

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT** #1  
**CORRESPONDENCE ITEM**

**CASE NUMBER:** S 07-018 CC      **L.U.C.B. MEETING:** October 13, 2011

**DEVELOPMENT NAME:** Edgewood Subdivision

**LOCATION:** North side of Raleigh-LaGrange Road, 461 feet west of Wiseman Road

**OWNER OF RECORD / APPLICANT:** Langsdon Development, LLC

**REPRESENTATIVE:** ETI Corporation

**REQUEST:** Two Year Time Extension - 11 Lot Preliminary Plat

**AREA:** 23.12 Acres

**OFFICE OF PLANNING AND DEVELOPMENT**  
**RECOMMENDATION:**

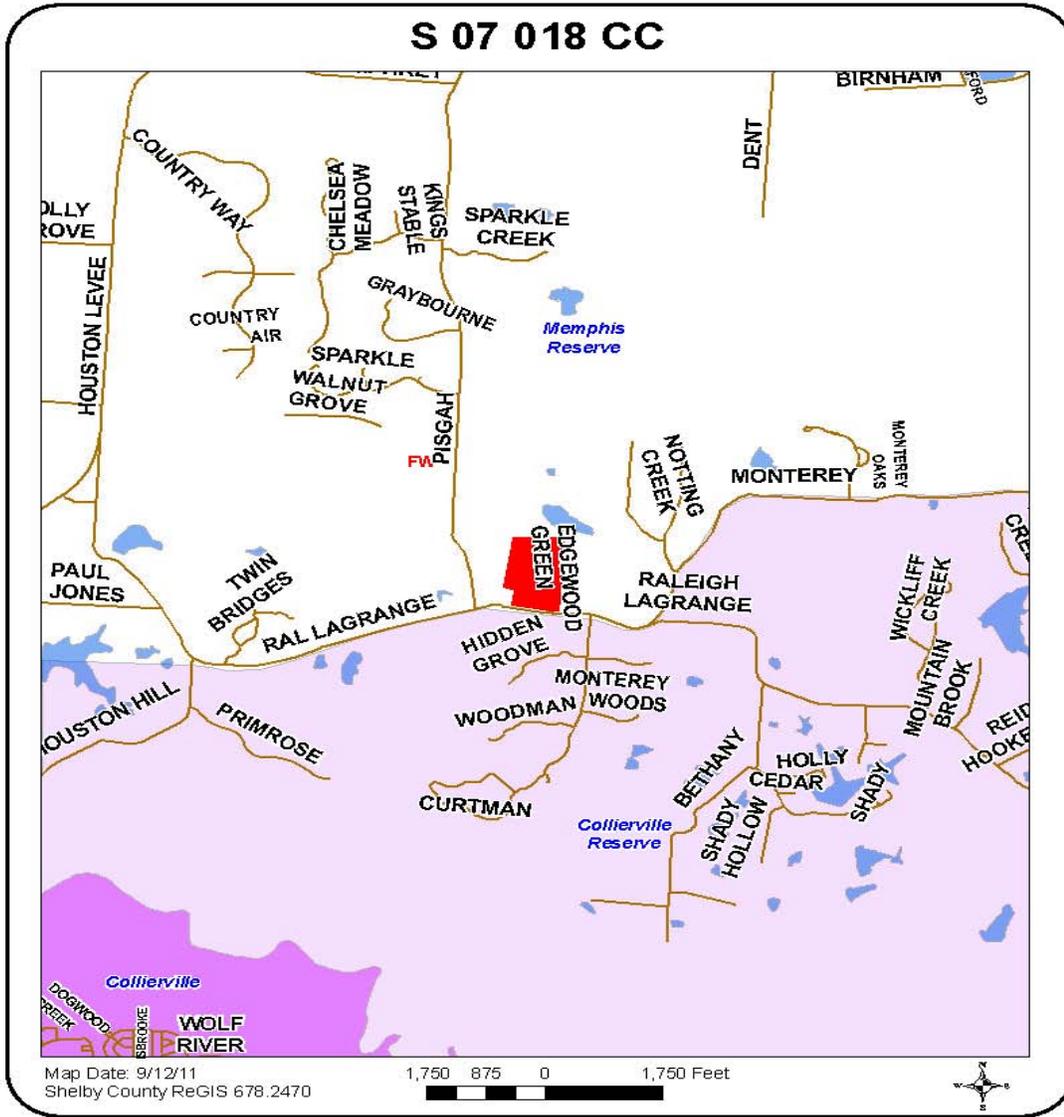
*Approval Subject to the Previous Conditions Approved by the Land Use Control Board on 10/11/07 and an additional condition concerning steep slope protection*

**Staff:** Chip Saliba

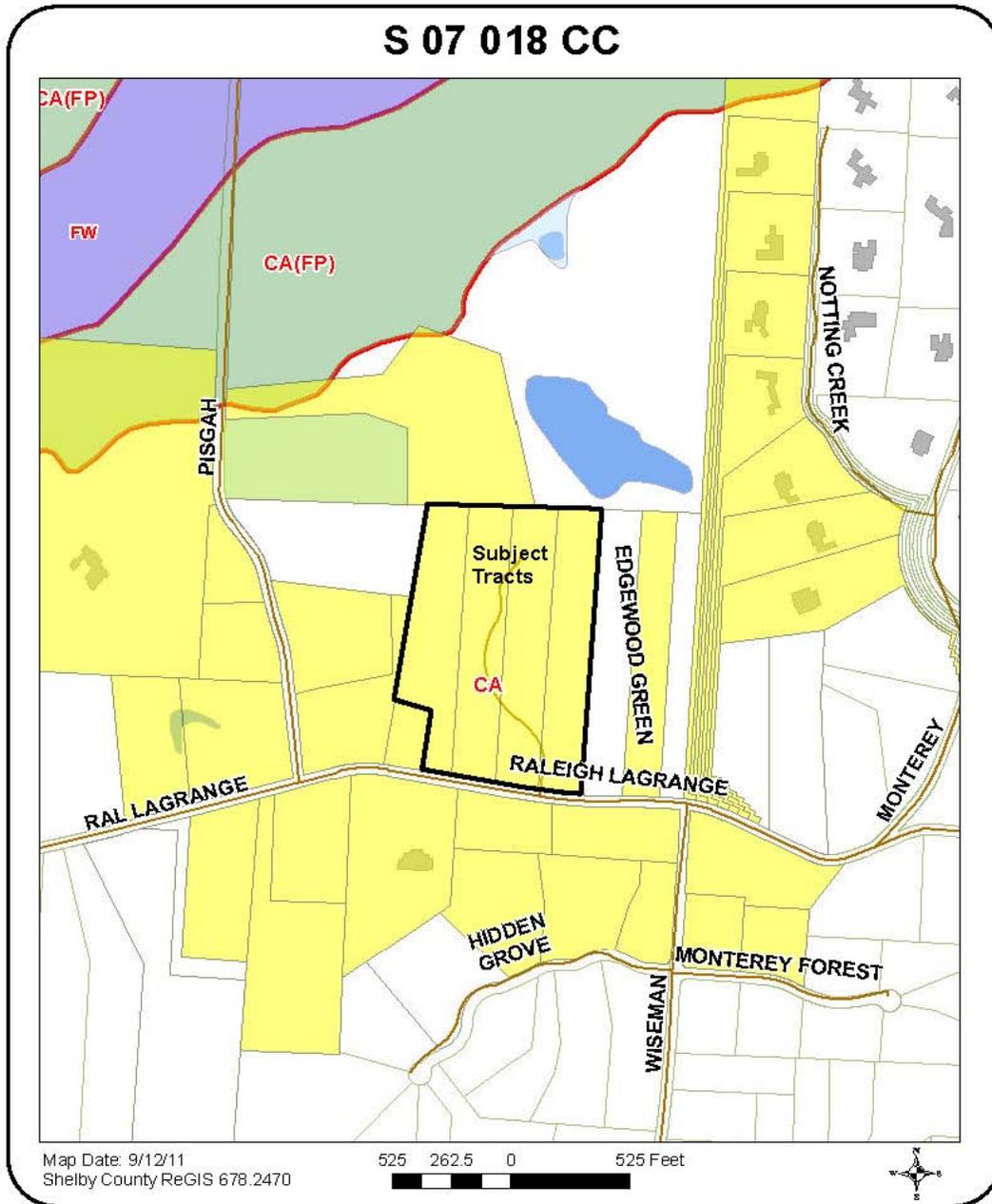
**E-Mail:** [chip.saliba@memphistn.gov](mailto:chip.saliba@memphistn.gov)

**Conclusions:**

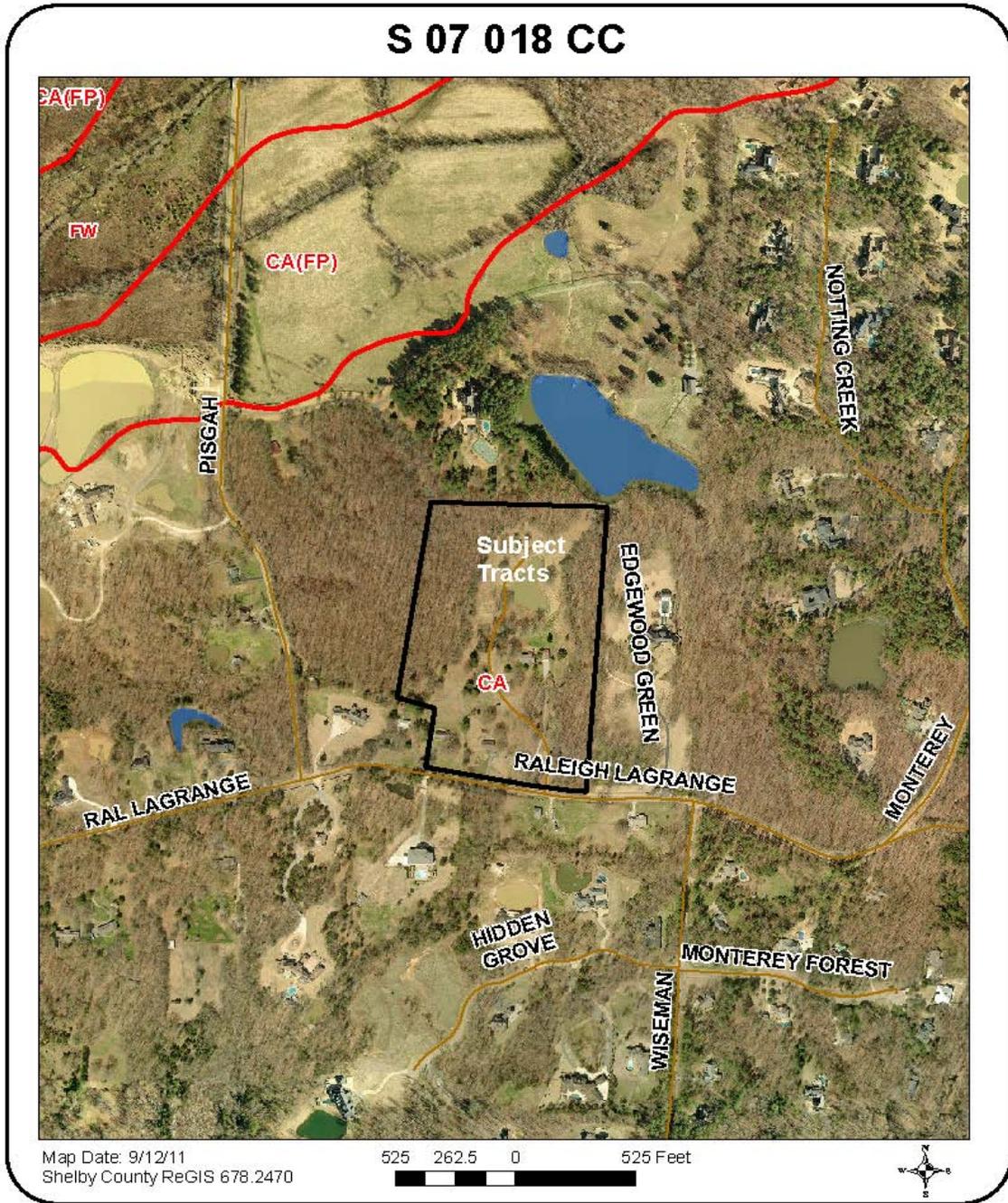
1. No appreciable changes have occurred in the area of the subdivision since its original approval in October 2007 and first two-year time extension approval granted in September 2009. As with the justification for the 2009 extension, the applicant points to the continuing downturn in the housing market that has impacted the ability to proceed with this development.
2. Since the last time extension approval, the Unified Development Code (UDC) has been adopted. In terms of impact on this subdivision, Article 6.3 of the UDC now requires steep slope protection measures. This site has significant topographical changes and these measures may ultimately result in a reduction in lot yield or other design elements of the previously-approved subdivision. The applicant's engineer has been apprised of this and will make the appropriate changes to the final plat if warranted.
3. The proposed subdivision remains consistent with the Gray's Creek Area Plan.



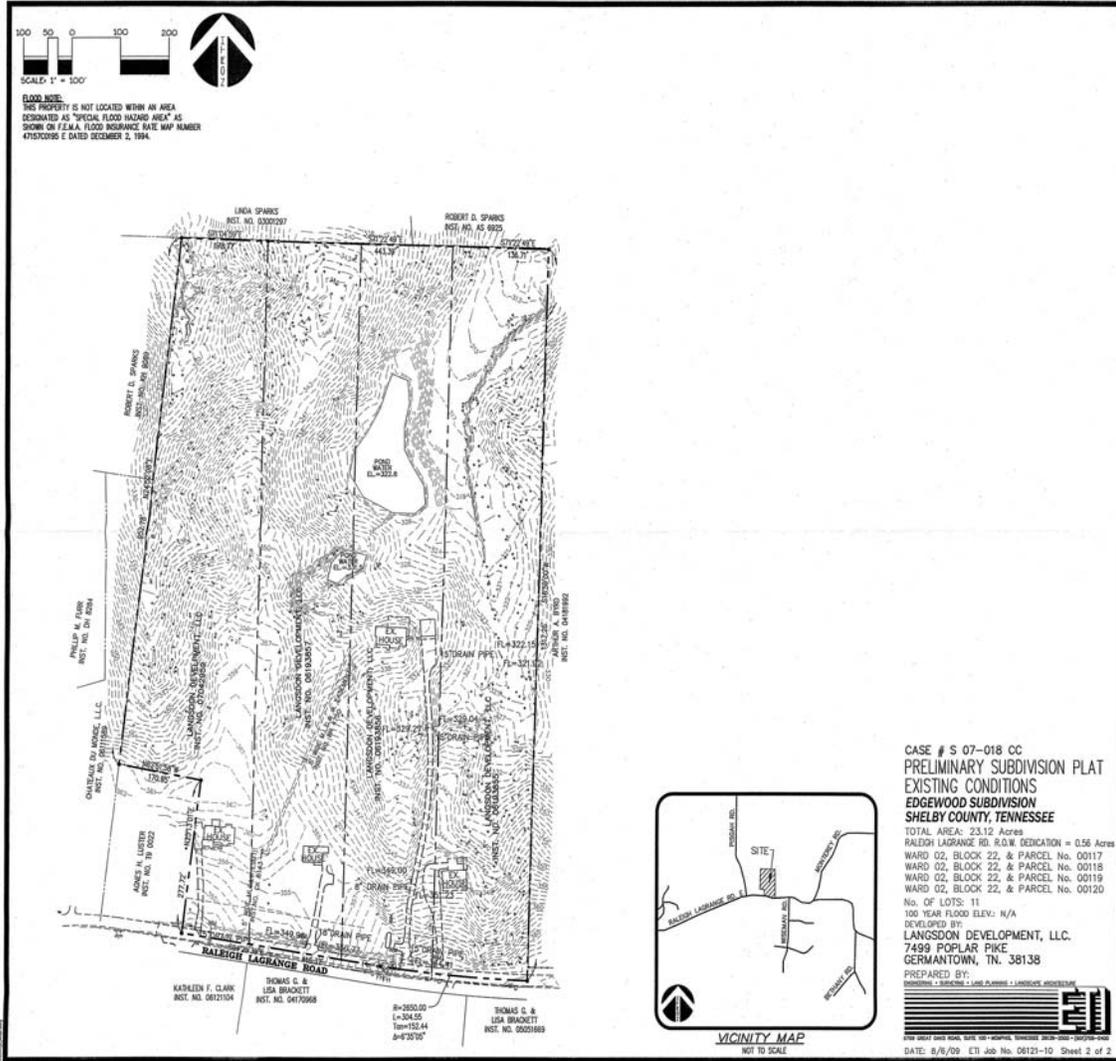
Vicinity Map



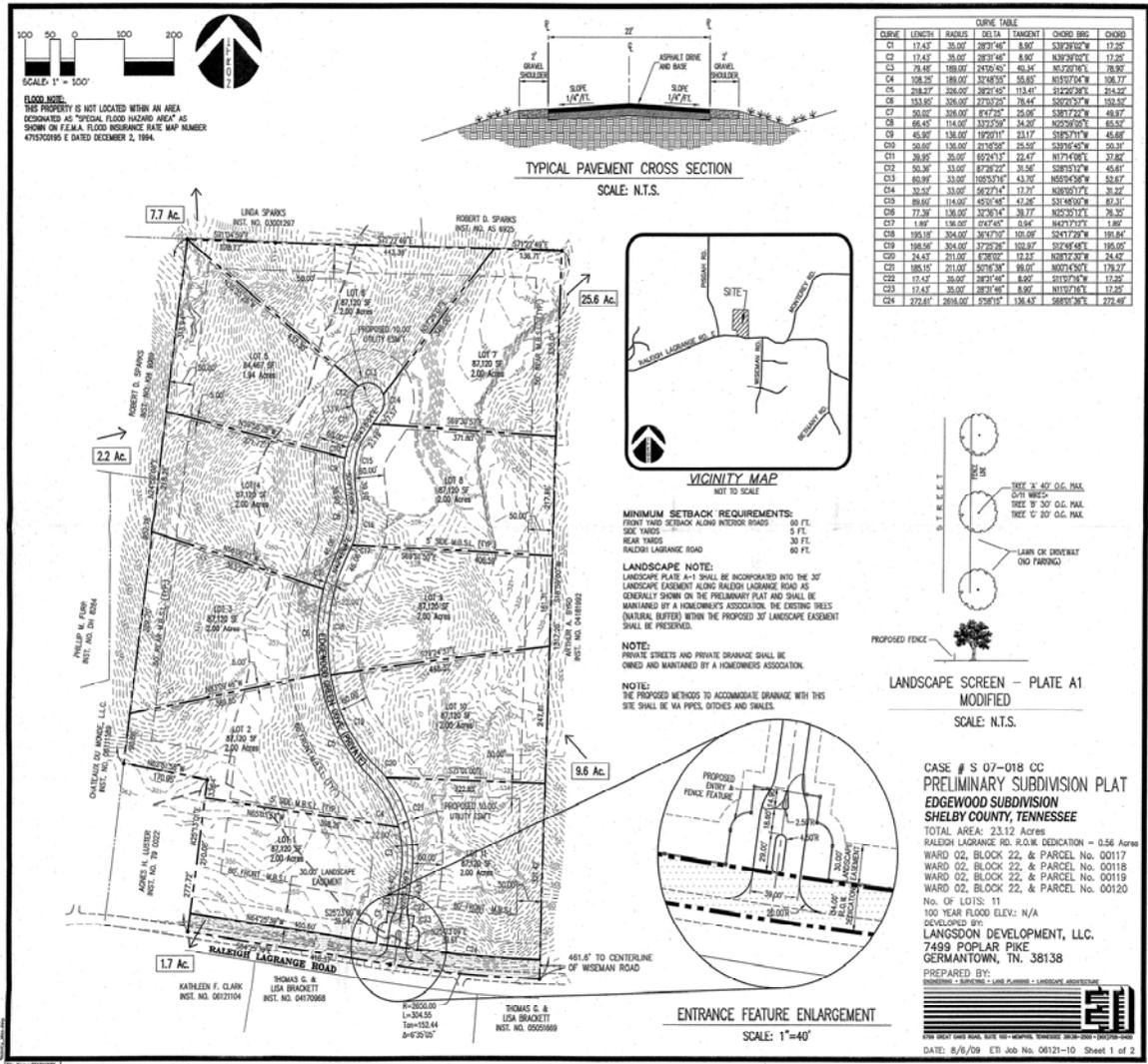
**Zoning Map**



Aerial Photo



Existing Conditions



Previously-Approved Preliminary Plan

## **STAFF ANALYSIS**

This time extension request is the second for this previously-approved subdivision. Originally approved by the Land Use Control Board on October 11<sup>th</sup>, 2007, an initial time extension was approved by the Land Use Control Board on September 10<sup>th</sup>, 2009. This time extension was approved until October 11<sup>th</sup>, 2011. The applicant subsequently has filed a second time extension on August 26<sup>th</sup>, 2011 seeking another two-year approval window.

On January 1<sup>st</sup>, 2011, the Unified Development Code (UDC) replaced the former Subdivision Regulations which were used to previously evaluate the subdivision. In examining the UDC as it pertains to this subdivision, it appears the subdivision does meet the requirements of the Code with the exception of Article 6.3 (Steep Slope Protection). The Steep Slope Protection requirements are attached to the heel of this report and may cause the subdivision plan to be altered due to substantial contour changes on the property. As a result, lot yield may be reduced and/or other elements of the plan may have to be changed. The developer's engineer is aware of this and has acknowledged that the site contains some areas with slopes with 25% grades or more.

There is no objection to granting another two-year time extension with an expiration date of October 13<sup>th</sup>, 2013 provided the previous conditions approved by the Land Use Control Board remain in effect with the added condition of steep slope compliance with Article 6.3 of the Unified Development Code. In terms of character, the plan remains consistent with the requirements of the Gray's Creek Area Plan.

**RECOMMENDATION:** Approval of a two-year time extension to October 13<sup>th</sup>, 2013 subject to the previously-approved Land Use Control Board Conditions of October 11<sup>th</sup>, 2007 and the additional condition that the subdivision comply with Article 6.3 (Steep Slope Protection) of the Unified Development Code.

## DEPARTMENTAL COMMENTS

**City Engineer:** No objections to time extension.

**County Engineer:** No comments received.

**City Fire Division:** No comments received.

**County Fire Department:** No comments received.

**County Real Estate:** No comments received.

### **City/County Health Department:**

All comments by the Water Quality Branch & Septic Tank Program have been affixed to the Final Plat for Edgewood Subdivision and the plat has been signed.

### **City Board of Education:**

The subject property is located in the Memphis Reserve Area, as are the Shelby County schools that will serve this student population. Since the school structure themselves are located in the Memphis Reserve Area, staff will defer to the Shelby County Schools District.

**County Board of Education:** No comments received.

**Construction Code Enforcement:** No comments received.

### **Memphis Light, Gas and Water:**

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.

- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW easement or dedicated utility easement without prior MLGW approval.
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
  - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: <http://www.mlgw.com/images/waterpolicymanual.pdf>
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 for application of utility services.
  - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility installation process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**AT&T/Bell South:**

AT&T Tennessee has no comment.

**Memphis Area Transit Authority (MATA):**

No comments received.

**OPD-Regional Services:**

No comment.

**Neighborhood Associations**

**Fisherville Civic Club:**

No comments received.

**Gray's Creek Association:**

No comments received.

**Cordova Leadership Council:**

No comments received.

**6.3 STEEP SLOPE PROTECTION**

**6.3.1 Applicability**

- A. Slope is the relationship of vertical rise to horizontal run, expressed as a percentage. Steep slope areas shall be defined as land areas that:
1. Have a grade of 25% or more; and
  2. Have an area of 5,000 square feet or greater.
- B. Steep slope areas refer to natural grades and shall not include man-made grades. Slope calculations shall use the smallest contour interval for which maps are available. Steep slope areas shall be determined irrespective of site boundaries.
- C. Steep slope areas shall be clearly indicated on all site plans, preliminary plats, outline plans, final plans and final plats. When a property owner or developer believes that the presence or location of a steep slope area is different than what is shown on the appropriate topographic map, the Planning Director shall have the authority to determine the location or presence of the moderate or steep slope area for purposes of meeting the requirements of this Chapter.

**6.3.2 Steep Slope Development Limitations**

Development and land disturbing activity on steep slope areas shall be conducted only in accordance with the following requirements. Compliance with these requirements shall be determined by the approving entity.

- A. Development shall be designed and constructed in order to minimize disturbance to the natural landform as much as possible. Development shall demonstrate appropriate terrain-adaptive design and construction techniques. An inability to design a particular development allowed by the underlying district without significant disturbance to the natural landform may indicate that the site should not accommodate the full amount of proposed development. Alternate site design and construction measures shall be encouraged to mitigate the effects of development on steep slopes. The grade of reconstructed slopes shall not exceed 50%. Non-load bearing retaining walls shall be encouraged in order to reduce the amount of disturbance to the natural slope.
- B. In order to accommodate building placement on steep slope areas, front and side setbacks on lots on the interior of the development may be reduced by up to 50% through the administrative deviation process by the Planning Director (see Chapter 9.21).
- C. On any site proposed for construction, no more than 15% of the steep slope area on the site shall be graded. For purposes of this calculation, the land areas of individual steep slope areas on the site shall be added together to establish the total steep slope area for the site.
- D. Development shall be designed and arranged in order to minimize the impact of street construction on steep slope areas. Proposed right-of-way for arterial and connector roads shall be exempt from the steep slope area grading limits of this Chapter, provided that the Planning Director determines that proposed rights-of-way are designed and arranged in order to minimize the impact on steep slope areas.

**6.3.3 Common Open Space**

Steep slope areas may be eligible for credit as common open space, provided they meet or exceed the minimum requirements of Chapter 6.2, Open Space.