LAND USE CONTROL BOARD RECOMMENDATION

CASE #: **P.D. 07-344 CC**

At its regular meeting February 14, 2008, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a planned development on the property described as follows:

LOCATION:	Approximately 123 feet southeast of the intersection 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 ZONING:	Agricultural (AG) District

The following spoke in support of the application:

Terry Dan, Teransky, LLC, 2375 Gardenbrook Drive, Memphis, TN 38134
Cindy Reaves, SR Consulting Eng., 5909 Shelby Oaks Dr., Ste. 200, Memphis, TN 38134

No one spoke in opposition of the application:

The Land Use Control Board reviewed the application for a planned development and the report of staff. The applicant asked the Board to revise Conditions II.A.3 & 5 to permit a 20 foot front yard setback for both the principal structure and front facing garage and a 12 foot rear yard setback consistent with the existing development to the west of the site. Staff asked that if the Board revised the front yard setback that the same special arbor treatment around the garage doors be required in this development as that approved in the adjacent development. The applicant agreed to this stipulation as part of their request for a reduce setback. Staff also asked that a new condition be added to require the existing accessory buildings on proposed Lot 48 be either removed or relocated to comply with the bulk requirement of the Zoning Ordinance. The applicant agreed to accept this new condition as a friendly amendment. A motion was made, seconded, and approved to amend the conditions as requested by both the applicant and staff. The main motion was made and seconded to recommend <u>approval</u> of the application as amended.

The motion passed by a unanimous vote 9 to 0.

The Board did not accept the conclusions of the staff as contained in the staff report but instead agreed with the applicant's position and approved the application.

Respectfully submitted,

Sheila Pounder, Principal Planner for
Mary L. Baker, Deputy Director
Land Use Controls

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."