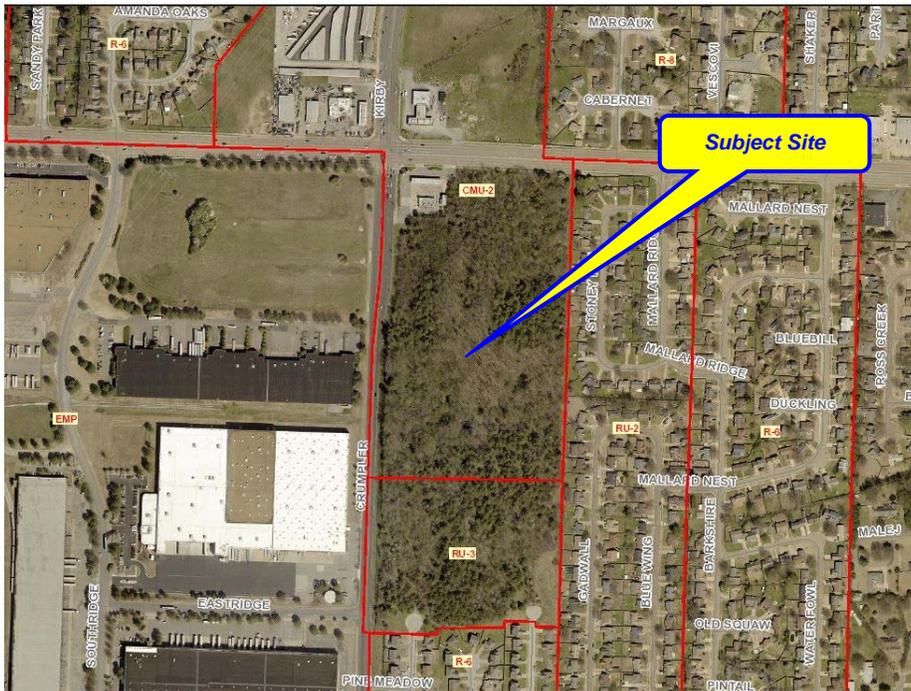


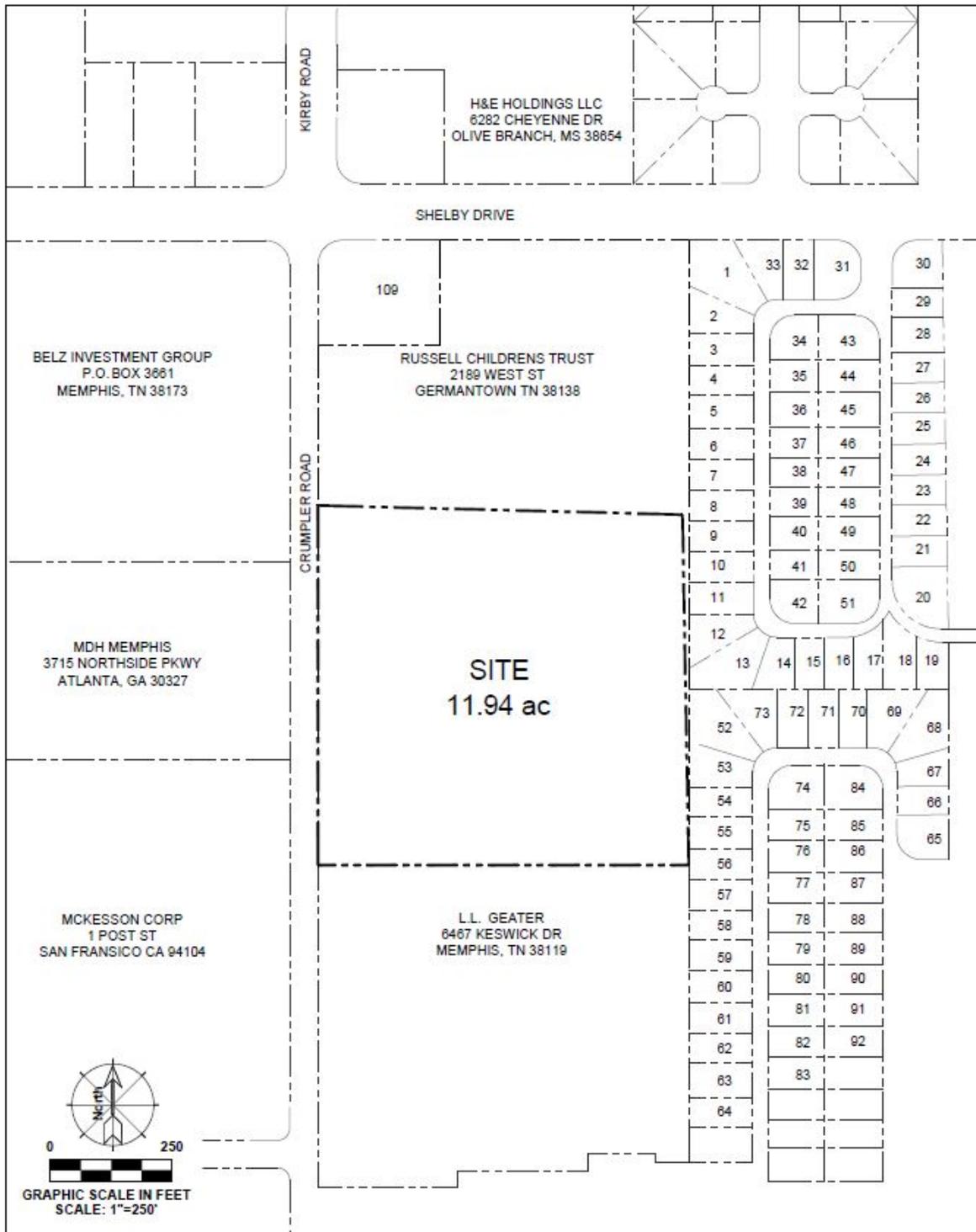
Zoning Aerial



Surrounding Land Use & Zoning

- North:** Exxon Mobil Gas Station and Vacant Land within the CMU-2 zoning district
- East:** Single-family residential within the Residential Urban (RU-2) zoning district
- South:** Vacant/Woods within the Residential Urban (RU-3) zoning district
- West:** Vacant Industrial Park within the EMP zoning district

Vicinity Map



Photos of Site



Northwest view of subject project along Crumpler Road



View headed north on Crumpler Road. Subject property is on the right side of photo.

Photos of Site

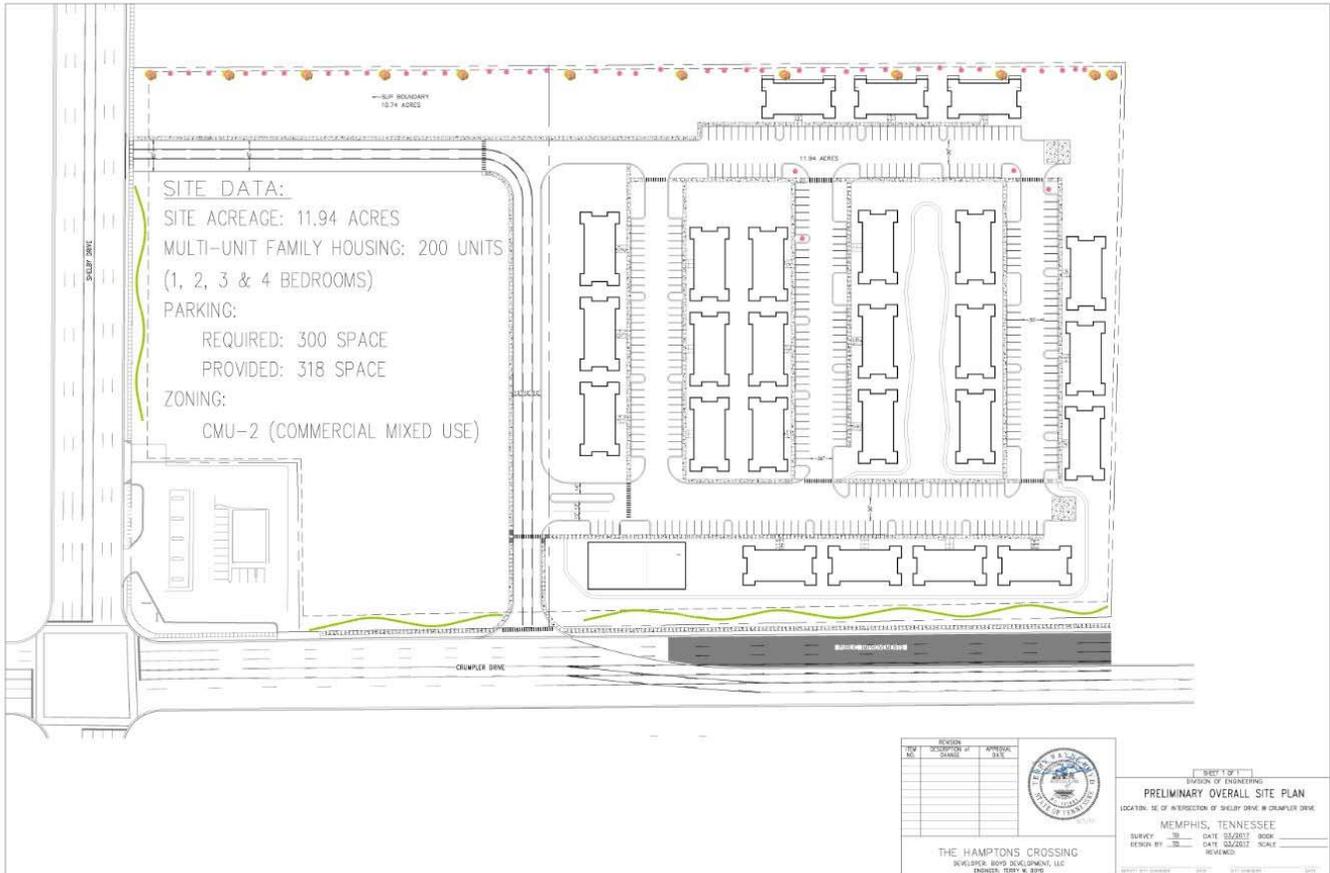


View headed north on Crumpler Road. Subject property is on the right side of photo.



View headed south on Crumpler Road. Subject property is on the left side of photo.

Preliminary Site Plan



Neighborhood Meeting: Held at 7200 E Shelby Drive, May 30, 2017 at 4 PM.

Public Notice: 96 public notices were mailed on May 26, 2017. A sign was posted on site to announce upcoming public hearing.

STAFF ANALYSIS:

This multi-family apartment community is planned on 11.94 acres within the Crumpler Road General Plan Shopping Center (recorded as Plat Book 61, Page 3 with the Shelby County Register of Deeds). The site is located at the intersection of East Shelby Drive and Crumpler Road (Kirby Parkway). The property is currently vacant and abutted by mixed commercial to the north, vacant land to the south, single family residential to the east and industrial uses to the west.

The Special Use Permit application included a preliminary site plan. During the site plan review, the applicant stated the unit mix has not yet been finalized and the property will potentially consist of all three (3) bedroom flat and/or townhouse style units as opposed to the 1, 2, 3 and 4 bedroom unit mix included in the application. According to the applicant, all resident and visitor parking will be provided within parking stalls. The applicant initially proposed to include attached single car garages to some units. While the site plan did not include a detailed landscape plan, the applicant states a Class III buffer will be provided along the easternmost portion of the subject site adjacent to the single family residential housing. The final site plan should describe the location and variety of the proposed landscaped areas within the buffer area and within the remaining portions of the subject site.

While the development is currently in its early preliminary stage, the proposed use of a multi-family property at this location will not seem contrary to the public's interest, safety and general welfare, and it appears that the submitted Special Use Permit application will comply with the provisions set forth within Section 9.6.9 of the UDC. All new development shall be limited to the approved building elevations, site and landscape plan, as approved by the City Council and the Memorandum of Conformance (MOC) process if applicable. Staff recommends approval with conditions.

RECOMMENDATION: Approval with Conditions

Site Plan Conditions:

1. This Special Use Permit is conditioned upon the submission and approval of a revised site plan, building elevations, and landscape plan prior to the application being forwarded to City Council. Any modifications shall be processed in accordance with Section 9.6.12 of the Memphis and Shelby County Unified Development Code (the "UDC").
2. The overall site development and landscaping limited to the revised site plan, as approved by OPD, the City Council, and the Memorandum of Conformance (MOC) process if applicable.
3. Dedicate 53 feet from centerline of Crumpler Road and improve in accordance the requirements of the Unified Development Code.
4. All private drives/rear service drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards, and provide a minimum width of twenty-two feet (22').

5. The applicant shall show the ingress-egress easements as recorded in Plat Book 166/31.
6. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
7. It appears that the corner of the existing ingress easement on Crumpler Road has been encroached upon by this development. The applicant shall show the ingress-egress easements removing this encroachment on the revised site plan.
8. Adequate queuing spaces in accordance with the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
9. The building elevations shall consist of an approved exterior material compatible with existing buildings in the vicinity.
10. All elevation drawings to be submitted with the revised site plan to ensure compliance.
11. A mixture of parking shall be provided to incorporate inclusion of private garages for all three bedroom units not to exceed twenty units or no less than ten percent of the total unit mix, whichever is greater.

GENERAL INFORMATION:

Zoning Atlas Page: 2445
Planning District: Oakhaven
Parcel IDs: 093700 00162C

DEPARTMENTAL COMMENTS:

The following comments were provided by Inter-governmental Agencies and Neighborhood Associations to which this application was referred:

City Engineer:

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.

Roads:

4. Dedicate 53 feet from centerline of Crumpler Road and improve in accordance the requirements of the Unified Development Code.
5. This development is adjacent to ___Shelby Drive which has been identified by TDOT (Project ID#__159__) to receive future improvements. The applicant is advised that land from his/her parcel may be reserved or dedicated to accommodate the future expanded R.O.W.

Traffic Control Provisions

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number of 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.

Private Drives:

9. All private drives/rear service drives shall be constructed to meet pavement requirements of the Unified Development Code, applicable City Standards, and provide a minimum width of twenty-two feet (22').
10. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

Curb Cuts/Access:

11. The applicant shall show the ingress-egress easements as recorded in Plat Book 166/31.
12. It appears that the corner of the existing ingress easement on Crumpler Road has been encroached upon by this development.
13. The City Engineer shall approve the design, number and location of curb cuts.
14. 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.

15. 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.
16. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

17. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the first final plan.
18. 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 Drainage Design Manual.
19. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
20. 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.
21. A breach hydrograph shall be prepared by the developer's engineer to establish the effects of a dam failure on lots #

Site Plan Notes:

22. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
23. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
24. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

25. The width of all existing off-street sewer easements shall be widened to meet current city standards.
26. 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.
27. Required landscaping shall not be placed on sewer or drainage easements.

Fire Services:	No comments received.
Memphis & Shelby County Health Department:	
Water Quality Branch:	No comment.
Septic Tank:	No comment.
Shelby County Schools (SCS):	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	MLGW has reviewed the referenced application, and has <u>no objection, subject to the following conditions:</u>

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **Street Names: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**:
http://cp.mcafee.com/d/avndyhJ5wQsLKfCzAsOCrdEEEEIfFLKcCQkkkm7QT4kjpISrIzIoDaAUshGpdlCzDThmZPhOYaeLEcZB_vo5jhPoQs-aIcLeyHOqdxIB0QsIeSZ--LCPpISr01aDAj7bUgrAuxYgovI4dwwHGOQE4jpJcQsFCPtPqpJUTsTsSyrh
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option

2) to initiate the utility application process.

- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Memphis Area Transit Authority (MATA):

No comments received.

Park Services:

No comments received.

Neighborhood Associations/Organizations:

No comments received.

LETTER OF INTENT

Boyd Development, LLC

Mr. Josh Whitehead
Planning Director
Office of Planning & Development for the City of Memphis & Shelby County
City Hall, 125 N. Main, Suite 468
Memphis, TN 38103
901.576.6601

RE: The Hamptons Crossing Special Use Permit Application

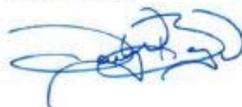
There are 3 proposed uses for the Hamptons Crossing project currently under consideration. The three (3) uses for proposed development include commercial retail, assisted living and Multifamily Apartment Housing Units. The total land area of the development is 21.34 acres. The current zoning designation for the property is CMU-2, Commercial Mixed Used Development, which, according to the City of Memphis & Shelby County Zoning Ordinance Section 2.2.3.C is intended to provide for commercial, office and employment uses that serve through traffic as well as surrounding neighborhoods. Residential uses are allowed on the ground floor but upper store units are encouraged. Typically centers may include anchor tenants up to 80,000 sf of ground floor area. Uses in this district are intended to be located within convenient traveling distance from the multiple neighborhoods they are designated to serve.

According to the Permitted use table of the Zoning Ordinance Section 2.5.2, all of the aforementioned uses are allowed uses. Commercial retail and Assisted Living facilities are allowed by use with no application of approval required through the Office of Planning & Development. While Multifamily Housing Apartment Units are also an allowed use, multifamily housing requires approval through a Special Use Application through the Office of Planning & Development simply to ensure the proposed development matches the characteristics of the surrounding community.

The proposed multi-family house development will consist of a variety of 1, 2 and 3 bedroom units, with some units having attached single car garages. It is intended to have a decorative fence and landscape buffer surrounding the property, with a Type 3 landscape buffer along the eastern property line to allow a greater barrier for noise and privacy from the adjacent single family housing development. The premises will also include a walking trail that will circle around the entirety of the development, along with some out door picnic and recreational areas and indoor fitness center. All required public improvements along Crumpler drive will be built widening crumpler drive along the length of our property while adding public sidewalks and streetscaping. The entrance into the development will primarily be from a private drive that will loop from Crumpler Drive to Shelby Drive, with entrance into apartment complex coming off the private drive in an effort to minimize impact of traffic on either adjacent roadway.

The preapplication meeting for the next Land Use Control Board Hearing required as part of the Special Use Permit application was held with Chip Saliba on April 17, 2017 @ 2:00 pm @ the Memphis & Shelby County Office of Planning & Development. The full application is included with this letter and a public meeting will be held at least 10 days prior to the LUCB meeting, with proper notifications sent to the public and the Office of Planning & Development, and the LUCB meeting will held on June 8, 2017.

Thank You,
Terry Boyd, PE



Boyd Development, LLC
Tboyd03@gmail.com
901.257.9296

4646 Poplar Ave, Suite 302, Memphis, TN 38117
901.257.9296.tboyd03@gmail.com

APPLICATION



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

APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT

Date: April 3, 2017

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Beruk Properties, Inc. (Under Contract) Phone #: 901.949.0880
 Mailing Address: 4646 Poplar Ave City/State: Memphis, TN Zip 38117
 Property Owner E-Mail Address: berukconstruction@gmail.com
 Applicant: Terry Boyd Phone # 901.257.9296
 Mailing Address: 4646 Poplar Ave, Suite 302 City/State: Memphis, TN Zip 38117
 Applicant E- Mail Address: tboyd03@gmail.com
 Representative: Terry Boyd Phone #: 901.257.9296
 Mailing Address: 4646 Poplar Ave, Suite 302 City/State: Memphis, TN Zip 38117
 Representative E-Mail Address: tboyd03@gmail.com
 Engineer/Surveyor: Terry Boyd Phone # 901.257.9296
 Mailing Address: 4646 Poplar Ave, Suite 302 City/State: Memphis, TN Zip 38117
 Engineer/Surveyor E-Mail Address: tboyd03@gmail.com
 Street Address Location: Shelby Drive Parcel #09370000162C
 Distance to nearest intersecting street: 250' west along Shelby Drive to the intersection of Crumpler/Kirby Parkway

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>21.34</u>	_____	_____
Existing Zoning:	<u>CMU-2</u>	_____	_____
Existing Use of Property	<u>Vacant/Woods</u>	_____	_____
Requested Use of Property	<u>Multifamily/Apartment</u>	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes ___ No X

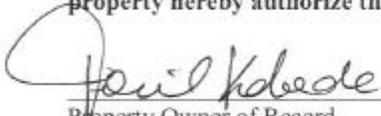
Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

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

Variations: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

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

 4/3/17
Property Owner of Record Date

 4/3/17
Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: 3/26/17 with Chip Saliba

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes ___ Not yet X
(If yes, documentation must be included with application materials)

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