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."

GENERAL INFORMATION:

Street Frontage:	494.41 feet along Macon Road 1,270 feet along CSX Railroad ROW
Planning District:	Shelby Farms-Germantown
Census Tract:	211.23
Zoning Atlas Page:	Map 2050

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.

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

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

Private Drives:
7. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').

Curb Cuts/Access:
8. Street D shall intersect Macon Road at a ninety degree angle (approximately) rather than as shown on the proposed outline plan.

9. 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.

10. The City/County Engineer shall approve the design, number and location of curb cuts.

11. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.

12. 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.

Drainage:

13. 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.

14. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

15. 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.

16. 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:

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

18. 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.

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

General Notes:

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

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

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

23. 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.

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

County Engineer:

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

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

3. A 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.

4. Provide and show how the existing house (lot 48) will have access to a public street.

5. Properly show the Raleigh LaGrange Road closure in front of the existing house, lot 27 and the beginning of public ROW and the existing hammerhead with existing turnaround easement.

6. Landscaping needs to be shown between the future commercial buildings and the proposed residential.

7. Lot 17 and 27 does not have adequate road frontage.

8. 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.

9. 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."

10. 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.

11. Provide drainage data for assessment of on-site detention requirements by County Engineer's Office. All drainage plans are to be submitted to County Engineer's Office for review. ***Detention ponds should be designed for multiple stage discharges and it is to be inspected by the design engineer when it is built to certify that it is working as designed. Detention pond should be built at the first phase when the land is cleared.*** Drainage improvements must be provided in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual. Quantify and provide pre and post development stormwater discharge values. Provide an assessment of any downstream structures impacted by increased runoff.

12. The developer is responsible for notifying adjacent property owners regarding concentration of stormwater discharges and any off-site improvements. Submittal of construction plans will constitute certification from the developer that adjacent property owners have been notified. Off-site drainage improvements may be required to ensure no adverse effect on downstream properties. All improvements to eliminate such effects are the responsibility of the Developer. The 100-year check required by the City of Memphis Drainage Manual will be strictly enforced during the engineering review process.

13. A Notice of Intent must be submitted to and be approved by the Tennessee Department of Environment and Conservation (TDEC) before any earthwork is started in accordance with Shelby County Stormwater Ordinance. A copy of the TDEC's coverage letter and Storm Water Pollution Prevention Plan (SWPPP) is to be provided to Shelby County Engineering Office before any ground is disturbed.

14. 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.

15. The areas denoted by "Reserved for Stormwater 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 stormwater 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.

16. All grading and drainage plans shall show a minimum of 100 feet of offsite topography on all sides in order to determine the effect of offsite features on the subdivision under review or its effect on adjacent properties.

17. Sanitary Sewer is to be approved by the City of Memphis.

City Fire Division:	No comments received.
County Fire Department:	No comments received.
City Real Estate:	None.
County Real Estate:	No comments received.
City/County Health Department-	No objections.
City Board of Education:	No comments received.
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:

- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- 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.
- **Street Names**: MLGW–Address Assignment must review and approve all proposed street names. Please contact MLGW @ 528-4628.
- **Landscaping 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
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
    - MLGW Engineering - **Residential Development**: 528.4858
    - MLGW Engineering - **Commercial Development**: 367.3343
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T Telephone:

AT&T request a five foot wide utility easement along all lot lines and along the private drive (Street B)

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments.

Division of Park Services: No comments received.

County Conservation Board: No comments received.

County Sheriff: No comments received.

Neighborhood Associations:

Cordova Leadership Council: No comments received.
Cordova Community Watch, Inc.: No comments received.
Cordova Club Homeowners: No comments received.

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

#13

STAFF REPORT
ADDENDUM

CASE NUMBER: P.D. 07-344 CC L.U.C.B. MEETING: February 14, 2008
January 10, 2007

DEVELOPMENT NAME:	Shelby Park East Planned Development
LOCATION:	Approximately 123 feet southeast of the inersection of Appling and Macon Roads
APPLICANT:	Teransky, LLC
REPRESENTATIVE:	SR Consulting, LLC
REQUEST:	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.
AREA:	14 Acres
EXISTING LAND USE & ZONING:	One single family home in the Agricultural (AG) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
REJECTION

Staff Planner: Sheila Pounder E-mail Address: sheila.pounder@memphistn.gov

COMMENTS:

As stated in last month's staff report on this case, this application is the third planned development proposal filed by the applicant on this site with the first two applications being proposed amendments to the previously approved Shelby Park Planned Development (P.D. 03-361 CC). To clarify the background status of those previously proposed applications, P.D. 05-359 CC, was rejected by staff based on a number of site plan issues that were not resolved prior to Land Use Control Board consideration. P.D. 05-359 was held twice, October 12, 2005 and November 10, 2005, to allow the applicant time to address the site plan issues raised by staff. However, this case was subsequently withdrawn after being on hold for two years by the applicant. P.D. 07-325 CC was held by OPD due to an error in the manner that it was filed for review. It was filed as an amendment to the originally approved 2003 planned development instead of as a new case that is an addition to the existing outline plan. Consequently it was dropped and the current application (P.D. 07-344cc) has been filed as its replacement.

This planned development case was held at the January, 2008 Land Use Control Board meeting to allow the applicant additional time to address some of staff's concerns that still remain about the newly proposed site plan. The revised site plan reflects most of the recommended changes except two; the proposed use of private drives throughout the development and the proposed location of a required detention area in Area B separate from Area A as recommended by the County Engineering Office.

The first issue and of primary important is the proposed use of private drives within this small lot development. The private drives within this development are not desirable because of a couple of important reasons. First, small lots on private drives will not have sidewalks for safe pedestrian access. Public roads which requires the installation of sidewalks are needed to ensure safe and efficient circulation of both pedestrian and vehicle traffic between the residential and commercial areas of this development and the surrounding vicinity. Private drives as proposed in this development are not acceptable to adequately provide this function for its residents.

Secondly, the internal road system should be designed to include a consistent and pleasing streetscape along both sides of the road that will add to the overall appearance of this development's public realm. This is especially true given the lack of open green space along the frontages of small lot developments with a narrow road system. Twenty-seven (27) foot wide street widths are proposed throughout this development with a 20 foot front yard setbacks on each lot and no sidewalks. This type of design will not encourage or promote this development as a walkable neighborhood.

There are two options recommended to the resolve this issue. First, the applicant could change the private drives to public streets that would be dedicated and improved to public standards which include the provisions of sidewalks and planting green streetscapes. Secondly, the applicant could keep the private drives and build them to public standards which would include sidewalks and a tree lined green strip along both sides of the roads throughout this development. This option would provide for a 48 foot wide ROW that would include 28 feet of pavement from back of curb to back of curb, a 4 foot wide sidewalk, and a 6 foot wide tree green, exclusive of the 20 foot front yard setback on each lot (27 foot front yard setback for front facing garages). Either of these two options would aid in creating a desirable outdoor space for the residents of this new community.

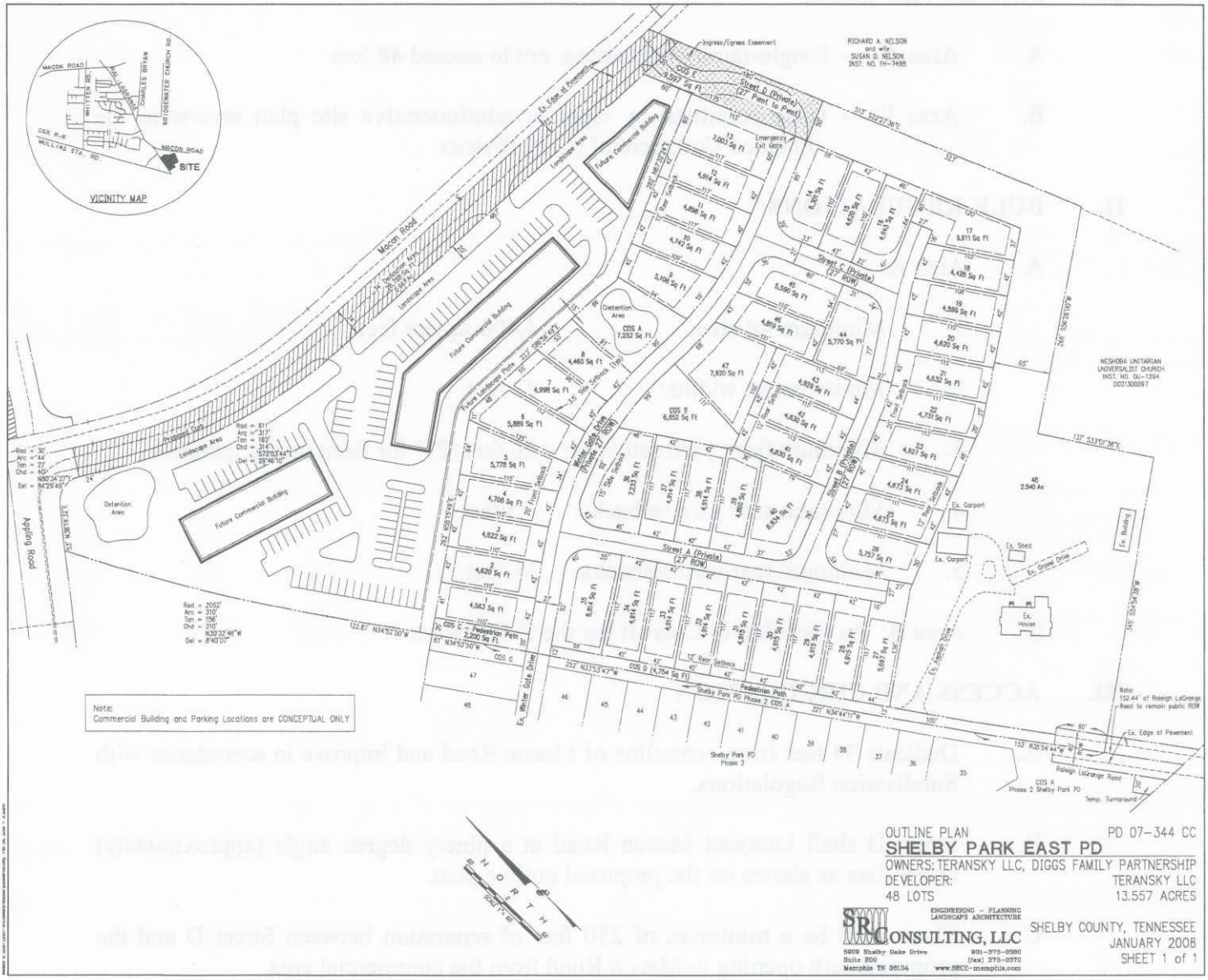
One last and important point concerning the design and layout of this site plan. The site plan shows that the closest access to Macon Road is via an emergency exit only gate along the eastern side of the development. Macon Road is where the commercial/retail uses will be located within this development. Residents that wish to make a short trip to this area are expected to walk along private roads with no sidewalks to a pedestrian path that is provided at only one point in this development, along the western site boundary. Those that can't walk or do not wish to walk for whatever reason will be required to drive approximately 435 feet eastwardly to access the intersection of Appling and Macon Roads. Once at this intersection the residents will have to backtrack eastwardly to access the commercial center that will be adjacent to the north side of this residential community. A more convenient vehicle route and a second pedestrian path should be provided within this development to allow easier access to this commercial area.

A last item of concern pertains to the lack of a proposed detention stormwater areas in Area B that is separate from Area A as recommended by County Engineering. There is still no information or details concerning a proposed detention area in Area B on the site plan for consideration and early review by the appropriate governmental department. The County Engineering Office indicates that the placement of separate detention areas in both the residential and commercial portions of this development is very important and should be shown on the site plan. Staff agrees with the County Engineering that this information is needed on this conceptual site plan.

There is one additional item that should be pointed out for correction by the applicant. The site plan shows the proposed southern property lines to be closer than 5 feet to the existing carports that are located on proposed Lot 48. The Section 27. D.1.a. of the Zoning Ordinance requires that detached accessory structures (carports) be located not less than 5 feet from any side or rear lot line. The site plan should be revised to show this required setback for the existing accessory structures on Lot 48.

RECOMMENDATION: REJECTION

REVISED SITE PLAN



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 (27' for front facing garages)
4. Minimum side yard setbacks: 3.5 feet
5. Minimum rear yard setbacks: 15 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 and 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. Commercial and office buildings shall be constructed using consistent architectural styles and similar building materials and shall be shown on the final plat.

G. 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.

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

I. 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.