



MEMPHIS CITY COUNCIL

Planning and Zoning Documents

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This case will be heard as item 2 on Regular Agenda

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**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6 October 2020

DATE

PUBLIC SESSION: 6 October 2020

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a convenience store with gas sales

CASE NUMBER: SUP 20-8

DEVELOPMENT: Convenience store with gas sales

LOCATION: 580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue, and 2650 Southern Avenue

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozra

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates

EXISTING ZONING: Commercial Mixed Use – 1 and Residential Urban – 1

REQUEST: Special use permit for a convenience store with gas sales

AREA: 0.9 acres

RECOMMENDATION: The Office 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
 13 August 2020 _____ 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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	ADMINISTRATOR
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	PRINCIPAL PLANNER
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<i>CHIEF ADMINISTRATIVE OFFICER</i>
_____	_____	<i>COMMITTEE CHAIRMAN</i>



Memphis City Council Summary Sheet

SUP 20-8

Resolution for a special use permit for a convenience store with gas sales:

- This item is a resolution with conditions for a special use permit to permit the above; and
- The Office of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Ameen Ozrail and Ziad Ozrail, and Representative: Tim McCaskill of McCaskill and Associated, Inc.; and
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas; and
- Approval of this special use permit is subject to approval of a companion rezoning application, known as Z 20-8.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE WITH GAS SALES AT THE PROPERTY LOCATED AT 580 BELT LINE STREET, 584 BELT LINE STREET, 579 BOSTON STREET, 2638 SOUTHERN AVENUE, AND 2650 SOUTHERN AVENUE, KNOWN AS CASE NUMBER SUP 20-8.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated 10 August 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, Ameen Ozrail and Ziad Ozrail filed an application with the Memphis and Shelby County Office of Planning and Development for a special use permit for a convenience store with gas sales; and

WHEREAS, the Office 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 the compatibility of its design and amenities 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 13 August 2020, 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 Office 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 requested use subject to the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, and other required permits and approvals, provided that no such Certificate of 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.

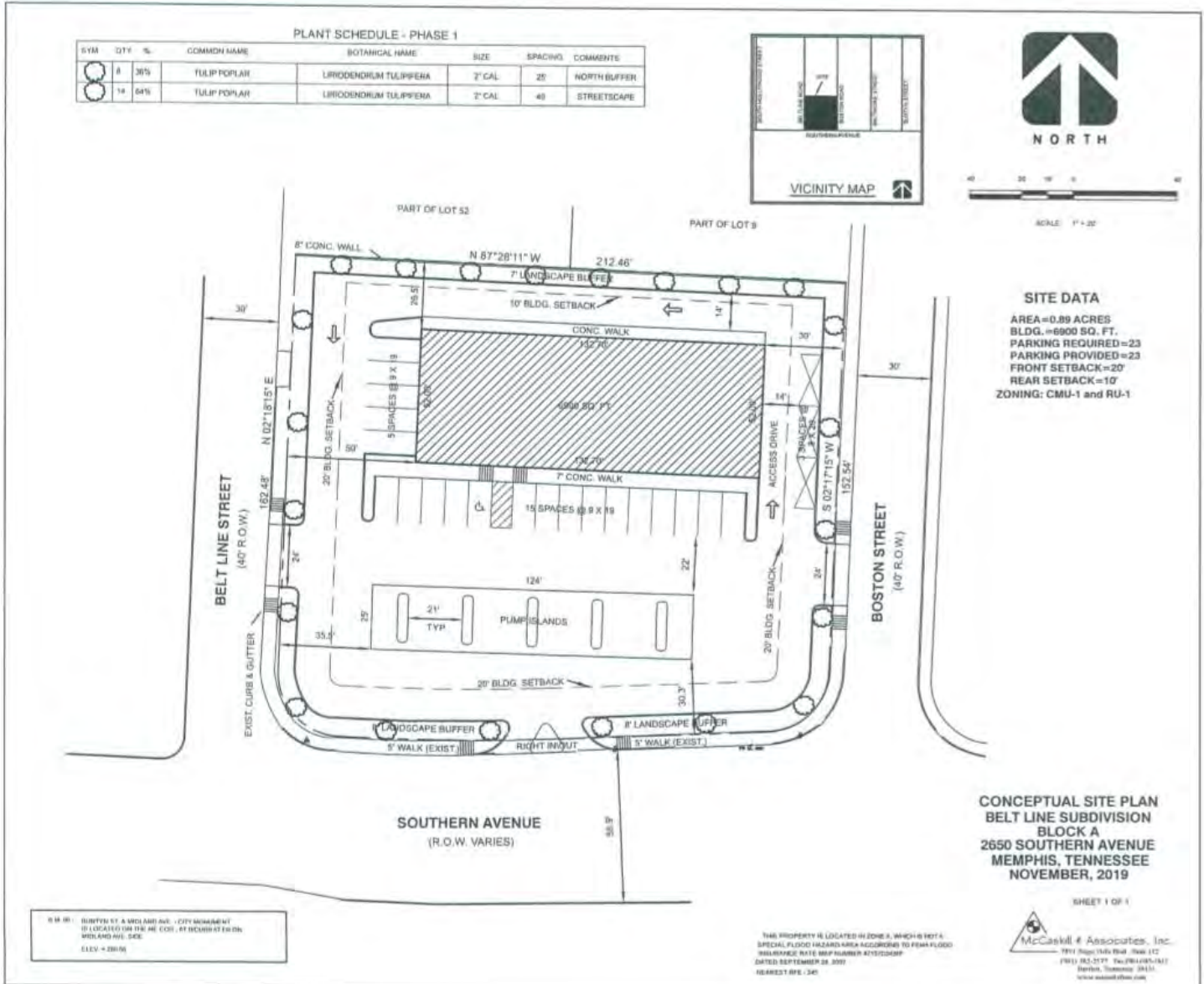
ATTEST:

CONDITIONS

1. Any nonconforming sign, fencing, or lighting shall be removed.
2. A maximum of one detached sign shall be permitted. No window signs shall be permitted.
3. All nonconforming curb cuts shall be closed with the appropriate streetscape plate.
4. A bicycle repair stand and air pump, specifications of which shall be approved by the Office of Planning and Development, shall be installed for public use.
5. All facades of the convenience store shall be of masonry construction.
6. The Southern façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
7. Canvas shall be the only permitted awning material. No plastic awnings shall be permitted.
8. A revised plan set that demonstrates compliance with the above conditions and all standards of the Unified Development Code shall be submitted to the Office of Planning and Development for review and approval.

PROPOSED SITE PLAN

Note that this site plan has not yet been approved in accordance with Condition 8.



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday 13 August 2020*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 20-8
LOCATION:	580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue, and 2650 Southern Avenue
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE:	Tim McCaskill of McCaskill and Associates, Inc.
REQUEST:	Special use permit for a convenience store with gas sales
EXISTING ZONING:	Commercial Mixed Use – 1 and Residential Urban – 1
AREA:	0.9 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion *passed* by a vote of 10-0 on the consent agenda.

CONDITIONS

1. Any nonconforming sign, fencing, or lighting shall be removed.
2. A maximum of one detached sign shall be permitted. No window signs shall be permitted.
3. All nonconforming curb cuts shall be closed with the appropriate streetscape plate.
4. A bicycle repair stand and air pump, specifications of which shall be approved by the Office of Planning and Development, shall be installed for public use.
5. All facades of the convenience store shall be of masonry construction.
6. The Southern façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
7. Canvas shall be the only permitted awning material. No plastic awnings shall be permitted.
8. A revised plan set that demonstrates compliance with the above conditions and all standards of the Unified Development Code shall be submitted to the Office of Planning and Development for review and approval.



STAFF REPORT

AGENDA ITEM: 9

CASE NUMBER: SUP 20-8 **L.U.C.B. MEETING:** 13 August 2020

LOCATION: 580 Belt Line Street, 584 Belt Line Street, 579 Boston Street, 2638 Southern Avenue, and 2650 Southern Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.

REQUEST: Special use permit for a convenience store with gas sales

AREA: 0.9 acres

EXISTING ZONING: Commercial Mixed Use – 1 and Residential Urban – 1

CONCLUSIONS (see p. 22)

1. The applicant has requested a special use permit for a convenience store with gas sales on the northern block face of Southern between Belt Line and Boston.
2. Approval of this special use permit is subject to approval of a rezoning application (Z 20-8) filed concurrently by the applicant. Said rezoning application concerns 580 and 584 Belt Line – 0.2 acres of the total 0.9-acre site.
3. Convenience stores with gas sales are permitted by right in the Commercial Mixed Use – 1 (CMU-1) zoning district only if located at the intersection of two major streets; otherwise, a special use permit is required.
4. Presently, the subject site contains several blighted structures, which may have a deleterious effect on the value of nearby residences. Their demolition and replacement with a successful retail business may aid the neighborhood's quality of life.
5. The subject location is at the heart of the Belt Line neighborhood (see p. 9), ideal for walkable, neighborhood-oriented retail as intended by the CMU-1 zoning district.
6. The sale of gasoline would increase the viability of the proposed convenience store, as the number of neighborhood households has been decreased by urban blight.
7. For these reasons, staff finds that the proposal meets the special use permit criteria.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 25-27)

Per the Office of Comprehensive Planning, this proposal is *consistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 22)

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Southern Avenue	(Minor Arterial)	212 linear feet
	Belt Line Street	(Local Street)	162 linear feet
	Boston Street	(Local Street)	153 linear feet
Zoning Atlas Page:	2135		
Parcel ID:	029079 00016, 029079 00021, 029079 00022, 029079 00039, and 029079 00040		
Existing Zoning:	Commercial Mixed Use – 1 and Residential Urban – 1		

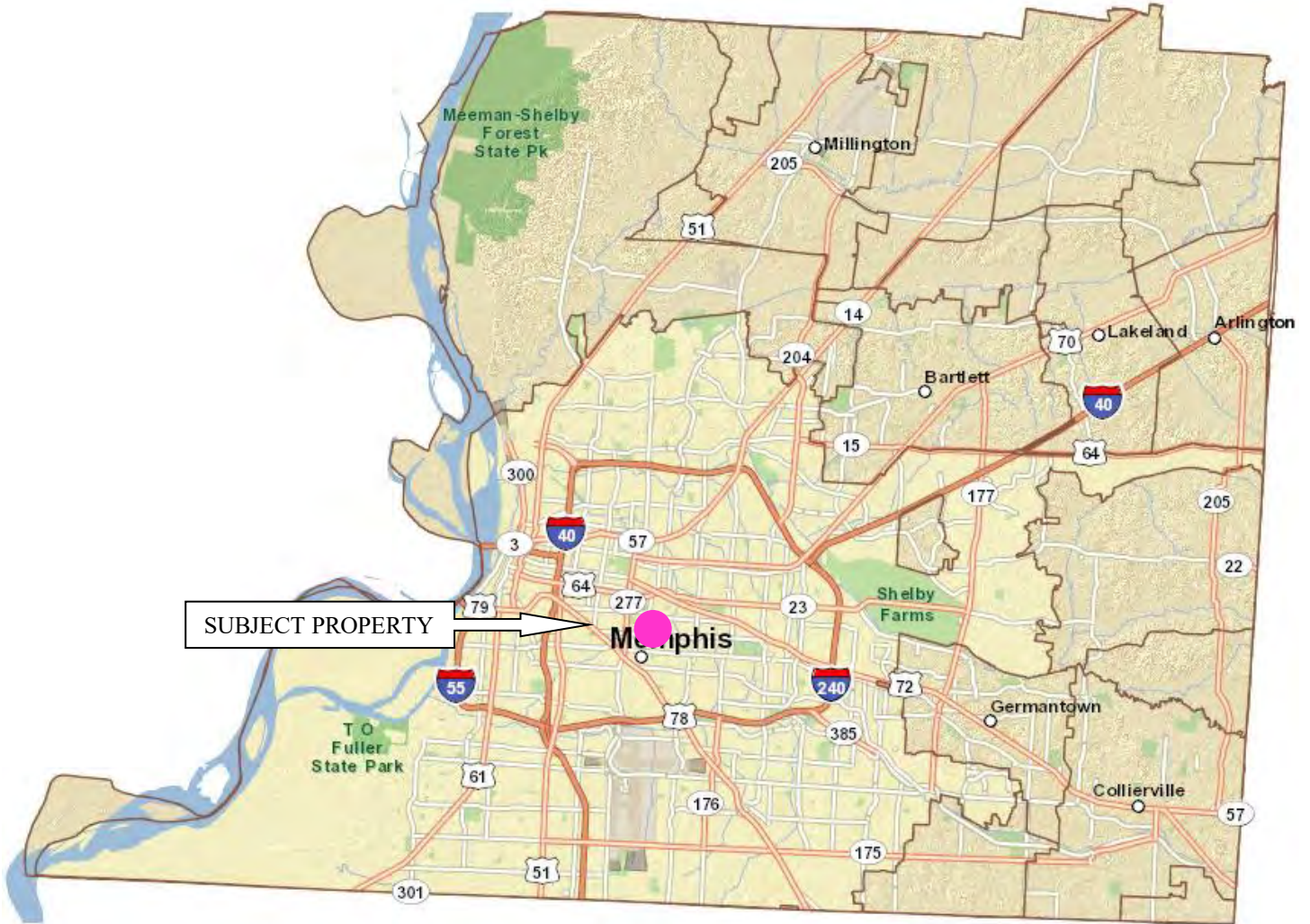
NEIGHBORHOOD MEETING

A neighborhood meeting was held on-site on 30 July 2020.

PUBLIC NOTICE

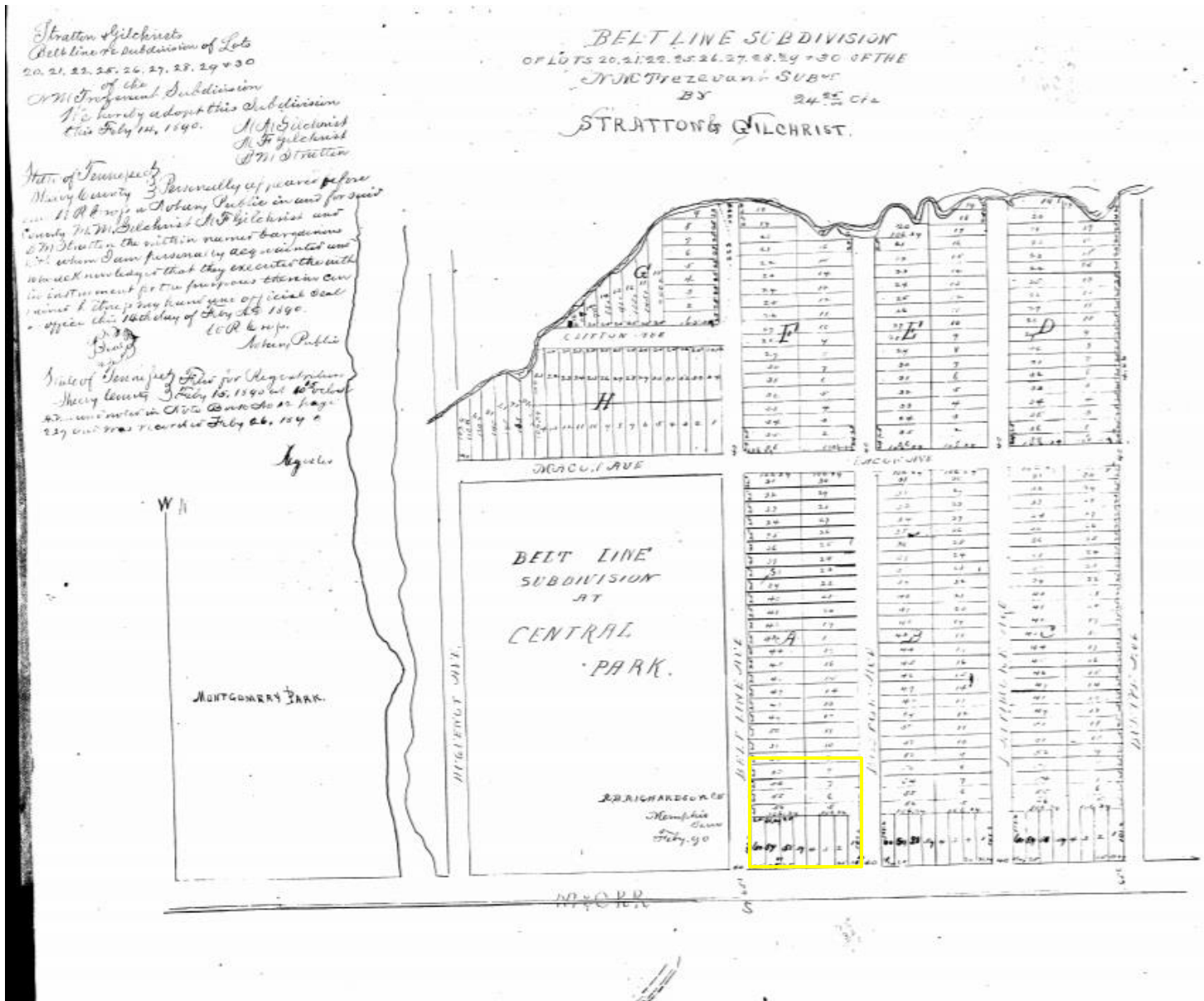
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 48 notices were mailed on 23 July 2020, and a total of three signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



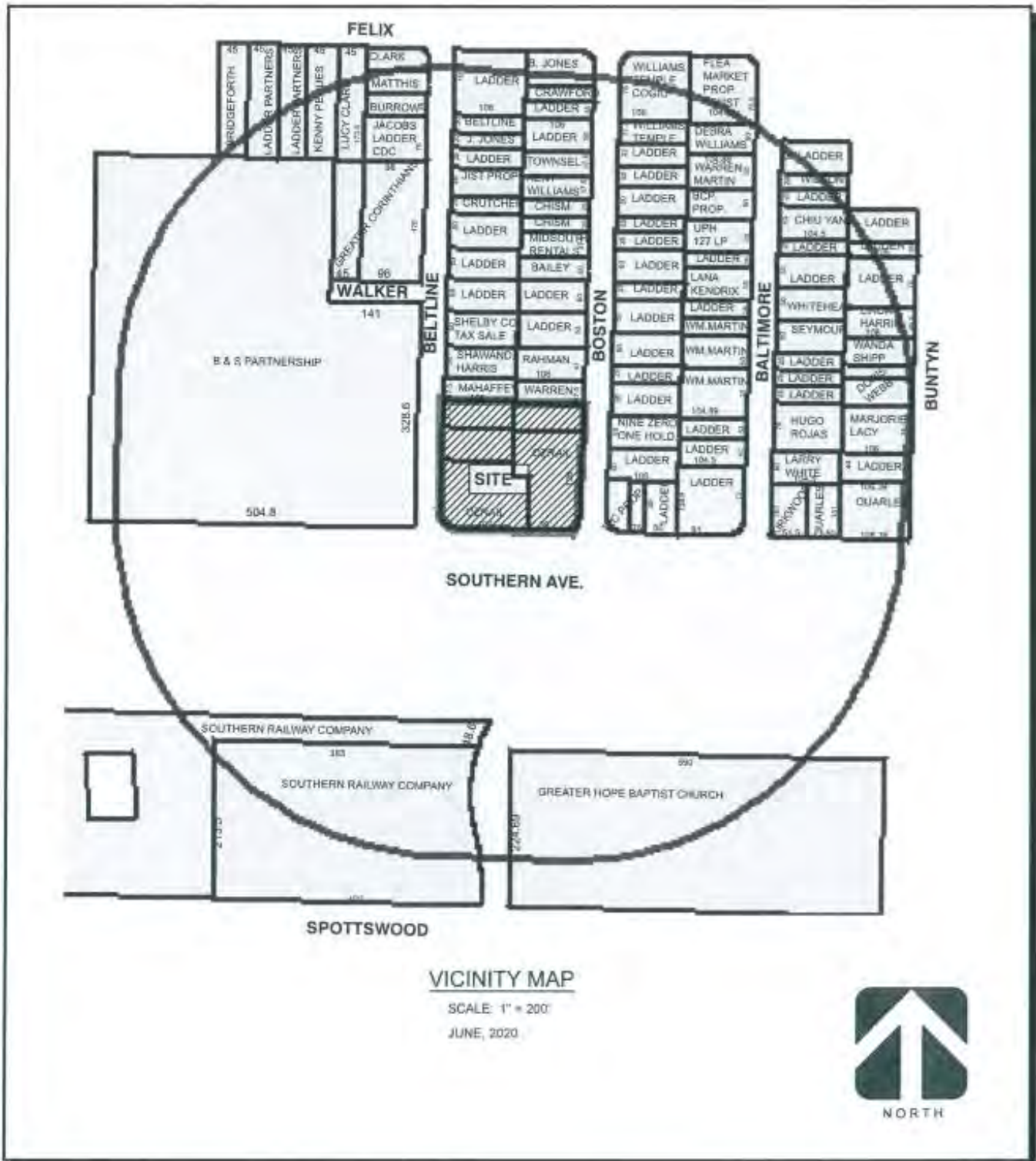
Subject property located in Belt Line neighborhood

BELT LINE SUBDIVISION (1890)



Subject property includes half of Lot 9, half of Lot 52, as well as Lots 1, 2, 3, 4, 5, 6, 7, 8, 53, 54, 55, 56, 57, 58, 59, and 60 of Block A of the Belt Line Subdivision

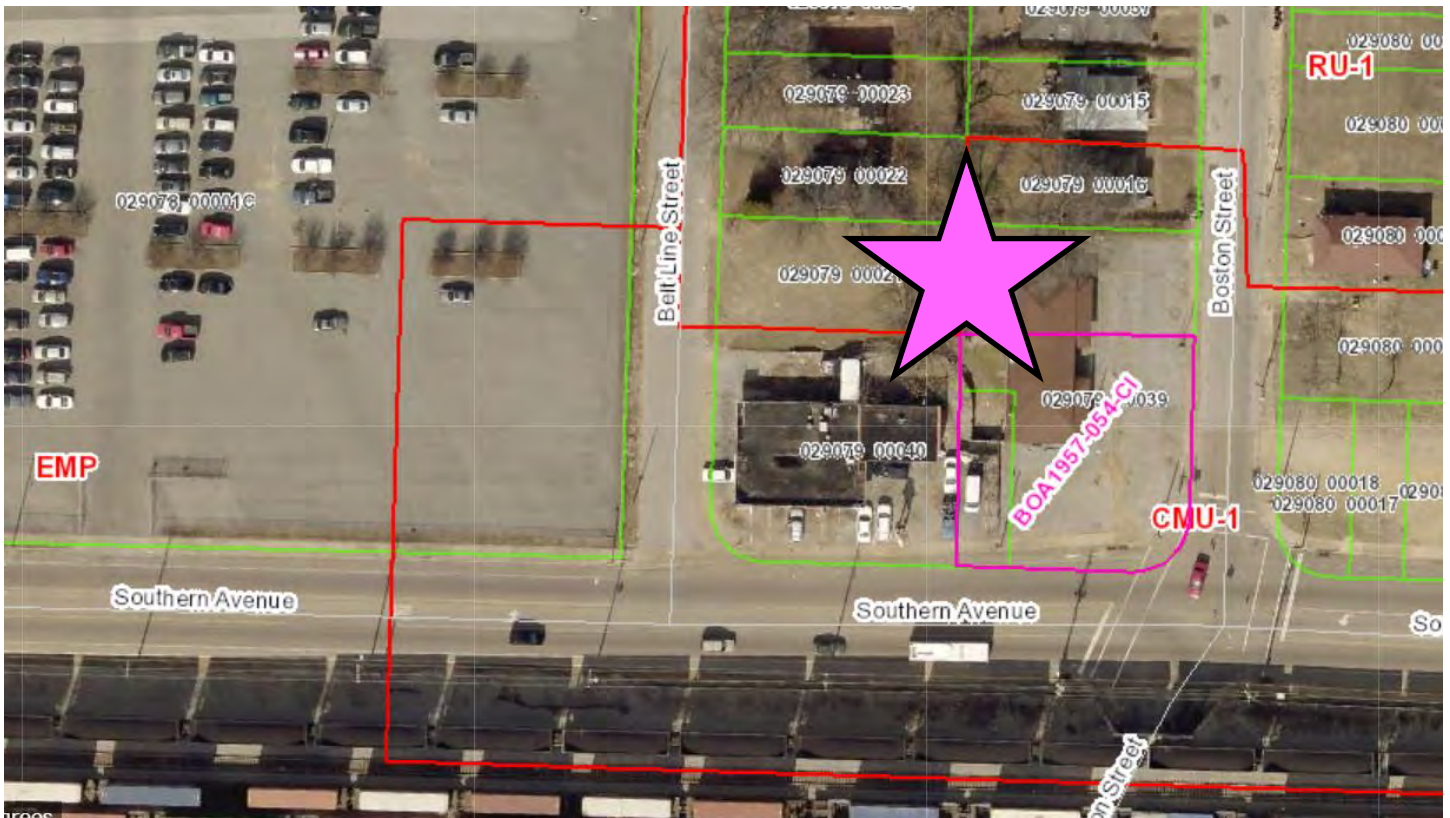
VICINITY MAP



AERIAL



ZONING MAP

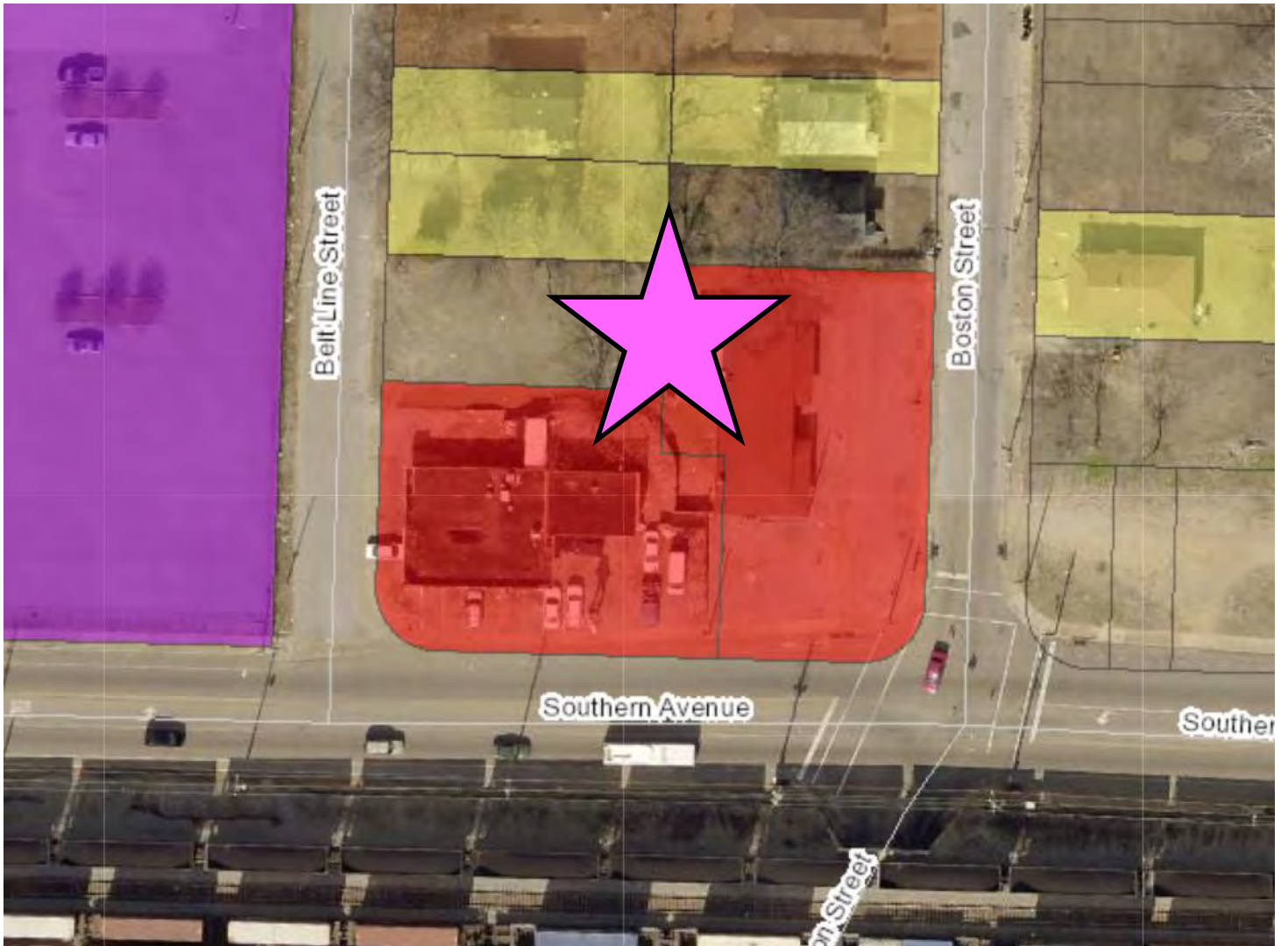


Existing Zoning: Commercial Mixed Use – 1 and Residential Urban – 1

Surrounding Zoning:

- **North:** Residential Urban – 1
- **East:** Commercial Mixed Use – 1 and Residential Urban – 1
- **South:** Employment
- **West:** Commercial Mixed Use – 1 and Employment

LAND USE MAP



SITE PHOTOS



A nearby mural (at Midland and Buntyn) includes a graphic representation of the street sign at the intersection of Southern and Belt Line, demonstrating the importance of the subject location to the Belt Line neighborhood.



A view of subject structures from Southern



This subject structure – a vacant home – fronts Boston.



View of subject structure – a vacant restaurant – from Boston



This subject structure – a vacant home – fronts Belt Line.



This subject parcel fronts Belt Line.



View of subject structure – a vacant liquor store – from Belt Line



View south down Boston



View south down Belt Line

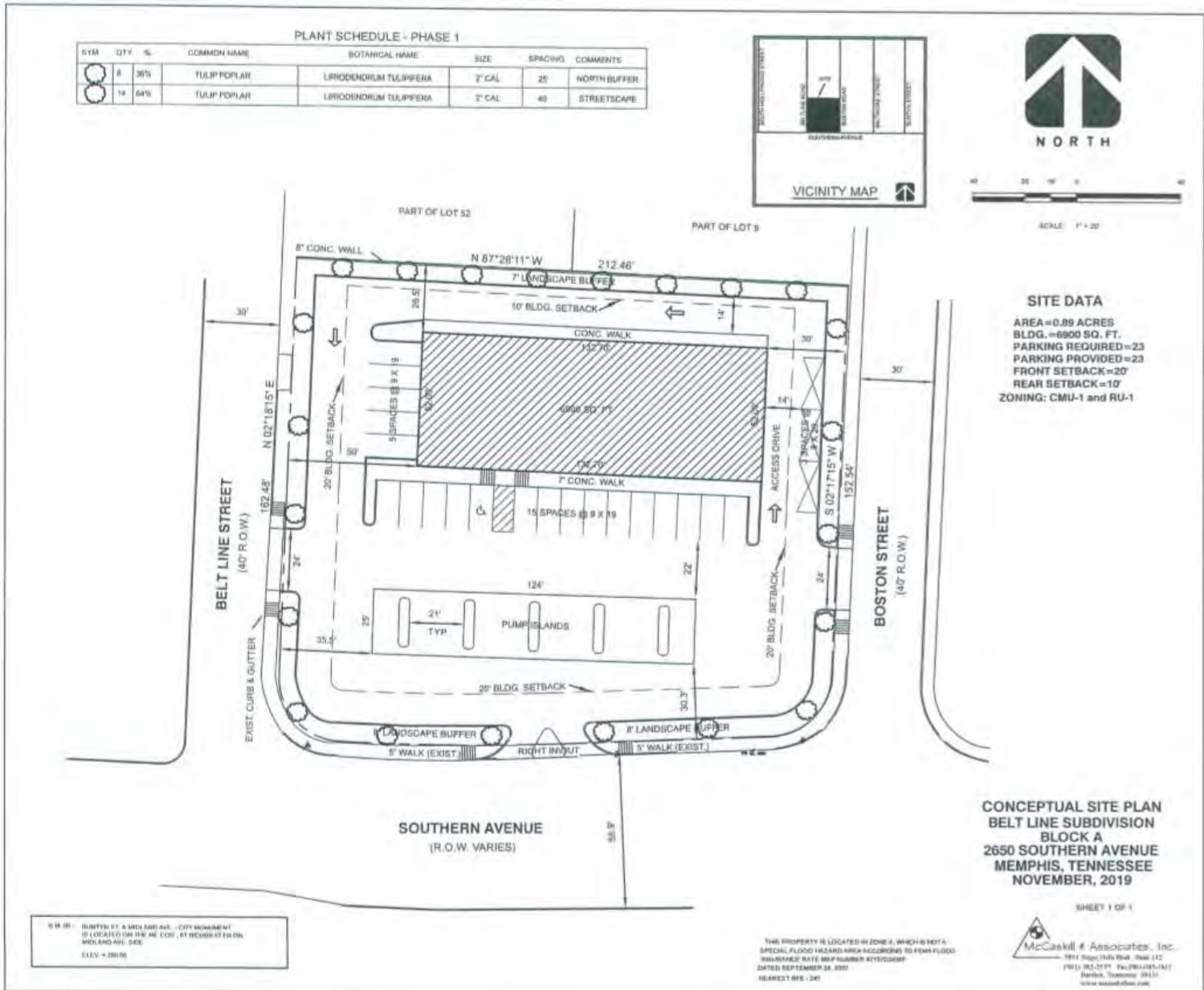


View west down Southern



View east down Southern

SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a convenience store with gas sales.

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

Approval Criteria

Staff *agrees* the approval criteria as regards 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 insure 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 Description

The 0.9-acre subject site consists of 16 lots and two half-lots of Block A of the Belt Line Subdivision of 1890. The site has frontages on three rights-of-way: Southern, Belt Line and Boston. In each case, overhead utilities run along the opposite side of the street from the subject site. No street frontage has any landscape strips, and part of the Belt Line frontage has no sidewalk at all. The site contains multiple structures, including two blighted, single-story houses built circa the 1950s; a single-story, 2458-square foot commercial structure built in 1961 that houses a convenience store and a vacant liquor store; and a blighted, single-story, 2310-square foot commercial structure built in 1966. Several dumpsters are located on site, as well as a shipping container.

Site Plan Review

A full site plan review will be conducted upon approval, if approved.

Conclusions

The applicant has requested a special use permit for a convenience store with gas sales on the northern block face of Southern between Belt Line and Boston.

Approval of this special use permit is subject to approval of a rezoning application (Z 20-8) filed concurrently by the applicant. Said rezoning application concerns 580 and 584 Belt Line – 0.2 acres of the total 0.9-acre site.

Convenience stores with gas sales are permitted by right in the Commercial Mixed Use – 1 (CMU-1) zoning district only if located at the intersection of two major streets; otherwise, a special use permit is required.

Presently, the subject site contains several blighted structures, which may have a deleterious effect on the value of nearby residences. Their demolition and replacement with a successful retail business may aid the neighborhood's quality of life.

The subject location is at the heart of the Belt Line neighborhood (see p. 9), ideal for walkable, neighborhood-oriented retail as intended by the CMU-1 zoning district.

The sale of gasoline would increase the viability of the proposed convenience store, as the number of neighborhood households has been decreased by urban blight.

For these reasons, staff finds that the proposal meets the special use permit criteria.

RECOMMENDATION

Staff recommends *approval* with the following conditions:

1. Any nonconforming sign, fencing, or lighting shall be removed.
2. A maximum of one detached sign shall be permitted. No window signs shall be permitted.
3. All nonconforming curb cuts shall be closed with the appropriate streetscape plate.
4. A bicycle repair stand and air pump, specifications of which shall be approved by the Office of Planning and Development, shall be installed for public use.
5. All facades of the convenience store shall be of masonry construction.
6. The Southern façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
7. Canvas shall be the only permitted awning material. No plastic awnings shall be permitted.
8. A revised plan set that demonstrates compliance with the above conditions and all standards of the Unified Development Code shall be submitted to the Office of Planning and Development for review and approval.

BIBLIOGRAPHY

Robert J. Gibb, ASLA. "Neighborhood Retail." *Sustainable Urbanism*, ed. Douglas Farr, first edition, pub. John Wiley & Sons, Inc., 2008, pp. 139-143.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. The minimum sidewalk width is 6 feet when the sidewalk is adjacent to the curb. Provide adequate sidewalk width on Southern Avenue.
6. Install a curb ramp on the northeast corner of Southern at Belt Line.
7. Install a sidewalk along the entire Belt Line frontage.
8. 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.
9. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the northwest corner of Southern at Boston.

Traffic Control Provisions:

10. 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.
11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
12. 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:

13. The City Engineer shall approve the design, number and location of curb cuts.
14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
15. No curb cuts shall be allowed on Boston due to the proximity of the Traffic Signal at Boston/Southern.
16. A right-in right-out curb cut will be allowed on Southern Avenue in the general vicinity as shown on the site plan.
17. A full movement curb cut will be allowed on Belt Line in the general vicinity as shown on the site plan.

Drainage:

18. 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.

Site Plan Notes:

19. Demonstrate that a fuel delivery truck will be able to maneuver through the site to service the underground fuel tank(s). Show the underground fuel tank(s) on the site plan.
20. Show the dumpster location on the site plan.

Office of Comprehensive Planning:

Based on the Existing, Adjacent Land Use and Zoning, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



The red box indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

A portion of this site is designated as Primarily Single-Unit Neighborhoods (NS). NS areas are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.



The other portion of this site is designated as Low Intensity Commercial and Service (CSL). CSL areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities. See graphic portrayal to the right.



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.

“CSL” Goals/Objectives:

Improved development patterns along auto-oriented commercial corridors, revitalization.

“NS” Form & Location Characteristics:

Primarily detached, house-scale buildings. Primarily residential, 1-3 stories in height. Beyond 1/2 mile from a Community Anchor.

“CSL” Form & Location Characteristics:

Commercial and services uses. 1-4 stories in height.

The applicant is seeking a special use permit and rezoning from RU-1 to CMU-1 to allow a gas station.

The request meets the criteria because a majority of the site and the parcel frontage is in a CSL area, along an Avenue street type. Commercial uses of this size are compatible in CSL areas and the plan recommends a natural buffer between the site and the neighboring single-family residential.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential, Commercial, Industrial, and Vacant land. The subject site is surrounded by the following zoning districts: CMU-1, RU-1, and EMP. This requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcels is similar in nature to the requested use.

4. Degree of Change map



The red box indicates the application site. There is no Degree of Change.

5. Degree of Change Descriptions

N/A

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

Summary Compiled by: Bradyn Carson, Office of Comprehensive Planning

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City 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.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
 CITY HALL, 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

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

Date: 7/1/2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Ameen Z. Ozrail Phone #: 901-462-5581

Mailing Address: 3588 Poplar Ave. City/State: Memphis, TN Zip 38111

Property Owner E-Mail Address: aoz2018@yahoo.com

Applicant: same as owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

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

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

Representative E-Mail Address: tim@mccaskillinc.com

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

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

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

Street Address Location: 2638-2650 Southern Ave.

Distance to nearest intersecting street: North side of Southern Avenue, East side of Bell Line Street, West side of Boston St.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.89 acres</u>	_____	_____
Existing Zoning:	<u>CMU-1</u>	_____	_____
Existing Use of Property	<u>retail</u>	_____	_____
Requested Use of Property	<u>Convenience store with gas pumps</u>	_____	_____


Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
 Yes ___ No ___

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

Number of Residential Units: _____ Bedrooms: _____
 Expected Appraised Value per Unit: _____ or Total Project: _____

Variiances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

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

 7/1/2020
Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: March, 2019 with Chip Saliba

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

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

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

9.6.9 Special Use Permit Approval Criteria

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

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

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

This development will be an improvement over the existing retail center.

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

The project is compatible with the immediate vicinity and will not interfere with the development and use of adjacent property.

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

All streets and utilities are existing and will be used by this development.

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

There are no significant natural, scenic or historic features on site.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

This project complies with all additional standards.

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

The project will not adversely affect the development of adjacent properties.

LETTER OF INTENT



7891 Stage Hills Blvd, Suite 112
Bartlett, TN 38133
www.mccaskillinc.com
(901)382-2577 (901)385-1813 Fax

July 6, 2020

Letter of Intent
2638-2650 Southern Avenue

This proposed development consists of a 6,900 sq. ft. retail center with gasoline sales. It is replacing an existing retail center that is much in need of demolition. The development of this property will be an enhancement to the surrounding neighborhood. The area North of the site has many vacant lots that are currently not being redeveloped. Any improvement to the area is much needed.

A convenience store with gasoline sales can only be at the intersection of two arterials, an arterial and collector or two collectors without the issuance of a Special Use Permit. That is the reason for this application.

Consultant: Tim McCaskill
McCaskill and Associates, Inc.
7891 Stage Hills Blvd, Suite 112
Bartlett, Tennessee 38133
901-382-2577

SIGN AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 7:15 pm am/pm on the 31 day of JULY, 2020, I posted 4 Public Notice Sign(s) pertaining to Case No. (3)-SUP 20-08 & (1)-Z 20-08 at 2638,2650, Southern and 580, 584 Bellline, providing notice of a Public Hearing before the x Land Use Control Board, x Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, x Special Use Permit, X Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

8/1/2020
Date

Subscribed and sworn to before me this 1 day of August, 2020.

[Signature]
Notary Public

My commission expires: June 15, 2022



LETTERS RECEIVED

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

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: October 20, 2020
DATE
PUBLIC SESSION: October 20, 2020
DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution requesting a Special Use Permit. The item was heard and a recommendation was made by the Memphis & Shelby County Land Use Control Board.

CASE NUMBER: SUP 20-11

DEVELOPMENT: 160-foot Monopole Communications (CMSC) Tower

LOCATION: 3169 Kirby Parkway – Parcel ID #093200 00221

COUNCIL DISTRICTS: District 12 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: TV6 Argus Towers, LLC (Towers Ventures)

REPRESENTATIVE: Lou Katzerman, Tower Ventures

EXISTING ZONING: Residential Urban – 3 (RU-3)

REQUEST: To allow a 160-foot Monopole Communications (CMCS) Tower

AREA: +/-9.61 acres

RECOMMENDATION: The Office 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
October 20, 2020 _____ DATE
(1) _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

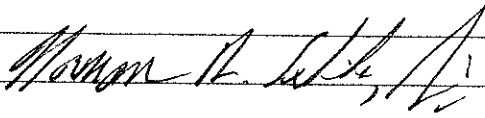
FUNDING:

(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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
	10/13/20	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 20-11

Resolution requesting a 160-foot Monopole Communications (CMCS) Tower:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Office of Planning & Development at the request of the Owner/Applicant: TV6 Argus Towers, LLC (Tower Ventures); and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item will not require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY
LOCATED AT 3169 KIRBY PARKWAY, KNOWN AS CASE NUMBER SUP 20-11**

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, TV6 Argus Towers, LLC filed an application with the Memphis and Shelby County Office of Planning and Development requesting a 160-foot Monopole Communications (CMCS) Tower; and

WHEREAS, the Office 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 October 8, 2020, 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 recommendation of the Land Use Control Board and the report and recommendation of the Office 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 interest.

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 requested 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.

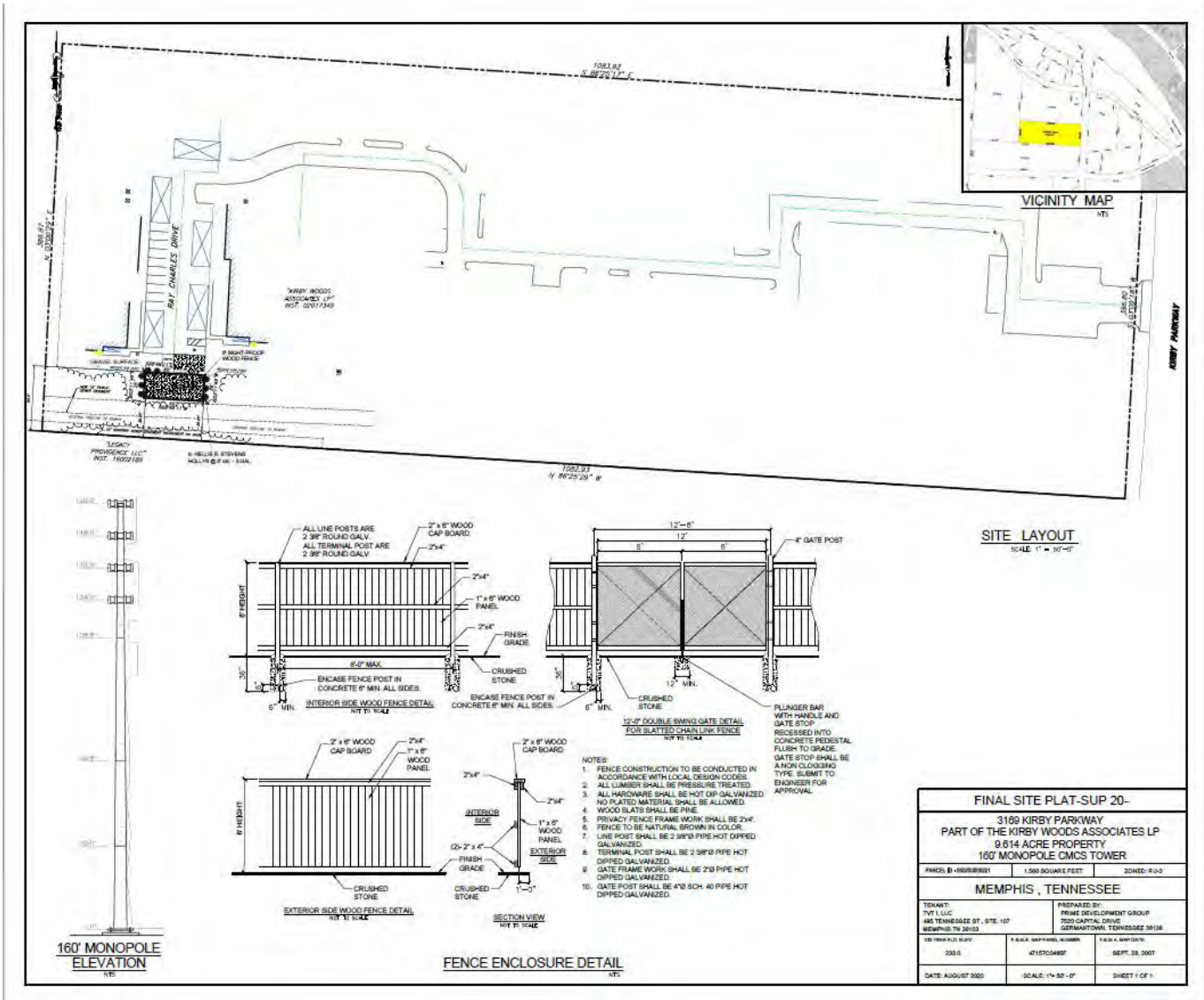
ATTEST:

**CC: Office of Planning and Development – Land Use Controls
Office of Construction Code Enforcement**

CONDITIONS

1. The existing tree line shall remain as shown on the final plat, along with eight (8) Nellie R. Stevens Hollies planted along the north, east, and sides of the tower compound for further screening as shown on the final plat. "Gator Bags" or Water Bags will finish the irrigation for the landscaping.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats.
3. Access to the Tower's compound will run east of the site, back to Kirby Parkway.
4. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate shall be submitted to the Office of Construction Code Enforcement staff before any permits are issued.

SITE PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, October 8, 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 20-11
LOCATION: 3169 Kirby Parkway – Parcel ID #093200 00221
COUNCIL DISTRICT(S): District 12 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: TV6 Argus Towers, LLC (Tower Ventures)
REPRESENTATIVE: Lou Katzerman, Tower Ventures
REQUEST: To allow a 160-foot Monopole Communications (CMCS) Tower
EXISTING ZONING: Residential Urban – 3 (RU-3)
AREA: +/-9.61 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

1. The existing tree line shall remain as shown on the final plat, along with eight (8) Nellie R. Stevens Hollies planted along the north, east, and sides of the tower compound for further screening as shown on the final plat. “Gator Bags” or Water Bags will finish the irrigation for the landscaping.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats.
3. Access to the Tower’s compound will run east of the site, back to Kirby Parkway.
4. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower’s compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower’s capacity, including the number and type of antennas which it can accommodate shall be submitted to the Office of Construction Code Enforcement staff before any permits are issued.

The motion passed by a vote of 10 to 0.

Respectfully,

Teresa H. Shelton

Teresa H. Shelton
Municipal Planner
Josh Whitehead, Director
Office of Planning and Development

CC: Committee Members
File

AGENDA ITEM: 11

CASE NUMBER: SUP 20-11 **L.U.C.B. MEETING:** October 8, 2020
LOCATION: 3169 Kirby Parkway; Parcel ID # 093200 00221
OWNER/APPLICANT: Kirby Woods Associates LP, C/O Makowsky, Ringel and Greenberg
REPRESENTATIVE: Lou Katzerman, Tower Ventures
REQUEST: 160-foot Monopole Communications (CMCS) Tower
AREA: +/-9.61 acres
EXISTING ZONING: Residential Urban – 3 (RU- 3)

CONCLUSIONS

1. The request is for a 160-foot Monopole Communications (CMCS) Tower in the Residential Urban – 3 (RU-3) zoning district.
2. Staff agrees the approval criteria in regard to special use permits as set out in the Unified Development Code Section 9.6.9 are met.
3. Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I (1) are met.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Plan does not provide recommendations related to cell towers.

RECOMMENDATION

Approval with conditions

Staff Writer: *Teresa H. Shelton*

E-mail: *teresa.shelton@memphistn.gov*

GENERAL INFORMATION

Street Frontage: Kirby Parkway +/-374 curvilinear feet

Zoning Atlas Page: 2345

Parcel ID: 093200 00221

Existing Zoning: Residential Urban – 3 (RU- 3)

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 51 notices were mailed on September 25, 2020, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

Sign Affidavit for S.U.P. Case Number: 20-11

County of Shelby
State of Tennessee

I, Lou Katzerman, being duly sworn, depose and say that at approximately 09.30am on the 24th day of September, 2020 I posted one (1) Public Notice Sign pertaining to Case No. SUP 20-11 at 3169 Kirby Parkway Memphis, TN 38115 - (Parcel ID #093200 00221), providing notice of a Public Hearing before the Land Use Control Board (Hearing on October 8th, 2020) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of said sign.


 TV6 Argus Towers, LLC (Tower Ventures), Applicant
 Louis Katzerman, Zoning Manager

9/24/2020
Date

Subscribed and sworn to before me this 24th day of September 2020.


 Notary Public

My Commission Expires:

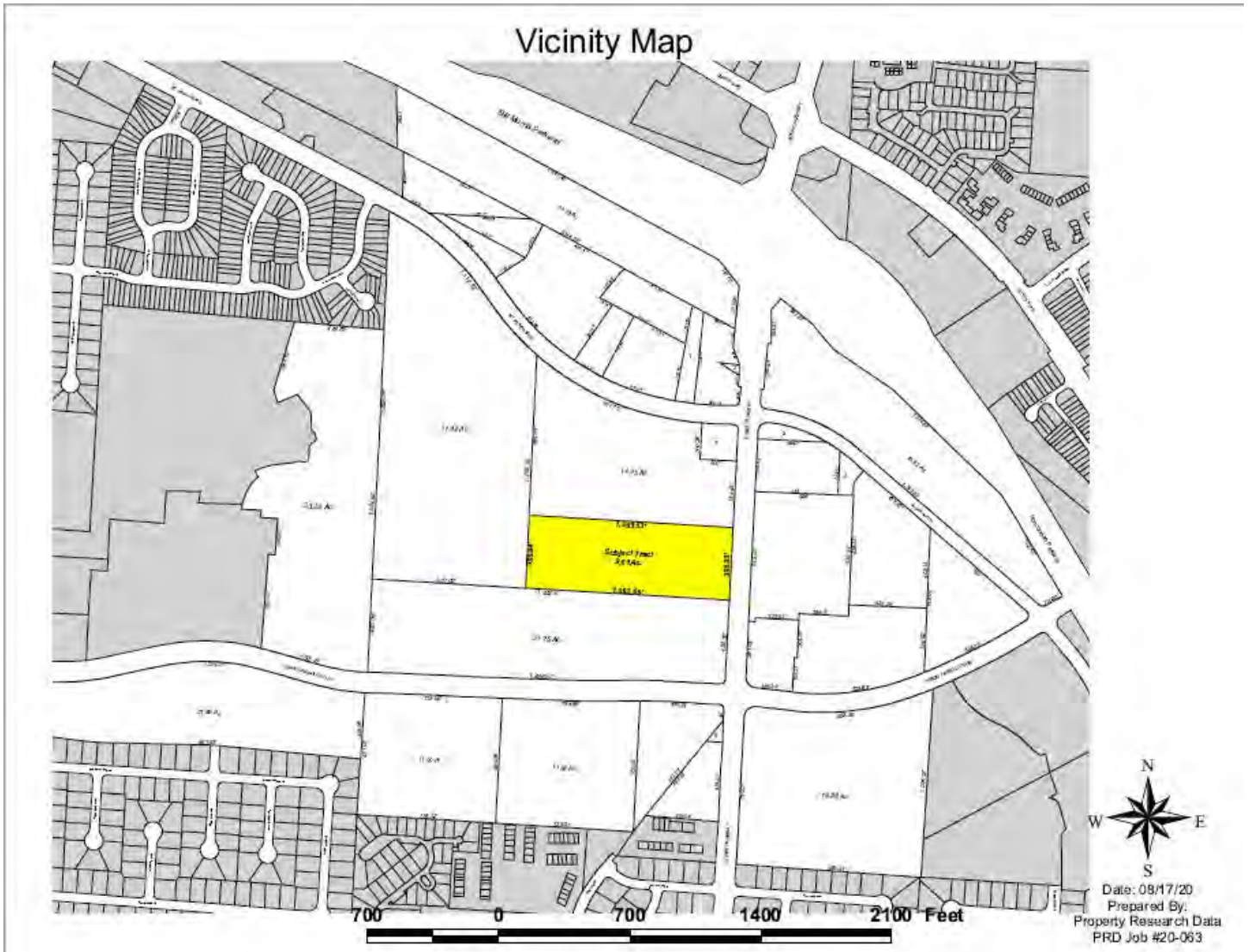


LOCATION MAP



Subject property located within the pink circle, Kirby Woods Apartments

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from Zoning Atlas

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Urban – 3 (RU- 3)

Surrounding Zoning

North: Commercial Mixed Use – 2 (CMU-2)

East: Commercial Mixed Use – 2 (CMU-2)

South: Residential Urban – 3 (RU-3)

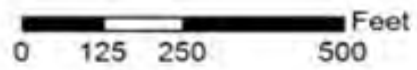
West: Residential Urban – 3 (RU-3)

LAND USE MAP



LandUse

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



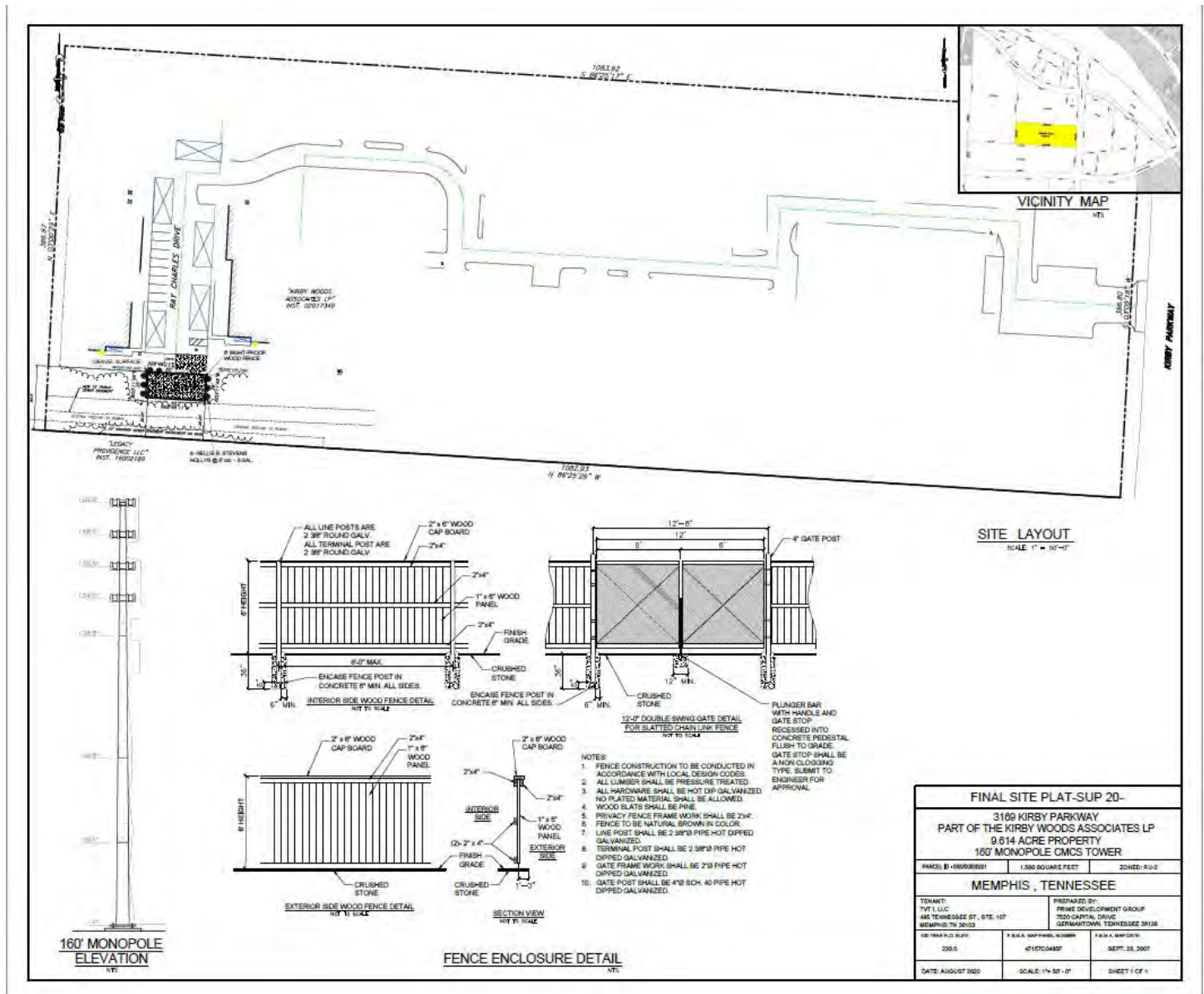
Subject property indicated by a pink star

SITE PHOTO



View of subject property from Ray Charles Drive from an aerial view.

SITE PLAN



TOWER ANALYSIS – 3169 KIRBY PKWY



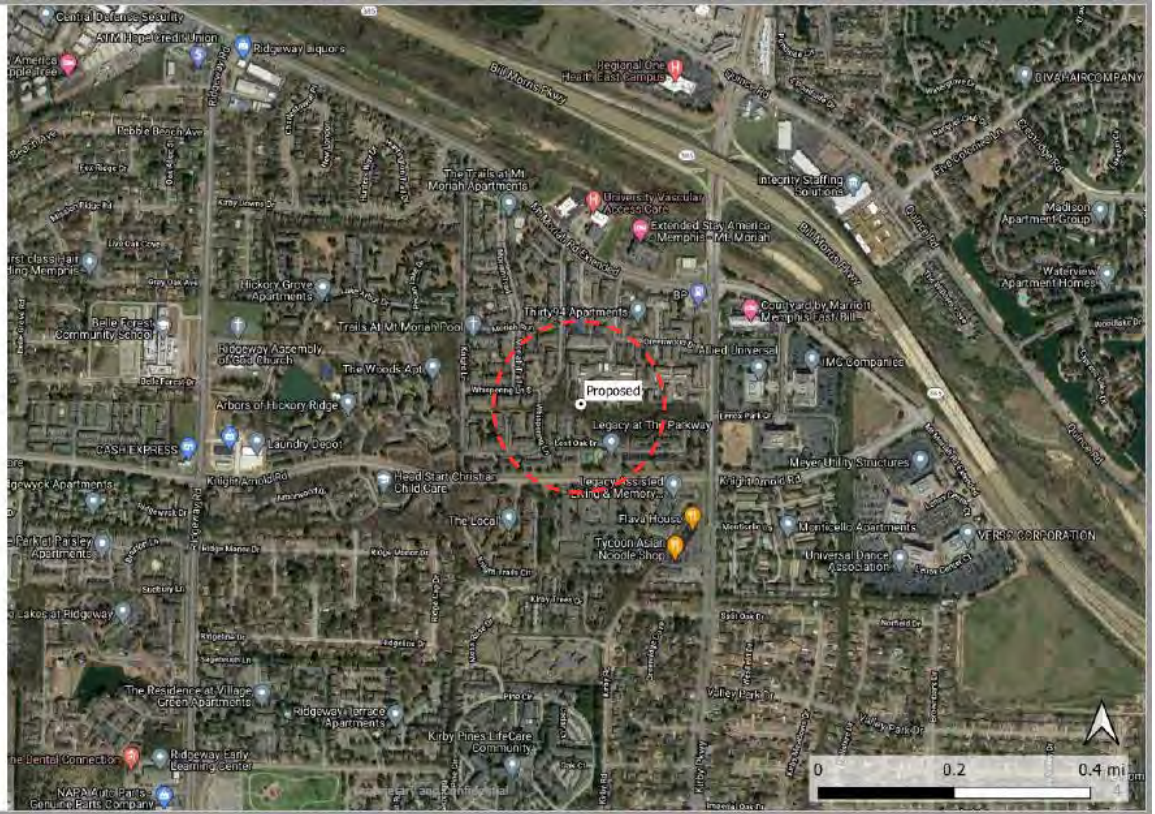
Tower Analysis

Summary

- Comparison of coverage provided by use of Proposed Tower versus Existing Tower
- Proposed Tower:
 - 3169 Kirby Pkwy
 - Lat, Lon: *35.061743, -89.847145*



Tower Analysis
Tower
Location



Tower Analysis

Prediction - LTE 700 MHz RSRP

- Site / Transmitter Assumptions

Site	Longitude	Latitude	Altitude (m)	Support Height (m)	Support Type	Antenna	Mech Downtilt	Propagation Model	Maximum Calculation Radius (m)
Proposed	-89.847145	35.061743	[92.93]	54.88	Tower	65deg 17dBi 0Tilt 700/800MHz	0	Atoll Standard Propagation Model (SPM)	10,000

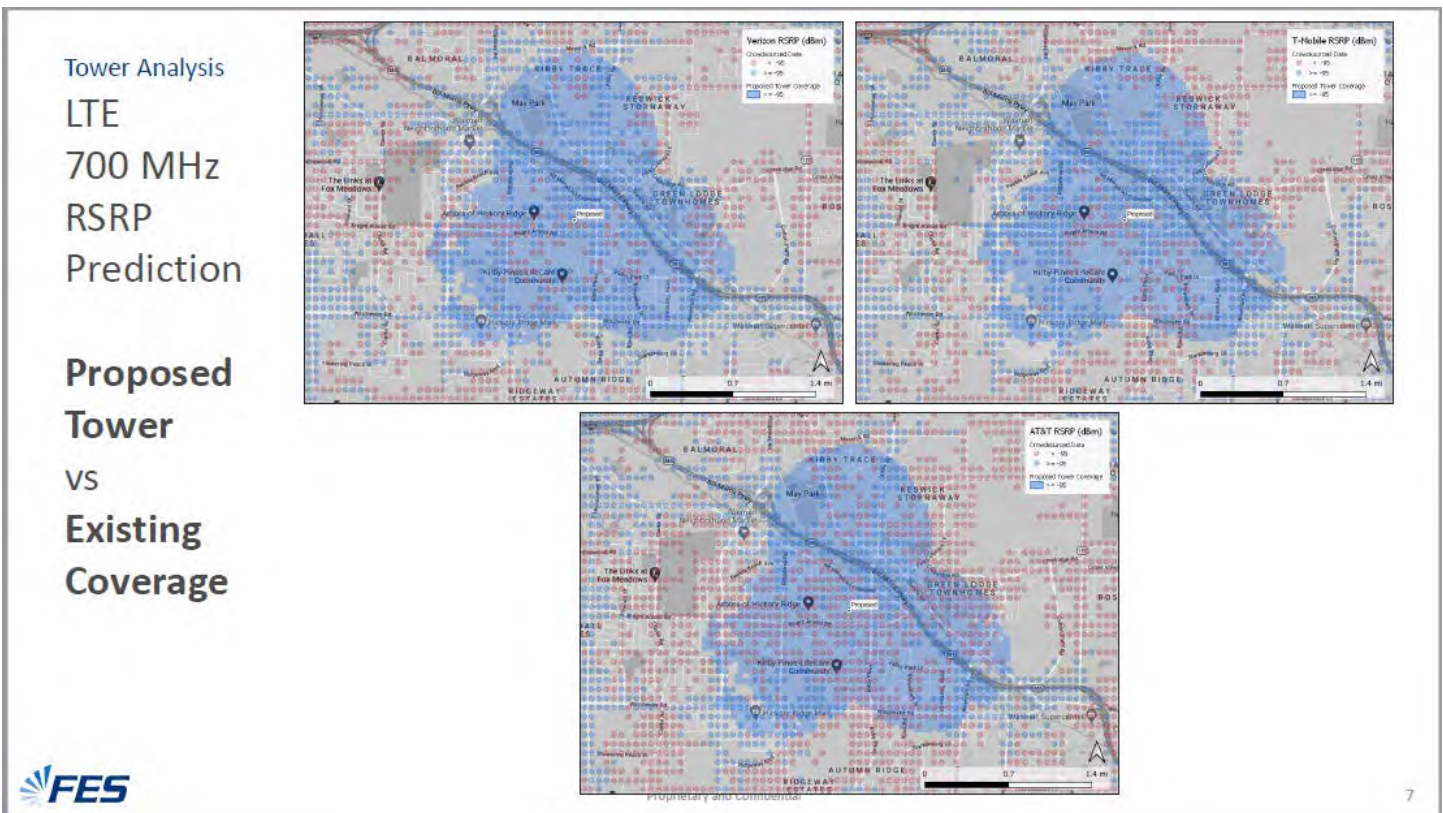
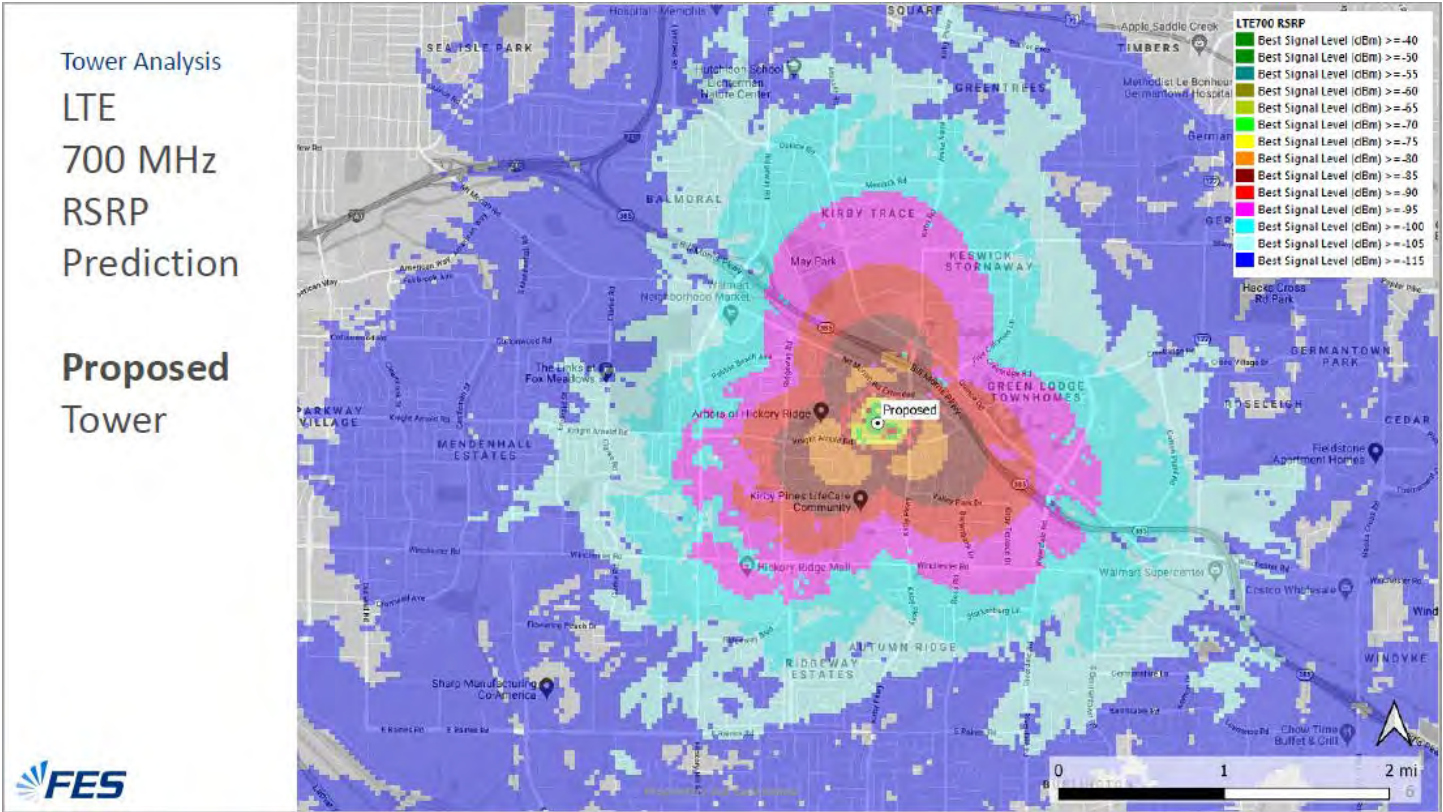
- Cell / Technology Assumptions

Cell	Type	Freq Band (MHz)	Technology	Tx Power (dBm)	Tx Losses (dB)	Antenna Ht (m)
Proposed	Macro	700/800	LTE	43	2	49



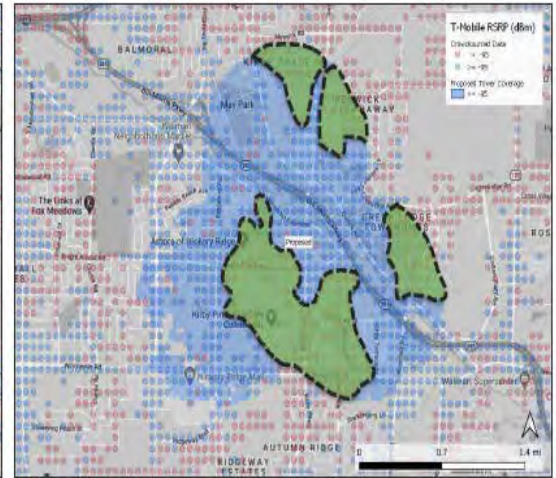
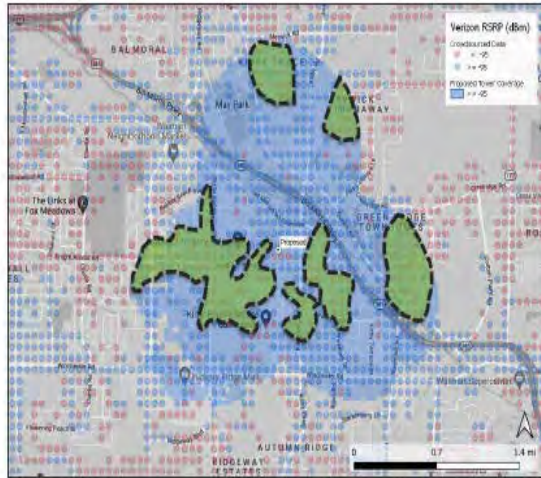
Proprietary and Confidential

5

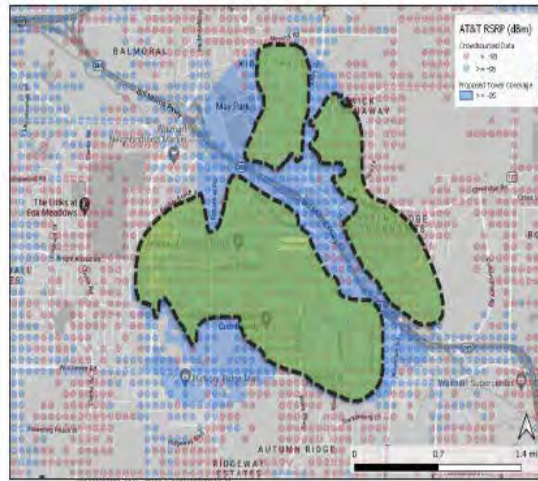


Tower Analysis
LTE
700 MHz
RSRP
Prediction

Proposed
Tower
vs
Existing
Coverage



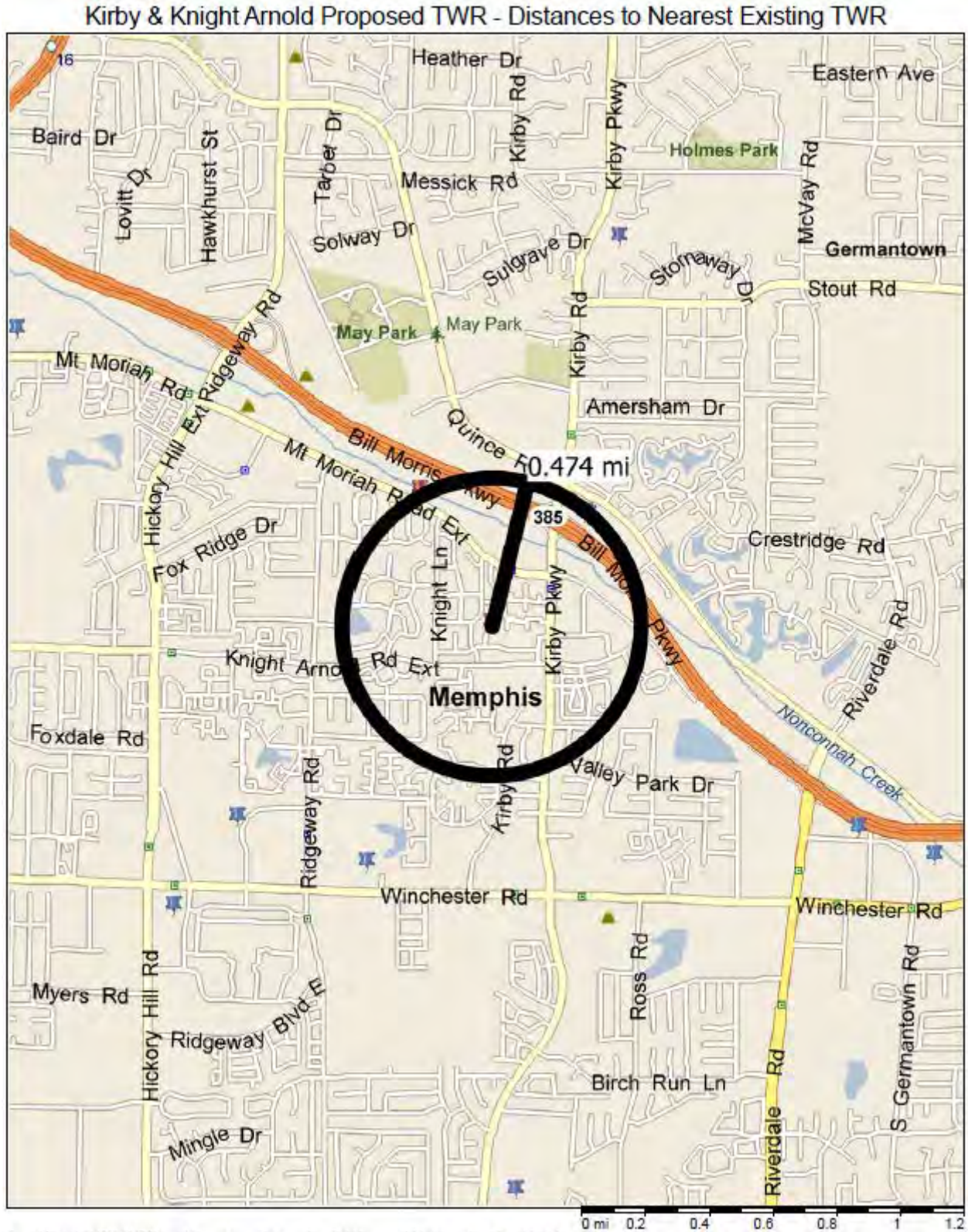
 New coverage that could be provided by proposed tower



Proprietary and Confidential

8

KIRBY & KNIGHT ARNOLD PROPOSED TWR – DISTANCES TO NEAREST EXSITING TWR



STAFF ANALYSIS

Request

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

The request is for a 160-foot Monopole Communications (CMCS) Tower in a Residential Urban – 3 (RU-3) zoning district. The applicant proposes to install a 160-foot Monopole Communications (CMCS) Tower in a +/- 26 ft. x 60 ft. compound area of a +/-9.61-acres lot and will be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in the Unified Development Code Section 9.6.9 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 insure 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.*

Additional Approval Criteria for CMCS Towers

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I (2) are met.

Item 2.6.2I(2)(b) General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be

accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.*
- 2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.*
- 3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.*
- 4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.*

Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only

1. Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.

2. Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to co-locate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

Site Description

The subject property is 26 ft. x 60 ft. compound lease area of a +/-9.61-acre parcel (093200 00221) located at 3169 Kirby Parkway. and Residential Urban – 3 (RU-3).

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

The Memphis 3.0 Plan does not provide recommendations related to cell towers.

Conclusions

1. The request is for a 160-foot Monopole Communications (CMCS) Tower in the Residential Urban – 3 (RU-3) zoning district.
2. Staff agrees the approval criteria for special use permits as set out in the Unified Development Code Section 9.6.9 are met.
3. Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I (1) are met.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The existing tree line shall remain as shown on the final plat, along with eight (8) Nellie R. Stevens Hollies

planted along the north, east, and sides of the tower compound for further screening as shown on the final plat. "Gator Bags" or Water Bags will finish the irrigation for the landscaping.

2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats.
3. Access to the Tower's compound will run east of the site, back to Kirby Parkway.
4. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate shall be submitted to the Office of Construction Code Enforcement staff before any permits are issued.

DEPARTMENTAL COMMENTS

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

City/County Engineer: CITY ENGINEERING COMMENTS DATE: 9/23/2020

CASE: SUP-20-011 NAME: 160 ft. CMCS Tower

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

Sewers:

2. City sanitary sewers are available to serve this development.

Curb Cuts/Access:

3. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
4. The proposed curb cut to remain on Kirby Parkway is acceptable to remain providing it meets ADA requirements.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

- No comments.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

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

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.

- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **Street Names: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW Residential Engineer at Builder Services: [\(901\) 729-8675](tel:9017298675) to initiate the utility application process.
 - All commercial developers must contact MLGW Builder Services line at 729-8630 to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Respectfully Submitted,
MEMPHIS LIGHT, GAS and WATER DIVISION

TOM WORD
Utility Coordinator
tword@mlgw.org

Memphis Light, Gas and Water Division
Utility Coordinator: AB/01-349
220 S. Main St. * 38103-3917
P.O. Box 430 * 38101-0430
Memphis, Tennessee

901.528.4186

Office of Sustainability and Resilience:

- No comments at this time.

APPLICATION



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

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

Date: 5/20/2019

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Kirby Woods Associates LP, C/O Makowsky, Ringel and Greenberg Phone #: (901) 683.2220

Mailing Address: 1010 June Road City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: mgreenberg@mrgmemphis.com C/O Mr. Michael Greenberg

Applicant: TV6 Argus Towers, LLC (Tower Ventures) Phone # (901) 794-9494

Mailing Address: 495 Tennessee Street Suite: 152 City/State: Memphis, TN Zip 38103

Applicant E- Mail Address: lou@towerventures.com

Representative: Lou Katzman Phone #: (901) 244-4017

Mailing Address: 495 Tennessee Street Suite: 152 City/State: Memphis, TN Zip 38103

Representative E-Mail Address: Lou@towerventures.com

Engineer/Surveyor: Prime Development Group, Inc. Phone # (901) 482-0375

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

Engineer/Surveyor E-Mail Address: mfahy@pdg-m.com

Street Address Location: 3169 Kirby Parkway Memphis, TN 38115; Parcel ID # 093200 00221

Distance to nearest intersecting street: +/- 499 ft South, to Knight Arnold RD

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	9.61 AC	_____	_____
Existing Zoning:	RU-3	_____	_____
Existing Use of Property	Apartment Complex	_____	_____
Requested Use of Property	160 FT CMCS Tower	_____	_____

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

Yes No

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

Number of Residential Units: NA Bedrooms: NA

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

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

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

By [Signature] Date 8/21/2020
Property Owner of Record Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-application Conference held on: _____ with _____

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

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

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

9.6.9 Special Use Permit Approval Criteria

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

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

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

Proposed Site is located on an 9.61 acres tract. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public health and well being by providing reliable wireless coverage.

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

Site is located in a commercial office and Apartment area. Due to the nature of the Apartment business, most apartment dwellers do not have wired phones. This site will great increase and enhance coverage in this area.

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

With over 200,000 daily 911 calls coming form wireless users, the proposed site will function as public safety asset.

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

No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

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

No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

LETTER OF INTENT

TV6 Argus Towers, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

August 21st, 2020

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
1125 North Mid-American Mall
Memphis, TN 38103-2084

RE: (Kirby and Knight Arnold SUP) **Letter of Intent** for a One Hundred Sixty Foot (160') Monopole Communications ("CMCS") Tower at 3169 Kirby Parkway, Memphis, TN 38115 (Parcel ID #093200 00221)

Dear Mr. Whitehead:

TV6 Argus Towers, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred Seventy Foot (160') CMCS tower at 3169 Kirby Parkway (Parcel ID #093200 00221) Memphis, TN 38115. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 26' x 60'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats. This gate type is needed due to security concerns. A Service Tech needs to be able to investigate the compound, prior to entry. We are proposing building landscape screens for the north, east and west sides of the Tower site. The proposed tower is to be located in vacant, wooded area of a large parcel.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TV6 Argus Towers, LLC - Tower Ventures, appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely



Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TV6 Argus Towers, LLC - Tower Ventures
www.towerventures.com



August 28, 2020

Tower Ventures
TVT I, LLC
TV6 Argus Towers LLC
BHO/LK Tower Partners
Attn: Lou Katzerman

With regard to the suitability of the tower location under consideration:

- The “*proposed tower*” located at 3169 Kirby Parkway, Memphis, Shelby County, TN at the latitude and longitude of 35°03’42.2530”, -89°50’49.7000” based on NAD83.

This letter certifies that when an RF propagation prediction is performed for a potential LTE radio transmitter operating at 700 MHz at feasible structural height on each tower, the *proposed tower* provides a new acceptable coverage area (defined as reaching a median RSRP of -95 dBm or higher for mobile devices) in excess of 2.7 square miles.

In summary, the *proposed tower* can provide enhanced coverage for users of any of the major cellular carriers. There is a significant difference in the level of service that can be provided to the area.

Further details of the analysis may be found in the attached document.





Tower Analysis

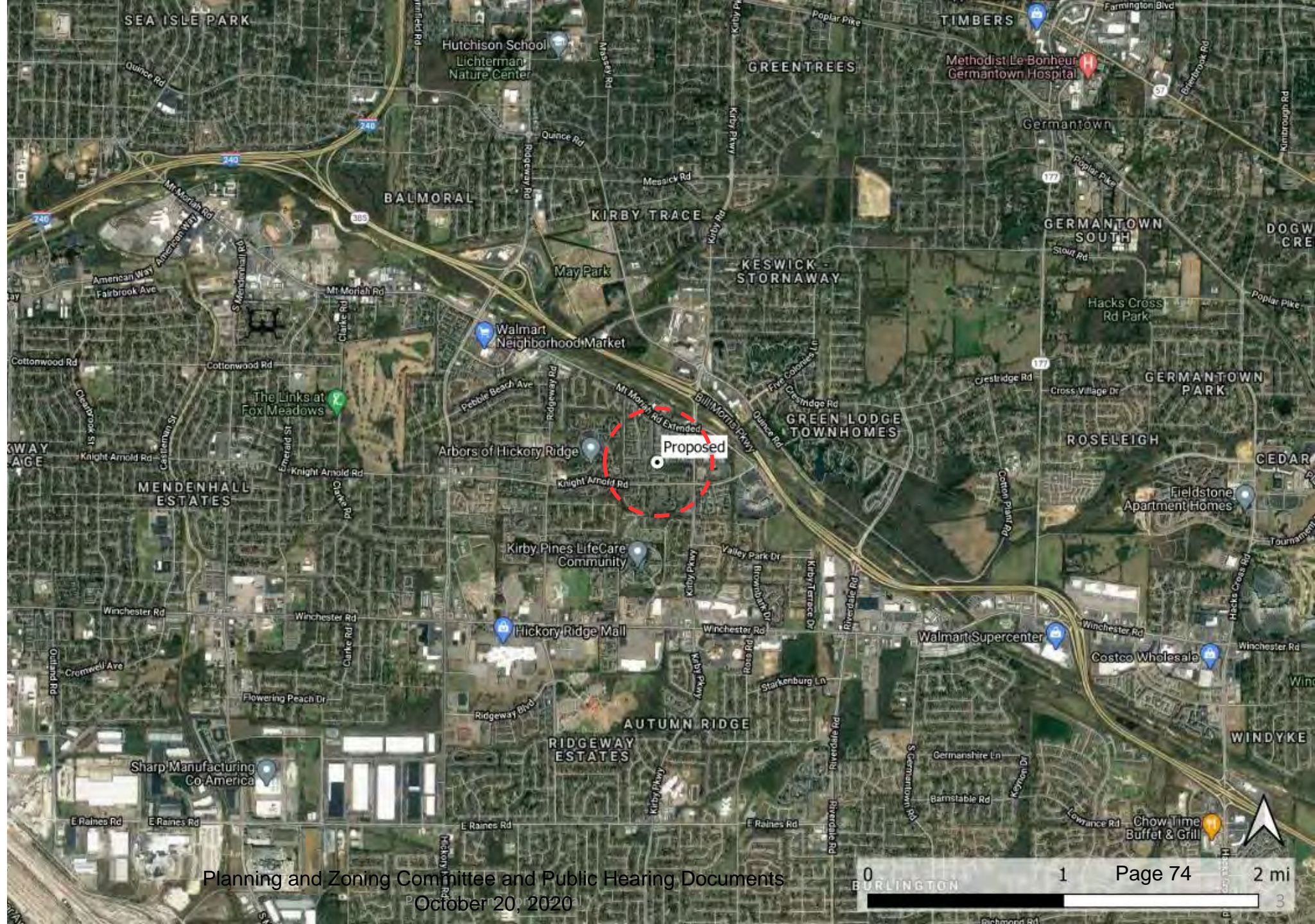
3169 Kirby Pkwy

August 2020

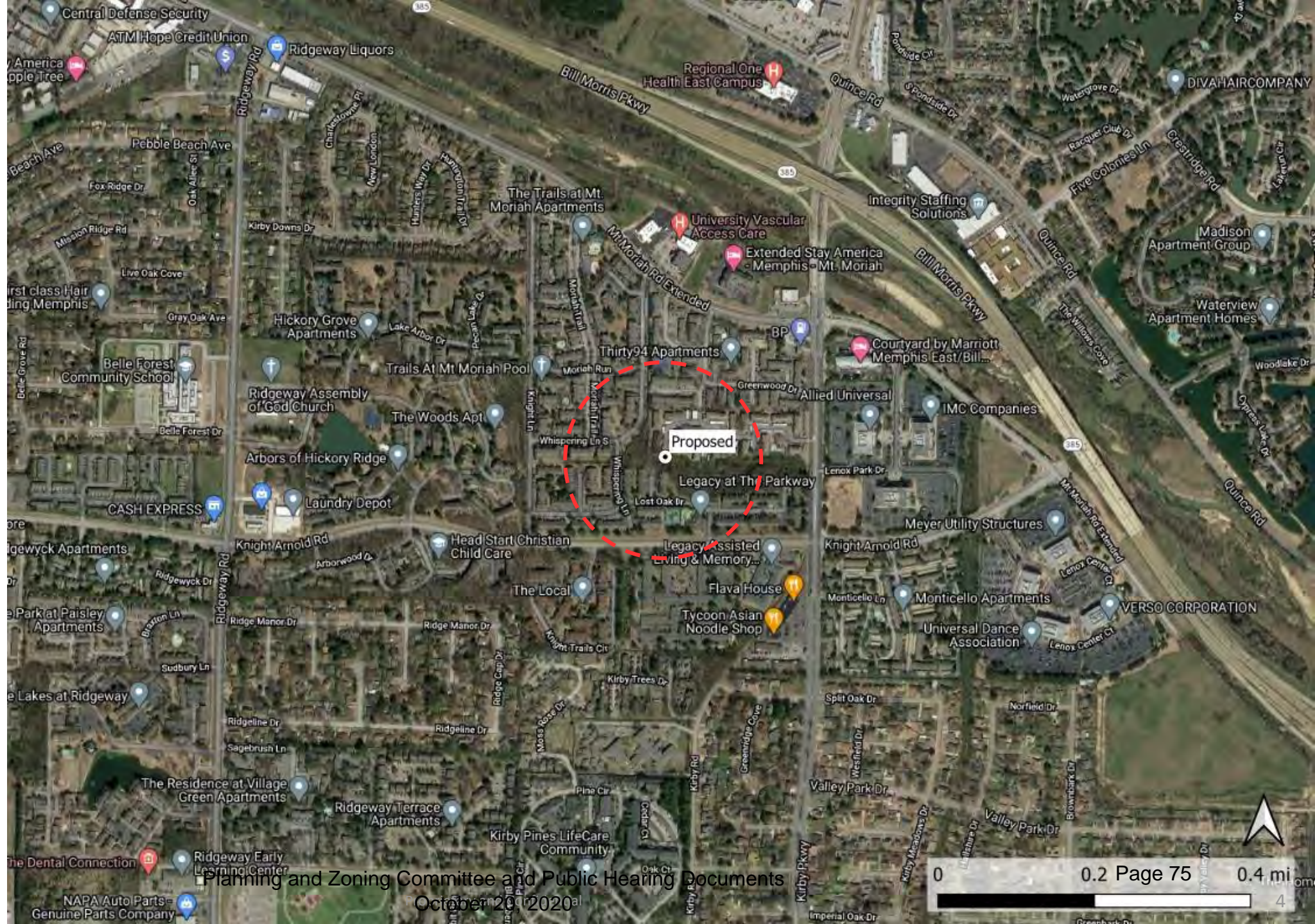
Summary

- Comparison of coverage provided by use of Proposed Tower versus Existing Tower
- Proposed Tower:
 - 3169 Kirby Pkwy
 - Lat, Lon: *35.061743, -89.847145*

Tower Analysis Tower Location



Tower Analysis Tower Location



Prediction - LTE 700 MHz RSRP

- Site / Transmitter Assumptions

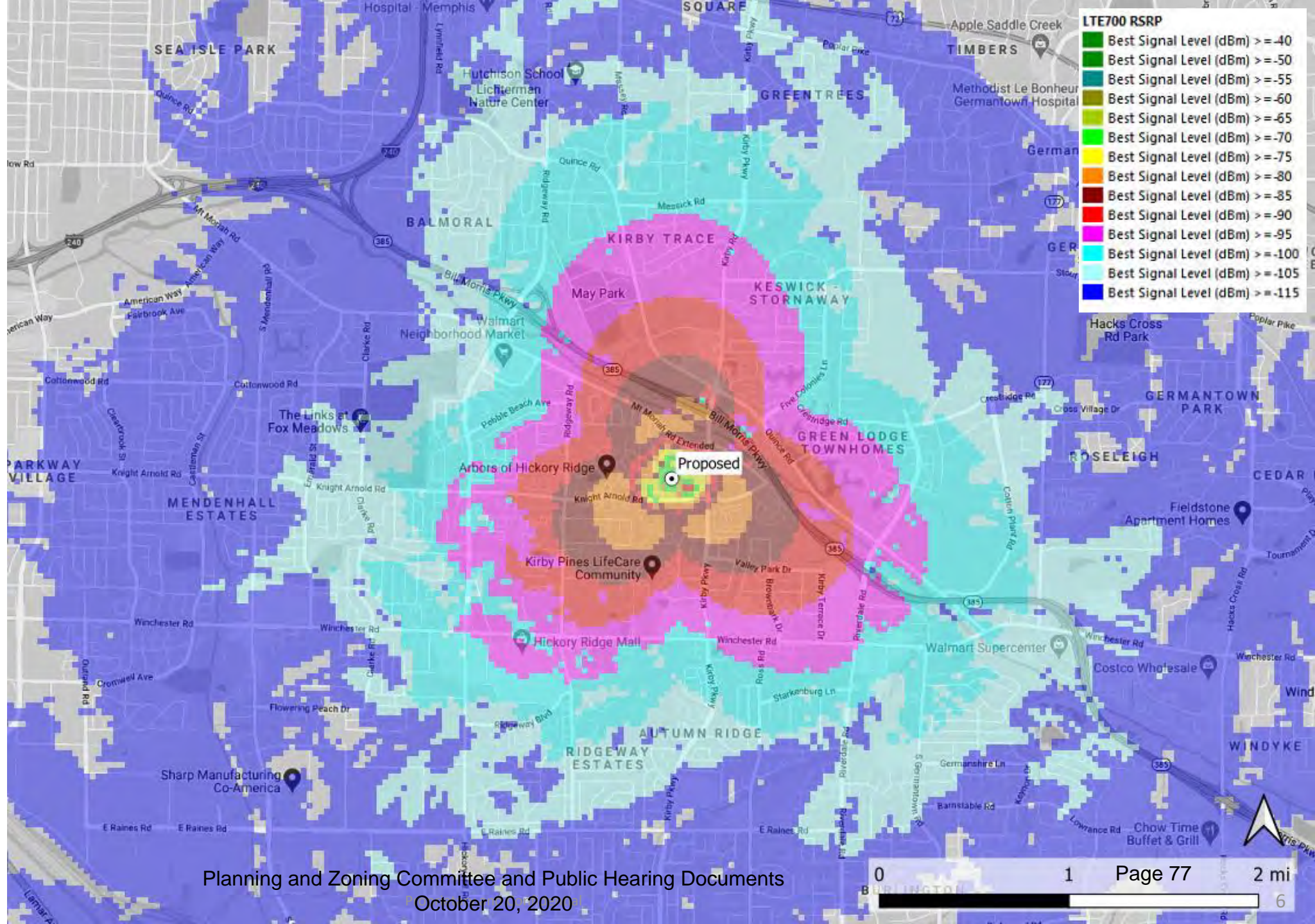
Site	Longitude	Latitude	Altitude (m)	Support Height (m)	Support Type	Antenna	Mech Downtilt	Propagation Model	Maximum Calculation Radius (m)
Proposed	-89.847145	35.061743	[92.93]	54.88	Tower	65deg 17dBi 0Tilt 700/800MHz	0	Atoll Standard Propagation Model (SPM)	10,000

- Cell / Technology Assumptions

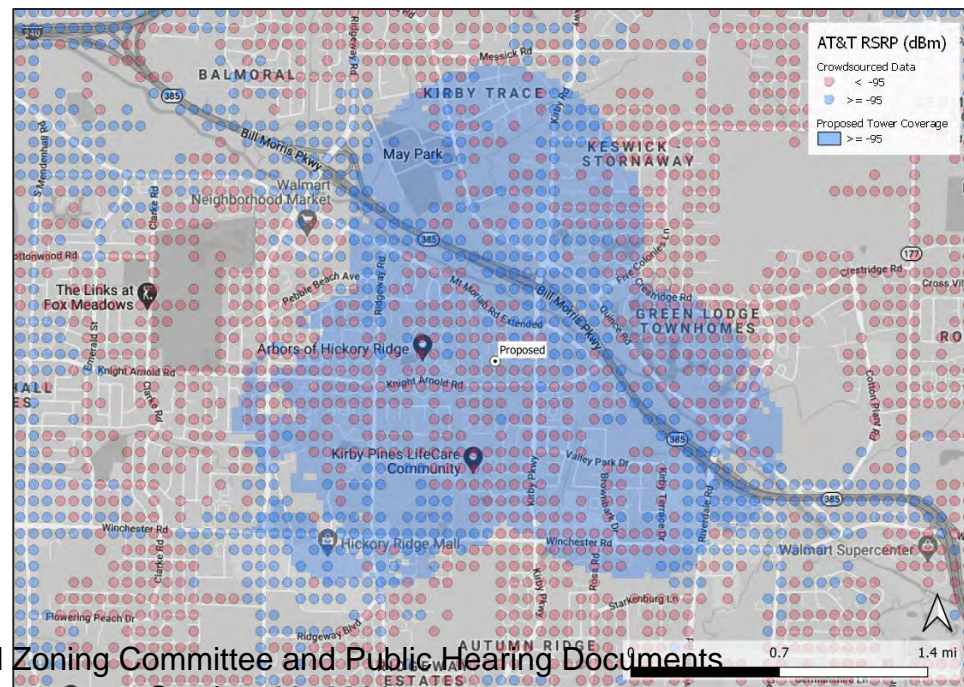
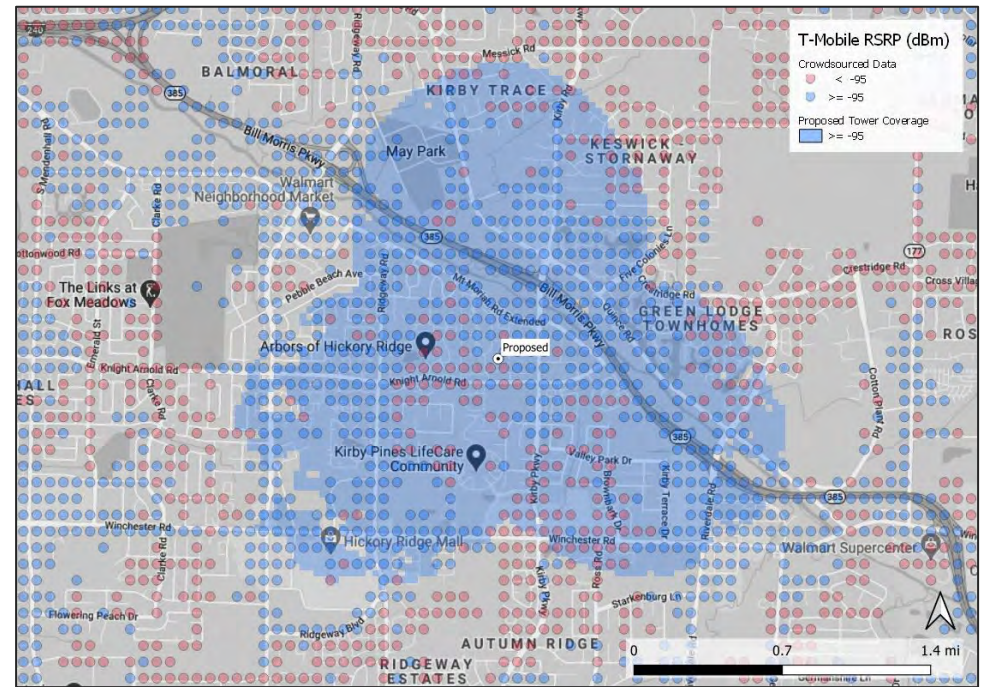
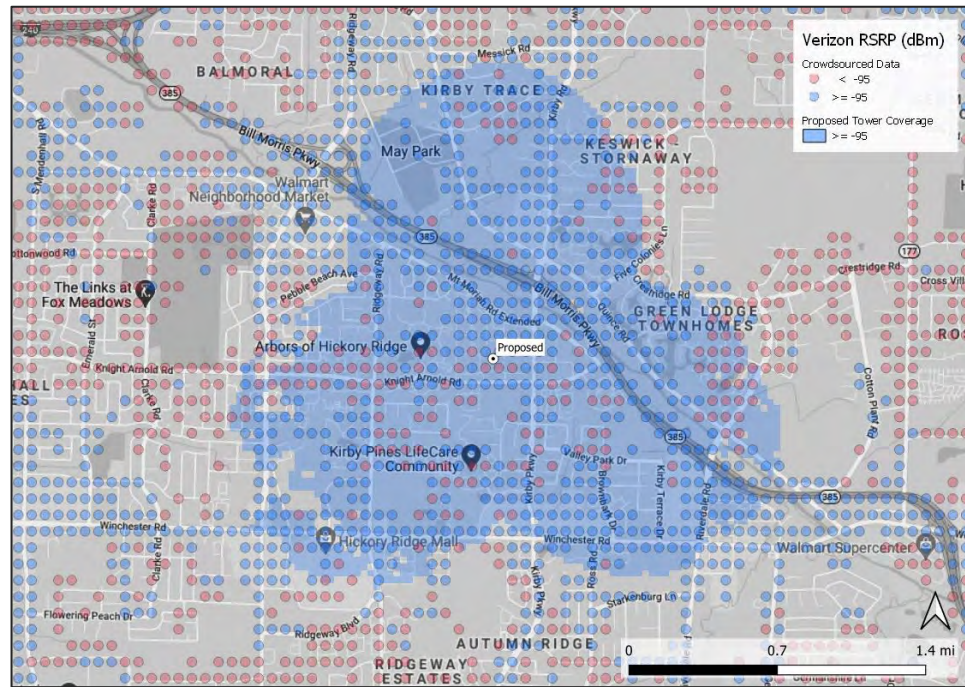
Cell	Type	Freq Band (MHz)	Technology	Tx Power (dBm)	Tx Losses (dB)	Antenna Ht (m)
Proposed	Macro	700/800	LTE	43	2	49

Tower Analysis
LTE
700 MHz
RSRP
Prediction

Proposed
Tower

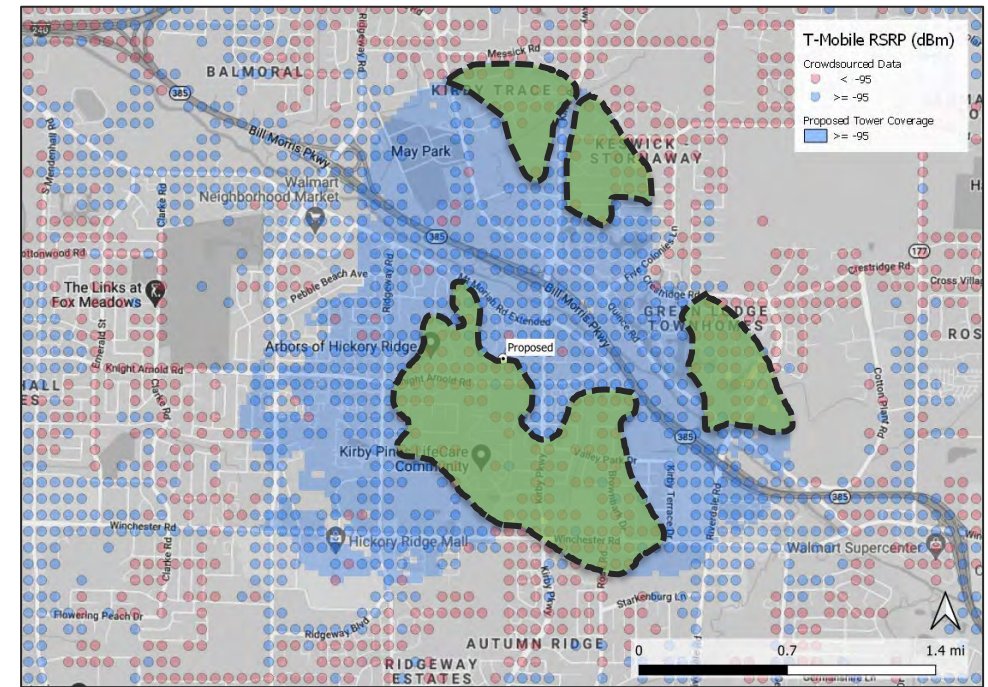
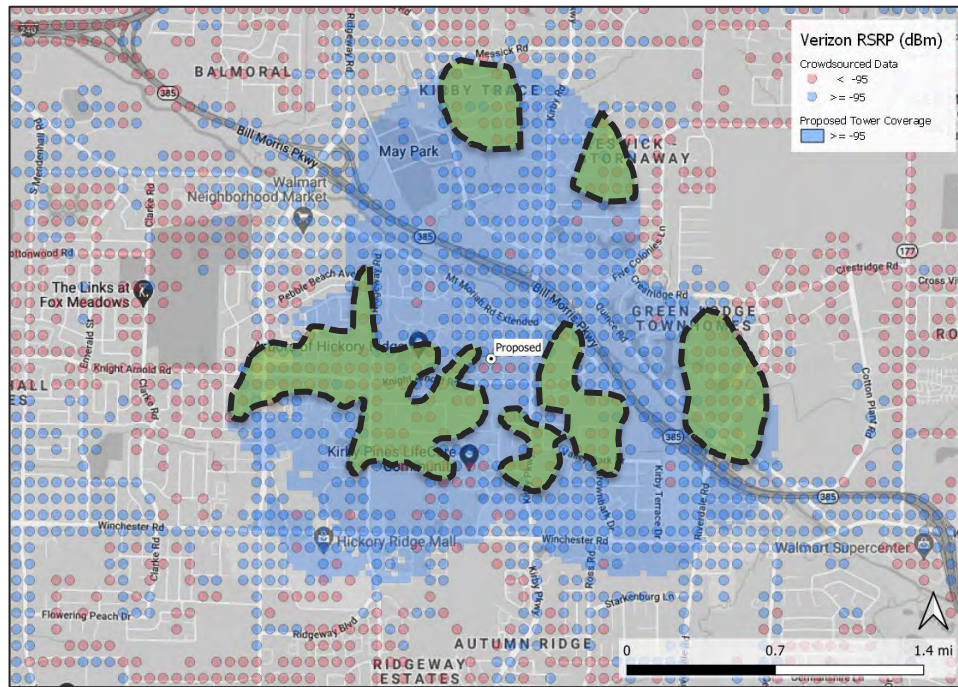



Tower Analysis
LTE
700 MHz
RSRP
Prediction
Proposed
Tower
VS
Existing
Coverage

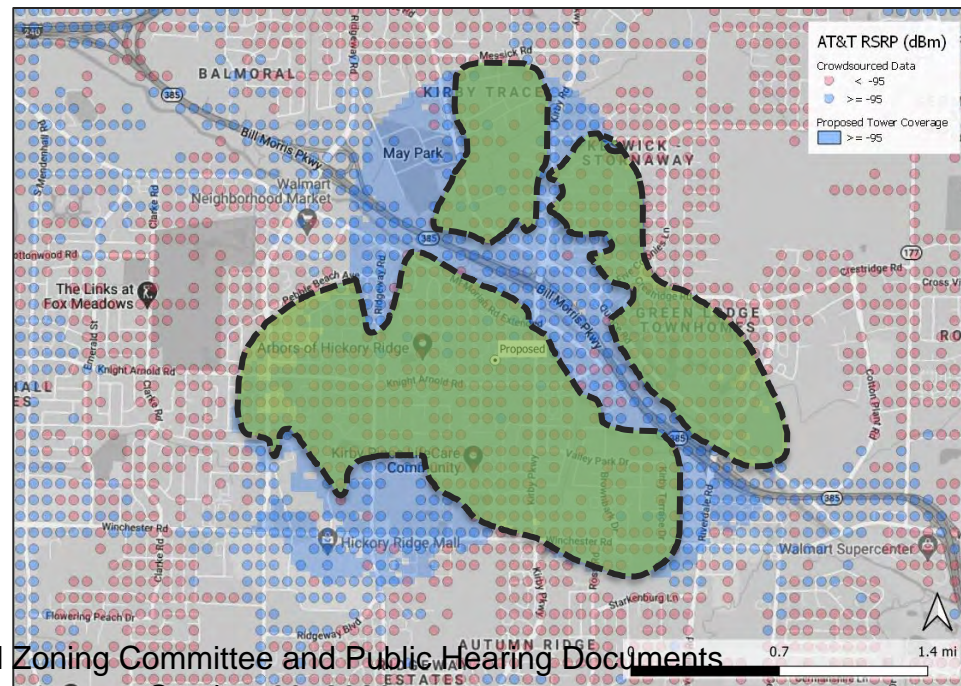


Tower Analysis
 LTE
 700 MHz
 RSRP
 Prediction

Proposed
 Tower
 VS
 Existing
 Coverage



 New coverage that could be provided by proposed tower



FES PROVIDES INNOVATIVE PRODUCTS AND SERVICES TO THE TELECOMMUNICATIONS INDUSTRY. WE DELIVER CREATIVE SOLUTIONS THAT ENABLE OUR CLIENTS TO ACHIEVE THEIR GOALS.



<http://furtherllc.com>

Planning and Zoning Committee and Public Hearing Documents

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October 20, 2020

TV6 Argus Towers, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

August 21st, 2020

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: (Kirby and Knight Arnold SUP) **Letter of Intent** for a One Hundred Sixty Foot (160') Monopole Communications ("CMCS") Tower at 3169 Kirby Parkway, Memphis, TN 38115 (Parcel ID #093200 00221)

Dear Mr. Whitehead:

TV6 Argus Towers, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred Seventy Foot (160') CMCS tower at 3169 Kirby Parkway (Parcel ID #093200 00221) Memphis, TN 38115. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 26' x 60'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats. This gate type is needed due to security concerns. A Service Tech needs to be able to investigate the compound, prior to entry. We are proposing building landscape screens for the north, east and west sides of the Tower site. The proposed tower is to be located in vacant, wooded area of a large parcel.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TV6 Argus Towers, LLC - Tower Ventures, appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,



Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TV6 Argus Towers, LLC - Tower Ventures
lou@towerventures.com

TV6 Argus Towers, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

August 21st, 2020

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: (Kirby and Knight Arnold SUP) **Government Compliance** for a One Hundred Sixty Foot (160') Monopole Communications ("CMCS") Tower at 3169 Kirby Parkway, Memphis, TN 38115 (Parcel ID #093200 00221)

Dear Mr. Whitehead:

The proposed tower at 3169 Kirby Parkway (Parcel ID # 093200 00221), Memphis, TN, 38115 will kindly comply with all regulations administered by the Federal Aviation Administration, the Federal Communications Commission and all other applicable Federal, State and Local governmental bodies.

Sincerely,



Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TV6 Argus Towers, LLC - Tower Ventures
lou@towerventures.com

TV6 Argus Towers, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

August 21st, 2020

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: (Kirby and Knight Arnold SUP) **Letter of Shared Use** for a One Hundred Sixty Foot (160') Monopole Communications ("CMCS") Tower at 3169 Kirby Parkway, Memphis, TN 38115 (Parcel ID #093200 00221)

Dear Mr. Whitehead:

TV6 Argus Towers, LLC kindly commits to allow shared use of the proposed tower at 3169 Kirby Parkway (Parcel ID #093200 00221), Memphis, TN 38115 in capacities based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge for shared use, the potential use is technically compatible, and the future applicant is in good standing.

Sincerely,



Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TV6 Argus Towers, LLC- Tower Ventures
lou@towerventures.com

TV6 Argus Towers, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

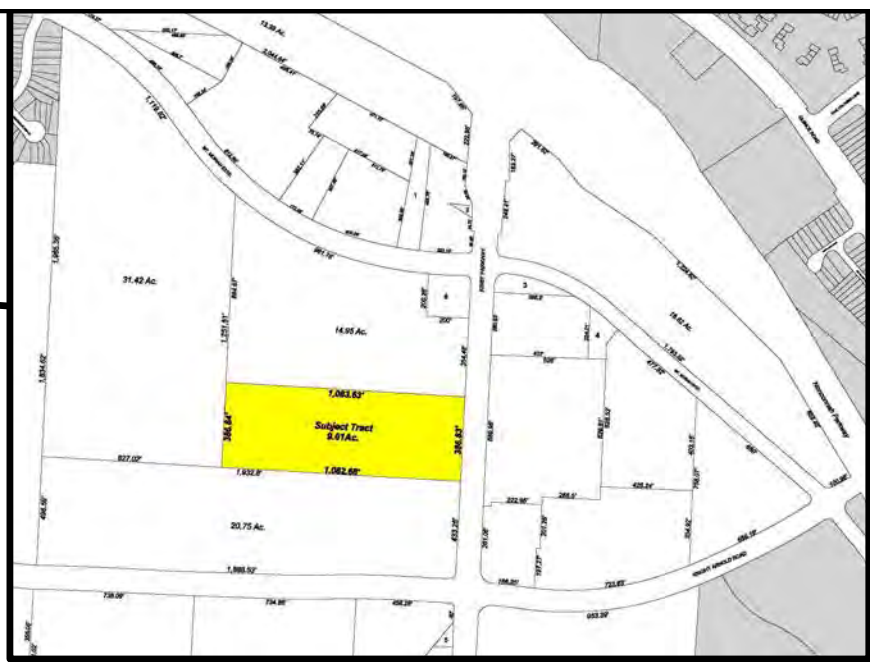
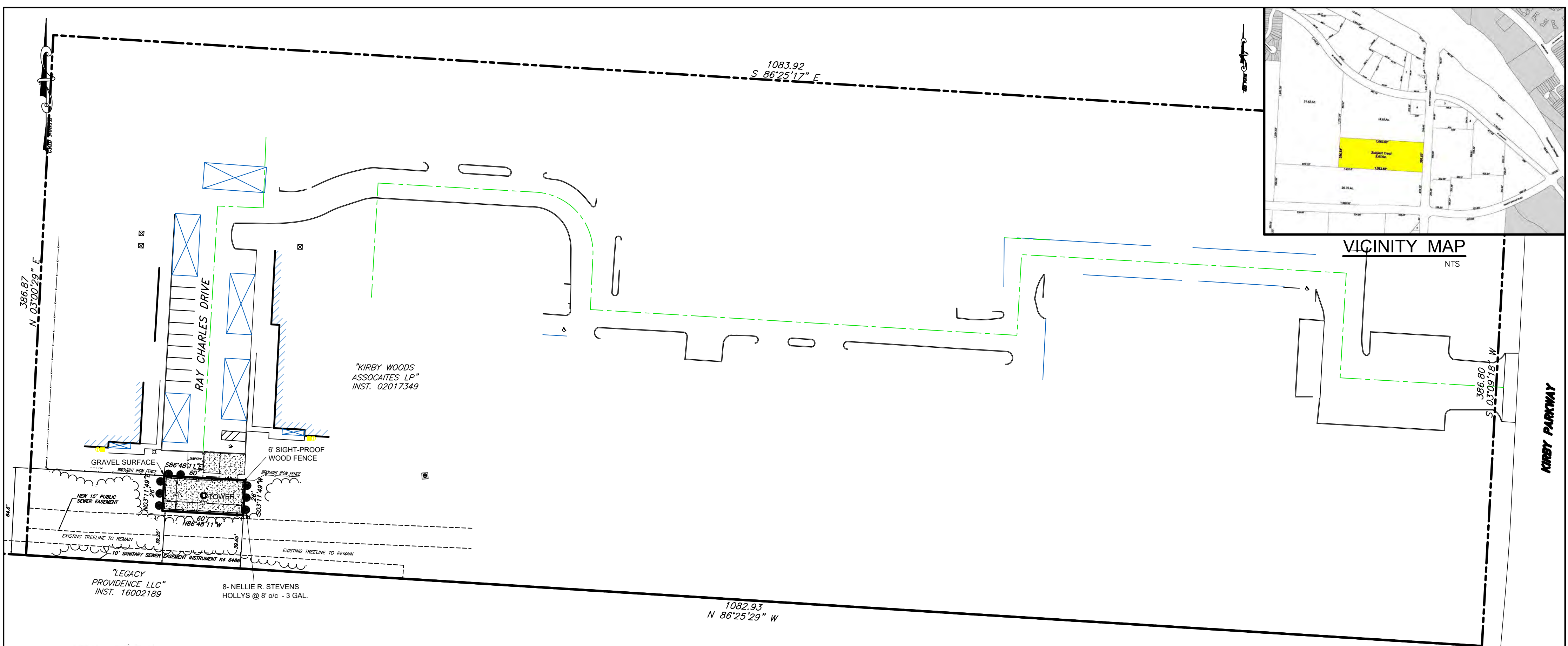
August 21st, 2020

Memphis and Shelby County Office of Planning and Development
Memphis City Hall
C/O Mr. Josh Whitehead
Suite # 468
125 North Mid-American Mall
Memphis, TN 38103-2084

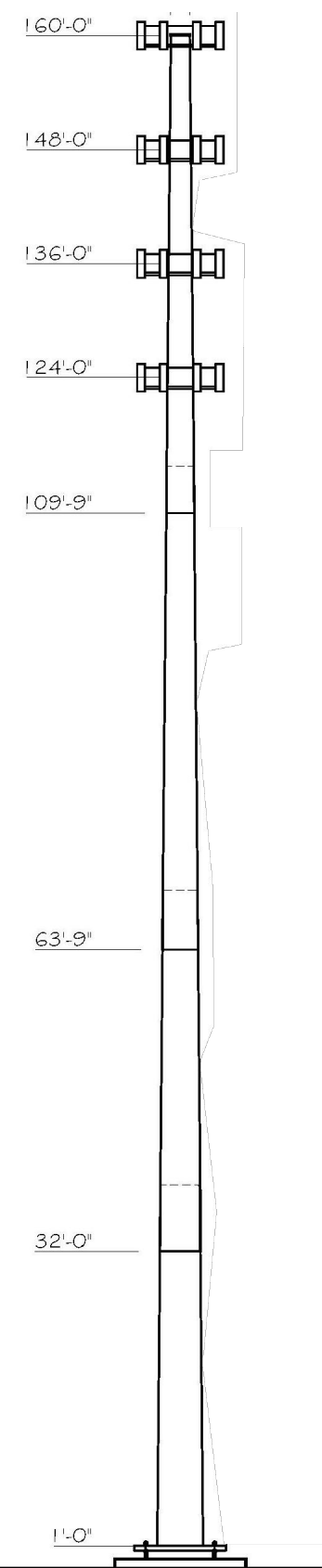
RE: (Kirby and Knight Arnold SUP) **Proposed Tower Conditions** for a One Hundred Sixty Foot (160') Monopole Communications ("CMCS") Tower at 3169 Kirby Parkway, Memphis, TN 38115 (Parcel ID #093200 00221)

3169 Kirby Parkway - Proposed Tower Conditions:

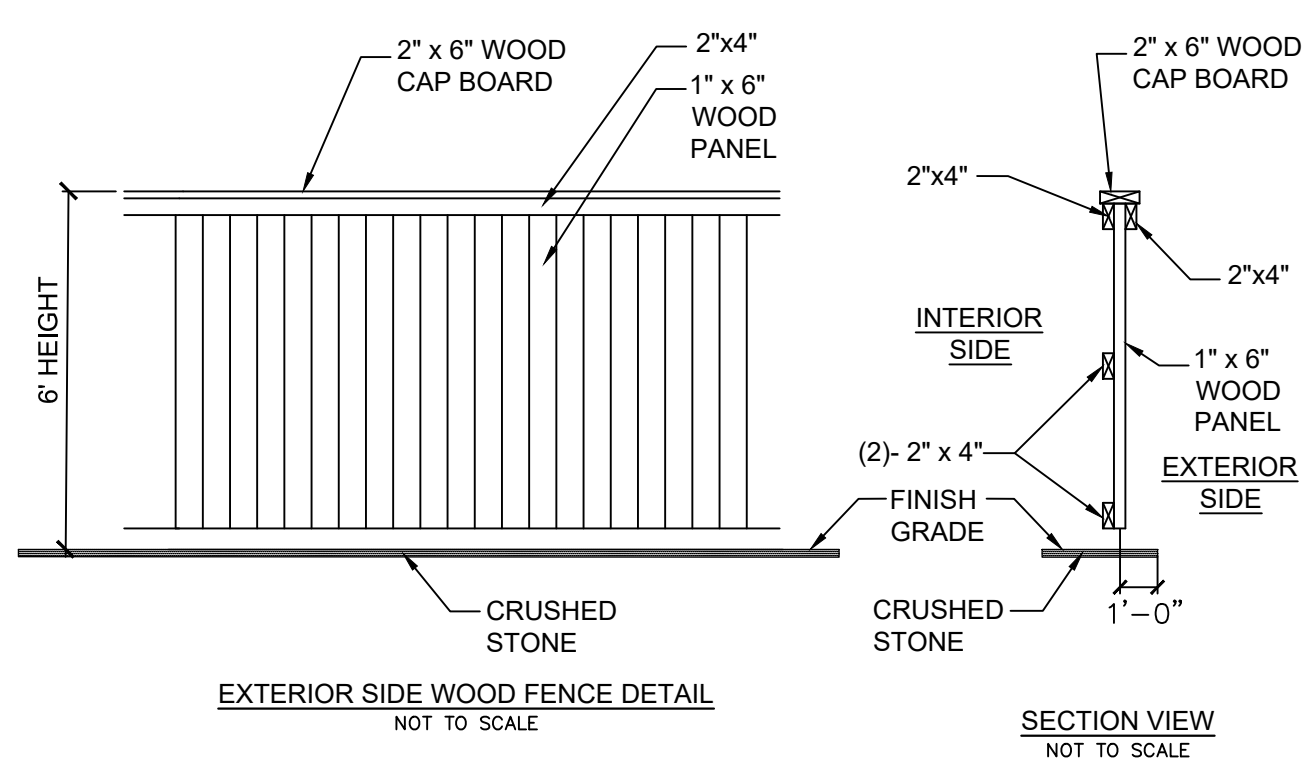
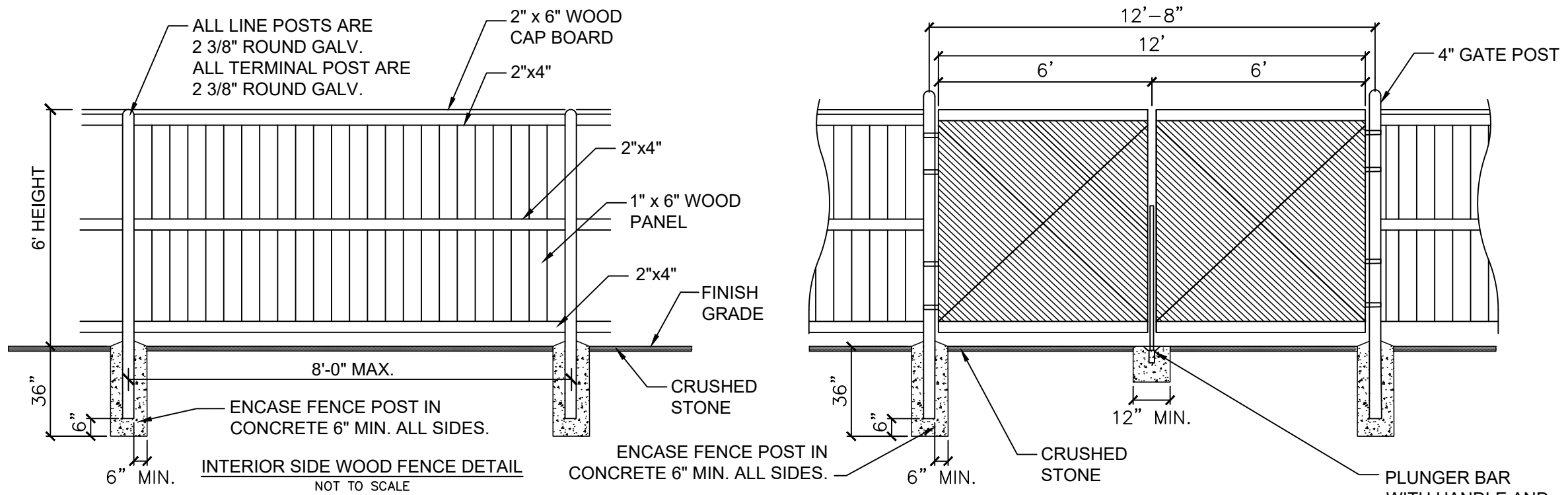
- 1) One Hundred ten-foot (160') "Mono-pole" CMCS Designed for **Four (4)** set of Full Antenna Arrays
- 2) Six-foot (6') wooden site-proof Fence.
- 3) Chain link Gates with privacy slats.
- 4) A 26 ft x 60 ft Tower Lease Area.
- 5) Landscaping screens will be built on the, North, East and sides of the tower compound.
- 6) "Gator Bags" or Water Bags will finish the irrigation for the landscaping.
- 7) Access will run east of site, back to Kirby Parkway



SITE LAYOUT
SCALE: 1" = 50'-0"



160' MONOPOLE ELEVATION
NTS

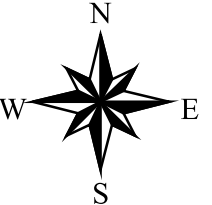
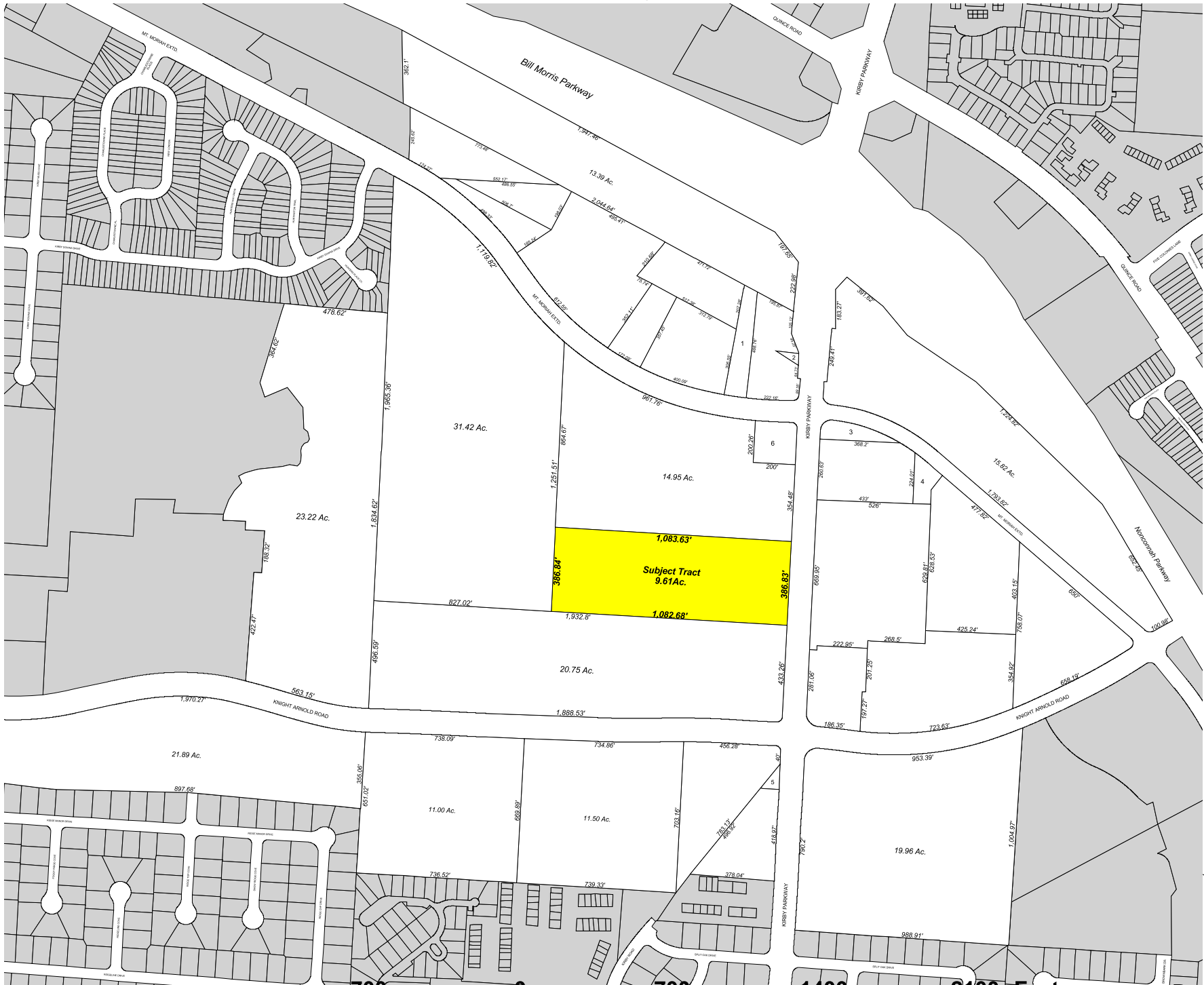


FENCE ENCLOSURE DETAIL
NTS

- NOTES:
1. FENCE CONSTRUCTION TO BE CONDUCTED IN ACCORDANCE WITH LOCAL DESIGN CODES.
 2. ALL LUMBER SHALL BE PRESSURE TREATED.
 3. ALL HARDWARE SHALL BE HOT DIP GALVANIZED. NO PLATED MATERIAL SHALL BE ALLOWED.
 4. WOOD SLATS SHALL BE PINE.
 5. PRIVACY FENCE FRAME WORK SHALL BE 2"x4".
 6. FENCE TO BE NATURAL BROWN IN COLOR.
 7. LINE POST SHALL BE 2 3/8"Ø PIPE HOT DIPPED GALVANIZED.
 8. TERMINAL POST SHALL BE 2 3/8"Ø PIPE HOT DIPPED GALVANIZED.
 9. GATE FRAME WORK SHALL BE 2"Ø PIPE HOT DIPPED GALVANIZED.
 10. GATE POST SHALL BE 4"Ø SCH. 40 PIPE HOT DIPPED GALVANIZED.

FINAL SITE PLAT-SUP 20-		
3169 KIRBY PARKWAY PART OF THE KIRBY WOODS ASSOCIATES LP 9.614 ACRE PROPERTY 160' MONOPOLE CMCS TOWER		
PARCEL ID - 09320000221	1,560 SQUARE FEET	ZONED: RU-3
MEMPHIS, TENNESSEE		
TENANT: TVT I, LLC 495 TENNESSEE ST., STE. 107 MEMPHIS TN 38103	PREPARED BY: PRIME DEVELOPMENT GROUP 7520 CAPITAL DRIVE GERMANTOWN, TENNESSEE 38138	
100 YEAR FLD. ELEV. 233.0	F.E.M.A. MAP PANEL NUMBER 47157C0465F	F.E.M.A. MAP DATE: SEPT. 28, 2007
DATE: AUGUST 2020	SCALE: 1"= 50'-0"	SHEET 1 OF 1 Page 85

Vicinity Map

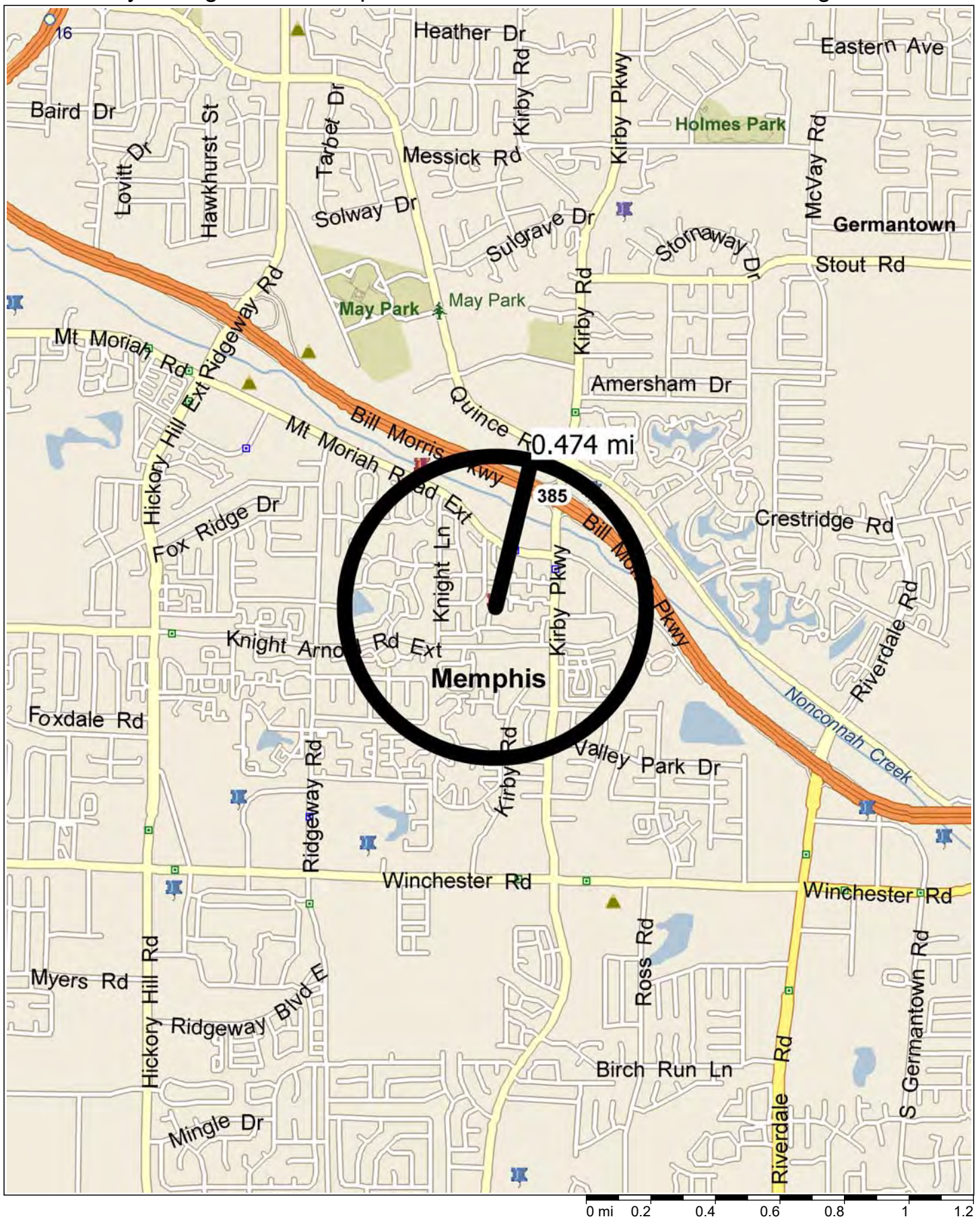


790 0 700 1400 2100 Feet

Planning and Zoning Committee and Public Hearing Documents

October 20, 2020

Kirby & Knight Arnold Proposed TWR - Distances to Nearest Existing TWR



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Sign Affidavit for S.U.P. Case Number: 20-11

County of Shelby
State of Tennessee

I, Lou Katzerman, being duly sworn, depose and say that at approximately 09.30am on the 24th day of September, 2020 I posted one (1) Public Notice Sign pertaining to Case No. SUP 20-11 at 3169 Kirby Parkway Memphis, TN 38115 - (Parcel ID #093200 00221), providing notice of a Public Hearing before the Land Use Control Board (Hearing on October 8th, 2020) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of said sign.



TV6 Argus Towers, LLC (Tower Ventures), Applicant
Louis Katzerman, Zoning Manager

9/24/2020

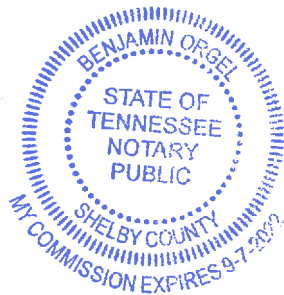
Date

Subscribed and sworn to before me this 24th day of September 2020.



Notary Public

My Commission Expires:





**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

October 9, 2020

Kirby Woods Associates LP, C/O Makowsky, Ringel and Greenberg
1010 June Road
Memphis, TN 38119

Sent via electronic mail to: mgreenberg@mrgmemphis.com/lou@towerventures.com

OPD File Number: SUP 20-11
L.U.C.B. Recommendation: Approval with conditions

Dear applicant,

On Thursday, October 8, 2020, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow for a 160-foot Monopole Communications (CMCS) Tower, subject to the following conditions:

1. The existing tree line shall remain as shown on the final plat, along with eight (8) Nellie R. Stevens Hollies planted along the north, east, and sides of the tower compound for further screening as shown on the final plat. “Gator Bags” or Water Bags will finish the irrigation for the landscaping.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats.
3. Access to the Tower’s compound will run east of the site, back to Kirby Parkway.
4. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower’s compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower’s capacity, including the number and type of antennas which it can accommodate shall be submitted to the Office of Construction Code Enforcement staff before any permits are issued.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant’s representative(s) shall be in attendance at all meetings and hearings.

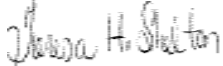
It is the applicant’s responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

Letter to Applicant
SUP 20-11

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6619 or via email at seth.thomas@memphistn.gov.

Respectfully,



Teresa Shelton
Municipal Planner
Land Use and Development Services

Cc: Lou Katzerman, Tower Ventures



S.U.P. 20-11 (CMCS Tower)
NOTICE OF NEIGHBORHOOD MEETING

Dear Neighbor:

Tower Ventures,(TV6 Argus Towers, LLC) a Memphis based Tower Developer, has filed an application for a special use permit (SUP 19-38) with the Office of Planning & Development. We are kindly requesting your presence at a neighborhood meeting to be held on Tuesday Evening September 29th, to discuss a proposal to build a CMCS communications (Cell) tower and facilities at the Ellington Apartments, westside of complex at 3178 Ray Charles Drive Memphis, TN, 38115. The proposed CMCS tower will be one-hundred-sixty (160') feet in height.

COVID-19 Restrictions will apply. You MUST wear a must to attend meeting and Social Distancing will apply. If you cannot attend meeting, please call, (901) 239-3892 to be connected via Cellphone.

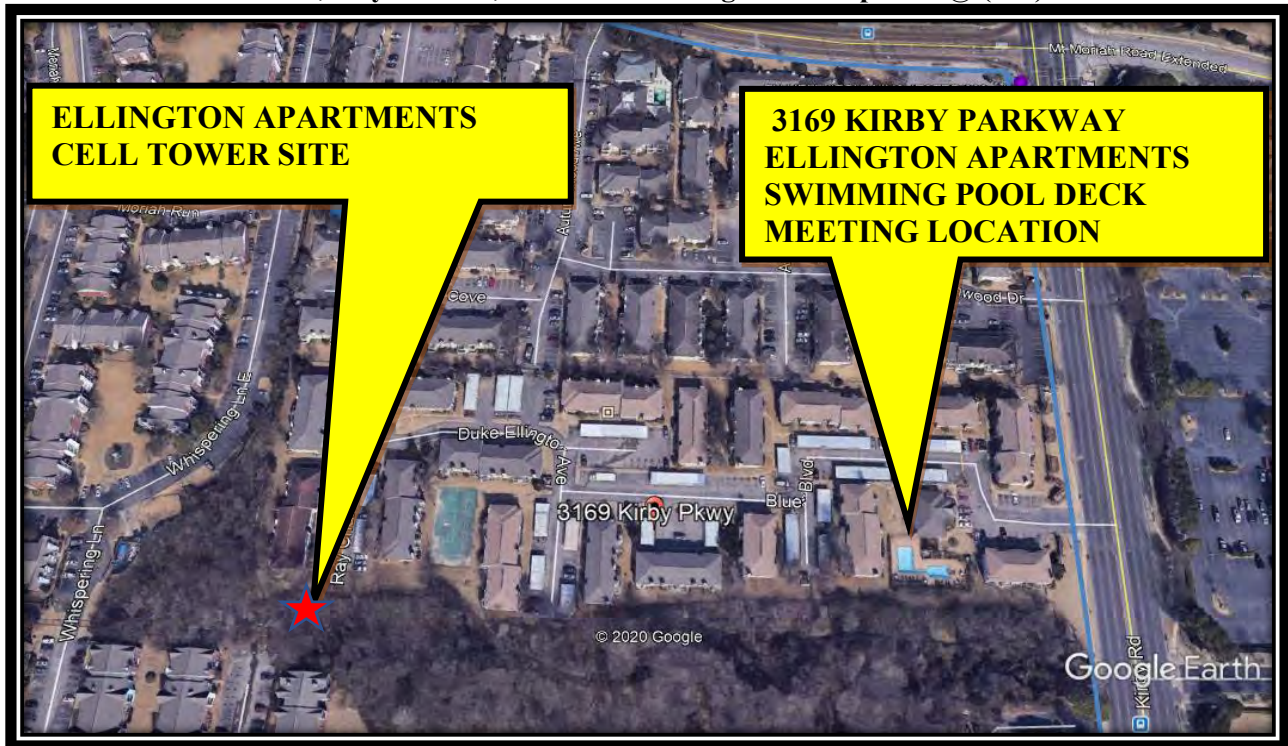
The proposed tower site is located, on a vacant, heavily wooded property, as shown on the attached map. A Public Hearing will be held by the Memphis & Shelby County Land Use Control Board on Thursday, October 8th, 2020 @ 09.30 o'clock a.m. Watch Land Use Control Board Meeting via the Web at: https://www.youtube.com/c/divisionofplanninganddevelopment

NEIGHBORHOOD MEETING DETAILS:

Time: 6.00 p.m. to 7:00 p.m.

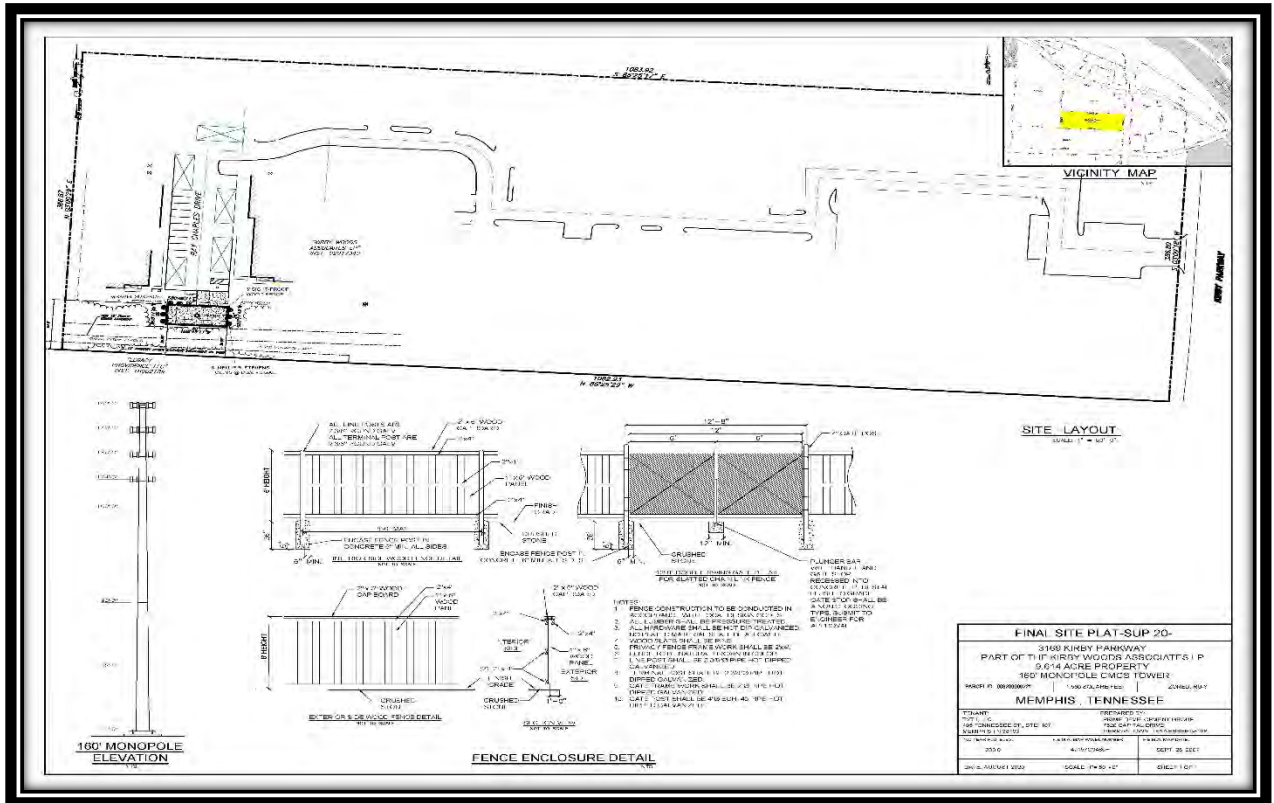
Date: Tuesday Evening September 29th, 2020

Location: Ellington Apartments Swimming Pool Deck , 3169 Kirby Parkway - as shown on Map below.
Questions concerning this application may be directed to:
Lou Katzerman, Tower Ventures @ (901) 244-4017; or
Teresa Shelton, City Planner, Office of Planning & Development @ (901) 636-6619

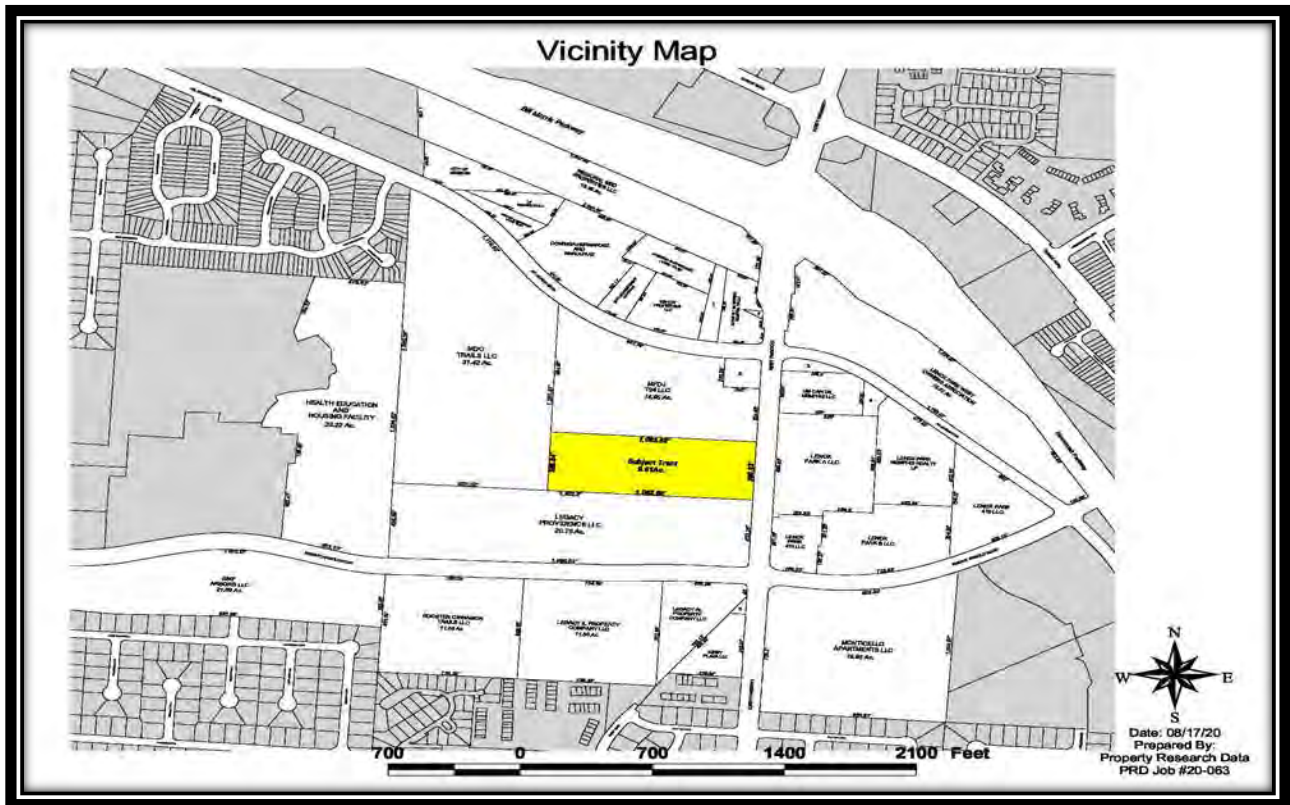


Site-Plan and Vicinity Plan-Back Page

Site Plan



Site Plan



Vicinity Map

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 20 October 2020
DATE**

**PUBLIC SESSION: 20 October 2020
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a truck stop and gas pumps

CASE NUMBER: SUP 20-12

DEVELOPMENT: Fill-N-Go Truck Stop

LOCATION: Part of 2939 South Third Street and part of 2920 New Horn Lake Road

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER: LFM, Inc.

APPLICANT: Abdallah Ayesh

REPRESENTATIVE: Tim Dagastino of W. H. Porter Consultants, PLLC

EXISTING ZONING: Employment and Heavy Industrial

REQUEST: Special use permit for a truck stop and gas pumps

AREA: 7 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
 10 September 2020 _____ 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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A TRUCK STOP AND GAS PUMPS AT PART OF 2939 SOUTH THIRD STREET AND PART OF 2920 NEW HORN LAKE ROAD, KNOWN AS CASE NUMBER SUP 20-12.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated 10 August 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, Abdallah Ayesh filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a truck stop and gas pumps;

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 the consistency of its design and amenities 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 10 September 2020, 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 requested 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 Occupancy, or a Building Permit, or other relevant permits and approvals, provided that no such Certificate of 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.

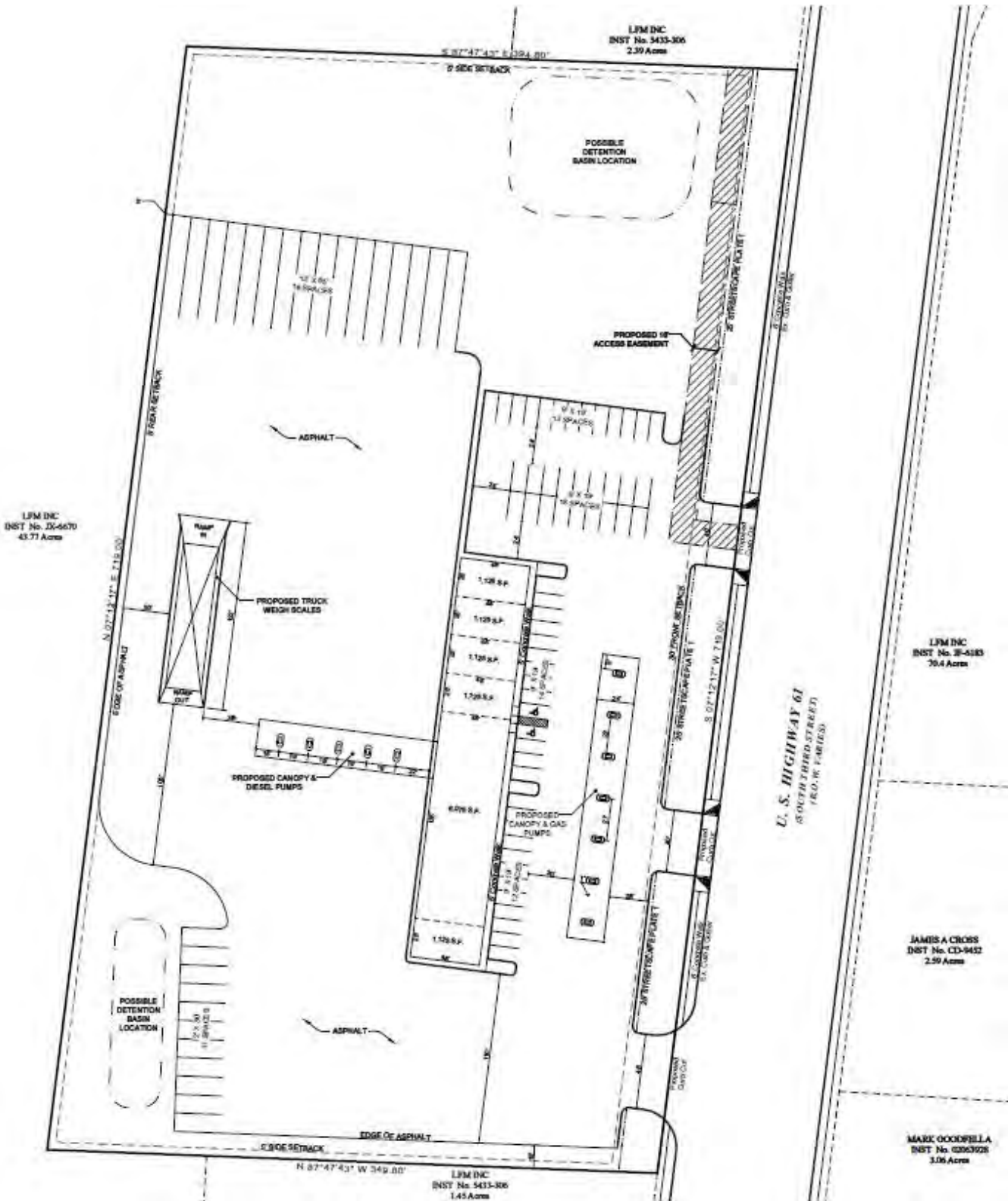
ATTEST:

CONDITIONS

1. The existing billboard shall be removed.
2. All facades of the principal structure shall be of masonry construction.
3. The landscape design shall prioritize native plantings.
4. A revised plan set that demonstrates compliance with the Unified Development Code and the above conditions of approval, as well as substantial conformance with the proposed site plan, shall be submitted subject to administrative review and approval.

PROPOSED SITE PLAN

[Not yet approved in accordance with Condition 4]





Memphis City Council Summary Sheet

SUP 20-12

Resolution for a special use permit for a truck stop and gas pumps:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development sponsors this application at the request of the Owner: LFM, Inc. and Applicant: Abdallah Ayesh; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 10 September 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 20-12
LOCATION: Part of 2939 South Third Street and part of 2920 New Horn Lake Road
COUNCIL DISTRICT(S): District 6 and Super District 8
OWNER: LFM, Inc.
APPLICANT: Abdallah Ayesh
REPRESENTATIVE: Tim Dagastino of W. H. Porter Consultants, PLLC
REQUEST: Special use permit for a truck stop and gas pumps
EXISTING ZONING: Employment and Heavy Industrial
AREA: 7 acres

The following spoke in support of the application: Henry Porter

The following spoke in opposition the application: Yvonne Nelson

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 *failed* by a vote of 2-8.



STAFF REPORT

AGENDA ITEM: 13

CASE NUMBER: SUP 20-12 **L.U.C.B. MEETING:** 10 September 2020
LOCATION: Part of 2939 South Third Street and part of 2920 New Horn Lake Road
COUNCIL DISTRICT: District 6 and Super District 8
OWNER: LFM, Inc.
APPLICANT: Abdallah Ayesh
REPRESENTATIVE: Tim Dagastino of W. H. Porter Consultants, PLLC
REQUEST: Special use permit for a truck stop and gas pumps
AREA: 7 acres
EXISTING ZONING: Employment and Heavy Industrial

CONCLUSIONS (p. 13)

- The applicant has requested a special use permit for a truck stop and gas pumps on the west side of S. 3rd St. between Peebles and Interstate 55.
- Truck stops and gas pumps are permitted by right in the Employment and Heavy Industrial zoning districts only if located at the intersection of two major streets; otherwise, a special use permit is required.
- Presently, the site contains a billboard. This sign would be removed if the proposed development is built.
- Staff finds that the proposed development would have no deleterious effect on its vicinity and meets the special use permit approval criteria.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 14-15)

Per the Office of Comprehensive Planning, the proposal is consistent with the Memphis 3.0 General Plan.

RECOMMENDATION (p. 13)

Approval with conditions

GENERAL INFORMATION

Street Frontage: South Third Street (Principle Arterial) 719 linear feet
Zoning Atlas Page: 2225
Parcel ID: Part of 050125 00001 and part of 075002 00003C
Existing Zoning: Employment and Heavy Industrial

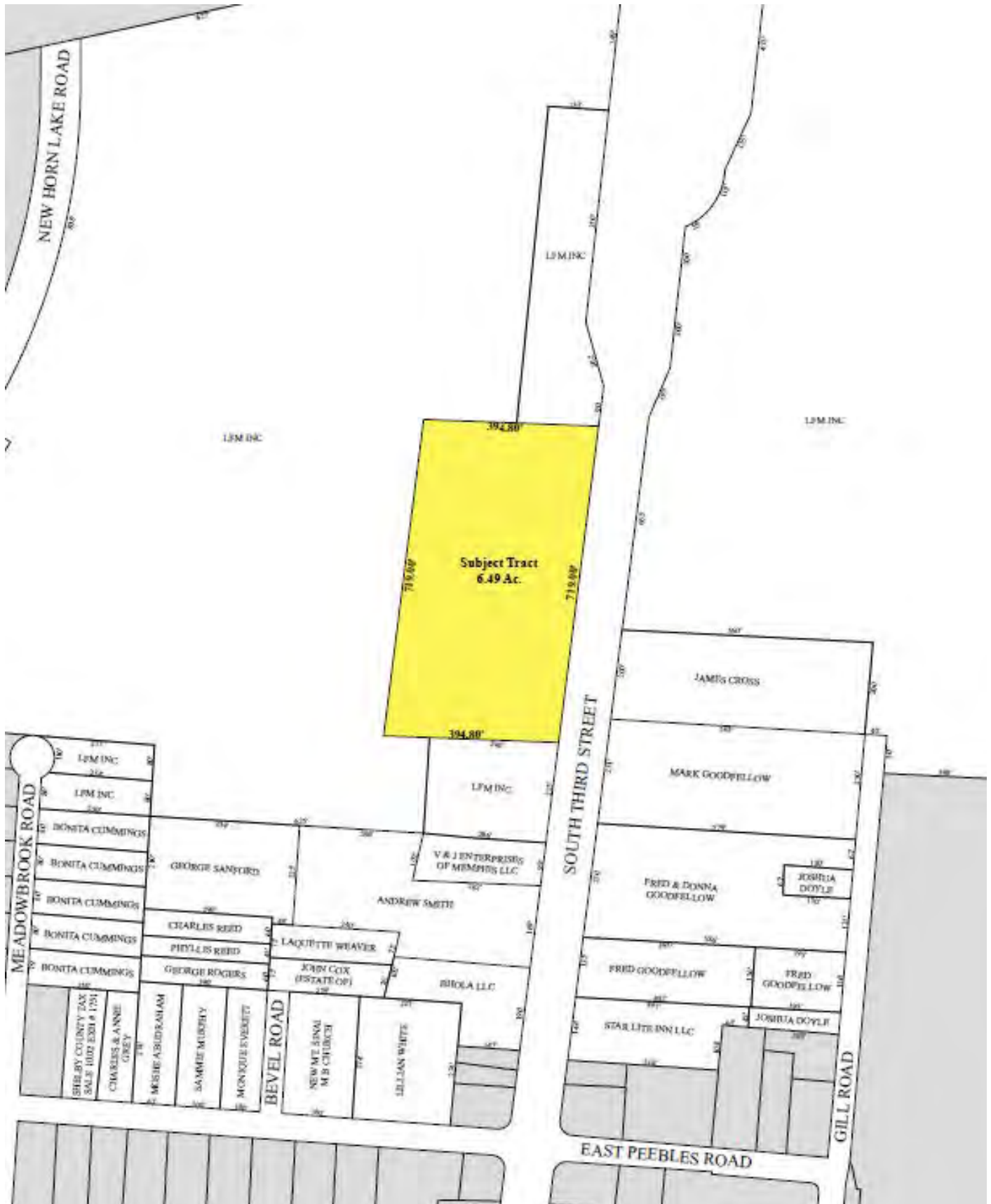
NEIGHBORHOOD MEETING

The meeting was held telephonically on 26 August 2020.

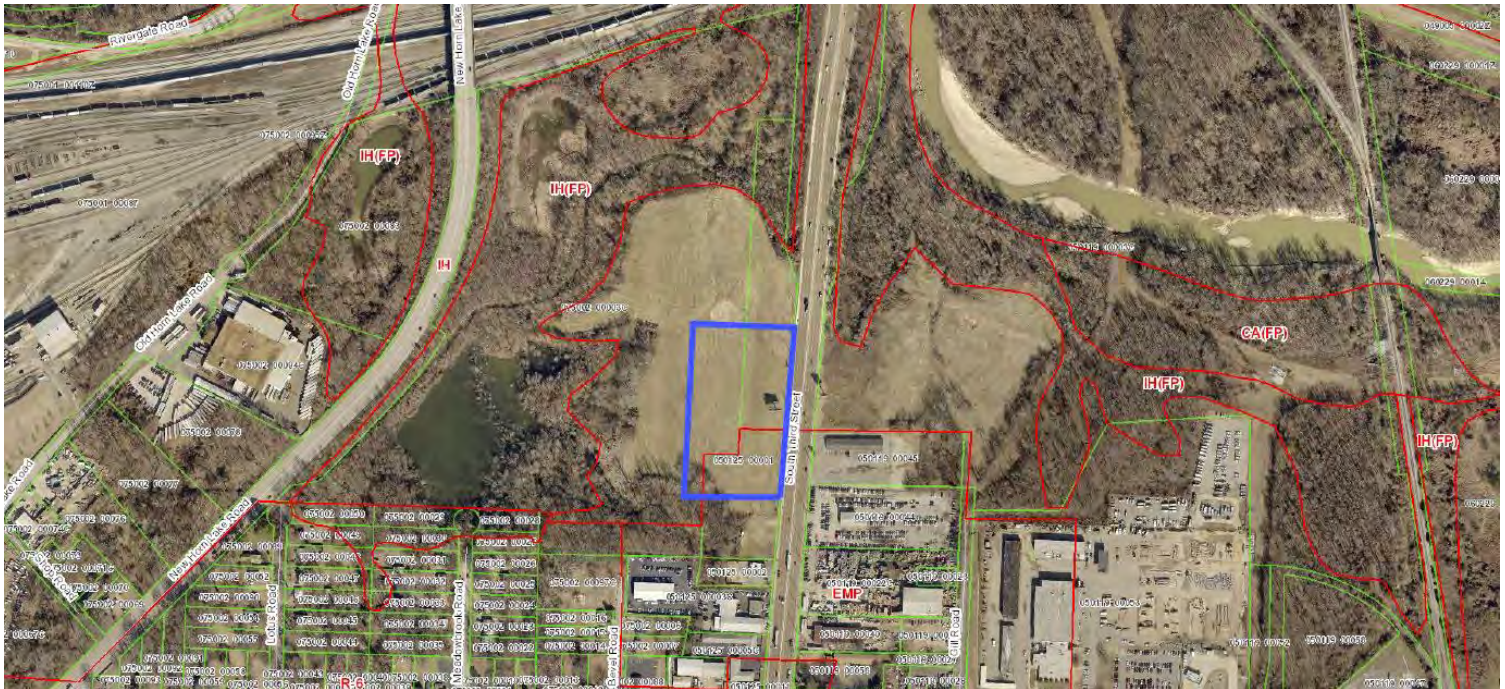
PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 25 notices were mailed on 28 August 2020, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

VICINITY MAP



AERIAL PHOTOGRAPH WITH ZONING



Existing Zoning: Employment and Heavy Industrial

Surrounding Zoning

North: Heavy Industrial

East: Employment and Heavy Industrial

South: Employment and Heavy Industrial

West: Heavy Industrial

LAND USE MAP



SITE PHOTOS



View of site



Views north down S. 3rd



Views south down S. 3rd

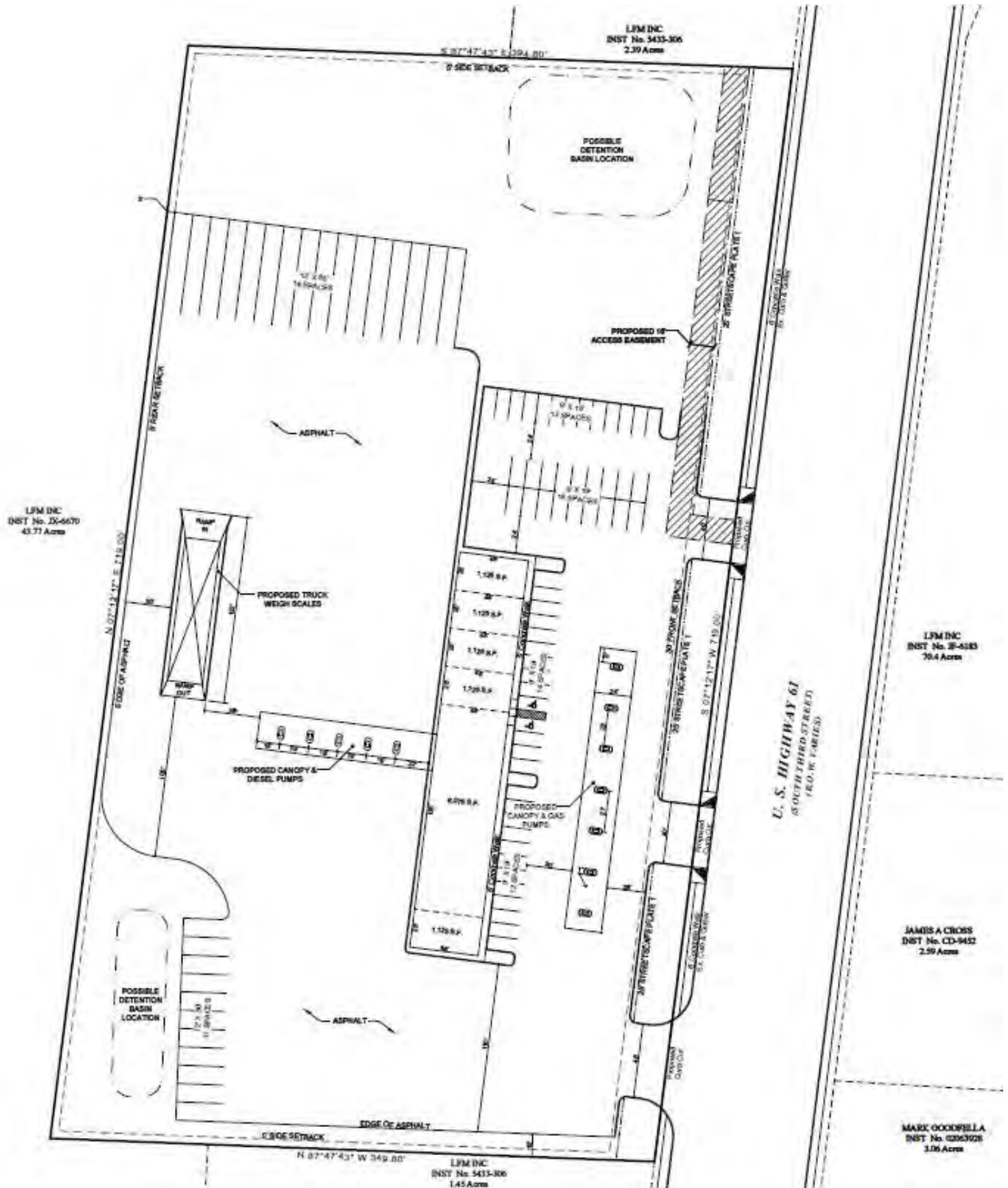
PROPOSED RECONFIGURATION OF PARCELS



Currently, the subject site is a part of two parcels. As proposed, the boundaries of these parcels would be reconfigured so that the subject site is one individual parcel, and the remainder of the site is a second parcel.

Both the current configuration and the proposed configuration are exempt from the subdivision requirement because all parcels are or would be over four acres.

PROPOSED SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a truck stop and gas pumps.

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

Approval Criteria

Staff *agrees* the approval criteria as regards 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 insure 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 Description

The subject 7-acre site is part of two parcels. It contains a billboard and is otherwise sodded. Its frontage along S. 3rd St. contains a dilapidated chain-link fence as well as a curbside sidewalk.

Site Plan Review

- Tanks and vents shall be shown on the site plan. Freestanding vents shall not be permitted.
- Canopies shall not exceed a height of 20 feet and shall be architecturally compatible with the principal structure.
- Rope lighting is prohibited. Canopy lighting shall not extend beyond the area beneath the canopy.
- A streetscape plate from Section 4.3.3 shall be installed along the site's frontage. The appropriate plate shall be determined in consultation with the Office of Planning and Development. Sidewalks shall be a minimum of 10 feet from the face of the curb. A pedestrian easement shall be recorded that meets the

dimensions of the approved streetscape.

- Compliance with the tractor trailer parking space requirements of Sub-Section 4.5.5B shall be demonstrated.
- Compliance with the parking area landscaping requirements of Sub-Section 4.5.5D shall be demonstrated. The provision of interior and terminal landscaping islands is not required in tractor trailer parking areas.
- Wheel stops may be required to prevent vehicle overhang on pedestrian paths.
- Underground infrastructure that is placed beneath parking area landscaping islands shall be installed within the outer third of the width of the island so as not to interfere with tree installation.
- Pedestrian facilities shall be provided that connect parking areas, the principle structure, and the sidewalk.
- A landscape plan certified by a registered landscape architect shall be provided.
- Service areas shall be identified on the site plan and shall require screening if visible from the right-of-way.

Conclusions

The applicant has requested a special use permit for a truck stop and gas pumps on the west side of S. 3rd St. between Peebles and Interstate 55.

Truck stops and gas pumps are permitted by right in the Employment and Heavy Industrial zoning districts only if located at the intersection of two major streets; otherwise, a special use permit is required.

Presently, the site contains a billboard. This sign would be removed if the proposed development is built.

Staff finds that the proposed development would have no deleterious effect on its vicinity and meets the special use permit approval criteria.

RECOMMENDATION

Staff recommends *approval* with the following conditions:

1. The existing billboard shall be removed.
2. All facades of the principal structure shall be of masonry construction.
3. The landscape design shall prioritize native plantings.
4. A revised plan set that demonstrates compliance with the Unified Development Code and the above conditions of approval, as well as substantial conformance with the proposed site plan, shall be submitted subject to administrative review and approval.

DEPARTMENTAL COMMENTS

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

Office of Comprehensive Planning:

Based on the future land use map, the proposal is CONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

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

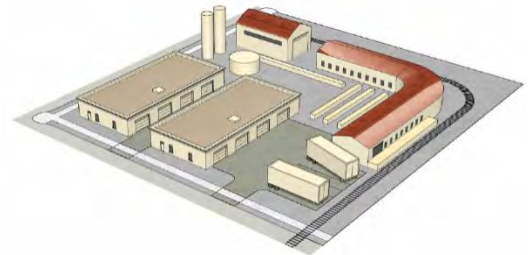
1. FUTURE LAND USE PLANNING MAP



The red box indicates the subject site on the Future Land Use Map.

2. Land use description & applicability:

The property is designated Industrial (I) and is not within an anchor neighborhood. Industrial areas are primarily higher intensity forms that are not suitable next to neighborhoods. These active areas are located on land where it is productive for the continued existence of high impact manufacturing and would not need to change to another usage. Industrial areas are usually located alongside highways and thus are majorly accessed by cars, trucks, and freight infrastructure.



“I” Goals/Objectives:

The future land use designation seeks preservation/maintenance of manufacturing/industrial jobs where suitable and the protection of neighborhoods from impactful uses and activities

“I” Form and Location Characteristics:

The future land use designation is appropriate for Industrial uses that are 1 -10 stories in height.

The request is for a Fill N Go Planned Development, of 6.70 acres for a truck stop and existing advertising signage. The land will be divided to create separate parcels for each use. The current land is vacant except for the sign and is not within a 3.0 anchor.

The truck stop portion of the application meets the criteria of Memphis 3.0 since the development corresponds to the future land use map. It provides commercial use in an area designated Industrial and that is currently zoned heavy industrial. It is a goal of the Industrial designation to preserve industrial jobs but since there is no current

industry or jobs present it is not preserving jobs. It is adding a few jobs with a use that is allowed within the current zoning.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: commercial to the east. Open space to the north, south, east, and west. The subject site is surrounded by the following zoning districts: IH to the west, north and east. EMP to the south and east. The site itself is EMP and IH.

This requested land use is compatible with the adjacent land uses. While the zoning is industrial in nature the planned development of a truck stop while not heavy industry is not encroaching on an established heavy industry. Truck stops are also allowed within industrial zones.

4. Degree of Change



The red box indicates the subject site on the Degree of Change Map. The site is not within or near an anchor and therefore is not designated a degree of change.

5. Degree of Change Descriptions

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

Summary Compiled by: Roger Ekstrom, Office of Comprehensive Planning

City Engineer:

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

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

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

5. 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.
6. Provide a minimum sidewalk width of 6ft if the sidewalk is adjacent to the curb.

Traffic Control Provisions:

7. 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.
8. 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.
9. 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:

10. The City Engineer shall approve the design, number and location of curb cuts.
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
12. The curb cut spacing reflected on the site plan shall be revised to provide at least 200ft between curb cuts.

Drainage:

13. 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.
14. 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.
15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. 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.

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

Site Plan Notes:

18. Common ingress/egress easements shall be shown on the final plats.

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City 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.

APPLICATION



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

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

Date: 9/3/20 Case #:

PLEASE TYPE OR PRINT

Name of Development: Fill N Go

Property Owner of Record: LFM, Inc. Phone #: N/A

Mailing Address: 100 Peabody Place, Suite 1400 City/State: Memphis/TN Zip 38103

Property Owner E-Mail Address:

Applicant: Abdalan Ayesh Phone # N/A

Mailing Address: 4135 Riverdale Road City/State: Memphis/TN Zip 38115

Applicant E- Mail Address: abdayesh@yahoo.com

Representative: W.H. Porter Consultants Phone #: (901)363-9453

Mailing Address: 6055 Primacy Parkway, Suite 115 City/State: Memphis/TN Zip 38119

Representative E-Mail Address: tdagastino@whporter.com

Engineer/Surveyor: Henry Porter Phone # (901)363-9453

Mailing Address: 6055 Primacy Parkway, Suite 115 City/State: Memphis/TN Zip 38119

Engineer/Surveyor E-Mail Address: hporter@whporter.com

Street Address Location: 2939 Highway 61 & 2920 Old Hornlake Road

Distance to nearest intersecting street: 1,100' north of the intersection of US Highway 61 and East Peebles Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	6.70		
Existing Zoning:	IH & EMP		
Existing Use of Property	Vacant		
Requested Use of Property	Truck Stop, Off Premise Advertising		

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

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

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A

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

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

4.10.3 Planned Development General Provisions

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

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

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
The proposed development is compatible with the existing land use in the area.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
Existing Utilities are adequate for serving the proposed uses. Storm water will be maintained through a dry detention basin.
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
This development will be compatible with surrounding land uses.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
The design of the site and building are in keeping with the adjoining parcels.
- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
There are no common areas in this development. The owner of each lot will maintain their property.
- Lots of records are created with the recording of a planned development final plan.
Two lots will be created with the recording of the final plan.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: 7/20/20 with Jeffrey Penzes

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

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

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

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

Ronald Bely 8/24/20 [Signature] 7-29-2020
Property Owner of Record Date Applicant Date

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

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

LETTER OF INTENT

W. H. PORTER CONSULTANTS, PLLC

6055 Primacy Parkway, Suite 115
Memphis, Tennessee 38119
(901) 363-9453 FAX: (901) 363-2722

Engineers, Planners, Surveyors, Consultants

August 3, 2020

Mr. Josh Whitehead
Planning Director, Land Use Controls
Office of Planning and Development
125 N. Main Street, Room 468
Memphis, TN 38103

**RE: FILL N GO PLANNED DEVELOPMENT
LETTER OF INTENT**

Mr. Whitehead:

On behalf of Abdallah Ayesh, who currently has the property under contract, we are submitting the attached application for the Fill N Go Planned Development, a 6.70 acre parcel located approximately 3,300' from the intersection of U.S Highway 61 and Interstate 2-40. The property is zoned I-H and EMP. We are requesting this Planned Development create two lots; one lot will allow for off-premise outdoor advertising signs and the other will allow for a truck stop. The area surrounding the proposed development is also zoned either I-H or EMP. The proposed uses in this Planned development will coincide with the existing land uses in the immediate area.

The development will have a modified S-11 streetscape plate installed along U.S Highway 61. A total of 2.27 acres will not be developed and will be set aside for landscaping and detention basins.

We feel like this development will be of commensurate to the large amounts of Industrial and Employment zoning adjacent to the property and it will provide a benefit to those industries that rely heavily on trucks to meet their commerce

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

Sincerely,



William D. Porter, P.E, R.L.S.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Tim Dagastino, being duly sworn, depose and say that at 4:30 ~~am~~^{pm} on the 11 day of August, 2020, I posted 1 Public Notice Sign(s) pertaining to Case No. 20-09 at 2939 Highway 61, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Tim Dagastino
Owner, Applicant or Representative

8/12/20
Date

Subscribed and sworn to before me this 12th day of August, 2020.

Constance Wakeman
Notary Public

My commission expires: 8/20/23



LETTERS RECEIVED

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

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/20/2020

DATE

PUBLIC SESSION: 10/20/2020

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A Resolution approving an alley closure and vacation

CASE NUMBER: SAC 20-17

DEVELOPMENT: Right-of-way closure and vacation

LOCATION: West of Pond Street and +/-170 feet south of East McLemore Avenue

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

OWNER/APPLICANT: Covenant Restoring Ministries

REPRESENTATIVES: Construction Code Consultants – Evelyn Royston

EXISTING ZONING: Residential Single-Family – 6 (R-6)

REQUEST: Close and vacate a portion of public right-of-way that is part of an east-west public alley

AREA: +/-1,591 square feet

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
09/10/2020 _____	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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 20-17

Resolution requesting to close and vacate a portion of public right-of-way that is part of an east-west public alley located west of Pond Street and +/-170 feet south of East McLemore Avenue:

- This item is a resolution with conditions to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant(s): Covenant Restoring Ministries and Representative(s): Construction Code Consultants – Evelyn Royston; and
- This item may require a new public improvement contract.



RESOLUTION

A resolution approving the closure of a portion of an east-west public alley located approximately 170 feet south of East McLemore Avenue and west of Pond Street, known as case number SAC 20-17.

WHEREAS, the City of Memphis is the owner of real property known as a portion of the east-west public alley right-of-way south of East McLemore Avenue and west of Pond Street in Memphis, Tennessee and being more particularly described as follows:

Part of the EAST-WEST alley south of McLemore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plot Book 2, Page 61 in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (50' right of way), said point being South 04 degrees 49 minutes 11 seconds West 170.00 feet from the south line of East McLemore Avenue (60' right of way); thence South 04 degrees 49 minutes 11 seconds West a distance of 15.00 feet to the south line of the alley; thence North 86 degrees 04 minutes 16 seconds West along said south line a distance of 106.05 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 15.00 feet to the north line of the alley; thence South 86 degrees 04 minutes 16 seconds East a distance of 106.05 feet to the point of beginning, containing 1590.75 square feet.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning Development and desires to close the hereinabove described public right-of-way. It is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 10, 2020, and said Board has submitted its findings and recommendations to the Council of the City of Memphis subject to the following conditions:

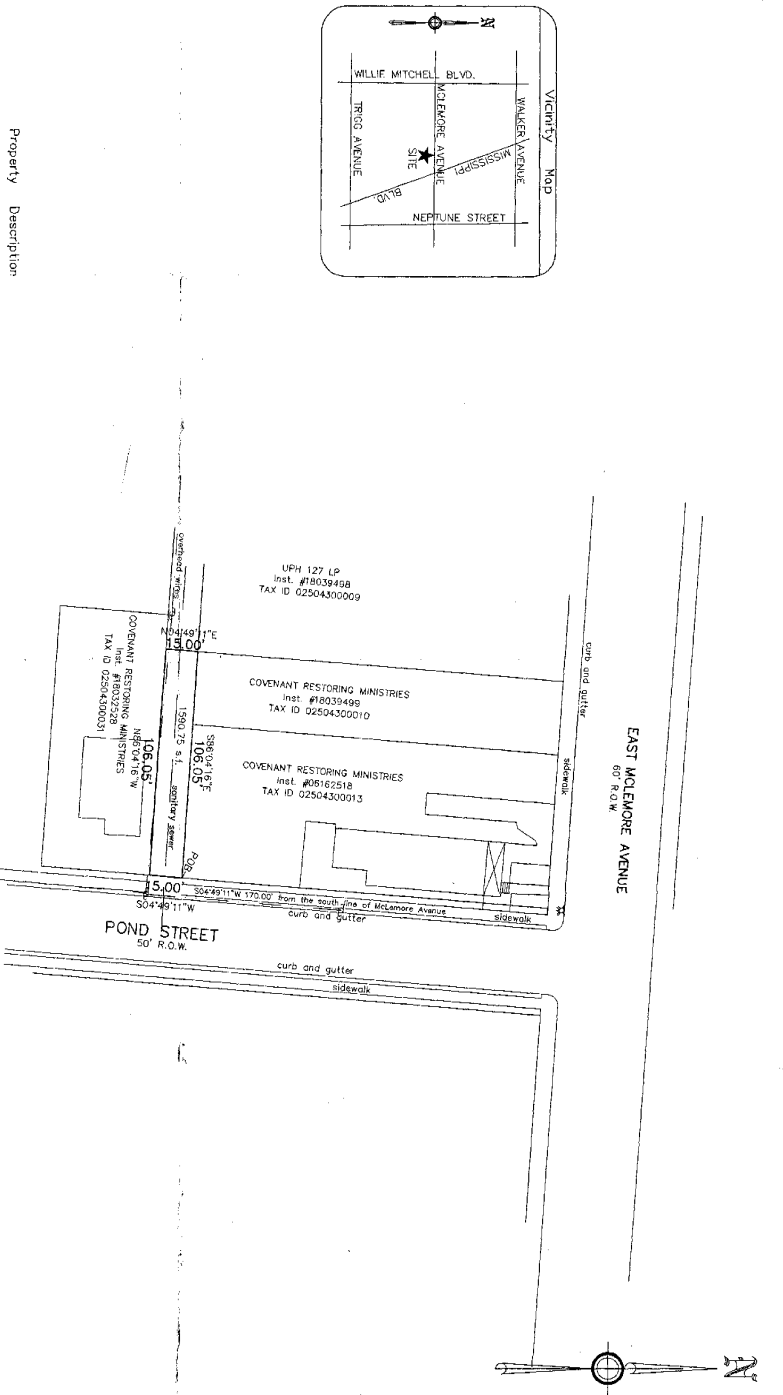
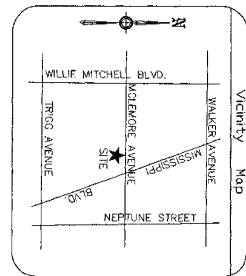
1. Provide fifteen (15)-foot wide easements for existing sanitary sewer and any other utilities or relocate at developer's expense.

2. Provide a hammerhead turn-around or an easement that connects to either Pond Street or McLemore Avenue.
3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deed(s) not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



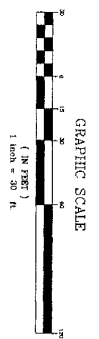
Property Description

Part of the EAST-WEST alley south of McElmore Avenue west of Pond Street on shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (50' right of way) and point being South 04 degrees 49 minutes 11 seconds West 170.00 feet from the south line of East McElmore Avenue (60' right of way); thence South 04 degrees 49 minutes 11 seconds West a distance of 150.00 feet to the south line of the alley; thence North 86 degrees 04 minutes 15 seconds East a distance of 150.00 feet to the north line of the alley; thence South 86 degrees 04 minutes 19 seconds East a distance of 106.05 feet to the point of beginning, containing 1580.75 square feet.



Charles F. Campbell TN RLS 1827



<p>Part of the EAST-WEST alley south of McElmore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee</p>	
<p>Memphis, Tennessee</p>	<p>ALLEY CLOSURE PLAT</p>
<p>DATE: Nov. 12, 2019</p>	<p>SCALE: 1" = 30'</p>
<p>Prepared for:</p>	<p>COVENANT RESTORING MINISTRIES</p>
<p>Campbell Surveying Company</p>	<p>1023 South Yates Road Memphis, TN 38115</p>
<p>Staff: 101</p>	<p>(901) 683-9114</p>

AGENDA ITEM: 6

CASE NUMBER: SAC 20-17 **L.U.C.B. MEETING:** September 10, 2020
LOCATION: West of Pond Street and +/-170 feet south of East McLemore Avenue
COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Covenant Restoring Ministries
REPRESENTATIVE: Construction Code Consultants – Evelyn Royston
REQUEST: Close and vacate a portion of public right-of-way that is part of an east-west public alley
AREA: +/-1,591 square feet
EXISTING ZONING: Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is seeking to close and vacate a portion of public right-of-way that is part of an east-west public alley located west of Pond Street and +/-170 feet south of East McLemore Avenue.
2. It should be noted the subject right-of-way contains sanity sewer lines and overhead powerlines and, as conditioned, easements will need to be provided or relocation at the developer's expense.
3. The applicant intends to use the closure area as part of an expansion project to construct a new sanctuary structure that would be connected via a breezeway to the existing place of worship structure.
4. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 general plan does not address right-of-way vacations.

RECOMMENDATION:
Approval with conditions

Staff Writer: Jeffrey Penzes

E-mail: jeffrey.penzes@memphistn.gov

GENERAL INFORMATION

Zoning Atlas Page: 2130

Existing Zoning: Residential Single-Family – 6 (R-6)

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 119 notices were mailed on August 21, 2020, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



Subject right-of-way located within the pink circle, South Memphis neighborhood

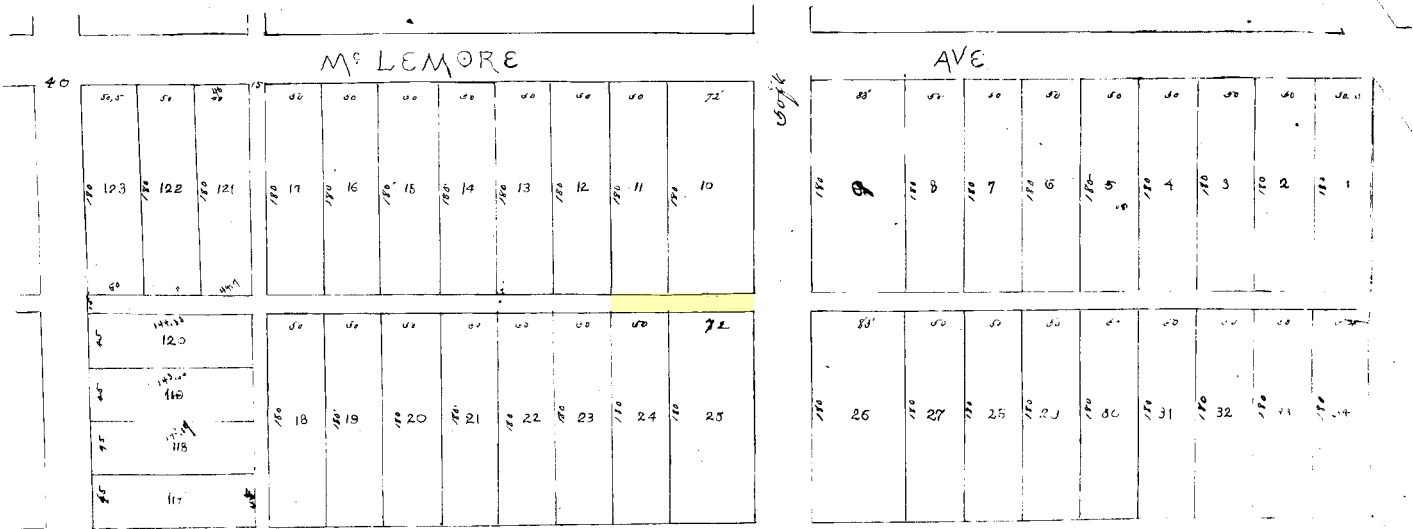
GILCHRIST & MARTIN'S SUBDIVISION OF THE POND TRACT (1889)



**GILCHRIST & MARTIN'S
SUBDIVISION OF THE
POND TRACT**

Scale - 50' = 1" = 10'

*State of Tennessee
Shelby County
Filed for registration Feb 27
1889 at 445 select 476 and recorded in Book
April Reg 12 page 89 and was recorded. Book
1889
P. J. Jefferson
Register*



Subject right-of-way highlighted in yellow

ZONING MAP



Subject right-of-way outlined in yellow

Existing Zoning: Residential Single-Family – 6 (R-6)

Surrounding Zoning

North: Residential Single-Family – 6 (R-6)

East: Residential Single-Family – 6 (R-6)

South: Residential Single-Family – 6 (R-6)

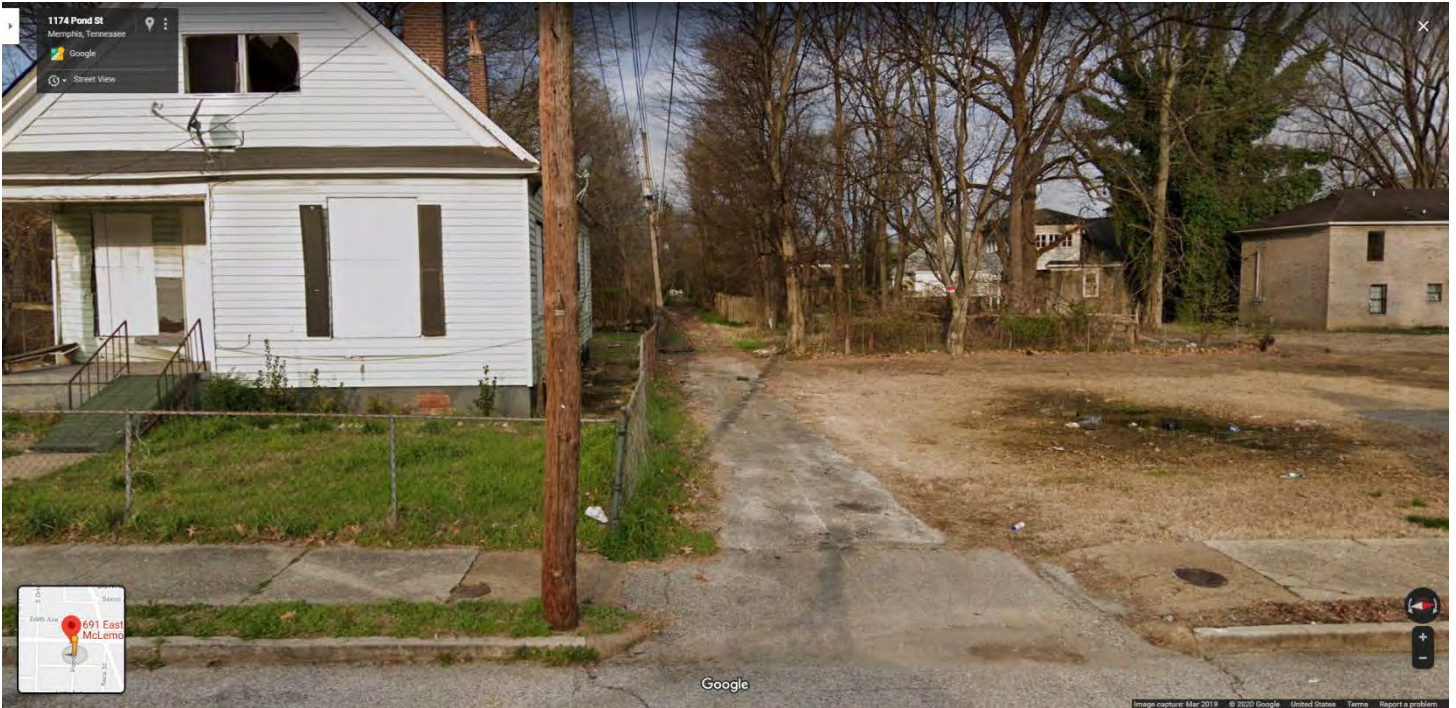
West: Residential Single-Family – 6 (R-6)

LAND USE MAP



Subject right-of-way indicated by a pink star

SITE PHOTOS



View down the public alley from Pond Street looking west

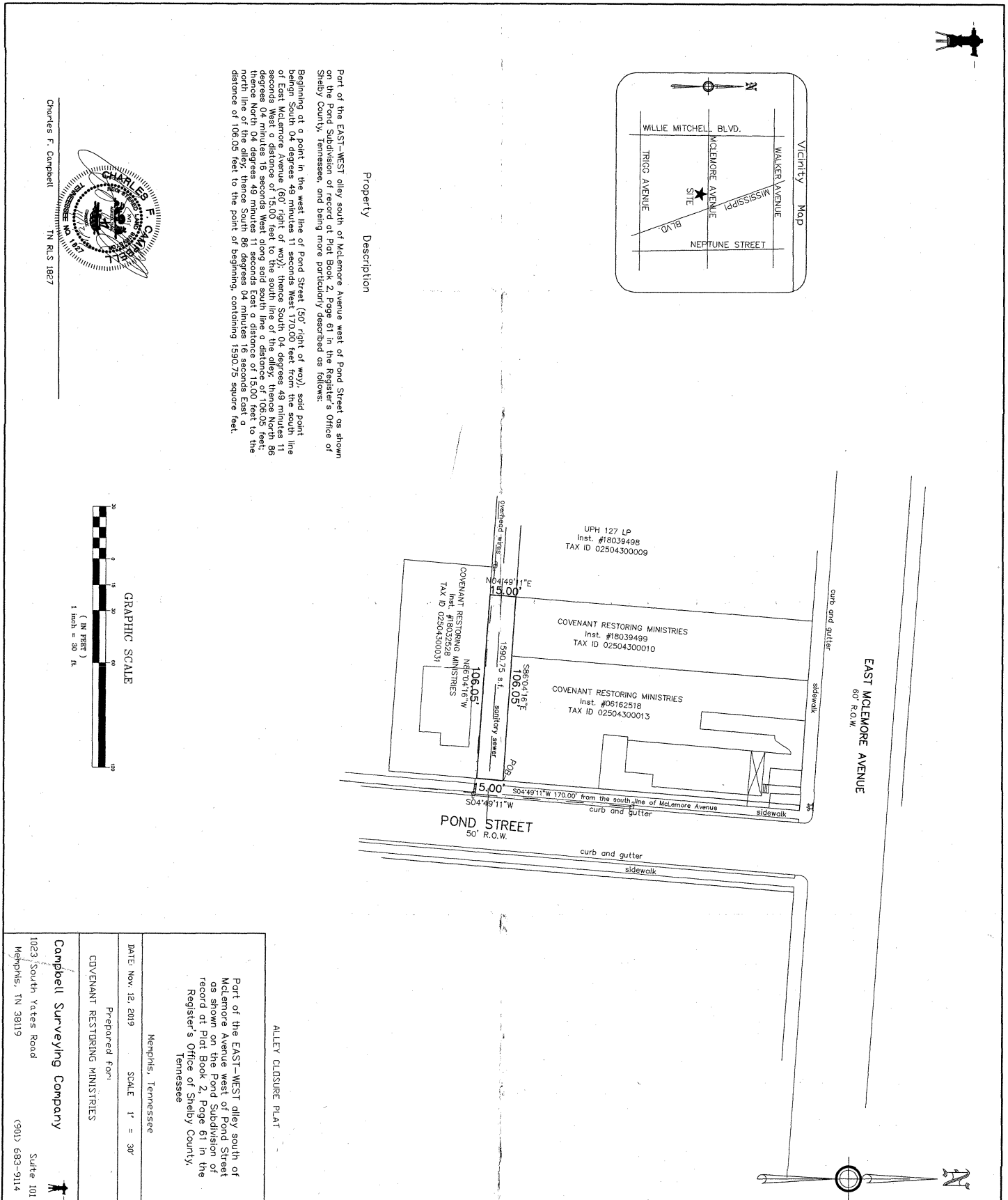


View down the public alley from South Orleans Street looking east

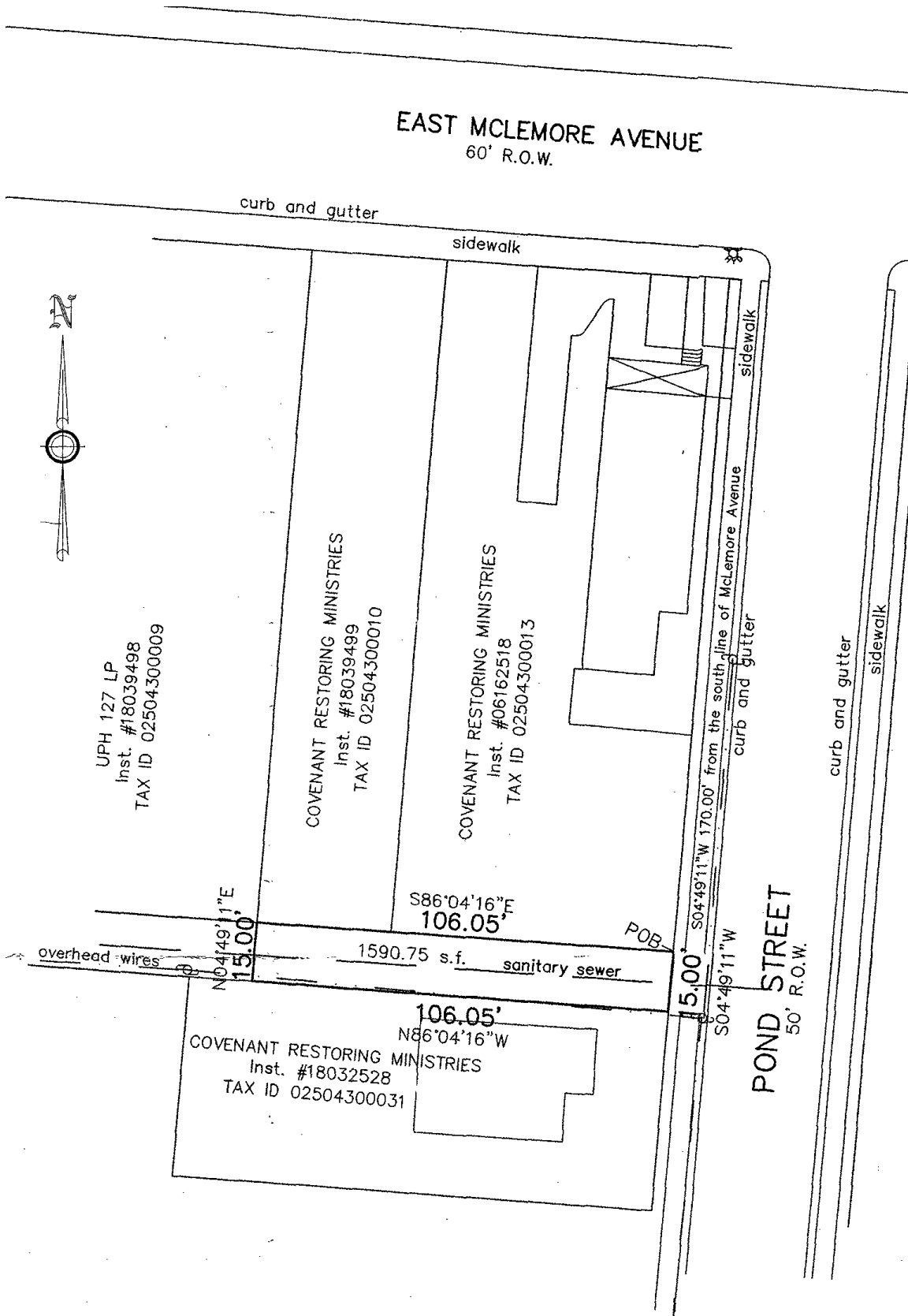


View of Covenant Restoring Ministries principal structure from the intersection of East McLemore Avenue and Pond Street looking southwest

RIGHT-OF-WAY VACATION PLAT



RIGHT-OF-WAY VACATION PLAT - ZOOMED



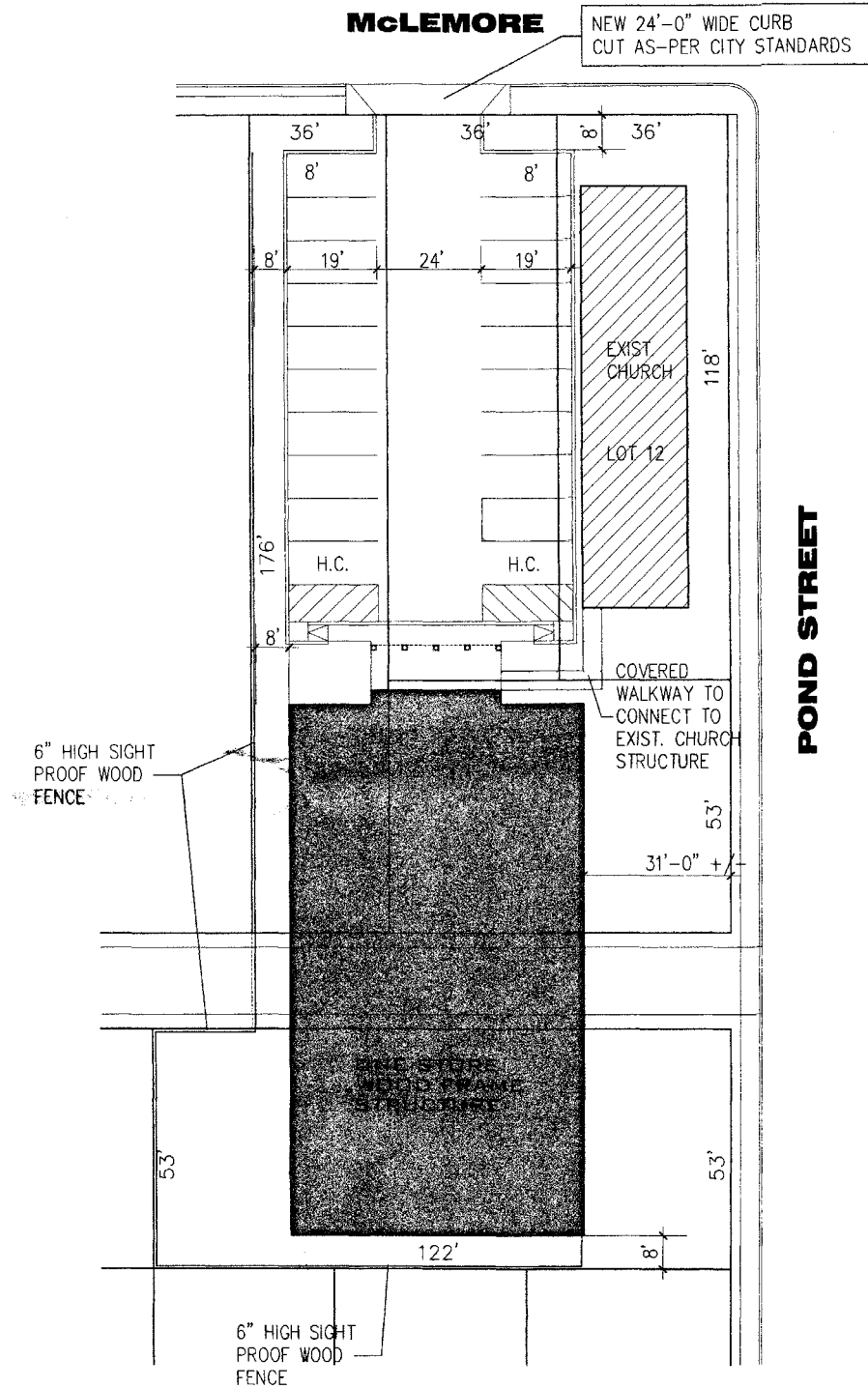
LEGAL DESCRIPTION

Property Description

Part of the EAST–WEST alley south of McLemore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (50' right of way), said point being South 04 degrees 49 minutes 11 seconds West 170.00 feet from the south line of East McLemore Avenue (60' right of way); thence South 04 degrees 49 minutes 11 seconds West a distance of 15.00 feet to the south line of the alley; thence North 86 degrees 04 minutes 16 seconds West along said south line a distance of 106.05 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 15.00 feet to the north line of the alley; thence South 86 degrees 04 minutes 16 seconds East a distance of 106.05 feet to the point of beginning, containing 1590.75 square feet.

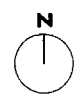
CONCEPT PLAN



**BUILDING SQUARE
FOOTAGE - 6,259 BF**

**PARKING SPACES
PROVIDED - 20**

P2 SITE PLAN - proposed
SCALE: 1/16" = 1'



STAFF ANALYSIS

Request and Reason

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

The request is to close and vacate a portion of public right-of-way that is part of an east-west public alley located west of Pond Street and +/-170 feet south of East McLemore Avenue. The reason for the request is that the applicant intends to use the closure area as part of an expansion project to construct a new sanctuary structure that would be connected via a breezeway to the existing place of worship structure.

Site Description

The subject right-of-way is a +/-15-foot wide and +/-106-foot long east-west public alley for a total area of +/-1,591 square feet located west of Pond Street and +/-170 feet south of East McLemore Avenue. The subject right-of-way is located in-between three parcels (025043 00010, 025043 00013, and 025043 00031) all of which are owned by the applicant. The of the five parcels the applicant owns one is the site of the existing church, three are vacant, and one is the site of a dilapidated single-family house that will be demolished as part of the new sanctuary development. The east-west public alley that the subject right-of-way is a part of appears to have at one time been a functional alley with curb cuts at both ends, however, over time conditions have deteriorated and it is likely no longer a serviceable alley. Additionally, it should be noted the public alley and as such the subject right-of-way contains overhead powerlines.

Conclusions

The applicant is seeking to close and vacate a portion of public right-of-way that is part of an east-west public alley located west of Pond Street and +/-170 feet south of East McLemore Avenue.

It should be noted the subject right-of-way contains sanitary sewer lines and overhead powerlines and, as conditioned, easements will need to be provided or relocation at the developer's expense.

The applicant intends to use the closure area as part of an expansion project to construct a new sanctuary structure that would be connected via a breezeway to the existing place of worship structure.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide fifteen (15)-foot wide easements for existing sanitary sewer and any other utilities or relocate at developer's expense.
2. Provide a hammerhead turn-around or an easement that connects to either Pond Street or McLemore Avenue.
3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of

the closure by the Council of the City of Memphis.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Street Closures:

2. Provide 15-foot wide easement for existing sanitary sewer and any other utilities or relocate at developer's expense.
3. The alley is physically present and appears to be in use.
4. Provide a turn-around for vehicles at the end of the closed alley so as not to create a dead-end alley.
5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

- No septic tank issues.

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.

APPLICATION



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

APPLICATION FOR RIGHT-OF-WAY VACATION/
STREET/ALLEY/CLOSURE APPROVAL

Date: 02/10/20

Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: McLemore and Pond Street - 50' ROW

Property Owner of Record: Covenant Restoring Ministries Phone #: 901.484.1292

Mailing Address: 691 E McLemore City/State: Memphis, Tn. Zip 38106

Property Owner E-Mail Address: Covenant0104@yahoo.com

Applicant: Covenant Restoring Ministries Phone # 901.484.1292

Mailing Address: 691 E McLemore City/State: Memphis, Tn Zip 38106

Applicant E- Mail Address: Same

Representative: Construction Code Consultants, Evelyn Royston Phone #: 901.340.1878

Mailing Address: 2809 Kirby Parkway, 116-132 City/State: Memphis, Tn Zip 38119

Representative E-Mail Address: roystonconsult@aol.com

Engineer/Surveyor: Campbell Surveying Co Phone # 901.683.9114

Mailing Address: 1023 S Yates City/State: Memphis, Tn Zip 38119

Engineer/Surveyor E-Mail Address: charles@campbellsurveying.net

Closure Street Address Location: 691 E McLemore, Memphis, Tn. 38106

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of Reserve Area Yes No

Distance to nearest intersecting street: 50'ROW West of Pond Street. 170 feet South of East McLemore Ave.

Area of ROW: 6,100 Square-Feet/Acres Length x Width of ROW: 50x122 Feet and

Closure starts at: Pond Street

Proceeds to Orleans Street

Reason for Closure: Addition to existing church to include lots adjacent (rear) of alley

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

Pre-Application Conference held on: _____ with _____

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

Michael George 1/31/2020 SAME
 Property Owner of Record* Date Applicant Date

Mary A. George 1/30/2020 SAME
 Property Owner of Record* Date Applicant Date

 Property Owner of Record* Date Applicant Date

 Property Owner of Record* Date Applicant Date

 Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)

3. **Abandonment** (divestiture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

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

LETTER OF INTENT

CONSTRUCTION CODES CONSULTANTS, LLC 2809 Kirby Parkway, Suite 116-132 MEMPHIS, TN 38119 901.340.1878 : ROYSTONCONSULT@AOL.COM	
--	--

July 20, 2020

Office of Planning and Development
125 N. Main St., Rm. 468
Memphis, Tenn. 38103

RE: Covenant Restoring Ministries
691 E McLemore
Memphis Tenn. 38106


Dear Planner:

Please find enclosed the Application for Alley Closure for the above reference site. On behalf of the applicants, Bishop and Mrs. Michael George we submit this request for approval to permit ownership of the easement alley that divide the properties own by Covenant Restoring Ministries.

Covenant Ministries endeavor to add a new Sanctuary to existing Church building. The Church building that is now used for Worship is an existing non-conforming structure, but without major Renovations will not comply with the present International Building Codes. The Existing building does not have the square feet nor structure integrity to withstand major renovations, and if major renovations is considered, it will no longer comply with the Grandfather Clause for existing non-conforming conditions and would not comply for Assembly Occupancy. Because of this hardship we are asking for permission to enclose the paper street alley that was never constructed.

We are communicating our request for alley closure with MLG&W because this Easement Alley provide overhead utilities for residential property homeowners located on McLemore and East Regent Avenue. The property is located on a corner lot on McLemore and Pond Street. The Enclosure will not affect other residential homeowners. We are only enclosing the alley area adjacent to the Church properties only. We will provide private plant screen and buffer per Office of Planning and Development conditions.

We appreciate your approval for request of Alley Closure at this location.


Evelyn Royston, Representative

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Evelyn Royston, being duly sworn, depose and say that at 9 am/pm on the 29 day of August, 2020, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 20-27 at 691 E McLemore, Memphis Tn. 38106, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

08/29/20
Date

Subscribed and sworn to before me this 31 day of August, 2020
[Signature]
Notary Public

My commission expires: 8/18/2021



LETTERS RECEIVED

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 10, 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 20-17
LOCATION:	West of Pond Street and +/-170 feet south of East McLemore Avenue
COUNCIL DISTRICT(S):	District 6, Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Covenant Restoring Ministries
REPRESENTATIVE:	Construction Code Consultants – Evelyn Royston
REQUEST:	Close and vacate a portion of public right-of-way that is part of an east-west public alley
EXISTING ZONING:	Residential Single-Family – 6 (R-6)
AREA:	+/-1,591 square feet

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

Conditions

1. Provide fifteen (15)-foot wide easements for existing sanitary sewer and any other utilities or relocate at developer's expense.
2. Provide a hammerhead turn-around or an easement that connects to either Pond Street or McLemore Avenue.
3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.



**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

September 10, 2020

691 E McLemore
Memphis, TN 38106

Sent via electronic mail to: covenant0104@yahoo.com

OPD File Number: SAC 20-17

L.U.C.B. Recommendation: Approval with conditions

Dear applicant,

On Thursday, September 10, 2020, the Memphis and Shelby County Land Use Control Board recommended **approval** of your right-of-way vacation application to close and vacate a portion of public right-of-way that is part of an east-west public alley, subject to the following conditions:

1. Provide fifteen (15)-foot wide easements for existing sanitary sewer and any other utilities or relocate at developer's expense.
2. Provide a hammerhead turn-around or an easement that connects to either Pond Street or McLemore Avenue.
3. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
4. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

The application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

Letter to Applicant
SAC 20-17

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6619 or via email at jeffrey.penzes@memphistn.gov.

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services

Cc: Evelyn Royston, Construction Code Consultants
File



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: 02/10/20

Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: McLemore and Pond Street - 50' ROW

Property Owner of Record: Covenant Restoring Ministries Phone #: 901.484.1292

Mailing Address: 691 E McLemore City/State: Memphis, Tn. Zip 38106

Property Owner E-Mail Address: Covenant0104@yahoo.com

Applicant: Covenant Restoring Ministries Phone # 901.484.1292

Mailing Address: 691 E McLemore City/State: Memphis, Tn Zip 38106

Applicant E- Mail Address: Same

Representative: Construction Code Consultants, Evelyn Royston Phone #: 901.340.1878

Mailing Address: 2809 Kirby Parkway, 116-132 City/State: Memphis, Tn Zip 38119

Representative E-Mail Address: roystonconsult@aol.com

Engineer/Surveyor: Campbell Surveying Co Phone # 901.683.9114

Mailing Address: 1023 S Yates City/State: Memphis, Tn Zip 38119

Engineer/Surveyor E-Mail Address: charles@campbellsurveying.net

Closure Street Address Location: 691 E McLemore, Memphis, Tn. 38106

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of Reserve Area Yes No

Distance to nearest intersecting street: 50'ROW West of Pond Street. 170 feet South of East McLemore Ave.

Area of ROW: 6,100 Square-Feet/Acres Length x Width of ROW: 50x122 Feet

Closure starts at: Pond Street and

Proceeds to Orleans Street

Reason for Closure: Addition to existing church to include lots adjacent (rear) of alley

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

Pre-Application Conference held on: _____ with _____

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

Mick George 1/30/2020 SAME
 Property Owner of Record* Date Applicant Date

Mary G. George 1/30/2020 SAME
 Property Owner of Record* Date Applicant Date

 Property Owner of Record* Date Applicant Date

 Property Owner of Record* Date Applicant Date

 Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)
Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.
2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)
3. **Abandonment** (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

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

CONSTRUCTION CODES CONSULTANTS, LLC

2809 Kirby Parkway, Suite 116-132

MEMPHIS, TN 38119 901.340.1878 : ROYSTONCONSULT@AOL.COM

July 20, 2020

Office of Planning and Development
125 N. Main St., Rm. 468
Memphis, Tenn. 38103

RE: Covenant Restoring Ministries
691 E McLemore
Memphis Tenn. 38106


Dear Planner:

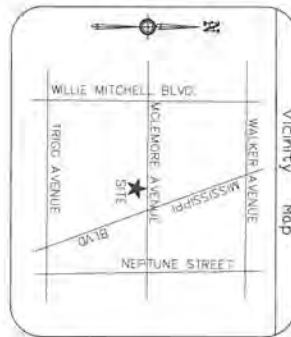
Please find enclosed the Application for Alley Closure for the above reference site. On behalf of the applicants, Bishop and Mrs. Michael George we submit this request for approval to permit ownership of the easement alley that divide the properties own by Covenant Restoring Ministries.

Covenant Ministries endeavor to add a new Sanctuary to existing Church building. The Church building that is now used for Worship is an existing non-conforming structure, but without major Renovations will not comply with the present International Building Codes. The Existing building does not have the square feet nor structure integrity to withstand major renovations, and if major renovations is considered, it will no longer comply with the Grandfather Clause for existing non-conforming conditions and would not comply for Assembly Occupancy. Because of this hardship we are asking for permission to enclose the paper street alley that was never constructed.

We are communicating our request for alley closure with MLG&W because this Easement Alley provide overhead utilities for residential property homeowners located on McLemore and East Regent Avenue. The property is located on a corner lot on McLemore and Pond Street. The Enclosure will not affect other residential homeowners. We are only enclosing the alley area adjacent to the Church properties only. We will provide private plant screen and buffer per Office of Planning and Development conditions.

We appreciate your approval for request of Alley Closure at this location.


Evelyn Royston, Representative



Property Description

Part of the EAST-WEST alley south of McLemore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (S70° right of way), said point being South 04 degrees 49 minutes 11 seconds West 170.00 feet from the south line of East McLemore Avenue (60' right of way); thence South 04 degrees 49 minutes 11 seconds West a distance of 15.00 feet to the south line of the alley; thence North 88 degrees 04 minutes 16 seconds West along said south line a distance of 106.05 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 15.00 feet to the north line of the alley; thence South 85 degrees 04 minutes 16 seconds East a distance of 106.05 feet to the point of beginning, containing 1590.75 square feet.



Charles F. Campbell
TN RLS 1827



GRAPHIC SCALE
1 IN FEET = 30 FEET



ALLEY EGRESS PLAN

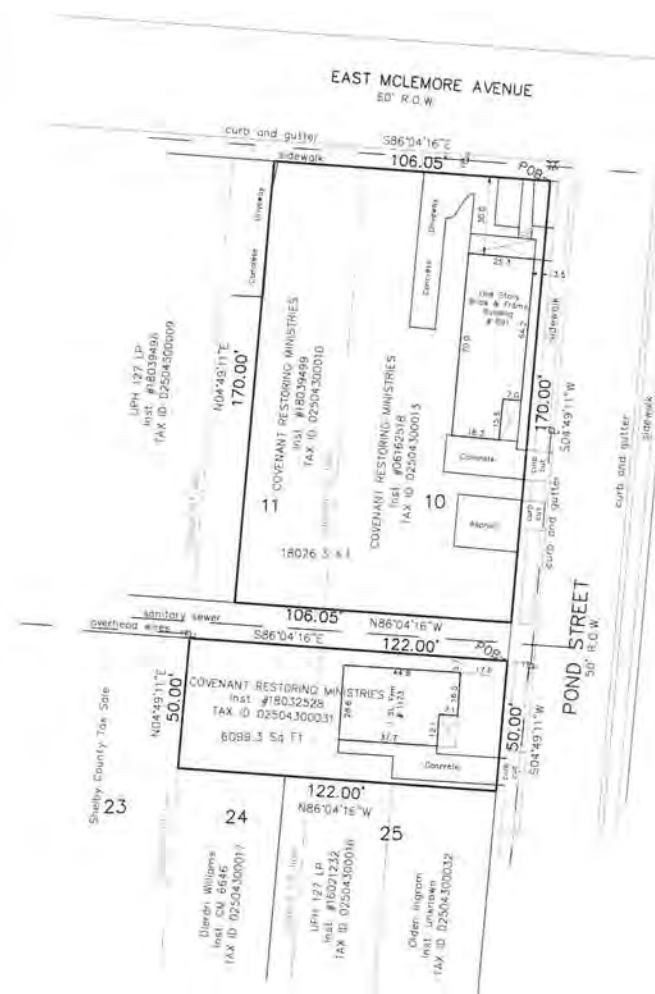
Part of the EAST-WEST alley south of McLemore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee

Memphis, Tennessee

DATE Nov 12, 2019 SCALE 1" = 30'

Prepared For: COVENANT RESTORING MINISTRIES

Campbell Surveying Company
1023 South Vassar Road
Memphis, TN 38119
State 108
(901) 683-9114



GENERAL NOTES

This surveyor has not physically located the underground utilities. Above grade and underground utilities shown were taken from visible appurtenances at the site, public records and/or maps prepared by others. The surveyor makes no guarantee the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated and therefore reliance upon the type, size and location of utilities shown should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto should be made. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act TCA 65-31", that anyone who engages in excavation must notify all known underground utility owners of their intent to excavate and also to avoid any possible hazards, conflict or unnecessary expense. Tennessee One Call 1-800 351-1111.

Bearings are based upon grid north.

All deed book references shown herein are recorded in the Shelby County Register's Office.

Governmental jurisdictional areas, if any, which might impact on the use of the surveyed property were not located. No liability is assumed by the undersigned for any loss or damage resulting from the exercise of any government jurisdiction affecting the surveyed property.

Campbell Surveying Company does not guarantee the title information contained herein. This survey is subject to such state of facts that would be revealed with a complete title search.

There may be additional easements, restrictions and/or reservations not shown herein that may be found in the public records of Shelby County, Tennessee.

Bearings and distances shown herein were measured and collected electronically with calibrated equipment and are in substantial agreement with the deed calls unless otherwise indicated.

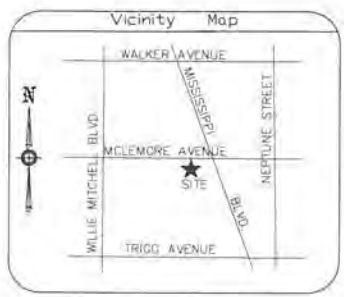
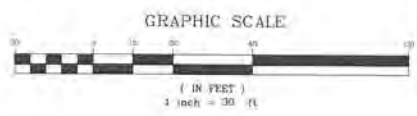
Property Description

Part of Lots 10 and 11 of the Gilchrist & Martin's Subdivision of the Pond Tract in Memphis, TN as recorded in Plat Book 2, Page 61 in the Register's Office of Shelby County, and being more particularly described as follows:

Beginning at the intersection of McLemore Avenue (60' right of way) and the west line of Pond Street (50' right of way); thence South 04 degrees 49 minutes 11 seconds West along the west line of Pond Street a distance of 170.00 feet to the north line of a 15' wide alley; thence North 86 degrees 04 minutes 16 seconds West along said north line a distance of 106.05 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 170.00 feet to the south line of McLemore Avenue; thence South 86 degrees 04 minutes 16 seconds East along said south line a distance of 106.05 feet to the point of beginning.

Part of Lots 24 and 25 of the Gilchrist & Martin's Subdivision of the Pond Tract in Memphis, TN as recorded in Plat Book 2, Page 61 in the Register's Office of Shelby County, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (50' right of way), said point being 185.00 feet south of the south line of McLemore Avenue; thence South 04 degrees 49 minutes 11 seconds West along the west line of Pond Street a distance of 50.00 feet; thence North 86 degrees 04 minutes 16 seconds West a distance of 122.00 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 50.00 feet to the south line of said alley; thence South 86 degrees 04 minutes 16 seconds East along said south line a distance of 122.00 feet to the point of beginning.



- Legend**
- P.O.B = Point of Beginning
 - IPF = Iron Pin Found
 - IPS = Iron Pin Set
 - IPD = Iron Pipe (60')
 - OE = Overhead Wire
 - N = North
 - S = South
 - E = East
 - W = West
 - CPS = Cotton Picker Spindle
 - R/W = Right of Way
 - D.P = Drain Pipe
 - MNS = Magnetic Nail Set
 - MNF = Magnetic Nail Found

- Symbol Legend**
- T.V. = Underground Tank Valve
 - S.M.H. = Sewer Manhole
 - D.M.H. = Drain Manhole
 - CV = Gas Valve
 - WV = Water Valve
 - H/C = Handicap Parking
 - LP = Light Pole (Light Standard)
 - PP = Power Pole
 - TJB = Telephone Junction Box
 - FH = Fire Hydrant
 - DI = Drain Inlet
 - CI = Curb Inlet
 - H/W = Headwall
 - AG = Anchor Guy
 - W/M = Water Meter
 - E/M = Electric Meter
 - G/M = Gas Meter

I hereby certify that this is a Category 1 Survey and that the ratio of precision of the un-adjusted survey is 1:10,000 or greater as shown herein and was done in compliance with current Tennessee Minimum Standards of Practice.



Charles F. Campbell TN RLSW1927

Survey of

**691 E. McLemore Avenue
1173 Pond Street**

Memphis, Shelby County, TN

DATE: JAN 22, 2020 SCALE 1" = 30'

Prepared for: Royston Consulting
COVENANT RESTORING MINISTRIES

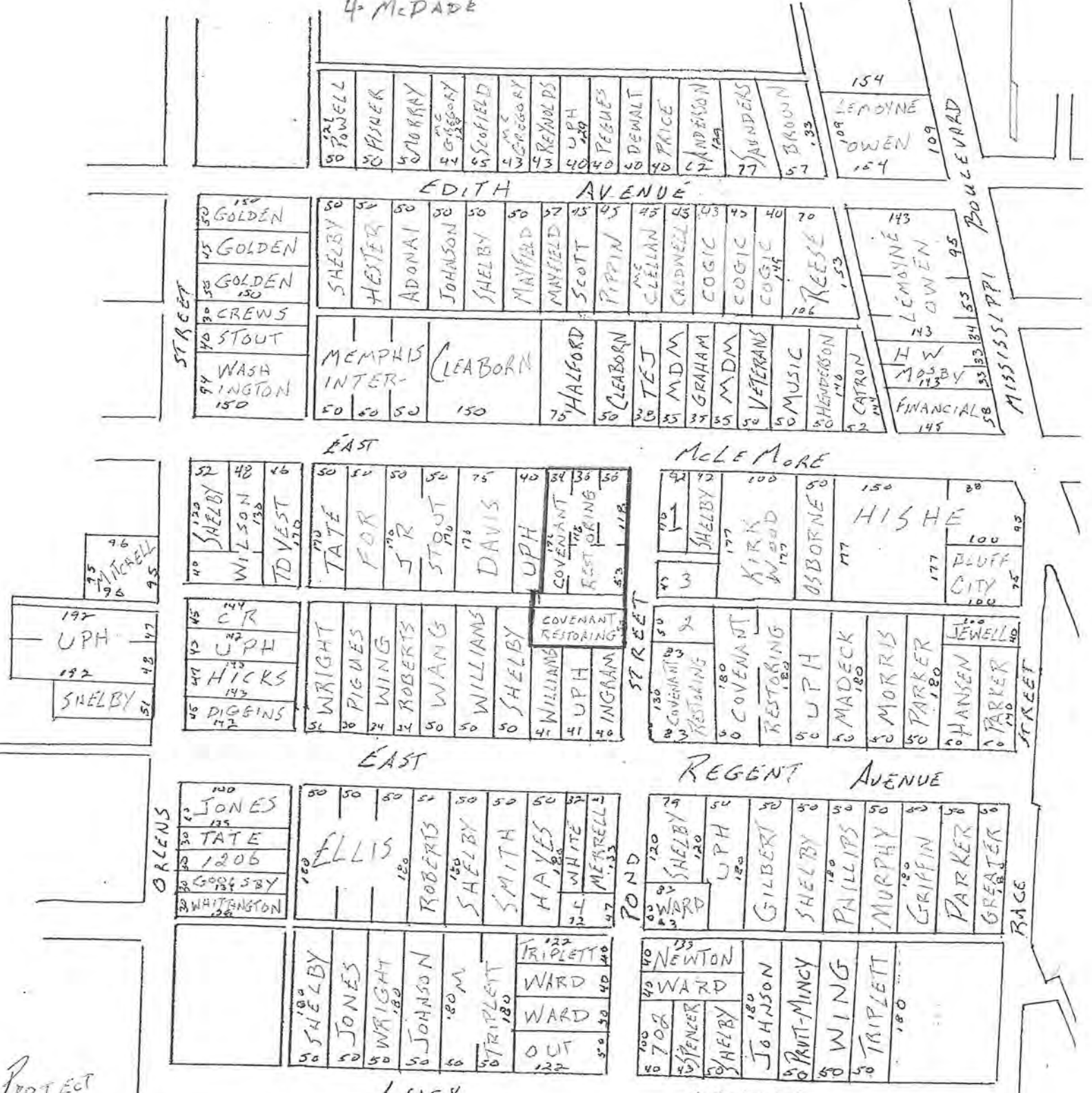
Campbell Surveying Company

1023 South Yates Road Suite 101
Memphis, TN 38119 (901) 683-9114

- 1- KIRKWOOD
- 2- ROBINSON
- 3- SHOTWELL
- 4- McPADE

3/2020

SCALE
1:200



PROJECT
No
2K20 3B

PREPARED BY
G. MORALES

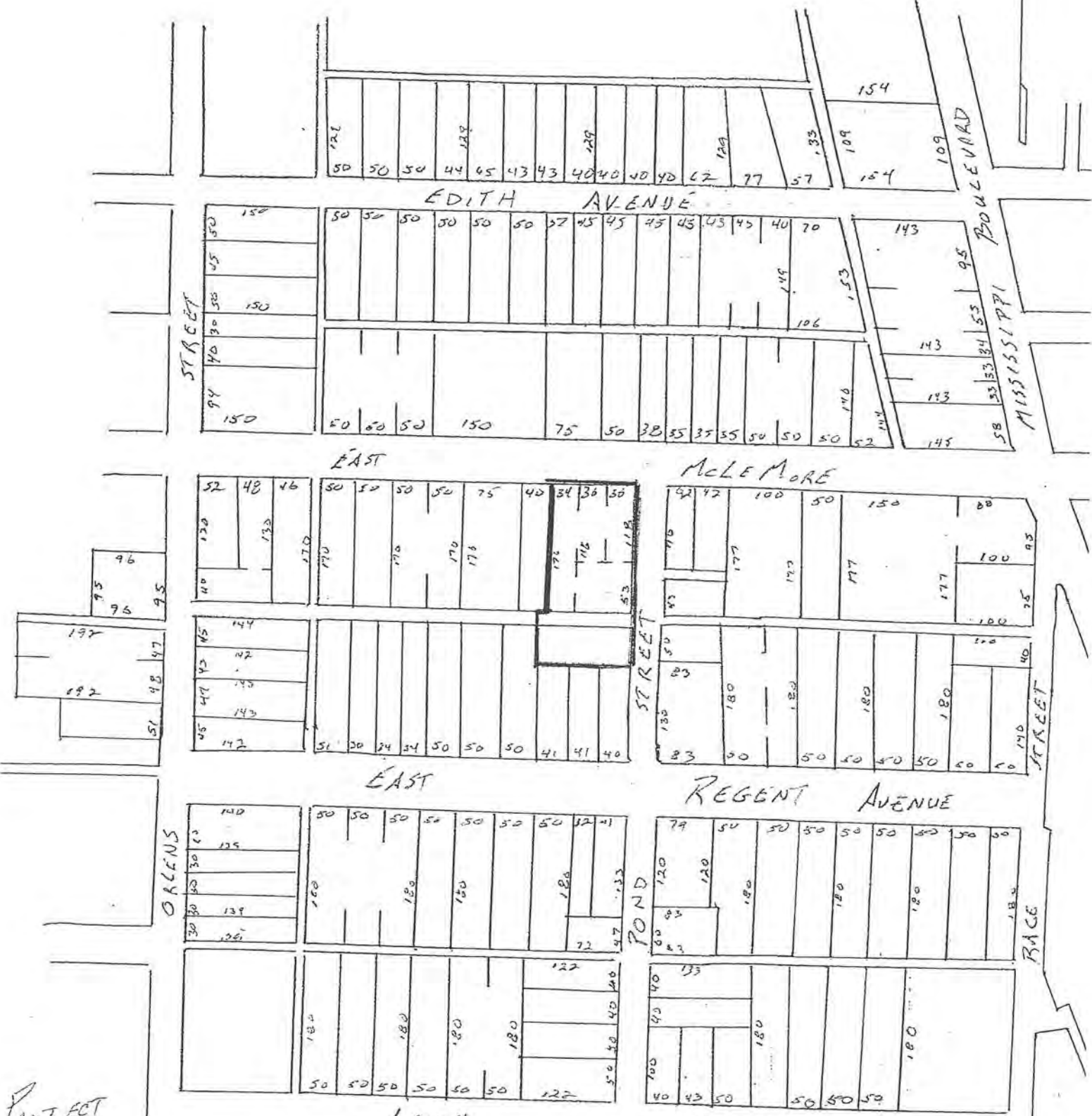
PARCEL No
W025-043-00010
W025-043-00011
W025-043-00012
W025-043-00013
W025-043-00014

INSTRUMENT No
WD 18039499
QC 18064407
QC 18064407
QC 18064407
QC 18064407
QC 18064407

PART OF
ALLEY

3/2020

SCALE
1:200



PROJECT
No
2K203B

PREPARED BY
OMORALES


PARCEL NO
 W025-043-00010
 W025-043-00011
 W025-043-00012
 W025-043-00013
 W025-043-00014

INSTRUMENT NO
 WD 18039499
 GC 18064407
 GC 18064437
 GC 18064470
 GC 18064528



Tom Leatherwood
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.

	
18064407	
06/28/2018	11:00 AM
2 PGS	
BILL 1753189-18064407	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This instrument prepared by: Michael George 4740 Migaldi Dr Memphis TN 38125

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Michael A. George and Mary G. George on this the 26 day of June, 2018, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto Covenant Restoring Ministries, Inc.

all _____ right, title and interest in and to the following described real estate, to wit:

Parcel 1. 02504300012 691 East McLemore Ave

Part of Lot 10, of the Subdivision of the Pond Tract as shown on plat o record in Plat Book 2, Page 61, and or Plat Book 2, Page 62, in the Register's office of Shelby County Tennessee, , and being more particularly described as follows:

Beginning at the intersection of the south line of East McLemore Avenue with the west line of Pond Street; thence westwardly with the south line of East McLEMORE Avenue 36 feet; thence southwardly parallel to the west line of Pond Street 118 feet; thence eastwardly parallel to the south line of East McLemore Avenue 36 feet to the west line of Pond Street; thence northwardly with the west line of Pond Street 118 feet to the Point of beginning

L D O R 0 3 6 0 8 0 0 3 6

Parcel 2. 025 043 00011 0 E. McLemore

Part of Lot 10, Gilchrist and Martin Subdivision of the Pond Tract as recorded in Shelby County Register's Office, Plat Book 2, Page 61 and being more particularly described as follows:

L D O R 0 3 6 0 8 0 0 3 6

Beginning at a point in the south line of East McLEMORE Avenue, said point being 36 feet westwardly from the west line of Pond Street, thence westwardly along the south line of East McLemore avenue a distance of 36.0 feet; thence southwardly parallel with Pond Street a distance of 118.0 feet; thence eastwardly parallel with East McLemore Avenue a distance of 36.0 feet; thence northwardly a distance of 118.0 feet to the point of beginning.

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 26 day of June, 2018.

Michael A. George
Mary G. George

STATE OF TENNESSEE

COUNTY OF Shelby

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Michael & Mary George with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged to be person(s) within named and that _____ executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal this 26 day of June, 2018.

[Signature]
Notary Public

My commission expires: 7/14/19

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ _____

Affiant

STATE OF TENNESSEE
COUNTY OF _____

OVER

Subscribed and sworn before me this the _____ day of _____, 20____.

Notary Public

My commission expires:

The following information is not a part of this Deed:

Property Address: 691 E. McLemore Ave
0 McLemore Ave
Owner's Name and Address: Covenant Restoring Ministries
4740 Migaldi Dr
Memphis, TN 38125

Parcel Number: 02504300012 and 02504300011
Mail Tax Bills to: Covenant Restoring Ministries
4740 Migaldi Dr
Memphis TN 38125



I, or we, hereby swear that to the best of our knowledge, information, and the actual consideration for this transfer is \$ 0

Michael Hoop
Affiant

Subscribed and sworn to before me this the 28 day of June, 2018

Michael Hoop

TOM LEATHERWOOD, REGISTER
by Bill [Signature] D.R.

CovenantRestoring Ministries
4740 Migladi Dr
Memphis Tn 38125

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Memphis Tn 38125

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Construction Code Consultants
2809 Kirby Parkway Ste 116-132
Memphis Tn 38119

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Memphis Tn 38119

Shelby Cnty TX Sale 1404
P O Box 2751
Memphis Tn 38101

Eugen Wilson
2965 Morningview Dr
Memphis Tn 38118

TDVEST LLC
408 Ceclia Dr
Memphis Tn 38117

Andre Tate
3860 Springfield Dr
Memphis Tn 38128

Vannessa Ford
661 E McLemore Ave
Memphis Tn 38106

Joy Stout
1173 Fountain Ct
Memphis Tn 38106

Dana Davis
675 E McLemore Ave
Memphis Tn 38106

UPH 127 LP
5099 Old Summer Rd Ste C
Memphis Tn 38122

Covenant Restoring
4740 Migaldi Dr
Memphis Tn 38125

Olden Ingram
1359 Hidden Ridge
Cordova Tn 38016

Dierdri Williams
686 Regent Ave
Memphsi Tn 38106

Shelby Cnty TX SL 0503 Ex 2419
P O Box 2751
Memphis Tn 38101

Freddie Williams
1242 Woodbury Rd
Memphis Tn 38111

William Wang
670 Regent Ave
Memphis Tn 38106

Ronald Roberts
670 Regent Ave
Memphis Tn 38106

Gerald Wing
724 Lucy
Memphis Tn 38106

Shirley Piques
4901 Winchester Rd
Memphis Tn 38118

Wesley Wright
4063 Fir Hill Dr E
Lakeland Tn 38002

Arnetha Diggins
1188 S Orleans St
Memphis Tn 38106

Charles Hicks
1184 S Orleans St
Memphis Tn 38106

Shelby Cnty TX SL 0601 Ex 1759
P O Box 2751
Memphis Tn 38101

Eugene Wilson
2965 Morningview Dr
Memphis Tn 38118

Irven Mitchell Jr
P O Box 4937
Lancaster CA 93539

Shelby Cnty TX SL 1401
P O Box 2751
Memphis Tn 38101

Joseph Golden
1124 S orleans St
Memphis Tn 38126

Shelby Cnty TX SL 1503
P O Box 2751
Memphis Tn 38101

Marcelita Hester
661 Edith Ave
Memphis Tn 38126

Shelby Cnty TX Sale 1404
P O Box 2751
Memphis Tn 38101

Eugen Wilson
2965 Morningview Dr
Memphis Tn 38118

TDVEST LLC
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Memphis Tn 38117

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Memphis Tn 38128

Vannessa Ford
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Memphis Tn 38106

Joy Stout
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Memphis Tn 38106

Dana Davis
675 E McLemore Ave
Memphis Tn 38106

UPH 127 LP
5099 Old Summer Rd Ste C
Memphis Tn 38122

Covenant Restoring
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Memphis Tn 38125

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Memphis Tn 38111

William Wang
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Memphis Tn 38106

Ronald Roberts
670 Regent Ave
Memphis Tn 38106

Gerald Wing
724 Lucy
Memphis Tn 38106

Shirley Piques
4901 Winchester Rd
Memphis Tn 38118

Wesley Wright
4063 Fir Hill Dr E
Lakeland Tn 38002

Arnetha Diggins
1188 S Orleans St
Memphis Tn 38106

Charles Hicks
1184 S Orleans St
Memphis Tn 38106

Shelby Cnty TX SL 0601 Ex 1759
P O Box 2751
Memphis Tn 38101

Eugene Wilson
2965 Morningview Dr
Memphis Tn 38118

Irven Mitchell Jr
P O Box 4937
Lancaster CA 93539

Shelby Cnty TX SL 1401
P O Box 2751
Memphis Tn 38101

Joseph Golden
1124 S orleans St
Memphis Tn 38126

Shelby Cnty TX SL 1503
P O Box 2751
Memphis Tn 38101

Marcelita Hester
661 Edith Ave
Memphis Tn 38126

Adonai Community
963 S Florida
Memphis Tn 381106

Jessica Johnson
3246 Whispering Ln Apt 364
Memphis Tn 38115

Shelby Cnty TX SL 1503
P O Box 2751
Memphis Tn 38101

Otha Mayfield
681 Edith Ave
Memphis Tn 38126

Otha Mayfield
685 Edith Ave
Memphis Tn 38126

Marcella Scott
689 Edith Ave
Memphis Tn 38126

Thomascine Pippin
1841 Tilling Way
Stone Mountain GA 30087

Patricia McClellan
1469 Wood Iris Ln
Lawrenceville GA 30045

Caldwell Investment
9005 Gandy Cv
Memphis Tn 38133

Church of God
715 Edith Ave
Memphis Tn 38126

COGIC
711 Edith Ave
Memphis Tn 38126

Gwendolyn Reese
269 N McNeil St
Memphis Tn 38112

Lemoyne-Owen
802 Walker Ave Ste 5
Memphis Tn 38136

Helen Mosby
1135 Mississippi Blvd
Memphis Tn 38126

Financial Planning
1322 Hardwood Trl
Cordova Tn 38016

R L Catron Jr
726 E McLemore Ave
Memphis Tn 38106

Elmer Henderson
722 E McLemore Ave
Memphis tn 381067

Music Magnet Village
1011 W Poplar Ave Ste 5
Collierville Tn 38017

Veterans Village
714 E McLemore Ave
Memphis Tn 38106

MDM Investments
P O Box 751536
Memphis Tn 38175

Sylvia Graham
1836 Dunn Ave
Memphis Tn 38114

MDM Investments
9100 Poplar Ave Ste 612
Memphis Tn 38137

TEJ Investments LLC
P O Box 351
Cumming GA 30028

Treana Clearborn
670 E McLemore Ave
Memphis Tn 38106

John Halford
1337 Vinton Ave Apt 4
Memphis Tn 38104

Memphis Inter Denominational
1173 Fountain Ct
Memphis Tn 38106

Kenneth Washington
640 E McLemore Ave
Memphis Tn 38106

CONSTRUCTION CODES CONSULTANTS, LLC
2809 Kirby Parkway, Suite 116-132

MEMPHIS, TN 38119 901.340.1878 : ROYSTONCONSULT@AOL.COM

July 20, 2020

Office of Planning and Development
125 N. Main St., Rm. 468
Memphis, Tenn. 38103

RE: Covenant Restoring Ministries
691 E McLemore
Memphis Tenn. 38106


Dear Planner:

Please find enclosed the Application for Alley Closure for the above reference site. On behalf of the applicants, Bishop and Mrs. Michael George we submit this request for approval to permit ownership of the easement alley that divide the properties own by Covenant Restoring Ministries.

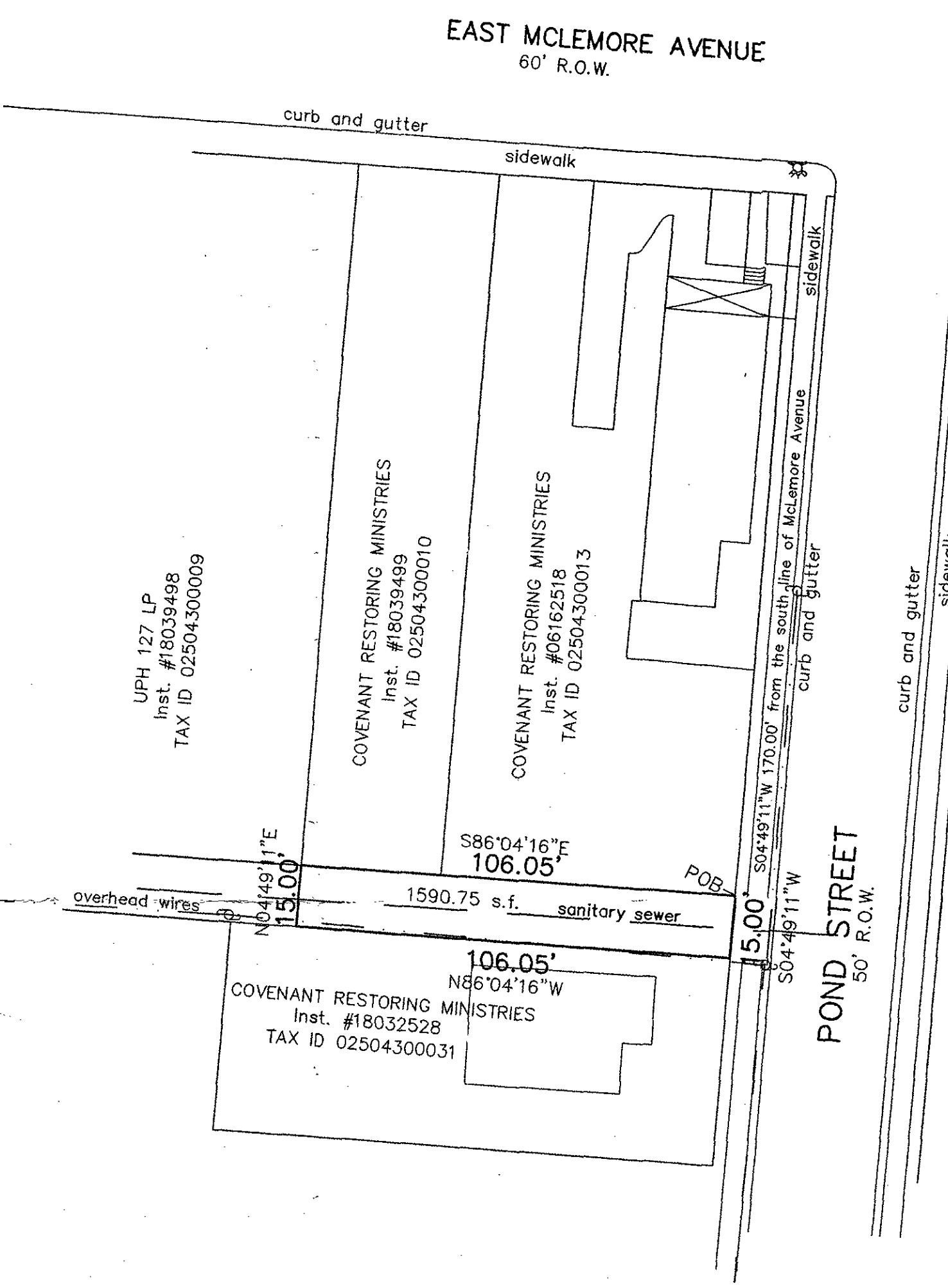
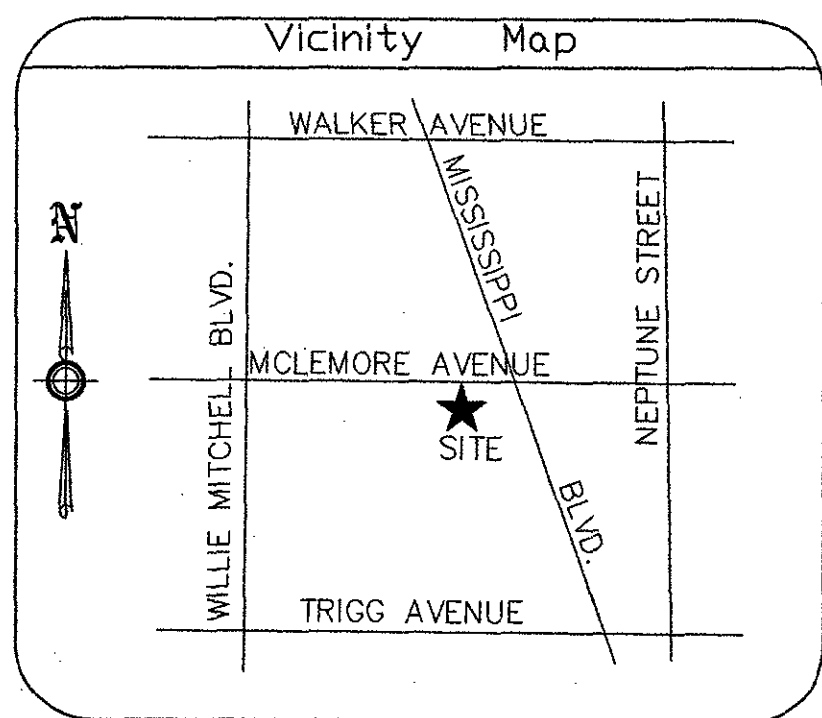
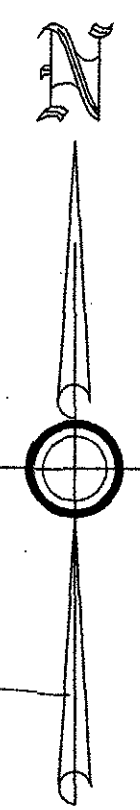
Covenant Ministries endeavor to add a new Sanctuary to existing Church building. The Church building that is now used for Worship is an existing non-conforming structure, but without major Renovations will not comply with the present International Building Codes. The Existing building does not have the square feet nor structure integrity to withstand major renovations, and if major renovations is considered, it will no longer comply with the Grandfather Clause for existing non-conforming conditions and would not comply for Assembly Occupancy. Because of this hardship we are asking for permission to enclose the paper street alley that was never constructed.

We are communicating our request for alley closure with MLG&W because this Easement Alley provide overhead utilities for residential property homeowners located on McLemore and East Regent Avenue. The property is located on a corner lot on McLemore and Pond Street. The Enclosure will not affect other residential homeowners. We are only enclosing the alley area adjacent to the Church properties only. We will provide private plant screen and buffer per Office of Planning and Development conditions.

We appreciate your approval for request of Alley Closure at this location.



Evelyn Royston, Representative



Property Description

Part of the EAST-WEST alley south of McLemore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (50' right of way), said point being South 04 degrees 49 minutes 11 seconds West 170.00 feet from the south line of East McLemore Avenue (60' right of way); thence South 04 degrees 49 minutes 11 seconds West a distance of 15.00 feet to the south line of the alley; thence North 86 degrees 04 minutes 16 seconds West along said south line a distance of 106.05 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 15.00 feet to the north line of the alley; thence South 86 degrees 04 minutes 16 seconds East a distance of 106.05 feet to the point of beginning, containing 1590.75 square feet.

ALLEY CLOSURE PLAT

Part of the EAST-WEST alley south of McLemore Avenue west of Pond Street as shown on the Pond Subdivision of record at Plat Book 2, Page 61 in the Register's Office of Shelby County, Tennessee

Memphis, Tennessee

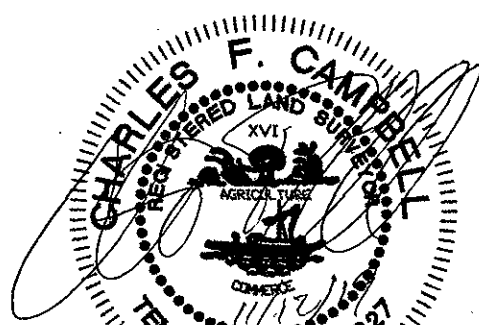
DATE: Nov. 12, 2019 SCALE 1" = 30'

Prepared for:
COVENANT RESTORING MINISTRIES

Campbell Surveying Company

1023 South Yates Road
Memphis, TN 38119

Suite 101
(901) 683-9114
Page 168

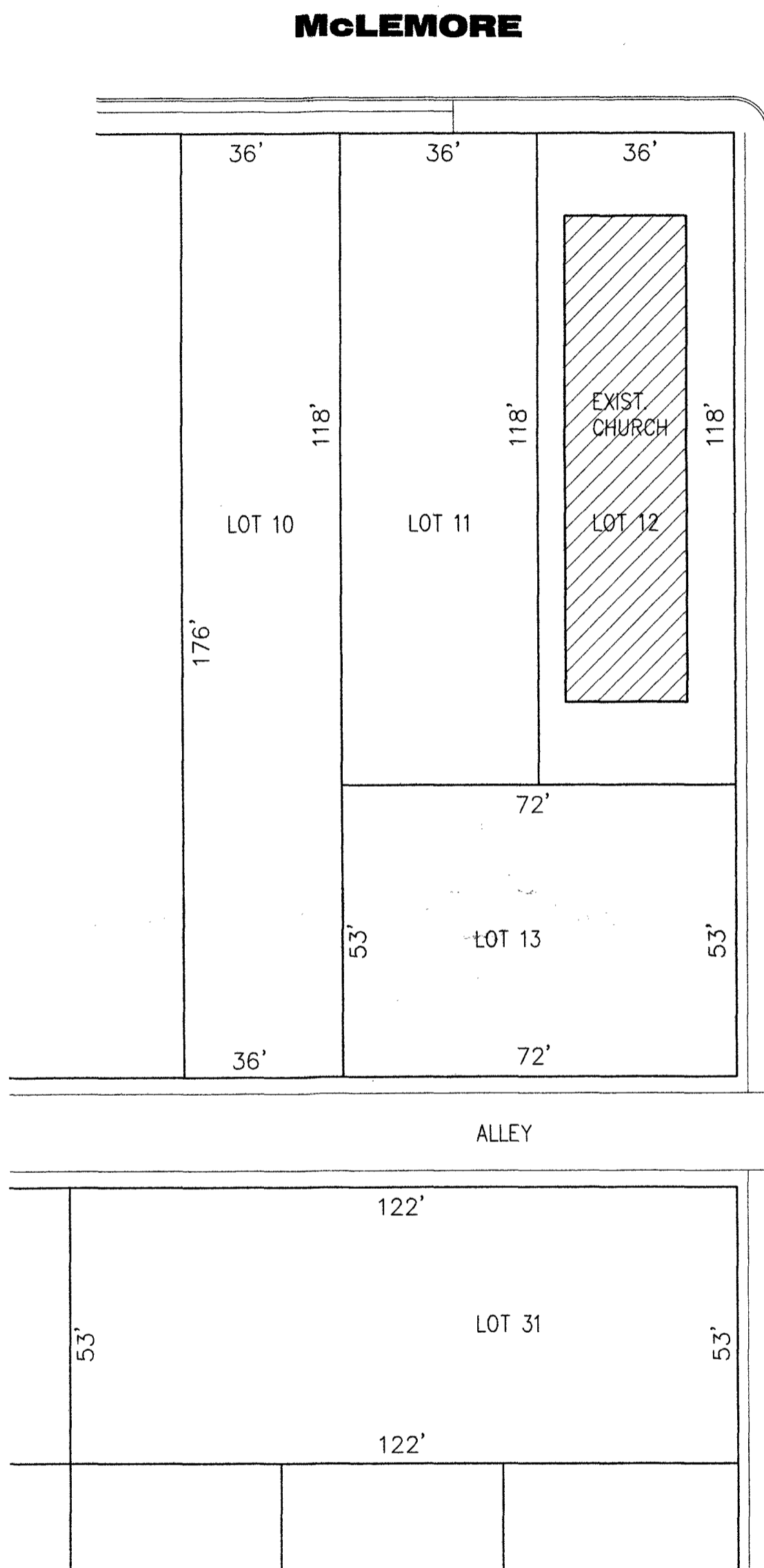


Charles F. Campbell TN RLS 1827

GRAPHIC SCALE



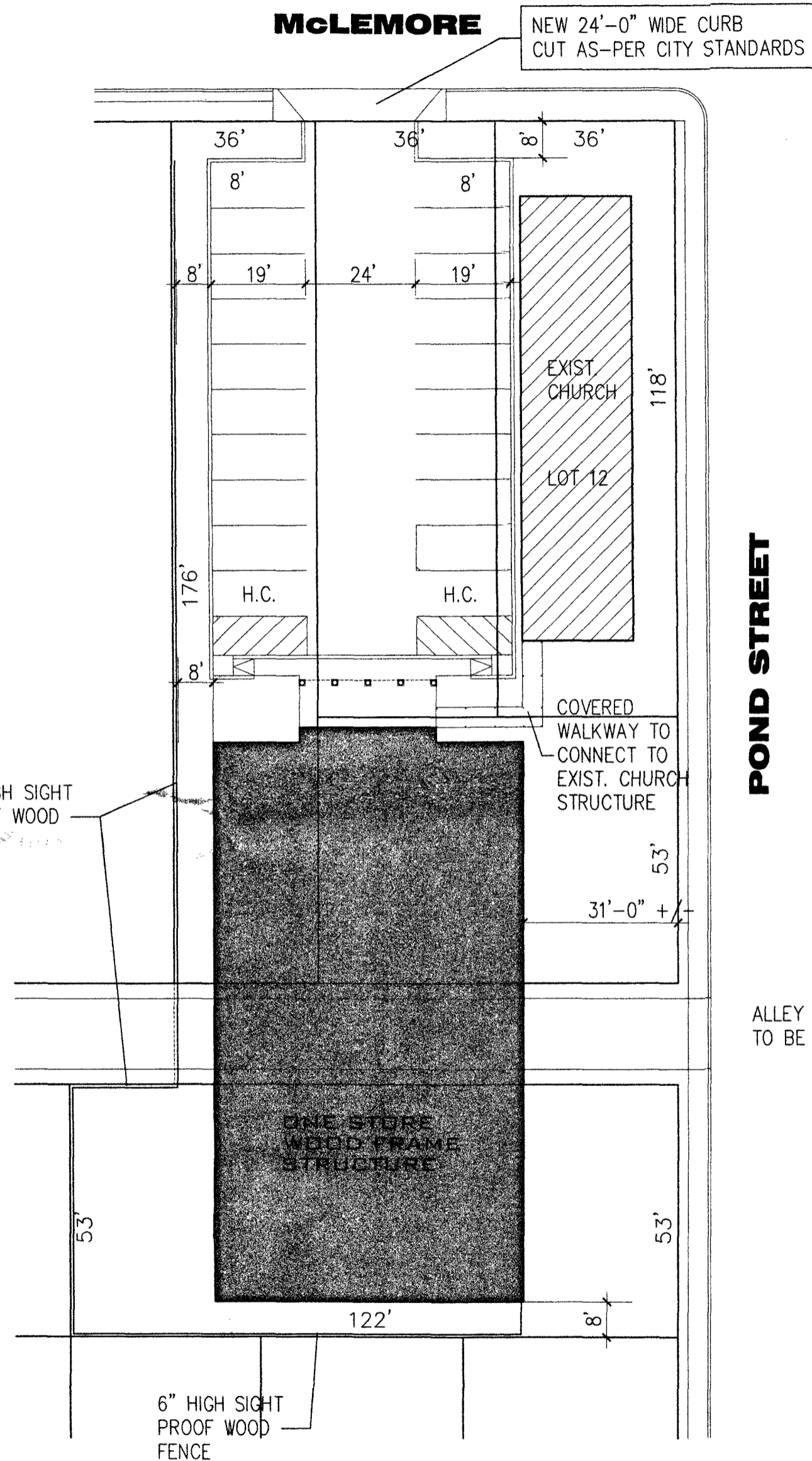
(IN FEET)
1 inch = 30 ft.



P1 SITE PLAN - exist.
SCALE: 1/16" = 1'



POND STREET



BUILDING SQUARE FOOTAGE - 6,259 SF
PARKING SPACES PROVIDED - 20
P2 SITE PLAN - proposed
SCALE: 1/16" = 1'



POND STREET

ALLEY WILL BE REQUIRED TO BE CLOSED

NEW CHURCH FOR COVENANT RESTORING MINISTRIES
691 E McLEMORE MEMPHIS, TN 38106

JOB NUMBER **19047**

DATE

COPYRIGHT
COPYRIGHT 2019 JEFF BLACKLEDGE

SEAL

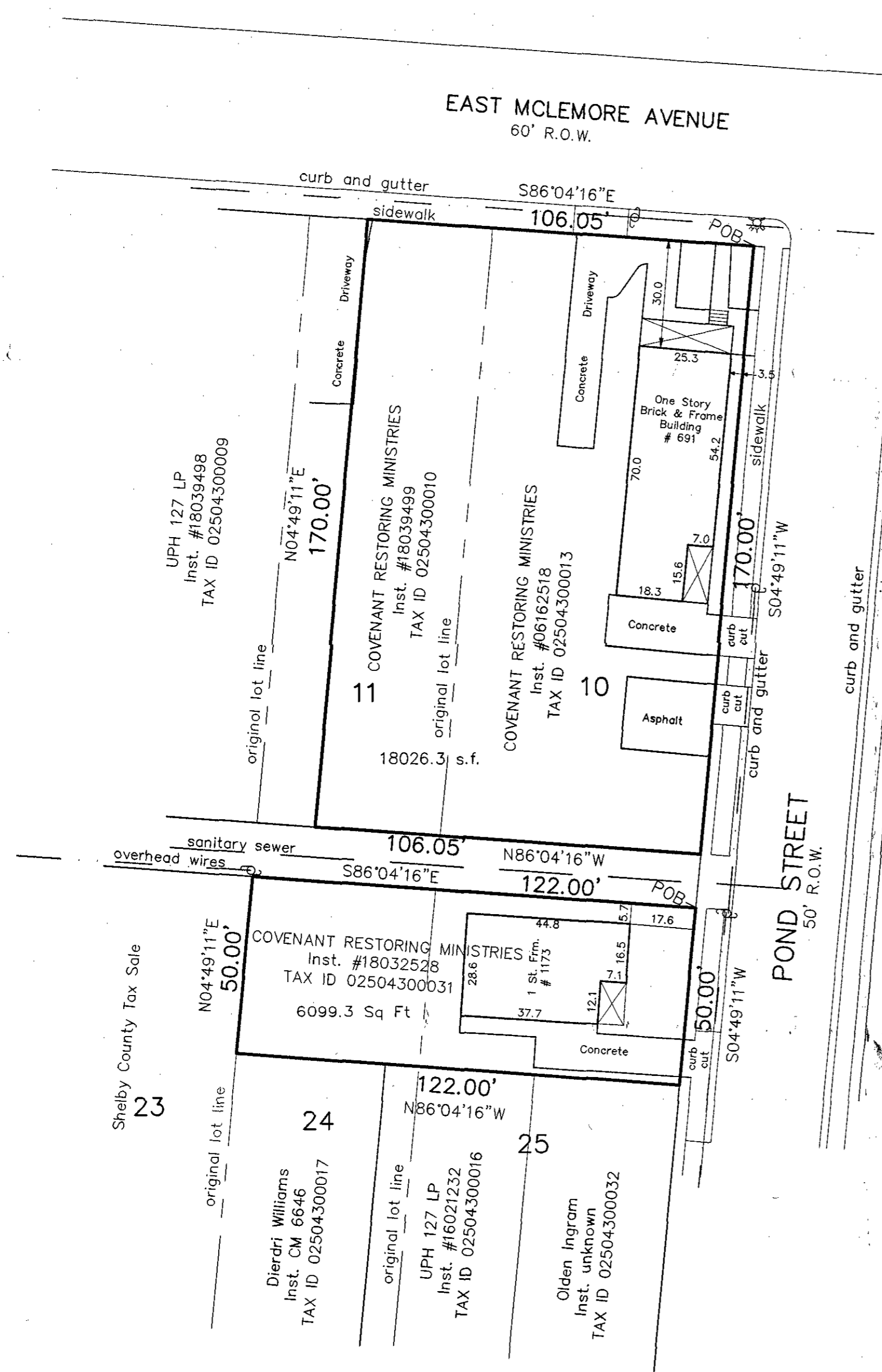
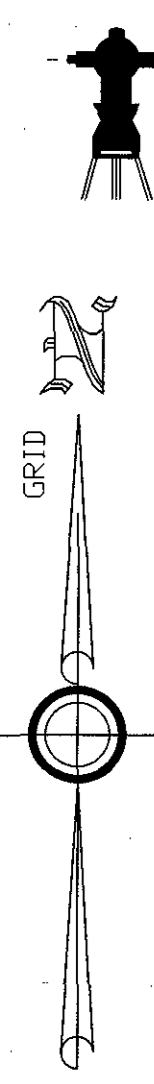
 DATE ISSUED FOR PERMIT
09.19.19

AO.01

JEFF BLACKLEDGE
architect

2400 Poplar Ave., Suite 200
Memphis, Tennessee 38112
V 901.303.4659

DO NOT SCALE DRAWINGS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND/OR SUB CONTRACTORS TO REQUEST THE ARCHITECT TO CLARIFY OR PROVIDE ANY DIMENSIONS NOT INDICATED ON THE DRAWINGS.



GENERAL NOTES

This surveyor has not physically located the underground utilities. Above grade and underground utilities shown were taken from visible appurtenances at the site, public records and or maps prepared by others. The surveyor makes no guarantee the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated and therefore reliance upon the type, size and location of utilities shown should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto should be made. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act TCA 65-31", that anyone who engages in excavation must notify all known underground utility owners of their intent to excavate and also to avoid any possible hazards, conflict or unnecessary expense. Tennessee One Call 1-800 351-1111.

Bearings are based upon grid north.

All deed book references shown hereon are recorded in the Shelby County Register's Office.

Governmental jurisdiction areas, if any, which might impact on the use of the surveyed property were not located. No liability is assumed by the undersigned for any loss or damage resulting from the exercise of any government jurisdiction effecting the surveyed property.

Campbell Surveying Company does not guarantee the title information contained hereon. This survey is subject to such state-of facts that would be revealed with a complete title search.

There may be additional easements, restrictions and/or reservations not shown hereon that may be found in the public records of Shelby County, Tennessee.

Bearing and distances shown hereon were measured and collected electronically with calibrated equipment and are in substantial agreement with the deed calls unless otherwise indicated.

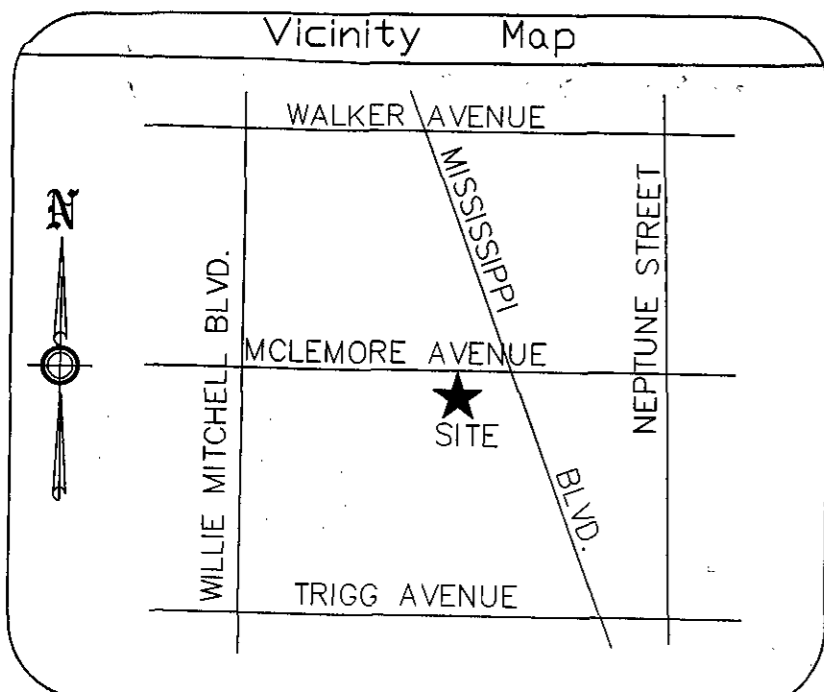
Property Description

Part of Lots 10 and 11 of the Gilchrist & Martin's Subdivision of the Pond Tract in Memphis, TN as recorded in Plat Book 2, Page 61 in the Register's Office of Shelby County, and being more particularly described as follows:

Beginning at the intersection of McLemore Avenue (60' right of way) and the west line of Pond Street (50' right of way); thence South 04 degrees 49 minutes 11 seconds West along the west line of Pond Street a distance of 170.00 feet to the north line of a 15' wide alley; thence North 86 degrees 04 minutes 16 seconds West along said north line a distance of 106.05 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 170.00 feet to the south line of McLemore Avenue; thence South 86 degrees 04 minutes 16 seconds East along said south line a distance of 106.05 feet to the point of beginning.

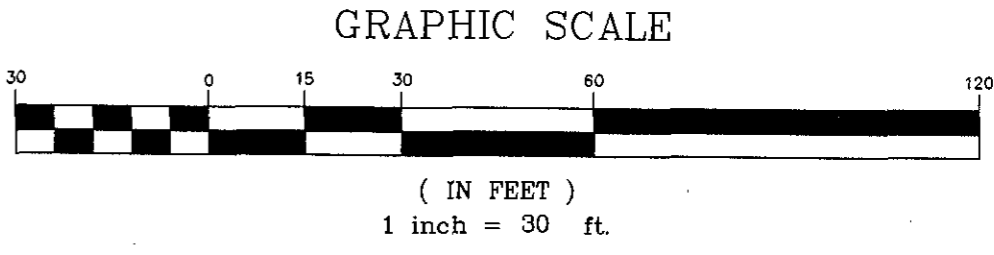
Part of Lots 24 and 25 of the Gilchrist & Martin's Subdivision of the Pond Tract in Memphis, TN as recorded in Plat Book 2, Page 61 in the Register's Office of Shelby County, and being more particularly described as follows:

Beginning at a point in the west line of Pond Street (50' right of way), said point being 185.00 feet south of the south line of McLemore Avenue; thence South 04 degrees 49 minutes 11 seconds West along the west line of Pond Street a distance of 50.00 feet; thence North 86 degrees 04 minutes 16 seconds West a distance of 122.00 feet; thence North 04 degrees 49 minutes 11 seconds East a distance of 50.00 feet to the south line of said alley; thence South 86 degrees 04 minutes 16 seconds East along said south line a distance of 122.00 feet to the point of beginning.

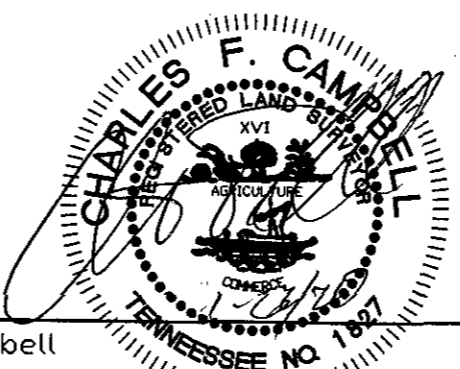


- Legend**
- P.O.B. = Point of Beginning
 - IPF = Iron Pin Found
 - IPS = Iron Pin Set
 - IPO = Iron Pipe (old)
 - O.E. = Overhead Wires
 - N = North
 - S = South
 - E = East
 - W = West
 - CPS = Cotton Picker Spindle
 - R/W = Right of Way
 - D.P. = Drain Pipe
 - MNS = Magnetic Nail Set
 - MNF = Magnetic Nail Found

- Symbol Legend**
- ⊙ T.V. = Underground Tank Valve
 - ⊙ S.M.H. = Sewer Manhole
 - ⊙ D.M.H. = Drain Manhole
 - ⊙ GV = Gas Valve
 - ⊙ WV = Water Valve
 - ⊙ H/C = Handicap Parking
 - ⊙ L.P. = Light Pole (Light Standard)
 - ⊙ P.P. = Power Pole
 - ⊙ TJB = Telephone Junction Box
 - ⊙ FH = Fire Hydrant
 - ⊙ D.I. = Drain Inlet
 - ⊙ C.I. = Curb Inlet
 - ⊙ H/W = Headwall
 - ⊙ AG = Anchor Guy
 - ⊙ W/M = Water Meter
 - ⊙ E/M = Electric Meter
 - ⊙ G/M = Gas Meter



I hereby certify that this is a Category 1 Survey and that the ratio of precision of the un-adjusted survey is 1:10,000 or greater as shown hereon and was done in compliance with current Tennessee Minimum Standards of Practice.



Charles F. Campbell TN RLS#1827

Survey of

691 E. McLemore Avenue
1173 Pond Street

Memphis, Shelby County, TN

DATE: JAN. 22, 2020 SCALE 1" = 30'

Prepared for: Royston Consulting
 COVENANT RESTORING MINISTRIES

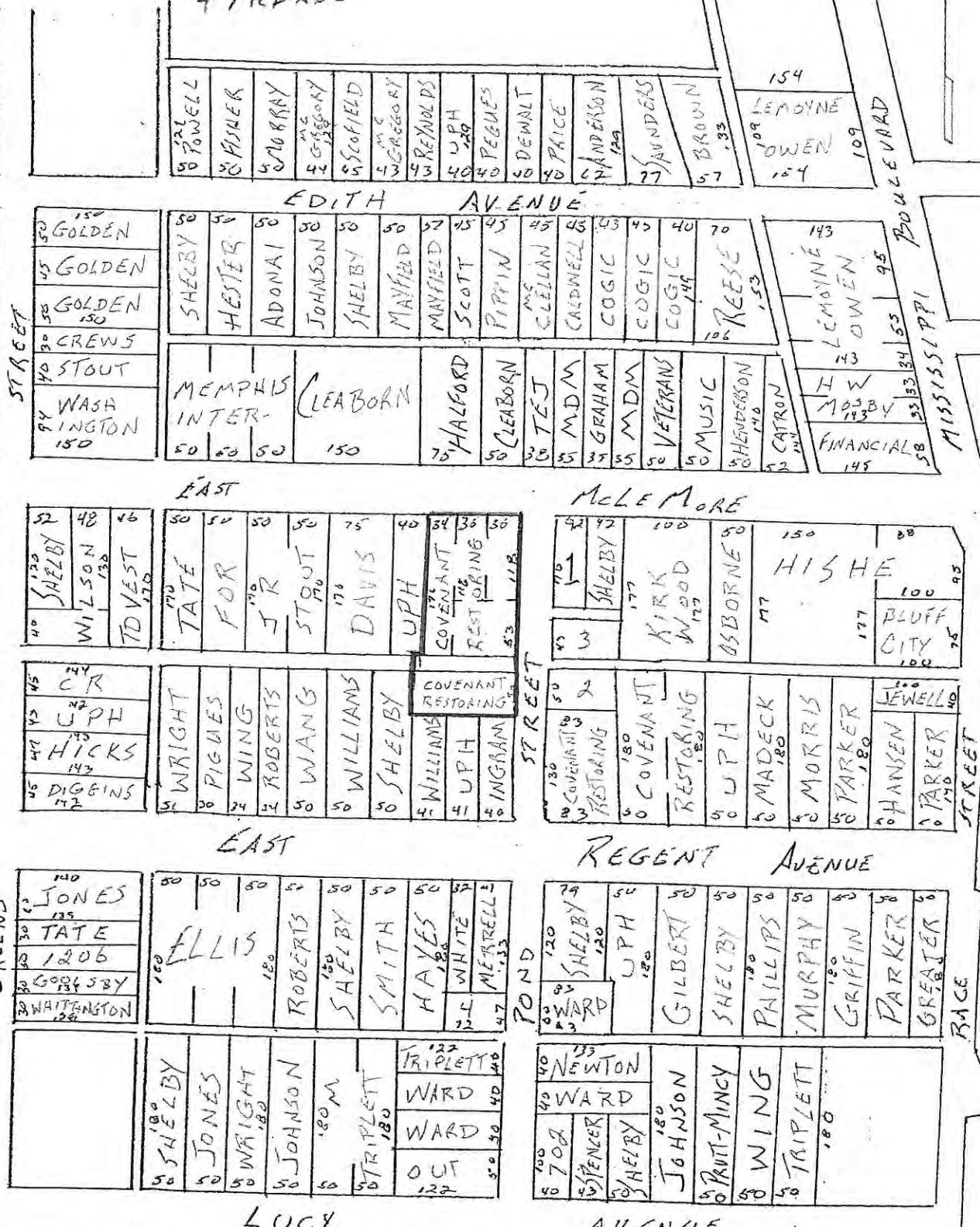
Campbell Surveying Company

1023 South Yates Road Suite 101
 Memphis, TN 38119 (901) 683-9114

- 1- K IRKWOOD
- 2- ROBINSON
- 3- SHOTWELL
- 4- McDADE

3/2020

SCALE
1:200



PROJECT
No
2K203B

PREPARED BY
G. MORALES

PARCEL No
W025-043-00010
W025-043-00011
W025-043-00012
W025-043-00013


INSTRUMENT NO
WD18039499
QC18064407
QC18064407
QC06162518

PART of
ALLEY



Tom Leatherwood
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.

	
18064407	
06/28/2018	11:00 AM
2 PGS	
BILL 1753189-18064407	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Instrument prepared by: Michael George 4740 Migaldi Dr Memphis TN 38125

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **Michael A. George and Mary G. George** on this the 26 day of June, 2018, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto **Covenant Restoring Ministries, Inc.**

all _____ right, title and interest in and to the following described real estate, to wit:

Parcel 1. 02504300012 691 East McLemore Ave

Part of Lot 10, of the Subdivision of the Pond Tract as shown on plat o record in Plat Book 2, Page 61, and or Plat Book 2, Page 62, in the Register's office of Shelby County Tennessee, , and being more particularly described as follows:

Beginning at the intersection of the south line of East McLemore Avenue with the west line of Pond Street; thence westwardly with the south line of East McLEMORE Avenue 36 feet; thence southwardly parallel to the west line of Pond Street 118 feet; thence eastwardly parallel to the south line of East McLemore Avenue 36 feet to the west line of Pond Street; thence northwardly with the west line of Pond Street 118 feet to the Point of beginning

L D O R 0 6 0 8 0 0 3 6

Parcel 2. 025 043 00011 0 E. McLemore

Part of Lot 10, Gilchrist and Martin Subdivision of the Pond Tract as recorded in Shelby County Register's Office, Plat Book 2, Page 61 and being more particularly described as follows:

L D O R 0 6 0 8 0 0 3 6

Beginning at a point in the south line of East McLEMORE Avenue, said point being 36 feet westwardly from the west line of Pond Street, thence westwardly along the south line of East McLemore avenue a distance of 36.0 feet; thence southwardly parallel with Pond Street a distance of 118.0 feet; thence eastwardly parallel with East McLemore Avenue a distance of 36.0 feet; thence northwardly a distance of 118.0 feet to the point of beginning.

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 26 day of June, 2018.

Michael A. George
Mary G. George

STATE OF TENNESSEE

COUNTY OF Shelby

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Michael & Mary George with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged to be person(s) within named and that _____ executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal this 26 day of June, 2018.

Tom Leatherwood
Notary Public

My commission expires: 7/14/19

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ _____.

Affiant

STATE OF TENNESSEE
COUNTY OF _____

OVER

Subscribed and sworn before me this the _____ day of _____, 20____.

Notary Public

My commission expires:

The following information is not a part of this Deed:

Property Address: 691 E. McLemore Ave
Owner's Name and Address: Covenant Restoring Ministries
4740 Migaldi Dr
Memphis, TN 38125

Parcel Number: 02504300012 and 02504300011
Mail Tax Bills to: Covenant Restoring Ministries
4740 Migaldi Dr
Memphis, TN 38125



I, or we, hereby swear or affirm
that to the best of either my
knowledge, information, and belief,
the actual consideration for
this transfer is \$ 0

Michael Hoop
Affiant

Subscribed and sworn to before
me this the 28 day of June,
20 18


Michael Hoop

TOM LEATHERWOOD, REGISTER
by Bill O'Connell D.R.



Tom Leatherwood
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.

	
18032528	
04/05/2018 - 10:55 AM	
1 PGS	
BILL	1720274-18032528
VALUE	1.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

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

This instrument prepared by: Michael George 4740 Migaldi Dr Memphis, TN 38125

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that JESSE CHATMAN on this the 13 day of March, 2018 for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto COVENANT RESTORING MINISTRIES all right, title and interest in and to the following described real estate, to wit:

Part of lots 24 and 25 Gilchrist and Martin's Subdivision I the Pond Tract as recorded in Plat Book 2, Pages 61 and 62 in the Register's Office of Shelby County and being more particularly described as follows:

Beginning at a point in the west line of Pond Street, said point being 130.0 feet north of the north line of Regent Avenue; thence westwardly parallel to Regent Avenue a distance of 122.0 feet to the east line of Lot 23; thence northwardly along said east line a distance of 50.0 feet to the south line of an alley; thence eastwardly along said south line a distance of 50.0 feet to the south line of an alley; thence eastwardly along said south line a distance of 122.0 feet to the west line of Pond Street; thence southwardly along said west line a distance of 50.0 feet to the point of beginning.

This being the same property conveyed to Jesse Chatman by Quit Claim Deed recorded at Instrument Number 10046299 in the aforesaid register's office

Property also Known as 1173 Pond Street Memphis, TN 38106

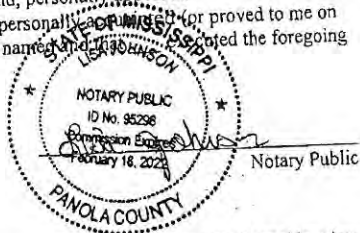
IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 13th day of March, 2018

JESSE CHATMAN
1501 Humboldt ST
Memphis 38106

STATE OF ^{Mississippi} ~~TENNESSEE~~
COUNTY OF Desoto/Tate

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Jesse Chatman with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged to be person(s) within named and signatory to the foregoing instrument for the purpose therein contained.

Witness my hand and seal this 13th day of March, 2018



My commission expires:

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 1

STATE OF ^{Mississippi} ~~TENNESSEE~~
COUNTY OF Desoto/Tate

Subscribed and sworn before me this the 13th day of March, 2018



My commission expires:

The following information is not a part of this Deed:

- Property Address: 1173 Pond Street Memphis, TN 38106
- Owner's Name and Address: Covenant Restoring Ministries 4740 Migaldi Dr. Memphis, TN 38125
- Parcel Number: 025-043-014C
- Mail Tax Bills to: Covenant Restoring Ministries 4740 Migaldi Dr. Memphis, TN 38125



Tom Leatherwood
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.

18039499

04/25/2018 - 09:26 AM

4 PGS

LACI	1727820-18039499	
VALUE		3000.00
MORTGAGE TAX		0.00
TRANSFER TAX		11.10
RECORDING FEE		20.00
DP FEE		2.00
REGISTER'S FEE		1.00
WALK THRU FEE		0.00
TOTAL AMOUNT		34.10

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

WITNESS the signature of the party of the first part the day and year first above written.

UPH 127 , L. P., a Tennessee Limited Partnership

By: 
Amy Schafflein, Executive Director

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared **Amy Schafflein**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Executive Director of **UPH 127, L. P. , a Tennessee Limited Partnership**, the within named bargainer, a limited partnership, and that she as such Executive Director, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by herself as Executive Director.

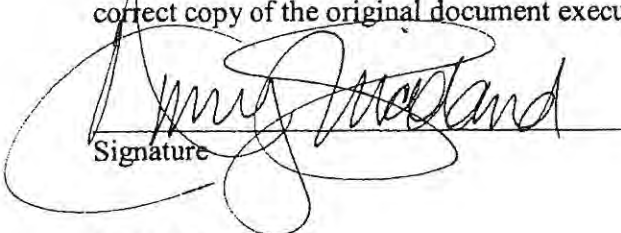
My Commission Expires: _____





Notary Public

I, **Amy E. Strickland**, 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 is a true and correct copy of the original document executed and authenticated according to law.


Signature

State of Tennessee
County of Shelby

On this the 25th day of April, 2018, personally appeared before me, **M. Erin King**, a Notary Public for this county and state, **Amy E. Strickland**, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.


Notary Public

My Commission Expires: 8/22/2021





Tom Leatherwood
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.

	
06162518	
10/03/2006 - 02:38 PM	
2 PGS : R - QUIT CLAIM	
LIZ 438727-6162518	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

QUIT CLAIM DEED

This instrument prepared by
Kirkland, Rothman-Branning & Associates, PLLC
6489 Quail Hollow
Suite 102
Memphis, Tennessee 38120-1305

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER GRANTEE(S), AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, I/WE, Peter Oigbokie, HEREINAFTER CALLED GRANTOR(S), HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO BARGAIN, SELL, REMISE, RELEASE, QUITCLAIM, TRANSFER AND CONVEY UNTO, Covenant Restoring Ministries, Inc., a Tennessee Non-Profit Corporation, HEREINAFTER CALLED THE GRANTEE(S), THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Part of Lot 10, Gilchrist and Martins Subdivision of the Pond Tract as recorded in Shelby County Register's Office, Plat Book 2, Pages 61 and 62 and being more particularly described as follows: Beginning at a point in the west line of Pond Street, said point being 117.0 feet southwardly from the south line of McLemore Avenue; thence southwardly along said west line a distance of 53.0 feet; thence westwardly along the North line of an alley a distance of 72.0 feet; thence northwardly along the line dividing Lots 10 and 11 a distance of 53.0 feet; thence eastwardly a distance of 72.0 feet to the point of beginning.

Being one and the same property conveyed to Grantor(s) herein by Warranty Deed at Instrument No. 06057383, of record in the Register's Office of Shelby County, Tennessee.

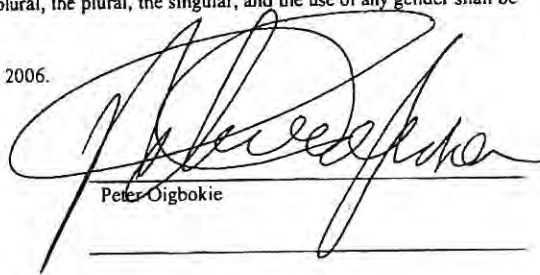
THIS DEED WAS PREPARED WITHOUT TITLE SEARCH OR ABSTRACT AT THE REQUEST OF THE PARTIES

TAX PARCEL ID NO. 25-43-13

PREPARED BY - RETURN TO:
KIRKLAND, ROTHMAN - BRANNING
& ASSOCIATES, PLLC
6489 Quail Hollow, Suite 102
Memphis, TN 38120
File No. SC61297

Wherever used, the singular number shall include the plural, the plural, the singular, and the use of any gender shall be applicable to all genders.

WITNESS my/our hand(s) this 27th day of September, 2006.


Peter Oigbokie

STATE OF TENNESSEE, COUNTY OF SHELBY:

Personally appeared before me, a Notary Public of this county, Peter Oigbokie, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained.

WITNESS my hand and notarial seal at office this 27th day of September, 2006.



[Signature]
Shelley E. Rothman Notary Public

My Commission Expires: December 5, 2006

PROPERTY ADDRESS:

1167 Pond
Memphis, TN 38106

STATE OF TENNESSEE, COUNTY OF SHELBY

I, or We, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is, \$0.00.

NAME AND ADDRESS OF PROPERTY OWNER::

Covenant Restoring Ministries, Inc.
4740 Migaldi Drive
Memphis, Tennessee 38125

[Signature]
Affiant

Subscribed and sworn to before me this 27th day of
September, 2006

MAIL TAX BILLS TO:

Covenant Restoring Ministries, Inc.
4740 Migaldi Drive
Memphis, Tennessee 38125

Title Co. File No: N/A

File No.: S061297

Return to:

Kirkland, Rothman-Branning & Associates, PLLC

6489 Quail Hollow, Ste. 102

Memphis, TN. 38120



[Signature]
Shelley E. Rothman Notary Public
My commission expires: December 5, 2006

CovenantRestoring Ministries
4740 Migladi Dr
Memphis Tn 38125

CovenantRestoring Ministries
4740 Migladi Dr
Memphis Tn 38125

CovenantRestoring Ministries
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CovenantRestoring Ministries
4740 Migladi Dr
Memphis Tn 38125

Construction Code Consultants
2809 Kirby Parkway Ste 116-132
Memphis Tn 38119

Construction Code Consultants
2809 Kirby Parkway Ste 116-132
Memphis Tn 38119

Construction Code Consultants
2809 Kirby Parkway Ste 116-132
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Construction Code Consultants
2809 Kirby Parkway Ste 116-132
Memphis Tn 38119

Construction Code Consultants
2809 Kirby Parkway Ste 116-132
Memphis Tn 38119

Shelby Cnty TX Sale 1404
P O Box 2751
Memphis Tn 38101

Eugen Wilson
2965 Morningview Dr
Memphis Tn 38118

TDVEST LLC
408 Ceclia Dr
Memphis Tn 38117

Andre Tate
3860 Springfield Dr
Memphis Tn 38128

Vannessa Ford
661 E McLemore Ave
Memphis Tn 38106

Joy Stout
1173 Fountain Ct
Memphis Tn 38106

Dana Davis
675 E McLemore Ave
Memphis Tn 38106

UPH 127 LP
5099 Old Summer Rd Ste C
Memphis Tn 38122

Covenant Restoring
4740 Migaldi Dr
Memphis Tn 38125

Olden Ingram
1359 Hidden Ridge
Cordova Tn 38016

Dierdri Williams
686 Regent Ave
Memphis Tn 38106

Shelby Cnty TX SL 0503 Ex 2419
P O Box 2751
Memphis Tn 38101

Freddie Williams
1242 Woodbury Rd
Memphis Tn 38111

William Wang
670 Regent Ave
Memphis Tn 38106

Ronald Roberts
670 Regent Ave
Memphis Tn 38106

Gerald Wing
724 Lucy
Memphis Tn 38106

Shirley Pignes
4901 Winchester Rd
Memphis Tn 38118

Wesley Wright
4063 Fir Hill Dr E
Lakeland Tn 38002

Arnetha Diggins
1188 S Orleans St
Memphis Tn 38106

Charles Hicks
1184 S Orleans St
Memphis Tn 38106

Shelby Cnty TX SL 0601 Ex 1759
P O Box 2751
Memphis Tn 38101

Eugene Wilson
2965 Morningview Dr
Memphis Tn 38118

Irven Mitchell Jr
P O Box 4937
Lancaster CA 93539

Shelby Cnty TX SL 1401
P O Box 2751
Memphis Tn 38101

Joseph Golden
1124 S orleans St
Memphis Tn 38126

Shelby Cnty TX SL 1503
P O Box 2751
Memphis Tn 38101

Marcelita Hester
661 Edith Ave
Memphis Tn 38126

Adonai Community 963 S Florida Memphis Tn 381106	Jessica Johnson 3246 Whispering Ln Apt 364 Memphis Tn 38115	Shelby Cnty TX SL 1503 P O Box 2751 Memphis Tn 38101
Otha Mayfield 681 Edith Ave Memphis Tn 38126	Otha Mayfield 685 Edith Ave Memphis Tn 38126	Marcella Scott 689 Edith Ave Memphis Tn 38126
Thomascine Pippin 1841 Tilling Way Stone Mountain GA 30087	Patricia McClellan 1469 Wood Iris Ln Lawrenceville GA 30045	Caldwell Investment 9005 Gandy Cv Memphis Tn 38133
Church of God 715 Edith Ave Memhis Tn 38126	COGIC 711 Edith Ave Memphis Tn 38126	Gwendolyn Reese 269 N McNeil St Memphis Tn 38112
Lemoyne-Owen 802 Walker Ave Ste 5 Memphis Tn 38136	Helen Mosby 1135 Mississippi Blvd Memphis Tn 38126	Financial Planning 1322 Hardwood Trl Cordova Tn 38016
R L Catron Jr 726 E McLemore Ave Memphis Tn 38106	Elmer Henderson 722 E McLemore Ave Memphis tn 381067	Music Magnet Village 1011 W Poplar Ave Ste 5 Collierville Tn 38017
Veterans Village 714 E McLemore Ave Memphis Tn 38106	MDM Investments P O Box 751536 Memphis Tn 38175	Sylvia Graham 1836 Dunn Ave Memphis Tn 38114
MDM Investments 9100 Poplar Ave Ste 612 Memphis Tn 38137	TEJ Investments LLC P O Box 351 Cumming GA 30028	Treena Clearborn 670 E McLemore Ave Memphis Tn 38106
John Halford 1337 Vinton Ave Apt 4 Memphis Tn 38104	Memphis Inter Denominational 1173 Fountain Ct Memphis Tn 38106	Kenneth Washington 640 E McLemore Ave Memphis Tn 38106

George Crews
1134 S Orleans St
Memphis Tn 38126

Joseph Golden
1128 S Orleans St
Memphis Tn 38126

Regina Golden
1124 S Orleans St
Memphis Tn 38126

Rebecca Brown
720 Edith Ave
Memphis Tn 38126

George Saunders
P O Box 40582
Memphis Tn 38174

Wilbert Anderson
704 Edith Ave
Memphis Tn 38126

Douglas Prince
7924 S Prairie Ave
Chicago Il 606190

Lee Dewalt
696 Edith Ave
Memphis Tn 38126

Benjamin Pegues
694 Edith Ave
Memphis Tn 38126

Theirry Reynolds
684 Edith Ave
Memphis Tn 38126

Leo McGregory
678 Edith Ave
Memphis Tn 38126

Niesha Scofiled
674 Edith Ave
Memphis Tn 38126

James McGregory
678 Edith Ave
Memphis Tn 38126

Thelma Murray
666 Edith Ave
Memphis Tn 38126

Kema Fisher
660 Edith Ave
Memphis Tn 38126

Dantonito Powell
3447 Tallyho Rd
Memphis Tn 38128

William Kirkwood
1168 Pond St
Memphis Tn 38106

Sheby Cnty TX SL 15.01
P O Box 2751
Memphis Tn 38101

Lena Osborne
1537 Ragan St
Memphis Tn 38106

Hanan Hishe
745 E McLemore Ave
Memphis Tn 38106

Bluff City Christian
1169 Race St
Memphis Tn 38106

Sheila Jewell
1018 E McLemore Ave
Memphis Tn 38106

Aciea Parker
1636 Main St
Memphis Tn 38106

Kayla Hansen
1015 W Kirkland Ave Ste 422
Nashville Tn 37216

Johnny Parker
3088 Lotus
Memphis Tn 38109

Vanessa Morris
732 Regent Ave
Memphis Tn 38114

Madeck US
8214 Mizner Ln
Goca Raton FL 33433

Covenant Restoring
691 E McLemore Ave
Memphis Tn 38106

Gladys Robinson
1174 Pond St
Memphis Tn 38106

Ada Shotwell
1055 S Bellevue Blvd
Memphis Tn 38106

Shelby Cnty TX SL 13.01
P O Box 2751
Memphis Tn 38101

Tamala Gilbert
5617 Pathway
Memphis Tn 38115

Shelby Cnty TX SL 14.04
P O Box 2751
Memphis Tn 38101

Veronica Phillips
727 Regent Ave
Memphis Tn 38106

Thelma Murphy
735 Regent Ave
Memphis Tn 38106

Patricia Griffin
735 Regent Ave
Memphis Tn 38106

Greater New Salem
1189 Mississippi Blvd
Memphis Tn 38106

Marcus Triplett
674 Lucy Ave
Memphis Tn 38106

Alberta Wing
670 Regent Ave
Memphis Tn 38106

Sharon Pruitt-Mincy
8950 Carrollwood Ln E
Cordova Tn 38016

Victor Johnson
718 Lucy Ave
Memphis Tn 38106

Shelby Cnty TX SL 15.03
P O Box 2751
Memphis Tn 38101

Candace Spencer
706 Lucy Ave
Memphis Tn 38106

Seven Zero Two LLC
5865 Ridgway Center Pkwy Ste 300
Memphis Tn 38120

Helen Ward
1223 Pond St
Memphis Tn 38106

Betty Newton
2677 Burns Ave
Memphis Tn 38114

David Jones
9410 Charles Bartlett Rd
Millington Tn 38053

Orine Ellis
665 Regent Ave
Memphis Tn 38106

Ronald Roberts
670 Regent Ave
Memphis Tn 38106

Shelby Cnty TX SL 11.02
P O Box 2751
Memphis Tn 38101

Ora Smith
3165 Ruby Cv
Memphis Tn 38111

Mattie Hayes
685 Regent Ave
Memphis Tn 38106

Mary White
1978 Edward
Memphis Tn 38107

Maurice Merrell
8247 Windersville Dr
Bartlett Tn 38133

Lillie McDade
1211 Pond St
Memphis Tn 38106

Luther Ward
1223 Pond St
Memphis Tn 38106

Vanessa Johnson
2135 Saint Elmo Ave
Memphis Tn 38127

Edith Jones
658 Lucy Ave
Memphis Tn 38106

Shelby Cnty TX SL 11.02
P O Box 2751
Memphis TN 38101

Matt Wittington
1212 S Orleans St
Memphis Tn 381106

Danny Goolsby
1210 S Orleans St
Memphis Tmn 38106

1206 S Orleans Street Trust
90 W 84 Ave
Denver CO 80260

Rozelle Tate
3956 Hedge Row
Memphis Tn 38109

Current Resident
1166 S Orleans St
Memphis Tn 38106

Current Resident
645 E McLemore Ave
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11212 Pond St
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Current Resident
1200 S Orleans St
Memphis Tn 38106

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654 Lucy Ave
Memphis Tn 38106

Current Resident
1206 Orleans St
Memphis Tn 38106

Current Resident
1204 S Orleans St
Memphis Tn 38106

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6 October 2020

DATE

PUBLIC SESSION: 6 October 2020

DATE

ITEM (CHECK ONE)

ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 _____ RESOLUTION _____ GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: An ordinance approving a zoning change

CASE NUMBER: Z 20-8

DEVELOPMENT: Convenience store with gas sales

LOCATION: 580 and 584 Belt Line Street

COUNCIL DISTRICTS: District 4 and Super District 8

OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail

REPRESENTATIVES: Tim McCaskill and Associates, Inc.

EXISTING ZONING: Residential Urban – 1

REQUEST: Commercial Mixed Use – 1

AREA: 0.2 acres

RECOMMENDATION: The Office of Planning and Development recommended *Approval*
 The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
 Set a date for first reading – 1 September 2020
 Public Hearing on third reading – 6 October 2020

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
13 August 2020 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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	ADMINISTRATOR
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	PRINCIPAL PLANNER
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 20-8

Ordinance approving a zoning change for the parcels located at 580 and 584 Belt Line Street:

- This item is an ordinance for the rezoning from Residential Urban – 1 to Commercial Mixed Use – 1 at the aforementioned location; and
- Approval of this zoning change will be reflected on the Memphis and Shelby Counting Zoning Atlas; and
- The Office of Planning and Development sponsors this ordinance at the request of Owner/Applicant: Ameen Ozrail and Ziad Ozrail.
- No contracts are affected by this item, nor is any expenditure required.

AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON 10 AUGUST 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES TO THE ZONING ATLAS PROVIDED IN SAID ORDINANCE

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 20-8**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Office of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to the Zoning Atlas, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL URBAN – 1 ZONING DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 ZONING DISTRICT.

The following property located in the City of Memphis, Tennessee, being more particularly described as follows:

The 0.21 acres that consist of the southern half of Lot 52, as well as Lots 53, 54, and 55 of Block A of the Belt Line Subdivision, also presently known as parcels 029079 00021 and 029079 00022.

SECTION 2:

THAT, the Administrator of the Office of Planning and Development be, and is hereby directed to make the necessary changes in the Zoning Atlas to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chair of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

SURVEY OF SUBJECT PROPERTY



McCaskill & Associates, Inc.
Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
www.mccaskillinc.com
(901) 382-2577 Fax (901) 385-1813

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 13 August 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 20-8
LOCATION: 580 Belt Line Street and 584 Belt Line Street
COUNCIL DISTRICT(S): District 4 and Super District 8
OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.
REQUEST: Rezoning of two parcels from Residential Urban – 1 to Commercial Mixed Use – 1
AREA: 0.2 acres
EXISTING ZONING: Residential Urban – 1

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion *passed* by a vote of 10-0 on the consent agenda.

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a telephonic Public Hearing will be held by the Council of the City of Memphis on Tuesday 6 October 2020 at 3:30 p.m., regarding a proposed amendment to the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 20-8
LOCATION: 580 and 584 Belt Line Street
COUNCIL DISTRICTS: District 4 and Super District 8
OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.
EXISTING ZONING: Residential Urban – 1
REQUEST: Commercial Mixed Use – 1
AREA: 0.2 acres

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development: *Approval*
Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday 6 October 2020 at 3:30 p.m., the Council of the City of Memphis, Tennessee, will be in telephonic session to hear remonstrances or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

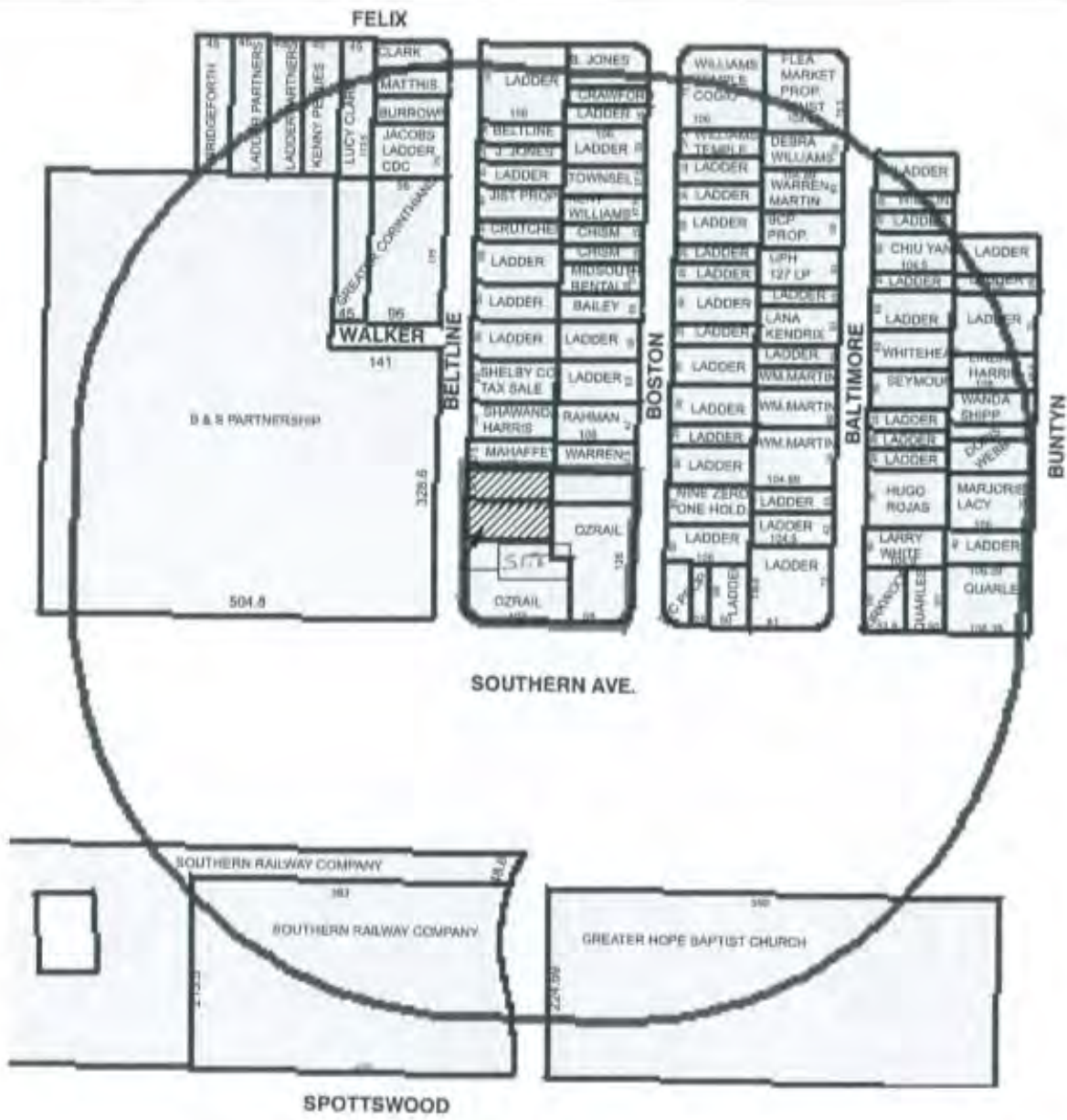
THIS THE _____, _____

PATRICE ROBINSON
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



VICINITY MAP

SCALE: 1" = 200'
 JUNE, 2020



McCaskill & Associates, Inc.
 Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
 Bartlett, Tennessee 38133
 website: www.mccaskillinc.com
 (901) 382-2577

Greater Corinthians MB Church
2626 Walker Ave.
Memphis, TN 38111

Paul L. Chism
10594 Midnight Sun Dr.
Collierville, TN 38017

UPH 127 LP
5099 Old Summer Road
Memphis, TN 38122

Andrew Crawford
406 Palisade Dr.
Florence, AL 35630

Leon Warren
575 Boston St.
Memphis, TN 38111

Ladder Partners LLC
2892 Tishomingo Lane
Memphis, TN 38111

TLC Properties, Inc.
1600 Century Center #104
Bartlett, TN 38134

Southern Rail Co.
2478 Spottswood Ave.
Memphis, TN 38114

Wanda Shipp
4785 Alicia Dr. #425
Virginia Beach, VA 23462

Josephine Seymour
568 Baltimore St.
Memphis, TN 38111

Linda Harris
563 Buntyn St.
Memphis, TN 38111

Richard Whitehead
721 Woodland Trace Ln.
Cordova, TN 38018

Donnell Burrow
4536 Marble Hill Lane
Bartlett, TN 38135

Belt Line Properties LLC
7500 Capital Dr.
Germantown, TN 38138

Williams Temple COGIC
536 Boston
Memphis, TN 38111

Averill Properties Inc.
P.O. Box 292
Memphis, TN 38101

Debra Williams
2031 Janis Drive
Memphis, TN 38116

B & S Partnership
2500 Citywest Blvd, Suite 900
Houston, TX

Southern Railway Co.
2648 Spottswood Ave.
Memphis, TN 38114

Greater Hope Baptist Church
2660 Spottswood Ave.
Memphis, TN 38114

Onza Spiller
2597 Felix Ave.
Memphis, TN 38111

Lucy Clark
525 Belt Line St.
Memphis, TN 38111

Kent Williams
547 Boston St.
Memphis, TN 38111

VSH Home Builders LLC
111 S. Highland St. # 179
Memphis, TN 38111

Curtis Kirkwood
9211 Chastain Pl.
Cordova, TN 38018

Larry White
588 Baltimore St.
Memphis, TN 38111

Marjorie Lacy
581 Buntyn St.
Memphis, TN 38111

Hugo Rojas
3924 S. Quemoy Ct.
Aurora, CO 80018

Doris Webb & Raishene Webb
575 Buntn St.
Memphis, TN 38111

Chiu Yan
9245 Loganberry Ln.
Cordova, TN 38016

Leona Matthis
533 Belt Line St.
Memphis, TN 38111

Kenney Pegues
2609 Felix Ave.
Memphis, TN 38111

Buntn Community Development
1779 Kirby Parkway #1572
Germantown, TN 38138

Mid South Rentals LLC
111 S. Highland St.
Memphis, TN 38111

Est. of A. W. Bailey
557 Boston St.
Memphis, TN 38111

Lana Kendrix
731 Semmes St.
Memphis, TN 38111

Beatrice Jones
525 Boston St.
Memphis, TN 38111

Tracis M. Martin
1185 Hester Rd.
Memphis, TN 38116

Shawanda Harris
237 Madison Blvd
Madison, TN 37115

Muhammad Rahman
6475 Palm Pl.
Vero Beach, FL 32967

Jacobs Ladder CDC
158 Marne
Memphis, TN 38111

Nine Zero One Holdings, LLC
P.O. Box 17573
Memphis, TN 38187

Willie Crutcher
1808 Kingsview Dr.
Memphis, TN 38114

Southern Strip Center LLC
1779 Kirby Parkway #1502
Germantown, TN 38138

Carl E. Johnson
1004 Roland St.
Memphis, TN 38114

Roy Townsel
2610 Felix
Memphis, TN 38111



STAFF REPORT

AGENDA ITEM: 10

CASE NUMBER: Z 20-8 **L.U.C.B. MEETING:** 13 August 2020
LOCATION: 580 Belt Line Street and 584 Belt Line Street
COUNCIL DISTRICT: District 4 and Super District 8
OWNER/APPLICANT: Ameen Ozrail and Ziad Ozrail
REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.
REQUEST: Rezoning of two parcels from Residential Urban – 1 to Commercial Mixed Use – 1
AREA: 0.2 acres
EXISTING ZONING: Residential Urban – 1

CONCLUSIONS (see p. 12)

1. The applicant has requested the rezoning of a 0.2-acre site on Belt Line Street approximately 100 feet north of Southern Avenue.
2. The applicant is concurrently seeking approval of a special use permit (SUP 20-8) for a convenience store with gas sales on a 0.9-acre site that includes the subject parcels.
3. The proposed rezoning would straighten the presently zigged boundary between the residential and commercial zoning districts that span Block A of the Belt Line Subdivision (see p. 7), thus creating a more orderly environment for development.
4. Staff finds that the requested zoning change is compatible with the use and zoning of nearby properties, and that the subject site is a suitable location for neighborhood-oriented commercial development.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 13-15)

Per the Office of Comprehensive Planning, this proposal is *consistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 12)

Approval

Staff Writer: *Brett Davis*

E-mail: brett.davis@memphistn.gov

GENERAL INFORMATION

Street Frontage:	Belt Line Street	(Local Street)	87.5 linear feet
Zoning Atlas Page:	2135		
Parcel ID:	029079 00021 and 029079 00022		
Existing Zoning:	Residential Urban – 1		

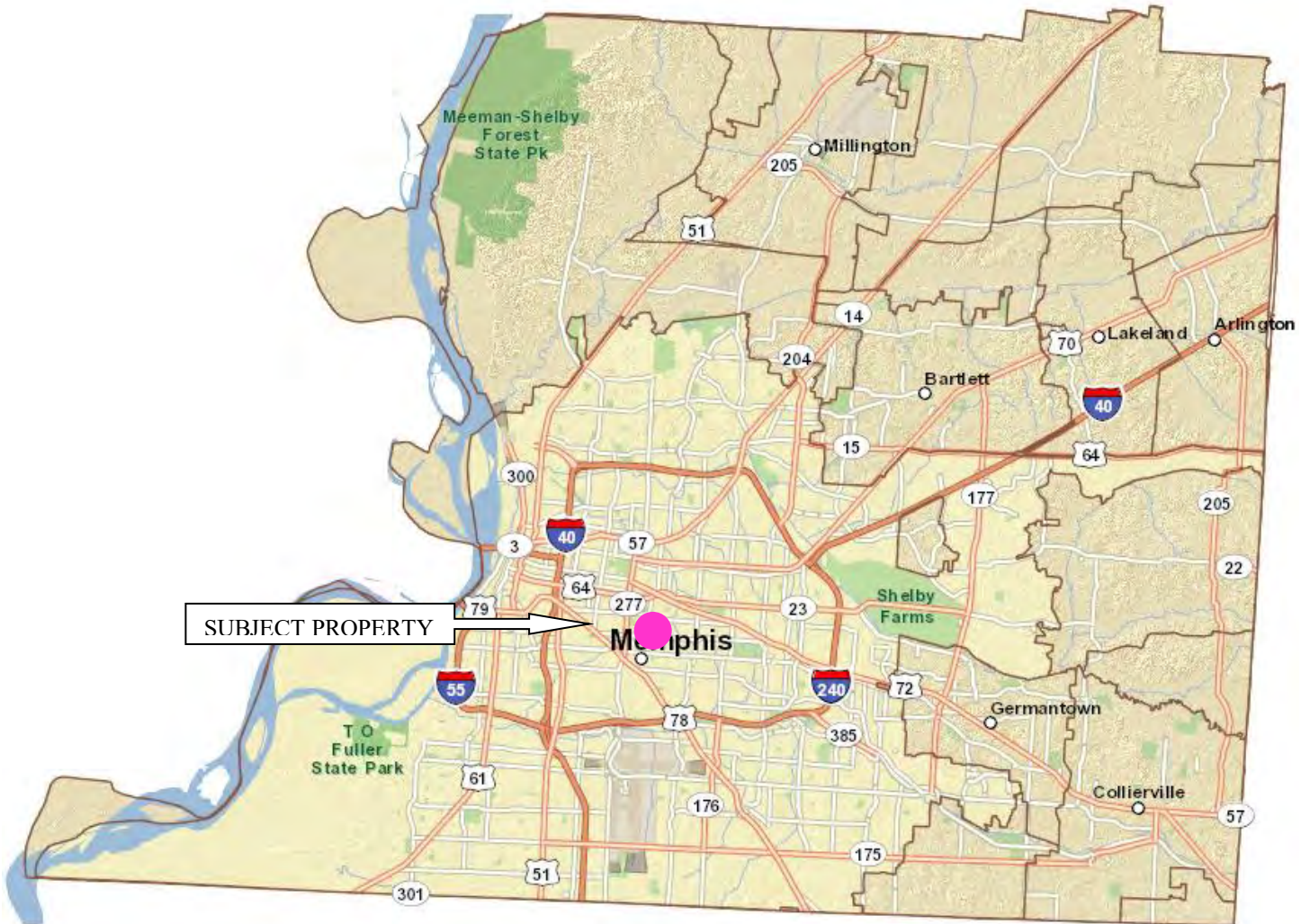
NEIGHBORHOOD MEETING

A neighborhood meeting was held on-site on 30 July 2020.

PUBLIC NOTICE

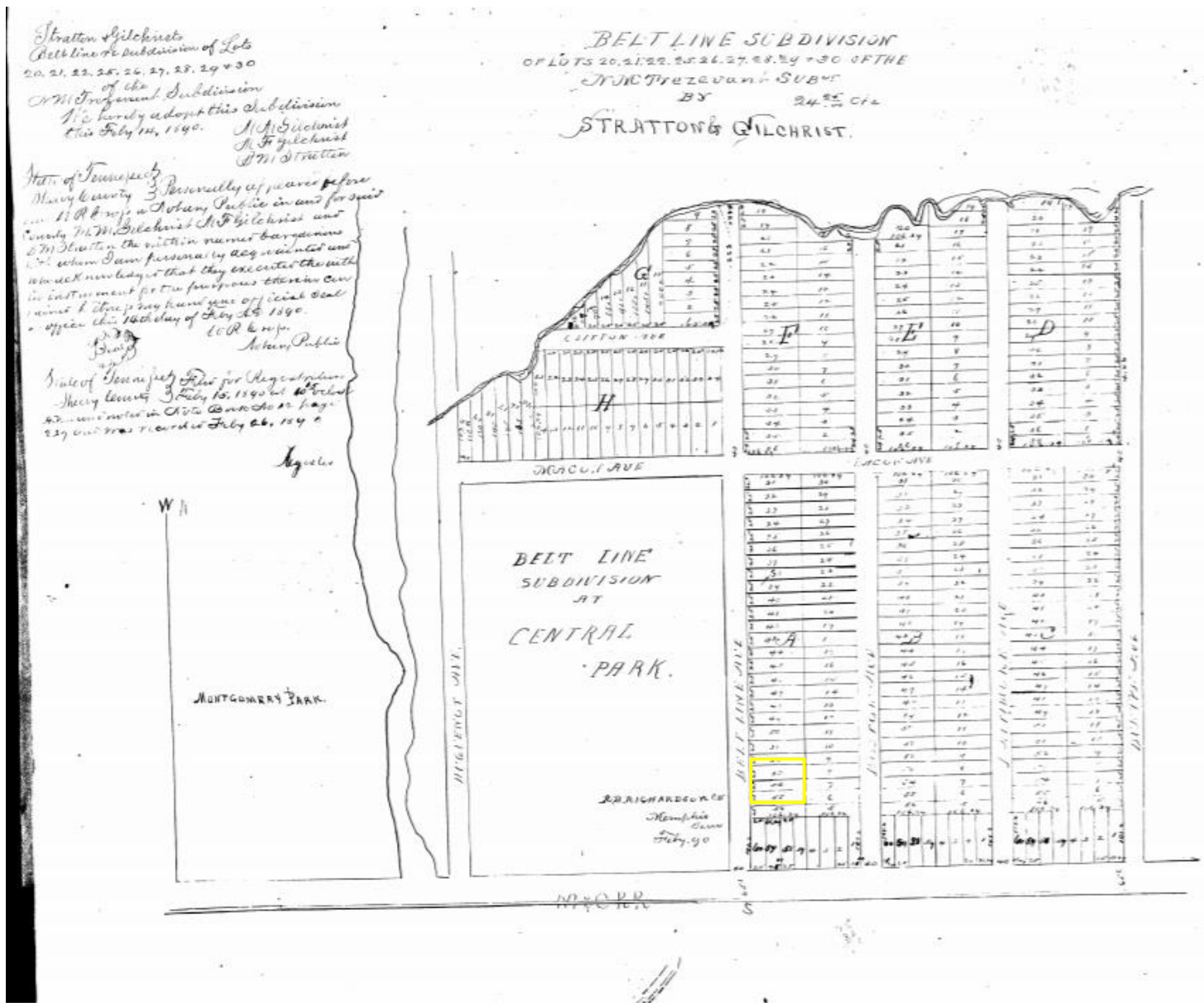
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 48 notices were mailed on 23 July 2020, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



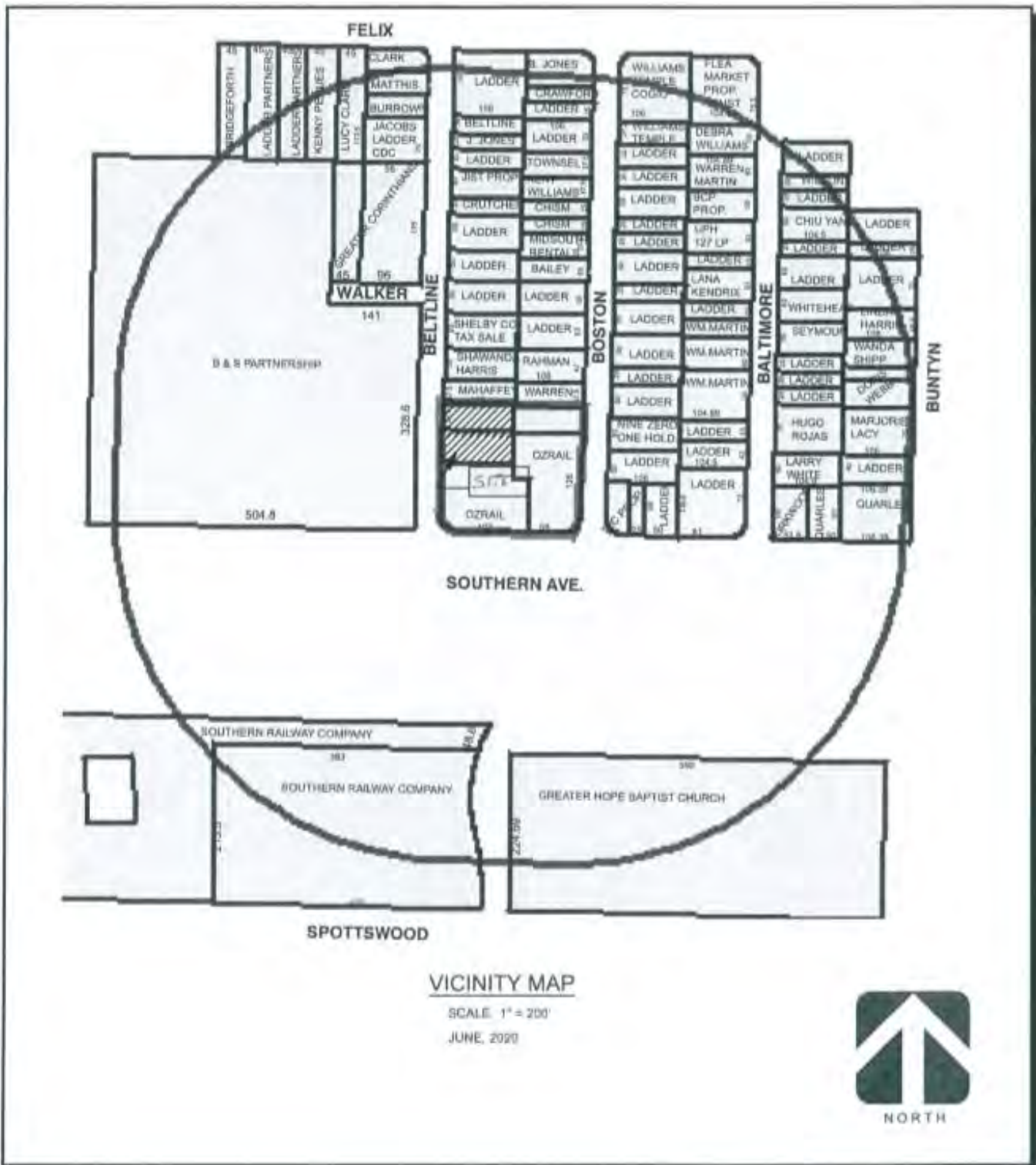
Subject property located in Belt Line neighborhood

BELT LINE SUBDIVISION (1890)



Subject property includes half of Lot 52 as well as Lots 53, 54, and 55 of Block A of the Belt Line Subdivision.

VICINITY MAP



VICINITY MAP
SCALE: 1" = 200'
JUNE, 2020



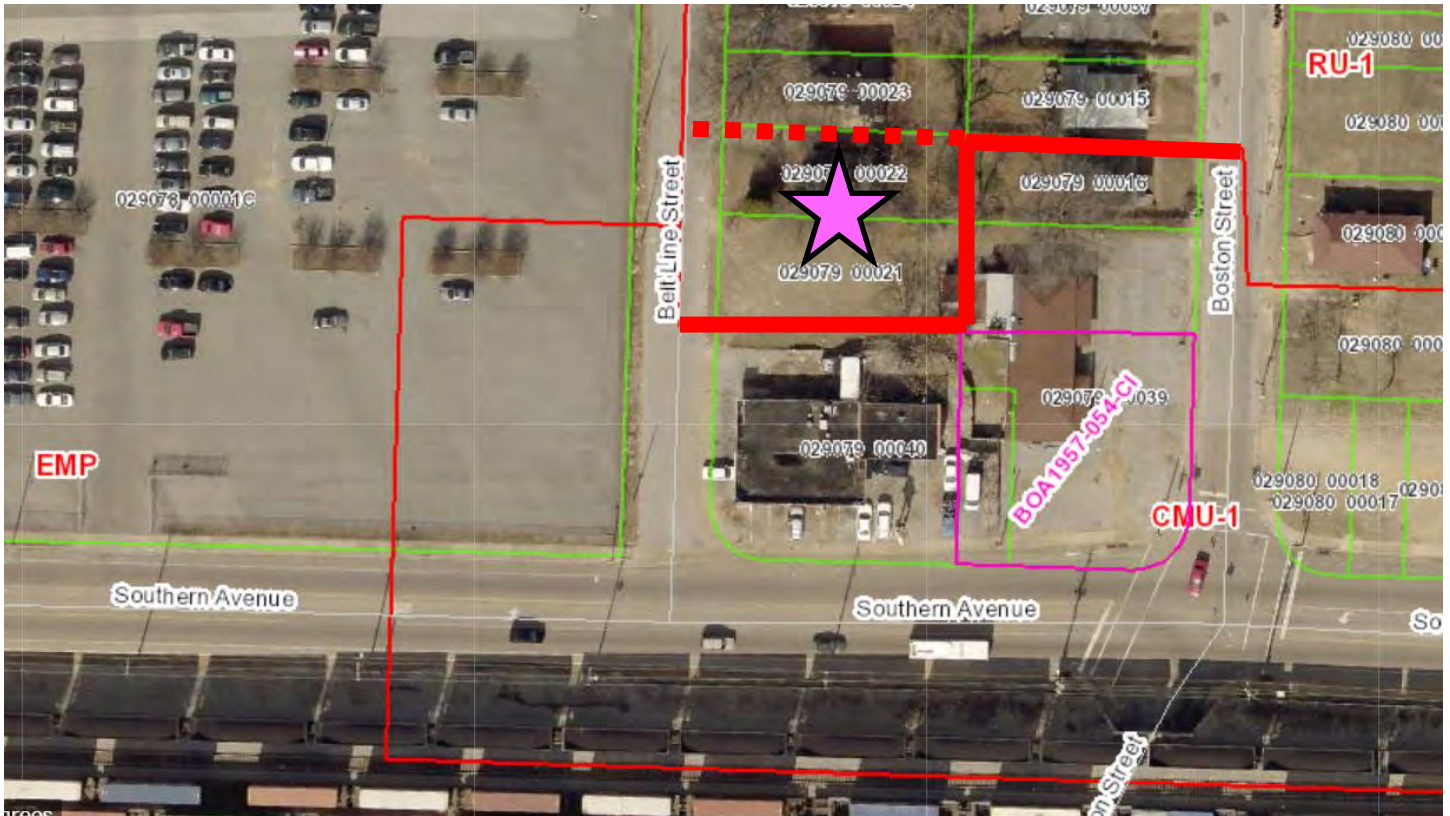
 **McCaskill & Associates, Inc.**
Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
website: www.mccaskillinc.com
(901) 382-2577

AERIAL



ZONING MAP



LEGEND

Existing Zoning Boundary



Proposed Zoning Boundary



Two subject parcels



Existing Zoning:

Residential Urban – 1

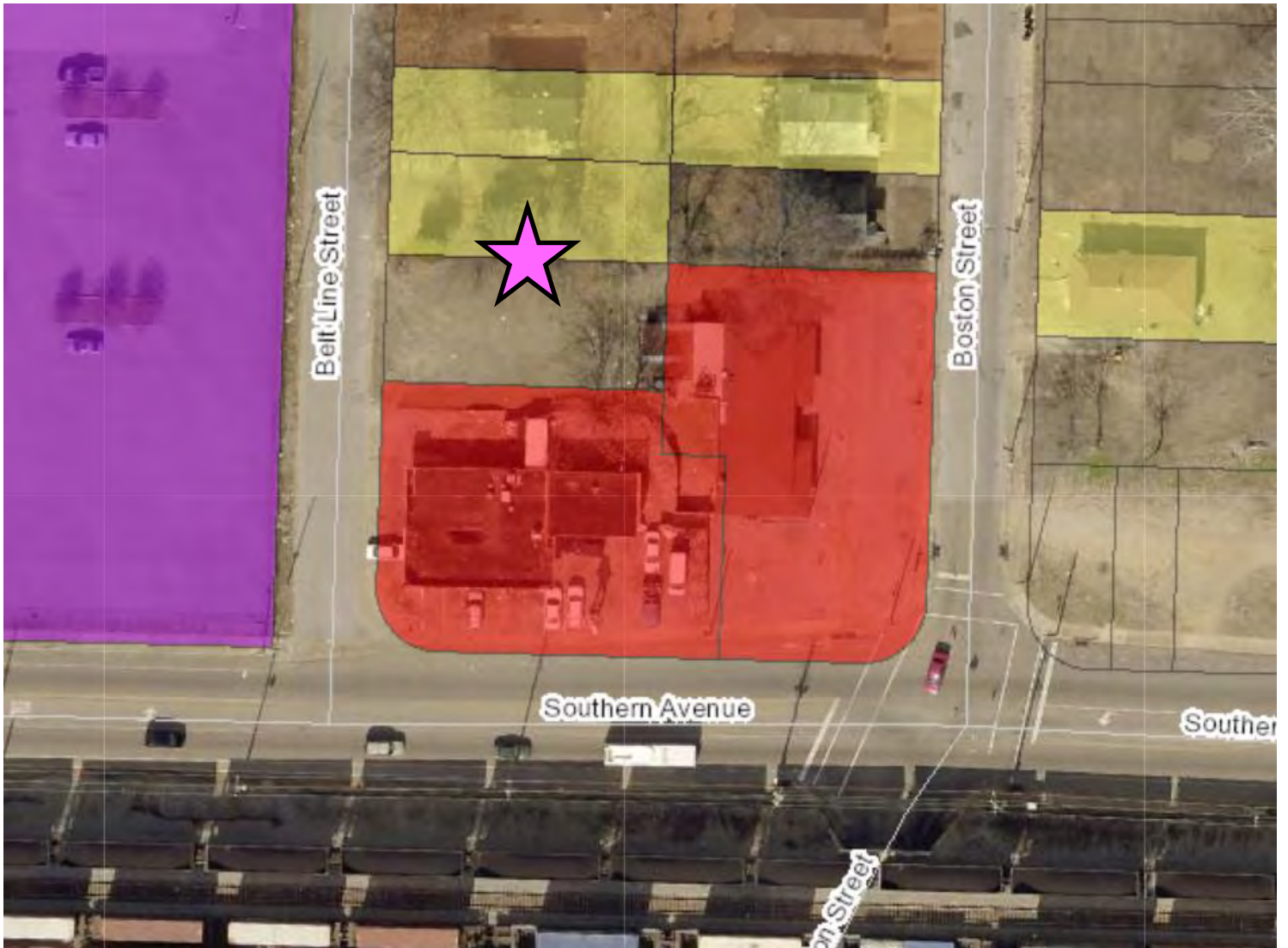
Surrounding Zoning:

- **North:** Residential Urban – 1
- **East:** Commercial Mixed Use – 1
- **South:** Commercial Mixed Use – 1
- **West:** Commercial Mixed Use – 1 and Employment

COMMENTARY

The zigged boundary between the residential and commercial zoning districts has been emboldened. The proposal would straighten this line by rezoning the two subject parcels (identified by the star) to the commercial district, as shown by the dotted line.

LAND USE MAP



SURVEY



**McCaskill & Associates, Inc.**
Land Surveying Civil Design

7891 Stage Hills Boulevard Suite 112
Bartlett, Tennessee 38133
www.mccaskillinc.com
(901) 382-2577 Fax (901) 385-1813

SITE PHOTOS



View of northern parcel to be rezoned



View of southern parcel to be rezoned

STAFF ANALYSIS

Request

The request is the rezoning of a 0.2-acre site from Residential Urban – 1 to Commercial Mixed Use – 1.

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

Review Criteria

Staff *agrees* the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Description

The 0.2-acre subject site consists of two parcels which comprise 3.5 lots of Block A of the Belt Line Subdivision of 1890. The northern parcel contains a blighted, single-story, 759-square foot house built in 1955. The southern parcel is vacant.

Conclusions

The applicant has requested the rezoning of a 0.2-acre site on Belt Line Street approximately 100 feet north of Southern Avenue.

The applicant is concurrently seeking approval of a special use permit (SUP 20-8) for a convenience store with gas sales on a 0.9-acre site that includes the subject parcels.

The proposed rezoning would straighten the presently zigged boundary between the residential and commercial zoning districts that span Block A of the Belt Line Subdivision (see p. 7), thus creating a more orderly environment for development.

Staff finds that the requested zoning change is compatible with the use and zoning of nearby properties, and that the subject site is a suitable location for neighborhood-oriented commercial development.

RECOMMENDATION

Staff recommends *approval*.

DEPARTMENTAL COMMENTS

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

City Engineer:

Sewers:

1. City sanitary sewers are available to serve this development.

Office of Comprehensive Planning:

Based on the Existing, Adjacent Land Use and Zoning, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



The red box indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

A portion of this site is designated as Primarily Single-Unit Neighborhoods (NS). NS areas are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor. See graphic portrayal to the right.



The other portion of this site is designated as Low Intensity Commercial and Service (CSL). CSL areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities. See graphic portrayal to the right.



“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods.

“CSL” Goals/Objectives:

Improved development patterns along auto-oriented commercial corridors, revitalization.

“NS” Form & Location Characteristics:

Primarily detached, house-scale buildings. Primarily residential, 1-3 stories in height. Beyond 1/2 mile from a Community Anchor.

“CSL” Form & Location Characteristics:

Commercial and services uses. 1-4 stories in height.

The applicant is seeking a special use permit and rezoning from RU-1 to CMU-1 to allow a gas station.

The request meets the criteria because a majority of the site and the parcel frontage is in a CSL area, along an Avenue street type. Commercial uses of this size are compatible in CSL areas and the plan recommends a natural buffer between the site and the neighboring single-family residential.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential, Commercial, Industrial, and Vacant land. The subject site is surrounded by the following zoning districts: CMU-1, RU-1, and EMP. This requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcels is similar in nature to the requested use.

4. Degree of Change map



The red box indicates the application site. There is no Degree of Change.

5. Degree of Change Descriptions

N/A

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

Summary Compiled by: Bradyn Carson, Office of Comprehensive Planning

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City 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.

APPLICATION



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

APPLICATION FOR REZONING APPROVAL

Date: 7/1/2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Ameen Z. Ozrail Phone #: 901-482-5581

Mailing Address: 3588 Poplar Avenue City/State: Memphis, TN Zip 38111

Property Owner E-Mail Address: aoz2018@yahoo.com

Applicant: Same as owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

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

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

Representative E-Mail Address: tim@mcaskillinc.com

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

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

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

Street Address Location: 580 & 584 Belt Line Street

Distance to nearest intersecting street: 99' to the North line of Southern Avenue

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.21 Acres</u>	_____	_____
Existing Zoning:	<u>RU-1</u>	_____	_____
Existing Use of Property:	<u>vacant</u>	_____	_____
Requested Use of Property:	<u>Conventional street with gas pumps</u>	_____	_____
Requested Zoning:	<u>CMU-1</u>	_____	_____

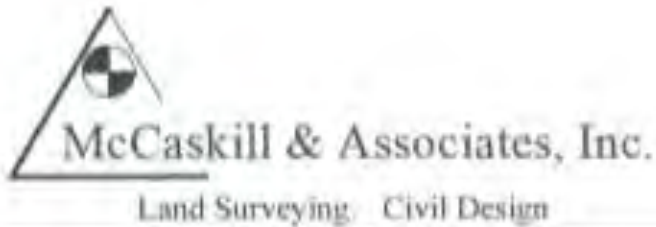
Pre-Application Conference held on: March, 2019 with Chip Saliba

Neighborhood Meeting Requirement Met: Yes or Not Yet or Not Required (see below)
(If yes, documentation must be included with application materials)

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

[Signature] 7/1/2020
Property Owner of Record Date Applicant Date

LETTER OF INTENT



7891 Stage Hills Blvd, Suite 112
Bartlett, TN 38133
www.mccaskillinc.com
(901)382-2577 (901)385-1813 Fax

July 6, 2020

Letter of Intent - rezoning
Lots 53, 54, 55, and part of Lot 52
Belt Line Subdivision

The intent of this application is to request a rezoning of 3.5 lots zoned RU-1 to CMU-1 zoning. The lots have a total of 87.5' of frontage on Belt Line Street. They are North and West of property currently zoned CMU-1. The rezoning of these lots will "square off" the commercial zoning in the block within Belt Line Street and Boston Street. The depth (99') of the current CMU-1 property makes it difficult to develop to the standards of the UDC. This rezoning will make the property more useful for improvement.

Consultant: Tim McCaskill
McCaskill and Associates, Inc.
7891 Stage Hills Blvd. Suite 112
Bartlett, Tennessee 38133
901-382-2577

SIGN AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 7:15 pm am/pm on the 31 day of JULY, 2020, I posted 4 Public Notice Sign(s) pertaining to Case No. (3)-SUP 20-08 & (1)-Z 20-08 at 2638,2650, Southern and 580, 584 Bellline, providing notice of a Public Hearing before the x Land Use Control Board, x Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, x Special Use Permit, X Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

8/1/2020
Date

Subscribed and sworn to before me this 1 day of August, 2020.

[Signature]
Notary Public

My commission expires: June 15, 2022



LETTERS RECEIVED

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

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 15 September 2020

DATE

PUBLIC SESSION: 15 September 2020

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING

OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for vehicle sales

CASE NUMBER: SUP 20-7

DEVELOPMENT: Used vehicle sales

LOCATION: 590 East Raines Road

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER/APPLICANT: Negotiable Taxes, Inc.

REPRESENTATIVE: David Bray of the Bray Firm

EXISTING ZONING: Commercial Mixed Use – 1

REQUEST: Special use permit for vehicle sales

AREA: 0.26 acres

RECOMMENDATION: The Office of Planning and Development recommended *Rejection*
 The Land Use Control Board recommended *Rejection*

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(2) _____	APPROVAL - (1) APPROVED (2) DENIED
13 August 2020 _____	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

_____	_____	ADMINISTRATOR
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	PRINCIPAL PLANNER
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 20-7

Resolution for a special use permit for vehicle sales:

- This item is a resolution with conditions for a special use permit to permit the above; and
- The Office of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Negotiable Taxes, Inc., and Representative: David Bray of the Bray Firm; and
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR VEHICLE SALES AT 590 EAST RAINES ROAD, KNOWN AS CASE NUMBER SUP 20-7.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated 10 August 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, Negotiable Taxes, Inc., filed an application with the Memphis and Shelby County Office of Planning and Development for a special use permit for vehicle sales; and

WHEREAS, the Office 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 the consistency of its design and amenities 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 13 August 2020, 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 Office 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 requested use subject to the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, and other required permits and approvals, provided that no such Certificate of 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.

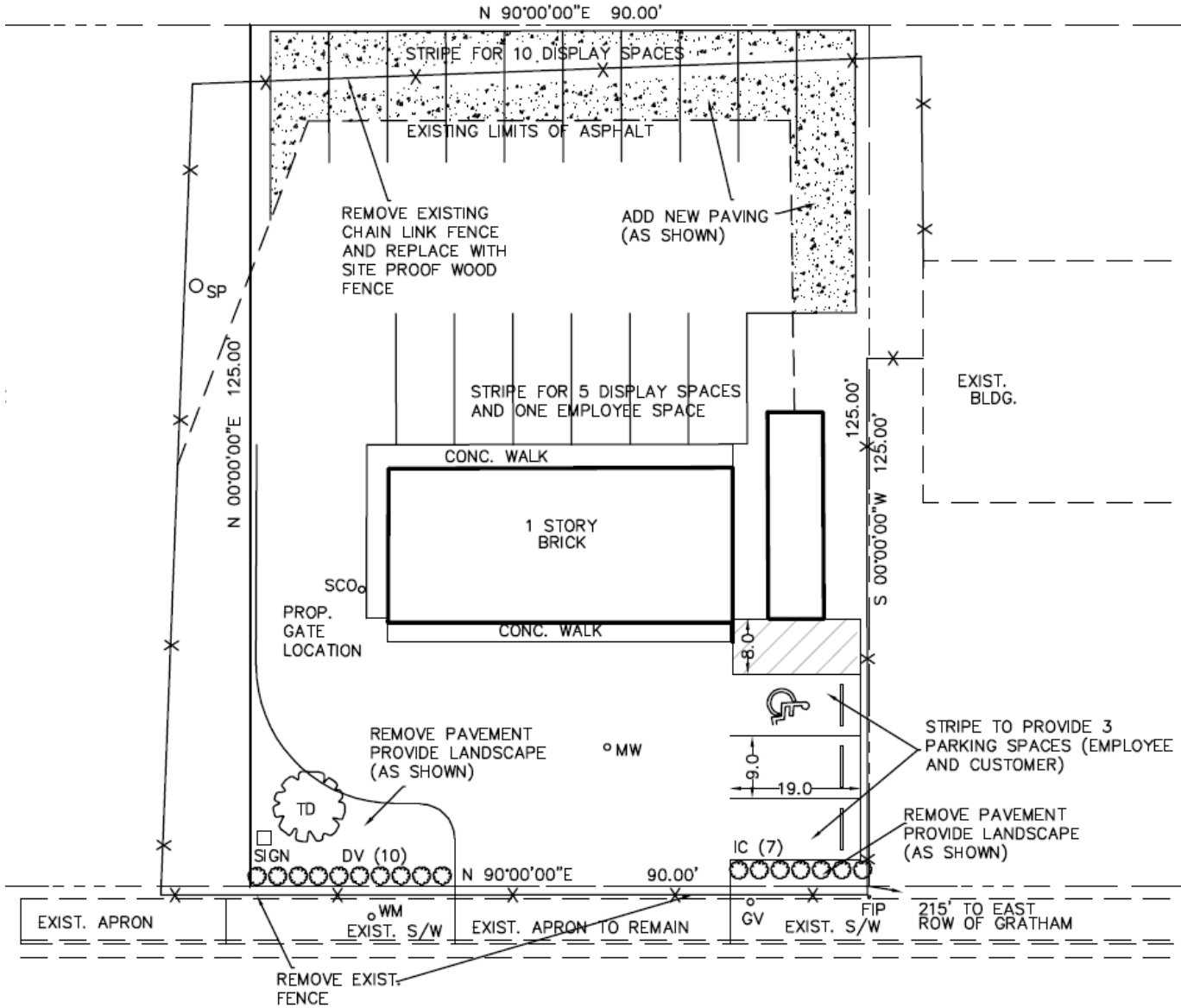
ATTEST:

CONDITIONS

1. The chain link fencing, chain link gate, and the nonconforming detached sign shall be removed.
2. A revised site plan shall be submitted that demonstrates compliance with Condition 1 and all standards of the Unified Development Code, to be reviewed and approved by the Office of Planning and Development.

PROPOSED SITE PLAN

Note that this site plan has not yet been approved in accordance with Condition 2.



SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
TD	1	Bald Cypress	Taxodium Districum	2" Cal.	25 ft o.c.	Uniform
		Shrubs/Groundcovers				
DV	10	Vintage Jade Distylum	Distylum x 'Vintage Jade'	18-24" Spr	3' o.c.	Uniform
IC	7	Carissa Holly	Ilex cournuta 'Carissa'	18-24" Spr	3' o.c.	Uniform

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 13 August 2020**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 20-7
LOCATION:	590 East Raines Road
COUNCIL DISTRICT(S):	District 6 and Super District 8
OWNER/APPLICANT:	Negotiable Taxes, Inc.
REPRESENTATIVE:	David Bray of the Bray Firm
REQUEST:	Special Use Permit for Vehicle Sales
EXISTING ZONING:	Commercial Mixed Use – 1
AREA:	0.26 acres

The following spoke in support of the application: David Bray

The following spoke in opposition the application: Joseph Kyles

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

The motion failed 1-8.

CONDITIONS

1. The chain link fencing, chain link gate, and the nonconforming detached sign shall be removed.
2. A revised site plan shall be submitted that demonstrates compliance with Condition 1 and all standards of the Unified Development Code, to be reviewed and approved by the Office of Planning and Development.



STAFF REPORT

AGENDA ITEM: 8

CASE NUMBER: SUP 20-7

L.U.C.B. MEETING: 13 August 2020

LOCATION: 590 East Raines Road

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Negotiable Taxes, Inc.

REPRESENTATIVE: David Bray of the Bray Firm

REQUEST: Special use permit for vehicle sales

AREA: 0.26 acres

EXISTING ZONING: Commercial Mixed Use – 1

CONCLUSIONS (see p. 13)

1. The applicant has requested a special use permit for used vehicle sales at 590 E. Raines Rd. in the Whitehaven neighborhood.
2. The vehicle sales business would share the site and structure with an existing tax preparation business, also operated by the applicant.
3. The Commercial Mixed Use – 1 zoning district intent statement says that, “Auto-oriented uses are not appropriate in this district.”
4. The subject site is approximately 60 feet to the south of a single-family residential zoning district and the backyards of two houses.
5. For these reasons, staff finds that this proposal is inconsistent with the intent of the code and with the character of nearby land uses, and therefore does not meet the special use permit criteria.

CONSISTENCY WITH MEMPHIS 3.0 (see pp. 15-16)

This proposal is *inconsistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (see p. 13)

Rejection

GENERAL INFORMATION

Street Frontage: E. Raines Rd. (Minor Arterial) 90 linear feet
Zoning Atlas Page: 2425
Parcel ID: 076016 00007
Existing Zoning: Commercial Mixed Use – 1

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on 29 July 2020 at 6 p.m.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and a sign posted. A total of 44 notices were mailed on 23 July 2020, and a total of one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Whitehaven

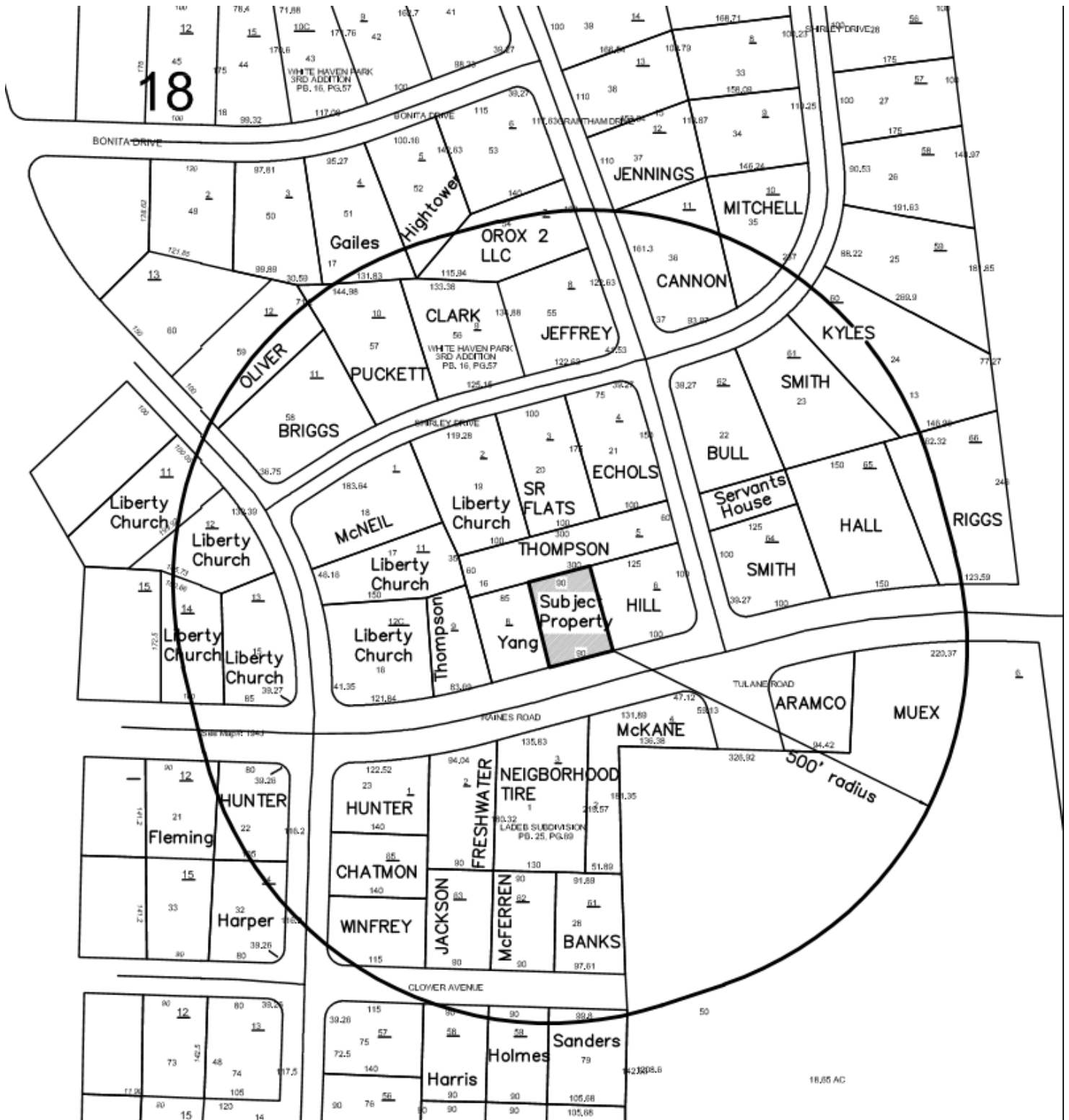
LACEY MOSBY'S THIRD ADDITION TO WHITEHAVEN PARK SUBDIVISION (1952)



The subject parcel is part of an unnumbered lot.

This parcel is exempt from the subdivision review requirement per Unified Development Code Sub-Section 9.7.3E; it was recorded by deed in Instrument No. Z42719.

VICINITY MAP



AERIAL



ZONING MAP



Existing Zoning: Commercial Mixed Use – 1

Surrounding Zoning

North: Commercial Mixed Use – 1

East: Commercial Mixed Use – 1

South: Commercial Mixed Use – 1

West: Commercial Mixed Use – 1

LAND USE MAP



SITE PHOTOS



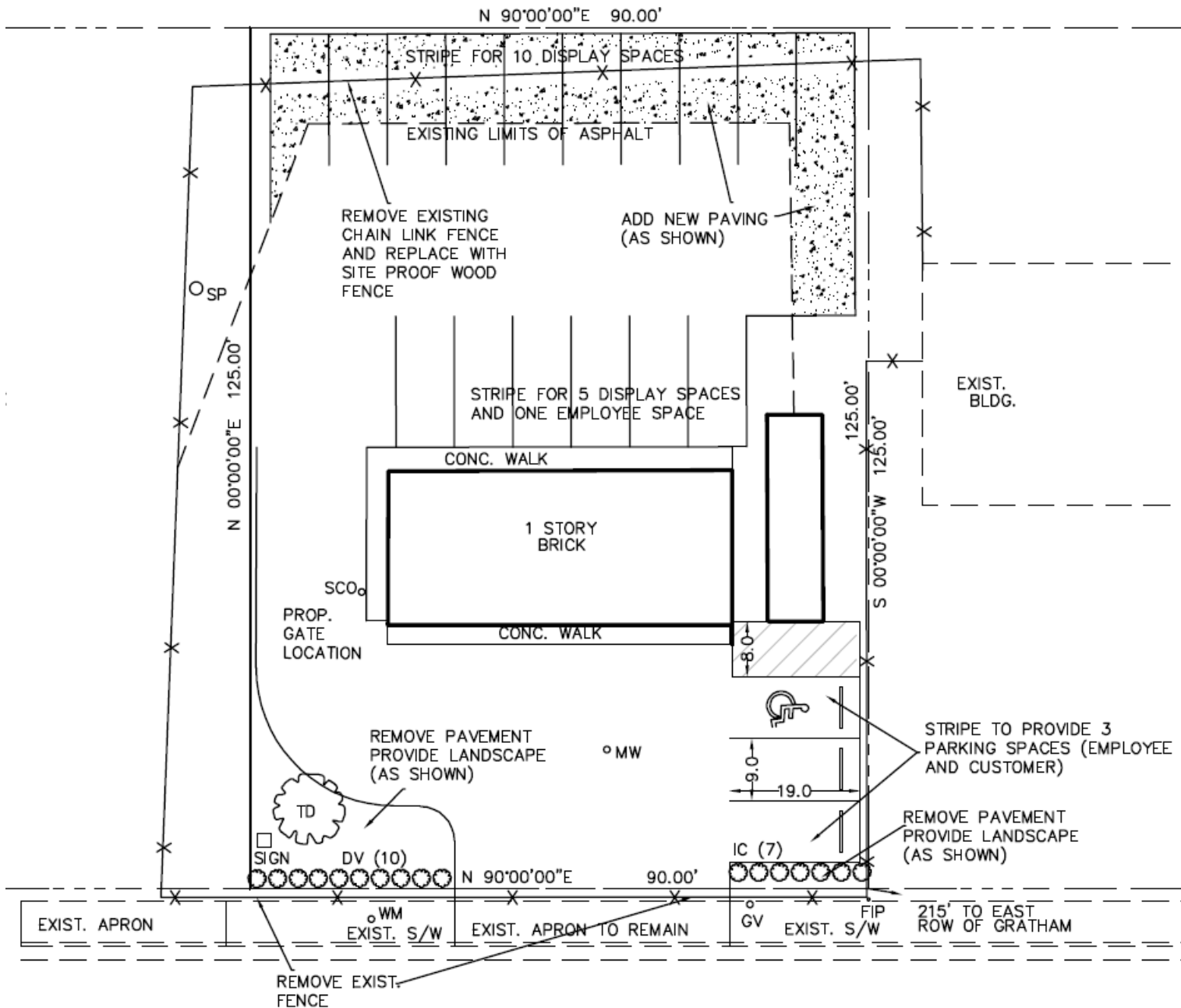
View of subject lot



View of rear of lot.

Note the backyard of a nearby house.

SITE PLAN



SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
TD	1	Bald Cypress	Taxodium Districum	2" Cal.	25 ft o.c.	Uniform
		Shrubs/Groundcovers				
DV	10	Vintage Jade Distylium	Distylium x 'Vintage Jade'	18-24" Spr	3' o.c.	Uniform
IC	7	Carissa Holly	Ilex cournuta 'Carissa'	18-24" Spr	3' o.c.	Uniform

STAFF ANALYSIS

Request

The request is for a special use permit for used vehicle sales.

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

Approval Criteria

Staff *disagrees* the approval criteria as regards 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 insure 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 Description

The subject property is a 0.26-acre parcel that is part of an unnumbered lot of Lacey Mosby's Third Addition to Whitehaven Park Subdivision of 1952. The existing single-story brick structure is 1100 square feet and was built in 1961. It is currently used as a tax preparation business. A chain link fence surrounds the property, with a sliding chain-link gate at the curb cut. There are neither overhead utilities nor a grass strip along the sidewalk. A nonconforming detached sign sits at the property's southwest corner.

Site Plan Review

A full site plan review will be conducted upon approval, if approved.

Conclusions

The applicant has requested a special use permit for used vehicle sales at 590 E. Raines Rd. in the Whitehaven neighborhood.

The vehicle sales business would share the site and structure with an existing tax preparation business, also operated by the applicant.

The Commercial Mixed Use – 1 zoning district intent statement says that, “Auto-oriented uses are not appropriate in this district.”

The subject site is approximately 60 feet to the south of a single-family residential zoning district and the backyards of two houses.

For these reasons, staff finds that this proposal is inconsistent with the intent of the code and with the character of nearby land uses, and therefore does not meet the special use permit criteria.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following conditions:

1. The chain link fencing, chain link gate, and the nonconforming detached sign shall be removed.
2. A revised site plan shall be submitted that demonstrates compliance with Condition 1 and all standards of the Unified Development Code, to be reviewed and approved by the Office of Planning and Development.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

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

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

City Fire Division:

Date Reviewed: 8/7/20

Reviewed by: J. Stinson

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Office of Comprehensive Planning:

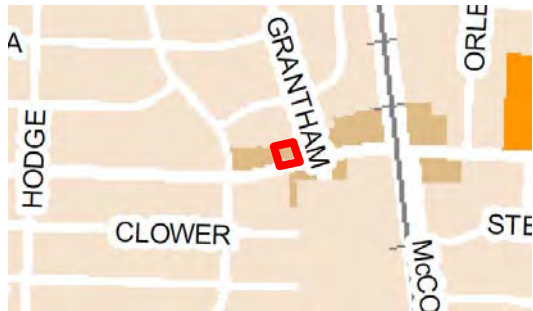
Site Address/location: 590 E. Raines

Land Use Designation (see page 102 for details): Low Intensity Commercial Services (CSL)

Based on the future land use map, the proposal is INCONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



The red box indicates the subject site on the Future Land Use Map.

2. Land use description & applicability:

The property is designated Low Intensity Commercial Services (CSL) and is not within an anchor neighborhood. Low Intensity Commercial and Service areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities.



“CSL” Goals/Objectives:

The future land use designation seeks improved development patterns along commercial corridors and revitalization.

“CSL” Form and Location Characteristics:

The future land use designation is appropriate for commercial and service uses 1-4 stories height.

The request is for a special use permit for a 1-story auto sales establishment. The parcel is low intensity commercial services (CSL) and is not within a 3.0 anchor.

The application does not meet the criteria of Memphis 3.0 since the development is of auto-oriented use which is discouraged in CMU-1, the zoning equivalent of CSL.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: residential to the north, commercial to the east, south, and west. The subject site is surrounded by the following zoning districts: CMU-1 (immediate surroundings to the north, east, south, and west). The site itself is CMU-1.

This requested land use is incompatible with these adjacent land uses and zoning districts.

4. Degree of Change



The red box indicates the subject site on the Degree of Change Map. The site is not within or near an anchor and therefore is not designated a degree of change.

5. Degree of Change Descriptions

Based on the information provided, the proposal is INCONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Roger Ekstrom (Office of Comprehensive Planning) and Brett Davis

City Real Estate:	No comments received.
City/County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

APPLICATION



*Memphis and Shelby County
Office of Planning and Development*

CITY HALL, 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

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

Date: 05.31.2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Negotiable Taxes Inc. Phone #: _____

Mailing Address: 590 E. Raines Road City/State: Memphis, TN Zip 38109

Property Owner E-Mail Address: flowersjerome78@yahoo.com

Applicant: same Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: The Bray Firm Phone # 901.383.8668

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

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

Street Address Location: 590 E. Raines Road

Distance to nearest intersecting street: 215 feet west of west r.o.w. of Grantham Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	0.25	_____	_____
Existing Zoning:	CMU-1	_____	_____
Existing Use of Property	professional service	_____	_____
Requested Use of Property	Auto sales	_____	_____

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

Yes _____ No

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

Number of Residential Units: _____ Bedrooms: _____

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

9.6.9 Special Use Permit Approval Criteria

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

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

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

This project is compatible with existing uses along Raines Road including vehicle related services.

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

The existing building will remain unchanged. Additional paving will be done in the rear of the site. The proposed use will be compatible with surrounding businesses.

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

Building is existing and all services are existing.

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

Agreed

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Agreed

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

Agreed

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

May 31, 2020

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

**RE: Special Use Permit to allow vehicle sales
590 E. Raines Road
Memphis, Tennessee**

Mr. Whitehead;

Please find attached the above referenced application for approval of a Special Use Permit to allow vehicle sales in the CMU-1 zoning district. Mr. Jerome Flowers owns the subject property through his current business Negotiable Taxes. The subject property is currently used as his office for the tax preparation business. The majority of the site is currently paved in both the front and the rear of the property. The attached site plan shows the removal of some asphalt in the front of the building to provide the required landscaping per the Unified Development Code and the addition of some asphalt paving in the rear to allow for vehicle display. The site will accommodate 15 display spaces (all located on the rear of the site) and 4 employee/customer spaces. The site is served by existing utilities and will not require the extension of new utilities or any roadway improvements.

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Terene Flowers, being duly sworn, depose and say that at 11:00 am on the 4 day of June, 2020, I posted 1 Public Notice Sign(s) pertaining to Case No. GP20-07 at 570 East Raines Rd, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Terene Flowers
Owner, Applicant or Representative

06/04/20
Date

Subscribed and sworn to before me this 4th day of June, 2020.

Kisha P. Davis
Notary Public

My commission expires: 2/28/2023



My Commission Expires Feb. 28, 2023

LETTERS RECEIVED

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