

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/18/2020

DATE

PUBLIC SESSION: 08/18/2020

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a four-unit townhouse structure planned development

CASE NUMBER: PD 20-01

DEVELOPMENT: Barksdale Planned Development

LOCATION: 883 South Barksdale Street (southwest corner of Barksdale and Nelson)

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ahmed Saffarini / Wasif Dewik

REPRESENTATIVE: Neeraj Kumar

EXISTING ZONING: Residential Single-Family – 6 (R-6)

REQUEST: Four-unit townhouse structure

AREA: +/-9,540 square feet

RECOMMENDATION: The Office of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set public hearing date for – August 18, 2020

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 07/09/2020 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

<u>DATE</u>	<u>POSITION</u>
_____	PRINCIPAL PLANNER
_____	DEPUTY ADMINISTRATOR
_____	ADMINISTRATOR
_____	DIRECTOR (JOINT APPROVAL)
_____	COMPTROLLER
_____	FINANCE DIRECTOR
_____	CITY ATTORNEY
_____	CHIEF ADMINISTRATIVE OFFICER
_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 20-01 – Barksdale Planned Development

Resolution requesting a four-unit townhouse structure planned development at 883 South Barksdale Street (southwest corner of Barksdale and Nelson):

- This item is a resolution with conditions for a planned development to allow the above; and
- The Office of Planning & Development at the request of the Owner: Ahmed Saffarini; Applicant: Wasif Dewik; and Representative: Neeraj Kumar; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE BARKSDALE PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 883 SOUTH BARKSDALE STREET (SOUTHWEST CORNER OF BARKSDALE AND NELSON), KNOWN AS CASE NUMBER PD 20-01.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, Wasif Dewik filed an application with the Memphis and Shelby County Office of Planning and Development to allow a four-unit townhouse structure planned development; and

WHEREAS, the Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 9, 2020, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Office of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned section of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

**CC: Office of Planning and Development – Land Use Controls
Office of Construction Code Enforcement**

BARKSDALE PLANNED DEVELOPMENT
OUTLINE PLAN CONDITIONS

I. Uses Permitted:

- A. Four (4)-unit townhouse structure.
- B. Accessory uses shall be in conformance with regulations established for Residential Districts.

II. Bulk Regulations:

A. Minimum Setbacks

- 1. Northern property line (Nelson Avenue) minimum setback – twenty-five (25) feet
- 2. Eastern property line (South Barksdale Street) minimum setback – five (5) feet
- 3. Southern property line (east-west alley) minimum setback – five (5) feet
- 4. Western property line minimum setback – fifteen (15) feet

B. Max Height: Thirty-five (35) feet

III. Access, Parking, and Circulation:

- A. The section of the east-west alley that abuts the site on the south shall be improved to meet City Standards.
- C. Curb, gutter, and sidewalks shall be repaired along the frontage of the site as determined by the City Engineer.
- D. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The building permit holder shall be responsible for any reconstruction or repair necessary to meet City standards.
- E. Dedicate a property line radius at the corner of Nelson and Barksdale.

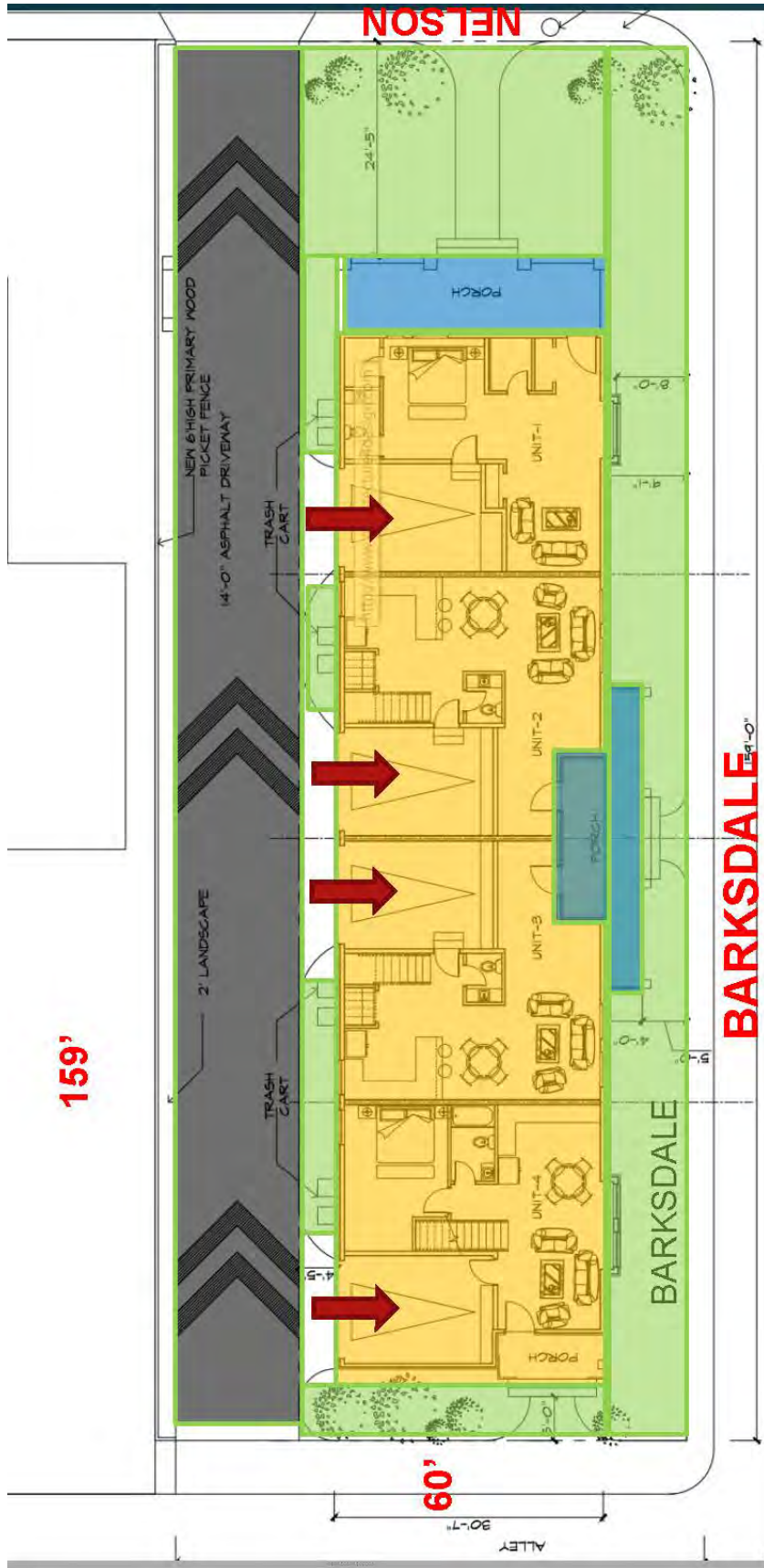
IV. Landscaping and Fencing

- A. A final landscape plan shall be submitted subject to review and approval by the Office of Planning and Development.
- B. A minimum six (6)-foot in height site-proof wooden fence shall be placed adjacent to the western property line extending from the southern property line to northern building façade facing Nelson Avenue; existing site-proof fencing of at least six (6) feet in height on the adjacent property to the west may be substituted as appropriate.

V. Signs shall be in conformance with regulations established for the Residential Districts.

- VI. Final building elevations shall be subject to review by the Memphis Landmarks Commission through the Certificate of Appropriateness process.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.
- VIII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, elevations, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. The 100-year flood elevation.

CONCEPT PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 9, 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 20-01
DEVELOPMENT: Barksdale Planned Development
LOCATION: 883 South Barksdale Street (southwest corner of Barksdale and Nelson)
COUNCIL DISTRICT(S): District 4 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Ahmed Saffarini / Wasif Dewik
REPRESENTATIVE: Neeraj Kumar
REQUEST: Four-unit townhouse structure
EXISTING ZONING: Residential Single-Family – 6 (R-6)
AREA: +/-9,540 square feet

The following spoke in support of the application: Neeraj Kumar and Wasif Dweik

The following spoke in opposition the application: Olivia Wall, Brett Ammons, Ward Archer, June West, and Charles Belenky

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 6-3 on the regular agenda.

Respectfully,



Jeffrey Penzes
Principal Planner
Josh Whitehead, Administrator
Office of Planning and Development

CC: Committee Members
File

Outline Plan Conditions

**BARKSDALE PLANNED DEVELOPMENT
OUTLINE PLAN CONDITIONS**

I. Uses Permitted:

- A. Four (4)-unit townhouse structure.
- B. Accessory uses shall be in conformance with regulations established for Residential Districts.

II. Bulk Regulations:

A. Minimum Setbacks

- 1. Northern property line (Nelson Avenue) minimum setback – twenty-five (25) feet
- 2. Eastern property line (South Barksdale Street) minimum setback – five (5) feet
- 3. Southern property line (east-west alley) minimum setback – five (5) feet
- 4. Western property line minimum setback – fifteen (15) feet

B. Max Height: Thirty-five (35) feet

III. Access, Parking, and Circulation:

- A. The section of the east-west alley that abuts the site on the south shall be improved to meet City Standards.
- C. Curb, gutter, and sidewalks shall be repaired along the frontage of the site as determined by the City Engineer.
- D. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The building permit holder shall be responsible for any reconstruction or repair necessary to meet City standards.
- E. Dedicate a property line radius at the corner of Nelson and Barksdale.

IV. Landscaping and Fencing

- A. A final landscape plan shall be submitted subject to review and approval by the Office of Planning and Development.
- B. A minimum six (6)-foot in height site-proof wooden fence shall be placed adjacent to the western property line extending from the southern property line to northern building façade facing Nelson Avenue; existing site-proof fencing of at least six (6) feet in height on the adjacent property to the west may be substituted as appropriate.

- V. Signs shall be in conformance with regulations established for the Residential Districts.
- VI. Final building elevations shall be subject to review by the Memphis Landmarks Commission through the Certificate of Appropriateness process.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.
- VIII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, elevations, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. The 100-year flood elevation.

AGENDA ITEM: 1

CASE NUMBER: PD 20-01 **L.U.C.B. MEETING:** July 9, 2020
DEVELOPMENT: Barksdale Multifamily Planned Development
LOCATION: 883 South Barksdale Street (southwest corner of Barksdale and Nelson)
COUNCIL DISTRICT: District 4 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Ahmed Saffarini / Wasif Dewik
REPRESENTATIVE: Neeraj Kumar
REQUEST: Four-unit townhouse structure
AREA: +/-9,540 square feet
EXISTING ZONING: Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is requesting approval of a four-unit townhouse structure.
2. This development would promote infill development on a lot that has been vacant since 2014.
3. The subject property is located within the Cooper Young Historic District, as conditioned, the building elevations are subject to review and approval by the Landmarks Commission.
4. Commercial structures had existed on the subject property in one form or another since at least circa the 1920s to 2014 when the existing commercial structure, which had most recently been used as a grocery/convenience store, was demolished.
5. See page 24 or 37 of this report for a summary of key terms mentioned in the letters received in response to this item.
6. The neighborhood meeting information, concept plan, elevations, and renderings have been updated since the previous iteration of this report in line with what was presented at the June 11, 2020, Board meeting, see pages 2, 12, 13, and 14 respectively.
7. On June 11, 2020, this body heard and approved this request, however, as proposed this case is subject to a resolution that would remand this case back to the Board, see note below.
8. Note: This report is being published prior to the Memphis City Council meeting on July 7, 2020. As of the writing of this report, there is a possibility that the Council may amend its July 7, 2020, resolution in a way that exempts cases already heard by the Land Use Control Board from being remanded back to the Board. Such an amendment could result in the removal of this item from the Board’s agenda by the time the Board meets on July 9, 2020.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 22-23 of this report.

RECOMMENDATION:
Approval with conditions

GENERAL INFORMATION

Street Frontage: South Barksdale Street +/-159.00 linear feet
Nelson Avenue +/-60.00 linear feet

Zoning Atlas Page: 2030 and 2130

Parcel ID: 031054 00017

Existing Zoning: Residential Single-Family – 6 (R-6)

NEIGHBORHOOD MEETING

A virtual/telephonic neighborhood meeting was held on June 29, 2020 at 6:00 PM, see page 36 of this report for a summary of said meeting.

PUBLIC NOTICE

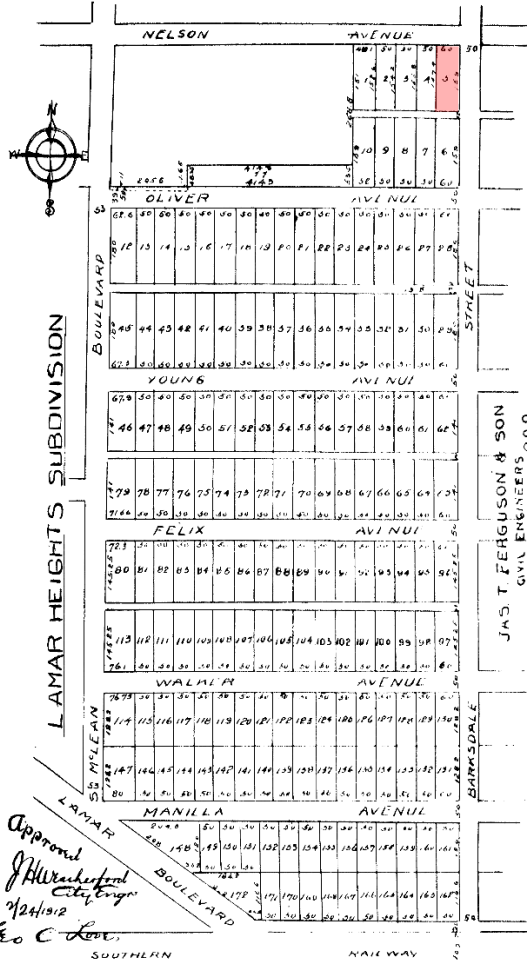
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 122 notices were mailed on June 24, 2020, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Cooper-Young neighborhood

LAMAR HEIGHTS SUBDIVISION (1912)



State of Tennessee
 Shelby County
 Filed for registration July 29th 1912 at 2:50 Clock P.M.
 and recorded in State Book 488 Page 53 and in same volume
 Book 488 Page 53
 Book 488 Page 53

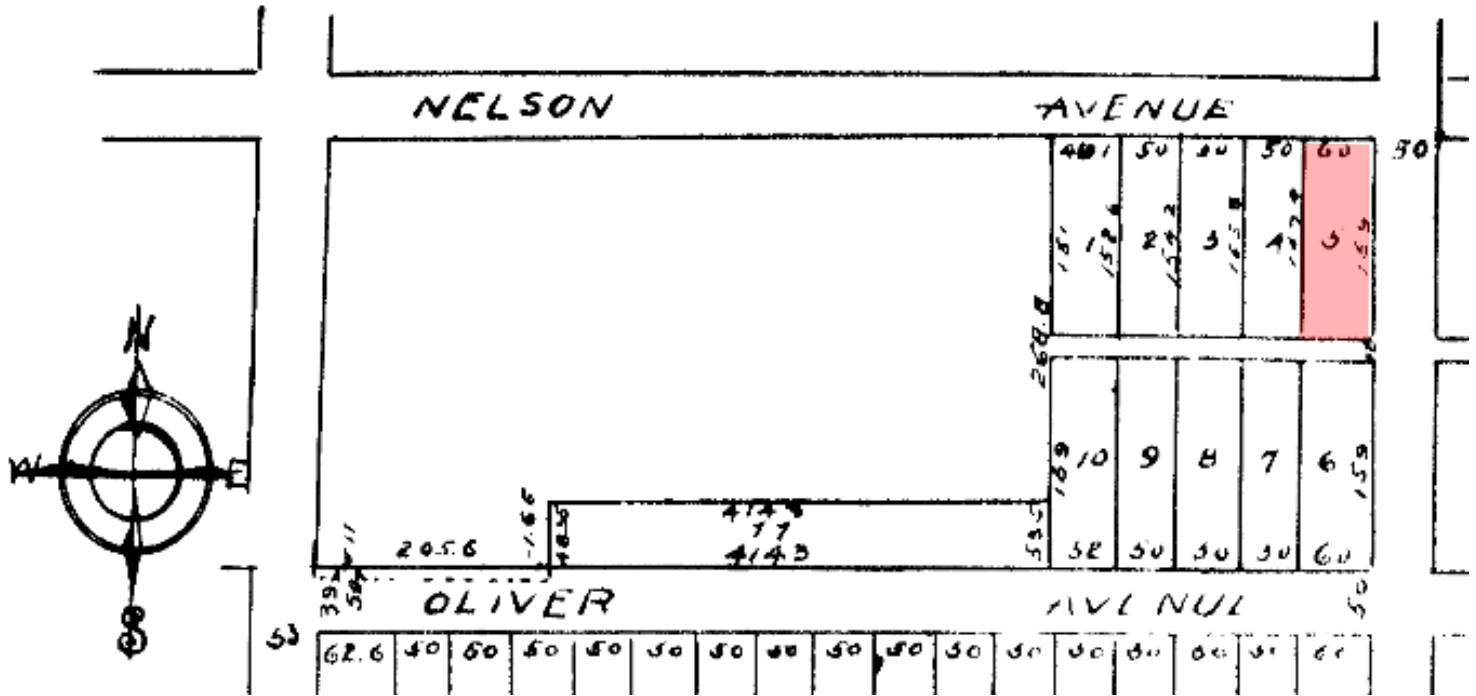
Approved
 J. H. Wackerford
 City Engineer
 9/24/1912
 Geo. C. Lee

A right to set telephone and electric light poles in the alleys, and where there are no alleys, on the rear of said lots, within two (2) feet of the rear line is hereby granted, and access to said poles to make necessary connections and repairs is hereby given.
 Deeds to purchasers shall contain these restrictions.
 Pursuant to the action of the board of Directors of the Lamar Heights Company, this survey and plat was adopted, and the streets and alleys shown hereon are dedicated to the public use.
 Witness the signature and seal of said corporation by its President John P. Bullington and its Secretary L. R. Pate, this 21 day of February 1912
 Lamar Heights Company
 By John P. Bullington, President
 L. R. Pate, Secretary

State of Tennessee
 Shelby County } Personally appeared before me C. D. Moore a Notary Public within and for said State and County at Memphis John P. Bullington and L. R. Pate with whom I am personally acquainted and who upon their oaths acknowledged themselves to be respectively the President and Secretary of the Lamar Heights Company, the within named corporation, a Corporation and that they as such President and Secretary respectively, being authorized so to do, executed the within instrument for the purposes therein contained, by the said John P. Bullington signing the name of the said Corporation, by himself as President and the said L. R. Pate signing his name as Secretary and affixing the Corporate seal thereto.
 Witness my hand and Notarial seal at Memphis of said this 21 day of February, 1912.
 C. D. Moore
 Notary Public

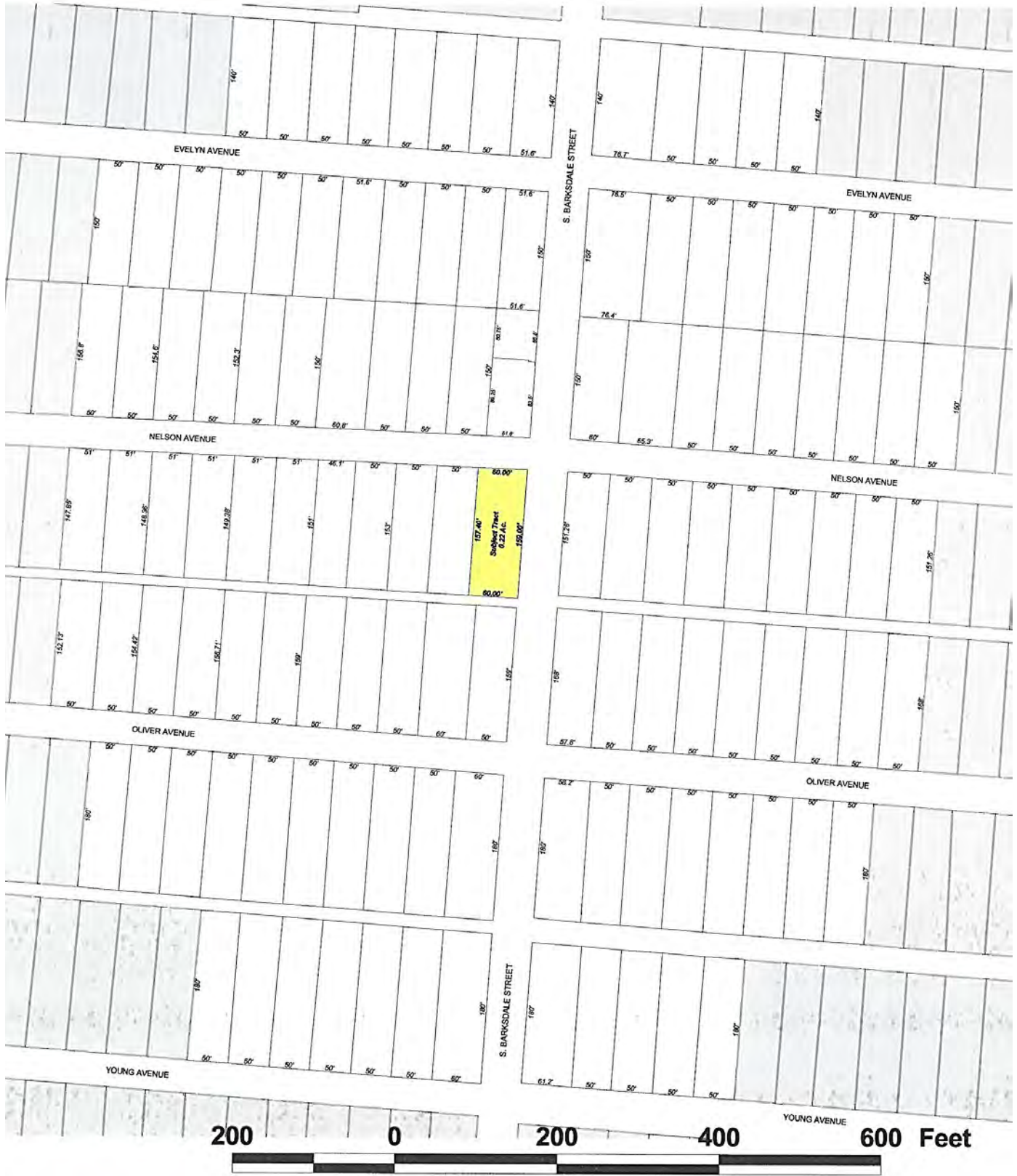
Subject property highlighted in red, Lot 5

LAMAR HEIGHTS SUBDIVISION (1912) – ZOOMED



Subject property highlighted in red, Lot 5

VICINITY MAP



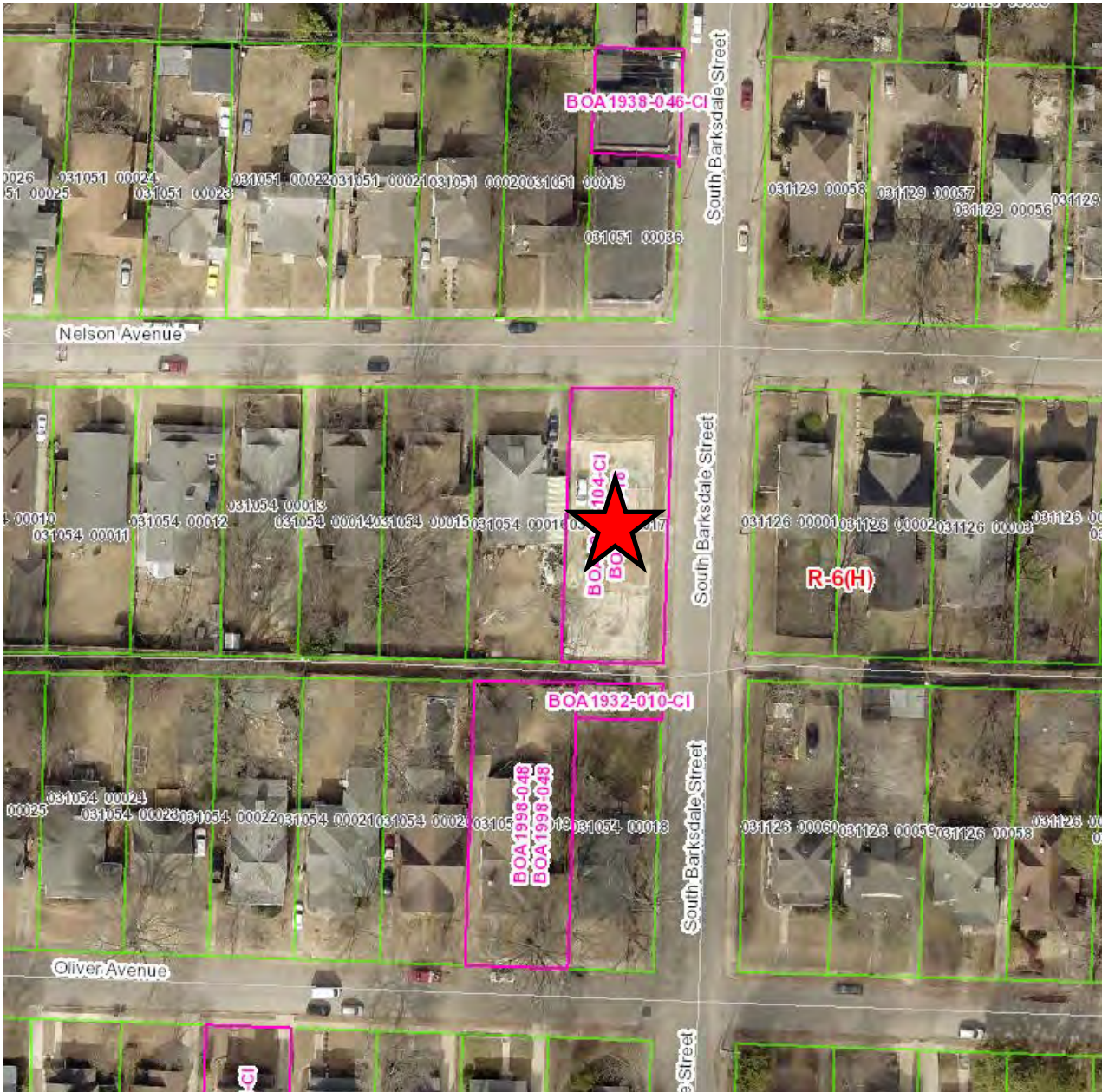
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from 2018

ZONING MAP



Subject property indicated by a red star

Existing Zoning: Residential Single-Family – 6 (R-6) and Cooper-Young Historic District

Surrounding Zoning

North: Residential Single-Family – 6 (R-6) and Cooper-Young Historic District

East: Residential Single-Family – 6 (R-6) and Cooper-Young Historic District

South: Residential Single-Family – 6 (R-6) and Cooper-Young Historic District

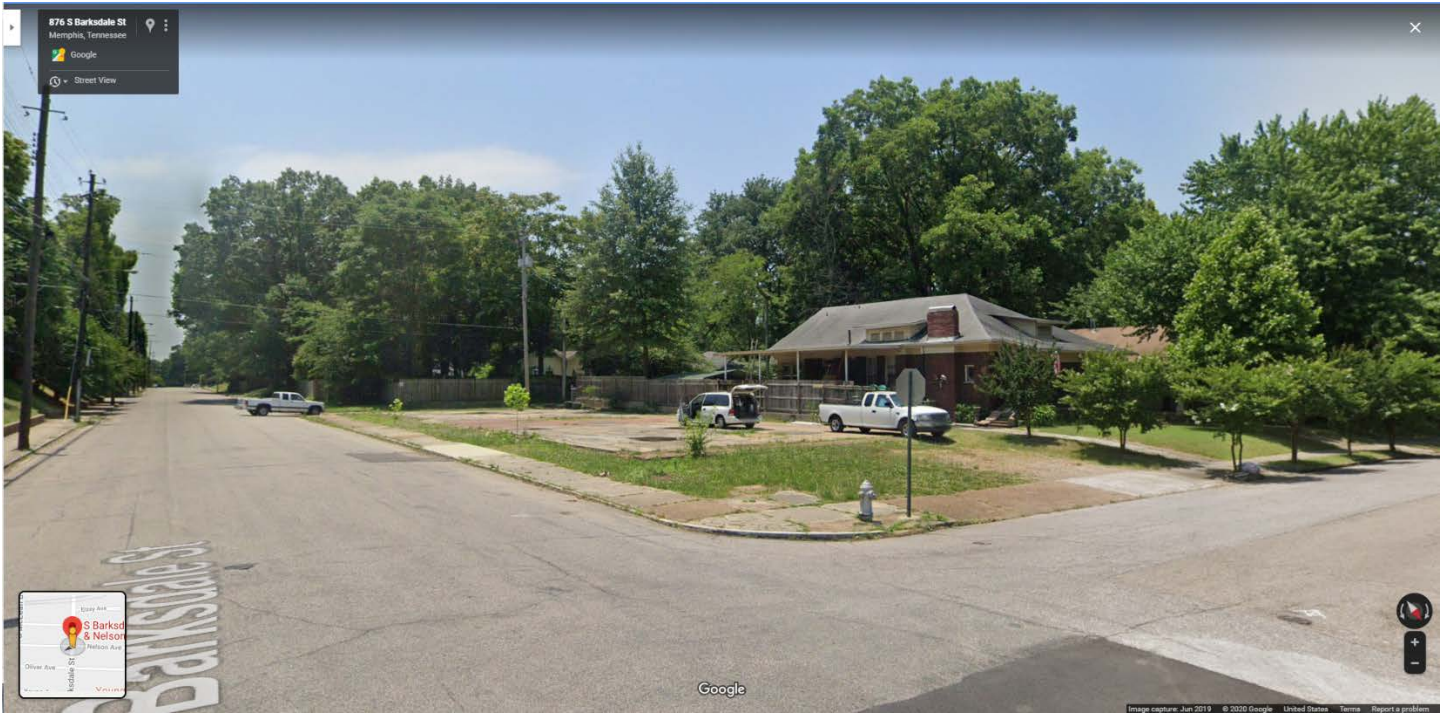
West: Residential Single-Family – 6 (R-6) and Cooper-Young Historic District

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from the intersection of South Barksdale Street and Nelson Avenue looking southwest



View across Nelson Avenue from subject property looking north

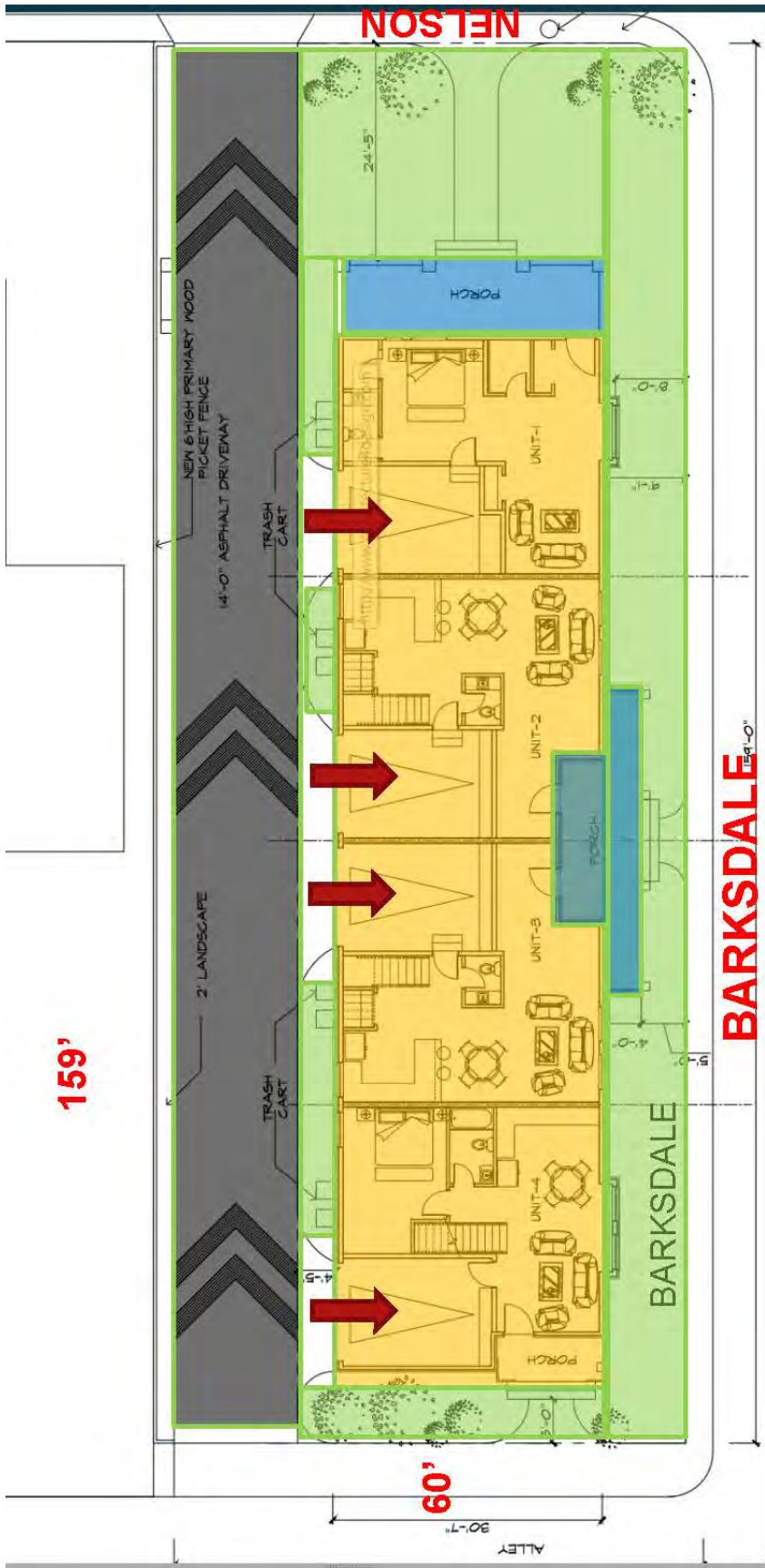


View of property adjacent to the west of the subject property along Nelson Avenue looking south



View across South Barksdale Street from subject property looking southeast

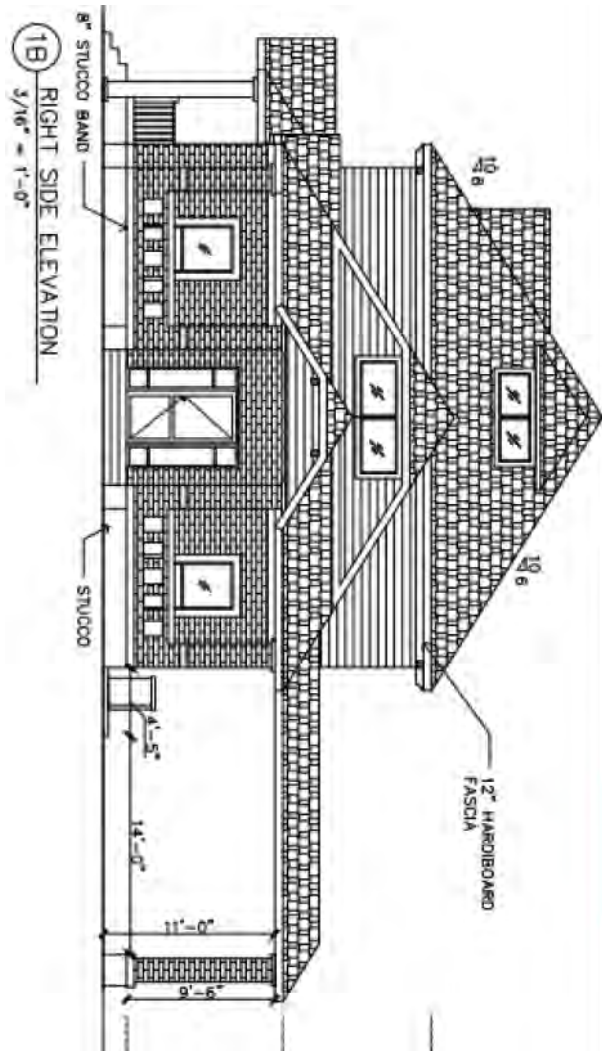
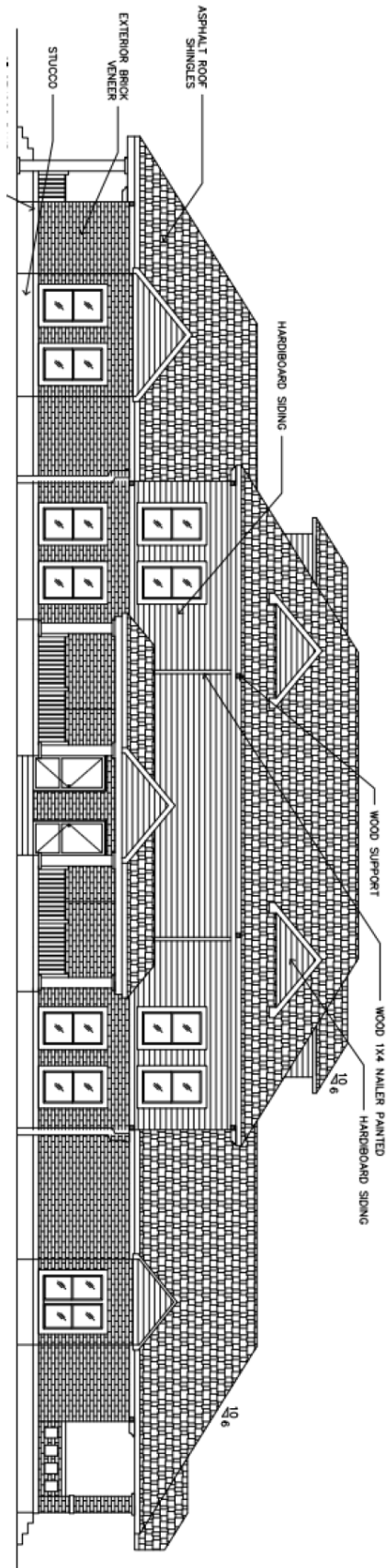
CONCEPT PLAN



October 6, 2020

Page 22

ELEVATIONS



RENDERINGS



View from the intersection of South Barksdale Street and Nelson Avenue looking southwest



View from South Barksdale Street looking northwest

STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request for a four-unit multifamily apartment.

Applicability

Staff agrees the applicability standards and criteria as set out in the Unified Development Code Section 4.10.2 are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff agrees the general provisions standards and criteria as set out in the Unified Development Code Section 4.10.3 are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage*

facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff agrees the additional planned residential development criteria as set out in the Unified Development Code Section 4.10.4 are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments

shall be considered zoned residential.

Approval Criteria

Staff agrees the approval criteria as set out in the Unified Development Code Section 9.6.9 are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse 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.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. Memphis/Shelby County 424 Unified Development Code*
- H. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- I. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

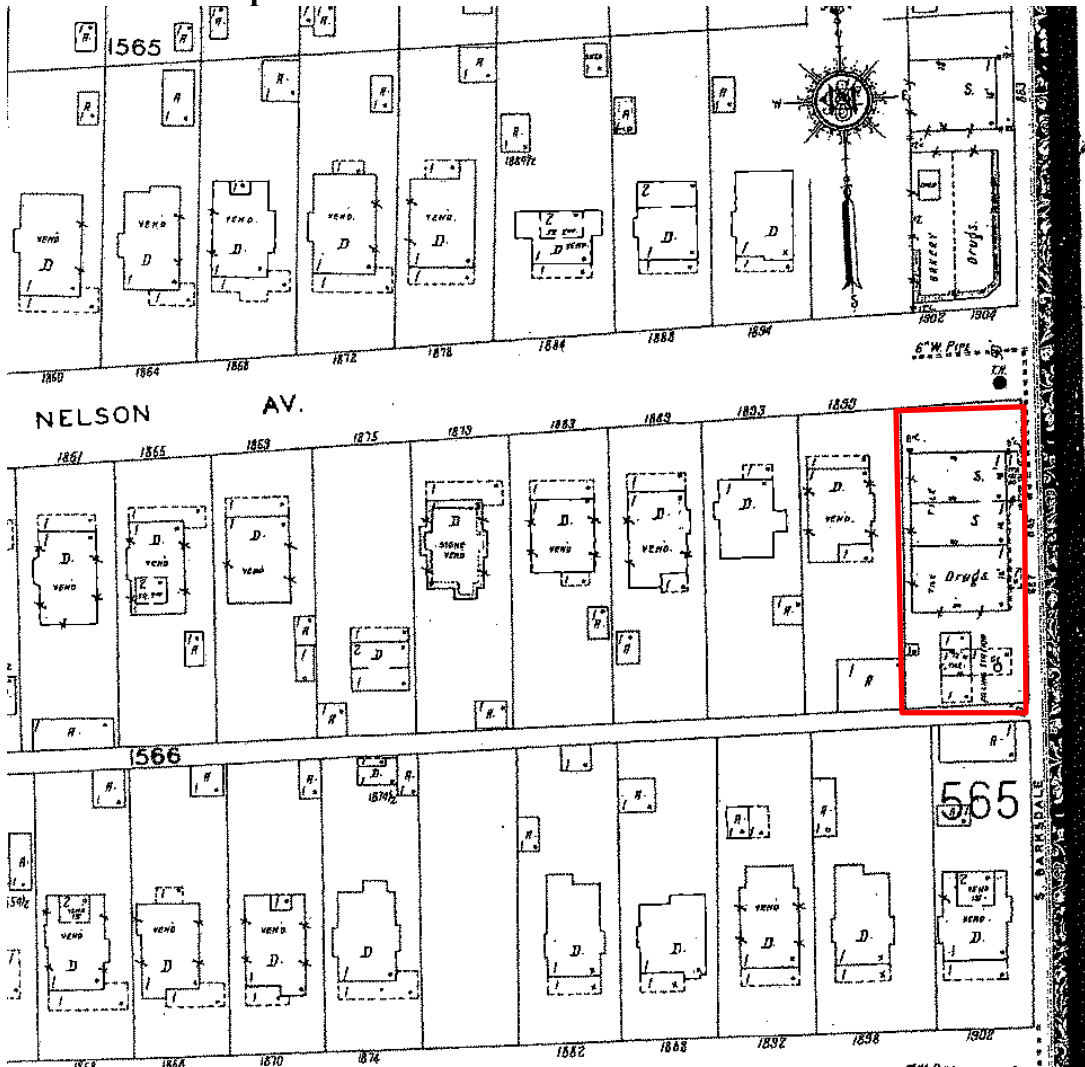
The subject property is +/-9,540 square feet located at 883 South Barksdale Street—the southwest corner of Barksdale and Nelson, known as Lot 5 of the Lamar Heights Subdivision (1912), zoned Residential Single-Family – 6, and located within the Cooper-Young Historic District. The site is currently vacant and the land uses within the vicinity of the site consist of single-family, multifamily, and commercial.

Site History

Sanborn Maps

The Sanborn Fire Insurance Maps of 1917 do not list Barksdale in its street network. The 1927 Sanborn Maps show this site with two building footprints, a gasoline filling station and a separate commercial building. The 1952 Sanborn Maps show that this commercial building had expanded into and replaced the filing station.

1927 Sanborn Map



Subject property outline in red, one building with three commercial bays and a second building with a canopy

Photo Circa 1930



The subject property contains the Pan Am gas station and Gainsborough drug store (adjacent to parked car)

1952 Sanborn Map



Subject property outlined in red, commercial building with storage area added

Zoning and Entitlement

The first Zoning Ordinance for Memphis was adopted in 1922. The subject property was included in the “A” Residential District. This district permitted single family, duplex, and churches. Commercial uses were not included in this zoning district. The gas station and commercial building may have preceded the 1922 Zoning Ordinance.

The zoning maps of 1954 show the zoning designation of R-3 which permitted single family and duplex dwellings. By 1980, the zoning had again changed to the current R-6 zoning district which permits single-family residential uses.

In December of 1948, the Memphis and Shelby County Board of Adjustment reviewed and approved a request known as Docket Number BOA 48-104 (City) to expand the existing store building. The associated elevations show the store being expanded southward to enclose and replace the filing station, see the 1952 Sanborn Map on page 20 for the layout of the site.

On August 28, 2014, the Memphis and Shelby County Board of Adjustment approved a request known as Docket Number BOA 14-18 (City) to allow a duplex on the subject property—note the duplex was never constructed.

BOA 14-18 Approved Elevations



Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. *The future land use planning map:* The subject site is identified as Anchor Neighborhood – Primarily Single-Unit in the future land use planning map.

Future Land Use Planning Map



Subject site indicated by a red star and identified as Anchor Neighborhood – Primarily Single-Unit

2. *The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:*

The site is designated as Anchor Neighborhood – Primarily Single-Unit (AN-S), Nurture ½ Mile. AN-S are Primarily Single-Unit Anchor Neighborhoods are characterized by house scale buildings between one and three stories high. A mixture of detached and semi-detached homes fills this residential designation around the anchor location, mostly consisting of single-family homes or duplexes. These neighborhoods are located within a 10-minute walk of the anchor, making residential more accessible for pedestrians to anchor amenities.



“AN-S” Goals/Objectives:

Preservation and stabilization of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services and jobs, building up not out.

“AN-S” Form & Location Characteristics:

NURTURE: Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor. Height: 1-2 stories. Scale: house-scale.

3. *Existing, adjacent land uses and zoning:* The subject site is surrounded by the following land uses: Residential and Commercial. The subject site is surrounded by the following zoning district: R-6(H). This requested land use is compatible with these adjacent land uses and zoning districts because

existing land use surrounding the parcels is similar in nature to the requested use

4. *The degree of change map:* The subject site is identified as Nurture in the degree of change map.

Degree of Change Map



Subject site indicated by a red star and identified as Nurture, ½ mile

5. *The degree of change descriptions:*

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

Actions for Nurture anchors and anchor neighborhoods are meant to:

- Stabilize the community
- Protect and support community assets
- Protect and stabilize existing affordable housing
- Promote activities that will stimulate market activity

Ways to Nurture:

- "Road diets" — reduce the number of lanes to make room for wider sidewalks, bike lanes, and/or on-street parking
- Improve pedestrian realm (sidewalks, crosswalks, planting buffer and street trees, street lights, street furniture)
- Repurpose vacant land as temporary civic space
- Grants for small business frontage improvement

- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Enhance connectivity to transit network
- Introduce or improve bike lanes and sidewalks
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Plan community programs on streets or vacant lots (markets, festivals)
- Upgrade infrastructure to improve flood control and internet access
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

This proposal is consistent with the Memphis 3.0 General Plan and meets the criteria because it is in a nurture anchor neighborhood which allows increased density and the request is consistent with the scale and building height descriptions of the Anchor Neighborhood – Primality Single-Unit (ANS).

Architectural Design

As conditioned the final building elevations would be subject to review and approval by the Landmarks Commission as the subject site is located within the Cooper Young Historic District (CYHD). Below are examples of alternative townhouse designs with acceptable styles.



Northwest corner Young Avenue and New York Street



West side of Front Street south of G.E. Patterson Boulevard



North Emerson Ave, Portland, OR



Guilford Ave, Baltimore, MD

Conclusions

The applicant is requesting approval of a four-unit townhouse structure.

This development would promote infill development on a lot that has been vacant since 2014.

The subject property is located within the Cooper Young Historic District, as conditioned, the building elevations are subject to review and approval by the Landmarks Commission.

Commercial structures had existed on the subject property in one form or another since at least circa the 1920s to 2014 when the existing commercial structure, which had most recently been used as a grocery/convenience store, was demolished.

See page 24 or 37 of this report for a summary of key terms mentioned in the letters received in response to this item.

The neighborhood meeting information, concept plan, elevations, and renderings have been updated since the previous iteration of this report in line with what was presented at the June 11, 2020, Board meeting, see pages 2, 12, 13, and 14 respectively.

On June 11, 2020, this body heard and approved this request, however, as proposed this case is subject to a resolution that would remand this case back to the Board, see note below.

Note: This report is being published prior to the Memphis City Council meeting on July 7, 2020. As of the writing of this report, there is a possibility that the Council may amend its July 7, 2020, resolution in a way that exempts cases already heard by the Land Use Control Board from being remanded back to the Board. Such an amendment could result in the removal of this item from the Board’s agenda by the time the Board meets on July 9, 2020.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

The following table is a summary count of key terms mentioned in the letters received:

	Opposition To					Support Of		
	Architecture/ Design/ Character/ Style/ Massing	Lack of Neighborhood Meeting	4-Units/ Density/ Infill	Lack of In- Person Board Meeting	General - Nothing Specified	4-Units/ Density/ Infill	Duplex/ 2-units	Development in General
Total Mentions	40	17	11	6	2	6	3	3

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

**BARKSDALE MULTIFAMILY PLANNED DEVELOPMENT
OUTLINE PLAN CONDITIONS**

I. Uses Permitted:

- A. Four (4)-unit townhouse structure.
- B. Accessory uses shall be in conformance with regulations established for Residential Districts.

II. Bulk Regulations:

- A. Minimum Setbacks
 - 1. Northern property line (Nelson Avenue) minimum setback – twenty-five (25) feet
 - 2. Eastern property line (South Barksdale Street) minimum setback – five (5) feet
 - 3. Southern property line (east-west alley) minimum setback – five (5) feet
 - 4. Western property line minimum setback – fifteen (15) feet
- B. Max Height: Thirty-five (35) feet

III. Access, Parking, and Circulation:

- A. The section of the east-west alley that abuts the site on the south shall be improved to meet City Standards.
- C. Curb, gutter, and sidewalks shall be repaired along the frontage of the site as determined by the City Engineer.
- D. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The building permit holder shall be responsible for any reconstruction or repair necessary to meet City standards.
- E. Dedicate a property line radius at the corner of Nelson and Barksdale.

IV. Landscaping and Fencing

- A. A final landscape plan shall be submitted subject to review and approval by the Office of Planning and Development.
- B. A minimum six (6)-foot in height site-proof wooden fence shall be placed adjacent to the western property line extending from the southern property line to northern building façade facing Nelson Avenue; existing site-proof fencing of at least six (6) feet in height on the adjacent property to the west may be substituted as appropriate.

- V. Signs shall be in conformance with regulations established for the Residential Districts.
- VI. Final building elevations shall be subject to review by the Memphis Landmarks Commission through the Certificate of Appropriateness process.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.
- VIII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, elevations, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. The 100-year flood elevation.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. The developer shall extend sanitary sewers through the site to serve upstream properties.

Roads:

5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
7. Dedicate a property line radius at the corner of Nelson and Barksdale.
8. The alley off of S. Barksdale shall be improved to meet City standards from S. Barksdale to the property line.

Traffic Control Provisions:

9. 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.
10. 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.
11. 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 for 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. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Private Drives:

12. Identify the drives as "Private".

13. Set aside guest parking areas.
14. 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')/eighteen (18) feet.
15. 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.

Curb Cuts/Access:

16. The City Engineer shall approve the design, number and location of curb cuts.
17. The existing nonconforming curb cut on Nelson shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

18. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

Site Plan Notes:

19. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

City/County Fire Division:

1. All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
2. Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
3. Fire protection water supplies (including fire hydrants) shall comply with section 507.
4. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
5. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: 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, development or improvements are allowed within any utility easements, without prior MLGW written approval.
- 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.
- Underground Utility separation and clearance: The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- 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 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 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.
- 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://www.mlgw.com/builders/landandmapping>
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and 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.

Address Assignment:

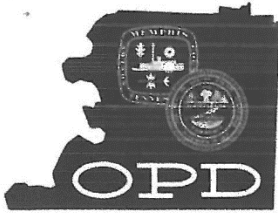
- NO STREET NAME CHANGES

Office of Sustainability and Resilience: No comments received.

October 6, 2020

Page 39

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

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

Date: _____

Case #: PD 20-01

PLEASE TYPE OR PRINT

Name of Development: Barksdale Multifamily Development

Property Owner of Record: Ahmed Saffarini Phone #: 901-570-1871

Mailing Address: 2564 Appling Rd suite 104 City/State: Bartlett, TN Zip 38133

Property Owner E-Mail Address: whdweik@gmail.com

Applicant: Wasif Dewik Phone # 901-570-1871

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: whdweik@gmail.com

Representative: Neeraj kumar Phone #: 901-603-8765

Mailing Address: 1255 lynn field road, Suite 259 City/State: Memphis, TN Zip 38119

Representative E-Mail Address: nkumar@designgroupmemphis.com

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: at intersection of Barksdale & Nelson Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>.219 (60'X159')</u>	_____	_____
Existing Zoning:	<u>R6</u>	_____	_____
Existing Use of Property	<u>N/A</u>	_____	_____
Requested Use of Property	<u>Multifamily</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: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No **X** _____

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The developer is proposing a 4 unit multifamily development on this property. The proposed development is compatible to the surrounding development & neighborhood. Refer to letter of Intent

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

All required utilities are already existed at the property.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

Refer to letter of Intent

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

Refer to letter of intent

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

The developer intent to scale all 4 units. Home owners will be responsible for maintaining front yard.

- Lots of records are created with the recording of a planned development final plan.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 12/20/19 with Josh Whitehead

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Walter [Signature] 2/26/20 Henry [Signature] 2/3/2020
Property Owner of Record Date Applicant Date

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

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
 - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

LETTER OF INTENT

Project Description

The developer is proposing a 4-unit multi family quad at 883 South Barksdale road property. 2-bedroom units will have two floors with living and dining on the first floor and bedrooms on the second floor. One car garage will be located in the rear and will be accessible from the rear alley, located at the west side of the property. The average unit size is approx. 1,750 SF.

Through this application, the developer is requesting to allow changing current R-6 zoning to one that allows developing this site for a 4-unit quad. The property is located at the South West corner of the intersection of Baksdale Street and Nelson Avenue. In the proximity, there are commercial as well as multifamily development along Barksdale street. A 4-unit apartment development will merge with the surroundings and is a right fit for the area.

The developer has engaged Design Group LLC (Neeraj Kumar, Principal Architect) for architectural and engineering design services for this project.

Cooper Young Neighborhood – Vibrant Community

The site is located in the vibrant Copper Young neighborhood. CY is a historic district and known for its eclectic mix of shops, bars, restaurants and mix of housing types. CY is also a part of the National Register of Historic Places where most of the homes were built before 1915. The developer intent is only to protect CY rich architectural character but also strengthen it further. The site has been vacant for many years and definitely an eye sore. Developing the site for an appropriate use is right step.

Merging with Existing Architectural Character

A true eclectic neighborhood from architectural standpoint, one can see a wide variety of architectural styles; ranging from Victorian and Craftman-style to bungalow style architecture. The developer's goal is to propose development that merges with the surrounding. In this regard, an effort is made to utilize combination of brick, stucco and siding along with front porch that allows for greater community interaction within neighbors. Please refer to elevations and color rendering of building exterior submitted with this application. Care has been taken to provide adequate green space along Nelson Avenue and Barksdale street. We are proposing 2 story building that is consistent with a majority of houses in the area.

1. Front and side porches are consistent with surroundings
2. Long lasting building materials like brick that is consistent with neighborhood
3. Adequate landscaping is provided along both streets.
4. Maintaining two story elevations

Providing Quality Housing and Maintaining Ownership

Though the immediate area primarily has single family houses, in the recent years, the area has experienced several new multi-family housing. There is an obvious trend for denser development. The developer's goal is not only to meet current housing demand through quality affordable housing, but also to maintain owner occupancy rate. The developer's plan is to sell the units and not rent.

Compatible with current zoning

The rezoning request is compatible with current R-6 zoning. The rezoning request to change the zoning to a denser residential use and not to a commercial use that can possibly have adverse impact to the neighbors. The proposed exterior architecture will merge with surrounding development. We truly believe that rezoning will have positive impact to the area by having quality affordable housing.

Working with Memphis & Shelby County Office of Planning & Development & Cooper Young neighborhood Committee

The developer and architect have made an effort to obtain input from above OPD as well as CY neighborhood committee. We met with both the agencies and have incorporated their comments to the current design.

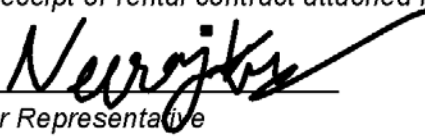
We strongly believe that this proposal is in consistent with overall neighborhood character and compatible with current zoning.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Neeraj Kumar, being duly sworn, depose and say that at 2:30 pm on the 5 day of April, 2020, I posted X Public Notice Sign(s) pertaining to Case No. PD20-1 at 883 South Barksdale Road, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Neeraj Kumar 
Owner, Applicant or Representative

05/05/2020
Date



NEIGHBORHOOD MEETING SUMMARY

Meeting minutes for PD20-1 – 4 unit Multi Family at 883 South Barksdale Road

- The virtual meeting started at 6:00 PM on June 29. The meeting lasted for approx. one hour and 20 minutes. Amanda Yarbro stated that she will record the meeting.
- Amanda Yarbo Dill opened the meeting and explained the purpose of a second neighborhood meeting.
- Neeraj Kumar gave the presentation explaining design. NK explained that since the last neighborhood meeting, the exterior design was revised to incorporate neighbors' concerns of volume, mass, architecture, etc.
- Following questions were asked by the neighbors
 - Where will 2nd car will be parked.
 - Response – Along Barksdale street
 - What will be the price of each unit
 - Response – NK stated that he is not sure and the developer can answer that question.
 - Comment from neighbor – 4 unit development is not consistent with neighborhood.
 - Response – NK stated that the site is appropriate for 4 unit. It is at the corner of Barksdale and Nelson road. An adequate amount of open space is provided. Mass, volume and architecture style are consistent with the surroundings.
 - Parking along Barksdale is not safe. One of the neighbors suggested to have bump out.
 - Response - NK suggested that he will consider the suggestion, however this has to be discussed with city engineering.
 - Design is missing charm of the neighborhood
 - CY design guidelines are not followed.
 - Response – We will consider all design guidelines.
 - Can 2 unit be considered?
 - Response - NK stated that in the previous neighborhood meeting, the developer has stated that he think 4 unit development is appropriate use for the property and he will not consider 2 unit duplex development.
 - Why developer is not present in this meeting
 - Response – NK stated that the developer has a conflict today. He was present in all previous meetings.
 - The floor area square foot is not consistent with the neighborhood. The largest duplex house is 3000-3500 SF.
 - Response – NK stated that this is corner lot and there are bigger structure at other intersections in the area
 - Porch facing alley is problem as no house in the neighborhood has rear porch
 - Response – Porch is for rear unit and he can consider removing porch i
 - NK suggested that CY committee appoint a representative from the neighborhood and developer will work with the person(s) in incorporating neighbor's comments.
 - Olivia Walls stated that CY committee will provide its design comments to Landmark commission.
 - Meeting ended at around 7:10 pm

End of meeting minutes

LETTERS RECEIVED

One letter of support and forty-nine letters of opposition were received at the time of completion of this report and have subsequently been attached.

The following table is a summary count of key terms mentioned in the letters received:

	Opposition To					Support Of		
	Architecture/ Design/ Character/ Style/ Massing	Lack of Neighborhood Meeting	4-Units/ Density/ Infill	Lack of In- Person Board Meeting	General - Nothing Specified	4-Units/ Density/ Infill	Duplex/ 2-units	Development in General
Total Mentions	40	17	11	6	2	6	3	3

I Support PD 20-01

Brad Phillips <bradphillipsmemphis@gmail.com>

Fri 5/1/2020 7:35 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeffery -

As I am sure you are very aware a small yet vocal group of reactionary nonprofits have created a business model predicated on an anti-development outrage/ NIMBY model.

They are largely a monolithic group of middle / upper class, older, long time residents who view diversity and outsiders with contempt and suspicion.

They oppose virtually any and all new development anywhere . Memphis proper must grow its population and tax base to provide essential services for her citizens.

Please support density, growth, prosperity and diversity in the urban core of Memphis.

Brad

Barksdale and Nelson

Brandon Ramey <bramey65@gmail.com>

Wed 4/29/2020 11:22 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jeffrey,

I hope this email finds you well.

I am writing to you regarding my concern over the new development at the corner of Barksdale and Nelson. I am all for in-fill development and I think that corner has the potential to positively impact our neighborhood.

However the renderings that I have seen frighten me quite a bit. Dressing up a modern-day townhouse complex like a 1920s Craftsman is like Frankenstein wearing a normal person mask and expecting to fit in.



I know you're hearing lots of opinions and it's impossible to please everyone, but I think what makes midtown special is its rich diversity of people, ideas, and architecture. There have been some really great contemporary developments proposed in midtown these past couple years.

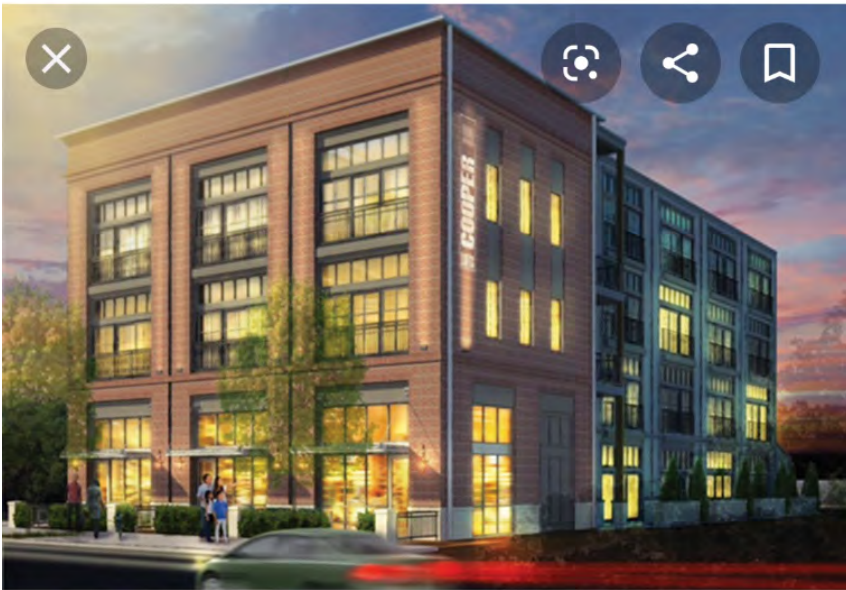
9:11



9:14



9:12



But to see such a large building using a small building vocabulary seems incongruous. Midtown is about being authentic and original, and it seems like this building is trying so hard to look like something that it's not.

Staff Report
PD 20-01

April 9, 2020
Page 14

RENDERINGS



View from South Barksdale Street



View from the intersection of South Barksdale Street and Nelson Avenue

From the historical pictures; it seems like that corner has never had a particularly "residential" look.

Staff Report
PD 20-01

April 9, 2020
Page 21

Photo Circa 1930



The subject property contains the Pan AM gas station and Gainsborough drug store (adjacent to parked car)

I think it would be more accurate to the historical context of that corner to be more architecturally anomalous. This development should be trying to add another hue to our neighborhood's already rich tapestry, not just trying to "blend in" with the crowd.

Thanks for your time,
Brandon Ramey
2090 Nelson Ave

April 30, 2020

TO: M/SC Land Use Control Board

RE: Barksdale Multifamily Development - Case Number PD 20-01

Chairwoman Sharp and the LUCB Members:

After consideration of the submitted plan, the Cooper-Young Community Association Development Committee respectfully requests that the board vote to **REJECT** the application for a Planned Development at 883 South Barksdale Street.

In summary, the proposed plan does not meet the Memphis 3.0 General Plan as it relates to a “Nurture” site in a Primarily Single Unit (AN-S) neighborhood as it is more than 100 feet from an anchor nor does it meet UDC guidelines 3.9.2 (Contextual Infill Standards), 4.10 (Planned Developments), and 9.6.9 (Special Use and Planned Development Review Approval Criteria). A single-family unit would be the most appropriate to uphold Memphis 3.0 and the UDC; a duplex could also be considered as the M/SC Board of Adjustments approved Docket Number BOA 14-18 (City) in 2014 to allow a duplex on the property. Either of these options would be appropriate residential uses of this site to promote both Memphis 3.0 and the integrity of the Cooper-Young Historic Landmark District.

Further, despite unprecedented circumstances, waiving the public meeting requirement is particularly troubling for a development of this size. Our community is close knit and passionate about the neighborhood; the lack of a public meeting inhibits our resident’s ability to address concerns directly with the applicant prior to the LUCB hearing.

Our main concerns regarding the application as it relates to the UDC include: Contextual Infill Standards (3.9.2), Planned Developments (4.10), and Special Use and Planned Development Review Approval Criteria (9.6.9).

3.9.2 Contextual Infill Standards

Section 3.9.2 states the intent of the Contextual Infill Standards are to “reinforce the traditional character of established residential neighborhoods.” The four-unit townhouse structure disrupts these standards by placing four units on a lot that is less than 10,000 square feet. The majority of lots in this area are of similar size and have one unit. There is a duplex located at 1955 Nelson, which fits within the street-block and could be used as a model for developing an appropriate infill project with two units. Further, there are no townhouses in the Cooper-Young Historic Landmark District, which exacerbates the disruption to mass, scale, rhythm of spacing, and orientation that this project would bring. The mass and scale of the proposed project is not compatible with the landscape of Cooper-Young; further, the project re-orientes the front façade to Barksdale, which is atypical for residential structures in the area.

4.10 Planned Developments

The purpose of Planned Developments are outlined in 4.10.1: they are “intended as a tool to allow creative and imaginative design that will promote amenities beyond those expected in conventional

developments.” In our opinion, the project as proposed is neither creative nor imaginative and does not promote amenities beyond expectation. Rather, the project seems like a workaround to local laws and regulations in order to build more than one unit on a property where one unit is within current zoning and development standards and would be most appropriate.

Further, the application for four units is in contention with the General Provisions for Planned Developments, particularly 4.10.3.A, which states, “The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property...”, and 4.10.3.C, which states, “The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses...” The large mass and scale as well as the re-orientation of the front façade will damage the value and enjoyment of surrounding properties and disrupt the use of the street-block by creating an alley entrance on Nelson directly adjacent to the front façade of the neighboring house.

9.6.9 Special Use and Planned Development Review Approval Criteria

Section 9.6.9 of the UDC says that a planned development shall not be approved unless the following findings are made:

A: "...no undue adverse effect upon...the character of the neighborhood..."

We contend this does adversely alter the character of our historic neighborhood.

B: “The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity...”

We contend the reorientation of the front façade to Barksdale and an addition of an alley entrance on Nelson is incompatible with the immediate vicinity.

D : "...not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance."

We contend that the proposed planned development does not conform to the Landmark District Guidelines and would cause a loss or damage to the historic importance of our district, which was, by definition, determined by the governing bodies to be of historic significance based on their approval of the district.

E: "The project complies with all additional standards imposed on it by any particular provisions authorizing such use." And F: "...will not...violate the character of existing standards for development of the adjacent properties."

We contend that this application does not conform to the Landmark District Guidelines.

Although the M/SC Landmarks Commission will hear concerns regarding design elements and their non-adherence to the Cooper-Young Historic Landmark District guidelines, which will reinforce the points discussed above, the creation of a four-unit Planned Development on this site will be in direct opposition to our General Principles (Section 5).

While it is true that there was commercial use on the lot (as noted in the staff report), the neighboring uses and current zoning do not support commercial use. The last commercial use was not historic and declined for many years, thus indicating inappropriateness of commercial use.

Further, maintaining the lot as R-6 zoning and allowing the construction of either a single-family house facing Nelson or two-unit duplex would be more appropriate under Memphis 3.0 for a site designated as “Nurture” within a Primarily Single Unit (AN-S) neighborhood. This variance to allow a duplex was already approved by the Board of Adjustments in 2014.

In the letter of intent, the applicant states, “Developing the site for an appropriate use is right step [sic].” A four-unit townhouse structure is inappropriate for Cooper-Young and does not exist in the Cooper-Young Historic Landmark District. The “several new multi-family housing” cited by the applicant in the letter of intent are not located within the Landmark District and should not be used as justification for this application as they are in the commercial district, and thus appropriate, as they are within 100 feet of an anchor as recommended by Memphis 3.0 unlike this site.

It is also important to note that the CY Development Committee met with a representative for this project on March 14, 2019, as they stated in their application. The majority of our comments were ignored, particularly in regard to the number of units, mass, and scale; we suggested, as we are now, that a single-family house would be most appropriate with a maximum of two units on the lot for the project to be compatible with the street-block and neighborhood.

Respectfully,

Cooper-Young Development Committee

Olivia Wall, Development Committee Member and Secretary of the Cooper-Young Community Association

PD 20-01

Amanda Yarbro-Dill <amanda.yarbro@gmail.com>

Fri 5/1/2020 10:25 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

As a resident of Cooper-Young, I respectfully request that this application be denied due to the fact that no public meeting was held. Meetings are being held via zoom and other platforms and I don't understand why the developers aren't being made to meet with the neighborhood virtually. It goes against the way this is supposed to be, and could certainly be done.

Thank you,
Amanda Yarbro-Dill
996 Blythe St, Memphis, TN 38104

From: S Berry Jones [mailto:berry@sbjarchitects.com]
Sent: Wednesday, April 8, 2020 10:55 AM
To: Ragsdale, Bre. <Bre. .Ragsdale@memphistn.gov>
Subject: PD20-01 833 Barksdale

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bre.
 Hope you are doing well and staying safe.
 I am wring bec ause I have a future project down Barksdale that will eventually be an infill project next to the Railroad track to the north.
 This infill project is at least a year off but obviously we are interested in keeping the neighborhood in the best state it can be.
 So my comments on this project are simply to address the concern of design and architectural compability . All in all I cannot argue with the project or site layout but the Barksdale Façade just looks odd and really needs some tweaking. The dormers are awkwardly out of scale and one is much too close to the front edge of the porch roof. Also the length of the building with lile or no fluctuaà on in the r oof plane to indicate a mul-unit building kind of reminds me of the buildings you might see at a assisng living f acility.
 Again these may seem architecturally picky comments but as you and I both know the "devil is in the details". I could not discern who the staff member was assigned to this so if you would please forward to them.
 Thank for considering these points of view.
 Berry Jones AIA

S Berry Jones  Architects
 1503 Monroe Avenue
 Memphis, TN 38104
 Ph.901.340.1229 Fx.90.725.5676
www.sbjarchitects.com
berry@sbjarchitects.com

From: [Brad's Gmail](#)
To: [Penzes, Jeffrey](#)
Subject: Barksdale and Nelson, Cooper Young development
Date: Saturday, February 15, 2020 12:47:02 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes -

Cooper Young resident here. We own a house a block away - 1858 Oliver.

We fully support a multi family development here, but the architectural character of this proposal is not good.

Whether the character is contemporary or traditional is far less important than a well designed street front. This proposal looks very bland, not well proportioned, and inexpensive. It does not fit the character of the neighborhood.

I'm not supportive of this proposal.

Thanks!

Brad Schmiedicke
C: 901.692.6725

Brett Ammons <jamesbrettammons@yahoo.com

>

Wed 4/8/2020 12:08 PM

To: Penzes, Jeffrey

Cc: Whitehead, Josh

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If LUDC can be done virtually, so could a neighborhood meeting.

I've read the two letters that were submitted and I support the view of Brad S.

[Sent from Yahoo Mail on Android](#)

Against PD 20-01

Carol Oswald <cizarol@gmail.com>

Tue 5/5/2020 1:07 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes,

Please show considerations for the current residents of the Cooper-Young neighborhood. Housing can and should look better than this and be more appropriate to the neighborhood. The below plan does not in any way fit with the surrounding residences. Development - yes, but within guidelines. Thank you, Carol Oswald.



View from the intersection of South Barksdale Street and Nelson Avenue

Re: Proposed Multi-Family development at 883 South Barksdale

Cary Fowler <caryfowler@mac.com>

Thu 5/7/2020 12:31 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I have looked at the relevant application with its photos and drawings and must say that I cannot see how this proposed structure fits within the tradition of the neighborhood. It just doesn't look like any of the other homes or buildings in the photos. I believe the developers can do better than this, and Memphis should expect and require its developers to do so.

Sincerely,

Cary Fowler
159 E. Parkway N.
Memphis

Cooper-Young Case PD 20-01

Cheryl Bledsoe <bledsoe.cheryl@gmail.com>

Tue 4/7/2020 5:05 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes,

As a resident of Cooper Young, I am appalled that your office has chosen to waive our neighborhood meeting on a highly important project. How could anyone in your office deny anyone the opportunity to voice an opinion in person? If this part of the process is to be waived, the whole process is to be waived. You cannot have one without the other. We should have the right to have our say so in person, just like the developer had his say so.... It is out right wrong. You are doing a disservice to the residents of Cooper Young. Not everyone has the capacity to be able to "attend an online meeting" and I think this was done to be able to keep us from voicing ours. I am disappointed in these actions at this critical time when no one is allowed at a gathering. There has not been any notice of any kind to our neighborhood regarding this structure. This is one of the ugliest structures I have ever seen and how anyone thinks this looks like anything built in our neighborhood is beyond me. It looks like a mortuary or a nursing home.... Who would want to live in such an ugly structure?

I am asking on behalf of the residents that you reconsider this action and delay this meeting, when we can have a neighborhood meeting regarding this issue. I am equally angry that the builders of the monstrosity **did not have ANY input from CY residents.**

Respectfully,
Cheryl Bledsoe

--

-- "One is loved because one is loved. No reason is needed for loving." - Paulo Coelho, The Alchemist

OPD PD 20-03 and PD 20-01

christina ross <cdross72@hotmail.com>

Tue 4/7/2020 5:44 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeffrey,

I have spoken to Teresa Shelton today by phone. She has been very helpful in answering my questions about two of the items on the virtual meeting for Thursday April 9th. I realize that your department is trying to keep things going as best as possible during a difficult time. But many people are barely managing work-from-home plus kids at home, plus the major shut downs during this covid 19 pandemic. I do not think residents in either Cooper Young or Evergreen were aware of the projects up for review on Thursday until very recently.

Please place a temporary hold/delay on PD 20-03 (Evergreen) and PD 20-01 (Cooper Young). For the Cooper Young property, no neighborhood meeting has been held to address issues. This must be put on hold.

I am in opposition to both proposed projects as neither fit in with the neighborhood in design, scale, or massing, and dividing a small lot in EHDA is not a good precedent.

Thank you,
Christina Ross

Opposed to PD 20-01

Dave Harris <dave@southardfinancial.com>

Thu 5/7/2020 2:01 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: 'Lisa Harris (ranevjake@yahoo.com)' <ranevjake@yahoo.com>

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Mr. Penzes,

I live in Midtown (Central Gardens) not far from the PD 20-01 property at Nelson and Barksdale. The design is outlandish and does not reinforce the traditional character of Cooper Young, which is an established residential neighborhood. We need to approve construction in Midtown that maintains and enhances the character of the various neighborhoods in the area. I am strongly opposed to this project and I hope that you do not recommend it going forward.

Thanks for your consideration.

Dave Harris
605 South McLean Boulevard

Nelson and Barksdale propped development

David Burton <dfburton91@gmail.com>

Thu 5/7/2020 2:03 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes:

I am writing to you to ask you to not approve the plans for the southwest corner of Nelson and Barksdale. The relevant city ordinance in not approving this monstrosity is City Ordinance 9.3.2 which as you know requires any new buildings to "reinforce the traditional character of established residential neighborhoods." It is my view that this proposed development does not meet that standard and therefore should not be allowed to be built in the historic Cooper/Young district.

Thank you,

David F. Burton
134 South Humes St
Memphis, TN 38111

COOPER-YOUNG: Barksdale Street and Nelson Avenue, and Meeting Access Code

David Maddox <dminmem@yahoo.com>

Tue 4/7/2020 6:09 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes:

I am writing to express my objection to any approval of buildings proposed for construction, particularly as currently rendered and published, on the lot at Barksdale and Nelson made vacant by the demolition of a neighborhood grocery for two reasons.

First, these hearings should be conducted when the public can attend. Conducting this business during Mayor Strickland's stay at home order without the usual processes comes across as shady and underhanded.

Second, the proposed design, which I understand has already been rejected in an earlier hearing, is incongruent with the surrounding neighborhood. Though the person who rendered this elevation borrows a handful of details from the historic surrounding homes, they are not enough to make this much more than an eyesore plucked from a bulldozed, barren, suburban sprawl area where cookie-cutter office buildings and nursing homes share the aesthetic. It's lipstick on a pig.

This proposal lacks the charm and history of Cooper Young and it will not fit into the neighborhood. Aren't we, as good custodians of the soul of Memphis, beholden to efforts to maintain who we are? To treasure and preserve our neighborhoods? I understand the need for infill, but let's do it right. Let's not continue the trend of the many mistakes made all around Midtown.

This matter is on the agenda for the LUCB meeting scheduled for April 9, 9:30AM. I am requesting the access code that allows me to attend the meeting online.

Best regards,

David Maddox



David Maddox
Creative Services
2092 University Circle
Memphis, Tennessee 38112
9901.489.8548
dminmem@yahoo.com

October 6, 2020

Page 65

Pride of Place - Cooper Young

David Merrill <film.ronin@gmail.com>

Thu 5/7/2020 1:59 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

Pride of Place. Midtowners are famous for it. Sometimes we are a pain in the backside about it, but not without reason. It is my hope that you are able to ask for community input on this particular development before making any decisions that will affect the lives of property owners, friends and registered voters in Cooper Young.

The southwest corner of Nelson and Barksdale is about to become the site of a 'modern' multi-family dwelling that appears to be out of step with the community aesthetic of Cooper-Young. Having grown up around the corner, I don't look forward to this strip-mall like encroachment into the residential part of Cooper-Young.

City code 3.9.2 says infill must "reinforce the traditional character of established residential neighborhoods." This does not qualify.

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fshelbycountytn.gov%2FArchiveCenter%2FViewFile%2FItem%2F7966&data=02%7C01%7CJeffrey.Penzes%40memphistn.gov%7C7a07e9706dbb46f103ef08d7f2b8cfe%7C416475616537442396a9859e89f8919f%7C0%7C0%7C637244747868999411&data=F8wSW%2BgohtmyWPm%2Ft0II0cRC4R9qOPyRaVEUKmpUdE4%3D&reserved=0>

Respectfully,
David Merrill

Nelson and Barksdale

Debbie Sowell <debbie@incityrealty.com>

Thu 4/30/2020 3:15 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose the development at the corner of Nelson and Barksdale. The architectural elements are not consistent with surrounding homes and the 4 units is definitely not consistent with the streets surrounding this development. This developer has no respect for what the neighborhood finds acceptable as he was building on this lot knowing he did not have proper authorization many years ago. Thank goodness he was stopped and now I feel he is taking advantage with covid -19 because he does not want to meet with the neighborhood. Please delay this meeting until proper protocol is met.

PO 20-01

Donna Hankins <donna@scholl-law-firm.com>

Tue 4/7/2020 5:07 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>
Cc: Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>; Saliba, Norman <Norman.Saliba@memphistn.gov>; Bacchus, Brian <Brian.Bacchus@memphistn.gov>; Davis, Brett <Brett.Davis@memphistn.gov>; Shelton, Teresa <Teresa.Shelton@memphistn.gov>; Skinner, Lucas <Lucas.Skinner@memphistn.gov>; Smith, Somer <Somer.Smith@memphistn.gov>; Tezel, Ayse <Ayse.Tezel@memphistn.gov>; Thomas, Seth <Seth.Thomas@memphistn.gov>

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This project needs to be put on hold until a neighborhood meeting can be held. This huge eyesore does not fit into this historic neighborhood or that space.

I just learned today that the notice I received from your organization about a development at Autumn and South Parkway was actually about the development at Nelson and Barksdale and that the neighborhood meetings have been waived due to the Covid 19 pandemic. You all need to do the right thing and postpone this item from your agenda. You have not given proper notice or correct information concerning this property. It really does seem like this is being pushed through while the world is on lock down.

Please do the right thing!

Donna Hankins

Objection to planned development at 883 S. Barksdale

Doug Carriker <dcarriker@hotmail.com>

Wed 5/6/2020 11:35 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes,

I'm writing to note my objection to the planned development at 883 S. Barksdale Street to be discussed at the Land Use Control Board Meeting on May 17th. I'm writing /emailing my objection since the Community Meeting is cancelled due to Covid-19.

I've been a Cooper Young resident since March of 2004. I live down the street from 883 S. Barksdale on Young Ave. I pass by the property in my vehicle every day, usually more than once. I walk my dogs past the property each day. I used to frequent the old convenience store at that location before it was shut down and demolished. I'm very familiar with that property.

I've reviewed the Staff Report of case number PD 20-01, all 36 pages and 2 emails. My first objection is that in this residential neighborhood the property should be reconstructed as a single-family dwelling to best blend in and not disrupt the current area. I realize it has been zoned commercial for many years. However, commercial for a gas station and drug store and then later as a small convenience store are not nearly the inconvenience to surrounding homes and neighbors as the current proposed multi-unit dwelling. I would like to see the zoning changed to single family residential for those reasons.

My second objection is that the proposed architecture does not blend with the look of the surrounding homes. It is large, too tall, and one large building.

Lastly, there is no actual way that area of that lot can support parking for that large of a 4 unit building and possible guests. There will be an overflow of traffic and parking causing problems with the area.

As I looked at the property this evening while exercising the mus, I couldn't fathom how in the world that small of a lot could possibly get approval for a 4-unit development. While I don't live directly next to it, I can only imagine the headache this will bring to those close neighbors, not to mention the complete eyesore this will be to such an interesting and historic neighborhood like Cooper Young.

I seriously doubt the Board Members considering approval for this proposed property would be happy to see it being built next to their home.

Please note my objections at the meeting on May 17.

Thank you,

Doug Carriker
1864 Young Ave

Oppose PD 20-01

Emily Taylor Graves <emilyctaylor@hotmail.com>

Mon 5/4/2020 2:23 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes,

Please accept this correspondence as opposition to PD 20-01. The design renderings show a structure completely inappropriate for the neighborhood in terms of both scale and style. I am not at all opposed to development or increased density, but this building is an eyesore. It looks like a funeral home.

The infill of a historic neighborhood should not be jarring. This can be done — see the infill adjacent to Overton Park where the homes were bulldozed to make way for the interstate.

I oppose this out of place, poorly designed, unattractive funeral home structure.

Emily Graves, MD
1412 Carr Ave 38104

Opposition to Townhouse Development at Barksdale and Nelson

eric friedl <efriedl@gmail.com>

Thu 5/7/2020 2:41 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello-

This is a note to register my opposition to the construction of the proposed Townhouse at Barksdale and Nelson. There is no precedence for this design in the neighborhood. I have lived in Midtown since 1990, have operated a business in Cooper Young since 2004, and lived in the neighborhood from 1993-2004.

I am supportive of development that fits the style and character of the neighborhood. This does neither. Please do not allow this development to proceed.

Sincerely-

-Eric Friedl
901-336-2191

On Apr 7, 2020, at 10:29 PM, Gary Berglund <gfberglund@icloud.com> wrote:

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I live in Cooper-Young and I'd like to be able to have the neighborhood meeting that is common practice when it comes to our neighborhood. Please consider having the meeting and pushing the decision on the project back until we get past this COVID-19 thing.

Thank you for your consideration.

Gary Berglund

Sent from my iPhone

PD 20-01

Geoffrey Shrewsbury <geoffreybs@hotmail.com>

Thu 5/7/2020 1:33 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I encourage you to hold the developers to the neighborhood standard of size and aesthetic.

Please do the right thing by the people who live in this neighborhood, for we re who made it what it is today.

Thank you,
Geoff Shrewsbury

883 S. Barksdale

Gordon Alexander <carlstebbins@msn.com>

Wed 5/6/2020 12:45 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>**Cc:** Laura Lanier <lanierle2@aol.com>; doudnier@aol.com <doudnier@aol.com>; Emily Graves <emilytgraves@gmail.com>; Linda Roper <lproper@att.net>; forblueskies04@aol.com <forblueskies04@aol.com>; Frank Campagna <frank.campagna@gmail.com>; Rodney Nash <rnash57@gmail.com>; Robert Hatfield <rdhatfield@gmail.com>; Mark Morrison <marklmorrison@outlook.com>; Mark Fleischer <marksfleischer@gmail.com>; Barbara Sysak <barbsysak@gmail.com>; holly@memphisheritage.org <holly@memphisheritage.org>; NEW JUNE WEST <jwest@memphisheritage.org>; Patrick McCabe <plmccabe@live.com>**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jeffrey:

I have heard from residents in the area, including Ward Archer, whose recording studio is across the street. Taking the temperature of Cooper/Young, this is not the type of development they want for this corner. Most people think it looks like a nursing home in Collierville - and that's being kind.

On behalf of Midtown Acon Coalition I urge LUCB to reject this application as not being a good fit for this neighborhood.

Regards,

Gordon Alexander

P.S. No required neighborhood meeting? If we can do remote LUCB, BOA and Landmarks meetings - why can't we do a remote neighborhood meeting? Would you ask Josh?

From: 9012686279@mms.att.net
To: [Penzes, Jeffrey](#)
Date: Wednesday, March 04, 2020 5:35:19 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Calling about the property at the corner of Nelson and Barksdale I think it's 883 Barksdale I live right next to the property and I don't think it should be a fourplex not enough parking plus the structure would not match the neighborhood one large fourplex I live at 1899 Nelson Gregory Grubbs 901 268 6279 I hope he doesn't plan on trying to do that is the owner he tried to build the last structure without permits and he was going to put the new building he put up on the old slab he did that he had the whole first story built and was made to take it down by code like I say he literally put the two by four to buy eight whatever he was using for the sill plate and took concrete nails and tried to and tried to attach it to the old slab if any of my comments would help please contact me preferably by phone but email or text will be okay thanks

Proposed structure in Cooper-Young - 883 S. Barksdale

Haynes Knight <haynesknight@hotmail.com>

Thu 5/7/2020 2:04 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

As a long me r esident of Cooper-Young I cannot begin to express my uÅer dismay at the proposed structure at 883 South Barksdale at the SW corner of Nelson and Barksdale that is currently being considered for development. Not only does it not comply in the least with City code 3.9.2 that infill must "reinforce the tradional char acter of an established residenal neighborhood", it is truly a horr or of design even if it was to stand alone in an empty field. Please don't allow this horribly designed structure to be constructed in the Cooper-Young neighborhood...or anywhere in Memphis for that ma. er.

Would you want it in your neighborhood?

Please help keep it out of ours.

Sincerely,

Haynes Knight

927 Meda Street

opposition to case PD 20-01

Holly Jansen Fulkerson <holly@memphisheritage.org>

Thu 5/7/2020 1:23 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jeffrey,

On behalf of Memphis Heritage and the historic neighborhoods we work to support, we are voicing our opposition to the proposed development at 883 S. Barksdale (PD 20-01).

In addition to major concerns about the design, we are opposed to the case being heard at all as the LUCB requirement for the applicant to hold a public meeting has been waived. This sets a dangerous precedent that could quickly destroy the nature of our historic neighborhoods. The waiver of the required meeting seems contrary to the LUCB policy of holding its own virtual meetings during this time of crisis.

We urge the LUCB to hold this case until a more appropriate time when all citizens can better participate.

Sincerely,

Holly

Holly Jansen Fulkerson
Executive Director

Memphis Heritage, Inc.
at Howard Hall
2282 Madison Avenue
Memphis, TN 38104
[901.272.2727](tel:901.272.2727)
www.memphisheritage.org

Barkdale and Nelson

Jane Parks <gotraveljane@gmail.com>

Tue 4/7/2020 4:20 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes,

What in the fresh hell is this proposed property at Barkdale and Nelson?

1. It looks like a funeral home out in the sticks.
2. It is ugly.
3. How dare you all try to push through plans when we are under quarantine.

Please postpone the vote in this property until residents can show up to voice out concerns. No, participation online is not satisfactory.

Good afternoon.

Jane Parks

1800 York Ave.

Memphis, TN 38104

Proposed Cooper Young development

jody callahan <jodyacallahan@gmail.com>

Thu 4/30/2020 3:17 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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This looks awful. If they can't make it resemble what's already around it, they need to get the hell out of Cooper Young.

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fshelbycountytn.gov%2FArchiveCenter%2FViewFile%2FItem%2F7966%3Ffbclid%3DIwAR2t2dk_bydW_ZJMI2-sBmo6TEFQEyP8N0i3bev4JXHTMKuCCM7B3LBhXPo&data=02%7C01%7Cjeffrey.penzes%40memphistn.gov%7C8e1618d34b89421aad1508d7ed43931b%7C416475616537442396a9859e89f8919f%7C0%7C0%7C637238746791522890&sdata=lqUR%2Bbz3xf3ry0Slg%2Fdc%2B%2FIWk1c4nc8ad3V590U770w%3D&reserved=0

PD 20-01: Barksdale Multifamily Planned Development

Jonathan Cole <jmcole1970@gmail.com>

Mon 5/4/2020 10:39 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Paul Linxwiler <paul.linxwiler@gmail.com>

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CASE NUMBER: PD 20-01

DEVELOPMENT: Barksdale Multifamily
Planned Development

LOCATION: 883 South Barksdale
Street (southwest corner of Barksdale and Nelson)

As homeowners three houses down Nelson Avenue from the development, we maintain serious objections to the proposal. We offer the following comments and questions that need to be answer before proceeding with the development:

1.
The applicant claims the proposed front and side porches are consistent with surroundings in the neighborhood. The east side rendering facing Barksdale appears to show two individual porches and front door entrances for the two interior units in the development. The Concept Plan for the first floor and East Elevation do not match the east side rendering. These perspectives show a single set of steps (no private individual porches like the rendering) leading to two front doors for the units which face each other in an alcove (instead of Barksdale). The East side rendering is drawn to make the structure look more like porches in the neighborhood. What is the east side really going to look like? The concept plan and East Elevation are an eyesore facing Barksdale.
2.
The renderings make the single story house next door on Nelson Avenue appear to be a two-story home like the proposed development. The rendering deceives those reviewing the proposal to think that this giant development will blend in with the single-story single-family homes in the neighborhood. The public deserves to review a rendering which reflects the actual structure in the current neighborhood.
3.
The South side of the development includes a porch which faces an unkempt alley. No homes in the neighborhood face alleys and the design is disruptive to the aesthetic of the neighborhood. Will the current alley area be upgraded with a new paved road surface? When alley maintenance is performed,

October 6, 2020

Page 80

weed/grass/leaves/tree

limbs are removed, where is debris supposed to be staged for City Trash removal crews?

4. Is the vacant/un-designated open area that faces Nelson, developed for over low or off-street parking? Will Barksdale street be striped for curbside parking and a Bike lane?
5. Will there be private sanitation services with a single trash dumpster that all units will use? If so, where will that dumpster be on the property?
6. If each unit will use City Sanitation services and recycling, where will units store individual unit's trash and recycling cans when not on the curb? In the private driveway? Will 4 trash cans 4 recycling cans (8 total cans) be put on the curb on facing Nelson (seems excessive)?
7. Existing alley access is indicated for vehicle entry into the interior driveway that shows as only 14'6". The width of this space limits only one vehicle at a time. Exterior condensing units for HVAC systems require around 3-4 square feet. Where will the HVAC condensing units be placed on the property? On the driveway? That will leave about 10-11 feet in actual width in the driveway.
8. Did the gas station on the South side of the property include underground storage tanks? Have these tanks been removed? Is there a record of their removal?
9. The Office of Planning and Development has not required the developer to hold a neighborhood meeting before coming to the Land Use Control Board. Due to the above problems with this proposal, I urge the LUCB to deny this request until this requirement is met.

Jonathan Cole and Paul Linxwiler
 1889 Nelson Avenue
 Memphis, TN 38114
 901-301-3306 and 901-240-7196
jmcole1970@gmail.com
 and Paul.Linxwiler@gmail.com

--

Jonathan Cole

October 6, 2020

Page 81



Visit my food blog at placeatthetable.net. Follow me on [Instagram @placeatthetabledotnet](#), [Facebook](#) and [Twitter @Jonathan TN](#). Male pronouns preferred.

901-301-3306

As a board member of [Planned Parenthood of Tennessee and North Mississippi](#), I encourage you to give generously to this organization.

On Apr 7, 2020, at 8:22 PM, Jordan Danelz <jordan@pigeonroost.co> wrote:

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey guys,

There is a development at the corner of Barksdale and Nelson that is number 23 on the agenda coming up (Case PD20-01).

We know this particular lot has had a long history of one poor planning idea after another and this current iteration is essentially the same style development that was turned down in the past.

I'm all for new development in Midtown and normally don't speak out on things like this but come on..... The entire neighborhood is EXTREMELY against this design and having "virtual" meetings during a pandemic about something so CONTROVERSIAL seems really SHORT SIGHTED.

There are many in the surrounding neighborhood who don't have access to the internet to attend this meeting. The barriers to have a genuine voice during this time are pretty obvious I would say.

I politely ask that any movement on this development be put on hold until Memphis, and the nation move past COVID.

Thank you for your understanding.

--

Jordan Danelz

Partner | Managing Director

Cell: +1 415 568 5094

Office: +1 901 300 0236

pigeonroost.co



- > -----Original Message-----
- > From: Judi Shellabarger [<mailto:jshellab@comcast.net>]
- > Sent: Tuesday, April 07, 2020 4:58 PM
- > To: Bacchus, Brian <Brian.Bacchus@memphistn.gov>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>
- > Subject: Barksdale/Nelson project
- >
- > CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
- > _____
- >
- > While neighbors are sheltered in place by order of the mayor and the President, this is not the time to have OPD meetings. This project did not meet with the neighborhood and should not be approved.
- > Thank you.
- > Judi Shellabarger 2103 Nelson
- >
- > Sent from my iPad

Proposed development at Nelson and Barksdale

Katherine Fisher <fuzzlito@bellsouth.net>

Thu 5/7/2020 4:03 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a resident of Cooper-Young, and I oppose the proposed development at Nelson and Barksdale. The drawing shows it next to a huge house. They have enlarged the house next door in the drawing to make this one look like it fits in. It does not. The architecture does not look like surrounding homes. The homes nearby that are marked as multi-family residences are not currently being used as duplexes, or at least they're resemble single-family homes. I'm not aware of any four-plex near there. This complex was proposed years ago, and residents turned out to a meeting to oppose it. Now we can't come to a meeting, and you are trying to shove it through.

I think we made it clear when we approved Landmarks designation in the neighborhood: we don't want dense housing crammed into an area of single-family homes. We don't architecture that doesn't fit into the neighborhood. We don't want large buildings out of scale with surrounding homes. We don't want zero lot line construction.

Please put an end to this madness.

Thank you,
Katherine Fisher
2058 Evelyn Ave.
Memphis, TN 38104
901-833-8309
Fuzzlito@bellsouth.net

Case Number PD 20-01

Kelby Davis <kelbywdavis@yahoo.com>

Tue 4/7/2020 4:05 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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Jeffrey,

I would like to speak in opposition to PD 20-01.

Kelby Davis
863 S Barksdale St
Memphis, TN 38114
901-634-5794
Case # PD 20-01

Sent from my iPhone

Development in Cooper-Young @ Barksdale and Nelson

Kristan Huntley <k.huntle@gmail.com>

Tue 4/7/2020 4:18 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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To whom it may concern,

In this time of stress and uncertainty, please postpone this hearing. According to the neighborhood, the public hearing was waived due to the Corona virus. If that is the case, this matter should be postponed until further notice and neighborhood feedback is gathered. Once approved, there is no way to change that decision.

Thank you,
Kristan Huntley
Former resident of Cooper-Young

Case Number: PD 20-01 - Virtual Public Hearing

Larry Rutledge <lrutledge46@yahoo.com>

Wed 4/8/2020 12:46 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Kelley Carter <kelleycarterhome@gmail.com>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to address the Land Use Control Board public Hearing scheduled for Thursday, April 9, 2020 at 9:30 AM.

Reference: Four-unit multifamily apartment

Questions:

1. Is this property allowed to operate as an AirBnB?
2. Is the vacant/un-designated open area that faces Nelson developed for overflow parking or green space?
3. There was a Street light at corner of Barksdale & Nelson, will this corner be illuminated? What about additional street lights along property facing Barksdale?
4. Existing alley access between Nelson and Oliver is indicated for vehicle entry into interior driveway that shows as Only 14'-6". The width of this space limits only one vehicle at a time.
5. Will current Alley area be upgraded with new paved road surface? When Alley maintenance is performed, weed/grass/leaves/tree limbs are removed, where is debris supposed to be staged for City Trash removal crews?
6. Where are individual unit's Trash cans intended to be stationed? Ordinance requires trash cans to be stored away from curb areas after weekly pick-up. Where located?

Prepared by Larry Rutledge

1879 Nelson Ave

(901)827-6830

PD-20-01

Lydia Melton <lydiamelton615@gmail.com>

Mon 6/29/2020 7:04 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Penzes,

I am writing you about case PD-20-01, the multi-family unit at the corner of Nelson and Barksdale. I live on Evelyn, around the corner from this proposed development.

I wholehearted urge the Land Use Control Board to reject this proposed development. The density is too much for this lot. While there is a history of multi-family units in the neighborhood, the majority of it is duplex, not fourplex. The more dense multi-family developments are clustered around the Cooper Young commercial district. The majority of the previous duplexes are also set back much further from the street with a yard, as are the surrounding single family homes. While the units do have porches, I don't feel enough attention was paid to the architectural details of the exterior to make it blend more seamlessly into the neighborhood.

I am not opposed to progress in the neighborhood, especially on a vacant, previously commercial lot. I just don't think this is the right fit for the neighborhood. I would fully support a more thoughtful duplex plan. I walk past this lot every day, sometimes multiple times a day in this time of social distancing, and this is not what I would want to see on the corner of Nelson and Barksdale.

I have been on both of the neighborhood meeting with the architects and developer. I do not feel that they are listening to any of the meaningful feedback that the neighborhood association has been giving them and they have been skirting around the neighborhood regulations which they don't seem to have read or seem to care about.

Thank you,

Lydia Melton

1869 Evelyn Ave
Memphis TN 38114
615-477-5121

proposed building at Nelson/Barksdale.

mgjfelix@aol.com <mgjfelix@aol.com>

Mon 5/4/2020 8:34 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir,

I wanted to write and say that I'm disappointed that the developer of the property located at the corner of Nelson and Barksdale has not held a neighborhood meeting. I realize life is different right now with coronavirus, but a meeting still needs to be held. It is extremely unfair for a developer to build something very out of character without input from the neighbors.

Plus, as someone who lives in the Cooper/Young Neighborhood, I am not thrilled about a multiple housing unit (4) going on a street with single family homes.

Please either wait until meeting can be held in person or figure out some sort of internet meeting.

Sincerely,
Mark Jones
2058 Young Avenue.

Re: 883 S. Barksdale - PD 20-01

Mark Morrison <marklmorrison@outlook.com>

Wed 5/6/2020 3:52 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>**Cc:** Whitehead, Josh <Josh.Whitehead@memphistn.gov>

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Thanks, Jeffrey.

There was one more comment that I forgot to include in my email and would like added to the record. I don't agree with the waiving of the required community meeting for Planned Developments or the fact that this applicant chose not to have one. Although I recognize that we are in unprecedented times, my company continues to operate, and I participate in remote, virtual meetings every day to conduct our business. Other government organizations ranging from City Council to the Land Use Control Board use the same tools to continue their business. There is no good reason that (a) an applicant would not be required to hold a virtual meeting, or, if that is not possible/acceptable, (b) the application be held until we return to a normal working environment.

Thank you,
Mark Morrison

From: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>**Sent:** Wednesday, May 6, 2020 3:38 PM**To:** Mark Morrison <marklmorrison@outlook.com>**Subject:** Re: 883 S. Barksdale - PD 20-01

Mark,

Your comments have been received and will be included in the staff report presented to the Land Use Control Board Members.

Thanks,

Jeffrey Penzes
Principal Planner
Memphis and Shelby County Office of Planning and Development
City Hall | 125 North Main, Suite 468 | Memphis, TN 38103
p: (901) 636-6619
Visit our [website](#)

From: Mark Morrison <marklmorrison@outlook.com>**Sent:** Wednesday, May 6, 2020 3:37 PM**To:** Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>**Subject:** 883 S. Barksdale - PD 20-01

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Mr. Penzes, Chairwoman Sharp and the LUCB Members:

As a homeowner in Cooper-Young, I respectfully request that the board vote to reject the application for a Planned Development at 883 South Barksdale Street (PD 20-01).

As proposed, this applicaon does not meeāt the Memphis 3.0 General Plan or multiple provisions of the UDC. In particular, the proposed planned development doesn't meet the Contextual Infill Standards in Section 3.9.2, the requirements for Planned Developments in Seccon 4.10, or the Planned Deāvelopment Review Approval Criteria in Section 9.6.9.

Regarding Seccon 3.9.2, this plan does not` “reinforce the traditional character” of Cooper-Young.

Regarding Section 4.10, this plan comes now where close to meeting the intent of Planned Developments, which is defined as "...a tool to allow created and imaginative design that will promote amenities beāyond those expected in convenonal deāvelopments." In my opinion, there is nothing creative or imaginative regarding this applicaon or the design. The use of a Planned Deāvelopment in this particular case appears to be nothing more than a tool to get around exisng laāws and regulations regarding development in Cooper-Young.

Finally, Seccon 9.6.9 of the UDC deāfines the approval criteria for Planned Developments and specifically says they “...shall not be approved unless...” all of the numerous criteria are met. In my reading of the criteria, this applicaon does not meeāt criteria A, B, D, E and F. Specifically:

Criteria A: I believe that this development will adversely alter the character of our historic neighborhood.

Criteria B: I believe that this project will not be constructed to be compable with the immediaāte vicinity due to the reorientaon` of the front faāade to Barksdale as well as the size and scale of the proposed development.

Criteria D: This Planned Development will damage the Cooper-Young Historic Landmark District through its non-conformance. By approval of the Landmark District, “governing bodies” have determined this district “...to be of significant...historic importance.”

Criteria E: This application does not conform to the Cooper-Young Historic Landmark District guidelines. As a result, this criteria is not met.

Criteria F: Same as Criteria E

As a result of all of these deficiencies, I ask that you vote to reject the application as required by the UDC.

Thank you,
Mark Morrison
1988 Young Ave
901-834-7777

883 S Barksdale

Matt King <w.matt.king@gmail.com>

Tue 5/5/2020 11:51 AM

To: Jeffery.Penzes@memphistn.gov <Jeffery.Penzes@memphistn.gov>; Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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I live on nelson near this lot

I would like decisions postponed until a real meeting can be held

There are serious concerns about This plan

The plan does not match the neighborhood at all. Where is the trash going?

The rear driveway doesn't even work

We need to meet in person to talk w developer

Matt King
1865 nelson

Cooper Young new build

Michelle Koeppen <MKoeppen@hobsonrealtors.com>

Thu 5/7/2020 4:59 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jeffrey

The latest proposal at Nelson & Barksdale, looks like a bad Hampton Inn to me.

Wondering if you'll HELP make these guys get a better design that fits the neighborhood!!!

I'm all for Real Estate and Development BUT this is a pretty bad example of a new build.

Please VOTE AGAINST this awful looking development.

These guys have the money for better design!!!

Many thanks for any consideration

Michelle Koeppen

Michelle Koeppen

Hobson Realtors

5384 Poplar Ave Ste. 250

Memphis, TN 38119

Direct: 901-650-6053

Main: 901-761-1622

mkoeppen@hobsonrealtors.com

Mike McCarthy <jmm.memphis@gmail.com>

Thu 5/7/2020 8:17 AM

Penzes, Jeffrey; Kim McCarthy (kimmccarthy1969@gmail.com); Hanna McCarthy <mccarthy.hann

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

REGARDING: A rescheduled hearing for the proposed development at 883 South Barksdale Street (at Nelson's Avenue) is set for 9:30 AM on Thursday, May 14, 2020.

We are hearing from neighbors that the Office of Planning and Development waived the requirements for a meeting with neighbors and allowed the hearing to be scheduled.

We have lived at 1969 Nelson Avenue for 21 years and WE DO NOT want this structure built. This type of dwelling should be on Cooper Street and not buried in a residential section.

Thank you,
Mike McCarthy
Cooper-Young resident and community activist

cc Kim
cc Hanna
cc John

nelson & barksdale development

nick loss-eaton <nilosseaton@yahoo.com>

Thu 5/7/2020 12:32 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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i live across the street from the proposed new development. i think it's just too big for the scale of our block.

City code 3.9.2 says it must "reinforce the traditional character of established residential neighborhoods." This plan does not qualify.

-n.

Proposed Multi-Unit Building Project at Corner of Barksdale and Nelson

Paige Arnold <paige@paigearnold.com>

Wed 5/6/2020 9:29 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mr. Penzes:

I'm writing to you today in great opposition of the proposed multi-unit project being requested for construction on the corner of Barksdale and Nelson in the Cooper-Young Historic District. This corner is where the Barksdale Market once stood.

I've been a homeowner in the Cooper-Young neighborhood for almost 30 years and used to shop at the Barksdale Market....I walk my 4 rescue pups right by this location almost daily, and have watched the now vacant lot sit there for many years. Each time I walk by it, I envision a beautiful new home being constructed there, that will aesthetically blend in our historically hip neighborhood, add real value, and not be another modern eye sore that doesn't belong in Midtown.

Never did I imagine that we would be requesting that a multiple multi-unit complex not be built on this location.

As a devoted Midtowner and Realtor, who sells Memphis and truly loves and believes in this City's great future, I beg you to oppose the request for this type of construction, and only allow what should be there – a single family home that fits right in to a most special historic neighborhood. We worked very hard to achieve our Landmarks Status.

Thank you for your time and consideration, and I pray that you make the right choice.

THANK YOU!



PAIGE ARNOLD,

Vice President, Afl. Broker

ABR, CPPS, CRA, CRS, GRI, GREEN, MRP, RENE, SRS

Circle of Excellence Recipient

Life Member of MAAR & Crye-Leike's Multi-Million Dollar Clubs

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901.870.SOLD (7653) - C

901.766.9004 - O

901.653.2232 - F

Paige@PaigeArnold.com

October 6, 2020

Page 97

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Cooper-Young PD 20-01

Patrick Durkin <pdurkin83@gmail.com>

Tue 4/7/2020 5:32 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeffrey,

I am writing today in opposition to the planned development set for the corner of Barksdale and Nelson. Besides the obvious design flaws in this application that in no way represent the Cooper-Young neighborhood, the biggest flaw here is pushing this application through during a national pandemic. Having this meeting held virtually is leaving out folks with who may have technical issues, inability to connect, no internet, no computer or adequate devices, etc.

If a neighborhood meeting is going to be held due to Covid-19, then so should this entire application until they can properly have one. Also, letters were sent during the height of this crisis and were sent out days after City Hall closed it's doors.

Again, I am in complete opposition of this project and it should not move forward without neighborhood feedback.

Thanks,

Patrick Durkin

Stop the proposed development at Nelson and Barksdale

Richard O'Brien <robrien@xenonarts.com>

Fri 5/8/2020 9:42 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes..

Please stop the proposed development on the corner of Nelson and Barksdale. It is grossly out of character for the neighborhood and would lead to a decline in property values. T

his is but another example of developers trying to cash in on Midtown by killing the very thing that attracts people to it.

Richard O'Brien
2115 Harbert Ave
38104

PD 20-01 OPPOSED

Robert Gordon <bguh@bellsouth.net>

Thu 5/7/2020 11:10 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re: PD 20-01

LUCB:

I am writing in opposition to the multifamily structure proposed for 883 S. Barksdale.

I live in Central Gardens less than a mile from this property and I own rental homes in Cooper Young, also less than a mile from this property.

Section 3.9.2 of the UDC specifies that infill should “reinforce the traditional character of established residential neighborhoods.” The structure proposed is NOT in character with the established neighborhood.

There are many infill structures that work fabulously well with existing areas; the numerous homes that fill the Overton Park expressway corridor are blue ribbon examples.

There is a multi-family home going up on N. Rembert right now and it does a decent job of blending in with the neighborhood.

A cursory look at PD 20-01 makes it plain that **the developers have not taken UDC Section 3.9.2 into consideration and are not meeting the city code standards for infill**. Therefore, since PD 20-01 violates UDC, I encourage the LUCB to enforce the city standards and to REJECT this application.

Thank you,

Robert Gordon

1594 Harbert Ave. 38104

www.TheRobertGordon.com

From: [Stephanie Gonzalez](#)
To: [Penzes, Jeffrey](#)
Subject: PD 20-01: Barksdale Multifamily
Date: Tuesday, April 14, 2020 9:42:26 AM

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Hi Jeffrey,

I'm Stephanie Gonzalez, president of the Cooper-Young Community Association. I also own and live in the property directly south of 883 South Barksdale. My backyard butts up to the property. My husband has been mowing, keeping it clean, and running off illegal dumpers for about five years now, so we are not opposed — at all — to having something built on this property that has been vacant for so long.

However, four units in one building is a bit much. There is no precedent of multi-family housing of that size anywhere in the surrounding homes. And the sheer size of the single building is also unprecedented. My request would be a recommendation that decreases the number of units and makes them standalone. For example, two standalone units would be much more in character with the neighborhood and surrounding houses. And it would still be promoting density per Memphis 3.0 by developing infill, promoting density with two homes on one lot, and preserving the character of an anchor neighborhood.

Thanks for your consideration, and let me know if you have any questions.

Best,
Stephanie

Barksdale/nelson multi family unit objections

Carriker Law Office <vickicarriker@gmail.com>

Tue 5/12/2020 7:48 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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It is clear to me that the owner of this land does not live nor care for the Cooper-Young Community. This is a source of revenue and nothing else. We live in a 1500 square foot house on Young Avenue. I cannot see how this small land parcel will hold four family units. Where will they park? Even if there is a pull through drive way for parking, the assumption is that these families will not know one another so they won't park in a drive that potentially blocks other residents, they will park on the street blocking the view for walkers and drivers. What is the rent for these properties? I foresee a landlord that will habitually evict tenants resulting in those belongings blocking the sidewalk and being a blight to the neighborhood as a whole. This is a family neighborhood. We don't need another rental unit amidst single family homes to lower home values and have a rotating docket of tenants. Cooper-Young is special because we are a small connected community that cares about the neighborhood. The last thing we need is another profiteer gaining money from the neighborhood without truly caring about the impact their property will have on our neighborhood. Please reject this plan. If the owner wants a rental property, they can build a single family home complying with historical requirements, just like the rest of us are required to do now. It has come time to rezone this as a residential property.

--

Sincerely,

Vicki M. Carriker

Defending Memphis
www.defendingmemphis.com
vcarriker@defendingmemphis.com
200 Jefferson Ave., Suite 1500
Memphis, TN 38103
Ph: 901-527-7755

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Case number PD 20-01 Request for call-in number and participation code

Ward Archer <ward.archer@gmail.com>

Tue 4/7/2020 12:51 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>**Cc:** Whitehead, Josh <Josh.Whitehead@memphistn.gov> 1 attachments (800 KB)

883 S Barksdale PD 19-01.jpg;

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Mr. Penzes:

My name is Ward Archer and I'm the owner of property at 1902 Nelson Ave. at S. Barksdale. My property is across the street from the proposed 4-unit apartment building proposed for 883 S. Barksdale.

I would like to speak at the virtual public hearing on Thursday April 9, 2020 regarding PD 20-01. My telephone number is (901) 355-0515. I would like to receive an invitation containing a call-in number and participation code.

Also, FYI, there is a discrepancy regarding the case number and location. The sign posted on the property (attached photo) lists the case number as PD 19-01, not PD 20-01. In a letter I received Saturday, the case number is listed as PD 20-01 but the location is listed as Southeast corner of East Parkway and Autumn Avenue, not 833 S. Barksdale.

Sincerely,

Ward Archer
(901) 355-0515

Barksdale property

Zac Ives <zacives@gmail.com>

Thu 5/7/2020 3:02 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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Hi Mr Penzes -

As a home and business owner in Cooper Young I want to register my strong opinion against the non-compliant structure proposed at Barksdale and Nelson. City code 3.9.2 says infill must "reinforce the traditional character of established residential neighborhoods." This does not qualify.

I am all for responsible and thoughtful development in the neighborhood - but this is the opposite of that. If we don't hold developers to proper standards we will lose what is great about Cooper Young.

Please do the right thing. Thank you for your time.

Zac Ives
901-494-9716



Memphis and Shelby County Office of Planning and Development

CITY HALL - 125 N. MAIN STREET, SUITE 468 - MEMPHIS, TENNESSEE 38103

June 12, 2020

Wasif Dewik

Sent via electronic mail to: whdweik@gmail.com

Barksdale Multifamily Planned Development

OPD File Number: PD 20-01

L.U.C.B. Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, June 11, 2020, the Memphis and Shelby County Land Use Control Board recommended ***approval*** of your planned development application for the Barksdale Multifamily Planned Development, subject to the attached outline plan conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Office of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6601 or via email at jeffrey.penzes@memphistn.gov.

Respectfully,

Jeffrey Penzes
Municipal Planner
OPD – Land Use Control

***Cc: Neeraj Kumar, Design Group Memphis
File***

Outline Plan Conditions

**BARKSDALE MULTIFAMILY PLANNED DEVELOPMENT
OUTLINE PLAN CONDITIONS**

I. Uses Permitted:

- A. Four (4)-unit townhouse structure.
- B. Accessory uses shall be in conformance with regulations established for Residential Districts.

II. Bulk Regulations:

A. Minimum Setbacks

- 1. Northern property line (Nelson Avenue) minimum setback – twenty-five (25) feet
- 2. Eastern property line (South Barksdale Street) minimum setback – five (5) feet
- 3. Southern property line (east-west alley) minimum setback – five (5) feet
- 4. Western property line minimum setback – fifteen (15) feet

B. Max Height: Thirty-five (35) feet

III. Access, Parking, and Circulation:

- A. The section of the east-west alley that abuts the site on the south shall be improved to meet City Standards.
- C. Curb, gutter, and sidewalks shall be repaired along the frontage of the site as determined by the City Engineer.
- D. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The building permit holder shall be responsible for any reconstruction or repair necessary to meet City standards.
- E. Dedicate a property line radius at the corner of Nelson and Barksdale.

IV. Landscaping and Fencing

- A. A final landscape plan shall be submitted subject to review and approval by the Office of Planning and Development.
- B. A minimum six (6)-foot in height site-proof wooden fence shall be placed adjacent to the western property line extending from the southern property line to northern building façade facing Nelson Avenue; existing site-proof fencing of at least six (6)

feet in height on the adjacent property to the west may be substituted as appropriate.

- V. Signs shall be in conformance with regulations established for the Residential Districts.
- VI. Final building elevations shall be subject to review by the Memphis Landmarks Commission through the Certificate of Appropriateness process.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.
- VIII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, elevations, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. The 100-year flood elevation.

REQUEST FOR 4 UNIT MULTI-FAMILY APARTMENT

883 S Barksdale Road
Memphis TN

Aspen Developer LLC
Dr. Wasif Dweik

Design Group LLC
Architecture, Interior Design, Planning
[Website - www.designgroupmemphis.com](http://www.designgroupmemphis.com)
Ph- 901-603-8765

Neighborhood Meeting

June 3, 2020 at 6:00 PM – 7:30 PM Through Virtual Google Meet

Organized – Cooper Young N Committee

Attended by 20+ neighbors

Discussion

1. Architectural Character
2. Volume, Mass
3. Density
4. CY Historic Landmark District Guidelines

5. Turning Radius at Garage
6. On Street Parking for 2nd car along Barksdale
7. Landscaping
8. Garbage Cart, HVAC Condensing units

CY Historic Landmark District Guidelines

New Construction shall be consistent with architecture and Styling.....

Height

Building, mass, scale and form

Proportion and Rhythm

Roof Shape

Building Materials

October 6, 2020

Page 111



- **Extended Front Porch,**
- **1-1/2 floor plan,**
- **Dormer,**
- **Brick, Siding, Stucco**

- **Chimney**
- **Covered Car port**
- **Brick knee wall handrail**



October 6, 2020

Page 112



Multi Family Exterior
Before



Single Family Exterior

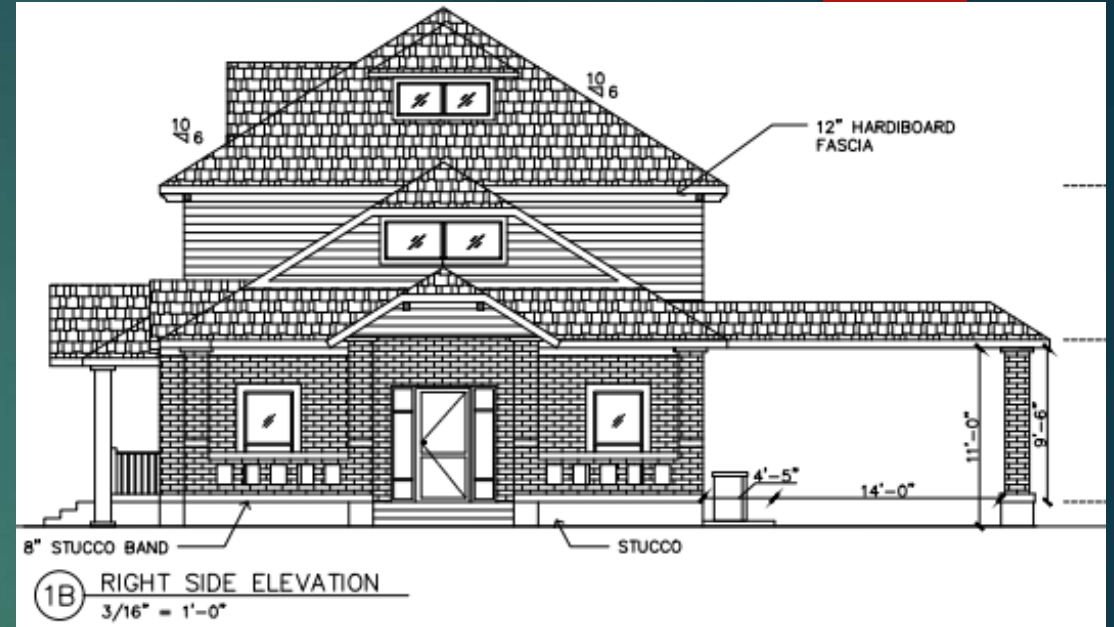


October 6, 2020

Planning and Zoning Public Hearing Documents

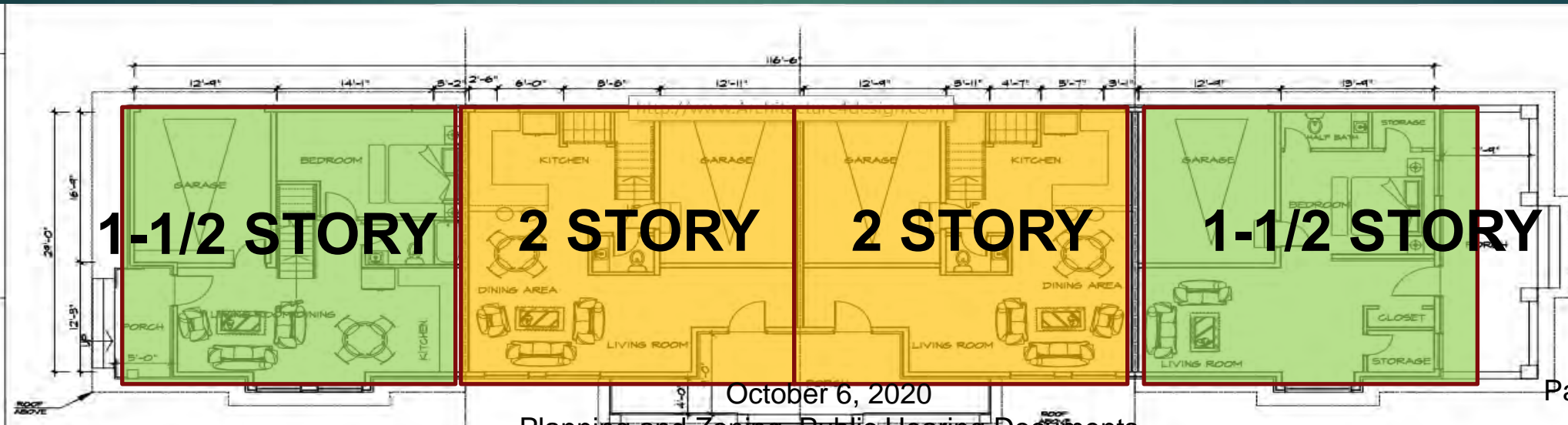
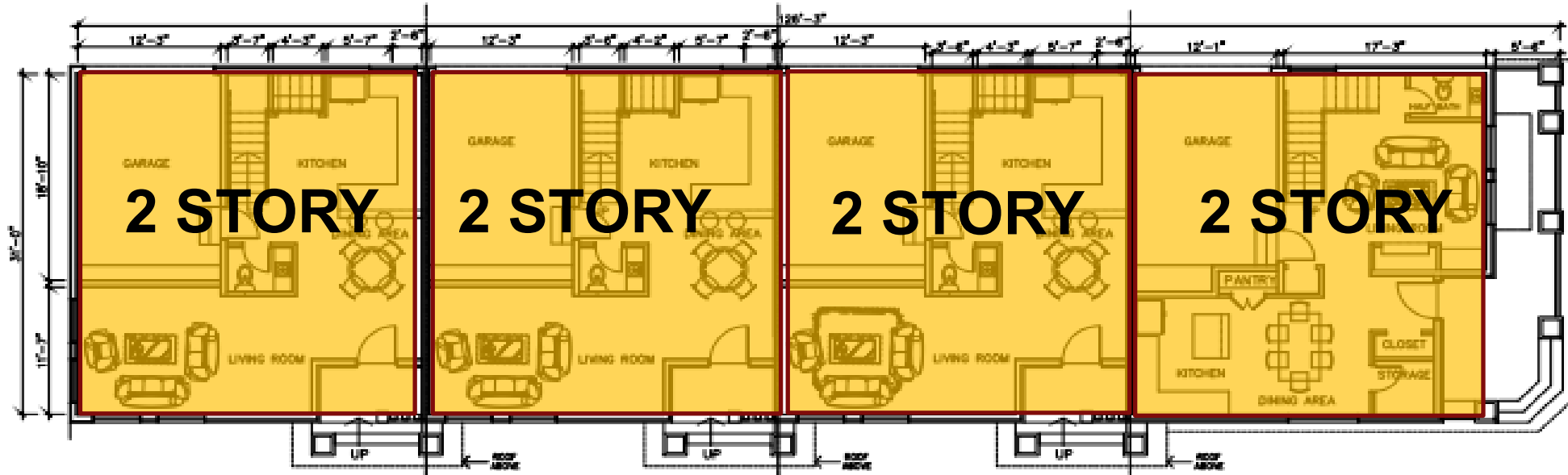
Page 114





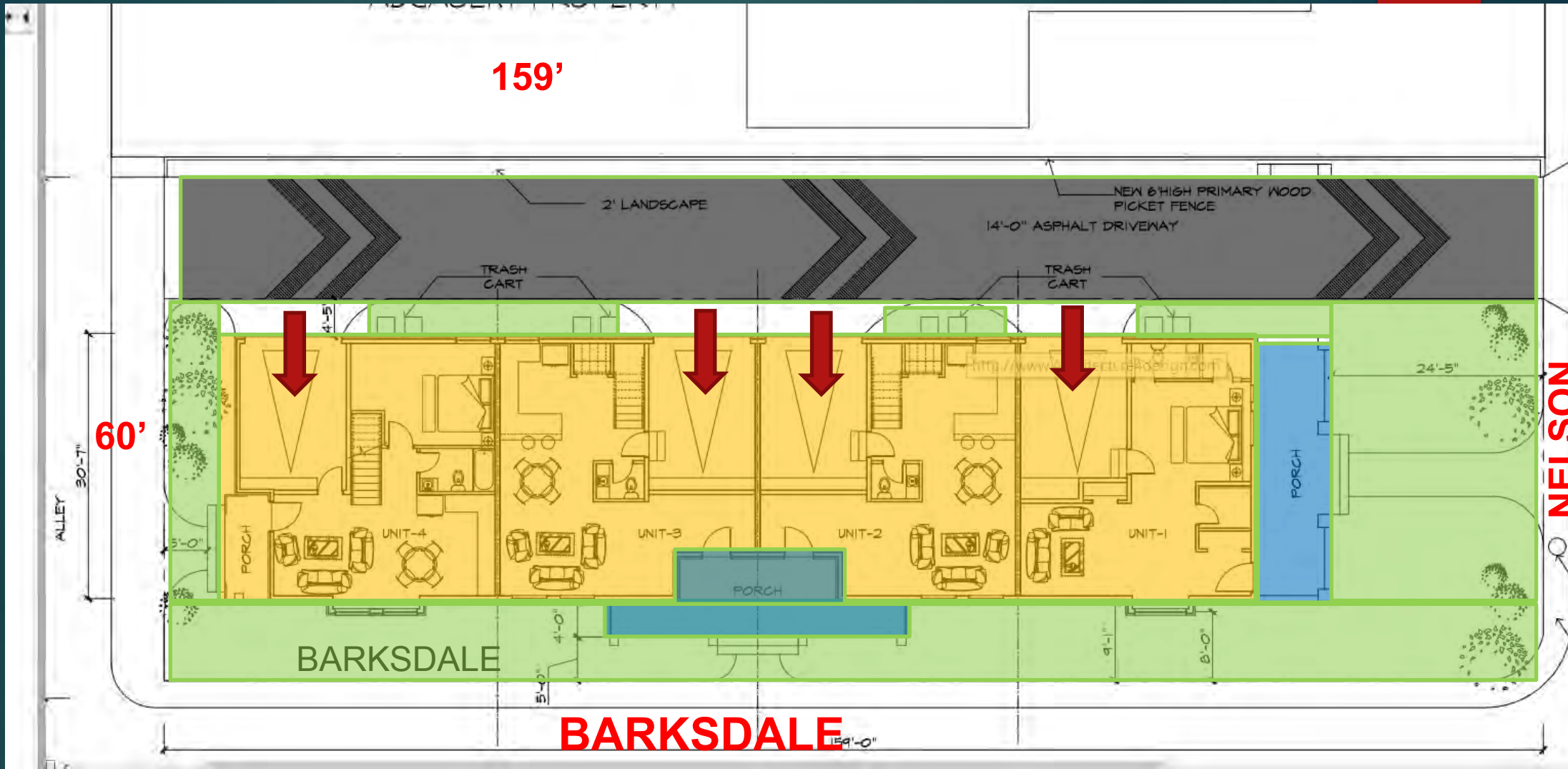
SECOND FLOOR PLAN

3/16" = 1'-0"

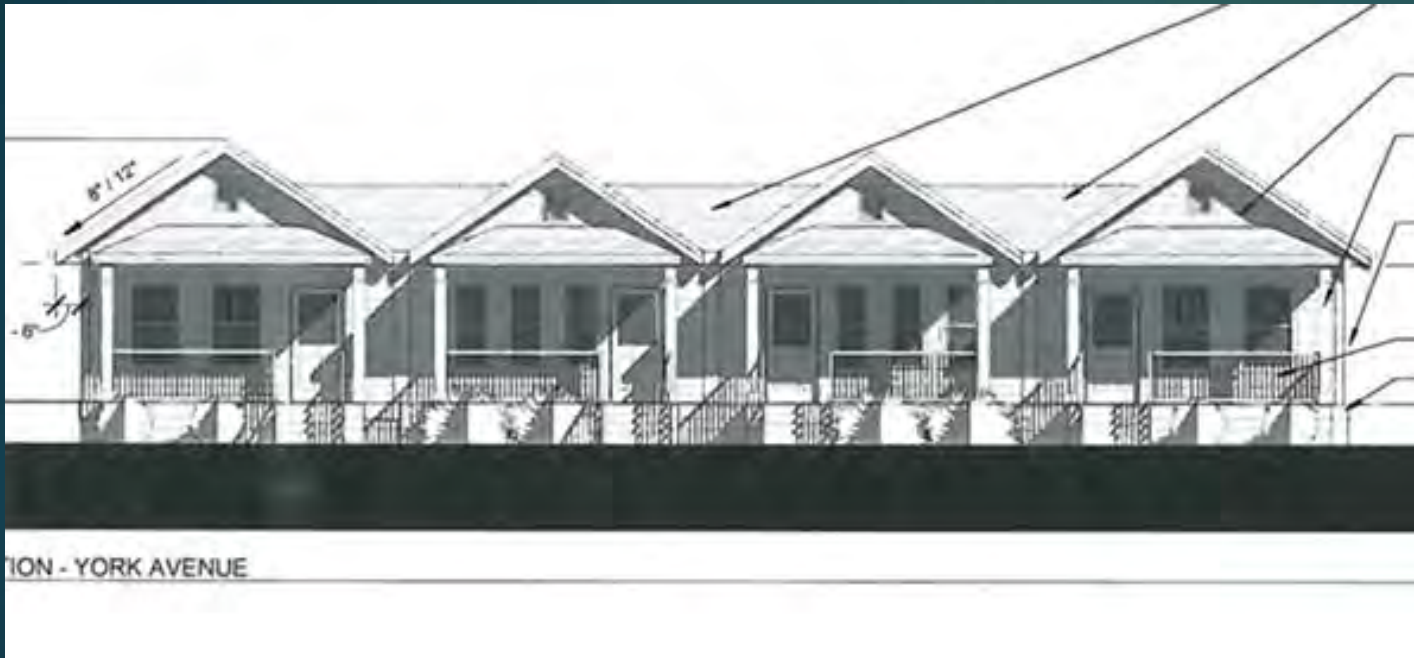


October 6, 2020






Site Plan



Elzey Avenue

← Back to Search Sold > TN > Memphis > 38104 > 2039 York Ave #B

OFF MARKET Save Share



2039 York Ave #B
Memphis, TN 38104 Midtown

2 Beds 1 Bath

Contact For Estimate

October 6, 2020

2309 York Avenue



Google



Google



Google



Young Avenue and Barksdale



McLean & Nelson



Oliver and Barksdale



Nelson and Tanglewood

October 6, 2020

Opposition to Barksdale/Nelson Proposed Development

Emily Taylor Graves <emilyctaylor@hotmail.com>

Wed 7/8/2020 6:43 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Ford, Sr., Edmund <Edmund.FordSr@memphistn.gov>; Jones, Martavius <martavius.jones@memphistn.gov>; Smiley, Jr., JB <JB.SmileyJr@memphistn.gov>; Johnson, Cheyenne <Cheyenne.Johnson@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

Please accept this email as my opposition to the proposed development at Barksdale and Nelson in Cooper-Young (to be heard at tomorrow's LUCB meeting).

I have reviewed the developer's revisions, which were primarily style changes — the scale of this project still vastly outstrips the surrounding neighborhood. (The style is also completely out of place for this historic neighborhood.)

Would you support this development on Shady Grove Rd or in The Village or RiverOaks — you have to admit a project such as this would be unceremoniously rejected in the heart of those neighborhoods, even though it would actually fit there in terms of scale among those larger homes and would improve density, etc. They wouldn't want it, and neither do we. This structure belongs in the suburbs or in transition areas, not at Barksdale and Nelson.

I recognize that this parcel was commercial historically, but a small gas station and small drugstore are in a separate league compared to a behemoth 4-unit, 2-story set of adjoined townhouses surrounded by small single-family residences.

The issue is not that we oppose development; we oppose the scale and style of this particular development in this location. We support development that encourages density and growth while maintaining character and preserving the fabric of the neighborhood. The Cooper-Young neighborhood is unique, and that charm is what draws young people to midtown.

Please reject this proposal.

Sincerely,
Emily Graves, MD, FACS
1412 Carr Ave
38104
(901) 258-4613



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

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

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: _____

Property Owner of Record: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Property Owner E-Mail Address: _____

Applicant: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	_____	_____	_____
Existing Zoning:	_____	_____	_____
Existing Use of Property	_____	_____	_____
Requested Use of Property	_____	_____	_____

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: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No _____

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

- Lots of records are created with the recording of a planned development final plan.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 12/20/19 with Josh Whitehead

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Walter [Signature] 2/26/20
Property Owner of Record Date Applicant Henry [Signature] 2/3/2020 Date

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

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

development is to be designed, arranged and operated in order to limit impact to neighboring properties.

- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

C. **OUTLINE PLAN**

1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.

2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan

- D. **SITE/CONCEPT PLAN** – Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.

- E. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

F. **VICINITY MAP**

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

G. **LIST OF NAMES AND ADDRESSES**

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1" x 2^{5/8}" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels (1" x 2^{5/8}") each for the owner of record, applicant, representative and/or engineer/surveyor.

H. **FILING FEES** (*All Fees Are Subject To Change without Prior Notice*)

1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**

LETTER OF INTENT

Project Description

The developer is proposing a 4-unit multi family quad at 883 South Barksdale road property. 2-bedroom units will have two floors with living and dining on the first floor and bedrooms on the second floor. One car garage will be located in the rear and will be accessible from the rear alley, located at the west side of the property. The average unit size is approx. 1,750 SF.

Through this application, the developer is requesting to allow changing current R-6 zoning to one that allows developing this site for a 4-unit quad. The property is located at the South West corner of the intersection of Baksdale Street and Nelson Avenue. In the proximity, there are commercial as well as multifamily development along Barksdale street. A 4-unit apartment development will merge with the surroundings and is a right fit for the area.

The developer has engaged Design Group LLC (Neeraj Kumar, Principal Architect) for architectural and engineering design services for this project.

Cooper Young Neighborhood – Vibrant Community

The site is located in the vibrant Copper Young neighborhood. CY is a historic district and known for its eclectic mix of shops, bars, restaurants and mix of housing types. CY is also a part of the National Register of Historic Places where most of the homes were built before 1915. The developer intent is only to protect CY rich architectural character but also strengthen it further. The site has been vacant for many years and definitely an eye sore. Developing the site for an appropriate use is right step.

Merging with Existing Architectural Character

A true eclectic neighborhood from architectural standpoint, one can see a wide variety of architectural styles; ranging from Victorian and Craftman-style to bungalow style architecture. The developer's goal is to propose development that merges with the surrounding. In this regard, an effort is made to utilize combination of brick, stucco and siding along with front porch that allows for greater community interaction within neighbors. Please refer to elevations and color rendering of building exterior submitted with this application. Care has been taken to provide adequate green space along Nelson Avenue and Barksdale street. We are proposing 2 story building that is consistent with a majority of houses in the area.

1. Front and side porches are consistent with surroundings
2. Long lasting building materials like brick that is consistent with neighborhood
3. Adequate landscaping is provided along both streets.
4. Maintaining two story elevations

Providing Quality Housing and Maintaining Ownership

Though the immediate area primarily has single family houses, in the recent years, the area has experienced several new multi-family housing. There is an obvious trend for denser development. The developer's goal is not only to meet current housing demand through quality affordable housing, but also to maintain owner occupancy rate. The developer's plan is to sell the units and not rent.

Compatible with current zoning

The rezoning request is compatible with current R-6 zoning. The rezoning request to change the zoning to a denser residential use and not to a commercial use that can possibly have adverse impact to the neighbors. The proposed exterior architecture will merge with surrounding development. We truly believe that rezoning will have positive impact to the area by having quality affordable housing.

Working with Memphis & Shelby County Office of Planning & Development & Cooper Young neighborhood Committee

The developer and architect have made an effort to obtain input from above OPD as well as CY neighborhood committee. We met with both the agencies and have incorporated their comments to the current design.

We strongly believe that this proposal is in consistent with overall neighborhood character and compatible with current zoning.

OWNER NAME AND ADDRESS:

**883 S Barksdale
 Memphis TN**

SEAL

CONSULTANT'S NAME:

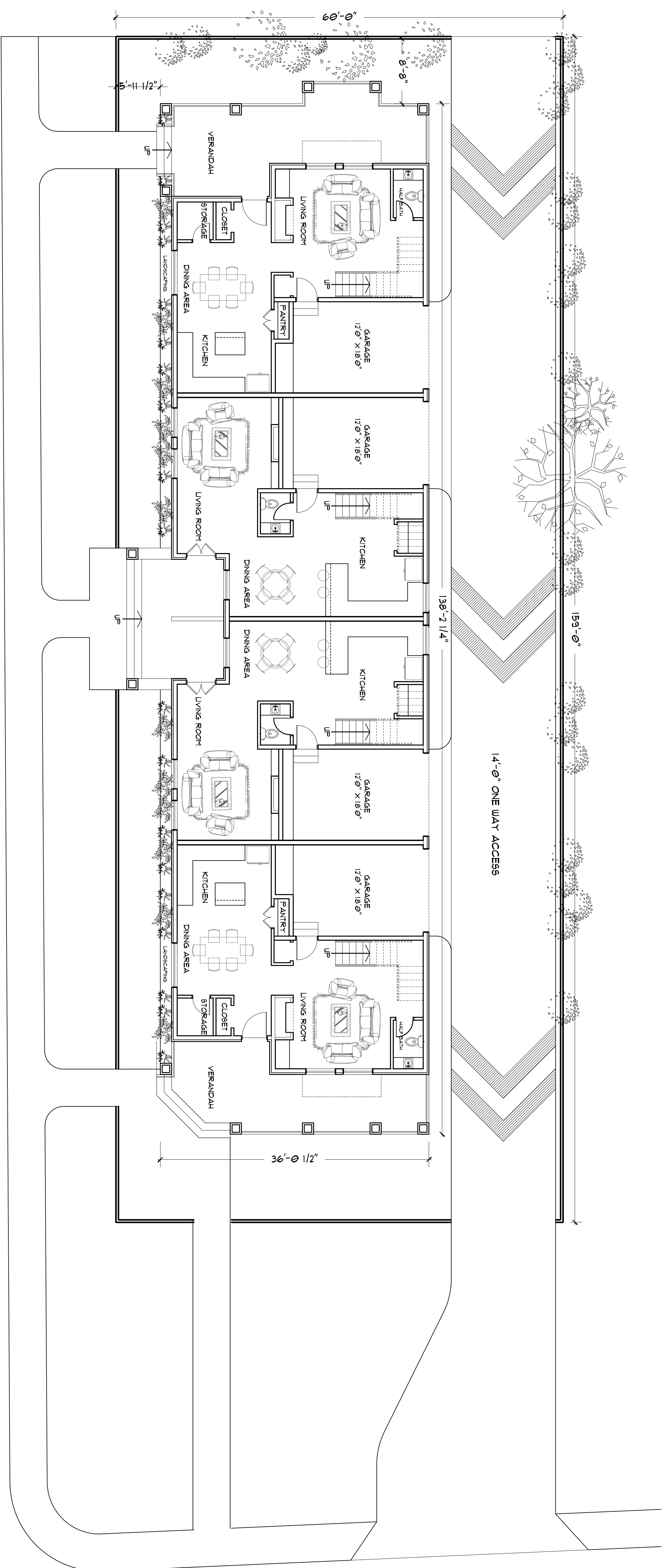
October 6, 2020

NO.	DATE	ISSUE / REVISION
01	02/02/2020	Review SH

DRAWING NAME:
 Site Plan

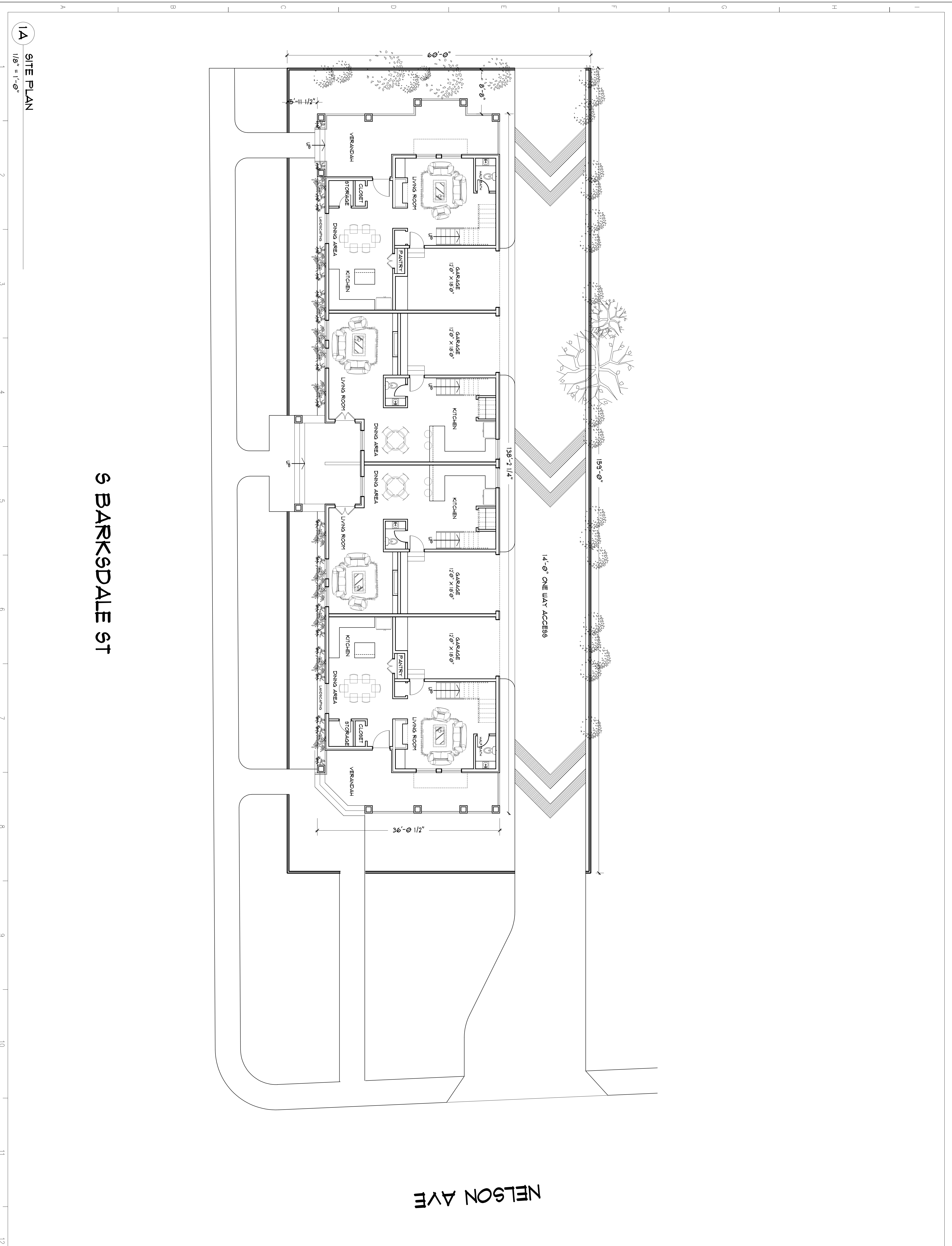
DRAWING NUMBER:

A100



S BARKSDALE ST

NELSON AVE



OWNER NAME AND ADDRESS:

**883 S Barksdale
 Memphis TN**

SEAL

CONSULTANT'S NAME:

October 6, 2020

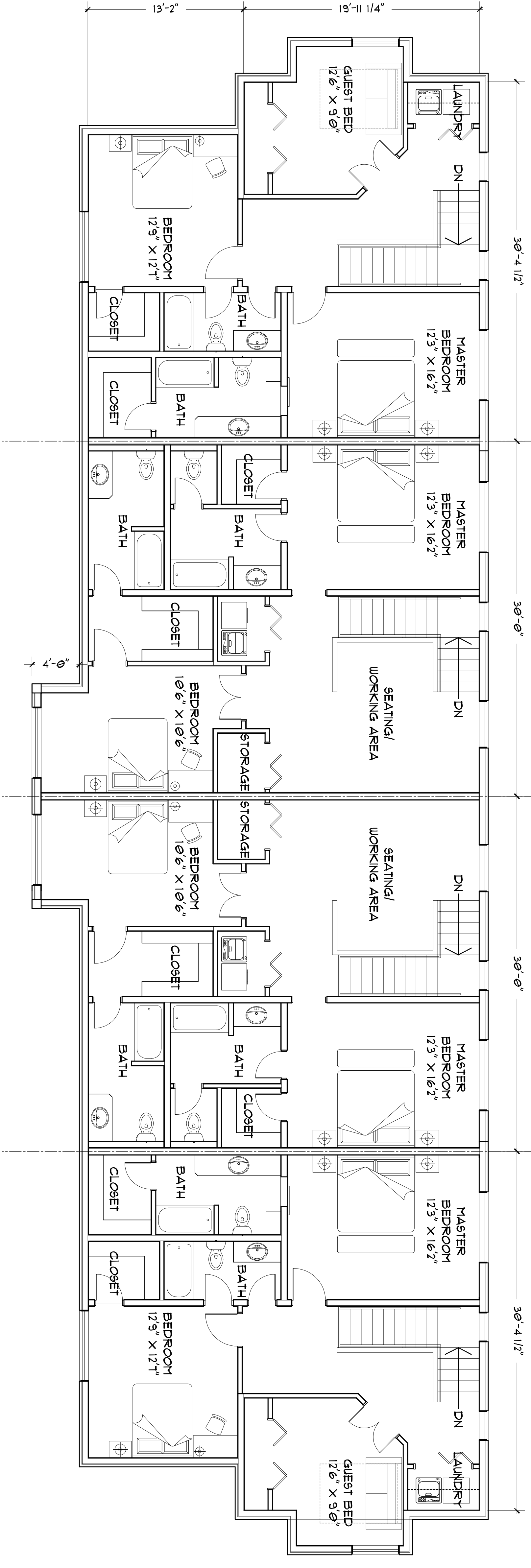
Planning and Zoning, Public Hearing Documents

NO.	DATE	ISSUE/REVISION
01	02/02/2020	Review/SH

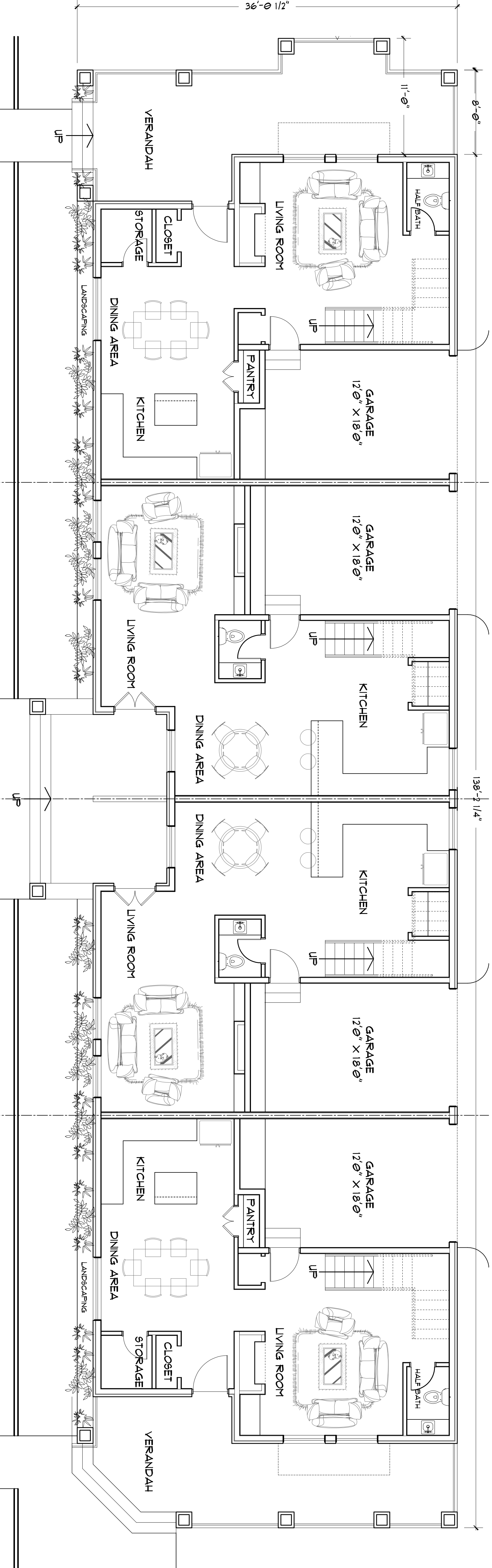
DRAWING NAME:
 Floor Plans

DRAWING NUMBER:

A101



1E SECOND FLOOR PLAN
 3/16" = 1'-0"



1A FIRST FLOOR PLAN
 3/16" = 1'-0"

OWNER NAME AND ADDRESS:

**883 S Barksdale
 Memphis TN**

SEAL

CONSULTANT'S NAME:

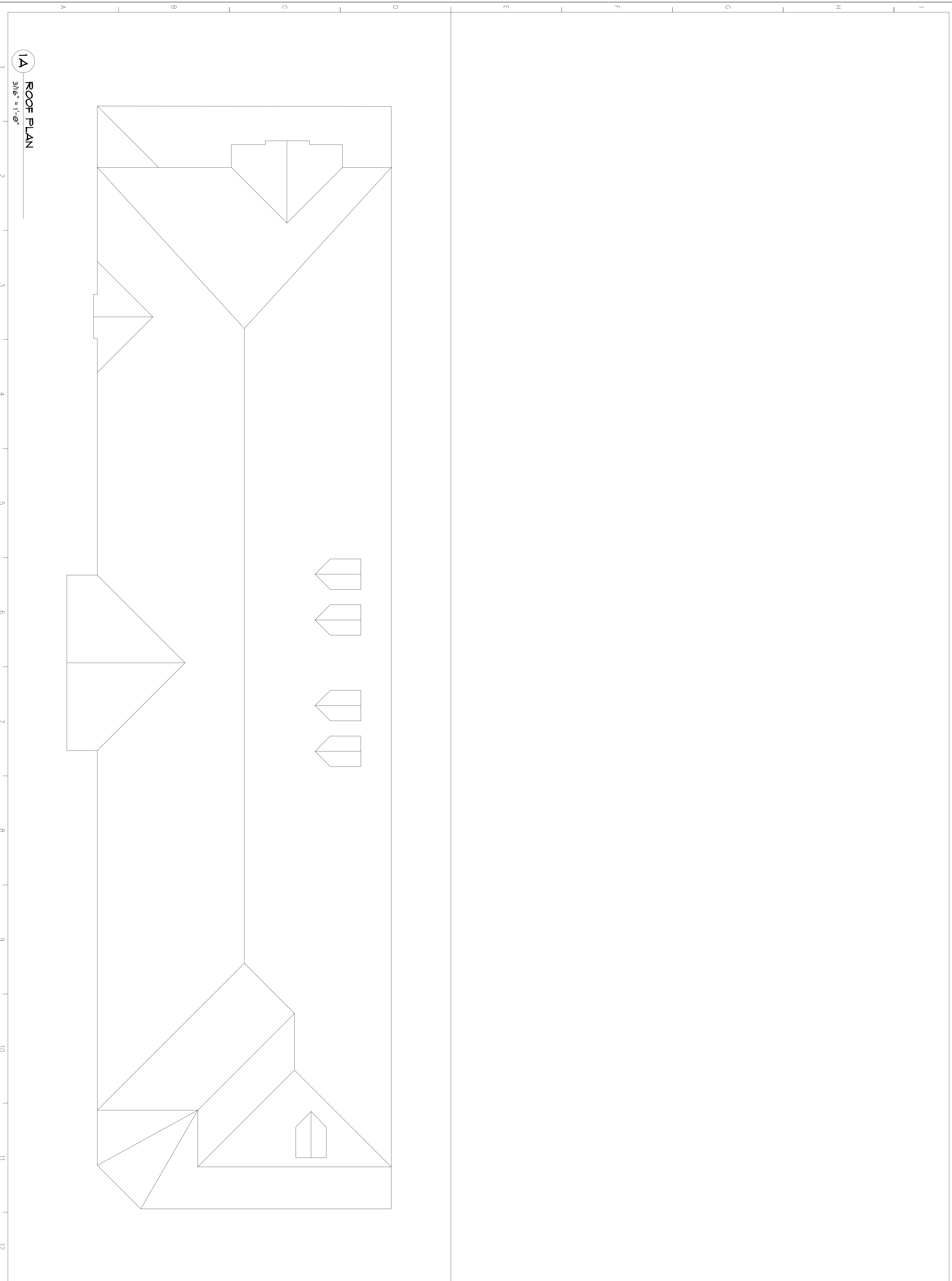
October 6, 2020

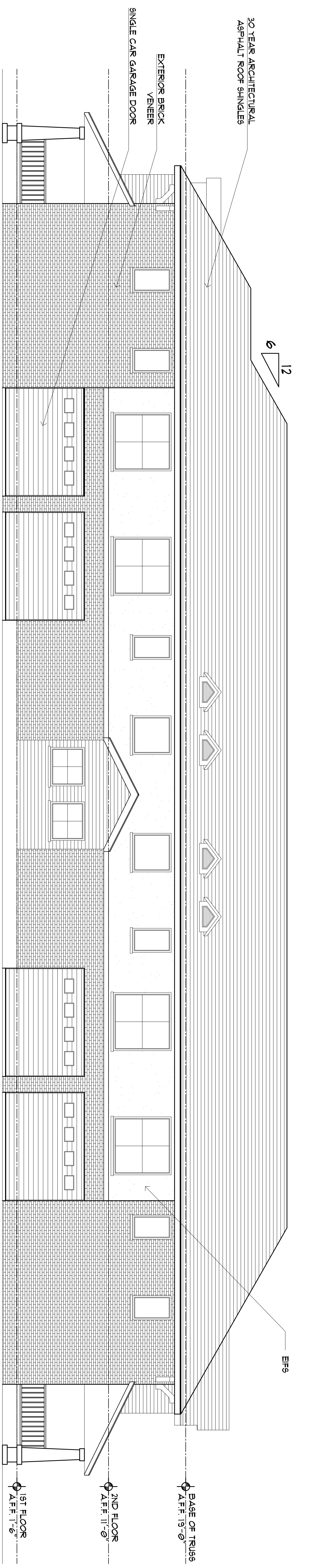
NO.	DATE	ISSUE / REVISION
01	02/02/2020	Review Set

DRAWING NAME:
 Roof Plan

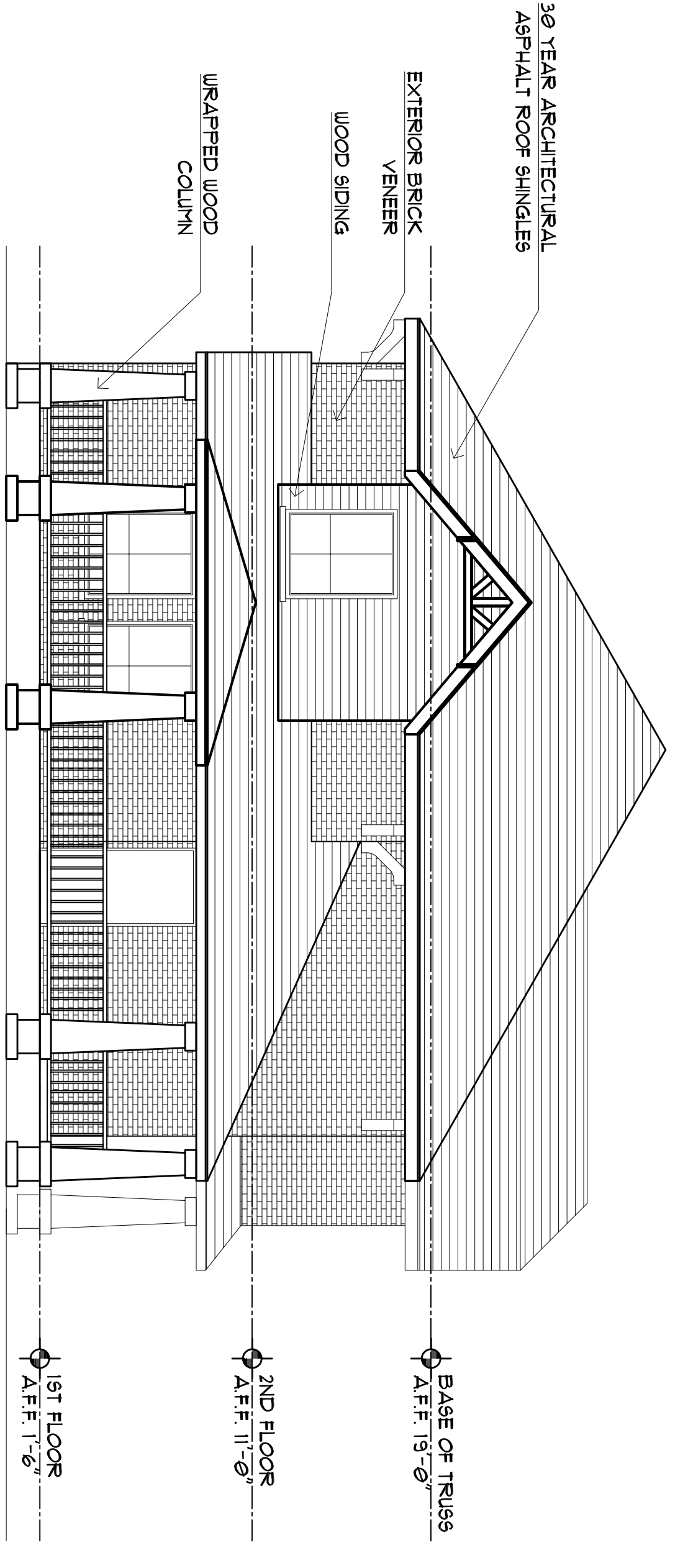
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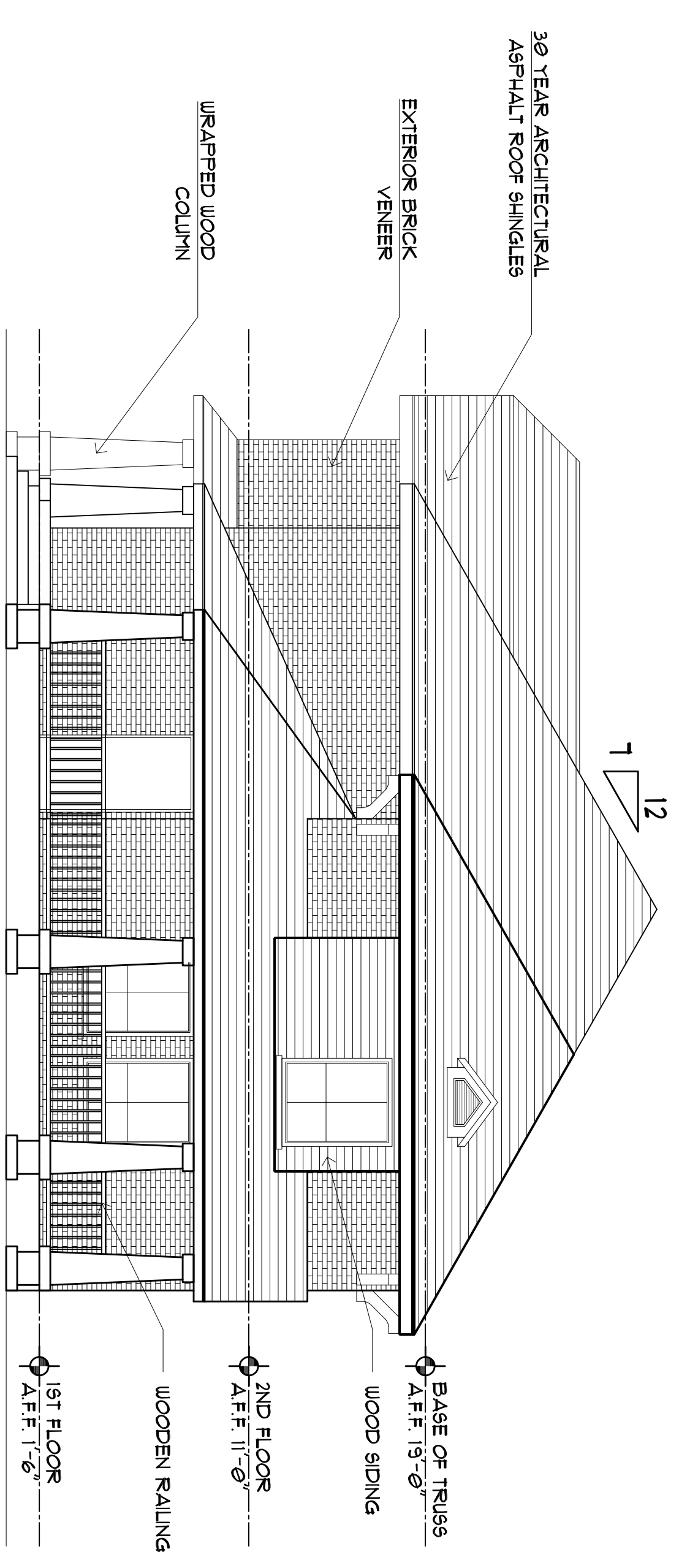




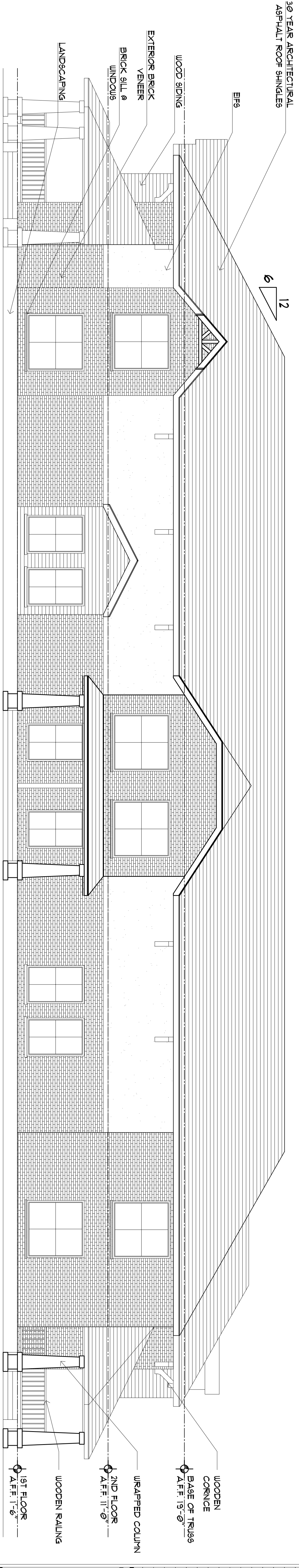
IF
REAR ELEVATION
3/16" = 1'-0"



ID
SIDE ELEVATION
3/16" = 1'-0"



1D
SIDE ELEVATION
3/16" = 1'-0"



1A
ELEVATION
3/16" = 1'-0"
BARKSDALE SIDE

DESIGN GROUP, LLC
Architecture, Interior Design
1255 Lyndfield Road, Suite 239
Memphis, Tennessee 38139
Telephone: 901.503.9755
E-Mail: nkurru@designgroupmemphis.com

OWNER NAME AND ADDRESS:

883 S Barksdale
Memphis TN

SEAL

CONSULTANT'S NAME:

October 6, 2020

NO.	DATE	ISSUE/REVISION
01	02/02/2020	Review SH

DRAWING NAME:
Exterior Elevations

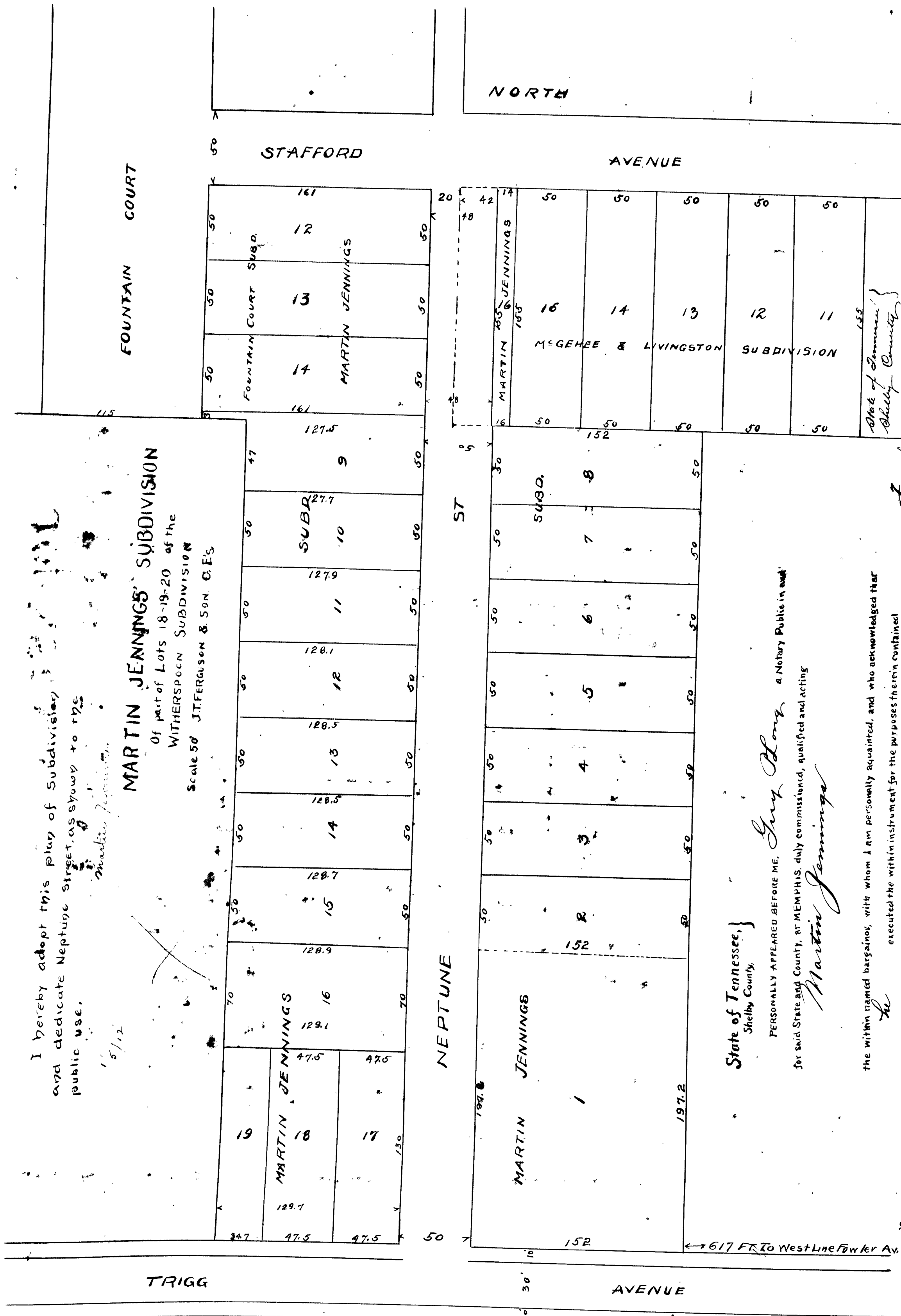
DRAWING NUMBER:

A300





10
25



Approved
J.H. Weatherford
City Engineer
Geo. C. Low

MARTIN JENNINGS SUBDIVISION
Of part of Lots 18-19-20 of the
WITHERSPOON SUBDIVISION
Scale 50 J.T. FERGUSON & SON C.E.S.

State of Tennessee,
Shelby County
Personally appeared before me, *Guy Long*, a Notary Public in and
for said State and County, at MEMPHIS, duly commissioned, qualified and acting
Martin Jennings
the within named bargainer, with whom I am personally acquainted, and who acknowledged that
he executed the within instrument for the purposes therein contained
WITNESS my hand and Notarial Seal, at office of Bank of Commerce & Trust Co. in
Memphis, Tenn., this 21st day of February, 1912
{N.P. Seal}

Approved
J.H. Weatherford
City Engineer
Geo. C. Low

LAMAR HEIGHTS SUBDIVISION
JAS. T. FERGUSON & SON
CIVIL ENGINEERS
Date FEB 9 1912 Scale 200

State of Tennessee,
Shelby County
Personally appeared before me, C. D. Moore, a Notary
Public within and for said State and County, at Memphis John P. Bullington
and L. R. Pate with whom I am personally acquainted and who upon their
oaths acknowledged themselves to be respectively the President and Secretary
of the Lamar Heights Company, the within named bargainer, a Corporation
and that they as such President and Secretary respectively, being authorized
so to do, executed the within instrument for the purposes therein contained,
by the said John P. Bullington signing the name of the said Corporation
by himself as President and the said L. R. Pate signing his name as
Secretary and affixing the Corporate seal thereto.
Witness my hand and Notarial Seal at Memphis of said
this 21 day of February, 1912.
{C. P. Seal} C. D. Moore
Notary Public

Ammons James B And Sharon K Ammons
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2564 Appling Road
Bartlett, TN 38133-5091

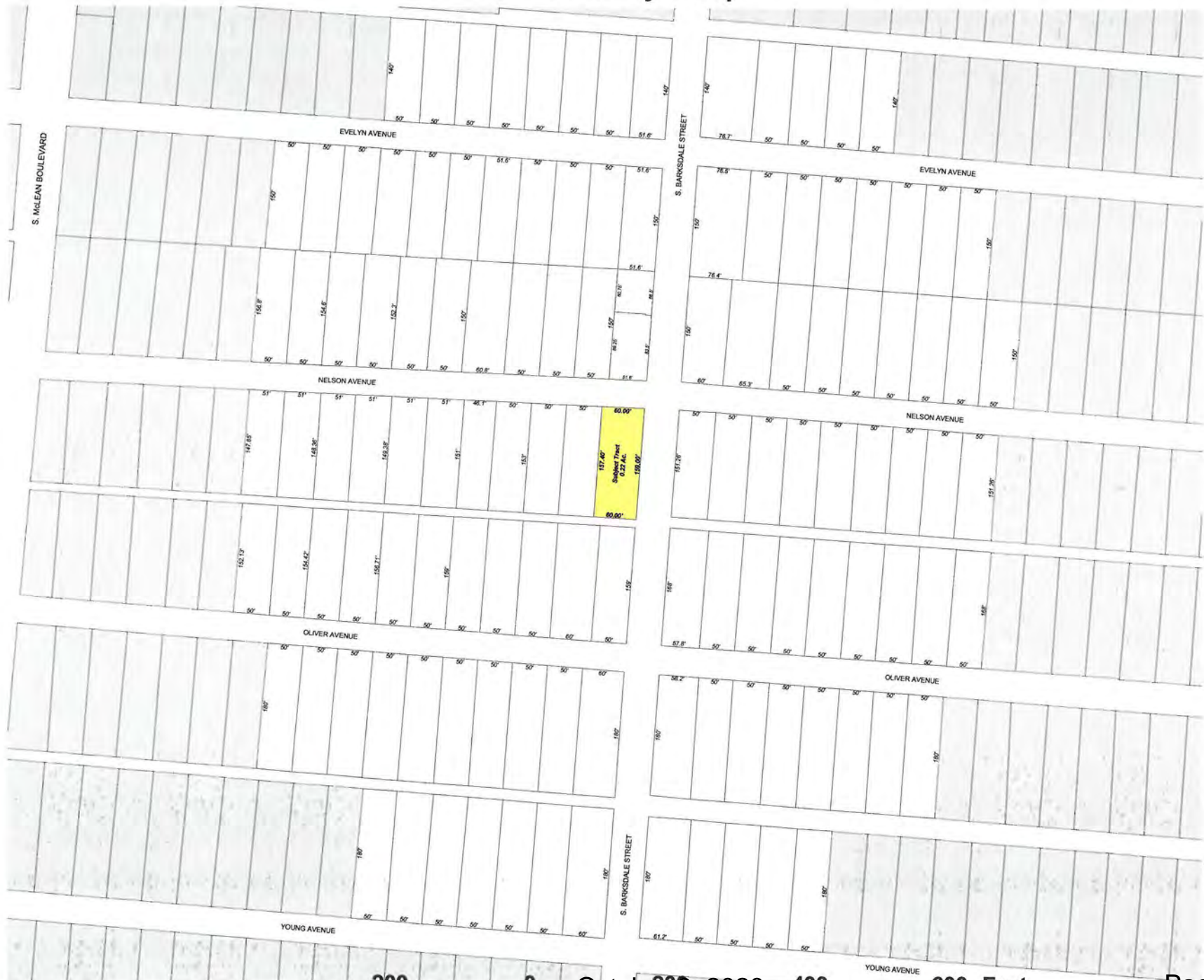
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Vicinity Map



200 0 October 6, 2020 400 600 Feet

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(PLANNED DEVELOPMENT)**

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic/Electronic Public Hearing will be held by the City Council of the City of Memphis on Tuesday, _____ at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** PD 20-01
- LOCATION:** 883 South Barksdale Street (southwest corner of Barksdale and Nelson)
- COUNCIL DISTRICTS:** District 4 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Ahmed Saffarini / Wasif Dewik
- REPRESENTATIVE:** Neeraj Kumar
- EXISTING ZONING:** Residential Single-Family – 6 (R-6)
- REQUEST:** Four-unit townhouse structure
- AREA:** +/-9,540 square feet
- RECOMMENDATIONS:**

Memphis and Shelby County Office of Planning and Development: *Approval with conditions*

Memphis and Shelby County Land Use Control Board: *Approval with conditions*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session to hear opposition against the making of such changes; such opposition must be by personal appearances, or by attorneys, or by petition, and must registered to speak by Monday, _____, at 8 A.M.

You may register to speak by contacting Bryson Whitney at bryson.whitney@memphistn.gov no later than Monday, _____, at 8 A.M. with your (i) name, (ii) address, and (iii) phone number. Please note that, due to time limitations under the Council's Rules of Procedure, each side may speak no longer than fifteen (15) minutes. Thus, it is strongly encouraged that one, or two, spokespersons speak per side.

Please note video of this meeting will be streamed live on the City of Memphis' website. You may view this video by going to memphistn.gov, then going to the "Government" tab at the bottom and then select "Watch Public Meetings." The direct link is: <https://www.memphistn.gov/cms/One.aspx?portalId=11150816&pageId=15334953>

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

PATRICE ROBINSON
CHAIRMAN OF COUNCIL

ATTEST:

CANDI BURTON
CITY COMPROLLER

TO BE PUBLISHED:

Ammons James B And Sharon K Ammons
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Memphis, TN 38119

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1255 Lynnfield, Ste. 226
Memphis, TN 38119

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1255 Lynnfield, Ste. 226
Memphis, TN 38119

Ahmed Saffarini
2564 Appling Road
Bartlett, TN 38133-5091

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**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/20/2020

DATE

PUBLIC SESSION: 10/20/2020

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a senior living facility planned development

CASE NUMBER: PD 20-10

DEVELOPMENT: Windyke Senior Living Planned Development

LOCATION: 8535 Winchester Road

COUNCIL DISTRICTS: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Windyke Country Club, Inc. and Belz Investco GP / Hamister Group LLC

REPRESENTATIVE: SR Consulting – Cindy Reaves

EXISTING ZONING: Conservation Agriculture (CA) and Residential Urban – 2 (RU-2)

REQUEST: Senior living facility planned development

AREA: +/-14.259 acres

RECOMMENDATION: The Office of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **No Public Hearing Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 09/10/2020 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 20-10 – Windyke Senior Living Planned Development

Resolution requesting a senior living facility planned development at 8535 Winchester Road:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s): Windyke Country Club, Inc. and Belz Investco GP; Applicant(s): Hamister Group LLC; and Representative(s): SR Consulting – Cindy Reaves; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE WINDYKE SENIOR LIVING PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 8535 WINCHESTER ROAD, KNOWN AS CASE NUMBER PD 20-10.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the Hamister Group LLC filed an application with the Memphis and Shelby County Office of Planning and Development to allow a senior living facility planned development; and

WHEREAS, the Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 10, 2020, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Office of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned section of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

**CC: Office of Planning and Development – Land Use Controls
Office of Construction Code Enforcement**

WINDYKE SENIOR LIVING PLANNED DEVELOPMENT
CASE NUMBER: PD 20-10
OUTLINE PLAN CONDITIONS

I. PERMITTED USES

- A. Residential Home for the Elderly, Independent Living Facility (Market Rate Apartments), Assisted Living and associated customary and incidental Accessory Uses.
- B. Accessory uses permitted but not limited to include the following:
 - 1. Fitness Center
 - 2. Movie Theater
 - 3. Event Center
 - 4. Ice Cream Shop
 - 5. Bakery
 - 6. Coffee Shop
 - 7. Restaurant/Café with sale of alcoholic beverages
 - 8. Bar/Tavern
- C. The building elevations, design, setback, placement and orientation shall be illustrated on the final site plan, subject to administrative review and approval by the Office of Planning and Development.

II. BULK REGULATIONS

The bulk regulations shall be in conformance with the Residential Urban District – 3 (RU-3) Regulations.

III. CIRCULATION, ACCESS AND PARKING

- A. Shared Parking shall be approved for all permitted uses.
- B. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- C. The City Engineer or County Engineer shall approve the design, number and location of curb cuts.
- D. The Developer shall be responsible for the installation, repair and/or replacement of all existing curb and gutter along the frontages of this site as necessary.
- E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

- G. All private drives shall be constructed to meet City standards.
- H. The Developer shall provide for the construction of an exclusive left turn lane in the median for westbound Winchester.

IV. LANDSCAPING

- A. Streetscape shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent alternative as approved by DPD.
- B. Parking lot landscaping shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent streetscape as approved by DPD.
- C. All landscaping shall be located on the property such that it shall not interfere with any utility easements.

V. DRAINAGE AND SEWERS

- A. A grading and drainage plan for the site shall be submitted for review and approval prior to recording of the final plat.
- B. Drainage improvements, including 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.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City or County Engineer.
- D. The developer should be aware of their 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.
- E. The availability of City sanitary sewer is unknown at this time. The developer will have to apply for a sewer connection permit letter from the Director of Public Works.

VI. SIGNS

- A. Signage shall be in conformance with regulations established for Rural Urban Districts as defined in Section 4.9.
- B. Location and design of signs shall be shown on the Final Plat.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign 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 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 Body.

- 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.
- IX. Any final 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.
 - D. The location and ownership, whether public or private of any easement.
 - E. The location and dimensions of all buildings, buildable areas, signs, parking areas and dumpster location.
 - F. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
 - G. Illustrations/elevations of the design and materials of any proposed buildings and signs.
 - H. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - I. The following note shall be placed on the final plat of any development requiring on-site water detention facilities: The areas denote by "Reserved for Storm Water Detention" shall not be used as a building site or filed without first obtaining written permission from the City or County Engineer. The storm water detention systems located at these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or a homeowners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approval plan on file in the City/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.

CONCEPT PLAN



AGENDA ITEM: 11

CASE NUMBER: PD 20-10 **L.U.C.B. MEETING:** September 10, 2020
DEVELOPMENT: Windyke Senior Living Planned Development
LOCATION: 8535 Winchester Road
COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Windyke Country Club, Inc. and Belz Investco GP / Hamister Group LLC
REPRESENTATIVE: SR Consulting – Cindy Reaves
REQUEST: Senior living facility planned development
AREA: +/-14.259 acres
EXISTING ZONING: Conservation Agriculture (CA) and Residential Urban – 2 (RU-2)

CONCLUSIONS

1. The applicant is requesting a senior living facility planned development
2. The facility is proposed to contain assisted and independent units as well as include potential accessory uses within the community such as a bakery, coffee shop, fitness center, etc.
3. The site is zoned Conservation Agriculture (CA) and Residential Urban – 2 (RU-2) and currently the CA zoned portion is part of a golf course and the RU-2 zoned portion is vacant land.
4. If this request is approved, the Windyke Park PD Outline Plan will need to be rerecorded to remove the land that overlaps with this planned development.
5. Note the availability of City sanitary sewer is unknown at this time. The developer will have to apply for a sewer connection permit letter from the Director of Public Works.
6. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
7. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 13-14 of this report.

RECOMMENDATION:
Approval with conditions

Staff Writer: Jeffrey Penzes

E-mail: jeffrey.penzes@memphistn.gov

GENERAL INFORMATION

Street Frontage: Winchester Road +/-678.16 linear feet
Zoning Atlas Page: 2355 and 2455
Parcel ID: Part of 081093 00013
Existing Zoning: Conservation Agriculture (CA) and Residential Urban – 2 (RU-2)

NEIGHBORHOOD MEETING

The meeting was held at 7:00 PM on Monday, August 31, 2020, virtually/telephonically on Zoom.

PUBLIC NOTICE

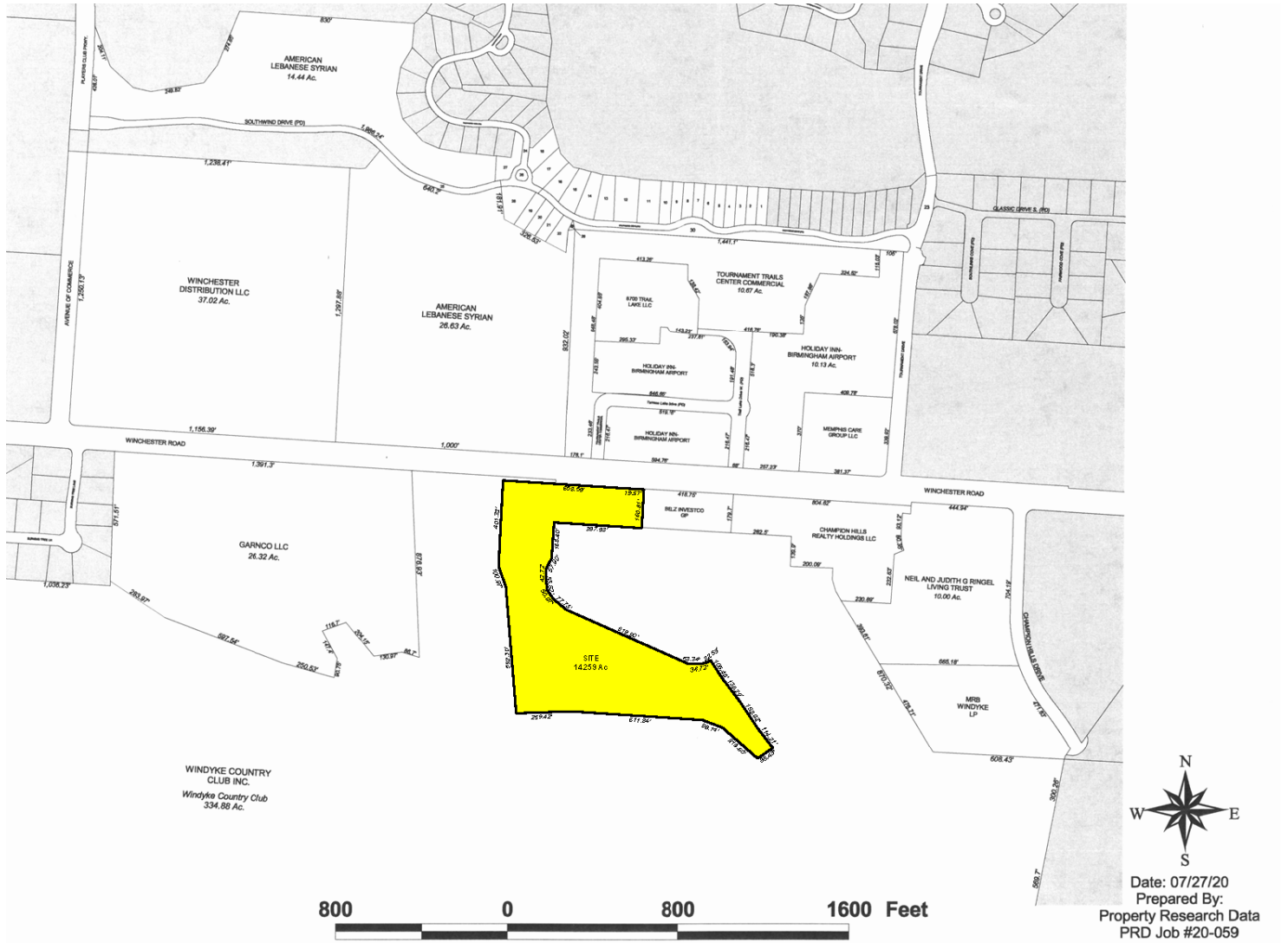
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 38 notices were mailed on September 21, 2020, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



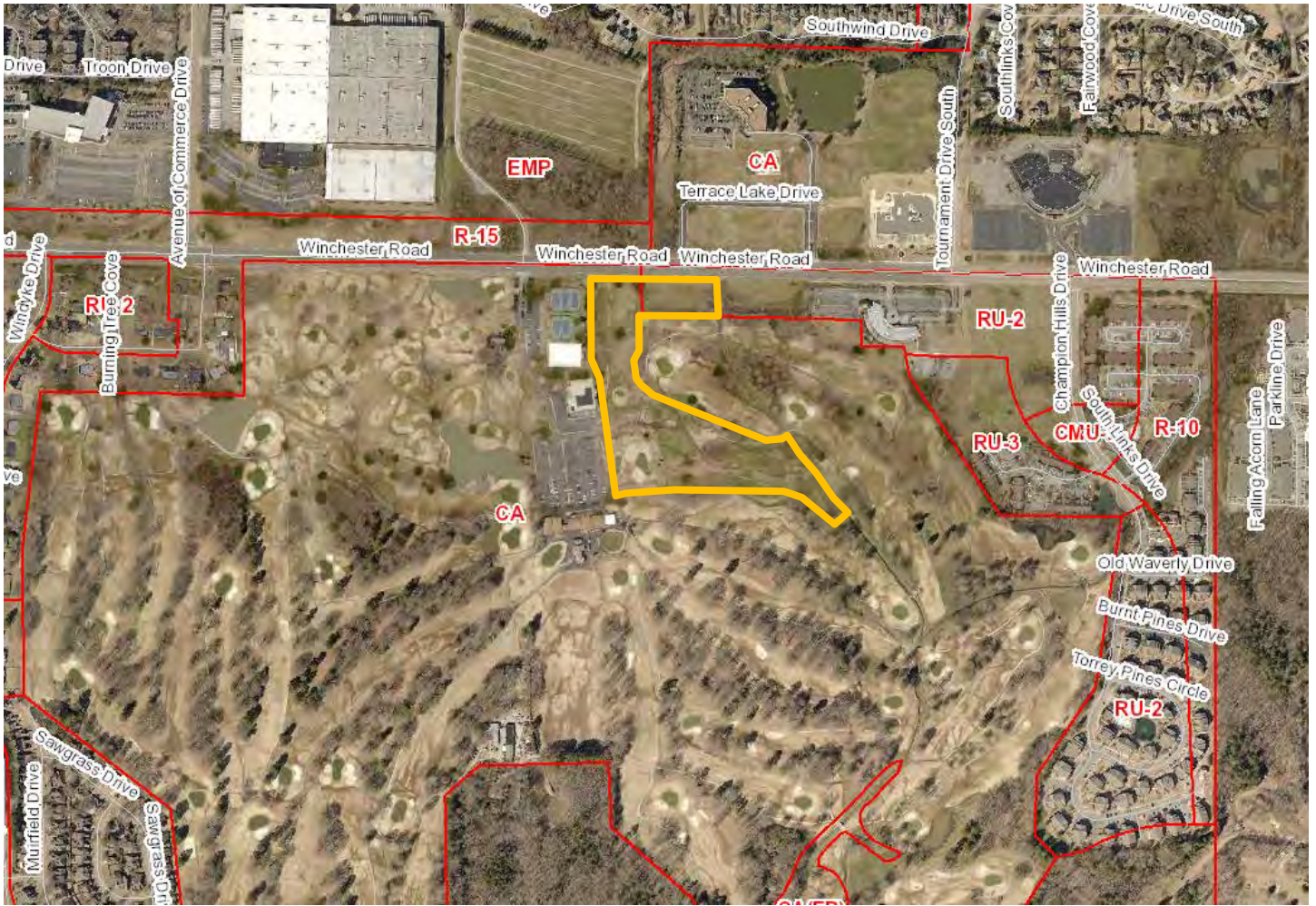
Subject property located within the pink circle, Windyke neighborhood

VICINITY MAP



Subject property highlighted in yellow

ZONING MAP



Subject property outlined in orange

Existing Zoning: Conservation Agriculture (CA) and Residential Urban – 2 (RU-2)

Surrounding Zoning

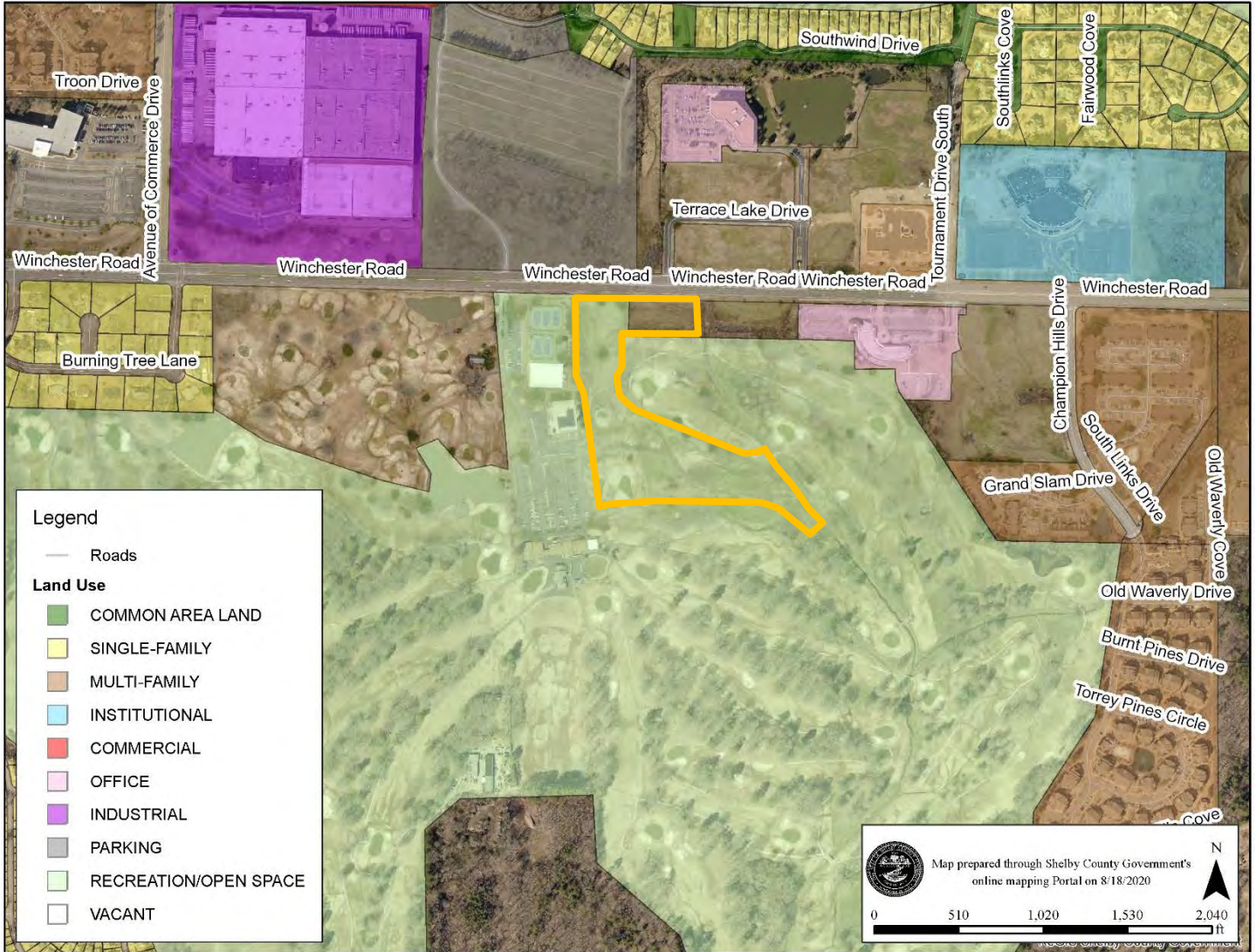
North: Residential – 15 (R-15) then Employment (EMP) and Conservation Agriculture (CA)

East: Conservation Agriculture (CA) and Residential Urban – 2 (RU-2)

South: Conservation Agriculture (CA)

West: Conservation Agriculture (CA)

LAND USE MAP



Subject property outlined in orange

SITE PHOTOS

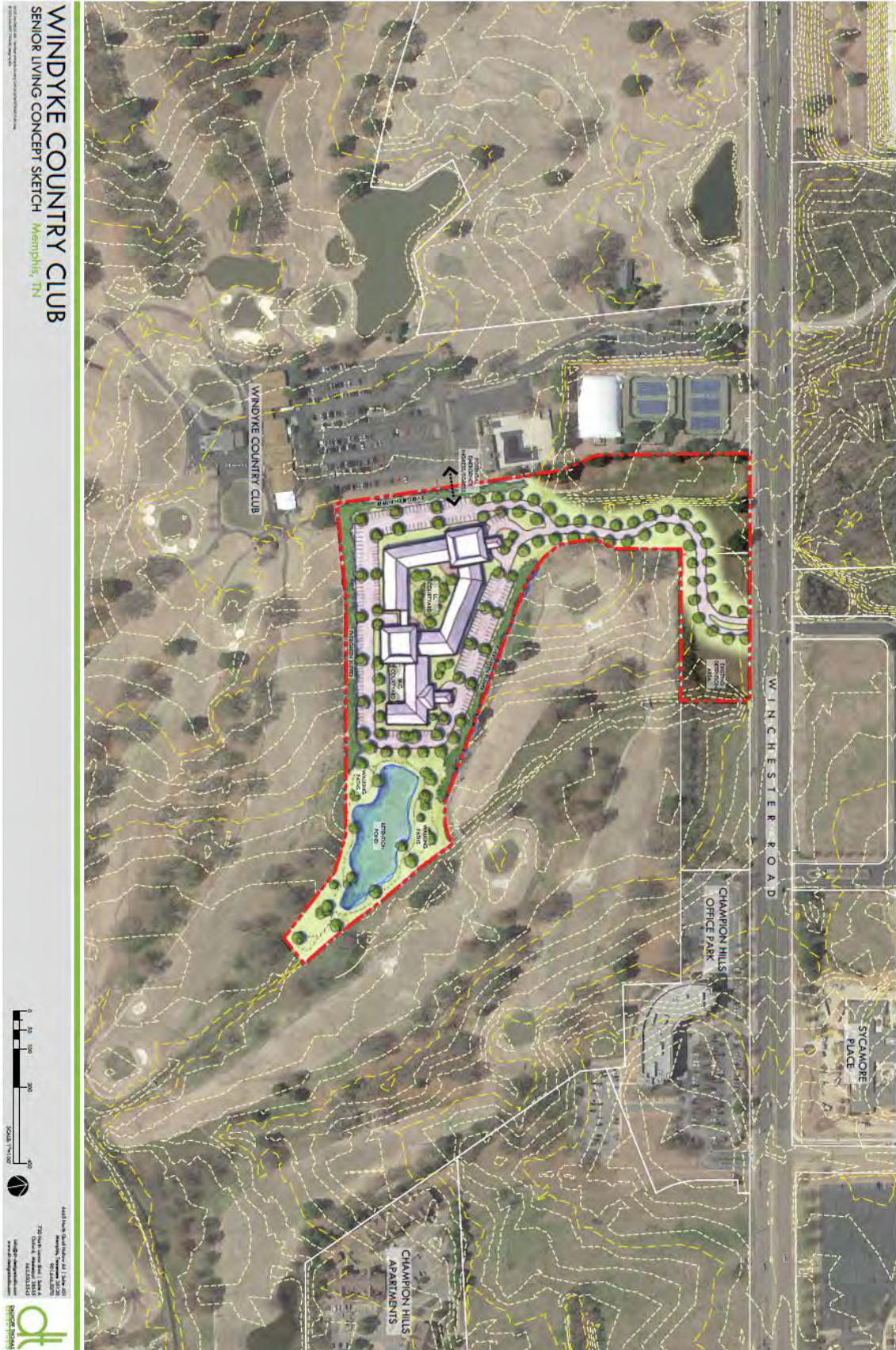


View from the northwest corner of the subject property from Winchester Road looking southeast

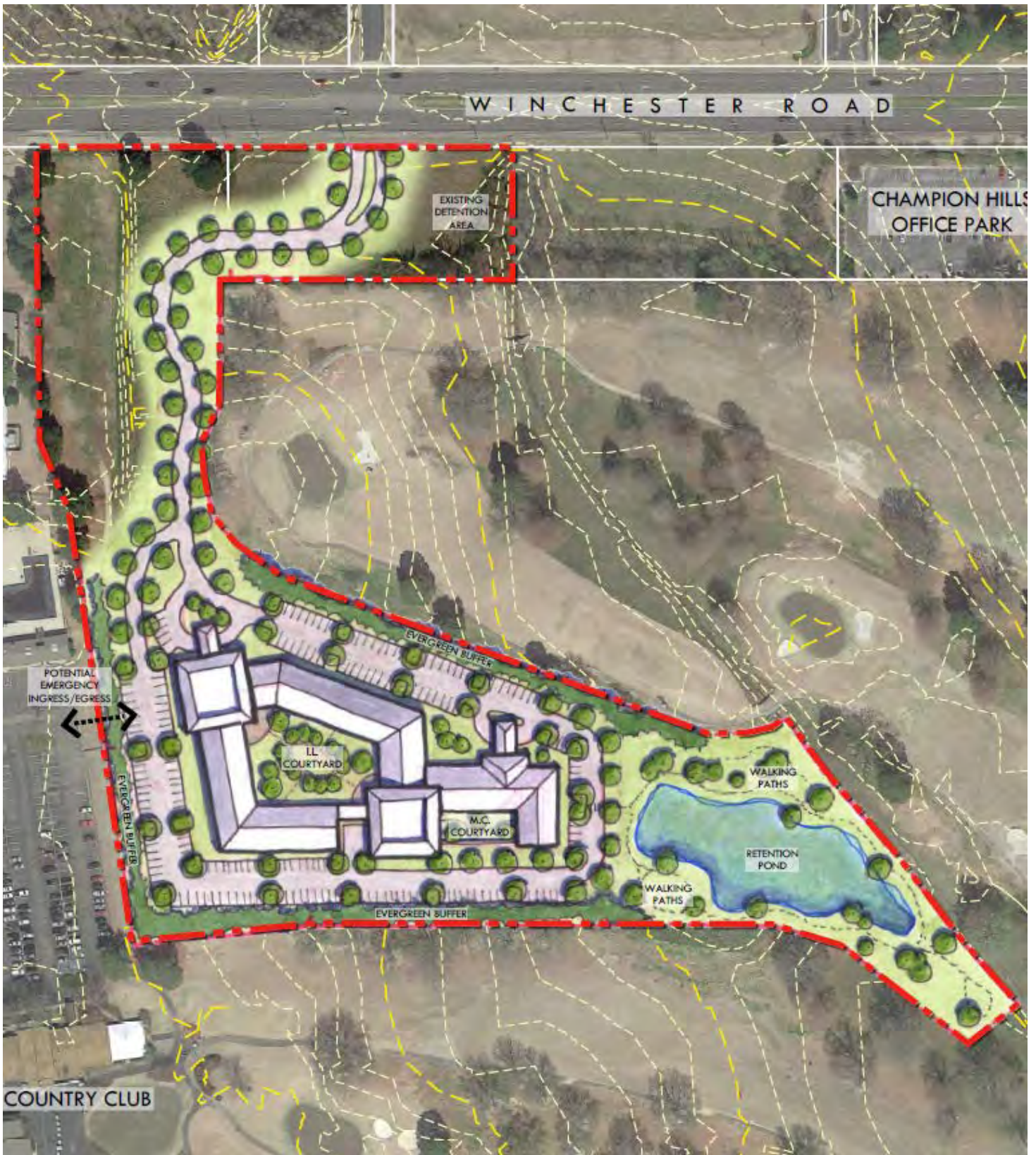


View from the northeast corner of the subject property from Winchester Road looking southwest

CONCEPT PLAN



CONCEPT PLAN – ZOOMED



STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is for a senior living facility planned development.

Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage*

facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments

shall be considered zoned residential.

Approval Criteria

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse 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.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-14.259 acres located at 8535 Winchester Road. The site is zoned Conservation Agriculture (CA) and Residential Urban – 2 (RU-2) and currently the CA zoned portion is part of a golf course and the RU-2 zoned portion is vacant land. Additionally, note the RU-2 zoned portion of the site is currently within the Windyke Park PD and in general is permitted for office, retail, and motel uses, see the Shelby County Register's Plat Book 285 Page 1 for additional information.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. *The future land use planning map:* The vast majority of the subject site is not identified in the future land use planning map as it within the Southwind - Windyke deannexation area. However, a small portion of the northeast portion of the subject site is within the bounds of the Memphis 3.0 General plan and is identified as Low Intensity Commercial and Services. Note, as proposed, the only aspects that would occupy this are a driveway leading to the senior living facilities which as proposed would be located in the deannexation area.

Future Land Use Map



Subject site outlined in yellow

2. *The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:* The request for a senior living facility meets this criterion as the zoning notes find this future land use to be generally compatible with the CMU-1 and OG zoning districts both of which districts permit the use of a senior living facility by right.
3. *Existing, adjacent land uses and zoning:* The subject site is generally surrounded by the following land uses within the immediate vicinity: golf course and related recreation facilities, vacant land, industrial facilities, offices, and multifamily apartments. The subject site is generally surrounded by the following

zoning districts within the immediate vicinity: CA, RU-2, R-15, and EMP. This requested land use is compatible with these adjacent land uses and zoning districts as it is a complimentary land use on the south side of Winchester Road.

4. *The degree of change map:* The subject site is not identified in the degree of change map.
5. *The degree of change descriptions:* Not applicable.

This proposal is consistent with the Memphis 3.0 General Plan due its consistency with future land use zoning notes and existing adjacent land uses.

Conclusions

The applicant is requesting a senior living facility planned development

The facility is proposed to contain assisted and independent units as well as include potential accessory uses within the community such as a bakery, coffee shop, fitness center, etc.

The site is zoned Conservation Agriculture (CA) and Residential Urban – 2 (RU-2) and currently the CA zoned portion is part of a golf course and the RU-2 zoned portion is vacant land.

If this request is approved, the Windyke Park PD Outline Plan will need to be rerecorded to remove the land that overlaps with this planned development.

Note the availability of City sanitary sewer is unknown at this time. The developer will have to apply for a sewer connection permit letter from the Director of Public Works.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

I. PERMITTED USES

- A. Residential Home for the Elderly, Independent Living Facility (Market Rate Apartments), Assisted Living and associated customary and incidental Accessory Uses.
- B. Accessory uses permitted but not limited to include the following:
 1. Fitness Center
 2. Movie Theater
 3. Event Center
 4. Ice Cream Shop
 5. Bakery

6. Coffee Shop
7. Restaurant/Café with sale of alcoholic beverages
8. Bar/Tavern

C. The building elevations, design, setback, placement and orientation shall be illustrated on the final site plan, subject to administrative review and approval by the Office of Planning and Development.

II. BULK REGULATIONS

The bulk regulations shall be in conformance with the Residential Urban District – 3 (RU-3) Regulations.

III. CIRCULATION, ACCESS AND PARKING

- A. Shared Parking shall be approved for all permitted uses.
- B. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- C. The City Engineer or County Engineer shall approve the design, number and location of curb cuts.
- D. The Developer shall be responsible for the installation, repair and/or replacement of all existing curb and gutter along the frontages of this site as necessary.
- E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. All private drives shall be constructed to meet City standards.
- H. The Developer shall provide for the construction of an exclusive left turn lane in the median for westbound Winchester.

IV. LANDSCAPING

- A. Streetscape shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent alternative as approved by DPD.
- B. Parking lot landscaping shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent streetscape as approved by DPD.
- C. All landscaping shall be located on the property such that it shall not interfere with any utility easements.

V. DRAINAGE AND SEWERS

- A. A grading and drainage plan for the site shall be submitted for review and approval prior to

recording of the final plat.

- B. Drainage improvements, including 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.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City or County Engineer.
- D. The developer should be aware of their 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.
- E. The availability of City sanitary sewer is unknown at this time. The developer will have to apply for a sewer connection permit letter from the Director of Public Works.

VI. SIGNS

- A. Signage shall be in conformance with regulations established for Rural Urban Districts as defined in Section 4.9.
- B. Location and design of signs shall be shown on the Final Plat.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign 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 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 Body.

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.

IX. Any final 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.
- D. The location and ownership, whether public or privates of any easement.
- E. The location and dimensions of all buildings, buildable areas, signs, parking areas and dumpster location.
- F. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.

- G. Illustrations/elevations of the design and materials of any proposed buildings and signs.
- H. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- I. The following note shall be placed on the final plat of any development requiring on-site water detention facilities: The areas denote by “Reserved for Storm Water Detention” shall not be used as a building site or filed without first obtaining written permission from the City or County Engineer. The storm water detention systems located at these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or a homeowners’ association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approval plan on file in the City/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.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. The availability of City sanitary sewer is unknown at this time. The developer will have to apply for a sewer connection permit letter from the Director of Public Works.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
4. The Developer shall install sidewalk across the entire frontage of this property on Winchester.
5. The Developer shall provide for the construction of an exclusive left turn lane in the median for westbound Winchester.

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 for 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. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

12. 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/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. 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.
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. Common ingress/egress easements shall be shown on the final plats.
17. Provide adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
18. Adequate maneuvering room shall be provided between the right-of-way and any proposed gate/guardhouse/card reader on Winchester for vehicles to exit by forward motion.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:
 Water Quality Branch & Septic Tank Program:

- No septic tank issues.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:

- No comments at this time.

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

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

Date: July 17, 2020

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Windyke Senior Living PD

Property Owner of Record: Windyke Country Club Inc.; Belz Investco GP Phone #: 901-754-1888
8535 Winchester Road Phone #: 901-260-7268

Mailing Address: P.O. Box 3661 City/State: Memphis, TN Zip 38173

Property Owner E-Mail Address: rgamer@windyke.com
ron.belz@belz.com

Applicant: Hamister Group LLC Phone # 716-839-4000

Mailing Address: 10 Lafayette Square, Suite 1900 City/State: Buffalo, NY Zip 14203

Applicant E- Mail Address: jklotzbach@HamisterGroup.com

Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Representative E-Mail Address: cindy@srce-memphis.com

Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: cindy@srce-memphis.com

Street Address Location: 8535 Winchester Road

Distance to nearest intersecting street: 1,787.24 feet west of the centerline of Champion Hills Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>14.259</u>	_____	_____
Existing Zoning:	<u>CA & PD</u>	_____	_____
Existing Use of Property	<u>Golf Course & Vacant Land</u>	_____	_____
Requested Use of Property	<u>Senior Living</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: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No X

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The development will be consistent with the adjacent Windyke County Club property. The development will include landscape buffers along the perimeter of the site.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

There are adequate existing facilities to serve the property .

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The development will be consistent with the adjacent Windyke County Club property.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The proposed senior living use is consistent with the surrounding area.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

Common areas will be maintained by the property owner.

- Lots of records are created with the recording of a planned development final plan.

A final plat will be recorded.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

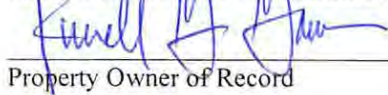
Pre-Application Conference held on: _____ with _____

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

 _____ Date 7/20/20 Applicant _____ Date _____

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

A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

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Ronald A. Boly 7/20/2020
Property Owner of Record Date Applicant Date

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		<i>Joshua P. Klotzbach</i>	<i>7/20/2020</i>
Property Owner of Record	Date	Applicant	Date

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

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- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

LETTER OF INTENT



Date: July 30, 2020

To: Office of Planning & Development

From: Cindy Reaves

Re: Windyke Senior Living PD

Job #: 20-0070

LETTER OF INTENT

Thank you for accepting our application for Windyke Senior Living Planned Development located at Winchester Road west of Champion Hills Drive. The proposed development will combine properties currently owned and used by Windyke Country Club and vacant property owned by Belz Investco GP. The property is approximately 14.259 acres in size. We are proposing a senior living facility consisting of a multi-story building with assisted and independent living units. There will be several amenities for the residences and lots of open space as shown on the concept plan. We feel this will complement the adjacent Country Club and be a good addition to the community.

We appreciate your office working with us on this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Raphael Shivers being duly sworn, depose and say that at 2:00 pm on the 26th day of August, 2020 I posted two Public Notice Signs pertaining to Case No. PD 20-10 in front of the property located on Winchester providing notice of a Public Hearing before the September 10, 2020 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Raphael Shivers
Owner, Applicant or Representative

08/27/2020
Date

Subscribed and sworn to before me this 27th day of August, 2020

Cynthia J. Reaves
Notary Public
My commission expires: 9/27/23



LETTERS RECEIVED

No letters received at the time of completion of this report.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 10, 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 20-10
DEVELOPMENT: Windyke Senior Living Planned Development
LOCATION: 8535 Winchester Road
COUNCIL DISTRICT(S): District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Windyke Country Club, Inc. and Belz Investco GP / Hamister Group LLC
REPRESENTATIVE: SR Consulting – Cindy Reaves
REQUEST: Senior living facility planned development
EXISTING ZONING: Conservation Agriculture (CA) and Residential Urban – 2 (RU-2)
AREA: +/-14.259 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

CC: Committee Members
File

Outline Plan Conditions

I. PERMITTED USES

- A. Residential Home for the Elderly, Independent Living Facility (Market Rate Apartments), Assisted Living and associated customary and incidental Accessory Uses.
- B. Accessory uses permitted but not limited to include the following:
 - 1. Fitness Center
 - 2. Movie Theater
 - 3. Event Center
 - 4. Ice Cream Shop
 - 5. Bakery
 - 6. Coffee Shop
 - 7. Restaurant/Café with sale of alcoholic beverages
 - 8. Bar/Tavern
- C. The building elevations, design, setback, placement and orientation shall be illustrated on the final site plan, subject to administrative review and approval by the Office of Planning and Development.

II. BULK REGULATIONS

The bulk regulations shall be in conformance with the Residential Urban District – 3 (RU-3) Regulations.

III. CIRCULATION, ACCESS AND PARKING

- A. Shared Parking shall be approved for all permitted uses.
- B. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- C. The City Engineer or County Engineer shall approve the design, number and location of curb cuts.
- D. The Developer shall be responsible for the installation, repair and/or replacement of all existing curb and gutter along the frontages of this site as necessary.
- E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. All private drives shall be constructed to meet City standards.
- H. The Developer shall provide for the construction of an exclusive left turn lane in the median for

westbound Winchester.

IV. LANDSCAPING

- A. Streetscape shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent alternative as approved by DPD.
- B. Parking lot landscaping shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent streetscape as approved by DPD.
- C. All landscaping shall be located on the property such that it shall not interfere with any utility easements.

V. DRAINAGE AND SEWERS

- A. A grading and drainage plan for the site shall be submitted for review and approval prior to recording of the final plat.
- B. Drainage improvements, including 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.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City or County Engineer.
- D. The developer should be aware of their 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.
- E. The availability of City sanitary sewer is unknown at this time. The developer will have to apply for a sewer connection permit letter from the Director of Public Works.

VI. SIGNS

- A. Signage shall be in conformance with regulations established for Rural Urban Districts as defined in Section 4.9.
- B. Location and design of signs shall be shown on the Final Plat.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign 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 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 Body.

- 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.
- IX. Any final 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.
 - D. The location and ownership, whether public or private of any easement.
 - E. The location and dimensions of all buildings, buildable areas, signs, parking areas and dumpster location.
 - F. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
 - G. Illustrations/elevations of the design and materials of any proposed buildings and signs.
 - H. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
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**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

September 10, 2020

Hamister Group LLC
10 Lafayette Square, Suite 1900
Buffalo, NY 14203

Sent via electronic mail to: jklotzbach@hamistergroup.com

Windyke Senior Living Planned Development
OPD File Number: PD 20-10
L.U.C.B. Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, September 10, 2020, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Windyke Senior Living Planned Development, subject to the attached outline plan conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6619 or via email at jeffrey.penzes@memphistn.gov.

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services

Cc: *Cindy Reaves, SR Consulting, LLC*
File

Outline Plan Conditions

I. PERMITTED USES

- A. Residential Home for the Elderly, Independent Living Facility (Market Rate Apartments), Assisted Living and associated customary and incidental Accessory Uses.
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Office of Planning and Development, to have such action reviewed by the appropriate Governing Body.

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- IX. Any final 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.
 - D. The location and ownership, whether public or private of any easement.
 - E. The location and dimensions of all buildings, buildable areas, signs, parking areas and dumpster location.
 - F. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
 - G. Illustrations/elevations of the design and materials of any proposed buildings and signs.
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Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

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

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: _____

Property Owner of Record: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Property Owner E-Mail Address: _____

Applicant: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	_____	_____	_____
Existing Zoning:	_____	_____	_____
Existing Use of Property	_____	_____	_____
Requested Use of Property	_____	_____	_____

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: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No _____

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

- Lots of records are created with the recording of a planned development final plan.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: _____ with _____

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or **Not Yet** (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

[Signature] 7/20/20 _____
Property Owner of Record Date Applicant Date

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

- A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

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(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

Date: July 30, 2020

To: Office of Planning & Development

From: Cindy Reaves

Re: Windyke Senior Living PD

Job #: 20-0070

LETTER OF INTENT

Thank you for accepting our application for Windyke Senior Living Planned Development located at Winchester Road west of Champion Hills Drive. The proposed development will combine properties currently owned and used by Windyke Country Club and vacant property owned by Belz Investco GP. The property is approximately 14.259 acres in size. We are proposing a senior living facility consisting of a multi-story building with assisted and independent living units. There will be several amenities for the residences and lots of open space as shown on the concept plan. We feel this will complement the adjacent Country Club and be a good addition to the community.

We appreciate your office working with us on this request. Please contact me if you have any questions.



SYCAMORE PLACE

WINCHESTER ROAD

CHAMPION HILLS OFFICE PARK

CHAMPION HILLS APARTMENTS

WINDYKE COUNTRY CLUB

EXISTING DETENTION AREA

POTENTIAL EMERGENCY INGRESS/EGRESS

LL COURTYARD

MC COURTYARD

WALKING PATHS

RETENTION POND

WALKING PATHS

EVERGREEN BUFFER

EVERGREEN BUFFER

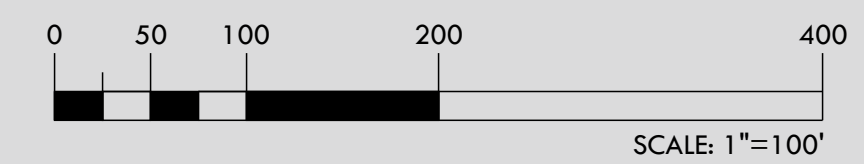
EVERGREEN BUFFER

WINDYKE COUNTRY CLUB

SENIOR LIVING CONCEPT SKETCH *Memphis, TN*

M:\DT Job File\19_408 - Hamster Windyke Country Club\ACAD\XREF\BASE PLAN.dwg
© 2020, DALHOFF THOMAS design studio

October 6, 2020
Planning and Zoning Public Hearing Documents



6465 North Quail Hollow Rd | Suite 401
Memphis, Tennessee 38120
901.646.5070

720 North Lamar Blvd | Suite A
Oxford, Mississippi 38655
662.550.5545



info@dt-designstudio.com
www.dt-designstudio.com

Outline Plan Conditions
Windyke Senior Living Planned Development
PD 20-__

I. PERMITTED USES

A. Residential Home for the Elderly, Independent Living Facility ([Market Rate Apartments](#)), Assisted Living and associated Accessory Uses.

B. Accessory Uses permitted but not limited to include the following:

- a. Fitness Center
- b. Movie Theater
- c. Event Center
- d. Ice Cream Shop
- e. Bakery
- f. Coffee Shop
- g. Restaurant/Café with sale of alcoholic beverages
- h. Bar/Tavern

A. B-C. The building elevations, design, setback, placement and orientation shall be illustrated on the final site plan, subject to review and approval by staff.

II. BULK REGULATIONS

The bulk regulations shall be in conformance with the Residential Urban District 3 Regulations.

III. CIRCULATION, ACCESS AND PARKING

- A. Shared Parking shall be approved for all permitted uses.
- B. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- C. The City Engineer or County Engineer shall approve the design, number and location of curb cuts.
- D. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontages of this site as necessary.
- E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk [as identified during the plan review process](#).

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Commented [JK1]: Isn't there a municipality responsible for the curb/gutter at the road? Or is this something different than at the public road?

Commented [CR2R1]: The adjacent property owner is responsible for curb, gutter and sidewalk if the road is already improved and if it was not, you would be responsible for the improvements also.

Commented [CR3R1]:

- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. All private drives shall be constructed to meet City standards.

IV. LANDSCAPING

- A. Streetscape shall be in accordance with the Memphis-Shelby County UDC or an equivalent alternative as approved by OPD.
- B. Parking lot landscaping shall be in accordance with the Memphis-Shelby County UDC or an equivalent streetscape as approved by OPD.
- C. All landscaping shall be located on the property such that it shall not interfere with any utility easements.

V. DRAINAGE AND SEWERS

- A. Drainage improvements, including 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.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to the City or County Engineer.

VI. SIGNS

- A. Signage shall be in conformance with regulations established for Rural Urban Districts as defined in Section 4.9.
- B. Location and design of signs shall be shown on the Final Plat.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign 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 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 Memphis City Council.

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.

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IX. Any final 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.D.~~ The location and ownership, whether public or privates of any easement.

~~D.~~ The location and dimensions of all buildings, buildable areas, signs, parking areas and dumpster location.

~~E.~~

~~E.F.~~ Specific plans for internal and perimeter landscaping and screening including landscaping of al open space features

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Outline Plan Conditions
Windyke Senior Living Planned Development
PD 20-__

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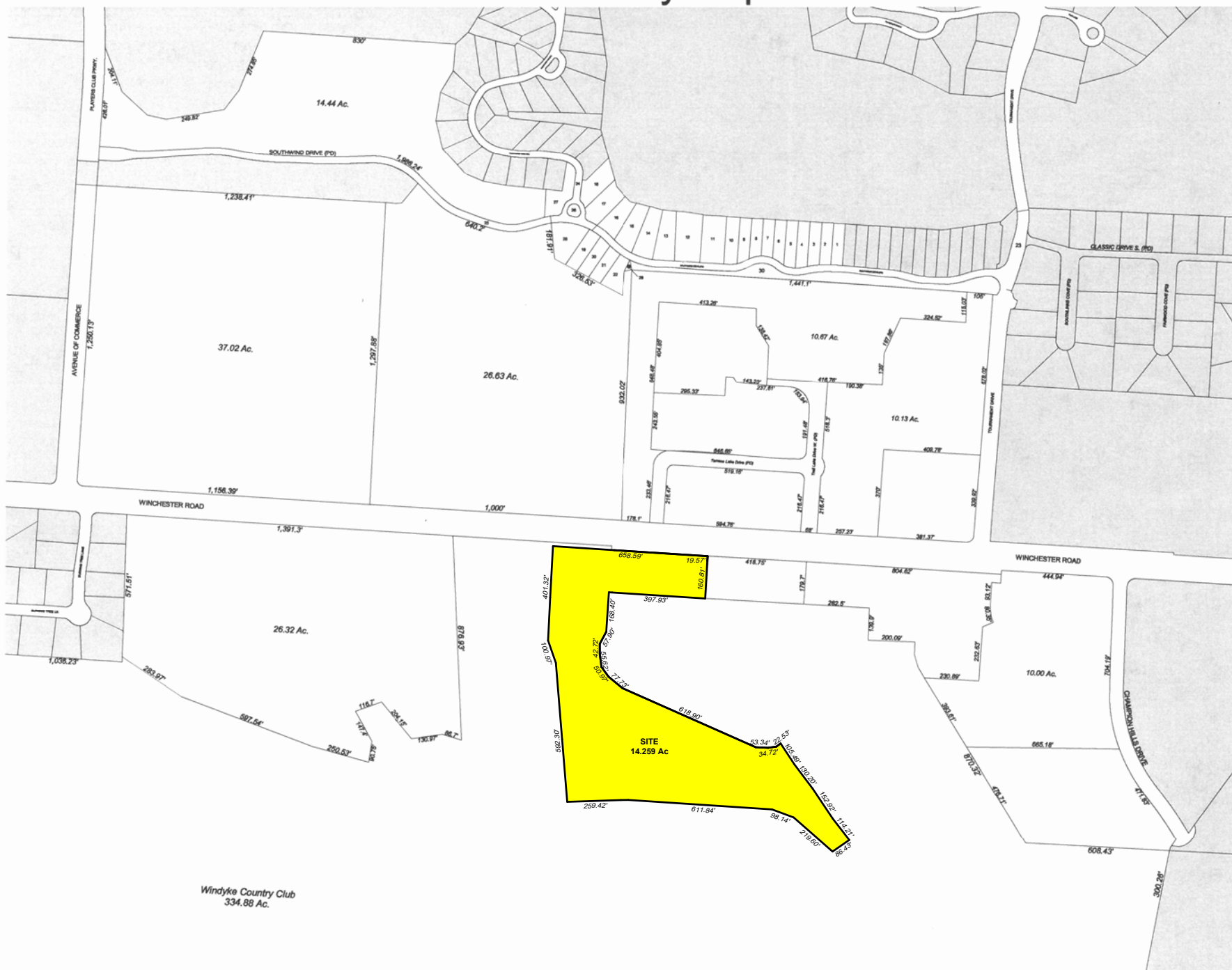
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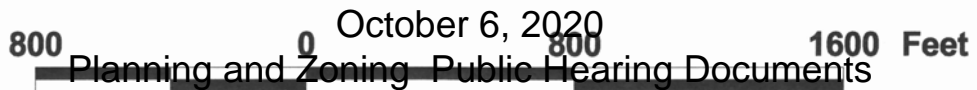
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Vicinity Map

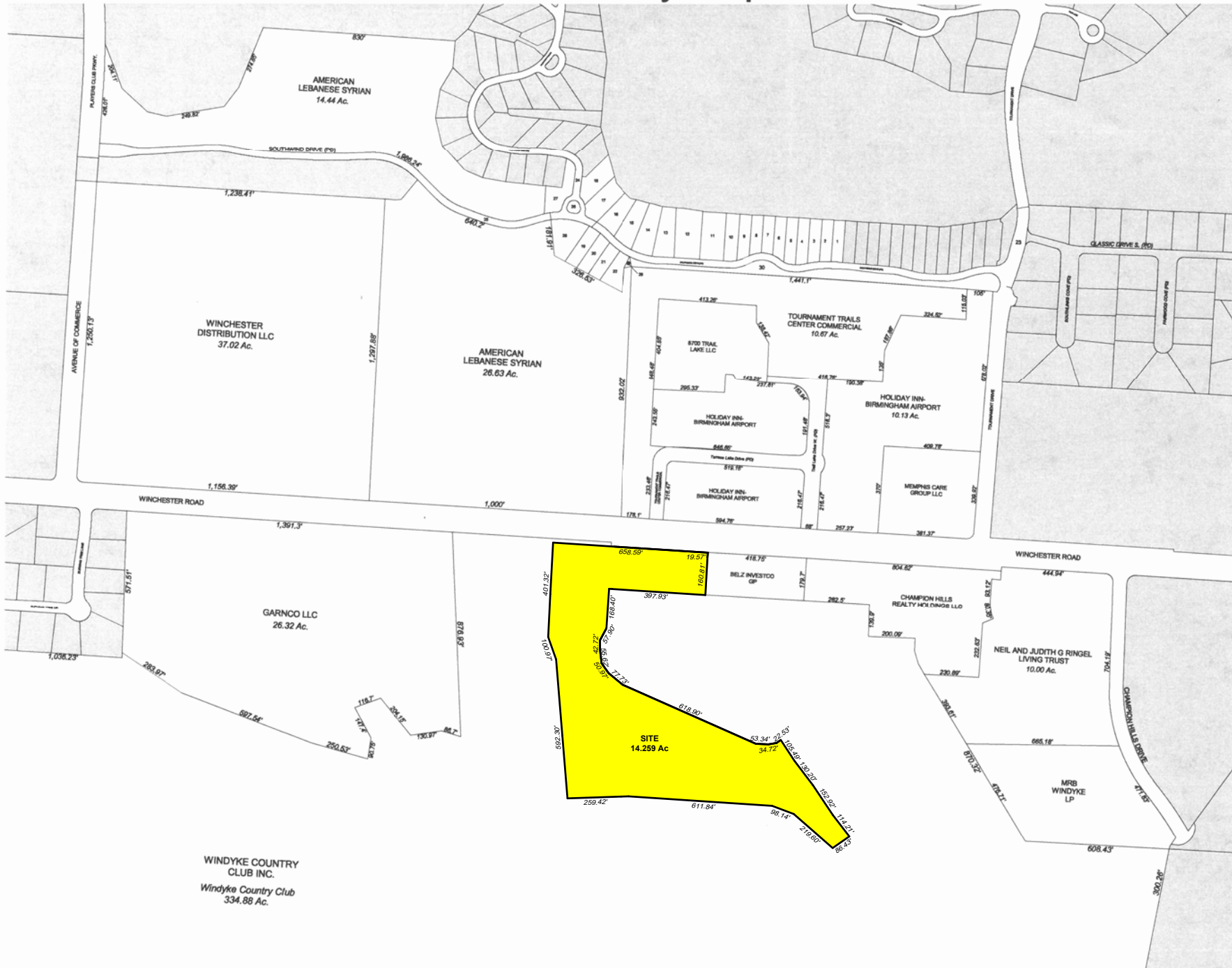


Windyke Country Club
334.88 Ac.



October 6, 2020

Vicinity Map



Lot #	Owners Name
1	Ronald J Kwoka Living Trust
2	Williams John M And Shirley H Williams
3	Dellinger Hubert L
4	Perisho Bret L & Rebecca B V
5	Dawn M Stitle Revocable Living Trust
6	McLaughlin James W And Bobbie W
7	Wells Fargo Bank NA
8	Riikola Robert W & Patricia M
9	Mjn Lr Trust And Rjn Lr Trust
10	Carolyn Durham Irrevocable Trust
11	Perrin James R Jr & Mary S
12	Southwind Residential Properties
13	Galdieri Michael And Diana Galdieri
14	Ford Revocable Living Trust
15	Williams John M & Natalie L
16	Dixon Floyd
17	Gibson Wayne S & Stephanie M
18	Baker Jesse M & Kelly M
19	Bell Byron S
20	Stover Samuel D & Casey F
21	Kircher Eddie K
22	Eddie Kircher Construction LLC
23	Southwind Residential Properties
24	Southwind Residential Properties
25	American Lebanese Syrian
26	Southwind Residential Properties
27	Southwind Residential Properties
28	Southwind Residential Properties
29	Southwind Residential Properties
30	Southwind Residential Properties

8700 Trail Lake LLC
102 Woodmont Boulevard, Ste. 100
Nashville, TN 37205-2216

American Lebanese Syrian
501 St. Jude Place
Memphis, TN 38105

Baker Jesse M & Kelly M
3566 Windgarden Cove
Memphis, TN 38125-1732

Bell Byron S
8575 The Island Place
Memphis, TN 38125-0748

Belz Investco GP
P O Box 3661
Memphis, TN 38173-0661

Carolyn Durham Irrevocable Trust
8644 Southwind Drive
Memphis, TN 38125-0749

Champion Hills Realty Holdings LLC
6389 N. Quail Hollow Road, Ste. 201
Memphis, TN 38120-1427

Dawn M Stittle Revocable Living Trust
8668 Southwind Drive
Memphis, TN 38125-0749

Dellinger Hubert L
8678 Southwind Drive
Memphis, TN 38125-0749

Dixon Floyd
8596 Southwind Drive
Memphis, TN 38125

Eddie Kircher Construction LLC
3023 Centre Oak Way
Germantown, TN 38138-6306

Ford Revocable Living Trust
8608 Southwind Drive
Memphis, TN 38125-0749

Galdieri Michael And Diana Galdieri
8614 Southwind Drive
Memphis, TN 38125-0749

Garnco LLC
8535 Winchester Road
Memphis, TN 38125-8228

Gibson Wayne S & Stephanie M
8578 Southwind Drive
Memphis, TN 38125-0800

Holiday Inn-Birmingham Airport
8700 Trail Lake Drive, Ste. 300
Memphis, TN 38125-8200

Kircher Eddie K
3023 Centre Oak Way
Germantown, TN 38138-6306

McLaughlin James W And Bobbie W
8664 Southwind Drive
Memphis, TN 38125-0749

Memphis Care Group LLC
5105 NE 82nd Avenue, Ste. 200
Vancouver, WA 98662

Mjn Lr Trust And Rjn Lr Trust
8648 Southwind Drive
Memphis, TN 38125-0749

MRB Windyke LP
P O Box 241990
Memphis, TN 38124-1990

Neil And Judith G Ringel Living Trust
1010 June Road
Memphis, TN 368119-3724

Perisho Bret L & Rebecca B V
8674 Southwind Drive
Memphis, TN 38125

Perrin James R Jr & Mary S
8638 Southwind Drive
Memphis, TN 38125-0749

Riikola Robert W & Patricia M
8654 Southwind Drive
Memphis, TN 38125-0749

Ronald J Kwoka Living Trust
8688 Southwind Drive
Memphis, TN 38125-0749

Southwind Residential Properties
3036 Centre Oak Way
Germantown, TN 38138

Stover Samuel D & Casey F
3575 Classic Drive
Memphis, TN 38125-0763

Tournament Trails Center Commercial
6363 Poplar Avenue, Ste. 400
Memphis, TN 38119

Wells Fargo Bank NA
1 Mortgage Way
Mount Laurel, NJ 08054-4637

Williams John M & Natalie L
8598 Southwind Drive
Memphis, TN 38125-0800

Williams John M And Shirley H Williams
212 Eagle Drive
Miramar Beach, FL 32550-4854

Winchester Distribution LLC
1 Bowerman Drive
Beaverton, OR 97005-0979

Windyke Country Club Incorporated
8535 Winchester Road
Memphis, TN 38125-8228

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Belz Investment Company Incorporated
P. O. Box 3661
Memphis, TN 38173

Belz Investment Company Incorporated
P. O. Box 3661
Memphis, TN 38173

Belz Investment Company Incorporated
P. O. Box 3661
Memphis, TN 38173

Windyke Country Club Inc.
Russ Garner
8535 Winchester Road
Memphis, TN 38125

Windyke Country Club Inc.
Russ Garner
8535 Winchester Road
Memphis, TN 38125

Windyke Country Club Inc.
Russ Garner
8535 Winchester Road
Memphis, TN 38125

Hamister Group LLC
Josh Klotzbach
10 Lafayette Square, Suite 1900
Buffalo, NY 14203

Hamister Group LLC
Josh Klotzbach
10 Lafayette Square, Suite 1900
Buffalo, NY 14203

Hamister Group LLC
Josh Klotzbach
10 Lafayette Square, Suite 1900
Buffalo, NY 14203

CU 5944
4

This Instrument Prepared by
and Return to:

Evans & Petree
By: E. Woods Weathersby
81 Monroe Avenue
Memphis, Tennessee 38103

WARRANTY DEED

SUBJECT TO RESTRICTIVE COVENANT

THIS INDENTURE, made and entered into this 6th day of April, 1992, by and between FIRST TENNESSEE BANK NATIONAL ASSOCIATION, OF MEMPHIS, TENNESSEE, AS EXECUTOR OF THE ESTATE OF EARL C. DYKEMA, DECEASED, UNDER THE LAST WILL AND TESTAMENT OF EARL C. DYKEMA, as admitted to Probate in the Probate Court of Shelby County, Tennessee, in Cause No. B-18429, with the Will of record in Will Book 279, Page 33 of the Probate Court Clerk's Office, party of the first part, and WINDYKE COUNTRY CLUB, INC., a Tennessee corporation, party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, ("Real Estate") situated and being in Shelby County, Tennessee:

That certain Real Estate described on Exhibit "A" attached hereto and incorporated herein by reference as if set forth herein verbatim.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its successors and assigns in fee simple forever.

The party of the first part is conveying as Executor only and makes no representations or warranties in its corporate capacity.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for

CU 5944

Easements of record in Book 1676, Page 328, Book 2706, Page 578, Book 4480, Page 600, Book 4868, Page 392, Book 4868, Page 394, Book 5312, Page 349, Book 6125, Page 140, and Instrument No. AJ 1078, all in the Register's Office of Shelby County, Tennessee; Easement of record in Cause No. 30539 R.D., in the Circuit Court for Shelby County, Tennessee, the Restrictive Covenant set forth herein, and Shelby County taxes for the year 1992, liens, but not now due or payable, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

Restrictive Covenant. The Real Estate shall be used only for a golf course and country club for a period of forty (40) years from the date hereof. This Restrictive Covenant shall be enforceable by law or in equity, including but not limited to injunctive relief. The Restrictive Covenant shall bind and benefit the parties, their heirs, successors and assigns and shall run with and be a restriction against the Real Estate.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their proper gender and number according to the context of this instrument.

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed the day and year first above written.

FIRST TENNESSEE BANK NATIONAL
ASSOCIATION, OF MEMPHIS, TENNESSEE,
AS EXECUTOR OF THE ESTATE OF EARL C.
DYKEMA, DECEASED, UNDER THE LAST
WILL AND TESTAMENT OF EARL C. DYKEMA

By: John H. Curtis, Jr.

Title: Vice President & Trust Officer

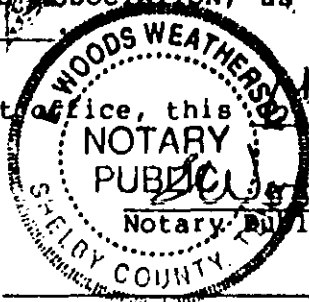
ACKNOWLEDGEMENT

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public of the state and county mentioned, personally appeared John H. Curtis, Jr., with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Vice President & Trust Officer of FIRST TENNESSEE BANK NATIONAL ASSOCIATION, OF MEMPHIS, TENNESSEE, AS EXECUTOR OF THE ESTATE OF EARL C. DYKEMA, DECEASED, UNDER THE LAST WILL AND TESTAMENT OF EARL C. DYKEMA, the

within named bargainer, a national banking association, and that he as such Vice President & Trust Officer executed the foregoing instrument for the purposes therein contained, by signing the name of the said FIRST TENNESSEE BANK NATIONAL ASSOCIATION, as Executor, by himself as Vice President & Trust Officer

WITNESS my hand, at office, this 6th day of April, 1992.



Erwood Weatherly
Notary Public

My Commission expires: _____

My Commission Expires July 16, 1992

Property Address:
8535 Winchester Road
Germantown, TN 38138

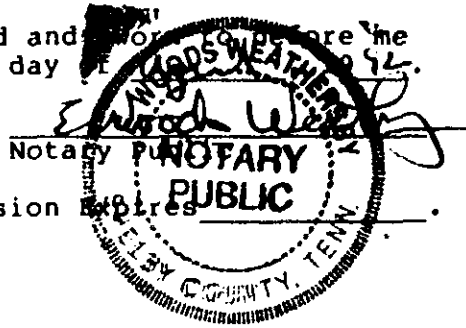
I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$1,350,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Mail Tax Bills To
(Person Responsible
for Payment of Taxes):

William L. Turner III
Affiant

Windyke Country Club, Inc.
8535 Winchester Road
Germantown, TN 38138

Subscribed and sworn to before me this 6th day of April, 1992.



Erwood Weatherly
Notary Public

My Commission Expires _____

My Commission Expires July 16, 1992

State Tax	\$ 4,995.00
Register's Fee	\$ 1.00
Recording Fee	\$ 15.00
Total	\$ 5,011.00

Tax Parcel No.

September 15, 1981

EXHIBIT "A"

CU 5944

Part of Lots 2 and 3, Section 6, Township 1 South, Range 5 West and part of Lots 1 and 4, Section 1, Township 1 South, Range 6 West in Shelby County, Tennessee, and more particularly described by metes and bounds as follows:

Beginning at a point in the present south line of Winchester Road a distance of 149.99 feet eastwardly as measured along the present south line of Winchester Road from its point of intersection with the east line of Burning Tree Lane; thence south 88° 15' east along the present south line of Winchester Road 2052.26 feet, more or less, to a point in the west line of a 7.37 acre tract; thence south along said west line 180 feet to a point in the south line of said 7.37 acre tract; thence south 88° 15' east along said south line 1120 feet to a point; thence south 140 feet to a point; thence east 200 feet to a point; thence south 55.63 feet to a point; thence south 18° 52' east 61.3 feet to a point; thence south 33° 07' east 870.32 feet to a point; thence south 88° 17' east 609.5 feet to a point; thence south 4° 45' west 300.4 feet to a point; thence south 9° 38' west 569.49 feet to a point; thence south 34° 01' west 567.73 feet to a point; thence south 8° 55' west 318.1 feet to a point; thence south 46° 34' east 181.5 feet to a point; thence south 35° 07' west 918.6 feet to a point; thence south 6° 55' 56" west 471.52 feet to a point; thence south 89° 46' 05" west 1143.75 feet to a point; thence north 2° 24' west 785.78 feet to a point; thence north 16° 47' 09" west 280.51 feet to a point; thence north 46° 35' west 479.36 feet to a point; thence north 3° 32' west 388.23 feet to a point; thence south 89° 54' west 694.3 feet to a point; thence south 44° 54' west 247.49 feet to a point; thence south 0° 09' east 1548.4 feet to a point; thence north 76° 32' west 494.55 feet to a point; thence north 70° 48' 48" west 675.2 feet to a point; thence north 21° 31' 55" west 738.24 feet to a point; thence north 5° 56' 34" west 490.95 feet to a point; thence north 51° 23' west 991.46 feet to a point; thence north 0° 06' west 745.72 feet to a point; thence north 7° 03' east 803.02 feet to a point; thence south 88° 15' east 1039.34 feet to a point; thence north 0° 06' west 611.51 feet to the point of beginning and containing approximately 376.32 acres of land.

No.	CU 5944
STATE TAX	4995.00
REGISTER'S FEE	1.00
RECORDING FEE	12.00
TOTAL	5008.00
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY D. STATES	
REGISTER	
By	<i>Ellis</i> D.R.

77

CU5944

SHELBY COUNTY REGISTER

92 APR 10 2002 05

AW 5947

5

This Instrument Prepared by and return to:

Keith A. Novick
Attorney at Law
5118 Park Avenue
Suite 253
Memphis, TN 38117

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that BELZ INVESTMENT COMPANY, INC., A Tennessee Corporation, for and in consideration of One Dollar (\$1.00) and 00/100, does hereby bargain, sell, remise, release, quit claim and convey unto BELZ INVESTCO L.P., A Tennessee Limited Partnership, the General Partners of which are Jack A. Belz and URCO, Inc. (a Tennessee Corporation) the following described real estate located in the County of Shelby, State of Tennessee, to-wit:

PARCELS 1 THROUGH 21 AS DESCRIBED ON EXHIBIT A HERETO

White Station Road Corporation joins in this conveyance for the purpose of conveying unto BELZ INVESTCO L.P. all of White Station Road Corporation's right, title and interest in Parcels 16, 17 and 18 on Exhibit A hereto.

IN TESTIMONY WHEREOF I (We) have executed this instrument on the 31st day of December, 1988.

BELZ INVESTMENT COMPANY, INC.

BY: [Signature]
Jack A. Belz, President

Attested by: [Signature]
Jimmie D. Williams, Secretary

WHITE STATION ROAD CORPORATION

BY: [Signature]
Jack A. Belz, President

Attested by: [Signature]
Jimmie D. Williams, Secretary

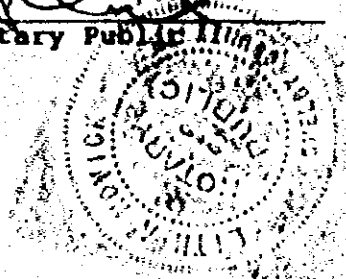
STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Jack A. Belz and Jimmie D. Williams, with whom I am personally acquainted and who upon their oaths, acknowledged themselves to be President and Secretary, respectively, of Belz Investment Company, Inc., the within named bargainer, a corporation, and that they as such officers, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as such officers.

Witness my hand and Notarial Seal at office this 31st day of December, 1988.

My Commission Expires: 2/5/91

[Signature]
Notary Public

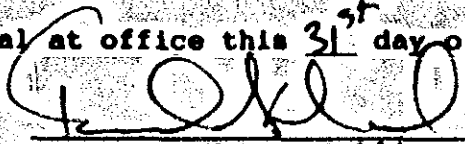


AW 5947

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Jack A. Belz and Jimmie D. Williams, with whom I am personally acquainted and who upon their oaths, acknowledged themselves to be President and Secretary, respectively, of White Station Road Corporation, the within named bargainer, a corporation, and that they as such officers, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as such officers.

Witness my hand and Notarial Seal at office this 31st day of December, 1988.



Notary Public

My Commission Expires: 2/5/91

Property Address: See Exhibit A
Mail tax bills to: (Person or Agency responsible for payment of taxes)

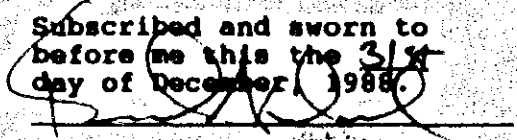
Belz Investco L.P.
5118 Park Avenue
PO Box 171199
Memphis, Tennessee 38117

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$1.00.

Adena S. Brienstock

Affiant

Subscribed and sworn to before me this the 31st day of December, 1988.



AK 5947

EXHIBIT A TO QUIT CLAIM DEED
 BELZ INVESTMENT COMPANY, INC. TO BELZ INVESTCO L.P.

PARCEL 1
 Windyke
 801-89

Beginning at a point in the center line of Winchester Road which is determined by projecting the east property line of Lot 1 Section A Windyke Hills Subdivision N00 degrees 06 minutes 00 seconds W until said line intersects the center line of Winchester Road; thence S88 degrees 07 minutes 00 seconds E along the center line of Winchester Road a distance of 2,052.47 feet to the Point of Beginning. Thence south approximately 250 feet to a point; thence S 88 degrees 15 minutes 00 seconds E a distance of approximately 1120 feet to a point; thence south a distance of approximately 140 feet to a point; thence east a distance of approximately 200 feet to a point; thence south a distance of approximately 55.63 feet to a point; thence S 18 degrees 52 minutes 00 seconds E a distance of 61.3 feet to a point; thence S 33 degrees 07 minutes 00 seconds E a distance of approximately 870.32 feet to a point; thence S 88 degrees 17 minutes 00 seconds E a distance of approximately 609.50 feet to a point; thence S 04 degrees 45 minutes 00 seconds W a distance of approximately 300.40 feet to a point; thence S 09 degrees 38 minutes 00 seconds W a distance of approximately 569.49 feet to a point; thence S 34 degrees 01 minutes 00 seconds W a distance of approximately 567.73 feet to a point; thence S 08 degrees 55 minutes 00 seconds W a distance of 318.10 feet to a point; thence S 35 degrees 07 minutes 00 seconds W a distance of approximately 1,174.60 feet to a point; thence S 06 degrees 55 minutes 56 seconds W a distance of 471.52 feet to a point; thence S 89 degrees 46 minutes 05 seconds W a distance of approximately 1,143.75 feet to a point; thence N 02 degrees 24 minutes 00 seconds W a distance of approximately 785.78 feet to a point; thence N 16 degrees 47 minutes 09 seconds W a distance of 280.51 feet to a point; thence N 46 degrees 35 minutes 00 seconds W a distance of 479.36 feet to a point; thence N 03 degrees 32 minutes 00 seconds W a distance of approximately 388.23 feet to a point; thence S 89 degrees 54 minutes 00 seconds W a distance of approximately 694.30 feet to a point; thence S 44 degrees 54 minutes 00 seconds W a distance of approximately 247.49 feet to a point; thence S 00 degrees 09 minutes 00 seconds E a distance of approximately 1,548.40 ft. to a point; thence N 76 degrees 32 minutes 00 seconds W a distance of 494.55 feet to a point; thence N 70 degrees 48 minutes 48 seconds W a distance of approximately 675.20 feet to a point; thence N 21 degrees 31 minutes 55 seconds W a distance of approximately 738.24 feet to a point; thence N 05 degrees 56 minutes 34 seconds W a distance of approximately 490.95 feet to a point; thence N 51 degrees 23 minutes 00 seconds W a distance of approximately 991.46 feet to a point; thence N 00 degrees 06 minutes 00 seconds W a distance of approximately 745.72 feet to a point; thence N 07 degrees 03 minutes 00 seconds E a distance of approximately 803.02 feet to a point; thence S 88 degrees 15 minutes 00 seconds E a distance of approximately 1,039.94 feet to a point; thence N 00 degrees 06 minutes 00 seconds W a distance of approximately 680.36 feet to a point in the center line of Winchester Road; thence N 88 degrees 07 minutes 00 seconds W along the center line of Winchester Road a distance of approximately 2,060.04 feet to a point; thence southwardly a distance of approximately 4,013.92 feet to a point in the center line of Nonconnah Drainage Canal; thence southeastwardly along the center line of Nonconnah Drainage Canal a distance of approximately 2,372.80 feet to a point; thence continuing along the center line of Nonconnah Drainage Canal in a curvature to the east a distance of approximately 1,420 feet to a point; thence S 89 degrees 13 minutes 00 seconds E along the center line of Nonconnah Drainage Canal a distance of approximately 3,482 feet to a point; thence northwardly a distance of approximately 5,228 feet to a point in the center line of Winchester Road; thence N 88 degrees 15 minutes 00 seconds W along the center line of Winchester Road a distance of approximately 2,904.5 feet to the Point of Beginning.

Less and except the following described five parcels:

SHELBY_EX6
 SHELLDOCS
 Page 3

AW 5947

Tract I

Section A, Windyke Hills Subdivision, as shown on revised plat of record in Plat Book 35, Page 7, Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tract II

Section A, First Addition to Windyke Hills Subdivision as shown on plat of record in Plat Book 61, Page 10, Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tract III

Section B, First Addition to Windyke Hills Subdivision as shown on plat of record in Plat Book 61, Page 11, said Register's Office, to which plat reference is hereby made for a more particular description of said property.

Tract IV

Beginning at a point in the south right of way line of Winchester Road, said point being the northwest corner of Lot 61, Section A, Windyke Hills Subdivision, Shelby county, Tennessee; thence S 01 degrees 45 minutes 00 seconds W a distance of 123.85 feet to a point; thence S 36 degrees 22 minutes 07 seconds W a distance of 433.60 feet to a point; thence S 00 degrees 12 minutes 00 seconds E a distance of 67.22 feet to a point; thence S 89 degrees 48 minutes 00 seconds W a distance of 427.17 feet to a point in the east right of way line of Club View Drive; thence S 00 degrees 30 minutes 00 seconds E a distance of 536.82 feet to a point; thence a curve to the right having a radius of 25 feet for a distance of 40.25 feet to a point in the south right of way line of Winchester Road; thence S 88 degrees 15 minutes 00 seconds E along the south right of way line of Winchester road for a distance of 667.07 feet to the point of beginning.

Tract V

Part of lots #3 and #4, Section 1, Township 1 South, Range 5 west, Shelby County, Tennessee and being more particularly described as follows:

Beginning at a point on the east right of way line of Windyke Drive (68 feet wide), said point being the southwest corner of Lot #141 of Section "B", Windyke Hills Subdivision as recorded in Plat Book 61, Page 11; thence eastwardly along the south property line of Lot #141 on a relative bearing of N 89 degrees 54 minutes 00 seconds E, a distance of 168.11 feet to a point; thence southeastwardly on a relative bearing of S 51 degrees 23 minutes 00 seconds E, a distance of 991.46 feet to a point; thence southeastwardly on a relative bearing of S 5 degrees 56 minutes 34 seconds E, a distance of 490.95 feet to a point; thence southeastwardly on a relative bearing of S 21 degrees 31 minutes 55 seconds E, a distance of 685.71 feet to a point; thence southwestwardly on a relative bearing of S 86 degrees 13 minutes 06 seconds W, a distance of 177.28 feet to a point on the east R.O.W. line of Windyke Drive (68 feet wide); thence northwestwardly on a relative bearing of N 62 degrees 45 minutes 17 seconds W, a distance of 689.19 feet to the point of curvature; thence on a curve to the right having a radius of 519.69 feet, a distance of 568.30 feet along its arc to the point of tangency; thence northwardly on a relative bearing of N 0 degrees 06 minutes 00 seconds W, a distance of 554.49 feet to the point of curvature; thence on a curve to the left having a radius of 534 feet and a distance of 286.67 feet along its arc to the point of reverse curvature; thence on a curve to the right having a radius of 466 feet and an arc distance of 140.30 feet to the point of beginning.

The above described enclosure contains an area of 25.26 acres or 1,100,325.6 square feet.

AW 5947

The aforesaid Parcel, less and except Tracts I, II, III, IV and V is part of the property conveyed to Belz Investment Company, Inc. by Deed of record at Y8 9856, Register's Office of Shelby County, Tennessee. It is the intent of this deed to convey all of the property owned by Belz Investment Company, Inc. at the aforesaid location, and the aforesaid description shall be so construed.

PARCEL 2

Hawkins Mall
New Allen
801-91

Being a part of the tract of land conveyed to the City of Memphis for use and benefit of Memphis Light, Gas & Water Division by deed of record and described in Book 4478, Page 545 in the Register's Office, Shelby County, Tennessee.

Beginning at a point in the northeast corner of a parcel of land conveyed to Lucy Lee Reeves as described in Book 5417, page 161 in the Register's Office, Shelby county, Tennessee, said point being located in the center line of Hawkins Mill Road; thence in an eastwardly direction and along the center line of Hawkins Mill Road a distance of 222.94 feet to a point located in the northeast corner of the above-described City of Memphis tract; thence south 00 degrees 28 minutes 50 seconds west and along the west property line of the property conveyed to Union Realty Company described in instruments designated R2 1002, R2 1003 and R2 1004 in the Register's Office of Shelby County, Tennessee a distance of 2828.34 feet to a point; said point being the extreme corner of the Jay Realty Company property; thence S 89 degrees 36 minutes 56 seconds E along the South line of the Jay Realty Company property a distance of 4.78 feet to a point; thence south 00 degrees 02 minutes 05 seconds west and along the west line of a parcel of land conveyed to Belz Investment Company, Inc. as described in Book 5437, Page 310, Book 5626, Page 396 and instrument N3 8231 in the Register's Office of Shelby County, Tennessee a distance of 509.13 feet to a point said point being the southeast corner of City of Memphis tract; thence north 88 degrees 16 minutes 50 seconds west and along the north line of a parcel of land conveyed to Belz Investment Company, Inc. as described in Instrument N3 8231 in the Register's Office of Shelby County, Tennessee a distance of 304.37 feet to a point, thence north 01 degrees 46 minutes 20 seconds east and along the east line of a tract of land conveyed to Belz Investment Company, Inc. as described in Instrument N9 3876 in the Register's Office of Shelby County, Tennessee a distance of 2732.62 feet to a point located in the southeast corner of the above mentioned Lucy Lee Reeves parcel as described in Book 5417, Page 161; thence continuing north 01 degrees 46 minutes 20 seconds east and along said east line of Lucy Lee Reeves property a distance of 620 feet to the point of beginning. Property located on the south side of Hawkins Mill Road approximately 1950 feet west of the west line of New Allen Road.

Being the same property conveyed to Belz Investment Company, Inc. by Deed recorded at Y8 9856 in the Register's Office of Shelby County, Tennessee.

PARCEL 3

Windyke
801-89

Section C, First Addition to Windyke Hills Subdivision as per plat of record in Plat Book 61, page 12, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being that property acquired by Belz Investment Company, Inc. by Deed of Record at Y8 9855, rerecorded at Z4 5984, Register's Office, Shelby County, Tennessee.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK-OFF SHEET**

| ONE ORIGINAL |
| ONLY STAPLED |

**Planning & Development
DIVISION**

TO DOCUMENTS

**Planning & Zoning COMMITTEE: _____
DATE**

**PUBLIC SESSION: _____
DATE**

ITEM (CHECK ONE)

_____ ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
X **RESOLUTION** _____ GRANT APPLICATION X **REQUEST FOR PUBLIC HEARING**
OTHER: _____

ITEM DESCRIPTION: A Resolution requesting an appeal of the decision of the Land Use Control Board for a Major Modification to a planned development. The following item was heard and a recommendation made by the Land Use Control Board:

CASE NUMBER: P.D. 99-362

DEVELOPMENT: QUINCE/LYNNFIELD PLANNED DEVELOPMENT

LOCATION: Southwest corner of Quince Road and Lynnfield Road

COUNCIL DISTRICTS: District 2-Super District 9-Positions 1, 2 & 3

APPELLANT: Balmoral Neighborhood Association

APPELLEE: SE Industrial Investments, LLC

EXISTING ZONING: Currently governed by Quince/Lynnfield Planned Development (P.D. 99-362)

REQUEST: Appeal the decision of the Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses

AREA: 4.20 Acres

RECOMMENDATION: The Office of Planning and Development recommended *Approval with Conditions* and the Land Use Control Board recommended *Approval with Conditions*.

RECOMMENDED COUNCIL ACTION: *Set Date of Public Hearing: Suggested Date: July 21st, 2020*

PRIOR ACTION ON ITEM:

_____ APPROVAL - (1) APPROVED (2) DENIED
_____ DATE
_____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

ADMINISTRATIVE APPROVAL:

DATE

POSITION

_____ PRINCIPAL PLANNER

_____ DIRECTOR

_____ CHIEF ADMINISTRATIVE OFFICER

_____ COUNCIL CHAIRMAN



*Memphis City Council
Summary Sheet*

Resolution to appeal the decision of the Memphis & Shelby County Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses:

- This item is a Resolution to appeal the decision of the board as stated in the appeal for this development plan; and
- The Office of Planning & Development at the request of the Appellants: Balmoral Neighborhood Association, Inc., and Representatives: Jeffrey & Genevieve Land, Esquires; and
- This Resolution seeks to appeal the decision of the Land Use Control Board as stated in the appeal by the appellants; and
- The appeal, if rejected may require a public improvement contract for the planned development.

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P. D. 99-362

At its regular meeting on **Thursday, February 13th, 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of **'SE Industrial Investments, LLC'**, requesting a major modification to a planned development on property described as follows:

LOCATION: Southwest corner of Quince Road and Lynnfield Road

OWNER/APPLICANT: SE Industrial Investments, LLC

APPELLANTS: Balmoral Neighborhood Association

REQUEST: Appeal the decision of the Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses

AREA: 4.20 Acres

EXISTING LAND USE & ZONING: Currently governed by Quince/Lynnfield Planned Development (P.D. 96-362)

The following spoke in support of the application:

Cindy Reaves, SR Consulting, 5909 Shelby Oaks Drive, Memphis, TN 38134; representative; agreed with the recommendation of staff and the conditions for approval of the major modification; and
Preston Thomas, 6363 Poplar Avenue-Suite 220, Memphis, TN 38119.

The following spoke or appeared in opposition to the application:

Jeffrey & Genevieve Land, representatives, Balmoral Neighborhood Association, 780 Ridge Lake Boulevard-Suite 202 Memphis, TN 38120; and
Eddie Settles, 5861 Vassar Drive, Memphis, TN 38119; and
Phillip Cox, 6011 South Hampton Drive, Memphis, TN 38119.

The Land Use Control Board reviewed the application of **'SE Investments, LLC'** requesting a major modification to allow a three (3) story office building with associated accessory uses and the report of the staff. A motion was made and seconded to recommend **'approval with conditions'**.

The motion passed by unanimous vote of 9 to 0.

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Brian S. Bacchus, Principal
Josh Whitehead, Director
Office of Planning and Development

cc: **Committee Members**
File

- I. Use Permitted: Office Uses
 - A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.
 - B. A walking path shall be provided to surround the entire site to include park benches.
 - C. The building elevations, design, setback, placement and orientation shall be illustrated on the final plan, subject to review and approval by staff.
- II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.
- III. Access, Parking, Circulation:
 - A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.
 - B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- IV. Landscaping:
 - A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.
 - B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.
 - C. Lighting shall be in accordance with the UDC.
 - D. Lighting shall be directed so as not to glare into residential property.
 - E. Refuse containers shall be completely screened from view from residential property and public roads.
- V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

- VI. Drainage:
- A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.
- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement
 - F. Building elevations.

***P.D. 99-362
Quince/Lynnfield Planned Development
Major Modification-02/13/20***



Memphis and Shelby County Office of Planning and Development

CITY HALL - 125 N. MAIN STREET, SUITE 468 - MEMPHIS, TENNESSEE 38103

February 19th, 2020

Ms. Cindy Reaves, SR Consulting, LLC
C/O SE Industrial Investments, LLC
5909 Shelby Oaks Drive-Suite 200
Memphis, TN 38134

RE: OPD FILE #: P.D. 99-362
L.U.C.B. RECOMMENDATION: Approval with Conditions

Dear Cindy,

The Memphis and Shelby County Land Use Control Board on *Thursday, February 13th, 2020*; recommended **approval** of your planned development major modification to '**allow a three (3) story office building with associated accessory uses**' within the Outline Plan, subject to the attached conditions.

The applicant or the applicant's representative(s) may file a final plan in accordance with Outline Plan Conditions of approval to initiate the final plan recording process. If changes to this modification are necessary, a letter should be mailed to the Office of Planning and Development at the address provided above identifying and stating the reasons for the change. If you have questions regarding this matter or of any necessary submittals, please call (901)636-6619 or contact me directly at brian.bacchus@memphistn.gov.

Sincerely,

Brian S. Bacchus, Principal
Josh Whitehead, Director
Office of Planning and Development

cc: **SE Industrial Investments, LLC**
File: P.D. 99-362

- I. Use Permitted: Office Uses
 - A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.
 - B. A walking path shall be provided to surround the entire site to include park benches.
 - C. The building elevations, design, setback, placement and orientation shall be illustrated on the final plan, subject to review and approval by staff.
- II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.
- III. Access, Parking, Circulation:
 - A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.
 - B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- IV. Landscaping:
 - A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.
 - B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.
 - C. Lighting shall be in accordance with the UDC.
 - D. Lighting shall be directed so as not to glare into residential property.
 - E. Refuse containers shall be completely screened from view from residential property and public roads.
- V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

- VI. Drainage:
- A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.
- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement
 - F. Building elevations.

*P.D. 99-362
Quince/Lynnfield Planned Development
Major Modification-02/13/20*



STAFF REPORT

AGENDA ITEM: 5

CORRESPONDENCE (Major Modification)

CASE NUMBER: P.D. 99-362 **L.U.C.B. MEETING:** February 13th, 2020

DEVELOPMENT NAME: QUINCE/LYNNFIELD PLANNED DEVELOPMENT

LOCATION: Southwest corner of Quince Road and Lynnfield Road

COMMISSION DISTRICT: District 2-Super District 9-Positions 1, 2 & 3

OWNERS/APPLICANTS: SE Industrial Investments, LLC

REPRESENTATIVE: SR Consulting, LLC

REQUEST: Major modification to allow a three (3) story office building with associated accessory uses within the Outline Plan

AREA: 4.20 Acres

EXISTING LAND USE & ZONING: Vacant land currently governed by Residential Single Family (R-10) District with TVA Easement

CONCLUSIONS

1. The property is located in Residential Single Family (R-10) District with an approved planned development overlay with a mature buffer of trees along Lynnfield Road and with public road frontage on Vassar Drive. The property is limited in buildable area due to the major electrical distribution and transmission easement serving this portion of the city.
2. The applicant is requesting a modification to the approved Outline Plan for Quince/Lynnfield plan to increase the height to three (3) stories where a maximum of two (2) stories was permitted with a maximum gross floor area 45,500 sq. ft. in area. The original Outline Plan was approved by the Memphis City Council on February 15, 2000.
3. The new three (3) story office building will provide office space in an area in need of sustainable office development within the city limits with neighborhood amenities for walking paths in close proximity to single family neighborhoods.

CONSISTENCY WITH MEMPHIS 3.0

Based on the information provided and the proposed land use, the proposal is consistent with and supports the goals of the Memphis 3.0 Comprehensive Plan.

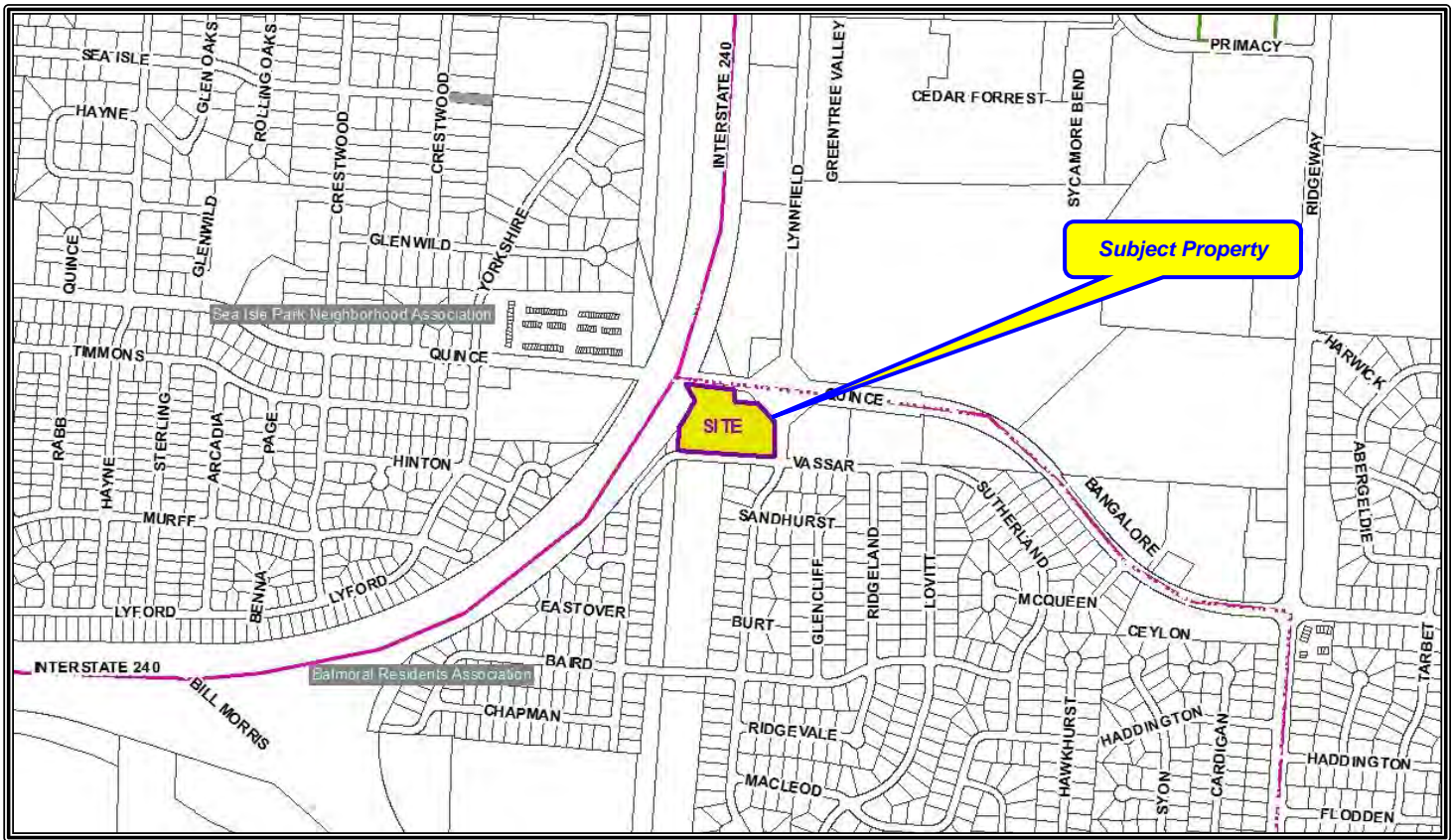
OFFICE OF PLANNING & DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Planner: Brian Bacchus

Email: brian.bacchus@memphistn.gov

Planning Area



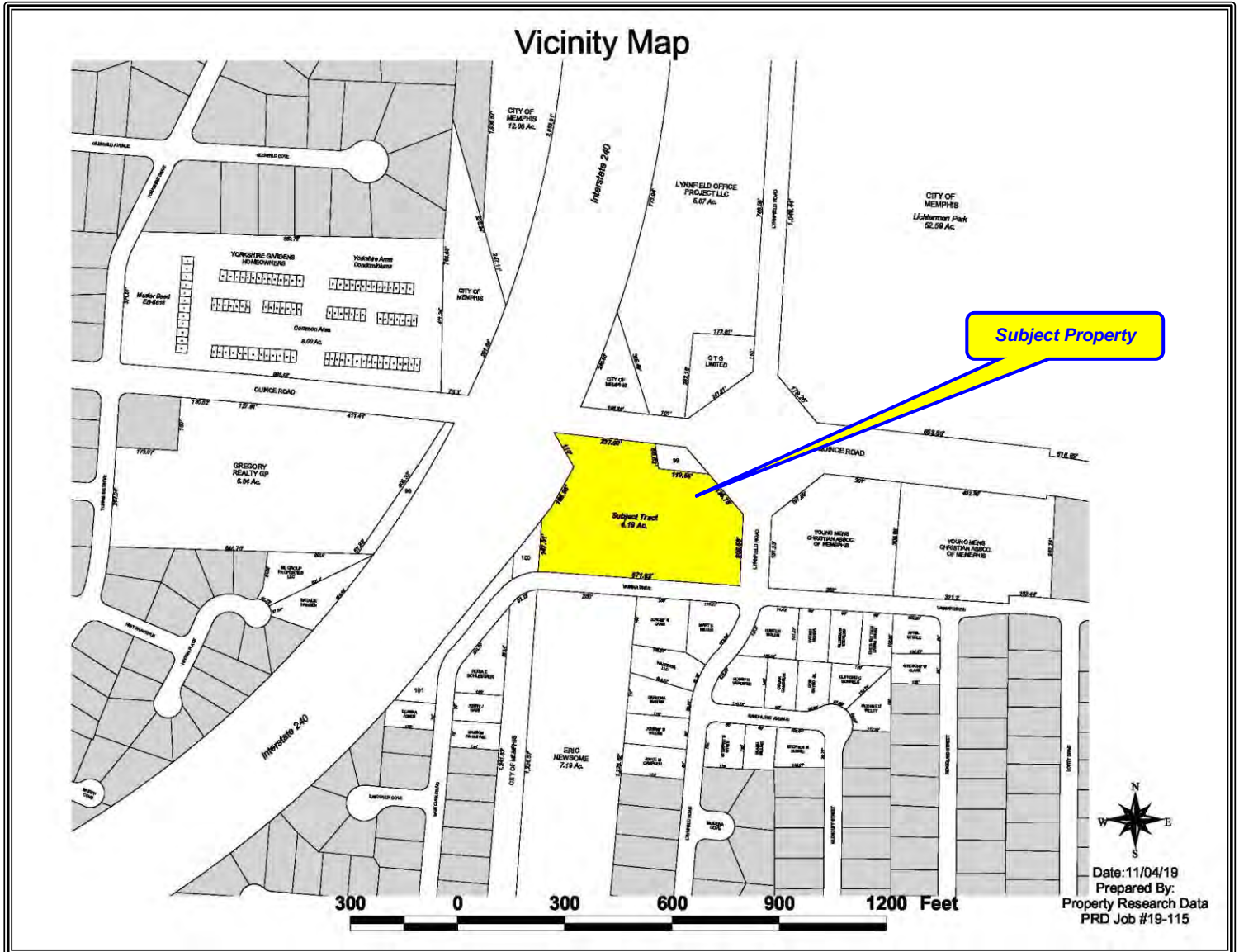
Site Description

The subject property is a 4.20 acre site located at the southwest corner of Quince Road and Lynnfield Road, just east of I-240 and heavily encumbered by a major TVA Transmission easement traversing the property on the western two-thirds of the property, but within the City of Memphis. The property is located in Residential Single Family (R-10) District with an approved planned development overlay with a mature buffer of trees along Lynnfield Road and with public road frontage on Vassar Drive. A traffic signal is located at the intersection of Quince and Lynnfield roads with curb, gutter and sidewalk, including lamp posts only along Quince Road with overhead power on Vassar Drive. The property is limited in buildable area due to the major electrical distribution and transmission easement serving this portion of the city.

The applicant proposes to construct a new three (3) story office building located in the eastern portion of the parcel closer to Lynnfield Road. The planned development is for Office General (OG) District land uses, more specifically a major modification to allow a three (3) story office building with tenant spaces for a restaurant and coffee shop on the ground floor, including associated parking and walking paths surrounding the entire property. The subject property and adjacent properties are not located within any floodplain district or any special flood hazard area according to FEMA maps dated September, 2007.

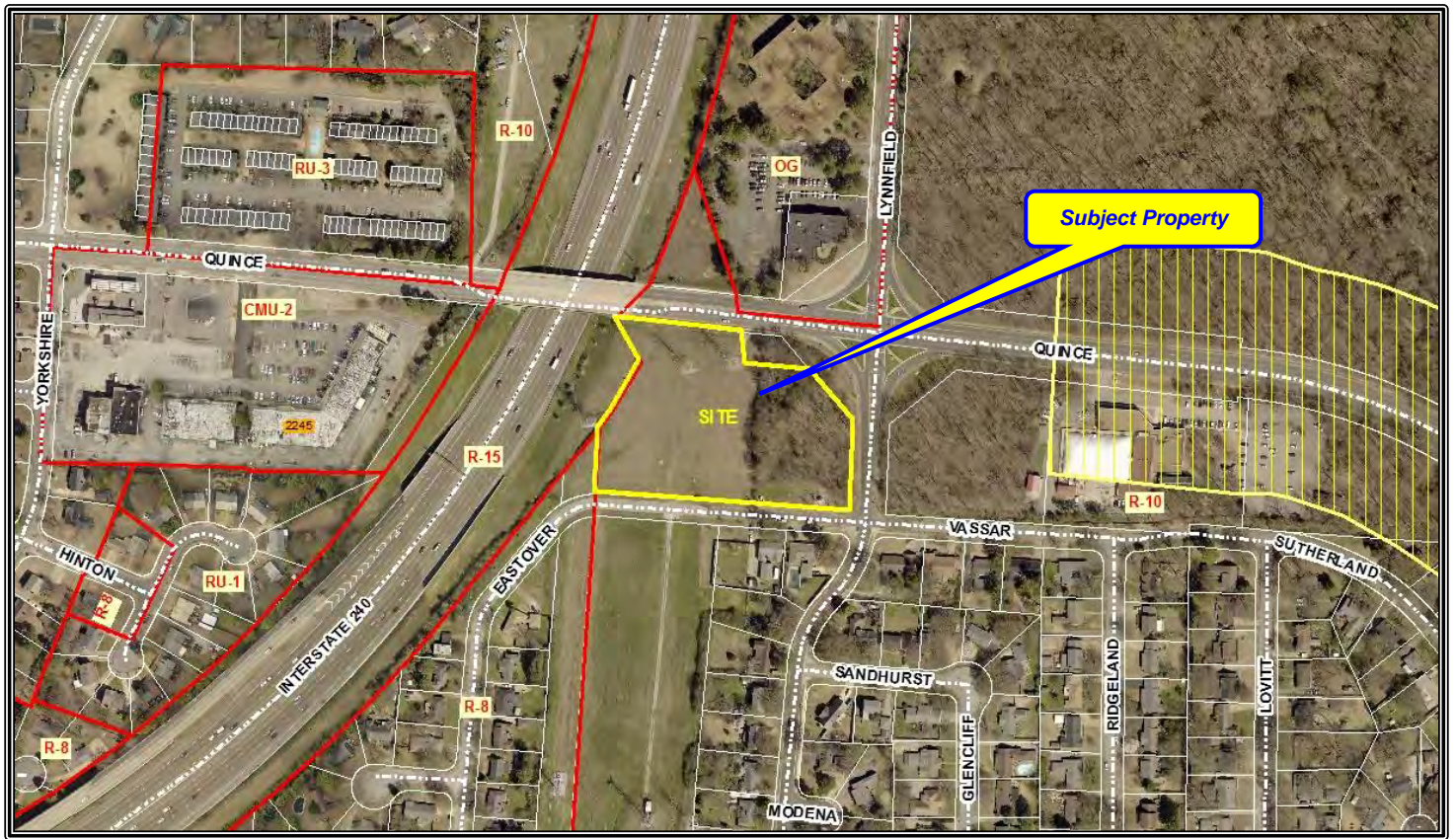
Neighborhood Meeting: Not required, but held during the original submittal of P.D. 19-20.

Public Notice: Sign Posted by Applicant: Monday, January 27th, 2020.
Mailed Notices by OPD: Friday, January 31st, 2020.



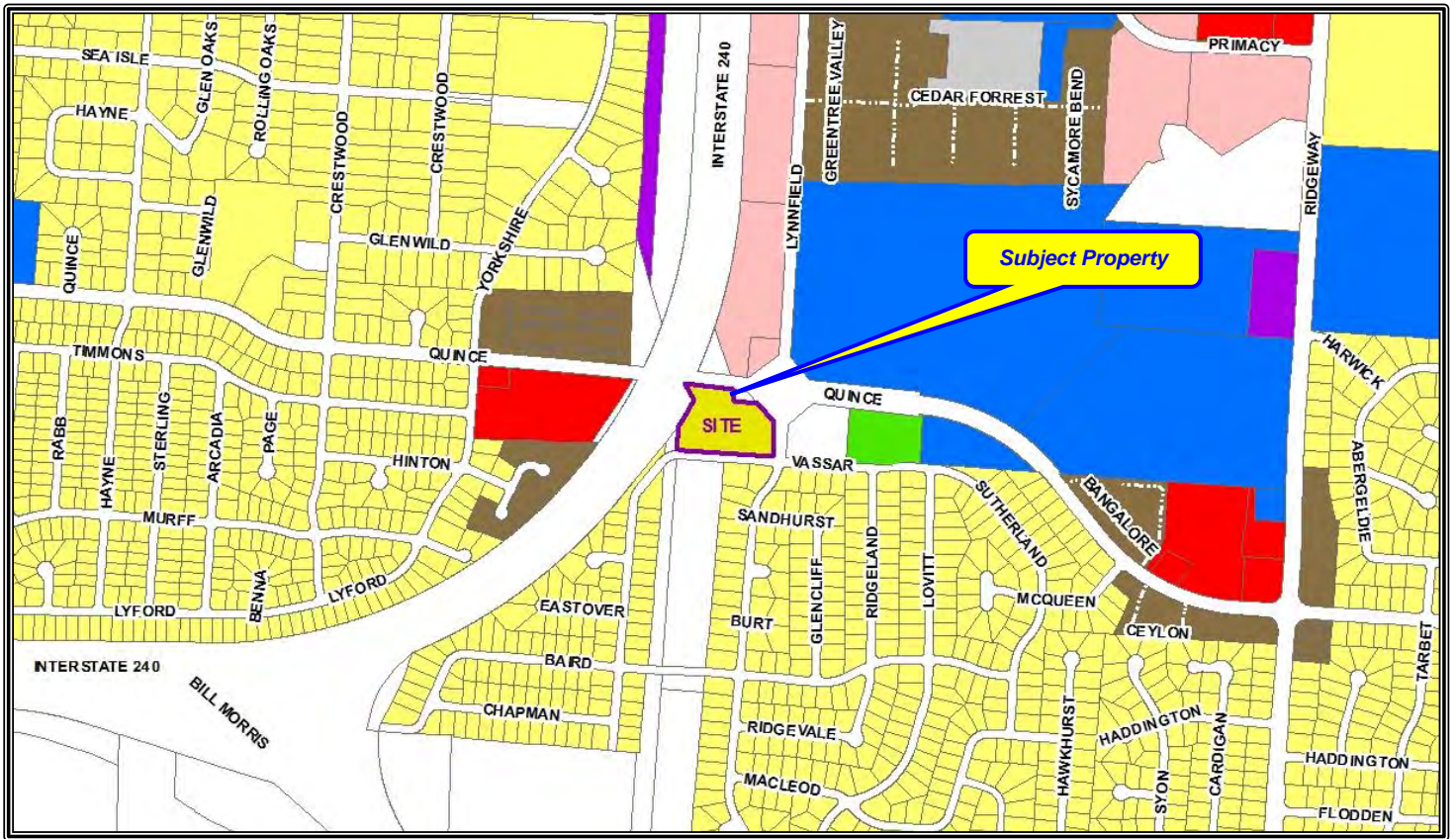
The subject property highlighted above is currently approved for office development in accordance with General Office (OG) District regulations in effect in 1999, but prior to the adoption of the Unified Development Code. However, this planned development was approved with restrictions on use, height, access and landscaping requirements. The applicant is requesting a modification to the approved Outline Plan for Quince/Lynnfield Planned Development to increase the height to three (3) stories where a maximum of two (2) stories was permitted with a maximum gross floor area 45,500 sq. ft. in area.

Zoning



The original Outline Plan was approved February 15, 2000 with these conditions by the Memphis City Council and agreed to by the Balmoral Neighborhood Association. The site is limited in buildable area with a major transmission easement encompassing the majority of the property at the west side adjacent to Interstate 240 Loop. The depth of this property along Lynnfield Road is over 200 feet south and almost 375 feet in width along Quince Road. The difficulty in developing the site is primarily with site design caused by the transmission lines and the inability to develop and place buildings within the easement.

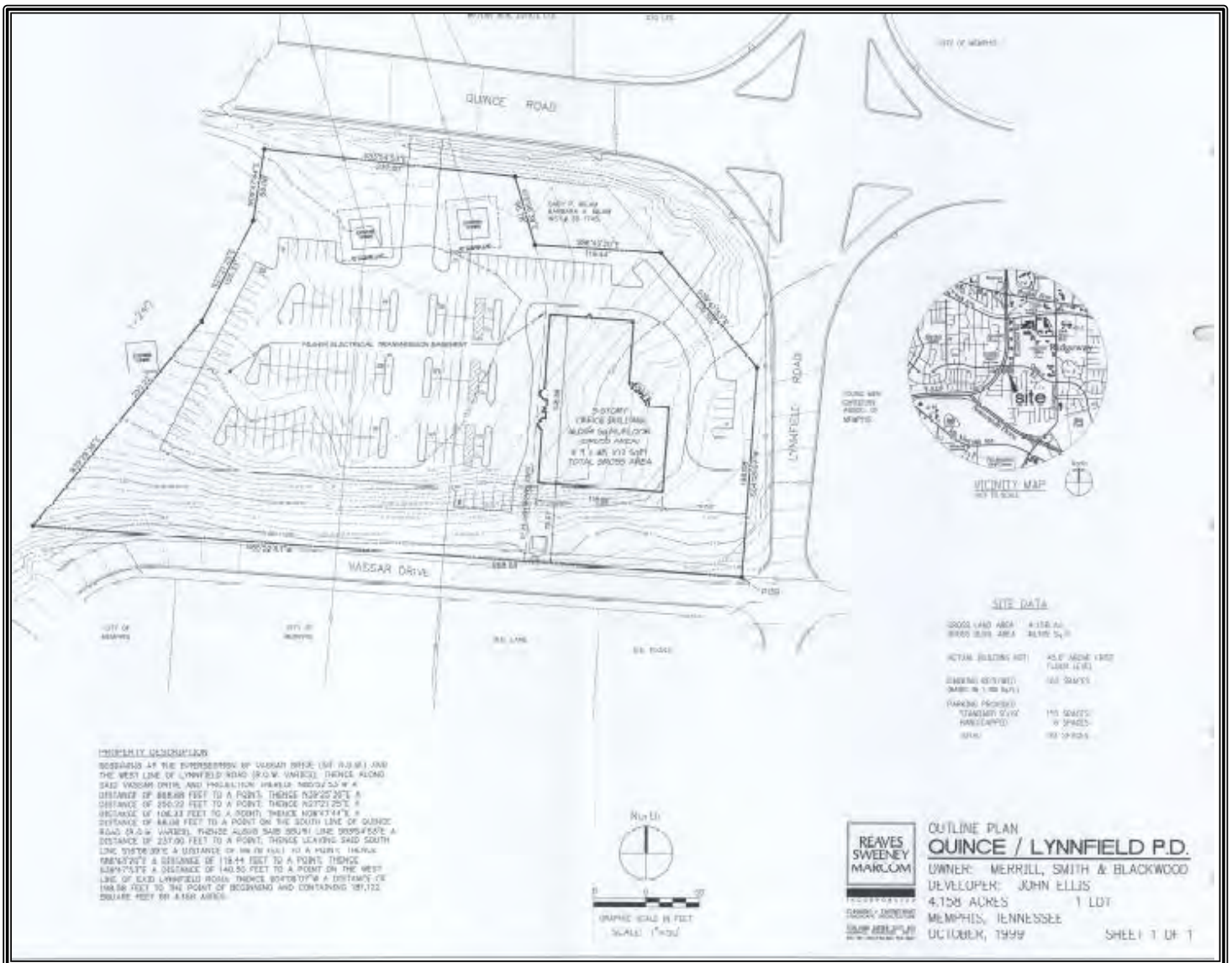
Land Use



Surrounding Land Use & Zoning

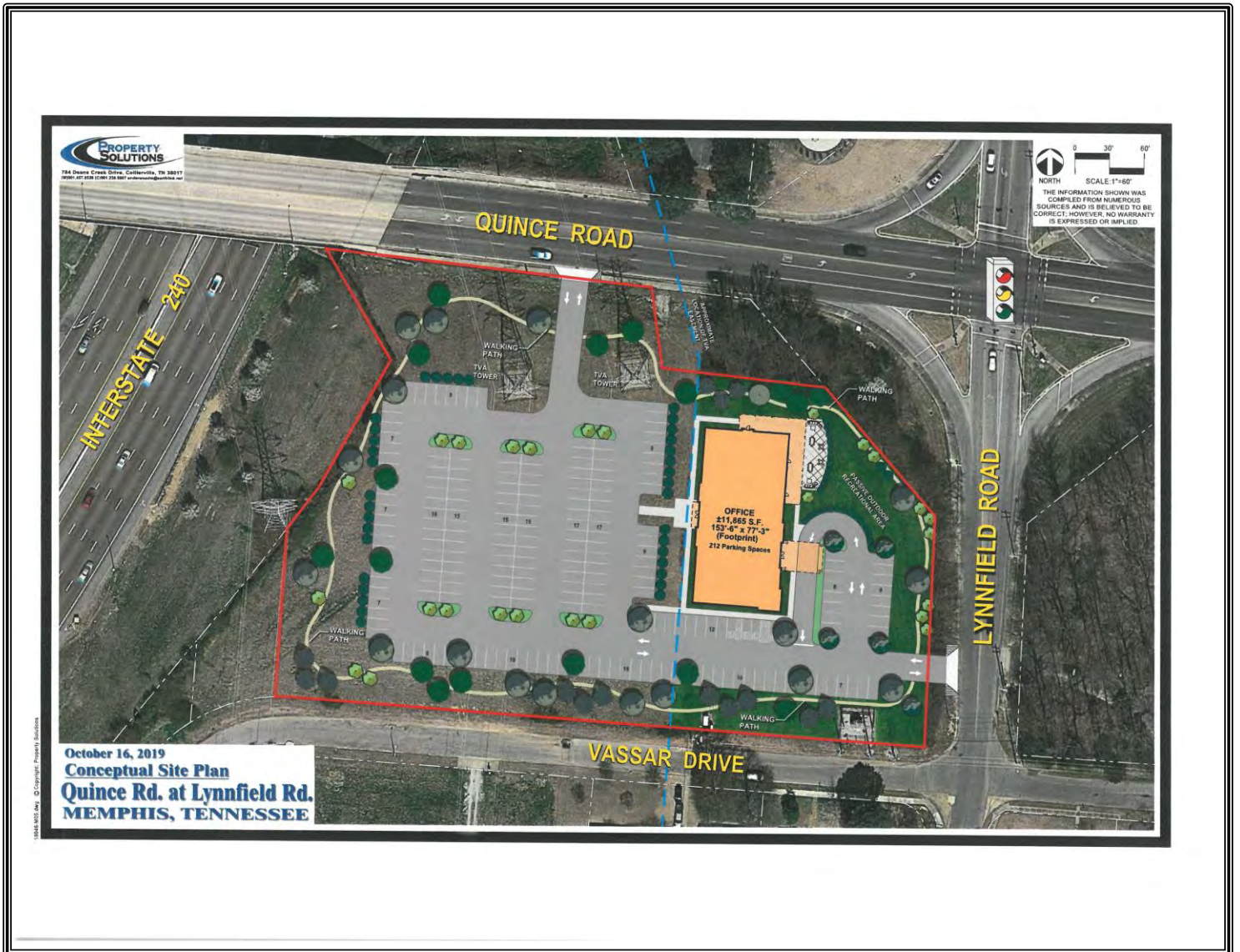
- North:** Office development, Nature Park and I-240 Loop.
- East:** Vacant tract, Community Center, Nature Park and single family homes.
- South:** Vacant land encumbered by major transmission easement and single family homes.
- West:** I-240 Loop, Neighborhood Commercial Center, Condominiums and single family homes.

Quince/Lynnfield P.D. 99-362
(Approved Outline/Concept Plan-February 15, 2000)



Note: See attachments for Memphis City Council Resolution with Outline Plan Conditions.

Site/Concept Plan



Elevation Plans



lynnfield front perspective
10-29-2019

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The information contained within these
design concepts are the exclusive
property of Renaissance Group Inc.

proposed office building for
Lynnfield Corporate Center
Memphis, Tennessee



east lynnfield perspective
10-29-2019

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design concepts are the exclusive
property of Renaissance Group Inc.

proposed office building for
Lynnfield Corporate Center
Memphis, Tennessee



Project Review & Analysis

This application is a request for major modification to an approved office development to allow a greater height for an office building. The Office General (OG) District allows a maximum height of 125 feet with a minimum of 20 feet for front and street side setbacks with a minimum rear yard setback of 10 feet in the UDC. The property is located in the southeast portion of City of Memphis in the Balmoral Community and outside of the interstate loop of the central city. The subject property is the immediate southwest corner of Quince Road and Lynnfield Road in Quince/Lynnfield Outline Plan. The property is heavily encumbered by overhead transmission lines with a limited amount of buildable area and land to be developed with adequate infrastructure, but at a significant location within the city to set design standards for new office development in the immediate area.

The applicant is proposing to construct an additional floor of office for an office building currently approved to include a small restaurant and coffee shop within the building, including walking paths, landscaping and parking areas. The approved condition II.A in Quince/Lynnfield Outline Plan limits the building height to two (2) stories with a gross area of 45,500 sq. ft. in area; see Page 6 of this staff report. The building will be compatible with surrounding developments to the east approved for office and to the single family homes to the south by maintaining a significant horizontal distance of approximately 80 linear feet, not including the right-of-way of Vassar Drive. The new three (3) story office building will provide office space in an area in need of sustainable office development within the city limits with neighborhood amenities for walking paths in close proximity to single family neighborhoods. The following Paragraph 9.6.14A (2) of the UDC applies to this major modification request:

9.6.14 Period of Validity

- A. Planned developments shall expire five years after the approval of the outline plan unless a final plan filed with the Office of Planning and Development within that five-year period. Final plans filed with the Office of Planning and Development shall expire six years after the approval of the outline plan unless a final plan is recorded with the Register of Deeds.
2. Outline plans with no expiration date.
Any planned development that was approved prior to the effective date of this text amendment (February 10, 2015) without an expiration clause in its outline plan conditions shall require a Major Modification if no final plan is recorded with the Register of Deeds. Such Major Modification shall require notice to all property owners within 500 feet. See Item 9.6.11E(2)(f).

The nearest developed office buildings are north of the subject property with apartment communities. This major modification is not a 'change of use' from office to apartment development, but office to include an eatery and a neighborhood coffee shop with upper story office spaces. The height modification is supported for office development which does not significantly change the intent of the approved Outline Plan to become more compatible with surrounding land use and zoning. The applicant is requesting more building height within the Outline Plan with adequate setbacks, design, orientation and placement of the building closer to the street intersection.

The parking and landscaping, including the preservation of mature trees within a large vision triangle will also include streetscape cross-sections for landscaping to coincide with the open front yard spaces and walking paths. The applicant is not requesting Site Plan Review, but the office development will be reviewed in accordance with the conditions of approval, building height and design, access, parking and circulation as well as landscaping, signs, traffic and drainage design prior to final plan approval by staff.

Recommendation: *Approval with Conditions*

Memphis 3.0 Plan

This summary is being produced in response to the following application to support the Office of Planning & Development in their recommendation.

Land Use Designation (see page 124 for details): Primarily Single-Unit Neighborhood (NS)

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76-122:

1. FUTURE LAND USE PLANNING MAP



Figure 01: Red pushpin denotes the proposed site in the land use map.

2. Land use description & applicability:

Primarily Single-Unit Neighborhood (NS) which are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.



“NS” Goals/Objectives:

Ensure preservation/maintenance of existing single-family housing stock and neighborhoods.

“NS” Form & Location Characteristics:

The area is primarily detached, residential-scale buildings with one (1) to three (3) stories beyond one-half (½) mile from a Community anchor. The application is seeking approval to permit a 3-story office building with associated parking. The request for placing an office building does not meet the criterion, as the future land use category calls for primarily residential. However, the proposed office building’s scale and proportion meets the criteria of this category as the office building is a detached, house-scale building, beyond ½ mile from a community anchor, and within 1-3 stories in height. Another striking feature of the proposal is the associated large parking space, that does not comply with the district priorities, (see page 270: East district) which encourages development promoting pedestrian safety and to increase connectivity between neighborhoods.

Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following existing land uses: Residential, Commercial, and Vacant land. The subject site is surrounded by the following zoning districts: R-10, OG, and CMU-2. This application request is compatible with the adjacent land uses and zoning districts because existing land use and zoning are both residential and commercial. Though the future land use for the parcel is Single-Unit Neighborhood (NS), the request seeking approval to permit an office building is a use that can support the goals and objectives of the current land use, as this proposed building will act as a buffer space in between high intensity commercial space and residential space.

3. DEGREE OF CHANGE MAP



Figure 02: Red pushpin denotes the proposed site in the degree of change map.

The white color on the degree of change map indicates there is no degree of change for the application site.

4. Degree of Change Descriptions N/A

Based on the information provided, the proposal is **CONSISTENT** with Memphis 3.0 Comprehensive Plan.

*P.D. 99-362
Quince/Lynnfield Planned Development
Supplemental Site Plan Conditions
Major Modification-SE Industrial Investments, LLC*

- I. Use Permitted: Office Uses
 - A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.
 - B. A walking path shall be provided to surround the entire site to include park benches.
 - C. The building elevations, design, setback, placement and orientation shall be illustrated on the final plan, subject to review and approval by staff.
- II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.
- III. Access, Parking, Circulation:
 - A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.
 - B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- IV. Landscaping:
 - A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.
 - B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.
 - C. Lighting shall be in accordance with the UDC.
 - D. Lighting shall be directed so as not to glare into residential property.
 - E. Refuse containers shall be completely screened from view from residential property and public roads.
- V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

- VI. Drainage:
 - A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.
- IX. Any final plan shall include the following:
 - A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement
 - F. Building elevations.

GENERAL INFORMATION

Street Frontage: Quince Road-----+/-372.75 curvilinear feet.
Lynnfield Road-----+/-205.58 linear feet.
Vassar Drive-----+/-571.62 linear feet.

Planning District: Shelby Farms/Germantown

Zoning Atlas Page: 2245

Zoning History: On February 15, 2000 the Memphis City Council approved Quince/Lynnfield (P.D. 99-362) for a two (2) story office building. Prior to this date, the Residential Single Family (R-10) District zoning date to the adoption of the 1980 zoning map amendments

DEPARTMENTAL COMMENTS:

The following comments were provided by Inter-governmental Agencies/Organizations to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

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 for 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. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. 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/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. 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.
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.

City Fire Services:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Construction Code Enforcement.

Memphis & Shelby County Health Department:

Water Quality Branch:	No comment.
Septic Tank Program:	No comment.

Memphis Light, Gas and Water:

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

- The subject property is significantly encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by the **MLGW Right of Way Encroachment Policy**.
- **It is the responsibility of the owner/applicant**, prior to any development, to contact Keith Ledbury, with MLGW – Property Management @ 901-528-4186 and obtain written approval for any improvements within the Easement.
- **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://www.mlgw.com/builders/landandmapping>
- **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.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- **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.

Shelby County Schools:

No comments received.

Construction Code Enforcement:

No comments received.

AT&T-TN:

No comment.

Neighborhood Associations/Organizations:

Sea Isle Park Ngh'd Association:

No comments received as of Feb. 7, 2020.

Balmoral Neighborhood Association:

See attachments received via Certified Mail and Email.

Staff: bb

Bacchus, Brian

From: Jeffrey J P Land <jeffrey@jefflandlaw.com>
Sent: Thursday, January 30, 2020 10:36 AM
To: Bacchus, Brian; Genevieve
Subject: PD 99-362 (Balmoral Neighborhood Association's Opposition)
Attachments: Letter to Brian Bacchus 1.28.20.pdf

Mr. Bacchus,

Genevieve and I are residents of the Balmoral Neighborhood and have been appointed by the neighborhood association to oppose PD 99-362.

Please find attached to this email our neighborhood association's letter of opposition to PD 99-362, which was also sent to your office via certified mail.

Best Regards,

Jeffrey J. P. Land

Attorney at Law

780 Ridge Lake Blvd., Suite 202

Memphis, Tennessee 38120

Phone: 901.682.3450 Ext. 112

Fax: 901.682.3590

Mobile: 901.335.7229

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GENEVIEVE S. LAND
ATTORNEY AT LAW

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email: genny@jefflandlaw.com

GENEVIEVE S. LAND*
* ALSO LICENSED IN COLORADO

January 28, 2020

VIA U.S. MAIL AND EMAIL TO:

Mr. Brian Bacchus
Principal Planner
City Hall
125 N. Main St. Ste. 468
Memphis, Tennessee, 38103
Brian.Bacchus@Memphistn.gov

RE: PD 99-362

Dear Mr. Bacchus,

We are residents in the Balmoral Neighborhood and have been elected by the Balmoral Neighborhood Association (“BNA”) to provide legal representation to oppose PD 99-362. On January 7, 2020, BNA voted 23-3 to oppose PD 99-362.

BNA’s position is that PD 99-362 has lapsed. BNA asserts that the PD was never recorded with the Shelby County Register of Deeds, and thus failed to provide subsequent purchasers actual or constructive notice of the planned development. Nearly twenty years has passed since PD 99-362 was granted approval. Since that time there have been no affirmative steps made by any entity to preserve this PD. Therefore, BNA asserts that the failure to record PD 99-362 renders it defective and the passage of twenty years with no action renders it extinct.

BNA’s opposition to the proposed use of and reliance on PD 99-362 is based upon an entirely different entity, SE Industrial Investments, LLC, (“SE Industrial”) seeking to “step into the shoes” of the prior applicant, twenty years later, without any privity between the parties. SE Industrial’s use of PD 99-362 is inconsistent with the sunset provision in the Uniform Development Code and in equity. BNA asserts that SE Industrial is prohibited from using a twenty year old planned development and thus, must start anew as it does not have privity to stand in the shoes of the original applicant.

We are aware that BNA agreed twenty years ago to a two-story building (“Agreement”) at the time when PD 99-362 was first applied. BNA asserts that this Agreement was never

recorded and thus, was not preserved and does not run with the land. Therefore, the subsequent purchasers and current owners of Balmoral property had no constructive or actual notice of said Agreement and therefore, cannot be bound.

The architecture of the commercial development proposed by SE Industrial is not in conformity with the residential nature of the Balmoral Neighborhood. At a minimum, the structure itself should be more residential in nature. See Gould's Corporate HQ at 766 S. White Station Rd. See also Benchmark Wealth Management at 5855 Ridge Bend Rd. BNA may be more amenable to a commercial building if the architecture appears residential. To this end, SE Industrial's hearing for Major Modification is set on February 13, 2020 in front of the Land Use and Control Board. SE Industrial seeks a Major Modification of PD 99-362 to allow a third-story. BNA vehemently opposes a third-story Major Modification because it is even further out of line with the residential nature of BNA. If the Office of Planning and Development relies on the twenty year old Agreement with BNA for a two story building, then a Major Modification for a third story is in violation of the two story Agreement.

In addition, SE Industrial has not proven a need for a forty thousand square foot commercial building with over two hundred parking spaces in this area. There is a glut of available commercial office space within one mile of this proposed site. For example, Lynnfield Office Park has ample vacant office space as well as Primacy Parkway with sixty thousand square feet of office space available. Additionally, the nearby Ridgeway Loop has several buildings with vacant and available office space. Finally, the office buildings on S. Shady Grove between Poplar Ave. and Briarcrest Ave. also have office space available. Thus, the demand for office space in the area is apparently minimal. Moreover, within a mile of the proposed development is available land, which has already been cleared and improved (formerly Seessel's Grocery and Schnucks) which remains vacant as of the date of this letter. Thus, the proposition of clearing land for a commercial building is unnecessary and in violation of the mission of Memphis 3.0 of building up not out.

Even more concerning is SE Industrial's Principal, Preston Thomas' admission to BNA at the December 2nd, 2019 meeting that he had done no market research, secured no anchor tenants, and that this project is speculative. Further, at the December meeting between SE Industrial and BNA, Mr. Thomas proposed a potential coffee shop tenant on the lower level of the commercial building. However, history has shown that in this area this is an unsuccessful business model as demonstrated by the defunct "Tamp and Tap" formerly located at 6070 Poplar Ave. BNA's fear is that SE Industrial will struggle to fill the proposed building with tenants, causing another vacant office building to decay as the commercial buildings North of Quince on Lynnfield have done.

BNA opposes PD 99-362 because it has not been afforded a public hearing on this planned development. As a result, there are some members of BNA who have expressed their support for filing a Declaratory Action in Chancery Court. In an effort to resolve this without litigation, we request that PD 99-362 be declared void and that SE Industrial be required to file a new application for a Planned Development, which would afford BNA notice and an opportunity to be heard.

Please feel free to contact us by phone at (901) 682-3450 or by email at genny@jefflandlaw.com and jeffrey@jefflandlaw.com

Respectfully Yours,

Genevieve S. Land, Esq.
Jeffrey J. P. Land, Esq.
780 Ridge Lake Blvd. Ste. 202
Memphis, Tennessee 38120
(901) 682-3450 – Telephone

Bacchus, Brian

From: Phillip Cox <phl_cox@yahoo.com>
Sent: Monday, February 03, 2020 11:52 AM
To: Bacchus, Brian
Subject: Balmoral Neighborhood Association's Community Impact Statement
Attachments: 02 03 20 Community Impact Statement.pdf

Mr. Bacchus the attached Community Impact Statement (CIS) is to advise you that as Chairman of the Beautiful Balmoral Neighborhood Committee and in behalf of the Balmoral Neighborhood Association (BNA) I'm filing this Community Impact Statement (CIS) pursuant to UDC section 9.3.2 D.

Phillip Cox

Community Impact Statement

Re: PD 99-362 Major Modification Application: Proposed Office Building, Quince Rd. & Lynnfield Rd.

Balmoral Neighborhood Association (BNA) urges the LUCB to **reject** the Major Modification application for PD 99-362. This project does not comply with UDC sections 4.10.2, 9.6.9, and 9.6.11 A, B, and E 2. It **will** have *“a substantial or undue adverse effect upon the character of the neighborhood, traffic conditions, and other matters affecting the public health, safety, and general welfare.”*

Traffic

- Quince Rd. is a five-lane (including turning lane), commercial thoroughfare. Adjacent to the proposed project, Quince is a serpentine, four-lane street serving residential neighborhoods. Memphis 3.0 proposes a planted median, street trees, and on-street parking for this section of Quince.
- Vehicles turning into the property from Quince will create traffic hazards and congestion. The proposed Quince traffic cut is at the very top of the hill before the serpentine. Left turns into the property going westbound on Quince will be almost impossible in rush hour. Exiting from the property during rush hour by a left or right onto Quince will also be very difficult because of the existing congestion of the Quince-Lynnfield intersection. In 2016, a Memphis Traffic Engineering Division study showed that almost 26,000 trips passed the intersection each day.
- The Lynnfield/Quince area already suffers from traffic congestion generated by five office building complexes north of Quince on Lynnfield and by two large apartment complexes north of Quince on Lynnfield. Multiple traffic accidents, including fatalities, have occurred within a half mile of the intersection. A new office complex on the south side of Quince at Lynnfield will generate many new trips into the Balmoral neighborhood that will not be residential destinations. More likely than not, rush hour traffic will cause office building tenants and customers to use interior residential streets to avoid the congestion at Lynnfield and Quince. The most likely two corridors are Vassar-Sutherland-McQueen (exiting to Quince off of McQueen) and Lynnfield-MacInness (exiting to Ridgeway). The Vassar-Sutherland corridor has no sidewalks. That corridor is heavily used for walking and biking by Balmoral neighbors. Bypass traffic through our neighborhood in the past (primarily Lynnfield to MacInness) has always involved non-neighbor motorists driving at speeds substantially in excess of post speed limits. Such bypass traffic is very dangerous for our neighbors.

Drainage

The proposed site is at the highest point in the Ridgeway Sensitive Basin study area. Drainage falls into the ditch at the southern boundary of BNA at the north edge of the Acura Dealership property just north of State Route 385. Memphis has entered into a consent decree with the US Environmental Protection Agency to remediate the sewer system overflow problems created by stormwater. The Ridgeway Sensitive Basin study has been undertaken to assist the City in sustaining its burdens under the consent decree. This project will make compliance more difficult.

Possible Cell Tower Interference

Tower Ventures has been granted a special use permit to erect and to operate a 160-foot tall monopole cell tower immediately adjacent to the north side of the proposed office building. Discussions with Tower Ventures reveal that the efficacy of the cell tower maybe degraded by the office building construction.

Impact on Property Values

Privacy: The proposed site is ten feet above the surface of Vassar Dr. The proposed three-story size of the office building will put tenants/visitors of the building at heights up to forty feet or more above homes on Lynnfield Rd. and Vassar Dr. and members of the Ric Nuber YMCA using its outdoor pool. The residents of BNA and the members of the YMCA will have no privacy from viewing by the tenants/visitors of the proposed office building.

Noise: The existing tree cover on the proposed office site will largely be clear cut. Landscaping will replace some trees, but the audio screening aspect of older growth trees will be permanently lost. Coupled with the increased traffic flow discussed above, the loss of the tree cover will expose residents of BNA to much higher ambient traffic noise intrusion.

Loss of R10 Zoning: BNA's roughly two square mile rectangle has no commercial intrusions, until and unless this project is approved. All of BNA is zoned R10 except for one apartment complex and one townhouse/zero lot line development. Once the R10 zoning is breached, BNA ceases to be a single-family residential neighborhood. So many Memphis neighborhoods have lost their zoning integrity, only to be followed by disastrous additional zoning changes (the Mt. Moriah corridor, for example). Once an Office General use is permitted, the logical outcomes are very predictable, and very destructive to the single-family residential nature of BNA.

Uncertainty of ultimate commercial use in a planned development: Just as this application, neighborhoods have no way of knowing what ultimate use of land in a planned development will actually be made. When the land immediately south of BNA was approved for use as a car dealership, no mention was made that a three-story office building would be erected and that an older growth "do not cut" tree barrier would be clear cut to permit digging a retention basin. Yet that is precisely what happened. The resulting storm scouring of a drainage ditch, accompanying erosion of neighbors' back yards, and visual and audio intrusion into the neighborhood by traffic on State Route 385 has been a significant detriment to BNA.

All of these concerns will significantly depress BNA property values if this project is approved.

Lack of Need

A review of office vacancy for the Lynnfield Rd. and Primacy Parkway office buildings demonstrate vacancy of more than 209,000 square feet in available space of almost 658,000 square feet within a mile of the proposed office building site for a vacancy rate of almost 32%. Bringing another 36,000 square feet of office space online will increase the space to be absorbed in BNA's nearest environs by 17%. Based on information and belief, this vacancy rate of 32% has been stable for at least three

years. Creating more leasable space in an area plagued by long-term vacancy does no one any good. Instead, such actions will contribute to even more downward pressure on property values in BNA.

PD 99-362 Prior History

In 2000 the OPD Staff recommended that LUCB not approve a three-story office building. The LUCB and the City Council ended up approving a two-story office building against Staff's recommendation (lowering the building by a story) and requiring that the building have no windows on the Vassar Dr. side. In 2009 the attorney representing the original application wrote an opinion letter to the original applicant that was apparently forwarded to OPD Staff that, among other things, recommended the outline plan be recorded with the Register's Office. The owner did not follow that advice. As a result at least 118 persons in the immediate vicinity of the building proposed site bought or rented their residences with no knowledge (nor any way to get that knowledge) that PD 99-362 existed.

Violation of Memphis 3.0

Sometime before Dec. 3, 2019, the Office of Comprehensive Planning (OCP) issued a finding that PD 19-20 (the original application filed with OPD in this matter) was consistent with Memphis 3.0. That finding is demonstrably erroneous. First, OCP says the project is beyond ½ mile from a Community Anchor (the Balmoral Shopping Center property). The project is 4/10s of a mile from the Anchor. Second, OCP says that the project is a *house-scale* building. A 36,000 square foot, three-story building cannot possibly be *house-scale*. Although *house-scale* is used several times in the Memphis 3.0 Plan, the term is never defined. But in the Unified Development Code (UDC), single-family residences are exemplified, especially on pp. 92 and 511 and in section 3.4. The project does not meet the scale of a single-family residence exemplified. Third, OCP says the project will act as a buffer space in between high intensity commercial and residential space. Again, although "buffer" appears multiple times in the Memphis 3.0 Plan, the term is never defined. In the UDC at page 94 that term is defined as follows: "A specified land area, located parallel to and within the outer perimeter of a site and extending to the property line, together with the planting and landscaping required on the land..." In other words, buffer refers to land on which no building is sited. This project is intended to erect a three-story, 36,000 square foot office building with 218 parking spaces on a 4+acre wooded parcel that is currently adjacent to a neighborhood composed of 1,100 single-family detached conventional homes. Under no construction of the English language can such a project be considered a buffer. Fourth, OCP says that the degree of change applied to this site is not applicable. In fact, Balmoral is the neighborhood immediately adjacent to the Anchor (Balmoral Shopping Center) identified on page 68 (Memphis 3.0 Plan) of the Degree of Change Map for which "Sustain" is the applicable degree of change. At page 63 of the Memphis 3.0 Plan, an area designated as "Sustain" is an area that wish to see no change in form or development activity should be sustained with regulations that support current conditions. If this project is approved current conditions will be affirmatively changed in a negative fashion.

Please note that the five office buildings on Lynnfield Rd. immediately north of Quince are two-story buildings.

Resurrection of PD 99-362

The 1981 Zoning Ordinance (applicable when the application was approved in 2000) required that a timeline for development be included in the outline plan. As far as can be determined at this point, no such timeline was included. In 2014, Tennessee adopted amendments to Tennessee Code Annotated (TCA) 13-4-310. Specifically, (d)(1) of that section gives an applicant such as the one in this case a vesting period of three years from the date the preliminary outline plan is approved by the governing authority. In 2015, Memphis adopted amendments to the UDC at section 9.6.11E(2)(f) that purports to resurrect any Planned Development outline plan (conceivably dating back as far as 1955) that did not have an expiration date in the adopting Council resolution. This is an untenable result. An informal inquiry to Council Records indicated that there is no way even to identify which such resolutions exist. The LUCB should declare PD 99-362 null and void either because it is inconsistent with state law or because the adopting resolution did not include the required expiration clause or because it is patently unfair to deny adjoining property owners notice and an opportunity to be heard at a meaningful time in the process.

Deny Even If PD 99-362 Survives

Even if the LUCB decides that PD 99-362 survives, the application to vary even a single matter approved in 2000 should be denied. For all the reasons stated above, the office building **will** have “*a substantial or undue adverse effect upon the character of the neighborhood, traffic conditions, and other matters affecting the public health, safety, and general welfare.*” Adding a story or allowing windows to be built on the Vassar Rd. side or changing the footprint will further harm Balmoral (and Memphis).

According to Mayor Strickland during his 2014 campaign, one of Memphis’ principal problems is its loss of middle-income families. If the LUCB approves this Major Modification, it will contribute to middle-income families’ loss of confidence in Memphis government’s willingness to help them preserve their property values.

Respectfully submitted,

Phillip Cox
Balmoral Neighborhood Association
Beautiful Balmoral Chairman
phl_cox@yahoo.com

Bacchus, Brian

From: Eddie Settles <eddie@backinrivercity.com>
Sent: Monday, February 03, 2020 2:41 PM
To: Bacchus, Brian
Subject: Eddie Settles' Comments in Opposition to the Application for a Major Modification of PD 99-362

Mr. Bacchus

My wife, Eve, and I have lived in Balmoral since 2011. We both grew up here in the 1960s. We are deeply opposed to the application pending before the Land Use Control Board (LUCB) because it will harm the safety, friendliness, and beauty of our community. As outlined in Balmoral Neighborhood Association's Community Impact Statement (CIS) filed with your office today, the application violates Tennessee law, the provisions of the zoning regulations in effect when the PD was first proposed in 1999, and the US and TN constitutional rights of the affected citizens in our neighborhood. The project, if built, will significantly increase dangerous traffic on neighborhood streets that aren't provided with sidewalks, destroy the privacy of us and our neighbors (windows at 40 feet elevations about street level), increase already dangerous drainage problems in the Ridgeway Sensitive Basin stormwater runoff study area, interfere with a recently approved 5G transmission site, increase the noise level of traffic in our neighborhood, and decrease property values of our homes. In addition, adding 36,000 square feet of office space when there are already at least 209,000 square feet of un-leased space within a mile of this site will increase the possibility that our neighborhood will suffer from vacant office buildings.

This entire project violates Memphis 3.0 as well. The site of Balmoral Shopping Center (BSC) has been designated as an Anchor Neighborhood Crossing with a "sustain" degree of change requirement. BSC is less than a half-mile from the proposed site. For that reason and many others cited by the Community Impact Statement, this application is **NOT CONSISTENT** Memphis 3.0.

Please recommend that the LUCB reject this application. Please recommend that the LUCB exercise its authority under the Unified Development Code section 9.6.15 to **REVOKE** PD 99-362 because of the reasons cited in the CIS:

- a. Lack of constitutional due process (notice)
- b. Violation of applicable state law
- c. Disregard of counsel's direction in 2009 opinion cited by OPD to record the PD

Thank you.

Eddie Settles
5861 Vassar Dr.
Memphis, TN 38119-7208
(615)542-4775
eddie@backinrivercity.com

Bacchus, Brian

From: Dwight Campbell <memphisphil@gmail.com>
Sent: Monday, February 03, 2020 4:07 PM
To: Bacchus, Brian
Subject: Proposed Lynnfield and Quince Rd. Office building

Mr. Bacchus,

I am opposed to the approval of the proposed 3 story office building adjacent to the Balmoral neighborhood at the corner of Lynnfield and Quince Road.

Philip Campbell
5960 MacInness Drive
Memphis, TN 38119

Bacchus, Brian

From: April Steele <april@southerngrowthstudio.com>
Sent: Monday, February 03, 2020 4:19 PM
To: Bacchus, Brian
Subject: Planned development in my neighborhood

Hi Mr. Bacchus,

I am writing with regard to a recent Community Impact Statement filed by my neighborhood association:

Community Impact Statement Re: PD 99-362 Major Modification Application: Proposed Office Building, Quince Rd. & Lynnfield Rd.

For all of the reasons listed in this statement, I oppose the use of this land for an office building. I live less than a block away from this intersection (at the corner of Vassar and Ridgeland) and the potential traffic alone is worrisome to me. There are children in the neighborhood and we've already had to get speed bumps installed to keep cars from speeding through the neighborhood. Additionally, the residents of the Balmoral neighborhood will have no control over what types of businesses may use this space; (at best) it will significantly change the character of the neighborhood. At worst, it will decrease the safety of the neighborhood and my property values along with it. All the things we love about Balmoral (quiet, kid-friendly, lots of old trees and nature) will be compromised. I do not understand why this office building is needed when nearly all of the office buildings north of quince on Lynnfield have vacant space. These already risk becoming a blight on the neighborhood by sitting vacant.

I urge the LUCB to reject the Major Modification application for PD 99-362. Thank you for your time and consideration, and please feel free to reach out if you have further questions.

April Steele | Business Anthropologist
O: 901.726.1008 | C: 901.270.0582



Bacchus, Brian

From: B C <bman702@yahoo.com>
Sent: Monday, February 03, 2020 8:19 PM
To: Bacchus, Brian
Subject: Lynnfield and Quince Road Building

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

My name is Byron Cole and I live at 5847 Macinness Drive in the Balmoral neighborhood. I support the three story building that is planned for that corner. The association did vote to try and stop this development however it was not a unanimous vote for us to proceed with blocking this development. The majority did win but this is not how all of the neighborhood feels.

There are a few strong armers in the neighborhood that are creating the discord among us but I feel this development is good for the neighborhood. Please allow the developer to put the three story build at Lynnfield and Quince.

Sincerely,

Byron Cole

Sent from my iPhone

Bacchus, Brian

From: Diane Meess <diane.meess@icloud.com>
Sent: Tuesday, February 04, 2020 3:14 PM
To: Bacchus, Brian
Subject: PD 99-362 Major Modification Application

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yesterday afternoon I received a copy of the Balmoral Community Impact Statement from Genevieve Land with the message that comments were to be sent to you by 4 p.m. today.

I support the PD 99-362 Major Modification Application to erect a three-story office building at the corner of Quince and Lynnfield. I base my support on the following:

1. I attended the 2019 meeting at GTG to review the developer's proposal. I was impressed with the plans and the developer. Obviously he had the experience and expertise for such a project and had done the required due diligence. He addressed the questions and concerns raised by the audience.
2. Memphis needs more business ventures both for tax dollars and employment.
3. I trust the LUCB and its experts will address the issues raised concerning traffic, drainage, and possible cell tower interference.

I personally do not see this structure having a negative impact on the property value of the houses in the Balmoral neighborhood. I also think the "lack of need" argument is not relevant to the building of a new office building at Quince and Lynnfield.

I have lived in Balmoral for 28 years. I am fine with you sharing my comments but would prefer you not share my name.

Thank you.
Diane Meess

Sent from my iPad

Bacchus, Brian

From: noigbokie <noigbokie@gmail.com>
Sent: Wednesday, February 05, 2020 3:12 PM
To: Bacchus, Brian
Subject: Balmoral Neighborhood Community Impact Statement

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposing the 3 story building structure developers are attempting to erect at the corner of Quince and Lynnfield. Due to residential privacy, BNA is requesting a 2 story building instead. We are also concerned that the level of traffic and a 216 parking space lot will have a great impact and decrease property value in our neighborhood.

It has also been brought to our attention that the developers are in violation of Memphis 3.0 code.

Nikita Oigboke, BNA Member

Sent from my T-Mobile 4G LTE Device



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT
 MAJOR MODIFICATION/LUCB SITE PLAN
 (CORRESPONDENCE) APPROVAL**

Date: January 6, 2020

Previous Case #: PD 99-362

PLEASE TYPE OR PRINT

Name of Development: Quince/Lynnfield PD

Property Owner of Record: Lynnfield Centre LLC Phone #: _____

Mailing Address: 6800 Poplar Centre Ave. City/State: Germantown, TN Zip 38138

Property Owner E-Mail Address: _____

Applicant: SE Industrial Investments, LLC Phone # _____

Mailing Address: 6363 Poplar Avenue, Suite 220 City/State: Memphis, TN Zip 38119

Applicant E- Mail Address: preston.thomas@colliers.com

Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Representative E-Mail Address: cindy@srce-memphis.com

Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: cindy@srce-memphis.com

Correspondence item Street Address Location: 0 Quince Road

Distance to nearest intersecting street: At the southwest corner of Quince Road and Lynnfield Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>4.19 AC</u>	_____	_____
Existing Zoning:	<u>R-10</u>	_____	_____
Existing Use of Property	<u>Vacant Land</u>	_____	_____
Requested Use of Property	<u>Office</u>	_____	_____

Type of Correspondence Item Requested:

Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)

Land Use Control Board Site Plan Approval

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

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

We are requesting to increase the height of the office building to allow 3-stories.

I (we) hereby make application for the Correspondence Case described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	1-6-2020		1-6-20
Property Owner of Record	Date	Applicant	Date

SIGN POSTING: A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
 - 1. 25 feet for final plans of two or less acres;
 - 2. 50 feet for final plan of more than two but less than eight acres;
 - 3. 100 feet for final plans of eight acres but than 20 acres; and
 - 4. 150 feet for final plans of 20 acres or more.

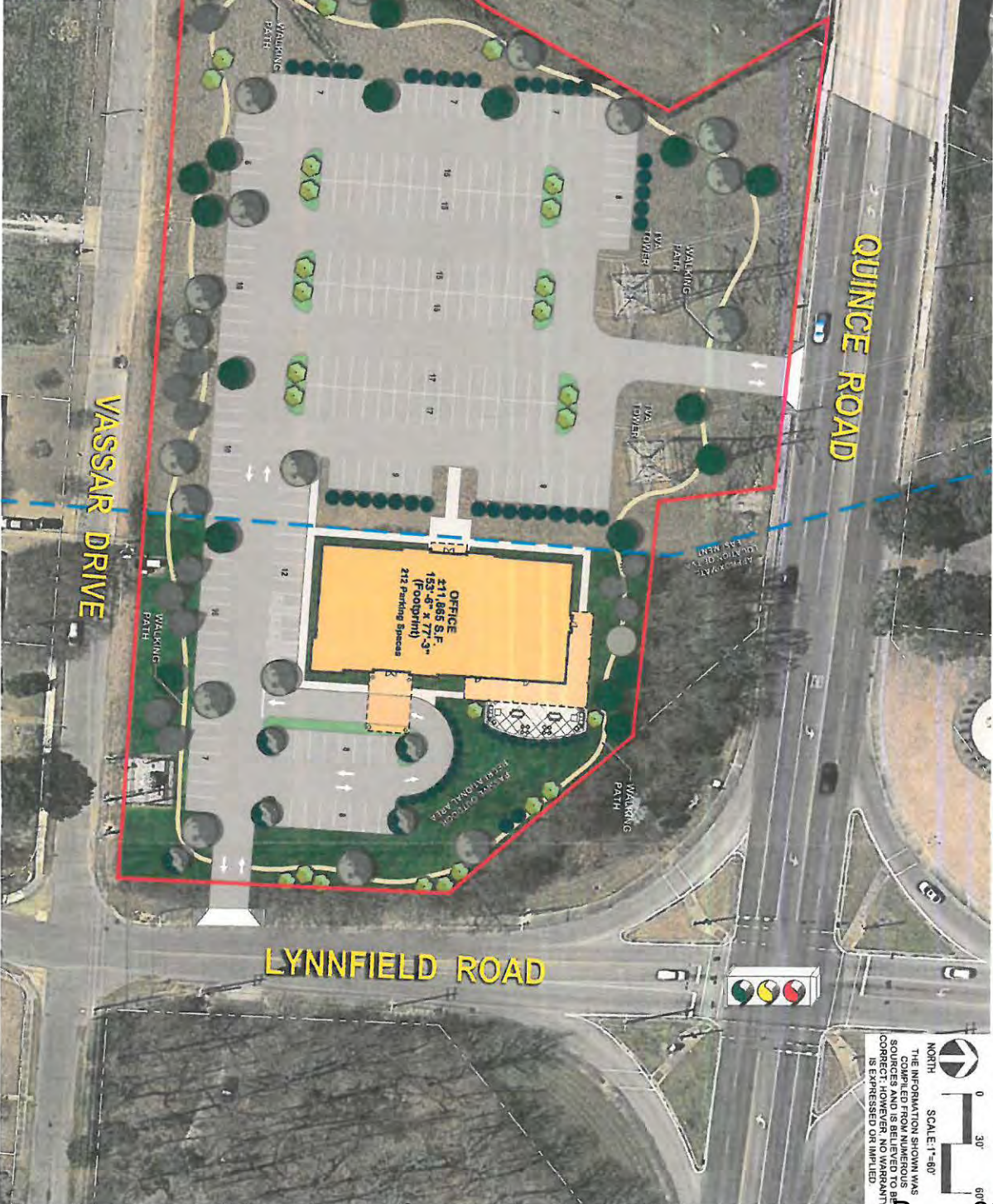
Date: December 18, 2019
To: Office of Planning & Development
From: Cindy Reaves
Re: PD 99-362 Quince/Lynnfield PD
Job #: 19-0122

LETTER OF INTENT

Thank you for accepting our application for a Planned Development Major Modification for the Quince/Lynnfield Planned Development case # PD 99-362. The PD was approved by the Memphis City Council on February 15, 2000. A Final Plat was never recorded but the Outline Plan conditions did not include expiration language so the PD is still valid. We are requesting to permit a 3-story office building with associated parking and accessory uses.

We appreciate your support with this request. Please contact me if you have any questions.

October 16, 2019
Conceptual Site Plan
Quince Rd. at Lynnfield Rd.
MEMPHIS, TENNESSEE



NORTH

SCALE 1"=80'

0 30' 60'

THE INFORMATION SHOWN WAS OBTAINED FROM PUBLIC SOURCES AND IS BELIEVED TO BE CORRECT; HOWEVER, NO WARRANTY IS EXPRESSED OR IMPLIED.



Lynnfield front perspective
10-29-2019

Copyright 2019
The information contained within these
design concepts are the exclusive
property of Renaissance Group Inc.

proposed office building for
Lynnfield Corporate Center
Memphis, Tennessee





east Lynnfield perspective
10-29-2019

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proposed office building for
Lynnfield Corporate Center
Memphis, Tennessee



Renaissance Group
Architectural - Engineering - Planning - Interiors

Vicinity Map



Date: 11/04/19
 Prepared By:
 Property Research Data
 PRD Job #419-115

RESOLUTION

WHEREAS, Section 14 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064, dated October 7, 1980, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and,

WHEREAS, Application has been made for a planned development for property located on the southwest corner of Quince Road and Lynnfield Road; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 14 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on *Thursday, January 13, 2000* and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and

WHEREAS, The Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board, and the report and recommendation of the Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted for an in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: *Building Official*
City Engineer
Office of Planning and Development

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

Date FEB 15, 2000
James C. Hutchins
Deputy Comptroller - Council Records

P. D. 99-362
Quince/Lynnfield Planned Development

#31

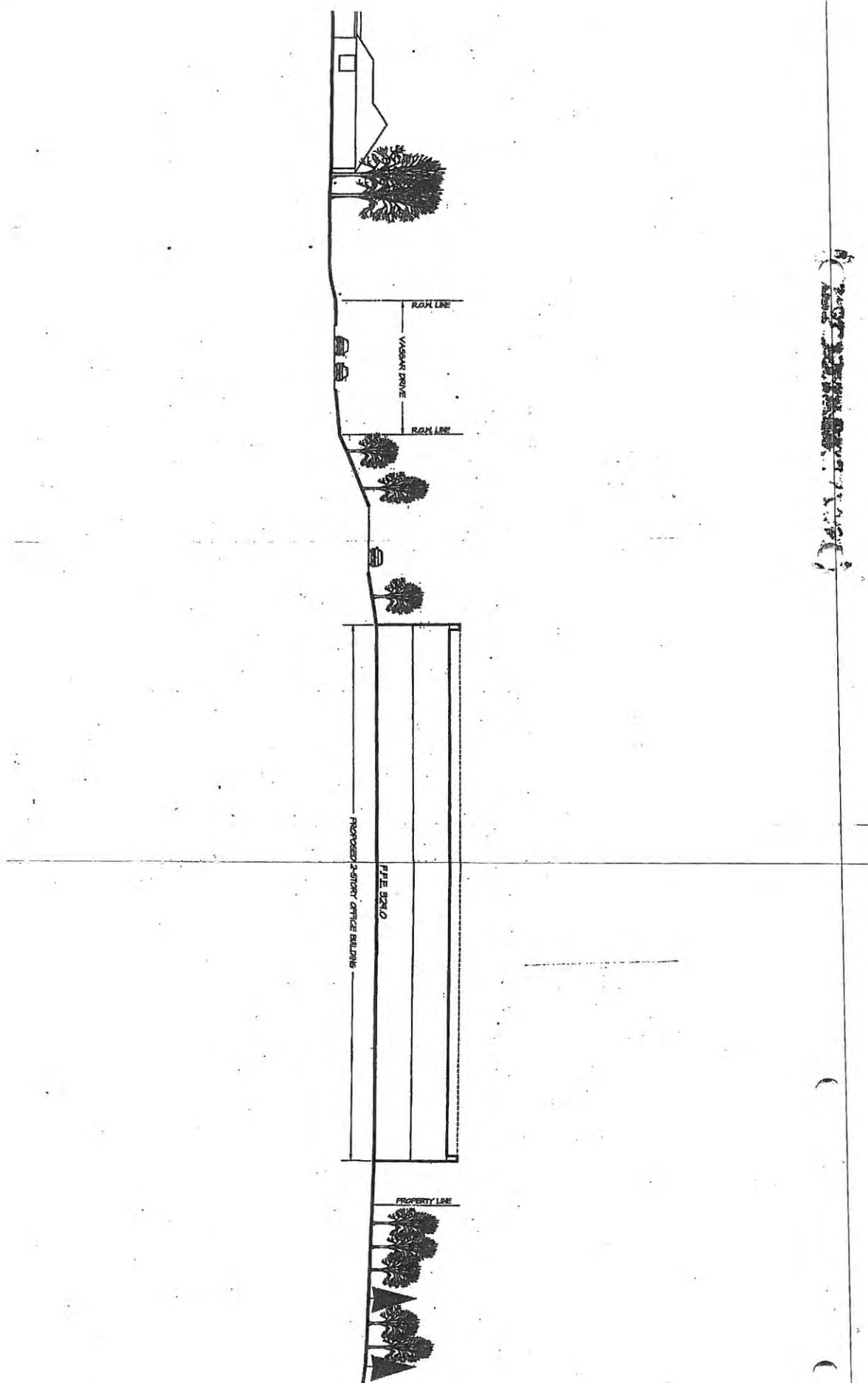
P.D. 99-362
Quince/Lynnfield Planned Development

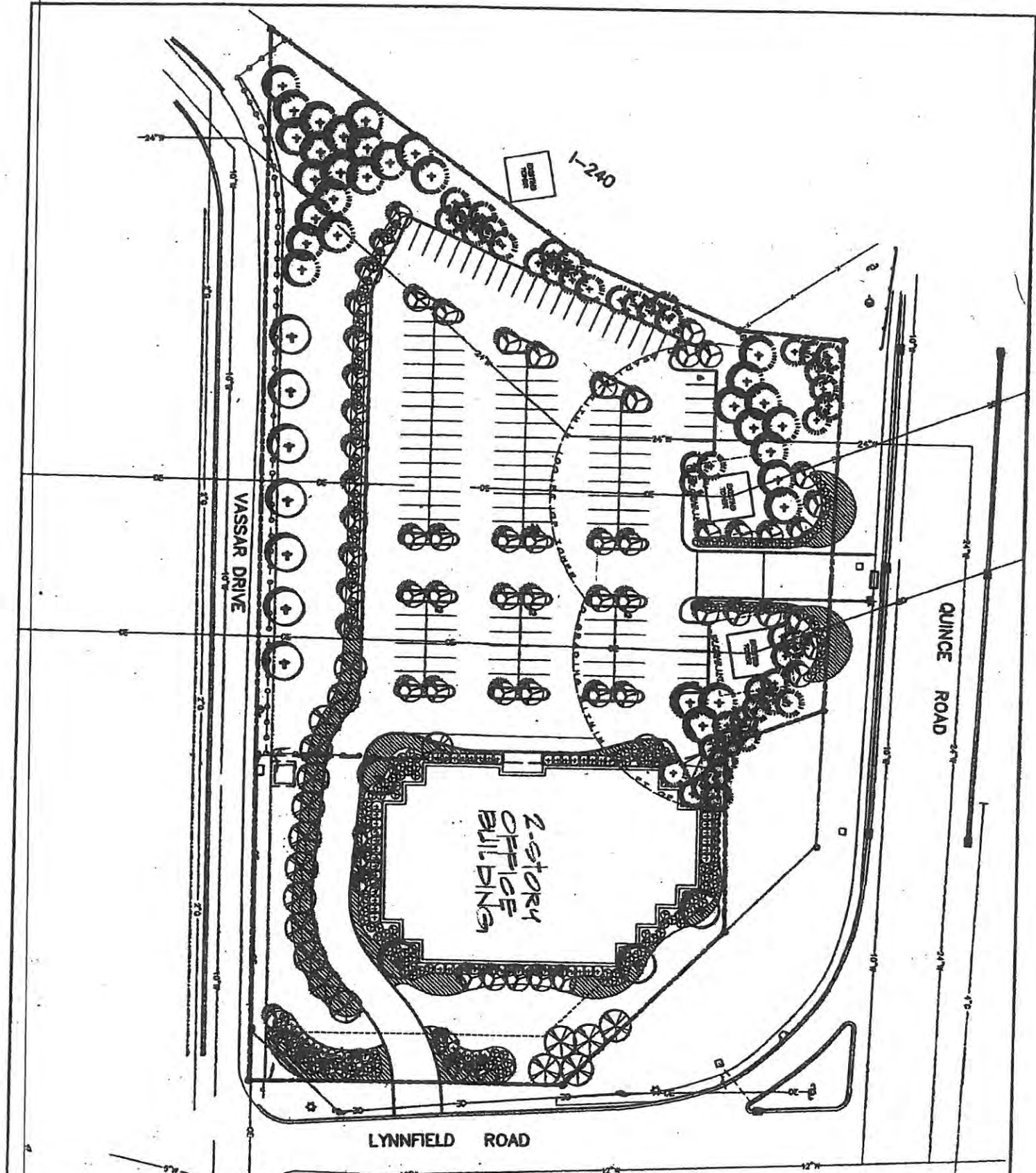
OUTLINE PLAN CONDITIONS:

- I. Use Permitted: Office Uses
 - A. Office uses in accordance with the General Office(O-G) District.
- II. Bulk Regulations: The bulk regulations of the O-G District shall apply with the following exceptions:
 - A. Building Height-2 stories with a gross square feet not to exceed 45,500 square feet(37,000 square feet of net area).
- III. Access, Parking, Circulation:
 - A. Improve Lynnfield Road to a pavement width of 32 feet from the centerline in accordance with Subdivision Regulations.
 - B. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.
 - C. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - D. Clear Sight Areas shall be provided on the final plat and engineering plans at the intersection of Lynnfield and Vassar in accordance with the Subdivision Regulations. The required note regarding Clear Sight Areas shall be placed on the final plat.
- IV. Landscaping:
 - A. A landscape Plate "A-1" shall be provided along Quince Road, Lynnfield Road and Vassar Drive.
 - B. Internal landscaping shall be as shown on the landscape plan and provide a ratio of 300 square feet of landscaped area and one shade tree per every 20 parking spaces.
 - C. Maximum height of light standards shall be 20 feet. Light standards within the Memphis, Light, Gas and Water Transmission Easement right-of-way shall be provided in accordance with Memphis Light Gas and Water Encroachment Policy Guidelines.
 - D. Lighting shall be directed so as not to glare into residential property.
 - E. Refuse containers shall be completely screened from view from residential property and public roads.

- V. Signs:
 - A. Signs in accordance with the O-G District.
- VI. Drainage:
 - A. 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.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
 - C. 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. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. Site plan review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.
- IX. Any final plan shall include the following:
 - A. The Outline Plan conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. Building elevation diagram.

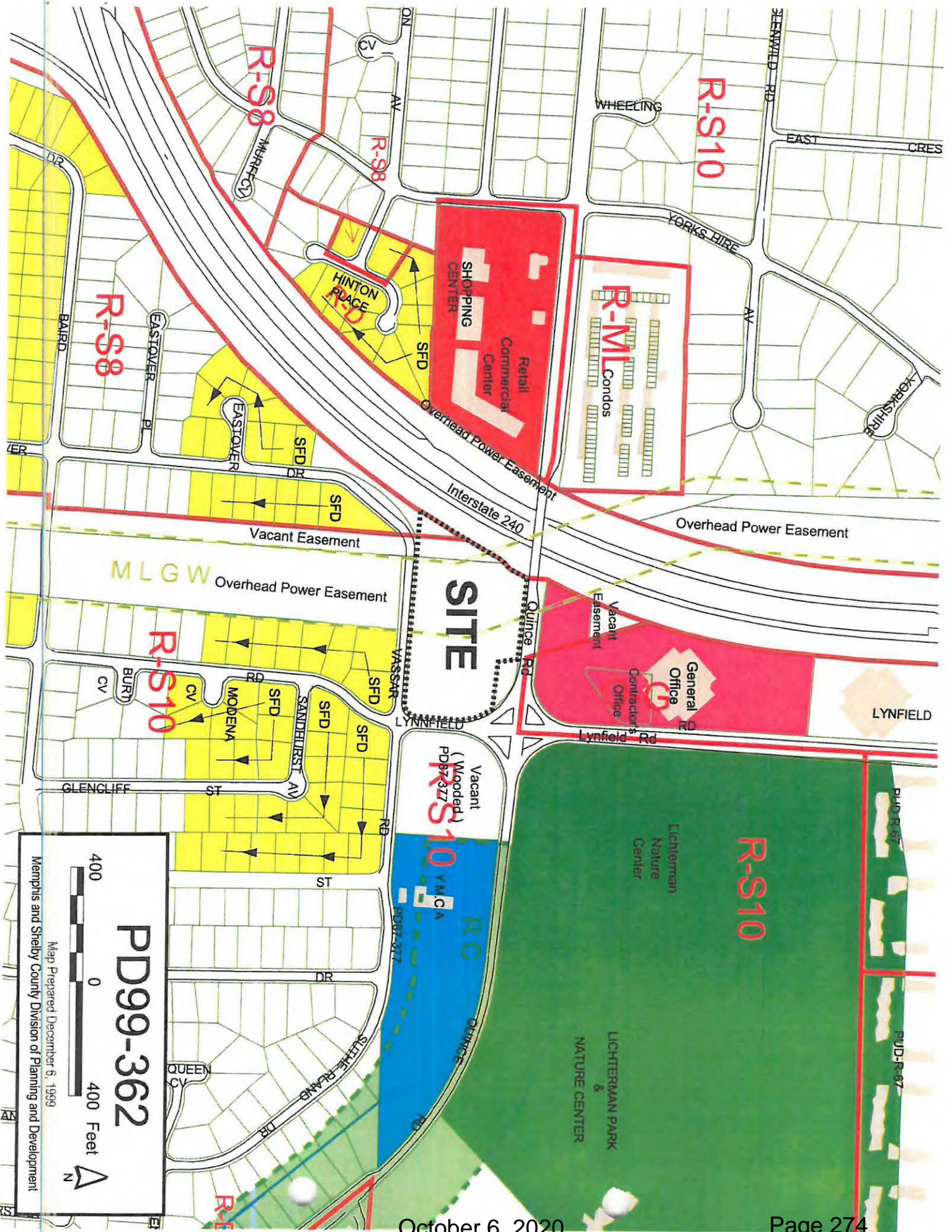
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.





**REAVES
SWEENEY
MARCOM**
INCORPORATED

PLANNING • ENGINEERING
LANDSCAPE ARCHITECTURE
300 PARK AVENUE SUITE 400
NEWTON, MASSACHUSETTS 02459
TEL: 617-552-3333 FAX: 617-552-3334



PD99-362

RESOLUTION APPROVING AN APPEAL BY THE BALMORAL NEIGHBORHOOD ASSOCIATION REQUESTING THE MEMPHIS CITY COUNCIL OVERTURN THE DECISION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A MAJOR MODIFICATION TO AN APPROVED OUTLINE PLAN TO ALLOW A THREE (3) STORY OFFICE BUILDING WITH ASSOCIATED ACCESSORY USES WITHIN THE QUINCE/LYNNFIELD PLANNED DEVELOPMENT, LOCATED AT SOUTHWEST CORNER OF QUINCE ROAD AND LYNNFIELD ROAD, KNOWN AS CASE NO. P. D. 99-362

WHEREAS, SE Industrial Investments, LLC filed a Major Modification application with the Office of Planning and Development to allow a three (3) story office building with associated accessory uses within an approved Outline Plan; and

WHEREAS, The Memphis and Shelby County Office of Planning and Development (OPD) recommended and the Memphis and Shelby County Land Use Control Board approved the request of the applicants, subject to conditions; and

WHEREAS, the Balmoral Neighborhood Association filed an appeal on February 26th, 2020 requesting the Memphis and Shelby County Land Use Control Board's approval of the Major Modification be overturned by the Memphis City Council; and

WHEREAS, upon evidence presented at this public hearing by the appellants, the City Council of the City of Memphis concludes that the appeal as stated herein should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE; THAT, the appeal of the appellants, the Balmoral Neighborhood Association, is hereby granted and the requirement to allow a three (3) story office building with associated accessory uses by the Memphis and Shelby County Land Use Control Board on Thursday, February 13th, 2020 be overturned.

BE IT FURTHER RESOLVED, which this Resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the City Council of the City of Memphis.

ATTEST:

P.D. 99-362
Quince/Lynnfield Planned Development
Major Modification-Balmoral Ngh'd Assoc. Appeal

- I. Use Permitted: Office Uses
 - A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.
 - B. A walking path shall be provided to surround the entire site to include park benches.
 - C. The building elevations, design, setback, placement and orientation shall be illustrated on the final plan, subject to review and approval by staff.

- II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.

- III. Access, Parking, Circulation:
 - A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.
 - B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

- IV. Landscaping:
 - A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.
 - B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.
 - C. Lighting shall be in accordance with the UDC.
 - D. Lighting shall be directed so as not to glare into residential property.
 - E. Refuse containers shall be completely screened from view from residential property and public roads.

- V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

- VI. Drainage:
 - A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.
- IX. Any final plan shall include the following:
 - A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement
 - F. Building elevations.

***P.D. 99-362
Quince/Lynnfield Planned Development
Major Modification-02/13/20***

Eddie & Eve Settles
5861 Vassar Drive
Memphis, TN 38119

Glenda Stevens
5851 Vassar Drive
Memphis, TN 38119

Satish Mehra
5841 Vassar Drive
Memphis, TN 38119

James Nolen
5833 Vassar Drive
Memphis, TN 38119

Mary Miller
5815 Vassar Drive
Memphis, TN 38119

Jeremy Carr
5801 Vassar Drive
Memphis, TN 38119

April Steele
Christopher Haley
2251 Ridgeland Drive
Memphis, TN 38119

Gregory Clark
2261 Ridgeland Drive
Memphis, TN 38119

Warruga, LLC
2269 Lynnfield Road
Memphis, TN 38119

FA IRA Investments, LLC
2277 Lynnfield Road
Memphis, TN 38119

John & Vivien Weeks
2289 Lynnfield Road
Memphis, TN 38119

Joyce Campbell
2295 Lynnfield Road
Memphis, TN 38119

Stewart White
2292 Lynnfield Road
Memphis, TN 38119

Blake Miller
5831 Sandhurst Avenue
Memphis, TN 38119

Stephen & Rebecca
5841 Sandhurst Avenue
Memphis, TN 38119

Clifford & Teresa
5850 Sandhurst Avenue
Memphis, TN 38119

Janice & Don Gayoso
5844 Sandhurst Avenue
Memphis, TN 38119

Oscar Cambron & Tania Villa
5834 Sandhurst Avenue
Memphis, TN 38119

Peggy & Jimmie Vandiver
5824 Sandhurst Avenue
Memphis, TN 38119

Rosa & Carlos Schlemmer
2270 Eastover Drive
Memphis, TN 38119

Jerry Hart
2284 Eastover Drive
Memphis, TN 38119

M.H. & Nazik Al-Rufaie
2292 Eastover Drive
Memphis, TN 38119

Arlene Dugard
2279 Eastover Drive
Memphis, TN 38119

Lynnfield Centre, LLC
6800 Poplar Centre Avenue-Suite 210
Germantown, TN 38138

SE Industrial Investments, LLC
6363 Poplar Avenue –Suite 220
Memphis, TN 38119

SR Consulting, LLC
Attn: Cindy Reaves
5909 Shelby Oaks Drive-Suite 200
Memphis, TN 38134

Balmoral Neighborhood Association
c/o Jeffrey & Genevieve Land, Esquires
780 Ridge Lake Boulevard-Suite 202
Memphis, TN 38120

Phillip Cox
6011 South Hampton Drive
Memphis, TN 38119

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 15 September 2020
DATE
PUBLIC SESSION: 15 September 2020
DATE**

ITEM (CHECK ONE)

_____ ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION _____ GRANT APPLICATION _____ REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for vehicle sales

CASE NUMBER: SUP 20-7

DEVELOPMENT: Used vehicle sales

LOCATION: 590 East Raines Road

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER/APPLICANT: Negotiable Taxes, Inc.

REPRESENTATIVE: David Bray of the Bray Firm

EXISTING ZONING: Commercial Mixed Use – 1

REQUEST: Special use permit for vehicle sales

AREA: 0.26 acres

RECOMMENDATION: The Office of Planning and Development recommended *Rejection*
 The Land Use Control Board recommended *Rejection*

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
 13 August 2020 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	ADMINISTRATOR
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	PRINCIPAL PLANNER
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<i>CHIEF ADMINISTRATIVE OFFICER</i>
_____	_____	<i>COMMITTEE CHAIRMAN</i>



Memphis City Council Summary Sheet

SUP 20-7

Resolution for a special use permit for vehicle sales:

- This item is a resolution with conditions for a special use permit to permit the above; and
- The Office of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Negotiable Taxes, Inc., and Representative: David Bray of the Bray Firm; and
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR VEHICLE SALES AT 590 EAST RAINES ROAD, KNOWN AS CASE NUMBER SUP 20-7.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated 10 August 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Negotiable Taxes, Inc., filed an application with the Memphis and Shelby County Office of Planning and Development for a special use permit for vehicle sales; and

WHEREAS, the Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and the consistency of its design and amenities with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 13 August 2020, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Office of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the requested use subject to the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, and other required permits and approvals, provided that no such Certificate of Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

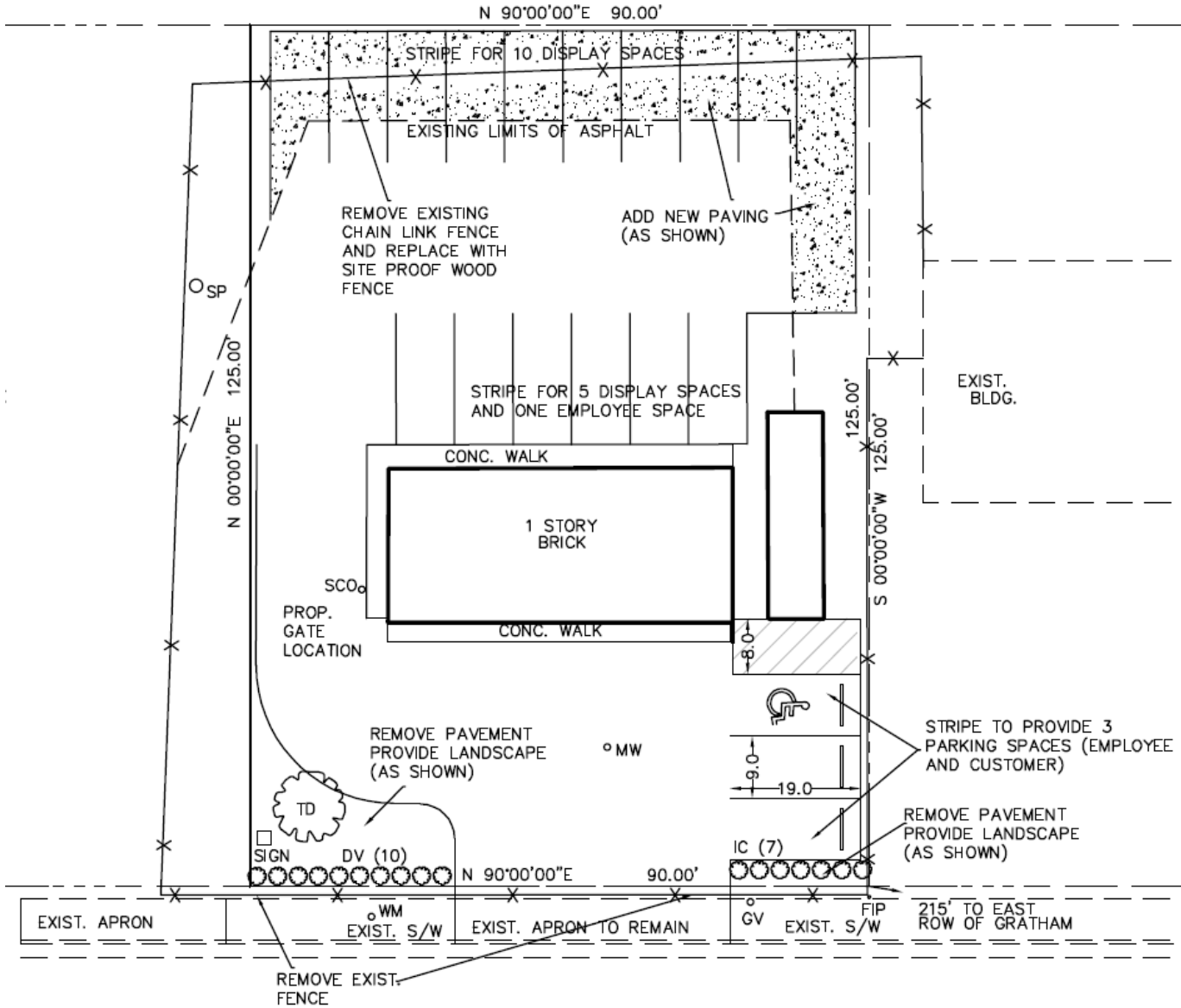
ATTEST:

CONDITIONS

1. The chain link fencing, chain link gate, and the nonconforming detached sign shall be removed.
2. A revised site plan shall be submitted that demonstrates compliance with Condition 1 and all standards of the Unified Development Code, to be reviewed and approved by the Office of Planning and Development.

PROPOSED SITE PLAN

Note that this site plan has not yet been approved in accordance with Condition 2.



SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
TD	1	Bald Cypress	Taxodium Districum	2" Cal.	25 ft o.c.	Uniform
		Shrubs/Groundcovers				
DV	10	Vintage Jade Distylium	Distylium x 'Vintage Jade'	18-24" Spr	3' o.c.	Uniform
IC	7	Carissa Holly	Ilex cournuta 'Carissa'	18-24" Spr	3' o.c.	Uniform

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 13 August 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 20-7
LOCATION:	590 East Raines Road
COUNCIL DISTRICT(S):	District 6 and Super District 8
OWNER/APPLICANT:	Negotiable Taxes, Inc.
REPRESENTATIVE:	David Bray of the Bray Firm
REQUEST:	Special Use Permit for Vehicle Sales
EXISTING ZONING:	Commercial Mixed Use – 1
AREA:	0.26 acres

The following spoke in support of the application: David Bray

The following spoke in opposition the application: Joseph Kyles

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with the attached conditions.

The motion *failed* 1-8.

CONDITIONS

1. The chain link fencing, chain link gate, and the nonconforming detached sign shall be removed.
2. A revised site plan shall be submitted that demonstrates compliance with Condition 1 and all standards of the Unified Development Code, to be reviewed and approved by the Office of Planning and Development.

AGENDA ITEM: 8

L.U.C.B. MEETING: 13 August 2020

CASE NUMBER: SUP 20-7

LOCATION: 590 East Raines Road

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Negotiable Taxes, Inc.

REPRESENTATIVE: David Bray of the Bray Firm

REQUEST: Special use permit for vehicle sales

AREA: 0.26 acres

EXISTING ZONING: Commercial Mixed Use – 1

CONCLUSIONS (see p. 13)

1. The applicant has requested a special use permit for used vehicle sales at 590 E. Raines Rd. in the Whitehaven neighborhood.
2. The vehicle sales business would share the site and structure with an existing tax preparation business, also operated by the applicant.
3. The Commercial Mixed Use – 1 zoning district intent statement says that, “Auto-oriented uses are not appropriate in this district.”
4. The subject site is approximately 60 feet to the south of a single-family residential zoning district and the backyards of two houses.
5. For these reasons, staff finds that this proposal is inconsistent with the intent of the code and with the character of nearby land uses, and therefore does not meet the special use permit criteria.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 15-16)

This proposal is *inconsistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 13)

Rejection

GENERAL INFORMATION

Street Frontage: E. Raines Rd. (Minor Arterial) 90 linear feet
Zoning Atlas Page: 2425
Parcel ID: 076016 00007
Existing Zoning: Commercial Mixed Use – 1

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on 29 July 2020 at 6 p.m.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and a sign posted. A total of 44 notices were mailed on 23 July 2020, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Whitehaven

LACEY MOSBY'S THIRD ADDITION TO WHITEHAVEN PARK SUBDIVISION (1952)

PROTECTIVE COVENANTS

All lots in this subdivision shall be known as residential lots, except that portion shown as commercial. No structure other than one or two family residences, together with necessary outbuildings shall be erected or permitted on any residential lot in this subdivision.

Maximum building setback shall be as shown on recorded plat. Maximum building setback shall be not more than 60 feet from the front lot line. No building shall be located nearer than 10 feet to any side lot line, except a garage or outbuilding located on the rear one-quarter of the lot.

No occupation or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in this subdivision shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character, or any outside privy, be permitted.

No structure shall be moved onto any lot unless it meets with the approval of the committee hereinafter referred to, or if there is no committee, it shall conform to and be in harmony with similar structures on the tract.

The ground floor area of the main structure, exclusive of one story open porches and garages shall be not less than 900 square feet on lots except Lots 13, 14, 15, and 16, which lots shall have a structure of not less than 1000 square feet ground floor area, and Lots 24 through 30 a structure of not less than 1000 square feet ground floor area.

No lot shall be resubdivided into building plots having an area of less than 14,000 square feet or a width having an area of less than 14,000 square feet.

These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until February 1, 1975, at which time said covenants and restrictions shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any other lots in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Until such time as a sanitary system shall have been constructed to serve this subdivision, a sewage disposal system constructed in accordance with the requirements of the Shelby County Board of Health shall be installed to serve each dwelling. The effluent from septic tanks shall not be permitted to discharge into a stream, shore, water, open ditch or drain, unless it has been first passed through an absorption field approved by the health authority.

**STATE OF TENNESSEE
COUNTY OF SHELBY**

On this 4th day of February, 1952, before me personally appeared Lacey Mosby, and acknowledged that he executed the foregoing instrument and that said instrument is not encumbered by any mortgages or liens of any kind.

My commission expires _____

NOTARY PUBLIC

I hereby certify that I have surveyed the above described property and that same is true and correct.

Tennessee Certificate No. 817

Approved by the City of Memphis Planning Commission

Date June 9, 1967

Approved by the Shelby County Commission

Date 8/2/67

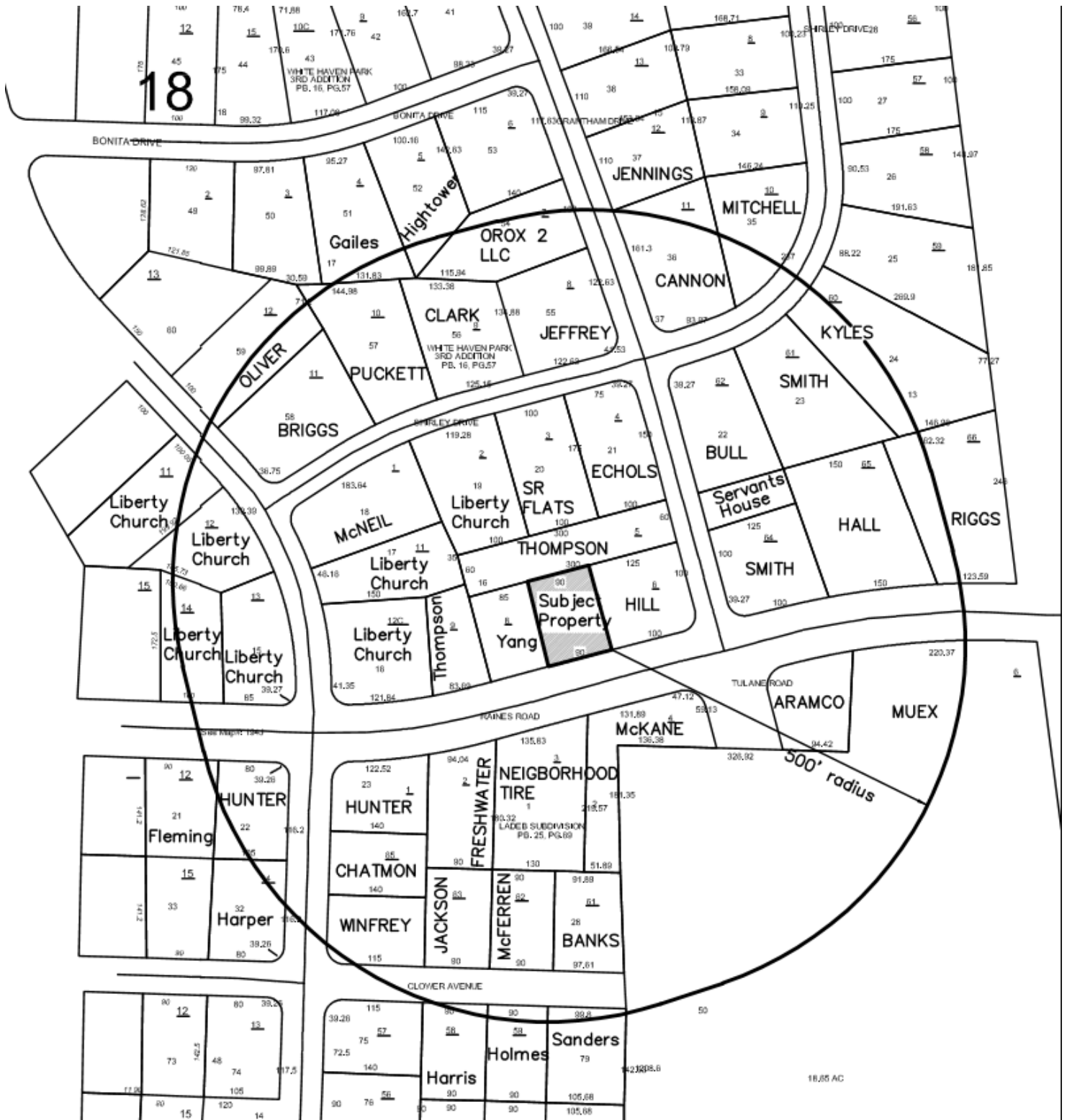
COMMISSIONER OF ROADS

LACEY MOSBY'S THIRD ADDITION TO WHITEHAVEN PARK SUBDIVISION
IN SHELBY COUNTY, TENNESSEE
FEBRUARY 21, 1952 SCALE 1" = 100'
OF PARTS OF LOTS 3, 4, 9, 5 OF J. C. NEELY ESTATE
PICKERING ENGINEERING CO.
1267 SHRINE BUILDING, MEMPHIS, TENN.

The subject parcel is part of an unnumbered lot.

This parcel is exempt from the subdivision review requirement per Unified Development Code Sub-Section 9.7.3E; it was recorded by deed in Instrument No. Z42719.

VICINITY MAP



AERIAL



ZONING MAP



Existing Zoning: Commercial Mixed Use – 1

Surrounding Zoning

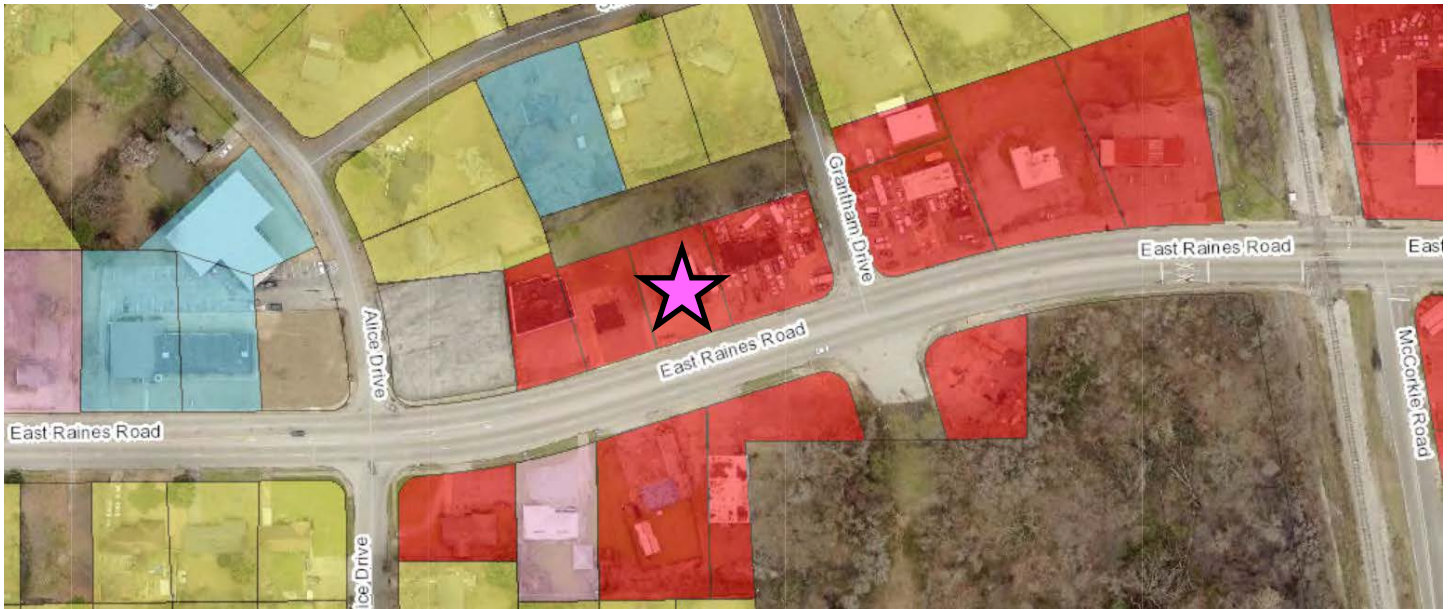
North: Commercial Mixed Use – 1

East: Commercial Mixed Use – 1

South: Commercial Mixed Use – 1

West: Commercial Mixed Use – 1

LAND USE MAP



SITE PHOTOS



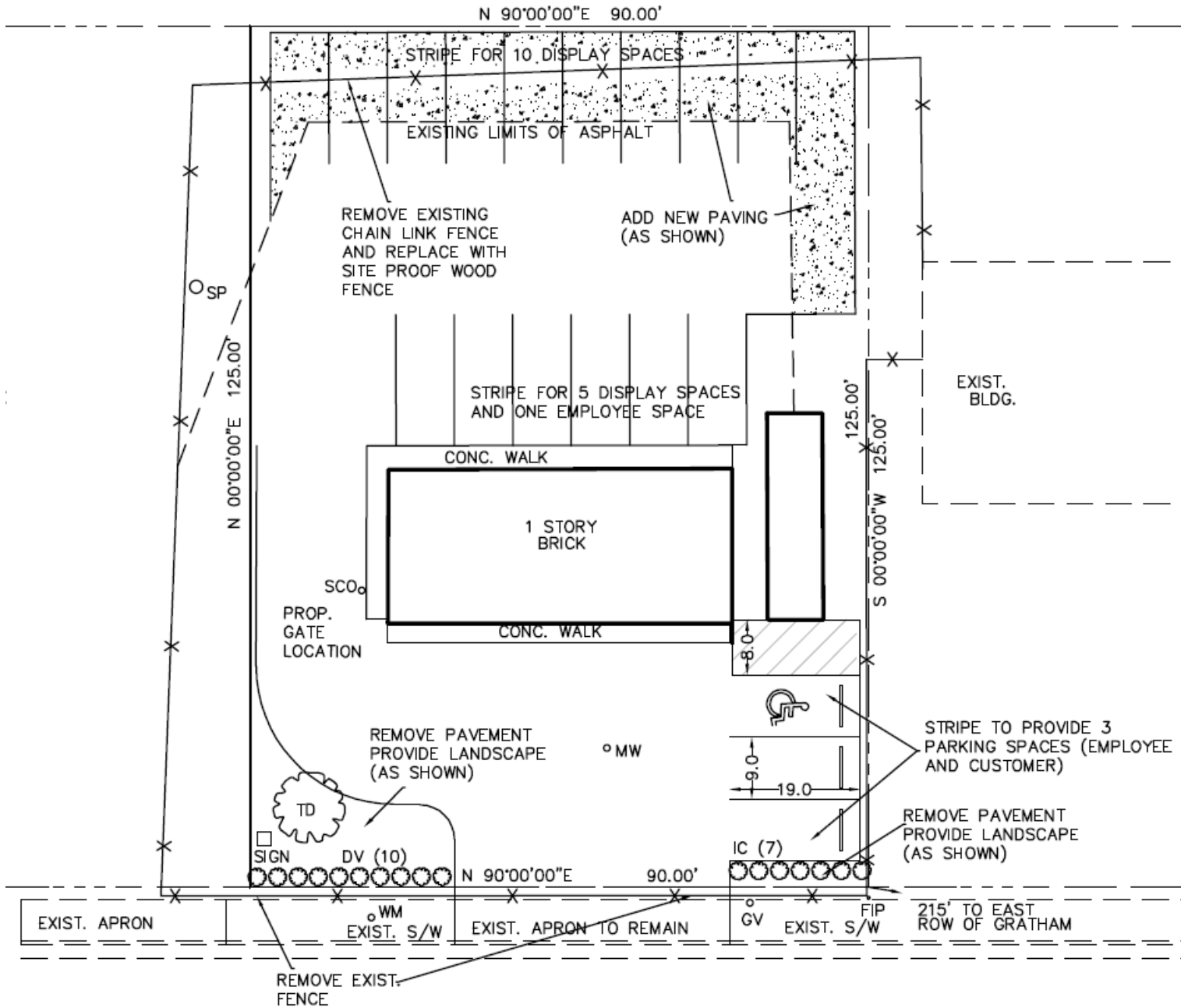
View of subject lot



View of rear of lot.

Note the backyard of a nearby house.

SITE PLAN



SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
TD	1	Bald Cypress	Taxodium Districum	2" Cal.	25 ft o.c.	Uniform
		Shrubs/Groundcovers				
DV	10	Vintage Jade Distylium	Distylium x 'Vintage Jade'	18-24" Spr	3' o.c.	Uniform
IC	7	Carissa Holly	Ilex cournuta 'Carissa'	18-24" Spr	3' o.c.	Uniform

STAFF ANALYSIS

Request

The request is for a special use permit for used vehicle sales.

The application and letter of intent have been added to this report.

Approval Criteria

Staff *disagrees* the approval criteria as regards special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse 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.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is a 0.26-acre parcel that is part of an unnumbered lot of Lacey Mosby's Third Addition to Whitehaven Park Subdivision of 1952. The existing single-story brick structure is 1100 square feet and was built in 1961. It is currently used as a tax preparation business. A chain link fence surrounds the property, with a sliding chain-link gate at the curb cut. There are neither overhead utilities nor a grass strip along the sidewalk. A nonconforming detached sign sits at the property's southwest corner.

Site Plan Review

A full site plan review will be conducted upon approval, if approved.

Conclusions

The applicant has requested a special use permit for used vehicle sales at 590 E. Raines Rd. in the Whitehaven neighborhood.

The vehicle sales business would share the site and structure with an existing tax preparation business, also operated by the applicant.

The Commercial Mixed Use – 1 zoning district intent statement says that, “Auto-oriented uses are not appropriate in this district.”

The subject site is approximately 60 feet to the south of a single-family residential zoning district and the backyards of two houses.

For these reasons, staff finds that this proposal is inconsistent with the intent of the code and with the character of nearby land uses, and therefore does not meet the special use permit criteria.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following conditions:

1. The chain link fencing, chain link gate, and the nonconforming detached sign shall be removed.
2. A revised site plan shall be submitted that demonstrates compliance with Condition 1 and all standards of the Unified Development Code, to be reviewed and approved by the Office of Planning and Development.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

Traffic Control Provisions:

5. 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.
6. 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.

City Fire Division:

Date Reviewed: 8/7/20

Reviewed by: J. Stinson

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Office of Comprehensive Planning:

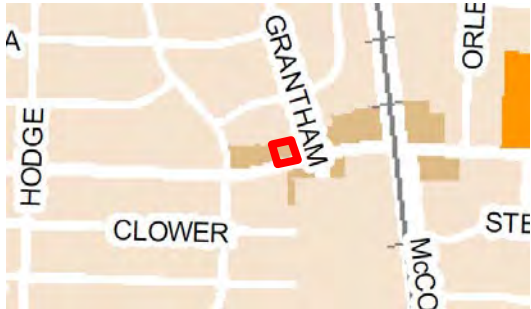
Site Address/location: 590 E. Raines

Land Use Designation (see page 102 for details): Low Intensity Commercial Services (CSL)

Based on the future land use map, the proposal is INCONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



The red box indicates the subject site on the Future Land Use Map.

2. Land use description & applicability:

The property is designated Low Intensity Commercial Services (CSL) and is not within an anchor neighborhood. Low Intensity Commercial and Service areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities.



“CSL” Goals/Objectives:

The future land use designation seeks improved development patterns along commercial corridors and revitalization.

“CSL” Form and Location Characteristics:

The future land use designation is appropriate for commercial and service uses 1-4 stories height.

The request is for a special use permit for a 1-story auto sales establishment. The parcel is low intensity commercial services (CSL) and is not within a 3.0 anchor.

The application does not meet the criteria of Memphis 3.0 since the development is of auto-oriented use which is discouraged in CMU-1, the zoning equivalent of CSL.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: residential to the north, commercial to the east, south, and west. The subject site is surrounded by the following zoning districts: CMU-1 (immediate surroundings to the north, east, south, and west). The site itself is CMU-1.

This requested land use is incompatible with these adjacent land uses and zoning districts.

4. Degree of Change



The red box indicates the subject site on the Degree of Change Map. The site is not within or near an anchor and therefore is not designated a degree of change.

5. Degree of Change Descriptions

Based on the information provided, the proposal is INCONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Roger Ekstrom (Office of Comprehensive Planning) and Brett Davis

City Real Estate:	No comments received.
City/County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

APPLICATION



*Memphis and Shelby County
Office of Planning and Development*

CITY HALL, 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: 05.31.2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Negotiable Taxes Inc. Phone #: _____

Mailing Address: 590 E. Raines Road City/State: Memphis, TN Zip 38109

Property Owner E-Mail Address: flowersjerome78@yahoo.com

Applicant: same Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: The Bray Firm Phone # 901.383.8668

Mailing Address: 2950 Stage Plaza North City/State: Bartlett, TN Zip 38134

Engineer/Surveyor E-Mail Address: dgray@comcast.net

Street Address Location: 590 E. Raines Road

Distance to nearest intersecting street: 215 feet west of west r.o.w. of Grantham Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	0.25	_____	_____
Existing Zoning:	CMU-1	_____	_____
Existing Use of Property	professional service	_____	_____
Requested Use of Property	Auto sales	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes _____ No

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

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Jerome Fleumen 6/1/2020
Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: April with help desk

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes ___ Not yet X
(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse 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 (UDC sub-section 9.6.9A).

This project is compatible with existing uses along Raines Road including vehicle related services.

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

The existing building will remain unchanged. Additional paving will be done in the rear of the site. The proposed use will be compatible with surrounding businesses.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

Building is existing and all services are existing.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

Agreed

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Agreed

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

Agreed

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

May 31, 2020

Josh Whitehead
Memphis and Shelby County
Office of Planning and Development
125 North Main Street
Memphis, Tennessee 38103

**RE: Special Use Permit to allow vehicle sales
590 E. Raines Road
Memphis, Tennessee**

Mr. Whitehead;

Please find attached the above referenced application for approval of a Special Use Permit to allow vehicle sales in the CMU-1 zoning district. Mr. Jerome Flowers owns the subject property through his current business Negotiable Taxes. The subject property is currently used as his office for the tax preparation business. The majority of the site is currently paved in both the front and the rear of the property. The attached site plan shows the removal of some asphalt in the front of the building to provide the required landscaping per the Unified Development Code and the addition of some asphalt paving in the rear to allow for vehicle display. The site will accommodate 15 display spaces (all located on the rear of the site) and 4 employee/customer spaces. The site is served by existing utilities and will not require the extension of new utilities or any roadway improvements.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Jerene Flowers, being duly sworn, depose and say that at 11:00 am on the 4 day of June, 2020, I posted 1 Public Notice Sign(s) pertaining to Case No. GP20-07 at 570 East Raines Rd, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Jerene Flowers
Owner, Applicant or Representative

06/04/20
Date

Subscribed and sworn to before me this 4th day of June, 2020.

Kisha P. Davis
Notary Public

My commission expires: 2/28/2023



My Commission Expires Feb. 28, 2023

LETTERS RECEIVED

No letters received at the time of completion of this report.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6 October 2020

DATE

PUBLIC SESSION: 6 October 2020

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a convenience store with gas sales

CASE NUMBER: SUP 20-8

DEVELOPMENT: Convenience store with gas sales

LOCATION: 580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue, and 2650 Southern Avenue

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozra

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates

EXISTING ZONING: Commercial Mixed Use – 1 and Residential Urban – 1

REQUEST: Special use permit for a convenience store with gas sales

AREA: 0.9 acres

RECOMMENDATION: The Office of Planning and Development recommended *Approval with conditions*
 The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 13 August 2020 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

<u>DATE</u>	<u>POSITION</u>
_____	ADMINISTRATOR
_____	DEPUTY ADMINISTRATOR
_____	PRINCIPAL PLANNER
_____	DIRECTOR (JOINT APPROVAL)
_____	COMPTROLLER
_____	FINANCE DIRECTOR
_____	CITY ATTORNEY
_____	<i>CHIEF ADMINISTRATIVE OFFICER</i>
_____	<i>COMMITTEE CHAIRMAN</i>



Memphis City Council Summary Sheet

SUP 20-8

Resolution for a special use permit for a convenience store with gas sales:

- This item is a resolution with conditions for a special use permit to permit the above; and
- The Office of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Ameen Ozrail and Ziad Ozrail, and Representative: Tim McCaskill of McCaskill and Associated, Inc.; and
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas; and
- Approval of this special use permit is subject to approval of a companion rezoning application, known as Z 20-8.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE WITH GAS SALES AT THE PROPERTY LOCATED AT 580 BELT LINE STREET, 584 BELT LINE STREET, 579 BOSTON STREET, 2638 SOUTHERN AVENUE, AND 2650 SOUTHERN AVENUE, KNOWN AS CASE NUMBER SUP 20-8.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated 10 August 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Ameen Ozrail and Ziad Ozrail filed an application with the Memphis and Shelby County Office of Planning and Development for a special use permit for a convenience store with gas sales; and

WHEREAS, the Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and the compatibility of its design and amenities with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 13 August 2020, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Office of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the requested use subject to the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, and other required permits and approvals, provided that no such Certificate of Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

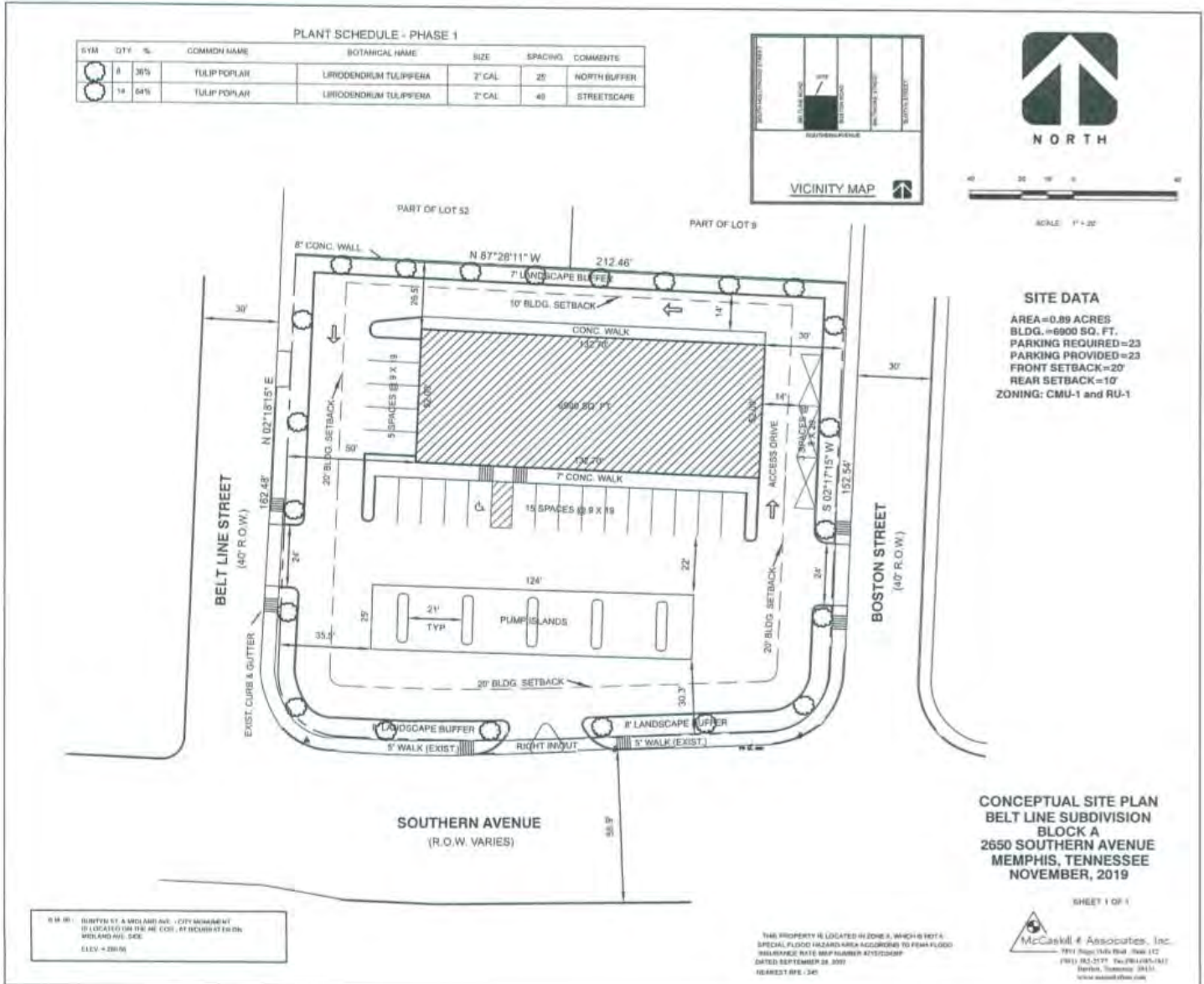
ATTEST:

CONDITIONS

1. Any nonconforming sign, fencing, or lighting shall be removed.
2. A maximum of one detached sign shall be permitted. No window signs shall be permitted.
3. All nonconforming curb cuts shall be closed with the appropriate streetscape plate.
4. A bicycle repair stand and air pump, specifications of which shall be approved by the Office of Planning and Development, shall be installed for public use.
5. All facades of the convenience store shall be of masonry construction.
6. The Southern façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
7. Canvas shall be the only permitted awning material. No plastic awnings shall be permitted.
8. A revised plan set that demonstrates compliance with the above conditions and all standards of the Unified Development Code shall be submitted to the Office of Planning and Development for review and approval.

PROPOSED SITE PLAN

Note that this site plan has not yet been approved in accordance with Condition 8.



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 13 August 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 20-8
LOCATION:	580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue, and 2650 Southern Avenue
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE:	Tim McCaskill of McCaskill and Associates, Inc.
REQUEST:	Special use permit for a convenience store with gas sales
EXISTING ZONING:	Commercial Mixed Use – 1 and Residential Urban – 1
AREA:	0.9 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with the attached conditions.

The motion passed by a vote of 10-0 on the consent agenda.

CONDITIONS

1. Any nonconforming sign, fencing, or lighting shall be removed.
2. A maximum of one detached sign shall be permitted. No window signs shall be permitted.
3. All nonconforming curb cuts shall be closed with the appropriate streetscape plate.
4. A bicycle repair stand and air pump, specifications of which shall be approved by the Office of Planning and Development, shall be installed for public use.
5. All facades of the convenience store shall be of masonry construction.
6. The Southern façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
7. Canvas shall be the only permitted awning material. No plastic awnings shall be permitted.
8. A revised plan set that demonstrates compliance with the above conditions and all standards of the Unified Development Code shall be submitted to the Office of Planning and Development for review and approval.

AGENDA ITEM: 9

CASE NUMBER: SUP 20-8 **L.U.C.B. MEETING:** 13 August 2020

LOCATION: 580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue, and 2650 Southern Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.

REQUEST: Special use permit for a convenience store with gas sales

AREA: 0.9 acres

EXISTING ZONING: Commercial Mixed Use – 1 and Residential Urban – 1

CONCLUSIONS (see p. 22)

1. The applicant has requested a special use permit for a convenience store with gas sales on the northern block face of Southern between Belt Line and Boston.
2. Approval of this special use permit is subject to approval of a rezoning application (Z 20-8) filed concurrently by the applicant. Said rezoning application concerns 580 and 584 Belt Line – 0.2 acres of the total 0.9-acre site.
3. Convenience stores with gas sales are permitted by right in the Commercial Mixed Use – 1 (CMU-1) zoning district only if located at the intersection of two major streets; otherwise, a special use permit is required.
4. Presently, the subject site contains several blighted structures, which may have a deleterious effect on the value of nearby residences. Their demolition and replacement with a successful retail business may aid the neighborhood's quality of life.
5. The subject location is at the heart of the Belt Line neighborhood (see p. 9), ideal for walkable, neighborhood-oriented retail as intended by the CMU-1 zoning district.
6. The sale of gasoline would increase the viability of the proposed convenience store, as the number of neighborhood households has been decreased by urban blight.
7. For these reasons, staff finds that the proposal meets the special use permit criteria.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 25-27)

Per the Office of Comprehensive Planning, this proposal is *consistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 22)

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Southern Avenue	(Minor Arterial)	212 linear feet
	Belt Line Street	(Local Street)	162 linear feet
	Boston Street	(Local Street)	153 linear feet
Zoning Atlas Page:	2135		
Parcel ID:	029079 00016, 029079 00021, 029079 00022, 029079 00039, and 029079 00040		
Existing Zoning:	Commercial Mixed Use – 1 and Residential Urban – 1		

NEIGHBORHOOD MEETING

A neighborhood meeting was held on-site on 30 July 2020.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 48 notices were mailed on 23 July 2020, and a total of three signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Belt Line neighborhood

BELT LINE SUBDIVISION (1890)

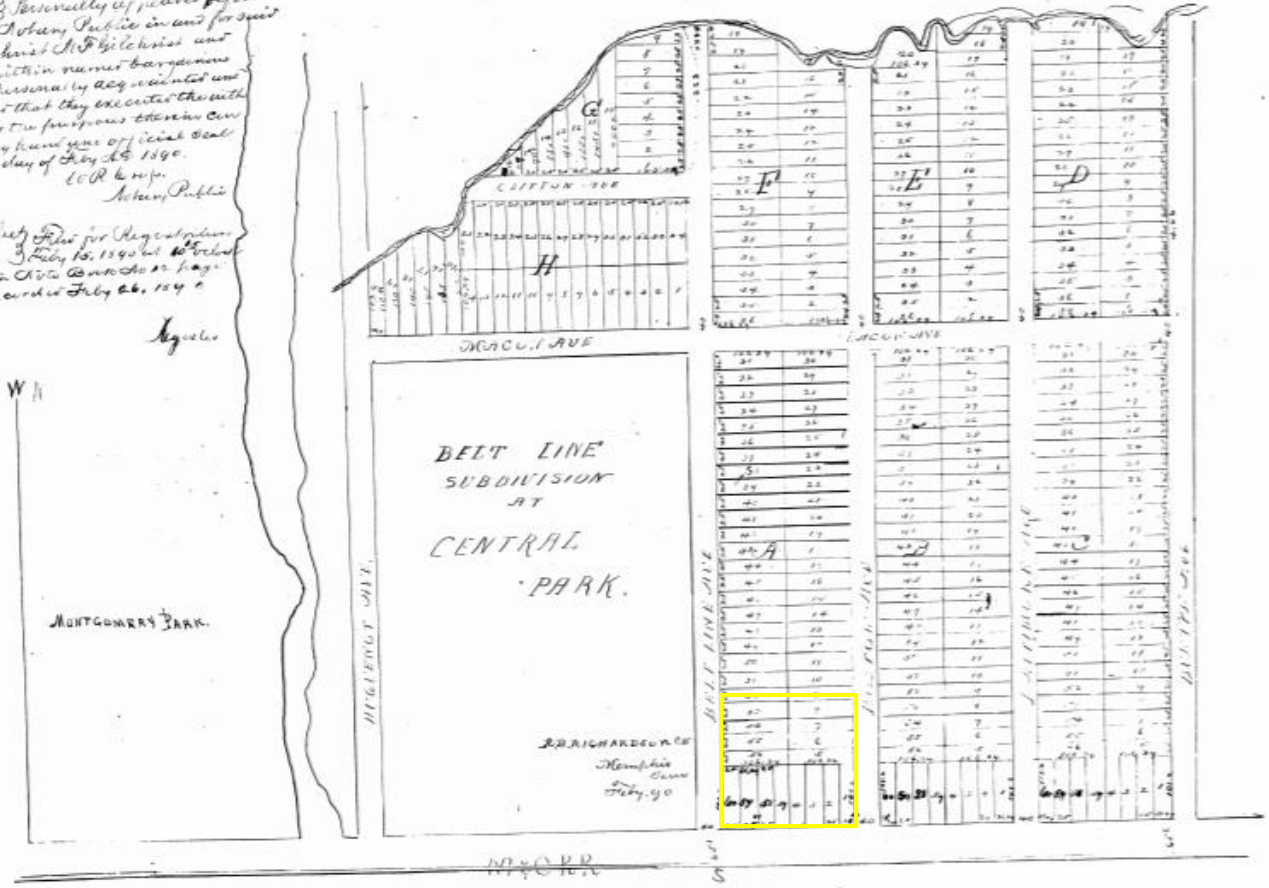
Stratton & Gilchrist
 Belt Line Subdivision of Lots
 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 + 30

of the
 Improvement Subdivision
 We hereby adopt this Subdivision
 this July 14, 1890. M. Gilchrist
 M. F. Gilchrist
 W. M. Stratton

BELT LINE SUBDIVISION
 OF LOTS 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 + 30 OF THE
 JACK PREZEVANT SUBDIVISION
 BY 24th OF JULY
 STRATTON & GILCHRIST.

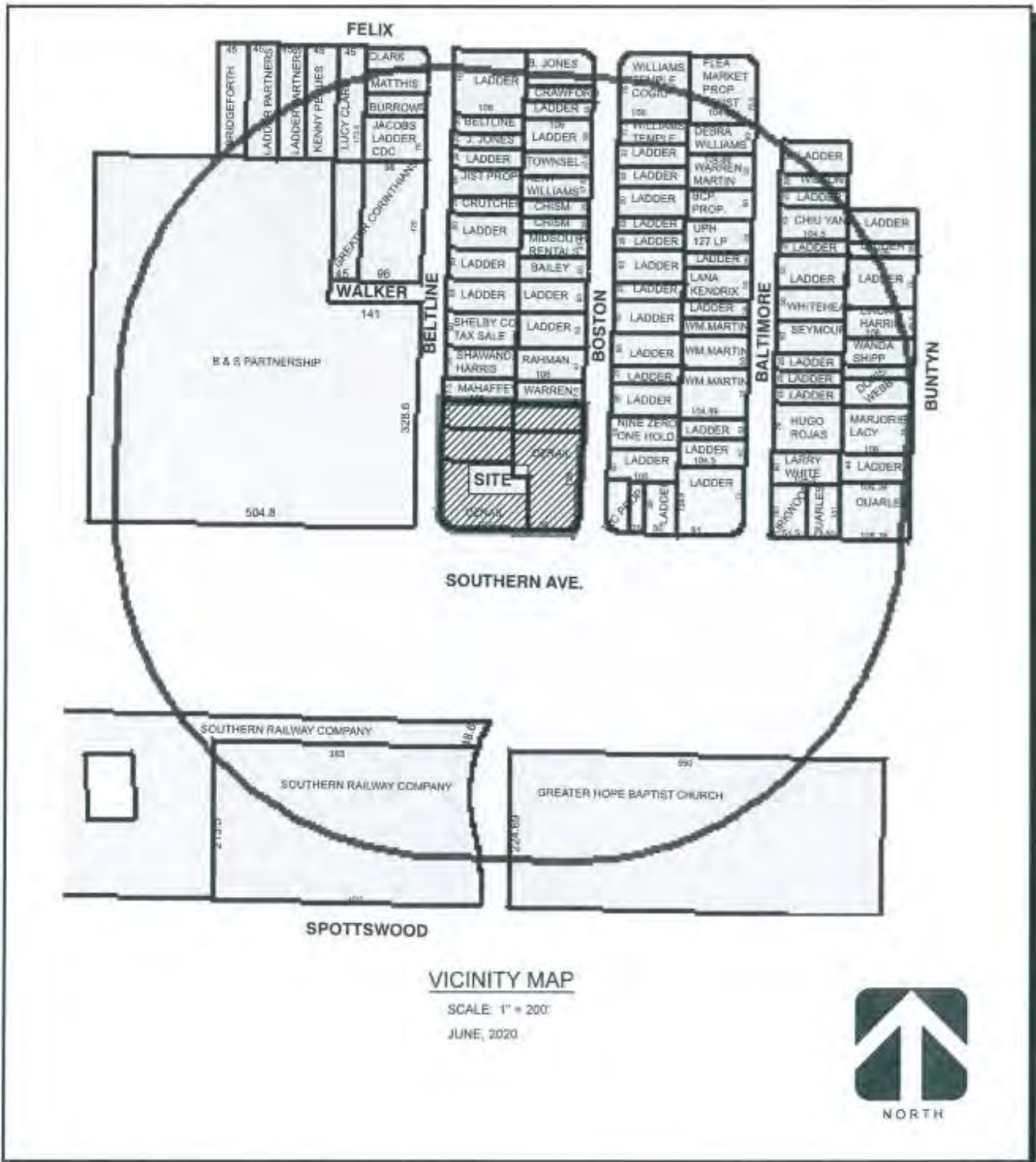
State of Tennessee
 Personally of record before
 me this 14th day of July 1890
 M. Gilchrist M. F. Gilchrist and
 W. M. Stratton the within named persons
 whom I am personally acquainted and
 whose knowledge of the execution of the
 instrument is in previous testimony
 in this case and whose official seal
 appears this 14th day of July 1890.
 J. B. [Signature] Clerk, Public

State of Tennessee
 Personally of record before
 me this 14th day of July 1890
 M. Gilchrist M. F. Gilchrist and
 W. M. Stratton the within named persons
 whose official seal
 appears this 14th day of July 1890.
 J. B. [Signature] Clerk, Public



Subject property includes half of Lot 9, half of Lot 52, as well as Lots 1, 2, 3, 4, 5, 6, 7, 8, 53, 54, 55, 56, 57, 58, 59, and 60 of Block A of the Belt Line Subdivision

VICINITY MAP



VICINITY MAP

SCALE: 1" = 200'

JUNE, 2020



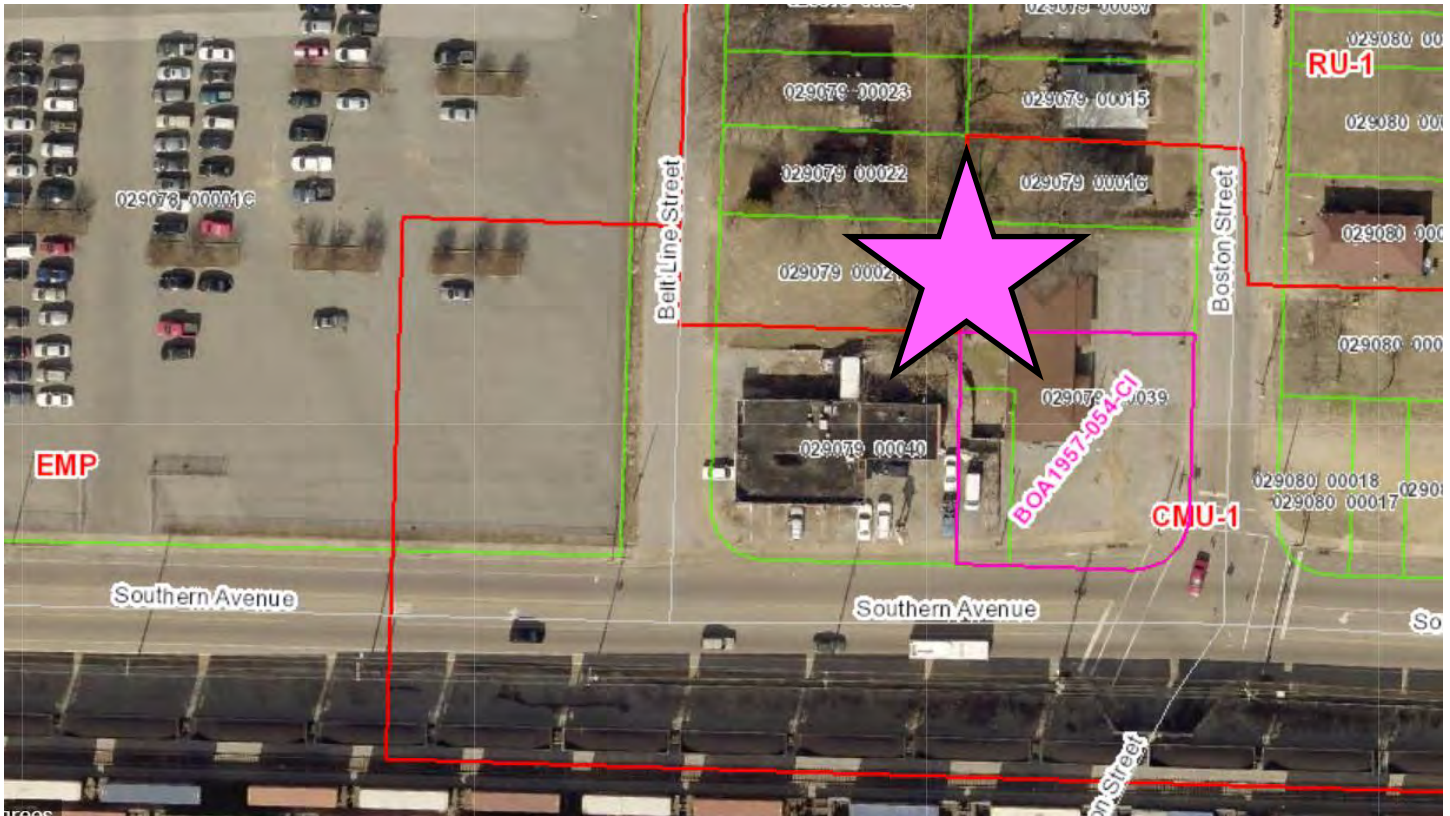
McCaskill & Associates, Inc.
Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
website: www.mccaskillinc.com
(901) 382-2577

AERIAL



ZONING MAP

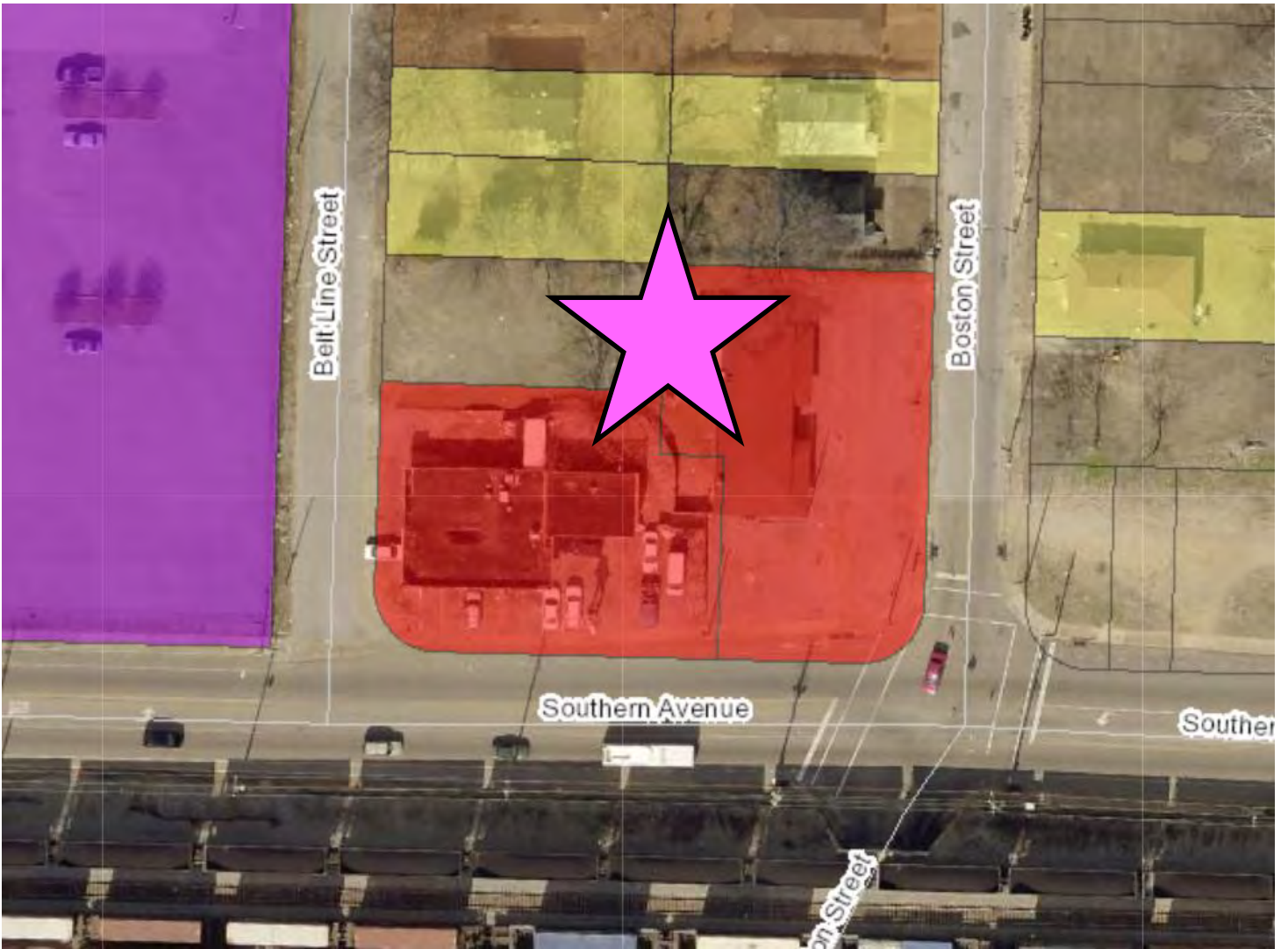


Existing Zoning: Commercial Mixed Use – 1 and Residential Urban – 1

Surrounding Zoning:

- **North:** Residential Urban – 1
- **East:** Commercial Mixed Use – 1 and Residential Urban – 1
- **South:** Employment
- **West:** Commercial Mixed Use – 1 and Employment

LAND USE MAP



SITE PHOTOS



A nearby mural (at Midland and Buntyn) includes a graphic representation of the street sign at the intersection of Southern and Belt Line, demonstrating the importance of the subject location to the Belt Line neighborhood.



A view of subject structures from Southern



This subject structure – a vacant home – fronts Boston.



View of subject structure – a vacant restaurant – from Boston



This subject structure – a vacant home – fronts Belt Line.



This subject parcel fronts Belt Line.



View of subject structure – a vacant liquor store – from Belt Line



View south down Boston



View south down Belt Line

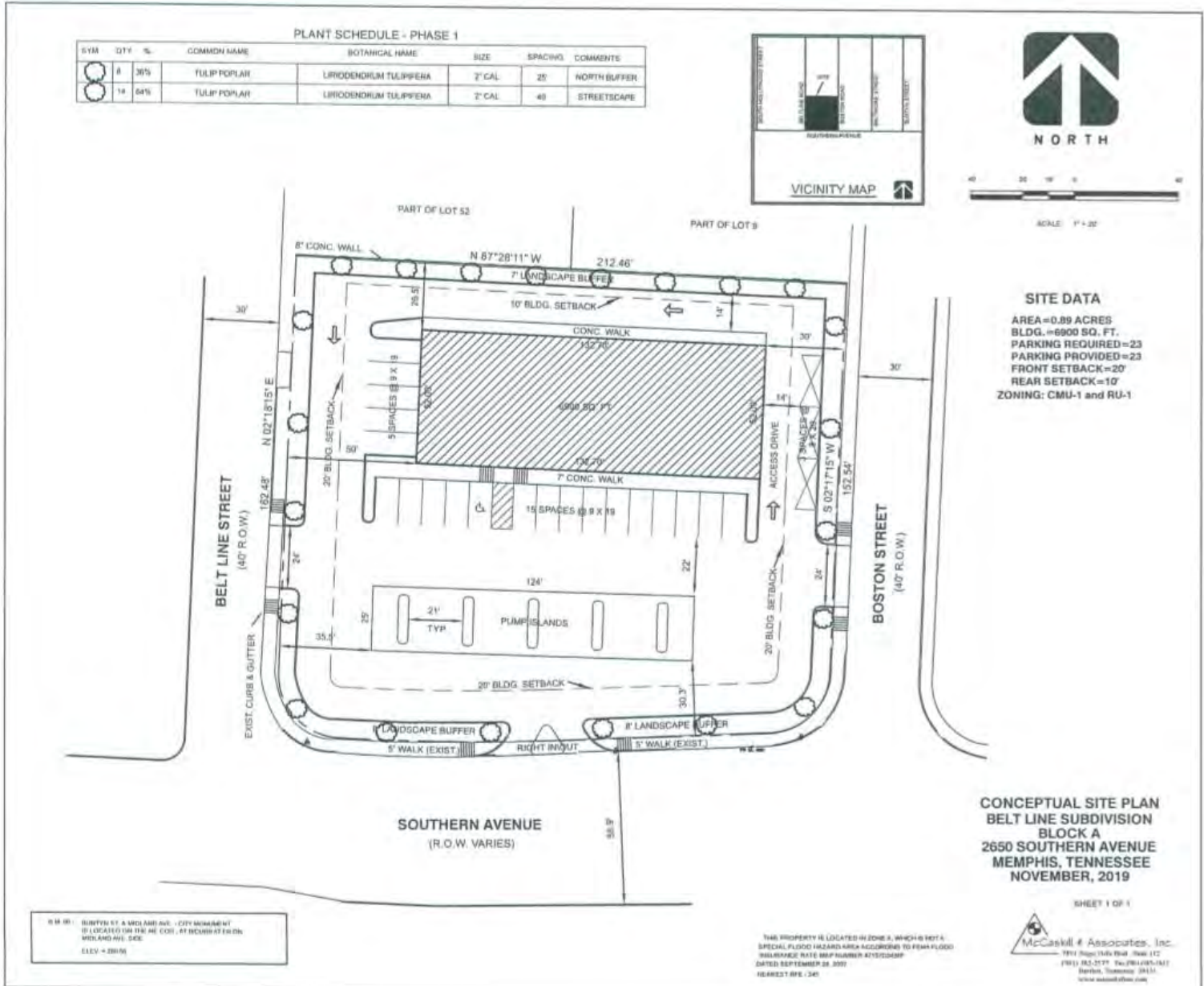


View west down Southern



View east down Southern

SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a convenience store with gas sales.

The application and letter of intent have been added to this report.

Approval Criteria

Staff *agrees* the approval criteria as regards special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse 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.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The 0.9-acre subject site consists of 16 lots and two half-lots of Block A of the Belt Line Subdivision of 1890. The site has frontages on three rights-of-way: Southern, Belt Line and Boston. In each case, overhead utilities run along the opposite side of the street from the subject site. No street frontage has any landscape strips, and part of the Belt Line frontage has no sidewalk at all. The site contains multiple structures, including two blighted, single-story houses built circa the 1950s; a single-story, 2458-square foot commercial structure built in 1961 that houses a convenience store and a vacant liquor store; and a blighted, single-story, 2310-square foot commercial structure built in 1966. Several dumpsters are located on site, as well as a shipping container.

Site Plan Review

A full site plan review will be conducted upon approval, if approved.

Conclusions

The applicant has requested a special use permit for a convenience store with gas sales on the northern block face of Southern between Belt Line and Boston.

Approval of this special use permit is subject to approval of a rezoning application (Z 20-8) filed concurrently by the applicant. Said rezoning application concerns 580 and 584 Belt Line – 0.2 acres of the total 0.9-acre site.

Convenience stores with gas sales are permitted by right in the Commercial Mixed Use – 1 (CMU-1) zoning district only if located at the intersection of two major streets; otherwise, a special use permit is required.

Presently, the subject site contains several blighted structures, which may have a deleterious effect on the value of nearby residences. Their demolition and replacement with a successful retail business may aid the neighborhood's quality of life.

The subject location is at the heart of the Belt Line neighborhood (see p. 9), ideal for walkable, neighborhood-oriented retail as intended by the CMU-1 zoning district.

The sale of gasoline would increase the viability of the proposed convenience store, as the number of neighborhood households has been decreased by urban blight.

For these reasons, staff finds that the proposal meets the special use permit criteria.

RECOMMENDATION

Staff recommends *approval* with the following conditions:

1. Any nonconforming sign, fencing, or lighting shall be removed.
2. A maximum of one detached sign shall be permitted. No window signs shall be permitted.
3. All nonconforming curb cuts shall be closed with the appropriate streetscape plate.
4. A bicycle repair stand and air pump, specifications of which shall be approved by the Office of Planning and Development, shall be installed for public use.
5. All facades of the convenience store shall be of masonry construction.
6. The Southern façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
7. Canvas shall be the only permitted awning material. No plastic awnings shall be permitted.
8. A revised plan set that demonstrates compliance with the above conditions and all standards of the Unified Development Code shall be submitted to the Office of Planning and Development for review and approval.

BIBLIOGRAPHY

Robert J. Gibb, ASLA. "Neighborhood Retail." *Sustainable Urbanism*, ed. Douglas Farr, first edition, pub. John Wiley & Sons, Inc., 2008, pp. 139-143.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. The minimum sidewalk width is 6 feet when the sidewalk is adjacent to the curb. Provide adequate sidewalk width on Southern Avenue.
6. Install a curb ramp on the northeast corner of Southern at Belt Line.
7. Install a sidewalk along the entire Belt Line frontage.
8. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
9. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the northwest corner of Southern at Boston.

Traffic Control Provisions:

10. 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.
11. 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.
12. 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 for 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. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

13. The City Engineer shall approve the design, number and location of curb cuts.
14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
15. No curb cuts shall be allowed on Boston due to the proximity of the Traffic Signal at Boston/Southern.
16. A right-in right-out curb cut will be allowed on Southern Avenue in the general vicinity as shown on the site plan.
17. A full movement curb cut will be allowed on Belt Line in the general vicinity as shown on the site plan.

Drainage:

18. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

Site Plan Notes:

19. Demonstrate that a fuel delivery truck will be able to maneuver through the site to service the underground fuel tank(s). Show the underground fuel tank(s) on the site plan.
20. Show the dumpster location on the site plan.

Office of Comprehensive Planning:

Based on the Existing, Adjacent Land Use and Zoning, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



The red box indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

A portion of this site is designated as Primarily Single-Unit Neighborhoods (NS). NS areas are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.



The other portion of this site is designated as Low Intensity Commercial and Service (CSL). CSL areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities. See graphic portrayal to the right.



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.

“CSL” Goals/Objectives:

Improved development patterns along auto-oriented commercial corridors, revitalization.

“NS” Form & Location Characteristics:

Primarily detached, house-scale buildings. Primarily residential, 1-3 stories in height. Beyond 1/2 mile from a Community Anchor.

“CSL” Form & Location Characteristics:

Commercial and services uses. 1-4 stories in height.

The applicant is seeking a special use permit and rezoning from RU-1 to CMU-1 to allow a gas station.

The request meets the criteria because a majority of the site and the parcel frontage is in a CSL area, along an Avenue street type. Commercial uses of this size are compatible in CSL areas and the plan recommends a natural buffer between the site and the neighboring single-family residential.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential, Commercial, Industrial, and Vacant land. The subject site is surrounded by the following zoning districts: CMU-1, RU-1, and EMP. This requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcels is similar in nature to the requested use.

4. Degree of Change map



The red box indicates the application site. There is no Degree of Change.

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Bradyn Carson, Office of Comprehensive Planning

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
 CITY HALL, 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

**APPLICATION FOR SPECIAL USE PERMIT
 APPROVAL/AMENDMENT**

Date: 7/1/2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Ameen Z. Ozrail Phone #: 901-462-5581

Mailing Address: 3588 Poplar Ave. City/State: Memphis, TN Zip 38111

Property Owner E-Mail Address: aoz2018@yahoo.com

Applicant: same as owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: Tim McCaskill Phone #: 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Representative E-Mail Address: tim@mccaskillinc.com

Engineer/Surveyor: McCaskill and Associates, Inc. Phone # 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Engineer/Surveyor E-Mail Address: tim@mccaskillinc.com

Street Address Location: 2638-2650 Southern Ave.

Distance to nearest intersecting street: North side of Southern Avenue, East side of Bell Line Street, West side of Boston St.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.89 acres</u>	_____	_____
Existing Zoning:	<u>CMU-1</u>	_____	_____
Existing Use of Property	<u>retail</u>	_____	_____
Requested Use of Property	<u>Convenience store with gas pumps</u>	_____	_____


Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
 Yes ___ No ___

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

Number of Residential Units: _____ Bedrooms: _____
 Expected Appraised Value per Unit: _____ or Total Project: _____

Variations: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

 7/1/2020 _____
Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: March, 2019 with Chip Saliba

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes _____ Not yet X
(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse 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 (UDC sub-section 9.6.9A).

This development will be an improvement over the existing retail center.

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

The project is compatible with the immediate vicinity and will not interfere with the development and use of adjacent property.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

All streets and utilities are existing and will be used by this development.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

There are no significant natural, scenic or historic features on site.

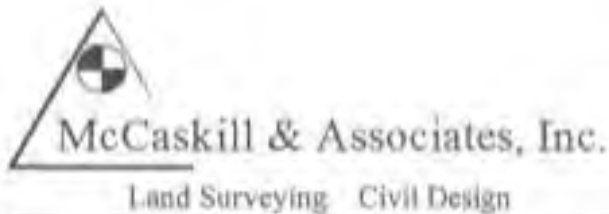
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

This project complies with all additional standards.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

The project will not adversely affect the development of adjacent properties.

LETTER OF INTENT



7891 Stage Hills Blvd, Suite 112
Bartlett, TN 38133
www.mccaskillinc.com
(901)382-2577 (901)385-1813 Fax

July 6, 2020

Letter of Intent
2638-2650 Southern Avenue

This proposed development consists of a 6,900 sq. ft. retail center with gasoline sales. It is replacing an existing retail center that is much in need of demolition. The development of this property will be an enhancement to the surrounding neighborhood. The area North of the site has many vacant lots that are currently not being redeveloped. Any improvement to the area is much needed.

A convenience store with gasoline sales can only be at the intersection of two arterials, an arterial and collector or two collectors without the issuance of a Special Use Permit. That is the reason for this application.

Consultant: Tim McCaskill
McCaskill and Associates, Inc.
7891 Stage Hills Blvd, Suite 112
Bartlett, Tennessee 38133
901-382-2577

SIGN AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 7:15 pm am/pm on the 31 day of JULY, 2020, I posted 4 Public Notice Sign(s) pertaining to Case No. (3)-SUP 20-08 & (1)-Z 20-08 at 2638,2650, Southern and 580, 584 Bellline, 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 (Planned Development, x Special Use Permit, X Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

8/1/2020
Date

Subscribed and sworn to before me this 1 day of August, 2020.

[Signature]
Notary Public

My commission expires: June 15, 2022



LETTERS RECEIVED

No letters received at the time of completion of this report.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6 October 2020

DATE

PUBLIC SESSION: 6 October 2020

DATE

ITEM (CHECK ONE)

ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 _____ RESOLUTION _____ GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: An ordinance approving a zoning change

CASE NUMBER: Z 20-8

DEVELOPMENT: Convenience store with gas sales

LOCATION: 580 and 584 Belt Line Street

COUNCIL DISTRICTS: District 4 and Super District 8

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail

REPRESENTATIVES: Tim McCaskill and Associates, Inc.

EXISTING ZONING: Residential Urban – 1

REQUEST: Commercial Mixed Use – 1

AREA: 0.2 acres

RECOMMENDATION: The Office of Planning and Development recommended *Approval*
 The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
 Set a date for first reading – 1 September 2020
 Public Hearing on third reading – 6 October 2020

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
13 August 2020 DATE
 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	ADMINISTRATOR
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	PRINCIPAL PLANNER
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN

October 6, 2020



Memphis City Council Summary Sheet

Z 20-8

Ordinance approving a zoning change for the parcels located at 580 and 584 Belt Line Street:

- This item is an ordinance for the rezoning from Residential Urban – 1 to Commercial Mixed Use – 1 at the aforementioned location; and
- Approval of this zoning change will be reflected on the Memphis and Shelby Counting Zoning Atlas; and
- The Office of Planning and Development sponsors this ordinance at the request of Owner/Applicant: Ameen Ozrail and Ziad Ozrail.
- No contracts are affected by this item, nor is any expenditure required.

AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON 10 AUGUST 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES TO THE ZONING ATLAS PROVIDED IN SAID ORDINANCE

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 20-8**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Office of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to the Zoning Atlas, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL URBAN – 1 ZONING DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 ZONING DISTRICT.

The following property located in the City of Memphis, Tennessee, being more particularly described as follows:

The 0.21 acres that consist of the southern half of Lot 52, as well as Lots 53, 54, and 55 of Block A of the Belt Line Subdivision, also presently known as parcels 029079 00021 and 029079 00022.

SECTION 2:

THAT, the Administrator of the Office of Planning and Development be, and is hereby directed to make the necessary changes in the Zoning Atlas to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chair of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

SURVEY OF SUBJECT PROPERTY



 **McCaskill & Associates, Inc.**
Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
www.mccaskillinc.com
(901) 382-2577 Fax (901) 385-1813

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 13 August 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 20-8
LOCATION: 580 Belt Line Street and 584 Belt Line Street
COUNCIL DISTRICT(S): District 4 and Super District 8
OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.
REQUEST: Rezoning of two parcels from Residential Urban – 1 to Commercial Mixed Use – 1
AREA: 0.2 acres
EXISTING ZONING: Residential Urban – 1

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with the attached conditions.

The motion passed by a vote of 10-0 on the consent agenda.

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a telephonic Public Hearing will be held by the Council of the City of Memphis on Tuesday 6 October 2020 at 3:30 p.m., regarding a proposed amendment to the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 20-8
LOCATION: 580 and 584 Belt Line Street
COUNCIL DISTRICTS: District 4 and Super District 8
OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.
EXISTING ZONING: Residential Urban – 1
REQUEST: Commercial Mixed Use – 1
AREA: 0.2 acres

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development: *Approval*
Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday 6 October 2020 at 3:30 p.m., the Council of the City of Memphis, Tennessee, will be in telephonic session to hear remonstrances or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

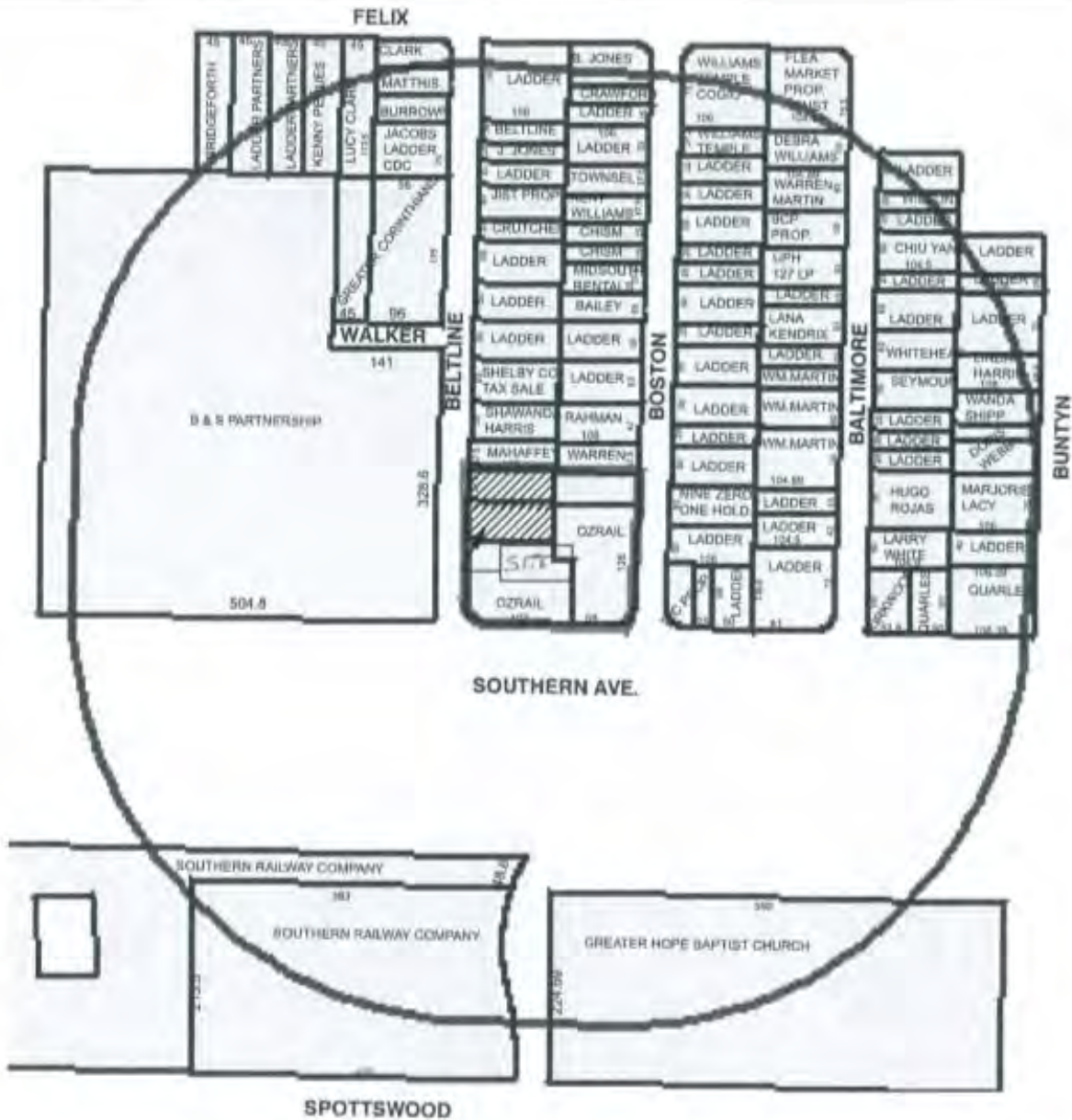
THIS THE _____, _____

PATRICE ROBINSON
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



SOUTHERN AVE.

VICINITY MAP

SCALE: 1" = 200'
 JUNE, 2020



McCaskill & Associates, Inc.

Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
 Bartlett, Tennessee 38133
 website: www.mccaskillinc.com
 (901) 382-2577

Greater Corinthians MB Church
2626 Walker Ave.
Memphis, TN 38111

Paul L. Chism
10594 Midnight Sun Dr.
Collierville, TN 38017

UPH 127 LP
5099 Old Summer Road
Memphis, TN 38122

Andrew Crawford
406 Palisade Dr.
Florence, AL 35630

Leon Warren
575 Boston St.
Memphis, TN 38111

Ladder Partners LLC
2892 Tishomingo Lane
Memphis, TN 38111

TLC Properties, Inc.
1600 Century Center #104
Bartlett, TN 38134

Southern Rail Co.
2478 Spottswood Ave.
Memphis, TN 38114

Wanda Shipp
4785 Alicia Dr. #425
Virginia Beach, VA 23462

Josephine Seymour
568 Baltimore St.
Memphis, TN 38111

Linda Harris
563 Buntyn St.
Memphis, TN 38111

Richard Whitehead
721 Woodland Trace Ln.
Cordova, TN 38018

Donnell Burrow
4536 Marble Hill Lane
Bartlett, TN 38135

Belt Line Properties LLC
7500 Capital Dr.
Germantown, TN 38138

Williams Temple COGIC
536 Boston
Memphis, TN 38111

Averill Properties Inc.
P.O. Box 292
Memphis, TN 38101

Debra Williams
2031 Janis Drive
Memphis, TN 38116

B & S Partnership
2500 Citywest Blvd, Suite 900
Houston, TX

Southern Railway Co.
2648 Spottswood Ave.
Memphis, TN 38114

Greater Hope Baptist Church
2660 Spottswood Ave.
Memphis, TN 38114

Onza Spiller
2597 Felix Ave.
Memphis, TN 38111

Lucy Clark
525 Belt Line St.
Memphis, TN 38111

Kent Williams
547 Boston St.
Memphis, TN 38111

VSH Home Builders LLC
111 S. Highland St. # 179
Memphis, TN 38111

Curtis Kirkwood
9211 Chastain Pl.
Cordova, TN 38018

Larry White
588 Baltimore St.
Memphis, TN 38111

Marjorie Lacy
581 Buntyn St.
Memphis, TN 38111

Hugo Rojas
3924 S. Quemoy Ct.
Aurora, CO 80018

Doris Webb & Raishene Webb
575 Buntn St.
Memphis, TN 38111

Chiu Yan
9245 Loganberry Ln.
Cordova, TN 38016

Leona Matthis
533 Belt Line St.
Memphis, TN 38111

Kenney Pegues
2609 Felix Ave.
Memphis, TN 38111

Buntn Community Development
1779 Kirby Parkway #1572
Germantown, TN 38138

Mid South Rentals LLC
111 S. Highland St.
Memphis, TN 38111

Est. of A. W. Bailey
557 Boston St.
Memphis, TN 38111

Lana Kendrix
731 Semmes St.
Memphis, TN 38111

Beatrice Jones
525 Boston St.
Memphis, TN 38111

Tracis M. Martin
1185 Hester Rd.
Memphis, TN 38116

Shawanda Harris
237 Madison Blvd
Madison, TN 37115

Muhammad Rahman
6475 Palm Pl.
Vero Beach, FL 32967

Jacobs Ladder CDC
158 Marne
Memphis, TN 38111

Nine Zero One Holdings, LLC
P.O. Box 17573
Memphis, TN 38187

Willie Crutcher
1808 Kingsview Dr.
Memphis, TN 38114

Southern Strip Center LLC
1779 Kirby Parkway #1502
Germantown, TN 38138

Carl E. Johnson
1004 Roland St.
Memphis, TN 38114

Roy Townsel
2610 Felix
Memphis, TN 38111

AGENDA ITEM: 10

CASE NUMBER: Z 20-8 **L.U.C.B. MEETING:** 13 August 2020
LOCATION: 580 Belt Line Street and 584 Belt Line Street
COUNCIL DISTRICT: District 4 and Super District 8
OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.
REQUEST: Rezoning of two parcels from Residential Urban – 1 to Commercial Mixed Use – 1
AREA: 0.2 acres
EXISTING ZONING: Residential Urban – 1

CONCLUSIONS (see p. 12)

1. The applicant has requested the rezoning of a 0.2-acre site on Belt Line Street approximately 100 feet north of Southern Avenue.
2. The applicant is concurrently seeking approval of a special use permit (SUP 20-8) for a convenience store with gas sales on a 0.9-acre site that includes the subject parcels.
3. The proposed rezoning would straighten the presently zigged boundary between the residential and commercial zoning districts that span Block A of the Belt Line Subdivision (see p. 7), thus creating a more orderly environment for development.
4. Staff finds that the requested zoning change is compatible with the use and zoning of nearby properties, and that the subject site is a suitable location for neighborhood-oriented commercial development.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 13-15)

Per the Office of Comprehensive Planning, this proposal is *consistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 12)

Approval

GENERAL INFORMATION

Street Frontage: Belt Line Street (Local Street) 87.5 linear feet
Zoning Atlas Page: 2135
Parcel ID: 029079 00021 and 029079 00022
Existing Zoning: Residential Urban – 1

NEIGHBORHOOD MEETING

A neighborhood meeting was held on-site on 30 July 2020.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 48 notices were mailed on 23 July 2020, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Belt Line neighborhood

BELT LINE SUBDIVISION (1890)

Stratton & Gilchrist
 Belt line subdivision of Lots
 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 + 30

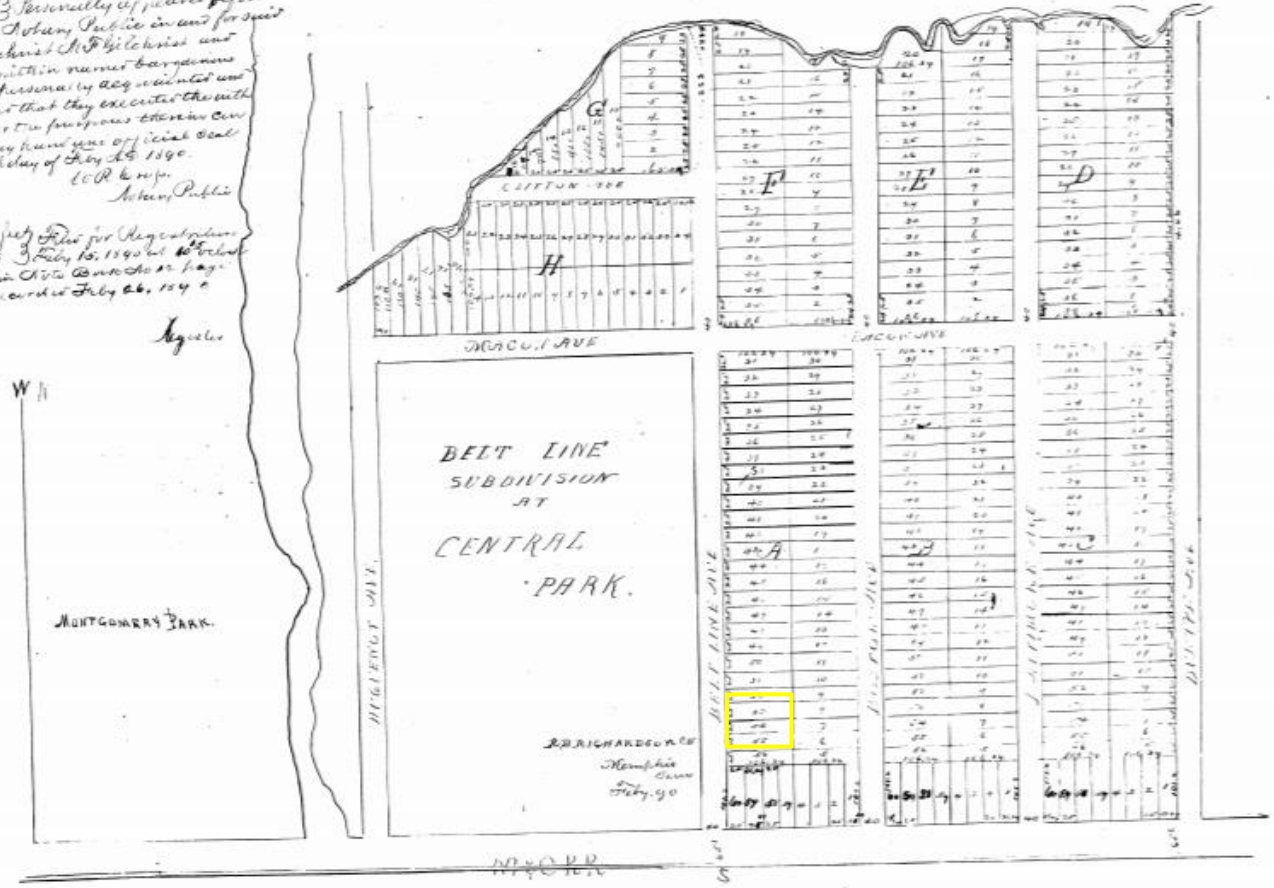
of the
 N.M. Improvement Subdivision
 We hereby adopt this Subdivision
 this July 14, 1890. M. Gilchrist
 M. Stratton
 M. Stratton

State of Tennessee
 County of Shelby
 Personally appeared before
 me the undersigned Notary Public in and for said
 County M. M. Gilchrist, M. Stratton and
 M. Stratton the within named bargainers
 to whom I am personally acquainted and
 whose knowledge of the execution of the within
 instrument is in previous relation con-
 cerning the same, and they have signed the same
 in presence of me this 14th day of July 1890.
 Notary Public

State of Tennessee
 County of Shelby
 Personally appeared before
 me the undersigned Notary Public in and for said
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 M. Stratton the within named bargainers
 to whom I am personally acquainted and
 whose knowledge of the execution of the within
 instrument is in previous relation con-
 cerning the same, and they have signed the same
 in presence of me this 14th day of July 1890.
 Notary Public

Agnes

BELT LINE SUBDIVISION
 OF LOTS 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 + 30 OF THE
 N.M. IMPROVEMENT SUBDIVISION
 BY
 24th OF JULY
 STRATTON & GILCHRIST.

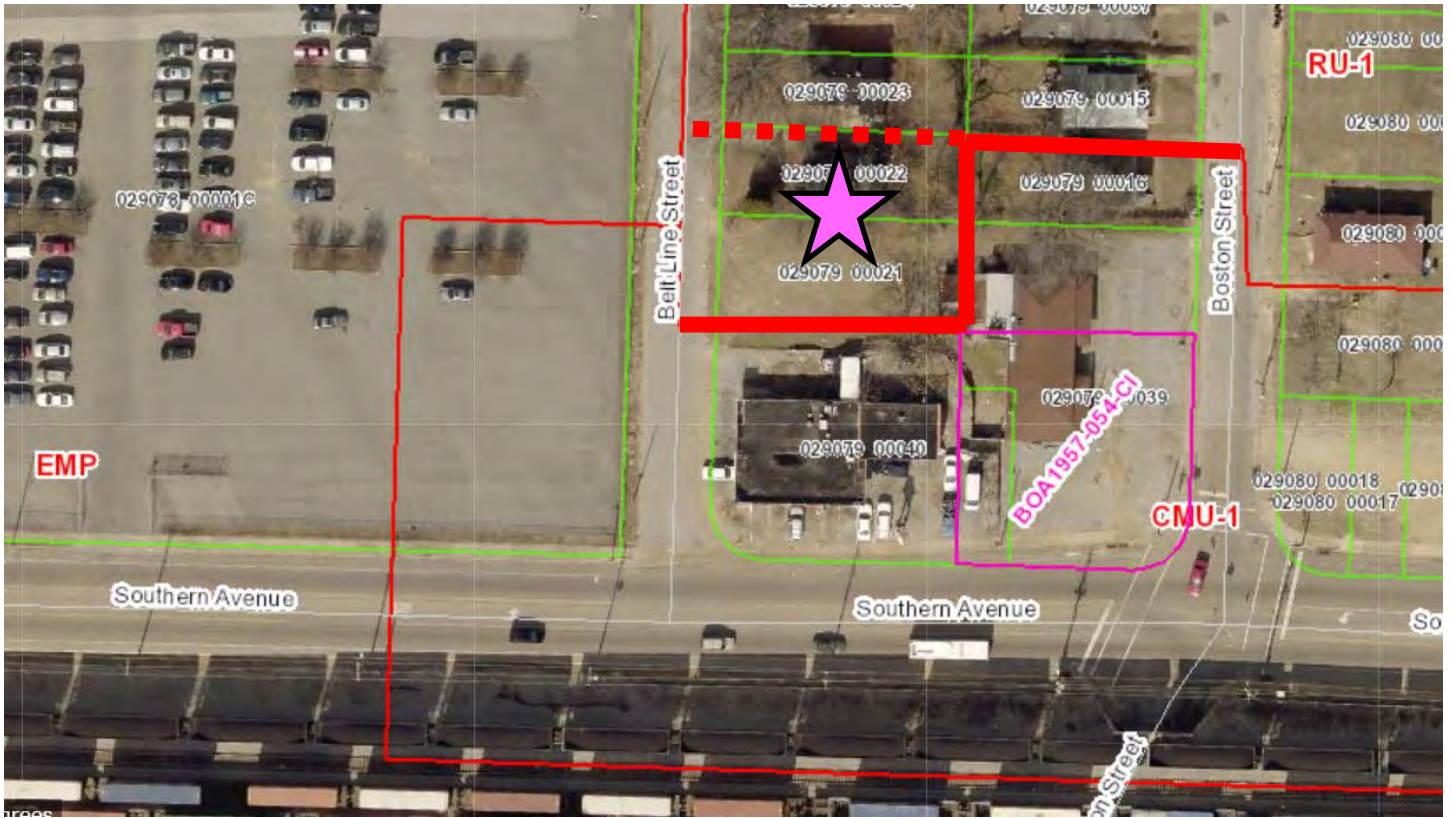


Subject property includes half of Lot 52 as well as Lots 53, 54, and 55 of Block A of the Belt Line Subdivision.

AERIAL



ZONING MAP



LEGEND

Existing Zoning Boundary



Proposed Zoning Boundary



Two subject parcels



Existing Zoning:

Residential Urban – 1

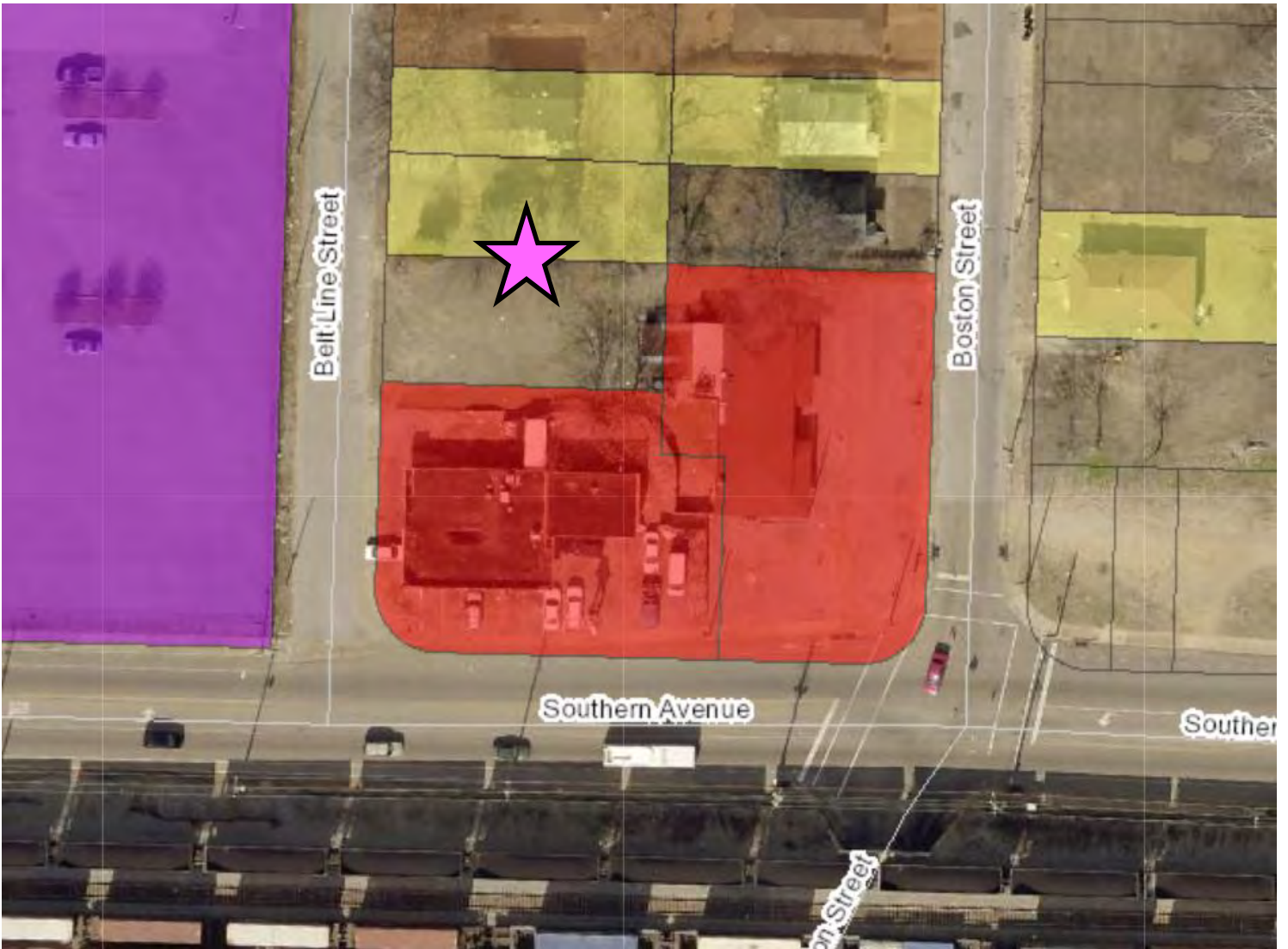
Surrounding Zoning:

- **North:** Residential Urban – 1
- **East:** Commercial Mixed Use – 1
- **South:** Commercial Mixed Use – 1
- **West:** Commercial Mixed Use – 1 and Employment

COMMENTARY

The zigged boundary between the residential and commercial zoning districts has been emboldened. The proposal would straighten this line by rezoning the two subject parcels (identified by the star) to the commercial district, as shown by the dotted line.

LAND USE MAP



SURVEY



NORTH

SCALE: 1" = 30'



**SURVEY OF
 LOTS 53, 54, 55
 AND PART OF LOT 52
 BELT LINE SUBDIVISION
 580 & 584 BELT LINE STREET
 WARD 29, BLOCK 79, PARCELS 21 & 22
 MEMPHIS, TENNESSEE
 JULY, 2020**



7891 Stage Hills Boulevard Suite 112
 Bartlett, Tennessee 38133
 www.mccaskillinc.com
 (901) 382-2577 Fax (901) 385-1813

SITE PHOTOS



View of northern parcel to be rezoned



View of southern parcel to be rezoned

STAFF ANALYSIS

Request

The request is the rezoning of a 0.2-acre site from Residential Urban – 1 to Commercial Mixed Use – 1.

The application and letter of intent have been added to this report.

Review Criteria

Staff *agrees* the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The 0.2-acre subject site consists of two parcels which comprise 3.5 lots of Block A of the Belt Line Subdivision of 1890. The northern parcel contains a blighted, single-story, 759-square foot house built in 1955. The southern parcel is vacant.

Conclusions

The applicant has requested the rezoning of a 0.2-acre site on Belt Line Street approximately 100 feet north of Southern Avenue.

The applicant is concurrently seeking approval of a special use permit (SUP 20-8) for a convenience store with gas sales on a 0.9-acre site that includes the subject parcels.

The proposed rezoning would straighten the presently zigged boundary between the residential and commercial zoning districts that span Block A of the Belt Line Subdivision (see p. 7), thus creating a more orderly environment for development.

Staff finds that the requested zoning change is compatible with the use and zoning of nearby properties, and that the subject site is a suitable location for neighborhood-oriented commercial development.

RECOMMENDATION

Staff recommends *approval*.

DEPARTMENTAL COMMENTS

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

City Engineer:

Sewers:

1. City sanitary sewers are available to serve this development.

Office of Comprehensive Planning:

Based on the Existing, Adjacent Land Use and Zoning, the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



The red box indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

A portion of this site is designated as Primarily Single-Unit Neighborhoods (NS). NS areas are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.



The other portion of this site is designated as Low Intensity Commercial and Service (CSL). CSL areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities. See graphic portrayal to the right.



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.

“CSL” Goals/Objectives:

Improved development patterns along auto-oriented commercial corridors, revitalization.

“NS” Form & Location Characteristics:

Primarily detached, house-scale buildings. Primarily residential, 1-3 stories in height. Beyond 1/2 mile from a Community Anchor.

“CSL” Form & Location Characteristics:

Commercial and services uses. 1-4 stories in height.

The applicant is seeking a special use permit and rezoning from RU-1 to CMU-1 to allow a gas station.

The request meets the criteria because a majority of the site and the parcel frontage is in a CSL area, along an Avenue street type. Commercial uses of this size are compatible in CSL areas and the plan recommends a natural buffer between the site and the neighboring single-family residential.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential, Commercial, Industrial, and Vacant land. The subject site is surrounded by the following zoning districts: CMU-1, RU-1, and EMP. This requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcels is similar in nature to the requested use.

4. Degree of Change map



The red box indicates the application site. There is no Degree of Change.

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Bradyn Carson, Office of Comprehensive Planning

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	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

APPLICATION FOR REZONING APPROVAL

Date: 7/1/2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Ameen Z. Ozrail Phone #: 901-482-5581

Mailing Address: 3588 Poplar Avenue City/State: Memphis, TN Zip 38111

Property Owner E-Mail Address: aoz2018@yahoo.com

Applicant: Same as owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: Tim McCaskill Phone #: 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Representative E-Mail Address: tim@mccaskillinc.com

Engineer/Surveyor: McCaskill & Associates, Inc. Phone # 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. City/State: Bartlett, TN Zip 38133

Engineer/Surveyor E-Mail Address: tim@mccaskillinc.com

Street Address Location: 580 & 584 Belt Line Street

Distance to nearest intersecting street: 99 2' to the North line of Southern Avenue

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.21 Acres</u>	_____	_____
Existing Zoning:	<u>RU-1</u>	_____	_____
Existing Use of Property:	<u>vacant</u>	_____	_____
Requested Use of Property:	<u>Conventional street with gas pumps</u>	_____	_____
Requested Zoning:	<u>CMU-1</u>	_____	_____

Pre-Application Conference held on: March, 2019 with Chip Saliba

Neighborhood Meeting Requirement Met: Yes or Not Yet or Not Required (see below)
 (If yes, documentation must be included with application materials)

I (we) hereby make application for the rezoning classification described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

[Signature] 7/1/2020
 Property Owner of Record Date Applicant Date

LETTER OF INTENT



7891 Stage Hills Blvd, Suite 112
Bartlett, TN 38133
www.mccaskillinc.com
(901)382-2577 (901)385-1813 Fax

July 6, 2020

Letter of Intent - rezoning
Lots 53, 54, 55, and part of Lot 52
Belt Line Subdivision

The intent of this application is to request a rezoning of 3.5 lots zoned RU-1 to CMU-1 zoning. The lots have a total of 87.5' of frontage on Belt Line Street. They are North and West of property currently zoned CMU-1. The rezoning of these lots will "square off" the commercial zoning in the block within Belt Line Street and Boston Street. The depth (99') of the current CMU-1 property makes it difficult to develop to the standards of the UDC. This rezoning will make the property more useful for improvement.

Consultant: Tim McCaskill
McCaskill and Associates, Inc.
7891 Stage Hills Blvd. Suite 112
Bartlett, Tennessee 38133
901-382-2577

SIGN AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 7:15 pm am/pm on the 31 day of JULY, 2020, I posted 4 Public Notice Sign(s) pertaining to Case No. (3)-SUP 20-08 & (1)-Z 20-08 at 2638,2650, Southern and 580, 584 Bellline, 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 (Planned Development, x Special Use Permit, X Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

8/1/2020
Date

Subscribed and sworn to before me this 1 day of August, 2020.

[Signature]
Notary Public

My commission expires: June 15, 2022



LETTERS RECEIVED

No letters were received at the time of completion of this report.