

 **STAFF REPORT**

Agenda Item: 8

DOCKET NUMBER: P.D. 18-24 LUCB MEETING: September 13, 2018

NAME: 811 West Suggs Planned Development

LOCATION: 811 West Suggs Drive: west side of West Suggs Drive, 486' north of Poplar Avenue

COUNCIL DISTRICTS: District-5; Super District 9-Positions 1, 2 & 3

OWNER OF RECORD: MRC Rehab, LLC same as Midsouth Realty Corp-Rehab

APPLICANT: Eric Tabor, ELM Group and Cindy Reaves, SR Consulting, LLC

REPRESENTATIVES: Eric Tabor and Cindy Reaves

REQUEST: A planned development to permit uses in the Residential Work (RW) District in accordance with the Memphis and Shelby County Unified Development Code (UDC) with two additional uses (business school and financial services) and with 5 prohibited uses from the RW District [School, public or private (K-12); recreational field(s) without lights; amateur radio operator owner (65' or less); Police, Fire, EMS Substation; and Place of Worship)

EXISTING ZONING: Single family detached house in the Residential Single Family-10 (R-10) District

CONCLUSIONS

1. The site has been adversely impacted by nonresidential uses on three of its four property lines. This impact has lessened the desirability of this property for a single-family home.
2. Given the transition of the RW zoned property and the Valleybrook PD amended with RW uses in the immediate vicinity of the site, a planned development with a restricted set of RW uses would seem warranted.
3. The south line of the Suggsland Subdivision abutting the subject property to the north and the south side of Alladin Avenue will be the line of transition for mixed use and/or nonresidential development abutting the neighborhood to the north.
4. There is no additional vacant land or residential properties that will be impacted by abutting nonresidential uses on three of its four sides. Thus, OPD Staff sees this property as the last transitional property in this area. The extension of urban improvements (curb, gutter and sidewalk) along the site's frontage on West Suggs Drive will help clearly delineate the line of transition.

RECOMMENDATION:

Approval with Conditions

Staff Writer: Marion Jones

Email: marion.jones@memphistn.gov

VICINITY MAP



The site is trimmed in yellow.

List of Property Owners

Lot #	Owners Name
1	Frizzell Jeffrey P And Elizabeth J
2	Mendelson Paul I Revocable Living Trust
3	Estate Place
4	Le Bonheur Childrens Medical Center Inc.
5	Estate Place
6	McCullar Bruce H
7	Le Bonheur Childrens Medical Center Inc.
8	Baum Phillip And Sol Kirschner

ZONING



The site is trimmed in yellow.

North: A 3-lot residential subdivision (Suggsland Subdivision, S 90-04) containing single-family detached houses and single-family detached houses in the Residential Single Family-10 (R-10) District.

South: A paved parking lot, a medical clinic and outpatient surgery center that is part of Le Bonheur Children's Hospital East Campus in the Estate Place Planned Unit Development (PUD 88-330) and a restaurant and single-story office in the Poplar and Suggs Planned Unit Development (PUD CO-62) on the northwest corner of Poplar Avenue and West Suggs Drive.

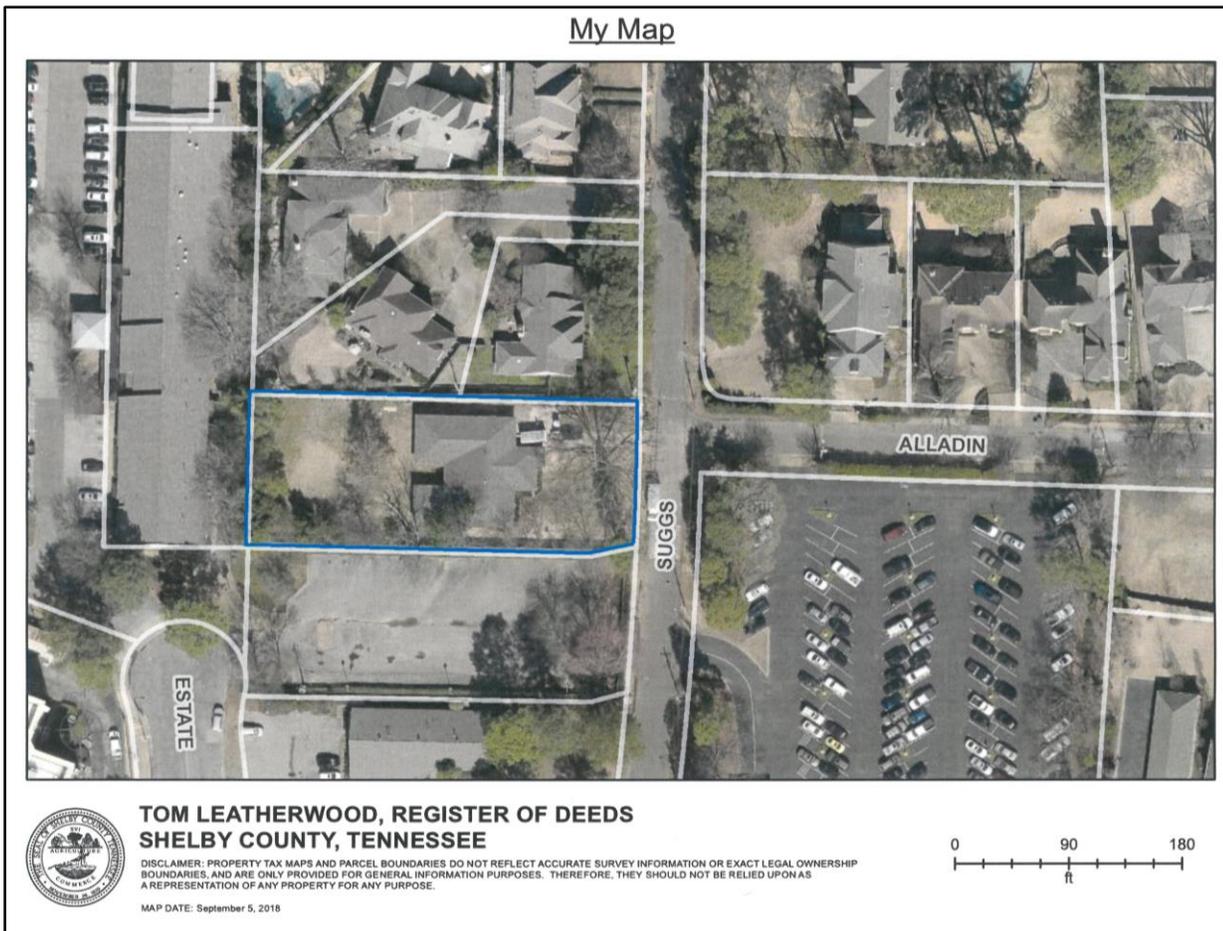
East: A paved parking lot that serves the bank located on Poplar Avenue in the Office General (O-G) District and the recently approved amendment to the Valleybrook Planned Development (PD 18-23) that changed the permitted use of two residential lots on Alladin Avenue to parking as an accessory use to serve the Loeb Corporate Office located at 825 Valleybrook Drive.

West: A medical clinic and outpatient surgery center that is part of Le Bonheur Children's Hospital East Campus in the Estate Place Planned Unit Development (PUD 88-330).

BIRDS EYE VIEW

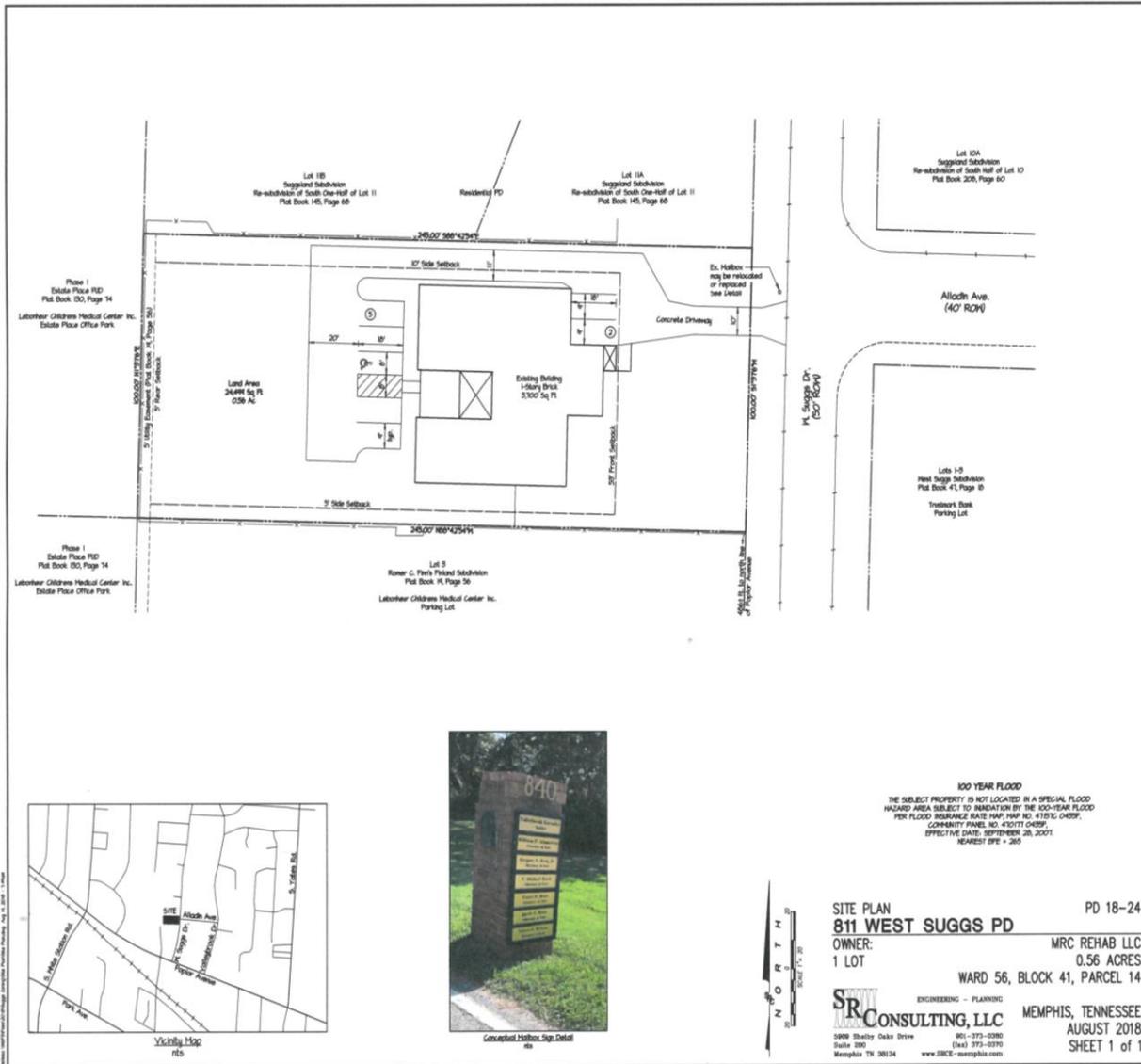


House prior to renovation.



This drawing is not to scale. The site is trimmed in blue.

OUTLINE PLAN



PHOTOGRAPHS



Front of 840 Valleybrook Drive. This property is zoned Residential Work (RW) District



Parking in the front setback for 840 Valleybrook Drive.



Mailbox with signage
Photograph by Cindy Reaves.



Loeb Corporate Office at 825 Valleybrook Drive (Google Instant Street View)



Intersection of Valleybrook Drive and Alladin Avenue (Google Instant Street View)



Looking west along Alladin Avenue (Google Instant Street View)



Landscaped parking next to the residential lots (Area A) of the site along Alladin Avenue (Google Instant Street View).

WEST SUGGS DRIVE



Looking into the bank's parking lot from the site.



Accessory parking lot for Le Bonheur's East Campus from West Suggs Drive. Parking lot abuts the site to the south.



Residential house to the north in the Suggsland Subdivision along West Suggs Drive



House on the northeast corner of Alladin Avenue and West Suggs Drive



Looking north on West Suggs Drive



Looking south on West Suggs Drive

PUBLIC NOTICE: 46 Public Notices were mailed on Wednesday, August 29, 2018.

SIGN AFFIDAVIT:

The public notice sign was posted on August 15, 2018.

AFFIDAVIT

Shelby County
State of Tennessee

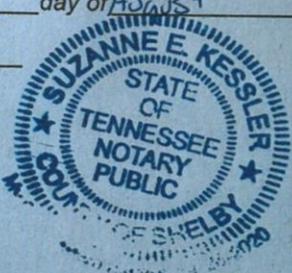
I, Becky Gallagher, being duly sworn, depose and say that at 1:35 am/pm on the 15th day of August, 2018, I posted a Public Notice Sign(s) pertaining to Case No. PD 18-24 at 811 W Suggs Memphis, providing notice of a Public Hearing before the Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Becky Gallagher _____ Date 8/15/18
Owner, Applicant or Representative

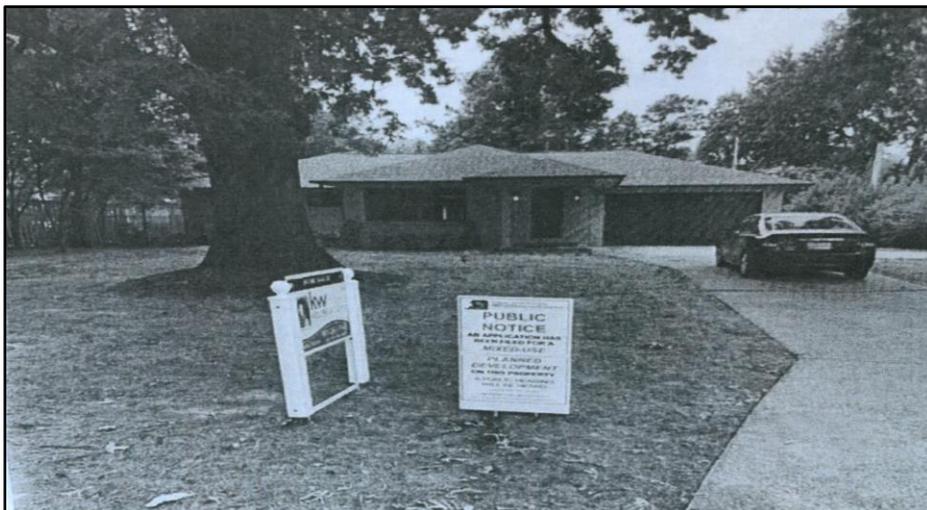
Subscribed and sworn to before me this 15th day of August, 2018.

[Signature] _____
Notary Public

My commission expires: _____



PUBLIC NOTICE SIGNS:



Public notice sign posted at the site, 811 West Suggs Drive.

AUGUST 30, 2018 NEIGHBORHOOD MEETING SIGN-IN SHEET

SIGN IN SHEET				
	Date: 08/30/2018	811 West Suggs PD		
Contact	Address	Phone Number	Email	
1	KEITH WENER 785 W Suggs 38100	901-525-2194	LTWENER@AOL.COM	
2	Gordona Shirley GLEN 793 W. Suggs	901-483-0088	gglen@att.net	
3	David & Debra Jackson 751 W. Suggs	901-482-5668	debbierjackson@gmail.com	
4	KEVIN FLOYD 5344 KEATSWOOD DRIVE	901-596-0113	kevin.floyd@comcast.net	
5	BRETT VERONICA MATHERSON 5384 ALADDIN	317-213-2338	bhatterson@sbcglobal.net	
6	YOUNG KIM 680 West Suggs	901-553-3033	ykim5@att.net	
7	Marshall Matson 5345 Wildbroke Cr	717-848-0047	sbarham@comcast.net	
8	Sheila Bob Cohen 769 W Suggs Dr	901-336-5595	slcmm2018@gmail.com	
9	Amy Jasperson (Haward) 805 W Suggs Dr.	210-663-1278	amy.jasperson@gmail.com	
10	Susan Wiegert 720 W Suggs Dr	901-447-3559	wiegert52@bellsouth.net	
11	FANT KLINDWORTH 5264 Keatswood Cr	901-277-6490	Jm.Klindworth@FedEx.com	
12	Michael Wexler 745 W Suggs Dr	901-619-6939	mwexler2@gmail.com	
13	Dave Spikes 799 W. Suggs Dr.	901-490-5572	DONSPIKES@BELLSOUTH.NET	
14	Kathy + Michael Wexler 745 W. Suggs Dr	901-288-9009	kathys Shapiro@hotmail.com	
15				
16				
17				
18				
19				
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SUMMARY OF NEIGHBORHOOD MEETING:

811 West Suggs PD
 Neighborhood Meeting Minutes
 August 30, 2018

Present: Joey Messenger – MRC Rehab, LLC (Midsouth Realty Corp – Rehab)

Cindy Reaves – SR Consulting, LLC

Eric Tabor – ELM Group, LLC

Meeting Location 811 West Suggs

The meeting began approximately around 6:00 PM and lasted approximately 1.5 hours. The meeting was disorganized, and total chaos reigned, with lots of shouting. There was no way to hear questions or comments being vocalized.

PHOTOGRAPHS OF THE SITE



Site after renovation.

Staff Analysis

The site is identified as Lot 4 of the Romer C. Finn/Finnland Subdivision (Plat Book 9, Page 89). The site is located in East Memphis on the west side of West Suggs Drive, 460' north of Poplar Avenue in the Walnut Grove Planning District. The existing lot is zoned Residential Single Family-10 (R-10) District and contains approximately 24,499.59 square feet. Per information from the Assessor of Property's website, the existing house contains 3,651 square feet of living area and was constructed in 1956. Additional information from the Assessor of

Property's website indicates a building permit was issued on June 27, 2017 for \$40,000 to renovate the existing house.

REQUEST

The applicant's letter of intent states:

We are requesting uses permitted in the RW/Residential Work District and feel this type use is a good transition, that will have little impact to the neighbors to the north.

The property to the south of 811 Suggs is currently a parking lot for Lebonheur. To the west, 811 Suggs backs up to the Estate Place Office Park. The property across the street to the east on Suggs at Alladin is also parking that serves the office building at Poplar Avenue. To the north is a residential PD.

The structure will remain with interior modifications. There will be limited signage in keeping with the current residential appearance and most of the parking will be in the rear.

We would also like to request a waiver of curb, gutter and sidewalk so the streetscape will remain the same as it is currently.

This case was held for one month to allow the applicant additional time to complete the application requirements. It is also important to note that the requested use changed from a planned development allowing Office General (OG) District uses to a revised application for a planned development permitting Residential Work (RW) District uses.

REVIEW OF THE APPLICATION

When the Office of Planning and Development (OPD) Staff receives an application for a rezoning or other zoning entitlement, OPD Staff asks what significant changes in the area around the site have occurred that would prompt a change in the use or development rights. These changes may be gradual and occur over a number of years or may occur with a shorter time period due to a number of factors such as, but not limited to the development of vacant land, redevelopment of an area/site or a change in the conditions of a previously approved development.

The zoning map on page 3 of this report shows the changes from Poplar Avenue to Alladin Avenue have been occurring gradually over three decades. You will also notice the northeast corner of Poplar Avenue and Valleybrook Drive is zoned RW. The property south of the Magnolia Grove Planned Development is an RW office use and is a comparable example of what this application is requesting. The Valleybrook Planned Development permitted the construction of the Loeb Corporate Office with Limited Office (O-L) uses and two residential lots along Alladin Avenue. The recently approved amendment by both the Land Use Control Board and the Memphis City Council changed the use in Area A from two residential lots to parking with landscaping as an accessory use to the Loeb Corporate Office. The Limited Office District was converted to the Residential Work (RW) District with certain changes with the adoption of the Memphis and Shelby County Unified Development Code (UDC). The recent amendment to the Valleybrook Planned Development (PD 18-23) essentially extended nonresidential uses to Alladin Avenue. The bank's parking lot along West Suggs Drive began this transition.

The Estate Place PUD and the Poplar and West Suggs PUD extended nonresidential uses to the rear of the site and along West Suggs Drive. Le Bonheur Children's Hospital constructed an accessory parking use adjacent to 811 West Suggs and extended the transition on West Suggs

Drive abutting the site. The Suggsland Subdivision, Resubdivision of the South Half of Lot 11 provides the point of transition along West Suggs Drive.

The applicants explain in their letter of intent, 811 West Suggs Drive is bordered on three sides by nonresidential uses. These changes that have occurred over time and have made the use of the property less attractive as a residential property. While other factors have contributed to the ability to market and use this property for residential such as the renovation costs, you cannot disregard the fact that the property is surrounded on three sides by nonresidential uses.

Residential Work District

Section 2.2.3 describes the Residential Work District:

The RW District is intended to provide appropriate areas for new and existing development that incorporates both small-scale residential and office uses within close proximity to one another and adjacent neighborhoods. The district is also intended to provide for live/work opportunities where people can live and work in the same physical space. The district can also be used as a transition between arterials or more intense commercial areas and established neighborhoods. Typical uses contain up to 4,000 square feet of floor area.

The Residential Work District is a mixed-use district that is intended to provide a transition as described above. Given the other RW zoned properties and developments permitting RW uses in the immediate area, a planned development permitting a limited range of RW District uses for 811 West Suggs Drive would appear to be a reasonable transition. Refer to the conditions recommended by OPD Staff on pages 21-23. OPD Staff has endeavored to prohibit uses that would not be compatible with the abutting neighborhood and permit a limited range of RW District uses that would provide additional options for property that is adversely impacted by nonresidential uses on three of its four sides.

One of the provisions of the RW District is the Live/Work provisions. Live/Work is defined by the UDC in Sub-Section 2.6.1B as:

A residential unit used as both living accommodations, which includes cooking space and sanitary facilities in conformance with applicable building standards; and adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons who may reside in the unit. Live/work use may also occur when the residential unit is occupied separately from the work space. Permitted uses in a live/work unit shall be governed by Chapter 2.5, Use Table.

RW Bulk Regulations

Sub-Section 3.10.2B provides the RW bulk regulations below:

	RW ¹	OG	CMU-1	CMU-2	CMU-3	CBD
Tract or Lot (min)						
Area (sq. ft.)	5,000	--	10,000	20,000	--	--
Width (ft.)	50	100	25	50	50	--
Building						
Height (max ft.) see also 3.2.6	50	125	48	75	75	--
Ground floor area (max sq. ft.) ²	--	--	15,000	80,000	--	--
Setback (min ft.)						
Front	20	20	20	20	20	None ³
Side (street)	20	20	20	20	20	None ³
Side rear abutting single-family	10	10	10	10	10	None ³
Side/rear abutting multifamily, nonresidential ⁴	5	5	5	5	5	None ³
Side/rear abutting alley	5	5	5	5	5	None ³
Parking setback (min ft.)						
On street (parallel parking)	0	0	0	0	0	0
From street (no parallel parking)	8	8	8	8	8	8
Abutting single-family	10	10	10	10	10	10
Abutting multifamily, nonresidential, alley	5	5	5	5	5	5

¹Residential compatibility standards may apply see D

²Maximum ground floor area shall not apply to sites that were developed prior to Jan. 1, 2011. Buildings on sites developed prior to Jan. 1, 2011, may be expanded, modified or rebuilt and exceed the maximum ground floor area standards.

³A property owner may also choose to opt into the CBD District Form Standards of Sub-Section 3.10.2E in lieu of these standards.

⁴A 0-foot side setback is permitted. For structures built after February 10, 2015, and for any expansions to existing buildings after this date, a 5-foot minimum separation is required between detached buildings on separate lots.

The bulk regulations of the RW District are recommended to apply except where noted in OPD Staff's proposed conditions.

4.5.3 Parking Ratios excerpt from the chart

Office in OG district and all other districts (see 2.9.4B)	Call Center	1.0 per 150 SF FA
	All other uses	1.0 per 300 SF FA
Office in RW district	All uses	1.0 per 600 SF FA

Per information from the Assessor of Property's website, the existing house contains 3,651 square. Therefore, 7 parking spaces including 1 (handicap) accessible parking space are required. The applicant's outline/concept plan shows two parking spaces in the front yard beyond the front setback and 5 parking spaces in the rear.

Planned Development versus Rezoning

Section 4.10.1 states:

4.10 PLANNED DEVELOPMENT

4.10.1 Purpose

The intent of a special use permit for a planned development is to create a more desirable use of the land, a more coherent and coordinated development, and a better physical environment than would be possible under a single base zoning district or combination of base zoning districts. Planned developments are intended as a tool to allow creative and imaginative design that will promote amenities beyond those expected in conventional developments.

In this case, a planned development allows certain uses to be prohibited and allows the further restriction of permitted uses. Other requirements of the UDC may be modified to be compatible with the existing neighborhood and at the same time provide limited flexibility to the applicant.

A planned development through a set of conditions that govern the development or redevelopment of a site permits a development that is compatible with the immediate area; whereas, a straight rezoning permits the full range of use permitted in Chapter 2.5, Use Table. Some of these uses have use standards/development criteria while other uses do not.

Home Occupation

In the event the planned development is not approved, the UDC does provides a very limited range of nonresidential uses (home occupation) to occur on the site under the conditions in Sub-Section 2.7.4B. Sub-Section 2.7.4B provides the standards for home occupations as follows:

B. Standards

The intent of a home occupation is to permit very limited nonresidential activity in a residential dwelling or accessory structure to a residential dwelling, provided such activity does not impact or detract from the residential character of the neighborhood. A home occupation shall be deemed an accessory use and no further approval shall be required, provided the nonresidential use meets the following.

1. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
3. No business storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit except that certain landscaping business materials may be stored outdoors on lots of 4 acres or more so long as such storage is in the rear or side yard and appropriately screened from public view.
4. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
5. No display of products shall be visible from the street.
6. A home occupation shall be subject to all applicable licenses and business taxes.
7. No persons other than members of the family residing on the premises shall be engaged in the home occupation.
8. Storage space and the operation of the business inside the dwelling unit may not exceed 25% of the first floor area of the residence.
9. Only one customer shall be permitted at the residence at a time, except for group instruction (see Sub-Section 2.7.4C). There shall be no group instruction in connection with the home occupation.
10. All public contact related to the home occupation shall be limited to the period between 7AM to 8PM.
11. No signage specifically associated with the home occupation shall be permitted.
12. Adequate parking is available to serve the use. No such parking shall be located in a required front yard except within an existing driveway. Driveways shall not be reduce or widened to accommodate the business.

Home occupation may include, but are not limited to an artist, someone who sells insurance and conducts business exclusively by telephone, a piano teacher with no more than 4 students per hour, a website designer, etc.

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 the provisions contained in section 4.10.3:

- 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.

- An approved water supply, community waste 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.
- 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.
- Homeowner's associations or other responsible party shall be required to maintain any and all common open space and/or common element.
- Lots of record are created with the recording of a planned development final plan.

The site is an existing house with infrastructure in place. Based upon the staff review and site visit, the site complies with the Planned Development General Provisions.

Prohibited Uses:

The Memphis and Shelby County Unified Development Code (UDC) permits the following by right uses:

1. Nursing Home, Full-time Convalescent Hospice, Assisted Living Facility, Residential Home for the Elderly, Independent Living Facility
2. Police, Fire, EMS Substation
3. School, Public or Private (K-12)
4. Massage Therapy and outpatient surgery
5. Recreational field (s) without lights
6. All places of worship
7. Amateur radio operator owner (65' or less)
8. Radio, TV or Recording Studio
9. Hair, nail, tanning, message therapy and personal care service, barber shop or beauty salon
10. Neighborhood garden
11. All other office uses and accessory uses shall be prohibited except as permitted in I.A.2. above

OPD Staff is recommending these uses be prohibited. OPD Staff feels these uses are not compatible with the abutting neighborhood and would change the character of the area.

Since this is a developed site with proposed nonresidential uses, the residential compatibility standards in Chapter 3.9 do not apply.

In conclusion, the site has been adversely impacted by nonresidential uses on three of its four property lines. This impact has lessened the desirability of this property for a single-family home. Given the transition of the RW zoned property and the Valleybrook PD amended with RW

uses in the immediate vicinity of the site, a planned development with a restricted set of RW uses would seem warranted.

The south line of the Suggsland Subdivision abutting the subject property to the north and the south side of Alladin Avenue will be the line of transition for mixed use and/or nonresidential development abutting the neighborhood to the north. There is no additional vacant land or residential properties that will be impacted by abutting nonresidential uses on three of its four sides. Thus, OPD Staff sees this property as the last transitional property in this area. The extension of urban improvements (curb, gutter and sidewalk) along the site's frontage on West Suggs Drive will help clearly delineate the line of transition.

RECOMMENDATION: Approval with conditions.

The applicant's conditions are in black.

OPD Staff recommended conditions and changes are highlighted in red.

OUTLINE PLAN CONDITIONS

811 West Suggs Planned Development
PD 18-24

I. Uses Permitted:

A. Any use permitted in the Residential Work (RW) District in accordance with the UDC with the following additions:

1. Business School
2. Financial Services

A. Only the following uses permitted by right in the Residential Work (RW) District shall be permitted:

1. Conventional single-family detached house
2. Live-Work
3. Medical, Dental or Chiropractic Office/Clinic limited to 2-4 people.
4. Professional services restricted lawyers, accountants, bookkeepers, engineers or architects with no more than 2-4 people.
5. Art or photo studio or gallery limited to the owner and 2-3 employees.

B. The following permitted by right uses in the RW District shall be prohibited:

2. Nursing Home, Full-time Convalescent Hospice, Assisted Living Facility, Residential Home for the Elderly, Independent Living Facility
2. Police, Fire, EMS Substation
3. School, Public or Private (K-12)
4. Massage Therapy and outpatient surgery
5. Recreational field (s) without lights
6. All places of worship
7. Amateur radio operator owner (65' or less)

8. Radio, TV or Recording Studio
9. Hair, nail, tanning, message therapy and personal care service, barber shop or beauty salon
10. Neighborhood garden
11. All other office uses and accessory uses shall be prohibited except as permitted in I.A.2. above

C. Hours of Operation

Monday through Friday from 8 AM to 5 PM

Closed Saturday and Sunday.

No after hour events for any nonresidential use.

II. Uses Prohibited:

The following uses shall be prohibited:

1. School, public or private (K-12)
2. Recreational field (s) without lights
3. Amateur radio operator owner (65' or less)
4. Police, Fire, EMS Substation
5. Place of worship

III. Bulk Regulations:

The bulk regulations shall be in accordance with the RW district.

The bulk regulations shall be in accordance with the RW District with the following exceptions:

1. The front setback shall be 55 feet as shown on the site plan
2. The driveway to the parking in the rear shall be allowed to encroach into the required 10-foot side setback as shown on the outline/concept plan. The driveway shall not be located closer than 3 feet from the side property line on the north side of the site.

IV. Access, Parking and Circulation:

- A. ~~A waiver for curb, gutter and sidewalk shall be granted.~~
- A. The applicant shall install curb, gutter and sidewalk along West Suggs Drive.
- B. The existing drive shall remain and be modified as shown on the outline/concept plan to allow parking in the rear.
- C. Parking shall be provided on-site and in accordance with the RW District and as shown on the outline/concept plan.
- D. All parking areas and driving aisles shall be paved with asphalt or concrete.
- E. No parking shall be permitted in the front setback.

V. Landscaping:

- A. The existing landscaping shall remain **and shall be an equivalent alternative for a modified Plate S-1. If the mature landscape material dies or is removed, it is the responsibility of the property owner to replace the landscape material as required by a modified Plate S -1 within a one month period.**
- B. Required landscaping shall not be placed on sewer or drainage easements.
- C. If provided, refuse dumpsters shall be screened from view. **Check dumpster requirements**

VI. Signs:

A. The mailbox shown on the Concept Plan with signage attached shall be allowed.

~~B. One attached wall sign shall be permitted in the form of a plaque or individual letters identifying the occupant.~~

C. No detached signage is permitted.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the appropriate governing bodies.

VIII. A final plan shall be filed within five (5) years of the approval of the **general outline** plan. The Land Use Control Board may grant extensions at the request of the applicant by a major modification application.

IX. Any final plan shall include the following:

A. The Outline Plan conditions.

B. The locations and dimensions including height of all buildings or buildable areas, pedestrian and utility easements, parking areas, trash receptacles, and required landscaping and screening areas.

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

D. The 100-year flood elevation.

INFORMATION:

STREET FRONTAGE: 100 feet along West Suggs Drive

PLANNING DISTRICT: Walnut Grove

CENSUS TRACT: 96

ATLAS PAGE: 2145

PARCEL ID: 056041 00014

DEPARTMENTAL COMMENTS

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

City Engineer:

CITY ENGINEERING COMMENTS

DATE: **8/17/2018**

CASE: **PD 18-24**

NAME: **West Suggs Dr. PD**

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.

Roads:

3. 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.
4. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

7. 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.

Site Plan Notes:

8. All parking areas and driving aisles to be paved with asphalt or concrete.

General Notes:

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

City Fire Division:

No comments received.

City/County Health Department:

Water Quality Board and Septic Tank Program

No comments.

Memphis Light, Gas and Water:

No comments received.

Construction Code Enforcement:

No comments received.

Bell South:

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: August 10, 2018

Case #: PD 18-24

PLEASE TYPE OR PRINT

Name of Development: 811 West Suggs PD

Property Owner of Record: MRC Rehab, LLC same as Midsouth Realty Corp - Rehab Phone #: _____

Mailing Address: 20119 Mahogany Ridge Drive City/State: Magnolia, TX Zip 77355-5004

Property Owner E-Mail Address: joey.messenger@icloud.com

Applicant: ELM Group LLC - Eric Tabor / SR Consulting, LLC (Cindy Reaves) Phone # 901-461-3742 / 901-373-0380

Mailing Address: 1779 Kirby Parkway, STE 128 / 5909 Shelby Oaks Dr. Ste 200 City/State: Memphis, TN Zip 38138 / 38134

Applicant E- Mail Address: etabor@ELMGROUP.us / cindy@srce-memphis.com

Representative: Eric Tabor / SR Consulting, LLC (Cindy Reaves) Phone #: 901-461-3742 / 901-373-0380

Mailing Address: 1779 Kirby Parkway, STE 128 / 5909 Shelby Oaks Dr. Ste 200 City/State: Memphis, TN Zip 38138 / 38134

Representative E-Mail Address: etabor@ELMGROUP.us / cindy@srce-memphis.com

Engineer/Surveyor: Campbell Surveying Co. Inc. / SR Consulting, LLC Phone # 901-683-9114 / 901-373-0380

Mailing Address: 1023 S Yates Road / 5909 Shelby Oaks Dr. Ste. 200 City/State: Memphis, TN Zip 38119 / 38134

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

Street Address Location: 811 West Suggs Drive

Distance to nearest intersecting street: 486' north of Poplar Avenue

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.56</u>	_____	_____
Existing Zoning:	<u>R-10</u>	_____	_____
Existing Use of Property	<u>Residential</u>	_____	_____
Requested Use of Property	<u>PD - RW Uses</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

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.

- 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.

- 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.

- 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.

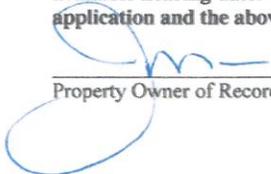
Pre-Application Conference held on: June 28, 2018 with Kirstin Jones

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.

 8/14/18 Cindy J. Leaves 8/14/18
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



Date: August 13, 2018
To: Office of Planning & Development
From: Cindy Reaves
Re: 811 West Suggs PD
Job #: PD 18-24

LETTER OF INTENT

We are pleased to submit a Planned Development Application for the property at 811 West Suggs Drive, North of Poplar Avenue. The development is approximately 0.56 acres and is currently zoned Residential (R-10).

We are requesting uses permitted in the RW/Residential Work District and feel this type use is a good transition, that will have little impact to the neighbors to the north.

The property to the south of 811 Suggs is currently a parking lot for Lebonheur. To the west, 811 Suggs backs up to the Estate Place Office Park. The property across the street to the east on Suggs at Alladin is also parking that serves the office building at Poplar Avenue. To the north is a residential PD.

The structure will remain with interior modifications. There will be limited signage in keeping with the current residential appearance and most of the parking will be in the rear.

We would also like to request a waiver of curb, gutter and sidewalk so the streetscape will remain the same as it is currently.

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

Correspondence in Support: 0

Correspondence in Opposition:

July 30, 2018

Josh Whitehead
Planning Director
Land Use Controls Division
Memphis and Shelby County Division of Planning and Development
Suite 468
125 North Main Street
Memphis, TN 38103

Dear Mr. Whitehead:

I am writing today in opposition of Application Case #PD18-24, for the property located at 811 West Suggs Drive. I live at 5384 Alladin Avenue, approximately 100 yards from the proposed property.

This is a residential neighborhood that already has seen encroachment by commercial enterprises. With the recent recommended approval of an expanded parking lot for the Loeb Brothers building on Valleybrook, combined with this current proposal, there is a great danger for homes in the area to quickly lose value as traffic increases and commercial development expands.

Another concern is access to 811 West Suggs. There is no turn light at Suggs and Poplar, nor is one practical as traffic backs up in the left turn lane for those heading west and turning south off Poplar at Estate. Estate is only a short distance from Suggs.

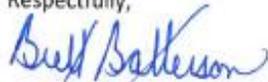
This means people going to this medical office from the east will have to turn left at Estate and cut through the Newk's Restaurant parking lot or go on to Valleybrook and then turn left on Alladin to come back to the office, thereby increasing traffic on Alladin. Neither of these options are acceptable.

I respectfully request that PD18-24 be rejected.

Thank you for your consideration.

If I can offer any further information, please do not hesitate to contact me.

Respectfully,



Brett Batterson
5384 Alladin Avenue
Memphis, TN 38120

PD 18-24



Hans O. Wiegert <How2006@comcast.net>

Fri 7/6, 8:31 AM

Jones, Marion



Reply all |

Dear Ms. Jones,

As per our conversation this day, I am against the proposed change on PD 18-24 from residential use to commercial.

Sincerely,

Hans O. Wiegert

[756 W. Suggs Dr.](#)

[Memphis, TN 38120](#)

901-767-8618 / C – 901-230-9117

PS. Under Brief Description, "East Memphis: office uses at existing home at 811 E. Suggs. Staff Planner: Marion Jones"

It should read W. Suggs instead of E. Suggs.

Rezoning of 811 West Suggs



Michel Wiegert <wiegert5@bellsouth.net>

Tue 7/3, 10:08 PM

Jones, Marion

Reply all |

You replied on 7/5/2018 7:30 AM.

We live at 720 West Suggs and we are not in favor of rezoning 811 West Suggs for office use. We are also not in favor of the rezoning of the land at the corner of Alladin and Valleybrook for a parking lot. We feel it will decrease property value because it will bring the commercial sector one step closure into our neighborhood. Thank You, Michael and Susan Wiegert.

Sent from my iPhone

811 w Suggs 38120

ltwener <ltwener@aol.com>
Tue 7/3, 11:29 PM
Jones, Marion

Reply all |

You replied on 7/5/2018 7:32 AM.

I am a neighbor of the subject property, moved in 2/2018 into a quiet secluded area. The petitioners of this property thought because of the area could get in my opinion an amount greater than the value of the home and have had it on the market a short time without getting their price so now to get a better price want to convert the property into a commercial property for their sake not for rest of the neighborhood. This property is the gate going into a beautiful area all single family homes with new ones going up every day which homes are large and expensive, and do not deserve to be encroached upon by a seller who has no regard for her neighbors.

LESTER WENER
44 N. 2nd St ste 1000
Memphis, TN 38103
901-525-2494
ltwener@aol.com

HI Memphis Poplar, #PD 18-24

Howard Chan <hchan@hitreit.com>
Fri 8/24, 2:47 PM
Jones, Marion

Reply all |

You replied on 8/24/2018 2:55 PM.



2018_08_24_16_24_46.pdf
555 KB

Download Save to OneDrive - City of Memphis

Marion,
Thank you for your time earlier this afternoon to discuss the #PD 18-24 at West Suggs. It certainly helped to understand that the proposed use change to RW/ Residential Work District has limitations. You noted that you have additional TDF application information to share, please do so at your convenience. Thank you.
Regards,

Howard Chan | Asset Manager

Hospitality Investors Trust, Inc.
3950 University Drive, Suite 301, Fairfax, VA 22030
office: +1.571.529.6312 | mobile: +1.650.218.8839
HChan@HITreit.com

Fwd: Case Number PD 18-24. 811 West Suggs

S C <slcmem2018@gmail.com>

Yesterday, 5:26 AM

Jones, Marion

Reply all |

You replied on 9/5/2018 7:48 AM.

Dear Ms Jones,

We live at 769 West Suggs. Our neighborhood is a quiet place where people walk, children are pushed in strollers and people ride bikes. We currently have speed bumps to make sure that the traffic goes slow and our neighborhood is free from large amounts of traffic.

The property at 811 West Suggs was a residence when purchased. It borders on a small office building and is across the street from a bank parking lot. Everything north of 811 is strictly residential. They invested significant amounts of money to enlarge the house. They put it on the market for over half a million dollars. It appears to have been a poor judgment on their part to believe that they could get that amount of money for a house in that location. The house did not sell and therefore they are seeking a change in zoning to sell the property for use as a medical office building, business school, or financial services. They have now raised the price to over \$600,000 which further reduces the probability of purchase as a residence.

It is unfortunate that the purchasers of 811 made such a bad business decision. While we understand their financial situation, the very likely financial effects of rezoning to the very large number of other residents is considerably greater. In addition, there are certainly other costs we will suffer. Our neighborhood will experience increased traffic and noise due to people coming in to the office for medical services. We should not pay the price of the owners of 811's poor business decision with further encroachment of commercial property to our neighborhood. We all made financial and personal commitments to where we live. We are requesting that the property at 811 West Suggs remain zoned as residential.

Thank you for considering maintaining the residential status of the property.

Sincerely,
Sheila & Robert Cohen

Letter in Opposition to Planned Development at 811 West Suggs Drive East Memphis



Potts, Ryan <Ryan.Potts@STJUDE.ORG>
Yesterday, 4:46 PM
Jones, Marion

Reply all |

Inbox

You replied on 9/6/2018 7:35 AM.

Dear Marion Jones:

I'm writing in strong opposition to the proposed planned development at 811 West Suggs Drive in East Memphis. I live with my wife (Malia) and two daughters (Cora, age 8, and Hattie, age 3) two houses down at 784 West Suggs Drive. Our family purchased our home in this neighborhood in December 2015. We are fiercely opposed to the idea of our quiet residential neighborhood with many small children that play and ride their bicycles around the block becoming a business district that is inundated with increased commercial traffic. I fully recognize that the property in question at 811 West Suggs Drive is the first house as you enter the neighborhood and therefore some might argue that conversion of it into a business will have minimal effect. I simply do not agree. Without question this change will have a negative impact on the environment of our family-oriented neighborhood, including increased traffic, noise, and crime. More importantly allowing this planned development will set a precedent for future cases similar to this one of someone trying to make a quick financial score that negatively impacts our community. Therefore, I implore you to deny this request and maintain the tranquility and wonderful quality of life in our one of a kind East Memphis neighborhood.

If I can provide any further information regarding this matter, please feel free to contact me.

Sincerely,
Ryan Potts, PhD

Ryan Potts, PhD
Associate Member
Department of Cell and Molecular Biology
St. Jude Children's Research Hospital
262 Danny Thomas Place, MS340
Memphis, TN 38105-3678
Tel: (901) 595-8791
<http://www.pottslab.org>

Email Disclaimer: www.stjude.org/emaildisclaimer

Vicinity Map

Page 1 of 3

RE: PD 18-24



D.M. <cd.m@comcast.net>
Mon 7/30, 6:43 PM
Jones, Marion



Reply all |

You replied on 7/31/2018 7:51 AM.

As of today 7/30, there have not been any notices for a neighborhood meeting.
Ask the applicant to show proof of his meeting request date.
Everyone has been silent waiting on the NEIGHBORHOOD MEETING.
I have contacted Council Chairman Heidi Shafer. You say, as of several days ago, 4 persons and myself are against.
You have not done your job. We will do our best to make sure all your contacts are available.
We do not want this in our neighborhood.
Please call if speaking is best.
Scarlett
(901) 848-5410

From: Jones, Marion [mailto:Marion.Jones@memphistn.gov]
Sent: Monday, July 09, 2018 2:11 PM
To: D.M. <cd.m@comcast.net>
Cc: Jones, Donald <Donald.Jones@memphistn.gov>; Bacchus, Brian <Brian.Bacchus@memphistn.gov>
Subject: Re: PD 18-24

Ms. Montesi,

Good afternoon! Thank you for your email. My name is Marion Jones. I am the staff planner assigned to this case. Please direct all correspondence to me.

I have received emails from 4 neighbors including yourself. One neighbor both called and emailed. I have also received one other inquiry on this case.

This case was filed with our office on July 2, 2018. I have not made a site visit yet, but will do so in the future. Until I make a site visit and do the required research on this case, I have no comment.

As a part of the public process, the applicant will be required to hold a neighborhood meeting. You will receive notice of the neighborhood meeting in the near future. In addition, the Office of Planning and Development (OPD) will send public notice notifying the neighbors of the public hearing before the Memphis and Shelby County Land Use Control Board (LUCB). This case is

scheduled to be heard by the Memphis and Shelby County Land Use Control Board at its August 9, 2018 Meeting.

The staff report for this case will be posted to the OPD website in the late afternoon on Friday, August 3. I will include correspondence from the neighbors and other interested parties if received by Wednesday, August 1 in the staff report. Any correspondence received after this time will be copied and distributed to the LUCB Members the day of the Land Use Control Board Meeting.

Please contact me if you have questions.

Marion Jones
Municipal Planner
Memphis and Shelby County
Office of Planning and Development
125 North Main Street, Room 468
Memphis, TN 38103-2084
901.636.7181 (Telephone)
901.636. 6603 (Fax)

From: Jones, Donald
Sent: Monday, July 9, 2018 12:24 PM
To: Jones, Marion
Subject: Fw: PD 18-24

I think this should have been sent to you. See below

John D. (Don) Jones
Municipal Planner
**Memphis and Shelby County Office of Planning and
Development - Land Use Controls Section**
Direct Line (901) 636-7179
E-mail: john.jones@memphistn.gov

Visit our [website](#).

My name is Scarlett Montesi I live at 5345 Wildbrook Cove. (901) 848-0047
There is currently an application for converting 811 Suggs residence to Office use. The people that rehabbed the house and overdid it, can't sell it at the elevated price. They want to convert it to Office. I am and my neighbors are 100% against this. We do not want this excessive traffic. Please get back to me with your response.
How many other from the neighborhood have called to complain. I am organizing the neighborhood.
Thank You

811 Suggs



D.M. <cd.m@comcast.net>

Today, 10:28 AM
Jones, Marion



Reply all

Inbox

Action Items

Marion,
There was a neighborhood meeting last week. Approximately 20 were in attendance. Overwhelming majority of those who attended did not want any form of office usage at this house. 4 people who were adamantly opposed were out of town. How does OPD view this now?
Scarlett Barham

I have exchanged numerous emails and spoken with Sherry Smith who works for W. Price Morrison of Martin Tale on this project since the application was posted to the Nextdoor.