

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #4
CORRESPONDENCE ITEM

CASE NUMBER: PD 03-361 CC

L.U.C.B. MEETING: 1/10/2013

DEVELOPMENT NAME:

Shelby Park Planned Development, Phase II

LOCATION:

Lot 46 at the southeast corner of Winter gate Drive and Winterfalls Trail and Lots 49-55 on the north side of Winter Gate Drive, 175 feet east of Appling Road

APPLICANT:

Teransky, LLC

REPRESENTATIVE:

Daryl J. Lansky

REQUESTS:

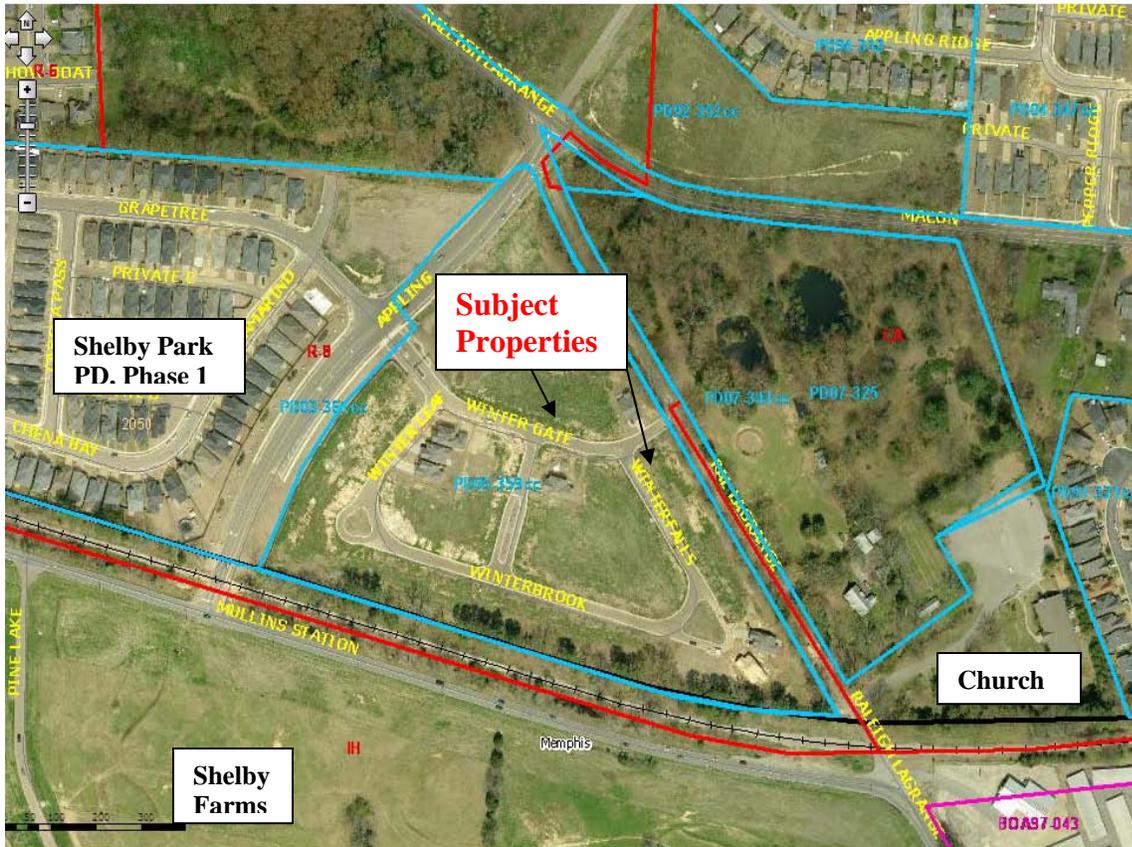
- (1) Front yard setback reduction on Lot 46 from 20 feet to 14.4 feet;
- (2) Revise Lots 49-55 from 107 feet in depth to 115 feet in depth with a corresponding rear yard setback change from 22 feet to 12 feet

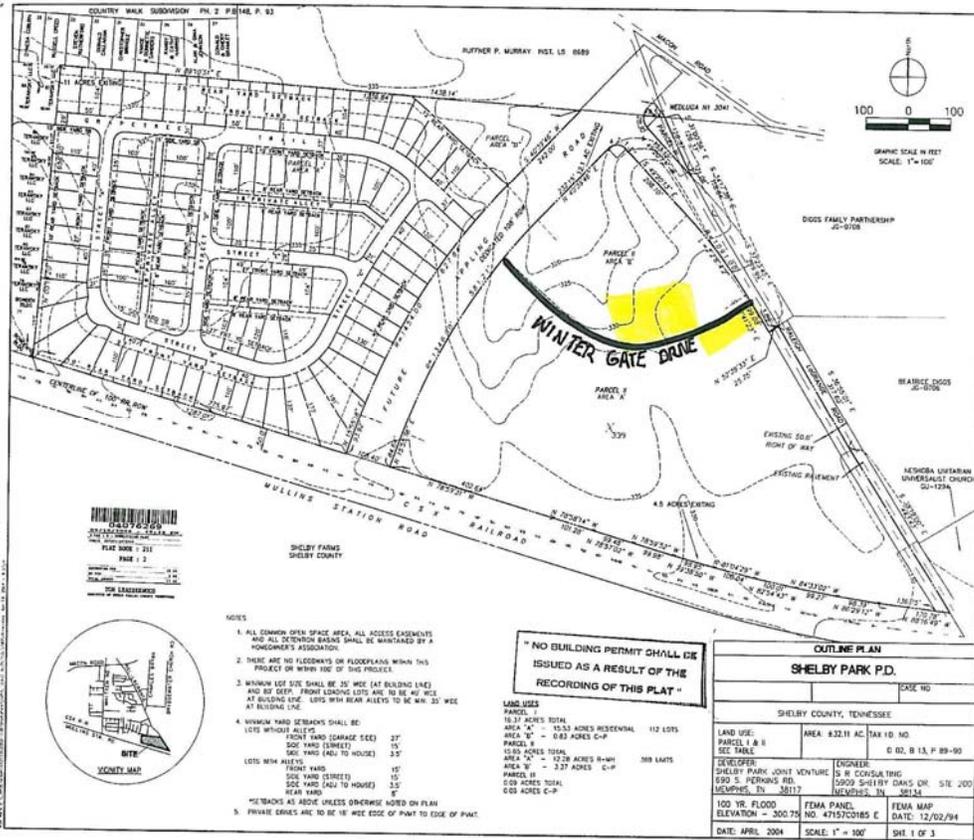
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval of both requests

CONCLUSIONS

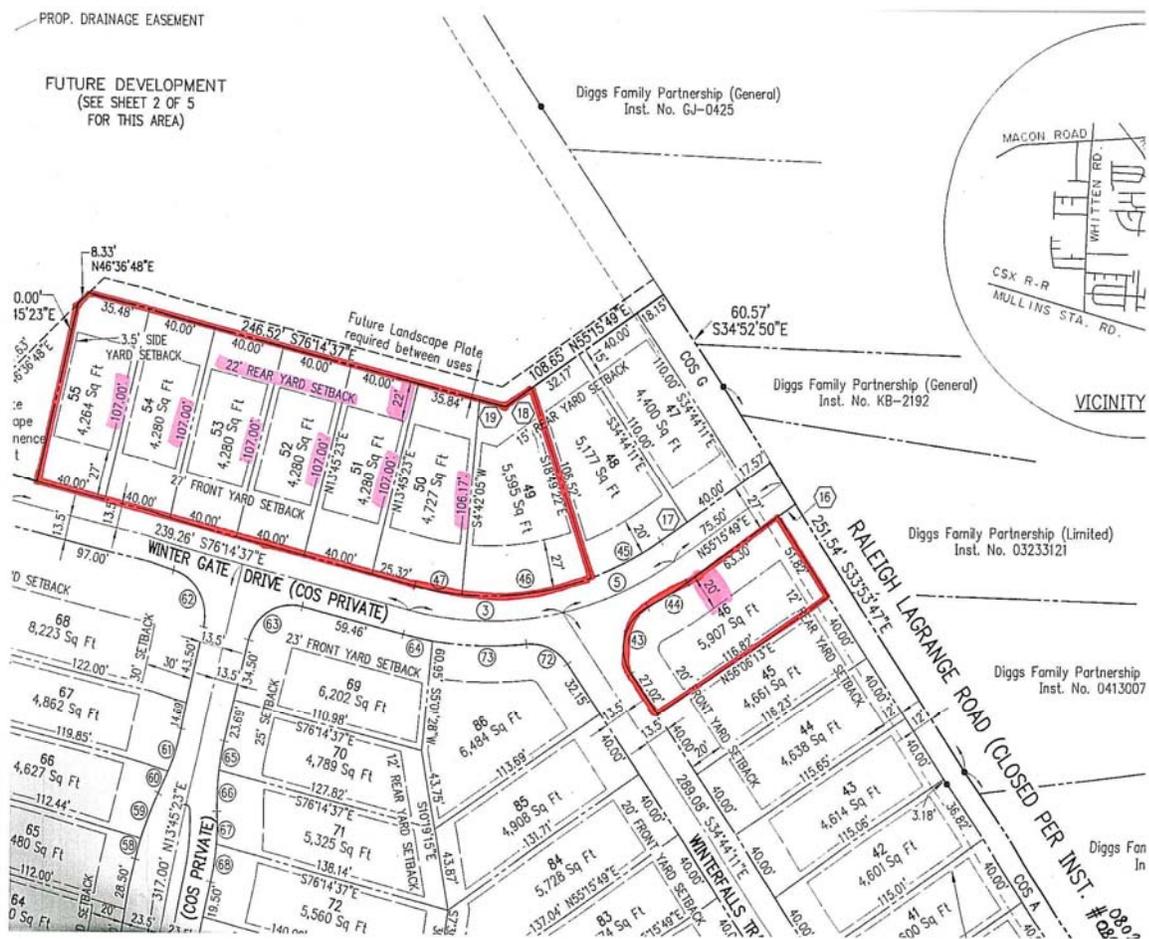
1. The front yard setback reduction for Lot 46 along Winter Gate Drive will not be distinguishable as no other lots are east of this lot on the same side of the street. Lots west of Lot 46 on Winter Gate Drive are on a curved portion of the street making the setback less noticeable.
2. The revisions proposed to Lots 49-55 are consistent with the majority of the lots in the development.
3. The applicant has provided a petition from the majority of the home/lot owners supporting the requested changes.





Recorded Outline Plan highlighting the lots proposed for modification.

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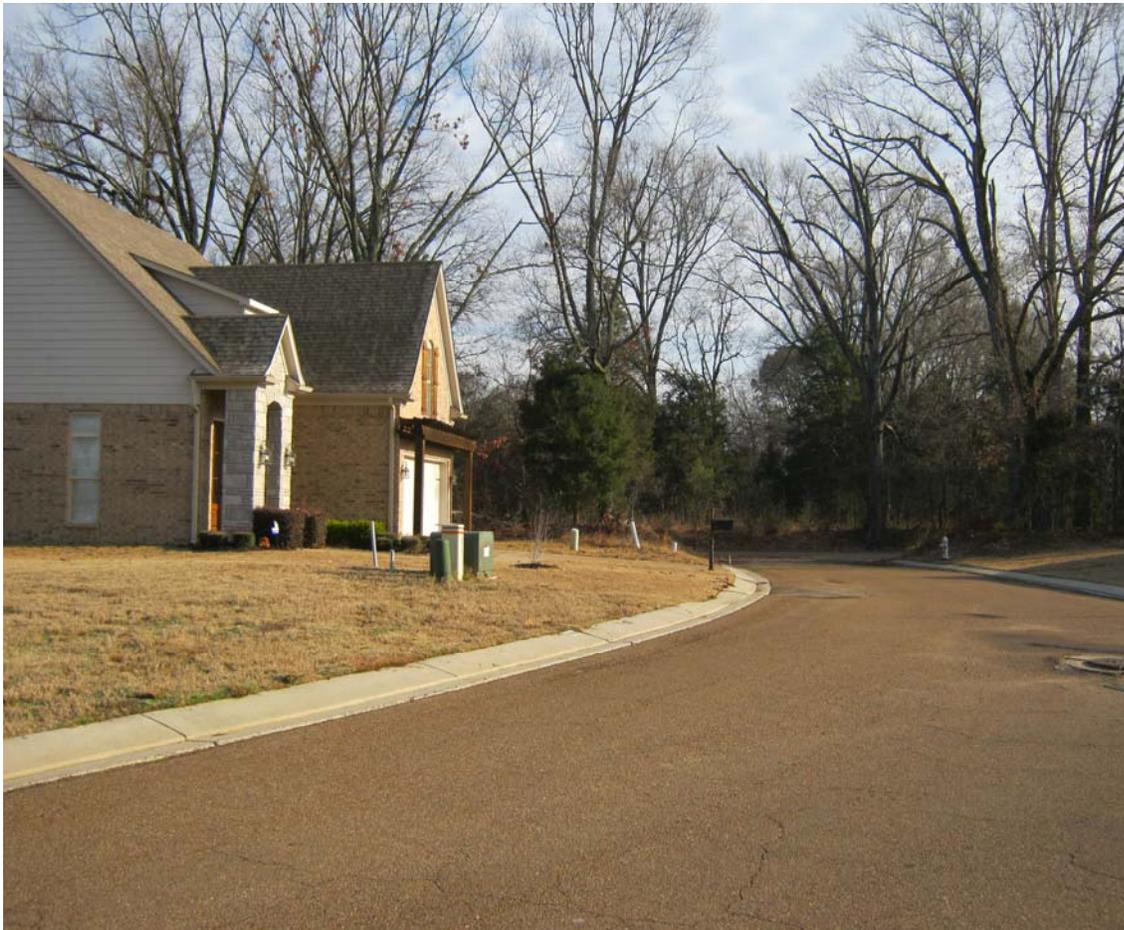
Subject lots as currently recorded highlighting the areas of proposed change.

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Lot 46 along Winter Gate Drive. A setback reduction from 20 feet to 14.4 feet is requested along the Winter Gate Drive frontage.

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This home is located on Lot 48 and will face into the reduced setback. One other lot is located east of Lot 48 (Lot 47) which will also face into the reduced setback. This lot is currently vacant. The front yard setbacks on both these lots is 20 feet.

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Lots 49-55 along the north side of Winter Gate Drive looking west. These lots would be increased in depth to provide for a larger home to be constructed.

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Lots 49-55 looking east on Winter Gate Drive.

STAFF ANALYSIS

Request #1 (Reduce front Yard Setback for Lot 46 from 20 feet to 14.4 feet along Winter Park Drive) - Lot 46 currently affords a buildable width of 27.5 feet compared to the majority of the other lots in the development with a buildable width of 33 feet. The applicant is receiving customer demand for larger homes within the development. By reducing the minimum building setback along Winter Gate Drive to 14.4 feet, a buildable width of approximately 33 feet results. This reduction only impacts two lots directly across Winter Gate Drive (Lots 47 and 48). In a petition provided by the applicant, both owners of these lots support the change. The change is also supported by the OPD Staff as the impact of the setback change will be minimal.

Request #2 (Revise Lots 49-55 from 107 feet in depth to 115 feet in depth with a corresponding rear yard setback change from 22 feet to 12 feet) – Similar to the purpose of the change for Lot 46, these lots also need modification to provide for larger homes more consistent with what is being constructed within the development. Again, these changes are supported by the other lot and home owners within the development as evidenced by the petition provided by the applicant and there will be no negative impact on lots abutting these lots or the lots on the south side of Winter Gate Drive directly south of Lots 49-55. The resulting lot widths and rear yard setback are already prevalent on most lots within the development. The modifications are supported by OPD Staff.

RECOMMENDATION: Approval of both requests.

DEPARTMENTAL COMMENTS

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

City Engineer:	No comments
County Engineer:	No comments received.
City Fire Division:	√No Comment
County Fire Department:	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 comments received.
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 <u>no objection, subject to the following conditions:</u>

- **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 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.
- **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.

AT&T:

AT&T Tennessee has no comment.

Comprehensive Planning:

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.

County Conservation Board:

No comments received.

County Sheriff:

No comments received.