STAFF REPORT

LOCATION: West side of Pisgah Road; +/-150 feet north of Sparkle Creek Cove
DEVELOPMENT NAME: THE ENCLAVE AT SPARKLE CREEK PLANNED DEVELOPMENT PHASE 2
COMMISSION DISTRICT: District 4
OWNERS/APPLICANTS: Enclave Partnership and Keith A. Novick
REPRESENTATIVE: The Reaves Firm
REQUEST: Modification to Phase 2 Final Plan to increase the number of single family lots from thirty-three (33) to thirty-six (36) lots within the planned development
AREA: 106.67 Acres

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with four(4) Conditions

On March 25 and April 2, 2002, the Shelby County Commission and Memphis City Council, respectively; approved a residential planned development for a 167.80 acre Outline Plan allowing single family Residential-Estate (R-E) lots a minimum of two (2) acres or larger. The development is located at the west side of Pisgah Road, just north of Sparkle Creek Cove in East Central Shelby Planning District within the City of Memphis’ Annexation Reserve Area and the Grays Creek Area Plan. This area is rural with large residential estate lots of two or more acres with equestrian trails and walking paths. The primary road in the area is Pisgah Road, a two lane public road with no curb, gutter or sidewalk, but with winding curves and medium slopes.

The request is for a modification to Phase 2 Final Plan to increase the number of single family lots from thirty-three (33) to thirty-six (36) lots that allows Residential-Estate (R-E) District lots a minimum of two acres or larger within the planned development. In February, 2004 the Land Use Control Board approved a site plan for a maximum of thirty (33) lots for this phase of development and in November, 2005 approved minor design modifications for access, circulation, equestrian and sewer easements, including minimum setback reductions and a revision to northern boundary along specified lots.

The applicant is requesting to increase the lot number within this development by modifying Lots 35 & 36; Lots 20 thru 22 and Lots 40 thru 44 to create three (3) additional lots (Lots 21-A, 36-A and 42-A) with an overall average lot size of 2.37 acres per lot with an average change of 0.82 acres or 35,574 square feet in area. A modification to reduce the front yard setback from 100 feet to 60 feet on Lots 35, 36 & new Lot 36-A is also illustrated on the revised lot layout plan. This modification to increase the number of lots by three (3) and to reduce the front yard setback along the private drive does not significantly change the intent of the Outline Plan approved for estate lots two (2) acres or larger; however, any front yard setback shall not be less than sixty (60) feet as required by Conservation Agriculture (CA) District zoning.

Staff: Brian Bacchus
E-mail: brian.bacchus@memphistn.gov
Site Plan Conditions:

1. The maximum number of lots shall be thirty-six (36) residential lots. All front yard setbacks shall be sixty (60) feet in accordance with the Conservation Agriculture (CA) District.

2. The minimum lot size to be served by a subsurface sewage disposal system shall be two (2) acres subject to review and approval by the Memphis & Shelby County Health Department.

3. The street designator for Lexington Manor Lane shall be changed to Lexington Manor Cove at its intersection with Chelsea Meadow Cove and Lexington Manor Lane—all Lots 20 thru 25 and 47 thru 52 shall be addressed to Lexington Manor Cove.

4. The final plan for Phase 2 shall be revised to reflect new lot numbers (21-A, 36-A and 42-A), including revisions for new lot numbers in the Health Department Certificate on the final plan prior to recording with the Office of Shelby County Register.
**Zoning-Land Use**

**SURROUNDING LAND USES AND ZONING:**

**North:** Single family estate, vacant and vacant, wooded land, including an MLGW monitoring well and TVA transmission easement in Conservation Agriculture (AG) District.

**East:** Single family estate homes in Graybourne Planned Development (P.D. 98-328 CC); single family estate homes, and vacant, wooded land including MLGW monitoring wells and TVA transmission easement in Conservation Agriculture (CA) District and CA(FP) Districts and Mary’s Creek in Floodway (FW) District.

**South:** Vacant, farmland in Conservation Agriculture Flood Plain (CA[FP]) District and Mary’s Creek in Floodway (FW) District.

**West:** Single family estate homes in Kentwood Estates Subdivision, including an MLGW monitoring well in Conservation Agriculture (AG) and Conservation Agriculture Flood Plain (CA[FP]) Districts.
Subject Property

Zoning-Aerial View
Recorded Phase 2-Final Plan
DEPARTMENTAL COMMENTS:

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

City Engineer:

1. This site is located in the Memphis Reserve Area.

2. The City Engineer has no objections to this request.

3. The developer has already completed a standard improvement agreement for all infrastructures within the subdivision. Dry sewer has been installed in the private drives and the development is currently on septic system until the new interceptor is constructed.

4. The Memphis and Shelby County Health Department shall approve private septic tanks for each lot.

Shelby County Engineer:

1. County Health Department must approve new septic tank field lines.

2. City of Memphis must agree to new sanitary sewer easements and temporary construction easements.

Shelby County Fire Services: No comments received.

Memphis Light, Gas and Water:

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

- **STREET NAMES:** Lexington Manor LN needs to change to Lexington Manor CV at intersection of Chelsea Meadow CV and Lexington Manor LN. Lots 20-25 and 47-52 would be addressed off of Lexington Manor CV. 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 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.
• 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.
  o 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
• 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.
  o All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 for application of utility services.
  o 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.

Memphis & Shelby County Health Department:

1. Conventional subsurface sewage disposal statutory criteria T.C.A. 68-221-403 (c) which requires either a high intensity soils evaluation by a soil scientist certified by the State of Tennessee or a percolation test must be performed to verify that the soil is sufficiently permeable to allow proper absorption of the sewage into the soil. The soil mapping or percolation test must be performed as outlined in the Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.02 (3).
2. For proposed subdivisions and Planned Unit Developments a plat with results of a soil evaluation performed by a soil scientist certified by the Department must be submitted in order to assure that the soil is suitable for subsurface sewage disposal systems for the proposed development.
3. If a subsurface sewage system cannot be sited using the above two requirements, then any alternative system approved by the Tennessee Department of Environment and Conservation pursuant to Title 68, Chapter 221, Part 4 Subsurface Sewage Disposal Systems as of the date of septic system permit application receipt at the Memphis and Shelby County Health Department could be permitted by the Department as outlined in the Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.14.
4. As outlined in Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.03, areas consisting of fill material shall be excluded from the area considered for the installation of the disposal field unless soil conditions provide for adequate filtration and will prevent outcropping of sewage effluent.
5. Subsurface sewage disposal systems or field lines cannot be installed within the designated boundaries of a floodplain or flood zone.
6. Abandoned wells of any type at the site must be properly filled as outlined in the Shelby County Well Construction Code, Sections 6 and 9.
7. This proposed site appears to have soil made up of the Grenada and Loring soil series, which are moderately well drained silty soils that have a fragipan.
8. The minimum lot size to be served by a subsurface sewage disposal system is two (2) acres.

Memphis 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.

Shelby County Board of Education: No comments received.
AT&T-TN: AT&T Tennessee has no comment.

Zoning Atlas Page: 2060

Neighborhood Associations/Organizations:

Fisherville Civic Club – cdrjcbogan@bellsouth.net: No comments received as of 10/7/11.

Correspondence: See attachments.

Opposition: See attachments.

Staff: bb
Correspondence:

From: Kay Reeves [EKR@ReavesFirm.com]
Sent: Tuesday, September 27, 2011 9:49 AM
To: Bacchus, Brian
Cc: 'Keith Novick'; 'Lee Davidson'
Subject: The Enclave at Sparkle Creek

Attachments: Revised plat 092711.pdf

Hi Brian,

I was given your name as being the planner for this correspondence item. Attached is a pdf showing a small revision to the original plan we submitted. Keith Novick’s house is on Lot 33 and he realized that he needed a larger side yard, so I moved the common line between Lots 33 and 34 northwardly 22 feet. Please let me know if you have questions or need full size copies.

Thanks,

Kay Reeves
The Reaves Firm

From: Stevenson, John
Sent: Tuesday, September 27, 2011 12:00 PM
To: Kay Reeves
Cc: Bacchus, Brian
Subject: RE: The Enclave at Sparkle Creek

Kay:
This change does not impact our comments regarding this development, so our comment is “no comment required”.
Jack

From: Kay Reeves [mailto:EKR@ReavesFirm.com]
Sent: Tuesday, September 27, 2011 10:48 AM
To: Stevenson, John; robert.evans@shelbycountytn.gov
Subject: RE: The Enclave at Sparkle Creek

Jack and Bob,

I sent the attached pdf to Brian Bacchus with the following text and he asked that I forward a copy to you:

Attached is a pdf showing a small revision to the original plan we submitted. Keith Novick’s house is on Lot 33 and he realized that he needed a larger side yard, so I moved the common line between Lots 33 and 34 northwardly 22 feet. Please let me know if you have questions.

Thanks,

Kay Reeves
The Reaves Firm
October 2, 2011

PO Box 1415
Collierville, TN 38027-1415
(214) 405-6947

Memphis and Shelby County Office of Planning and Development
125 North Main Street
Suite 468
Memphis, TN 38103

Re: Case Number: P.D. 02-302 CC

Good Day,

I wish to express my opposition to the proposed modification to this planned development. I purchased lot 49 in this development as an estate lot in 2005. Clearly, market forces over the past six years have had an erosive effect on the value of this property.

While I have the utmost respect for the owner/applicant, Keith A. Novick, redrawing of the lots of this development will surely cause further value destruction to my lot.

Thank you for the opportunity to express my opposition.

Sincerely,

[Signature]

Thomas F. O’Connor

Enclosure: Copy of Notice of Public Hearing

Cc: T. L. Fletcher, Esquire
From: Higdon, Mitch [MHigdon@firstcitizens-bank.com]
Sent: Thursday, October 06, 2011 10:58 AM
To: Bacchus, Brian
Subject: Case Number P D 02-302 CC

As a property owner in the subdivision I see no reason why there should be a revision of the present plat. Is the only reason this is being done to gain three additional lots? I don’t see and benefit to the present land owners.
Please let me know the reason for this request.

Mitch Higdon
Executive Vice President & Senior Credit Officer
First Citizens National Bank
1426 Munford Ave
Munford TN 38058
NMLS ID # 703859
Phone 901-837-3385
Fax 901-837-3389