The immediate land use and zoning is primarily institutional use for churches and a public library at the intersection in the Agricultural(AG) and Single Family Residential(R-S10) Districts. This area began to develop in the mid-1980's with single family homes to the north and south of the subject property and continues today with new residential developments that extend east along both sides of E. Shelby Drive, including Pinnacle Point Subdivision.

The suburban development in this area has maintained compatible relationships and consistent land use patterns with transition zoning for the protection of single family homes. There is a land use precedent as evidenced by land use to the west at the intersection of Riverdale Road and East Shelby Drive. This commercial, office and institutional land use also transitions to single family residential neighborhoods.

Project Review vs. Internal Circulation

The request is for an amendment to allow a community recreational center in Parcels 'A', 'B' & 'C' of this Outline Plan approved in 2005. The Outline was approved primarily for institutional and specific commercial land use, including a restaurant building in Area 'A' and amended in 1999 to allow one retail building in Area 'A' of the plan. The Outline Plan was also amended and approved in December, 2005 to permit the same land use in Parcel 'B' as Parcel 'A' of the plan. The specific land uses approved in this development plan complements the existing and approved institutional land uses.

Since that time, the land use has not significantly changed, except for one(1) approved retail building in Parcel 'A' of the plan. The original intent of the Outline Plan for a medical office/outpatient surgery center was not constructed and did not occur, so therefore a new master plan of development was submitted and approved in the 2005 plan amendment.

A community recreation center land use at this location is appropriate, but careful consideration should be given to the north property line adjacent to single family homes. This amendment seeks to place the building to the rear of the parcel at a greater setback from the street and thirty-five(35') feet from single family homes in Yorktown Village Subdivision. The mature trees and vegetation along this north property line shall be preserved and maintained and not disturbed as illustrated on the Landscape Plan.

This land use at this location can be supported, because existing and proposed land uses are compatible to a recreation center with indoor sports activities. The land use complements an area with no such facility and the large assembly land uses for churches as well as residential neighborhoods. The applicant's site plan reflects a 71,659 sq. ft. building setback 314 feet from the street with parking and drive aisles at the front entrance. The site plan does not take into consideration internal circulation requirements to the balance of the property. This amendment is supported with internal circulation provided as required by the approved Concept Plan.

RECOMMENDATION: ***Approval with Conditions***

OUTLINE PLAN CONDITIONS: *[Amendments: Bold, Italic-underline]*

I. Uses Permitted:

A. Parcel 'A' is permitted the following uses:

1. Church
2. Day care center
3. Group day care
4. Hospital
5. Museum
6. Nursing home
7. Park
8. Philanthropic institution
9. School
10. Art/photo studio or gallery
11. Bank
12. Barber or beauty shop
13. Business school
14. Flower or plant store
15. Music or dance academy
16. Offices
17. Radio or television studio
18. Recording studio
19. Restaurant(excluding drive-ins)
20. One(1) department/retail store

B. Parcel 'B' is permitted the same uses as Parcel A, except a Master Concept Plan of development shall be submitted to and subject to review and approval by the Office of Planning & Development.

C. Parcel 'C' is permitted an out-patient surgery center and doctors' offices.

D. A Community Recreation Center shall be permitted in Parcels 'A', 'B' & 'C'.

II. Bulk Regulations:

In accordance with the Planned Commercial(C-P) District with the following exceptions:

A. The building setback from Shelby Drive shall be 60 feet.

B. The Community Recreation Center shall have a maximum Floor Area Ratio as shown on the Outline Plan

III. Access:

A. Dedicate and improve Shelby Drive in accordance with the Subdivision Regulations.

B. A maximum of three (3) curb-cuts shall be permitted along Shelby Drive. The design and location of these curb-cuts shall be subject to the approval of County and City Engineering.

IV. Parking: Shall be as prescribed in Chart 4 of the Memphis and Shelby County Zoning Ordinance-Regulations.

V. Circulation: Internal circulation shall be required between all adjacent phases and areas. All private streets and common open space shall be owned and maintained by a Property Owners Association.

VI. Landscaping and Screening:

A. Property along Shelby Drive shall be screened using Landscape Plate 'A-3' modified to a width of fifteen(15) feet.

B. Existing vegetation shall be preserved along the northern property line and supplemented with Evergreen trees and shrubs subject to approval by the Office of Planning and Development.

C. Internal landscaping shall be required based on the number of parking spaces provided. Three-hundred(300) square feet of landscaping and one(1) Tree 'A' shall be provided per every ten(10) parking spaces or fraction thereof.

D. Required landscaping shall be located outside of all easements and overhead wires.

E. The content and placement of all landscaping shall be subject to the approval of the Office of Planning and Development.

F. Lighting shall be directed to minimize glare and/or reflection toward residential property. Lighting shall be prohibited on the north side of the building.

G. Refuse containers and loading docks shall be screened from view from adjacent properties and from public roads.

H. All heating and air conditioning equipment, including that located on the roof shall be screened through the use of architectural features of the building.

I. Utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.

J. A detailed landscape and site lighting plan shall be approved by the Office of Planning and Development prior to the issuance of any building permit. Further, no final use and occupancy permit shall be issued without the express written certification by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plans.

K. A detailed 'Landscape Plan' shall be included in the final plan of development for the Community Recreation Center illustrating plant materials and an 'Undisturbed Natural Buffer' along the north property line.

VII. Signs:

A. Detached Signs:

Each parcel shall be permitted one(1) detached sign for a total of three(3) signs. These signs shall be ground mounted with a maximum height of seven (7) feet, and a maximum surface area of thirty-five (35) square feet. These signs shall be illuminated using light projected from ground mounted fixtures. Internal illumination shall not be permitted.

B. Attached Signs:

Each establishment shall be permitted one(1) attached sign with a total surface area of thirty-five(35) square feet and shall be placed on the wall facing toward Shelby Drive.

VIII. Drainage:

A. All drainage improvements to be provided in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual and subject to the approval of the City and County Engineer.

B. This development must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

IX. Modifications:

The Land Use Control Board 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. Other:

A. All buildings, signs and other structures shall be constructed in a complementary architectural style and use complementary building materials.

B. In Parcel 'C' the proposed out-patient surgery building shall be constructed using brick or brick with some concrete block in an earth tone color. The roof shall be green or dark gray in color.

C. A rendering of the exterior appearance of proposed buildings and signs with proposed siding and roof materials labeled shall be provided on any final plan subject to the approval of the Office of Planning and Development.

XI. 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 location and dimensions of building footprints pedestrian and utility easements, service drives, trash receptacles, loading facilities and required landscaping and screening areas.

D. The content of all landscaping and screening to be provided.

E. The location and ownership whether public or private of any easements.

F. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity for ownership and maintenance purposes.

G. Building and sign illustrations as required by Condition X.

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 Owners' Association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning and repair of drainage structures.

GENERAL INFORMATION:

Street Frontage: East Shelby Drive----------+/-265.01 linear feet

Planning District: Oakhaven-Parkway Village

Census Tract: 217.45

Zoning Atlas Page: 2450

Zoning History: In December, 2005 an amendment was approved to allow the same land uses in Parcels 'A' & 'B'(P.D. 05-353 CC). Again in March, 1998, a planned development(P.D. 97-389 CC) was approved primarily for institutional land use and specific commercial land use. In April, 1999, an amendment was approved(P.D. 99-300 CC) to allow one(1) retail building in Parcel 'A' of the plan. Prior to March, 1998 the Agricultural(AG) District zoning of the site dated to the adoption of the 1980 zoning map amendments.

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.

2. This site is located in the Memphis Reserve Area.

Sewers:
3. City sanitary sewers are available at developer's expense.

4. The developer shall extend sanitary sewers through the site to serve upstream properties.

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.

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. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

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

14. 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 easements.

County Engineer:

Memphis Fire Services:	Between Riverdale and S. Germantown: 6.4 Acres/ Update names of major N-S roads.
Shelby County Fire Department:	No comments received.
City Real Estate:	None.
County Real Estate:	No comments received.

Memphis & Shelby County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. Since this is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the attached questionnaire.
3. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor <u>must</u> contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

Memphis Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools(MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. Thank you for the opportunity to comment.

Shelby County Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, **subject to** the following comments:

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **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).
- **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/Bell South: AT&T Tennessee has no comment regarding this development.

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

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on March 28, 2008. The MPO staff has determined that Shelby Drive is an existing major road consisting of 114' feet of right of way, 94 feet of pavement, and no proposed improvements.

OPD-Plans Development: No comments.

Neighborhood Associations/Organizations:

Buckingham Farms Ngh'd Assoc:	*No comments received as of 6/06'08.*
Burlington Area Ngh'd Assoc:	" "
Irene Ngh'd Assoc:	*No comments received as of 6/06'08.*
Harvest Knoll Ngh'd Assoc:	" "
Southeast Shelby Coalition:	*See Attachments.*
Richwood Homeowners' Assoc:	*See Attachments.*
Pinnacle Point Ngh'd Assoc:	*No comments received as of 6/06'08.*

Staff: BB

NEIGHBORHOOD ASSOCIATIONS/ORGANIZATIONS-UPDATE:

Message

Page 1 of 1

Bacchus, Brian

From: Rodney Joyner [RJoyner@eticorp.com]
Sent: Wednesday, June 04, 2008 4:21 PM
To: Bacchus, Brian
Cc: 'Frank Shepherd'
Subject: Shelby Drive Recreational Center (PD 08-312cc)

Brian,

Here's an update on my conversations with the neighborhood groups.

First, I spoke with Mr. Robert Bogue of the Harvest Knoll Assoc. on Monday, June 2. I've sent him a copy of our plans and discussed our application request in detail. His association has their regularly scheduled neighborhood meeting next Monday evening. I've also offered to present the case to them, but he didn't feel it was necessary. He said he would be in touch if anyone had any questions.

Second, I spoke with Mr. Danny Moses of the Buckingham Farms Assoc. this afternoon. I've also sent him a copy of our site plan, via email, as requested. We also discussed the site in detail. Upon review of the plan, he will contact me with any questions, but didn't have any specific concerns at the moment.

Third, I spoke with Mr. Rufus Washington of the Southeast Shelby Coalition (Richwood Homeowner's Association). I've sent him a copy of the site plan, via email, as requested. We discussed the site and its proposed use, in depth. He stated that he didn't have any objections at this time, but would review the plan and let me know of any specific comments he may have.

I've called Mr. Darrell Dorsett and left a message for him to call me to discuss the project. I'm currently awaiting his call.

Do you happen to have a contact number for Teresa Goetsch of the Irene Neighborhood Association? I'd like to speak with her, also.

Let me know if you have any questions or need additional information.

Corporation

Rodney T. Joyner
Senior Planner
ETI Corporation
6799 Great Oaks Road, Suite 100
Memphis, TN 38138
ph. 901-758-0400
fax 901-754-5135
rjoyner@eticorp.com

6/5/2008

From: Rufus J. Washington [mailto:rufusjwashington@bellsouth.net]
Sent: Friday, June 06, 2008 8:08 AM
To: Saliba, Norman
Cc: rufusjwashington@bellsouth.net; ISMOKE50@aol.com; RJoyner@eticorp.com
Subject: FW: Shelby Drive Community Recreational Center

Dear Chip:

This application comment is in response to P.D. 08 312 CC

The Southeast Shelby County Coalition and Richwood Homeowners Association supports this application.

Rufus J. Washington

President

SSCC

Public Affairs RHOA