

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT

3

CASE NUMBER: PD 11-309

L.U.C.B. MEETING: October 10, 2013

LOCATION: Southeast corner of Highway 64 and Houston Levee Road

COUNCIL DISTRICT: 1

SUPER DISTRICT: 9

OWNER OF RECORD / APPLICANT: First Alliance Bank and (F R Miller and G D Pickett)

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

REQUEST: Major Modification to the approved site plan

AREA: 21.80 Acres

EXISTING LAND USE & ZONING: Currently governed by the Houston Levee Trails P.D., 1st Addition; 2nd Amendment (P.D.00-350CC)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:
Approval with Conditions

Staff Writer: Gregory Love

Email: gregory.love@memphistn.gov

CONCLUSIONS:

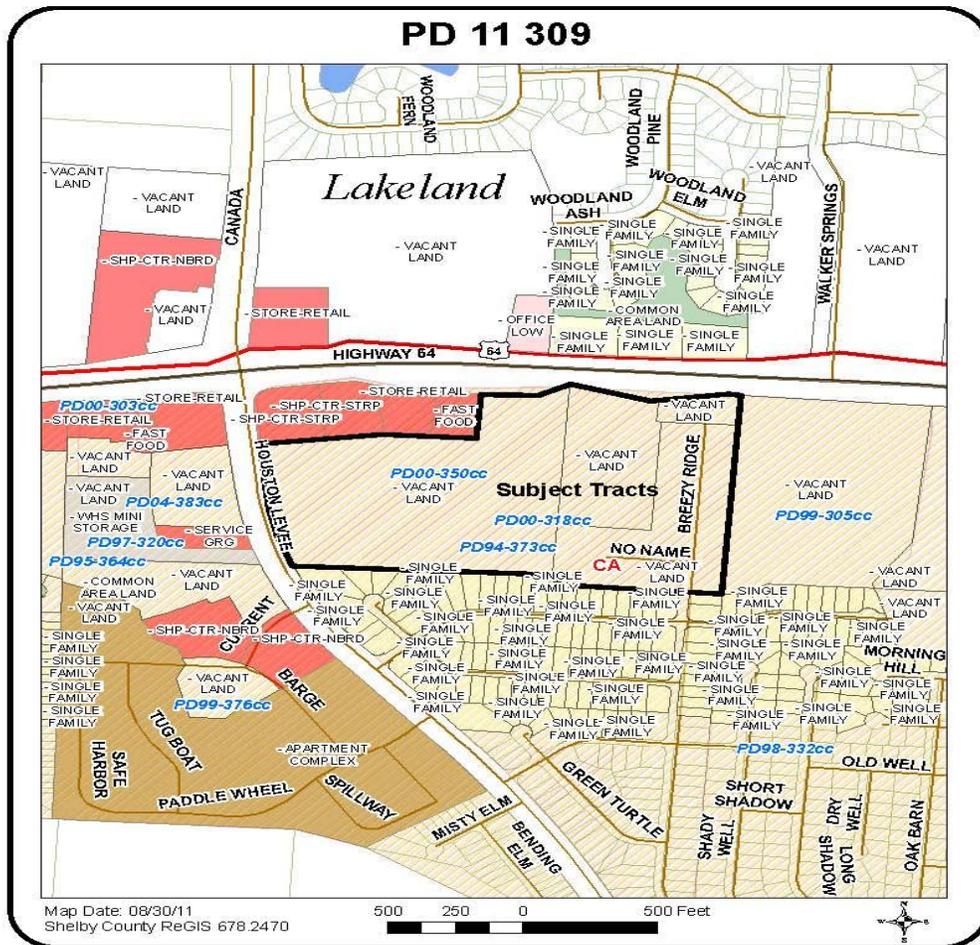
This major modification to Area C, First Addition, third amendment of the Houston Levee Trails Planned Development is primarily focused on site plan modifications. With this application the applicant requests to utilize the most northwestern quadrant of the site that was initially planned for multi-family residential land use as commercial space. The applicant also requests to reconfigure the location of the proposed multiple-family structures.

The Houston Levee Trails PD, Area C allows all uses permitted in the CMU-2 (Commercial Mixed Use) District which includes both commercial and multiple-family residential land use. The primary intent of this submittal is to modify the site plan to reflect these changes.

OPD's primary concern is the open space requirement; developments of 15 acres or more require open space; furthermore, the open space must be reasonably accessible and centrally located. OPD agrees that the applicant has provided open space; however, it is recommended that the applicant locate the open space amenities (tennis court, play area) in a more accessible location.

OPD supports this major modification to the site plan contingent upon the conditions listed herein.

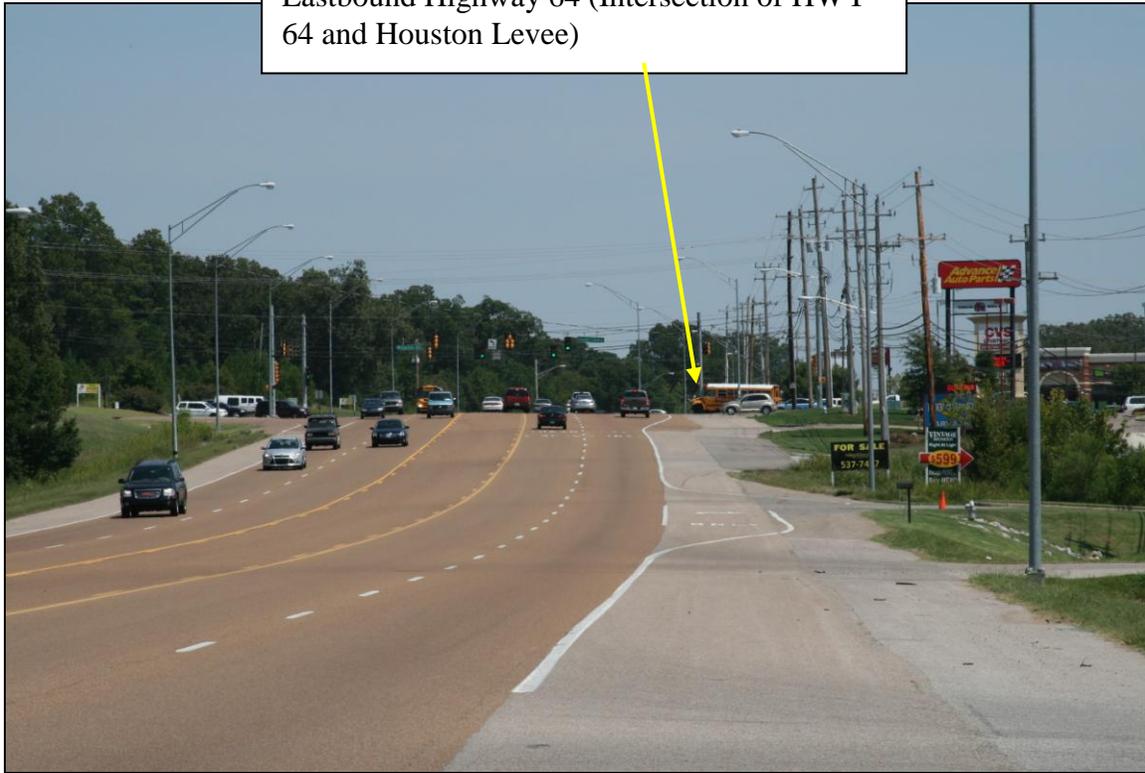
LAND USE & ZONING MAP



SURROUNDING USES AND ZONING:

- North:** Combination of Vacant land, commercial and residential land uses within Lakeland
- East:** Vacant land currently governed by PD 00-350 CC
- South:** Single family residential land use within the Area B of the Houston Levee Farms PD
- West:** Combination of commercial uses and vacant land within the CA (Conservation Agriculture) District

Eastbound Highway 64 (Intersection of HWY 64 and Houston Levee)



View from the subject site facing southeast

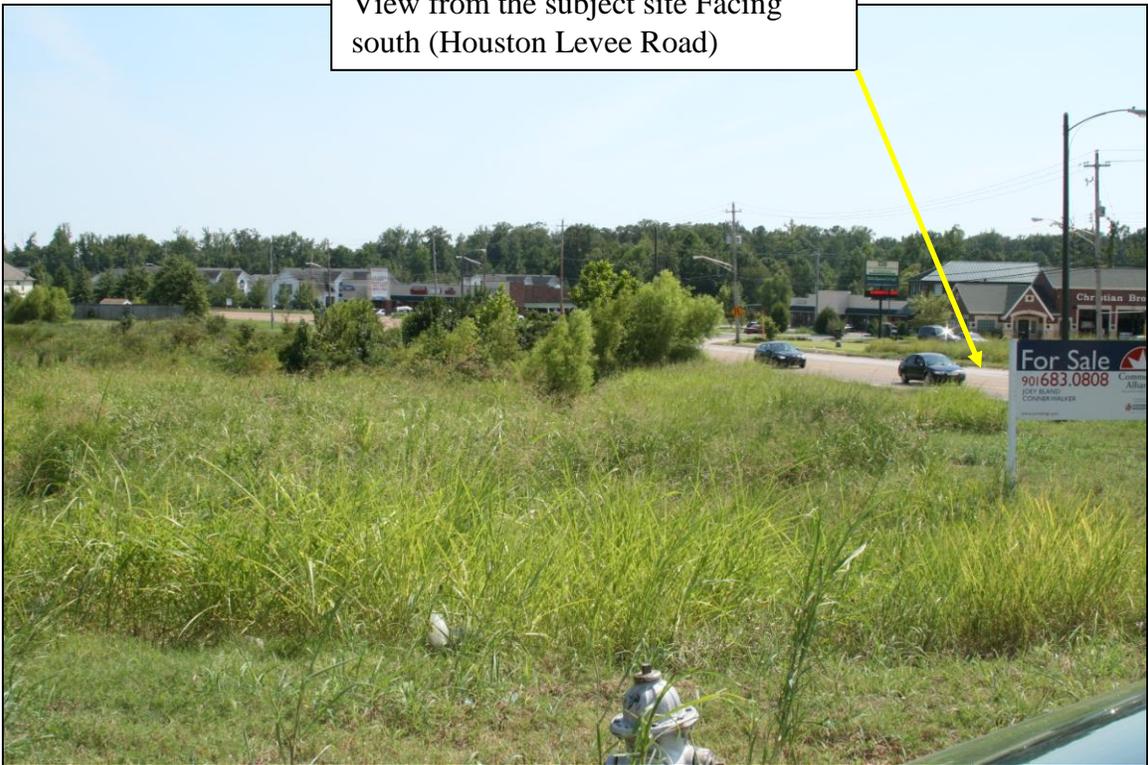


Westbound HWY 64



Subject Site

View from the subject site Facing south (Houston Levee Road)

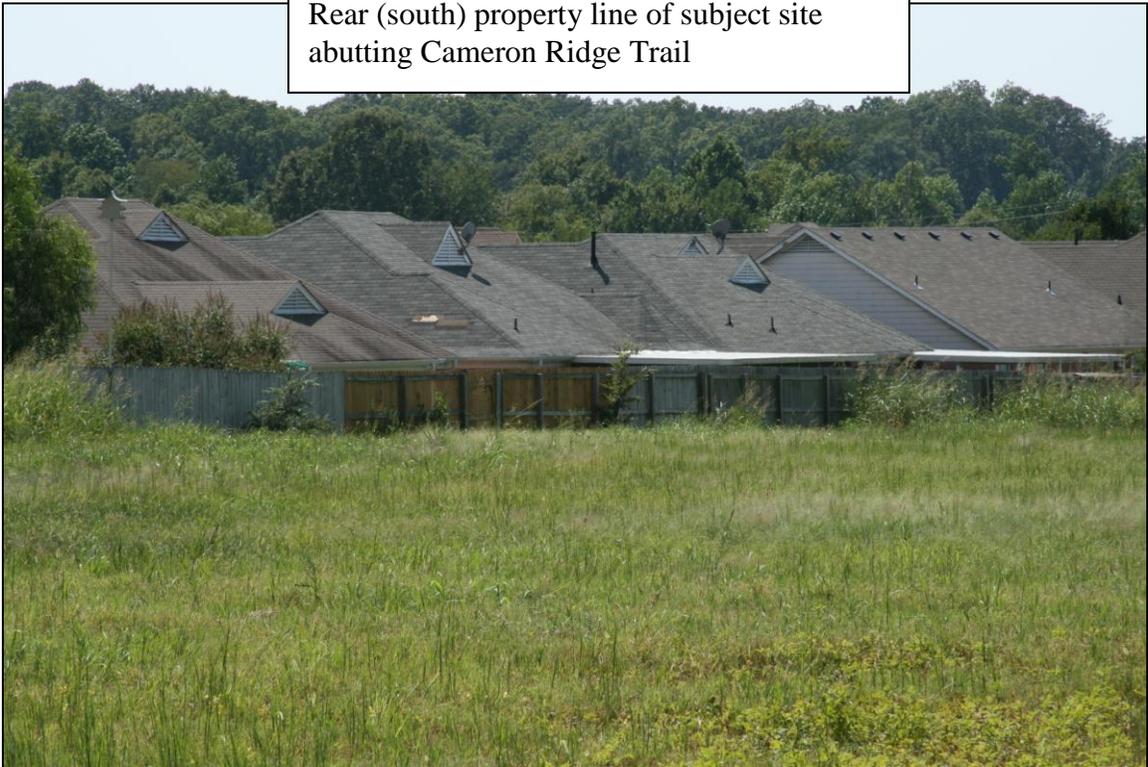


For Sale
901.683.0808
JOY BLAND
CONCRETE WALLS

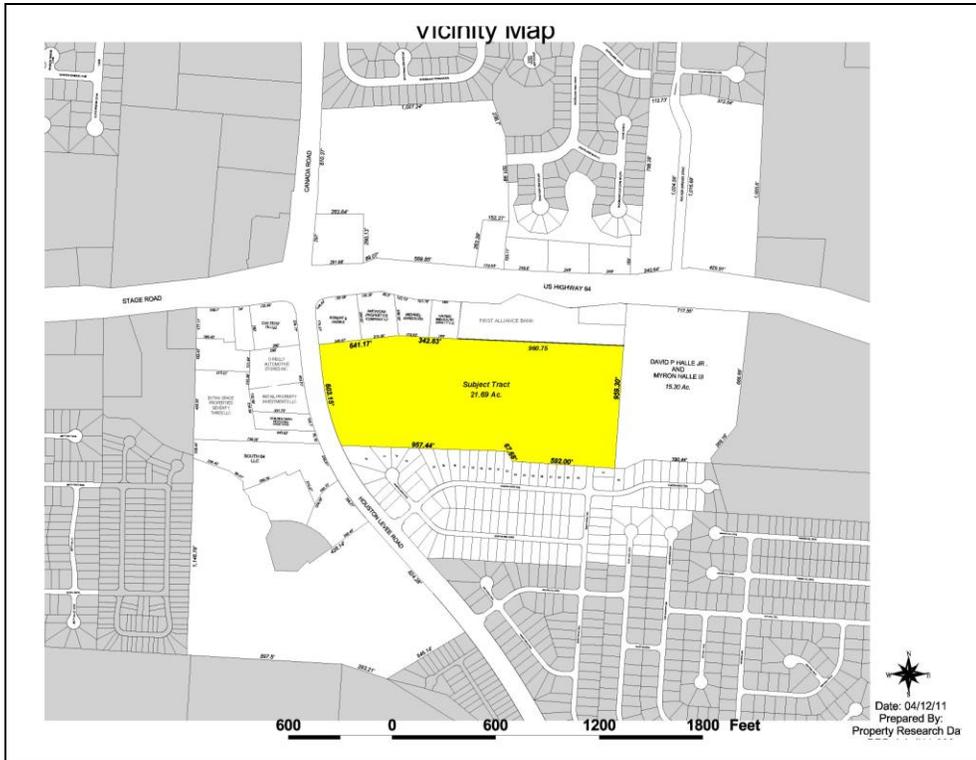
Cameron Ridge Trail (residential neighborhood directly south of site)



Rear (south) property line of subject site abutting Cameron Ridge Trail

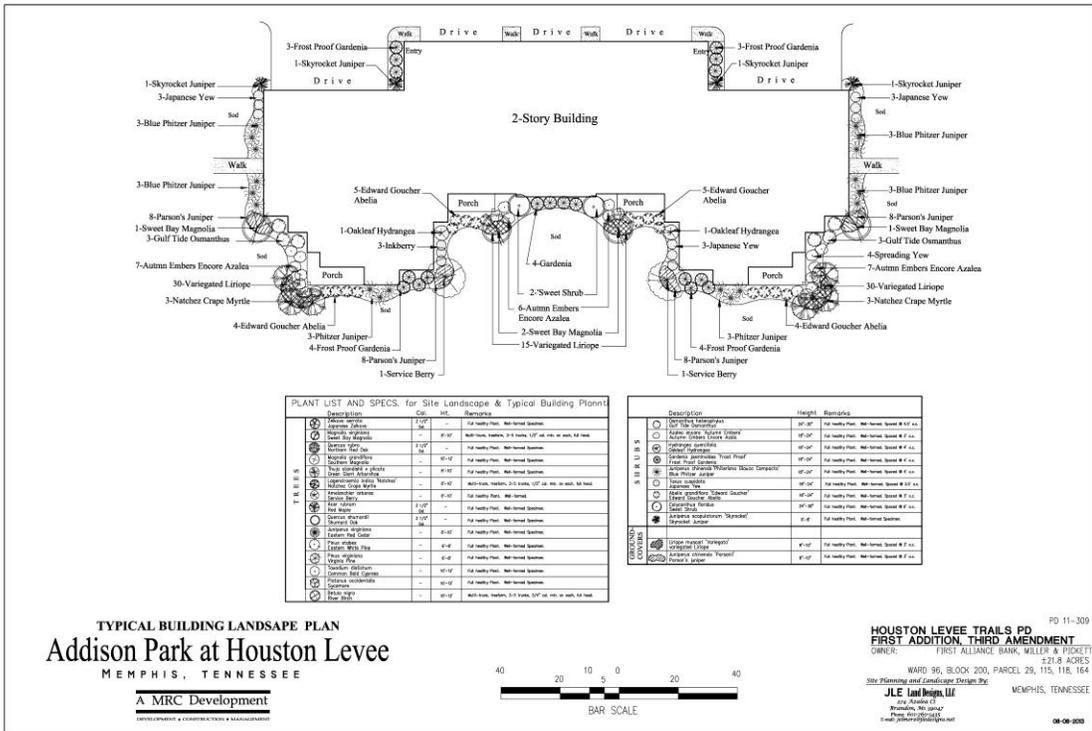


Vicinity Map



Site Plan







STAFF ANALYSIS:

Site Characteristics

The subject site is an approximately 21.8 acre parcel situated generally on the southeast corner of Highway 64 and Houston Levee Road. The Houston Levee Trails Planned Development originally submitted in 1993 consisted of the southwest corner of Houston Levee Road and Highway 64, later the southeast corner was added comprising a total of approximately 78 acres.

The subject site, within the City of Memphis and located just south of the city limits of Lakeland, has been developed primarily as commercial land use with frontages along Highway 64 and Houston Levee Road.

The areas that abut the subject site south of its southern property boundary have been developed as single family residential land uses, some multiple family residential land uses developed further south along Houston Levee Road.

Aside from 4 lots developed as general commercial land uses along Highway 64 and a cell tower at the eastern boundary of the subject site, the project area is predominantly vacant land.

Request

Site plan review (major modification)

Conclusions

This application is considered to be a major modification to the previously approved planned development (PD11-309). The most recent third amendment to the Houston Levee Trails PD requested the allowance of multiple-family residential land use. This land use makes a reasonable transition from the commercial land use at the northern periphery of the site along Highway 64 and the single family residential development abutting the subject site at its southern boundary.

The primary changes to the previously approved planned Development are.

- Addition of commercial land use at the most northwestern quadrant of the site. Commercial is allowed by-right per the planned development but the introduction of commercial space in lieu of residential structures is considered a significant site plan change.
- Configuration of buildings; the proposed structures have been reconfigured when compared to the originally approved site plan.

The applicant proposes to develop the site at approximately 14 units per acre which is commensurate with the originally approved site plan. The number of units decreased but the overall land area decreased as a result of the land that will now be dedicated to commercial land use.

Considering the density of this development, a major concern is the requirement of open space.

Sub-section 6.2.1B requires that formal open space be offered in developments of 15 acres or more. In this case OPD estimates that the intent is fulfilled as illustrated by the site plan by way of the clubhouse, pool, tennis court and play area; however, these areas must be more centrally located. Sub-section 6.2.3E requires that formal open space be reasonably accessible to the lots/residents. With that, OPD recommends that the tennis area and play area be more centrally located and more accessible to a greater percentage of the residents.

OUTLINE PLAN CONDITIONS:

***P.D. 11-309 formerly: P.D. 00-350 CC, P.D. 99-376 CC, P.D. 94-373 CC
Houston Levee Trails Planned Development, 1st Addition, 3rd Amendment***

I. USES PERMITTED:

A. Area "A" - Any use permitted by right in the Commercial Mixed Use-2 (CMU-2) District

Other uses requiring a Special Use Permit are expressly prohibited.

- B. Area "B" - Any use permitted by right in the Single Family Residential (R-S6) District.
- C. Area "C" – Any use permitted by right in the CMU-2 District including multiple family residential land use and commercial communications tower.**
- D. Churches and accessory uses thereto on any property of 1/2 acre or larger in size having collector or arterial road frontage.
- E. A temporary sales/information center/pavilion subject to site plan review by the Land Use Control Board.
- F. Accessory uses within each area shall be permitted in accordance with the respective District as indicated in II--Bulk Regulations below.

II. BULK REGULATIONS:

- A. Area "B" - The bulk regulations of the Single Family Residential (R-S6) Districts shall apply, except that a 40 foot rear and front yard setback shall apply for all reverse frontage and corner lots which have frontage on Houston Levee Road.
- B. Area "C" - The bulk regulations of the Commercial Mixed Use-2 (CMU-2) District shall apply, except the minimum set back along the south property line shall be fifty (50') feet and the maximum Floor Area Ratio shall be .25 F.A.R. The maximum height of a commercial communications tower shall be established at the time of site plan review.
- C. The play area shall be removed from the required landscape buffer at the most southern perimeter of the site.*
- D. The proposed play area and proposed tennis court shall be centrally located per Sub-section 6.2.3E of the UDC.*
- E. The landscape plan as submitted by the applicant shall be included as part of the final plat. The landscape screen along the southern property line shall be a minimum of 30 feet in width.*

III. ACCESS, PARKING AND CIRCULATION:

- A. All private drives shall be constructed to meet the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22') exclusive of curb and gutter.
- B. Improve Houston Levee Road to 88 feet of pavement in accordance with the Subdivision Regulations and Shelby County Paving Policy along the Area "A" and Area "C" frontage. No improvements required along the frontage of Area "B".

- C. Dedicate 60 feet from the centerline of U.S. 64 and improve by adding a third eastbound lane in accordance with Subdivision Regulations and Shelby County Paving Policy or as approved by the Tennessee Department of Transportation.
- D. Dedicate 3 centered radius at the intersection of U.S. 64 and Houston Levee Road per Subdivision Regulations.
- E. Dedicate full corner radii at the intersection of alternative design streets with standard design streets.
- F. Dedicate and improve two major/minor local streets to intersect with Houston Levee Road and the Avanelle J. Middleton and David P. Halle, Jr. tracts.
- G. The design and location of curb cuts on Highway 64 to be approved by the State through the City Engineer's Office. The design and location of curb cuts on Houston Levee Road to be approved by the City Engineer's Offices.
- H. Permit one curb cut to Area "A" along the Houston Levee/Canada Road frontage beginning no closer than 350 feet from the centerline of U.S. 64. Permit an additional two (2) curb cuts to Area "C" along Houston Levee Road spaced at a minimum of 200' between cuts and 200' from the southernmost cut in area "A".
- I. Permit four(4) four curb cuts along the U.S. 64 frontage for Area "A". No curb cut along the U.S. 64 frontage shall begin closer than 300 feet from the centerline of Houston Levee/Canada Road. Curb cuts shall be spaced a minimum of 350' between cuts.
- J. A joint use internal access easement for on-site circulation shall be provided for use by any tenant and their customers between all phases within Areas "A", and "C" in accordance with the Subdivision Regulations. Mutual ingress/egress easements shall be provided on each final plat.
- K. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- L. Access to Houston Levee Road from all residential lots shall be conveyed to the County. Lots shall all take access from minor streets within the development.
- M. Private drive medians shall be set back a minimum of 10 feet from the public right-of-way line.
- N. Reverse frontage lots on Houston Levee Road shall be denied access to Houston Levee Rd and convey such access rights to Shelby County on the final plat.

- O. A Traffic Study shall be prepared with the first final plat of either Area "A" or "C". Elements to be included in said study include trip generation, design hour volumes, trip distribution and assignment, existing and projected traffic volumes, level of service, capacity analysis, need for traffic signals, accident data, conclusions and recommendations.

IV. LANDSCAPING & SCREENING:

- A. Provide a landscape screen (Plate A-4 or equivalent) acceptable to the Office of Planning and Development for those lots which have frontage on U.S. Highway 64 and Houston Levee Trace in Areas "A".
- B. Internal lot landscaping in Area "A and C", shall be provided at a minimum ratio of 300 square feet of landscaped area and one shade tree (Tree A) per every 10 parking spaces or fraction thereof. Landscaped areas shall not be less than 300 square feet in area in any single location and shall be located so that no parking space is farther than 75 feet from a tree.
- C. Provide a landscape screen (Plate RV-3 modified with gates or equivalent) acceptable to the Office of Planning and Development for those lots which have reverse and corner lot frontage on Houston Levee Road.
- D. Provide a landscape screen (Plate B-3/B-4 or equivalent) a minimum of thirty (30') feet in width acceptable to the Office of Planning and Development along the south property line of Area "C" which is adjacent to Area "B".
- E. Refuse containers shall be completely screened from view from the public roads being located at the rear of buildings or within a service court area which serves several tenants in Areas "A".
- F. Air conditioning, heating, ventilation or other mechanical equipment including those located on roofs, which are visible from an adjacent street or residential lot, shall be screened with the use of architectural features of the building or by other means.
- G. Utility features such as electrical wiring, conduit and meters shall also be screened using architectural features or landscaping.
- H. All utility services to buildings and signs shall be by underground conduit.
- I. Maximum height of light standards shall be 30 feet. Lighting shall be directed so as to not glare onto residential property.
- J. A detailed landscape and site lighting plan shall be provided with the first final plan detailing the type and size of all plants and light standards to be used in Area "A" and approved by the Office of Planning and development prior to the issuance of any building permit in Area "A". Further, no final use and occupancy permit shall be issued without the express written certification by the Office of Planning and

Development that the project is in conformance with the approved landscaping and site lighting plan.

- K. All required landscaping shall be provided exclusive of all existing or proposed easements.
- L. Lot owners are responsible for the maintenance and replacement of all fences, trees, shrubs and turf located within the landscape screen(s). Dead plants shall be replaced in-kind with live plants. Any plant species substitutions require the approval of the Memphis & Shelby County Office of Planning and Development. Removal of live plants from the screen is prohibited.
- M. All associated areas as defined in the Houston Levee Trails PD shall adhere to the requirement of the Unified Development Code and its respective zoning district and as approved by OPD.

V. DRAINAGE:

- A. An overall drainage plan for the entire site shall be submitted to the City/County Engineers prior to approval of the first final plat.
- B. All drainage plans shall be submitted to the City and County Engineer's Offices for review.
- C. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. 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.).
- E. A pro-rata Fee for major drainage improvements through this site may be required for phased development.
- F. The developer shall be aware of his obligation under 40 CFR 122.26 (b)(14) and TCA 69-3-101 et seq. 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.
- G. All grading and drainage plans shall show a minimum of 100 feet of topo off-site on all sides in order to determine the effect of off-site features on the subdivision under review or its effect on adjacent properties.
- H. Proper erosion control measures must be in place once clearing begins and regularly maintained throughout the construction phase until all areas are stabilized to the

satisfaction of the Shelby County Engineer and the Tennessee Department of Environment and Conservation.

- E. All off-site drainage out falls require a letter from affected property owner granting permission to allow discharge of concentrated flow onto property and to provide temporary erosion control measures.

VI. PUBLIC SEWER, WATER AND EASEMENTS:

- A. Provision of sanitary sewer service approval to all lots within the development is the responsibility of the City of Memphis.
- B. A gravity sanitary sewer system shall be designed and constructed, including dry sewer lines, if necessary, to provide adequate capacity for this development as well as all upstream properties, and so as to tie into the City's future Grays Creek Interceptor.
- C. A sewer development fee shall be paid to the City of Memphis at the time of each final plan approval.
- D. A master Sewer Plan for the entire planned development shall be submitted to the City Engineer prior to the filing of the first final plat.
- E. Off-street sewer easements shall be a minimum of 15 feet wide.
- F. Install fire hydrants 500 feet apart at 2000 gpm at 20 psi. Memphis Steamer 4.815 x 7
- G. Provide a 5 foot utility easement along all front and rear and certain side property lines.

VII. SIGNS:

- A. Signs designating specific residential phases of the project may be permitted subject to the approval of the Office of Planning and Development.
- B. Commercial signs in Area "A" shall be in accordance with the Commercial Mixed Use-2 (CMU-2) District with the following exceptions:
 - 1) One (1) integrated center sign per roadway frontage shall be permitted.
 - 2) One (1) detached sign, a maximum of 150 square feet shall be permitted.
 - 3) No banners, streamers, balloons, portable, or temporary signs shall be permitted.

- 4) No sign shall be located within 100 feet of any single family residential property line.
- 5) Signs in Area "A" shall be in accordance with the General Office (O-G) District.
- 6) The minimum sign setback from any property line shall be 15 feet.

VIII. SITE PLAN REVIEW:

- A. A final lot layout (site) plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies subject to the approval of the Land Use Control Board prior to approval of any final plan in Area "C".
- B. The site plan shall be submitted at least thirty-five days prior to a Land Use Control Board meeting and shall:
 - 1) Illustrate the size and configuration of all lots, the street layout, classification, and geometry of all streets, a drainage plan, building elevations, and landscape plan.
 - 2) Include any other information considered necessary by the staff.
 - 3) A traffic study pertaining to the development of Area "C".
- C. The site plan shall be reviewed based upon the following criteria:
 1. Conformance with the outline plan conditions and to the standards and criteria for commercial and residential planned developments contained in the Zoning and Subdivision Regulations.
 2. Adequacy of public facilities (streets, sewers, drainage, etc.).
 3. Elements of site design such as building orientation and setback, access and parking and internal site circulation, landscaping and lighting.
 4. Consistency between buildings in regard to consistency in a unified development theme in building elevations, materials used and signage.
 5. The Land Use Control Board may impose additional site design features at the time of site plan review.

IX. OTHER:

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

- B. No final plan for Area "B" shall be filed until such time as SUP 89-225 CO expires or if said use is discontinued, evidence of such shall be provided to OPD.
- C. **Create new Area C excluding contiguous parcels at the northern boundary of the subject site fronting along Highway 64; this land area will remain Area "A".**
- D. **Add .59 acres (cell tower site) and area generally described as the north eastern quadrant of the subject site to the newly created Area C.**

X. TIME LIMIT:

A final plat shall be filed within five (5) years of approval of the Outline Plan by the City Council and County Commission. Upon the request of the applicant the Land Use Control Board may grant extensions, 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 PLAT 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 buildings or buildable areas, parking areas and number of parking spaces, drives, and required landscaping.
- D. A rendering, including plan view and elevation, of any proposed development identification signs showing the height, dimensions, materials used 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; outlet cleaning; and repair of drainage structures.
- G. The 100 year flood elevation.

- H. Any site plan conditions imposed by the Land Use Control Board.
- I. Clear site areas shall be provided at the intersection of all streets in accordance with the Subdivision Regulations. The required note regarding clear site areas shall be placed on the final plat.
- J. Reflect the appropriate width pedestrian/sidewalk/ utility easement along both sides of all alternative design street dedications in accordance with Subdivision Regulations.
- K. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers, and private drainage shall be owned and maintained by a property owner's association. A statement to this effect shall appear on the final plat.
- L. All common areas owned by a Property Owners' Association shall be labeled Unbuildable Open Space and be given an alpha lot designation (Lot A).
- M. The following note shall be included in any restrictive covenants filed for this subdivision.
- N. In this subdivision, there is a five foot utility easement reserved along the frontage and rear of all lots, on both sides of the sidelines of all corner lots, and additional easements as shown on the recorded plat. Within these easements, no construction of any kind shall be placed or permitted to remain which will in any way damage or interfere with the installation or maintenance of utilities.
- O. The Outline Plan shall be re-recorded to reflect the new boundaries of Area "A" including the deletion and modifications herein prior to the review and approval of any final plan for Area "A".

GENERAL INFORMATION:

Planning District: East Central Shelby

Census Tract: 208.20

Street Frontage: ± 982 feet along Highway 64 and ± 603 feet along Houston Levee

Zoning Atlas Page: 1860

Parcel ID: 096200 00164, 096200 00115, 096200 00118, 096200 00029

Zoning History: Currently governed by the Houston Levee Trails, Planned Development

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.
4. A sewer extension will be required to serve this development.
5. This site is located within the area served by the Grays Creek Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.

Roads:

6. Dedicate 54 feet from centerline of Houston Levee Road and improve with full urban improvements.

Private Drives:

7. All private drives/rear service drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards, and provide a minimum width of twenty-two feet (22')/eighteen (18) feet.

8. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

Curb Cuts/Access:

9. The proposed curb cut onto Houston Levee Road shall be aligned with the existing curb cut on the west side of the street.
10. This development is expected to have three separate points of access. City Engineering recommends that an exit only gate be placed on the north property line at the location of the existing 36 foot ingress-egress easement that offers access to US 64 and to Houston Levee Road to the west. (Between bldgs. 4 and 5 on the site plan)
11. The developer shall be responsible for the construction of the 40 foot wide access connection onto Highway 64 at the gated entrance way shown on the site plan (east side of the First Alliance Bank tract).
12. The City Engineer shall approve the design, number and location of curb cuts.

Drainage:

13. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. 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.

Site Plan Notes:

16. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
17. 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.
18. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

19. The width of all existing off-street sewer easements shall be widened to meet current city standards.

20. 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.

Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Bell South / Millington Telephone:	AT&T Tennessee has no comment.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Plans Development:	No comments received.
Division of Park Services:	No comments received.
Fisherville Civic Club:	
Gray's Creek Association:	
Cordova Leadership Association:	