ITEM NO.: _____ PREPARED BY: Brian S. Bacchus

MOVED BY: _____ APPROVED BY: _____

A JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, TO AUTHORIZE A PLANNED DEVELOPMENT AMENDMENT LOCATED AT THE SOUTHWEST CORNER OF DEXTER ROAD AND APPLING ROAD, KNOWN AS APPLINGWOOD PLANNED DEVELOPMENT, 3RD AMENDMENT(P.D. 08-333 CC).

WHEREAS, Application has been made for a planned development amendment to allow a commercial-indoor amusement facility for ice hockey in Area 'C' of the Outline Plan.

CASE NO. **P.D. 08-333 CC**

PROPERTY LOCATION: **Southwest corner of Dexter Road and Appling Road**

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 ***Thursday, January 8, 2009*** 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 amendment 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 amendment is approved for property located at the southwest corner of Dexter Road and Appling Road, ***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. 08-333 CC (formerly P.D. 97-376 CC)
Applingwood Planned Development, 3rd Amendment

P.D. 08-333 CC
Applingwood Planned Development, 3rd Amendment

OUTLINE PLAN CONDITIONS: *[Amendments: Bold, Italic & Underlined]*

I. USES PERMITTED:

A. Area A: -- Any use permitted by right and administrative site plan review in the General Office (O-G) District, a residential home for the elderly including independent living quarters, assisted living quarters, a nursing home and adult day care.

B. Area A-1: (11.8 acres located on the west side of Appling Road)-Any use permitted by right and administrative site plan review in the General Office(O-G) District, a residential home for the elderly including assisted living quarters, a nursing home and adult day care.

C. Area B -- Any use permitted in the Multiple Dwelling Residential(R-ML) District.

D. Area C -- Uses permitted by right or by administrative site plan review in the Local Commercial(C-L) District, ***including a commercial-indoor amusement facility for ice hockey with a minimum of 290 parking spaces.***

II. BULK REGULATIONS:

A. Area A: The bulk regulations of the O-G and R-ML District shall apply with the following exceptions:

1. Maximum Floor Area Ratio(F.A.R.) for office shall be .25.

2. Maximum Floor Area Ratio shall be .33 with a maximum of two-hundred twelve(212) dwelling units for residential home for the elderly.

B. Area A-1: General Office District uses shall conform to the regulations of the O-G District.

C. Area A-1: Residential Home for the Aged, including assisted living, Nursing Home, and Adult Day Care shall conform to the bulk regulations of the R-ML District.

D. Area B: The bulk regulations of the R-ML District shall apply with the following exception:
Maximum density shall be 15 dwelling units per acre.

E. Area C: The bulk regulations of the C-L District shall apply with the following exception:
Maximum .25 F.A.R.

III. ACCESS & CIRCULATION:

A. Dedicate 57 feet from centerline of Appling Road and improve in accordance with the Subdivision Regulations.

B. Dedicate and improve Dexter Road to provide for a 68 foot right-of-way and 48 feet of pavement. Additional width shall be provided at the intersection to provide for a left turn lane.

C. Dedicate a three centered radius at the intersection of Appling and Dexter Roads.

D. Street B west of Appling Road to the east boundary of the County Conservation Board tract shall be reserved for dedication and improvement of the full 68 foot right-of-way in conjunction with the development of a park on the County Conservation Board property. If a final plan is filed for Area A before the use of the County Conservation Board tract is resolved, Street B shall be dedicated and a bond shall be posted in lieu of improvement. Should the County Conservation Board tract not be developed as a park within 10 years or should the tract be sold this Condition III D. shall become inapplicable.

E. Dedicate the full 68 foot right-of-way of Street B from Appling Road to the east boundary of the site.

F. Curb cuts permitted:

1. Area A -Appling Road - five(5) on the west side and two along the eastern frontage. No curb-cut shall be permitted on Dexter Grove Drive.

2. Area B -- Three(3).

3. Area C -- Two(2) on the west side of Appling Road.
Two(2) on the east side of Appling Road with no curb cut beginning closer than 300 feet from the centerline of Dexter Road.
One(1) on the south side of Dexter Road east of Appling Road.
Two(2) on the south side of Dexter Road west of Appling Road beginning no closer than 300 feet from the centerline of Appling Road ***and with the following stipulations:***

a. ***The curb-cut shall have at least 200' of separation from the curb-cut on the west boundary and,***
b. ***The curb-cut shall line up with the existing curb-cut on the north side of Dexter Road and,***
c. ***The curb-cut shall be labeled for "Future Development".***

G. The design and location of the curb cuts shall be subject to the approval of the County Engineer.

H. All private drives shall be constructed to meet City/County standards and provide a minimum pavement width of 22 feet exclusive of curb and gutter.

I. Internal circulation is required between all phases/sections/lots.

IV. LANDSCAPING & SCREENING:

A. A fifteen foot wide landscape strip Plate 'A-3' or an equivalent shall be provided along the full length of the road frontages of the commercial, office and multi-family parcels, except that it shall not interfere with sight triangles adjacent to entrances/exits.

B. A fifteen foot wide landscape screen, Plate 'B-3' or an equivalent, shall be provided along the east and west property lines adjacent to the proposed park and residential properties subject to the approval of the Office of Planning and development. The requirement for a landscape screen shall be deleted from any part of the adjacent property developed for any use other than a park or residential.

C. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all land encumbered by easements.

D. Internal landscaping shall be provided at a ratio of 300 square feet for every twenty(20) vehicles and one shade tree (Tree 'A') from the Landscape Ordinance for every 20 parking spaces.

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

F. Lighting standards shall have a maximum height of 30 feet and shall be directed so as not to glare onto residential property.

G. Refuse containers shall be completely screened from view from adjacent properties and public roads subject to the approval of the Office of Planning and Development.

V. **SIGNS:**

A. Area C: -- In accordance with the C-L District Regulations.

B. Areas A and A-1: -- In accordance with the O-G District regulations.

C. Area B: – In accordance with the R-ML District regulations.

D. The minimum sign setback from street rights-of-way shall be 15 feet.

VI. **DRAINAGE:**

A. All drainage plans shall be submitted to the City and County Engineer for review.

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

C. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

VII. The Land Use Control Board may modify the bulk, access, circulation, parking, landscaping, loading, screening, signage, and other site 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 Appropriate Governing Bodies.

VIII. **OTHER:**

A. The approval of this planned development does revoke the C-P District General Plan that was previously approved on this property.

B. The consent of succeeding owners of any lot or lots shall not be required to make amendments to the planned development. All property owners within the planned development shall be notified by mail of a proposed amendment.

IX. A final plan shall be filed within five years of the approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. 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 buildings or buildable areas, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas,

D. The content of all landscaping and screening to be provided,

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

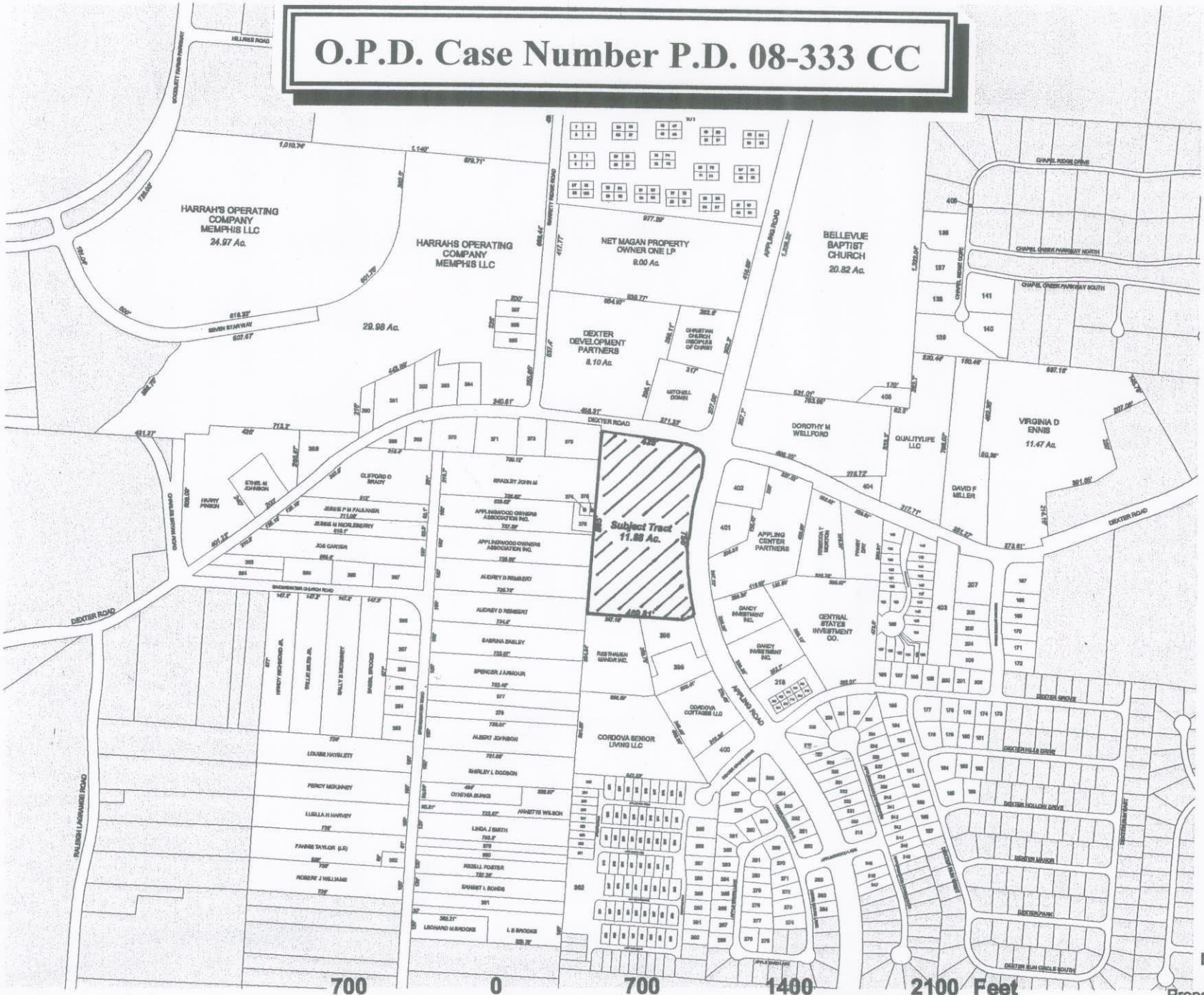
F. If applicable, a statement conveying all common facilities and areas to a Property Owners' Association or other entity, for ownership and maintenance purposes,

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. 08-333 CC (formerly P.D. 97-376 CC
Applingwood Planned Development, 3RD Amendment

Vicinity Map

O.P.D. Case Number P.D. 08-333 CC



Date: 11/24/08
Prepared By:
Property Research Data
PRD Job #08-102