



STAFF REPORT

AGENDA ITEM: 14

CASE NUMBER: S.U.P. 19-21 **L.U.C.B. MEETING:** July 11, 2019

LOCATION: Southwest corner of Union Avenue and Fourth Street, extending southward to Gayoso Avenue

COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Nitinkumar Patel

REPRESENTATIVE: The Bray Firm (David Bray)

REQUEST: A hotel with surface parking located between the building and Union Avenue

AREA: 1.22 Acres

EXISTING ZONING: Sports and Entertainment (SE)

CONCLUSIONS

1. The requested hotel use and for that matter, multiple hotel or multiple uses on this site is supported by the Comprehensive Plan, the District Zoning Regulations and Memphis 3.0.
2. The site plan review criteria for development within the SCBID Special District clearly states that parking shall be located at the side or rear and not between building and street. Even with an orientation of the proposed building to Fourth Street, one cannot say that this requirement is met.
3. Staff finds that the redesign of the project to flip the building and parking area previously approved under S.U.P. 16-002 is inconsistent with the approved comprehensive plan, the site plan criteria for the zoning district and the recommendations of Memphis 3.0.

CONSISTENCY WITH MEMPHIS 3.0

The hotel request is consistent with the recommendations of Memphis 3.0.
The site plan is not consistent with the policies of Memphis 3.0.

RECOMMENDATION:
Approval of Request for a Hotel
Rejection of the Site Plan

GENERAL INFORMATION

Street Frontage: Union Avenue +/- 100 feet
Fourth Street +/- 375 feet
Gayoso Avenue +/- 160 feet

Zoning Atlas Page: 2025

Parcel ID: 002065 00007

Existing Zoning: Sports and Entertainment (SE), one of seven zoning districts created to promote and encourage redevelopment of the area encompassing the areas major sports venues and entertainment complexes.

Zoning History: A Special Use Permit, S.U.P. 16-002 was approved by the Memphis City Council on March 15, 2016. The requested S.U.P was for a 6-story hotel.

NEIGHBORHOOD MEETING

The meeting was held on June 27, 2019 at 5:30 at the Hilton Garden Inn Hotel, located one parcel west of the subject property on Union Avenue. One individual attended and according to Mr. Bray did not have any issues with the proposal.

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.

Mailed Public Notice: A total of 25 notices were mailed on 6/26/2019.

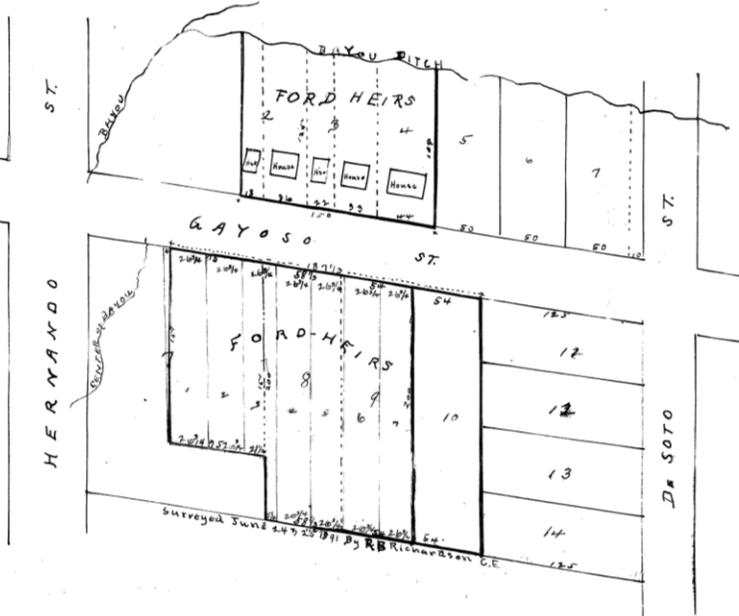
Posted Public Notice Sign: The applicant has shared pictures of the signs posted and an affidavit stating that the signs were posted at 4 p.m. on July 1, 2019.

LOCATION MAP



The subject property is generally located within the area indicated by the pink circle, Downtown Memphis.

Robertson Tapp Subdivision

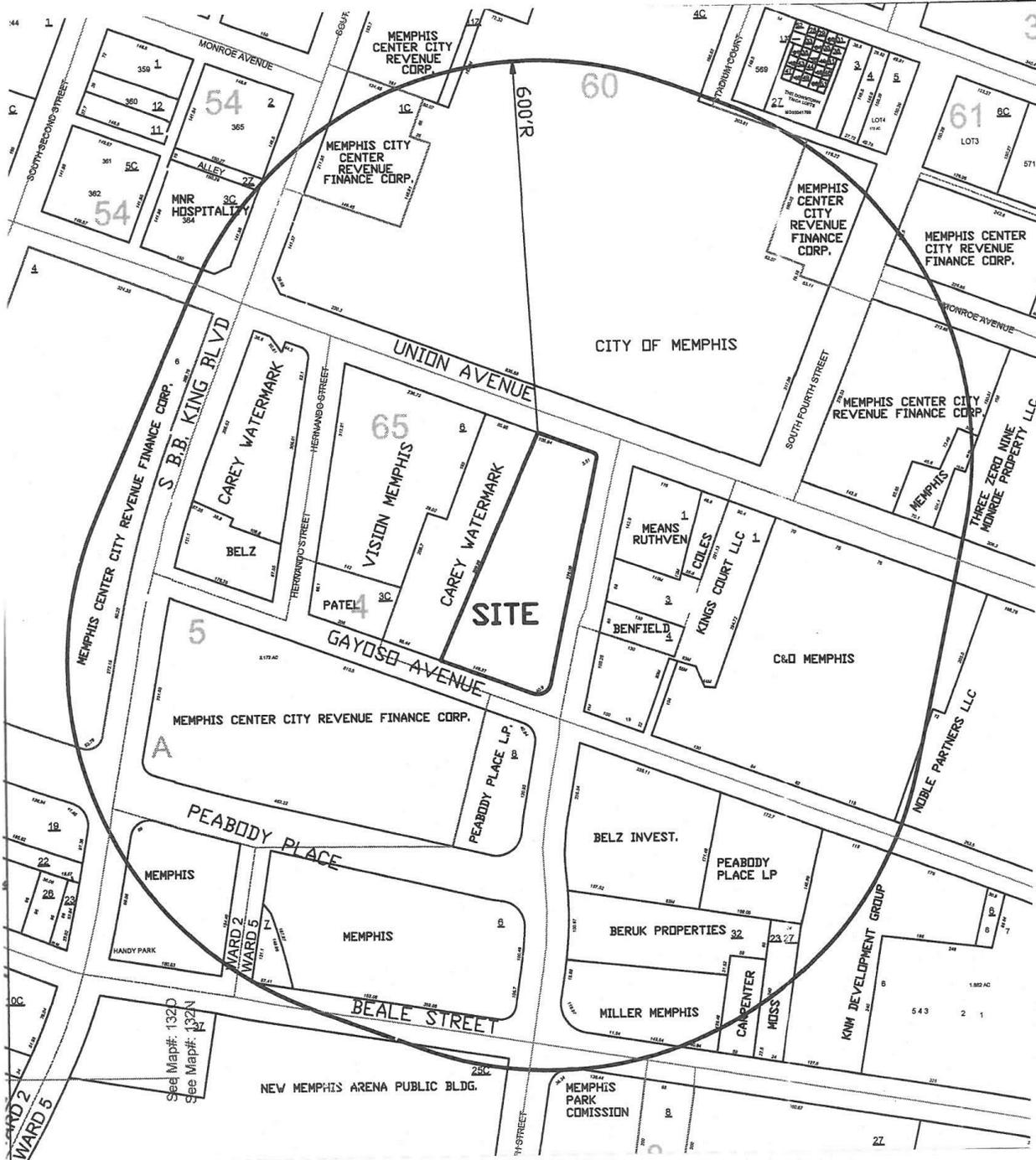


This Plan is adopted as the Plan of Division
of the Estate of Thomas Ford
Personally by me
Edna Egan
Mary Storie
Edna Ford
John Ford
Lee Ford
Edna Ford
John Ford

State of Tennessee }
Shelby County } Personally appeared before me J. M. Fitzgerald
Edna Egan, wife of Frank Stule, Frank Stule by John Ford atty
Mary Storie, wife of Frank Stule, Frank Stule by John Ford atty
Edna Ford, wife of John Ford, John Ford the within named daughters with whom
I have personally acquainted and who with my name and day executed the within instrument
in the presence of me in Shelby County, Tennessee, the wife of the said Frank Stule, whom
I appeared before, respectively and apart from the husband of the said Mary Storie, who appeared
at the execution of the said instrument to have been, and who voluntarily and understood
fully and without any constraint or fraud, and for the purposes therein expressed
and intended to execute the same, and I have read the same to and in the presence of the
said Edna Egan, Mary Storie, Edna Ford, John Ford, Lee Ford, Edna Ford, John Ford

State of Tennessee } Filed for registration Oct 2 - 84 at 2.00
Shelby County } O'clock P.M. as stated in Note Book
Page 180 and was recorded Dec 5 1891.
J. M. Fitzgerald, Notary

VICINITY MAP



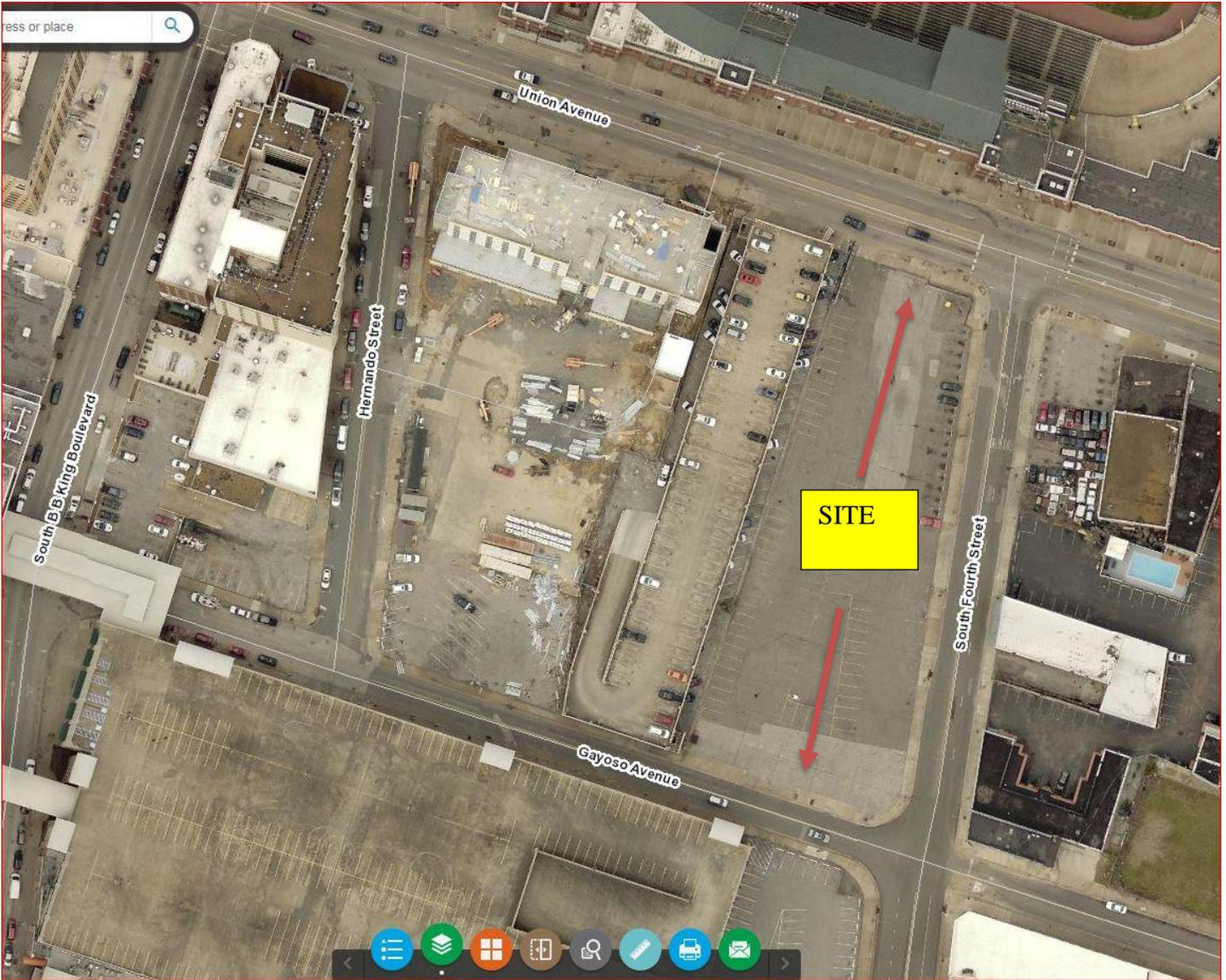
THE SUBJECT PROPERTY IS LOCATED AT 235 UNION AVENUE

PREPARED BY **The Bray Firm**
ENGINEERING

SURVEYING

Telephone 901-383-8668

AERIAL OVERVIEW



ZONING MAP



The blue circle on the map indicates the location of the subject property. This zoning map includes the current zoning of property and any applications that have been filed. The red circle on the subject property is highlighting the tag for the prior application on this site, S.U.P. 16-002. To the west of the subject property, two parcels over, is the tag for S.U.P. 16-003 a companion application for a hotel with surface parking? That project has been completed and it is the Hilton Garden Inn.

Existing Zoning: Sports and Entertainment (SE)
Surrounding Zoning

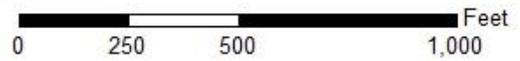
North: Sports and Entertainment (SE)
East: Sports and Entertainment (Se)
South: Sports and Entertainment (SE)
West: Sports and Entertainment (SE)

LAND USE MAP



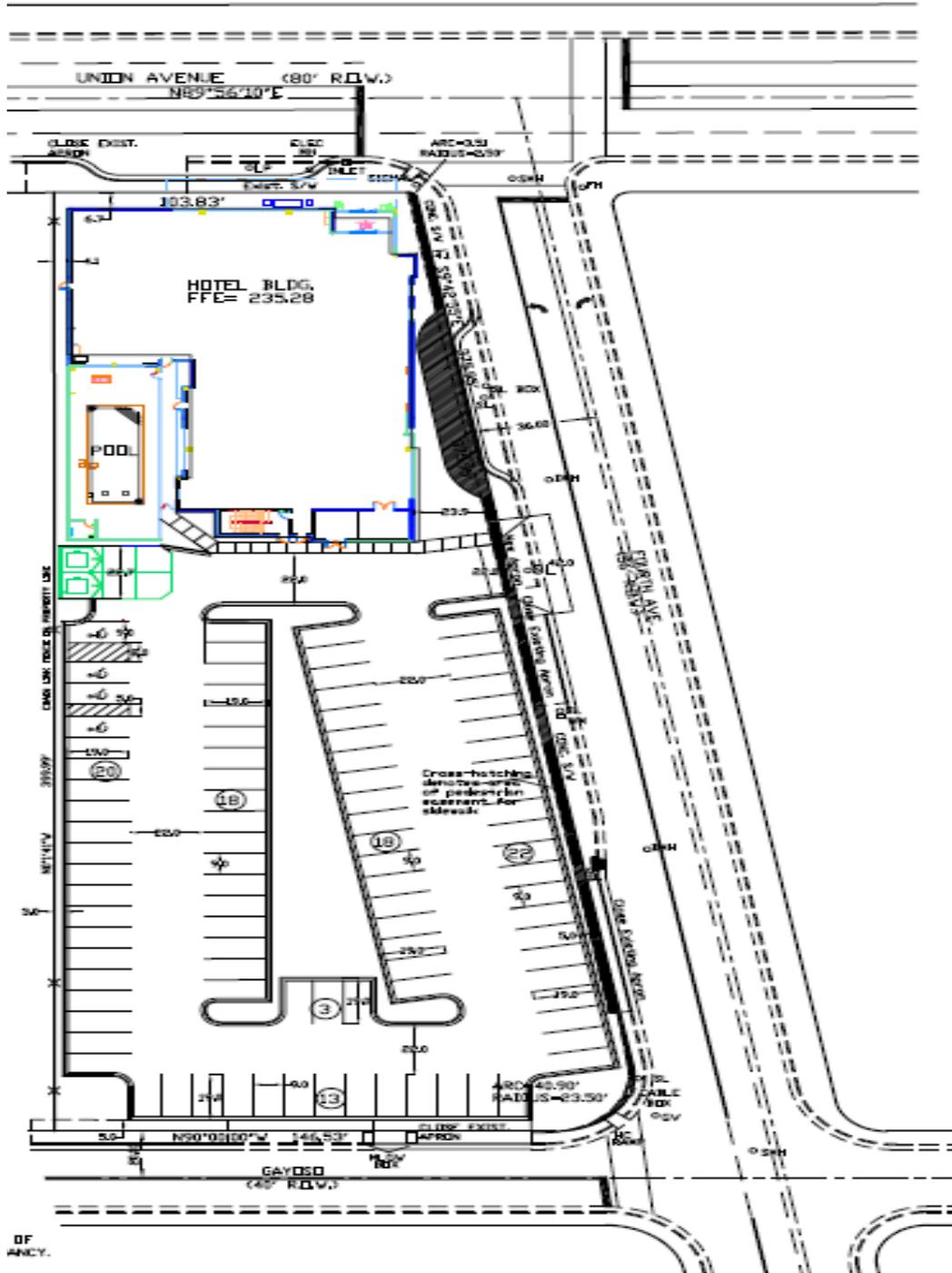
LandUse

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



Blue star indicates subject property.

APPROVED SITE PLAN PER S.U.P. 16-002



Hotel Renderings

Subject Property included the Holiday Inn Express

Companion Case, S.U.P. 16-003 including the now existing Hilton Garden Inn



Hilton Garden Inn _ Holiday Inn Express & Suites

Memphis, Tennessee

20 May 2014

STREET VIEWS



Approved Conditions, S.U.P. 16-002

A Special Use Permit is hereby authorized to allow a full service hotel at; 235 Union Avenue in accordance with the approved site plan.

Conditions of approval for SUP16-02

1. The applicant shall submit a revised site plan, landscape plan and building elevations prior to the application being scheduled to be heard at the Memphis City Council. The applicant shall comply with the revised site plan as submitted and approved by the Memphis City Council.
2. The landscape plan shall exceed the requirements of the UDC and incorporate planters along Union in addition to tree grates and additional plantings adjacent to the Hotel along Fourth Street.
3. The site plan shall reflect the drop-off lane encroaching into the east bound travel lanes to include the City of Memphis Engineering Departments comments addressing the drop-off lane.
4. The building elevations shall reflect a six (6) story hotel with a building material consisting of a minimum of 80 percent brick, a maximum of 20 percent EIFS and a minimum of 21 percent fenestration.
5. Uses shall comply with Sec. 2.6.3 D Use Standards for Hotels and Motels. No hourly rates shall be allowed.
6. A surface parking area shall be permitted.
7. The subject site shall comply with the SE zoning district with the exception to the conditions as identified within SUP16-02.
8. Signage shall be in compliance with the SE as it relates to the SCIBD. The site shall not have any pole mounted signage.
9. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six-feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
10. All surface parking areas shall be paved with asphalt or concrete. All pre-existing building foundations shall be removed and the parking surface graded to provide positive surface drainage prior to pavement application.
11. The City Engineer shall approve the design, number, and location of curb cuts.
12. 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.
13. The application if approved by the Memphis City Council shall complete the Memorandum of Conformance Process. The City of Memphis Engineers comments shall be addressed at that time.

SITE PHOTOS (Existing Conditions)
(Taken June 27, 2019)



Facing north near the rear (Gayoso Ave) of the subject property.



Facing west, view along Gayoso Avenue

Below, pictures along Fourth Street



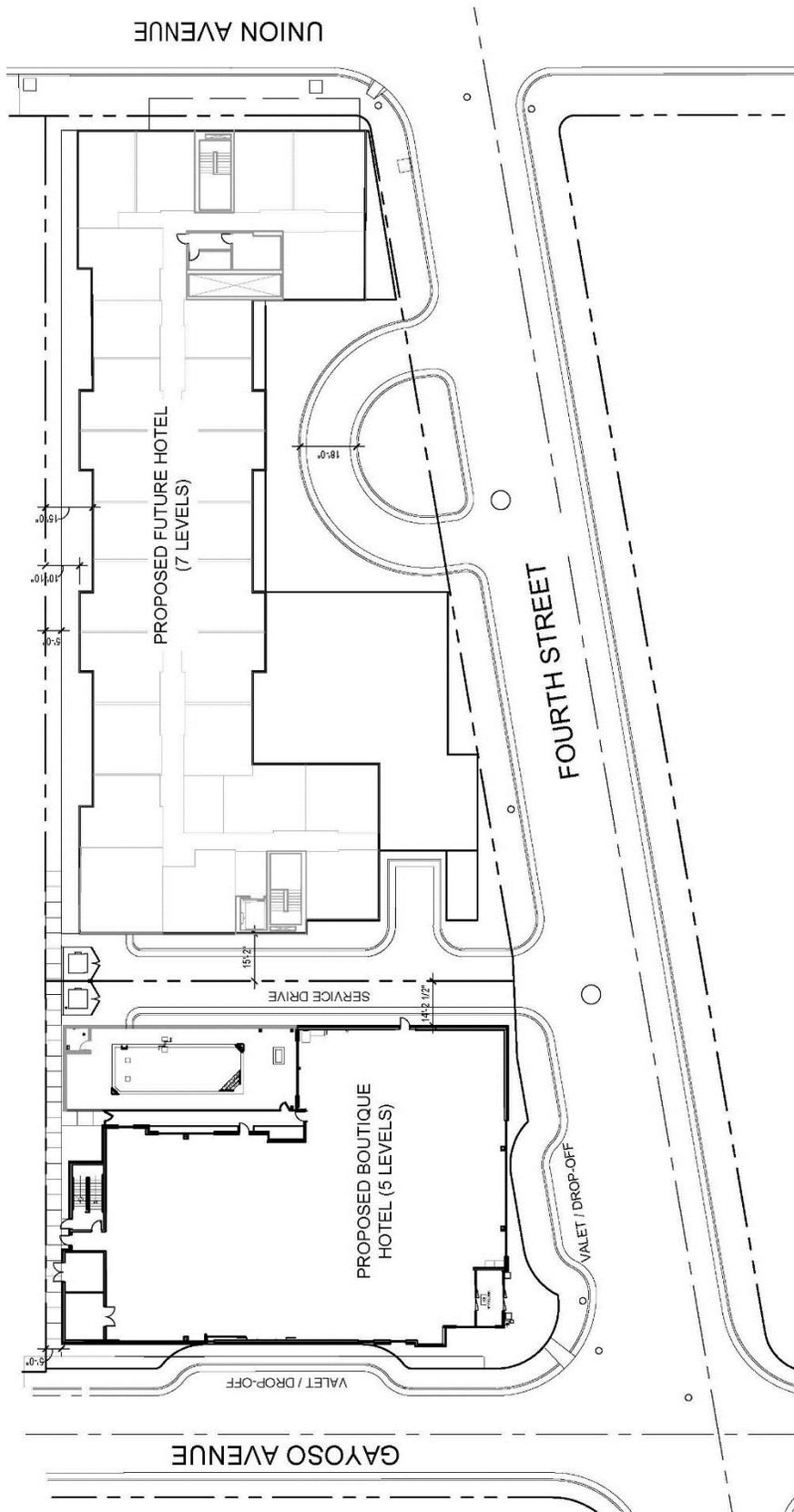


Street View – Union Avenue – facing west

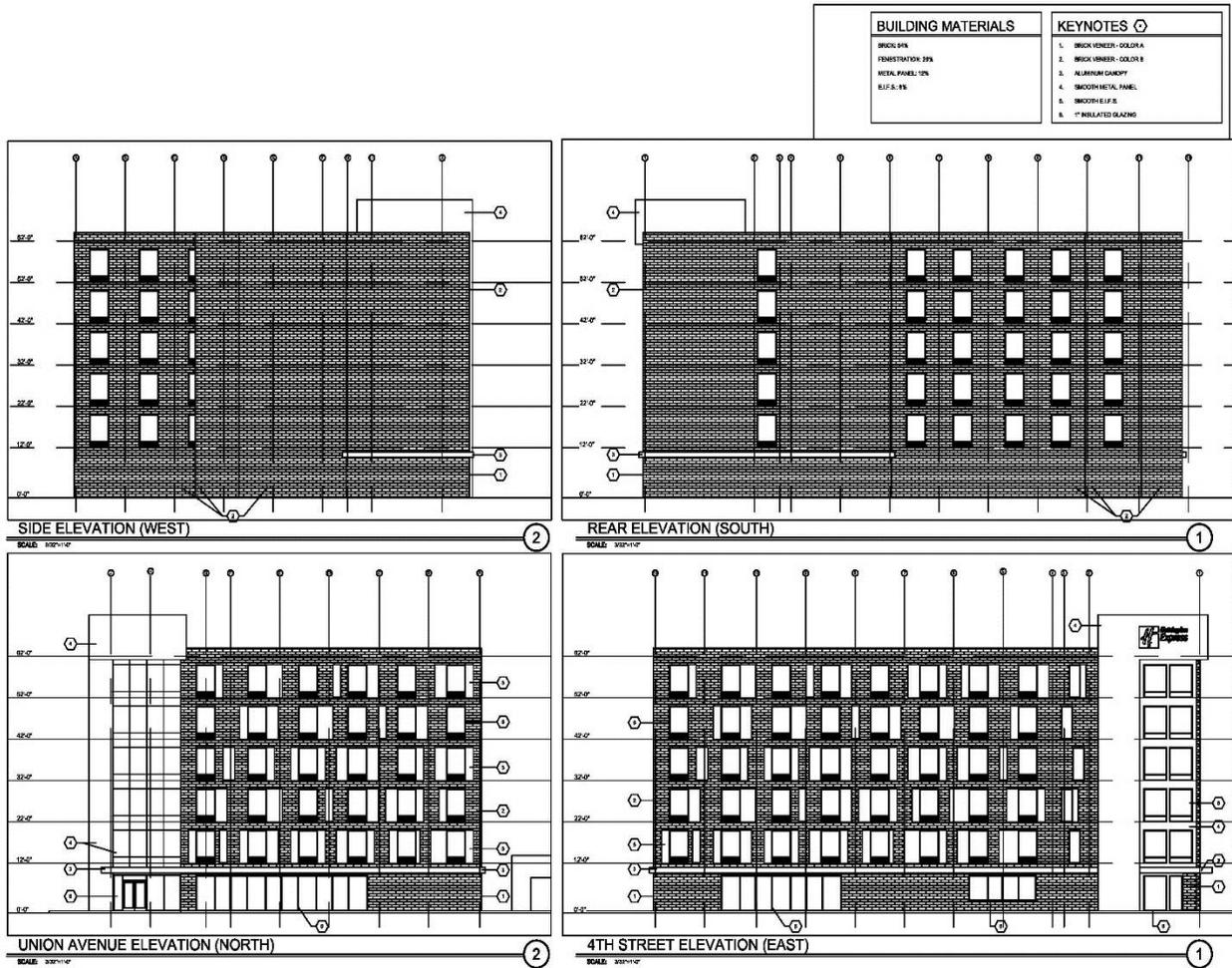


Subject property is in the foreground, it is an existing for fee, surface parking lot.

CONCEPT PLAN



ELEVATIONS



Building Materials

- Brick 54%**
- Fenestration 28%**
- Metal Panel 12%**
- E.I.F.S. 8%**

STAFF ANALYSIS
Request

The application and letter of intent have been added to this report, and are found at pages 33 and 36 respectively.

The request is seeking approval of a Special Use Permit to allow a 6-story hotel on the subject property with surface parking. The site plan data is as follows:

- Building Square Footage – 10,900 square feet
- Number of Rooms – 115
- Stories – 6
- Parking Provided – 90 spaces
- Handicapped Parking spaces – 4

The Letter of Intent explains that an S.U.P. application for a hotel was approved by the Memphis City Council in 2006. The review of the site plan took a considerable amount of time and as a result, the two-year window for completing the project was not met. This application seeks to re-establish a hotel on this site and to modify the prior approved site plan.

The modification flips the position of the building and the surface parking lot. Part of the rationale for the flip of the building and parking is related to the much-publicized development proposal for Union Row. The Union Row proposal includes property on the south side of Union Avenue between Danny Thomas Boulevard and Fourth Street. The applicant feels that if the Union Avenue project is successful, this site might be better developed with a mixed-use retail/office building or even a taller hotel as indicated on the Concept Plan. Thus, the applicant is requesting that the known product, the hotel that he intends to build, be pushed back closer to Gayoso Avenue and leave the area closer to Union Avenue available to a larger product. In the meantime, the surface parking lot will serve the needs of the proposed hotel.

Approval Criteria

Staff disagrees the approval criteria in regard to special use permits as set out in the Unified Development Code Section 9.6.9 are met.

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding

- 9.6.9H properties, uses, and the purpose and intent of this development code.
- Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

7.2.9 SCBID Site Plan Review Criteria

7.2.9 Site Plan Review

A. Review Required

Site plan review shall be required for:

1. All new building construction or building expansion or parking construction or expansion.
2. All demolition or relocation or any building or site listed on the National Register of Historical Places.

B. Authority to Require Dedication and Improvement:

Any new building construction or building expansion or parking construction or expansion shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure.

C. Procedures

Applications shall be reviewed administratively by the Planning Director in accordance with Chapter 9.13.

D. General Standards

The applicant shall present evidence:

1. That the site plan or a requested Special Exception Use will not have a substantial or undue adverse effect upon the neighborhood, the character of the applicable zoning district or any historical district, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare.
2. That the site plan will be constructed and operated to be compatible with the neighborhood and with the purpose and intent of the applicable zoning district and SCBID Plan.
3. That the proposed development can be adequately served by public facilities.
4. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature.
5. The Office of Planning and Development and Land Use Control Board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID.

E. Parking Lot/Parking Garage Location Criteria:

1. Parking shall be located at the side or rear of a building and not between the building and the street.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7 (see Section 7.2.8) or an equivalent streetscape approved by the Office of Planning and Development (see Sub-Section 7.11). All other landscaping requirements (side yard, rear yard, and interior) shall comply with Chapter 4.6, Landscaping and Screening.
3. Parking structures are encouraged to locate behind buildings.
4. Any parking structure which has frontage on a public street is recommended to provide at least 60% of the 1st floor of the street frontage in office, retail, commercial or public amenity space.

F. Surface Parking Lot Requirements

Surface Parking Lots Discouraged on Corners – Surface parking lots shall not occur in front of the primary façade or on corner locations. Surface parking lots shall be located a minimum of 65 feet from the intersection of any street measured from the edge of the right-of-way or 20% of the distance of the street frontage of the block, whichever is greater. No surface parking lot shall have more than 200 feet of street frontage, inclusive of the required side yard landscape plate and no more than two such lots shall be contiguous in any one block. Any provision of this Paragraph may be waived through the approval of a Special Exception (see Section 7.2.10).

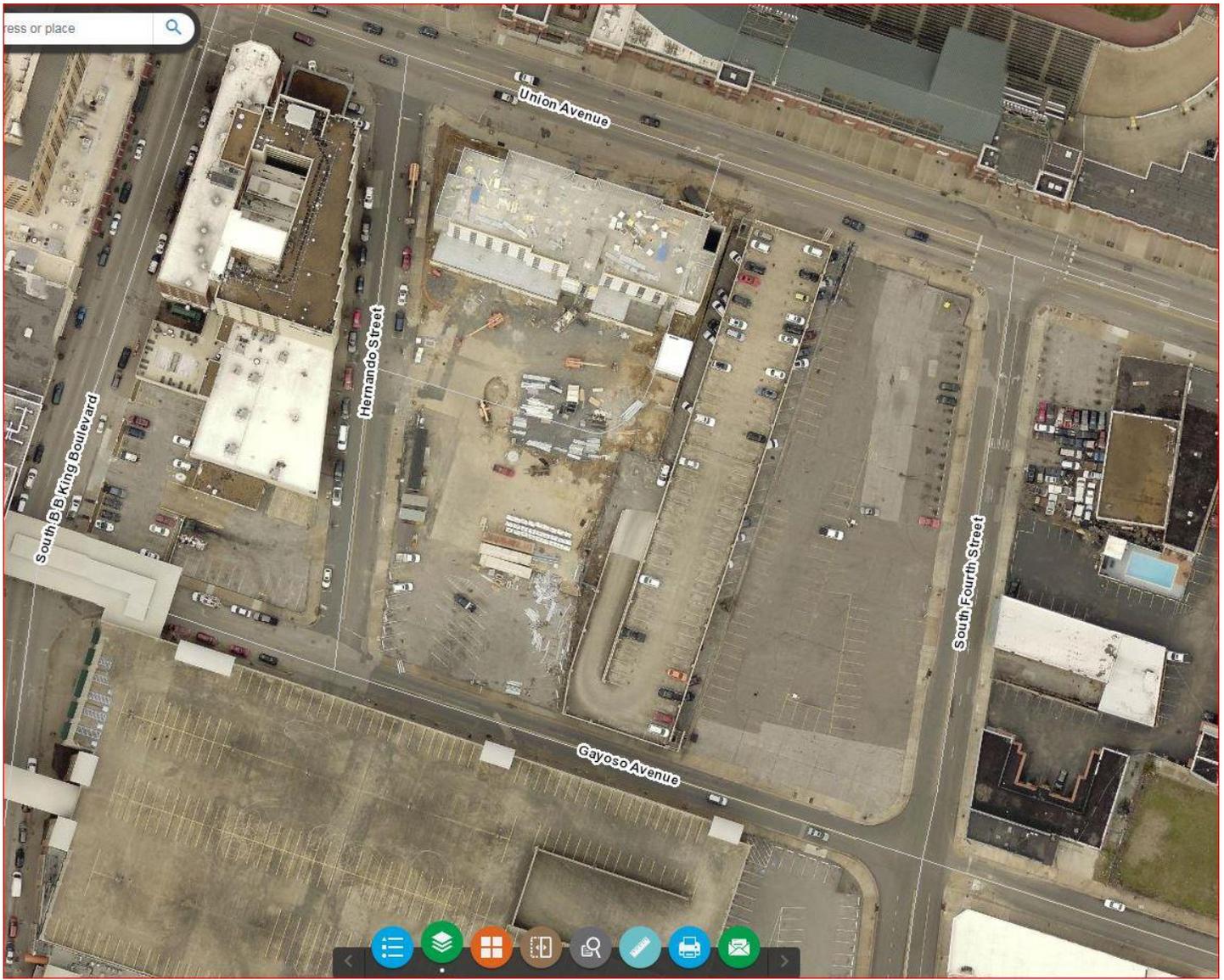
G. Driveways

No more than two driveways shall be permitted to serve a surface parking lot. Surface parking lot driveways shall be a minimum width of 12 feet for one-way drives and 20 feet for two-way drives, at the right-of-way line. The maximum driveway width to parking areas shall not exceed 24 feet at the edge of the right-of-way.

H. Screening

Surface parking lots shall meet the requirements of Plates A-6 or A-7 (see Section 7.2.8), modified as follows: The perimeter of all parking lots shall be visually screened through the use of a six-foot high masonry, wrought iron-masonry combination, or ornamental wrought-iron fence and landscaping as detailed on Plates A-6 and A-7, with an emphasis on any portions fronting a public street. All vegetation shall be irrigated with an automatic underground irrigation system.

Site Description



An existing surface parking (for fee) lot.

Total Area 1.22 acres.

Lot Dimensions Somewhat triangular: +/- 100 feet along Union Avenue, 143 along Gayoso Avenue, +/- 380 feet along Fourth Street, +/- 400 feet along west property line.

Previous Resolution

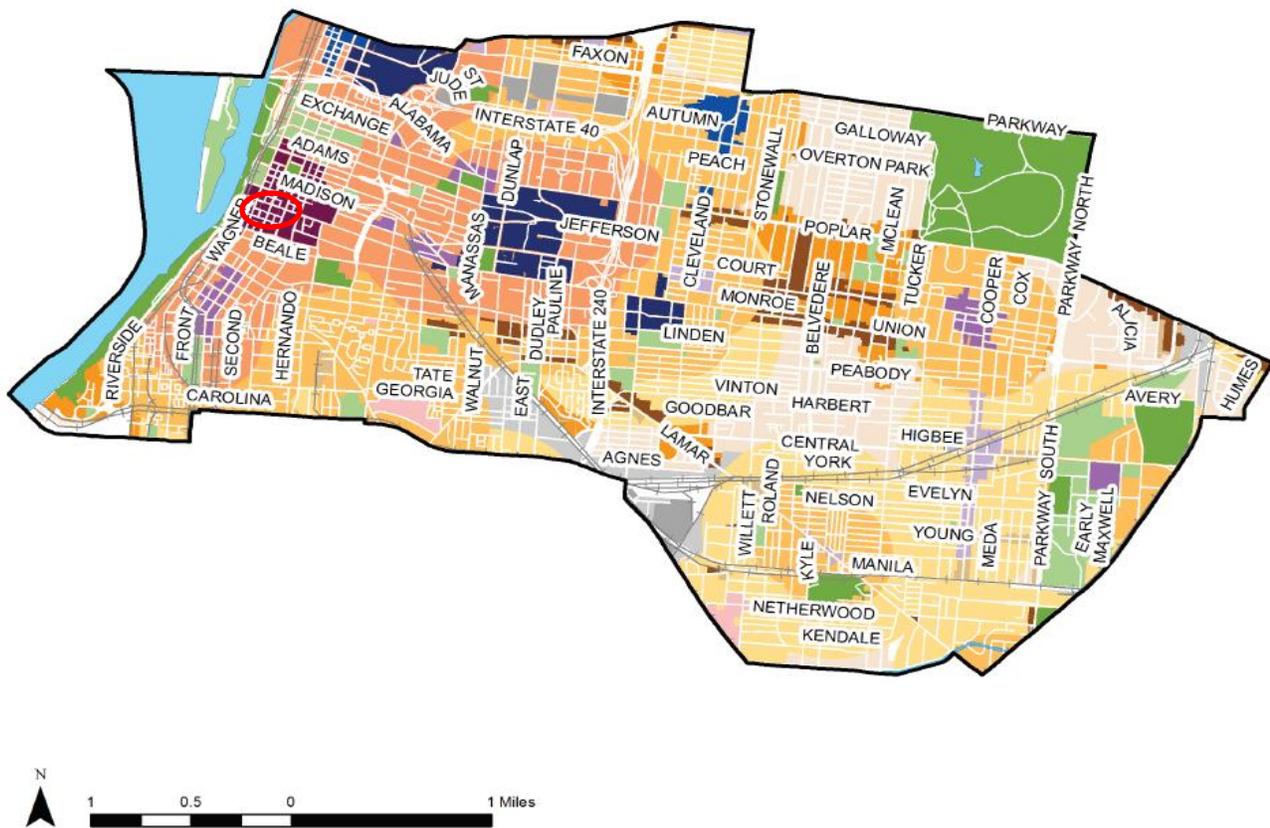
Approved by the Memphis City Council on March 15, 2016 under OPD File # S.U.P. 16-002 for a Hotel.

Consistency with Memphis 3.0

The subject site is located in the Core City Planning District. The site is identified on the map below as part of the Urban Core/Downtown, which is a large anchor or node of activity with a wide range of permitted uses.

Future Land Use Map

Because the Core City is a major employment center and has several institutions, it's one of the City's major anchors. The future land use of Core is dominated by anchors varying in intensity. Major civic assets are surrounded by anchor neighborhoods which suggests that investment should also support civic assets and public facilities.



The Degree of Change Map below lists this location as “accelerate” indicating that development and redevelopment is encouraged, see the orange circle and number 4.

Degree of Change Map

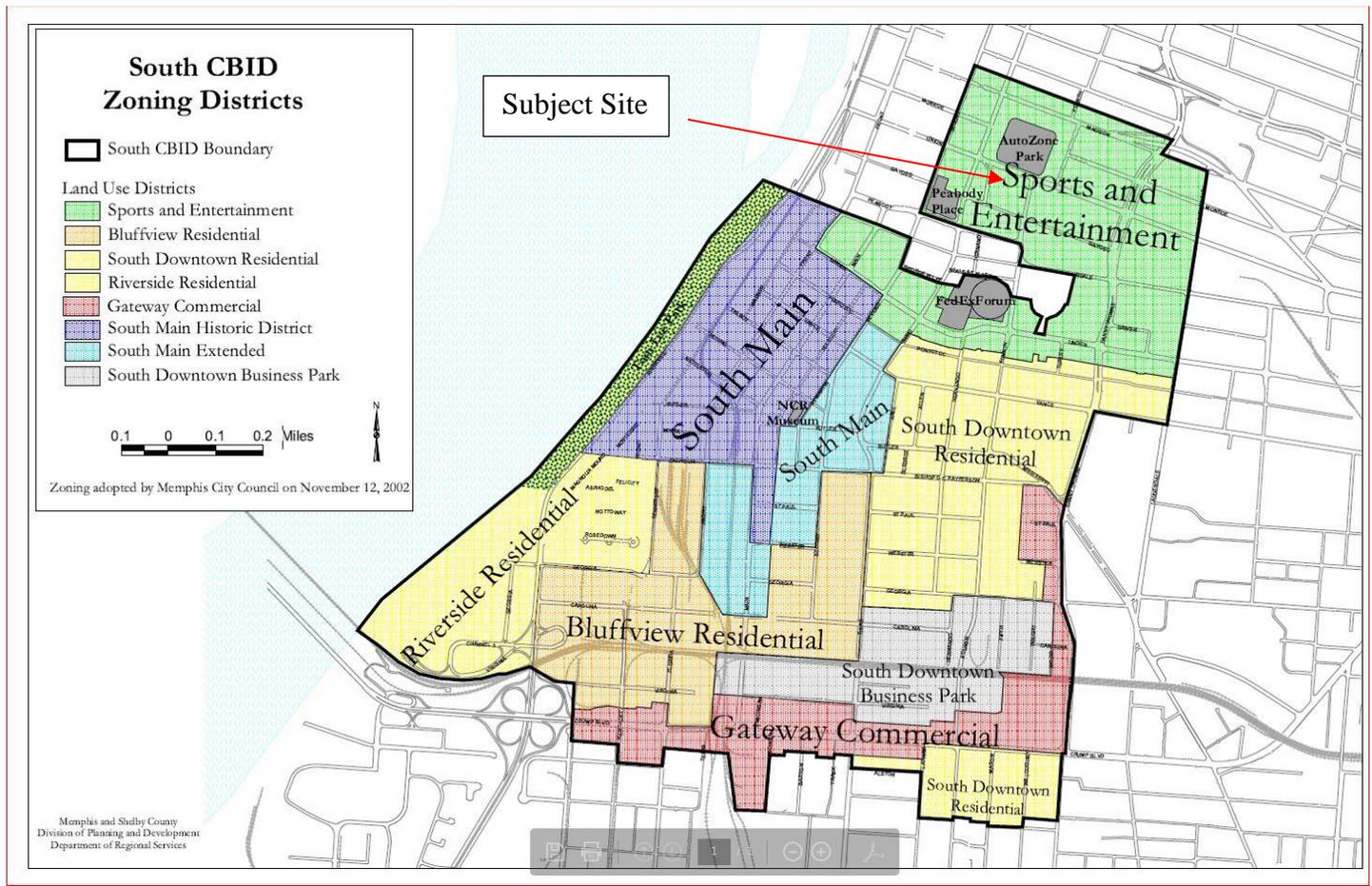


Associated policies and goals maximizing the utilization of land around anchors to include mixed use projects that either include structured parking or support transit oriented development:

- Reduce or eliminate parking minimums or
- Set parking maximums especially along Transit Corridors such as Union Avenue.

The proposed hotel use is the kind of active use envisioned for this district. The large surface parking lot is not consistent with the recommendations of Memphis 3.0.

South Central Improvement District Comprehensive Plan



The comprehensive plan that led to the creation of the establishment of the eight new zoning classifications for the area.

One of the stated goals of the plan were to create a vibrant sports and entertainment component for downtown.

The description of the Sports and Entertainment District reads:

“intended to permit a mixture of uses and activities that will complement the sports and entertainment facilities that are located in this area. It should be a place where people want to be for business, entertainment, retail and residential activity. Inviting streetscapes, and excellence in building design should combine to produce a quality environment.

Review of Request and Conclusions

Review of Request – The requested hotel use and for that matter, multiple hotel or multiple uses on this site is supported by the Comprehensive Plan, the District Zoning Regulations and Memphis 3.0.

Review of the Site Plan – Surface parking as an accessory use is permitted by the Sports and Entertainment District. However, the site plan review criteria for development within the SCBID Special District clearly states that parking shall be located at the side or rear and not between building and street. Even with an orientation of the proposed building to Fourth Street, one cannot say that this requirement is met. For the same reason that the applicant asserts that Union Avenue is an important street that can support an additional large, building with multiple uses, the same reasoning would follow that the continuation of surface parking is not what any of the plans for this area envision or support.

If the plans for Union Row are realized, there is no reason that a second building on this site cannot be added. As Union Avenue and this end of downtown continue to foster new development, the pedestrian activity that future projects will attract will make Fourth Avenue an important corridor of activity. In contrast, surface parking lots while convenient to the user of the property do not contribute to the sense of place that encourages pedestrian activity.

In conclusion, staff finds that the redesign of the project to flip the building and parking area previously approved under S.U.P. 16-002 is inconsistent with the approved comprehensive plan, the site plan criteria for the zoning district and the recommendations of Memphis 3.0.

If this request is approved, staff suggest some additional changes to the wording regarding the building materials. The prior approval on this site included the following percentages of building materials:
Brick 54 percent, Fenestrations 26 percent, Metal Panel 12 percent and E.I.F.S. 8 percent.

Staff has reviewed other large buildings in both downtown and midtown since this project was originally reviewed. Staff recommends that the Metal Panel component to be modified to ACM (Aluminum Composite Material), and that E.I.F.S. be replaced with StoTherma Wall Systems. These are higher end products that should be added to a prominent location such as this one.

If the Board wishes to approve this request as offered by the applicant, a set of conditions have been prepared below that support the site plan and the request.

A second set of conditions have been drafted that represent the staff's position and incorporate the additional materials discussed above.

**RECOMMENDATION Hotel Request – Approval
 Site Plan – Rejection**

The following conditions support both the site plan and the hotel request by the applicant

Conditions
S.U.P. 19-21

Union Avenue and Fourth Street

1. A Special Use Permit is hereby approved for a Six-story Hotel at the southwest corner of Union Avenue and Fourth Street extending to Gayoso Avenue subject to an approved site plan and the additional conditions listed below.
2. The site plan with landscaping, concept plan and building elevations shall be included in the site plan set.
3. A landscape plan shall be submitted indicating conformance with the UDC Streetscapes, S-1 – 4 and the required parking lot landscaping, UDC 4.5.5D.
4. The site plan shall reflect the drop-off lane along Gayoso Avenue, subject to approval by the City of Memphis Engineering Departments as to design.
5. The building elevations shall reflect a six (6) story hotel with a building material consisting of a minimum of 55 percent brick, a maximum of 25 percent EIFS and a minimum of 21 percent fenestration.
6. Uses shall comply with Sec. 2.6.3 D Use Standards for Hotels and Motels. No hourly rates shall be allowed.
7. A surface parking area shall be permitted as shown on the site plan.
8. Signage shall be in compliance with the SE as it relates to the SCIBD. The site shall not have any pole mounted signage.
9. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six-feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
10. All surface parking areas shall be paved with asphalt or concrete. All pre-existing building foundations shall be removed and the parking surface graded to provide positive surface drainage prior to pavement application.
11. The City Engineer shall approve the design, number, and location of curb cuts.
12. 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.
13. Dedicate Union Avenue right of way to accommodate a ten-foot-wide vehicular drop off area for passengers and an additional 10 feet of dedication offset from the curb line of the drop off area for sidewalks.
14. Dedicate a 5-foot property line radius at the intersection of Union and Fourth street to accommodate a standard access ramp and any future traffic signal modifications at the intersection.
15. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the southwest corner of Union and Fourth.
16. Dedicate additional right of way on Fourth Street to provide a continuous 10-foot sidewalk from the existing taper to the intersection of Gayoso.
17. Dedicate Gayoso Street to provide a 10-foot-wide sidewalk. The site plan submitted shows existing 8-foot sidewalk but it is 6 feet wide more or less.

The following conditions are recommended by the Office of Planning and Development which support the hotel use and not the site plan offered by the applicant

Conditions

SUP 19-21

Union Avenue and Fourth Street

1. A Special Use Permit is hereby approved for a six-story Hotel at the southwest corner of Union Avenue and Fourth Street extending to Gayoso Avenue subject to an approved site plan and the additional conditions listed below.
2. The site plan with landscaping, concept plan and building elevations shall be included in the site plan set.
3. A supplemental landscape plan shall be submitted indicating:
 - A. Conformance with the UDC Streetscapes (S-1 – S-4)
 - B. Where the surface parking lot abuts a public street, an A-6 or A-7 Plate will be added.
 - C. Parking Lot Landscaping shall be in conformance with Section 4.5.5D.
4. The site plan shall reflect the drop-off lane along Union Avenue, subject to approval by the City of Memphis Engineering Departments as to design.
5. The building elevations shall reflect a six (6) story hotel with a building material consisting of a minimum of 54 percent brick, a maximum of 8 percent STOTerm Wall System, a maximum of 26 percent fenestration and a maximum of 12 percent Aluminum Composite Material (ACM).
6. Uses shall comply with Sec. 2.6.3 D Use Standards for Hotels and Motels. No hourly rates shall be allowed.
7. A surface parking area shall be permitted behind the building.
8. Signage shall be in compliance with the SE as it relates to the SCIBD. The site shall not have any pole mounted signage.
9. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six-feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
10. All surface parking areas shall be paved with asphalt or concrete. All pre-existing building foundations shall be removed and the parking surface graded to provide positive surface drainage prior to pavement application.
11. The City Engineer shall approve the design, number, and location of curb cuts. Any unused or nonconforming curb cuts shall be modified or closed with curb, gutter and sidewalk.
12. 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.
13. Dedicate Union Avenue right of way to accommodate a ten-foot-wide vehicular drop off area for passengers and an additional 10 feet of dedication offset from the curb line of the drop off area for sidewalks.
14. Dedicate a 5-foot property line radius at the intersection of Union and Fourth street to accommodate a standard access ramp and any future traffic signal modifications at the intersection.

15. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the southwest corner of Union and Fourth.
16. Dedicate additional right of way on Fourth Street to provide a continuous 10-foot sidewalk from the existing taper to the intersection of Gayoso.
17. Dedicate Gayoso Street to provide a 10-foot-wide sidewalk. The site plan submitted shows existing 8-foot sidewalk but it is 6 feet wide more or less.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Engineering has no objection to the requested time extension. Previous engineering comments filed under SUP-16-002 still apply.

City Engineering Comments (SUP 16-002)

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. Dedicate Union Avenue right of way to accommodate a ten-foot-wide vehicular drop off area for passengers and an additional 10 feet of dedication offset from the curb line of the drop off area for sidewalks.
4. Dedicate a 5-foot property line radius at the intersection of Union and Fourth street to accommodate a standard access ramp and any future traffic signal modifications at the intersection.
5. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the southwest corner of Union and Fourth.
6. Dedicate additional right of way on Fourth Street to provide a continuous 10-foot sidewalk from the existing taper to the intersection of Gayoso.
7. Dedicate Gayoso Street to provide a 10-foot-wide sidewalk. The site plan submitted shows existing 8-foot sidewalk but it is 6 feet wide more or less.
8. The developer's engineer shall provide a traffic study showing the combined traffic impacts on the adjacent streets and intersections for both SUP 16-02 and SUP 16-03.
9. This development does not appear to be affected by a project that has been identified by TDOT or the MPO on the LTRP to receive future improvements. However, the applicant is advised to inquire with the MPO, MATA, TDOT and any adjacent railroad authority regarding any future projects that may impact this site.

Traffic Control Provisions

10. The developer shall provide a traffic control plan to the city engineer which 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.
11. 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.

Curb Cuts/Access:

12. The City Engineer shall approve the design, number and location of curb cuts.
13. 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.
14. 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,
15. Any existing nonconforming curb cuts shall be closed with curb, gutter and sidewalk.
16. One curb cut along the Fourth Street frontage will be permitted.

Drainage:

17. 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:

18. The proposed handicapped parking space nearest Fourth Street drive opening shall be eliminated.
19. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate.
20. Adequate maneuvering room shall be provided between the right-of-way and the gate for vehicles to exit by forward motion.
21. What is the building setback from private drives?
22. The minimum sign setback from the street right-of-way shall be 15 feet.

General Notes:

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

24. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
25. All connections to the sewer shall be at manholes only.
26. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

Required landscaping shall not be placed on sewer or drainage easements

Transportation Planning Program

A new site plan will need to be submitted for land development review. Some immediate concerns will be the location of the access drive, changes to ROW dedication, locations of vehicle pull-outs, stormwater impacts, intersection sight lines for repositioned building, and ADA compliance.

The Memphis Innovation Corridor project will require some site improvements for this parcel. These should be minor improvements such as new sidewalks and curb ramps meeting PROWAG/TDOT standards and new street lights meeting new MLGW LED standards. All minor improvements would be the responsibility of the developer and would not remove any previous requirements.

The major components along this property include a new traffic signal at Union & Fourth and some possible changes to utility infrastructure. The signal at Union & Fourth is a fast track project that will be designed and constructed by the City. Changes to utility infrastructure will be designed with the Innovation Corridor.

Stephen Edwards, PE

Transportation Planning Program Manager

City Fire Division:

No comments

City Real Estate:

No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

No comments received.

Shelby County Schools:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

Land and Mapping-Address Assignment:

Office of Sustainability and Resilience:

No comments at this time.

APPLICATION



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

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: May 31, 2019

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Nitinkumar Patel Phone #: _____

Mailing Address: 326 Lovell Road City/State: Knoxville, TN Zip 37934

Property Owner E-Mail Address: _____

Applicant: same Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: The Bray Firm Phone # 901.383.8668

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

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

Street Address Location: 235 Union

Distance to nearest intersecting street: At the intersection of Union and Fourth - SW corner

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.22</u>	_____	_____
Existing Zoning:	<u>SE</u>	_____	_____
Existing Use of Property	<u>surface parking</u>	_____	_____
Requested Use of Property	<u>Hotel</u>	_____	_____

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

Yes No

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: _____

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

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

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).
This project is in compliance with the SE district. This project was previously approved by the LUCB and Memphis City Council in 2016. Approval expired prior to completion of engineering plans for the project.
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).
This project is will be compatible with surrounding uses including the new hotel constructed just west of this site and the existing ball park.
- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).
Adequate services are available for this site
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
The proposed project will replace an existing surface parking lot.
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).
This project is in compliance with the previously approved SUP for this site in 2016.
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).
This project will be positively affect the surrounding areas.

Letter of Intent

The Bray Firm

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

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 31, 2019

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

**RE: Special Use Permit Application
Union-Fourth Street (southwest corner) formerly SUP 16-002
Memphis, TN**

Mr. Whitehead;

Please find attached the above referenced application for a special use permit for a hotel to be located at the corner of Union Avenue and Fourth street. This site was previously approved for the same application as SUP-002. The previous approval was concurrent with the existing Hilton Garden Inn constructed just west of this site. Due to the construction of the first site, plans for this project were delayed at the start with subsequent delays incurred while the developer negotiated with City Engineering involving the scope of the required traffic survey for this particular project. Plans were completed for the project and have been approved by City Engineering but the special use permit allowing this construction had expired. Accordingly, we are seeking approval of the same application at this time.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

Posted Public Notice Signs
Affidavit

AFFIDAVIT

Shelby County
State of Tennessee

I, David Berg, being duly sworn, depose and say that at 7 am/pm on the 12 day of July, 2019, I posted a Public Notice Sign(s) pertaining to Case No. SUP 19-21 at FARTH & UNION 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.

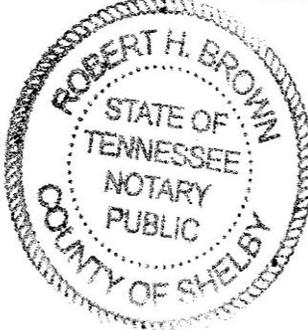
[Signature]
Owner, Applicant or Representative

07.02.19
Date

Subscribed and sworn to before me this 2ND day of July, 2019.

[Signature]
Notary Public

My commission expires: July 31, 2022



Pictures of Signs



PREVIOUS RESOLUTION

ZONING RESOLUTION

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance-Resolution No.5367 adopted by the Board of Commissioners of Shelby County on August 9, 2010 and by the Council of the City Memphis on August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes subject to standards of general applicability and any additional standards applicable to specific special uses in the various zoning districts within the Memphis City Limits, and

WHEREAS, Application has been made by Nitinkumar Patel for a Special Use Permit with respect to the property located at; 235 Union Avenue (**SUP16-02**); and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the special use permit provisions of the Zoning Ordinance-Regulations and reported said findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board February, 11, 2016, and said Board has studied and reported its recommendation to the City Council regarding the following approval criteria:

- A. The project will not have a substantial or undue adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting public health, safety, and general welfare. and other matters pertaining to the public safety and general
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services Such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that he applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss, or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of the existing standards for development of the adjacent properties.

- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless served facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act, of 1996, 47 USC 332(c) (7)B(iii). The review body may not take into account any environments or health concerns.

WHEREAS, The Memphis and Shelby County Land Use Control Board and/or the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the special use permit to reduce any potential adverse impacts of the proposed building or use on the neighborhood, adjacent properties, public facilities and significant natural, scenic or historic features; and

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the proposed building or use complies with all additional standards imposed on it by the particular provision of Chapter 9.6 authorizing such particular special use.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that a special use permit is hereby granted in accordance with the site plan incorporated in the application, and subject to attached conditions.

BE IT FURTHER RESOLVED That this permit authorizes the appropriate filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the City Council have been met.

ATTEST:

cc: Office of Code Enforcement
City Engineer

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

Date MAR 15 2016

Valerie C. Snyus
Deputy Comptroller-Council Records

A Special Use Permit is hereby authorized to allow a full service hotel at; 235 Union Avenue in accordance with the approved site plan.

Conditions of approval for SUP16-02

1. The applicant shall submit a revised site plan, landscape plan and building elevations prior to the application being scheduled to be heard at the Memphis City Council. The applicant shall comply with the revised site plan as submitted and approved by the Memphis City Council.
2. The landscape plan shall exceed the requirements of the UDC and incorporate planters along Union in addition to tree grates and additional plantings adjacent to the Hotel along Fourth Street.
3. The site plan shall reflect the drop-off lane encroaching into the east bound travel lanes to include the City of Memphis Engineering Departments comments addressing the drop-off lane.
4. The building elevations shall reflect a six (6) story hotel with a building material consisting of a minimum of 80 percent brick, a maximum of 20 percent EIFS and a minimum of 21 percent fenestration.
5. Uses shall comply with Sec. 2.6.3 D Use Standards for Hotels and Motels. No hourly rates shall be allowed.
6. A surface parking area shall be permitted.
7. The subject site shall comply with the SE zoning district with the exception to the conditions as identified within SUP16-02.
8. Signage shall be in compliance with the SE as it relates to the SCIBD. The site shall not have any pole mounted signage.
9. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six-feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
10. All surface parking areas shall be paved with asphalt or concrete. All pre-existing building foundations shall be removed and the parking surface graded to provide positive surface drainage prior to pavement application.
11. The City Engineer shall approve the design, number, and location of curb cuts.
12. 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.
13. The application if approved by the Memphis City Council shall complete the Memorandum of Conformance Process. The City of Memphis Engineers comments shall be addressed at that time.