



STAFF REPORT

AGENDA ITEM: 4

CASE NUMBER: PD 20-02 **L.U.C.B. MEETING:** May 14, 2020
DEVELOPMENT: South Irvin Planned Development
LOCATION: 5455 South Irvin Drive
COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Worldwide Property HUB. LLC / Kyle Sledd
REPRESENTATIVE: McCaskill & Associates, Inc. – Tim McCaskill
REQUEST: Two-lot single-family residential planned development
AREA: +/-0.367 acres
EXISTING ZONING: Residential Single-Family – 10 (R-10)

CONCLUSIONS

1. The applicant is requesting a two-lot single-family residential planned development.
2. This application was filed as a planned development instead of a subdivision due to the lot width requirement of the Residential Single-Family – 10 District requiring the minimum lot width of 60 feet and minimum a lot size of 10,000 square feet while, as proposed, the lot widths are 50 and the lot sizes are just under 8,000 square feet.
3. There have been 12 approved cases to divide land in the Sea Isle-Yorkshire community since 2017, see pages 10-11 of this report for data relating to those cases which enabled the establishment of 41 buildable lots in total.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
5. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 20-21 of this report.

RECOMMENDATION:
Approval with conditions

GENERAL INFORMATION

Street Frontage: South Irvin Drive +/-100.00 linear feet
Zoning Atlas Page: 2145
Parcel ID: 067067 00008
Existing Zoning: Residential Single-Family – 10 (R-10)

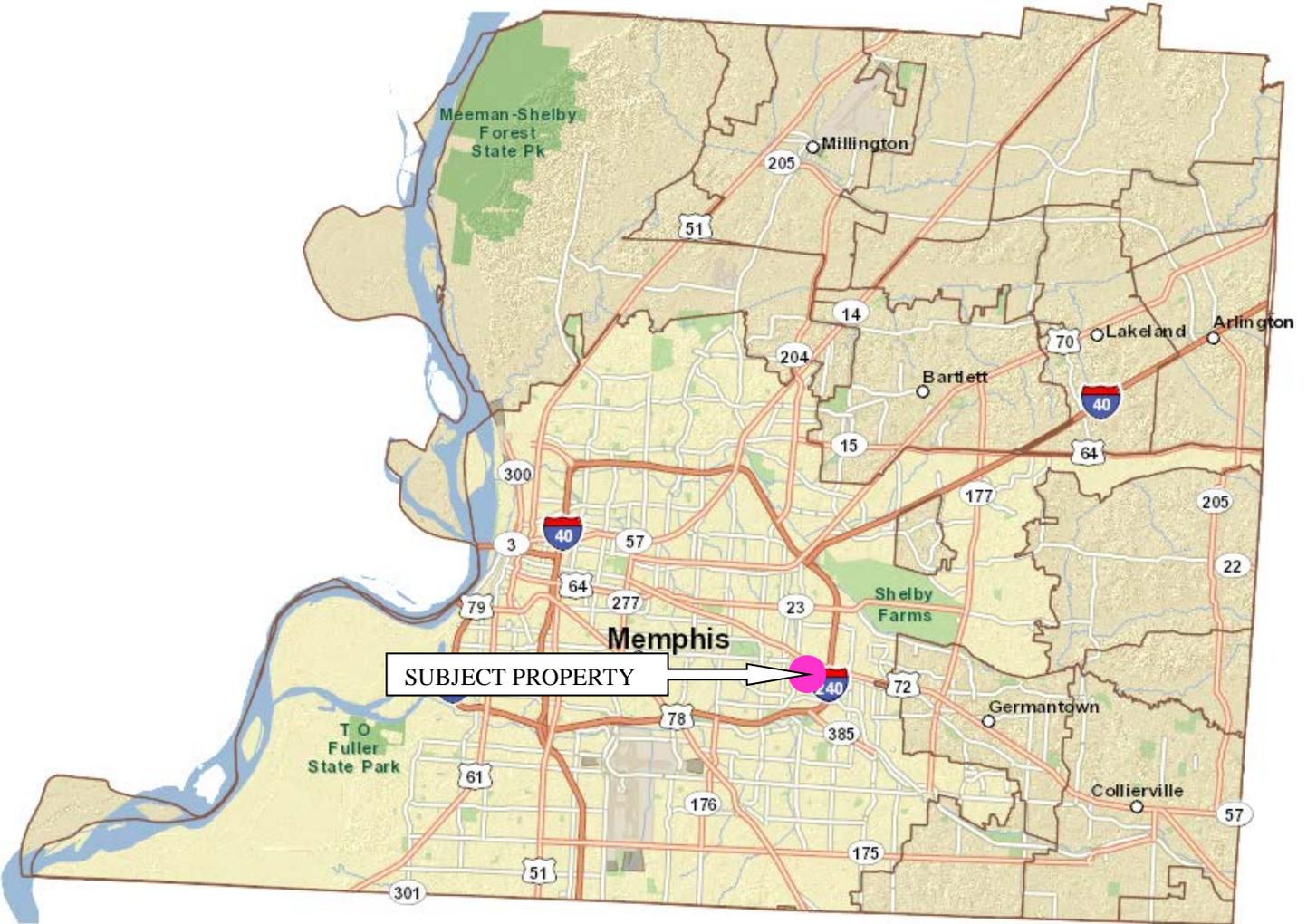
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Tuesday, February 25, 2020, at 6000 Poplar Avenue, Suite 250.

PUBLIC NOTICE

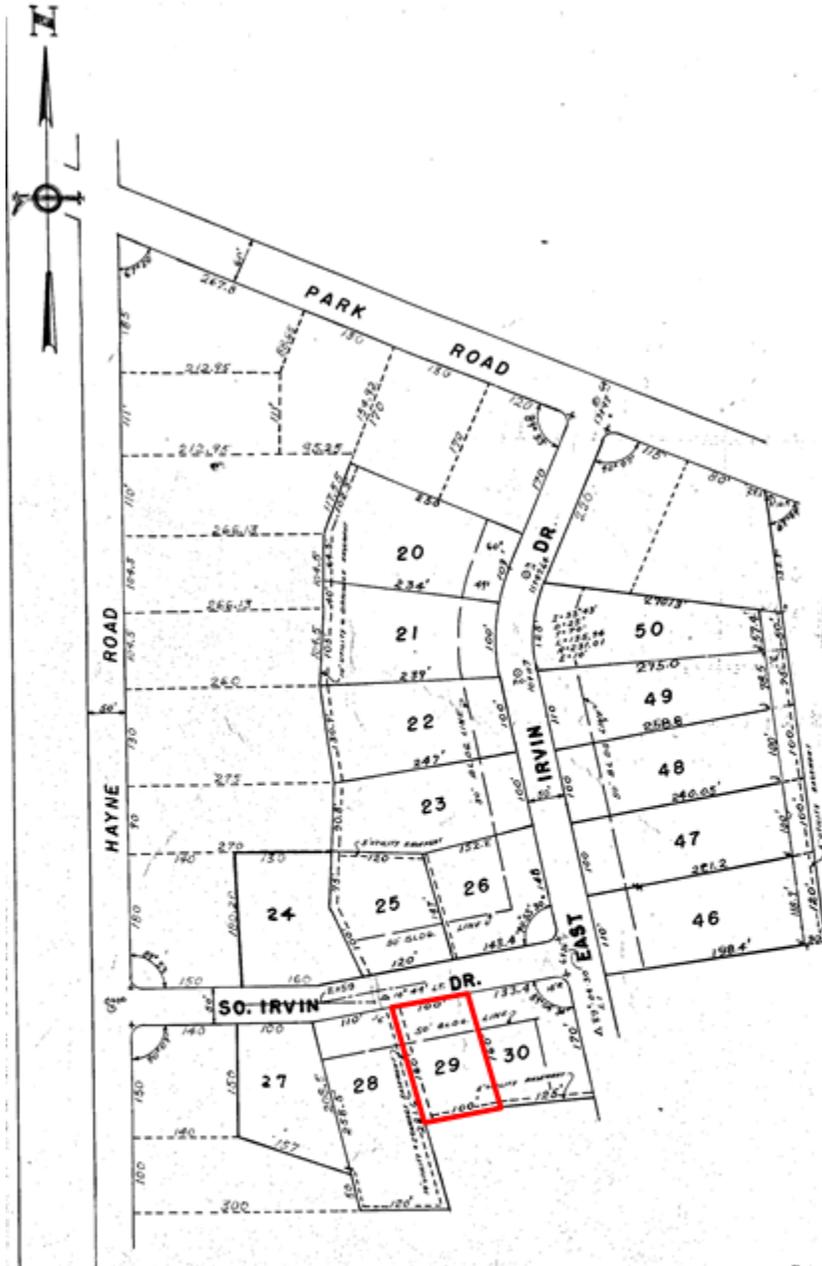
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 53 notices were mailed on February 26, 2020, an additional 53 notices were mailed on February 27, 2020, to clarify the location of the subject property, and 55 notices were mailed on May 1, 2020 for the telephonic May LUCB meeting, 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, Sea Isle / Yorkshire neighborhood

OLIVER & WILE'S FIRST ADDITION TO THE PARK GARDENS SUBDIVISION (1952)



**OLIVER & WILE'S FIRST ADDITION TO THE
PARK GARDENS SUBDIVISION**
SHELBY COUNTY, TENNESSEE
J. S. HARRIS ENGINEERING AND AERIAL SURVEYS
SCALE 1" = 100' NOVEMBER 1952

RESTRICTIONS AND LIMITATIONS

1. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL DECEMBER 1, 1977.
IF THE PARTIES HERETO, OR ANY OF THEM, OR THEIR HEIRS OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY SITUATED IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND LITHELY TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION.
INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
2. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING PLOT OTHER THAN ONE DETACHED SINGLE FAMILY DWELLING, NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN TWO CARS AND SERVANTS' QUARTERS.
3. NO BUILDING SHALL BE LOCATED NEARER TO THE FRONT LINE OR NEARER TO THE SIDE STREET LINE THAN THE BUILDING SETBACK LINES AS SHOWN ON THIS PLAN OF SUBDIVISION. IN ANY EVENT, NO BUILDING SHALL BE LOCATED ON ANY RESIDENTIAL BUILDING PLOT NEARER THAN 30 FEET TO THE FRONT LOT LINE, NOR NEARER THAN 30 FEET TO ANY SIDE LOT LINE.
4. NO RESIDENTIAL STRUCTURE SHALL BE ERECTED OR PLACED ON ANY BUILDING LOT WHICH PLOT HAS AN AREA LESS THAN 16,000 SQUARE FEET OR A WIDTH OF LESS THAN 60 FEET, NOR SHALL THERE BE ANY RE-SUBDIVISION OF SUBDIVISION. ALL THE LOTS TO REMAIN AS SHOWN ON THIS PLAN.
5. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT OR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
6. NO TRAILOR, BASEMENT, TENT, SHACK, GARAGE, BARN, OR OTHER OUTBUILDING ERECTED ON THE LOTS SHALL AT ANY TIME BE USED AS A RESIDENCE TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER TO BE USED AS A RESIDENCE.
7. THE GROUND FLOOR AREA OF THE MAIN FLOOR STRUCTURE OF ANY DWELLING EXCLUSIVE OF OPEN PORCHES AND GARAGES, SHALL BE NOT LESS THAN 950 SQUARE FEET IN THE CASE OF ONE STORY STRUCTURE, NOR LESS THAN 800 SQUARE FEET IN THE CASE OF A ONE AND ONE-HALF OR TWO STORY STRUCTURE.
8. EASEMENTS AS MAY BE NECESSARY ARE RESERVED FOR PUBLIC UTILITIES.

STATE OF TENNESSEE
COUNTY OF SHELBY
WE, THE UNDER-SIGNED, OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY ADMIT THIS AS OUR PLAN OF SUBDIVISION AND THAT WE ARE THE OWNERS IN FEE SIMPLE, AND THAT SAID PROPERTY IS NOT ENCLUMBERED BY ANY DELINQUENT TAXES OR MORTGAGES.

OWNERS:

Lucian S. Oliver
Marc Wile

STATE OF TENNESSEE
COUNTY OF SHELBY

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY AT MEMPHIS, DULY QUALIFIED AND COMMISSIONED, MESSRS. LUCIAN S. OLIVER AND MARC WILE, THE WITHIN NAMED BARGAINERS, WITH WHOM I AM PERSONALLY ACCQUAINTED AND WHO UNDER OATH, ACKNOWLEDGE, THEY EXECUTED THE WITHIN INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AND SET OUT.

WITNESS MY HAND AND NOTORIAL SEAL AT MEMPHIS AFORESAID, THIS 28 DAY OF December, 1952.

Howard W. Reichard
NOTARY PUBLIC

MY COMMISSION EXPIRES July 7, 1953

3. I HEREBY CERTIFY THAT I HAVE SURVEYED THE WITHIN DESCRIBED PROPERTY, AND THAT SAME IS TRUE AND CORRECT.

TENN. CERTIFICATE NO. 1175 *James S. Harris*
CIVIL ENGINEER

4. APPROVED BY THE CITY OF MEMPHIS PLANNING COMMISSION.

12-17-52
DATE

W. H. ...
DIRECTOR

5. APPROVED BY THE SHELBY COUNTY COMMISSION.

2-29-53
DATE

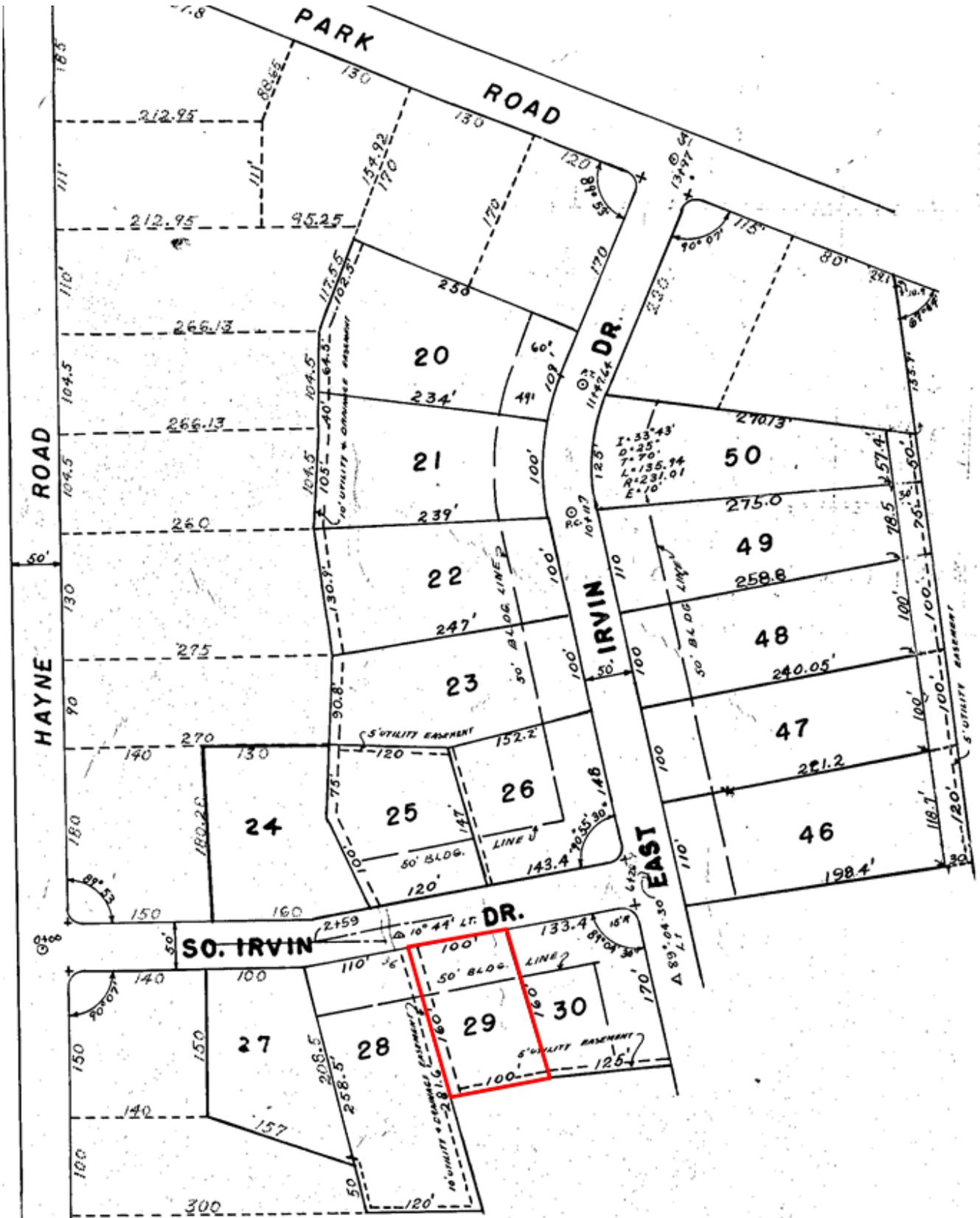
Robert ...
COUNTY COMMISSIONER

10027

STATE OF TENNESSEE
SHELBY COUNTY
Filed for Record APR 6 - 1953
at 22 o'clock, M., and entered in Note Book
No. 1175 Page 21 and was recorded
April 9, 1953 in Record Book
No. 1175 Page 21
FRANCIS ANDREWS, Register
By *J. R. ...* D.R.

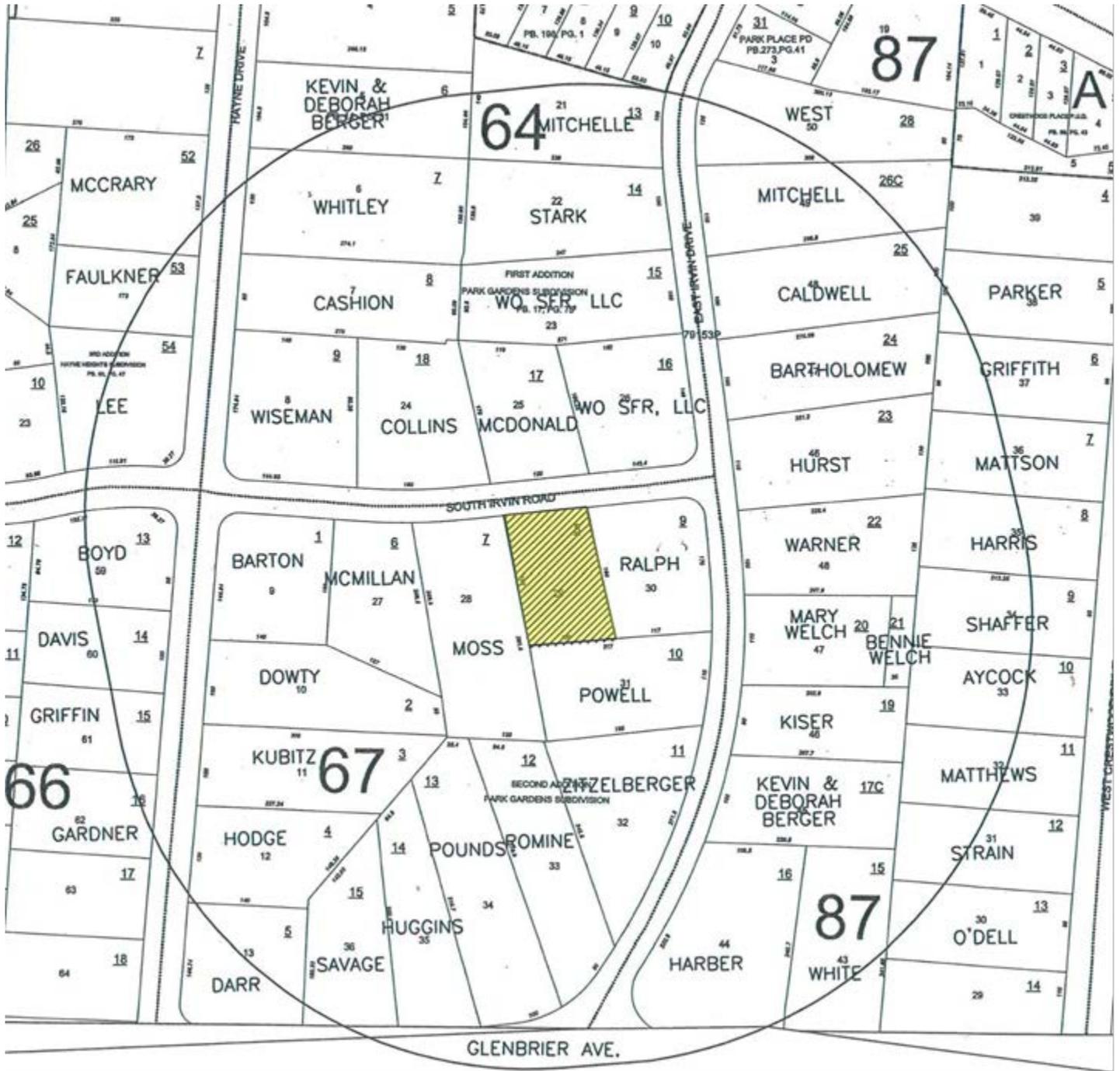
Subject property highlighted in red, Lot 29

OLIVER & WILE'S FIRST ADDITION TO THE PARK GARDENS SUBDIVISION (1952) – ZOOMED



Subject property highlighted in red, Lot 29

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in orange, imagery from 2018

ZONING MAP



Subject property outlined in orange

Existing Zoning: Residential Single-Family – 10 (R-10)

Surrounding Zoning

North: R-10 and BOA 54-057

East: R-10

South: R-10

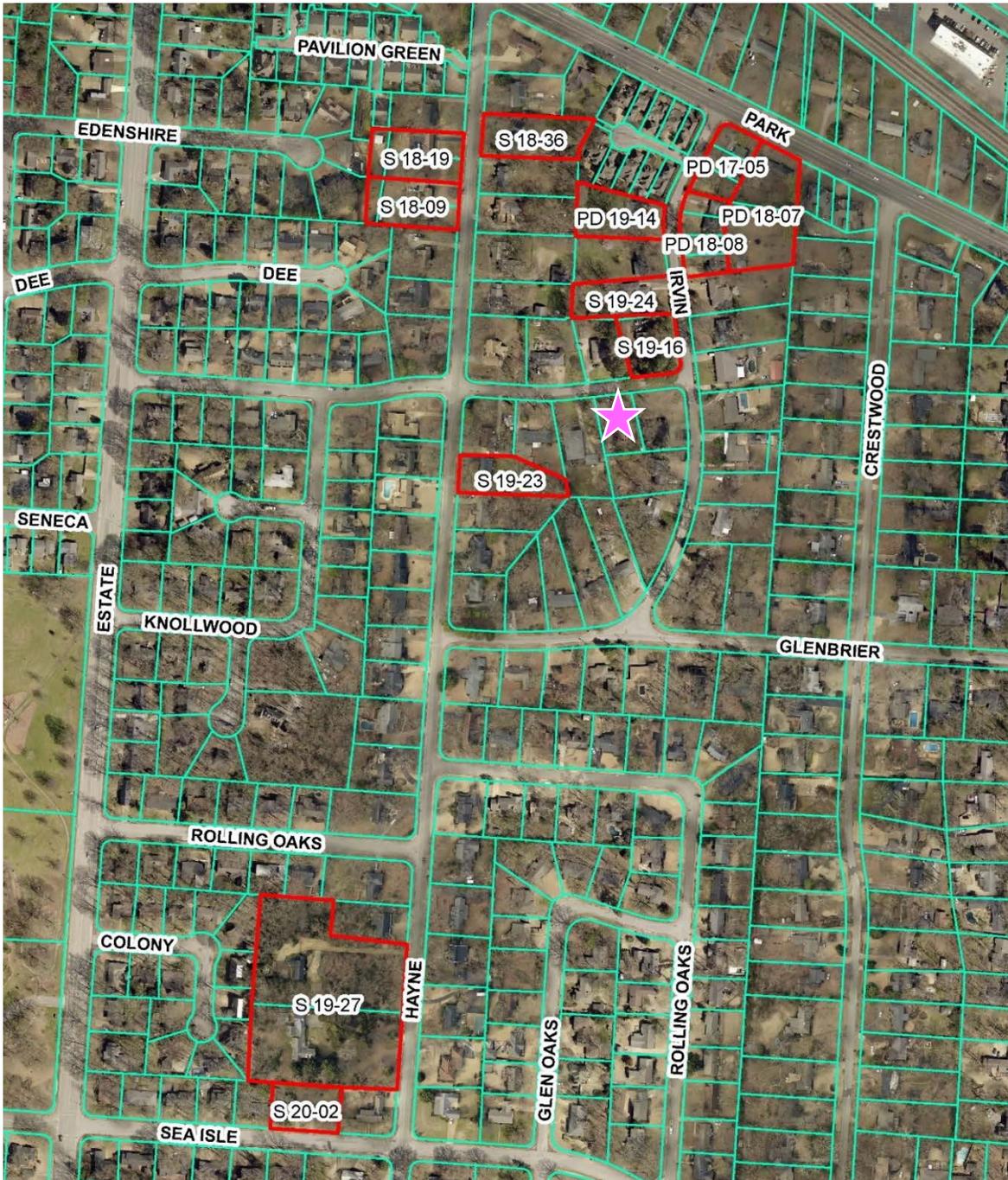
West: R-10

LAND USE MAP



Subject property outlined in red

RECENTLY APPROVED DIVISIONS OF LAND (2017-PRESENT)



Subject property indicated by a pink star, previously approved cases outlined in red

- PD 17-05 – 3 lots
- PD 18-07 – 6 lots
- PD 18-08 – 3 lots
- S 18-09 – 2 lots
- S 18-19 – 2 lots
- S 18-36 – 2 lots

- PD 19-14 – 2 lots
- S 19-16 – 2 lots
- S 19-23 – 2 lots
- S 19-24 – 2 lots
- S 19-27 – 12 lots
- S 20-02 – 2 lots

RECENTLY APPROVED DIVISIONS OF LAND DATA (2017-PRESENT)

Case Number	Lot Address	Lot Sq. Ft.	Lot Width Ft.	Notes
PD 17-05	1100 East Irvin – Lot 1	7,800	69.0	
	1108 East Irvin – Lot 2	6,800	59.0	
	1112 East Irvin – Lot 3	7,900	80.0	
PD 18-07	5499 Park – Lot 1	7,150	77.0	
	5499 Park – Lot 2	5,500	48.0	
	5499 Park – Lot 3	5,500	48.0	
	5499 Park – Lot 4	8,800	55.0	
	5499 Park – Lot 5	5,300	48.0	
	5499 Park – Lot 6	5,700	55.0	
PD 18-08	1116 East Irvin – Lot 1	6,300	59.0	
	1120 East Irvin – Lot 2	6,400	63.0	
	1126 East Irvin – Lot 3	6,200	54.5	
	1130 East Irvin – Lot 4	6,300	59.0	
S 18-09	1119 Hayne – Lot 1	16,875	62.5	*13,203 sq. ft.
	1125 Hayne – Lot 2	16,875	62.5	*13,408 sq. ft.
S 18-19	1105 Hayne – Lot 1	16,250	65.0	*13,329 sq. ft.
	1111 Hayne – Lot 2	16,250	65.0	*13,425 sq. ft.
S 18-36	1090 Hayne – Lot 3A	14,442	92	
	1090 Hayne – Lot 3B	16,879	110	Flag lot (18-ft. stem)
PD 19-14	1121 East Irvin – Lot 1	14,000	55.0	
	1121 East Irvin – Lot 2	14,000	55.0	
S 19-16	1155 East Irvin – Lot 26A	10,200	66.5	
	1155 East Irvin – Lot 26B	12,500	79.0	
S 19-23	1190 Hayne – Lot 10A	11,480	82.0	
	1190 Hayne – Lot 10B	13,827	100.0	Flag lot (18-ft. stem)
S 19-24	1141 East Irvin – Lot A	11,900	49.5	
	1141 East Irvin – Lot B	12,500	49.5	
S 19-27	1325/1343 Hayne – 12 buildable lots	13,874 -10,046	100.0 -60.0	Ranges for 12 buildable lots
S 20-02	5374 Sea Isle – Lot 1A	11,930	99.0	
	5374 Sea Isle – Lot 1B	10,000	83.0	

*Current square footage after lot line shifts with adjoining property

SITE PHOTOS



View of subject property from South Irving Drive looking south



View across South Irvin Drive from subject property looking north

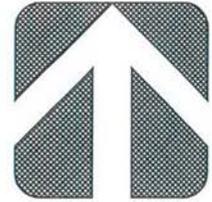


View down South Irvin Drive from subject property looking east



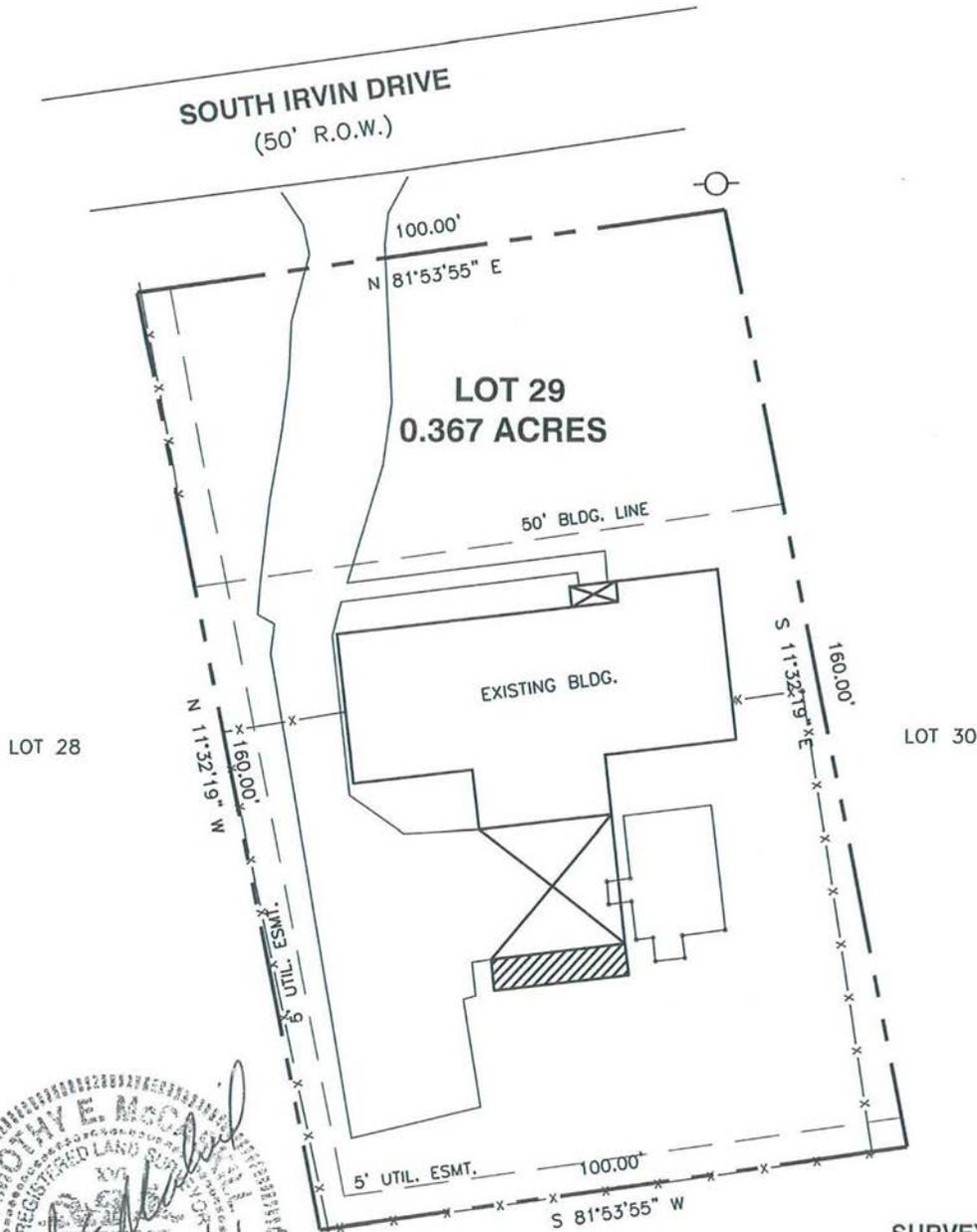
View down South Irvin Drive from subject property looking west

SURVEY



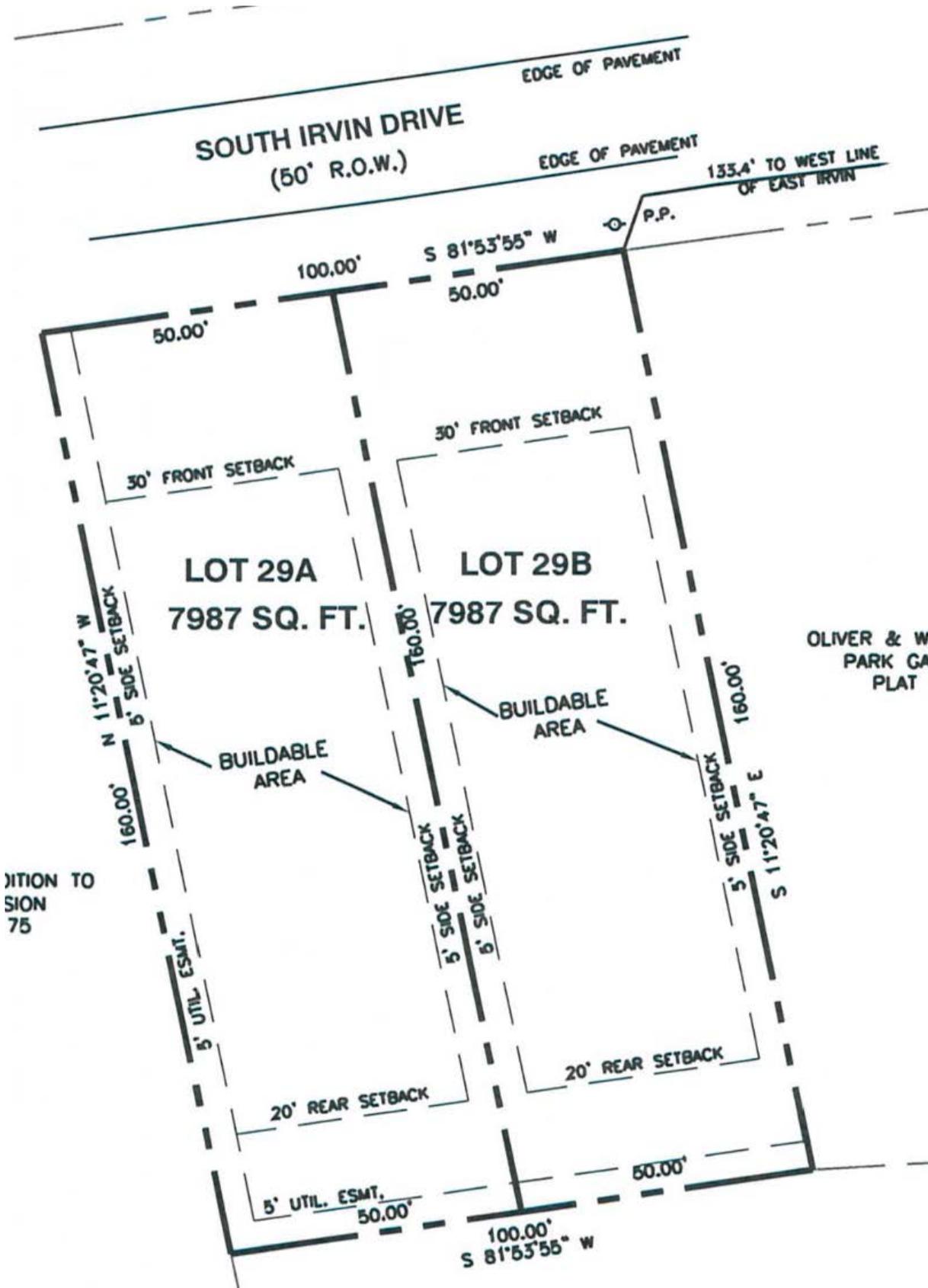
NORTH

SCALE: 1" = 30'

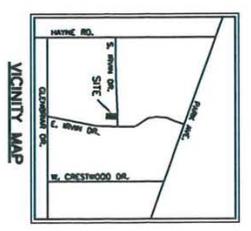
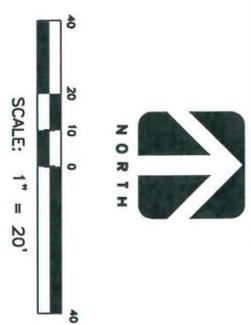
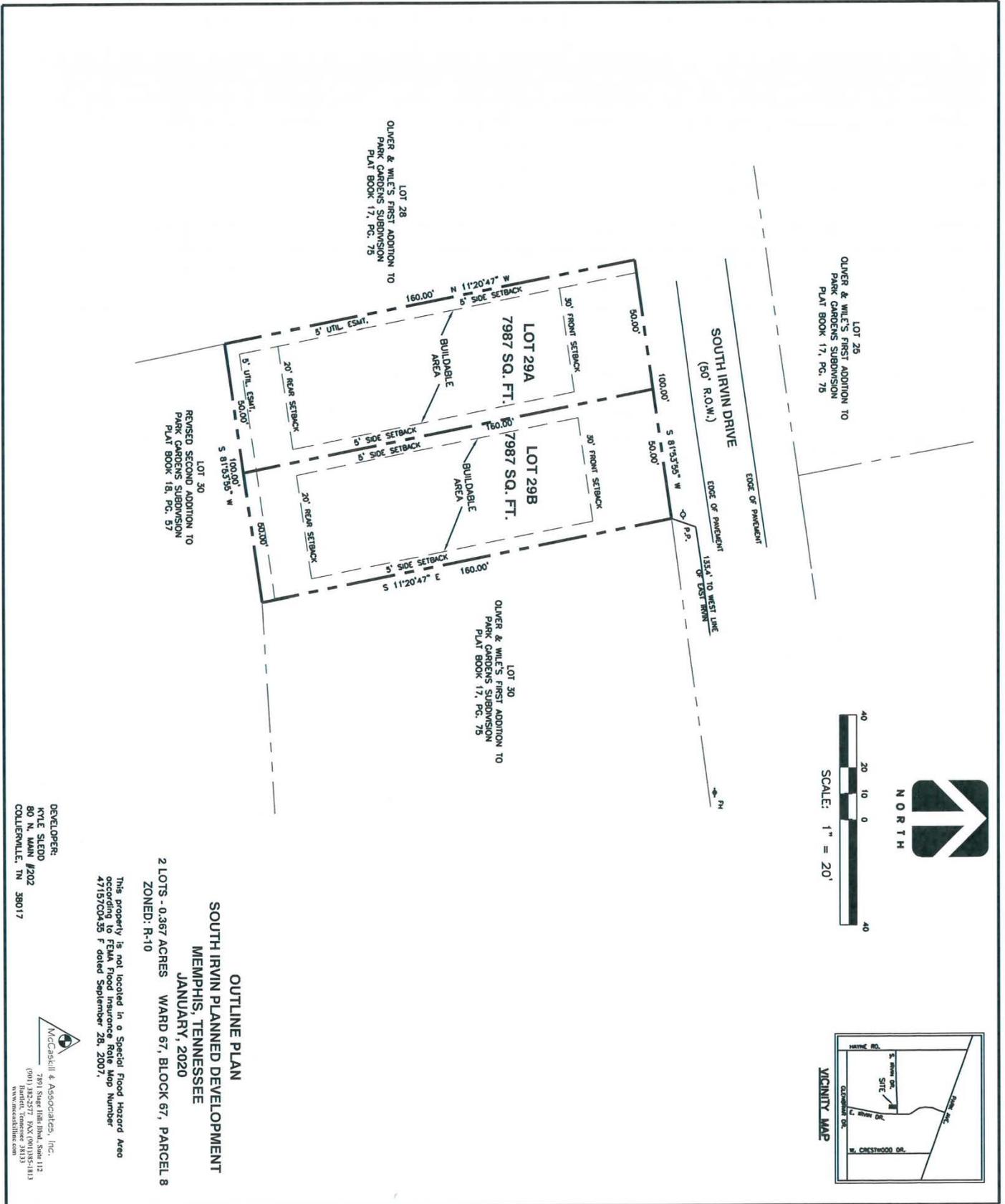


SURVEY OF
LOT 29
OLIVER & WILE'S FIRST ADDITION TO
PARK GARDENS SUBDIVISION
5455 S. IRVIN DRIVE
MEMPHIS, TENNESSEE
JANUARY, 2020

CONCEPT PLAN – ZOOMED



CONCEPT PLAN



OUTLINE PLAN
SOUTH IRVIN PLANNED DEVELOPMENT
MEMPHIS, TENNESSEE
JANUARY, 2020
 2 LOTS - 0.367 ACRES WARD 67, BLOCK 67, PARCEL 8
 ZONED: R-10

This property is not located in a Special Flood Hazard Area according to FEMA Flood Insurance Rate Map Number 47157C0435 F dated September 28, 2007.

DEVELOPER:
 RYLE SLEDO
 80 N. MAIN #202
 COLLIERVILLE, TN 38017

McCaskill & Associates, Inc.
 7911 Star Fire Blvd, Suite 112
 (901) 282-2777 FAX (901) 285-1813
 www.mccaskill.com

STAFF ANALYSIS

Request

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

The request is for a two-lot single-family residential planned development.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage*

facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff agrees the additional planned residential development criteria as set out in the Unified Development Code Section 4.10.4 are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts

and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Approval Criteria

Staff agrees the approval criteria as set out in the Unified Development Code Section 9.6.9 are being met.

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- A. Memphis/Shelby County 424 Unified Development Code*
- B. 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.*
- C. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-15,987 square feet located at 5455 South Irvin Drive, known as Lot 29 of Oliver & Wile's First Addition to the Park Gardens Subdivision (1952), and zoned Residential Single-Family – 10. There are overhead powerlines located in the front yard adjacent to South Irvin Drive and there is no curb, gutter, or sidewalks located within this block of South Irvin Drive. Per the Assessor's website the existing single-family dwelling on the site is a one-story structure with a ground floor area of 1,888 square feet that was constructed in 1958 and the land uses within the vicinity of the site are single-family.

Contextual Infill

The contextual infill standards of Section 3.9.2 do not apply as the subject property is located within an existing subdivision that indicates front setbacks on the final plat and additionally the site is not abutted on two or more sides by parcels containing existing single-family dwellings that were built on lots platted or established by deed prior to 1950.

lots are residential and detached house-scale buildings.

3. *Existing, adjacent land uses and zoning:* The subject site is surrounded by the following existing land uses: residential single-family. The subject site is surrounded by the following zoning districts: R-10. This application request is compatible with these adjacent land uses and zoning district because the proposed use is permitted in the district and the existing adjacent land uses are the same use.
4. *The degree of change map:* The subject site is identified as nothing in the degree of change map. The white color on the degree of change map, shown below, indicates there is no degree of change for the subject site.



Subject site indicated by a red star

5. *The degree of change descriptions:* Not applicable, see consistency criteria 4 above.

This proposal is consistent with the Memphis 3.0 General Plan as it is compatible with the future land use category of Primarily Single-Unit Neighborhood and with the existing adjacent land uses and zoning district.

Conclusions

The applicant is requesting a two-lot single-family residential planned development.

This application was filed as a planned development instead of a subdivision due to the lot width requirement of the Residential Single-Family – 10 District requiring the minimum lot width of 60 feet and minimum a lot size of 10,000 square feet while, as proposed, the lot widths are 50 and the lot sizes are just under 8,000 square feet.

There have been 12 approved cases to divide land in the Sea Isle-Yorkshire community since 2017, see pages 10-11 of this report for data relating to those cases which enabled the establishment of 41 buildable lots in total.

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

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are

compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

SOUTH IRVIN PLANNED DEVELOPMENT
CASE NUMBER: P.D. 20-02
OUTLINE PLAN CONDITIONS

I. Uses Permitted:

- A. A maximum of two (2) single-family detached principal dwelling units.
- B. Accessory uses shall be in conformance with regulations established for Residential Districts.

II. Bulk Regulations:

- A. The minimum lot size shall be 7,900 square feet.
- B. Setbacks:
 - 1. Minimum front setback: Thirty (30) feet.
 - 2. Minimum side (interior) setback: Five (5) feet.
 - 3. Minimum rear setback: Twenty (20) feet.
- C. Maximum Building Height: Forty (40) feet.

III. Access, Parking, and Circulation:

- A. One point of vehicular access per lot to South Irvin Street shall be permitted by private drive subject to the approval of the City Engineer.
- B. Easements for access, 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 Homeowner's Association.
- C. Curb, gutter, and sidewalk improvements shall not be required along South Irvin Drive.

IV. Fencing, Landscaping, and Screening:

- A. Proposed fencing and landscaping locations shall be shown on the final plat.
- B. Required landscaping shall not be placed on sewer or drainage easements.

- V. Signs shall be in conformance with regulations established for the Residential Districts.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign 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 the Office of Planning and Development, to have such action reviewed by the appropriate legislative body.
- VII. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Body. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. The 100-year flood elevation.
 - F. 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 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 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 or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The City Engineer is agreeable to the request that curb, gutter and sidewalks not be installed as part of this development.

Traffic Control Provisions:

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

Curb Cuts/Access:

6. The City Engineer shall approve the design, number and location of curb cuts.
7. One curb cut per lot per street frontage will be permitted.

Drainage:

8. 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.

City/County Fire Division:

- No comments.

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.

Address Assignment:

- NO STREET NAME CHANGES

Office of Sustainability and Resilience: No comments received.

APPLICATION



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

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

Date: January 24, 2020

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: South Irvin Planned Development

Property Owner of Record: Worldwide Property HUB, LLC Phone #: _____

Mailing Address: 6000 Poplar Avenue, #250 City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: gregorygriffin85@yahoo.com

Applicant: Kyle Sledd Phone # 901-210-2381

Mailing Address: 80 N. Main #202 City/State: Collierville, TN Zip 38017

Applicant E- Mail Address: kylesledd@aol.com

Representative: Tim McCaskill Phone #: 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Representative E-Mail Address: tim@mccaskillinc.com

Engineer/Surveyor: McCaskill & Associates, Inc. Phone # 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Engineer/Surveyor E-Mail Address: tim@mccaskillinc.com

Street Address Location: 5455 S. Irvin Drive

Distance to nearest intersecting street: +/- 133 feet west of E. Irvin Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.367 Ac.</u>	_____	_____
Existing Zoning:	<u>R-10</u>	_____	_____
Existing Use of Property	<u>residential</u>	_____	_____
Requested Use of Property	<u>residential</u>	_____	_____

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?
Yes _____ No X

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

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

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

This development will enhance the surrounding properties. The proposed homes will be of higher value than the existing homes.

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

Existing or will be provided.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

Will be compatible with existing residential uses.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

This development will enhance surrounding properties.

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

Yes

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

Yes

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

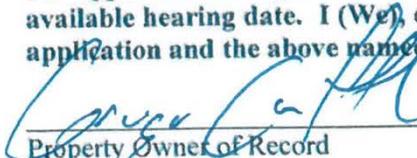
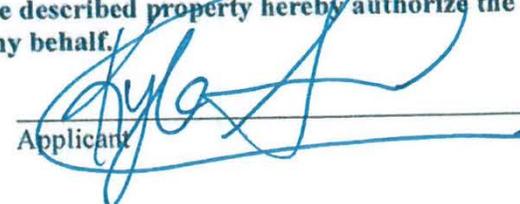
Pre-Application Conference held on: Jeffrey Penzes with _____

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yes (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	<u>2-3-20</u>		<u>2-3-20</u>
Property Owner of Record	Date	Applicant	Date

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

- A. THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

LETTER OF INTENT

February 3, 2020

South Irvin Planned Development

5455 S. Irvin Drive

The intent of this application is to convert former Case #20-01, Resubdivision of Lot 29, Park Gardens Subdivision, to a Planned Development.

It is currently zoned R-10. The intent is to create two lots measuring 50' X 160' containing a minimum of 7987 square feet each.

In the block of East Irvin between Park Avenue and South Irvin which is immediately north of this site, four planned developments and two 2 lot subdivisions have been approved. These include:

Park Grove P.D. (10 lots) with average lot size of 6,200 square feet;

Park Place P.D. (3 lots) with average lot size of 7,500 square feet;

Park Place P.D. First Addition (4 lots) with average lot size of 6,300 square feet;

South Irvin currently as 24' of pavement width without curb and gutter. We are asking relief from the UDC Section 5.2.2 (B) requiring curb, gutter, and sidewalk.

Consultants:

Tim McCaskill

McCaskill and Associates, Inc.

7891 Stage Hill Blvd. Suite 112

Bartlett, TN 38133

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 3 am/pm on the 2nd day of March, 2020, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 20-02 at 5455 S. Irvin, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X 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.

J. [Signature]

Owner, Applicant or Representative

3/2/2020
Date

Subscribed and sworn to before me this 2 day of MARCH, 2020.

Jerem H. McCaskill

Notary Public

My commission expires: June 15, 2022

LETTERS RECEIVED

Two letters of neutrality and twenty-nine letters of opposition were received at the time of completion of this report and have subsequently been attached.

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

To: Jeffrey Penzes, Memphis and Shelby County Office of Planning and Development

From: Jean McInerney, writing for the committee

Date: March 5, 2020

Subject: 5455 South Irvin (LUCB PD 20-02, Kyle Sledd)

I am submitting this memorandum at the request of the Yorkshire Neighborhood Association, Inc. Design Review Committee, a majority of which has approved the content herein (one member is out of town). That committee consists of a former Land Use Control Board (LUCB) chairman, a commercial developer, and a retired banker/lawyer. The Yorkshire Neighborhood Association, Inc. (YNA) Design Review Committee requests that this memorandum be included in the official Staff Report and circulated to the Land Use Control Board (LUCB) prior to the hearing.

The YNA Design Review Committee has some concerns with this project. However, due to intervening factors, and despite the activities undertaken in good faith and identified below, the YNA Design Review Committee is precluded from completing its rational analysis of this project prior to today's date for public comments to be submitted and included in the official Office of Planning and Development (OPD) Staff Report.

Therefore, the YNA Design Review Committee is unable to either support or oppose this project, at this time. We respectfully request a one-month hold to complete the YNA Design Review Committee process.

Some Yorkshire residents have informed the YNA Design Review Committee that they have less harsh views of this project than have been submitted to you through the public comments process. However, those residents are hesitant to join what they perceive to be an unnecessarily emotionally-charged situation fueled by individuals **unaffiliated with the YNA Design Review Committee**. Therefore, this committee is concerned that the letters you received might not be representative of a majority, or even a consensus, of Yorkshire residents. With a one-month hold, the YNA Design Review Committee would like to both gather more information from the Applicant and have more meetings to discuss Yorkshire residents' concerns.

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

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For example, if the one-month hold is approved, we would hope to receive elevations and floor plans, and drainage information for residents to consider and, as may be appropriate, to negotiate reasonable architectural guidelines with restrictive covenants and other bulk guidelines for the planned development with the property owner and the licensed builder attached to the project.

Introduction

Two neighborhood associations include the Yorkshire Neighborhood within their respective boundaries: Yorkshire Neighborhood Association, Inc. (YNA) and Sea Isle Park Neighborhood Association, Inc. (SIPNA). Both YNA and SIPNA are voluntary organizations which have filed charters with the Tennessee Secretary of State.

The Charter of the Yorkshire Neighborhood Association, Inc. specifically permits it, among other things, “to protect and promote the best interest of the residents in the area.”

While YNA is a young organization, it is a valid legal entity with standing to represent the owners of approximately 650 single-family residences within the area bound by Park Avenue, Quince Road, Estate Drive, and I-240. As such, the subject property at 5455 South Irvin Drive is squarely within YNA boundaries, and the infill project is within the purview of the YNA Design Review Committee which has appeared previously before the LUCB on other matters, both with and without its legal counsel.

Due to the strong interest of enterprising builders seeking to utilize the deeper lots in the Yorkshire Neighborhood by subdividing them into two or more sites and constructing new homes, YNA established the Yorkshire Design Review Committee as an oversight committee to protect and promote the best interest of the residents by setting reasonable architectural standards to renovations and ground up construction within the neighborhood and encouraging public space improvements to enhance the existing rights of way. This committee has negotiated and reached agreements with developers and builders seeking to construct new homes in the Yorkshire Neighborhood.

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The YNA Design Review Committee has:

- Since this project's first Application was posted on or about January 6, 2020, had informal communications with dozens of Yorkshire residents about this project
- Since January 18, 2020, issued five neighborhood bulletins about this case to the Yorkshire Neighborhood subscribers
- Participated in the January 24, 2020, South Irvin residents meeting attended by one member from each of three households on the block where the subject property is located
- Using the "Recently Divided Properties Map" as a reference (see Screenshot A on page 7) which you prepared for the LUCB S 20-02 Staff Report, researched public records pertaining to other projects LUCB has approved in the impact area (see chart on pages 8-9)
- Met February 13, 2020, with the Applicant and requested elevations, plans and specs and/ or to proceed discussing architectural guidelines and the proposed planned development, and suggested photographs of Kyle Sledd's work be provided (in 2019, Mr. Sledd had provided a list of addresses to the Yorkshire Neighborhood in connection with LUCB PD 19-14)
- Convened a February 24, 2020, residents' meeting about this application
- Participated in the February 25, 2020, stakeholder meeting
- On March 3, 2020, asked the Applicant whether a drainage study is underway and its expected completion date
- Read all public comments submitted as of March 4, 2020, in connection with this case
- Maintained communications about issues and research throughout the process.

YNA Design Review Committee Goals

Yorkshire is a very desirable, safe neighborhood, and the demand to live in Yorkshire is very strong. For these reasons, the Yorkshire Neighborhood's growth is expected to continue. To protect and promote the best interest of the residents, the goals of the YNA Design Review Committee are to:

- Set reasonable architectural standards to renovations and ground up construction within the neighborhood

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

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- Encourage public space improvements to enhance the existing rights of way.

The primary guiding principles are to enhance long term values by employing proven urban planning principles to the land while applying proper scale, proportion and detailing to the structures.

The architecture of the mid-century homes in the Yorkshire area did not benefit from a trained design professional as most if not all homes were designed by a speculative builder with the primary goal of low cost. At the time the subdivisions were approved, larger lots were the norm. Today, enterprising builders seek to utilize the deeper lots by subdividing the lots into two or more sites and constructing new homes.

This demand to live in Yorkshire is very positive to overall property values within the YNA boundaries. The YNA Design Review Committee seeks to improve the ultimate product produced and to see values individually and throughout the neighborhood increase as a result of applying proven planning and architectural principles used around the world for centuries.

The YNA Design Review Committee oversight process is intended to benefit, in no particular order:

- Existing homeowners in the Yorkshire Neighborhood
- Homebuilders constructing more expensive homes (in both total dollars and price per square foot) in Yorkshire
- The City of Memphis and Shelby County, Tennessee by increasing real estate tax revenue long term.

YNA Design Review Committee Standard of Review

To promote the best interest of the property owners, the YNA Design Review Committee strives to support projects which will enhance our neighborhood and attract purchasers within the sales price per square foot that Yorkshire has demonstrated it can support and which will be accretive to existing homeowners.

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The committee is willing to support resubdivision when the developer accepts design criteria and design changes recommended by the YNA Design Review Committee.

Yorkshire Neighborhood Association, Inc. Preliminary Neighborhood Analysis

Conversations away from the above-noted scheduled meetings inform the YNA Design Review Committee that many Yorkshire residents:

- a) Define the “interior” of the neighborhood as the area more than one block inward from Park, Quince, or Estate (subject address is within one block south of Park). Those responses are consistent with discussions at residents meetings convened by the Yorkshire Design Review Committee in connection with the recent 1190 Hayne Road case (LUCB S 19-23) which benefited from multiple, significant discussions among residents in 2019-Q4 and 2020-Q1.
- b) Believe new construction with quality materials, reasonable architectural guidelines to promote both creativity and coherence with the existing streetscapes, and preservation of healthy trees is good for Yorkshire, *as long as* larger interior lots and their healthy tree canopies remain intact.
- c) Dislike dilapidated or functionally obsolescent occupied homes and ramshackle vacant homes *more than* they dislike 7,000 to 8,000 sq. ft. lots on the outside border of the neighborhood.
- d) Have indicated they are reluctant to step forward and publicly support this Application or voice their suggestions during the OPD comment process due to what they perceive as bullying tactics utilized by others **who are unaffiliated with the YNA Design Review Committee**. These residents state that they do not find an argumentative atmosphere conducive to genuine problem-solving conversations within the Yorkshire Neighborhood, or with the Applicant and its representative, Tim McCaskill. This is of significant concern to the YNA Design Review Committee.

Based on feedback received, the Yorkshire Design Review Committee believes there has been insufficient time for the Yorkshire residents to discuss critical issues and achieve a consensus about this Application.

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In accord with its usual practice, the Yorkshire Design Review Committee obtained a copy and read the public comments filed with the OPD in connection with this case. As of March 4, 2020, it appears twenty-one letters have been submitted, with approximately half written to express the personal, individual opinion of Yorkshire residents. To the best of our knowledge, the composition is as described below.

- Seven letters from six Yorkshire households **in the defined impact zone** have been submitted, all in opposition to the project. Those letter-writers are: John Collins, Kelly Griffin, Kacie and Andrew Halliburton, Tommy and Regina Hurst, Theresa McDonald, and Valerie Warner. This is approximately 15% of the homes in the impact zone (6/ 38-40).
- Four Yorkshire households outside the impact zone sent five letters, all individually opposing this project. Those letter-writers are Rita and David Cremerius, Debbie and David Newsom, James (Andy) Pruett, and Phyllis and Patrick Warren. This is approximately 0.0063% (4/610-612) of the **Yorkshire homes outside the impact zone**.
- Three Yorkshire residents from two households submitted three letters in opposition, each signing as a SIPNA board member. That correspondence is from Tommy Crawford and Molly and Phillip Laster. Also, two individuals from one household submitted two letters to oppose in their capacity as SIPNA board members, and they do not live in Yorkshire. That correspondence is from Kelly and Keith Bowers. It is unclear whether a sixth individual submitted her correspondence in her capacity as a SIPNA officer. That correspondence is from Sandi Rogers and she does not reside in the Yorkshire Neighborhood.
- Three households in the nearby community submitted three letters in opposition. That correspondence is from Caroline Johnson, Morgan McBride, and Harvey Taylor. Ms. McBride may also be a SIPNA board member; she is listed as a committee chair on the SIPNA website.

As referenced above, some Yorkshire residents have expressed concern about the tenor of some communications which were **not issued by the YNA Design Review Committee**. The YNA Design Review Committee would like the opportunity to engage

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more Yorkshire residents in a calm, rational discussion about redevelopment generally, and this project, specifically, before either supporting or opposing it.

Screenshot A: OPD aerial included in the Staff Report for the recent LUCB S 20-02.

RECENTLY APPROVED DIVISIONS OF LAND (2017-PRESENT)



YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

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Yorkshire Neighborhood Association, Inc. Preliminary Project Evaluation

1) Since the LUCB has approved the resubdivision of lots in Yorkshire recently (see Screenshot A above), and some of those new lots have 50 ft. or less front lot widths (vs. R-10 minimum of 60 ft.) and/or less than the R-10 minimum area of 10,000 sq. ft. (see below chart), the YNA Design Review Committee recognizes the LUCB may exercise its authority to resubdivide the subject lot and approve this planned development as submitted.

Case	Approved	Municipal Address	E or W Side?	Lot Area (Sq. Ft.)	Front Lot Width (Ft.)	Notes
PD 17-05	Yes	1100 East Irvin	East	7,800	69	
	Yes	1108 East Irvin	East	6,800	59	
	Yes	1112 East Irvin	East	7,900	80	Rear lot width 55 ft.
PD 18-07	Yes	5499 Park - Lot 1	East	7,150	77	Vacant land
	Yes	5499 Park - Lot 2	East	5,500	48	Vacant land
	Yes	5499 Park - Lot 3	East	5,500	48	Vacant land
	Yes	5499 Park - Lot 4 is angled	East	8,800	55	Vacant land
	Yes	5499 Park - Lot 5	East	5,300	48	Vacant land
	Yes	5499 Park - Lot 6 is at curve of cul de sac	East	5,700	55	Vacant land
PD 18-08	Yes	1116 East Irvin	East	6,300	59	
	Yes	1120 East Irvin	East	6,400	63	
	Yes	1126 East Irvin	East	6,200	54.5	
	Yes	1130 East Irvin	East	6,300	59	
PD 19-14	Yes	1121 East Irvin - A	West	14,000	55	
	Yes	1121 East Irvin - B	West	14,200	55	

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S 19-16	Yes	1155 East Irvin - A	West	10,200	66.5	
	Yes	1155 East Irvin - B	West	12,000	79	
S 19-24	Yes	1141 East Irvin - A	West	11,900	49.5	
	Yes	1141 East Irvin - B	West	12,500	49.5	
PD 20-02		5455 South Irvin - A	West	7,987	50	
		5455 South Irvin - B	West	7,987	50	

- 2) The Applicant has provided **no evidence** that the property owner / developer, Worldwide Property Hub, LLC, or Gregory Griffin who we have been advised is its principal and, as a matter of public record, is the Registered Agent (see Screenshot 1 in Exhibits starting on page 13), have any experience with construction projects of this size, type, desired quality, or a sales price range to be accretive to Yorkshire property owners.
- 3) Based on public records searches, the YNA Design Review Committee is **unable to locate a Tennessee contractor's license** in the name of Worldwide Property Hub, LLC, Gregory Griffin, or Kyle Sledd. See Screenshots 2 - 4 from the Tennessee Department of Commerce & Insurance in Exhibits starting on page 13.
- 4) Public records indicate **Marquis Companies, LLC**, of which we've been advised Kyle Sledd is the Chief Manager, **is a currently licensed general contractor** in the State of Tennessee pursuant to License #65514 Expy 01/21/2022. As a matter of public record, Kyle Sledd is the Registered Agent. See Screenshots 5 - 6 in Exhibits starting on page 13.
- 5) During the February 13, 2020, meeting, we believe Kyle Sledd agreed to **architectural oversight of the YNA Design Review Committee**, as well as a licensed architect's review. It is our understanding Mr. Sledd contacted one of his house designers about providing the elevations and floor plans on or before the

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

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week of March 1, 2020. When that timetable seemed problematic, it's our further understanding Mr. Sledd considered a local AIA architect and then, after the stakeholders' meeting, reconsidered the timing of those expenses.

The YNA Design Review Committee remains available and willing to review those items. Until such time as those materials are made available to the YNA Design Review Committee, it is unable to objectively review whether the applicant or project will:

- Enhance the Yorkshire neighborhood
 - Attract purchasers within the range of sales price per square foot that will be accretive to existing Yorkshire homeowners
 - Accept design criteria and design changes recommended by the YNA Design Review Committee
 - Be in keeping with the character of the existing Yorkshire neighborhood.
- 6) During the February 13, 2020, meeting, Mr. Sledd advised us demolition of two East Irvin homes just north of the subject property is imminent (S 19-16 and S 19-24), and that demolition of a third East Irvin home will follow shortly after the resubdivided plat is recorded (PD 19-14). This means construction of four new homes is expected to commence a few weeks from now, and the fifth and sixth homes will reportedly follow shortly thereafter.

Since the north end of East Irvin and the section of South Irvin between Hayne Road and East Irvin are narrow, the presence of additional construction-related traffic at or near East Irvin and South Irvin will compound road safety issues for residents using those streets. As has been negotiated in connection with PD 19-14 and S 19-24, the Yorkshire Design Review Committee recognizes the need to work with the builder, impact zone homeowners, and City Traffic Engineering to address this matter. One option to alleviate congestion and provide better road safety is to consider a temporary no parking zone on one side of one or two streets.

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In the Alternative, IF Approved and Not Held, Please...

With LUCB approval as a possibility, the YNA Design Review Committee asks that the OPD and the LUCB consider the Yorkshire Neighborhood Association, Inc. and Yorkshire residents' concerns and address them and the recommendations below at the public hearing on this matter.

- a) Require the Applicant to provide proof he is a currently licensed general contractor in the State of Tennessee, or deliver appropriate credentials of a properly-licensed third-party contracted to manage this project. Resolving this matter is absolutely essential, in our opinion.

One reasonable possibility seems to be converting the Application, and approving it in the name of Marquis Companies, LLC, which holds License #65514 Expy 01/21/2022, and for which Kyle Sledd states he is the Chief Manager, and public records indicate he is the Registered Agent.

- b) Condition approval upon the Applicant, licensed contractor, and the YNA Design Review Committee negotiating architectural guidelines with restrictive covenants and bulk regulations for the Planned Development. Resolving this matter is absolutely essential, in our opinion.
- c) The YNA Design Review Committee typically relies upon the OPD to inform our neighborhood when the appropriate City or County Division or Department requires a water flow study. We ask that the OPD announce at the LUCB meeting whether or not governmental officials have determined a water flow or drainage study is required at the subject location, and if the work is required, the name of the entity performing the work.

Also, we note that Tim McCaskill stated at the February 25, 2020, stakeholder meeting that his client would address required drainage issues arising from this project. Resolving both matters is absolutely essential, in our opinion.

Yorkshire Neighborhood Association, Inc. Recommendation

Hold the case for one-month.

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

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SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

Summary and Conclusion

The Yorkshire Neighborhood Association, Inc. appreciates the opportunity to offer public comments about a project in our neighborhood. YNA Design Review Committee members are available to discuss this case or answer your questions.

We thank you for your professionalism throughout this process.

cc: Ray Gill, III, YNA Design Review Committee Chairman
Jean McInerney, YNA Design Review Committee
Billy Schaefer, YNA Design Review Committee
Kyle Sledd
Tim McCaskill, McCaskill & Associates
Randall Tatum, City Traffic Engineering

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

EXHIBITS

Screenshot 1: Tennessee Secretary of State business entity search results in the name of **Worldwide Property Hub, LLC** from the Registered Agent sub-page: “Griffin, Gregory Anthony, 6000 Poplar Ave Ste 250, Memphis, TN 38119-3974 USA.”

The screenshot shows a web browser window displaying the Tennessee Secretary of State's business entity search results for Worldwide Property Hub, LLC. The browser address bar shows the URL: tnbear.tn.gov/Ecommerce/FilingDetail.aspx?CN=141207237243053253120101146158134249032254000211. The page title is "000745456: Limited Liability Company - Domestic". The main content area displays the following information:

- Name: WorldWide Property HUB LLC
- Status: Active
- Formed in: TENNESSEE
- Fiscal Year Close: December
- Term of Duration: Perpetual
- Principal Office: 6000 POPLAR AVE STE 250, MEMPHIS, TN 38119-3974 USA
- Mailing Address: 6000 POPLAR AVE STE 250, MEMPHIS, TN 38119-3974 USA
- AR Exempt: No
- Managed By: Member Managed
- Initial Filing Date: 01/28/2014
- Delayed Effective Date:
- AR Due Date: 04/01/2020
- Inactive Date:
- Obligated Member Entity: No
- Series LLC: Yes
- Number of Members: 1

Below the main content area, there are tabs for "Assumed Names", "History", and "Registered Agent". The "Registered Agent" tab is selected, showing the following information:

- Agent Name: GRIFFIN, GREGORY ANTHONY
- Agent Address: 6000 POPLAR AVE, STE 250, MEMPHIS, TN 38119-3974 USA

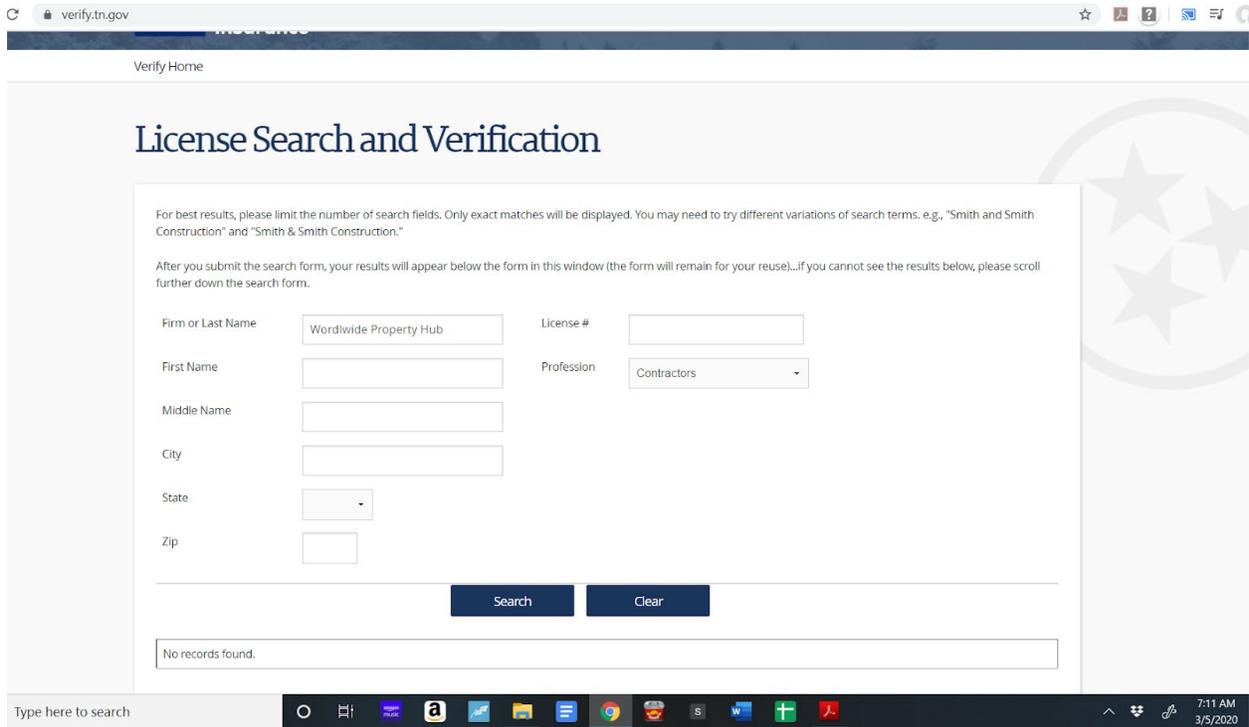
The footer of the page contains contact information for the Division of Business Services, including the address (312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor, Nashville, TN 37243) and phone numbers for Business Filings and Information (615) 741-2286, Certified Copies and Certificate of Existence (615) 741-6488, and Motor Vehicle Temporary Liens (615) 741-0529. The footer also includes the email addresses TNSOS.CORPINFO@tn.gov, TNSOS.CERT@tn.gov, and TNSOS.MVTL@tn.gov. The browser taskbar at the bottom shows the time as 6:57 AM on 3/5/2020.

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

Screenshot 2: Tennessee Department of Commerce & Insurance contractor license search results in the name of **Worldwide Property Hub, LLC**: “No records found.”

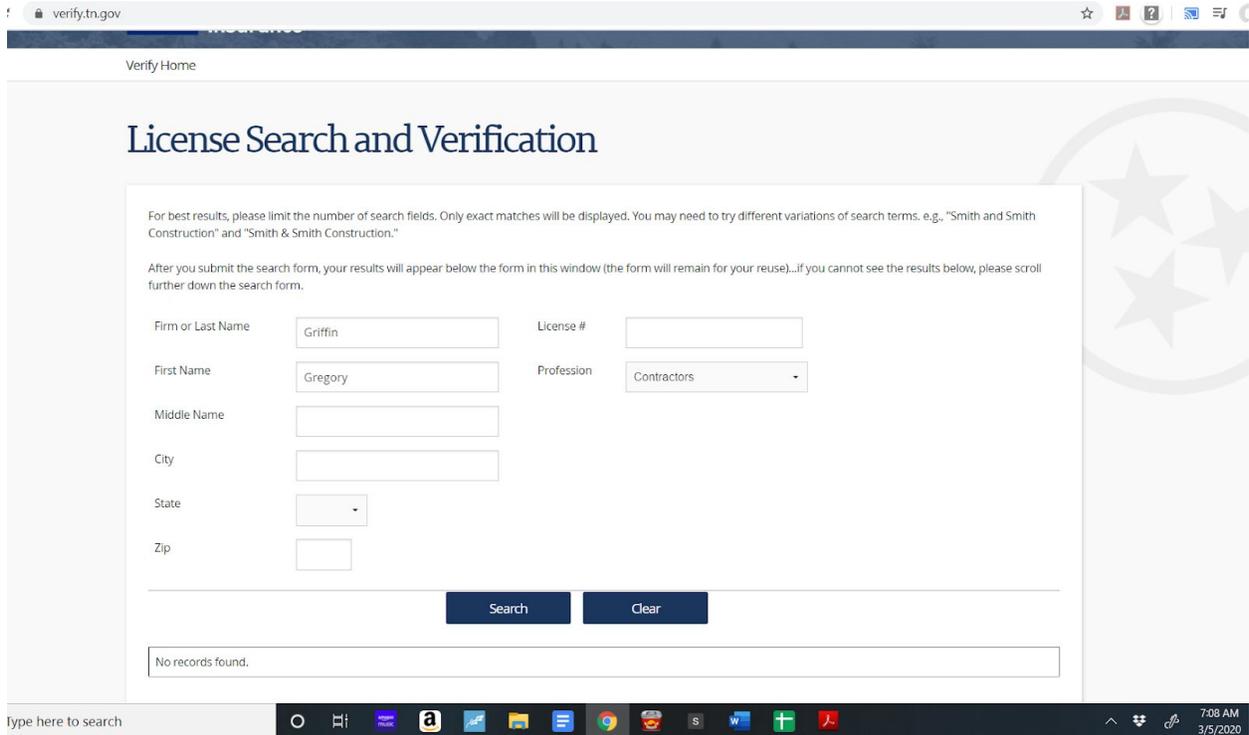


YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

Screenshot 3: Tennessee Department of Commerce & Insurance contractor license search results in the name of **Gregory Griffin**: “No records found.”

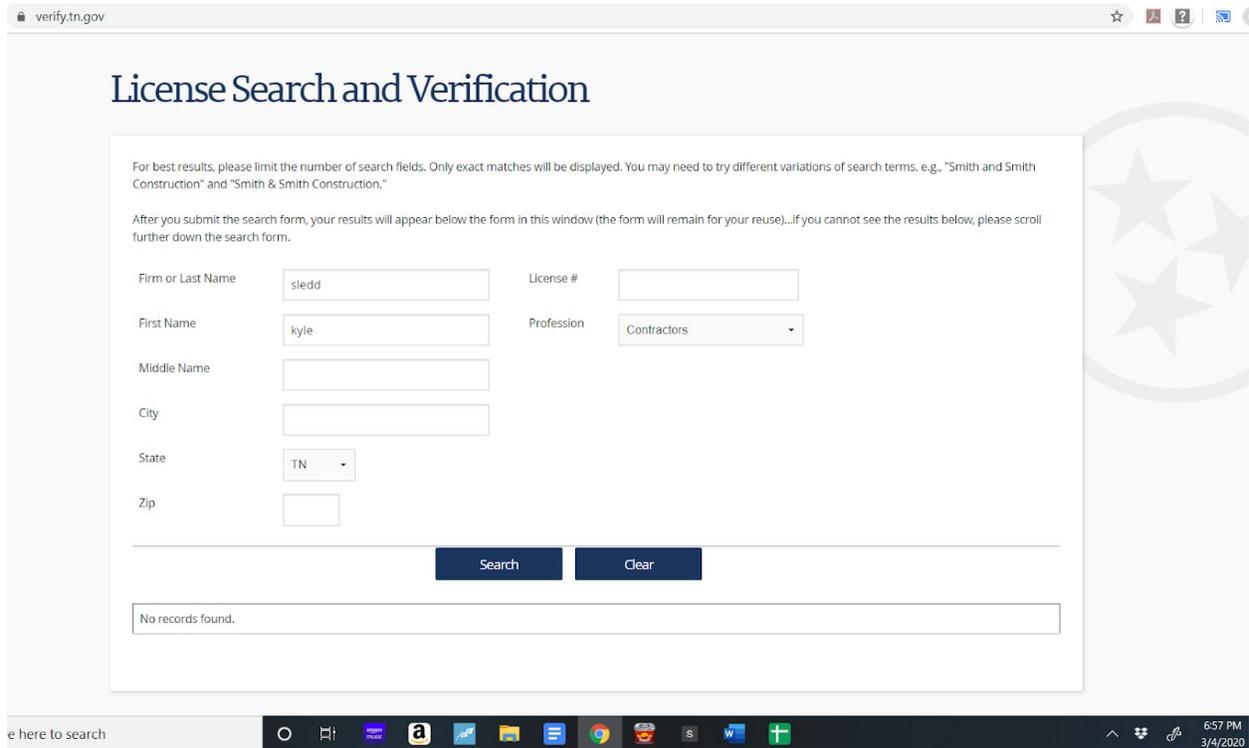


YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

Screenshot 4: Tennessee Department of Commerce & Insurance contractor license search results in the name of **Kyle Sledd**: “No records found.”



YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

Screenshot 5: Tennessee Department of Commerce & Insurance contractor license search results in the name of **Marquis Companies, LLC**: “State of Tennessee License #65514 Expy 01/21/2022.”

verify.tn.gov/Details.aspx

TN Verify Home

<< Click Here To Go Back To The Search Page

License Details	
License Status	Active - Fully Licensed
License #	65514
License ID	65514
Expiration Date	Jan 31 2022
Original Date	Jan 25 2012
Profession Code	1801
Profession Name	Contractor
First Name	\
Middle Name	\
Last Name	MARQUIS COMPANIES, LLC
City	PIPERTON
State	TN
Zip Code	38017
Rank	Contractor
License Activity Description	Active - Fully Licensed

Classification and Limit	
CLASS	BC-A
MONETARY LIMIT	\$750,000.00

Type here to search

6:58 PM 3/4/2020

YORKSHIRE DESIGN REVIEW COMMITTEE MEMORANDUM

DATE: March 5, 2020

SUBJECT: 5455 South Irvin Drive (LUCB PD 20-02)

Screenshot 6: Tennessee Secretary of State business entity search results in the name of **Marquis Companies, LLC** from the Registered Agent sub-page: "Sledd, Kyle Kenneth, 10460 Hartwell Ridge Dr, Collierville, TN 38017-5520 USA."

The screenshot shows a web browser window with the URL tnbear.tn.gov/Ecommerce/FilingDetail.aspx?CN=065239151251085255224211164236213158181243109077. The page displays information for a Limited Liability Company (LLC) named MARQUIS COMPANIES, LLC. The company is active and was formed in Tennessee. Its principal office and mailing address are 10460 Hartwell Ridge Dr, Collierville, TN 38017-5520 USA. The registered agent is Kyle Kenneth Sledd, also at 10460 Hartwell Ridge Dr, Collierville, TN 38017-5520 USA. The company has one member and is managed by a member. The initial filing date is 04/13/2010, and the AR due date is 04/01/2020. The page includes a navigation menu with options like 'Available Entity Actions', 'File Annual Report', 'Certificate of Existence', and 'More'. There is also a 'Printer Friendly Version' link. The footer of the page provides contact information for the Division of Business Services, including the address 312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor, Nashville, TN 37243, and phone number 615-741-2286. It also lists email addresses for Business Filings and Information (TNSOS.CORPINFO@tn.gov), Certified Copies and Certificate of Existence (TNSOS.CERT@tn.gov), and Motor Vehicle Temporary Liens (TNSOS.MVTL@tn.gov). The system clock shows 8:11 AM on 3/5/2020.

Available Entity Actions

File Annual Report

Certificate of Existence

More

Entity details cannot be edited. This detail reflects the current state of the filing in the system.

Return to the [Business Information Search](#).

000629233: Limited Liability Company - Domestic Printer Friendly Version

Name: MARQUIS COMPANIES, LLC

Status: Active

Formed in: TENNESSEE

Fiscal Year Close: December

Term of Duration: Perpetual

Principal Office: 10460 HARTWELL RIDGE DR
COLLIERVILLE, TN 38017-5520 USA

Mailing Address: 10460 HARTWELL RIDGE DR
COLLIERVILLE, TN 38017-5520 USA

AR Exempt: No

Managed By: Member Managed

Initial Filing Date: 04/13/2010

Delayed Effective Date:

AR Due Date: 04/01/2020

Inactive Date:

Obligated Member Entity: No

Number of Members: 1

Assumed Names

History

Registered Agent

Agent Name: SLEDD, KYLE KENNETH

Agent Address: 10460 HARTWELL RIDGE DR
COLLIERVILLE, TN 38017-5520 USA

Division of Business Services
312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor
Nashville, TN 37243
615-741-2286

Business Filings and Information (615) 741-2286 | TNSOS.CORPINFO@tn.gov
Certified Copies and Certificate of Existence (615) 741-6488 | TNSOS.CERT@tn.gov
Motor Vehicle Temporary Liens (615) 741-0529 | TNSOS.MVTL@tn.gov

here to search

8:11 AM
3/5/2020

From: [Diana](#)
To: [Penzes, Jeffrey](#)
Subject: Yorkshire Design Committee
Date: Tuesday, March 10, 2020 9:58:01 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi-

I am a resident of Yorkshire and I moved here for a certain reason because I like the way the neighborhood looks. I believe we need this review committee because there are too many developers coming in and changing the character of our neighborhood. This is a very unique neighborhood and it's important that we work together to enhance the neighborhood but also understand that we should have input as well. That is my opinion. I'm sure you would feel the same way if a developer came into your neighborhood. It's important that we all are satisfied with the outcome of any new developments in our neighborhood. Thank you.

Diana Fedinec



February 26, 2020

Mr. Jeffrey Penzes
Memphis and Shelby County Office of Planning and Development

RE: Planned Development Case PD 20-02 at 5455 South Irvin Drive

Dear Mr. Penzes:

On behalf of The Sea Isle Park Neighborhood Association (SIPNA), I thank you for the opportunity to provide SIPNA Community input for the planned development pending application before the LUCB.

As you are aware, SIPNA is a chartered neighborhood association with the State of Tennessee representing 3,000 residential properties between the borders of Poplar Avenue on the north, Mt. Moriah on the west and the I-240 interstate on the east and south borders. SIPNA has represented this community since 1979 with the primary objective of preserving our community's properties' value. SIPNA continues to support property development, both commercial and residential, within our boundaries and has a successful legacy of working with all development that is positive for the overall community and consistent with the neighborhood's existing context of multi-use properties.

In this context, SIPNA opposes the pending application by Worldwide Property Hub LLC and represented by Kyle Sledd and McCaskill & Associates as defined in the Memphis and Shelby County Office of Planning and Development Case PD#20-02.

The opposition is based on the following community objections and concerns:

1. The application seeks approval to subdivide a single residential lot into 2 lots with request to approve lot sizes smaller than outlined in the UDC. The application uses prior pending and approved development projects within SIPNA's borders as precedence when technically these development projects are vastly different in scope. The majority of these approved development projects are on the exterior border streets of the community. To approve and allow this application will only set a new precedence to allow new incremental and speculative property development projects that have little to no contextual character within the interior streets of the SIPNA community where basically enables 'anything goes'. The UDC was created and approved to avoid this speculative nature of development and to ensure continuity within the character of a community.
2. The application does not effectively address the potential long term flooding and watershed control in an area already defined 'at risk' by the City of Memphis. The City of Memphis has formally contract the engineering firm, **HDR, Inc.** to research and provided recommendations for the Ridgeway Basin Study

(<http://ridgewaybasinstudy.com/index.html>). This study is chartered under the City of Memphis Drainage Master Plan program. The area of the proposed development does not meet current rain drainage requirements since the area was predominantly rural and outside the City of Memphis when the original properties were developed.

3. The application's property is abutted to Vera Moss's property on the west of the target property and the proposed development will encroach on Mrs. Moss's property rights. The watershed and drainage issue noted in item 2 above will certainly create flooding issues on her property that is not addressed in the application, and if the application is approved the developer has not responsibility to address any 'post completion' development drainage issues. This will be left to the affected abutted neighbor's properties and the City of Memphis to correct, if able, after the developer has moved onto the next development project in our community.



Sincerely,

Philip Laster

Land Use Control Committee Chair

Sea Isle Park Neighborhood Association | Founded 1979

The Sea Isle Park Neighborhood Association is a current and valid non-profit 501(c)3 organization. EIN: 90-0635323. The entire amount of the gift may be treated as a charitable contribution for federal income tax purposes since no goods or services were provided in exchange for your contribution. The SIPNA has exclusive legal control over the contributed assets.

RE: 5455 S. Irvin development opposition

Andrew Halliburton <andrew.halliburton@fedex.com>

Wed 2/26/2020 1:36 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>; Halliburton, Kacie <Kacie.Halliburton@fhnfinancial.com>**Cc:** write2sipna@gmail.com <write2sipna@gmail.com>; sipna@sipna.org <sipna@sipna.org>

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Good afternoon, Jeffery:

I completely agree with Kacie. I would like to piggy back her comments with attention brought to the physical location. If the 5455 S. Irvin lot was next to the recent and similar builds located on Hayne and E Irvin, the proposed design of splitting the lot into smaller lots would aesthetically fit into the landscape of other homes. This lot is located almost a full block away from any other similar builds and will not have any similar characteristics of the surrounding properties. I stand firmly against a build of this nature in the current location. If it were ONE single family home proposed to be built on this lot, I would completely support it. When this neighborhood was constructed, it was the suburbs. We need to do what we can to retain the feel that was apparent in the original design. Feel free to call me if there is anything that we can do to support this issue. Thank you.

Andrew Halliburton

FedEx Express

Air Operations FIA

FAA Liaison

W- 901.224.4532

M- 901.218.3679

E-andrew.halliburton@fedex.com

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From: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>**Sent:** Wednesday, February 26, 2020 12:59 PM**To:** Halliburton, Kacie <Kacie.Halliburton@fhnfinancial.com>**Cc:** Andrew Halliburton <andrew.halliburton@fedex.com>; write2sipna@gmail.com; sipna@sipna.org**Subject:** [EXTERNAL] RE: 5455 S. Irvin development opposition

Kaci,

Your comments have been received and will be included in the staff report presented to the Land Use Control Board Members.

Thanks,

Jeffrey Penzes
Principal Planner
Memphis and Shelby County Office of Planning and Development
City Hall | 125 North Main, Suite 468 | Memphis, TN 38103
p: (901) 636-6601
Visit our [website](#)

From: Halliburton, Kacie [<mailto:Kacie.Halliburton@fhnfinancial.com>]
Sent: Wednesday, February 26, 2020 12:46 PM
To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>
Cc: Andrew Halliburton <andrew.halliburton@fedex.com>; write2sipna@gmail.com; sipna@sipna.org
Subject: 5455 S. Irvin development opposition

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Hi Jeffrey,

I am writing this to inform you of my opposition to the 2 lot infill development set for 5455 S Irvin. The size of this lot cannot support 2 homes. I also believe that this developer is trying to avoid a required variance by the LUCB, in order to be approved for lot sizes smaller than what is currently required by code. The property is at the low spot of surrounding properties, and will result in major drainage issues. These 2 homes will not add value to the neighborhood, and will create a “mass produced” look in a settled neighborhood. This tract housing idea will stick out like a sore thumb with the surrounding larger lots and smaller homes. This design compromises the draw to our neighborhood and I do not support this. Please feel free to reach out with any questions.

Thank you,

Kacie Halliburton

Loan Analyst - Capital Assets Corp.

845 Crossover Lane, Suite 150, Memphis, TN 38117
901.435.4740 | kacie.halliburton@fhnfinancial.com



2/26/2020

Mail - Penzes, Jeffrey - Outlook

Although this information has been obtained from sources which we believe to be reliable, we do not guarantee its accuracy, and it may be incomplete or condensed. This is for informational purposes only and is not intended as an offer or solicitation with respect to the purchase or sale of any security. All herein listed securities are subject to availability and change in price. Past performance is not indicative of future results, and changes in any assumptions may have a material effect on projected results. Ratings on all securities are subject to change.

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May 05, 2020

Jeffrey Penzes
Memphis and Shelby County
Office of Planning and Development
Memphis, TN

RE: PD 20-02

Dear Mr. Penzes:

After further review of the Yorkshire Neighborhood Association (YNA) memorandum to you (Jeffrey Penzes) Memphis and Shelby County Office of Planning and Development dated March 5, 2020, and included in the Staff Report, I take issue with a number of points as described below:

The entire tone of this letter seems to be based upon the fact that the Yorkshire Neighborhood Association *"is a valid legal entity with standing to represent the owners of approximately 650 single-family residences within the area bound by Park Avenue, Quince Road, Estate Drive, and I-240."* I am not certain where this group obtained "standing" when there are no "official" members of this association. In fact, this group is represented by two or three people who by no means have more standing than the long-standing residents and members of the Sea Isle Park Neighborhood Association (SIPNA) or the residents of the Yorkshire neighborhood, none of which I have spoken with support this development.

The following excerpt represents hearsay and I have not heard anyone indicate such. *"Some Yorkshire residents have informed the YNA Design Review Committee that they have less harsh views of this project than have been submitted to you through the public comments process. However, those residents are hesitant to join what they perceive to be an unnecessarily emotionally-charged situation fueled by individuals unaffiliated with the YNA Design Review Committee. Therefore, this committee is concerned that the letters you received might not be representative of a majority, or even a consensus, of Yorkshire residents."* Since there are only two members in town on the Design Review Committee, everyone else is "unaffiliated." I would state that 21 individuals, all of which live in the SIPNA neighborhood took the time to write letters. All were opposed to the development. To downplay the importance of these individuals' opinions or state they do not represent a majority of residents is, in my opinion, in itself a misrepresentation.

The following statement is a complete generalization and does not apply to all or even the majority of homes in this area, *"The architecture of the mid-century homes in the Yorkshire area*

did not benefit from a trained design professional as most if not all homes were designed by a speculative builder with the primary goal of low cost.”

The following statement, *“The committee is willing to support resubdivision when the developer accepts design criteria and design changes recommended by the YNA Design Review Committee”* is the opinion of two or three individuals. The people who attended the public meeting and wrote letters unanimously disagree.

The following excerpt is again complete hearsay as I have not heard anyone voice or write such opinions.

“Conversations away from the above-noted scheduled meetings inform the YNA Design Review Committee that many Yorkshire residents:

a) Define the “interior” of the neighborhood as the area more than one block inward from Park, Quince, or Estate (subject address is within one block south of Park). Those responses are consistent with discussions at residents meetings convened by the Yorkshire Design Review Committee in connection with the recent 1190 Hayne Road case (LUCB S 19-23) which benefited from multiple, significant discussions among residents in 2019-Q4 and 2020-Q1

c) Dislike dilapidated or functionally obsolescent occupied homes and ramshackle vacant homes more than they dislike 7,000 to 8,000 sq. ft. lots on the outside border of the neighborhood.

d) Have indicated they are reluctant to step forward and publicly support this Application or voice their suggestions during the OPD comment process due to what they perceive as bullying tactics utilized by others who are unaffiliated with the YNA Design Review Committee. These residents state that they do not find an argumentative atmosphere conducive to genuine problem-solving conversations within the Yorkshire Neighborhood, or with the Applicant and its representative, Tim McCaskill. This is of significant concern to the YNA Design Review Committee.”

All 21 letters written and included in the Staff Report were in opposition to this development. The fact that the YNA attempted to downplay or diminish many of these letters due to the distance from the proposed development is a reach, especially since at the start of the YNA memorandum they indicated the YNA DRC represented ALL 650 homes in Yorkshire Area. The other letter writers were in the SIPNA area and are just as concerned about the future of the entirety of our neighborhood.

Additionally, there have been no bullying tactics. If any “bullying” tactics exist it would be the fact that the YNA DRC engaged an attorney and attempts to speak for the entire neighborhood, despite having no official members and having no actual support outside of the two or three members of the DRC.

I have expressed numerous times that these matters should be coordinated with SIPNA, one of the largest and most influential neighborhood associations in the city. The duplication of efforts and “butting of heads” is not in the best interest of the neighborhood. However, it is clear to me that the opinion expressed by SIPNA and other neighbors in opposition is the majority opinion.

Sincerely,

Bob Cremerius
5390 Sea Isle Rd
Memphis, TN 38119
901-486-7504

From: soprano1716@comcast.net
To: [Penzes, Jeffrey](#)
Subject: RE: 5455 S. Irvin development into 2 lot infill
Date: Thursday, February 27, 2020 1:01:10 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

In reference to the small lot w/house at 5455 S. Irvin Dr that has been bought to develop into a 2 lot Infill, I am writing to let you know I oppose this project going forward. I live in the Sea Isle neighborhood and have looked at the lot, and while I don't live on this particular street I know neighbors who do and the problems it would cause with drainage and crowding of houses if two were to be built on such a small lot.

What happens here affects all of us and the future of our neighborhood in so many ways, not the least of which would be the noise level created by multiple houses on these type of lots which would be disturbing to surrounding home owners, many of whom purchased in the neighborhood because of their particular lot sizes and their desire for space between houses.

I believe there should be no special allowances/waivers for this builder or for this property, which is too small for said development, to advance as it would inevitably lead to more such waivers to allow crowding of homes. Our neighborhood is not against development, but it should be done properly. We love our homes, our lots, our trees and our space.

I have personally lived here for 30 years, have raised four kids here, made my life here and plan to stay here. Purchasing properties and building two homes in a lot that is entirely too small is not beneficial to keeping our neighborhood as thriving and beautiful as it is, especially if it will turn down the value of our current homes, create drainage and more of such problems for those affected, or cause other crowding issues such as problems with privacy or noise levels. This could affect many homes, in fact, our entire neighborhood, and would change the very essence of it, make it less appealing to prospective neighbors to purchase, and force great neighbors to move out.

I whole-heartedly oppose all of it.

Thank you for your time.

Caroline Johnson, SIPNA Resident

Caroline Johnson Photography

Greater Memphis Area

<https://www.facebook.com/CarolineJohnsonPhotography/>

https://www.viewbug.com/member/carolinejohnson_9066#/carolinejohnson_9066/photos



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: [Rita Cremerius](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S. Irvin Infill
Date: Friday, February 28, 2020 3:46:09 PM

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February 28, 2020
Memphis & Shelby County Office of Planning and Development
Mr. Jeffrey Penzes
Jeffrey.Penzes@memphistn.gov

Dear Mr. Penzes:

We are writing you today in reference to application LUCB ???? for 5455 S. Irvin. This infill proposal does not keep with the character of the neighborhood. We recently wrote to you regarding another infill in our neighborhood. The Yorkshire development committee worked on that proposal with the owner and came to a mutual agreement. The owner dropped the variance and complied with the committee to ensure good development in our neighborhood.

In the 5455 S. Irvin proposal the developer wants a variance from R-10 zoning. We are opposed to this variance. Our neighborhood is comprised of bigger lots the further away one gets from the major roads. We do not want developers chopping up the look of our neighborhood just so they can make a quick dollar. This development would not be keeping with the character of our neighborhood and would look like two houses sandwiched on one lot.

I feel our neighborhood is showing willingness to work with developers. However, we do not feel this 50ft of frontage would be a good thing for our neighborhood.

My wife and I have lived here for twenty two years and are raising three children here. We love our neighborhood and want it to continue to be a wonderful neighborhood. With the right projects it will continue to evolve and change all the while maintaining its great character and value to our city. Please respect the loyal taxpaying citizens. We do not want to be forced out of the neighborhood or the city by developers who will not work with us to improve our neighborhood. Don't run us off.

Sincerely,
David and Rita Cremerius
5460 N Rolling Oaks Drive
Memphis, TN 38119

Rita Cremerius
rcrem@att.net

From: [David Newsom](#)
To: [Penzes, Jeffrey](#)
Subject: 5456 S. Irvin Drive
Date: Thursday, February 27, 2020 10:19:45 AM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Me. Penzes,

I am writing concerning the proposed multi house development at the above address.

I want to communicate my very strong objection to the proposal. I am opposed. My wife and I have lived in the neighborhood for over 20 years and have enjoyed everyday of being a part of it. However, in the past 2-3 years, developers have come in and tried to change the neighborhood for the worse with their high density infill developments. There has been only one builder/developer (Griffin Elkington) that has recently built in our neighborhood during that time that has done a decent job in respecting the neighborhood.

This not the type of development we want in our neighborhood/community.

A line needs to be drawn now in doing anymore of this type of development. Thank you for your attention in this matter.

Respectfully,
David Newsom
Rolling Oaks Dr.

Sent from my iPhone

From: newsomdebbie@yahoo.com
To: [Penzes, Jeffrey](#)
Subject: 5456 South Irwin
Date: Thursday, February 27, 2020 8:03:18 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr Penzes,

This email is to inform you that I oppose the proposed development on 5456 South Irwin. Our family moved into this neighborhood over 20 years ago and have enjoyed living here. The beautiful homes coupled with the beauty of the trees had a huge factor of why we moved here. It's been brought to our attention that this lot can not support 2 homes and is at the low spot of surrounding properties which can create drainage issues for neighbors around this property. With that being said... this is NOT a good plan. I have also heard that this developer does not have a good reputation and does not have our neighborhood in his best interest. This is very concerning to our neighborhood. This is not a good plan and again I oppose!

Concerned Neighbor,
Debbie Newsom
Rolling Oaks

Sent from my iPhone

Infill development at 5545 S. Irving in the SIPNA neighborhood

HETaylorJr <hetaylorjr@aol.com>

Wed 2/26/2020 1:37 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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The developer in this application is requesting the subdivision be approved based on the other planned development on Park Avenue as a precedent however, these planned developments were for more than two homes and are not within the interior of the community which will set a new precedent for future developments to incrementally create new developments on single lot sites not conforming to existing code requirements.. also this property is already prone to flooding due to the property being within the Ridgeway flood basin and the developer has not sufficiently addressed this issue in the application.... my name is Harvey Taylor, 1629 Wheaton Street(58 years).... I oppose this development in support of SIPNA's opposition..... thank you for your help.

Sent from my iPhone

From: [James Prewitt](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S. Irvin
Date: Monday, February 24, 2020 7:37:55 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes:

I would like to state my opposition to the proposed development at 5455 S. Irvin. SIPNA is the neighborhood association which represents the area affected by this proposed development. I serve on the board, as an elected representative, of SIPNA, the Sea Isle Park Neighborhood Association, live nearby, and I have been informed of the following by our SIPNA representative who attended a public meeting about this issue.

The developer is requesting to subdivide a single lot into 2 lots that are smaller than required by code. The developer is requesting the subdivision be approved based on the other planned development on Park Avenue. That area, though, is on the exterior of the SIPNA community, whereas the proposed S. Irvin development is in the heart of the neighborhood.

Also, there is a drainage area in the front of the property and is already prone to flooding due to the property being within the Ridgeway Flood Basin; the developer has not sufficiently addressed this issue in the application. I suspect potential problems for the residents and neighbors down the road if this development is allowed to proceed.

Once again, I strongly oppose this development.

Sincerely,

James A. Prewitt IV
1400 E. Crestwood Dr.

From: trentandjerry@yahoo.com
To: [Penzes, Jeffrey](#)
Subject: Land use control meeting March 12
Date: Thursday, March 12, 2020 7:46:15 AM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Penzes,

I am opposed to the change for 5455 S Irvin. I specifically bought into this neighborhood for the setbacks and larger lots. In the last several years, there have been 7 new large, small lot properties built at the head of my street. Right behind it, there us a plot of land developers bought, demolished the house and now it still sits empty, looking like an eyesore from Park Ave. Developers own the houses on the west side of East Irvin and plan on building multiple houses on each lot. Since they purchased these houses, they've let them go into disrepair. The head of my street looks horrible. Now they want to change 5455 s Irvin. I think it's time to take a break and think what this is doing to this beautiful, established neighborhood. I oppose the change being requested for 5455 s Irvin.

I can't attend the meeting. I am currently out of town. I don't think they're are many normal people who could attend a Thursday morning meeting. We have to work. Hopefully you can enter my opposition into the record.
Thank you

Jerry Conard
Trent Zitzelberger
1201 E Irvin
Memphis, TN. 38119

Sent from my iPad

From: [John Collins](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S. Irvin Dr.
Date: Thursday, February 27, 2020 10:15:46 AM
Importance: High

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

My wife and I own and reside in a home located at 5438 . S. Irvin Drive. Our home is adjacent to the lot located at 5455 S. Irvin Drive We OBJECT to this lot to be subdivided for the following reason(s):

1. The lot is a small lot with only 100 feet of frontage. Building two (2) structures of any size will be non-standard to the neighborhood.
2. The drainage created will be a major factor because there are no curb and gutters to properly carry the water.
3. The street is a non-standard street that meets a normal City Street. This will cause major traffic flow during and after construction.
4. The set-back requests does not conform to the setback of the homes on the street creating visionary safety problems.
5. The flow of water will cause adverse conditions to neighbors

It has taken years of work by both the City and Homeowners to correct water flow throughout the neighborhood and especially on South Irvin between East Irvin and Hayne Road. With the proposed subdividing of 5455 S. Irvin, this will cause major water flow problems. The small lot that will be mostly buildings will also prevent the developer to manage the water flow even with a Storm water Retention Basin. Before granting a variance of this small lot redevelopment, I respectfully request that a drainage study be made and how the water will be controlled from flooding neighbors on all sides.

Sincerely,
John & Betty Collins
5438 S. Irvin Drive

From: [Halliburton, Kacie](#)
To: [Penzes, Jeffrey](#)
Cc: [Andrew Halliburton](#); write2sipna@gmail.com; sipna@sipna.org
Subject: 5455 S. Irvin development opposition
Date: Wednesday, February 26, 2020 12:45:41 PM
Attachments: [image001.png](#)

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jeffrey,

I am writing this to inform you of my opposition to the 2 lot infill development set for 5455 S Irvin. The size of this lot cannot support 2 homes. I also believe that this developer is trying to avoid a required variance by the LUCB, in order to be approved for lot sizes smaller than what is currently required by code. The property is at the low spot of surrounding properties, and will result in major drainage issues. These 2 homes will not add value to the neighborhood, and will create a “mass produced” look in a settled neighborhood. This tract housing idea will stick out like a sore thumb with the surrounding larger lots and smaller homes. This design compromises the draw to our neighborhood and I do not support this. Please feel free to reach out with any questions.

Thank you,

Kacie Halliburton

Loan Analyst - Capital Assets Corp.

845 Crossover Lane, Suite 150, Memphis, TN 38117
901.435.4740 | kacie.halliburton@fhnfinancial.com



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From: [E. Keith Bowers](#)
To: [Penzes, Jeffrey](#)
Subject: Opposition to subdividing lot
Date: Tuesday, February 25, 2020 10:43:09 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeffrey Penzes
Principal Planner
Land Use Controls
Memphis, TN

Dear Mr. Penzes,

I'm a resident of Sea Isle Park Neighborhood Association (SIPNA) in East Memphis, where I serve on the board as a district representative. I am writing to you on behalf of my fellow SIPNA citizens about the LUCB's planned development application to subdivide the lot at 5455 S Irvin Drive. Specifically, I have to convey the profound disapproval so many of our citizens have expressed for this proposal. The resulting two lots would be significantly smaller than is required by code, setting a dangerous precedent for future developments within this established neighborhood. Moreover, this property is at risk of flooding, being within the Ridgeway Flood Basin, and this issue has not been satisfactorily addressed.

What is perhaps most concerning about all of this is the misinformation that has been spread by the developer. At a neighborhood meeting this evening (25 Feb), information about this lot was distributed in a flyer in which the incorrect lot (at 5445 S Irvin) was identified (please see attached). The incorrectly identified lot – encircled in red with "SITE" printed over it – is nearly double the size of the actual lot in question at 5455 S Irvin, directly east of the one identified in the flyer. This is a blatant misrepresentation. I do not believe this was an honest mistake, but, rather, was intended to give a false sense that the lot was much bigger than it actually is to a group of suggestible residents, most of whom are senior citizens, in the neighborhood.

Please accept our opposition to this proposal.

Best regards,

Dr. E. Keith Bowers
(1671 Dorset Drive)

Emerson 'Keith' Bowers
Assistant Professor
Department of Biological Sciences
University of Memphis

NOTICE OF NEIGHBORHOOD MEETING

P.D. 20-02

South Irvin Planned Development

An application for a two lot residential development has been filed with the Memphis and Shelby County Office of Planning and Development. The site is located at 5455 S. Irvin Drive and contains 0.367 acres. The application will be considered by the Land Use Control Board on March 12, 2020.

The purpose of the neighborhood meeting is to offer information and answer any questions you may have.

The neighborhood meeting will be held Tuesday, February 25, 2020 at 5:30 p.m., 6000 Poplar Avenue, Suite 250, Memphis, TN 38119

If you have any questions you can contact the following:

Tim McCaskill
McCaskill and Associates, Inc.
901-382-2577

Jeffrey Penzes
Office of Planning & Development
901-636-6619



From: kelkelbowers@gmail.com
To: [Penzes, Jeffrey](#)
Subject: 5455 S Irvin Dr. - Opposition
Date: Wednesday, February 26, 2020 7:00:56 AM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I am a board member and SIPNA resident, and I am writing to you on behalf of my fellow SIPNA residents and board members about the planned development to divide the lot located at 5455 S Irvin Drive. This is the smallest lot on the block and I cannot imagine how the subdivided lot would affect the neighborhood charm. These two lots would be substantially smaller than required by code, and this opens the door for future unwanted developments. The site is also within the Ridgeway Flood Basin and this has not been addressed.

At a neighborhood meeting that took place on February 25, information about this lot was provided in a flyer in which the incorrect lot (at 5445 S Irvin) was identified. The incorrectly identified lot – identified in red with “SITE” printed over it – is nearly double the size of the actual lot in question at 5455 S Irvin, directly east of the one identified in the flyer. I do not believe this was an honest mistake, but, rather, was intended to give a false sense that the lot was much bigger than it actually is to a group of suggestible residents, most of whom are senior citizens, in the neighborhood.

Please accept our opposition to this proposal.

Thank you,

Kelly Bowers
(1671 Dorset Drive)

NOTICE OF NEIGHBORHOOD MEETING

P.D. 20-02

South Irvin Planned Development

An application for a two lot residential development has been filed with the Memphis and Shelby County Office of Planning and Development. The site is located at 5455 S. Irvin Drive and contains 0.367 acres. The application will be considered by the Land Use Control Board on March 12, 2020.

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If you have any questions you can contact the following:

Tim McCaskill
McCaskill and Associates, Inc.
901-382-2577

Jeffrey Penzes
Office of Planning & Development
901-636-6619



From: [Kelly Griffin](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S Irvin
Date: Friday, February 28, 2020 3:05:56 PM

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Mr Penzes

There needs to be a lot of consideration for this project and others in this Yorkshire neighborhood

First is new homes need to be build that are so out of character

There are empty lots on E Irvin that haven't even been infilled, empty

Storm water runoff, code sure puts heat on commmercial gc's to control but when it comes to home builders you guys take a hands off approach

Street paving, the streets are going to end up looking like patch work and especially after MLGW gets through, developers should have to pay a surcharge to mill and repave a street 200feet each direction.

Sorry for this litany so late but these issues need to be addressed and development needs to be delayed until all parties have agreed to to actions

Thank you

Kelly Griffin

1197 Hayne

Sent from my iPhone

5455 South Irvin

Molly Laster <mmlaster0618@icloud.com>

Wed 2/26/2020 2:14 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Jeffrey!

My name is Molly Laster and I am president of Sea Isle Park Neighborhood Association.

We are a reasonable group of folks regarding infil developments (pro develop) as long as they conform to the neighborhood standards.

I have a couple of concerns with the proposed development at 5455 South Irvin. In my opinion the lot is too small for two houses which would mean two small lots in the middle of a street with nice size lots on the rest of the street. This development will stand out like a sore thumb!

There is also the problem with the drainage ditch that runs across the front. If the houses are set 30 feet off the street their front yard will be flooded when we have heavy rains. The size of this lot is odd shaped so I don't see how you could go back any further. We are in the ridgeway flood basin.

My last concern is the copy of the map you sent out targets the property next door to 5455! I just want to make sure you are aware of which property we are referring to.

I understand from the meeting with developers last night that according to the new development plan for Memphis that the Mayor is pushing for a higher density in Memphis.

To allow this development would be a poor decision.

Thank you for your consideration!

Sincerely yours,

Molly Laster

President

Sea isle park neighborhood association

901-489-2542

Sent from my iPhone

From: [Morgan McBride](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S. Irvin Drive Lot
Date: Wednesday, February 26, 2020 10:58:34 AM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I am a Sea Isle Park board member as well as a “SIPNA” resident, and I am writing to you on behalf of my fellow residents/neighbors and board members about the planned development to divide the lot located at 5455 S Irvin Drive. This is the smallest lot on the block and I cannot imagine how the subdivided lot would affect the neighborhood charm. These proposed two lots would be substantially smaller than required by code, and this opens the door for future unwanted developments. The site is also within the Ridgeway Flood Basin and this has not been addressed at all.

At a neighborhood meeting that took place on February 25, information about this lot was provided in a flyer in which the incorrect lot (at 5445 S Irvin) was identified. The incorrectly identified lot – identified in red with “SITE” printed over it – is nearly double the size of the actual lot in question at 5455 S Irvin, directly east of the one identified in the flyer. I do not believe this was an honest mistake, but, rather, was intended to give a false sense that the lot was much bigger than it actually is to a group of suggestible residents, most of whom are senior citizens, in the neighborhood.

Please accept our opposition to this proposal as this development does not benefit in any way our neighborhood.

Thank you,

Morgan McBride
(5242 Helene Cove)

Sent from my iPhone

From: [Patricia Darnall](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 South Irvin
Date: Tuesday, March 10, 2020 9:43:17 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir,

I am writing this letter to express concern about the proposed infill development at 5455 South Irvin.,As long time resident of this neighborhood, i was made aware that the proposal for a second home on the same lot will reduce the frontage of the lots to less than the current zoning requirement. This proposal does not adhere to the established architectural standards of the neighborhood homes and could set a precedent for future building.. The Yorkshire oversight committee has ask for a a one month hold on this case. I hope that this will be honored to allow time to pursue the builders plans, designs and vision for the lot. None of which have been presented by the builder. Without further information from the builder, I am opposed to this proposal.

Sincerely,

Pat Darnall
1234 Yorkshire Drive

From: [Phyllis Warren](#)
To: [Penzes, Jeffrey](#)
Subject: Office of Planning and Development/Reference: 5455 S. Irvin Drive
Date: Sunday, February 23, 2020 4:44:14 PM

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We feel the character of our neighborhood will be negatively effected by the over development of large homes on postage sized lots. We are very much against this current practice in our neighborhood. While we understand the need for new homes, we feel if we do not make the city hold the developers feet to the fire, we will end up with shabby over development!!

Patrick and Phyllis Warren
1479 Hayne Rd.

LUCP PD 20-02

Rick White <jrickwhite@gmail.com>

Wed 4/29/2020 11:05 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

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Mr. Penzes.

Please allow this letter of opposition to LUCP PD 20-02 to replace my letter in opposition dated March 11, 2020.

Opposition Rational

I stand opposed to approval of this application until an Erosion Control Plan can be completed and factored into the approval decision.

Including this property, just over 4 acres of land have been, are planned or in process of being disturbed within the target area defined by your committee for this application. Those projects are:

1. PD 17-05, 1100 East Irvin, 22,500 sq ft
2. PD 18-07, 5499 Park, 37,950 sq ft
3. PD 18-08, 1116 East Irvin, 22,200 sq ft
4. PD 19-14, 1121 East Irvin, 28,200 sq ft
5. S 19-16, 1155 East Irvin, 22,200 sq ft
6. S 19-24, 1141 East Irvin, 24,400 sq ft
7. PD 20-02, 5455 South Irvin, 15,974 sq ft.

Total Land Disturbance = 176,424 sq ft = 4.04 acres

Given the scope and number of individual projects in the control area, we are literally reengineering storm water management in this neighborhood "one lot at a time" with no consideration of overall impact.

The City of Memphis Land Development Office (LDO) decides whether an Erosion Control Plan (ECP) submittal will be required for developments with less than one acre of disturbance. For developments disturbing more than one acre of land and for developments that will require storm water retention, LDO requires the submittal of an ECP. The Memphis Storm Water Program reviews submitted ECPs for the City approval.

ECOs submitted for review must meet all requirements of the State of Tennessee General Permit for Storm Water Discharges from Construction Activity (TNR100000) and be in conformance with the City of Memphis and Shelby County Storm Water Management Manual. The designer must include Best Management Practices (BMPs) that adhere to the more stringent standards set forth in the Storm Water Management Manual (SWMM) Volume 3: BMP manual and the most recent edition of the Tennessee Department of Environmental and Conservation's Erosion Prevention and Sediment Control Handbook.

Sensitive Drainage Basin

- This project, PD 20-02, resides within the Ridgeway Sensitive Drainage Basin (9-C). City of Memphis Engineering Division Land Development, Standards & Guidelines relative to Sensitive Drainage Basins says:

Erosion Control Plan Requirements

- Since a minimum limit of earth disturbance is not established as a submittal requirement, the Office of Land Development (LDO) typically decides if an ECP submittal is necessary.
- All development plans submitted to LDO that propose earth disturbance of 1 acre or more will need an ECP.
- Neither an ECP, nor a PCRCP are required if this project meets the following:
 1. Less than an acre
 2. Not in the Fletcher Creek Overlay District
 3. Not in a Sensitive Drainage Basin
 4. The requirement for detention is waved

This project, and others surrounding it in the target area defined by your committee, are in a Sensitive Drainage Basin and are disturbing 4+ acres.

An Environmental Control Plan is warranted to ensure storm water discharge is managed throughout the target area.

Practical Consideration

Yorkshire is the new darling for infield development in East Memphis. That said, the existing topography and storm water systems were not designed for this type development. There are no curbs but many ditches for guiding storm water runoff.

Existing storm water collection systems are placed in less than desirable locations. The property targeted by this project (PD 20-10) is in an extremely low area and collects water during runoff. Directly across the street for properties on the West side of East Irvin Dr. and the East side of Hayne Road, the storm water system runs through the backyards of those properties. The natural flow of runoff, given the lack of curbs, cutters and other means for directing runoff, takes storm water into backyards of these properties for removal.

This is not unusual for the entire Yorkshire neighborhood, yet current and former infield development projects have hardly considered the larger scope; the neighborhood will absolutely benefit for a broader strategic view of storm water management.

Doing It Right

Consideration for storm water drainage issues throughout Yorkshire prior to project approval and development can be successful. Properties at 1325-1343 Hayne Rd. (LUCB S 19-27) have been recently approved. Careful consideration was given to the storm water needs of the neighborhood by the developer prior to approval and the approved plan provides high confidence Yorkshire will benefit from this consideration. (Note: total land disturbance for the LUCB S 19-27 project = 4.13 acres; your target area for LUCP PD 20-02 = 4.04 acres).

Because Yorkshire is highly desirable for infield development, please consider this type of success as essential for future Yorkshire development.

Conclusion

Given this neighborhood resides within the Ridgeway Sensitive Drainage Basin, Engineering Standards & Guidelines support a more rigorous use of Environmental Control Plans with each new development regardless of lot size. With a sense of strategic planning, over time and the completion of many more infield developments in this neighborhood, Memphis, Yorkshire and the property owners of existing and new development will benefit.

Before approval of LUCP PD 20-02, please require an Environmental Control Plan be completed.

4/29/2020

Mail - Penzes, Jeffrey - Outlook

Regards,

Rick White
5378 Dee Cv
Memphis, TN 38119
901.300.0873 (c)
jrickwhite@gmail.com

5455 S Irvin

RJ Powell <sipnaneighbor@gmail.com>

Tue 4/28/2020 7:12 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a longtime owner of a home at 1187 E Irvin Dr , I am opposed to the proposed redevelopment of the property at 5455 S Irvin Dr. My property has a common border of approximately 100 feet with said property.

When my husband and I purchased our home around the corner from 5455 S Irvin Dr fifty years ago, we were drawn to the beauty and serenity of this corner of Memphis. Our family thrived in this setting and our neighbors became lifelong friends.

Now the proposed change on S Irvin Dr to place 2 overbearing structures on a modest one dwelling lot would be jarring and counterproductive. These changes would

1. Put undue pressure on the drainage system. I already have flooding from runoff due to 5455 S Irvin
2. Not allow for adequate parking. Our streets are narrow and not conducive to on street parking
3. Destroy the charm and integrity of the historic neighborhood. Clearing the lot of mature trees to overdevelop it is shameful. This same company owns four other houses in close proximity and will be clearing these trees as well. Memphis prides itself on being a Tree City.

As a homeowner of 50 years in this beautiful treed neighborhood, I respectfully request the members of the Land Use Control Board NOT to approve the proposed change from a single family dwelling to two large structures at 5455 S Irvin Dr

Sincerely,

Ruby Jean Powell
1187 E Irvin Dr

From: [Sandi Rogers](#)
To: [Penzes, Jeffrey](#)
Subject: Address Correction 5455 S Irvin
Date: Tuesday, February 25, 2020 9:55:05 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Begin forwarded message:

From: Sandi Rogers <rogers_sandra@att.net>
Date: February 25, 2020 at 5:27:34 PM CST
To: Jeffrey Penzes <jeffrey.penzes@memphistn.gov>
Subject: 5545 S. Irvin

To All Concerned:

I'm part of Sea Isle Neighborhood Association and I oppose the proposal to subdivide this lot into two and adding another house within the interior of our neighborhood. This will set a precedent for other developers to do the same which does not conform to existing code requirements.

We are also concerned about flooding since this is in the Ridgeway Flood Basin and this issue has NOT been addressed by the developer.

We are all for development, but would appreciate developers being held to standards that improve neighborhoods. I also hope you are looking at the right property as the developers have sent out maps marking the wrong property.

From: [Theresa](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S. Irvin
Date: Thursday, February 27, 2020 12:59:35 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Penzes,

I live at 5454 S. Irvin, directly across the street from this proposed project. While I am definitely one for upgrades to our neighborhood, this one has me completely baffled. The lot in question 5455 S Irvin is entirely too small to build the 2 proposed homes. I can't imagine anyone paying \$600,000 for a home that the neighbor next door could just look out their window, and see everything going on in your home. That would practically be stacked on top of each other. I think a better proposal would be to renovate and completely update the existing home on that lot or demolish it and build a nice big single story family home. Parking for any function of more than one visitor is definitely going to be any issue. Our street is barely wide enough for two cars to pass each other safely so there is absolutely zero room for anyone to park on the street and the neighborhood traffic to be able to reach our home. I like most of our neighbors on this street feel this two home proposal is a bad idea for this lot on S. Irvin.

Thanks for listening

Theresa J McDonald
5454 South Irvin Drive
Memphis TN 38119

5455 S. Irvin Dr. - Infil Development

TC <musicmantc@comcast.net>

Sat 4/25/2020 12:11 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Land Use Control Board,

I would like to address this board pertaining the planned development application to subdivide 5455 S. Irvin Dr. that is within the Sea Isle Park Neighborhood Associations (SIPNA) boundaries. I first would like to tell you that I've lived most of my life in this area since 1955 and I feel like I have a pretty good feel for what this neighborhood wants and doesn't want. I've been on the Board of SIPNA for well over 25 years now and have first hand knowledge of many things that occur in our area of approximately 3,100 homes.

The developer is requesting to subdivide a single lot into 2 lots. According to the developers, they want to build two 3,000 sq. ft. buildings such as the ones on East Irvin Dr. The set-back request will move the units about 40 feet closer to the street which will not be in alignment with the others homes on either side of South Irvin Dr. between East Irvin Dr. and Hayne Rd. Futher more, my opposition on this area is already prone to flooding due to the property being within the Ridgeway Flood Basin. There are three points to make: 1. The lot is too small to adequately build two houses of this size since it has only a 100 foot frontage. 2. It will not increase the sale values of other property in the *impact area*. 3. The drainage system is not capable of handling the increased water flow from its current natural flow that was created years ago.

To close, I am totally opposing this plan. Sea Isle Park Neighborhood Association (SIPNA) has represented this neighborhood for over 41 years now and I feel the overwhelming majority are against this plan as well. Please respect what the majority of the neighborhood wants and not what developers want.

Respectfully yours,

Thomas E. Crawford, Jr.
SIPNA Board Member
5365 S. Irvin Drive
Memphis, TN 38119
901-383-0992
musicmantc@comcast.net

From: [R.L.HURST](#)
To: [Penzes, Jeffrey](#)
Subject: Fw: LUCB Planned development at 5455 S. Irvin, 38119
Date: Friday, February 28, 2020 9:23:32 AM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept this email as notification to our opposition of the planned lot division at 5455 S. Irvin. We live at 1160 East Irvin Dr and stand in support of SIPNA and its concerns.

The proposal subdivides one lot into 2 parcels, smaller than code allows and appears the new structures would be out of alignment with other houses on the street. The reduced setback blocks the view for existing properties and changes the appearance of the current neighborhood. Additionally, recent infills on the east side of East Irvin have forced more drainage to the south and west and that water has no where to go except in our yards and down S Irvin to the lots already positioned lower than the East Irvin properties. Consideration should also be given to the 6 new houses that are in planning stages on the west side of East Irvin and how drainage to existing properties (as well as the proposed S Irvin lot subdivision) will be further impacted by those developments.

Please know that Yorkshire Neighborhood Association does not represent or speak for us in this or any other matter concerning our neighborhood. Our concerns were voiced at the stakeholders meeting but wanted to give you written notification as well.

Regards,

Tommy & Regina Hurst
1160 East Irvin Dr.
Memphis TN. 38119

Email:
hurst1160@bellsouth.net
and/or
T3020@bellsouth.net

Phone:
(901)497-5517

Case # PD 20-02

Trent Z. <drtreantz@yahoo.com>

Mon 5/4/2020 6:49 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I am emailing you again to implore your assistance and support in opposing the rezoning of 5455 S. Irvin Drive, Memphis, TN 38119. I live at 1201 E. Irvin Drive, one yard away from the property in question.

My neighborhood is a lovely area filled with large lots, many trees, and single storey ranch homes. In the past year or so, some developers, including Mr. Sledd, and their backers have convinced the city that they are somehow improving the area by buying people's homes, bulldozing down the houses and trees, and building two or three monstrous McMansions on a single-family lot. Originally, this sort of development was restricted mainly to the Park Avenue corridor. Now, unfortunately, the contractor and developers are set on moving into the heart of my neighborhood. Please assist us in preventing further encroachment.

I chose to live in this area of East Memphis because it was low density. The current rapid outbreak of COVID-19 throughout the world, including our beloved Memphis, is directly related to density of population and close contact. Surely we must heed the lesson that urban density is directly linked to health. Please, help us preserve the low density nature of my neighborhood so that my neighbors and I may enjoy healthy and happy lives.

A second serious concern that will result from this proposed development is displacement of storm water drainage. The backyard of my next door neighbor at 1187 E. Irvin Drive, floods badly during even the slightest rain. That water eventually empties into my yard and runs along the entire length of my rear property. Changing the runoff footprint of 5455 S. Irvin Drive will dump even more water into my yard and exasperate this problem.

A third significant issue that greatly affects my neighborhood is the fact that there are narrow streets with no curbs and no sidewalks. On-street parking is simply not an option because it makes the roadway so narrow that vehicles have difficulty passing down the streets. Even now, visitors or households with excessive numbers of vehicles park in yards. This creates a visual blight which is very unappealing and which violates City of Memphis code. The addition of large houses on single-family lots with virtually no parking for visitors or additional vehicles will lead to cars being parked in yards. Since the proposed houses have such a short set back from the street, additional or visitor vehicles will undoubtedly be parked on neighbor's yards or in the narrow streets, which will make them virtually impassable. The inability of emergency vehicles and daily traffic to pass through the narrow streets easily is a serious concern.

I implore you, Mr. Penzes, please stand with the citizens of my neighborhood and oppose this proposed development project. My little area of East Memphis does not need development or improvement. However, many other areas of Memphis would greatly benefit from development. Perhaps the City of Memphis could give this developer an incentive to move this project to an area where there is a higher density and similar home construction styles are the norm for the neighborhood.

I am greatly saddened that there will be no "in person" public hearing regarding this matter. This matter greatly impacts me and my neighbors. I believe that we have the right to appear in person to convey to you how much we love our neighborhood and want to protect it from encroachment. I respectfully ask that this matter be postponed until we are able to attend a public hearing in person. If that is not possible, I ask you most sincerely to vote against this zoning change and development.

If you are not acquainted first-hand with my neighborhood, I would like to invite you to visit it. I think you will see immediately that the style of building that is proposed for 5455 South Irvin Drive simply does not belong in this unique area of Memphis.

Thank you for your attention. I would appreciate anything you could do to help preserve this lovely neighborhood.

Most gratefully.

Dr. Trent Zitzelberger
1201 E. Irvin Dr.

5/5/2020

Mail - Penzes, Jeffrey - Outlook

Memphis, TN 38119

From: [Valerie Maricle Warner](#)
To: [Penzes, Jeffrey](#)
Subject: 5455 S Irvin Dr, Memphis 38119 - Subdivision
Date: Sunday, March 01, 2020 9:41:22 AM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

My name is Valerie Maricle Warner, I am the homeowner of 1170 E Irvin Dr.

I am strongly opposed to the subdivision of this lot.

- This lot in particular is one of the smallest and narrowest lots on S and E Irvin Dr. at 0.367 acres.
 - Two homes on this small lot will have no yard, and zero privacy.
- Based on the proposed subdivision plan, every mature tree and shrub will be destroyed.
 - This is not in keeping with the aesthetics of the neighborhood where we have quiet streets, huge trees, and wildlife.
- The homes will resemble shotgun houses.
 - This is not in keeping with the aesthetics of our neighborhood.
 - The houses in this neighborhood primarily sit horizontal to the street and take up the majority of the width of the lot.
- The setbacks at 50' are also not in keeping with the neighborhood.
 - I am strongly opposed to this variance from 100'.
 - The houses in this neighborhood sit far enough from the street as to have a decent size front yard.
 - Sight lines for the houses that sit higher up will be destroyed, meaning, now they will see the side of a wall instead of trees and nice yards.
- This lot sits at one of the lowest points on the street.
 - No information was provided as to how water would be redirected.
- While not completely opposed to new construction on this lot, just not that of two homes.
 - One home of the square footage that Mr. Sledd and McCaskill mentioned at Tuesday Feb 25, 2020 of 3500-3600 square feet would be perfect for the neighborhood provided that the hard-scapes are that of wood, brick and rock, not vinyl siding.
- No other building plans were provided.

Of the residents that attended the meeting Feb 25, 2020 not one voice approval of this subdivision; that speaks volumes.

Kind regards,
Valerie Maricle Warner

April 23, 2020

Mr. Jeffrey Penzes
Office of Planning and Development
125 N. Main St.
Suite 468
Memphis, TN 38103

Re: Property located at 5455 S. Irvin Dr., Memphis, TN

Mr. Penzes,

The property located 5455 S. Irvin (behind my property) has recently been sold to a developer who plans to build two 3000 sq. ft. homes on this lot. I understand they have also requested a variance in the front set-back to accommodate the larger structures.

I am opposed to this development. It will do nothing but raise the property taxes of all other properties in the area, while reducing the value of the existing lots with single homes.

We also have existing problems with storm water drainage through our yard from across East Irvin, where they have sodded over the drain gutters. We surely DO NOT need pooling and misdirected storm water in the lot at 5455 S. Irvin Dr., which will surely happen if this development is allowed to proceed.

The main storm water drain for our area is located immediately behind the property at 5455 S. Irvin. Building another home on the lot will do nothing but add to the existing problem, and reduce the value of the surrounding lots.

I am not opposed to modifying the existing home, or even replacing it with a new single home. We DO NOT need two homes on a lot that was designed for one home.

Sincerely,

Vicki L. Ralph
1173 E. Irvin Dr.
Memphis, TN 38119
(901) 767-3839

LUCB considerations for property at 5455 S. Irvin Drive

WADE DEHART <georgetirebiter@bellsouth.net>

Sat 5/2/2020 12:58 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I'm writing to you this evening to ask you and the LUCB to deny the subdivision of the property at 5455 S. Irvin Drive. As I understand it the developers wish to try to cram 2 houses on this lot, which is relatively deep but has a very narrow frontage. Also this property lies almost at the lowest elevation of a very short block of only a half dozen properties on South Irvin Drive where there is already an existing drainage issue, which has yet to be resolved by the city.

I live one short block away on Glenbrier Ave and walk past this property every day with my wife. I'm 65 and have lived at my current address since 2011 and over 40 years ago lived one block away to the east on Hayne Rd, where I last lived at home with my parents before moving out to be on my own, so I have a real history living here and have ended up back a stone's throw from where I lived in my 20s. Not only is it very special to me because of my history, but it is a small and unique area of Memphis, with rolling hills, 50 to 100 year old oak trees and mostly no sidewalks. To me this is a welcome departure from so much of Memphis' subdivisions that sprang up over a half century ago, reclaimed from flat featureless farmland, where, if there were any trees, they were mowed down to make room for post WWII housing developments.

My neighbors and I wish to maintain the look and feel of our neighborhood for the foreseeable future. A new single unit home or renovation of the existing home would be acceptable but cramming 2 dwellings on this property would stick out like a sore thumb and could potentially mean the beginning of the end of our neighborhood as we know it. Please consider denying this proposed subdivision.

Very Best Regards,

(Sterling) Wade DeHart
5457 Glenbrier Ave