



STAFF REPORT

AGENDA ITEM: 10

CASE NUMBER: PD 16-13 **L.U.C.B. MEETING:** November 10, 2016

LOCATION: 315 feet southeast of the intersection of North Germantown Parkway and Timber Creek Dr. (Parcel ID 091113 00146, Parcel ID 091113 00147 and Parcel ID Parcel ID 091113 00148)

COUNCIL DISTRICT(S): District 2 -Super District 9-Positions 1, 2 & 3

OWNER/APPLICANT: Debra Loskovitz Spousal Trust/ Stephen Tower/Bob Turner

REPRESENTATIVE: Solomito Land Planning- Brenda Solomito

REQUEST: Planned Development

AREA: 5.72 Acres

EXISTING LAND USE & ZONING: Vacant; General Office (O-G) District

CONCLUSIONS

1. The applicant is requesting to amend an existing planned development, PD 15-321, which was approved by the Land Use Control Board on September 10, 2015, and the Memphis City Council on October 20, 2015. This application seeks to do the following:
 - a. Include the Stephen R. tower property (Parcel ID 091113 00147 and Parcel ID Parcel ID 091113 00148)
 - b. Modify the outline plan conditions to accommodate specific users
 - c. Modify language permissions
 - d. Propose a specific plan of subdivision
 - e. Minor contextual changes
2. The Outline Plan illustrates four lots with appropriate Commercial Mixed-Use-2 (CMU-2) uses associated with service and retail commercial development. Such uses that the applicant is proposing are compatible with the character of the subject area.

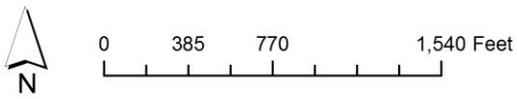
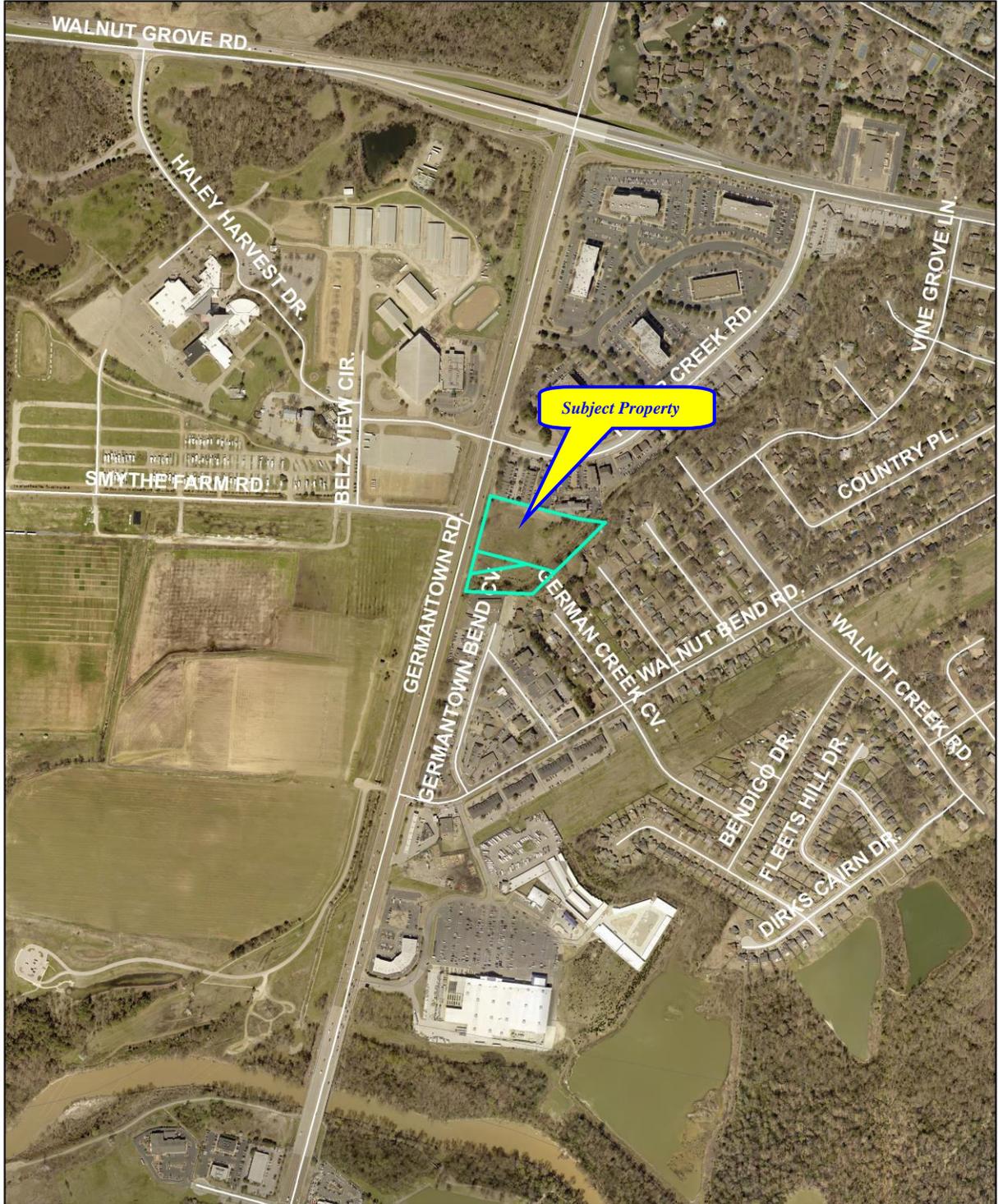
RECOMMENDATION

Approval with Conditions

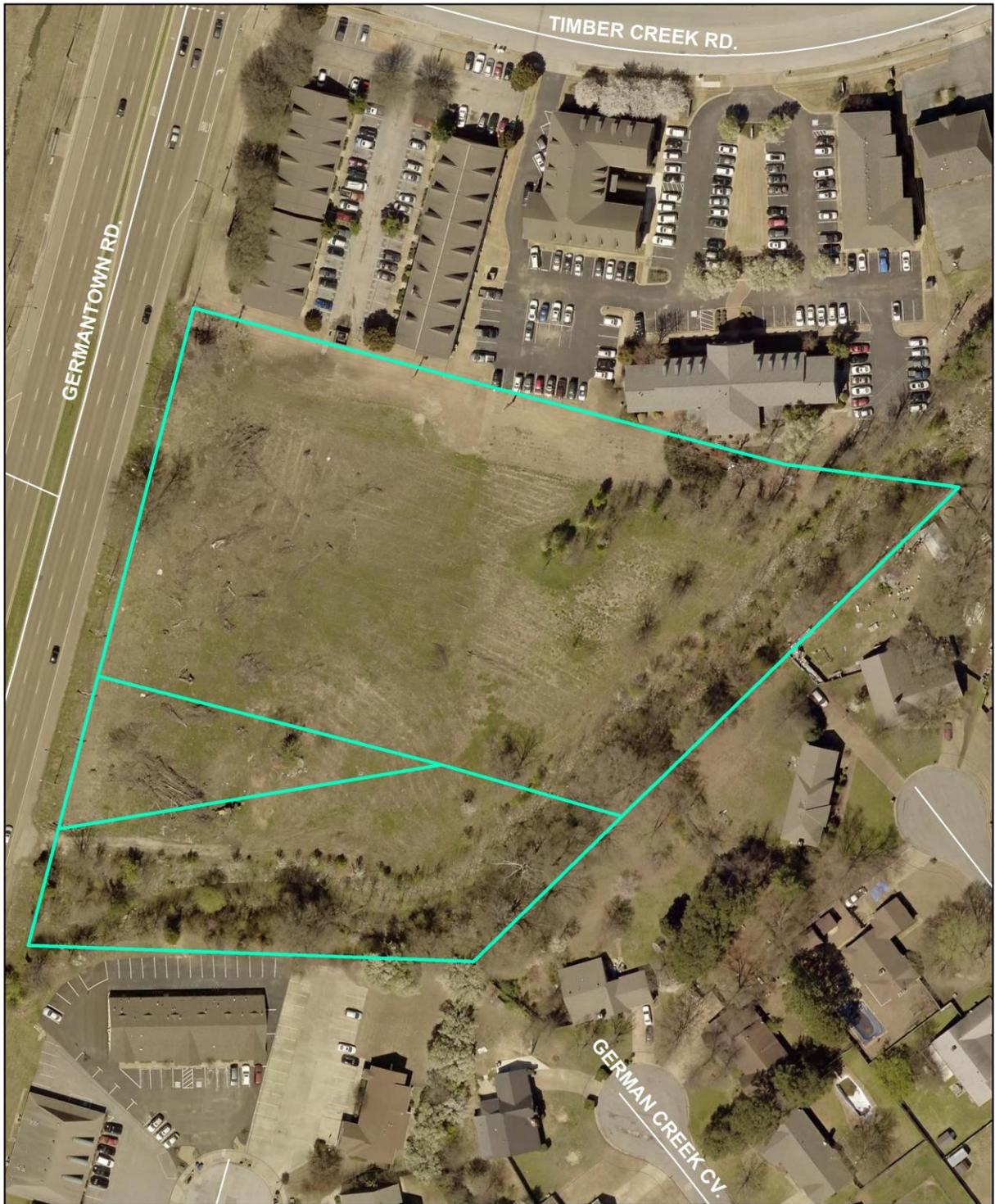
Staff Writer: *Gene Burse*

E-mail: gene.burse@memphistn.gov

SURROUNDING AREA

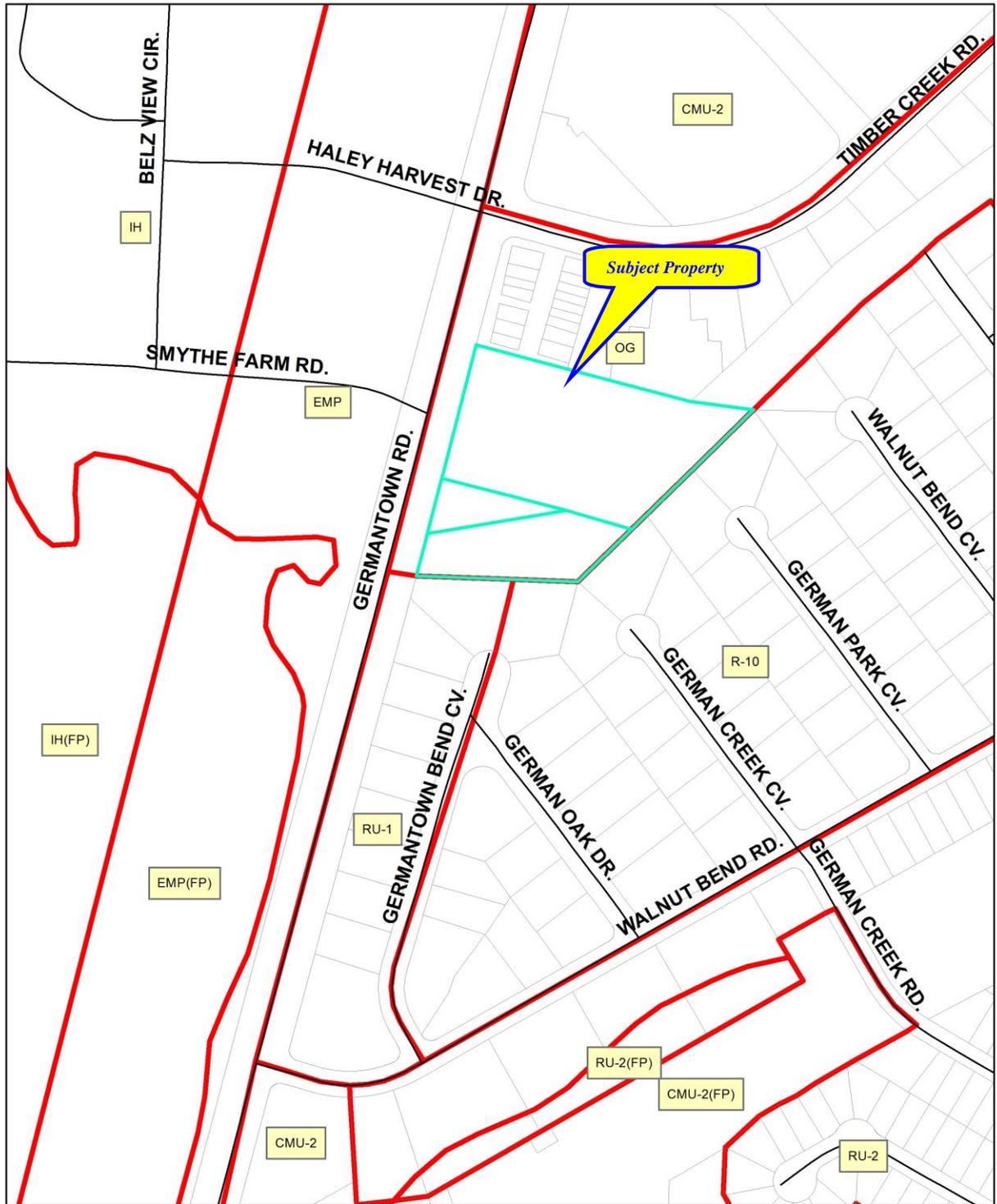


AERIAL OF SUBJECT SITE

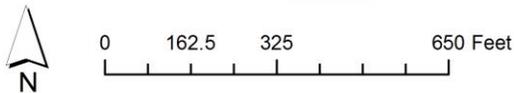
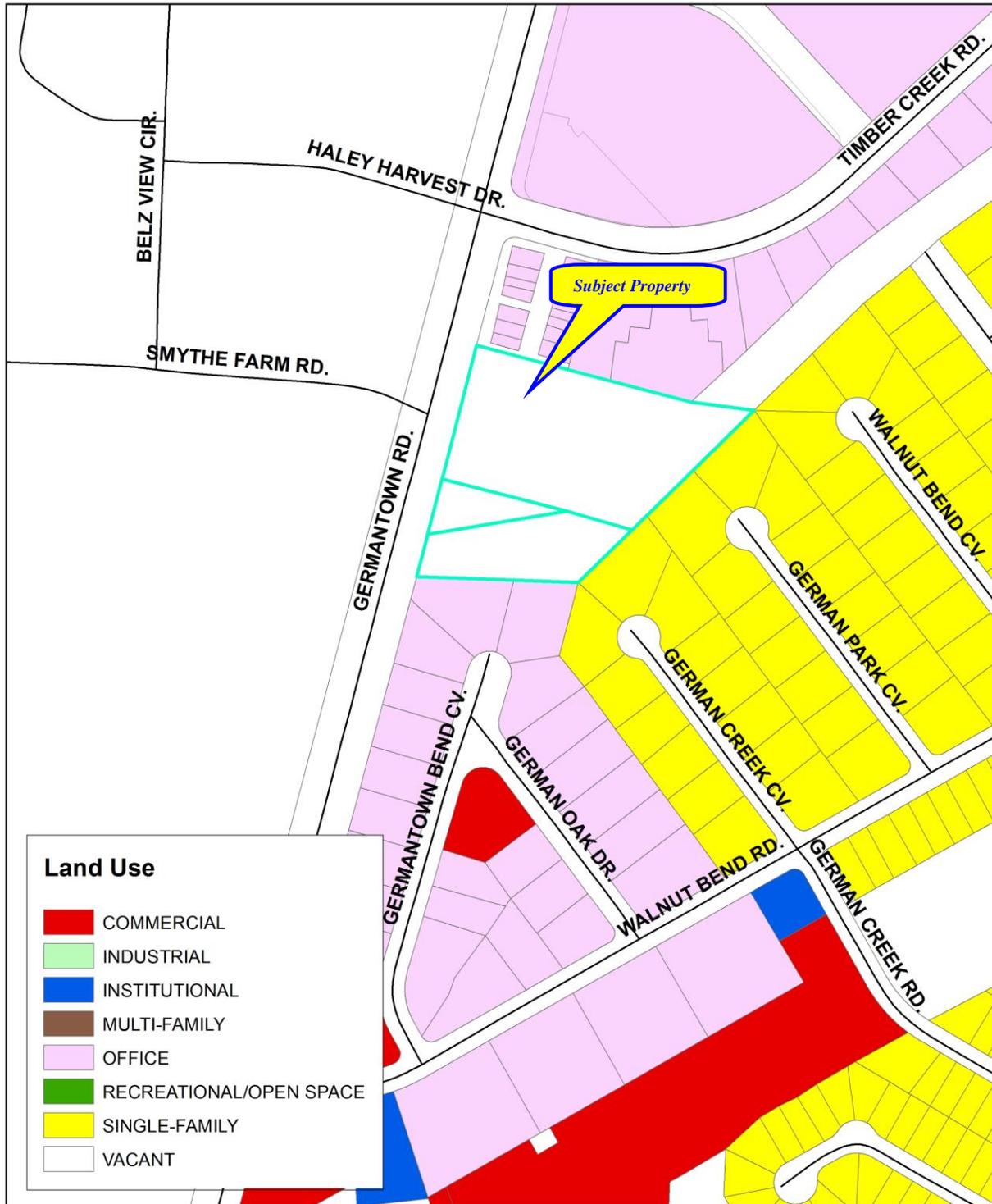


0 55 110 220 Feet

ZONING MAP



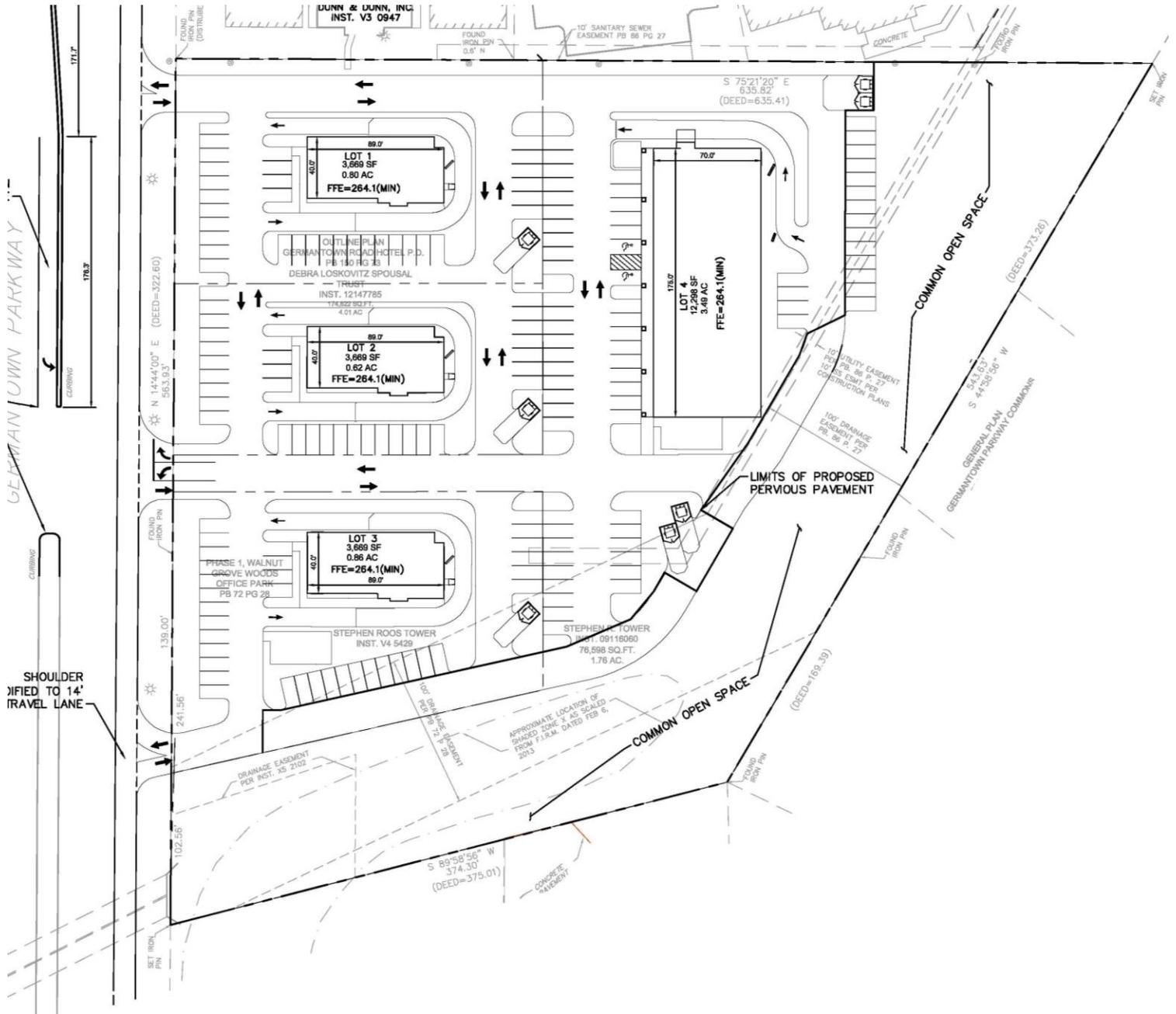
LAND USE MAP



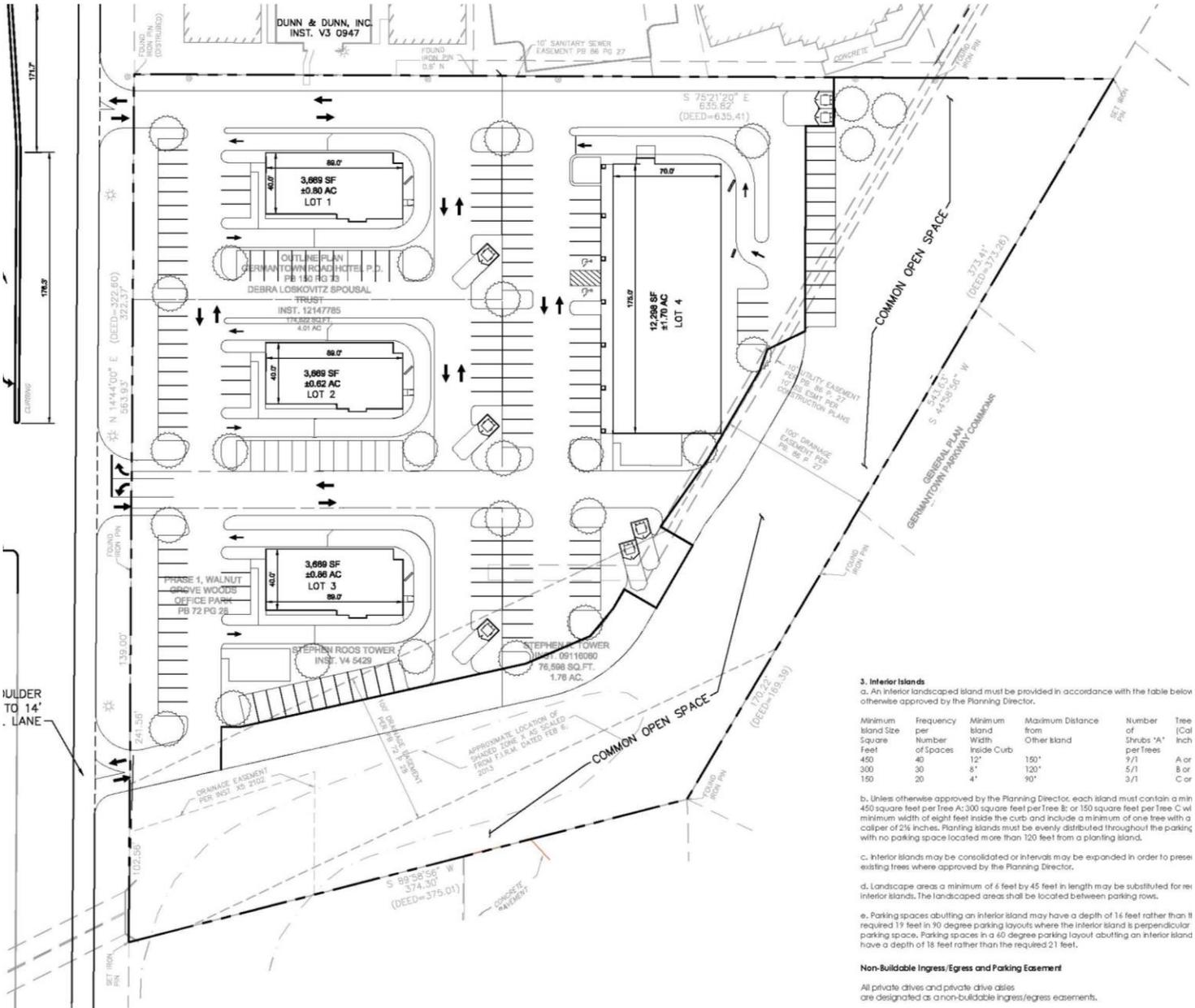
OUTLINE PLAN



CONCEPT PLAN



CONCEPT PLAN W/ LANDSCAPING



3. Interior Islands

a. An interior landscaped island must be provided in accordance with the table below otherwise approved by the Planning Director.

Minimum Island Size Square Feet	Frequency per Number of Spaces	Minimum Island Width Inside Curb	Maximum Distance from Other Island	Number of Trees 'A' per Trees	Tree Cal Inch
450	40	12"	150'	9/1	A or B
300	30	8"	120'	5/1	B or C
150	20	4"	90'	3/1	C or

b. Unless otherwise approved by the Planning Director, each island must contain a minimum of 450 square feet per tree A; 300 square feet per tree B; or 150 square feet per tree C with a minimum width of eight feet inside the curb and include a minimum of one tree with a caliper of 2 1/2 inches. Planting islands must be evenly distributed throughout the parking with no parking space located more than 120 feet from a planting island.

c. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Planning Director.

d. Landscape areas a minimum of 6 feet by 45 feet in length may be substituted for interior islands. The landscaped areas shall be located between parking rows.

e. Parking spaces abutting an interior island may have a depth of 16 feet rather than the required 19 feet in 90 degree parking layouts where the interior island is perpendicular parking space. Parking spaces in a 60 degree parking layout abutting an interior island have a depth of 18 feet rather than the required 21 feet.

Non-Buildable Ingress/Egress and Parking Easement

All private drives and private drive aisles are designated as a non-buildable ingress/egress easements.

SITE VISIT PHOTOS



NEIGHBORHOOD MEETING

The neighborhood meeting began at 6:00 pm and lasted until 6:18 pm. In attendance were Bob Turner – Owner/Applicant; Doug Windham – Owner/Applicant; Brenda Solomito Basar – Planner; Gene Bryan – Cordova Leadership Council; and Coy Haraway – Cordova resident and CPA. Items discussed were the uses, pedestrian/bike access and moving the three buildings closer with patios. Gene Bryan requested that auto rental agency be deleted – we agreed. Gene Bryan requested the buildings be moved forward and add patios if possible – we agreed. We discussed the design for an alternative pedestrian/bike path. Neighbors stated there were no other issues and the meeting closed at 6:18 pm.

NOTICE

Mailed notice was sent on Friday, October 28, 2016.

AFFIDAVIT

Shelby County
State of Tennessee

I, Bob Turner, being duly sworn, depose and say that at 4:00 am/pm on the 28 th day of October, 2016, I posted a Public Notice Sign(s) pertaining to Case No. PD 16-13 at east side of Germantown Parkway (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Bob Turner
Owner, Applicant or Representative
Bob Turner
11/1/2016
Date

Subscribed and sworn to before me this 1st day of November, 2016.

Brenda Solomito Basar
Notary Public
My commission expires 8/17



STAFF ANALYSIS

The subject property is a 5.76 acre tract of vacant land located at the east side of a six (6) lane major road, North Germantown Parkway, including a median and greater than 300 feet south of a major loop street, Timber Creek Drive. The site is within Shelby Farms-Germantown Planning District and the last remaining tract to be developed on this side of the major road. There is no curb, gutter or sidewalk at this side of the street. There are no overhead wires-only street lamps along the roadway. There are some mature trees to the front and to the rear of the subject property along the natural drainage way. A major drainage easement 100 feet in width, including a sanitary sewer easement 15 feet in width runs parallel to this natural drainage way.

The land use and zoning in the immediate area follows a traditional zoning pattern by separating single family residential from commercial with office district zoning that aligns with the natural drainage way. This site is located at the southern end of a wedge-shaped zoning pattern bounded by Walnut Grove Road to the north, Walnut Bend Road to the east and N. Germantown Parkway to the west. The zoning pattern is Commercial Mixed Use- 2 (CMU-2) at the major road intersection and developed as multi-story office developments known as Kroger Center Office Park.

This land use is followed by a buffer of Office General (O-G) District zoning along the southeast side of Timber Creek Drive which includes primarily two-story office buildings for doctors, brokers, home builders, financial and real estate agents, including a franchisee and the subject property. The land use to the northeast consists of single family homes in Residential Single Family (R-10) District zoning in Planters Grove Subdivision.

More significantly, directly across the drainage way to the southeast are single family homes in Germantown Parkway Commons Planned Development (PUD-R-O 92), including small one-story office developments south of the subject property. The land use across N. Germantown Parkway is primarily public land for Shelby Farms Show Place Arena, including a large restaurant building in Employment (EMP) and Heavy Industrial (I-H) District zoning.

The applicant is requesting to amend an existing planned development, PD 15-321, which was approved by the Land Use Control Board on September 10, 2015 and the Memphis City Council on October 20, 2015. This application seeks to do the following:

1. Include the Stephen R. tower property (Parcel ID 091113 00147 and Parcel ID Parcel ID 091113 00148)
2. Modify the outline plan conditions to accommodate specific users
3. Modify language permissions
4. Propose a specific plan of subdivision
5. Minor contextual changes

The Outline Plan illustrates four lots with appropriate Commercial Mixed-Use-2 (CMU-2) uses associated with service and retail commercial development. Such uses that the applicant is proposing are compatible with the character of the subject area.

Staff believes that with the implementation of the attached conditions the proposed development will not have a substantial or undue effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare. Staff also believes this application with conditions is in accordance with the approval criteria in Section 9.6.9 of the Unified Development Code for planned development.

RECOMMENDATION

Approval with Conditions

Additional language, as it relates to the approved conditions of case PD 15-321, is indicated in bold underline italics. Deletions are indicated in strikethrough.

CONDITIONS

I. PERMITTED USES

A. Only the following uses and the associated accessory uses are permitted;

1. Personal care home for the elderly
2. Nursing Home, Full-time Convalescent, Hospice, Assisted Living Facility, Residential Home for the Elderly, Independent Living Facility
3. Personal Care Home for the Elderly
4. Supportive Living Facility
5. Police, Fire, EMS Substation
6. Philanthropic Institution
7. Museum, Library
8. All other City or County-owned facilities
9. Supportive living facility
10. Hospital
11. Bed and Breakfast
12. Hotel or motel
13. Full service salon as a part of a hotel or exceeds 2,500 square feet

B. All offices, including but not limited to the following:

1. Professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, medical physical therapy, advertising, business management consulting, data processing, collection agency, real estate agent, insurance agent, or similar professional service
2. Call center
3. Bank, credit union, industrial loan and thrift, savings and loan, mortgage companies, investment or brokerage house, and other financial services
4. Counseling in an office setting
5. Government office

6. Photocopying, package shipping, blueprint office
7. Security office
8. Urgent care or emergency medical office
9. Utility office
10. Radio, TV, or Recording Studio
11. All Restaurants, including the following: i. Restaurant with sale of alcoholic beverages, brew pub
12. Pizza delivery facility
13. Restaurant, fast-food (including drive-through), take-out, yogurt or ice cream shop
14. Restaurant, drive-in, **drive thru**

C. Sales-oriented Retail

1. Stores selling, leasing or renting consumer, home, and business goods including antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, dry goods, electronic equipment (~~excluding stores explicitly for cell phone sales/services~~), **Nationally recognized cellular, internet and equipment sales**, fabric, firearms, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, musk, musical instruments, pet supplies (excluding sale of pets), pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, videos, and related products
2. Art or photo studio, gallery
3. Consignment store
4. Photo finishing pickup station, photo finishing by computer and retail sales
5. Bakery, retail

D. Service-oriented Retail

1. Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care
 2. Dance, martial arts, music studio or classroom, personal trainer or gym
 3. Catering establishment, small-scale
 4. Cleaning establishment, dry-cleaning or laundry drop-off facility, cleaning, pickup station
 5. Quick-sign service, printing and publishing
 6. Post office
- E. Repair-oriented Retail
1. Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, Upholsterer, locksmith
- F. All parks and open areas (except cemetery, mausoleum, columbarium, memorial park; game preserve, wildlife management area, refuge, animal sanctuary)
- G. Recreation field, with or without lights
- H. All places of Worship
- I. All minor utilities
- J. Adult day-care program
- K. Group Day Care Home (5 to 12 persons)
- L. Child Care Center (13+ persons)
- M. Drop-in Child Care Center (15+ persons) aa. Nursery, School, Preschool
- N. Academy (special training)
- O. College, Community College, University dd. School, Public or Private (K-12)
- P. School, Trade, Vocational, Business

Q.

II. The following uses shall not be permitted:

- A. Boarding house, single room occupancy
- B. Rooming house
- C. Fraternity, sorority, dormitory
- D. Commercial parking
- E. Pawnshop
- F. Retail sales outdoor (vendor), flea market
- G. Tattoo, palmist, psychic, or medium
- H. Tractor-trailer (fueling of)
- I. Payday Loan, flexible lending or title loan establishment
- J. Bar, tavern, or nightclub
- K. Temporary **Construction** Labor Employment Facility
- L. Tobacco, Vapor Sales
- M. Auto Sales, Services
- N. Free standing retail less than eight-thousand (8,000) square feet

III. BULK REGULATIONS

- A. All bulk regulations shall be in accordance with CMU-2 District Regulations, except that a four story hotel may be permitted.
- B. Setback minimums
 1. Front (street): 20 feet from the ROW.
 2. Side/rear (abutting single-family): 10 feet
 3. Side/rear abutting multi-family, nonresidential, or alley: 5 feet

4. Any front and side setbacks may be reduced to zero feet, provided the certain provisions are met for any portion of the building facade that comes within 20 feet of the front or sideproperty line per UDC Section 3.10.2.B.1.

IV. CIRCULATION, ACCESS AND PARKING

- A. Parking and/or loading spaces shall be illustrated on the final plat and shall conform to the elements of the Unified Development Code that is in place at the time a final plat is filed, with exceptions permitted according to these conditions.
- B. Curb cuts shall be permitted as illustrated on the outline plan.
- C. A traffic study is required if the developer desires a full movement curb cut and a median opening on Germantown Parkway. Otherwise, a right in, right out shall be permitted. Any median modification to North Germantown Parkway shall be at the developer's sole expense.
- D. Minimum parking requirements
 1. Parking requirements may be reduced by shared parking provisions arranged between establishments within the planned development and approved by OPD.
 2. A minimum of four (4) bicycle parking spaces will be provided within the area of the planned development.
 3. Parking shall be in accordance with the regulations for the appropriate use being considered.
 4. Handicap parking spaces and ramps shall be provided in accordance with ADA standards.
- E. Common ingress/egress easements shall be shown on the final plats.
- F. Internal access to the adjacent parcel to the south shall be provided. An internal vehicular access point and Ingress/Egress easement shall be provided between the Tower property to the south and the curb cut on Germantown Parkway, being more particularly located in the required front yard as shown on the outline plan.
- G. The City Engineer shall approve the design, and location of curb cuts.

1. Improve Germantown Road with curb, gutter ~~and sidewalk~~ and one additional 14' wide lane with appropriate tapers in accordance with City of Memphis standards.
2. The proposed median modification shall be in the general location shown on the outline plan and appropriate taper for the left turn bay shall be at least 100feet long.
3. The curb opening onto Germantown Parkway shall be aligned with the median opening.
4. The median modification to Germantown Parkway shall be at the developer's expense.
- ~~5. One curb cut along the Germantown Parkway frontage will be permitted.~~
6. The City Engineer shall approve the design, number and location of curbcuts.
7. The developer shall provide a mutual ingress egress easement to the Tower property to the south to ensure that the Tower property has access. The access shall be located generally along the front drive aisle across the restaurant site.
8. 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').
9. An internal driveway stub shall be provided for the property to the south.

V. STREETSCAPES AND LANDSCAPING

- A. Streetscape Plate S-8 or equivalent alternative, modified to 15' and exclusive of sidewalk, shall be installed and maintained along Germantown Parkway.
- B. A detailed streetscape/landscape plan shall be submitted on any final plat which shall be reviewed and approved by the Office of Planning and Development for conformance with the Outline Plan Conditions.
- ~~C. A Class II buffer shall be provided along the south property line, abutting OG zoning uses.~~
- D. All landscaping is in addition to and exclusive of any required easements and shall be designed so as to not interfere with said easements.

- E. Existing trees shall be preserved wherever feasible. A NOI shall be filed with the Office of Planning and Development no less than 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- F. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- G. Lighting shall be directed so as not to glare onto adjacent property.

V. SIGNS

- A. The location of detached signs shall be shall be illustrated on the final plat.
- B. Signage shall be constructed in accordance with 4.9.7D Standards for Signs in the Mixed Use Districts **except one additional sign may be permitted along the Germantown Parkway frontage for each outparcel.**
- C. No temporary, portable, neon, flashing or message board signs shall be permitted.

VI. DRAINAGE

- A. All drainage plans shall be submitted to the City or County Engineer for review.
- B. Drainage improvements, including possible on-site detention, shall be provided under a standard subdivision contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- C. A private drainage easement/unbuildable area/common open space along the major drainage way along the east property line must be provided consistent with drainage plans approved by the City Engineer.

- VII. The Land Use Control Board may modify the bulk, access, 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 (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

VIII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.

A. The Stephen Tower property may be added to the Planned Development by filing a correspondence application for approval of the Land Use Control Board with notification to the property owners within five-hundred (500) feet and re-record the Outline Plan to show the additional property and Stephen Tower shall sign an owner certificate.

B. No Building permit shall be issued for the lots shown on the Outline/Final Plan without final site plan approval by the Office of Planning and Development and recorded in the Shelby County Registers Office. The grading and drainage, sewer plan and utility plan for each lot must be submitted to the city engineering office during the site plan approval process to ensure the lots are in compliance.

IX. Any final site plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:

- A. The Outline Plan conditions.
- B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or privates of any easement.
- D. 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. SITE PLAN REVIEW

- A. A site plan shall be submitted for the review and approval of the Office of Planning and Development for compliance with the outline plan conditions. ~~If a restaurant with drive thru is proposed, it can only be added to planned development by way of amendment with site plan approval by the Memphis City Council.~~
- B. The site plan shall include the following:
1. The location of all existing and proposed public roadways on or adjacent 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 protect plants during construction.
 8. Internal circulation between adjacent phases, lots, and sections.
Common ingress/egress easements shall be shown on the final plats.
- XI. 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.

GENERAL INFORMATION

Zoning Atlas Page: 2150

Parcel ID: (Parcel ID 091113 00146, Parcel ID 091113 00147 and Parcel ID Parcel ID 091113 00148)

DEPARTMENTAL COMMENTS

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

City/County 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.

Roads:

1. Improve Germantown Road with curb, gutter and **sidewalk** and one additional 14' wide lane with appropriate tapers in accordance with City Of Memphis standards.
2. The proposed median modification shall be in the general location shown on the outline plan and appropriate taper for the left turn bay shall be at least 100 feet long.
3. The curb opening onto Germantown Parkway shall be aligned with the median opening.
4. The median modification to Germantown Parkway shall be at the developer's sole expense.
5. This development does not appear to be effected by a project that has been identified by TDOT or the MPO on the LTRP to receive future improvements. However, the applicant is advised to inquire with the MPO, MATA, TDOT and any adjacent railroad authority regarding any future projects that may impact this site.

Traffic Control Provisions

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event

that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.

7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number fo projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for land Development of the City of Memphis Division of Engineering Design and Policy Review Manual.

Curb Cuts/Access:

9. One (1) curb cut along the Germantown Parkway frontage will be permitted.
10. The City Engineer shall approve the design, number and location of curb cuts.
11. 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').
12. 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.

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.

General Notes:

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

18. 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.

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

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

City/County Fire Division: No comments received.
City Real Estate: No comments received.
City/County Health Department: *No comments by the Water Quality Branch & Septic Tank Program.*
Shelby County Schools: No comments received.
Construction Code Enforcement: No comments received.
Memphis Light, Gas and Water:

- **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. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**:
<http://cp.mcafee.com/d/FZsScz8A83hJ5wsUqehPBSnzpJ5555xZdZNASyyyyM-CUyyrdCPqLGH4Vkd3ydj9JMQsCzAQsyHb33MG-W--DtCUGOzW8GM-M-aL9ELyHJAHP8V0wgu7fCPpISr01aDAj7bUgrAuxYqovI4dwwHGOQE4jpJcQsFCPtPqpJUTsTsSyrh>
- **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, without prior MLGW approval.
- **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 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.

- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW 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 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application 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.

Neighborhood Associations:

No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

Page 1

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: September 30, 2016

Case #: Formerly PD 15-321

PD 16-13

PLEASE TYPE OR PRINT

Name of Development: 200 Germantown Parkway Planned Development (Formerly Germantown Hotel PD)

Property Owner of Record: See Attached Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Property Owner E-Mail Address: _____

Applicant: 200 Germantown Parkway LLC Phone # 901-755-7708

Mailing Address: 780 Ridge Lake Blvd, Suite 202 City/State: Memphis, TN Zip 38120

Applicant E- Mail Address: contact Bob Turner - bturner@southernprop.net

Representative: Brenda Solomito Basar - Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 2067 Kirby Parkway City/State: Memphis, TN Zip 38119

Representative E-Mail Address: brendasolomito@bellsouth.net

Engineer/Surveyor: John Perry, P.E Kimley-Horn Phone # 901-374-9109

Mailing Address: 6625 Lenox Park Drive, Suite 117 City/State: Memphis, TN Zip 38115

Engineer/Surveyor E-Mail Address: john.perry@kimley-horn.com

Street Address Location: 0 Germantown Parkway

Distance to nearest intersecting street: _____

East side of Germantown Parkway, approx 315' to centerline of Timber Creek Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>4.01 ac</u>	<u>.46 acres</u>	<u>1.29 acres</u>
Existing Zoning:	<u>PD 15-321</u>	<u>O-G</u>	<u>O-G</u>
Existing Use of Property	<u>Vacant</u>	<u>Vacant</u>	<u>Vacant</u>
Requested Use of Property	<u>Amended PD</u>	<u>Commercial PD</u>	<u>Commercial PD</u>

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A

LETTER OF INTENT (PAGE 1)

Solomito Land Planning

Zoning
Master Planning
Land Development Consultant
Due Diligence
Project Management
Subdivision Coordinator

September 30, 2016

Mr. Josh Whitehead
Planning Director
125 North Main St., Room 468
Memphis, TN 38103

PD 16-13

RE: Application for Planned Development Amendment – 200 Germantown Parkway PD
Formerly Germantown Hotel PD and Germantown Market PD
East side of Germantown Parkway, +/- 315' south of the centerline of Timber Creek Dr.

Dear Josh,

We are pleased to submit an Application for Planned Development on behalf of 200 Germantown Parkway LLC, the developers of the 5.76+/- acre parcel of property on the east side of N Germantown Parkway, approximately 315' south of the intersection with Timber Creek Drive. The previously approved PD established new retail and commercial uses consistent and appropriate to its location along North Germantown Parkway.

The purpose of this Planned Development amendment is multi-faceted. This application:

- Seeks to include the Stephen R. Tower property located to the south;
- Modify the outline plan conditions to accommodate specific users;
- Modify signage permissions;
- Propose a specific plan of subdivision; and
- Minor contextual changes.

As illustrated on the attached plan set, we are requesting site plan approval of four lots with associated service and retail commercial development on each. The proposed uses are in compliance with CMU-2 uses that are appropriate for this site and complementary to the neighborhood. We continue to excluded uses that are not appropriate or that are not conducive. Additionally, we have coordinated efforts with the Shelby Farms Park Conservancy on the proposed median opening and full movement curb cut.

Section 2.2.3 C2 of the UDC states that the *CMU-2 district is intended to provide for commercial, office, and employment uses that serve through traffic as well as surrounding neighborhoods... Uses in this district are intended to be located within convenient traveling distance from the multiple neighborhoods they are designated to serve.* This section reads as a fitting prescription for the subject property. The site sits along a major arterial for the county—a thoroughfare that serves to connect a multitude of neighborhoods and various uses. Furthermore, the planned development is poised to serve a local neighborhood to the east as well as office uses to the north and south. Shelby Farms and the Agricenter, across from Germantown Parkway to the west, draw people who the commercial center will also serve.

The applicant's outline plan conditions and the site plan are tailored to ensure development compatibility with surrounding land uses. We are confident our proposal for planned development will appropriately address Section 4.10.3 of the UDC (see attached for more details):

2067 Kirby Parkway • Memphis, TN 38119
Tel. (901) 755-7495 • brenidasolomito@bellsouth.net

LETTER OF INTENT (PAGE 2)

- Given the property's proximity to single-family residential uses, all prohibitive distance requirements of the UDC will stand to guide uses.
- Primary entrances and exits of buildings will not be directed east, where single-family residential uses exist across from a drainage way. Business patrons will arrive and exit on North Germantown Parkway.
- UDC section 4.9.7D Standards for Signs in the Mixed Use Districts will regulate signs, and they too will be directed toward North Germantown Parkway. No temporary, portable, neon, flashing or message board signs shall be permitted.
- Lighting type and location will be chosen so as not to glare onto adjacent properties.
- A Class II buffer shall be provided along the south property line, abutting OG zoning uses.
- All common areas and 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.
- All landscaping, lighting, and sign plans shall be submitted to the Office of Planning and Development for review.

The site's location, history, and surroundings warrants modification to the existing district standards. Rather than unduly injure or prohibit the use, value, enjoyment, or development of surrounding properties, the proposed planned development will support them. We look forward to working with you to ensure the development's consistency with the public interest.

Thank you for your time and attention to this request. Please do not hesitate to call if you have any questions.

Sincerely,

SOLOMITO LAND PLANNING



Brenda Solomito Basar
Land Planner