

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/03/2021

DATE

PUBLIC SESSION: 08/03/2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution to upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

CASE NUMBER: SUP 21-12

DEVELOPMENT: Gas Station

LOCATION: 3521 Lamar Avenue

COUNCIL DISTRICTS: District 4 and Super District 8

OWNER/APPLICANT: Aman Devji

REPRESENTATIVE: Neeraj Kumar

EXISTING ZONING: Employment (EMP)

REQUEST: To upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

AREA: +/-1.095 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Set hearing date for – August 3, 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 07/08/2021 _____ 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>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-12

Resolution requesting to upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Aman Devji and Representative(s): Neeraj Kumar; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY
LOCATED AT 3521 LAMAR AVENUE, KNOWN AS CASE NUMBER SUP 21-12.**

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 special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Aman Devji filed an application with the Memphis and Shelby County Office of Planning and Development to allow the upgrading of a gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials; and

WHEREAS, the Division 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 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 July 8, 2021, 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 Division 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 request use in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, This resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

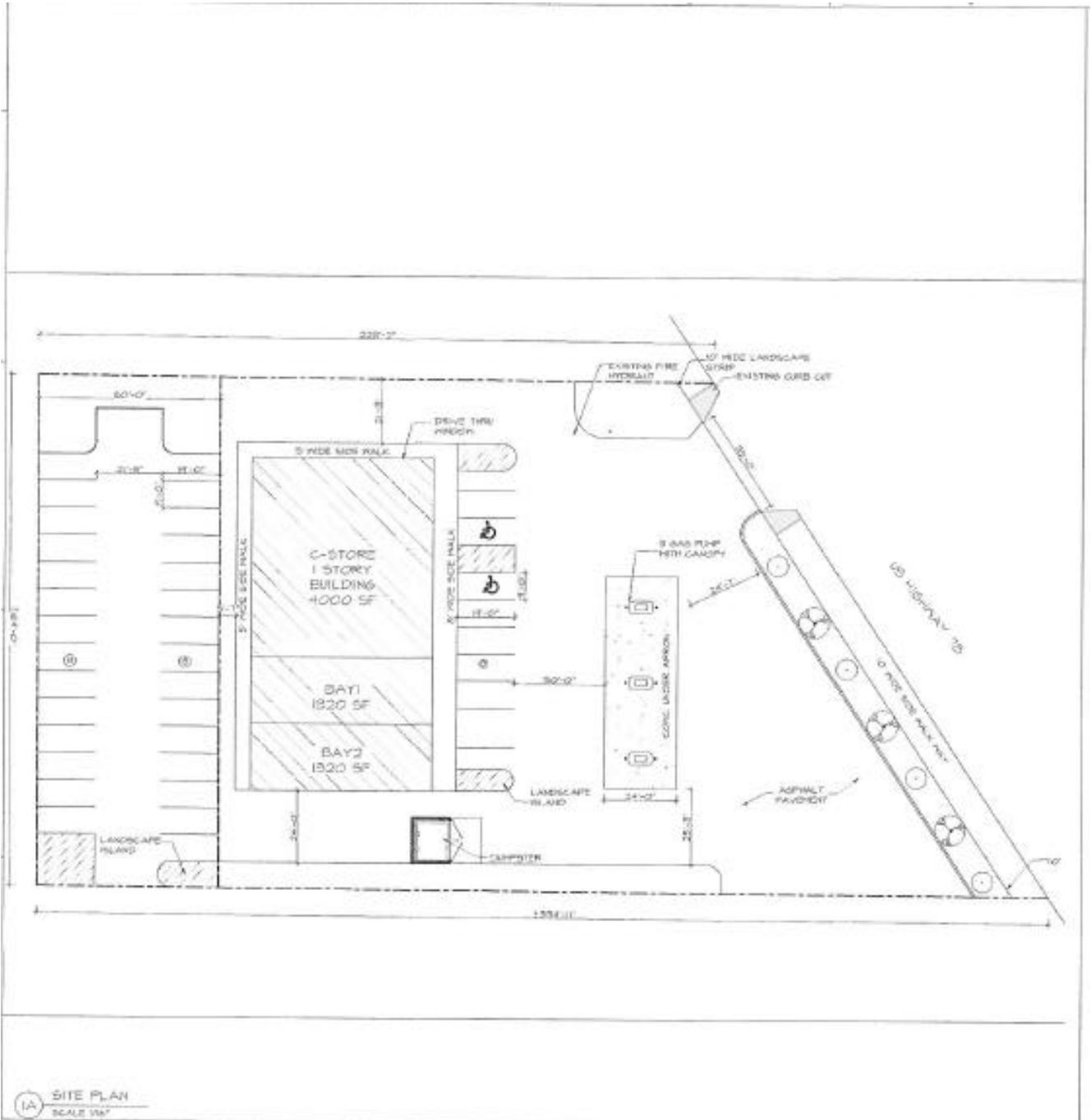
ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

CONDITIONS

1. No window signage is permitted on the front façade
2. Landscape screening is required around the rear utility units and dumpster
3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

SITE PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-12
LOCATION: 3521 Lamar Avenue
COUNCIL DISTRICT: District 4 and Super District 8
OWNER/APPLICANT: Aman Devji
REPRESENTATIVE: Neeraj Kumar
REQUEST: Upgrading an existing gas station that does not reside at the intersection of two collector streets
AREA: +/-1.095 acres
EXISTING ZONING: Employment (EMP)

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 vote of 9-0-1 on the consent agenda.

Respectfully,



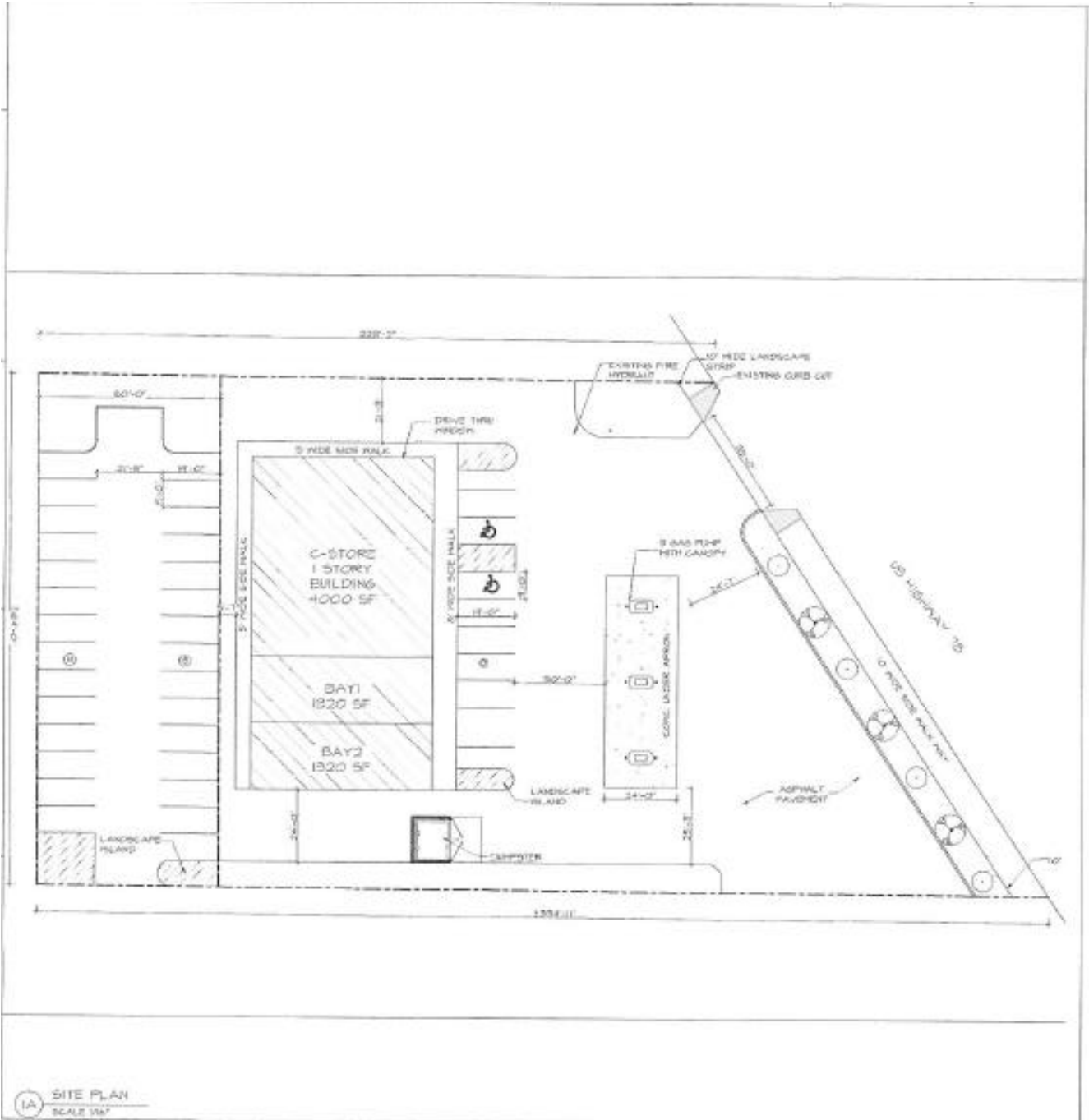
Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 21-12
CONDITIONS

1. No window signage is permitted on the front façade
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4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

SITE PLAN



(A) SITE PLAN
SCALE 1/8" = 1'-0"

AGENDA ITEM: 6

CASE NUMBER: SUP 21-12 **L.U.C.B. MEETING:** July 8, 2021

LOCATION: 3521 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Aman Devji

REPRESENTATIVE: Neeraj Kumar

REQUEST: Upgrading an existing gas station that does not reside at the intersection of two collector streets

AREA: +/-1.095 acres

EXISTING ZONING: Employment (EMP)

CONCLUSIONS

1. The applicant is seeking a Special Use Permit to upgrade an existing gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials.
2. Due to the legal non-conformity of the currently operating gas station, a Special Use Permit must be filed for any building expansion or demolition.
3. This application will greatly improve a pre-existing gas station that operates under a legal non-conforming status.
4. 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.

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 15 and 16 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Lamar Avenue +/-86.49 curvilinear feet

Zoning Atlas Page: 2235

Parcel ID: 073001 00059

Existing Zoning: Employment (EMP)

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, January 22, 2021 on Zoom.

PUBLIC NOTICE

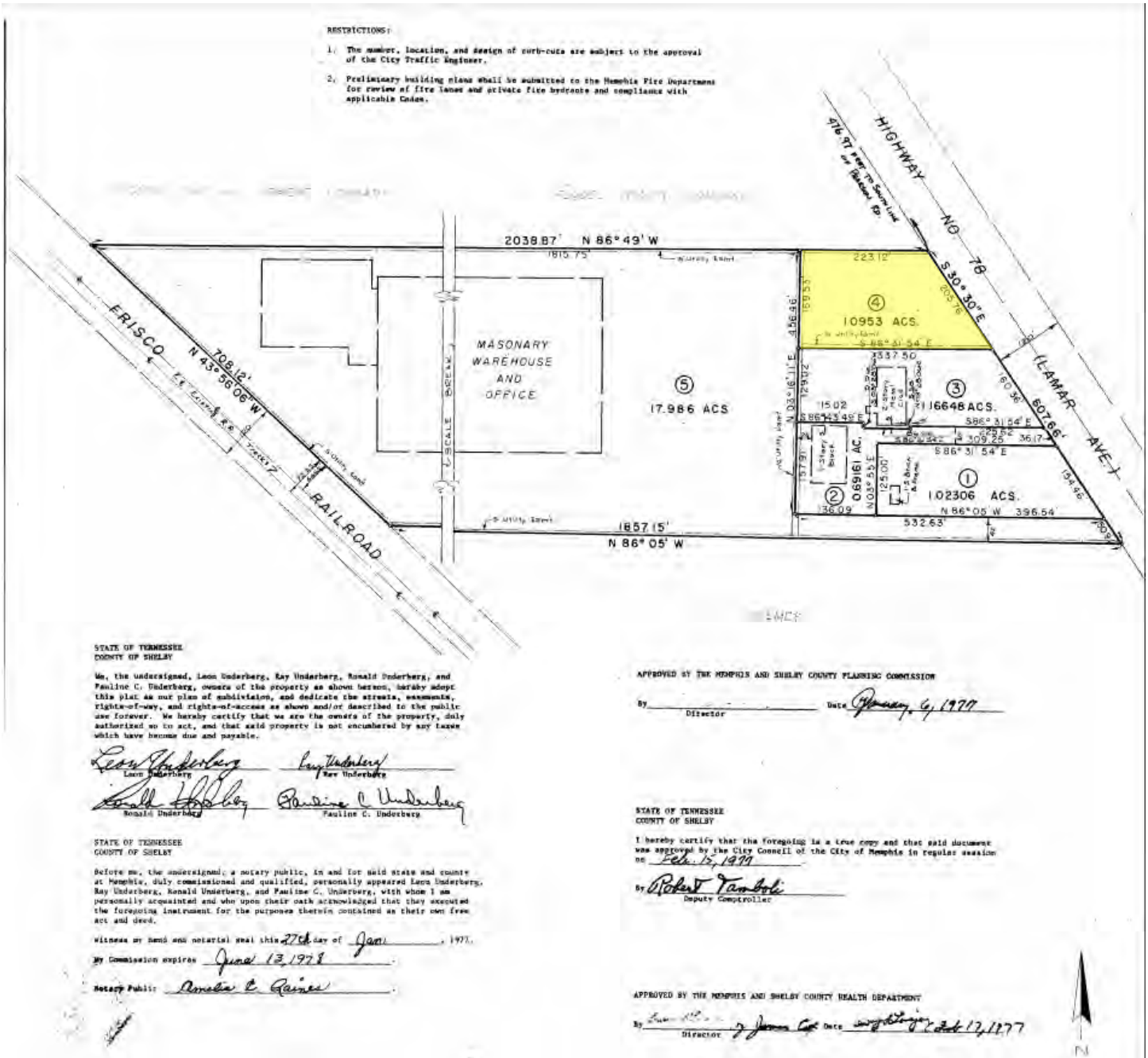
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 79 notices were mailed on June 24, 2018, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



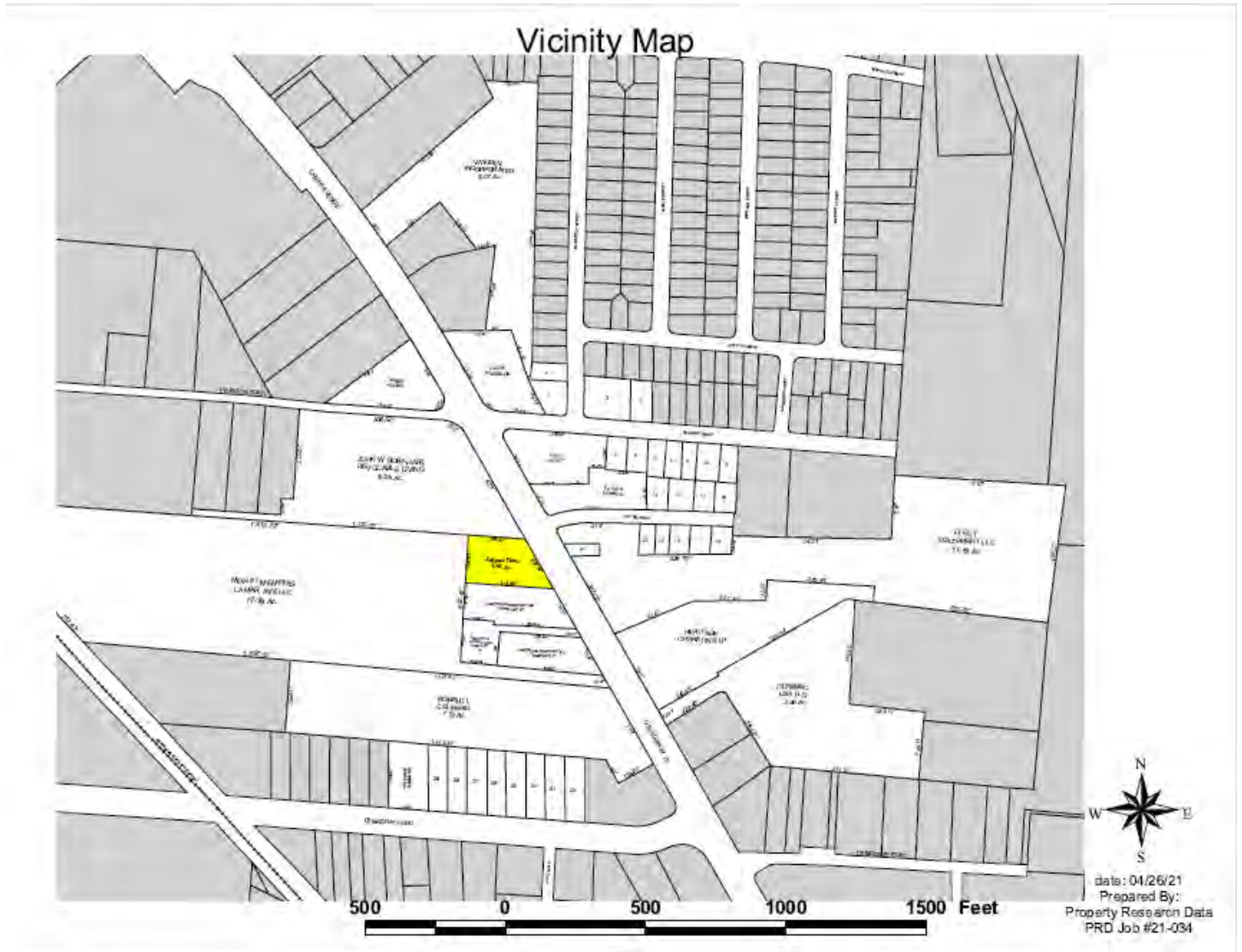
Subject property located within the pink circle, Oakville Neighborhood

Underberg Commercial Subdivision (1977)



Subject property highlighted in yellow, Lot 4

VICINITY MAP



Site highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Employment (EMP)

Surrounding Zoning

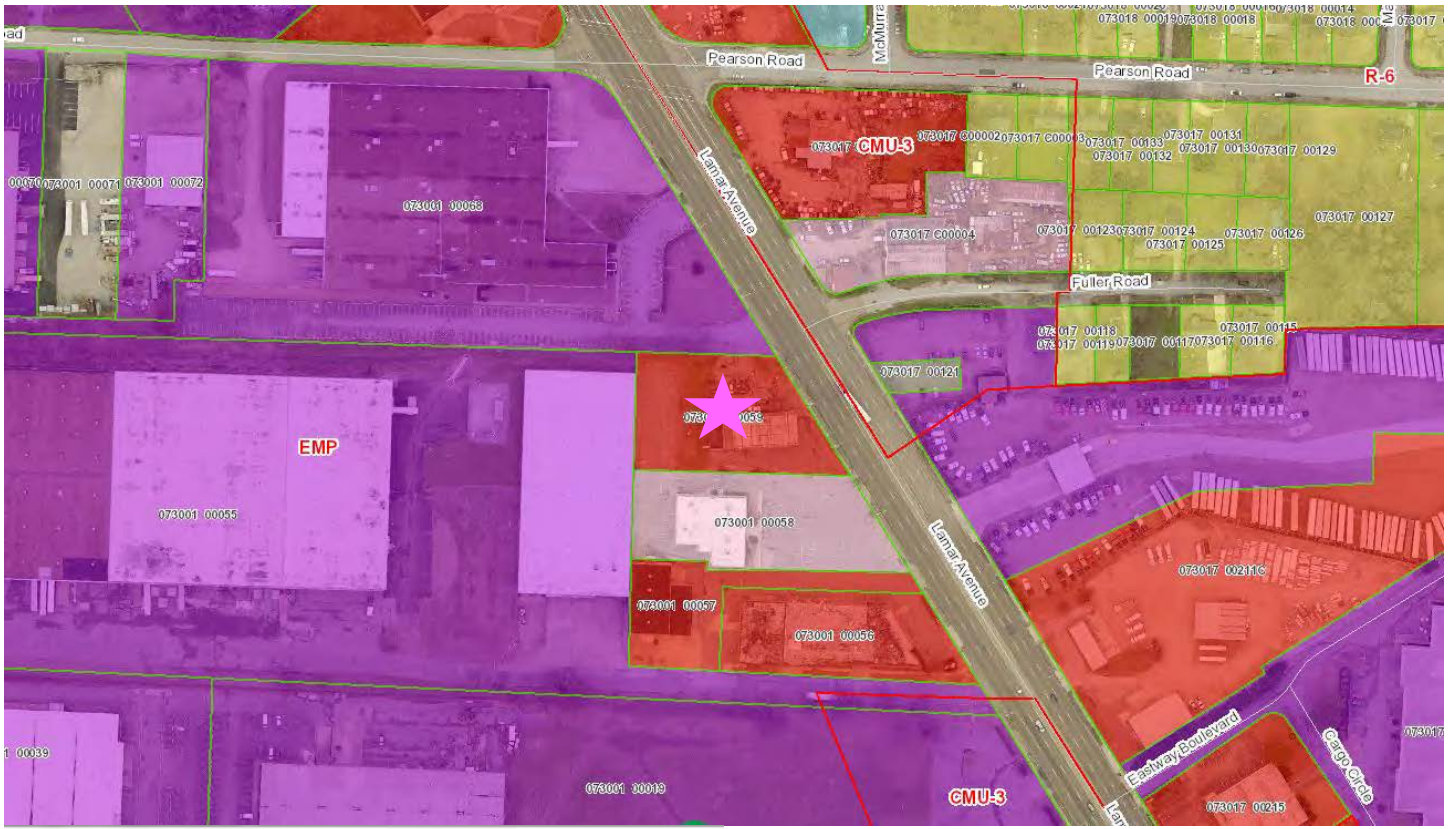
North: Employment (EMP), CMU-3 and BOA 65-098-CI

East: Employment (EMP), CMU-3, R-6, BOA 52-015-CO, BOA 40-054-CO, BOA 53-047-CO

South: Employment (EMP), CMU-3, PD Z-2780, BOA 55-114-CO, SUP 05-220, UV 05-009

West: Employment (EMP), BOA 96-053, BOA 92-079

LAND USE MAP

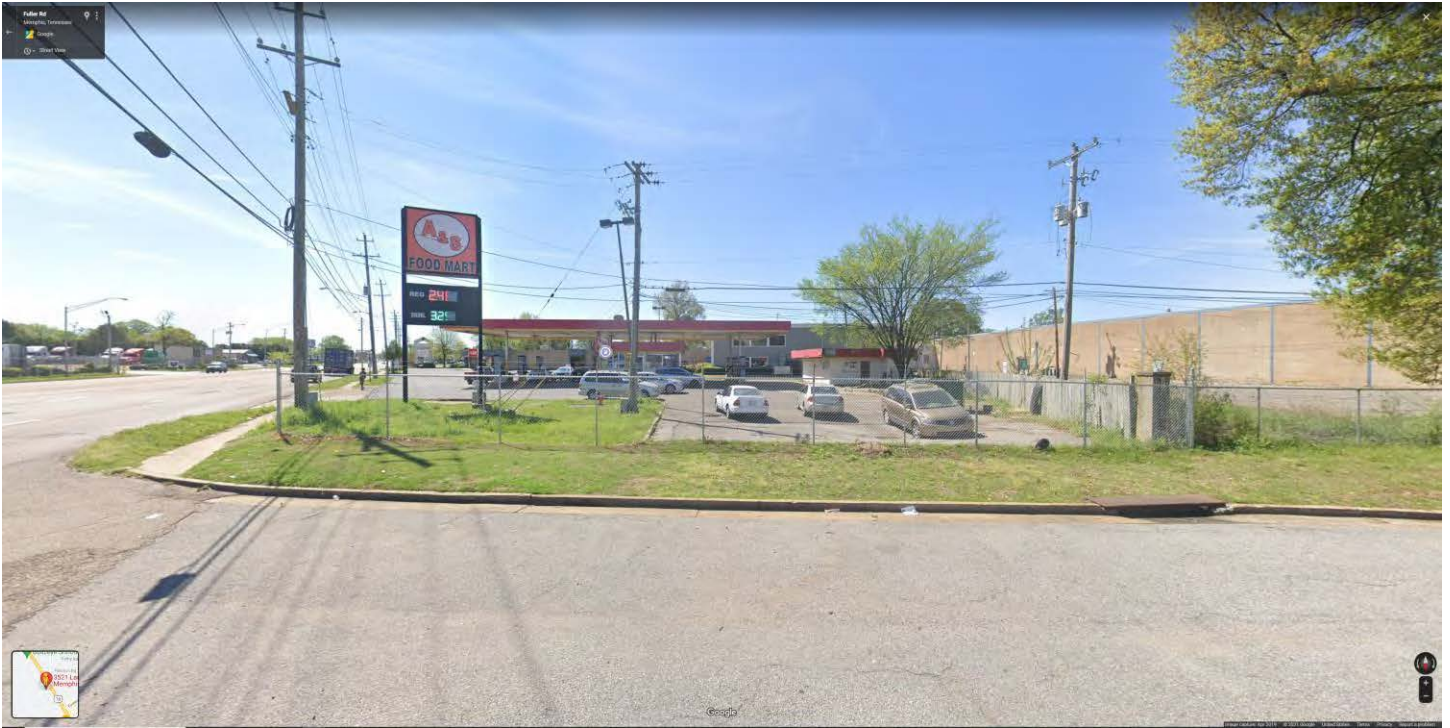


LandUse



Subject property indicated by a pink star

SITE PHOTOS



View of the north side of the property from Fuller Road facing south.



View of the rear of the lot from the neighboring property to the south facing northeast.



View of the rear side of the property from Lamar Avenue facing northwest.

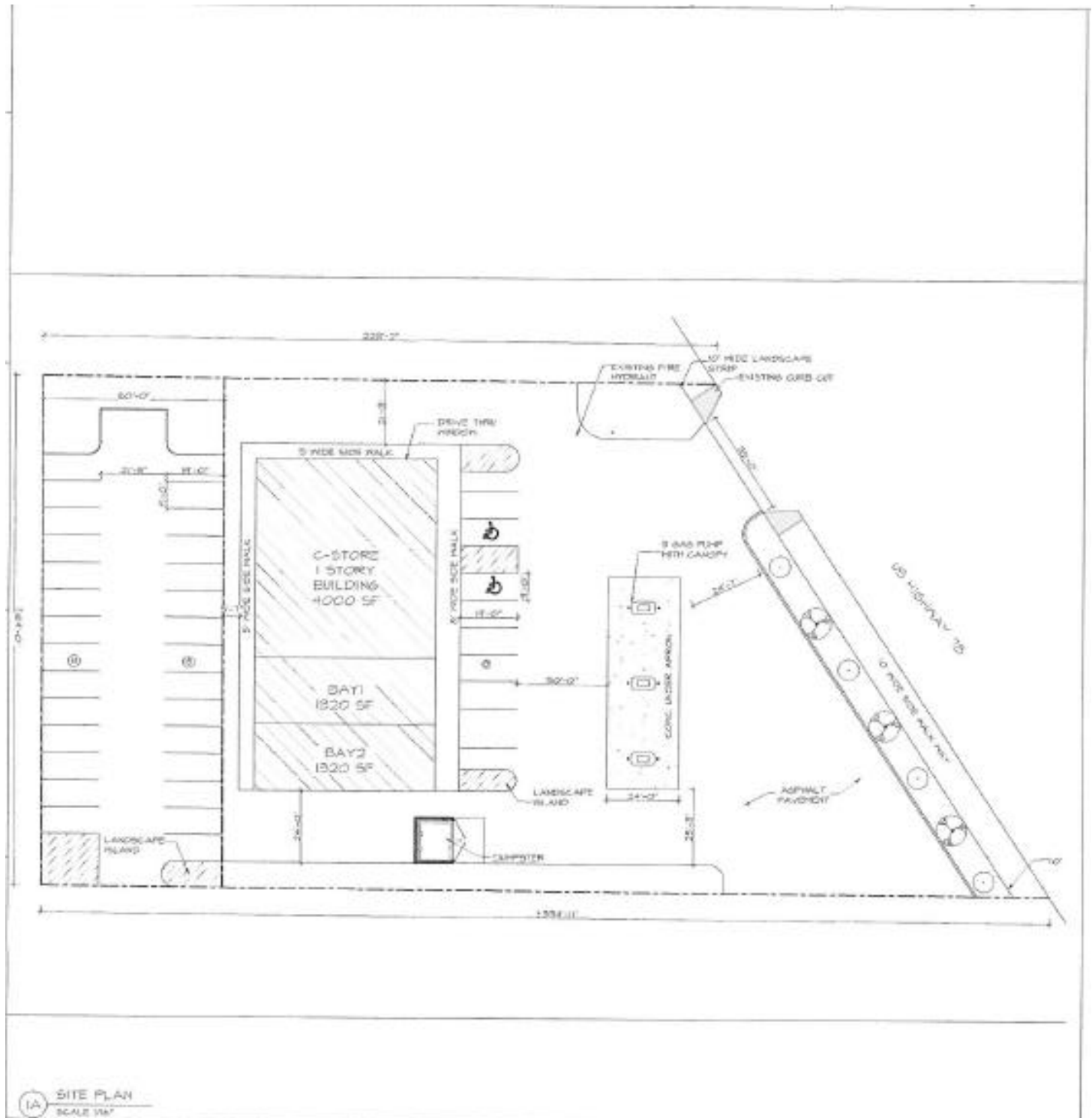


View of the northernmost curb cut of the property from Lamar Avenue facing southwest.



View of the current pump configuration and principle structure facing west

SITE PLAN



1A SITE PLAN
 SCALE 1/8" = 1'-0"

ELEVATIONS



STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

Upgrading an existing gas station that does not reside at the intersection of two collector streets.

Approval Criteria

Staff agrees the approval criteria in regard 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 +/-1.095 acres and comprised of one parcel (073001 00059), located at 3521 Lamar Avenue in the north central Oakville neighborhood, and zoned Employment (EMP). Per the Assessor's Office, the principal structure on the site was originally built circa 1977 and currently is a one-story structure with a ground floor area of 1,600 square feet. The subject property, which was originally constructed as a fueling station also has a detached utility building with 242 square feet of ground floor area, one underground fuel tank, and a canopy that takes up 4,320 square feet of the lot.

Consistency with Memphis 3.0

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

1. FUTURE LAND USE PLANNING MAP



The red boxes indicate the application sites on the Future Land Use Map.

2. Land use description & applicability

Industrial Flex land allows for mixed-use, which makes this land versatile for development and employment as it is also not on conservation lands or floodplain. This area is lower intensity manufacturing, usually at the scale of one to three stories and can be located next to residential neighborhoods due to their low emissions of sound, light and air pollution. See graphic portrayal to the right.



“IF” Goals/Objectives:

Evolution of single use industrial zones into mixed-use environments that are compatible with adjacent neighborhoods.

“IF” Form & Location Characteristics:

Industrial with some commercial and service uses that are one to six stories in height.

The applicant is seeking approval for a special use permit to operate a convenience store with gas pumps in an employment zone.

The request meets the criteria in the form of a commercial and service use, the height requirement, and is consistent with existing land uses. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Commercial and Employment. The subject site is surrounded by the following zoning districts: CMU-2 and EMP. This requested use is compatible with the adjacent land use 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 sites. There is no degree of change.

Based on the information provided, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Conclusions

1. The applicant is seeking a Special Use Permit to upgrade an existing gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials.
2. Due to the legal non-conformity of the currently operating gas station, a Special Use Permit must be filed for any building expansion or demolition.
3. This application will greatly improve a pre-existing gas station that operates under a legal non-conforming status.
4. 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.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. No window signage is permitted on the front façade
2. Landscape screening is required around the rear utility units and dumpster
3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: **5/24/2021**

CASE: **SUP-21-012**

NAME: **C Store with Gas Sales**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
2. No site plan included in application

Sewers:

3. City sanitary sewers are available to serve this development.
4. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

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.

Traffic Control Provisions:

7. 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.
8. 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.
9. 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:

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

Drainage:

12. 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.
13. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
15. 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.
16. 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/County Fire Division:	No comments received.
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)656-6619

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: _____ Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Aman Devji Phone #: 678-570-6327
 Mailing Address: 319 POPLAR VIEW LN W # 1 City/State: Collierville TN Zip 38017
 Property Owner E-Mail Address: devjiaman@comcast.net
 Applicant: Neeraj Kumar Phone # 9016038765
 Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139
 Applicant E- Mail Address: nkumar@designgroupmemphis.com
 Representative: Neeraj Kumar Phone #: 9016038765
 Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139
 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: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.095</u>	_____	_____
Existing Zoning:	<u>EMP</u>	_____	_____
Existing Use of Property	<u>Commerical</u>	_____	_____
Requested Use of Property	<u>C store with Pui</u>	_____	_____

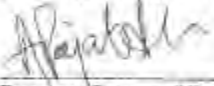
Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
 Yes _____ No X

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: _____

Variiances: 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.


 Property Owner of Record

03/04/2021
 Date


 Applicant

05/06/2021
 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: 04/15/2021 with Lucas Skinner

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
 (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).

The project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is a 1587 sf existing structure that was built in 1977. The structure is very old and has many issues. Even the exterior elevations are dated. The new structure will have modern appearance and have brick at all 4 elevations. The site will have

- 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 will be a major upgrade for the area. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape.

- 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).

The property is located at the intersection of Lamar Avenue and Fuller Road. All necessary utilities required to operate a C store with pump is already accessible to the site. The project will served with all necessary utilities.

- 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).

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. the existing structure on the property is very old with very unattractive facade. There is also issue with parking spaces. The demolition of the existing structure will result in overall upgrade of the property.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

The project will meet all standards per UDC.

- 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 be a major upgrade for the area and will have positive impact on the surroundings. The building will be modern with use of long lasting materials like brick and EIFS.

LETTER OF INTENT

05/06/2021

Letter of Intent

05/06/2021

Lucas Skinner

Memphis & Shelby County Office of Planning & Development

City Hall, 125 N. Main Street, Suite 468

Memphis, Tennessee 38103

Re: Application for Special Use Permit for 3521 Lamar Road, Memphis TN

Convenience store w/pumps-3521 Lamar Avenue

Dear Mr. Skinner

We are pleased to submit an application for Special Use Permit for allowing a C store with pumps at the above address. The property is zoned EMP. The owner proposes to demolish the existing building and gas canopy and replace with new upgraded building and canopy. The existing gas station is operational. Per my pre-construction meeting with Mr. Lucas Skinner, Planner at DOD, I was advised to apply for SUP permit as the current gas station is not located at the intersection of two collector streets. We also understand that in case this application is rejected, the owner can continue to operate the existing gas station in current setup.

As an architect, I strongly believe that the project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is an approx. 1600 SF existing structure that was built in 1977. The structure is old and has many issues. The exterior elevations are dated. Accordingly to the UDC, there are many non-compliant issues such as parking counts, streetscape and landscaping requirements, setback issues, etc. The new development will have quality improvements. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape. Please refer to attached site plan and rendering submitted with this application.

I humbly request you to consider recommending approval of this application to the Land Use Control Board and City Council.

Should you have any questions, feel free to reach out to me.

Thank You



Neeraj Kumar, DESIGN GROUP ARCHITECT

Letter of Intent

05/06/2021

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Neeraj Kumar, being duly sworn, depose and say that at 11 am/pm on the 11 day of June, 2021, I posted Public Notice Sign(s) pertaining to Case No. SUP 2021-012 at 3521 Lamar Avenue, 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 (Planned Development, X 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

6/14/2021
Date

Subscribed and sworn to before me this 14th day of June, 2021.

Steven A. Jackson
Notary Public

My commission expires: 9-30-2024



LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

Dear Seth,

In reference to the Notice of Public Hearing, case number Sup 2021- 012 Please note That we are in opposition to the request made on the site plan on 3521 Lamar Ave for the applicant Neeraj Kumar for convenience store with gas station pumps. Please be advised the our decision was made based on the following findings

- 1- Near the subject location, and in less than quarter of a mile there are already 3 existing gas stations. Loves station, blue station and a Marathon gas station. The short distance between us and the third subject location will make it difficult for all of us to financially benefit as a gas station business. Neither the current economical situation or the location will support. The high running costs and overheads in maintaining a gas station business became relatively high.
- 2- We believe that the area where the subject location is in has enough gas service stations to cater the traffic on Lamar Avenue and the surrounding commercial automotive businesses. We believe that adding another similar business to ours will only cause negative financial hardship to both sides.

We also believe that the neighborhood can benefit from other business ideas for the subject location, that can provide new services to the commercial and the small residential neighborhoods surrounded.

We hope that we were able to explain our concerns and we appreciate your time.

Regards,

Taysir Yousef

(901)246-5458



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: _____

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Aman Devji Phone #: 678-570-6327

Mailing Address: 319 POPLAR VIEW LN W # 1 City/State: Collierville TN Zip 38017

Property Owner E-Mail Address: devjiaman@comcast.net

Applicant: Neeraj Kumar Phone # 9016038765

Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139

Applicant E- Mail Address: nkumar@designgroupmemphis.com

Representative: Neeraj Kumar Phone #: 9016038765

Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139

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: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.095</u>	_____	_____
Existing Zoning:	<u>EMP</u>	_____	_____
Existing Use of Property	<u>Commerical</u>	_____	_____
Requested Use of Property	<u>C store with Pui</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 **X** _____

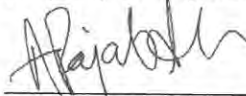

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

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.

	03/04/2021		05/06/2021
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: 04/15/2021 with Lucas Skinner

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).

The project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is a 1587 sf existing structure that was built in 1977. The structure is very old and has many issues. Even the exterior elevations are dated. The new structure will have modern appearance and have brick at all 4 elevations. The site will have

- 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 will be a major upgrade for the area. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape.

- 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).

The property is located at the intersection of Lamar Avenue and Fuller Road. All necessary utilities required to operate a C store with pump is already accessible to the site. The project will served with all necessary utilities.

- 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).

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. the existing structure on the property is very old with very unattractive facade. There is also issue with parking spaces. The demolition of the existing structure will result in overall upgrade of the property.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

The project will meet all standards per UDC.

- 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 be a major upgrade for the area and will have positive impact on the surroundings. The building will be modern with use of long lasting materials like brick and EIFS.

05/06/2021

Letter of Intent

05/06/2021

Lucas Skinner

Memphis & Shelby County Office of Planning & Development

City Hall, 125 N. Main Street, Suite 468

Memphis, Tennessee 38103

Re: Application for Special Use Permit for 3521 Lamar Road, Memphis TN

Convenience store w/pumps-3521 Lamar Avenue

Dear Mr. Skinner

We are pleased to submit an application for Special Use Permit for allowing a C store with pumps at the above address. The property is zoned EMP. The owner proposes to demolish the existing building and gas canopy and replace with new upgraded building and canopy. The existing gas station is operational. Per my pre-construction meeting with Mr. Lucas Skinner, Planner at DOD, I was advised to apply for SUP permit as the current gas station is not located at the intersection of two collector streets. We also understand that in case this application is rejected, the owner can continue to operate the existing gas station in current setup.

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I humbly request you to consider recommending approval of this application to the Land Use Control Board and City Council.

Should you have any questions, feel free to reach out to me.

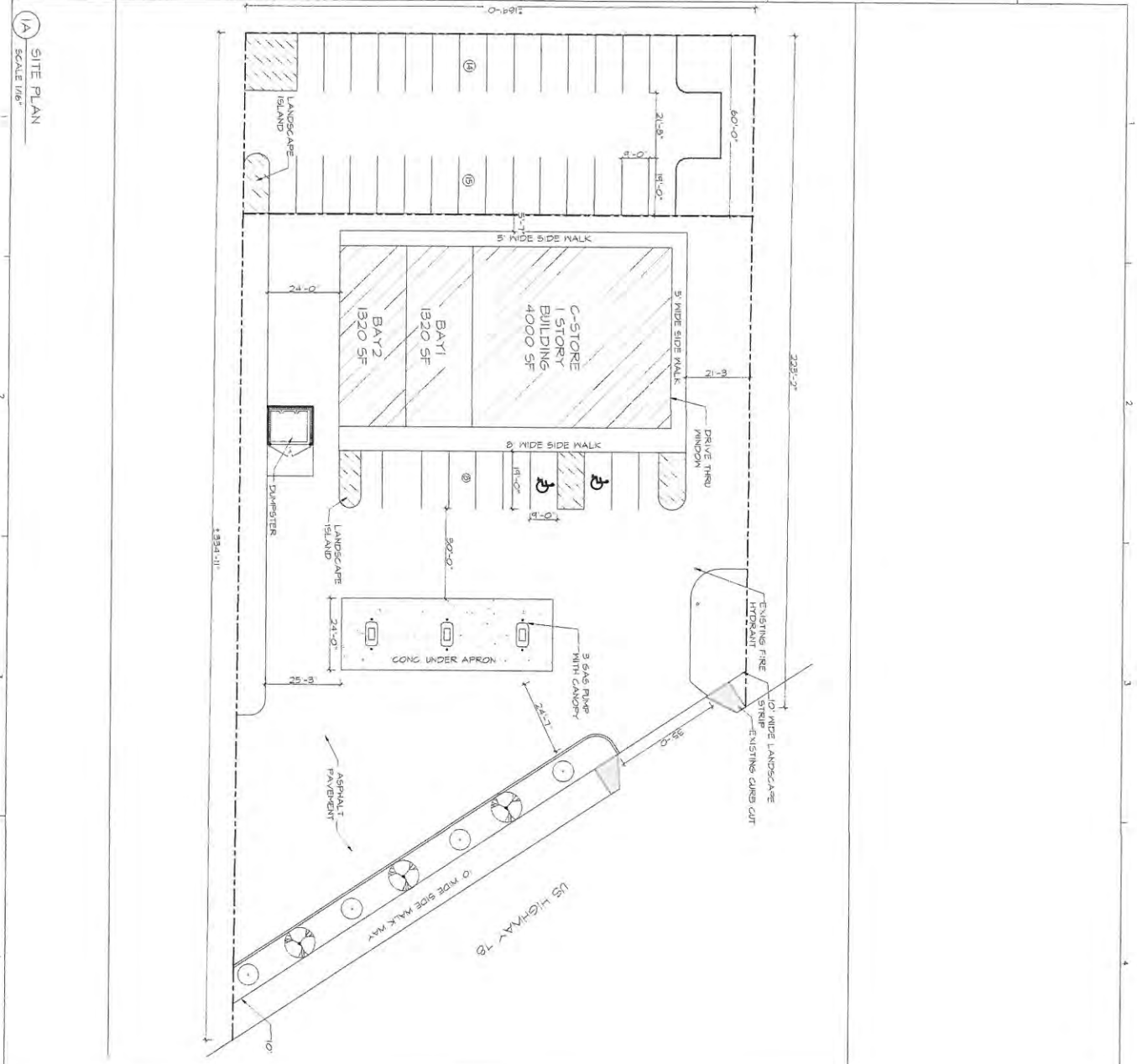
Thank You



Neeraj Kumar, DESIGN GROUP ARCHITECT

Letter of Intent

05/06/ 2021



1A SITE PLAN
SCALE 1/8" = 1'-0"

NERAJI KUMAR
 ARCHITECT
 1225 S. Gessfield Road, Suite 275
 Memphis, TN 38114-2759
 Telephone: 901.413.0159
 E-Mail: design@nerajikumar.com

C-STORE WIGAS PUMP AT LAMAR AVE MEMPHIS

NERAJI KUMAR ARCHITECT
 1225 S. Gessfield Road, Suite 275
 Memphis, TN 38114-2759
 Telephone: 901.413.0159
 E-Mail: design@nerajikumar.com

CONSULTANTS NAME:

DATE: _____ **SHEET NUMBER:** _____

PROJECT NAME:
SITE PLAN

DRAWN BY: _____
CHECKED BY: _____
APPROVED BY: _____
ENGINEER LICENSE NUMBER: _____


A100





Tom Leatherwood
Shelby County Register / Archives

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

	
16125246	
12/08/2016	02:37 PM
4 PGS	
MELISA 1541687-16125246	
VALUE	253000.00
MORTGAGE TAX	0.00
TRANSFER TAX	973.10
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	996.10
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 1st day of November, 2016, by and between AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, party of the first part, and SOLOMON DEGEFU, 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 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, situated and being in the County of Shelby, State of Tennessee, to-wit:

Part of Lot 4, Underberg Commercial Subdivision, as shown on plat of record in Plat Book 67, page 13, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows: Beginning at a 1/2" iron rod found at the northeast corner of Lot 4, Underberg Commercial Subdivision as recorded in Plat Book 67, page 13, said point being in the westerly line of Lamar Avenue (120' R.O.W.); thence S 29°44'00"E, along said westerly sideline of Lamar Avenue, a distance of 205.67' to a found cotton picker spindle at the southeast corner of Lot 4; thence N 85°51'10" W, along the line dividing Lots 3 and 4, a distance of 311.48' to a point 1.0' east of a one-story concrete tilt-up-building; thence N 04°05'59"E, and parallel said [*sic*] building, a distance of 169.67' to a point in the northerly line of Lot 4; thence S86°09'55"E, along said northerly line of Lot 4, a distance of 196.97' to a point which is the point of beginning. [THIS DESCRIPTION TAKEN FROM SURVEY DATED OCTOBER 14, 2016 OF ROBERT W. ESTES, LICENSE NO. 1566, PARKER, ESTES & ASSOCIATES, INC., 3460 RIDGE MEADOW PARKWAY, MEMPHIS, TENNESSEE 38115, AS ATTACHED HERETO.

Being part of the same property conveyed to party of the first part herein by Quit Claim Deed of record as Instrument No. GP 3307 in the Register's Office of Shelby County, Tennessee.

The property herein conveyed is subject to the following: 2017 Shelby County taxes and 2017 City of Memphis taxes, not yet due and payable, which party of the second part assumes and agrees to pay, and subject to subdivision restrictions, building lines and easements of record in Plat Book 67, page 13, and easements of record in Instrument Nos. F8 6629, F9 5725, G1 0275, and R8 2457 as shown on said survey; all in the Register's Office of Shelby County, Tennessee, and subject to rights of tenants in possession under unrecorded leases.

The attached survey shows an unrecorded easement for water main. Grantor and his successors and assigns acknowledge such easement and shall not do anything to the property to interfere with such easement.

Said survey also shows an ingress-egress and parking easement located on the west side of the property. This is designated as a "no build" area and may be used for parking only by the owners, lessees, employees, customers and invitees of Lot 1 and Lot 3. Grantee and his successors and assigns agree that no structure may be placed upon such area and that it shall be used only for parking by Lot 1 and Lot 3.

The survey also shows a sanitary sewer line running northeasterly from Lot 3 to subject property. As part of the sewer line, there is a lift pump located on Lot 3 for the benefit of Lot 4. Grantee and his successors and assigns shall maintain such sewer line and shall pay a reasonable amount to owner of Lot 3 for the costs of utilities used in the operation of such pump.

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, his heirs, successors and assigns in fee simple forever.

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 as set out hereinabove; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

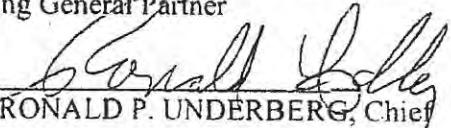
The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the said AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, has caused its name to be signed hereto by and through its proper officers duly authorized so to do as of the 1st day of November, 2016.

AMERICAN PROPERTIES CO., G.P.

BY: UNDERBERG PROPERTIES MANAGEMENT,
LLC, a Tennessee limited liability company, its
Managing General Partner

By:


RONALD P. UNDERBERG, Chief
Manager

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public of the State and County aforesaid, personally appeared RONALD P. UNDERBERG, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Chief Manager of UNDERBERG PROPERTIES MANAGEMENT, LLC, a Tennessee limited liability company, which is the Managing General Partner of AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, the within named bargainor, and that he, as such Chief Manager of said Managing General Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, by UNDERBERG PROPERTIES MANAGEMENT, LLC, a Tennessee limited liability company, its Managing General Partner, by himself as such Chief Manager.

WITNESS my hand at office this 29 day of November, 2016.

Cherie Johnston
Notary Public

My commission expires: 4/18/17

PROPERTY ADDRESS:
3521 Lamar Avenue
Memphis, Tennessee

MAIL TAX NOTICES TO:
AMERICAN PROPERTIES CO., G.P.
5720 Stage Road, Suite E
Bartlett, Tennessee 38134



MY COMMISSION EXPIRES:
APRIL 8, 2017

NAME AND ADDRESS OF PROPERTY OWNER(S):
SOLOMON DEGEFU

[Signature]
591 Wesley Woods Dr.
Memphis, TN 38118

THIS INSTRUMENT PREPARED BY AND
RETURN TO:

ALLEN C. DUNSTAN
HARKAVY SHAINBERG KAPLAN &
DUNSTAN PLC
6060 Poplar Avenue, Suite 140
Memphis, Tennessee 38119

T.G. No. N/A
Tax Parcel No.: 073001 00059
File No. 16107977

State Tax	\$
Register's Fee	\$
Recording Fee	\$
TOTAL	\$

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 \$263,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Jamayne Potter
Affiant

Sworn to and subscribed before me this 2nd day of December, 2016.

[Signature]
Notary Public
My commission expires: _____



R:/ACD/Cases/American/Degefu-Warrant

(FOR RECORDING DATA ONLY)

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 3 August 2021

DATE

PUBLIC SESSION: 3 August 2021

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 planned commercial development

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

RECOMMENDATION: The Division of Planning and Development recommended: *Rejection*
 The Land Use Control Board recommended: *Approval with outline plan conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 10 June 2021 _____ 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>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-15

Resolution approving a special use permit for a planned commercial development:

- This item is a resolution approving a special use permit for a planned commercial development with outline plan conditions;
- The development would include gas pumps;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: MVS Real Estate Mid Town, LLC; Applicant: Spire Enterprises; and Representative: John Behnke; and
- This resolution, if approved, would supersede the existing zoning of this property.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2977 BROAD AVE., KNOWN AS CASE NUMBER PD 21-15.

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 special use permit for a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Spire Enterprises filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned commercial development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned commercial 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 compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended 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 June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application 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 Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit for a planned commercial development.

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 for a planned commercial development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, this resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter 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 Council 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.

OUTLINE PLAN CONDITIONS

I. Permitted Uses, Building Envelope Standards, and General Development Standards

A. As if zoned Commercial Mixed Use – 2, with the following exceptions:

- i. The maximum height shall be 48 feet.
- ii. A Class III landscape buffer shall be installed along the western property line.
- iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
- iv. No window signs or plastic signs shall be permitted.
- v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
- vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

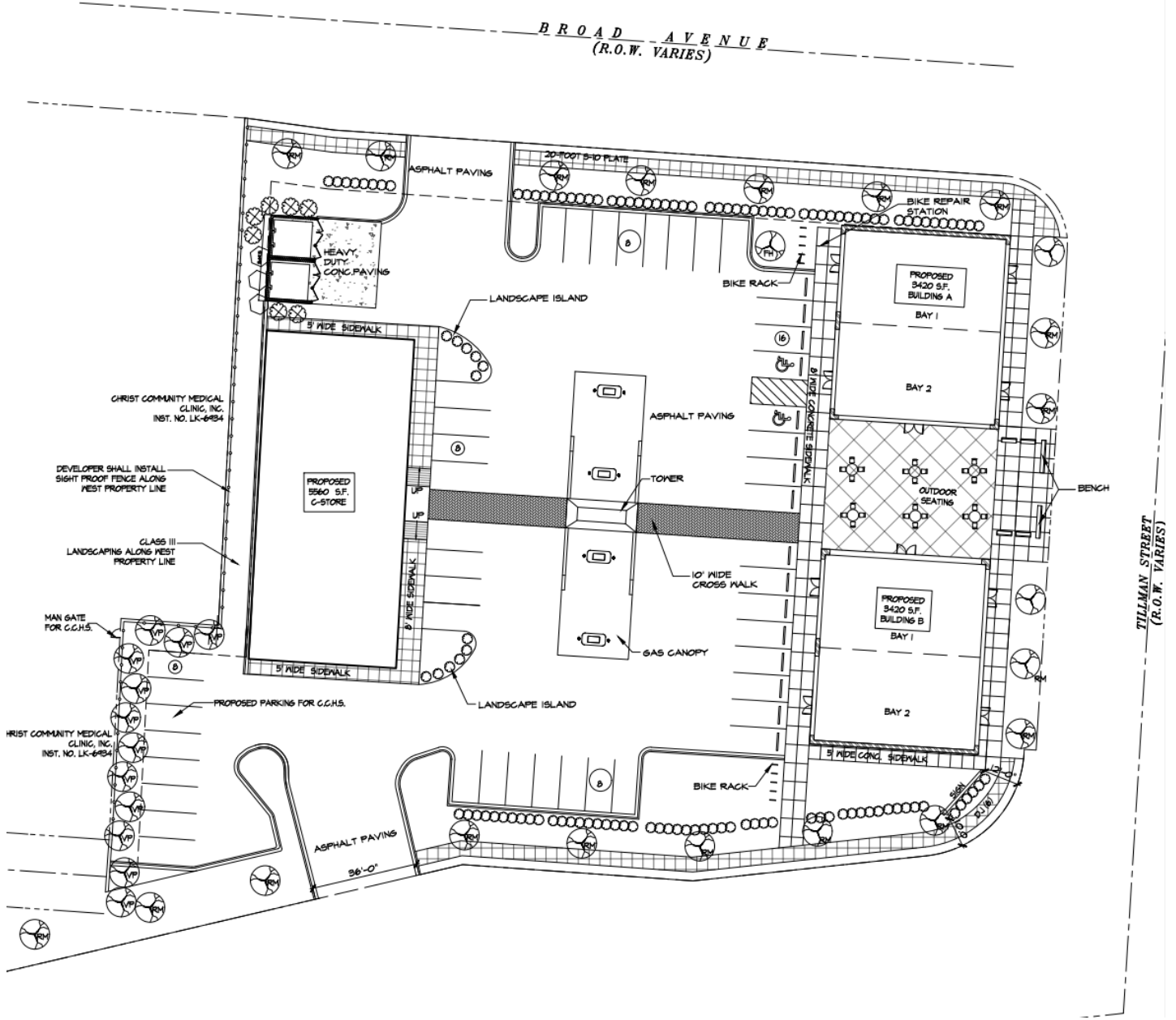
II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

CONCEPTUAL SITE PLAN



ATTEST:

- CC:** Division of Planning and Development
- Land Use and Development Services
 - Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 10 June 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Ave.

COUNCIL DISTRICT(S): District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

REQUEST: Special use permit for a planned commercial development

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

AREA: 1.6 acres

The following spoke in support of the application: John Behnke

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 outline plan conditions. Those conditions are attached.

The motion *passed*.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
- II. Site Design
 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

AGENDA ITEM: 12

L.U.C.B. MEETING: 10 June 2021

CASE NUMBER: PD 21-15
DEVELOPMENT: Broad Avenue Plaza Planned Development
LOCATION: 2977 Broad Avenue
COUNCIL DISTRICT: District 5 and Super District 9
OWNER: MVS Real Estate Mid Town, LLC
APPLICANT: Spire Enterprises
REPRESENTATIVE: John Behnke
REQUEST: Special use permit for a planned commercial development
AREA: 1.6 acres
EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

CONCLUSIONS (p. 21)

- Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.
- The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.
- In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.
- The purpose of this zoning text amendment was: 1) to bring the CMU-1 district’s permitted uses closer in line with its intent as a neighborhood-oriented zone in which “auto-oriented uses are not appropriate;” and 2) to address Memphis’s high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.
- The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.
- The just-completed Hampline, part of the City’s signature bicycle corridor, wraps around the site’s Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.
- Given recent policy changes regarding gas sales in the CMU-1 district, the site’s adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site’s location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.
- Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)

Per the Dept. of Comprehensive Planning, this request is *inconsistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 22)

Rejection

GENERAL INFORMATION

Street Frontage:	Tillman Street	(Minor Arterial)	169 linear feet
	Sam Cooper Boulevard	(Minor Arterial)	388 curvilinear feet
	Broad Avenue	(Major Collector)	258 linear feet

Zoning Atlas Page: 2035

Parcel ID: 037039 00009C

Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on-site at 6 p.m. on 26 May 2021.

PUBLIC NOTICE

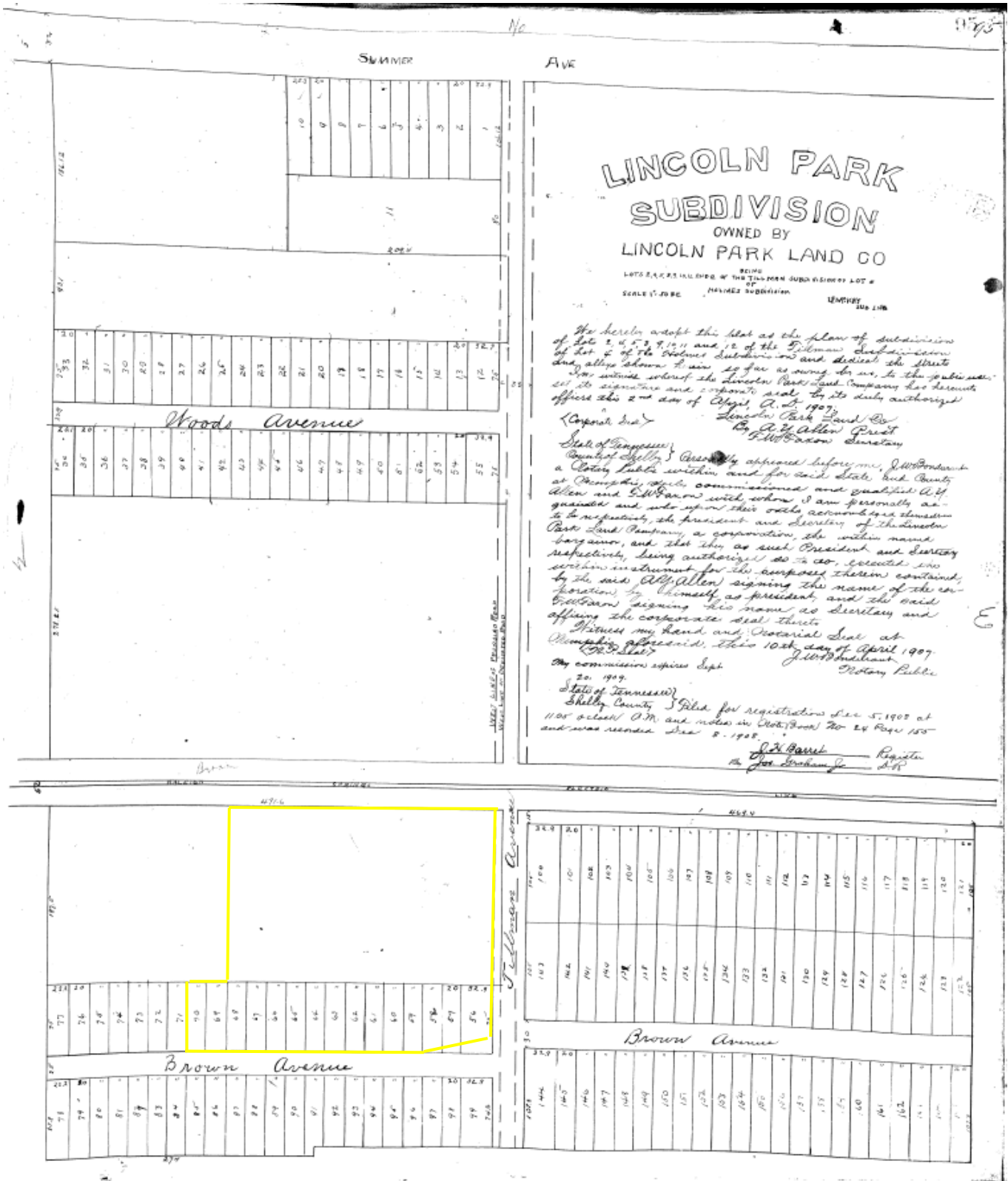
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



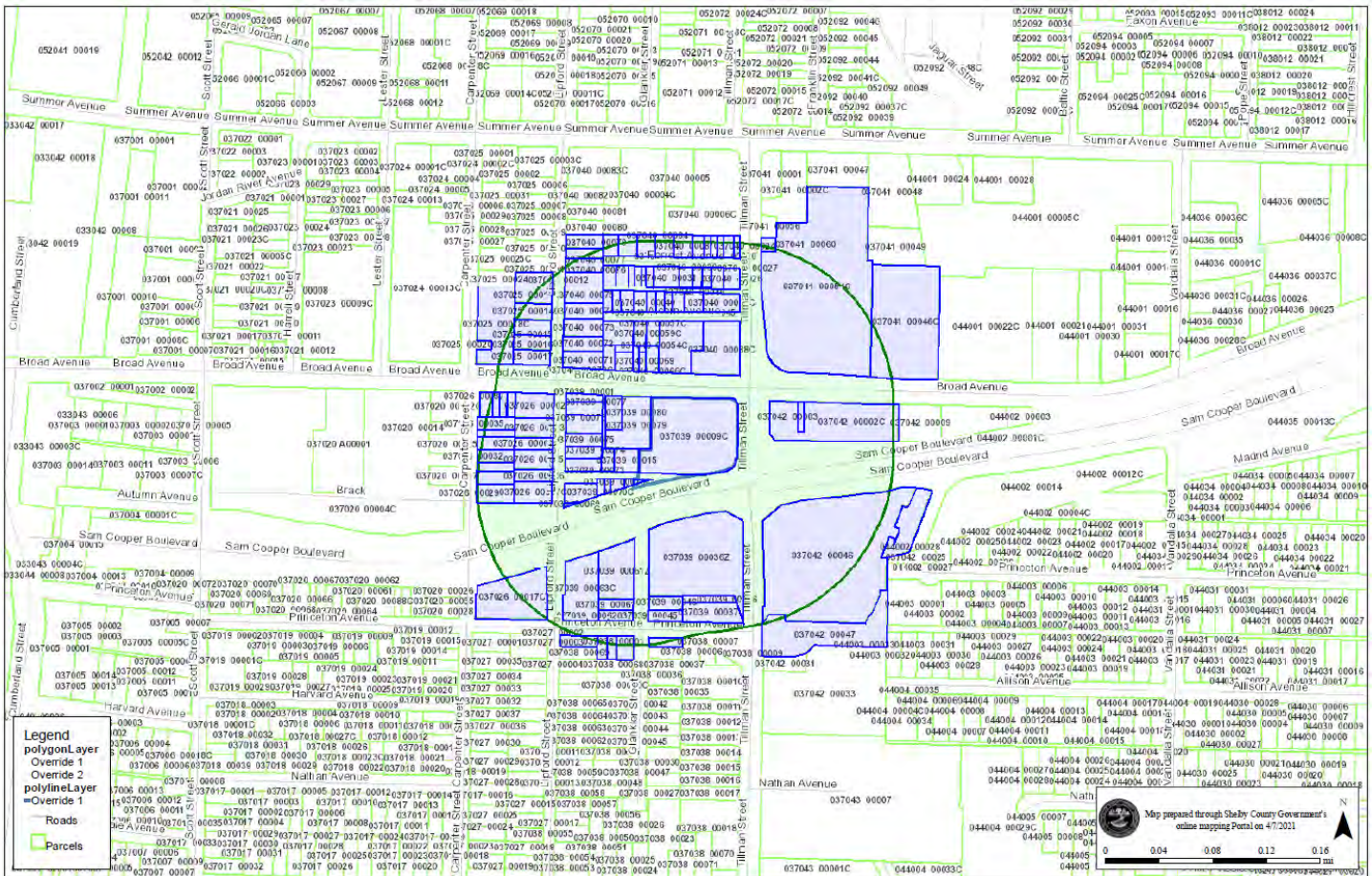
Subject property located in Binghamton

LINCOLN PARK SUBDIVISION (1908)



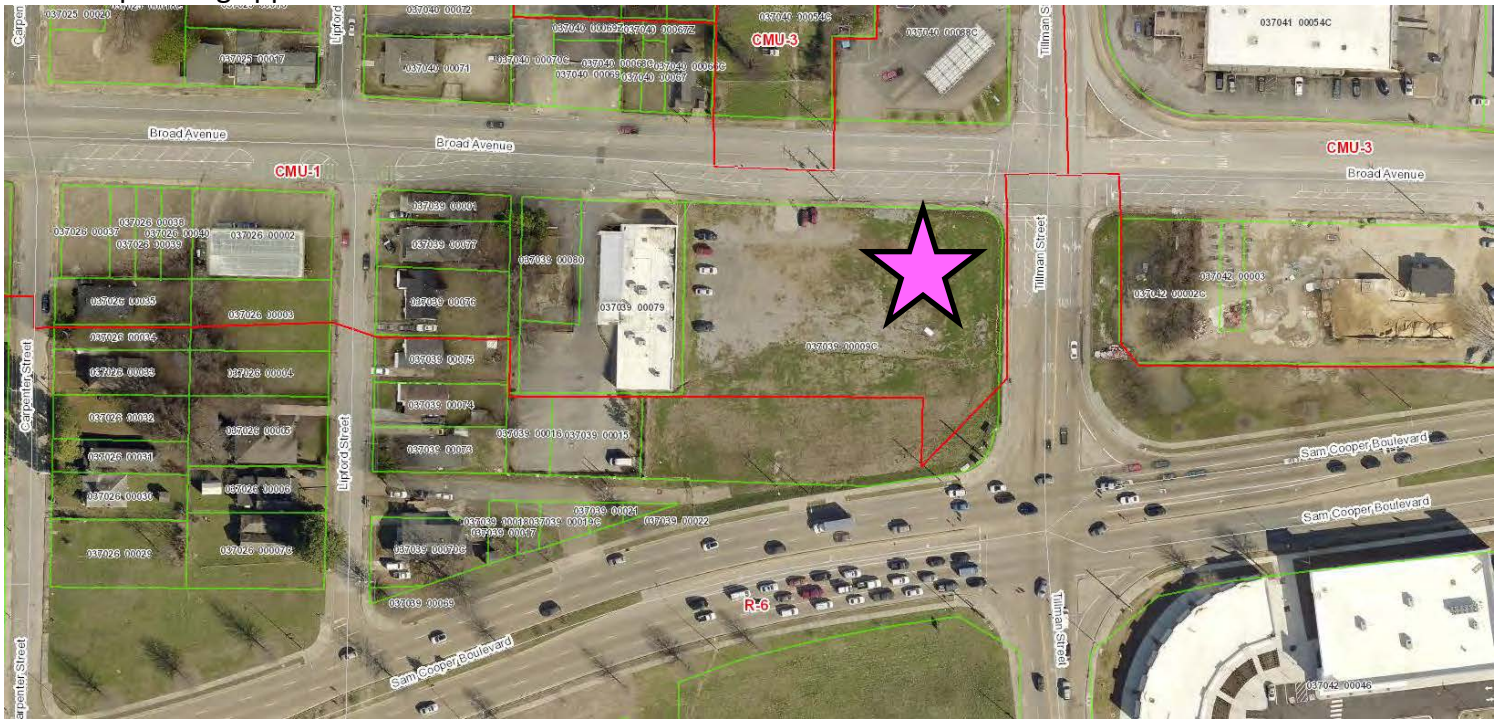
Property boundaries outlined roughly in yellow. No survey was submitted.

VICINITY MAP



AERIAL PHOTO WITH ZONING

Without planning applications



Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

Surrounding Zoning

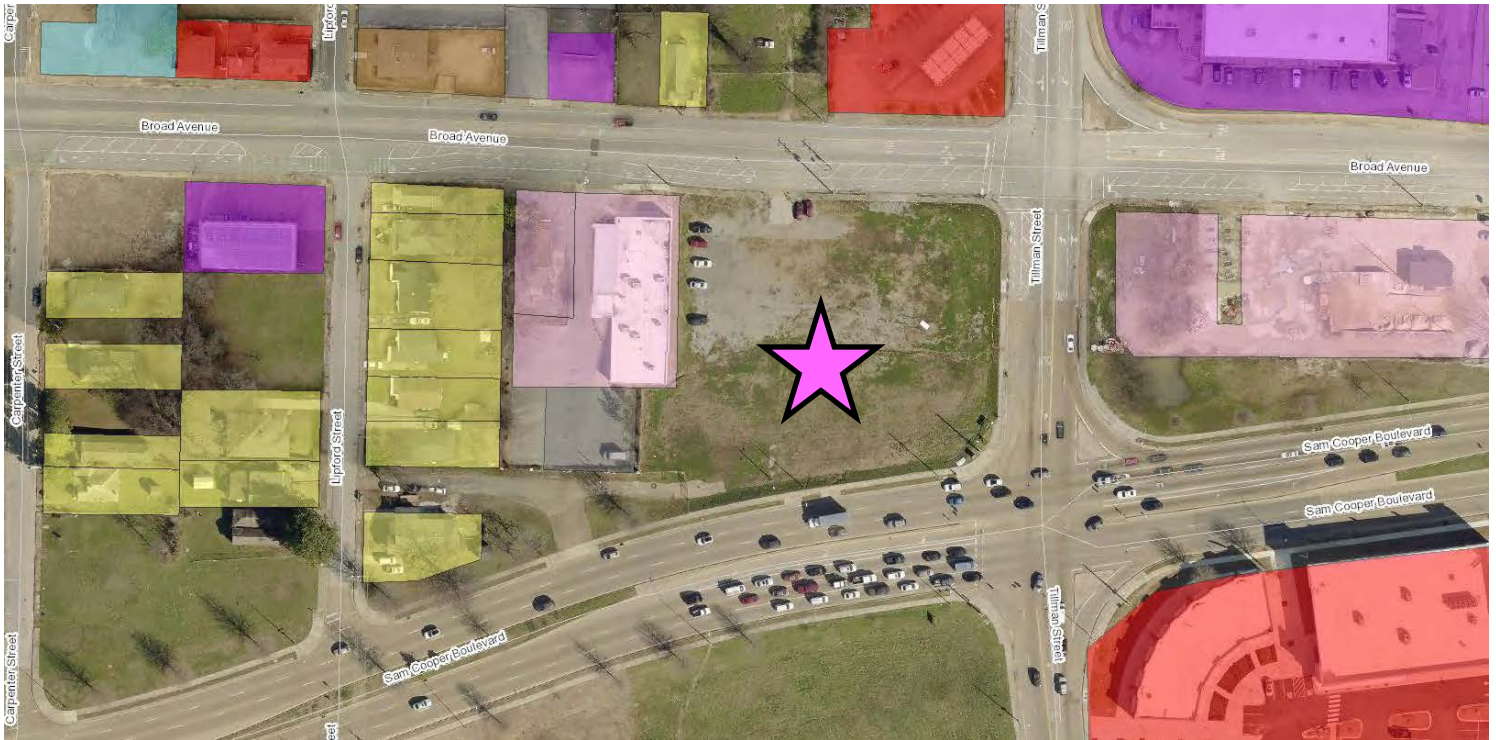
North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3

East: Commercial Mixed Use – 3

South: Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

LAND USE MAP



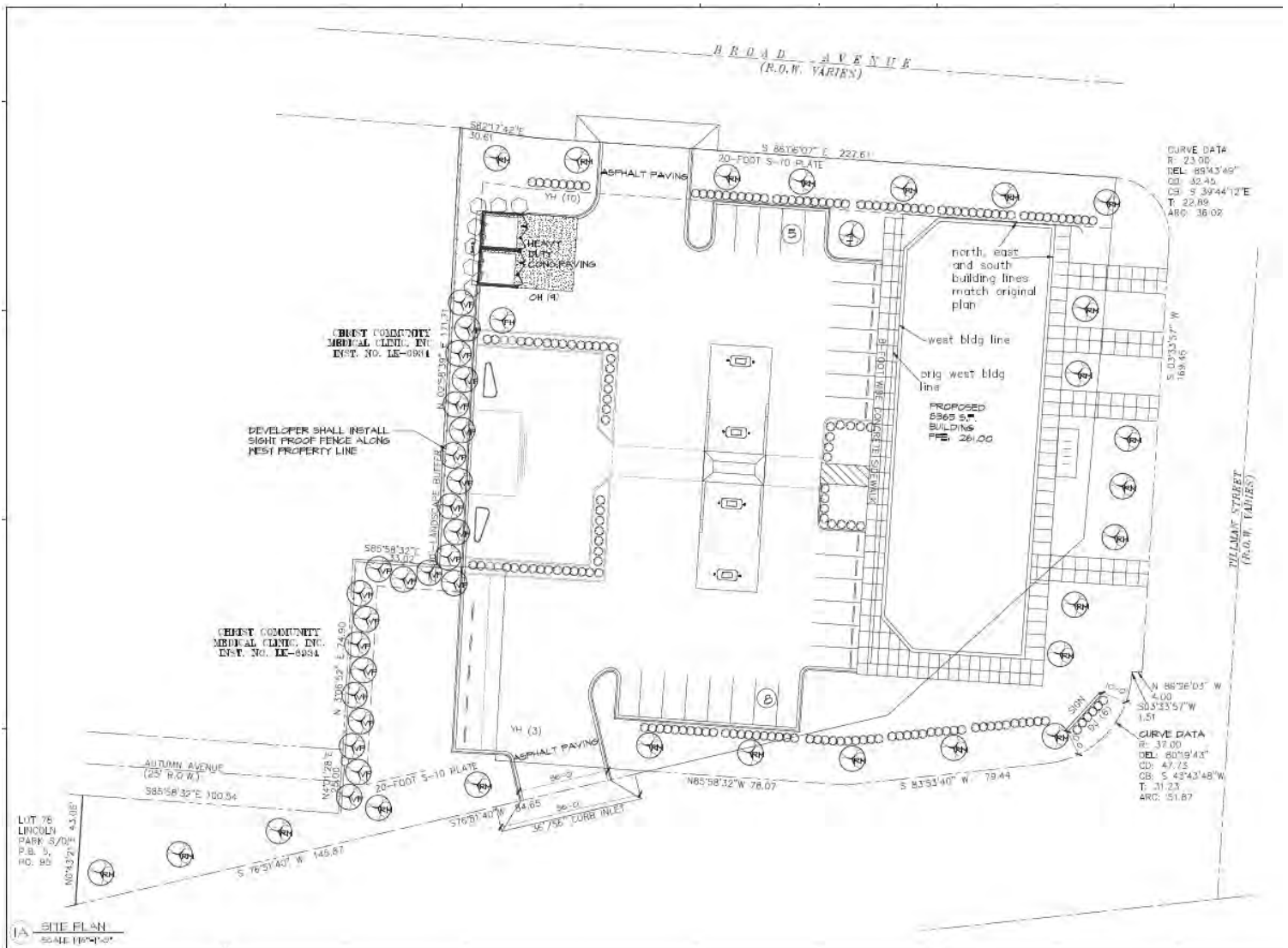
- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

SITE PHOTO



View of part of site, looking east down Sam Cooper

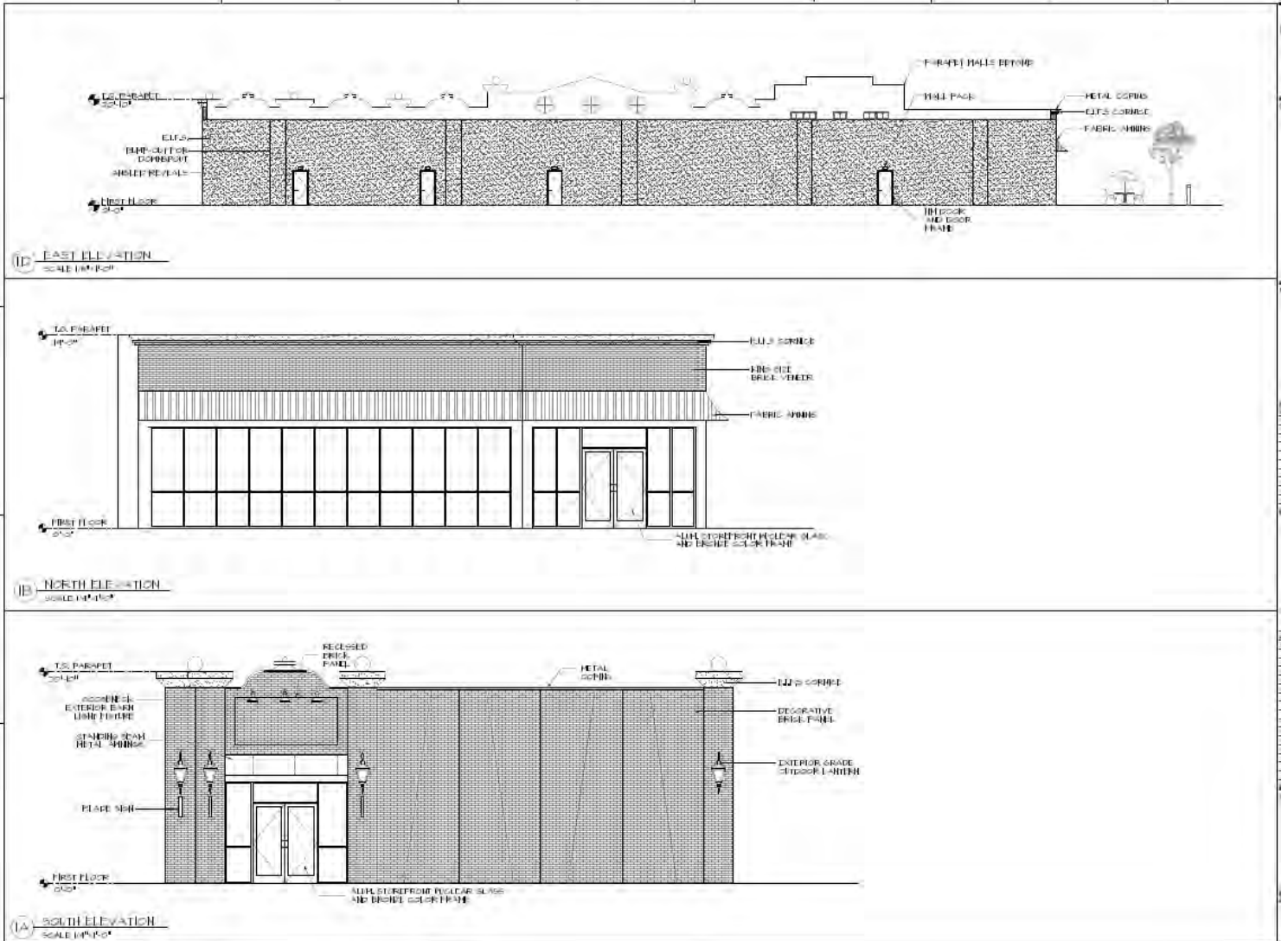
PROPOSED CONCEPTUAL SITE PLAN

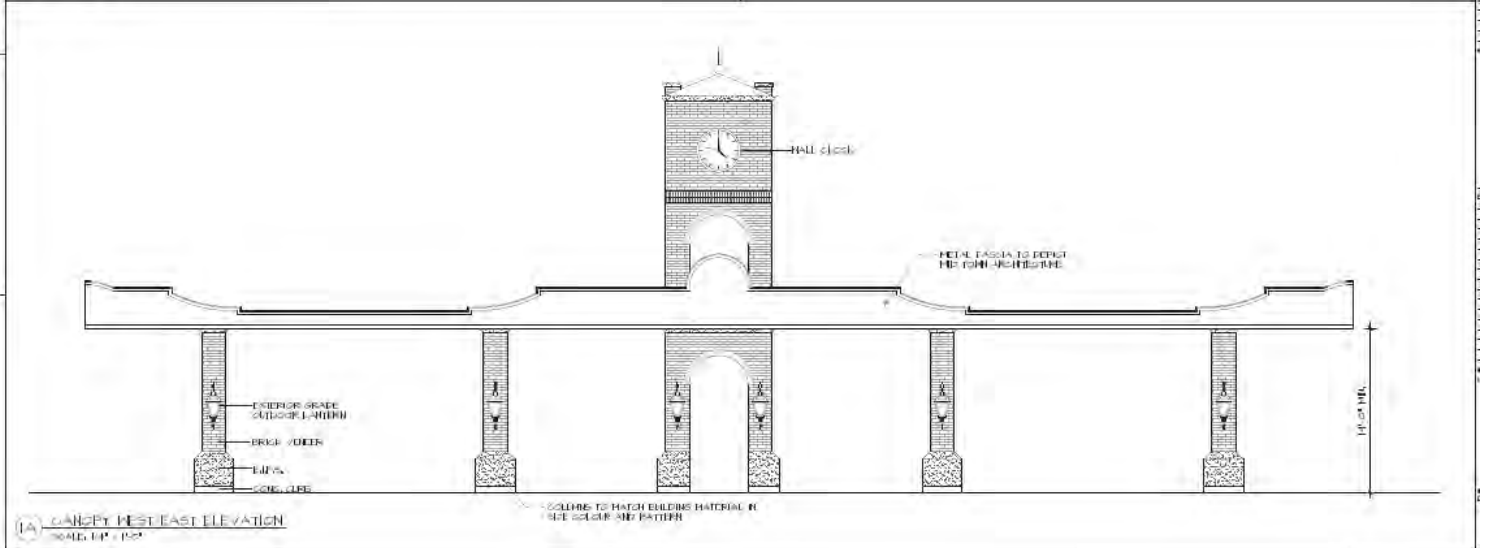
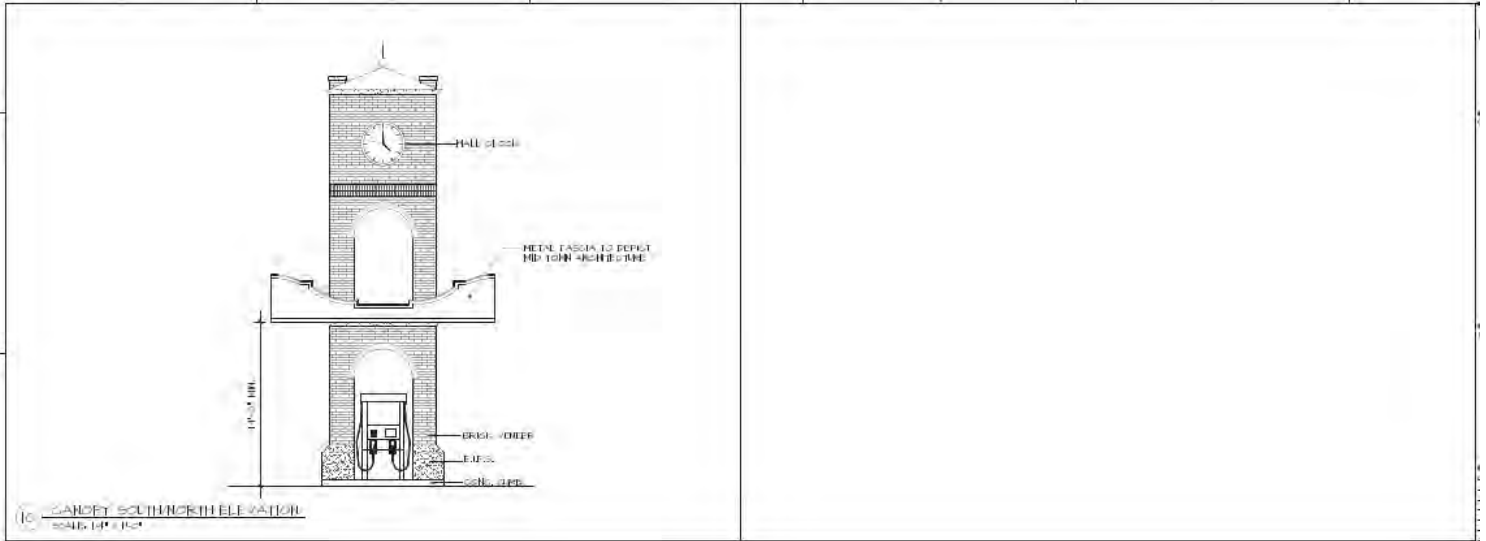


The conceptual design incorporates adjacent right-of-way approved for closure by City Council (see SAC 20-21) for access from Sam Cooper; however, conditions of closure have not yet been met. Because the right-of-way is zoned residential, UDC Section 4.4.5 would prohibit its use for driveway purposes unless incorporated into the planned development once closed or otherwise rezoned.

PROPOSED CONCEPTUAL ELEVATIONS



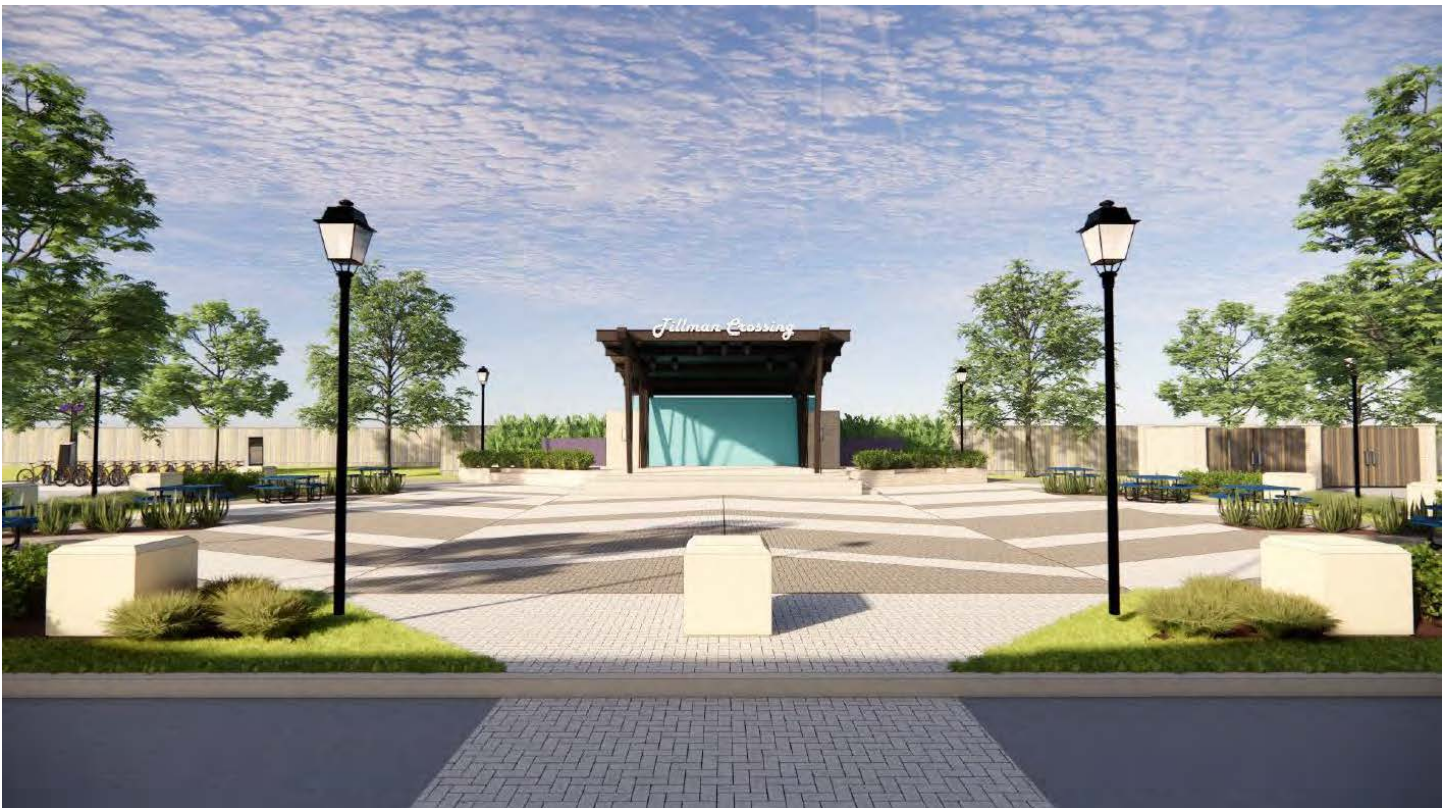




PROPOSED CONCEPTUAL RENDERINGS









STAFF ANALYSIS

Request

The request is for a special use permit for a planned commercial development with gas pumps.

The application form and letter of intent have been added to this report.

Applicability

Staff **disagrees** that at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is 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 **disagrees** the general provisions 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 Zoning Administrator 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.*

Commercial or Industrial Criteria

Staff **agrees** the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff **disagrees** the special use permit 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 site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded, although – because one was filed for review – the Council approval does not expire until December 2021. In 2021, Council approved the closure of part of the adjacent Autumn Ave. right-of-way. That land has been included in the plans of the present proposal, although the right-of-way has not yet been closed.

Plan Review

A full plan review will take place during final plan review, if approved.

Staff Inspiration Photo



A pedestrian area in New Orleans mediates retail access from both the rear parking area and street sidewalk, provides a quasi-public space and restaurant seating, and acts as a mental entryway.

Conclusions

Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.

In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.

The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.

The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It is also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.

The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.

Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.

Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following outline plan conditions:

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
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 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

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. 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.
6. The existing raised median opening for the cycle track on Broad Avenue does not appear to match the proposed curb cut. The median opening shall be reconstructed along with the installation of the necessary pavement markings, signage, and delineators.
7. The existing median opening on Tillman shall be closed by extending the median and filling in the break.
8. Sidewalks shall be installed along all street frontages.
9. Dedicate a chord from end of property line radius to end of property line radius at the corner of Tillman Street at Sam Cooper for the establishment of a Traffic Signal Easement.

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.

Drainage:

15. 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.

16. 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.

17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

18. 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.

19. 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:

20. The Site Plan lacks basic information such as street curb lines, sidewalk, cycle track medians, etc.

21. Eliminate the multiple extraneous property lines from the Site Plan.

City Fire Division:

- 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.

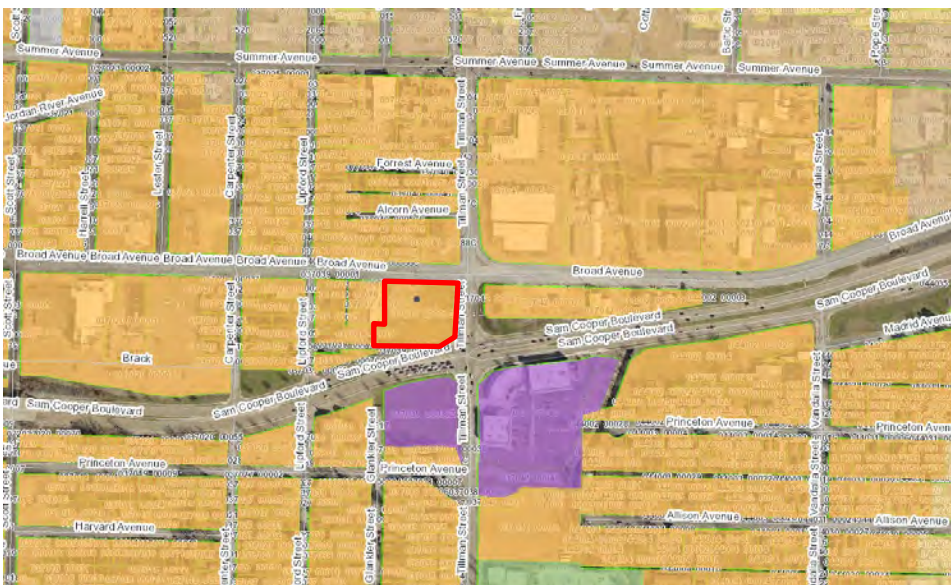
Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map 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



Red polygon indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



“AN-M” Goals/Objectives:

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

“AN-M” Form & Location Characteristics:

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

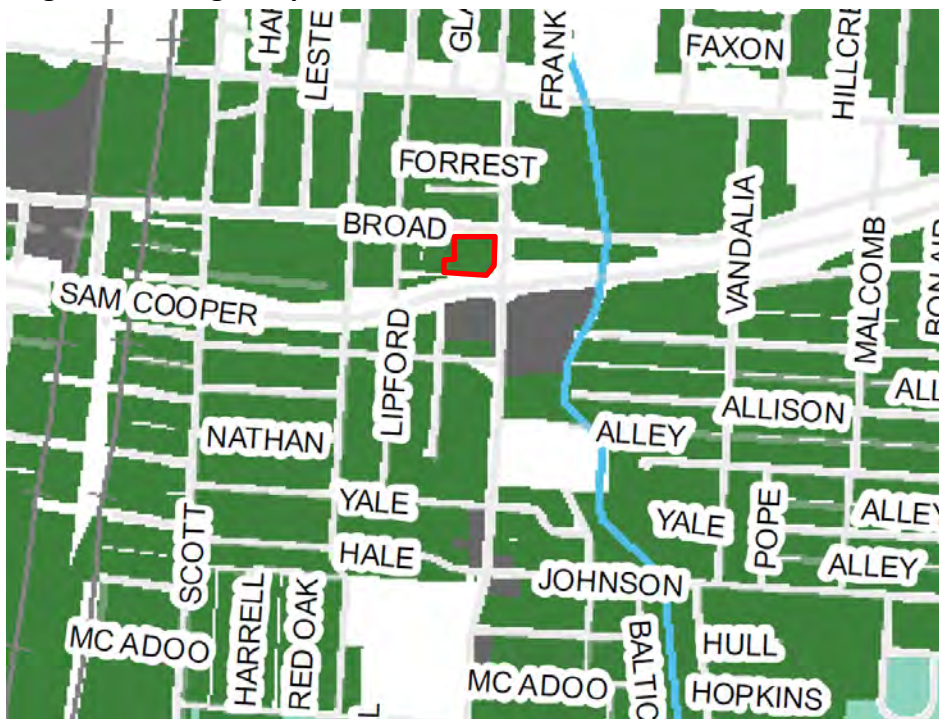
The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

The request does not meet the criteria of AN-M, Accelerate because the proposed Planned development is located along SW corner of Tillman and Broad Avenue which are identified as avenue and parkway in the Street Types Map. The same type of uses does not exist on one or more adjacent parcels.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Office, Parking, Vacant, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and R-6. This requested land use is compatible with the adjacent zoning districts because *existing zoning district surrounding the parcels is dissimilar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site in Accelerate Degree of Change area.

5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

The proposed application is incongruent with the degree of change designation as it does not address the public realm or promote pedestrian-oriented infill development.

Based on the information provided, the proposal IS INCONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmey, Comprehensive Planning.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.
Dept. of Construction Enforcement:	No comments received.

APPLICATION FORM



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: April 8th, 2021

Case #: PD 21-015

PLEASE TYPE OR PRINT

Name of Development: Broad Avenue Plaza

Property Owner of Record: MVS Real Estate Mid Town LLC Phone #: _____

Mailing Address: 555 Trinity Creek Cove City/State: Cordona/TN Zip 38018

Property Owner E-Mail Address: _____

Applicant: Spire Enterprises Phone # 901-494-1559

Mailing Address: P.O. Box 77085 City/State: Memphis/TN Zip 38177

Applicant E-Mail Address: realestate@johnbehnke.us

Representative: John Behnke Phone #: 901-494-1559

Mailing Address: P.O. Box 770065 City/State: Memphis/TN Zip 38177

Representative E-Mail Address: realestate@johnbehnke.us

Engineer/Surveyor: David Bray, P.E. - The Bray Firm Phone # 901-383-8668

Mailing Address: 2950 Stage Plaza North City/State: Bartlett/TN Zip 38134

Engineer/Surveyor E-Mail Address: dgbay@comcast.net

Street Address Location: 2977 Broad Avenue, Memphis, TN 38112-2957

Distance to nearest intersecting street: property located at the corner of Sam Cooper Blvd/Broad Avenue & Tilman Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.636</u>		
Existing Zoning:	<u>commercial</u>		
Existing Use of Property	<u>vacant land</u>		
Requested Use of Property	<u>retail shops/C-store</u>		

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

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

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

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

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 proposed development will not effect the above. The subject site is located at the corner of a high traffic corridor and surrounding properties are already developed. The proposed use is compatible with the other commercial uses nearby and will not negatively impact their use, value or enjoyment. +

- 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.

These infrastructure items are already present or will be added 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)

The site plan provides for thoughtful arrangement of all design elements to be in harmony surrounding land uses.

- 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 project will comply with the design standards of PD 15-318.

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

The community plaza will have a contact person and/or system for scheduling.

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

N/A

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: Fall 2020 with Mr. Brett Davis

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.

<u>Todd Tobias</u>	<u>04.08.2021</u>	<u>John Behnke</u>	<u>04/08/2021</u>
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



April 4th, 2021

Brett Davis
Land Use & Development Services
Memphis & Shelby County division of Planning & Development
City Hall, 125 N. Main Street, Suite 477
Memphis, Tennessee 38103

Re: Application for Planned Development approval
Convenience store w/pumps | retail bays | community plaza
2977 Broad Avenue, Memphis, TN 38112

Dear Mr. Davis,

We are pleased to submit an Application for a Planned Development on behalf of San Investment 5 LLC, as applicant and also the existing owner of the subject property requesting approval for the development. The purpose of this application is to request approval for a Planned Development to allow a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

Consultation with planning staff for pre-application review began in July 2020, however, the most recent review was done January 4th, 2021 to discuss the request, obtain forms, review process and look at mapping/plans of the proposed site.

The subject property is 1.636 acres in size in zoning district CMU-1. The land has been vacant for many years with previous development attempts having not been pursued. A planned development (PD15-318) was approved in December of 2015 which permitted convenience store with pumps.

Under the applicant's proposal the site will be developed with a new 8,365 sq. ft. multi-architectural designed building facing to the interior with pedestrian access to each store from Tillman. There will be up to 6 retail bays, a convenience store with 4 gasoline fuel pumps for a total of 8 individual pumps and a community plaza. The end cap stores will have covered outdoor seating. A bike rack with a bike aire/repair station will be located at the front of the complex for use free of charge. An original concept fuel canopy with a clock tower has been integrated in to the design. The stores and exterior parking lot will be well lighted with numerous security cameras. There will be a total of 26 parking spaces with two reserved for handicap. Landscaping is planned for all sides of the property. A community plaza with its own canopy, landscaping and power hook-ups will be on the East side of the property.

Traffic flow will ingress/egress primarily from Sam Cooper Boulevard and to a lesser degree from Broad Avenue with a single curb cut for each. The breaks in the land curbs on Broad Avenue will be reconfigured for access alignment. The gasoline pump placement will provide an efficient queuing pattern and ease of maneuverability within the site. At the request of Rev. Keith Norman of First Baptist Church, the applicant will work with DPD and Traffic Engineering for a signal at Broad Avenue and Tillman Street.



The Long Range Transportation Plan has designated Sam Cooper as an Urban Freeway, Tillman as an Urban Minor Arterial and Broad Avenue as an Urban Other Principal Arterial. The traffic flow to and from the store will have negligible impact on residential areas.

Pursuant to Section 9.69 and Section 2.6.3-J of the UDC, Planned Development/SUP Permit Criteria a permit may be granted providing the stated criteria are met. [see attached for more detail] To wit:

- The drive thru queuing spaces and proposed uses streamline traffic flow/turning movements within the site and provide safe, easy access to and fro at the location. Ample parking spaces are provided to accommodate customers and employees.
- Overall uses at the property will provide desired services to the area and to travelers from Sam Cooper Blvd and is also pedestrian friendly.
- Adjacent properties will benefit from a clean, secure and modern retail center, convenience store facility and a community plaza.
- Adequate emergency services and street, sidewalk, curb cuts, utilities and sewer capacity exist.
- The completed design will be congruent with the surrounding area and its primary goal will be to serve the people nearby striving for a pleasant consumer shopping experience as well as the opportunity for a community gathering place.
- It is unlikely that any investor would develop this land for residential use.

Spire Enterprises is requesting a finding that developing the land for retail stores, a convenience store with gasoline pumps and community plaza at the subject site would be substantially in compliance with the policies, goals, objectives and spirit of Memphis/Shelby County zoning ordinance(s) and that a Planned Development for the proposed use should be granted.

Thank you,

SPIRE ENTERPRISES

John Behnke
Consultant

PROPERTY OWNER'S AFFIDAVIT

PD -Sam Cooper & Tillman



Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledges by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, MVS Real Estate Mid-Town LLC, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):


- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 2977 Broad Avenue Memphis 38112 and further identified by Assessor's Parcel Number 037039 0009C, for which an application is being made to the Division of Planning and Development.

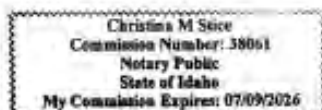
Subscribed and sworn to (or affirmed) before me this 12th day of April in the year of 2021



Signature of Notary Public



MVS -Todd Tobias, Principal



My Commission Expires 07-09-2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behnke, being duly sworn, depose and say that at 3:00 am/pm on the 4th day of May, 2021, I posted a Public Notice Sign(s) pertaining to Case No. _____ at _____, providing notice of a Public Hearing before the xxx Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, xxx 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.

John Behnke
Owner, Applicant or Representative

MAY 5th, 2021
Date

Subscribed and sworn to before me this 5th day of May, 2021.

[Signature]
Notary Public

My commission expires: **MY COMMISSION EXPIRES
APRIL 22, 2022**



LETTERS RECEIVED

One letter of opposition was received at the time of publication. It is pasted below.

Hi Brett!

My name is Sean Davis and I am a lifelong resident of Memphis, TN and have lived in the Highpoint Terrace Neighborhood for the past 5 years. As a resident of this neighborhood and frequent cyclist who bikes to work and uses the Broad Avenue bike lanes to get to Overton Park from Highpoint to Downtown multiple times a week I would like to let my feelings be known about the proposed gas station at Sam Cooper and Broad Avenue is a very bad idea.

I am definitely against this gas station and would like to give you my personal feelings as to why I think this is a very bad idea from the viewpoint of someone who has logged hundreds of trips through that area in the past few years. Here are my main points:

1. Safety - This is my number one reason there should not be a gas station at that location. Creating an entrance where cars are pulling in and out constantly is going to create a huge safety issue for people walking and biking over there. I'd say over half the time I am biking on bike lanes on Broad and Tillman people just do not see cyclists and I'm having close calls all the time. I know there are other entrances to businesses like the Church Health Center where cars are turning but they would not have near the number of cars pulling in and out a gas station would. Also since Sam Cooper and Broad is so congested you are going to have cars blocking the bike lanes while waiting to exit the gas station.
2. Congestion - Sam Cooper and Broad is almost always congested right now and adding more traffic right there with people is going to make it much worse. There does need to be a light there and that's the only good thing this proposal has attached to it.
3. I know the gas station wants to be a place to hang out and they are trying to make this the main selling point to make it fit in with the neighborhood. I've never seen a gas station where people want to hang out no matter how many amenities are there. Watching cars and smelling all the interesting smells and sounds all the cars make going down Sam Cooper does not make a good place to hang out.
4. I think the last and easiest point I would like to make is that there is already a gas station across the street. I know many areas of the city have 2 gas stations across the street from each other but I think a special consideration should be made since Broad avenue is such a bike conduit to other parts of the city.

In closing, Broad Avenue has come a long way as a pedestrian and bicycle friendly part of town. I am young enough to remember driving with my parents down Broad before Sam Cooper bypassed it. I also remember how it was a ghost town for so many years until its recent resurgence. Its a very unique part of Memphis and please don't ruin the progress Broad Avenue has made by introducing even more automobile traffic to that area.

I am available to talk during the Zoom meeting about this on May 13th. Also my number is 901-277-3181 if you need to reach me in person.

Thank you for your time,
Sean Davis

From: [Elizabeth Terrell](#)
To: [Davis, Brett](#)
Subject: 2977 Broad Ave.
Date: Monday, June 7, 2021 7:24:35 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.

Dear Mr. Davis,

I had the joy and pleasure of meeting with John Behnke on May 26th at 2977 Broad Ave. to discuss his plans for the development of that corner. I am totally in favor of this development. I think it will be a welcoming presence to travelers both entering and exiting the expressway. It will provide an area for people to sit outside and eat lunch, whether traveling or in the neighborhood. Bicyclists can stop and repair their bicycles, get refreshments and have access to restrooms.

I love that the outside of the shops architecturally reflect the time period of the beginning of the neighborhood. It makes this development fit into the neighborhood and shows the care and concern that Mr. Behnke has for the area. I look forward to seeing this development completed on this corner. I am a property owner in Binghampton and I am currently renovating a house there.

Sincerely,
Rev. Liz Terrell
901-647-2788

Sent from my iPhone

July 1, 2021

Mr. Brett Davis, Municipal Planner
Memphis/Shelby County Dept. of Planning & Development
125 N. Main Street, Suite 477
Memphis, TN 38103

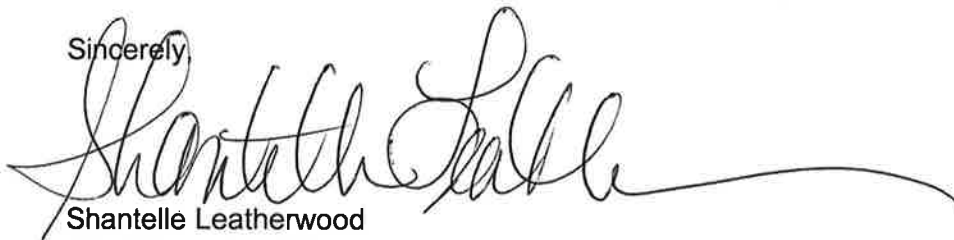
Dear Mr. Davis,

We have received the site plan for the proposed development at Sam Cooper and Tillman. John Behnke has taken the time to review all of the details of the proposed plan and we are in support of the project.

The developer has graciously offered to provide Christ Community Health Services with much needed parking for employees and medical staff at the Southwest corner of the proposed development. We would very much appreciate and respectfully ask that you and the City Council support us in integrating the additional parking we need into the final plan. This feature will ensure added safety and convenience to our people for access to our clinic.

We are delighted to see this land will finally be put to a productive use.

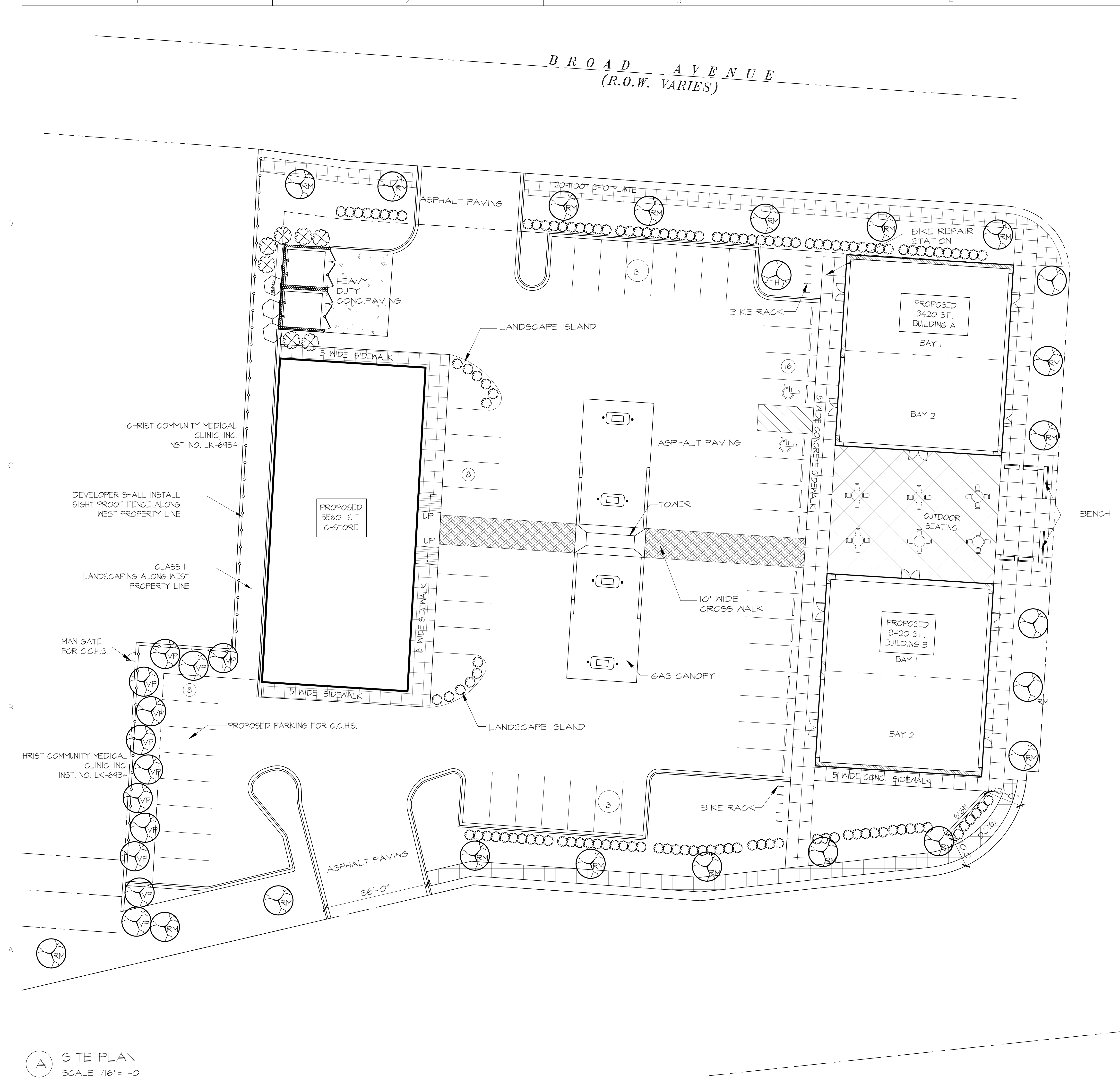
Sincerely,



Shantelle Leatherwood
Chief Executive Officer

cc: John Behnke
Spire Enterprises

B R O A D A V E N U E
(R.O.W. VARIES)



OUTLINE PLAN CONDITIONS:

- I. PERMITTED USES, BUILDING ENVELOPE STANDARDS, AND GENERAL DEVELOPMENT STANDARDS
 - A. AS IF ZONED COMMERCIAL MIXED USE - 2, WITH THE FOLLOWING EXCEPTIONS:
 - i. THE MAXIMUM HEIGHT SHALL BE 48 FEET.
 - ii. A CLASS III LANDSCAPE BUFFER SHALL BE INSTALLED ALONG THE WESTERN PROPERTY LINE.
 - iii. NO OUTDOOR DISPLAY, STORAGE, OR SALES SHALL BE PERMITTED, WITH THE EXCEPTION OF GAS SALES.
 - iv. NO WINDOW SIGNS OR PLASTIC SIGNS SHALL BE PERMITTED.
 - v. ALL FACADES THAT FRONT TILLMAN SHALL HAVE A MINIMUM TRANSPARENCY OF 70% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. SIDE FACADES SHALL HAVE A MINIMUM TRANSPARENCY OF 30% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. REAR FACADES SHALL NOT HAVE A TRANSPARENCY REQUIREMENT.
 - vi. ALL FACADES SHALL BE OF MASONRY CONSTRUCTION, UNLESS OTHERWISE APPROVED BY THE ZONING ADMINISTRATOR. ARTIFICIAL ARCHITECTURAL FEATURES SUCH AS FAUX WINDOWS SHALL NOT BE PERMITTED. PLASTIC AWNINGS SHALL NOT BE PERMITTED.
- II. SITE DESIGN
 - A. THE CONVENIENCE STORE SHALL BE TO THE WEST OF THE GAS CANOPY. OTHER RETAIL SHALL BE TO THE EAST OF THE GAS CANOPY. ROBUST PEDESTRIAN FACILITIES CONSTRUCTED OF UNIQUE PAVERS OR A SIMILAR MATERIAL SHALL CONNECT THE WESTERN AND EASTERN RETAIL AREAS TO EACH OTHER - AS WELL AS TO PUBLIC SIDEWALKS, BICYCLE PARKING, ETC. SUCH FACILITIES SHOULD INCORPORATE A THOUGHTFULLY-DESIGNED, COVERED OR UNCOVERED PEDESTRIAN AREA BETWEEN THE EASTERN RETAIL BAYS THAT MAY DOUBLE AS A QUASI-PUBLIC SPACE AND CENTER ENTRYWAY. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE COORDINATION, PLACEMENT, AND SCREENING OF UTILITIES.
 - B. ALL PRIMARY ENTRANCES AND FACADES SHALL FRONT TILLMAN. SECONDARY CUSTOMER ENTRANCES THAT FRONT THE NORTH OR SOUTH MAY BE PERMITTED. ~~HOWEVER, CUSTOMER ENTRANCES SHALL NOT BE PERMITTED TO FRONT THE WEST, SUCH REAR ENTRANCES MAY BE PERMITTED AS SERVICE ENTRANCES.~~
 - C. IF - WITHIN THE EASTERN RETAIL AREA - A RETAIL BAY IS NOT WITHIN 20 FEET OF THE TILLMAN FACADE, STAFF MAY PERMIT PRIMARY ENTRANCES THAT DO NOT FRONT THE EAST.
 - C. ACCESS POINTS SHALL BE OFFSET TO DISCOURAGE CUT-THROUGH TRAFFIC.
 - D. A BICYCLE REPAIR STAND AND AIR PUMP, SPECIFICATIONS OF WHICH SHALL BE APPROVED ADMINISTRATIVELY, SHALL BE INSTALLED FOR PUBLIC USE.
 - E. FINAL SITE DESIGN SHALL BE SUBJECT TO ADMINISTRATIVE APPROVAL.
- III. FINAL PLAN
 - A. A TRAFFIC IMPACT STUDY AND TRAFFIC SIGNAL WARRANT ANALYSIS SHALL BE CONDUCTED. IF WARRANTED, A TRAFFIC SIGNAL AT THE INTERSECTION OF BROAD AND TILLMAN SHALL BE DESIGNED AND INSTALLED BY THE APPLICANT. SUCH DESIGN SHALL ADDRESS THE HAMPLINE BICYCLE CORRIDOR.
 - B. APPROVAL BY THE CITY ENGINEER MAY BE REQUIRED.
 - C. IF ADJACENT AUTUMN AVE. RIGHT-OF-WAY IS CLOSED, THAT LAND MAY BE INCORPORATED INTO THIS PLANNED DEVELOPMENT SUBJECT TO ADMINISTRATIVE APPROVAL.

NEERAJ KUMAR
B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
ARCHITECT (MS License No. 5279)
1255 Lynnfield Road, Suite 226
Memphis, Tennessee 38139
Telephone: 901.603-8765
E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS

BROAD AVENUE PLAZA,

**SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN**

SEAL

CONSULTANTS NAME:

NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

FOR REVIEW ONLY

DRAWING NAME

SITE PLAN

DRAWING NUMBER:

A100

NEERAJ KUMAR
 B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
 ARCHITECT (MS License No. 5279)
 1255 Lynnfield Road, Suite 226
 Memphis, Tennessee 38139
 Telephone: 901.603-8765
 E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

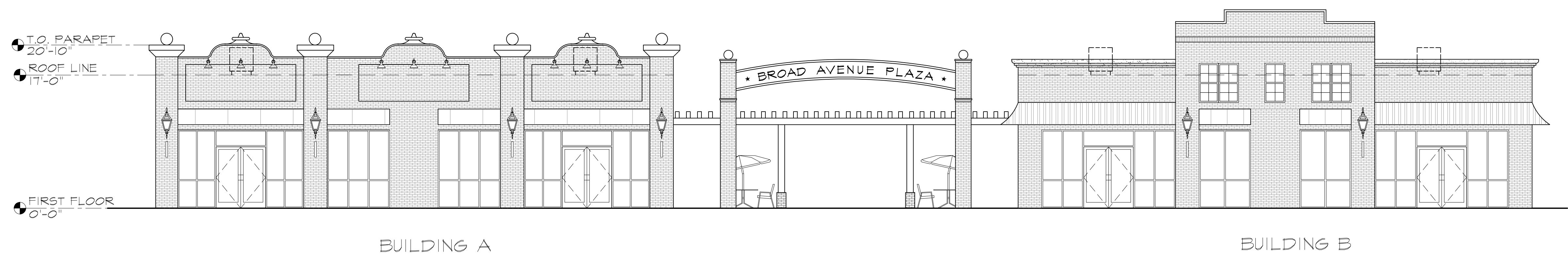
 CONSULTANTS NAME:

FOR REVIEW ONLY

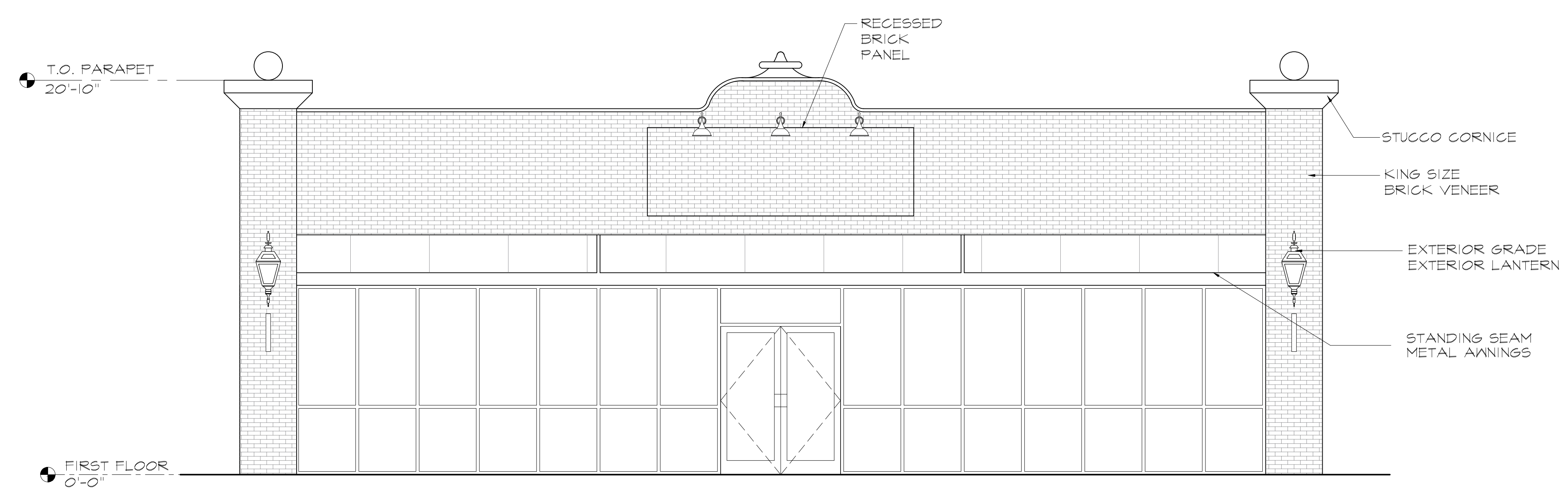
NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

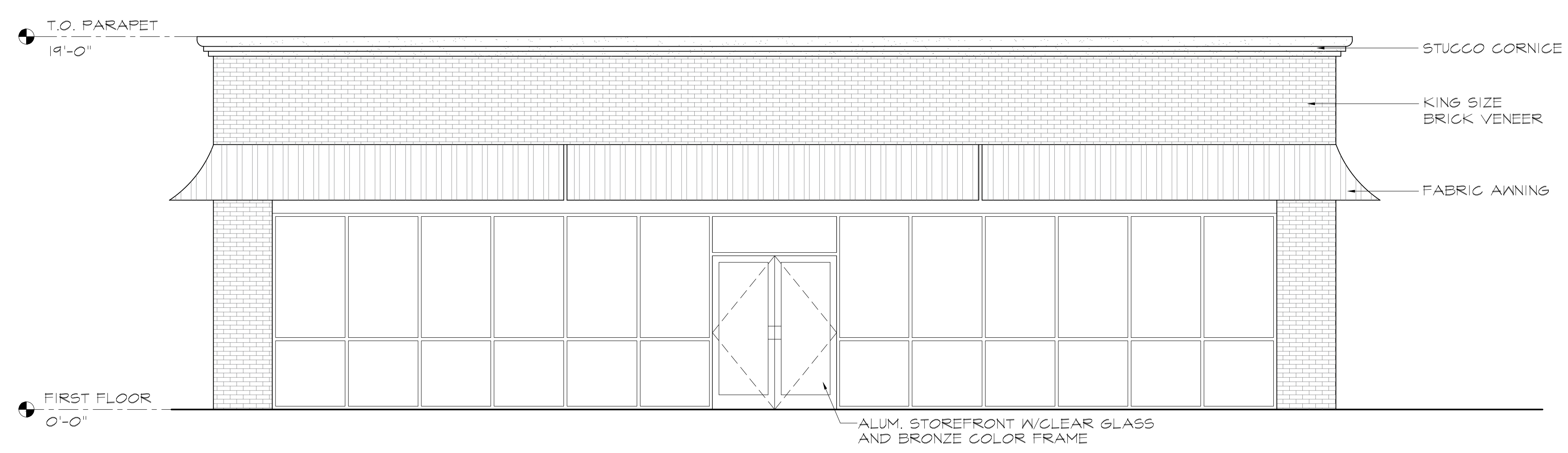
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A301



1D WEST ELEVATION
 SCALE 1/8"=1'-0"



1B SOUTH ELEVATION - BUILDING A (FACING COURTYARD)
 SCALE 1/4"=1'-0"



1A NORTH ELEVATION - BUILDING B (FACING COURTYARD)
 SCALE 1/4"=1'-0"

NEERAJ KUMAR
 B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
 ARCHITECT (MS License No. 5279)
 1255 Lynnfield Road, Suite 226
 Memphis, Tennessee 38139
 Telephone: 901.603-8765
 E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

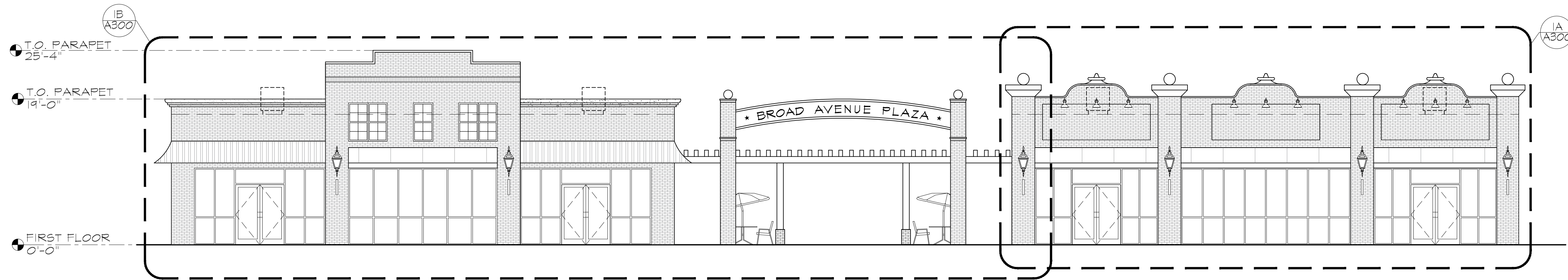
 CONSULTANTS NAME:

FOR REVIEW ONLY

NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

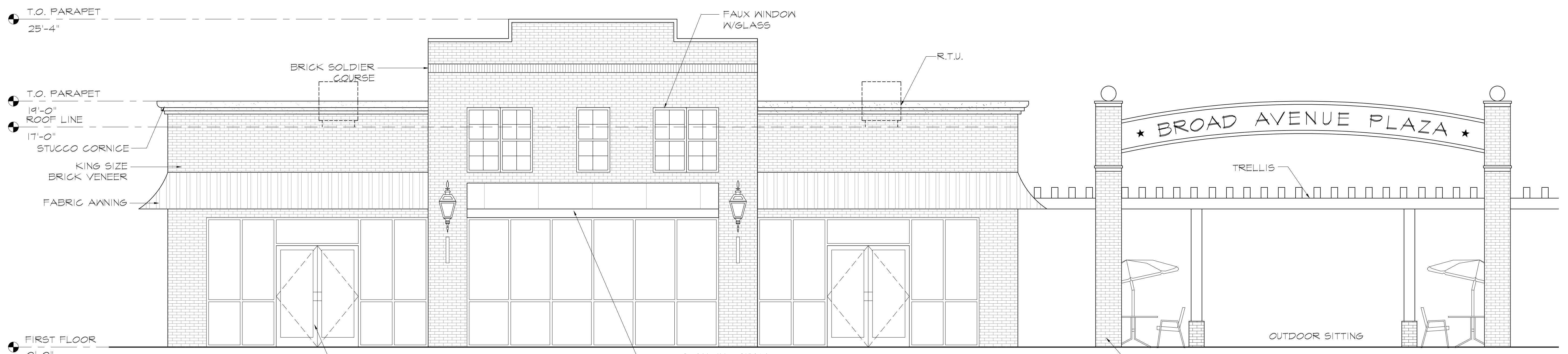
DRAWING NUMBER:
A300



1D EAST ELEVATION
 SCALE 1/8"=1'-0"

BUILDING B

BUILDING A

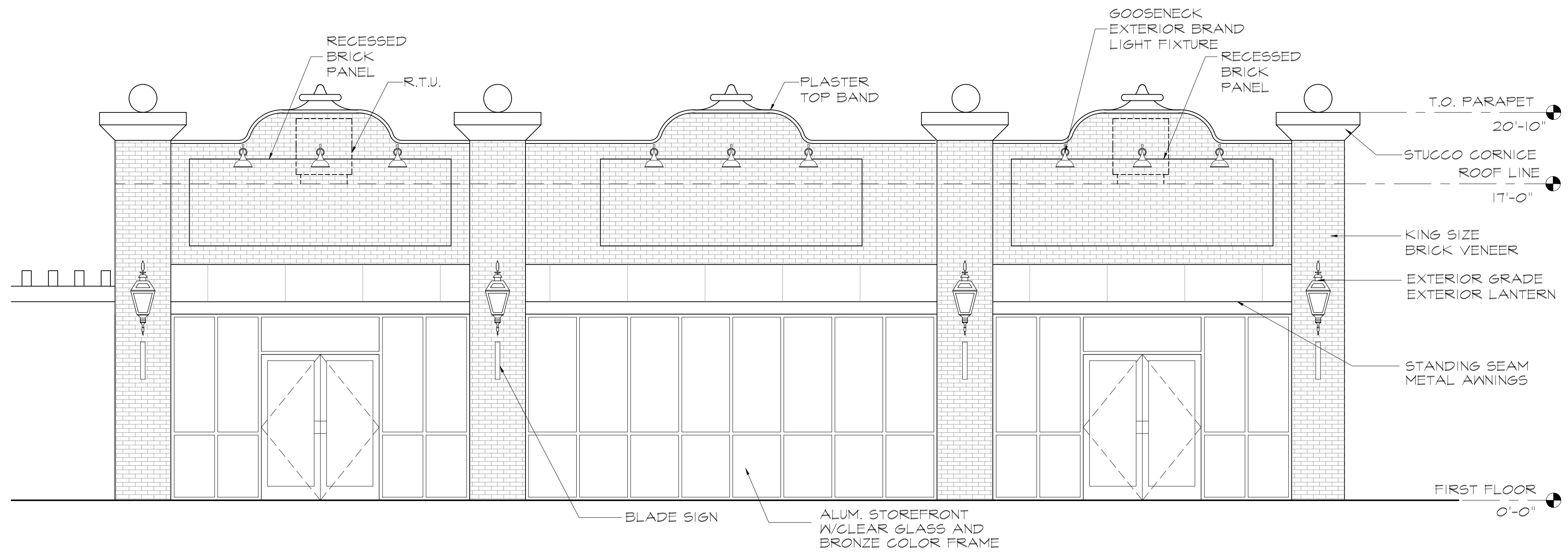


1B ENLARGED EAST ELEVATION BUILDING B
 SCALE 1/4"=1'-0"

ALUM. STOREFRONT W/GLASS AND BRONZE COLOR FRAME
 STANDING SEAM METAL AWNINGS

GATEWAY

OUTDOOR SITTING



1A ENLARGED EAST ELEVATION BUILDING A
 SCALE 1/4"=1'-0"

BLADE SIGN
 ALUM. STOREFRONT W/GLASS AND BRONZE COLOR FRAME

FIRST FLOOR 0'-0"

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Office of Planning & Development
DIVISION

Planning & Zoning

COMMITTEE: 08/17/2021
DATE

PUBLIC SESSION: 08/17/2021
DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: The following item was heard and a recommendation made by the Land Use Control Board.

CASE NUMBER: P.D. 21-22

LOCATION: East side of Charles Bryan Road; +/- 220 feet north of Elmore Road

COUNCIL DISTRICTS: District 1, Super District 9-Positions 1, 2 & 3

OWNER(S)/APPLICANT(S): Ernest S. & Cathering L. Long/Eddie Kircher Construction

REPRESENTATIVE: W.H. Porter Consultants, PLLC

EXISTING ZONING: Residential Single Family (R-8) District

REQUEST: Planned development to allow twenty-three (23) lots for construction of new side yard homes

AREA: 5.30 Acres

RECOMMENDATIONS: Division of Planning and Development: **Approval with Conditions**
Land Use Control Board: **Approval with Conditions**

RECOMMENDED COUNCIL ACTION: **No Public Hearing Required: Date: August 17th, 2021**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
July 8th, 2021 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
_____	_____	ZONING ADMINISTRATOR
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

P.D. 21-22

(Eddie Kircher Construction)

A Resolution requesting a planned development to allow twenty-three (23) lots for construction of new side yard homes with associated accessory structures and uses within the Concept Plan, subject to Outline Plan Conditions

- This item is a Resolution with a Concept Plan for a planned development to allow twenty-three (23) single family side yard homes on real property located in Residential Single Family (R-8) District zoning; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Eddie Kircher Construction and Representative: W.H. Porter Consultants, PLLC; and
- Approval of the planned development will be reflected on the Memphis & Shelby County Zoning Atlas; and
- This resolution, if approved with Outline Plan Conditions, will supersede the existing zoning of the property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING A PLANNED DEVELOPEMNT FOR PROPERTY LOCATED AT THE EAST SIDE OF CHARLES BRYAN ROAD; +/-220 FEET NORTH OF ELMORE ROAD, KNOWN AS CASE NUMBER P.D. 21-22, VADA PLANNED DEVELOPMENT

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 a grant a planned development for certain stated purposes in various zoning districts; and

WHEREAS, the *Eddie Kircher Construction* filed a planned development application with the Memphis and Shelby County Office of Planning and Development to allow twenty-three (23) lots for construction of new side yard homes with associated accessory structures and uses at the *east side of Charles Bryan Road; +/-220 feet north of Elmore Road*; and

WHEREAS, the Division of Planning and Development has received and reviewed the planned development 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 *Thursday, July 8th, 2021*, 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 planned development 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 Division of Planning and Development and has determined that said 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, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted to allow a *twenty-three (23) lots for construction of new side yard homes with associated accessory structures and uses* in accordance with the attached *Outline Plan Conditions*.

BE IT FURTHER RESOLVED, that the requirements of said clause 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.

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.

P.D. 21-22

Vada Planned Development

ATTEST:

***cc: Division of Planning and Development
Land Use and Development Services
Office of Construction Code Enforcement***

P.D. 21-22
Vada Planned Development
Outline Plan Conditions

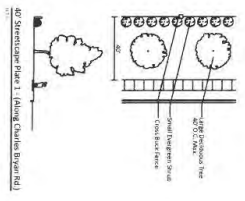
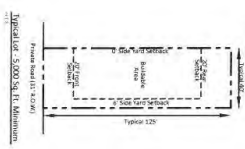
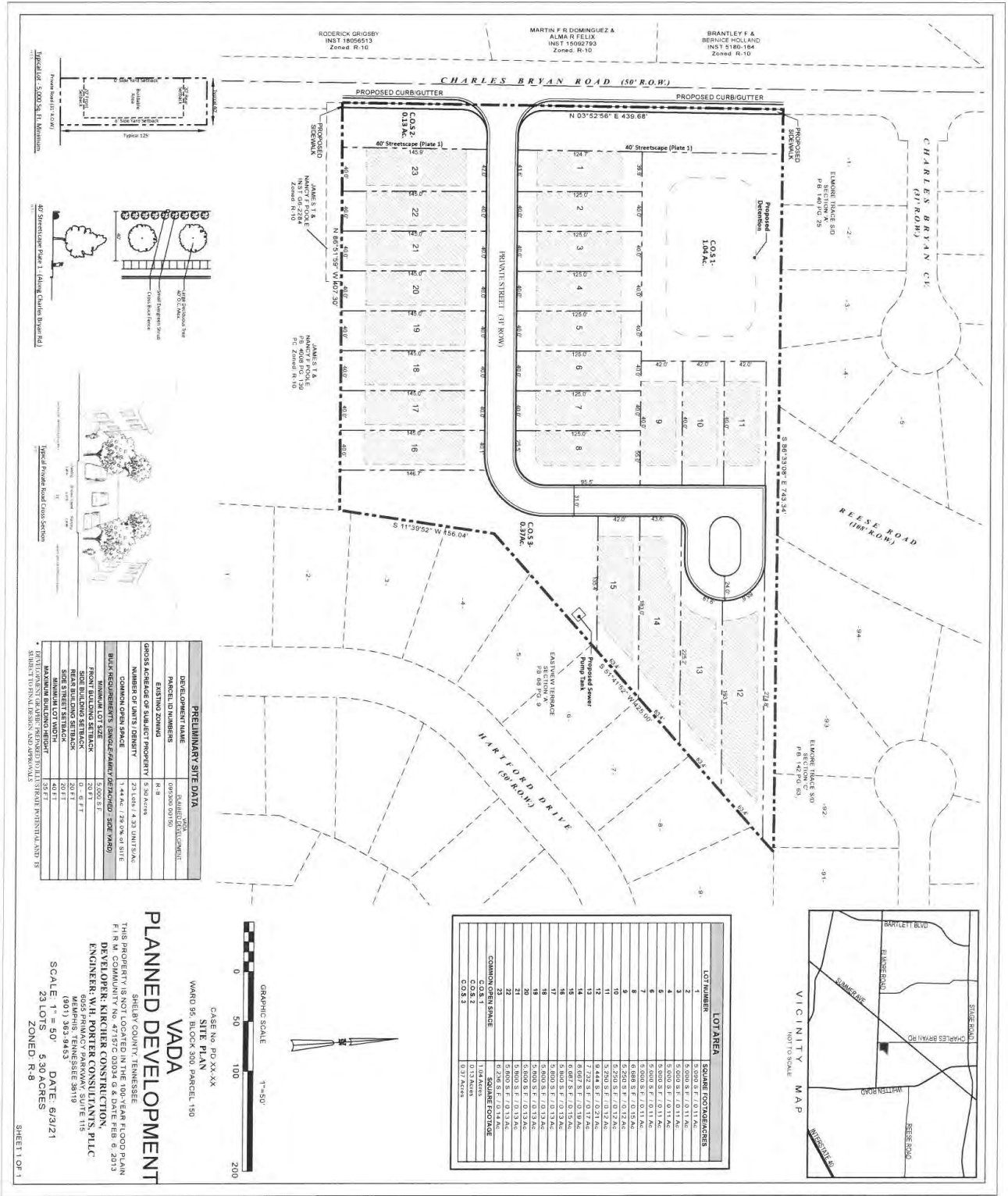
- I. Uses Permitted: Any use permitted by right in the Residential Single-Family (R-6) District.
 - A. Common Open Space: The planned uses are limited to landscaping, architectural elements, and neighborhood passive recreation.
 - B. A maximum of twenty-three (23) single-family detached units are allowed.
 - C. Accessory structures and uses in accordance with Chapters 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code (UDC).
- II. Bulk Regulations:
 - A. The Bulk regulations of the Residential Single-Family (R-6) District shall apply with the following exceptions:
 - 1. Minimum Lot Size – 5,000 square feet
 - 2. Minimum Lot width – forty (40') feet
 - 3. Side Setback – Zero (0') feet on one side and seven (7) feet on opposite side
 - 4. Rear Setback – twenty (20') feet
 - B. All single-family homes shall be side yard homes.
- III. Access, Circulation, and Streetscapes:
 - A. One (1) point of vehicular access to Charles Bryan Road shall be permitted via thirty-one (31) foot private drive subject to review and approval of the City Engineer.
 - B. The exact location and design of any curb-cut shall be subject to review and approval by the City Engineer.
 - C. All private drives shall be constructed to meet the Unified Development Code, applicable County Standards, and provide a minimum width of thirty-one (31') feet from curb to curb.
 - D. A forty (40')-foot streetscape plate shall be installed along Charles Bryan Road. The streetscape shall consist of a four (4) foot high cross-buck fence, small evergreen shrubs, and large deciduous trees forty (40)-feet on-center.
 - E. Garage Placement: front loaded garages may be allowed to exceed the 30% width of the front wall plane and shall be allowed to project past the front façade as stated in UDC Section 3.9.1.C. The Land Use and Development Services staff shall have the right to administratively approve building elevations prior to acquiring a building permit.

- IV. Landscaping and Screening:
- A. The landscape areas shall be owned and maintained by a Homeowner's Association for ownership and maintenance purposes. Such maintenance shall include, but not limited to: removal of fallen objects, debris, trash, and mowing.
 - B. All landscaping shall be located as to not interfere with any above ground or below ground utilities. And all landscaping shall consider and illustrate the vision triangle and any power poles.
 - C. Any existing trees along adjacent property lines may be preserved, as applicable. The protection of the root areas around the trees shall be provided during construction to avoid storage or operation of heavy equipment excavation or extensive filling in these areas.
- V. Signs incorporated with a landscape entrance feature shall be in conformance with regulations established for Residential Districts of Sub-Section 4.9.7B of the UDC and illustrated on the final plan.
- VI. Grading and Drainage:
- 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. All drainage plans shall be submitted to the City Engineer for review and approval.
 - C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-01 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.
 - D. An overall grading and drainage plan for the site shall be submitted to the City Engineers prior to approval of the Outline/Final plan.
 - E. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer, if necessary.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Legislative Body.
- VIII. A final Plan shall be filed within five (5) years of the approval of the Outline/Concept 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 required public improvements; and
 - C. The exact location and dimensions, including height of utility easements, private drives, required parking areas, landscaping and screening areas; and
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common open spaces, facilities and areas to a Homeowner's Association or other entity for ownership and maintenance purposes; and
 - F. The Property Owner's Association shall be responsible for the ownership and maintenance requirements of any common open space areas and private facilities, including private roads, drainage and sewer.
 - G. The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
 - H. A sewer connection permit and an on-site storage tank shall be required to store the discharge and pump down during off-peak times. The developer shall provide the proposed discharge to the Engineering Division/Sewer Design Department for hydraulic analysis of the sewer system; and
 - I. A note requiring finished floors of all new structures built within the district shall be at least thirty (30) inches above the nearest 100-year Base Flood Elevation(BFE) according the latest FIRM maps.

P.D.21-22

Vada Planned Development

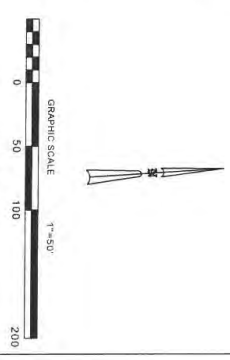


PRELIMINARY SITE DATA

DEVELOPMENT TYPE	RESIDENTIAL
PARCEL ID NUMBER	092000 001150
EXISTING ZONING	R-8
GROSS ACRES OF SUBJECT PROPERTY	5.30 ACRES
NUMBER OF UNITS / DENSITY	23 UNITS / 4.33 UNITS/AC
COMMON OPEN SPACE	1.44 AC / 26.9% OF SITE
BULK REQUIREMENT (MINIMUM/DESIGN/STREET YARD)	5.0000 FT.
MINIMUM LOT SIZE	2017 S.F.
MINIMUM FRONT SETBACK	20 FT.
MINIMUM SIDE SETBACK	20 FT.
MINIMUM REAR SETBACK	20 FT.
MAXIMUM BUILDING HEIGHT	35 FT.
SETBACK REQUIREMENTS (SEE ZONING)	

PLANNED DEVELOPMENT

CASE No. PD XX XX
 VADA
 SHELBURY COUNTY, TENNESSEE
 THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN
 FIRM COMMUNITY NO. 4757C 0304 G & DATE FEB. 9, 2013
 DRAWN BY: KINCHER CONSTRUCTION, INC.
 ENGINEER: KINCHER CONSTRUCTION, INC.
 MEMPHIS, TENNESSEE 38119
 (901) 363-9453 DATE: 6/3/21
 SCALE: 1" = 50'
 23 LOT PARCELS
 ZONED: R-8



LOT NUMBER	SQUARE FOOTAGE
1	5,000 S.F. / 0.11 AC
2	5,000 S.F. / 0.11 AC
3	5,000 S.F. / 0.11 AC
4	5,000 S.F. / 0.11 AC
5	5,000 S.F. / 0.11 AC
6	5,000 S.F. / 0.11 AC
7	5,000 S.F. / 0.11 AC
8	5,250 S.F. / 0.12 AC
9	5,250 S.F. / 0.12 AC
10	5,250 S.F. / 0.12 AC
11	5,250 S.F. / 0.12 AC
12	9,444 S.F. / 0.21 AC
13	7,272 S.F. / 0.17 AC
14	5,000 S.F. / 0.11 AC
15	5,000 S.F. / 0.11 AC
16	5,000 S.F. / 0.11 AC
17	5,000 S.F. / 0.11 AC
18	6,081 S.F. / 0.14 AC
19	5,000 S.F. / 0.11 AC
20	5,000 S.F. / 0.11 AC
21	5,000 S.F. / 0.11 AC
22	5,000 S.F. / 0.11 AC
23	5,000 S.F. / 0.11 AC
COMMON OPEN SPACE	1.44 Acres
CO.S 2	0.13 Acres
CO.S 3	0.17 Acres



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 8th, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following planned development application:

CASE NUMBER: P.D. 21-22

LOCATION: East side of Charles Bryan Road; +/-220 feet north of Elmore Road

COUNCIL DISTRICTS: District 1, Super District 9-Positions 1, 2 & 3

OWNER/APPLICANT: Ernest S. & Catherine L. Long/Eddie Kircher Construction

REPRESENTATIVE: W.H. Porter Consultants, PLLC

EXISTING ZONING: Residential Single Family (R-8) District

REQUEST: Planned development to allow twenty-three (23) lots for construction of new side yard homes

AREA: 5.30 Acres

The following was present in support of the application:

Tim Dagastino, W.H. Porter Consultants, PLLC, 6055 Primacy Parkway-Suite 115, Memphis, TN 38119
Eddie Kircher Construction, 3023 Centre Oak Way-Suite 2, Germantown, TN 38138

No one appeared or spoke in opposition of the application.

The Land Use Control Board reviewed the application and the staff report. A motion was made to approve on the consent agenda as recommended by staff with conditions.

The motion passed by a unanimous vote of 8 to 0.

Respectfully,



Brian S. Bacchus
Principal Planner
Land Use and Development Services
Division of Planning and Development

cc: Committee Members
File

P.D. 21-22**Vada Planned Development
Outline Plan Conditions**

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P.D.21-22

Vada Planned Development

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

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

July 9th, 2021

Tim Dagastino/Henry Porter
C/o Eddie Kircher Construction
6055 Primacy Parkway-Suite 115
Memphis, TN 38119

Sent via electronic mail to: tdagastino@whporter.com; hporter@whporter.com; eddie@kircherllc.com

RE: OPD FILE #: P.D. 21-022
L.U.C.B. RECOMMENDATION: Approval with Conditions

Dear Tim/Henry,

The Memphis and Shelby County Land Use Control Board on **Thursday, July 8th, 2021**, recommended **'approval'** of your planned development application to allow **'twenty-three (23) lots for construction of new side yard homes'** located at the **'east side of Charles Bryan Road; +/-220 feet north of Elmore Road'**, subject to the attached conditions.

The Memphis City Council will review the planned development application in Planning and Zoning Committee meeting prior to voting in public session. The applicant or the applicant's representative(s) shall attend all meetings and public sessions. At least two (2) weeks after receiving this letter, please contact the City Council Records office to determine when the application will be scheduled for committee and in public session. The Council Records office phone number is (901) 636-6792.

If for some reason you choose not to go forward with the application, a letter should be mailed to the Office of Planning and Development at the address provided above. If you have questions or concerns regarding this matter or of any necessary submittals, please call me at (901) 636-7120 or you may contact me via email at brian.bacchus@memphistn.gov.

Sincerely,



Brian S. Bacchus, Principal
Josh Whitehead, Secretary, LUCB
Division of Planning and Development

CC: Eddie Kircher Construction
WH Porter Consultants, PLLC
File: P.D. 21-022

P.D. 21-022**Vada Planned Development
Outline Plan Conditions**

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 - G. The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
 - H. A sewer connection permit and an on-site storage tank shall be required to store the discharge and pump down during off-peak times. The developer shall provide the proposed discharge to the Engineering Division/Sewer Design Department for hydraulic analysis of the sewer system; and
 - I. A note requiring finished floors of all new structures built within the district shall be at least thirty (30) inches above the nearest 100-year Base Flood Elevation(BFE) according the latest FIRM maps.

P.D.21-022

Vada Planned Development

CASE NUMBER: P.D. 21-22 **L.U.C.B. MEETING:** July 8th, 2021

DEVELOPMENT NAME: VADA PLANNED DEVELOPMENT

LOCATION: East side of Charles Bryan Road; +/-220 feet north of Elmore Road

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

OWNERS/APPLICANTS: Ernest S. & Catherine L. Long/Eddie Kircher Construction

REPRESENTATIVE(S): W.H. Porter Consultants, PLLC

REQUEST: Planned Development to allow twenty-three (23) lots for construction of new side yard homes

AREA: 5.30 Acres

EXISTING LAND USE & ZONING: Vacant tract of land in Residential Single Family (R-8) District

CONCLUSIONS:

1. The proposal is consistent with the Memphis 3.0 Plan, but to allow twenty-three (23) single family lots for construction of new side yard homes shall be subject to the availability of city sanitary sewer.
2. The property is in Fletcher Creek Sewer Basin and an application for sewer connection permit letter from the Director of Public Works is necessary. If approved, the developer may also have to install an on-site storage tank with off-peak discharge capabilities.
3. The applicant should consider a cul-de-sac bulb, instead of the loop lane design to be consistent with street types in the immediate area and to provide a more efficient and effective traffic circulation pattern within the development plan for side yard homes.
4. The required off-street parking location, design, placement and location of garages or carports in the typical lot layout has not been illustrated in the development plan as specified in Sub-Section 3.9.1C of the UDC.
5. The planned residential development is in a special overlay district, the Fletcher Creek Overlay District, which requires finished floors of all new structures built within the district to be at least thirty (30) inches above the nearest 100-year base flood elevation according the latest FIRM maps.

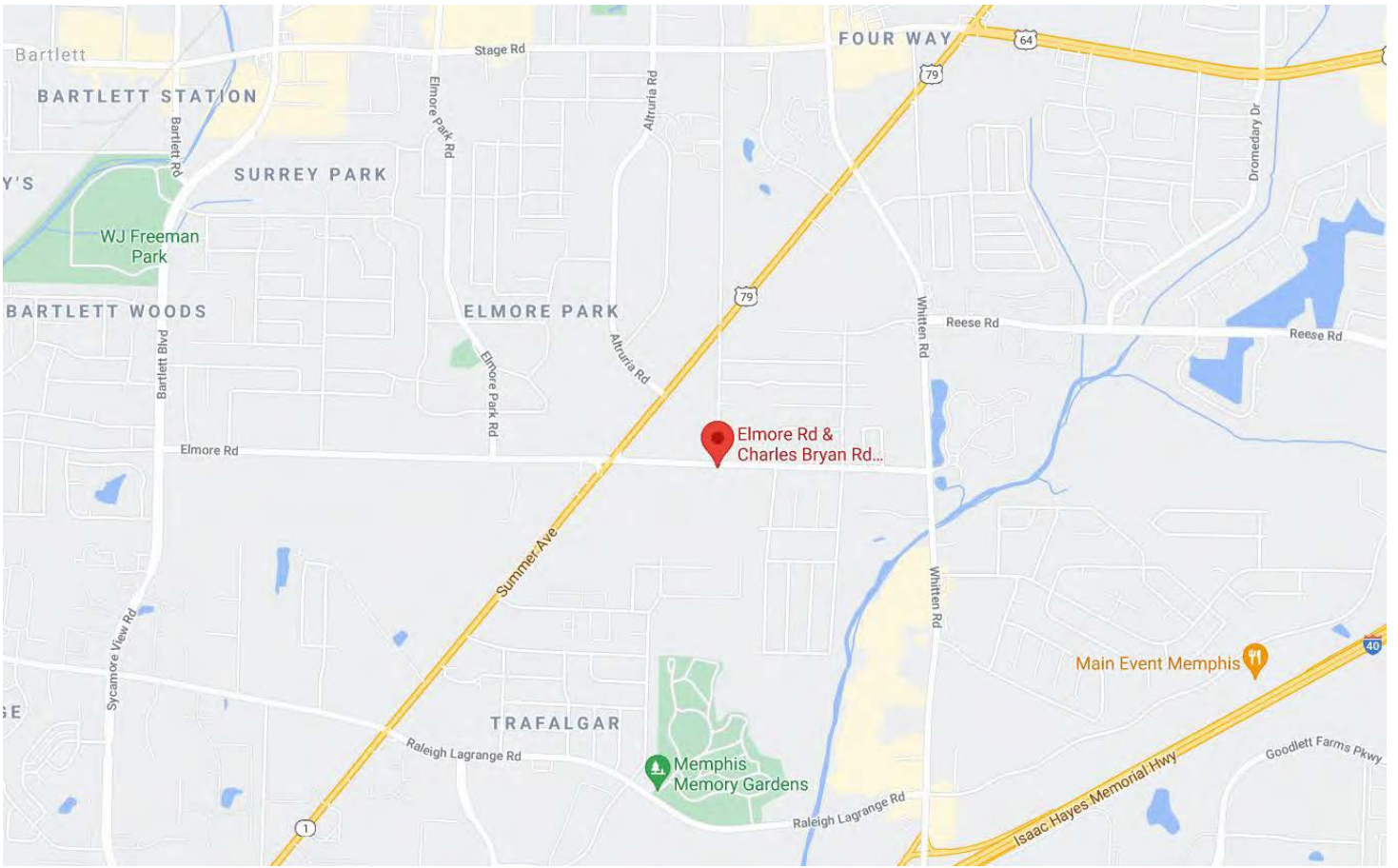
CONSISTENCY WITH MEMPHIS 3.0

Based on the information provided, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

DIVISION OF PLANNING & DEVELOPMENT RECOMMENDATION:

Approval with Conditions

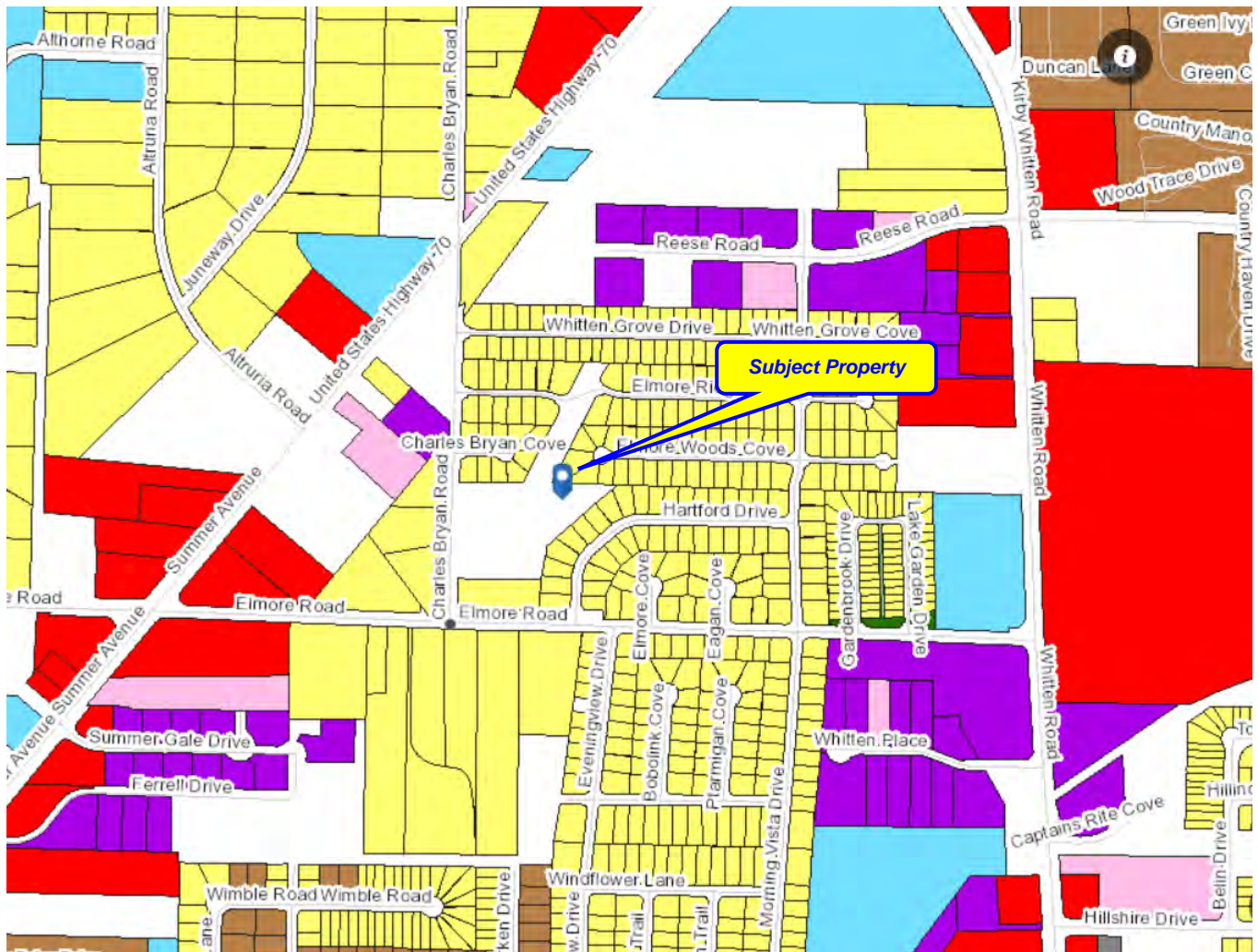
Planning Area



Zoning

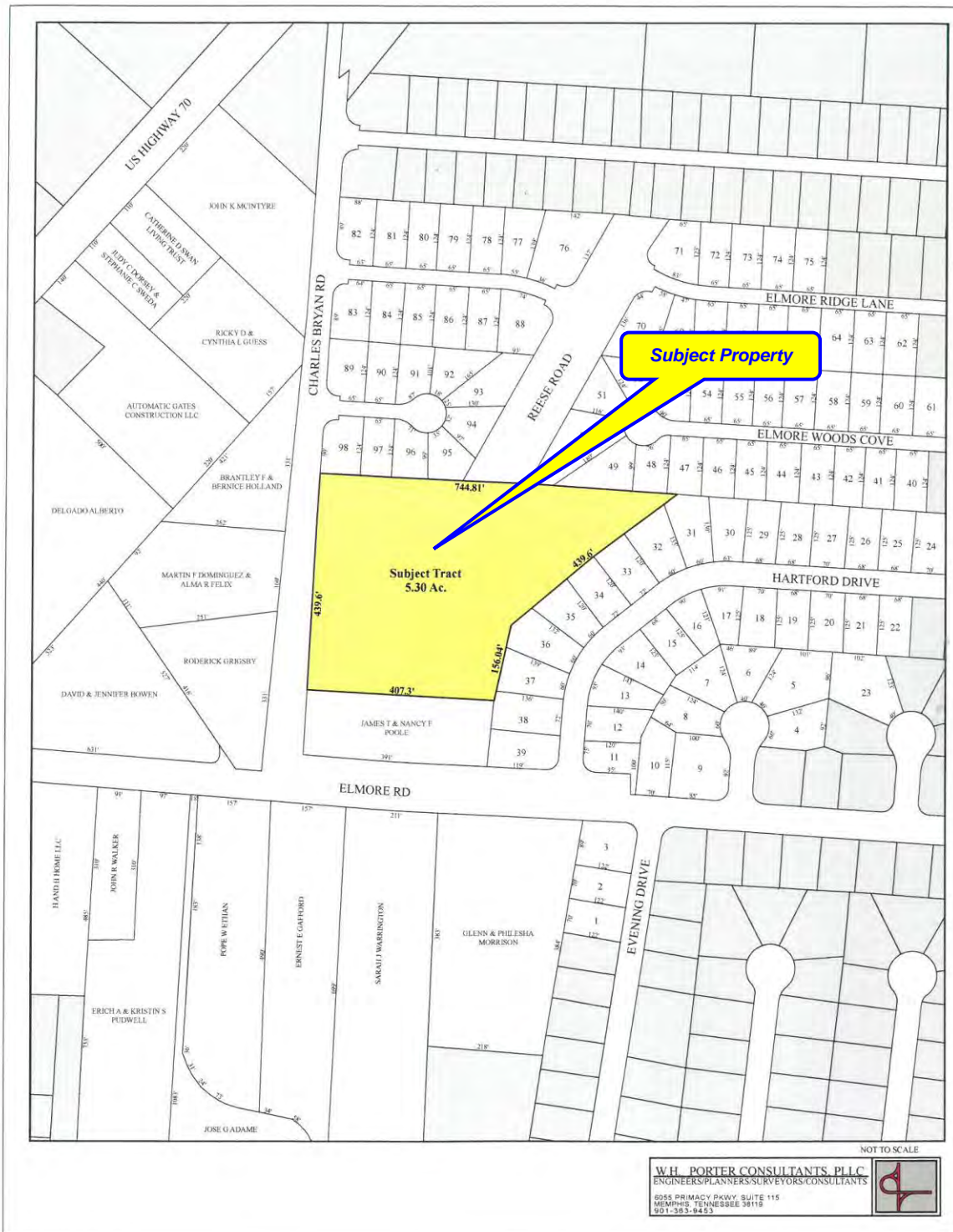


Land Use

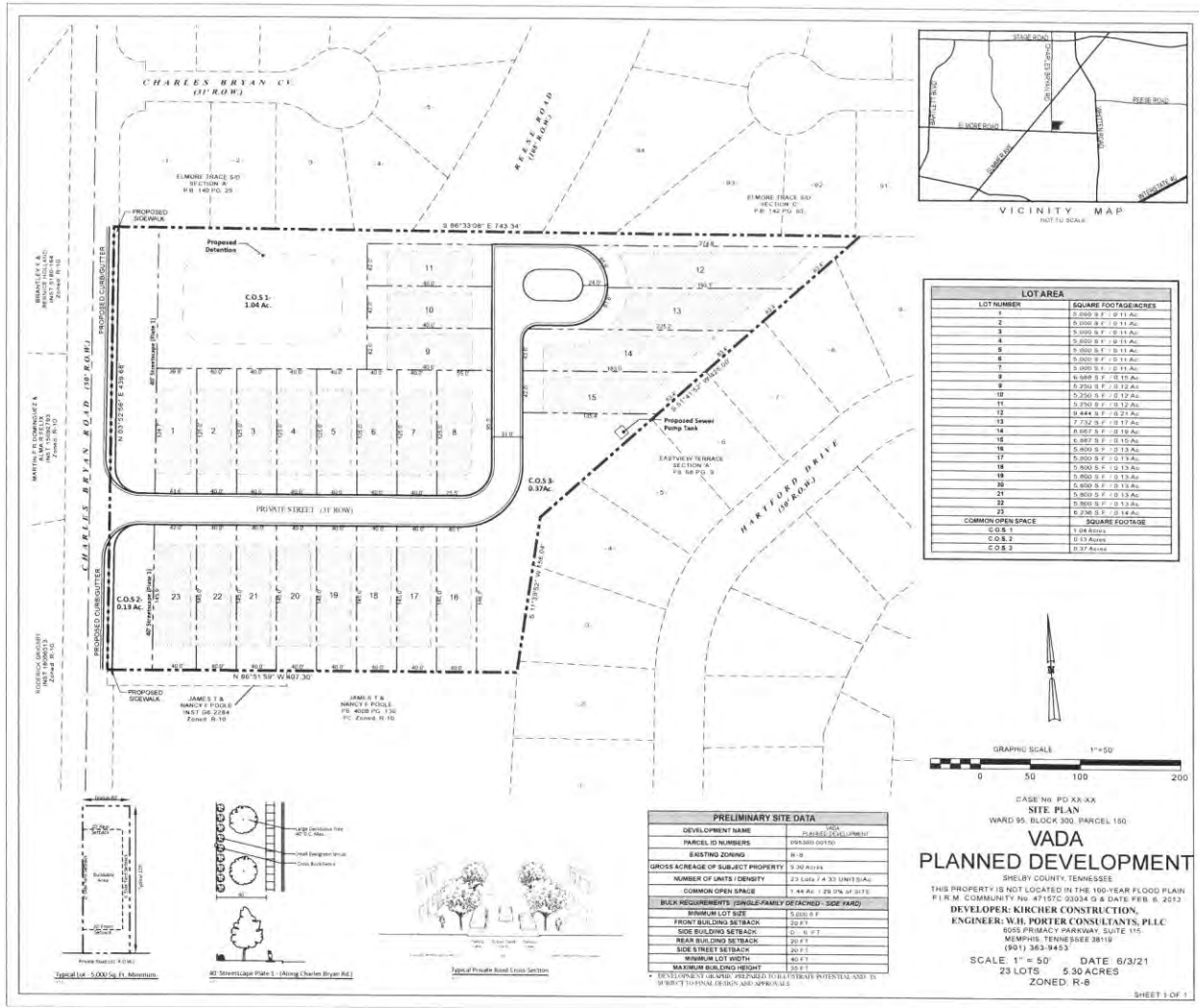


- North:** Single family homes in “Elmore Trace’ subdivision in Single Family Residential (R-8) District.
- East:** Single family homes in ‘Eastview Terrace’ subdivision in Single Family Residential (R-8) District.
- South:** Single family homes on estate lots in Single Family Residential (R-8) District.
- West:** Single family homes on estate lots in Residential Single Family (R-8) District.

Vicinity Map (Boundaries)



Concept Plan



Neighborhood Meeting: Neighborhood Zoom Meeting was held Wednesday, June 23rd, 2021.

Sign Posting & Public Notice: Sign Posted on the property Thursday, June 10th, 2021.
Public Hearing Notices mailed Friday, June 25th, 2021.

NOTE: The public notices will be mailed to adjacent property owners within a radius of five (500) hundred feet of the property and any return notices to OPD are subject to Paragraph 9.3.4F (2) of the UDC regarding undelivered and returned mailed notices that exceed 25% of the total required notices.

STAFF ANALYSIS:

Site Description

The subject property is a large vacant tract containing 5.30 acres located on the east side of Charles Bryan Road and north of Elmore Road in the 'Elmore Park' community of the City of Memphis. The current zoning of the parcel is Residential Single Family (R-8) District with 439.60 linear feet of unimproved street frontage on Charles Bryan Road. The property has no curb, gutter or sidewalk along the road, but heavily encumbered by mature trees and underbrush. The property is an irregular-shaped tract of land directly adjacent to single family homes to the north in 'Elmore Trace' and to the east in 'Eastview Terrace' subdivisions. A single-family home on an estate lot is adjacent to the south in R-8 District zoning as well as single family homes on estate lots to the west in R-!0 District zoning which far exceed the district standards.

Request & Project Review

The applicant is proposing a single use plan of development for side yard single-family homes on lots ranging 5,000 to 9,500 square feet in area with access via a private street thirty-one (31) feet in width with a loop lane traffic circle turn-a-round with common open space. The entire development will have twenty-nine (29) percent of common open space which includes a streetscape along Charles Bryan Road forty (40) feet in width with street tree 'Type A' with 'Shrub B' and a split rail fence to maintain the rural character of the area. The interior of the development plan will also include a walking trail amenity around a detention facility for storm water management. The most important aspects of the plan include common open spaces within the development plan for passive recreation spaces and the preservation of natural buffers adjacent to single family homes to the south and east to be provided in the final plan of development.

The applicant submitted planned development conditions for staff review and the proposal as submitted is consistent with the Memphis 3.0 Plan, but to allow twenty-three (23) single family lots for construction of new side yard homes is subject to the availability of city sanitary sewer. However, a determination can be made as to availability once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Department. The property is in Fletcher Creek Sewer Basin and an application for sewer connection permit letter from the Director of Public Works is necessary. If approved, the developer may also have to install an on-site storage tank with off-peak discharge capabilities which a location is illustrated on the concept plan.

The street design meets Paragraph 5.2.5B(1)(b) for maximum length of a cul-de-sac in a Residential (R) District being 645 feet in length when 900 feet in length is permitted for average lot sizes of 7,222 sq. ft. in area. However, the applicant should consider a cul-de-sac bulb, instead of the loop lane design to be consistent with street types in the immediate area and to provide a more efficient and effective traffic circulation pattern within the development plan for side yard homes. If a cul-de-sac is provided, the design requirements shall meet Sub-Sections 5.2.14A-F for cul-de-sac street design of the UDC. (see attachments for staff street design)

The development plan meets the standards and criteria for planned residential developments in Sections 4.10.3 & 4, except for demonstrating the required off-street parking in Sub-Section 4.10.4C. More importantly, the required off-street parking location, design, placement and location of garages or carports in the typical lot layout has not been illustrated in the development plan as specified in Sub-Section 3.9.1C of the UDC. Furthermore, the request is for side yard homes illustrated with one (1) zero side yard with the other side yard at six (6) feet, and not for conventional single family detached homes which requires two (2) side yards at five (5) feet.

The development standards for side yard homes in Residential Single Family (R-6) District require a seven (7) foot side yard instead of six (6) feet as illustrated in the concept plan of development. Although certain standards and criteria have been met, the planned residential development is in a special overlay district, the Fletcher Creek Overlay District, which requires finished floors of all new structures built within the district to be at least thirty (30) inches above the nearest 100-year base flood elevation according the latest FIRM maps.

RECOMMENDATION: ***Approval with Conditions***

P.D. 21-022
Vada Planned Development
Outline Plan Conditions

- I. Uses Permitted: Any use permitted by right in the Residential Single-Family (R-6) District.
 - A. Common Open Space: The planned uses are limited to landscaping, architectural elements, and neighborhood passive recreation.
 - B. A maximum of twenty-three (23) single-family detached units are allowed.
 - C. Accessory structures and uses in accordance with Chapters 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code (UDC).
- II. Bulk Regulations:
 - A. The Bulk regulations of the Residential Single-Family (R-6) District shall apply with the following exceptions:
 - 1. Minimum Lot Size – 5,000 square feet
 - 2. Minimum Lot width – forty (40') feet
 - 3. Side Setback – Zero (0') feet on one side and seven (7) feet on opposite side
 - 4. Rear Setback – twenty (20') feet
 - B. All single-family homes shall be side yard homes.
- III. Access, Circulation, and Streetscapes:
 - A. One (1) point of vehicular access to Charles Bryan Road shall be permitted via thirty-one (31) foot private drive subject to review and approval of the City Engineer.
 - B. The exact location and design of any curb-cut shall be subject to review and approval by the City Engineer.
 - C. All private drives shall be constructed to meet the Unified Development Code, applicable County Standards, and provide a minimum width of thirty-one (31') feet from curb to curb.
 - D. A forty (40')-foot streetscape plate shall be installed along Charles Bryan Road. The streetscape shall consist of a four (4) foot high cross-buck fence, small evergreen shrubs, and large deciduous trees forty (40)-feet on-center.
- IV. Landscaping and Screening:
 - A. The landscape areas shall be owned and maintained by a Homeowner's Association for ownership and maintenance purposes. Such maintenance shall include, but not limited to: removal of fallen objects, debris, trash, and mowing.
 - B. All landscaping shall be located as to not interfere with any above ground or below ground utilities. And all landscaping shall consider and illustrate the vision triangle and any power poles.

- C. Any existing trees along adjacent property lines may be preserved, as applicable. The protection of the root areas around the trees shall be provided during construction to avoid storage or operation of heavy equipment excavation or extensive filling in these areas.
- V. Signs incorporated with a landscape entrance feature shall be in conformance with regulations established for Residential Districts of Sub-Section 4.9.7B of the UDC and illustrated on the final plan.
- VI. Grading and Drainage:
 - 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. All drainage plans shall be submitted to the City Engineer for review and approval.
 - C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-01 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.
 - D. An overall grading and drainage plan for the site shall be submitted to the City Engineers prior to approval of the Outline/Final plan.
 - E. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer, if necessary.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Legislative Body.
- VIII. A final Plan shall be filed within five (5) years of the approval of the Outline/Concept 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 required public improvements; and
 - C. The exact location and dimensions, including height of utility easements, private drives, required parking areas, landscaping and screening areas; and
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common open spaces, facilities and areas to a Homeowner's Association or other entity for ownership and maintenance purposes; and

- F. The Property Owner's Association shall be responsible for the ownership and maintenance requirements of any common open space areas and private facilities, including private roads, drainage and sewer.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water 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 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 owner's association. Such maintenance shall be performed to ensure that the system operates in accordance with the approved plan on file in the County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.
- H. A sewer connection permit and an on-site storage tank shall be required to store the discharge and pump down during off-peak times. The developer shall provide the proposed discharge to the Engineering Division/Sewer Design Department for hydraulic analysis of the sewer system; and
- I. A note requiring finished floors of all new structures built within the district shall be at least thirty (30) inches above the nearest 100-year Base Flood Elevation(BFE) according the latest FIRM maps.

***P.D.21-022
Vada Planned Development***

Office of Comprehensive Planning(OCP) Review:

This summary is being produced in response to the following Planned Development Application to support the recommendation of the Office of Planning & Development: **PD 21-022 (Vada Planned Development)**

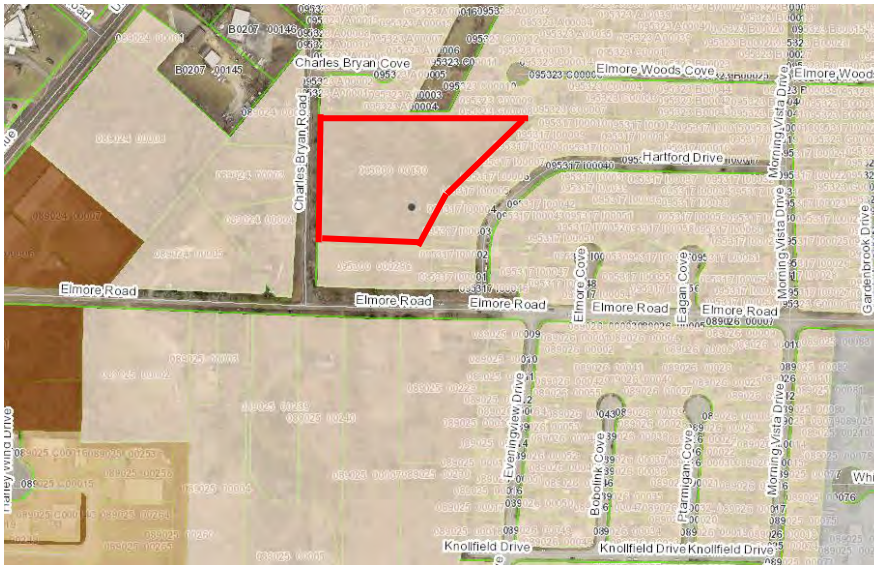
Site Location: 2394 Charles Bryan Road

Land Use Designation: Primarily Single-Unit Neighborhood (See Memphis 3.0, Page 86 for details)

Based on the future land use and degree of change map, 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 polygon indicates the location of the site on the Future Land Use Map.

2. Land use description & applicability:

Primarily Single-Unit Neighborhoods are located greater than 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 to the right).



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.

“NS” Form & Location Characteristics:

Primarily detached, residential, house-scale buildings that are one to three stories in height and beyond ½ mile from a Community Anchor.

The applicant is seeking approval of a planned development to subdivide a parcel into 23 lots with the intention of constructing single-family homes with common open space and buffered landscaping. The request meets in the criteria in the form of proposed land use type and existing zoning. The development will contribute to the existing character of the neighborhood. Therefore, the request is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential and Commercial. The subject site is surrounded by the following zoning districts: R-10, RU-1, CMU-1. This requested use is compatible with the adjacent land use because *existing land use surrounding the parcels is similar in nature to the requested use.*

4. DEGREE OF CHANGE MAP



The red polygon indicates the location of the application. There is no degree of change.

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Melanie Batke, Municipal Planner
Memphis 3.0, OCP

GENERAL INFORMATION:

- Primary Street Frontage:** Charles Bryan Road-----+/-439.60 linear feet.
- Neighborhood:** Hillshire
- Zoning History:** The Residential Single Family (R-8) District zoning of the site date to the adoption of the UDC in 2010 and 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 Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. The availability of City sanitary sewer is now unknown. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Department, a determination can be made as to available sewer capacity.
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.
5. This site is in the Fletcher Creek Sewer Basin. The developer will have to apply for a sewer connection permit letter from the Director of Public Works. If approved, the developer will likely have to install an on-site storage tank with off-peak discharge capabilities.

Roads:

6. 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.
7. 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.
8. Improve Charles Bryan Rd to UDC standards 25 ft. from the centerline with curb, gutter and sidewalk.

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. If 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. Provide cul-de-sac radii on all streets.
13. Identify the drives as "Private".
14. Private drive cul-de-sac turn-arounds shall have a minimum paved diameter of 66 feet. If the cul-de-sac exceeds 150 feet in length, the turn-around shall have a minimum paved diameter of 96 feet. (Reference Section 503 of the 2015 International Fire Code as locally amended).
15. 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.
16. 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:

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

Drainage:

19. 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.
20. 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/Shelby County Storm Water Management Manual. The site is in a sensitive drainage basin (Fletcher Creek).
21. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

22. 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.
23. 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:

24. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
25. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

Cite Fire Services:

- 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.

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:

- **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.
- **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.
- **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.

Construction Code Enforcement:	No comments received.
Office of Resiliency & Sustainability:	No comment.
AT&T-TN:	No comment.
Letters of Opposition or Support:	None as of 7/2/21.
Neighborhood Associations/Organizations:	None registered.

Staff: *bb*

S 86°33'08" E 743.34'

CHARLES BRYAN ROAD (50' R.O.W.)

PROPOSED CURB/GUTTER

PROPOSED SIDEWALK

Proposed Detention

C.O.S 1-
1.04 Ac.

274.8'
6' SETBACK

12

13

14

15

Proposed Sewer
Pump Tank

EASTVIEW TERRACE
SECTION 'A'
P.B. 68 PG. 9

C.O.S 3-
0.37Ac.

HARTFORD DRIVE
(50' R.O.W.)

MJK LENGTH 410+235
CU-*DESIGN* = 645
5.2.5.B(1)(b)
= 900 linear ft.

40' Streetscape (Plate 1)

1

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7

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PRIVATE STREET (31' ROW)

40' Streetscape (Plate 1)

C.O.S 2-
0.13 Ac.

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20' SETBACK

146.7'

S 11°39'52" W 156.04'

-3-

-2-

PROPOSED SIDEWALK

JAMES T & NANCY F POOLE
INST G6-2284
Zoned: R-10

JAMES T & NANCY F POOLE
P.B. 4008 PG. 139
P.C. Zoned: R-10

PROPOSED CURB/GUTTER

PROPOSED SIDEWALK

-9-

-8-

-7-

-6-

-5-

-4-

-3-

-2-



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: 6/3/2021

Case #: P.D. 21-022

PLEASE TYPE OR PRINT

Name of Development: Vada Planned Development

Property Owner of Record: Ernest S & Catherine L Long Phone #: N/A

Mailing Address: 184 Wallace Road City/State: Memphis/TN Zip 38117

Property Owner E-Mail Address: N/A

Applicant: Eddie Kircher Construction Phone # (901) 488-7070

Mailing Address: 3023 Centre Oak Way, Suite 2 City/State: Germantown/TN Zip 38138

Applicant E- Mail Address: eddie@kircherllc.com

Representative: W.H. Porter Consultants (Tim Dagastino) Phone #: (901) 363-9453

Mailing Address: 6055 Primacy Parkway, Suite 115 City/State: Memphis/TN Zip 38119

Representative E-Mail Address: tdagastino@whporter.com

Engineer/Surveyor: W.H. Porter Consultants (Henry Porter) Phone # (901) 363-9453

Mailing Address: 6055 Primacy Parkway, Suite 115 City/State: Memphis/TN Zip 38119

Engineer/Surveyor E-Mail Address: hporter@whporter.com

Street Address Location: 2394 Charles Bryan Road

Distance to nearest intersecting street: Northeast corner of Charles Bryan Road and Elmore Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>5.305</u>	<u> </u>	<u> </u>
Existing Zoning:	<u>R-8</u>	<u> </u>	<u> </u>
Existing Use of Property	<u>Vacant</u>	<u> </u>	<u> </u>
Requested Use of Property	<u>Single-Family</u>	<u> </u>	<u> </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

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.

This development will be consistent with similar surrounding developments

- 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.

Adequate facilities will be designed for this development and will tie into existing facilities.

- 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 service facilities will be in accordance with the planned development requirements

- 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 development will be consistent with similar surrounding developments

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

A homeowners' association will maintain common areas

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

A final plat will be recorded once constructed

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: 2-10-21 with Jeffrey Penzes

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.

DJL Egenton 5/25/21 Eddie Ritchey 5/21/21
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

W. H. PORTER CONSULTANTS, PLLC

6055 Primacy Parkway, Suite 115
Memphis, Tennessee 38119
(901) 363-9453 FAX: (901) 363-2722

Engineers, Planners, Surveyors, Consultants

June 3, 2021

Mr. Josh Whitehead
Planning Director, Land Use Controls
Office of Planning and Development
125 N. Main Street, Room 468
Memphis, TN 38103

**RE: Application for Planned Development
Vada PD
(East side of Charles Bryan 250' north of Elmore Road.)**

Mr. Whitehead,

Please accept, on behalf of the design team at W.H. Porter and Eddie Kircher Construction, an application for a Planned Development. The property is located on Charles Bryan Road between Highway 70 (Summer Avenue) and Elmore Road on the border of Memphis and Bartlett. The property is currently owned by the Longs and is under contract by the developer (Eddie Kircher Construction).

Currently zoned Residential Single-Family-8 (R-8), there are a wide variety of land uses and single-family lot sizes within the immediate are of this property. Located to the north of the property is Elmore Trace Subdivision "Sec. A" consisting of single-family lots with a minimum size of 8,000 S.F. To the east, is Eastview Terrace Subdivision "Sec. A" also consisting of 8,000 S.F. minimum lot sizes. The south and west of the property is comprised of lots ranging from $\frac{3}{4}$ of an acre to $1 \frac{1}{2}$ acres. Light Industrial and office uses can also be found in the surrounding area.

The purpose of this application is to seek approval for a Planned Development comprised of single-family lots ranging in size from 5,000 S.F. to 9,500 S.F. Approximately 29% of the development will be Common Open Space which will have an interior park and the possibility of a small walking trail around the wet detention pond. A 40' wide streetscape is proposed along Charles Bryan Road and will contain large deciduous trees 40' o.c., small evergreen shrubs, and a split rail fence to help screen the development from surrounding properties

We appreciate your support with this request. Please contact me if you have any questions.

Sincerely,



Tim Dagastino
Planner/ Project Manager

BOUNDARY SURVEY OF THE ERNEST AND CATHERINE LONG PROPERTY AS DESCRIBED IN INSTRUMENT 74 7095 IN MEMPHIS, SHELBY COUNTY, TENNESSEE



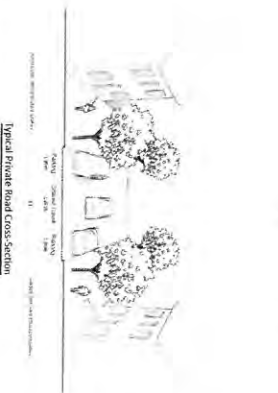
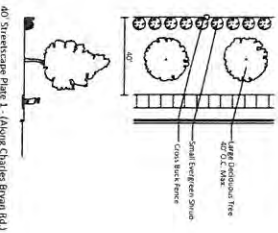
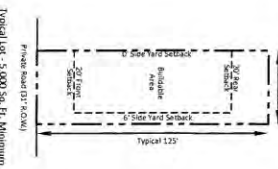
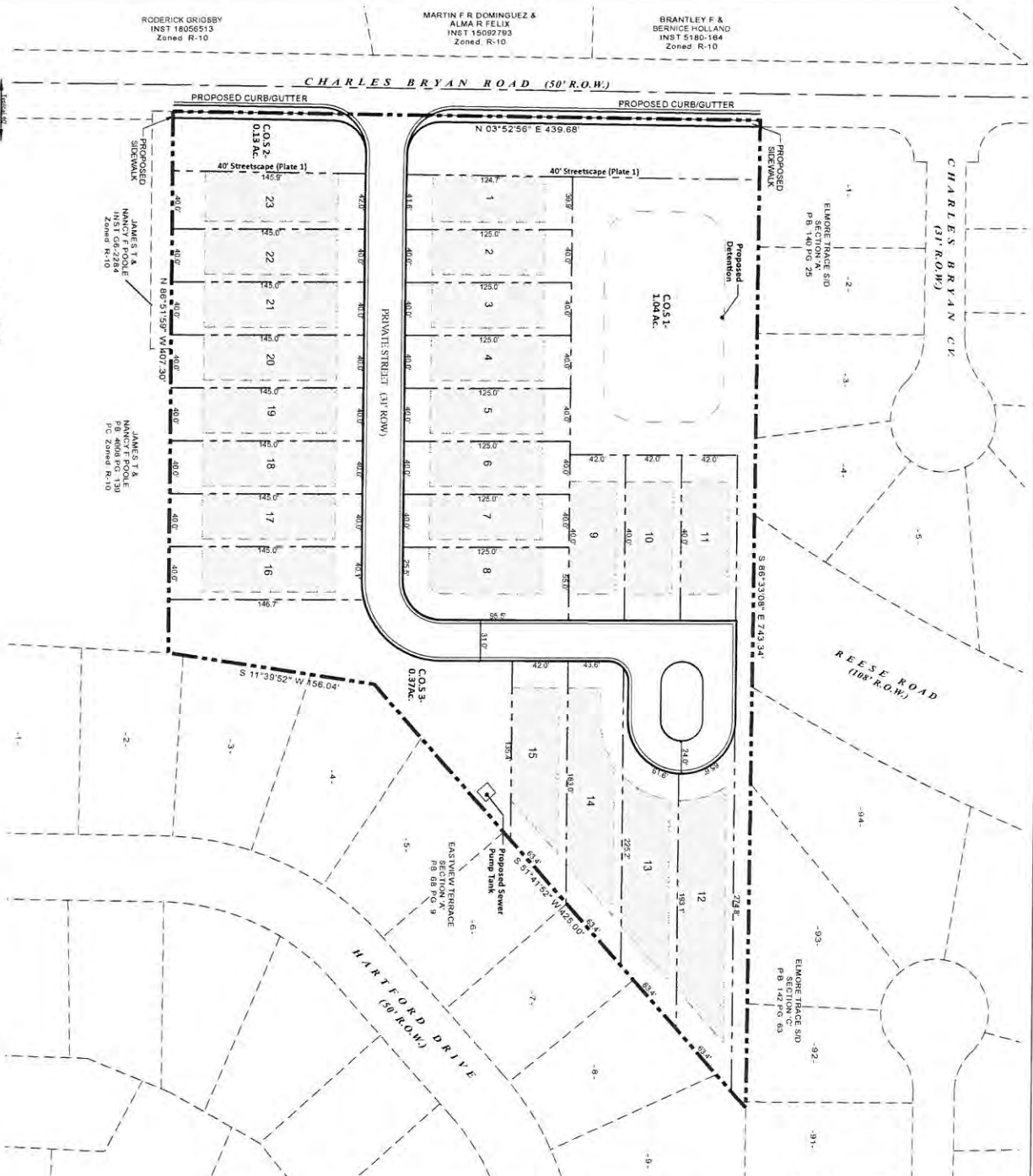
THE DONOR, ERNEST AND CATHERINE LONG FOUNDATION IN 1988



STATE OF TENNESSEE
DEPARTMENT OF REVENUE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1000
WILLIAM H. HARRIS
MEMPHIS, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF REVENUE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1000
WILLIAM H. HARRIS
MEMPHIS, TENNESSEE

HARRIS & ASSOCIATES LAND SURVEYORS, LLC
 304 GLENN DRIVE, SUITE 1000, MEMPHIS, TENNESSEE 38117
 DATE: APR 1, 2014 DRAWN BY: WILLIAM HARRIS
 SCALE: 1" = 50' CHECKED BY: ALICE GIBSON
 APPROVED BY: WILLIAM HARRIS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 1000, WILLIAM HARRIS, MEMPHIS, TENNESSEE



PRELIMINARY SITE DATA	
DEVELOPMENT NAME	WATERBURY
PARCEL ID NUMBERS	095300 097150
EXISTING ZONING	R-8
GROSS ACREAGE OF SUBJECT PROPERTY	5.30 Acres
NUMBER OF UNITS / DENSITY	23 Units / 4.33 Units/Ac
COMMON OPEN SPACE	1.44 Ac / 29.0% of SITE
BULK REQUIREMENTS (SINGLE-FAMILY DETACHED - SIDE YARD)	
MINIMUM LOT SIZE	5,000 S.F.
FRONT BUILDING SETBACK	20 FT
SIDE BUILDING SETBACK	0 - 6 FT
SOFFIT SETBACK	20 FT
MINIMUM LOT WIDTH	40 FT
MAXIMUM BUILDING HEIGHT	35 FT
TERMINOLOGY: GARAGE - REARWARD TO ULTIMATE STREET; WALKWAY AND IS SUBJECT TO FINAL DESIGN AND APPROVALS	

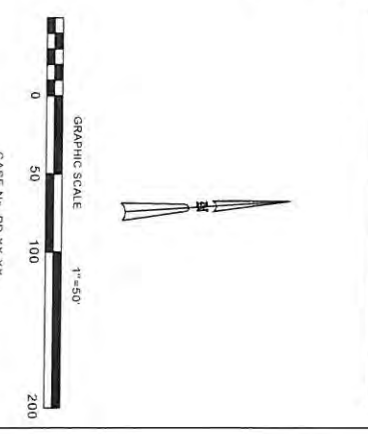
PLANNED DEVELOPMENT

SHEB BY COUNTY, TENNESSEE

THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN F.I.R.M. COMMUNITY No. 41322 (05/24/08) OR DATE FEB. 6, 2013

DEVELOPER: KIRCHER CONSTRUCTION,
ENGINEER: W.H. PORTER CONSULTANTS, PLLC
 6051 PINEAPPLE PARKWAY, SUITE 115
 MEMPHIS, TENNESSEE 38119
 (901) 363-3453

SCALE: 1" = 50' DATE: 6/3/21
 23 LOTS 5.30 ACRES
 ZONED: R-8



LOT NUMBER	SQUARE FOOTAGE/ACRES
1	5,000 S.F. / 0.111 Ac
2	5,000 S.F. / 0.111 Ac
3	5,000 S.F. / 0.111 Ac
4	5,000 S.F. / 0.111 Ac
5	5,000 S.F. / 0.111 Ac
6	5,000 S.F. / 0.111 Ac
7	5,000 S.F. / 0.111 Ac
8	5,000 S.F. / 0.111 Ac
9	5,250 S.F. / 0.12 Ac
10	5,250 S.F. / 0.12 Ac
11	5,250 S.F. / 0.12 Ac
12	9,444 S.F. / 0.21 Ac
13	7,232 S.F. / 0.17 Ac
14	8,012 S.F. / 0.19 Ac
15	8,012 S.F. / 0.19 Ac
16	5,600 S.F. / 0.13 Ac
17	5,600 S.F. / 0.13 Ac
18	5,600 S.F. / 0.13 Ac
19	5,600 S.F. / 0.13 Ac
20	5,600 S.F. / 0.13 Ac
21	5,600 S.F. / 0.13 Ac
22	5,600 S.F. / 0.13 Ac
23	5,000 S.F. / 0.111 Ac
COMMON OPEN SPACE	
C.O.S. 1	1.04 Acres
C.O.S. 2	1.04 Acres
C.O.S. 3	0.37 Acres





Mid-South Title Insurance Corporation

T4 7095

MST Tract Reference: E-768

THIS INDENTURE, made and entered into this 15th day of July, 1982

by and between JIMMIE D. McELROY and wife, THELMA H. McELROY, parties

of the first part, and ERNEST S. LONG and wife, CATHERINE L. LONG, parties

of the second part
WITNESSETH: That for the consideration hereinafter expressed the said part ies of the first part have bargained and sold and do hereby bargain, sell, convey and confirm unto the said part ies of the second part the following described real estate, situated and being in County of Shelby, State of Tennessee, to-wit:

Part of the Mary A. Blackwell Subdivision in Shelby County, Tennessee to-wit: BEGINNING at a point in the east line of Charles Bryan Road (20 feet from center line) a distance of 201.85 feet northwardly, as measured along the east line of said road, from its intersection with the center line of Elmore Road; thence along the east line of Charles Bryan Road on a relative bearing of north 0 degrees 14 minutes 32 seconds east a distance of 439.67 feet to a point in the line dividing Lots 10 and 12 of the Mary A. Blackwell Subdivision; thence east along said divisional line a distance of 744.81 feet to the northwest corner of Section A, Eastview Terrace Subdivision; thence south 48 degrees 15 minutes west along the northwest boundary line of said subdivision a distance of 425.0 feet to a corner for said subdivision; thence south 8 degrees 13 minutes west along the westerly boundary of said Section A, Eastview Terrace Subdivision a distance 156.04 feet to the northeast corner of the "Poole" lot; thence south 89 degrees 41 minutes 09 seconds west along the north line of said "Poole" lot a distance of 407.30 feet to a point in the east line of Charles Bryan Road, the point of beginning and containing an area of 5.305 acres. Being the same property conveyed to parties of the first part by Warranty Deed of record as Instrument No. R9 0689 in the Register's Office of Shelby County, TN.

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 part ies of the second part, their heirs and assigns in fee simple forever.

And the said part ies of the first part do hereby covenant with the said part ies of the second part that they are lawfully seized in fee of the aforescribed real estate; that they have a good right to sell and convey the same; that the same is unencumbered, except for 1982 County Taxes,

and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

THE CONSIDERATION for this conveyance is as follows:

Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged.

WITNESS the signature s of the said part ies of the first part the day and year first above written.

Jimmie D. McElroy

Thelma H. McElroy

T4 7095

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared.....

Thelma H. McElroy

to me known to be the person... described in and who executed the foregoing instrument, and acknowledged that s.he... executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 15th day of July 19 82.

My commission expires 3/3/87

James B. Moore Notary Public

(FOR RECORDING DATA ONLY)

Property address Vacant land
Mail tax bills to: (Person or Agency responsible for payment of taxes) Ernest S. Long & wf., Catherine L. 5796 Pleasant View Memphis, Tenn. 38134

This instrument prepared by: Clyde M. Crutchfield, Attorney 1200 One Commerce Square

State tax \$ 130.00
Register's fee .50
Recording fee 6.00
Total 136.50

T.C. # 246475

Return to: Mid-South Title Ins Corp CMC

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 \$ 50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this 26th day of July 1982. Notary Public my Commission Expires January 21, 1984

WARRANTY DEED
MID-SOUTH TITLE INSURANCE CORPORATION
MEMPHIS, TENNESSEE
TO
State Tax \$ 130.00
Clerk's Fee \$ 6.50
TOTAL \$ 136.50
Paid Deputy County Court Clerk.
T47095
STATE TAX 130.00
REGISTER'S FEE .50
RECORDING FEE 6.00
JUL 29 1 44.0 P M '82
STATE OF TENNESSEE
SHELBY COUNTY
Notary Public

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared JIMMIE D. MCELROY to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 26th day of July, 1982.

My commission expires: August 26, 1983

Notary Public



Subject Tract
5.30 Ac.

NOT TO SCALE

W.H. PORTER CONSULTANTS, PLLC
 ENGINEERS/PLANNERS/SURVEYORS/CONSULTANTS

6055 PRIMACY PKWY, SUITE 115
 MEMPHIS, TENNESSEE 38119
 901-363-9453



Lot #	Owners Name	Lot#	Owners Name
1	Michael G & Peggy A Ward	51	Boshwit Bros Mortgage Corp
2	Robert S Hunt & Michael Knowles	52	Laura L Waldie
3	TBNH Properties LLC	53	CGW Enterprises LLC
4	Rodolfo & Zenaida P Sevilla	54	Jose & Guillermina Flores
5	Josa R Villanueva	55	Heather C Thomasson
6	William O & Marliyn J Clark	56	Henok G Girma & Abegaz Biruktawit
7	Gabriela Barajas & Gustavo Perez	57	Vo Phuong & Lanh My Thi Pham
8	Renika Rodgers and Stepehen G Crawford	58	Christopher E Donaldson
9	Lynora V Clark	59	Ronald T & Karen M Crabtree
10	Orduna j Guadalupa & Maria B Aguilon	60	Nancy W Ytzen
11	Dennis Ballard and Cheryl Holt	61	Ordonez Edgar M & Jesus Garcia De La Rosa
12	Dana H Kimberly	62	Peter V Cung
13	Jose R Arias & Maria D Rodriguez	63	Fethi Abdulrazzaq & Iqdal Khudhur
14	Aras Business Group LLC	64	William M & Brenda Barkley
15	Vince Caguin	65	Khalil Rassy & Najmeh Sharafadin
16	Beau Fuller	66	Archon Neos LLC
17	Michael A & Cyndy Guiliana	67	Bryan & Dottie Wellbrock
18	Cyrus Merrill & Melinda Morton	68	Juan G Mendoza & Adrianna Padilla
19	Michael B & Julie LSullivan	69	Khalil Rassy & Najmeh Sharafadin
20	Jason O Bosch	70	Cyntia I Ordaz
21	Bonita A & Stephen W Richie	71	Jian C Dong
22	Deann L Hinkson	72	Gary Bair
23	William S & Richelle M Wills	73	Michael Jones
24	Takia L White	74	Blake T Allen
25	Thomas W & Diana L Stafford	75	Sandra K McKinnie
26	Jamie & Steven Munz	76	Earl & Dorothy J Lee
27	Donna Badin IRA Equity Trust	77	Wade Rhea
28	Gregory L & Heather Gamble	78	Jose J Ramos-Pardo
29	Corey D Davis	79	Yamasa CO LTD
30	David O & Diedre D Jones	80	Aracho David
31	Anthony M & Ashley N Callhan	81	Katherine Pratt
32	Helen W Harms	82	Jonathan Vergara
33	Jennifer J Shoczyn	83	Maria D Fierro & Luis E Galvan
34	Robert Ingram	84	NAPA Homes LLC
35	Jordan Walston	85	Kathryn L Hollahan
36	Franciso & Carolina Carbajal	86	James L & Deborah C Leafey
37	Randolph P Knight	87	Michael T Utley
38	Bryan P Simmons	88	Meng C Kouch
39	Matthew J Kozlowski	89	Timothy L Dacus
40	Elizabeth C Trainor	90	Gerardo Ayala
41	Goldstar Homes LLC	91	Landon R Lane
42	Alto Asset Co 2 LLC	92	Chasity McDonald
43	Cheryl L Moore	93	Zachary D Brunelle & Christina Kackos
44	Marco Walker	94	Charles P Gregory
45	Lillie L Lynch	95	Carolyn H Tidwell
46	Chanthone Sayasan	96	Roosevelt d Robinson & Tracie D Sharpe
47	Kristine Carber & Dave White	97	Miguel Ordaz
48	Joseph F & Cheryl Andreuccetti	98	Juan & Antonia Garcia
49	Ashley M Potts		
50	Thomas G Kirby & Pamela J Flaherty		

NEIGHBORHOOD MEETING

CASE #: P.D. 21-022

DATE: WEDNESDAY June 16th, 2021

LOCATION OF MEETING: ZOOM MEETING HELD ONLINE

Applicant:

Eddie Kircher	Kircher Construction	901-488-7070
---------------	----------------------	--------------

Representative:

Tim Dagastino	W.H. Porter Consultants	901-363-9453
Henry Porter	W.H. Porter Consultants	901-363-9453

GENERAL COMMENTS :

- Only two people were in attendance
- Cheryl Andreuccetti missed the meeting and asked me to contact her about some questions but she never responded back to me or the developer.
- The cost of the home price was brought up at which time the developer responded they would cost between \$275,000 - \$350,000.
- Will there be on site detention? Yes which will be owned and maintained by the homeowners association along with any other C.O.S.
- Wanted to make sure that the detention did not look like the development down the street on Elmore.
- The only other comment brought up was about traffic. We brought up putting a three way stop at Charles Bryan and Elmore and they were very responsive about this idea.

AFFIDAVIT

Shelby County
State of Tennessee

I, William Gordy, being duly sworn, depose and say that at 12:00 am/pm on the 10th day of June, 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. P.D. 2021-22 at CHARLES BRYAN RD, providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, _____ Special Use Permit, _____ 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.

William Gordy
Owner, Applicant or Representative

6/10/21
Date

Subscribed and sworn to before me this 10th day of June, 2021.

Constance Wakeman
Notary Public

My commission expires: August 20, 2023



PUBLIC NOTICE

AN APPLICATION HAS
BEEN FILED FOR A
**PLANNED
DEVELOPMENT**
ON THIS PROPERTY.

A PUBLIC HEARING
WILL BE HELD.

CASE NO: * P.D. 2021-22
INFORMATION: 636-6619

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT
5711 HALL, 100 N. MAIN STREET, SUITE 400, MEMPHIS, TN 38103-3875



**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street-Suite 468 – Memphis, Tennessee 38103 – (901) 636-7120

NOTICE OF PUBLIC HEARING

You are receiving this Notice of Public Hearing because you own a property near the location of a land use case filed with the Office of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a **Public Hearing** on the following Planned Development application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: P.D. 21-022

DEVELOPMENT NAME: Vada Planned Development

LOCATION: East side of Charles Bryan Road; +/-220 feet north of Elmore Road
(SEE CONCEPT PLAN ON REVERSE SIDE)

APPLICANT(S): Eddie Kircher Construction

REQUEST: Planned development to allow twenty-three (23) lots for construction of new conventional single-family homes

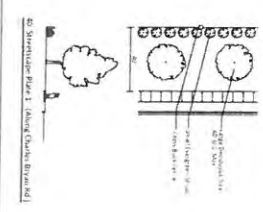
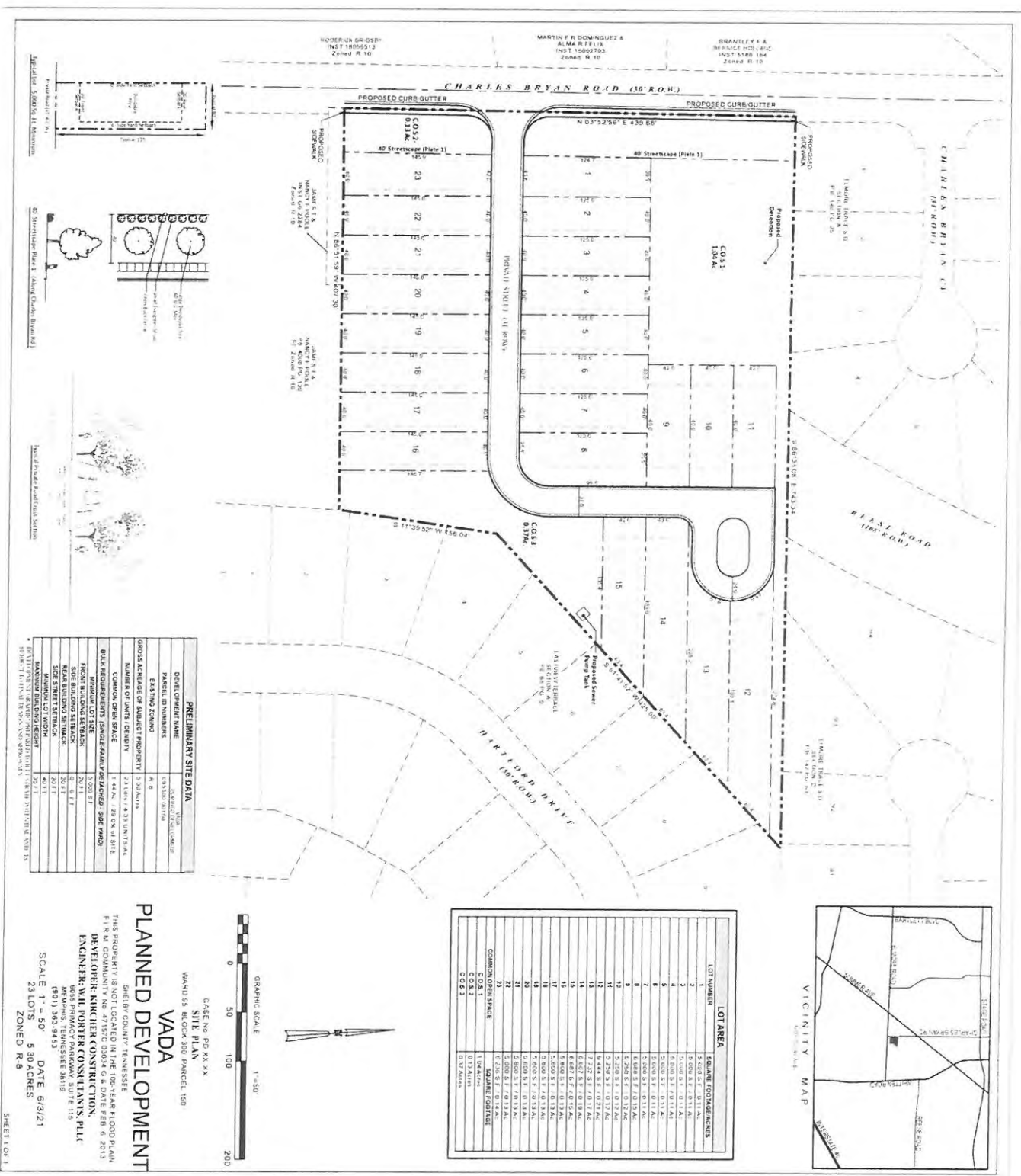
THE PUBLIC HEARING WILL BE HELD:

DATE: Thursday, July 8th, 2021
TIME: 9:00 A.M. (No Executive Session)
LOCATION: 125 N. Main Street-Lobby
 City Council Chambers

During the **Public Hearing**, the Board may approve with conditions, deny or continue the item until the next regularly scheduled monthly meeting of the Board. After recommendation by the Land Use Control Board, the application will require a public hearing by the Memphis City Council. This legislative body shall make the final decision to approve or deny the request for planned development for single family homes.

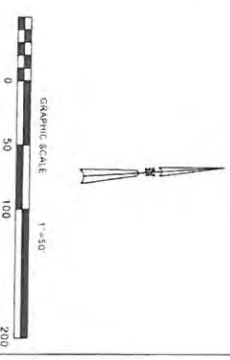
Note: The Land Use Control Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a request was made by a property owner, staff or a Board member requesting the item be removed from the Consent Agenda. If you have questions concerning this Planned Development application, call **Brian Bacchus @ (901) 636-7120** or via email brian.bacchus@memphistn.gov

VADA PLANNED DEVELOPMENT CONCEPT PLAN



PRELIMINARY SITE DATA	
DEVELOPMENT NAME	VADA PLANNED DEVELOPMENT
PARCEL NUMBERS	035330000150
EXISTING ZONING	R-6
GROSS ACRES OF SUBJECT PROPERTY	5.20 ACRES
COMMON OPEN SPACE	1.44 AC (28.0% OF SITE)
NUMBER OF LOTS/DENSITY	23 LOTS / 0.22 DENSITY
MINIMUM LOT SIZE	5,000 S.F.
MINIMUM FRONT SETBACK	20 FT.
MINIMUM SIDE SETBACK	20 FT.
MINIMUM REAR SETBACK	20 FT.
MAXIMUM LOT WIDTH	40 FT.

PLANNED DEVELOPMENT
 SHELBY COUNTY TENNESSEE
 THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN
 F1 IN COMMUNITY NG 4757C 00314 G & DATE FEB 6 2013
 DESIGNER: M.H. POWERS CONSULTANTS, PLLC
 MEMPHIS, TENNESSEE 38115
 (901) 363-9453
 SCALE: 1" = 50'
 DATE: 6/3/21
 23 LOTS 5.20 ACRES
 ZONED: R-6



LOT NUMBER	SQUARE FOOTAGE
1	5,000 S.F. (0.11 AC)
2	5,000 S.F. (0.11 AC)
3	5,000 S.F. (0.11 AC)
4	5,000 S.F. (0.11 AC)
5	5,000 S.F. (0.11 AC)
6	5,000 S.F. (0.11 AC)
7	5,000 S.F. (0.11 AC)
8	5,000 S.F. (0.11 AC)
9	5,292 S.F. (0.12 AC)
10	5,292 S.F. (0.12 AC)
11	5,292 S.F. (0.12 AC)
12	5,292 S.F. (0.12 AC)
13	7,727 S.F. (0.17 AC)
14	6,427 S.F. (0.15 AC)
15	5,902 S.F. (0.13 AC)
16	5,902 S.F. (0.13 AC)
17	5,902 S.F. (0.13 AC)
18	5,902 S.F. (0.13 AC)
19	5,902 S.F. (0.13 AC)
20	5,902 S.F. (0.13 AC)
21	5,902 S.F. (0.13 AC)
22	5,000 S.F. (0.11 AC)
23	5,000 S.F. (0.11 AC)
COMMON OPEN SPACE	1.44 ACRES
TOTAL	107,745 S.F.
COS 1	100 AC
COS 2	0.17 ACRES



JOHN K MCINTYRE
PO BOX 15
MACON, TN 38048

CATHERINE D SWAN
LIVING TRUST
6501 SUMMER AVE
BARTLETT, TN 38134

JUDY C DORSEY &
STEPHANIE C SWEDA
520 HELENE DR
ARLINGTON, TN 38002

AUTOMATIC GATES
CONSTRUCTION LLC
6483 SUMMER AVE
BARTLETT, TN 38134

ALBERTO DELGADO
6874 GREEN CREST DR
MEMPHIS, TN 38133

RICKY D &
CYNTHIA L GUESS
3442 FLINTLOCK DR
BARTLETT, TN 38135

BRANTLEY F &
BERNICE HOLLAND
2425 CHARLES BRYAN RD
MEMPHIS, TN 38134

MARTIN F DOMINGEZ &
ALMA R FELIX
2411 CHARLES BRYAN RD
MEMPHIS, TN 38134

RODERICK GRISBY
2393 CHARLES BRYAN RD
MEMPHIS, TN 38134

DAVID & JENNIFER BOWEN
6518 ELMORE RD
MEMPHIS, TN 38134

ERNEST E GAFFORD
6551 ELMORE RD
MEMPHIS, TN 38134

JOSE G ADAME
6543 ELMORE RD
MEMPHIS, TN 38134

ERICA & KRISTIN S PUDWELL
6515 ELMORE RD
MEMPHIS, TN 38134

JOHN R WALKER
6503 ELMORE RD
MEMPHIS, TN 38134

H AND D HOME LLC
6491 ELMORE RD
MEMPHIS, TN 38134

SARAH J WARRINGTON
3625 BEECHHOLLOW DR
MEMPHIS, TN 38128

GLENN & PHILESHA MORRISON
6585 ELMORE RD
MEMPHIS, TN 38134

JAMES T & NANCY F POOLE
6574 ELMORE RD
MEMPHIS, TN 38134

MICHAEL G & PEGGY A WARD
2345 EVENINGVIEW DR
MEMPHIS, TN 38134

RODOLFO & ZENAIDA P SEVILLA
2384 ELMORE CV
MEMPHIS, TN 38134

JOSA R VILLANUEVA
2388 ELMORE CV
MEMPHIS, TN 38134

WILLIAM O & MARILYM J CLARK
2392 ELMORE CV
MEMPHIS, TN 38134

GABRIELA BARAJAS & GUSTAVO
PEREZ
2387 ELMORE CV
MEMPHIS, TN 38134

REINKA RODGERS & STEPHEN G
CRAWFORD
2383 ELMORE CV
MEMPHIS, TN 38134

LYNORA V CLARK
6624 ELMORE RD
MEMPHIS, TN 38134

ORDUNA J GUADALUPE &
MARIA B AGUILLON
6614 ELMORE CV
MEMPHIS, TN 38134

DENNIS BALLARD & CHERYL HOLT
6597 HARTFORD DR
MEMPHIS, TN 38134

JOSE R ARIAS & MARIA RODRIGUEZ
6607 HARTFORD DR
MEMPHIS, TN 38134

BEAU FULLER
6625 HARTFORD DR
MEMPHIS, TN 38134

MICHAEL A & CYNDI GUILIANA
373 SUMMER VW
MISSION VIEJO, CA 92692

CYRUS MERRILL & MELINDA MORTON
1282 BLEWETT AVE
SAN JOSE, CA 95125

MICHAEL B & JULIE L SULLIVAN
6643 HARTFORD DR
MEMPHIS, TN 38134

BONITA A & STEPHEN W RICHIE
6655 HARTFORD DR
MEMPHIS, TN 38134

DEANN L HINKSON
6663 HARTFORD DR
MEMPHIS, TN 38134

WILLIAM S & RICHELLE M WILLS
2385 EAGAN CV.
MEMPHIS, TN 38134

THOMAS W & DIANA L STAFFORD
6662 HARTFORD DR
MEMPHIS, TN 38134

TAKIA L WHITE
6668 HARTFORD DR
MEMPHIS, TN 38134

JAMIE & STEVEN MUNZ
1504 DENHAM RD
COLLIERVILLE, TN 38017

DONNA BADIN IRA
PO BOX 451340
WESTLAKE, OH 44145

GREGORY L & HEATHER GAMBLE
23 OZARK DR
MAUMELLE, AR 72113

COREY DAVIS D
6638 HARTFORD DR
MEMPHIS, TN 38134

DAVID O & DIEDRE D JONES
6634 HARTFORD DR
MEMPHIS, TN 38134

ANTHONY M & SHLEY N CALLAHAN
6630 HARTFORD DR
MEMPHIS, TN 38134

HELEN W HARMS
6626 HARTFORD DR
MEMPHIS, TN 38134

JENNIFER J SKOCZYN
6622 HARTFORD DR
MEMPHIS, TN 38134

ROBERT INGRAM
6618 HARTFORD DR
MEMPHIS, TN 38134

JORDAN WALSTON
8367 REMBROOK DR
CORDOVA, TN 38016

FRANCISCO & CAROLINA CARBAJAL
6610 HARTFORD DR
MEMPHIS, TN 38134

RANDOLPH P KNOGHT
6606 HARTFORD DR
MEMPHIS, TN 38134

BRYAN P SIMMONS
6602 HARTFORD DR
MEMPHIS, TN 38134

MATTHEW J ZOZLOWSKI
1600 HARBOR BLVD
WEEHAWKEN, NJ 7086

ELIZABETH C TRAINOR
6659 ELMORE WOODS CV
MEMPHIS, TN 38134

CHERYL L MOORE
6645 ELMORE WOODS CV
MEMPHIS, TN 38134

MARCO WALKER
6639 ELMORE WOODS CV
MEMPHIS, TN 38134

LILLIE L LYNCH
6633 ELMORE WOODS CV
MEMPHIS, TN 38134

CHANTHONE SAYASAN
6625 ELMORE WOODS CV
MEMPHIS, TN 38134

KRISTINE CARBER & DAVE WHITE
111 STONEWOOD DR.
SCOTTS VALLEY, CA 95066

JOSEPH F & CHERYL ANDREUCCETTI
6613 ELMORE WOODS CV
MEMPHIS, TN 38134

ASHLEY M POTTS
6605 ELMORE WOODS CV
MEMPHIS, TN 38134

THOMAS G KIRBY & PAMELA J
FLAHERTY
6601 ELMORE WOODS CV
MEMPHIS, TN 38134

BOSHWIT BROS MORTGAGE CORP
2595 BOARD AVE
MEMPHIS, TN 38112

LAURIE L WALDIE
6606 ELMORE WOODS CV
MEMPHIS, TN 38134

CGW ENTERPRISES LLC
2881 WHITTEN ROAD
BARTLETT, TN 38134

JOSE & GUILLERMINA FLORES
6620 ELMORE WOODS CV
MEMPHIS, TN 38134

HEATHER C THOMASSON
6628 ELMORE WOODS CV
MEMPHIS, TN 38134

HENOK GIRMA & BIRUKTAWIT
ABEGAZ
6636 ELMORE WOODS CV
MEMPHIS, TN 38134

VO PHUONG & LANH MY THI PHAM
6642 ELMORE WOODS CV
MEMPHIS, TN 38134

CHRISTOPHER E DONALDSON
6648 ELMORE WOODS CV
MEMPHIS, TN 38134

RONALD T & KAREN M CRABTREE
6652 ELMORE WOODS CV
MEMPHIS, TN 38134

NANCY W YTZNE
6658 ELMORE WOODS CV
MEMPHIS, TN 38134

ORDONEZ EDGAR M & JESUS GARCIA
DE LA ROSA
6670 ELMORE WOODS CV
MEMPHIS, TN 38134

FETHI ABDULRAZZAQ & IQDAL
KHUDHUR
6653 ELMORE RIDGE LANE
MEMPHIS, TN 38134

WILLIAM M & BRENDA BARKLEY
6647 ELMORE RIDGE LANE
MEMPHIS, TN 38134

ARCHON NEOS LLC
3774 PRADO DE ORO
CALABASAS, CA 91302

KHALIL RASSY & NAJMEH
SHARAFADIN
6363 NEEDLE RIDGE ROAD
BARTLETT, TN 38135

BRYAN & DOTTIE WELLBROCK
440 FAULKNER HEIGHTS ROAD
ATOKA, TN 38004

JUAN G MENDOZA & ADRIANNA
PADILLA
6621 ELMORE RIDGE LANE
MEMPHIS, TN 38134

CYNTIA I ORDAZ
6609 ELMORE RIDGE LANE
MEMPHIS, TN 38134

JIAN C DONG
2235 WHITTEN ROAD
BARTLETT, TN 38133

GARY BAIR
6620 ELMORE RIDGE LANE
MEMPHIS, TN 38134

MICHAEL JONES
6626 ELMORE RIDGE LANE
MEMPHIS, TN 38134

BLAKE T ALLEN
6634 ELMORE RIDGE LANE
MEMPHIS, TN 38134

SANDRA K MCKINNIE
6640 ELMORE RIDGE LANE
MEMPHIS, TN 38134

JOSE J RAMOS-PARDO
4117 MAGEE COVE
MEMPHIS, TN 38128

YAMASA CO LTD
PO BOX 4090
SCOTTSDALE, AZ 85261

DAVID AROCHO
6562 ELMORE RIDGE LANE
MEMPHIS, TN 38134

KATHERINE PRATT
2628 SLEEPY BEND COVE
MEMPHIS, TN 38133

JONATHAN VERGARA
6546 ELMORE RIDGE LANE
MEMPHIS, TN 38134

MARIA D FIERRO & LUIS GALVAN
6547 ELMORE RIDGE LANE
MEMPHIS, TN 38134

NAPA HOMES LLC
10023 53rd CT NW
CORAL SPRINGS, FL 33076

EARL & DOROTHY J LEE
6588 ELMORE RIDGE LANE
MEMPHIS, TN 38134

KATHRYN L HOLLAHAN
11020 ROAD 105
MANCOS, CO 81328

JAMES L & DEBORAH c LEAFEY
6569 ELMORE RIDGE LANE
MEMPHIS, TN 38134

MICHAEL T UTLEY
6577 ELMORE RIDGE LANE
MEMPHIS, TN 38134

MENG C KOUCH
2235 WHITTEN ROAD
MEMPHIS, TN 38133

TIMOTHY L DACUS
6548 CHARLES BRYAN COVE
MEMPHIS, TN 38134

GERARDO AYALA
6556 CHARLES BRYAN COVE
MEMPHIS, TN 38134

LANDON R LANE
6564 CHARLES BRYAN COVE
MEMPHIS, TN 38134

CHASITY MCDONALD
6570 CHARLES BRYAN COVE
MEMPHIS, TN 38134

ZACHARY BRUNELLE & CHRISTINA
KACKOS
6574 CHARLES BRYAN COVE
MEMPHIS, TN 38134

CHARLES P GREGORY
6575 CHARLES BRYAN COVE
MEMPHIS, TN 38134

CAROLYN H TIDWELL
6571 CHARLES BRYAN COVE
MEMPHIS, TN 38134

ROOSEVELT D ROBINSON & TRACIE D
SHARPE
6565 CHARLES BRYAN COVE
MEMPHIS, TN 38134

MIGUEL ORDAZ
6557 CHARLES BRYAN COVE
MEMPHIS, TN 38134

JUAN & ANTONIAGARCIA
6549 CHARLES BRYAN COVE
MEMPHIS, TN 38134

ETHAN W POPE
6547 ELMORE RD
MEMPHIS, TN 38134

ROBERT SHUNT & ROBERT KNOWLES
670 BRISTON LN
COLLIERVILLE, TN 38017

TBNH PROPERTIES LLC
1718 CAPITOL AVE
CHEYENNE, WY 82001

DANA H KIMBERLY
717 S RIVERSIDE DR APT 1306
MEMPHIS, TN 38103

ARAS BUSINESS GROUP LLC
5100 POPLAR AVE STE 2755
MEMPHIS, TN 38137

VINCE CAGUIN
4513 COREYBACK AVE
ELK GROVE, CA 95758

JASON O BOSCH
79755 RYAN WAY
BERMUDA DUNES, CA 92203

GOLDSTAR HOMES LLC
3840 WINCHESTER RD
MEMPHIS, TN 38118

ALTO ASSET CO 2 LLC
5001 PLAZA ON THE LAKE STE 200
AUSTIN, TX 78746

PETER V CUNG
3786 OAKS DR
HAYWARD, CA 94542

KHALIL RASSY & NAJMEH
SHARAFADIN
6363 NEEDLE RIDGE RD
BARTLETT, TN 38135

RHEA WADE
895 BLYTHE ST
MEMPHIS, TN 38104

TENANT
6557 ELMORE RD
MEMPHIS, TN 38134

TENANT
6582 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
2457 CHARLES BRYAN RD
MEMPHIS, TN 38134

TENANT
6659 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6651 ELMORE WOODS CV
MEMPHIS, TN 38134

TENANT
6655 ELMORE WOODS CV
MEMPHIS, TN 38134

TENANT
6633 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6639 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6615 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6654 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6648 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6642 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6614 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6598 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6614 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6585 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6617 ELMORE WOODS CV
MEMPHIS, TN 38134

TENANT
6600 ELMORE WOODS CV
MEMPHIS, TN 38134

TENANT
6614 ELMORE WOODS CV
MEMPHIS, TN 38134

TENANT
2351 EVENINGVIEW DR
MEMPHIS, TN 38134

TENANT
6641 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6627 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6563 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6635 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6605 ELMORE RD
MEMPHIS, TN 38134

TENANT
6619 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6649 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6576 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6568 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6555 ELMORE RIDGE LANE
MEMPHIS, TN 38134

TENANT
6601 HARTFORD DR
MEMPHIS, TN 38134

TENANT
6615 HARTFORD DR
MEMPHIS, TN 38134

WH PORTER CONSULTANTS
6055 PRIMACY PARKWAY SUITE 115
MEMPHIS, TN 38119

WH PORTER CONSULTANTS
6055 PRIMACY PARKWAY SUITE 115
MEMPHIS, TN 38119

KIRCHER CONSTRUCTION
3023 CENTRE OAK WAY, STE 2
GERMANTOWN, TN 38138

KIRCHER CONSTRUCTION
3023 CENTRE OAK WAY, STE 2
GERMANTOWN, TN 38138

ERNEST S & CATHERINE L LONG
184 WALLACE ROAD
MEMPHIS, TN 38117

ERNEST S & CATHERINE L LONG
184 WALLACE ROAD
MEMPHIS, TN 38117

Bacchus, Brian

From: Ed Apple <edapple@applepartners.us>
Sent: Thursday, July 01, 2021 10:47 AM
To: Bacchus, Brian
Cc: Tim Dagastino; Eddie Kircher
Subject: Charles Bryan inspiration photos

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.

Good morning Brian -

Hope all is well and you're having a great Summer! When you have a second please check these pictures out and give me a call. I would like to know or better understand what will and what not work for the Charles Bryan development - Thank you!!

Have a great rest of the day,
Ed





10:25 LTE

Done 8 of 13



10:25 LTE

Done 7 of 13



10:35

Signal strength and battery icons

Done

6 of 13



10:36

Signal strength and battery icons

Done

9 of 13











Ed Apple

Apple Partners, LLC
P.O. Box 11736
Memphis, TN. 38111

edapple@applepartners.us

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 09/07/2021

DATE

PUBLIC SESSION: 09/07/2021

DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a 16-lot residential single-family planned development

CASE NUMBER: PD 2021-19

DEVELOPMENT: East End Village Planned Development

LOCATION: 5476, 5486, and 5502 Park Avenue

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

OWNER/APPLICANT: MRG LLC / Elzey Partners LLC

REPRESENTATIVE: Cindy Reaves – SR Consulting

EXISTING ZONING: Residential Single-Family – 10 (R-10)

REQUEST: 16-lot residential single-family planned development

AREA: +/-1.806 acres

RECOMMENDATION: The Division 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
08/12/2021 _____	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>
_____ <i>Lucas Skinner</i> _____	08/19/2021	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2021-19 – East End Village Planned Development

Resolution requesting a 16-lot residential single-family planned development at 5476, 5486, and 5502 Park Avenue:

- 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): MRG LLC; Applicant(s): Elzey Partners LLC; and Representative(s): Cindy Reaves – SR Consulting; 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 EAST END VILLAGE PLANNED DEVELOPMENT
AT THE SUBJECT PROPERTY LOCATED AT 5476, 5486, AND 5502 PARK AVENUE,
KNOWN AS CASE NUMBER PD 2021-19.**

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 Elzey Partners LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 16-lot residential single-family planned development; and

WHEREAS, the Division 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 August 12, 2021, 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 Division 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 clause 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: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

OUTLINE PLAN CONDITIONS

- I. Uses Permitted:
 - A. A maximum of ten (10) single family detached dwellings
 - B. A maximum of six (6) single family attached dwellings
 - C. Accessory uses shall be in conformance with regulations established for Residential Districts.
- II. Bulk Regulations:
 - A. The minimum lot size shall be 1,500 square feet.
 - B. The minimum lot width shall be 22.5 feet.
 - C. Setbacks shall be as shown on the site plan.
 - D. Common open space, private easements, gates or similar site elements shall be shown on the final plat and shall be owned and maintained by the developer or a homeowner's association. A statement to this effect shall appear on the final plat.
 - E. Maximum Building Height – 40 feet.
- III. Access, Parking, and Circulation:
 - A. One point of vehicular access to Park Avenue shall be permitted by private drive subject to the approval of the City Engineer.

- B. Access to Park Avenue from individual lots via driveways is prohibited.
 - C. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - D. The City Engineer shall approve the design, number and location of curb cuts.
 - E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Vehicular driveway access to all lots shall be limited to the alleys.
- IV. Signs shall be in conformance with regulations established for the Residential Districts.
- V. Landscaping / Lighting
- A. Required landscaping shall not be placed over sewer or drain easements.
 - B. Floodlights along the roof line or third floor of the townhomes shall not be permitted.
- VI. 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.
- VII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. 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, and drives.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - F. The 100-year flood elevation

- 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 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 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



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, August 12, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2021-19

DEVELOPMENT: East End Village Planned Development

LOCATION: 5476, 5486, and 5502 Park Avenue

COUNCIL DISTRICT(S): District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: MRG LLC / Elzey Partners LLC

REPRESENTATIVE: Cindy Reaves – SR Consulting

REQUEST: 16-lot residential single-family planned development

EXISTING ZONING: Residential Single-Family – 10 (R-10)

AREA: +/-1.806 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,



Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

PD 2021-19
East End Village Planned Development
Outline/General Plan Conditions

- I. Uses Permitted:
 - A. A maximum of ten (10) single family detached dwellings
 - B. A maximum of six (6) single family attached dwellings
 - C. Accessory uses shall be in conformance with regulations established for Residential Districts.

- II. Bulk Regulations:
 - A. The minimum lot size shall be 1,500 square feet.
 - B. The minimum lot width shall be 22.5 feet.
 - C. Setbacks shall be as shown on the site plan.
 - D. Common open space, private easements, gates or similar site elements shall be shown on the final plat and shall be owned and maintained by the developer or a homeowner's association. A statement to this effect shall appear on the final plat.
 - E. Maximum Building Height – 40 feet.

- III. Access, Parking, and Circulation:
 - A. One point of vehicular access to Park Avenue shall be permitted by private drive subject to the approval of the City Engineer.

- B. Access to Park Avenue from individual lots via driveways is prohibited.
 - C. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - D. The City Engineer shall approve the design, number and location of curb cuts.
 - E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Vehicular driveway access to all lots shall be limited to the alleys.
- IV. Signs shall be in conformance with regulations established for the Residential Districts.
- V. Landscaping / Lighting
- A. Required landscaping shall not be placed over sewer or drain easements.
 - B. Floodlights along the roof line or third floor of the townhomes shall not be permitted.
- VI. 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.
- VII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. 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, and drives.

- D. The location and ownership, whether public or private of any easement.
- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- F. The 100-year flood elevation
- 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 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 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: 2

CASE NUMBER: PD 21-019 **L.U.C.B. MEETING:** August 12, 2021
DEVELOPMENT: East End Village Planned Development
LOCATION: 5476, 5486, and 5502 Park Avenue
COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: MRG LLC / Elzey Partners LLC
REPRESENTATIVE: Cindy Reaves – SR Consulting LLC
REQUEST: Sixteen-lot single-family residential planned development
AREA: +/-1.806 acres
EXISTING ZONING: Residential Single-Family – 10 (R-10)

CONCLUSIONS

1. The applicant is requesting a new residential planned development for ten (10) single family detached lots and six (6) single family attached lots.
2. The sixteen lots will range from 1,500 square feet to 4,300 square feet, depending on whether they will contain attached or detached homes. Setbacks will be as shown on the site plan found later in the report.
3. The request will allow for a higher density residential development in a growing part of East Memphis.
4. 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.
5. 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 page 15-17 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Park Avenue +/-317.5 linear feet
Zoning Atlas Page: 2145
Parcel ID: 067086 00034 and 067086 00035
Existing Zoning: Residential Single-Family – 10 (R-10)

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, May 25, 2021, over Zoom.

PUBLIC NOTICE

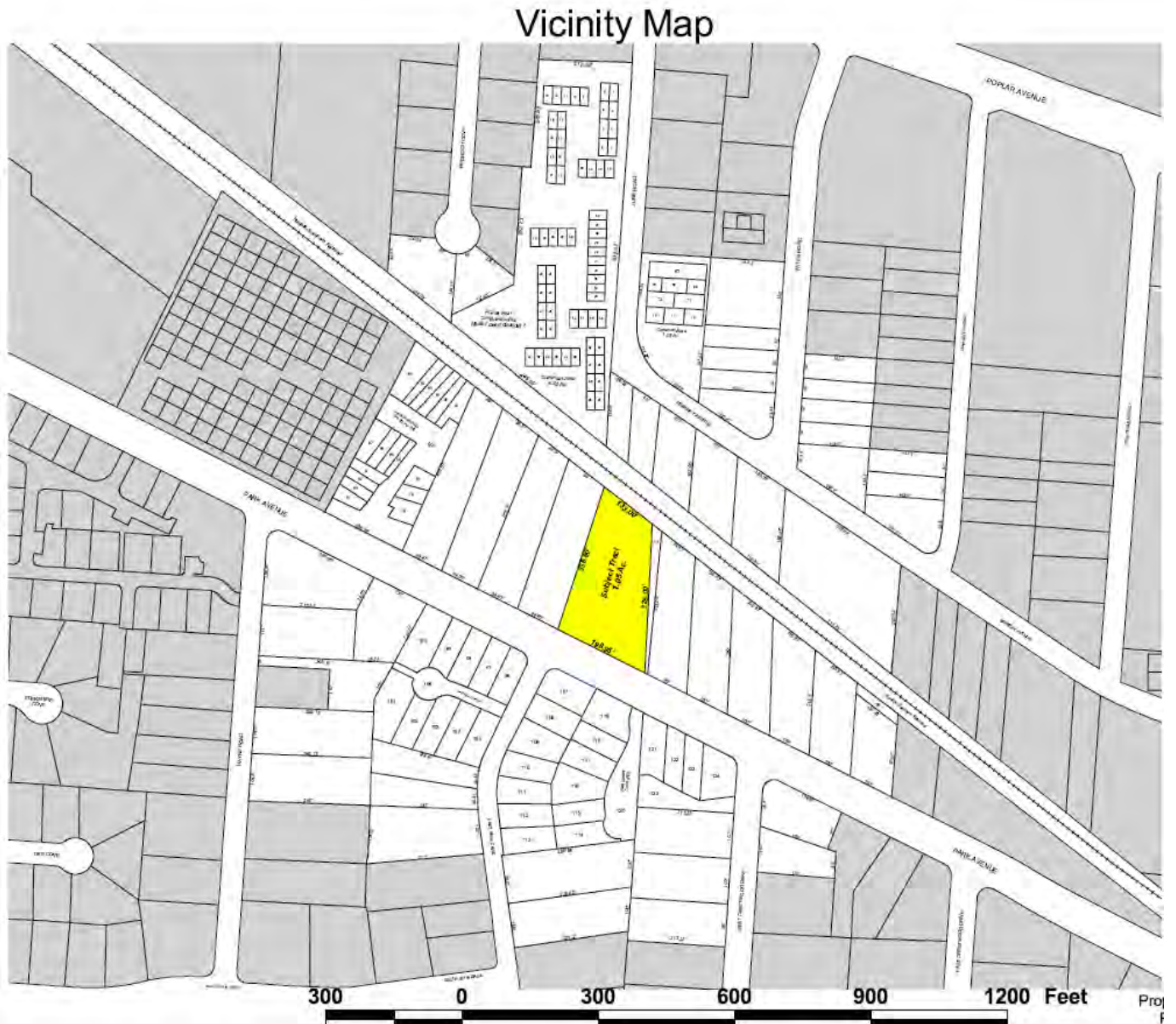
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 162 notices were mailed on June 23, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



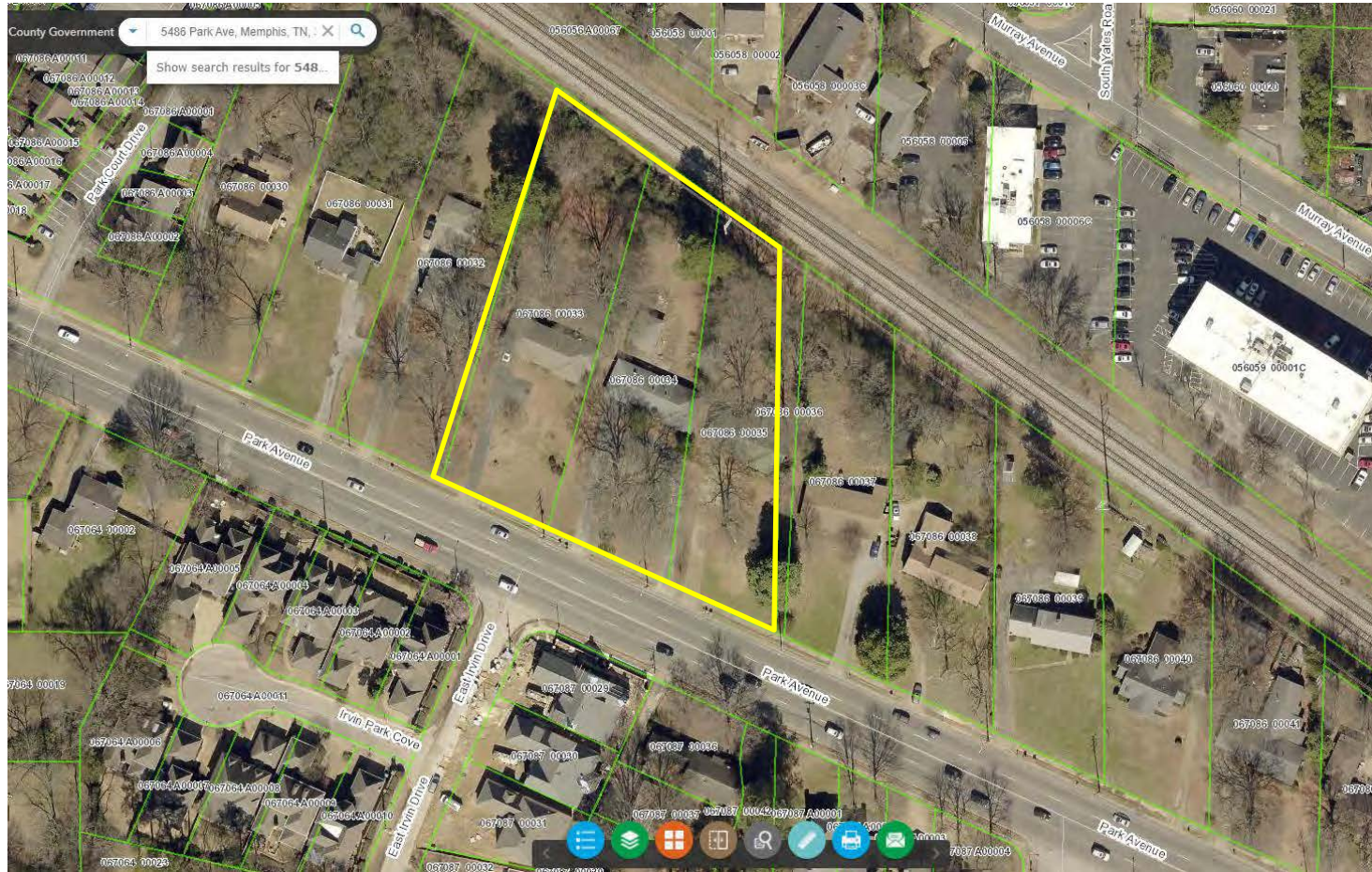
Subject property located within the pink circle, Sea Isle/Yorkshire neighborhood

VICINITY MAP



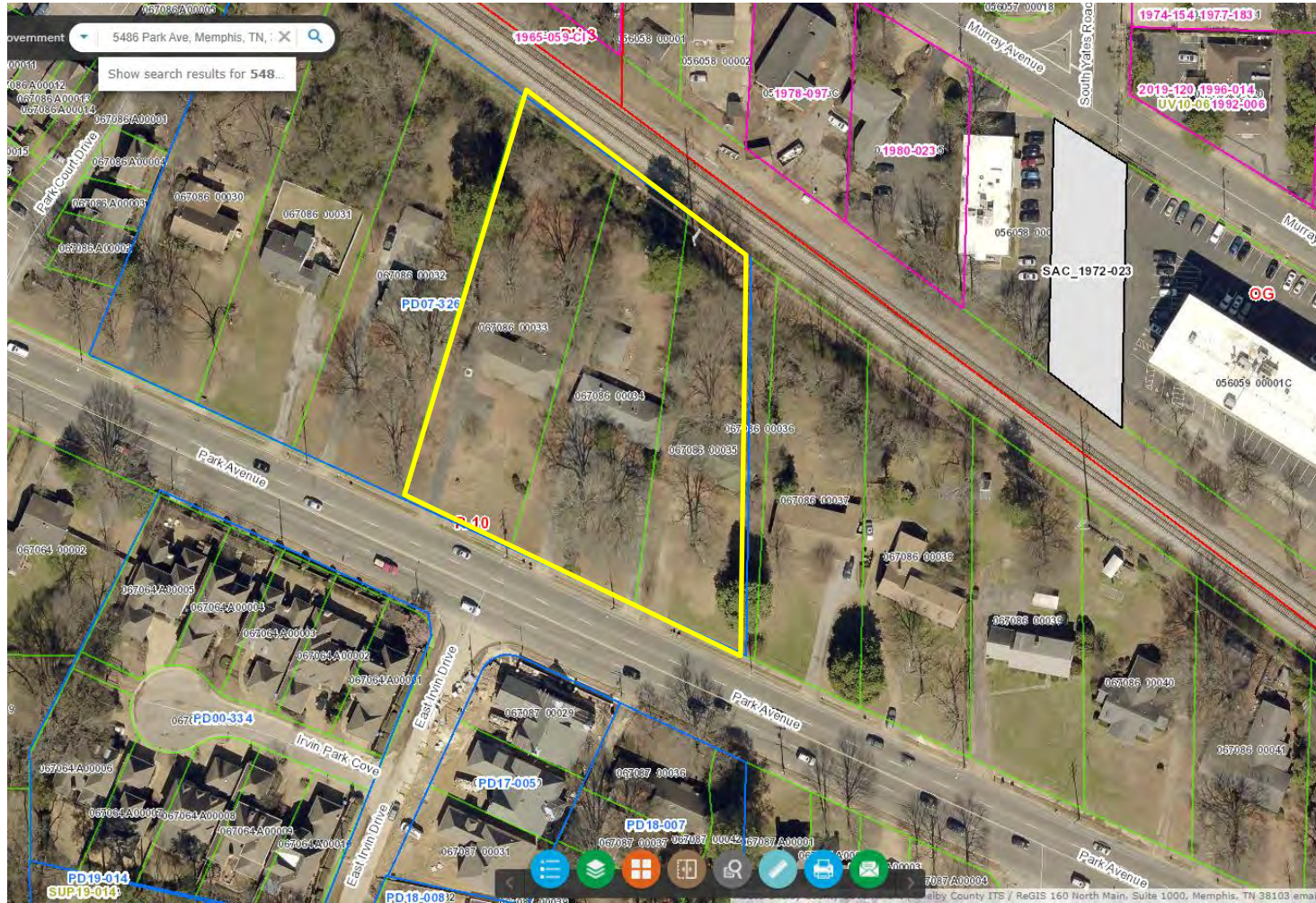
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Single-Family – 10 (R-10)

Surrounding Zoning

North: OG

East: R-10

South: PD 17-005, PD 18-007

West: R-10

DEVELOPMENT MAP










The map below is to help depict where other single family attached and zero-lot-line developments are. The subject property is highlighted in yellow, while other developments are highlighted with a red star. According to the picture, there are three other developments nearby that have much higher density than the surrounding single-family neighborhood development.



LAND USE MAP



LandUse

 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	

Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of the subject property from Park Avenue looking north

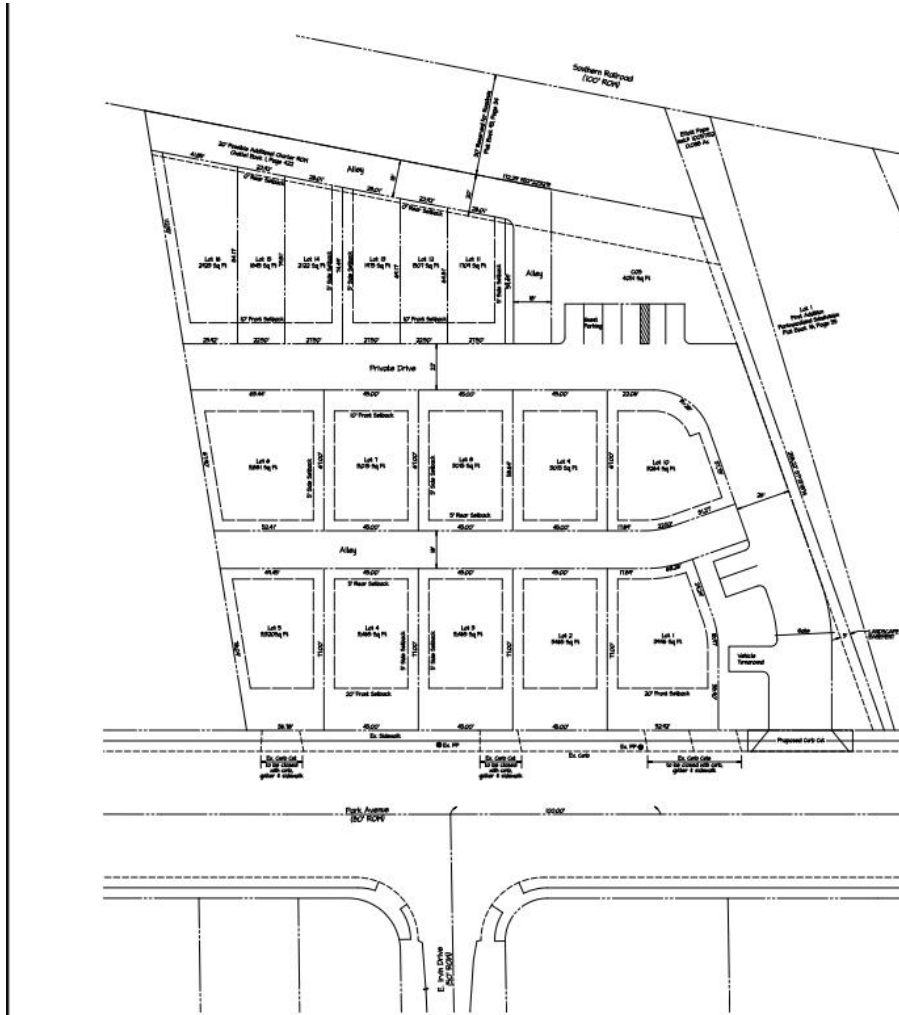


View of the subject property and intersection at E Irvin Drive from Park Avenue looking east



View across Park Avenue from subject property from Park Avenue looking southwest

OUTLINE PLAN



SITE PLAN PD 21-019
EAST END VILLAGE PD
DEVELOPER: CITY CONSTRUCTION DEVELOPMENT LLC
16 LOTS 1.81 ACRES

SR CONSULTING, LLC ENGINEERING - PLANNING
5609 Shelby Oaks Drive 901-373-0380
Suite 205 (fax) 373-0370
Memphis TN 38134 www.SRCE-memphis.com
MEMPHIS, TENNESSEE
JUNE 2021
SHEET 1 of 1

OUTLINE PLAN (ZOOMED FOR CLARITY)



STAFF ANALYSIS

Request

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

The request is for a sixteen-lot residential 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 +/- 1.05 acres comprised of two separate parcels. Both parcels have existing homes on them. The property is zoned Residential Single Family – 10 (R-10), which the proposed request stays in line with, just with more density. The site is surrounded by single family homes on either side. The request is to accommodate for thirteen single family homes.

Consistency with Memphis 3.0

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

Site Address/location: 5486-5502 Park Avenue

Land Use Designation (see page 86for details): Primarily Single-Unit Neighborhood (NS)

Based on the future land use planning map, 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:

The site is designated as Primarily Single-Unit Neighborhood (NS). Primarily Single-Unit Neighborhoods 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.



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.

“NS” Form & Location Characteristics:

Primarily detached. House-scale buildings. Primarily residential. 1-3 stories. Beyond 1/2 mile from a Community Anchor.

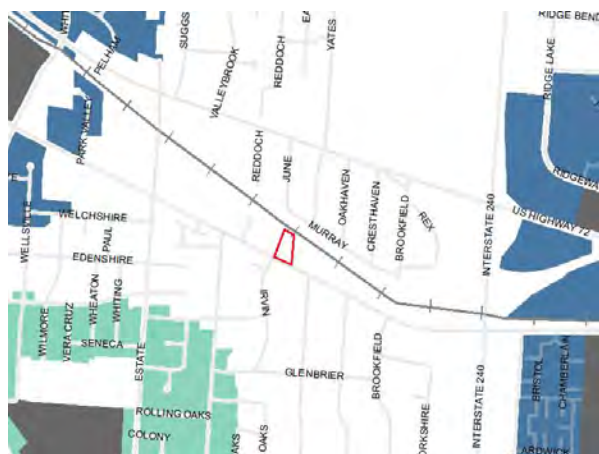
The applicant is seeking a Planned Development permit to allow a residential development consisting of 13 attached single-family residences.

The request meets the criteria in the form of house-scale single-family residences. Although the form characteristics call for primarily detached housing, attached housing is not expressly inconsistent and is compatible with the adjacent existing uses.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-family Residential, Multi-family Residential and Office. The subject site is surrounded by the following underlying zoning districts: RU-3, R-10, and OG. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcel is similar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site in Degree of Change area. 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: Andrew Schmitz, Office of Comprehensive Planning

Conclusions

The applicant is requesting a new residential planned development for ten (10) single family detached lots and six (6) single family attached lots.

The underlying zoning calls for single family dwellings which this request keeps in line with, just with a higher density. The six attached units will be to the rear of the property, out of view from Park Avenue.

The six attached lots range in size from 1500 to 2900 square feet, whereas the ten detached lots range in size from 3000 square feet to 3946 square feet. Setbacks will differ depending on where the lot is and whether it contains a detached or attached home, but in general the lots will not be too far in size from surrounding lots.

The site is now also governed by a recorded agreement of restrictive covenants made between the developer and the Yorkshire Neighborhood Association. The restrictive covenants were recorded on July 22, 2021 as Instrument #21091419 and attached later in the report for viewing.

The request will allow for a higher density and mix of housing types in a growing part of East Memphis.

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

East End Village Planned Development Outline Plan Conditions

- I. Uses Permitted:
 - A. A maximum of ten (10) single family detached dwellings
 - B. A maximum of six (6) single family attached dwellings
 - C. Accessory uses shall be in conformance with regulations established for Residential Districts.

- II. Bulk Regulations:
 - A. The minimum lot size shall be 1,500 square feet.
 - B. The minimum lot width shall be 22.5 feet.
 - C. Setbacks shall be as shown on the site plan.
 - D. Common open space, private easements, gates or similar site elements shall be shown on the final plat and shall be owned and maintained by the developer or a homeowner's association. A statement to this effect shall appear on the final plat.
 - E. Maximum Building Height – 40 feet.

- III. Access, Parking, and Circulation:
 - A. One point of vehicular access to Park Avenue shall be permitted by private drive subject to the approval of the City Engineer.

- B. Access to Park Avenue from individual lots via driveways is prohibited.
 - C. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - D. The City Engineer shall approve the design, number and location of curb cuts.
 - E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Vehicular driveway access to all lots shall be limited to the alleys.
- IV. Signs shall be in conformance with regulations established for the Residential Districts.
- V. Landscaping / Lighting
- A. Required landscaping shall not be placed over sewer or drain easements.
 - B. Floodlights along the roof line or third floor of the townhomes shall not be permitted.
- VI. 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.
- VII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. 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, and drives.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.

- F. The 100-year flood elevation

- 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 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 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:

CASE: PD-21-019 NAME: East End Village PD

1. Standard Subdivision Contract or Right-Of-Way 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. 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.
11. The entrance into the development shall meet the offset requirements for E Irvin Drive.
12. No access to individual lots will be allowed from Park Ave. This statement will also be reflected on the final plat. Any pre-existing curb cuts along Park Ave leading directly into a proposed lot shall be closed with curb, gutter, and sidewalk.

Drainage:

13. 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.
14. This site is located in a sensitive drainage basin (Ridgeway 9-C). 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.
15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. 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.
17. 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/County Fire Division:

Address or Site Reference: 5486 Park

- 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.

City Real Estate: No comments received.

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

- No comments.

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:

Land and Mapping-Address Assignment:

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: April 30, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: East End Village PD

Property Owner of Record: MRG LLC Phone #: _____

Mailing Address: 1010 June Road City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: _____

Applicant: Elzey Partners LLC Phone # 901-682-2500

Mailing Address: 5851 Ridge Bend City/State: Memphis, TN Zip 38120

Applicant E- Mail Address: bthomas@cityvlc.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: 5486 & 5502 Park Avenue

Distance to nearest intersecting street: 1,681.18 feet east of Estate Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.055</u>	_____	_____
Existing Zoning:	<u>R-10</u>	_____	_____
Existing Use of Property	<u>Residential</u>	_____	_____
Requested Use of Property	<u>Residential</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

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.
This development will be consistent with similar surrounding developments.

- 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.
Adequate facilities will be designed for this development and will tie to existing facilities.

- 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 service facilities will be in accordance with the planned development requirements.

- 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 development will be consistent with similar surrounding developments.

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

- 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
(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.

 _____ 5/4/2021 _____ 5/5/21 _____
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.)

LETTER OF INTENT



Date: May 3, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: East End Village PD

Job #: 20-0019

LETTER OF INTENT

We are submitting a Planned Development application property located at 5486 & 5502 Park Avenue, approximately 1,681 feet east of Estate Drive. We are proposing a 13-lot single-family attached residential development. The development will have access to Park Avenue by a gated private drive on the east side of the property.

We appreciate your support with 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 12:30 pm on the 25th day of May, 2021, I posted one Public Notice Sign pertaining to Case No. PD 2021-019 on the property located at 5486 and 5502 Park Avenue providing notice of a Public Hearing before the June 10, 2021 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

05/28/2021

Date

Subscribed and sworn to before me this 28 day of May, 2021

[Signature]

Notary Public
My commission expires: 9/27/23





LETTERS RECEIVED

Several letters of support, one neutral letter, one letter of opposition, and a memo from the Yorkshire neighborhood were received and are attached below for your viewing.

From: Michael Neff <mdneff@gmail.com>
Date: June 30, 2021 at 4:53:06 PM CDT
To: yorkshiredesignreview@gmail.com
Subject: East End Village Planned Development

To Whom it May Concern,

We would like to express our excitement for the East End Village Planned development. We moved to the neighborhood in 2019 and have found that projects like these, with the quality of build that Griffin offers, really helps to improve on an already great neighborhood and meshes well with the existing properties as well. We think this project will be a great addition to our community!

Mike & Liana Neff
1125 Hayne Rd, Memphis, TN 38119

From: Victoria Fleming <vicfleming2@gmail.com>
Date: June 30, 2021 at 3:06:42 PM CDT
To: yorkshiredesignreview@gmail.com
Subject: East End Village Planned Development

Yorkshire Neighborhood Association
Design Review Committee,

We would like to express our admiration of the upcoming East End Village Planned Development. As a fairly new resident (2019) of Yorkshire and infill project on Hayne Road we feel more projects like this will help to maintain the integrity of the neighborhood yet allow the charm of the existing properties to flourish. Overall a win win in our book for everyone especially the Yorkshire Community.

Daniel + Victoria Fleming
1119 Hayne Road

Memphis, TN 38119

PD 21-019

J Petty <jpetty919@aol.com>

Sat 6/5/2021 12:05 PM

To:

Skinner, Lucas <Lucas.Skinner@memphistn.gov>

Mr. Skinner,

I ask that a traffic study is done before this is approved. Surely you are aware that directly across Park Ave from this proposed development another planned community is being built. With the entrance and exit from each development spilling out directly into Park, that's a potential of an additional 75 to 100 cars daily. I shudder to think what it will be like during AM and PM rush hour and the danger it poses. I've lived here 17 years and the traffic has more than doubled on Park over the years.

Please consider limiting the amount of new builds. Our neighborhood is going through enough change without further change.

Case Number PD 21-019

5486 & 5502 Park Ave.

Thank You

Jo Ann Petty

5456 Irvin Park Cove

8/2/2021

Mail - Skinner, Lucas - Outlook

Re: 16-lot residential planned development

ruthgray1 <ruthgray1@bellsouth.net>

Fri 7/30/2021 8:51 PM

To: Skinner, Lucas <Lucas.Skinner@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, Lucas. When we talked, you asked me to e-mail you with my rejection of the above, so here it is.

I live at 1046 Park Court Drive, just down the street from where this project would be. There are 17 units in our group here, and next door are the Monarch apartments, which are very many. What we don't need is a bunch of new residences a few doors down from us, which would make for a very crowded street with so many people going in & out of their units constantly! This area has always been a nice, attractive place & we sure don't need 16 more residences built right next door to us! Also, the construction would be noisy & trucks, etc. would be going in & out of there for quite some time. So please, please, please let Elzey Partners LLC know that this is not the area they should use for their 16-lot residential development!

I'm sure many of the tenants here & next door feel the same way. So please do what you can to see that this is taken care of & hopefully, will not pass through!

**Thank you so much,
Ruth Gray**

YORKSHIRE NEIGHBORHOOD MEMO

MEMORANDUM

TO: LUCAS SKINNER, LAND USE AND DEVELOPMENT SERVICES

FROM: YORKSHIRE NEIGHBORHOOD ASSOCIATION, INC. DESIGN REVIEW COMMITTEE

SUBJECT: EAST END VILLAGE PD, 5476-5502 PARK AVENUE (LUCB 2021-019)

DATE: AUGUST 5, 2021

CC: CINDY REAVES, BART THOMAS, GRIFFIN ELKINGTON

As we shared with you on August 2, 2021, Yorkshire Neighborhood Association, Inc. (YNA) and the Yorkshire Design Review Committee (DRC) have come to an agreement with Elzey Partners, LLC concerning its Application for a New Planned Development for ten (10) single-family detached lots and six (6) single-family attached lots. We strongly support this application and urge the Shelby County Land Use Control Board (LUCB) to approve it, as outlined below.

In exchange for converting its conditional support to full support, Elzey Partners, LLC has agreed to architectural and development guidelines reflected in the attached Declaration of Restrictive Covenants and Private Agreement which is incorporated herein by reference that are (1) to be included as conditions of approval of the Planned Development, and (2) are to be recorded on the resulting plat as mandatory development requirements – to run with the land in perpetuity.

Overview

The YNA represents a neighborhood steeped in history and peppered with a rich blend of home designs representing a wide variety of architectural styles. One goal of the YNA is to maintain the integrity of our neighborhood. The DRC is one of the most valuable components of the YNA and its goals are identified [here](#). By listening to residents and working with established developers, architects, builders, and other professionals in a businesslike manner, our overall goal is to preserve Yorkshire’s vibrancy, value, and prosperity — all concurrent qualities that can spread to other neighborhoods and make our city a better place for all.

Our agreement purposefully includes provisions that Yorkshire residents care about, including:

- Professional architecture that not only follows construction best practices, proper scale, and quality materials but also embraces Yorkshire’s unique personality

- Well-planned landscaping that takes the site's topography into account
- Safe vehicle and pedestrian traffic flow around construction sites
- Environmental sensitivity and site cleanliness.

Project Assessment

In our evaluation, the applicant and its consultants, [SR Consulting LLC](#), have developed a very good site plan on the three single-family lots fronting Park Avenue. They included a parcel to their initial two-lot plan which allowed added utility and flexibility.

The site plan ([click here](#)) provides a variety of homes consisting of attached townhomes as well as detached single-family homes in an urban plan that provides front and rear access to the structures. This gated development provides adequate guest parking, parking inside and outside the gate and two landscaped areas (COS). The YNA has a direct interest in this application and consider the homes facing Park Avenue to be a strength of this plan, as are the alleys.

Development Team

An experienced development team supports this project. The DRC values the willingness of the team and its representative to collaborate with key stakeholders. The DRC has worked with this team in the past, and our engagement on this particular project has occurred during the past eighteen (18) months as various scenarios were considered. The DRC appreciates the development team's sensitivity to the critical issues that we raised, as well as several from stakeholder meeting participants who own property within the area shown in the application's Vicinity Map and deemed to be primarily impacted.

MEMPHIS AND
SHELBY COUNTY



DIVISION OF PLANNING
AND DEVELOPMENT

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

August 12, 2021

Elzey Partners, LLC
5851 Ridge Bend
Memphis, TN 38120

Sent via electronic mail to: bthomas@cityllc.com

East End Village Planned Development
Case Number: PD 2021-19
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, August 12, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the East End Village 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 to contact me at (901) 636-6619 or via email at lucas.skinner@memphistn.gov.

Respectfully,



Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC
File

Outline Plan Conditions

East End Village Planned Development Outline
Plan Conditions

- I. Uses Permitted:
 - A. A maximum of ten (10) single family detached dwellings
 - B. A maximum of six (6) single family attached dwellings
 - C. Accessory uses shall be in conformance with regulations established for Residential Districts.

- II. Bulk Regulations:
 - A. The minimum lot size shall be 1,500 square feet.
 - B. The minimum lot width shall be 22.5 feet.
 - C. Setbacks shall be as shown on the site plan.
 - D. Common open space, private easements, gates or similar site elements shall be shown on the final plat and shall be owned and maintained by the developer or a homeowner's association. A statement to this effect shall appear on the final plat.
 - E. Maximum Building Height – 40 feet.

- III. Access, Parking, and Circulation:
 - A. One point of vehicular access to Park Avenue shall be permitted by private drive subject to the approval of the City Engineer.

- B. Access to Park Avenue from individual lots via driveways is prohibited.
 - C. All private drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards.
 - D. The City Engineer shall approve the design, number and location of curb cuts.
 - E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - F. Vehicular driveway access to all lots shall be limited to the alleys.
- IV. Signs shall be in conformance with regulations established for the Residential Districts.
- V. Landscaping / Lighting
- A. Required landscaping shall not be placed over sewer or drain easements.
 - B. Floodlights along the roof line or third floor of the townhomes shall not be permitted.
- VI. 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.
- VII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. 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, and drives.

- D. The location and ownership, whether public or private of any easement.
- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- F. The 100-year flood elevation

- 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 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 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.

RESTRICTIVE COVENANTS
East End Village PD

1. A complete set of plans, specifications and topographical study, including without limitation all fencing, driveways, parking garages, lighting, outbuildings and pools, along with samples of all exterior colors and roofing shingles, must be submitted to the Declarant for review and approval prior to starting any construction of any structure or improvement on any Lot (or additions to existing structures). Written approval of such plans and specifications by the Declarant must be obtained before starting any such construction. If any such construction is commenced without the prior written approval of Declarant, the same shall be a material breach of these Restrictive Covenants, and the Lot Owner shall pay to Declarant (or the Association, as applicable) as liquidated damages and not as a penalty (actual damages being difficult to determine) five thousand dollars (\$5,000.00) for each such breach. The amount of any such liquidated damages shall bear interest at the highest lawful rate and shall constitute a lien against the Lot until paid in full. Such liquidated damages shall not be the sole or exclusive remedy of Declarant (or any other party) for a breach of this restrictive covenant, and Declarant (or any such other party) shall also have any other remedy available at law or in equity for such breach (all of which shall be cumulative), including without limitation injunctive relief. The Declarant may delegate the responsibility for architectural review and approval, in whole or in part, to an architectural review committee and/or architectural firm.

2. Each one story, one-and-one-half-story or two-story dwelling to be constructed on any Lot must contain at least 2,300 square feet. Any 2 or 3 story townhome to be constructed on any Lot must contain at least 1,600 square feet.

No building or structures will be moved from another location to a Lot in the Subdivision.

4. Architectural styling and landscaping must be compatible with other residences in the Subdivision, as determined by Declarant and any architectural review firm or committee designated or established by Declarant or the Association. Contractors must be licensed in the State of Tennessee and must be approved by the Declarant. In addition, each residence constructed must comply with the following standards:

- a) Floor Height: The finish floor elevation is to be a minimum of 10" above finish grade along the entire front of the house (and the entire street side on corner Lots).
- b) Exterior Cladding and Veneer: Cladding is to be as follows: (a) an approved wood mold brick or, simulated wood brick with an approved mortar color, or (b) painted brick in an approved color, or (c) 4" to 8" smooth horizontal lap siding in wood or Hardi Plank.
- c) Roofing: Roofing must be (a) 25-year dimensional shingles in one of the approved colors, (b) standing seam metal, (c) cedar shake or (d) slate.
- d) Material & Color Approval: Roofing, brick, siding and paint color selections must be submitted to the Declarant and approved prior to installation or application. If selections are made from the approved list of materials and colors, the combination thereof must also be approved.
- e) Windows and Doors: Windows are to have wood frames, but may be metal clad, pvc, pvc clad, or vinyl only if they are not facing Park Avenue. True divided lite or simulated divided lite windows shall be used for windows which are visible from the street. No snap-in grids shall be used on windows visible from the street. Double insulated windows with profile muntins that are securely fastened to the exterior of the glass such as those manufactured by Lincoln, Kolby and Kolby, Pella, Plygem or Weathershield are acceptable. Other manufacturers may be allowed only with the prior written approval of the Declarant.
- f) Flashing: Flashing must be copper or painted galvanized metal which matches paint colors in adjacent surfaces. Exposed galvanized or aluminum flashing is not permitted.
- g) Columns: Columns may be made of wood, limestone, cast concrete or fiberglass and must have a smooth finish. Columns, whether they are round or square, should be properly proportioned. If round, the columns should have the proper entasis or taper associated with classical proportions. The top of all columns should align with the finished face of the beam or entablature above, in keeping with conventions of classical proportions.
- h) Chimneys: Chimneys must be brick or stucco of an approved color. No lap siding or synthetic stucco may be used on chimneys.
- i) Foundation: Foundation veneer must be brick or stucco over block.
- j) Railings: Railings must have well-proportioned square or turned balusters and shall be made of wood or an approved synthetic. Iron railings and combination masonry are also acceptable, if approved by the Declarant. Certain stone and cast products may be allowed for use in balustrades by the Declarant. Specific information on desired railings should be submitted to the Declarant for approval with construction drawings.

- k) Garage and Parking Area: All houses shall have a garage with no less than one bay... Front Load Garages permitted with prior design approval. The location of the door shall be on the side of the garage perpendicular to the street. No garage door shall be located facing the street, except that garages located on the side of the house may have garage doors facing the street if located at least fifteen (15) feet back from the front facade. Metal garage doors are not permissible. All doors should be of natural materials, which may be painted or stained. The door design and details should be appropriate and in keeping with the primary house design/theme.
 - l) Driveways and Walkways: All driveways and walkways must be of 4,000 psi concrete with a pea gravel finish. Other finishes for driveways and walkways will be considered by the Declarant on a case-per-case basis.
 - m) Mailboxes: Mailboxes must be the "Southwind" style as manufactured by Pickle Iron Specialties Company or the same design as manufactured by Grahams Lighting, Inc. Mailboxes or A & H Ironworks, and stands must be painted black.
 - n) Shutters: Shutters must be paneled, plank (French), or louvered in configuration and shall be operable or appear operable. Shutters must be made of wood or approved synthetic such as those manufactured. All shutters must be hinged and must be held in position with shutter dogs.
 - o) Ceiling Height: The minimum ceiling height shall be nine (9) feet on the first floor and nine (9) feet on the second floor.
5. All construction trash and debris must be confined within an Owner's Lot during construction. Declarant may implement additional reasonable rules regarding removal and storage of construction trash and debris.
6. Heating, air conditioning and plumbing vents cannot penetrate the roof on the street side of the building, but, if necessary, may be oriented to the side of the building.
7. All mechanical, electrical, and electronic equipment including air conditioning condensers and compressors will be located behind the front building line of primary structures. No window air conditioning units will be permitted. All such equipment must be fenced (or screened using landscaping material acceptable to the Declarant) so it cannot be seen from the street.
8. All fencing is subject to the prior architectural review and approval requirements set forth in Section 1 above. No cyclone or wire fences will be approved. No fence may exceed a maximum height of six feet except wood fencing within the perimeter of the planned development on the East, west, & South sides. The fencing along Park must be made of Wrought Iron or Metal. Intermittent Brick columns are permitted along Park Avenue. The finished side of the fence must face out from the Lot.
9. All swimming pools must be sunken. No above-ground swimming pools will be allowed.
10. Setback lines shall be as indicated on the Plat. Declarant reserves the right to absolute control of the precise site and location of any structure upon each Lot.
11. Once construction is commenced by a Lot Owner, the improvements must be completed

within twelve (14) months from commencement of groundbreaking for the foundation.

12. No Lot may be subdivided in any way. Only one (1) single-family residence or townhome may be constructed on any Lot.
13. No animals, livestock, or poultry of any kind will be raised, bred, or kept on any of said Lots, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose. In all instances, household pets will be retained within fences or under leash. Any variation of this must have written approval from Declarant.
19. No exterior aerials, antennas, or satellite dishes may be erected or installed without prior written permission from the Declarant.
20. Trash, garbage, and other waste and rubbish will be kept in sanitary containers provided specifically for these purposes. All equipment for the storage or disposal of such materials must be approved by applicable Town of Collierville and Shelby County authorities and will be kept in clean, sanitary and orderly condition. No burning of domestic trash will be allowed.
21. Gardening (vegetables) will be allowed only in the rear yard of each parcel.
22. Grass, seeds, vegetation, and debris on each Lot (including ditches, to the edge of asphalt), must be kept mowed and cleared at regular intervals by the Owner thereof so as to maintain the same in neat and attractive manner. Trees, shrubs, vines, debris, and plants that die must be promptly removed from such Lots. Until a residence is constructed on a Lot, Declarant, at its option and discretion, may mow and have dead trees and debris removed from such Lots, and the Owner of such Lots will be obligated to reimburse Declarant for the cost of such work should he refuse or neglect to comply with the terms of this paragraph.
23. No signs of any kind will be displayed to the public view on any Lot except one sign of not more than six (6) square feet advertising the property for sale or rent and one (1) sign by a builder of not more than six (6) square feet.
24. No obnoxious or offensive activities will be carried on upon any Lot, nor will anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No business of any kind will be carried on upon any Lot or building on any Lot. All Lots and houses are for residential use only.
25. The Declarant must approve or disapprove, in writing, any request made by a Lot Owner in writing within forty-five (45) days. If the Lot Owner does not receive approval or disapproval notice within the said forty-five (45) days, the Lot Owner's written request will be deemed approved. Lot Owners must make any requests in writing.

26. Without limiting any other provision of these restrictions, these restrictions may be enforced by any Lot Owner, the Declarant, or the Association through civil action, including without limitation injunctive relief or to prohibit or abate a violation or to recover damages resulting therefrom. In any such action or proceeding, the prevailing party will recover its costs and a reasonable attorney's fee in addition to other relief. Failure of the Declarant, Association, or any Owner to enforce these restrictions will not prohibit the enforcement in the event of any future violation, whether of the same provision or a different provision.
28. Invalidation of any one of these covenants by judgment or court order will in no way affect any of the other provisions which will remain in full force and effect.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 09/07/2021
DATE
PUBLIC SESSION: 09/07/2021
DATE**

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a three-lot residential single-family planned development
CASE NUMBER: PD 21-26
DEVELOPMENT: Caroline Cove Planned Development
LOCATION: 131 Marne Road
COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Shepherd Construction Co Inc/James Shepherd
REPRESENTATIVE: Jennifer Williams
EXISTING ZONING: Residential Single-Family – 6 (R-6)
REQUEST: Three-lot residential single-family planned development
AREA: +/-0.34 acres
RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with amended conditions*
RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Set hearing date for – September 7, 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
08/12/2021 _____ 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>
<u>Melanie Bayle</u>	<u>08/27/21</u>	MUNICIPAL PLANNER
<u>[Signature]</u>	<u>Aug 27 2021</u>	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-26 – Caroline Cove Planned Development

Resolution requesting a three-lot residential single-family planned development at 131 Marne 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): Shepherd Construction Con Inc; Applicant(s): James Shepherd; and Representative(s): Jennifer Williams; 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 CAROLINE COVE PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 131 MARNE ROAD, KNOWN AS CASE NUMBER PD 21-26.

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 Shepherd Construction Company Inc filed an application with the Memphis and Shelby County Division of Planning and Development to allow a three-lot residential single-family planned development; and

WHEREAS, the Division 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 August 12, 2021, 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 Division 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 clause 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: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement

OUTLINE PLAN CONDITIONS

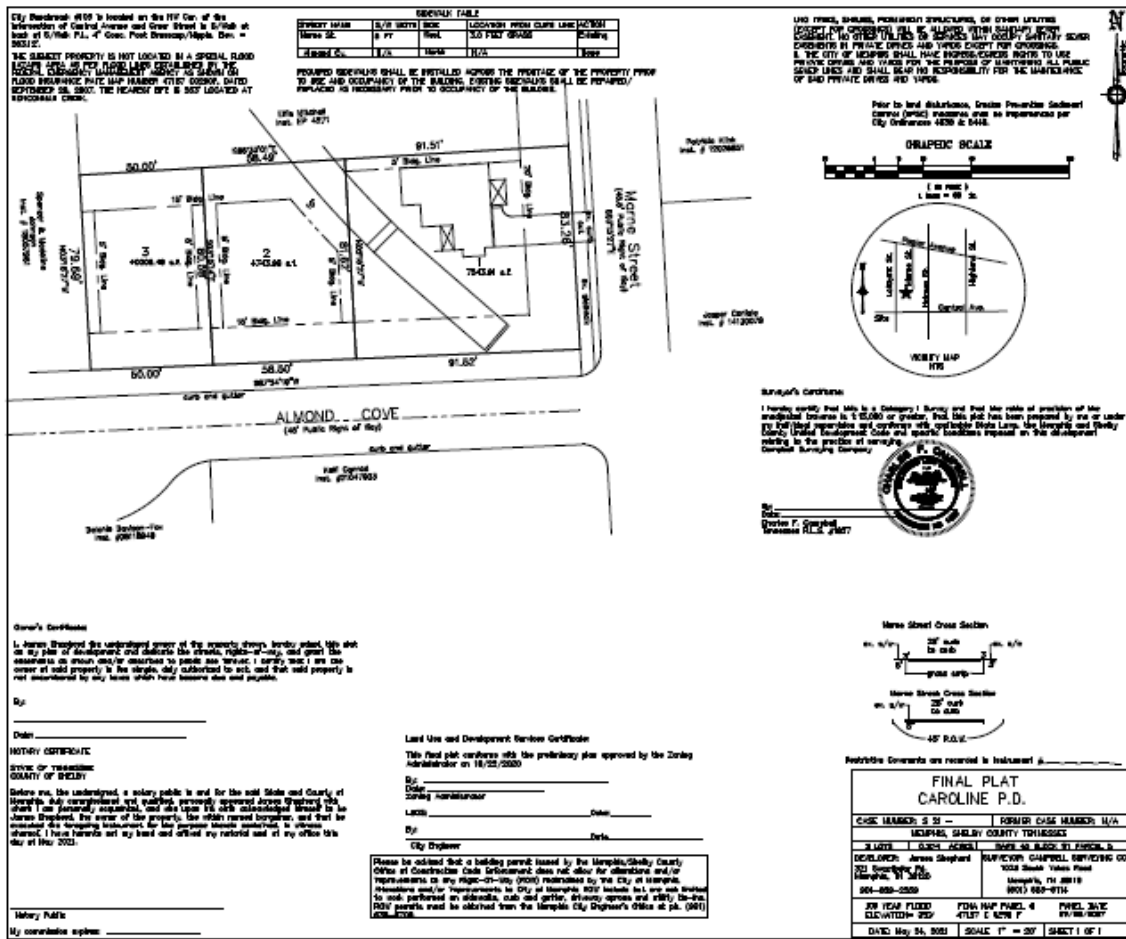
A. Bulk Standards

- a. The minimum lot size shall be 4000 square feet. A maximum of three lots shall be permitted.
- b. The minimum lot width shall be 50 feet.
- c. The minimum street setbacks shall be 20 feet from Marne and 15 feet from Almond. The minimum interior setbacks shall be 5 feet from side property lines and 15 feet from rear property lines.

II. General Conditions

- a. Streetscaping – curb, gutter, sidewalk, and street trees – shall be installed along Almond that matches the existing streetscaping along Marne. A 5-foot sidewalk immediately behind the curb is **waived** along Almond.

CONCEPT PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, August 12, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 21-26
DEVELOPMENT:	Caroline Cove Planned Development
LOCATION:	131 Marne Road
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Shepherd Construction Co Inc / James Shepherd
REPRESENTATIVE:	Jennifer Williams
REQUEST:	Three-lot residential single-family planned development
EXISTING ZONING:	Residential Single-Family – 6 (R-6)
AREA:	+/-0.34 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 amended conditions.

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

Respectfully,



Melanie Batke
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 21-26
CONDITIONS**

Outline/General Plan Conditions

I. Bulk Standards

- a. The minimum lot size shall be 4000 square feet. A maximum of three lots shall be permitted.
- b. The minimum lot width shall be 50 feet.
- c. The minimum street setbacks shall be 20 feet from Marne and 15 feet from Almond. The minimum interior setbacks shall be 5 feet from side property lines and 15 feet from rear property lines.

II. General Conditions

- a. Streetscaping – curb, gutter, sidewalk, and street trees – shall be installed along Almond that matches the existing streetscaping along Marne. A 5-foot sidewalk immediately behind the curb is **waived** along Almond.

CONCEPT PLAN

City Ordinance #808 is located in the NW Cor. of the intersection of Central Avenue and Green Street in S. Half of block of S. Half P.L. of Green Post Division/Maps No. = 80312.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS PER FLOOD MAP ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 4702-0002, DATED SEPTEMBER 28, 2002. THE NEAREST DFE # 502 IS LOCATED AT APPROXIMATE CROSS.

PREPARED DRAWINGS SHALL BE INSTALLED ABOVE THE FOOTING OF THE PROPERTY PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIGNAGE SHALL BE REMOVED/REPLACED AS NECESSARY PRIOR TO OCCUPANCY OF THE BUILDING.

LAND TRUCK, SHEDS, PERMANENT STRUCTURES, OR OTHER UTILITIES LOCATED ON OTHER LOTS OR ADJACENT LOTS SHALL BE REMOVED PRIOR TO CONSTRUCTION OF THIS PROJECT AND PRIOR TO ANY COMMENCEMENT OF CONSTRUCTION. THE CITY OF MEMPHIS SHALL HAVE INSPECTION RIGHTS TO USE PRIVATE DRIVEWAYS AND YARDS FOR THE PURPOSE OF SURVEYING. ALL PUBLIC STREET LINES AND SHALL BEAR THE RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVEWAYS AND YARDS.

Prior to land disturbance, Grade Protection Sediment Control (GPSC) measures shall be implemented per City Ordinance 4539 as 0418.

ORANGED SCALE
1" = 40' 0"

WORTH MAP #78

Surveyor's Certificate
I hereby certify that this is a Corrected Survey and that the value of precision of the original traverse is 1/25000 or greater. That this plat has been prepared by me or under my direct supervision and conforms with California State Laws, the Georgia and Florida State Land Development Code and applicable local ordinances in the development of this plat in the practice of surveying.
Carroll Humphrey, Surveyor

By: Devon F. Campbell
Deputy City Engineer

City Engineer

Land Use and Development Services Certificate
This final plat conforms with the preliminary plan approved by the zoning administrator on 10/22/2020.

By: _____
Date: _____
Zoning Administrator

By: _____
Date: _____
City Engineer

Please be advised that a building permit issued by the Memphis/Shelby County Office of Construction Code Enforcement does not allow for alterations and/or improvements to any sign-on-any (SOA) maintained by the City of Memphis, regardless and/or improvements to City of Memphis SOA located but are not limited to not performed an alterations, sub and grille, driveway aprons and other SOA. SOA permits must be obtained from the Memphis City Engineer's Office at pl. (261) 428-4738.

FINAL PLAT
CAROLINE P.D.

CHSE NUMBER: S 21 -	FORMER CHSE NUMBER: N/A
MEMPHIS, SHELBY COUNTY, TENNESSEE	
OWNER: JAMES SHEPARD	DEVELOPER: JAMES SHEPARD
322 S. CENTRAL AVE. MEMPHIS, TN 38105 901-450-2520	SURVEYOR: CARROLL HUMPHREY, CO. 1033 SHAW VILLAGE PLACE MEMPHIS, TN 38119 901-450-9113
20 YEAR FLOOD ELEVATION= 295'	FDA MAP PANEL: 4 4717' E 4298' F
DATE: May 24, 2021	SCALE: 1" = 20' SHEET: 1 OF 1

AGENDA ITEM: 13

CASE NUMBER: PD 21-26 **L.U.C.B. MEETING:** August 12, 2021

DEVELOPMENT: Caroline Cove

LOCATION: 131 Marne Road

COUNCIL DISTRICT: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Shepherd Construction Co Inc/ James Shepherd

REPRESENTATIVE: Jennifer Williams

REQUEST: Three-lot single-family residential planned development

AREA: +/-0.34 acres

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

CONCLUSIONS

1. The applicant is requesting a three-lot, single-family planned residential development to include two new vacant lots in a Residential Single Family-6 (R-6) zoning district. A planned development is required because two of the new lots would be less than 6,000 square feet required by the underlying zoning.
2. The proposed development is consistent with the Memphis 3.0 General Plan and will promote infill that is contextually compatible.
3. 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.

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 19-21 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Marne Street	+/-83.26 feet
	Almond Cove	+/-200.02 feet
Zoning Atlas Page:	2035	
Parcel ID:	045091 00015	
Existing Zoning:	Residential Single-Family – 6 (R-6)	

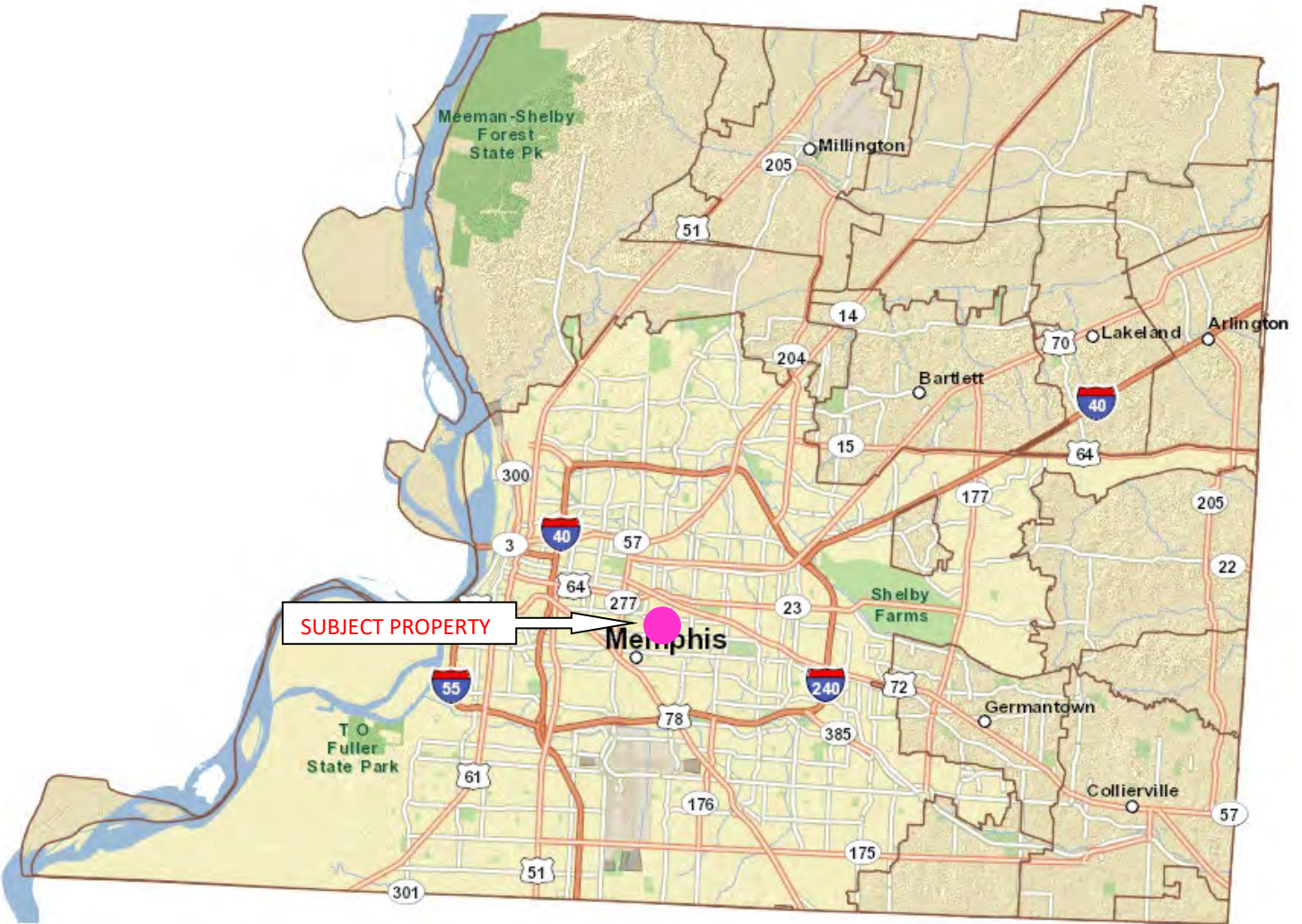
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Monday, August 2nd, 2021, at Junior League of Memphis, 3475 Central Avenue.

PUBLIC NOTICE

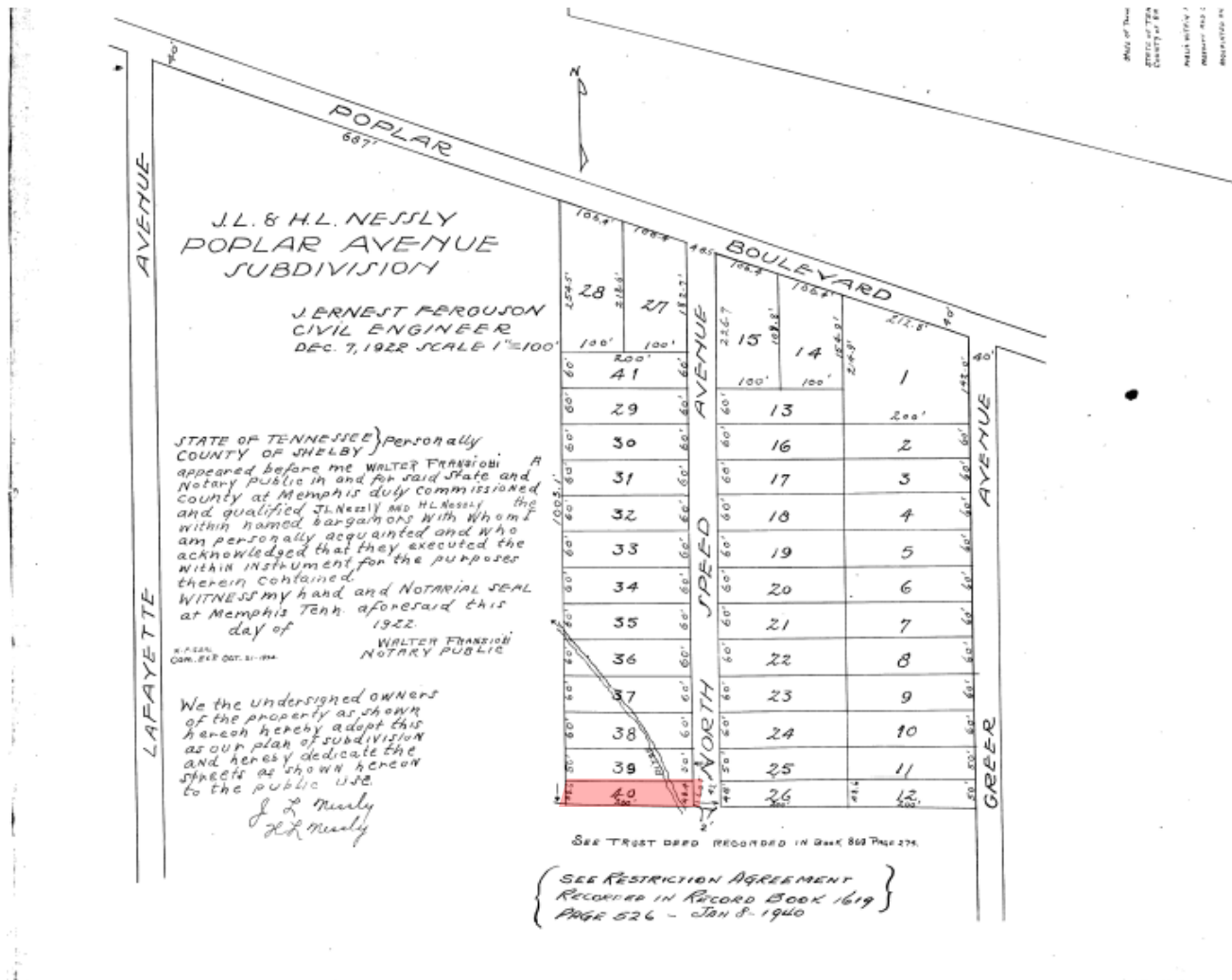
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 115 notices were mailed on July 26, 2021, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



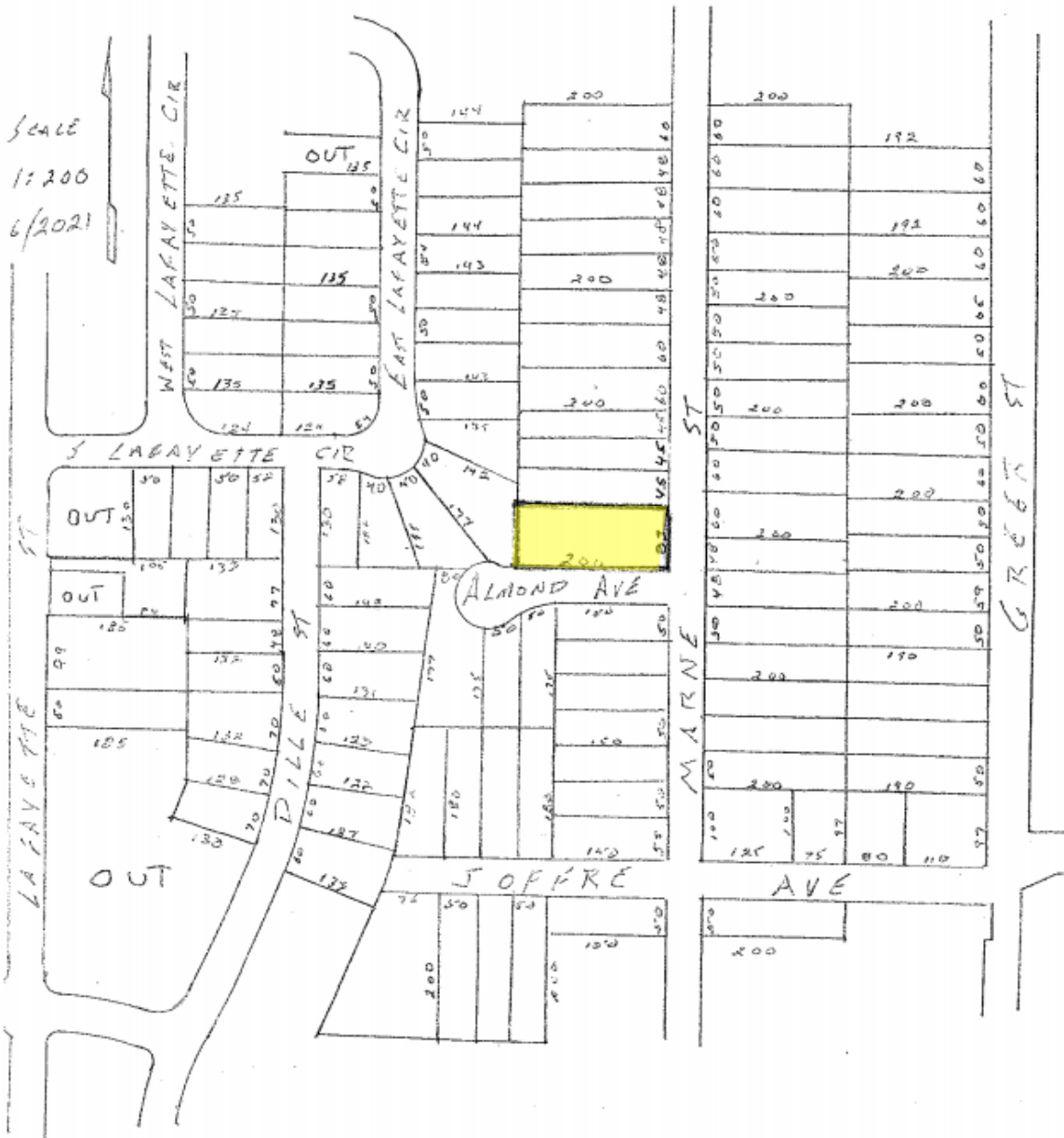
Subject property located within the pink circle, Joffre neighborhood

J.H. and H.L. NESSLEY'S POPLAR AVENUE SUBDIVISION (1922)



Subject property highlighted in red, Lot 40

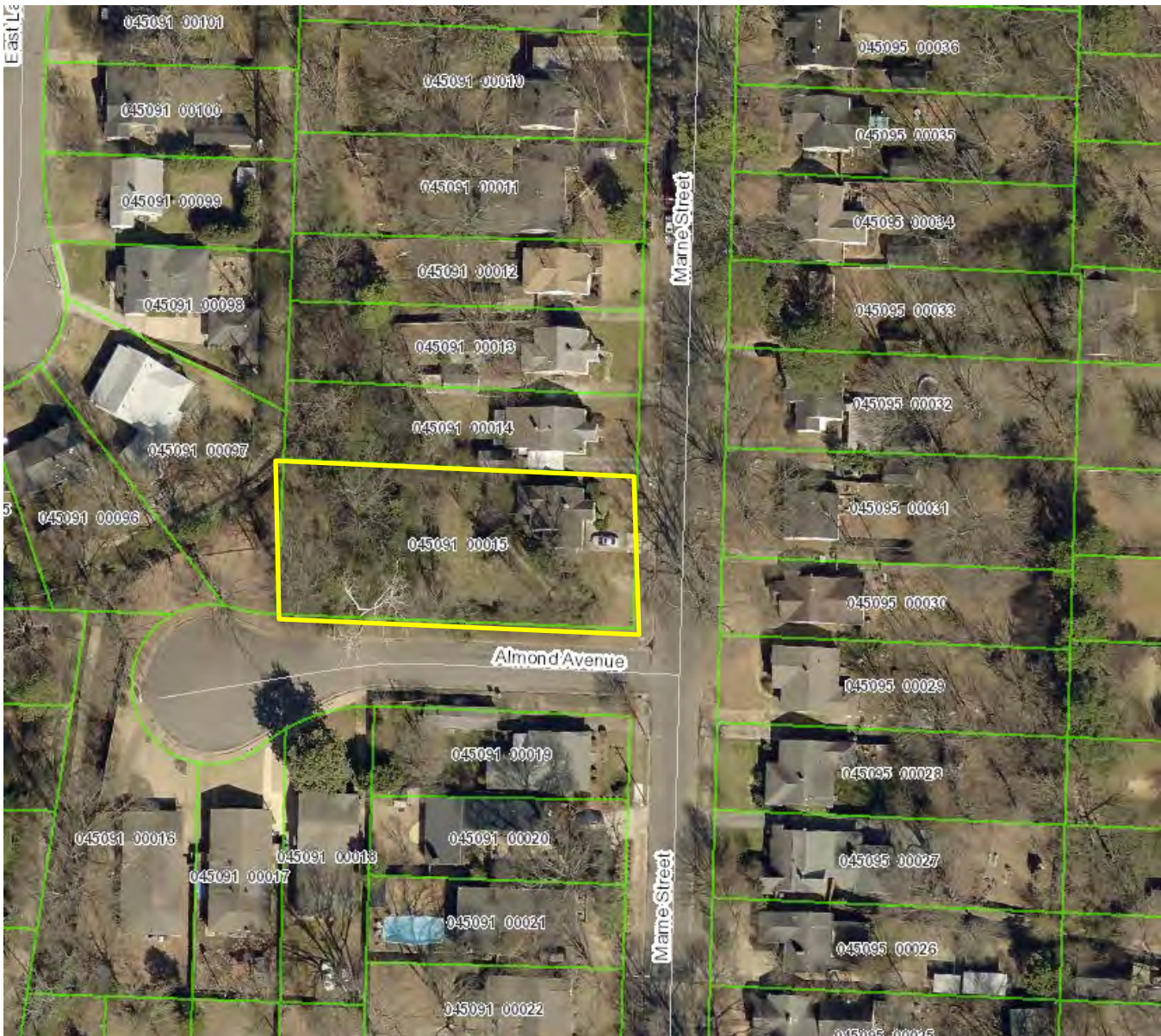
VICINITY MAP



PREPARED BY
C. MORRIS
PARCEL NO
W 045-091-00015
INSTRUMENT NO
WD 21071642
PROJECT NO 2K21 6-F

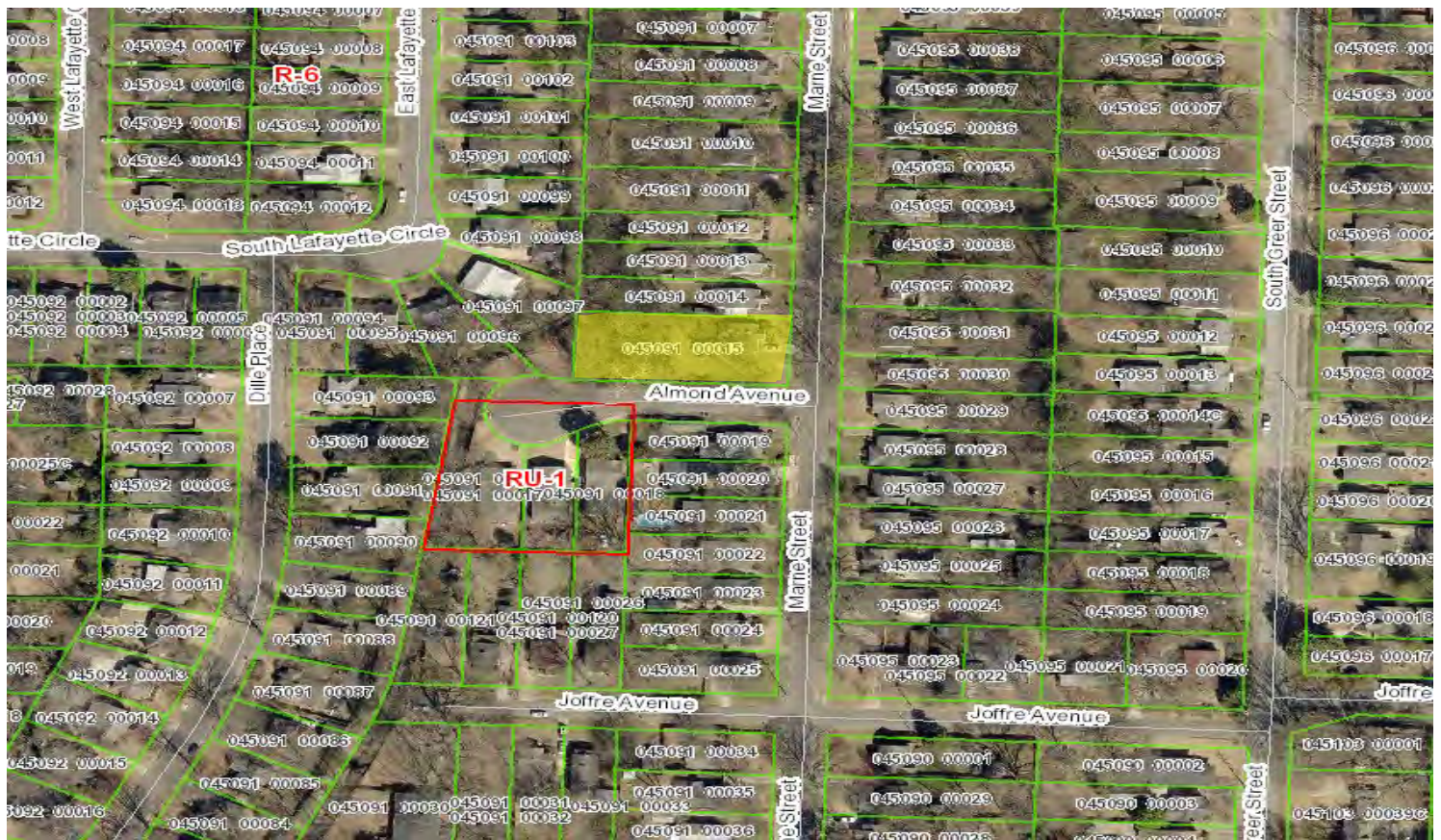
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from 2018

ZONING MAP



Subject property highlighted in yellow

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

Surrounding Zoning

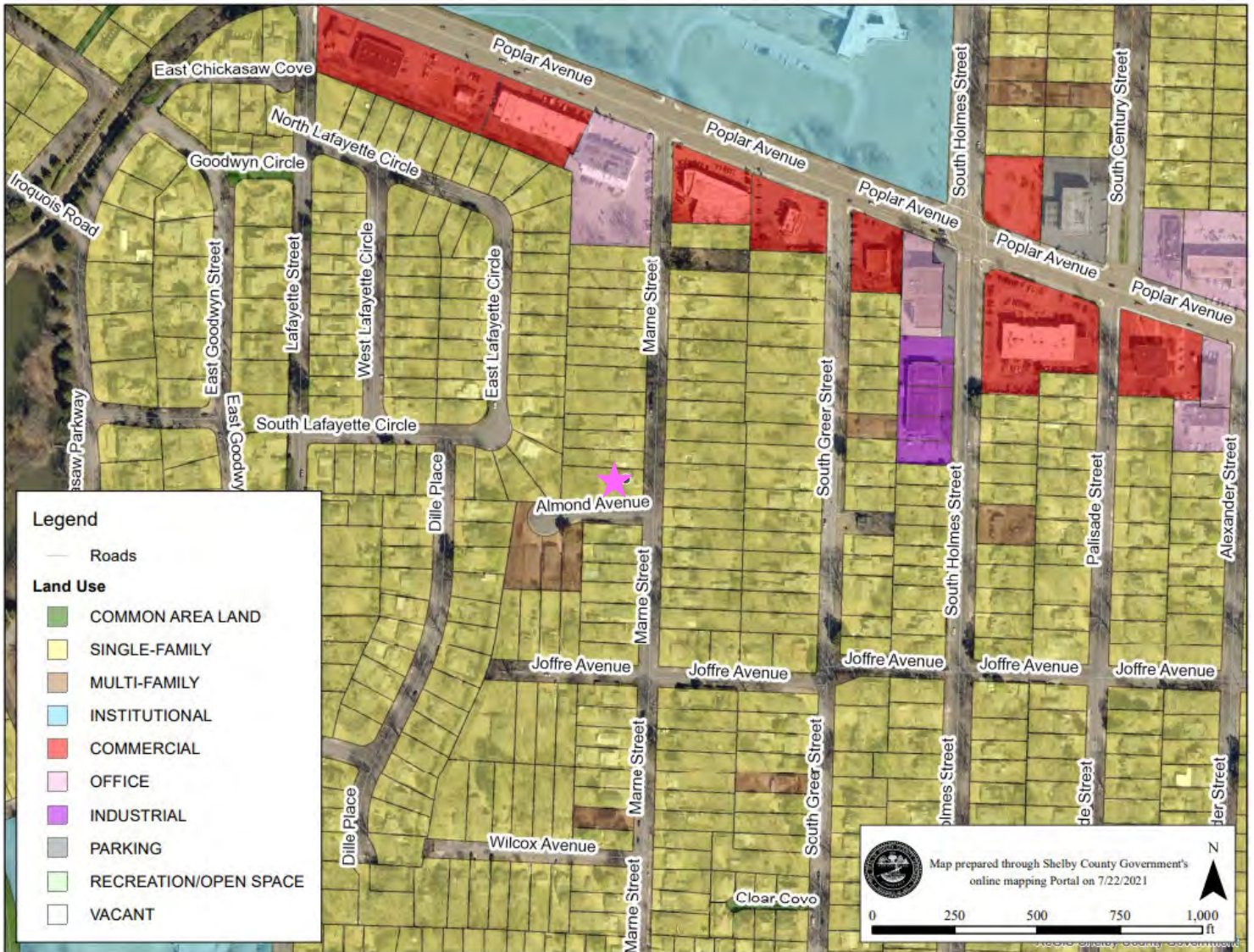
North: R-6

East: R-6

South: RU-1 and R-6

West: R-6

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of the center of the subject property from Marne Street looking west



View of the subject property from Almond Cove looking north



View of the southeast corner of the subject property from Marne Street looking northwest



View of the subject property from Almond Cove looking northeast

PROPOSED EXAMPLES





STAFF ANALYSIS

Request

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

The request is a three-lot single-family 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 +/-0.34 acres located on the west side of Marne Street on parcel 045091 00015. A single-family residential house exists on the parcel and a portion of the parcel is undeveloped with large trees. Per the Accessor's website, the existing house was built circa 1941 and has a ground floor area of 988 square feet. The surrounding land uses are mostly single-family residential.

Conclusions

The applicant is requesting a three-lot single-family subdivision planned development to include two new vacant lots in a Residential Single Family-6 (R-6) zoning district. The new lots will be less than 6,000 square feet with the required setbacks being met for the zoning district on the fronts and sides.

The proposed development is consistent with the Memphis 3.0 General Plan and will promote infill that is contextually compatible.

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.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

- I. Bulk Standards
 - a. The minimum lot size shall be 4000 square feet. A maximum of three lots shall be permitted.
 - b. The minimum lot width shall be 50 feet.
 - c. The minimum street setbacks shall be 20 feet from Marne and 15 feet from Almond. The minimum interior setbacks shall be 5 feet from side property lines and 15 feet from rear property lines.

- II. General Conditions
 - a. Streetscaping – curb, gutter, sidewalk, and street trees – shall be installed along Almond that matches the existing streetscaping along Marne. A 5-foot sidewalk immediately behind the curb is **waived** along Almond.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CITY ENGINEERING COMMENTS – **REVISED FROM 07/20/21** DATE: **08/05/21**

CASE: **PD-21-026**

NAME: **Caroline Cove PD**

1. Standard Subdivision Contract or Right-Of-Way 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. 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.
6. Improve Almond Cove with curb, gutter, and sidewalk along the property frontage.

Traffic Control Provisions:

7. 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.
8. 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.
9. 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:

10. The City Engineer shall approve the design, number and location of curb cuts.
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
12. One curb cut per lot will be permitted.

- | | |
|---|-----------------------|
| City/County Fire Division: | No comments received. |
| 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. |

Office of Comprehensive Planning:

Site Address/Location: 131 Marne

Land Use Designation: Anchor Neighborhood – Primarily Single Unit

Based on the Future Land Use Planning Map, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

1. Future Land Use Planning Map



The red box indicates the application site on the Future Land Use Map.

2. Land use description & applicability:

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. See graphic portrayal to the right.



“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:

The parcel is located within a Sustain Anchor. Primarily detached, single-family residences, one to two stories in height and house-scale. Attached single-family residences permitted on parcels within 100 feet of an anchor.

The applicant is seeking a planned development to subdivide one parcel into three parcels to construct two additional single-family homes on parcel less than 6,000 square feet.

The proposal meets the criteria of AN-S because the proposed use is single-family residential, house-scale residences, no more than two stories in height. Also, the development is promoting infill that is contextually compatible. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Residential and Commercial. The subject site is surrounded by the following zoning districts: RU-1 and CMU-1. 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 degree of change for the parcel is Sustain. The parcel is indicated by the red box.

5. Degree of Change Description

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place.

Actions for Sustain anchors and anchor neighborhoods are meant to:

- Support existing market conditions
- Support maintenance of public realm and infrastructure
- Facilitate private investment and development that is contextually compatible
- Address building form with infill development

Ways to Sustain:

- Promote infill that is contextually compatible
- Maintain most existing zoning standards (not in conflict with future land use)
- Change street cross-sections to promote multi-modal transportation options
- Enhance connectivity to transit network
- Apply/Uphold historic overlay district overlays

- Address regulatory barriers to quality development
- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Encourage "curb to door" pedestrian and ADA accommodations
- Construct new streets or pathways to increase connectivity within large sites
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Upgrade infrastructure to improve storm water runoff
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: **Planned Development**

Record Status: **Public Notice Processing**

Opened Date: **June 21, 2021**

Record Number: **PD 2021-026**

Expiration Date:

Record Name: **Caroline Cove**

Description of Work: **3 lot subdivision to include two new vacant lots and one existing lot with improvement (house). Each new lot to be less than 6,000 SF, with required setbacks being met on front and sides.**

Parent Record Number:

Address: **131 MARNE ST, MEMPHIS 38111**

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	Shepherd Construction Co Inc	321 Sweetbriar, MEMPHIS, TN 38120	(901) 859-2259

Parcel Information

Parcel No:
045091 00015

Contact Information

Name: James Shepherd
 Organization Name: Shepherd Construction Co Inc
 Contact Type: Applicant
 Phone: (901) 859-2259
 Suffix:
 Address:

Jennifer Williams
 Representative (901) 825-0044
 Address:

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1309830	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	07/05/2021		PLNGPUD08
1309830	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/05/2021	Acres	PLNGPUD01
Total Fee Invoiced: \$1,539.00					Total Balance: \$0.00			

Payment Information

Payment Amount: \$1,539.00
 Method of Payment: Credit Card

Data Fields

PREAPPLICATION MEETING

Preapplication Meeting: No
 Date of Meeting: -
 Name of OPD Planner: Josh Whitehead

GENERAL PROJECT INFORMATION

Planned Development Type: New
 Previous Case Numbers: -
 Description and Justification for Request: 3 lot subdivision to include two new vacant lots and one existing lot with improvement (house). Each new lot to be less than 6,000 SF, with required setbacks being met on front and sides.

Medical Overlay / Uptown No
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
If yes, please provide additional information -

APPROVAL CRITERIA

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. (UDC Sub-Section 4.10.3A)

The proposed development will serve to provide new housing. The property is currently overgrown and littered with trash. The new planned development will improve the area and help to reduce unlawful dumping and activity.

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. (UDC Sub-Section 4.10.3B)

MLGW will serve as the utility and new utilities will be added to the property in accordance with their requirements.

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)

Front, back and side setbacks will be in accordance with current requirements and compatible with surrounding homes.

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. (UDC Sub-Section 4.10.3D)

Lots sizes will be smaller than required R6 (6,000sf), however not out of context with some lot sizes in the area already.

Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements. (UDC Sub-Section 4.10.3E)

UNCHECKED

Lots of records are created with the recording of a planned development final plan. (UDC Sub-Section 4.10.3F)

UNCHECKED

GIS INFORMATION

Case Layer -
Central Business Improvement District No
Class -

Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 131 Marne
Property Parcel Number: 045091 00015

AREA INFORMATION

Name: Nessly Poplar Ave Subdivision
Overlay District: N/A
Existing Use of Property: Residential
Requested Use of Property: Residential

LETTER OF INTENT

Letter of Intent

July 5, 2021

Mr. Josh Whitehead
Division of Planning and Development
Memphis and Shelby County, Tennessee
City Hall, 125 N Main Street, Suite 476
Memphis, TN 38103

Re: Application for Major Subdivision Almond Cove

Dear Josh:

I am please to submit an application for a Major 3 Lot Subdivision on behalf of James Shepherd for property located at 131 Marne St. The subject property is located on the corner of Marne and Almond Cove, in what is commonly referred to as Joffre Neighborhood. Currently one house sits on the property facing Marne.

James Shepherd acquired the property May 18, 2021 and is seeking to add two additional lots at the rear of the property facing Almond Cove to build single family homes with new driveway access both and landscaping. Currently this part of the property is not serviceable from the current structure as it is separated by a large drainage ditch. Additionally it is dark, overgrown and often used for illegal debris dumping. The two proposed homes will in our opinion, be an asset to the neighborhood by bringing lighting and homeownership, which will detour illegal activity. The intention for the homes built will be to serve as a single family residences.

The proposed placement of the lots are attached as drawn by Cambell Survey as well as the intended elevation for the single family homes. The proposed development will fit in with the current surrounding homes and the lots sizes will make better use of the property as all will be manageable. Please find attached intended type architectural design.

Thank you for your time and attention and consideration in this matter, please contact me with any questions you may have.

Jennifer Williams

Representative for James Shepherd

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, James Sheptone, being duly sworn, depose and say that at 8 am/pm on the 8 day of July, 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. PD2021-026 at 131 Marne Memphis TN 38111, providing notice of a Public Hearing before the 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.

[Signature]
Owner, Applicant or Representative

July 5, 2021
Date

Subscribed and sworn to before me this

[Signature]
Notary Public



July 5, 2021

My commission expires: 9-20-21



Public notice sign posted on parcel

LETTERS RECEIVED

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



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: **Planned Development**

Record Status: **Assignment**

Opened Date: **June 21, 2021**

Record Number: **PD 2021-026**

Expiration Date:

Record Name: **Caroline Cove**

Description of Work: **3 lot subdivision to include two new vacant lots and one existing lot with improvement (house). Each new lot to be less than 6,000 SF, with required setbacks being met on front and sides.**

Parent Record Number:

Address: 131 MARNE ST, MEMPHIS 38111

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	Shepherd Construction Co Inc	321 Sweetbriar, MEMPHIS, TN 38120	(901) 859-2259

Parcel Information

Parcel No:
045091 00015

Contact Information

Name: James Shepherd Organization Name: Shepherd Construction Co Inc Contact Type: Applicant Phone: (901) 859-2259
Suffix:
Address:

Jennifer Williams Representative (901) 825-0044
Address:

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1309830	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	07/05/2021		PLNGPUD08
1309830	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/05/2021	Acres	PLNGPUD01

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount: \$1,539.00 Method of Payment: Credit Card

Data Fields

PREAPPLICATION MEETING

Preapplication Meeting: No
Date of Meeting: -
Name of OPD Planner: Josh Whitehead

GENERAL PROJECT INFORMATION

Planned Development Type: New
Previous Case Numbers: -
Description and Justification for Request: 3 lot subdivision to include two new vacant lots and one existing lot with improvement (house). Each new lot to be less than 6,000 SF, with required setbacks being met on front and sides.

Medical Overlay / Uptown	No
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-

APPROVAL CRITERIA

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. (UDC Sub-Section 4.10.3A)	The proposed development will serve to provide new housing. The property is currently overgrown and littered with trash. The new planned development will improve the area and help to reduce unlawful dumping and activity.
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. (UDC Sub-Section 4.10.3B)	MLGW will serve as the utility and new utilities will be added to the property in accordance with their requirements.
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)	Front, back and side setbacks will be in accordance with current requirements and compatible with surrounding homes.
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. (UDC Sub-Section 4.10.3D)	Lots sizes will be smaller than required R6 (6,000sf), however not out of context with some lot sizes in the area already.
Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements. (UDC Sub-Section 4.10.3E)	UNCHECKED
Lots of records are created with the recording of a planned development final plan. (UDC Sub-Section 4.10.3F)	UNCHECKED

GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	-

Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-

Data Tables

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Jennifer Williams

Representative for James Shepherd



2241

3T1-998

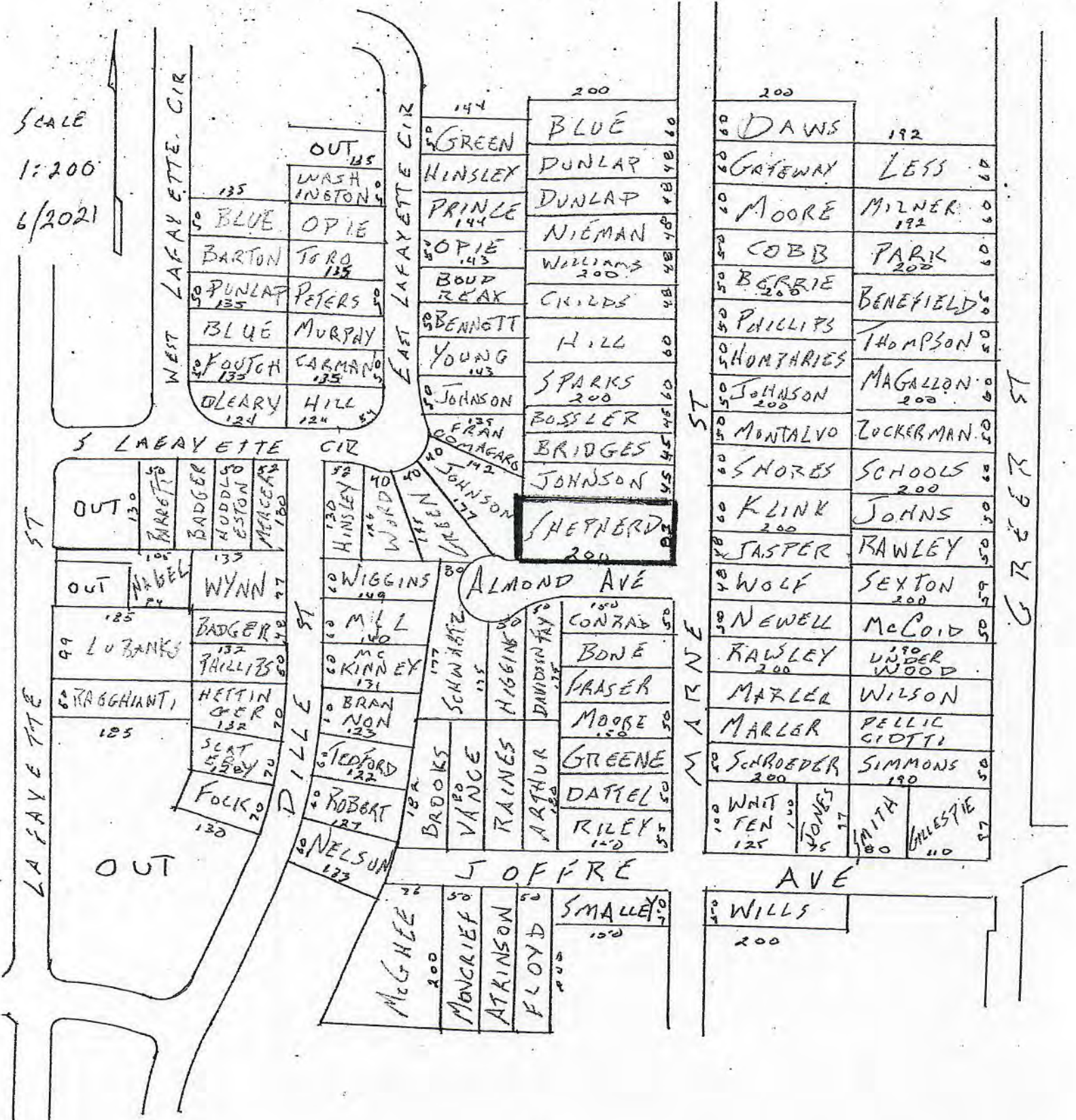


874

TIGER
1874



SCALE
1:200
6/2021



PREPARED BY
CMORALES
PARCEL NO
W 045-091-00015
INSTRUMENT NO
WD 21071642
PROJECT NO 2R21 6-F

SCALE
1:200
6/2021



PREPARED BY
G. MORALES
PARCEL NO
W 045-091-00015
INSTRUMENT NO
WD 21071642
PROJECT NO 2K21 6-F

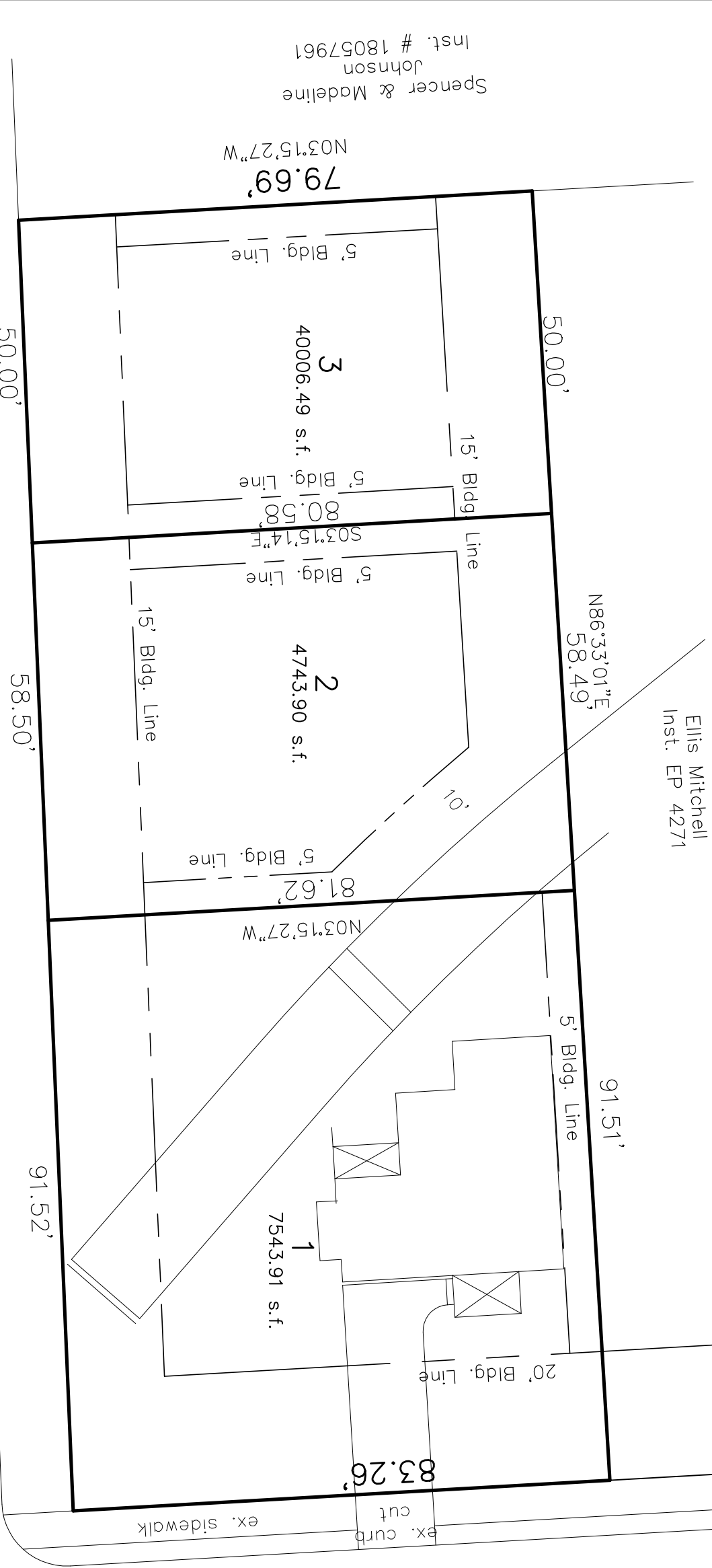
City Benchmark #103 is located on the NW Cor. of the intersection of Central Avenue and Greer Street in S/Walk at back of S/Walk P.L., 4" Conc. Post Brasscap/Nipple. Elev. = 283.12'.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS PER FLOOD LINES ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 47157 C0290F, DATED SEPTEMBER 28, 2007. THE NEAREST BFE IS 253' LOCATED AT NONCONNAH CREEK.

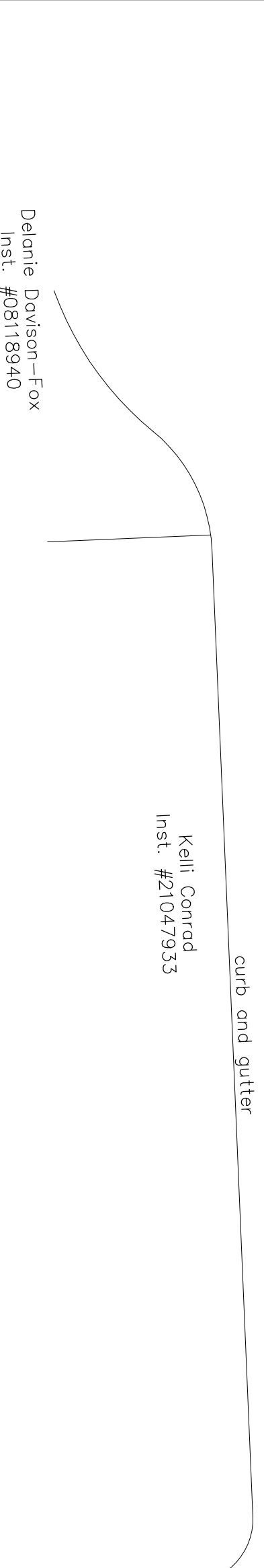
SIDEWALK TABLE

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURB LINE	ACTION
Marne St.	5 FT	West	3.0 FEET GRASS	Existing
Almond Cv.	N/A	North	N/A	None

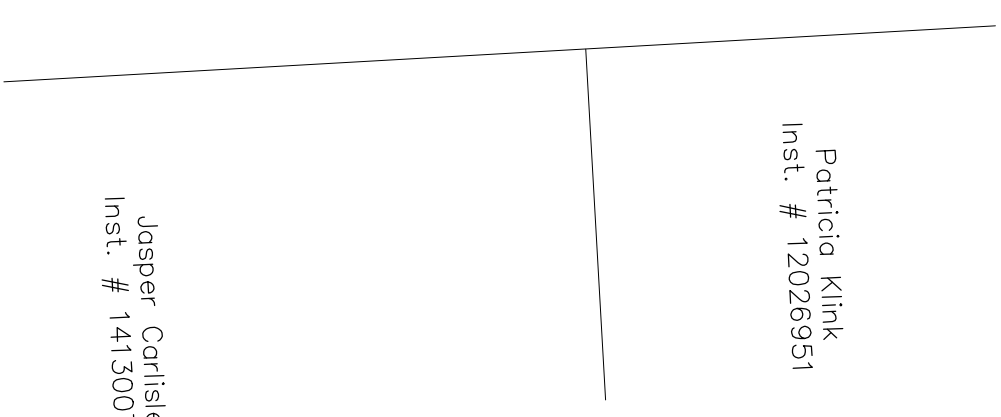
REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGE OF THE PROPERTY PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED/ REPLACED AS NECESSARY PRIOR TO OCCUPANCY OF THE BUILDING.



ALMOND COVE (45' Public Right of Way)

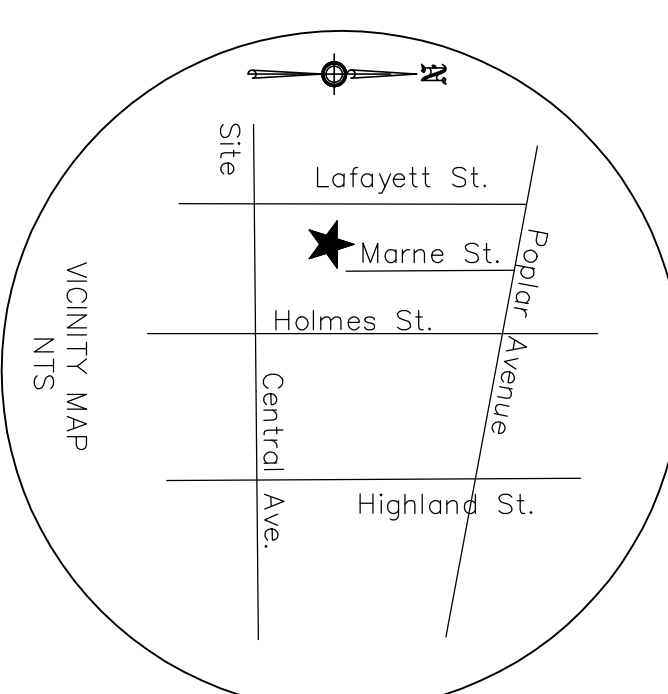


Marne Street (45.5' Public Right of Way)



I, NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS. II. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.

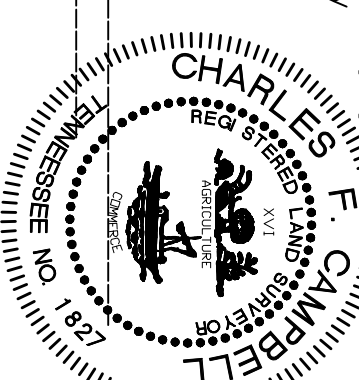
Prior to land disturbance, Erosion Prevention Sediment Control (EPSC) measures shall be implemented per City Ordinances 4538 & 5446.



Surveyor's Certificate:

I hereby certify that this is a Category I Survey and that the ratio of precision of the undisturbed traverse is 1:15,000 or greater, that this plot has been prepared by me or under my individual supervision and conforms with applicable State Laws, the Memphis and Shelby County Unified Development Code and specific conditions imposed on this development relating to the practice of surveying.

By: _____
 Date: _____
 Charles F. Campbell
 Tennessee R.L.S. #1827



Owner's Certificate:

I, James Shepherd the undersigned owner of the property shown, hereby adopt this plat as my plan of development and dedicate the streets, rights-of-way, and grant the easements as shown and/or described to public use forever. I certify that I am the owner of said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes which have become due and payable.

By: _____

Date: _____

NOTARY CERTIFICATE
 STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a notary public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared James Shepherd with whom I am personally acquainted, and who upon his oath acknowledged himself to be James Shepherd, the owner of the property, the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have herunto set my hand and affixed my notarial seal at my office this day of May 2021.

Notary Public _____

My commission expires: _____

Land Use and Development Services Certificate:

This final plat conforms with the preliminary plan approved by the Zoning Administrator on 10/22/2020

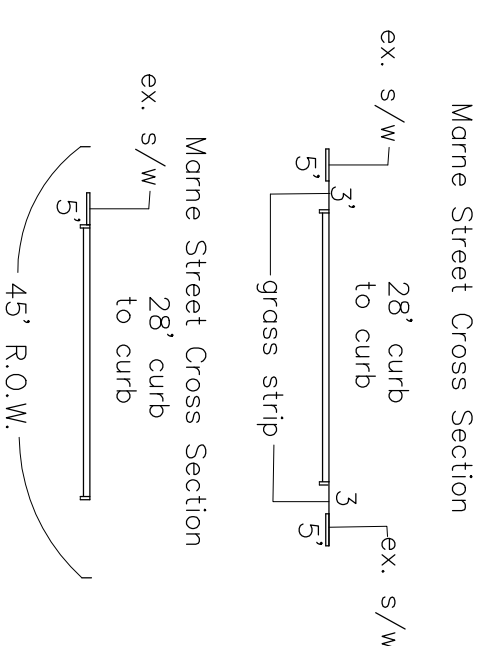
By: _____
 Date: _____
 Zoning Administrator

LUDS: _____ Date: _____

By: _____
 Date: _____
 City Engineer

Please be advised that a building permit issued by the Memphis/Shelby County Office of Construction Code Enforcement does not allow for alterations and/or improvements to any Right-Of-Way (ROW) maintained by the City of Memphis. Alterations and/or improvements to City of Memphis ROW include but are not limited to work performed on sidewalks, curb and gutter, driveway aprons and utility tie-ins. ROW permits must be obtained from the Memphis City Engineer's Office at ph. (901) 636-6700.

Restrictive Covenants are recorded in Instrument # _____



FINAL PLAT
 CAROLINE P.D.

CASE NUMBER: S 21 -	FORMER CASE NUMBER: N/A
MEMPHIS, SHELBY COUNTY TENNESSEE	
3 LOTS 0.374 ACRES	WARD 45 BLOCK 91 PARCEL 5
DEVELOPER: James Shepherd	SURVEYOR: CAMPBELL SURVEYING CO.
321 Sweethor Rd. Memphis, TN 38120	1023 South Yates Road Memphis, TN 38119
901-859-2259	(901) 683-9114
100 YEAR FLOOD ELEVATION= 253'	FEMA MAP PANEL # 09/28/2007
DATE: May 24, 2021	SCALE 1" = 20' SHEET 1 OF 1



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



21071642



06/15/2021 - 08:05:08 AM

3 PGS	
TAMMY 2244216 - 21071642	
VALUE	210000.00
MORTGAGE TAX	0.00
TRANSFER TAX	777.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	795.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: www.register.shelby.tn.us Email: register@shelbycountyttn.gov

<p>WARRANTY DEED</p> <div style="display: flex; justify-content: space-around;">   </div>	<p style="text-align: center;">STATE OF TENNESSEE COUNTY OF SHELBY</p> <p>THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$210,000.00.</p> <p style="text-align: right;"><i>June H. Mitchell</i> Affiant</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>4th</u> DAY OF <u>June</u>, 2021.</p> <p style="text-align: right;"><i>Heather Webb</i> Notary Public</p> <p>MY COMMISSION EXPIRES: <u>10/17/23</u> (AFFIX SEAL)</p>
--	--

THIS INSTRUMENT WAS PREPARED BY
 Mid South Title Services, LLC
 Michael E. Hewgley, Attorney
 1715 Aaron Brenner Drive, Suite 401
 Memphis, Tennessee 38120

ADDRESS NEW OWNER(S) AS FOLLOWS: Shepherd Construction Company, Inc. <small>(NAME)</small> 321 Sweetbriar Road <small>(ADDRESS)</small> Memphis, TN 38120 <small>(CITY) (STATE) (ZIP)</small>	SEND TAX BILLS TO: Shepherd Construction Company, Inc. <small>(NAME)</small> 321 Sweetbriar Road <small>(ADDRESS)</small> Memphis, TN 38120 <small>(CITY) (STATE) (ZIP)</small>	MAP-PARCEL NUMBERS 045091 00015
---	---	------------------------------------

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, I JUNE H. MITCHELL, AN UNMARRIED PERSON, HEREAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO SHEPHERD CONSTRUCTION COMPANY, INC., A TENNESSEE CORPORATION, HEREAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

SEE EXHIBIT "A" ATTACHED HERETO, INCOPORATED HEREIN AND MADE A PART HEREOF.

BEING the same property originally conveyed to Ellis Q. Mitchell, III, by Warranty Deed filed for record under Instrument Number ~~21071642~~, on August 12, 1994, in the Register's Office of Shelby County, Tennessee; Ellis Q. Mitchell, III having died on or about March 16, 2021. Property further conveyed to June H. Mitchell as the sole heir of Ellis Q. Mitchell, III, as established in Affidavits of Heirship recorded at Instrument Numbers 21067078 and 21067079, in said Register's Office.. *S3 3328

This conveyance is made subject to subdivision restrictions, building lines and easements of record in Plat Book 8 Page 53, in the Register's Office of Shelby County, Tennessee, and except for 2022 City of Memphis taxes and 2021 Shelby County taxes, not yet due and payable, which Grantees assumes and agree to pay.

unimproved
 This is improved property, known as 131 Marne Street, Memphis, TN 38111
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

HMW

Witness our hands this 1st day of June, 2021.

June H. Mitchell
by [Signature] attorney in fact

JUNE H. MITCHELL BY
GANNON E. WEAVER
ATTORNEY IN FACT

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 1st day of June, 2021, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Gannon E. Weaver, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument on behalf of June H. Mitchell, acting as that person's agent and attorney in fact, and the said Gannon E. Weaver acknowledged that he executed the foregoing instrument as agent and attorney in fact for June H. Mitchell, for the purposes therein contained.

WITNESS my hand and Notary Seal at office the day and year above written.

Commission expires: 6-6-23



[Signature]

Notary Public

Return To:
Murphy Dezonias & Webb
6389 Quail Hollow Road, Suite 102
Memphis, TN 38120

MST#2021050490 TB

EXHIBIT "A"

Lot 40 and the south 35 feet of Lot 39, J.H. and H.L. Nessley's Poplar Avenue Subdivision, as appears on plat of record in Plat Book 8, page 53, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Marne Street 824.88 feet southwardly from the present south line of Poplar Avenue, said point being 15 feet south of the north line of Lot 39; thence southwardly with the west line of Marne Street 83.4 feet to the south line of Lot 40; thence northwestwardly with the south line of Lot 40, 200.2 feet to the west line of said subdivision; thence northwardly with the west line of said subdivision 73.6 feet to a point 15 feet south of the north line of Lot 39; thence eastwardly parallel to the north line of Lot 39, 200 feet to the point of beginning.

PROPERTY ADDRESS: 131 Marne St
Memphis, TN 38111

TAX PARCEL NO.: 045091 00015

NAME AND ADDRESS OF PROPERTY OWNER: SHEPHERD CONSTRUCTION COMPANY, INC
321 Sweetbriar
Memphis, TN 38120

MAIL TAX BILLS TO: SHEPHERD CONSTRUCTION COMPANY, INC
321 Sweetbriar
Memphis, TN 38120

RETURN TO: J. Michael Murphy, Attorney
6389 N. Quail Hollow Road, Ste. 102
Memphis, TN 38120

TG# 9458801

MD&W File No. 210349

AFFIDAVIT

Shelby County
State of Tennessee

I, James Shepherd, being duly sworn, depose and say that at 8 am/pm on the 8 day of July, 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. _____ at _____, 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.

[Signature]
Owner, Applicant or Representative

July 5, 2021
Date

Subscribed and sworn to before me this 5 day of July, 2021.

[Signature]
Notary Public



My commission expires: 9-20-21