



STAFF REPORT

AGENDA ITEM: 5

CASE NUMBER: PD 99-366 (CORRES.) **L.U.C.B. MEETING:** May 9, 2019
DEVELOPMENT: RBM Cherry Road Partners Planned Development
LOCATION: Northwest corner of Cherry Road and Haverhill Road
OWNER/APPLICANT: RBM Cherry Road Partners / Oaks Edge Partners
REPRESENTATIVE: Prime Development Group – Mike Fahy
REQUEST: Senior living community and complimentary accessory uses
AREA: +/-17.59 acres
EXISTING ZONING: PD 99-366

CONCLUSIONS

1. The request is to allow a senior living community and complimentary accessory uses. The justification is that the requested use is a higher classification (lower intensity) use than the currently permitted office use in accordance with Item 9.6.11E(2)(e) and Sub-Section 10.2.5B of the Unified Development Code.
2. The proposed development is a senior living community including, but not limited to, multi-family/elderly care facilities such as single-family cottages or patio homes (detached or attached), independent living, assisted living, skilled nursing, personal care services and memory care uses that incorporate wellness lifestyle approaches for residents.
3. The landscape buffer along Cherry Road is +/-15 feet, Haverhill Road is +/-60 feet, and abutting the rear yards of the single-family lots on the western property line it is +/-70 feet.
4. The revised concept plan layout, additional conditions, and proposed lower intensity use of this site will create a desirable and aesthetically pleasing development in this neighborhood while providing necessary elderly care services.
5. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
6. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 per the land use consistency decision criteria that considers existing adjacent land uses and zoning. See further analysis on page 15 of this report.

RECOMMENDATION:
Approval with conditions

GENERAL INFORMATION

Street Frontage: Cherry Road +/-836.00 curvilinear feet
Haverhill Road +/-1108.79 curvilinear feet

Zoning Atlas Page: 2140

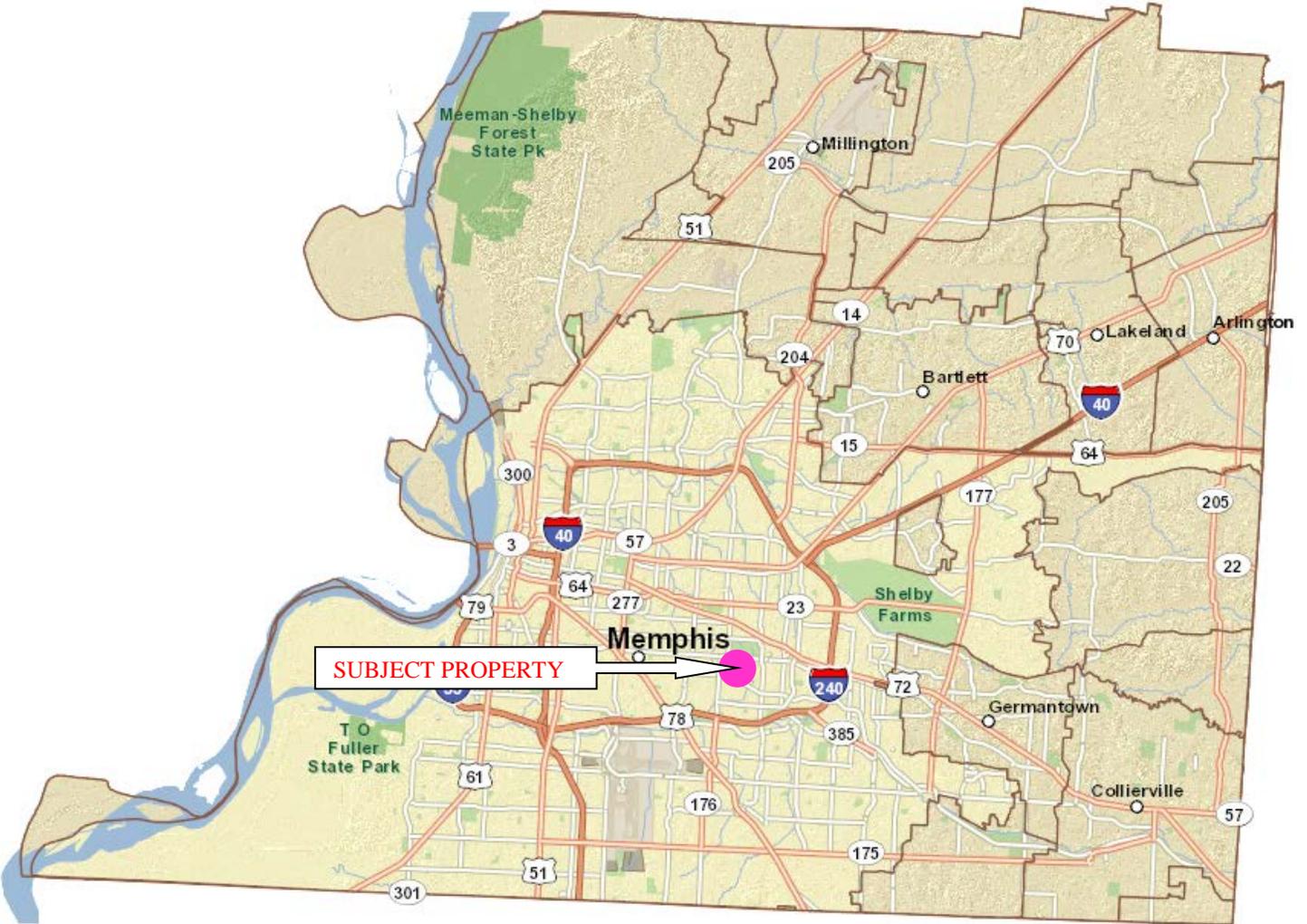
Parcel ID: 058126 00027

Existing Zoning: PD 99-366

PUBLIC NOTICE

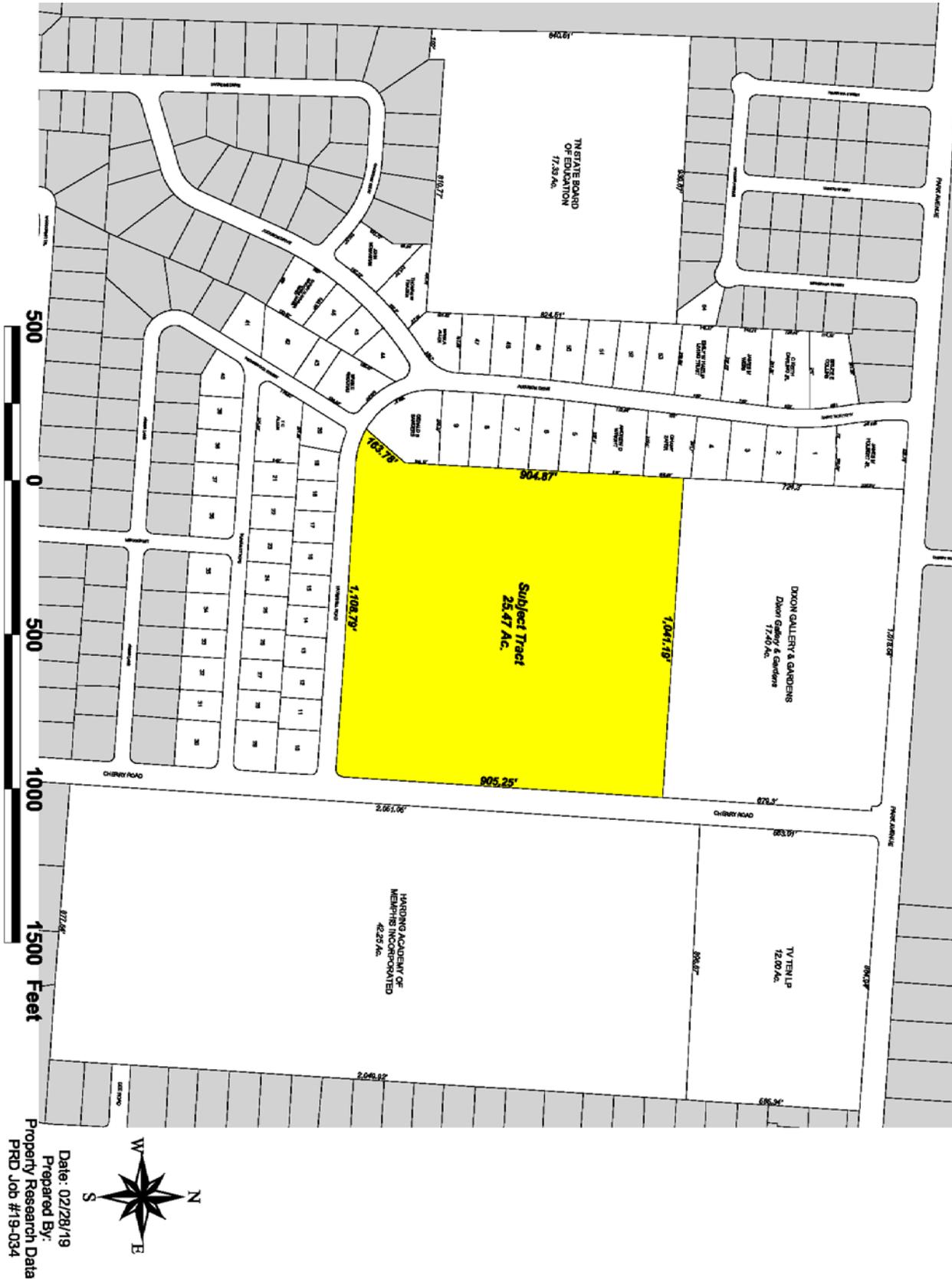
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 73 notices were mailed on April 24, 2019, and a total of 3 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, East Memphis neighborhood

VICINITY MAP



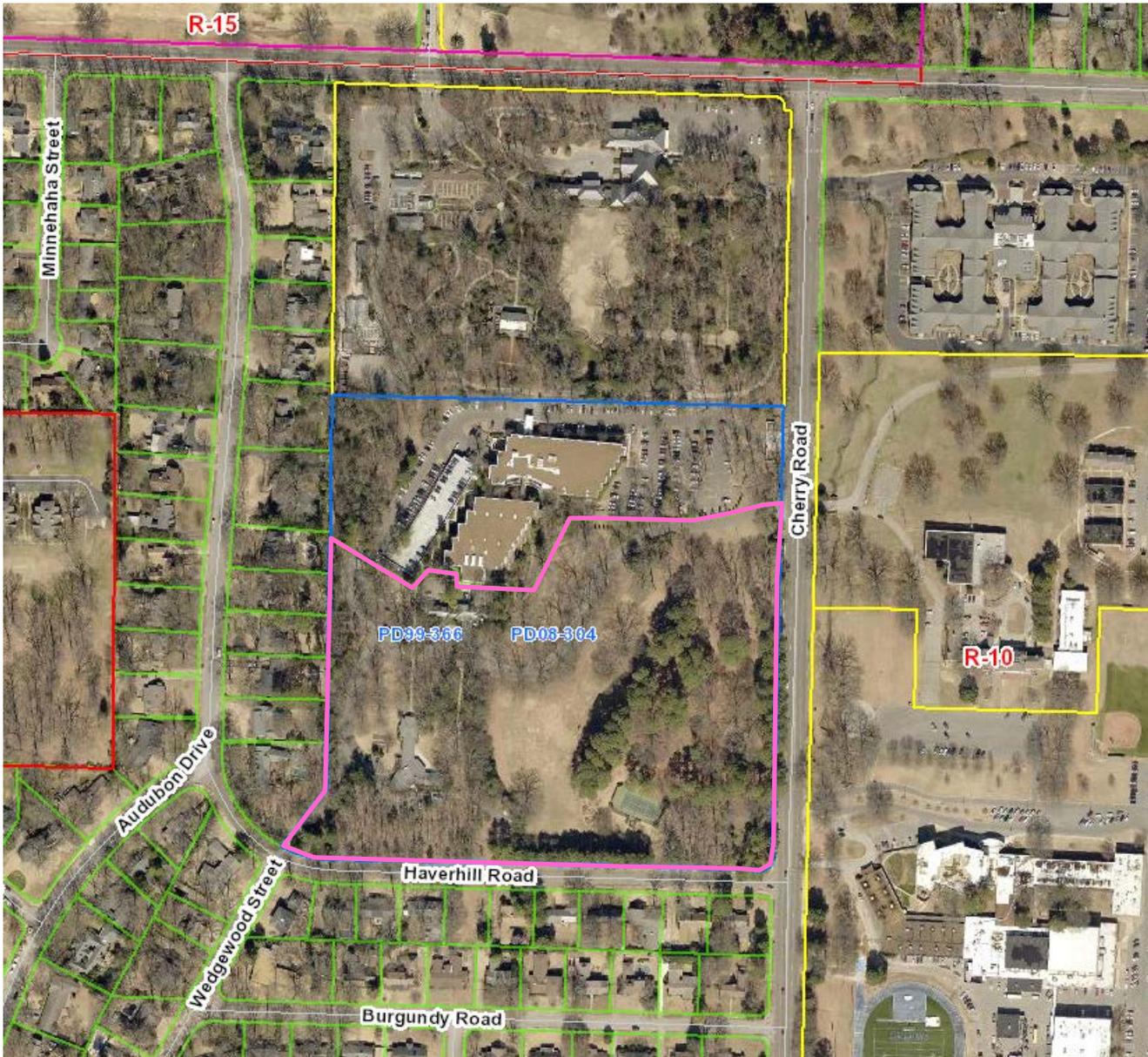
Subject property highlighted in yellow

AERIAL



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

ZONING MAP



Subject property outlined in pink

Existing Zoning: PD 99-366

Surrounding Zoning

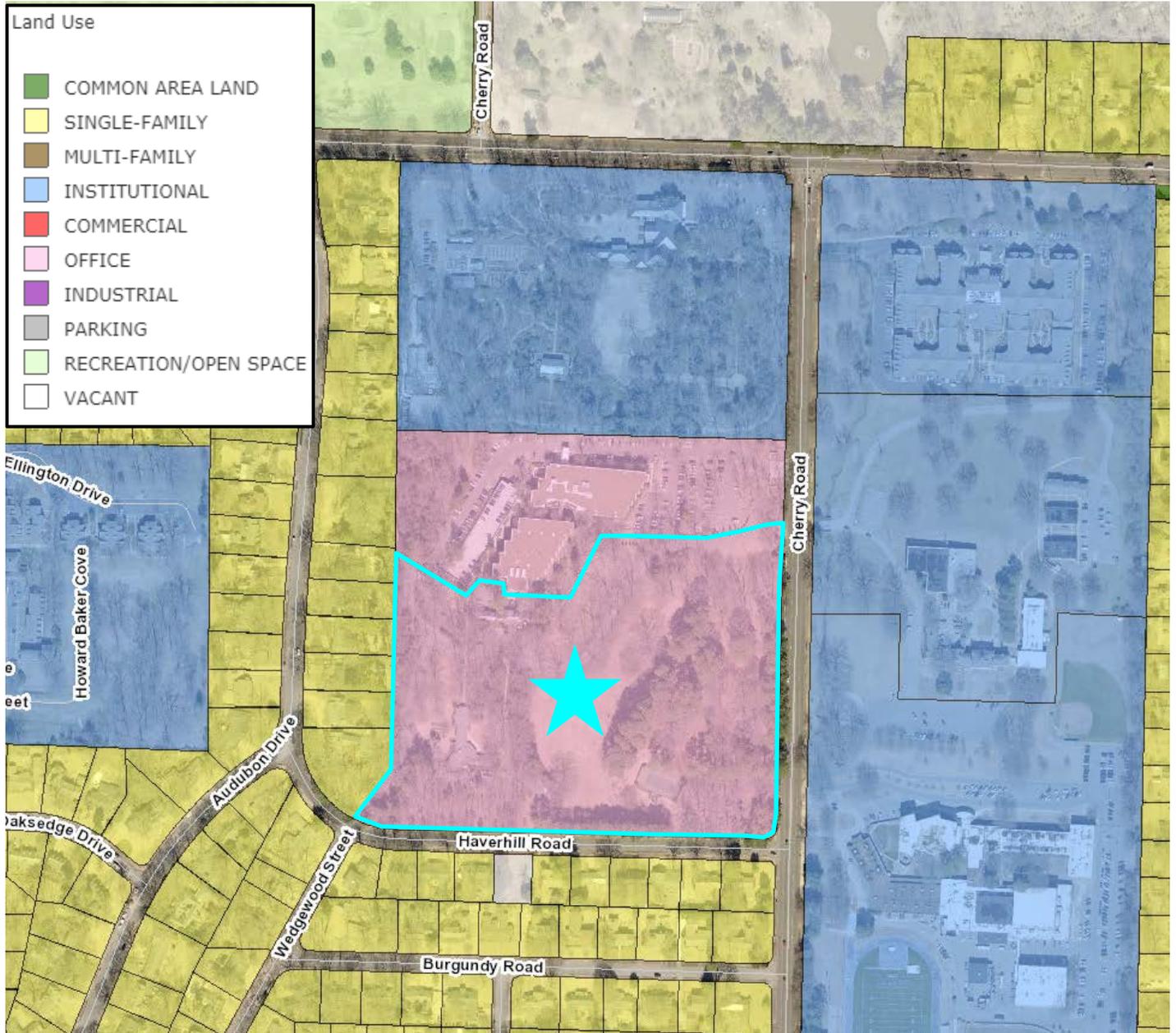
North: PD 99-366

East: SUP 97-201 and SUP 12-201

South: R-10

West: R-10

LAND USE MAP

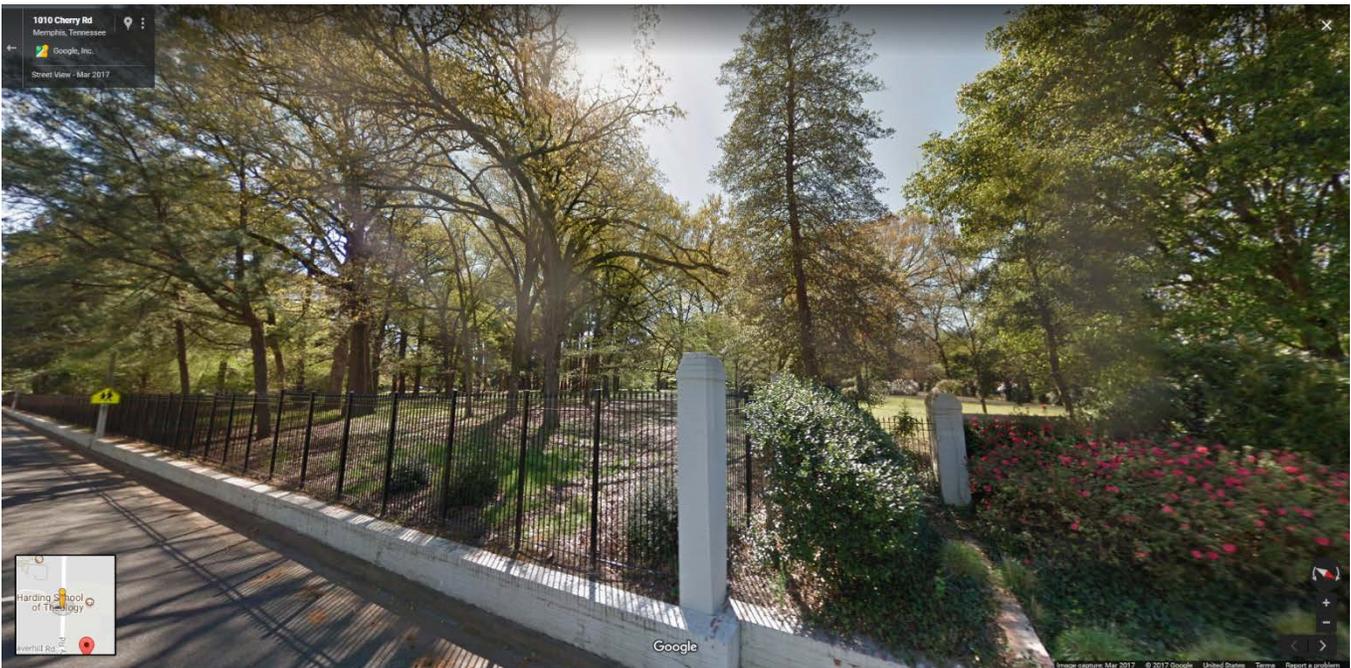


Subject property outlined in electric blue and indicated by an electric blue star

SITE PHOTOS



View of subject property from the intersection of Cherry Road and Haverhill Avenue looking northwest



View of subject property from Cherry Road looking southwest

SURROUNDING AREA PHOTOS



View across Haverhill Avenue from subject property looking south



View down Cherry Road from subject property at the intersection of Haverhill Avenue looking south



View across Cherry Road from subject property looking east



View down Cherry Road from subject property looking north

CONCEPT AERIAL



ELEVATIONS



Main building elevation



Cottage elevations

STAFF ANALYSIS

Request and Justification

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

The request is to allow a senior living community and complimentary accessory uses. The justification is that the requested use is a higher classification (lower intensity) use than the currently permitted office use in accordance with Item 9.6.11E(2)(e) and Sub-Section 10.2.5B of the Unified Development Code.

Site Description

The subject property is +/-17.59 acres located at the northwest corner of Cherry Road and Haverhill Road. The site is situated within PD 99-366 which currently permits office uses. The subject property is located within a sensitive drainage basin (Cherry Bayou 6-A). The site contains a wellness/fitness center, an old mansion, and vacant land. The vacant land area consists of a mixture of turf open space and vegetation mixture of shrubs and trees.

Consistency with Memphis 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use consistency decision criteria that considers existing adjacent land uses and zoning. The existing site itself is already permitted offices uses and, furthermore, office and intuitional uses and zoning entitlements are adjacent to the north and east of the subject property while adjacent to the south and west are a single-family zoning district and single-family land uses. Thus, the proposed higher classification use of a lower intensity than what is currently permitted would further serve as a complimentary transitional use between these varying land uses and zonings.

Conclusions

The request is to allow a senior living community and complimentary accessory uses. The justification is that the requested use is a higher classification (lower intensity) use than the currently permitted office use in accordance with Item 9.6.11E(2)(e) and Sub-Section 10.2.5B of the Unified Development Code.

The proposed development is a senior living community including, but not limited to, multi-family/elderly care facilities such as single-family cottages or patio homes (detached or attached), independent living, assisted living, skilled nursing, personal care services and memory care uses that incorporate wellness lifestyle approaches for residents.

The landscape buffer along Cherry Road is +/-15 feet, Haverhill Road is +/-60 feet, and abutting the rear yards of the single-family lots on the western property line it is +/-70 feet.

The revised concept plan layout, additional conditions, and proposed lower intensity use of this site will create a desirable and aesthetically pleasing development in this neighborhood while providing necessary elderly care services.

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 revisions to the outline plan conditions.

Outline/General Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in **~~bold strikethrough~~**

Outline Plan Conditions
PD 99-366

I. Uses Permitted:

A. A maximum of **108,000** ~~168,000~~ square feet of office space for administrative, executive, professional, and research activities, inclusive of existing corporate office facilities with 108,000 square feet in Lot 1 ~~and 60,000 square feet in Lot 3.~~

B. Accessory parking as specified in Condition III C, below.

~~C. Buildings C and E, and the swimming pool located within this P.D., may be used for single family residential use or for administrative, executive, professional, and research activities, inclusive of existing corporate office facilities.~~

B. Lot 2: Senior Living Units are allowed throughout this area. Allowable senior living residential uses include, but are not limited to, Multi-Family/Elderly Care Facilities such as Single-Family Cottages or Patio Homes (detached or attached), Independent Living, Assisted Living, Skilled Nursing, Personal Care Services and Memory Care. Additionally, Multi-Family Units (Apartments) are allowed throughout this area to provide flexibility if the market feasibility study determines Senior Living is not viable. Complementing common amenities such as Senior Center, Elderly Care, Personal Care, Parking, Movie Theater, Library, Wellness Center, Indoor and Outdoor Pools, Clubhouse for residents' families, passive park areas and active park areas are also allowed in this area. A total of 250 units, being combination of Independent Living Apartments, Independent Livings Octaves, Assisted Living Apartments and Memory Care Apartments are allowed.

C. Lot 2: The Mansion shall be preserved as a complimenting common neighborhood amenity with guest suites, outside dining services and may be used for private events for the residents and their families. In addition, the mansion may be used for other functions and events.

II. Bulk Regulations: In conformance with the R-S10 District with the following exceptions:

A. The minimum building setbacks shall be as illustrated on the outline plan.

B. Maximum height -- 35 feet above grade and a maximum of three stories **for Lot 1**

C. Lot 2:

1. The maximum height of the Primary Building shall be three (3) stories or 55 feet to the ridgeline.

2. The maximum height of the detached and attached Single-Family Cottages shall be two (2) stories or 35 feet to the ridgeline.

3. Parking shall be provided at a rate of 1 space per each senior living unit in the Primary Building.

4. Parking shall be provided at a rate of 1 space per cottage unit.

5. The following minimum setbacks shall apply:

a. Front: 70 feet (along Haverhill Road)

b. Front: 15 feet (along Cherry Road)

c. Rear along West Property Line: 70 feet

D. OVERALL LOT 2 PLAN DATA

1. Total Property Area.....17.59± AC

2. Estimated Number of Units.....240

3. Estimated Density13.64 DU/AC

4. The estimated land use density is based on gross residential and undeveloped open space acreage. The total development density is 13.64 dwelling units per acre. The actual acreage of areas may vary slightly and is subject to final design and final engineering.

5. Overall Maximum Density15.00 DU/AC

III. Access, Circulation and Parking:

- A. The existing internal private drive shall serve Lot **1 2**. A new curb cut and drive serving Lot 1 shall be permitted and shall be a minimum of 22 feet in width exclusive of curb and gutter in accordance with the Subdivision Regulations.
- B. **Access to Haverhill Road shall be prohibited, Vehicular access to Haverhill Road for Lot 2 shall be limited to emergency vehicles only.**
- C. The existing parking structure and surface spaces shall be preserved serving the existing building **of Lot 1**.
 - 1. Lot 1 shall be served by a maximum of 450 spaces. This total includes the existing parking structure, existing surface parking and new parking areas north of the existing entry drive from Cherry Road.
- D. Development of the parking areas shall incorporate a major tree preservation plan. The plan shall include generous unpaved islands to accommodate preservation of large trees.
- E. Access to Lot 2 shall be from Cherry Road as depicted on the concept plan.

- F. Parking and internal circulation within Lot 2 3 shall be as depicted on the concept plan.
- G. Circulation between Lot 2 3 and other phases, lots, or sections of this planned development shall not be required.
- H. Along the Cherry Road frontage, the applicant **and/or developer of Lot 2** shall be required to expand the sidewalk beyond its current extent which extends +/-155 feet north from the northwest corner of the intersection of Cherry Road and Haverhill Road. **The expansion must extend the sidewalk** to the north end of Lot 2 3 **along Cherry Road.**
- I. A traffic Trip Generation Report shall be provided for the Lot 2 development to determine the effects of trip generations on Cherry Road and the effect on the surrounding road network.**
- J. Vehicular Access from Lot 2 to Haverhill shall be limited to emergency vehicles only.**
- K. Lot 2 must provide adequate queuing spaces in accordance with the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.**
- L. All service drives within Lot 2 shall have a minimum asphalt width of 20 feet.**

IV. Landscaping, Screening and Lighting:

- A. A landscape plan shall be submitted to the Office of Planning and Development for approval. The landscape plan shall be designed to screen the proposed new buildings and parking areas from residential property to the northwest along Audubon Drive. Development of the parking area including specific measures for preserving existing trees shall be incorporated into the overall landscape plan. No final plan shall be approved until a landscape plan including the specific parking development plan is approved.
- B. 1.** A landscaping plan for the proposed additional parking in Lot 1 shall be submitted to the Office of Planning and Development for approval. The landscape plan shall be designed to screen the parking area from Cherry Road. Development of the parking area including specific measures for preserving existing trees shall be incorporated into the overall landscape plan. No final plan shall be approved until a landscape plan including the specific parking development plan is approved. **Additional landscaping will be added between the parking area and Haverhill Road and extend north around the parking area on Lot 3.**
- C. 2.** An NOI demonstrating conformance with the Tree Ordinance shall be required. A copy of the NOI for the file shall be required prior to the recording of the Final Plat.
- D. 3.** The area between Cherry Road and the expanded parking and north of the access easement shall be identified as open space unbuildable **for Lot 1.**

- E. A Landscape Plan shall be submitted for administrative review and approval by the Office of Planning and Development with the Final Plan for Lot 2.**
- F. All required landscaping in Lot 2 shall be irrigated.**
- G. Streetscapes in all areas of Lot 2 shall be in accordance with the landscape plan and shall be planted as required by the Memphis-Shelby County Unified Development Code.**
- H. All Common Open Space areas in Lot 2 are to be maintained by the property owner/developer.**
- I. To further enhance the neighborhood-like setting of the development of Lot 2, a premium will be placed on the preservation of natural vegetation. Particular attention shall also be given to grade changes and other work adjacent to the trees designated to be preserved. Existing grades, drainage, and aeration shall be maintained around the trees to remain during site preparation and construction. Trees designated to remain shall be protected with a temporary barrier so trees to be saved are not inadvertently removed, damaged or destroyed during site preparation and/or construction.**
- J. All required landscaping in Lot 2 shall be located on the property such that it shall not interfere with any utility easements.**
- K. All construction improvements within the development of Lot 2 shall follow erosion and sediment control guidelines and ordinances of the City of Memphis and the State of Tennessee.**
- L. Chain-link fences shall be prohibited in Lot 2.**
- M. Fences and walls in Lot 2 shall be constructed of high-quality materials, such as wood, decorative blocks, brick, stone, wrought iron, etc.**
- N. All refuse containers in Lot 2 shall be completely screened from view.**
- O. All roof, ground, and wall mounted mechanical equipment (e.g. meters, conduit, air handling equipment, compressors, duct work, transformers, elevator equipment, etc.) accessory to a commercial or multifamily structure shall be completely screened from view in Lot 2.**
- P. Above ground utilities and appurtenances to underground utilities required by the development of Lot 2 which require above ground installation shall be completely screened from view. Required accessways to these utilities are exempt from the screening provisions.**
- Q. B.** Existing trees shall be preserved and incorporated within the landscape plan wherever possible.
- R. C.** All required landscaping and screening shall be provided exclusive of any easements and shall not conflict with any easements including overhead wires.
- S. D.** Light standards shall be a maximum of ten feet high **in Lot 1** and shall be designed to direct light away from any adjacent residential properties. Light standards on Lot 1 within 265 feet of Cherry Road R.O.W. shall be a maximum of 25 feet and shall be designed to

direct light away from any residential properties.

T. Light standards shall be a maximum of fourteen feet high in Lot 2 and shall be designed to direct light away from any adjacent residential properties. Light standards on Lot 2 and shall be designed to direct light away from any residential properties.

U. E. Equivalent landscaping and screening may be substituted for that required above subject to the approval of the Office of Planning and Development.

V. The following conditions shall pertain specifically to protection and preservation of existing trees and selection of supplementary planting **of Lot 1:**

A. Protection

1. Tree protection operations shall be completed prior to the commencement of earthwork.

B. Root Pruning

1. Pruning shall be done prior to the commencement of earthwork in the vicinity of trees.

2. The line of root pruning shall be clearly flagged and no equipment shall enter the area within the pruning line.

3. Wherever possible, pruning of a single tree shall be done sequentially (one quadrant per each 10-14 days), instead of pruning the circumference, or a major segment thereof, in a single operation.

4. Tools

a. All pruning shall be done with a sharp blade or pruning shears with a minimum of disturbance to the earth surrounding the root to remain.

b. No bulldozer cuts shall be made in the vicinity of a tree prior to root pruning.

c. No earthwork shall be done within six feet of the drip line of a tree prior to root pruning.

C. Maintenance

1. A maintenance program shall be instituted when root pruning is initiated and continuous maintenance shall be provided for all existing and proposed vegetation.

2. Crown growth shall be thinned as appropriate to compensate for root pruning and as appropriate for light penetration.

3. All existing trees shall be fertilized prior to the placement of paving and/or fill material.

D. Supplementary Planting

1. Supplementary planting shall be done with plants indigenous to the locale as represented and as shown on approved landscape plan.
2. Additional or alternate plant material may be selected subject to approval of the Office of Planning and Development at time of final plan review.

VI. Drainage:

- A. Design and construction of the stormwater conveyance and management facilities for this project shall be in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual. Adequate non-buildable areas shall be provided on each final plan for required on-site stormwater detention facilities as determined by drainage calculations performed in accordance with the Drainage Manual and approved by the City Engineer.
- B. All drainage plans shall be submitted to the City Engineer for review.
- C. Drainage improvements to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et sec.)

VII. Signs:

- A. Two signs shall be permitted for attached to the walls at the main entrance along Cherry Road **for Lot 1**. No internal illumination of the signs shall be permitted and the signs shall be a maximum of 12 square feet each.
- ~~B. One (1) sign at each entrance to Lot 3 shall be permitted. No internal illumination of the signs shall be permitted and the signs shall be a maximum of 12 square feet each.~~
- B. General. Monument signs for Lot 2 shall be for project, building, or tenant identification and shall be appropriately landscaped to reduce the harsh edges created where the sign/mounting structure meets the ground. The location and elevations of monument signs shall be depicted on the final plan subject to administrative review and approval by the Office of Planning and Development.**
- C. Size. Monument signs for Lot 2 shall meet the following requirements:**
 - 1. Single-faced, Monument signs shall not exceed 100 square feet.**
 - 2. Double-faced, Monument signs shall not exceed a sign area total of both faces of 200 square feet.**

3. Total sign height shall not exceed 9 feet from finished grade.

4. Location. Monument signs shall be placed a minimum of 2 feet behind the right of way.

VIII. BUILDING FAÇADE MATERIALS FOR LOT 2

A. Each façade face's veneer (building elevation) will be comprised of a mixture of these materials: brick, stone, stucco (non-EIFS) or cementitious siding (James Hardie or equal). Horizontal lap siding or wood material (or comparable).

B. No building shall be constructed with exposed unfinished block, unfinished siding, or all horizontal lap siding.

C. Conceptual Elevations of the Primary Building and Cottage/Bungalow/Patio Homes shall be shown on the Final Plan.

IX. VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, lighting, sign and other site design requirements if equivalent alternatives are presented; provided however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the City Council.

X. IX. A final plan shall be filed within five years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

XI. X. Any final plan shall include the following:

- A. The outline plan conditions,
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements,
- C. The building footprint and floor area, pedestrian and utility easements,
- D. A landscape plan illustrating the content of all landscaping and screening to be provided including specific plant species and size at planting,
- E. A specific plan for development of the proposed parking area including all measures taken to preserve existing trees and specific paving materials to be utilized,
- F. The location, diameter and species name of existing trees over 8 inches in diameter located within the yard spaces and required landscape/screening areas, and differentiation between those trees to be preserved and those to be removed,
- G. The location and ownership, whether public or private of any easement,
- H. The 100-year flood elevation,

- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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:

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

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
5. New sidewalks will be at least 6 ft wide if adjacent to the curb or at least 5 ft wide if separated from the curb by a grass strip.
6. Clear Sight Areas shall be provided on the final plat and engineering plans at the private drives in accordance with the Unified Development Code. The required note regarding Clear Sight Areas shall be placed on the final plat.
7. Provide smooth transition between differing rights-of-way on Cherry Road.

Traffic Control Provisions:

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

Private Drives:

11. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

Curb Cuts/Access:

12. The City/County Engineer shall approve the design, number and location of curb cuts.

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

Drainage:

14. 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.

15. Drainage improvements, including on-site detention, shall be provided. This development is located within a sensitive drainage basin (Cherry Bayou 6-A).

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

17. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

18. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

19. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

20. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.

General Notes:

21. The width of all existing off-street sewer easements shall be widened to meet current city standards.

22. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

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

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW 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.

Office of Resilience:

- No comments as related to resiliency/the environment.

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
MAJOR MODIFICATION/LUCB SITE PLAN
(CORRESPONDENCE) APPROVAL**

Date: 3/4/2019

Previous Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Oaks Edge

Property Owner of Record: RBM Cherry Road Partners Phone #: _____

Mailing Address: 1025 Cherry Road City/State: Memphis/TN Zip 38117

Property Owner E-Mail Address: _____

Applicant: Oaks Edge Partners Phone # _____

Mailing Address: 1023 Cherry Road City/State: Memphis/TN Zip 38117

Applicant E-Mail Address: _____

Representative: Michael Faye Phone #: 901-753-6840

Mailing Address: 7520 Capital Drive, Ste 200 City/State: Germantown/TN Zip 38138

Representative E-Mail Address: mfahy@pdg-m.com

Engineer/Surveyor: Kimley-Horn Phone # 901-374-9109

Mailing Address: 6750 Poplar Avenue, Ste 600 City/State: Memphis/TN Zip 38138

Engineer/Surveyor E-Mail Address: jennifer.peregoy@kimley-horn.com

Correspondence item Street Address Location: 1029 Cherry Road

Distance to nearest intersecting street: +/- 1,000 feet south of the intersection at Park Avenue and Cherry Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>17.59</u>	_____	_____
Existing Zoning:	<u>R-10</u>	_____	_____
Existing Use of Property	<u>Office Low per Assessor</u>	_____	_____
Requested Use of Property	<u>Senior Living</u>	_____	_____

Type of Correspondence Item Requested:

- Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)
- Land Use Control Board Site Plan Approval

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: _____

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

The proposed development incorporates more density and a higher classification than what is currently shown on the existing Outline Plan.

I (we) hereby make application for the Correspondence Case 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.

	Rawleigh Martin RBM Cherry Rd. Partners owner	3-4-19		J. Kevin Adams Bog River Partners Client Manager	3/4/19
Property Owner of Record		Date	Applicant		Date

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 for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
 - 1. 25 feet for final plans of two or less acres;
 - 2. 50 feet for final plan of more than two but less than eight acres;
 - 3. 100 feet for final plans of eight acres but than 20 acres; and
 - 4. 150 feet for final plans of 20 acres or more.

LETTER OF INTENT



March 4, 2019

Mr. Chip Saliba, Planner
Memphis and Shelby County Land Use Controls
City Hall, 125 North Main Street, Suite 468
Memphis, Tennessee 38104

RE: Major Modification to existing PD Lot 2 of the RBM Cherry Road Partners PD (PD 99-366)
1029 Cherry Road

Dear Mr. Saliba:

On behalf of Oak Edge Partners, the attached application and supporting documents are for the proposed Major Modification to Lot 2 of the RBM Cherry Road Partners PD.

Project Description

The project site is located at the northwest corner of the intersection at Cherry Road and Haverhill Road. In October of 2017, the LUCB approved a Correspondence Case allowing 60,000sf Office Building with 290 parking spaces at the same corner, this plan is a downzoning from the approved Commercial Office Use to Residential Assisted Living.

The proposed development will be a 17.59± acre development consisting of an assisted living facility and residences. It will incorporate a lifestyle and wellness approach and include ancillary site improvements such as surface parking, sidewalks, landscaping, streetscapes, stormwater detention, and utilities. A stormwater detention area at the southeast corner of the site, which will not only control runoff leaving the property but serve as an amenity for the area. The amount of traffic entering and existing the site from will be significantly reduced due to the change in Use from Commercial Office to Residential Assisted Living.

P.D. Modifications

The proposed major modification will amend the current Outline Plan conditions as follows:

1. New Project will supersede the Approved Commercial Office Plan approved in 2017
2. New Project will remove the large parking fields along Haverhill Road and Cherry Road
3. Reduce the maximum square footage of Office Buildings for the PD
4. Access along Haverhill will be provided to ONLY emergency vehicles and will always be closed and gated
5. Primary Access to the project will be a gated entrance on Cherry Road
6. A Landscape Plan will be provided denoting the screening methods along the western property boundary between the proposed development and the 7 lots of the Audubon Park Subdivision as well as along the Haverhill Road and Cherry Road frontages.
7. The parking count for Lot 2 shall functionally serve the development and be reflected on the Final Plan.



Traffic Considerations

There are two comparisons to consider and expect based on the traffic generated by the proposed development:

1. The anticipated number of trips generated by the proposed use versus the number of trips that would be generated if the site was developed in accordance with the current conditions of the planned development.
2. The anticipated number of trips generated by the proposed use versus the City of Memphis criteria used to evaluate if a traffic impact study is required.

Comparison 1 – The existing planned development will allow up to 108,000 square feet of office to be developed on this site. If the site were developed to that density, it is expected that the site would generate approximately 1,050 trips per day and approximately 125 total trips in both the AM and PM peak hours. The proposed use is an assisted living facility with a combination of independent living, assisted living, and memory care facilities. This use is expected to generate less than 750 trips per day and approximately 43 total trips in the AM peak hour and 58 total trips in the PM peak hour. The peak hour trips expected to be generated by this proposed development are less than half the number of trips that would be expected to be generated by the currently approved planned development.

Comparison 2 – The City of Memphis has established criteria to determine when it would be appropriate to conduct a traffic impact study for a proposed development. That criteria considers a combination of factors, including the number of total daily trips expected to be generated by the development, the number of peak hour trips expected to be generated by the site, and the functional classification and existing traffic volume of the adjacent roadway. Cherry Road is functionally classified as a minor arterial roadway and has an Annual Average Daily Traffic (AADT) of less than 15,000 vehicles per day. Therefore, there are two tests to determine if a traffic study would be required by the City of Memphis,

A) is the total number of daily trips expected to be generated by the proposed development less than 10% of the AADT of Cherry Road, and

B) are the expected peak hour volumes expected to be generated by the proposed development less than 1% of the AADT of Cherry Road.

A traffic count has not been obtained for this section of Cherry Road. However, based on traffic volumes on Cherry Road south of Quince and other counts in the area, it is expected that the AADT on Cherry Road is between 6,000 and 9,000 cars per day. While it may be possible that the number of daily trips expected to be generated by this proposed development may be approximately 10% of the AADT of Cherry Road, it is expected that the number of peak hour trips will be less than 1% of the AADT of Cherry Road. Therefore, it is our opinion that this development does not meet the City of Memphis criteria for requiring a traffic impact study.



The primary entrance to this development will be on Cherry Road. A second driveway will be provided for emergency vehicle access only on Haver Hill Road. With the primary driveway on Cherry Road and with the connections on Cherry Road to several other minor arterial roadways, we expect all traffic generated by this site to use Cherry Road to enter or leave this site.

We appreciate your support with this request. Please do not hesitate to contact me with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Jife Peregoy".

Jennifer Peregoy, P.E., LEED AP

SIGN AFFIDAVIT

Shelby County

State of Tennessee

I, *Michael J. Fahy*, being duly sworn, depose and say that at 2:24 pm on the 30th day of April, 2019,, I posted three (3) Public Notice Signs pertaining to Case PD 99-366 at the northwest corner of Cherry Road and Haverhill Road, providing notice of a Public Hearing before the May 9th, 2019 Land Use Control Board, and June Memphis City Council, proposed Major Modification OaksEdge Planned Development, with photographs of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Michael J. Fahy *5/2/19*
Michael J. Fahy Date
Representative

Subscribed and sworn to before me this *2* day of *May*, 2019.

Notary Public *Linda Mathis*
My commission expires: *9-28-19*



LETTERS RECEIVED

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



Audubon Park Community Association, Inc.
1092 Audubon Drive
Memphis, TN 38117

April 26, 2019

Via Email (jeffrey.penzes@memphistn.gov)
Memphis and Shelby County
Office of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, TN 38103
Attn: Jeffrey Penzes

Re: RBM Cherry Road Partners/P.D. 99-366, formerly 90-304 (the “Project”)

Dear Mr. Penzes:

We wanted to update you on our Association’s activities regarding the Project. As we indicated in our letter to Kevin Adams dated March 4, 2019 that was provided to your office (a copy of which is attached for your reference), our Association had very serious concerns about the addition to the Project of a senior living development as initially presented to the Association by the Developer. The Association Planning Committee met with the Developer once at LRK and twice at the site during the last month to discuss those concerns. A neighborhood meeting is scheduled for April 29, 2019.

As we stated in our earlier letter, protecting the residential character of the neighborhood is our primary concern. In May 2015 when OPD reviewed a proposed expansion to the Project to add an additional drive and parking for Wright Medical, the Staff Report correctly pointed out, “A key component in the review [of the original Project in 1993] was the maintenance of the lush landscaping, especially along the perimeter of the site.” In our conversations with the Developer, the density and perimeter landscaping has been of paramount concern, along with interior landscaping to the extent that the removal of established hardwood trees will have a negative impact on adjacent hardwoods at the Project and in our neighborhood.

During our conversations with the Developer, the Association Planning Committee has been able to reach agreement with the Developer on the following areas outlined in our March 4th letter:

- 1) Non-Resident Traffic — The Developer has agreed that all traffic will be routed through the Cherry Road entrance and that the drive on Haverhill will continue to be for emergency access only. The Developer has also agreed to install a sidewalk along the eastern edge of the Project and extend that sidewalk to Park Avenue following the eastern property line of the Wright Medical and Dixon properties.

2) Visibility of the Project from Haverhill and Cherry — The Developer has agreed to extend the landscape buffer to include the mature magnolias along Haverhill and to supplement those trees with additional landscaping in a 75' +/- buffer area along the south property line of the Project. The Developer's proposed buffer along Cherry with the addition of the sidewalk is acceptable to the Association. The Association has not yet seen full landscape plans for these areas, but this concept is agreeable to the Association Planning Committee.

3) Detention — The Developer has agreed to provide for underground detention sufficient to contain all storm water runoff from the Project. Underground detention is preferred by the Association.

4) Project Design — The Developer has assured the Association that the Project will be developed with architectural character and high quality building materials compatible with the neighborhood. We have been shown renderings indicating that building facades will be stone and painted brick with minimal hardie plank and that roofs will be faux slate with real slate and copper accents. This type of design is acceptable to the Association.

However, in addition to those areas, there are several areas where the Association still has serious concerns about the Project:

1) Density — While the Developer has reduced the number of units requested by 16 from the initial plans presented to the Association, the use is still very dense and of concern to the Association. The Developer has assured the Association Planning Committee that the Project will have a very low impact on traffic on Cherry and the surrounding streets; however, the Association would like to review adequate traffic studies to support this assertion.

2) Visibility of the Project — The height of the proposed main building in the area closest to Haverhill is more than 20 feet taller than the adjacent Wright Medical Building and the current height restrictions for the Project. The Developer has indicated that it is not possible to reduce this height. This height is of concern to the Association. Further, the Developer has not presented adequate landscape plans to restrict the visibility of the Project from the homes on Audubon. While we continue to negotiate in good faith with the Developer, the current setback and landscaping on the western edge of the property is not acceptable to the houses on Audubon Drive that back up to the Project. We understand from the Developer that landscape plans will be available for the April 29th meeting.

The Association and Developer have spent the majority of our time discussing the above issues. We would continue to request the following restrictions for the Project outlined in our earlier letter:

- i. In addition to the current P.D. condition on lighting, limit any building lighting or parking lot lighting within the development to cut-off type lighting which directs light downwards and does not have a large spread. Limit the height of lighting and foot candle spread appropriately such that lighting is not visible from the west or the south and the

April 26, 19

Page 3

foot candle spread of the lighting design reduces to zero within the first 50 feet of the greenbelt area from the interior of the property.

- ii. Limit noise producing activities within the development to normal daylight hours of 7:00 a.m. to 7:00 p.m., including any initial or future construction activities, dumpster removal and trash hauling. Currently dumpster removal is a large problem with noise, rodents and odor adjacent to the properties along Audubon Drive.
- iii. Limit signage to one ground mounted monument sign on Cherry Road near the main entrance to the property with a maximum of 35 square feet of sign area.
- iv. Restrict construction traffic to the Cherry Road entrance, and restrict all construction parking to within the construction site. No construction traffic within the neighborhood on Haverhill or Audubon and no on street parking of any sort to be allowed.
- v. Confirm the schedule for the project construction will not exceed 24 months from initial demolition and groundbreaking to project completion and occupancy.

In order to protect our neighborhood, the Association will require that the Outline Plan for the Project document the agreements of the Developer with specificity to address the concerns outlined herein. We appreciate your offices careful consideration of this Project.

Sincerely,

AUDUBON PARK COMMUNITY ASSOCIATION, INC.

Chris Bird, President

cc: Kevin Adams, Big River Partners
Rawleigh Martin, RBM Ventures



Audubon Park Community Association, Inc.
1092 Audubon Drive
Memphis, TN 38117

March 4, 2019

Mr. Kevin Adams
Big River Partners, LLC
6070 Poplar Avenue, Suite 500
Memphis, TN 38119

Re: RBM Cherry Road Partners/P.D. 99-366, formerly 90-304

Dear Mr. Adams:

We appreciate you taking the time to speak with some members of our neighborhood regarding the possible development on the above property. We understand from the preliminary site plan that it is your intent to apply for a modification in the existing planned development to allow a senior living facility and associated rental cottages for senior living as shown on the site plan. Our neighborhood association recently held a meeting to discuss the preliminary plans. Regarding the preliminary plan presented, everyone at the meeting was opposed to the density of the plan and lack of adequate setbacks as it is currently designed.

The development shown in the preliminary plan negatively impacts the value of the surrounding property by increasing traffic, increasing storm water runoff and harming the aesthetics of the neighborhood. Our neighborhood has remained vital and attractive, with on-going renovation of many homes in the Audubon Park/Haverhill area.

When the original planned development was conceived for the glass buildings in 1984, Holiday Corporation was able to propose a plan that gained the support of the Audubon Park Community Association, Inc., which represented 1,074 residences and 519 active members. The Association was formed due to concern over a commercial development in a large residential area. When Promus later sought to amend the plan, there was a lawsuit between Promus and the Association concerning the terms of the 10 year agreement between the parties. In its ruling for the Association regarding the meaning of the 10 year agreement, the Court found that the purpose of the planned development was to protect the residential character of the neighborhood: "The restriction upon Promus' use of the property were designed and calculated by Audubon Park Community Association to preserve the residential character of the neighborhood."

Obviously, protecting the residential character of the neighborhood is our primary concern. When the tennis court was added to the property in 2000, the Office of Planning and Development recommended approval, noting that the tennis court would not be lighted and that

three evergreen trees would be planted along Haverhill Drive as an additional landscaping screen. We agree that the current landscaping has been very helpful in maintaining the character of the neighborhood.

In 2003, when the 25 acres was divided into two lots pursuant to an amendment to the planned development, the staff of the Office of Planning & Development recommended rejection for several reasons, including 1) the separation into two lots created a scenario that anticipates development of the 15 acres, 2) the original planned development was envisioned as a single tract with a master plan, and 3) the developer for Lot 2 might request a denser development because of the density on Lot 1. Thus, the approval of the subdivision in 2003 has placed us in the situation about which the staff raised its concerns.

Neighbors would prefer that the 25 acre property continue to be governed by the present plan, and we recognize that all but 4,000 square feet of full development allowed by the present plan has been completed. Further development of the property would be contrary to the agreements reached with the neighborhood to allow the current planned development and the limits imposed therein.

Neighbors were not entirely opposed to the Senior Living use being considered for the property, assuming the buildings are developed with the architectural character and high-quality materials presented at the meeting and in a lower density compatible with the neighborhood.

We have five specific concerns that the neighborhood would, at a minimum, require be addressed to consider supporting any change to the planned development zoning or further development of the property:

1. The proposed site plan shows a development that is far too dense for the area and lacks adequate parking to support that density. There is no square footage information shown, and no clarity as to the overall heights of the proposed buildings, but the plan appears to approximately triple the existing developed square footage on the property. Furthermore, the preliminary site plan does not show how parking is accounted for. We understand parking under the main building is proposed, but it would not appear to have enough space to adequately provide parking for the various staff, resident, and visitors' vehicles. To address this issue, we request that the Developer:
 - a. Redesign the development to reduce the density and provide for 200' setbacks to the South and West and 100' setback to the East. While this would still represent a considerable increase in the developed area of the property, a plan of this size would bring the development more in line with an appropriate density for the area.
 - b. Redraft the parking plan to show both surface and underground parking plans with standard and handicap spaces and their associated van accessible areas as will be required by code along with confirmation that all staff, visitor and resident parking will be contained onsite with no offsite parking, on street parking or leased parking from any adjacent property allowed.

2. Non-resident traffic through the neighborhood is an existing problem. The neighborhood has pursued traffic control measures through the city and received speed bumps down Audubon Drive, but these measures have not helped significantly. We continue to receive a large amount of non-resident traffic at very unsafe speeds cutting through the neighborhood from Park Avenue to Rhodes as well as Haverhill to Park Avenue. There is also no safe pedestrian path for residents to walk from Park Avenue to Haverhill, requiring neighbors to cross four lanes of traffic twice when walking from Park to Haverhill. Further commercial development of the Cherry Road property would add a considerable amount of non-resident cars to the area and traffic to the already unsafe situation with the neighborhood streets. To address this issue, we request that the Developer:
 - a. Confirm with the development such that no drives or connections of any sort to Haverhill will be made, and permanently restrict any such access to neighborhood streets. All traffic would be routed through entrance and exits on Cherry. This design would include the continued gating and emergency access only for the existing curb cut, gate and drive on Haverhill Road. As in the current planned development, the condition should remain that "access to Haverhill Road shall be prohibited." If the existing emergency exit on Haverhill is no longer required by the City, it should be eliminated and the driveway converted back to greenspace.
 - b. Relocate the retaining walls, iron fences and masonry pilasters approximately 5 feet to the West for the full length of Cherry road, including at the Wright Medical and Dixon Gallery property frontage, and install a sidewalk from the back of curb within this area the entire length of Cherry from Haverhill to Park Avenue to provide an uninterrupted pedestrian path from sidewalks at Haverhill to sidewalks at Park Avenue. Sidewalk to back of curb will be consistent with the city sidewalks along Park north of the Dixon. The Dixon has tentatively indicated support for the addition of a sidewalk along their frontage.
 - c. Assist obtaining City approval for and fund the design and construction for the closure of Oakridge Drive at Rhodes Avenue to through traffic as part of the development. Traffic that should remain on Park, Cherry, and Rhodes would remain on those streets if this closure were enacted. This is a priority for any further development around the neighborhood, as through traffic is the neighborhood's largest current problem, and the safety of pedestrians and children is our top concern.

3. Visibility of the proposed development and an acceptable greenspace buffer is not appropriately addressed in the current design. To address this issue, we request that the Developer:
 - a. Create a treed 200 foot greenbelt area from the south property line and west property lines of the Cherry Road development into the property. The Town Village at Audubon at the corner of Park and Cherry is a precedent which has 200 foot setbacks from both street frontages and its Eastern property line and building height limited to 36.5 feet tall. Neighbors would support a 100 foot greenbelt setback from Cherry Road and no specific

setback from the North property line to be consistent with the 100 foot distance to the Wright Medical parking lot from Cherry Road. This would be a completely green area with no paving, parking, maintenance buildings, or other man-made structures of any type, with the exception of the existing iron fence along Haverhill and any existing fencing between the property and houses on the west property line. The setback for edge of buildings should be 200 feet from the south and west property lines of the property. The existing treescape and plantings would remain in this area in the outer half of this greenbelt adjacent to the property lines, a dense planting of evergreens such as magnolia and leland cypress trees would be added to the existing plantings near the property lines and continuous berm formed on the interior half of the greenbelt to adequately block the view of any vehicles or car lights within the development. An appropriately dense planting of white and red oak trees and evergreens should be included in the interior half of the greenbelt area and on the berms to provide height in the future. This would require the removal of the road and parking to the south of the pool house, turnaround and maintenance area to the southeast of the pool house and removal of the tennis court adjacent to Haverhill and conversion of these areas to greenbelt to properly buffer any visibility of the development from the neighbors to the south. This would also require removal of the small building and its associated parking lot in the northwest corner of the property and conversion of these areas to greenbelt to properly buffer any visibility of the development from neighbors to the west. Brick walls would not be permitted within the green belt zone, only the existing fences on the perimeter of the property.

- b. As in the current P.D. conditions, continue to limit the height of any structures within the new development to a maximum of 35 feet, including any buildings, flagpoles, towers, chimneys, antennae, satellite dishes or appurtenances to buildings of any sort.
- c. In addition to the current P.D. condition on lighting, limit any building lighting or parking lot lighting within the development to cut-off type lighting which directs light downwards and does not have a large spread. Limit the height of lighting and foot candle spread appropriately such that lighting is not visible from the west or the south and the foot candle spread of the lighting design reduces to zero within the first 50 feet of the greenbelt area from the interior of the property.
- d. Limit noise producing activities within the development to normal daylight hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, including any initial or future construction activities, dumpster removal and trash hauling. No construction work or dumpster removal on weekends. Currently dumpster removal is a large problem with noise, rodents and odor adjacent to the properties along Audubon Drive.
- e. Limit signage to one ground mounted monument sign on Cherry Road near the main entrance to the property with a maximum of 35 square feet of sign area.
- f. Maintain the current gate at Haverhill in a locked and secure Emergency Access only condition and provide gated security at the entrance proposed for Cherry.

4. Drainage is currently a problem in the neighborhood, as there have been several instances over the past few years where storm drains have backed up and flooding has occurred in the streets deep enough to block traffic. Any further development of the Cherry Road property will result in increased storm water drainage offsite and exacerbate the existing problems with the neighborhood drainage system. In accordance with the current P.D. condition, the plan should:
 - a. Provide for (i) adequate storm drainage and underground detention onsite to provide the same or less offsite water flow as currently flows off the property and (ii) detention within the interior of the site such that detention is not placed within the 200 foot greenbelt. Underground detention is preferred over open detention water features, but in no case would open detention be acceptable within the greenbelt area.
 - b. Properly route all underground storm drainage to the underground detention systems and then route their control structures to the city storm drains in Cherry with no connections to drains in Haverhill. Storm drain lines would be underground and no open culverts or drainage paths that could be used as a conduit for criminal activity would be allowed.

5. Safety and Security has been a focus of the neighborhood. Neighbors have funded four Skycop Camera systems in the neighborhood through the Memphis Police Department with plans for six additional systems. Any further development of the Cherry Road property will have associated construction traffic and attendant safety issues. We request that the Developer:
 - a. Fund the balance of the Skycop camera program through the Memphis Police Department for the neighborhood to install Camera systems at six additional locations with License Plate Readers.
 - b. Fund the addition of License Plate Readers to the four Skycop camera systems previously installed in the neighborhood.
 - c. Restrict construction traffic to the Cherry Road entrance, and restrict all construction parking to within the construction site. No construction traffic within the neighborhood on Haverhill or Audubon and no on street parking of any sort to be allowed.
 - d. Confirm the schedule for the project construction will not exceed 24 months from initial demolition and groundbreaking to project completion and occupancy.

Our neighborhood group would like to be involved in the implementation of these conditions on any proposed development by clear and direct communication with the development and design team, and request that the design team provide copies of the proposed building elevations, site plans and engineering calculations for the civil work, storm drainage and detention designs.

Mr. Kevin Adams

March 4, 2019

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We would also request a copy of the proposed codes, covenants and restrictions (CCRs) for the proposed development incorporating all of the above listed items as restrictions. If the property is ever allowed to be divided and sold separately through tenants in common or other methods, the CCRs would need to be drafted in such a way that they are permanent and perpetual restrictions to any future development of the property.

Depending on the nature and ownership of the development and ownership of the property, it may be appropriate to have particular restrictions running with the land in addition to the having them as conditions in a planned development.

If the Developer were to agree to redesign its development to incorporate the above suggestions, the Audubon Park Community Association would be likely to vote in support of a PUD amendment to allow the development to proceed.

The Audubon Park Community Association Planning Committee has been authorized to negotiate on behalf of the neighborhood and attempt to come to an agreement with the Developer regarding further development of the property. We request a written response to our comments above, and after receipt of that response we can schedule a direct meeting as necessary with our officers.

Sincerely,

AUDUBON PARK COMMUNITY ASSOCIATION, INC.
PLANNING COMMITTEE

Jerry Sanders

Cathy Wilson

Chad Shaffler

Robert Weakley

Matt West

Elise Piper

Megan Grinder

Glynn Alexander, Treasurer

Chris Bird, President

CC: Josh Whitehead, AICP, Memphis and Shelby County Office of Planning & Development
Rawleigh Martin, RBM Ventures