WHEREAS, on occasion, the Memphis City Council has seen fit to name certain public roads to honor citizens and organizations who have served the City of Memphis, **Promise Land Church**, is certainly befitting of this great honor; and

WHEREAS, **Promise Land Church** established its first permanent location at 224 Reno Street, laying the foundation for a legacy of unwavering faith, leadership, and service to the Memphis community; and

WHEREAS, following the retirement of Reverend R.R. Callahan, the church entered a new era of visionary leadership with the appointment of Pastor Elliot R. Shelton Sr. in April 2000; and

WHEREAS, under Pastor Shelton's leadership, **Promise Land Church** experienced unprecedented growth, both in membership and spiritual depth, prompting multiple expansions—including the acquisition of a larger worship facility in the Frayser community to accommodate its expanding ministries; and

WHEREAS, over the last two decades, **Promise Land Church** has emerged as a powerful force for community transformation, extending its reach beyond the church walls to meet the evolving needs of the city of Memphis and the surrounding region; and

WHEREAS, **Promise Land Church** has remained grounded in prayer, evangelism, discipleship, and the eternal relevance of God's Word, continuing to walk faithfully through every open door of opportunity to serve; and

WHEREAS, with more than a century of ministry to the people of Memphis, **Promise Land Church** exemplifies a legacy of commitment, service, and spiritual leadership, embracing the charge to remain "Committed to Christ Without Compromise"; and

WHEREAS, the Memphis City Council seeks to honor the enduring impact and contributions of Promise Land Church by designating a portion of Overton Crossing, with the honorary name "Promise Land Boulevard."

NOW THEREFORE, BE IT RESOLVED by the Memphis City Council that Overton Crossing between Frayser Boulevard and St. Elmo Avenue be designated as

Promise Land Church Boulevard

in recognition of the historic, cultural, and community contributions made to the Frayser neighborhood and the greater Memphis area.

BE IT FURTHER RESOLVED that the City Engineer is requested to affix suitable signs designating this public road.

Given by my hand under the great seal of the City of Memphis, this 22nd day of July 2025

Councilwoman Dr. Michalyn Easter-Thomas
Memphis City Council, District 7

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

| ONE ORIGINAL |
| ONLY STAPLED |
|TO DOCUMENTS|

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: **07/22/2025**
DATE

PUBLIC SESSION: **08/05/2018**
DATE

ITEM (*CHECK ONE*)
_____ ORDINANCE __X__ RESOLUTION ____ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 436 S Front Street., known as case number SUP 2025-011

CASE NUMBER: SUP 2025-011

LOCATION: 436 S Front Street

COUNCIL DISTRICTS: District 7 and Super District 8

OWNER/APPLICANT: Stallion Apartments, LLC

REPRESENTATIVE: Josh Whitehead, Josh Whitehead Law

REQUEST: To convert an existing apartment building to a full-service hotel

AREA: +/-0.312 acres

RECOMMENDATION: The Division of Planning and Development recommended ***Approval with conditions***
The Land Use Control Board recommended ***Approval with conditions***

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:
(1) _____ APPROVAL - (1) APPROVED (2) DENIED
09/05/2025 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:
(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
$ _____ AMOUNT OF EXPENDITURE
$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS
$ _____ OPERATING BUDGET
$ _____ CIP PROJECT #_____
$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:	***DATE***	***POSITION***
Travian Smith	07/08/2025	PRINCIPAL PLANNER
Brett Rogers		DEPUTY ADMINISTRATOR
		ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN

Memphis City Council
Summary Sheet

SUP 2025-011

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 436 S FRONT STREET, KNOWN AS CASE NUMBER SUP 2025-011

- This item is a resolution with conditions for a special use permit to convert an existing apartment building to a full-service hotel; and

- The Planning & Development staff is supportive of the Full-Service Hotel, and are recommending approval with the following conditions:

    - A "no parking" sign shall be erected on the vehicular gate at the adjacent parking lot serving 420 South Main Street to the north of the subject site facing Front Street.
    - Two spaces along Nettleton Avenue shall be signed in such a way that reserves these spaces for loading during the hours of 9am-5pm.
    - The trash collection area shall be screened and secured by a fence or wall composed of an opaque matte material compatible with the dominant material of the primary building. Compatibility of material is subject to administrative review and approval by the Zoning Administrator.
    - A final site plan with landscaping shall be submitted to the Division of Planning and Development for administrative review and approval.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday, June 12, 2025***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2025-011
LOCATION:	436 S Front Street
COUNCIL DISTRICT(S):	District 7 and Super District 8
OWNER/APPLICANT:	Stallion Apartments, LLC
REPRESENTATIVE:	Josh Whitehead, Josh Whitehead Law
REQUEST:	To convert an existing apartment building to a full-service hotel
EXISTING ZONING:	South Main (SM)
AREA:	+/-0.312 acres

The following spoke in support: None

The following spoke in opposition: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 8-0-0 on the consent agenda.

Respectfully,
Travian Smith
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 2025-011
CONDITIONS

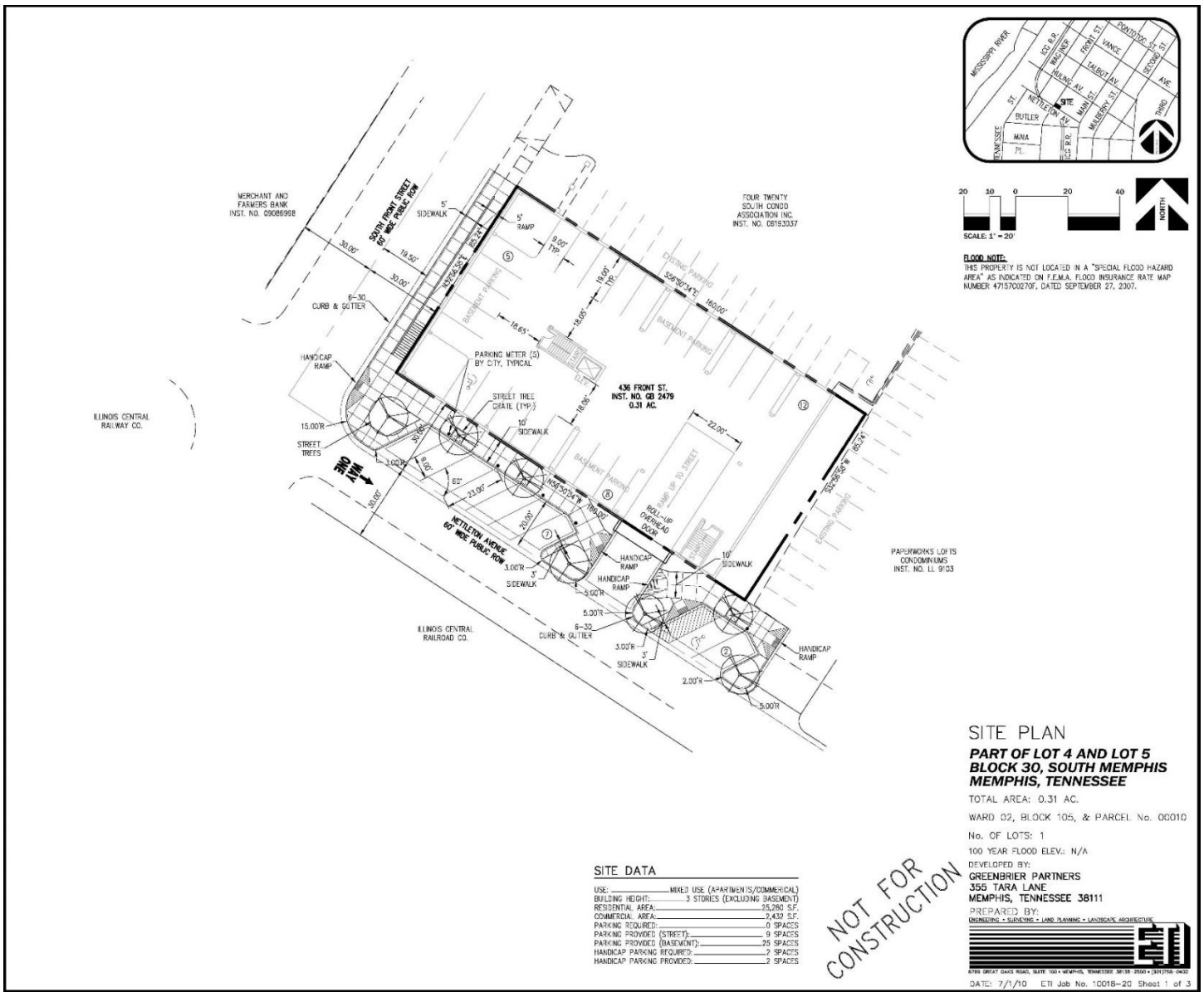
1. A “no parking” sign shall be erected on the vehicular gate at the adjacent parking lot serving 420 South Main Street to the north of the subject site facing Front Street.

2. Two spaces along Nettleton Avenue shall be signed in such a way that reserves these spaces for loading during the hours of 9am-5pm.

3. The trash collection area shall be screened and secured by a fence or wall composed of an opaque matte material compatible with the dominant material of the primary building. Compatibility of material is subject to administrative review and approval by the Zoning Administrator.

4. A final site plan with landscaping shall be submitted to the Division of Planning and Development for administrative review and approval.

SITE PLAN


MERCHANT AND FARMERS BANK INST. NO. 09086998
SOUTH FRONT STREET 60' WIDE PUBLIC ROW
5' SIDEWALK
5' RAMP
9.00' TYP.
FOUR TWENTY SOUTH CONDO ASSOCIATION INC. INST. NO. 08153037
EXISTING PARKING
BASEMENT PARKING
19.50'
30.00'
CURB & GUTTER
HANDICAP RAMP
PARKING METER (3) BY CITY, TYPICAL
STREET TREE GRATE (TYP.)
436 FRONT ST. INST. NO. GD 2479 0.31 AC.
ILLINOIS CENTRAL RAILWAY CO.
15.00'R
STREET TREES
10' SIDEWALK
ONE WAY
NETTLETON AVENUE 60' WIDE PUBLIC ROW
3.00'R
3' SIDEWALK
ROLL-UP OVERHEAD DOOR
RAMP UP TO STREET
22.00'
PAPERWORKS LOFTS CONDOMINIUMS INST. NO. LL 9103
ILLINOIS CENTRAL RAILROAD CO.
CURB & GUTTER
5.00'R
3.00'R
2.00'R
HANDICAP RAMP
SCALE: 1" = 20'
NORTH
FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED IN A "SPECIAL FLOOD HAZARD AREA" AS INDICATED ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0270F, DATED SEPTEMBER 27, 2007.
SITE
MISSISSIPPI RIVER
BUTLER
MUNA
FRONT ST.
VANCE
TALBOT AV.
MAIN ST.
MULBERRY ST.
SECOND
THIRD
SITE DATA
USE: MIXED USE (APARTMENTS/COMMERCIAL)
BUILDING HEIGHT: 3 STORIES (EXCLUDING BASEMENT)
RESIDENTIAL AREA: 55,280 S.F.
COMMERCIAL AREA: 2,432 S.F.
PARKING REQUIRED: 0 SPACES
PARKING PROVIDED (STREET): 9 SPACES
PARKING PROVIDED (BASEMENT): 25 SPACES
HANDICAP PARKING REQUIRED: 2 SPACES
HANDICAP PARKING PROVIDED: 2 SPACES
NOT FOR CONSTRUCTION
SITE PLAN
PART OF LOT 4 AND LOT 5 BLOCK 30, SOUTH MEMPHIS MEMPHIS, TENNESSEE
TOTAL AREA: 0.31 AC.
WARD 02, BLOCK 105, & PARCEL No. 00010
No. OF LOTS: 1
100 YEAR FLOOD ELEV.: N/A
DEVELOPED BY:
GREENBRIER PARTNERS
355 TARA LANE
MEMPHIS, TENNESSEE 38111
PREPARED BY:
ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE
6780 GREAT OAKS ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38138 • (901)758-0400
DATE: 7/1/10 ETI Job No. 10018-20 Sheet 1 of 3

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 436 S FRONT STREET, KNOWN AS CASE NUMBER SUP 2025-011

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Stallion Apartments, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to convert an existing apartment building to a full-service hotel; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 12, 2025, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

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

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

CONDITIONS

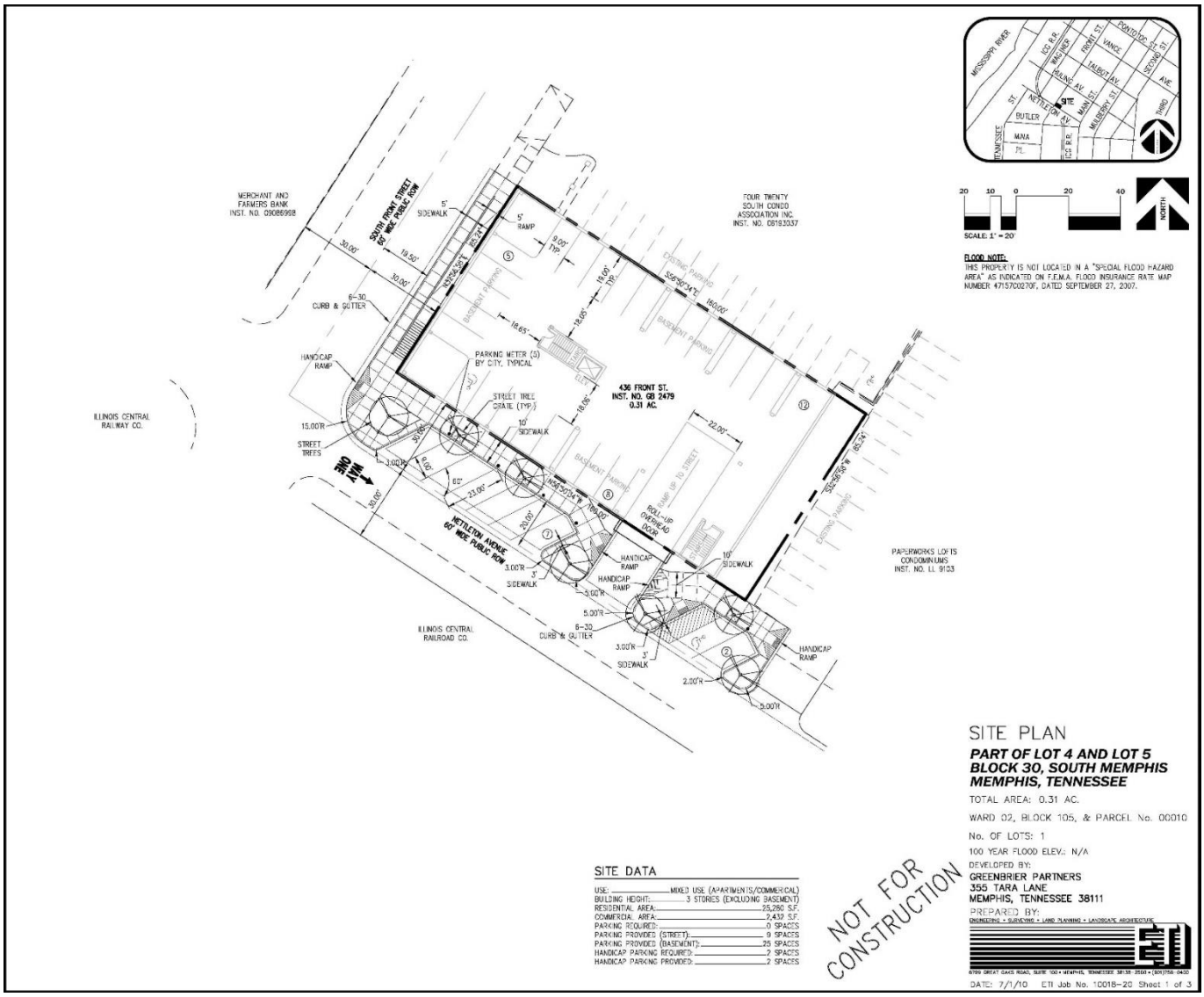
1. A “no parking” sign shall be erected on the vehicular gate at the adjacent parking lot serving 420 South Main Street to the north of the subject site facing Front Street.

2. Two spaces along Nettleton Avenue shall be signed in such a way that reserves these spaces for loading during the hours of 9am-5pm.

3. The trash collection area shall be screened and secured by a fence or wall composed of an opaque matte material compatible with the dominant material of the primary building. Compatibility of material is subject to administrative review and approval by the Zoning Administrator.

4. A final site plan with landscaping shall be submitted to the Division of Planning and Development for administrative review and approval.

SITE PLAN


MERCHANT AND FARMERS BANK INST. NO. G9086998
SOUTH FRONT STREET 50' WIDE PUBLIC R/W
5' SIDEWALK
5' RAMP
9.00' TYP.
FOUR TWENTY SOUTH CONDO ASSOCIATION INC. INST. NO. 08193037
EXISTING PARKING
BASEMENT PARKING
CURB & GUTTER
HANDICAP RAMP
PARKING METER (3) BY CITY, TYPICAL
436 FRONT ST. INST. NO. GB 2479 0.31 AC.
STREET TREE GRATE (TYP.)
10' SIDEWALK
ILLINOIS CENTRAL RAILWAY CO.
STREET TREES
ONE WAY
NETLETON AVENUE 60' WIDE PUBLIC ROW
ROLL-UP OVERHEAD DOOR
RAMP UP TO STREET
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PAPERWORKS LOFTS CONDOMINIUMS INST. NO. LL 9133
MISSISSIPPI RIVER
I.C.G. R.R.
FRONT ST.
VANCE
PONTOTOC
SECOND ST.
AVE.
TALBOT AV.
PAULINE AV.
NETTLETON
SITE
MAIN ST.
MULBERRY ST.
THIRD
BUTLER
MINA
TENNESSEE
SCALE: 1" = 20'
NORTH
FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED IN A "SPECIAL FLOOD HAZARD AREA" AS INDICATED ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0270F, DATED SEPTEMBER 27, 2007.
SITE DATA
USE: MIXED USE (APARTMENTS/COMMERCIAL)
BUILDING HEIGHT: 3 STORIES (EXCLUDING BASEMENT)
RESIDENTIAL AREA: 25,280 S.F.
COMMERCIAL AREA: 2,432 S.F.
PARKING REQUIRED: 0 SPACES
PARKING PROVIDED (STREET): 9 SPACES
PARKING PROVIDED (BASEMENT): 25 SPACES
HANDICAP PARKING REQUIRED: 2 SPACES
HANDICAP PARKING PROVIDED: 2 SPACES
NOT FOR CONSTRUCTION
SITE PLAN
PART OF LOT 4 AND LOT 5 BLOCK 30, SOUTH MEMPHIS MEMPHIS, TENNESSEE
TOTAL AREA: 0.31 AC.
WARD 02, BLOCK 105, & PARCEL No. 00010
No. OF LOTS: 1
100 YEAR FLOOD ELEV.: N/A
DEVELOPED BY:
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6799 GREAT OAKS ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38138-2510 • (901)756-0400
DATE: 7/1/10 ETI Job No. 10018-20 Sheet 1 of 3

ATTEST:

CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement

dpd MEMPHIS AND SHELBY COUNTY STAFF REPORT

AGENDA ITEM: 8 **L.U.C.B. MEETING:** June 12, 2025

CASE NUMBER: SUP 2025-011

LOCATION: 436 S Front St.

COUNCIL DISTRICT: District 7 and Super District 8

OWNER/APPLICANT: Stallion Apartments, LLC

REPRESENTATIVE: Josh Whitehead, Josh Whitehead Law

REQUEST: To convert an existing apartment building to a full-service hotel

EXISTING ZONING: South Main (SM)

CONCLUSIONS

1. The request is for converting an apartment building into a full-service hotel.
2. According to the applicant, the reasoning is due to increased demand in the market for a boutique hotel. The neighborhood demonstrates a strong market due to the prior use of a few units as Airbnb's. Additionally, the National Civil Rights Museum, which is located within walking distance from the site, is currently undergoing a multi-million-dollar expansion that will attract an increased number of visitors to the historic site over time.
3. Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.
4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will It be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

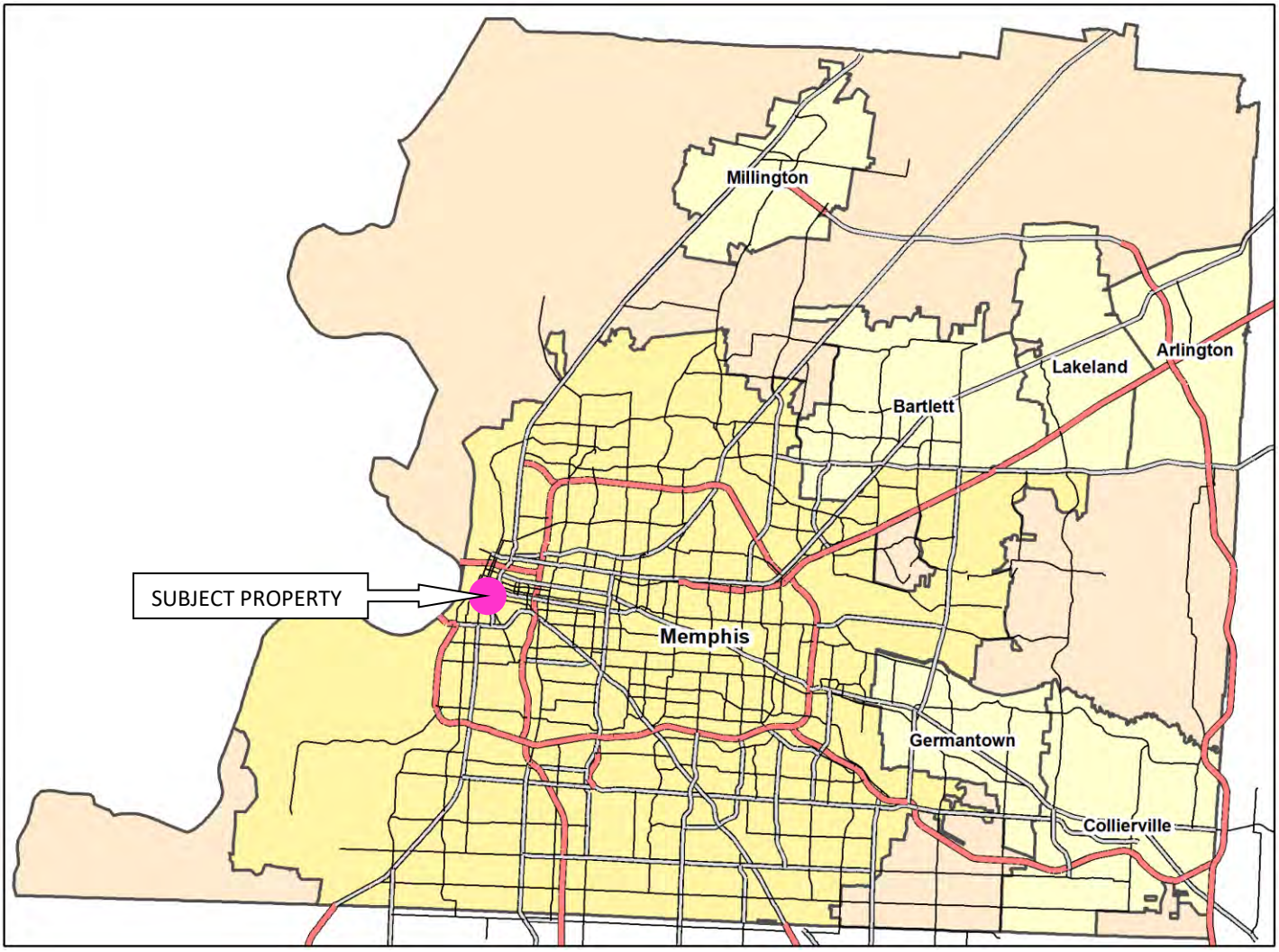
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 21 of this report.

RECOMMENDATION:

Approval with conditions

Staff Writer: ***Travian Smith*** **E-mail:** ***Travian.Smith@memphistn.gov***

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP

Subject property highlighted in yellow

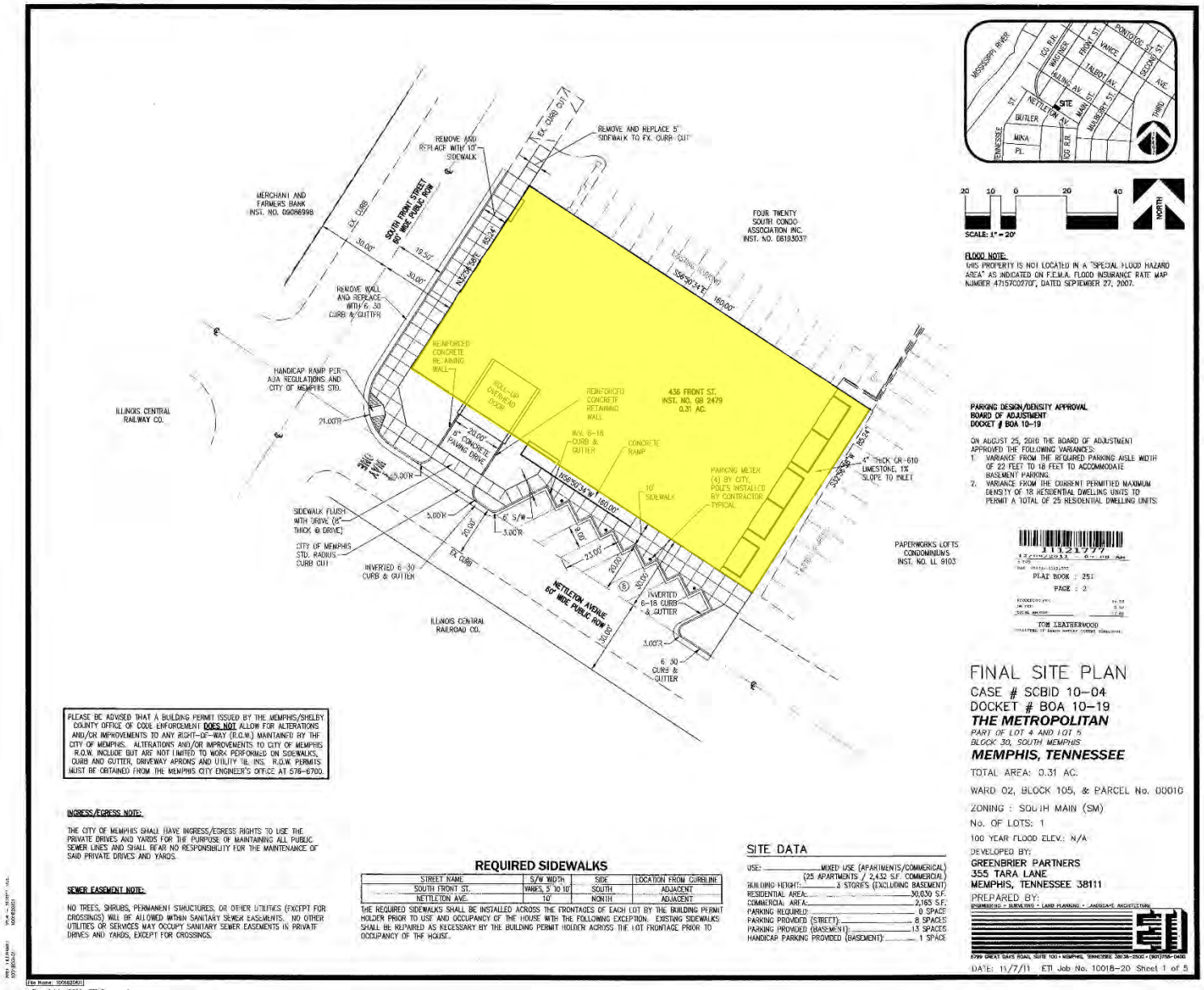
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 425 notices were mailed on May 22, 2025, see page 25 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 26 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, June 2, 2025, at The Stallion Apartments at 436 South Front Street.

The Metropolitan (2011) (PLAT BOOK 251 PAGE 002)



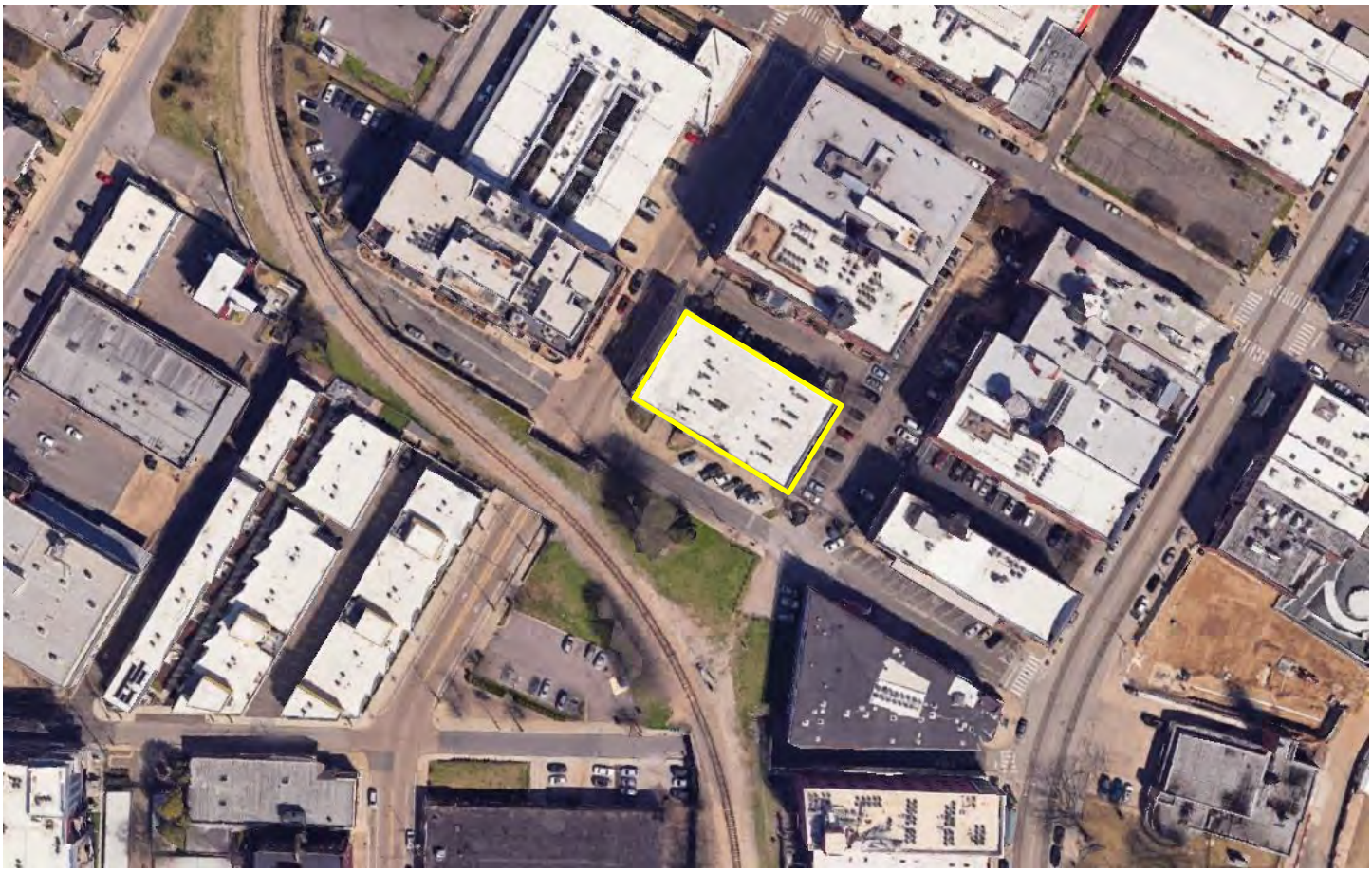
STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
SOUTH FRONT ST.	VARIES, 5' TO 10'	SOUTH	ADJACENT
NETTLETON AVE.	10'	NORTH	ADJACENT

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE HOUSE WITH THE FOLLOWING EXCEPTION. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE HOUSE.

SITE DATA	
USE:	MIXED USE (APARTMENTS/COMMERICAL) (25 APARTMENTS / 2,432 S.F. COMMERCIAL)
BUILDING HEIGHT:	3 STORIES (EXCLUDING BASEMENT)
RESIDENTIAL AREA:	30,030 S.F.
COMMERCIAL AREA:	2,165 S.F.
PARKING REQUIRED:	0 SPACES
PARKING PROVIDED (STREET):	8 SPACES
PARKING PROVIDED (BASEMENT):	13 SPACES
HANDICAP PARKING PROVIDED (BASEMENT):	1 SPACE

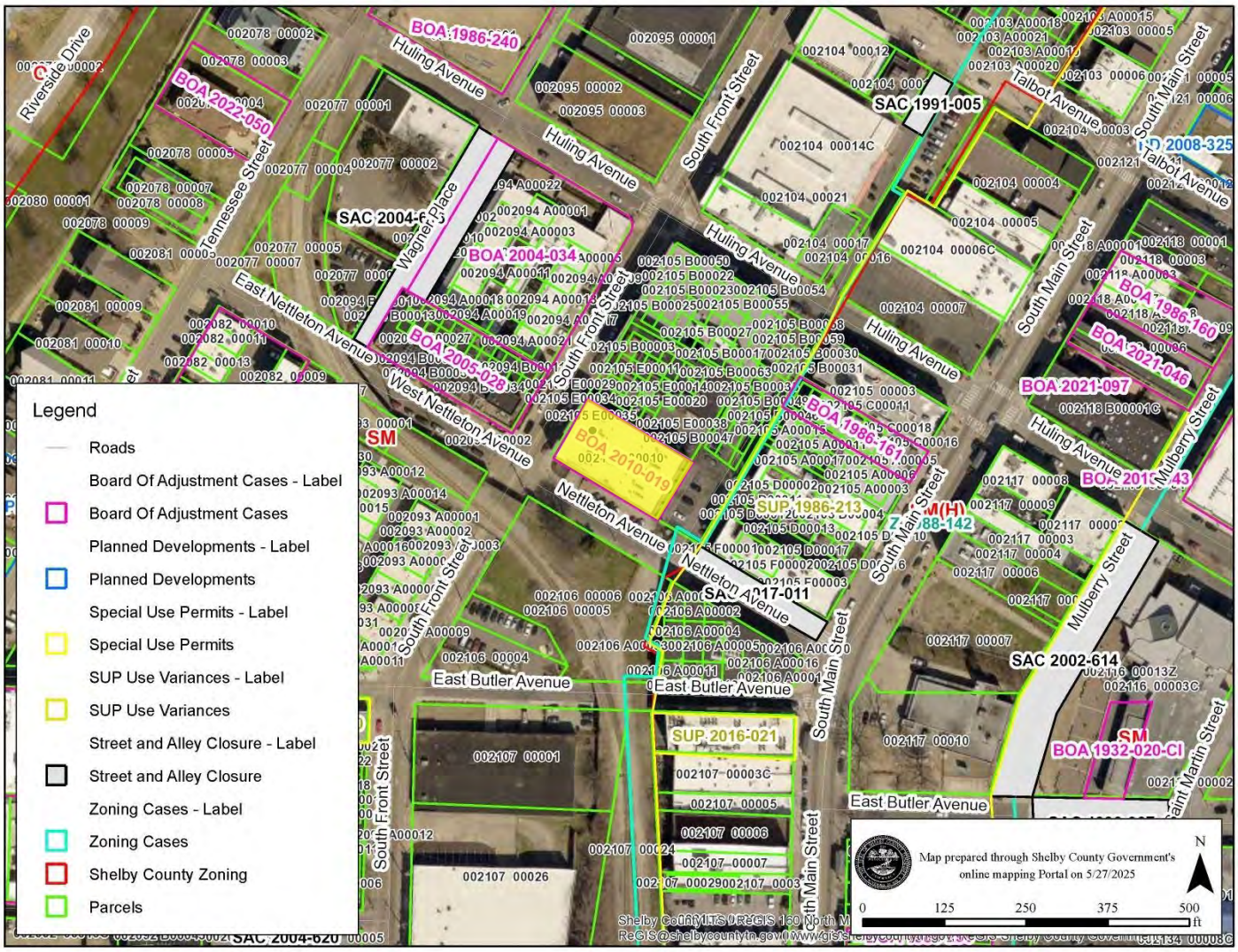
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from 2024

ZONING MAP

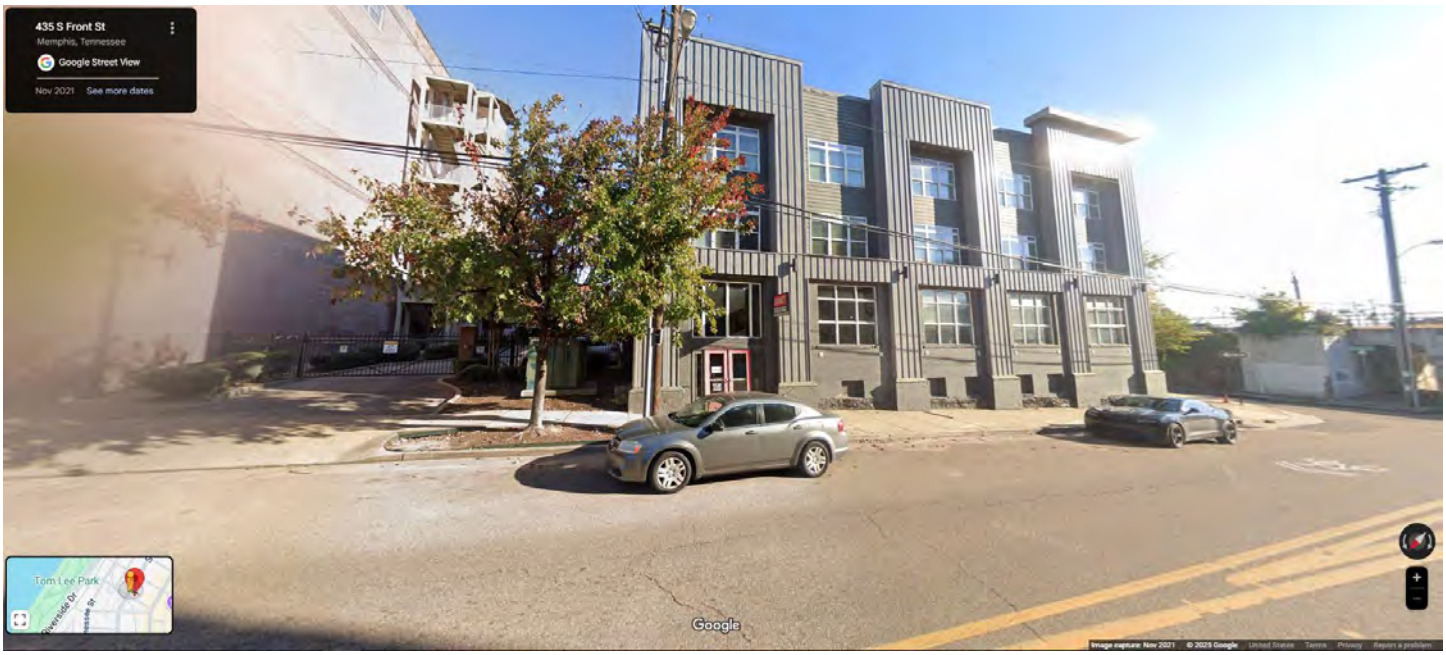


Subject property highlighted in yellow

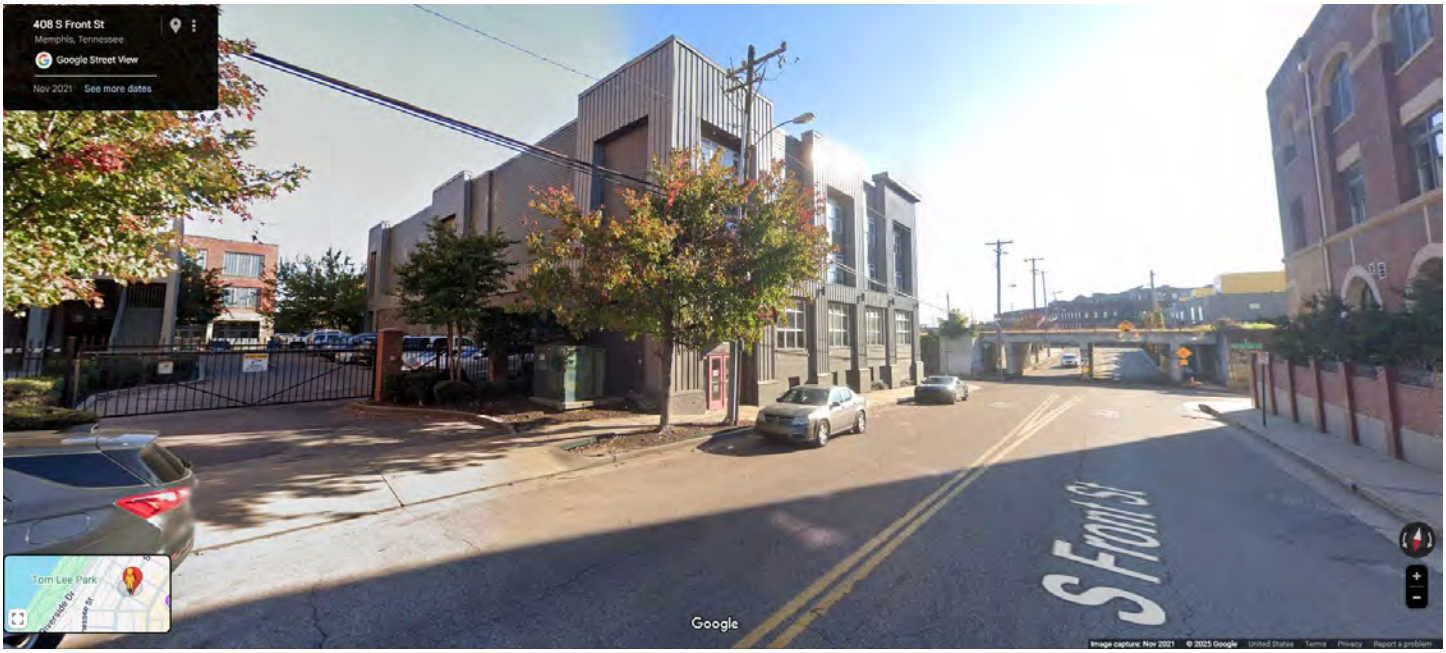
LAND USE MAP

Subject property indicated by a pink star

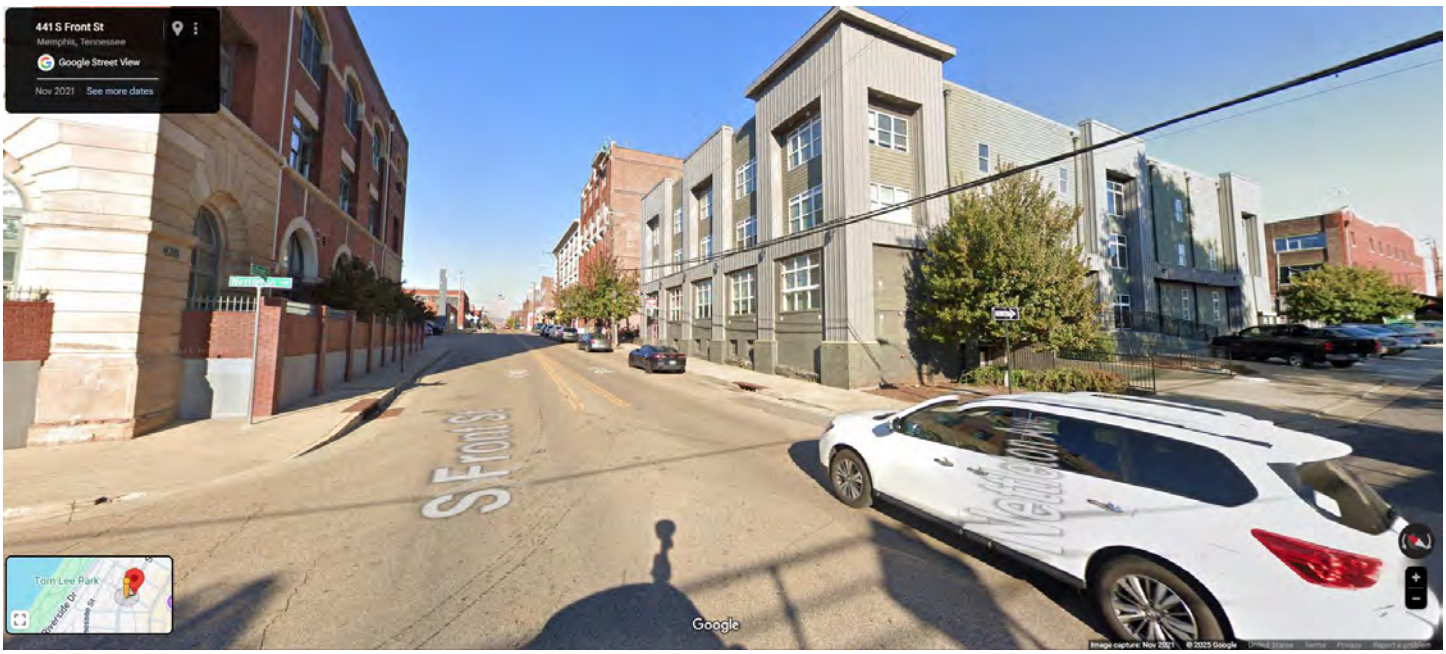
SITE PHOTOS



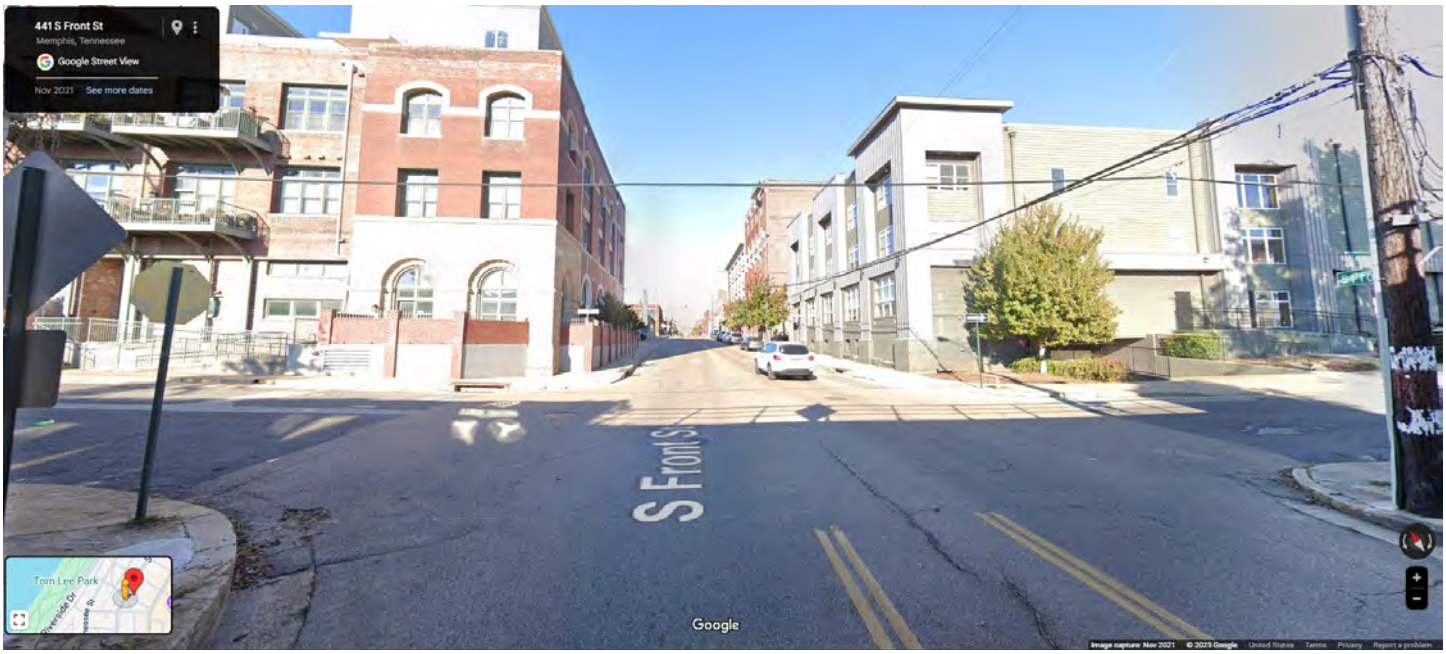
View of subject property from Front Street looking Northeast.



View of subject property from Front Street looking North.



View of subject property from Front Street looking Southeast.



View of subject property from Front Street looking Southeast.

Site Photos per the Applicant

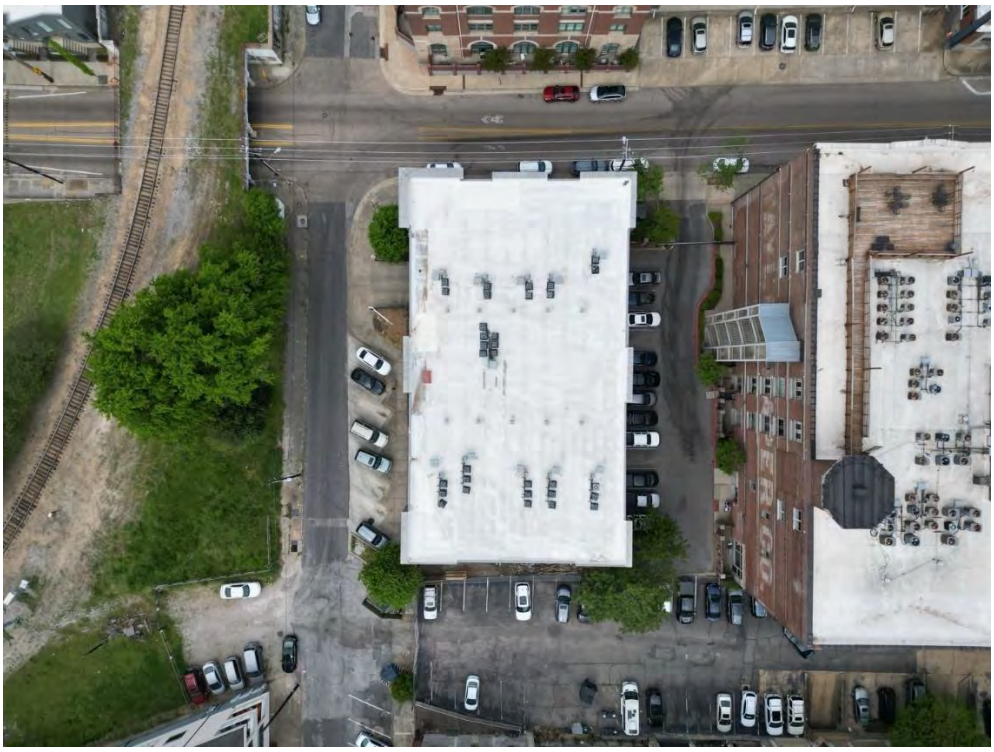


Photo 1: Top-down view of site (north is to the right).

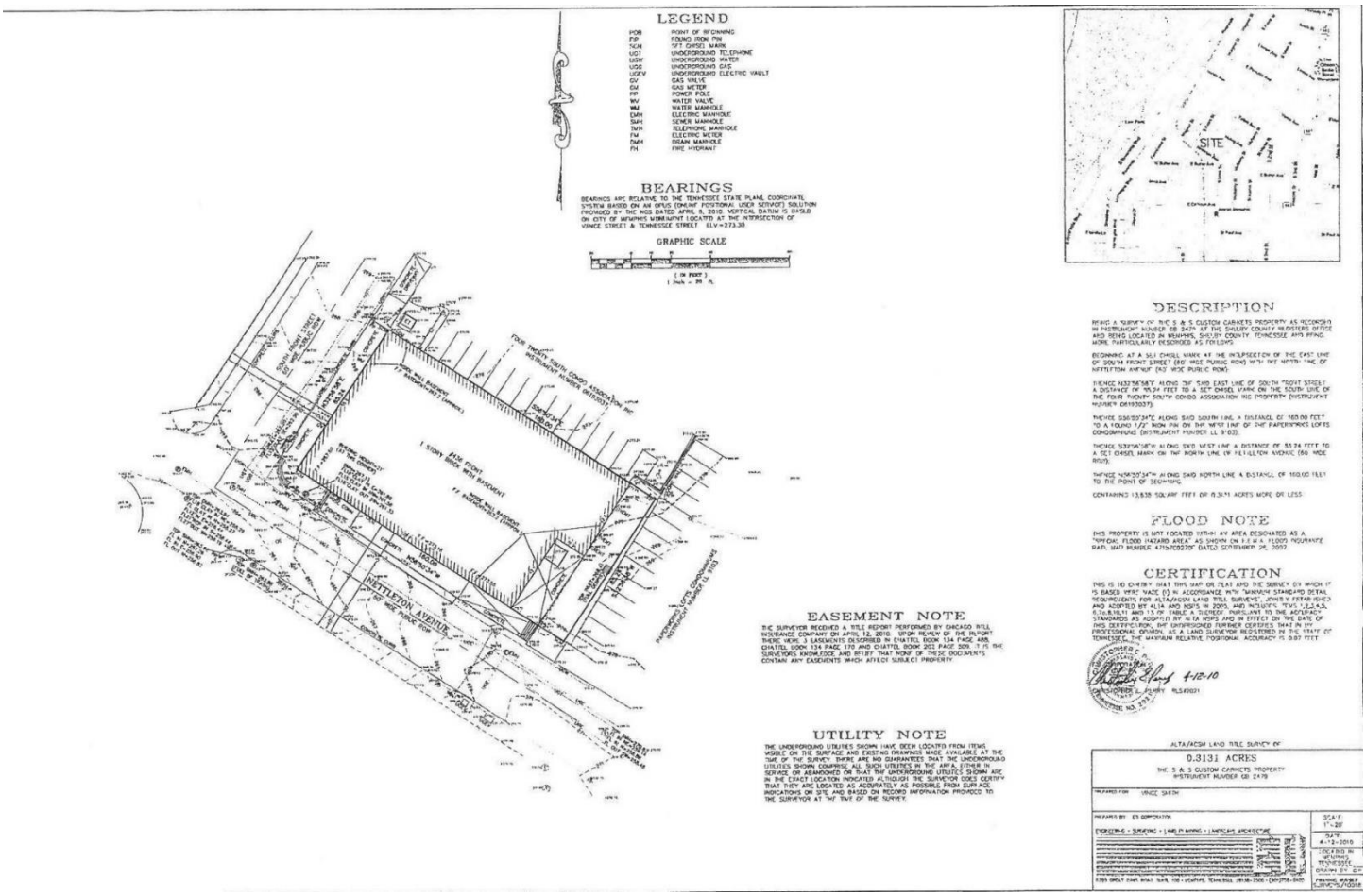
Photo 2: View looking north; the stallion is the center foreground.

Photo 3: View looking east; note the proximity of the National Civil Rights Museum, located in the center background.

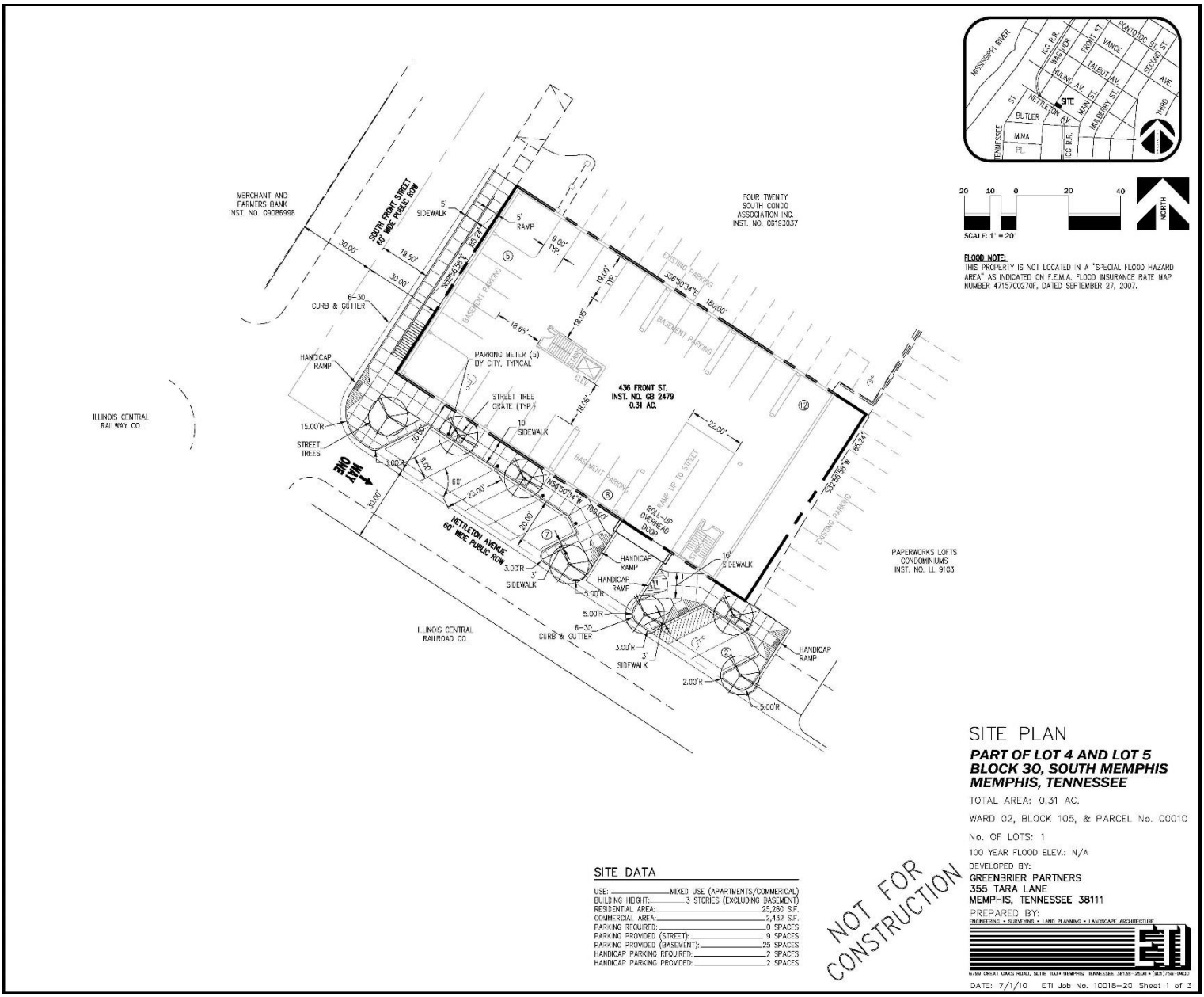
Photo 4: View south along Front Street.

Photo 5: View looking northeast; Front Street is on the left and Nettleton Avenue is on the right.

SURVEY


LEGEND
BEARINGS
GRAPHIC SCALE
SITE
DESCRIPTION
FLOOD NOTE
CERTIFICATION
EASEMENT NOTE
UTILITY NOTE
0.3131 ACRES
LITTLETON AVENUE

SITE PLAN


MERCHANT AND FARMERS BANK INST. NO. 09086998
SOUTH FRONT STREET 65' WIDE PUBLIC ROW
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ILLINOIS CENTRAL RAILWAY CO.
436 FRONT ST. INST. NO. GB 2479 0.31 AC.
PAPERWORKS LOFTS CONDOMINIUMS INST. NO. LL 9103
METTLETON AVENUE 65' WIDE PUBLIC ROW
ILLINOIS CENTRAL RAILROAD CO.
ONE WAY
SITE
SCALE: 1" = 20'
FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED IN A "SPECIAL FLOOD HAZARD AREA" AS INDICATED ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0270F, DATED SEPTEMBER 27, 2007.
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BUILDING HEIGHT: 3 STORIES (EXCLUDING BASEMENT)
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COMMERCIAL AREA: 2,432 S.F.
PARKING REQUIRED: 0 SPACES
PARKING PROVIDED (STREET): 9 SPACES
PARKING PROVIDED (BASEMENT): 25 SPACES
HANDICAP PARKING REQUIRED: 2 SPACES
HANDICAP PARKING PROVIDED: 2 SPACES
NOT FOR CONSTRUCTION
SITE PLAN
PART OF LOT 4 AND LOT 5
BLOCK 30, SOUTH MEMPHIS
MEMPHIS, TENNESSEE
TOTAL AREA: 0.31 AC.
WARD 02, BLOCK 105, & PARCEL No. 00010
No. OF LOTS: 1
100 YEAR FLOOD ELEV.: N/A
DEVELOPED BY:
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355 TARA LANE
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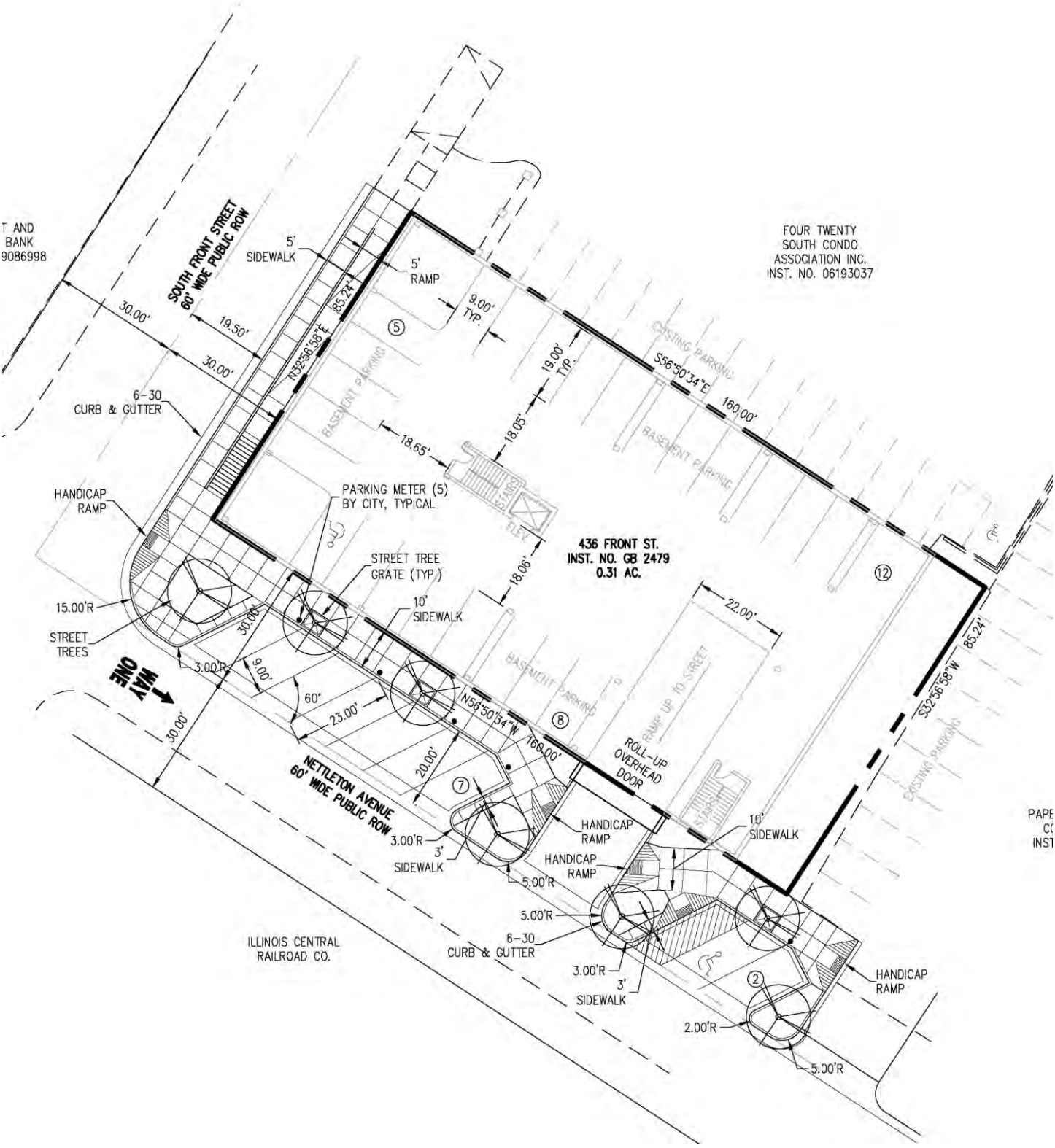
6799 GREAT OAKS ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38138 • (901)756-0400
DATE: 7/1/10 ETI Job No. 10018-20 Sheet 1 of 3

SITE PLAN – MAGNIFIED



CASE REVIEW

Request

The request is to convert an existing apartment building to a full-service hotel.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are 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:

9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.

9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.

9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.

9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.

9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.

9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

9.6.9H 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 Details

Address:
436 S. Front Street

Parcel ID:
002105 00010

Area:
+/- 13,590.72 (.312 acres)

Description:
The subject property is known as The Stallion, located at 436 S. Front Street in the South Main district of Downtown Memphis. The building currently houses 28 units, 22 of which are 1-bedroom units and six (6) of which are 2-bedroom units. Ten (10) of the units are currently utilized as short-term rentals through Airbnb. According to the Shelby County Assessor of Property's website, the property was developed in 2013. According to the Shelby County Register of Deeds, the property is within The Metropolitan subdivision which is in the South Main zoning district. The subject property is currently classified as multifamily in use as an apartment complex.

Site Zoning History

On July 28, 2010, the Board of Adjustment approved BOA 2010-019 for a variance from the required parking aisle width of 22 feet to 18th feet to accommodate basement parking; and a variance from the current permitted maximum density of 18 residential dwelling units to permit a total of 25 residential dwelling units. See page 19 of this report for said resolution. Note that after the adoption of ZTA 24-1 in May of 2024 the South Main District no longer has a maximum residential dwelling unit density per acre.

Relevant Unified Development Code Clauses

Paragraph 7.2.2C(3) - Special Use Permit
The following uses are subject to the approval of a Special Use Permit:
Gas Stations
Hotel, Bed and Breakfast
Retail Sales, Outdoors
Self-Storage Facilities
Tavern, Cocktail Lounge or Night Club with greater than 125 seats
Any restaurant, tavern, cocktail or night club with outdoor entertainment or with outdoor space, such as a patio or deck, that exceeds 25% of the area of the site. For sites with multiple uses, only the portion of the site that contains the restaurant, tavern, cocktail or night club and its accessory uses shall be used to calculate this 25%.

Paragraph 7.2.2D(3)
Façades greater than 100 feet in length along a street frontage, as measured horizontally, shall be articulated to provide visual interest and a human scale by incorporating any combination of the following features: columns, pilasters, balconies, piers, variation of material building and setback variations of at least 3 feet. No uninterrupted length of any façade shall exceed 100 horizontal feet.

Site Plan Review

The site plan provided is from the approved BOA 2010-019 case. However, the site plan was not followed as the garage doors along Nettle Avenue are not in the outlined location. Additionally, the streetscape and landscaping were not constructed correctly. Because of this, the final site plan with landscaping will need to be submitted in efforts to correct this issue. The site plan demonstrates the area of the building which makes up 0.31 acres of the lot. There is a proposed 30ft setback from South Front Street and Nettleton Avenue. Each street frontage has a curb and gutter alongside a handicap ramp for accessibility measures. The subject property proposed a basement parking under the building making up 25 spaces. Adjacent to the subject property is a bank, condominiums, and a railroad track. The subject property is proposed to be mixed use, making up commercial and guest rooms. The building is 3 stories tall, excluding the basement. The lodging area is made up of 25,280 sq. feet, whereas the commercial area will make up 2,432 sq. feet.

Analysis

- The request is for converting an apartment building into a full-service hotel.
- According to the applicant, the reasoning is due to increased demand in the market for a boutique hotel. The neighborhood demonstrates a strong market due to the prior use of a few units as Airbnb's. Additionally, the National Civil Rights Museum, which is located within walking distance from the site, is currently undergoing a multi-million-dollar expansion that will attract an increased number of visitors to the historic site over time.
- Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.
- The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will It be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. A "no parking" sign shall be erected on the vehicular gate at the adjacent parking lot serving 420 South Main Street to the north of the subject site facing Front Street.
2. Two spaces along Nettleton Avenue shall be signed in such a way that reserves these spaces for loading during the hours of 9am-5pm.
3. The trash collection area shall be screened and secured by a fence or wall composed of an opaque matte material compatible with the dominant material of the primary building. Compatibility of material is subject to administrative review and approval by the Zoning Administrator.
4. A final site plan with landscaping shall be submitted to the Division of Planning and Development for administrative review and approval.

Notice of Disposition

MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901)576-6619

08/26/10

Greenbrier Partners
355 Tara Lane
Memphis, TN 38111

RE: "The Metropolitan" DOCKET #: B.O.A. 10-19
ADDRESS: (Northeast corner of S. Front Street and Nettleton Avenue)

Dear Greenbrier Partners:

On Wednesday, August 25th, 2010, the Memphis and Shelby County Board of Adjustment approved the following variations for the development of a mixed use building as illustrated on the attachments known as "The Metropolitan":

(1) Parking aisle width of 18 feet to accommodate basement parking where 22 feet is required by the geometric design requirements of the Parking Regulations in the Zoning Ordinance.

(2) 25 residential dwelling units where a maximum of 18 residential dwelling units is permitted by the density requirements of the South Main (SM) Zoning District. residential dwelling units.

ALL APPEALS AND APPLICATIONS GRANTED ARE EXPRESSLY CONDITIONED UPON THE APPLICANT OBTAINING THE BUILDING PERMIT REQUESTED OR OTHER ORDER WITHIN ONE(1) YEAR FROM THE DATE OF THE DECISION OF THE BOARD OF ADJUSTMENT.

If you have questions regarding this matter, please contact me at (901)576-6619.

Respectfully,

Norman R. Saliba, Jr., AICP
Land Use Controls Manager

cc: Dan Graddy, ETI Corporation

DEPARTMENTAL COMMENTS

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

City/County Engineer: No comments received.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See Comments Below.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: **SUP 2025-011**

Site Address/Location: 436 S. Front Street (Parcel No. 002105 00010)
Overlay District/Historic District/Flood Zone: In the Central Business Improvement District (CBID), not in a historic district or flood zone.
Future Land Use Designation: Anchor Neighborhood-Urban (AN-U)
Street Type: Avenue

Applicant is requesting to convert an existing mixed-use apartment building into a full-service hotel.

The following information about the land use designation can be found on pages 76 – 122:

1. **Future Land Use Planning Map**

Red polygon indicates the application site on the Future Land Use Map.

2. **Land Use Description/Intent**

Anchor Neighborhood-Urban (AN-U) are walkable residential and mixed-use within a 5 – 10-minute walk of a City Anchor, consisting of block-scale buildings. Graphic portrayal of AN-U is to the right.

"AN-U" Form & Location Characteristics
NURTURE, SUSTAIN, and ACCELERATE
Buildings attached, semi-detached, and detached; Primarily block-scale with some house-scale, Residential, commercial, or mix of uses; Primarily within 1/4 mile of a Citywide Anchor

"AN-U" Zoning Notes

Generally compatible with the following zone districts: RU-4, RU-5, R-B, CBD in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Multi-Family, SM

Adjacent Land Use and Zoning: Multi-family, Office, Industrial, Single-Family, Commercial; SM, SM(H)

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. Hotel uses are consistent with the SM zoning district. The existing uses of some units as AirBnB's show the market shifting towards accommodating hotel guests rather than long-term residents.*

3. **Degree of Change Map**

Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed application is a private investment attempting to capitalize on a service use that caters to a larger market in the area (pp. 66).

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

The requested use is consistent with **Objective 1.5** – *Strengthen neighborhood commercial districts* **Action 1.5.7** – *Support and encourage adaptive reuse of existing underutilized structures and properties in Citywide and Community Anchors for business development*. Converting the existing apartments into a full-service hotel aims to serve the growing tourism industry surrounding the Civil Rights Museum.

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

Applicant is requesting to convert an existing mixed-use apartment building into a full-service hotel.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. Hotel uses are consistent with the SM zoning district. The existing uses of some units as AirBnB's show the market shifting towards accommodating hotel guests rather than long-term residents.

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed application is a private investment attempting to capitalize on a service use that caters to a larger market in the area (pp. 66).

The requested use is consistent with **Objective 1.5** – *Strengthen neighborhood commercial districts* **Action 1.5.7** – *Support and encourage adaptive reuse of existing underutilized structures and properties in Citywide and Community Anchors for business development*. Converting the existing apartments into a full-service hotel aims to serve the growing tourism industry surrounding the Civil Rights Museum.

Additional Comments:

The identification of extant AirBnB's within the property is cited from the application that this analysis reviews. In the application, Whitehead Law identifies a strong market for a boutique hotel in their "...experience with utilizing some of the units in the building as AirBnB's..."(5).

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Grayson Vincent, Graduate Intern, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Board of Adjustment. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, May 21, 2025 at 8 AM.**

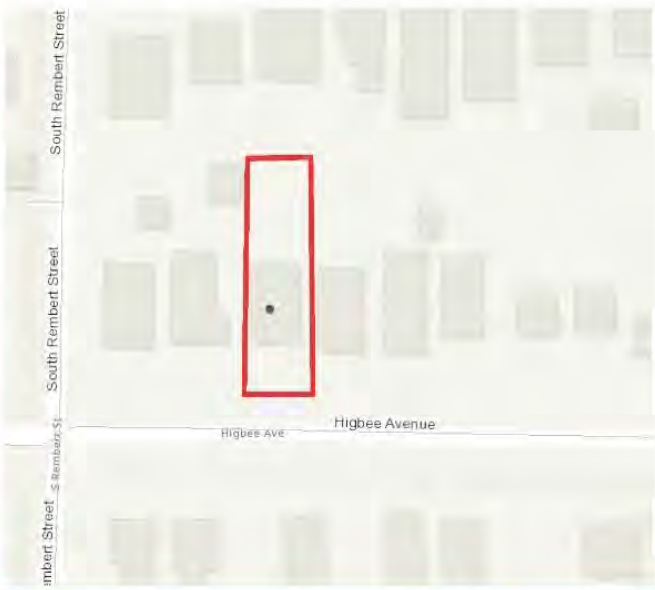
CASE NUMBER: BOA 2025-0052
ADDRESS: 2002 Higbee
REQUEST: To allow a Supportive Living Home
APPLICANT: MSHN Enterprices

Meeting Details
Location: Council Chambers
City Hall 1st Floor
125 N Main St.

Time: 2:00 PM

Date: Wednesday, May. 28, 2025

VICINITY MAP



Staff Planner Contact:
Travian Smith
Travian.Smith@memphistn.gov
(901) 636-6621

To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

219 Notices sent on 05/08/2025

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Milis Mikic *, being duly sworn, depose and say that at* 3:30 *am/pm on the* 19th *day of* May *, 20*25*, I posted* 2 *Public Notice Sign(s) pertaining to Case No.* SUP 2025-11 *at* the Front St. and Nettleton Ave. frontages of 436 S. Front St. *, providing notice of a Public Hearing before the (check one):*

x *Land Use Control Board*
_____ *Board of Adjustment*
_____ *Memphis City Council*
_____ *Shelby County Board of Commissioners*

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Milos Mikic — *Owner, Applicant or Representative*

5/20/25 — *Date*

Subscribed and sworn to before me this 20th *day of* May *, 20*25*.*

Notary Public

My commission expires: 01-03-2028

KRISTIN L. GORDON
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. JAN. 03, 2028

APPLICATION

Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134
Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: May 2, 2025

Record Number: SUP 2025-011

Expiration Date:

Record Name: The Stallion Hotel

Description of Work: Conversion of apartment building to full-service hotel.

Parent Record Number:

Address:
436 S FRONT ST, MEMPHIS 38103

Owner Information

Primary	Owner Name
Y	STALLION APARTMENTS LLC

Owner Address: 101 SILVERSTONE LN, SHENANDOAH, TX 77384

Owner Phone:

Parcel Information
002105 00010

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Brett Ragsdale
Date of Meeting	04/22/2025
Pre-application Meeting Type	Email

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	BOA 2010-19
Is this application in response to a citation, stop work order, or zoning letter	No

Page 1 of 3

SUP 2025-011

GENERAL PROJECT INFORMATION	
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-
APPROVAL CRITERIA	
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	Correct.
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	Correct.
UDC Sub-Section 9.6.9C	Correct.
UDC Sub-Section 9.6.9D	Correct.
UDC Sub-Section 9.6.9E	Correct.
UDC Sub-Section 9.6.9F	Correct.
GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
JOSH WHITEHEAD

Contact Type
APPLICANT

Address

Phone
(901)810-5789

OWNER AFFIDAVIT

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Amit Aggarwal, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

☑ I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

☐ I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 436 S. Front St. and further identified by Assessor's Parcel Number 002105 00010. for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of April in the year of 2025.

Amit Aggarwal
Signature of Owner

Stallion Apartments, LLC
On behalf of (if owned by a corporation)

CEDRIC DAVIS STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. SEPT. 23, 2026

Signature of Notary Public

Sept. 23, 2026
My Commission Expires

LETTER OF INTENT

Josh Whitehead
Managing Partner
(901) 810-5789
josh@joshwhiteheadlaw.com

Whitehead Law
275 Jefferson Avenue
Memphis, Tenn. 38103

Miloš Mikić
Chief Operating Officer
(901) 810-5706
milos@joshwhiteheadlaw.com

April 29, 2025

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp
Chair, and Members
Memphis and Shelby County
Land Use Control Board

RE: Conversion of The Stallion Apartments into The Stallion Hotel

Mr. Ragsdale, Chair Sharp and Members of the Board:

Please find the attached application for a Special Use Permit that would allow the conversion of The Stallion Apartments located at 436 South Front into a hotel. We believe the market for an additional boutique hotel in the neighborhood is very strong, given our experience with utilizing some of the units in the building as AirBnB's and the multi-million dollar expansion that is currently underway at the National Civil Rights Museum. The museum, which is a half-block to the Stallion's east, is set to open its new exhibit space and renovated Legacy Building and boarding house wing this year. The museum is set to increase its square footage by about 50%, which will likely result in a proportional increase in the number of visitors to the historic site.

The Stallion Hotel will be focused on families; each unit will contain a crib. The building currently houses 28 units, 22 of which are 1-bedroom units and six (6) of which are 2-bedroom units. Ten (10) of the units are currently utilized as short-term rentals through AirBnB; it is our desire to identify the building as a facility with full hotel amenities. A front desk will be staffed 24 hours a day, seven (7) days a week, which will provide on-site personnel for the hotel. In addition, a fitness center will be provided on the first floor. The basement garage contains 16 parking spaces. In addition, there are eight (8) parking spaces along Nettleton. Pick-up and drop-off lanes will be provided in both the basement garage and along Nettleton.

Please see the attached plans for exterior modifications that were the subject of a façade grant from the Downtown Memphis Commission. These modifications include new paint, new façade and sidewalk lighting, new brick planters, new signage and even a new sculpture. We look forward in repositioning the Stallion in the marketplace in a way that will further cement the viability of the South Main neighborhood. Recent aerial photographs of the site are attached to this letter.

Thank you for your consideration,

Josh Whitehead

LETTERS RECEIVED

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

Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134
Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

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101 SILVERSTONE LN, SHENANDOAH, TX 77384

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002105 00010

Data Fields

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Name of DPD Planner	Brett Ragsdale
Date of Meeting	04/22/2025
Pre-application Meeting Type	Email

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Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	BOA 2010-19
Is this application in response to a citation, stop work order, or zoning letter	No

GENERAL PROJECT INFORMATION

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

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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	Correct.
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UDC Sub-Section 9.6.9D	Correct.
UDC Sub-Section 9.6.9E	Correct.
UDC Sub-Section 9.6.9F	Correct.

GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
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Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
JOSH WHITEHEAD

Contact Type
APPLICANT

Address

Phone
(901)810-5789

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1646202	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/02/2025
1646202	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/02/2025

Total Fee Invoiced: $513.00 Total Balance: $0.00

Payment Information

Payment Amount	Method of Payment
$513.00	Credit Card

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

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Amit Aggarwal
Signature of Owner

Stallion Apartments, LLC
On behalf of (if owned by a corporation)

CEDRIC DAVIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. SEPT. 23, 2026

Signature of Notary Public

Sept. 23, 2026
My Commission Expires

Josh Whitehead
Managing Partner
(901) 810-5789
josh@joshwhiteheadlaw.com

Whitehead Law
275 Jefferson Avenue
Memphis, Tenn. 38103

Miloš Mikić
Chief Operating Officer
(901) 810-5706
milos@joshwhiteheadlaw.com

April 29, 2025

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp
Chair, and Members
Memphis and Shelby County
Land Use Control Board

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Thank you for your consideration,

Josh Whitehead

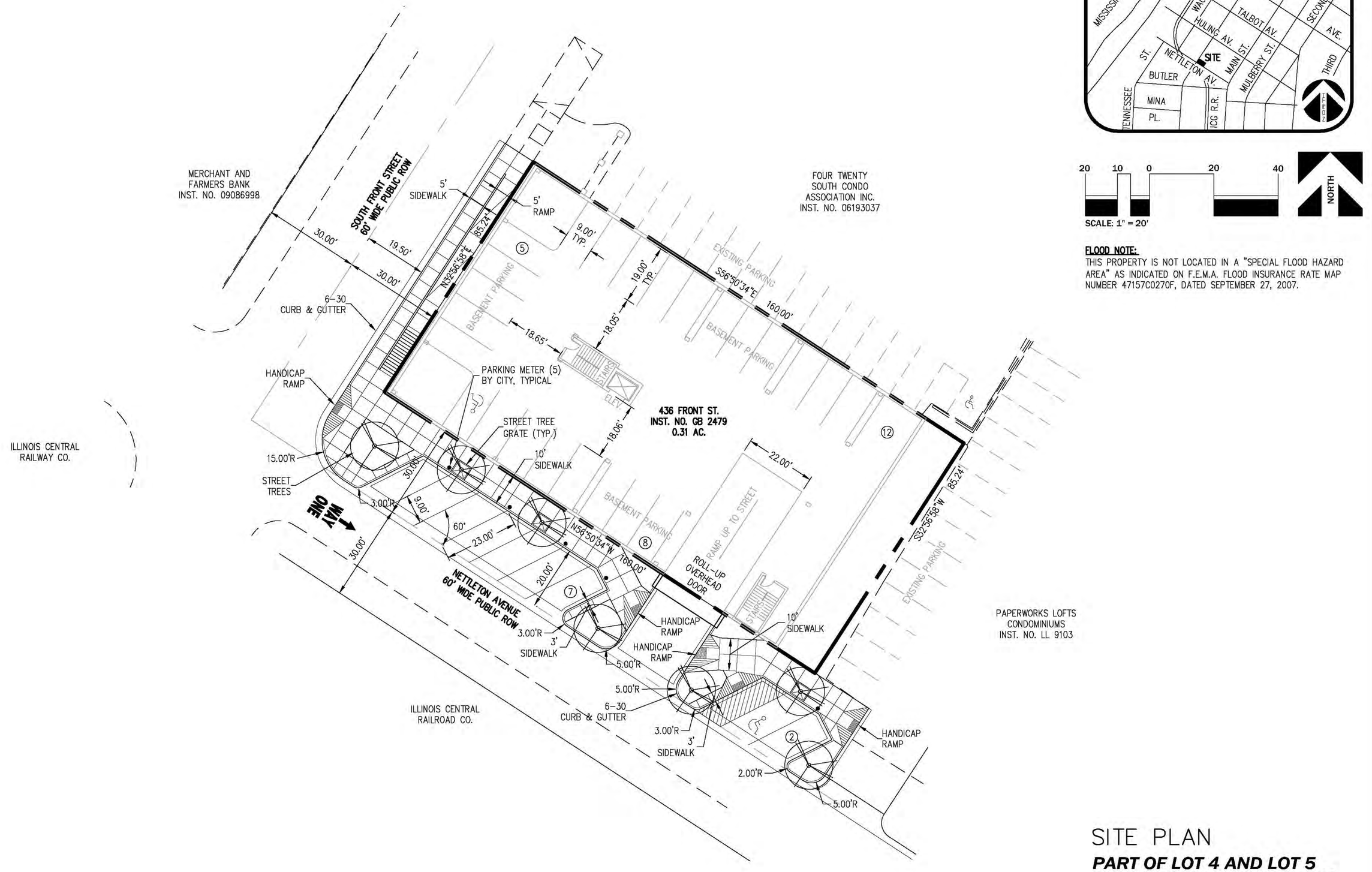
Photo 1: Top-down view of site (north is to the right).

Photo 2: View looking north; the Stallion is in the center foreground.

Photo 3: View looking east; note the proximity of the National Civil Rights Museum, located in the center background.

Photo 4: View south along Front Street.

Photo 5: View looking northeast; Front Street is on the left and Nettleton Avenue is on the right.



20 10 0 20 40

SCALE: 1" = 20'

NORTH

FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED IN A "SPECIAL FLOOD HAZARD AREA" AS INDICATED ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0270F, DATED SEPTEMBER 27, 2007.

SITE DATA

USE:	MIXED USE (APARTMENTS/COMMERICAL)
BUILDING HEIGHT:	3 STORIES (EXCLUDING BASEMENT)
RESIDENTIAL AREA:	25,280 S.F.
COMMERCIAL AREA:	2,432 S.F.
PARKING REQUIRED:	0 SPACES
PARKING PROVIDED (STREET):	9 SPACES
PARKING PROVIDED (BASEMENT):	25 SPACES
HANDICAP PARKING REQUIRED:	2 SPACES
HANDICAP PARKING PROVIDED:	2 SPACES

NOT FOR CONSTRUCTION

SITE PLAN

PART OF LOT 4 AND LOT 5 BLOCK 30, SOUTH MEMPHIS MEMPHIS, TENNESSEE

TOTAL AREA: 0.31 AC.

WARD 02, BLOCK 105, & PARCEL No. 00010

No. OF LOTS: 1

100 YEAR FLOOD ELEV.: N/A

DEVELOPED BY:

GREENBRIER PARTNERS
355 TARA LANE
MEMPHIS, TENNESSEE 38111

PREPARED BY:

ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE
6799 GREAT OAKS ROAD, SUITE 100 • MEMPHIS, TENNESSEE 38138-2500 • (901)758-0400

DATE: 7/1/10 ETI Job No. 10018-20 Sheet 1 of 3

XREF FILENAME: 1001800b01 VIEW - SCRIPT FILE: 1001820101

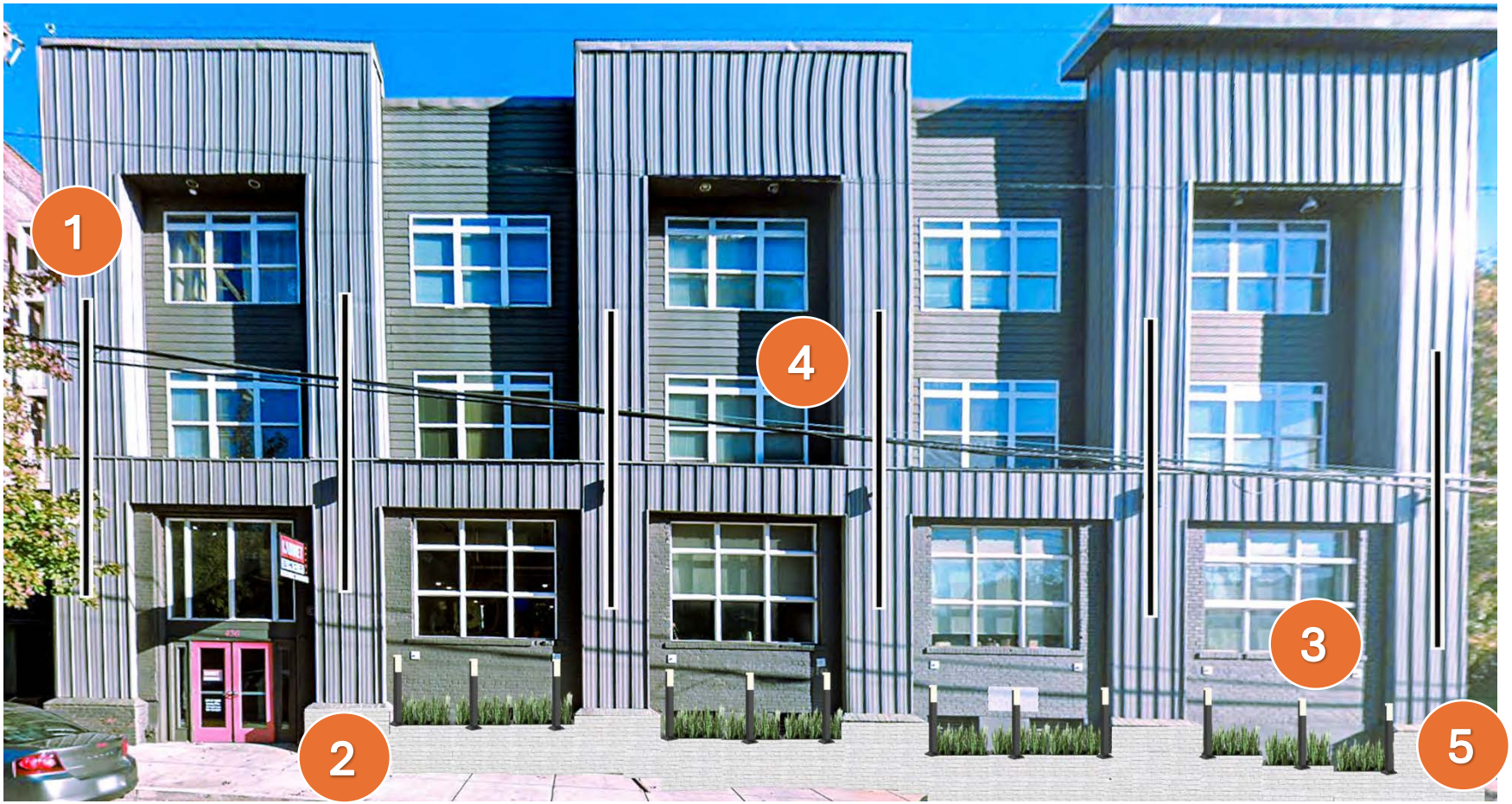
File Name: 1001820101

436 S FRONT ST GRANT

DESIGN PROPOSAL

AMIT AGGARWAL
STALLION APARTMENTS LLC

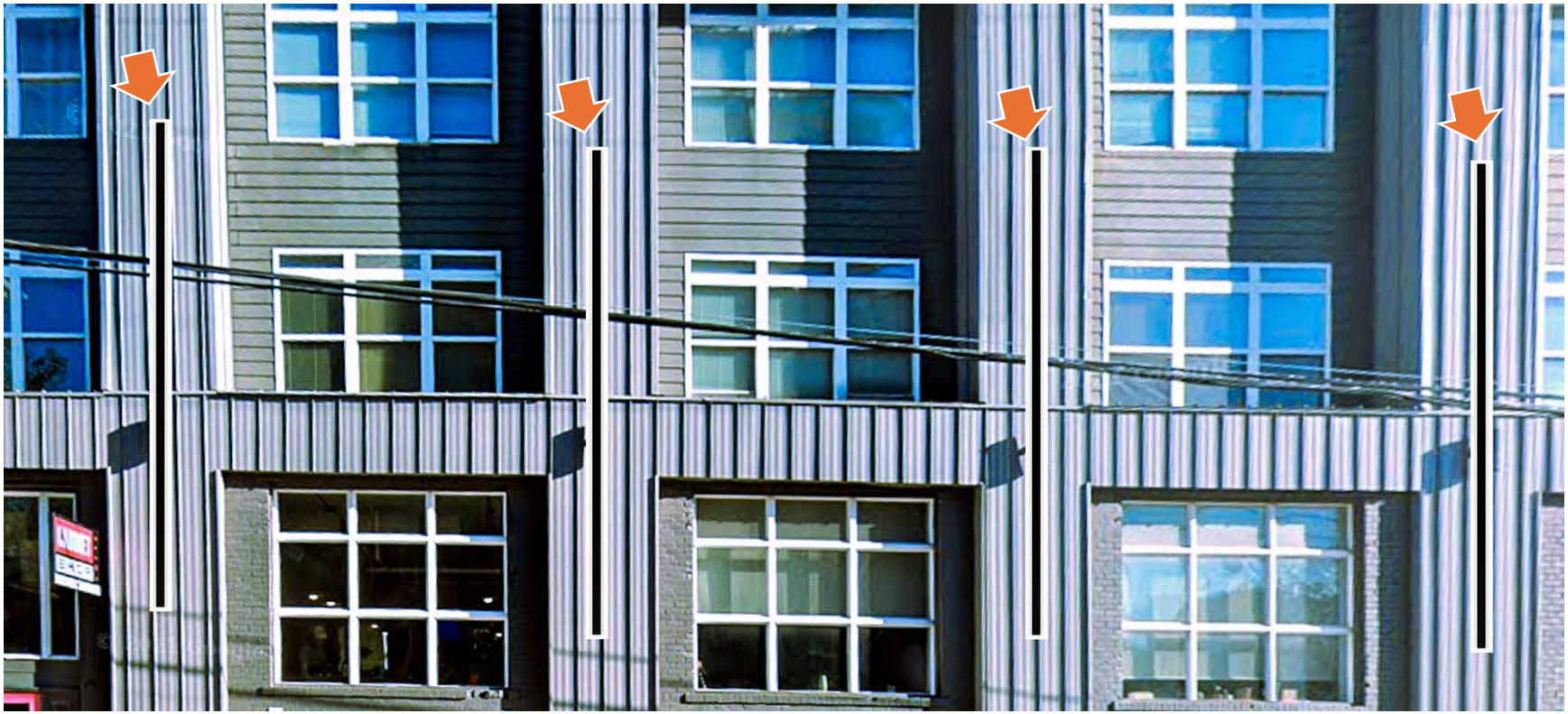
Overall



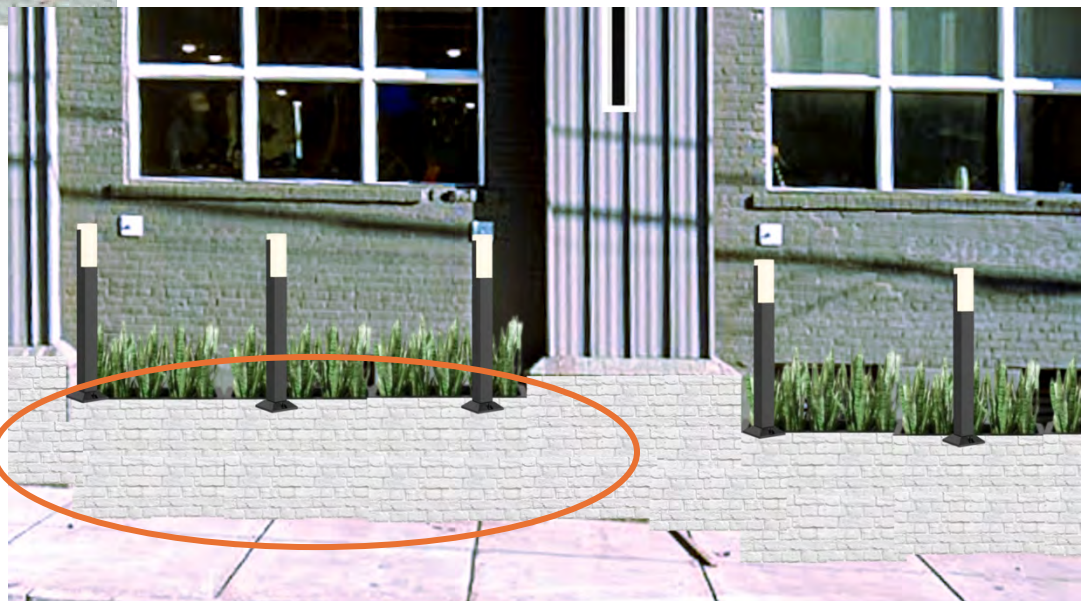
1. New Main multicolored LED Lights
2. Brick wall with planters
3. Sidewalk lights
4. New Paint throughout
5. Sculpture on the side

1. New Main lights

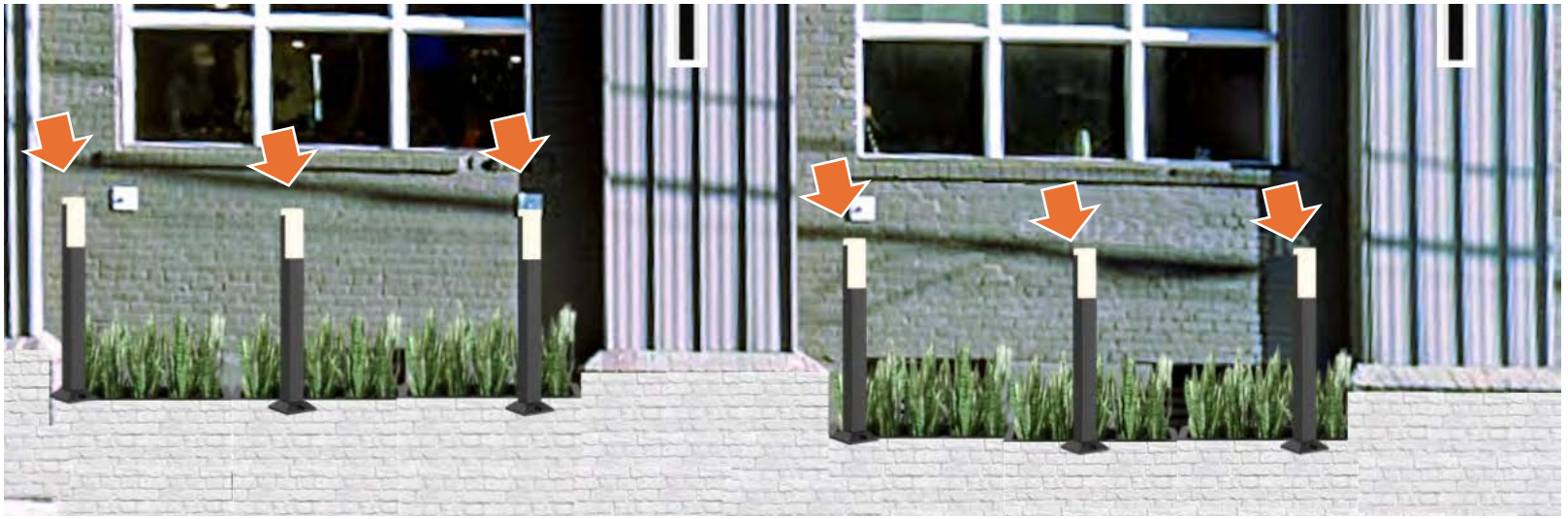
New colored remote-controlled LED lights throughout the front and side of the building



2. New brick wall for planter on the front side

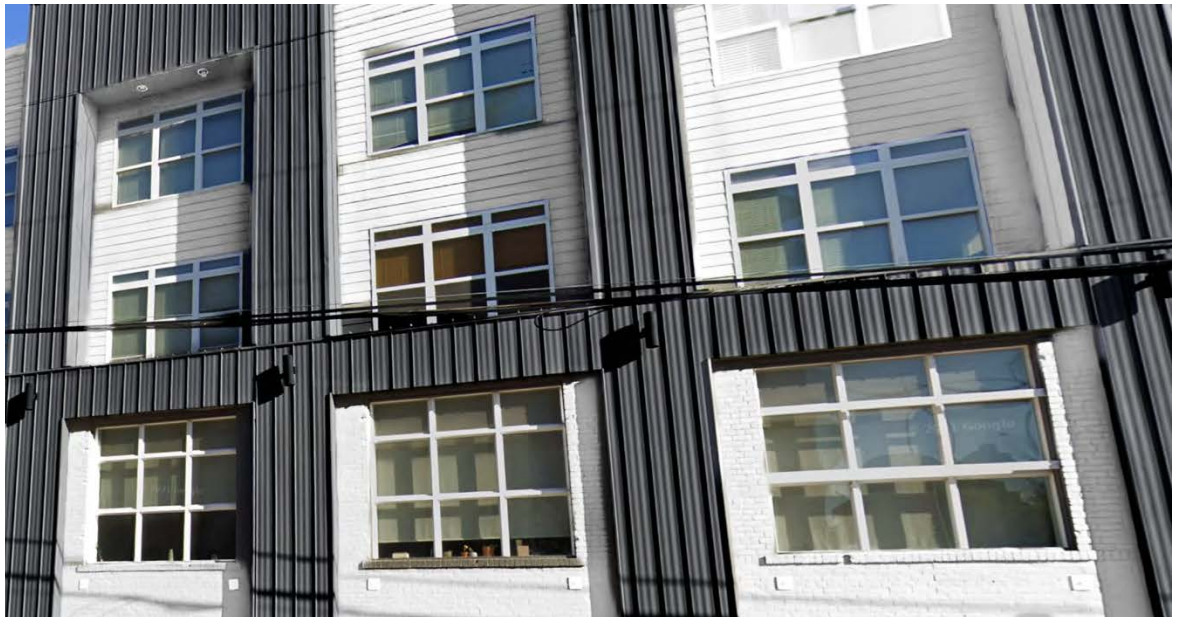


3. New Sidewalk lights



4. New paint throughout

Note: Colors NOT final yet



5. Sculpture on the side of the building

Note: Sculpture may change, not a final one

LEGEND

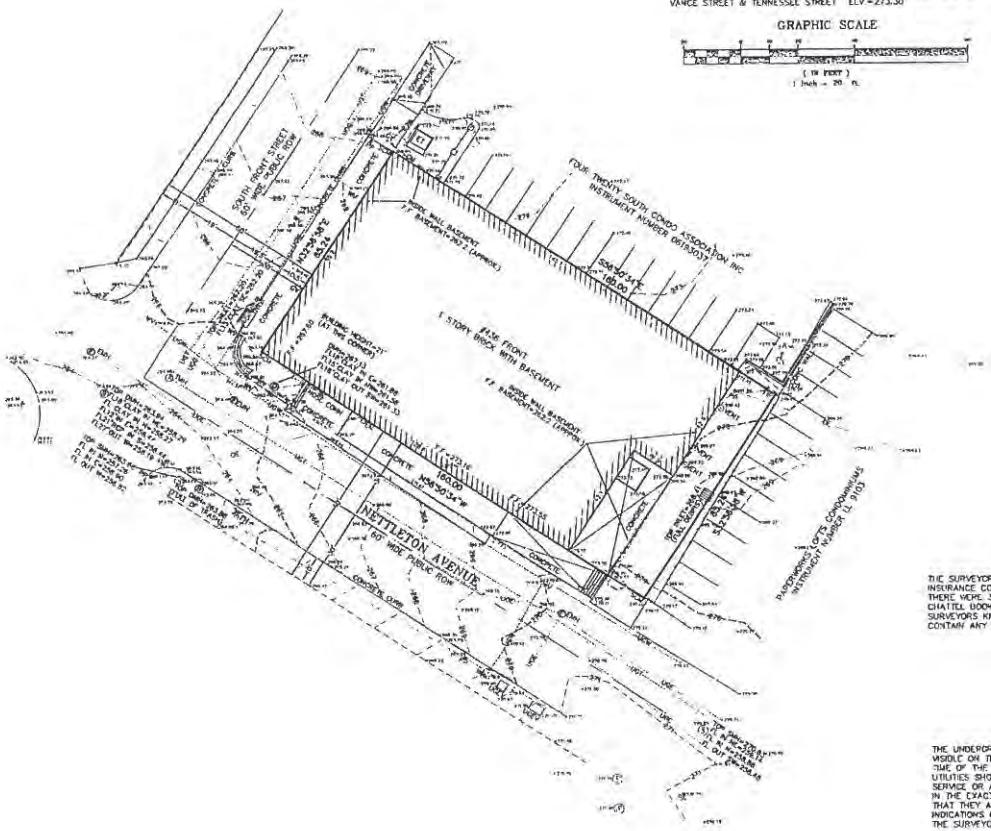
POB	POINT OF BEGINNING
FIP	FOUND IRON PIN
SCH	SET CHISEL MARK
UGT	UNDERGROUND TELEPHONE
UGW	UNDERGROUND WATER
UGG	UNDERGROUND GAS
UGEV	UNDERGROUND ELECTRIC VAULT
GV	GAS VALVE
GM	GAS METER
PP	POWER POLE
WV	WATER VALVE
WM	WATER MANHOLE
EMH	ELECTRIC MANHOLE
SMH	SEWER MANHOLE
TMH	TELEPHONE MANHOLE
EM	ELECTRIC METER
DMH	DRAIN MANHOLE
FH	FIRE HYDRANT

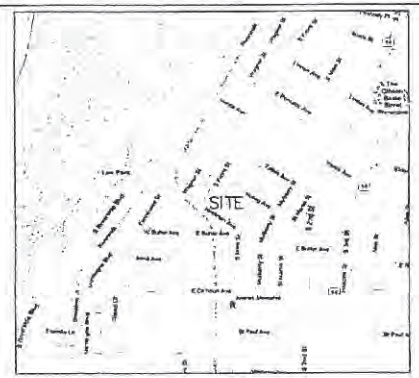
BEARINGS

BEARINGS ARE RELATIVE TO THE TENNESSEE STATE PLANE COORDINATE SYSTEM BASED ON AN OPUS (ONLINE POSITIONAL USER SERVICE) SOLUTION PROVIDED BY THE NGS DATED APRIL 8, 2010. VERTICAL DATUM IS BASED ON CITY OF MEMPHIS MONUMENT LOCATED AT THE INTERSECTION OF VANCE STREET & TENNESSEE STREET ELEV.=273.30

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.





DESCRIPTION

BEING A SURVEY OF THE S & S CUSTOM CABINETS PROPERTY AS RECORDED IN INSTRUMENT NUMBER GB 2479 AT THE SHELBY COUNTY REGISTERS OFFICE AND BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET CHISEL MARK AT THE INTERSECTION OF THE EAST LINE OF SOUTH FRONT STREET (80' WIDE PUBLIC ROW) WITH THE NORTH LINE OF NETTLETON AVENUE (60' WIDE PUBLIC ROW);

THENCE N33°56'58"E ALONG THE SAID EAST LINE OF SOUTH FRONT STREET A DISTANCE OF 35.24 FEET TO A SET CHISEL MARK ON THE SOUTH LINE OF THE FOUR TWENTY SOUTH CONDO ASSOCIATION INC PROPERTY (INSTRUMENT NUMBER 06193037);

THENCE S56°50'34"E ALONG SAID SOUTH LINE A DISTANCE OF 160.00 FEET TO A FOUND 1/2" IRON PIN ON THE WEST LINE OF THE PARKWORKS LOFTS CONDOMINIUMS (INSTRUMENT NUMBER LL 9103);

THENCE S33°56'58"W ALONG SAID WEST LINE A DISTANCE OF 35.24 FEET TO A SET CHISEL MARK ON THE NORTH LINE OF NETTLETON AVENUE (60' WIDE ROW);

THENCE N56°50'34"W ALONG SAID NORTH LINE A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,638 SQUARE FEET OR 0.3131 ACRES MORE OR LESS.

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN AN AREA DESIGNATED AS A "SPECIAL FLOOD HAZARD AREA" AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 47157C0270F DATED SEPTEMBER 28, 2007.

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (1) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1,2,3,4,5, 6,7a,8,10,11 AND 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF TENNESSEE, THE MAXIMUM RELATIVE POSITIONAL ACCURACY IS 0.07 FEET.

CHRISTOPHER L. FLURRY
REGISTERED LAND SURVEYOR
STATE OF TENNESSEE NO. 2021

4-12-10

CHRISTOPHER L. FLURRY RLS#2021

EASEMENT NOTE

THE SURVEYOR RECEIVED A TITLE REPORT PERFORMED BY CHICAGO TITLE INSURANCE COMPANY ON APRIL 12, 2010. UPON REVIEW OF THE REPORT THERE WERE 3 EASEMENTS DESCRIBED IN CHATTEL BOOK 134 PAGE 488, CHATTEL BOOK 134 PAGE 170 AND CHATTEL BOOK 202 PAGE 509. IT IS THE SURVEYORS KNOWLEDGE AND BELIEF THAT NONE OF THESE DOCUMENTS CONTAIN ANY EASEMENTS WHICH AFFECT SUBJECT PROPERTY.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ITEMS VISIBLE ON THE SURFACE AND EXISTING DRAWINGS MADE AVAILABLE AT THE TIME OF THE SURVEY. THERE ARE NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED, OR THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM SURFACE INDICATIONS ON SITE AND BASED ON RECORD INFORMATION PROVIDED TO THE SURVEYOR AT THE TIME OF THE SURVEY.

ALTA/ACSM LAND TITLE SURVEY OF

0.3131 ACRES

THE S & S CUSTOM CABINETS PROPERTY
INSTRUMENT NUMBER GB 2479

PREPARED FOR: VANCE SMITH

PREPARED BY: CS CORPORATION

ENGINEERING · SURVEYING · LAND PLANNING · LANDSCAPE ARCHITECTURE

5795 GREAT OAKS WAY, SUITE 150 · MEMPHIS, TENNESSEE 38138-2500 · (901)756-0400

SCALE: 1"=20'
DATE: 4-12-2010
LOCATED IN MEMPHIS, TENNESSEE
DRAWN BY: C.F.
DRAWING NUMBER: SURVEYS/10018

Shelby County Tennessee

Willie F. Brooks, Jr.

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

24079946

09/17/2024 - 08:13:30 AM

6 PGS	
PAMELA 2751249-24079946	
VALUE	3350000.00
MORTGAGE TAX	0.00
TRANSFER TAX	12395.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	12430.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100
Website: http://register.shelby.tn.us Email: register@shelbycountytn.gov

Return to Once Recorded:
Byrne Westmoreland, PLLC - Midtown
71 North Cooper Street
Memphis, TN 38104
Phone No. (901) 572-1419
File No. MT-2407-30

THIS INSTRUMENT PREPARED BY:
Maxwell Baker
44 Abele Road, Beacon 1, Suite 304
Bridgeville, PA 15017
Telephone (412) 212-0665

SPECIAL WARRANTY DEED

Address New Owner:	Send Tax Bills To:	Map/Parcel Number(s):
Stallion Apartments LLC 101 Silverstone Lane Shenandoah, TX 77384	Stallion Apartments LLC 101 Silverstone Lane Shenandoah, TX 77384	002105 00010

THIS SPECIAL WARRANTY DEED, is made this 16th day of September, 2024, by **Alpha Cabinet Shop Properties, LLC**, a Tennessee limited liability company ("Grantor"), whose mailing address is c/o Alpha Capital Partners, LLC, 44 Abele Road, Beacon I, Suite 304, Bridgeville, Pennsylvania 15017 to **STALLION APARTMENTS, LLC**, a Delaware limited liability company ("Grantee"), whose address is 101 Silverstone Lane, Shenandoah, TX 77384.

FOR AND IN CONSIDERATION of the sum of Ten dollars and no/100 ($10.00), cash in hand paid by the Grantee and other good and valuable considerations accepted as cash, the receipt and sufficiency of which is hereby acknowledged, Grantor has this day bargained and sold, and does hereby transfer and convey unto the said Grantee, its successors and assigns forever, Grantor's right, title and interest in, to and under all that certain tract of land situated and being in Shelby County, Tennessee, and more fully described in **Exhibit A** attached hereto and made a part hereof, together with any and all right, title and interest of Grantor to the use of any easements, reciprocal parking agreements, and appurtenant rights to such real property, the buildings and improvements located thereon, and all rights and benefits appurtenant to such real property, including but not limited to: all tenements and hereditaments; all mineral, water and irrigation rights, if any, running with or otherwise pertaining to such real property; all interest, if any, in any roads adjoining such real property; all interests, if any, in any award made or to be made or settlement in lieu thereof for damage to such real property or any portion thereof by reason of condemnation, eminent domain or exercise of police power; and all buildings and improvements located on such real property, including machinery, equipment and systems necessary for the operation of the improvements on such real property that are "fixtures" pursuant to applicable law (the "Property"), SUBJECT, HOWEVER, to easements, rights of way and other matters of record in the official land records of Shelby County, Tennessee (the "Permitted Exceptions").

See attached Exhibit A

Being the same property conveyed to Alpha Cabinet Shop LLC by Quit Claim Deed of record at Instrument No. 21087099, dated July 15, 2021 and recorded July 16, 2021, in the Register's Office of Shelby County, Tennessee.

This is improved property known as 436 S. Front St., Memphis, Tennessee.

TO HAVE AND TO HOLD all and singular the Property together with all and singular the rights, and appurtenances to the Property belonging or in any wise incident or appertaining unto the Grantee, its successors and assigns, in Fee Simple forever. Subject to the Permitted Exceptions, Grantor does hereby bind itself, its successors and assigns, to specially warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by through or under Grantor, but not otherwise.

[***Signature Page Follows***]

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed this 13th day of September, 2024.

Alpha Cabinet Shop Properties, LLC, a Tennessee limited liability company

By: _____
Name: Akinjide A. Famuagun
Title: Authorized Signer

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

Personally appeared before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared Akinjide A. Famuagun, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Authorized Signer of Alpha Cabinet Shop Properties, LLC, the within bargainor, a Tennessee limited liability company, and that he as such Authorized Signer executed the foregoing instrument for the purpose therein contained, by signing the name of the limited liability company by himself as its Authorized Signer.

WITNESS my hand, at office, this 13th day of September, 2024.

_____
Notary Public

My Commission Expires: June 7, 2025

Commonwealth of Pennsylvania - Notary Seal
April Mance, Notary Public
Washington County
My commission expires June 7, 2025
Commission number 1314378
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

The actual consideration for this transfer or value, whichever is greater, is $3,350,000.00.00.

Affiant

Sworn to and subscribed before me this 13th day of September, 2024.

Notary Public

My Commission Expires: June 7, 2025

Commonwealth of Pennsylvania - Notary Seal
April Mance, Notary Public
Washington County
My commission expires June 7, 2025
Commission number 1314378
Member, Pennsylvania Association of Notaries

EXHIBIT A
Property Description

Land situated in Shelby County, Tennessee:

Part of Lot 5 and the south part of Lot 4 of Block 30, South Memphis situated on northeast corner of South Front Street and Nettleton Avenue described as follows:

Beginning at certain point of northeast corner of South Front Street and Nettleton Avenue; thence north parallel with Front Street 85 feet, more or less, to property known as south line of Taylor property; thence east parallel with Nettleton Avenue 160 feet to the property of Chicago, St Louis and New Orleans Railway Company; thence south with the west line of the property of said Railway Company 85 feet to Nettleton Avenue thence west with the north line of Nettleton Avenue 160 feet to the point of beginning.

Being the same property conveyed to Alpha Cabinet Shop Properties, LLC., by Quit Claim Deed of record at Instrument No. 21053723, dated April 30, 2021 and recorded May 4, 2021, and corrected in Affidavit of Scrivener' s Error of record at Instrument No. 21087098, in the Register's Office of Shelby County, Tennessee.

Being the same property conveyed to Alpha Cabinet Shop LLC by Quit Claim Deed of record at Instrument No. 21087099, dated July 15, 2021 and recorded July 16, 2021, in the Register's Office of Shelby County, Tennessee.

I, John B. Westmoreland, III, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 16th day of September, 2024.

John B. Westmoreland, III, Attorney

Date September 16th, 2024

State of TENNESSEE
County of SHELBY

Sworn to and subscribed before me on this 16th day of September, 2024

Notary Public
My Commission Expires: September 8, 2027

Notary's Seal

CHARNELLE BECKER
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
My Commission Expires
Sep. 8, 2027

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

| ONE ORIGINAL |
| ONLY STAPLED |
|TO DOCUMENTS|

Planning & Development
DIVISION

Planning & Zoning **COMMITTEE:** **7/22/2025**
DATE

PUBLIC SESSION: **8/19/2025**
DATE

ITEM (*CHECK ONE*)
_____ ORDINANCE __X__ RESOLUTION ___ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 4465 Poplar Avenue, known as case number PD 2025-006

CASE NUMBER: PD 2025-006

DEVELOPMENT: Oak Court Mall II Planned Development

LOCATION: 4465 Poplar Avenue

COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Oak Court Partners LLC

REPRESENTATIVE: Brenda Solomito Basar

REQUEST: Amendment to PD 87-313 to include additional land and to establish a new set of outline plan conditions for a mixed-use (residential and commercial) development

AREA: +/-30.15 acres

RECOMMENDATION: The Division of Planning and Development recommended ***Approval with revisions to the outline plan conditions***
The Land Use Control Board recommended ***Approval with revisions to the outline plan conditions***

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – August 19, 2025

PRIOR ACTION ON ITEM:
(1) _____ APPROVAL - (1) APPROVED (2) DENIED
07/10/2025 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:
(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
$ _____ AMOUNT OF EXPENDITURE
$ _____ REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS
$ _____ OPERATING BUDGET
$ _____ CIP PROJECT #_____
$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:	***DATE***	***POSITION***
Chloe Christion	7/11/25	PLANNER II
		DEPUTY ADMINISTRATOR
Brett Ragsdale	7/11/25	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN

Memphis City Council
Summary Sheet

PD 2025-006

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4465 POPLAR AVENUE, KNOWN AS CASE NUMBER PD 2025-006

- This item is a resolution with conditions to allow an amendment to PD 87-313 to include additional land and to establish a new set of outline plan conditions for a mixed-use (residential and commercial) development; and

- This resolution, if approved with conditions, will supersede the existing zoning for this property; and

- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday, July 10, 2025*** the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2025-006
DEVELOPMENT:	Oak Court Mall II Planned Development
LOCATION:	4465 Poplar Avenue
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Oak Court Partners LLC
REPRESENTATIVE:	Brenda Solomito-Basar
REQUEST:	Amendment to PD 87-313 to include additional land and to establish a new set of outline plan conditions for a mixed-use (residential and commercial) development
EXISTING ZONING:	Residential Single-Family – 10 (R-10) and Commercial Mixed-Use – 3(CMU-3) underlying PD 87-313
AREA:	+/-30.15 acres

The following spoke in support: None

The following spoke in opposition: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with revisions to the outline plan conditions.

The motion passed by a unanimous vote of 8-0 on the consent agenda.

Respectfully,

Chloe Christion

Chloe Christion
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PD 2025-006

Outline Plan Conditions – Revisions

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

I. Uses Permitted

A. ~~**The two free standing buildings located at the intersection of Poplar and the north/south road shall be restricted to office and financial uses**~~. **Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. The following additional uses are also permitted by right:**

1. Multi-Family in the forms of Large Home, Stacked Townhouse and Apartment.
2. Personal Care Home for the Elderly
4. Neighborhood Arts Center
5. Off-Site Parking for Places of Worship
6. Convention Center
7. Hotel
8. Retail Sales – Outdoor
9. Automotive Sales/Showroom and associated service, including vehicle charging
10. Used goods, secondhand sales
11. Veterinary clinic, and associated uses

B. ~~The remaining portion all uses permitted in the C-P District except:~~ **The following uses are prohibited:**

1. Adult entertainment establishments
~~**2. Automobile service station, service**~~
3. Gasoline sales
4. Pawn shop
5. **Free standing** Vehicle wash
6. Sales or Service of Tractor Trailers and Heavy Trucks
7. Sales of Manufactured Housing
8. Palmist, Physic or Medium
9. Smoke/Vape Shop
10. Payday Loan and Flexible Loan Plan Establishments
11. Off Premise Advertising Signs
12. Youth Hostel
13. Bed and Breakfast, Short Term Rental
14. Blood Plasma Donation Center

II. Bulk Regulations

A. **Setbacks shall be consistent with those shown on the concept plan(s) or with the CMU-3 District regulations.** ~~**Maximum of 306.000 square feet of retail floor area and related commercial uses.**~~

B. ~~**Maximum of 132,000 square feet of office floor area and related uses including:**~~
   1. ~~**A maximum of 37.500 square feet of floor area for the free-standing building located west of the north/south roadway, and**~~
   2. ~~**A maximum of 6,500 square feet of floor area for the free-standing building located east of the north/south roadway adjacent to Poplar Avenue.**~~

C. ~~**A maximum of 27,000 square feet of additional floor area is permitted for either office or retail floor area and is to be located east of the north-south parkway.**~~

D. ~~**Maximum floor area east of the north-south parkway is 427,500.**~~

E. Minimum distance between the west curb of the north/south roadway and the west property line-100 feet.

F. Maximum building heights:
   1. **Building heights shall not exceed 100' between 300' and 700' as measured from the westernmost property line adjoining the Village neighborhood.**
   2. **Building heights shall not exceed 180' beyond 700' from the westernmost property line adjoining the Village neighborhood.**

III. Circulation, Access, and Parking

A. The exact location and design of the curb cuts on dedicated streets are subject to the approval of the City Engineer.

~~**B. The applicant will dedicate an easement along the south line of Poplar Avenue so that there will be provided a street width of Poplar Avenue forty-six (46) feet from the center line of Poplar Avenue and improved with curb, gutter and sidewalks, the obligation for the improvements conditioned on the improvement by the City of Memphis of the north side of Poplar Avenue within five years of the approval of this P.D.; and if no improvement is made by the City of Memphis within this five year term, the obligation to improve the easement granted shall be terminated.**~~

~~**C. The north/south roadway shall be dedicated and improved with a 68-foot right-of-way exclusive of the median width.**~~

~~**D. No additional curb cuts other than the two shown on the outline plan shall be permitted on Poplar Avenue.**~~

~~**E. No obstructions shall be constructed to prevent access between the proposed development and Goldsmith's Oak Court unless approved by the Office of Planning and Development.**~~

~~**F. Dropped**~~

G. All necessary railroad signalizations shall be the applicant's expense.

H. Parking and loading spaces shall generally be in accordance with the ~~**Zoning Ordinance**~~ **Unified Development Code** requirements**. Shared parking is hereby permitted for all uses and areas within this planned development.**

IV. Drainage

~~**A. Drainage east of the north/south roadway shall be routed along the east side of the roadway or within the roadway toward Southern Avenue.**~~

A. Drainage plans shall be submitted to ~~**the Division of Public Works**~~ **City Engineering** for review. ~~**and improvements shall be in accordance with the Subdivision Regulations.**~~

V. Landscaping and Screening

A. The Landscape plan for the area west of the north/south roadway shall be recorded with the outline plan. **Detailed Landscaping shall be provided on the Final Plats for each Phase.**

B. The amount of landscaping and screening shown on the "site plan showing earthen berms and conceptual screening" shall be recorded with the outline plan.

C. Light standards west of the north/south roadway shall be a maximum of 10 feet in height. Other light standards shall not exceed 25 feet in height.

D. ~~**A minimum 15-foot-wide landscaping strip (Plate F) or an equivalent, approved by the Office of Planning and Development shall be provided along all dedicated street frontages.**~~

E. There shall be constructed, between the west line of the north/south roadway and the west line of the property, from the south line of the property to the extension of the north line of Lot 2, Barboro Subdivision, earthen berms of the average height of 6 feet. These berms shall be in addition to the landscaping provided herein. The berms and area described herein shall be maintained by the owners of the property.

VI. Signage

A. **Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.** ~~**One ground mounted detached sign not exceeding 100 square feet in area and setback a minimum of 15 feet shall be permitted along the Poplar Avenue frontage, and one along the Southern Avenue frontage. (8-SEE SHEET 3 OF 3 FOR REVISED SIGNAGE NOTE VI.A)**~~

B. **All signage details shall be illustrated on the final plan.** ~~**One detached sign for each of the free-standing buildings located near Poplar Avenue shall be permitted. Each sign shall not exceed 35 square feet in area and shall be in accordance with other O-G District sign regulations.**~~

C. ~~**No other detached signage shall be permitted. Attached signage shall be permitted in accordance with the C-P District regulations.**~~

VII. **The** Land Use Control Board **may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.** ~~**may make modifications to Condition II through VI but may not increase the maximum quantities approved. The Board may require notification to adjacent property owners prior to approving any modifications.**~~

X. Any expansion of this Planned Development is permitted for adjacent parcels subject to Land Use Control Board approval as a Major Modification.

XI. A final plan shall be filed within ten (10) 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.

XII. Any final plan shall include the following:

A. The outline plan conditions.

B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, buildings, loading facilities, and required landscaping and screening areas.

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

A. The location and dimensions of building footprints, parking lots, private drives, building elevations, and landscaping and screening.

E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

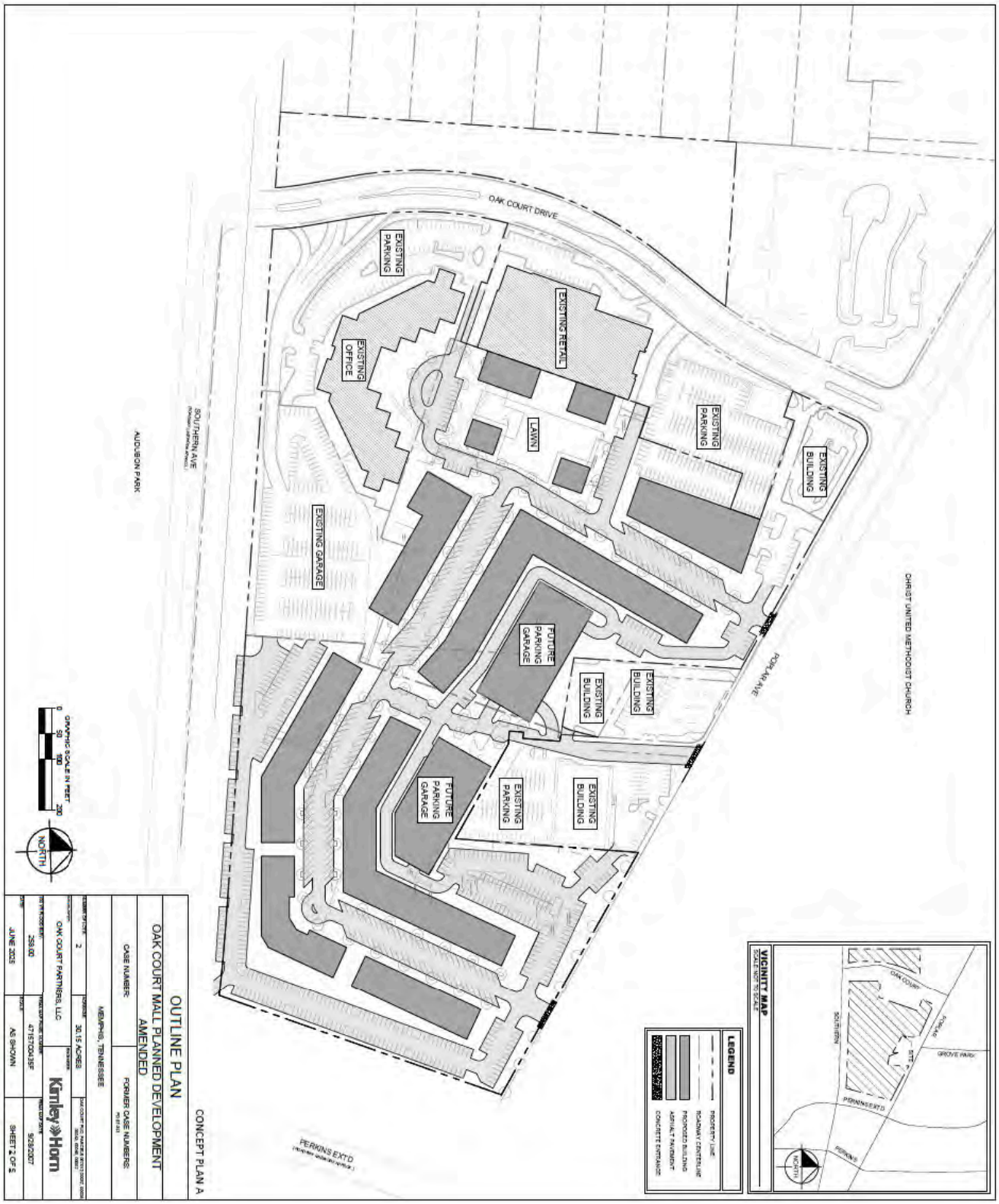
F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.

G. A statement conveying all common facilities and areas, including private drives, common open space and recreation areas, sanitary and storm sewers, or other drainage facilities, and other public facilities dedicated to a property owner's association or other entity, for ownership and maintenance purposes.

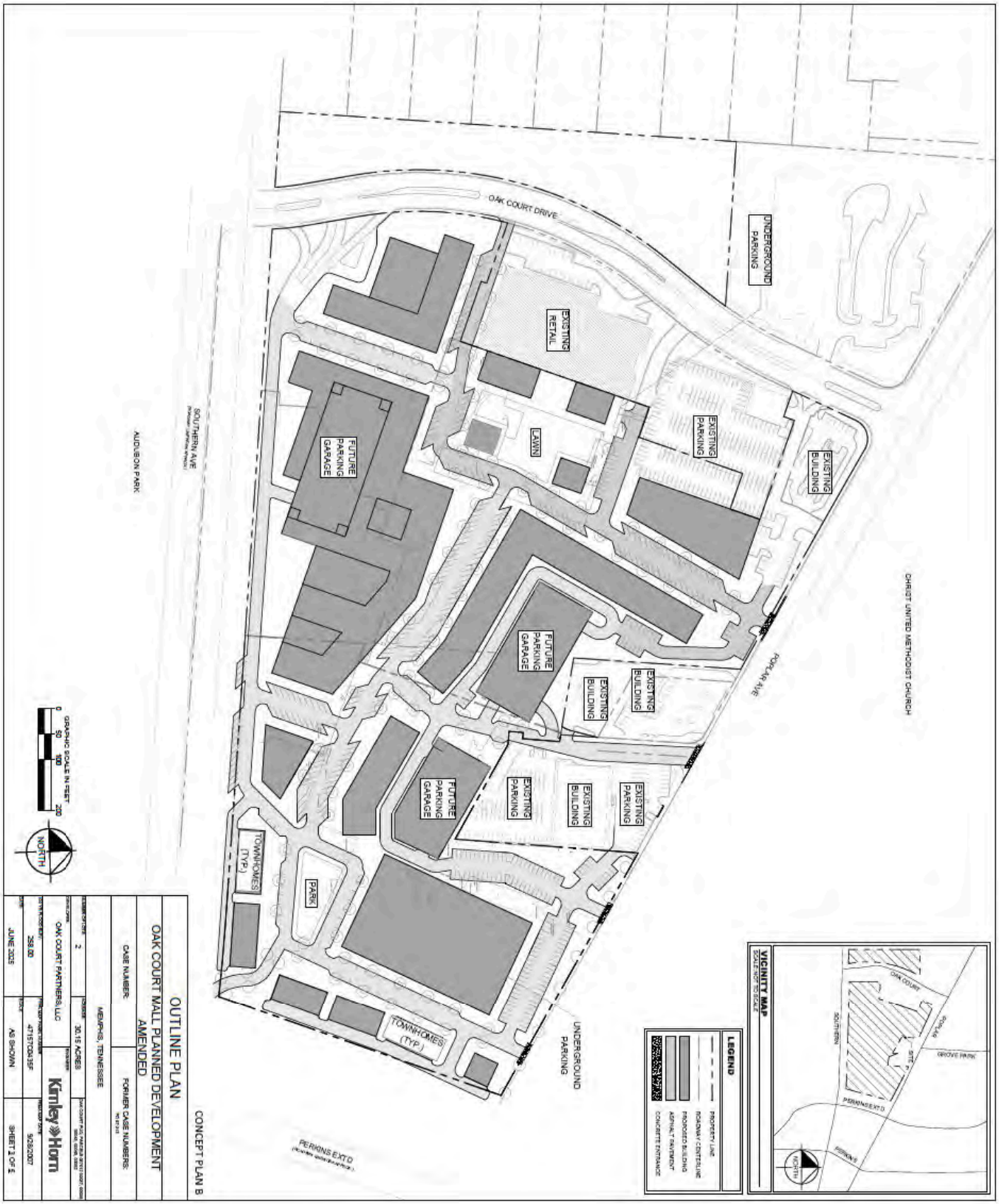
H. The 100-year flood elevation.

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

CONCEPT PLAN A



CONCEPT PLAN B



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4465 POPLAR AVENUE, KNOWN AS CASE NUMBER PD 2025-006

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the Oak Couty Partners LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow an amendment to PD 87-313 to include additional land and to establish a new set of outline plan conditions for a mixed-use (residential and commercial) development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 10, 2025 and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

I. Uses Permitted

A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. The following additional uses are also permitted by right:

1. Multi-Family in the forms of Large Home, Stacked Townhouse and Apartment.
2. Personal Care Home for the Elderly
4. Neighborhood Arts Center
5. Off-Site Parking for Places of Worship
6. Convention Center
7. Hotel
8. Retail Sales – Outdoor
9. Automotive Sales/Showroom and associated service, including vehicle charging
10. Used goods, secondhand sales
11. Veterinary clinic, and associated uses

B. The following uses are prohibited:

1. Adult entertainment establishments
2. Gasoline sales
3. Pawn shop
4. Free standing Vehicle wash
5. Sales or Service of Tractor Trailers and Heavy Trucks
6. Sales of Manufactured Housing
7. Palmist, Physic or Medium
8. Smoke/Vape Shop
9. Payday Loan and Flexible Loan Plan Establishments
10. Off Premise Advertising Signs
11. Youth Hostel
12. Bed and Breakfast, Short Term Rental
13. Blood Plasma Donation Center

II. Bulk Regulations

A. Setbacks shall be consistent with those shown on the concept plan(s) or with the CMU-3 District regulations.

B. Minimum distance between the west curb of the north/south roadway and the west property line-100 feet.

C. Maximum building heights:

1. Building heights shall not exceed 100’ between 300’ and 700’ as measured from the westernmost property line adjoining the Village neighborhood.
2. Building heights shall not exceed 180’ beyond 700’ from the westernmost property line adjoining the Village neighborhood.

III. Circulation, Access, and Parking

A. The exact location and design of the curb cuts on dedicated streets are subject to the approval of the City Engineer.

B. All necessary railroad signalizations shall be the applicant's expense.
C. Parking and loading spaces shall generally be in accordance with the Unified Development Code requirements. Shared parking is hereby permitted for all uses and areas within this planned development.

IV. Drainage
A. Drainage plans shall be submitted to City Engineering for review.

V. Landscaping and Screening
A. The Landscape plan for the area west of the north/south roadway shall be recorded with the outline plan. Detailed Landscaping shall be provided on the Final Plat for each Phase.
B. The amount of landscaping and screening shown on the "site plan showing earthen berms and conceptual screening" shall be recorded with the outline plan.
C. Light standards west of the north/south roadway shall be a maximum of 10 feet in height. Other light standards shall not exceed 25 feet in height.
D. There shall be constructed, between the west line of the north/south roadway and the west line of the property, from the south line of the property to the extension of the north line of Lot 2, Barboro Subdivision, earthen berms of the average height of 6 feet. These berms shall be in addition to the landscaping provided herein. The berms and area described herein shall be maintained by the owners of the property.

VI. Signage
A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D.
B. All signage details shall be illustrated on the final plan.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.

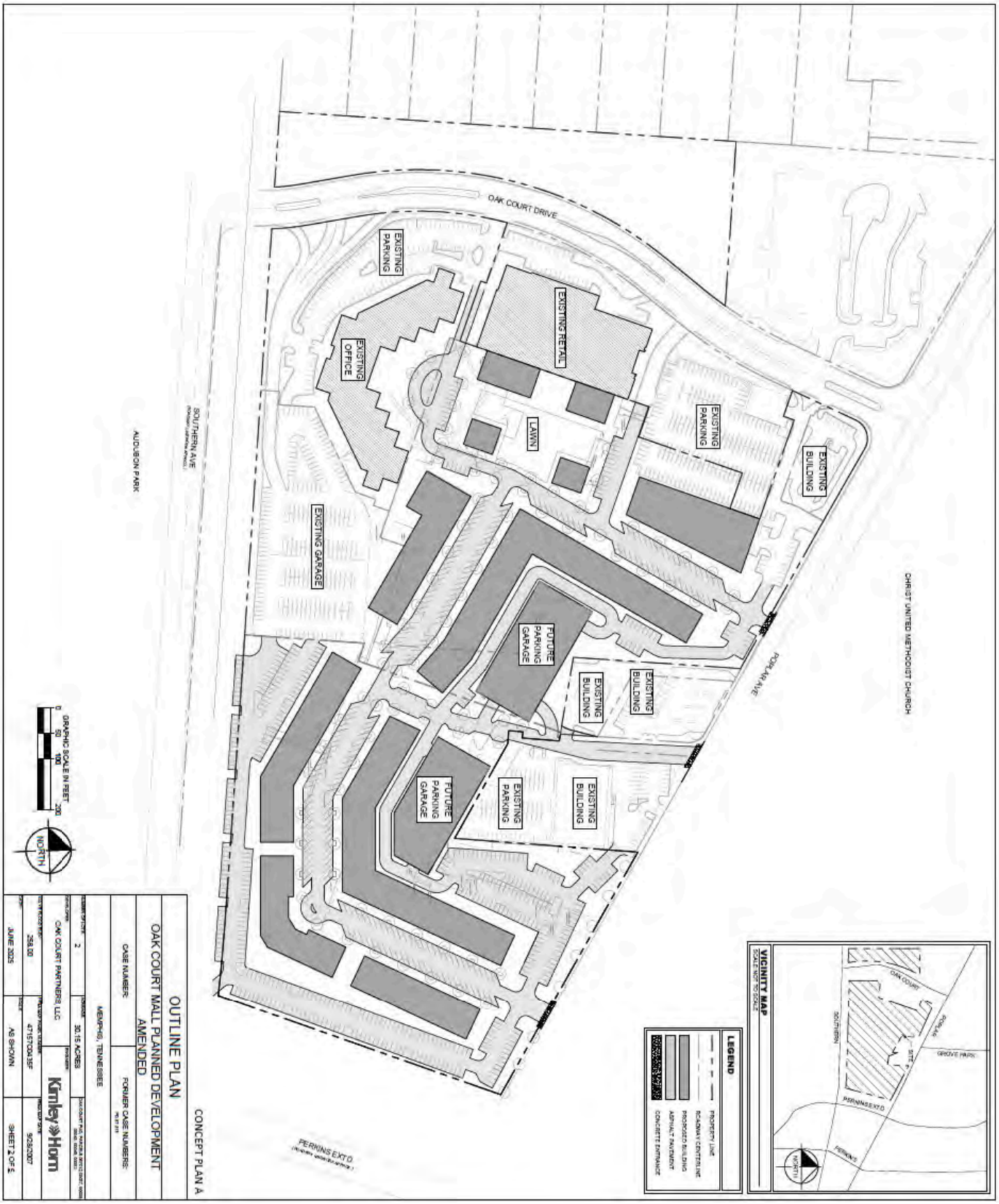
VIII. Any expansion of this Planned Development is permitted for adjacent parcels subject to Land Use Control Board approval as a Major Modification.

IX. A final plan shall be filed within ten (10) 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.

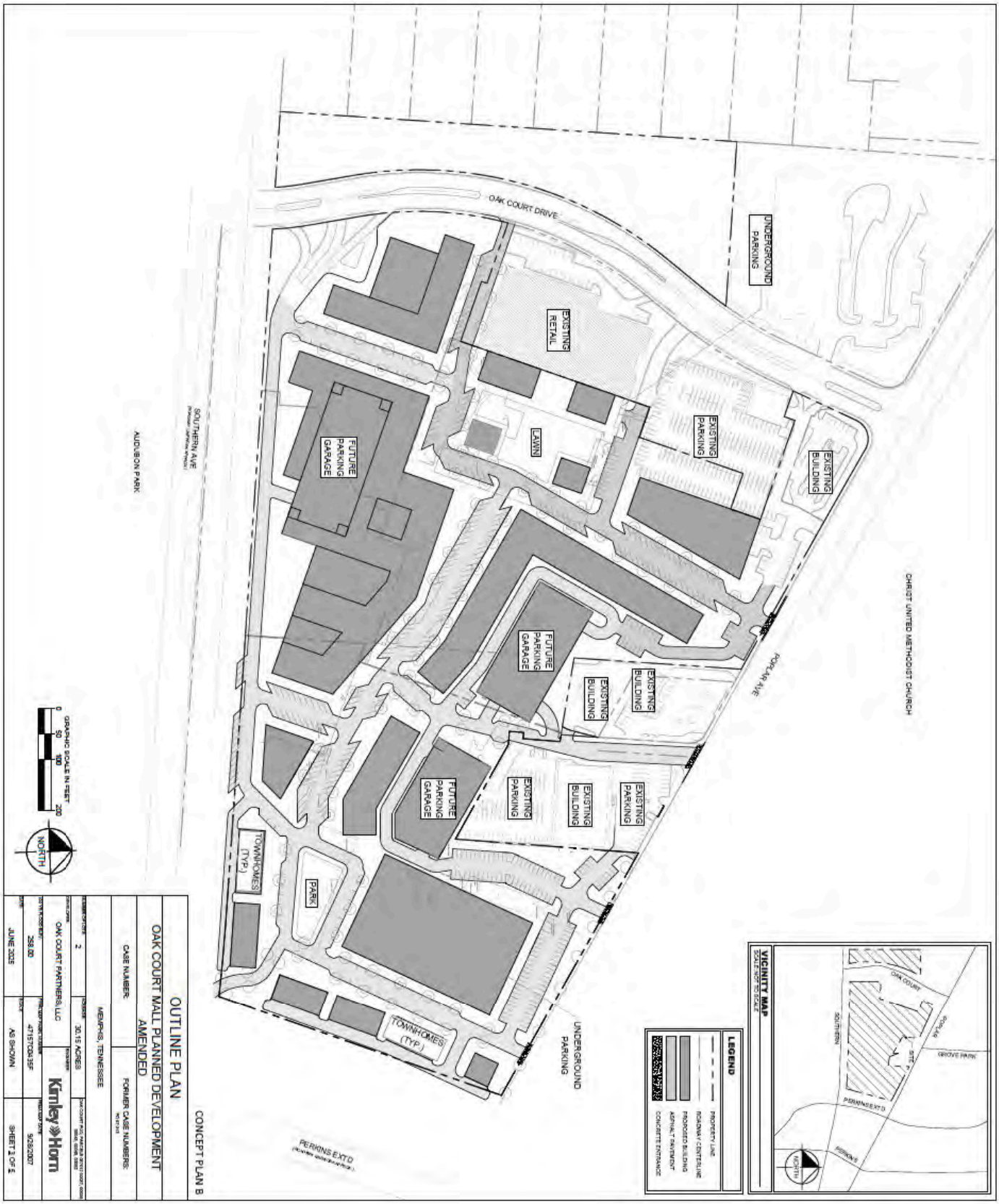
X. Any final plan shall include the following:
A. The outline plan conditions.
B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, buildings, loading facilities, and required landscaping and screening areas.
C. The location and ownership, whether public or private, of any easement.
D. The location and dimensions of building footprints, parking lots, private drives, building elevations, and landscaping and screening.

E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
G. A statement conveying all common facilities and areas, including private drives, common open space and recreation areas, sanitary and storm sewers, or other drainage facilities, and other public facilities dedicated to a property owner’s association or other entity, for ownership and maintenance purposes.
H. The 100-year flood elevation.
I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned, and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN A



CONCEPT PLAN B



ATTEST:

CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement

dpd MEMPHIS AND SHELBY COUNTY STAFF REPORT

AGENDA ITEM: 5 **L.U.C.B. MEETING:** July 10, 2025

CASE NUMBER: PD 2025-006

DEVELOPMENT: Oak Court Mall II Planned Development

LOCATION: 4465 Poplar Avenue

COUNCIL DISTRICT: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Oak Court Partners LLC

REPRESENTATIVE: Brenda Solomito Basar

REQUEST: Amendment to PD 87-313 to include additional land and to establish a new set of outline plan conditions for a mixed use (residential and commercial) development

EXISTING ZONING: PD 87-313

CONCLUSIONS

1. The applicant seeks an amendment to the Oak Court Mall Planned Development to include the land of the former Macy's building, and allow for a variety of uses including apartments, townhomes, retail, and designated open space. See complete list of permitted uses in outline plan conditions on pages 19-22.
2. In addition to adding the former Macy's land, this proposal amends areas within the existing Oak Court Mall Planned Development and establishes a new planned development preliminarily known as the Oak Court Mall II Planned Development with a revised set of outline plan conditions in accordance with Paragraph 9.6.11E(1) of the Unified Development Code.
3. Overall, staff supports the applicant's desire to implement an outline plan that will act as a guideline for future mixed-use development at a prime location.
4. 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.

CONSISTENCY WITH MEMPHIS 3.0

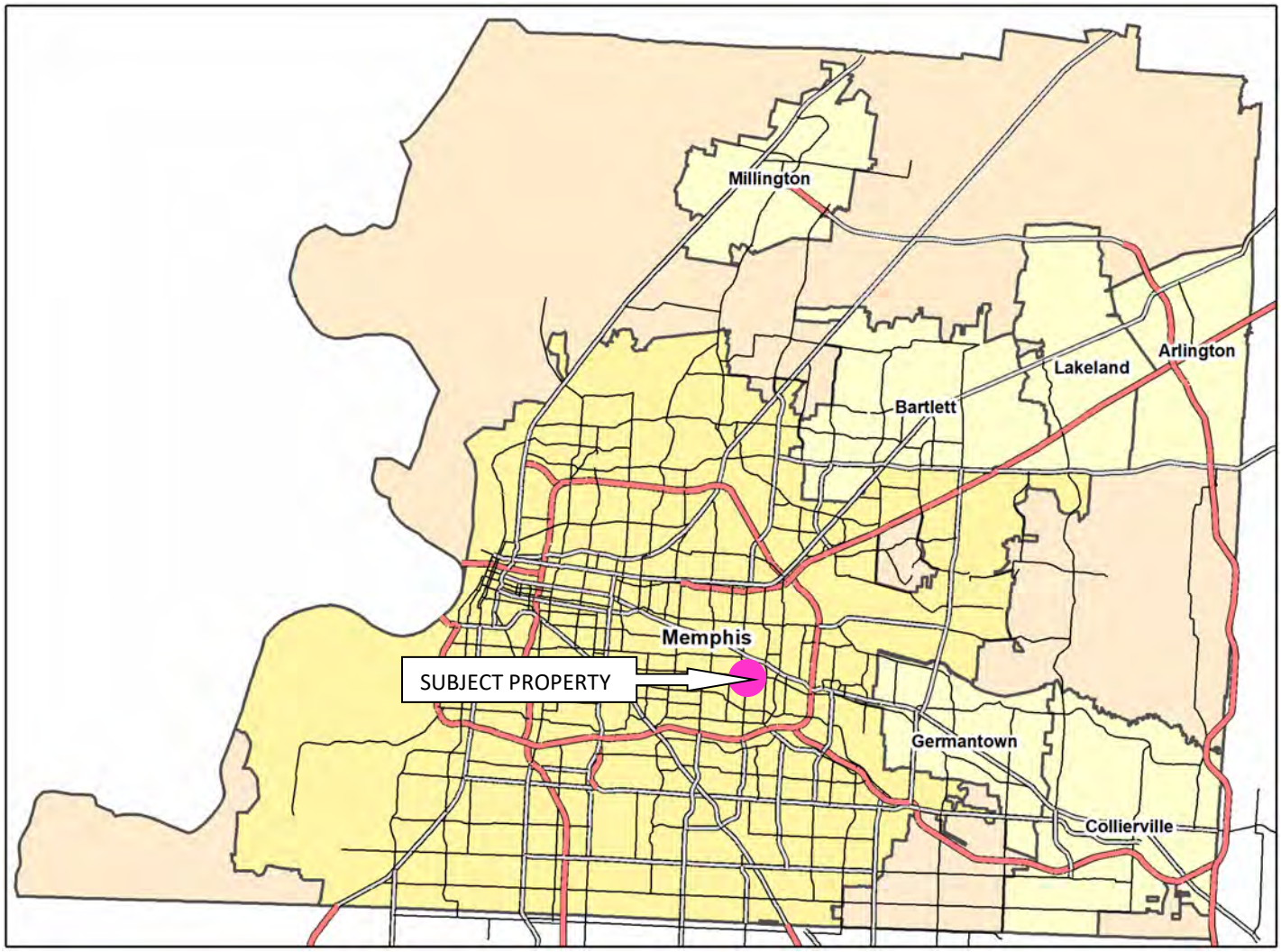
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 39-32 of this report.

RECOMMENDATION:

Approval with revisions to the outline plan conditions

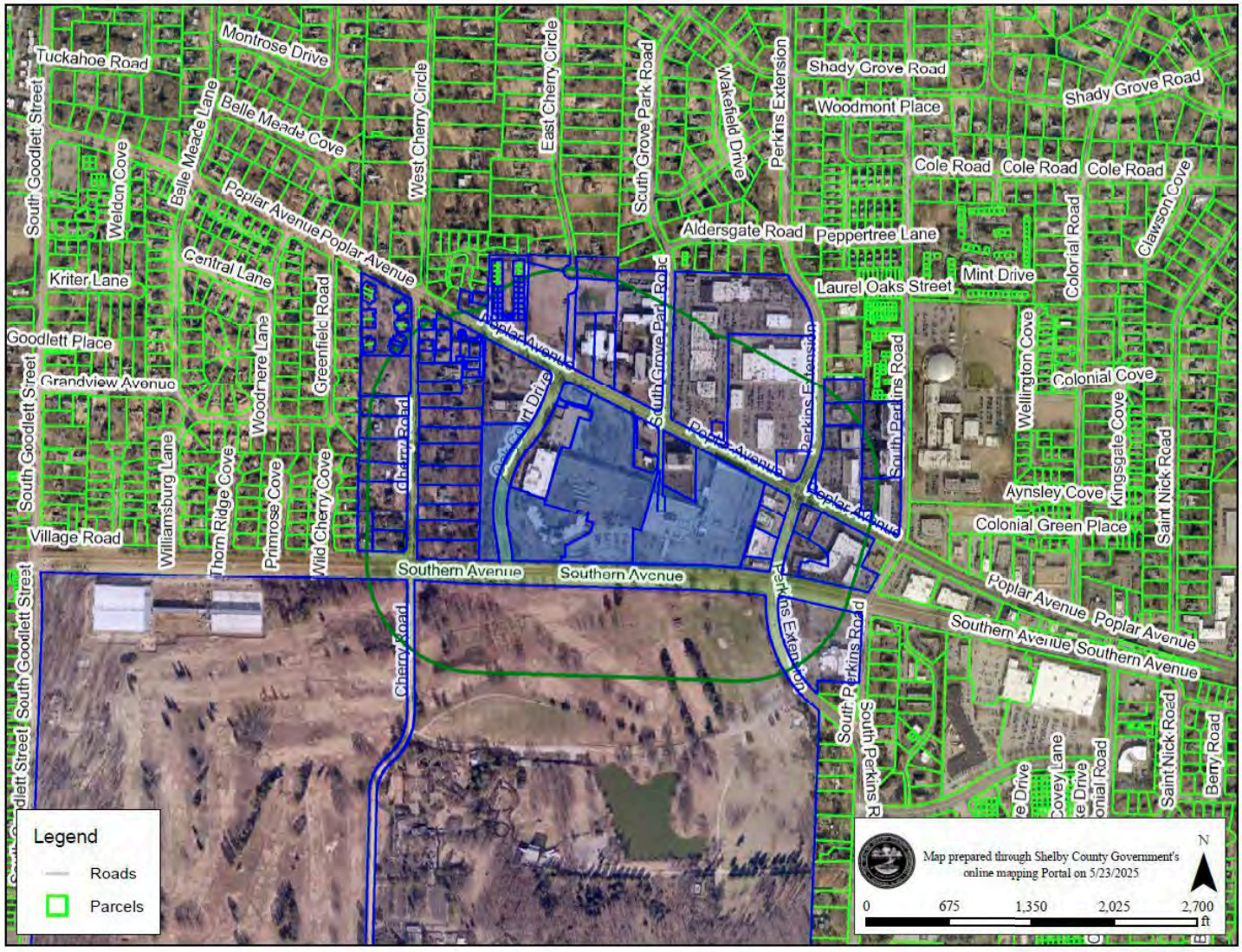
Staff Writer: ***Chloe Christion*** **E-mail:** ***chloe.christion@memphistn.gov***

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property outlined in yellow

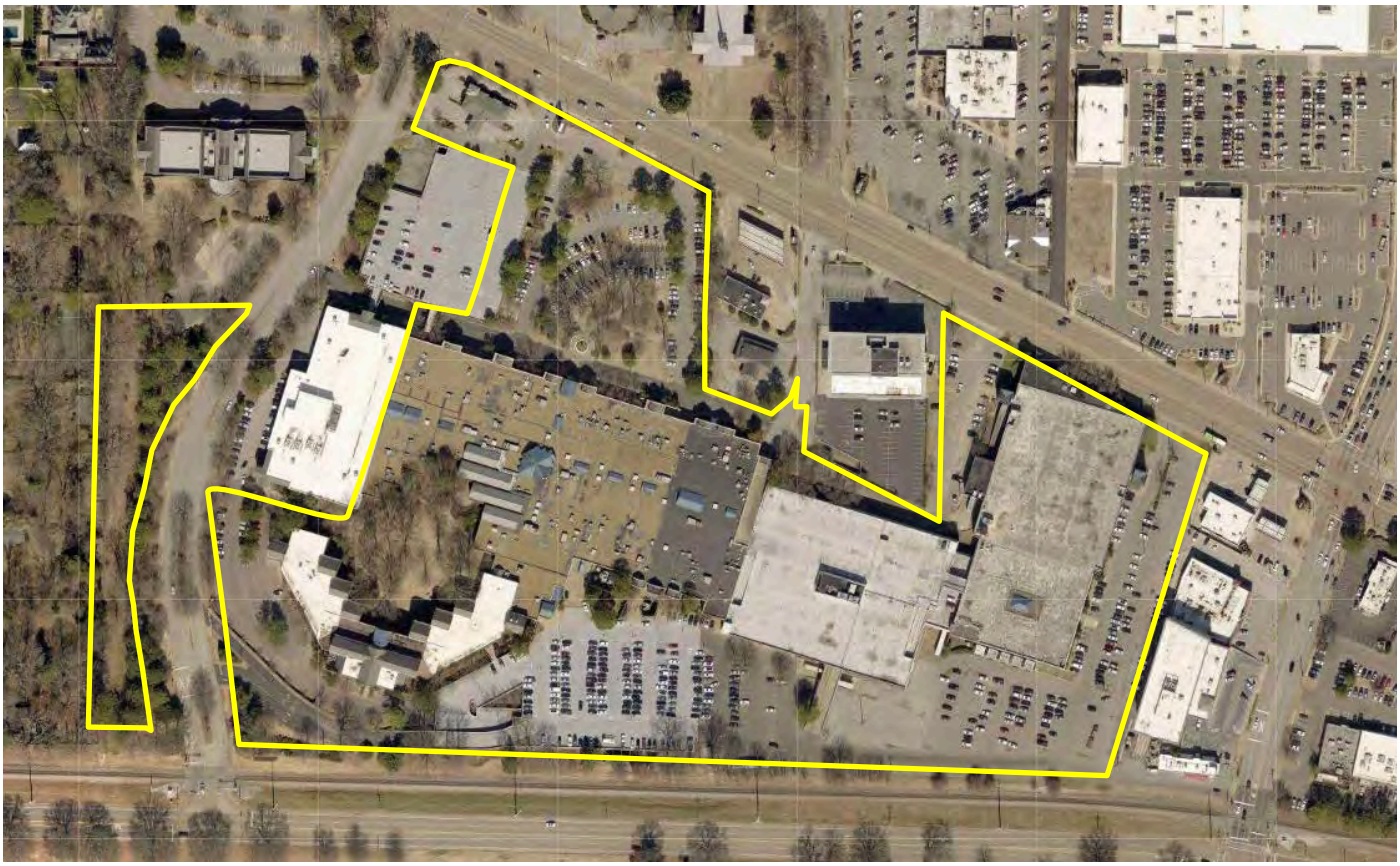
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 100 notices were mailed on May 23, 2025, see page 33 of this report for a copy of said notice. Additionally, six signs were posted at the subject property, see page 34 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Tuesday, May 27, at Wilson Chapel in Christ Methodist Church at 4488 Poplar Avenue.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP

Subject property highlighted in yellow

LAND USE MAP

Subject property indicated by a pink star

SITE PHOTOS

View of subject property from existing southernmost parking lot.

View of subject property from existing southeast parking lot facing north.

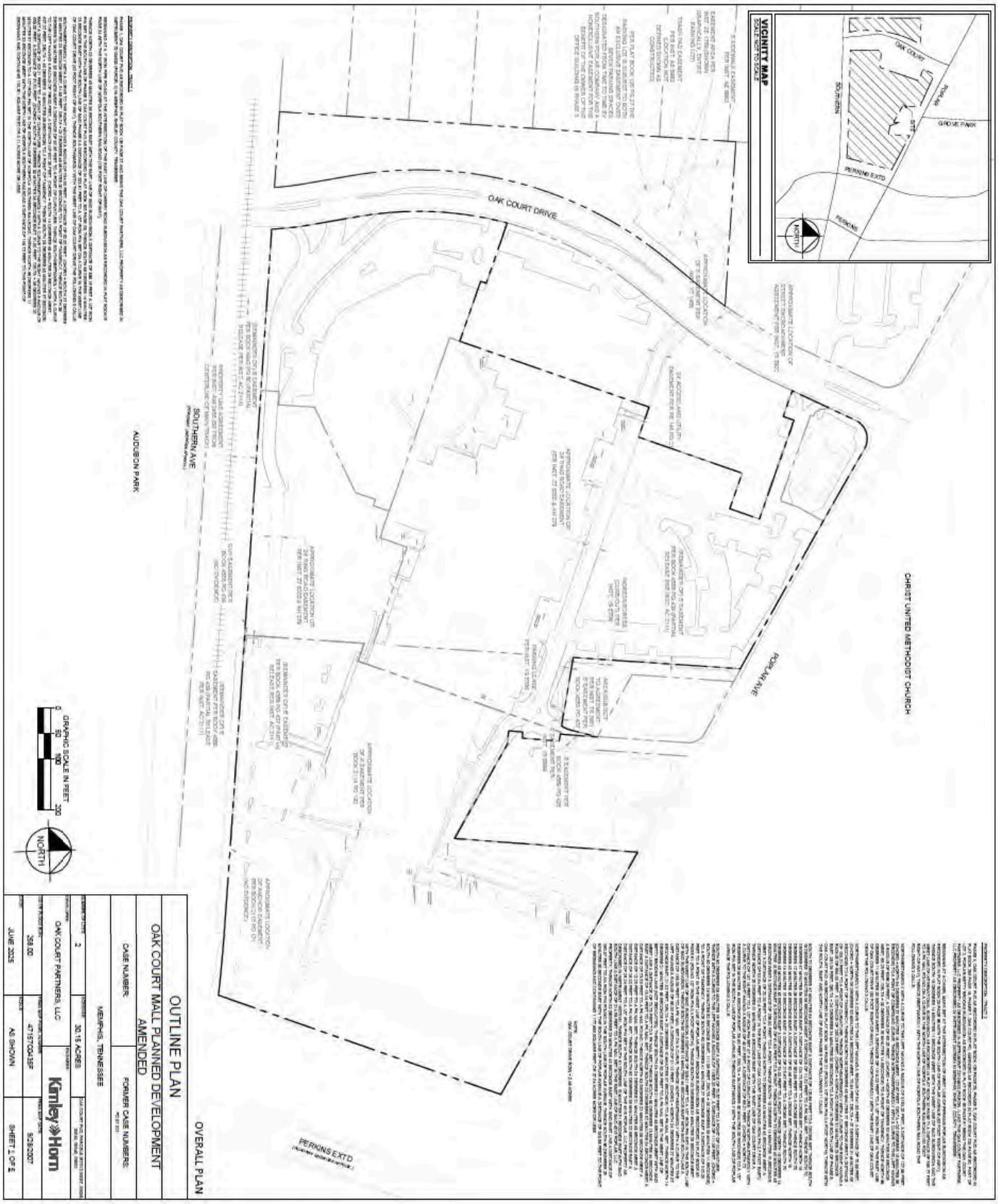
View of mall entrance from the south of Oak Court Drive facing east.

View of mall entrance from Poplar Avenue facing south.

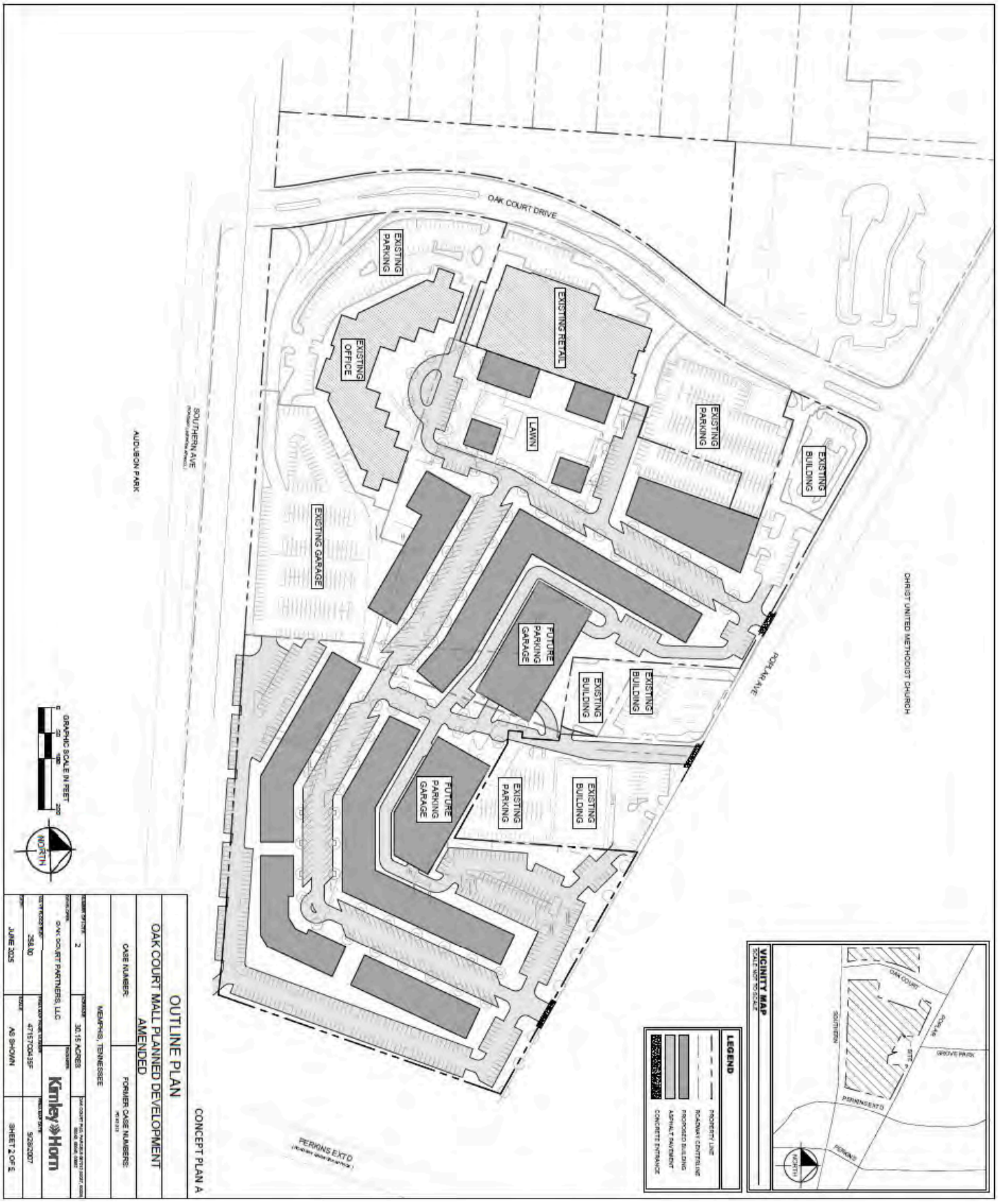
View of subject property from Poplar Avenue facing southwest.

View of subject property from existing southernmost parking lot.

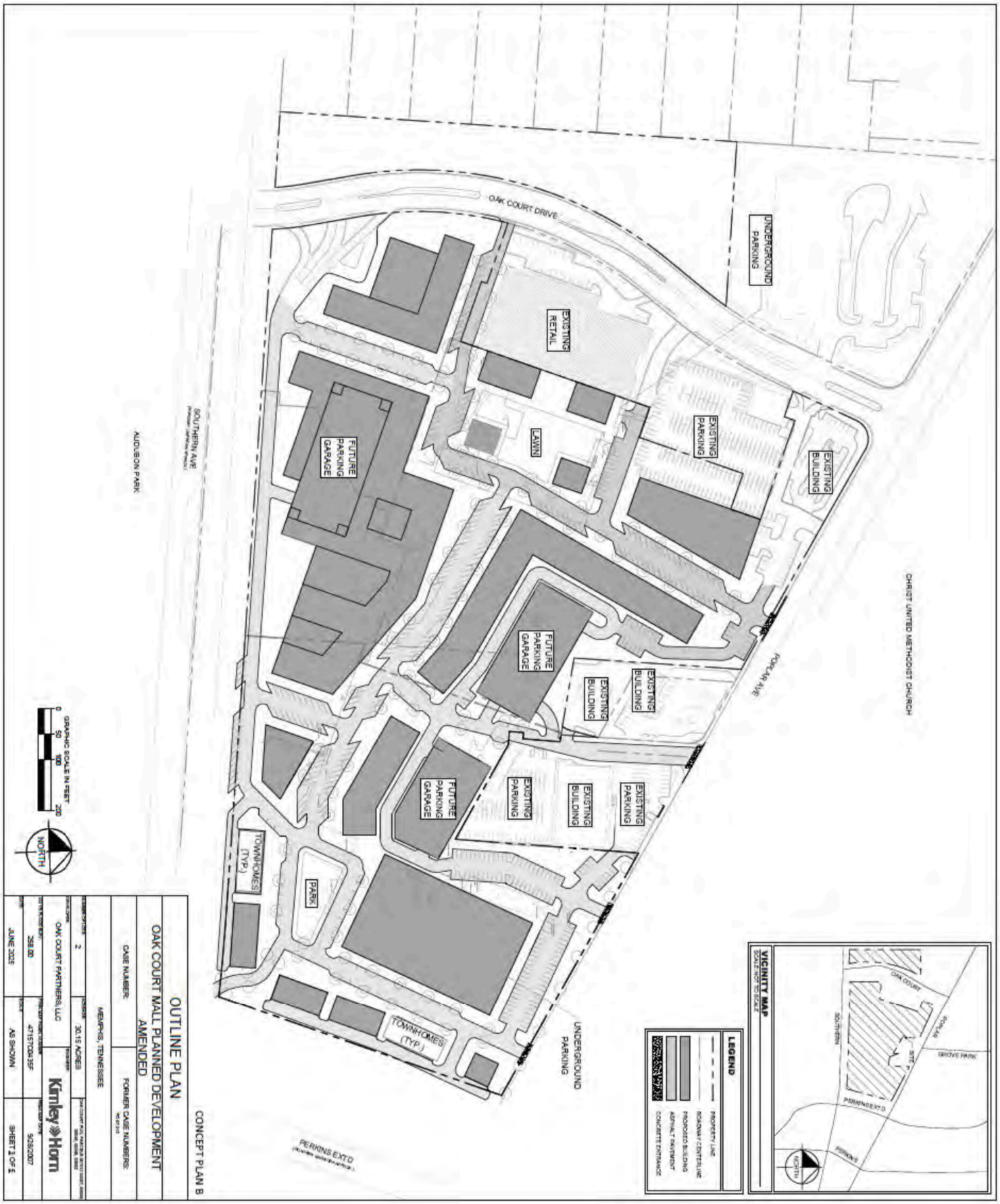
OUTLINE PLAN



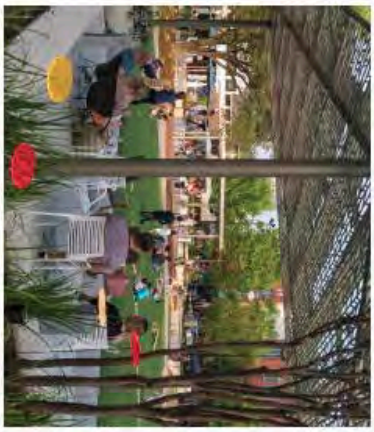
CONCEPT PLAN A

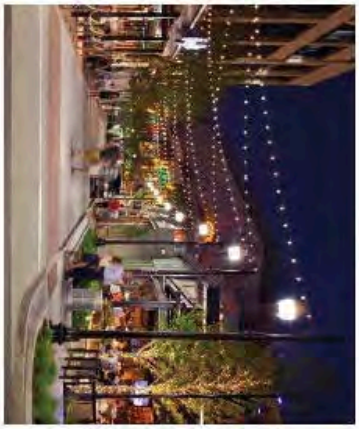


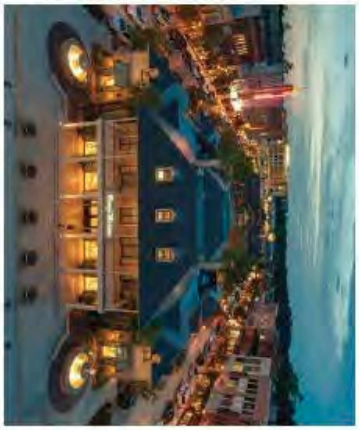
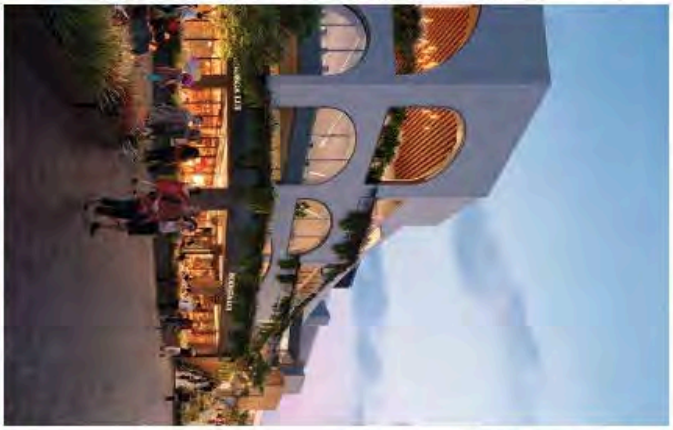
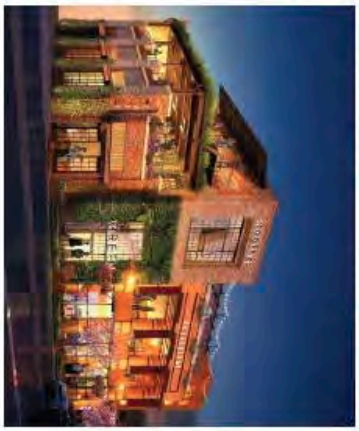
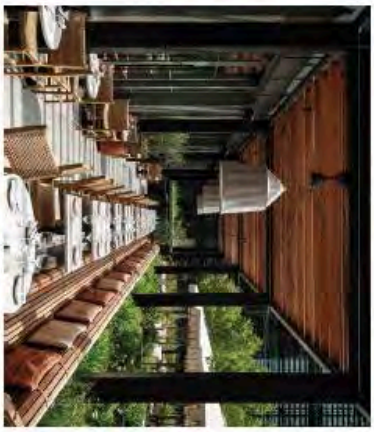
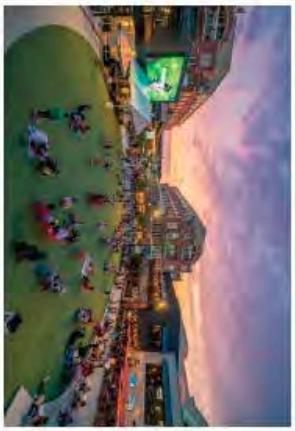
CONCEPT PLAN B



SPIRIT IMAGERY



CASE REVIEW

Request

The request is an amendment to PD 87-313 to include additional land and to establish a new set of outline plan conditions for a mixed use (residential and commercial) development.

Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code 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 to 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.*
- *K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code 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 Zoning Administrator 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 Section 4.10.4 of the Unified Development Code 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.

Commercial or Industrial Criteria

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code 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.*
G. *The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
H. *Any decision to deny a special use permit request to place, construct, or modify personal wireless 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 Details

Address:
4465 Poplar Avenue

Parcel ID:
057012 00037, 057012 00038, 057012 00045, 057012 00052, and 057012 00043

Area:
+/-30.15 acres

Description:
The subject properties are known as phases 1 through 6 of Oak Court Mall Planned Development (PD 87-313) and Lot 2 of Gibbons Subdivision, also known as the site of the former Macy's department store. The site has previously been used as retail and office space with an associated parking garage. The site has street frontages on Oak Court Drive, Poplar Avenue, and Southern Avenue. Surrounding land uses are residential and commercial.

Site Zoning History

On December 18, 1984, the Council of the City of Memphis approved PD 84-356 which allowed a planned development for property located on the south side of Poplar Avenue between Cherry Road and Grove Park Road. See pages 36-39 of this report for said resolution.

On May 5, 1987, the Council of the City of Memphis approved PD 87-313 which allowed an amendment to the

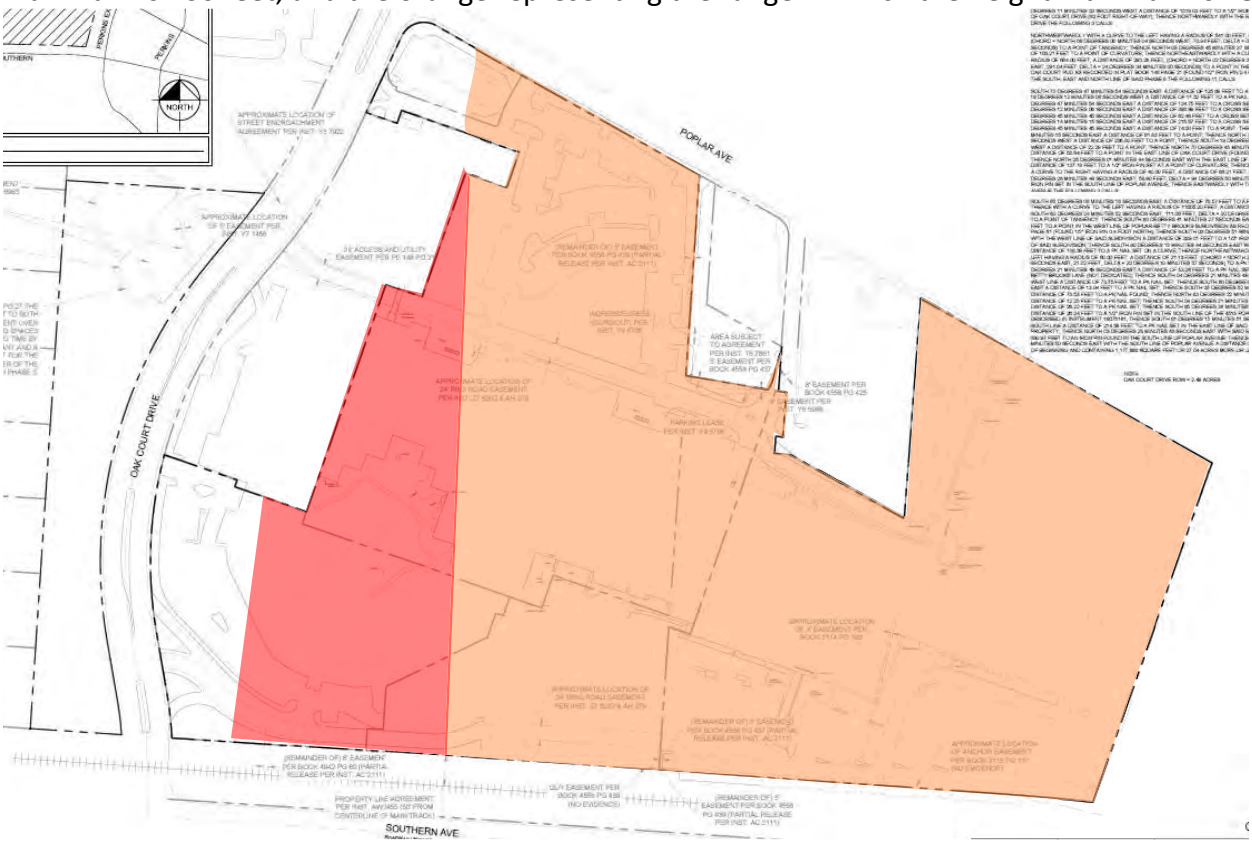
above mentioned planned development. See pages 40-45 of this report for said resolution.

Concept Plan Review and Analysis

The applicant is seeking approval for an amendment of the existing Oak Court Mall Planned Development to incorporate additional land and allow for a variety of uses including an automotive showroom, neighborhood arts center, and multi-family uses. While earlier versions of the proposed plans included townhomes in the western 3-acre parcel, revised plans indicate the existing landscaped berm and buffer to be maintained.

First Tennessee Bank (Parcel ID 057012 00036) and Dillard's (Parcel ID 057012 00045) are not to be included in this amendment, thus, if approved, a re-recording of the original Oak Court Mall Planned Development (PD 87-313) will be required to distinguish the two parcels from the parcels that are included in this amendment.

A notable adjustment from the original Oak Court Mall PD are the adjustments to height regulations. The amendment permits that building heights 700 feet away from the west property line may be up to 180 feet. Within 300 to 700 feet of the west property line, heights may not exceed 100 feet. The below graphic illustrates the range that these conditions refer to, with the red highlight representing the range in which the height maximum is 100 feet, and the orange representing the range in which the height maximum is 180 feet.



East Memphis hosts three of Memphis's tallest buildings, including the 22-story, 274-foot I-Bank Tower and the 34-story 365-foot Clark Tower located about 1 ½ miles east of the subject property on Poplar Avenue. The amended conditions are of comparable stature to these structures, and the location restrictions prohibit the proximity of taller building to the adjacent neighborhood on the west.

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.

RECOMMENDATION

Staff recommends approval with revisions to the outline plan conditions.

Outline Plan Conditions – Revisions

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

I. Uses Permitted

A. ~~**The two free standing buildings located at the intersection of Poplar and the north/south road shall be restricted to office and financial uses**~~. **Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. The following additional uses are also permitted by right:**

1. **Multi-Family in the forms of Large Home, Stacked Townhouse and Apartment.**
2. **Personal Care Home for the Elderly**
4. **Neighborhood Arts Center**
5. **Off-Site Parking for Places of Worship**
6. **Convention Center**
7. **Hotel**
8. **Retail Sales – Outdoor**
9. **Automotive Sales/Showroom and associated service, including vehicle charging**
10. **Used goods, secondhand sales**
11. **Veterinary clinic, and associated uses**

B. ~~The remaining portion all uses permitted in the C-P District except:~~ **The following uses are prohibited:**

1. Adult entertainment establishments
2. ~~**Automobile service station, service**~~
3. Gasoline sales
4. Pawn shop
5. **Free standing** Vehicle wash
6. **Sales or Service of Tractor Trailers and Heavy Trucks**
7. **Sales of Manufactured Housing**
8. **Palmist, Physic or Medium**
9. **Smoke/Vape Shop**
10. **Payday Loan and Flexible Loan Plan Establishments**
11. **Off Premise Advertising Signs**
12. **Youth Hostel**
13. **Bed and Breakfast, Short Term Rental**
14. **Blood Plasma Donation Center**

II. Bulk Regulations

A. **Setbacks shall be consistent with those shown on the concept plan(s) or with the CMU-3 District regulations.** ~~**Maximum of 306.000 square feet of retail floor area and related commercial uses.**~~

B. ~~**Maximum of 132,000 square feet of office floor area and related uses including:**~~

~~**1. A maximum of 37.500 square feet of floor area for the free-standing building located west of the north/south roadway, and**~~

~~**2. A maximum of 6,500 square feet of floor area for the free-standing building located east of the north/south roadway adjacent to Poplar Avenue.**~~

C. ~~**A maximum of 27,000 square feet of additional floor area is permitted for either office or retail floor area and is to be located east of the north-south parkway.**~~

D. ~~**Maximum floor area east of the north-south parkway is 427,500.**~~

E. Minimum distance between the west curb of the north/south roadway and the west property line-100 feet.

F. Maximum building heights:

1. **Building heights shall not exceed 100' between 300' and 700' as measured from the westernmost property line adjoining the Village neighborhood.**

2. **Building heights shall not exceed 180' beyond 700' from the westernmost property line adjoining the Village neighborhood.**

III. Circulation, Access, and Parking

A. The exact location and design of the curb cuts on dedicated streets are subject to the approval of the City Engineer.

B. ~~**The applicant will dedicate an easement along the south line of Poplar Avenue so that there will be provided a street width of Poplar Avenue forty-six (46) feet from the center line of Poplar Avenue and improved with curb, gutter and sidewalks, the obligation for the improvements conditioned on the improvement by the City of Memphis of the north side of Poplar Avenue within five years of the approval of this P.D.; and if no improvement is made by the City of Memphis within this five year term, the obligation to improve the easement granted shall be terminated.**~~

C. ~~**The north/south roadway shall be dedicated and improved with a 68-foot right-of-way exclusive of the median width.**~~

D. ~~**No additional curb cuts other than the two shown on the outline plan shall be permitted on Poplar Avenue.**~~

E. ~~**No obstructions shall be constructed to prevent access between the proposed development and Goldsmith's Oak Court unless approved by the Office of Planning and Development.**~~

F. ~~**Dropped**~~

G. All necessary railroad signalizations shall be the applicant's expense.

H. Parking and loading spaces shall generally be in accordance with the ~~**Zoning Ordinance**~~ **Unified Development Code** requirements**. Shared parking is hereby permitted for all uses and areas within this planned development.**

IV. Drainage

~~**A. Drainage east of the north/south roadway shall be routed along the east side of the roadway or within the roadway toward Southern Avenue.**~~

A. Drainage plans shall be submitted to ~~**the Division of Public Works**~~ **City Engineering** for review. ~~**and improvements shall be in accordance with the Subdivision Regulations.**~~

V. Landscaping and Screening

A. The Landscape plan for the area west of the north/south roadway shall be recorded with the outline plan. **Detailed Landscaping shall be provided on the Final Plats for each Phase.**

B. The amount of landscaping and screening shown on the "site plan showing earthen berms and conceptual screening" shall be recorded with the outline plan.

C. Light standards west of the north/south roadway shall be a maximum of 10 feet in height. Other light standards shall not exceed 25 feet in height.

~~D. **A minimum 15-foot-wide landscaping strip (Plate F) or an equivalent, approved by the Office of Planning and Development shall be provided along all dedicated street frontages.**~~

D. There shall be constructed, between the west line of the north/south roadway and the west line of the property, from the south line of the property to the extension of the north line of Lot 2, Barboro Subdivision, earthen berms of the average height of 6 feet. These berms shall be in addition to the landscaping provided herein. The berms and area described herein shall be maintained by the owners of the property.

VI. Signage

A. Signage shall be in conformance with regulations established for Mixed Use Districts as defined in UDC Section 4.9.7D. ~~**One ground mounted detached sign not exceeding 100 square feet in area and setback a minimum of 15 feet shall be permitted along the Poplar Avenue frontage, and one along the Southern Avenue frontage. (8-SEE SHEET 3 OF 3 FOR REVISED SIGNAGE NOTE VI.A)**~~

B. All signage details shall be illustrated on the final plan. ~~**One detached sign for each of the free-standing buildings located near Poplar Avenue shall be permitted. Each sign shall not exceed 35 square feet in area and shall be in accordance with other O-G District sign regulations.**~~

~~**C. No other detached signage shall be permitted. Attached signage shall be permitted in accordance with the C-P District regulations.**~~

VII. **The** Land Use Control Board **may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented.** ~~**may make modifications to Condition II through VI but may not increase the maximum quantities approved. The Board may require notification to adjacent property owners prior to approving any modifications.**~~

X. Any expansion of this Planned Development is permitted for adjacent parcels subject to Land Use

Control Board approval as a Major Modification.

XI. A final plan shall be filed within ten (10) 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.

XII. Any final plan shall include the following:

A. The outline plan conditions.

B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, buildings, loading facilities, and required landscaping and screening areas.

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

A. The location and dimensions of building footprints, parking lots, private drives, building elevations, and landscaping and screening.

E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.

G. A statement conveying all common facilities and areas, including private drives, common open space and recreation areas, sanitary and storm sewers, or other drainage facilities, and other public facilities dedicated to a property owner's association or other entity, for ownership and maintenance purposes.

H. The 100-year flood elevation.

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

DEPARTMENTAL COMMENTS

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

City Engineer: See below.

City Fire Division: See below.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: See below.

Office of Comprehensive Planning: See below.

CASE 2: PD 2025-006

NAME: 4465 Poplar Avenue; 057012 00052; OAK COURT PD AMENDED
Basin/Lot/CD: 11.971AC/ Black Bayou, 5-C/ 5

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.

6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

7. 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:

8. The City Engineer shall approve the design, number, and location of curb cuts.

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

8. Will require engineering ASPR.

Drainage:

10. 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.

11. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

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

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

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

15. This project must be evaluated by the Tennessee Department of Environment and Conservation regarding their jurisdiction over the watercourses on site, in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).

General Notes:

16. Development is greater than 1 acre and is located within a sensitive drainage basin.

17. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

18. All connections to the sewer shall be at manholes only.

19. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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

DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU
2668 Avery Avenue · Memphis · Tennessee · 38112
(901) 636-5401 Fax (901) 320-5425

Case Number: PD 2025-006
Date Reviewed: 7/3/25
Reviewed by: J. Stinson
Address or Site Reference: 4465 Poplar

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Robin Richardson
Planner II
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Dorothy.Richardson1@memphistn.gov

MEMORANDUM

To: Chloe Christion, Planner I

From: Robin Richardson, Planner II

Date: June 2, 2025

Subject: OSR Comments on PD 2025-006: UNIVERSITY

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

> Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The applicant is seeking an amended planned development that would allow for the redevelopment of Oak Court Mall. The proposed plan as submitted will increase the number of types of uses for the site.

Either of the site plans for the site will increase the amount of pervious surfaces, and both site plans will also increase the amount of tree canopy in the area, particularly along Poplar Avenue.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This application is generally consistent with the Mid-South Regional Resilience Master Plan. This site is located in Zone 1, where development is encouraged in Section 4.1 – Resilient Sites due to low risk and low environmental conflict. The proposed development is consistent with Section 4.2 – Smart Growth, as the redesign of the site promotes walkability and adds mixed-use density in an area that could benefit from increased activity. Additionally, the increase in pervious surfaces on the parcel would generally be consistent with the principles of Section 2.3 – Low-Impact Development (though the landscaping as currently proposed does not qualify as Low-Impact Development).

Consistent with the Memphis Area Climate Action Plan best practices: Yes

By increasing the number of trees on the site, the plan is consistent with Priority Action E.7 – Nurture and Expand the Urban Tree Canopy.

Recommendations: Staff recommends adding a condition requiring the installation of electrical vehicle charging stations, or the installation of electrical wiring necessary to support the future installation of electric vehicle charging stations:

1. At least 5 percent of parking spaces should either have EV charging stations installed or have the electrical wiring necessary to support the future installation of electric vehicle charging stations.
2. All work must be completed according to all applicable building and electrical codes.
3. Parking facilities shall be designed so that at least one of the EV-ready spaces is handicap accessible. When infrastructure is installed on the space, the charging station hardware must be handicap accessible.
4. When calculating the number of required spaces, any fraction of a required parking space shall be rounded up to the nearest whole number.

Some other elements that could be added to enhance the sustainability and resilience of the site include:

- Incorporate Low-Impact Development (LID) techniques whenever possible in the landscaping of the site. LID uses natural solutions to help address stormwater runoff and other hydrological issues. Some elements that could be beneficial for the site include rain gardens, linear bioretention, or permeable pavement, though other LID techniques would also be welcomed. More information about LID can be found in the Mid-South Regional Resilience Master Plan in Section 2.3 – Low-Impact Development.
- Install either green roofs or cool roofs for some of the larger buildings in the proposed development. Both options will help increase the energy efficiency of the buildings and will decrease the heat experienced on the site. For more information about green and cool roofs, please refer to the Mid-South Regional Resilience Master Plan, Section 3.4 – Roof Design.

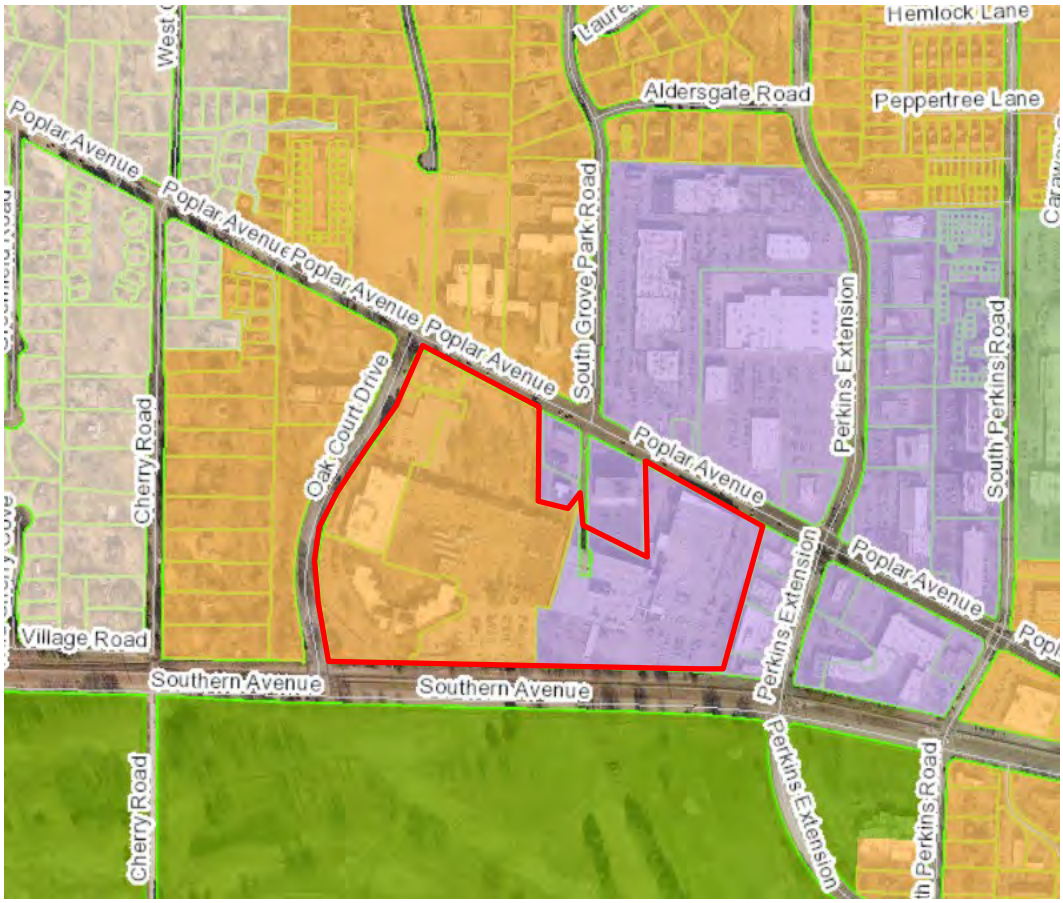
Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2025-006: University

Site Address/Location: 4465 Poplar Ave.
Overlay District/Historic District/Flood Zone: It is not located in the Overlay District, Historic District or Flood Zone.
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M), and Anchor Neighborhood Main Street (A-NMS)
Street Type: Boulevard & Parkway

The applicant is seeking approval for a Planned Development to update the original outline plan conditions and to include additional residential and commercial uses.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood-Mix of Building Types (AN-M) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.

Anchor Neighborhood Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.

"AN-M" & "A-NMS" Form & Location Characteristics

NURTURE/SUSTAIN - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

"AN-M" & "A-NMS" Zoning Notes

AN-M is compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

A-NMS is compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

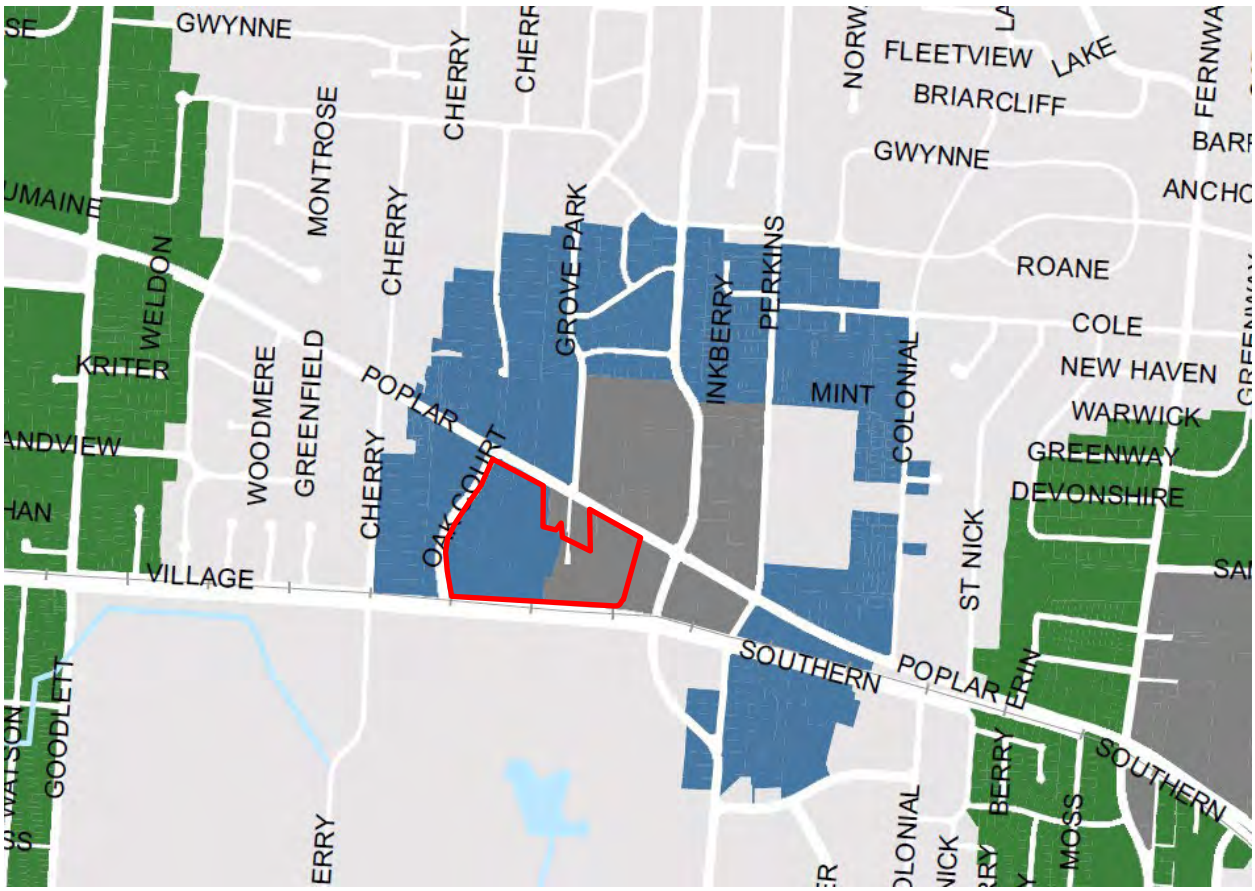
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, Office, and Vacant; R-10 and CMU-3

Adjacent Land Use and Zoning: Commercial, Office, Vacant and Residential; R-10, CMU-3, RU-3, and R-15

Overall Compatibility: *The requested use is compatible with the land use description and intent, form and location characteristics, zoning notes, and the existing and adjacent land use and zoning, as the proposed Planned Development aims to update the original outline plan conditions and include additional residential and commercial uses.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Sustain.

4. Degree of Change Description

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

This Planned Development supports Goal 1.1: Focus future growth and density in and around Community and Citywide Anchors, and aligns with several related actions, including:

1.1.1: Ensuring that zoning designations within anchors and anchor neighborhoods support, maintain, and encourage walkable, mixed-use infill development;

1.1.12: Supporting the creation of new public spaces within and around anchors and anchor neighborhoods;

1.1.29: Encouraging higher-density commercial and residential development in anchors supported by high-frequency transit; and,

1.1.31: Increasing infill and redevelopment that co-locate residential, employment, and retail uses to maximize transit access and active transportation.

This Planned Development also supports Goal 1.5: Strengthen neighborhood commercial districts, and aligns with the following actions:

1.5.1: Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density;

1.5.6: Support the redevelopment and intensification of underutilized commercial properties within

Community Anchors; and,

1.5.9: Improve walkability and multimodal access within and around Community and Citywide Anchors to promote local economies and connect neighborhood residents with local businesses.

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

One of the top district priorities in University District is *Revitalize existing distressed commercial centers*, which aligns with this Planned Development request. Regarding the community engagement workshop held in the University District on October 22, 2024, the community supported this priority and expressed a desire to provide incentives for the revitalization of distressed commercial centers through targeted investment and strategic development. This Planned Development at Oak Court Mall represents one such revitalization effort.

Consistency Analysis Summary

The applicant is seeking approval for a Planned Development to update the original outline plan conditions and to include additional residential and commercial uses.

The requested use is compatible with the land use description and intent, form and location characteristics, zoning notes, and the existing and adjacent land use and zoning, as the proposed Planned Development aims to update the original outline plan conditions and include additional residential and commercial uses.

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place. This Planned Development supports Goal 1.1: Focus future growth and density in and around Community and Citywide Anchors, and aligns with several related actions, including:

1.1.1: Ensuring that zoning designations within anchors and anchor neighborhoods support, maintain, and encourage walkable, mixed-use infill development;

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1.1.29: Encouraging higher-density commercial and residential development in anchors supported by high-frequency transit; and,

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1.5.6: Support the redevelopment and intensification of underutilized commercial properties within Community Anchors; and,

1.5.9: Improve walkability and multimodal access within and around Community and Citywide Anchors to promote local economies and connect neighborhood residents with local businesses.

One of the top district priorities in University District is *Revitalize existing distressed commercial centers*, which aligns with this Planned Development request. Regarding the community engagement workshop held in the University District on October 22, 2024, the community supported this priority and expressed a desire to provide incentives for the revitalization of distressed commercial centers through targeted investment and strategic development. This Planned Development at Oak Court Mall represents one such revitalization effort.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, June 4, 2025 at 8 AM.**

CASE NUMBER: PD 2025-006
ADDRESS: 4465 Poplar Avenue
REQUEST: Amendment to PD 87-313 to include additional land and residential and commercial uses
APPLICANT: Brenda Solomito

Meeting Details
Location: Council Chambers
City Hall 1st Floor
125 N Main St.

Time: 9:00 AM

Date: Thursday, June 12, 2025

VICINITY MAP

Staff Planner Contact:
Chloe Christion
chloe.christion@memphistn.gov
(901) 636-7494

To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

100 Notices Mailed 5/23/2025

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Steve Bosan, being duly sworn, depose and say that at 6:15 am/pm on the 22 day of May, 2025, I posted 6 Public Notice Sign(s) pertaining to Case No 2025-006 at various locations as on map, providing notice of a Public Hearing before the (check one):

_____Land Use Control Board
_____Board of Adjustment
_____Memphis City Council
_____Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

S Bosan — 5/22/2025

Owner, Applicant or Representative — Date

Subscribed and sworn to before me this 22 day of May, 2025.

BERNDA P. SOLOMITO STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY

Notary Public

My commission expires: 8/17/25

PD 84-356 APPROVED RESOLUTION

RESOLUTION

RELEVED DEC 20

WHEREAS, Section 14 of Memphis and Shelby County Zoning Ordinance-Regulations, a section of Joint Ordinance-Resolution No. 3064, dated October [illegible] 1920, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and,

WHEREAS, application has been made for a planned development for property located on the south side of Poplar Avenue between Cherry Road and Grove Park Road; and,

WHEREAS, the Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and,

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 15, 1984, and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and,

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board, the report and recommendation of the Office of Planning and Development; and,

WHEREAS, the Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the planned development is hereby granted for a mixed use planned development containing office and commercial uses in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED that the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: Building Official
Public Works Division
Office of Planning and Development

I hereby certify that the foregoing is a true copy and said document was adopted, approved by the council of the city of Memphis in regular special session on

DEC 18 1984

P.U. 84-356

Robert Tamlyn
Deputy Comptroller

-AMENDED CONDITIONS-

P.D. 84-356

OUTLINE PLAN CONDITIONS

I. Uses Permitted

A. The two free standing buildings located at the intersection of Poplar and the north/south road shall be restricted to office and financial uses.

B. The remaining portion - all uses permitted in the C-P District except:

1. Adult entertainment establishments
2. Automobile service station
3. Gasoline sales
4. Pawn shop
5. Used goods, second hand sales
6. Vehicle wash
7. Veterinary clinic

II. Bulk Regulations

A. Maximum of 228,000 square feet of retail floor area and related commercial uses.

B. Maximum of 159,000 square feet of office floor area and related uses including:

1. A maximum of 37,500 square feet of floor area for the free standing building located west of the north/south roadway, and

2. A maximum of 6,500 square feet of floor area for the free standing building located east of the north/south roadway adjacent to Poplar Avenue.

C. Minimum distance between the west line of the north/south roadway and the west property line - 100 feet.

D. Maximum building heights:

1. Two stories plus height necessary for mechanical systems, and structural and roof framing elements - west of north/south roadway.

2. One story plus height necessary for mechanical, structural and roof elements - building on Poplar Avenue

3. Four stories plus height necessary for mechanical, structural and roof elements - remaining buildings

E. Minimum building setbacks as shown on the outline plan except the minimum setback for building on Poplar Avenue - 30 feet.

P.D. 84-356
Page 2
OUTLINE PLAN CONDITIONS

III. Circulation, Access and Parking

A. The exact location and design of curb cuts on dedicated streets are subject to the approval of the City.

B. The applicant shall dedicate an easement along the south line of Poplar Avenue so that there will be provided a street width of Poplar Avenue forty-six (46) feet from the center line of Poplar Avenue and improved with curb, gutter and sidewalks, the obligation for the improvements conditioned on the improvement by the City of Memphis of the north side of Poplar Avenue within five years of the approval of this P.D.; and if no improvement is made by the City of Memphis within this five year term, the obligation to improve the easement granted shall be terminated.

C. The north/south roadway shall be dedicated and improved with a 68 foot right-of-way exclusive of the median width.

D. No additional curb cuts other than the two shown on the outline plan shall be permitted on Poplar Avenue.

E. No obstructions shall be constructed to prevent access between the proposed development and Goldsmith's Oak Court unless approved by the Office of Planning and Development.

F. DROPPED

G. All necessary railroad signalizations shall be at the applicant's expense.

H. Parking and loading spaces shall be in accordance with the Zoning Ordinance requirements.

IV. Drainage

A. Drainage east of the north/south roadway shall be routed along the east side of the roadway or within the roadway toward Southern Avenue.

B. Drainage plans shall be submitted to the Division of Public Works for review, and improvements shall be in accordance with the Subdivision Regulations.

V. Landscaping and Screening

A. The landscape plan for the area west of the north/south roadway shall be recorded with the outline plan.

B. The amount of landscaping and screening shown on the "site plan showing earthen berms and conceptual screening" shall be recorded with the outline plan.

C. Light standards west of the north/south roadway shall be a maximum of 10 feet in height. Other light standards shall not exceed 25 feet in height.

P.D. 84-356
PAGE 3
OUTLINE PLAN CONDITIONS

V. Landscaping and Screening (con't)

D. A minimum 15 foot wide landscape strip (Plate F) or an equivalent approved by the Office of Planning and Development shall be provided along all dedicated street frontages.

E. There shall be constructed, between the west line of the north/south roadway and the west line of the property, from the south line of the property to the extension of the north line of Lot 2, Barboro Subdivision, earthen berms of the average height of 6 feet. These berms shall be in addition to the landscaping provided herein. The berms and area described herein shall be maintained by the owners of the property.

VI. Signage

A. One ground mounted detached sign not exceeding 100 square feet in area and setback a minimum of 15 feet shall be permitted along the Poplar Avenue frontage, and one along the Southern Avenue frontage.

B. One detached sign for each of the free standing buildings located near Poplar Avenue shall be permitted. Each sign shall not exceed 35 square feet in area and shall be in accordance with otehr O-G District sign regulations.

C. No other detached signage shall be permitted. Attached signage shall be permitted in accordance with the C-P District regulations.

VII. Land Use Control Board may make modifications to Condition II through VI but may not increase the maximum quantities approved. The Board may require notification to adjacent property owners prior to approving any modifications.

VIII. In addition to the outline plan conditions, any final plan shall include:

A. Standard subdivision contract;

B. The location and dimensions of any building, trash pad, light standards, parking areas, drives, pedestrian ways, and type and location of landscape and screening;

C. A statement conveying all common elements including private drives, common oepn space and recreation areas, sanitary and storm sewers, or other drainage facilities, and other public facilities not dedicated, to a property or homeowner's association for the purpose of maintaining such common elements.

PD 87-313 APPROVED RESOLUTION

RESOLUTION

WHEREAS, Section 14 of Memphis and Shelby County Zoning Ordinance-Regulations, a section of Joint Ordinance-Resolution No. 3064, dated October 7, 1980, authorizes the Council of the City of Memphis to grant a planned development, and amendments thereto, for certain stated purposes in the various zoning districts; and,

WHEREAS, application has been made for an amendement to a planned development for property located at 4411 Poplar Avenue; and,

WHEREAS, the Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 14 with regard to the proposed developments impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatability, and that the design and amenities are consistent with the public interest; and, has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and,

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 9, 1987, and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the amendment to the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and,

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board, the report and recommendation of the Office of Planning and Development; and,

WHEREAS, the Council of the City of Memphis has held a public hearing on the planned development and has determined that the amendment to the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interest.

OPD

15

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that amendment to the planned development is hereby granted in accordance with the amended outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED that the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the amended outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said amended outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: Code Enforcement
City Engineer
Office of Planning and Development

Case No. PD87-313

Conditions Amended

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

Date MAY 5 - 1987

David Crum
Deputy Comptroller

P.D. 87-313
OUTLINE PLAN CONDITIONS
L.U.C.B.

I. Uses Permitted

A. The two free standing buildings located at the intersection of Poplar and the north/south road shall be restricted to office and financial uses.

B. The remaining portion - all uses permitted in the C-P District except:

1. Adult entertainment establishments
2. Automobile service station
3. Gasoline Sales
4. Pawn Shop
5. Used goods, second hand sales
6. Vehicle wash
7. Veterinary clinic

II. Bulk Regulations

A. Maximum of 306,000 square feet of retail floor area and related commercial uses.

B. Maximum of 132,000 square feet of office floor area and related uses including:

1. A maximum of 37,500 square feet of floor area for the free standing building located west of the north/south roadway, and
2. A maximum of 6,500 square feet of floor area for the free standing building located east of the north/south roadway adjacent to Poplar Avenue.

C. A maximum of 27,000 square feet of additional floor area is permitted for either office or retail floor area and is to be located east of the north-south parkway.

D. Maximum [illegible] floor area east of the north-south roadway is 427,500.

E. Minimum distance between the west curb of the north/south roadway and the west property line - 100 feet.

P.D. 87-313
OUTLINE PLAN CONDITIONS
L.U.C.B.
Page 2

F. Maximum building heights:

1. Two stories plus height necessary for mechanical systems, and structural and roof framing elements - west of north/south roadway.

2. One story plus height necessary for mechanical systems, and structural and roof framing elements - building on Poplar Avenue.

3. Four stories plus height necessary for mechanical systems, and structural and roof framing elements - remaining buildings.

G. Minimum building setbacks as shown on the outline plan except the minimum setback for building on Poplar Avenue - 30 feet.

II. Circulation, Access and Parking

A. The exact location and design of curb cuts on dedicated streets are subject to the approval of the City.

B. The applicant will dedicate an easement along the south line of Poplar Avenue so that there will be provided a street width of Poplar Avenue forty-six (46) feet from the center line of Poplar Avenue and improved with curb, gutter and sidewalks, the obligation for the improvements conditioned on the improvement by the City of Memphis of the north side of Poplar Avenue within five years of the approval of this P.D.; and if no improvement is made by the City of Memphis within this five year term, the obligation to improve the easement granted shall be terminated.

C. The north/south roadway shall be dedicated and improved with a 68 foot right-of-way exclusive of the median width.

D. No additional curb cuts other than the two shown on the outline plan shall be permitted on Poplar Avenue.

E. No obstructions shall be constructed to prevent access between the proposed development and Goldsmith's Oak Court unless approved by the Office of Planning and Development.

F. DROPPED

G. All necessary railroad signalizations shall be the applicant's expense.

H. Parking and loading spaces shall be in accordance with the Zoning Ordinance requirements.

P.D. 87-313
OUTLINE PLAN CONDITIONS
L.U.C.B.
Page 3

IV. Drainage

A. Drainage east of the north/south roadway shall be routed along the east side of the roadway or within the roadway toward Southern Avenue.

B. Drainage plans shall be submitted to the Division of Public Works for review, and improvements shall be in accordance with the Subdivision Regulations.

V. Landscaping and Screening

A. The landscape plan for the area west of the north/south roadway shall be recorded with the outline plan.

B. The amount of landscaping and screening shown on the "site plan showing earthen berms and conceptual screening" shall be recorded with the outline plan.

C. Light standards west of the north/south roadway shall be a maximum of 10 feet in height. Other light standards shall not exceed 25 feet in height.

D. A minimum 15 foot wide landscaping strip (Plate F) or an equivalent approved by the Office of Planning and Development shall be provided along all dedicated street frontages.

E. There shall be constructed, between the west line of the north/south roadway and the west line of the property, from the south line of the property to the extension of the north line of Lot 2, Barboro Subdivision, earthen berms of the average height of 6 feet. These berms shall be in addition to the landscaping provided herein. The berms and area described herein shall be maintained by the owners of the property.

VI. Signage

A. One ground mounted detached sign not exceeding 100 square feet in area and setback a minimum of 15 feet shall be permitted along the Poplar Avenue frontage, and one along the Southern Avenue frontage.

B. One detached sign for each of the free standing buildings located near Poplar Avenue shall be permitted. Each sign shall not exceed 35 square feet in area and shall be in accordance with other O-G District sign regulations.

C. No other detached signage shall be permitted. Attached signage shall be permitted in accordance with the C-P District regulations.

P.D. 87-313
OUTLINE PLAN CONDITIONS
L.U.C.B.
Page 4

VII. Land Use Control Board may make modifications to Condition II through VI but may not increase the maximum quantities approved. The Board may require notification to adjacent property owners prior to approving any modifications.

VIII. In addition to the outline plan conditions, any final plan shall include:

A. Standard subdivision contract;

B. The location and dimensions of any building, trash pad, light standards, parking areas, drives, pedestrian ways, and type and location of landscape and screening;

C. A statement conveying all common elements including private drives, common open space and recreation areas, sanitary and storm sewers, or other drainage facilities, and other public facilities not dedicated, to a property or homeowner's association for the purpose of maintaining such common elements.

APPLICATION

Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134
Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development
Record Status: Pending
Opened Date: May 1, 2025
Record Number: PD 2025-006
Expiration Date:
Record Name: OAK COURT PLANNED DEVELOPMENT AMENDED
Description of Work: APPLICATION TO INCLUDE ADDITIONAL ACREAGE INTO THE ORIGINAL PLANNED DEVELOPMENT, UPDATE THE OUTLINE PLAN CONDITIONS AND PROVIDE ADDITIONAL USES.
Parent Record Number:

Address:
4465 POPLAR AVE, MEMPHIS 38117

Owner Information

Primary	Owner Name
Y	OAK COURT PARTNERS LLC

Owner Address **Owner Phone**
1770 KIRBY PKWY, GERMANTOWN, TN 38138

Parcel Information
057012 00052

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	BRETT RAGSDALE
Date of Meeting	02/26/2025
Pre-application Meeting Type	In Person

GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	PD 87-313
Medical Overlay / Uptown	No
If this development is located in unincorporated	NO

GENERAL PROJECT INFORMATION	
Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-
APPROVAL CRITERIA	
UDC Sub-Section 9.6.9A	SEE ATTACHED
UDC Sub-Section 9.6.9B	SEE ATTACHED
UDC Sub-Section 9.6.9C	SEE ATTACHED
UDC Sub-Section 9.6.9D	SEE ATTACHED
UDC Sub-Section 9.6.9E	SEE ATTACHED
UDC Sub-Section 9.6.9F	SEE ATTACHED
GENERAL PROVISIONS	
UDC Sub-Section 4.10.3A	SEE ATTACHED
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	SEE ATTACHED
C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	SEE ATTACHED
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	SEE ATTACHED
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements	YES
F) Lots of record are created with the recording of a planned development final plan	YES
GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No

GIS INFORMATION

Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
SCOTT KERN

Contact Type
APPLICANT

Address

Phone
-

Name
JT MALASRI

Contact Type
ARCHITECT / ENGINEER / SURVEYOR

Address

Phone
(901)602-2884

Name
BRENDA SOLOMITO BASAR

Contact Type
REPRESENTATIVE

Address

Phone
(901)569-0310

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1645564	Planned Development - each additional or fractional acres above 5	7	697.00	INVOICED	697.00	05/01/2025
1645564	Credit Card Use Fee (.026 x fee)	1	57.12	INVOICED	57.12	05/01/2025
1645564	Planned Development - 5 acres or less	1	1,500.00	INVOICED	1,500.00	05/01/2025

Total Fee Invoiced: $2,254.12 Total Balance: $2,254.12

OWNER AFFIDAVIT

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, **Joshua D. Poag** (Print Name) _____ (Sign Name), state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

☐ I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

☒ I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 4445 - 4545 Poplar Avenue; 0 Southern Avenue, and 530 Oak Court Drive, Memphis, TN 38117
and further identified by Assessor's Parcel Number 057012 00037; 057012 00038; 057012 00053; 057012 00052; 057012 00043,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 1st day of April in the year of 2025.

Lisa M Shipp
State of Tennessee Notary Public
Shelby County

Signature of Notary Public

June 29, 2025
My Commission Expires

LETTER OF INTENT

May 5, 2025

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Application for Planned Development Amendment
Oak Court Planned Development (Formerly PD 87-313)
4465 Poplar Ave. Memphis, TN

Dear Brett:

We are pleased to submit this application for an Amendment to the Oak Court Planned Development on behalf the property owners, Oak Court Partners, LLC, and KPS, Development Partners, LLC on the project. The property is located at the southeast corner of Poplar Avenue and Oak Court Drive containing approximately 31+/- acres in the heart of East Memphis.

As illustrated on the Plan Documents, only a portion of the existing Planned Development will be Amended. What is known as the First Horizon property at the southwest corner of Poplar Ave. and Oak Court Drive as well as the Dillard's property including the attached parking garage will not be a part of this application.

Originally approved in 1987, the Oak Court Planned Development permitted mostly retail and some limited office. In looking at today's standards, the original Outline Plan Conditions were very restrictive and did not permit a self-supporting development nor did the original approvals permit the site to evolve over time. Below is the sequence of development phases, only for the portion of the Planned Development being Amended with this application, as recorded in the Shelby County Register's office.

OAK COURT MALL PLANNED DEVELOPMENT AMENDMENT PARCEL INFO AND OWNERSHIP			
057012 00037	OAK COURT PARTNERS LLC	PHASE 1 BUFFER AREA AND DEDICATION OF OAK COURT DRIVE	PB 112 P 21
	1770 KIRBY PKWY STE 215		
	GERMANTOWN TN 38138 7405		
057012 00038	OAK COURT PARTNERS LLC	PHASE 4 AND 5 - OFFICE AND PARKIN	PB 126 P 029
	1770 KIRBY PKWY STE 215		
	GERMANTOWN TN 38138 7405		
057012 00052	OAK COURT PARTNERS LLC	PHASE 5 - MALL	PB 283 P 019
	1770 KIRBY PKWY STE 215		
	GERMANTOWN TN 38138 7405		
057012 00053	OAK COURT PARTNERS LLC	PHASE 7	PB 233 P 60
	1770 KIRBY PKWY STE 215		
	GERMANTOWN TN 38138 7405		
057012 00043	OAK COURT PARTNERS LLC	MACY'S PROPERTY	DEED INSTR# 24076964
	1770 KIRBY PKWY STE 215		
	GERMANTOWN TN 38138 7405		

SOLOMITO
LAND PLANNING

brenda@solomitolandplanning.com | 901.755.7495

2023

After years of hardship and declining values, Oak Court Mall was purchased in foreclosure February 2023 for $18.3 million, transferring ownership to the Wilmington Trust National Association. Oak Court Partners, LLC, a group of Memphis Investors, bought the subject property in December 2023 for $18.3 million.

2024-2025

The applicant spent months assembling the right development team, performing extensive due diligence efforts, coordinating with surrounding neighborhoods and preparing the best possible development scenarios. We are confident that providing additional entitlements to this property will be a game changer for Memphis. The purpose of this Planned Development Amendment application is to:

- Include the acreage known as the Macy's parcel into the Planned Development. The Macy's parcel is currently zoned CMU-3.
- Update the Outline Plan conditions to better conform to the currently approved Unified Development Code (UDC).
- Affirm additional uses to create a truly Mixed -Use property.

The Plan

Although it is the plan to keep the existing multi-story office building at 530 Oak Court Drive, the remaining buildings will be demolished in phases, potentially starting later this year with the Macy's building.

The attached Outline Plan includes two potential development scenarios to provide possibilities of how the property could develop. These scenarios include main street-style buildings for various retail and service commercial, potential hotel sites and residential opportunities. Structured parking and surface parking will accommodate each potential development scenario.

Because Memphis is unique and the ownership group is local, we did not want to present images of other developments in other places. Rather, we have included 'Sprit Imagery' to convey the spirit or essence created by the best mixture of uses, the best architecture and the best open spaces.

Approval Criteria

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:

From the day Oak Court partners, LLC purchased the property, security measures and safeguards were put into place to control the crime and negative impacts of a mostly vacant property on surrounding neighborhoods. When redeveloped, the project will be a self-sustaining, contributing property once again and blend with the character of the surrounding neighborhoods.

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:

Even though there will be two properties that will not be a part of the Application, we have worked tirelessly to coordinate and protect those properties. Additionally, surrounding properties outside of the boundary will not be negatively impacted by this application. Previous neighborhood meetings indicated our proposal will be well received and highly anticipated.

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:

Due diligence has revealed the property is adequately served by all public facilities.

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:

Due diligence has revealed no significant features exist on the property.

The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

Particular attention has been paid to the mixture of uses requested by the applicant and this project will comply with additional use standards set forth by the UDC.

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 clear message from Memphis 3.0 is to build up, not out. Located within the University District, the Future Land Use Plan designates the site as Anchor – Neighborhood Mix of Buildings and Anchor – Neighborhood Main Street. The proposed Plan Scenarios do exactly what is to be expected by Memphis 3.0 by being walkable, providing multi story buildings and a self-sustaining variety of uses.

As always, thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda

Brenda Solomito Basar
Land Planner

Oak Court Planned Development Amendment
General Provisions

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 severe decline in malls in general, coupled with problematic ownership created the opportunity for this redevelopment. The careful implementation of our proposed plans, which are consistent with current development policies, will help protect the adjacent uses and values of surrounding properties. The Anchor/Sustain designations by Memphis 3.0 emphasize 'Walkable, vertical, or horizontal mixed-use centers comprised of multi-story block-scale and house-scale buildings' just as this application is proposing.

An approved water supply, community wastewater 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:

Due diligence has revealed the property is adequately served by all public facilities.

The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:

The proposed plan scenarios are sensitive to existing single-family neighborhoods and strive to protect those values. Transitional land use patterns internal to the site ensure compatibility and protection.

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 consistent with the public interest:

Developing a set of proposed uses that complement each other and support each other is key. That is the foundation that will create longevity and sustainability for this high-profile site. Memphis 3.0 provides us the flexibility to be able to create a unique and successful Anchor Development.

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

A property owners association will be created for any owner within the Planned Development. The property shall be professionally managed regardless of ownership.

Lots of record are created with the recording of a planned development final plan:

Consistent with the UDC, final plats will be recorded for each phase of development superseding the previously recorded instruments.

LETTERS RECEIVED

Seven (7) letters of support, two (2) letters of comment, and thirty-seven (37) letters of opposition were received at the time of completion of this report and have subsequently been attached.

Outlook

Amending the PUD for Oak Court

From McNeal McDonnell <McNeal@sugarservicesllc.com>
Date Mon 5/19/2025 4:43 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc Josh Poag <jpoag@poagdevelopmentgroup.com>; skern@krndev.com <skern@krndev.com>

Dear Ms. Christion:

I am writing in support of Oak Court Partners, LLC proposed amendment to the PUD at Oak Court. Poag Development is leading our partnership and has an impressive history of reimaging commercial properties including Saddle Creek in Germantown.

As I understand it, part of the plan includes allowing for townhomes on the vacant three acres south of the First Horizon building. Although having a buffer of vacant land between Oak Court Mall and The Village neighborhood may have seemed like a good idea 40 years ago, the lack of structure between the mall and the Village led to a criminal element spilling into the residential areas nearby. I know this to be true because I lived at 479 Cherry Road from 2007 through 2023.

As an investor, of course I hope the partnership makes money, but I joined the partnership because I want to see the area flourish. Josh Poad and his team are sure to make this happen.

I hope you will support Oak Court Partners proposal for amending the PUD which is scheduled to come before the Land Use Control Board at its meeting on June 12th.

Sincerely,

McNeal McDonnell
901-626-2096

Outlook

Oak Court Mall Redevelopment Support

From John Planchon <john.planchon1@gmail.com>
Date Mon 5/19/2025 5:05 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc Jade Opper <jade.opper@gmail.com>

Dear Chloe Christion,

I am writing to support the proposed redevelopment of Oak Court Mall and the former Macy's property in East Memphis.

As a nearby resident who lives within walking distance of the site, I see this project as a practical opportunity to improve a commercial development that has significantly declined in recent years. My family and I welcome the prospect of a new development that brings valuable services, updated infrastructure, and more activity to the neighborhood.

A mixed-use development at this location would better use the space and align with the City's goals for land use and economic development. It would attract investment, create jobs, and improve residents' access to goods and services.

I encourage the Division of Planning and Development to support this project. Please do not hesitate to contact me if I can provide additional input.

Sincerely,

John Planchon

190 E Cherry Cir
Memphis, Tennessee, 38117

Outlook

Oak Court Mall Redevelopment

From Brett Grinder <bgrinder@grindertaber.com>
Date Wed 5/21/2025 9:38 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc James Webb <mayfordthree@gmail.com>; Jerry Sanders <jsanders@evanspetree.com>; Alexander, Glynn <Glynn.Alexander@pnfp.com>; Allison Gilbert <agilbert@harrisshelton.com>; Cathy Wilson <cmwilson901@gmail.com>; Chad Schaffler <chadschaffler@gmail.com>; Chris Bird <Cbird@dillarddoor.com>; Wright, Andy <Andy.Wright@pnfp.com>; james or jami webb <webbj3@mac.com>; mgrinder@alumni.princeton.edu <mgrinder@alumni.princeton.edu>

1 attachment (463 KB)
oak court nhood ltr 5-9-25.pdf;

Chloe-

I'm writing on behalf of a group of neighbors in the Audubon Park neighborhood to voice our vocal support for the Oak Court Mall redevelopment. We are just south of Audubon Park and fully support the demolition of the Oak Court Mall and Macy's properties to make way for new development. Members of our neighborhood often shop and dine in the Laurelwood area, play golf and tennis at the Audubon and Leftwich facilities, and walk and commute the perimeter of the park, Cherry Road, Oak Court Drive, and the surrounding area of Oak Court Mall.

We completely support the modifications to the Planned Development that the developer is seeking to include Macy's acreage in the Oak Court Development, provide for townhomes as a buffer along Oak Court Drive, and updates to the outline conditions int eh planned development to include additional uses to make this a truly flexible and mixed use property for our area. We are excited about the additional density, dining and retail options that this will bring to our area and the massive improvement this will be over what is currently possible with the Oak Court PD.

If you have any questions about our neighbors and our support for the project, please do not hesitate to contact me or any of our group of neighbors copied on this email.

Sincerely,

Brett Grinder
Managing Principal, LEED AP
Grinder, Taber & Grinder, Inc.

(901) 767.2400 *phone*
(901) 378.9001 *mobile*
grindertaber.com *web*

May 29, 2025

Chloe Christion
Planner II
Land Use & Development Services
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103
Via email: chloe.christion@memphistn.gov

RE: Oak Court Mall – PD Amendment

Dear Ms. Christion,

I am writing to share my support of the recently submitted Planned Development Amendment for Oak Court Mall. As a 6th generation Memphian, I believe that the redevelopment of Oak Court Mall is long overdue. The existing PD, adopted in 1987, is outdated and no longer addresses current market conditions or prevailing development trends which favor higher density and a mix of commercial uses.

The property has been in decline for some time and has seen a rise in criminal activity that has spilled over to adjacent residential and commercial properties. The proposed redevelopment will be a best-in-class destination in Memphis that will create a safer, more vibrant commercial district. By providing the framework for an outdoor mixed-use development, the Oak Court Mall property will be transformed into a 24/7 project that provides retail, dining, office, hotel, and housing options.

Memphis' own future development plan, dubbed Memphis 3.0, encourages new developments to "build up and not out" and this PD Amendment for Oak Court Mall achieves that goal in one of the most robust commercial districts of East Memphis. In addition, quality new housing options are needed within the city, and the inclusion of townhomes along the west side of Oak Court Drive provides additional housing options for East Memphis residents that seek to "age in place" in their community.

The development team has consistently sought neighborhood and stakeholder feedback over the past 7 months as they hosted five (5) informal neighborhood meetings and countless one-on-one meetings.

I hope you will support Oak Court Partners' proposal for amending the PD which is scheduled to come before the Land Use Control Board at its June 12th meeting.

Sincerely,

Michael Scarbrough

CHRIST CHURCH

May 27, 2025

Chloe Christion
Planner II
Division of Planning and Development (DPD)
City of Memphis

Dear Chloe,

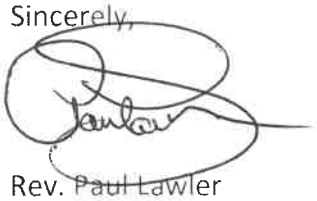
My name is Paul Lawler, Senior Pastor at Christ Methodist Church, and I'm writing to express our support of the proposed PD Amendment for Oak Court Mall.

The developer representing Oak Court Partners, LLC met with me and my staff last October to solicit feedback on what we would like to see happen at the Oak Court Mall site. They met again with the chair of our building committee in April to share the proposed redevelopment plan and to answer any questions he had.

Based on the submitted application, we are excited to see how the proposed plan aligns with our hopes for a revitalized, community-centered space that enhances safety, accessibility, and neighborhood vibrancy in the city of Memphis.

We appreciate the developer's willingness to engage with local stakeholders, listen to concerns, and thoughtfully incorporate that feedback into their vision for the property. We believe this redevelopment has the potential to be a positive catalyst for the surrounding area and are encouraged by the direction it is heading.

Sincerely,



Rev. Paul Lawler
Senior Pastor, Christ Methodist Church

Outlook

Support for Oak Court Mall Redevelopment

From Debbie Thomas <dthomas4201@hotmail.com>
Date Tue 6/3/2025 1:47 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

To: Land Use & Development Services
Division of Planning & Development

This note is to send my support to the developers of the Oak Court Mall redevelopment. I am a neighbor that lives in the Village, 2-3 blocks away. I support the group of developers that includes Josh Poag; I believe they will develop the area in a way that supports the historic & current character of this family-oriented East Memphis neighborhood that is important to so many of us.

Thank you,

Deborah Thomas
4201 Central Lane
Memphis, TN. 38117

duncan williams
asset mgmt

June 5, 2025

Division of Planning and Development
Attn: Chloe Christion
Chloe.Christion@memphistn.gov

Dear Chloe,

I hope this letter finds you well. My name is Duncan Williams. As a lifelong resident of Memphis, a dedicated business owner, entrepreneur, and an enthusiastic patron of everything Memphis, I am writing to express my support for Oak Court Mall proposed alterations.

As an investor and fiscally interested party in this project, I have witnessed many changes in the landscape of shopping malls over my lifetime. Oak Court Mall was a fixture in my family's shopping world for many years. Unfortunately, changes have occurred that necessitate a new and diverse approach.

The group of investors who have been assembled to look toward a progressive plan is compiled of professionals with decades of experience in the planning, development and implementation of projects of this nature. Please also know that this group of investors is extremely mindful of the impact this can and will have on the surrounding area. Several of us, including myself, live in adjacent neighborhoods so we are taking every possible challenge and concern into account. We genuinely feel that our plans will contribute to the overall betterment of the neighborhood.

Please feel free to contact me directly should you have any questions. My email address is Duncan.Williams@wholdco.com and phone is (901) 902-5342.

Respectfully,

Duncan Williams
Chairman

Outlook

PD 2025-006

From Coleman Barton <colemanbarton1@gmail.com>
Date Tue 6/3/2025 10:33 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Good morning, Ms. Christion. I live in the Wynslow HOA which is west of First Horizon. Our gated community consists of 6 houses with a single entry/exit off Poplar. During the holidays in particular, accessing our homes can be challenging. I am concerned with the increase in traffic, we will be challenged to enter our residence. I believe this concern may be alleviated if we could create an entrance through the First Horizon property. I am hoping voicing our concerns early in the process will assist in being proactive and allow time to hopefully address this issue prior to the implementation. I would be happy to assist in any discussions or planning regarding options/solutions. I believe the increased traffic flow will become a significant obstacle in accessing our homes and hope to plan for a solution prior to development.
I appreciate your time and look forward to working with the developers to improve memphis as well as our community.
Respectfully,
Coleman Barton
447 Wynslow Ct
(901)-378-0200
colemanbarton1@gmail.com

Outlook

Chloe Christion

From JJ Keras <jjkeras@gmail.com>
Date Tue 6/3/2025 10:13 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Concern regarding Oak Court Redevelopment-

1) no cheap apartment buildings (will ruin city even further)

2) nothing over 8-10 stories please.

2) higher end retail, restaurants requested.

Many thanks, JJ Keras

Outlook

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From Jody Brown <jodybrown460@gmail.com>
Date Fri 5/16/2025 5:23 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Dear Mrs. Christion(.Pardon this impersonal typing but....)
Lisa and I bought our house on Cherry Rd 45 years ago.It had some real problems-floor plan,wiring,plumbing ,etc.We have remodeled it 3 times over the years---A little at a time ,we have brought this house up to the standard of this neighborhood.and now have a wonderful,comfortable, maybe even a "fine " home.,worthy of Cherry Rd.
We are sure that the developers are fine gentlemen and their New York architects are experienced with big projects in the midst of neighborhoods...experience told them -
announce the plan very shortly before the LUCB hearing(dirty pool).
There are several problems I can see in the little info I have . It Is VERY ,very vague,,20Story what and where,shutting down Oak Court Drive;,etc..I did note the three story townhouses that were going back up to the houses on Cherry---'''REALLY"that is a stretch.
Thank you for reading my ramblings..but we are very serious ...
Joel Brown -460 Cherry Rd

Outlook

Oak Court Mall Development

From Lewis Williamson <lewiscwilliamson3@gmail.com>
Date Tue 5/20/2025 12:12 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Hi Chloe,

I live in the Village on Woodmere Cove and wanted to let you know about some of the concerns I have regarding the planned Oak Court Mall development. The three main concerns I have are:

1. Removing existing buffer and berm on the West side of Oak Court Drive to build town homes against property lines of Cherry Road residents.
2. Apartment/Condo building up to 240 feet
3. The option to close and privative Oak Court Drive

I am firmly against these three things and believe they would be detrimental to our neighborhood, particularly with safety and some of the water drainage and flooding issues it could cause. I am for development of the Oak Court Mall property but I believe it needs to be done in a responsible manner and hope you take into consideration the issues outlined above.

Thanks,
Lewis Williamson

Outlook

Oak Court Mall Development

From Janet Misner <jfmisner@gmail.com>
Date Wed 5/28/2025 10:11 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

I am adding an email plea to the written one I mailed to you last Friday to review carefully what the proposed Oak Court development group is planning.

My greatest concern is for Oak Court Drive to remain as it is and not be privatized. There is no reason for a private entity to "take over" a public street. This would prevent any future plans on the developer's side to close the street. The green space berm along the Western side of Oak Court Drive should remain untouched.

It was my understanding that when Oak Court Mall was built, the developers gave Oak Court Drive and that berm as a buffer between residential and commercial. It is ridiculous to pack in townhouses on that small piece of land. It would create all kinds of traffic, noise and drainage issues. I don't know how covenants can be broken...it seems illegal and is definitely just a land grab for the developers. Memphis needs green spaces and not more concrete and buildings.

Another great concern is the multi use piece of this development. As you know...Poplar at Grove Park and Perkins is already pretty maxed out at different times of the day. Adding up to 600 more people living there is also unrealistic and impossible to accommodate.

I urge the Office of Planning and Development to review with care! We already feel like we are hanging on by a thread with all the crime and failing infrastructure of MLGW. Adding a shiny new burden to all of this will not produce a positive outcome for anyone. It will only push more people to leave. Please consider and take care in what you approve.

Janet Misner
4373 Wynslow Cove

Janet Forbes Misner

4373 Wynslow Cove
Memphis, TN 38117
901-233-6565
jfmisner@gmail.com

May 23, 2025

Chloe Christion
Land Use & Development Service
Division of Planning and Development
125 North Street, Suite 468
Memphis, TN 38203

Dear Chloe:

I am writing to object to the attempts of Oak Court Development to shove through proposals for what is to happen at the former Oak Court Mall location. I only received notice of their plans this past Tuesday and will attend the meeting at Christ Church on the 27.

I have lived in my paid for home the past 22 years. I have paid City and County taxes. I have watched while my neighborhood has been targeted for crime and seen Poplar Avenue straining to handle the current traffic load. I have watched Oak Court Mall go from a promising gleaming shopping mall to a crime riddled shell.

Now, unscrupulous developers want to come in and destroy what green space and quiet through street is left and shove more people into the area that already is over loaded.

I already have to wait sometimes up to 15 minutes to just get out or into my driveway off Poplar. There is no way that Poplar can handle the closing of Oak Court as a relief valve for traffic. It is totally crazy with Christ Methodist Day School and Church, as well as new traffic that would be caused by the Oak Court area redo.

The City has totally failed and blundered with what they are doing with Cherry Road between Southern and Park. The whole Audubon driving range fiasco was shoved through and approved without ever consulting the neighborhood. Now, it causes even more traffic and backup than ever. Not to mention, the whole site is an eye sore.

There is just no way that apartments/condos on the Oak Court site will be a good idea for the City. It is already a heavy use area and to pile more people in 24 hours a day is a joke. To even consider a 20 story building is beyond ridiculous.

Please consider the current neighborhoods and your tax payers. We pay some of the highest taxes in the City. We should have a voice. We should not be continually silenced and run over by outsiders with money to slide plans through.

Please give us a chance to be heard and slow this process down. We have lived here much longer than most who are planning the development. We should have a say in what happens. We have suffered enough watching Oak Court decline into a crime haven. Now, developers want to come in and smother us with concrete and more people and traffic than the area can bear.

Please use some reason and take a look at all the failed complexes in this City! Don't let this become another one or pretty soon the people that support this City will just give up and move away.

Please, please see what you can do!

Sincerely,

Janet Misner

Outlook

Concerning Oak Court Planned Development Amendment - Record Number PD-2025-006, Modification of PD 87-313 -

From Lisa Snowden <lisapromenade9@gmail.com>
Date Tue 5/27/2025 10:33 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Concerning; Record Number PD-2025-006, Modification of PD 87-313 - OAK COURT PLANNED DEVELOPMENT AMENDMENT - 4465 Poplar Ave Memphis, Tn 38117

Dear Members of the Land Use Control Board

As a long life long resident of the Belle Meade neighborhood I would like to voice my objection to current Oak Court Planned Development Amendment. The following items are problematic and/or ill conceived.

Proposed Townhouses:
a) These are described by developers as housing for empty nesters - Height to be 45 feet (roughly 3 stories) - minimal rear and front set backs.
This does not conform to the neighborhood height/setback requirements but more importantly a 3 story unit is not the preferred housing for intended market or for retirees, or for residents with young children.

b) Also the townhouses would require the removal of the berm and its tree buffer. This berm was codified by city council in 1987 and was crucial in the acceptance of the original Oak Court Mall. It serves as an important
noise and privacy buffer for both the residents of Cherry and Poplar.

Proposed 240 foot Building Height
20 story building(s) would be totally out of scale and character to the entire neighborhood.

Inclusion of an Event/Confernece Center Area
Being directly across the street from the Memphis Botanic Garden,Theatre Memphis, and the U of M Tennis Center, the proposed event /conference center is redundant and unnecessary.

Inclusion of a Car Dealership and Used Clothing Retailer - unwanted and unneeded and out of character

Required Communication with neighbors and neighborhood input.

There was no concerted effort made to include or inform the neighborhood concerning this Development Amendment. Most neighbors were unaware of the plan until an article appeared in the Daily Memphian on May 7, 2025.

A well conceived and thoughtful plan could be a positive addition to our neighborhood. But this current amendment is not that.

I urge you to reject PD-2025-006 - Modification of PD 87-313

Sincerely
Lisa Snowden

set backs nor does it meet the
45 foot Height
Removal of berm and trees

Williamson

KATE + LEWIS

Dear Chloe,

I live in The Village on Woodmere Cove and I have some concerns and issues regarding the Oak Court Mall planned development. The three main concerns I have are:

1) Removing the existing buffer and berm on the West side of Oak Court Drive to build townhomes against property lines of Cherry Road residents
2) Apartment/Condo building up to 240 feet
3) The option to close and privatize Oak Court Drive

I am firmly opposed to the three things above and believe they would have a detrimental impact on the safety of our neighborhood. I am for developing the Oak Court mall space but it needs to be done in a responsible manner. Thank you for your attention to this matter.

Lewis Williamson

Dear Ms. Christion,

Your work is so important to our city. I've only in the last week become aware of the plans related to the Oak Court Mall development. I really appreciate your time in considering the concerns of our neighborhood, the Village, which is immediately west of Cherry Road and the Oak Court Mall. We just have 3 major concerns. I hope you will work with us to protect our neighborhood and community.

#1. Please don't remove the buffer and berm on the west side of Oak Court Drive or build town homes right against the property lines of Cherry Road residents. This is too many homes and too close and would also add to the drainage issues we already have close to the railroad tracks.

#2. Please don't build a 20 story, 240 feet condo/apartment building (as listed in "conditions" paragraph 11, D-1) The privacy and security of our homes and yards would never be the same again. Please don't build even an 8 story building like that.

#3 Please don't close and privatize Oak Court Drive. Oak Court Drive prevents Cherry Road and the Village from being a "cut-through" from Poplar for people who do not live in the neighborhood. Privatizing Oak Court Drive would bring both traffic and crime into our neighborhood.

My grandfather bought our home in 1957

and three generations of my family have lived in our home. I remember when the sanatorium was torn down facing Village Road and replaced with 3 lovely coves. I remember when sidewalks were put in and Sienna College was developed. We live in the second house from the railroad tracks on Williamsburg, just across from the new tennis center. We love the new updates for Audubon Park and golf course. Thank you for your part in these developments, which we appreciate.

We remodeled our house 20 years ago and with the extra space we especially love hosting for two groups of international students at University of Memphis, VISA and Global Friends. We love our home, neighbors and community around us.

I hope to meet you at one of the upcoming meetings. Thank you so much for considering our wishes and finding solutions for us as well as for the developers.

Sincerely,
Natalie Sherman

May 25, 2025

Dear Ms. Christian,

I am writing you to express my concern about the proposed new development of Oak Court Mall.

First, I am concerned about the plan to remove the existing buffer of trees on the west side of Oak Court Drive to build town homes against the property liner of Cherry Road residents. All of the trees between Oak Court Dr. and Cherry Rd. sop up and absorb the rain. If the developers remove the trees and put concrete in, what will happen to the rainwater? I fear that the water will flow downhill and flood the homes and property of Cherry Rd. residents, and perhaps flood Village Road and some of the homes along Village Rd.

Secondly, do the developers plan to build all or even a significant number of apartment/condominium buildings up to a height of 240 feet? (approximately 20 stories). How will that affect the Cherry Rd. area? Will it expose the residents of the area to a lot of traffic and noise where

they had previously enjoyed relative peace and tranquility? How will Christ Methodist Church and its school, Christ Methodist Day School, be affected? Will the development cause an increase in traffic that will disrupt Sunday services at the church, and will it disrupt the functioning of its school? Will it make it harder and less safe for parents to drop their children off in the morning and pick them up in the afternoon? In addition, what kinds of businesses do the developers have in mind for the Oak Court Mall Development, Car Showrooms, Pawn Shops? Is there any danger that the businesses that are brought in could lead to blight, drug use and drug selling, and more crime?

If the developers are permitted to close and privatize Oak Court Dr., what use do they intend to make of the land. Would they dig the road up, put it additional businesses or highrise apartments/condominiums? If Oak Court Dr. is closed and privatized, how will it

affect traffic flow in the surrounding area?

Finally, my mother and I have our own specific concern about the Oak Court Development Project. We are in a trust connected to First Horizon Bank. This trust is located in the Ron Terry Center located at 4385 Poplar Avenue, just across Oak Court Dr. from the Oak Court Mall. What will happen to the Ron Terry Center if the Oak Court Development Project goes ahead? Will the Ron Terry Center be displaced by this project and my trust have to move elsewhere? With all the new concrete and removed trees associated with this development project, will water from rains inundate the Ron Terry Center, forcing my mother and my trust to relocate because of chronic flooding?

As you can see, I have certain concerns about the proposed Oak Court Development Project. I would appreciate it if you would please take these concerns carefully into account when deciding whether or not to apprave

this development. The future quality of life for both the Cheevy Rd. and larger Village neighborhood may well depend upon it.

MR. & MRS. ROBERT I. AYERST, JR.
381 GREENFIELD ROAD • MEMPHIS, TENNESSEE 38117

May 28, 2025

Chloe Christion
Land Use & Development Services, Division of Planning and Development
125 N. Main, Suite 468
Memphis, TN 38103

Subject: Record Number PD-2025-006, Modification of PD 87-313
- OAK COURT PLANNED DEVELOPMENT AMENDMENT
-4465 Poplar Ave Memphis, TN 38117

My wife and I are residents of The Village neighborhood, located at the corner of Poplar Avenue and Greenfield Road. We will be directly impacted by the proposed redevelopment of Oak Court Mall. While we support the concept of replacing the current site with a mixed-use project, we would like to formally express several concerns:

1. We strongly oppose any structure as tall as 240 feet (approximately 20 stories). Such a building would be dramatically out of scale with the surrounding area, disrupt the visual harmony and beauty of the neighborhood, and pose a serious intrusion on the privacy of nearby residents.
2. We are concerned about the proposed removal of the berm and buffer along the west side of Oak Court Drive to construct townhomes. This buffer was part of the original agreement when Oak Court Mall was built over 30 years ago, and its removal would significantly reduce privacy and increase noise for the adjacent Cherry Road residents. Disregarding this longstanding commitment undermines trust with the neighborhood.
3. We are also opposed to any plan that would privatize Oak Court Drive. Turning a major public road into a private one would divert traffic onto already congested nearby streets such as Perkins and Goodlett. There is also significant concern that another residential street may need to be opened for emergency access. Nearby Cherry Road, in particular, is narrow and not equipped to handle increased traffic volume, which would compromise both safety and neighborhood character.

We respectfully ask that these concerns be taken into consideration as the project moves forward. Thank you for your attention and for allowing residents to provide input on this important development.

Sincerely,

Thank you.

Robert & Lisa Ayerst

Robert and Lisa Ayerst

The Village Homeowner

Outlook

PD-2025-006, Modification of PD 87-313; Development of Oak Court Mall, 4465 Poplar Ave.

From James Lackie <jdl@riverstreetmgt.com>
Date Fri 5/30/2025 11:30 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc Margie Lackie <mhlackie@mac.com>

Via U.S Mail & Email (Chloe.Christion@memphistn.gov)

Land Use & Development Services
Division of Planning and Development
Attention: Chloe Christion
125 N. Main, Suite 468
Memphis, TN 38103

Re: PD-2025-006, Modification of PD 87-313
Development of Oak Court Mall, 4465 Poplar Ave.

Dear Ms. Christion:

We have recently attended a neighborhood meeting regarding the development of the Oak Court Mall. We are very favorable for the development to occur but would ask that the buffer be maintained on the west side of Oak Court Drive. It has proven through the years to be a great damper between our neighborhood and the mall.

The developers are proposing to build a 45-foot group of townhouses directly behind the eastern homes on Cherry Road, which we believe would be invasive to the neighborhood. Our other major concern involves the request to build a 240-foot building on the property. While we are not opposed to a building of half that size, we would strongly request that the building be located as far to the east as possible. The current Plan B would have the building constructed adjacent to Oak Court Drive, which again would be detrimental to the neighborhood.

We applaud the efforts of the developers to make the new Oak Court Mall a very vibrant addition to this central location of Memphis. However, maintaining the integrity of The Village and those of us located south of Poplar between the railroad tracks is of vital importance.

Thank you for your consideration.

Sincerely,

James D. and Margaret H. Lackie

May 25, 2025

Hello Chloe,

As a long-time Village neighborhood homeowner and resident whose parents have also lived on the portion of Cherry Rd abutting the Oak Court Mall for decades, I am writing to voice my deep concern about the following items:

- The removal of the existing buffer and berm area on the west side of Oak Court Drive, along with the building of multi-story townhomes against the property lines of Cherry Rd residents (as detailed in Concept Plans)
- The building of an apartment and/or condo building up to 240 feet tall (approximately 20 stories) as listed in "Conditions" Paragraph II, D-1
- The option to close and privatize Oak Court Drive (as listed in "Conditions" Paragraph III, C).
- The vagueness and lack of labels in the current proposed plan included in the Outline Plan for the Oak Court Mall Redevelopment

I expect that you will have received similar correspondence regarding these concerns from other Village neighbors as there are many in this neighborhood who rightfully feel very strongly that the development plans, as they are being established right now, are not in a noticeable way mutually beneficial for both the developers and those of us who live nearby. Instead, my neighbors and I strongly urge more clarity and adaptation of plans to establish a more mutually beneficial relationship between the developers and their new neighbors, our neighborhood. To further clarify, my village neighbors and I are not against development at all and honestly welcome a positive change from the Oak Court Mall. However, we only support considerate, mutually beneficial development for both the developers and our neighborhood. We wish to be good neighbors for the new development and again urge the developers to be good neighbors to us. I expect that the four concerns mentioned above can be clarified and resolved and look forward to finding a solution that works well for both the developers and the Village neighborhood.

With sincerity,

Erica Marchbanks

Hello Land Use and Development Services,

I have just driven home from mailing a letter I wrote before the Village neighborhood's meeting with the Oak Court Mall Redevelopment Developers. However, that letter was insufficient. I hope with this second letter to express how profoundly unsettled and, frankly, angry my family, my neighbors, and I are about the proposed development given the information (and lack thereof) at this time.

First, my personal, primary concern is the removal of the existing buffer and berm on the west side of Oak Court Drive and the proposed building of townhomes in that space. This is not okay. I repeat; this plan is not acceptable in any way. Last night, the developer's representative told us, in I'm sure what he deemed a soothing tone, that this plan is what the developers consider good development. It is not. It is most emphatically the wrong thing to do, and the developers cannot pull the wool over the Village's eyes by telling us that what is harmful and wrong is good and right. Those with homes on Cherry Road abutting the berm bought and have maintained their homes under the explicit agreement that once Sienna College was removed, there would always be a green space buffer and berm between their Cherry Rd properties and Oak Court Drive, as it exists now, with no changes, ever. There has never been a change to that agreement or understanding. Last night, the representative for Poag told us that the developers were aware of this agreement but that they arbitrarily, one sidedly decided it was an "old" agreement and that "things have changed." No, things have not changed, and every soul who lives on Cherry Road, and even past residents, agree that berm space must remain as it is and as it has been; no different agreement has ever or will ever be made on our end. Agreements that stand the test of time do not expire after thirty-seven years because they are "old." Should a marriage be dissolved simply because a couple has been together for forty years? Should your phone company stop providing service because you have been a customer in good standing for decades? There are no examples where this line of logic would be acceptable. In fact, I would venture to argue that long-standing agreements not only do not expire or become amenable to change due to one party's choice (without consulting the other party) but the agreement would become even stronger and less open to arbitrary change. In the case of the berm, my parents bought their home on Cherry Rd at the time that Siena College was about to be removed under the explicit agreement that the berm would be added and never removed. Their children, my sister and I, then grew up in that house, creating countless fond memories in the backyard, a retreat, buffered by the verdant calm of the green space and berm. Many other homeowners and their families have experienced this on Cherry. It has been an invaluable experience; so much so that my parents have no intention of moving away, and I have now chosen to buy a home and to live in the Village, an eight minute walk from their home and backyard on Cherry.

My parents, my neighbors, and I have invested enormous portions of our income and countless hours of our time lovingly maintaining our Village neighborhood homes. It is impossible to express how profoundly my family, my neighbors, and I love and value our neighborhood. The agreement to the building of the berm and its continued existence is a primary reason that my parents bought their home and have not moved from their home. Their neighbors agree. The environment established by the greenspace and berm and its relationship to their home was a deciding factor in my buying a home in the neighborhood. The stability and beauty of the neighborhood, with neighbors who keep and maintain their homes over handfuls of decades and the tranquil setting of the land surrounding the homes is a draw for the neighborhood and a deciding factor for those who move into the Village when a home does become available. So no, things have emphatically not "changed" as the developers decided without asking us. Instead, the berm and buffer are a cornerstone for the establishment and continued flourishing of the neighborhood.

To the point that I made in my last letter, the Village is not against development. We also have no reason not to hope success for a local company, such as Poag. However, we long to see good development and for our concerns, which we feel so profoundly and are affected by every single day, to be taken seriously. I would like to suggest, again because we aren't even against townhomes themselves on what is the current Oak Court Mall land, that the townhomes be placed in a space other than where the existing buffer and berm are. This would be a good solution since it would likely be monetarily profitable for Poag (as this appears to be their true concern) and would prevent a large amount of ill will with the Village. It would also help maintain property values in the Village because, as I'm sure you are aware, property values are interconnected throughout a neighborhood. Building townhomes and a retaining wall towering over a backyard that currently benefits so much from the secluded and beautiful, nature-filled views of the berm (again such an important cornerstone) would certainly not increase property values of the homes on Cherry. This would, in-turn, diminish the property values of homes throughout the Village area and surrounding area. Obviously, the townhomes Poag is wishing to sell or lease would be in that surrounding area and would see a diminished value as well. Good development would not only not negatively impact the value of the homes in the area, it would not be detrimental for developers as well. That's common sense.

In addition to the buffer and berm on the west side of Oak Court Drive, which you can now see very plainly should not be removed or altered, an enormous concern for the neighborhood is the potential 240 foot tall building. As the buffer space and berm lend a valuable green anchor to the Village, towering trees lend value to the entire East Memphis area. Memphis has its flaws. It can even be argued the Oak Court Mall, as it exists now is one of those flaws. However, one of the most special things about the city of Memphis itself is its towering trees. Even nearby Collierville does not boast the depth of arboreal beauty found in Memphis

and its residential areas. This is recognized by residents and visitors from all over the globe. This leafy landscape is especially noticeable in the Village and neighboring Belle Meade. Nowhere in these neighborhoods is it possible to see any commercial building over the height of the trees while standing in the neighborhoods. Especially in the summer, the view while strolling through this neighborhood includes only residences, two church steeples, a golf course, park, and the Memphis Botanic Garden, which is an arboretum. This is extremely unique in an urban setting and is one of the things that sets Memphis and these neighborhoods in particular apart in a positive and irreplaceable way. This unique setting also lends value to the neighborhood and, as mentioned, helps maintain property values.

On Tuesday night, when a neighbor asked via notecard, why Poag would wish to build a building the size of Clark Tower on the site if the current Oak Court Mall, the representative for Poag audibly scoffed and instead of a true answer chuckled out the response that this proposed building wouldn't be exactly the height of Clark Tower. How dare the developers respond with such flippant derision to the genuine concerns of those whose every-day lives and hard-won home investments are directly and profoundly impacted by their development choices? How dare they? Poag did not give an adequate response regarding why they would want the ability to build a structure that would so inexcusably mar the valuable, leafy skyline of our neighborhood and surrounding areas forever. The difference in feet when discussing such large buildings is insignificant, especially when the proposed building would be much closer to a neighborhood than Clark Tower, a neighborhood where the view of natural beauty is invaluable.

Why on earth (apart from callous, quick money grabbing) would a developer wish to wantonly destroy this precious skyline forever by sticking anything close to a 240 foot tall monolith within perpetual, overlording view of the surrounding neighborhoods? Again, this development choice isn't possibly good for property values, theirs or our neighborhoods'. I would suggest (again because the Village and I are not opposed to good development and wish for a beautiful and even monetarily successful development) that the building height of all buildings be limited to the unobtrusive heights of the existing buildings (specifically Dillard's, and the bank on the western corner of Oak Court Drive and Poplar). If the developers are wishing for a taller building, like The Memphian as suggested last night, I challenge the developers to stand at the top of that building and note that you can see from the I-240 river bridge all the way to Clark Tower. Clearly, that is not an unobtrusive building acceptable for close proximity to a neighborhood. I would suggest placing any buildings that absolutely require height over that of Dillard's (although it's impossible to imagine the need for that) be placed at the Perkins and Park end, near where the existing large commercial building sits and where there are also sweeping views of the Audubon Golf Course. This would help maintain property values and allow for a lovely view both for the Village and new unreasonably huge tower residents.

Like the disrespectful and inadequate response from Paog's representative regarding the mammoth tower(s), the Village, Belle Mead, and surrounding neighborhoods have received shockingly little very important information regarding the development impacting our literal backyards. We deserve to know dramatically more specific information regarding all proposed structures and the parking, drainage, and other infrastructure of the proposed plans because it will affect our daily lives. Poag claimed to "have answered" our questions on drainage concerns by saying that they have an engineer looking into it; show us where and how you are planning to manage water that will potentially flood and destroy our property, especially since there are already drainage issues in the Village (as very clearly evidenced by the unusually large culverts running throughout the neighborhood). We deserve to know more specifically with what types of commercial tenants Poag is expecting to fill the spaces they build (they will be our neighbors). We need clear information on why such a large number of buildings and spaces within those buildings is being proposed. What is the saturation point of condos in the area? What is the saturation point of apartments in the area? What is the saturation point of restaurants in the area? How are the developers expecting to keep this number of tenancies profitably, safely, aesthetically, and overall beneficially filled over the coming decades? One needs only look less than half a mile down the street to see the vacant Houston's restaurant. My family and I have lived in Memphis long enough to remember the short-lived promise of Peabody Place (and really the Oak Court Mall itself). How is that fate to be avoided for this development when the proposal is for such a massive scale? To summarize, how do the developers plan to be sustainably beneficial to the neighborhood? I ask because evidence right now (from their treatment of the neighborhood, both in the gross lack of consultation and lack of transparency) is only that the developers are in for a quick profit grab, whether or not that creates lasting blight on the neighboring community. It is on the developers' shoulders to begin fostering a functional, truthful relationship with the neighborhood because that is completely missing at this time. To provide more commonsense business advice, a company's reputation is vital to the company's continued profits. Word is already spreading quickly of this development and of the Village neighborhood's treatment. The Village and surrounding neighborhoods would like nothing more than to see positive change in the current Oak Court Mall's location and for Memphis as a whole to prosper through more development by local companies if they are ethical companies. We are so directly impacted by the proposed redevelopment of the Oak Court Mall area, that the Village would inevitably sing the praises of a considerate, well-reasoned development company.

Regarding the option to privatize and close Oak Court Drive, telling us that it would be another legal battle to do that is not reassuring. It only indicates another potential confrontation, especially in light of how the Village has been treated thus far. As with the very

explicit, unwavering, unaltered establishment of the buffer and berm, Cherry Road and Village neighbors worked tirelessly to conclude that under no circumstances will Cherry Road ever be re-opened to Park Avenue. This and the commitment to the continued presence of the buffer and berm will never change. The agreement will never expire. If Oak Court Drive were to be closed in the future, this could be seen as negatively impacting traffic connection between Poplar Avenue and Park Avenue, causing scrutiny of the closed Cherry Road by the developers or associates, which would under no circumstances be acceptable.

The representative for Poag claimed last night that the developers "really tried" to inform those most impacted by their proposed development, and yet, somehow, they just couldn't let us know anything about the development from October of 2024 to late April of 2025. In the immortal Star Wars quote, "do or do not. There is no try." The developers may want to claim that they have tried, but the actual fact is they did *not* inform those in the Village whose everyday lives are intertwined with this development, they have continued not to provide adequate information, and they have not established acceptable plans for the area in which they intend to build. The Village deserves better than the current development plans. We are also good neighbors to each other and have been for decades. We welcome good development have been offering to extend our neighborly cooperation to the developers. However, we are also absolutely unwavering in our commitment to the continued existence of the buffer and berm, continuance of the closed Cherry Road being unimpacted by any other roads, and receiving clear communication and consideration regarding the current vagueness of the 240 foot building(s) and other facets of the development plans.

Unwaveringly,

Erica Marchbanks

May 30, 2025

Hello again,

I have written two other letters and am writing again because I do not want my commitment to what is clearly right and just for my neighborhood to be underestimated. In the same way that my parents and neighbors worked tirelessly to arrive at the establishment of the buffer and berm on the west side of Oak Court Drive and the closure of Cherry Road at Southern Avenue, my neighbors and I are committed with tireless and unmovable resolve to the continued existence of those two features of my neighborhood (the buffer/berm and closed Cherry Rd) as well as to receiving consideration and cooperation from the developers on my neighborhood's other concerns (as detailed in my previous letters).

My neighborhood has not received adequate information regarding buildings that would potentially loom over our homes, and we have not received adequate information regarding what would be housed in those buildings or how the development's infrastructure would impact us, and all evidence indicates this intentional on the developers' end. We have been given only a few days to join forces to protect the places we hold most dear, our own family properties. I have been informed that June 3, 2025 is the deadline for correspondence voicing our concerns, so I intend to use every day of that short time making sure my voice is heard and amplifying the voices of my family and neighbors.

As stated in my last letter, my neighbors and I welcome good development and have been offering to extend our neighborly cooperation to the developers. We want to find a plan forward that is mutually beneficial. We are very much in favor of good development. However, we are also absolutely unwavering in our commitment to the continued existence of the buffer/berm and avoiding any impact of Oak Court Drive on Cherry Road traffic, and we are committed to receiving clear communication and consideration regarding the current vagueness of the 240 foot building(s) and other facets of the development plans. Good development is something we support. Good development is not what we have seen thus far.

In consideration of Mark 12:31,

Erica Marchbanks

PS In the haste required to share my thoughts on this development, I typed Park Avenue where Southern Avenue should have been typed in my last letter. Please do not read that as reflecting any confusion of the roads or geography in this neighborhood.

Outlook

Second Email Regarding Concerns About Oak Court Mall Redevelopment

From Erica Marchbanks <eemarchbanks@gmail.com>
Date Tue 6/3/2025 12:50 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Hi Chloe,

I'm sure you are busy and are getting sick of hearing from me. It's just impossible not to speak out against injustice in the community. Of course, my family, my neighbors, and I are concerned about the potential high-rise building(s) and lack of specifics on the development plans. However, I want to take one more opportunity today to implore that you understand how important it is for the buffer and berm to the west side of Oak Court Drive not to be removed and for the possibility of it's removal and replacement by building anything, townhomes or otherwise, in that space to be removed from the plans.

Again, I'm sure you're busy with important work, but please take a moment to think of a place that you love, a place that fills your whole heart with memories of those closest to you and with hope for a beautiful future with those loved ones. Perhaps, your special place is also a parent or grandparent's home. Maybe, it's a park, art gallery, or college campus. It's a place to gather, to laugh, to dream big dreams for the community you hold dear, and you plan on returning to this place as often as possible, enjoying it with friends and family, and safeguarding the meaningful beauty of that place for the continued enjoyment of those you love. Then one day, you learn that the very character of that place, a part of the space vital to what makes it special, is about to be utterly destroyed by someone who does not understand the value of that place, and imagine the hopelessness of feeling like those attempting to upend the everyday lives of those closest to you have indicated through their actions that they do not care about their community at all.

My parents' yard on Cherry Road is that place for me and my extended family and many friends. I have even bought a home near their home to be close to that special place. My parents have lived in their home for my entire life and part of the reason they live there is due to the buffer and berm between their property and Oak Court Drive. My parents and their neighbors worked so hard to find a lasting decision that would be beneficial for their properties and for any development that happened to the east of their properties at any time in the future. They worked as hard as they could to reach the establishment of the green space buffer and the earthen berm. There has never been any reason for anyone living on Cherry Rd or in the Village to believe this agreement would ever be altered, especially without their input. I hope the Land Use & Development Board values a community's hard work to cooperate with developers and Memphis city planners and that you too see the validity of the understanding that the residents of Cherry Road have been living under for almost 40 years, the understanding that an agreement was reached for a buffer and berm to be established and not removed, especially without the input of Cherry Road residents.

Removing the buffer and berm would not just reflect unfavorably on the developers and any departments associated with the city of Memphis that allow the removal to happen, it would destroy the essence of a community. I have already mentioned in past letters the value of the green setting to the neighborhood. Homes are also built based on where they are located. For instance, homes in zero lots are built in a way that makes that style of living work well, without windows spaced to peer into other people's homes etc. The homes on Cherry have been built to reflect their location abutting the berm and greenspace. I am horrified to know that townhomes in that area would be looking into my parents' bathroom and bedroom! All sense of peace and privacy would be obliterated.

Additionally, I wonder if anyone has told the developers that in addition to destroying the views, property values, and everyday lives of the residents of Cherry Road that the buffer and berm are a valuable wildlife refuge in Memphis. I wonder because last night the developers showed that they could not even be bothered to lay eyes on the area they are hoping to destroy. They tried to claim in front of Cherry Road residents that everyone on the street has fenced off the backs of their yards and placed barbed wire at the top of the fences because they do not want to be in contact with the berm. This is not true and clear for anyone to see; my parents' neighbor to the north doesn't even have a standing fence across part of the yard. Instead, the buffer and berm work to extend the uninhabited greenspace of the neighboring Audubon Park, Botanic Gardens, and Dixon Gardens. Each year, a group of foxes den at the foot of the berm, and numerous owls and hawks can be seen swooping through the mature trees in the berm area. Rare songbirds nest, and harmless opossums amble through the wooded area, eating mosquitoes and other pests. Box turtles rest in the shade. The developers want to replace that with a retaining wall.

As with the lack of understanding regarding how valuable the buffer and berm space are, the developers' plans as they are now show both ignorance and apathy towards the community in which they want to develop. Just last night, I asked why the developers wanted to replace the buffer and berm with townhomes and a retaining wall. Why, for instance, would they tell us they want to take advantage of views of the park area across Southern in one meeting and then try to build townhomes with a view of a busy street and the big, white back of Dillard's? That doesn't seem like good development. Their response was that they heard (who knows from whom because they have not asked those who live on Cherry) that there was crime on Cherry Road that originated in the existing mall area, so they were using the town homes as a new type of buffer between their development and Cherry. The developers also relayed a fictional tale they had "heard" about someone who had "died on the berm" due to some sort of violent crime as a reason for removing the berm and replacing it with townhomes. First, this is a fictional tale, so the literal and figurative foundation of their plans is a lie. Secondly, this makes it seem like the developers will not be instituting any plans to make the development safe for visitors and the surrounding Memphis community. Third, this sounds like they are sacrificing the safety of those who would buy the townhomes in order for them to be a buffer. None of this is well thought out positive development.

Furthermore, when a neighbor asked about what need Memphis has for the developers to build townhomes in that space, the developers had absolutely no clear answer. The developers were completely unable to tell us if or to what degree Memphis would need this large number of townhome dwellings. It sounds like they just wanted to run a bulldozer around and build some buildings and see what happens, which is extremely poor planning. They also told us that the townhomes would present a very fractional net income for their overall plan. So the pros to not outweigh the cons for removing the buffer and berm.

For what they admitted was an insubstantial and unclear profit, the developers are willing to ignore a neighborhood's hard work and longstanding agreement, they are willing to diminish surrounding property values, they are willing to destroy the peace and privacy of the community, they are willing to destroy the character of the neighborhood, and they are willing to destroy a natural refuge. I am taking this one last chance, as the clock ticks, to beg you and the Memphis Land Use and Development Services show that you care about the community and not to allow for the removal of the buffer and berm to the west side of Oak Court Mall.

I further want to emphasize that the plans as they stand now are not in a state, both ethically and substantially, to be approved by Land Use and Development Services. Very serious consideration and changes need to be made to the plans at this point. I have been told that once they pass Land Use and Development, the plans are not open to review again and the developers will have carte blanche within what are currently unacceptably undefined parameters to do what they will, whether it has a positive impact or not. The plans as they are right now must not pass Land Use and Development. My neighborhood and I welcome good development and look forward to finding a path forward that is mutually beneficial to our neighborhood and developers.

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Erica Marchbanks
EXP Realty
901-355-9552

Outlook

Oak Court Mall Redevelopment Concerns

From Olivia Marchbanks <omarchbanks@gmail.com>
Date Sun 6/1/2025 8:32 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Hello Chloe,

I'm writing this email to express my concern and oppose a few key features of the proposed redevelopment at Oak Court Mall. My family has had a home on Cherry Rd for the past 40 years and I'm deeply concerned about numerous potentially negative effects this development will have on my family as well as our friends, neighbors and the surrounding area.

Please understand I am in support of redevelopment of Oak Court Mall and hope that in the future, through working together with the neighborhood, developers, and city a great new space will result and be beneficial to all parties involved. Unfortunately at this time, that doesn't seem to be the case.

I would like to highlight a few features that would impact my family and our community negatively. Please also note, during this process we have not only not been contacted regarding the proposed plans, but since learning of a few problematic issues our concerns have been dismissed and we are not being worked with.

The initial feature of the development I oppose is the removal of the berm behind the houses that reside on Cherry Rd. To turn a peaceful neighborhood revered for their green space and community into a concrete jungle teaming with townhomes looming into every backyard at almost 70ft tall will not only reduce property values, but completely change the culture and feeling of the neighborhood. This change is in direct violation of an agreement to leave the berm as is ad infinitum which was not only fought for by many of the homeowners that still reside at these properties, but was a pivotal decision for many when selecting their homes. The homeowners will now not only be faced with unexpected loss of privacy in violation of a previous agreement and lower home prices, but there will also be an increase in water runoff into the property owners backyards due to a proposed alleyway. These homes already deal with flooding issues in their yards and this could have dramatic effects on the homes and vegetation. The berm with its trees and hedges has also been a safe haven for owls and falcons, which would lose their homes and most likely relocate, allowing vermin to thrive creating an unwelcome chain of effects for memphis wildlife.

The second point I would like to express my contention with is the proposed 20 story building. What could be the purpose of such a large building, almost the size of the Clark Tower in this area? Unfortunately we have no idea and have not received guidance from the developers. Apartments? Who would be filling those? What is the current saturation of apartments in east Memphis? Office space? For whom? My understanding is that there is already a great deal of vacant office space in the

area? How could they even accommodate parking for such a large building? My belief is that not only will this destroy the character of the area and permanently alter the feeling of the community for what I fear, based on similar size buildings in the area will become a vacant space with no use and potentially just another deterotating shell, not unlike Oak Court Mall. A sad reality is that with vacancy, places loose their allure, they begin to lose funding, not be kept up, and oftentimes result in upticks in crime. I believe this is the exact opposite result the neighborhood as well as the developers would want. More planning needs to be done, statistics analyzed and potentially a much smaller building with clear goals put in its place.

And finally there is no reason to close Oak Court Drive and potentially open Cherry Rd to through traffic. Why would they need this and what would it achieve? We certainly haven't been told, but we do know it would bring more traffic, more crime, and lower housing prices. Since this is a neighborhood full of young families this increase of traffic through the neighborhood would be much more than a nuisance, but a danger to all the children. While it seems they just want this as an option, it appears they want the moon as an option with no regard to others.

At this stage the developers have no concrete answers, we have not received any advanced notifications, and any concerns have been dismissed. Thank you for taking the time to read this letter. I urge you to please reject this plan and return it to developers.

Best,
Olivia Marchbanks

To All Interested Parties,

The object of this letter is to object most strenuously to elements of the proposed redevelopment of the Oak Court Mall. Let me make this clear. While we oppose some elements of this development, we are not against the redevelopment as a whole. As a neighborhood, what we approve of is a development that is beneficial for the community but respects the integrity of the surrounding residential neighborhoods and has an overall positive effect for everyone.

There are four major concerns about this development.

The first, and the one of which there is absolutely no compromise or negotiating, is the development of 28 townhomes on the west side of Cherry Road on the existing 100' wide berm directly behind and on the property lines of the residents of the east side of Cherry Road. The developer is proposing 28, three story town homes that will be 45 to 50 feet in height. The street level is already at least eleven feet above the Cherry Road property owners back yards. Those structures would tower over the residents homes at a height of almost seventy feet. The alley behind these townhomes would run almost to our property lines and the already enormous amount of water run off into our yards would increase exponentially. The developer says their engineer believes it will help our water run off problem but two other independent engineers say it will be a huge contributor of more water runoff.

We moved to 520 Cherry Road almost 40 years ago and raised our family in this home. Shortly after we moved in, Belz Development began the development process of what would become the Oak Court Mall on what was the idyllic setting of the then Sienna College. My home is on the east side of Cherry and backs up to Oak Court Drive. All homes on the east side of Cherry had a very clear and distinct view of the development in our backyards. We voiced our concerns to the developer and they listened. The entire neighborhood worked for over a year with the Belz Company, Reeves Engineering and Mike Davis Landscaping Architect to develop a plan that was compatible with everyone. I spoke with Ron Belz just this week and he remembers how we all worked together as a partnership, not in an adversarial position, to produce a good development. As Ron told me last week, "A Good Development makes Good Neighbors." And he said he would be glad to go on record for that position if asked.

Part of that "Good Neighbor Policy" plan consisted of an earthen berm on the west side of Oak Court Drive, at least 6' high from street level, that would be heavily landscaped. Some of our yards on Cherry sit more than eleven below street level so from our side, in places, some of the berm is 18 to 20 feet tall. A wonderful buffer zone. That berm would run on the west side of Oak Court Drive and ensure a buffer zone for our residents and to guarantee that all future development would occur east of Oak Court Drive. The buffer was clearly intended to afford

protection from further development encroachment for all adjacent residential properties to the west of Oak Court Drive. It was clearly established as such and entered into the public record not only by the City Council, the Land Use Control Board but also by two city mayors. As noted by the City Council, “Any such encroachment will promote instability and deterioration of existing residential properties.” To remove that berm after 40 years and build towering townhomes would be a gross breach of faith to all of the neighborhood residents. The understanding was clear in 1984; development ended east of Oak Court Drive. I believe that there can be no doubt in any reasonable person’s mind that the berm and greenbelt area was intended by all parties to end any development west of Oak Court Drive and there has been nothing new that should allow the destruction of that covenant established by the City Council.

The second concern is a two hundred- and forty-foot-tall apartment building just south of Dillards on Oak Court Drive. The height alone should be reason to oppose this item. There are a myriad of other problems that go hand and hand with that building. Does the neighborhood need to see something almost as tall as the Clark Tower looming over the tree line? What is the saturation point for apartments in our area, who will they attract, what about the parking? These are just a few of the unthought out or ignored questions the developer needs to address and discuss with the community in an open forum before it is even presented to land use and control. There could be a compromise for this building, reduced height, moved to a far eastern location among some things.

The third concern is the option to close and privatize Oak Court Drive. Why? Scott Kern says they probably wont do it and it would be hard to close the street anyway, so why should they have the option? Scott said so they wouldn’t need to go back and ask for it again if they decided they needed it later? What? As are a lot of the items the developer discussed, no substance has been delivered to the neighborhood and almost no real details.

We, the neighborhood, found out about the coming development just the way the public did, the news. Not the developers. When I reached out to the developers, I was told they had already had five public meetings but they neglected to notify the entire Village community and not one person that backs up to the berm, the people most impacted by the development. We were told that they did the best they could but somehow just missed us, missed all of the most impacted families, five times. The only public meeting required by the developer was called for the day after Memorial Day, a time when many were out of town and unable to attend. We requested moving that meeting to later in the week but the developer denied us that. We did get the word out to the community and many stayed home to attend the meeting and there was a large turnout at Christ Methodist. Over 90% of the people there were like us and were for a development but not some elements of this one. Yet no one was allowed to speak. The MC gave a slide presentation and took questions written on 3x5 note cards and read the ones he

wanted to read. When asked if they would allow anyone else to speak, we were told they only had the room until 7 that evening. No one else was allowed to speak.

Like everything else about this project we have been told a lot of nothing. When asked about the details of this project, we were told a lot of, its likely to have, it should have, it probably will, it could have, were not confident but maybe. So that brings up the next point. There is no detail, the buildings have letters but we don't know what goes where. Everything is vague. Its changing from CMU2 to CMU3 but we weren't told for what uses or what reasons. We don't know how many buildings are going to be 240 feet just they want to build some. We don't know what types of restaurants, fast food, fine dining, used clothing, car lots or anything else that is really going in. We know nothing except that they may put in some bars that will be open until 3:00am. Next to a residential community???

This project is incomplete. At this point it needs to be rejected and sent back to the developers until they can actually sit down with representatives of the community and reach an agreeable compromise.

Thank you for your time and consideration.

Thomas Marchbanks 901 335 6688

520 Cherry Road

Memphis Tn, 38117

Outlook

PD 2025-006: Oak Court Planned Development

From Peggy McClure <peg.mcclure@gmail.com>
Date Sat 5/31/2025 6:02 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

It's great to hear that the Oak Court Planned Development has started and backed by local investors. I realize that this first sketch is a placeholder for what will actually be built; that it's being presented to get the zoning changed. I look forward to seeing the final product even if it's years from now.

However, after attending the recent neighborhood meeting between KPS Development Partners and neighbors, I have concerns about the project as listed below:

* The development of townhouses along the west side where a berm was created years ago when Oak Court Mall was built needs to be eliminated. Why would the developers think that the residents on the other side of the berm would want to have three-story townhomes in their backyards? I recommend that the developers should seriously consider removing this portion of the potential plans because the push back you'll be getting from the Cherry Road neighbors is not worth your time and it's not needed to make the entire project profitable.

* The potential 20-story building, no matter where it is located, is far too tall for the area. The height is only four stories fewer than the iBank/White Station Tower. I recommend that you lower your height request because it doesn't fit into the residential area and as neighbors will push back on this as well.

* The idea of a hotel in the project is great, but leaving the height in limbo is not acceptable. I recommend that developers consider revising the height to be no higher than the Memphian and state the maximum height because it fits better with the local environment and I think that the neighbors won't push back on this part of the project if the height is lowered.

* The "privatization" of Oak Court Drive and what that means is not acceptable. I recommend that the developers state in the plans that it will not be closed, because it shouldn't ever be closed for access to the businesses inside and outside of the project and for traffic flow. Pushing all local traffic to move between Poplar and Southern at only Goodlett, Perkins Extended and Perkins is crazy. The developers surely know that the neighbors aren't buying that it isn't an option some day. There's LOTS of push back on that.

* The outdoor green spaces are nice and it will be wonderful to have activities there. However, I recommend that there should be a curfew like the Botanic Garden's "Live at the Garden" concerts; 10:00 pm. There's no need to hassle the neighbors and get complaints. There is a lot of push back on this.

* The mixed use plan is good as we need more quality housing within our city limits; living into the Memphis 3.0 Plan. Our neighborhood is a residential one that has no apartments nearby; there is a reason for that. Owners are more responsible than renters. I recommend that developers make this revision and I think many residents in the nearby area would agree.

* The retirement complex doesn't fit within this plan as all of the ones I've seen, in and out of Memphis, have large and enclosed campuses. There isn't enough room for one and Opus is too close to make it profitable. I recommend leaving this part out.

* The convention center possibility is not fitting for this area of town. It's one thing to have a large group within a hotel like The Memphian, but not a convention. I recommend eliminating this idea as many in the neighborhood will probably push back.

Thanks for reading my long list of thoughts. Good luck to you in working with the developers, the investors and the neighbors to make this a wonderful use of prime real estate.

Margaret McClure
387 Roseland Place
Memphis, TN 38111
901-409-2313

Reference:PD-2025-0067, Modification of PD 87-313

Development of Oak Court Mall, 4465 Poplar Ave.

June 3, 2025

Dear Ms Christion:

My family lives at 534 Cherry Road adjoining the western boundary of the Oak Coast Mall property. We have lived at this location since before the present Oak Court Mall was built. Although I understand the benefits of good real estate development that improves the well being of the Memphis community, I have concerns about several elements of the proposed development and the potential negative impact on the adjacent property and neighborhood.

Developer Communication issue

We attended the recent "official" developer's presentation to the neighborhood residents on May 27th at Christ Church . They informed the attendees that there had been 5 "informal meetings" with members of surrounding neighborhoods over the previous few months with a total attendance of 62. When asked why the residents of the neighborhood closest to the Oak Court property had not been notified of these meetings, they replied that they obtained the resident address information from the ProTech company. They then sent out notices to over 100 residents in the surrounding neighborhoods and said "we did the best we could" to notify the residents. However, there was no clear explanation why those with property adjoining the mall were not notified of the previous meetings yet were included for the official required meeting on May 27. It does raise the question of: if this is an example of " the best we can do", does the same standard apply to the proposed development.
In a letter sent to Brett Ragsdale, AIA dated 5/5/25, from Ms Brenda Solomito Basar, land planner, regarding the Oak Court Planned development application please reference the last 2 sentences in the highlighted second paragraph on page 3. "Additionally, surrounding properties outside of the boundary will not be

negatively impacted by this application. Previous neighborhood meetings indicated our proposal will be well received and highly anticipated"
Since the majority of the residents of surrounding neighborhoods were not included in the preliminary meetings, the conclusion that the project will be "well received and highly anticipated" does not appear to reflect the sentiment of a large number of residents who have only recently become aware of the project plans.

Concerning elements of the proposed development

***The redevelopment application requests the "right to close or privatize" the north-south Oak Court road connecting Poplar Avenue and Southern. When asked about this request, the answer given at the 5/27 meeting was that "we have no intention of closing the road". If that is the case, why reserve the right to close it? The neighborhood concern is that if Oak Court road was closed, it could precipitate the need for Cherry Road to be re-opened at Southern.

***The application also requests approval for building(s) up to 240 feet, or about 20 stories. The exact site and number of such buildings was ambiguously addressed at the meeting only to say these buildings would be built somewhere along the southern border of the property. Buildings of this size are out of place near so many established neighborhoods and will likely add to the traffic issues in an already congested area of Poplar Avenue.

***More specific information is needed. When questioned about the usage of the proposed buildings as depicted on the plan diagrams, there were no clear answers given about what to expect in the buildings though, hotels, convention center, apartments, assisted living complex, second hand sales, car sales and showroom were among things that were mentioned. The plans for parking were vague as well. The lack of specifics about what buildings and businesses will be present in the redeveloped property is worrying since the makeup of businesses and residential housing will have a lasting impact on the nature and welfare of the surrounding existing neighborhoods.

***The proposed plan requests approval of removing the berm on the western property line adjacent to the homes on Cherry Road and building 28 townhomes on that site which would face the Oak Court Road. These townhomes would have an access road/alley between these structures and the Cherry Rd Residents property line. The density of this housing is quite concerning especially with

the impact it will have on water drainage. Presently the Oak Court road elevation is about 311ft. Several of the properties immediately to the west of the proposed townhouses are much lower at 305ft. Even with the existing berm, there is flooding in these yards after heavy rain. Flattening the berm and replacing 95% of the space with concrete and brick at a higher elevation than the adjacent properties will cause a significant increase in the water drainage with risk to homes on those properties.

We understand that a well planned development can be a very good thing for the city economy and reputation. We believe that this project can be successful with much less negative impact on the neighborhoods if a few changes are made.

1. Keep the present office building and limit the height of new buildings to a similar height.

2. Remove the right to close Oak Court Road from the application

3. Retain the berm on the western side of the property to remain a buffer between the residential neighborhoods and this mixed use development as was intended in the original agreement between the Cherry Rd neighbors and the Belz company. Thank you for considering these observations and concerns about the Oak Court Development Project. I am optimistic that respectful and candid communication between the developers of this project and the affected neighborhoods will allow for good decisions that we can both be happy with.

Sincerely

Gerald R. Jerkins, M.D., F.A.A.P.
Associate Professor, UT Urology
Division Chief of Urology
Lebonheur Children's Hospital

Outlook

Reference: PD-2025-0067, Modification of PD 87-313 Development of Oak Court Mall, 4465 Poplar Ave.

From Susan Jerkins <susiejerkins@gmail.com>
Date Mon 6/2/2025 12:21 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Reference: PD-2025-0067, Modification of PD 87-313
Development of Oak Court Mall, 4465 Poplar Ave.

June 2, 2025

Dear Ms Christion:

As a 40 year resident of Cherry Road, I ask you to consider some of the concerns my family has with the Oak Court Development plans.

Let me assure you, we have no issues with a well planned and carefully thought out development of the Oak Court property. However, there are several worrisome issues we have with the development proposal.

Firstly, a 20 story rental/ purchase apartment building is not in keeping with the character of an established neighborhood.

Secondly, the vagueness of the proposed buildings leaves neighbors with no specific concept of what will actually be built once approval has been granted.

Thirdly, water drainage is a huge issue especially for those of us who will experience flooding due to the lower level of our lots if the berm is removed. We are still grateful to the Belz company for building the berm to not only prevent water runoff but to maintain the feel of a longtime established neighborhood apart from the retail and office space

We are appreciative and grateful for your consideration of our concerns in an attempt to maintain the well being of families and neighborhoods in our city.

Sincerely,

Susie Jerkins

Outlook

Oak court development

From Chelsey Lovell <chelsey.lovell@nestmemphis.com>
Date Mon 6/2/2025 10:41 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Good morning Chloe,

I am opposed to the development of Oak Court Mall in its current state especially the removal of the berm/buffer and building townhomes on the west side of Oak Court Drive. Unfortunately I am unable to make it to the meet but here are my major concerns.

Review of Primary Concerns:

- Removing Buffer Zone (As detailed in “Concept Plans”)
- Building height up to 240 feet (As listed in “Conditions” Paragraph II, D-1)
- The right to close Oak Court Drive (As listed in “Conditions” Paragraph III, C)
- The vague description of locations and types of proposed business and their intended uses

Thank you

Chelsey lovell.

--

NEST PROPERTIES LLC,

Chelsey Lovell
chelsey.lovell@nestmemphis.com
940-595-0744

Bevan Lee
546 Cherry Road
Memphis, Tn 38117
via email: bevan.d.lee@gmail.com

June 3, 2025

Ms. Chloe Christion
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103
via email: Chloe.Christion@memphistn.gov

Re: PD-2025-006 4465 Poplar Ave, Modification of PD-87-313

Ms. Christion:

I am writing to express my concern and objections to the above-referenced application to "amend" the development plan of the Oak Court Mall property. I am a neighbor in my home at 546 Cherry Road in the Village neighborhood and share a property line with the Oak Court Mall at the Buffer Zone on the west side of Oak Court Drive.

Although the applicant in its May 5, 2025 letter to the Board attempts to characterize its proposed property use changes as simple updates for the evolution of the property's permitted uses to conform to current zoning policies, with minimal impact on the neighborhood and neighboring property owners, in fact the proposal includes drastic changes of the character and composition of the property that would significantly and negatively impact our neighboring residential properties.

The applicant's letter states that "Previous neighborhood meetings indicated our proposal will be well received and highly anticipated." I do not know what neighborhood meetings those might have been, but neither I nor to my knowledge my concerned Cherry Road and other Village neighbors knew of or participated in any such meetings. The applicant finally held a meeting to which we were invited on May 27, 2025, and at that meeting it was made clear to the applicant that its proposal is certainly not well received.

The application includes two Concept Plans and Conditions about which I have concerns.

The Conditions ask for a 10-year window (per Outline Plan Condition "X") to formalize the "Final Plan." If approved, this potentially leaves the site, and correspondingly our neighboring residential properties, in limbo with a blank check for the developer until 2035. A plan of this scale, magnitude, and consequence for the neighbors requires more certainty.

The 3.0 Comprehensive Plan of the City of Memphis, Tennessee sets a goal to "Build up, not out." I, and I believe I reflect the position of my neighbors, implore you to do this in a smart way that encourages

redevelopment and density, but not at the expense of the existing neighborhoods. I am for development and redevelopment but it must not cause harm to the neighbor stakeholders.

I further object to some specific harmful elements of the applicant's proposal.

Town Homes on the Buffer Zone (Outline Plan Concept "A", "B")

The Buffer Zone on the west side of Oak Court Drive and was as essential element in the original 1987 planned development. It is an important safeguard of our neighborhood in two critical ways:

- Protect from drainage/mitigate risk of property damage. This part of the site is at an elevation of 310 feet (per Assessor Burgess's topo data). The Village Neighborhood is at an elevation of 295 feet. Water flows down gradient towards Goodlett Road. Additional hardscape as proposed for the Oak Court site inevitably will increase storm water runoff towards our properties, with an enhanced risk of property damage, making the protection of the existing berm and vegetation even more important.

- Safeguard the character of the Village neighborhood. The applicant proposes to eliminate the Buffer Zone, including leveling the berm, and constructing a row of townhomes and parking areas in its place.

The applicant claims in the May 5 letter that its 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." While perhaps literally correct, that statement is at least disingenuous with regard to the berm and Buffer Zone. The berm and landscaping buffer was and remains a fundamental and essential element of the development of the Oak Court Mall property, agreed to and imposed by the City as a fundamental condition to protect the residential property owners on the West side of Oak Court Drive as it was created and thus allowing the development of the property on the East side of Oak Court Drive. The applicant wants the City to renege on the agreement to protect our properties from drainage and otherwise shield us from the Oak Court Development by allowing the applicant to eliminate the berm and Buffer Zone and replace it with a row of townhouse buildings and parking areas, which certainly would be "destruction, loss and damage" of an "important feature determined by the governing bodies to be...significant" even if not technically "natural, scenic or historic."

We request the City to uphold its existing agreement with the neighbors and both prevent harm from any enhanced risk of storm water runoff and protect our neighborhood character by rejecting the applicant's proposal to destroy the Buffer Zone and replace it with townhouse or any other development. The original Oak Court Mall plan moved forward with the support of the neighbors. The original developers listened to the neighbors and offered the Buffer Zone concession. The neighbors agreed to this and ultimately supported the 1987 Plan. Going back on this promise is unacceptable. The Buffer Zone must remain.

Privatizing Oak Court Drive (as listed in Condition II, Paragraph C)

Oak Court Drive was created as a city public road and serves an important purpose of traffic flow between Poplar and Southern. The applicant states that it currently is paying for the majority of maintenance cost and utilities along the road. By that logic, my neighbors and I could request to privatize Cherry Road, and virtually all applications to privatize roads. That would be certainly disallowed (e.g. denied applications from Chickasaw Gardens and Hein Park). Please disallow this request from the Condition II Paragraph C of PD-2025-006.

Building Height (as listed in Outline Plan Condition II, Paragraph D)

Buildings up to 240 feet in height are not in keeping with this part of the City. There are buildings at Poplar and Perkins that are up to 12 stories (Embassy & Diplomat apartments). The requested 240 feet high is nearly twice as tall, which is drastically out of character for the area, and it is unknown how many buildings of this height might be developed on the site. The developers need to define more specifically what they want. Any amendment to the height restriction should be for something more reasonable and should restrict such multistory buildings to the part of the site between Grove Park and Perkins where there are already taller buildings.

Additional Concern:

The developers have highlighted adding mixed use which includes new residential space. They say they are targeting up to 600 households. An increase in 600 households would have major impacts on traffic and utilities. What will the city to do accommodate an increased burden on roads and sewer? Unlike the office buildings, residential has a 24/7 demand on sewer. Can this area accommodate this volume? What will it cost?

Working Towards a Mutually Agreeable Path Forward:

I feel certain that if the applicant developer would engage and work with the affected neighborhoods, a reasonable plan could find mutual agreement; but I encourage rejection of the application in its current form.

Sincerely,

Bevan Lee

Bevan Lee

Neighbor Stakeholder

Outlook

Oak Court mall development

From Anne Morgan Miller <annemorganmiller@gmail.com>
Date Tue 6/3/2025 8:58 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Hi Chloe,

I am writing to you in regards to the Oak Court, Mall development plan. I did not attend the meeting last night, but a neighbor of mine did and let me know the plan to build a 20 story apartment building and possibly a car dealership. I live in the Laurelwood neighborhood and my three children attend, Christ Methodist Day school across the street I have strong concerns about this plan. Traffic for one is a concern in this already congested area, but most importantly, I worry about crime and declining property value. I do not think adding apartment buildings in an affluent ZIP Code is the right move. Our area has already seen a rise in crime at Nordstrom rack, Venice, kitchen and other nearby establishments. I worry that adding a car dealership and low cost housing will only attract more crime. This plan will devalue this area of town and I am strongly against it and other community members I have spoken with are as well. Please consider changing directions for this project.

Thank you
Anne Morgan Miller

Anne Morgan Miller

Outlook

Oak Court Mall Outline Plan

From Snowden, Bayard <Bayard.Snowden@colliers.com>
Date Tue 6/3/2025 8:21 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

1 attachment (2 KB)
Bayard Snowden.vcf;

Dear Ms Christion

As a neighbor and Memphian I am very concerned about the non-specific outline plan submitted by the applicant.

While very much interested in a successful re-development of this property I believe the plan exhibits over reach in several areas.

First of these is the request for a 240’ height allowance for two towers. The 240’ height is too tall by at least double. Successful residential buildings of 10 stories are found in multiple locations around Memphis. In addition to the lower height limit the buildings should be restricted to a maximum number of units.

The second main concern is the elimination of the berm and wooded buffer area along the west side of Oak Court Drive and the allowance of multi- story townhomes to be constructed in its place. The buffer is critical to the well being of the Cherry Rd neighbors abutting the buffer. Removing it is not allowed under the current PUD . Removal and placement of townhouses will result in loss of value to the neighborhood. This could be the thread that unravels the tax base of one of the one of the highest value neighborhoods in Memphis. The new Oak Court plan should increase overall ambience and desirability not weaken the neighborhood.

I understand that this application is an outline but the LUCB can impose restrictions. The development planners have not provided specifics of office density, residential density, hotel use, retail box size, or even the specific locations which will affect the overall look , feel, and ultimate success of the project.

This “ idea” should be rejected and the plan should be made specific in many areas such that it will resemble a Site Plan Approval with much detail.

Respectfully Submitted,

Bayard Snowden
231 West Cherry Circle
Memphis

Outlook

(No subject)

From Jody Brown <jodybrown460@gmail.com>
Date Tue 6/3/2025 11:05 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

I believe that the investors mean well for the city,but a 10 year opportunity to decide on some very sensitive issues is too much.Our neighborhood could be fighting over the 240' tower and the 45' townhouses until the end of our time on earth ..
the destruction of the berm and the erection of 45' high town houses is obviously a stark violation of the agreement with the first developers.The tower height is obviously a threat to the character of this area of east Memphis.at the very least from Highland to Mendenhall-traffic.noise,water control,etc
Please consider the negative on our neighborhood. At the minimum, a delay in the LUCD meeting as Tom suggested is warranted.
Because we love our city.
I
Elizabeth Brown 460 Cherry Rd

Outlook

Oak Court Mall Redevelopment

From Rebecca Locke <lockerll@yahoo.com>
Date Tue 6/3/2025 10:38 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Dear Ms. Christion:

Last night I attended the Oak Court Mall redevelopment meeting held at Dixon Gardens. I had received notice of the meeting on Monday in my mailbox. We had also received notice of a meeting two weeks ago, but we were traveling for a business meeting and could not attend. I'm writing to share some concerns about the plans as well as the process. We live in a single family home on S. Grove Park Road within sight of Oak Court Mall if you are standing in our front yard. What happens at this site matters to our property value as well as our livability in that neighborhood.

My first concern is the process: At last night's meeting where no speaker introduced themselves (with the exception of Josh Poag) nor explained their relationship to the process. We were given to understand that a holiday list was used to reach neighbors which is wholly inadequate and that it was a courtesy to notify us of changes. Why is there not a requirement to give neighbors adequate notice of at least 2-3 months along with multiple opportunities to meet the developers, planners and city leaders? We moved from Atlanta a few years ago, and any change in our neighborhoods required public posting of meeting notications and a series of at least 3 meetings to allow time for public comment and converstion with the developers. What Memphis has (if what I have observed in this process with Oak Court) is a failure to engage the community.

My second concern is around the plans which are vague at best. What I heard last night seemed to indicate that they were coming to you for blanket approval which would allow modifications of the current outline without returning for approval of the modificaitons. That could be wonderful for the neighborhoods or terrible, and we will be the beneficiary or the victims without say-so. From what we were given to understand it will be in the hands of the devleopers once they have your approval shortly. I do not wish to leave the future of my neighborhood exclusively in the hands of people whose primary motivation is whether they will they make money from the project. The neighbors whose lives and property values will be affected by the project should also have a voice.

As it stands now, and based on the limited information that I have been able to understand, I and my spouse am opposed to approval of this project until and unless we get additional information and clarity to make an informed decision on the scope and the plans.

Sincerely,

Rebecca Locke
353 S. Grove Park Road
678.612.1864
lockerll@yahoo.com

Outlook

Oak Court planning

From Dan Turley <dturley@turleymaxwell.com>
Date Tue 6/3/2025 11:38 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

June 3, 2025

My name is Dan Turley Jr. I live at 4369 Tuckahoe.

I have developed many successful, premier residential properties in this area over the past 40 years.

The plan presented to us is deeply flawed in numerous crucial aspects — not the least of which is the outrageous proposal to construct a 240-foot-tall tower. Such a building would directly conflict with the character of our unique, long-established, and highly desirable community.

I strongly urge the Board to send the developers back to work with their planners and come back with a more thoughtful, appropriate plan.

The meetings I have attended have produced no meaningful communication — only vague responses and planner jargon. I expect more of the same moving forward if this process continues unchecked.

Respectfully,

Dan B. Turley Jr.
Sent from my iPhone

Outlook

Oak Court Mall Redevelopment

From Pat Anderson <pat194@gmail.com>
Date Tue 6/3/2025 12:26 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Chloe,
Thank you for taking my call and listening to my concerns about this project. To recap, these are my main objections:

1.) A 20 story building will be an eyesore and out of character for the surrounding area. It will negatively affect not just the closest neighbors but the surrounding neighborhoods, too. I am shocked that the developers are even considering it.

2.) All the apartments, condos and townhouses, aside from the businesses, being considered are going to add overwhelmingly to the traffic congestion in this area, which is already bad. It seems to me that the density will be too high for such an already busy area.

3.). The developers at the neighborhood meeting last night were vague about so many parts of their plan. I understand it's at the beginning stages but it was frustrating to hear them say that they didn't know the answers to so many questions.

I want this development to succeed but not at the expense of the surrounding neighbors. Thank you for your consideration.
Pat Anderson
194 Montrose Drive.
Sent from my iPhone

May 30, 2025

Hello Chloe,

My letter will be short because it's honestly a little out of character for me to type a letter. My daughters usually help me type and send emails and letters. However, I'm heartsick.

As we were moving onto Cherry Road, I worked with my husband and neighbors to find the solution of the buffer and berm space on the west side of Oak Court Drive. Our neighborhood also worked together with the city to close the end of Cherry Rd where it used to meet Southern Avenue. These solutions, developed with respectful cooperation between us neighbors and the mall developers and the city, essentially created the slow paced, close to nature feeling that is the character of the neighborhood in which I raised my children and have chosen to retire. Now with no warning, a development company decided that they are going to try to erase all of our hard work and ignore established neighborhood agreements without reflecting on what would be a positive development decision for the entire community, including themselves. And the developers didn't even let my family know that they want us to spend our lives looking at one or many tall buildings, a big retaining wall, and a crowd of townhomes instead of the green berm hill that has made my yard and home the peaceful place I have chosen to enjoy with my family for almost forty years.

My heart aches not just because of this ugly picture of how miserably the character of my home and neighborhood would be destroyed by the current plans or because of the lack of consideration with which the development company is treating my neighborhood but also with knowing the stress this is causing my family and neighbor friends. We have been blindsided by the development plans, and we still don't have enough information about plans that will impact the beloved homes we've cherished for years. We love to discuss together what good development would be and how much we would like to see something positive happen with the space where the Oak Court Mall building and parking lot (not the buffer and berm; that will not change) are now. However, no matter how much of a challenge it will be, my family, my neighbors, and I will work together to make sure that nothing changes with the buffer and berm and that Oak Court Drive will remain a public road that does not impact the closure of Cherry Road. My family, my neighborhood, and I will spend however much energy is required to work with the developers to find a transparent, mutually beneficial plan for development.

Sincerely,

Dana Manbeck

Outlook

Oak court development

From Jennie Tucker <jenniemweaver@gmail.com>
Date Tue 6/3/2025 9:50 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

To Whom It May Concern,

I am writing as a long-time resident of the Village neighborhood to share my thoughts on the proposed redevelopment of the former Oak Court Mall site. While I welcome the opportunity to revitalize this valuable area and support responsible growth, I am deeply concerned about several aspects of the current outline plan and its potential impact on the surrounding community.

First and foremost, the proposed removal of the existing buffer and berm along the west side of Oak Court Drive is highly troubling. This buffer currently provides essential separation between the Village neighborhood and the Oak Court property. Replacing it with multi-story townhomes built directly along our property lines would significantly alter the character and privacy of our community.

Additionally, the prospect of a 240-foot-tall apartment or condominium building—approximately 20 stories—is concerning both for its scale and potential precedent. A structure of this height would be dramatically out of proportion with the existing residential context and would raise numerous questions about traffic, infrastructure, and long-term livability.

Equally important is the suggestion that Oak Court Drive may be closed and privatized. This road is not only a critical connector for our neighborhood, but its closure would limit access and divert traffic in ways that could have unforeseen consequences for safety and mobility.

Another significant concern is the impact this development may have on an already questionable drainage system. Our neighborhood has long dealt with drainage issues, and adding more impervious surfaces—particularly with the removal of the existing berm—could exacerbate flooding or water runoff problems. This issue was raised at a meeting I attended, but unfortunately, it went unanswered. This confusion only adds to my concern and reflects a broader lack of clarity and responsiveness in the planning process so far.

Finally, I am disappointed in the vagueness of the current plan documents. The outline plan lacks clear labels and specifics, making it difficult for community members to fully understand or engage with what is being proposed. Transparency is essential if we are to build trust and foster collaboration between developers and the neighborhoods that will be most affected.

I want to emphasize that I am not opposed to development. I understand that an empty mall benefits no one. But any development should be thoughtfully integrated with the surrounding neighborhoods and should reflect input from the people who live here.

I urge the developers and city planners to revisit these concerns and work meaningfully with local residents to achieve a project that is both successful and respectful of its context.

Sincerely,

Jennie Tucker

Resident, Village Neighborhood

Outlook

PD-2025-006 4465 Poplar

From David Dunlap <dmdlaw@mac.com>
Date Tue 6/3/2025 4:56 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc Ragsdale, Brett <Brett.Ragsdale@memphistn.gov>; Miller, Breana <Breana.Miller@memphistn.gov>

Ms. Christion:
I am a resident of the Laurelwood subdivision, one of the neighborhoods near to the proposed Macy's/Oak Court subdivision development referenced above. In a meeting with the developer that was held last night, the developer indicated that part of the proposal is to build a 20 story apartment building on the Macy's site. It was also stated that the intent is to have 20% subsidized housing in the apartment building. I would appreciate it if you would please note my strenuous objection to both of these proposals. The grounds for my objection are:
(1) The current subdivision plat precludes any building in excess of 4 stories.
(2) Contrary to the statement in the application, I am not aware of any effort on the part of the developer to "coordinate with surrounding neighborhoods". Last night's meeting was the first I have heard from the developer. I would beg to differ with the statement that "previous neighborhood meetings indicated our proposal will be well received and highly anticipated." I am not sure what they are talking about since I am not aware of any previous meetings, and if there were previous meetings perhaps they were before they decided to propose a 20 story apartment building on the site. No one I have spoken with was previously aware of that proposal and I am not aware of ANYONE that is in favor of that.
(3) The application is too vague and uninformative. I do not see anywhere in the application that would indicate the developer's intent to build a 20 story apartment building, nor does their plan reflect where and how much other residential use they are proposing, where and how much retail they are proposing, that they are proposing a hotel, and what kind of bars and nightlife they are proposing that could further impact the neighborhoods, nearby church, and schools. There was also discussion at the meeting that they may seek to close Oak Court Drive. Where is this on their application? Closing that road would SIGNIFICANTLY impact traffic in the area and is not acceptable.
(4) Contrary to the statement in the application, the two proposals referenced above would have a substantial and undue adverse impact on adjacent properties and the character of the neighborhood, traffic conditions, and parking. The intersection at Poplar and Perkins Ext. is already overcrowded and difficult, particularly when there is a train running at the intersection of Southern and Perkins Ext. The area is also already overcrowded at 2:30 when White Station High School is dismissed and at 3:00 when Christ Methodist Day School is dismissed. Traffic from a 20 story apartment building and retail would overrun this area. I am concerned about having ANY residential on this development, much less a 20 story apartment building. That is insane to even suggest it. I know it is a delicate subject, but 20% subsidized housing is also not in keeping with the surrounding neighborhoods- it would not "blend with the character of the surrounding neighborhoods" as the application states- and everyone knows it.

(5) Have you considered the impact this would have on White Station High School? Can they handle the additional eligible students this would bring?
(6) Given the last minute notice of the deadline for filing an objection to this application, I have not had time to review all of the various easements, covenants and restrictions affecting this property. I would ask that an administrative hold be placed on this this matter, that the developer be required to supplement their application to give more sufficient detail of the their proposed intent regarding this application (particularly given the significant impact this development is going to have on the entire city of Memphis given its central location), that additional meetings be conducted with the surrounding neighborhoods to address these issues, and that the surrounding neighborhoods have adequate time to properly address these proposals.
Sincerely,
David Dunlap

David M. Dunlap, Esq
85 Grove Park Circle
Memphis, TN 38117
Cell: (901) 550-7419
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https://daviddunlaplaw.com

LYNN W. THOMPSON
405 TWELVE OAKS CIRCLE, MEMPHIS, TENNESSEE 38117

June 3, 2025

VIA EMAIL: Chloe.Christion@memphistn.gov
Land Use & Development Services
Division of Planning and Development
ATTN: Chloe Christion
125 N. Main, Suite 468
Memphis, TN 38103

RE: Oak Court Redevelopment

Dear Ms. Christion:

I write on behalf of the Twelve Oaks Planned Development, which is located at the southwest corner of Poplar and Cherry Road, located just two blocks from the current location of the Oak Court Mall. Twelve Oaks consists of fourteen residential units.

While we look forward to the redevelopment of the Oak Court Mall property, and believe a mixed-use development is in keeping with our neighborhood, we express the following concerns regarding the current plan:

1. **Drainage**. The east side of our development that borders Cherry Road is the lowest point within several miles, and we currently have significant issues with drainage. The back yards of the units on the east side of our development actually sit some 2 ½ feet below Cherry Road and current drainage does not properly allow for water removal during rainy periods and large storms leave these lots under water. We would ask that any impact on drainage by the development be seriously addressed prior to the clearing or building of any areas within the Oak Court redevelopment.

2. **20-story building**. We believe that a building 20 stories high is not in keeping with the current height limitations within the area, and believe a building not to exceed 10 stories would be more appropriate.

3. **Closing of Oak Court Drive**. We have no objection to the privatization of Oak Court drive, so long as it remains open to public traffic. Likewise, we oppose any attempt to re-open Cherry Road over the railroad tracks.

If you have any questions, please do not hesitate to contact me at (901) 270-1002. Our HOA president, Margaret Ryan, is currently out of the country, but can be reached after June 10 at (901) 229-1657.

Sincerely,

Lynn W. Thompson
on behalf of the Members of the Twelve Oaks Homeowners Association

Outlook

Record Number PD-2025-006, Modification of PD 87-313

From Katherine Richardson <katherine.richardson@gmail.com>
Date Tue 6/3/2025 4:03 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

From:
Katherine O. Richardson
556 Cherry Road
Memphis, TN 38117
901-831-9741
Katherine.Richardson@gmail.com

To:
Land Use & Development Services, Division of Planning and Development, Attention: Chloe Christion, 125 N. Main, Suite 468, Memphis Tn 38103

Subject:
Record Number PD-2025-006, Modification of PD 87-313

Date:
June 3, 2025

I want to go on record as opposing several items listed within the Oak Court Planned Development Amendment at 4465 Poplar Avenue, Memphis, TN 38117.
Please reference -Record Number PD-2025-006, Modification of PD 87-313.

I am opposed to the following:

1. Bulldozing the berm and the mature trees living on the approximate 3 acre, 100 foot deep strip of land abutting the homes on the east side of Cherry Road in the Village neighborhood.
2. Constructing 28 townhomes on the strip of land, which is proposed to be leveled and cleared, on the western edge of the Oak Court property, abutting the eastern border of Cherry Road.
3. Erecting a 240 foot (maximum) tall building "somewhere" along the RR track facing Audubon golf course. (As listed in "Conditions" Paragraph III, C.)
4.The option to close and privatize Oak Court Drive. (As listed in "Conditions" Paragraph III, c). However, in a neighborhood meeting at the Dixon Gallery and Gardens, on Monday, May 2, the developers said the option to privatize Oak court Drive was to be removed from their concept plan.

The history of the berm and green space along the western most area of the Oak Court property is

instructive and must be considered. (Reference PD 83-036,PD 84-356) in addition to PD 87-313. The berm was established as a buffer between the Village residential area and the "concept" of the then to be constructed Oak Court Mall in 1983. The agreement for the berm /buffer was made between the city council and Belz Development, over the tenure of 2 city mayors.

The value of the berm, mature trees and green space is, as they say, priceless. Memphians benefit from green space, no matter the size. Not only is it a visual aesthetic but it serves to prevent erosion and water run off. Wildlife benefit from green space. The city benefits from increased home values in areas with mature trees and walkable streets.

The developers, as outlined in their concept, propose to demolish the berm and construct 28 townhomes on the approximate 3 acre, 100 foot deep strip. Along with townhomes, there will be a paved alley and a barrier wall. Consequently, there will be less green earth, less plant life to absorb water and fewer trees for sound absorption. There is also the issue of light pollution to consider.

I am concerned that cleared land with new structures (townhomes and a high rise building) will not only exacerbate drainage problems but will make for parking issues, and increased traffic/congestion along the Poplar corridor.

The developers have submitted no traffic plan and no traffic study has been undertaken. Couldn't a vehicle estimate for retail units, residential rental and ownership units, plus a consequent number of service vehicles and guests vehicles be available for a preliminary traffic study?

What increased demands will there be on the city's utilities? What effects will inhabitants, shoppers and office workers have on surface parking?

I am upset that the neighbors most affected, those within the Village neighborhood, were not officially notified before the meeting held at Christ Church Wilson Chapel on May 27 hosted by Brenda Solomito Bazar. Residents were notified by USPS. Developers stated there were meetings held previously yet no notice was received by USPS or other means by any Village residents with whom I spoke. I am particularly concerned that those living on Cherry Road, had no official notice of any meeting(s) with developers until that sent by Brenda Solomito Basar, postmarked May 15. The letter was dated May 9, 2025.

The meeting called by the developers was held on May 27, 2025. I am to understand that any comment has to be made in writing to LUCB by June 3. That timeline between letter postmark (May 15) and comment due (close of business June 3) is very short. Was the delayed notification to residents of nearby neighborhoods intentional? Or, was this simply administrative ineptitude on the part of the developers? The developers do not seem to be acting in good faith.

The development process should promote a positive change in the economic, environmental and quality of life of residential communities without damaging the surrounding areas and beyond. I do not believe the current concept plan promotes overall positive change.

Sincerely Yours,
Katherine O. Richardson
Sent from my iPhone

Outlook

Oak Court Development

From Mary Anne Gibson <MaryAnneG@thefirmmemphis.com>
Date Tue 6/3/2025 4:02 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>
Cc Thomas Marchbanks <tmarchbanks@marchbanks.com>

Chloe, please consider this notification of my displeasure of the oak Court development proposal. A giant skyscraper as proposed completely changes the entirety of the neighborhood in a negative way. Please reconsider moving forward.
Mary Anne Gibson

Thomas Richardson
556 Cherry Road
Memphis, TN 38117
(901)210-4511
thomas.e.richardson@gmail.com

June 3, 2025

Land Use and Development
Division of Planning and Development
125 N. Main, Suite 468
Memphis, TN 38103
Attn: Chloe Christion Chloe.Christion@memphistn.gov

RE: PD-2025-006, Modification of 87-313, Oak Court Mall, 4465 Poplar Ave.

I want to go on record registering my opposition to PD-2025-006.

I have a significant interest in the outcome of the process because my property at 556 Cherry Road abuts the western boundary of the property in question.

I am generally opposed to the proposed development based upon its vagueness. The developer has provided little specific detail regarding what sorts of businesses might eventually be located on the property, the building heights (1 story to 240 feet) or the locations of buildings and business types in relation to residential properties that abut the development.

I am also opposed to following specific provisions in PD-2025-006:

1) I am most strongly opposed to the proposal to remove the berm/greenspace at the western border of the property and replace it with a large number of 3-4 story townhomes in what is a very limited space. The existence of the greenspace is due to hard-fought agreements reached with developers seeking modifications to the property on and off over an almost 40-year period - for examples see PDs 83-036, 84-356 and 93-337. The importance of this buffer has been repeatedly recognized by past City Councils, Land Use Control Boards and City Mayors. To remove the greenspace would compromise the character and integrity of the adjacent neighborhood and have a detrimental impact on property values and tax revenues. It would have a particularly devastating effect on the homes located along the eastern side of Cherry Road which are adjacent to the greenspace.

2) I am opposed to the privatization and/or closure of Oak Court Drive. To do so would have a seriously negative effect on traffic flow in the area.
3) For multiple reasons I am opposed to the proposal for buildings of up to 240 feet in height to be built on the property. Some objections are obvious - I don't want a twenty story building adjacent to my home, more traffic in an already congested area, and others that are unpredictable due to the lack of details in the developer's proposal - location, specific height, etc.

I have other general concerns which are impossible to address specifically because of the lack of details in the developer's proposal. For example:

1) Issues with noise - For example, will there be live entertainment allowed in the greenspaces planned for areas adjacent to restaurants and bars within the development?
2) Issues with increased traffic - For example, even with the decreased business activity at the current mall the intersection of Poplar and Perkins Extended is already high traffic and often congested.

Thank you for your time and consideration.

Sincerely,

Thomas Richardson

556 Cherry Road
Memphis, TN 38117
(901)210-4511
thomas.e.richardson@gmail.com

Outlook

Oak Court Mall

From Nedra Wick <nedralwick@gmail.com>
Date Tue 6/3/2025 3:44 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Ms. Christion,

I respectfully request you reject the developers' current application(s) to develop Oak Court Mall; I reside north of the area. While this development group has no doubt presented a form for LUCB approval, my concern is that there is no specificity, much less a plan. This is not acceptable in East Memphis, an area of significant residential density. It is my understanding that LUCB can impose restrictions or outright reject this application; this homeowner requests LUCB do the latter.

As the city and county are well-aware, the area of the current Oak Court Mall is central to one of the highest value neighborhoods in Memphis. Simply put, the property taxes we pay to choose to live in this area carry the burden for many other parts of the city. To risk losing the significant East Memphis tax base by approving developments inconsistent with the surrounding area is not in anyone's best interest. If the current application is approved by LUCB, this homeowner will begin to look elsewhere before what this developer is suggesting becomes common knowledge and East Memphis loses its desirability.

The developers have not provided specifics about their proposed mixed use, office density, residential density, hotel use, retail use or ratios of each. They have not identified location or size of spaces other than to provide that two "towers", each 20 floors high, will be located on the property. It is my understanding there is a 240' height allowance in this area; has the developer made application or already received a variance from the City? If so, please identify which department(s) and the names of all who were involved. The developer has provided no explanation of what these massive towers will house.

Other parts of this applicant's plan include a clear violation of the current PUD. If you are not aware, this development group intends to significantly alter the established environment. The plans include cutting down all trees, destroying all greenspace and removing the berm that was created over forty (40) years ago as a buffer for residential neighbors. Because this area is located over a feed into the Mississippi River I would also suggest that an environmental study by the Army Corps of Engineers may be required prior to beginning construction/destruction on the property to insure what the developer proposes will not negatively impact the water.

Ms. Christion, developing property is an incredible benefit to our community when done responsibly. The lack of specificity and the lack of attention to the East Memphis neighborhoods by this development group signals just how inappropriate this application is and how very much the City of Memphis will be harmed if LUCB does not exercise its duty to oversee this land's development. Again, please deny this developer's application and require that if they reapply that they do so with a specific site plan.

My appreciation for your consideration,
Nedra L. Wick.

Nedra L. Wick
Attorney/Arbitrator/GAL
Rule 31 Mediator
National Association of Counsel for Children
678-612-1031
nedralwick@gmail.com
Professional Connection: LinkedIn
Scan & Email Documents or Dropbox

Please practice charity.

Outlook

Oak Court Mall Redevelopment

From Newton Anderson <nanderson@spicerfirm.com>
Date Tue 6/3/2025 3:41 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Ms. Christion:
I am a resident of the Belle Meade neighborhood (194 Montrose Drive) and am contacting you with regard to the proposed Oak Court Mall Redevelopment. I understand that the hearing before the Land Use Control Board is scheduled next week and that public comments are being collected by you.

As you are probably aware, there was a Neighborhood Meeting, open to the public, that took place at Dixon Gallery and Gardens on the evening of June 2, 2025 in which the developer representatives made a presentation and took some questions. I have major concerns about this proposed development.

The developer representatives provided almost no specificity about their plans. They produced no studies or other evidence that a project of the proposed size (20 stories) would be feasible. They produced no studies or other evidence of the impact from construction noise nor construction and post-construction traffic on Poplar Avenue and Southern Avenue or on the nearby neighborhoods or small businesses. Nor was there any presentation of a plan of construction (days of the week, times) to fully assess the impact on the nearby residences and businesses as it relates to noise and construction traffic.

In the May 5, 2025 letter to Brett Ragsdale, Zoning Administrator for the Division of Planning and Development, which accompanied the Application, in the "Approval Criteria" section of the letter, it was stated without evidence or other support that "*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*". It was also stated, again without evidence or other support that "*surrounding properties outside of the boundary will not be negatively impacted by this application. Previous neighborhood meetings indicated our proposal will be well received and highly anticipated*." It is clear that even though the response at unspecified "previous neighborhood meetings" may have been "well received", at the meeting that took place at Dixon Gallery and Gardens on the evening of June 2, 2025, and which was attended by the neighbors who stand to be most affected by the project, the reception was anything but favorable.

It appears that the developers may even be seeking approval of a project that is likely larger than they actually plan, with virtually no specifics about what will actually be built nor any evidence supporting their vague plans, so that they can claim compromise by agreeing to reduce the size of a building that they never seriously intended to build. Nonetheless, even if the project is scaled down from what they are currently proposing, it lacks justification due to an inability (or refusal) of the developers to show what they intend to build, how large it will actually be and that it will not harm the nearby neighborhoods and small businesses.

I understand that the developers are not presenting a final plan at this stage. However, the lack of specificity for this oversized project and the lack of any studies or other evidence showing the extent of what will assuredly be a lasting negative impact on the nearby neighborhoods, small businesses and motorists along Poplar and Southern Avenues is especially disconcerting.

I am not opposed to redevelopment of the Oak Court Mall property. Abandoned buildings are in no one's best interest. And I understand the goal of Memphis 3.0 is to "build up, not out". However, "build up" has its limits and I do not believe that the Memphis 3.0 University planning district (withing which this project would be situated) contains any buildings that even approach 20 stories. The Lipscomb and Pitts building (which is actually in the adjoining Core City district) is only 12 stories. A plan for the Oak Court Mall Redevelopment should be far more transparent and should be required to take into account the totality of the impact on the nearby neighborhoods, small businesses and motorists. The developers have not shown that they have given that impact the degree of concern that a project like this requires. I urge the rejection of this plan.

Thank you for your attention to my concerns.

Newton Anderson
194 Montrose Drive
Memphis TN 38117

Outlook

Oak Court Concerns

From Shawn Fussell <sfussup@aol.com>
Date Thu 5/22/2025 10:07 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Dear Chloe.

My name is Shawn Fussell and I am a resident of the Village neighborhood. After seeing some conceptual site plans for the Oak Court Development I have noticed three major concerns:

1. Removing existing buffer and berm on west side of Oak Court Drive to build townhomes against property lines of Cherry Road Residents.
2. Apartment\Condo building up to 240 feet (approx, 20 stories) (As listed in "Conditions" Paragraph II, D-1)
3. The option to close and privatize Oak Court Drive. ("Conditions" Paragraph III, C)

I am wholeheartedly in favor for the development of Oak Court property and frankly the city could use a updated and best in class retail, residential property, however would ask for developers to honor existing berm and placement of high rise for minimal impact to adjacent neighborhood.

Thank you for your attention

Shawn Fussell

Outlook

Case # PD 2025-006 (Oak Court Mall Development

From Ruthie Maupin <laynemaupin@bellsouth.net>
Date Mon 6/2/2025 7:52 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

I live in the Wynslow community on the western property line of First Horizon Bank. We have only one driveway in and out on Poplar Avenue. It is a few yards west of the exit driveway of the bank.
It is difficult now to turn left onto Poplar Avenue or into our community during rush hour. When the mall was thriving we would be completely blocked during the Christmas holidays. Adding a thousand or more cars daily would be an impossible challenge.
Would you consider buying some land from the bank and make a dedicated right turn lane into Oak Court Drive?
It won't solve the problem completely, but it might help.

Thank you,
Ruth Maupin
Sent from my iPhone

OAK COURT MALL REDEVELOPMENT
Concerns

To Whom it May Concern,

I'm writing this letter to express my concern and oppose a few key features of the proposed redevelopment at Oak Court Mall. My family has had a home on Cherry Rd for the past 40 years and I'm deeply concerned about numerous potentially negative effects this development will have on my family as well as our friends, neighbors, and the surrounding area.

Please understand I am in support of smart redevelopment of Oak Court Mall and hope that in the future, through working together with the neighborhood, developers, and city a great new space will result and be beneficial to all parties involved. Unfortunately at this time, that doesn't seem to be the case.

I would like to highlight a few features that would impact my family and our community negatively. Please also note, during this process we have not only not been contacted regarding the proposed plans, but since learning our concerns have been dismissed and we are not being worked with.

The initial feature of the development I oppose is the removal of the berm behind the houses that reside on Cherry Rd. To turn a peaceful neighborhood revered for their green space and community into a concrete jungle teaming with townhomes looming into every backyard at almost 70ft tall will not only reduce property values, but completely change the culture and feeling of the neighborhood. This change is in direct violation of an agreement to leave the berm as is ad infinitum, which was not only fought for by many of the homeowners that still reside at these properties, but was a pivotal decision for many when selecting their homes. The homeowners will now not only be faced with unexpected loss of privacy in violation of a previous agreement and lower home prices, but there will also be an increase in water runoff into the property owners backyards due to a proposed alleyway. These homes already deal with flooding issues in their yards and this

could have dramatic effects on the homes and vegetation. The berm with its trees and hedges has also been a safehaven for owls and falcons, which would loose their homes and most likely relocate, allowing vermin to thrive, creating an unwelcome chain of effects for memphis wildlife.

The second point I would like to express my contention with is the proposed 20 story building. What could be the purpose of such a large building, almost the size of Clark Tower in this area? Unfortunately we have no idea and have not received guidance from the developers. Apartments? Who could be filling those? What is the current saturation of apartments in East Memphis? Office space? For whom? My understanding is that there is already a great deal of vacant office space in the area. How could they even accomodate parking for such a large building. My belief is that not only will this destroy the character of the area but I fear will become a vacant space with no use and potentially just another deterotating shell, not unlike Oak Court Mall. A sad reality is that with vacancy, places loose their allure, they loose funding, are not kept up, and oftentimes results in upticks in crime. More planing needs to be done, statistics analyzed and potentially a much smaller building with clear goals put in its place.

Finally, there is no reason to close Oak Court Drive and open Cherry Rd to through traffic. Why would they need this and what would it achieve? We certainly haven't been told, but we do know it would bring more traffic, more crime, and lower housing prices. Since this is a neighborhood full of young families this increase of traffic through the neighborhood would be much more ~~more~~ than a nuisance, but a danger to all the children. While it seems they just want this for an option, it appears they want the moon as an option with no regard to others.

At this stage the developers have no concrete answers, we have not received any advance notifications, and any concerns have been dissmissed. Thank you for taking the time to read this letter. I urge you to reject this plan and return it to the developers. - Best, Olivia Marchbanks

Outlook

I am Totally opposed to the 20 story building proposal for Macy's redevelopment Macy's red

From Darrelle Miller <darrelle.miller@icloud.com>
Date Wed 6/4/2025 8:02 AM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Sent from my iPhone

Outlook

Oak Court Development

From Eric Wilson <eric.wilson.au@gmail.com>
Date Fri 6/6/2025 3:17 PM
To Christion, Chloe <Chloe.Christion@memphistn.gov>

Hello.

I'm writing this email is our support of good friends who will be negatively impacted by the removal of the berm and landscaping on the west side of the Oak Court Drive in which 28 townhomes are set to be built. This berm was intended to buffer against future development. This breach would all but ruin a beautiful piece of property I frequent with friends who live there.

Thank you kindly for your attention.

Eric Wilson

W. CARY WHITEHEAD III
400 West Cherry Lane
Memphis, Tennessee 38117

June 10, 2025

VIA EMAIL chloe.christion@memphistn.gov **& U.S. MAIL**
Chloe Christion
Planner II
Land Use and Development Services
Division of Planning and Development
125 N. Main Street, Suite 468
Memphis, TN 38103

RE: PD-2025-006; Oak Court Redevelopment

I reside at 400 West Cherry Lane, a residential infill development at the northeast corner of Poplar Ave. and West Cherry Circle. I am pleased that a local investment group has purchased the Oak Court property and understand the need to redevelop this property.

I do not, however, believe their requested PD changes are in the best interest of the surrounding neighborhoods or the City of Memphis. I particularly object to the "Additional Uses" requested under the Uses section of the PD Amendment request. Multi-family, Convention Center, Hotel, Retail Outdoor Sales, Automotive Sales, Used Goods sales and Veterinarian Clinics are inconsistent with the residential, educational and commercial neighborhoods in this area of Memphis. The requested 240' height would enable a 20 story building, entirely out of character with the neighborhood.

We continue to see our quality residential housing move eastward, to Germantown, Collierville and beyond, as Memphis' quality residential neighborhoods decline in desirability and value.

I urge the Land Use Control Board to reject this application and, instead, require joint working sessions with all the affected neighborhoods to arrive at a mutually agreeable development program that can then be submitted to the City for consideration.

Sincerely,

Cary Whitehead