

STAFF REPORT

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CASE NUMBER: PD07-328 (Corr.) **L.U.C.B. MEETING:** May 10, 2012
(This case will be converted to PD12-308)

DEVELOPMENT NAME: Billy May Planned Development

LOCATION: South side of U.S. Highway 64; +2,292 feet west of Collierville
Arlington Road

COUNCIL DISTRICT 3

SUPER DISTRICT 9

OWNER OF RECORD/APPLICANT: Billy May

REPRESENTATIVE: McCaskil & Associates, Inc. (Tim McCaskill)

REQUEST: To modify the existing Planned Development to allow outdoor sales in areas A and B and to approve a two (2) year time extension.

AREA: 2.59 acres

EXISTING LAND USE & ZONING: One single family home and associated accessory buildings in the Agricultural (AG) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval with Conditions

Staff Writer: Gregory Love

Email: gregory.love@memphistn.gov

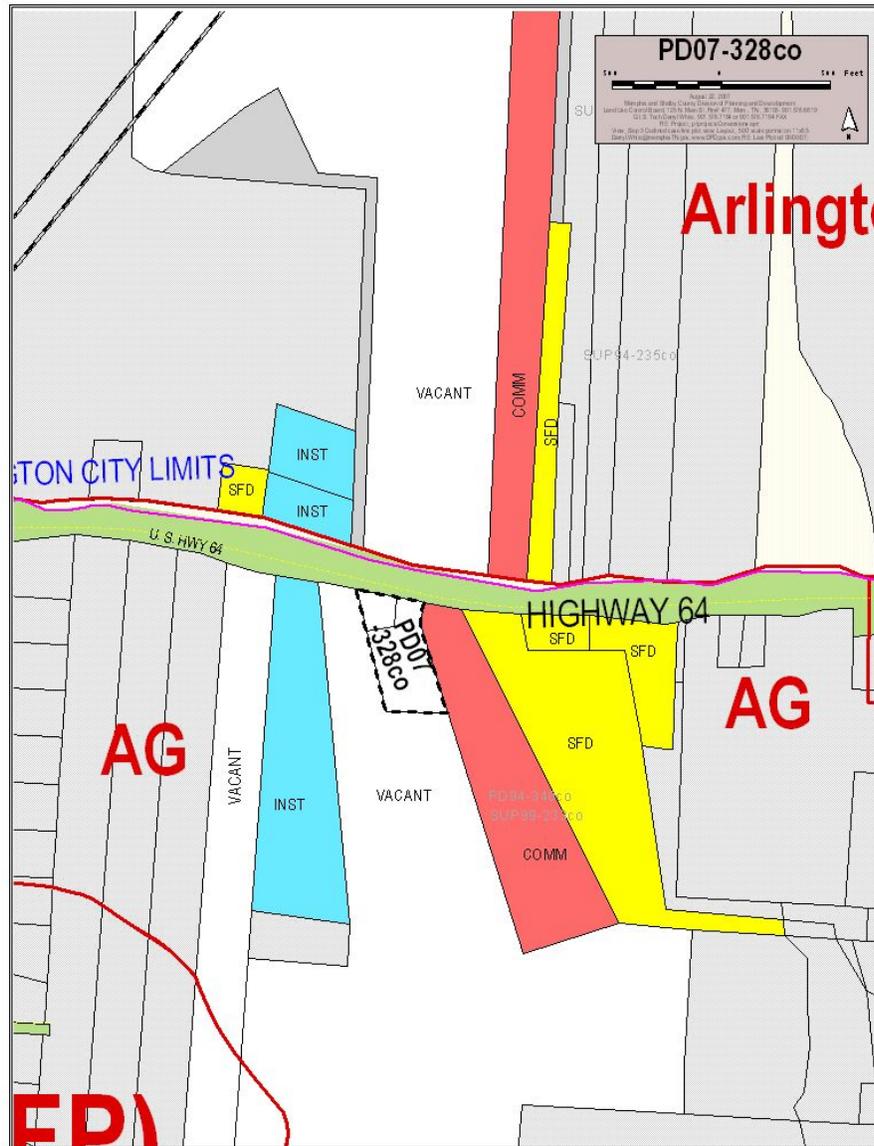
CONCLUSIONS

This application requests to amend the existing Planned Development, approved by the Memphis City Council on December 18, 2007 to allow "outdoor storage". This application also requests that the current concept plan with an expiration date of December 18, 2012 be extended two (2) additional years.

The subject site is situated along Highway 64 just west of Collierville-Arlington Road and is currently zoned Conservation Agriculture which does not allow typical commercial uses. However, over time this area has taken on a more commercial nature and has various examples of commercial development within close proximity to the subject site. This evident commercial trend along with Paul Barret Parkway being just to west suggests that the applicant's proposed concept plan including commercial development is fitting for the projected growth of this section of Highway 64.

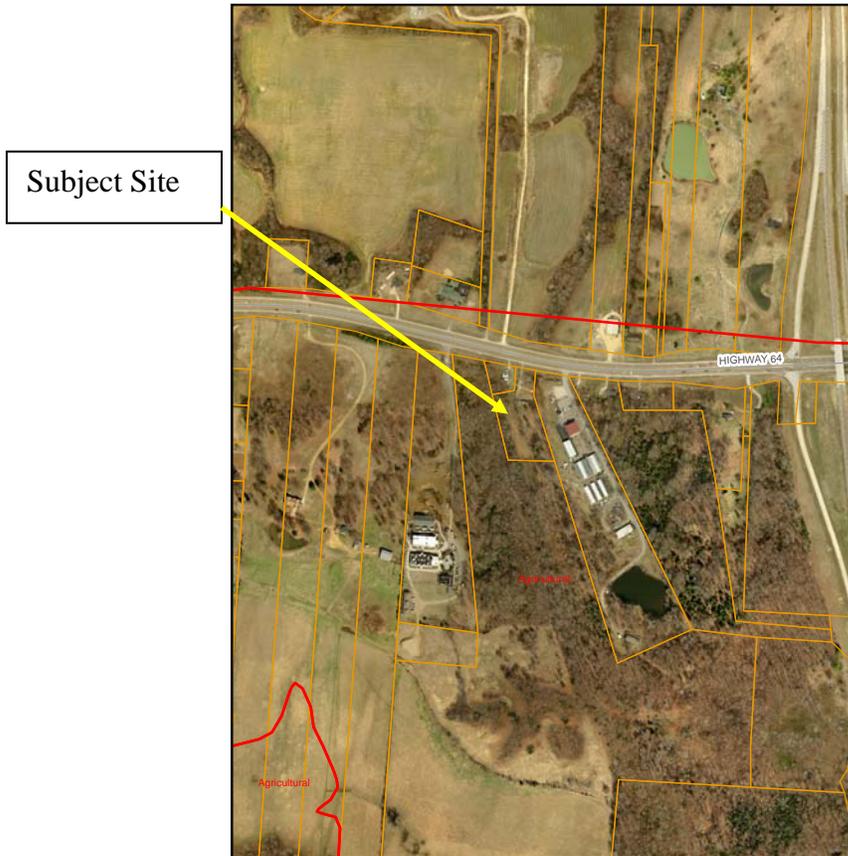
The requested time extension is merited as the projected trends for this area are indeed more intense than what is allowed within the underlying Agricultural Zoning District. It is improbable that this area, for the foreseeable future, would revert to a primarily agricultural land use.

LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

- North** Vacant land, vacant county school site, and commercial uses in the City limits of the City of Arlington
- South** Vacant land in the Agricultural (AG) District
- East:** Contractor's Office in the Agricultural (AG) District overlaid by the Herb Ferrell Planned Development (Plat Book 148, Page 54)
- West:** Vacant land and the India Cultural Center & Temple (Institutional use) in the Agricultural (AG) District



Existing building on subject site along the south side of HWY 64



Outdoor storage material (wooden accessory structures/sheds)



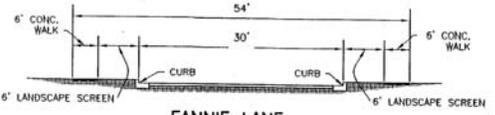
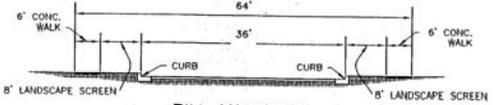
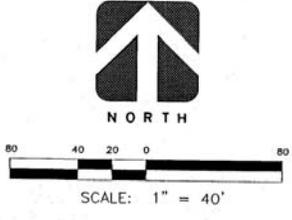
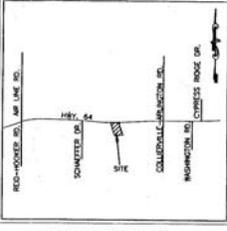
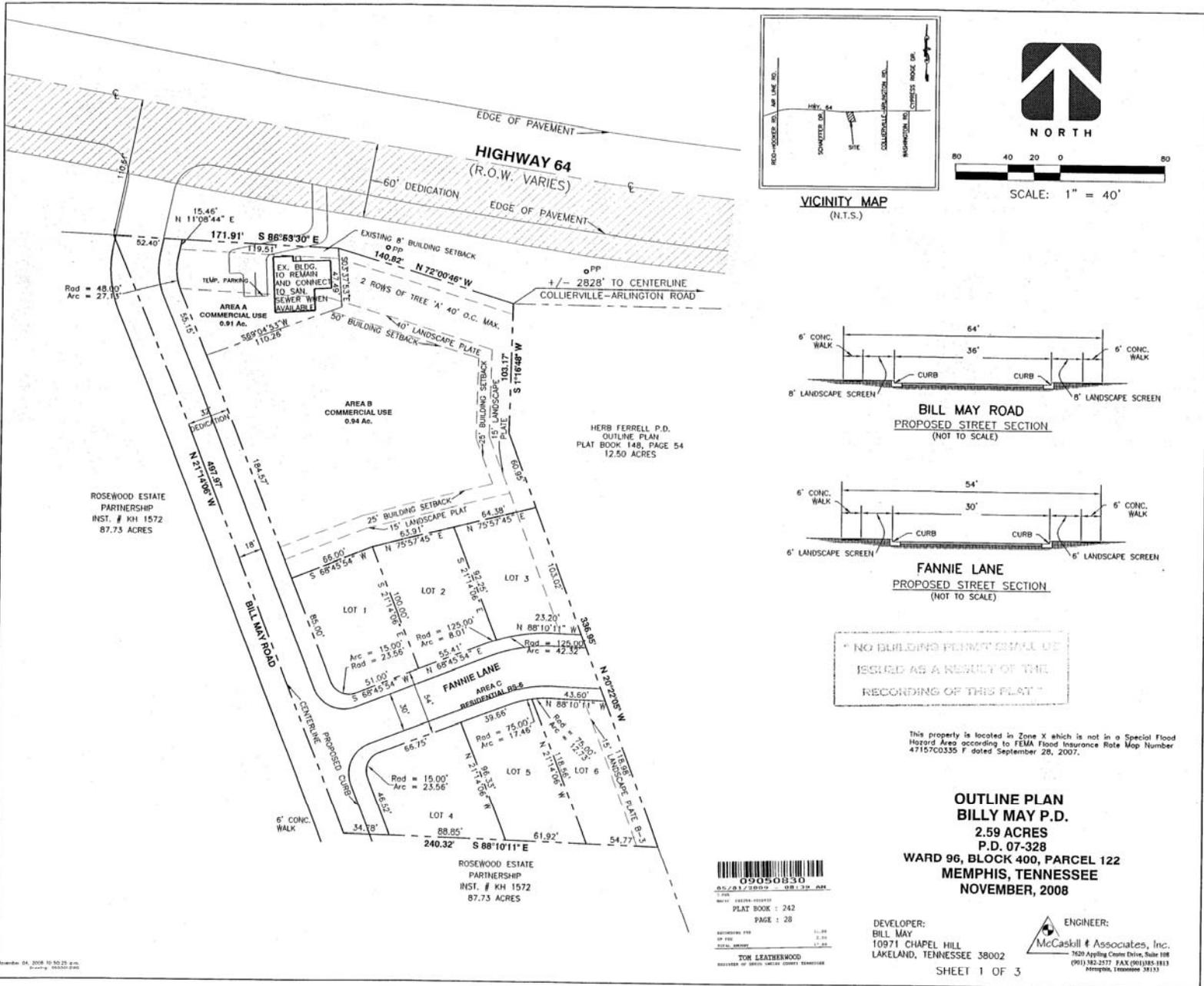
View of HWY 64 facing east



View of HWY 64 facing west



Outline Plan



NO BUILDING PERMIT SHALL BE
ISSUED AS A RESULT OF THE
RECORDING OF THIS PLAT

This property is located in Zone X which is not in a Special Flood Hazard Area according to FEMA Flood Insurance Rate Map Number 47157C0335 F dated September 28, 2007.

OUTLINE PLAN
BILLY MAY P.D.
2.59 ACRES
P.D. 07-328
WARD 96, BLOCK 400, PARCEL 122
MEMPHIS, TENNESSEE
NOVEMBER, 2008

09050830
PLAT BOOK : 242
PAGE : 28
RECORDED FEB 11 2009
TOTAL SHEETS 17-22
TON LEATHERWOOD
RECORDED BY BRUCE LARSON COUNTY ENGINEER

DEVELOPER:
BILL MAY
10971 CHAPEL HILL
LAKELAND, TENNESSEE 38002

ENGINEER:
McCasull & Associates, Inc.
7620 Applying Center Drive, Suite 108
(901) 382-2577 FAX (901) 382-1943
Memphis, Tennessee 38133

STAFF ANALYSIS

Site Characteristics

The subject site comprises approximately 2.6 acres of land and is located along the south side of Highway 64 just west of Collierville-Arlington Road. The property is within the Gray's Creek Plan area and is just south of the city limits of Arlington. The India Cultural Center and Temple of Memphis is located west of the site and a landscaping materials company with outdoor storage abuts the property to the east. The landscaping materials company was allowed with the approval of the Herby Ferrell Planned Development (Plat Book 148, Page 54).

Request

To modify the existing Planned Development to allow outdoor sales in areas A and B and to approve a two (2) year time extension.

Conclusion

This application request to extend the time limit on the original Planned Development approved by the Memphis City Council on December 18, 2007 and to add "Outdoor Storage" to the list of allowed uses.

The Gray's creek plan recommends that commercial development occur within commercial nodes such as the intersection of Highway 64 and Chamber Chapel Road, designated as a Commercial Center and the intersection of Highway 64 and Collierville Arlington Road designated as a Regional Commercial Center.

Although these areas have been specifically identified, the character of the subject site is also suitable for commercial land uses now and into the foreseeable future. There are several commercial developments near the subject site and Paul Barret Parkway being just to the west adds to the logic of this site being suitable for commercial land uses.

Furthermore, there are several near by land uses that are commercial in nature and somewhat similar in character to the subject site and its requested land uses, such as the Rockgate PD just west of the site at Highway 64 and Reid Hooker Road, the Dewitt PD east of the subject site that allows a contractor's yard and outdoor storage, and finally the Herb Farrell PD abutting the subject site to the east that allows for a contractors building.

Initially the site had additional buildings situated on the lot and the existing septic system required updates if they were to remain and if further development was to occur. It appears that one of the structures has been removed as conditioned in the initial Planned Development approval; however, a mobile home remains. The site plan does not illustrate the mobile home as a result it should be removed prior to approval of the final plan. All revised conditions as recommended by this report are in **Bold**.

There was no detailed site plan illustrating the location for the proposed outdoor sales merchandise therefore a separate site plan review application shall be submitted for approval by the Land Use Control Board for the outdoor sales.

RECOMMENDATION: Approval with conditions

OUTLINE PLAN CONDITIONS:

I. USES PERMITTED

A. AREAS "A":

1. The existing house within Area "A" shall be temporarily used as a Real Estate Office. Upon the removal of the existing structure Area "A" shall become a non-buildable landscape easement.
2. The existing structure in Area A shall be abandoned and demolished within 30 days after a use and occupancy permit is issued for any new building within the planned development.

3. Outdoor Retail Sales

B. AREA "B":

1. **Outdoor Retail Sales**
2. C-P uses shall be permitted in accordance with the Zoning Ordinance, excluding the following uses:
Adult Entertainment
Beverage Container Collection Center
Automobile service station
Garage, commercial
Gasoline Sales
Pawn Shop
Vehicle wash

- C. AREA "C"** R-S6 uses shall be permitted in accordance with the Zoning Ordinance.

II. BULK REGULATIONS: The bulk regulations of the applicable zoning districts shall apply except as follows:

- A. AREA "A":** Setbacks for the existing house shall be as shown on the approved outline/final plan until its permanent removal.

- B. AREA "B": Minimum building setbacks from
 - Highway 64 = 50 feet
 - Proposed interior street = 0 feet
 - East and South property line = 25 feet

III. ACCESS AND CIRCULATION

- A. Dedicate 60 feet from centerline of Highway 64 and improve in accordance with Subdivision Regulations. Typical improvement to this portion of Highway 64 may include the addition of a third lane and a 10-foot wide paved shoulder.
- B. One curb cut along the Hwy 64 frontage shall be permitted, located generally in accordance with the proposed site plan. Upon redevelopment of this site with the new retail/office and/or residential uses, no access to Highway 64 shall be permitted to site.
- C. Provide approved names for all streets reflected on the outline plan.
- D. The City Engineer shall approve the design, number and location of curb cuts on all streets. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- E. An internal north/south public street (50 foot ROW) shall be constructed with 36 feet of pavement width which includes two-11 foot wide travel lanes, one 10 foot wide continuous turn lane, and 6-30 curb and gutter along both sides. The right-of-way shall also include an eight foot wide streetscape screen along both sides of the street with a six foot wide sidewalk behind the street trees. A detail diagram of the ROW cross-section shall be shown on the outline/final plat.
- F. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, SIGNS AND LIGHTING

- A. Landscaping, as shown, shall be included for site plan review for Areas "A", "B", & "C".
- B. The subject property shall comply with the Tree Ordinance and the Tree Preservation Plan as submitted by the applicant. A copy of the Tree Preservation plan shall be submitted with the NOI and outline plan.
- C. All existing mature trees on the perimeter of the property including slopes, natural features and vegetation shall be maintained to the extent possible

and incorporated into the final plan of development. The disturbance of these natural features shall be kept to a minimum.

- D. The streetscape plate detail as shown on the concept plan (or approved equivalent, acceptable to Office of Planning and Development) shall extend along the entire frontage of the newly proposed interior street.
- E. Additional landscaping shall be incorporated in all sections of the site with the parking lots screened from view of the public ROW and adjacent residential used or zoned properties.
- F. Signs shall be in accordance with the applicable zoning regulations for each area and incorporated into the landscape entrance plan or approved alternative and reflected on the final plat of the appropriate phase of development.
- G. All lighting shall be directed so as not to glare onto adjacent properties or into the intersections of public roads.
- H. Upon the removal of the existing structure on this site, Area "A" shall become a non-buildable landscape easement and additional planting shall be installed to fill in any gaps in the streetscape screen.

V. SEWERS

- A. The developer shall extend sanitary sewers through the site to serve upstream properties.
- B. The developer shall construct dry sewers within the boundaries of this project for future connection to the interceptor and upstream properties, at his sole expense.
- C. The existing structure (house) in Area "A" may be approved for temporary septic system usage subject to the approval of the Memphis and Shelby County Health Department until such time as the sanitary sewer is connected to an active line and a final plat is recorded for any phase of development containing either the new retail/office or residential uses.
- D. If the existing house is allowed to remain and utilize septic tank, than it shall be temporary in nature. Sanitary sewers must be provided to serve this site prior to the recordation of any phase of development containing either the new retail/office or residential uses.
- E. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.
- F. Required landscaping shall not be placed on sewer or drainage easements

VI. DRAINAGE

- A. An overall drainage plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plan.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. 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.

VII. SITE PLAN REVIEW:

- A. Area "A" shall be recorded as the first of phase of development to permit the temporary use of the existing structure as a real estate office.
- B. Administrative Site Plan Review shall be required by the Office of Planning and Development prior to the submission of a final plat. The applicant may appeal the staff's decision to the Land Use Control Board within 10 days for all other permitted uses. **Outdoor retail sales in areas A and B shall require approval of a site plan by the Land Use Control Board with public notice to adjacent property owners.**
- C. The site plan shall include the following information:
 - 1. The location of all existing and proposed public roadways on or adjacent to the property.
 - 2. The dimensions, area, shape, orientation, and configuration of all retail/office buildings and lots, location of service areas.
 - 3. The location of buildable areas on residential lots, pedestrian and utility easements and required landscaping and screening areas.
 - 4. The location of public streets and internal private drives and the number and general location of curb cuts and utility easements.
 - 5. The design of all attached and detached signage.
 - 6. An exterior lighting plan.

7. Provide a landscape planting plan identifying proposed planting location, and species of trees and shrubs.
 8. All building elevations and materials.
- D. The site plan shall be reviewed based upon the following criteria:
1. Conformance with the outline plan conditions and the standards and criteria for commercial planned developments contained in the Zoning Ordinance and Subdivision Regulations.
 2. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 3. Compatibility in character, building style, building materials and color of the overall development.

VIII. OTHER

- A. The applicant shall submit a residential concept plan for Area “C” prior to this application being forwarded to the legislative bodies for final action.
- B. The existing mobile home shall be removed from the site prior to final plan approval**
- C. The Land Use Control Board may modify the building bulk standards, access and circulation, parking, landscaping, signage and 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 Planning and Development to have such action reviewed by the Appropriate Governing Bodies.

IX. TIME LIMIT

A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions, subject to the additional conditions and standards, if any. **This Special Use Permit shall expire on January 1, 2015.** A request for a time extension shall be filed a minimum of 45 days prior to the expiration date.

- X. FINAL PLANS:** Any final plan shall include the following:
- A. The Outline Plan Conditions

- B. Standard Subdivision Contract as required by the Subdivision Regulations for any required public improvements.
- C. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, and required landscaping and screening for this development.
- D. The location, ownership, whether public or private of any easement.
- E. All common open areas, drainage detention facilities, private streets, private sewers, and private drainage systems shall be owned and maintained by a property owner's association. A statement to this effect shall appear on the final plat.
- G. The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater 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 owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the City 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.

GENERAL INFORMATION

- Street Frontage:** Along the south side of HWY 64, 2828 feet west of Collierville Arlington Road.
- Planning District:** East Central Shelby
- Census Tract:** 210.10
- Zoning Atlas Page:** 1865
- Parcel ID:** 017014 00017 and 017014 00019
- Zoning History:** The subject site is currently zoned Agricultural (AG) which dates back to 1960. This site lies within the Hillshire-Stonebridge area annexed by the City of Memphis in 1993.

DEPARTMENTAL COMMENTS

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

City Engineer:

City Fire Division:	No comments received.
County Fire:	No comments received.
City Real Estate:	No comments received.
County Real Estate:	No comments received.
City/County Health Department:	No comments by the Water Quality Branch & Septic Tank Program.
City Board of Education:	No comment.
County Board of Education:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
AT&T/Bell South:	No comments received.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Plans Development:	No comments received.
Memphis Park Commission:	No comments received.
Neighborhood Associations:	
<i>Fisherville Civic Club:</i>	No comments received.
<i>Gray's Creek N.A.:</i>	No comments received.