Amendment vs. Development Plan

This application is for a planned development amendment to allow a beauty shop and a music or dancing academy as permitted land uses in a new building with available tenant spaces in Parcel 5 of a recorded Outline/Final Plan for the Offices of Southwind Planned Development. The subject property is a part of the eastern portion of the plan that allows General Office(O-G) District land uses. This zoning district allows beauty and barber shops, but does not allow a music or dancing academy. This is an insignificant change for a land use similar in nature to the existing academy on the opposite side of Southwind Park Cove.

This parcel was exclusively approved for O-G District land use as well as Parcels 3 and 4. The remaining Parcels 1 and 2 allowed O-G and specific land uses not otherwise permitted in this zoning district. The storm water detention basin is a required system for this property, but an amenity that serves as a water feature to the development, including the natural buffer along the north property line adjacent to single family residential. This amendment for a similar land use is acceptable to approved land use, because it does not significantly change the intent of the original Outline Plan.

RECOMMENDATION: Approval with Conditions

OUTLINE PLAN CONDITIONS:

I. Uses Permitted: **Amendments:** ***[Bold, Italic & Underlined]***

A. In Parcels 1-5, any use permitted in the General Office (O-G) District by right or administrative site plan review. ***In addition to above permitted uses: A music or dancing academy and beauty shop shall be allowed in Parcel 5-Only.***

B. Alternatively, in Parcel 5, a Day Care Center with no outside play equipment, or a Senior Day Care Center.

C. Alternatively, in Parcels 1 and 2, any of the following uses:

1. Photo studio
2. Bakery, retail
3. Bank
4. Beauty or Barber Shop
5. Cleaning Pick-Up
6. Financial Services
7. Photo Finishing and Pick-Up Station
8. Flower or Plant Shop
9. Restaurant limited to 20 seats and no drive-thru
10. Retail Sales
11. Services, Other Business and Personal
12. Music or Dancing Academy
13. Offices
14. Personal Service Establishment

II. Building Design:

A. The maximum gross floor area on each parcel shall be limited to the following:

1. Parcel 1 – 11,625 sq. ft.
2. Parcel 2 – 11,250 sq. ft.
3. Parcel 3 – 12,000 sq. ft.
4. Parcel 4 – 12,000 sq. ft.
5. Parcel 5 – 12,000 sq. ft.

B. The height of a building on any parcel shall be 24 feet, provided that the number of stories shall be limited to one.

C. The architecture of the proposed building shall be similar to what is shown in the attached figures and elevations.

D. A parapet wall shall be constructed around the roof of each building to equally screen any and all roof-mounted mechanical equipment.

III. Access, Parking and Circulation:

A. The developer shall construct, at his sole expense, a median modification in Winchester Road with location and design subject to the approval of the City and/or County Engineer.

B. The design of the cul-de-sac end shall be subject to the approval of the City Engineer.

C. The design and location of the curb cuts on Southwind Office Drive shall be subject to the approval of the City Engineer.

D. Any existing nonconforming curb cuts shall be modified to meet the current standards of the City of Memphis and Shelby County or shall be closed with curb and gutter.

E. Internal circulation shall be provided between all adjacent parcels.

IV. Signs:

A. Any attached signage shall consist of individual letters of logos no more than 24 inches in height. All letters shall be white and have a dark, earth-tone metal edge around each letter. Any lighting must be internal

B. One detached ground-mounted center sign shall be permitted with a maximum size of 150 square feet per sign face. The sign shall be made of the same materials used in the nearest building, or an equivalent alternative subject to the approval of the Office of Planning and Development.

C. Any signage will be set back a minimum of 15 feet from the right-of-way and shall be sited clear of the vision triangle.

D. Outside flags, banners and temporary or moving signs are prohibited.

V. Landscaping:

A. A 30-foot streetscape planting shall be installed along the frontage of Winchester Road for the entire width of the development and continuing to include any portion of the outer 10 feet of the right-of-way that is unencumbered by sidewalk, easements, curbing or overhead utility wires, provided that the sidewalk may be curvilinear within the streetscape area, subject to the approval of the County Engineer. The streetscape shall consist of three rows of trees and shrubs as specified below, and a three-rail split cedar fence, to be installed by the developer and maintained by the Property Owners' Association. The northern planting row shall be Shrub A, planted 3 feet on center, and be maintained in a height of 24" to 30". The middle row shall include species from Tree B, tree C, and/or Tree D planted 30 feet on center in accordance with the standards in Chapter 29, Section M of the zoning ordinance. The southern row shall be a row of Yoshino cherry trees 10 fee to 12 feet in height and planted 40 feet on center.

B. Landscape Plate A-1, A-2, A-3 or A-4 shall be installed on both sides of Southwind Office Cove by the developer and maintained by the property owner.

C. The median of Winchester Road shall be landscaped with trees, shrubs and flowers in accordance with guidelines promulgated by the Technical Corridor Association. If the guidelines have been promulgated at the time the property is developed, the developer shall install the median landscaping. Otherwise the developer shall contribute the cost of installation to an escrow account controlled by the Property Owners' Association.

D. A 40-foot landscape screen shall be installed by the developer and maintained by the property owner at the rear of Parcel 4. This screen shall consist of 4 rows of Tree 'D' planted in the pattern illustrated by plate B-5.

E. A detailed landscaping plan shall be made a part of each final plan.

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

VI. Final Plan Notes: The following notes shall be placed on the Final Plan:

A. No adult entertainment or sexually oriented business shall be permitted in this phase of development.

B. No outside speaker or paging system shall be permitted.

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

D. The existing storm water detention area shall be noted on the final plat by the phrase "Reserved for Storm Water Detention," and the following shall appear in the conditions: The existing storm water detention area shall not be used as a building site or filled without first obtaining written permission form 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 owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located 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.

E. A statement to this effect shall appear on the final plat: "All commons, open area, lakes, drainage detention facilities, private streets, private sewers and private drainage systems and common area landscaping as specified above shall be owned and maintained by a Property Owners' Association."

VII. Other:

The Land Use Control Board may modify the bulk, access, parking circulation, signage, lighting, landscaping, and other site design 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 the legislative bodies.

VIII. A final plan shall be filed within five(5) 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 identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.

D. The number of parking spaces.

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

F. The Floodway District boundary, the 100-year flood elevation and any wetlands.

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.

P.D. 08-310 CC(formerly P.D. 02-354 CC)
The Offices of Southwind Planned Development, Amended

GENERAL INFORMATION:

Street Frontage: Southwind Park Cove----------+/-198 curvilinear feet.

Planning District: Shelby Farms-Germantown

Census Tract: 213.42

Zoning Atlas Page: 2335

Zoning History: In January, 2003, the Offices of Southwind Planned Development(P.D. 02-354 CC) was approved for limited General Office(O-G) District land uses. In 1994, The Southwind Planned Development(P.D. 94-326 CC) governed this tract and the adjoining tract of vacant land west of the subject property approved for General Office(O-G District land use. Prior to these dates, the Agricultural(AG) District zoning of the site dates to the adoption of the 1960 Shelby County Comprehensive zoning.

DEPARTMENTAL COMMENTS:

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

City Engineer: No comment on use change.

Shelby County Engineer: No comment.

Shelby County Fire Department: No comments received.

Memphis & Shelby County Health Department- The Water Quality Branch has no comments.

Shelby County Board of Education: No comments received as of 5/02/'08.

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 comments:</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. 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: No comments received.

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 12, 2008. Winchester Road is a Priority 1 facility with proposed right of way and pavement widths of 134 feet and 94 feet respectively.

OPD-Plans Development: No comments.

Shelby County Conservation Board: No comments received.

Neighborhood Associations/Organizations:

Southwind Homeowners' Association:	*No comments received as of 5/02/'08.*
Buckingham Farms Homeowners' Association:	" " .
Lakes of Forest Hill Homeowners' Association:	*No comments received as of 5/02/'08.*
Windyke Homeowners' Association:	" " .
Southeast Shelby County Coalition:	Supports this application, this is a good project and the kind, of which, the SSCC would like to see more of.

Staff: bb