

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **17**

CASE NUMBER: P.D. 08-318 **L.U.C.B. MEETING:** July 10, 2008

DEVELOPMENT NAME: Appling/I-40 Planned Development, 3rd Amendment

LOCATION: Southeast corner of Reese Road and Appling Road

OWNER OF RECORD/APPLICANT: Earth Ventures

REPRESENTATIVE: Ron Harkavy

REQUEST: Amend Area B to permit Executive Office for Rental Car Agency with additional parking to support its fleet operation, and future above ground fuel storage

AREA: 16.88 Acres

EXISTING LAND USE & ZONING: Governed by the approved conditions for Area B (P.D. 99-361 CC)

SURROUNDING LAND USES AND ZONING:

North: Vacant land and a City of Memphis Fire Station regulated by Area A of the Appling/I-40 Planned Development (P.D. 99-361)

East: Single Family Detached Homes in the Fletcher Trace Subdivision zoned Single Family Residential (R-S6) District

South: Vacant land, the remaining portion of Area B and a convenience store with Gas Pumps governed by the Pate Road Planned Development(Phase 1, P.D. 99-374)

West: Vacant land Area E of the Appling/I-40 Northwest Planned Development (P.D. 99-315) and Vacant land in the Reese Appling SW PD (P.D. 97-318)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

APPROVAL WITH CONDITONS

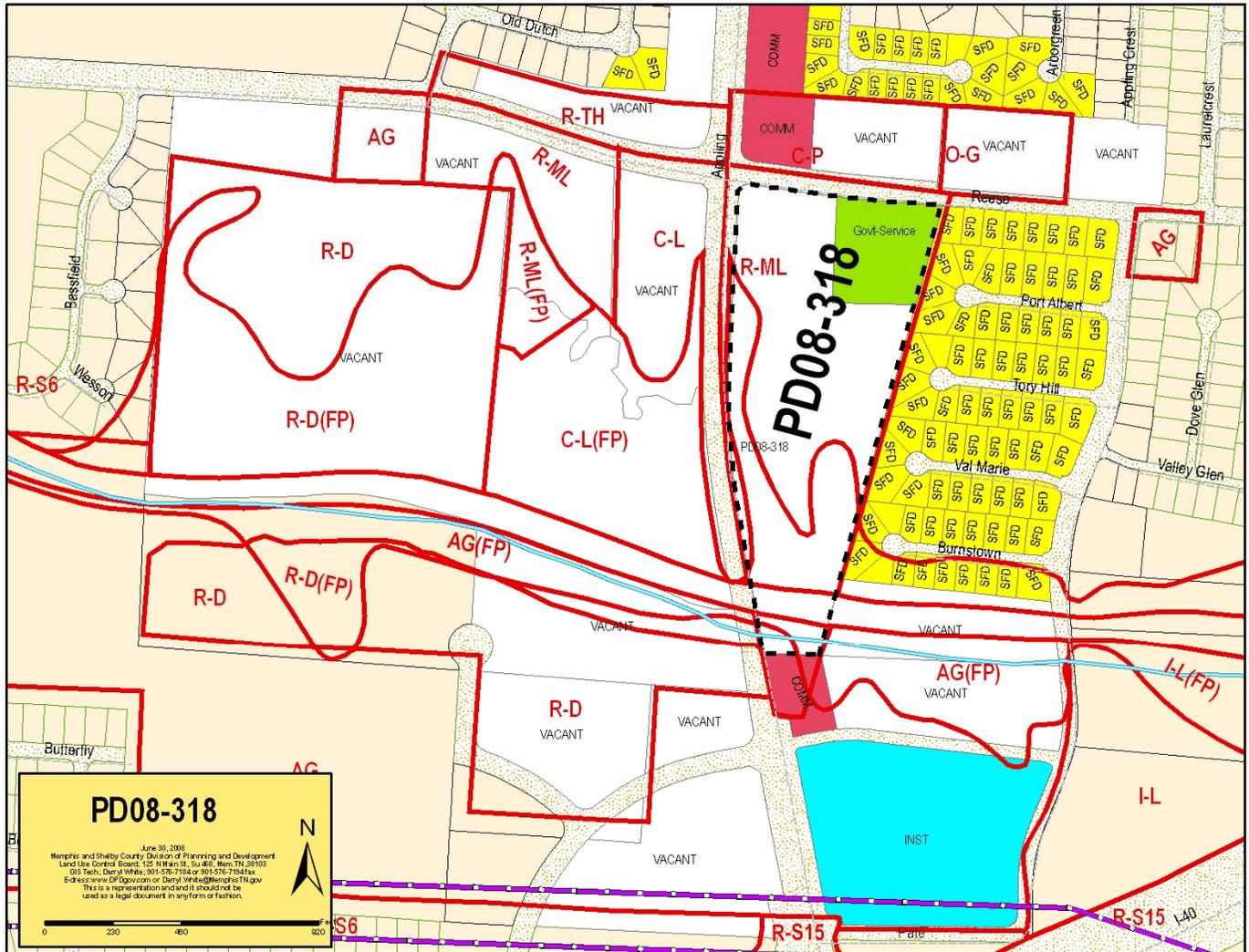
Staff: Don Jones

E-Mail: donald.jones@memphistn.gov

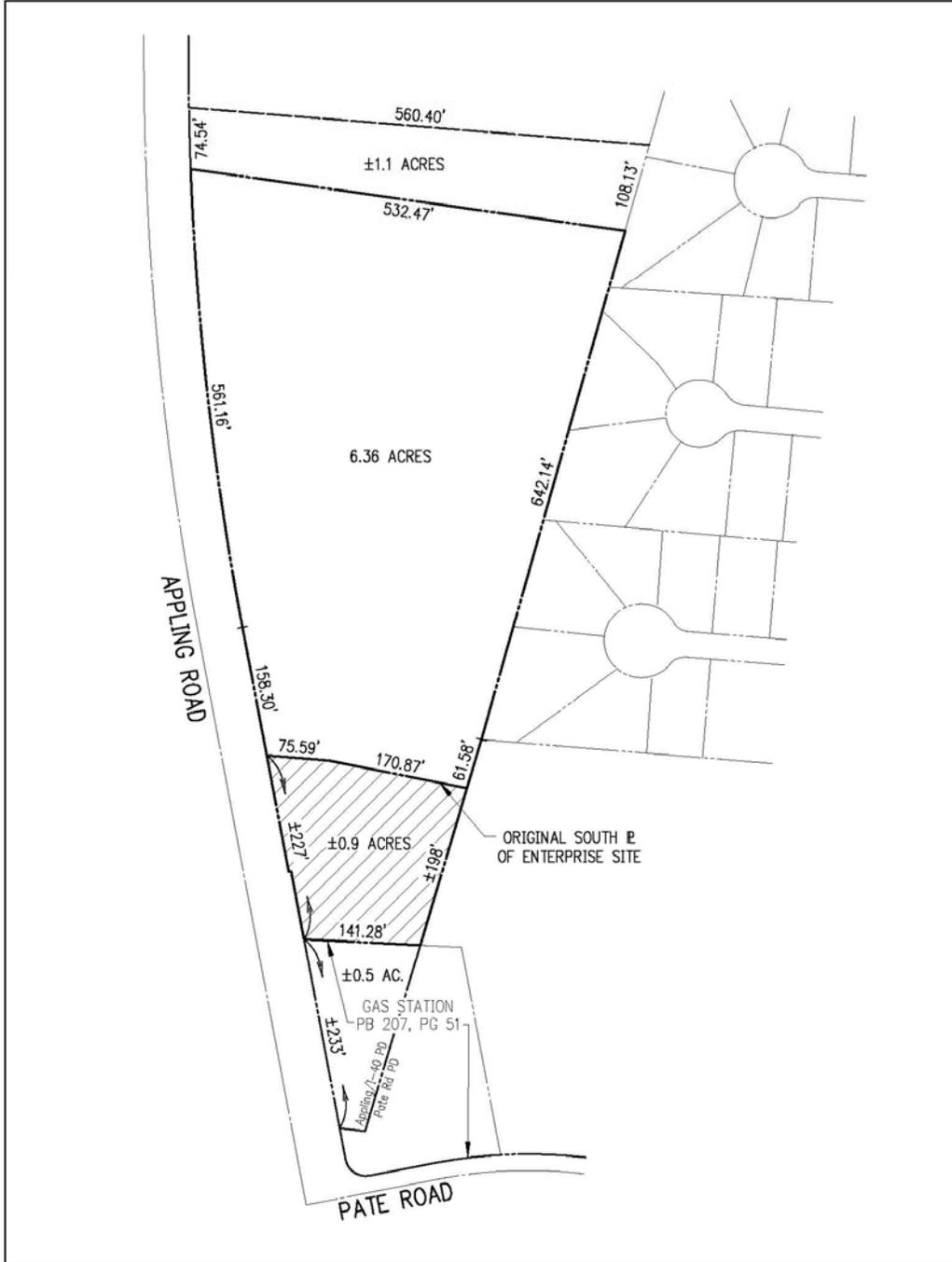
CONCLUSIONS

1. Executive Office is consistent with the approved uses for this area of the PD. However, the large surface parking area south of the office was the source of concern for the staff.
2. Condition I.C. states that no outdoor storage of materials with the exception of a greenhouse or nursery use is permitted. In that staff's view storage of vehicles overnight was not consistent with that condition. In addition, the staff determined that the number and location of the accessory spaces was more similar to vehicle sales than to a typical office use, and recommended that this amendment be filed to clarify the uses and the conditions under which such a use would be permitted.
3. In response to the concerns expressed by the staff, the applicant has provided a detailed landscape plan for both the streetscape and the east property line. Also at staff's recommendation, the original landscape plan for the parking area has been improved to add a row of evergreen and flowering plants in the center of the parking area.
4. The staff does not support the request for above ground storage of fuel in such close proximity to residential uses.

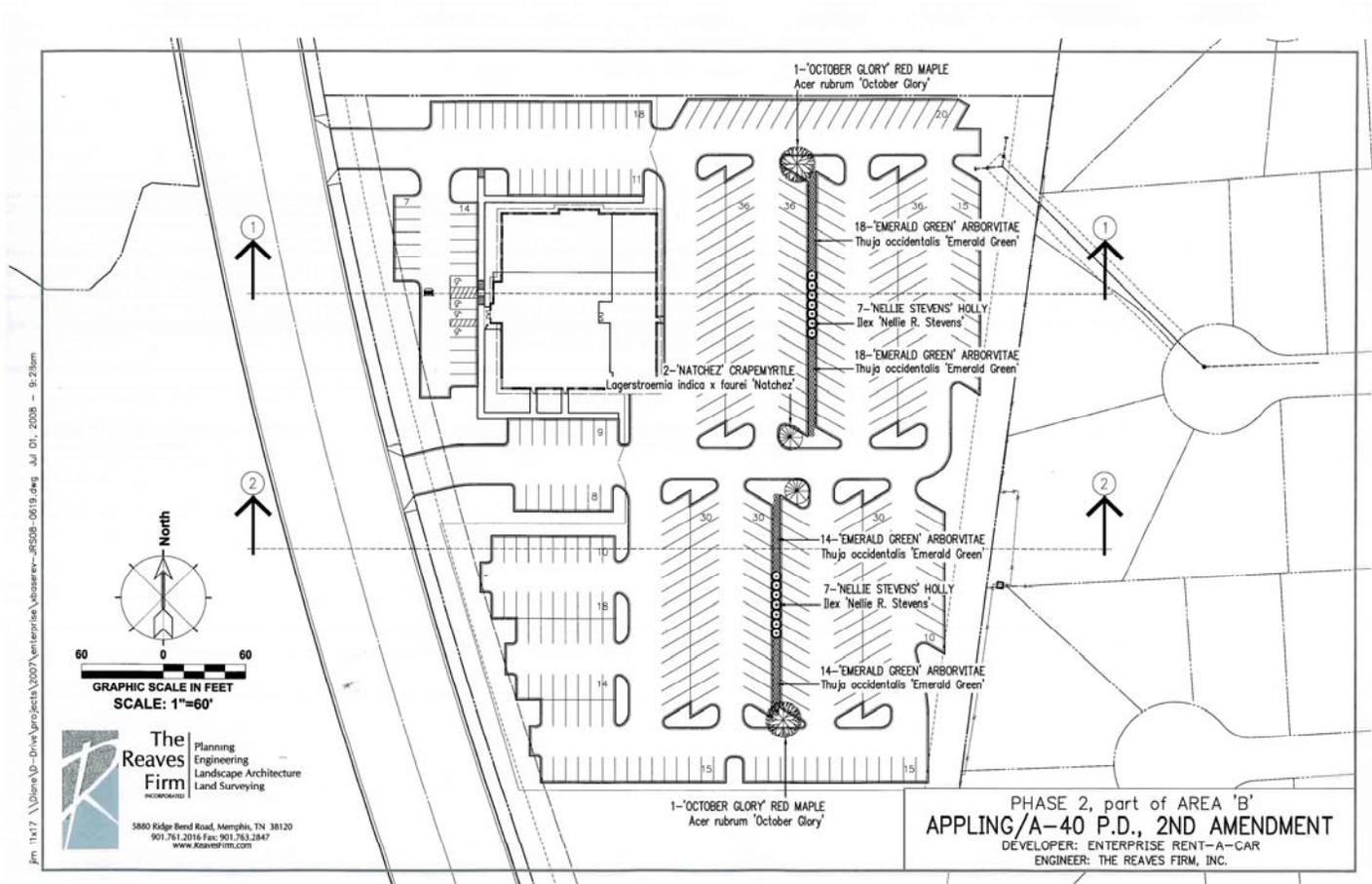
Land Use and Zoning Map



Revised Site Area



Site Plan and Parking Lot Landscaping



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Hold for Landscaping Plan

Elevations



front west elevation



south elevation

proposed elevations for
Enterprise rent-a-car
Memphis, Tennessee



STAFF ANALYSIS

Location and Site Characteristics:

The subject property is located on the east side of Appling Road approximately 230 feet north of Appling Farms Parkway and some 1,800 feet south of Appling Road. This request includes approximately 2/3 (6.3 acres) of the P.D. designated as Area B (8.9 acres).

The subject site is the southern portion of the P.D. which is somewhat triangular in shape. Thus, as the site narrows as you move from north to south. The subject property sits well below the grade of the street and is somewhat of a “bowl shape” in topography. Some grading a filling will be required in the development of the site. With respect to its residential neighbors, the site currently sits lower than the houses in the subdivision.

Request:

The request is to amend the conditions of Area B to allow an Executive Office for a Rental Car Facility and its Fleet Parking. The letter of intent also indicates a desire for “future above ground fuel storage. The request is accompanied by a Landscaping Plan for the treatment along the east property line that abuts the residential, the streetscape and the parking area. The application also includes an elevation of the proposed building. Representatives of the applicant have stipulated that there is to be no repair or service to the vehicles at this location.

In regard to the delivery of the vehicles to the site, the applicant indicates that domestic vehicles will be driven to the site and foreign made vehicles will be transported to the site by transport truck on average of no more than one per week.

History of P.D

Area B was originally set up for office and limited commercial use to provide a transition between the more intensive commercial uses that are permitted at the intersection of Reese and Appling. Amendments to uses have been permitted to include assisted living and commercial uses such as a commercial greenhouse or nursery and a gasoline sales in the southernmost 300 feet of Area B.

In 1992, the Germantown Parkway Area Study identified this area as appropriate for development as a business park.

Review of the Request:

Executive Office is consistent with the approved uses for this area of the PD. However, the large surface parking area south of the office was the source of concern for the staff. Condition I.C. states that no outdoor storage of materials with the exception of a greenhouse or nursery use is permitted. In that staff's view storage of vehicles overnight was not consistent with that condition. In addition, the staff determined that the number and location of the accessory spaces was more similar to vehicle sales than to a typical office use, and recommended that this amendment be filed to clarify the uses and the conditions under which such a use would be permitted. The staff does not support the request for above ground storage of fuel is in such close proximity to residential uses

Landscaping - In response to the concerns expressed by the staff, the applicant has provided a detailed landscape plan for both the streetscape and the east property line. Also at staff's recommendation, the original landscape plan for the parking area has been improved to add a row of evergreen and flowering plants in the center of the parking area.

The staff is agreeable to working with the applicant on the landscaping plan. In the southernmost area of the site along Appling Road and adjacent to the large parking area, the staff recommends substituting the Oak with either more Leyland Cypress or other evergreen material to provide a visual screen. Along the entire frontage, a row of evergreen (holly) shrubs needs to be added.

Along the east property line, the staff suggests that the minimum size of the Magnolia's be 8 feet in height at planting. A site proof wooden fence is also needed.

Other- The applicant has agreed to extend the south property line of this site to include the remaining portion of Area B. The southernmost area of the site from the detention pond southward will be identified as unbuildable.

With a commitment to the details for the landscaping and building elevations, this request can be recommended as an acceptable alternative use for Area B.

RECOMMENDATION: Approval with Conditions

**OUTLINE PLAN CONDITIONS
APPLING/I-40 PLANNED DEVELOPMENT (Third Amendment)
P.D. 08-318**

I. Uses Permitted:

A. In the area designated on the outline plan as area "A" the following uses are permitted:

1. Accessory dwelling unit
2. Group shelter
3. Transitional Home
4. Church
5. Day Care
6. Family Care
7. Group Day Care
8. Lodge, Club
9. Museum
10. Nursery School
11. Park
12. Philanthropic Organization
13. Public Building
14. Recreation Field
15. School
16. Studio
17. Bakery
18. Bank
19. Barber Shop
20. Business School
21. Catering
22. Cleaning, Pick Up Station
23. Financial Services
24. Flower Shop
25. Gasoline Sales
26. General Services
27. Greenhouse
28. Music Academy
29. Offices
30. Personal Service
31. Restaurant
32. Drive In Restaurant
33. Retail Shop
34. Veterinary Clinic

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35. Post Office
36. Telephone Switching Center
37. Lawn and Garden Services
38. Automobile Service Station
39. Assisted Living for the Elderly (including a Nursing Home)

B. In the area designated on the outline plan Area "B" the following uses are permitted:

1. Any use permitted in the "O-G" Zoning District
2. Cleaning Pick-Up Station
3. Office and art supply, display and storage
4. Personal Service Establishment
5. Photo-Finishing Pick-Up Station
6. Apothecary
7. Day Care Center
8. Health Spa
9. Answering Service
10. Duplicating and Blueprint Shop
11. Computer Sales and Service
12. General Service and repair
13. Hotel
14. Assisted Living for the Elderly (including a Nursing Home)
15. Retail shop
16. Restaurant
17. Bakery
18. Commercial greenhouse or nursery
19. Service Station (only within the southernmost 300 feet of Area B)
- 20. Executive Office for Rental Car Facility with Fleet Parking.
No maintenance to these vehicles shall be performed at this location.**

C. No outdoor storage of materials shall be permitted except for greenhouses or nurseries, and the Fleet Parking for # 20 above..

II Bulk Regulations:

A. The bulk regulations of the C-L zoning district shall govern development in Area "A", with the exception of height which is regulated by II. D. below..

**OUTLINE PLAN CONDITIONS
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- B. The bulk regulations of the “O-G” zoning district shall govern development in Area “B”, with the exception of height which is regulated by II. D. below.
 - C. If Areas ”A” and/or “B” are developed for assisted living (with or without a nursing home) the Livability Space Ratio of the “R-ML” District as it relates to multiple family dwellings shall apply..
 - D. Maximum building height: 35 feet except that buildings within 100 feet of residentially developed property along the east property line and any portion of property along the north property line which is developed for residential use shall have a maximum height of 25 feet.
 - E. **The office building in Area B shall be consistent with the elevations submitted with this application (P.D. 08-318).**
- III. Circulation, Access and Parking:
- A. Dedicate and improve Appling Road to a 114 foot right of way.
 - B. Dedicate and improve Reese Road to 42 feet from the centerline at its intersection with Appling Road and provide transition eastward to 34 feet from centerline subject to the City/County Engineer’s approval.
 - C. Internal dedicated streets shall have a minimum right -of-way of 68 feet.
 - D. The locations and design of all curb cuts and dedicated streets providing access to individual parcels of ownership within the planned development shall be subject to the approval of the City/County Engineer.
 - E. No access shall be permitted into adjacent residential development s the east.
 - F. Permit 2 curb cuts per street frontage for Area A onto Appling Road and Reese Road with no curb cut beginning any closer than 300 feet from the centerline of the intersecting major arterial.

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- G. **Permit 2 curb cuts along the Appling Road frontage for Area B.**
 - 1. **The northern most curb opening onto Appling Road, in Area B, shall provide shared access to the remainder of Area B. No additional curb cut will be approved for this outparcel.**
- H. Internal circulation shall be provided between all phases and sections. However, if A or B is developed as Assisted living for the elderly, internal connection between the assisted living center and commercial or office development shall not be required.
- I. All private drives within the development shall be constructed to meet the city standards. Minimum drive width shall be 22 feet.

IV. Landscaping, Screening and Site Lighting:

- A. A 15 foot wide landscaped area consisting of Plate "F" shall be provided along Reese Road and Appling Road. The landscaped area shall be subject to the review and approval of the Office of Planning and Development . **A detailed streetscape plan for the rental car facility in Area B that is consistent with the plans submitted with this application (P.D. 08-318) and acceptable to the Office of Planning and Development shall be submitted with the Final Plan.**
- B. A 25 foot wide landscaped buffer strip shall be provided along the east line of Area "A" and "B". The buffer shall be subject to approval of the Office of Planning and Development. **A detailed screening and parking lot landscaping plan, that may include a sight proof wooden fence, and is consistent with the plans submitted with this application (P.D. 08-318) shall be submitted with the Final Plan.**
- C. A minimum of five percent of the development shall be landscaped, exclusive of the required perimeter or street lands landscaping.
- D. Existing trees shall be preserved wherever feasible. The Land Use Control Board may require modification of building and parking areas to preserve specific trees.
- E. All required landscaping shall be located outside of any easements.

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- F. Lighting standards shall be limited to the following maximum height:
 - 1. 15 feet high within 100 feet of the east property line.
 - 2. 50 feet except as required above.
- G.. Lighting shall be directed so as to not glare onto residential property.
- H. Refuse containers shall be completely screened from view of adjacent property.
- I. **The Final Plan shall demonstrate conformance with the Tree Ordinance, an NOI shall be filed with the submittal of the Final Plan.**
- J. **Area B: Fencing along the Appling frontage, the north, or south property lines shall be shown on the Final Plan, and is subject to the review and approval of the OPD. Chain link shall not be permitted.**
- K. **Any HVAC equipment shall be screened from public view via landscaping, fencing, or architectural features such as a parapet.**
- I. **All required landscaping shall be irrigated.**
- V. Drainage:
 - A. All drainage plans to be submitted to City for review.
 - B. All drainage emanating on-site shall be private. No easements will be accepted.
 - C. Design of the storm water conveyance and management facilities of this project shall be in accordance with the “City of Memphis Drainage Design Manual”. The manual requires on-site detention of storm water run-off, generated from this project, which exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer’s Office.

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- D. This site is located within the boundary of the Fletcher Creek Drainage Basin, and is required by ordinance to provide onsite detention of storm water runoff that considers both the 10 and 25 year, 24 hour storm. The applicant should be aware that the ordinance requires that development in this area provide no net loss of flood plain storage as shown on the 1982 FEMA Flood Hazard Boundary Maps.
- VI. Signs:
- A. Area A shall conform to the sign regulations for the C-L District except that no sign shall be permitted to exceed 200 square feet in area.
 - B. Area B shall conform to the sign regulations for the O-G District.
 - C. Portable and temporary signs shall not be permitted.
- VII. The Land Use Control Board may modify the building setback, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. 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.
- IX. Any final plan shall include the following:
- A. The outline plan conditions
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and area to a property owners' association or the entity, for ownership and maintenance purposes.

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- G. The 100 year flood elevation.
- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's 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.
- X. The consent of succeeding owners of any lot or lots shall not be required to make amendments to the planned development. All property owners within the planned development shall be notified by mail of the proposed amendments.

GENERAL INFORMATION

Street Frontage:	Appling Road +/- 750 Feet
Planning District:	Shelby Farms Germantown
Census Tract:	211.13
Zoning Atlas Page:	1850
Zoning History:	The Appling/I-40 Planned Development was originally approved in 1987 (P.D. 87-361CC) and was most recently amended in 1999 (P.D. 99-361)

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.

Curb Cuts/Access:

4. All previously approved conditions shall remain in force, except condition III G, which shall read: 2 curb cuts along the Appling Road frontage will be permitted for Area B.
5. The northern most curb opening onto Appling Road, in Area B, shall provide shared access to the remainder of Area B. No additional curb cut will be approved for this outparcel.
6. The City Engineer shall approve the design, number and location of curb cuts.
7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

8. 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.
9. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
10. This site is located within the boundary of the Fletcher Creek Drainage Basin, and is required by ordinance to provide onsite detention of storm water runoff that considers both the 10 and 25 year, 24 hour storm. The applicant should be aware that the ordinance requires that development in this area provide no net loss of flood plain storage as shown on the 1982 FEMA Flood Hazard Boundary Maps.
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.
12. If the State will not issue an ARAP Permit for the concrete channel lining of the major drainage way, a drainage easement - unbuildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.
13. The preliminary/outline plan shall reflect a minimum 25-foot rear yard, exclusive of the easement along the natural drainage way, as well as a buildable area and front yard setback on each buildable lot.
14. Part of this site is located within the 100-Year floodplain according to the FEMA maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100 year floodplain boundary line and elevation shall be reflected on the final plat and engineering plans.
15. Part of this site is within the FLOODWAY according to the FEMA maps. No filling or construction shall be permitted within the Floodway. The Floodway boundary shall be reflected on the final plat and engineering plans.

Site Plan Notes:

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

General Notes:

17. The width of all existing off-street sewer easements shall be widened to meet current

city standards.

18. All connections to the sewer shall be at manholes only.

19. 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.

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

City Fire Division: No comments.

City/County Health Department:

The Water Quality Branch has no comments for OPD Case Number PD 08-318.

City Board of Education:

Good morning. The Capital Planning staff of Memphis City Schools believes that PD 08-318 Applying I-40, 2nd Amend will not have an impact on the Memphis City School district. However, MCS students in this area would be zoned to attend the following schools:

Elementary: Kate Bond - 91.9% capacity
Middle: Cordova- 112.5% capacity
High: Cordova - 127.8% capacity

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:

- 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 the **MLGW 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** and obtain written approval for any improvements within the Easement.
- **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.

- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW 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).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- **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.

AT&T: AT&T has no comments.

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

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on June 24, 2008. The MPO staff has determined Appling Road is an existing major road consisting of 114 feet of right of way, 94 feet of pavement, and no proposed improvements.

OPD-Plans Development:

Comments: The proposed site is in an area designated as an employment center by the Germantown Parkway Plan . (p.37) However, above ground storage is not recommended, given that it conflicts with policy 48 of the Memphis 2000 Plan. Policy 48 discourages encroachment upon residential areas by incompatible uses. Therefore, since the proposed development is surrounded by subdivisions, above ground fuel storage could be hazardous to the health of surrounding residents.

Cordova Leadership Council:

No comments received

Cordova Community Watch:

No comments received