



STAFF REPORT

AGENDA ITEM: 3

CASE NUMBER: PD 94-361 (CORRES.) **L.U.C.B. MEETING:** October 10, 2019

DEVELOPMENT: Poplar Oaks Planned Development

LOCATION: 6584 Poplar Avenue

OWNER/APPLICANT: Poplar Ventures LLC

REPRESENTATIVE: Cindy Reaves, SR Consulting LLC

REQUEST: Planned Development major modification to allow monument sign with electronic LED messaging and changeable copy.

AREA: +/-1.723 acres

EXISTING ZONING: PD 94-361 Phase 2 approved conditions as permitted in O-2 (OG) Office District

CONCLUSIONS

1. The applicant is requesting a PD major modification to allow a monument sign with an electronic LED message center.
2. The subject property is located next door and across the street from residential land uses.
3. An electronic/video sign would be out of place in this area. Other commercial properties in the area have changeable copy signs without electronic messaging components.

RECOMMENDATION:

Rejection

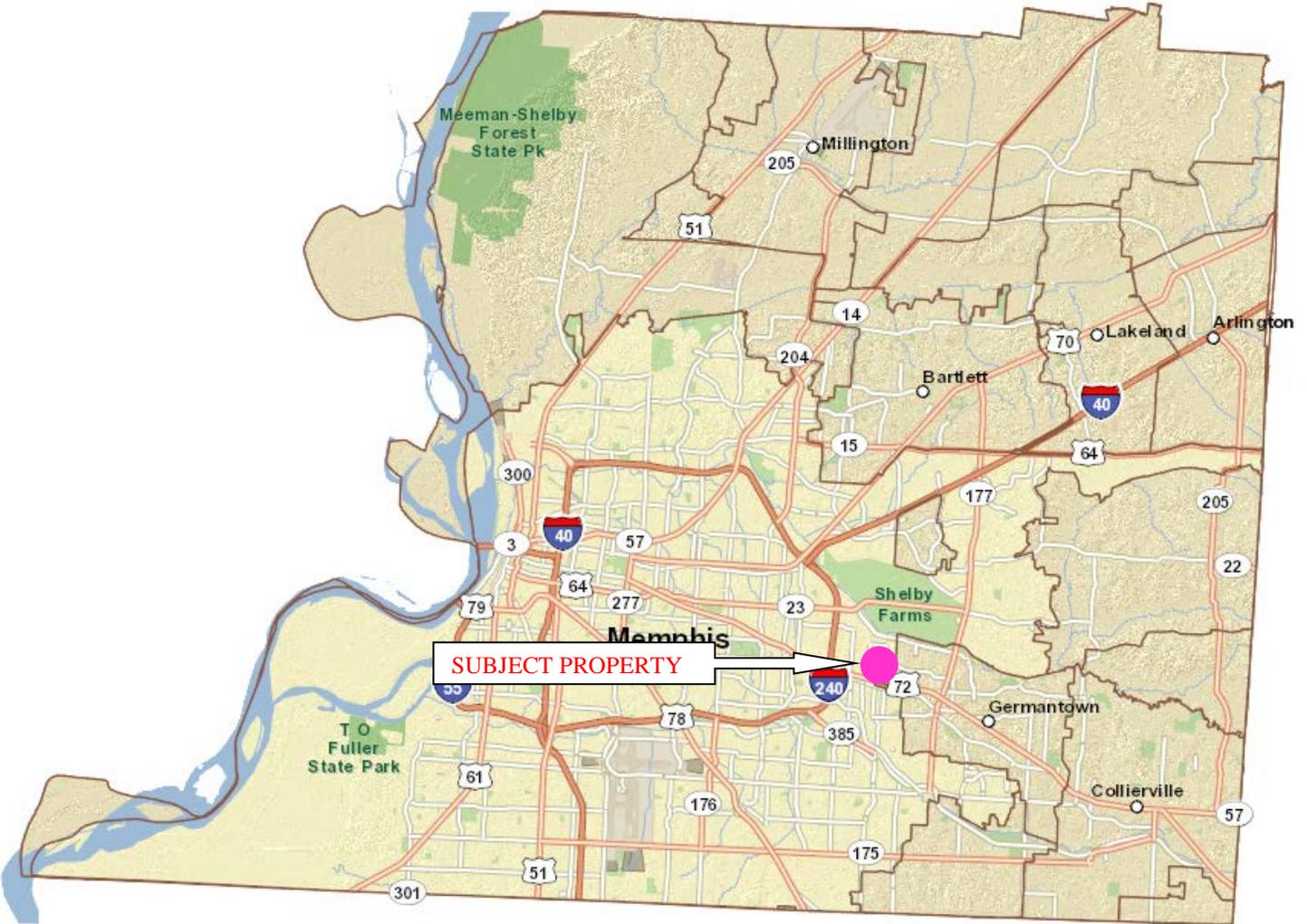
GENERAL INFORMATION

Street Frontage: Poplar Avenue +/-231.55 linear feet
Zoning Atlas Page: 2150
Parcel ID: 080008 00239
Existing Zoning: PD 94-361 Phase 2 approved conditions as permitted in O-2 (OG) Office District

PUBLIC NOTICE

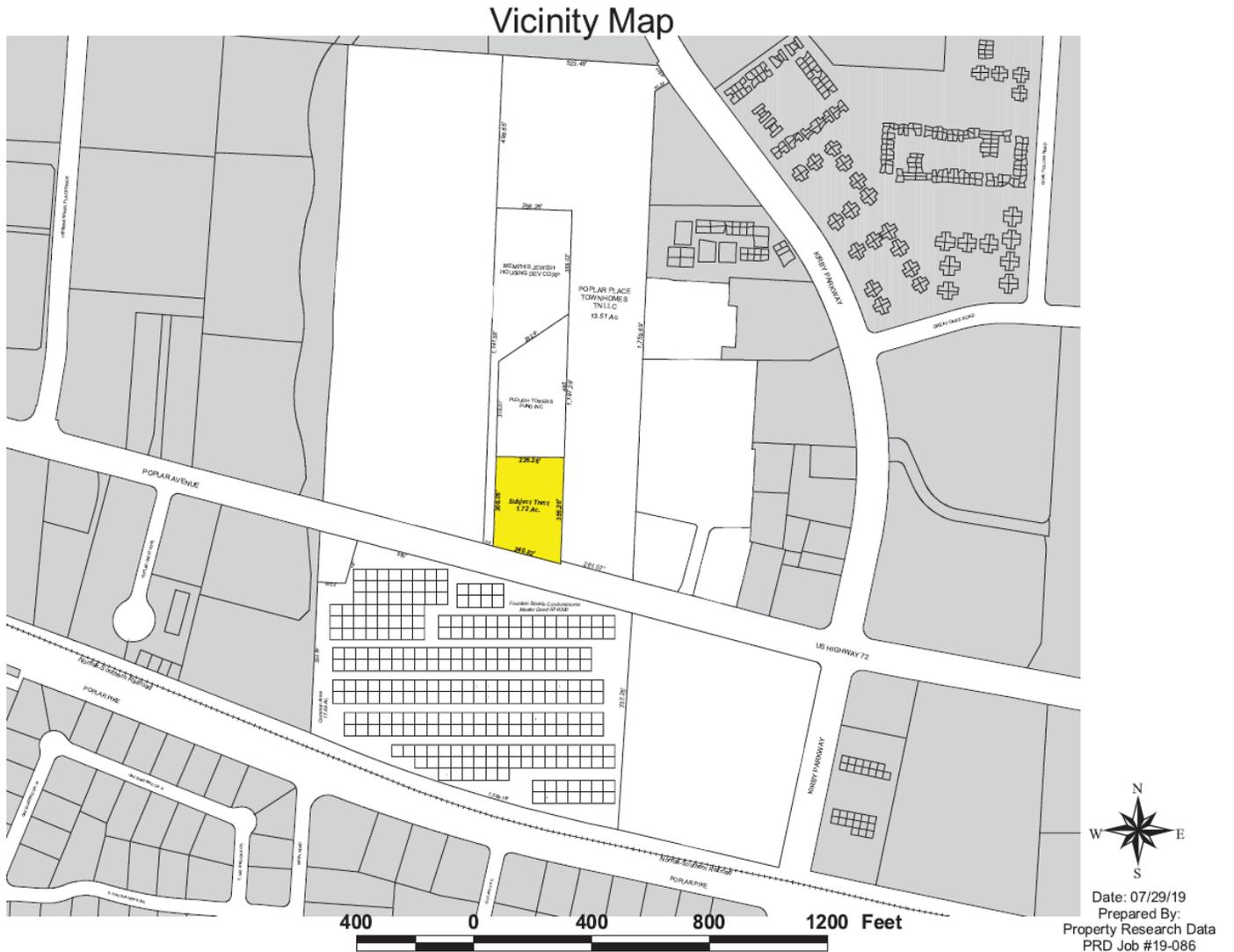
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 6 notices were mailed on September 27, 2019, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



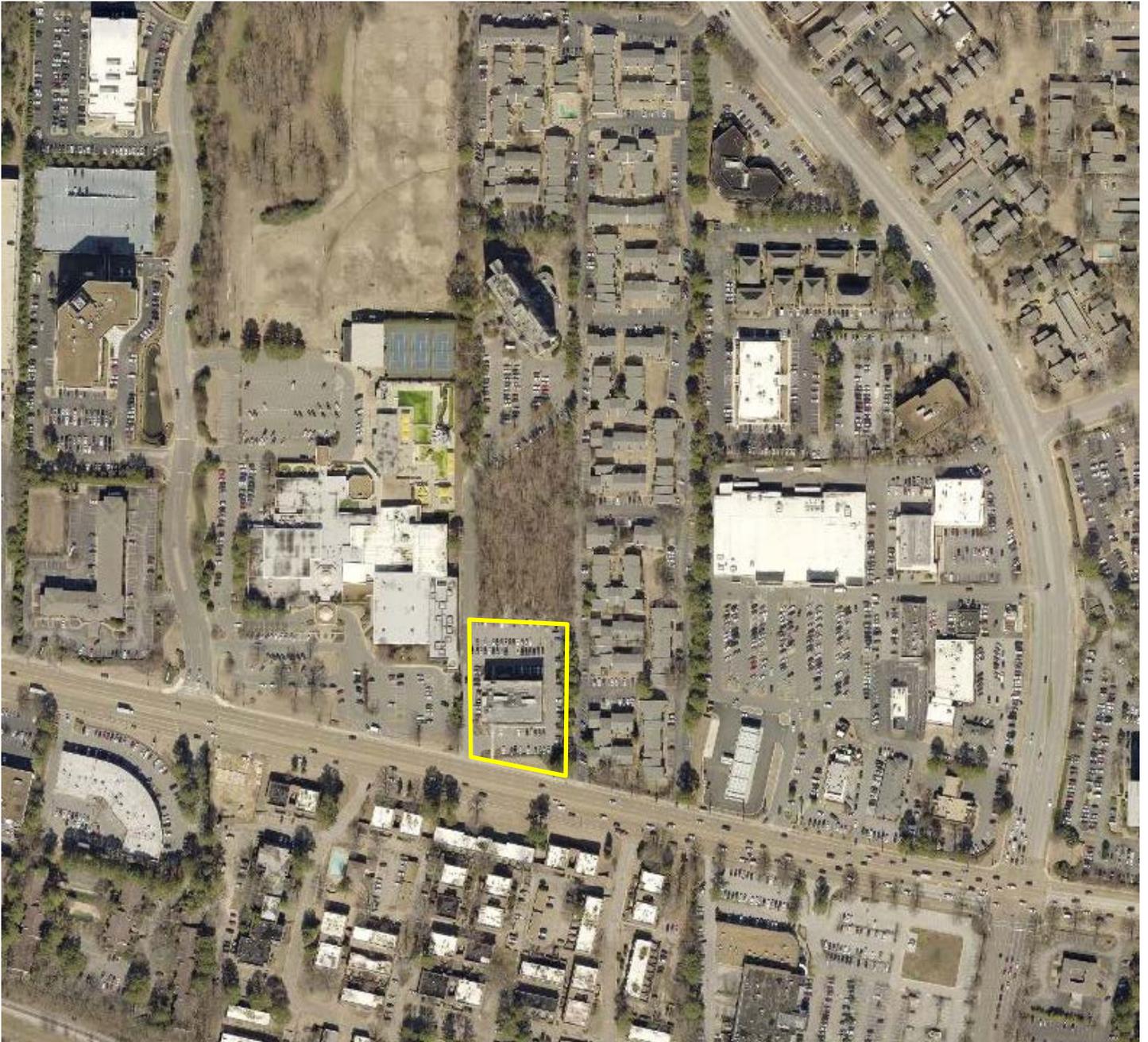
Subject property located within the pink circle.

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: PD 94-361 Phase 2 approved conditions as permitted in O-2 (OG) Office District

Surrounding Zoning

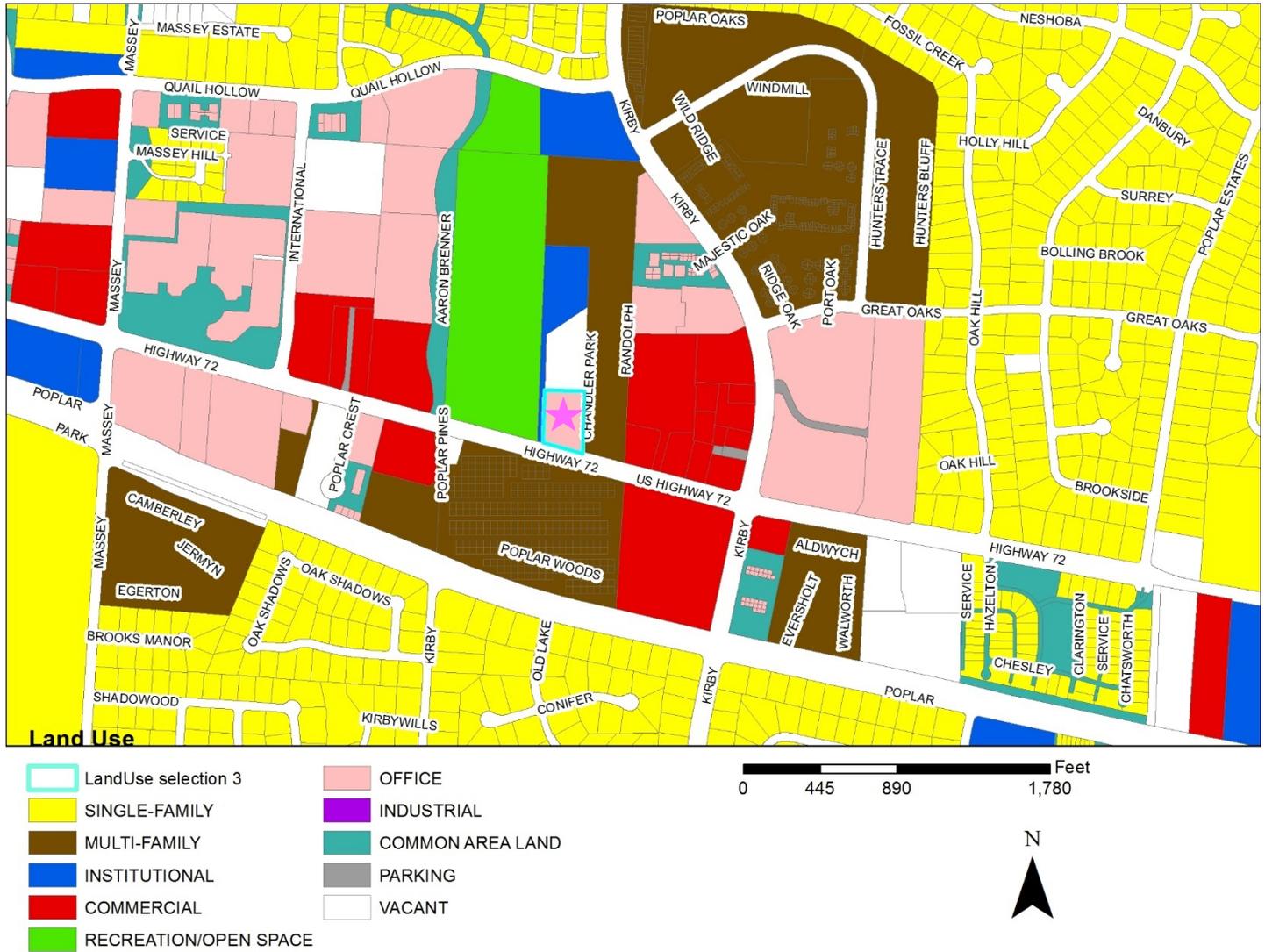
North: PD 97-362 and RU-3

East: SUP 16-14 and RU-3

South: Germantown T6

West: PD 88-339 and RU-3

LAND USE MAP



Subject property outlined in electric blue and indicated by a pink star

SITE PHOTOS



View of subject property and current sign from Poplar Avenue looking northeast.



View of subject property from Poplar Avenue looking northwest.

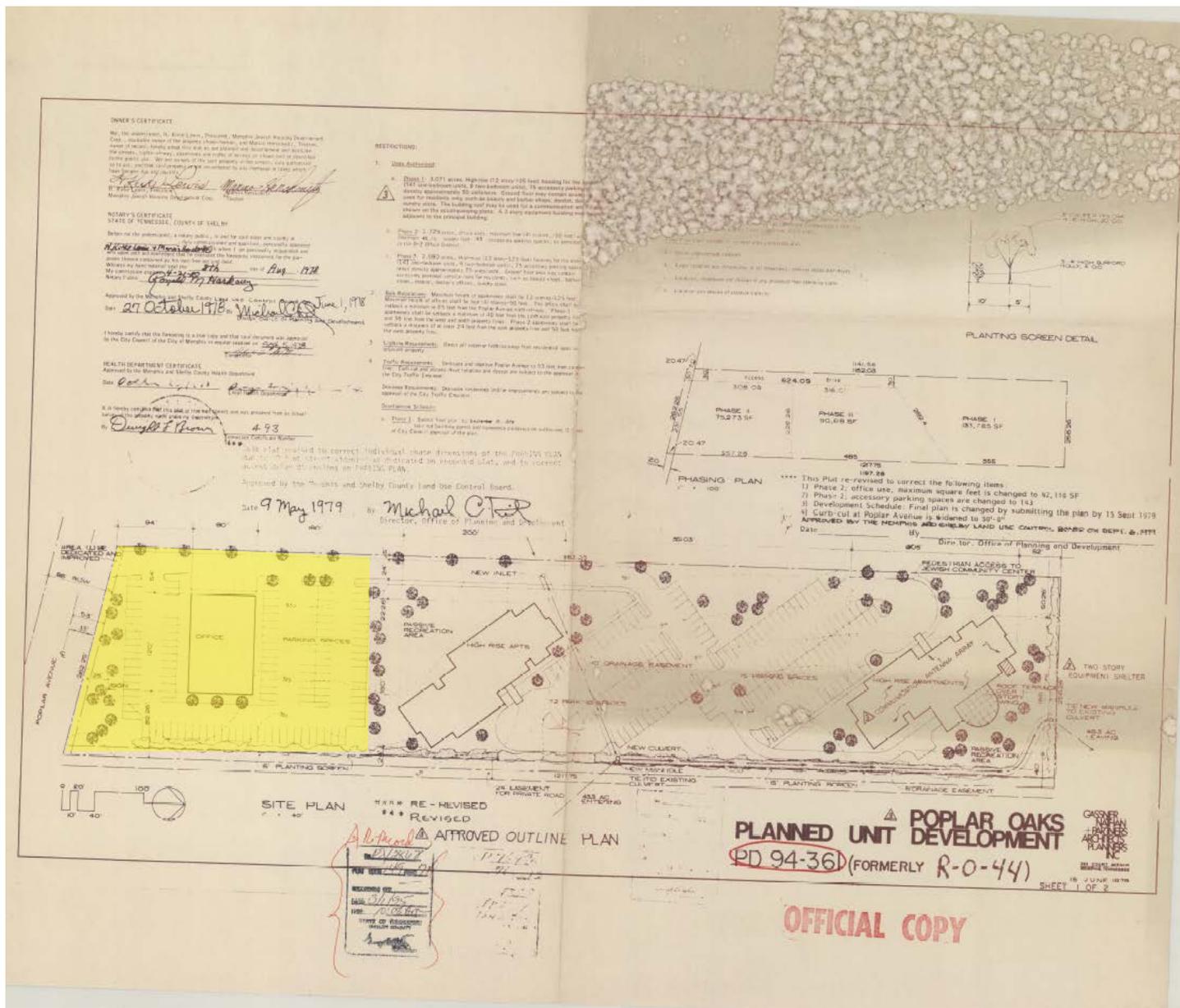


View of subject property from Randolph Pl looking northwest.



View across Poplar Avenue from subject property looking south.

OUTLINE PLAN



Area D highlighted in yellow

SIGN ELEVATION



STAFF ANALYSIS

Request and Justification

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

The request is a PD major modification to allow a 155 square feet monument sign with LED Message Center and changeable copy.

Site Description

The subject property is +/-1.723 acres located on the north side of Poplar Avenue. The site is Phase II of PD 94-361 with uses authorized as permitted in the O-2 Office District which converts to OG (Office General) in the UDC. The site contains a curving line of shrubs and flowers around the current sign and along the front of the property between Poplar Avenue and the parking lot. The site is adjacent to an apartment complex to the east, condo complex to the south, community center to the west, and undeveloped Phase III of the Planned Development to the north. The Planned Development lies inside the Residential Urban – 3 (RU-3) zoning district. The approved Planned Development does not have sign regulations as part of the outline plan.

Site Plan Review

The proposed sign has a surface area of 155 square feet, with 38.5 square feet of that being an electronic LED Message Center. The sign has 6 changeable spaces for tenants that appear to be internally illuminated.

Site Zoning History

The original Planned Unit Development was approved by the Memphis and Shelby County LUCB on September 6, 1979. Phase II was authorized 1.723 acres, office uses, maximum four (4) stories, (50 feet) with maximum 42,110 square feet, 143 accessory parking spaces, as permitted in the O-2 Office District.

On March 1, 1995, it was re-recorded to allow the Phase I building roof to be used for a communication antenna and a two-story equipment building adjacent to the principal building.

On November 29, 2011, it was re-recorded to modify the access drive, front and rear building entrances, and eliminate 21 parking spaces. Additional landscape areas and improvements are added to the site.

Conclusions

The applicant is requesting a PD major modification to allow a monument sign with an electronic LED message center.

The subject property is located next door and across the street from residential land uses.

An electronic/video sign would be out of place in this area. Other commercial properties in the area have changeable copy signs without electronic messaging components.

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following addition to the outline plan, Condition #6:

One sign, a maximum of 120 square feet in area, a maximum of 11 feet in height, and setback a minimum of 10 feet shall be permitted. The sign shall be internally illuminated and shall not exceed a daytime luminous intensity of 7,500 nits and a nighttime luminous intensity of 300 nits at the sign face. The sign shall not have electronic or video messaging of any kind.

DEPARTMENTAL COMMENTS

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

City/County Engineer: CITY ENGINEERING COMMENTS DATE: 9/19/19

CASE: PD-94-361 NAME: Poplar Oaks PD Ph 2

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Roads:

2. 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.
3. 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,
4. Clear Sight Areas shall be provided on the final plat and engineering plans at the proposed new sign location. The required note regarding Clear Sight Areas shall be placed on the final plat.

Traffic Control Provisions:

5. 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.
6. 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.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

- No comments.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

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

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

Date: August 29, 2019

Previous Case #: PD 94-361

PLEASE TYPE OR PRINT

Name of Development: Poplar Oaks PD Phase 2

Property Owner of Record: Poplar Ventures LLC Phone #: _____

Mailing Address: 3067 Windstone Way City/State: Germantown, TN Zip 38138

Property Owner E-Mail Address: _____

Applicant: Same as Owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Representative E-Mail Address: cindy@srce-memphis.com

Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

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

Correspondence item Street Address Location: 6584 Poplar Avenue

Distance to nearest intersecting street: 943.93 feet west of Kirby Parkway

| | Parcel 1 | Parcel 2 | Parcel 3 |
|---------------------------|------------------------|----------|----------|
| Area in Acres: | <u>1.723</u> | _____ | _____ |
| Existing Zoning: | <u>PD</u> | _____ | _____ |
| Existing Use of Property | <u>Office Building</u> | _____ | _____ |
| Requested Use of Property | <u>Office Building</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:

To allow a monument sign area of 155 square feet which includes 40 square feet of area for changeable copy.

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.

| | | | | | |
|--------------------------|----------------------------|----------------|-------------------|----------------------------|----------------|
| <u>Nate Kumar</u> | <u>Poplar Ventures LLC</u> | <u>8/29/19</u> | <u>Nate Kumar</u> | <u>Poplar Ventures LLC</u> | <u>8/29/19</u> |
| 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



Date: August 29, 2019

To: Office of Planning & Development

From: Cindy Reaves

Re: Poplar Oaks PD Phase 2
6584 Poplar Ave.

Job #: 19-0080

LETTER OF INTENT

We are submitting a Planned Development Major Modification application for Poplar Oaks PD Phase 2 located at 6584 Poplar Avenue. The existing office building on the Phase 2 parcel was built in 1981 and consists of approximately 43,000 square feet with 10-20 tenants. We are requesting a variance to allow a monument sign area of 155 square feet where the monument sign was previously located. We are also requesting a variance to allow 40 square feet of the sign area to be changeable copy.

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 9:29 am on the 30th day of September, 2019 I posted one Public Notice Sign pertaining to Case No. PD 94-361 on of the property located at 6584 Poplar Avenue providing notice of a Public Hearing before the October 10, 2019 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy J. Reaves
Owner, Applicant or Representative

10/01/2019
Date

Subscribed and sworn to before me this 1st day of October, 2019

Kathy J. Shearwell
Notary Public

My commission expires: 4-30-2022



LETTERS RECEIVED

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