LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P. D. 09-313 CC

At its regular meeting on ***Thursday, July 9, 2009***, 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: **Southeast corner of Macon Road and Macon View Drive**

OWNERS/APPLICANTS: **Ethridge Enterprises**

REPRESENTATIVE: **Harkavy-Shainberg-Kaplan-Dunstan, PLC**

REQUEST: **Plan amendment to Parcel 5 to allow limited Planned Commercial(C-P) District land uses**

AREA: **6.93 Acres**

EXISTING LAND USE & ZONING: **Vacant land currently governed by Woodland Hills Planned Development, 9th Amendment (P.D. 05-381 CC).**

The following spoke in support of the application:

Ronald Harkavy, representative; stated: we don't thoroughly understand the recommendation of staff, because the parcel refers to Planned Commercial(C-P) bulk regulations and we believe this was a mistake by staff in the prior amendment in 2005 and was just overlooked in the uses permitted and would like to include language from the Gray's Creek representative.

Brian Stephens, 8935 Buckstone Cove, Cordova, TN 38018, representative; Gray's Creek Association & Cordova Leadership Council; stated: we hated the concept plan, but not concerned as much on uses permitted. We are submitting a letter with some amendments we would like added to the plan conditions.

No one spoke in opposition of the application:

The Land Use Control Board reviewed the application of ***'Ethridge Enterprises'***, requesting a planned development and the report of the staff. A motion was made and seconded to recommend approval of the application with conditions, including the agreed upon amendments.

The motion *passed* by a vote of *7* to *1*.

The Board rejected 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: ***Land Use and P & Z Committee Members***
Applicant/Representative/Opposition
File

P.D. 09-313 CC
Woodland Hills, 10th Amendment
Land Use Control Board
Outline Plan Conditions: ***[Amendments: Bold-Blue Italic-Underlined]***

I. USES PERMITTED:

A. Parcel 1, 2, 7 & 8 Single Family Detached Residential

B. Parcel 3 Banquet/Meeting Facility, Residential Quarters/Lodge, Office

C. Parcel 4 Professional Office, Day Care Center, a Bank, an Ice Cream Shop, Specialty Meat Market (a.k.a. a butcher shop)

D. Parcel 5 ***All uses permitted in the Planned Commercial (C-P) District by right or by administrative or legislative site plan review less and except:***

1. ***Bank***
2. ***Financial Services***
3. ***Group Shelter***
4. ***Transitional Home***
5. ***Airport, Heliport***
6. ***Day Care Center***
7. ***Family Day Care Home***
8. ***Lodge, club, country club***
9. ***Museum***
10. ***Park***
11. ***Recreation Field***
12. ***School***
13. ***Amusements, Commercial Outdoor***
14. ***Pawn Shop***

E. Parcel 6A Any uses permitted (A) in the Neighborhood Commercial District with the following exceptions:

1. Restaurant with drive thru window
2. Hospital
3. Pawn Shop
4. Used Goods, Second Hand Sales
5. Post Office/ Postal Facility
6. Convenience Store
7. Gasoline Sales

Parcel 6B Professional Office

F. Parcel 9 Single Family Residential

G. Parcel 10 Common Open Space

II. BULK REGULATIONS:

A. Parcel 1 The bulk regulations of the R-S10 District shall apply.

B. Parcel 2 & 7 The bulk regulations of the R-S15 District will apply, except that the minimum lot width at the building line for lots 9-13 in Phase 2, Parcel 2 shall be 74 feet.

C. Parcel 3 The bulk regulations of the O-G District shall apply except that the building height shall not exceed 35 feet.

1. Banquet/Meeting Room - The existing structure shall be utilized.
2. Residence Quarters/Lodge - A maximum of 100 rooms is permitted.

D. Parcel 4 The bulk regulations of the O-G District shall apply with the following exceptions:

1. Maximum building height - 35 feet
2. Maximum F.A.R. of .20

E. Parcel 5 The bulk regulations of the Planned Commercial (C-P) District shall apply, ***provided; however, a front yard setback of 40 feet on Macon Road northwest lot, inclusive of landscape/easement/buffer on Macon Road only.***

F. Parcel 6A The bulk regulations of the Planned Commercial (C-P) District shall apply with the following additional conditions:

1. All buildings shall be a maximum of 1 story (32 feet) in height.
2. All buildings shall be composed of brick or a masonry material such as stone including the use of "Decry Stone Ground Face CMU Block" on the rear of the buildings.
3. Buildings in 6A and 6B shall be composed of similar materials and color.
4. Parcel 6A shall be permitted a zero (0) rear yard setback along the west boundary.

G. Parcel 6B The bulk regulations of the O-G District shall apply with the following additional conditions:

1. Maximum building height - 35 feet.
2. Parcel 6B shall be permitted a zero (0) rear yard setback along the west boundary.
3. Maximum F.A.R. of .20.

H. Parcel 8 The bulk regulations of the R-S6 District shall apply with the following additional conditions:

1. Maximum Lot Count – 107.
2. Minimum Lot Width - 58 Feet.
3. Setbacks:

a. Front Yard: 25 Feet, provided that all garages are side loaded.
b. Rear Yard:
   1. Abutting Lots in Parcel 7 - 20 Feet.
   2. All other lots - 10 Feet.
c. Side Yard - 5 Feet.

4. Lot Layout - As depicted on the Preliminary Plat submitted with this applicator, unless otherwise amended by these Outline Plan Conditions. This lot layout shall become the Outline Plan for this Planned Development.

I. Parcel 9 The bulk regulations of the R-S6 District shall apply with the following exception for lots in the portion of Parcel 9 that is connected to the Manors at Woodland Hills P.D. (Parcel 8):

1. A minimum lot width of 60 feet.
2. The minimum front yard setback shall be 25 feet for lots with a side loading garage, and 27 feet for lots with a front garage.

III. ACCESS, PARKING AND CIRCULATION:

A. Dedicate 42 feet from centerline of Macon Road and improve in accordance with Subdivision Regulations.

B. Dedicate and improve future Hall Road (Houston Levee Road) 54 feet from the centerline.

C. One curb cut to Parcel 4 shall be permitted on Houston Levee Road.

D. Two (2) curb cuts along Macon (Cordova) Road are permitted.

E. Parcel 6 shall be permitted two curb cuts along Hall (Houston Levee) and share the curb cut permitted to Parcel 4 through an internal cancellation system. No curb cut shall be permitted any loser than 255 feet from Woodland Hills Drive.

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

G. Dedicate Woodland Hills 52 feet of right-of-way and improve as a major local street from Woodland Trace Lane to a transition point within the TVA easement.

H. The final design and location of curb cuts shall be subject to the approval of the City Engineer.

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

J. Parcel 8-In addition to the conditions above, the following conditions apply specifically to Parcel 8:

1. All roads shall be private with a minimum width of 31 feet, except where further conditioned below. The ownership and maintenance of these roads shall require the formation of a property owners association. Evidence that such an association has been formed shall be provided on the Final Plat.

2. The applicant shall submit a cross section for any street(s) that includes a median for the review and approval of the Office of Planning and Development. The minimum pavement width on either side of the median shall be 22 feet.

3. The applicant shall provide a physical transition to differentiate between the public and private right of ways. The type of transition is subject to the review and approval of the City/County Engineer.

4. The westernmost point of access shall be designed for both ingress and egress. The gates shall not open outward toward the lots in Parcel 7.

5. Provide public access to the common open space (some type of pavement or appropriate surfacing along the easement that runs between lots 40 and 41 would be sufficient to meet this condition).

6. The re-recording of Phase 10, Parcel 7 and the recording of this plat shall meet the requirement for the losing of Woodland Bluff Lane.

7. Any gate or card reader shall be set back a minimum of 20 feet from the property line associated with Woodland Creek Lane.

K. Parcel 9 shall include one median divided entry to Macon Road. All internal streets within this development shall be 31 foot wide alternative design streets.

L. Access to Macon Road via individual private driveways is prohibited. Convey right of access to Shelby County/City of Memphis.

M. Owner will use its best efforts to provide a parking lot in Parcel 5 for cross access to an adjacent parking lot on the property to the East.

IV. LANDSCAPING:

A. A *15* foot wide landscape area (Plate A-3 or equivalent) shall be provided along the Macon Road frontage of Parcel 5.

B. An 8-foot wide landscape area shall be required along the Houston Levee frontage of Parcel 6 (A Modified Plate A-5 or equivalent) exclusive of the existing office parcel.

C. A detailed landscape plan shall be submitted to the Office of Planning and Development with any final plat for Parcel 6 and is subject to that Office's review and approval.

D. Parcel 9 - An RV-1 Plate, modified to 8 feet in width and including a six foot tall sight proof wooden fence with brick piers.

E. A 15-foot wide landscape area (RV-1 modified or equivalent) shall be provided along the Macon Road frontage of Parcel 1. The 15 feet of landscaped area shall be exclusive of the required rear yard and will be treated as open space to be maintained by a property owners association.

F. Internal parking lot landscaping 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) per every 20 parking spaces or fraction thereof. Landscaped area shall not be less than 200 square feet in area in any single location.

G. Provide a B-4 Plate, or equivalent, along the common boundary lines of Parcels 3, 4, and 5 and the residential development.

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

I. All required landscaping and screening shall not conflict with any easements.

J. Any lighting used to illuminate any off-street parking areas or buildings shall be so arranged as to reflect the light away from adjacent residential property. Lighting in Parcel 6 shall be limited to a maximum of 14 feet in height and shall be designed to cast the light downward. Detail of the type of lighting fixture to be used shall be shown on the final plat.

K. Refuse containers shall be completely screened from view from the public roads and adjacent residentially zoned property with materials architecturally compatible to the building on the lot.

L. Air conditioning, heating, ventilation or other mechanical equipment and appurtenances including that located on roofs, which is visible from an adjacent street or residential lot, shall be screened with the use of architectural features of the building or by other means.

M. For Parcel 8 and the addition of the southernmost portion of Parcel 9, the applicant shall submit a detailed landscape plan for the medians and islands. The OPD shall determine if said detailed plan meets the criteria for an equivalent alternative to the Tree Ordinance.

N. The redevelopment of Parcel 9 shall be in accordance with the requirements of the Tree Ordinance.

V. SIGNS:

A. Attached and detached signs shall conform to the regulations of the R-S10 District for Parcels 1, 2, 7, & 8.

B. Signs in Parcel 9 shall be regulated by the R-S6 District.

C. Attached and detached signs shall conform to the regulations of the C-P District for Parcel 5, ***provided; however, should a detached sign be constructed on the northwest corner of Macon Road and Macon View Drive it shall be a monument style design.***

D. Attached and detached signs shall conform to the regulations of the O-G District for Parcels 4 & 6B. Parcel 6A shall conform to the regulations of the C-N District. All signs in 6A and 6B shall be monument in style and composed of similar materials as that of the buildings.

E. Attached and detached signs shall conform to the regulations of the O-L District for Parcel 3.

F. The location, size, and number of signs shall be determined at the time submittal of a Final Plan.

G. No temporary or portable signs are permitted except construction signs and real estate signs.

H. Signs shall have a minimum setback of 15 feet from street rights-of-way.

VI. DRAINAGE:

A. Design and construction of the storm water conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the "City of Memphis Drainage Design Manual".

B. All drainage plans shall be submitted to the City or County Engineer for review.

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 Tennessee Code Annotated Section 69-3-101.

D. Parcels 8 and 9: The Outline Plan shall demonstrate that a minimum of 25 feet in width exists between the major drainage way and the rear of the building of those lots that back up to the common open space associated with Grays Creek.

E. Parcel 9 - If the State will not issue an A.R.A.P. Permit for the concrete channel lining of the major drainage way, a drainage easement - unbuildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.

F. The preliminary/outline plan shall reflect a minimum 25-foot rear yard, exclusive of the easement along the natural drainage way, as well as a buildable area and front yard setback on each buildable lot.

G. Detention pond 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.

VII. The Land Use Control Board may modify the building setback, building height, parking, landscaping, and sign requirements, if alternatives are presented.

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

IX. 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 all buildings or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces.

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

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

G. The location for the floodway boundary.

H. The 100 year flood elevation.

I. 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 and/or County Engineer. 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 and/or 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.

X. OTHER:

A. The Outline Plan shall be re-recorded to show the following changes that have been approved by the Land Use Control Board. The Outline Plan, reflecting the changes to Parcel 7 and 8 shall be re-recorded prior to any Final Plat submittal.

B. Modify Parcel 10 to eliminate that portion that is west of the TVA easement.

C. Modify the boundaries of Parcel 4 to be consistent with approved boundaries of P.D. 99-308 CC.

D. Re-record the final plat for Phase 10, Parcel 7 to show the elimination of Lot 38, any re-allocation of land to the lots that abut the former public street (Woodland Bluff Lane).

E. Both final plats shall reference the formerly dedicated public street.

F. 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.

G. The following note(s) shall be included on warranty deed of each lot when the ownership changes and on any final plat in Parcel 9: "The Homeowner's Association is solely responsible for all maintenance and repair of private facilities including any private streets, private sanitary sewer, private storm drains and the lake. There is no County or City responsibility for these private facilities."

H. The Outline Plan for Woodland Hills Planned Development, 10th Amendment shall be recorded with the Office of Shelby County Register reflecting this plan amendment prior to filing any final plan of development.

P.D. 09-313 CC (formerly P.D. 05-381 CC
Woodland Hills Planned Development, 10th Amendment

The Stephens Group
Attorney and Counselor of Law

Brian J. Stephens
Direct Line: 901.301.2322
Email: stephensgroup@gmail.com

1705 Barcrest
Memphis, TN 38134

7/3/2008

Ms. Mary Baker
Deputy Director
Memphis/Shelby Office of
Planning and Development
125 N. Mid America Mall
Memphis, TN 38103

Re: PD 09-313 CC (Woodland Hills Planned Development) 10th Amendment

Dear Mary:

Thank you for having Ronald Harkavy, the attorney representing the applicant in the above referenced matter, agree to delay the hearing before the Land Use Control Board until July 9th, 2009, giving me an opportunity to meet and discuss Grays Creek HOA and the Cordova Leadership Council's issues on this matter. We have meet with the applicant on multiple occasions, reviewed the proposed changes and the concept plan. As I stated in my June 9, 2009, transmittal we are particularly concerned that the character appropriate to the Grays Creek area be maintained. We accordingly have in the past and intend to in the future, address each development as it relates to our area. After reviewing the proposed changes we are in full support of this application being approved with the following matters being appropriately addressed:

1. Ability to review and make proposed changes to actual site plans in the area. Our major concern is to ensure the area has appropriate set backs from Macon and adequate landscape screens with hard wood trees to show case the area in the best possible light. This developer has already shown appropriate landscaping with the development of the adjacent property where a bank was built. We trust they will continue in this positive manner.
2. Screened lighting that controls spillage of the light to the surrounding neighborhoods.
3. Signage that is similar in size and design to others in the area, such as the Sonic located on Houston Levee.

4. A stub to connect this property to future development directly to the east of this property.

Please note, we have already met with and the applicant has agreed to these conditions. And we would like to formally thank them for their corporation in this matter.

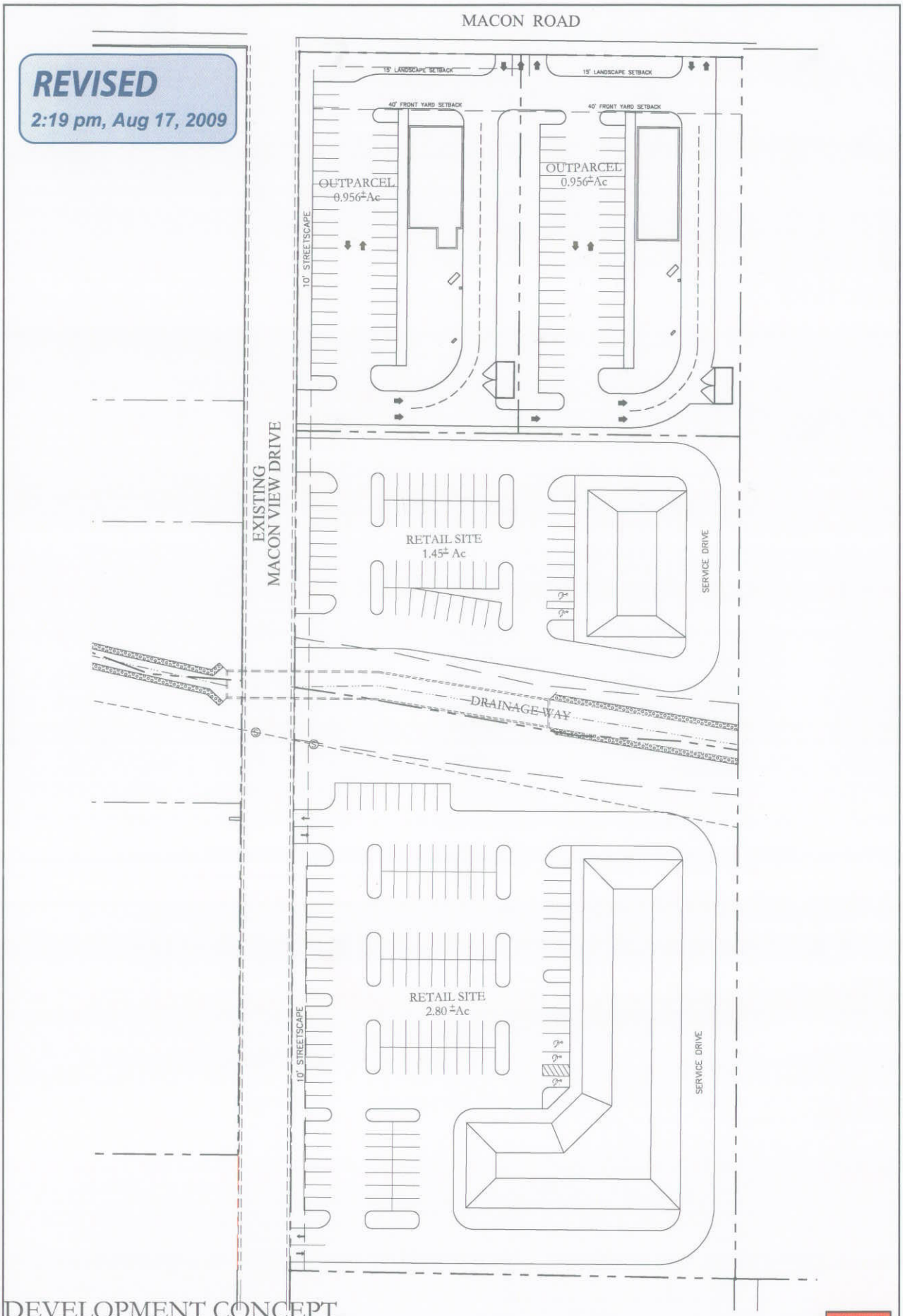
Also note, the private road from Macon to Houston Levee presents an excellent connectivity situation. We hope future developers will follow this example. Moreover, the requested uses are appropriate and we have no opposition to the uses shown on Macon Road, i.e. restaurants or other commercial establishments. Accordingly, we hope that you will require the applicant to include the above stated additions to its plan and to thereafter recommend approval to the Land Use Control Board. We further, recommend the Land Use Control Board to recommend this positively to the County Commission and City Council.

Thank you for your attention to this matter and please call me with any questions.

Sincerely,

Brian J. Stephens

Grays Creek HOA
Cordova Leadership Council


REVISED
2:19 pm, Aug 17, 2009
MACON ROAD
15' LANDSCAPE SETBACK
15' LANDSCAPE SETBACK
40' FRONT YARD SETBACK
40' FRONT YARD SETBACK
OUTPARCEL
0.956±Ac
OUTPARCEL
0.956±Ac
10' STREETSCAPE
EXISTING
MACON VIEW DRIVE
RETAIL SITE
1.45± Ac
SERVICE DRIVE
DRAINAGE WAY
RETAIL SITE
2.80 ±Ac
10' STREETSCAPE
SERVICE DRIVE
DEVELOPMENT CONCEPT
WOODLAND HILLS
PLANNED DEVELOPMENT
SHELBY COUNTY, TENNESSEE
PREPARED FOR:
ETHRIDGE ENTERPRISES
P.O. BOX 250
CORDOVA, TN 38018
NORTH
GRAPHIC SCALE
0
60
120
SCALE 1:60
SCALE IN FEET
AUGUST 2009
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