



# STAFF REPORT

AGENDA ITEM: 8

**CASE NUMBER:** PD 17-11  
**L.U.C.B. MEETING:** August 10, 2017  
**LOCATION:** 6610 Messick Road  
**OWNER/APPLICANT:** Emmanuel United Methodist Church / Kircher-Uhlhorn Development LLC  
**REPRESENTATIVE:** W.H. Porter Consultants PLLC  
**REQUEST:** Residential single-family planned development  
**AREA:** +/-7.06 acres  
**EXISTING ZONING:** Residential Single-Family – 15 (R-15)

## CONCLUSIONS

## RECOMMENDATION:

Staff Writer: *Jeffrey Penzes*

E-mail: [jeffrey.penzes@memphistn.gov](mailto:jeffrey.penzes@memphistn.gov)

**GENERAL INFORMATION**

**Street Frontage:** Messick Road +/-562.00 linear feet  
Pidgeon Woods +/-434.00 linear feet

**Zoning Atlas Page:** 2250

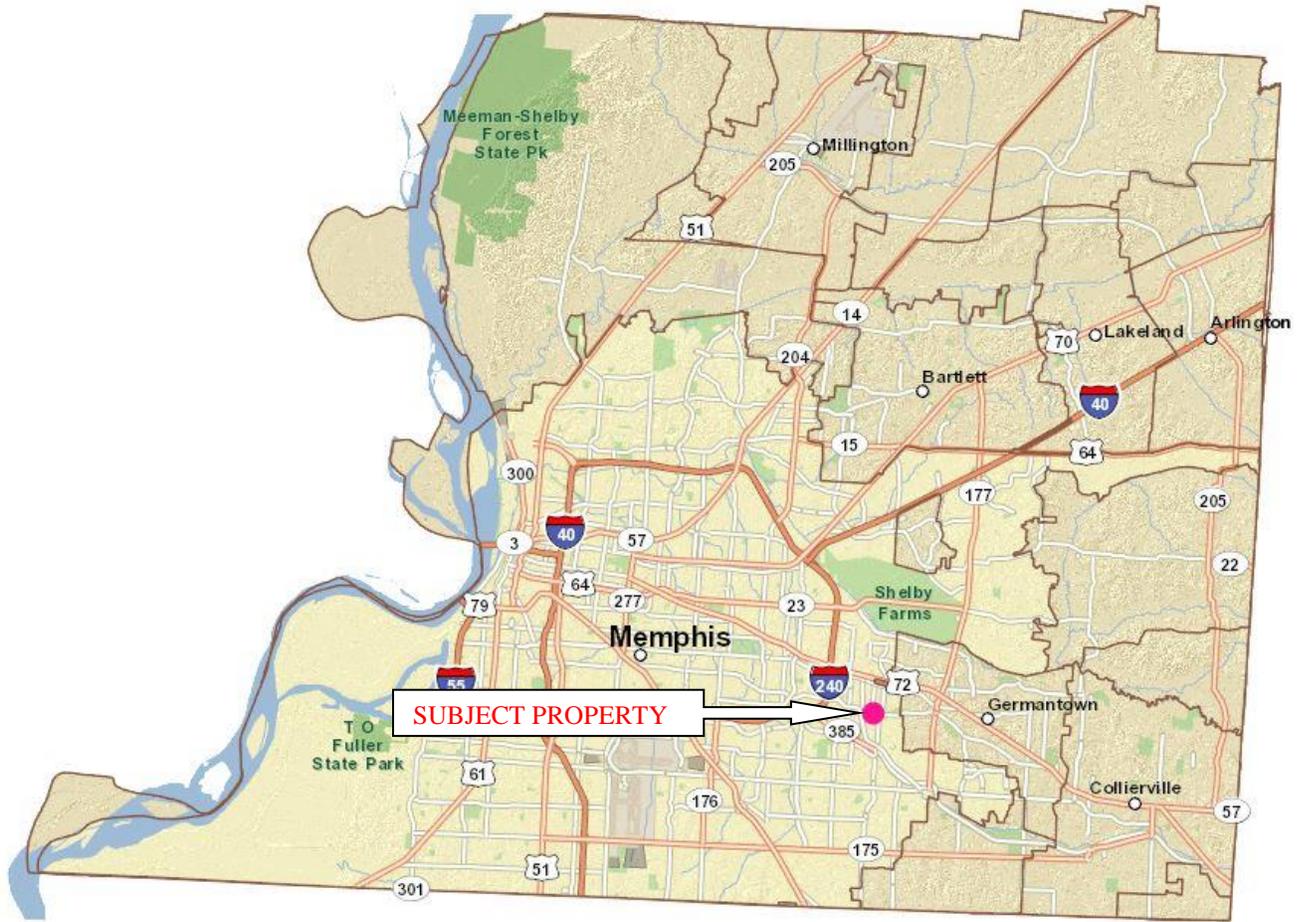
**Parcel ID:** 081026 00015

**Existing Zoning:** Residential Single-Family – 15 (R-15)

**NEIGHBORHOOD MEETING**

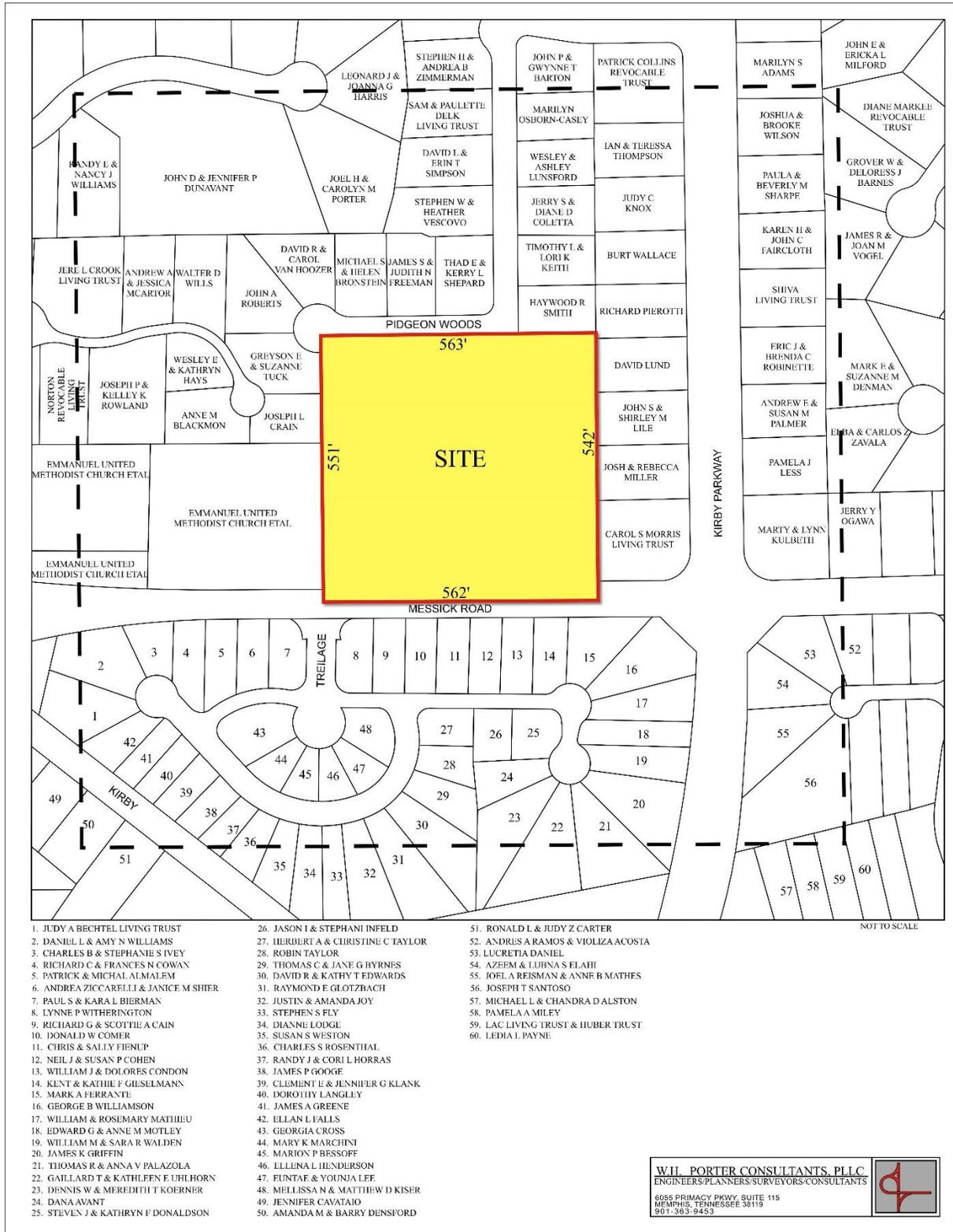
The meeting was held at 6:00 PM on Tuesday July 25, 2017, at Emmanuel United Methodist Church, 2404 Kirby Road.

**LOCATION MAP**



Subject property located within the pink circle

VICINITY MAP



Subject property highlighted in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Residential Single-Family – 15 (R-15)

**Surrounding Land Use & Zoning**

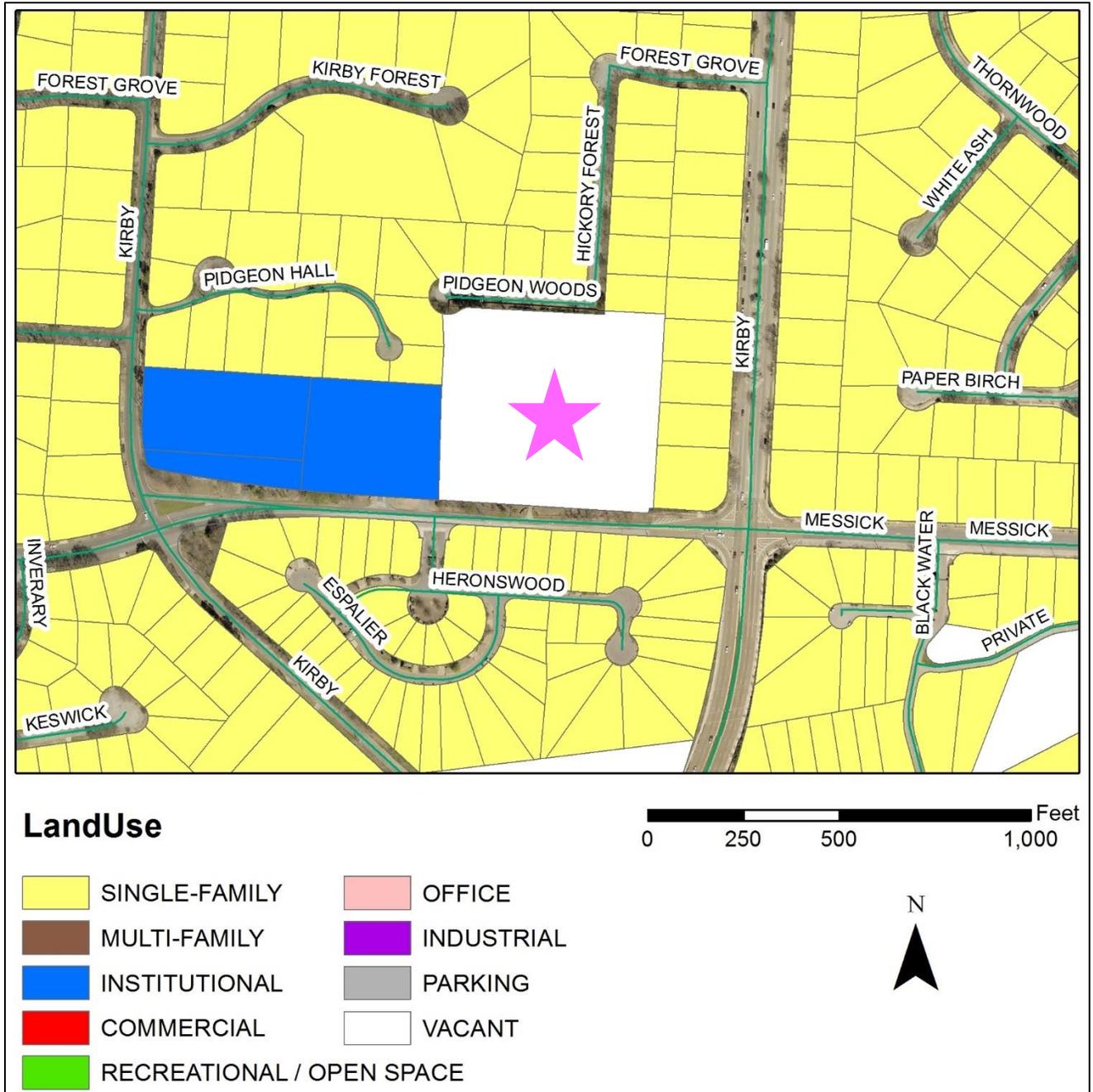
**North:** R-15

**East:** R-15 and Residential Corridor Overlay

**South:** R-15 and PD 99-378

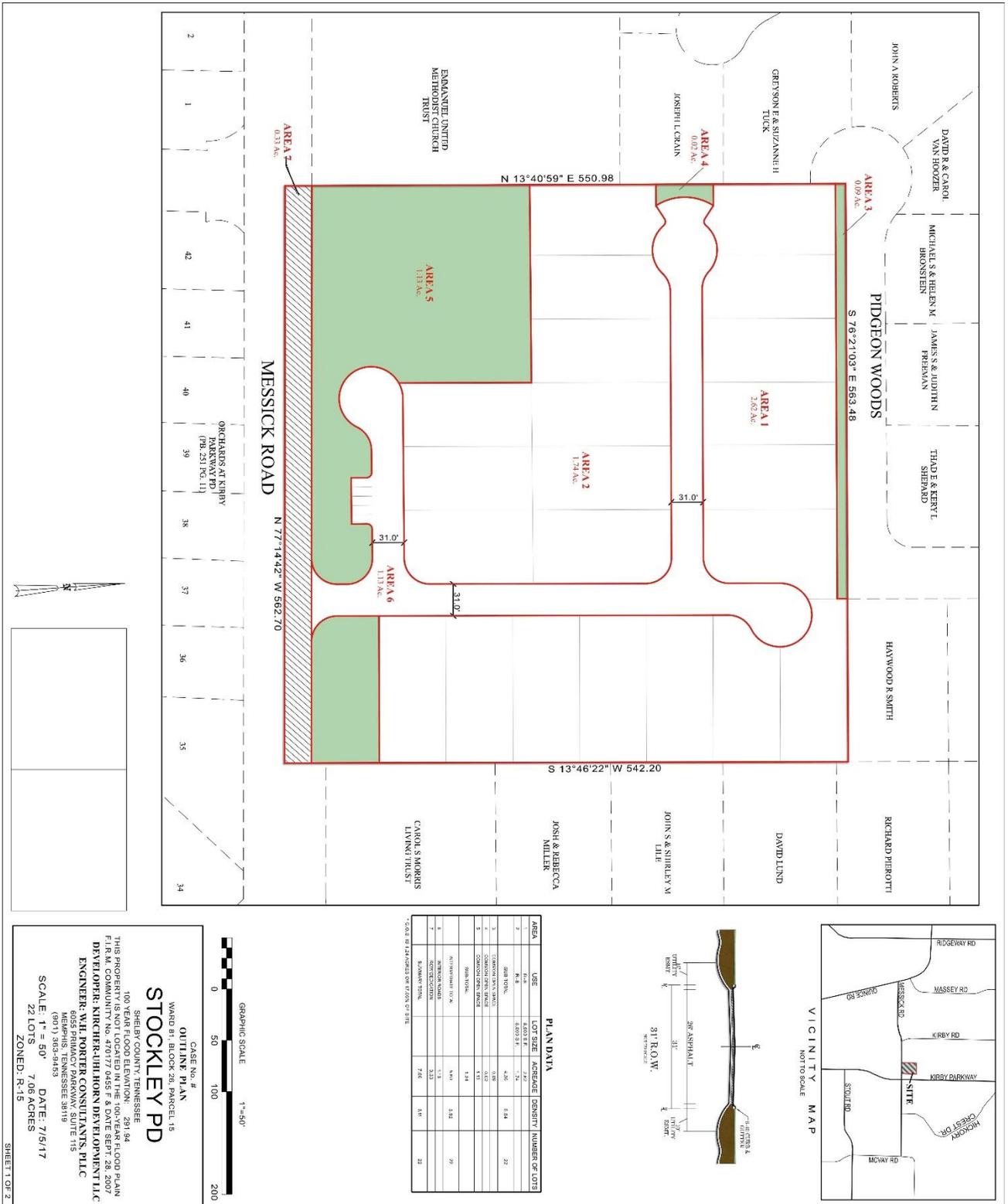
**West:** R-15

**LAND USE MAP**

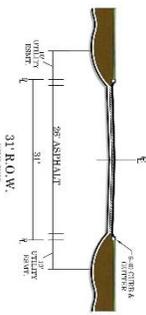
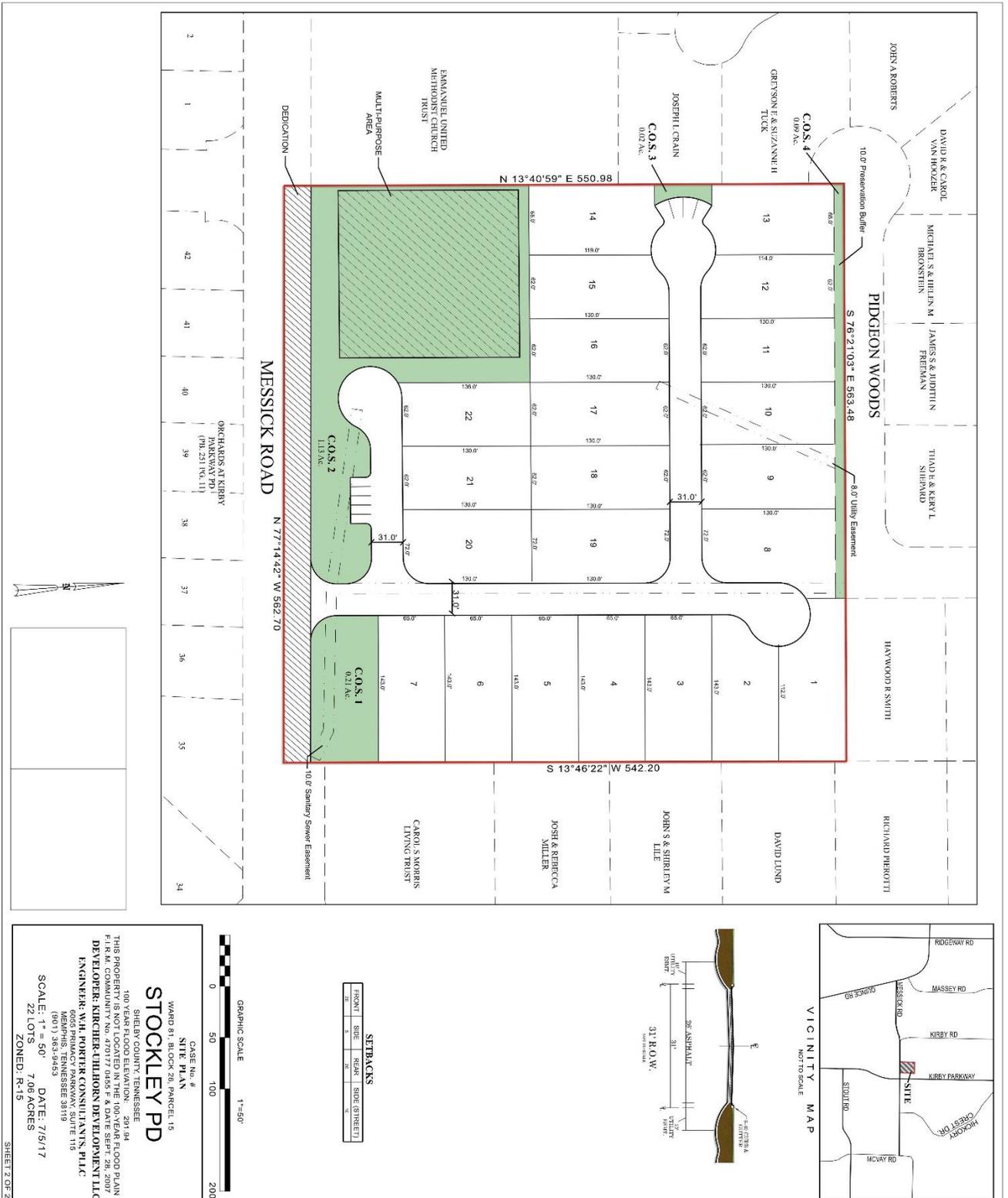


Subject property indicated by a pink star

**OUTLINE PLAN MAP**



**SITE PLAN**



SETBACKS			
FRONT	SIDE	REAR	SIDE (SHELF)
20'	5'	5'	5'



**STOCKLEY PD**  
SHELBY COUNTY, TENNESSEE  
100 YEAR FLOOD ELEVATION: 291.94  
THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN  
FIRM NO. COMMUNITY NO. 870171 0858 & DATE SHEET: 8/20/17  
**DEVELOPER: KIRCHER CHILDREN DEVELOPMENT LLC**  
**ENGINEER: WA. FORKOR CONSTRUCTION**  
MEMPHIS, TENNESSEE 38119  
(901) 363-9453  
SCALE: 1" = 50' DATE: 7/5/17  
22 LOTS 7.06 ACRES  
ZONED: R-15

**SITE PHOTOS**



View of the center of the subject property from Messick Road looking north



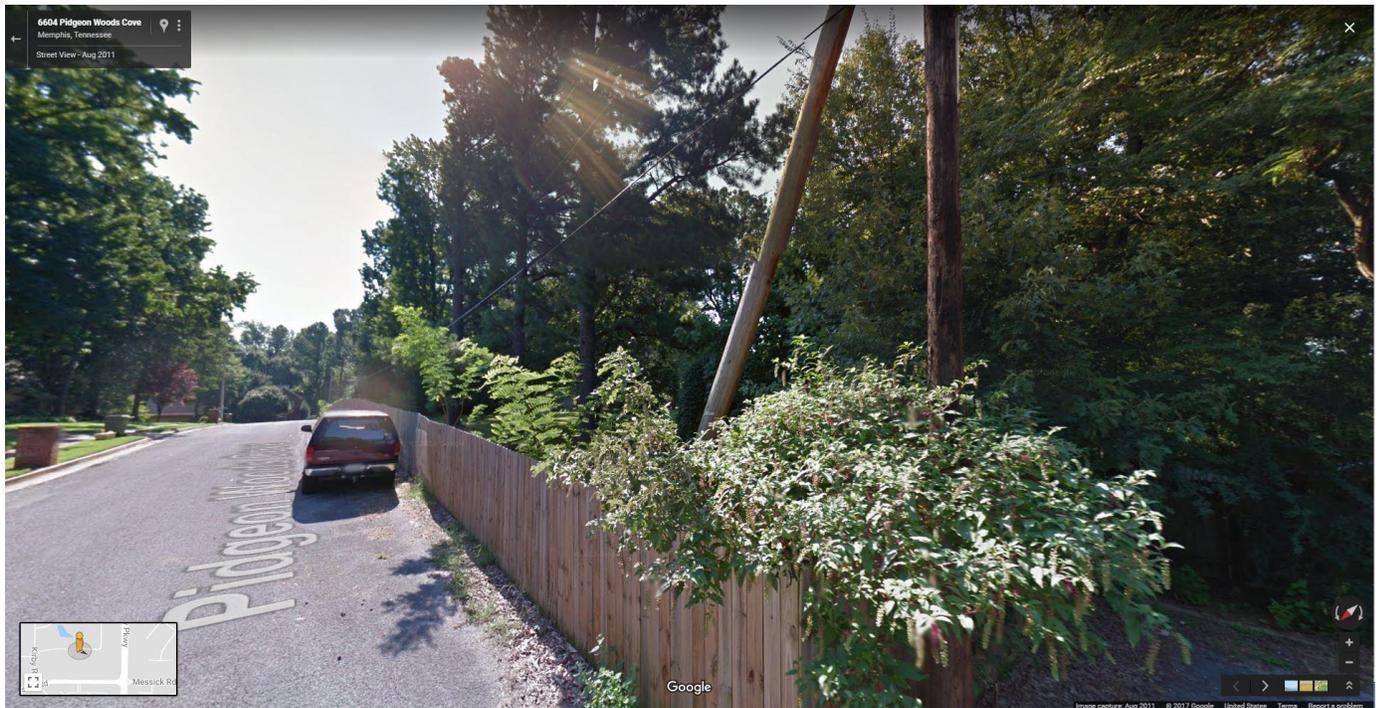
View of the southwest corner of the subject property from Messick Road looking northeast



View of the southeast corner of the subject property from Messick Road looking northwest



View of the subject property from the intersection of Hickory Forest and Pigeon Woods looking south



View of the subject property from the Pidgeon Woods dead end circle looking southeast

**SURROUNDING AREA PHOTOS**



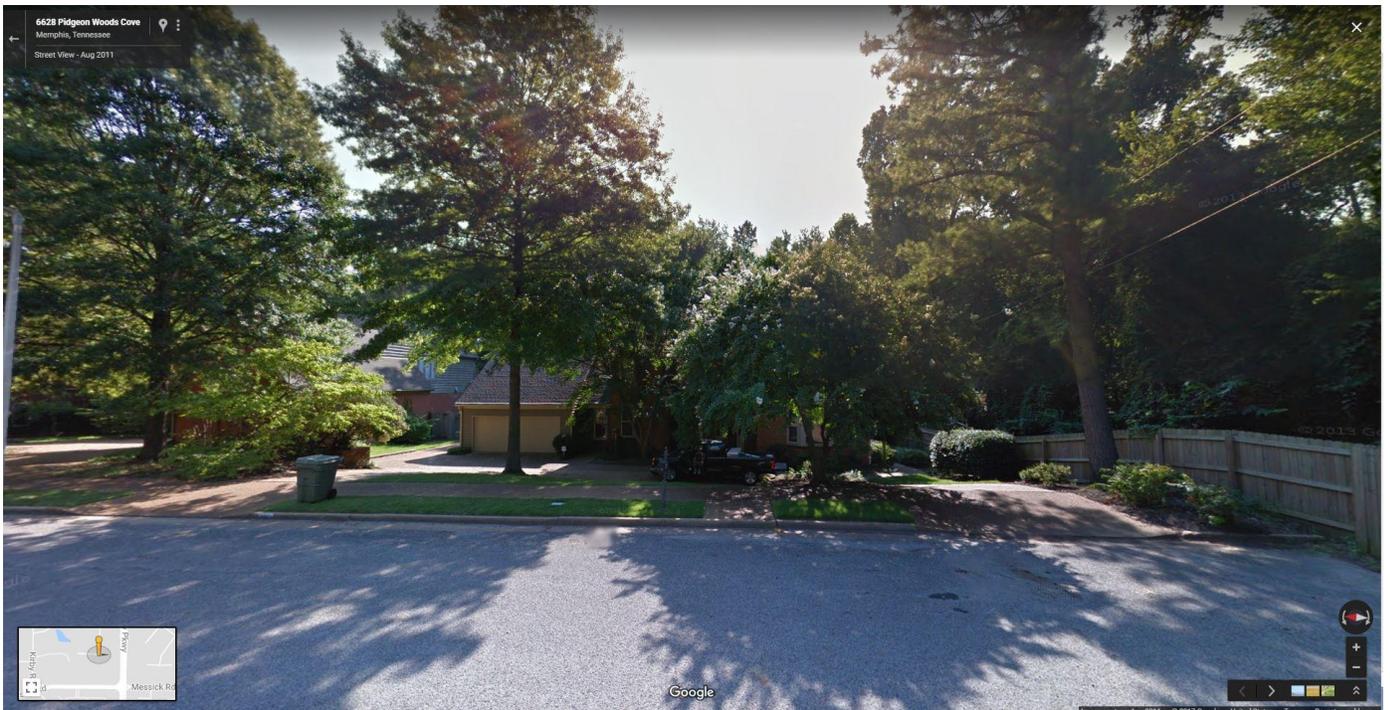
View across Messick Road from the southwest corner of the subject property looking southeast



View across Messick Road from the southeast corner of the subject property looking southwest



View across the Pidgeon Woods dead end circle from the northwest corner of the subject property looking northeast



View of a house abutting the subject property from the intersection of Hickory Forest and Pidgeon Woods looking east

## **DEPARTMENTAL COMMENTS**

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

### **City/County Engineer:**

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

### **Sewers:**

2. City sanitary sewers are available at developer's expense.
3. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

### **Roads:**

4. This development does not appear to be effected by a project that has been identified by TDOT or the MPO on the LTRP to receive future improvements. However, the applicant is advised to inquire with the MPO, MATA, TDOT and any adjacent railroad authority regarding any future projects that may impact this site.
5. Dedicate 40 feet from centerline of Messick Road and improve in accordance with Subdivision Regulations.
6. Provide approved names for all streets reflected on the preliminary/outline plan.
7. The developer will dedicate and improve Pidgeon Woods Cove per the recorded plat for Pidgeon Woods Subdivision.

### **Traffic Control Provisions**

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

11. Provide cul-de-sac radii on all streets.
12. Identify the drives as "Private."
13. Set aside guest parking areas.
14. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22')/eighteen (18) feet.
15. 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.
16. Private Drives shall be constructed to City Standard Spec's for roadways, and be inspected by City Construction Inspections

**Curb Cuts/Access:**

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

**Drainage:**

18. An overall drainage plan for the entire site shall be submitted to the City/County Engineers prior to approval of the first final plan.
19. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
20. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
21. 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.

22. All drainage emanating on-site shall be private in nature and no public easements will be accepted.
23. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

**Site Plan Notes:**

24. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
25. All parking areas and driving aisles to be paved with asphalt or concrete.
26. 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.
27. 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:**

28. The width of all existing off-street sewer easements shall be widened to meet current city standards.
29. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
30. All connections to the sewer shall be at manholes only.
31. 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.
32. Required landscaping shall not be placed on sewer or drainage easements.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

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

- No comments.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

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

conditions:

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW writing 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 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/FZsSd20Orhoud7bXP9EVd79EVdCQkkkm7QTT6jqaab3Wrya9ISrdG-GIjBise8RcCNO9EVv5rFS82HPb6A7bKyLIEqaIeTg5jhPXTyHzeK9Lcmvv88CPpISr01aDAj7bUgrAuxYqovI4dwwHGOQE4jpJcQsFCPtPqpJUTsTsSyrh>
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
  - 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.

Land and Mapping-Address Assignment

- NO CHANGES-Street names good & existing (WINCHESTER RD)

**Neighborhood Associations:**

No comments received.

**APPLICATION**



*Memphis and Shelby County  
Office of Planning and Development*

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

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

Date: 7/5/2017

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: Stockley PD

Property Owner of Record: Emmanuel United Methodist Church Phone #: N/A

Mailing Address: 2404 Kirby Rd City/State: Memphis/TN Zip 38119

Property Owner E-Mail Address: N/A

Applicant: Kircher-Uhlhorn Development LLC Phone # (901)753-2308

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

Applicant E-Mail Address: eddie@kircherllc.com

Representative: Solomito Land Planning Phone #: (901)755-7495

Mailing Address: 2067 Kirby Parkway City/State: Memphis/TN Zip 38119

Representative E-Mail Address: brendasolomito@bellsouth.net

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

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

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

Street Address Location: 6610 Messick Rd

Distance to nearest intersecting street: 195 west of Messick Rd @ Kirby parkway

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>7.06</u>	_____	_____
Existing Zoning:	<u>R-15</u>	_____	_____
Existing Use of Property	<u>Single Family Home</u>	_____	_____
Requested Use of Property	<u>Planned Development</u>	_____	_____

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

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

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

**Amendment(s):** Is the applicant applying for an amendment to an existing Planned Development?  
Yes \_\_\_\_\_ No  X

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

#### **4.10.3 Planned Development General Provisions**

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

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

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

The Wynne PD was designed with the surrounding properties in mind. A 10' Preservation Buffer was placed on the north property line so that there would be very little visual impact on the existing Neighborhood. The proposed lots on the east side of the development were made deeper to help move the houses further away from the existing lots. Wynne PD was designed to match the the existing development to the south.

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

All civil and drainage plans shall be submitted to the City Engineer for review and approval.

- 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)

- 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.

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

A Homeowners' association will be created to maintain the property.

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

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

**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:** 4/25/2017 with Josh Whitehead

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

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

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

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

David Ruff 4/1/17 Eddie Kircher 6/1/17  
Property Owner of Record Date Applicant Date

**GUIDE FOR SUBMITTING  
PLANNED DEVELOPMENT APPLICATION  
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

*(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)*

**LETTER OF INTENT**

**W. H. PORTER CONSULTANTS, PLLC**

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

Engineers, Planners, Surveyors, Consultants

July 5, 2017

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

**RE: Application for Planned Development  
Stockley PD  
6610 Messick Rd**

Mr. Whitehead,

On behalf of Kircher-Uhlhorn Development LLC, we are pleased to submit an application for the Stockley Planned Development. The property is approximately 7.06 acres within the R-15 zoning district. We believe that the property would be better utilized as a Planned Development so that the R-10 District regulations may be used. The lots were designed to replicate the size lots of The Orchards at Kirby Parkway which is a 16 acre Planned Development just south of the proposed development.

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

Sincerely,

William D. Porter

**LETTERS RECEIVED**

One letter of support was received at the time of submission of this report and has subsequently been attached.

## Case # PD 17-11, 6610 Messick Rd.

James Googe <jpgooge57@gmail.com>

Tue 8/1/2017 5:50 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>;

I am the homeowner at 6541 Espalier Circle, which is in the Greenbrier gated community directly across Messick Road from the planned residential development.

I support approval of the applicant's plan. The proposed lot sizes are comparable to those in the gated neighborhood where I live, and would provide for upscale residential development of the same type as mine, with even larger homes in some cases due to larger lots.

The site of the planned development is a beautiful piece of property, with large trees and natural open spaces. Regrettably, trees and meadows will be replaced with buildings, but development of one kind or another will happen. An owner cannot be denied the reasonable economic use of his property. And the use proposed here seems much better than any other practicable use.

If approval can be conditioned on certain improvements not currently in the plan, I strongly recommend that trees of a certain size along the periphery of the development not be removed, especially those along Messick Road. Further, the fence separating the development from Messick Road should be of brick or other permanent construction similar to the Greenbrier fence facing Messick Road.

Thank you for your consideration.

James P. Googe, Jr.  
Captain, Judge Advocate, U.S. Navy (Retired)