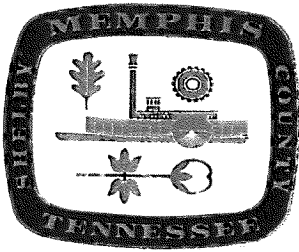


PARKS COMMITTEE

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

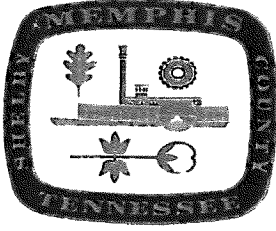
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution to allocate and appropriate \$5,000,000.00 from FY24 PK01036 Lester Community Center, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
(Not Applicable)

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
These funds will require a construction contract.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This will require an expenditure of \$5,000,000.00



***Resolution to allocate and appropriate funds for the new
Lester Community Center PK01036***

WHEREAS, the Council of the City of Memphis did include Lester Community Center CIP Project Number PK01036, as part of the Fiscal Year 2024 Capital Improvements Budget; and

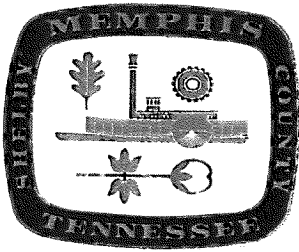
WHEREAS, the Council of the City of Memphis has provided an additional allocation of \$5,000,000.00 in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, for Contract Construction as part of the Fiscal Year 2024 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council approve the allocation and appropriation of \$5,000,000 in Contract Construction in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, to fund construction of the new community center at Howze Park.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the allocation and appropriation of \$5,000,000.00 from Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lester Community Center
Project Number:	PK01036
Amount:	\$5,000,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

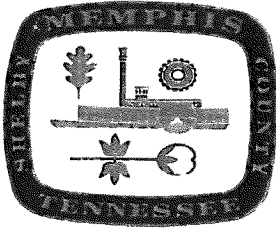
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution to allocate and appropriate \$5,000,000.00 from FY24 PK01036 Lester Community Center, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
(Not Applicable)

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
These funds will require a construction contract.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This will require an expenditure of \$5,000,000.00



***Resolution to allocate and appropriate funds for the new
Lester Community Center PK01036***

WHEREAS, the Council of the City of Memphis did include Lester Community Center CIP Project Number PK01036, as part of the Fiscal Year 2024 Capital Improvements Budget; and

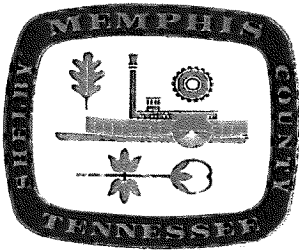
WHEREAS, the Council of the City of Memphis has provided an additional allocation of \$5,000,000.00 in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, for Contract Construction as part of the Fiscal Year 2024 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council approve the allocation and appropriation of \$5,000,000 in Contract Construction in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, to fund construction of the new community center at Howze Park.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the allocation and appropriation of \$5,000,000.00 from Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lester Community Center
Project Number:	PK01036
Amount:	\$5,000,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

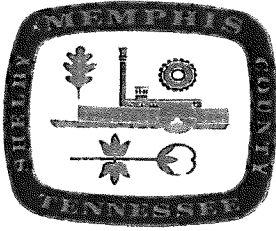
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution to allocate and appropriate \$5,000,000.00 from FY24 PK01036 Lester Community Center, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
(Not Applicable)

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
These funds will require a construction contract.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This will require an expenditure of \$5,000,000.00



***Resolution to allocate and appropriate funds for the new
Lester Community Center PK01036***

WHEREAS, the Council of the City of Memphis did include Lester Community Center CIP Project Number PK01036, as part of the Fiscal Year 2024 Capital Improvements Budget; and

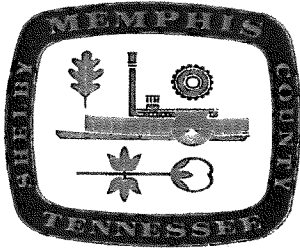
WHEREAS, the Council of the City of Memphis has provided an additional allocation of \$5,000,000.00 in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, for Contract Construction as part of the Fiscal Year 2024 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council approve the allocation and appropriation of \$5,000,000 in Contract Construction in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, to fund construction of the new community center at Howze Park.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the allocation and appropriation of \$5,000,000.00 from Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lester Community Center
Project Number:	PK01036
Amount:	\$5,000,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

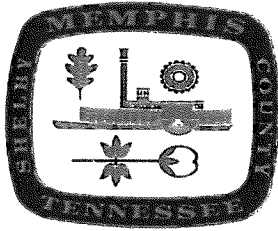
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Allocates and Appropriates \$1,500,000.00 in FY24, CIP Project Number PK07127, for the Wolf River Greenway Phase 12B, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
No it is not.

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
This expenditure will require a contract amendment.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This Resolution will result in the expenditure of \$1,500,000.00



Resolution to Allocate and Appropriate funds for the Wolf River Greenway Phase 12B

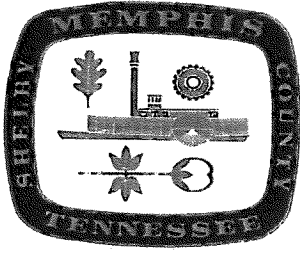
WHEREAS, the Council of the City of Memphis did include Wolf River Greenway Phase 12B, CIP Project Number PK07127 as part of the Fiscal Year 2024 Capital Improvement Program; and

WHEREAS, the Council has provided an Allocation of \$1,500,000.00 in Fiscal Year 2024, CIP Project Number PK07127, Wolf River Greenway Phase 12B, Contract Construction, as part of the Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council approve the Allocation and Appropriation of \$1,500,000.00 in Contract Construction for Fiscal Year 2024, CIP Project Number PK07127, Wolf River Greenway Phase 12B.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,500,000.00, funded by G. O. Bonds General, Contract Construction, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Wolf River Greenway Phase 12B
Project Number:	PK07127
Amount:	\$1,500,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Allocation and Appropriation of \$250,000.00 for Fiscal Year 2024, CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Memphis Parks

3. State whether this is a change to an existing ordinance or resolution, if applicable.

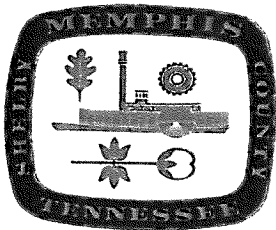
No it is not.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Yes a new construction contract will be required

5. State whether this requires an expenditure of funds/requires a budget amendment.

This Resolution will result in the expenditure of \$250,000.00.



***Resolution to Allocate and Appropriate funds for the
Lichterman Nature Center Major Maintenance PK08037***

WHEREAS, the Council of the City of Memphis did include Lichterman Nature Center Major Maintenance, CIP Project Number PK08037, as part of the Fiscal Year 2024 Capital Improvement Program; and

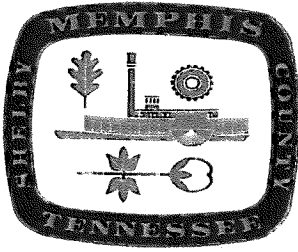
WHEREAS, the Council did provide an Allocation of \$250,000.00 in the Fiscal Year 2024, CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction and Architecture/Engineering, as part of the FY24 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council approve the Allocation and Appropriation of \$250,000.00 in the Fiscal Year 2024, CIP Project Number PK08037, Lichterman Nature Center Major Maintenance, Contract Construction and Architecture/Engineering, as part of the FY24 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$250,000.00, Contract Construction and Architecture/Engineering, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lichterman Nature Center Major Maintenance
Project Number:	PK08037
Amount:	\$250,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

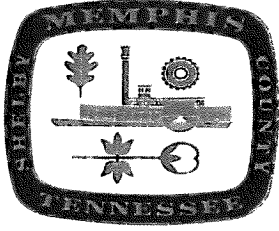
- 1. Description of the Item (Resolution, Ordinance, etc.)**
\$250,000.00 transfer of funds to the Memphis Zoological Society for various maintenance issues.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
No it is not.

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
No it does not.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This Resolution will result in the expenditure of \$250,000.00.



Resolution appropriates funds for improvements and to address major maintenance issues at the Memphis Zoo.

WHEREAS, the Council of the City of Memphis did include Zoo Major Maintenance, CIP Project Number PK09002 as part of the Fiscal Year 2024 Capital Improvement Program; and

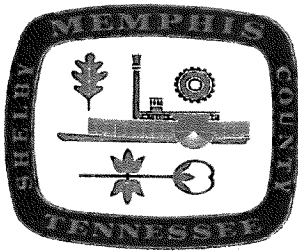
WHEREAS, the City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the procedures for the use and payment of the current and future Capital Appropriations; and

WHEREAS it is necessary to appropriate \$250,000.00, Contract Construction, funded by G.O. Bonds General, in Construction funds for Zoo Major Maintenance, Fiscal Year 2024 CIP Project Number PK09002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$250,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Zoo Major Maintenance
Project Number:	PK09002
Amount:	\$250,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

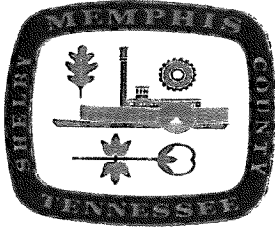
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Allocation and Appropriation of \$1,500,000.00 for Fiscal Year 2024, CIP Project Number PKTBD, Bellevue Tennis Center, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
No it is not.

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
This will require a construction contract.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This Resolution will result in the expenditure of \$1,500,000.00.



Resolution to Allocate and Appropriate funds for the Bellevue Tennis Center PKTBD

WHEREAS, the Council of the City of Memphis did include the Bellevue Tennis Center, CIP Project Number PKTBD, as part of the Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, Memphis Parks does operate Bellevue Tennis Center located within Bellevue Park through the non-profit organization Tennis Memphis; and

WHEREAS, there is a desire to increase the number of outdoor tennis courts beyond the four existing tennis courts; and

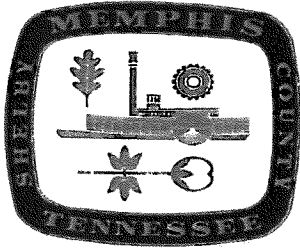
WHEREAS, the Council did provide an Allocation of \$1,500,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, Bellevue Tennis Center, Contract Construction, as part of the FY24 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council approve the Allocation and Appropriation of \$1,500,000.00 in the Fiscal Year 2024, CIP Project Number, Bellevue Tennis Center, Contract Construction, as part of the FY24 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,500,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Bellevue Tennis Center
Project Number:	PKTBD
Amount:	\$1,500,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

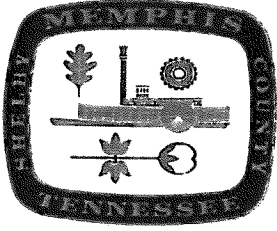
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Allocation and Appropriation of \$1,100,000.00 for Fiscal Year 2024, CIP Project Number PKTBD, RedZone Opportunity Zone, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
No it is not.

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
This will require an MOU with the RedZone Opportunity Zone

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This Resolution will result in the expenditure of \$1,100,000.00.



Resolution to Allocate and Appropriate funds for the RedZone Opportunity Zone PKTBD

WHEREAS, the Council of the City of Memphis did include the RedZone Opportunity Zone, CIP Project Number PKTBD, as part of the Fiscal Year 2024 Capital Improvement Budget; and

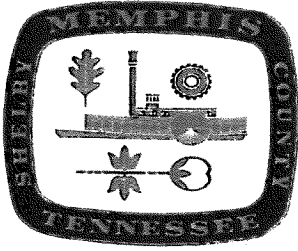
WHEREAS, the Council did provide an Allocation of \$1,100,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, RedZone Opportunity Zone, Contract Construction, as part of the FY24 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council approve the Allocation and Appropriation of \$1,100,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, RedZone Opportunity Zone, Contract Construction, as part of the FY24 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,100,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	RedZone Opportunity Zone
Project Number:	PKTBD
Amount:	\$1,100,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

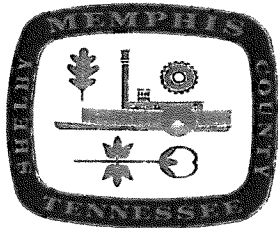
- 1. Description of the Item (Resolution, Ordinance, etc.)**
Allocation and Appropriation of \$500,000.00 for Fiscal Year 2024, CIP Project Number PKTBD, Botanic Garden Infrastructure, Contract Construction.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Memphis Parks

- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
No it is not.

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
This will require an MOU with the Botanic Garden Foundation.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
This Resolution will result in the expenditure of \$500,000.00.



Resolution to Allocate and Appropriate funds for Botanic Garden Infrastructure PKTBD

WHEREAS, the Council of the City of Memphis did include Botanic Garden Infrastructure, CIP Project Number PKTBD, as part of the Fiscal Year 2024 Capital Improvement Program; and

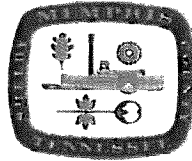
WHEREAS, the Council did provide an Allocation of \$500,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, Botanic Garden Infrastructure, Contract Construction, as part of the FY24 Capital Improvement Budget; and

WHEREAS, the Administration requests that Council approve the Allocation and Appropriation of \$500,000.00 in the Fiscal Year 2024, CIP Project Number PKTBD, Botanic Garden Infrastructure, Contract Construction, as part of the FY24 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$500,000.00, Contract Construction, funded by G. O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Botanic Garden Infrastructure
Project Number:	PKTBD
Amount:	\$500,000.00

PUBLIC SAFETY COMMITTEE



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to accept, allocate and appropriate funds from the Tennessee Emergency Management Agency's Hazardous Materials Emergency Preparedness (HMEP) in the amount of \$24,500 for training and equipment.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Memphis Fire Services is the initiating party.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

All council districts and super district.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

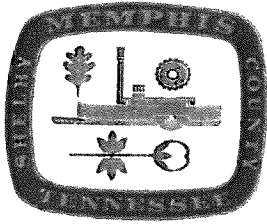
This request will not require a new contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

This project requires an expenditure of funds and a budget adjustment.

7. If applicable, please list the MWBE goal and any additional information needed

There is no MWBE goal.



A resolution to accept, allocate and appropriate funds from the Tennessee Emergency Management Agency's Hazardous Materials Emergency Preparedness (HMEP) in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) to be used for training and equipment.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant fund in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) from the Department of Transportation Pipeline and Hazardous Materials Safety Administration for training and equipment with a City match in the amount of Six Thousand One Hundred Twenty-Five Dollars and Zero Cents (\$6,125.00); and

WHEREAS, These funds will be used for training and equipment to strengthen the Special Operations Divisions ability to provide training to sort personnel in responding to flammable liquid incidents involving surface transportation: and

WHEREAS, It is necessary to accept the grant funding and amend the FY24 Misc. Grant Budget to establish funds for the Hazardous Materials Emergency Preparedness (HMEP) Grant; and

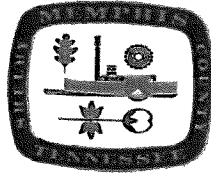
WHEREAS, It is necessary to appropriate the fund in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) for Fire Services; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Hazardous Materials Emergency Preparedness (HMEP) funds in the amount of Twenty-Four Thousand Five Hundred Dollars and Zero Cents (\$24,500.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY24 Misc. Grant Budget be and is hereby amended by allocation and appropriating the Expenditures and Revenues for the Hazardous Materials Emergency Preparedness (HEMP) Grant Program as follows:

Revenue	
Federal Grants	\$24,500.00
Expense	
Equipment	\$8,200.00
Professional Services	\$14,400.00
Supplies	\$1,900.00

BUDGET COMMITTEE



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Report on Debt Obligation for a loan between the City and The Public Building Authority of the City of Clarksville, Tennessee, in an amount of \$6,800,000 funded through The Tennessee Municipal Bond Fund fixed rate loan program.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The Finance Division is the initiating party.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N.A.

4. State whether this will impact specific council districts or super districts.

N.A.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

N.A.

6. State whether this requires an expenditure of funds/requires a budget amendment

N.A.

7. If applicable, please list the MWBE goal and any additional information needed

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-134)

1. Public Entity:	
Name:	<u>Memphis, Tennessee</u>
Address	<u>125 North Main Street</u>
	<u>Memphis, Tennessee 38103</u>
Debt Issue Name:	<u>Tennessee Municipal Bond Fund Loan for Solid Waste</u>
If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.	

2. Face Amount:	<u>\$ 6,800,000.00</u>
Premium/Discount:	<u>\$ 0.00</u>

3. Interest Cost:	<u>3.9000</u> %	<input checked="" type="checkbox"/> Tax-exempt	<input type="checkbox"/> Taxable
<input type="checkbox"/> TIC	<input checked="" type="checkbox"/> NIC		
<input type="checkbox"/> Variable:	Index _____ plus _____ basis points; or		
<input type="checkbox"/> Variable:	Remarketing Agent _____		
<input type="checkbox"/> Other:	_____		

4. Debt Obligation:			
<input type="checkbox"/> TRAN	<input type="checkbox"/> RAN	<input type="checkbox"/> CON	
<input type="checkbox"/> BAN	<input type="checkbox"/> CRAN	<input type="checkbox"/> GAN	
<input type="checkbox"/> Bond	<input checked="" type="checkbox"/> Loan Agreement	<input type="checkbox"/> Financing Lease	
If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Division of Local Government Finance ("LGF").			

5. Ratings:			
<input checked="" type="checkbox"/> Unrated			
Moody's _____	Standard & Poor's _____	Fitch _____	

6. Purpose:		BRIEF DESCRIPTION
<input checked="" type="checkbox"/> General Government	<u>100.00</u> %	<u>Acquisition of equipment for Solid Waste Division</u>
<input type="checkbox"/> Education	_____ %	_____
<input type="checkbox"/> Utilities	_____ %	_____
<input type="checkbox"/> Other	_____ %	_____
<input type="checkbox"/> Refunding/Renewal	_____ %	_____

7. Security:	
<input checked="" type="checkbox"/> General Obligation	<input type="checkbox"/> General Obligation + Revenue/Tax
<input type="checkbox"/> Revenue	<input type="checkbox"/> Tax Increment Financing (TIF)
<input type="checkbox"/> Annual Appropriation (Financing Lease Only)	<input type="checkbox"/> Other (Describe): _____

8. Type of Sale:	
<input type="checkbox"/> Competitive Public Sale	<input type="checkbox"/> Interfund Loan _____
<input type="checkbox"/> Negotiated Sale	<input checked="" type="checkbox"/> Loan Program <u>Tennessee Municipal Bond Fund</u>
<input type="checkbox"/> Informal Bid	

9. Date:	
Dated Date: <u>07/20/2023</u>	Issue/Closing Date: <u>07/20/2023</u>

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-134)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2024	\$ 642,000.00	3.9000 %		\$	%
2025	\$ 668,000.00	3.9000 %		\$	%
2026	\$ 695,000.00	3.9000 %		\$	%
2027	\$ 723,000.00	3.9000 %		\$	%
2028	\$ 752,000.00	3.9000 %		\$	%
2029	\$ 782,000.00	3.9000 %		\$	%
2030	\$ 813,000.00	3.9000 %		\$	%
2031	\$ 846,000.00	3.9000 %		\$	%
2032	\$ 879,000.00	3.9000 %		\$	%
	\$	%		\$	%
	\$	%		\$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source **MUST BE PREPARED AND ATTACHED**. For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

No costs or professionals

	AMOUNT (Round to nearest \$)	FIRM NAME
Financial Advisor Fees	\$	
Legal Fees	\$	
Bond Counsel	\$ 6,800	Spencer Fane Bone McAllester
Issuer's Counsel	\$ 1,000	Runyon and Runyon
Trustee's Counsel	\$	
Bank Counsel	\$	
Disclosure Counsel	\$	
_____	\$	
Paying Agent Fees	\$	
Registrar Fees	\$	
Trustee Fees	\$	
Remarketing Agent Fees	\$	
Liquidity Fees	\$	
Rating Agency Fees	\$	
Credit Enhancement Fees	\$	
Bank Closing Costs	\$	
Underwriter's Discount _____%		
Take Down	\$	
Management Fee	\$	
Risk Premium	\$	
Underwriter's Counsel	\$	
Other expenses	\$	
Printing and Advertising Fees	\$	
Issuer/Administrator Program Fees	\$ 22,800	Tenn Municipal Bund Fund Fee
Real Estate Fees	\$	
Sponsorship/Referral Fee	\$	
Other Costs _____	\$	
TOTAL COSTS	\$ 30,600	

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-134)

12. Recurring Costs:

No Recurring Costs

	AMOUNT (Basis points/\$)	FIRM NAME (If different from #11)
Remarketing Agent	_____	_____
Paying Agent / Registrar	_____	_____
Trustee	_____	_____
Liquidity / Credit Enhancement	_____	_____
Escrow Agent	_____	_____
Sponsorship / Program / Admin	0.10%	Tenn Municipal Bond Fund Admin Fee
Other _____	_____	_____

13. Disclosure Document / Official Statement:

None Prepared

EMMA link _____ or

Copy attached _____

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? Yes No

Is there a continuing disclosure obligation agreement related to this debt? Yes No

If yes to either question, date that disclosure is due December 31st

Name and title of person responsible for compliance André D. Walker, Deputy Chief Financial

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 02/02/2021

Is the debt obligation in compliance with and clearly authorized under the policy? Yes No

16. Written Derivative Management Policy:

No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? Yes No

17. Submission of Report:

To the Governing Body: on 08/01/2023 and presented at public meeting held on 08/08/2023

Copy to Director, Division of Local Govt Finance: on _____ either by:

Mail to: _____ OR Email to: LGF@cot.tn.gov

Cordell Hull Building
425 Rep. John Lewis Parkway N., 4th Floor
Nashville, TN 37243-3400

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Shirley Ford</u>	<u>Linda Mooringham</u>
Title	<u>CFO</u>	<u>Legal Coordinator, TMBF</u>
Firm	<u>City of Memphis</u>	<u>Tennessee Municipal Bond Fund</u>
Email	<u>mayor@memphistn.gov</u>	<u>lmooringham@tmbf.net</u>
Date	_____	_____

PLANNING

&

ZONING

RESOLUTION AUTHORIZING THE MEMPHIS & SHELBY COUNTY DIVISION OF PLANNING & DEVELOPMENT TO PROCEED WITH A COMPREHENSIVE REZONING STUDY AND SUBMITTAL OF AN APPLICATION FOR REZONING PROPERTIES THROUGHOUT THE CITY OF MEMPHIS

WHEREAS, on December 3, 2019, the Memphis City Council adopted the Memphis 3.0 Comprehensive Plan to guide land use decisions and other built environment considerations throughout the City of Memphis; and

WHEREAS, since this adoption, the Memphis and Shelby County Division of Planning and Development (“DPD”) has led the study and adoption of comprehensive rezoning changes in certain areas to advance the recommendations of the comprehensive plan; and

WHEREAS, it is typical for municipalities to reconsider the application of zoning citywide following the adoption of a comprehensive plan; and

WHEREAS, DPD seeks to initiate a public process to generate community input to direct modifications to zoning in the form of zoning text amendments (“ZTA”) and zoning map amendments, otherwise known as a comprehensive rezoning as defined by Section 9.5.12 of the Unified Development Code (“UDC”); and

WHEREAS, Sub-Section 9.5.12A of the UDC states that only the legislative body may initiate a comprehensive rezoning; and

WHEREAS, pursuant to Sub-Section 9.5.12B of the UDC, comprehensive zoning changes will be organized by planning district as defined in the Memphis 3.0 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the **Memphis City Council** does hereby support the Memphis and Shelby County Division of Planning and Development to proceed with a public input process, which shall include at least one (1) community meeting in each Single Member District of the Memphis City Council, in coordination with the district representatives, to direct comprehensive zoning map amendments.

BE IT FURTHER RESOLVED BY THE MEMPHIS CITY COUNCIL that DPD shall provide an update on the results of the public process and comprehensive rezoning study to the Memphis City Council prior to the submittal of an application to the Memphis and Shelby County Land Use Control Board for rezoning properties throughout the City of Memphis.

BE IT FURTHER RESOLVED BY THE MEMPHIS CITY COUNCIL that the Memphis and Shelby County Division of Planning and Development shall consider the creation of new zoning districts or consolidated zoning districts as part of the public process, study, and proposal for comprehensive rezoning in order to best align with the Memphis 3.0 Comprehensive Plan.

Sponsors
Cheyenne Johnson
Frank Colvett, Jr.

Chairman
Martavius Jones

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: August 8, 2023
DATE**
**PUBLIC SESSION: August 8, 2023
DATE**

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving the appeal of Ann Burgess seeking to amend the Memphis and Shelby County Land Use Control Board's conditions of approval of the site plan of a proposed apartment complex at 3581 Tournament Dr. S. and two adjacent parcels, known as case number MJR 23-12 (correspondence to PD 94-356 CC aka Tournament Trails Center Planned Development)

CASE NUMBER: MJR 23-13 (PD 94-356 CC CORRES.)

DEVELOPMENT: Tournament Trails Center Planned Development

LOCATION: 3581 Tournament Dr. S. and two adjacent parcels

COUNCIL DISTRICTS: District 2 and Super District 9

APPELLANT: Ann Burgess

REQUEST: Amend the Memphis and Shelby County Land Use Control Board's conditions of approval of the site plan of a proposed apartment complex, specifically by reducing the maximum number of dwelling units from 500 to 279 and including three new conditions

AREA: 17.8 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set public hearing – July 25, 2023
Public hearing – August 8, 2023

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
May 11, 2023 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

MJR 23-13 (PD 94-356 CC CORRES.)

RESOLUTION APPROVING THE APPEAL OF ANN BURGESS SEEKING TO AMEND THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD'S CONDITIONS OF APPROVAL OF THE SITE PLAN OF A PROPOSED APARTMENT COMPLEX AT 3581 TOURNAMENT DR. S. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER MJR 23-12 (CORRESPONDENCE TO PD 94-356 CC AKA TOURNAMENT TRAILS CENTER PLANNED DEVELOPMENT)

- This item is a resolution to amend the Memphis and Shelby County Land Use Control Board's conditions of approval of the site plan of a proposed apartment complex, specifically by reducing the maximum number of dwelling units from 500 to 279 and including three new conditions;
- The Land Use Control Board held a public hearing on May 11, 2023, and approved said site plan subject to four site plan conditions;
- Cindy Reaves of SR Consulting, LLC, appeared at said public hearing on behalf of the applicant TTL Development, LLC; and
- An appeal of the Land Use Control Board decision was filed on May 24, 2023, by Ann Burgess, who appeared in opposition at said public hearing.

LAND USE CONTROL BOARD DECISION

At its regular meeting on **Thursday, May 11, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	MJR 23-13 (PD 94-356 CC CORRES.)
LOCATION:	3581 Tournament Dr. S. and two adjacent parcels
COUNCIL DISTRICTS:	District 2 and Super District 9
OWNER/APPLICANT:	TTL Development, LLC
REPRESENTATIVE:	Cindy Reaves of SR Consulting, LLC
REQUEST:	Site plan approval of an apartment complex
EXISTING ZONING:	Conservation Agriculture within PD 94-356 CC
AREA:	17.8 acres

The following spoke in support of the application: Cindy Reaves, Priyank Shah, and Josh Whitehead

The following spoke in opposition to the application: Jesse Baker, Ann Burgess, and Lew Wardlaw

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

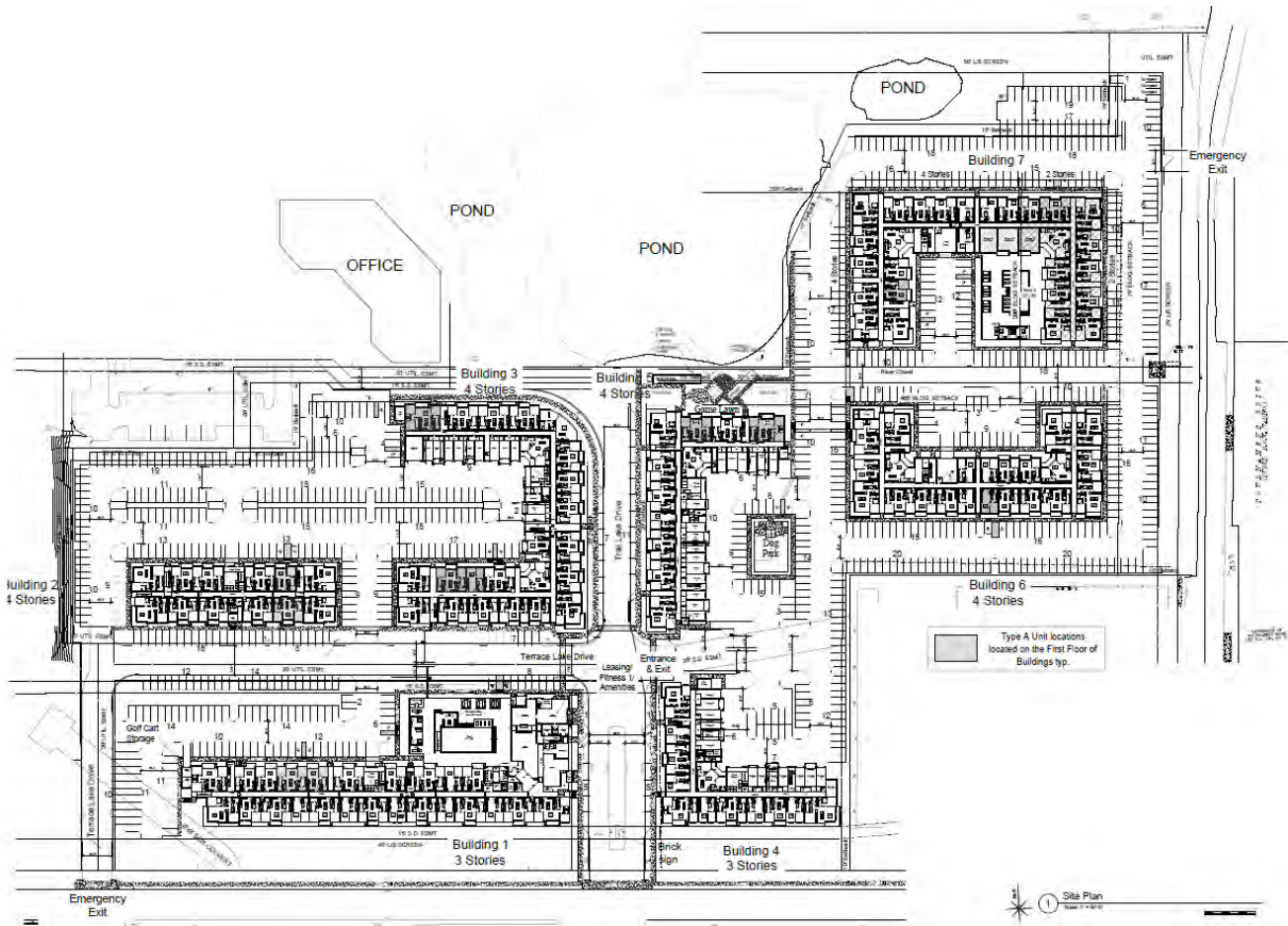
The motion passed by a unanimous vote of 9-0 on the regular agenda.

No changes to the outline plan conditions were approved, but the following site plan conditions were imposed:

1. A maximum of 500 dwelling units shall be permitted.
2. Parking shall be set back a minimum of 8' from Terrace Lake, Trail Lake, Tournament, and Winchester, and a minimum of 5' from other property lines.
3. No parking shall be allowed between any building and Tournament or Winchester. Parking may be permitted between a building and Terrace Lake or Trail Lake, provided that it is not located between the front façade and the street, and that appropriate streetscaping is provided.
4. The above provisions do not apply to parallel parking, nor do they change minimum building setbacks or parking ratios (1.5 spaces per dwelling unit).

The site plan may be found on the following page.

SITE PLAN



RESOLUTION APPROVING THE APPEAL OF ANN BURGESS SEEKING TO AMEND THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD'S CONDITIONS OF APPROVAL OF THE SITE PLAN OF A PROPOSED APARTMENT COMPLEX AT 3581 TOURNAMENT DR. S. AND TWO ADJACENT PARCELS, KNOWN AS CASE NUMBER MJR 23-12 (CORRESPONDENCE TO PD 94-356 CC AKA TOURNAMENT TRAILS CENTER PLANNED DEVELOPMENT)

WHEREAS, TTL Development, LLC, filed a site plan approval application with the Memphis and Shelby County Division of Planning and Development; and

WHEREAS, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards of the Memphis and Shelby County Unified Development Code and submitted its findings and recommendation 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 May 11, 2023, and said Board approved the request of the applicant subject to four site plan conditions; and

WHEREAS, Ann Burgess, filed an appeal on May 24, 2023, with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis amend the conditions of approval of the Memphis and Shelby County Land Use Control Board; and

WHEREAS, the appellant's requested amendments to the conditions are, more specifically, the reduction of the maximum number of permitted dwelling units from 500 to 279, and the inclusion of the following three site plan conditions:

- Maintain 2-story buildings on the north and east sides of the property per the current plan submitted.
- Move the first responder emergency access closer to Winchester by modifying building locations and orientations.
- Place 'No Parking' signs on both sides of Tournament Dr.

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the appeal of Ann Burgess is granted and the conditions of approval of the Memphis and Shelby County Land Use Control Board on May 11, 2023, are hereby amended.

BE IT FURTHER RESOLVED, that 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 Council of the City of Memphis.

ATTEST:

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

AGENDA ITEM: 5

CASE NUMBER: MJR 23-13 (PD 94-356 CC CORRES.) **L.U.C.B. MEETING:** May 11, 2023

DEVELOPMENT: Tournament Trails Center Planned Development

LOCATION: 3581 Tournament Dr. S. and two adjacent parcels

OWNER/APPLICANT: TTL Development, LLC

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Site plan approval of an apartment complex

AREA: 17.8 acres

EXISTING ZONING: Conservation Agriculture within PD 94-356 CC

CONCLUSIONS

1. TTL Development, LLC, has requested Land Use Control Board site plan approval of a 540-dwelling-unit apartment complex on three parcels within the Tournament Center Trails Planned Development.
2. Staff finds that the proposal is compatible with nearby land uses, and that it would not result in undue injury to the surrounding area, given the recommended conditions of a maximum of 500 dwelling units and a prohibition on parking between buildings and public streets.

CONSISTENCY WITH MEMPHIS 3.0

The Dept. of Comprehensive Planning did not comment on this request. Plan consistency is not required for site plan reviews.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Winchester Rd.	(Principal Arterial)	595 + 257 linear feet
	Tournament Dr. S.	(local street)	678 linear feet

Note: The three parcels also all have frontage on Trail Lake Dr. and Terrace Lake Dr., both of which are private streets.

Zoning Atlas Page: 2355

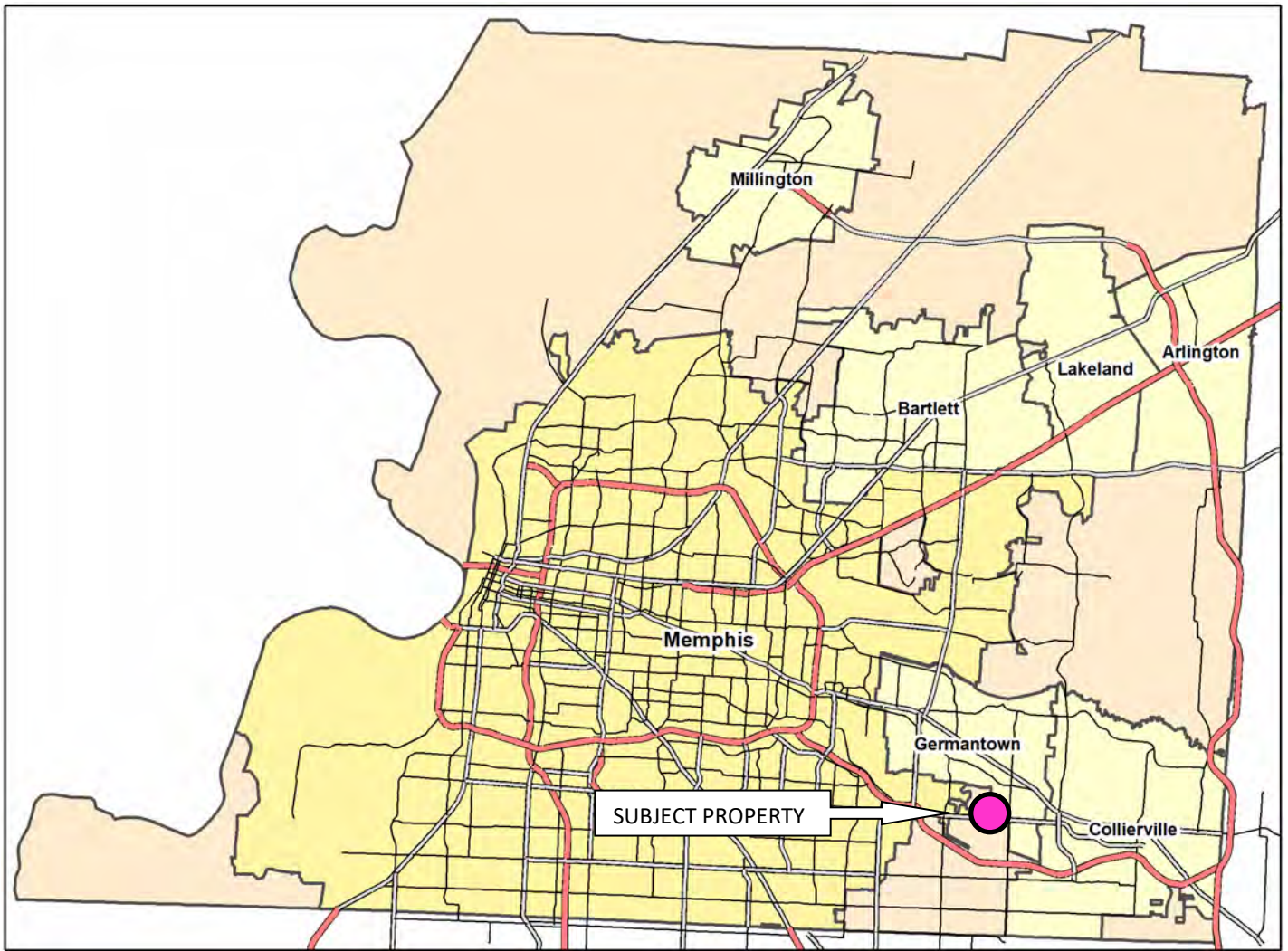
Parcel ID: 081093 00006, 081093 00007, and 081093 00204

Existing Zoning: Conservation Agriculture within PD 94-356

PUBLIC NOTICE

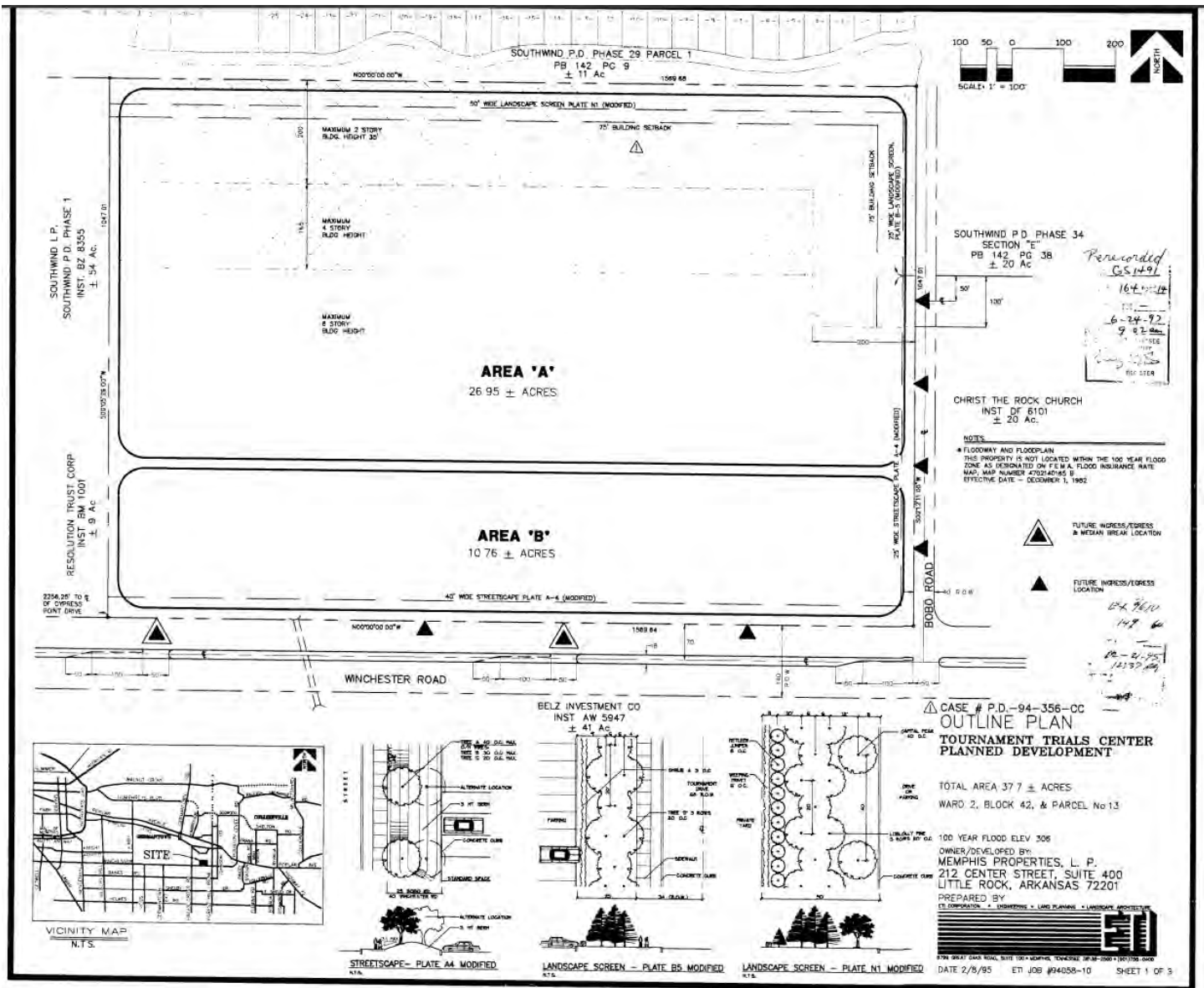
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 11 notices were mailed on March 28, 2023, and 3 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



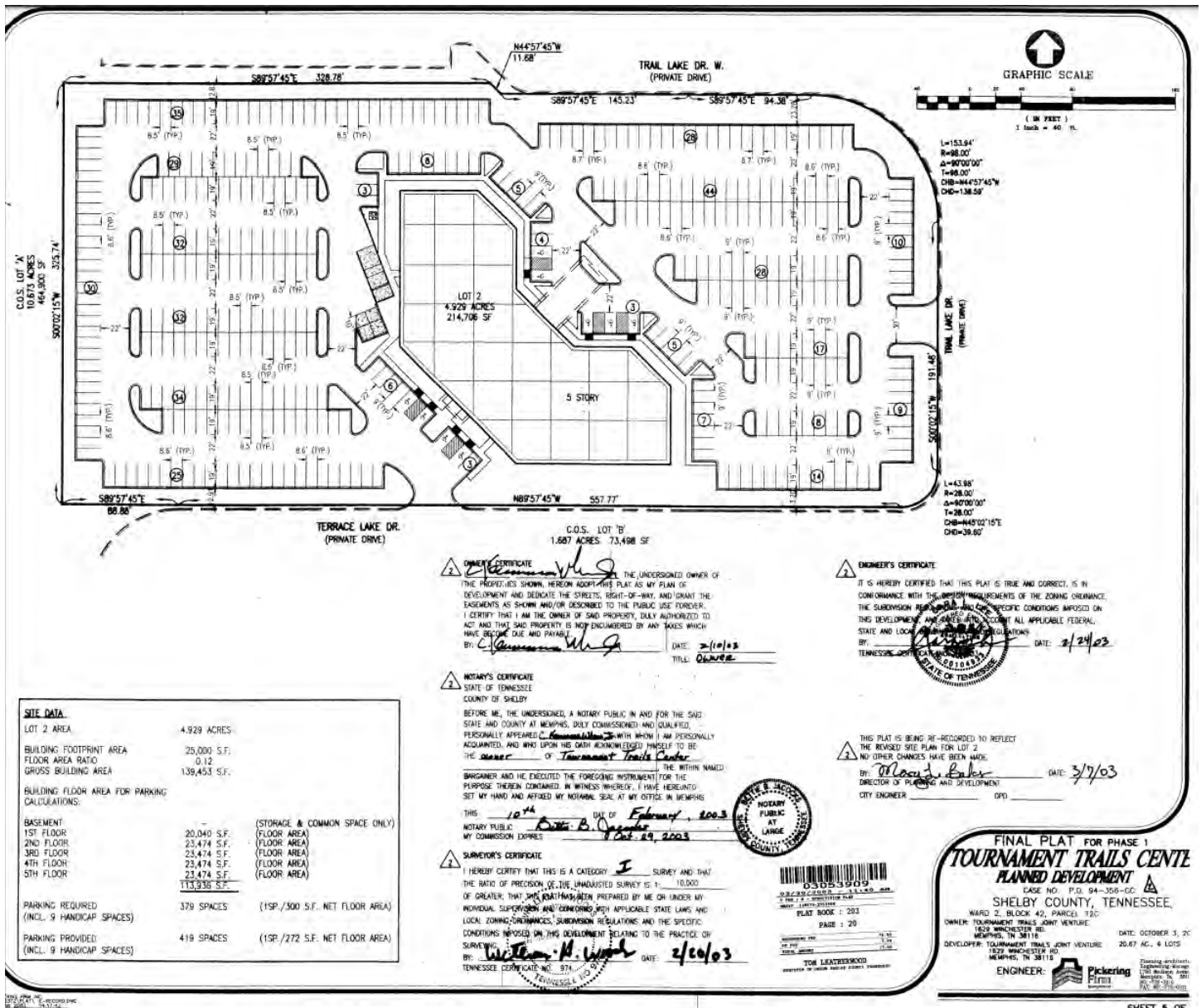
Subject property located within Memphis, adjacent to unincorporated Southwind neighborhood

TOURNAMENT TRAILS CENTER P.D., OUTLINE PLAN (1995; RERECORDED 1997)



The outline plan has not yet been re-recorded to reflect the City Council's approval of MJR 21-45 upon appeal, allowing an apartment complex on the subject land.

TOURNAMENT TRAILS CENTER P.D., FINAL PLAN OF LOT 2 OF PHASE 1 (2000; RERECORDED 2003)



Parcel 081093 00006 is governed by the final plan of Phase 1. The other two subject parcels are not within a recorded final plan.

VICINITY MAP



Not all properties highlighted in white received a notice of public hearing; only those properties adjacent – either abutting or across the right-of-way – to one of the three subject parcels received a notice.

AERIAL PHOTO WITH ZONING



Existing Zoning: Conservation Agriculture within PD 94-356 CC

Surrounding Zoning

North: Conservation Agriculture within PD 94-356 CC
Residential – 15 within PD 94-326 CC

East: Conservation Agriculture within PD 94-356 CC
Conservation Agriculture within PD 94-326 CC

South: Residential Urban – 2 within PD 96-322 CC

West: Conservation Agriculture within PD 94-356 CC

LAND USE MAP



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

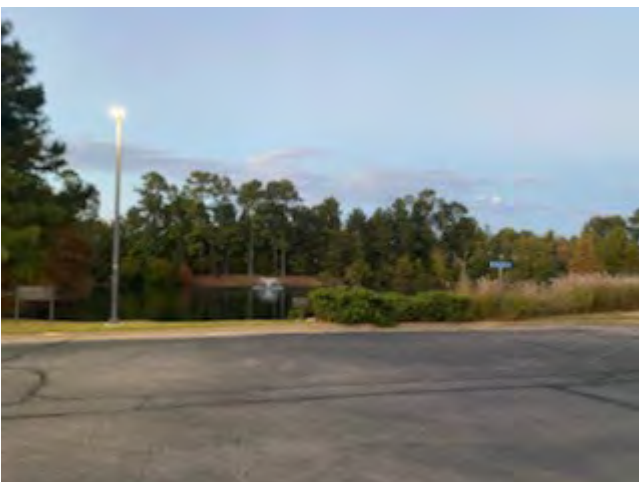
SITE PHOTOS



Views of subject land with the adjacent office building in the background



Views of subject land with the adjacent memory care facility in the background



Views of subject land in context of the adjacent lake



Views of Trail Lake Dr.

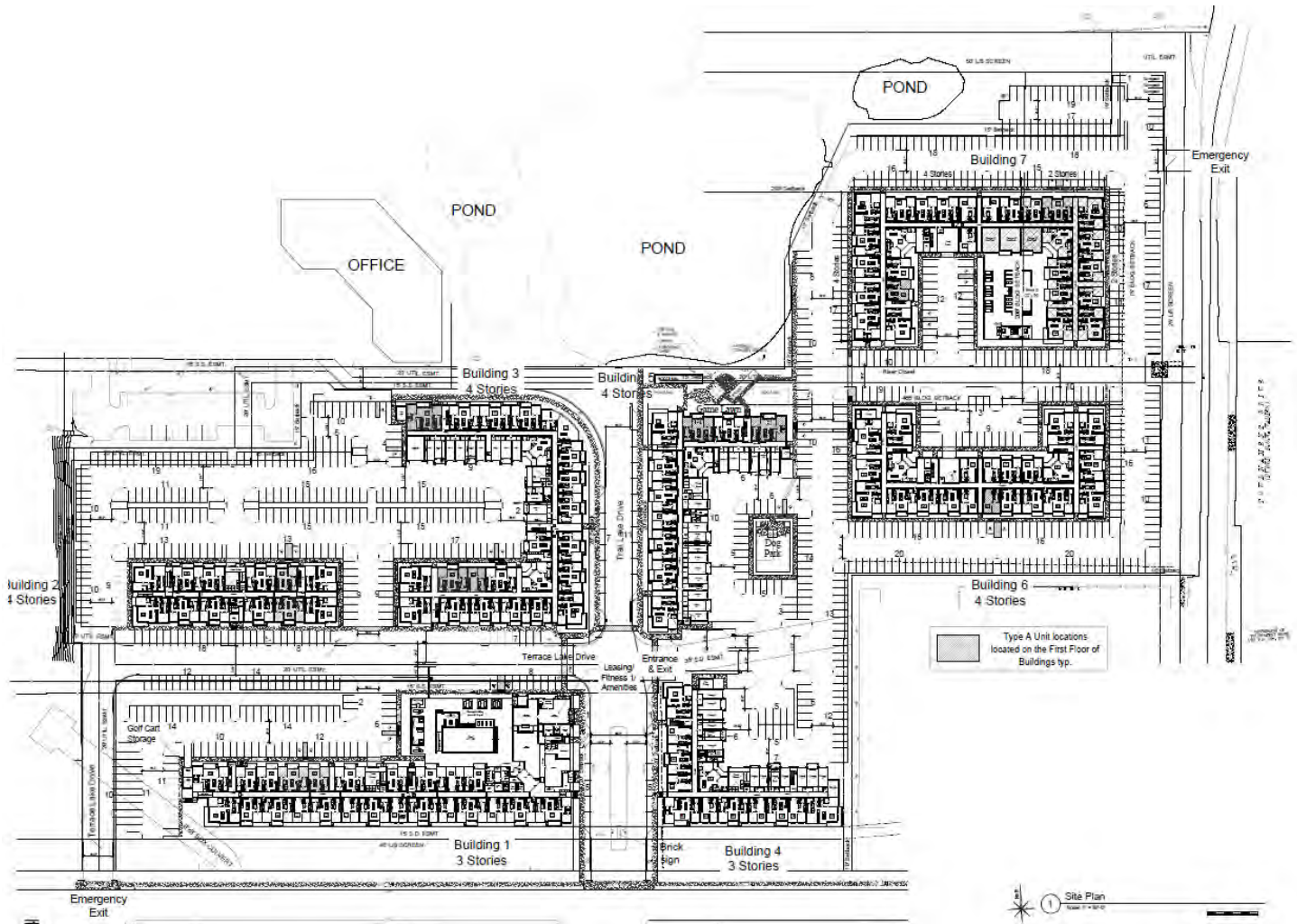


Views of the Terrace Lake Dr. Subject land is on both sides of the road, with Winchester to the far left.



Views north down Tournament Dr. S.

SITE PLAN



SITE PLAN (COLOR)



FLOOR AREA RATIO ANALYSIS

Total FAR Available Per PUD	619,790
<hr/>	
Office Building	62,748
<i>First Floor</i>	<i>19,626</i>
<i>Second Floor</i>	<i>21,189</i>
<i>Thirs Floor</i>	<i>21,933</i>
<hr/>	
Alzheimer's Facility	15,733
<hr/>	
Proposed Multifamily	540,845
<hr/>	
Total FAR Used	619,326
<i>Over / (Under) Total FAR Available</i>	<i>(464)</i>
<hr/>	
<u>FAR Definition</u>	
FLOOR AREA: The sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:	
<hr/>	
1. Open exterior balconies or other covered open spaces;	
<hr/>	
2. Uncovered terraces, patios, porches, atria or steps;	
<hr/>	
3. Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles;	
<hr/>	
equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units;	
<hr/>	
5. Areas of common special purpose used by a substantial portion of the occupants of the premises, including, but not limited to the following: laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.	
<hr/>	

SITE TOTALS

Area Calculations: APARTMENT TOTALS		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	3	750	802	88	890	2,250	2,406	264	2,670
1-D; Type A	2	660	709	0	709	1,320	1,418	0	1,418
2-A; Type A	5	1,107	1,172	88	1,260	5,535	5,860	440	6,300
3-A; Type A	2	1,313	1,386	100	1,486	2,626	2,772	200	2,972
1-A; Type B	104	750	802	88	890	78,000	83,408	9,152	92,560
1-A1; Type B	2	825	883	88	971	1,650	1,766	176	1,942
1-B; Type B	14	734	792	0	792	10,276	11,088	0	11,088
1-D; Type B	64	660	709	0	709	42,240	45,376	0	45,376
2-A; Type B	129	1,107	1,172	88	1,260	142,803	151,188	11,352	162,540
2-A1; Type B	37	1,080	1,145	88	1,233	39,960	42,365	3,256	45,621
2-A2; Type B	1	1,217	1,282	95	1,377	1,217	1,282	95	1,377
2-A3; Type B	9	1,195	1,267	88	1,355	10,755	11,403	792	12,195
2-A4; Type B	9	1,168	1,240	88	1,328	10,512	11,160	792	11,952
2-A5; Type B	3	1,224	1,298	88	1,386	3,672	3,894	264	4,158
2-A6; Type B	1	1,326	1,255	95	1,350	1,326	1,255	95	1,350
2-B; Type B	79	1,212	1,279	231	1,510	95,748	101,041	18,249	119,290
2-C; Type B	31	1,095	1,161	159	1,320	33,945	35,991	4,929	40,920
2-D; Type B	1	1,420	1,496	80	1,576	1,420	1,496	80	1,576
2-E; Type B	5	1,107	1,173	0	1,173	5,535	5,865	0	5,865
2-F; Type B	4	1,153	1,224	0	1,224	4,612	4,896	0	4,896
2-G; Type B	11	1,256	1,345	0	1,345	13,816	14,795	0	14,795
3-A; Type B	23	1,313	1,386	100	1,486	30,199	31,878	2,300	34,178
3-B; Type B	1	1,428	1,500	129	1,629	1,428	1,500	129	1,629
APARTMENT TOTALS	540					540,845	574,103	52,565	626,668

Area Calculations: Building 1		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	1	750	802	88	890	750	802	88	890
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
1-A; Type B	13	750	802	88	890	9,750	10,426	1,144	11,570
1-A1; Type B	2	825	883	88	971	1,650	1,766	176	1,942
1-B; Type B	2	734	792	0	792	1,468	1,584	0	1,584
1-D; Type B	14	660	709	0	709	9,240	9,926	0	9,926
2-A; Type B	24	1,107	1,172	88	1,260	26,568	28,128	2,112	30,240
2-A1; Type B	6	1,080	1,145	88	1,233	6,480	6,870	528	7,398
2-A2; Type B	1	1,217	1,282	95	1,377	1,217	1,282	95	1,377
2A-6; Type B	1	1,326	1,255	95	1,350	1,326	1,255	95	1,350
2-B; Type B	3	1,212	1,279	231	1,510	3,636	3,837	693	4,530
2-C; Type B	2	1,095	1,161	159	1,320	2,190	2,322	318	2,640
2-D; Type B	1	1,420	1,496	80	1,576	1,420	1,496	80	1,576
2-G; Type B	6	1,256	1,345	0	1,345	7,536	8,070	0	8,070
3-A; Type B	6	1,313	1,386	100	1,486	7,878	8,316	600	8,916
3-B; Type B	1	1,428	1,500	129	1,629	1,428	1,500	129	1,629
APARTMENT TOTALS	84					83,644	88,752	6,146	94,898
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			11,855
						Enclosed Stair			2,731
						Elevator			90
						Leasing Office			1,980
						Club Room			1,149
						Fitness/ Yoga			1,991
						Internet Lounge			490
						Golf Simulator			1,015
						Mail Room/ Package Storage			465
						Restrooms			598
						Non-Conditioned Areas			
						Bldg 1 Golf Cart			163
						Rentable Storage			526
						Trash			838
						Utilities			809
						Pool Pump & Storage			152
						Fire Pump Room			124
						Pergola			101
						Air Space Between Units			308
						Total Residential SF			120,283

Area Calculations: Building 2		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	1	750	802	88	890	750	802	88	890
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
1-A; Type B	7	750	802	88	890	5,250	5,614	616	6,230
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
2-A; Type B	19	1,107	1,172	88	1,260	21,033	22,268	1,672	23,940
2-A1; Type B	4	1,080	1,145	88	1,233	4,320	4,580	352	4,932
2-B; Type B	16	1,212	1,279	231	1,510	19,392	20,464	3,696	24,160
APARTMENT TOTALS	51					54,054	57,276	6,512	63,788
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			6,338
						Enclosed Stair			2,348
						Elevator			90
						Zoom Rooms			322
						Mail Room			114
						Non-Conditioned Areas			
						Rentable Storage			131
						Trash			838
						Utilities			558
						Air Space Between Units			124
						Total Residential SF			74,651

Area Calculations: Building 3		Individual Unit SF (auto-populated)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-D; Type A	1	660	709	0	709	660	709	0	709
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
3-A; Type A	1	1,313	1,386	100	1,486	1,313	1,386	100	1,486
1-A; Type B	12	750	802	88	890	9,000	9,624	1,056	10,680
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
1-D; Type B	6	660	709	0	709	3,960	4,254	0	4,254
2-A; Type B	42	1,107	1,172	88	1,260	46,494	49,224	3,696	52,920
2-A1; Type B	5	1,080	1,145	88	1,233	5,400	5,725	440	6,165
2-A3; Type B	3	1,195	1,267	88	1,355	3,585	3,801	264	4,065
2-A4; Type B	6	1,168	1,240	88	1,328	7,008	7,440	528	7,968
2-A5; Type B	3	1,224	1,298	88	1,386	3,672	3,894	264	4,158
2-B; Type B	12	1,212	1,279	231	1,510	14,544	15,348	2,772	18,120
2-C; Type B	8	1,095	1,161	159	1,320	8,760	9,288	1,272	10,560
2-F; Type B	4	1,153	1,224	0	1,224	4,612	4,896	0	4,896
3-A; Type B	3	1,313	1,386	100	1,486	3,939	4,158	300	4,458
APARTMENT TOTALS	110					116,256	123,295	10,780	134,075
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor			17,772
						Enclosed Stair			3,479
						Elevator			96
						Mail Room/ Package Storage			470
						Zoom Rooms			187
						Non-Conditioned Areas			
						Garage			4,542
						Rentable Storage			2,920
						Trash			838
						Utilities			783
						Fire Pump Room			157
						Pergola			100
						Air Space Between Units			359
						Total Residential SF			165,778

Area Calculations: Building 4		Individual Unit SF (auto-populated)				Total Unit SF (calculated)				
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential	
1-A; Type B	3	750	802	88	890	2,250	2,406	264	2,670	
1-D; Type B	10	660	709	0	709	6,600	7,090	0	7,090	
2-A; Type B	11	1,107	1,172	88	1,260	12,177	12,892	968	13,860	
2-A1; Type B	3	1,080	1,145	88	1,233	3,240	3,435	264	3,699	
2-B; Type B	6	1,212	1,279	231	1,510	7,272	7,674	1,386	9,060	
2-C; Type B	3	1,095	1,161	159	1,320	3,285	3,483	477	3,960	
2-E; Type B	2	1,107	1,173	0	1,173	2,214	2,346	0	2,346	
2-G; Type B	5	1,256	1,345	0	1,345	6,280	6,725	0	6,725	
3-A; Type B	3	1,313	1,386	100	1,486	3,939	4,158	300	4,458	
APARTMENT TOTALS	46					47,257	50,209	3,659	53,868	
						NON-RESIDENTIAL AREAS				
						Conditioned Areas				
									Conditioned Corridor	6,756
									Enclosed Stair	1,799
									Elevator	90
									Mail Room	106
									Zoom Room	74
						Non-Conditioned Areas				
									Garage	4,486
									Rentable Storage	553
									Trash	862
									Utilities	363
									Fire Pump Room	177
									Pergola	213
									Air Space Between Units	125
									Total Residential SF	69,472

Area Calculations: Building 5		Individual Unit SF (auto-populated except Patio/Balcony)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
3-A; Type A	1	1,313	1,386	100	1,486	1,313	1,386	100	1,486
1-D; Type B	4	660	709	0	709	2,640	2,836	0	2,836
2-A; Type B	24	1,107	1,172	88	1,260	26,568	28,128	2,112	30,240
2-A1; Type B	5	1,080	1,145	88	1,233	5,400	5,725	440	6,165
2-A3; Type B	6	1,195	1,267	88	1,355	7,170	7,602	528	8,130
2-A4; Type B	3	1,168	1,240	88	1,328	3,504	3,720	264	3,984
2-B; Type B	8	1,212	1,279	231	1,510	9,696	10,232	1,848	12,080
2-C; Type B	4	1,095	1,161	159	1,320	4,380	4,644	636	5,280
2-E; Type B	3	1,107	1,173	0	1,173	3,321	3,519	0	3,519
3-A; Type B	3	1,313	1,386	100	1,486	3,939	4,158	300	4,458
APARTMENT TOTALS	62					69,038	73,122	6,316	79,438
						NON-RESIDENTIAL AREAS			
						Conditioned Areas			
						Conditioned Corridor 11,575			
						Enclosed Stair 1,631			
						Elevator 91			
						Mail Room/ Package Storage 213			
						Zoom Rooms 225			
						Pet Spa 107			
						Non-Conditioned Areas			
						Garage 5,561			
						Rentable Storage 1,964			
						Trash 862			
						Utilities 439			
						Air Space Between Units 173			
						Total Residential SF 102,279			

Area Calculations: Building 6		Individual Unit SF (auto-populated except Patio/Balcony)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-D; Type A	1	660	709	0	709	660	709	0	709
1-A; Type B	28	750	802	88	890	21,000	22,456	2,464	24,920
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
1-D; Type B	15	660	709	0	709	9,900	10,635	0	10,635
2-A; Type B	4	1,107	1,172	88	1,260	4,428	4,688	352	5,040
2-A1; Type B	8	1,080	1,145	88	1,233	8,640	9,160	704	9,864
2-B; Type B	20	1,212	1,279	231	1,510	24,240	25,580	4,620	30,200
2-C; Type B	8	1,095	1,161	159	1,320	8,760	9,288	1,272	10,560
3-A; Type B	4	1,313	1,386	100	1,486	5,252	5,544	400	5,944
APARTMENT TOTALS	91					85,082	90,436	9,812	100,248

Area Calculations: Building 7		Individual Unit SF (auto-populated except Patio/Balcony)				Total Unit SF (calculated)			
Unit Designation	# of Units	NET	GROSS	Patio/ Balcony	Total Residential	NET	GROSS	Patio/ Balcony	Total Residential
1-A; Type A	1	750	802	88	890	750	802	88	890
2-A; Type A	1	1,107	1,172	88	1,260	1,107	1,172	88	1,260
1-A; Type B	41	750	802	88	890	30,750	32,882	3,608	36,490
1-B; Type B	3	734	792	0	792	2,202	2,376	0	2,376
1-D; Type B	15	660	709	0	709	9,900	10,635	0	10,635
2-A; Type B	5	1,107	1,172	88	1,260	5,535	5,860	440	6,300
2-A1; Type B	6	1,080	1,145	88	1,233	6,480	6,870	528	7,398
2-B; Type B	14	1,212	1,279	231	1,510	16,968	17,906	3,234	21,140
2-C; Type B	6	1,095	1,161	159	1,320	6,570	6,966	954	7,920
3-A; Type B	4	1,313	1,386	100	1,486	5,252	5,544	400	5,944
APARTMENT TOTALS	96					85,514	91,013	9,340	100,353

MASTER REFERENCE LIST

Unit Designation	Unit Type		Unit Net SF	Unit Gross SF	Unit Patio/Balcony	Unit Total SF
1-A	Type A	1-A; Type A	750	802	88	890
1-D	Type A	1-D; Type A	660	709	0	709
2-A	Type A	2-A; Type A	1,107	1,172	88	1,260
3-A	Type A	3-A; Type A	1,313	1,386	100	1,486
1-A	Type B	1-A; Type B	750	802	88	890
1-A1	Type B	1-A1; Type B	825	883	88	971
1-B	Type B	1-B; Type B	734	792	0	792
2-F	Type B	2-F; Type B	1,153	1,224	0	1,224
1-D	Type B	1-D; Type B	660	709	0	709
2-A	Type B	2-A; Type B	1,107	1,172	88	1,260
2-A1	Type B	2-A1; Type B	1,080	1,145	88	1,233
2-A2	Type B	2-A2; Type B	1,217	1,282	95	1,377
2-A3	Type B	2-A3; Type B	1,195	1,267	88	1,355
2-A4	Type B	2-A4; Type B	1,168	1,240	88	1,328
2-A5	Type B	2-A5; Type B	1,224	1,298	88	1,386
2A-6	Type B	2A-6; Type B	1,326	1,255	95	1,350
2-B	Type B	2-B; Type B	1,212	1,279	231	1,510
2-C	Type B	2-C; Type B	1,095	1,161	159	1,320
2-D	Type B	2-D; Type B	1,420	1,496	80	1,576
2-E	Type B	2-E; Type B	1,107	1,173	0	1,173
2-G	Type B	2-G; Type B	1,256	1,345	0	1,345
3-A	Type B	3-A; Type B	1,313	1,386	100	1,486
3-B	Type B	3-B; Type B	1,428	1,500	129	1,629

SITE DATA

Unit Count Data: Building 1, (3 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	32	38%
2 Bedrooms	45	54%
3 Bedrooms	7	8%
Total Units	84	100%
Parking Count: Building 1, (3 Stories)		
Required Parking		
1 Bedroom - 32 x 1.5 =	48	
2 Bedrooms - 45 x 1.5 =	67.5	
3 Bedrooms - 7 x 1.5 =	10.5	
Leasing Office - Office 1.0 per 300 SF FA		
6,964 / 300 =	23.2	
Guest Parking 0.15 x 84	12.6	
Total Required Parking for Building 1	161.8	

Unit Count Data: Building 2, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	11	22%
2 Bedrooms	40	78%
Total Units	51	100%
Parking Count: Building 2, (4 Stories)		
Required Parking		
1 Bedroom - 11 x 1.5 =	16.5	
2 Bedrooms - 40 x 1.5 =	60	
Guest Parking 0.15 x 51	7.65	
Total Required Parking for Building 2	84.15	

Unit Count Data: Building 3, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	22	20%
2 Bedrooms	84	76%
3 Bedrooms	4	4%
Total Units	110	100%
Garages	11	
Parking Count: Building 3, (4 Stories)		
Required Parking		
1 Bedroom - 22 x 1.5 =	33	
2 Bedrooms - 84 x 1.5 =	126	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 110	16.5	
Total Required Parking for Building 3	181.5	

Unit Count Data: Building 4, (3 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	13	28%
2 Bedrooms	30	65%
3 Bedrooms	3	7%
Total Units	46	100%
Garages	13	
Parking Count: Building 4, (3 Stories)		
Required Parking		
1 Bedroom - 13 x 1.5 =	19.5	
2 Bedrooms - 30 x 1.5 =	45	
3 Bedrooms - 3 x 1.5 =	4.5	
Guest Parking 0.15 x 46	6.9	
Total Required Parking for Building 4	75.9	

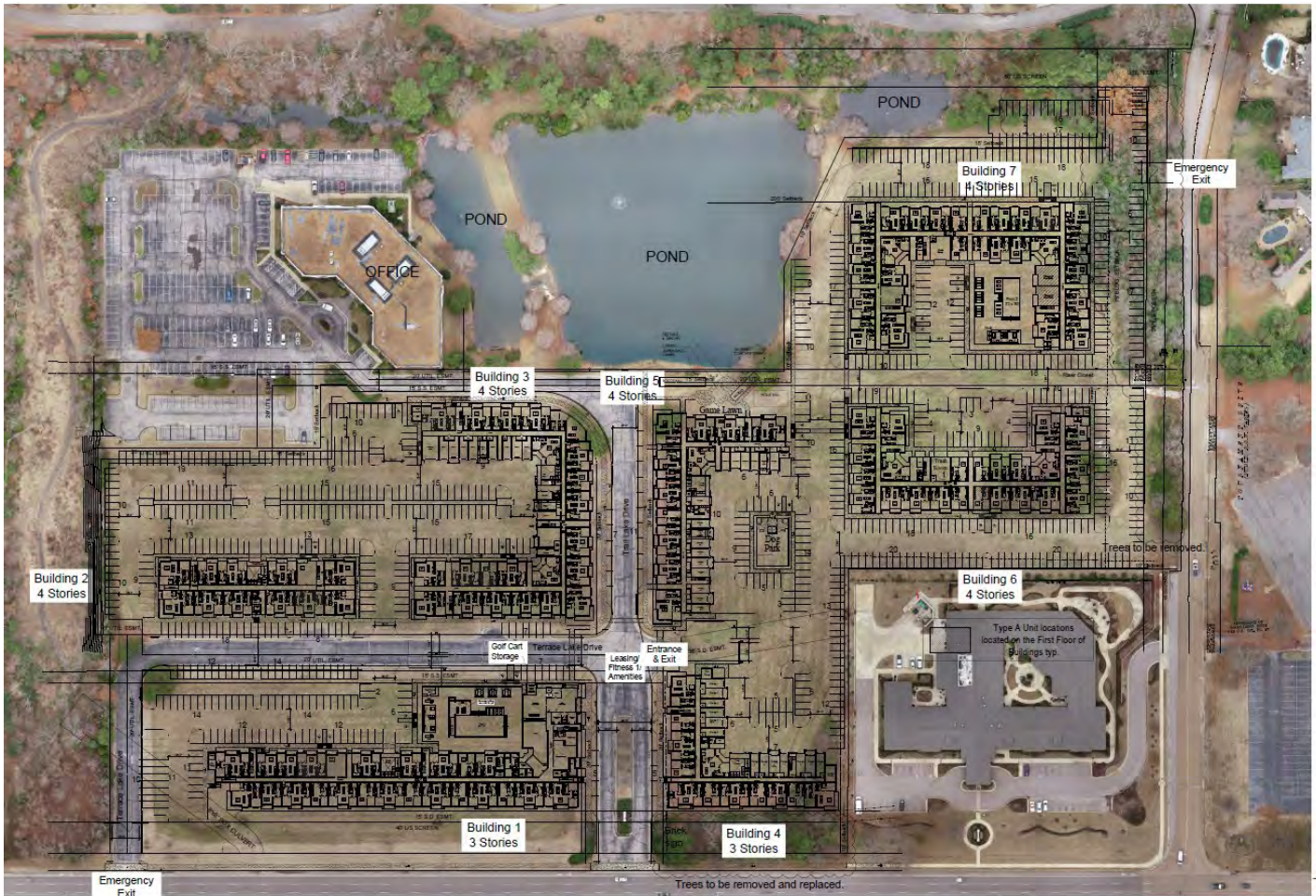
Unit Count Data: Building 5, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedrooms	4	6.5%
2 Bedrooms	54	87%
3 Bedrooms	4	6.5%
Total Units	62	100%
Garages	16	
Parking Count: Building 5, (4 Stories)		
Required Parking		
1 Bedrooms - 4 x 1.5 =	6	
2 Bedrooms - 54 x 1.5 =	81	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 62	9.3	
Total Required Parking for Building 5	102.3	

Unit Count Data: Building 6, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	47	52%
2 Bedrooms	40	44%
3 Bedrooms	4	4%
Total Units	91	100%
Parking Count: Building 6, (4 Stories)		
Required Parking		
1 Bedroom - 47 x 1.5 =	70.5	
2 Bedrooms - 40 x 1.5 =	60	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 91	13.65	
Total Required Parking for Building 6	150.15	

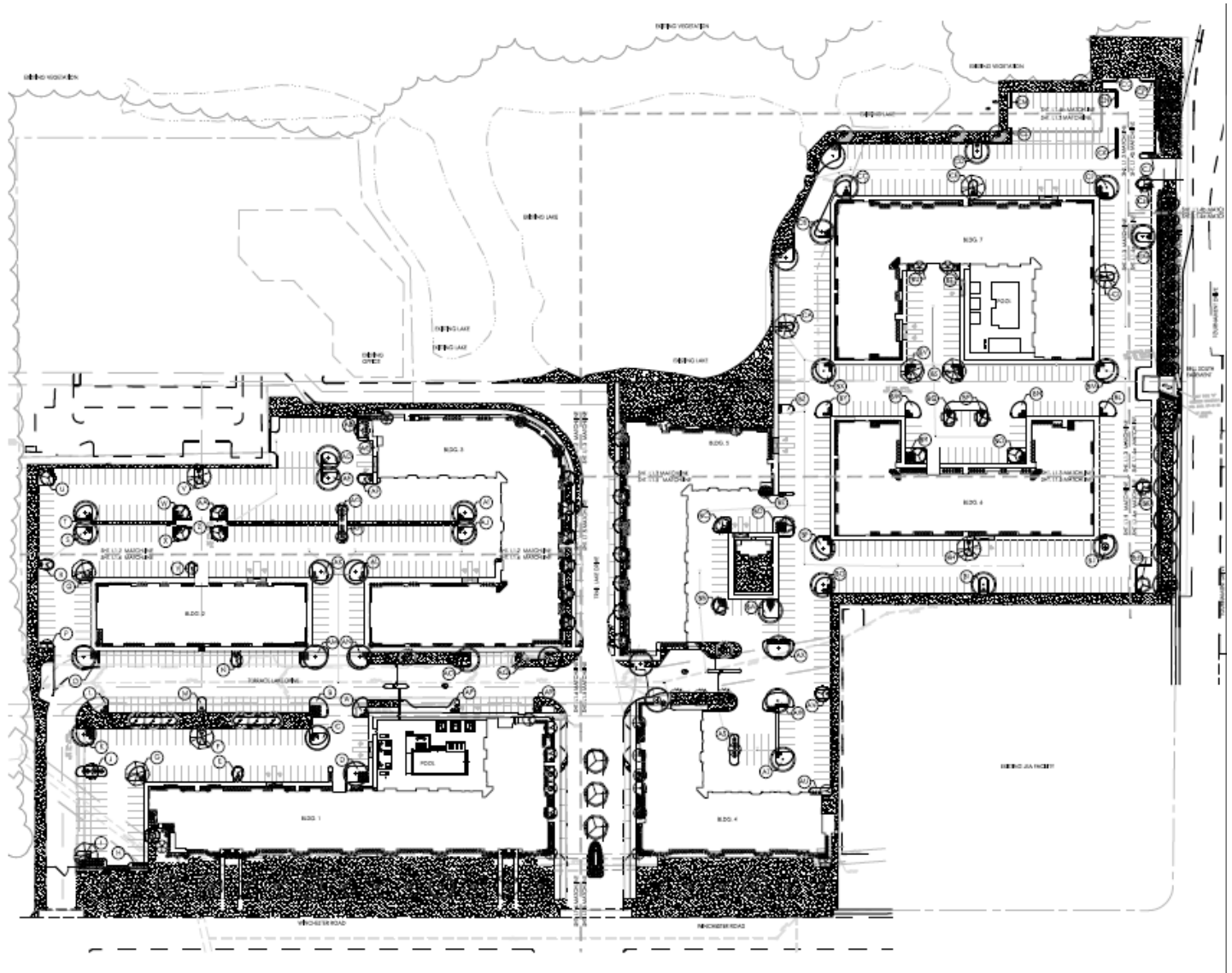
Unit Count Data: Building 7, (4 Stories)		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	60	63%
2 Bedrooms	32	33%
3 Bedrooms	4	4%
Total Units	96	100%
Fitness/ Pool Baths (3) 1 Bedroom unit		
Parking Count: Building 7, (2 & 4 Stories)		
Required Parking		
1 Bedroom 60 x 1.5 =	90	
2 Bedrooms - 32 x 1.5 =	48	
3 Bedrooms - 4 x 1.5 =	6	
Guest Parking 0.15 x 96	14.4	
Total Required Parking for Building 7	158.4	

Total Site Data:		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	189	35%
2 Bedrooms	325	60%
3 Bedrooms	26	5%
Total Units	540	100%
Total Required Parking	915	
Total Garage Parking	40	
Total Surface Parking	910	
Total Parking Provided	950	
Parking Ratio 927/ 540 = 1.72 spaces per unit. This ratio does not include parking for Leasing Office		

TREE REMOVAL PLAN



LANDSCAPE PLAN



ELEVATIONS (BUILDINGS 1-5)



1 Building 1 Front Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



2 Building 1 Right Side Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



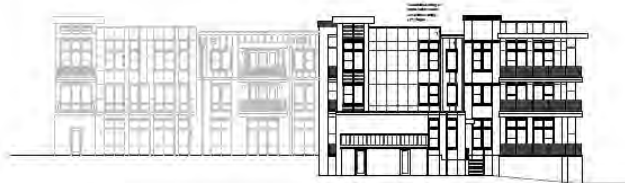
2 Building 1 Leasing Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



1 Building 1 Terrace Lake Drive North Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



2 Building 1 Leasing Office Left Side Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



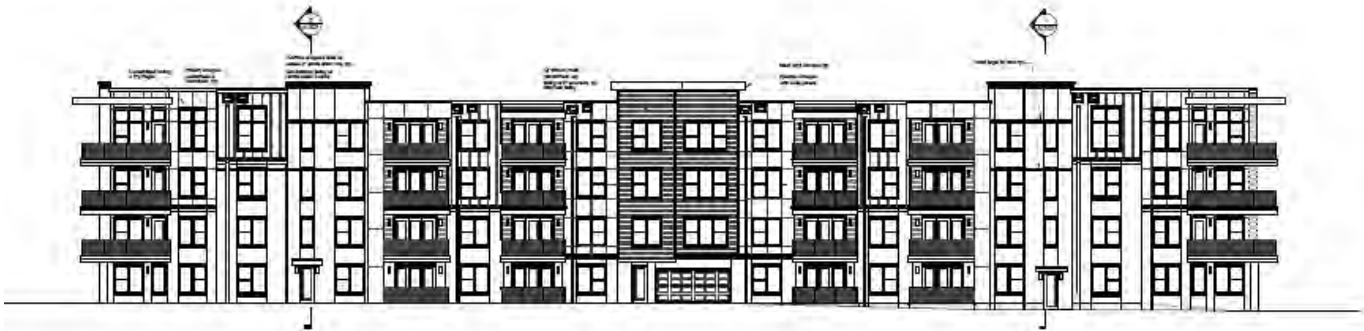
3 Building 1 Terrace Lake Drive West Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



4 Building 1 South East Elevation
Scale: 1/8" = 1'-0"
Type: 9A Construction



1 Building 2 Terrace Lake Drive South Elevation
Scale: 1/8" = 1'-0"
Type VA Construction



2 Building 2 Parking Lot North Elevation
Scale: 1/8" = 1'-0"
Type VA Construction



3 Building 2 Parking Lot East Elevation
Scale: 1/8" = 1'-0"
Type VA Construction



4 Building 2 Parking Lot West Elevation
Scale: 1/8" = 1'-0"
Type VA Construction



1 Building 3 Parking Lot South Elevation
 Scale: 1/8" = 1'-0"



2 Building 3 Trail Lake Drive East Elevation
 Scale: 1/8" = 1'-0"



3 Building 3 Parking Lot North Elevation
 Scale: 1/8" = 1'-0"



4 Building 3 Trail Lake Drive North Elevation
 Scale: 1/8" = 1'-0"



5 Building 3 Terrace Lake Drive South Elevation
 Scale: 1/8" = 1'-0"



7 Building 3 Interior Corner Elevation
 Scale: 1/8" = 1'-0"



6 Building 3 Parking Lot West Elevation
 Scale: 1/8" = 1'-0"



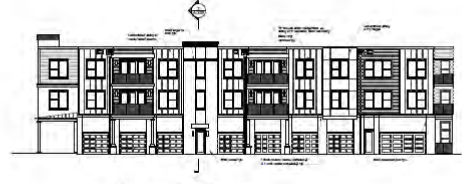
1 Building 4 Front Elevation
 Scale: 1/8" = 1'-0"



2 Building 4 Left Side Elevation
 Scale: 1/8" = 1'-0"



3 Building 4 Right Elevation
 Scale: 1/8" = 1'-0"



4 Building 4 Rear Elevation
 Scale: 1/8" = 1'-0"



5 Building 4 Right Elevation
 Scale: 1/8" = 1'-0"



6 Building 4 Rear Elevation
 Scale: 1/8" = 1'-0"



7 Building 4 South West Elevation
 Scale: 1/8" = 1'-0"



1 Building 5 Trail Lake Drive West Elevation
Scale: 1/8" = 1'-0"



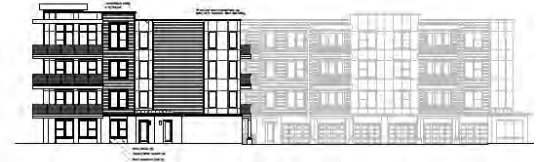
2 Building 5 Game Lawn North Elevation
Scale: 1/8" = 1'-0"



3 Building 5 Parking Lot East Elevation
Scale: 1/8" = 1'-0"



6 Building 5 NW Elevation
Scale: 1/8" = 1'-0"



4 Building 5 Terrace Lake Drive South Elevation
Scale: 1/8" = 1'-0"

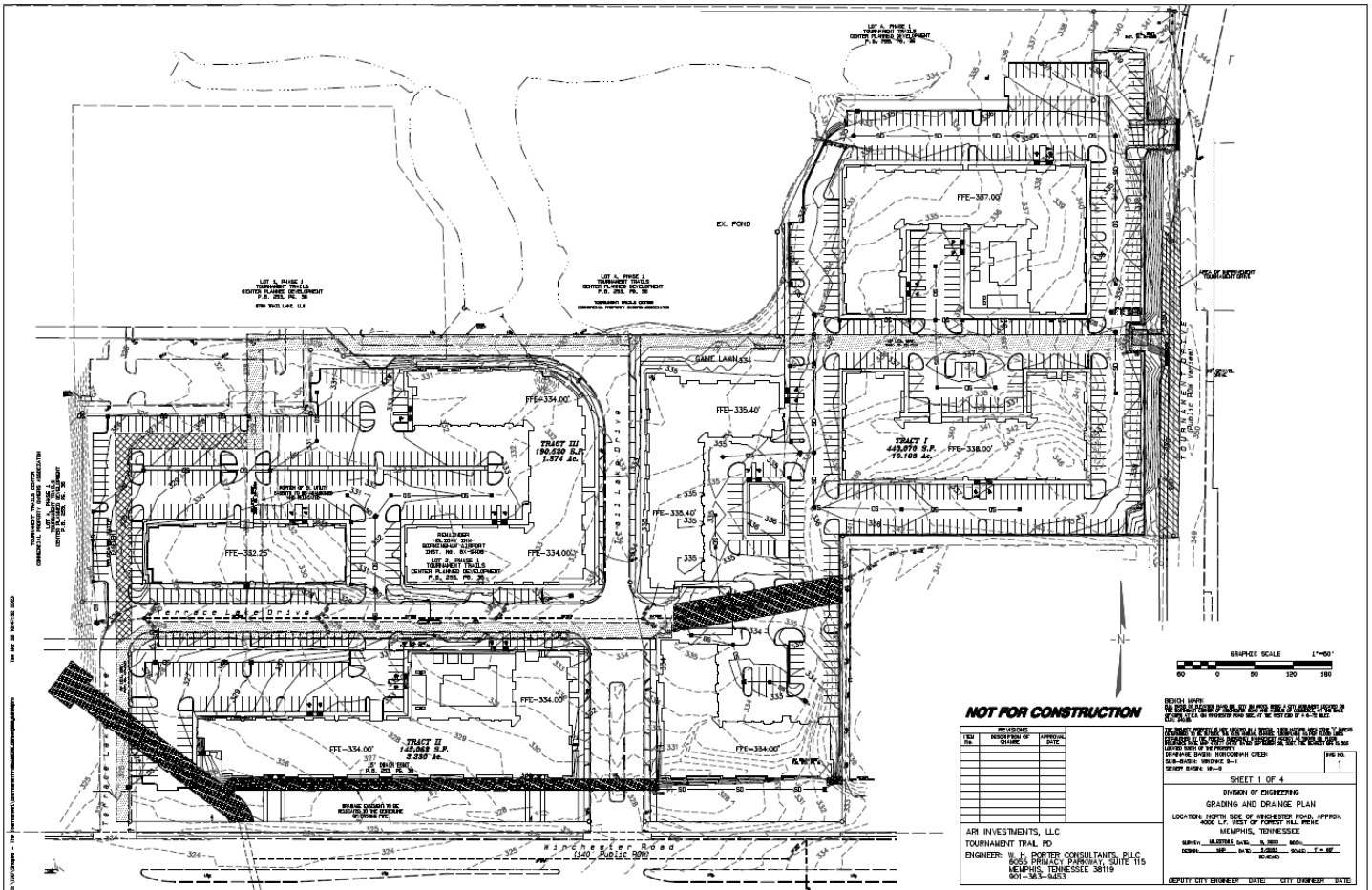


5 Building 5 Parking Lot East Elevation
Scale: 1/8" = 1'-0"



6 Building 5 Parking Lot South Elevation
Scale: 1/8" = 1'-0"

GRADING AND DRAINAGE PLAN



RENDERINGS



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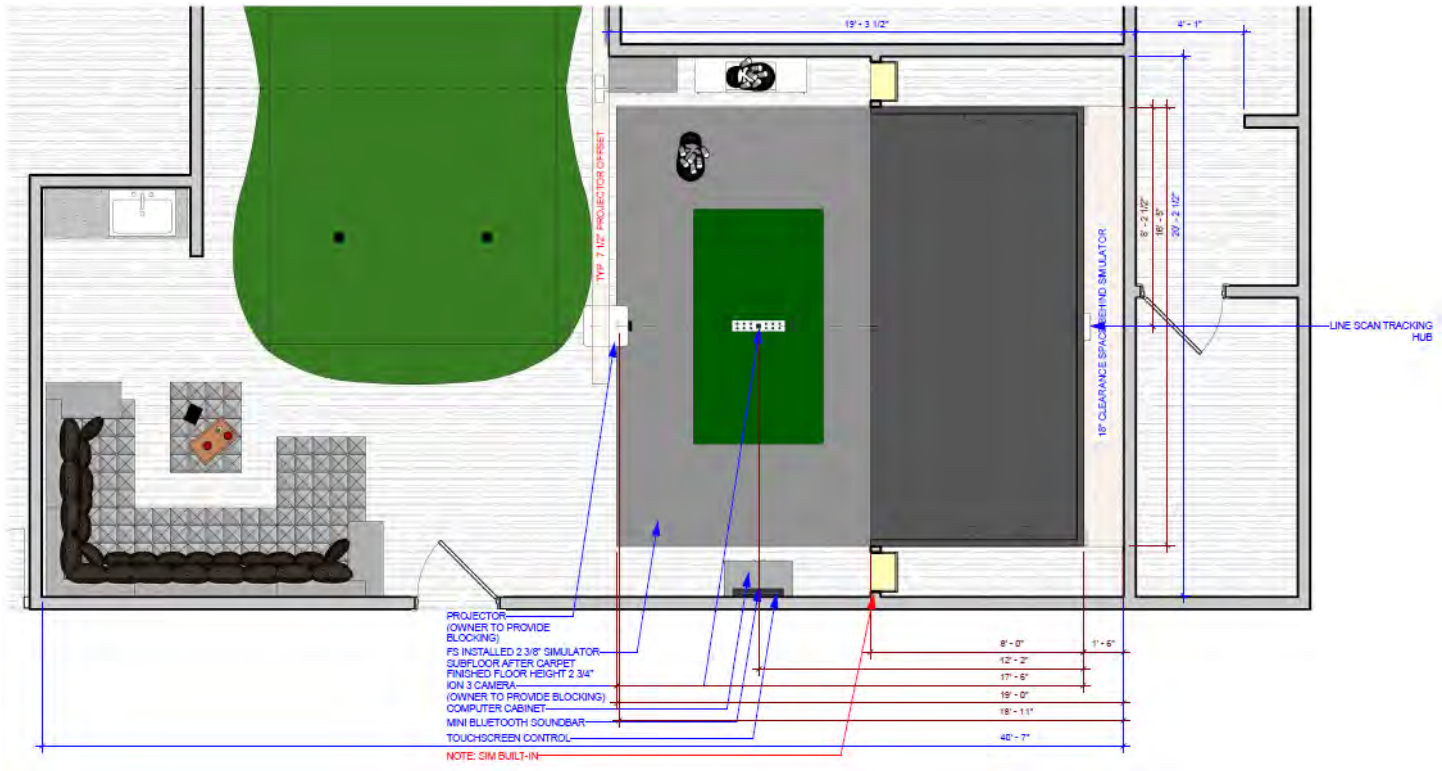
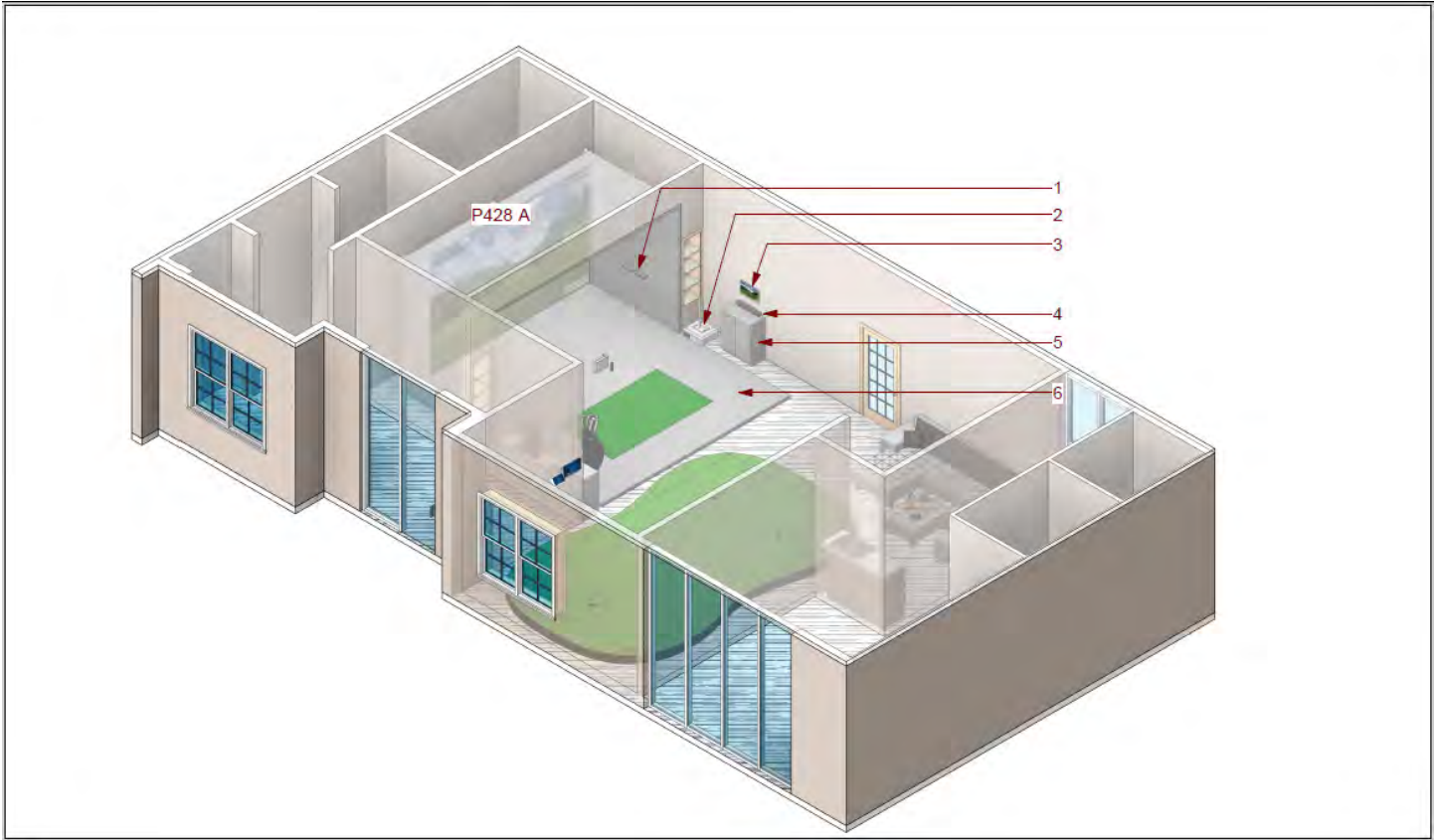


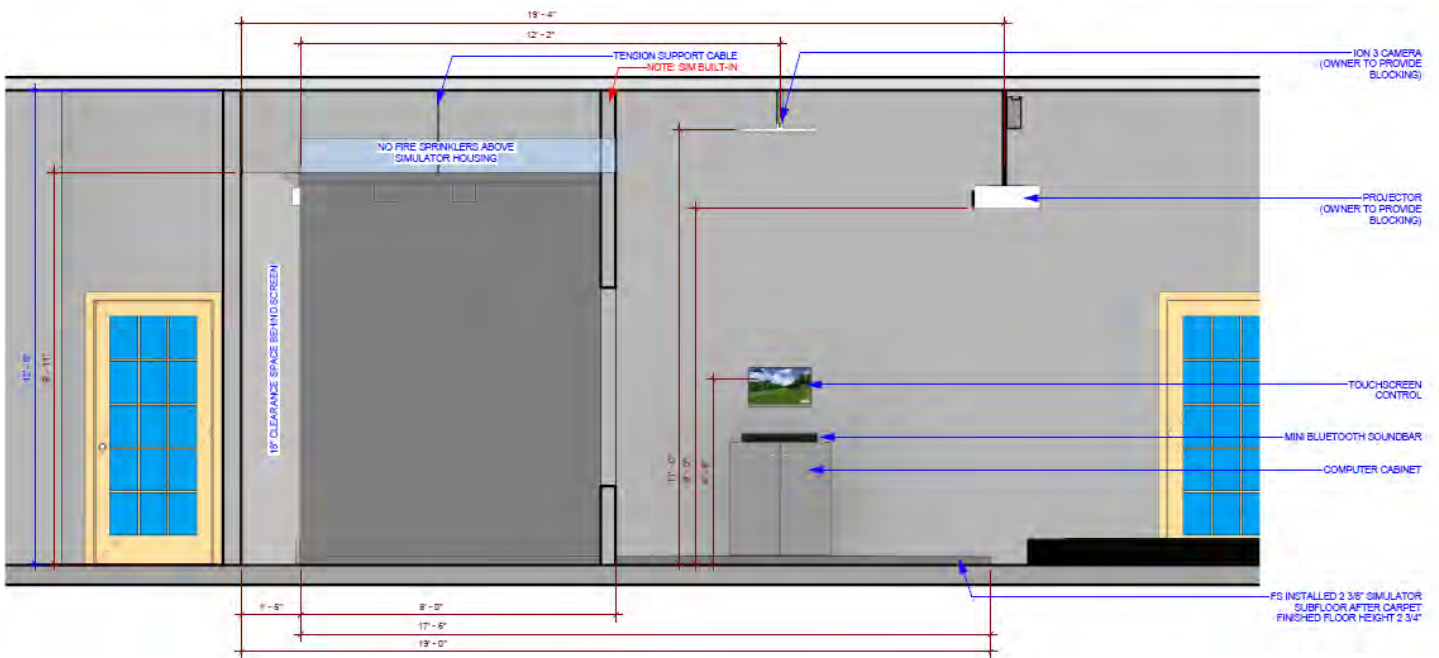
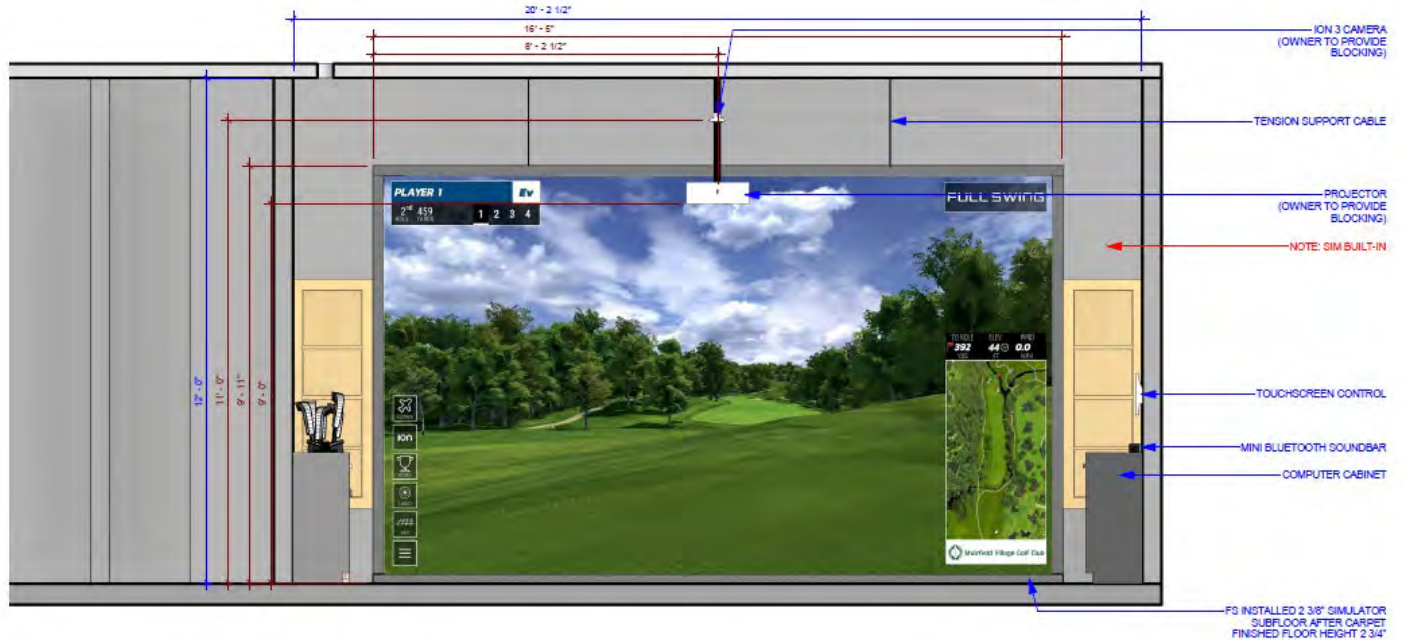




PROPOSED AMENITIES



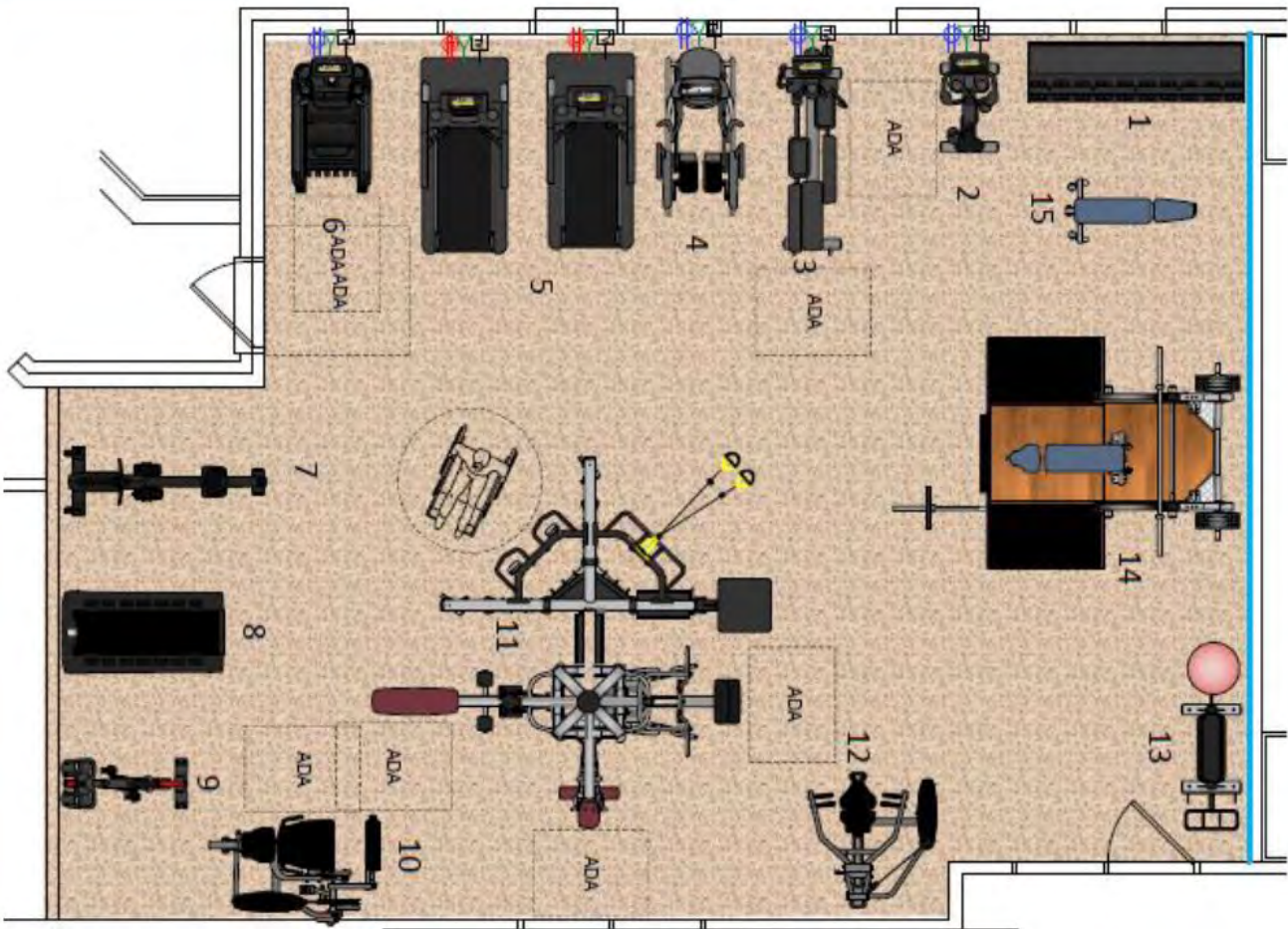




Pet Spa
(illustrative image below)



~1,260 Fitness Center



**Dedicated Yoga Space
(illustrative image below)**



**Leasing Center and concierge area
(illustrative image below)**



**Modern Club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
(illustrative image below)**



**Modern Club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
(illustrative image below)**



**Modern Club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
(illustrative image below)**



**Internet lounge with private zoom rooms for video calls
(illustrative image below)**



STAFF ANALYSIS

Request and Justification

The request is for Land Use Control Board site plan approval of an apartment complex on three parcels within the Tournament Trails Center Planned Development as required by the outline plan conditions.

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

Zoning History

In 2022, the Memphis City Council approved on appeal a major modification (*docket MJR 21-45*) to allow the requested use (*apartment*) on these three parcels. The Land Use Control Board had earlier that year unanimously rejected that request. Although a 279-dwelling-unit conceptual site plan (*pasted below*) was included in that application submittal, that request concerned only allowed uses (*i.e., the site plan was neither reviewed nor considered binding*), whereas the present request concerns only site plan review.



Total Site Data:		
Number of bedrooms per unit	Shown	Shown
	number of units	percentage
1 Bedroom	87	32%
2 Bedrooms	136	51%
3 Bedrooms	56	17%
Total Units	279	100%

Ari Investment
The Tournament at Germantown
 Memphis, Tennessee
 Shapiro & Company Architects, p.c.
 December 10, 2021

Site Description

The subject site consists of three grassy parcels within the Tournament Trails Center Planned Development. The three parcels are bisected by two private roads: Trail Lake Dr. and Terrace Lake Dr. One parcel is within the final plan of Phase 1, whereas the other two parcels are not within a final plan. Public frontages include Winchester Rd. (principal arterial) and Tournament Dr. S. (local street). Adjacent uses within the center include an office building, a memory care facility, and a lake. Germantown begins less than 2000 feet to the east along Winchester, and unincorporated Shelby County – in particular, the gated Southwind neighborhood – begins just to the north along Tournament. The subject land itself is within Memphis.

Site Plan Review

- Dedicate and improve Tournament Dr. 34' from center line. This may have an impact on minimum building setbacks.
- Further administrative review may be necessary during final plan review to ensure compliance with the outline plan conditions, including landscaping provisions.

Conclusions

TTL Development, LLC, has requested Land Use Control Board site plan approval of a 540-dwelling-unit apartment complex on three parcels within the Tournament Center Trails Planned Development.

Staff finds that the proposal is compatible with nearby land uses, and that it would not result in undue injury to the surrounding area, given the recommended conditions of a maximum of 500 dwelling units and a prohibition on parking between buildings and public streets.

RECOMMENDATION

Staff recommends ***approval*** with site plan conditions. Staff does not recommend any change to the outline plan conditions.

Site Plan Conditions

1. A maximum of 500 dwelling units shall be permitted.
2. Parking shall be set back a minimum of 8' from Terrace Lake, Trail Lake, Tournament, and Winchester, and a minimum of 5' from other property lines.
3. No parking shall be allowed between any building and Tournament or Winchester. Parking may be permitted between a building and Terrace Lake or Trail Lake, provided that it is not located between the front façade and the street, and that appropriate streetscaping is provided.
4. The above provisions do not apply to parallel parking, nor do they change minimum building setbacks or parking ratios (1.5 spaces per dwelling unit).

DEPARTMENTAL COMMENTS

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

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 3581 Tournament

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Engineering:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. The sanitary sewer capacity 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.

Roads:

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

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. 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:

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

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.

General Notes:

16. The width of all existing off-street sewer easements shall be widened to meet current city standards.
17. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
18. All connections to the sewer shall be at manholes only.
19. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
20. Required landscaping shall not be placed on sewer or drainage easements.

APPLICATION FORM



Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Assignment

Opened Date: March 3, 2023

Record Number: MJR 2023-013

Expiration Date:

Record Name: Tournament Trails Center PD

Description of Work: Site Plan Review

Parent Record Number:

Address:

3581 TOURNAMENT DR, MEMPHIS 38125

Owner Information

Primary Owner Name

Y TTL DEVELOPMENT LLC

Owner Address

12406 HOGANS ALY, CHESTER, VA 23836

Owner Phone

Parcel Information

081093 00204

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

N/A

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL INFORMATION

Justification for Request

Site Plan Review

GENERAL INFORMATION

List any relevant former Docket / Case Number(s) related to previous applications on this site PD 94-356

Is this application in response to a citation, stop work order, or zoning letter No

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

GIS INFORMATION

Case Layer PD94-356cc

Central Business Improvement District Class No

Downtown Fire District Class C

Historic District No

Land Use -

Municipality VACANT

Overlay/Special Purpose District MEMPHIS

Zoning -

Lot CA

State Route -

Subdivision -

Planned Development District TOURNAMENT TRAILS CENTER PD OUTLINE

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 3581 Tournament Dr
 Property Parcel Number: 081093 00204

Property Address: 0 Winchester Rd
 Property Parcel Number: 081093 00006

Property Address: 0 Winchester Rd
 Property Parcel Number: 081093 00007

Contact Information

Name	Contact Type
TTL DEVELOPMENT LLC	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452688	Major Modification Fee	1	300.00	INVOICED	0.00	03/03/2023
1452688	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	03/03/2023

Total Fee Invoiced: \$307.80

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$307.80	Credit Card

LETTER OF INTENT



Date: February 24, 2023
To: Division of Planning & Development
From: Cindy Reaves
Re: Tournament Trails Center PD
Job #: 21-0108

LETTER OF INTENT

We are submitting a Site Plan Review application for Tournament Trails Center PD, located on Winchester Road, west of Tournament Drive.

The proposed multifamily development is a Class A community with state of the art amenities and modern architecture that boast three-story and four-story buildings with elevators, and interior climate controlled corridors. With a heightened focus on security, the community will feature three access controlled checkpoints for all residents and visitors:

- main entry gates which will feature top-rated security technology
- key-fobs to open access controlled entrances for individual buildings
- key-fobs to operate the elevators

The community will feature a rich amenity package consisting of:

- Two swimming pools with an in-water pool lounge, cabanas, and grilling areas
- Recessed and covered sitting area with a firepit adjacent to the pool
- Two fitness centers
- Yoga room
- Golf Simulator
- Pet spa
- ~5,000 SF dog park with covered seating and separate spaces for small dogs and large dogs
- ~11,000 SF waterfront game lawn featuring a pickle ball court, bocce ball turf, corn hole turf, covered seating areas with fire pits, and adirondack chairs
- Internet lounge with private zoom rooms for video calls
- Two-story club room (consisting of large tv's, kitchenette, pool table, seating area etc.)
- Two-story lobby and concierge area
- Dedicated package rooms, package lockers, and internal mail rooms
- Internal trash shoots

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

LETTER REGARDING BREACH HYDROGRAPH REQUIREMENT

From: Henry Porter <hporter@whporter.com>
Sent: Tuesday, April 18, 2023 4:28 PM
To: Priyank Shah <priyank.shah@ari-investment.com>
Cc: 'Michael Haden' <MHaden@ShapiroAndCo.com>
Subject: Tournament Trails - Dam Breach

Good Afternoon Priyank,

We spoke yesterday regarding the requirement for a dam breach study on Tournament Trails PD. A dam breach study is not necessary for the existing site because there is no dam present. Per the Tennessee Safe Dams Act, a dam is defined as any structure that is at least 20 feet high or that can impound at least 30 acre-feet of water. The maximum height of the embankment around the largest pond is 9-ft. Additionally, per the approved grading plan (circa 10-18-00). The maximum impounded water is approximate 15.5 ac-ft.

If a dam breach was required, it is my opinion it would have been necessary for the lake that pre-existed the overall development.

Thank you,

Henry L. Porter, P.E.
W. H. Porter Consultants, PLLC
901.363.9453

APPLICANT'S ANALYSIS OF PROJECT DENSITY

PUD Overview

The PUD is comprised of:

- 1) The current office building on Parcel 081093 00005
- 2) The current senior living facility on Parcel 081093 00205
- 3) The proposed multifamily development on Parcel 081093 00006, Parcel 081093 00007 & Parcel 081093 00204
- 4) The Detention Pond and Greenspace on Parcel 081093 00004
- 5) The Internal Streets on Parcel 081093 00008

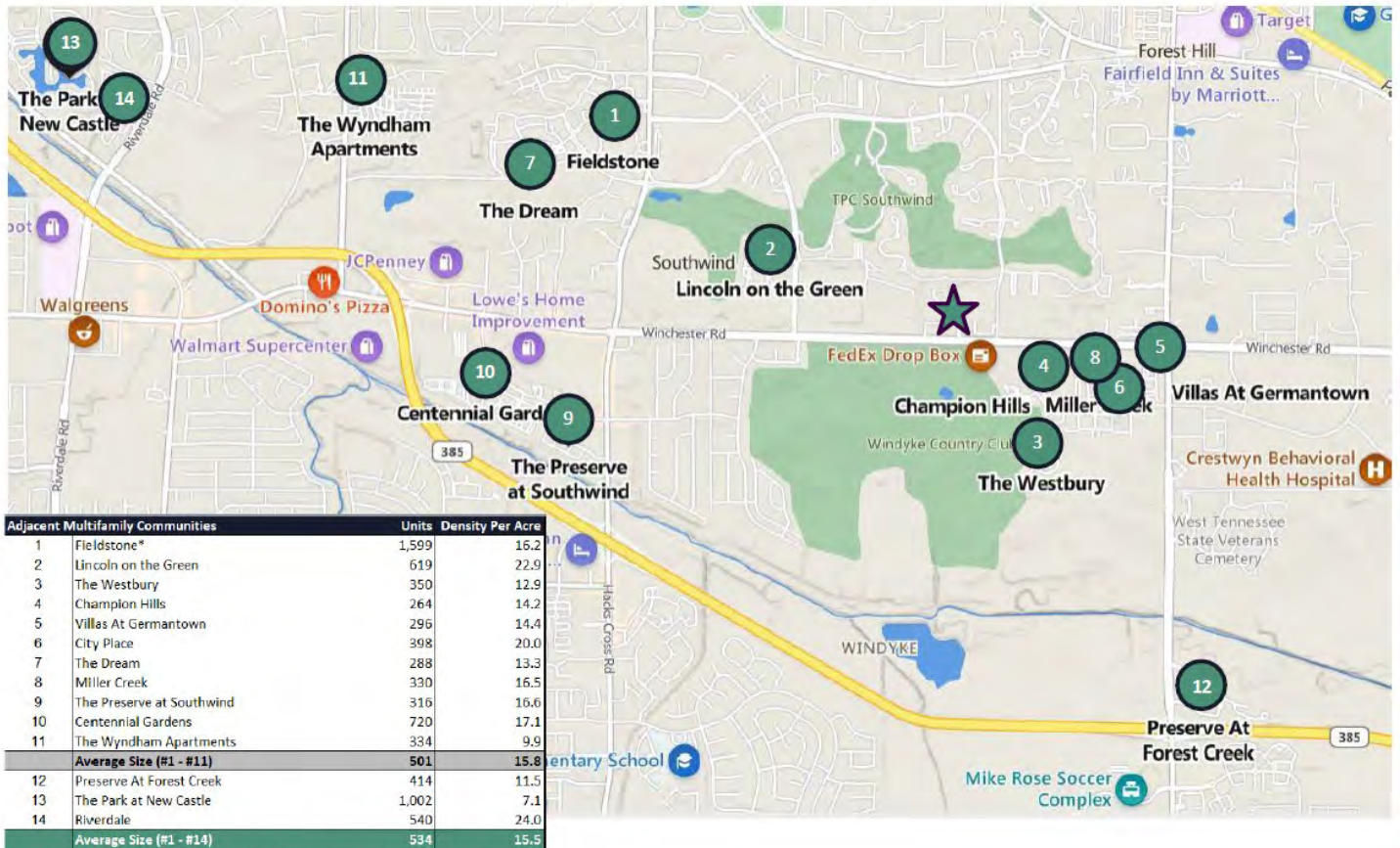


Density Per Acre Calculation

The Detention Pond & Green Space Parcel, and the Internal Streets Parcel are jointly owned and maintained (on a pro-rata basis) by the owners of the Office Parcel, Senior Living Facility Parcel and Multifamily Development Parcels. As such, the Multifamily Development density per acre calculation below takes into account the Multifamily Development's pro-rata share of the Detention Pond & Green Space Parcel and the Internal Streets Parcel.

Multifamily Density Per Acre Calculation	Acres	Pro-Rata Share
Office Parcel	3.9	15.1%
Subtotal Office Parcel	3.9	15.1%
Senior Living Facility Parcel	3.6	14.0%
Subtotal Senior Living Facility Parcel	3.6	14.0%
Multifamily Development Parcel 1	4.4	16.8%
Multifamily Development Parcel 2	3.9	15.1%
Multifamily Development Parcel 3	10.1	38.9%
Subtotal Multifamily Development Parcel	18.4	70.9%
Total Office & Multifamily Development Parcel	26.0	100.0%
Detention Pond	10.7	
<i>Office Parcel Pro-Rata Share</i>	1.6	
<i>Senior Living Facility Parcel Pro-Rata Share</i>	1.5	
<i>Multifamily Development Parcel Pro-Rata Share</i>	7.6	
Internal Streets	1.7	
<i>Office Parcel Pro-Rata Share</i>	0.3	
<i>Senior Living Facility Parcel Pro-Rata Share</i>	0.2	
<i>Multifamily Development Parcel Pro-Rata Share</i>	1.2	
Total Office Parcel (With Pro-Rata Share of Detention Pond & Internal Streets)	5.8	
Total Senior Living Facility Parcel (With Pro-Rata Share of Detention Pond & Internal Streets)	5.4	
Total Multifamily Development Parcel (With Pro-Rata Share of Detention Pond & Internal Streets)	27.2	
Multifamily Development Parcel Density Per Acre (Assuming 540 Multifamily Units)	19.9	Units Per Acre

Size of Adjacent Multifamily Communities



*Fieldstone has 1,399 units and 200 units under development

TRAFFIC IMPACT STUDY EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

A traffic impact study has been prepared for the proposed Tournament Trails development in Memphis, Tennessee. It is located in southeast Memphis and includes multi-family residential units that will be developed over a five-year time frame in two phases. It will be served by one full access and two gated emergency accesses located on Winchester Road and Tournament Drive.

The purpose of this study is to assess the potential traffic impacts of the proposed development on the transportation network through the study area. Analysis of the existing traffic conditions was conducted, and trips expected to be generated by the proposed development were calculated and assigned to the roadway network. Analysis of the roadway network using existing, no build, and build traffic volumes was conducted. Improvements to the study area network needed to mitigate the impacts of the new development were then evaluated.

Traffic Counts

Traffic counts are collected to determine the existing conditions of the roadway network. Turning movement counts were conducted during peak hours at five intersections and one bi-directional tube count was collected on Winchester Road. The count locations included:

1. Winchester Road + Avenue of Commerce / Burning Tree Lane
2. Winchester Road + Terrace Lake Drive
3. Winchester Road + Trail Lake Drive
4. Winchester Road + Tournament Drive/Office Access
5. Winchester Road + Champion Hills Drive/Church Access
6. Winchester Road Bi-Directional Tube Count (between Tournament Drive and Champion Hills Drive)

Background Growth

Based on historical TDOT traffic counts and coordination with the City of Memphis, it was determined a growth factor of 2.0% per year should be applied to the existing traffic volumes.

Proposed Development

Applying the industry standard methodology, using the *ITE Trip Generation Manual*, the trips expected to be generated by the development were calculated for auto vehicles. Phase 1 of the proposed development is expected to generate a total of 138 AM peak hour trips and 176 PM peak hour trips. Phase 2 is expected to generate 90 AM peak hour trips and 113 PM peak hour trips. These trips were then distributed and assigned to the network in the study area.

Analysis

Intersection analysis was conducted for the study area using the methodology outlined in the *HCM Manual, 6th Edition*. The results for the Existing, No Build, and Build scenarios show that the following recommendations will help traffic operations in the study area after the proposed development is open.



Recommendations

Based on the traffic volumes expected to be generated by the proposed development and the results of the analysis, the following recommendations are expected to provide safe and efficient traffic operations within the study area upon completion of the proposed development:

Winchester Rd + Avenue of Commerce:

- Optimize Signal Timings during the AM and PM peak hours.

Winchester Rd + Terrace Lake Drive:

- Install a gated emergency access on Terrace Lake Drive that provides one entering and one exiting lane.
- Remove left turn arrow and "ONLY" pavement marking for eastbound left turn lane. Install channelization markings to remove storage.
- Install Emergency Vehicles Only sign facing northbound traffic at the emergency access about 50 feet from Winchester Road. This sign will be installed on private property not maintained by the City.

Winchester Rd + Trail Lake Drive:

- Provide pavement markings to separate southbound right and left turn lanes at Winchester Road.
- Remove and replace the stop sign facing the southbound approach according to MUTCD standards and guidelines. This sign is installed on private property not maintained by the city.

Tournament Trail Drive and Emergency Access:

- Install a gated emergency access on Tournament Trail Drive that provides one entering and one exiting lane.
- Install a stop sign facing eastbound exiting vehicles according to MUTCD standards and guidelines. This sign will be installed on private property not maintained by the city.
- Install Emergency Vehicles Only sign facing westbound traffic at the access about 50 feet from Tournament Drive. This sign will be installed on private property not maintained by the city.

Design the access according to federal, state, and local standards, including *Roadway Design Guidelines* (Tennessee Department of Transportation), *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2018), and *Manual on Uniform Traffic Control Devices* (FHWA, 2009).

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 2:46 pm on the 30th day of March, 2023. I posted three Public Notice Signs pertaining to Case No. MJR 23-013 one on Tournament Drive South and two on Winchester providing notice of a Public Hearing before the April 13, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development Major Modification), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves
Owner, Applicant or Representative

04/03/2023
Date

Subscribed and sworn to before me this 3 day of April, 2023



Cynthia J. Reaves
Notary Public

My commission expires: 9/29/23

OWNER'S AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Priyank Shah state that I have read the definition of
(Print Name)  (Sign Name)

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

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

of the property located at 0 Winchester Rd. & 3581 Tournament Dr.
and further identified by Assessor's Parcel Number 081093 00006.7, 204
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) by JITENDRA GANDHI day of March in the year of 2023


Signature of Notary Public



06/30/2025
My Commission Expires

LETTERS RECEIVED

41 letters of opposition were received by the time of publication of this report. They have been pasted below.

Mr. Davis,

I am a resident of Southwind and I am EXTREMELY CONCERNED about the apartment project planned for land adjacent to the southeast side of Southwind. This has been a classic example of "bait and switch". TTL (the developer) basically agreed to virtually anything our HOA requested so that there would be little or no objection to getting the rezoning passed through the Memphis City Council. TTL proposed 279 units that would be only 2 stories high with minimal line of sight to Southwind residents and only endcaps facing Southwind homes. They have now proposed a 561 unit project with 4 story buildings which is more than 2 times the plan they used to get the rezoning. This significantly changes the plan for which they were approved for and limits green space. **The number of apartments should match the plan that was used to achieve the zoning change.**

As I mentioned above, this is a classic example of "bait and switch". TTL bent over backwards to prevent our HOA from objecting to this project so they could attain the rezoning. Now they are not interested in communicating with the HOA about our concerns at all.

I am sure that you will see this for what it is and reject any modifications to MJR 2023-13.

Please let me know if you have any questions.

Chris Moore

Chris Moore
8709 Players Fairway
Memphis, TN 38125
chrismoore@623@gmail.com
cell-901-483-0418

Dear Shelby County Land Use Control Board,

3/31/2023

I am writing to express my concern regarding the proposed detailed site plan submitted by TTL, reference MJR 2023-13. As a concerned resident in the area, I believe it is important to voice my opinion about the potential impact of this development on the community.

Firstly, I oppose the proposed plan due to the potential negative impact it may have on the environment. The development of apartments may lead to increased traffic, and I am concerned that the current infrastructure may not be equipped to handle this increased flow of vehicles. Additionally, the drainage system in the area may not be sufficient to handle the additional water runoff caused by the development, which could lead to flooding and other related issues.

Secondly, I am worried about the density of the proposed development. The number of units per acre may be too high for the area, leading to overcrowding and a strain on local resources. Moreover, the proposed development may not be in compliance with the existing zoning laws, which could negatively affect the character of the neighborhood.

Finally, I am concerned about the location of the proposed development. The crossroads of Memphis, Germantown, Collierville, and unincorporated Shelby County is already congested area, and adding more units may exacerbate the noise levels and traffic congestion in the area.

I urge the Land Use Control Board to take these concerns into consideration when evaluating the proposed site plan. It is important to prioritize the well-being of the community and ensure that any development is sustainable and compatible with the surrounding environment.

Thank you for your attention to this matter.

Sincerely,



James Wachob
3252 Wedge Hill Cove
Memphis, TN 38125

March 31, 2023

Subj: MJR 2023-13

Mr. Davis,

We are residents of the Southwind community and are OPPOSED to the modification. We are willing to work with TTL, however a major modification to the exact site plan that the rezoning was based on is disingenuous and lacks integrity. Our arguments opposing are listed below.

1. **Loss of Trust in the Approval Process:** Most concerning is the loss of trust that now exists between TTL, MCC, LUCB, and Southwind HOA. The approval process is designed to ensure that new developments align with the needs and values of the community, and this would appear to have been a malicious bait-and-switch tactic to rezone and modify.
2. **Drainage Issues:** The modification will further complicate drainage issues for Southwind. The new site plan adds more buildings and asphalt surfaces in lieu of the planned detention pond at the west end of the property; this will undoubtedly increase the drainage issues that plague our community and caused our home (and others in Southwind) to flood in 2019.
3. **Lack of Community Input:** The modification has been submitted without any accepted input from Southwind HOA. Although opposed to the development, we are willing to find a middle ground. TTL has outright rejected all reasonable requests from the Southwind HOA while disingenuously modifying the exact plan that the rezoning was based upon.

In conclusion, adding density to a development plan after it has been approved will cause significant negative consequences. From increased traffic and strain on infrastructure to a reduction in quality of life and a loss of trust in the approval process, this modification is not in keeping with the integrity of the approval process nor the best interests of the community. TTL must be held accountable for the plans they submit, and any changes made to those plans must be subject to the same scrutiny as the original proposal. We urge the LUCB and MCC to hold TTL to their approved site plan that was the premise for the rezoning approval.

Sincerely,

Michael & Diana Galdieri
8614 Southwind Drive

Good afternoon. I'm writing to voice our opposition regarding the out of state developer (ARI Investments, now TTL) that we previously met in 2021 regarding the apartment complex they want to build behind our neighborhood of Southwind on Winchester.

During the meeting, (The Developer and Southwind residents) promises were made by the developer that appears are no longer on the table. To be honest what has been approved by City Council is **not** what the out of state developer agreed to with Southwind residents. Perhaps the City Council wasn't aware about the previous promises made and pushed ahead with approval. The following are multiple issues:

1. City Council approved a zoning change plan that referenced site development that is no longer accurate in MJR 21-45.
2. The units being built that were presented to us for land use approval were **279**. Surprised to see that the new plans call for **561** units. **Density is two times the original plan in MJR 21-45 (31.4 versus 15.6 per acre).**
3. Typical density of RU-3 apartments is 15.5, which matches the plan the Council reviewed for the zoning change. How can an out of state developer think they can get away with this bate and switch tactic. Our Land Use Board and the Council are surely smarter than TTL thinks.
4. The developer agreed to limit the number of units facing Southwind homes to end units and only have **2 floors** of units. Now it appears all units built in the blocks facing Southwind **will have 4 floors!**
5. The top floors of those units that back to Southwind may even be able to see the golf course which may degrade holes 16, 17 and the tee for 18. The PGA Tournament which brings in revenue for the City of Memphis may not "look" as prestigious with apartments looming over homes that do face the course.
6. This issue was discussed at the 2021 meeting with the developer and he ignored his previous concessions too Southwind. Say one thing to owners and something else to the Council to get approval. Doesn't seem right does it?
7. There is also not enough green space in an area that already has drainage issues with 1,000 parking spaces..... **1,000 parking spaces**. It appears that for 561 units, they are projecting at least 2 cars per unit. That's a lot of cars and pollution. Winchester already has traffic issues in an area where speed limits are 50 MPH.

In conclusion the new proposed plan in 2023 13 is so significantly different from the design presented MLJ 21-45 for a zoning change!.....Way too many apartments, parking spaces and not what was utilized to gain City Council approval.

1. Density is double
2. 4 stories versus 2 facing Tournament Drive South
3. Not enough green space
4. Double the number of units.
5. Double the parking spaces

We do not approve the new plan and are disappointed in the approach the developer is taking to gain approval from Council while ignoring what was approved. Would be interesting if the Council rescinded the rezoning due to the out-of-state developer not following through with what was proposed. Interesting tactic to gain approval.

Thank you for reading, we appreciate your review of MJR 2023 13 and hope you will support our efforts to reduce the development to what was originally planned and presented for this space. We cannot not support 561 units with double the density of RU-3 apartments.

Mark and Abby Montsinger
3274 Wind Shadow Cove
Memphis, TN 38125
901-210-2277

Dear Board Members,

My name is Graham Askew. My wife, our three young children and I live at 3595 Southlinks Cv. in the Southwind neighborhood. The purpose of this email is to let you know of our opposition to the planned four story apartment development immediately adjacent to my back yard.

One of the reasons we elected to move to this neighborhood after living downtown was to provide a safe and private place for our three young children to grow up. The planned apartment complex - because of its height - will look directly into our back yard where our children play each day and eliminates any sense of privacy in our home. For many years, I lived in apartments and condos. I am certainly not opposed to that lifestyle and hope to return to it once our children are grown. That said, my understanding of zoning is that we as a community strive to be strategic about how we create a rational and pleasant place to live for all of our residents.

Thank you in advance for your consideration.

Graham Askew

901.258.4607

grahamwaskew@gmail.com

Shelby County Land Use Control Board:

In 2021 your Board did the right thing and turned down the zoning request from what is now the TTL company to put apartments on Winchester where Tournament Drive intersects. Unfortunately, the Memphis City Council overrode your vote.

TTL has come back with a revised plan that has twice the density of their original proposal. It now has a density proposal that is even more than the typical density of RU-3 apartments.

They also had the original plan with only the end caps of two buildings facing Southwind Drive. Now the entire length of a building faces Southwind Drive.

And, finally, 2 stories in the original proposal is now 4 stories.

This appears to be a classic bait and switch!!! We are not sure that this drastic revision in plans is typical in the apartment construction industry, but it is certainly not a positive change for our area.

TTL has turned down any negotiations offered by Southwind's board.

Please again do the right thing and turn down the new proposal.

Thank you for your careful consideration.

Joe and Beth Edmondson
3543 Windgarden Cove
Memphis, TN 39125

March 31, 2023

William B. James
3675 Classic Drive S.
Memphis, TN, 38125

Shelby County Land Use Control Board
Via Email Brett.Davis@memphistn.gov

Re: MJR 2023-13

Mr. Davis,

I am writing to express my opposition to a proposed development (MJR 2023-13) modification.

I live in the Southwind community whose property adjoins the proposed development site.

This is a proposal to build a major apartment complex. The developer originally offered a plan and made assurances to our homeowner's association board prior to seeking a zoning change to allow apartments to be built. The zoning change was approved vs the original plan and we did not object given the assurances which were made to us.

Now, the developer has come back and is offering a plan which is vastly different from the original proposal and far more detrimental to our community and frankly the community at large. The assurances which were made to us are now being ignored and the developer has rejected any further input from our board.

My opposition is based on:

1. The number of apartments should match the plan that was used to achieve the zoning change
2. That number has more than doubled with the new plan.
3. Density now is more than twice the original plan.
4. The new plan shows a significant shortage of green space.
5. The new plan is much more intrusive into our neighborhood with no attempt to minimize sightlines into our community. The buildings overlooking us are in fact twice as tall as proposed in the "zoning" change plan.
6. The new plan includes claims that security and traffic will not be affected adversely. That seems counter intuitive to me.

I appreciate your consideration of this objection. Please include this in your staff report.

Thank you,



March 31, 2023

Reference MJR 2023-13

Home Owner: Jettie Thomas, N.D.

8301 Silverwind Drive

Memphis, TN 38125

SRPA Board@gmail.com

Attn: Brett.@memphistn.gov

To Whom It may concern:

My concerns about this project are overwhelming because of the density (units/acre) and line of sight to Southwind.

The number of units have also increased greatly. The number of apartments should match the plan that was used to achieve the zoning change.

The plans are visually different on paper.

Please stick to the original plan on paper.

Thank you very much.

For consideration of the Shelby County Land Use Control Board in reference to MJR 2023-13

As a resident of Southwind, and particularly one who lives across Southwind Drive from the proposed area of construction for the TTL high-density housing complex, I am opposed to the site plan as is now proposed. I would respectfully request that SCLUCB be consistent in its opposition to this proposed development as it was when MJR 21-45 was considered previously.

TTL, at best, had a poorly comprised plan when MJR 21-45 was proposed and they sought a major modification to the allowed zoning.

At worst, TTL executed a bait-and-switch in order to secure the major modification approval knowing full well that the plan as now sited in MJR 2023-13 would never have been approved.

This new siting request is extremely high density (31.4) to the extent that it has no place this far outside of the compact downtown corridor. In addition to creating significant traffic congestion with 561 units (many of which are multi-bedroom) that are non-walkable to employment or food of any type, providing limited green space and lacking mitigation of runoff which will result in further drainage issues due to pre-existing drainage limitations southward under Winchester Road, and creating a high-density enclave that violates step-down requirements, approval of this plan would create a precedence of willful disregard for any and all zoning practice under the current Memphis and Shelby County UDC.

Simply put, while there are clearly strong tax revenue incentives to approving MJR 2023-13, TTL either has an unmitigated desire to expand the scope of their project regardless of existing code or they sold the Memphis City Council the version of the project they thought was most likely to get approval with an intent to deceive. Regardless, this project as proposed should be rejected.

Respectfully,
Jesse Baker
3566 Windgarden Cove
Memphis, TN 38125

As residents of the Southwind community, we wish to verbally articulate our opposition to the major modification of the original outline for this area (MJR 2023-13). This proposal by TTL has significant differences from the plan presented to our community. It is considerably larger than the original presentation, much denser and distracts from our gated Southwind community. Green space has been lessened and the entrance to the community has been compromised by the cluttered view and abuse of space.

We respectfully request that the original design plan that was presented to the community be followed and maintain the line of sight into our community.

We appreciate your attention to this matter. Thank you.

Dan & Shirley Mullally
3473 Windgarden Cove
Memphis, Tenn. 38125

April 3, 2023

Mr. Brett Davis
Staff Planner
Memphis/Shelby County Land Use Control Board

Subject – Proposed Development – Tournament Trails Center – MJR2023-13

Dear Mr. Davis,

We are writing to express our concerns with the most recent site plans for the subject development. Back in 2021, the developers of this project presented plans that were very different when they were trying to successfully secure approval for this project. Now two years later and the developers have drastically altered their original plans for this project.

Following are our major items of concern:

- Original plan called for a total of 4 – buildings, now there 7.
- The number of units has doubled from 279 to 561.
- Typical density for apartments such as these is 15. 5, however this revised plan's density is 31.4.
- The original plan provided for minimized line of sight from the project's units for Southwind Drive and Southlinks Cove. Revised plan greatly increases this.
- The revised plan seems to have considerably less green space relative to the original design.

We feel the developer should hold to their original plan which they presented for the zoning change approval in 2021. Increasing the number of units by a factor of two does not seem to be reasonable given the land available.

Thank you for your time and consideration of our concerns. Please let us know if you have any questions or comments.

Best Regards,

Carolyn Comella
James G. Comella
3244 Pointe Hill Cove
Memphis, TN 38125
901-355-0490

Hello Brett,

Although the zoning change should not have been approved at all, evidenced by Shelby County LUCB unanimously rejecting it, **the number of apartments most certainly must match the plan used to achieve the zoning change** by the Memphis City Council.

Please do not allow the development to double the density in this small space. The plans submitted are vastly different than what was submitted to achieve the zoning change in MJR21-45. They have more than doubled the number of units, which leads to overcrowding the space, a great lack of green space, and way too much traffic for the area. The once tranquil area for the memory care facility and office building will be no more. The traffic in the area will certainly cause traffic accidents. There are so many people that do U-turns in that area from the office buildings and adding 561 living units will certainly complicate an already worrisome issue.

Truly elite developments should be smaller in number of units and larger in green space. They certainly should not be 4 stories high and tower over neighboring houses. **Please ensure the stories, number of units and placement/orientation is changed back to the original zoning-change application.**

Thank you,

Traci Edwards, Pfizer CPA, PMP, Project Manager, Corporate Finance Transformation
[Global Business Services | Transformation & Project Management \(T&PM\)](#)

Mr. Davis,

We live in Southwind neighborhood and are writing in objection to this proposal. We have fought from the beginning against this type of zoning out our back gate. It was rezoned from commercial to residential and although we objected, it was passed to be such. The developer came to our H.O.A. meeting and presented the original plan which was composed of 279 apartment units. We were only expecting a 2 story building which would have had more limited visibility with a wall that was to be built to assure our privacy. It was approved by the Memphis City Council as this such plan. However, this developer is now moving forward with a new plan for 561 apartment units, and a density of two times the original plan. There will be hardly any green space and a huge concern for a traffic safety and congestion. This plan was not the original plan that was approved through your council. We hold our neighborhood dear to us and are in hopes that the board will move swiftly to oppose these new changes. Thank you for your time and consideration in this matter.

Sincerely,
William and Rena Baker

Mr. Davis,

Please oppose the request from TTL to significantly revise their formerly approved development plan for project MJR 2023-13.

The proposed new plans virtually double the density and multiple safety issues considered at the time of approval.

It would seem that the number of apartments and design issues should reasonably match the plan used to achieve the zoning change. It appears that the new plan does not meet that desired standard.

Thank you for your consideration.

Ben Bryant & Martha Bryant
3440 Pinebrake Cove
31 yr Southwind resident
901-277-1365

Mr. Davis,

My family lives in the Southwind community at 3506 Windgarden Cove. I'm emailing you again to express my opposition to the proposed plan presented by TTL (formerly ARI Investments) to build apartments at the rear entrance of the Southwind community.

The new proposal by the ARI/TTL investment company is **NOT AT ALL** what they originally communicated to us.

- Over 2 X's the units (561 vs 279)
- Over 2 X's the density (31/4 vs 15.6)
- 4 stories instead of 2
- Lines of site have changed from end caps facing Southwind houses to the full sides of the buildings
- The 4 story design is also a major line of site issue

The developers have rejected every request our homeowners association has brought to the table. And they don't seem at all interested in being good neighbors or working with our HOA to figure out some compromises.

I understand these people need to make money, but this feels like a bait-and-switch. And this is where we need our government officials to step in and protect us. At the very least, the number of apartments should correspond with the original plan that was used to justify the zoning change.

I appreciate your consideration of the above concerns and I am grateful for all you do for us. Please feel free to contact me with any questions or concerns.

Thanks,
Ed Gillentine, MBA, CFP®, CAP®, ChFC®
Principal



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April 4th. 2023

To: Shelby County Land Use Control Board Members,

My wife Kathy and I have been recently made aware of the proposed changes to MJR 2023-13 as submitted by TTL Investments (formally ARI Investments). To see the significant changes from the original approved project is unsettling to say the least. How can the proposed change from 279 units to 561 units have not been anything other than subterfuge and outright deception on the developers part to fool the board into "getting their foot in the door" in hopes of to getting a significantly different project "amended" into what otherwise would never had been approved? In addition to doubling the density of the project the greenspace would be also be significantly reduced, adding to the entire massive and overwhelming apartment load and look to the site. Like the proverbial frog on a slow boil, now we are looking at a project that would never had been considered appropriate in the first place.

Indeed, the character of the developer in refusing any sort of dialog and rejection of any of SPRA suggested improvements or details in their plans only serves to hi-light their lack of concern or care for their largest neighbor and its residents. To extend the height of the project to 4 stories vs the 2 originally approved and to rotate those structures to have sides fully face Southwind homes, underscores that lack of respect and responsibility to us and our property values. Indeed, this proposal would line the developers pockets at the direct expense of the Southwind neighborhood. As you know, we have been long time tax paying property owners and as such deserve our interests to be protected. Therefore, we respectfully ask you to do so by rejecting these proposed changes. We thank you in advance for all your time and concern in this matter.

Respectfully submitted,

John and Kathy Haase
[3604 Classic Drive South](#)
[Memphis, TN. 38125](#)

Mr. Davis,

I am an owner of property in Southwind located at 3550 Windgarden Cove.

I am disappointed to see the newly published changes in the plans for the apartments about to be developed on Winchester near Tournament Drive.

Of great concern to me are the following:

1. The height of the buildings changed from two story to four story. This is totally unacceptable next to single family homes.
2. Windows and balconies from these apartments facing the single family homes.
3. The total change in number of apartments to more than double the original number.
4. The placement of a driveway exiting directly in front of the back gate of our community. There is not now, and would appear there will not be, a light at Tournament Drive and Winchester (because of placement of current traffic lights)
This little section of street is not conducive to handle the number of vehicles from the apartment complex. It simply will not work and traffic accidents are bound to impact everyone, Southwind residents and department dwellers as well.
5. Removal of trees will open our residents to remarkable intrusion of privacy.
6. Drainage plans are of utmost importance to Southwind Drive residents.
7. Security without the proper barrier is of great concern to all residents.

Item #4 is of great concern to all Southwind residents. It will make it impossible to use our back entrance.

The changes made to this plan by the developer are extensive, improper, and blatantly arrogant to the City Council and all others concerned.

I would like to know if anyone has been to this site in person to see exactly what they are voting on. Nothing on paper even comes close to the magnitude of change to our area. Again, In my opinion, it simply is not going to work.

I thank you in advance for your consideration in this matter and look forward to a fair resolution.


Kathleen A. Edelmuth
3550 Windgarden Cove
Memphis, Tennessee 38125
(901)270 - 3745

To whom it may concern,

My name is Meatha Tapley and I reside at 8871 Prestancia Cv S; Memphis, TN 38125 within Southwind neighborhood. I am writing today to voice that I oppose the detailed site plan for the ARI Investments/TTL group plan having to do with apartments off of Winchester Road known as MJR 2023-13.

The new plan is very different from the plan that obtained the recent zoning approval. The proposed TTL plan has more than doubled the number of units and the density. This area is known to have water/drainage/flash flooding types of issues and increasing apartment units and density will have a negative impact on all surrounding businesses, homes and community. This issue should be further investigated for wise infrastructure and growth. In addition to the very real concerns over infrastructure, I find the change to allow for a 4 story design and less green space unacceptable. TTL's choice to completely change their plan very much feels like an old school bait and switch and causes me to question their future intentions.

I appreciate your time in considering my concerns.


--
Meatha Haynes Tapley

Dear Land Use Control Board -

In these days, when confidence in government, and other big social institutions is at an all time low, it is so disillusioning that one set of plans could be agreed upon in good faith, and then another set of plans substituted that are a significant variation!

We appreciated the initial unanimous rejection of the zoning change by the Shelby County Land Use Committee. The zoning request was then approved by the Memphis City Council. Significant time and negotiations were done by Southwind residents and ARI, now TLL, to work out an agreement on property/building development specifications.

The MJR 2023-13 change of plans is not at all what was agreed upon. Crucial changes in the plans include having a four-story building instead of the approved two-story building. This doubles the density. Beyond the impact to Southwind as an adjacent neighbor, the proposed changes would turn this new property into one giant apartment complex. We all know the eyesore and issues of the valley of apartments a little further down Winchester.

This whole exercise in democracy would seem pointless if agreements are reached, and then a totally different plan is approved that substantially and negatively changes the way in which the property is developed. If approved by the Shelby County Land Use Committee, it would mean that our voices as citizens using the approved process had no meaning and no weight.

Please don't let this become a meaningless effort on the part of residents and citizens. Please help make sure that this property is developed in a way that protects and enhances the land usage. Please reject the changes being proposed in MJR 20 23-13.

Sincerely, and respectfully submitted,
Jack and Karin Henderson

Mr. Brett Davis

Land Use Control Board

Regarding MJR 2023-13

Dear Mr. Davis:

I was saddened to learn of the changes now considered for the construction of apartments on Winchester, south of our development. Increased density of population, removal of sight and sound barriers and the increased height and opening of the north end of the proposed buildings would all have a negative affect on the livability now enjoyed by those of us who moved here because of what Southwind offered. The change will affect the environment that attracted Federal Express to play its grand tournament in Memphis. I do not play golf, but built my house here because it is an oasis of greenery and of a quiet life in an otherwise ever encroaching turmoil that marks much of urban life, including our own. Southwind is a buffer that should be appreciated and maintained against the march of urban sprawl with its depreciation of land values, increased crime and flight to suburban municipalities. I hope you will oppose the new, destructive plans for the apartments on our Southern border. I greatly appreciate your consideration.

Sincerely,

Hubert L. Dellinger Jr. MD

[8678 Southwind Dr.](#)

[Memphis, Tn. 38125](#)

April 5, 2023

Attn: Land Use Control Board
Re: MJR 2023-13

This letter is in regard to the ever changing use of the property at the back gate of Southwind, which also is directly behind my property located at 8744 Southwind.

I am already subjected to the traffic issues and difficulty turning off of Tournament Dr., loud and racing vehicles on Winchester, gunshots, loud music, and crime in the surrounding apartment communities. Adding this new property not only makes these even more so, but also depreciates my property because the open space and views I enjoy will be gone.

The builders of this community have changed the zoning once to accommodate them and once again are trying to change what they had proposed to benefit them even further in their financial growth. Most changes also go against their good faith word to limit the effect on Southwind residents. I'm not sure I would trust them to follow any rules and regulations at this point. More likely that they would break them and only have to deal with a fine once it is completed.

I have a RING doorbell which reports crimes by other users in the area. Please refer to available information and crime reports as samples of what this project will add to Southwind and literally at my doorstep.

Please decline the proposed changes. I'm sure you will agree that there are elements that will negatively affect our neighborhood. I'm also doubtful that the final project will follow what has been proposed and many gray areas still exist.

This is bad in so many ways and only increases the issues our city is trying put a stop to in terms of crime, shootings, car theft, and more. Do what's right for making Memphis better, safer, and beautiful with green spaces and appropriate building codes as originally established prior to this project.

Thank you,

Jeff Klayman
8744 Southwind Dr.
Memphis, TN 38125

I am opposed to the TTL plan for the following reasons:

1. The proposed plan is significantly different from the design presented to achieve a zoning change in MJR 21-45 2. There are more than two times the number of units (561 versus 279) 3. Density is two times the original plan in MJR 21-45 (31.4 versus 15.6) 4. Typical density of RU-3 apartments is 15.5 which matches the plan that at the time of the zoning change 5. Significant shortage of green space 6. TTL has not provided a design that minimizes line of sight along Tournament Dr. Overlooking Southlinks Cv. And Southwind Dr.

The design is now 4 stories instead of 2 stories

The design is oriented so it is no longer simply end caps facing Southwind houses rather full sides of buildings

CONCLUSION: THE NUMBER OF APARTMENTS SHOULD MATCH THE PLAN THAT WAS USED TO ACHIEVE THE ZONING CHANGE.

MY WIFE AND I HAVE LIVED IN SOUTHWIND, A GATED COMMUNITY, FOR THIRTY PLUS YEARS AND HATE TO SEE THE PRESTIGE OF OUR PROPERTY RUINED BY TTL.

Once this company got permission from the city council to build, promises that were made were not kept despite numerous requests from our board. This, in my opinion, is a breach of contract and should not be allowed to go forward.

The plan has been significantly modified from the one they presented in order to get the zoning changed. I'm not sure that anything this company says is actually the truth. Lying to get permission to build and lying to get the zoning laws changed should be a breach of contract and TTL should not be allowed to go forward with this project without drastic modifications closely resembling those originally presented.

Sincerely, Dr and Mrs Robert P Lorentz

Mr. Davis,

My name is Liz Gillentine. My family lives at 3506 Windgarden Cove at Southwind.

This email is to let you know that I strongly oppose the proposed plan presented by TTL developers to build apartments at the rear entrance of Southwind on Winchester.

The new proposal is way different than the original. 561 units versus 279. Density of 31.4 instead of 15.6. 4 story units not 2 story units. 7 buildings not 4 buildings. This is not at all what the gentleman told us when he met with us last year. They also are ignoring/not responding to any request by our HOA.

I'm pretty upset with how this has developed. At the very least, the number of apartments should be close to the original plan that was used to change the zoning. We need you guys to protect us from this kind of situation because right now, I feel like there's not much we can do.

Thank you for your help in this matter. Please feel free to contact me with any questions or concerns.

Liz

Members of the Shelby County Land Use Control Board:

We are writing in reference to the proposed changes to modify MJR 21-45 to the NEW proposal MJR2023-13.

At the time these changes were approved we were concerned with the drainage, traffic, density of the units per acre, noise and traffic. but changes were made to take these factors into consideration.

The MJR 21-45 plan was approved and the above concerns were addressed.

With the proposed new changes the above items are now become a concern again especially the fact that they are changing from 249 units to 561 units and eliminating all green space from the development.

Before there were 15.6 units per acre and now going to 31.5 units per acre with all of the traffic having to go onto Winchester drive through one exit. As we understand the usual density of RU-3 Apartments is 15.5. If the usual density is 15.5 why are they doubling this figure?

On a personal note since we live on Southwind Drive we were fine with the 2 story building overlooking our street but 4 stories is just too much. Since the plan MJR 21-45 was approved to achieve the zoning change we feel that it should be the one that continues to exist. We don't understand why it should change.

Would you please consider rejecting the proposal MJR 2023-13 and continue with the original (MJR-21-45) with 249 units as was original approved for the zoning change.

Thank you for your consideration.

Ed and Trudi Pierami

[8712 Southwind Drive](#)

[Memphis, TN 38125](#)

Mr. Davis,

I am respectfully writing you in regard to a serious situation regarding a land proposal on the south side of our Southwind Gated Community.

Being a resident in this community for over 20 years, I have experienced many changes in and around Southwind, but this new proposed plan(MJR2023-13) will have a negative effect on all Southwind residents..

My number one concern is the increase in traffic on Tournament Drive outside our back gate.....this back gate is my daily way to many of my shopping needs including drug store prescriptions, necessary food items, and also medical needs at various doctor's offices.

When the traffic increases on Tournament Drive and Winchester, there will be longer wait times and increased safety concerns as each resident exits through the back gate. Currently, it has always been difficult to exit Tournament Drive onto Winchester due to traffic, and this will make it much worse with the addition of the 561 apartment units instead of the 279 units on the original plan(MJR 21-45).

In addition to my primary concern about an increase in traffic safety, the design of 4 story apartments will definitely decrease privacy with noise elements rising for my Southwind neighbors on the south side of Southwind.

Consequently, I'm writing you on this new proposal being a detriment to the future of our beautiful community.

A Concerned Southwind Resident,

Dave Wells
[3338 Gallery Drive](#)
[Memphis, TN 38125-8834](#)

Marianne Parrs <marianneparrs@gmail.com>

I am writing to express my serious concern with the proposed detailed site plan submitted by TTL to the county as a major modification.

I am a resident of Southwind and I live at 3492 Windgarden Cove. I use the "backgate" of Southwind to enter and leave my community via Tournament Dr. heading to Winchester. I will be directly impacted by the changes to the plan.

My biggest concern is that there will be more than 2 times the number of units (561 versus 279) and twice the density proposed in the original plan MJR 21-45 (31.4 versus 15.6), I understand the typical density of RU-3 apartments is 15.5 which matches the previous plan that was submitted to support the zoning change.

I have to believe the zoning change would never have been approved if this new plan had been used to justify the change.

I ask you to please reject this new plan and require a plan that is consistent with the one submitted to justify the zoning change.

As the owner of 8688 Southwind Drive, an adjoining property, I write to object to the proposed detailed plan (MJR 2023-13) that TTL has submitted for consideration at the April 13 meeting of the Shelby County Land Use Control Board. That plan is a classic example of bait-and-switch in that it significantly differs from the design TTL's affiliate ARI Investments presented in connection with its application (MJR 21-45) to re-zone the subject property RU-3. The proposed detailed plan calls for more than twice the number of units (561 versus 279) and a density twice that depicted in MJR 21-45 (31.4 versus 15.6). The typical density of RU-3 apartments is 15.5, which matches the plan ARI Investments provided in connection with its zoning change application. Moreover, the proposed detailed plan calls for a substantially more intrusive project when viewed from adjoining properties on Southwind Drive, such as mine. The design now calls for four-story buildings rather than the two-story buildings depicted in the plan accompanying MJR 21-45. The proposed design also orients the substantially larger buildings so that full sides of buildings rather than end caps face houses in the Southwind subdivision. In addition, the proposed design also significantly reduces the amount of green space that had been depicted in the MJR 21-45 plan. I understand that TTL representatives have rebuffed out of hand all efforts by members of the Board of the Southwind Residential Property Association to negotiate modifications to the proposed detailed plan that would make the project more acceptable to adjoining Southwind property owners. I, therefore, respectfully request that the Land Use Control Board require TTL to adjust its proposed detailed plan to be consistent with the MJR 21-45 accompanying plan.

Ronald J. Kwoka

April 7, 2023

[8718 Southwind Drive](#)
[Memphis, TN 38125](#)

Referencing: MJR 2023-13

Dear Mr. Davis and Honorable members of the Memphis City Council,

We are writing to voice opposition, to the latest proposal offered by TTL, to be heard April 13, 2023.

The concern is not a "Not in My Backyard" concern though the proposed property would literally be the setting from my front yard. We are not opposed to controlled growth benefiting both the local region nor the city of Memphis. This proposal, if approved, will do neither. We are gravely concerned with their "egregious breach of good faith".

TTL has demonstrated that breach by proposing a project now twice the size of the original proposal made to the Council to obtain a change in zoning. Previous discussions and assurances made by TTL to the SRPA Board are now outright rejected. Assurances made in the past to both MCC and SRPA are being dismissed by TTL who clearly now feel they can violate trust and goodwill to promote a project in their best interest;

- Density at more than two times the original number far exceeding typical RU-3 density (31.4 vs 15.3)
- A change to a four story height completely destroying sight lines for home owners, who have invested greatly to benefit regional home value within Southlinks Cove and Southwind Drive.
- No incorporation of greenspace
- Drainage, security and traffic studies submitted by a company now, with demonstrated disregard and concern, to fulfill past assurances and promises.
- Have meaningful CC&R's with consequences been submitted that run with the land regardless of ownership to ensure the projects appearance will be ensured over time?

Please step back.

- Does the MCC rest assured that studies submitted by TTL can be believed and relied upon without at least a second company hired to provide the same assessments?
- Please consider the negative impact upon so many that reside in the surrounding area
- Winchester road is presently in dire need of overhaul. Traffic flow is already terrible. This project will require significant City expense to rebuild Winchester Road. Several expensive improvements will be required and will still not prevent Winchester Road from becoming gridlocked from the 385 off ramp (including the exit ramp) to at least Forest Hill Irene Road.
- Reassess your faith in the words and proposals of TTL
- Can the MCC believe this company in your hearts?
- Will Memphis and the surrounding communities truly realize enhancement or a future blight upon the City?
- Will allowing this proposal encourage people to relocate to our city or decide against it?
- Require TTL to submit a plan matching the original to obtain the zoning change and agree to incorporating past promises made to the SRPA Board
- Ensure any use of the land makes the citizens of Memphis proud

Respectfully,

John W. and Renee L. Frogge

John and I are homeowners at 8684 Southwind Dr, 38125 and are very concerned about the NEW proposal to double the density of the project for apartments across the street from us.

We were at the meeting where TTL laid out the plans for the development and while we were not enthusiastic about having the apartments built, we agreed that they were keeping homeowners in mind and building "upscale" units and the height would be two stories.

They now have decided to double the density of that development and make the buildings four stories. While we realize that may mean more tax dollars for the City of Memphis, we question if that is truly in the best interest of all concerned. More density brings more issues to be dealt with.

We question the integrity of the developer to make these radical changes after having the original plan approved.

Please do not approve this significant change to the original plan. It will have a very negative impact on our property value and while that may not be a major concern for the City, we feel this increase is not even good for the City. Winchester has experienced a LOT of multi-level housing in recent years and truly does not need any more.

Thank you for your consideration.

Shirley Williams

As a property owner I'm writing to voice my concerns over a major change to the apartment development planned off of Winchester and located next to Southwind. This new plan is vastly different than what was approved. It will almost triple the size of the development from 279 units to a four story complex with over 560 units. This will significantly impact the traffic and safety of the community in a number of ways:

1. Exit for the planned apartment complex is very close to the back gate entrance for Southwind. This will cause backups and congestion at heavy commuting times of the day.
2. There is no traffic signal for what will be a very busy road. We already have traffic issues without a light and given the excessive spreading on Winchester, more wrecks are bound to happen.
3. Access to Southwind for Emergency services will be difficult.
4. The high density of such a project will limit privacy and no doubt increase noise.
5. There are already drainage problems on the planned apartment complex. Almost tripling the size of the development will impact drainage.

This list is in no way exhaustive. But, in closing, I'm very concerned how such a departure from what was originally planned for this development can possibly go forward without any kind of new oversight from government officials and adjacent residents.

Please do not allow yet another large apartment developer to walk all over us residents and government officials.

Sincerely,

Alan and Victoria Bush
3495 Windgarden Cove
Memphis, TN 38125

Dear Brett Davis,

I am writing to you regarding the development of the land located at 3581 Tournament Dr. I am very disappointed the Memphis City Council voted to allow this parcel's zoning to be changed from CA- conservation Agriculture to multi-family apartments. But I am even more disappointed the council decided to not follow Mayor Strickland's executive order directing each division and agency of city government to work together to implement Memphis 3.0 future land use plan. Please help to correct this decision.

I was very excited when Mayor Strickland pushed our city to create a development plan but in the case of MJR 2023-13 we are going against this vision and breaking the trust of all those who worked tirelessly to develop it.

I will summarize what the American Planning Association said about Memphis 3.0 when it awarded the city the Daniel Burnham award for planning.

- Memphis lacked a comprehensive development plan for 40 years
- Adopted in 2019
- Plan focuses growth on pedestrian oriented "anchors"
- "Sustain" for areas that have reached maturity in character
- These anchors, or walkable centers of activity, would adapt to accommodate new populations and anticipated development while **remaining true to the neighborhood's distinct character**
- In 2019, Mayor Strickland drafted an executive order adopting the plan and directing each division and agency of city government to work together in implementing it
- The plan's success creates a **long-term culture of planning built on community trust and support.**

Source: <https://www.planning.org/awards/2020/excellence/memphis-3-0/>

My question is why is the city council not following Mayor Strickland's executive order to follow the Memphis 3.0 Plan? Memphis 3.0 designated parcels (081093 0024, 081093 00004) as "Open Space Natural" and parcels (081093 00006, 081093 00007) as "Low Intensity Commercial Services". The development TTL is proposing does not fit the Memphis 3.0 Plan, nor does it fit in with the neighborhoods distinct character and if approved, breaks the trust and support of the community that helped create the Memphis 3.0 vision.

TTL's new plan significantly decreases green space, goes from 2 story to 4 story buildings, and has design features that do not follow "walkable centers of activity" nor matches the current neighborhood's distinct character.

I am asking you to please not allow TTL to move further away from the Memphis 3.0 vision. We need more open natural spaces not less and we need to follow the plan our major has asked us all to follow.

Best Regards,

Alex Oliphant

8910.BENT.GRASS.CIR

April 9, 2023

[8638 Southwind Drive](#)

[Memphis, TN 38125](#)

Referencing: MJR 2023-13

Dear Mr. Brett Davis, Members of the Memphis City Council,
and Shelby County and Land Use Control Board

We are Jim and Sue Perrin. We have lived in Southwind for 19 years. First at 8734 Southwind Drive (10 years) and then at 8638 Southwind Drive (9 years). I retired from Junior Achievement after 32 years; the last assignment was in Memphis as President and CEO (21 years). Sue worked for SYSCO Food Service of Memphis for 35 years, retiring as Vice President of Health Care Sales.

With that said, we are writing to voice opposition to the recently modified plans that call for 561 apartments from the previously approved plan of 279 units. The size of this project is in fact twice the size that was previously approved!

At our current residence (8638 Southwind Drive), we have experienced significant financial loss due to the flooding of the drainage creek and storm sewers. Such a development is not feasible without substantial investment for infrastructure and proper storm drainage from the developer. We would really like to see how this issue (561 units) is being addressed.

This new plan also exacerbates every potential problem brought forth with the original plan of 279 units.

With 561 units, here are potentially serious problems for Southwind homeowners:

*Security and traffic problems

*No incorporation of greenspace.

*It far exceeds the typical density of all other apartments in the immediate area.

*In other words, these are not LUXUARY APARTMENTS as originally proposed by the developer

*A change in the height to four-stories will destroy the sight lines for the homeowners on Southwind Drive

In summary, Southwind Homeowners believe we have been presented with a proposal that in no way represents the original promises from this developer. In fact, the LUCB did not approve apartments in this space and so close to Southwind in the first place. We believe that the original proposal submitted by the developer (TTL) and ratified by Memphis City Council should satisfy all parties involved.

Lastly, Sue and I appreciate the opportunity to share our concerns with you and the board. We look forward to a positive response from the board as we continue to enjoy our home here in Southwind.

Sincerely,

Jim and Sue Perrin

[8638 Southwind Drive](#)

[Memphis, TN 38125](#)

Phone: 901-485-9106

Email: jim.perrin@att.net

Dear Members of the Land Control Use Board:

I am in opposition of the plan put forth by TTL. While the zoning change was approved by Memphis City Council in 2021, the detailed plan does not resemble the approved plan.

The plan presently being put forth is twice the number of units, and twice the density of the previously approved plan submitted for the zoning change. Additionally, the buildings have been reoriented on the property, and then have doubled in height.

Our area is struggling with major apartment complexes surrounding it. Champion Hills, Millers Creek, The Villas, Westbury, Lincoln on the Green, Dream Germantown and Fieldstone. Please do not dump a complex that is too large to suit the neighborhood and the needs of our community.

I am disappointed that this plan as put forth would even warrant consideration. ARI Investments (Now TTL??) had met with our neighborhood, and I was present at that meeting, and at each council meeting. ARI Investments spoke about how they planned on staying with their development for the long term, and this submission is from a new entity. The present plan is unrecognizable to me.

I will be in attendance of the upcoming meeting.

I appreciate your careful consideration.

Sincerely,

Michelle Grady
3558 Windgarden Cove
Southwind
Memphis TN

Dear Mr. Davis & Shelby County Land Use Control Board,
Reference: MJR 2023-13

The LUCB should only approve the original 279 upscale apartment complex the developer received a zoning change from Memphis City Council to build.

As President of the Southwind HOA, I have been involved from the beginning negotiating on behalf of our neighbors with Ari Investments, now TTL. They presented the 279 unit plan to our neighborhood to achieve an agreement with our HOA to not oppose their development. We have in good faith tried to negotiate this proposed final site plan, only to be flatly denied all requests to protect the HOA and our residents. Their proposal to develop 561 apartments is more than double the original number of units. With this doubled amount of apartments, density is far greater than any other property in the county. It is not in keeping with the zone change request that was presented to Memphis City Council.

Please do not approve this site plan, send them back to the table to formulate a development all Shelby County can agree is workable. Protect Shelby County residents and have the developer honor the planned number of units with which they achieved the zoning change.

Respectfully,
Bobby Solberg
Southwind HOA President
[8672 Classic Drive](#)
[Memphis, TN 38125](#)

April 10, 2023

Ann Burgess
3496 Windgarden Cove
Memphis, TN 38125

Dear Mr. Brett Davis,

I am writing in regard to MJR 2023-13 to provide information and data that explain my opposition to the proposed detailed plan. I appreciate the work you are doing in evaluating the submission and I also thank you for meeting with me in March to discuss my concerns in person.

I want you to know that I support the key elements of the previous plan submitted just last year in MJR 21-45 to obtain a zoning change but not those in MJR 2023-13. My key points are as follows.

- **To obtain the zoning change via MJR 21-45, TTL argued a vastly different plan in front of Shelby County Land Use Control Board, Memphis City Council and neighbors with adjacent properties**
- **The significant differences in the plans presented in MJR 2023-13 and MJR 21-45 are:**
 - Over 100% increase in units – 561 versus 279
 - Density increased to 31.4 units/acre versus 15.6 units/acre
 - This is higher than the max allowed density in multifamily downtown per Unified Code!
 - Parcels are less than 2,000 feet from the Memphis City Limit yet a downtown design is proposed
 - 75% increase in number of buildings – 7 versus 4
 - Almost all buildings are 4 stories whereas previous plan included 2, 3 and 4 story buildings
 - Previous green space was ~40% of property. Current estimate is about 1-2% with very little within complex.
- **TTL uses misleading information in MJR 2023-13 on page 30 because proper use of the data does not support their story**
 - Due to the obvious outlier of 1500 units, accurate analysis of the data would be to use median instead of average. Median yields 334 units for comparison not the overstated 501 units.
 - Furthermore, “number of units” is irrelevant. “Density” is key. The proposed density of 31.4 units/acre is two times the density of nearby RU-3 properties (~15.5 units/acre) and is unlike any other RU-3 property in Shelby County. In fact the 1500 unit complex has a low density of 14 units/acre illustrating further that their submission is truly misleading.
- **TTL uses deceptive calculations and justifications by incorporating parcels that they do NOT OWN and are NOT ZONED RU-3**
 - TTL owns exactly 17.829 acres and only these 17.829 acres have been zoned RU-3 in Tournament Trails
 - No other value of acreage applies to MJR 2023-13
- **TTL has not met the requirement of Item 4 of the recorded declarations for these parcels**

Please reject MJR 2023-13.

Also, attached please find a file that includes additional data to support the summary information above. I would appreciate it if you would include this detailed information in the staff report along with my letter.

Thank you for your consideration of these extraordinary changes in plan as you evaluate MJR 2023-13.

Sincerely,

Ann Burgess

MJR 2023-13

Supporting data for opposition letter from Ann Burgess

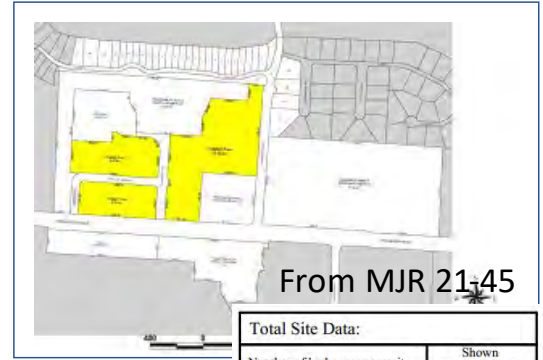
New submission after zoning change via MJR 21-45

Developer: TTL

3 parcels zoned RU-3 (17.829 acres total)

MJR 2023-13 versus MJR 2145

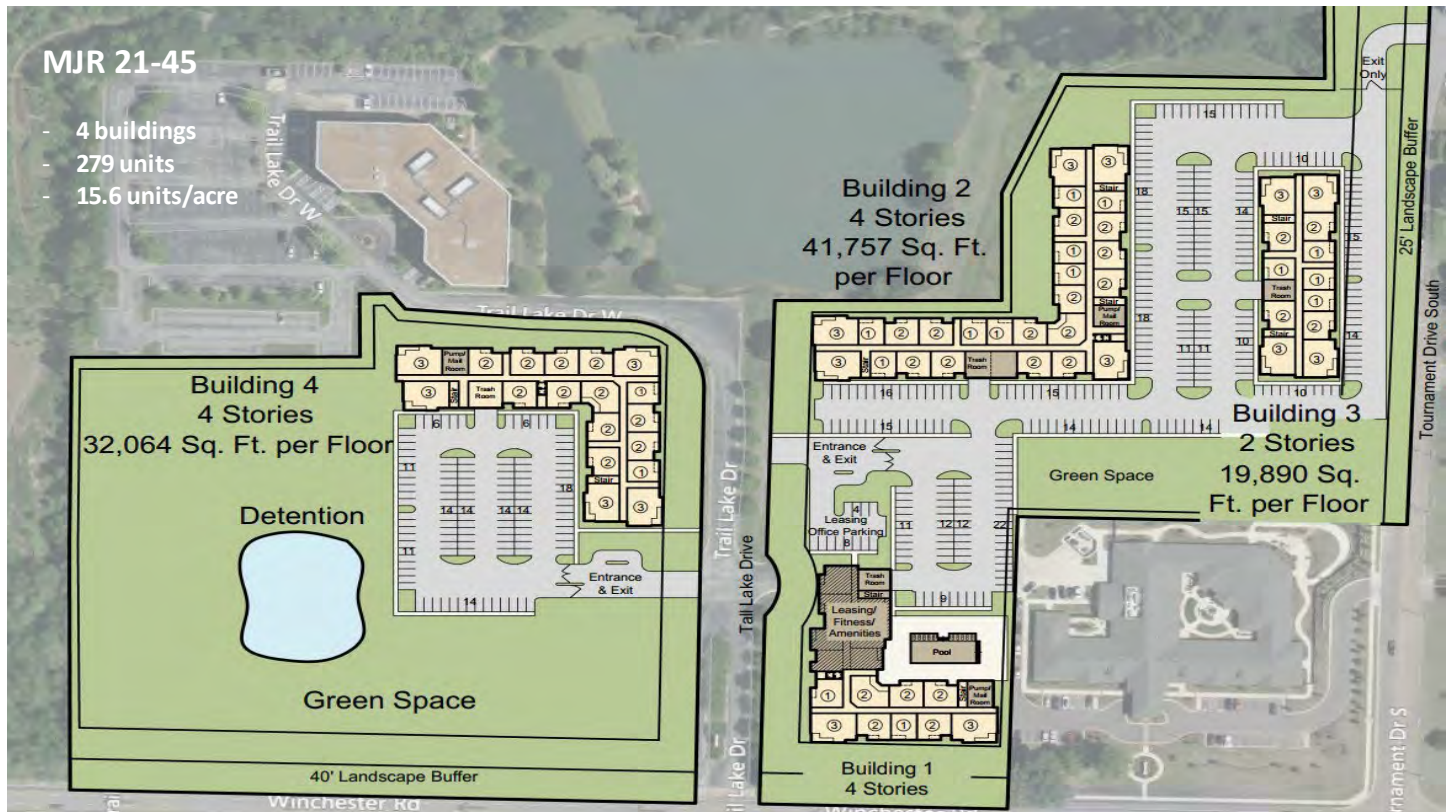
- Over 100% increase in units
- Density increased to 31.4 units/acre versus 15.6 units/acre
- 75% increase in number of buildings
- Almost all 4 story buildings whereas previously plan included 2, 3 and 4 story buildings
- Previous green space was ~40% of property. I estimate current to be about 1 -2%. Almost all along Winchester – not much within complex.
- Almost 1,000 parking spaces to accommodate increase in units

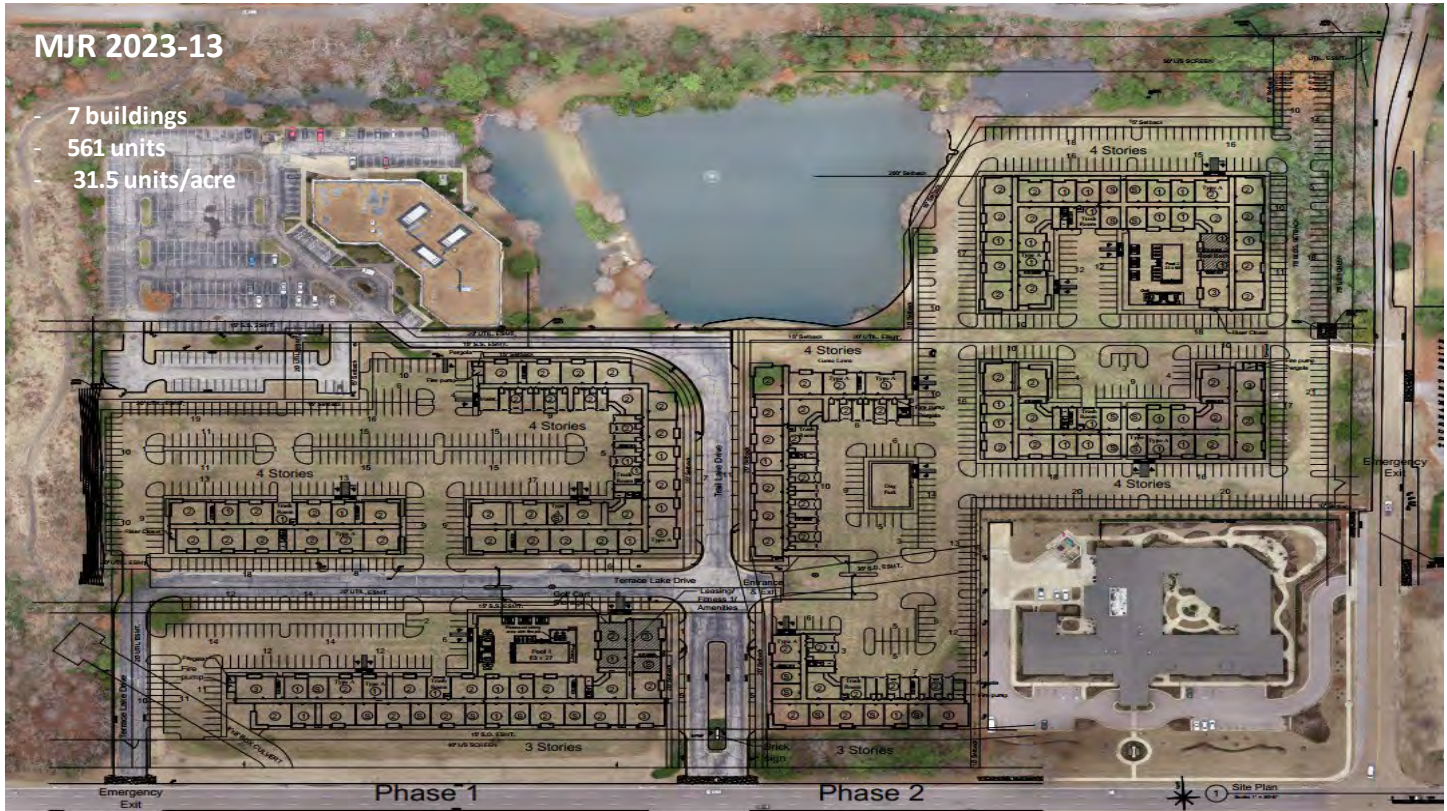


Total Site Data:		
Number of bedrooms per unit	Shown number of units	
1 Bedroom	87	32%
2 Bedrooms	136	51%
3 Bedrooms	56	17%
Total Units	279	100%

Current concerns

- Significantly increased density
 - o No similar density found after extensive review across Shelby County
 - o Greater than downtown high density multi-family maximum cap of 30 units/acre
 - o Property is located less than 2,000 feet from edge of city (per MJR 21-45)
- Misleading information in submission
- Incorrect use of non-owned acreage
- Location of emergency access on Tournament Drive does not meet contractual requirement by developer to use location close to Alzheimer's unit
- Lack of green space within complex
- Poor line of sight to adjacent homes on Southwind Drive and Southlinks Cove
- No clear improvement of Tournament Drive (requirement listed in MJR 21-45)
- Traffic – Request synching of lights now; future study and possible stop light based on actual growth in area
- Request No Parking Signs on Tournament Drive - previous discussion with DPD





Parcel information	Acreage / Units / Density	Comments
TTL owns 3 parcels	4.374	
	3.33	Previous location of concept detention pond
	10.125	
Total	17.829 acres	Number used for density calculations
MJR 21-45 detention pond	Located on 3.33 parcel	Pond no longer needed to achieve drainage objectives thereby increasing available acreage for complex by 18.7%
Architectural plans in MJR 2023 are incorrect	Using 18.59 acres	TTL has improperly increased their total acreage by combining TFL owned land with Tournament Trails Center Commercial Property Owner's Association owned land with different zoning
MJR 21-45 concept plan density	15.6 (279 units / 17.829 acres)	Successfully obtained zoning change with the proposed density which is a typical density for RU-3 complexes across entire county
MJR 2023-13 proposed plan density	31.5 (561 units / 17.829 acres)	<ul style="list-style-type: none"> - More than two times the density of the concept plan - Greater than High Density Residential District for multifamily (30 units/acre max) - Max RU3 density I found is 22.9

Prepared by Ann Burgess
 3496 Windgarden Cove
 901-734-1256

MJR 2023-13 page 30 is misleading.

“Number of units” is irrelevant

- Use of “average” is incorrect due to outlier
- Instead, use of “median” would be correct
 - Misleading average = 501
 - Median = 334

Applicable, meaningful data should be used instead

- Density (units per acre) is relevant
- Density from 10 nearby complexes
 - Average = 15.5*
 - Median = 14.7
 - MJR 21-45 = 15.6
 - MJR 2023-13 = 31.4
 - HDR: Max for Multi-family Downtown = 30**
- My review of RU-3 complexes across Shelby County resulted in densities ranging from 8 to 22.9
- Conclusion: The proposed density of 31.4 units/acre is not appropriate for RU-3

Examples from MJR 2023-13	Density (units/acre)	MJR 2023-13 pg. 30	Comments
Fieldstone	11.5 – 14.8	1500	Density ranges based on different phase. High units but low density
Lincoln on the Green	22.9	619	Highest density found for RU complexes
Champion Hills	14.0	264	
Villas at Germantown	14.4	296	
City Place	20.0	398	City Place acreage is 89% of TTL property. If TTL matches density, it would be 356 units
Centennial Gardens	14.1 - 16.8	720	
Preserve at Southwind	16.0	316	
The Westbury (8883 Grand Slam Dr)	14.7	350	
Miller Creek	16.5	330	

* Used highest number if range within complex based on phases
 ** Page 307 Shelby County Unified Code

Prepared by Ann Burgess
 3496 Windgarden Cove
 901-734-1256

Mr. Davis,
Hello.

I am a resident of Southwind plus a member of the SRPA Board. I have seen first hand what the Board and TTL has discussed. We have made many many concessions and we thought TTL had too. The original concept was to be 279 units. We agreed on height, balconies, use of emergency exits on tournament drive etc. Their new proposal is totally different. The new layout is congested, over done in the land area and has increased to 561 units. As I understand it's density is more than anywhere else in the county.

We believed in this developer with all that was agreed upon. The new proposal is not acceptable and we are hoping you feel the same way. We are asking for this not to be approve.

Thank you,
Natalie Lefkowitz
[3228 S. Silverwind Cove](#)
[Memphis, TN 38125](#)

NATALIE LEFKOWITZ
901.355.4599

Greetings,

My name is Beverly W. McCraw. I am a resident of Southwind at 3178 N. Avenel Cove.

I am writing to let you know that I am not in favor of the proposed design plan for the apartment complex behind Southwind, which is a beautiful residential community.

The original design plan was for an apartment complex with 2-story buildings adjacent to Southwind. However, that plan has been changed to 4-story buildings adjacent to Southwind. The erection of these 4-story buildings with full sides facing Southwind will be in clear view of many Southwind homeowners.

Another discrepancy from the original design plan and the proposed design plan is the number of apartment units, which is more than 2 times in number....561 units vs. 279 units. This high density is very concerning to me.

This will be a massive apartment complex with a shortage of green space. Most importantly it is NOT the design plan that was submitted in order to get the change in zoning. Actually, it is not even close to matching the submitted plan at the time of the zoning change.

I know that growth in a community is very important. However, I am opposed to the submission of one design plan; yet, the proposal of an entirely different design plan. This action seems both deceptive and misleading to me.

Thank you for letting me express my views & opinions on this very important matter that will affect our community.

Sincerely,
Beverly W. McCraw

4/10/2023

Mr. Brett Davis
Staff Planner
Planning & Zoning Committee
125 N Main Street Memphis, TN 38103
Brett.Davis@memphistn.gov

Dear Mr. Davis:

I am a homeowner on Southwind Drive and am writing to oppose the approval of the new site plan, MJR 2023-13. I am opposed to the new plan for the following reasons and would ask the committee not approve the new amended plan.

1. The new plan is significantly different from the approved plan. The major modifications appear to create an entirely new plan that has no resemblance to the original plan: the number of apartments should match the plan that was submitted for the zoning change this proposal are different structures in many respects and creates undue burden on homeowners within the Southwind community and especially for us along Southwind Drive.
2. Line of sight issues for Southwind drive residents. We appreciated the original plan's consideration of the aesthetics and line of sight for our community by limiting the original plan to 2 stories for buildings facing Southwind Drive. The new plan is oriented so it is no longer simply end caps facing Southwind houses rather full sides of buildings with 4 stories and creates structures that tower above existing structures on Southwind drive; our hedges and existing trees along Southwind Drive will not block such tall structures. It is not reasonable to have such large structures facing our homes.
3. The amount of population density created by the additional apartments is out of line with our community, the amount of noise, traffic and congestion will be problematic with the new plan that doubles the number of apartments from the original plan.

Respectfully,



Larry Foster
8668 Southwind Drive
Memphis, TN 38125
ljfoster@outlook.com
901-288-5002

Mr. Davis:

My name is Virginia Costa and I am a resident of Southwind subdivision. I respectfully request that you oppose the site-planned 561 apartments for the project above.

- The proposed plan is significantly different from the design presented to gain a zoning change in MJR 21-45
- The number of units have more than doubled, from 279 to 561
- Density is now two times the original plan in MJR 21-45
- The plan provided at the time of zoning change was 15.5
- A shortage of green space
- The developer has not provided a design that minimizes the line of sight along Tournament Drive overlooking Southlinks Cove and Southwind Dr.
The design is now 4 stories instead of 2 and instead of end caps facing Southwind houses it is full sides of the buildings

The number of apartments should match the plan that was originally submitted for zoning change. If the plans submitted to achieve a zoning change were completely different after the fact than originally submitted, why go through the process?

Thank you in advance for your time and consideration.

Sincerely,

V Costa
3221 Club Breeze
Memphis, TN 38125
901-484-3258

Dear Mr. Davis

As concerned residents of Southwind, we are disheartened that the new proposal is far different from the design presented re: MJR 21-45. It doubles the number of units resulting in a density higher than the city of Memphis. Additionally this design doubles the number of stories relative to the original proposal. All said this would result in an absence of green space, not to mention line of sight issues. We feel the number of apartments should responsibly match the plan used to achieve the zoning change.

Thank you for consideration.

Yours truly,
Charles and Nancy Gordon
[3237 S Silverwind Cove](#)
[Memphis, Tn. 38125](#)

Dear Brett Davis:

I hope this letter finds you well. As a homeowner at 8708 Southwind Drive, this proposed development by TTL directly affects our household's welfare and the safety of our neighborhood. I'm writing to express serious concerns about the significant design changes.

The new plan deviates significantly from the original design presented during the MJR 21-45 zoning change. Notably, the number of units has more than doubled from 279 to 561 and the density likewise doubled. This increase in density—from 15.6 to 31.4—significantly surpasses the typical density of RU-3 apartments, which is 15.5. Such a dramatic increase not only places undue strain on our local infrastructure but could also negatively impact our quality of life. These changes might, in turn, result in lower assessed property taxes and revenues for the County.

The proposed reduction in green space, coupled with the change from 2-story to 4-story buildings overlooking Southlinks Cove and Southwind Drive, disrupts the character and tranquility of our neighborhood. Furthermore, the increased building height raises safety concerns, specifically the potential for stray bullets entering our residential area. Having managed a 200+ unit apartment building for over 13 years, I have personally witnessed the consequences of both accidental and intentional weapon discharges.

In conclusion, I respectfully request the number of apartments to match the original plan used for the zoning change, and I urge TTL to revise their proposal in line with the initial commitments and the above suggestions.

Thank you for your attention to this important matter.

Sardorbek Umarov
8708 Southwind Drive,
Memphis, TN 38125



Date: May 24, 2023

To: Mr. Brett Davis, Principal Planner
Memphis and Shelby County Division of Planning and Development

From: Ann Burgess
3496 Windgarden Cove
Memphis, TN 38125

Topic: MJR 23-13

Dear Brett,

After attending the Shelby County Land Use Control Board (SCLUCB) meeting on May 11 and speaking in opposition to MJR 23-13, I am formally appealing the decision of SCLUCB that was the approval of the final design plan with staff conditions per the staff report presented at the meeting.

Please let me know if you have any questions or need additional information from me.

Sincerely,

Ann Burgess

July 7, 2023

MJR 23-13: Appeal to Memphis City Council

Growth is very exciting for everyone in Memphis and last year, Memphis City Council approved a zoning change switching out restaurant for apartment based on a plan presented by a Virginia developer that included a 279 unit complex on 17.8 acres (MJR 21-45). The developer presented the 279 unit plan to Shelby County Land Use Control Board, to Memphis City Council and to neighbors during an in-person neighborhood meeting to garner support. Memphis City Council liked the plan and approved the change. Neighbors agreed with the plan with conditions outlined and agreed to by the developer as discussed during the Memphis City Council meeting last year.

The developer has now completely changed the plan and has increased the number of apartments significantly. DPD did not approve of the extensive increase of almost two times the units and recommended approval of a plan with conditions including a maximum of 500 units. The 500 unit proposal is still significantly higher than what Memphis City Council approved last year. We respectfully request that the original plan of 279 units be approved again by Memphis City Council. Specifically, we request Memphis City Council's approval with the following additional conditions to those already in the staff report:

- Maximum number of units of 279 (density of 15 units/acre)
- Require the applicant to maintain 2-story buildings on the north and east sides of the property per the current plan submitted
- Require the applicant to move the first responder emergency access closer to Winchester by modifying building locations and orientation
- Place "No Parking" signs on both sides of Tournament Drive

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(APPEAL OF LAND USE CONTROL BOARD ACTION)**

You will take notice that a public hearing will be held by the 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, August 8, 2023, at 3:30 p.m., in the matter of granting an application for an appeal of the decision made by the Memphis and Shelby County Land Use Control Board, as follows:

CASE NUMBER: MJR 23-13 (PD 94-356 CC CORRES.)
LOCATION: 3581 Tournament Dr. S. and two adjacent parcels
COUNCIL DISTRICTS: District 2 and Super District 9
APPELLANT: Ann Burgess
EXISTING ZONING: Conservation Agriculture within PD 94-356 CC
REQUEST: Amend the conditions of approval of the Memphis and Shelby County Land Use Control Board, including the reduction of the maximum number of permitted dwelling units from 500 to 279
AREA: 17.8 acres

The Division of Planning and Development recommended: *Approval with conditions*

The Land Use Control Board: *Approved with conditions*

NOW, THEREFORE, you will take notice that on Tuesday, August 8, 2023, at 3:30 p.m., the 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 remonstrances or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be considered 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 _____, _____

MARTAVIUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:

Vicinity Map



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

Askew Graham W And Candace M Phillips
3595 Southlinks Cove
Memphis, TN 38125-0758

Barksdale Brian K
8724 Southwind Drive
Memphis, TN 38125

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

Bingham Rosie P & John J Davis
8738 Southwind Drive
Memphis, TN 38125-0751

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

Clifton Maida
P O Box 383288
Germantown, TN 38183-3288

Cummings Street Missionary Baptist
8800 Winchester Road
Memphis, TN 38125-8229

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

Duffy Michael B & Carol A
8756 Southwind Drive
Memphis, TN 38125-0751

Buatt Hunter F & Cathy L
8698 Southwind Drive
Memphis, TN 38125-0749

Foster Larry & Sherri
8668 Southwind Drive
Memphis, TN 38125-0749

Frogge Renee & John
8718 Southwind Drive
Memphis, TN 38125-0751

Frontier Exchange Landlord Group LLC
4500 Dorr Street
Toledo, OH 43615-4040

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

Shaffer Properties LLC
5521 Murray Ave
Memphis, TN 38119-3717

Klayman Jeffrey S
8744 Southwind Drive
Memphis, TN 38125-0751

Kwoka Ronald J Living Trust
8688 Southwind Drive
Memphis, TN 38125-0749

McGee Tracy R
3585 Southlinks Cove
Memphis, TN 38125-0758

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

Mims Mario
3726 Classic Drive
Memphis, TN 38125-0755

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

Perisho Bret L & Rebecca B V
8674 Southwind Drive
Memphis, TN 38125

Perrin James R Jr. & Mary S
8638 Southwind Drive
Memphis, TN 38125-0749

Pierami Gertrude A
8712 Southwind Drive
Memphis, TN 38125-0751

Riikola Robert W & Patricia M
8654 Southwind Drive
Memphis, TN 38125-0749

Shaban Nejad Arash
8644 Southwind Drive
Memphis, TN 38125-0749

Smith Matthew C
358 Providence Boulevard
Macon, GA 31210-9706

Southwind Residential Properties
3520 Piedmont Road, Ste. 120
Atlanta, GA 30305-1517

Tomlinson William & Sally
3605 Southlinks Cove
Memphis, TN 38125-0758

Tournament Trails Center Commercial
6363 Poplar Avenue, Ste. 400
Memphis, TN 38119

Tyler Vivian D
8728 Southwind Drive
Memphis, TN 38125-0751

Umarow Indira And Sardor Umarov
8708 Southwind Drive
Memphis, TN 38125

Westbrooks Living Trust
8694 Southwind Drive
Memphis, TN 38125-0749

Williams John M And Shirley H Williams
212 Eagle Drive
Miramar Beach, FL 32550-4854

Woldeslassie Solomon
8750 Southwind Drive
Memphis, TN 38125

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

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

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Memphis TN 38134

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

TTL Development LLC
12406 Hogans Alley
Chester, VA 23836

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Chester, VA 23836

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

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

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: August 8, 2023

DATE

PUBLIC SESSION: August 8, 2023

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development amendment at 299 Germantown Bend Cv., known as case number PD 2023-011

CASE NUMBER: PD 2023-011

DEVELOPMENT: Germantown Parkway Commons Planned Development

LOCATION: 299 Germantown Bend Cv.

COUNCIL DISTRICTS: District 2 and Super District 9

OWNER/APPLICANT: Angela Finerson

REQUEST: Amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2

AREA: 15,385 sf

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – August 8, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>July 13, 2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2023-011

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT 299 GERMANTOWN BEND CV., KNOWN AS CASE NUMBER PD 2023-011

- This item is a resolution to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development.
- This resolution, if approved, would supersede the existing zoning for this property once the requisite plans were re-recorded.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2023-011
DEVELOPMENT: Germantown Parkway Commons Planned Development
LOCATION: 299 Germantown Bend Cv.
COUNCIL DISTRICTS: District 2 and Super District 9
OWNER/APPLICANT: Angela Finerson
REQUEST: Amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development Amended
AREA: 15,385 sf

The following spoke in support of the application: None

The following spoke in opposition to the application: None

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

The motion *passed* by a unanimous vote on the consent agenda.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT 299 GERMANTOWN BEND CV., KNOWN AS CASE NUMBER PD 2023-011

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

WHEREAS, Angela Finerson filed an application with the Memphis and Shelby County Division of Planning and Development requesting an amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development Amended; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 13, 2023, and said Board has submitted its recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development amendment is hereby granted to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development Amended.

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

ATTEST:

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

AGENDA ITEM: 10

CASE NUMBER: PD 2023-011 **L.U.C.B. MEETING:** July 13, 2023

DEVELOPMENT: Germantown Parkway Commons Planned Development

LOCATION: 299 Germantown Bend Cv.

COUNCIL DISTRICT: District 2 and Super District 9

OWNER/APPLICANT: Angela Finerson

REQUEST: Amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2

AREA: 15,385 sf

EXISTING ZONING: PD 96-325

CONCLUSIONS

1. The applicant has requested an amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development Amended.
2. Presently the only permitted uses are office and child care.
3. Staff finds that this request is consistent with the relevant criteria as well as the Memphis 3.0 General Plan, and thus recommends approval.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is *consistent* with the Memphis 3.0 General Plan according to the Office of Comprehensive Planning.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	Germantown Parkway (principal arterial)	100'
	Germantown Bend Cove (local street)	100'

Zoning Atlas Page: 2150

Parcel ID: 091113 00003

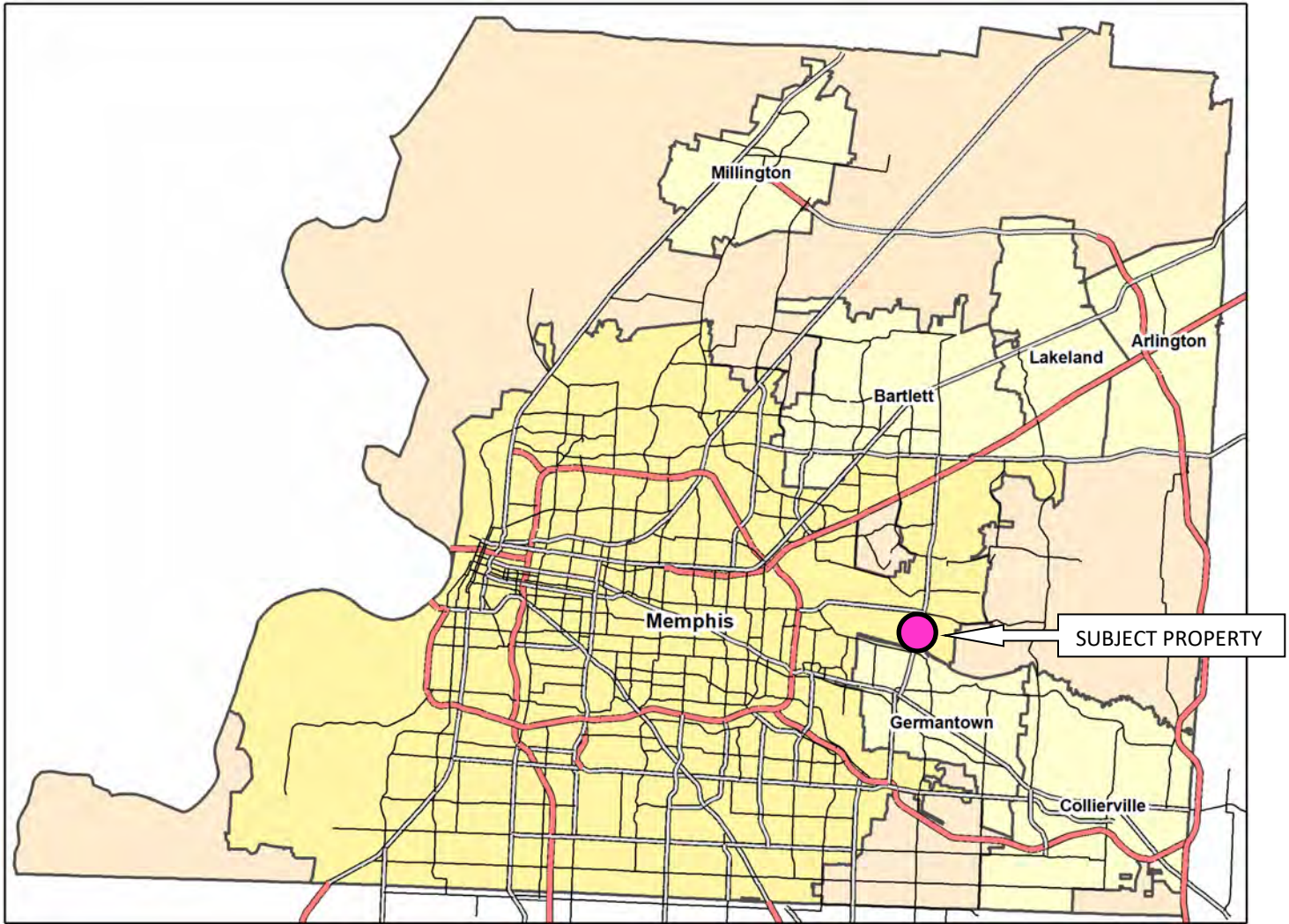
NEIGHBORHOOD MEETING

The required neighborhood meeting was held on site at 4 p.m. on June 17, 2023.

PUBLIC NOTICE

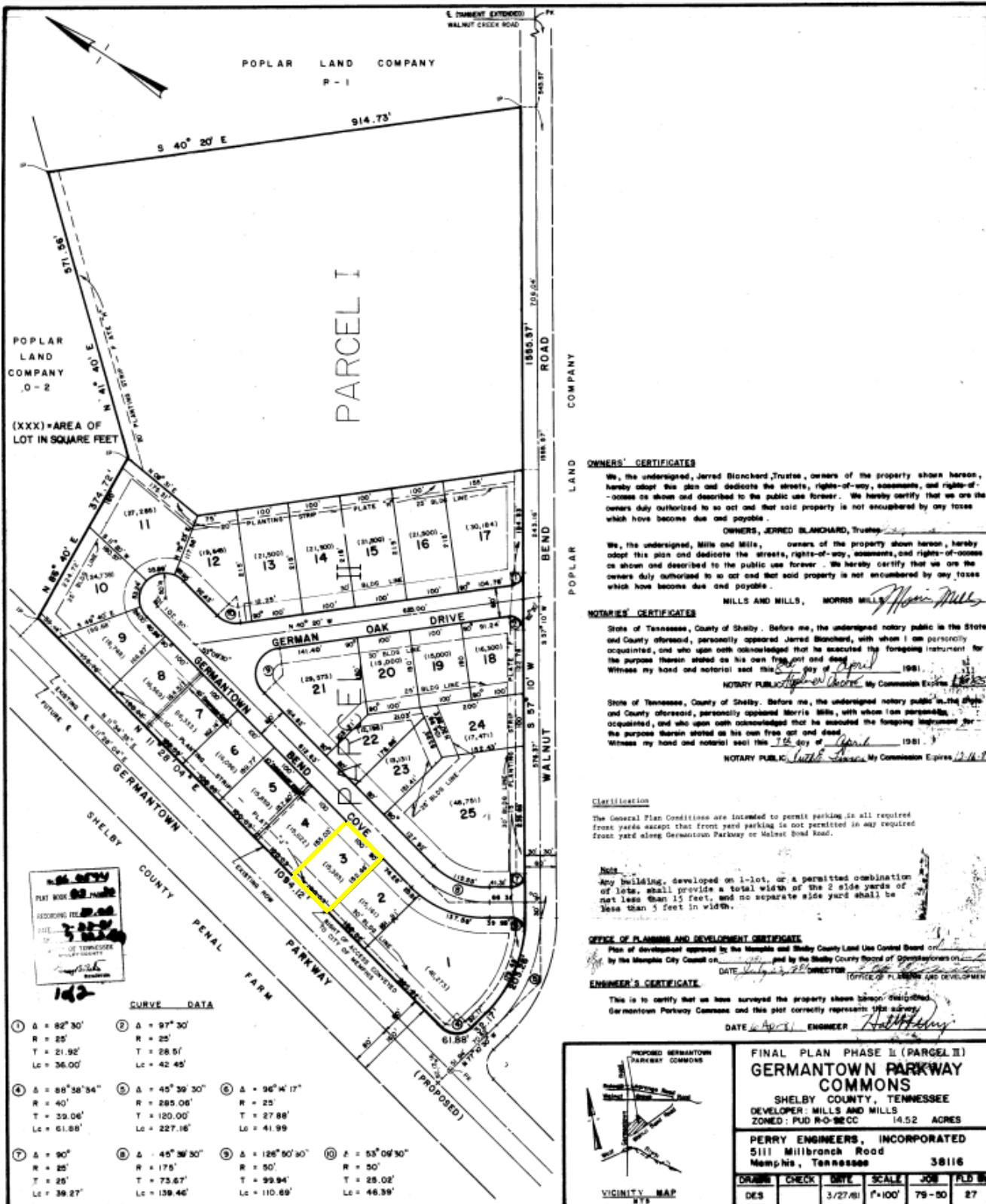
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 29 notices were mailed on June 27, 2023, and two signs posted. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the Cordova neighborhood of Memphis

FINAL PLAN OF PHASE II OF GERMANTOWN PARKWAY COMMONS PD (1981)



Subject lot is Lot 3. This final plan (PUD R-O-92 CC) has not been re-recorded to reflect the most recent amendment (PD 96-325).

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: PD 96-325

Surrounding Zoning

North: PD 96-325

East: PD 96-325

South: PD 96-325

West: Employment

LAND USE MAP



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

SITE PHOTOS



View of structure from Germantown Pkwy.



View of structure from Germantown Bend Cv.



View of parking area

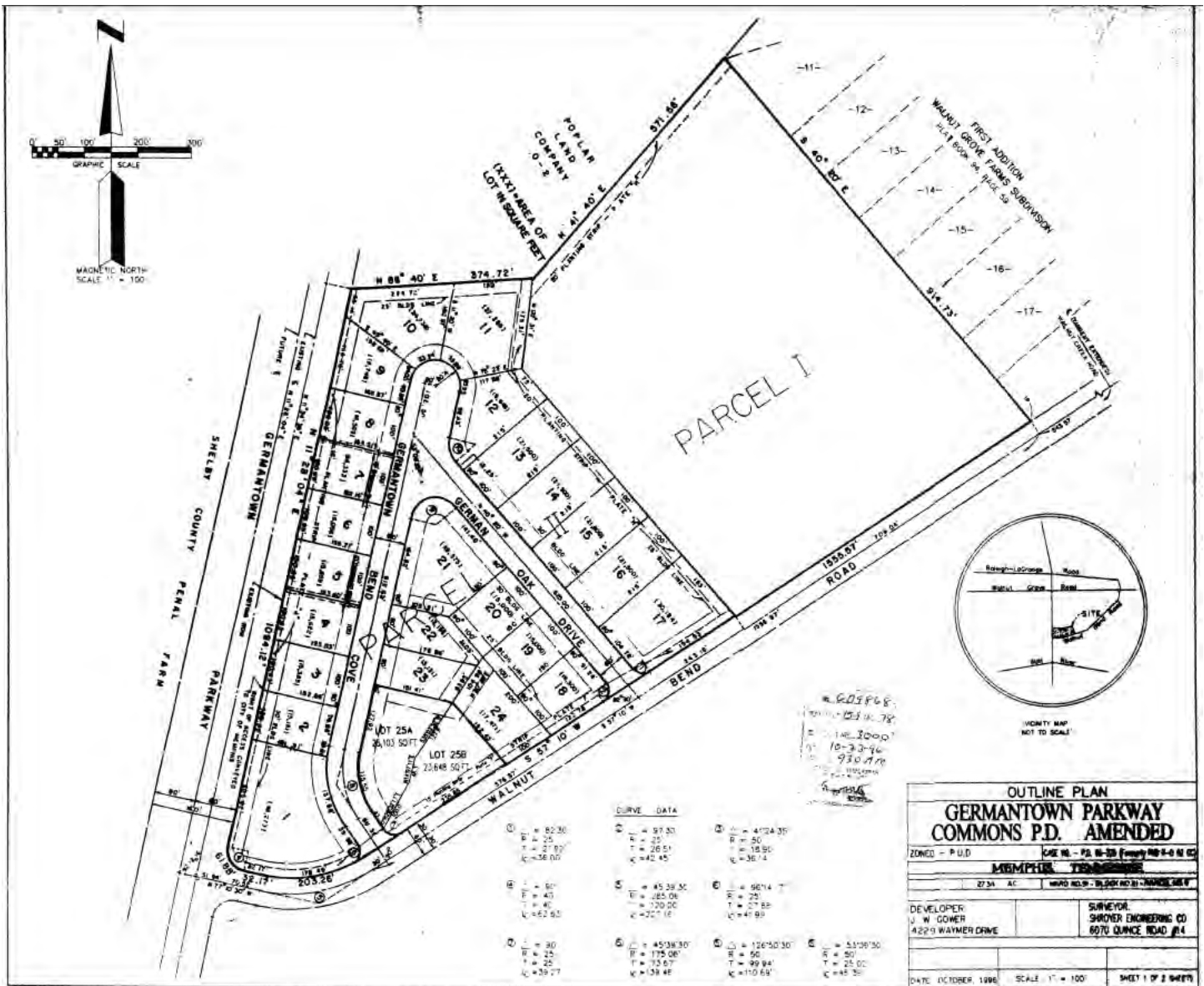


View north down Germantown Pkwy.



View south down Germantown Bend Cv.

OUTLINE PLAN OF GERMANTOWN PARKWAY COMMONS PD AMENDED (1996)



The subject site may be in noncompliance with certain outline plan conditions, such as those related to landscaping along Germantown Pkwy.

STAFF ANALYSIS

Request

The request is for an amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development Amended.

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

Applicability

Staff **agrees** at least one objective as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

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

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design 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.*

Conclusions

The applicant has requested an amendment to allow personal care services, including a medical spa and cosmetic tattooing, on Lot 3 of Phase 2 of the Germantown Parkway Commons Planned Development Amended.

Presently the only permitted uses are office and child care.

Staff finds that this request is consistent with the relevant criteria as well as the Memphis 3.0 General Plan, and thus recommends approval.

RECOMMENDATION

Staff recommends **approval**.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.

Roads:

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

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. 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:

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

Drainage:

10. 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.
11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
13. 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:

14. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
15. An adequate review cannot be made without knowing the maximum number of children at the Daycare Center.
16. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.
17. Locate the pick-up/discharge area as far as possible from the entrance as practical to maximize on-site queue space for vehicles between the right-of-way and the pick-up/discharge point.
18. Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.
19. All parking areas and driving aisles to be paved with asphalt or concrete.

General Notes:

20. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
21. All connections to the sewer shall be at manholes only.
22. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 23-11: East Memphis

Site Address/Location: 299 Germantown Bend Cv

Overlay District/Historic District/Flood Zone: Not in an Overlay or Historic District, located in the 0.2% Annual Chance Flood Hazard Flood Zone

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant is requesting a planned development to allow for 'personal care, and tattooing' on the subject parcel.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Low Intensity Commercial and Service (CSL) areas are typically not associated with anchors. These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, social service institutions, and occasional upper-story residential. Graphic portrayal of CSL is to the right.



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

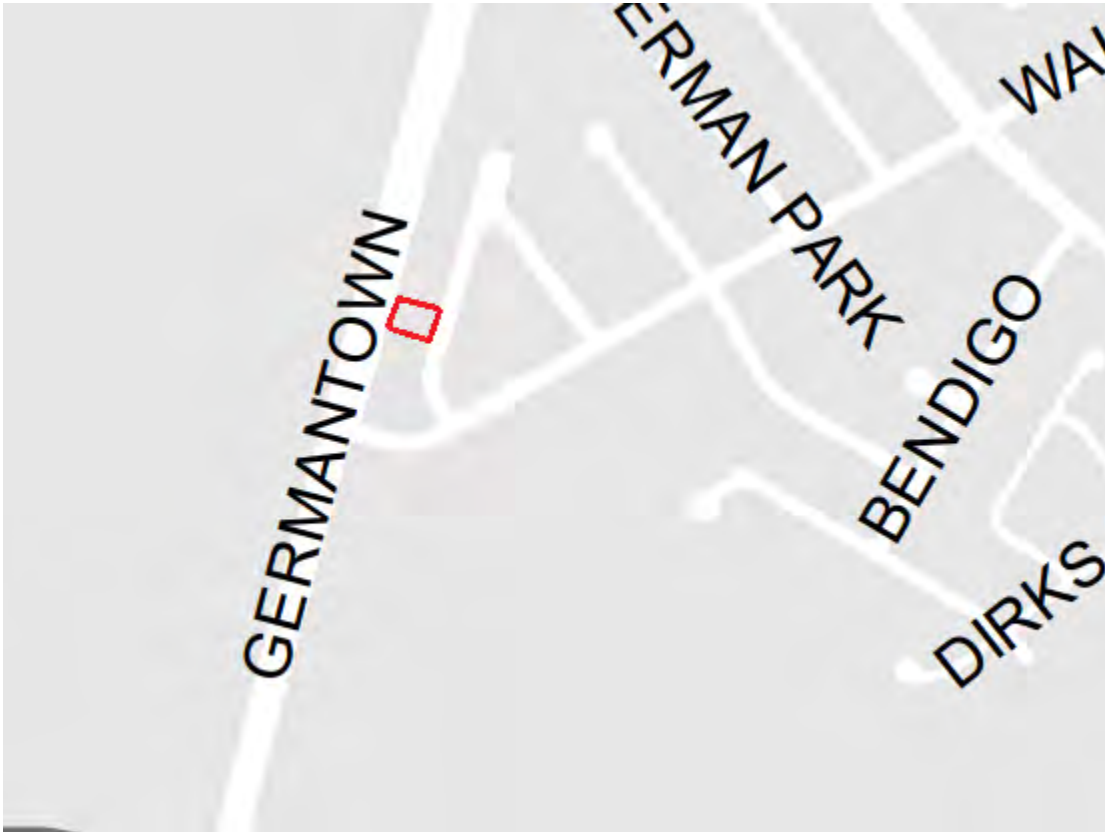
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, RU-1

Adjacent Land Use and Zoning: Office, Recreation/Open Space and Commercial; RU-1, EMP and R-10

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed uses are services and the building footprint will remain unchanged.*

3. Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

4. Degree of Change Description N/A
5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A
6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations N/A

Consistency Analysis Summary

The applicant is requesting a planned development to allow for 'personal care, and tattooing' on the subject parcel.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed uses are services and the building footprint will remain unchanged.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION FORM



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: May 31, 2023

Record Number: PD 2023-011

Expiration Date:

Record Name: 299 Germantown Bend Cove Zoning Amendment

Description of Work: Amend zoning for the address from "offices and childcare" to "offices, childcare, personal care, and tattooing"

Parent Record Number:

Address:

299 GERMANTOWN BEND CV, MEMPHIS 38018

Owner Information

Primary Owner Name

Y FINERSON ANGELA S TRUST

Owner Address

115 HICKORY SPRINGS DR, EADS, TN 38028

Owner Phone

9014869067

Parcel Information

091113 00003

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Brett Davis

Date of Meeting

05/25/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	-
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The project will have NO adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, or general welfare.
UDC Sub-Section 9.6.9B	The project will NOT require construction, thus no change will result to the immediate vicinity nor interfere with the development and use of adjacent property in accordance with the applicable district regulations.
UDC Sub-Section 9.6.9C	The project will be served adequately by existing essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers.
UDC Sub-Section 9.6.9D	The project will NOT result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
UDC Sub-Section 9.6.9E	The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
UDC Sub-Section 9.6.9F	The request will NOT adversely affect any plans to be considered or violate the character of existing standards for development of the adjacent properties.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	The proposed request will NOT 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.
-------------------------	--

GENERAL PROVISIONS

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.

N/A. The existing water supply, community waste water treatment and disposal, and storm water drainage facilities will be unaffected and are adequate for use in this case.

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

N/A. The location and arrangement of the existing structures, parking and loading areas, walks, landscaping, lighting and other service facilities shall be unaffected and remain compatible with the surrounding land uses.

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.

N/A. District standards and amenities will be unaffected and remain intact, thus consistent 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.

N/A. The responsible party for maintaining any and all common open space and/or common elements will NOT change.

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

N/A. No construction is involved in this proposal.

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	-

Data Tables

AREA INFORMATION

Name:	299 Germantown Bend Cove
Size (Acres):	0.353
Existing Use of Property:	offices, childcare
Requested Use of Property:	offices, childcare, personal care, tattooing

Contact Information

Name

FINERSON ANGELA S TRUST

Contact Type

APPLICANT

Address

115 HICKORY SPRINGS COVE, EADS, TN, 38028

Phone

(901)486-9067

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1473616	Planned Development - 5 acres or less	1	1,500.00	INVOICED	3,000.00	05/31/2023
1473616	Planned Development - 5 acres or less	1	1,500.00	INVOICED	3,000.00	05/31/2023
1473616	Planned Development - 5 acres or less	1	1,500.00	INVOICED	3,000.00	05/31/2023

Total Fee Invoiced: \$4,500.00

Total Balance: \$9,000.00

Payment Information

Payment Amount

\$300.00

\$1,000.00

\$200.00

Method of Payment

Fund Transfer

Fund Transfer

Check

LETTER OF INTENT

Letter of Intent

I am asking the Planning and Zoning Board to add “personal care and tattooing” to the allowed zoning classification for the address of 299 Germantown Bend Cove in Cordova. At present the zoning reads as only approved for offices and childcare. As a property owner and landlord I want to clarify to the Board that the tattooing referred to in this case is **cosmetic and medical tattooing**, which encompasses adding pigment to areas of **hair/pigment loss or post-surgical disfigurement**.

Although this area of practice may not be well known, there is a need for patients seeking such corrective procedures for improving their physical appearance and self-esteem. I hope the Board takes this expanded view into consideration when evaluating this request.

Thank you,

Angela Finerson, PharmD, MBA, LE

OWNER'S AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Angela Swain Emerson (Print Name) Angela Swain Emerson (Sign Name), state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

of the property located at 295, 297, 299, 301, 303 Germantown Blvd Core Cordova
and further identified by Assessor's Parcel Number 09111300003 TN 38018
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 13 day of May in the year of 2023

Jayne Fouché
Signature of Notary Public



Commission expires: August 5, 2024

My Commission Expires _____

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Angela Finerson, being duly sworn, depose and say that at 4:30 am/pm on the 17th day of June, 2023, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 2023-011 at 299 Germantown Bend Cove, Cordova, TN 38018 providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Angela Finerson
Owner, Applicant or Representative

6/23/23
Date

Subscribed and sworn to before me this 23 day of June, 2023.

Jayne Fouché
Notary Public

Commission expires: August 5, 2024

My commission expires: _____



LETTERS RECEIVED

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

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: August 8, 2023
DATE

PUBLIC SESSION: August 8, 2023
DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a planned residential development at 2882 Southern Ave. and the parcel to its west, known as case number PD 2023-012

CASE NUMBER: PD 2023-012

DEVELOPMENT: Somar O’Neil Planned Development

LOCATION: 2882 Southern Ave. and the parcel to its west

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER/APPLICANT: Providence Enterprise, LLC

REPRESENTATIVE: Doug Baker of ETI Corporation

REQUEST: Special use permit for a planned residential development

AREA: 0.345 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – August 8, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>July 13, 2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

PD 2023-012

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT AT 2882 SOUTHERN AVE. AND THE PARCEL TO ITS WEST, KNOWN AS CASE NUMBER PD 2023-012

- This item is a resolution with conditions to allow a 5-lot single-family detached planned residential development; and
- This resolution, if approved with conditions, would supersede the existing zoning for this property once the requisite plans were recorded.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2023-012
DEVELOPMENT: Somar O’Neil Planned Development
LOCATION: 2882 Southern Ave. and the parcel to its west
COUNCIL DISTRICTS: District 5 and Super District 9
OWNER/APPLICANT: Providence Enterprise, LLC
REPRESENTATIVE: Doug Baker of ETI Corporation
REQUEST: Special use permit for a planned residential development
AREA: 0.345 acres

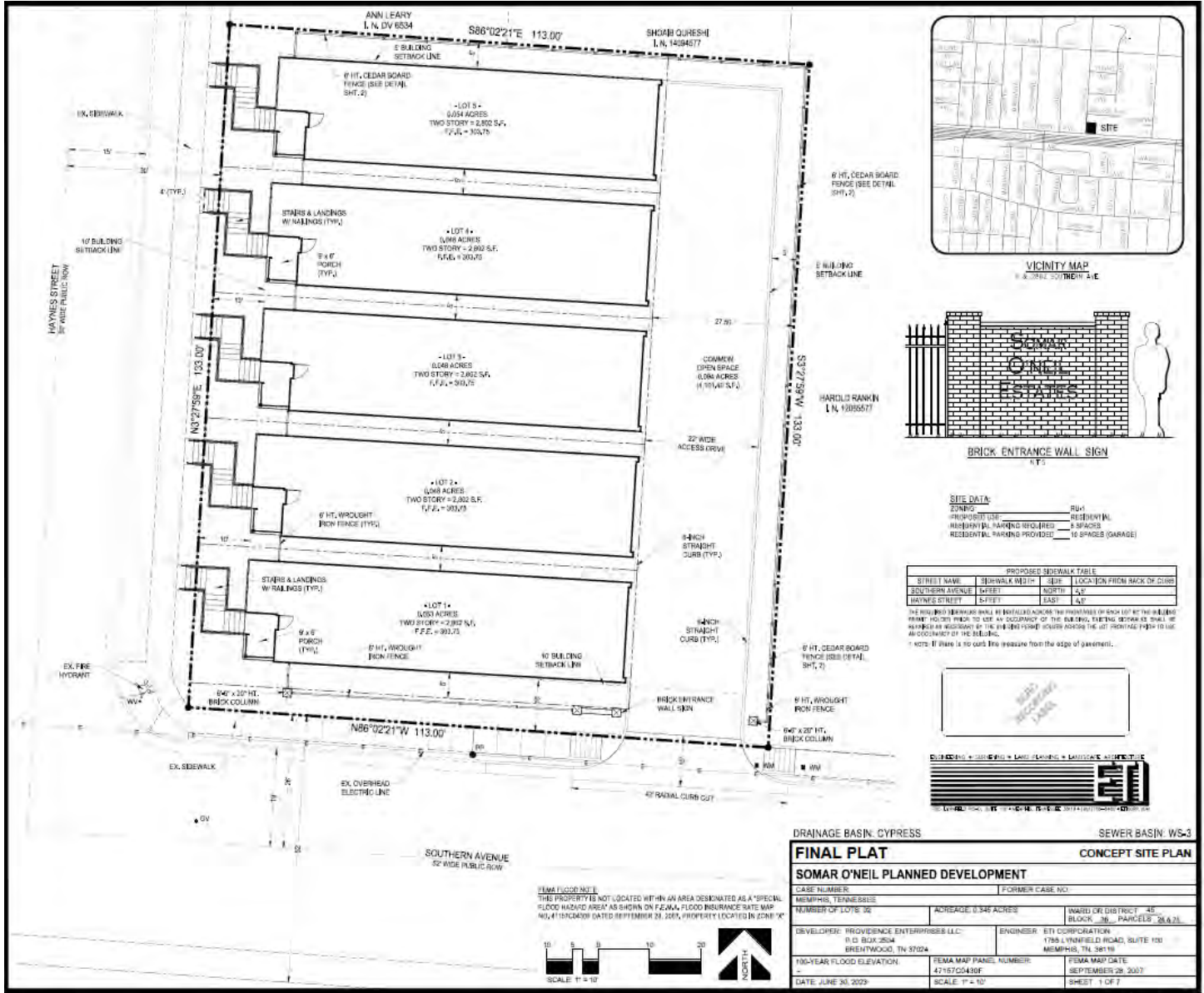
The following spoke in support of the application: None

The following spoke in opposition to the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the outline plan constituents as included on the following pages.

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

CONCEPTUAL SITE PLAN



SITE DATA:

ZONING:	R-4
PROPOSED USE:	RESIDENTIAL
MINIMUM PAVING REQUIRED:	3 SPACES
RECREATIONAL PAVING PROVIDED:	16 SPACES (GARAGE)

PROPOSED SIDEWALK TABLE

STREET NAME	SIDEWALK WIDTH	SIZE	LOCATION FROM BACK OF CURB
SOUTHERN AVENUE	5 FEET	NORTH	4'-0"
HAYNES STREET	5 FEET	EAST	4'-0"

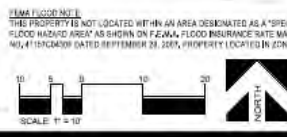
THE BUILDING SETBACKS SHOWN AT THE CORNERS OF THE LOTS ARE TO BE MAINTAINED OR EXCEEDED BY THE BUILDING FRONT PORCHES FROM THE OCCURRENCE OF THE BUILDING SETBACKS SHOWN. IF APPROVED AS NECESSARY BY THE CITY ENGINEER, SETBACKS MAY BE ADJUSTED AT THE DISCRETION OF THE ENGINEER.

NOTE: If there is no curb line measure from the edge of pavement.

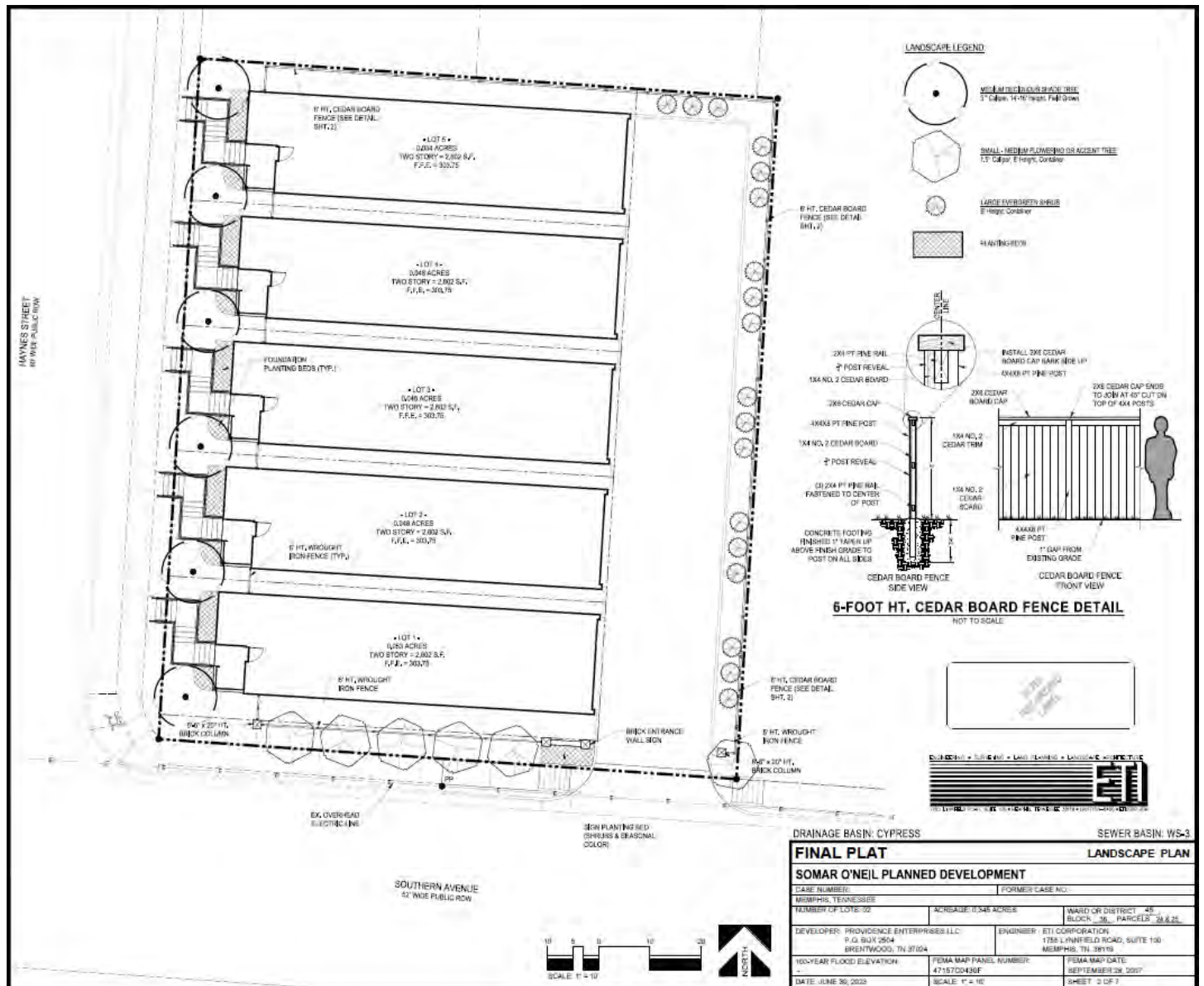


DRAINAGE BASIN: CYPRESS SEWER BASIN: W-3

FINAL PLAN		CONCEPT SITE PLAN	
SOMAR O'NEIL PLANNED DEVELOPMENT			
CASE NUMBER:	MEMPHIS, TENNESSEE	FORMER CASE NO.:	
NUMBER OF LOTS: 36	ACREAGE: 0.346 ACRES	WARD OR DISTRICT: 45	BLOCK: 36
DEVELOPER: PROVIDENCE ENTERPRISES LLC 1100 BUX BEND BRENTWOOD, TN 37024		ENGINEER: ETT CORPORATION 1785 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN 38119	
100-YEAR FLOOD ELEVATION: DATE: JUNE 30, 2025	FEMA MAP PANEL NUMBER: 47157C0480F SCALE: 1" = 10'	FEMA MAP DATE: SEPTEMBER 28, 2023 SHEET: 1 OF 7	



LANDSCAPE PLAN



DRAINAGE BASIN: CYPRESS		SEWER BASIN: WS-3	
FINAL PLAT			
SOMAR O'NEIL PLANNED DEVELOPMENT			
CASE NUMBER: MEMPHIS, TENNESSEE		FORMER CASE NO.:	
NUMBER OF LOTS: 02	ACRESAGE: 0.248 ACRES	WARD OR DISTRICT: 45	BLOCK: 38, PARCELS: 28 & 29
DEVELOPER: PROVIDENCE ENTERPRISES LLC P.O. BOX 2664 BRENTWOOD, TN 37024	ENGINEER: ETI CORPORATION 1738 L. PARKFIELD ROAD, SUITE 110 MEMPHIS, TN 38110		
100-YEAR FLOOD ELEVATION: -	FEMA MAP PANEL NUMBER: 4715704430F	FEMA MAP DATE: SEPTEMBER 28, 2007	
DATE: JUNE 30, 2023	SCALE: 1" = 10'	SHEET: 2 OF 7	

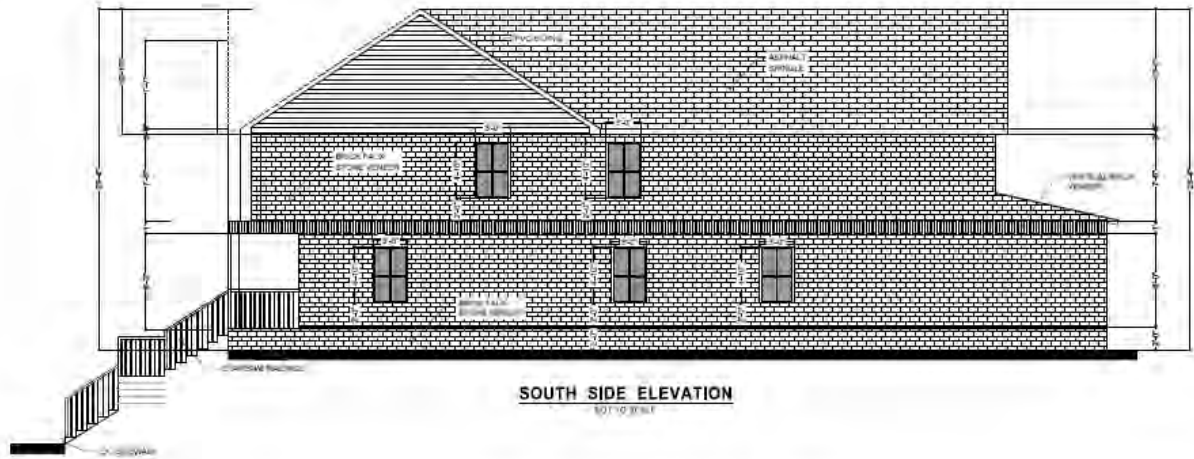
ELEVATIONS



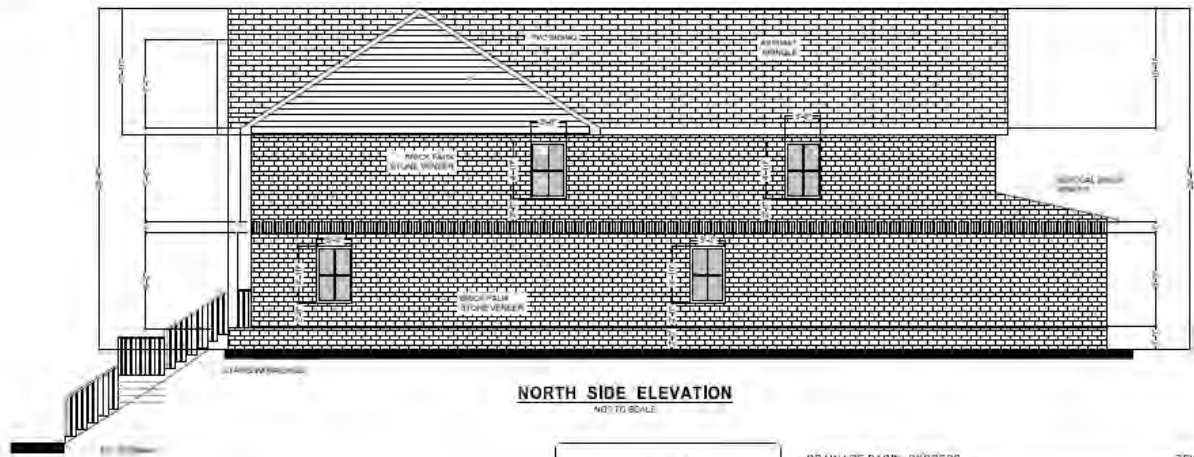
EXTERIOR BUILDING MATERIALS
 SIDING - PVC
 ROOF - ASPHALT SHINGLES
 TRIM - HARDITRIM
 FACADE - BRICK AND/OR STONE VENEER
 WINDOWS - ALUMINUM



DRAINAGE BASIN: CYPRESS		SEWER BASIN: WS-3
FINAL PLAT		BUILDING ELEVATIONS
SOMAR O'NEIL PLANNED DEVELOPMENT		
CASE NUMBER		FORMER CASE NO.
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 33	ACRES: 0.345 ACRES	WARD/DISTRICT: 45 BLOCK: 30, PARCELS: 38 & 39
DEVELOPER: PROVIDENCE ENTERPRISES LLC P.O. BOX 2604 BREWWOOD, TN 37024	ENGINEER: JETI CORPORATION 139 S WYNNFIELD ROAD, SUITE 100 MEMPHIS, TN 38116	
100-YEAR FLOOD ELEVATION: -	FEMA MAP PANEL NUMBER: 4710704NAP	FEMA MAP DATE: SEPTEMBER 26, 2017
DATE: JUNE 16, 2023	SCALE: 1" = 10'	SHEET: 4 OF 7



SOUTH SIDE ELEVATION
NOT TO SCALE



NORTH SIDE ELEVATION
NOT TO SCALE

EXTERIOR BUILDING MATERIALS
 SIDING - PVC
 ROOF - ASPHALT SHINGLES
 TRIM - HARDITRIM
 FAÇADE - BRICK AND/OR STONE VENEER
 WINDOWS - ALUMINUM



SUMAR ARCHITECTS



DRAINAGE BASIN - CYPRESS		SEWER BASIN - WS-3
FINAL PLAT		
SOMAR O'NEIL PLANNED DEVELOPMENT		BUILDING ELEVATIONS
CASE NUMBER: 1308000000		
EXEMPT CATEGORY: 1		
PROPERTY LOT(S):	ADDRESS: 6342 ADAMS	MAP SHEET: 46
DEVELOPER: PRIMEGENS ENTERPRISES LLC 410 S. BAYVIEW BIRMINGHAM, TN 37604	ENGINEER: ETI CORPORATION 1105 LINDBERGH ROAD, SUITE 100 MEMPHIS, TN 38119	PLAT NUMBER: 1308000000
LOCAL ORDER NUMBER: 4710700480P	PLAT MAP NUMBER: 4710700480P	PLAT MAP DATE: SEPTEMBER 26, 2017
DRAWING BY: JDB	SCALE: 1" = 4'-0"	SHEET: 4 OF 7

PROPOSED OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. All uses as permitted in the RU-1 Zoning District
- II. Bulk Regulations
 - A. Building height shall not exceed two stories or 35 feet.
 - B. Minimum Building Setback
 - a. Southern Street – 10 feet
 - b. Haynes Avenue – 10 Feet
 - c. Side Interior Setback – 2.5 feet (minimum 5 feet between homes)
 - d. Side yard Exterior (North Property Line) Setback – 5 feet
 - C. Minimum Lot Size – 1,089 Square feet.
 - D. Minimum House Size – 2,420 Square feet
- III. Parking, Access, and Circulation
 - A. One curb cut permitted Southern Avenue.
 - B. Each home shall have two dedicated parking stalls.
 - C. The City Engineer shall approve the design and location of the curb cut.
 - D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
 - E. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- IV. Landscaping
 - A. Landscaping shall be provided as illustrated in the Site Plan and Landscape Plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.
- V. Lighting Requirements
 - A. Lighting shall be directed to not glare onto adjacent property or traffic on Southern Avenue, Haynes Drive or adjacent properties.
- VI. Signs
 - A. Signs shall comply with the RU-1 District regulations.
- VII. Drainage and Property Owners Association
 - A. The project's stormwater conveyance and management facility design shall follow the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.
 - B. All drainage emanating on-site shall be private and no easements will be accepted.
 - C. All commons, open areas, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.
- IX. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the applicant's request.

- X. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- XI. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, elevations, required landscaping, trash receptacles and signs, etc.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT AT 2882 SOUTHERN AVE. AND THE PARCEL TO ITS WEST, KNOWN AS CASE NUMBER PD 2023-012

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

WHEREAS, Providence Enterprise, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned residential development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and consistency of the design and amenities 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 July 13, 2023, and said Board has submitted its recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

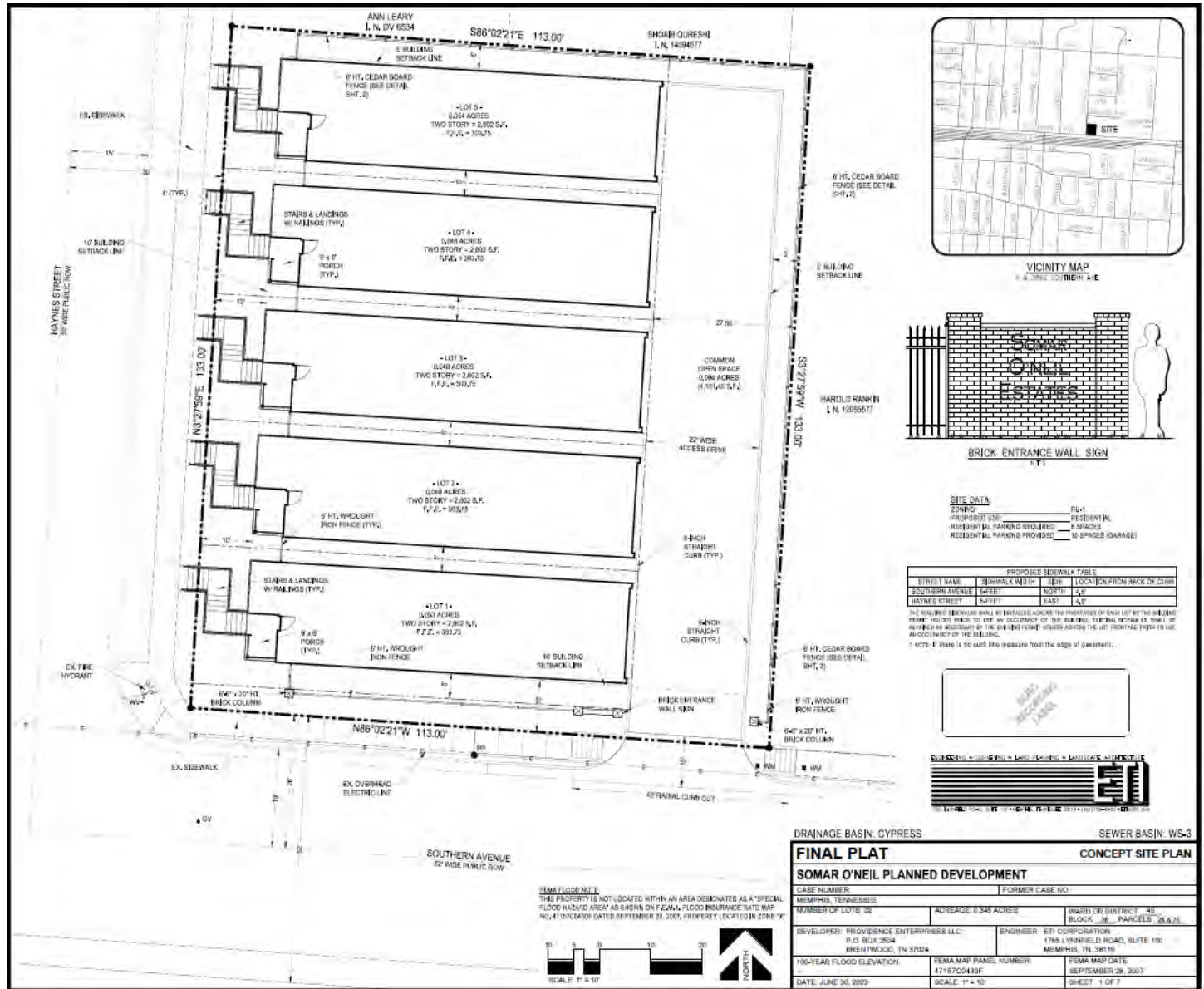
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

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

ATTEST:

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

CONCEPTUAL SITE PLAN



SITE DATA
 ZONING: R1H
 PROPOSED USE: RESIDENTIAL
 RESIDENTIAL PARKING REQUIRED: 8 SPACES
 RESIDENTIAL PARKING PROVIDED: 16 SPACES (GARAGE)

PROPOSED SIDEWALK TABLE			
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION FROM BACK OF CURB
SOUTHERN AVENUE	4 FEET	NORTH	4 FT
HAYNES STREET	5 FEET	EAST	4 FT

THE REQUIRED BRICK WALL IS DETAILED AS THE PROPOSED WALL OF EACH LOT AT THE BUILDING FRONT. YOU MAY CHOOSE TO USE AN OCCUPANCY OF THIS BUILDING, DURING DESIGN OF WALL, AT THE DISCRETION OF THE ARCHITECT. YOU MAY CHOOSE TO USE AN OCCUPANCY OF THE BUILDING.

* NOTE: If there is no curb line measure from the edge of pavement.



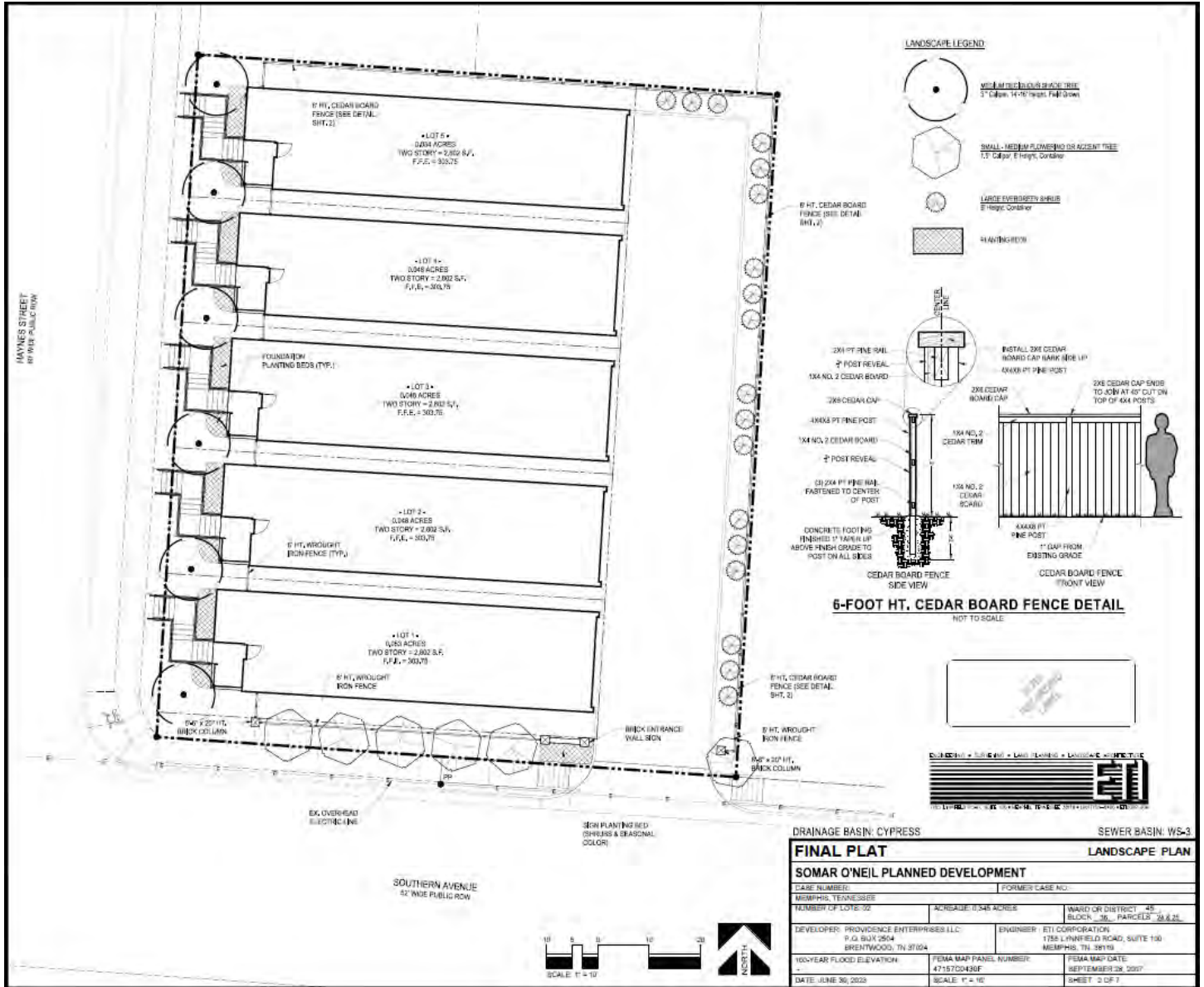
DRAINAGE BASIN: CYPRESS SEWER BASIN: WS-3

FINAL PLAT **CONCEPT SITE PLAN**

SOMAR O'NEIL PLANNED DEVELOPMENT

CASE NUMBER	FORMER CASE NO.	
MEMPHIS, TENNESSEE	NUMBER OF LOTS: 32	ACREAGE: 0.345 ACRES
		WARD OR DISTRICT: 45
		BLOCK: 38, PARCELS: 26, 28
DEVELOPER: PROVIDENCE ENTERPRISES LLC P.O. BOX 2804 BRENTWOOD, TN 37024	ENGINEER: ETI CORPORATION 1785 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN 38119	
100-YEAR FLOOD ELEVATION: DATE: JUNE 30, 2009	FEMA MAP PANEL NUMBER: 4715700430F	FEMA MAP DATE: SEPTEMBER 28, 2007
	SCALE: 1" = 10'	SHEET: 1 OF 7

LANDSCAPE PLAN



ELEVATIONS



WEST FRONT ELEVATION
NOT TO SCALE



EAST REAR ELEVATION
NOT TO SCALE

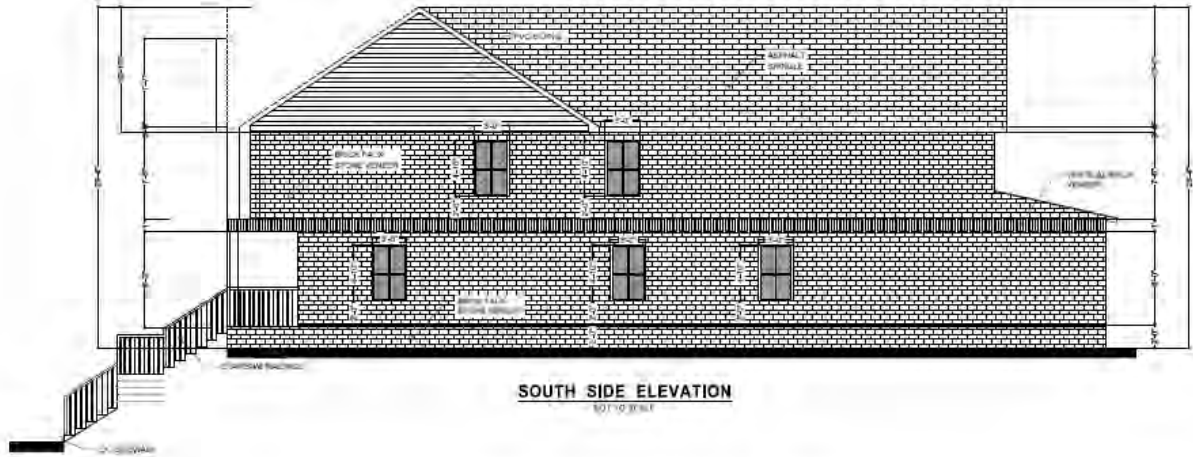
EXTERIOR BUILDING MATERIALS
 SIDING - PVC
 ROOF - ASPHALT SHINGLES
 TRIM - HARDITRIM
 FACADE - BRICK AND/OR STONE VENEER
 WINDOWS - ALUMINUM



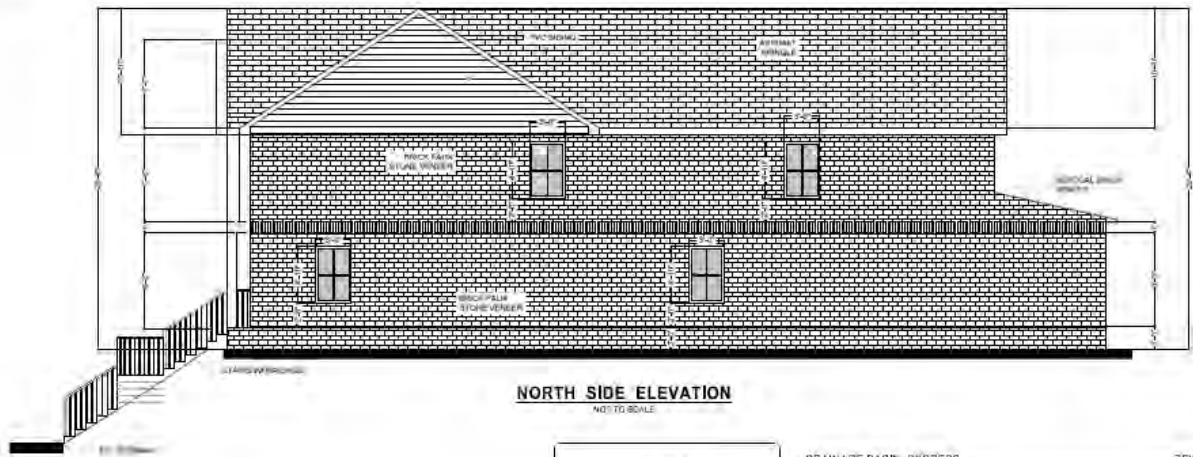
BUMA ARCHITECTS
 6600 WINDY HILL
 MEMPHIS, TN 38119



DRAINAGE BASIN: CYPRESS		SEWER BASIN: WS-3
FINAL PLAT		BUILDING ELEVATIONS
SOMAR O'NEIL PLANNED DEVELOPMENT		
CLASS NUMBER	FORMER CASE NO.	
MEMPHIS, TENNESSEE		
NUMBER OF ACRES: 22	ADDRESS: 245 ACRES	WARD OR DISTRICT: 45
		TRUCK: 30, PARCELS: 30, 31, 32
DEVELOPER: PROVIDENCE ENTERPRISES, LLC	ENGINEER: JETI CORPORATION	
P.O. BOX 2504	139 LYNNFIELD ROAD, SUITE 100	
BRENTWOOD, TN 37024	MEMPHIS, TN 38116	
100-YEAR FLOOD ELEVATION:	FEPA MAP PANEL NUMBER:	FEPA MAP DATE:
	4747024NIF	SEPTEMBER 28, 2007
DATE: JUNE 26, 2008	SCALE: 1" = 10'	SHEET: 4 OF 7



SOUTH SIDE ELEVATION
NOT TO SCALE



NORTH SIDE ELEVATION
NOT TO SCALE

EXTERIOR BUILDING MATERIALS
 SIDING - PVC
 ROOF - ASPHALT SHINGLES
 TRIM - HARDITRIM
 FAÇADE - BRICK AND/OR STONE VENEER
 WINDOWS - ALUMINUM



SUMAR ARCHITECTS



DRAINAGE BASIN - CYPRESS		SEWER BASIN - WS-3
FINAL PLAT		
SOMAR O'NEIL PLANNED DEVELOPMENT		BUILDING ELEVATIONS
CASE NUMBER: 1308000000		
EXEMPT CATEGORY: 1308000000		
PROPERTY LOT: 1308000000	ADDRESS: 1308000000	MAP SHEET: 1308000000
DEVELOPER: PROGRESS ENTERPRISES LLC 410 S. BAYVIEW SHELBYVILLE, TN 37084	ENGINEER: ETI CORPORATION 1105 E. HERRING ROAD, SUITE 100 MEMPHIS, TN 38118	PLANNING DATE: SEPTEMBER 26, 2011
PROJECT/PLANNING NUMBER: 47107004.BP	PLANNING NUMBER: 47107004.BP	PLANNING DATE: SEPTEMBER 26, 2011
DATE: 09/26/11	SCALE: 1" = 4' 0"	SHEET: 4 OF 7

PROPOSED OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. All uses as permitted in the RU-1 Zoning District
- II. Bulk Regulations
 - A. Building height shall not exceed two stories or 35 feet.
 - B. Minimum Building Setback
 - a. Southern Street – 10 feet
 - b. Haynes Avenue – 10 Feet
 - c. Side Interior Setback – 2.5 feet (minimum 5 feet between homes)
 - d. Side yard Exterior (North Property Line) Setback – 5 feet
 - C. Minimum Lot Size – 1,089 Square feet.
 - D. Minimum House Size – 2,420 Square feet
- III. Parking, Access, and Circulation
 - A. One curb cut permitted Southern Avenue.
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 - C. The City Engineer shall approve the design and location of the curb cut.
 - D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
 - E. All required parking shall be as Illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- IV. Landscaping
 - A. Landscaping shall be provided as illustrated in the Site Plan and Landscape Plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.
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 - A. Lighting shall be directed to not glare onto adjacent property or traffic on Southern Avenue, Haynes Drive or adjacent properties.
- VI. Signs
 - A. Signs shall comply with the RU-1 District regulations.
- VII. Drainage and Property Owners Association
 - A. The project's stormwater conveyance and management facility design shall follow the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.
 - B. All drainage emanating on-site shall be private and no easements will be accepted.
 - C. All commons, open areas, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Boar hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.
- IX. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the applicant's request.
- X. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- XI. Any final plan shall include the following:
 - A. The outline plan conditions.

- B. A standard subdivision contract defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, elevations, required landscaping, trash receptacles and signs, etc.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

AGENDA ITEM: 11

CASE NUMBER: PD 2023-012 **L.U.C.B. MEETING:** July 13, 2023

DEVELOPMENT: Somar O’Neil Planned Development

LOCATION: 2882 Southern Ave. and the parcel to its west

COUNCIL DISTRICT: District 5 and Super District 9

OWNER: Investment Expert, LLC

APPLICANT: Providence Enterprise, LLC

REPRESENTATIVE: Doug Baker of ETI Corporation

REQUEST: Special use permit for a planned residential development

AREA: 0.345 acres

EXISTING ZONING: Residential Urban – 1

CONCLUSIONS

1. The applicant has requested a special use permit for a planned residential development of 5 single-family detached houses.
2. This application was unable to be filed as a subdivision request because the proposed side yard setbacks are generally 2.5’, which is below the UDC minimum of 5’.
3. Staff finds the request meets the relevant criteria and recommends approval of the proposed outline plan.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with Memphis 3.0 according to the Office of Comprehensive Planning.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	Southern Ave.	(Minor Arterial)	113'
	Haynes St.	(Major Collector)	133'

Zoning Atlas Page: 2135

Parcel ID: 045036 00024 and 045036 00025

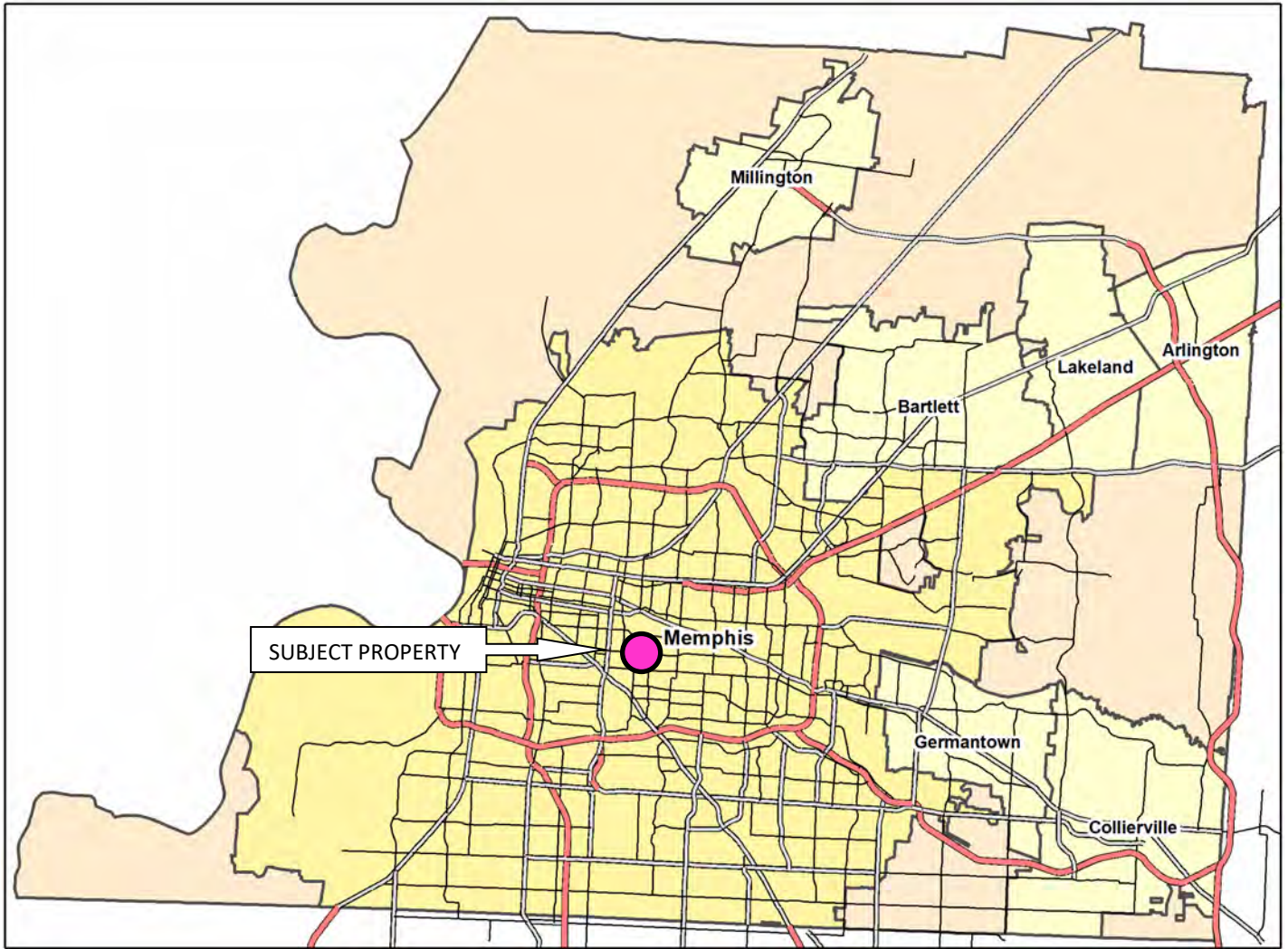
NEIGHBORHOOD MEETING

The required neighborhood meeting was held on site at 6 p.m. on July 3, 2023.

PUBLIC NOTICE

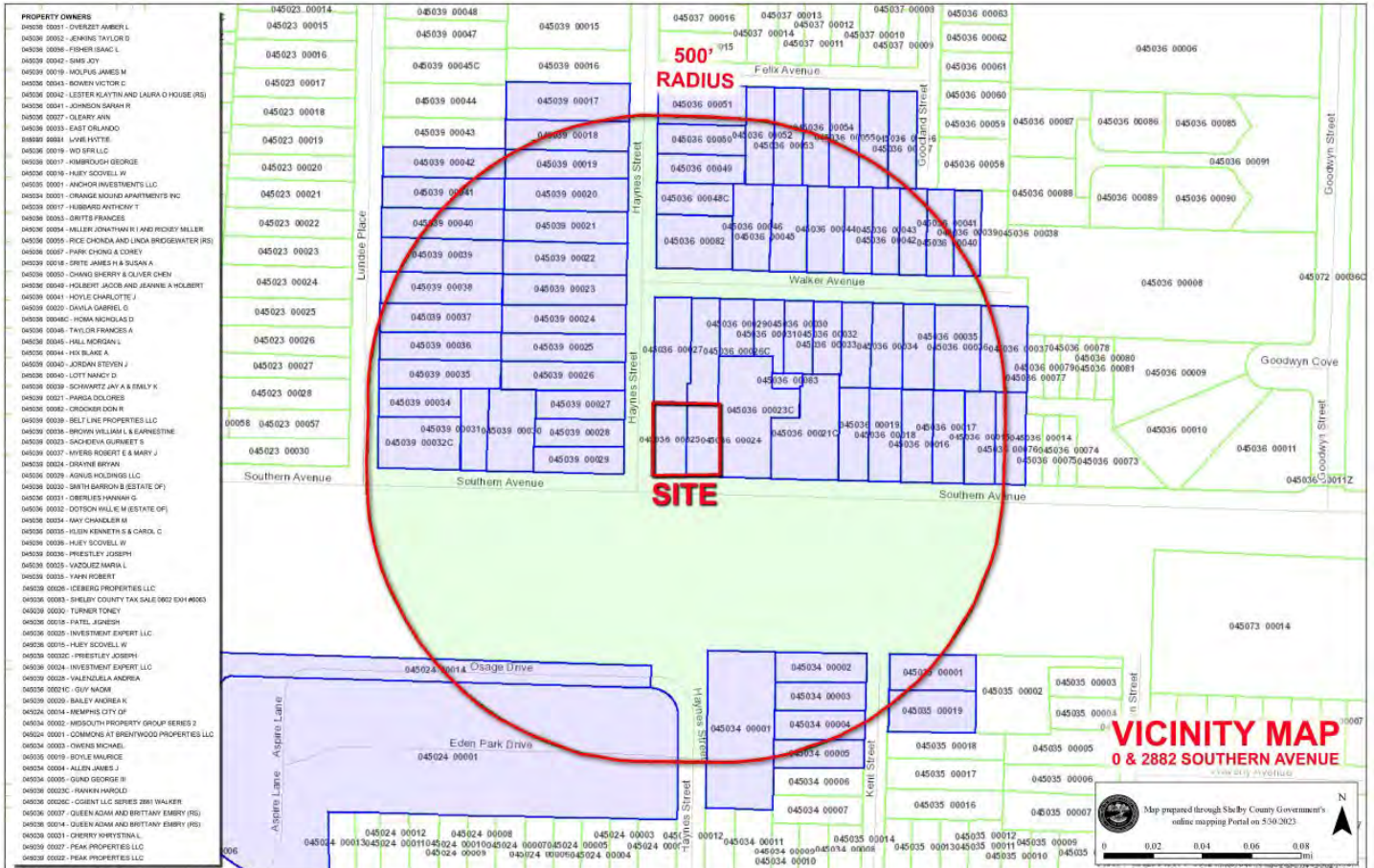
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 71 notices were mailed on June 27, 2023, and 1 sign posted along Southern. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within Central Memphis

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Residential Urban – 1

Surrounding Zoning

North: Residential Urban – 1

East: Residential Urban – 1

South: Employment

West: Residential Urban – 1

LAND USE MAP



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

SITE PHOTOS



Existing structure

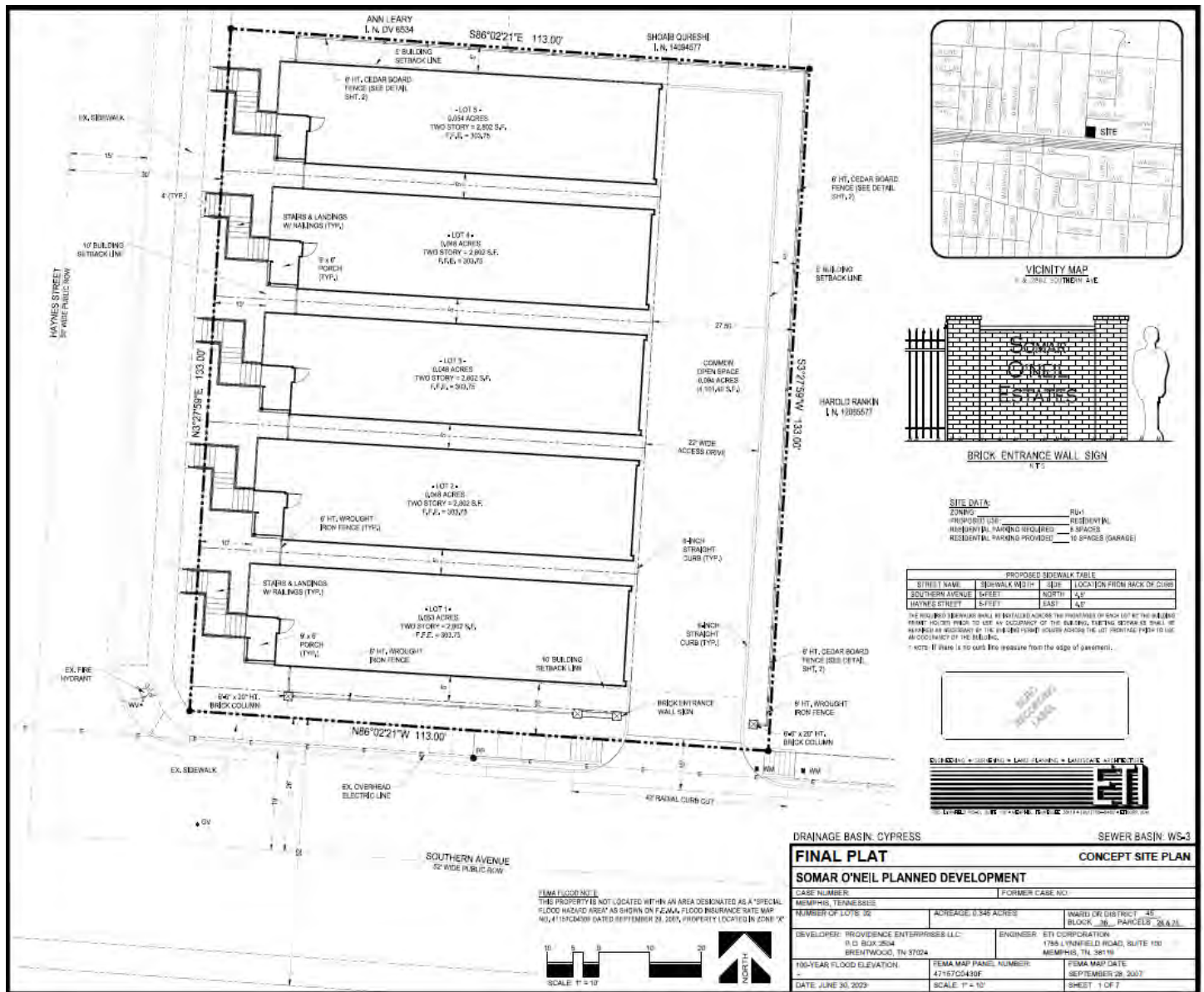


View north down Haynes

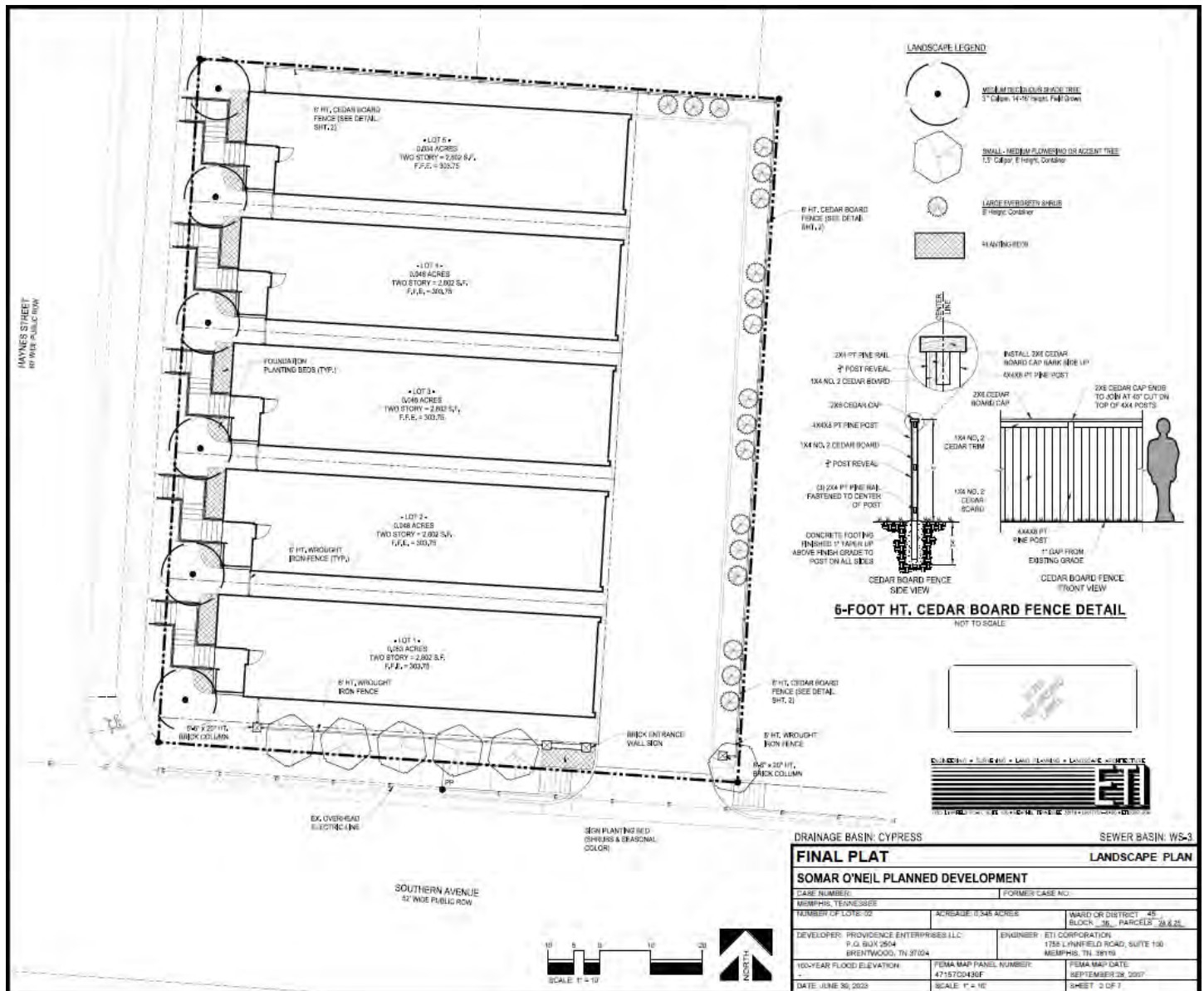


View east down Southern

CONCEPTUAL SITE PLAN



LANDSCAPE PLAN



ELEVATIONS

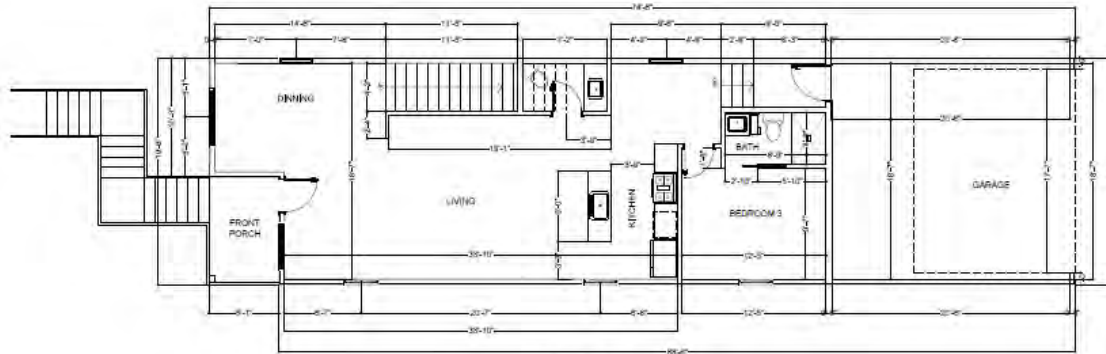


EXTERIOR BUILDING MATERIALS
 SIDING - PVC
 ROOF - ASPHALT SHINGLES
 TRIM - HARDITRIM
 FAÇADE - BRICK AND/OR STONE VENEER
 WINDOWS - ALUMINUM

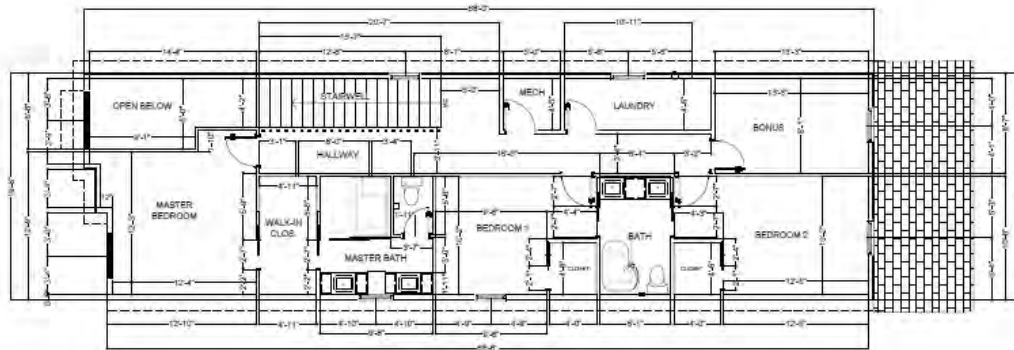


DRAINAGE BASIN: CYPRESS		SEWER BASIN: WS-3
FINAL PLAT		
SOMAR O'NEIL PLANNED DEVELOPMENT		BUILDING ELEVATIONS
CASE NUMBER:	FORMER CASE NO.	
NUMBER OF LOTS: 33	ADDRESS: 1545 ADAMS	WARD OR DISTRICT: 45
DEVELOPER: PROVIDENCE ENTERPRISES LLC P.O. BOX 2604 BRENTWOOD, TN 37024	ENGINEER: JET CORPORATION 1781 WINDFIELD ROAD, SUITE 100 MEMPHIS, TN 38116	BLKCH: 30, PARCELS: 33, 42
100-YEAR FLOOD ELEVATION:	FEMA MAP PANEL NUMBER: 4715702A01P	FEMA MAP DATE: SEPTEMBER 29, 2007
DATE: JUNE 01, 2023	SCALE: 1/8" = 1'	SHEET: 8 OF 7

FLOOR PLANS



FIRST FLOOR PLAN
 NOT TO SCALE



SECOND FLOOR PLAN
 NOT TO SCALE

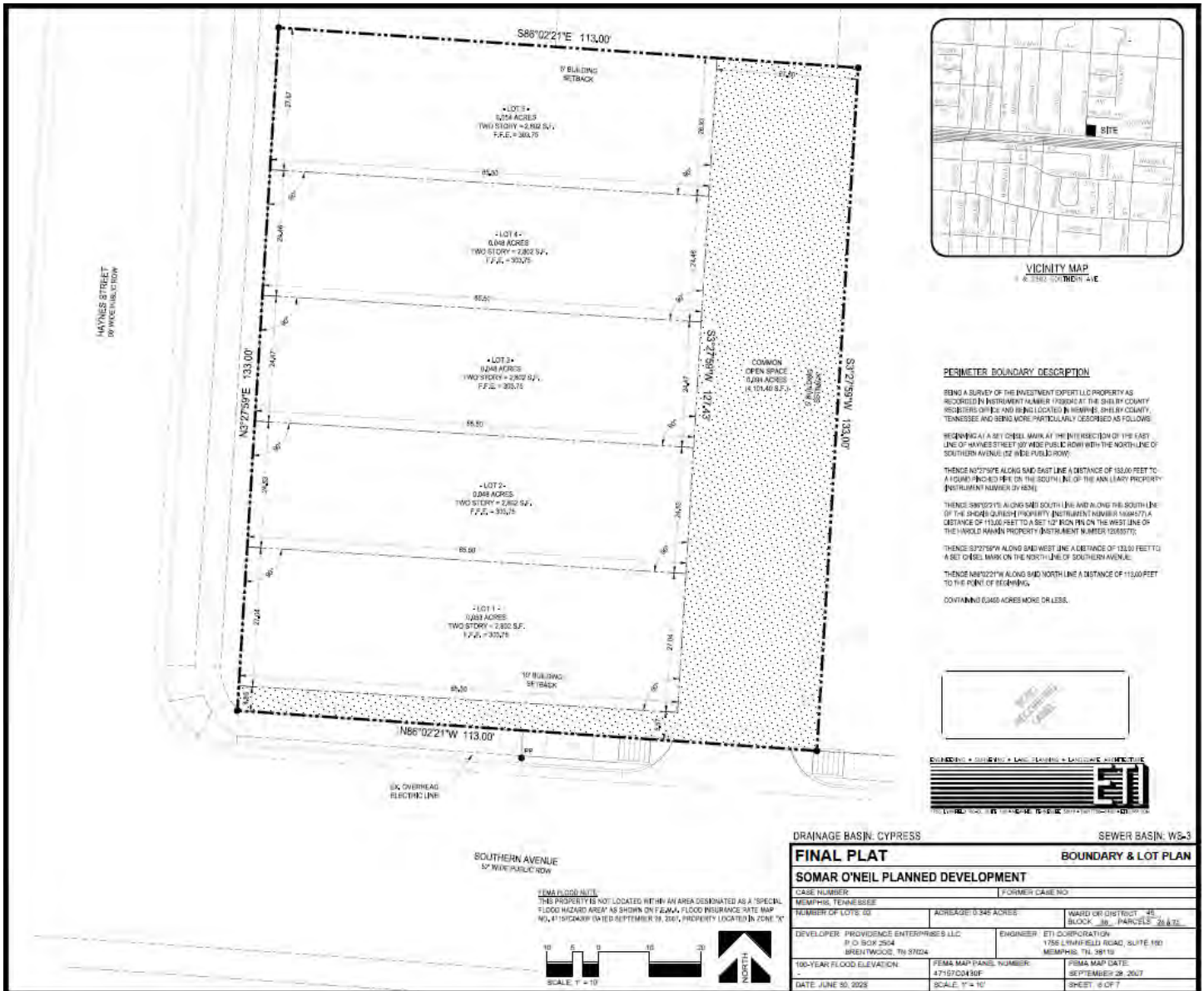


UMA ARCHITECTS
 MEMPHIS, TN 38103
 www.umaarchitects.com



DRAINAGE BASIN: CYPRESS		SEWER BASIN: WS-3
FINAL PLAT		
BUILDING FLOOR PLANS		
SOMAR O'NEIL PLANNED DEVELOPMENT		
CASE NUMBER	FORMER CASE NO.	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 32	ACREAGE: 0.346 ACRES	WARD OR DISTRICT BLOCK 36, PARCELS
DEVELOPER: PROVIDENCE ENTERPRISES LLC, P.O. BOX 2504 BRENTWOOD, TN 37024	ENGINEER: ETI CORPORATION 1751 WINFIELD ROAD, SUITE 100 MEMPHIS, TN 38119	
100-YEAR FLOOD ELEVATION	FEMA MAP PANEL NUMBER	FEMA MAP DATE
DATE: JUNE 30, 2023	47-5720430F	SEPTEMBER 29, 2017
	SCALE: 1" = 10'	SHEET 8 OF 7

SURVEY

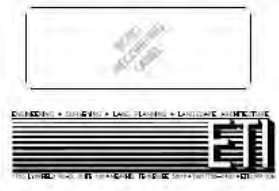


PERIMETER BOUNDARY DESCRIPTION

BEING A SURVEY OF THE INVESTMENT EXPERT LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 100000 AT THE SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING (MCA) A SET OF BENCH MARKS AT THE INTERSECTION OF THE EAST LINE OF HAYNES STREET (BY THE PUBLIC ROW) WITH THE NORTH LINE OF SOUTHERN AVENUE (BY THE PUBLIC ROW):

THENCE N27°25'00\"/>



DRAINAGE BASIN: CYPRESS		SEWER BASIN: WS-3	
FINAL PLAT		BOUNDARY & LOT PLAN	
SOMAR O'NEIL PLANNED DEVELOPMENT			
CASE NUMBER:	FORMER CASE NO.		
MEMPHIS, TENNESSEE	NUMBER OF LOTS: 00	ACREAGE: 0.241 ACRES	WARD OR DISTRICT: 35
			BLOCK: 36 PARCELS: 26 & 27
DEVELOPER: PROVIDENCE ENTERPRISES LLC P. O. BOX 2504 BRENTWOOD, TN 37024	ENGINEER: ETI CORPORATION 1756 LINDFIELD ROAD, SUITE 100 MEMPHIS, TN 38110		
100-YEAR FLOOD ELEVATION:	FEMA MAP/PANEL NUMBER:	FEMA MAP DATE:	
DATE: JUNE 05, 2023	47107CD450F	SEPTEMBER 28, 2007	
	SCALE: 1" = 10'	SHEET: 6 OF 7	

PROPOSED OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. All uses as permitted in the RU-1 Zoning District
- II. Bulk Regulations
 - A. Building height shall not exceed two stories or 35 feet.
 - B. Minimum Building Setback
 - a. Southern Street – 10 feet
 - b. Haynes Avenue – 10 Feet
 - c. Side Interior Setback – 2.5 feet (minimum 5 feet between homes)
 - d. Side yard Exterior (North Property Line) Setback – 5 feet
 - C. Minimum Lot Size – 1,089 Square feet.
 - D. Minimum House Size – 2,420 Square feet
- III. Parking, Access, and Circulation
 - A. One curb cut permitted Southern Avenue.
 - B. Each home shall have two dedicated parking stalls.
 - C. The City Engineer shall approve the design and location of the curb cut.
 - D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
 - E. All required parking shall be as Illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- IV. Landscaping
 - A. Landscaping shall be provided as illustrated in the Site Plan and Landscape Plan.
 - B. Equivalent material may be substituted for the required materials subject to the approval of the Office of Planning and Development.
- V. Lighting Requirements
 - A. Lighting shall be directed to not glare onto adjacent property or traffic on Southern Avenue, Haynes Drive or adjacent properties.
- VI. Signs
 - A. Signs shall comply with the RU-1 District regulations.
- VII. Drainage and Property Owners Association
 - A. The project's stormwater conveyance and management facility design shall follow the "City of Memphis Drainage Design Manual." Drainage easements and/or improvements are subject to the approval of the City Engineer.
 - B. All drainage emanating on-site shall be private and no easements will be accepted.
 - C. All commons, open areas, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Boar hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.
- IX. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the applicant's request.

- X. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- XI. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, elevations, required landscaping, trash receptacles and signs, etc.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

STAFF ANALYSIS

Request

The request is for a special use permit for a planned residential development.

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

Applicability

Staff **agrees** at least one objective as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

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

- A. *Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. *Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. *Functional and beneficial uses of open space areas.*
- D. *Preservation of natural features of a development site.*
- E. *Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. *Rational and economic development in relation to public services.*
- G. *Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. *Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. *Revitalization of established commercial centers of integrated design 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 as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

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

4.10.4 Planned Residential Developments

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

- A. **Formal Open Space**
A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.
- B. **Accessibility of Site**
All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.
- C. **Off-Street Parking**
Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
- D. **Pedestrian Circulation**
The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
- E. **Privacy**
The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and

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

F. Distance Requirements

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Plan Review

Site plan review will be conducted during final plan review, if approved.

Conclusions

The applicant has requested a special use permit for a planned residential development of 5 single-family detached houses.

This application was unable to be filed as a subdivision request because the proposed side yard setbacks are generally 2.5', which is below the UDC minimum of 5'.

Staff finds the request meets the relevant criteria and recommends approval of the proposed outline plan.

RECOMMENDATION

Staff recommends ***approval*** of the proposed outline plan.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.

Roads:

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

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. 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:

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

10. Will need to submit a curb cut application for proposed curb cut.

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.

General Notes:

16. The width of all existing off-street sewer easements shall be widened to meet current city standards.
17. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
18. All connections to the sewer shall be at manholes only.
19. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
20. Required landscaping shall not be placed on sewer or drainage easements.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 23-012: Lundee Adjacent

Site Address/Location: 0 Southern Avenue, 2882 Southern Ave (Parcels: 045036 00025, 045036 00024)

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone

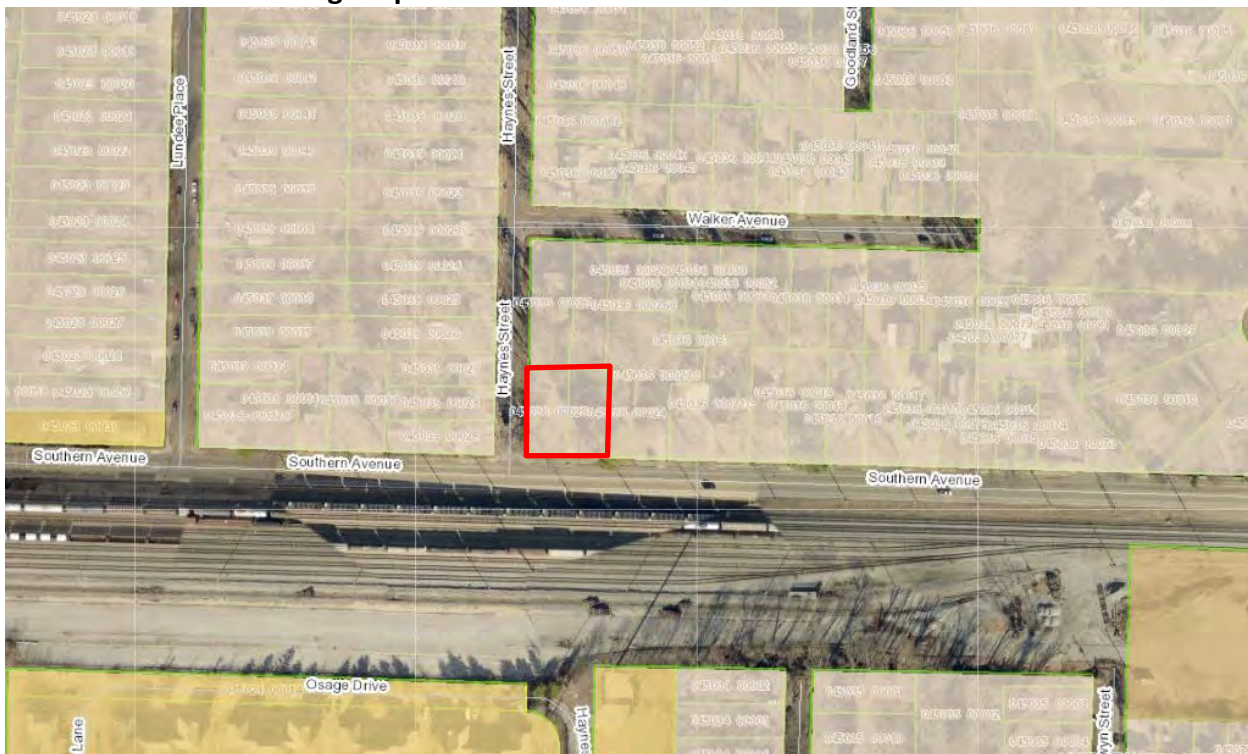
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Avenue

The applicant is seeking for a planned development to allow 6 single family homes on two existing parcels located at 2882 Southern Avenue.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



“NS” Form & Location Characteristics

Primarily detached, House scale buildings, Primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

“NS” Zoning Notes

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

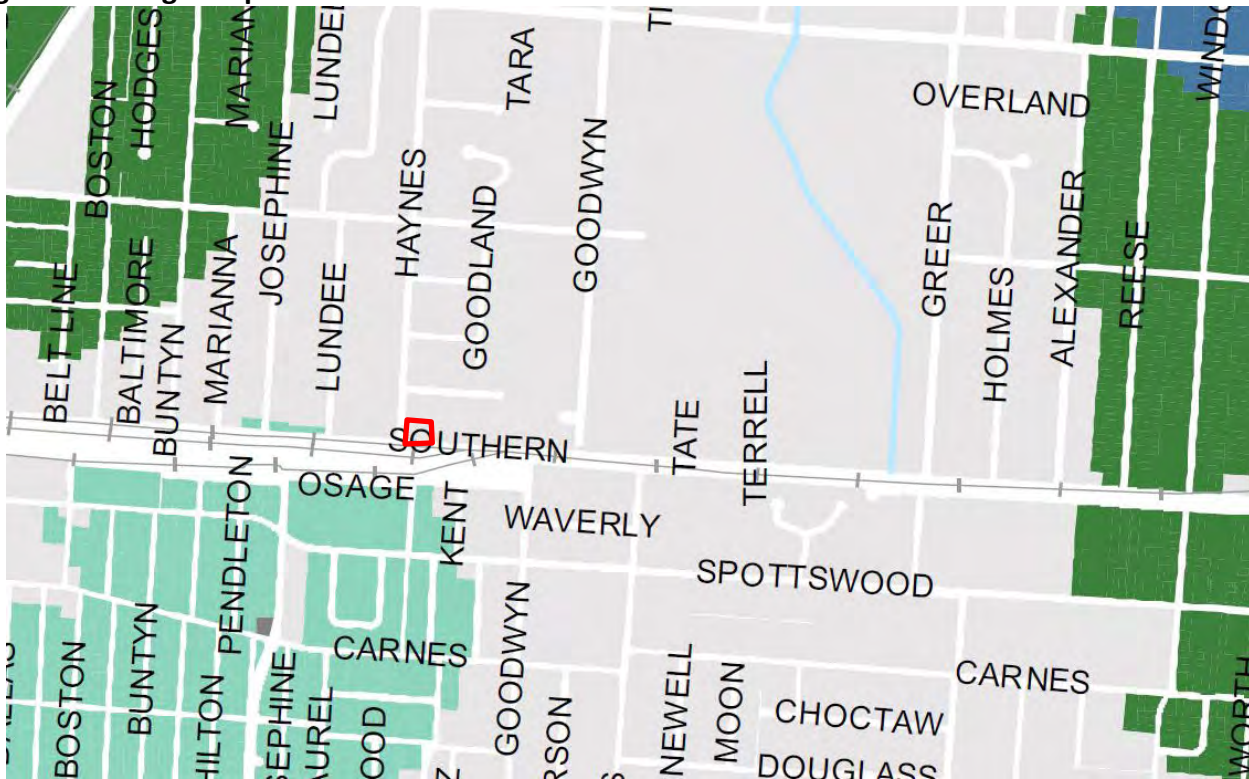
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, Vacant, RU-1

Adjacent Land Use and Zoning: Single-Family, Vacant, Multi-Family, RU-1 and R-6

Overall Compatibility: *This requested use for a planned development to allow 6 single-family is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. The creation of six house scale, detached single-family homes will also increase density and address the vacancy issue that currently exists.*

Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

3. Degree of Change Description N/A

4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.8 – Outside of anchor neighborhoods, consider transitional land uses for vacant properties following the Vacant Lot Activation Toolkit.

Consistency Analysis Summary

The applicant is seeking for a planned development to allow 6 single family homes on two existing parcels located at 2882 Southern Avenue.

This requested use for a planned development to allow 6 single-family is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

The creation of six house scale, detached single-family homes will also increase density and address the vacancy issue that currently exists.

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.8 – Outside of anchor neighborhoods, consider transitional land uses for vacant properties following the Vacant Lot Activation Toolkit.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

APPLICATION FORM



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: June 2, 2023

Record Number: PD 2023-012

Expiration Date:

Record Name: Somar O'Neil Planned Development

Description of Work: On behalf of Providence Enterprises LLC, ETI Corporation is submitting a Planned Development application to facilitate the redevelopment of two existing vacant and/or dilapidated lots into an owner-occupied single-family development. Providence Enterprises is a Tennessee-based company experienced in building high-quality housing, most recently in Cordova, on lots that present redevelopment challenges like in the case of the two lots located at the intersection of Southern Avenue and Haynes Street.

The Applicant proposes to redevelop the .0344 acre under-utilized vacant lots by building six thoughtfully designed detached single-family homes that respect adjacent homes bungalow styles while providing the home sizes needed to meet the needs of modern families. The suitability of the requested standards is to accommodate five homes facing Haynes Street and one home facing Southern (or facing the rails) with applicable parking and open space. The site is zoned RU-1 and is guided as Primarily Single-Unit Neighborhood, according to Memphis 3.0. To accommodate the new homes, a request to get relief from setbacks, lot sizes, and to subdivide the property, the approval of a new planned development with the proposed unique standards to ensure a cohesive neighborhood feel is being sought.

As proposed, six single-family, 2,420-square-foot two-story homes will be constructed on lots ranging from .028 to .035 acres. Common open space areas, which the creation of a Homeowners Association will maintain, account for the parking areas along with the sidewalks from the parking area, six-foot cedar privacy fence, and all other common areas. The single-family homes are separated by five feet of green space. Ten-foot front yard setbacks allow the homes to be placed closer to the sidewalk, creating a more pedestrian-friendly feel. Access to the development will be accommodated with access from Southern Avenue. The site will conform to all building development standards as proposed in the outline plan to ensure neighborhood compatibility with other residential uses adjacent to this project. The building materials include asphalt shingles, brick, stone veneer, aluminum windows, and PVC siding.

Parent Record Number:

Address:

2882 SOUTHERN AVE, MEMPHIS 38111

Owner Information

Primary Owner Name

Y INVESTMENT EXPERT LLC

Owner Address

2317 DUNDEE LN, NASHVILLE, TN 37214

Owner Phone

Parcel Information

045036 00024

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Lucas Skinner

Date of Meeting 05/25/2023

Pre-application Meeting Type In Person

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)

Previous Docket / Case Number -

GENERAL PROJECT INFORMATION

Medical Overlay / Uptown
If this development is located in unincorporated Shelby County, is the tract at least three acres?
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
Is this application in response to a citation, stop work order, or zoning letter
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

No
N/A

No
-

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

The planned development request does not unduly injure or damage the use, value, and enjoyment of the surrounding property nor hinder or prevent the development of the neighboring property in accordance with the current development policies and plans of the City and the County. The proposed residential use provides the property with a net increase of residents that will continue to drive investment in the adjacent properties and benefit the adjacent properties and uses.

UDC Sub-Section 9.6.9B

The new residential development will be created so that it not only preserves and protects but, in fact, enhances the surrounding residential properties with the construction of residential homes meeting the needs of modern families with increased square footage (spacious bedrooms and common areas) to accommodate family needs. Pedestrian pathways and sidewalks help connect single-family homes to the streets and better connect homeowners to the surrounding amenities in the area.

UDC Sub-Section 9.6.9C

Sewer and storm facilities will be in place within the public right of way and sufficiently service the proposed use. Engineered construction documents shall be submitted for approval once the planned development is approved.

UDC Sub-Section 9.6.9D

This project will not result in the loss or damage of any natural, scenic, or historical significance.

UDC Sub-Section 9.6.9E

The proposed planned development meets the intent and purposes of the code for residential development. All requests are reasonable and appropriate, given the location and proximity of residential and rail use to the south.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The assimilation of uses is often necessary to help preserve, protect, and improve property values for future development. This infill residential project is a straightforward development to assimilate into the neighborhood for what are now two vacant lots which have been a significant eyesore for the community. The proposed plan also meets the intent and purpose of the primarily single-family residential as guided by Memphis 3.0.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

The developed use continues to serve the interest and needs of the Memphis community. Therefore, it will not unduly injure or damage the use, value, and enjoyment of the surrounding properties, nor hinder the development/redevelopment of the surrounding properties following the zoning and land use plans. In addition, the proposed residential uses are consistent with the surrounding uses and will continue to drive investment in the neighborhood. Sewer and storm facilities are or will be in place within the public right of way and adequately serve the proposed residential development. The proposed sewer system will be designed as Memphis/Shelby Engineering guidelines require. Engineered construction documents shall be submitted for approval once the planned development is approved.

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

This project will be a high-quality residential development and will not create any inconsistencies with the public interest. Access to the development will be accommodated along Southern Avenue.

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

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

This PD would allow single-family homes with reduced setbacks and lot sizes to be permitted within the Planned Development at the proposed location. In addition, the size of the lot creates an optimal opportunity for a residential layout, making the structure arrangement compatible with the mix of uses in the immediate vicinity including the active rail-line to the south and single family to the north, east, and west.

GENERAL PROVISIONS

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

The Applicant and the property owner will create a Homeowners Association to ensure that landscaping, parking areas, and new buildings are appropriately maintained.

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

A lot of record will be made with the recording of the planned development final plan.

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	-

Contact Information

Name	Contact Type
ETI CORPORATION	APPLICANT

Address

Phone

(901)383-3250

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1474351	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	06/02/2023
1474351	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	06/02/2023

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

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

LETTER OF INTENT



PRINCIPALS

Matthew D. Walker
Christopher E. Perry
Douglas M. Baker
Steve R. Hooper
Dr. David M. Doucette

June 1, 2023 (Edited June 29, 2023)

Office of Planning and Development
125 N. Main Street, Room 477
Memphis, TN 38103

RE: Letter of Intent and Justification
Application for Somar O'Neil Planned Development

On behalf of Providence Enterprises LLC, ETI Corporation is submitting a Planned Development application to facilitate the redevelopment of two existing vacant and/or dilapidated lots into an owner-occupied single-family development. Providence Enterprises is a Tennessee-based company experienced in building high-quality housing, most recently in Cordova, on lots that present redevelopment challenges like in the case of the two lots located at the intersection of Southern Avenue and Haynes Street.

The Applicant proposes to redevelop the .0344 acre under-utilized vacant lots by building five thoughtfully designed detached single-family homes that respect adjacent homes bungalow styles while providing the home sizes needed to meet the needs of modern families. Each home will be 2,802 square feet in size. The suitability of the requested standards is to accommodate five homes facing Haynes Street with the vehicular entrance and access to be located along Southern Avenue. The site is zoned RU-1 and is guided as Primarily Single-Unit Neighborhood, according to Memphis 3.0. To accommodate the new homes, a request to get relief from setbacks, lot sizes, and to subdivide the property; the approval of a new planned development with the proposed unique standards to ensure a cohesive neighborhood feel is being sought.

Proposed Bulk Standards

As proposed, five single-family, 2,420-square-foot two-story homes will be constructed on lots ranging from .054 to .048 acres. Common open space areas, which the creation of a Homeowners Association will maintain, account for the parking areas along with the sidewalks from the parking area, six-foot cedar privacy fence, and all other common areas. The single-family homes are separated by five feet of green space. Ten-foot front yard setbacks allow the homes to be placed closer to the sidewalk, creating a more pedestrian-friendly feel. Access to the development will be accommodated with access from Southern Avenue. The site will conform to all building development standards as proposed in the outline plan to ensure neighborhood compatibility with other residential uses adjacent to this project. The building materials include asphalt shingles, brick, stone veneer, fascia board, aluminum windows, PVC siding.

This project meets the following Planned Development General Provisions in UDC Section

February 3, 2023
Page 2 of 5

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 City and County's current development policies and plans.

The developed use continues to serve the interest and needs of the Memphis community. Therefore, it will not unduly injure or damage the use, value, and enjoyment of the surrounding properties, nor hinder the development/redevelopment of the surrounding properties following the zoning and land use plans. In addition, the proposed residential uses are consistent with the surrounding uses and will continue to drive investment in the neighborhood.

An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or will be provided concurrently with the development. Sewer and storm facilities are or will be in place within the public right of way and adequately serve the proposed residential development. The proposed sewer system will be designed as Memphis/Shelby Engineering guidelines require. Engineered construction documents shall be submitted for approval once the planned development is approved.

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). This project will be a high-quality residential development and will not create any inconsistencies with the public interest. Access to the development will be accommodated along Southern Avenue.

Any modification of the district standards that would otherwise be applicable to the site is warranted by the outline plan's design and the amenities incorporated therein and are not inconsistent with the public interest. This PD would allow single-family homes with reduced setbacks and lot sizes to be permitted within the Planned Development at the proposed location. In addition, the size of the lot creates an optimal opportunity for a residential layout, making the structure arrangement compatible with the mix of uses in the immediate vicinity including the active rail-line to the south and single family to the north, east, and west.

Homeowners' associations or some other responsible party shall be required to maintain any and all common open spaces and/or common elements. The Applicant and the property owner will create a Homeowners Association to ensure that landscaping, parking areas, and new buildings are appropriately maintained.

Lots of records are created with the recording of a planned development final plan. A lot of record will be made with the recording of the planned development final plan.

This planned development meets the following objectives:

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. Not applicable. However, a six-foot privacy fence will be installed along the north and easterly property lines to provide additional privacy and screening.

Display of Merchandise All business, manufacturing, and processing shall be conducted. All merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area that is thoroughly screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service

February 3, 2023
Page 3 of 5

station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure. This requirement does not apply to the proposed development.

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. In addition, the streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development. The planned development and site plan meets this requirement and objective.

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Objectional views and noises are not anticipated with this development. However, a six-foot privacy fence separates the proposed parking lot, open space and single-family homes on the north and east side.

This planned development meets the following objectives:

A. The project will not have a substantial or undue adverse effect upon adjacent property, neighborhood character, traffic conditions, parking, utility facilities, and other matters affecting public health, safety, and general welfare. As described above, the planned development request does not unduly injure or damage the use, value, and enjoyment of the surrounding property nor hinder or prevent the development of the neighboring property in accordance with the current development policies and plans of the City and the County. The proposed residential use provides the property with a net increase of residents that will continue to drive investment in the adjacent properties and benefit the adjacent properties and uses.

B. The project will be constructed, arranged, and operated to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations. The new residential development will be created so that it not only preserves and protects but, in fact, enhances the surrounding residential properties with the construction of residential homes meeting the needs of modern families with increased square footage (spacious bedrooms and common areas) to accommodate family needs. Pedestrian pathways and sidewalks help connect single-family homes to the streets and better connect homeowners to the surrounding amenities in the area.

C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection, emergency services, water, and sewers, or the Applicant will provide adequately for such services. As stated, sewer and storm facilities will be in place within the public right of way and sufficiently service the proposed use. Engineered construction documents shall be submitted for approval once the planned development is approved.

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 historical importance. As stated earlier, this project will not result in the loss or damage of any natural, scenic, or historical significance.

E. The project complies with all additional standards imposed by any particular provisions authorizing such use. The proposed planned development meets the intent and purposes of the code for residential development. All requests are reasonable and appropriate, given the location and proximity of residential and rail use to the south.

February 3, 2023
Page 4 of 5

F. The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for the development of the adjacent properties. The assimilation of uses is often necessary to help preserve, protect, and improve property values for future development. This infill residential project is a straightforward development to assimilate into the neighborhood for what are now two vacant lots which have been a significant eyesore for the community. The proposed plan also meets the intent and purpose of the primarily single-family residential as guided by Memphis 3.0.

G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or public facilities and ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code. The proposed conditions ensure compatibility and maximize the buildability of the property. Additional reasonable conditions may be considered which are not detrimental to the projects.

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. Not applicable to this proposed planned development.

The planned residential development meets the following standards and criteria:

A. Formal Open Space A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. Not applicable to this proposed development.

B. Accessibility of Site All proposed streets and driveways are adequate to serve the planned residential development's residents, occupants, visitors or other anticipated traffic.

C. Off-Street Parking Off-street parking will be conveniently accessible to all single-family homes.

D. Pedestrian Circulation The pedestrian circulation system and walkways are separated from the vehicular street system to provide an appropriate degree of separation of pedestrian and vehicular movement. Pedestrian pathways and sidewalks help connect single-family homes to the streets and will better connect homeowners to the surrounding amenities in the area.

E. Privacy The planned development provides reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development based on the structural and architectural design of the site.

We are requesting support and approval for this planned development. This will ensure that the Applicant may repurpose the vacant properties from an eyesore into spaces for five new families. Please get in touch with me if we can provide additional information or respond to any questions you have concerning this application at aarchambeau@eticorp.com or 320-267-4411.

With best regards,

ETI CORPORATION

February 3, 2023
Page 5 of 5



Anita M. Archambeau, DPA AICP
Urban Planner

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Douglas M. Baker / ETI Corporation, being duly sworn, depose and say that at 4:00 PM am/pm on the 9th day of June, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 2023-012 at 2882 Southern Avenue, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Douglas M. Baker

Owner, Applicant or Representative

6/9/23

Date

Subscribed and sworn to before me this 9th day of June, 2023.

Janet M Smith

Notary Public

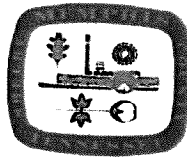
My commission expires: My Comm. Exp. March 28, 2026



LETTERS RECEIVED

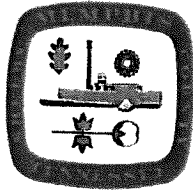
No letters received by the time of publication of this report.

PUBLIC WORKS COMMITTEE



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution to transfer and appropriate construction funds to CIPP 18", 36" and 60" in Two Areas, Project Number SW24201 for rehabilitation of deteriorated sewer lines using cured-in-place pipe technology. Request same night minute
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Public Works
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
This resolution does not change any existing ordinance or resolution.
- 4. State whether this will impact specific council districts or super districts.**
Work sites are located in Council Districts 6 and 7 and in Super District 8.
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**
The request requires a new construction contract.
- 6. State whether this requires an expenditure of funds/requires a budget amendment**
Yes, this requires an expenditure of funds.
- 7. If applicable, please list the MWBE goal and any additional information needed**
The MBE goal is 2% and the WBE goal is 0%. The MBE goal will be met by W&T Contracting Corporation.



RESOLUTION

This is a resolution to transfer and appropriate construction funds to CIPP 18", 36" and 60" in Two Areas, Project Number SW24201 for rehabilitation of deteriorated sewer lines using cured-in-place pipe technology. Council Districts 6, 7 and Super District 8. Request same night minutes.

WHEREAS, the Council of the City of Memphis approved FY'24 Rehab Existing Coverline, Project Number SW24200, as part of the Public Works Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, a bid was received on May 24, 2023, for rehabilitation of deteriorated sewer lines with the lowest complying bid at \$7,318,929.00 submitted by Insituform Technologies, LLC as the Contractor; and

WHEREAS, it is necessary to transfer a construction allocation of \$8,782,715.00 funded by Capital Pay Go-Sewer in FY'24 Rehab Existing Coverline, Project Number SW24200, to CIPP 18", 36" and 60" in Two Areas, Project Number SW24201; and

WHEREAS, it is necessary to appropriate \$8,782,715.00 funded by Capital Pay Go-Sewer in CIPP 18", 36" and 60" in Two Areas, Project Number SW24201, for rehabilitation of deteriorated sewer lines as follows.

Contract Amount	\$7,318,929.00
Project Contingencies (20%)	<u>\$1,463,786.00</u>
Total Amount	<u>\$8,782,715.00</u>

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$8,782,715.00 funded by Capital Pay Go-Sewer in FY'24 Rehab Existing Coverline, Project Number SW24200, to CIPP 18", 36" and 60" in Two Areas, Project Number SW24201, for rehabilitation of deteriorated sewer lines.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$8,782,715.00 funded by Capital Pay Go-Sewer chargeable to the FY2024 Capital Improvement Budget and credited as follows:

Project Title	CIPP 18", 36" and 60" in Two Areas
Project Number	SW24201
Total Amount	\$8,782,715.00

PERSONNEL COMMITTEE

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

August 1, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Michael P. Pfrommer

be appointed to the Memphis Animal Services Advisory Board as a member with a term expiration date of July 30, 2024.

I have attached biographical information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

JSS/sss

ANIMAL SHELTER ADVISORY BOARD

7 Member Board

2 Year Term

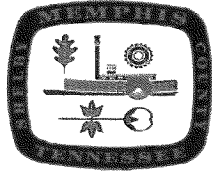
Purpose of Board:

The Animal Shelter Advisory Board shall assist the Animal Shelter staff in the investigation and prosecution, if necessary, of all complaints of cruelty or mistreatment of animals or fowl, and if necessary, take charge of and make proper disposition of the animals or fowl involved in such complaints, when so requested by the Director of Public Service; Advise the Director of Public Service and the Animal Shelter Administrator in matters relating to the efficient and humane operation of the Animal Shelter; and serve as advocates for the humane treatment of animals and fowl, as set out in this title, while maintaining an awareness of the needs to protect and enhance the total environment of the city.

Shea Flinn	M/W	07-30-22
Vacancy-	F/W	07-30-22
Dr. Jennifer Karnes	F/W	07-30-22
Vacancy	F/W	07-30-22
London Shavers	M/B	07-30-22
Damon Williams	M/B	07-30-22
Vacancy	F/W	07-30-20

Updated 03/01/23

HCD COMMITTEE



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution authorizing 30 year lease (with 6 10-year options) to Capstone Development for 2 lots designated for multi-family in The District @ Liberty Park, to develop approx. 200 apartments with retail & restaurants on 1st floor.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

HCD

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Not applicable

4. State whether this will impact specific council districts or super districts.

District 4, Super District 8

5. State whether this requires a new contract, or amends an existing contract, if applicable.

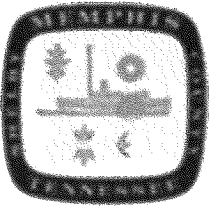
requires a new ground lease and associated documents

6. State whether this requires an expenditure of funds/requires a budget amendment

No

7. If applicable, please list the MWBE goal and any additional information needed

Leases of property are exempt from EBO requirements under Ordinance #5662. Center City Revenue Finance Corporation is expected to set diversity requirements if it grants incentives to developer



A Resolution approving a 30-year Ground Lease with Six (6) Ten-Year renewal options to Capstone Development, LLC, for a mixed-use development of multi-family residential and retail on a designated site within The District @ Liberty Park.

Whereas, the City of Memphis owns approximately 18 acres of real property within Liberty Park which is bordered by Central Avenue on the north, Fred Jones Way on the east, Raymond Skinner Avenue on the south, and Early Maxwell Boulevard on the west, which is a portion of Parcel # 02907000008 that comprises the majority of the Liberty Park campus, which has a general address of 2477 Central Avenue as assigned by MLGW for planning purposes, and which is depicted on the attached Attachment A (the “Site”); and

Whereas, the City has designated the Site to become a mixed-use development to be known as The District @ Liberty Park, a planned development as approved by the Land Use Control Board and the Memphis City Council (Case Number PD 19-18) with revisions approved by the Memphis and Shelby County Division of Planning and Development; and

Whereas, the City is serving as the master developer for the Site, which role includes performing the necessary planning, infrastructure and site work to create build-ready site pads, for which design and construction funds have already been allocated and appropriated; and

Whereas, the City’s master developer role also includes identifying component developers who will design, construct, own and operate the buildings within the Site using private capital under the structure of an extended ground lease while the City maintains ownership of the land; and

Whereas, one component of The District shall be the development of approximately 200 units of multi-family housing, currently planned to be in two buildings (no more than four buildings) with space for amenities for residents, retail and restaurants on the first floors, in the lots labeled as “Parcel 8” and “Parcel 9” on the site plan attached as Attachment B (the “Property”); and

Whereas, the administration and its team of advisors have selected Capstone Development, LLC, a Maryland limited liability corporation (“Capstone” or “Tenant”), as the multi-family developer based on the company’s experience with mixed-use developments and public-private partnerships and their capacity to undertake the project; and

Whereas, Capstone is a real estate development and investment firm, founded in 2009 by and currently led by its president Norman Jenkins, a former senior executive and corporate officer of Marriott International, Inc., with an active corporate development portfolio of over two million square feet of urban real estate including hospitality, residential, and mixed-use projects, including the Courtyard & Residence Inn near the Washington, D.C. Convention Center and the Westin National Harbor hotel in Maryland, and with an additional two million square feet in their development pipeline; and

Whereas, if approved, the City would execute a ground lease for the Property with Tenant for an initial term of **thirty (30) years with six (6) ten-year renewal options** using a triple-net lease, meaning Tenant would be directly responsible for property taxes (as assessed after any PILOTs, reductions, or incentives which might be awarded by appropriate agencies), building insurance, and maintenance for the Property, in addition to rent and utilities, with the initial rent currently projected to be **\$77,847.17 per year for Years 1 – 5**, with 4.0% escalation increase in Year 6 and every five (5) years thereafter; and

Whereas, under the terms of the negotiated lease, Tenant would also be responsible for paying to the City the Property’s pro-rata of share insurance and common area maintenance expenses for The District (the “District CAM” or “Micro CAM”) and the Property’s pro rata share of common area maintenance expenses for the Liberty Park campus (the “Park CAM” or “Macro CAM”), both subject to annual year-end reconciliation; and

Whereas, Tenant would have the ability to charge an additional sales tax up to 5% (the “TDZ Surcharge”) that would be rebated back to Tenant, to the extent allowed under local and state laws; and

Whereas, the District @ Liberty Park will include additional retail, restaurant, entertainment and hospitality tenants, and the City as master developer and landlord shall be

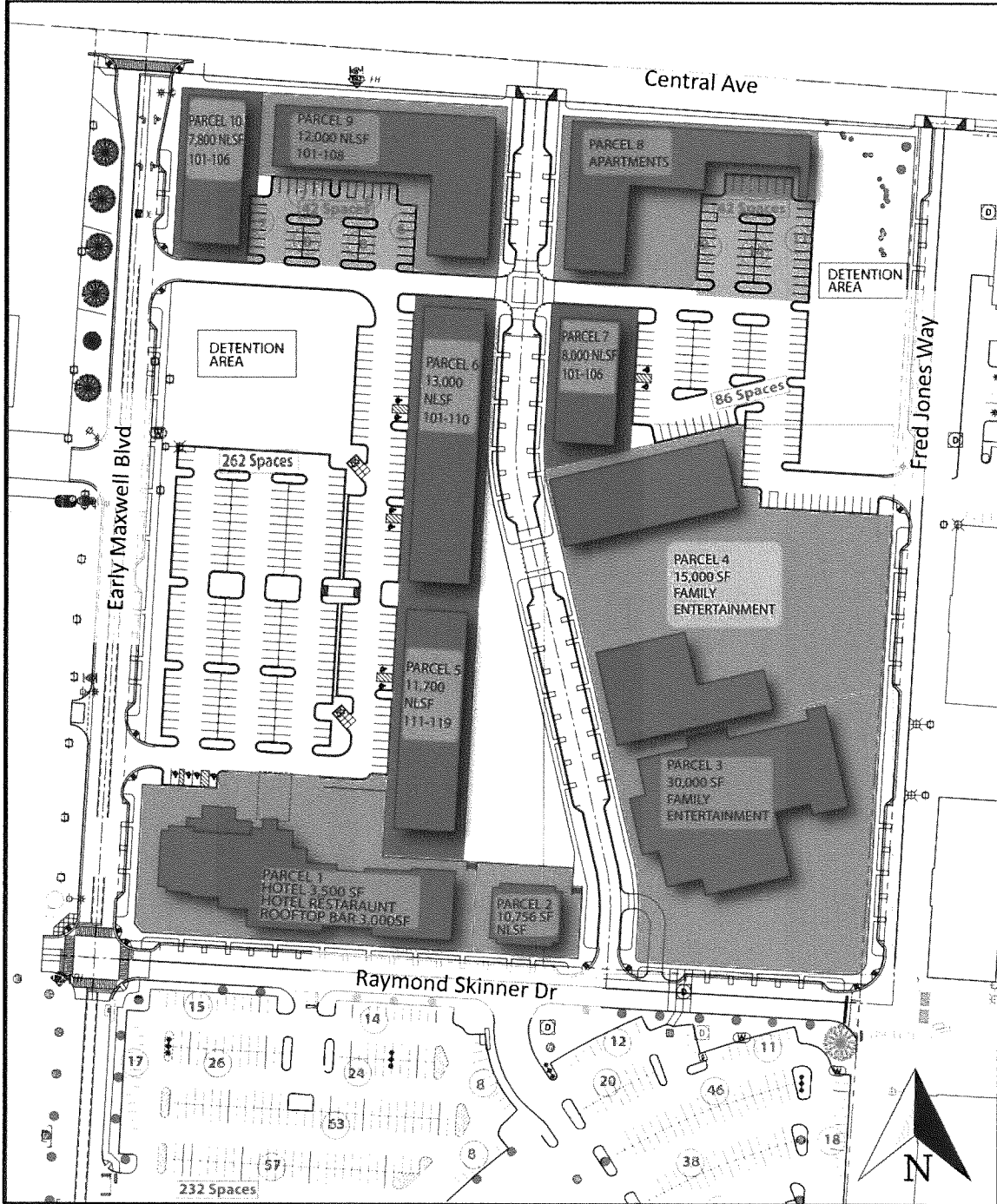
responsible for creating cross-easements, air rights leases, and/or vertical subdivisions as necessary to maximize enjoyment of use and value for all parties, and shall furthermore be responsible for ensuring the proper operation and maintenance of the common areas of both The District and the Liberty Park campus; and

Whereas, the City as mater developer and landlord shall be responsible for the construction, maintenance, and operation of all parking lots within and adjacent to The District, and the staff, residents and guests of the Property shall have access to all such parking lots as detailed in the ground lease agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the long-term ground lease with Capstone Development, LLC, for the above-described Property, is hereby approved; and

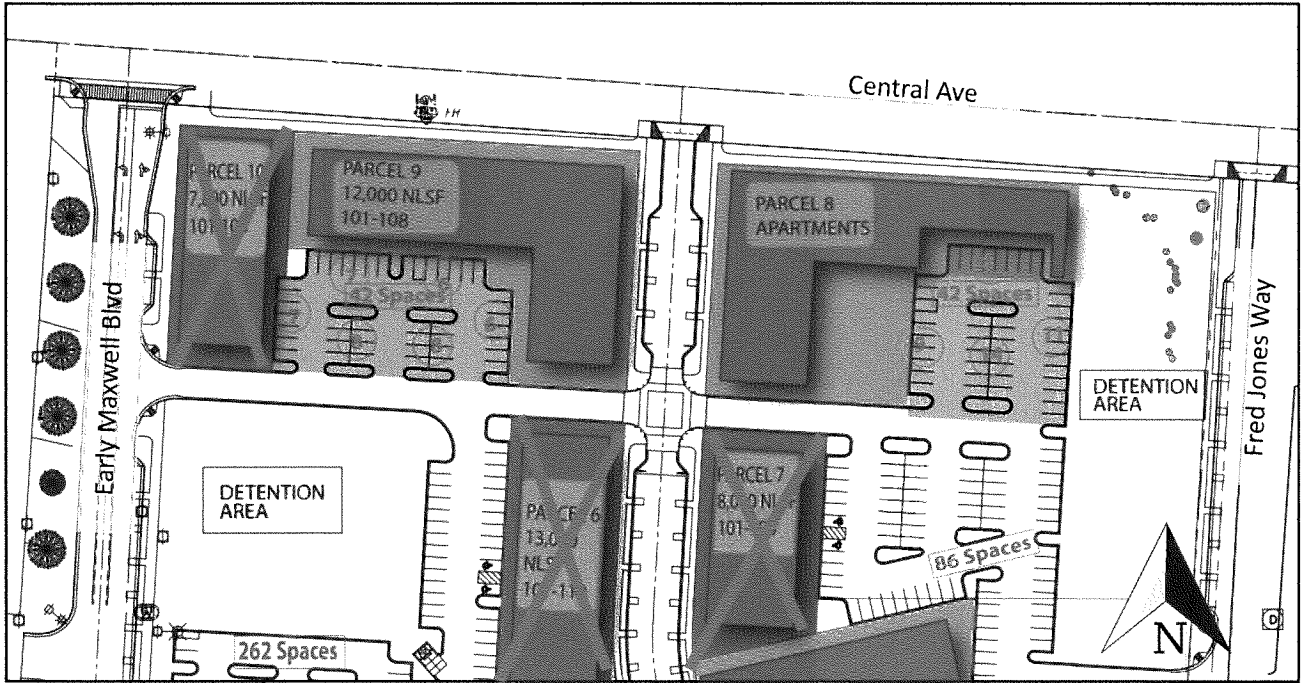
BE IT FURTHER RESOLVED, that the City of Memphis Real Estate Department shall prepare and arrange for the execution of the lease, and that the Mayor of the City of Memphis is hereby authorized to execute said lease and any other documents necessary to complete said lease.

Attachment A
The Site – The District @ Liberty Park



Parcels shown in green are not expected to be developed during this phase.

Attachment B
The Property (Multifamily)



EXECUTIVE COMMITTEE

REFERENDUM ORDINANCE NO. _____

A REFERENDUM ORDINANCE TO AMEND, PURSUANT TO [ARTICLE XI, § 9](#) OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), PROVISIONS OF THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, RELATIVE TO PARTISAN ELECTIONS FOR THE OFFICES OF MAYOR AND CITY COUNCIL MEMBERS AND TO REPEAL ALL PROVISIONS OF THE CITY’S CHARTER INCONSISTENT WITH THIS AMENDMENT

WHEREAS, the Tennessee Code Annotated § 2-13-208, provides that municipal elections shall be nonpartisan unless the municipality's charter specifically permits partisan elections. When a municipality's charter allows partisan elections, political parties may nominate candidates for municipal office by using the primary election provisions of Title 2 of Tennessee Code Annotated (the “Election Code”) or as otherwise authorized by the rules of the party; and

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by [Article XI, Section 9](#) of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of permitting partisan elections for the Offices of the Mayor and Memphis City Council Members.

[Section 1](#). Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 1, 2024, and which shall be held at least sixty (60) days after such publication.

[Section 2](#). Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

[Section 3](#). Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 1, 2024, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 1st day of August, 2024, which question shall read as follows:

“ Shall the Charter of the City of Memphis be amended to read:

‘ Elections for the Offices of Mayor and Memphis City Council Members shall be partisan, such that political parties, including but not limited to the Democratic and Republican parties, may nominate candidates for the offices of Mayor and Memphis City Council Members by using the primary election provisions of the Tennessee Election Code or as otherwise authorized by the rules of the party. All provisions of the Charter that are inconsistent with this charter amendment are repealed.’ ?

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August, 2024, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. **BE IT FURTHER ORDAINED,** That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on the 1st day of August, 2024, if any.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated,

and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

CHAIRMAN:
Martavius Jones