumber Yard
 9. Tavern, cocktail lounge, night club
 10. Garbage or refuse collection service
 11. Retail sales outdoor
 12. Used goods, second hand sales
 13. Chemical manufacturing
 14. Boat rental, sales, storage or repair
 15. Beverage recycling center
 16. Truck stop and /or gasoline service station
 17. Gasoline Sales
 18. Garage, commercial
 19. Pawn shop
 20. Mini storage facility
- B. Accessory structures and uses shall comply with bulk and location requirements in Section 27 of the Zoning Ordinance-Regulations.

II. BULK REGULATIONS: The bulk regulations of the Light Industrial (I-L) District shall apply including the following:

- A. Building elevations and renderings shall be shown on the final plat and subject to the approval of OPD.

III. CIRCULATION, ACCESS AND PARKING:

- A. Identify the 68 foot wide drives as "Private".
- B. 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).

- C. 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.
- D. All private drives shall be constructed in accordance with the Subdivision Regulations and have a minimum width of twenty-two feet (22) exclusive of curb and gutter in accordance with the Subdivision Regulations.
- E. 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.
- F. All curb openings onto Airways Blvd shall be spaced a minimum of 300 feet apart.
- G. Internal circulation shall be provided between phases/sections and/or lots depending on the required vehicular circulation patterns.
- H. 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.
- I. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- J. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.

IV. LANDSCAPING AND LIGHTING:

- A. A Landscape Plate 'A-4 Modified' shall be installed and maintained along Airways Road; or an equivalent alternative as approved by Office of Planning & Development.
- B. Internal landscaping shall be provided in accordance with Section 32 of the Memphis & Shelby County Zoning Ordinance-Regulations.
- C. A landscape plan including any proposed fencing for this site shall be submitted for approval by OPD either before or concurrent with the a final plat. Existing mature trees shall be preserved where feasible.
- D. All landscaping shall be provided exclusive of all drainage retention basins, easements and shall not be located to conflict with any easements or utilities on the site.

- E. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers and the design of lighting standards shall be of a type appropriate to the development and the city.
 - F. Refuse containers shall be completely screened from view from the public roads and adjacent residentially zoned or used property with architecturally equivalent materials.
 - G. Air conditions, heating, ventilation or other mechanical equipment, including that located on roofs, which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.
 - H. Utility features such as electrical wiring, conduit, and meters shall also be screened using architectural features or landscaping.
- V. **SIGNAGE:** Signs shall conform to the sign regulations for the I-L District, except that the height shall be limited to 25 feet.

VI. DRAINAGE:

- A. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the first final plan.
- B. 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.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- D. 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.

VII. DEVELOPMENT SCHEDULE:

A final plan for the construction of a use permitted in the planned development shall be filed within five years of the approval of the outline plan by the legislative bodies. Additional five year time extensions may be approved by the Land Use Control Board.

VIII. MODIFICATIONS:

The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, screening, signs and other site design requirements if equivalent alternatives are presented to the Board.

IX. SITE PLAN REVIEW:

- A. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City Agencies prior to approval of any final plan for any development plan.
- B. The site plan shall include the following:
 - 1. The location of all existing and proposed public roadways on or adjacent to the property.
 - 2. The location, dimensions and floor area of all buildings, structures and parking areas.
 - 3. The location of internal streets and private drives and the number and general location of curb cuts and utility easements.
 - 4. The location of pedestrian systems.
 - 5. The location and use of open space.
 - 6. Internal and perimeter landscaping.
- C. The site plan shall be reviewed based upon the following criteria:
 - 1. Conformance with the General Plan conditions.
 - 2. Conformance to the standards and criteria for commercial planned developments contained in Sections 14.C., 14.D., 14.E., and 14.F. of the Zoning Regulations.

X. FINAL PLANS:

Any final plan shall include the following:

- A. The outline plan conditions
- B. Standard improvement contract as defined by the Subdivision Regulations.

- C. The exact location and dimensions including height of all buildings and buildable areas, parking areas, lighting standards, driveways, street landscaping and screening.
- D. The number of parking spaces and common ingress/egress easements.
- E. Illustrations of attached and detached signs.
- F. The location and ownership of any private or public easements.
- G. The 100 year flood elevation.
- H. 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.
- 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 operated 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.

