C. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all land encumbered by easements.

D. Internal landscaping shall be provided at a ratio of 300 square feet for every twenty(20) vehicles and one shade tree (Tree 'A') from the Landscape Ordinance for every 20 parking spaces.

E. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.

F. Lighting standards shall have a maximum height of 30 feet and shall be directed so as not to glare onto residential property.

G. Refuse containers shall be completely screened from view from adjacent properties and public roads subject to the approval of the Office of Planning and Development.

V. SIGNS:

A. Area C: -- In accordance with the C-L District Regulations.

B. Areas A and A-1: -- In accordance with the O-G District regulations.

C. Area B: – In accordance with the R-ML District regulations.

D. The minimum sign setback from street rights-of-way shall be 15 feet.

VI. DRAINAGE:

A. All drainage plans shall be submitted to the City and County Engineer for review.

B. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

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

VII. The Land Use Control Board may modify the bulk, access, circulation, 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 days of such action file a written appeal to the director of Office of Planning and Development, to have such action reviewed by Appropriate Governing Bodies.

VIII. OTHER:

A. The approval of this planned development does revoke the C-P District General Plan that was previously approved on this property.

B. 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 a proposed amendment.

IX. A final plan shall be filed within five years of the approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. Any final plan shall include the following:

A. The Outline Plan Conditions,

B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements,

C. The exact location and dimensions including height, of buildings or buildable areas, parking areas, utility easements, 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. 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: Dexter Road----------+/-45.06 linear feet.
Appling Road----------+/-564.87 curvilinear feet.

Planning District: Shelby Farms-Germantown

Census Tract: 211.23

Zoning Atlas Page: 1950

Parcel ID: D0207 00305

Zoning History: In 1988, the Applingwood Planned Development was approved for a mixed-use concept planning Outline Plan with amendments approved in 1994 and 1997 for senior living. Prior to this date, the Planned Commercial(C-P) District zoning of the site date 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.

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.

Roads:
4. Dexter Road is designated as a Priority 1 on the MPO Major Road Plan. Dedicate 54 feet from centerline and improve in accordance with Subdivision Regulations.

Curb Cuts/Access:
5. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

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. 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.

General Notes:

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

12. 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.

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

Shelby County Engineer:	No comments as of 1/2/'09.
City Fire Division:	No comments received.
Shelby County Fire Department:	No comments received.
Memphis & Shelby County Health Department-	No objections-see attachments.
Shelby County Board of Education:	No comments as of 1/2/'09.
Construction Code Enforcement:	No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has <u>no objection, subject to the following conditions:</u>

- **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, without prior approval.

- **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 MLGW engineering 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: 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 December 11, 2008. Both Appling Road and Dexter Road have been identified as major thoroughfares in the 2030 Long Range Transportation Plan (LRTP). Dexter Road is identified in the Horizon Year Plan to be widened to five lanes by the year of 2015. Appling Road south of Dexter Road is in neither the LRTP's Horizon Year nor Vision Year list of proposed projects. The MPO recommends dedication and improvement as deemed appropriate by the County Engineer.

OPD-Plans Development: No comments.

Neighborhood Associations/Organizations:

Cordova Leadership Council:	*No comments as of 1/2/'09.*
Cordova Community Watch:	" "
Chapel Creek Homeowners' Association:	*No comments as of 1/2/'09.*
Cordova Club Homeowners' Association:	" "
Hunter's Hollow Ngh'd Association:	*No comments as of 1/2/'09.*
Woodchase Ngh'd Association:	" "
Neighborhood Letters:	*See Attachments.*

Staff: bb

1. **If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.**
2. **If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.**
3. **Since this is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the attached questionnaire.**
4. **If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor <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 AND SHELBY COUNTY HEALTH DEPARTMENT
AIR POLLUTION CONTROL
814 Jefferson Avenue, 4th Floor
Memphis, Tennessee 38105

RESIDENTIAL DEMOLITION/MOVE-OFF QUESTIONNAIRE

Project Address: _____

	Yes	No
1. Will the demolition/move-off project involve more than a single residential building on this parcel, adjoining parcels, the same block, or specific geographic boundary?	___	___
2. Will the residential building be burned by a municipal fire department for training purposes?	___	___
3. Is the building to be demolished/moved used now, or was it ever previously used, commercially, or by an industrial business, an institution (e.g., church, museum, school, college, etc.), or a public entity (e.g., a federal, state, or local government agency, etc.)?	___	___
4. Is the demolition/move-off part of a larger commercial or public project [e.g., urban renewal, highway/road construction, shopping mall, industrial facility, or other private development such as in-fills or public urban developments (PUD)]?	___	___

If you answered **"Yes"** to any of the above questions, at least ten (10) working days before the start of the demolition/move-off, complete and submit to the Memphis and Shelby County Health Department-Air Pollution Control Section:

--A complete "Asbestos NESHAP Notification of Demolition and/or Renovation" form for each building, structure, or project
--One Hundred and Thirty Dollars ($130.00) notification fee
--Written proof (asbestos survey report) the affected facility has been inspected for the presence of asbestos-containing materials.

Approval from Air Pollution Control must be received before the Shelby County Construction Code Enforcement Office will issue demolition permits. This questionnaire is designed to help determine applicability of a project to the National Emission Standards for Hazardous Air Pollutants (NESHAP), Shelby County Air Code (Memphis City Air Code Section 16-81), Section 3-25, Standard for Demolition and Renovation, Reference 1200-3-11-.02. This questionnaire offers assistance for determining regulatory applicability in a majority of situations, but does not cover every scenario.

If you answered **"No"** to all of the questions above, it is likely, but not certain the asbestos NESHAP does not apply to the project. Completion of the questionnaire does not relieve the owner from the requirements of the asbestos NESHAP regulation.

Page Two MSCHD-APC Residential Demolition/Move-off Questionnaire

If uncertain about how to answer the questions above, want to know more about the asbestos NESHAP requirements, have safety concerns regarding asbestos-containing materials, or want to receive the "Asbestos NESHAP Notification of Demolition and/or Renovation" form, please contact Air Pollution Control at the Memphis and Shelby County Health Department located at 814 Jefferson Avenue, 4th Floor, Memphis, TN 38105.

Telephone: (901) 544-7349
Web Site: www.shelbycountytn.gov, click on Environmental Health.

_____
Print Name

_____
Signature

_____
Date

MSCHD-APC USE ONLY:

_____
Inspector Signature

_____
Inspector Print Name

_____
Date

From: David Wolford [dbwolford@gmail.com]
Sent: Friday, January 02, 2009 10:35 AM
To: Bacchus, Brian
Subject: P.D. 08-333 CC (Applingwood Planned Development)

Mr. Bacchus,

I received the Notice of Public Hearing this week regarding the proposal to allow construction of an Ice Hockey arena at the corner of Appling and Dexter, a mere two blocks from my house. Unfortunately, I will not be able to attend either meeting, but am very interested in this.

First, I would like to request any additional information there is on the matter that was not included in the Notice and/or minutes from both meetings. I appreciate your help in this matter.

Secondly, after careful consideration, I find myself extremely opposed to this development (at least until I may review the additional information and minutes). What body is governing the approval or disapproval of this issue and how do I get in touch with them to let my voice be heard?

Thank you for your assistance and attention.

David B. Wolford
1544 Cider House Cove
Cordova, TN 38016
901-373-5406

From: Barbara Radford [brradford@comcast.net]
Sent: Saturday, January 03, 2009 12:19 PM
To: Bacchus, Brian
Subject: FW: P.D.08-333CC Indoor ice rink

I typed your address wrong. Hope you get this. Thanks.

From: Barbara Radford [mailto:brradford@comcast.net]
Sent: Saturday, January 03, 2009 10:39 AM
To: 'brian.bacus@memphistn.gov'
Subject: P.D.08-333CC Indoor ice rink

I live at Appling Oaks, across from Bellevue Woods. Traffic already makes it hard to get in and out of these areas. The corner of Appling and Dexter traffic is really bad. It backs up something awful at times. What are the plans for improving this intersection?

Can we get a more detailed plan/information off the internet?

My phone number is 388-1982. Thanks for any info.

From: Davis, Gloria (Jean) [Gloria.Davis@YouthVillages.org]
Sent: Monday, January 05, 2009 11:51 AM
To: Bacchus, Brian
Subject: P.D. 08-333 CC
Brian,

I am appreciative of the notice about the new proposed project. I would like more information about the mixed use planned development. It sounds like more than an indoor amusement facility is planned. That might just be the anchor project. What are the other uses of the property in that development? Please respond to this email as soon as you can.

Thank you,

Jean Davis, homeowner at The Oaks at Appling
7463 Appling Chase Cove
38016

From: Jim Nasso [jim.nasso@wesleyhousing.com]
Sent: Tuesday, January 06, 2009 6:48 AM
To: Bacchus, Brian
Cc: 'Jim Nasso'; George Munchow; Larry Kaler
Subject: Dancy Investments, case number P.D. 08-333 CC

Mr. Bacchus,

Presently I am scheduled to be out of town on Thursday, January 8th and will not be available to attend the public hearing. However I am very interested in the attached notice and any additional information you can provide such as the full intent, estimated traffic increase, anticipated hours of operation, etc. We are the adjoin office building and there is a nursing home and assisted living adjoined to us.

Please provide this information today so that my company and other companies as well can form a sound position.

Thank you

Jim