



# STAFF REPORT

AGENDA ITEM: 9

**CASE NUMBER:** PD 18-28 **L.U.C.B. MEETING:** September 13, 2018

**DEVELOPMENT:** Memphis Auto Auction Planned Development

**LOCATION:** +/-1100 feet south of Winchester Road on the east and west sides of Prescott Road

**COUNCIL DISTRICT:** District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Nelda D Wilson Spousal Access Trust and KE Investments LLC / Memphis Auto Auction

**REPRESENTATIVE:** The Bray Firm – David Bray

**REQUEST:** Auto auction facility planned development

**AREA:** +/-38.593 acres

**EXISTING ZONING:** Residential Single-Family – 8 (R-8)

## CONCLUSIONS

1. The applicant is requesting an auto auction facility planned development that will expand the borders and layout of the previously-approved PD 02-307 concept plan. The applicant of this request is the same as PD 02-307.
2. The proposed thirty-foot wide landscape screen including a five-foot tall berm with a combination of evergreen and deciduous shrubs and trees to form a nearly visually opaque screen in combination with the required photometric lighting plan will ensure that adjacent residential lots are protected visually from the facilities operation.
3. Approximately, half of the subject property is currently vacant while the other half is composed of surfaced and non-surfaced parking.
4. 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.
5. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

**RECOMMENDATION:**  
*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** Eastside of Prescott Road +/-1027.00 linear feet  
Westside of Prescott Road +/-549.00 linear feet

**Zoning Atlas Page:** 2335 and 2340

**Parcel ID:** 073088 00016, 073088 00015, 073088 00014, and part of parcel 073089 00020C

**Existing Zoning:** Residential Single-Family – 8 (R-8)

**NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Thursday, August 30, 2018, at 3719 Old Getwell Road.

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 109 notices were mailed on August 28, 2018, and a total of 3 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle



**AERIAL**



Subject property outlined in red, imagery from March 14, 2018

**ZONING MAP**



Subject property outlined in yellow

**Existing Zoning:** Residential Single-Family – 8 (R-8)

**Surrounding Zoning**

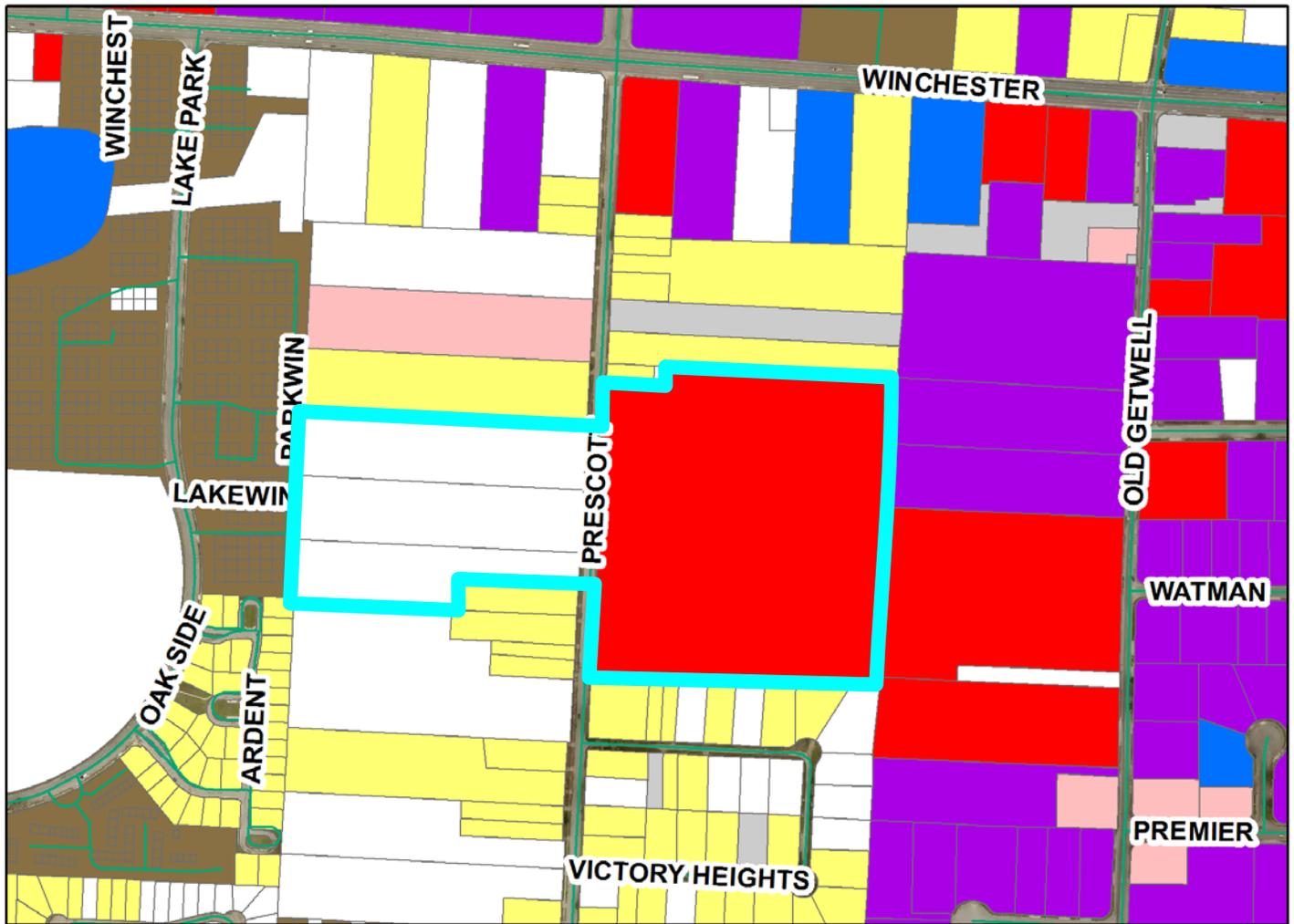
**North:** R-8 then CMU-2

**East:** IH

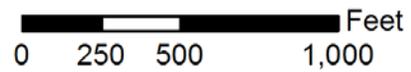
**South:** R-8

**West:** RU-3

**LAND USE MAP**



**LandUse**

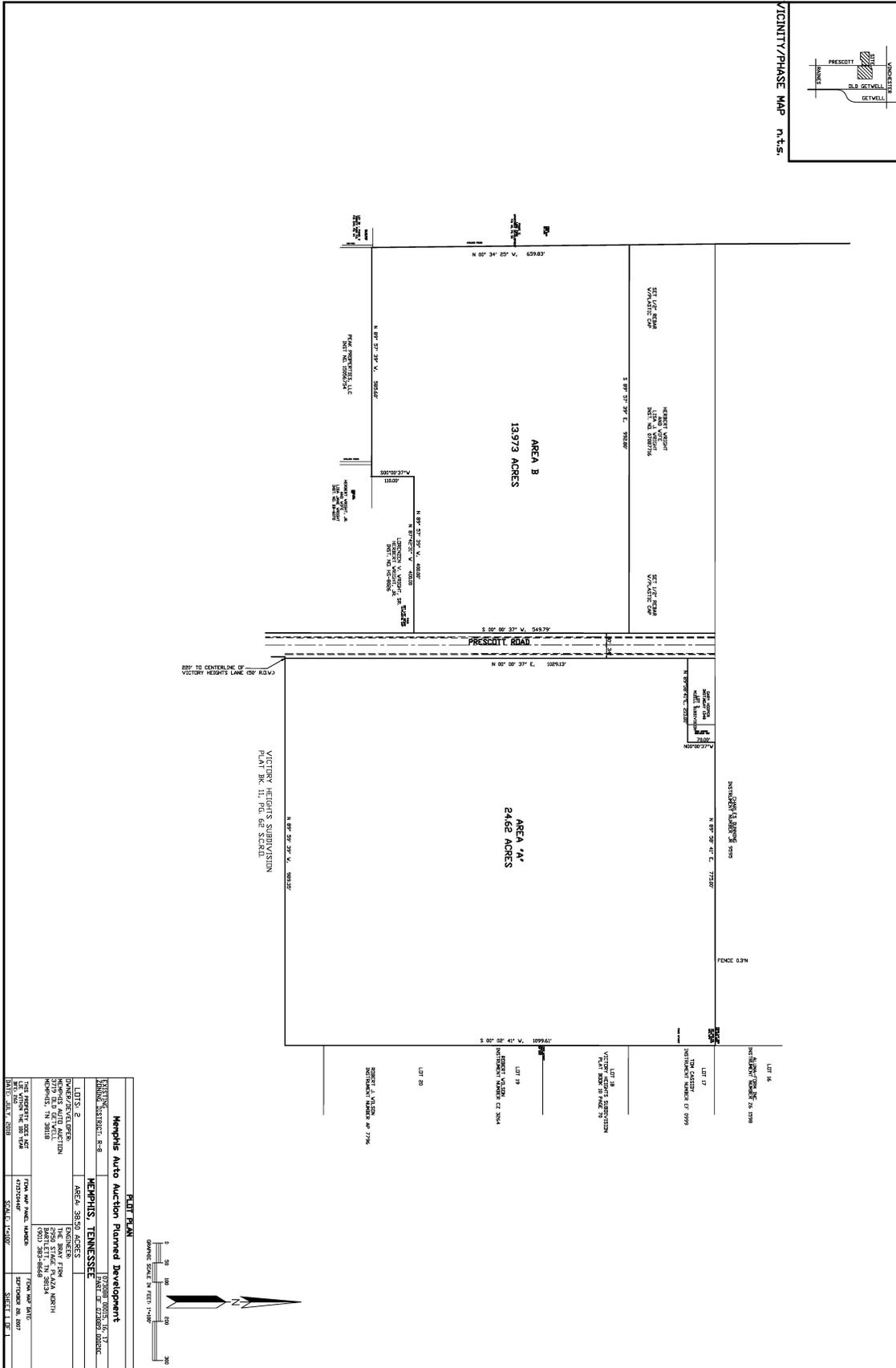


 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	

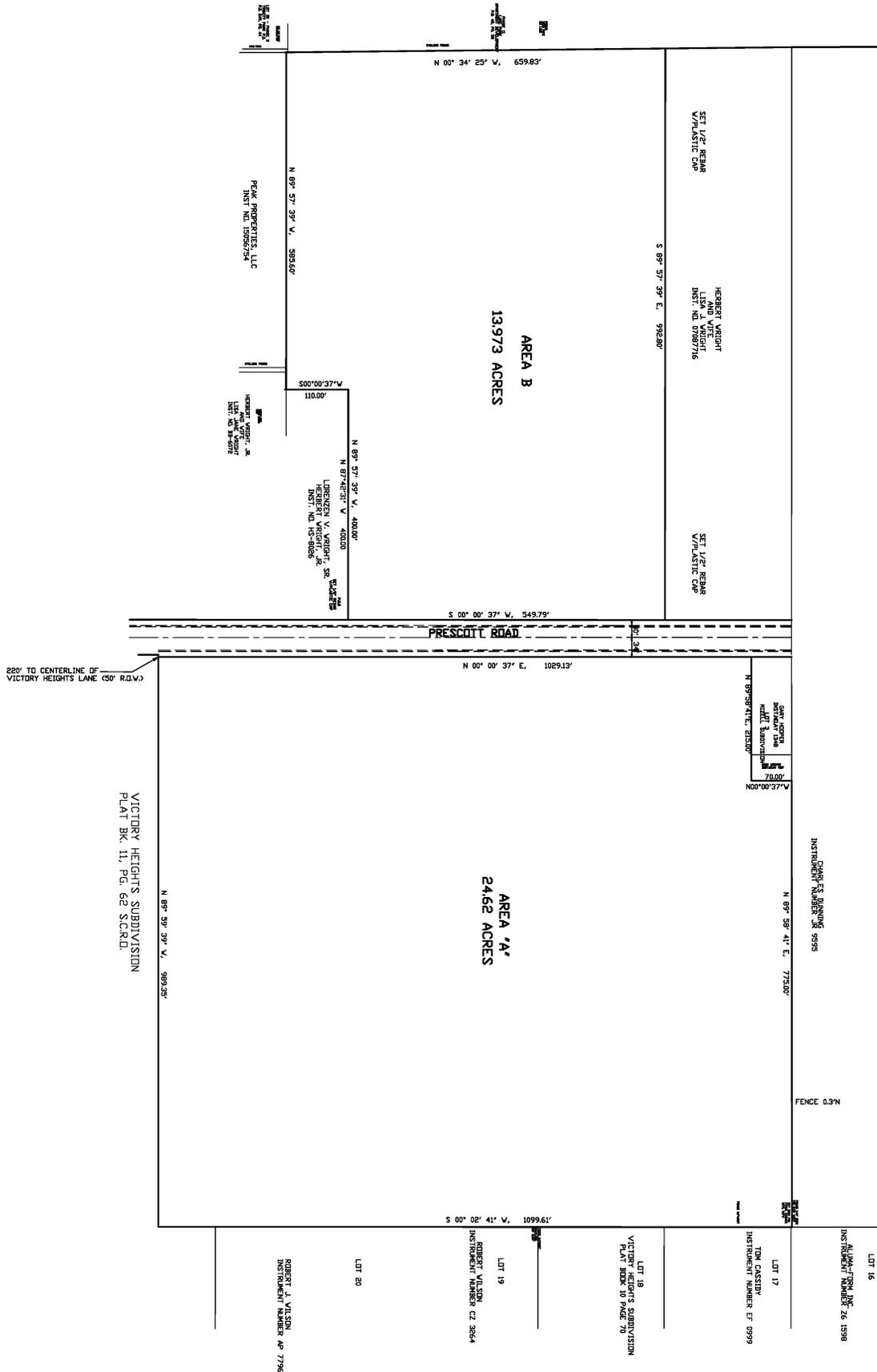


Subject property outlined in electric blue

**PLOT PLAN**



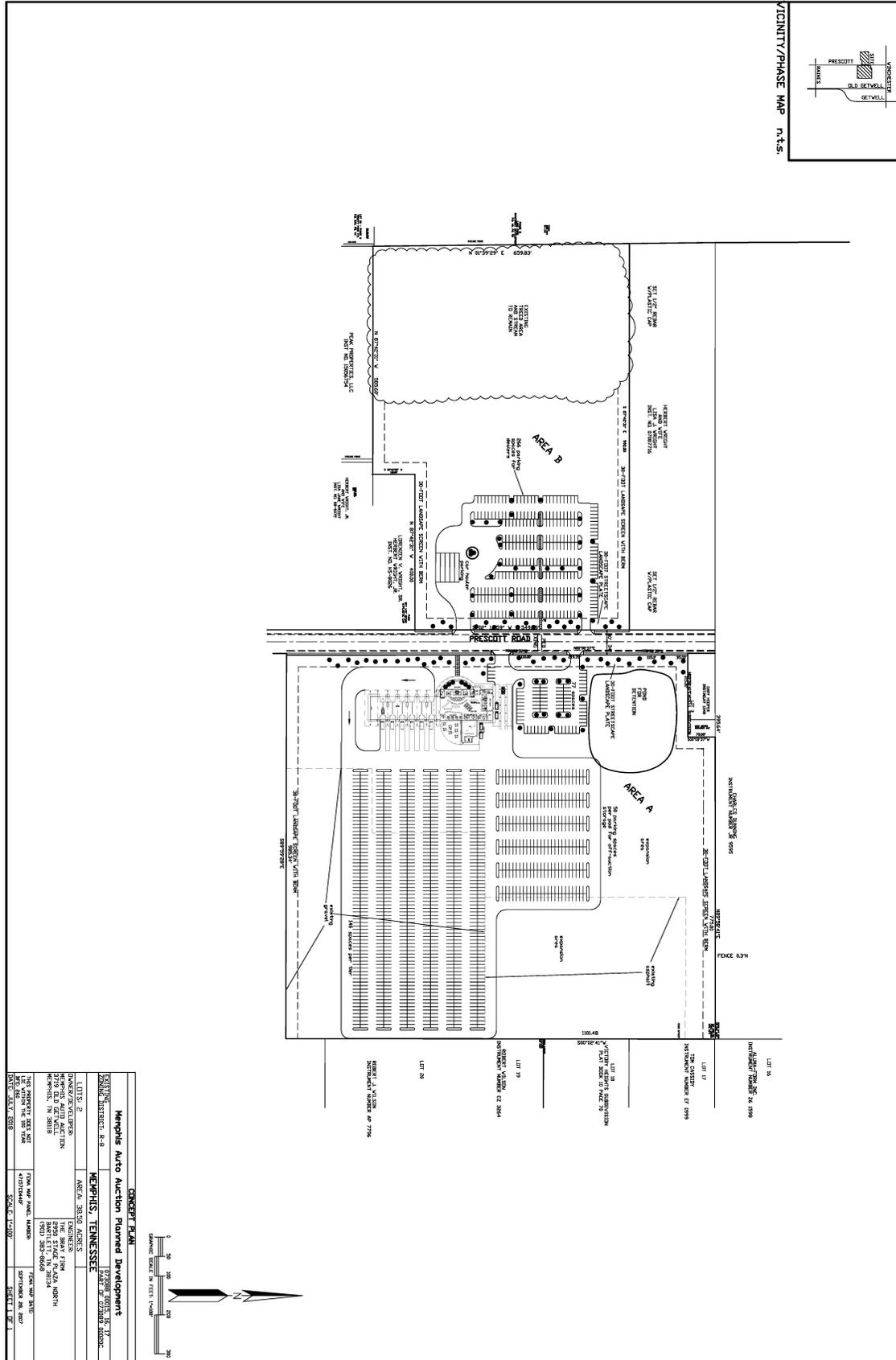
PLOT PLAN (ZOOMED)



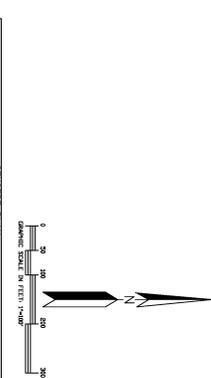
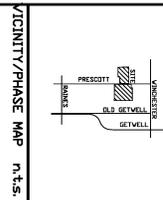
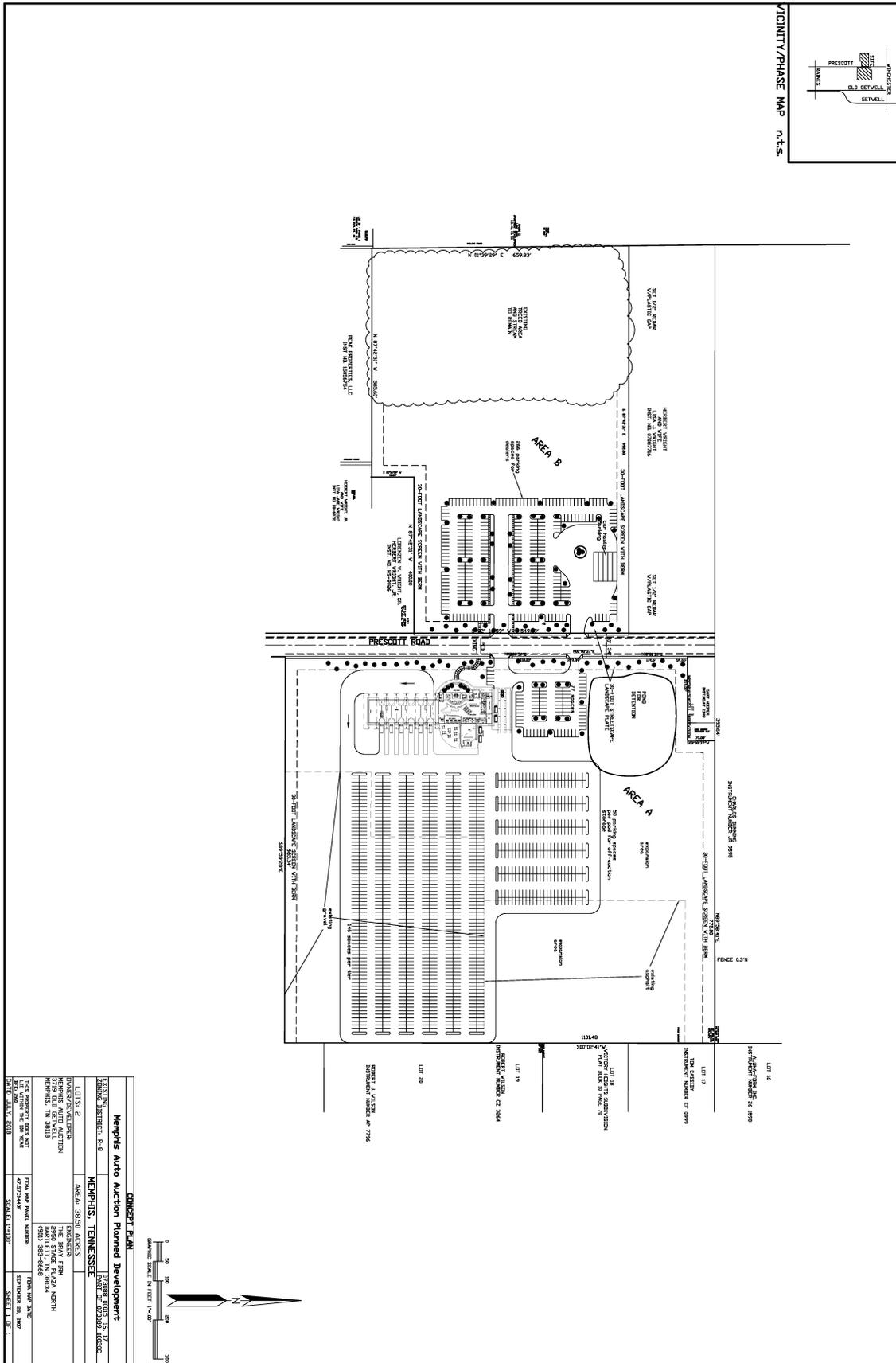




CONCEPT PLAN – ORIGINAL



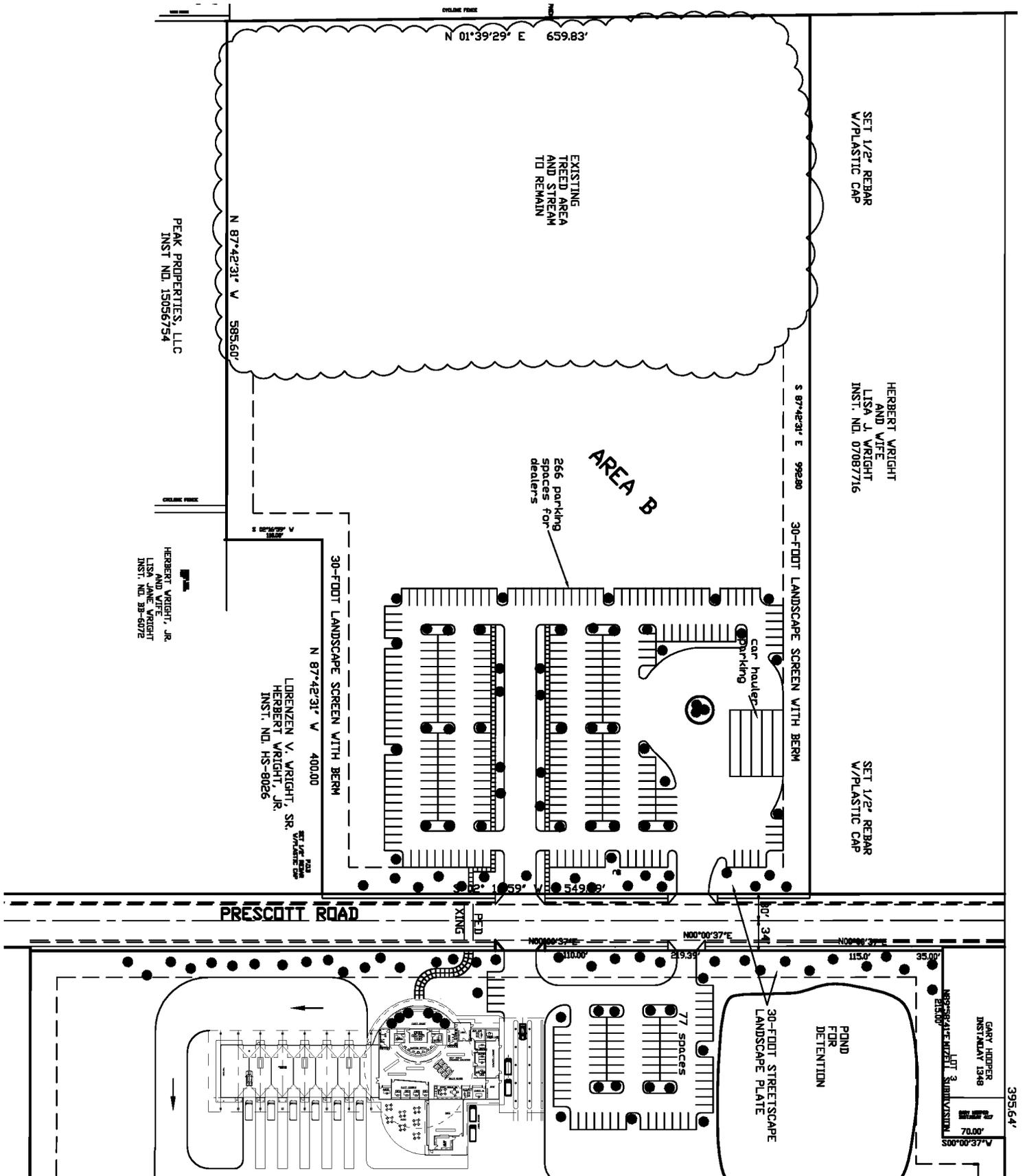
**CONCEPT PLAN – REVISED**



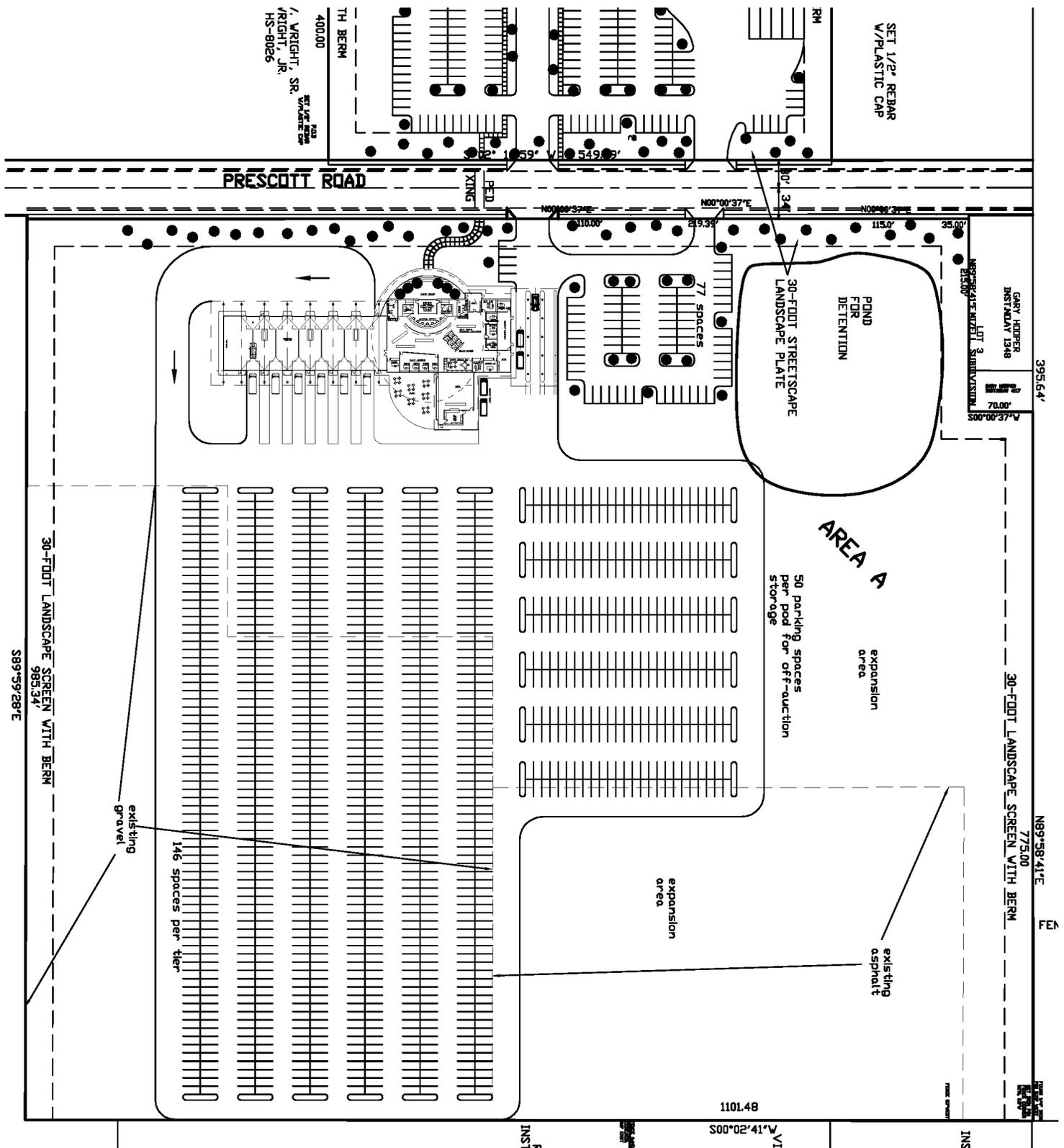
CONCEPT PLAN	
<b>Memphis Auto Auction Planned Development</b>	
EXISTING ZONING DISTRICT: R-8	MEMPHIS, TENNESSEE
LIT 10	AREA: 28.50 ACRES
OWNER/DEVELOPER: MEMPHIS AUTO AUCTION	THE GREAT FIRM USA NORTH
MEMPHIS, TN 38118	3801 S. GUYTON BL. #200
MEMPHIS, TN 38118	(901) 253-8669
PREPARED BY: THE GREAT FIRM USA NORTH	DATE: 08.15.2018
SCALE: 1"=100'	SHEET 1 OF 1



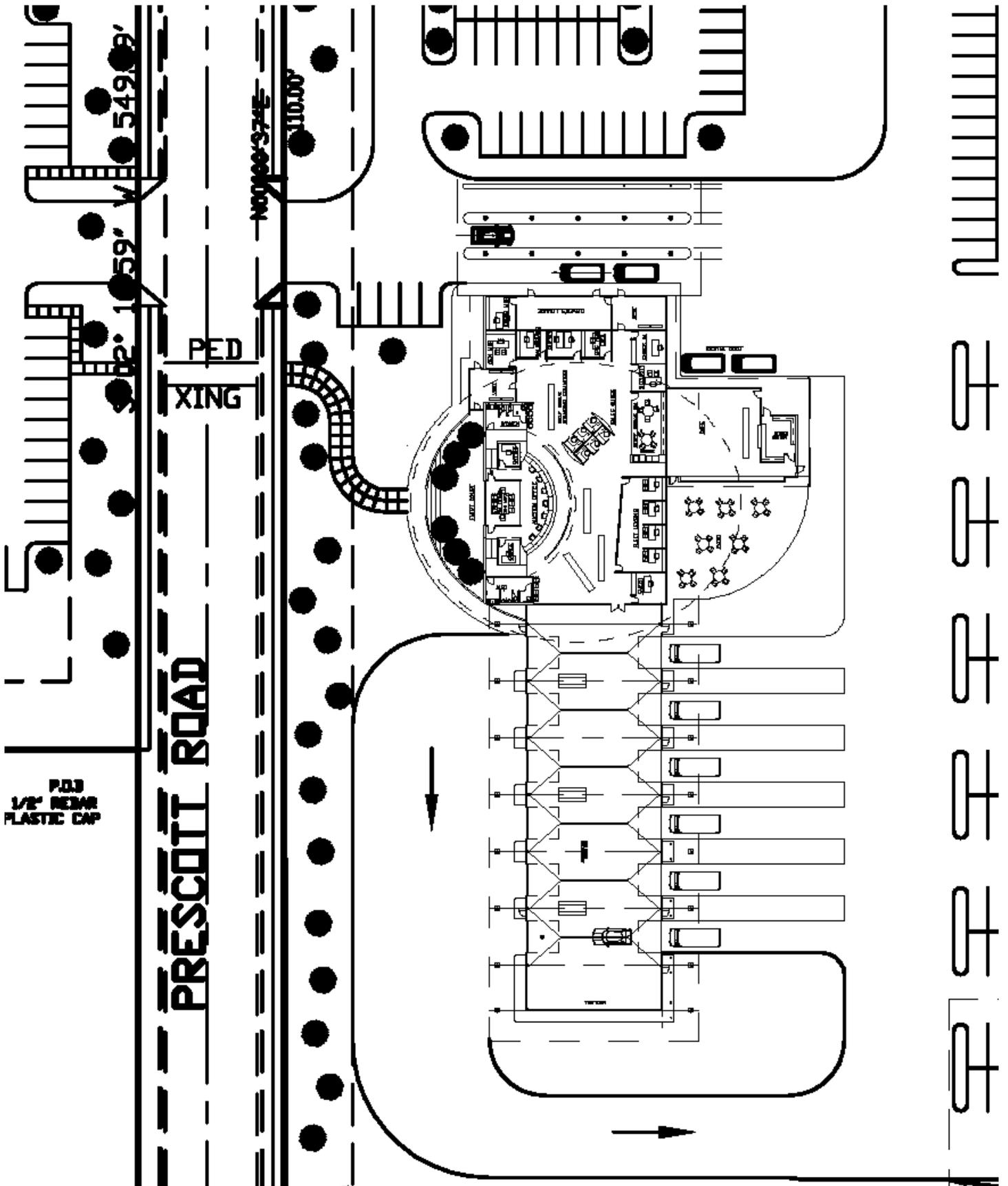
CONCEPT PLAN WEST OF PRESCOTT - REVISED (ZOOMED)



CONCEPT PLAN EAST OF PRESCOTT - REVISED (ZOOMED)



CONCEPT PLAN AUCTION BUILDING - REVISED (ZOOMED)



**ELEVATIONS**



View of auto auction facility from Prescott looking southeast



View of auto auction facility vehicle bays

**BIRDSEYE VIEW**



Birdseye view of subject property flying west, subject property outlined in electric blue

**SITE PHOTOS**



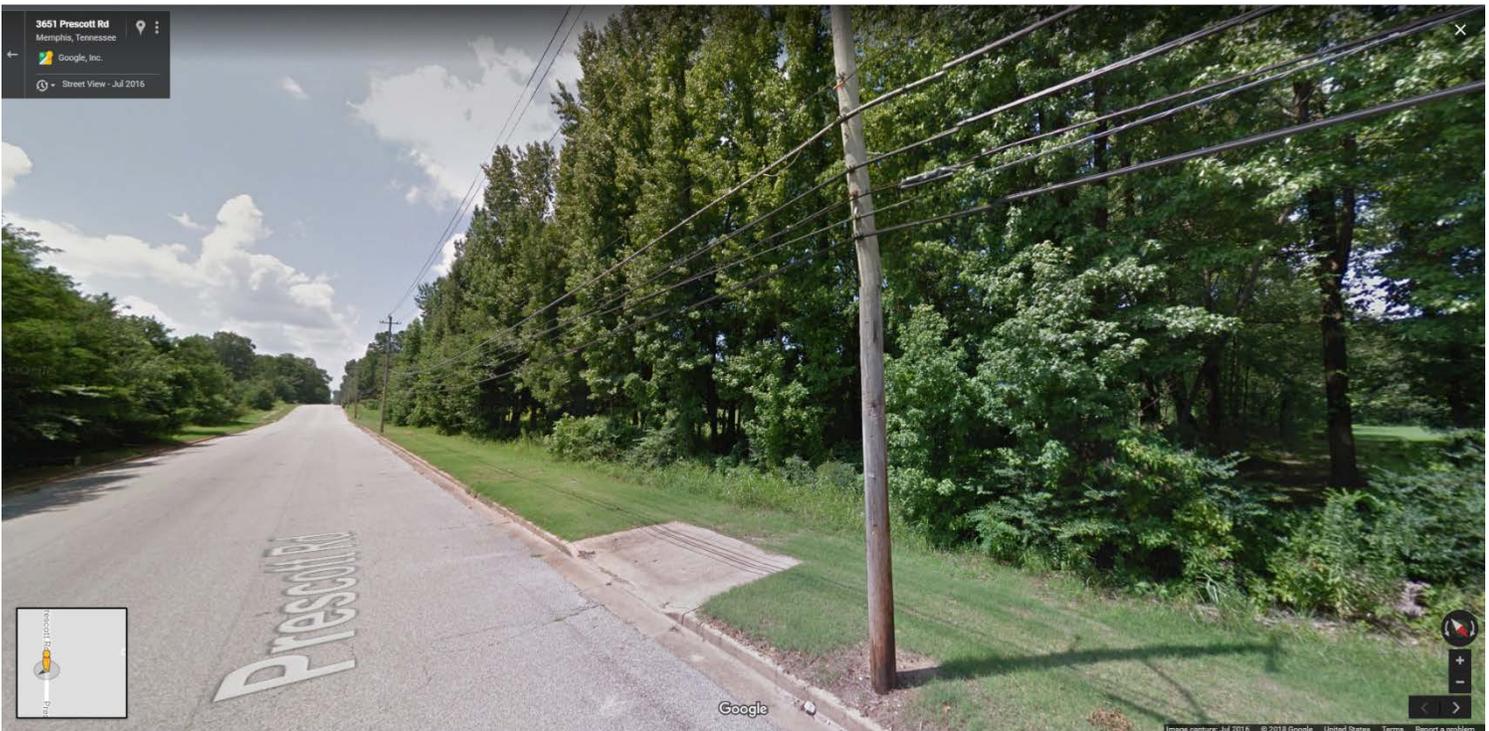
View of southernmost point of subject property along the east side of Prescott Road looking northeast



View of southernmost point of subject property along the west side of Prescott Road looking northwest



View of northernmost point of subject property along the east side of Prescott Road looking southeast



View of northernmost point of subject property along the west side of Prescott Road looking southwest

## **STAFF ANALYSIS**

### **Request**

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

The request is a planned development for an auto auction facility.

### **Applicability**

Staff agrees the applicability standards and criteria as set out in the Unified Development Code Section 4.10.2 are or will be met.

#### **4.10.2 Applicability**

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

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.

### **General Provisions**

Staff agrees the general provisions standards and criteria as set out in the Unified Development Code Section 4.10.3 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 the Unified Development Code Section 4.10.5 are or will be met.

#### 4.10.5 Planned Commercial or Industrial Developments

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

- A. Screening  
When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise  
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. Accessibility  
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. Landscaping  
Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

### **Approval Criteria**

Staff agrees the approval criteria as set out in the Unified Development Code Section 9.6.9 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.
- E. Memphis/Shelby County 424 Unified Development Code
- F. 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.
- G. 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 History**

PD 97-359 was an application by the same applicant of this pending request for a 7.5-acre auto auction facility on a portion of the subject property east of Prescott Road and the aforementioned case was approved by the Council of the City of Memphis on May 5, 1998. As part of this case Council approved the existing oil and rock seal surfaced parking lots with conditions of landscaping and screening, however, the applicant never filed a final plat nor made any of the required improvements, yet continued to operate and use said parking lots.

PD 02-307 was an application by the same applicant of this pending request to add an additional 12.13 acres to the approved 7.5 acres of PD 97-359 for a combined total of 19.63 acres for an auto auction facility on a portion of the subject property east of Prescott Road and the aforementioned case was approved by the Council of the City of Memphis on June 4, 2002 (see pages 10-11 of this report for the recorded concept plan; this is the current active concept plan). A final plan was filed in regard to this case (see pages 35-36 of this report). However, the applicant did not install the required landscaping and screening.

PD 02-343 was an application by the same applicant of this pending request to add an additional 4.98 acres to the previously approved 19.63 acres of PD 97-359 and PD 02-307 for a combined total of 24.61 acres for an auto auction facility that compromised the entire subject property east of Prescott Road and the aforementioned case was approved by the Council of the City of Memphis on January 7, 2003. This case has passed the required five-year time frame to record a final plat and as such the approval has expired.

### **Site Description**

The subject property is +/-38.593 acres located on the east and west side of Prescott Road approximately 1,100 feet south of Winchester Road and zoned Residential Single-Family – 8 or in the applicable area of the subject property PD 02-307. The portion of the subject property west of Prescott Road is vacant land with vegetation and the portion of the subject property east of Prescott Road is approximately half vacant land with vegetation, a little

less than a quarter of surfaced parking, and a little more than a quarter of non-surfaced parking.

### **Site Plan Review**

The site consists of a principal auto auction facility of approximately 17,200 square feet with exterior finishes primarily of brick and glass with large metal canopies. Total on-site parking is 1,524 spaces with 876 for on-auction storage, 300 for off-auction storage, 343 for visiting car dealers, employees, etc., and 5 for car haulers. The site is to be bordered by a 30-foot landscape buffer with a 5-foot berm on the northern and southern boundary except along the westernmost portion of the site where it will be maintained in its natural forested state for a depth of approximately 400 feet. Along the Prescott street frontage, a 30-foot landscape screen is proposed while on the furthest easternmost portion of the subject site has no proposed landscape buffer as it is adjacent to a Heavy Industrial District. A pedestrian crossing has been relocated in the revised site plan so that its location matches up with the proposed auto auction facility to promote a safer pedestrian crossing arrangement across Prescott Road.

### **Conclusions**

The applicant is requesting an auto auction facility planned development that will expand the borders and layout of the previously-approved PD 02-307 concept plan. The applicant of this request is the same as PD 02-307.

The proposed thirty-foot wide landscape screen including a five-foot tall berm with a combination of evergreen and deciduous shrubs and trees to form a nearly visually opaque screen in combination with the required photometric lighting plan will ensure that adjacent residential lots are protected visually from the facilities operation.

Approximately, half of the subject property is currently vacant while the other half is composed of surfaced and non-surfaced parking.

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

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

### **RECOMMENDATION**

Staff recommends approval with outline plan conditions.

### **Outline Plan Conditions – Revisions**

The existing outline plan conditions can be seen on page 36 of this report, the revised outline plan conditions are shown below.

#### **I. USES PERMITTED**

A. (Area A) Any use permitted by right (X) and administrative site plan review (P) in the EMP District except the following uses shall be prohibited:

1. Adult entertainment
2. Off- premise Advertising Signs
3. Amusements, Commercial Outdoor

4. Campground, Travel Trailer park
5. Drive-in Theater
6. Tavern, Cocktail lounge, Night Club
7. Brewery
8. Bus Terminal or Service Facility
9. Taxi Cab Dispatch Station
10. Garbage or Refuse Collection Service
11. Used Goods, Second Hand Sales
12. Chemical Manufacturing
13. Slaughtering Business
14. Beverage Recycling Center

B. (Area B) Shall only be used as a surface parking lot to serve the facilities in Area A.

## II. BULK REGULATION

The bulk regulations shall comply with the following standards:

### A. Minimum Area Requirements.

1. An individual lot or building site shall be on (1) acre or more.

### B. Minimum Yard Requirements

#### 1. Minimum Front building setback abutting:

Prescott Road – 50 feet

#### 2. Minimum Side and Rear building setback abutting property zoned or used for residential purposes:

Area A – 75 feet

Area B – 50 feet

#### 3. Minimum Side and Rear building setback abutting property zoned or used for nonresidential purposes

– 10 feet.

#### 4. Minimum frontage on Street:

Public right-of-way – 100 feet

### C. Maximum Height Limits

1. The maximum height permitted is 45 feet. This maximum height limitation shall follow the standards and allow the exceptions as described in Sub-Section 3.2.6A of the Unified Development Code.

D. Maximum Floor Area Ratio (FAR)

1. The total FAR of all structures shall not exceed 0.45.

III. ACCESS, PARKING AND CALCULATION

- A. Dedicate 34 feet from the centerline of Prescott Road on the east side. Dedicate 30 feet from the centerline of Prescott road on the west side.
- B. The design and location of curb cuts to be approved by the City Engineer.
- C. Off street parking and loading spaces shall conform to the Memphis and Shelby County Unified Development Code.
- G. All parking lots shall be paved with asphalt, concrete, or other hard surface dustless material in accordance with the Unified Development Code

IV. SCREENING

- A. Refuse containers, dumpsters, rooftop and outdoor HVAC equipment shall be screened with vegetation, fencing, or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zoning district or use shall also be appropriately screened via perimeter landscaping, as provided in Paragraph V below.

V. LANDSCAPING REQUIREMENTS

- A. A landscaping screen (30 feet wide) acceptable to the Office of Planning and Development shall be provided and maintained along Prescott Road frontage.
- B. A landscape screen shall be provided adjacent to residentially used or zoned property consisting of a 30-foot wide area incorporating a 5-foot tall berm and a combination of evergreen and deciduous shrubs and trees to form a nearly visually opaque screen or equivalent landscaping approved by the Office of planning and Development.
- C. The vehicle storage parking lot (east of the proposed building on the concept plan) shall require no internal landscaping.
- D. Customer parking area (Area B) and employee lot (Area A) shall meet the landscape requirements for parking lots in the Unified Development Code.

VI. LIGHTING REQUIREMENTS

- A. The maximum height of standards shall not exceed 50 feet.
- B. Light shall not glare onto adjacent property.

VII. UNDERGROUND UTILITY LINES

- A. All utility lines such as electric, telephone, cable television or other similar lines shall be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

VII. SIGNS

- A. The general sign regulations of the Unified Development Code shall apply in this planned development,

in addition to the following:

1. The minimum sign setback from any property line shall be 15 feet.
2. All signs shall be either.
  - A.) Wall sign, not exceeding fifteen percent (15%) of the wall area up to 80 square feet; or
  - B.) Ground mounted signs, not exceeding ten (10) feet in height and 80 square feet.
3. The following sign types shall be prohibited within the planned development: animated signs, permanent off-premise (billboard) signs, pole signs, portable signs, roof signs, banners, streamers and balloons.
4. The designs, color, and material used for signs shall be compatible with the buildings which the sign serve.
5. Location: Signs shall be set back a minimum of fifteen (15) feet from a public street, ten (10) feet from a private drive.

#### VIII. ARCHITECTURAL DESIGN GUIDELINES

- A. Buildings within the planned development should conform to a uniform architectural style.

#### IX. FINAL PLAN REQUIREMENTS

Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract for any needed public improvements.
- C. The exact location and dimension including height, of all buildings or buildable areas, parking areas and number of parking spaces, drives, required landscaping, and building elevations and building materials.
- D. A rendering, including plan view and elevations, of any proposed development identification signs showing the height, dimensions and design thereof.
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserve for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' associations. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's Office. Such Maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; moving; outlet cleaning; and repair of drainage structures.
- G. A photometric lighting plan.

**X. TIME LIMIT**

A final plat shall be filed within five (5) years of the approval of the Outline Plan by the City Council. Upon the request of the application of the Land Use Control Board may grant extension, subject to additional conditions and standards, if any. A request for a time extension shall be filed a minimum of 60 days prior to the extension date.

**XI. OTHER REQUIREMENTS**

- A. Phasing – Development of Area B may not proceed before Area A.
  
- B. No loudspeakers are permitted within the planned development.

## **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 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 34 feet from the centerline of Prescott Road and improve both sides with sidewalks in accordance with the Unified Development Code.
5. The developer shall provide striping for a two-way left turn lane throughout this project.
6. 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.
7. 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,
8. 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.

### **Traffic Control Provisions:**

9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.
10. 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.
11. 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.

**Site Plan Notes:**

12. The pedestrian crossing shall be relocated and redesigned to better align with the entrance to the sales facility. The pedestrian crossing will likely require an enhanced design for foot traffic. The developer shall supply pedestrian volume information that will determine the design of the crossing facility.
13. Consideration should be given to flipping the design of Area B to facilitate the new pedestrian crossing.
14. All parking areas and driving aisles to be paved with asphalt or concrete.
15. 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.
16. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

**Curb Cuts/Access:**

17. The northern most curb cuts shall be aligned across from one another rather than offset as shown on the site plan.
18. The City Engineer shall approve the design, number and location of curb cuts.
19. Any existing nonconforming curb cuts shall be closed with curb, gutter and sidewalk.

**Drainage:**

20. 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.
21. 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.
22. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

**General Notes:**

23. The width of all existing off-street sewer easements shall be widened to meet current city standards.
24. 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.
25. Required landscaping shall not be placed on sewer or drainage easements.

**Sewer Design Department**

- Sanitary sewer capacity is available to serve this development.

**Traffic Engineering**

- Please see the attached pages showing 2 pedestrian routing signs that should be installed on the same stanchion on the north side of the driveway adjacent to the east-west sidewalk on private property (signs facing pedestrians exiting parking lot) to encourage them to use the cross walk.

\*See pages 33-34 of this report for the referenced Traffic Engineering drawings.

<b>City/County Fire Division:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	

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 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://www.mlgw.com/builders/landandmapping>
- **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 street name changes

**TRAFFIC ENGINEERING COMMENTS**

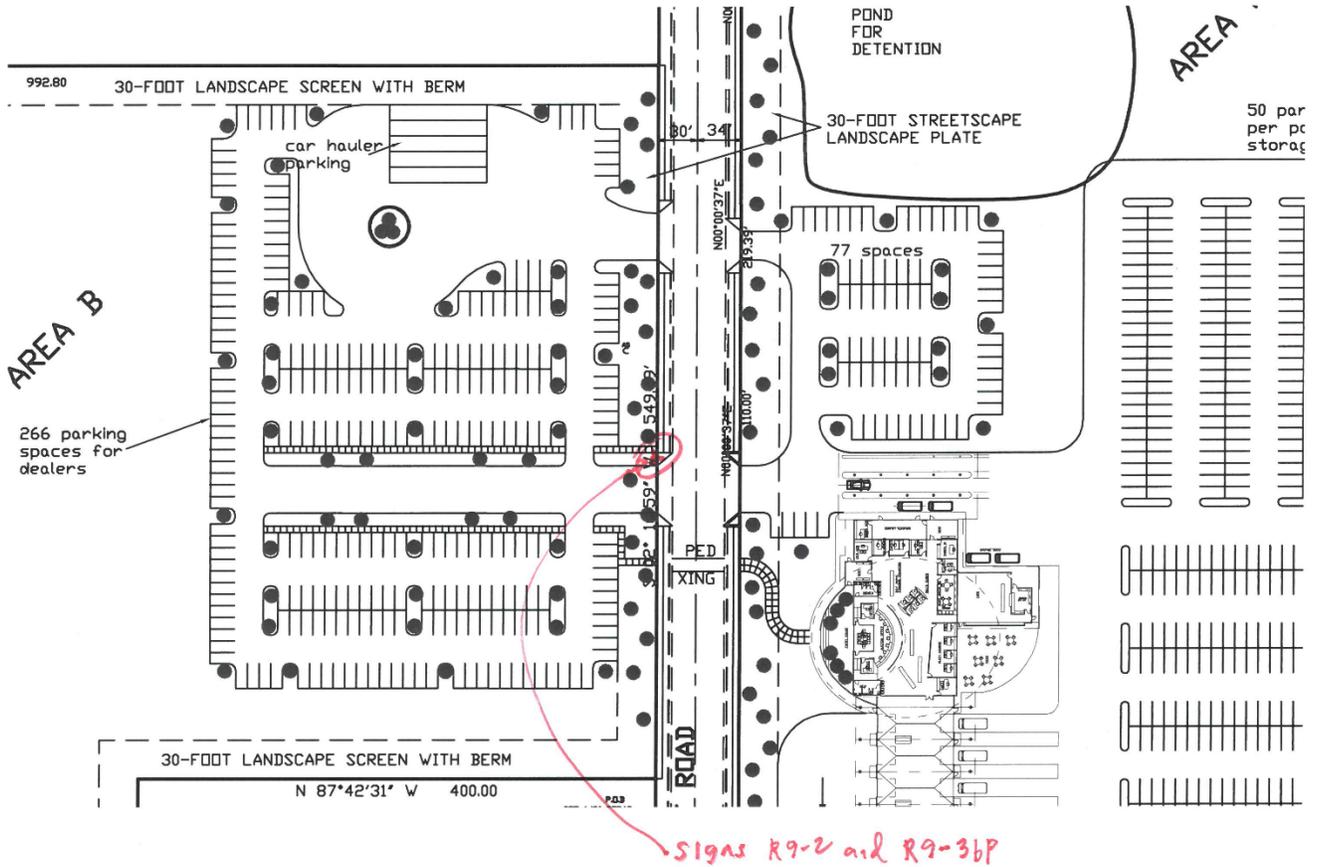
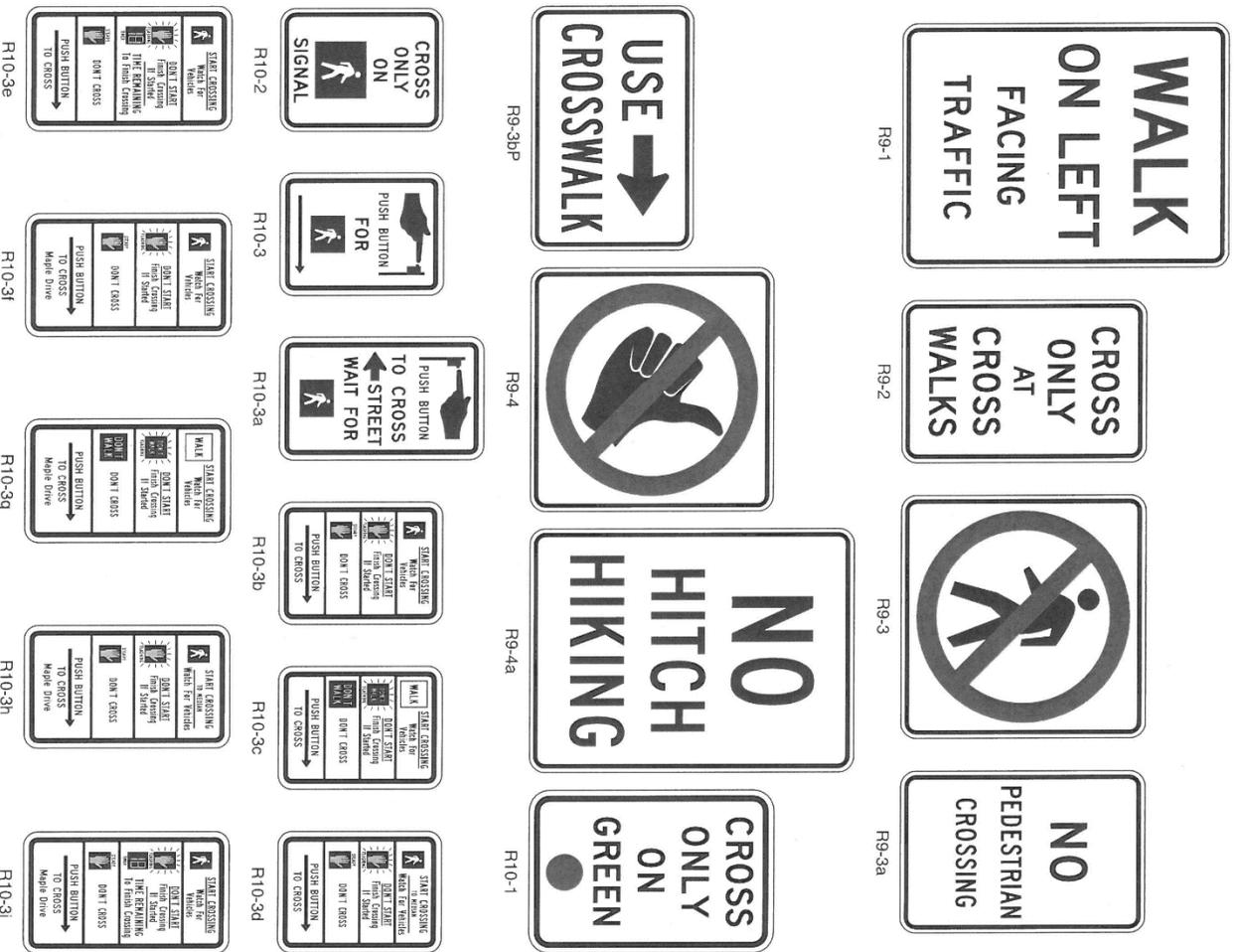


Figure 2B-26. Pedestrian Signs and Plaques (Sheet 1 of 2)







**APPLICATION**



*Memphis and Shelby County  
Office of Planning and Development*

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

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

Date: July 31, 2018

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

PLEASE TYPE OR PRINT

Name of Development: Memphis Auto Auction Planned Development

Property Owner of Record: Nelda D Wilson Spousal Access Trust / KE Investments LLC Phone #: \_\_\_\_\_

Mailing Address: 2850 Rue Jordan / 311 Moore Lane City/State: G'town / Collierville Zip 38138/38017

Property Owner E-Mail Address: kwilson@unitedr2.com

Applicant: Memphis Auto Auction Phone # \_\_\_\_\_

Mailing Address: 311 Moore Lane City/State: Collierville Zip 38017

Applicant E- Mail Address: kwilson@unitedr2.com

Representative: Architect - J. Hunter Fleming, Factice Design Phone #: 901.496.6310

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Representative E-Mail Address: \_\_\_\_\_

Engineer/Surveyor: The Bray Firm Phone # 901.383.8668

Mailing Address: 2950 Stage Plaza North City/State: Bartlett Zip 38134

Engineer/Surveyor E-Mail Address: dgbay@comcast.net

Street Address Location: 0 Prescott Road

Distance to nearest intersecting street: 1100 +/- feet south of Winchester (both sides of Prescott)

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	24.55	13.95	_____
Existing Zoning:	R-8	R-8	_____
Existing Use of Property	vacant	vacant	_____
Requested Use of Property	Auto auction facility	accessory parking	_____

**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

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.

This PD will be consistent with existing commercial developments along Prescott

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

Adequate utilities are available to serve this site.

- 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)

As shown on the concept plan, extensive landscaping is planned along property lines.

- 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.

Portions of this site are currently being used for operations fronting off Getwell Road.

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

yes

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

yes

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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

Pre-Application Conference held on: June with Don Jones

**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  
(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.

Robert J. White 7/30/18 Robert J. White 7/30/18  
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**



The Bray Firm

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Telephone 901-383-8668  
Fax 901-383-8720

2950 Stage Plaza North  
Bartlett, Tennessee 38134

July 27, 2018

Josh Whitehead, Director  
Memphis and Shelby County  
Office of Planning and Development  
125 North Main Street  
Memphis, Tennessee 38103

**RE: Memphis Auto Auction Planned Development  
0 Prescott Road (1100 feet south of Winchester)  
Memphis, Tennessee**

Mr. Whitehead:

Please find attached an application for the above referenced Application for Planned Development approval. The application request is for approval of an auto auction site in the R-8 zoning district. A similar application was filed and approved several years ago but never progressed to the final plat stage. This application is modeled on the previously approved application with similar building setbacks and landscape screens.

The applicant currently operates an auto auction on the connecting property fronting on Getwell. However, the operation has grown over the last decade and the facility was never constructed to meet the current demand. On peak weeks the operation will sell 800-1000 cars on auction day (Wednesday) with as many as 200 bidders on site. The new plan has been modeled on other facilities in the southeast region that handle similar volume of vehicles.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, DAVID BRAY being duly sworn, deposes and says that at 5 am/pm on the 30TH day of AUGUST, 2018 he/she posted a Public Notice Sign(s) pertaining to Case No. PD/8-28 at (address) 0 PRUSCOTT providing notice of a Public Hearing before the ✓ Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Use Variance, New Construction Site Plan Review, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

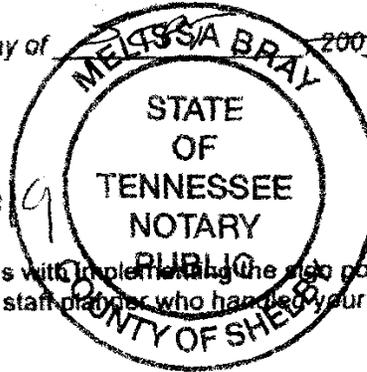
David Bray  
Owner, Applicant or Representative

9.09.18  
Date

Subscribed and sworn to before me this 9<sup>TH</sup> day of SEPTEMBER, 2018

Melissa Bray  
Notary Public

My commission expires: April 7, 2019



13. Please provide any comments on your experiences with implementing the sign posting requirements as they applied to you below and forward them to the staff that you who handled your application. You may use another sheet if you need additional space

**LETTERS RECEIVED**

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