CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

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

Planning & Development
DIVISION

Planning & Zoning **COMMITTEE:** **09/15/2020**
DATE

PUBLIC SESSION: **09/15/2020**
DATE

ITEM (*CHECK ONE*)

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

ITEM DESCRIPTION: A resolution approving a commercial structure

CASE NUMBER: PD 20-07

DEVELOPMENT: Stratford Planned Development

LOCATION: 0, 674, 680 Stratford Road

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

OWNER/APPLICANT: Jim Reedy – Memphis Investment Properties, LLC.

REPRESENTATIVE: Arthur Nave

EXISTING ZONING: Residential Urban – 1 (RU-1)

REQUEST: Commercial planned development

AREA: +/-1.36 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set public hearing date for – September 15, 2020

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
08/13/2020 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:	***DATE***	***POSITION***
Lucas Skinner	08/17/20	MUNICIPAL PLANNER
		DEPUTY ADMINISTRATOR
		ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN

Memphis City Council
Summary Sheet

PD 20-07 – Stratford Planned Development

Resolution requesting a commercial planned development at 0, 674, and 680 Stratford Road:

- This item is a resolution with conditions for a planned development to allow the above; and

- The Office of Planning & Development at the request of the Owner/Applicant: Jim Reedy – Memphis Investment Properties, LLC.; and Representatives: Arthur Nave; and

- This resolution, if approved with conditions, will supersede the existing zoning for this property; and

- The item may require future public improvement contracts.

RESOLUTION APPROVING THE STRATFORD PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 0, 674, AND 680 STRATFORD ROAD, KNOWN AS CASE NUMBER PD 20-07.

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

WHEREAS, the applicant Jim Reedy of Memphis Investment Properties, LLC filed an application with the Memphis and Shelby County Office of Planning and Development to allow a commercial planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on August 13, 2020, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

ATTEST:

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

Site Conditions

1. A Class III buffer shall be established along the northern line of the property abutting the residential uses.

2. Two curb cuts shall be permissible such that the southern curb cut shall be signed as an entrance only and the northern curb cut shall be signed as an exit only. Both curb cuts shall have a throat width of 14 feet.

Outline Plan Conditions

PD 20-07
The Stratford PD

I. Uses Permitted

A. Event Center
B. Place of Worship
C. Fitness Center
D. Educational Facility
E. Office Space
F. Restaurants (Excluding Drive-Thru Restaurants)

II. Bulk Requirements

A. Maximum Height: 48 ft.
B. Setbacks shall be as follows:
1. Front: 20 feet
2. Rear: 5 feet
3. Side (Interior): 5 feet

III. Access and Circulation

A. All public improvements required herein shall be made to the specifications of Shelby County and City of Memphis.
B. All drive entrances shall be constructed to meet applicable City of Memphis regulations and shall provide a minimum pavement width of twenty feet (20') from back of curb to back of curb.
C. Two points of vehicular access shall be provided to Stratford Road subject to the approval of the City Engineer.
D. All public and private streets shall meet the geometry requirements of the City of Memphis.
E. Easements for access, sanitary sewers, drainage, and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners.
F. Curb, gutter, and sidewalk improvements shall be required along the road frontage of the Stratford Center Planned Development.
G. One parking space shall be provided per 300 square feet of floor area.

IV. Landscaping/Screening/Open Space

A. Landscaping, screening, green space, and tree preservation shall be provided in accordance

with the Shelby County and City of Memphis Unified Development Code.
B. Proposed fencing and landscaping locations shall be shown on the final plat.
C. Landscaping shall not be placed on utility, water, sewer, or drainage easements.
D. A minimum of 20% green space ration shall be provided for this Planned Development.
E. All utilities shall be reasonably screen from public right-of-ways.
F. Masonry and wrought iron fences shall include brick pilasters.
G. All precast or masonry walls and fences shall be compatible with the site buildings.
H. Privacy fence shall be provided around site as barrier where noted on the outline plan.
I. Plantings within buffers shall provide an all-year visual screen.
J. Refuse containers and loading areas shall be screened from view of adjacent public roadways and residential uses.
K. Specific location of fencing and screening shall be reviewed and approved by the Office of Planning and Development.
L. All construction and improvements within the development shall be in compliance with erosion and sediment control guidelines and the City of Memphis.

V. Drainage

A. A grading and drainage plan will be submitted to the City Engineer concurrent with construction plans for review by the City of Memphis prior to commencement of construction.
B. Onsite detention will be provided to prevent any downstream drainage issues related to the development.
C. Adequate EPSC measure will be in place during construction.
D. All grading shall be in accordance with TDEC and City of Memphis regulations. All grading shall be reviewed and approved by the City Engineer.

VI. Utilities

A. The sewer system shall be approved and constructed in accordance with the requirements of the City of Memphis.

VII. Utilities

A. The sewer system shall be approved by and constructed in accordance with the requirements of the City of Memphis.

VIII. Modifications

A. The Land Use Control Board may modify the bulk regulations, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council. The Land Use Control Board and Office of Planning and Development may modify the bulk requirements, access and circulation, and landscape requirements if equivalent alternatives are presented.

IX. Signs

A. A comprehensive signage design manual shall be approved and reviewed by the Office of Planning and Development. The signage requirements shall be added to the outline plan and may be approved as a minor amendment to the Planned Development by the Office of Planning and Development. This policy shall be required prior to the issuance of the first permanent sign permit.

B. This planned development shall have one (1) attached sign and one (1) detached sign.

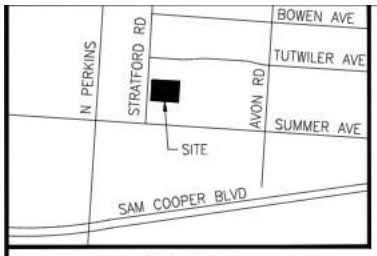
X. Final Plat

A. A final plat shall be filed within five (5) years of the date of approval of the outline plan by the legislative body. The Land Use Control Board may grant extensions at the request of the applicant.

Any Final Plat shall include the following:

A. The outline plan conditions
B. A standard subdivision contract as defined by the subdivision regulations for any needed public improvements.
C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
D. The location and ownership, whether public or private of any easement.
E. The private drives, sewer easements, and any common opens space shall be shown on the final plat and shall be owned and maintained by the developer. A statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the association.
F. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
G. The 100-year flood elevation.
H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for storm water detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned, and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

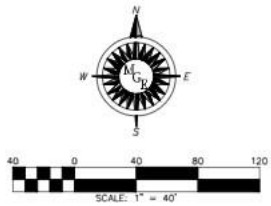
CONCEPT PLAN

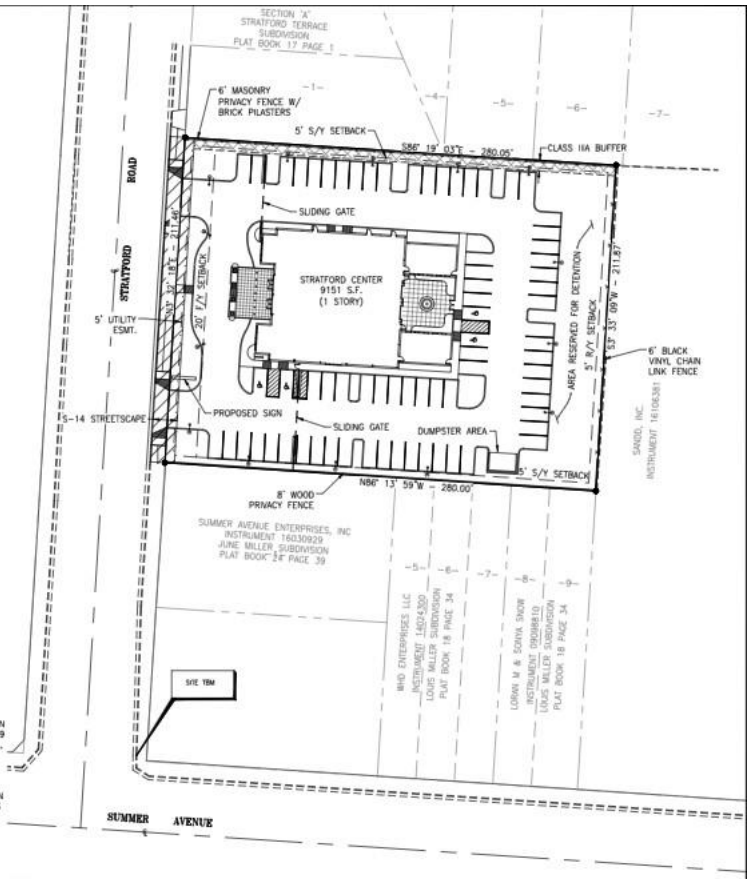


VICINITY MAP
NOT TO SCALE

SITE PLAN DATA CHART		
PROJECT NAME:	STRATFORD CENTER PLANNED DEVELOPMENT	
SITE PLAN TYPE:	OUTLINE PLAN	
PARCEL ID:	[illegible]	
LOT NUMBER:	1	
PROPERTY ADDRESS:	0 STRATFORD ROAD	
CITY, COUNTY, STATE:	MEMPHIS, SHELBY COUNTY, TENNESSEE	
TAX MAP:	WARD 55 - BLOCK 26	
EXISTING ZONING AND APPLICABLE OVERLAYS:	RU-1 PLANNED COMMERCIAL UNDERLAY	
ACREAGE OF SITE:	1.35 AC (59,270 SF)	
LOT WIDTH:	MINIMUM REQUIRED	PROVIDED
	20 FT	211.87 FT
MINIMUM REQUIRED SETBACK LINES:	MINIMUM REQUIRED	PROVIDED
FRONT (YARD)	20 FT	20 FT
SIDE (YARD)	0 FT	0 FT
REAR (YARD)	0 FT	0 FT
OWNERSHIP: REEDY COMPANY		
Address:	4701 Summer Ave Memphis, TN 38122	
Phone No:	901.452.0808	
Fax No:	N/A	
E-mail Address:	[illegible]	
Contact Name:	Jim Reedy	
APPLICANT/DESIGN PROFESSIONAL: MCCARTY GRANBERRY ENGINEERING FIRM		
Address:	1199 Progress Road Collierville, TN 38017	
Phone No:	901.201.0075	
Fax No:	N/A	
E-mail Address:	[illegible]	
Contact Name:	Joel Barnett, P.E.	
PROPOSED USES:	SEE USES PERMITTED ON SHEET 2	
MAXIMUM BUILDING HEIGHT:	45'0"	
NONRESIDENTIAL BUILDING SQUARE FOOTAGE (AND EXISTING ON SITE AND PROPOSED):	NEW ADDITION 9151 SF	
FLOOR AREA RATIO (FAR):	MAXIMUM LIMIT	PROVIDED
	N/A	0.17
OPEN SPACE REPOSITORY (% PERVIOUS AREA/GREEN SPACE):	MINIMUM REQUIRED	PROVIDED
	25.00%	25.00%
PROPOSED PARKING*:	MINIMUM REQUIRED	PROVIDED
	39	39

*ACCORDING TO THE MEMPHIS & SHELBY COUNTY UNIFIED DEVELOPMENT CODE (UDC), 1 PARKING SPACE IS REQUIRED PER 300 SF OF FLOOR AREA FOR INDOOR RECREATION.



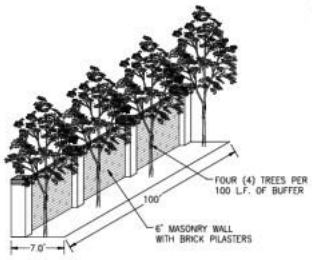


NOTES:

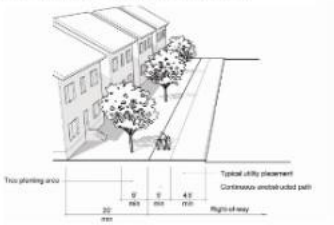
1. THERE IS A 5' UTILITY EASEMENT ALONG THE FRONT, SIDE, AND REAR PROPERTY LINES FOR EACH LOT IN THIS SUBDIVISION.
2. CITY OF MEMPHIS BENCHMARK #874: LOCATED AT THE SOUTHEAST CORNER OF STRATFORD AND BOWEN AVENUE. ELEVATION: 274.08' (NAVD '88 DATUM)
3. SITE BENCHMARK (B.M.): CUT SQUARE AT THE TOP OF CURB AT THE NORTHEAST CORNER OF SUMMER AVENUE & STRATFORD ROAD AT ER ON STRATFORD ROAD SIDE. ELEVATION: 276.29' (NAVD '88 DATUM)
4. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD HAZARD INSURANCE RATE MAP (FIRM), THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA AS IDENTIFIED IN FIRM 4701770294G, REVISED FEBRUARY 6, 2013. NEAREST BFE: 248.0'

PROPERTY DESCRIPTION

BEGINNING AT A POINT (IRON PIN FOUND 15.3 FEET EAST) 194.00 FEET NORTH OF THE NORTH LINE OF SUMMER AVENUE, AT THE INTERSECTION OF THE EAST LINE OF STRATFORD ROAD (40 FEET FROM CENTERLINE) AND THE NORTH LINE OF THE SUMMER AVENUE ENTERPRISES, INC. PROPERTY AS DESCRIBED IN INSTRUMENT 16030929; THENCE, NORTH 03 DEGREES 32 MINUTES 18 SECONDS EAST AND ALONG THE EAST LINE OF STRATFORD ROAD A DISTANCE OF 211.46 FEET TO AN IRON PIN SET IN THE SOUTH LINE OF LOT 1, SECTION "A", STRATFORD TERRACE SUBDIVISION AS RECORDED IN PLAT BOOK 17 PAGE 1; THENCE SOUTH 86 DEGREES 19 MINUTES 03 SECONDS EAST AND ALONG THE SOUTH LINE OF THE LOTS 1, 4, 5, AND 6 STRATFORD TERRACE SUBDIVISION A DISTANCE OF 280.05 FEET TO AN IRON PIPE FOUND IN THE WEST LINE OF THE SANDO, INC. PROPERTY AS DESCRIBED IN INSTRUMENT 16106381; THENCE SOUTH 03 DEGREES 33 MINUTES 09 SECONDS WEST AND ALONG THE WEST LINE OF THE SANDO, INC. PROPERTY A DISTANCE OF 211.87 FEET TO AN IRON PIN FOUND IN THE NORTH LINE OF THE LORAN & SONYA SNOW PROPERTY AS DESCRIBED IN INSTRUMENT 09098810; THENCE NORTH 86 DEGREES 13 MINUTES 59 SECONDS WEST AND ALONG THE NORTH LINE OF SNOW PROPERTY AND THE NORTH LINE OF THE WHO ENTERPRISES, LLC PROPERTY AS DESCRIBED IN INSTRUMENT 14024300 AND THE SUMMER AVENUE ENTERPRISES, INC. PROPERTY A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING CONTAINING 59,270 SQUARE FEET.



CLASS IIIA BUFFER PLATE



S-14 STREETSCAPE

RECORDED

CONCEPT PLAN/OUTLINE PLAN			
STRATFORD CENTER P.D.			
CASE NUMBER: (TBD)			
MEMPHIS, TENNESSEE			
1 LOT	1.35 AC	WARD 55, BLOCK 26	
OWNER: REEDY COMPANY		ENGINEER: MCCARTY GRANBERRY ENGINEERING 1199 PROGRESS ROAD COLLIERVILLE, TN 38017	
100-YR FLOOD ELEV. N/A (ZONE X)	FEMA MAP PANEL NUMBER 47017702940	FEMA MAP DATE 2/6/2013	
DATE: 7/8/2020	SCALE: 1"=40'	SHEET 1 OF 5	

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday, August 13, 2020***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 20-07
DEVELOPMENT:	Stratford Planned Development
LOCATION:	0, 674, 680 Stratford Road
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Jim Reedy – Memphis Investment Properties, LLC.
REPRESENTATIVE:	Arthur Nave
REQUEST:	Commercial planned development
EXISTING ZONING:	Residential Urban – 1 (RU-1)
AREA:	+/-1.36 acres

The following spoke in support of the application: Arthur Nave, Josh Burnette

The following spoke in opposition the application: Charlie Belenky

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

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

Respectfully,

Lucas Skinner
Municipal Planner
Josh Whitehead, Administrator
Office of Planning and Development

CC: Committee Members
File

STAFF REPORT

AGENDA ITEM: X

CASE NUMBER:	PD 20-07	**L.U.C.B. MEETING:**	**August 13, 2020**
DEVELOPMENT:	Stratford Center Planned Development		
LOCATION:	0, 674, 680 Stratford Road		
COUNCIL DISTRICT:	District 5 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Jim Reedy – Memphis Investment Properties, LLC.		
REPRESENTATIVE:	Arthur Nave		
REQUEST:	Commercial planned development		
AREA:	+/-1.36 acres		
EXISTING ZONING:	Residential Urban – 1 (RU-1)		

CONCLUSIONS

1. The applicant is requesting a commercial structure to be built across 3 existing lots on Stratford Road just north of Summer Avenue.
2. Staff believes that the proposed structure will provide a good transition for the neighborhood from the businesses on Summer, while also enhancing the aesthetic of the surrounding area.
3. Staff finds this proposal will not unduly injure the surrounding area.
4. More conclusions can be found on page 20 of this report.

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 16-18 of this report.

RECOMMENDATION:
Approval with conditions

Staff Writer: ***Lucas Skinner*** **E-mail:** ***lucas.skinner@memphistn.gov***

GENERAL INFORMATION

Street Frontage:	Stratford Road	+/-201 linear feet
Zoning Atlas Page:	2040	
Parcel ID:	063026 00027, 063026 00028, 063026 00029	
Existing Zoning:	Residential Urban – 1 (RU-1)	

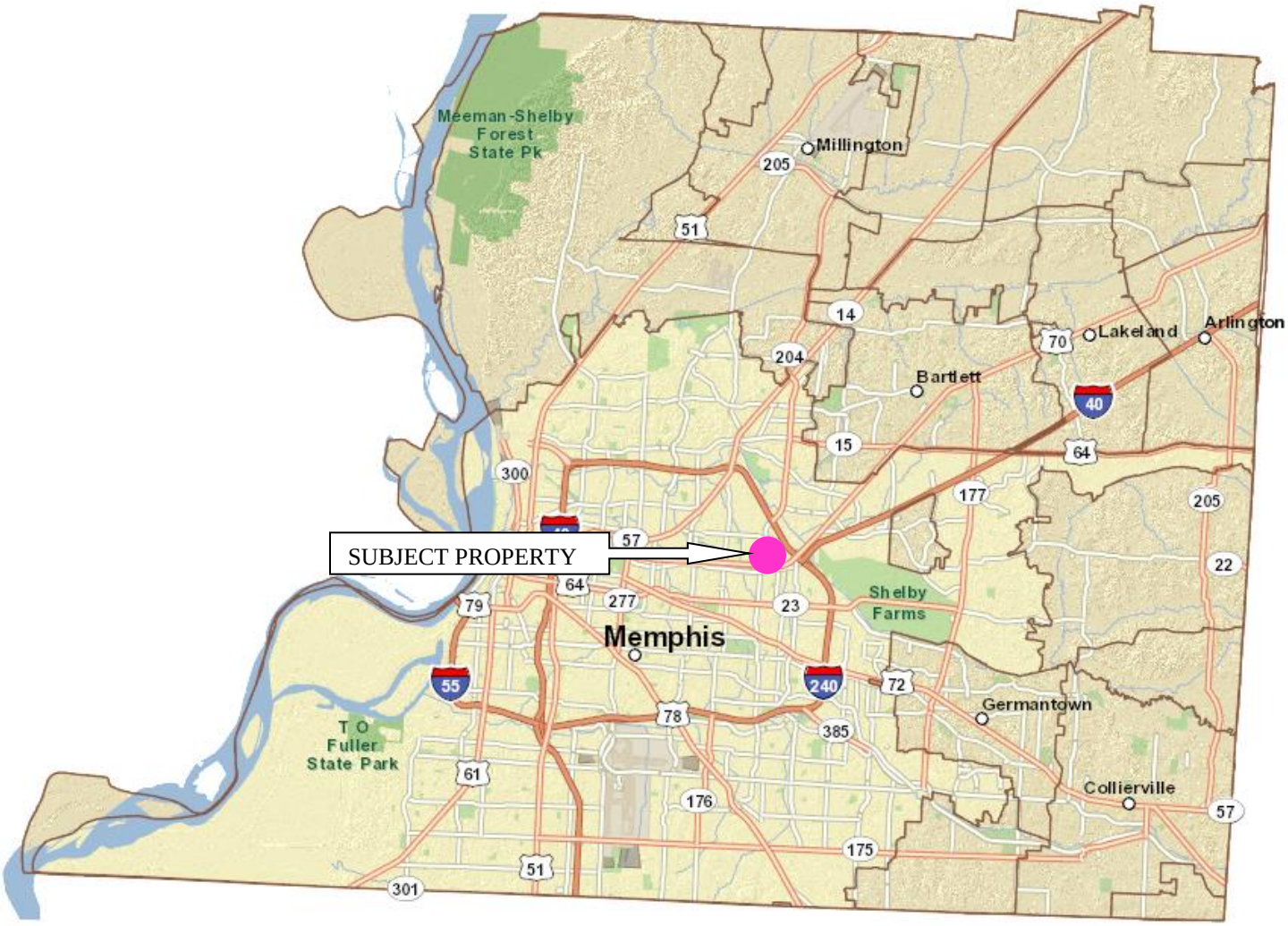
NEIGHBORHOOD MEETING

The meeting was held at 7:00 PM on Thursday, July 30, 2020, over Zoom call.

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 53 notices were mailed on July 29, 2020, 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, Berclair neighborhood

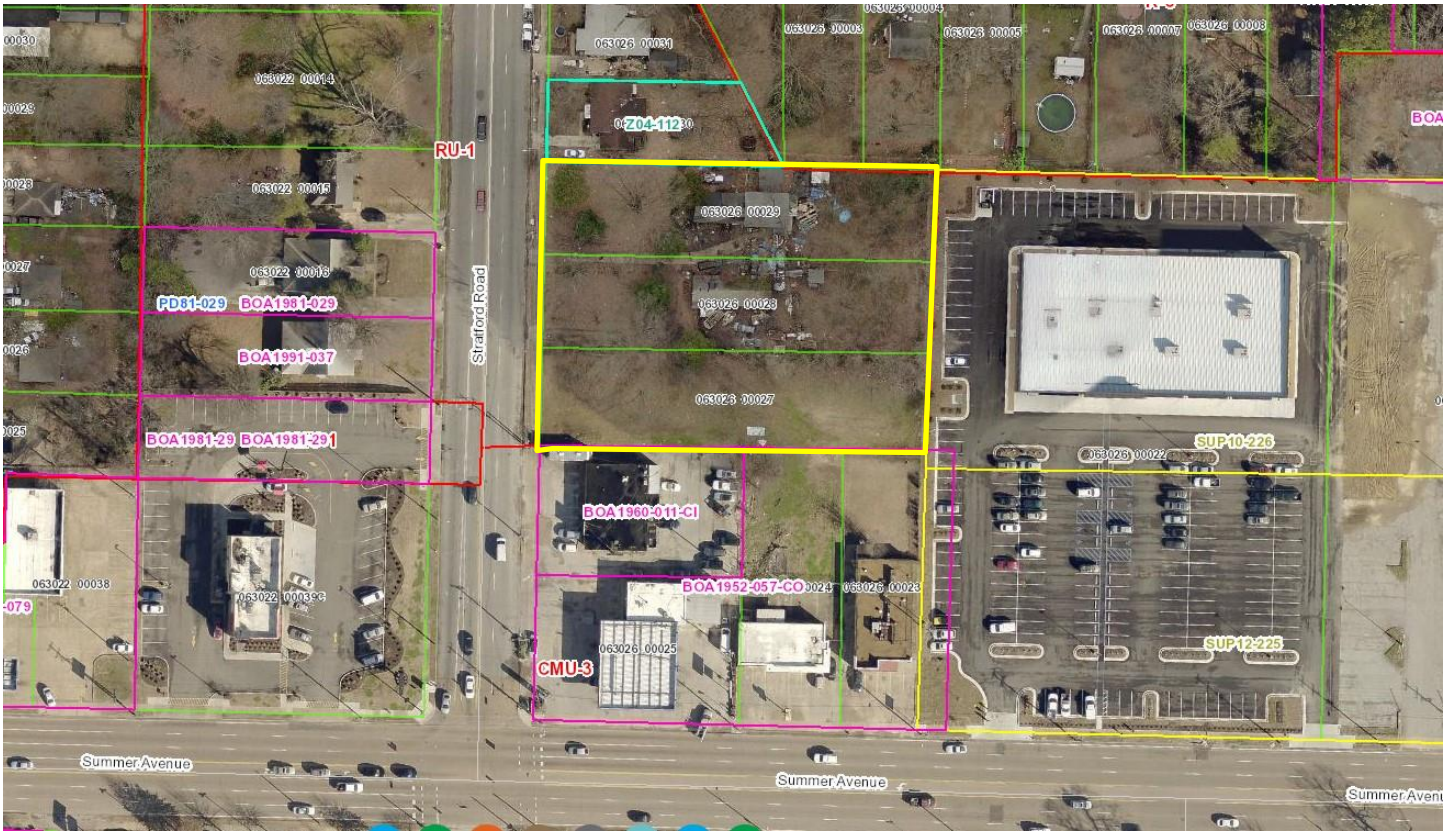
VICINITY MAP

Subject property highlighted in yellow

AERIAL

Subject property outlined in yellow, imagery from late 2019

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Urban – 1 (RU-1)

Surrounding Zoning

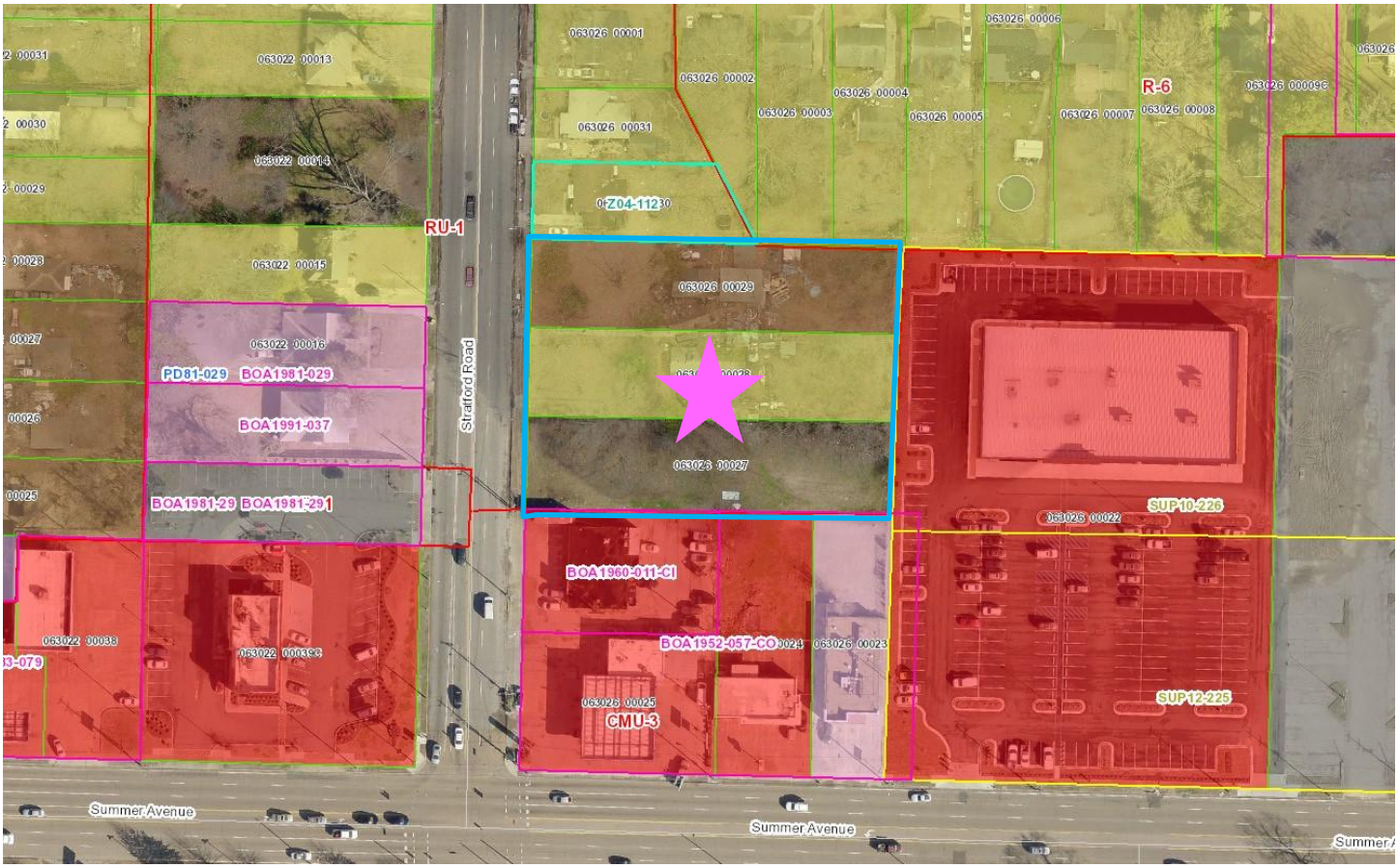
North: RU-1, Z04-112 was a request for OG zoning and it failed

East: CMU-3, SUP 12-225

South: CMU-3, BOA 1960-11, BOA 1952-057

West: RU-1, PD 81-029, BOA 1991-037

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS

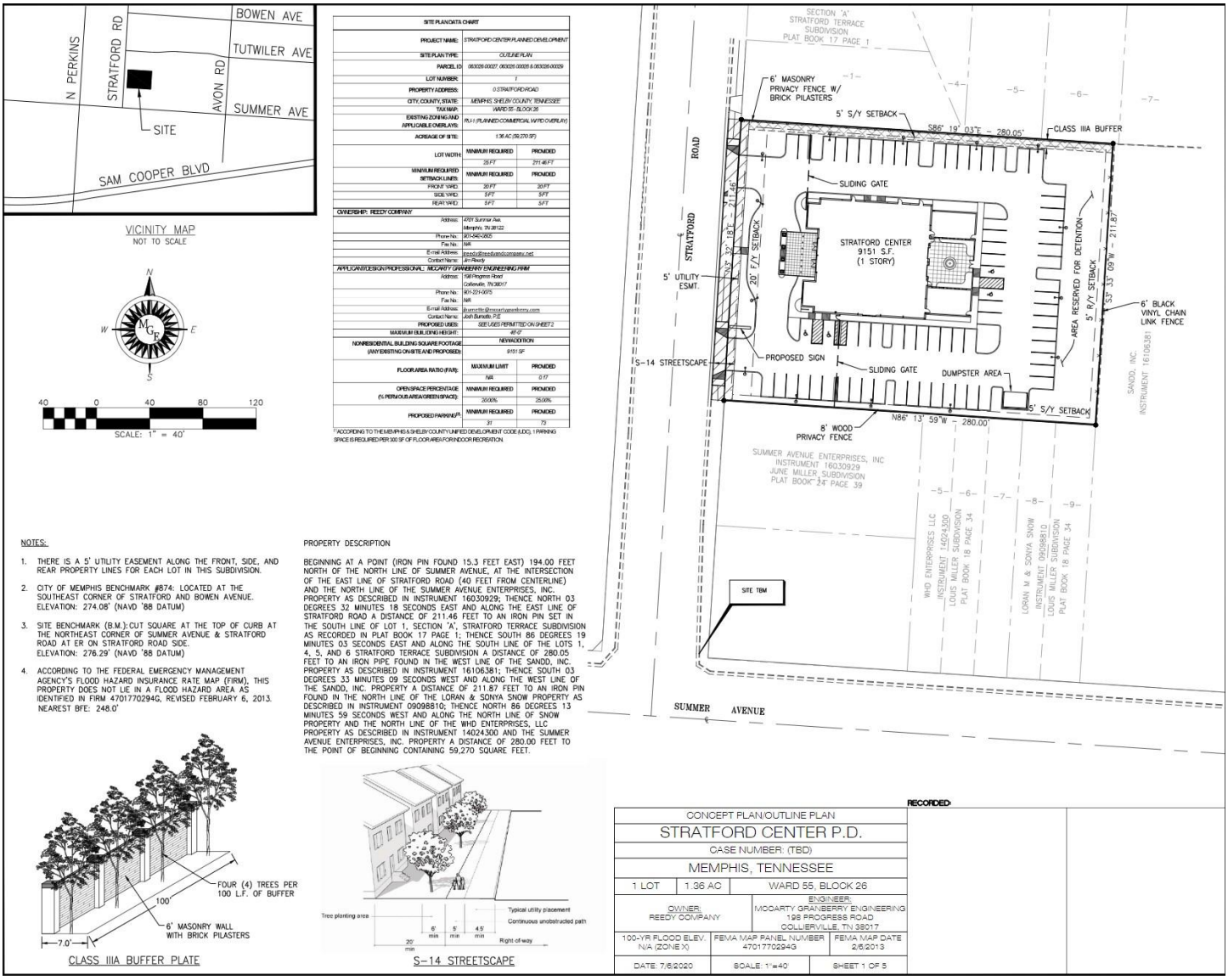
View of the subject property from Stratford Road looking due East

View of adjacent property from Stratford Road looking Northeast

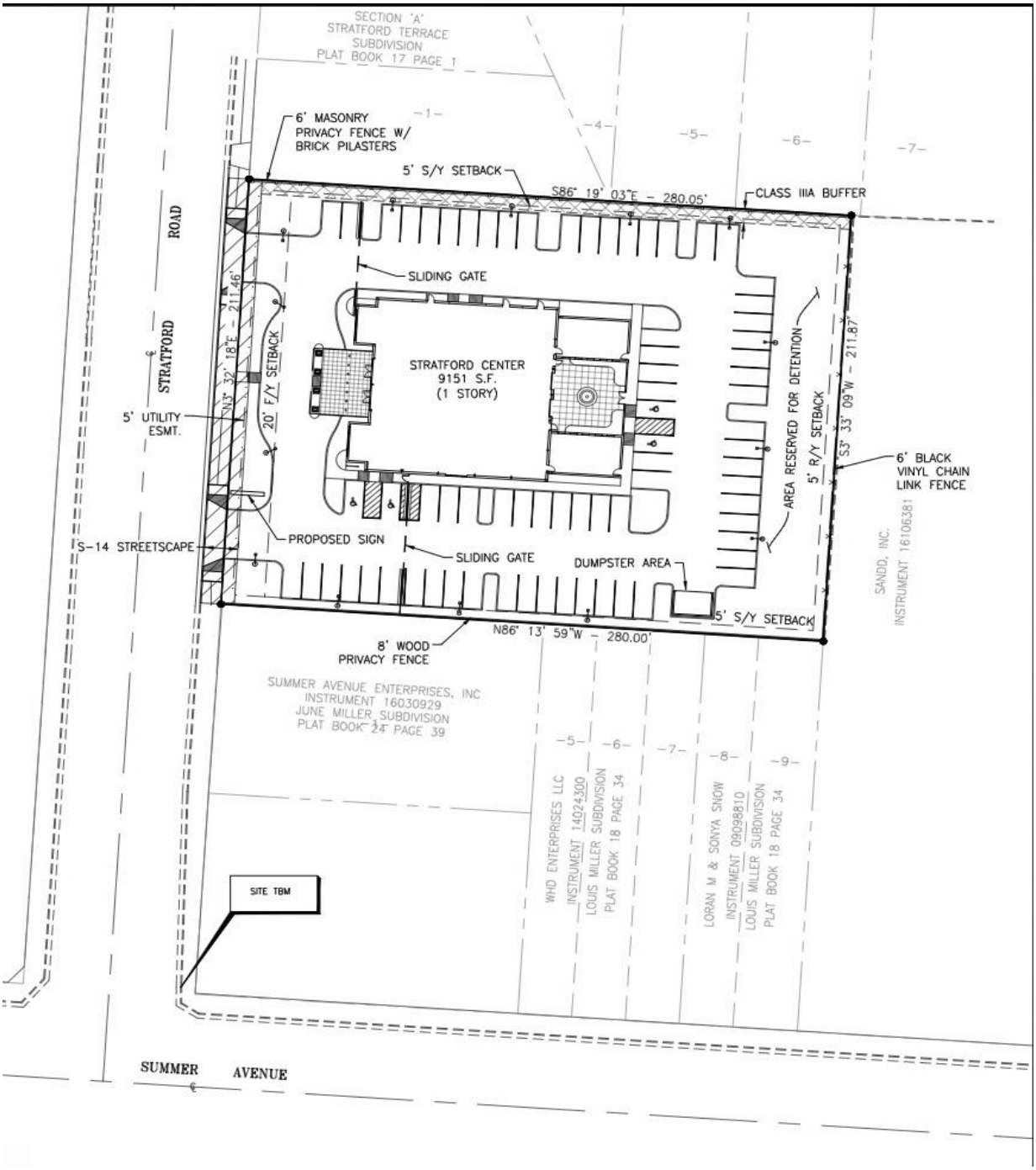
View of adjacent property from Stratford Road looking Southeast

View of adjacent property across Stratford Road looking Northwest

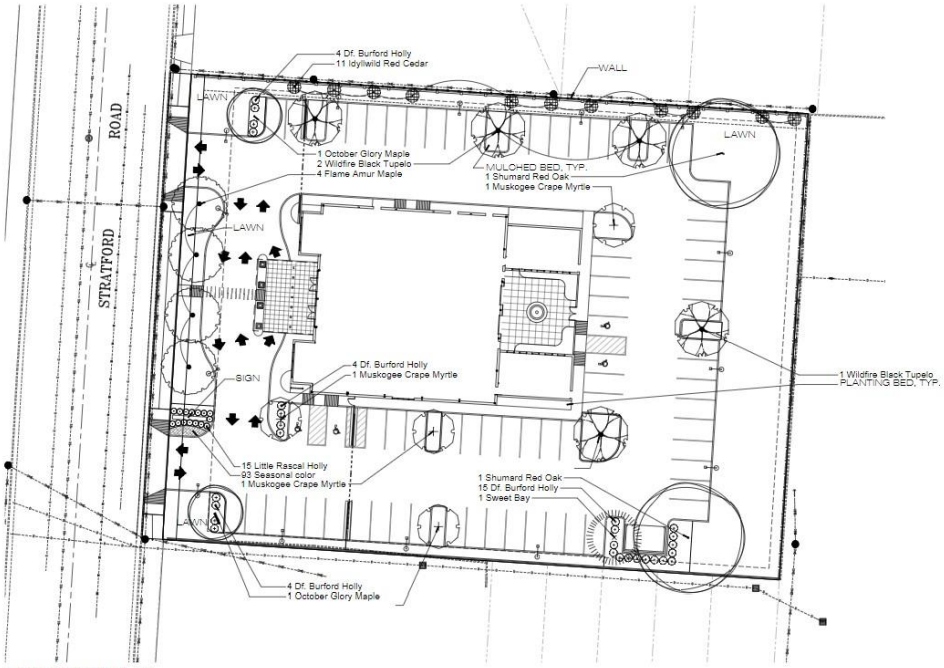
OUTLINE PLAN



OUTLINE PLAN (ZOOMED)



LANDSCAPE PLAN



LANDSCAPE PLAN
SCALE: 1" = 30'-0"

LANDSCAPE REQUIREMENTS:

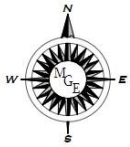
STREET YARD TREES REQUIRED: (211.46 LF) - (48 DRIVES) = 164/30 LF	6 TREES
STREET YARD TREES PROVIDED:	6 TREES
STREET YARD SHRUBS REQUIRED:	NONE
INTERIOR TREES REQUIRED:	TERMINUS OF PARKING BAYS
INTERIOR TREES PROVIDED:	TERMINUS OF PARKING BAY OR ALTERNATE LOCATION
BUFFER YARD TREES REQUIRED (280 LF): 8/100 LF	11 TREES
BUFFER YARD TREES PROVIDED:	11 TREES

ENHANCEMENT AT SIGN REQUIRED AND PROVIDED

LANDSCAPE REQUIREMENT SUMMARY
NOT TO SCALE

TREES	COMMON NAME	BOTANICAL NAME	CONDITION	CAL.	SIZE	REMARKS
4	Flame Amur Maple	Acer ginnala "Flame"	B & B	2.5"Cal		Matched specimens, min. 3 stems
11	Idyllwild Red Cedar	Juniperus virginiana "Idyllwild"	--		5' ht.	Matched specimens, full to ground
4	Muskogee Crape Myrtle	Lagerstroemia indica x fauriei "Muskogee"	--	1" cal. avg. ea. stem		Matched specimens, min. 3 stems
2	October Glory Maple	Acer rubrum "October Glory" TM	B & B	2.5"Cal		Matched specimens, min. 4' clear trunk
2	Shumard Red Oak	Quercus shumardii	B & B	2.5"Cal		Matched specimens, min. 4' clear trunk
1	Sweet Bay	Magnolia virginiana "Henry Hicks"	B & B	2.5"Cal		Specimen
5	Wildfire Black Tupelo	Nyssa sylvatica "Wildfire"	B & B	2.5"Cal		Specimen, min. 4' clear trunk
SHRUBS	**COMMON NAME**	**BOTANICAL NAME**	**CONDITION**	**SPR.**	**HT.**	**REMARKS**
27	Df. Burford Holly	Ilex cornuta "Burfordii Nana"	--		24"	Dense, full matching specimens
15	Little Rascal Holly	Ilex x meserveae "Mondo" TM	--	18" spread		Dense, matching specimens, full to ground
GROUND COVERS	**COMMON NAME**	**BOTANICAL NAME**	**CONT.**	**SPACING**	**REMARKS**	
93	Seasonal color	---	4"pot	10" on centers	Fall/winter - pansies; Spring/summer - lantana	

PLANT SCHEDULE
NOT TO SCALE

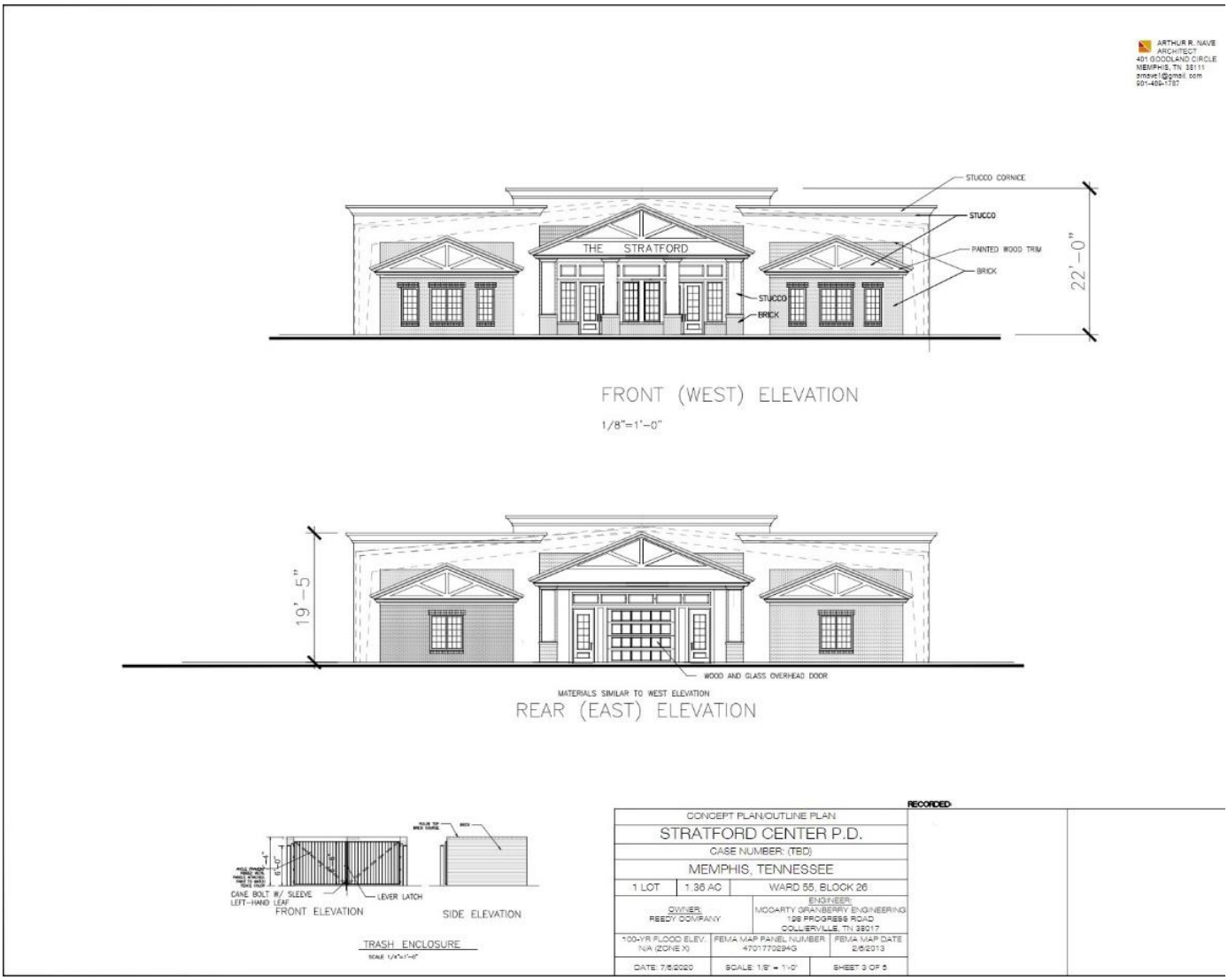


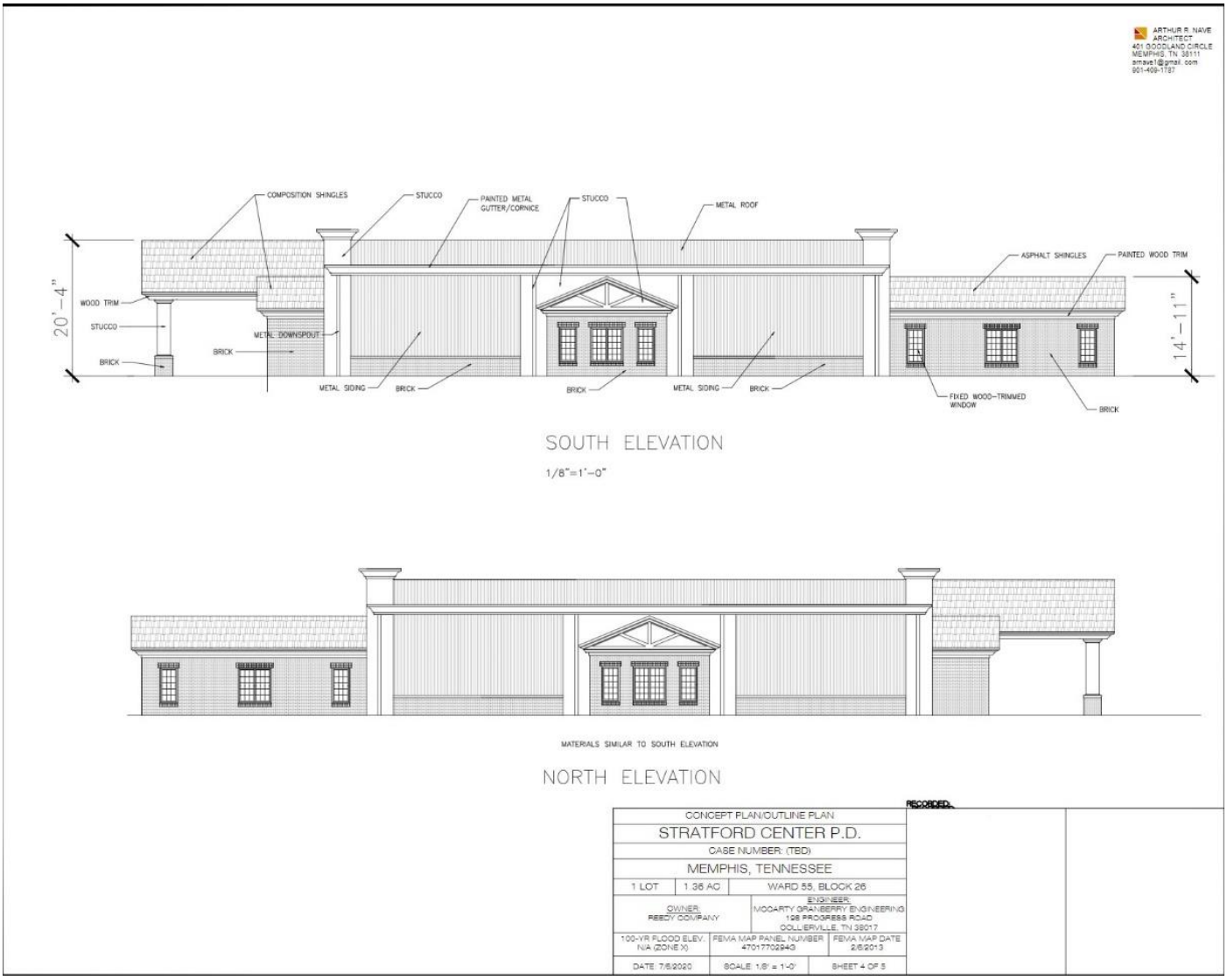
SCALE: 1" = 30'

RECORDED

CONCEPT PLAN/OUTLINE PLAN			
STRATFORD CENTER P.D.			
CASE NUMBER: (TBD)			
MEMPHIS, TENNESSEE			
1 LOT	1.36 AC	WARD 55, BLOCK 26	
OWNER: REEDY COMPANY	ENGINEER: MCCARTY GRANBERRY ENGINEERING 199 PROGRESS ROAD COLLIERVILLE, TN 38017		
100-YR FLOOD ELEV. N/A (ZONE X)	FEMA MAP PANEL NUMBER 47017C0294G	FEMA MAP DATE 2/6/2013	
DATE: 7/6/2020	SCALE: 1"=30'	SHEET 2 OF 5	

ELEVATIONS/ RENDERING

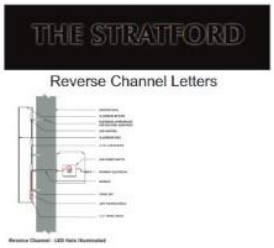



ARTHUR B. NAVE
ARCHITECT
401 GOODLAND CIRCLE
MEMPHIS, TN 38111
amave1@gmail. com
901-409-1787
COMPOSITION SHINGLES
STUCCO
PAINTED METAL GUTTER/CORNICE
STUCCO
METAL ROOF
ASPHALT SHINGLES
PAINTED WOOD TRIM
20'-4"
14'-11"
WOOD TRIM
STUCCO
BRICK
METAL DOWNSPOUT
BRICK
METAL SIDING
BRICK
BRICK
METAL SIDING
BRICK
FIXED WOOD-TRIMMED WINDOW
BRICK
SOUTH ELEVATION
1/8"=1'-0"
MATERIALS SIMILAR TO SOUTH ELEVATION
NORTH ELEVATION
RECORDED:
CONCEPT PLAN/OUTLINE PLAN
STRATFORD CENTER P.D.
CASE NUMBER: (TBD)
MEMPHIS, TENNESSEE
1 LOT
1.36 AC
WARD 55, BLOCK 26
OWNER:
REEDY COMPANY
ENGINEER:
MCCARTY GRANBERRY ENGINEERING
128 PROGRESS ROAD
COLLIERVILLE, TN 38017
100-YR FLOOD ELEV.:
N/A (ZONE X)
FEMA MAP PANEL NUMBER
47017702943
FEMA MAP DATE
2/5/2013
DATE: 7/6/2020
SCALE: 1/8" = 1'-0"
SHEET 4 OF 5

THE STRATFORD

Building Sign

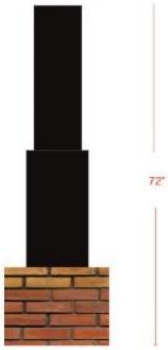
Night View

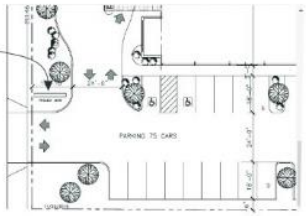


Acrylic sign face
with LED back lit illumination

Street Sign

Side View





EMC Specs

16mm	
Pixel Pitch:	16mm
Pixel Configuration:	True Pixel, 1R, 1G, 1B
Character Height:	5" or larger
Module Dimensions (H x W):	12.8" x 12.8"
Matrix Configuration:	20 x 20 pixels
LED Lifetime:	100,000 hours
Color Capability:	68 Billion
Viewing Angle:	140° H x 70° V
Media Format:	Video, picture, text
Brightness:	10,000 NITS
Power:	120 volt single phase 60Hz
Communications Options:	RF, Broadband, Wireless

STAFF ANALYSIS

Request

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

The request is for a commercial structure on the east side of Stratford Road, just north of Summer Avenue.

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

4.10.5 Planned Commercial or Industrial Developments

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

A. *Screening*

    When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. *Display of Merchandise*

    All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. *Accessibility*

    The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. *Landscaping*

    Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

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

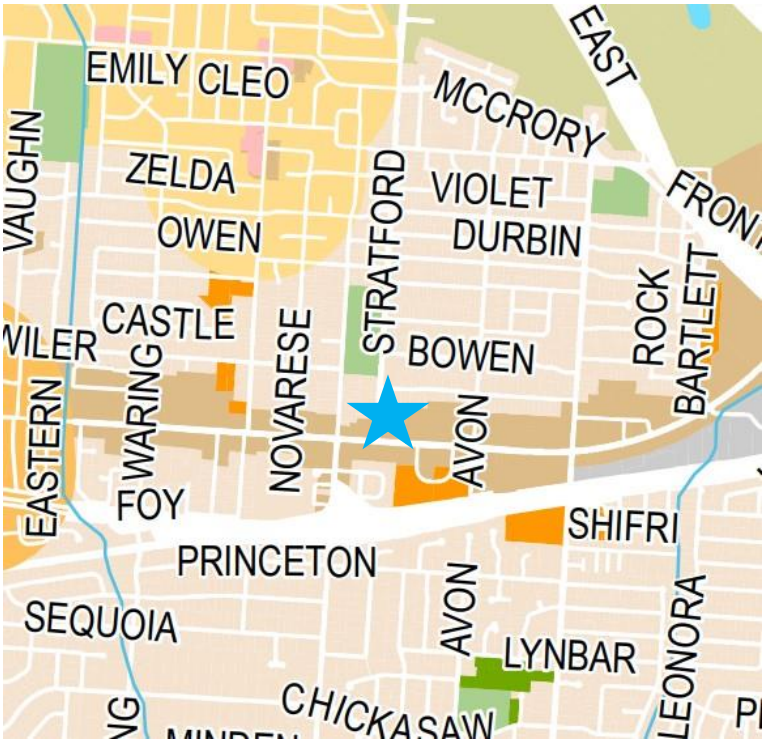
9.6.9 Approval Criteria
No special use permit or planned development shall be approved unless the following findings are made concerning the application:

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

Site Description
The subject property is +/- 1.36 acres and comprised of three parcels located on the east side of Stratford Road just north of Summer Avenue. The site is currently zoned Residential Urban – 1 (RU-1) and is partially vacant, with some existing residential structures on the northern end of the site. The site is abutting commercial uses to the south and the east.

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

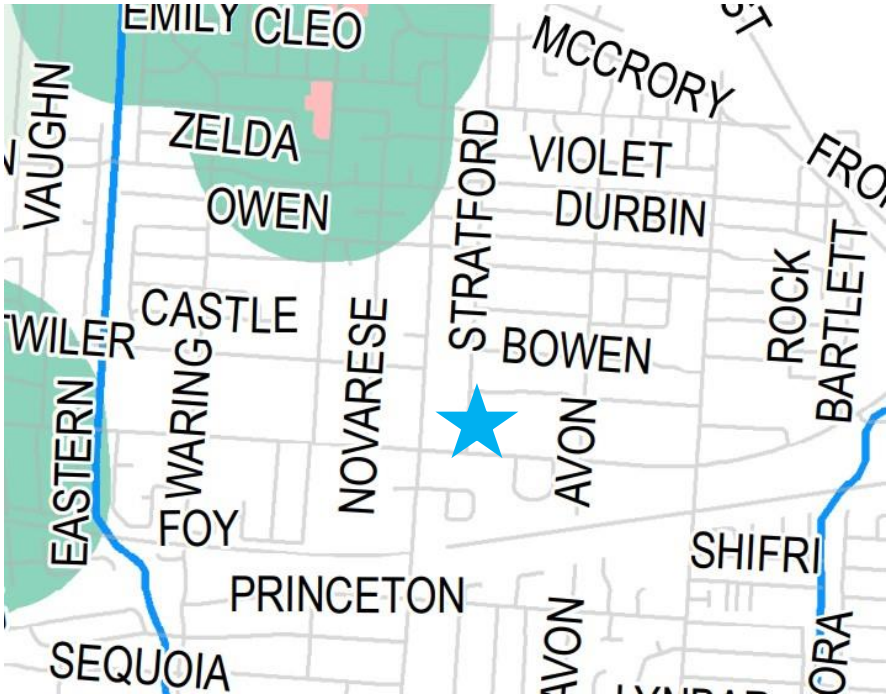
1. *The future land use planning map:* The subject site is identified as Low Intensity Commercial and Services in the future land use planning map.



2. *The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:* The request for a commercial structure meets this criteria because many of the requested uses meet the guidelines of a low intensity commercial use or service.

3. *Existing, adjacent land uses and zoning:* The subject site is surrounded by the following land uses: residential to the north and west, and commercial to the south and east. The subject site is surrounded by the following zoning districts: RU-1 to the north and west, CMU-3 to the south and east. This requested land use is compatible with these zoning districts because the proposed uses would be allowed in the CMU-3 district by right, while also providing a slightly less intense use to help buffer the homes from Summer Avenue.

4. *The degree of change map:* The subject site is not identified in any category in the degree of change map.



5. *The degree of change descriptions:* The request for a commercial event structure meets this criteria because there are no guidelines to meet for an area that is not categorized.

This proposal is consistent with the Memphis 3.0 General Plan as it meets the guidelines for the Future Land Use as well as the Degree of Change. Staff believes this development will provide a less intense commercial buffer to help ease the uses from Summer Avenue onto Stratford Road.

Conclusions

The applicant is requesting a commercial structure just north of the Stratford Road and Summer Avenue intersection.

Staff believes that a commercial structure for an event center, restaurant, etc. will provide a lesser intense commercial use to help buffer the uses from Summer Avenue into the neighborhood, while also adding a new building with an aesthetic that will enhance the neighborhood.

The subject properties are predominantly vacant and the lot redesign will create a more desirable layout that is consistent with the existing lots on Stratford Road.

The proposed addition of a landscaping buffer and additional landscaping will create a more desirable and aesthetically pleasing buffer in the neighborhood.

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

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are

compatible with the surrounding land uses.

RECOMMENDATION
Staff recommends approval with outline plan conditions.

Site Conditions
1. A Class III buffer shall be established along the northern line of the property abutting the residential uses.

2. Two curb cuts shall be permissible such that the southern curb cut shall be signed as an entrance only and the northern curb cut shall be signed as an exit only. Both curb cuts shall have a throat width of 14 feet.

Outline Plan Conditions

PD 20-07
The Stratford PD

I. Uses Permitted

A. Event Center
B. Place of Worship
C. Fitness Center
D. Educational Facility
E. Office Space
F. Restaurants (Excluding Drive-Thru Restaurants)

II. Bulk Requirements

A. Maximum Height: 48 ft.
B. Setbacks shall be as follows:
1. Front: 20 feet
2. Rear: 5 feet
3. Side (Interior): 5 feet

III. Access and Circulation

A. All public improvements required herein shall be made to the specifications of Shelby County and City of Memphis.
B. All drive entrances shall be constructed to meet applicable City of Memphis regulations and shall provide a minimum pavement width of twenty feet (20') from back of curb to back of curb.
C. Two points of vehicular access shall be provided to Stratford Road subject to the approval of the City Engineer.
D. All public and private streets shall meet the geometry requirements of the City of Memphis.

E. Easements for access, sanitary sewers, drainage, and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners.
F. Curb, gutter, and sidewalk improvements shall be required along the road frontage of the Stratford Center Planned Development.
G. One parking space shall be provided per 300 square feet of floor area.

IV. Landscaping/Screening/Open Space

A. Landscaping, screening, green space, and tree preservation shall be provided in accordance with the Shelby County and City of Memphis Unified Development Code.
B. Proposed fencing and landscaping locations shall be shown on the final plat.
C. Landscaping shall not be placed on utility, water, sewer, or drainage easements.
D. A minimum of 20% green space ration shall be provided for this Planned Development.
E. All utilities shall be reasonably screen from public right-of-ways.
F. Masonry and wrought iron fences shall include brick pilasters.
G. All precast or masonry walls and fences shall be compatible with the site buildings.
H. Privacy fence shall be provided around site as barrier where noted on the outline plan.
I. Plantings within buffers shall provide an all-year visual screen.
J. Refuse containers and loading areas shall be screened from view of adjacent public roadways and residential uses.
K. Specific location of fencing and screening shall be reviewed and approved by the Office of Planning and Development.
L. All construction and improvements within the development shall be in compliance with erosion and sediment control guidelines and the City of Memphis.

V. Drainage

A. A grading and drainage plan will be submitted to the City Engineer concurrent with construction plans for review by the City of Memphis prior to commencement of construction.
B. Onsite detention will be provided to prevent any downstream drainage issues related to the development.
C. Adequate EPSC measure will be in place during construction.
D. All grading shall be in accordance with TDEC and City of Memphis regulations. All grading shall be reviewed and approved by the City Engineer.

VI. Utilities

A. The sewer system shall be approved and constructed in accordance with the requirements of the City of Memphis.

VII. Utilities

A. The sewer system shall be approved by and constructed in accordance with the requirements of the City of Memphis.

VIII. Modifications

A. The Land Use Control Board may modify the bulk regulations, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council. The Land Use Control Board and Office of Planning and Development may modify the bulk requirements, access and circulation, and landscape requirements if equivalent alternatives are presented.

IX. Signs

A. A comprehensive signage design manual shall be approved and reviewed by the Office of Planning and Development. The signage requirements shall be added to the outline plan and may be approved as a minor amendment to the Planned Development by the Office of Planning and Development. This policy shall be required prior to the issuance of the first permanent sign permit.
B. This planned development shall have one (1) attached sign and one (1) detached sign.

X. Final Plat

A. A final plat shall be filed within five (5) years of the date of approval of the outline plan by the legislative body. The Land Use Control Board may grant extensions at the request of the applicant.

Any Final Plat shall include the following:

A. The outline plan conditions
B. A standard subdivision contract as defined by the subdivision regulations for any needed public improvements.
C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
D. The location and ownership, whether public or private of any easement.
E. The private drives, sewer easements, and any common opens space shall be shown on the final plat and shall be owned and maintained by the developer. A statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the association.
F. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
G. The 100-year flood elevation.
H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for storm water detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned, and maintained by the property owner and/or property owners' association. Such maintenance

shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

City/County Engineer:
CASE: PD-20-007 NAME: The Stratford PD
1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.
Sewers:
2. The availability of City sanitary sewer is unknown at this time. 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. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
Roads:
4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
Traffic Control Provisions:
6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.
Curb Cuts/Access:
9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
11. Two (2) curb cuts along on Stratford Road frontage will be permitted. The southern curb cut shall be signed as entrance only and the northern curb cut shall be signed as exit only. No full movement curb cut shall be located closer than 300 feet from the centerline of Summer Avenue. The throat widths of each of these one-way curb cuts shall be 14 feet wide.
Drainage:
12. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior

to recording of the final plat.
13. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
15. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
Site Plan Notes:
16. 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.
17. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

City/County Fire Division: No comments received.
City Real Estate: No comments received.
City/County Health Department:
Water Quality Branch & Septic Tank Program:

- No comments.

Shelby County Schools: No comments received.
Construction Code Enforcement: No comments received.
Memphis Light, Gas and Water:
MLGW has reviewed the referenced application, and has <u>no objection, **subject to** the following conditions:</u>

Land and Mapping-Address Assignment:

Office of Sustainability and Resilience:

- No comments at this time.

APPLICATION

Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

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

Date: July 2,2 020 Case #: _____

PLEASE TYPE OR PRINT

Name of Development: The Stratford

Property Owner of Record: Memphis Investment Properties, LLC Phone #: 901-268-6597
Mailing Address: 4701 Summer Ave. City/State: Memphis, TN Zip 38122
Property Owner E-Mail Address: jreedy@reedyandcompant.net
Applicant: Jim Reedy Phone # 901-268-6597
Mailing Address: 4701 Summer Ave City/State: Memphis, TN Zip 38122
Applicant E- Mail Address: jreedy@reedyandcompany.net
Representative: Arthur Nave, Architect Phone #: 901-409-1787
Mailing Address: 401 Goodland Circle City/State: Memphis, TN Zip 38111
Representative E-Mail Address: arnave1@gmail.com
Engineer/Surveyor: Josh Burnette - McCartyGranberry Engineering Phone # 901-221-0075
Mailing Address: 186 Prospect Road City/State: Collierville, TN Zip 38017
Engineer/Surveyor E-Mail Address: jburnette@mccartygranberry.com
Street Address Location: 660-674 Stratford Road
Distance to nearest intersecting street: 240 feet south to Summer Ave.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	1.36 Ac		
Existing Zoning:	RU-1		
Existing Use of Property	RESIDENTIAL		
Requested Use of Property	COMMERCIAL		

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

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

Number of Residential Units: _____ Bedrooms: _____

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

1

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

Yes_____ No x____

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

4.10.3 Planned Development General Provisions

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

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

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

  The commercial uses proposed for this development are set in a building with residentially scaled facade to blend with neighborhoods to the north and west. Adequate parking, in excess of requirements of the Development Code for the proposed uses, is provided on-site

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

  Existing utilities in Stratford Road are adequate for serving the proposed uses. Storm water will be managed through a dry detention basin with outfall to city storm drain

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

  A Type III buffer with masonry wall is provided on north property line. Parking lot lighting is arrange along the perimeter aimed inward and with cut-off to shield from adjacent properties. Driveways and parking areas are arranged to provide easy ingress/egress to the site and smooth traffic flow before and after events.

- 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 design of the site and building are in keeping with adjoining developments

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

  There are no common areas in this development. The Owner will maintain the entire property

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

2

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: June 3 with Josh Whitehead (via email)

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

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

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

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

Memphis Investment Properties LLC 7-3-20 Jim Reed 7-3-2020
Property Owner of Record Date Applicant Date

LETTER OF INTENT

MCCARTY GRANBERRY
ENGINEERING
198 Progress Road, Collierville, TN 38017
(901) 221-0075

July 6, 2019

Memphis & Shelby County Board of Adjustment
125 N. Main Street
City Hall Room 468
Memphis, TN 38013

RE: STRATFORD CENTER PLANNED DEVELOPMENT
LETTER OF INTENT

On behalf of Jim Reedy, the current owner of the property, we are submitting the attached application for the Stratford Center Planned Development, a 1.36-acre parcel located approximately 240' north of the intersection of Stratford Road and Summer Avenue. We are requesting this planned development to allow for 1 – 211.46' lot, which will overlay three existing R-1 residential lots and will permit commercial land uses as stated in the Outline Plan.

There is an existing residential neighborhood adjacent to the north property line and commercial zoned properties adjacent to the east and south property lines. A Class IIIA buffer is proposed along the north property line to screen the proposed building from the existing residential neighborhood, which will include a decorative wall and trees. No parking is proposed along the Stratford Road frontage so that the commercial use will better transition to the residential setting north of the property. The building façade will be compatible with the residential neighborhood to also provide a suitable transition from existing commercial buildings and the residential neighborhoods along Stratford Road. We are also proposing a 20% green space requirement and decorative landscaping throughout the site.

It is likely that new water and sewer service connections will need to be tied to the existing water and sewer lines located in Stratford Road since the existing residential services will likely not be compatible for the new commercial use.

It is intended that stormwater be detained with a dry detention basin proposed on the east side of the property. Detained stormwater is planned to then be routed to existing public box culvert located on the commercial property east of the site.

Design Professionals:

Architect: Arthur Nave
Landscape Architect: Isobel Ritch, PLA (Fisher Arnold)
Civil Engineer: Josh Burnette, PE (McCarty Granberry Engineering)

If any additional information is needed, please do not hesitate to contact me.

Sincerely,

Josh Burnette, PE

SIGN AFFIDAVIT

July 31, 2020

To: Lucas Skinner
Memphis & Shelby County Office of Planning and Development
City Hall
Memphis, TN

From: Jim Reedy
Memphis Investment Properties, , LLC
4701 Summer Ave
Memphis, TN 38122

Re: PD20-07
AFFIDAVIT OF PUBLIC NOTICE

I hereby attest that the required Public Notice signage for the Land Use Control Board Public Hearing was placed at the Project Site on this date, July 31, as shown in attached photograph.

Jim Reedy

NOTARIZED: Tracy House
April 21 2024

TRACY HOUSE
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Commission Expires 04-21-2024

SUMMARY OF NEIGHBORHOOD MEETING

ARTHUR R NAVE, ARCHITECT

401 GOODLAND CIRCLE, MEMPHIS, TN 38111
arnave1@gmail.com 901-409-1787

July 31, 2020

Lucas Skinner
Memphis & Shelby County Office of Planning & Development
City Hall
Memphis, TN

Re: PD20-07
Neighborhood Meeting

Mr Skinner

The Neighborhood Meeting for this project was held via Zoom on July 30 at 7:00 PM
In attendance were:

Jim Reedy: Applicant / Developer
Arthur Nave: Architect
Josh Burnette: Engineer – McCarty Granberry

David and Suzan Brent: Neighborhood resident / home-owner
4659 Tutwiler.

The project was presented by Arthur Nave per the enclosed PowerPoint document.

Mr and Ms. Brent asked about site drainage considerations. They are concerned about more water backing up on their property since the new parking lot for Planet Fitness has caused some ponding at the rear of their property. Josh Burnette of McCarty-Granberry responded that we are providing a dry stormwater retention basin at the rear of our site and we will not add to the flow of water off of our site, nor impede the flow of water off of their site onto ours. Other than this concern, they were supportive of the proposed project and said It would be an improvement to the neighborhood.

Respectfully submitted,

Arthur Nave, Architect

LETTERS RECEIVED

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

Memphis and Shelby County Office of Planning and Development

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

August 17, 2020

Jim Reedy
4701 Summer Avenue
Memphis, TN 38122

Sent via electronic mail to: jreedy@reedyandcompany.net

Stratford Planned Development
OPD File Number: PD 20-07
L.U.C.B. Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, August 13, 2020, the Memphis and Shelby County Land Use Control Board recommended ***approval*** of your planned development application for the Stratford Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,

Lucas Skinner
Municipal Planner
OPD – Land Use Controls

Cc: ***Arthur Nave***
Josh Burnette – McCarty Granberry Engineering
File

Site Conditions

1. A Class III buffer shall be established along the northern line of the property abutting the residential uses.

2. Two curb cuts shall be permissible such that the southern curb cut shall be signed as an entrance only and the northern curb cut shall be signed as an exit only. Both curb cuts shall have a throat width of 14 feet.

Outline Plan Conditions

PD 20-07
The Stratford PD

I. Uses Permitted

A. Event Center
B. Place of Worship
C. Fitness Center
D. Educational Facility
E. Office Space
F. Restaurants (Excluding Drive-Thru Restaurants)

II. Bulk Requirements

A. Maximum Height: 48 ft.
B. Setbacks shall be as follows:
1. Front: 20 feet
2. Rear: 5 feet
3. Side (Interior): 5 feet

III. Access and Circulation

A. All public improvements required herein shall be made to the specifications of Shelby County and City of Memphis.
B. All drive entrances shall be constructed to meet applicable City of Memphis regulations and shall provide a minimum pavement width of twenty feet (20') from back of curb to back of curb.
C. Two points of vehicular access shall be provided to Stratford Road subject to the approval of the City Engineer.
D. All public and private streets shall meet the geometry requirements of the City of Memphis.
E. Easements for access, sanitary sewers, drainage, and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners.
F. Curb, gutter, and sidewalk improvements shall be required along the road frontage of the Stratford Center Planned Development.
G. One parking space shall be provided per 300 square feet of floor area.

IV. Landscaping/Screening/Open Space

A. Landscaping, screening, green space, and tree preservation shall be provided in accordance with the Shelby County and City of Memphis Unified Development Code.
B. Proposed fencing and landscaping locations shall be shown on the final plat.
C. Landscaping shall not be placed on utility, water, sewer, or drainage easements.
D. A minimum of 20% green space ration shall be provided for this Planned Development.
E. All utilities shall be reasonably screen from public right-of-ways.
F. Masonry and wrought iron fences shall include brick pilasters.
G. All precast or masonry walls and fences shall be compatible with the site buildings.
H. Privacy fence shall be provided around site as barrier where noted on the outline plan.
I. Plantings within buffers shall provide an all-year visual screen.
J. Refuse containers and loading areas shall be screened from view of adjacent public roadways and residential uses.
K. Specific location of fencing and screening shall be reviewed and approved by the Office of Planning and Development.
L. All construction and improvements within the development shall be in compliance with erosion and sediment control guidelines and the City of Memphis.

V. Drainage

A. A grading and drainage plan will be submitted to the City Engineer concurrent with construction plans for review by the City of Memphis prior to commencement of construction.
B. Onsite detention will be provided to prevent any downstream drainage issues related to the development.
C. Adequate EPSC measure will be in place during construction.
D. All grading shall be in accordance with TDEC and City of Memphis regulations. All grading shall be reviewed and approved by the City Engineer.

VI. Utilities

A. The sewer system shall be approved and constructed in accordance with the requirements of the City of Memphis.

VII. Utilities

A. The sewer system shall be approved by and constructed in accordance with the requirements of the City of Memphis.

VIII. Modifications

A. The Land Use Control Board may modify the bulk regulations, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council. The Land Use Control Board and Office of Planning and Development may modify the bulk requirements, access and circulation, and landscape requirements if equivalent alternatives are presented.

IX. Signs

A. A comprehensive signage design manual shall be approved and reviewed by the Office of Planning and Development. The signage requirements shall be added to the outline plan and may be approved as a minor amendment to the Planned Development by the Office of Planning and Development. This policy shall be required prior to the issuance of the first permanent sign permit.
B. This planned development shall have one (1) attached sign and one (1) detached sign.

X. Final Plat

A. A final plat shall be filed within five (5) years of the date of approval of the outline plan by the legislative body. The Land Use Control Board may grant extensions at the request of the applicant.

Any Final Plat shall include the following:

A. The outline plan conditions
B. A standard subdivision contract as defined by the subdivision regulations for any needed public improvements.
C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
D. The location and ownership, whether public or private of any easement.
E. The private drives, sewer easements, and any common opens space shall be shown on the final plat and shall be owned and maintained by the developer. A statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the association.
F. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
G. The 100-year flood elevation.
H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for storm water detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned, and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

Site Conditions

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A. A grading and drainage plan will be submitted to the City Engineer concurrent with construction plans for review by the City of Memphis prior to commencement of construction.
B. Onsite detention will be provided to prevent any downstream drainage issues related to the development.
C. Adequate EPSC measure will be in place during construction.
D. All grading shall be in accordance with TDEC and City of Memphis regulations. All grading shall be reviewed and approved by the City Engineer.

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D. The location and ownership, whether public or private of any easement.
E. The private drives, sewer easements, and any common opens space shall be shown on the final plat and shall be owned and maintained by the developer. A statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the association.
F. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
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NOTICE TO INTERESTED OWNERS OF PROPERTY
(PLANNED DEVELOPMENT)

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, ___September 15, 2020_____ at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

CASE NUMBER: PD 20-07

LOCATION: 0, 674, 680 Stratford Road

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

OWNER/APPLICANT: Jim Reedy – Memphis Investment Properties, LLC.

REPRESENTATIVE: Arthur Nave

EXISTING ZONING: Residential Urban – 1 (RU-1)

REQUEST: Commercial planned development

AREA: +/- 1.36 acres

RECOMMENDATIONS:

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

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

NOW, THEREFORE, you will take notice that on Tuesday, ____September 15, 2020_____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

THIS THE _____25th August_____, ____2020_____

KEMP CONRAD
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

KELLER-WALKER SUSAN L AND BETTY M KELLER
4678 TUTWILER AVE
MEMPHIS TN 38122

WHD ENTERPRISES LLC
3540 SUMMER AVE #103
MEMPHIS TN 38122

GERLACH CHERIE M & MARK
50 CAITLYN GENEVA CV
OAKLAND TN 38060

JENSEN CAROLYN
4713 TUTWILER AVE
MEMPHIS TN 38122

HASAN SHAHER I
411 N MENDENHALL RD
MEMPHIS TN 38117

FLOYD WILLIAM R
762 NOVARESE ST
MEMPHIS TN 38122

PAYNE STACY H
5265 WILTON CV
MEMPHIS TN 38117

MEMPHIS SUMMER LLC
1401 BROAD ST
CLIFTON NJ 7013

DAVID BRENT R & SUZAN
4659 TUTWILER AVE
MEMPHIS TN 38122

LINE KASSANDRA B
706 N PERKINS RD
MEMPHIS TN 38122

JMB 1 LP
2641 UNION AVE EXT
MEMPHIS TN 38112

SOTO JOSE & MARIA
700 N PERKINS RD
MEMPHIS TN 38122

JRC INVESTMENTS LLC
PO BOX 172144
MEMPHIS TN 38187

PRIORI JOHNNY AND HANH & SY TRI BACH
726 STRATFORD RD
MEMPHIS TN 38122

SLAY MIRIAM J & SAMUEL J
2390 EAGAN CV
MEMPHIS TN 38134

MEDINA JOSE
4677 TUTWILER AVE
MEMPHIS TN 38122

HARBIN SUSAN T
4666 TUTWILER AVE
MEMPHIS TN 38122

BARFIELD WILLIAM J & WILMA P
4699 TUTWILER AVE
MEMPHIS TN 38122

MOORE WAYMON E & MARTHA W
694 N PERKINS RD
MEMPHIS TN 38122

GARAVELLI JOSEPHINE M & MICHAEL J
4672 TUTWILER AVE
MEMPHIS TN 38122

ERWIN DAVID O & LORETTA B
4480 PRINCETON RD
MEMPHIS TN 38117

WOODS RODERICK D JR
10254 BUCKLAND BLUFF CV
COLLIERVILLE TN 38017

BARFIELD WILLIAM J & WILMA S P
4699 TUTWILER AVE
MEMPHIS TN 38122

OKTAEI HOOMAN INC
PO BOX 172036
MEMPHIS TN 38187

CEI LLC
673 STRATFORD ST
MEMPHIS TN 38122

ERWIN DAVID O & LORETTA B
4480 PRINCETON RD
MEMPHIS TN 38117

DUNCAN CINDY L
4681 TUTWILER AVE
MEMPHIS TN 38122

YOUR HOME LLC
4435 SUMMER AVE
MEMPHIS TN 38122

SHARHAN YASSER
4413 DAYTONA RD
MEMPHIS TN 38108

FAIRCHILD PATRICIA C
272 SHERWOOD DR
BRANSON MO 65616

OAKLEY JENNIFER E
1449 20TH AVE
SAN FRANCISCO CA 94122

LANKFORD WILLIAM R
PO BOX 7971
MADISON WI 53707

MORENO JOSE D A & ELADIA H AGUILAR
692 STRATFORD RD
MEMPHIS TN 38122

SUMMER AVENUE ENTERPRISES INC
4650 SUMMER AVE
MEMPHIS TN 38122

YOUR HOME LLC
4435 SUMMER AVE
MEMPHIS TN 38122

ABDELRAHMAN SAMEH FATTAH
4600 SUMMER AVE
MEMPHIS TN 38122

OKTAEI HOOMAN INC
PO BOX 172036
MEMPHIS TN 38187

LANKFORD WILLIAM R
P O BOX 7971
MADISON WI 53707

BLAND DEBORAH O
3738 MT VERNON RD
TUPELO MS 38804

DAY AND NIGHT ANIMAL HOSPITAL LLC
4670 SUMMER AVE
MEMPHIS TN 38122

YOUR HOME LLC
4435 SUMMER AVE
MEMPHIS TN 38122

PHAM FAMILY PROPERTY LLC
375 STONEWALL
MEMPHIS TN 38112

BLAND DEBORAH O
3738 MT VERNON RD
TUPELO MS 38804

RAP HEART LLC
591 STEWART AVE #100
GARDEN CITY NY 11530

LONG ERNEST S
184 WALLACE RD
MEMPHIS TN 38117

SANDD II LLC
445 E MARKET ST #310
LOUISVILLE KY 40202

BLAND DEBORAH O
3738 MT VERNON RD
TUPELO MS 38804

ALDI INC TENNESSEE
2080 ALDI BLVD
MOUNT JULIET TN 37122

YOUR HOME LLC
4435 SUMMER AVE
MEMPHIS TN 38122

CITY OF MEMPHIS
COUNCIL AGENDA CHECK-OFF SHEET

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

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: ____________ ***DATE***

PUBLIC SESSION: ____________ ***DATE***

ITEM (*CHECK ONE*)

_____ORDINANCE ______ CONDEMNATIONS ______ GRANT ACCEPTANCE / AMENDMENT
__X__***RESOLUTION*** ______ GRANT APPLICATION __X__ ***REQUEST FOR PUBLIC HEARING***
_____OTHER:____________________

ITEM DESCRIPTION: **A Resolution requesting an appeal of the decision of the Land Use Control Board for a Major Modification to a planned development. The following item was heard and a recommendation made by the Land Use Control Board:**

CASE NUMBER: **P.D. 99-362**

DEVELOPMENT: **QUINCE/LYNNFIELD PLANNED DEVELOPMENT**

LOCATION: **Southwest corner of Quince Road and Lynnfield Road**

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

APPELLANT: **Balmoral Neighborhood Association**

APPELLEE: **SE Industrial Investments, LLC**

EXISTING ZONING: **Currently governed by Quince/Lynnfield Planned Development (P.D. 99-362)**

REQUEST: **Appeal the decision of the Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses**

AREA: **4.20 Acres**

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

RECOMMENDED COUNCIL ACTION: ***Set Date of Public Hearing: Suggested Date: July 21st, 2020***

PRIOR ACTION ON ITEM:

____________________APPROVAL - (1) APPROVED (2) DENIED
____________________DATE
____________________ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

ADMINISTRATIVE APPROVAL:	***DATE***	***POSITION***
____________________	__________	PRINCIPAL PLANNER
____________________	__________	DIRECTOR

____________________	__________	***CHIEF ADMINISTRATIVE OFFICER***
____________________	__________	***COUNCIL CHAIRMAN***

Memphis City Council
Summary Sheet

Resolution to appeal the decision of the Memphis & Shelby County Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses:

- This item is a Resolution to appeal the decision of the board as stated in the appeal for this development plan; and

- The Office of Planning & Development at the request of the Appellants: Balmoral Neighborhood Association, Inc., and Representatives: Jeffrey & Genevieve Land, Esquires; and

- This Resolution seeks to appeal the decision of the Land Use Control Board as stated in the appeal by the appellants; and

- The appeal, if rejected may require a public improvement contract for the planned development.

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: P. D. 99-362

At its regular meeting on ***Thursday, February 13th, 2020***, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of ***'SE Industrial Investments, LLC'***, requesting a major modification to a planned development on property described as follows:

LOCATION:	**Southwest corner of Quince Road and Lynnfield Road**
OWNER/APPLICANT:	**SE Industrial Investments, LLC**
APPELLANTS:	**Balmoral Neighborhood Association**
REQUEST:	**Appeal the decision of the Land Use Control Board for a Major Modification approved on February 13th, 2020 to allow a three (3) story office building with associated accessory uses**
AREA:	**4.20 Acres**
EXISTING LAND USE & ZONING:	**Currently governed by Quince/Lynnfield Planned Development (P.D. 96-362)**

The following spoke in support of the application:

Cindy Reaves, SR Consulting, 5909 Shelby Oaks Drive, Memphis, TN 38134; representative; agreed with the recommendation of staff and the conditions for approval of the major modification; and
Preston Thomas, 6363 Poplar Avenue-Suite 220, Memphis, TN 38119.

The following spoke or appeared in opposition to the application:

Jeffrey & Genevieve Land, representatives, Balmoral Neighborhood Association, 780 Ridge Lake Boulevard-Suite 202 Memphis, TN 38120; and
Eddie Settles, 5861 Vassar Drive, Memphis, TN 38119; and
Phillip Cox, 6011 South Hampton Drive, Memphis, TN 38119.

The Land Use Control Board reviewed the application of ***'SE Investments, LLC'*** requesting a major modification to allow a three (3) story office building with associated accessory uses and the report of the staff. A motion was made and seconded to recommend ***'approval with conditions'.***

The motion *passed* by unanimous vote of *9* to *0*.

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Brian S. Bacchus, Principal
Josh Whitehead, Director
Office of Planning and Development

cc: ***Committee Members***
File

I. Use Permitted: Office Uses

A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.

B. A walking path shall be provided to surround the entire site to include park benches.

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

II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.

Ill. Access, Parking, Circulation:

A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.

B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

IV. Landscaping:

A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.

B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.

C. Lighting shall be in accordance with the UDC.

D. Lighting shall be directed so as not to glare into residential property.

E. Refuse containers shall be completely screened from view from residential property and public roads.

V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

VI. Drainage:

A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.

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

VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.

IX. Any final plan shall include the following:

A. The Outline Plan Conditions.

B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.

C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.

D. The number of parking spaces.

E. The location and ownership, whether public or private, of any easement

F. Building elevations.

Memphis and Shelby County
Office of Planning and Development

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

February 19th, 2020

Ms. Cindy Reaves, SR Consulting, LLC
C/O SE Industrial Investments, LLC
5909 Shelby Oaks Drive-Suite 200
Memphis, TN 38134

RE: OPD FILE #: P.D. 99-362
L.U.C.B. RECOMMENDATION: Approval with Conditions

Dear Cindy,

The Memphis and Shelby County Land Use Control Board on ***Thursday, February 13th, 2020***; recommended ***approval*** of your planned development major modification to ***'allow a three (3) story office building with associated accessory uses'*** within the Outline Plan, subject to the attached conditions.

The applicant or the applicant's representative(s) may file a final plan in accordance with Outline Plan Conditions of approval to initiate the final plan recording process. If changes to this modification are necessary, a letter should be mailed to the Office of Planning and Development at the address provided above identifying and stating the reasons for the change. If you have questions regarding this matter or of any necessary submittals, please call (901)636-6619 or contact me directly at brian.bacchus@memphistn.gov.

Sincerely,

Brian S. Bacchus, Principal
Josh Whitehead, Director
Office of Planning and Development

cc: ***SE Industrial Investments, LLC***
File: P.D. 99-362

I. Use Permitted: Office Uses

A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.

B. A walking path shall be provided to surround the entire site to include park benches.

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

II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.

III. Access, Parking, Circulation:

A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.

B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

IV. Landscaping:

A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.

B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.

C. Lighting shall be in accordance with the UDC.

D. Lighting shall be directed so as not to glare into residential property.

E. Refuse containers shall be completely screened from view from residential property and public roads.

V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

VI. Drainage:

A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.

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

VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.

IX. Any final plan shall include the following:

A. The Outline Plan Conditions.

B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.

C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.

D. The number of parking spaces.

E. The location and ownership, whether public or private, of any easement

F. Building elevations.

STAFF REPORT

AGENDA ITEM: 5

CORRESPONDENCE
(Major Modification)

CASE NUMBER: **P.D. 99-362** **L.U.C.B. MEETING:** **February 13th, 2020**

DEVELOPMENT NAME: QUINCE/LYNNFIELD PLANNED DEVELOPMENT

LOCATION: Southwest corner of Quince Road and Lynnfield Road

COMMISSION DISTRICT: District 2-Super District 9-Positions 1, 2 & 3

OWNERS/APPLICANTS: SE Industrial Investments, LLC

REPRESENTATIVE: SR Consulting, LLC

REQUEST: Major modification to allow a three (3) story office building with associated accessory uses within the Outline Plan

AREA: 4.20 Acres

EXISTING LAND USE & ZONING: Vacant land currently governed by Residential Single Family (R-10) District with TVA Easement

CONCLUSIONS

1. **The property is located in Residential Single Family (R-10) District with an approved planned development overlay with a mature buffer of trees along Lynnfield Road and with public road frontage on Vassar Drive. The property is limited in buildable area due to the major electrical distribution and transmission easement serving this portion of the city.**
2. **The applicant is requesting a modification to the approved Outline Plan for Quince/Lynnfield plan to increase the height to three (3) stories where a maximum of two (2) stories was permitted with a maximum gross floor area 45,500 sq. ft. in area. The original Outline Plan was approved by the Memphis City Council on February 15, 2000.**
3. **The new three (3) story office building will provide office space in an area in need of sustainable office development within the city limits with neighborhood amenities for walking paths in close proximity to single family neighborhoods.**

CONSISTENCY WITH MEMPHIS 3.0

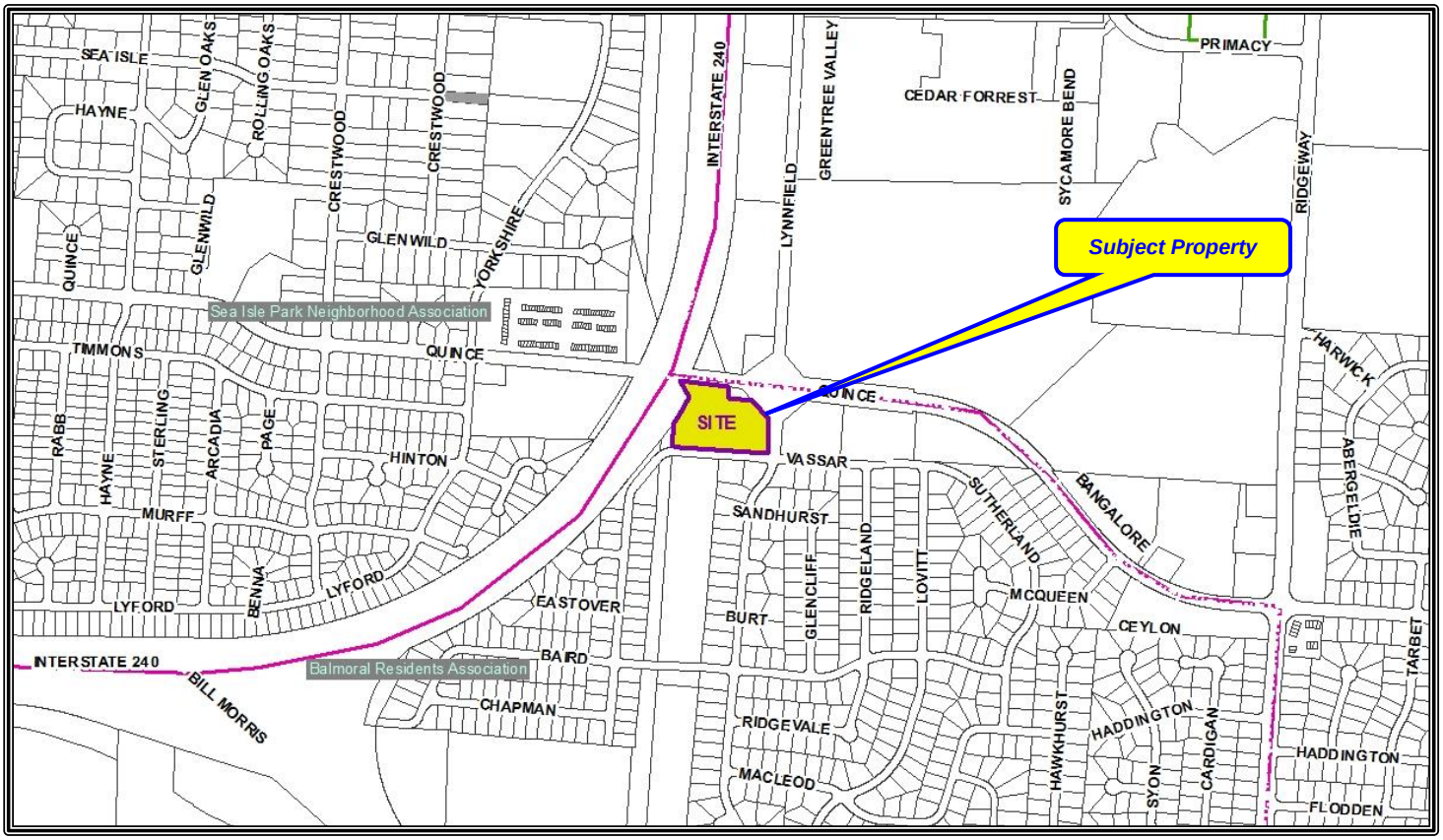
Based on the information provided and the proposed land use, the proposal is consistent with and supports the goals of the Memphis 3.0 Comprehensive Plan.

OFFICE OF PLANNING & DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Planner: Brian Bacchus ***Email: brian.bacchus@memphistn.gov***

Planning Area



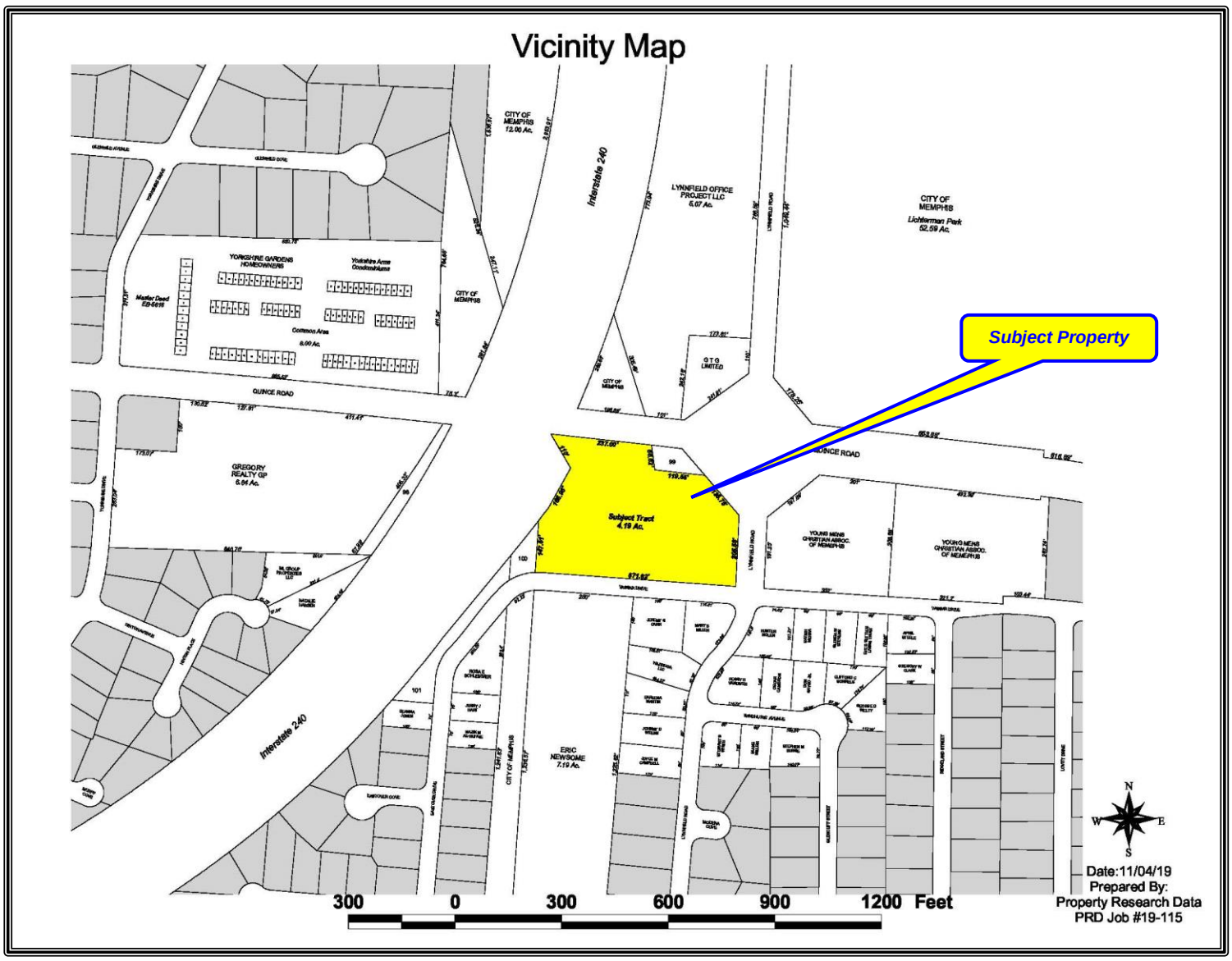
Site Description

The subject property is a 4.20 acre site located at the southwest corner of Quince Road and Lynnfield Road, just east of I-240 and heavily encumbered by a major TVA Transmission easement traversing the property on the western two-thirds of the property, but within the City of Memphis. The property is located in Residential Single Family (R-10) District with an approved planned development overlay with a mature buffer of trees along Lynnfield Road and with public road frontage on Vassar Drive. A traffic signal is located at the intersection of Quince and Lynnfield roads with curb, gutter and sidewalk, including lamp posts only along Quince Road with overhead power on Vassar Drive. The property is limited in buildable area due to the major electrical distribution and transmission easement serving this portion of the city.

The applicant proposes to construct a new three (3) story office building located in the eastern portion of the parcel closer to Lynnfield Road. The planned development is for Office General (OG) District land uses, more specifically a major modification to allow a three (3) story office building with tenant spaces for a restaurant and coffee shop on the ground floor, including associated parking and walking paths surrounding the entire property. The subject property and adjacent properties are not located within any floodplain district or any special flood hazard area according to FEMA maps dated September, 2007.

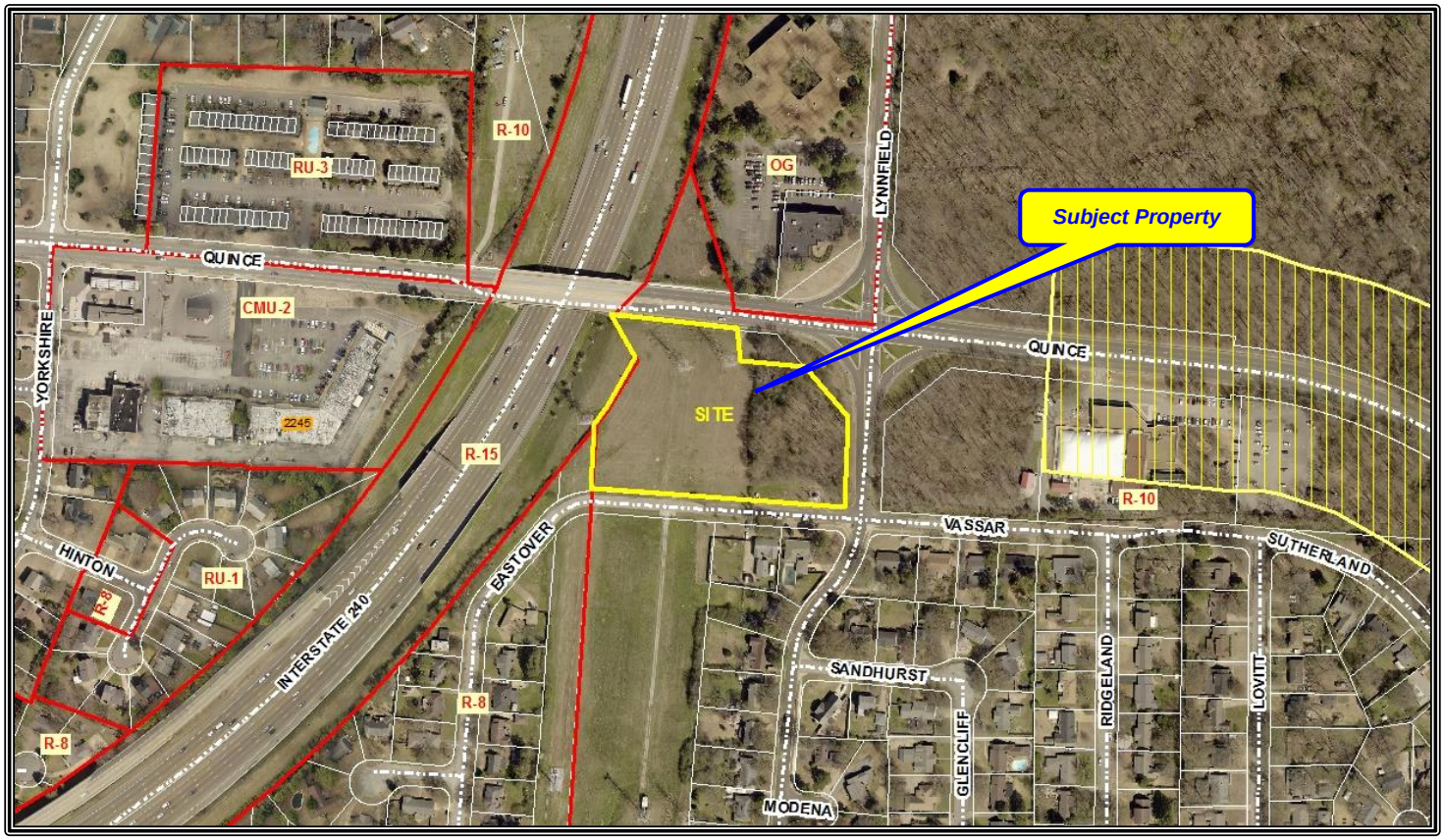
Neighborhood Meeting: Not required, but held during the original submittal of P.D. 19-20.

Public Notice: Sign Posted by Applicant: Monday, January 27th, 2020.
Mailed Notices by OPD: Friday, January 31st, 2020.



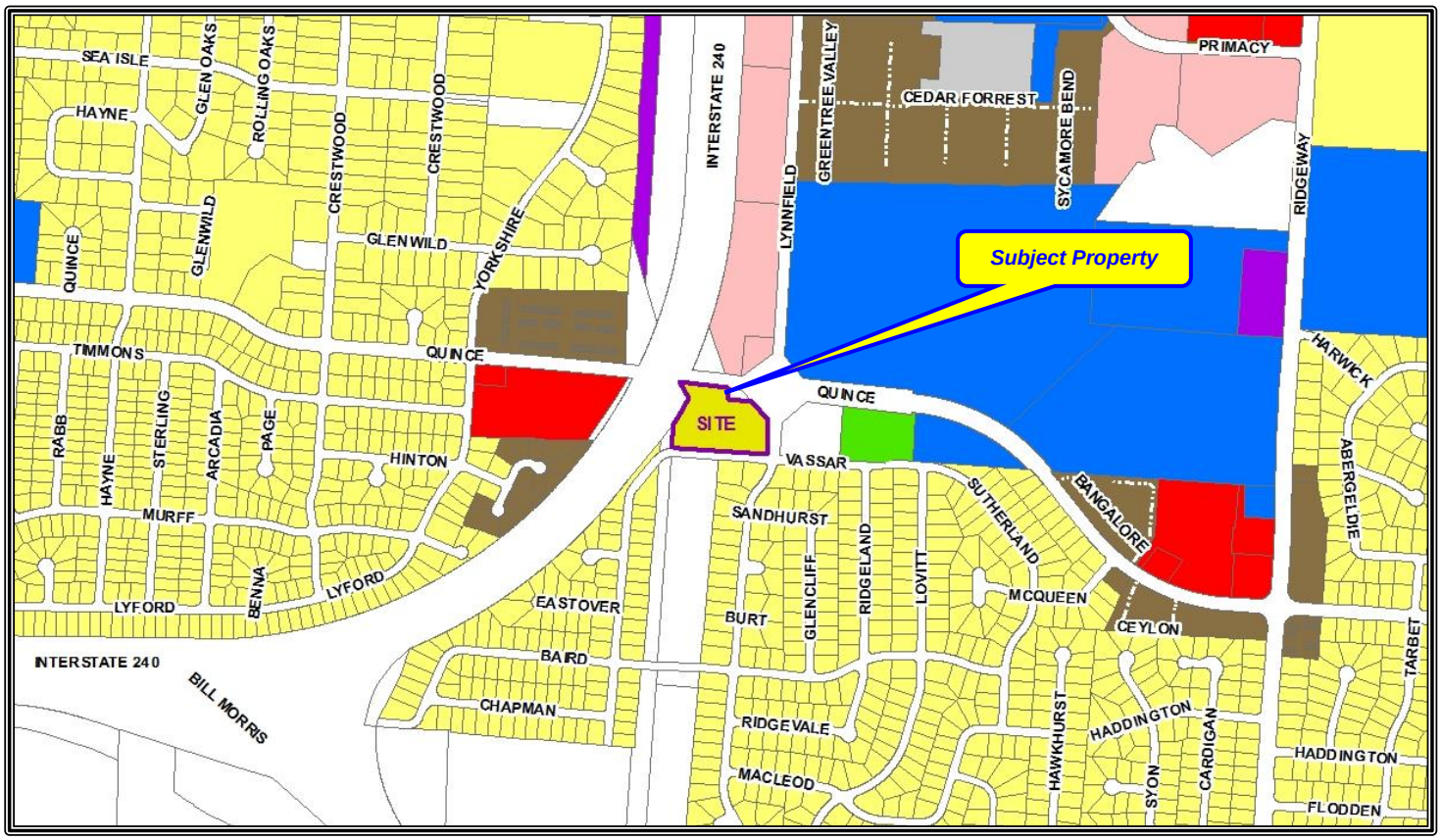
The subject property highlighted above is currently approved for office development in accordance with General Office (OG) District regulations in effect in 1999, but prior to the adoption of the Unified Development Code. However, this planned development was approved with restrictions on use, height, access and landscaping requirements. The applicant is requesting a modification to the approved Outline Plan for Quince/Lynnfield Planned Development to increase the height to three (3) stories where a maximum of two (2) stories was permitted with a maximum gross floor area 45,500 sq. ft. in area.

Zoning



The original Outline Plan was approved February 15, 2000 with these conditions by the Memphis City Council and agreed to by the Balmoral Neighborhood Association. The site is limited in buildable area with a major transmission easement encompassing the majority of the property at the west side adjacent to Interstate 240 Loop. The depth of this property along Lynnfield Road is over 200 feet south and almost 375 feet in width along Quince Road. The difficulty in developing the site is primarily with site design caused by the transmission lines and the inability to develop and place buildings within the easement.

Land Use



Surrounding Land Use & Zoning

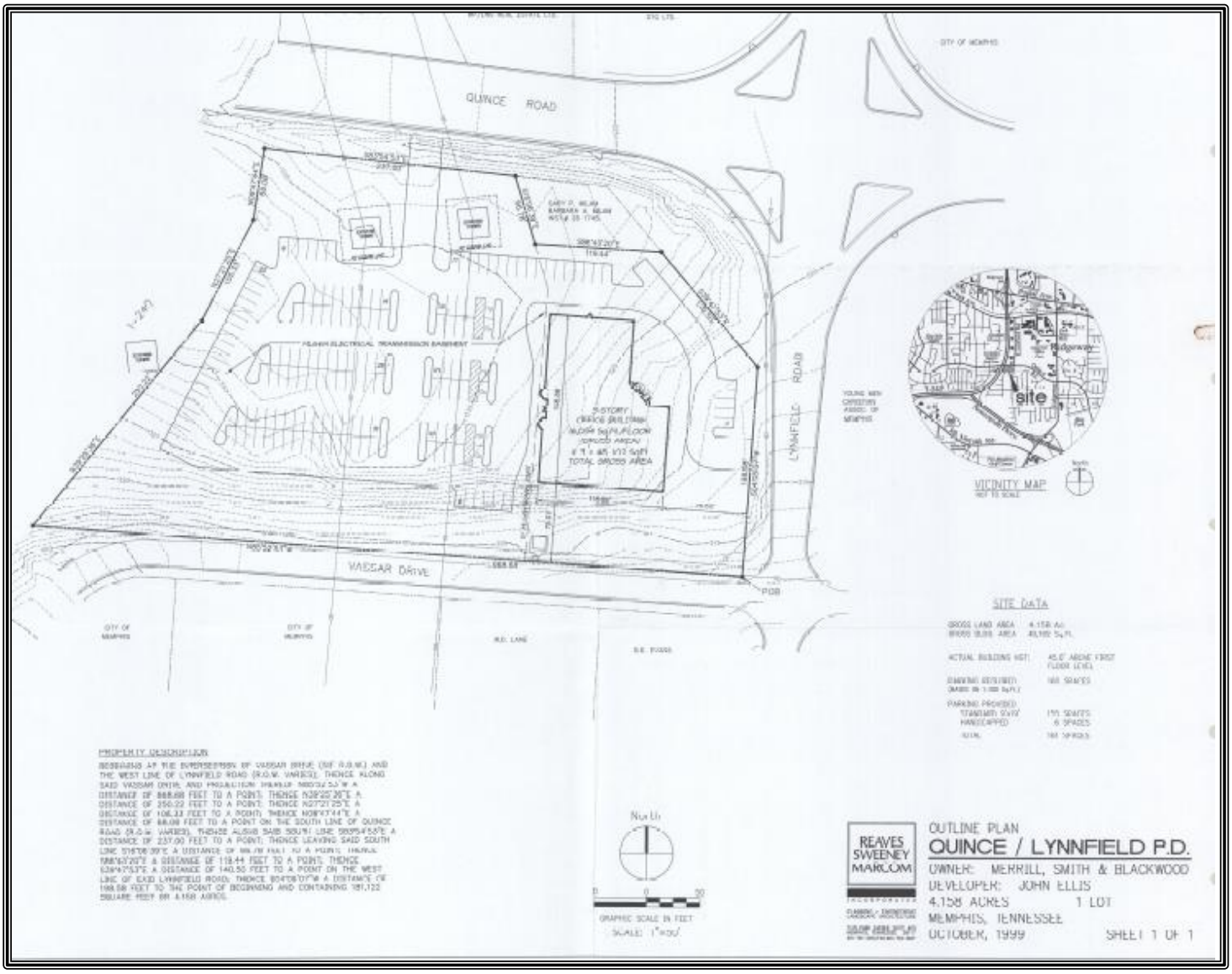
North: Office development, Nature Park and I-240 Loop.

East: Vacant tract, Community Center, Nature Park and single family homes.

South: Vacant land encumbered by major transmission easement and single family homes.

West: I-240 Loop, Neighborhood Commercial Center, Condominiums and single family homes.

Quince/Lynnfield P.D. 99-362
(Approved Outline/Concept Plan-February 15, 2000)



<u>Note</u>: See attachments for Memphis City Council Resolution with Outline Plan Conditions.

Site/Concept Plan

Elevation Plans

lynnfield front perspective
10-29-2019

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The information contained within these design concepts are the exclusive property of Renaissance Group Inc.

proposed office building for
Lynnfield Corporate Center
Memphis, Tennessee

Renaissance Group

east lynnfield perspective
10-29-2019

Copyright 2019
The information contained within these design concepts are the exclusive property of Renaissance Group Inc.

proposed office building for
Lynnfield Corporate Center
Memphis, Tennessee

Renaissance Group

Project Review & Analysis

This application is a request for major modification to an approved office development to allow a greater height for an office building. The Office General (OG) District allows a maximum height of 125 feet with a minimum of 20 feet for front and street side setbacks with a minimum rear yard setback of 10 feet in the UDC. The property is located in the southeast portion of City of Memphis in the Balmoral Community and outside of the interstate loop of the central city. The subject property is the immediate southwest corner of Quince Road and Lynnfield Road in Quince/Lynnfield Outline Plan. The property is heavily encumbered by overhead transmission lines with a limited amount of buildable area and land to be developed with adequate infrastructure, but at a significant location within the city to set design standards for new office development in the immediate area.

The applicant is proposing to construct an additional floor of office for an office building currently approved to include a small restaurant and coffee shop within the building, including walking paths, landscaping and parking areas. The approved condition II.A in Quince/Lynnfield Outline Plan limits the building height to two (2) stories with a gross area of 45,500 sq. ft. in area; see Page 6 of this staff report. The building will be compatible with surrounding developments to the east approved for office and to the single family homes to the south by maintaining a significant horizontal distance of approximately 80 linear feet, not including the right-of-way of Vassar Drive. The new three (3) story office building will provide office space in an area in need of sustainable office development within the city limits with neighborhood amenities for walking paths in close proximity to single family neighborhoods. The following Paragraph 9.6.14A (2) of the UDC applies to this major modification request:

9.6.14 **Period of Validity**

A. Planned developments shall expire five years after the approval of the outline plan unless a final plan filed with the Office of Planning and Development within that five-year period. Final plans filed with the Office of Planning and Development shall expire six years after the approval of the outline plan unless a final plan is recorded with the Register of Deeds.

2. Outline plans with no expiration date.
Any planned development that was approved prior to the effective date of this text amendment (February 10, 2015) without an expiration clause in its outline plan conditions shall require a Major Modification if no final plan is recorded with the Register of Deeds. Such Major Modification shall require notice to all property owners within 500 feet. See Item 9.6.11E(2)(f).

The nearest developed office buildings are north of the subject property with apartment communities. This major modification is not a 'change of use' from office to apartment development, but office to include an eatery and a neighborhood coffee shop with upper story office spaces The height modification is supported for office development which does not significantly change the intent of the approved Outline Plan to become more compatible with surrounding land use and zoning. The applicant is requesting more building height within the Outline Plan with adequate setbacks, design, orientation and placement of the building closer to the street intersection.

The parking and landscaping, including the preservation of mature trees within a large vision triangle will also include streetscape cross-sections for landscaping to coincide with the open front yard spaces and walking paths. The applicant is not requesting Site Plan Review, but the office development will be reviewed in accordance with the conditions of approval, building height and design, access, parking and circulation as well as landscaping, signs, traffic and drainage design prior to final plan approval by staff.

Recommendation: ***Approval with Conditions***

Memphis 3.0 Plan

This summary is being produced in response to the following application to support the Office of Planning & Development in their recommendation.
Land Use Designation (see page 124 for details): Primarily Single-Unit Neighborhood (NS)

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

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

1. FUTURE LAND USE PLANNING MAP

Figure 01: Red pushpin denotes the proposed site in the land use map.

2. Land use description & applicability:

Primarily Single-Unit Neighborhood (NS) which are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.

"NS" Goals/Objectives:
Ensure preservation/maintenance of existing single-family housing stock and neighborhoods.

"NS" Form & Location Characteristics:

The area is primarily detached, residential-scale buildings with one (1) to three (3) stories beyond one-half (½) mile from a Community anchor. The application is seeking approval to permit a 3-story office building with associated parking. The request for placing an office building does not meets the criterion, as the future land use category calls for primarily residential. However, the proposed office building's scale and proportion meets the criteria of this category as the office building is a detached, house-scale building, beyond ½ mile from a community anchor, and within 1-3 stories in height. Another striking feature of the proposal is the associated large parking space, that does not comply with the district priorities, (see page 270: East district) which encourages development promoting pedestrian safety and to increase connectivity between neighborhoods.

Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following existing land uses: Residential, Commercial, and Vacant land. The subject site is surrounded by the following zoning districts: R-10, OG, and CMU-2. This application request is compatible with the adjacent land uses and zoning districts because existing land use and zoning are both residential and commercial. Though the future land use for the parcel is Single-Unit Neighborhood (NS), the request seeking approval to permit an office building is a use that can support the goals and objectives of the current land use, as this proposed building will act as a buffer space in between high intensity commercial space and residential space.

3. DEGREE OF CHANGE MAP

Figure 02: Red pushpin denotes the proposed site in the degree of change map.

The white color on the degree of change map indicates there is no degree of change for the application site.

4. Degree of Change Descriptions N/A

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

P.D. 99-362
Quince/Lynnfield Planned Development
Supplemental Site Plan Conditions
Major Modification-SE Industrial Investments, LLC

I. Use Permitted: Office Uses

A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.

B. A walking path shall be provided to surround the entire site to include park benches.

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

II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.

Ill. Access, Parking, Circulation:

A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.

B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

IV. Landscaping:

A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.

B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.

C. Lighting shall be in accordance with the UDC.

D. Lighting shall be directed so as not to glare into residential property.

E. Refuse containers shall be completely screened from view from residential property and public roads.

V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

VI. Drainage:

A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.

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

VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.

IX. Any final plan shall include the following:

A. The Outline Plan Conditions.

B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.

C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.

D. The number of parking spaces.

E. The location and ownership, whether public or private, of any easement

F. Building elevations.

GENERAL INFORMATION

Street Frontage: Quince Road----------+/-372.75 curvilinear feet.
Lynnfield Road----------+/-205.58 linear feet.
Vassar Drive----------+/-571.62 linear feet.

Planning District: Shelby Farms/Germantown

Zoning Atlas Page: 2245

Zoning History: On February 15, 2000 the Memphis City Council approved Quince/Lynnfield (P.D. 99-362) for a two (2) story office building. Prior to this date, the Residential Single Family (R-10) District zoning date to the adoption of the 1980 zoning map amendments

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DEPARTMENTAL COMMENTS:

The following comments were provided by Inter-governmental Agencies/Organizations to which this application was referred:

City Engineer:

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

Sewers:

2. City sanitary sewers are available at developer's expense.

3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.

7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.

10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

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

12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

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

14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Services:

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

Memphis & Shelby County Health Department:

Water Quality Branch:	No comment.
Septic Tank Program:	No comment.

Memphis Light, Gas and Water:

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

- The subject property is significantly encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by the **MLGW Right of Way Encroachment Policy**.
- **It is the responsibility of the owner/applicant**, prior to any development, to contact Keith Ledbury, with MLGW – Property Management @ 901-528-4186 and obtain written approval for any improvements within the Easement.
- **STREET NAMES**: **It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: http://www.mlgw.com/builders/landandmapping
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL** @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/**applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
- All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

AT&T-TN: No comment.

Neighborhood Associations/Organizations:

Sea Isle Park Ngh'd Association: *No comments received as of Feb. 7, 2020.*
Balmoral Neighborhood Association: *See attachments received via Certified Mail and Email.*

Staff: bb

Bacchus, Brian

From: Jeffrey J P Land <jeffrey@jefflandlaw.com>
Sent: Thursday, January 30, 2020 10:36 AM
To: Bacchus, Brian; Genevieve
Subject: PD 99-362 (Balmoral Neighborhood Association's Opposition)
Attachments: Letter to Brian Bacchus 1.28.20.pdf

Mr. Bacchus,

Genevieve and I are residents of the Balmoral Neighborhood and have been appointed by the neighborhood association to oppose PD 99-362.

Please find attached to this email our neighborhood association's letter of opposition to PD 99-362, which was also sent to your office via certified mail.

Best Regards,

Jeffrey J. P. Land

Attorney at Law

780 Ridge Lake Blvd., Suite 202

Memphis, Tennessee 38120

Phone: 901.682.3450 Ext. 112

Fax: 901.682.3590

Mobile: 901.335.7229

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GENEVIEVE S. LAND
ATTORNEY AT LAW

780 RIDGE LAKE BLVD., SUITE 200 • MEMPHIS, TENNESSEE 38120
(901) 682-3450 • FACSIMILE: (901) 682-3590
email: genny@jefflandlaw.com

GENEVIEVE S. LAND*
*ALSO LICENSED IN COLORADO

January 28, 2020

VIA U.S. MAIL AND EMAIL TO:
Mr. Brian Bacchus
Principal Planner
City Hall
125 N. Main St. Ste. 468
Memphis, Tennessee, 38103
Brian.Bacchus@Memphistn.gov

RE: PD 99-362

Dear Mr. Bacchus,

We are residents in the Balmoral Neighborhood and have been elected by the Balmoral Neighborhood Association ("BNA") to provide legal representation to oppose PD 99-362. On January 7, 2020, BNA voted 23-3 to oppose PD 99-362.

BNA's position is that PD 99-362 has lapsed. BNA asserts that the PD was never recorded with the Shelby County Register of Deeds, and thus failed to provide subsequent purchasers actual or constructive notice of the planned development. Nearly twenty years has passed since PD 99-362 was granted approval. Since that time there have been no affirmative steps made by any entity to preserve this PD. Therefore, BNA asserts that the failure to record PD 99-362 renders it defective and the passage of twenty years with no action renders it extinct.

BNA's opposition to the proposed use of and reliance on PD 99-362 is based upon an entirely different entity, SE Industrial Investments, LLC, ("SE Industrial") seeking to "step into the shoes" of the prior applicant, twenty years later, without any privity between the parties. SE Industrial's use of PD 99-362 is inconsistent with the sunset provision in the Uniform Development Code and in equity. BNA asserts that SE Industrial is prohibited from using a twenty year old planned development and thus, must start anew as it does not have privity to stand in the shoes of the original applicant.

We are aware that BNA agreed twenty years ago to a two-story building ("Agreement") at the time when PD 99-362 was first applied. BNA asserts that this Agreement was never

recorded and thus, was not preserved and does not run with the land. Therefore, the subsequent purchasers and current owners of Balmoral property had no constructive or actual notice of said Agreement and therefore, cannot be bound.

The architecture of the commercial development proposed by SE Industrial is not in conformity with the residential nature of the Balmoral Neighborhood. At a minimum, the structure itself should be more residential in nature. See Gould's Corporate HQ at 766 S. White Station Rd. See also Benchmark Wealth Management at 5855 Ridge Bend Rd. BNA may be more amenable to a commercial building if the architecture appears residential. To this end, SE Industrial's hearing for Major Modification is set on February 13, 2020 in front of the Land Use and Control Board. SE Industrial seeks a Major Modification of PD 99-362 to allow a third-story. BNA vehemently opposes a third-story Major Modification because it is even further out of line with the residential nature of BNA. If the Office of Planning and Development relies on the twenty year old Agreement with BNA for a two story building, then a Major Modification for a third story is in violation of the two story Agreement.

In addition, SE Industrial has not proven a need for a forty thousand square foot commercial building with over two hundred parking spaces in this area. There is a glut of available commercial office space within one mile of this proposed site. For example, Lynnfield Office Park has ample vacant office space as well as Primacy Parkway with sixty thousand square feet of office space available. Additionally, the nearby Ridgeway Loop has several buildings with vacant and available office space. Finally, the office buildings on S. Shady Grove between Poplar Ave. and Briarcrest Ave. also have office space available. Thus, the demand for office space in the area is apparently minimal. Moreover, within a mile of the proposed development is available land, which has already been cleared and improved (formerly Seessel's Grocery and Schnucks) which remains vacant as of the date of this letter. Thus, the proposition of clearing land for a commercial building is unnecessary and in violation of the mission of Memphis 3.0 of building up not out.

Even more concerning is SE Industrial's Principal, Preston Thomas' admission to BNA at the December 2nd, 2019 meeting that he had done no market research, secured no anchor tenants, and that this project is speculative. Further, at the December meeting between SE Industrial and BNA, Mr. Thomas proposed a potential coffee shop tenant on the lower level of the commercial building. However, history has shown that in this area this is an unsuccessful business model as demonstrated by the defunct "Tamp and Tap" formerly located at 6070 Poplar Ave. BNA's fear is that SE Industrial will struggle to fill the proposed building with tenants, causing another vacant office building to decay as the commercial buildings North of Quince on Lynnfield have done.

BNA opposes PD 99-362 because it has not been afforded a public hearing on this planned development. As a result, there are some members of BNA who have expressed their support for filing a Declaratory Action in Chancery Court. In an effort to resolve this without litigation, we request that PD 99-362 be declared void and that SE Industrial be required to file a new application for a Planned Development, which would afford BNA notice and an opportunity to be heard.

Please feel free to contact us by phone at (901) 682-3450 or by email at genny@jefflandlaw.com and jeffrey@jefflandlaw.com

Respectfully Yours,

Genevieve S. Land, Esq.
Jeffrey J. P. Land, Esq.
780 Ridge Lake Blvd. Ste. 202
Memphis, Tennessee 38120
(901) 682-3450 – Telephone

Bacchus, Brian

From: Phillip Cox <phl_cox@yahoo.com>
Sent: Monday, February 03, 2020 11:52 AM
To: Bacchus, Brian
Subject: Balmoral Neighborhood Association's Community Impact Statement
Attachments: 02 03 20 Community Impact Statement.pdf

Mr. Bacchus the attached Community Impact Statement (CIS) is to advise you that as Chairman of the Beautiful Balmoral Neighborhood Committee and in behalf of the Balmoral Neighborhood Association (BNA) I'm filing this Community Impact Statement (CIS) pursuant to UDC section 9.3.2 D.

Phillip Cox

Community Impact Statement

Re: PD 99-362 Major Modification Application: Proposed Office Building, Quince Rd. & Lynnfield Rd.

Balmoral Neighborhood Association (BNA) urges the LUCB to **reject** the Major Modification application for PD 99-362. This project does not comply with UDC sections 4.10.2, 9.6.9, and 9.6.11 A, B, and E 2. It **will** have *"a substantial or undue adverse effect upon the character of the neighborhood, traffic conditions, and other matters affecting the public health, safety, and general welfare."*

Traffic

- Quince Rd. is a five-lane (including turning lane), commercial thoroughfare. Adjacent to the proposed project, Quince is a serpentine, four-lane street serving residential neighborhoods. Memphis 3.0 proposes a planted median, street trees, and on-street parking for this section of Quince.

- Vehicles turning into the property from Quince will create traffic hazards and congestion. The proposed Quince traffic cut is at the very top of the hill before the serpentine. Left turns into the property going westbound on Quince will be almost impossible in rush hour. Exiting from the property during rush hour by a left or right onto Quince will also be very difficult because of the existing congestion of the Quince-Lynnfield intersection. In 2016, a Memphis Traffic Engineering Division study showed that almost 26,000 trips passed the intersection each day.

- The Lynnfield/Quince area already suffers from traffic congestion generated by five office building complexes north of Quince on Lynnfield and by two large apartment complexes north of Quince on Lynnfield. Multiple traffic accidents, including fatalities, have occurred within a half mile of the intersection. A new office complex on the south side of Quince at Lynnfield will generate many new trips into the Balmoral neighborhood that will not be residential destinations. More likely than not, rush hour traffic will cause office building tenants and customers to use interior residential streets to avoid the congestion at Lynnfield and Quince. The most likely two corridors are Vassar-Sutherland-McQueen (exiting to Quince off of McQueen) and Lynnfield-MacInness (exiting to Ridgeway). The Vassar-Sutherland corridor has no sidewalks. That corridor is heavily used for walking and biking by Balmoral neighbors. Bypass traffic through our neighborhood in the past (primarily Lynnfield to MacInness) has always involved non-neighbor motorists driving at speeds substantially in excess of post speed limits. Such bypass traffic is very dangerous for our neighbors.

Drainage

The proposed site is at the highest point in the Ridgeway Sensitive Basin study area. Drainage falls into the ditch at the southern boundary of BNA at the north edge of the Acura Dealership property just north of State Route 385. Memphis has entered into a consent decree with the US Environmental Protection Agency to remediate the sewer system overflow problems created by stormwater. The Ridgeway Sensitive Basin study has been undertaken to assist the City in sustaining its burdens under the consent decree. This project will make compliance more difficult.

Possible Cell Tower Interference

Tower Ventures has been granted a special use permit to erect and to operate a 160-foot tall monopole cell tower immediately adjacent to the north side of the proposed office building. Discussions with Tower Ventures reveal that the efficacy of the cell tower maybe degraded by the office building construction.

Impact on Property Values

Privacy: The proposed site is ten feet above the surface of Vassar Dr. The proposed three-story size of the office building will put tenants/visitors of the building at heights up to forty feet or more above homes on Lynnfield Rd. and Vassar Dr. and members of the Ric Nuber YMCA using its outdoor pool. The residents of BNA and the members of the YMCA will have no privacy from viewing by the tenants/visitors of the proposed office building.

Noise: The existing tree cover on the proposed office site will largely be clear cut. Landscaping will replace some trees, but the audio screening aspect of older growth trees will be permanently lost. Coupled with the increased traffic flow discussed above, the loss of the tree cover will expose residents of BNA to much higher ambient traffic noise intrusion.

Loss of R10 Zoning: BNA's roughly two square mile rectangle has no commercial intrusions, until and unless this project is approved. All of BNA is zoned R10 except for one apartment complex and one townhouse/zero lot line development. Once the R10 zoning is breached, BNA ceases to be a single-family residential neighborhood. So many Memphis neighborhoods have lost their zoning integrity, only to be followed by disastrous additional zoning changes (the Mt. Moriah corridor, for example). Once an Office General use is permitted, the logical outcomes are very predictable, and very destructive to the single-family residential nature of BNA.

Uncertainty of ultimate commercial use in a planned development: Just as this application, neighborhoods have no way of knowing what ultimate use of land in a planned development will actually be made. When the land immediately south of BNA was approved for use as a car dealership, no mention was made that a three-story office building would be erected and that an older growth "do not cut" tree barrier would be clear cut to permit digging a retention basin. Yet that is precisely what happened. The resulting storm scouring of a drainage ditch, accompanying erosion of neighbors' back yards, and visual and audio intrusion into the neighborhood by traffic on State Route 385 has been a significant detriment to BNA.

All of these concerns will significantly depress BNA property values if this project is approved.

Lack of Need

A review of office vacancy for the Lynnfield Rd. and Primacy Parkway office buildings demonstrate vacancy of more than 209,000 square feet in available space of almost 658,000 square feet within a mile of the proposed office building site for a vacancy rate of almost 32%. Bringing another 36,000 square feet of office space online will increase the space to be absorbed in BNA's nearest environs by 17%. Based on information and belief, this vacancy rate of 32% has been stable for at least three

years. Creating more leasable space in an area plagued by long-term vacancy does no one any good. Instead, such actions will contribute to even more downward pressure on property values in BNA.

PD 99-362 Prior History

In 2000 the OPD Staff recommended that LUCB not approve a three-story office building. The LUCB and the City Council ended up approving a two-story office building against Staff's recommendation (lowering the building by a story) and requiring that the building have no windows on the Vassar Dr. side. In 2009 the attorney representing the original application wrote an opinion letter to the original applicant that was apparently forwarded to OPD Staff that, among other things, recommended the outline plan be recorded with the Register's Office. The owner did not follow that advice. As a result at least 118 persons in the immediate vicinity of the building proposed site bought or rented their residences with no knowledge (nor any way to get that knowledge) that PD 99-362 existed.

Violation of Memphis 3.0

Sometime before Dec. 3, 2019, the Office of Comprehensive Planning (OCP) issued a finding that PD 19-20 (the original application filed with OPD in this matter) was consistent with Memphis 3.0. That finding is demonstrably erroneous. First, OCP says the project is beyond ½ mile from a Community Anchor (the Balmoral Shopping Center property). The project is 4/10s of a mile from the Anchor. Second, OCP says that the project is a *house-scale* building. A 36,000 square foot, three-story building cannot possibly be *house-scale*. Although *house-scale* is used several times in the Memphis 3.0 Plan, the term is never defined. But in the Unified Development Code (UDC), single-family residences are exemplified, especially on pp. 92 and 511 and in section 3.4. The project does not meet the scale of a single-family residence exemplified. Third, OCP says the project will act as a buffer space in between high intensity commercial and residential space. Again, although "buffer" appears multiple times in the Memphis 3.0 Plan, the term is never defined. In the UDC at page 94 that term is defined as follows: "A specified land area, located parallel to and within the outer perimeter of a site and extending to the property line, together with the planting and landscaping required on the land…." In other words, buffer refers to land on which no building is sited. This project is intended to erect a three-story, 36,000 square foot office building with 218 parking spaces on a 4+acre wooded parcel that is currently adjacent to a neighborhood composed of 1,100 single-family detached conventional homes. Under no construction of the English language can such a project be considered a buffer. Fourth, OCP says that the degree of change applied to this site is not applicable. In fact, Balmoral is the neighborhood immediately adjacent to the Anchor (Balmoral Shopping Center) identified on page 68 (Memphis 3.0 Plan) of the Degree of Change Map for which "Sustain" is the applicable degree of change. At page 63 of the Memphis 3.0 Plan, an area designated as "Sustain" is an area that wish to see no change in form or development activity should be sustained with regulations that support current conditions. If this project is approved current conditions will be affirmatively changed in a negative fashion.

Please note that the five office buildings on Lynnfield Rd. immediately north of Quince are two-story buildings.

Resurrection of PD 99-362

The 1981 Zoning Ordinance (applicable when the application was approved in 2000) required that a timeline for development be included in the outline plan. As far as can be determined at this point, no such timeline was included. In 2014, Tennessee adopted amendments to Tennessee Code Annotated (TCA) 13-4-310. Specifically, (d)(1) of that section gives an applicant such as the one in this case a vesting period of three years from the date the preliminary outline plan is approved by the governing authority. In 2015, Memphis adopted amendments to the UDC at section9.6.11E(2)(f) that purports to resurrect any Planned Development outline plan (conceivably dating back as far as 1955) that did not have an expiration date in the adopting Council resolution. This is an untenable result. An informal inquiry to Council Records indicated that there is no way even to identify which such resolutions exist. The LUCB should declare PD 99-362 null and void either because it is inconsistent with state law or because the adopting resolution did not include the required expiration clause or because it is patently unfair to deny adjoining property owners notice and an opportunity to be heard at a meaningful time in the process.

Deny Even If PD 99-362 Survives

Even if the LUCB decides that PD 99-362 survives, the application to vary even a single matter approved in 2000 should be denied. For all the reasons stated above, the office building **will** have *"a substantial or undue adverse effect upon the character of the neighborhood, traffic conditions, and other matters affecting the public health, safety, and general welfare."* Adding a story or allowing windows to be built on the Vassar Rd. side or changing the footprint will further harm Balmoral (and Memphis).

According to Mayor Strickland during his 2014 campaign, one of Memphis' principal problems is its loss of middle-income families. If the LUCB approves this Major Modification, it will contribute to middle-income families' loss of confidence in Memphis government's willingness to help them preserve their property values.

Respectfully submitted,

Phillip Cox
Balmoral Neighborhood Association
Beautiful Balmoral Chairman
phl_cox@yahoo.com

Bacchus, Brian

From: Eddie Settles <eddie@backinrivercity.com>
Sent: Monday, February 03, 2020 2:41 PM
To: Bacchus, Brian
Subject: Eddie Settles' Comments in Opposition to the Application for a Major Modification of PD 99-362

Mr. Bacchus

My wife, Eve, and I have lived in Balmoral since 2011. We both grew up here in the 1960s. We are deeply opposed to the application pending before the Land Use Control Board (LUCB) because it will harm the safety, friendliness, and beauty of our community. As outlined in Balmoral Neighborhood Association's Community Impact Statement (CIS) filed with your office today, the application violates Tennessee law, the provisions of the zoning regulations in effect when the PD was first proposed in 1999, and the US and TN constitutional rights of the affected citizens in our neighborhood. The project, if built, will significantly increase dangerous traffic on neighborhood streets that aren't provided with sidewalks, destroy the privacy of us and our neighbors (windows at 40 feet elevations about street level), increase already dangerous drainage problems in the Ridgeway Sensitive Basin stormwater runoff study area, interfere with a recently approved 5G transmission site, increase the noise level of traffic in our neighborhood, and decrease property values of our homes. In addition, adding 36,000 square feet of office space when there are already at least 209,000 square feet of un-leased space within a mile of this site will increase the possibility that our neighborhood will suffer from vacant office buildings.

This entire project violates Memphis 3.0 as well. The site of Balmoral Shopping Center (BSC) has been designated as an Anchor Neighborhood Crossing with a "sustain" degree of change requirement. BSC is less than a half-mile from the proposed site. For that reason and many others cited by the Community Impact Statement, this application is **NOT CONSISTENT** Memphis 3.0.

Please recommend that the LUCB reject this application. Please recommend that the LUCB exercise its authority under the Unified Development Code section 9.6.15 to **REVOKE** PD 99-362 because of the reasons cited in the CIS:
a. Lack of constitutional due process (notice)
b. Violation of applicable state law
c. Disregard of counsel's direction in 2009 opinion cited by OPD to record the PD

Thank you.

Eddie Settles
5861 Vassar Dr.
Memphis, TN 38119-7208
(615)542-4775
eddie@backinrivercity.com

Bacchus, Brian

From: Dwight Campbell <memphisphil@gmail.com>
Sent: Monday, February 03, 2020 4:07 PM
To: Bacchus, Brian
Subject: Proposed Lynnfield and Quince Rd. Office building

Mr. Bacchus,

I am opposed to the approval of the proposed 3 story office building adjacent to the Balmoral neighborhood at the corner of Lynnfield and Quince Road.

Philip Campbell
5960 MacInness Drive
Memphis, TN 38119

Bacchus, Brian

From: April Steele <april@southerngrowthstudio.com>
Sent: Monday, February 03, 2020 4:19 PM
To: Bacchus, Brian
Subject: Planned development in my neighborhood

Hi Mr. Bacchus,

I am writing with regard to a recent Community Impact Statement filed by my neighborhood association:

Community Impact Statement Re: PD 99-362 Major Modification Application: Proposed Office Building, Quince Rd. & Lynnfield Rd.

For all of the reasons listed in this statement, I oppose the use of this land for an office building. I live less than a block away from this intersection (at the corner of Vassar and Ridgeland) and the potential traffic alone is worrisome to me. There are children in the neighborhood and we've already had to get speed bumps installed to keep cars from speeding through the neighborhood. Additionally, the residents of the Balmoral neighborhood will have no control over what types of businesses may use this space; (at best) it will significantly change the character of the neighborhood. At worst, it will decrease the safety of the neighborhood and my property values along with it. All the things we love about Balmoral (quiet, kid-friendly, lots of old trees and nature) will be compromised. I do not understand why this office building is needed when nearly all of the office buildings north of quince on Lynnfield have vacant space. These already risk becoming a blight on the neighborhood by sitting vacant.

I urge the LUCB to reject the Major Modification application for PD 99-362. Thank you for your time and consideration, and please feel free to reach out if you have further questions.

April Steele | Business Anthropologist
O: 901.726.1008 | C: 901.270.0582

Bacchus, Brian

From: B C <bman702@yahoo.com>
Sent: Monday, February 03, 2020 8:19 PM
To: Bacchus, Brian
Subject: Lynnfield and Quince Road Building

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

Hi,

My name is Byron Cole and I live at 5847 Macinness Drive in the Balmoral neighborhood. I support the three story building that is planned for that corner. The association did vote to try and stop this development however it was not a unanimous vote for us to proceed with blocking this development. The majority did win but this is not how all of the neighborhood feels.

There are a few strong armers in the neighborhood that are creating the discord among us but I feel this development is good for the neighborhood. Please allow the developer to put the three story build at Lynnfield and Quince.

Sincerely,

Byron Cole

Sent from my iPhone

Bacchus, Brian

From: Diane Meess <diane.meess@icloud.com>
Sent: Tuesday, February 04, 2020 3:14 PM
To: Bacchus, Brian
Subject: PD 99-362 Major Modification Application

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

Yesterday afternoon I received a copy of the Balmoral Community Impact Statement from Genevieve Land with the message that comments were to be sent to you by 4 p.m. today.

I support the PD 99-362 Major Modification Application to erect a three-story office building at the corner of Quince and Lynnfield. I base my support on the following:

1. I attended the 2019 meeting at GTG to review the developer's proposal. I was impressed with the plans and the developer. Obviously he had the experience and expertise for such a project and had done the required due diligence. He addressed the questions and concerns raised by the audience.

2. Memphis needs more business ventures both for tax dollars and employment.

3. I trust the LUCB and its experts will address the issues raised concerning traffic, drainage, and possible cell tower interference.

I personally do not see this structure having a negative impact on the property value of the houses in the Balmoral neighborhood. I also think the "lack of need" argument is not relevant to the building of a new office building at Quince and Lynnfield.

I have lived in Balmoral for 28 years. I am fine with you sharing my comments but would prefer you not share my name.

Thank you.
Diane Meess

Sent from my iPad

Bacchus, Brian

From: noigbokie <noigbokie@gmail.com>
Sent: Wednesday, February 05, 2020 3:12 PM
To: Bacchus, Brian
Subject: Balmoral Neighborhood Community Impact Statement

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

I am opposing the 3 story building structure developers are attempting ato erect at the corner of Quince and Lynnfield. Due to residential privacy, BNA is requesting a 2 story building instead. We are also concerned that the level of traffic and a 216 parking space lot will have a great impact and decrease property value in our neighborhood.

It has also been brought to our attention that the developers are in violation of Memphis 3.0 code.

Nikita Oigboke, BNA Member

Sent from my T-Mobile 4G LTE Device

Memphis and Shelby County
Office of Planning and Development

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

APPLICATION FOR PLANNED DEVELOPMENT
MAJOR MODIFICATION/LUCB SITE PLAN
(CORRESPONDENCE) APPROVAL

Date: January 6, 2020 Previous Case #: PD 99-362

PLEASE TYPE OR PRINT

Name of Development: Quince/Lynnfield PD

Property Owner of Record: Lynnfield Centre LLC Phone #:

Mailing Address: 6800 Poplar Centre Ave. City/State: Germantown, TN Zip 38138

Property Owner E-Mail Address:

Applicant: SE Industrial Investments, LLC Phone #

Mailing Address: 6363 Poplar Avenue, Suite 220 City/State: Memphis, TN Zip 38119

Applicant E- Mail Address: preston.thomas@colliers.com

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

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

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

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

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

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

Correspondence item Street Address Location: 0 Quince Road

Distance to nearest intersecting street: At the southwest corner of Quince Road and Lynnfield Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	4.19 AC		
Existing Zoning:	R-10		
Existing Use of Property	Vacant Land		
Requested Use of Property	Office		

Type of Correspondence Item Requested:

✓ Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)

___ Land Use Control Board Site Plan Approval

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

Number of Residential Units: _____ Bedrooms: _____

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

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

We are requesting to increase the height of the office building to allow 3-stories.

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

	1-6-2020		1-6-20
Property Owner of Record	Date	Applicant	Date

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

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.

B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).

C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.

D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).

E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
    1. 25 feet for final plans of two or less acres;
    2. 50 feet for final plan of more than two but less than eight acres;
    3. 100 feet for final plans of eight acres but than 20 acres; and
    4. 150 feet for final plans of 20 acres or more.

ENGINEERING • PLANNING

SRC CONSULTING, LLC

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

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

Date: December 18, 2019

To: Office of Planning & Development

From: Cindy Reaves

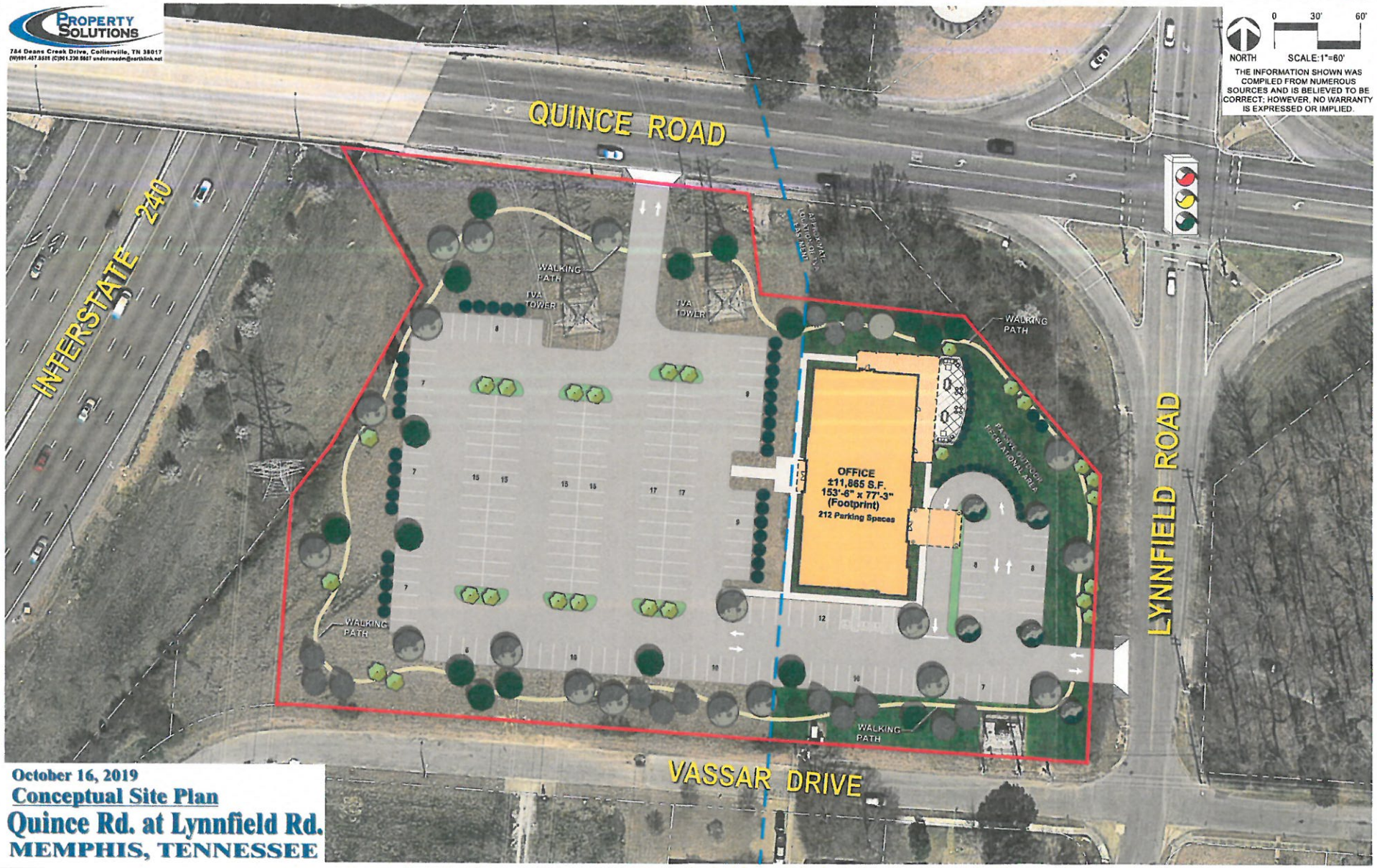
Re: PD 99-362 Quince/Lynnfield PD

Job #: 19-0122

LETTER OF INTENT

Thank you for accepting our application for a Planned Development Major Modification for the Quince/Lynnfield Planned Development case # PD 99-362. The PD was approved by the Memphis City Council on February 15, 2000. A Final Plat was never recorded but the Outline Plan conditions did not include expiration language so the PD is still valid. We are requesting to permit a 3-story office building with associated parking and accessory uses.

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



October 16, 2019

Conceptual Site Plan

Quince Rd. at Lynnfield Rd.

MEMPHIS, TENNESSEE

18046-M35.dwg © Copyright: Property Solutions

lynnfield front perspective
10-29-2019

proposed office building for

Lynnfield Corporate Center

Memphis, Tennessee

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Renaissance Group

east lynnfield perspective
10-29-2019

proposed office building for

Lynnfield Corporate Center

Memphis, Tennessee

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Renaissance Group
architecture • engineering • planning • interiors

Vicinity Map

Date:11/04/19
Prepared By:
Property Research Data
PRD Job #19-115

RESOLUTION

WHEREAS, Section 14 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064, dated October 7, 1980, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and,

WHEREAS, Application has been made for a planned development for property located on the southwest corner of Quince Road and Lynnfield Road; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 14 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on ***Thursday, January 13, 2000*** and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and

WHEREAS, The Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board, and the report and recommendation of the Office of Planning and Development; and

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted for an in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: ***Building Official***
City Engineer
Office of Planning and Development

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

Date FEB 15, 2000

Jas. C. Hutchabee

Deputy Comptroller - Council Records

P. D. 99-362
Quince/Lynnfield Planned Development

#31

P.D. 99-362
Quince/Lynnfield Planned Development

OUTLINE PLAN CONDITIONS:

I. Use Permitted: Office Uses

A. Office uses in accordance with the General Office(O-G) District.

II. Bulk Regulations: The bulk regulations of the O-G District shall apply with the following exceptions:

A. Building Height-2 stories with a gross square feet not to exceed 45,500 square feet(37,000 square feet of net area).

III. Access, Parking, Circulation:

A. Improve Lynnfield Road to a pavement width of 32 feet from the centerline in accordance with Subdivision Regulations.

B. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.

C. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

D. Clear Sight Areas shall be provided on the final plat and engineering plans at the intersection of Lynnfield and Vassar in accordance with the Subdivision Regulations. The required note regarding Clear Sight Areas shall be placed on the final plat.

IV. Landscaping:

A. A landscape Plate "A-1" shall be provided along Quince Road, Lynnfield Road and Vassar Drive.

B. Internal landscaping shall be as shown on the landscape plan and provide a ratio of 300 square feet of landscaped area and one shade tree per every 20 parking spaces.

C. Maximum height of light standards shall be 20 feet. Light standards within the Memphis, Light, Gas and Water Transmission Easement right-of-way shall be provided in accordance with Memphis Light Gas and Water Encroachment Policy Guidelines.

D. Lighting shall be directed so as not to glare into residential property.

E. Refuse containers shall be completely screened from view from residential property and public roads.

V. Signs:

A. Signs in accordance with the O-G District.

VI. Drainage:

A. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision Contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

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

C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Site plan review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.

IX. Any final plan shall include the following:

A. The Outline Plan conditions.

B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.

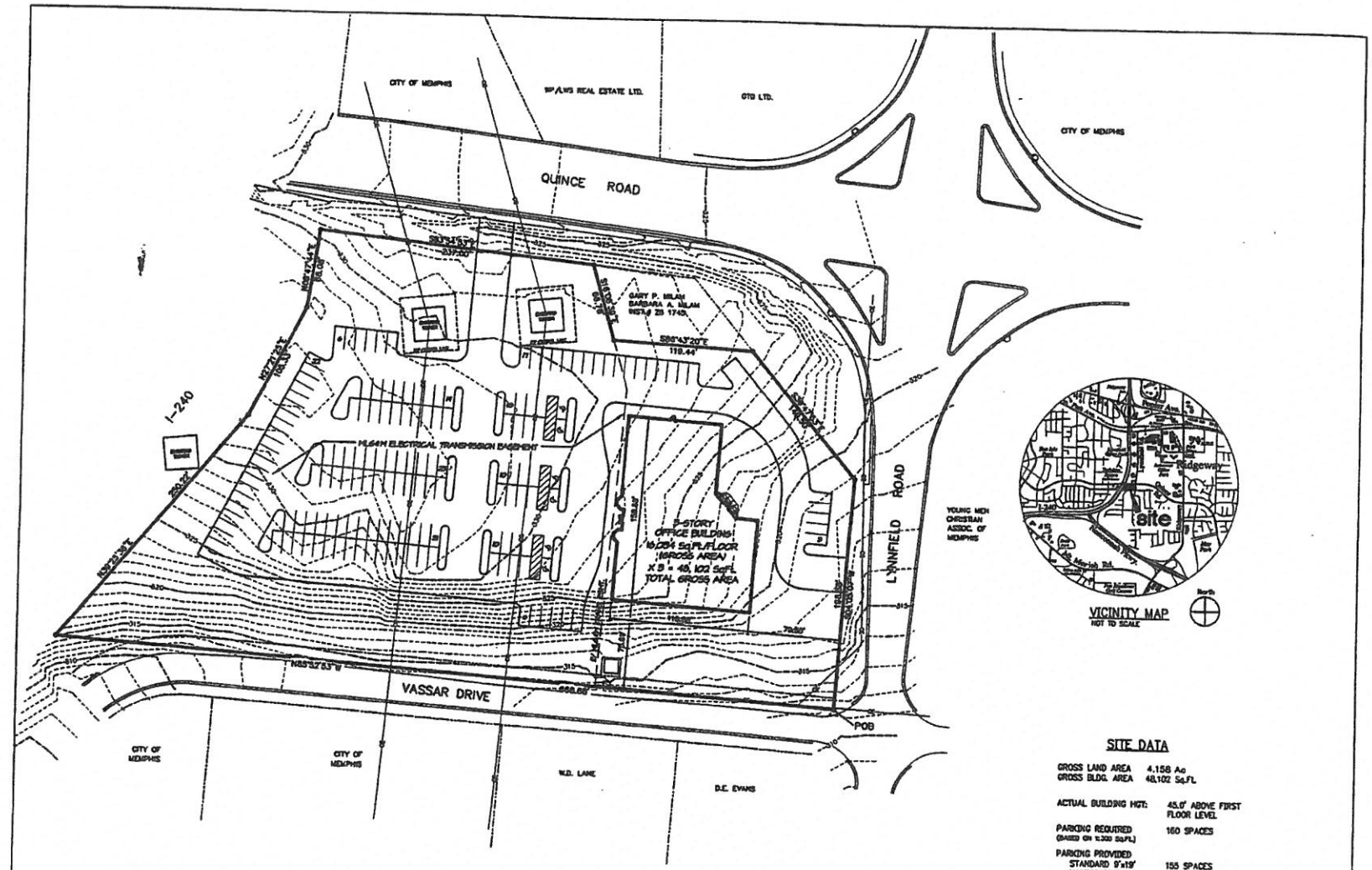
C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.

D. The number of parking spaces.

E. The location and ownership, whether public or private, of any easement.

F. Building elevation diagram.

G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.



VICINITY MAP
NOT TO SCALE

SITE DATA

GROSS LAND AREA	4.158 Ac
GROSS BLDG. AREA	48,102 Sq.Ft.
ACTUAL BUILDING HGT:	45.0' ABOVE FIRST FLOOR LEVEL
PARKING REQUIRED (BASED ON 1:300 Sq.Ft.)	160 SPACES
PARKING PROVIDED	
STANDARD 9'x19'	155 SPACES
HANDICAPPED	6 SPACES
TOTAL	161 SPACES

PROPERTY DESCRIPTION

BEGINNING AT THE INTERSECTION OF VASSAR DRIVE (50' R.O.W.) AND THE WEST LINE OF LYNNFIELD ROAD (R.O.W. VARIES); THENCE ALONG SAID VASSAR DRIVE AND PROJECTION THEREOF N85°32'53"W A DISTANCE OF 668.68 FEET TO A POINT; THENCE N39°25'36"E A DISTANCE OF 250.22 FEET TO A POINT; THENCE N27°21'25"E A DISTANCE OF 105.33 FEET TO A POINT; THENCE N08°47'44"E A DISTANCE OF 68.08 FEET TO A POINT ON THE SOUTH LINE OF QUINCE ROAD (R.O.W. VARIES); THENCE ALONG SAID SOUTH LINE S83°54'53"E A DISTANCE OF 237.00 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE S16°05'39"E A DISTANCE OF 68.78 FEET TO A POINT; THENCE S86°43'20"E A DISTANCE OF 119.44 FEET TO A POINT; THENCE S39°47'53"E A DISTANCE OF 140.50 FEET TO A POINT ON THE WEST LINE OF SAID LYNNFIELD ROAD; THENCE S04°05'07"W A DISTANCE OF 188.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 181,122 SQUARE FEET OR 4.158 ACRES.

North

50 0 50

GRAPHIC SCALE IN FEET

SCALE: 1"=50'

REAVES SWEENEY MARCOM
INCORPORATED
PLANNING • ENGINEERING
LANDSCAPE ARCHITECTURE
315 PAYNE AVENUE SUITE 400
MEMPHIS, TENNESSEE 38117
901-761-2016/FAX901-761-2017

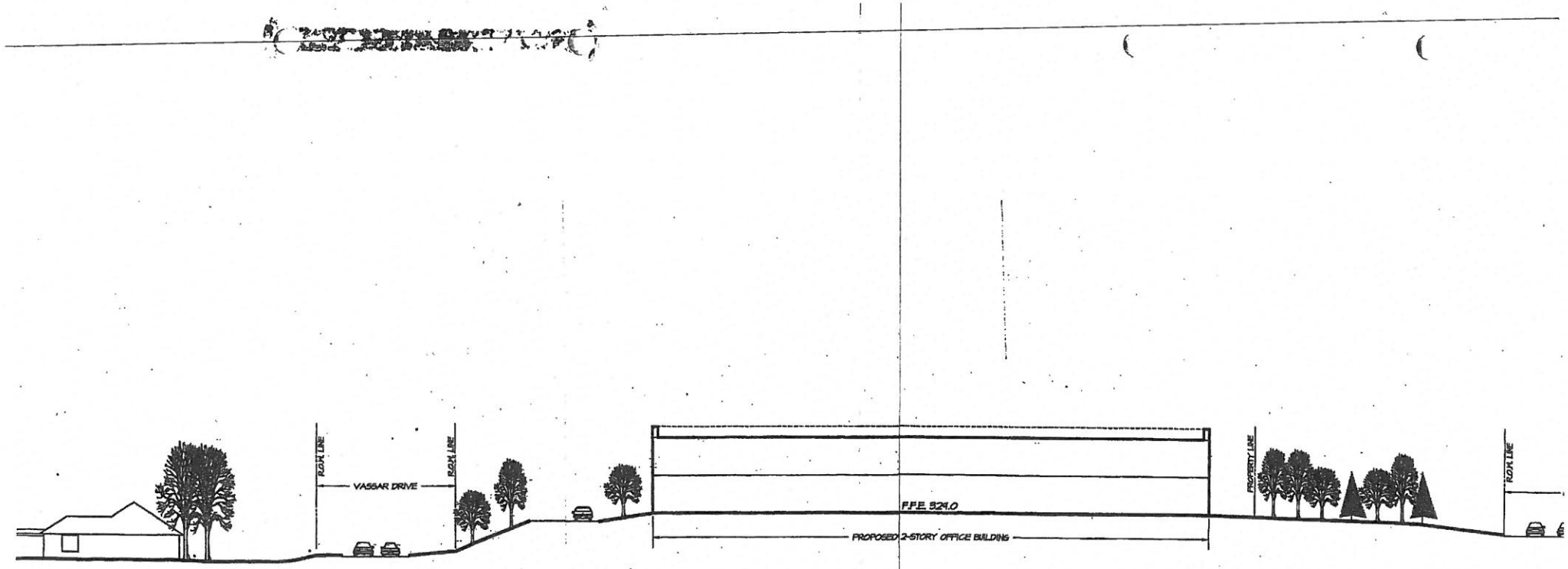
OUTLINE PLAN

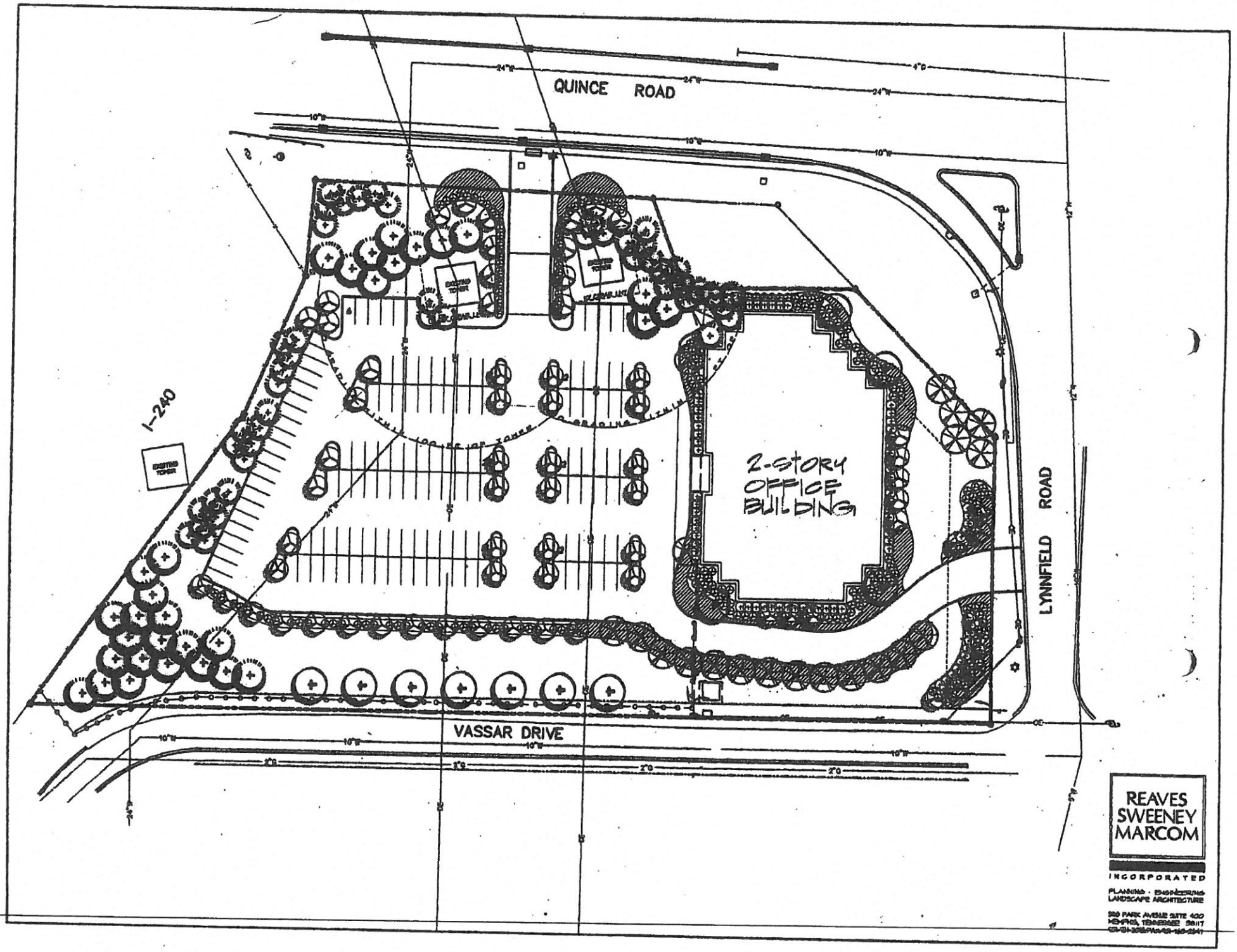
QUINCE / LYNNFIELD P.D.

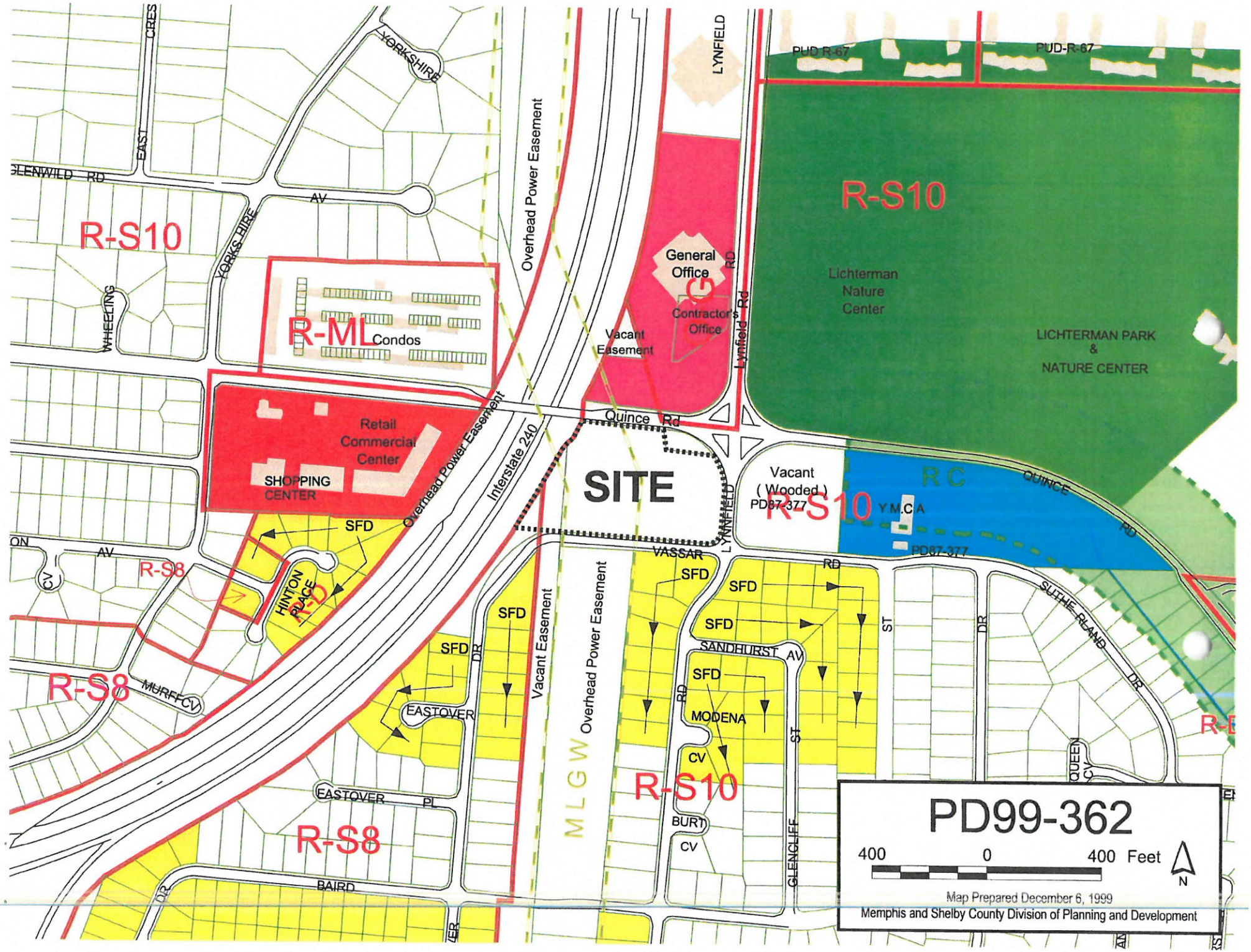
OWNER: MERRILL, SMITH & BLACKWOOD
DEVELOPER: JOHN ELLIS
4.158 ACRES 1 LOT
MEMPHIS, TENNESSEE
OCTOBER, 1999

SHEET 1 OF 1

\\ray\u1\ray1\ray1\ray2\u1\u1\ray2.dwg Mon Oct 2 15:26:50 1999 msmarquan


R.O.W. LINE
VASSAR DRIVE
R.O.W. LINE
F.F.E. 524.0
PROPOSED 2-STORY OFFICE BUILDING
PROPERTY LINE
R.O.W. LINE


QUINCE ROAD
I-240
VASSAR DRIVE
LYNNFIELD ROAD
2-STORY OFFICE BUILDING
EXISTING TOWER
REAVES SWEENEY MARCOM
INCORPORATED
PLANNING · ENGINEERING
LANDSCAPE ARCHITECTURE


PD99-362
400 0 400 Feet
N
Map Prepared December 6, 1999
Memphis and Shelby County Division of Planning and Development
SITE
R-S10
R-ML
Condos
Retail Commercial Center
SHOPPING CENTER
R-S8
R-D
SFD
General Office
Contractor's Office
Vacant Easement
Overhead Power Easement
Interstate 240
Quince Rd
LYNFIELD
Lynfield Rd
PUD-R-67
Lichterman Nature Center
LICHTERMAN PARK & NATURE CENTER
Vacant (Wooded) PD87-377
RC
Y.M.C.A
PD87-377
VASSAR
SANDHURST AV
MODENA
CV
BURT
GLENCLIFF
ST
DR
RD
SUTHERLAND
QUEEN
EASTOVER
EASTOVER PL
BAIRD
MURFF CV
HINTON PLACE
WHEELING
YORKSHIRE
GLENWILD RD
EAST
CRES
AV
M L G W
Vacant Easement
Overhead Power Easement

RESOLUTION APPROVING AN APPEAL BY THE BALMORAL NEIGHBORHOOD ASSOCIATION REQUESTING THE MEMPHIS CITY COUNCIL OVERTURN THE DECISION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING A MAJOR MODIFICATION TO AN APPROVED OUTLINE PLAN TO ALLOW A THREE (3) STORY OFFICE BUILDING WITH ASSOCIATED ACCESSORY USES WITHIN THE QUINCE/LYNNFIELD PLANNED DEVELOPMENT, LOCATED AT SOUTHWEST CORNER OF QUINCE ROAD AND LYNNFIELD ROAD, KNOWN AS CASE NO. P. D. 99-362

WHEREAS, SE Industrial Investments, LLC filed a Major Modification application with the Office of Planning and Development to allow a three (3) story office building with associated accessory uses within an approved Outline Plan; and

WHEREAS, The Memphis and Shelby County Office of Planning and Development (OPD) recommended and the Memphis and Shelby County Land Use Control Board approved the request of the applicants, subject to conditions; and

WHEREAS, the Balmoral Neighborhood Association filed an appeal on February 26th, 2020 requesting the Memphis and Shelby County Land Use Control Board's approval of the Major Modification be overturned by the Memphis City Council; and

WHEREAS, upon evidence presented at this public hearing by the appellants, the City Council of the City of Memphis concludes that the appeal as stated herein should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE; THAT, the appeal of the appellants, the Balmoral Neighborhood Association, is hereby granted and the requirement to allow a three (3) story office building with associated accessory uses by the Memphis and Shelby County Land Use Control Board on Thursday, February 13th, 2020 be overturned.

BE IT FURTHER RESOLVED, which this Resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the City Council of the City of Memphis.

ATTEST:

I. Use Permitted: Office Uses

A. Office uses in accordance with the Office General (OG) District, including restaurant and coffee shop.

B. A walking path shall be provided to surround the entire site to include park benches.

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

II. Bulk Regulations: The bulk regulations of the OG District shall apply with the following, except the building height shall not exceed three (3) stories and the gross square footage shall not exceed 35,000 square feet in area.

Ill. Access, Parking, Circulation:

A. Dedicate and improve a 30-foot radius at the intersection of Lynnfield Road and Vassar Drive.

B. Maximum of one curb cut to Quince Road and maximum of one curb cut to Lynnfield Road. The design and location of curb cuts shall be subject to review and approval by the City Engineer. Any existing curb-cuts that are non-conforming shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

IV. Landscaping:

A. Streetscape Plate S-10 shall be provided along Quince Road, Lynnfield Road and Vassar Drive.

B. Internal landscaping shall be in accordance with UDC Section 4.5.5.D.

C. Lighting shall be in accordance with the UDC.

D. Lighting shall be directed so as not to glare into residential property.

E. Refuse containers shall be completely screened from view from residential property and public roads.

V. Signs: All Signs shall be in accordance with the OG District, but no attached or detached signs shall be located on the south elevation of the building and along Vassar Drive.

VI. Drainage:

A. Drainage improvements, including possible on-site detention shall be provided under a Standard Subdivision Contract in accordance with the UDC and the City of Memphis Drainage Design Manual.

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

VII. The Land Use Control Board may modify the building setbacks, height, parking, access, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Site Plan Review by the Land Use Control Board shall not be required as long as the final plan conforms to the conceptual plan presented to the Land Use Control Board as part of the Outline Plan.

IX. Any final plan shall include the following:

A. The Outline Plan Conditions.

B. A Standard Subdivision Contract as defined by the UDC for any needed public improvements.

C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.

D. The number of parking spaces.

E. The location and ownership, whether public or private, of any easement

F. Building elevations.

Eddie & Eve Settles
5861 Vassar Drive
Memphis, TN 38119

James Nolen
5833 Vassar Drive
Memphis, TN 38119

April Steele
Christopher Haley
2251 Ridgeland Drive
Memphis, TN 38119

FA IRA Investments, LLC
2277 Lynnfield Road
Memphis, TN 38119

Stewart White
2292 Lynnfield Road
Memphis, TN 38119

Clifford & Teresa
5850 Sandhurst Avenue
Memphis, TN 38119

Peggy & Jimmie Vandiver
5824 Sandhurst Avenue
Memphis, TN 38119

M.H. & Nazik Al-Rufaie
2292 Eastover Drive
Memphis, TN 38119

SE Industrial Investments, LLC
6363 Poplar Avenue –Suite 220
Memphis, TN 38119

Phillip Cox
6011 South Hampton Drive
Memphis, TN 38119

Glenda Stevens
5851 Vassar Drive
Memphis, TN 38119

Mary Miller
5815 Vassar Drive
Memphis, TN 38119

Gregory Clark
2261 Ridgeland Drive
Memphis, TN 38119

John & Vivien Weeks
2289 Lynnfield Road
Memphis, TN 38119

Blake Miller
5831 Sandhurst Avenue
Memphis, TN 38119

Janice & Don Gayoso
5844 Sandhurst Avenue
Memphis, TN 38119

Rosa & Carlos Schlemmer
2270 Eastover Drive
Memphis, TN 38119

Arlene Dugard
2279 Eastover Drive
Memphis, TN m 38119

SR Consulting, LLC
Attn: Cindy Reaves
5909 Shelby Oaks Drive-Suite 200
Memphis, TN 38134

Satish Mehra
5841 Vassar Drive
Memphis, TN 38119

Jeremy Carr
5801 Vassar Drive
Memphis, TN 38119

Warruga, LLC
2269 Lynnfield Road
Memphis, TN 38119

Joyce Campbell
2295 Lynnfield Road
Memphis, TN 38119

Stephen & Rebecca
5841 Sandhurst Avenue
Memphis, TN 38119

Oscar Cambron & Tania Villa
5834 Sandhurst Avenue
Memphis, TN 38119

Jerry Hart
2284 Eastover Drive
Memphis, TN 38119

Lynnfield Centre, LLC
6800 Poplar Centre Avenue-Suite 210
Germantown, TN 38138

Balmoral Neighborhood Association
c/o Jeffrey & Genevieve Land,Esquires
780 Ridge Lake Boulevard-Suite 202
Memphis, TN 38120

STAFF REPORT

AGENDA ITEM: 10

CASE NUMBER: Z 20-8 **L.U.C.B. MEETING:** 13 August 2020

LOCATION: 580 Belt Line Street and 584 Belt Line Street

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.

REQUEST: Rezoning of two parcels from Residential Urban – 1 to Commercial Mixed Use – 1

AREA: 0.2 acres

EXISTING ZONING: Residential Urban – 1

CONCLUSIONS (see p. 12)

1. The applicant has requested the rezoning of a 0.2-acre site on Belt Line Street approximately 100 feet north of Southern Avenue.
2. The applicant is concurrently seeking approval of a special use permit (SUP 20-8) for a convenience store with gas sales on a 0.9-acre site that includes the subject parcels.
3. The proposed rezoning would straighten the presently zigged boundary between the residential and commercial zoning districts that span Block A of the Belt Line Subdivision (see p. 7), thus creating a more orderly environment for development.
4. Staff finds that the requested zoning change is compatible with the use and zoning of nearby properties, and that the subject site is a suitable location for neighborhood-oriented commercial development.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 13-15)

Per the Office of Comprehensive Planning, this proposal is ***consistent*** with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 12)

Approval

Staff Writer: ***Brett Davis*** **E-mail:** ***brett.davis@memphistn.gov***

GENERAL INFORMATION

Street Frontage:	Belt Line Street	(Local Street)	87.5 linear feet
Zoning Atlas Page:	2135		
Parcel ID:	029079 00021 and 029079 00022		
Existing Zoning:	Residential Urban – 1		

NEIGHBORHOOD MEETING

A neighborhood meeting was held on-site on 30 July 2020.

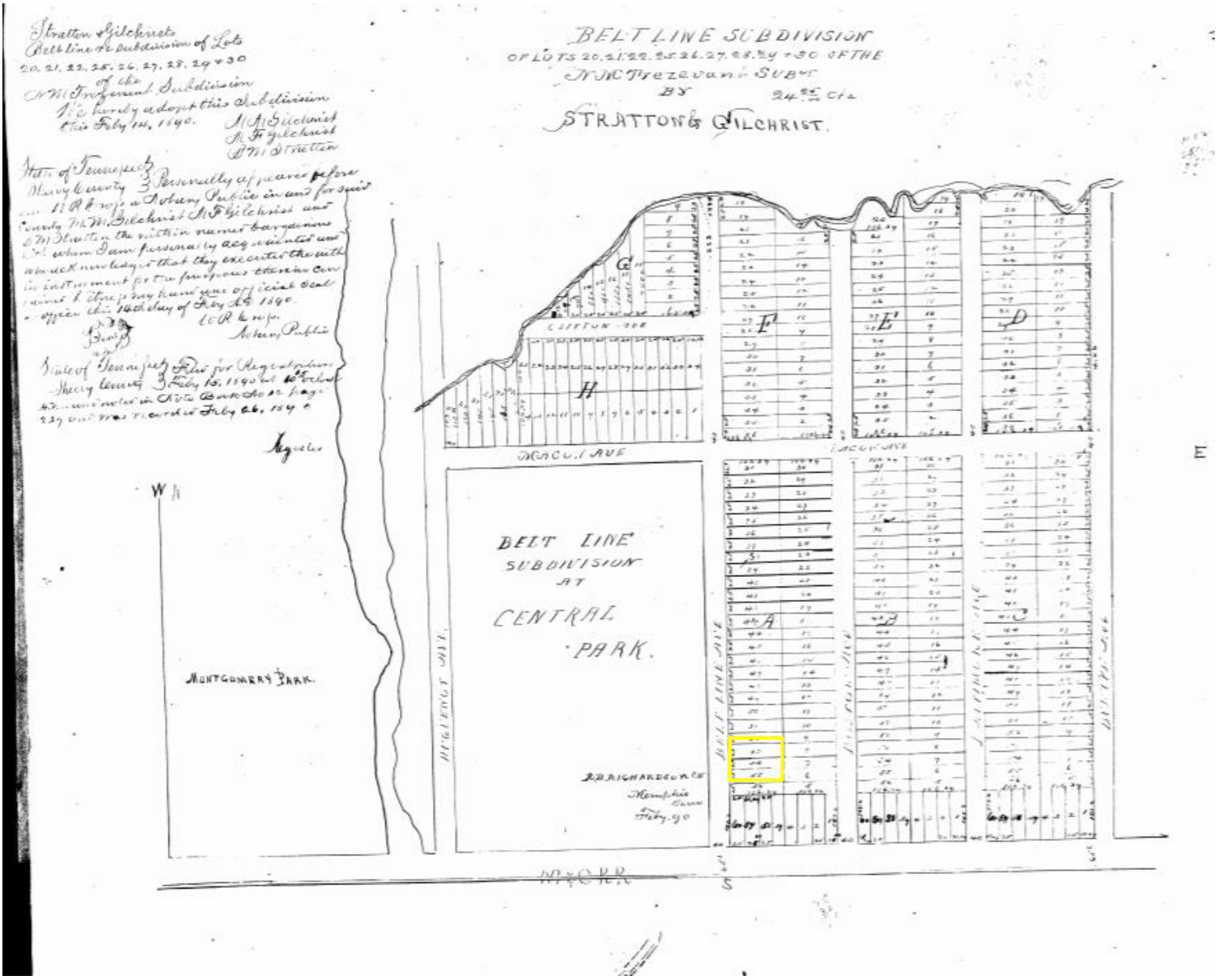
PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 48 notices were mailed on 23 July 2020, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP

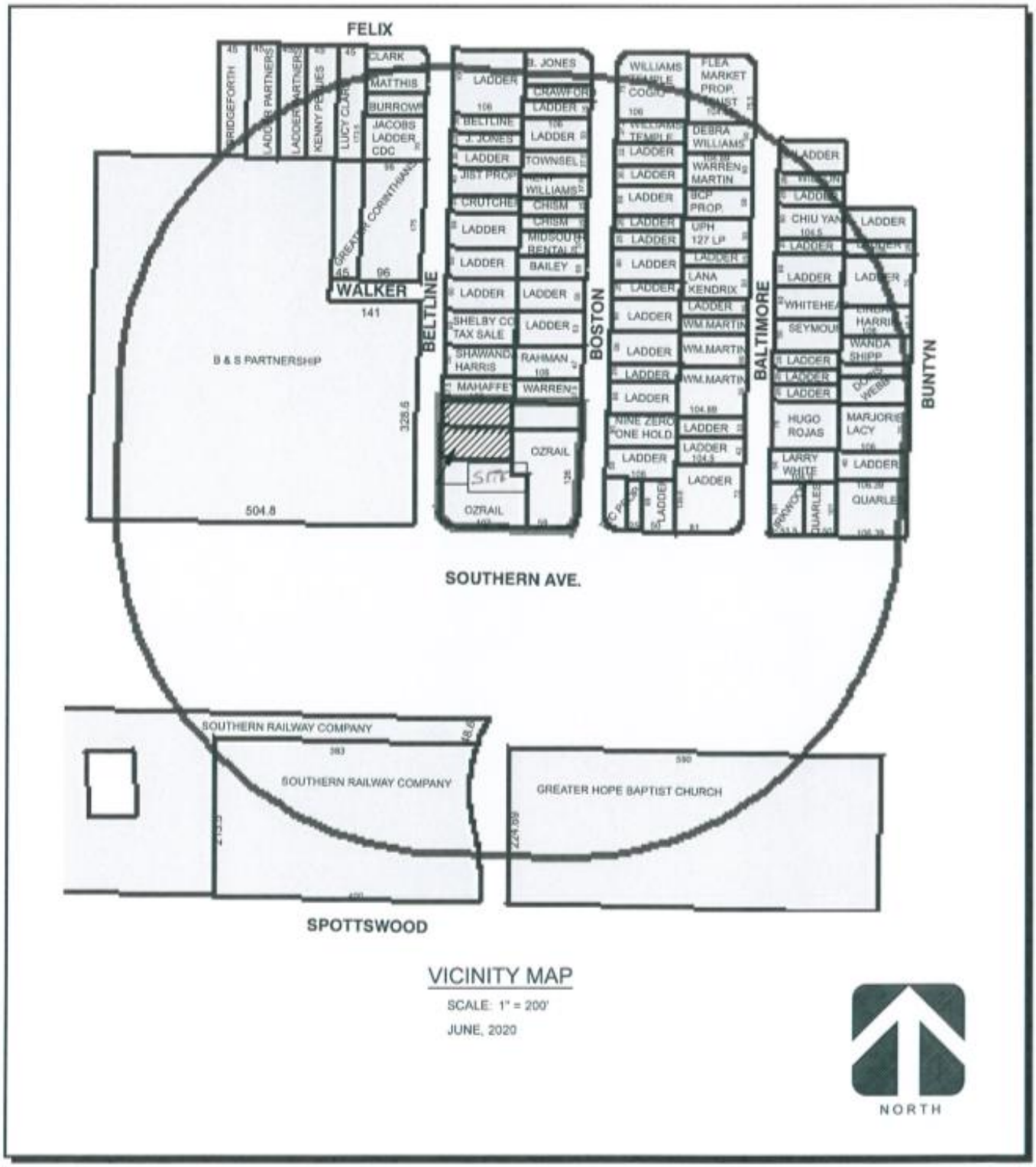
Subject property located in Belt Line neighborhood

BELT LINE SUBDIVISION (1890)



Subject property includes half of Lot 52 as well as Lots 53, 54, and 55 of Block A of the Belt Line Subdivision.

VICINITY MAP



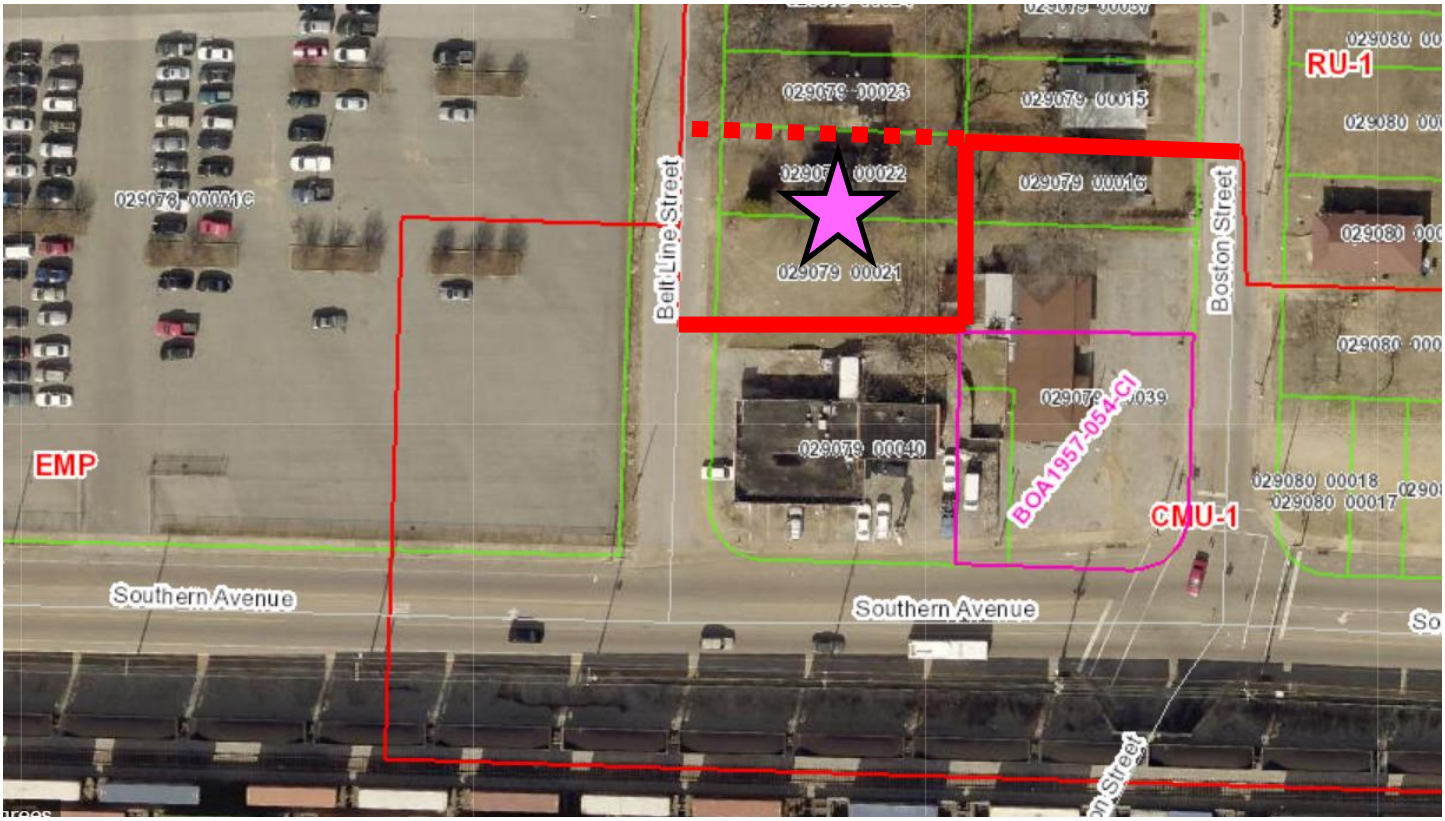
McCaskill & Associates, Inc.
Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
website: www.mccaskillinc.com
(901) 382-2577

AERIAL

029079 00023
029079 00015
029079 00022
029079 00016
029079 00021
029079 00039
029079 00040
029080 00021
029080 00020
029080 00019
029080 00018
029080 00017
029080
Belt Line Street
Boston Street
Southern Avenue
Boston Street

ZONING MAP



LEGEND

Existing Zoning Boundary — Proposed Zoning Boundary — Two subject parcels

<u>Existing Zoning:</u> Residential Urban – 1

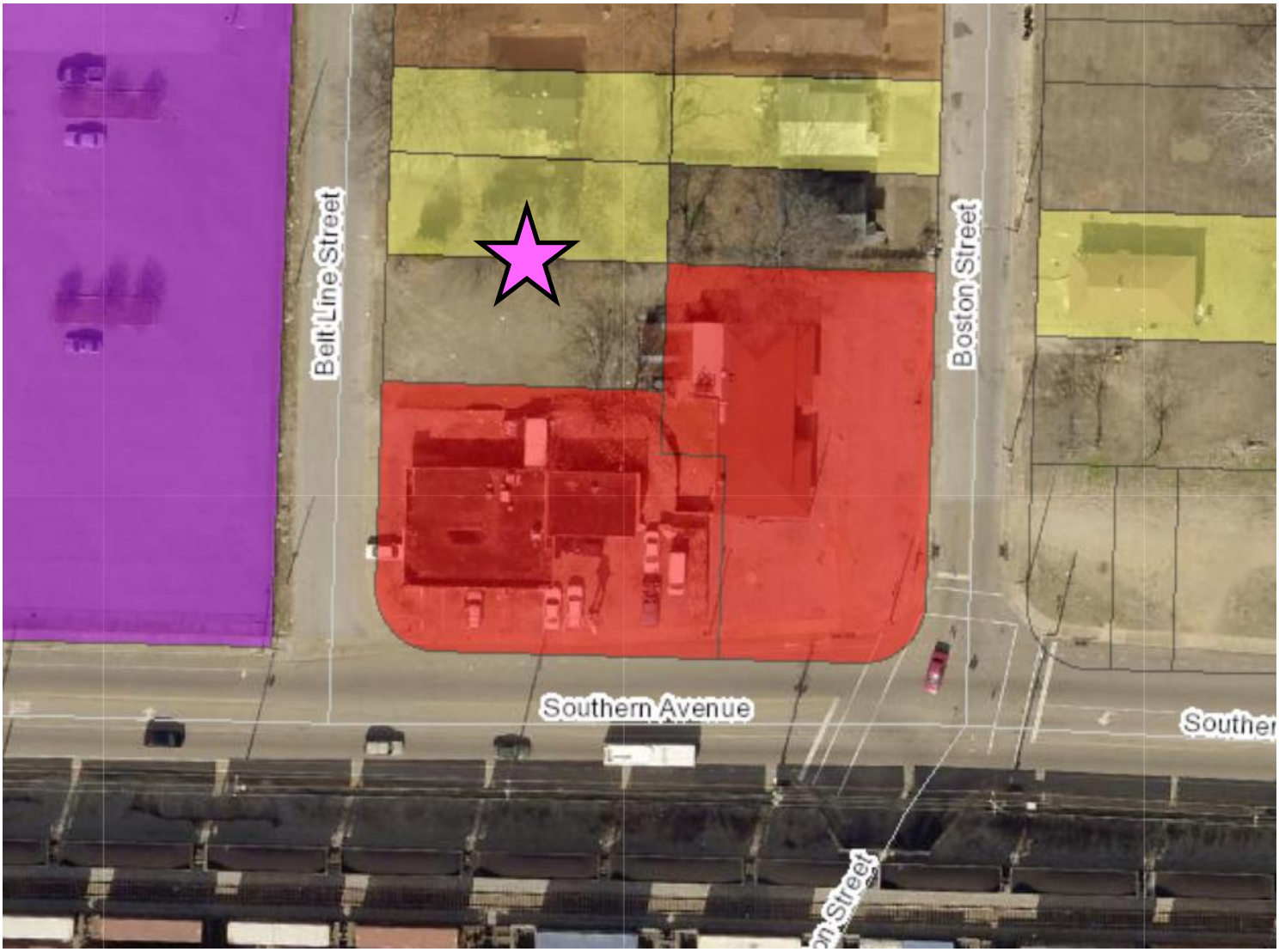
<u>Surrounding Zoning</u>:

- **North:** Residential Urban – 1
- **East:** Commercial Mixed Use – 1
- **South:** Commercial Mixed Use – 1
- **West:** Commercial Mixed Use – 1 and Employment

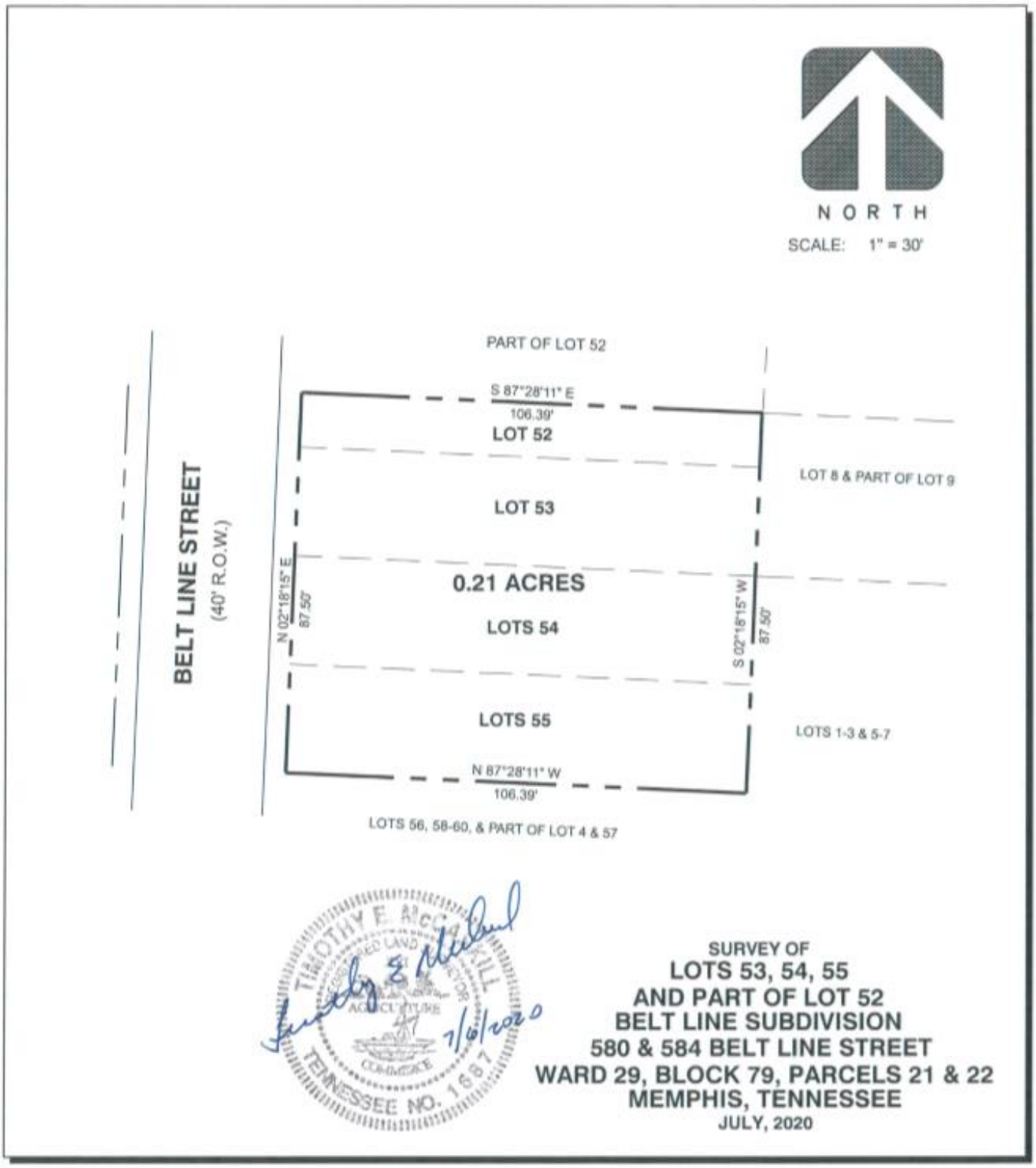
COMMENTARY

The zigged boundary between the residential and commercial zoning districts has been emboldened. The proposal would straighten this line by rezoning the two subject parcels (identified by the star) to the commercial district, as shown by the dotted line.

LAND USE MAP



SURVEY



McCaskill & Associates, Inc.
Land Surveying Civil Design
7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
www.mccaskillinc.com
(901) 382-2577 Fax (901)385-1813

SITE PHOTOS

View of northern parcel to be rezoned

View of southern parcel to be rezoned

STAFF ANALYSIS

Request
The request is the rezoning of a 0.2-acre site from Residential Urban – 1 to Commercial Mixed Use – 1.

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

Review Criteria
Staff ***agrees*** the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria
In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);
9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;
9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description
The 0.2-acre subject site consists of two parcels which comprise 3.5 lots of Block A of the Belt Line Subdivision of 1890. The northern parcel contains a blighted, single-story, 759-square foot house built in 1955. The southern parcel is vacant.

Conclusions
The applicant has requested the rezoning of a 0.2-acre site on Belt Line Street approximately 100 feet north of Southern Avenue.

The applicant is concurrently seeking approval of a special use permit (SUP 20-8) for a convenience store with gas sales on a 0.9-acre site that includes the subject parcels.

The proposed rezoning would straighten the presently zigged boundary between the residential and commercial zoning districts that span Block A of the Belt Line Subdivision (see p. 7), thus creating a more orderly environment for development.

Staff finds that the requested zoning change is compatible with the use and zoning of nearby properties, and that the subject site is a suitable location for neighborhood-oriented commercial development.

RECOMMENDATION

Staff recommends ***approval***.

DEPARTMENTAL COMMENTS

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

City Engineer:

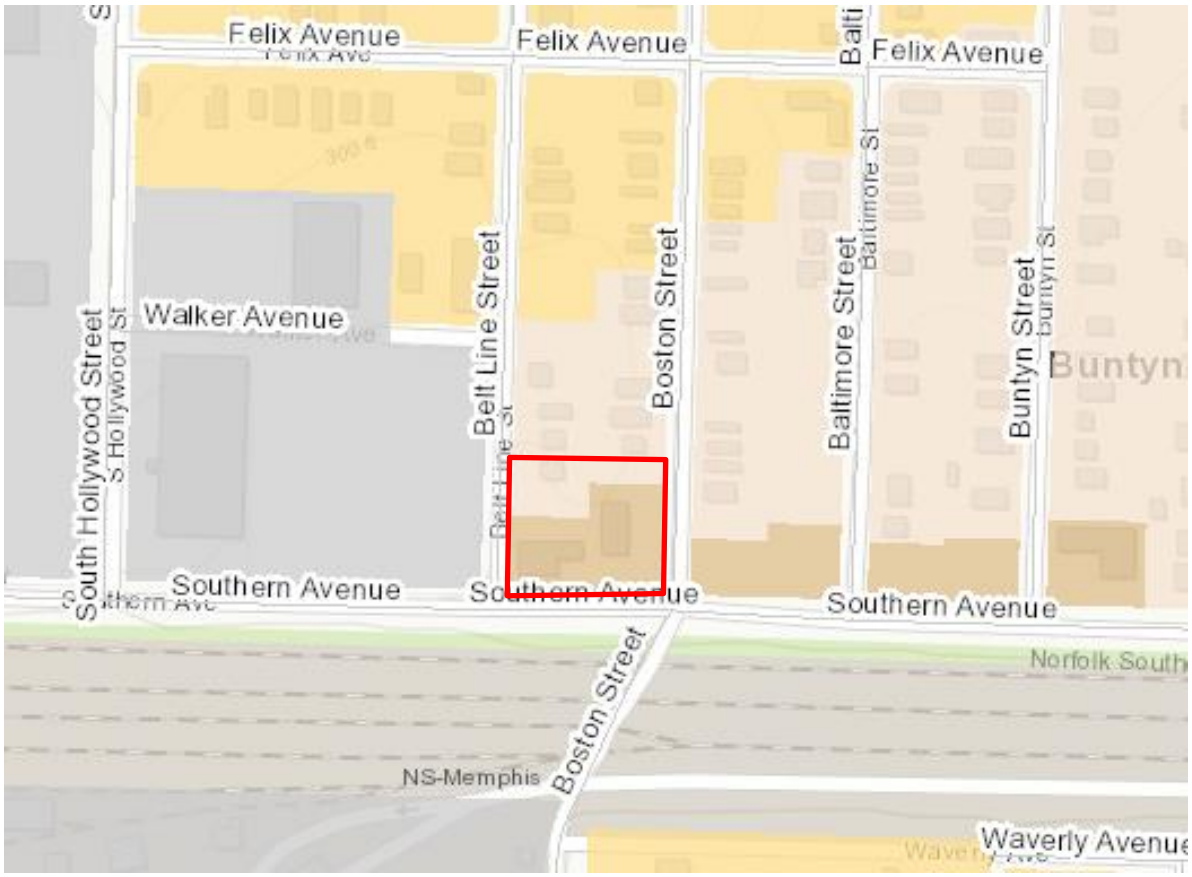
<u>Sewers:</u>
1. City sanitary sewers are available to serve this development.

Office of Comprehensive Planning:

Based on the Existing, Adjacent Land Use and Zoning, the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

A portion of this site is designated as Primarily Single-Unit Neighborhoods (NS). NS areas are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.

The other portion of this site is designated as Low Intensity Commercial and Service (CSL). CSL areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities. See graphic portrayal to the right.

"NS" Goals/Objectives:
Preservation/maintenance of existing single-family housing stock and neighborhoods.

"CSL" Goals/Objectives:
Improved development patterns along auto-oriented commercial corridors, revitalization.

"NS" Form & Location Characteristics:
Primarily detached, house-scale buildings. Primarily residential, 1-3 stories in height. Beyond 1/2 mile from a Community Anchor.

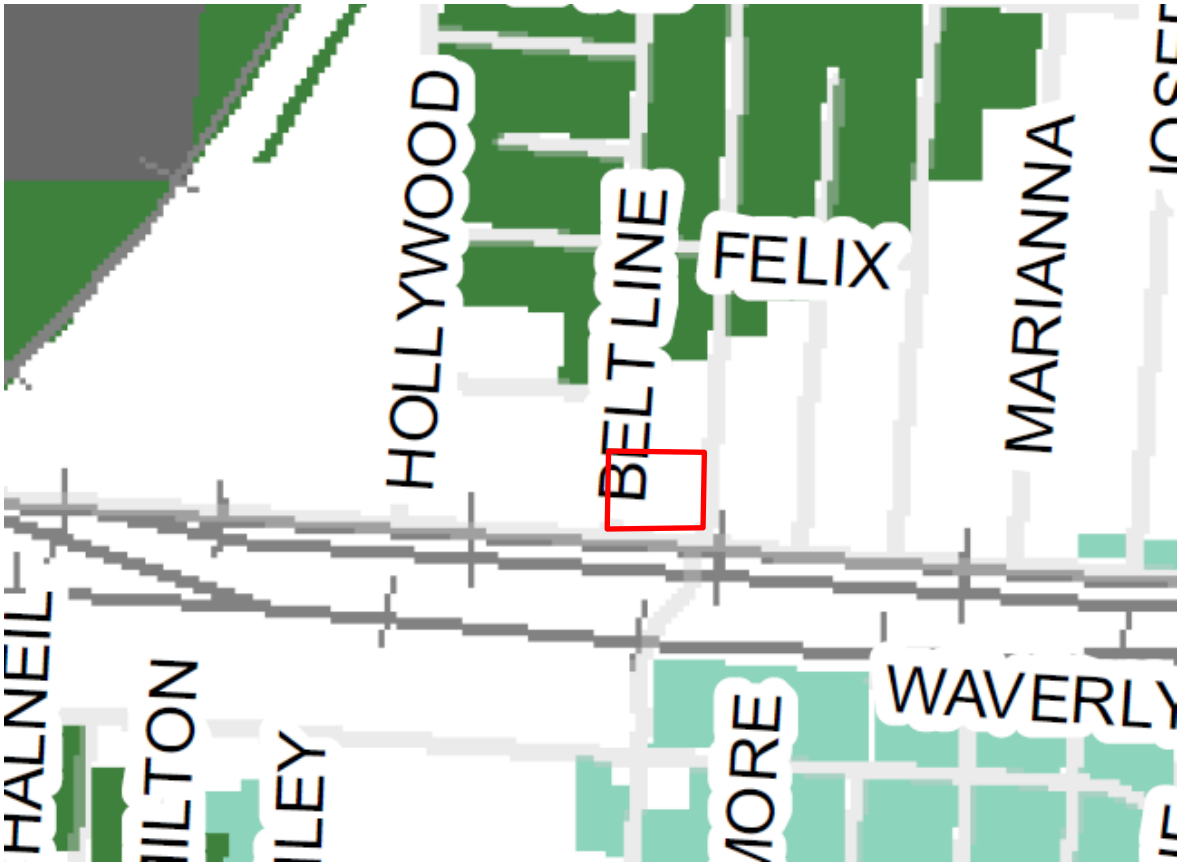
"CSL" Form & Location Characteristics:
Commercial and services uses. 1-4 stories in height.

The applicant is seeking a special use permit and rezoning from RU-1 to CMU-1 to allow a gas station.
The request meets the criteria because a majority of the site and the parcel frontage is in a CSL area, along an Avenue street type. Commercial uses of this size are compatible in CSL areas and the plan recommends a natural buffer between the site and the neighboring single-family residential.

3. Existing, Adjacent Land Use and Zoning

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

4. Degree of Change map



The red box indicates the application site. There is no Degree of Change.

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Bradyn Carson, Office of Comprehensive Planning

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

APPLICATION

Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR REZONING APPROVAL

Date: 7/1/2020 Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Ameen Z. Ozrail Phone #: 901-462-5581
Mailing Address: 3588 Poplar Avenue City/State: Memphis, TN Zip 38111
Property Owner E-Mail Address: aoz2018@yahoo.com
Applicant: Same as owner Phone # _____
Mailing Address: _____ City/State: _____ Zip _____
Applicant E- Mail Address: _____
Representative: Tim McCaskill Phone #: 901-382-2577
Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133
Representative E-Mail Address: tim@mccaskillinc.com
Engineer/Surveyor: McCaskill & Associates, Inc. Phone # 901-382-2577
Mailing Address: 7891 Stage Hills Blvd. City/State: Bartlett, TN Zip 38133
Engineer/Surveyor E-Mail Address: tim@mccaskillinc.com
Street Address Location: 580 & 584 Belt Line Street
Distance to nearest intersecting street: 99.2' to the North line of Southern Avenue

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	0.21 Acres		
Existing Zoning:	RU-1		
Existing Use of Property	vacant		
Requested Use of Property	Convenience store with gas pumps		
Requested Zoning	CMU-1		

Pre-Application Conference held on: March, 2019 with Chip Saliba

Neighborhood Meeting Requirement Met: Yes ☐ or Not Yet ☑ or Not Required (see below) ☐
(If yes, documentation must be included with application materials)

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

7/1/2020

Property Owner of Record Date Applicant Date

LETTER OF INTENT

McCaskill & Associates, Inc.
Land Surveying Civil Design

7891 Stage Hills Blvd, Suite 112
Bartlett, TN 38133
www.mccaskillinc.com
(901)382-2577 (901)385-1813 Fax

July 6, 2020

Letter of Intent - rezoning
Lots 53, 54, 55, and part of Lot 52
Belt Line Subdivision

The intent of this application is to request a rezoning of 3.5 lots zoned RU-1 to CMU-1 zoning. The lots have a total of 87.5' of frontage on Belt Line Street. They are North and West of property currently zoned CMU-1. The rezoning of these lots will "square off" the commercial zoning in the block within Belt Line Street and Boston Street. The depth (99') of the current CMU-1 property makes it difficult to develop to the standards of the UDC. This rezoning will make the property more useful for improvement.

Consultant: Tim McCaskill
McCaskill and Associates, Inc.
7891 Stage Hills Blvd. Suite 112
Bartlett, Tennessee 38133
901-382-2577

SIGN AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill *, being duly sworn, depose and say that at* 7:15 pm *am/pm on the* 31 *day of* JULY *, 20* 20 *, I posted* 4 *Public Notice Sign(s) pertaining to Case No.* (3)-SUP 20-08 & (1)- Z 20-08 *at* 2638,2650, Southern and 580, 584 Beltline *, providing notice of a Public Hearing before the* x *Land Use Control Board,* x *Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development,* X *Special Use Permit,* X *Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.*

Owner, Applicant or Representative — *Date* 8/1/2020

Subscribed and sworn to before me this 1 *day of* August *, 20* 20 *.*

Notary Public

My commission expires: June 15, 2022

TERESA H MCCASKILL
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY

LETTERS RECEIVED

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