ITEM #: _____ PREPARED BY: SHEILA POUNDER

APPROVED BY: _____

**A JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY,TENNESSEE, TO AUTHORIZE A PLANNED DEVELOPMENT LOCATED APPROXIMATELY 123 FEET SOUTHEAST OF THE INTERSECTION OF APPLING AND MACON ROADS, KNOWN AS SHELBY PARK EAST PLANNED DEVELOPMENT, P.D. 07-344 CC**

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**WHEREAS,** Application has been made for a mixed use planned development consisting of 48 single family residential lots (minimum lot size = +4,428 sq.ft.) and two common open space lots in Area A and commercial uses in Area B.

**CASE NO.** P.D. 07-344 CC

**PROPERTY LOCATION:** Approximately 123 Feet Southeast Of The Intersection Of Appling And Macon Roads

The property being more particularly described on the outline plan.

**WHEREAS,** The Office of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for planned developments as set forth in Section 14 of the Joint Memphis and Shelby County Zoning Ordinance-Regulations, and has considered the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal

circulation, land use compatibility, and whether 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 February 14, 2008, and said Board reported its recommendation of approval with conditions to the City Council and County Commission 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS:**

Section 1. That pursuant to Section 14 of the Memphis and Shelby County Zoning Ordinance-Regulations, a Planned Development is approved for property located approximately 123 feet southeast of the intersection of Appling and Macon Roads, subject to the attached conditions.

Section 2. **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.

Section 3. **BE IT FURTHER RESOLVED,** That the Joint Zoning Resolution take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Joint Ordinance-Regulations by virtue of the joint, concurring, and separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis.

_____
A C Wharton, Jr., County Mayor

Date:_____

ATTEST:

_____
Clerk of the County Commission

ADOPTED:_____

P.D. 07-344 CC

SHELBY PARK EAST PLANNED DEVELOPMENT

## OUTLINE PLAN CONDITIONS:

### I. PERMITTED USES:

A. Area A --- Single-family residences, not to exceed 48 lots

B. Area B --- Uses permitted by right or administrative site plan review in the Planned Commercial (C-P) District

### II. BULK REGULATIONS:

A. Area A:

1. Minimum lot size: 4,400 square feet
2. Minimum lot widths: 42 feet
3. Minimum front yard setbacks: 20 feet
4. Minimum side yard setbacks: 3.5 feet
5. Minimum rear yard setbacks: 12 feet

B. Area B: As specified in Chart II for the C-P District

### III. ACCESS AND CIRCULATION

A. Dedicate 34 feet from centerline of Macon Road and improve in accordance with Subdivision Regulations.

B. Street D shall intersect Macon Road at a ninety degree angle (approximately) rather than as shown on the proposed outline plan.

C. There shall be a minimum of 250 feet of separation between Street D and the proposed curb opening to Macon Road from the commercial area.

D. The City/County Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.

E. Any curb cut along the Macon Road frontage beginning closer than 300 feet from the centerline of Appling Road will be limited to right in/right access only.

F. Common Open Space should be designated between Shelby Park PD, Phase 2 and the proposed Shelby Park East PD, along the existing Raleigh LaGrange Road closure and between Lot 47 of Shelby Park PD, Phase 2 and Lot 1 of the proposed residential. The intent of the Raleigh LaGrange Road closure is to provide a walking trail (COS) and not a driving lane connecting future commercial buildings with the proposed residential.

G. Properly show the Raleigh LaGrange Road closure in front of the existing house on purposed Lot 48, Lot 7, and the beginning of the public ROW and the existing hammerhead with existing turnaround easement.

H. All private drives are subject to review by County Engineer for compliance with Geometric Design Standards. All private drives shall be constructed to meet County standards and provide a minimum pavement width of 22 feet exclusive of curb and gutter.

I. Pedestrian walkways to facilitate pedestrian access to Plough Park shall be shown on the site plan.

J. Clear Sight Areas shall be provided on the final plat and engineering plans along the frontage of Lot 36 & COS B in accordance with the Subdivision Regulations. The required note regarding Clear Sight Areas shall be placed on the final plat.

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

L. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

M. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

**IV. LANDSCAPING AND DESIGN**

A. The Outline Plan shall identify all trees 10 inches in breast-height diameter (DBH) or greater. The planned removal of any tree that is 10 inches DBH or greater shall require the filing of a Notice of Intent (NOI) subject to the review and approval of the Office of Planning and Development. In that event, the applicant shall file a recordable document to be recorded with the final plat that meets the requirements of the "Tree Ordinance". This document shall include a drawing indicating those trees to be saved and those to be removed. If the applicant can not meet the requirements of the Tree Ordinance Matrix, an equivalent alternative shall be presented to the Office of Planning and Development for review and approval.

B. Landscaping shall to be shown between the future commercial buildings and the proposed residential. Specific landscaping materials shall be shown on the final plans for Area B.

C. Required landscaping and screening shall be modified as necessary to avoid conflict with any easements, including overhead wires subject to the approval of the Office of Planning and Development.

D. In addition to required landscape screens and streetscape treatments, a minimum five (5) percent landscaped area shall be provided within any and all commercial/retail parking lots.

E. All single-family residences shall be composed of a minimum of 80 percent brick.

F. A special arbor treatment around the garage door shall be provided on all lots with front load garages. An architectural detail of the special arbor treatment around the garage door shall be shown on the final plat.

G. Commercial and office buildings shall be constructed using consistent architectural styles and similar building materials and shall be shown on final plat.

H. All heating and air conditioning equipment on commercial and office buildings, including any located on the roof, shall be enclosed and shielded from view by architectural elements that are integral to and consistent with the overall exterior design.

I. All dumpsters and other outdoor solid waste containers shall be completely screened from view from all adjacent properties and all public roads.

J. In areas designated for commercial, a detailed site plan, including lighting and landscaping 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 that proposed construction is in conformance with the approved landscaping and lighting plan.

## V. SIGNS

Area B: Signs shall be regulated by the C-P District requirements of the Zoning Ordinance including the following: The design and materials of signs shall be consistent with the proposed buildings subject to site plan review and approval.

## VI. DRAINAGE:

A. Provide stormwater detention for the proposed residential area in accordance with the Fletcher Creek Drainage Ordinance.

B. A separate stormwater detention pond shall be provided for the future commercial area in accordance with the Fletcher Creek Drainage Ordinance.

C. Drainage data shall be provided for assessment of on-site detention requirements by County Engineer's Office. All drainage plans shall be submitted for review by the offices of the Shelby County Engineer and the City of Memphis Engineer.

D. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision and Zoning Regulations in effect when final plans are recorded and with the City of Memphis Drainage Design Manual.

E. Detention facilities, if required, are to be fully operational immediately after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain maximum storage capacity.

**VII. PARKING:**

Off-street parking loading and queuing spaces shall be provided in accordance with Chapter 28 of the Zoning Ordinance- Regulations.

**VIII. SITE PLAN REVIEW BY THE LAND USE CONTROL BOARD**

A. Prior to the approval of any final plan for Areas B, a site plan shall be submitted for the review, comment and recommendation of the of the Office of Planning and development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board.

B. The site plan shall be submitted at least twenty (20) days prior to the Land Use Control Board meeting in which it will be on the agenda. It shall include the following information:.

1. The location and dimensions, of all buildings or buildable areas, signs and parking areas. Building height shall be included for all buildings higher than 35 feet.

2. The layout of all public streets, private drives and the dimensions and area of any lots.

3. Specific plans for internal and perimeter landscaping, screening and exterior lighting with identification of the plant species.

4. Illustrations of the design and materials of proposed buildings and signs.

5. The location of loading facilities and trash receptacles.

6. The number location and dimensions of parking spaces.

7. A survey of the trees to preserved and the trees to be removed, including groups of trees and individual trees at least 10 inches in diameter at breast height (DBH).

C. The site plan shall be reviewed according to the following criteria.

1. Adequacy of needed public facilities and infrastructure and conformance to the Zoning and Subdivision Regulations and standards.

2. Internal compatibility between uses and design features.

3. Conformance with the outline plan conditions.

4. Compatibility with adjacent properties as judged from the final elements of site development including landscaping, screening and architectural design.

**IX. MODIFICATIONS TO PLAN**

The Land Use Control Board may modify the bulk, access, landscaping, parking, loading, screening, signs, 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 (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. TIME LIMIT**

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, subject to additional conditions and standards, if any. A request for a time extension shall be filed a minimum of 60 days prior to the expiration date.

**XI. FINAL PLAN REQUIREMENTS** - Any final plan shall include the following:

A. The outline plan conditions.

B. A standard subdivision contract as in accordance with the Subdivision Regulations and Shelby County Paving Policy for any needed public improvements.

C. The exact location and dimensions including height, of all non-single family detached residential buildings, parking areas and number of parking spaces, drives, and required landscaping and screening.

D. A rendering, including plan view and elevation, of any proposed development identification signs in Parcel II, Parcel II, and Parcel I, Area B showing the height, dimensions and design thereof.

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

F. 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.

G. All common open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

H. The following note(s) shall be included on any final plat filed for this subdivision:

> "This is a private development. The Homeowners' Association is solely responsible for all maintenance and repair of private facilities including streets, roads, sewers, and storm drains. There is not, nor ever will be, any County or City responsibility for these facilities."