

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 12 July 2022

DATE

PUBLIC SESSION: 12 July 2022

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for an apartment complex at 3100 Walnut Grove Rd. and an adjacent parcel, known as case number SUP 22-5

CASE NUMBER: SUP 22-5

LOCATION: 3100 Walnut Grove Rd. and an adjacent parcel

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER/APPLICANT: Lighthouse Community Ecosystem, LLC

REPRESENTATIVE: Jim Atkinson of A2H, Inc.

REQUEST: Special use permit for an apartment complex

AREA: 14.7 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:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>12 May 2022</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 22-5

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR AN APARTMENT COMPLEX AT 3100 WALNUT GROVE RD. AND AN ADJACENT PARCEL, KNOWN AS CASE NUMBER SUP 22-5

- This item is a conditional resolution for a special use permit for an apartment complex.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 12 May 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 22-5
LOCATION:	3100 Walnut Grove Rd. and an adjacent parcel
COUNCIL DISTRICT:	District 5 and Super District 9
OWNER/APPLICANT:	Lighthouse Community Ecosystem, LLC
REPRESENTATIVE:	Jim Atkinson of A2H, Inc.
REQUEST:	Special use permit for an apartment complex
AREA:	14.7 acres
EXISTING ZONING:	Office General

The following spoke in support of the application: Derwin Sisnett, Jim Atkinson

The following spoke in opposition the application: Mary Beth Burnett

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.

LUCB RECOMMENDED CONDITIONS

1. A maximum of 200 apartment dwelling units shall be permitted.
2. A revised site plan shall be submitted subject to administrative review in accordance with all standards of the Unified Development Code (UDC). If said plan deviates significantly from the conceptual site plan, as determined using the guidelines of UDC Paragraph 9.6.11D(3), said plan shall be subject to the review and approval of the Land Use Control Board.

CONCEPTUAL SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR AN APARTMENT COMPLEX AT 3100 WALNUT GROVE RD. AND AN ADJACENT PARCEL, KNOWN AS CASE NUMBER SUP 22-5

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, Lighthouse Community Ecosystem, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development to allow an apartment complex; 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 consistency of the design and amenities with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 12 May 2022, and said Board has submitted its 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 an apartment complex in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Building Permit, and other required permits and approvals.

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.

CONDITIONS

1. A maximum of 200 apartment dwelling units shall be permitted.
2. A revised site plan shall be submitted subject to administrative review in accordance with all standards of the Unified Development Code (UDC). If said plan deviates significantly from the conceptual site plan, as determined using the guidelines of UDC Paragraph 9.6.11D(3), said plan shall be subject to the review and approval of the Land Use Control Board.

ATTEST:

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

CONCEPTUAL SITE PLAN



AGENDA ITEM: 6

CASE NUMBER: SUP 22-5 **L.U.C.B. MEETING:** 12 May 2022

LOCATION: 3100 Walnut Grove Rd. and an adjacent parcel

COUNCIL DISTRICT: District 5 and Super District 9

OWNER/APPLICANT: Lighthouse Community Ecosystem, LLC

REPRESENTATIVE: Jim Atkinson of A2H, Inc.

REQUEST: Special use permit for an apartment complex

AREA: 14.7 acres

EXISTING ZONING: Office General

CONCLUSIONS (p. 18)

1. Lighthouse Community Ecosystem, LLC, has requested a special use permit for an apartment complex at 3100 Walnut Grove Rd. and an adjacent parcel.
2. Though the other uses within this proposed multi-use development are allowed by right, the entire project is subject to legislative review given this request.
3. The focal point of the development is a school. Six, three-story apartment buildings with a total of 200 dwelling units have been proposed, as well as nine rental townhouses. Several one-story office buildings have been proposed towards Walnut Grove.
4. The site plan will be subject to a more intensive administrative review, if approved. The applicant has indicated they wish to work further with staff and the neighborhood on issues of design following potential approval. If the plan deviates significantly from the conceptual site plan contained within this report, said modifications would be subject to Land Use Control Board at a separate, subsequent public hearing.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 21-23)

According to the Dept. of Comprehensive Planning, this request is **consistent** with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 18)

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Walnut Grove Rd. Hayden Pl.	<i>Minor Arterial</i> <i>local street</i>	301 curvilinear feet 406 curvilinear feet
Zoning Atlas Page:	2035		
Parcel ID:	044011 00051 and 044011 00052		
Existing Zoning:	Office General		

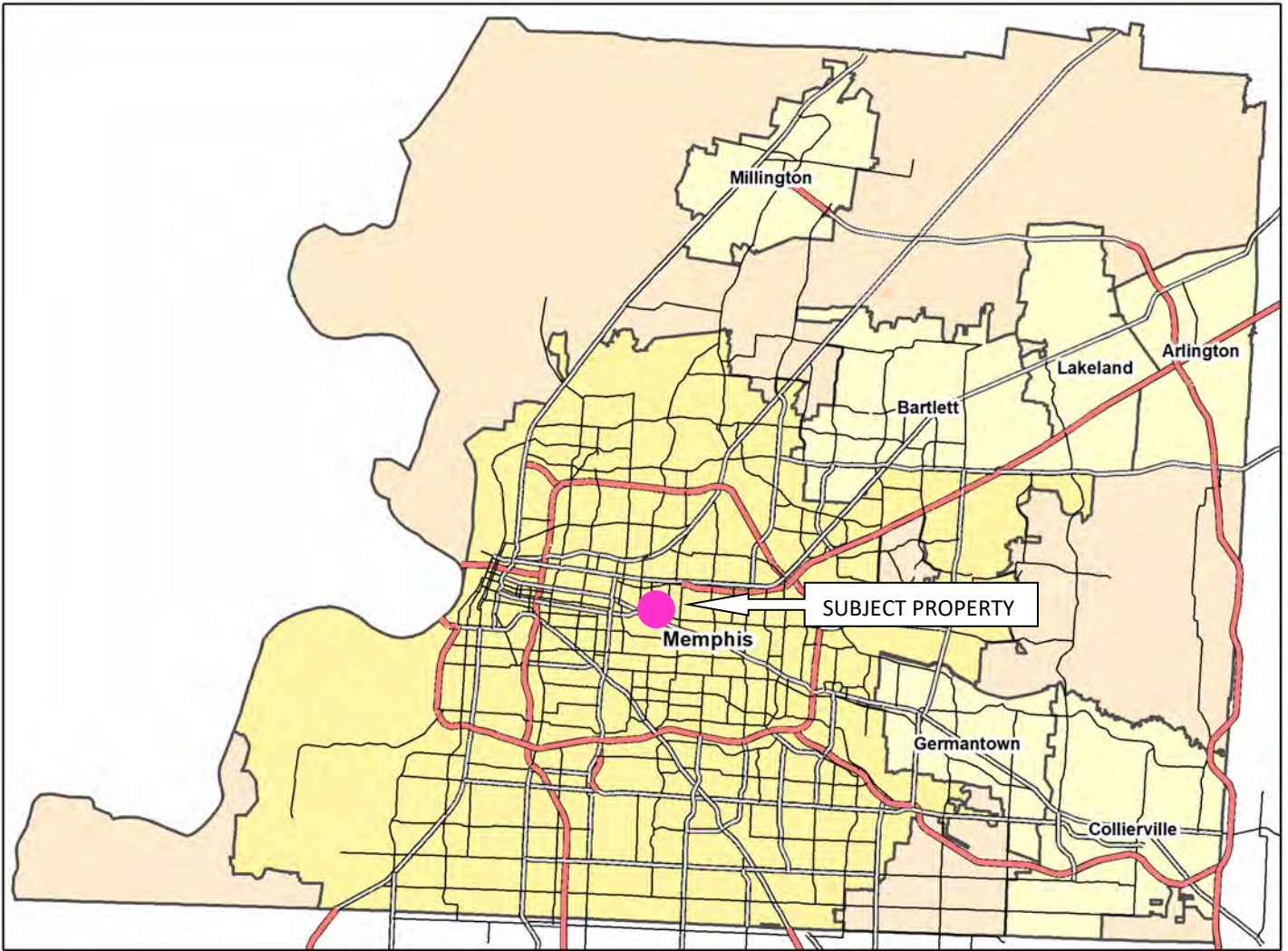
NEIGHBORHOOD MEETING

The required neighborhood meeting was held via Zoom at 6 p.m. on Monday 28 February 2022.

PUBLIC NOTICE

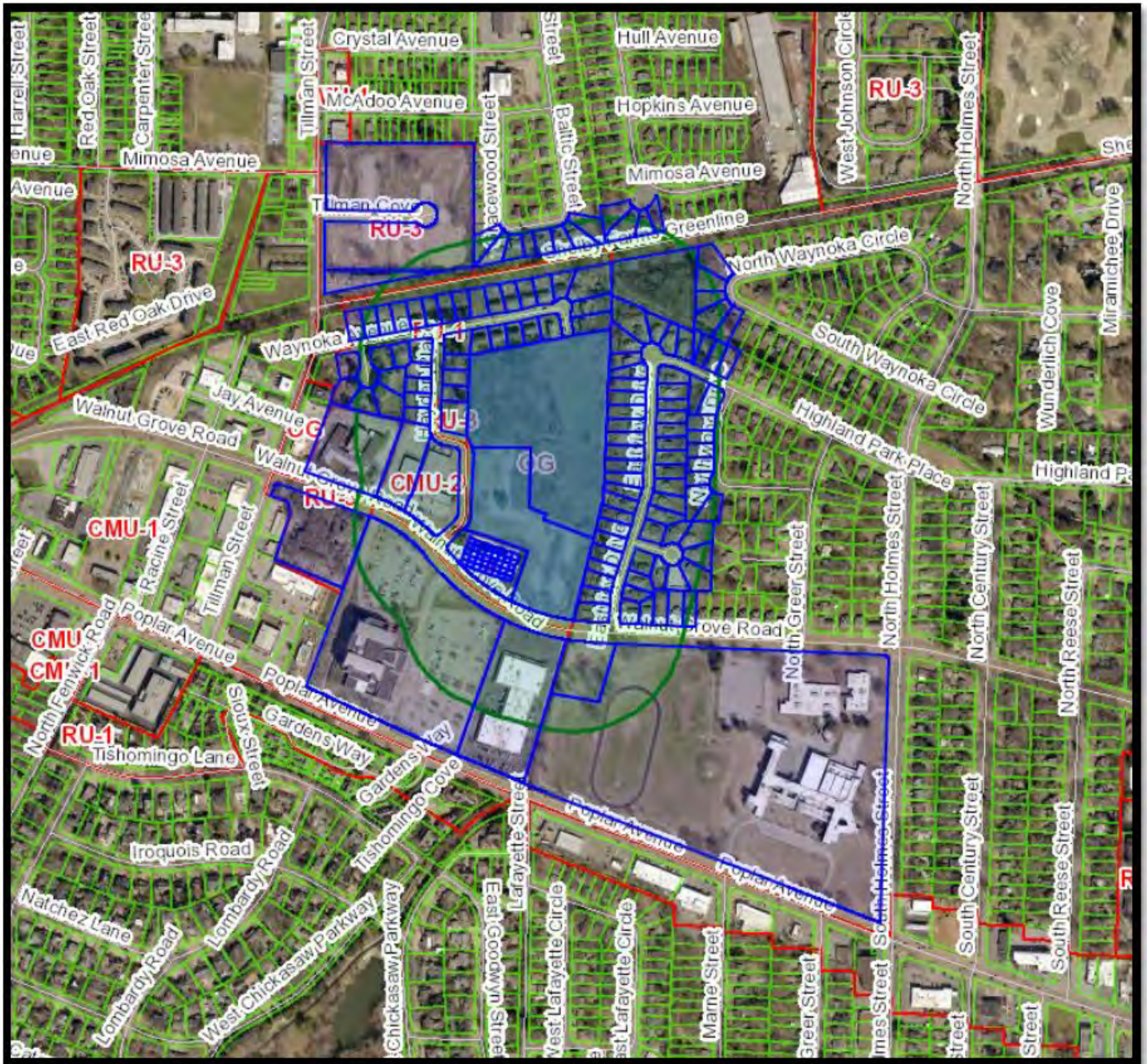
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 139 letters were mailed on 1 April 2022 (the letter itself incorrectly stated that 140 letters had been mailed), and three signs posted at the site. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the Binghampton neighborhood

VICINITY MAP



SATELLITE PHOTO



SITE PHOTOS



The site as seen from Walnut Grove



The site as seen from Hayden



A view of Cypress Creek from Walnut Grove



A view west down Walnut Grove

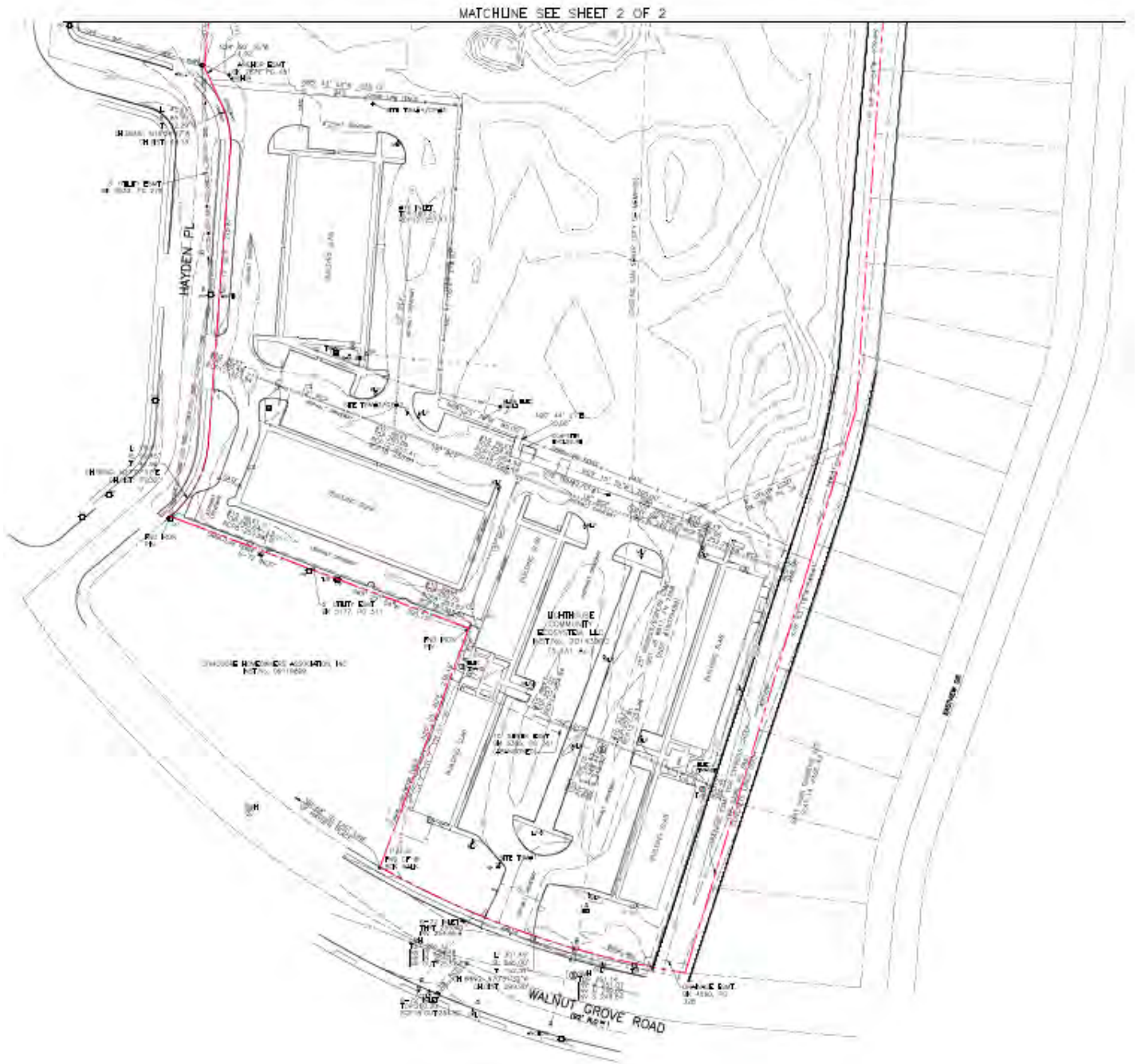


A view north down Hayden at the site



A view of the Wills stub

SURVEY





CONCEPTUAL SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for an apartment complex. Though the other uses within this proposed multi-use development are allowed by right, the entire project is subject to legislative review given this request.

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

Approval Criteria

Staff **agrees** the approval criteria in regard to 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:

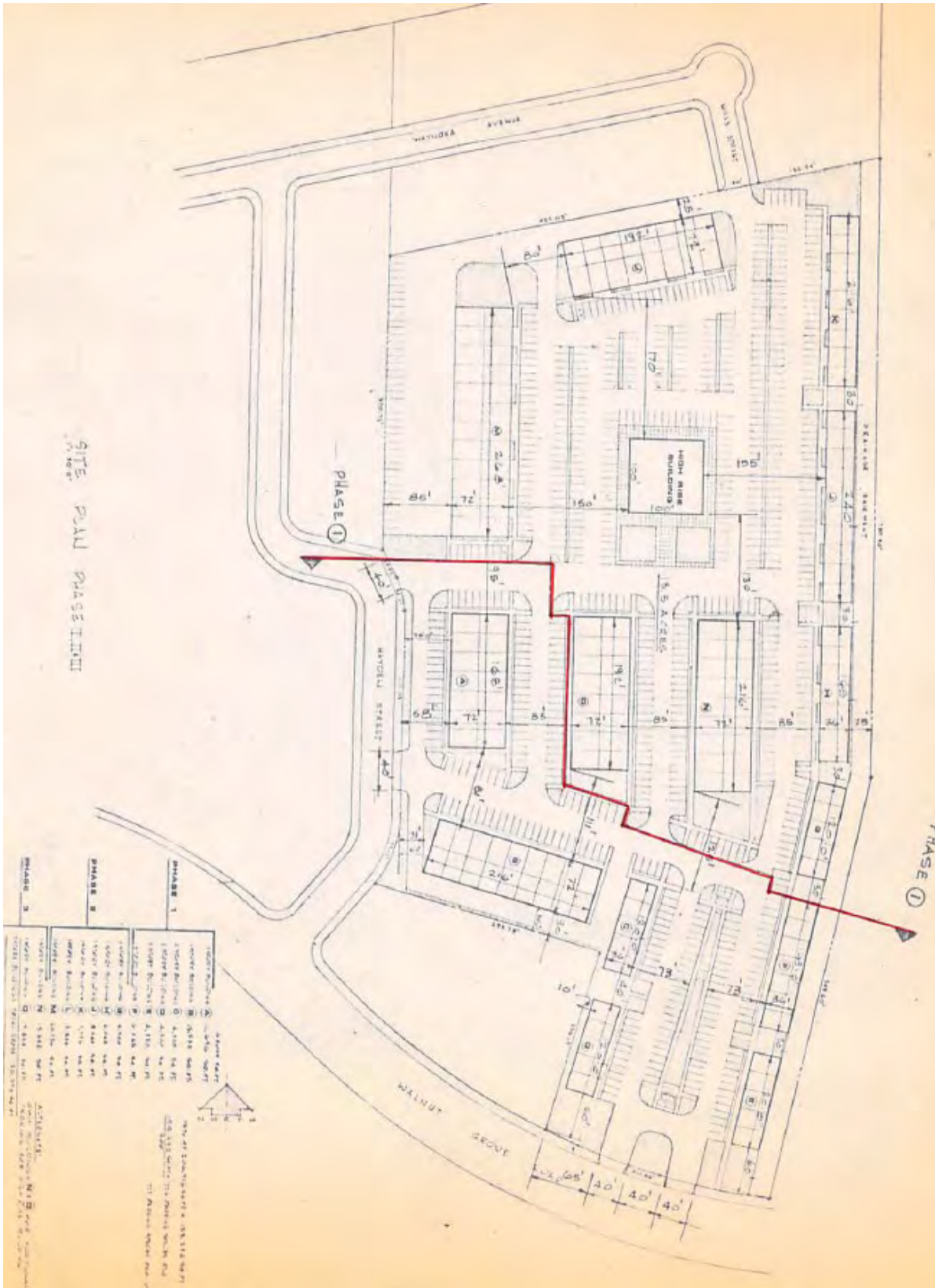
- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged 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 14.7-acre site comprises two parcels. The site has frontage on Walnut Grove, a minor arterial, and Hayden, a local street. Additionally, it abuts a stub of Wills. The southern parcel shows vestigial traces of a former office complex, including fencing, curb cuts, drives, and interior trees. The northern parcel is wooded. The eastern perimeter of the site contains part of the concretized Cypress Creek.

Site Zoning History

In 1972, the Board of Adjustment approved a variance "to allow the erection of a group office building development" at the subject site. The approved site plan has been pasted below.



In 2018, the Board of Adjustment approved a variance to permit “the operation of a professional addiction and recovery treatment facility” on the southern parcel. The approved axonometric plan has been pasted below.



Site Plan Review

Staff notes the stream buffer and connectivity requirements of the Unified Development Code. A full site plan review will be conducted, if approved, in accordance with the conditions. Such review may return to the Land Use Control Board for approval if significantly different from the conceptual site plan contained within this report.

Conclusions

Lighthouse Community Ecosystem, LLC, has requested a special use permit for an apartment complex at 3100 Walnut Grove Rd. and an adjacent parcel.

Though the other uses within this proposed multi-use development are allowed by right, the entire project is subject to legislative review given this request.

The focal point of the development is a school. Six, three-story apartment buildings with a total of 200 dwelling units have been proposed, as well as nine rental townhouses. Several one-story office buildings have been proposed towards Walnut Grove.

The site plan will be subject to a more intensive administrative review, if approved. The applicant has indicated they wish to work further with staff and the neighborhood on issues of design following potential approval. If the plan deviates significantly from the conceptual site plan contained within this report, said modifications would be subject to Land Use Control Board conditional approval at a separate, subsequent public hearing.

Staff finds that the request meets the special use permit criteria and is consistent with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION

Staff recommends ***approval*** with the following conditions:

1. A maximum of 200 apartment dwelling units shall be permitted.
2. A revised site plan shall be submitted subject to administrative review in accordance with all standards of the Unified Development Code (UDC). If said plan deviates significantly from the conceptual site plan, as determined using the guidelines of UDC Paragraph 9.6.11D(3), said plan shall be subject to the review and approval of the Land Use Control Board.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies 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 unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
3. If sanitary sewer capacity is determined to be available, 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. Label streets as either public or private. If streets are requested to be public, they must be designed and constructed to 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.
12. Any proposed gates for this development must comply with the UDC section 4.4.8.

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. 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 Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 1401 Memphis Blues

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).

- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

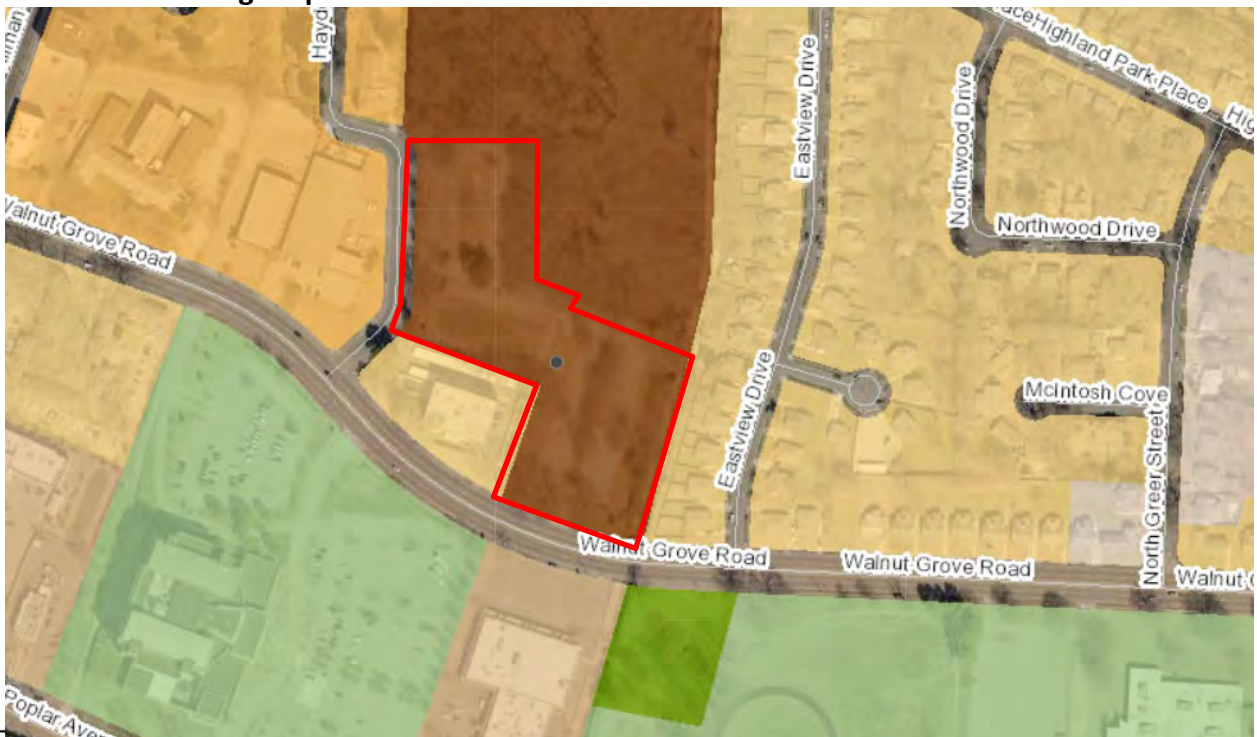
Office of Comprehensive Planning:

Land Use Designation (see page 104 for details): High Intensity Commercial & Services (CSH)

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 site on the Future Land Use Map.

2. Land Use Description & Applicability

High Intensity Commercial and Service areas are similar to low intensity areas in that they also attract residents from near and far for various commercial businesses and can service greater than a 3-mile radius. These areas are auto-oriented and located outside of anchors. Building sizes can vary in height, but have a much greater floor footprint with often more leasable space than low intensity areas, and often will not be suitable for future intensification of the area.



“CSH” Goals/Objectives:

Maintenance of larger-scale commercial centers where viable

“CSH” Form & Location Characteristics:

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map. 1-7 stories height.

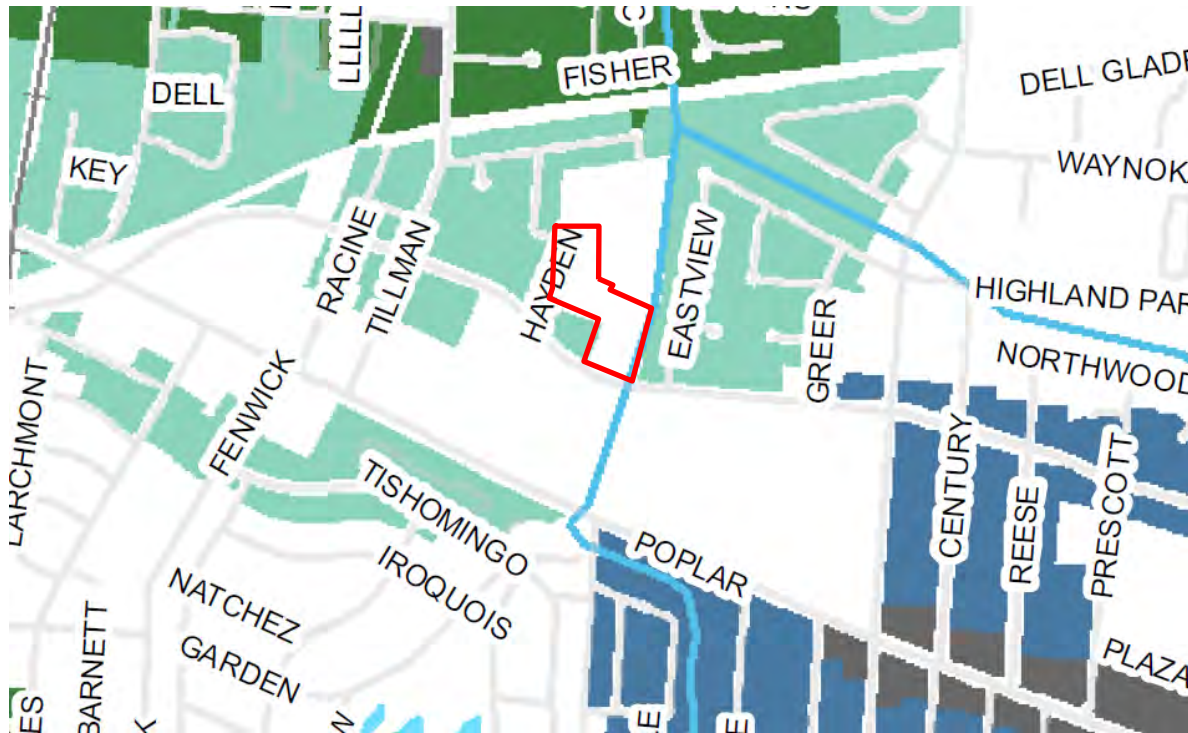
The applicant is seeking approval for a Special Use Permit to allow a multi-family residential on The Maslow Shared Community Development. The property is zoned General Office (O-G) and permits multi-family as a special use. The project is intended to be a mixed-use development that will include a school, mixed-income housing, health and wellness facilities and workforce development opportunities.

The request meets the criteria because the proposed use is compatible with the Form & Location Characteristics of CSH. The CSH permits commercial and service uses with mixed-use encouraged along Parkways, which applies for this proposal. Additionally, the placement of the proposed multi-family building is placed adjacent to existing multi-family providing a better transition from intense uses to less intense ones.

3. Existing, Adjacent Land Use and Zoning:

The subject site is surrounded by the following land uses: Multi-Family, Commercial, and Institutional. The subject site is surrounded by the following zoning district: CMU-1, R-6, and RU-3. The subject site zoning district is OG. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding parcels is similar in nature to the requested use.*

4. Degree of Change Map:



There is no

Degree of Change as indicated by the red box above.

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: Andrea Jimenez, Office of Comprehensive Planning

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

APPLICATION FORM



MEMPHIS AND SHELBY COUNTY

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: February 1, 2022

Record Number: SUP 2022-005

Expiration Date:

Record Name: Maslow Shared Community

Description of Work: The Maslow Shared Community is a 15 acre mixed-use development in the urban core that includes a school, mixed-income housing, health & wellness facilities, and workforce development opportunities. The site is a former office complex that will be repurposed through thoughtful, intentional development.

The property is zoned General Office, which permits multi-family residential as a special use. The other planned uses for the project are permitted by right. This application is requesting approval of a Special Use Permit for the multi-family (apartments) residential component of the project.

Parent Record Number:

Address: 3100 WALNUT GROVE RD, MEMPHIS 38111

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	LIGHTHOUSE COMMUNITY ECOSYSTEM LLC	17 W PONTOTOC AVE, MEMPHIS, TN 38103	

Parcel Information

Parcel No:
044011 00052

Contact Information

Name	Organization Name	Contact Type	Phone
Nora Jendoubi	LIGHTHOUSE COMMUNITY ECOSYSTEM LLC	Applicant	(901) 372-0404

Suffix:

Address

17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103
 17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103
 17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103
 17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103
 17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103
 17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103

Nora Jendoubi	Lighthouse Community Ecosystem, LLC	Property Owner of Record	(901) 372-0404
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Address

17 W PONTOTOC AVE, MEMPHIS, TN, MEMPHIS, TN 38103

Jim Atkinson	A2H, Inc.	Architect / Engineer / Surveyor	(901) 692-0347
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Address

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1357891	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/03/2022		PLNGSPUSE 01
1357891	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/03/2022		PLNGSPUSE 10
Total Fee Invoiced: \$513.00						Total Balance: \$0.00		

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Brian Bacchus

Date of Meeting -

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

APPROVAL CRITERIA

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

Much effort was placed on the design of the site to minimize the impact on the surrounding neighborhood and to blend in with the adjacent uses. The subject property is bounded by single-family residential to the east, duplexes to the north, multi-family to the north and west, an industrial building to the southwest, and a high-rise condominium building on the south.

The multi-family, which is the more intense of proposed uses, is placed on the west portion of the site adjacent to the existing multi-family and industrial building. This provides a better transition from west to east by matching the existing multi-family and transitioning to the less intense uses on the east side of the site adjacent to the single family neighborhood.

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

The Maslow Shared Community is strategically located within an existing established neighborhood. The project is created to provide a range of much needed uses for the surrounding neighborhood as well the future residents and users of the Maslow Shared Community. The intent is to actually elevate the surrounding neighborhoods, not interfere.

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

All essential public services are available at the site and will be utilized as part of the project.

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

The project will not result in the destruction of any significant natural, scenic, or historic importance. The site consisted of an aging office park that was recently razed, and open space in the rear that was used as a landscaping nursery. The northwest portion of the site is currently wooded with a fairly young stand of trees. It appears the wooded area was an open meadow until the early 1980s.

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use

The project will comply with all standards contained within the Unified Development Code and all conditions imposed on this use as part of the Special Exception application process.

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

The request will not have any adverse effects as described.

GIS INFORMATION

Case Layer	BOA1972-211, BOA1955-038-CI, BOA1954-034-CI, BOA2018-27, BOA2018-27, Z03-122/Bing
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	MULTI-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	1
Lot	0 5
Subdivision	HOLMES
Planned Development District	-

LETTER OF INTENT



February 3, 2022

Memphis and Shelby Land Use Control Board
125 N. Main St., Ste. 477
Memphis, TN 38103

RE: 3100 Walnut Grove – Special Use Application

Members of the Land Use Control Board,

The property owner is seeking approval of a Special Use permit to allow multi-family residential on the property located at 3100 Walnut Grove Road. The property is zoned General Office (O-G) and permits multi-family residential as a special use.

Multi-family residential is one component of a well-balanced mixed-use development that will also include education, health and wellness facilities, and workforce development opportunities. The project is intended to elevate the surrounding neighborhoods and provide needed services that are currently not located in the area.

As shown on the attached site plan, the range of uses are strategically placed to create a walkable neighborhood and provide good access to surrounding roadways and pedestrian networks. Much care was placed in locating the multi-family residential to not adversely affect the surrounding neighborhood and to provide a good transition from the existing multi-family development on the west to the existing single family development on the east.

A2H, Inc. is representing the property owner, and we look forward to presenting this Special Use application to the Board.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Atkinson'.

Jim Atkinson, AICP
A2H, Inc.

OWNER AFFIDAVIT



Property Owner's Affidavit

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 least 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, Derwin Sissett, 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):

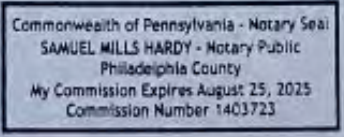
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate 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 3100 Walnut Grove, Memphis, TN 381
and further identified by Assessor's Parcel Number 04401100052 and 04401100051
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 02 day of Feb. in the year of 2022

Samuel Mills Hardy
Signature of Notary Public

August 25, 2025
My Commission Expires



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Jim Atkinson, being duly sworn, depose and say that at 3:00 pm am/pm on the 4th day of April, 2022, I posted 3 Public Notice Sign(s) pertaining to Case No. 22-5 at 3100 Walnut Grove Road, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (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.

[Signature]
Owner, Applicant or Representative

4/28/22
Date

Subscribed and sworn to before me this 28 day of April, 2022.

[Signature]
Notary Public

My commission expires: 9/2/2024



LETTERS RECEIVED

Three parties submitted letters of support, and 24 parties submitted letters of opposition by the time of publication of this report; they are pasted below.

[Don Austin <donaus@bellsouth.net>](mailto:donaus@bellsouth.net)

Plans for housing and school sound good.

I think this will be a great addition to the area. Not a fan of charter schools, though.

Benji Smith

Mr Davis,

As I cannot attend the hearing on the 14th, I like to send you my opinion on the new development. I know many Memphians in that area are unhappy with new construction but from what I've read the plans to be, I have to say I am in favor of the plans. Many families are desperate for affordable housing, if you've done any research recently (as I have because we are wanting to move from our current location which is nothing but infested blight and a crumbling building at that - we were lied to about the building's improvements when we moved here), for a family of more than 2 to 3 people, affordable accommodations, let alone safe ones, are just not there. With all these "we'll buy your house on the spot" companies, they have brought a whole new meaning to the term slum lord not to mention maid it near impossible to afford. Also a new charter school is a great idea as educating our youth is of the utmost importance. Please hear my opinion and count it among those in support of the new development plans.

Thank you,

Patricia Alrowwad

Dear Mr. Davis:

We are writing to oppose the special use permit for the Maslow Shared Community Development.

We understand this would include 200 multi-use mixed-income housing units intended to house 800 or more people, plus 480 parking spaces, a school for 360 students and retail -office space.

This is simply too dense for our neighborhood. The traffic would be horrific.

We will be attending the March 10th Meeting and sending letters to each Board Meeting

Sincerely,

Jim Alexander

David Johnson

3080 Walnut Grove Road #501

Memphis, Tn. 38111

Brett, Have just read Janice Hills letter and we in 501 have the same concerns. Are not satisfied with answers.
Thank You, David E Johnson & Jim Alexander

Brett,

I am opposing this Maslow development as it is currently proposed. We have tractor trailer trucks using our loading docks on Hayden street all day and this proposed development will cause a major inconvenience and traffic jam. I also am very concerned about an increase in crime with 200 new apartments being built. I will copy this to our city council men.

Thank you,
Mike Kiser
Kisers Floor Fashions

Dear Mr. Davis,

I am writing to notify you that my husband and I are opposed to the project. The density of it is our main concern. The school and health and wellness aspects of the project are plenty to fill that space. The residential part is too much. Another objection is their plans for the trees.

Unfortunately, I am not in Memphis most of the time and I feel this email is inadequate, but I attended the meeting last night. I think the people have great ideas, but it seems like they want to do too much at once.

Thank you,

Wendy Stiles
901 679 2727

3080 Walnut Grove Road, #406
Memphis, TN 38111

Cerrada del Arroyo, Oriente #18
Villa Nova
Ajijic, Jalisco
Mexico. 45920

When I first heard about this property's plans, I was cautiously optimistic but now I'm downright opposed to what is proposed.

When I first heard about this, there was consideration of green spaces. Why does the owner have to clear-cut every tree off the property? There are no plans for green spaces with mature trees as is the landscape of this area.

200 apartments means more than 450+ cars dumping out onto Walnut Grove around my apartment at The Commodore. The excessive noise and congestion this will cause is wholly unacceptable. Additionally, I work from home so this construction for over 2 years is unacceptable.

Memphis & MLGW do not have the right infrastructure in place to support this community at this location. Just last Friday night, the power was out to this area for more than two hours for no clear reason. This proposal puts a minimum of 1,400 people on the same part of the grid that fails us regularly!

The construction planned so close to The Commodore puts our building at risk to significant damage including irreparable foundation and key support cracks. What protections will be put in place to prevent damage to our cars and units?

The owner of this property has had it for a significant amount of time, and has NOT taken care of the property. I walk, or attempt to, this daily with my dog, both to the east and around to the north. The trash and the unkempt nature of the property projects what we can expect in the future. It's not a good picture for an area the proposal deems marginalized and insinuates is blighted. This owner sure certainly hasn't helped!

I would have to see significant changes to the plans to support this. I will be on Monday's call, and I plan to be at the March 10th meeting.

Sincerely,
Andrea J Tunia
Commodore, #204

Greetings Mr. Davis,

I will not be available to attend the upcoming land use meeting on April 14th. As I've expressed previously, I'm adamantly opposed to the proposed Maslow Lighthouse Project being presented on that date.

On March 23rd, the project's proponents asked to meet with the Commodore homeowners. Rather than addressing any of our concerns, they wanted us to brainstorm ideas for the project. This was disingenuous of them to waste our time with this bait-and-switch tactic, just in order to tell the land use board that they tried to work with us!

My opposition is based upon:

1. High risk of overpopulating this area,
2. Adding to traffic congestion,
3. Adding yet another school to this area where it is NOT needed,
4. Failing to demonstrate there is stable, defined funding to complete the work, and
5. Failing to communicate appropriately with residents surrounding the property.

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I implore the Land Use Board NOT to support this project in its current state. My worst fear is that this project will receive approval to begin, only to have it languish, leaving the property to look even worse than it does today with trash and overgrowth.

Thank you for your time.

Andrea J. Tunia
3080 Walnut Grove Rd #204
Memphis, TN 38111-3519

Attached are pictures of what I see every day when I walk my dog and pick up trash along my route. I had it pretty clean last fall until I found a syringe. I don't pick up on this east stretch of Hayden Place anymore because it is too overgrown. The Walnut Grove stretch is usually even worse.

If the organization(s) can't take care of a bare property, what can the neighborhood expect during construction and beyond?

As for the financial information provided:

1. What funds are committed and in hand today?
2. How are your organizations operating under Federal IRS regulations? For profit? If so what kind? Non-Profit? If so what designation? 501(c)3?

As I've said before, when I researched this effort initially, I liked the concept. As this process keeps going and going and going, I do not see a clear project plan AT ALL. I don't see the need for a school in this area. I definitely don't see the need for housing unless it all of it is designated as low income, which would be even worse. I despise building to build. There are so very many empty structures in this city! We don't need more.

I realize you have no intention to abandon this work, but projects do fail, in fact frequently in my 30 years of professional experience. The neighborhood will have live with the blight. Just look at all the abandoned Walgreens around this town.

In my opinion, the last call with the Colorado-based academic did not help the Commodore community. It probably made it worse.

Nora & Derwin, you seem passionate about this idea. I've listened to the calls and publicly available videos. What is YOUR motivation for THIS project HERE? Do live in this area or within 5 miles of here? Will you live in this community? Will you be here daily when it gets built? Will you even drive by here every day?

I moved into this building in late August after purchasing a unit and spending almost the same amount to remodel it. This use permit has me weighing my options and I'm considering leaving this community I love very much. This is WHY I'M PASSIONATE about where the Commodores stands and I cannot support this effort.

Andrea J Tunia

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Derwin,

There have been bad actors dumping trash in Memphis since my first arrival in 1986, though it has gotten significantly worse and I do wish the city would do something and I'm asking questions about that. The property owner(s) is still responsible.

As for these other meetings, why weren't we notified of them? Where is the schedule? Why aren't all these meetings opened with wide publication? In the first zoom I attended, I asked in the chat about being on an email list for all news/events. Everything seems audience segregated; is that intentional or an assumption that one audience probably won't care about another's needs? When will there be a face-to-face public meeting?

I'll ask this yet again:

As for the financial information provided:

1. What funds are committed and in hand today?
2. How are your organizations operating under Federal IRS regulations? For profit? If so what kind? Non-Profit? If so what designation? 501(c)3?

Regards,
Andrea

Dear Sirs,

I am a resident of The Commodore at 3080 Walnut Grove Road, directly adjacent to the proposed Shared Community. I got the notice of the meeting in the mail on Feb. 22 so I have not had a lot of time to think about this. I do have several initial concerns and questions.

- When the Office complex was being torn down, new cracks appeared in our building. There was much shaking when this was demolished. I am concerned about all the shaking that would happen with all this new construction. We don't need any new cracks in our building.

- We love our trees. Will they be preserved?

- I work at Christian Brothers High School, which necessitates a left turn out of the driveway onto Walnut Grove Road. Sometimes I have to wait 3 minutes for traffic to clear so I can make this left turn. I am concerned that if we have 200 new units to the left of our building it will take forever to turn left. Walnut Grove already has so much traffic I can't imagine adding more than 200 cars to this road.

- As an educator I have many questions about this new school next door. What grades will the school cover? Is this a charter school? How many students will be attending? Why can't they just go to East High or Brewster Elementary? How are the students chosen to attend? Will they and their families live on the property? If not, how much more traffic will be involved with drop off and pick up of students? Will the educators and other school staff live on site?

- What about drainage issues? Will there be sufficient sewage pipes? Will this affect Cypress Creek?

- We have frequent power outages due to insufficient electrical transformers here. Will there be new power sources for this development?

- There seems to be some confusion regarding different designs for this development. Will there be retail or office space or both?

- 200 families seems like a tremendous addition to our neighborhood. Will there be sufficient parking?

- I am concerned about noise and light pollution. Will there be walls separating this development? Will there be a time when main lights will be dimmed or turned off like they do at the Library across the street. Their lights off happen at 10 pm.

I'm sure after more reflection I will have more questions and/or concerns. Thank you for your consideration.

Gerry Taulman
3080 Walnut Grove Road
Unit 207
Memphis, TN 38111

Mr. Davis,

I am an owner of a unit at the Commodore, which will be directly impacted by this project. I would like to go on record as opposing the Special Use Permit for the Maslow Shared Community Development. There are several reasons for my opposition including traffic congestion on Walnut Grove Road, population density and infrastructure concerns and green space among other issues. I have attended both online meetings sponsored by Maslow Development personnel. Although they had asked for and received several concerns, these were not even addressed at these meetings. Both meetings included different, incomplete, conceptual site plans. We have yet to receive the "final" plan. I have little confidence that this community development project would be a positive impact for our community.

Thanks for taking the time to consider my opposition.

Sincerely,

Gerry Taulman
3080 Walnut Grove Road
Unit 207
Memphis, TN 38111

Dear Mr. Davis:

On Monday February 28 at 6:00pm we attended a virtual neighborhood meeting with the developers, architects and a city planner to learn about the development's concepts and to discuss our questions and concerns.

After careful consideration and review of the Maslow Shared Development's application for a Special Use Permit and all the documents submitted to the Land Use Control Board, we are opposing the request for the special use permit. We have concerns on the impact of our community and neighborhood with the plan for 200 multi-use mixed income housing units planned for the development. There are plans for 7 three story apartment buildings which house approximately 800 plus people. Additionally, a K-5 school with a projected enrollment at maturity to be 360 students. The plan includes 6 buildings for school use and an amphitheater as well. The project also includes 5 buildings which will have retail/office spaces and a health and wellness center. The buildings require 480 plus parking spaces which will increase the traffic patterns in and out of our neighborhood. The project will encompass the entire 15-acre property directly adjacent to the north and east of our property at 3080 Walnut Grove Road. In total, the planned development will have at least 18 buildings, 480 parking spaces and approximately 1000 people living, working and attending school on this site. We do not believe that this area can support the increase in population density along with the burdensome impact on the infrastructure, traffic and the reduction of green space in this community.

Please include our opposition for the Special Use Permit in the documents to go to the Land Use Control Board meeting. We will be sending a personal email to the Land Use Control Board members stating our opposition and will be attending the meeting on March 10, 2022.

We appreciate your help and if you have any questions, please do not hesitate to contact us via email or cell phone.

Thank you

Janice M. Hill (901-834-6912)
Mary Beth Burnett (901-359-6699)
3080 Walnut Grove Road #108
Memphis, TN 38111

Dear Mr. Davis:

Thank you for your time in reviewing our additional comments. We appreciate your efforts in reviewing our concerns. After our first neighborhood meeting on February 28, the Commodore Home Owners and Maslow Shared Community developers agreed upon another meeting. Prior to the meeting we were given an opportunity to submit our questions and concerns to the developer to answer. On March 23, 2022 we attended a Zoom meeting with Maslow Shared Community developers and during this meeting they had a facilitator to lead a discussion on ideas only for the proposed Charter School and did not answer any questions or address concerns for the multi-family housing development also proposed. They did mention they had revised their site plan to change the location of some of the multi-family apartment buildings and reduced the initial phase to 60 units in order to use the existing infrastructure. We asked for a copy of the revised site plan but have not received it yet. After that session which did not address our concerns, we still oppose the Special Use Permit for the multi-family apartment buildings for the development. These are are primary concerns:

Population Density-Infrastructure

The additional plan for 200 multi-family apartment units located at 3100 Walnut Grove Road is only blocks away from the Tillman Redevelopment complex which consists of 219 multi-family apartment units plus commercial and community garden space. The impact of these two developments so closely located will be a burden on the police, fire, traffic, and utility infrastructure in this area. As you add more concrete it decreases the green space and the ability to absorb rain water and the runoff is depleted.

The previous office spaces were located on approximately 5 acres of the 14.6 acres of land currently zoned for General Office use and the remaining approximate 10 acres is undeveloped. Our concern is about the current infrastructure (utilities, sewer, storm drains, fire hydrants etc) that is currently zoned General Office being able to support the additional 200 multi-family apartment units which will add more usage of water, drainage, electrical, and environmental uses. In addition to the future development of a proposed Charter School which would include between 360-450 students and faculty as well as several retail buildings will add a tremendous amount of additional infrastructure construction to support this development. This will be a detriment to our property which is located directly adjacent to the proposed development.

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Traffic Congestion, Noise and Environmental Pollution

The proposed development is located at 3100 Walnut Grove Road. Walnut Grove Road is South of the property, Hayden is West of the property and Waynoka runs North of the property. Our property is located at 3080 Walnut Grove Road which is located West and South of the property. The current traffic pattern is heavy most of the day on Walnut Grove Road. Poplar and Walnut Grove are the main streets for traffic flow from West to East in the City of Memphis. Tillman is a North and South gateway to Poplar, Sam Cooper and Broad. Hayden is a cut through street to Tillman and Walnut Grove with more traffic that it can handle currently. It is difficult to exit our driveway now and there are blind spots to view Walnut Grove Road to the East. We are located near East High School, a commercial retail mall and the Public Library which already increases the amount of vehicles on the street. Also there is pedestrian foot traffic and bicycle traffic from the Greenline to Tillman, Hayden and on Walnut Grove. This is a busy area throughout the day and night. The additional vehicles and pedestrian traffic that will result from the proposed Maslow Shared Community development and the potential traffic from the Tillman Cove complex will overwhelm the neighborhood and impact the safety of our streets.

Green Space

As mentioned above, there is approximately 10 acres of undeveloped land. With the proposed development, the current tree canopy that exists on the property will be destroyed with the construction of the 6 three story apartment buildings which will consist of 200 multi-family apartment units. Additionally a K-5 Charter School with a projected enrollment at maturity to be 360 students will also impact the environment. The plan includes 6 buildings for the school and 5 buildings for retail and health/wellness center. The buildings require approximately 480 parking spaces. The green space that will be left will be minimal and most of the mature trees leveled. The landscaping we saw on the proposed drawings were for small lower grade trees and shrubs to be planted. What will happen to the native Tennessee trees, plants and wildlife with the destruction of the tree canopy?

In summary, we have these concerns regarding the planned development. The entire planned development will have at least 18 buildings, 480 parking spaces and approximately 1000 people living, working and attending school on this site. We understand that the Special Use Permit is to allow the multi-family apartments to be built on the land zoned for General Office.

After all the meetings and our additional research, we do not believe that this area can support the increase in population density and the burdensome impact on the infrastructure, police, fire, traffic and green space in this community. Without the population density that will be added with the apartments, the proposed school would have a lesser impact on the area.

Mr. Davis, we understand that this is a difficult decision for you as a City Planner and the Land Use Control Board to make. We support the growth of the City of Memphis and understand that this type of development is important to the future of Memphis. However, the change to the zoning for the construction of the multi-family apartments on this property will have a negative impact on our neighborhood. Our Mid Century Modern building has existed adjacent to the property since 1964. The Commodore Condominiums consists of a diverse group of owners with ages ranging from 30's to 80's. Some of us have lived here for many years and others have recently purchased condos within the last year and even the last month. Mary Beth and I have owned our condo since 2005.

We are requesting this additional information on our opposition to the Special Use Permit 2022-005 be included in the reports for the Land Use Control Board to consider. Many Commodore Home Owners plan to attend the Land Use Control Board meeting on April 14. We plan to have a spokesperson to represent our opposition to the Special Use Permit.

Respectfully,
Janice M. Hill & Mary Beth Burnett
3080 Walnut Grove Road #108
Memphis, TN 38111

Mr Davis ,

We just received the public notice for the hearing for the project. Now it says it the lighthouse community ecosystem,LLC ..when I looked them up , which says it has an "inactive status" as of August 11, 2021 .. I assume that is part of Maslow but they have used several different names and Derwin's home address on their revenue bond application and Hyde foundation address and also a POBox at a UPS store on Kirby .. so what is their proper name and address.. we are concerned this is a "sham" company and project. And we are still opposed to the special use permit . I know you have a time deadline. Thanks for taking the time to read my email..

Mary Beth Burnett. And Janice Hill

Dear Mr. Davis,

After a careful review of the Maslow Shared Development's application for special use permit submitted to the Land Use Control Board, I am opposing the request for the special use permit.

The project will encompass the entire 15 acre property directly adjacent to the north and east of The Commodore at 3080 Walnut Grove Road. The planned development, as I understand it, will have approximately 18 buildings, 480 parking spaces and approximately 1000 people living, working and attending school on this site. Personally, I don't think this area can support the increase in population plus the extra traffic on Walnut Grove. It's difficult to get out of The Commodore parking lot now onto Walnut Grove.

As a realtor, I know the 15 acres will be developed, but I do not believe this is right place for this project.

Thank you so much for reading my email and I would appreciate your support in opposing this special use permit.

Sincerely,

Barbara Fletcher
3080 Walnut Grove Road, Unit 107
Memphis, TN 38011

Adaro Realty, Realtor
Life Member of the Memphis Area Association of Realtors
Member of the Multi Million Dollar Club

We are residents at The Commodore. We are opposed to the Special Use Permit for the development of 3100 Walnut Grove Rd. Thank you for your time. Please include this in your staff report. Thank you.

Harold and Cathy Richardson

Dorothy Mitchell <dotmitch@live.com>

Mr.davis I. Don't think project behind the Commodore will be a good idea.thanks for listening, many regards.ms.mitchell.thank you sir, take care👍

Dear Mr. Davis,

I oppose the "Special Use Permit" for 3100 Walnut Grove Road. This Special Use Permit would add more people, more traffic and no green space and would take away from the value of the area.

Thank you.

Jane Barcroft

Dear Mr Davis,

I am deeply worried about the proposed development on Walnut Grove, a mammoth complex. It would change the character of the community, causing noise, pollution, crowding, crime, and other undesirable effects of increased population. I have friends who would be directly and adversely affected. They have worked hard to enjoy their retirement. This complex is a huge threat to their quality of life. Please vote No on the Special Use Permit.

Thank you,
Cary Holladay

Brett, there have been way too many apartment units built in the recent years. The developers of this menagerie of units (townhomes, apartments, charter school and other stuff) need to find a different location for these apartments. Was there a traffic study done? What will the impact be on the neighborhood? I am opposed to this development at this time.

Connie Shepherd
concerned citizen of Memphis

March 16, 2022

Dear Madam Vice Chair,

My wife and I have been home owners in The Commodore Condominiums located at 3080 Walnut Grove Rd. since 2016. Our move here was to downsize from our home in Eads. We had visited a friend here and loved the feeling of security and size. We both have since retired and here is where we chose to spend the rest of our lives.

After attending the virtual neighborhood meeting with the Maslow developers, city planners and architects and hearing their vision for the community project at 3100 Walnut Grove Road, we had some concerns. Our first concern was the application being submitted by Maslow Shared Development requesting the rezoning of the property, which is presently zoned General Office. The permit would add a component to include multi family apartments, outside of special use. We are opposing it.

Our second concern is the impact this would have on our neighborhood and community. After looking at the plans that the Maslow developers provided, it projects 200 multi-use, first come, first served, mixed income housing units that includes 7 three story buildings with 1 BR, 2 BR and 3 BR apartments. These buildings would house well over 800 people. The plans call for 480 parking spaces. We understood that this is Phase I. Later would include a K-5 school that projects to have 360 students, that includes 6 buildings and an amphitheater. Also to be built are 5 more buildings which will have retail/office spaces. With this project on 15 acres, leaving no green space, there will be well over 1000 people that either live there, work there or go to school there.

My wife and I drove out to Hickory Hill and Winchester to look at the Eden Square Community that we were told was a model to the one proposed to be developed at 3100 Walnut Grove Road. We saw that there was a school and 9 houses so when we got home we found the plans that were proposed for Eden Square on the internet and it appeared that only Phase I had been completed. We fear that this will be the outcome at 3100 Walnut Grove.

We appreciate your consideration of our concerns and our opposition to the special use permit.

Sincerely,

Louis Tony and Nancy Lucchesi
3080 Walnut Grove #407
Memphis, Tennessee 38111

Virginia Kimbrough Carver

3080 Walnut Grove Road #502
Memphis, TN 38111
(901) 568-9768
lostntaft@gmail.com

March 18, 2022

Brent Davis

City Planner
Memphis & Shelby County Office of Planning & Development
125 North Main Street
Memphis, TN 38103

Dear Mr. Davis,

This letter is being written in opposition to the special use permit that the property owners are requesting for the property located at 3100 Walnut Grove Road.

My husband and I live in the Commodore Condominiums located at 3080 Walnut Grove Road. We live on the back side of the complex and our balcony overlooks the property in question. We attended the virtual meeting on February 28th and feel the developers for this property are not looking out for the best interest of our community. To build 200+ multi-use apartments and townhomes, along with a school, amphitheater and retail space would put a lot of strain on the traffic in the area. Also, it would alter the green space that is on the property now.

We appreciate your consideration in opposing this development.

Sincerely,

Virginia Kimbrough Carver

Mr. Davis,

I am writing to voice my opposition to the above referenced development at 3100 Walnut Grove. The development is far too dense for that parcel of land and will cause additional congestion on Walnut Grove, on which I travel daily. The low density office use previously occupying the parcel did not cause traffic issues.

I am an advocate for affordable housing having worked at a local bank involved in developing low income housing but this mixed-use development does not fit with the density of the surrounding properties and could cause additional issues.

Thank you for your time.

Vicki Scheipers
901-356-9890

Dear Mr. Davis,

I heard about the request for a special use permit for the property at 3100 Walnut Grove Road. As I understand it the proposed plan includes 200 multi-use mixed income housing units planned for the development. There are plans for 7 three story apartment buildings which house approximately 800 plus people. That alone would produce an enormous amount of traffic which would be hard for the immediate neighborhood to absorb. But there is also a K-5 school for as many as 360 students – 6 buildings plus an amphitheater. Then there are the retail, office, health and wellness buildings!! Putting all of this in an already busy area where there are many children walking and playing (school, public library) just doesn't seem to be a well-thought-out plan and I would like to go on record as opposing it in its current version.

Thank you.

Jacquelyn Nerren
1960 N. Parkway
Memphis, TN 38104

I am writing to express my concerns about the Maslow Development project planned for 3100 Walnut Grove Road. I am a homeowner in the Commodore Condominiums building at 3080 Walnut Grove Road. This project will surround our property, creating a significant impact to the residents of the building, many of whom have lived in the building for years.

We have been invited to two virtual meetings to discuss the development with the principals at Maslow, and they have not adequately addressed the ongoing questions the residents of our building have about the traffic, noise and people who will be coming into the area if this development is approved. The most recent meeting devolved into a "wish list" of items they encouraged the community to envision, with no promises or revisions to the plan. They very skillfully skirted around any and all questions related to traffic, maintenance, and the sheer density of the project.

I am particularly concerned about the density of the planned community, with 200 one, two, and three bedroom apartments that could house 600 to 800 people, along with a K-5 charter school that would ultimately have 360 students along with their teachers and administrators. There is also a plan for a health and wellness center and an amphitheater and retail shops. There could be as many as 1,000 people living, working and visiting the 15 acre development. There are only 480 parking spaces planned.

A review of the website indicates that Maslow Development does not have any completed projects to date, which would have helped demonstrate how other properties under their management had fared within their communities. We therefore cannot know how well the property will be maintained over time, or the long-term impact that this influx of new residents will have on the neighborhood.

For these reasons, I respectfully request that the application for a special use variance be denied.

Thank you,

Terre Moore
3080 Walnut Grove Road #503

Hi Mr. Davis,

I am writing to oppose the Maslow Shared Development's application for a Special Use Permit and the request for the special use permit. I have concerns on the impact of the neighborhood with the planned development. I do not believe that this area can support the increase in population density along with the negative impact on the infrastructure, traffic and the reduction of green space in this community.

Please include my opposition for the Special Use Permit in the documents to go to the Land Use Control Board meeting.

Thank you for your consideration.

Lynn Eisenstatt

Mr Davis,

The proposed development for 3100 Walnut Grove appears ill conceived and inappropriate for this site.

I am concerned that more folks living in a small area can adversely impact traffic, the present limited green-space and services. This is important to me as I have already bought in this area just east off Holmes and Waynoka. My move date is July of this year. I expect a more congested area in an already stable community. This relatively quiet neighborhood will become noisy and potentially unkempt.

Refusal of this development should be high priority. An amended proposition that could enhance this development is the best choice at this time.

Thank you for your service and consideration in this matter.

Sincerely,
Linda O Wible
4945 Sullivan Woods Cove
Memphis 38117

Dear Brett,

I have just become aware of this proposed development. As someone who travels this route regularly, I do not feel this area can handle the volume of people and traffic planned for this location.

I personally oppose this special use permit.

Thank you.

Cindy Cole

Bryant S. Bailey
3080 Walnut Grove #206
Memphis TN 38111
Bailey2bailey@gmail.com
901-277-7707

March 28, 2022

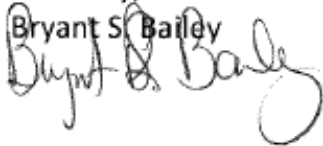
Brent Davis
City Planner
Memphis & Shelby County Office of Planning & Development
125 North Main Street
Memphis TN 38103

This letter is being written in opposition to the special use permit that the property owner are requesting for the property located at 3100 Walnut Grove Road.

I live in the Commodore Condominiums located at 3080 Walnut Grove Road. We live on the back side of the complex and our balcony overlooks the property in question. We attended the virtual meeting on February 28th & March 23rd and feel the developers for this property are not looking out for the best interest of our community. To build 200+ multi-use apartments and townhomes. Along with a school, amphitheater and retail space would put a lot of strain on the traffic in the area.

We appreciated your consideration in opposing the development

Sincerely,
Bryant S. Bailey



Dear Mr. Davis:

The purpose of this email is to express a few concerns about the above referenced planned development.

- > Concerns of the impact on the community and neighborhood for 200 multi-use housing units. Plans call for multiple 3-story apartment buildings for approximately 800 or more people living in the apartments and a K-5 school with projected enrollment of approximately 360 students. There would not be sufficient parking to accommodate the apartments/school and as indicated in the next point, other building spaces would greatly increase the lack of available parking needed for the planned projects.
 - > Additional buildings for retail and office spaces, amphitheater, and retail shops. All these buildings/apartments would significantly increase traffic in and out of the area. Traffic increases alone would cause major problems on an already high traffic, heavily traveled street that has limited vision capabilities at the Commodore units alone and would greatly increase chances of multiple traffic accidents along that stretch of road for both locations and increased danger for children and others walking in the area to other schools and businesses.
 - > The beautiful green space on the planned lot would significantly be reduced and/or completely eliminated and negatively impact the environmental beauty in the planned space.
 - > Residents of our community have had two virtual meetings with the Maslow principals and to date the company has not adequately addressed concerns to our residents regarding the amount of people, noise, maintenance issues, and additional heavy traffic that would be created in the planned space. This project would completely surround and impact the small condominium complex at 3080 Walnut Grove.
 - > The company has not adequately addressed the concerns of our residents regarding their other similar uncompleted projects. They have not offered information to us about how this vision has been successful to date in other communities. The company, basically, offers us their vision, but not their successes.
- For these reasons and concerns by me and others, I request that the Special Use Permit be denied.

I appreciate your consideration concerning this matter.

Thank you,
Mary J. Johnson
3080 Walnut Grove #202

Hello Mr. Davis;
(I've edited this down from many--many words. You don't need a novel.)

I've taken a great deal of time to think long and hard about this proposed project. Right now, it's just after 1pm on a weekday, and with my window and slider door closed, I can still hear the loud rumblings of trucks and cars (occasional motorcycles) on Walnut Grove Road. My one bedroom condo in the Commodore Condominiums faces the south side at 3080 Walnut Grove Road.

I wonder, what will the sound be like, when an AMPHITHEATER, 200 MULTI USE APARTMENTS, ELEMENTARY SCHOOL, AND POSSIBLE HEALTH AND WELLNESS FACILITIES AND WORKFORCE DEVELOPMENT OPPORTUNITIES (this, per applications), are constructed? (Per Maslow, there is also the possibility of 'retail usage'.)

The massive amount of traffic we have on the 2-lane East, 2-lane West Walnut Grove can EASILY be compared to Poplar Avenue which has AN ADDED LANE in each direction in the 3000 block.
HAS A TRAFFIC IMPACT STUDY BEEN DONE?

Please note, there is one wide entrance for 3100 Walnut Grove, and one less wide on Hayden Place, a "side street". THE COMMODORE IS SMACK IN THE MIDDLE OF THIS. We are ABSOLUTELY going to be adversely impacted by Maslow's own projections of over 480 vehicle parking spaces.

Maslow proposes the rental units to be low and moderate income; land is currently being cleared at Tillman Cove and Tillman Street for a 219 mixed income apartments/rental units, low and moderate income per the City of Memphis. My car odometer clocks the distance between The Maslow proposed Development and Tillman Cove at a HALF MILE. Walking distance between the two, is possibly less.

DO WE REALLY NEED OVER 400 NEW APARTMENTS within a half mile of each other? HAS A MARKET STUDY BEEN DONE?

The Commodore has participated in two zoom type meetings with representatives of Maslow. They have been very nice, but there are still many questions that have gone unanswered. And as expressed in the last zoom meeting, it was told to us that Maslow really did not have to reach out to Commodore owners for input.

Finally, I have a concern about the backers of the Maslow proposed project: I took a ride to their Phase One development at Mendenhall and Winchester, part of the Lighthouse Project at the southern side I strongly feel that project needs to be completed fully, before another proposed community is begun.

Please include my opposition for a Special Use Permit for the Maslow Shared Community Development, along with comments/concerns and share them with members of the Land Use Control Board. If you feel such a huge development is good, then perhaps it shouldn't be tucked away behind an older condominium building, a side street, single family homes (to the East) and a greenway.

And please, do not hesitate to contact me.

Linda Pasier
3080 Walnut Grove Rd #405
Memphis, Tn 38111

I am S. Russell McDonald, I own unit 402 in THE COMMODORE at 3080 Walnut Grove road 38111.

I am the longest owning owner in the building and former owner of 4 other units. Over the years we have become used to the neighborhood around us.

I and other owners have seen the neighbor kids going to school at East high and back. Some of my fellow owners like our society in general take

offense to those kids and to their attempts to see whats' going on with this building they pass many days a year.

Some have had fun

at our security phone clicking my name and ordering a burger and fries ! Others have tried to and succeeded in getting through

our fence line and in the summer into our pool. I have met face to face with a few and allowed them to have 2-3 more dips and then I'll get you safely off the property.

But don't do it again because there are many folks here that will call the police and you don't need that experience.

For the record I WOULD HAVE CERTAINLY BEEN ONE OF THOSE KIDS AT THEIR AGES..

Enough background

My opposition to this project at 3100 Walnut Grove is fairly simple but will take a lot of words to explain so here goes. :

***THIS project as illustrated will DISRUPT TRAFFIC in this area of Walnut Grove. 2- 4 times daily it will CAUSE HAZARDS to the existing neighbor foot

traffic especially the kids mentioned above going to and from East high school but also the kids going to the new school on site were it to be built.

***IT will also create a TRAFFIC HAZARD for owners here at THE COMMODORE as they also enter very near the WG entrance of 3100 and exit to the west of that

***Next we have the noise factor which not only includes all the additional traffic as mentioned but also the proposed amphitheater

***THEN you have the folks coming to your project but turning into our lot even checking our doors looking for you project and / or blocking our property

WE are a quiet community at THE COMMODORE made up of mostly owners in their latter years who have come here to settle in and enjoy a

common desire to live in quiet and comfort we made for ourselves long ago, THIS project will at best DISRUPT THAT QUIET.

Before I list the other reasons and suggestions I would ask these questions

REGARDING THE PREVIOUS PROJECT THE LAND USE BOARD APPROVED FOR THESE SAME DEVELOPERS in SE MEMPHIS.

1-WHY have you not finished it? 2- How much IS COMPLETE per those FIRST approved plans (looks like about 40% or less over how many years from the start)

3- HOW does the current finished build out MATCH WHAT LAND USE first approved (seems it is not much of a match to the footprint proposed).

4 - .How soon after that first approval were plans changed and then approved again that allowed it to look as it does today

since what they have actually built does not fit those first plans approved.

5-- What is the occupancy rate at the SE MEMPHIS school and what percent of those kids attending there LIVE ON THAT PROPERTY?

6- Why was that schools' location moved from the original plans

7- ARE your residential units available for RAD supplemental payments and what percent receive them.

8- What is the residential occupancy rate and also, the turn over rate. .

9- WHY WERE ALL OR NEARLY ALL TREES REMOVED FROM THAT PROJECT?

**continued on next page*

Suggestions and requirements which could make the proposed more acceptable once .

- 1-CLOSE OFF THE WALNUT GROVE ENTRANCE OR GATE IT (like our gate)
- 2-BUILD A SOUND FENCE AT LEAST 16 FEET HIGH (THINK A STYLE LIKE INTERSTATES USE) AGAINST EVERY INCH OF THE COMMON PROPERTY LINE
- 3-ELIMINATE THE AMPHITHEATER .
- 4-BUILD ONLY OFFICE BUILDINGS FIRST(and occupy them first) WITH WORK HOURS BETWEEN 7AM AND 7 PM AND ONLY WHERE NO PARKING LOT IS NEXT TO OUR PROPERTY LINES
- 5- TRIM all trees along the property line of their high limbs that overhang for the protection of our cars and covers.

Thanks for reviewing my thoughts and please do not approve this project..

...THE BEST you can do is ask would you approve this project if you owned a condo here?
Sincerely , Russ McDonald 327-9924 for only known or identified callesr

--

po box 11028
Memphis,tn 38111

ph-901-327-9924
fx-901-323-7122

PLEASE always use both rthestar@aol.com and rthestar67@gmail.com

HANDY THAT THEY SHOW UP WITH A REVISED PLAN AT THE LAST MINUTE. ~!~!~!~!~!

MEANT TO DISTRACT US AND MAYBE THE LAND USE BOARD???. HIGHLY LIKELY I SUSPECT
SO NO TO THIS VERSION AS WELL FOR THE SAME REASONS AS THE PRIOR EMAIL
PLUS THE TACTIC USED TO PROVIDE THE NEW FOOTPRINT . .

NO AMPHITHEATER.

16 FOOT SOUND WALL ALONG OUR WHOLE PROPERTY LINE .
NO PARKING LOTS IMMEDIATELY NEXT TO OUR PROPERTY LINE
NO RESIDENTIAL BUILDINGS ALONG OUR PROPERTY LINE
WALNUT GROVE ENTRANCE CLOSED OR GATED IN THE WAY OUR GATE WORKS.

and now add this MOVE EVERY RESIDENTIAL BUILDING NORTH IF THE HAYDEN ENTRANCE IF THIS PROJECT IS
APPROVED . ever ~!~!

SINCERELY, RUSS MCDONALD UNIT 402 AT 3080 WALNUT GROVE..

--

po box 11028
Memphis,tn 38111

ph-901-327-9924
fx-901-323-7122

PLEASE always use both rthestar@aol.com and rthestar67@gmail.com

From: [Travis Danis](#)
To: [Davis, Brett](#)
Subject: SUP 22-5 Lighthouse Community Development
Date: Monday, May 9, 2022 3:29:49 PM

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

Mr. Davis

I am writing on behalf of several neighbors and myself related to the proposed Lighthouse Community development between Waynoka Ave and Walnut Grove. (Case SUP 22-5)

I have had the opportunity to engage with Derwin in a number of events related to the development. I and my neighbors overall support the Lighthouse Community project and welcome positive development for our community. However, our understanding is there is a desire to create a thru street from where Wills dead ends to Walnut Grove. We are in strong opposition to a thru street given how that will impact our community.

We are a community of owners and renters, many of us with young children, residing on Waynoka and Wills off of Tillman. We already struggle with speeding on our street, and have significant cut-through traffic down Hayden to avoid the Walnut Grove & Tillman intersection. The proposed second pass through will increase this cut through traffic and speeding, negatively impacting both our street and the new community. This will be compounded when accounting for added volume from the proposed 400 parking spaces and a school pickup & drop off line. Finally, the added exit points will also encourage crime that would be otherwise deterred by lack of quick egress with the dead end street.

A secondary concern is parking. We have limited parking on our properties and many residents park on the street. If this street is connected we also anticipate people visiting the proposed community taking up parking to the point Waynoka residents will no longer have parking places.

We hope this will be taken into consideration with the planned development, and appreciate your time.

Sincerely,
Travis Danis
901-428-6361
3092 Waynoka Ave. Apt #4
Memphis, TN 38111

From: forblueskies04@aol.com
To: [Davis, Brett](#)
Subject: SUP 2022-005,
Date: Monday, May 9, 2022 12:40:29 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.

As a neighbor in Humes Heights, and a member of the Humes Heights Association, I am very much opposed to this mega-development in our area. It is way too dense in buildings and people and traffic, and the destruction of green space.

As a member of Midtown Action Coalition and Memphis Heritage, I can guarantee we will be out in force to oppose this plan. Thank you.

Cary Miller
127 S. Humes Street

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

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 07/12/2022
DATE
PUBLIC SESSION: 07/12/2022
DATE

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 2966 Kirby Rd. & Quince Rd., known as case number SUP 22-08

CASE NUMBER: SUP 22-08

LOCATION: 2966 Kirby Rd. & Quince Rd.

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

OWNER/APPLICANT: Walter D. Wills, III/Max Alley, LLC

REPRESENTATIVE: Cindy Reaves, SR Consulting, LLC

REQUEST: To allow a Special Use Permit for new Glide Express car wash.

AREA: +/-1.47 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
 04/14/2022 _____ 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>Teresa Shelton</u>	<u>6/27/2022</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Brett Kyu</u>	<u>6/28/22</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 22-08

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2966 KIRBY RD., & QUINCE RD., KNOWN AS CASE NUMBER SUP 22-08

- This item is a resolution with conditions for a special use permit to allow a Special Use Permit for new Glide Express car wash; and
- The item may require future public improvement contracts.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2966 KIRBY RD., & QUINCE RD., KNOWN AS CASE NUMBER SUP 22-08

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, Walter D. Wills, III/Max Alley, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Special Use Permit for new Glide Express car wash; 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 April 14, 2022, 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, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

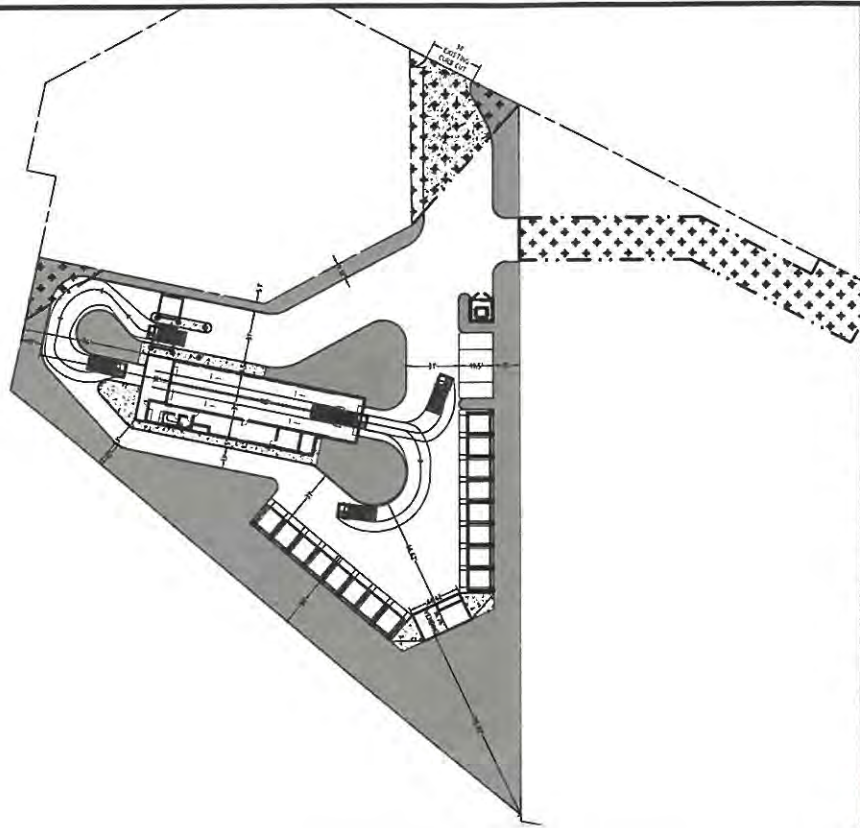
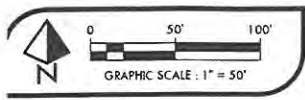
ATTEST:

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

CONDITIONS

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that are beyond the scope of all prior approvals for the site or this approval.

SITE PLAN



Notes:

Acreage: 63.87557 / 1.47 AC
 Zoning: C1U-2
 Tunnel Length: 115
 Tieback Spacing: 165 (ft)
 Ventilation Stack: 18

PACT
 Building: 35.0874916 - 89.8424816

CONCEPTUAL SITE PLAN

2966 Kirby Rd & Quince Rd
 Memphis, TN 38119

BEYOND THE SITE PLAN IS NOT A SURETY
 NOT TO BE USED FOR CONSTRUCTION

DRAWN BY	218542711
DATE	03/02/11 REV: 0

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 14, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 22-08

LOCATION: 2966 Kirby Rd. & Quince Rd.

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

OWNER/APPLICANT: Walter D. Wills, III/Max Alley, LLC

REPRESENTATIVE: Cindy Reaves, SR Consulting, LLC

REQUEST: To allow a Special Use Permit for new Glide Express car wash

EXISTING ZONING: Commercial Mixed Use – 2 (CMU-2)

AREA: +/-1.47 acres

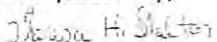
The following spoke in support of the application: None

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 vote of 9-0 on the consent agenda.

Respectfully,



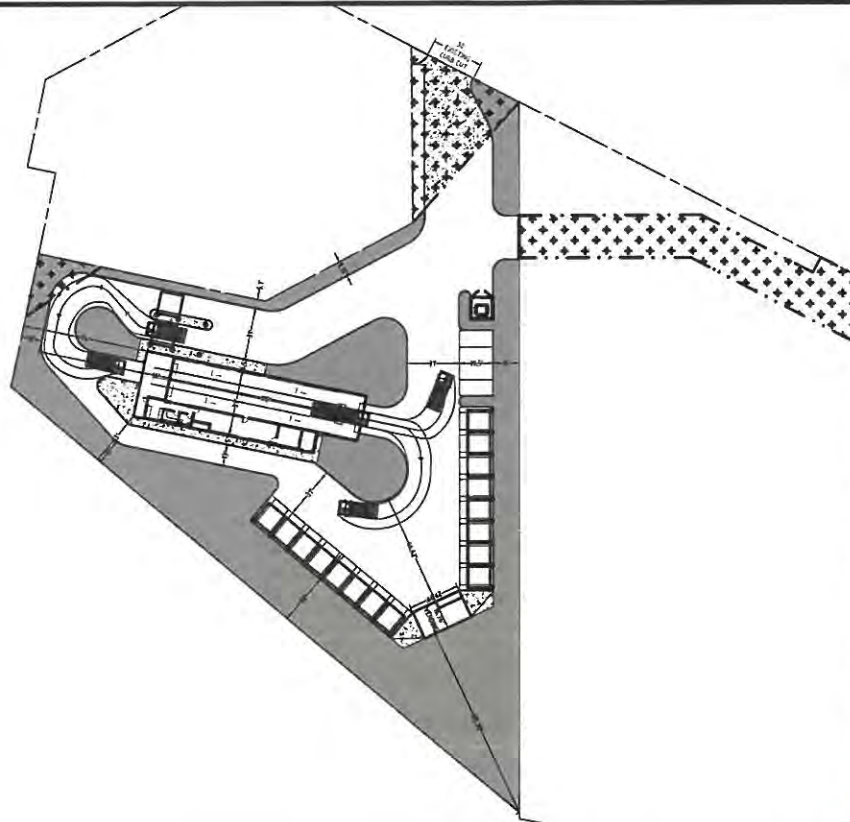
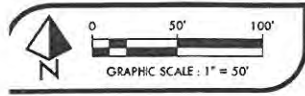
Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 22-08
CONDITIONS

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that are beyond the scope of all prior approvals for the site or this approval.

SITE PLAN



Notes:

Acreage 63.875 SF 1.47 AC
 Zoning C-201
 Total Length 11.6
 Vehicle Spacing 241' 00"
 Vehicle Spacing 18'

AADT
 Estimating 05 0674928-02842466

CONCEPTUAL SITE PLAN

2966 Kirby Rd & Quince Rd
 Memphis, TN 38119

DISCLAIMER: THIS SITE PLAN IS NOT A SURVEY
 AND IS TO BE USED FOR INFORMATION ONLY

DRAWN BY	TP	CHECKED BY	TP
DATE	08.02.22	REVISED	REVISED



AGENDA ITEM: 20

CASE NUMBER: SUP 22-008 **L.U.C.B. MEETING:** April 14, 2022

LOCATION: 2966 Kirby Road

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

OWNER/APPLICANT: Walter D. Wills, III/Max Alley, LLC

REPRESENTATIVE: Cindy Reaves, SR Consulting, LLC

REQUEST: Special Use Permit for new Glide Express car wash

AREA: +/-1.47 acres

EXISTING ZONING: Commercial Mixed Use – 2 (CMU-2)

CONCLUSIONS

1. The applicant is seeking a Special Use Permit for new Glide Express car wash.
2. Staff agrees the approval criteria in regard to special use permits as set out in the Unified Development Code Section 9.6.9 are met.
3. This 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.

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 10-12 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Kirby Road +/-90.4 curvilinear feet
Quince Road +/-71.8 linear feet

Zoning Atlas Page: 2350

Parcel ID: 081090 00013

Existing Zoning: Commercial Mixed Use – 2 (CMU-2)

NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Thursday, March 31, 2022, via Zoom.

NEIGHBORHOOD MEETING NOTICE

Subject: Special Use Permit at 2966 Kirby Road to allow vehicle wash (OPD Case # SUP 22-008)

Date: March 31, 2022

Time: 5:30 p.m.

Via Zoom: <https://us02web.zoom.us/j/87968053206?pwd=N25NRTVScXBCdU1heXNPL3NVZExudz09>

Meeting ID: 879 6805 3206

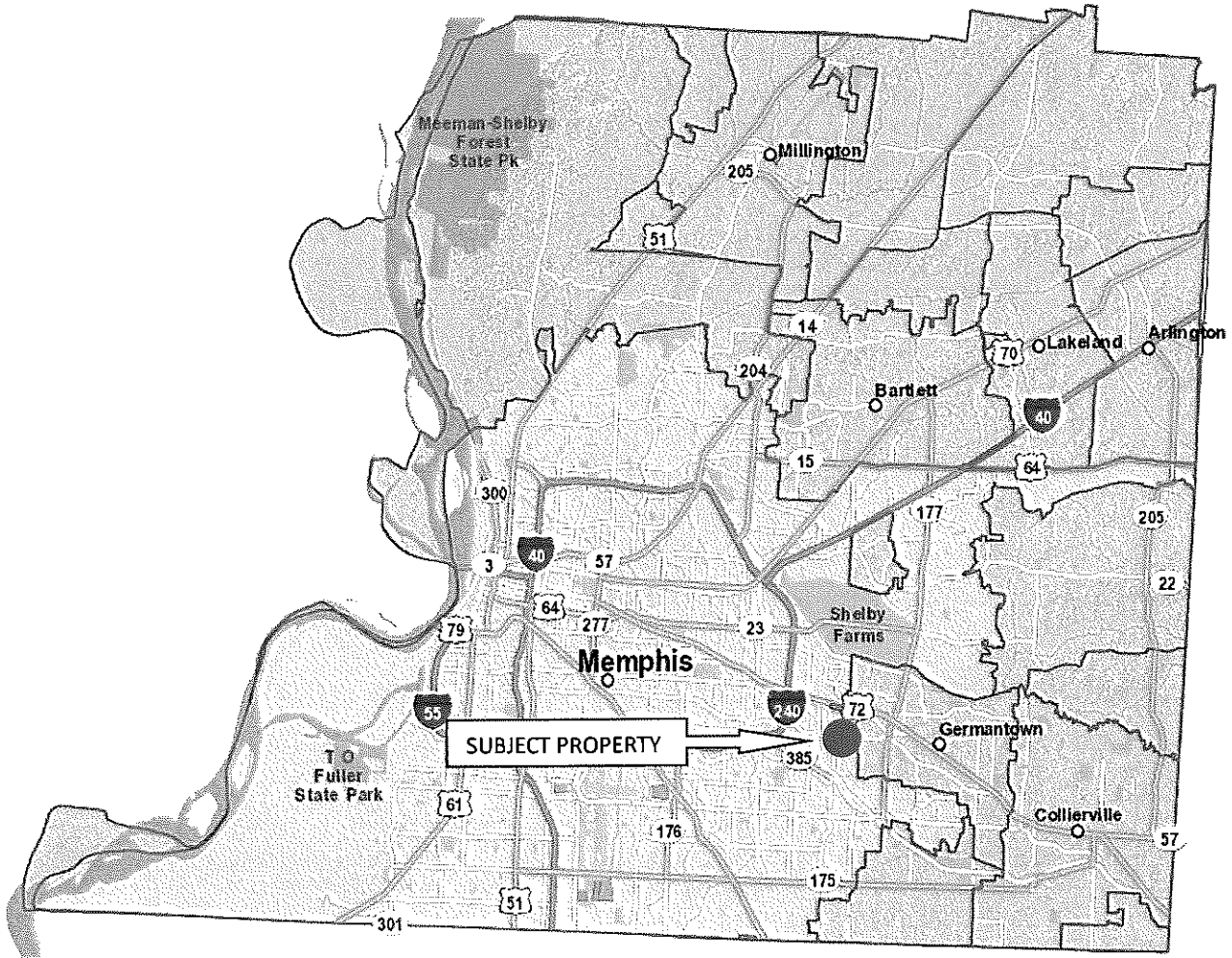
Passcode: 301804

For Audio Conferencing dial 1-301-715-8592 and follow the prompts for participants and use meeting ID and passcode from above.

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 86 notices were mailed on March 28, 2022, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

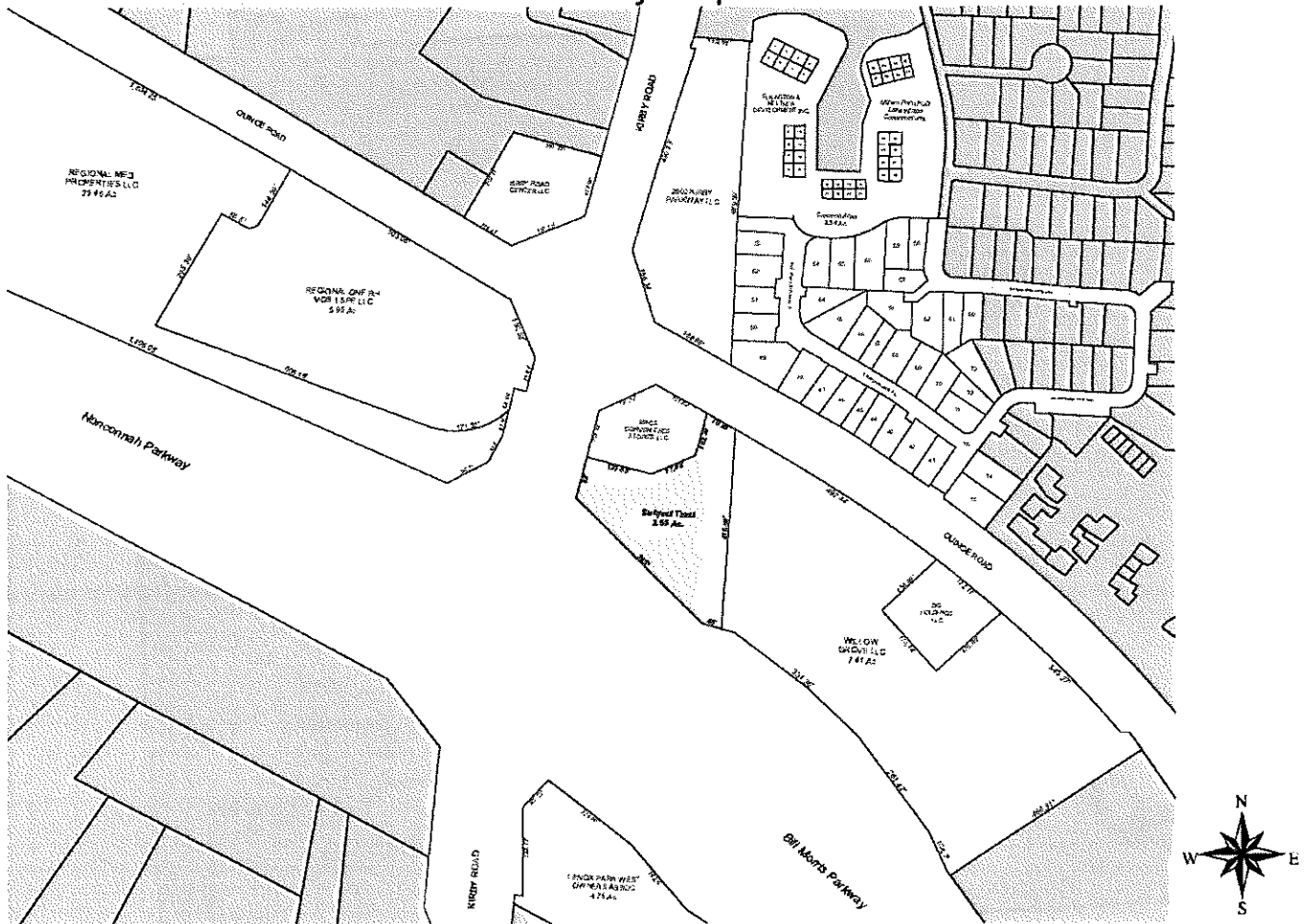
LOCATION MAP



Subject property located within the pink circle

VICINITY MAP

Vicinity Map



Site highlighted in yellow

AERIAL



Subject property outlined in orange

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Commercial Mixed Use – 2 (CMU-2)

Surrounding Zoning

North: R-15

East: RU-2










South: R-15

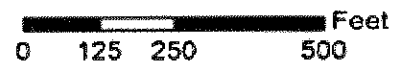
West: CA

LAND USE MAP



LandUse

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



Subject property indicated by a pink star

SITE PHOTOS

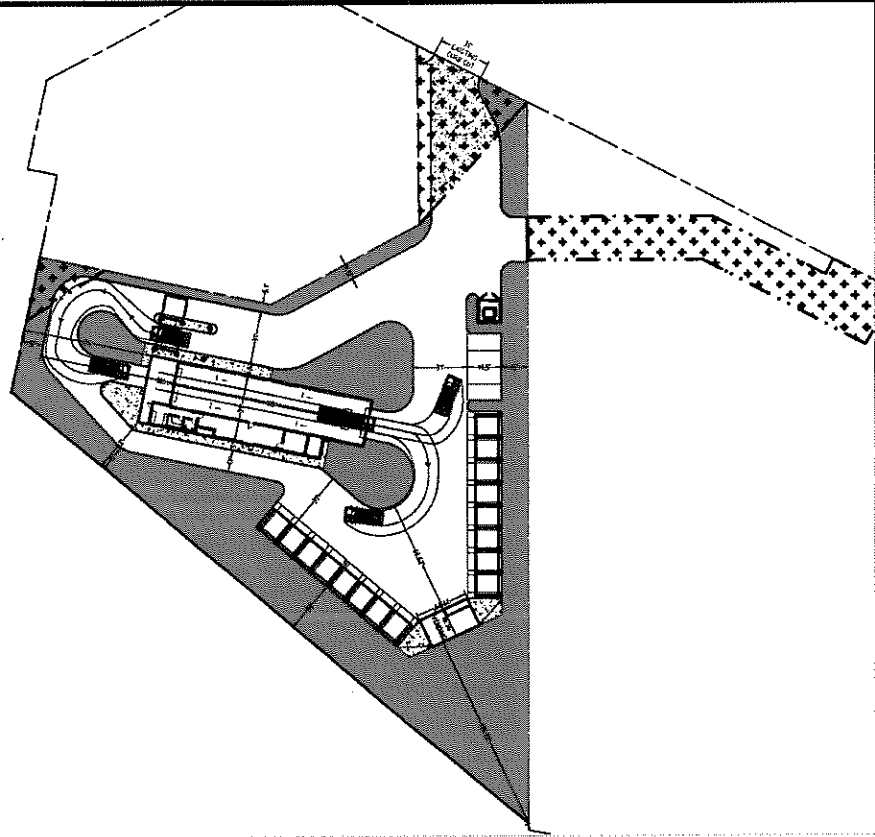
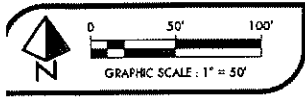


View of subject property looking west



View of subject property from the Kirby Road looking north

CONCEPTUAL SITE PLAN



Notes:

Average 63.575 FT. x 17.75 AC
 Coring CR002
 Tunnel Length 115
 Vehicle Stack 165 x2
 Vacuum Stack 18

AADT
 Eastbound 36 06749LE - 89 542456

CONCEPTUAL SITE PLAN

2966 Kirby Rd & Quince Rd
 Memphis, TN 38119

M.P.L. ENGINEERING, PLLC, P.C.
 1001 N. W. 10TH AVE., SUITE 100
 MIAMI, FL 33136

DATE	DESCRIPTION	REVISION

3930 GALLERIA OAKS DR

STAFF ANALYSIS

Request

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

The request is for a Special Use Permit for new Glide Express car wash.

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.*

Consistency with Memphis 3.0

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

Comprehensive Planning Review

This summary is being produced in response to the following application to support the LUDS department in their recommendation: SUP 22-08: Hickory Hill

Site Address/location: 2966 Kirby Rd.

Land Use Designation (see page 102 for details): Low Intensity Commercial & Services (CSL)

Based on the future land use and existing adjacent land uses 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:

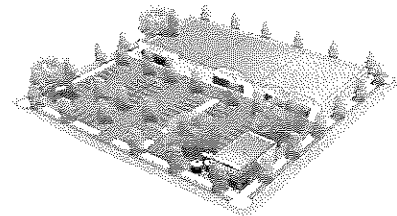
1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

Low Intensity Commercial and Service areas consist of low-buildings accessible mainly by a car and can encompass up to land for one building. These service areas are outside of the boundary and are usually located along a corridor or within area of multiple commercial and service amenities.



rise
5 acres of
anchor
its own

“CSL” Goals/Objectives:

Improved development patterns along auto-oriented commercial corridors, revitalization.

“CSL” Form & Location Characteristics:

Commercial and services uses. 1-4 stories height.

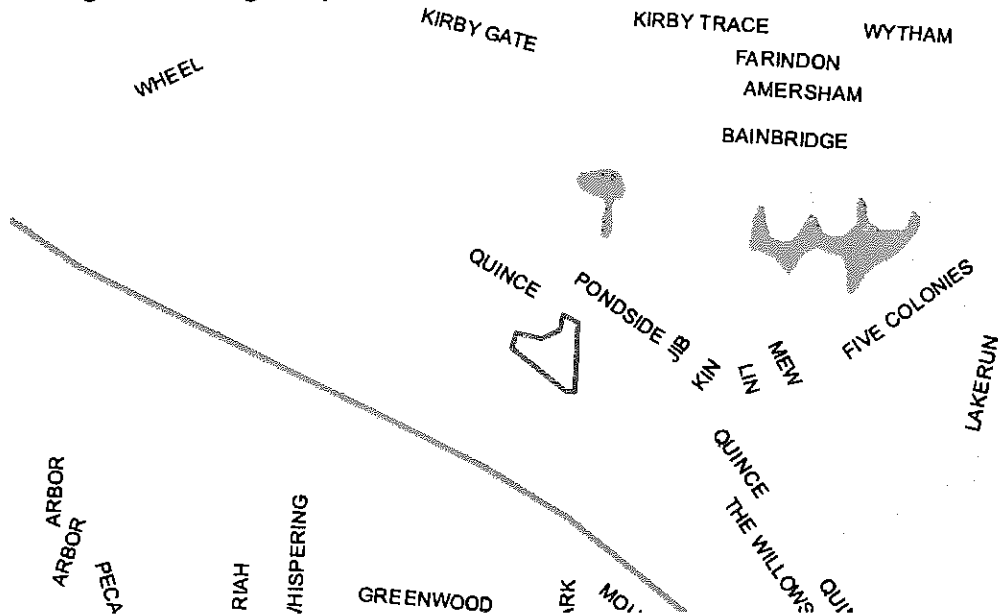
The applicant is seeking approval for a special use permit with the intension of developing a Glide Express vehicle wash, within the CMU-2 zoning district, at 2966 Kirby Rd.

The request meets the criteria as the proposal will be a low-rise building accessible mainly by car which is in conformity with the description and applicability of CSL. Additionally, it conforms to the form and locational characteristics of CSL by incorporating commercial and services uses.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Commercial. The subject site is surrounded by the following zoning districts and zoning cases: R-1, R-2, R-15, CA and SUP 10-209. This requested land use is compatible with the adjacent land use because *existing land uses surrounding the parcels is similar 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

N/A

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

Summary Compiled by: Andrea Jimenez, Comprehensive Planning.

Conclusions

The applicant is seeking a Special Use Permit for new Glide Express car wash.

This 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.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that are beyond the scope of all prior approvals for the site or this approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: DATE: **4/7/2022**

CASE: SUP-22-008 NAME: **Car Wash**

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.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

16. Provide recorded ingress/egress easements from Shelby County Register of Deeds.

City/County Fire Division:

Case Number: SUP 22-08

Date Reviewed: 4/8/22

Reviewed by: J. Stinson

Address or Site Reference: 2966 Kirby

- All design and construction shall comply with the 2021 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:	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:	No comments received.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 9, 2022

Record Number: SUP 2022-008

Expiration Date:

Record Name: 2966 Kirby Rd. SUP

Description of Work: Special Use Permit for new Glide Express car wash

Parent Record Number:

Address: 2966 KIRBY RD, Memphis, TN 38119

2900 KIRBY RD, MEMPHIS 38119

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	WILLS WALTER D III	2900 KIRBY RD STE. 7, MEMPHIS, TN 38119	
	2900 KIRBY PARKWAY	2620 THOUSAND OAKS BLVD, MEMPHIS,	
	LLC	TN 38118	
	WILLS WALTER D III	2900 KIRBY RD, MEMPHIS, TN 38119	

Parcel Information

Parcel No:

081090 00013

081070 00088

Contact Information

Name	Organization Name	Contact Type	Phone
Max Alley LLC Max Alley LLC		Applicant	(903) 748-4000

Suffix:
Address

Cindy Reaves	SR Consulting LLC	Representative	(901) 870-7003
Address			

Fee Information

invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1366525	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	03/10/2022		PLNGSPUSE 01
1366525	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	03/10/2022		PLNGSPUSE 10
Total Fee Invoiced: \$513.00					Total Balance: \$0.00			

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner	Chip Saiiba
Date of Meeting	-

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

-

APPROVAL CRITERIA

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

The development will be consistent with surrounding developments.

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

The layout will be consistent with the surrounding properties and utilize existing access points.

UDC Sub-Section 9.6.9C

Adequate facilities will be designed and will tie to existing facilities.

UDC Sub-Section 9.6.9D

There are no significant or historic features on the site.

UDC Sub-Section 9.6.9E

The development will be consistent with the requirements for a vehicle wash.

UDC Sub-Section 9.6.9F

The development does not affect any plans to be considered.

GIS INFORMATION

Case Layer	BOA1973-183, BOA1986-043, BOA2018-38, BOA2018-38, PD84-382, SUP10-209
Central Business Improvement District	No
Class	E
Downtown Fire District	No
Historic District	-
Land Use	COMMON AREA LAND
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-2
State Route	1
Lot	-
Subdivision	KIRBYGATE MEDICAL/OFFICE BLDG FNL PLAN

Planned Development District -

Data Tables

AREA INFORMATION

Size (Acres): 1.47
Existing Use of Property: Vacant
Requested Use of Property: Vehicle Wash

Comments

Date	Comment
03/10/2022	Hello,

Please visit www.develop901.com to make a payment for record number SUP 2022-008; a .026 credit card use fee is applied, totaling \$513.00. You can also bring or mail a check or money order in the amount of \$500.00 to Planning & Development 125 N Main St. Ste. 477, Memphis, TN 38103. Please make a check or money order payable to M/SC Division of Planning and Development. I have attached a copy of your invoice and instructions to pay online if needed.

Thanks,

LETTER OF INTENT



Date: March 4, 2022

To: Office of Planning & Development

From: Cindy Reaves

Re: 2966 Kirby Rd.

LETTER OF INTENT

We are submitting an application for a Special Use Permit at 2966 Kirby Rd. We are requesting a Glide Express vehicle wash within the CMU-2 zoning district.

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

SIGN AFFIDAVIT

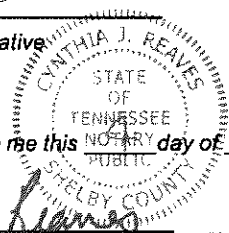
AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 11:31 am on the 1st day of April, 2022 I posted two Public Notice Signs pertaining to Case No. SUP 22-008 one on Kirby and one Quince providing notice of a Public Hearing before the April 14, 2022 Land Use Control Board for consideration of a proposed Land Use Action (Special Use Permit), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached haretto.

Kristin Reaves
Owner, Applicant or Representative

04/04/2022
Date



Subscribed and sworn to before me this 01 day of April, 2022

Cynthia J. Reaves
Notary Public
My commission expires: 9/29/23

LETTERS RECEIVED

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



MEMPHIS AND SHELBY COUNTY

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Parcel No:

081090 00013

081070 00088

Contact Information

Name: Max Alley LLC Max Alley LLC Organization Name: Contact Type: Applicant Phone: (903) 748-4000

Suffix:
Address:

Cindy Reaves SR Consulting LLC Representative (901) 870-7003

Address:

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Date of Meeting: -

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No

Class

E

Downtown Fire District

No

Historic District

-

Land Use

COMMON AREA LAND

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-2

State Route

1

Lot

-

Subdivision

KIRBYGATE MEDICAL/OFFICE BLDG FNL PLAN

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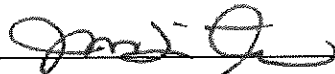

**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

Property Owner's Affidavit

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 least 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, , 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):

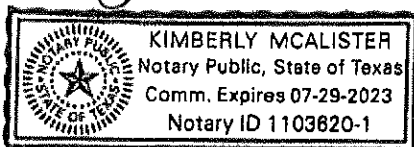
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate 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 2966 Kirby Rd.
and further identified by Assessor's Parcel Number 081-090-00013
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 8th day of March in the year of 2022.


Signature of Notary Public

07/29/2023
My Commission Expires





ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: March 4, 2022

To: Office of Planning & Development

From: Cindy Reaves

Re: 2966 Kirby Rd.

LETTER OF INTENT

We are submitting an application for a Special Use Permit at 2966 Kirby Rd. We are requesting a Glide Express vehicle wash within the CMU-2 zoning district.

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



In 1994 only 48% of drivers used a car wash. That number increased to 77% in 2019 and my experience in the industry tells me it's closer to 85% in 2022 with upward growth each year. The consumer has changed as well as the car wash industry. Here is a quick rundown of what I like to tell people because we aren't just a typical car wash like everyone is familiar with and we aren't even like the new car washes being built. We are building high end, efficient and quality developments but our focus on our operations, philosophy, and team member culture of providing people the best experience and value possible is what really sets us apart.

We know if we give great value to everyone and treat people right, we will be successful. We have proven this with all of our washes having amazing results. Our newest location is open in Collierville and Southaven will be open next month but initially we had to educate the Towns on Glide and what we are about...which was well received to say the least!

Below are a few key points that separate us from the car wash stereotype and most other businesses:

1. **Value:** Unlike most other businesses, we are high quality and low price. We provide people with the top industry-leading equipment and building design while offering a low price... 150%+ discount compared to all the other express washes in the area. We price this way because everyone takes pride in a clean car and a clean space, and we want everyone to be able to have that opportunity. The person with a 15-year-old car coming in next to the brand-new Mercedes, both feel like they are getting value for something and are happy. This type of relationship doesn't exist that much in the world today and we think this is important. We could increase the price 100%, still be the cheapest in town and wash cars and really increase revenue but that's not what we are set out to do and that won't last over the long term.

Our project will cost around \$6 million and that is partly because we have the best equipment from all over the world and it truly makes for a one-of-a-kind experience. We also are laser focused on experience and the design of our layouts, vacuum areas, canopies, and architectural design. We treat people to the experience that we would want, and people notice!

Investing in great people, building a culture: We want our team members to be motivated and enjoy working and see value in the effort they put in every day. We promote from within and every manager we have in our entire company since the first hire has been promoted from within. We pay above minimum wage for our entry level positions and have a bonus structure throughout the company...giving everyone motivation to treat this place like it's their own and get rewarded for hard work. We are investing in our employees and want them to be great and successful which will help the

company succeed. We are very competitive with our wages and that's being evaluated on a constant basis as the economic climate evolves.

2. Clean, inviting, well-lit property: it's important to us that we keep our property clean and safe. We typically have 18 spacious covered vacuum stalls with trash receptacles at each stall. We pick up trash and clean the parking lot daily and want our community to know that we will keep our sites clean of trash. We also power wash our parking lots every year and as needed. We have 25 security cameras around the property at all our washes and keep our parking lots well-lit with city approved dark-sky compliant lights.
3. New technology and looking toward the future: We have our own cleaning products that are environmentally friendly, and we feature our RIDE THE GLIDE™ moving floor system. All you have to do is drive on to the dual conveyor and it moves...no more lining up your wheels on the track. This makes it easier for people to load and less stress of lining up your tire correctly. We also have license plate readers that allow single wash customers and member to come to the wash hands free without even rolling down the window. We have noise cancelling blower and vacuum technology that keeps the car wash operations relatively quiet and sounds doesn't protrude into neighboring businesses or neighborhoods. We are working to wash driverless cars as well and already implementing that into our washes. We are always thinking about where we are headed, not where we are.
4. Community Involvement: Not only is it our goal to provide the greatest car wash experience to all our customers, but we also want to make a lasting impact in the community and help people. We are a small local business that will be involved in this community to make a difference. We want to help our team members grow and we also want to help the community grow in the best capacity we are fit for. We are working on some new ideas but have several programs that we currently offer including:
 - a. We wash all police cars at a major discounted rate. We support the good police officers that keep our community safe and together;
 - b. We will team up with local neighborhood schools to help them fundraise for special school programs;
 - c. On Veterans Day we will wash all Veterans cars for free;
 - d. Once we open, will always do a fundraiser for a family in the community that is struggling and in need. We will continue to look for those opportunities on an ongoing basis through churches, schools and city programs and through our online fundraiser submittal opportunity.
5. The little things: Customers have a great experience at Glide but aren't truly aware of all the reasons why and it's the little things we do that aren't easily seen. For example, to cancel a membership, we have the cancel button very accessible on the user app and website. A large number of businesses that have memberships require the user to call a 1800 number or email someone to cancel...which the goal is to make it hard for people to cancel and a large % won't bother with it for many months. People don't appreciate that kind of practice and we don't do it to our customers. You can cancel our membership anytime, zero notice. The app is very easy and simple. This is just one example of the things that we do and continue to improve on.

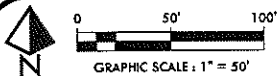
We are not trying to build as many locations as we can. We are one of the best car washes in the country and we're intentional about the communities and locations we choose so we can continue to be connected in the community and give the quality and experience that supports our philosophy and model of providing people the best experience and value possible.

If given the opportunity, I know we will develop for the community the best express car wash in Tennessee and one of the best express car washes in the world.

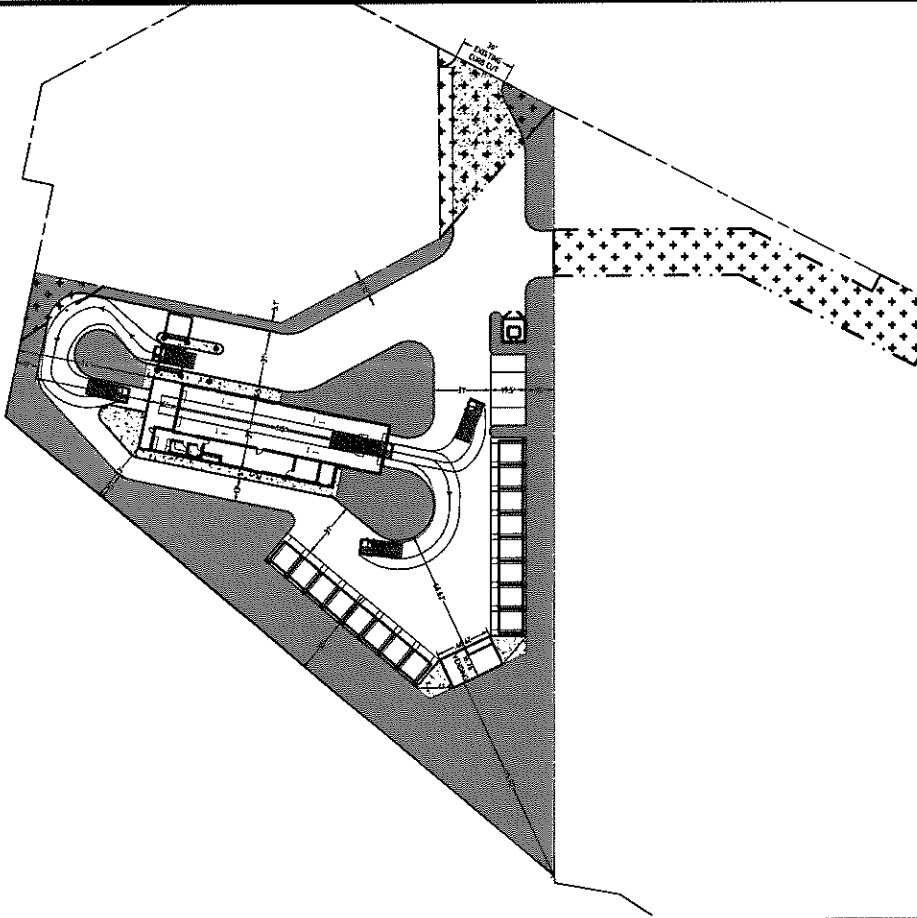
We greatly appreciate your consideration in this matter.

Sincerely,

Clint Herrington



GRAPHIC SCALE: 1" = 50'



Notes:

Package: 021710012701
 Date: 02/19/16
 Designer: JG
 Checker: JG
 Approver: JG

PROJECT
 15.0000.00 15.0000.00 15.0000.00

CONCEPTUAL SITE PLAN

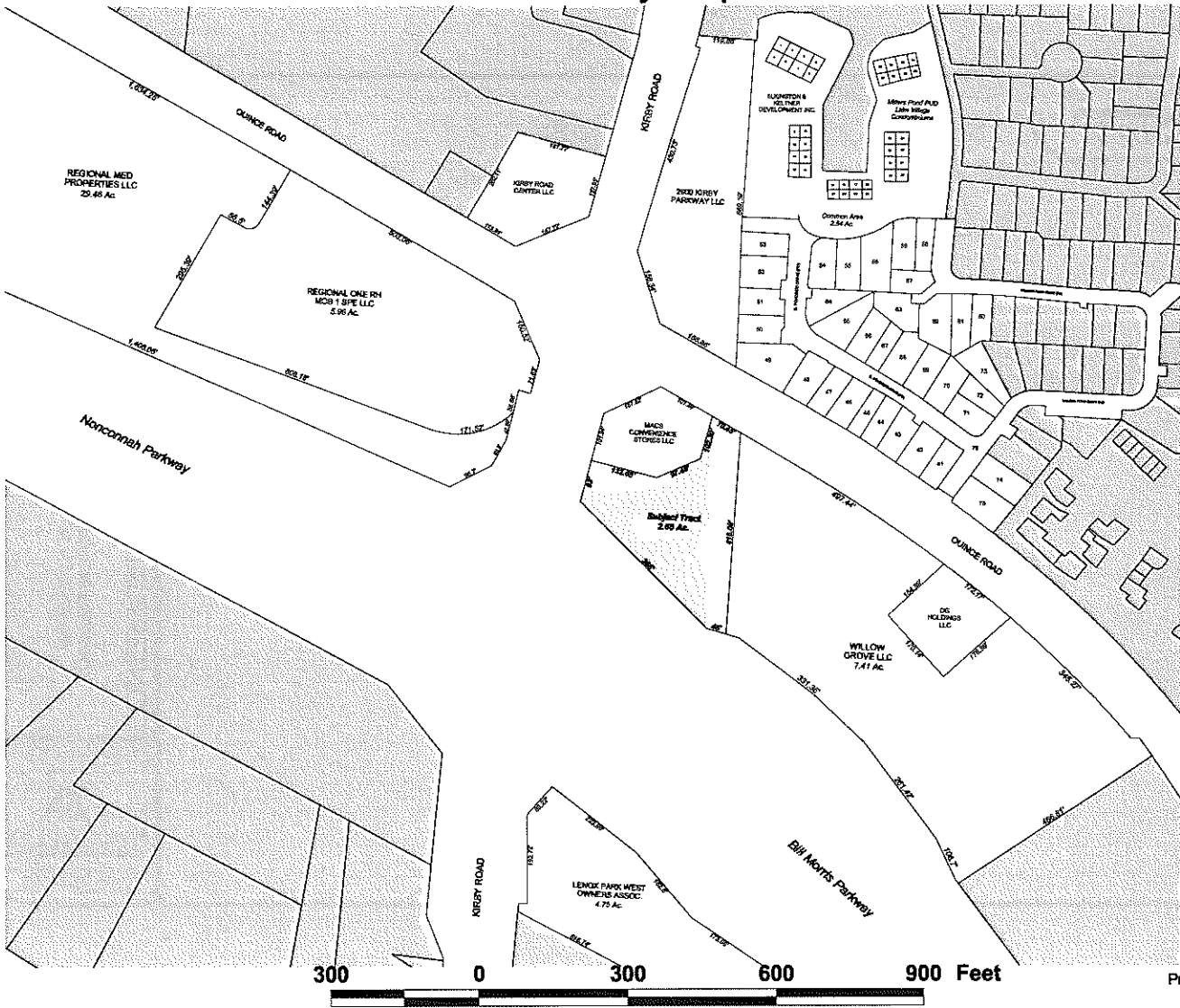
2966 Kirby Rd & Quince Rd
 Memphis, TN 38119


EXPLANES THIS SITE PLAN IS NOT A SUBSTITUTE FOR THE ARCHITECT'S CONSTRUCTION DOCUMENTS.

DRAWN BY	2/19/16
CHECKED BY	RE:0

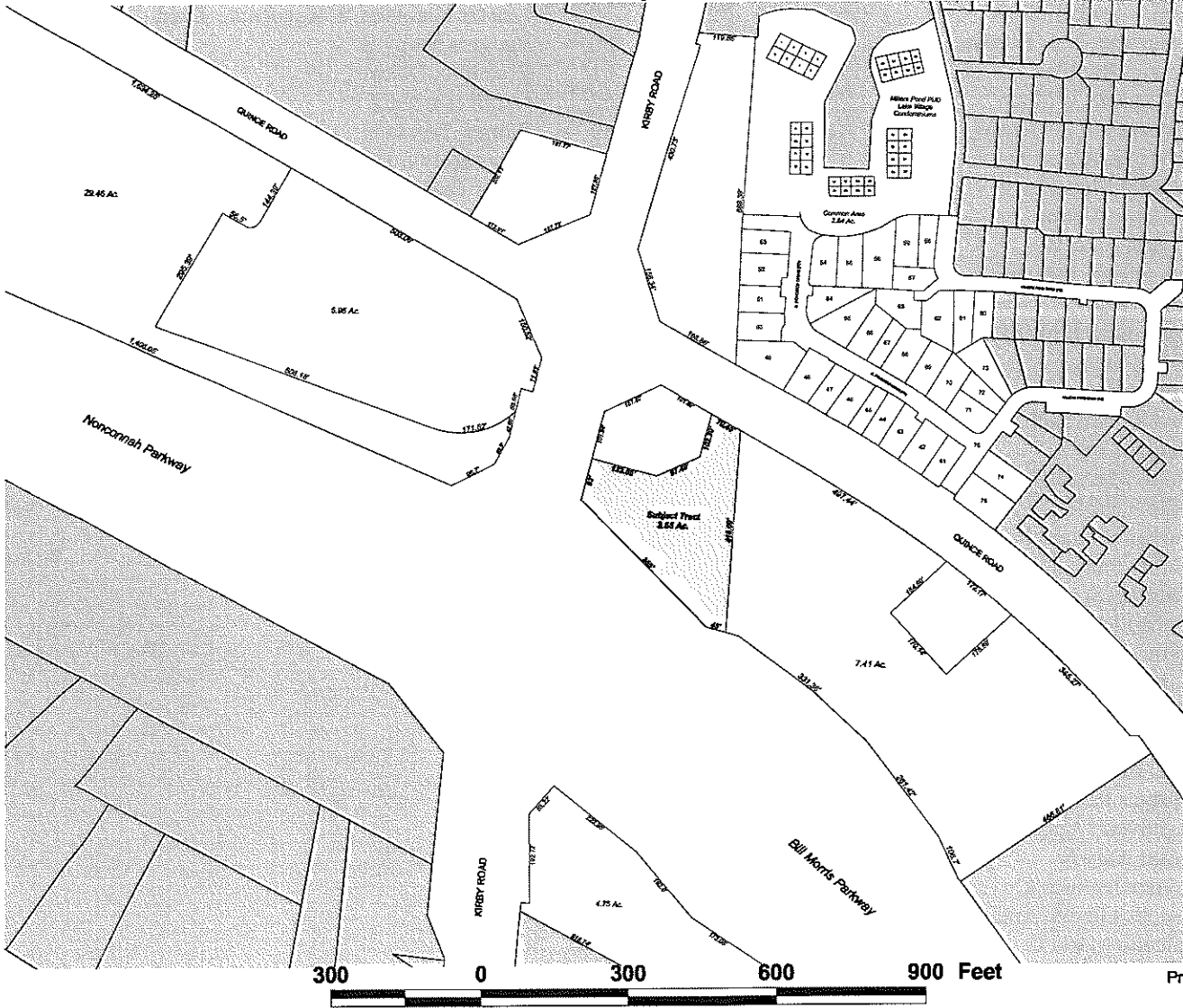
MAX ALLEY
 REAL ESTATE SERVICES, LLC
 3930 GALLERIA OAKS DR
 TEXARKANA, TX 75503
 (903)223-8000

Vicinity Map




 Date: 03/07/22
 Prepared By:
 Property Research Data
 PRD Job #22-014

Vicinity Map



N
W E
S
Date: 03/07/22
Prepared By:
Property Research Data
PRD Job #22-014

Lot #	Owners Name
1	Hawes Alan D & Teresa L
2	Gammon Ellen M
3	Bosdorf Melissa
4	Johnson Fredrick
5	Bielli Luciano D
6	Harris Linda B And Johnnie M Harris III
7	Conway Keith
8	Ruth Danny M
9	Taylor Katherine M
10	Jester Rex N & Brenda C
11	Bowen Brenda
12	Schamroth William
13	Richardson K Denise
14	Newsom Rosco Jr.
15	Wilhite Mary A
16	Littleton Verna
17	Hutton John W
18	Schamroth William
19	Baker Ruth
20	Rosenberg Edward S
21	Drake Marion
22	Kilroy Edward J
23	Divoky Michael J
24	Knopp Lois A
25	Staub Michael R
26	Allen Charles H
27	Barbas Richard W & June M
28	Kelley Patricia E
29	Ahlgren Stephanie
30	McMullen Sharron D
31	Gentry Scott C
32	Carter Clementine (LE) And Deborah
33	Simmons Heather R
34	Doggett Larika N
35	Guehrn Kimberly A Revocable Living
36	Bridges Pamela N
37	Sepulveda Angel & Maria-Paz
38	Grant Amy R
39	Joyner Jennifer C
40	Brooks Gladys And Earl H Brooks
41	Salcedo Maria G
42	Palazola Delona G
43	Grant Phyllis A
44	Hot Dude Properties LLC
45	Coleman Susan
46	Wang Xunjie & Ting Chen
47	Chaffen Tracy
48	Adcox James M & Sandra A
49	Neal Laura E
50	Westbrook Bess A And James D Wilbanks

Lot #	Owners Name
51	Horton Deborah
52	Holbrook Helen M Irrevocable Trust
53	Akin Cheryl L & Guy W
54	Evans Rosalyn A
55	Lindsey Lee G & Tyra L
56	Wilbanks Connie W A & James D
57	Garrison Karen L
58	Johnson Catherine
59	Feaster Kathleen W Revocable Trust
60	Rodgers Jenny S
61	Broadnax Deidre
62	Ozrail Ameen Z
63	Rainey Teresa C
64	Mays Kelvin D & Kathryn
65	Parks Tara Y
66	Roberts Arthur A & Mary N
67	Bolton Jada A
68	Covington Tiffany
69	Prescott Volar M
70	Ward Larue D
71	Finley April R
72	Lutey Richard W II
73	Gipson Erma
74	Wilson Makalla J
75	Murphy April M And Sandra J Murphy (RS)
76	Elkington & Keltner Development Inc.

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

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Memphis TN 38134

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Memphis TN 38134

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5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Wills Walter D III
2900 Kirby Road, Ste. 7
Memphis, TN 38119-8221

Wills Walter D III
2900 Kirby Road, Ste. 7
Memphis, TN 38119-8221

Wills Walter D III
2900 Kirby Road, Ste. 7
Memphis, TN 38119-8221

Wills Walter D III
2900 Kirby Road, Ste. 7
Memphis, TN 38119-8221

Wills Walter D III
2900 Kirby Road, Ste. 7
Memphis, TN 38119-8221

2900 Kirby Parkway LLC
2620 Thousand Oaks Boulevard, Ste. 4000
Memphis, TN 38118-2461

Adcox James M & Sandra A
2953 S. Pondside Drive
Memphis, TN 38119-8629

Ahlgrim Stephanie
6664 Pondside Circle, Unit 2
Memphis, TN 38119

Akin Cheryl L & Guy W
2921 S. Pondside Drive
Memphis, TN 38119-8629

Allen Charles H
6662 Pondside Circle, Unit 1
Memphis, TN 38119-8036

Baker Ruth
655 Riverside Drive, Apt. 1204
Memphis, TN 38103-4615

Barbas Richard W & June M
893 W. Tree Drive
Collierville, TN 38017-1326

Bielli Luciano D
6634 Pondside Circle, Unit 2
Memphis, TN 38119-8660

Bolton Jada A
2958 S. Pondside Drive
Memphis, TN 38119

Bosdorf Melissa
6325 Graham Street
Memphis, TN 38111

Bowen Brenda
6646 Pondside Circle
Memphis, TN 38119

Bridges Pamela N
7727 Rich Creek Cove
Memphis, TN 38125-5063

Broadnax Deidre
2937 Millers Pond Drive
Memphis, TN 38119-8644

Brooks Gladys And Earl H Brooks
2023 Johnson Road
Germantown, TN 38139-3503

Carter Clementine (LE) And Deborah
6658 Pondside Circle, Unit 2
Memphis, TN 38119-8041

Chaffen Tracy
2955 S. Pondside Drive
Memphis, TN 38119-8629

Coleman Susan
2959 S. Pondside Drive
Memphis, TN 38119

Conway Keith
6638 Pondside Circle, Unit 39
Memphis, TN 38119-8660

Covington Tiffany
2960 S. Pondside Drive
Memphis, TN 38119-

DG Holdings LLC
310 Enterprise Drive
Oxford, MS 38655-2762

Divoky Michael J
6654 Pondside Circle, Unit 2
Memphis, TN 38119-8019

Doggett Larika N
6668 Pondside Circle, Unit 1
Memphis, TN 38119-8036

Drake Marion
6650 Pondside Circle, Unit 2
Memphis, TN 38119-8019

Elkington & Keltner Development Inc.
5101 Sanderlin Avenue
Memphis, TN 38117-4362

Evans Rosalyn A
378 Fountain Crest Drive
Memphis, TN 38120-1861

Feaster Kathleen W Revocable Trust
6669 Pondside Circle
Memphis, TN 38119-8661

Finley April R
2973 Millers Pond Drive
Memphis, TN 38119-8644

Gammon Ellen M
6636 Pondside Circle, Unit 1
Memphis, TN 38119

Garrison Karen L
2931 Millers Pond Drive
Memphis, TN 38119-8644

Gentry Scott C
6660 Pondside Circle, Unit 2
Memphis, TN 38119

Gipson Erma
2969 Millers Pond Drive
Memphis, TN 38119

Grant Amy R
2231 Windy Oaks Drive
Germantown, TN 38139-5209

Grant Phyllis A
2963 S. Pondsides Drive
Memphis, TN 38119-8629

Guehrn Kimberly A Revocable Living
3407 Lake Pointe
Memphis, TN 38125-8842

Harris Linda B And Johnnie M Harris Iii
6636 Pondsides Circle, Unit 2
Memphis, TN 38119

Hawes Alan D & Teresa L
6634 Pondsides Circle, Unit 1
Memphis, TN 38119-8660

Holbrook Helen M Irrevocable Trust
6715 Duquaine Court
Nashville, TN 37205-3003

Horton Deborah
2933 S. Pondsides Drive
Memphis, TN 38119

Hot Dude Properties LLC
3657 McLeod Drive, Ste. 110
Las Vegas, NV 89120-4454

Hutton John W
6650 Pondsides Circle, Unit 1
Memphis, TN 38119-8019

Jester Rex N & Brenda C
6644 Pondsides Circle, Unit 1
Memphis, TN 38119-8034

Johnson Catherine
6673 Pondsides Circle
Memphis, TN 38119-8661

Johnson Fredrick
6640 Pondsides Circle, Unit 1
Memphis, TN 38119-8660

Joyner Jennifer C
6670 Pondsides Circle
Memphis, TN 38119-8036

Kelley Patricia E
6658 Pondsides Circle, Unit 12
Memphis, TN 38119-8041

Kilroy Edward J
3504 Snapdragon Lane
Mc Kinney, TX 75070-4650

Kirby Road Center LLC
P O Box 1565
Lawrenceville, GA 30046

Knopp Lois A
6656 Pondsides Circle, Unit 2
Memphis, TN 38119

Lenox Park West Owners Association
1551 N. Tustin Avenue
Santa Ana, CA 92705

Lindsey Lee G & Tyra L
6653 Pondsides Circle
Memphis, TN 38119-8661

Littleton Verna
6648 Pondsides Circle, Unit 2
Memphis, TN 38119-8035

Lutey Richard W II
2971 Millers Pond Drive
Memphis, TN 38119-8644

Macs Convenience Stores LLC
P O Box 347
Columbus, IN 47202-0347

Mays Kelvin D & Kathryn
2940 S. Pondsides Drive
Memphis, TN 38119-8628

McMullen Sharron D
6662 Pondsides Circle, Unit 2
Memphis, TN 38119-8036

Murphy April M And Sandra J Murphy
(RS)
2980 Millers Pond Drive
Memphis, TN 38119-8643

Neal Laura E
2943 S. Pondsides Drive
Memphis, TN 38119-8629

Newsom Rosco Jr.
2029 S. Glebe Road
Arlington, VA 22204-5355

Ozrail Ameen Z
2935 Millers Pond Drive
Memphis, TN 38119-8644

Palazola Delona G
7713 Antigua Drive
Memphis, TN 38119

Parks Tara Y
2948 S. Pondside Drive
Memphis, TN 38119

Prescott Volar M
P O Box 751431
Memphis, TN 38175-1431

Rainey Teresa C
2933 Millers Pond Drive
Memphis, TN 38119-8644

Reginoal One RH MOB 1 SPE LLC
3330 Preston Ridge Road, Ste. 380
Alpharetta, GA 30005-4509

Regional Med Properties LLC
877 Jefferson Avenue
Memphis, TN 38103

Regional One RH MOB 1 SPE LLC
300 Colonial Center Parkway, Ste. 401
Roswell, GA 30076-4892

Richardson K Denise
P O Box 41166
Memphis, TN 38174-1166

Roberts Arthur A & Mary N
2956 S. Pondside Drive
Memphis, TN 38119-8628

Rodgers Jenny S
2939 Millers Pond Drive
Memphis, TN 38119

Rosenberg Edward S
2470 Stearns Street, Ste. 97
Simi Valley, CA 93063-2418

Ruth Danny M
6640 Pondside Circle, Unit 2
Memphis, TN 38119-8660

Salcedo Maria G
2967 S. Pondside Drive
Memphis, TN 38119-8629

Schamroth William
6652 Pondside Circle
Memphis, TN 38119-8019

Sepulveda Angel & Maria-Paz
6666 Pondside Circle, Unit 2
Memphis, TN 38119-8036

Simmons Heather R
6666 Pondside Circle, Unit 1
Memphis, TN 38119-8036

Staub Michael R
6664 Pondside Circle, Unit 9
Memphis, TN 38119-8036

Taylor Katherine M
6642 Pondside Circle, Unit 1
Memphis, TN 38119-8660

Wang Xunjie & Ting Chen
1683 Willis Avenue
Merrick, NY 11566-2919

Ward Larue D
2964 S. Pondside Drive
Memphis, TN 38119-8628

Westbrook Bess A And James D Wilbanks
2937 S. Pondside Drive
Memphis, TN 38119

Wilbanks Connie W A & James D
6659 Pondside Circle
Memphis, TN 38119-8661

Willhite Mary A
6646 Pondside Circle, Unit 2
Memphis, TN 38119-8035

Willow Grove LLC
2620 Thousand Oaks Boulevard, Ste. 4000
Memphis, TN 38118-2461

Wilson Makalla J
5506 Millers Glen Cove
Memphis, TN 38125-4160

BD 9915

2

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, made and entered into by WILLTRUST COMPANY, of Memphis, Shelby County, Tennessee (hereinafter referred to as the "Grantor"), and WALTER D. WILLS III, of Memphis, Shelby County, Tennessee, (hereinafter referred to as the "Grantee").

The Grantor hereby quit-claims to the Grantee all of its interest in and to the tract or parcel of real estate, located, situated, and being in the Second Civil District of Shelby County, Tennessee, more particularly described as follows:

Lot 2, Kirby Gate Southeast Planned Commercial Subdivision, as shown on plat of record in Plat Book 95, Page 26, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

The above described property is conveyed subject to subdivision restrictions, building lines and easements of record in Plat Book 95, Page 26, in said Register's Office.

The above described property is conveyed subject to easement for anchor guy of record under Reg. No. F5 J291 and easements and right of ways as shown in Deed Book 5035, Page 189, both in the Register's Office of Shelby County, Tennessee.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on 7th day of April, 1989.

WILLTRUST COMPANY

By: Walter D. Wills III
WALTER D. WILLS III
President

STATE OF TENNESSEE)
)
COUNTY OF SHELBY)

Before me, LAURINE P FITE, a Notary Public of the state and county aforesaid, personally appeared WALTER D. WILLS III, with whom I am personally acquainted and who, upon his oath, acknowledged that he is the present of Willtrust Company, a Tennessee Corporation, the within named Grantor, and as such President being duly authorized so to do, executed the foregoing deed for the purposes therein contained by signing the name of the corporation as its President.

WITNESS my hand and seal on this 7th day of April, 1989.

My commission expires:
6/2/92

Laurine P Fite
Notary Public,
(Notary Seal)

BD 9915

The undersigned does hereby swear or affirm that, to the best of his knowledge, information, and belief, the actual consideration for this transfer is \$10.00.

Walter D. Wills III
Walter D. Wills III

Subscribed and sworn to before me on this 7th day of April, 1989.

My Commission expires:

6/2/92

James N. Clay III
Notary Public
(Notarial Seal)

Property Address: Vacant Land

Mail tax bills to (party or agency responsible for payment of taxes):
James N. Clay III
222 East Mallory Avenue
Memphis, Tennessee 38109

THIS INSTRUMENT
PREPARED BY:
James N. Clay III
Attorney at Law
222 East Mallory Avenue
Memphis, TN 38109

State Tax: \$.00
Register's Fee: .00
Recording Fee: 8.00
TOTAL \$8.00

RECORD AND RETURN TO:
James N. Clay III
Attorney at Law
222 East Mallory Avenue
Memphis, Tennessee 38109 **BD9915**

SEARCHED
INDEXED
SERIALIZED
FILED

BD 9915
No. _____
STATE TAX _____
REGISTER'S FEE _____
RECORDING FEE 6.00
TOTAL _____
STATE OF TENNESSEE
GUY B. DAVIS (30)
Bill



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

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

April 28, 2022

Walter D. Wills, III/Max Alley, LLC
Cindy Reaves, SR Consulting, LLC

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: SUP 22-08
LUCB Decision: Approval with conditions

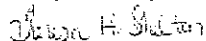
Dear applicant,

On Thursday, April 14, 2022, the Memphis and Shelby County Land Use Control Board **approved** your special use, permit major modification application to allow a Special Use Permit for new Glide Express car wash, subject to the following conditions:

1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that are beyond the scope of all prior approvals for the site or this approval.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6621 or via email at teresa.shelton@memphistn.gov.

Respectfully,

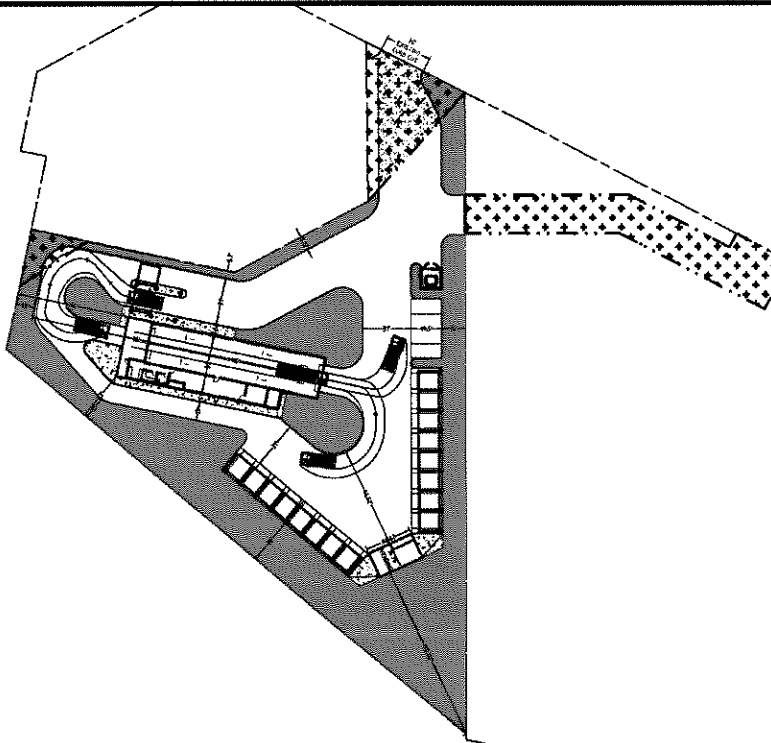
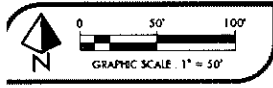


Teresa Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC

File: Encl: Approved plan(s)

Letter to Applicant
 SUP 22-08
SITE PLAN



Notes:

Acres 63.8788 ± 147 AC
 Siding 12 1/2"
 Truss Height 12.5
 Truss Spacing 165 IN
 Vertical Spacing 12"

ASST
 ESTIMATE 18.10749.06-01-042452

CONCEPTUAL SITE PLAN

2966 Kirby Rd & Quince Rd
 Memphis, TN 38119

MEMPHIS, TN: 901.521.1500
 MEMPHIS, TN: 901.521.1500

DRAWN BY	DATE	SCALE
	28.01.22	AS SHOWN

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 07/12/2022

DATE

PUBLIC SESSION: 07/12/2022

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 688 Avon Road, known as case number SUP 22-12

CASE NUMBER: SUP 22-012

LOCATION: 688 Avon Road

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

OWNER/APPLICANT: CSC Properties

REPRESENTATIVE: Chelsea Jones

REQUEST: To allow the use of the property as a Child Care Center in a Single Family Residential – 6 Zoning District

AREA: +/-0.377 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – July 12, 2022

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>06/09/2022</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 22-12

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 688 AVON ROAD, KNOWN AS CASE NUMBER SUP 22-12

- This item is a resolution for a special use permit to allow the use of the property as a Child Care Center in a Single Family Residential – 6 Zoning District; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, June 9, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 22-012
LOCATION:	688 Avon Road
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	CSC Properties
REPRESENTATIVE:	Chelsea Jones
REQUEST:	To allow the use of the property as a Child Care Center in a Single Family Residential – 6 Zoning District
EXISTING ZONING:	Single Family Residential – 6 (R-6)
AREA:	+/-0.377 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.

The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,



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

Cc: Committee Members
File

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 688 AVON ROAD, KNOWN AS CASE NUMBER SUP 22-012

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, CSC Properties filed an application with the Memphis and Shelby County Division of Planning and Development to allow the use of the property as a Child Care Center in a Single Family Residential – 6 Zoning District; 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 June 9, 2022, 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.

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, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

ATTEST:

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



MEMPHIS AND SHELBY COUNTY

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 29, 2022

Record Number: SUP 2022-012

Expiration Date:

Record Name: KCJ'S Playhouse

Description of Work: operating a daycare center. Location was operated as a Daycare center for several of years, now I am being told that the property was zoned incorrectly

Parent Record Number:

Address: 688 AVON RD, MEMPHIS 38122

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	CSC PROPERTIES	5265 WILTON CV, MEMPHIS, TN 38117	(901) 896-9492

Parcel Information

Parcel No:
063056 00020

Contact Information

Name	Organization Name	Contact Type	Phone
chelsea jones		Applicant	(901) 896-9492

Suffix:

Address

1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1371631	Credit Card Use Fee (.026 x fee)	1	15.60	INVOICED	0.00	03/29/2022		PLNGSPUSE 10
1372419	Child Care Center (13+ children)	1	250.00	INVOICED	0.00	03/31/2022		PLNGSPUSE 05

Total Fee Invoiced: \$265.60

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$615.60	Credit Card
\$(350.00)	Credit Card

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner	Jeffrey Penzes
Date of Meeting	03/03/2022

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

APPROVAL CRITERIA

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	Location will be a day care center. location was ran as a daycare center in the past.
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	nothing will be changed to the property. it would be quite expensive

UDC Sub-Section 9.6.9C	N/A
UDC Sub-Section 9.6.9D	correct. No changes will be made to the property
UDC Sub-Section 9.6.9E	project was once ran as a daycare facility and we are wanting to continue that business, without making any changes
UDC Sub-Section 9.6.9F	correct. location will be operated as a daycare center as it once use to be

GIS INFORMATION

Case Layer	BOA1982-116
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 30
Subdivision	IRMADALE
Planned Development District	-
Wellhead Protection Overlay District	-

**MEMPHIS AND
SHELBY COUNTY**



**DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall - 125 N. Main Street, Suite 442 - Memphis, Tennessee 38103 - (901) 679-6424

Property Owner's Affidavit

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 least ten years, and others. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1

I, CRAIG S. ALLEN 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 bills of the county Assessor of Property; the holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under contract; a mortgagee in possession; or I have a freehold or estate estate in the premises.

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, guardian or lessee (and have included documentation with this affidavit).

of the property located at 688 AVON RD 38127

and further identified by Assessor's Parcel Number

by which an application is being made to the Division of Planning and Development.

Date Received: _____

Date Assigned: _____

**Tennessee Department of Human Services
CHILD CARE LICENSING
LICENSING INQUIRY FORM**

Date: November 1, 2021

Name of proposed Center or Group Care Center:

KCJ PLAYHOUSE

Federal EIN# 86-2497834 (required)

Will this be a Child Care Center: or Group Child Center: _____

Owner(s) of the business: Chelsea S Jones

Legal Business Organization: Sole Prop. _____ Partnership _____ LLC _____ Franchise _____ Non-Profit

Contact Person: Chelsea S Jones

Mailing Address: 1965 Ada Cv Cordova, TN 38016

Telephone Number: (901) 896-9492

E-mail Address: Chelsj81@gmail.com

Proposed Location Address: 688 Avon Rd Memphis City

State & Zip: TN 38122 Lease or Own _____

Will the entire building be used? Yes or No If no, please list the location of rooms to be used including cafeteria, gym, etc. Yes

Total Square Footage of Building: 1500 SqFt

Total Square Footage of Space to be used for child care: 1500 SqFT

Last Known Purpose of Building: A DayCare

Type of zoning of the building: Commerical

Hours of Operation: 5:59 6:00 A.M. _____ P.M. 12 YEARS OLD

Ages of children to be served: From 6 WEEKS to _____

Do you plan to prepare meals: Yes _____ or No

Are the appliances Domestic: _____ or Commercial

(2)

Have you ever owned/operated a Child Care facility? Yes or No

If yes, list the name, address and dates of operation for the facility and present status:
No, I've never owned a child daycare center before.

Additional Information: _____

Please return this form to and a copy of your IRS Employer Identification Number (EIN) letter to:

Date of Orientation: March 9th and March 10th of
(required)

**Child and Adult Care Licensing
9th Floor, Suite 900
40 South Main Street
Memphis, Tennessee 38103
Fax# 901-543-6474**

HH 8910

WARRANTY DEED

THIS INDENTURE, made and entered into this.....day of....., 19⁹⁸, by and between

GFI Sales, Inc. a/k/a GSI Sales, Inc.

of the first part, and

CSC Properties

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 Memphis.....the County of.....Shelby.....State of Tennessee.

Situated in Shelby County, Tennessee and described as follows:

Lot No. 30, Irmadale Subdivision, as shown on plat of record in Plat Book 13, Page 22, of the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description. Said property is municipally known as 688 Avon, Memphis, Shelby County, Tennessee, 38122.

Parcel ID No. 063-056-00020

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party.....of the second part,its.....heirs and assigns in fee simple forever.

And the said party.....of the first part does.....hereby covenant with the said party.....of the second part that it has.....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.

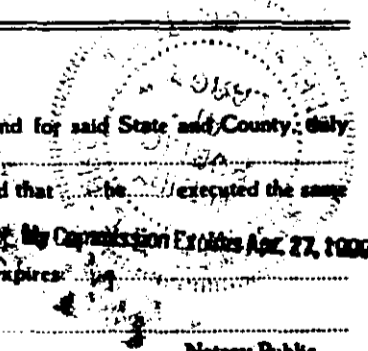
And that the title and quiet possession thereto.....will warrant and forever defend against the lawful claims of all persons.

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

[Handwritten Signature]

STATE OF TENNESSEE, COUNTY OF SHELBY }

On this 23 day of April, 19⁹⁸ before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Craig Malinikov to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



WITNESS my hand and Notarial Seal at office the day and year above written. My commission expires.....

Notary Public.

FOR REGISTRAR'S USE ONLY

State Tax \$.....
Clerks Fee \$ ~~850~~
Total \$.....
Paid.....
Deputy County Court Clerk
Revenue Stamps \$.....
ST.....

The following information is not a part of this Deed.

Property Address 688 Avon, Memphis, TN 38122

Mail Tax Bill to CSC Properties Owner
9543 Summer Ave 38122
5537 Wilford, Memphis, TN 38127

This Instrument prepared by:
Stephen F. Libby, Attorney at Law
294 Washington, Memphis, TN 38103
(901) 523-1844

HH 8910

PRINTED BY HULSEY & HULSEY PRINTING - MEMPHIS



SECURITY TITLE CO., INC.

MEMPHIS, TENNESSEE

AGENTS FOR
Mississippi Valley Title Insurance Company

WARRANTY DEED

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 \$ 40,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this the 23rd day of April, 1998.



HH 8910

No.	
D/C	DR # 2
Pgs.	2 Pgs.
Val	40,000.00
STATE TAX	148.00
REGISTER'S FEE	1.00
ADDITIONAL FEE	5.00
YES <input type="checkbox"/> MISC FEE	
TOTAL	157.00
SHELBY COUNTY TENNESSEE GUY B. BATES REGISTER	

HH8910

SHELBY COUNTY
REGISTER OF DEEDS
98 APR 24 PM 12: 23



Certificate of Occupancy

Permit No.

B00047496

THE PREMISE KNOWN AS
688 AVON RD 381220000 MEM
IS HEREBY APPROVED FOR USE AND OCCUPANCY AS

G F I SALES

AND IS GOVERNED BY THE REGULATIONS SET FORTH AND KNOWN AS THE
MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE RESOLUTION AND
MEMPHIS AND SHELBY COUNTY BUILDING CODES

ZONING R56 FIRE DISTRICT 0 USE GROUP MEM

MAXIMUM CAPACITY TYPE CONSTRUCTION 60

MAXIMUM ALLOWABLE FLOOR LOAD 75PSF

SPECIAL STIPULATIONS AND CONDITIONS LEGAL NON-CONFORMING USE IN R56 DISTRICT
SEE COMPL FILE #888069 FOR HISTORY

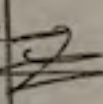
TENANT/OCCUPANT G F I SALES

OWNER CHARLES PAYNE

CONTRACTOR NONE

ARCHITECT NONE

R. T. HUGHES
BUILDING OFFICIAL


ISSUED BY 
(MAY 12, 1989)

MEMPHIS AND SHELBY COUNTY OFFICE
OF CONSTRUCTION CODE ENFORCEMENT
SHELBY COUNTY ADMINISTRATION BUILDING
ROOM 750.160 NO. MID AMERICA MALL
MEMPHIS, TN 38103-1874




Legend

- polygonLayer**
 - Override 1
 - Override 2
- polygonLayer**
 - Override 1
- Roads
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 3/16/2022



0 0.03 0.06 0.09 0.12 mi

063027 00016 - OKTAEI HOOMAN INC
063055 00003 - FLY STEVEN E
063055 00006 - AL MUEED ENTERPRISES LLC
063055 00037 - ABICART PROPERTIES LLC
063027 00024 - HALL BRANDON L & COURTNEY K
063027 00023 - EDWARDS TERRY T
063055 00036 - OKTAEI HOOMAN INC
063055 00028 - HERNANDEZ STEFHANIE A AND IRMA A H
063027 00020 - SAUCEDA VICTOR & LINDSEY
063026 00016 - SEELIG GREG
063056 00003 - NOWAG JOSEPH W AND DARRYL NOWAG
063056 00008 - WILES ASHLEY G & BONNIE J
063056 00020 - CSC PROPERTIES
063056 00025 - BELL PROPERTY GROUP GENERAL PARTNERSHIP
063026 00021 - SUMMER PROPERTY LLC
063024 00007 - ABERDEEN OKLAHOMA ASSOCIATES
063027 00013 - ALVARADO SENON & JUDY M
063027 00014 - WALKER BRADEN J & JAMIE L
063027 00015 - JOHNSON MARK D
063027 00017 - ALAMIRY BASSIM
063055 00001 - SIMONS RICHARD A FAMILY PARTNERSHIP
063055 00002 - RODRIGUEZ LIANA M & JAIRO G MARTINES
063055 00004 - BRACKEEN STACEY
063055 00005 - EL HAMAMA IBRAHIM & ADLA EL-HAMAMA
063055 00007 - RIPLEY JAMES T AND JOYCE M RIPLEY

063027 00018 - DAVIS CHARLES R
063027 00026 - TAFF JANICE R
063027 00025 - REYES EDGAR
063027 00022 - ODEH AMJAD & ANGELA
063027 00021 - PHILLIPS JUDY L
063027 00019 - EL AGHA HUSSAM
063055 00033 - RODRIGUEZ IGNACIO & DELIA MERDRANO
063055 00032 - TONG RENTAL PROPERTIES LLC
063055 00034 - RODRIGUEZ IGNACIO
063055 00031 - HEGWOOD KAREN S & JERRY L JR
063055 00030 - JENSEN JAMES
063055 00029 - NORWOOD MARSHALL G & R M
063055 00027 - BRIGHTSIDE PROPERTIES LLC
063055 00035 - ESCUDERO SELENA H & MIHUEL I MARTINEZ
063026 00013 - RJ REAL ESTATE HOLDINGS GP
063026 00014 - DANIELS JUDITH L
063026 00015 - CHAPMAN ELMER B REVOCABLE TRUST
063026 00017 - HALE JEFFREY A
063026 00018 - LOPEZ GUADALUPE R
063056 00001 - CARTWRIGHT FAMILY TRUST
063056 00002 - LEE REBECCA A
063056 00004 - HEGWOOD KAREN S & JERRY L JR
063056 00005 - STEWART ROBERT
063056 00006 - STEWART ROBERT A
063056 00007 - WOLF RIVER PROPERTIES LLC

063056 00009 - BELTON JAMES
063056 00010 - DANIEL MARK T
063026 00033 - TINGIRIDES ANDREW P REVOCABLE LIVING
063056 00026C - BELL PROPERTY GROUP GENERAL PARTNERSHIP
063056 00023 - BELL PROPERTY GROUP GENERAL PARTNERSHIP
063056 00028 - AL-GAMAL ABDO AND KALLEAD ISA
063056 00027 - BAUMAN RAY T AND HAROLD E FARLEY JR
063056 00030 - LINDER JAMES S
063057 00001 - BERRY SHANE E AND SHANE R BERRY
063026 00019 - JENSEN MATTHEW
063026 00034 - ALDI INC TENNESSEE
063026 00035 - ALDI INC TENNESSEE
063057 00002 - EXTRA SPACE PROPERTIES TWENTY EIGHT LLC



063056 00001

063056 00002

063056 00003

063056 J0020

Avon Road

063056 00026C

OKTAEI HOOMAN INC
PO BOX 172036 #
MEMPHIS TN 38187

NOWAG JOSEPH W AND DARRYL NOWAG
4789 TUTWILER AVE #
MEMPHIS TN 38122

SIMONS RICHARD A FAMILY PARTNERSHIP
3858 SUMMER AVE #
MEMPHIS TN 38122

FLY STEVEN E
4787 BOWEN AVE #
MEMPHIS TN 38122

WILES ASHLEY G & BONNIE J
4825 TUTWILER #
MEMPHIS TN 38122

RODRIGUEZ LIANA M & JAIRO G MARTINES
4781 BOWEN #
MEMPHIS TN 38122

AL MUEED ENTERPRISES LLC
4795 SHADY GROVE RD #
MEMPHIS TN 38117

CSC PROPERTIES
5265 WILTON CV #
MEMPHIS TN 38117

BRACKEEN STACEY
4793 BOWEN AVE #
MEMPHIS TN 38122

ABICART PROPERTIES LLC
5118 PARK AVE #
MEMPHIS TN 38117

BELL PROPERTY GROUP GENERAL PARTNERSHIP
8545 CORDES CIR #
GERMANTOWN TN 38139

EL HAMAMA IBRAHIM & ADLA EL-HAMAMA
5637 BARTLETT GROVE RD #
BARTLETT TN 38134

HALL BRANDON L & COURTNEY K
4732 TUTWILER AVE #
MEMPHIS TN 38122

SUMMER PROPERTY LLC
101 N TRYON STS #
CHARLOTTE NC 28255

RIPLEY JAMES T AND JOYCE M RIPLEY
97 S HUMES ST #
MEMPHIS TN 38111

EDWARDS TERRY T
4738 TUTWILER AVE #
MEMPHIS TN 38122

ABERDEEN OKLAHOMA ASSOCIATES
185 NW SPANISH RIVER BLVD BOX #
BOCA RATON FL 33431

DAVIS CHARLES R
6886 AMBERLY GROVE CV #
CORDOVA TN 38018

OKTAEI HOOMAN INC
PO BOX 172036 #
MEMPHIS TN 38187

ALVARADO SENON & JUDY M
4733 BOWEN AVE #
MEMPHIS TN 38122

TAFF JANICE R
4722 TUTWILER AVE #
MEMPHIS TN 38122

HERNANDEZ STEFHANIE A AND IRMA A H
4826 TUTWILER AVE #
MEMPHIS TN 38122

WALKER BRADEN J & JAMIE L
9334 WALNUT GROVE RD #
CORDOVA TN 38018

REYES EDGAR
4728 TUTWILER AVE #
MEMPHIS TN 38122

SAUCEDA VICTOR & LINDSEY
4756 TUTWILER AVE #
MEMPHIS TN 38122

JOHNSON MARK D
4743 BOWEN AVE #
MEMPHIS TN 38122

ODEH AMJAD & ANGELA
4744 TUTWILER AVE #
MEMPHIS TN 38122

SEELIG GREG
4733 TUTWILER AVE #
MEMPHIS TN 38122

ALAMIRY BASSIM
5657 DUNWOODY AVE #
MEMPHIS TN 38120

PHILLIPS JUDY L
4750 TUTWILER AVE #
MEMPHIS TN 38122

EL AGHA HUSSAM
4954 MACON RD #
MEMPHIS TN 38122

DANIELS JUDITH L
4723 TUTWILER AVE #
MEMPHIS TN 38122

BELTON JAMES
4833 TUTWILER AVE #
MEMPHIS TN 38122

RODRIGUEZ IGNACIO & DELIA MERDRANO
4790 TUTWILER AVE #
MEMPHIS TN 38122

CHAPMAN ELMER B REVOCABLE TRUST
7877 TERRY FRANKLIN DR #
BARTLETT TN 38133

DANIEL MARK T
8751 GUMLEAF CV #
GERMANTOWN TN 38138

TONG RENTAL PROPERTIES LLC
1681 ARCADIA ST #
MEMPHIS TN 38119

HALE JEFFREY A
218 DILLE PL #
MEMPHIS TN 38111

TINGIRIDES ANDREW P REVOCABLE LIVING
446 PARK HILL RD #
COLLIERVILLE TN 38017

RODRIGUEZ IGNACIO
4790 TUTWILER AVE #
MEMPHIS TN 38122

LOPEZ GUADALUPE R
4747 TUTWILER AVE #
MEMPHIS TN 38122

BELL PROPERTY GROUP GENERAL PARTNERSHIP
8545 CORDES CIR #
GERMANTOWN TN 38139

HEGWOOD KAREN S & JERRY L JR
410 WILDCAT BOTTOM RD #
RED BANKS MS 38661

CARTWRIGHT FAMILY TRUST
3711 FALCON AVE #
LONG BEACH CA 90807

BELL PROPERTY GROUP GENERAL PARTNERSHIP
8545 CORDES CIR #
GERMANTOWN TN 38139

JENSEN JAMES
1004 PROVIDENCE FOREST DR #
MATTHEWS NC 28104

LEE REBECCA A
4781 TUTWILER AVE #
MEMPHIS TN 38122

AL-GAMAL ABDO AND KALLEAD ISA
4465 MACON RD #
MEMPHIS TN 38122

NORWOOD MARSHALL G & R M
4818 TUTWILER AVE #
MEMPHIS TN 38122

HEGWOOD KAREN S & JERRY L JR
410 WILDCAT BOTTOM RD
RED BANKS MS 38661

BAUMAN RAY T AND HAROLD E FARLEY JR
2834 CROOKED OAK DR #
GERMANTOWN TN 38138

BRIGHTSIDE PROPERTIES LLC
7406 OAK RUN DR
GERMANTOWN TN 38138

STEWART ROBERT
7546 MEADOWLAND DR #
MEMPHIS TN 38133

LINDER JAMES S
6310 MASSEY WOODS CV #
MEMPHIS TN 38120

ESCUDERO SELENA H & MIHUEL I MARTINEZ
714 AVON RD #
MEMPHIS TN 38122

STEWART ROBERT A
7546 MEADOWLAND DR #
MEMPHIS TN 38133

BERRY SHANE E AND SHANE R BERRY
4771 SUMMER AVE #
MEMPHIS TN 38122

RJ REAL ESTATE HOLDINGS GP
358 DUBRAY MANOR DR #
COLLIERVILLE TN 38017

WOLF RIVER PROPERTIES LLC
7420 OAK RUN DR #
GERMANTOWN TN 38138

JENSEN MATTHEW
4755 TUTWILER AVE #
MEMPHIS TN 38122

ALDI INC TENNESSEE
2080 ALDI BLVD #
MOUNT JULIET TN 37122

ALDI INC TENNESSEE
2080 ALDI BLVD #
MOUNT JULIET TN 37122

EXTRA SPACE PROPERTIES TWENTY EIGHT LLC
34405 W 12 MILE RD #215
FARMINGTON MI 48331

AGENDA ITEM: 31

CASE NUMBER: SUP 2022-012

L.U.C.B. MEETING: June 9, 2022

LOCATION: 688 Avon Road

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

OWNER/APPLICANT: CSC Properties

REPRESENTATIVE: Chelsea Jones

REQUEST: Using the property as a Child Care Center in a Single Family Residential – 6 Zoning District

AREA: +/-0.377 acres

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

CONCLUSIONS

1. The applicant is seeking a Special Use Permit to allow a Child Care Center to operate within a Residential Single Family – 6 Zoning District.
2. The property was previously a single-family home and was remodeled into a Child Care Center by a different owner circa 2013. The property has been non-conforming to the zoning code since this action.
3. This request is a sister case to BOA 2022-045 in which the applicant was seeking relief from Sub-items 2.6.2B(3)(a) and 2.6.2B(3)(c) to allow an exemption from the Civic Use Standards of a Child Care Center. This request was approved on the consent agenda April 27, 2022.
4. Although this property is zoned Single Family Residential, staff feels the commercial uses to the west and south of the property makes a Child Care Center an appropriate use.
5. This 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.

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 11-12 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Avon Road +/-83.4 linear feet
Zoning Atlas Page: 2040
Parcel ID: 063056 00020
Existing Zoning: Residential Single Family – 6 (R-6)

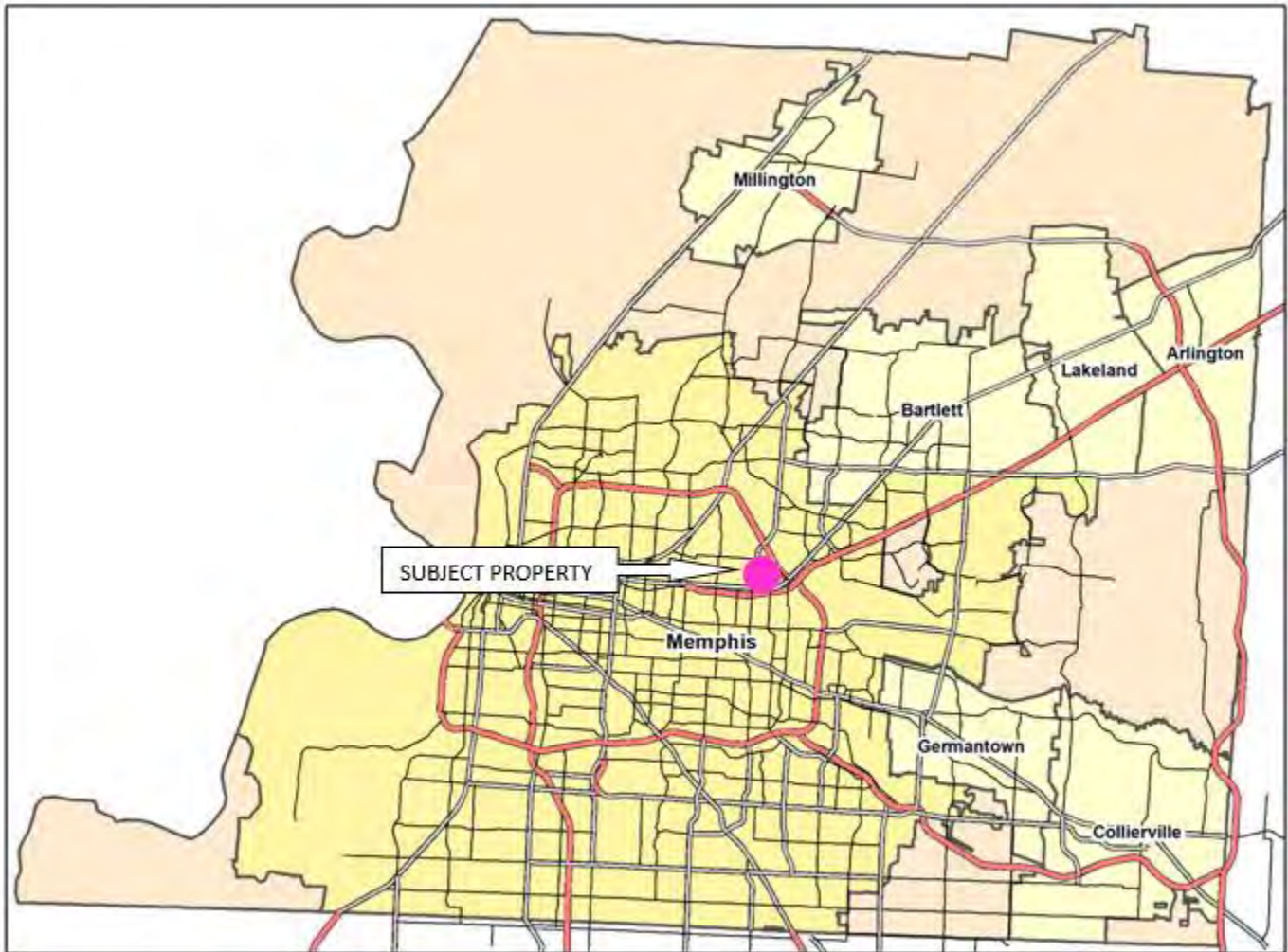
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Wednesday, May 25, 2022, at 688 Avon Road Memphis, TN 38122

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 61 notices were mailed on May 25, 2022, 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

VICINITY MAP



Subject property outlined in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

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

Surrounding Zoning

North: R-6

East: R-6 and CMU-3

South: CMU-3 and BOA 1982-116

West: CMU-3, BOA 1963-028, and R-6

LAND USE MAP

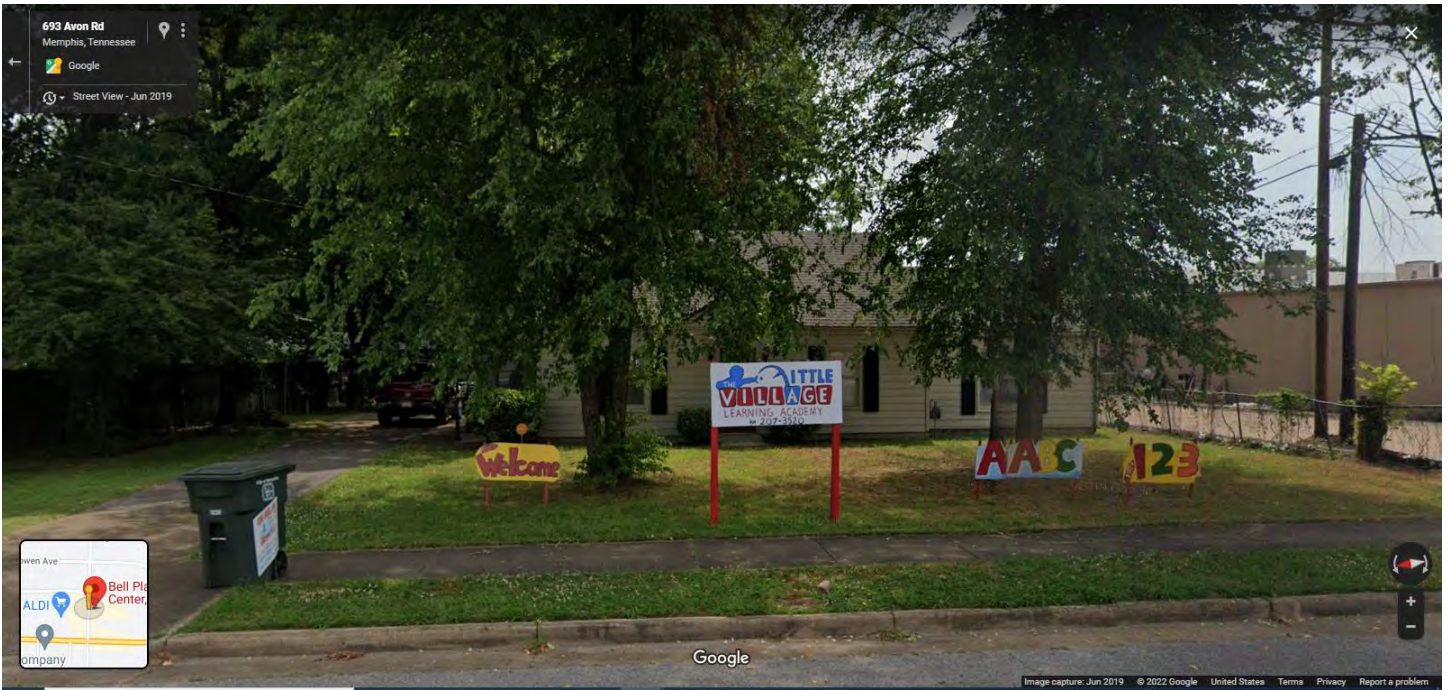


LandUse

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

Subject property indicated by a pink star

SITE PHOTOS



View of subject property Avon Street facing east.



View of subject property from a commercial parking lot facing northeast.

STAFF ANALYSIS

Request

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

The request is to allow a Child Care Center to be operated in a Single Family Residential – 6 zoning district.

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 located at 688 Avon Road, zoned residential Single-Family – 6 (R-6), just north of the Bell Plaza Shopping Center. The site is +/-0.377 acres with a single-family principal dwelling structure that has been converted to a childcare center on the east side of Avon Road, north of Summer Avenue.

Site Zoning History

On April 27, 2022, the Board of Adjustment approved Docket BOA 22-045 to allow relief from Sub-Items 2.6.2B(3)(a) and 2.6.2B(3)(c) to allow exemption from the Civic Use Standards of a Child Care Center.

Conclusions

The applicant is seeking a Special Use Permit to allow a Child Care Center to operate within a Residential Single Family – 6 Zoning District.

The property was previously a single-family home and was remodeled into a Child Care Center by a different owner circa 2013. The property has been non-conforming to the zoning code since this action.

This request is a sister case to BOA 2022-045 in which the applicant was seeking relief from Sub-items 2.6.2B(3)(a) and 2.6.2B(3)(c) to allow an exemption from the Civic Use Standards of a Child Care Center. This request was approved on the consent agenda April 27, 2022.

Although this property is zoned Single Family Residential, staff feels the commercial uses to the west and south of the property makes a Child Care Center an appropriate use.

This 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.

RECOMMENDATION

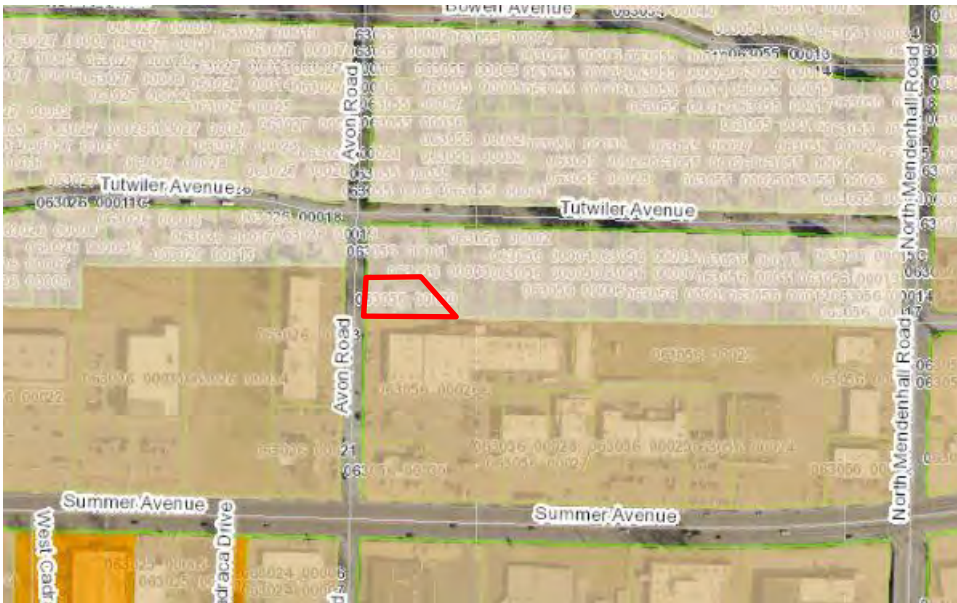
Staff recommends approval

DEPARTMENTAL COMMENTS

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

- City/County Engineer:** No comments received.
- 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:**

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

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. See graphic portrayal to the right.



“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.

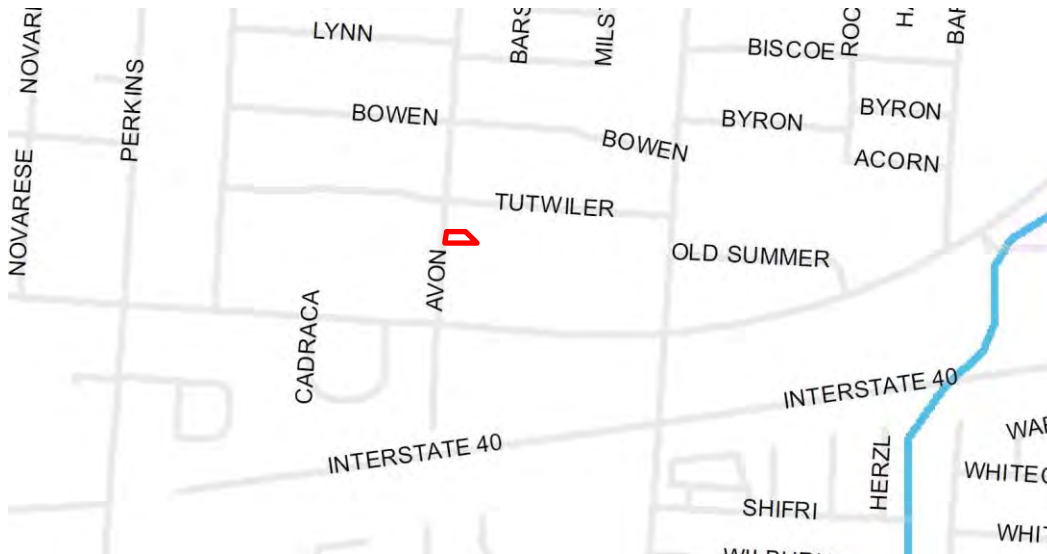
The applicant is seeking approval for a variance to allow a Child Care Center at 688 Avon St.

Although the requested low intensity commercial center does not meet the criteria of NS, it will act as a buffer space between primarily single unit neighborhood and low intensity commercial and service use.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Institution, Single-Family, and Commercial. The subject site is surrounded by the following zoning districts: CMU-3 and R-6. 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



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: Faria Army, Comprehensive Planning.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 29, 2022

Record Number: SUP 2022-012

Expiration Date:

Record Name: KCJ'S Playhouse

Description of Work: operating a daycare center. Location was operated as a Daycare center for several of years, now I am being told that the property was zoned incorrectly

Parent Record Number:

Address: 688 AVON RD, MEMPHIS 38122

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	CSC PROPERTIES	5265 WILTON CV, MEMPHIS, TN 38117	(901) 896-9492

Parcel Information

Parcel No:
063056 00020

Contact Information

Name	Organization Name	Contact Type	Phone
chelsea jones		Applicant	(901) 896-9492

Suffix:

Address

1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016
1965 Ada Cv, Cordova, TN 38016

Fee Information

Invoice #	Fee Item	Quantity	Fee	Status	Balance	Date Assessed	Unit	Fee Code
1371631	Credit Card Use Fee (.026 x fee)	1	15.60	INVOICED	0.00	03/29/2022		PLNGSPUSE 10
1372419	Child Care Center (13+ children)	1	250.00	INVOICED	0.00	03/31/2022		PLNGSPUSE 05

Total Fee Invoiced: \$265.60

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$615.60	Credit Card
\$(350.00)	Credit Card

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner	Jeffrey Penzes
Date of Meeting	03/03/2022

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

APPROVAL CRITERIA

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	Location will be a day care center. location was ran as a daycare center in the past.
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	nothing will be changed to the property. it would be quite expensive

UDC Sub-Section 9.6.9C	N/A
UDC Sub-Section 9.6.9D	correct. No changes will be made to the property
UDC Sub-Section 9.6.9E	project was once ran as a daycare facility and we are wanting to continue that business, without making any changes
UDC Sub-Section 9.6.9F	correct. location will be operated as a daycare center as it once use to be

GIS INFORMATION

Case Layer	BOA1982-118
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 30
Subdivision	IRMADALE
Planned Development District	-
Wellhead Protection Overlay District	-

LETTER OF INTENT

TN DHS OFFICE USE ONLY
Date Received: _____
Date Assigned: _____

**Tennessee Department of Human Services
CHILD CARE LICENSING
LICENSING INQUIRY FORM**

Date: November 1, 2021

Name of proposed Center or Group Care Center:

KCJ PLAYHOUSE

Federal EIN# 86-2497834 (required)

Will this be a Child Care Center: or Group Child Center: _____

Owner(s) of the business: Chelsea S Jones

Legal Business Organization: Sole Prop. _____ Partnership _____ LLC _____ Franchise _____ Non-Profit _____

Contact Person: Chelsea S Jones

Mailing Address: 1965 Ada Cv Cordova, TN 38016

Telephone Number: (901) 896-9492

E-mail Address: Chelsj81@gmail.com

Proposed Location Address: 688 Avon Rd City Memphis

State & Zip: TN 38122 Lease or Own _____

Will the entire building be used? Yes or No If no, please list the location of rooms to be used including cafeteria, gym, etc. Yes

Total Square Footage of Building: 1500 SqFt 1500 SqFT

Total Square Footage of Space to be used for child care: _____

Last Known Purpose of Building: A DayCare

Type of zoning of the building: Commerical

Hours of Operation: 5:59 A.M. 6:00 P.M. 12 YEARS OLD

Ages of children to be served: From 6 WEEKS to _____

Do you plan to prepare meals: Yes _____ or No

Are the appliances Domestic: _____ or Commercial

(2)

Have you ever owned/operated a Child Care facility? Yes or No

If yes, list the name, address and dates of operation for the facility and present status:
No, I've never owned a child daycare center before.

Additional Information: _____

Please return this form to and a copy of your IRS Employer Identification Number (EIN) letter to:

Child and Adult Care Licensing
9th Floor, Suite 900
40 South Main Street
Memphis, Tennessee 38103
Fax# 901-543-6474

Date of Orientation: March 9th and March 10th of
(required)

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Chuksea Jones, being duly sworn, depose and say that at 12:42 am/pm on the 9 day of May, 2022, I posted 7 Public Notice Sign(s) pertaining to Case No. SUP 2022-012 at 688 Aron Rd Memphis, TN 38122 providing notice of a Public Hearing before the 1 Land Use Control Board, 1 Memphis City Council, 1 Shelby County Board of Commissioners for consideration of a proposed Land Use Action (1 Planned Development, 1 Special Use Permit, 1 Zoning District Map Amendment, 1 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.

Chuksea Jones
Owner, Applicant or Representative

May 9, 2022
Date

Subscribed and sworn to before me this 9th day of May, 2022.

CA
Notary Public

My commission expires: 3/18/25



LETTERS RECEIVED

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



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

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

June 9, 2022

Chelsea Jones
688 Avon Road
Memphis, TN 39122

Sent via electronic mail to: chelsj81@gmail.com

Case Number: SUP 22-012
LUCB Recommendation: Approval

Dear applicant,

On Thursday, June 9, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a Child Care Center in a Single Family Residential – 6 Zoning District at the property located at 688 Avon Road.

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 Seth.Thomas@memphistn.gov.

Respectfully,



Seth Thomas
Municipal Planner
Land Use and Development Services

Letter to Applicant
SUP 22-012

Division of Planning and Development

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 12 July 2022

DATE

PUBLIC SESSION: 12 July 2022

DATE

ITEM (CHECK ONE)

_____ ORDINANCE X RESOLUTION _____ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a planned residential development at 3903 Flaxwood Ln. and two adjacent parcels, known as case number PD 22-1

CASE NUMBER: PD 22-1

DEVELOPMENT: Memphis Blues Planned Development

LOCATION: 3903 Flaxwood Ln. and two adjacent parcels

COUNCIL DISTRICTS: District 7 and Super District 8

OWNER/APPLICANT: Jeff Yorick of UMH Properties, Inc.

REPRESENTATIVE: Homer Branan

REQUEST: Special use permit for a planned residential development

AREA: 56 acres

RECOMMENDATION: The Division of Planning and Development recommended: *Approval with outline plan conditions*
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
14 April 2022	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:

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

PD 22-1

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT AT 3903 FLAXWOOD LN. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER PD 22-1

- This item is a resolution conditionally approving a special use permit for a planned residential development; and
- This resolution, if approved, will supersede the existing zoning for this property.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 14 April 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 22-1

DEVELOPMENT: Memphis Blues Planned Development

LOCATION: 3903 Flaxwood Ln. and two adjacent parcels

COUNCIL DISTRICT(S): District 7 and Super District 8

OWNER/APPLICANT: Jeff Yorick of UMH Properties, Inc.

REPRESENTATIVE: Homer Branan

REQUEST: Special use permit for a planned residential development

EXISTING ZONING: Manufactured Home Park and Residential – 6

AREA: 56 acres

The following spoke in support of the application: Homer Branan and Jeff Yorick

The following spoke in opposition the application: Teresa Horn

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

The motion *passed* by a unanimous vote of 9-0.

PD 22-1

LAND USE CONTROL BOARD'S RECOMMENDED CONDITIONS

- I. Uses Permitted: Any use permitted by right in the Manufactured Home Park (R-MP) District and the following specific uses.
 - A. The following buildings or structures shall not be permitted to be constructed within the Floodplain: Manufactured or Modular Homes, Office, Cabins, Maintenance Building, Camp Store.
 - B. Mobile Homes shall not be permitted.
 - C. Tent camping shall not be permitted.
 - D. No activity other than the removal of debris shall be permitted within the Floodway of Todd Creek unless otherwise permitted by the City Engineer and the Tennessee Department of Environment and Conservation.
- II. Building Envelope Standards
 - A. Residential
 - 1. Minimum Lot Size - 4,000 square feet.
 - 2. Minimum Front Yard Setback - 25 feet.
 - 3. Minimum Side Yard Setback - 5 feet.
 - 4. Minimum Rear Yard Setback - 10 feet.
 - 5. Maximum Building Height - 35 feet.
 - 6. Minimum Lot Width – 40 feet.
 - 7. Maximum Lot Coverage by building – 40%
 - B. Non-Residential
 - 1. Minimum Lot Size – 4,000 square feet.
 - 2. Maximum Lot Coverage by building – 60%
 - 3. Minimum Lot Width – 40 feet.
 - 4. Minimum Front Yard Setback - 25 feet.
 - 5. Minimum Side Yard Setback – 10 feet.
 - 6. Minimum Rear Yard Setback – 25 feet.
 - 7. Maximum Height – 35 feet.
 - 8. Drive-thru facilities are prohibited.
 - C. Additional Design Requirements for manufactured housing:
 - 1. The pitch of the roof of the home has a minimum vertical rise of three feet for each 12 feet of horizontal run and the roof is finished with the type of shingle that is commonly used in standard residential construction. An exposed metal roof is not permitted.

2. All roof structures provide an eave projection of no less than six inches, which may include a gutter.
 3. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
 4. Vinyl type factory under skirting of a type and color to match the manufactured home units shall be installed within thirty (30) days of the arrival and placement of each and every housing unit.
 5. The moving hitch, wheels and axles, and transporting light shall be removed.
 6. Parking pads with two spaces shall be in required front yards.
 7. If the end of the unit faces the street, that end shall include a door, or at least one window.
 8. The maximum length of the home shall be 76 feet.
 9. Carports or garages may not extend in front of the front façade of the house.
 10. Each unit shall include a raised porch, as well as one other architectural element such as a dormer or window box.
 11. Maximum density by phase – 3.3 units per acre.
 12. Each lot shall contain a minimum of one tree, preferably a Tree A or B.
- D. Open space equal to 35% of each phase’s total site area shall be provided in general conformance with Chapter 6.2 of the Unified Development Code. Formal open space shall also be provided as required.

III. Access and Circulation:

- A. The City Engineer shall approve the design, number and location of curb cuts on public roads.
- B. Any existing nonconforming public curb cuts shall be modified to meet current City standards or closed with the appropriate streetscape.
- C. All private 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') for two-way traffic and twenty feet (20') for one-way traffic.
- D. All streets within this development shall be labeled “Private”, the owner(s) of the development shall assume responsibility for the on-going upkeep and maintenance of the roads and open space.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping and Lighting:

- A. Screening equivalent to a Class III. Buffer shall be required around the perimeter of this project,

subject to administrative discretion and approval.

- B. A detailed landscape plan shall be provided with each Final Plan. Said plan shall provide screening of storage areas, trash collection areas, the treatment of common areas/play areas/entries, and a tree per lot.
- C. A lighting plan shall be submitted with each final plan.

V. Drainage:

- A. An overall drainage plan for the entire site shall be submitted to the City Engineer for review and approval prior to approval of the first final plan.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for on-site detention facilities.

VI. Signs:

- A. A maximum of two detached signs are permitted, subject to the following standards:
 - 1. Ground mounted, monument style
 - 2. Maximum gross surface area – 32 square feet.
 - 3. Minimum setback from right of way - 10 feet.
 - 4. Any detached sign greater than 12 square feet in area shall not be located within fifty (50) feet of any adjacent residential use or zoning.
 - 5. Maximum height – 10 feet.
 - 6. All detached signage shall include an irrigated, landscaped area at the sign base that is the equal of two times the area of the sign.
- B. Gated Emergency Exit (southernmost curb cut) – the only signage permitted shall be attached to the gate and indicate that this is Emergency Exit Only.

VII. Sustainability and Resilience

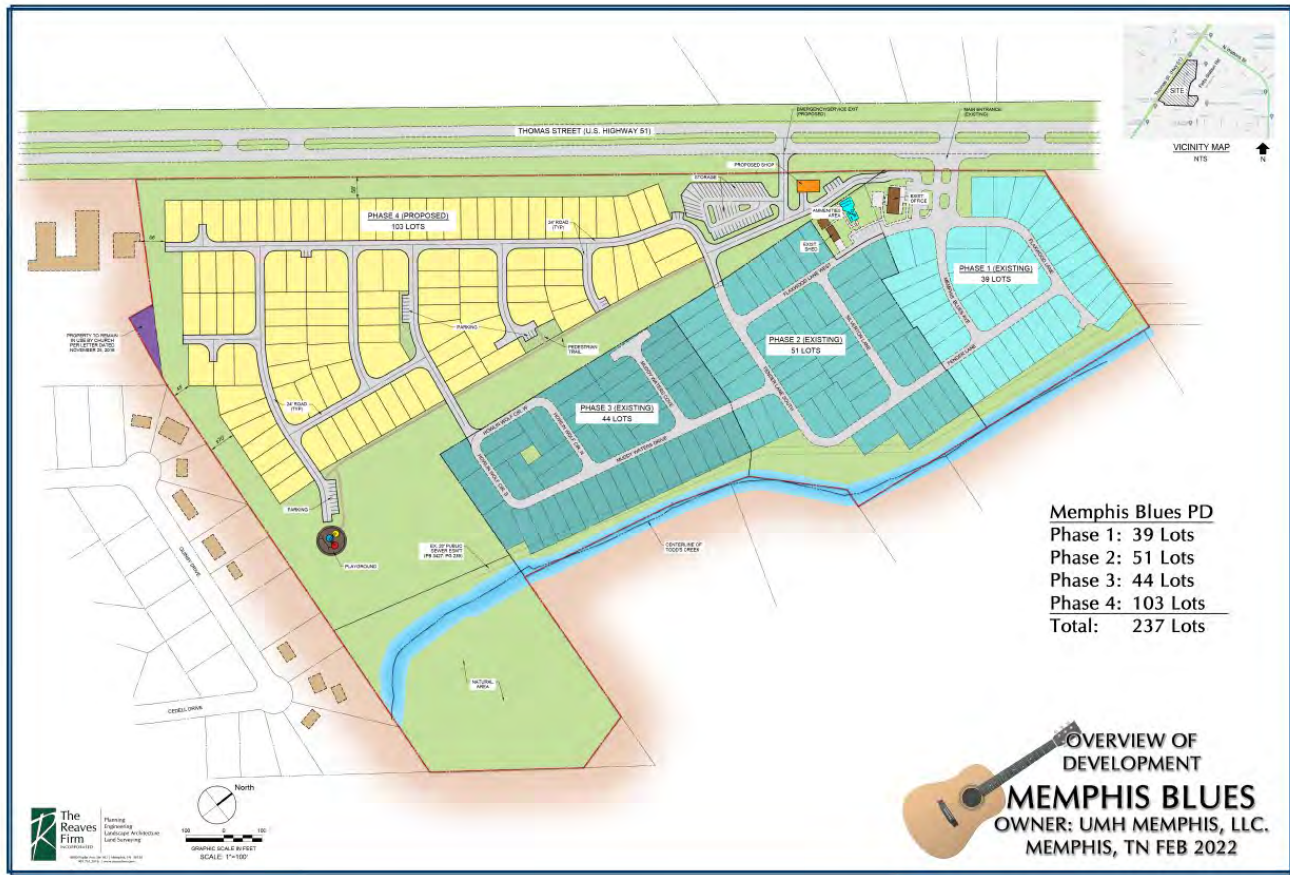
- A. The lowest floor of all structures shall be a minimum of 2 feet above the base flood elevation.
- B. The final plan shall demonstrate compliance with Chapter 6.4.
- C. A Letter of Map Revision-Based on Fill shall be approved by the Federal Emergency Management Agency and on file with the City Engineer prior to approval of a final plan.
- D. Low impact development techniques should be used to manage storm water runoff, especially in the stream buffer and the proposed swale.

VIII. Final Plan

- A. A final plan shall be submitted in accordance with the final plan application form and checklist.
- B. For the purposes of these outline plan conditions, “lot” shall signify the land associated with a principal structure even if it is not an individually-owned parcel.
- C. Development associated with an approved building permit or site plan prior to the approval of this planned development shall retain vested rights; in other words, these outline plan conditions shall not apply to pre-approved development (Phases 1-3). These vested rights shall be replaced by the outline plan conditions if redevelopment occurs at a sufficient scale, subject to administrative determination.
- D. A minimum of one access point shall be required; however, additional emergency exits may be required by the City Engineer or other approving entity.

- E. The property owner shall be responsible for the maintenance of common spaces. In the event that land is sold in such a way that there are multiple discrete owners of land within this development, a property owners' association shall be created that shall bear responsibility for the maintenance of common spaces.
- F. All Unified Development Code standards not otherwise modified by the outline plan conditions shall apply.

CONCEPTUAL SITE PLAN



This design, including road network, is subject to final plan administrative review and approval, if this request is approved.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT AT 3903 FLAXWOOD LN. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER PD 22-1

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 for certain stated purposes in the various zoning districts; and

WHEREAS, Jeff Yorick of UMH Properties, Inc., filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned residential 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 consistency of its design and amenities with the public interest; and has submitted its findings and recommendation 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 14 April 2022, and said Board has submitted its 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 for 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.

OUTLINE PLAN CONDITIONS

- I. Uses Permitted: Any use permitted by right in the Manufactured Home Park (R-MP) District and the following specific uses.
 - A. The following buildings or structures shall not be permitted to be constructed within the Floodplain: Manufactured or Modular Homes, Office, Cabins, Maintenance Building, Camp Store.
 - B. Mobile Homes shall not be permitted.
 - C. Tent camping shall not be permitted.
 - D. No activity other than the removal of debris shall be permitted within the Floodway of Todd Creek unless otherwise permitted by the City Engineer and the Tennessee Department of Environment and Conservation.
- II. Building Envelope Standards
 - A. Residential
 1. Minimum Lot Size - 4,000 square feet.
 2. Minimum Front Yard Setback - 25 feet.
 3. Minimum Side Yard Setback - 5 feet.
 4. Minimum Rear Yard Setback - 10 feet.
 5. Maximum Building Height - 35 feet.
 6. Minimum Lot Width – 40 feet.
 7. Maximum Lot Coverage by building – 40%
 - B. Non-Residential
 1. Minimum Lot Size – 4,000 square feet.
 2. Maximum Lot Coverage by building – 60%
 3. Minimum Lot Width – 40 feet.
 4. Minimum Front Yard Setback - 25 feet.
 5. Minimum Side Yard Setback – 10 feet.
 6. Minimum Rear Yard Setback – 25 feet.
 7. Maximum Height – 35 feet.
 8. Drive-thru facilities are prohibited.
 - C. Additional Design Requirements for manufactured housing:
 1. The pitch of the roof of the home has a minimum vertical rise of three feet for each 12 feet of horizontal run and the roof is finished with the type of shingle that is commonly used in standard residential construction. An exposed metal roof is not permitted.
 2. All roof structures provide an eave projection of no less than six inches, which may include a gutter.
 3. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in

composition, appearance and durability to the exterior siding commonly used in standard residential construction.

4. Vinyl type factory under skirting of a type and color to match the manufactured home units shall be installed within thirty (30) days of the arrival and placement of each and every housing unit.
5. The moving hitch, wheels and axles, and transporting light shall be removed.
6. Parking pads with two spaces shall be in required front yards.
7. If the end of the unit faces the street, that end shall include a door, or at least one window.
8. The maximum length of the home shall be 76 feet.
9. Carports or garages may not extend in front of the front façade of the house.
10. Each unit shall include a raised porch, as well as one other architectural element such as a dormer or window box.
11. Maximum density by phase – 3.3 units per acre.
12. Each lot shall contain a minimum of one tree, preferably a Tree A or B.

- D. Open space equal to 35% of each phase's total site area shall be provided in general conformance with Chapter 6.2 of the Unified Development Code. Formal open space shall also be provided as required.

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- B. A detailed landscape plan shall be provided with each Final Plan. Said plan shall provide screening of storage areas, trash collection areas, the treatment of common areas/play areas/entries, and a tree per lot.
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- A. An overall drainage plan for the entire site shall be submitted to the City Engineer for review and approval prior to approval of the first final plan.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for on-site detention facilities.

VI. Signs:

- A. A maximum of two detached signs are permitted, subject to the following standards:
 - 1. Ground mounted, monument style
 - 2. Maximum gross surface area – 32 square feet.
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 - 4. Any detached sign greater than 12 square feet in area shall not be located within fifty (50) feet of any adjacent residential use or zoning.
 - 5. Maximum height – 10 feet.
 - 6. All detached signage shall include an irrigated, landscaped area at the sign base that is the equal of two times the area of the sign.
- B. Gated Emergency Exit (southernmost curb cut) – the only signage permitted shall be attached to the gate and indicate that this is Emergency Exit Only.

VII. Sustainability and Resilience

- A. The lowest floor of all structures shall be a minimum of 2 feet above the base flood elevation.
- B. The final plan shall demonstrate compliance with Chapter 6.4.
- C. A Letter of Map Revision-Based on Fill shall be approved by the Federal Emergency Management Agency and on file with the City Engineer prior to approval of a final plan.
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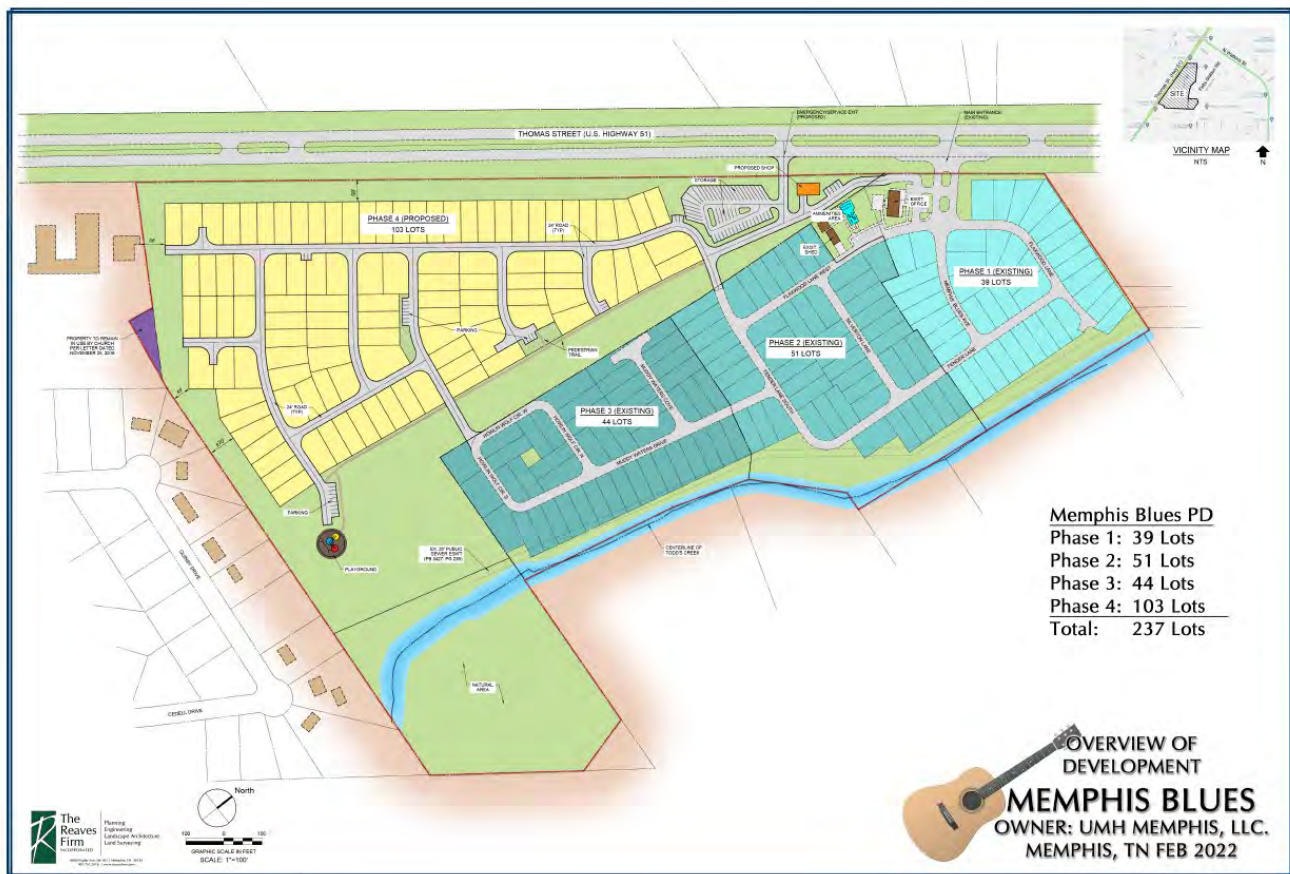
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- F. All Unified Development Code standards not otherwise modified by the outline plan conditions shall apply.

ATTEST:

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

CONCEPTUAL SITE PLAN



This design, including road network, is subject to final plan administrative review and approval.

AGENDA ITEM: 4

CASE NUMBER: PD 22-1 **L.U.C.B. MEETING:** 14 April 2022
DEVELOPMENT: Memphis Blues Planned Development
LOCATION: 3903 Flaxwood Ln. and two adjacent parcels
COUNCIL DISTRICT: District 7 and Super District 8
OWNER/APPLICANT: Jeff Yorick of UMH Properties, Inc.
REPRESENTATIVE: Homer Branan
REQUEST: Special use permit for a planned residential development
AREA: 56 acres
EXISTING ZONING: Manufactured Home Park and Residential – 6

CONCLUSIONS (p. 22)

1. UMH Properties, Inc., a real estate investment trust, has requested a special use permit for a planned residential development to allow the extension of an existing manufactured home park.
2. The subject land contains two existing phases, a phase under construction, and a proposed phase that has not yet received municipal approval. The applicant has requested that all four phases be included within the development to retain a cohesive plan with shared common spaces and access.
3. Said land is split-zoned: the existing and under-construction development was permitted by right within the Manufactured Home Park zoning district, whereas the proposed development is within the Residential – 6 zoning district.
4. This latter district, like all single-family zoning districts, permits manufactured homes (but not manufactured home parks) by right. The reduction of minimum lot size from 6000 to 4000 square feet, as well as the overall character and compatibility of the development, are therefore the primary considerations before the Board/Council, *not* the housing type per se.
5. Staff finds that the requested reduction in minimum lot size is consistent with Memphis 3.0 as well as nearby land uses. Staff also assents to other special requests, such as an exemption from streetscaping along Thomas and the provision of only one access point (whereas the UDC may require at least three). That said, staff finds that certain requests, particularly the construction of parking pads and non-masonry foundations, are incompatible with the intent of the UDC. Staff also recommends resilience-related conditions given the site's adjacency to Todd Creek and recent history of flooding.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 31-33)

This proposal is *consistent* with Memphis 3.0, per the Dept. of Comprehensive Planning.

RECOMMENDATION (pp. 22-25)

Approval with outline plan conditions

GENERAL INFORMATION

Street Frontage:	Thomas St. Felts Station Dr. and Canadian National	(Principal Arterial) (local street and railroad)	2389' 405'
Zoning Atlas Page:	1630 and 1730		
Parcel ID:	069065 00069, 069065 00070C, and 069065 00071		

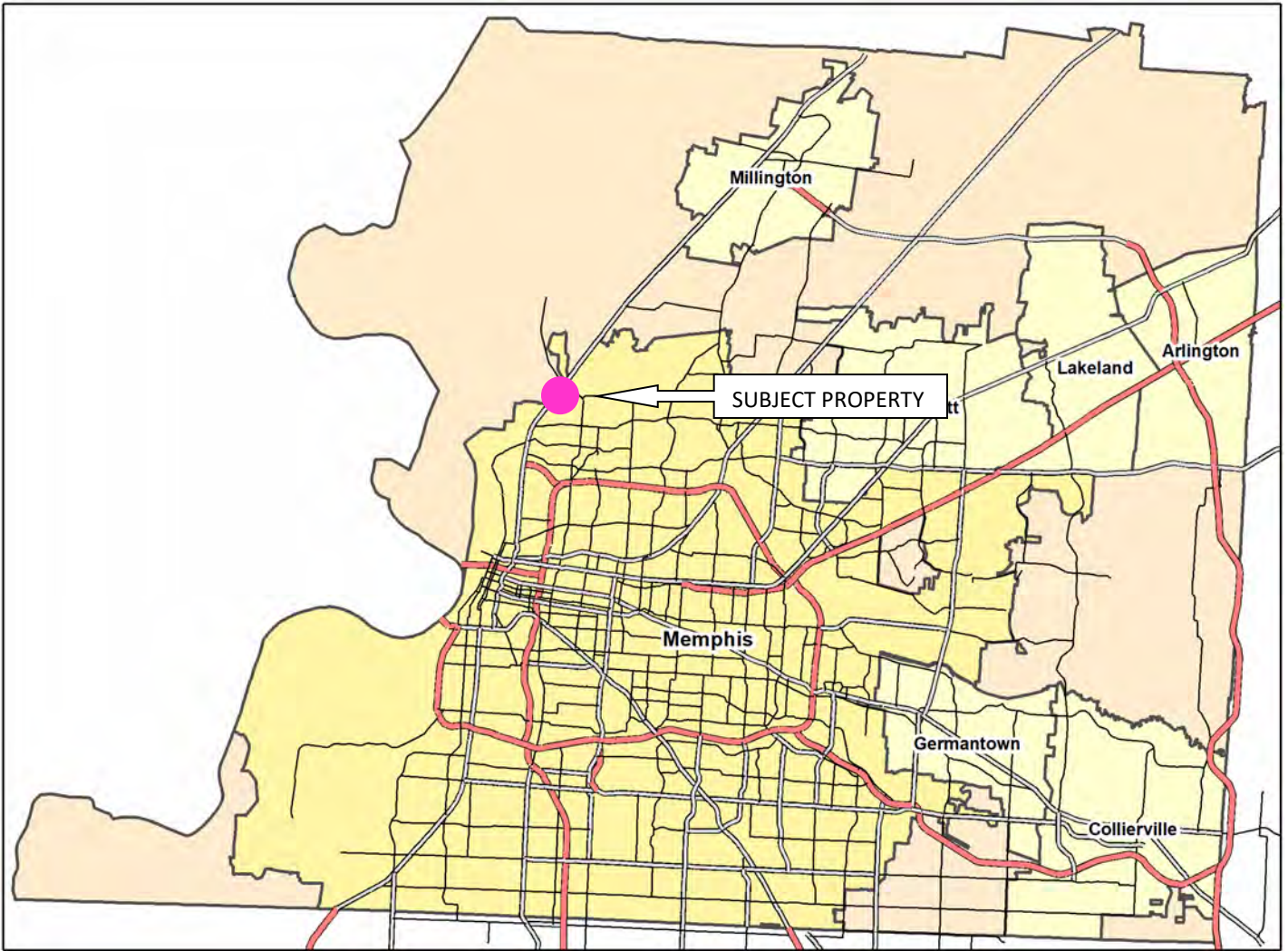
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 6 p.m. on Monday 28 February 2022 on site.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 71 notices were mailed on 24 February 2022, and two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within Frayser neighborhood

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Manufactured Home Park and Residential – 6

Surrounding Zoning

North: Commercial Mixed Use – 3, Employment, and Heavy Industrial











East: Residential Urban – 3, Commercial Mixed Use – 1, and Employment

South: Residential – 6

West: Residential – 6, Commercial Mixed Use – 3, and Employment

LAND USE MAP



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

SITE PHOTOS



View of property



Road construction at Phase 3



Swale between Phases 2 and 4.

Chain link may be permitted as associated with construction, but not permanently.



Swale between Phases 3 and 4



Existing shed



Playground and mailboxes, with welcome center in background



Standard existing streetscapes. The existing homes do not have masonry foundations as required by the UDC.

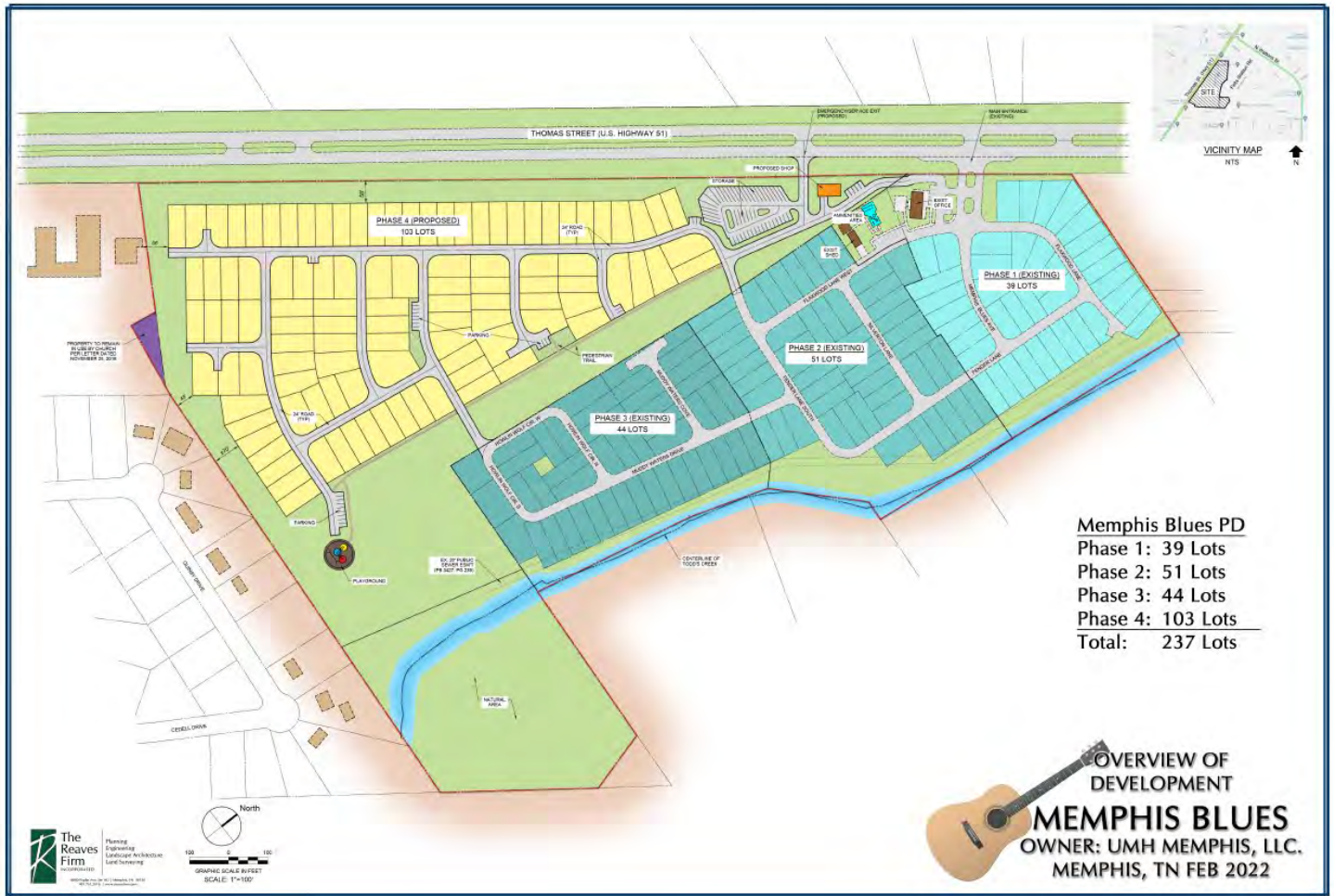


View from Felts Station

PROPOSED OUTLINE PLAN

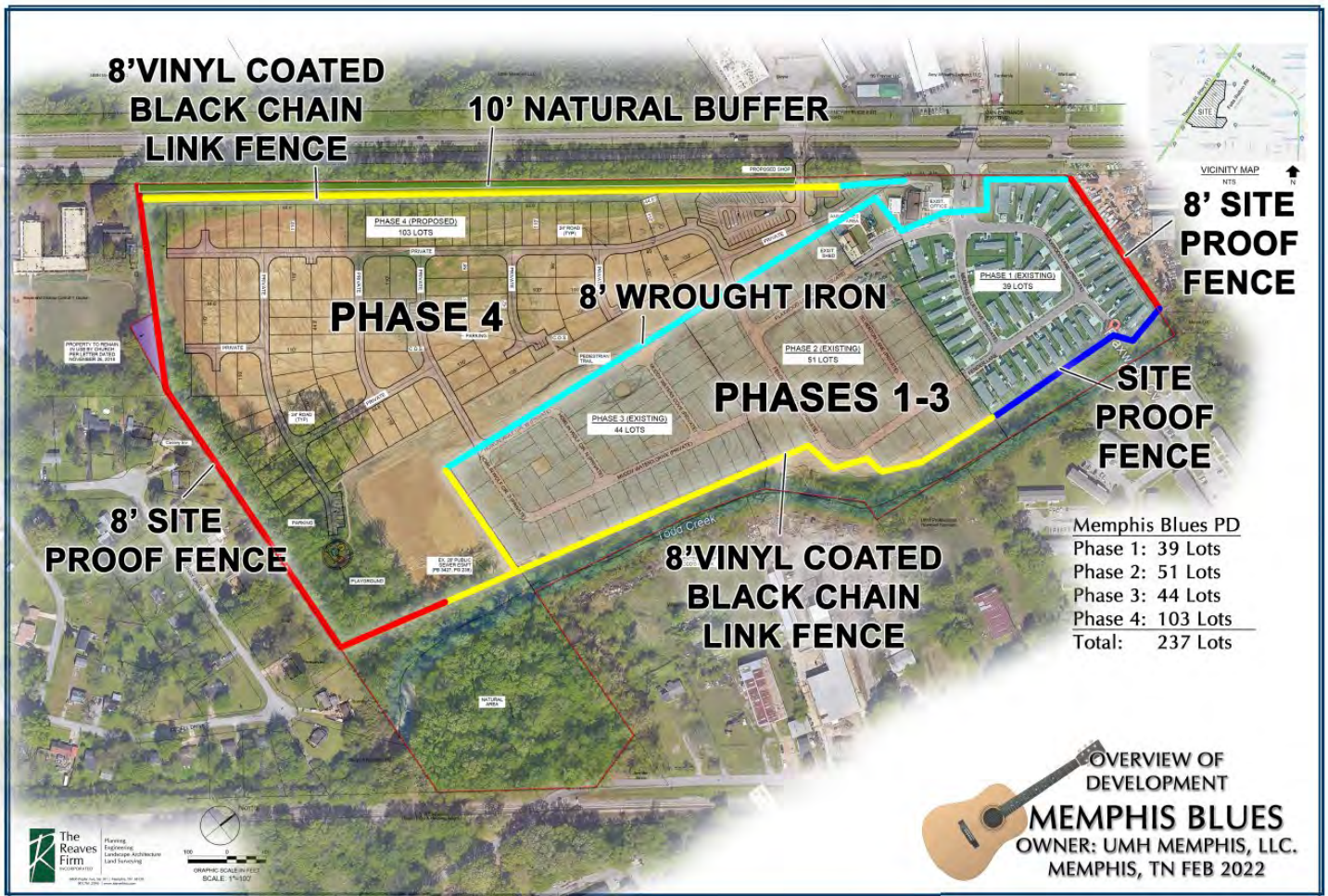


CONCEPTUAL SITE PLAN



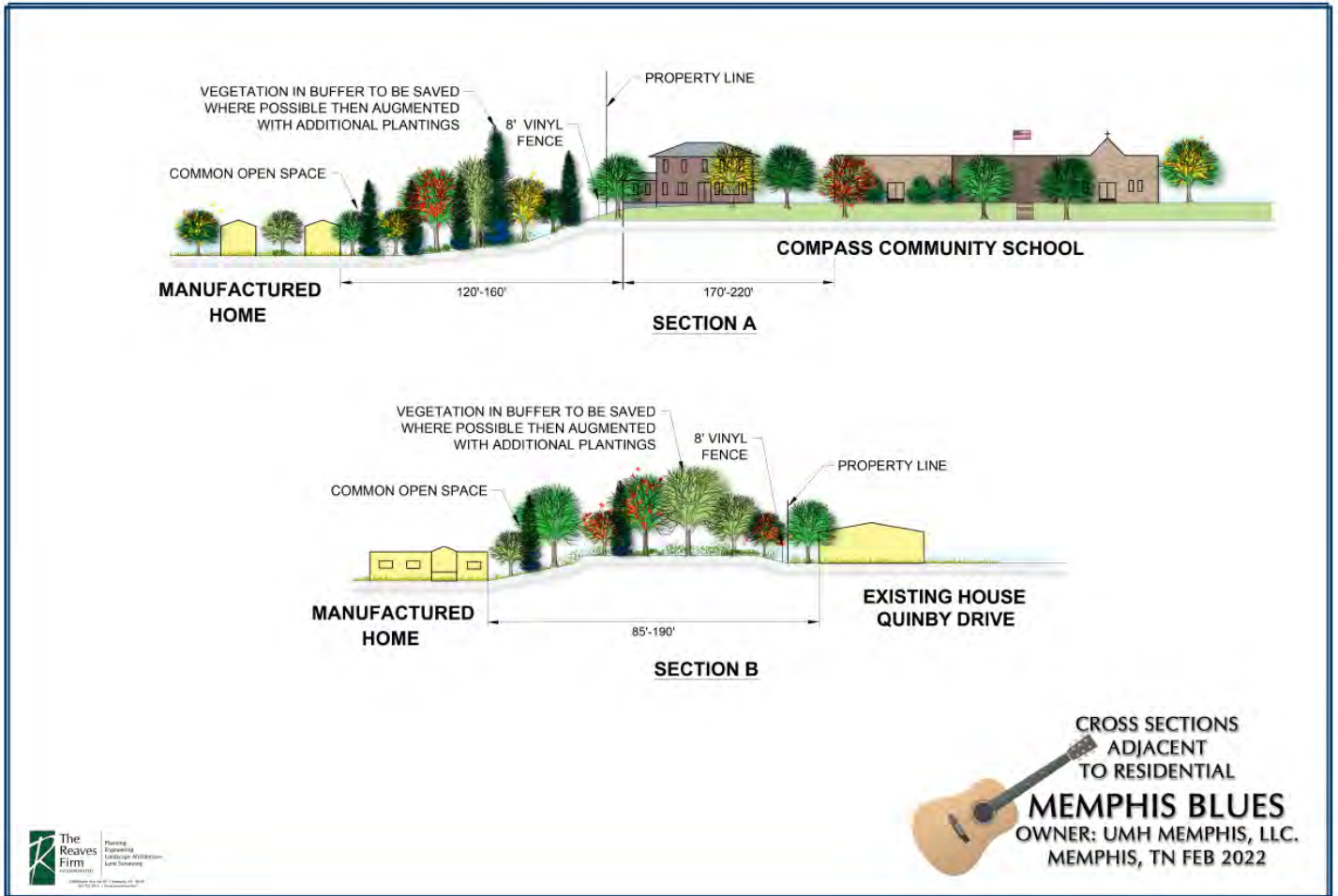
This design, including road network, is subject to final plan administrative review and approval, if this request is approved.

PROPOSED FENCING PLAN

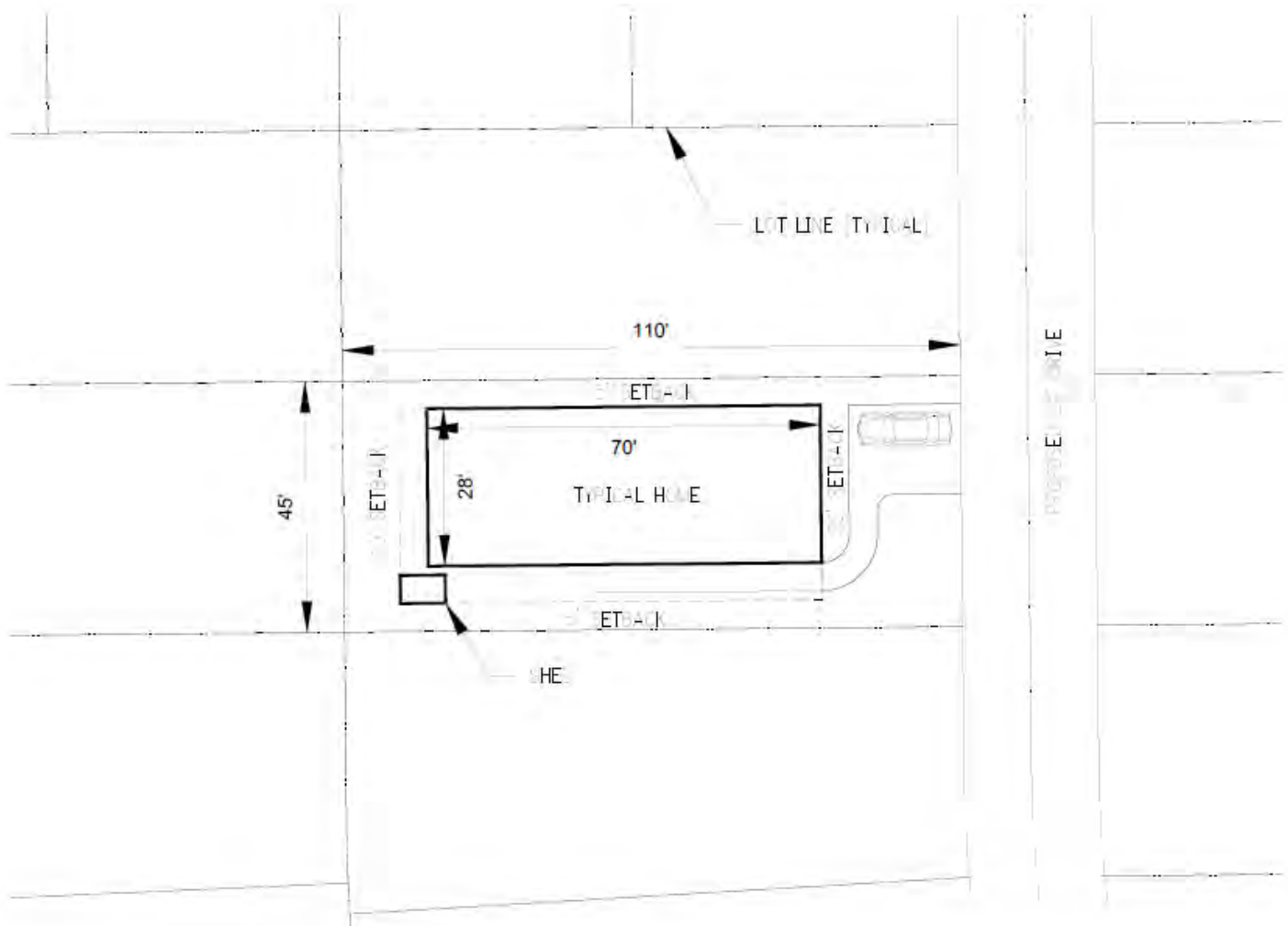


Chain link is generally not a permitted fence type in a Class III buffer.

PROPOSED CROSS-SECTIONS



PROPOSED TYPICAL LOT CONFIGURATION



Both the UDC and staff's recommended conditions disallow a driveway that does not extend beyond the front façade of the house, i.e. a parking pad.

The shed as shown would not be permitted. Accessory structures are required by the UDC to be at least 5' from other structures.

STAFF ANALYSIS

Request

The request is for a special use permit for a planned residential development of manufactured homes. The application form and letter of intent have been added to this report.

Applicability

Staff **agrees** at least one objective as set out in Section 4.10.2 of the Unified Development Code 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 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 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 will be 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 56-acre property consists of three parcels on the edge of Memphis city limits with 2389 linear feet of frontage on Thomas St., as well as 405 linear feet of frontage on Felts Station Dr. and Canadian National railroad right-of-way. The property contains two existing phases of development, one under construction, and one proposed. A private road network without sidewalks connects the housing to a single entry drive on Thomas. Todd Creek runs along and through the site.

Site Zoning History

In 2013, the present applicant applied for a special use permit for a planned residential development (PD 13-301) of recreational vehicles and manufactured housing. That application was withdrawn prior to consideration by the Memphis City Council. Staff's recommended conditions are in part drawn from staff analysis conducted at that time.

Site Plan Review

A full site plan review will be conducted during final plan review, if approved.

Conclusions

UMH Properties, Inc., a real estate investment trust, has requested a special use permit for a planned residential development to allow the extension of an existing manufactured home park.

The subject land contains two existing phases, a phase under construction, and a proposed phase that has not yet received municipal approval. The applicant has requested that all four phases be included within the development to retain a cohesive plan with shared common spaces and access.

Said land is split-zoned: the existing and under-construction development was permitted by right within the Manufactured Home Park zoning district, whereas the proposed development is within the Residential – 6 zoning district.

This latter district, like all single-family zoning districts, permits manufactured homes (but not manufactured home parks) by right. The reduction of minimum lot size from 6000 to 4000 square feet, as well as the overall character and compatibility of the development, are therefore the primary considerations before the Board/Council, *not* the housing type per se.

Staff finds that the requested reduction in minimum lot size is consistent with Memphis 3.0 as well as nearby land uses. Staff also assents to other special requests, such as an exemption from streetscaping along Thomas and the provision of only one access point (whereas the UDC may require at least three). That said, staff finds that certain requests, particularly the construction of parking pads and non-masonry foundations, are incompatible with the intent of the UDC. Staff also recommends resilience-related conditions given the site's adjacency to Todd Creek and recent history of flooding.

RECOMMENDATION

Staff recommends ***approval*** with outline plan conditions.

The applicant's requested conditions are pasted below. Staff's recommended additions are underlined and emboldened, and staff's recommended deletions are struck-through and emboldened.

- I. Uses Permitted: Any use permitted by right in the Manufactured Home Park (R-MP) District and the following specific uses.
 - A. The following buildings or structures shall not be permitted to be constructed within the Floodplain: Manufactured or Modular Homes, Office, Cabins, Maintenance Building, Camp Store.

- B. Mobile Homes shall not be permitted.
- C. Tent camping shall not be permitted.
- D. No activity other than the removal of debris shall be permitted within the Floodway of Todd Creek unless otherwise permitted by the City Engineer and the Tennessee Department of Environment and Conservation.

II. Building Envelope Standards

A. Residential

- 1. Minimum Lot Size - 4,000 square feet.
- 2. Minimum Front Yard Setback - 25 feet.
- 3. Minimum Side Yard Setback - 5 feet.
- 4. Minimum Rear Yard Setback - 10 feet.
- 5. Maximum Building Height - 35 feet.
- 6. Minimum Lot Width – 40 feet.
- 7. Maximum Lot Coverage by building – 40%

B. Non-Residential

- 1. Minimum Lot Size – 4,000 square feet.
- 2. Maximum Lot Coverage by building – 60%
- 3. Minimum Lot Width – 40 feet.
- 4. Minimum Front Yard Setback - 25 feet.
- 5. Minimum Side Yard Setback – 10 feet.
- 6. Minimum Rear Yard Setback – 25 feet.
- 7. Maximum Height – 35 feet.
- 8. Drive-thru facilities are prohibited.

C. Additional Design Requirements for manufactured housing:

- 1. The pitch of the roof of the home has a minimum vertical rise of three feet for each 12 feet of horizontal run and the roof is finished with the type of shingle that is commonly used in standard residential construction. An exposed metal roof is not permitted.
- 2. All roof structures provide an eave projection of no less than six inches, which may include a gutter.
- 3. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- 4. The home is set up in accordance with the standards set by the State of Tennessee. The foundation area is screened by a continuous, permanent masonry foundation ~~or masonry appearance curtain wall~~ in accordance with building code regulations, unbroken except for required ventilation and

access, and installed under the perimeter of the home.

5. The moving hitch, wheels and axles, and transporting light shall be removed.
 6. **Driveways shall extend beyond the required front yard. ~~Parking pads with two spaces shall be in required front yards.~~**
 7. If the end of the unit faces the street, that end shall include a door, or at least one window.
 8. The maximum length of the home shall be 76 feet.
 9. **Carpports or garages may not extend in front of the front façade of the house.**
 10. Each unit shall include a raised porch, as well as one other architectural element such as a dormer or window box.
 11. Maximum density **by phase** – 3.3 units per acre **~~(in Phase 4)~~**.
 12. Each lot shall contain a minimum of one tree, preferably a Tree A or B.
- D. Open space equal to 35% of **the each phase's** total site area **~~(in Phase 4)~~** shall be provided in general conformance with Chapter 6.2 of the Unified Development Code. Formal open space shall also be provided as required.
- III. Access and Circulation:
- A. The City Engineer shall approve the design, number and location of curb cuts on public roads.
 - B. Any existing nonconforming public curb cuts shall be modified to meet current City standards or closed with the appropriate streetscape.
 - C. All private 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') for two-way traffic and twenty feet (20') for one-way traffic.
 - D. All streets within this development shall be labeled "Private", the owner(s) of the development shall assume responsibility for the on-going upkeep and maintenance of the roads and open space.
 - E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
 - F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- IV. Landscaping and Lighting:
- A. Screening equivalent to a Class III. **~~B. Buffer (a vinyl site proof fence)~~** shall be required **at locations shown on the outline plan around the perimeter of this project, subject to administrative discretion and approval.**
 - B. A detailed landscape plan shall be provided with each Final Plan. Said plan shall provide screening of storage areas, trash collection areas, the treatment of common areas/play areas/entries, and a tree per lot.
 - C. A lighting plan shall be submitted with each final plan.
- V. Drainage:
- A. An overall drainage plan for the entire site shall be submitted to the City Engineer for review and

approval prior to approval of the first final plan.

- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for on-site detention facilities.

VI. Signs:

- A. A maximum of two detached signs are permitted, subject to the following standards:
 - 1. Ground mounted, monument style
 - 2. Maximum gross surface area – 32 square feet.
 - 3. Minimum setback from right of way - 10 feet.
 - 4. Any detached sign greater than 12 square feet in area shall not be located within fifty (50) feet of any adjacent residential use or zoning.
 - 5. Maximum height – 10 feet.
 - 6. All detached signage shall include an irrigated, landscaped area at the sign base that is the equal of two times the area of the sign.
- B. Gated Emergency Exit (southernmost curb cut) – the only signage permitted shall be attached to the gate and indicate that this is Emergency Exit Only.

VII. Sustainability and Resilience

- A. The lowest floor of all structures shall be a minimum of 2 feet above the base flood elevation.
- B. The final plan shall demonstrate compliance with Chapter 6.4.
- C. A Letter of Map Revision-Based on Fill shall be approved by the Federal Emergency Management Agency and on file with the City Engineer prior to approval of a final plan.
- D. Low impact development techniques should be used to manage storm water runoff, especially in the stream buffer and the proposed swale.

VIII. Final Plan

- A. A final plan shall be submitted in accordance with the final plan application form and checklist.
- B. For the purposes of these outline plan conditions, “lot” shall signify the land associated with a principal structure even if it is not an individually-owned parcel.
- C. Development associated with an approved building permit or site plan prior to the approval of this planned development shall retain vested rights; in other words, these outline plan conditions shall not apply to pre-approved development (Phases 1-3). These vested rights shall be replaced by the outline plan conditions if redevelopment occurs at a sufficient scale, subject to administrative determination.
- D. A minimum of one access point shall be required; however, additional emergency exits may be required by the City Engineer or other approving entity.
- E. The property owner shall be responsible for the maintenance of common spaces. ~~If any lots are sold within this planned development to a separate owner, then a property owner’s association shall be created and will share~~ In the event that land is sold in such a way that there are multiple discrete owners of land within this development, a property owners’ association shall be created that shall bear responsibility for the maintenance of ~~the~~ open spaces.
- F. All Unified Development Code standards not otherwise modified by the outline plan conditions shall apply.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies 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. 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. Dedicated turn bay and deceleration lane to be constructed on Thomas Street.
7. Label streets as public or private. All streets dedicated as public will be constructed to City standards.

Traffic Control Provisions:

8. 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.
9. 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.
10. 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:

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

13. The Emergency Exit gate shall comply with UDC Section 4.4.8 and shall remain closed to non-emergency access.

Drainage:

14. 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.
15. 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.
16. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
17. 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.
18. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 1401 Memphis Blues

- All design and construction shall comply with the 2021 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 Sustainability and Resilience:

General Comments & Analysis:

Located in Zone 1 & Zone 4 of the Resilience Zone Framework:

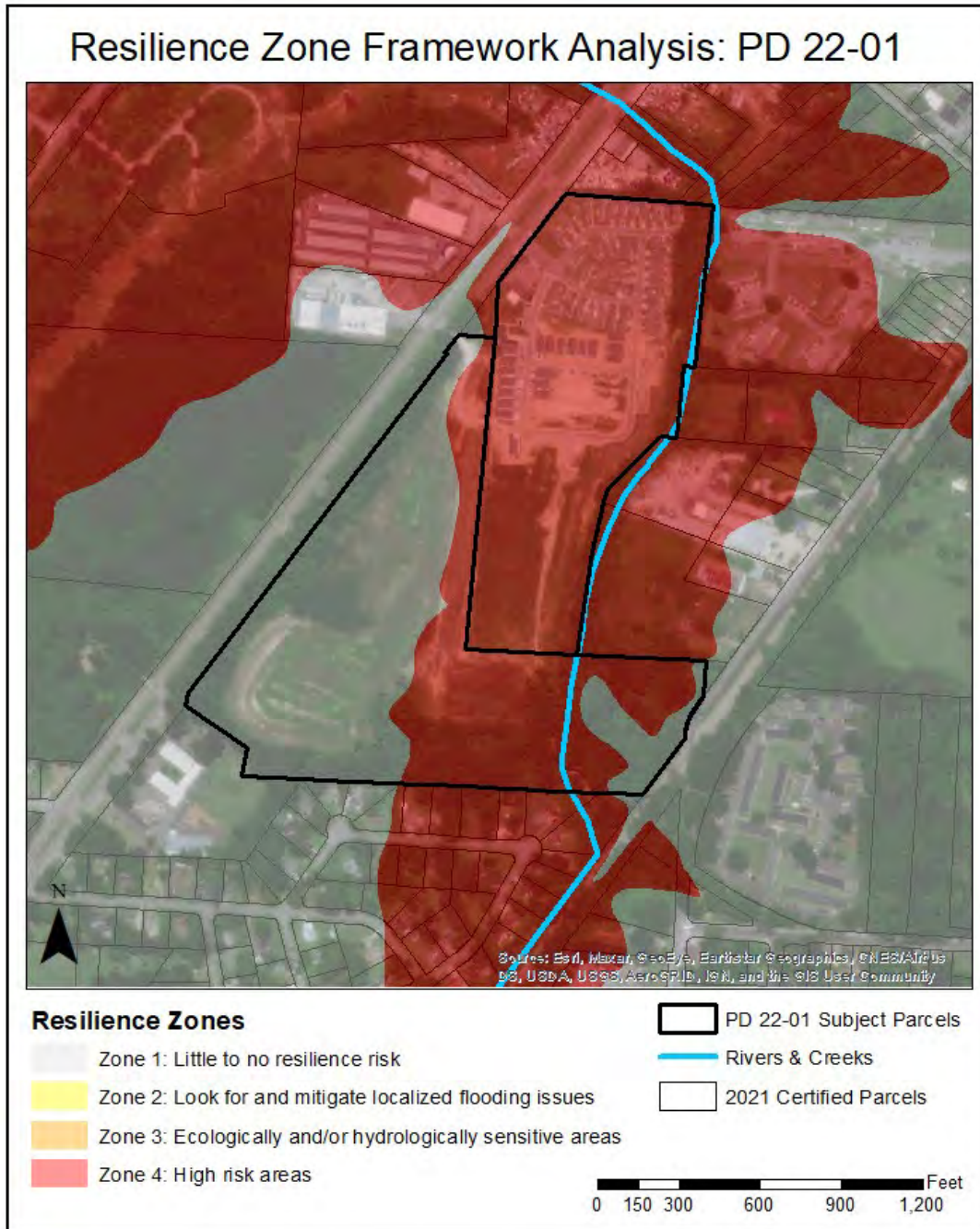
Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

Zone 4 areas are high risk locations, namely riparian corridors and floodplains. Development in these locations is directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating risk exposure to health and safety.

The proposed housing is located in Zone 1, while the existing development and proposed amenities (i.e. playground and green space) are located in Zone 4.

Upon analysis, the areas are classified as Zone 4 due to the 100-year and 500-year floodplain located on the site and the proximity to Todd Creek, which runs along the eastern property line of the parcels. The base flood elevation (BFE) is 234 feet.

The parcel with the existing manufactured home development (Parcel #069065 00070C) was inundated during the Mississippi River floods of May 2011. In the fall of 2015, 7.05 acres of floodplain was filled approximately five or six feet on average in order to lift the grade above the BFE. A Conditional LOMR-F request was submitted to the City in December 2017 to account for the fill placement as well as fill for future development on the site. The development received its Floodplain Modification Permit in June 2018, but the letter requested that the FEMA LOMR-F approvals be sent to City Engineering.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This planned development request is not consistent with the Mid-South Regional Resilience Master Plan because a portion of the parcels is located in Zone 4 of the resilience zone framework, which recommends limiting development in areas that have a high chance of flooding. However, this portion of the property contains existing development and the property owner has followed the appropriate approval processes to raise that portion of the property above the BFE after the 2011 flooding. While Staff knows that the topography has been altered and the Applicant is not proposing buildings in the low-lying areas, the Flood Insurance Rate Map (FIRM) still shows that the 100-year floodplain covers a significant portion of the property.

Therefore, while the proposed development is not consistent with the Resilience Master Plan, Staff acknowledges that the developer has taken measures to minimize the potential for flooding. The parcels remain a sensitive area for

development, and precautions should be taken to address potential future scenarios, such as continuing to floodproof buildings through elevating the lowest floor above the BFE (Section 3.1).

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends the following conditions be included:

- A.** The lowest floor of all structures shall be a minimum of 2 feet above the base flood elevation.
- B.** Include the following subsections from UDC Section 6.4 Stream Buffers as conditions: 6.4.1, 6.4.2, 6.4.3, 6.4.4
- C.** Prior to final site plan approval, submit a LOMR-F to FEMA for approval and send the approval to the City Engineer.

In addition, Staff urges the developer to use Low Impact Development (LID) techniques for managing stormwater runoff, specifically in the riparian buffer along Todd Creek and the swale area between existing and proposed development.

Dept. of Comprehensive Planning:

Planning & Development in their recommendation: PD 22-01: Frayser

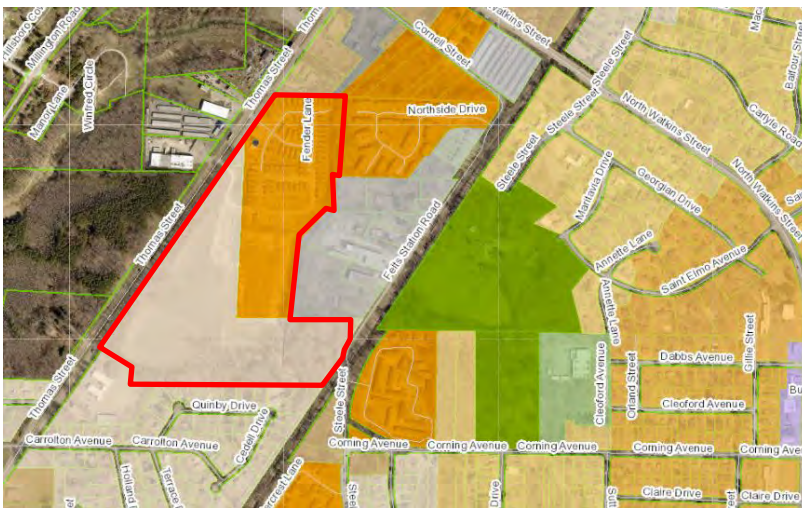
Site Address/location: 1401 Memphis Blues Ave.

Land Use Designation (see page 86 & 88 for details): Primarily Single-Unit Neighborhood & Primarily Multifamily Neighborhood (NM)

Based on the existing future land use and adjacent land use and zoning the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

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.

Multifamily Neighborhoods are characterized by their house and block size buildings that are a combination of attached, detached and semi attached homes. These neighborhoods are major residential hubs that consist of apartment complexes and condominiums, and located greater than a 10-minute walk outside of the closest anchor.



“NM” Goals/Objectives:

Preservation/maintenance of existing multi-family housing

“NM” Form & Location Characteristics:

Attached, semi-detached, and detached. House-scale and some block-scale buildings. Primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map. 1-3+ stories height. Beyond 1/2 mile from a Community Anchor.

The applicant is seeking approval for an expansion to the existing Memphis Blues Planned Development with the intention of adding 103 lots and appropriate support amenities.

The request meets the criteria of NS and NM, as the proposed use would be detached, house scale manufactured residence. The introduction of additional manufactured homes would preserve/maintain the characteristics of surrounding housing stock and neighborhoods. Additionally, the proposal will act as a buffer area between the single-family developments to the south, commercial/industrial uses to the north.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Multi-Family, Single-Family, Vacant, Institutional, Office, and Commercial. The subject site is surrounded by the following zoning district: R-6 and R-MP. This requested land use is compatible with the adjacent land uses because *existing land uses surrounding the parcels 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: Faria Urmy, Comprehensive Planning.

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

APPLICATION FORM



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: February 3, 2022

Record Number: PD 2022-001

Expiration Date:

Record Name: Memphis Blues PD

Description of Work: The attached application requests approval of a new planned development to combine the existing park (originally developed on R-MP zoned property) with the adjacent subject property (currently zoned R-6). Doing so will create a cohesive development, as both new and existing phases will share common area amenities and a single primary gated entrance. The proposed application seeks to add 103 lots and appropriate support amenities and is consistent with the Memphis 3.0 long range plan which designates residential use for the subject property.

Parent Record Number:

Address: 1401 MEMPHIS BLUES AVE, MEMPHIS 38127

3499 Route 9 North, Freehold, NJ 07728

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	MEMPHIS BLUES	1401 MEMPHIS BLUES AVEN, MEMPHIS, TN 38127	(301) 291-3383
	MEMPHIS BLUES	1401 MEMPHIS BLUES AVEN, MEMPHIS, TN 38127	

Parcel Information

Parcel No:
069065 00070C

Contact Information

Name	Organization Name	Contact Type	Phone
Jeff Yorick		Applicant	(301) 291-3383

Suffix:

Address

3499 Route 9 North, Freehold, NY 07728
3499 Route 9 North, Freehold, NY 07728
3499 Route 9 North, Freehold, NY 07728
3499 Route 9 North, Freehold, NY 07728
3499 Route 9 North, Freehold, NY 07728
3499 Route 9 North, Freehold, NY 07728

Christine Donhardt		Architect / Engineer / Surveyor	(901) 761-2016
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Address

Mike Davis		Architect / Engineer / Surveyor	(901) 761-2016
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Address

Greg Marcom		Architect / Engineer / Surveyor	(901) 761-2016
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Address

Trent Harrell		Architect / Engineer / Surveyor	(901) 761-2016
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Address

Homer Branam	Farris Bobango Branam	Representative	(901) 259-7100
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Address

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1358085	Planned Development - each additional or fractional acres above 5	51	5,100.00	INVOICED	0.00	02/07/2022	Acres	PLNGPUD02
1358085	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	02/07/2022	Acres	PLNGPUD01
Total Fee Invoiced: \$6,600.00					Total Balance: \$0.00			

Payment Information

Payment Amount	Method of Payment
\$6,600.00	Check

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	01/10/2022

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
List any relevant former Docket / Case Number(s) related to previous applications on this site	13-301
Is the development located within the Medical Overlay District or Uptown Special Purpose District? (Note these areas do not permit new planned developments)	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

APPROVAL CRITERIA

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

Memphis Blues Planned Development will not unduly injure or damage the surrounding properties or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County. This property was originally developed within the R-MP zoning. This application requests approval of a new planned development to combine the existing park (R-MP) with the adjacent subject property (R-6). As shown on the Outline Plan, Phases 1 and 2 have been built, Phase 3 is under construction, and Phase 4 is proposed.

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

The project will be constructed 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

All utilities are exiting on this property. Phases 1 and 2 have already been developed and there are adequate approved facilities for the remainder of the property within the proposed Memphis Blues Planned Development.

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

There are no significant natural, scenic or historic features.

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use

Understood

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

Understood

GENERAL PROVISIONS

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

Memphis Blues Planned Development will not unduly injure or damage the surrounding properties or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County. This property was originally developed within the R-MP zoning. This application requests approval of a new planned development to combine the existing park (R-MP) with the adjacent subject property (R-6). As shown on the Outline Plan, Phases 1 and 2 have been built, Phase 3 is under construction, and Phase 4 is proposed.

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

All utilities are exiting on this property. Phases 1 and 2 have already been developed and there are adequate approved facilities for the remainder of the property within the proposed Memphis Blues Planned Development.

C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

The drives, buildings, parking areas, and lighting will be designed to have minimal effect on the surrounding properties. Proposed landscape buffers will further minimize the impact on surrounding properties.

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

Any modifications of the district standards are warranted by design and 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

Understood. UMH community management and maintenance staff members live on-property. Maintenance is provided for common open space and recreation areas. UMH has been in business since 1968, operating as a public company since 1985. UMH owns and operates 127 manufactured home communities including two communities in Memphis: Memphis Blues and Allentown (located on Raleigh-Millington Road).

F) Lots of record are created with the recording of a planned development final plan

Understood

GIS INFORMATION

Case Layer

BOA1957-075-CO, BOA1978-227,
BOA1956-061-CO, BOA1964-016-CI,
BOA1961-057-CI, PD13-301

LETTER OF INTENT

FARRIS BOBANGO BRANAN PLC
ATTORNEYS AT LAW

999 S. Shady Grove Road, Suite 500 / Memphis, TN 38120
901-259-7100 / Fax 901-259-7150
www.farrisbobango.com

February 2, 2022

Mr. Brett Ragsdale
Deputy Administrator, Zoning/Urban Design
Division of Planning and Development
City Hall, 125 N. Main St., Ste. 477
Memphis, TN 38103

RE: Memphis Blues (Manufactured Home Community)

Dear Mr. Ragsdale:

We represent UMH Properties, Inc. (UMH) of Freehold, New Jersey for a planned expansion of Memphis Blues, a manufactured homes park owned by UMH on Highway 51 North in Memphis, TN. The existing park is 100% occupied and the demand for an affordable, clean and safe community lifestyle in this area is strong, as evidenced by an ever increasing level of interest from prospective residents. Memphis Blues is the first all-rental manufactured home community in the industry and the winner of the Manufactured Housing Institute 2019 Land-Lease Community of the Year.

UMH has been in business since 1968, operating as a public company since 1985. The company offers extensive experience in developing, managing and expanding manufactured housing. UMH owns and operates 127 manufactured home communities with approximately 24,000 developed home sites in eleven states including two communities in Memphis, Tennessee: Memphis Blues (subject property) and Allentown (located on Raleigh-Millington Road). The Allentown community is currently undergoing a major expansion. UMH is proud of its ability to reinvest in their communities and provide residents with top-of-the-line manufactured housing communities. Their properties are owned, managed and maintained entirely by UMH.

As recommended by Staff, the attached application requests approval of a new planned development to combine the existing park (originally developed on R-MP zoned property) with the adjacent subject property (currently zoned R-6). Doing so will create a cohesive development, as both new and existing phases will share common area amenities and a single primary gated entrance. The proposed application seeks to add 103 lots and appropriate support amenities and is consistent with the Memphis 3.0 long range plan which designates residential use for the subject property. Memphis Blues is a proper transitional use between the single-family developments to the south, commercial/industrial uses to the north and apartment uses to the east (see attached photos).

An RV park constructed in the late 1950's, known as Mobile Home City, originally occupied the north end of the subject property. UMH purchased the development in 1985 and converted it to its



Brett Ragsdale
February 2, 2022
Page 2

current use as a manufactured home park. In 2012, UMH purchased the remainder of the subject property. In 2013 UMH obtained approval through the Memphis Land Use Control Board for a planned development (PD 13-301) that would expand the park and, in doing so, add an area for recreational vehicles. The plan was never implemented and PD 13-301 has since expired.

Manufactured homes at Memphis Blues are constructed in accordance with the national manufactured homes construction and safety standards act of 1974. All homes are manufactured off-site, transported to the property, placed on a foundation and skirted. Each home has two parking places. UMH community management and maintenance staff members live on-property. Maintenance is provided for common open space and recreation areas. The property has 24-hour security with cameras located throughout the existing park. Streetlights provided by MLGW are hooded to reflect light downward.

The proposed addition will include construction of a new park with a playground and a walking trail. Residents of the expanded area will have access to amenities within the existing portion of the development including a playground, basketball area and the leasing office outdoor spaces. Other proposed improvements include a storage/shop area and construction of a secondary service/emergency access point on Highway 51. The property is gated with controlled access by code.

Appropriate landscaping is planned along the Highway 51 frontage, and a landscape buffer including an 8' vinyl site proof fence, selected existing vegetation and new plantings will be installed along the south property lines adjacent to the existing single-family subdivision and church.

We respectfully submit this plan development application for your consideration. It is our hope this case could be heard by the Land Use Control Board (LUCB) on Thursday, March 10, 2022. Along with our firm, team members representing UMH will be Mike Davis, R.L.A. and Trent Harrell, P.E. with the Reaves Firm, Inc. If you have any questions, suggestions, or comments please do not hesitate to contact us at your earliest convenience.

Very truly yours,

FARRIS BOBANGO BRANAN PLC



Homer B. Branam, III

OWNER'S AFFIDAVIT




Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledged 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 least 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.

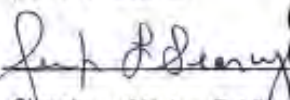
I, , state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):
Jeffrey V. Yorick, VP for Memphis Blues & UMH Memphis LLC

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 0 Thomas, 3903 Flaxwood LN and 0 Thomas-Lot 02 and further identified by Assessor's Parcel Number 069065 00069, 069065 00070C & 069065 00071, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 24th day of January in the year of 2022.


Signature of Notary Public



December 20, 2024
My Commission Expires

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Andrew Coleman, being duly sworn, depose and say that at 11:30 am on the 23rd day of February, 2022, I posted 2 Public Notice Sign(s) pertaining to Case No. P.D. 22-001 at 1) Memphis Blues Ave. 2) Felts Station Dr. & Steele Ave, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Andrew Coleman
Owner, Applicant or Representative

2-23-22
Date

Subscribed and sworn to before me this 23 day of Feb, 2022.

Michelle Cortese McIvor
Notary Public



My commission expires: 5/14/22

LETTERS RECEIVED

No letters were received by the time of publication of this report.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 12 July 2022
DATE
PUBLIC SESSION: 12 July 2022
DATE**

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development amendment at the parcel between 6580 Poplar Ave. and 6584 Poplar Ave., known as case number PD 22-4

CASE NUMBER: PD 22-4

DEVELOPMENT: Poplar Oaks Planned Development

LOCATION: The parcel between 6580 Poplar Ave. and 6584 Poplar Ave.

COUNCIL DISTRICTS: District 2 and Super District 9

OWNER: Plough Towers Fund, Inc.

APPLICANT: Nimesh Patel of Baywood Hotels, Inc.

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Amendment to permit a hotel

AREA: 2.1 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
9 June 2022 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

PD 22-4

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT THE PARCEL BETWEEN 6580 POPLAR AVE. AND 6584 POPLAR AVE., KNOWN AS CASE NUMBER PD 22-4

- This item is a resolution with conditions to allow a hotel; and
- This resolution, if conditionally approved, will supersede the existing zoning for this property.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 9 June 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 22-4
DEVELOPMENT:	Poplar Oaks Planned Development
LOCATION:	The parcel between 6580 Poplar Ave. and 6584 Poplar Ave.
COUNCIL DISTRICT(S):	District 2 and Super District 9
OWNER:	Plough Towers Fund, Inc.
APPLICANT:	Nimesh Patel of Baywood Hotels, Inc.
REPRESENTATIVE:	Cindy Reaves of SR Consulting, LLC
REQUEST:	Amendment to permit a hotel
AREA:	2.1 acres
UNDERLYING ZONING:	Residential Urban – 3

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 8-0 on the consent agenda.

More precisely, the Board recommended the following revisions to the outline plan:

1. Add the following to condition 1.C: “Additionally, a hotel and customary accessory uses shall be permitted. This hotel shall also have a maximum height of 125 feet. If more than 75 parking spaces are provided, such additional spaces shall be constructed using pervious pavers. A minimum of 2000 square feet of quasi-public open space for passive recreation use, such as a plaza, exclusive of any other required open space, shall be provided accessory to a hotel.”
2. Add a condition 5.E: “Compliance with Unified Development Code Chapter 4.6.”

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT THE PARCEL BETWEEN 6580 POPLAR AVE. AND 6584 POPLAR AVE., KNOWN AS CASE NUMBER PD 22-4

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, Nimesh Patel of Baywood Hotels, Inc., filed an application with the Memphis and Shelby County Division of Planning and Development to amend the Poplar Oaks Planned Development to allow a hotel; 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 consistency of the design and amenities with the public interest; and has submitted its findings and recommendation 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 9 June 2022, and said Board has submitted its 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 planned development amendment is hereby granted in accordance with the attached revisions to the outline plan.

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.

REVISIONS TO OUTLINE PLAN CONDITIONS

1. Add the following to condition 1.C: “Additionally, a hotel and customary accessory uses shall be permitted. This hotel shall also have a maximum height of 125 feet. If more than 75 parking spaces are provided, such additional spaces shall be constructed using pervious pavers. A minimum of 2000 square feet of quasi-public open space for passive recreation use, such as a plaza, exclusive of any other required open space, shall be provided accessory to a hotel.”
2. Add a condition 5.E: “Compliance with Unified Development Code Chapter 4.6.”

ATTEST:

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

AGENDA ITEM: 2

CASE NUMBER: PD 22-4 **L.U.C.B. MEETING:** 9 June 2022

DEVELOPMENT: Poplar Oaks Planned Development

LOCATION: The parcel between 6580 Poplar Ave. and 6584 Poplar Ave.

COUNCIL DISTRICT: District 2 and Super District 9

OWNER: Plough Towers Fund, Inc.

APPLICANT: Nimesh Patel of Baywood Hotels, Inc.

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Amendment to permit a hotel

AREA: 2.1 acres

UNDERLYING ZONING: Residential Urban – 3

CONCLUSIONS (p. 16)

1. Nimesh Patel of Baywood Hotels, Inc., has requested an amendment to the Poplar Oaks Planned Development to permit a hotel at the parcel located between 6580 and 6584 Poplar Ave.
2. This site is currently zoned for “high-rise housing for the elderly.”
3. Staff finds this development would not have a negative impact on the vicinity.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 20-21)

The Department of Comprehensive Planning commented that this proposal is consistent with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 16)

Approval with conditions

GENERAL INFORMATION

Street Frontage: *none*
Zoning Atlas Page: 2150
Parcel ID: 080008 00240

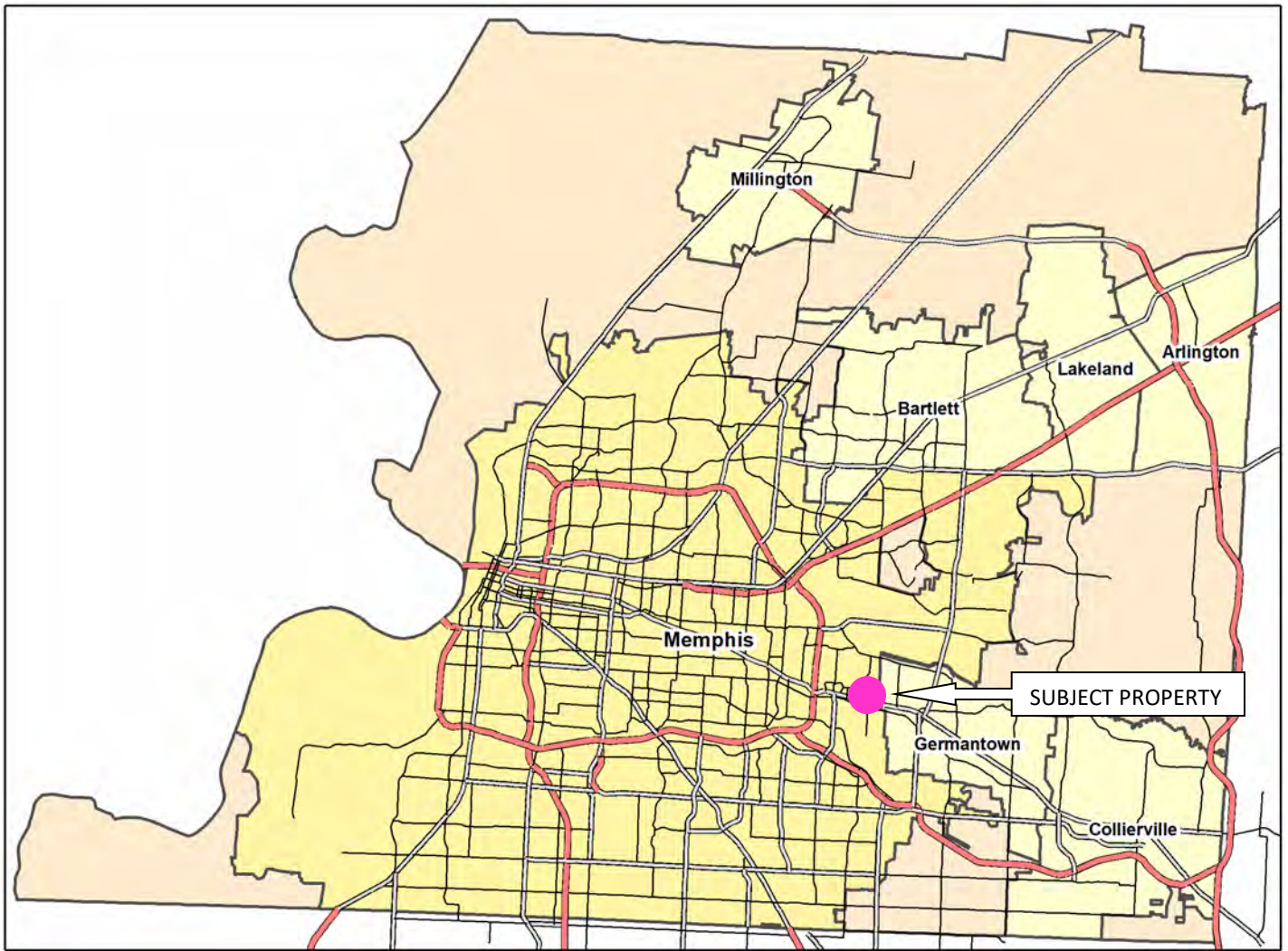
NEIGHBORHOOD MEETING

The required neighborhood meeting was conducted via Zoom on Monday 4 April 2022 at 5:30 p.m.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 40 letters were mailed on 1 April 2022, and two signs posted near the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in East Memphis

POPLAR OAKS PLANNED UNIT DEVELOPMENT, OUTLINE PLAN (1979, AMENDED 1995)

OWNER'S CERTIFICATE

We, the undersigned, H. Kirk Lewis, President, Memphis Jewish Housing Development Corp., equitable owner of the property shown hereon, and Marvin Hershkov, Trustee, owner of record, hereby state this plan as our planned unit development and dedicate the same, with the improvements and appurtenances thereto, to the public use. We are owners of the said property in fee simple. Only authority to do so act and/or to do so is not intended to be incurred by any person or persons who have signed this certificate.

H. Kirk Lewis
Marvin Hershkov

NOTARY'S CERTIFICATE
STATE OF TENNESSEE, COUNTY OF SHELBY

Before me the undersigned a Notary Public in and for said state and county, in full compliance with the laws of said state and county, I have personally examined the signatures of the persons whose names are subscribed to the foregoing certificate and I have examined the certificate and the instrument to which it relates and I have found that the same were executed by the persons whose names are subscribed to the same on the day and at the place therein stated.

George P. Harkness
Notary Public

Approved by the Memphis and Shelby County Health Department
Date: 21 October 1978 by Michael O. Brown

I hereby state that the foregoing is a true and correct copy of the instrument as approved by the City Council of the City of Memphis on 15 Sept 1979.

HEALTH DEPARTMENT CERTIFICATE
Approved by the Memphis and Shelby County Health Department

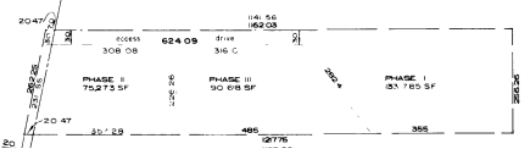
Date: 21 October 1978 by Michael O. Brown

I hereby certify that this plan is a true and correct copy of the instrument as approved by the City Council of the City of Memphis on 15 Sept 1979.

RESTRICTIONS

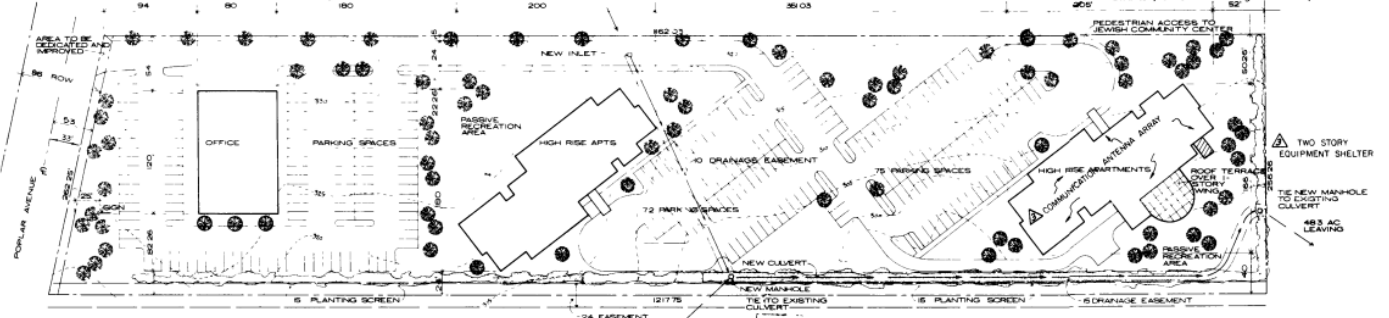
- Use Authorized**
 - Phase 1: 2,071 acres. High rise (12 story, 125 feet) housing for the elderly (141 one bedroom units, 87 two bedroom units, 75 accessory parking spaces, green density, approximately 50 cars/acre). Ground floor may contain accessory services such as laundry and barber shops, dentist, doctor's office, handy store. The building roof may be used for a communication antenna array as shown on the accompanying plans. A 2 story equipment building may be located adjacent to the principal building.
 - Phase 2: 1.72 acres. 40 units, maximum lot (61' x 100') 50 feet wide (minimum 40' x 100' lot), 43' accessory parking spaces, as permitted in the D-2 Office District.
 - Phase 3: 2.08 acres. High-rise (12 story, 125 feet) housing for the elderly (124 one bedroom units, 16 two bedroom units, 75 accessory parking spaces, green density, approximately 75 cars/acre). Ground floor may contain accessory services such as laundry, barber shops, dentist, doctor's office, handy store.
- Site Requirements**: Maximum height of apartment shall be 12 stories (125 feet). Maximum height of other shall be 10 stories (100 feet). The office shall be setback a minimum of 25 feet from the Poplar Avenue right-of-way. Phase 1) apartment shall be setback a minimum of 40 feet from the right-of-way and 50 feet from the west and north property lines. Phase 2) apartment shall be setback a minimum of 40 feet from the east property line and 50 feet from the west property line.
- Light Requirements**: Direct all outdoor lighting away from residential uses on adjacent property.
- Traffic Requirements**: Driveway and access to Poplar Avenue to 53 feet from centerline. Curbside and access to other features and devices are subject to the approval of the City Traffic Engineer.
- Driveway Requirements**: Driveway dimensions and requirements are subject to the approval of the City Traffic Engineer.
- Professional Seal**
 - Shall be signed and sealed by a Professional Engineer or Professional Architect.
 - Shall not be used for any other purpose.
 - Shall not be used for any other purpose.

- Phase 2: Submit final plan within 12 months of date of approval by City Council. Last as before, permit no construction contracts within three (3) years of City Council approval of the plan.
- Phase 3: Submit final plan within four (4) years of date of approval by the City Council. Last as before, permit no construction contracts within three (3) years of date of City Council approval of the plan.
- Final Plan shall include all of the following conditions:
 - Final improvement contract.
 - Exact location and dimensions of all structures, parking spaces and drives.
 - Location, dimensions and design of any proposed fire standing signs.
 - Location and design of outdoor lighting.



**** This Plan is re-revised to correct the following items:
 1) Phase 2, office use, maximum square feet is changed to 42,110 SF
 2) Phase 2, accessory parking spaces are changed to 194
 3) Development Schedule. Final plan is changed by submitting the plan by 15 Sept 1979
 4) Curbside at Poplar Avenue is widened to 50'-0"
 APPROVED BY THE MEMPHIS AND SHELBY LAND USE CONTROL BOARD ON SEPT. 6, 1979
 Date: _____ By: _____ Director, Office of Planning and Development

Date 9 May 1979 By Michael O. Brown
 Director, Office of Planning and Development

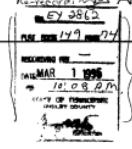


SITE PLAN

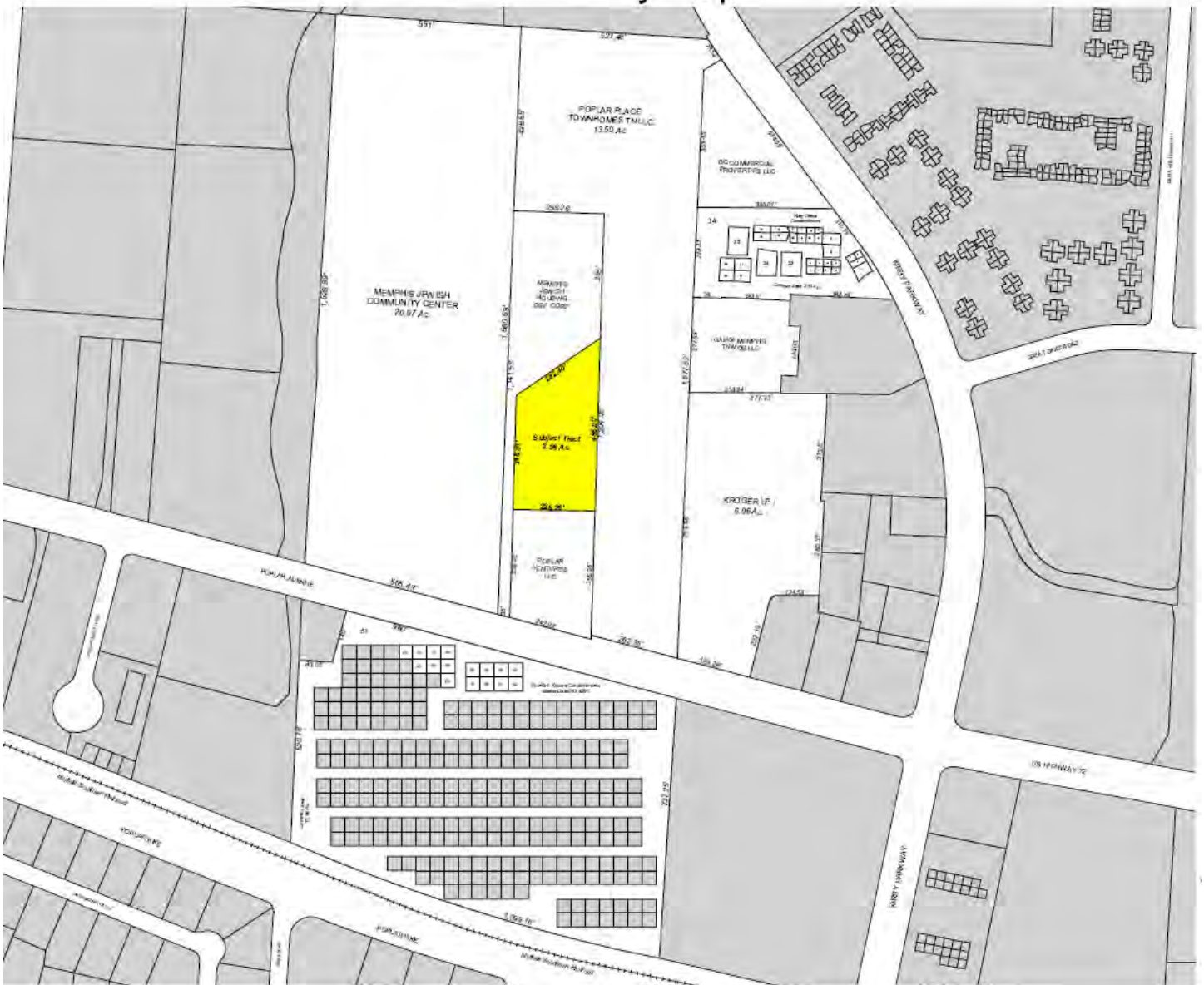
RE-REVISED
 RE-REVISED
 APPROVED OUTLINE PLAN

POPLAR OAKS
PLANNED UNIT DEVELOPMENT
 PD 94-361 (FORMERLY R-0-44)

CASPER
 HARTMAN
 ARCHITECTS
 15 JUNE 1978
 SHEET 1 OF 2



VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Residential Urban – 3 within PD 94-361

Surrounding Zoning

North: Residential Urban – 3 within PD 94-361

East: Residential Urban – 3

South: Residential Urban – 3 within PD 94-361

West: Residential Urban – 3

LAND USE MAP



SITE PHOTOS



A view of the site. Note the existing walking path



The site as seen from the adjacent access easement



The rear of the adjacent office building



The adjacent age-restricted apartment building

STAFF ANALYSIS

Request

The request is for an amendment to permit a hotel.

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

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.*

Commercial or Industrial Criteria

Staff **agrees** the planned commercial 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.

Special Use Permit Approval Criteria

Staff **agrees** the approval criteria as set out in Section 9.6.9 of the Unified Development Code are or will be 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 comprises Phase 3 of the Poplar Oaks Planned Unit Development. It has no frontage on a public road, is wooded, and has an area of 2.1 acres.

Site Plan Review

A full site plan review will be conducted during final plan review, if approved.

Conclusions

Nimesh Patel of Baywood Hotels, Inc., has requested an amendment to the Poplar Oaks Planned Development to permit a hotel at the parcel located between 6580 and 6584 Poplar Ave.

This site is currently zoned for “high-rise housing for the elderly.”

Staff finds this development would not have a negative impact on the vicinity.

RECOMMENDATION

Staff recommends *approval* of the following revisions to the outline plan:

1. Add the following to condition 1.C: “Additionally, a hotel and customary accessory uses shall be permitted. This hotel shall also have a maximum height of 125 feet. If more than 75 parking spaces are provided, such additional spaces shall be constructed using pervious pavers. A minimum of 2000 square feet of quasi-public open space for passive recreation use, such as a plaza, exclusive of any other required open space, shall be provided accessory to a hotel.”
2. Add a condition 5.E: “Compliance with Unified Development Code Chapter 4.6.”

DEPARTMENTAL COMMENTS

The following comments were provided by agencies 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 unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
3. If City sewer service is permitted, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

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

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 6588 Poplar

- All design and construction shall comply with the 2021 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 Sustainability and Resilience:

From: Leigh Huffman, Municipal Planner
Date: March 25, 2022
Subject: OSR Comments on PD 22-04: EAST MEMPHIS

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The existing lot is undeveloped and highly vegetated.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding or ecological damage. The proposed permeable surfaces on the site plan should help mitigate stormwater runoff from the existing impervious surface, but without a landscape plan it is difficult to determine, at this stage, the other types of benefits that might occur.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends adding a condition requiring that the final plan comply with UDC Chapter 4.6.

In addition, Staff urges the Applicant to use Low Impact Development (LID) techniques for managing and filtering the stormwater runoff. Specific suggestions include designing the parking lot to allow stormwater to flow into the parking lot landscaped areas and using a combination of asphalt and a permeable paving system for the parking lot. For example, the drive aisles could be asphalt and the parking spaces could be permeable pavers.

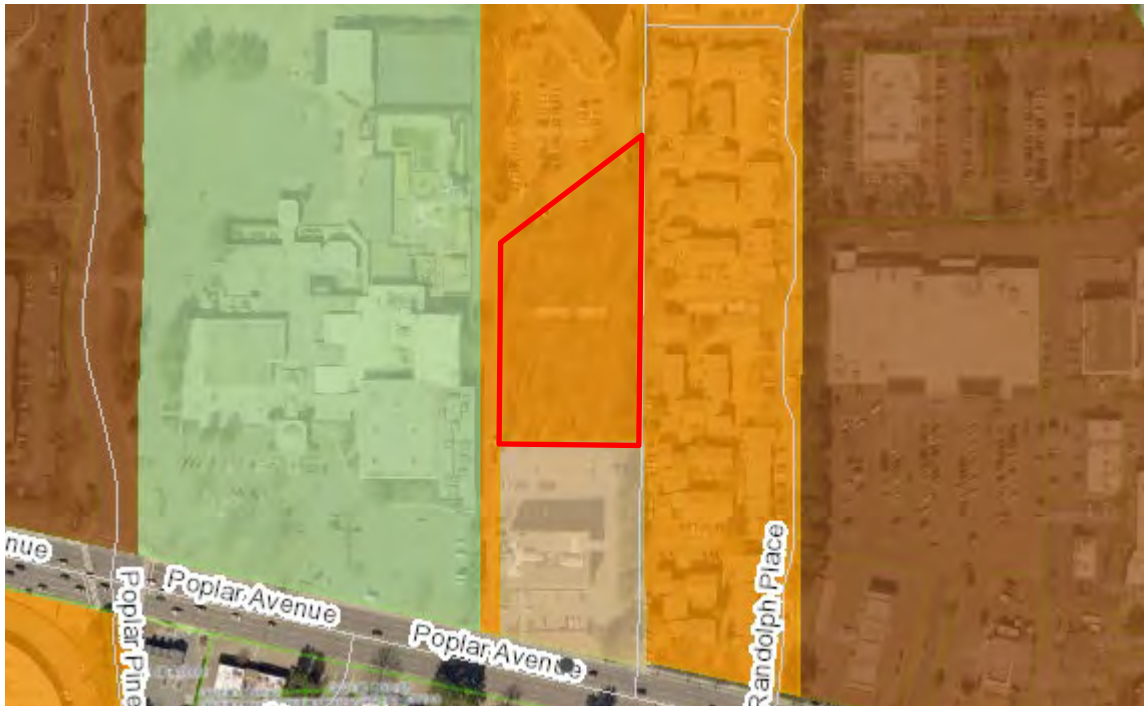
Dept. of Comprehensive Planning:

Land Use Designation (see page 88 for details): Primarily Multifamily Neighborhood (NM)

Based on the future land use and existing adjacent land use 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:

Multifamily Neighborhoods are characterized by their house and block size buildings that are a combination of attached, detached and semi attached homes. These neighborhoods are major residential hubs that consist of apartment complexes and condominiums, and located greater than a 10-minute walk outside of the closest anchor.

“NM” Goals/Objectives:

Preservation/maintenance of existing multi-family housing.

“NM” Form & Location Characteristics:

Attached, semi-detached, and detached. House-scale and some block-scale buildings. Primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map. 1-3+ stories height. Beyond 1/2 mile from a Community Anchor.

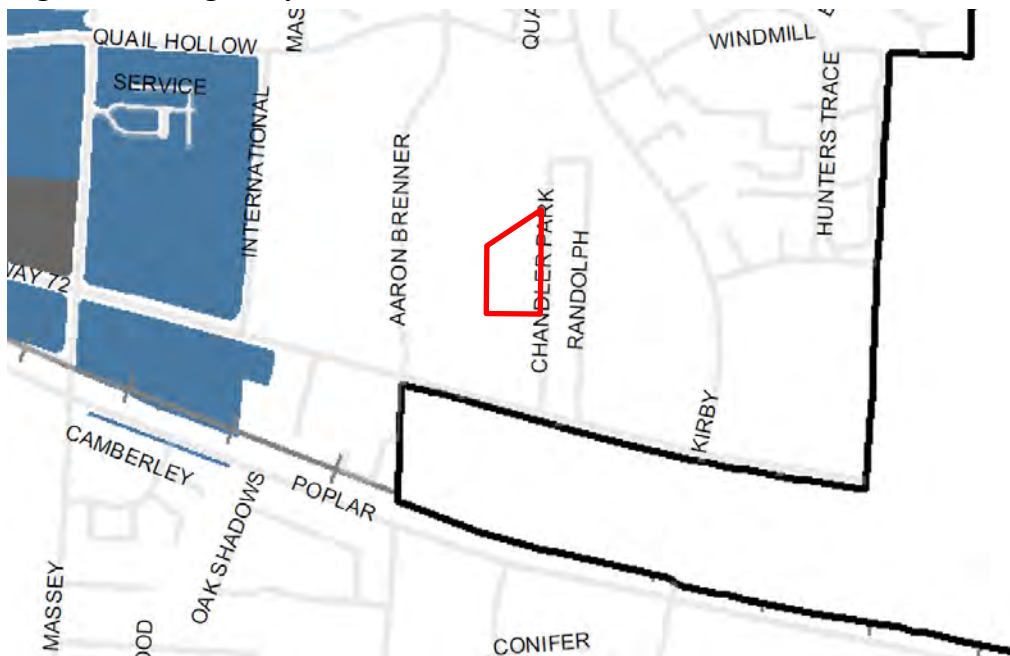
The applicant is seeking approval for a planned development amendment for Poplar Oaks PD, the request

intends to add hotel uses to the PD uses for the remaining vacant property. The request does not meet the criteria as the proposed use is not a multi-family development. However, the proposed use is within the height requirement and will not change or impede the character of the neighborhood.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family and Commercial. The subject site is surrounded by the following zoning district and zoning cases: CA and PD 18-046. This requested land use is compatible with the adjacent land uses because *existing land uses surrounding the parcels 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: Andrea Jimenez, Comprehensive Planning.

APPLICATION FORM



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: March 9, 2022

Record Number: PD 2022-004

Expiration Date:

Record Name: Poplar Oaks PD Amendment

Description of Work: Amendment to Poplar Oaks PD for the remaining vacant land to allow a hotel.

Parent Record Number:

Address: 6588 POPLAR AVE, MEMPHIS 38120

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	PLOUGH TOWERS FUND INC	6580 POPLAR AVE, GERMANTOWN, TN 38138	
	PLOUGH TOWERS FUND INC	6580 POPLAR AVE, GERMANTOWN, TN 38138	

Parcel Information

Parcel No:
080008 00240

Contact Information

Name	Organization Name	Contact Type	Phone
Nimesh Patel	Baywood Hotels	Applicant	(865) 591-0926
Address	Suffix:		

Cindy Reaves	Representative	(901) 870-7003
Address		

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1366381	Planned Development - 5 acres or less	1	1,500.00	INVOICED	1,500.00	03/09/2022	Acres	PLNGPUD01
1366381	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	39.00	03/09/2022		PLNGPUD08
Total Fee Invoiced: \$1,539.00					Total Balance: \$1,539.00			

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	-

GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	PD 94-361
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop	-

work order, and/or zoning letter along with any other relevant information

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

The development will utilize existing adjacent access points.

UDC Sub-Section 9.6.9B

The development will be consistent with the adjacent properties.

UDC Sub-Section 9.6.9C

Adequate facilities will be designed and will tie to existing facilities.

UDC Sub-Section 9.6.9D

No significant features exist on the site.

UDC Sub-Section 9.6.9E

The development will meet requirements for the use.

UDC Sub-Section 9.6.9F

The development will not affect any plans to be considered.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

The development will be consistent with surrounding developments.

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

Adequate facilities will be designed and will tie to existing facilities.

C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

All service facilities will be compatible with the adjacent properties.

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

The development will be consistent with surrounding developments.

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

The owner will maintain the property.

F) Lots of record are created with the recording of a planned development final plan

A final plat will be recorded.

GIS INFORMATION

Central Business Improvement District	No
Case Layer	PD94-361
Class	C
Downtown Fire District	No
Historic District	-
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	RU-3
State Route	-
Lot	-
Subdivision	POPLAR OAKS P U D REV
Planned Development District	-

Data Tables

AREA INFORMATION

Size (Acres):	2.0856
Existing Use of Property:	Vacant
Requested Use of Property:	Hotel

LETTER OF INTENT



Date: March 3, 2022

To: Office of Planning & Development

From: Cindy Reaves

Re: Poplar Oaks PD

LETTER OF INTENT

We are submitting an application for a PD Amendment for Poplar Oaks PD, located on Poplar Avenue east of Aaron Brenner Drive. We are requesting to add hotel uses to the PD uses for the remaining vacant property.

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

APPLICANT'S REQUESTED OUTLINE PLAN CONDITIONS

Outline Plan Conditions

I. Uses Permitted

- A. Phase 1: 3.071 acres, High-rise (12 story – 125 feet) housing for the elderly (141 one-bedroom units, 9 two-bedroom units), 75 accessory parking spaces, gross density approximately 50 units/acre. Ground floor may contain accessory service uses for residents only, such as beauty and barber shops, dentist, doctor's offices, sundry store.
- B. Phase 2: 1.728 acres, office uses, maximum four (4) stories, (50 feet) with maximum 42,110 square feet, 143 accessory parking spaces, as permitted in the O-2 Office District.
- C. Phase 3: 2.080 acres, Hotel uses and High-rise (12-story – 125 feet) housing for the elderly (141 one-bedroom units, 9 two-bedroom units), 75 accessory parking spaces, gross density approximately 75 units/acre. Ground floor may contain accessory service uses for residents only, such as beauty and barber shops, dentist, doctor's offices, sundry store.

II. Bulk Regulations:

Maximum height of apartments shall be 12 stories – 125 feet. Maximum height of offices shall be four (4) stories – 50 feet. The office shall be setback a minimum of 85 feet from the Poplar Avenue right-of-way. Phase 1 apartments shall be setback a minimum of 40 feet from the site's east property line and 50 feet from the west and north property lines. Phase 2 apartments shall be setback a distance of at least 24 feet from the east property line and 50 feet from the west property line.

III. Lighting Requirements: Direct all exterior lighting away from residential uses on adjacent property.

IV. Traffic Requirements: Dedicate and improve Poplar Avenue to 53 feet from centerline. Curb cut and access drive location and design are subject to the approval of the City Traffic Engineer.

V. Drainage Requirements: Drainage easements and/or improvements are subject to the approval of the City Engineer.

VI. Development Schedule

- A. Phase 1: Submit final plan by September 15, 1979; take out building permit and commence construction within one (1) year of City Council approval of the plan.

- B. Phase 2: Submit final plan within two (2) years of date of approval by City Council; take out building permit and commence construction within three (3) years of City Council approval of the plan.
- C. Phase 3: A final plan shall be filed within five years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

VII. Final Plan shall include the following:

- A. Outline plan conditions
- B. Exact location and dimensions of all structures, parking areas and drives.
- C. Location, dimension and design of any proposed free-standing signs.
- D. Location and design of exterior lighting.

COMPARATIVE MARKET ANALYSIS



May 16, 2022

Mr. Nimesh Patel
Baywood Hotels
9130 Guilford Road
Columbia, MD 21046

Dear Mr. Patel:

We understand you plan to develop a 116 room AC Hotel on a 2.0-acre site in east Memphis at 6580 Poplar Avenue. The subject site currently allows for "age-restricted multi-family" residential zoning and you will be applying to rezone it for commercial development as the AC Hotel. This letter compares the analysis of the hotel development versus an age restricted multi-family residential development. The analysis will determine which development is best suited for the subject site.

COMPARATIVE ANALYSIS

The 116 room AC Hotel is estimated to generate a net income of \$1,817,455 on a development estimated to cost \$19,310,000 – a ratio of 9.4 percent. The 95-unit age-restricted multi-family apartment is estimated to generate a net income of \$518,976 on a development estimated to cost \$21,500,000 – a ratio of 2.4 percent. Based on this analysis, the development of the 116 room AC Hotel is best suited for the subject site. The challenge for the age-restricted multi-family development is the significant costs associated with structured parking, which is necessary due to the limited size of the parcel. This cost is not associated with the surface parking of the hotel development.

HOTEL DEVELOPMENT

The proposed AC Hotel will be a five-story building with 116 guest rooms and suites and 117 surface parking spaces. Based on the current market study, the following statement represents the projected operating results for a stabilized year as stated in 2022 dollars. This performance results in cash available for debt service (Net Income) of \$1,817,455.

Mr. Nimesh Patel
May 16, 2022
Page 2

MEMPHIS, TENNESSEE				
PROPOSED 116 ROOM AC HOTEL BY MARRIOTT				
PROJECTED OPERATING RESULTS				
TYPICAL YEAR 2022 DOLLARS				
Number of Rooms	116			
Rooms Available	42,340			
Rooms Occupied	32,178			
Occupancy	76.0%			
Average Room Rate	\$ 151.00			
REVENUE	\$	%	POR	PAR
Rooms	4,859,000	86.3%	\$ 151.00	\$ 41,888
Food and Beverage	\$ 643,568	11.4%	\$ 20.00	\$ 5,548
Other	129,000	2.3%	\$ 4.01	\$ 1,112
Total Revenue	5,631,568	100.0%	\$ 175.01	\$ 48,548
Departmental Expenses				
Rooms	972,000	20.0%	\$ 30.21	\$ 8,379
Food and Beverage	450,000	69.9%	\$ 14.00	\$ 3,879
Other	80,000	62.0%	\$ 2.50	\$ 690
Total Departmental Expenses	1,502,000	26.7%	\$ 46.68	\$ 12,948
GROSS OPERATING PROFIT	4,129,568	73.3%	\$ 128.33	\$ 35,600
GENERAL & UNDISTRIBUTED				
Information & Telecommunications	96,535	1.7%	\$ 3.00	\$ 832
Administrative & General	479,000	8.5%	\$ 14.89	\$ 4,129
Management Fees	168,947	3.0%	\$ 5.25	\$ 1,456
Marketing	422,368	7.5%	\$ 13.13	\$ 3,641
Franchise Fee	267,000	4.7%	\$ 8.30	\$ 2,302
Energy	193,000	3.4%	\$ 6.00	\$ 1,664
Repairs & Maintenance	153,000	2.7%	\$ 4.75	\$ 1,319
Total General & Undistributed	1,779,850	31.6%	\$ 55.31	\$ 15,344
HOUSE PROFIT	2,349,718	41.7%	\$ 73.02	\$ 20,256
OTHER CAPITAL EXPENSES				
Real Estate Taxes	255,000	4.5%	\$ 7.92	\$ 2,200
Insurance	52,000	0.9%	\$ 1.62	\$ 450
Total Other	307,000	5.5%	\$ 9.54	\$ 2,647
PROFIT BEFORE OTHER FIXED CHARGES	2,042,718	36.3%	\$ 63.48	\$ 17,610
Capital Reserve	225,263	4.0%	\$ 7.00	\$ 1,942
CASH AVAIL FOR DEBT SVC	1,817,455	32.3%	\$ 56.48	\$ 15,668

Source: Finkorski & Company

Baywood Hotels has provided an estimated development cost for the proposed 116 room AC Hotel of \$19,310,000, or \$166,466 per room. The following table lists the estimated costs of the hotel.

Mr. Nimesh Patel
 May 16, 2022
 Page 3

CONSTRUCTION COST ESTIMATE	
AC Hotel	
116 Guest Rooms	
Memphis, TN	
ITEM DESCRIPTION	TOTAL COST
TOTAL CONSTRUCTION COST	\$ 11,697,000.00
FURNITURE / FIXTURES / EQUIPMENT	\$ 2,900,000.00
SOFT COSTS	\$ 2,713,000.00
TOTAL PROJECT COST w/o LAND	\$ 17,310,000.00
LAND / SHELL COST	\$ 2,000,000.00
TOTAL PROJECT COSTS	\$ 19,310,000.00
<small>Source: Baywood Hotels</small>	

APARTMENT DEVELOPMENT

The proposed apartment building will be a five-story structure with 95 age-restricted multi-family apartments averaging 750 square feet per apartment with structured parking. Multi-South Management Services, a premiere apartment management company in Memphis, prepared a budget (stabilized operating statement) for the 95-unit age-restricted multi-family apartment building. This budget results in net income of \$518,976, as presented in the following statement.

Mr. Nimesh Patel
 May 16, 2022
 Page 4



MULTI-SOUTH
 MANAGEMENT SERVICES

**Age-Restricted Apartment Budget
 Stabilized-95 Units**

	<u>TOTAL</u>	<u>Per Unit</u>
Ordinary Income/Expense		
Income		
4300 - INCOME		
4306 - Rental Income		
Total 4306 - Rental Income	1,600,459	16,847
4300 - INCOME - Other	-	-
Total 4300 - INCOME	<u>1,600,459</u>	<u>16,847</u>
4400 - OTHER FEE INCOME		
Total 4400 - OTHER FEE INCOME	<u>100,038</u>	<u>1,053</u>
Total Income	<u><u>1,700,497</u></u>	<u><u>17,900</u></u>
Expense		
Total 6000 - ADMINISTRATIVE	39,529	416
Total 6200 - ADVERTISING	28,500	300
Total 6400 - PAYROLL	205,237	2,160
Total 6800 - INTERIOR REPAIRS	33,600	354
Total 6700 - EXTERIOR REPAIRS	19,000	200
Total 6900 - SERVICES	89,400	941
Total 8100 - PROPERTY TAXES	579,635	6,101
Total 8160 - PROPERTY INSURANCE	42,750	450
Total 8200 - Utilities	42,600	448
Total 8300 - REPLACEMENTS	33,250	350
Total 8600 - MANAGEMENT FEE	<u>68,020</u>	<u>716</u>
Total Expense	<u><u>1,181,521</u></u>	<u><u>12,437</u></u>
Net Ordinary Income	<u><u>518,976</u></u>	<u><u>5,463</u></u>

Source: Multi-South Management Services

Multiple Memphis based general contractors have provided an estimated development cost for the proposed 95-unit age-restricted multi-family apartment building and parking structure of \$21,500,000, or \$226,316 per apartment. The following table lists the estimated costs for the apartment project.

Mr. Nimesh Patel
May 16, 2022
Page 5

CONSTRUCTION COST ESTIMATE	
Age-Restricted Apartment	
95 Units - Average Size 750 Sq Ft	
Memphis, TN	
ITEM DESCRIPTION	TOTAL COST
CONSTRUCTION COST	\$ 14,000,000.00
PARKING STRUCTURE	\$ 2,000,000.00
SOFT COSTS	\$ 2,500,000.00
SITE WORK	\$ 1,000,000.00
TOTAL PROJECT COST w/o LAND	\$ 19,500,000.00
LAND / SHELL COST	\$ 2,000,000.00
TOTAL PROJECT COST	\$ 21,500,000.00
<small>Source: Multiple Memphis General Contractors</small>	

We appreciate the opportunity to provide this analysis for your consideration. Please let us know if you have any questions or comments.

Very truly yours,



C. G. Pinkowski, ISHC
PINKOWSKI & COMPANY

/gjm

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 11:14 am on the 1st day of April, 2022 I posted two Public Notice Signs pertaining to Case No. PD 22-004 one on Poplar Ave. and one sign in front of the subject property facing incoming traffic on the private drive. providing notice of a Public Hearing before the April 14, 2022 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.

Kristin Reaves

Owner, Applicant or Representative

04/04/2022

Date

Subscribed and sworn to before me this 4 day of April, 2022.



Cynthia J. Reaves

Notary Public
My commission expires: 9/21/23

OWNER'S AFFIDAVIT



Property Owner's Affidavit

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 least 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, Laure Scheidt, 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 0 Poplar Ave.
and further identified by Assessor's Parcel Number 080-008-00240
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 8 day of March in the year of 2022.

Geneva E. Ewing
Signature of Notary Public



MY COMMISSION EXPIRES AUGUST 5, 2024
My Commission Expires

LETTERS RECEIVED

Two letters of support were received by the time of publication of this report. They have been pasted below.



MEMPHIS
JEWISH HOUSING
DEVELOPMENT
CORPORATION

Tel 901/767-1910
Fax 901/767-0081
6580 Poplar Avenue
Memphis, Tennessee 38138
www.ploughtowers.org

May 26, 2022

Brett Davis, AICP
City Planner
Division of Planning and Development
Memphis and Shelby County

Mr. Brett Davis,

Plough Towers Fund, the owner of the land between 6580 Poplar Ave. and 6584 Poplar Ave, would like to notify you that we are highly supportive of the requested amendment to the Poplar Oaks Planned Development to permit an AC by Marriott hotel on the subject parcel.

Our Board of Directors, employees, and tenants feel that a luxury hotel offering would be a great amenity to our property as well as the surrounding area.

Additionally, we are not supportive of selling our land to an age-restricted twelve-story multifamily user as the planned development permits. We feel an age-restricted multifamily development would not be a positive impact on our community as an AC by Marriott hotel would be.

Sincerely,

Laurie M. Scheidt
President, Plough Towers

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- Vice President**
- Harwin Tague
- Treasurer**
- Steve Beer
- Secretary**
- Jake Boswell
- Immediate Past President**
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- † Myr Lippman

† Deceased member

Brett Davis
City of Memphis
Division of Planning and Development
125 N. Main St., 4th Floor
Memphis, TN 38103

Re: Parcel 080008 00240

Dear Mr. Davis,

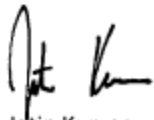
This letter is to express my support for the proposed hotel to be located north of 6584 Poplar Avenue at parcel 080008 00240. My company owns the building at 6584 Poplar Avenue. We have medical tenants in our building where people travel from around the country to seek medical treatment. We have many tenants in our co-working offices that have clients that also travel to Memphis for meetings and special events. The proposed hotel north of our site would enhance the area as well as serve the needs of our tenants.

We support this project and look forward to The City of Memphis approving this project.

Please feel free to reach out to me at (901) 830-4720 if you have any questions or concerns.

Thank you.

Sincerely,



Jatin Kumar
Poplar Ventures
jk@kingslanegroup.com