

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 at the southeast corner of Union Avenue and E. Parkway South; 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 April 10, 2008 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

P.D. 06-368

OUTLINE PLAN CONDITIONS:

I. USES PERMITTED:

- A. Any use permitted in the College and University (C-U) District by right, administrative site plan approval or by special use permit including the following uses:

Art Gallery subject to footnote 4 of the Zoning Ordinance

- B. The following uses are excluded:

1. Townhouse in Phase I only
2. Multi-family in Phase I only
3. Day Care Center in Phase I only
4. Family or Group day care home in Phase I only
5. Hotel/Motel
6. Boarding/Rooming House
7. Group Shelter
8. Telephone switching center, electric transmission, Gas piping, water pumping station

II. BULK REGULATIONS:

The bulk regulations for the planned development shall be in conformance with the CU zoning district regulations except as follows:

- A. Minimum Building Setback:

1. East Parkway - 192 feet for existing buildings and 200 feet for new construction
2. Union Avenue - 38 feet for the existing building and 55 feet for new construction
3. St. Agnes Drive - 58 feet
4. Private Drives – 20 feet
5. South property line – 58 feet

- B. Maximum Height – 35 feet

III. ACCESS, PARKING AND CIRCULATION:

- 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. All proposed curb openings on Union Avenue shall be constructed to City of Memphis design standards.
- C. The parking/access design in Phase 2 (Chapel and future bldg) shall be redesigned so as not to create a private drive that connects two public streets.
- D. The median in the right turn out onto Union shall be relocated to a point behind the right-of-way line.
- E. The location and design of the curb opening onto East Parkway south shall be subject to the approval of the City Engineer.
- F. If the corner radius of St Agnes and Union has not been dedicated, which appears to be represented on the latest site plan, then: Dedicate a 20 foot property line radius at the intersection of St. Agnes and Union Avenue, and improve in accordance with the Subdivision Regulations.
- G. Provide cul-de-sac radii on all streets and identify the drives as "Private".
- H. 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).
- I. 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').
- J. 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.

- K. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- L. Parking shall be provided in accordance with the Zoning Ordinance.
- M. The City Engineer respectfully suggests that no curb opening onto the East Parkway frontage would be preferable. No two-way traffic will be permitted along this ramp and no left turn out will be considered for safety reasons.

IV. LANDSCAPING AND SCREENING:

- A. An 11 foot wide streetscape plate shall be provided along all street frontages of this site that include the installation of trees, 4 inch in diameter, to fill in existing gaps as approved by Office of Planning and Development.
- B. A 58 foot wide landscape buffer shall be provided along the north property line adjacent to the Nassar property that includes a wrought iron or equivalent fence integrated into the landscaping. The fence shall begin at the front building line of the Montgomery Home and continue eastward to the property corner. If and when additional properties are acquired southeast of the existing site, the fence shall be continued along the entire western boundary.
- C. A detailed landscape plan shall be provided prior to or concurrent with the 1st final plat submittal and shall be subject to approval by the Office of Planning and Development.
- D. The landscape buffer areas are non-buildable except for fencing, walkways, meditation gardens, gazebos and other landscape features integrated into a Prayer or Meditation Gardens.
- E. All required landscaping and screening shall not conflict with any easement including overhead wires or placed on sewer or drainage easements.
- F. Existing trees shall be preserved as shown on the approved landscape plan.
- G. All common areas and all landscaping, including the trees along the streetscape shall be owned and maintained the property owner.
- H. Irrigation of all trees and landscaped areas shall be required.

- I. Parking lot lighting shall be a maximum of 25 feet in height. Photometric Studies of the development shall be prepared to illustrate 0.0 - 0.5 foot candles at the property lines of the Memphis Theological Seminary where it is adjacent to single family residential and the information submitted to OPD prior to the recording of a final plat.
- J. All parking lots shall be landscaped as generally shown on the outline/final plan.
- K. All refuse dumpsters shall be screened from view and trash receptacles placed no closer than 80 feet to any adjacent single family property line.

V. SIGNS:

- A. Signage shall be subject to site plan review at the time of final plat submittal and shown on the final plan.
- B. Portable and temporary signs shall not be permitted, except for construction signs.

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 Regulation 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. SITE PLAN REVIEW:

Site plan review shall be required prior to submittal of any final plan for new construction, a site plan shall be submitted to the Office of Planning and Development for the review and approval. Any decision by OPD may be appealed to the Land Use Control Board within ten days of such action. Public notification shall be given to all adjacent property owners of any appeal to the Board.

VIII. DESIGN AND OTHER:

- A. The approved concept plan shall be recorded with the Outline Plan.
- B. The three existing buildings within this planned development along East Parkway shall be used as administrative offices for the Memphis Theological Seminary only and shall maintain the existing residential character of the exterior building façade. No exterior alteration shall be made to the front of the building except as necessary for normal maintenance and upkeep by the owners.
- C. All new buildings shall be constructed using consistent architectural styles and similar building materials that is compatible with the existing historic structures in the surrounding area.
- D. A copy of the building renderings with all elevations and a list of exterior building materials shall shown on the final plat.
- E. 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.

IX. MODIFICATIONS:

The Land Use Control Board, subject to the site plan review process, may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the appropriate governing bodies.

X. TIMING AND APPROVAL LIMIT

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

XI. FINAL PLANS: Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. The exact location and dimensions, including height of all buildings or buildable area, pedestrian and utility easements, services drives, parking areas, private and public drives, trash receptacles, loading facilities, and required landscaping.
- C. The exterior appearance of proposed buildings and signs.
- D. The exact number of parking spaces required and provide.
- E. The proposed means of access and circulation of automobile and pedestrian traffic.
- F. The location and ownership, whether public or private, of any easements.
- G. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City 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.

CASE #: P.D. 06-368

At its regular meeting April 10, 2008, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of Memphis Theological Seminary, requesting a planned development on the property described as follows:

- LOCATION:** Southeast corner of Union Avenue and E. Parkway South
- APPLICANT:** Memphis Theological Seminary
- REPRESENTATIVE:** Nathan Bicks – Burch, Porter, & Johnson, PLLC
Brenda Solomito - Solomito Land Planning
- REQUEST:** A planned development to permit a college/university as an institutional campus with accessory facilities
- AREA:** 6.49 Acres
- EXISTING LAND USE & ZONING:** Two existing single family homes currently used for administrative offices for the seminary school and one existing home proposed for use as an additional administrative office in the Duplex Residential (R-D) District

The following spoke in support of the application:

Nathan Bicks, Burch, Porter, & Johnson, PLLC, 130 N. Court, Memphis, TN 38103
Jay Earhart-Brown, Memphis Theological Seminary, 168 E. Parkway S., Memphis, TN 38104
David Boyle, Sr., 4750 St. Elmo Avenue, Memphis, TN 38128
Robert Rush, 1978 Union Avenue, Memphis, TN 38104
Stanley Nabors, 162 Roberta Drive, Memphis, TN 38112

One person spoke in opposition of the application:

George Nassar, 196 E Parkway S., Memphis, TN 38104

Two persons spoke in opposition of the application:

Nayla Nassar, 196 E Parkway S., Memphis, TN 38104
Paul Adams, 212 E. Parkway S., Memphis, TN 38104

The Land Use Control Board reviewed the application requesting a planned development and the report of the staff. An amendment was made by the applicant to revise Condition III.E. to read as follows: The location and design of the curb opening onto East Parkway south shall be subject to the approval of the City Engineer. There was no objection from staff concerning the proposed amendment. Consequently, the Board accepted the amendment as friendly and included it in their motion to approve the planned development. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote 9 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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MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
#8

STAFF REPORT

CASE NUMBER: P.D. 06-368

L.U.C.B. MEETING: April 10, 2008
May 10, 2007

DEVELOPMENT NAME: Memphis Theological Seminary Planned Development

LOCATION: Southeast corner of E. Parkway South and Union Avenue

APPLICANT: Memphis Theological Seminary

REPRESENTATIVE: Solomito Land Planning - Brenda Solomito

REQUEST: A planned development to permit a college/university as an institutional campus with accessory facilities

AREA: 6.49 Acres

EXISTING LAND USE & ZONING: Two existing single family homes currently used for administrative offices for the seminary school and one existing home proposed for use as an additional administrative office in the Duplex Residential (R-D) District

SURROUNDING LAND USES AND ZONING:

North: Lindenwood Christian Church in the Duplex Residential (R-D) District

East: Apartments in the Multi-Family Residential (R-MM) District

South: Single family homes and duplex units in the Duplex Residential (R-D) District

West: Single family homes in the Duplex Residential (R-D) District

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

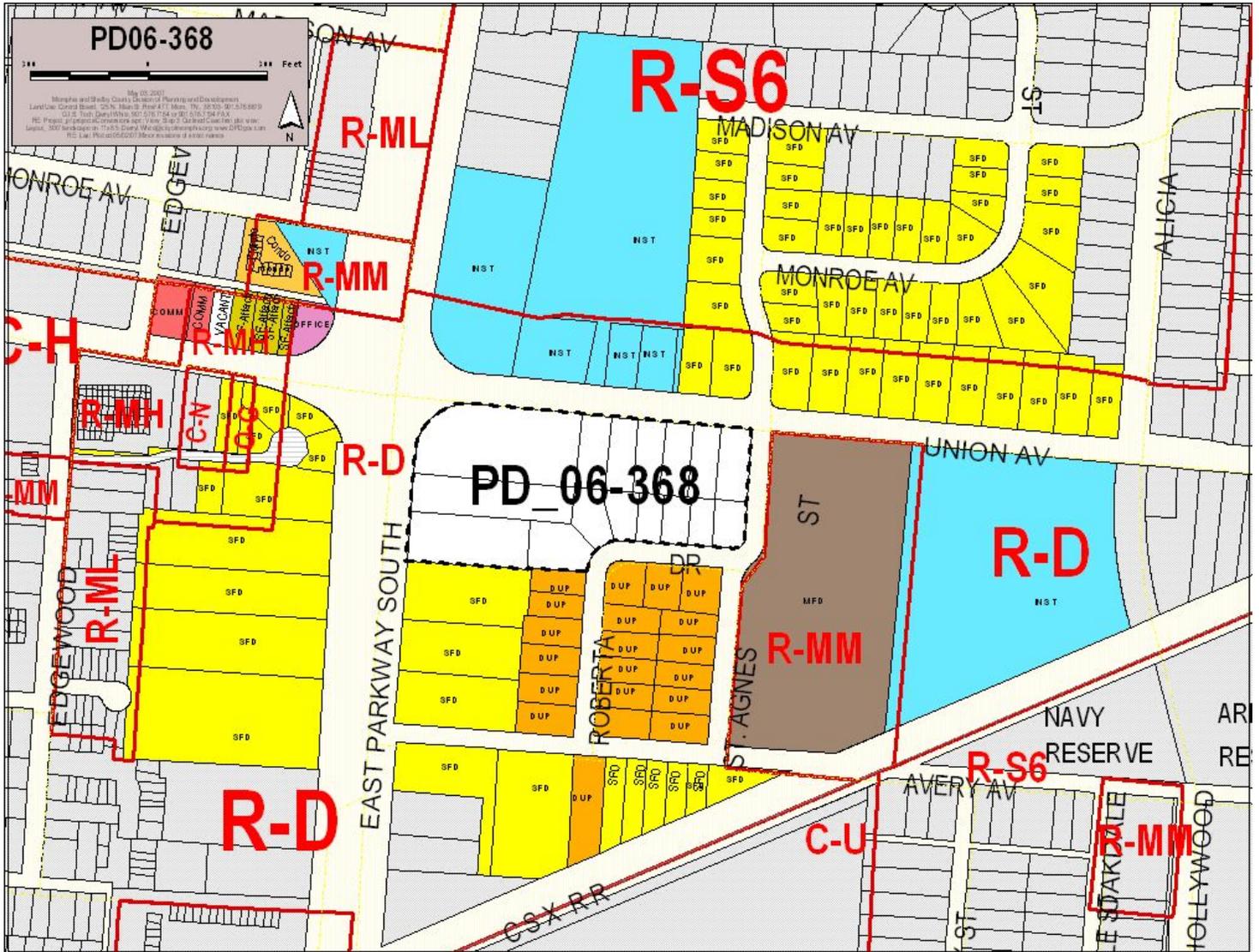
Staff Planner: Sheila Pounder

E-mail Address: sheila.pounder@memphistn.gov

CONCLUSIONS:

- 1. This planned development proposes the creation an institutional campus by expanding the existing educational facility to include new administrative offices, academic buildings, chapel, student center, and other university accessory uses.**
- 2. A master plan has been submitted with this application to provide a clear vision of how the seminary expects to continue its growth and expansion in the future at this location.**
- 3. The applicant is seeking approval of a site plan at this time so that their recent acquisition of the existing smaller home, known as the Montgomery Home, located near the south property line may be renovated for use as an administrative office building.**
- 4. This area of East Parkway South is designated as a Residential Corridor which seeks to protect the character of residentially zoned areas to “maintain the existing or potential capacity and efficiency of major roads, and to conserve the value of the buildings”. The Memphis Theological Seminary is a non-profit institutional use that is permitted to located within this designated corridor.**
- 5. The request to allow CU uses and regulations to govern this site is appropriate given that the existing seminary, the main building at the corner, has been at this location since 1964.**
- 6. Site plan review will be required for all new construction to ensure its compatibility with the existing character of the surrounding area.**
- 7. There is one item of concern on the proposed site plan which pertains to a circular two-way driveway entrance shown in front of the existing buildings along East Parkway. The City Engineer has indicated that the location of this driveway entrance will not permit safe access to and from this site.**
- 8. It is recommended that this driveway be eliminated and all access to the site taken from the rear of the buildings. The removal of the front driveway would leave the front setback area as an open space that is conducive to the current “Greening Memphis” campaign.**
- 9. The proposed planned development is acceptable if the recommended revision is made to the proposed site plan.**

ZONING AND LAND USE MAP





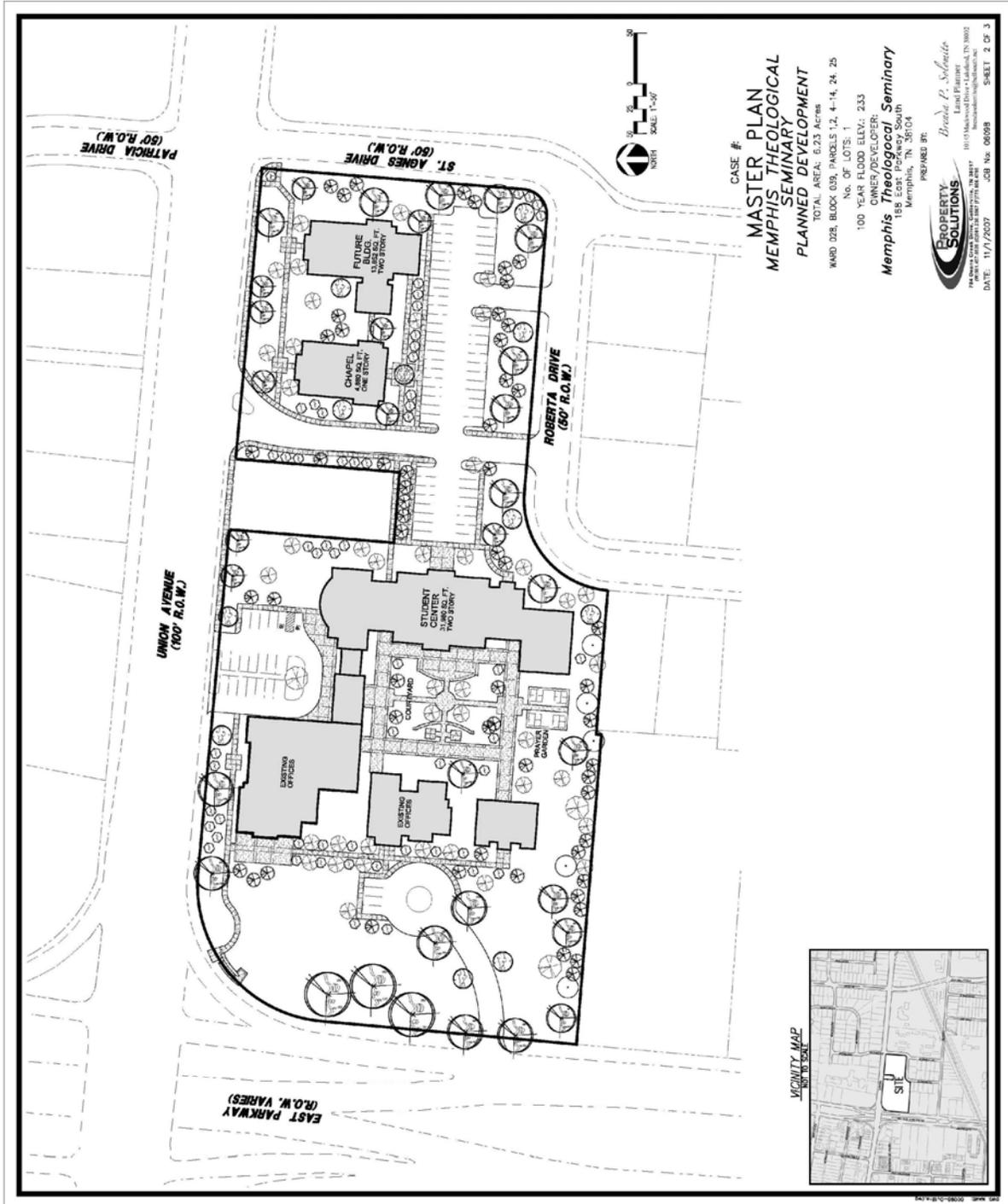












STAFF ANALYSIS:

Site Location and Description

The subject site is located at the southeast corner of Union Avenue and East Parkway South in the east midtown area of Memphis. Lindenwood Christian Church is located across the street from the site at the northeast corner of the two major roads, East Parkway South and Union Avenue. Single Family homes are adjacent to south and west sides of the development. Duplexes are immediately adjacent to the south and east of the site. An apartment complex is also located to the east of the site, at the southeast corner of Union Avenue and St. Agnes Drive. The property has frontage along four public streets; two majors, East Parkway South and Union Avenue, and; two residential locals, St. Agnes and Roberta Drive.

Applicant's Request

This planned development proposes to create an institutional campus by expanding the existing educational facility to include new administrative offices, academic buildings, chapel, student center, and other university accessory uses. A master plan has been submitted with this application to provide a clear vision of how the seminary expects to continue its growth and expansion in the future at this location. The area included within the boundary of this planned development pertains to property that is bounded by East Parkway South on the west, Union Avenue on the north, approximately 280 feet along St. Agnes Drive on the east, and approximately 436 feet along Roberta Drive on the north and west. The applicant has indicated that in the future they will seek amendments to include additional land area in the planned development as school funding allows expansion of the facility.

The applicant is seeking approval of the site plan at this time so that their recent acquisition of the existing smaller home, known as the Montgomery Home, located near the south property line may be renovated for use as an administrative office building. There is no set timetable for the construction and expansion of the remaining proposed facilities as shown on the Plan.

Residential Corridor Designation

This area of East Parkway South is designated as a Residential Corridor. This zoning overlay restricts the type of uses that may be located within its boundaries and implements a 200 foot wide buffer between the major streets and the location of buildings. The intent of the Residential Corridor Ordinance is to protect the character of residentially zoned areas. The Ordinance seeks to "maintain the existing or potential capacity and efficiency of major roads, and to conserve the value of the buildings". Land within this 200 foot buffer may not be rezoned to non-residential classification with the exception of institutional or public land uses. The Memphis Theological Seminary is a non-profit institutional use that is permitted to be located within this designated corridor.

Review of Request

Memphis Theological Seminary was originally located on the existing estate size lot at the corner of Union Avenue and East Parkway South. The school has over the years grown to include the existing home and estate lot adjacent to the south side of the original school site. The school has now completed a proposed master plan that includes additional properties along both its east and south sides and will eventually expand to reach over to existing St. Agnes and Roberta Drives. The applicant is slowly and consistently purchasing the surrounding residential properties as they become available in order to eventually create a fully functioning university campus that will serve all their students current and future needs. The request to allow CU uses and regulations to govern this site is appropriate given that the existing seminary, the main building at the corner, has been at this location since 1964.

The currently proposed site plan shows an existing one hundred ninety-two foot building setback for the three existing buildings fronting along East Parkway South. The newly proposed buildings, parking, and open space courtyard are located to the rear of the site behind the three existing buildings. The plan also shows extensive landscaping throughout the site. Although there is an entrance shown from East Parkway South, all major access points to this site will be from Union Avenue and the two residential roads, St. Agnes and Roberta Drive, south of the main administrative buildings as shown on the proposed master plan. Site plan review will be required for all new construction to ensure its compatibility with the existing character of the surrounding area.

There is one item of concern on the proposed site plan. A circular two-way drive entrance is shown in front of the existing buildings along East Parkway South. The City Engineer has indicated that the location of the driveway entrance will not permit safe access to and from this site. It is recommended that this driveway be eliminated and all access to the site taken from the rear of the buildings. The removal of the front driveway would leave the front setback area as an open space that is conducive to the current "Greening Memphis" campaign. The proposed planned development is acceptable if the recommended revision is made to the proposed site plan.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS:

I. USES PERMITTED:

- A. Any use permitted in the College and University (C-U) District by right, administrative site plan approval or by special use permit including the following uses:

Art Gallery subject to footnote 4 of the Zoning Ordinance

- B. The following uses are excluded:

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- C. 8 Maximum Height – 35 feet

III. ACCESS, PARKING AND CIRCULATION:

- 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. All proposed curb openings on Union Avenue shall be constructed to City of Memphis design standards.
- C. The parking/access design in Phase 2 (Chapel and future bldg) shall be redesigned so as not to create a private drive that connects two public streets.
- D. The median in the right turn out onto Union shall be relocated to a point behind the right-of-way line.
- E. The curb opening onto East Parkway (shown on the latest site plan), if permitted, shall be a one-way movement, circular driveway and located farther north, (closer to the existing drive for the seminary) with the exact location to be approved by the City Engineer.
- F. If the corner radius of St Agnes and Union has not been dedicated, which appears to be represented on the latest site plan, then: Dedicate a 20 foot property line radius at the intersection of St. Agnes and Union Avenue, and improve in accordance with the Subdivision Regulations.
- G. Provide cul-de-sac radii on all streets and identify the drives as "Private".
- H. 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).
- I. 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').
- J. 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.

- K. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- L. Parking shall be provided in accordance with the Zoning Ordinance.
- M. The City Engineer respectfully suggests that no curb opening onto the East Parkway frontage would be preferable. No two-way traffic will be permitted along this ramp and no left turn out will be considered for safety reasons.

IV. LANDSCAPING AND SCREENING:

- A. An 11 foot wide streetscape plate shall be provided along all street frontages of this site that include the installation of trees, 4 inch in diameter, to fill in existing gaps as approved by Office of Planning and Development.
- B. A 58 foot wide landscape buffer shall be provided along the north property line adjacent to the Nassar property that includes a wrought iron or equivalent fence integrated into the landscaping. The fence shall begin at the front building line of the Montgomery Home and continue eastward to the property corner. If and when additional properties are acquired southeast of the existing site, the fence shall be continued along the entire western boundary.
- C. A detailed landscape plan shall be provided prior to or concurrent with the 1st final plat submittal and shall be subject to approval by the Office of Planning and Development.
- D. The landscape buffer areas are non-buildable except for fencing, walkways, meditation gardens, gazebos and other landscape features integrated into a Prayer or Meditation Gardens.
- E. All required landscaping and screening shall not conflict with any easement including overhead wires or placed on sewer or drainage easements.
- F. Existing trees shall be preserved as shown on the approved landscape plan.
- G. All common areas and all landscaping, including the trees along the streetscape shall be owned and maintained the property owner.
- H. Irrigation of all trees and landscaped areas shall be required.

- I. Parking lot lighting shall be a maximum of 25 feet in height. Photometric Studies of the development shall be prepared to illustrate 0.0 - 0.5 foot candles at the property lines of the Memphis Theological Seminary where it is adjacent to single family residential and the information submitted to OPD prior to the recording of a final plat.
- J. All parking lots shall be landscaped as generally shown on the outline/final plan.
- K. All refuse dumpsters shall be screened from view and trash receptacles placed no closer than 80 feet to any adjacent single family property line.

V. SIGNS:

- A. Signage shall be subject to site plan review at the time of final plat submittal and shown on the final plan.
- B. Portable and temporary signs shall not be permitted, except for construction signs.

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 Regulation 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. SITE PLAN REVIEW:

Site plan review shall be required prior to submittal of any final plan for new construction, a site plan shall be submitted to the Office of Planning and Development for the review and approval. Any decision by OPD may be appealed to the Land Use Control Board within ten days of such action. Public notification shall be given to all adjacent property owners of any appeal to the Board.

VIII. DESIGN AND OTHER:

- A. The approved concept plan shall be recorded with the Outline Plan.
- B. The three existing buildings within this planned development along East Parkway shall be used as administrative offices for the Memphis Theological Seminary only and shall maintain the existing residential character of the exterior building façade. No exterior alteration shall be made to the front of the building except as necessary for normal maintenance and upkeep by the owners.
- C. All new buildings shall be constructed using consistent architectural styles and similar building materials that is compatible with the existing historic structures in the surrounding area.
- D. A copy of the building renderings with all elevations and a list of exterior building materials shall shown on the final plat.
- E. 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.

IX. MODIFICATIONS:

The Land Use Control Board, subject to the site plan review process, may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the appropriate governing bodies.

X. TIMING AND APPROVAL LIMIT

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

XI. FINAL PLANS: Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. The exact location and dimensions, including height of all buildings or buildable area, pedestrian and utility easements, services drives, parking areas, private and public drives, trash receptacles, loading facilities, and required landscaping.
- C. The exterior appearance of proposed buildings and signs.
- D. The exact number of parking spaces required and provide.
- E. The proposed means of access and circulation of automobile and pedestrian traffic.
- F. The location and ownership, whether public or private, of any easements.
- G. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City 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:	Approximately 360 feet along East Parkway Approximately 809 feet along Union Avenue Approximately 280 feet along St. Agnes Drive Approximately 436 along Roberta Drive
Planning District:	Midtown
Census Tract:	31
Zoning Atlas Page:	Map 20
Zoning History:	The current R-D zoning on this site dates back to the adoption of Ordinance # 374 on May 31, 1955 by the Memphis City Council.

DEPARTMENTAL COMMENTS:

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

City Engineer: Comments on revised plat (12/3/07)

Curb Cuts/Access:

1. The curb opening onto East Parkway (shown on the latest site plan) shall be located farther north, (closer to the existing drive for the seminary) and the exact location shall be approved by the City Engineer. The City Engineer respectfully suggests that no curb opening onto the East Parkway frontage would be preferable. No two-way traffic will be permitted along this ramp and no left turn out will be considered for safety reasons.
2. The parking/access design in Phase 2 (Chapel and future bldg) shall be redesigned so as not to create a private drive that connects two public streets.
3. The median in the right turn out onto Union shall be relocated to a point behind the right-of-way line.
4. If the corner radius of St Agnes and Union has not been dedicated, which appears to be represented on the latest site plan, then: Dedicate a 20 foot property line radius at the intersection of St. Agnes and Union Avenue, and improve in accordance with the Subdivision Regulations.

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.

Drainage:

7. 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.
8. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
9. 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:

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

General Notes:

11. The width of all existing off-street sewer easements shall be widened to meet current city standards.
12. All connections to the sewer shall be at manholes only.
13. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
15. Required landscaping shall not be placed on sewer or drainage easement

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:

Can't tell what they are going to do. Wrong cover letter. Don't think we will have any objections, but Memphis City Schools does have property in close proximity. Want to make sure K-12 schools, mainly charter schools, can't be created in district.

Construction Code Enforcement: No comments received.

Center City Commission: No comments received.

Memphis Light, Gas and Water: Comments on revised plat (11/27/07).

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).
- 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 comments.

Memphis Area Transit Authority (MATA):

Planned Unit Development (PD 06-368) would allow the development of new office space for Memphis Theological Seminary at the corner of Union Avenue and East Parkway. This development is located within MATA's existing service area for both fixed-route and paratransit service and served by Route 34. Patrons will have immediate access to transit. This development should not have any negative impacts, however, additional information about the planned development is needed to assess the magnitude of any impacts or benefits.

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on January 23, 2007. The MPO staff has determined that Union Avenue and East Parkway are existing major roads on the Long Range Transportation Plan. There are no proposed improvements for these sections of roadway.

OPD-Plans Development: No comments.

Landmarks Commission: No comments received.

Neighborhood Associations:

East Midtown Community Association: No comments received.

Edwin Circle Association: No comments received.

Green Meadows-Poplar Glen N.A.:

As our Green Meadows / Poplar Glen Neighborhood Association's designated contact for developments such as this in our vicinity, I have the following comments and questions concerning the Memphis Theological Seminary's PD 06-368. It should be understood that these are based only on a brief study of their plan and that further comments likely will be forthcoming. As will be seen, we urge that this plan not be approved.

1. It is not clear what the seminary wants to do. The multiplicity of maps and plans submitted in connection with this application confuse the public as to its intentions. It is not clear if this is due to carelessness or uncertainty on its own part, or whether it might be a tactic to avoid having its overall design known so early. The "Vicinity Map" dated 11-18-06 and the "Outline Plan" dated 12-22-06, both submitted with the application dated 12-28-06, agree with the "Vicinity Map" featured in the Notice of Public Hearing mailed out from OPD on 4-30-07. This version of the seminary's plans shows "merely" demolition of six houses on Union Avenue and seven duplexes on the north side of Roberta Drive. However, a "Site Plan" dated 4-17-06 and submitted to OPD sometime around 4-26-07 shows demolition of the entire Park-Moor and Abe Scharff's Roberta Drive Subdivisions (except for three East Parkway properties protected by Memphis's Scenic Drive Ordinance). Still a third version of their "Site Plan" dated 5-2-07 and submitted to OPD 5-3-07 reverts to something similar to the "Outline Plan" dated 12-22-06 but with labels "Phase I", "Phase II" and "Phase III" added showing destruction of the surrounding neighborhood in stages.
2. The Union Avenue residences should not be demolished. The stretch of homes along Union Avenue east of St. Agnes and Patricia Drives as far as the Union Viaduct was constructed shortly after World War II and is untouched by the commerce that has overtaken virtually all of Union west of the Parkway. Six residences on the south side of Union, slated for demolition by the seminary, have their counterparts on the north side of the street, minus two homes destroyed by Lindenwood Christian Church to expand its parking. (One of these was built by Kemmons Wilson for his mother and business partner "Doll" before World War II.) Aside from these two casualties, this stretch of Union is essentially unchanged from 60 to 70 years ago. The Pentecost-Garrison School (1940, now occupied by the Board of Education Teaching and Learning Academy), the Georgian Woods Apartments (1950) and the six residences (four built between 1948 and 1951 enthusiastically celebrating the new ranch-style) have a unity of building materials and good taste that provide relief over this easy-on-the-eye stretch of Union Avenue.

3. Twenty or so homes in the Park-Moor and Roberta Drive Subdivisions served by St. Agnes and Roberta Drives should not be demolished to provide a parking lot and what appears to be a promenade or picnic area. The homes between the seminary and Avery Avenue were as badly battered by the winds of “Hurricane Elvis” in July 2003 as any in Memphis—probably more so—but have all been restored. Homes and grounds are well-maintained. This is not a slum that should be demolished for the benefit of surrounding neighborhoods, or because it is made up of less pretentious structures than the Newburger House. And neither should it be destroyed for a parking lot. (See below for the origin of the subdivisions.)
4. It would not be wise to pave over such a large surface area in this compact and low-lying portion of Midtown. Have questions of rain-water run-off and potential flooding problems been considered and solved?
5. The six existing buildings on Union ought (possibly with sympathetic additions or alterations) to serve the purposes described on the seminary’s plans (those dated 4-17-07 and 5-2-07, at least), namely “Academic Building”, “Library Addition”, “Chapel”, “Student Center”, and two “Future Buildings”. The grandiose plan proposed by the seminary exceeds the appropriate footprint for an organization that seems to have little interest in interacting positively with its surrounding neighborhood. The direction of urban development is turning away from this approach to planning.
6. To my knowledge, the seminary has had negligible contact with neighboring homeowners concerning this plan except for the implied threat that the prudent course would be to sell or “be built around”.

This plan should not be approved.