LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P. D. 09-302 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: **South side of Macon Road; +/-1,117 feet east of Houston Levee Road**

OWNERS/APPLICANTS: **Community Bank N.A.**

REPRESENTATIVE: **Solomito Land Planning**

REQUEST: **Planned development amendment to create Parcel 1-B to allow self-service mini-storage warehouses in parcel 1 of the Outline Plan**

AREA: **8.45 Acres**

EXISTING LAND USE & ZONING: **Vacant land currently governed by Cordova Ridge Planned Development, 3rd Amendment (P.D. 01-331 CC).**

The following spoke in support of the application:

Brenda Solomito, 10145 Mackwood Drive, Lakeland, TN 38002, representative; stated: the mini-warehouse consistent with zoning text amendment for mini-storage location criteria and there needs to be an east/connector, but can't get there, it's an existing problem. In the past, this PD was changed from office to commercial-connection does not protect residential to the east & south.

Brian Stephens, 8935 Buckstone Cove, Cordova, TN 38018, representative; Gray's Creek Association & Cordova Leadership Council; stated: we are submitting comments for consideration and accepts cove with enhanced landscaping.

The following spoke in opposition of the application:

***Tom Moss*;** 1255 Stable Run Drive, Cordova, TN 38018; resident; stated: the outdoor storage of vehicles, boats and RV'S is a serious concern, because of the site elevation unless there are substantial buildings to screen the view from residential and the improvement to the entire frontage along Macon Road with the first phase of development.

The Land Use Control Board reviewed the application of ***'Community Bank N. A.'***, 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 vote of *8* 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. 09-302 CC
Cordova Ridge, 4th Amendment
Land Use Control Board
Outline Plan Conditions: ***[Amendments: Bold-Blue Italic-Underlined]***

I. Uses Permitted:

A. Parcel I – Uses permitted in the Planned Commercial (C-P) District.

B. Parcel I-A – Uses permitted in the Planned Commercial (C-P) District with the following exceptions:

1. Hotel or Motel
2. Drive-in or fast food restaurant with a drive thru window is prohibited south of the collector street and no closer than 200 feet from the west line of Area IIA.
3. Pawn shop.
4. Used goods, second hand sales.
5. Vehicle Wash.
6. Retail sales – outdoor.
7. Gasoline sales.
8. Auto sales or service.
9. Amusement, commercial outdoor.
10. Lawn, tree, or garden service.
11. Tavern, cocktail lounge, nightclub.
12. Undertaking establishment.

C. Parcel I B - Uses permitted in the Planned Commercial (C-P) District including a self storage facility but excluding the following:

1. Hotel or Motel
2. Drive-in or fast food restaurant with a drive thru window
3. Pawn shop.
4. Used goods, second hand sales.
5. Vehicle Wash.
6. Retail sales – outdoor.
7. Gasoline sales.
8. Auto sales or service.
9. Amusement, commercial outdoor.
10. Lawn, tree, or garden service.
11. Tavern, cocktail lounge, nightclub.
12. Undertaking establishment.

D. Parcel II – Uses permitted in the General Office (O-G) District.

E. Parcel III – Uses permitted in the Multiple Dwelling (R-ML) District.

F. Parcel III A – Single family detached dwelling units.

G. Parcels IV and V – Uses permitted in the Single Family Residential (R-S10) District.

II. Bulk Regulations:

A. Parcel I – In accordance with the C-P District.

B. Parcel I A – In accordance with the Planned Commercial (C-P) District with the following exception:

1. Side and Rear Yard Setbacks – as required by the C-P District except when the non-residential use abuts or is adjacent to an existing or proposed residential use then the minimum setback from the residential use shall be 40 feet.

C. Parcel I B – The Bulk Regulations shall be in accordance with the Planned Commercial (C-P) District Regulations where applicable and in accordance with the regulations set forth in Section 14 E. 6. Standards and Criteria for Self-Storage Facilities.

D. Parcel II – In accordance with the General Office (O-G) District except the maximum height shall be 35 feet.

E. Parcel III – In accordance with the Multiple Dwelling (R-ML) District.

F. Parcel III A – In accordance with the Multiple Dwelling (R-ML) with the following exceptions:

1. The total number of lots and the lot dimensions shall be as shown on the attached site plan.

2. The minimum Front Yard Setback for a residential dwelling shall be 20 feet; however, the minimum front yard set back for a garage shall be 27 feet. If no garage is anticipated, the driveway shall extend a minimum of 27 feet from the curb.

3. Side Yard Setback – 3.5 feet.

4. The required minimum Rear Yard shall be 20 feet.

G. Parcels IV and V – In accordance with the R-S10 District; variations from the R-S10 requirements may be approved at the time of site plan review as long as the overall density is in accordance with the R-S10 District.

III. Access, Parking and Circulation:

A. Dedicate Macon Road 42 feet from the centerline. Improvement will be required if Macon Road is classified as a Priority 1 at the time a final plan is submitted.

B. Dedicate future Houston Levee Road 57 feet from the centerline. Improvement will be required if Houston Levee Road is classified as a Priority 1 at the time a final plan is submitted.

C. The design and location of the curb cuts is to be approved by the City / County Engineer. Curb Cuts:

1. Parcel I (C-P): Three (3) curb cuts along the Houston Levee Road frontage will be permitted.

2. Parcel I A (C-P): The number, design, and location of curb cuts shall be determined by the City/County Engineer as applicable.

3. ***Parcel I B (C-P): The number, design, and location of curb cuts shall be determined by the City/County Engineer as applicable or as generally illustrated on the Concept Plan.***

4. Parcel III (R-ML): Four (4) curb cuts along the Houston Levee Road frontage will be permitted.

D. Any curb cut along the Houston Levee Road frontage beginning closer than 300 feet from the centerline of Macon Road will be limited to right in / right out access only.

E. All streets shall meet the sight distance and geometric requirements of the Subdivision Regulations.

F. Dedicate a three-centered corner radius at the intersection of North Houston Levee Road and Macon Road.

G. Valley curb and gutter on streets within the proposed subdivision is acceptable.

H. A 6-30 curb and gutter is required on the portion of the street connecting the subdivision to Houston Levee Road through the commercial area.

I. Said street, in H. above, that serves the commercial portion, shall be designed as a major local with a 37 / 36 alternative design with a transition to a 31 foot alternative design major local to serve residential uses in Parcel III A. The transition shall occur on the commercial property subject to the review and approval of the City / County Engineer as applicable.

J. Parcel I B - Dedicate and improve a turn around as illustrated on the Concept Plan

IV. Landscaping:

A. Internal landscaping for Parcels I, II, and III shall be provided in an amount equivalent to five percent of the area covered by buildings and pavement exclusive of streetscape or perimeter landscape area.

B. Internal Landscaping for Parcel I B, specifically the area designated for self-service mini-storage warehouses shall be in conformance with the criteria outlined in Section 14 E. 6. Standards and Criteria for Self-Storage Facilities.

C. ***Plate A-3 or an equivalent is required where applicable as per the Landscaping Ordinance streetscape chart (Section 32.D.4.a.-e.) except along Macon Road in Parcel I. B. where Landscape Plate A-3 Modified to 20' shall be required.***

D. ***Along the southern and eastern property line Modified Plate B-4, a 40 foot wide planting screen shall be provided which excludes the fence and supplements existing trees with pine trees or other trees with a minimum one-inch diameter at the time of planting; subject to site plan review by the Land Use Control Board.***

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

F. Landscaping shall not conflict with any easement.

G. ***All landscaping shall be irrigated and maintain a 5 year warranty.***

H. Lighting shall be directed so as not to glare onto residential property.

I. Refuse containers shall be completely screened from view from adjacent property.

J. Existing trees shall be retained wherever feasible.

K. Parcels IA and IIIA are subject to the Tree Ordinance.

L. Where Parcel I A abuts an existing or proposed residential use, the landscaping and screening plan shall contain a wooden shadow box fence with a cap six feet in height. The landscape plate shall be the B-4 modified to 20 feet in width from the south property line.

M. If overhead power lines are present or proposed along the Houston Levee frontage of Parcel I A, then an A-5 plate or suitable equivalent shall be required.

V. Signs:

A. Attached and detached signs shall conform to the regulations of the R-S10 District for Parcels IV and V.

B. Attached and detached signs shall conform to the regulations of the O-G District for Parcel II.

C. Attached and detached signs shall conform to the regulations of the C-P District for Parcel I.

D. Attached and detached signs shall conform to the regulations of the R-ML District for Parcel III.

E. Detached and attached signs in Parcel I A ***and Parcel I B*** shall be regulated by the Planned Commercial (C-P) District.

F. No detached sign in Parcel IA shall be located any closer to existing or proposed residential lots of Parcels III and IIIA than 140 feet. Any detached signs shall be monument in style and composed of materials that are consistent with the buildings and other signs within this Parcel.

G. The location, size and number of signs shall be determined at the time of site plan review.

H. No temporary or portable outdoor advertising signs are permitted.

I. All signs shall have a minimum setback of 15 feet from street right-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 the jurisdiction over the water course on this site in accordance with the Water Quality Control Act of 1977. (TCA 69-3-101 et. seq.).

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

VIII. Site Plan Review:

A. A site plan shall be submitted for the review and approval of the Land Use Control Board prior to the approval of any final plan. The plan shall be filed a minimum of 21 days prior to the regular meeting of the Board. For Parcels IA and IIIA, site plan review will be administrative in nature with the Office of Planning and Development and other appropriate governmental agencies. However, either the applicant or OPD may file an appeal to the Land Use Control Board and legislative bodies if the applicant and the OPD cannot agree on the meaning of any of the above conditions.

B. The site plan shall include the following:

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

2. The location, dimensions, and floor area of all buildings, structures, and parking areas.

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

4. The location of pedestrian systems.

5. The location and use of open space.

6. Internal and perimeter landscaping.

7. The location, diameter, and species name of all trees and plants, the identification of plants to be preserved, and methods intended to be used to plants during construction.

C. The site plan shall be revised based upon the following criteria:

1. Conformance with the outline plan conditions.

2. Conformance to the standards and criteria for commercial planned developments contained in Sections 14C., 14D., 14E., and 14F. of the Zoning Regulations.

IX. A final plan shall be filed within five years of 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 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 owner's association or other entity, for ownership and maintenance purposes.

G. The location of the floodway boundary.

H. The 100 year flood elevation.

I. An overall sewer plan for the entire site shall be submitted to the City Engineer or County Engineer prior to the approval of the first final plat. The sewage treatment system is to be built at the developer's expense and such treatment shall be made available to the Mt. Pisgah School and to be operated and maintained by Shelby County.

J. It should be understood by this applicant/developer that the approval of this application by the Memphis City Council is in no way contradictory to the Resolution passed by the Council. The resolution, adopted July 15, 1997, denies sanitary sewer service to any areas which are proposed for incorporation into municipalities other than the City of Memphis, within the City of Memphis Annexation Reserve Area.

K. ***The Outline Plan for Cordova Ridge Planned Development, 3rd Amendment shall be recorded with the Office of Shelby County Register reflecting the 4th Amendment prior to filing any final plan of development.***

P.D. 09-302 CC (formerly P.D. 01-331 CC
Cordova Ridge Planned Development, 4th Amendment