LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P. D. 08-324 CC

At its regular meeting on ***Thursday, December 11, 2008***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a planned development amendment on the property described as follows:

LOCATION:	**North side of Walnut Grove Road; +/-2,540 feet west of Houston Levee Road**
OWNERS/APPLICANTS:	**Coastal Fuels, Inc.**
REPRESENTATIVE:	**Harkavy, Shainberg, Kaplan & Dunstan, PLC-Ronald Harkavy**
REQUEST:	**Planned development amendment to allow single family homes with minimum lots sizes of 6,000 sq. ft., including independent and assisted living for seniors, licensed health care, nursing home and associated medical facilities**
AREA:	**196.89 Acres**
EXISTING LAND USE & ZONING:	**Vacant land currently governed by Woodland Hills II Planned Development(P.D. 04-343 CC).**

The following spoke in support of the application:

Ronald Harkavy, representative; stated agreement with the recommendation of the staff and conditions of approval with the exception of language pertaining to the north/south public road, including deleting duplication in conditions for approval. The applicant's representative also stated in the essence of time, he would meet and work with staff to draft the language regarding the north/south public roadway.

No one spoke in opposition of the application.

The Land Use Control Board viewed the application of ***'Coastal Fuels, Inc.'*** requesting a planned development amendment and the report of the staff. A motion was made and seconded with amendments regarding north/south public road, including deleting duplication in conditions to recommend approval of the application with conditions.

The motion *passed* by unanimous vote of *8* to *0*.

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Brian S. Bacchus, Principal
Mary L. Baker, Deputy Director
Office of Planning and Development

Cc: ***P & Z Committee Members***
File

P.D. 08-324 CC
Woodland Hills II Planned Development, Amended

Land Use Control Board
OUTLINE PLAN CONDITIONS: *[Amendments: Bold, Italic & Underlined]*

I. USES PERMITTED:

A. Areas 1, ***1A,*** 2, & 3 - Common Open Space, detention and passive recreational use.

B. Areas 4 & 5 - Single Family Detached Residential Units and accessory structures and uses in accordance with the R-S15 District regulations except as modified herein.

C. Areas 6 & 7 - Single Family Detached Residential Units and accessory structures and uses in accordance with the R-S10 District regulations except as modified herein.

Areas 6A & 7 Alternative Use – Single Family Detached Residential improved as a private gated neighborhood that is directed towards Retirement Community living.

D. Area 8 - Single Family Detached Residential Units and accessory structures and uses in accordance with the R-S6 District regulations except as modified herein.

Area 8 Alternative Use – Single Family Attached or Detached improved as a private gated neighborhood that is directed towards Retirement Community living.

E. Area 9 - Multi-Dwelling Residential Units and accessory structures and uses in accordance with the R-ML Multiple Dwelling District regulations except as modified herein.

Area 9 Alternative Use – Residential Attached and Detached Retirement Homes, Assisted Living Facility, Licensed Health Care Facility, Nursing Home, and Associated Medical Buildings.

F. Area 10 - Any use permitted by right or administrative site plan review in the Planned Commercial (CP) District.

II. BULK REGULATIONS:

A. Maximum Building Setbacks and Lot Sizes

1. Area 4
   a. Minimum lot area 20,000 square feet
   b. Minimum front yard setback - 30 feet
   c. Minimum side yard setback - 5 feet
   d. Minimum rear yard setback - 25 feet

2. Area 5
   a. Minimum lot area - 15,000 square feet
   b. Minimum front yard setback – 30 feet

c. Minimum side yard setback - 5 feet
d. Minimum rear yard setback - 25 feet

3. Area 6
   a. Minimum lot area - 10,000 square feet
   b. Minimum front yard setback - 30 feet
   c. Minimum side yard setback - 5 feet
   d. Minimum rear yard setback - 25 feet

   Area 6A – Alternative Use (Retirement Community Only)
   a. Minimum lot area - 6,000 square feet
   b. Minimum front yard setback - 25 feet
   c. Minimum side yard setback - 5 feet/3.5 feet with service drive
   d. Minimum rear yard setback - 25 feet/*18 feet with service drive
   **** - Right in garages may be allowed 5 feet from service drive***

4. Area 7
   a. Minimum lot areas - 10,500 square feet
   b. Minimum front yard setback - 30 feet
   c. Minimum side yard setback - 5 feet
   d. Minimum rear yard setback - 20 feet

5. Area 8
   a. Minimum lot area - 7,500 square feet
   b. Minimum front yard setback - 30 feet
   c. Minimum side yard setback - 5 feet
   d. Minimum rear yard setback - 25 feet

   Area 8 – Alternative Use (Retirement Community Only)
   a. Minimum lot area - 6,000 square feet
   b. Minimum front yard setback - 25 feet
   c. Minimum side yard setback - 5 feet/*3.5 feet with service drive
   d. Minimum rear yard setback - 25 feet/18 feet with service drive
   **** - Side yards not required for attached homes but a minimum 20-foot separation between buildings is required.***

6. Area 9 - Multiple Family
   a. Maximum density - 15 units per acre
   b. Minimum front yard setback - 40 feet
   c. Minimum side yard setback shall be in accordance with the side yard requirements of Chart 2, Bulk Regulations and Permitted Residential Densities of the Memphis and Shelby County Zoning Regulations.
   d. Minimum rear yard setback shall be In accordance with the rear yard requirements of Chart 2, Bulk Regulations and permitted Residential Densities of the Memphis and Shelby County Zoning Regulations

Area 9 – Alternative Use (Retirement Community Only)

Non-Residential Uses:

a. Minimum front yard setback - 40 feet

b. Minimum side yard setback shall be in accordance with the side yard requirements of Chart 2, Bulk Regulations and Permitted Residential Densities of the Memphis and Shelby County Zoning Regulations based on the O-G District.

c. Minimum rear yard setback shall be in accordance with the rear yard requirements of Chart 2, Bulk Regulations and Permitted Residential Densities of the Memphis and Shelby County Zoning Regulations based on the O-G District.

d. Maximum building height – 45 feet.

Residential Uses – Attached and Detached:

a. Minimum front yard setback at perimeter boundary – 30 feet

b. Internal side yard setback – N/A.

c. Minimum distance between buildings – 10 feet

d. Minimum rear yard setback shall be in accordance with the rear yard requirements of Chart 2, Bulk Regulations and Permitted Residential Densities of the Memphis and Shelby County Zoning Regulations based on the R-ML District.

e. Maximum building height – 35 feet.

f. Maximum density for Attached and Detached – 7.3 DU/AC

7. Area 10 -Commercial
   a. Minimum front yard setback - 30 feet
   b. Minimum side yard setback - 10 feet adjacent to residential, otherwise no side yard is required
   c. Minimum rear yard setback- 15 feet
   d. Maximum Height - 35 feet
   e. Maximum Floor Area ratio – 0.25 FAR

III. ACCESS, PARKING, AND CIRCULATION:

A. Dedicate 57 feet from the centerline of Walnut Grove Road and improve in accordance with the Subdivision Regulations and Shelby County paving Policy.

B. Dedicate 84 feet along an alignment of Trinity Road as approved by the County/City engineers and improve in accordance with the Subdivision Regulations and Shelby County paving Policy.

C. Improve Trinity Road *with 24 feet of pavement* east of the site across the existing dedicated right-of-way to connect with Woodland Trace Lane concurrent with the development of Phase 3 *of Residential Lots.*

D. *Trinity Road improvements shall include 2 lanes of pavement and ½ of the median improvement contiguous with residential development to the east line of Woodland Hills II and 24 feet of pavement only from the east line of Woodland Hills II to Woodland Trace Lane.*

E. ***Dedicate and improve a thirty-one(31') foot wide public alternative design roadway along the east property lines of Areas 7, 8, 9 & 10 extending from Walnut Grove Road to connect with Woodland View Lane in accordance with Subdivision Regulations and Shelby County Paving Policy. Dedicate and improve a thirty-one(31') foot wide public alternative design roadway extending between Trinity Road on the south and connecting to Woodland View Lane through Areas 3, 4, 5 or 6 in accordance with Subdivision Regulations and Shelby County Paving Policy.***

F. ***Dedicate and improve a fifty(50') foot wide public rural cross-section roadway along the east property line of Area 2 (rural road cross-section, 24 feet of paving) and improve in accordance with the Subdivision Regulations and Shelby County paving Policy.***

G. Internal public local street widths shall be in accordance with the Subdivision Regulations.

H. ***Two*** curb cuts shall be permitted along Walnut Grove Road.

I. The design and location of the curb cuts along Walnut Grove Road are subject to the approval of the City/County Engineer.

J. Pedestrian walkways shall be provided to connect residential neighborhoods to one another and to adjacent roads, common open space, and lake area with appropriate neighborhood ownership.

K. Internal circulation shall be provided between all phases, sections and lots ***where appropriate.***

L. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.

M. All construction traffic for development of this site shall enter and exit from Walnut Grove Road.

N. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.

O. ***Private Service Drives shall be a minimum of 18-feet in width.***

P. ***The north/south road may be developed in phases contiguous with each phase of development.***

Q. ***Four (4) curb cuts shall be allowed along the north/south road in Area 10.***

R. ***Three (3) curb cuts shall be allowed along the north/south road in Area 9.***

IV. PHASING PLAN:

A. Phase 1 shall consist of 31 lots, minimum lot size of 15,000 square feet, located at the north end of the site.

B. Phase 2 shall consist of 29 lots, minimum lot size of 10,000 square feet.

C. Phase 3 shall contain a maximum of 50 lots and provide the improvements on the existing Trinity Road right-of-way to connect with Woodland Trace Lane. ***May be developed in multiple phases.***

V. LANDSCAPE AND SCREENING:

A. A minimum 25-foot wide landscape strip, Plate A-4 modified, shall be provided along Walnut Grove Road.

B. A minimum 15-foot wide landscape screen, Plate B-4, shall be provided along the north line of Area 10.

C. A minimum 15-foot wide landscape screen, Plate B-3, shall be provided along the north line of Area 9.

D. Landscape Plate is not required if Areas 6, 7, 8, and 9 are developed as part of the Alternative Land Use Plan.

E. A minimum 50-foot wide landscape strip, Plate RV-4 Modified, shall be provided along Trinity Road.

F. A 20-foot landscape conservation easement shall be provided along the north and east property lines of Area 4 and along the east property line of Areas 2 and 7.

G. Internal landscaping in Area 10 shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree (Tree A from the approved plant list of the landscape ordinance) for every 20 parking spaces. Required landscaped areas shall not be less than 200 square feet in any single location.

H. All required landscaping and screening should not conflict with any easements including overhead wires.

I. Any common open space areas, streetscape areas designated within Areas 1, *1A*, 2, 3, 4, 5, 6, *6A*, 7, 8, and 11 shall be deeded to and maintained by a Property Owner's Association.

J. A Property Owner's Association shall maintain medians, streetscape area and common open space.

K. All refuse dumpsters shall be completely screened from view from all adjacent residential properties and from any public roads with materials architecturally compatible to the building on the lot.

L. All heating and air conditioning equipment shall be screened from view by use of landscaping or architectural features.

M. Lighting standards in Area 10 shall be limited to 20 feet in height and shall be directed away from adjacent residential uses in Area 9. A detail of the light fixture to be used shall be shown on the final plat.

N. All apartments shall have a minimum of fifty (50) percent of the opaque wall area of brick material.

VI. SIGNS:

A. Attached and detached signs in Area 10 shall conform to the Planned Commercial (C-P) District regulations with the following exceptions:

1. Maximum area of signs for individual businesses shall be 100 square feet.
2. Materials and design shall be consistent with the design and materials of the commercial buildings.

B. Attached and detached signs in Area 9 shall conform to the R-ML Multiple Residential District. ***The Alternative Land Use Plan shall conform to the O-G Office District.***

C. Portable and temporary signs and outdoor advertising signs shall be prohibited except for construction signs.

D. All signs shall be setback a minimum of 15 feet from the right-of-way.

VII. DRAINAGE:

A. A comprehensive drainage study of the entire site shall be submitted to the City Engineer's office for review and approval prior to development of the site.

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

C. Part of this site is within the FLOODWAY of Grey's Creek according to the FEMA maps. No filling or construction shall be permitted within the floodway. The Floodway boundary shall be shown on the final plat and engineering plans.

D. Part of this site is within the 100-Year floodplain of Grey's Creek according to the FEMA Maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100-year flood elevation shall be reflected on the final plat and engineering plans.

E. The developer's engineer shall perform the necessary hydraulic studies (HEC-2, etc.) to determine the 100-year flood elevation for the major drainage channel assuming full upstream development at proposed land uses.

F. The common open space along the major drainage way must be provided consistently with drainage plans approved by the City/County Engineer and an ARAP permit. The width may be equal to 2-1/2 times the top of bank width, measured from the stream centerline in order to protect buildings and accessory structures from bank caving and stream meandering if improvement is not permitted.

G. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et sec. 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.

H. Provide drainage data for assessment of on-site detention requirements by County Engineer's Office for review. Detention pond, if required, 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 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 storm-water discharge values. Provide an assessment of any downstream structures impacted by increased runoff.

I. Detention facilities, if required, are to be fully operational immediately after 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.

J. 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 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 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 limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

L. The Developer will be expected to enter into a Standard Subdivision Contract, as required in Section 500 of the Subdivision Regulations, for required public Improvements, including paving, under the Shelby County Paving Policy.

VIII. PUBLIC SEWER, WATER, AND EASEMENTS:

A. Provision of sanitary sewer service approval to this development is the responsibility of the City of Memphis.

B. A sewer development fee shall be paid to the City of Memphis at the time of each final plan approval.

C. Off-street sewer easements shall be a minimum of fifteen (15') in width.

IX. The Land Use Control Board may modify the bulk, access, landscaping, screening, signage, and other site improvements 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 the Office of Planning and Development, to have such action reviewed by the appropriate legislative body.

X. SITE PLAN REVIEW:

A. A Site Plan for Areas 9 and 10 shall be submitted for the review, comment, and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies, for approval by the Land Use Control Board, prior to the recording of the Final Plan for Areas 9 and 10.

B. The site plan shall be filed a minimum of twenty (20) days prior to the regular meeting of the Land Use Control Board, including the following information:

1. The location of all existing and proposed public roadways on or adjacent to the property.

2. The dimensions, area, shape, orientation, and configuration of all buildings and lots, location of service and off-street parking areas.

3. The location of public streets, internal private drives and the number and general location of curb cuts and utility easements.

4. The design and type of materials used on building facades, elevations, walls, and entryways.

C. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions and the standards and criteria for residential planned developments contained in the Zoning Ordinance and Subdivision Regulations.

2. Adequacy of public facilities (streets, sewers, drainage, etc,).

3. Elements of site plan design such as building orientations and setbacks, access, parking, internal vehicular and pedestrian circulation, landscaping, and lighting.

4. Consistency between buildings in regard to general building elevations and materials.

XI. FINAL PLAN:

A final plan shall be filed within five years of the approved outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

Any final plan shall include the following:

A. The Outline Plan Conditions,

B. Required landscaping,

C. Front and rear yard setbacks,

D. The exterior appearance of proposed buildings and signs,

E. A standard improvement contract as defined by the Subdivision Regulations for any needed public improvements,

F. The exact location and dimensions of utility easements, drives and required landscaping, screening areas,

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

H. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes,

I. The final plat shall reflect the appropriate width pedestrian/sidewalk/utility easement along both sides of all alternative design street dedications in accordance with the Subdivision Regulations,

J. The following note shall be placed on the final plat of any development requiring on-site 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 Engineer. The storm-water detention systems located in these areas, except those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's 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 Engineer's Office. Such maintenance shall include, but not limited to the removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

K. ***The Outline Plan shall be revised illustrating this plan amendment and re-recorded with the Office of Shelby County Register prior to the approval of any final plan of development.***

P.D. 08-324 CC(formerly P.D. 04-343 CC)
Woodland Hills II Planned Development, Amended