



# MEMPHIS CITY COUNCIL

## Planning and Zoning Documents

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| 2. SUP 20-09 | 5050 Summer Avenue   | 131-164 |
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| 5. SAC 20-20 | Barboro Alley located North of Gayoso between Wagner Place and Front Street    | 242-294 |

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**PUBLIC HEARING ITEM** **295-342**

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: 11/17/2020**

*DATE*

**PUBLIC SESSION: 11/17/2020**

*DATE*

**ITEM (CHECK ONE)**

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

**ITEM DESCRIPTION:** A resolution approving a motor vehicle sales and service planned development

**CASE NUMBER:** PD 20-11

**DEVELOPMENT:** Pyramid Used Cars Planned Development

**LOCATION:** SW corner of S Third Street and Gilbert Avenue and NE corner of S Third Street and Lucerne Place

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

**OWNER/APPLICANT:** Pyramid Used Cars, Inc – Brian Bowman

**REPRESENTATIVE:** Farris Bobango Branan PLC – Homer Branan

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

**REQUEST:** Motor vehicle sales and service planned development

**AREA:** +/-1.686 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 Required**  
Set public hearing date for – November 17, 2020

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
10/08/2020 _____	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
_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### *PD 20-11 – Pyramid Used Cars Planned Development*

Resolution requesting a motor vehicle sales and service planned development at the southwest corner of South Third Street and Gilbert Avenue and northeast corner of South Third Street and Lucerne Place:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant: Pyramid Used Cars, Inc. – Brian Bowman and Representative: Farris Bobango Branam PLC – Homer Branam; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.



**RESOLUTION APPROVING THE PYRAMID USED CARS PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SOUTH THIRD STREET AND GILBERT AVENUE AND THE NORTHEAST CORNER OF SOUTH THIRD STREET AND LUCERNE PLACE, KNOWN AS CASE NUMBER PD 20-11.**

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

**WHEREAS**, the Pyramid Used Cars, Inc. filed an application with the Memphis and Shelby County Office of Planning and Development to allow a Motor vehicle sales and service planned development; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 8, 2020, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

**WHEREAS**, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the 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 planned development is hereby granted in accordance with the attached outline plan conditions.

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

***ATTEST:***

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

## OUTLINE PLAN CONDITIONS

### I. USES PERMITTED

- A. Any use permitted by right in the CMU-1 District, including motor vehicle sales and service.
- B. Existing Automobile sales in Phase 2 will be a permitted use upon approval of the Planned Development by the City Council. Construction of the improvements within Phase 2 must be completed in accordance with outline plan condition VII; failure to do so will result in permitted uses reverting to the RU-3 District.

### II. BULK REGULATIONS

The bulk regulations of the CMU-1 District shall apply with the following exceptions:

- A. The minimum setback from Lucerne Place shall be 15 feet.
- B. The minimum setback from Gilbert Avenue shall be 15 feet.

### III. ACCESS, CIRCULATION, AND PARKING

- A. Phase 1: Permit one (1) curb cut on South Third Street to align with Lucerne Place.
- B. Phase 2: Permit one (1) curb cut on the northern unnamed alley and one (1) on Lucerne Place.
- C. The exact design, number, and location of curb cuts shall be subject to the approval of the City Engineer.
- D. All private drives shall be constructed to meet city standards and provide a minimum pavement width of 22 feet, exclusive of curb and gutter.

### IV. LANDSCAPING, SCREENING, AND LIGHTING

- A. An 8-foot wide Type S-10 Streetscape Plate shall be provided along all public streets. An 8-foot high decorative aluminum or wrought iron fence shall be provided at the back of the landscape plate. The required trees need not be uniformly spaced. Trees can be clustered in order to not block visibility of the building and attached signage.
- B. A 10-foot wide Class III Buffer with 8-foot high sight-proof wood fence will be provided along the east property line of Phase 2. The trees planted in the buffer shall be evergreen.
- C. All landscaping shall be provided exclusive of easements and shall not interfere with any utilities including overhead wires.
- D. Only the spaces used for customer parking will be required to have landscaping installed per the requirements of the UDC.
- E. Eight-foot high black vinyl coated chain link fencing shall be provided along all other property lines. An evergreen planting screen will not be required adjacent to this fencing.
- F. Barbed wire, razor wire, and electric fencing shall not be permitted.
- G. Security gates will be allowed at all entrances. Those on South Third Street must remain open during business hours. All gates will be exempt from the queuing requirements in Item 4.4.8.B. and the forward exit requirements in 4.4.8.C.1 of the UDC as long as they are within ten feet of the right-of-way. Gates shall be furnished with a Knox Box to allow Fire Department access.
- H. All trash receptacles shall be screened from view from adjacent property or the public street right-of-way.
- I. Light standards shall be a maximum of 20 feet in height and shall be directed so as not to glare onto adjacent residential properties.

V. SIGNS

- A. All attached signs shall be in accordance with the CMU-1 District.
- B. Temporary or portable signs shall be prohibited.
- C. Animated signs shall be prohibited.
- D. No banners, flags, streamers, balloons or similar advertising devices shall be allowed on a regular basis. They shall be allowed for special events if a permit is granted by Code Enforcement.
- E. No outside speaker system shall be permitted.

VI. DRAINAGE: Neither a grading and drainage plan nor storm water detention will be required as this property is not in a sensitive drainage basin and the proposed re-development will increase the amount of on-site pervious area.

VII. TIME

- A. Phase 1 – A final plan must be filed within one (1) year after approval of this development by City Council and this phase must be completed within two (2) years.
- B. Phase 2 – Must be completed within three (3) years after completion of Phase 1.

VIII. OTHER

- A. The route used for test driving vehicles shall not include Barton Street south of Gilbert Avenue.
- B. The planned development boundaries shall be expanded to include the affiliated automotive financing business abutting to the south on the west side of South Third Street, municipally addressed as 953 S. Third Street which shall become part of Phase 1.

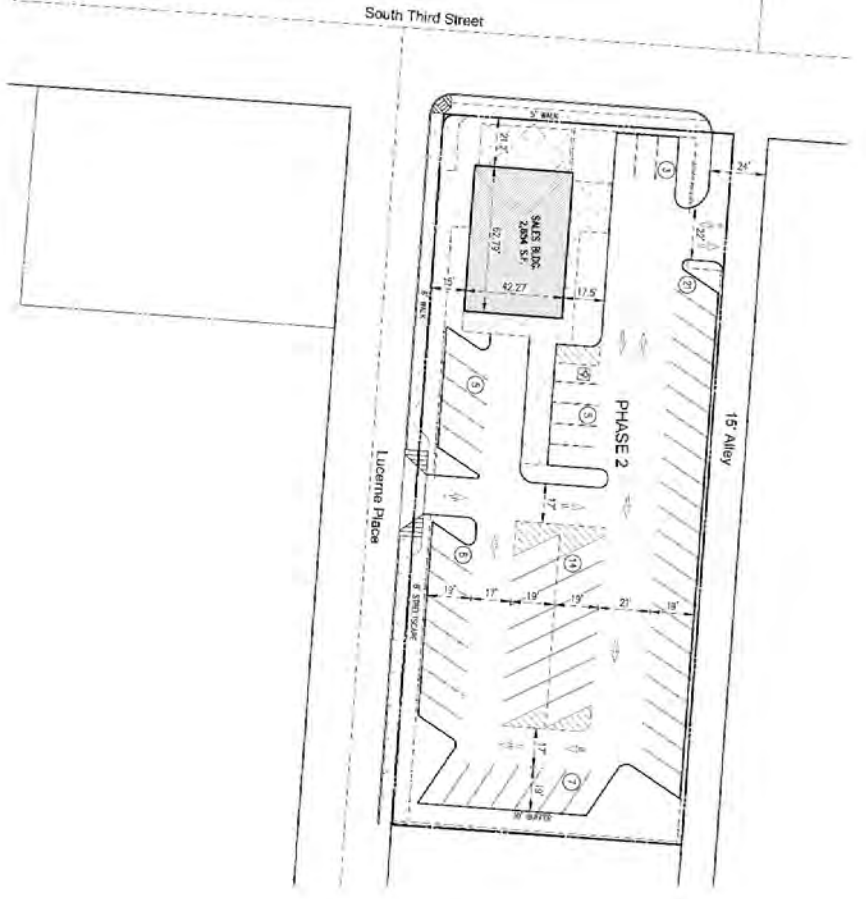
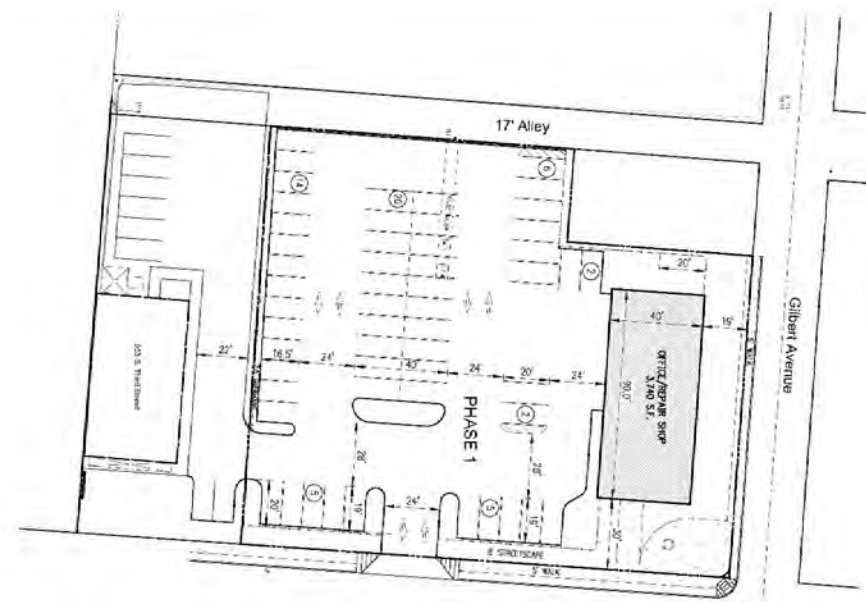
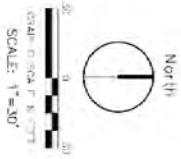
IX. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented.

X. Any FINAL PLAT shall include the following:

- A. The Outline Plan conditions.
- B. A standard contract as defined by the Unified Development Code for any public improvements.
- C. The exact location and dimensions, including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, required landscaping and screening areas, elevations, etc.
- D. The content of all landscaping and screening to be provided.
- E. The location and ownership, whether public or private of any easement.
- F. The number of parking and loading spaces.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.

# CONCEPT PLAN

ky: B324 (V:\P\Projects\2019\1-282 Pyramid Used Car Vehicle Rpt\Concept Plan rev20200828.dwg Sep 30, 2020 - 12:13pm



**PARKING**  
 PHASE 1: 54 SPACES  
 PHASE 2:  
 5 CUSTOMER SPACES  
 58 STORAGE SPACES



**CONCEPT PLAN**  
**PYRAMID USED CARS**  
**PLANNED DEVELOPMENT**  
 OWNER/DEVELOPER: PYRAMID USED CARS INC.  
 72,904 S.F. or 1.68 ACRES  
 MEMPHIS, TENNESSEE  
 REVISED SEPT. 28, 2020  
**SHEET 1 OF 1**

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## **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:

<b>CASE NUMBER:</b>	PD 20-11
<b>DEVELOPMENT:</b>	Pyramid Used Cars Planned Development
<b>LOCATION:</b>	SW corner of S Third Street and Gilbert Avenue and NE corner of S Third Street and Lucerne Place
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Pyramid Used Cars, Inc – Brian Bowman
<b>REPRESENTATIVE:</b>	Farris Bobango Branan PLC – Homer Branan
<b>REQUEST:</b>	Motor vehicle sales and service planned development
<b>EXISTING ZONING:</b>	Commercial Mixed Use – 1 and Residential Urban – 3
<b>AREA:</b>	+/-1.686 acres

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**The following spoke in support of the application:** Homer Branan, Rev. Bob Freudiger, and Brian Bowman

**The following spoke in opposition the application:** P.J. Thakkar

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

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

Respectfully,



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

Cc: Committee Members  
File

**PD 20-11  
CONDITIONS**

**Outline Plan Conditions**

**I. USES PERMITTED**

- A. Any use permitted by right in the CMU-1 District, including motor vehicle sales and service.
- B. Existing Automobile sales in Phase 2 will be a permitted use upon approval of the Planned Development by the City Council. Construction of the improvements within Phase 2 must be completed in accordance with outline plan condition VII; failure to do so will result in permitted uses reverting to the RU-3 District.

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The bulk regulations of the CMU-1 District shall apply with the following exceptions:

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**III. ACCESS, CIRCULATION, AND PARKING**

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VII. TIME

- A. Phase 1 – A final plan must be filed within one (1) year after approval of this development by City Council and this phase must be completed within two (2) years.
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- B. The planned development boundaries shall be expanded to include the affiliated automotive financing business abutting to the south on the west side of South Third Street, municipally addressed as 953 S. Third Street which shall become part of Phase 1.

- IX. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented.

- X. Any FINAL PLAT shall include the following:

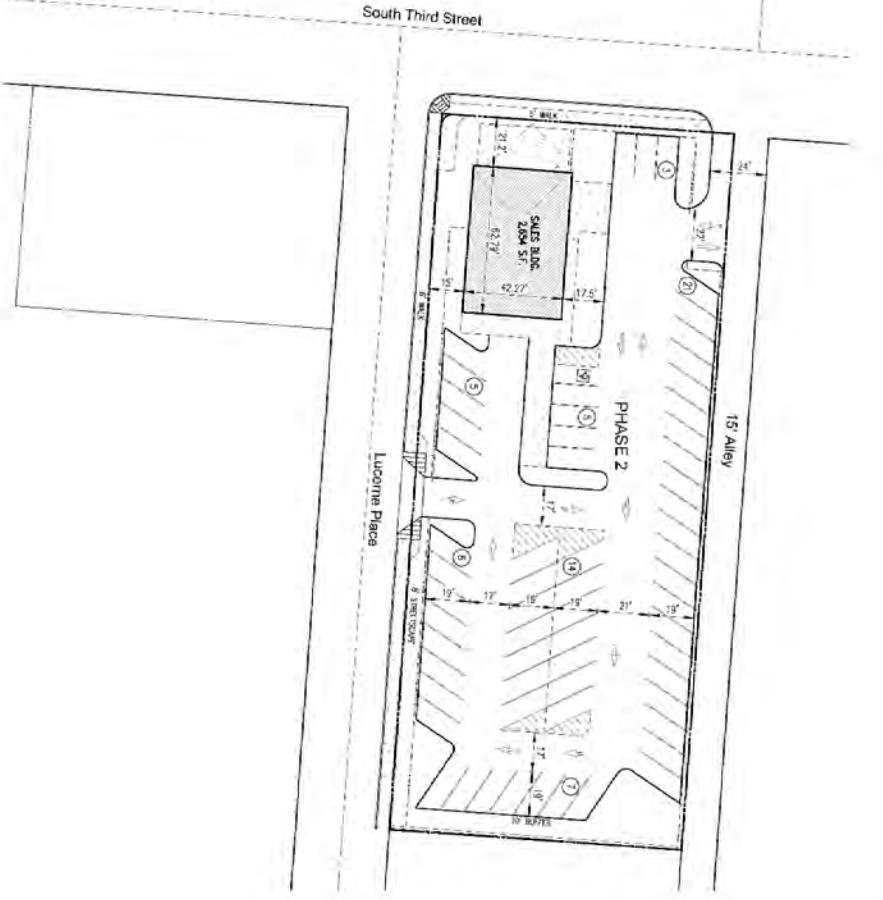
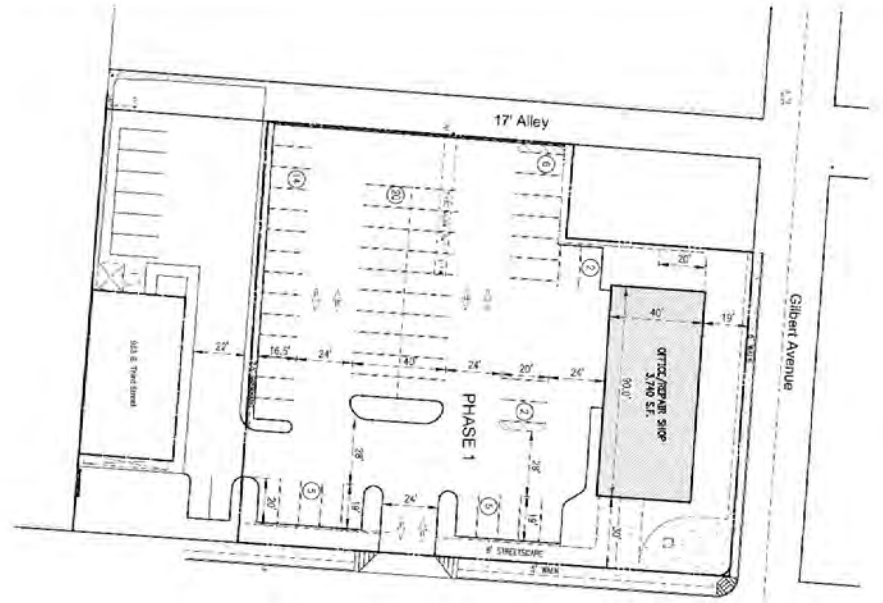
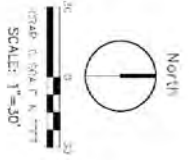
- A. The Outline Plan conditions.
- B. A standard contract as defined by the Unified Development Code for any public improvements.
- C. The exact location and dimensions, including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, required landscaping and screening areas, elevations, etc.
- D. The content of all landscaping and screening to be provided.
- E. The location and ownership, whether public or private of any easement.



- F. The number of parking and loading spaces.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.

**CONCEPT PLAN**

Map No. 24 (K:\Projects\2019\18-2122 Pyramid Used Cars\2019a Plan\Concept Plan.mxd) Date: 09/28/2020 10:13:30 AM



**PARKING**  
 PHASE 1: 54 SPACES  
 PHASE 2:  
 5 CUSTOMER SPACES  
 58 STORAGE SPACES



**CONCEPT PLAN**  
**PYRAMID USED CARS**  
**PLANNED DEVELOPMENT**  
 OWNER/DEVELOPER: PYRAMID USED CARS INC.  
 72,904 S.F. or 1.68 ACRES  
 MEMPHIS, TENNESSEE  
 REVISED SEPT. 28, 2020  
 SHEET 1 OF 1

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AGENDA ITEM: 8

**CASE NUMBER:** PD 20-11 **L.U.C.B. MEETING:** October 8, 2020

**DEVELOPMENT:** Pyramid Used Cars Planned Development

**LOCATION:** SW corner of S Third Street and Gilbert Avenue and NE corner of S Third Street and Lucerne Place

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

**OWNER/APPLICANT:** Pyramid Used Cars, Inc – Brian Bowman

**REPRESENTATIVE:** Farris Bobango Branan PLC – Homer Branan

**REQUEST:** Motor vehicle sales and service planned development

**AREA:** +/-1.686 acres

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

## CONCLUSIONS

1. The applicant is requesting a motor vehicle sales and service planned development.
2. The existing business has been located within the area for 29 years and the applicant is proposing substantial improvements to their property to create a modern motor vehicle sales and service facility along with a significantly improved streetscape.
3. 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.
4. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 33-35 of this report.

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	South Third Street (west side)	+/-210.45 linear feet
	South Third Street (east side)	+/-125.00 linear feet
	Gilbert Avenue	+/-138.74 linear feet
	Lucerne Place	+/-306.30 linear feet

**Zoning Atlas Page:** 2025

**Parcel ID:** 013008 00009C, 013033 00025C, and 013033 00022C

**Existing Zoning:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

**NEIGHBORHOOD MEETING**

The meeting was held at 6:30 PM on Thursday, September 24, 2020, via Zoom.

**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 63 notices were mailed on September 25, 2020, and a total of 4 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle, South Memphis neighborhood

VICINITY MAP



Subject property highlighted in yellow



**ZONING MAP**



Subject property outlined in yellow

**Existing Zoning:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

**Surrounding Zoning**

**North:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

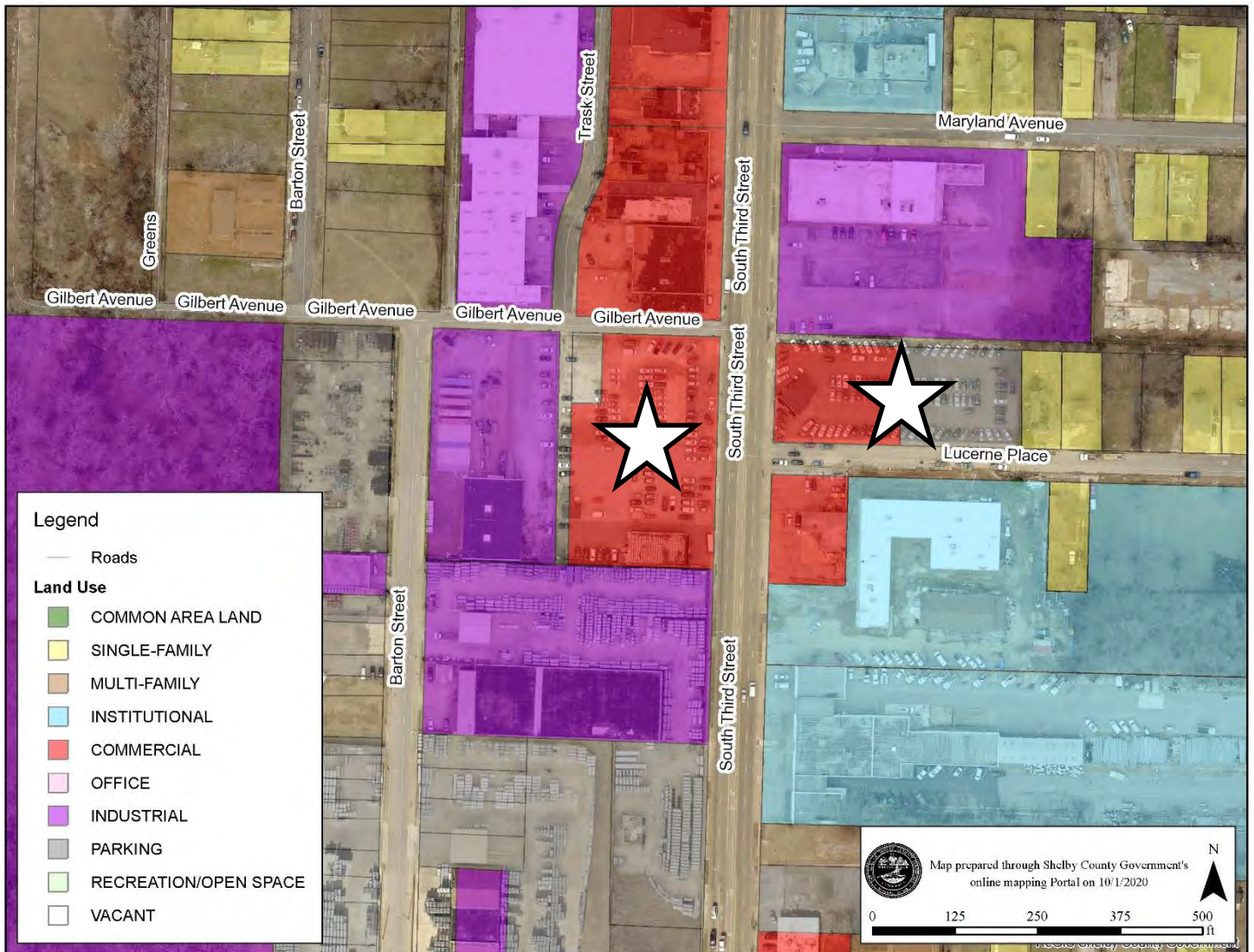
**East:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

**South:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3) then Employment (EMP)

**West:** Commercial Mixed Use – 1 (CMU-1) and Employment (EMP)



LAND USE MAP



Subject property indicated by white stars



**SITE PHOTOS**



View of subject property on the west side of South Third Street from the intersection of South Third Street and Gilbert Avenue looking southwest



View of subject property on the east side of South Third Street from the intersection of South Third Street and Lucerne Place looking northeast



View of subject property on the east side of South Third Street from Lucerne Place looking northwest





View of affiliated auto financing business on the west side of South Third Street south of the subject site looking southwest



View of adjacent scaffolding business on the west side of South Third Street south of the subject site looking southwest



View of adjacent printing services business on the west side of South Third Street north of the subject site looking northwest





View of adjacent urethane business on the west side of South Third Street west of the subject site fronting Gilbert Avenue looking southwest



View of adjacent vehicle repair shop and Calvary Mission on the east side of South Third Street south of the subject property looking southeast



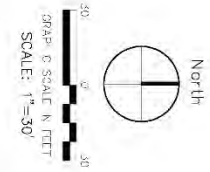
View of adjacent graphics business on the east side of South Third Street north of the subject site looking northeast



View of adjacent house on the east side of South Third Street east of the subject site fronting Lucerne Place looking north



**OUTLINE PLAN**

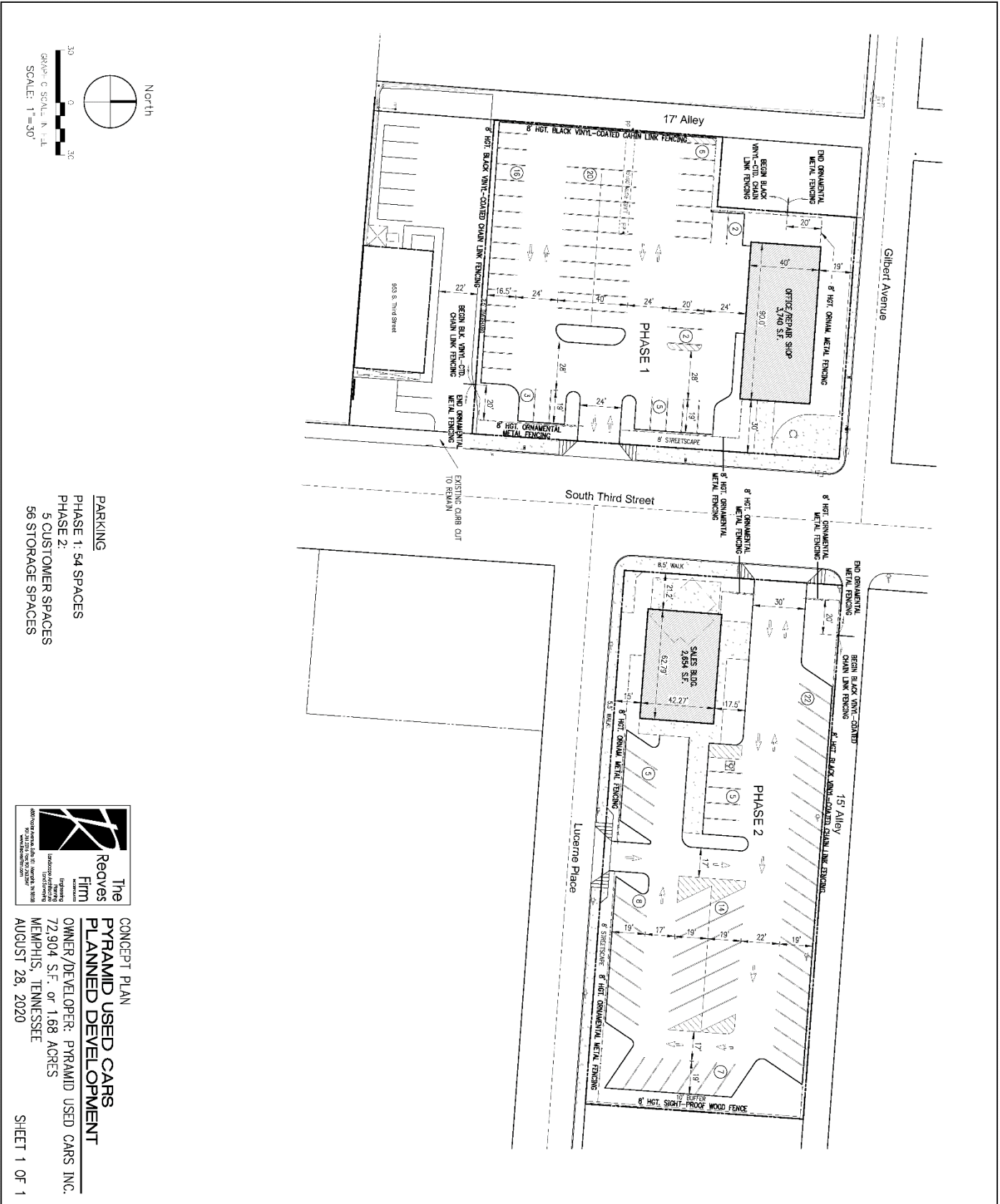


OUTLINE PLAN  
**PYRAMID USED CARS  
PLANNED DEVELOPMENT**  
OWNER/DEVELOPER: PYRAMID USED CARS INC.  
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MEMPHIS, TENNESSEE  
AUGUST 28, 2020

SHEET 1 OF 1

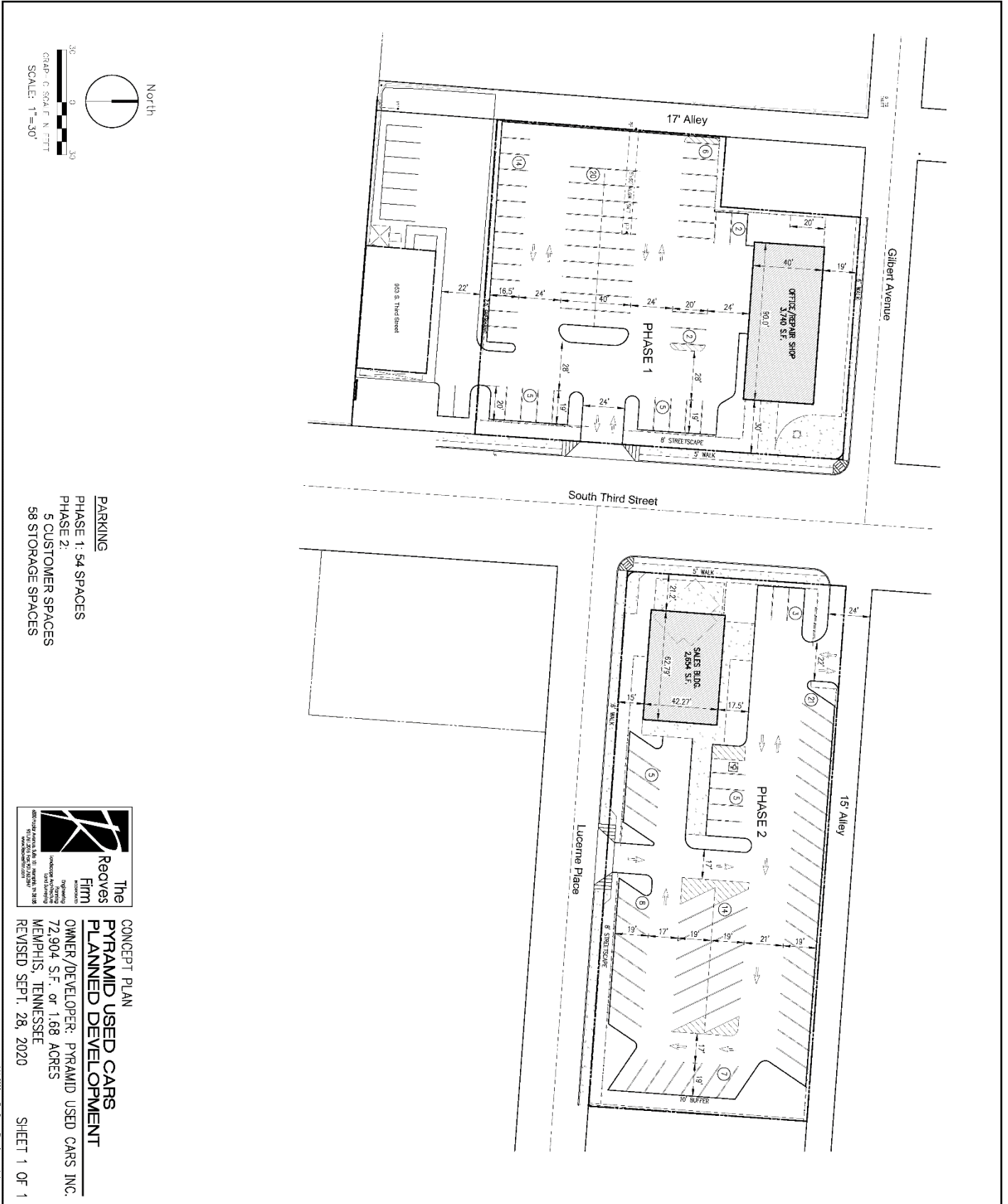
**CONCEPT PLAN – ORIGINAL**

key 2024 \\KAY\Projects\2019\19-0232 Pyramid Used Cars\Siteplan\Concept Plan.dwg Aug 27, 2020 - 4:14pm



CONCEPT PLAN – REVISED

ky 2024 \\KAT\Projects\2019\19-0232 Pyramid Used Cars\Outline Plan\Concept Plan rev200928.dwg Sep 30, 2020 - 12:33pm



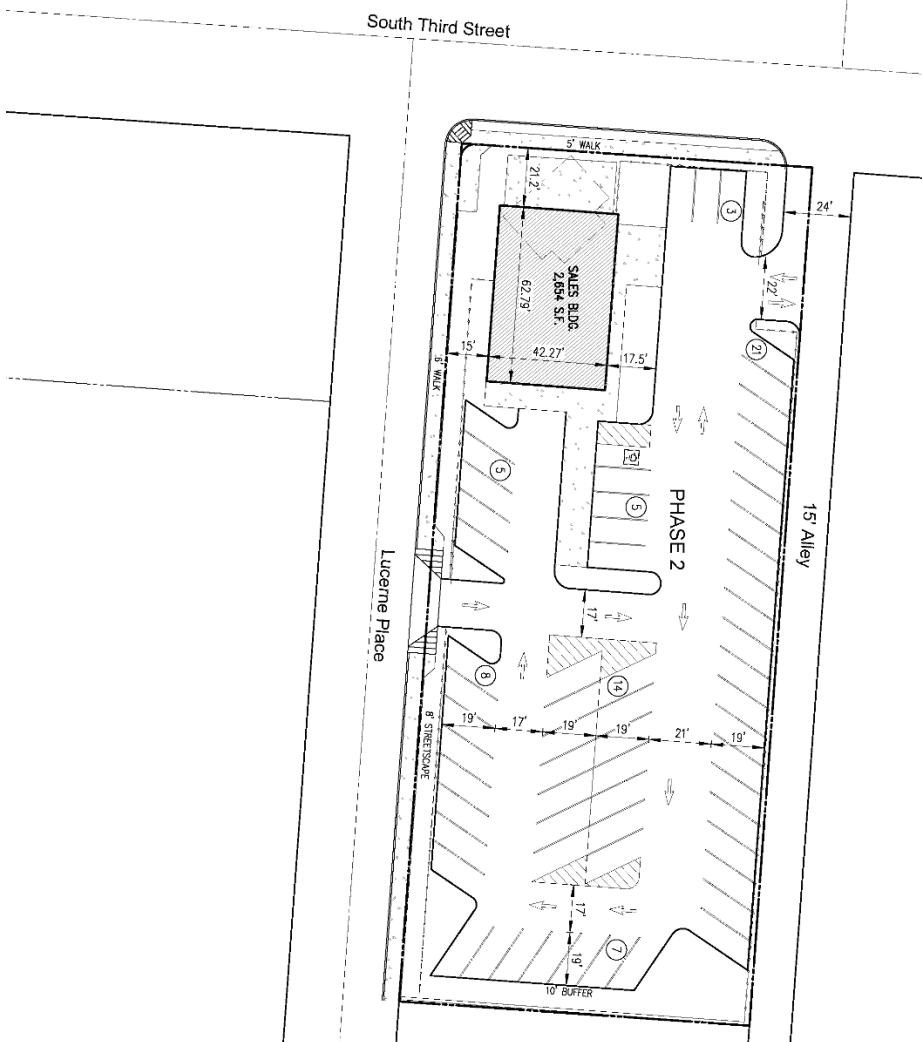
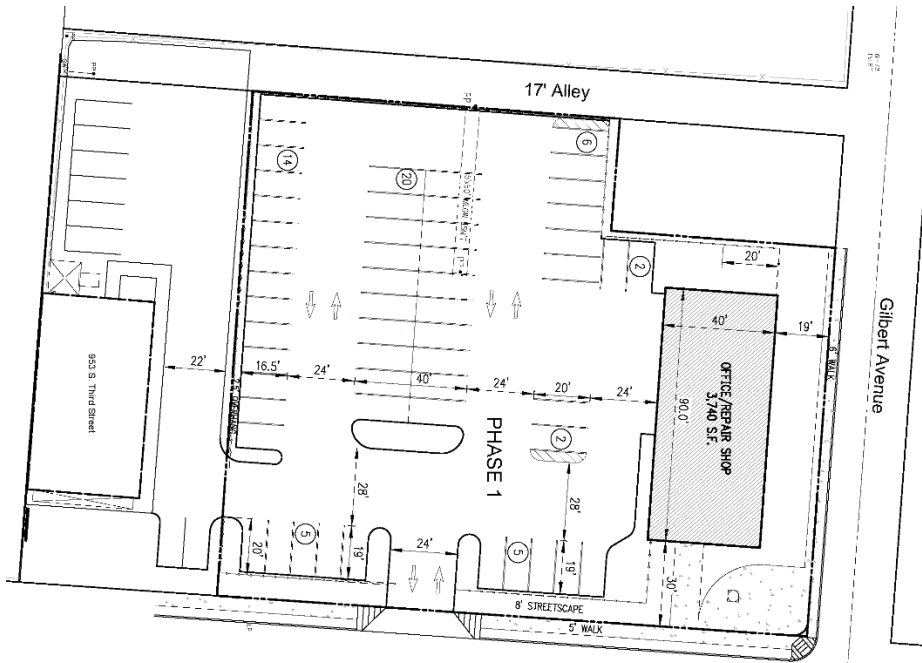
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CONCEPT PLAN  
**PYRAMID USED CARS  
 PLANNED DEVELOPMENT**  
 OWNER/DEVELOPER: PYRAMID USED CARS INC.  
 72,904 S.F. or 1.68 ACRES  
 MEMPHIS, TENNESSEE  
 REVISED SEPT. 28, 2020  
 SHEET 1 OF 1

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**CONCEPT PLAN – REVISED (ZOOMED)**





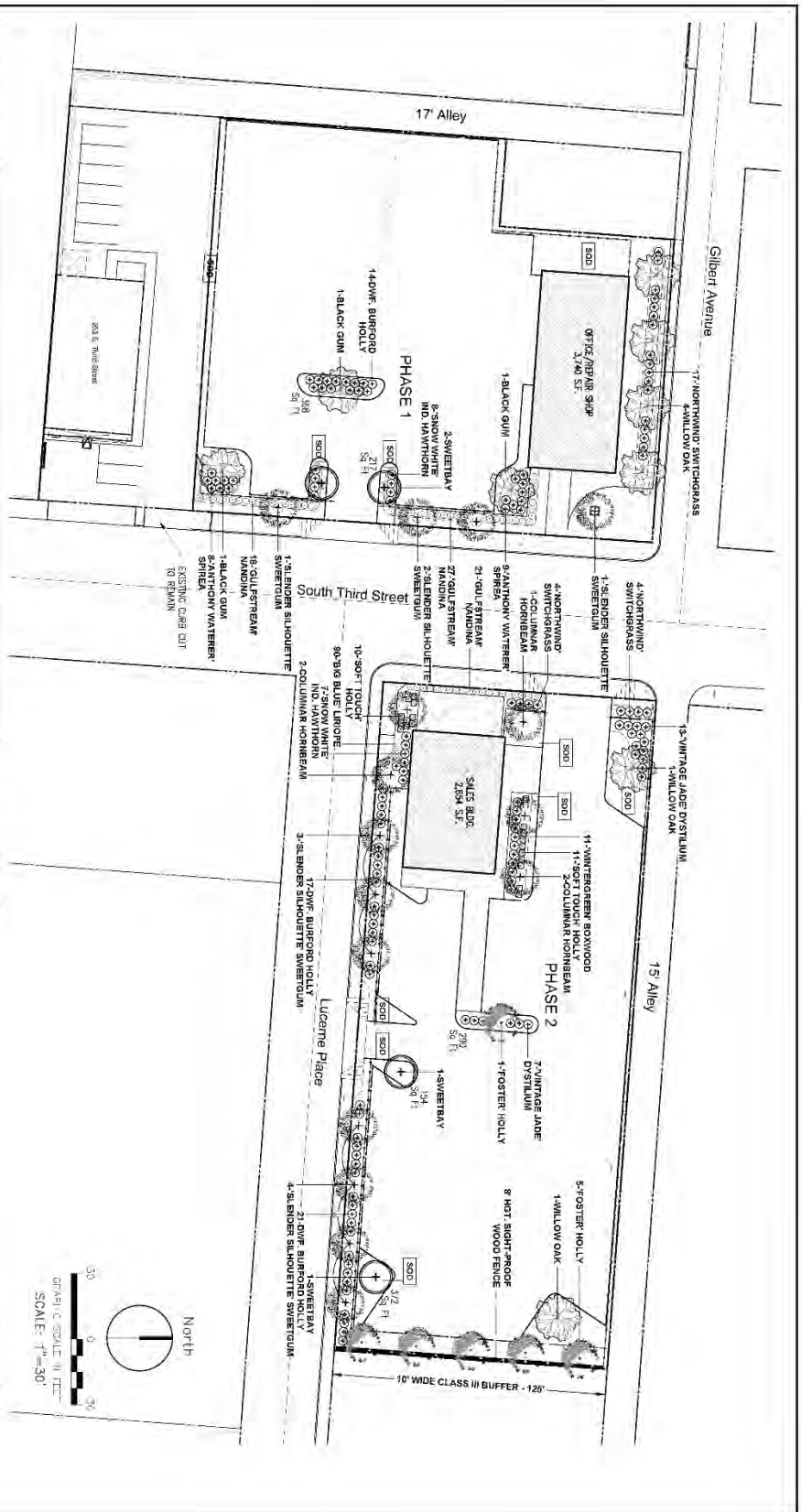
### LANDSCAPE PLAN

key 202x \KAY\Projects\2019\18-0232 Pyramid Used Cars\Siteplan\Landscape Plan.dwg Aug 27, 2020 - 1:33pm

#### Plant Materials List

Botanical Name	Common Name	Quantity	Height	Caliper	Spread	Notes
BAUAS SINICA x INSULARIS 'WINTERSCREEN'	WINTERSCREEN BOXWOOD	11	-	-	-	#4 CONTAINER
CAROLINA BELLIIA 'COLUMARIAS'	COLUMARIA HORNERBAM	5	-	-	-	#6 CONTAINER
DOSTILIDIA VARIANTE 'JADE'	VINTAGE JADE DISTILLUM	20	22'-3"	-	-	#4 CONTAINER
LELA x ATTENDANTIA 'TOSTER'	TOSTER HOLLY	8	3-8'	-	-	#4 CONTAINER
LELA CORNUA 'BURFORD HOLLY'	DWARF BURFORD HOLLY	52	-	-	-	#4 CONTAINER
LELA CORNUA 'SOFT TOUCH'	SOFT TOUCH HOLLY	21	-	-	-	#4 CONTAINER
LIQUIDAMBAR STYRACIFLUA 'SLENDER SILHOUETTE'	SLENDER SILHOUETTE SWEETGUM	11	27'-3"	-	-	STRIGHT, WELL-BRANCHED
LIRIODIE MASCUNI 'SIE ALICE'	BIG BLUE LIRIODIE	80	-	-	-	4" POTS
NANDINA DOMESTICA 'GOUTREAU'	GOUTREAU NANDINA	4	5-6'	-	-	TALL, WELL-BRANCHED
NANDINA DOMESTICA 'NANDINA'	BLACK GUM	86	-	-	-	#4 CONTAINER
NYSSA SPICATA	NORWICH SPINDRAGON	3	27'-3"	-	-	FALL, WELL-BRANCHED
PANICUM VIRGATUM 'NORTHWOOD'	WILLOW OAK	25	-	-	-	#4 CONTAINER
QUERCUS PHILLOS	SNOW WHITE NORWICH HAWTHORN	8	27'-3"	-	-	TALL, WELL-BRANCHED
RAEODONTERIS MONTICA 'SNOW WHITE'	SNOW WHITE NORWICH HAWTHORN	15	-	-	-	#4 CONTAINER
SPEREA x BIMALUDA 'ANTHONY WATERER'	ANTHONY WATERER SPREA	17	-	-	-	#4 CONTAINER
SPINONIA DACTYLON	BIRNADA SEED	-	-	-	-	-

- #### Planting Notes
1. MAINTAIN ALL ROOTS AND TREE TRUNKS WITH A MINIMUM DEPTH OF 3" HARDWOOD MULCH.
  2. TREE TRUNKS TO BE PROTECTED WITH TREE GUARDS AND PROTECTIVE COLLARS.
  3. TREE GUARDS TO BE INSTALLED WITHIN 14 DAYS OF PLANTING.
  4. TREE GUARDS TO BE MAINTAINED THROUGHOUT THE LIFE OF THE PLANT.
  5. TREE GUARDS TO BE REPLACED AS NEEDED.
  6. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  7. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  8. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  9. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  10. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  11. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  12. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  13. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.
  14. TREE GUARDS TO BE MAINTAINED AT ALL TIMES.



LANDSCAPE PLAN  
**THE PYRAMID USED CARS PLANNED DEVELOPMENT**  
 OWNER/DEVELOPER: PYRAMID USED CARS INC.  
 72,904 S.F. or 1.68 ACRES  
 MEMPHIS, TENNESSEE  
 AUGUST 28, 2020  
 SHEET 1 OF 1

Note the landscape plan is not revised with regard to the curb-cut placements and access

**CONCEPTUAL RENDERINGS\***



*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*



West side of South Third Street aerial rendering

*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*





East side of South Third Street aerial rendering

*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*



View from the intersection of South Third Street and Gilbert Avenue looking southwest



View from South Third Street looking northwest

*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*





View inside parking lot of the office and service center looking northwest



View inside parking lot of the office and service center looking northeast

*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*





View from the intersection of South Third Street and Lucerne Place looking northeast



View from South Third Street looking southeast

*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*





View from Lucerne Place looking northeast



View from Lucerne Place looking northwest

*\*Note the conceptual renderings are not revised with regard to the curb-cut placements and access*



## STAFF ANALYSIS

### Request

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

The request is to allow a motor vehicle sales and service planned development

### Applicability

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

#### 4.10.2 Applicability

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

- A. *Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. *Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. *Functional and beneficial uses of open space areas.*
- D. *Preservation of natural features of a development site.*
- E. *Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. *Rational and economic development in relation to public services.*
- G. *Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. *Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. *Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. *Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. *Consistency with the Memphis 3.0 General Plan.*

### General Provisions

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

#### 4.10.3 General Provisions

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

#### **Commercial or Industrial Criteria**

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

#### *4.10.5 Planned Commercial or Industrial Developments*

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

- A. *Screening*  
*When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.*
- B. *Display of Merchandise*  
*All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.*
- C. *Accessibility*  
*The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.*
- D. *Landscaping*  
*Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any*

*adverse impact on adjoining low-rise buildings.*

### **Approval Criteria**

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

#### *9.6.9 Approval Criteria*

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless 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 +/-1.686 acres located on the southwest corner of South Third Street and Gilbert Avenue and northeast corner of South Third Street and Lucerne Place. The zoned Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3) and is currently the site of use motor vehicle sales establishment.

### **Site Zoning History**

The following is the zoning entitlement history regarding motor vehicle sales on portions of the subject site.

SUP 05-212 and Z 05-118 were requests pertaining to a portion of the existing site on the east side of South Third Street requesting the use of vehicle sales and rezoning additional land to the Local Commercial (C-L) District, however, these companion cases were withdrawn prior to being heard by the Council of the City of Memphis.

SUP 09-214 was a request pertaining to a portion of the existing site on the west side of South Third Street requesting the use of vehicle sales. This request was approved by the Council of the City of Memphis on

November 17, 2009, however, the approval expired as a final site plan was never approved in accordance with condition 5, see pages 36-41 for the resolution.

**Conclusions**

The applicant is requesting a motor vehicle sales and service planned development.

The existing business has been located within the area for 29 years and the applicant is proposing substantial improvements to their property to create a modern motor vehicle sales and service facility along with a significantly improved streetscape.

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

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

**RECOMMENDATION**

Staff recommends approval with outline plan conditions.

**Outline Plan Conditions**

I. USES PERMITTED

- A. Any use permitted by right in the CMU-1 District, including motor vehicle sales and service.
- B. Existing Automobile sales in Phase 2 will be a permitted use upon approval of the Planned Development by the City Council. Construction of the improvements within Phase 2 must be completed in accordance with outline plan condition VII; failure to do so will result in permitted uses reverting to the RU-3 District.

II. BULK REGULATIONS

The bulk regulations of the CMU-1 District shall apply with the following exceptions:

- A. The minimum setback from Lucerne Place shall be 15 feet.
- B. The minimum setback from Gilbert Avenue shall be 15 feet.

III. ACCESS, CIRCULATION, AND PARKING

- A. Phase 1: Permit one (1) curb cut on South Third Street to align with Lucerne Place.
- B. Phase 2: Permit one (1) curb cut on the northern unnamed alley and one (1) on Lucerne Place.
- C. The exact design, number, and location of curb cuts shall be subject to the approval of the City Engineer.
- D. All private drives shall be constructed to meet city standards and provide a minimum pavement width of 22 feet, exclusive of curb and gutter.

IV. LANDSCAPING, SCREENING, AND LIGHTING

- A. An 8-foot wide Type S-10 Streetscape Plate shall be provided along all public streets. An 8-foot high decorative aluminum or wrought iron fence shall be provided at the back of the landscape plate. The required trees need not be uniformly spaced. Trees can be clustered in order to not block visibility of the building and attached signage.
- B. A 10-foot wide Class III Buffer with 8-foot high sight-proof wood fence will be provided along the east property line of Phase 2. The trees planted in the buffer shall be evergreen.
- C. All landscaping shall be provided exclusive of easements and shall not interfere with any utilities including overhead wires.
- D. Only the spaces used for customer parking will be required to have landscaping installed per the requirements of the UDC.
- E. Eight-foot high black vinyl coated chain link fencing shall be provided along all other property lines. An evergreen planting screen will not be required adjacent to this fencing.
- F. Barbed wire, razor wire, and electric fencing shall not be permitted.
- G. Security gates will be allowed at all entrances. Those on South Third Street must remain open during business hours. All gates will be exempt from the queuing requirements in Item 4.4.8.B. and the forward exit requirements in 4.4.8.C.1 of the UDC as long as they are within ten feet of the right-of-way. Gates shall be furnished with a Knox Box to allow Fire Department access.
- H. All trash receptacles shall be screened from view from adjacent property or the public street right-of-way.
- I. Light standards shall be a maximum of 20 feet in height and shall be directed so as not to glare onto adjacent residential properties.

V. SIGNS

- A. All attached signs shall be in accordance with the CMU-1 District.
- B. Temporary or portable signs shall be prohibited.
- C. Animated signs shall be prohibited.
- D. No banners, flags, streamers, balloons or similar advertising devices shall be allowed on a regular basis. They shall be allowed for special events if a permit is granted by Code Enforcement.
- E. No outside speaker system shall be permitted.

VI. DRAINAGE: Neither a grading and drainage plan nor storm water detention will be required as this property is not in a sensitive drainage basin and the proposed re-development will increase the amount of on-site pervious area.

VII. TIME

- A. Phase 1 – A final plan must be filed within one (1) year after approval of this development by City Council and this phase must be completed within two (2) years.
- B. Phase 2 – Must be completed within three (3) years after completion of Phase 1.

VIII. OTHER

- A. The route used for test driving vehicles shall not include Barton Street south of Gilbert Avenue.
  - B. The planned development boundaries shall be expanded to include the affiliated automotive financing business abutting to the south on the west side of South Third Street, municipally addressed as 953 S. Third Street which shall become part of Phase 1.
- IX. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented.
- X. Any FINAL PLAT shall include the following:
- A. The Outline Plan conditions.
  - B. A standard contract as defined by the Unified Development Code for any public improvements.
  - C. The exact location and dimensions, including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, required landscaping and screening areas, elevations, etc.
  - D. The content of all landscaping and screening to be provided.
  - E. The location and ownership, whether public or private of any easement.
  - F. The number of parking and loading spaces.
  - G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.

## DEPARTMENTAL COMMENTS

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

### City/County Engineer:

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

### Sewers:

2. City sanitary sewers are available 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. The minimum sidewalk width when adjacent to the curb is 6 ft. not including the curb width. Increase the sidewalk width on Lucerne Place and on Gilbert Avenue to at least 6 ft. wide.
7. Place any required sidewalk outside of the ROW in a Pedestrian Easement.
8. Install ADA curb ramps at the intersections of Gilbert at Third and at Lucerne Place at Third.
9. Install a grass strip between the sidewalk and curb on Third to match properties north and south.
10. Dedicate a 5-ft. property line radius at the corner of Gilbert at Third.
11. Dedicate a 5-ft. property line radius at the corner of Lucerne Place at Third.

### Traffic Control Provisions:

12. 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.
13. 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.

14. 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:**

15. 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.

16. South Third St. is a State Route and proposed curb cuts must meet the minimum requirement of the TDOT Driveway manual to be considered for access.

17. Phase 1 frontage on South Third will only allow for one curb cut. This curb cut shall align with Lucerne Place. Access to the building to the south shall be via this curb cut.

18. The proposed curb cut for Phase 2 on Lucerne Place shall be allowed in the general location as shown on the site plan.

19. The proposed curb cut on the east side of Third for Phase 2 is not permissible due to insufficient clearance from the side street. Consider taking access from existing alley abutting the north side and widen the curb cut for the alley at Third to accommodate two-way traffic from Third to the alley access to the lot.

**Site Plan Notes:**

20. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

21. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

**City/County Fire Division:**

- 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.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

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

- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- No permanent structures, development or improvements are allowed within any utility easements, without prior MLGW written approval.
- It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- Underground Utility separation and clearance: The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before digging, and to
- determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance – Landscape and Screening Regulations.
- Street Trees are prohibited, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
- Street Names: It is the responsibility of the owner/applicant to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for Street Naming Guidelines and the Online Street Name Search: <http://www.mlgw.com/builders/landandmapping>
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and

capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.

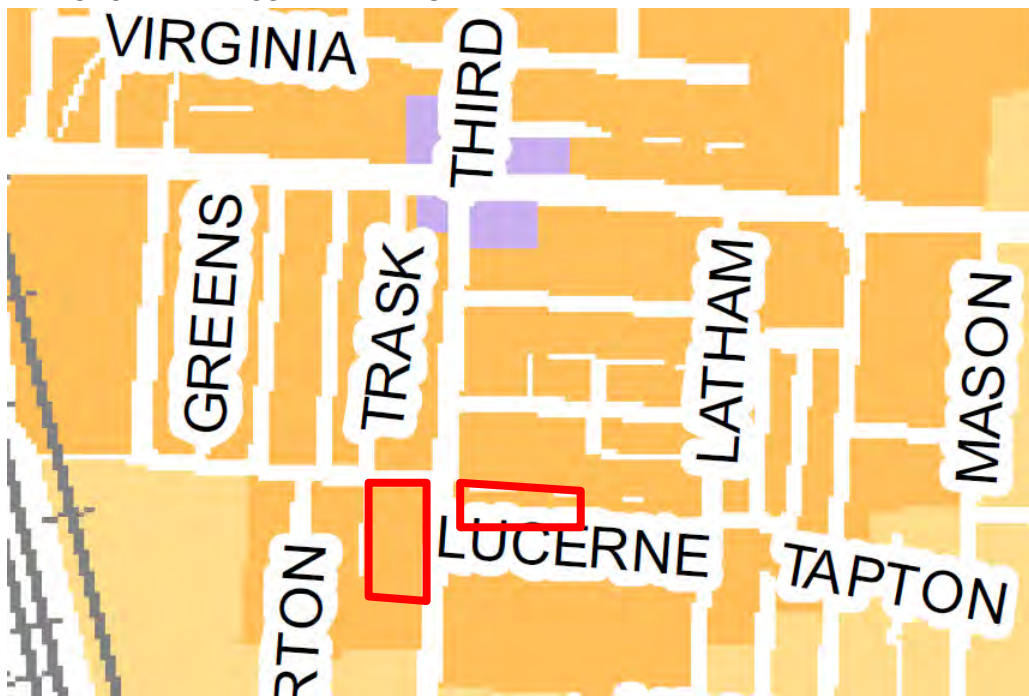
- All residential developers must contact MLGW Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
- All commercial developers must contact MLGW Builder Services line at 729-8630 to initiate the utility application process.
- It is the responsibility 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.

**Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:**

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 and is designated as Anchor Neighborhood - Mix of Building Types (AN-M).

2. Land use description & applicability:

The property is designated Anchor Neighborhood - Mix of Building Types (AN-M). Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



**“AN-M” Goals/Objectives:**

The future land use designation seeks preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, and building up not out.

**“AN-M” Form and Location Characteristics:**

The future land use designation is appropriate for primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types are allowed along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

*The request is for a planned development, to allow two new buildings on existing auto sales lots. The current land use is auto sales and the new buildings would be for the existing business. Commercial and mixed uses are allowed along parkways such as S. Third. S. Third is designated as a parkway on the 3.0 street types map.*

*The application meets the criteria of Memphis 3.0 since the development corresponds to the future land use map. It provides improved commercial use in an area designated Anchor Neighborhood - Mix of Building Types (AN-M) within an accelerate anchor. Commercial and mixed uses are allowed along parkways such as S. Third within this future land use designation.*

**3. Existing, Adjacent Land Use and Zoning**

The subject site is surrounded by the following land uses: commercial to the north, south, and east. Residential to the east. Institutional to the south. The subject site itself is commercial. The subject site is surrounded by the following zoning districts: RU-3 is to the north and east. CMU-1 to the south and north. EMP is to the south and west. The site itself is CMU-1 and RU-3.

*This requested land use is compatible with the adjacent land uses except the residential to the east where the applicant will be adding screening.*

#### 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

The project is located within an accelerate anchor neighborhood. Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

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

**SUP 09-214 RESOLUTION**

**ZONING RESOLUTION**

**WHEREAS**, Sections 8 and 9 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064 dated October 7, 1980, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes subject to standards of general applicability and any additional standards applicable to specific special uses in the various zoning districts within the Memphis City Limits, and

**WHEREAS**, Application has been made by Pyramid Used Cars, Inc. for a special use permit with respect to the property located at the West side of Third Street, ±506 ft. N of Walker Ave.; and

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

**WHEREAS**, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on , and said Board has studied and reported its recommendation to the City Council regarding the following potential effects of granting the Special Use Permit on:

- A. The character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public safety and general welfare;
- B. The compatibility of the proposed building or use with the immediate vicinity and



the potential interference of said building or use on the development or use of adjacent property;

- C. The adequacy of public facilities including existing streets, parking, drainage, refuse disposal, fire protection, water and sewer or those facilities will be provided;
- D. The destruction, loss or damage to features of significant natural, scenic or historic importance from the proposed building or use; and

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

**WHEREAS**, The Memphis and Shelby County Land Use Control Board has also determined that the proposed building or use complies with all additional standards imposed on it by the particular provision of Section 9 authorizing such particular special use.

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

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

ATTEST:

cc: Office of Code Enforcement ✓  
City Public Works (AM.) ✓  
Office of Planning and Development ✓  
County Register ✓

*S.U.P. 09-214*

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

Date NOV 17 2009

Valerie C. Srapis  
Deputy Comptroller-Council Records

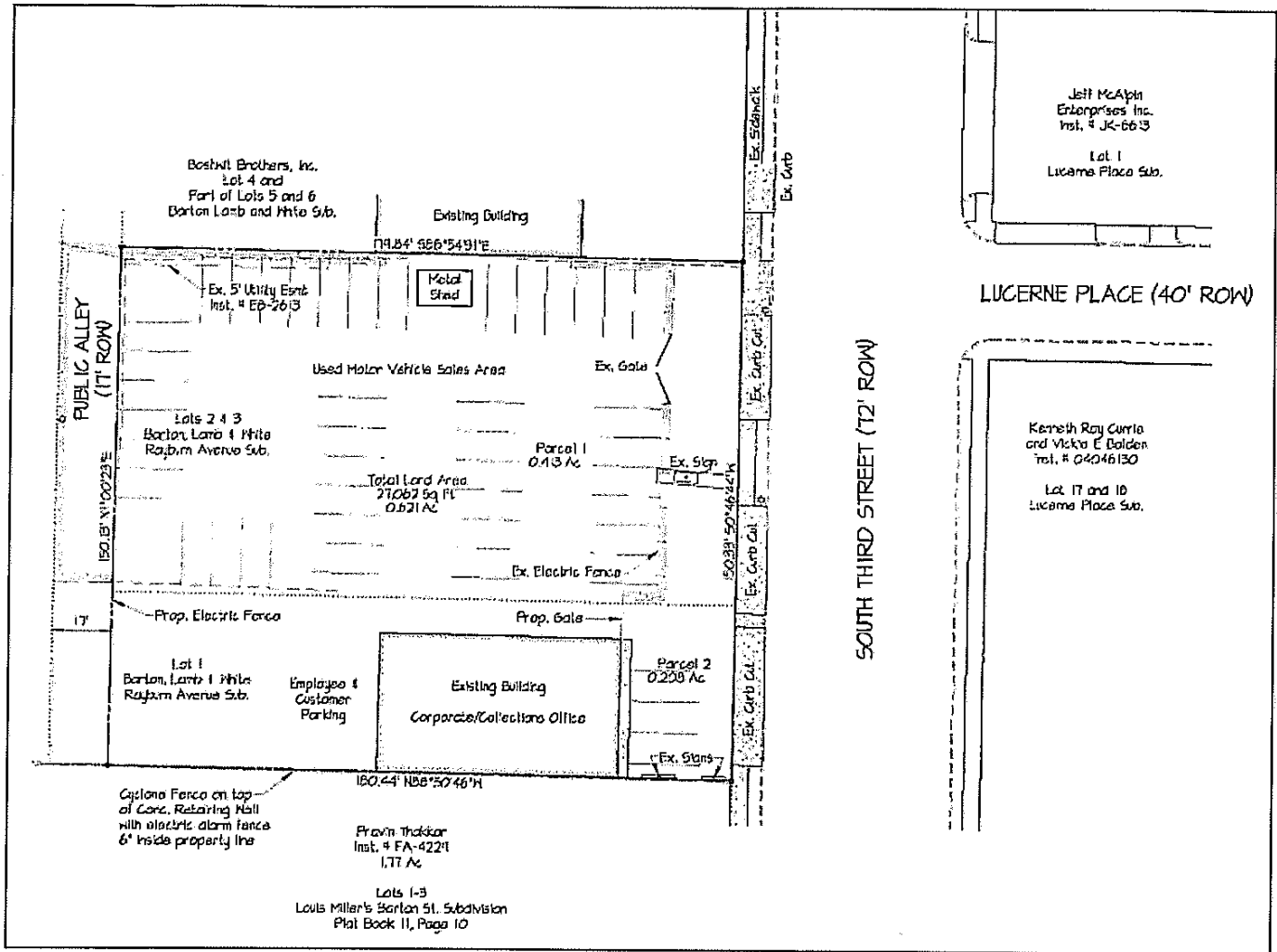
**SITE PLAN CONDITIONS**  
**Used Car Sales at 945 & 953 South Third Street**  
**S.U.P. 09-214**  
**As Adopted by the Memphis City Council\***  
**November 17, 2009**

A Special Use Permit is hereby authorized to temporarily allow Motor Vehicle Sales on the property at the above address (*Instrument Number 05196300, Shelby County Register and Parcel Identification Number 013008 00009 as mapped by the Shelby County Assessor*) in accordance with the approved site plan and the following supplemental conditions:

1. The building and a detailed parking layout shall be as shown on the final site plan.
2. The sidewalk shall be kept clear of obstructions at all times, and the parking of display vehicles there is not permitted.
3. Existing fencing shall be maintained along the rear and side property lines.
4. The existing billboard structure may be converted for use as an on-premise sign, provided that the sign area shall conform with the current sign regulations applicable to the C-L District.
5. A final site plan shall be submitted for approval by City Engineering and OPD staff.

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\* As Previously Amended by Planning & Zoning Committee



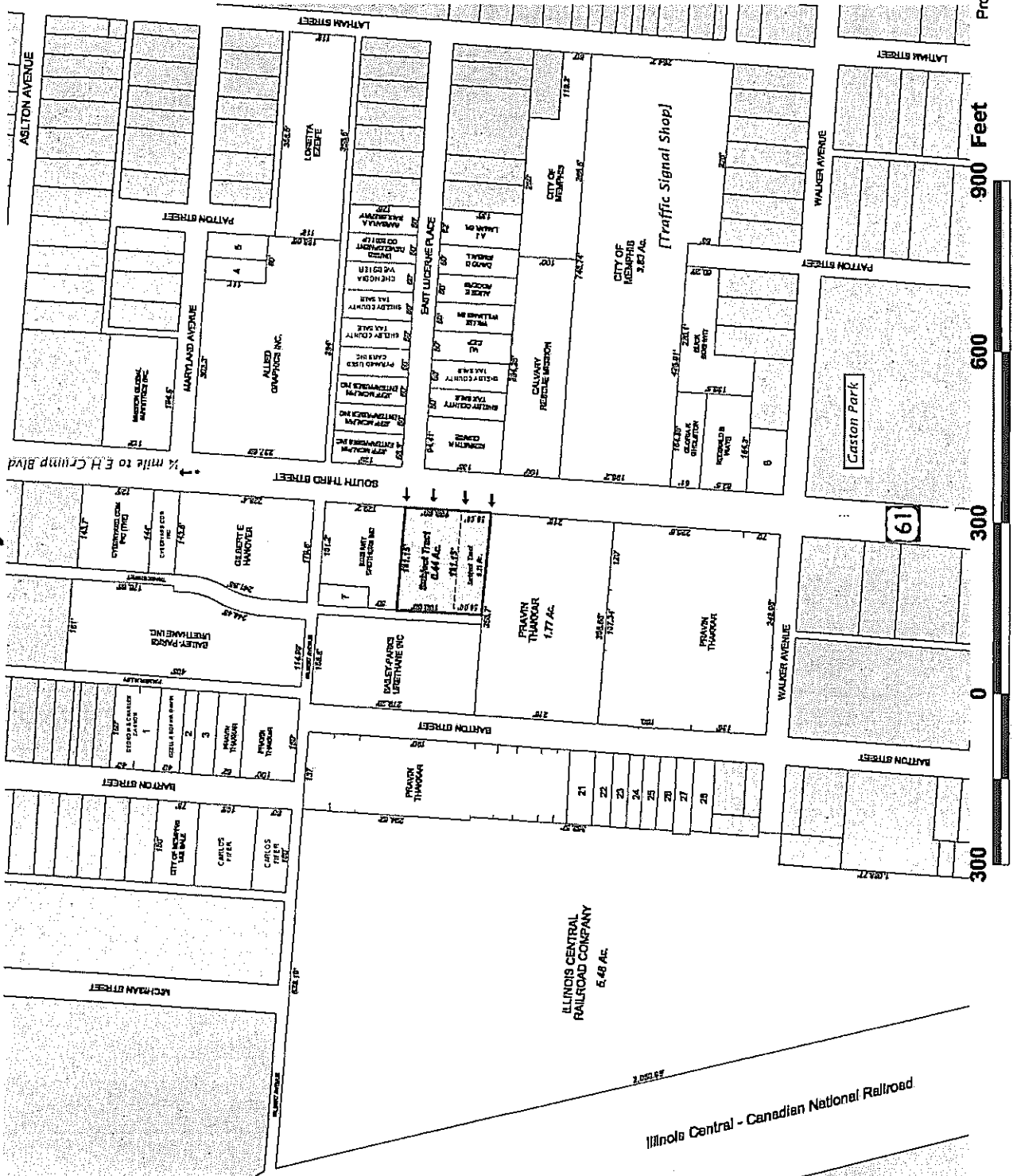
Approved Site Plan



Prepared By:  
Property Research Data  
PRD Job #06-130



# Vicinity Map



**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: August 24, 2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: Pyramid Used Cars PD

Property Owner of Record: Pyramid Used Cars, Inc - Brian Bowman Phone #: 901-942-2231

Mailing Address: 936 S. Third Street City/State: Memphis, TN Zip 38106

Property Owner E-Mail Address: pyramidusedcars@comcast.net

Applicant: same Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Applicant E-Mail Address: \_\_\_\_\_

Representative: Homer Branan Phone #: 901-259-7100

Mailing Address: 999 S. Shady Grove Rd., Suite 500 City/State: Memphis, TN Zip 38120

Representative E-Mail Address: hbranan@farris-law.com

Engineer/Surveyor: The Reaves Firm - Harvey Marcom Phone # 901-761-2016

Mailing Address: 6800 Poplar Avenue, Suite 101 City/State: Memphis, TN Zip 38138

Engineer/Surveyor E-Mail Address: hmarcom@reavesfirm.com

Street Address Location: 936 S. Third Street

Distance to nearest intersecting street: SW corner of S. Third St. and Gilbert Ave. and also NE corner of S. Third St. and Lucerne Pl.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.80</u>	<u>0.88</u>	_____
Existing Zoning:	<u>CMU-1</u>	<u>CMU-1 and RU-3</u>	_____
Existing Use of Property	<u>used car sales</u>	<u>used car sales</u>	_____
Requested Use of Property	<u>used car sales and service</u>	<u>used car sales</u>	_____

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

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

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

**Amendment(s):** Is the applicant applying for an amendment to an existing Planned Development?

Yes \_\_\_\_\_ No x

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

#### 4.10.3 Planned Development General Provisions

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

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

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

The applicant has operated the existing business for 29 years in this area and provides a good, convenient location to the citizens of the Memphis community. Calvary Rescue Mission recently constructed a facility to the south and has indicated it likes the design of the new facility.

- 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.

Sewer and storm water facilities are in place on public right of way and are adequate to serve the proposed facility. There will be less paved areas and an increase in amount of green space on the property so there will be less storm water run-off.

- 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)

The two new buildings to be constructed will be of high quality. The facility will be nicely fenced and landscaped in accordance with the attached concept plans. The buildings, fencing and landscaping will be compatible to the Calvary Rescue Mission development, which is above par for the area.

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

This project will be high quality and will not create any inconsistencies for the public.

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

The property owner will maintain all landscaping, parking areas and new buildings.

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

The final plat will create two lots, one on each side of South Third Street.

**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:** July 24, 2020 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.**

Pyramid Used Cars Inc B Bo - president 8-24-20  
Property Owner of Record Brian Bowman 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

FARRIS BOBANGO BRANAN PLC  
ATTORNEYS AT LAW

999 S. Shady Grove Road, Suite 500 / Memphis, TN 38120  
901-259-7100 / Fax 901-259-7150  
www.farrisbobango.com

August 28, 2020

Josh Whitehead, Director  
Office of Planning and Development  
City Hall, Room 476  
125 N. Main St.  
Memphis, TN 38103

**RE: Planned Development West and East Side of S. Third Street**

Dear Josh:

We represent Pyramid Used Cars Inc. in a planned development application located on the west and east sides of S. Third Street at Lucerne Place, which is approximately 900 feet south of E.H. Crump Boulevard. The existing business has been in this area for the last 29 years. The company currently has 18 employees and provides a convenient location for the public to purchase automobiles. The company pays a substantial amount of State and Local government sales taxes.

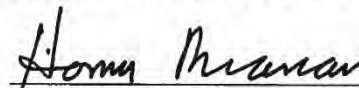
The application proposes two new buildings with one on each side of S. Third Street. These high-quality buildings will be compatible with the Calvary Rescue Mission building recently constructed on the south side of Lucerne Place. The sites will be accented with decorative black aluminum fencing situated behind the landscaping along the public rights of way.

This section of S. Third Street is a true mixed-use area. There are several industrial facilities including a large scaffolding yard on the west side of the street. On the east side to the north of the site is a printing facility. An automobile service and repair business is located at the southeast corner of S. Third and Lucerne. Further to the south is the City of Memphis street light repair and storage facility. Several vacant commercial buildings exist on both sides of S. Third Street in this general area. A residential house fronting Lucerne and being used as rental property abuts the east line of this planned development. We are proposing an 8-foot high sight-proof wood fence and landscaping as a buffer to this property.

We respectfully ask for your support of this planned development. Its approval will allow Pyramid Used Cars, an existing long-standing S. Third Street business, to continue to provide employment opportunities and convenient service to the Memphis community, as well as continuing to generate much needed tax income.

Very truly yours,

FARRIS BOBANGO BRANAN PLC



Homer B. Branan, III

HBB/srh





**SIGN AFFIDAVIT**



**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Mike Frye, being duly sworn, depose and say that at 11:30 am/pm on the 25<sup>th</sup> day of September, 2020, I posted a Public Notice Sign(s) pertaining to Case No. PD 20-11 at S. Third and Lucerne 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, \_\_\_ Street /Alley Closure \_\_\_ Special Use Permit, \_\_\_ Use Variance, \_\_\_ Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] 9-28-2020  
 Owner, Applicant or Representative                      Date

Subscribed and sworn to before me this 28 day of Sept, 2020.

[Signature]  
 Notary Public  
 My commission expires: 5/1/22

**LETTERS RECEIVED**

Three letters (three entities) of support and two letters (one entity) of opposition were received at the time of completion of this report and have subsequently been attached.

# allied graphics

906 S. THIRD ST. · BOX 1902 · MEMPHIS, TN 38101-1902

August 27, 2020

To whom it may concern,

Pyramid Used Cars is my neighboring business, immediately to the South of my property at 906 South Third Street. Having reviewed the proposed improvements, I have no objection to the plan being submitted by the lawfirm of Farris Bobango Branam to the Memphis and Shelby County Office of Planning and Development on behalf of Pyramid Used Cars.

If any further information is required from my company, please do not hesitate to contact me.

Respectfully,



Mark Guenther  
President



## Bailey-Parks Urethane

184 Gilbert Avenue Memphis, Tennessee 38106 USA  
Phone (901)774-7930 Fax (901)774-8444 or (901)774-8477

08/27/20

Mr. Homer B. Branan, III Esq.  
Farris Bobango Branan PLC  
999 S. Shady Grove Road, Suite 500  
Memphis, TN 38120

Re: Pyramid Used Cars, Inc.  
Planned Development Application  
Memphis and Shelby County Office of Planning and Development

Dear Mr. Branan,

Bailey-Parks Urethane, Inc. is celebrating its 50<sup>th</sup> year in business at our current location on 184 Gilbert Ave. and I have personally worked here since 1981. During the 39+ years and I have seen this area improve dramatically. I can say that Pyramid Used Cars has been a great neighbor and Pyramids planned development is very important to our area and City.

I have reviewed the proposed improvements and they will be a welcoming improvement to our area. Bailey-Parks Urethane, Inc. has no objection to Pyramid Used Cars planned Development.

Sincerely

Brian Tutor  
VP/General Manager.  
901-774-7930 ext. 133



Law Offices  
**FARGARSON & BROOKE**  
 Attorneys at Law  
 An Association of Attorneys

Robert M. Fargarson, Esq. \* 1932-2014  
 Bruce D. Brooke, Esq. \*\* †

(901) 523-2500  
 BDB Direct Line (901) 202-7319  
 Telecopier (901) 523-2487

Address  
 The Crane Company Building  
 254 Court Avenue, Suite 300  
 Memphis, Tennessee 38103

\* Also Admitted in Texas  
 \*\* Also Admitted in Florida  
 † Tennessee Supreme Court Rule 31  
 Listed General Civil Mediator

E-Mail: [bbrooke@lundblaw.com](mailto:bbrooke@lundblaw.com)

August 24, 2020

Mr. Homer B. Branan, III, Esq.  
 FARRIS BOBANGO BRANAN PLC  
 999 S. Shady Grove Road, Suite 500  
 Memphis, Tennessee 38120

VIA Email & U S Mail

Re: Pyramid Used Cars, Inc.  
 Planned Development Application  
 Memphis and Shelby County Office of Planning and Development  
**CALVARY RESCUE MISSION**  
**F&B File No. 17371**


Dear Mr. Branan,

As the president of the Board of Calvary Rescue Mission I am sending you this letter confirming Calvary's review of your client's, Pyramid Used Cars, Inc., proposed plan being submitted with Pyramid's Planned Development Application regarding the east and west sides of 3<sup>rd</sup> Street. Calvary is located at 960 3<sup>rd</sup> Street You and Pyramid's representatives have met with Bob Freudiger, (Calvary's Director), Dennis Rutledge, (Assistant Director) and I to review Pyramid's plan. We understand that the plan calls for landscaping along Lucerne Place and 3<sup>rd</sup> Street with decorative black aluminum fencing along Lucerne Place. The plan also calls for an 8-foot wood fence on the east end next to the rental house and an 8-foot black coated chain link fence on the north side. The plan calls for a new office building on the corner. The west side will also have landscaping and fencing like the east side and a new building.

Calvary has absolutely no objection to Pyramid's proposed plan being submitted to the Memphis and Shelby County Office of Planning and Development. As you are aware, within the past two years our Lord Jesus has blessed Calvary with the completion of a new \$3,000,000 plus building for ministering to men in need of spiritual redemption and physical restoration. The building is a beautiful structure and addition to the 3<sup>rd</sup> Street corridor. Your client has continuously been a very good neighbor to Calvary for many years. We believe that the Pyramid's proposed improvements to its property will likewise provide both a significant cosmetic and stabilization improvement to the neighborhood. Hopefully, Pyramid's plan will be approved.

If any additional information is required from Calvary, please do not hesitate to contact me or contact Calvary Bob Freudiger, (901-775-2570).

Respectfully,

  
 Bruce D. Brooke, Esq.

Cc: Mr. Bob Freudiger  
 Director Calvary Rescue Mission



**Case#PD20-11, LUCB Agenda Item #9**

PJ Thakkar &lt;pj@scaffoldsales.com&gt;

Wed 9/23/2020 3:47 PM

To: Penzes, Jeffrey &lt;jeffrey.penzes@memphistn.gov&gt;

Cc: Whitehead, Josh &lt;Josh.Whitehead@memphistn.gov&gt;; pj@scaffoldsales.com &lt;pj@scaffoldsales.com&gt;

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

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TO: Jeffrey Penzes  
Municipal Planner  
Memphis and Shelby County Office of Planning and Development

Mr. Penzes:

This is to notify you that I am strongly opposed to Case#PD20-11, LUCB Agenda Item #9.

We have seen no improvements made to the Pyramid properties in all their years of operation here—while they have been operating out of compliance with the zoning for these properties. Even if they receive approval for the project, there are no indications that Pyramid will actually make the stated improvements during the 5 to 10 year period that they are requesting. One question I have is: why would it take 5 to 10 years to complete the project if they do have serious intentions for the project. Such a project could be completed in 6 to 12 months easily.

We have had our operations on the Third Street/Barton Street properties for 30 years and have made every effort to make this area a safe place to work and live. This new expansion of Pyramid will add extra danger to our company's operations and to the neighborhood. We feel that it will put our employees' safety at risk as Pyramid's customers/employees use Barton Street, Elm Street, Walker Avenue and Gilbert Street as a test drive venue. We have already experienced several scary situations caused by drivers testing vehicles on these streets.

We would welcome a visit from you to our facility so that you can see how this project can have an adverse effect on our operations. Please let me know so that we could schedule a time.

Best regards,

*PJ Thakkar*

President & CEO  
Universal Scaffold & Equipment  
Toll Free: (888) 942-1512  
Cell: (901) 491-1511



RE: Pyramid Used Car Lot proposed project

PT PJ Thakkar <pj@scaffoldsales.com>

Fri 10/2/2020 1:55 PM

To: Penzes, Jeffrey

Cc: pj@scaffoldsales.com; smaynor@memphischamb

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

Mr. Penzes,

I certainly appreciate your visit to our facility yesterday. It was a pleasure to meet you.

I am request the following from the Office of Planning and Development (OPD):

- An economic impact study to be done regarding the development of a used car lot. What are the statistics of the impact on neighborhoods when other used car lots have developed a presence in those neighborhoods?
- The approval process for the development should be delayed until OPD can provide statistics that will give us information as to what we can expect to happen with such a situation.

In conclusion, I am 100% opposed to the used car lot development in this neighborhood. It is my opinion that this development will have a negative impact on my large financial investment in this area and the work that we have done here in the past 30 years to clean up the neighborhood. My suggestion is that OPD must look toward the related development of downtown Memphis as it stretches to this area south of Crump Blvd. You only have to look at other areas of Memphis to see what a negative effect the development of used car lots have had on those areas.

Best regards,

*PJ Thakkar*

President & CEO  
Universal Scaffold & Equipment  
Toll Free: (888) 942-1512  
Cell: (901) 491-1511



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

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

October 8, 2020

Pyramid Used Cars, Inc.  
936 South Third Street  
Memphis, TN 38106

*Sent via electronic mail to: pyramidusedcars@comcast.net*

Pyramid Used Cars Planned Development  
Case Number: PD 20-20  
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, October 8, 2020, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Pyramid Used Cars Planned Development, subject to the attached outline plan conditions.

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.

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](mailto:jeffrey.penzes@memphistn.gov).

Respectfully,



Jeffrey Penzes  
Principal Planner

**Letter to Applicant**  
**PD 20-20**

Land Use and Development Services  
Division of Planning and Development

Cc: Homer Branan, Farris Bobango Branan PLC  
File

## Letter to Applicant

PD 20-20

### Outline Plan Conditions

#### I. USES PERMITTED

- A. Any use permitted by right in the CMU-1 District, including motor vehicle sales and service.
- B. Existing Automobile sales in Phase 2 will be a permitted use upon approval of the Planned Development by the City Council. Construction of the improvements within Phase 2 must be completed in accordance with outline plan condition VII; failure to do so will result in permitted uses reverting to the RU-3 District.

#### II. BULK REGULATIONS

The bulk regulations of the CMU-1 District shall apply with the following exceptions:

- A. The minimum setback from Lucerne Place shall be 15 feet.
- B. The minimum setback from Gilbert Avenue shall be 15 feet.

#### III. ACCESS, CIRCULATION, AND PARKING

- A. Phase 1: Permit one (1) curb cut on South Third Street to align with Lucerne Place.
- B. Phase 2: Permit one (1) curb cut on the northern unnamed alley and one (1) on Lucerne Place.
- C. The exact design, number, and location of curb cuts shall be subject to the approval of the City Engineer.
- D. All private drives shall be constructed to meet city standards and provide a minimum pavement width of 22 feet, exclusive of curb and gutter.

#### IV. LANDSCAPING, SCREENING, AND LIGHTING

- A. An 8-foot wide Type S-10 Streetscape Plate shall be provided along all public streets. An 8-foot high decorative aluminum or wrought iron fence shall be provided at the back of the landscape plate. The required trees need not be uniformly spaced. Trees can be clustered in order to not block visibility of the building and attached signage.
- B. A 10-foot wide Class III Buffer with 8-foot high sight-proof wood fence will be provided along the east property line of Phase 2. The trees planted in the buffer shall be evergreen.
- C. All landscaping shall be provided exclusive of easements and shall not interfere with any utilities including overhead wires.
- D. Only the spaces used for customer parking will be required to have landscaping installed per the requirements of the UDC.
- E. Eight-foot high black vinyl coated chain link fencing shall be provided along all other property lines. An evergreen planting screen will not be required adjacent to this fencing.
- F. Barbed wire, razor wire, and electric fencing shall not be permitted.
- G. Security gates will be allowed at all entrances. Those on South Third Street must remain open during business hours. All gates will be exempt from the queuing requirements in Item 4.4.8.B. and the forward exit requirements in 4.4.8.C.1 of the UDC as long as they



## Letter to Applicant

### PD 20-20

are within ten feet of the right-of-way. Gates shall be furnished with a Knox Box to allow Fire Department access.

- H. All trash receptacles shall be screened from view from adjacent property or the public street right-of-way.
  - I. Light standards shall be a maximum of 20 feet in height and shall be directed so as not to glare onto adjacent residential properties.
- V. SIGNS
- A. All attached signs shall be in accordance with the CMU-1 District.
  - B. Temporary or portable signs shall be prohibited.
  - C. Animated signs shall be prohibited.
  - D. No banners, flags, streamers, balloons or similar advertising devices shall be allowed on a regular basis. They shall be allowed for special events if a permit is granted by Code Enforcement.
  - E. No outside speaker system shall be permitted.
- VI. DRAINAGE: Neither a grading and drainage plan nor storm water detention will be required as this property is not in a sensitive drainage basin and the proposed re-development will increase the amount of on-site pervious area.
- VII. TIME
- A. Phase 1 – A final plan must be filed within one (1) year after approval of this development by City Council and this phase must be completed within two (2) years.
  - B. Phase 2 – Must be completed within three (3) years after completion of Phase 1.
- VIII. OTHER
- A. The route used for test driving vehicles shall not include Barton Street south of Gilbert Avenue.
  - B. The planned development boundaries shall be expanded to include the affiliated automotive financing business abutting to the south on the west side of South Third Street, municipally addressed as 953 S. Third Street which shall become part of Phase 1.
- IX. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented.
- X. Any FINAL PLAT shall include the following:
- A. The Outline Plan conditions.
  - B. A standard contract as defined by the Unified Development Code for any public improvements.
  - C. The exact location and dimensions, including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, required landscaping and screening areas, elevations, etc.

**Letter to Applicant**

**PD 20-20**

- D. The content of all landscaping and screening to be provided.
- E. The location and ownership, whether public or private of any easement.
- F. The number of parking and loading spaces.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.

# FARRIS BOBANGO BRANAN PLC

ATTORNEYS AT LAW

999 S. Shady Grove Road, Suite 500 / Memphis, TN 38120  
901-259-7100 / Fax 901-259-7150  
www.farrisbobango.com

August 28, 2020

Josh Whitehead, Director  
Office of Planning and Development  
City Hall, Room 476  
125 N. Main St.  
Memphis, TN 38103

**RE: Planned Development West and East Side of S. Third Street**

Dear Josh:

We represent Pyramid Used Cars Inc. in a planned development application located on the west and east sides of S. Third Street at Lucerne Place, which is approximately 900 feet south of E.H. Crump Boulevard. The existing business has been in this area for the last 29 years. The company currently has 18 employees and provides a convenient location for the public to purchase automobiles. The company pays a substantial amount of State and Local government sales taxes.


The application proposes two new buildings with one on each side of S. Third Street. These high-quality buildings will be compatible with the Calvary Rescue Mission building recently constructed on the south side of Lucerne Place. The sites will be accented with decorative black aluminum fencing situated behind the landscaping along the public rights of way.

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We respectfully ask for your support of this planned development. Its approval will allow Pyramid Used Cars, an existing long-standing S. Third Street business, to continue to provide employment opportunities and convenient service to the Memphis community, as well as continuing to generate much needed tax income.

Very truly yours,

FARRIS BOBANGO BRANAN PLC



Homer B. Branan, III

HBB/srh





# 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: August 24, 2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: Pyramid Used Cars PD

Property Owner of Record: Pyramid Used Cars, Inc - Brian Bowman Phone #: 901-942-2231

Mailing Address: 936 S. Third Street City/State: Memphis, TN Zip 38106

Property Owner E-Mail Address: pyramidusedcars@comcast.net

Applicant: same Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Applicant E- Mail Address: \_\_\_\_\_

Representative: Homer Branan Phone #: 901-259-7100

Mailing Address: 999 S. Shady Grove Rd., Suite 500 City/State: Memphis, TN Zip 38120

Representative E-Mail Address: hbranan@farris-law.com

Engineer/Surveyor: The Reaves Firm - Harvey Marcom Phone # 901-761-2016

Mailing Address: 6800 Poplar Avenue, Suite 101 City/State: Memphis, TN Zip 38138

Engineer/Surveyor E-Mail Address: hmarcom@reavesfirm.com

Street Address Location: 936 S. Third Street

Distance to nearest intersecting street: SW corner of S. Third St. and Gilbert Ave. and also NE corner of S. Third St. and Lucerne Pl.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.80</u>	<u>0.88</u>	_____
Existing Zoning:	<u>CMU-1</u>	<u>CMU-1 and RU-3</u>	_____
Existing Use of Property	<u>used car sales</u>	<u>used car sales</u>	_____
Requested Use of Property	<u>used car sales and service</u>	<u>used car sales</u>	_____

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

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

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

**Amendment(s):** Is the applicant applying for an amendment to an existing Planned Development?

Yes \_\_\_\_\_ No  x

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

#### **4.10.3 Planned Development General Provisions**

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

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

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

The applicant has operated the existing business for 29 years in this area and provides a good, convenient location to the citizens of the Memphis community. Calvary Rescue Mission recently constructed a facility to the south and has indicated it likes the design of the new facility.

- 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.

Sewer and storm water facilities are in place on public right of way and are adequate to serve the proposed facility. There will be less paved areas and an increase in amount of green space on the property so there will be less storm water run-off.

- 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)

The two new buildings to be constructed will be of high quality. The facility will be nicely fenced and landscaped in accordance with the attached concept plans. The buildings, fencing and landscaping will be compatible to the Calvary Rescue Mission development, which is above par for the area.

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

This project will be high quality and will not create any inconsistencies for the public.

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

The property owner will maintain all landscaping, parking areas and new buildings.

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

The final plat will create two lots, one on each side of South Third Street.



**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:** July 24, 2020 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.**

*Pyramid Used Cars Inc B Bo - president 8-24-20*  
Property Owner of Record Brian Bowman Date 8-24-20 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

development is to be designed, arranged and operated in order to limit impact to neighboring properties.

- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

C. **OUTLINE PLAN**

1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.

2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan

- D. **SITE/CONCEPT PLAN** – Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.

- E. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

F. **VICINITY MAP**

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

G. **LIST OF NAMES AND ADDRESSES**

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1" x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels (1" x 2<sup>5/8</sup>" ) each for the owner of record, applicant, representative and/or engineer/surveyor.

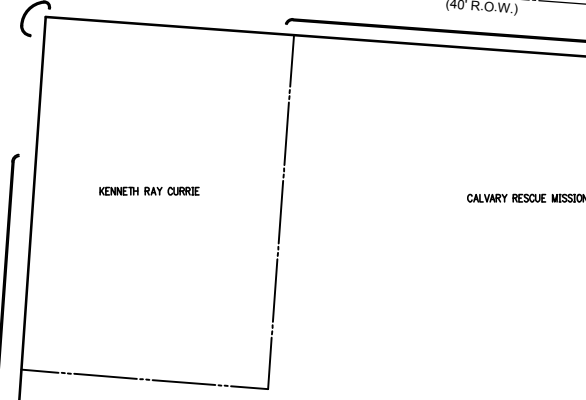
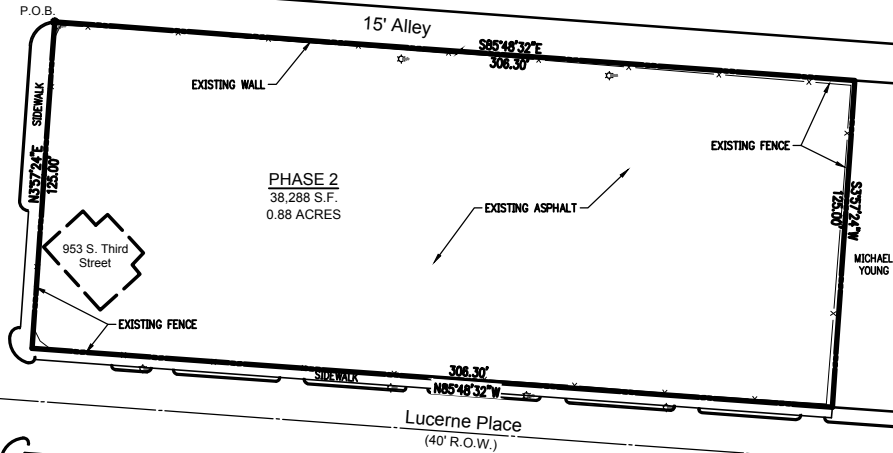
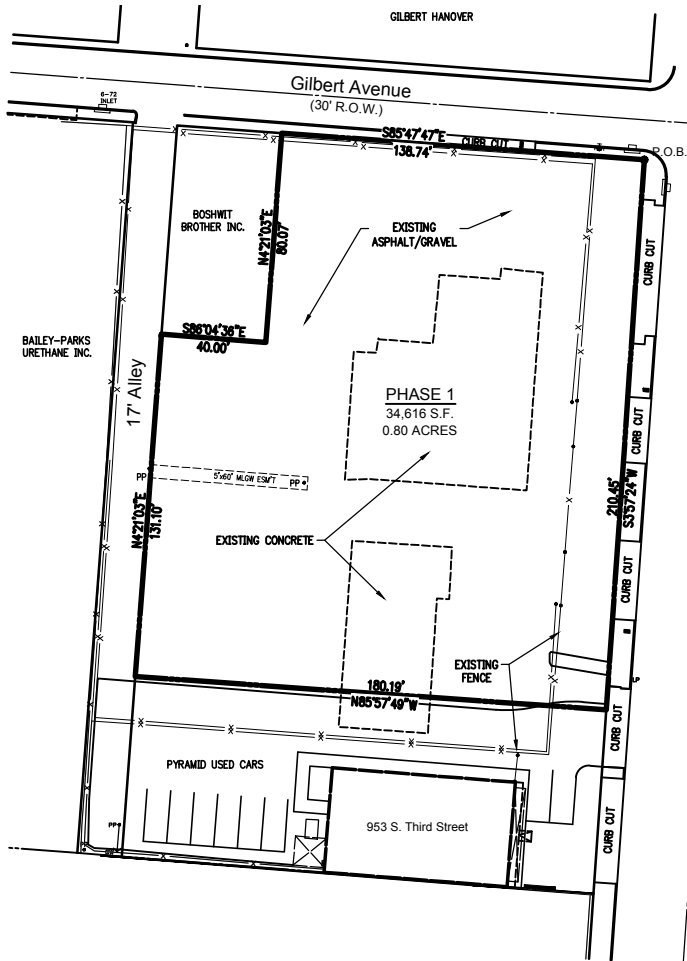
H. **FILING FEES** (*All Fees Are Subject To Change without Prior Notice*)

1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

**\*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**



VICINITY MAP  
±1"=1000'



North



30 0 30

GRAPHIC SCALE IN FEET  
SCALE: 1"=30'



OUTLINE PLAN  
**PYRAMID USED CARS  
PLANNED DEVELOPMENT**

OWNER/DEVELOPER: PYRAMID USED CARS INC.  
72,904 S.F. or 1.68 ACRES  
MEMPHIS, TENNESSEE  
AUGUST 28, 2020

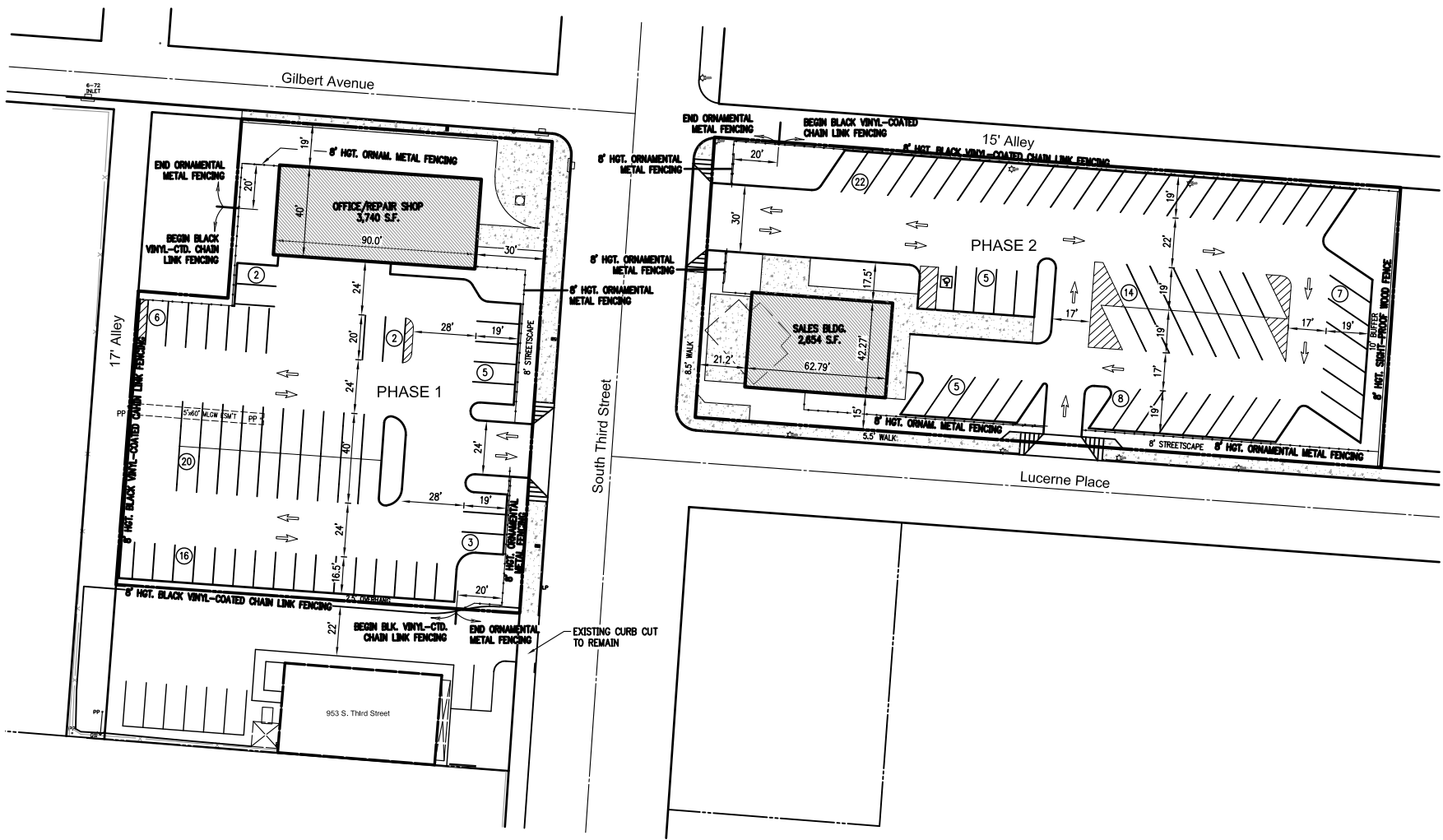
SHEET 1 OF 1  
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November 17, 2020

I:\2024\WV\Project\2024\15-0222 Pyramid Used Cars\Plan\Outline Plan.dwg Aug 28, 2020 - 7:28am

May 2020 \\MVP\Projects\2019-2020\Pyramid Used Cars\Siteplan\Concept Plan.dwg Aug 27, 2020 - 4:23pm



North



GRAPHIC SCALE IN FEET  
SCALE: 1"=30'

**PARKING**  
PHASE 1: 54 SPACES  
PHASE 2:  
5 CUSTOMER SPACES  
56 STORAGE SPACES

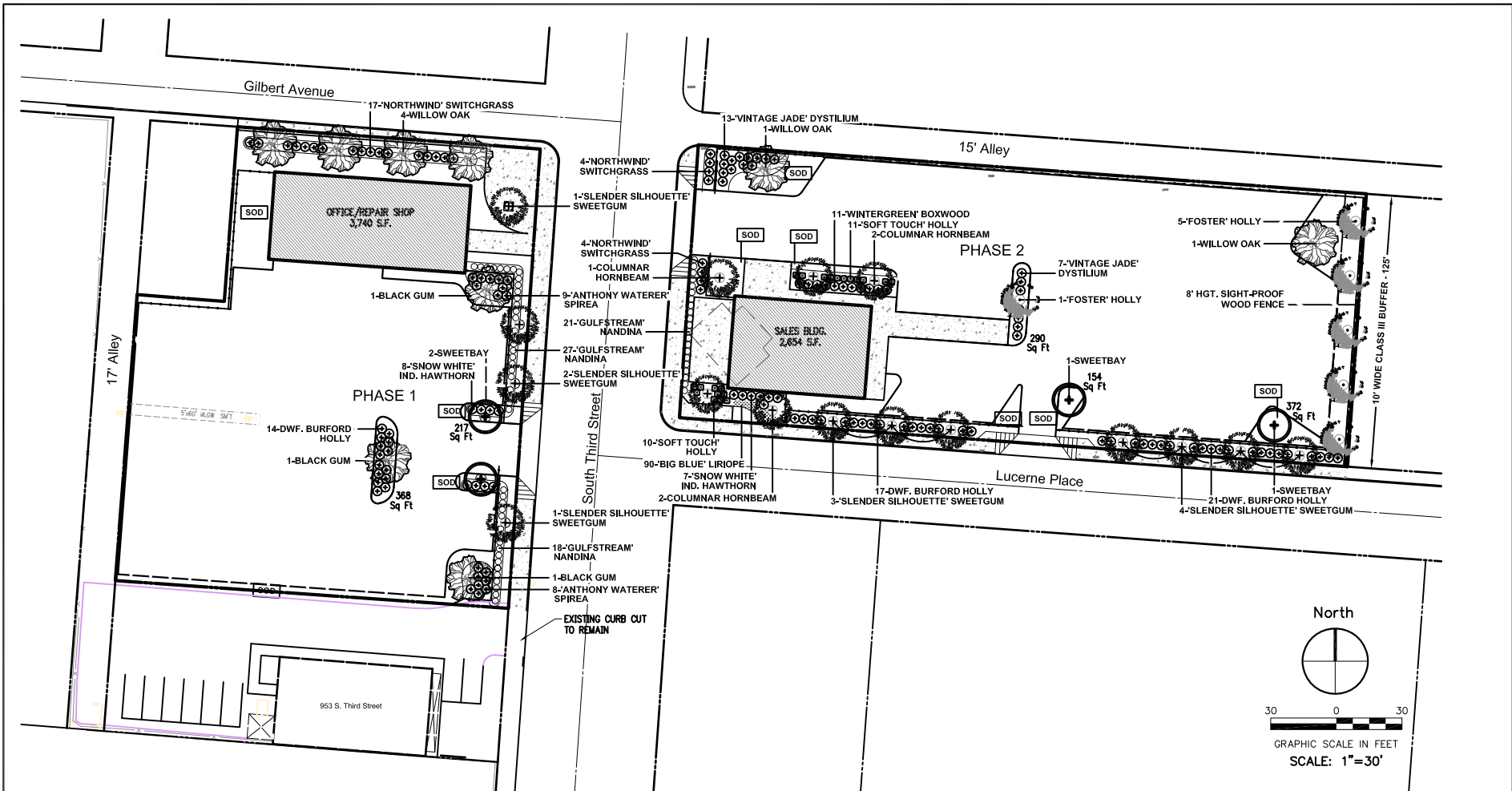
November 17, 2020

Planning and Zoning Documents



**CONCEPT PLAN**  
**PYRAMID USED CARS**  
**PLANNED DEVELOPMENT**  
OWNER/DEVELOPER: PYRAMID USED CARS INC.  
72,904 S.F. or 1.68 ACRES  
MEMPHIS, TENNESSEE  
AUGUST 28, 2020

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SHEET 1 OF 1



**Plant Materials List**

Botanical Name	Common Name	Quantity	Height	Caliper	Spread	Notes
BUXUS SINICA x INSULARIS 'WINTERGREEN'	'WINTERGREEN' BOXWOOD	11	-	-	-	#3 CONTAINER
CARPINUS BETULUS 'COLUMNARIS'	COLUMNAR HORNBEAM	5	-	2 1/2-3"	-	#5 CONTAINER
DYSTILIUM 'VINTAGE JADE'	'VINTAGE JADE' DYSTILIUM	20	-	-	-	#3 CONTAINER
ILEX x ATTENUATA 'FOSTERI'	'FOSTER' HOLLY	6	7-8'	-	3 1/2-4'	FULL, UNIFORM SHAPE
ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	52	-	-	-	#3 CONTAINER
ILEX CRENATA 'SOFT TOUCH'	'SOFT TOUCH' HOLLY	21	-	-	-	#3 CONTAINER
LIQUIDAMBAR STYRACIFLUA 'SLENDER SILHOUETTE'	'SLENDER SILHOUETTE' SWEETGUM	11	-	2 1/2-3"	-	STRAIGHT, WELL-BRANCHED.
LIRIOPE MUSCARI 'BIG BLUE'	'BIG BLUE' LIRIOPE	90	-	-	-	4" POTS
MAGNOLIA VIRGINIANA	SWEETBAY	4	5-6'	-	2 1/2-3"	FULL, WELL-BRANCHED.
NANDINA DOMESTICA 'GULFSTREAM'	'GULFSTREAM' NANDINA	66	-	-	-	#3 CONTAINER
NYSSA SYLVATICA	BLACK GUM	3	-	2 1/2-3"	-	FULL, WELL-BRANCHED.
PANICUM VIRGATUM 'NORTHWIND'	'NORTHWIND' SWITCHGRASS	25	-	-	-	#3 CONTAINER
QUERCUS PHELLOS	WILLOW OAK	6	-	2 1/2-3"	-	FULL, WELL-BRANCHED.
RAPHIOLEPIS INDICA 'SNOW WHITE'	'SNOW WHITE' INDIAN HAWTHORN	15	-	-	-	#3 CONTAINER
SPIRAEA x BUMALDA 'ANTHONY WATERER'	'ANTHONY WATERER' SPIRAEA	17	-	-	-	#3 CONTAINER
CYNODON DACTYLON	BERMUDA SEED					

**Planting Notes**

- MULCH ALL BEDS AND TREE RINGS WITH A MINIMUM DEPTH OF 3" HARDWOOD MULCH
- STAKE ALL B & B TREES PER DETAIL
- TILL TOP 6" OF SOIL IN ALL BED AREAS AND AMEND WITH SAND AND PEAT TO ASSURE PROPER DRAINAGE AND PERCOLATION
- TEST pH OF SOIL AND AMEND ALL BED AREAS WITH CHEMICALS AND FERTILIZER TO ASSURE THE BEST POSSIBLE GROWTH ENVIRONMENT FOR THE SPECIFIED PLANT MATERIAL
- APPLY PREEMERGENTS IN ALL BED AREAS PRIOR TO PLANTING TO PREVENT WEED GROWTH
- ROLL WATER AND FERTILIZE ALL SOD AREAS TO PROVIDE A SMOOTH MOWING SURFACE FREE OF GAPS AND IRREGULAR JOINTS
- CONTRACTOR RESPONSIBLE FOR A PERMANENT STAND OF TURFGRASS WHERE SEEDING IS SPECIFIED. SEED AS NECESSARY TO ESTABLISH TURF IN ALL AREAS DAMAGED BY CONSTRUCTION
- LANDSCAPE ARCHITECT RETAINS THE RIGHT TO REJECT ANY PLANT MATERIAL AT ANY TIME IF IT DOES NOT MEET THE SPECIFICATIONS ON THE PLANT MATERIALS LIST
- PRUNE PLANTS AFTER PLANTING TO ASSURE CONSISTENCY IN GROWTH HABIT
- CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL INCLUDING SOD FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE. REPLACEMENTS WILL ALSO BE GUARANTEED FOR A PERIOD OF ONE YEAR AFTER INSTALLATION
- CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC. RESULTING FROM LANDSCAPE CONSTRUCTION.
- ALL PLANTS MUST BE VIGOROUS, HEALTHY MATERIAL, FREE OF PESTS AND DISEASE.
- CONTRACTOR TO GUARANTEE ALL PLANT MATERIALS LIST, THE DETAILS, AND SPECIFICATIONS
- ANY MATERIAL WHICH DIES, OR DEFOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACED.
- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GENERAL GUIDELINE SPECIFICATIONS ONLY AND WILL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIALS UNTIL SUBSTANTIAL COMPLETION OF THE INSTALLATION.



**LANDSCAPE PLAN  
PYRAMID USED CARS  
PLANNED DEVELOPMENT**

OWNER/DEVELOPER: PYRAMID USED CARS INC.  
72,904 S.F. or 1.68 ACRES  
MEMPHIS, TENNESSEE  
AUGUST 28, 2020

November 17, 2020



PROPERTY DESCRIPTIONS

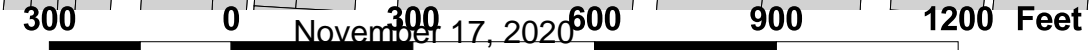
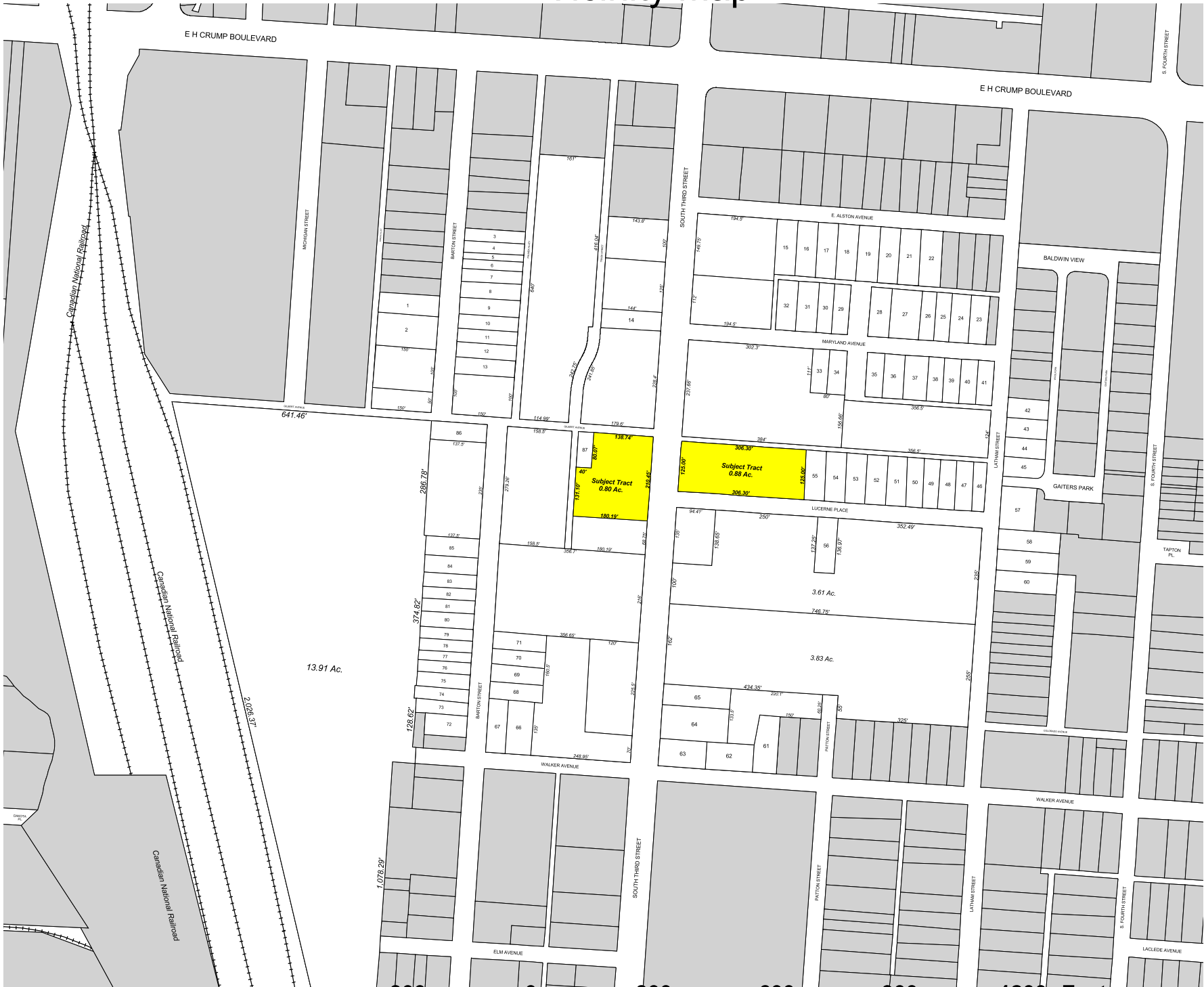
PHASE 1 - WEST SIDE

BEGINNING AT THE SOUTHWEST CORNER OF SOUTH THIRD STREET (72' R.O.W.) AND GILBERT AVENUE (30' R.O.W.); THENCE S3°57'24"W ALONG THE WEST LINE OF SOUTH THIRD A DISTANCE OF 210.45 FEET A POINT; THENCE N85°57'49"W A DISTANCE OF 180.19 FEET TO A POINT ON THE EAST LINE OF A 17 FOOT WIDE ALLEY; THENCE N4°21'03"E ALONG SAID EAST LINE A DISTANCE OF 131.10 TO THE SOUTHWEST CORNER OF THE BOSHWIT BROTHERS PROPERTY; THENCE S86°04'36"E ALONG THE SOUTH LINE OF SAID BOSHWIT PROPERTY A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE N4°21'03"E ALONG THE EAST LINE OF SAID PROPERTY A DISTANCE OF 80.07 FEET TO A POINT ON THE SOUTH LINE GILBERT AVENUE; THENCE S85°47'47"E ALONG SAID SOUTH LINE A DISTANCE OF 138.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 34,616 SQUARE FEET OR 0.80 ACRES.

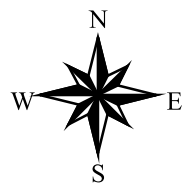
PHASE 2 - EAST SIDE

BEGINNING AT THE SOUTHEAST CONER OF SOUTH THIRD STREET (72' R.O.W.) AND A 15 FOOT WIDE ALLEY; THENCE S85°48'32"E A DISTANCE OF 306.36 FEET TO THE NORTHWEST CORNER OF THE MICHAEL YOUNG PROPERTY; THENCE S3°57'24"W ALONG THE WEST LINE OF SAID YOUNG PROPERTY A DISTANCE OF 125.00 FEET TO A POINT ON THE NORTH LINE OF LUCERNE PLACE (40' R.O.W.); THENCE N85°48'32"W ALONG SAID NORTH LINE A DISTANCE OF 306.30 FEET TO A POINT ON THE EAST LINE OF SOUTH THIRD STREET; THENCE N3°57'24"E ALONG SAID EAST LINE A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 38,288 SQUARE FEET OR 0.88 ACRES.

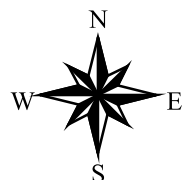
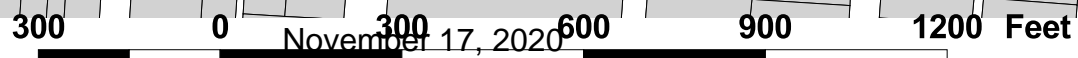
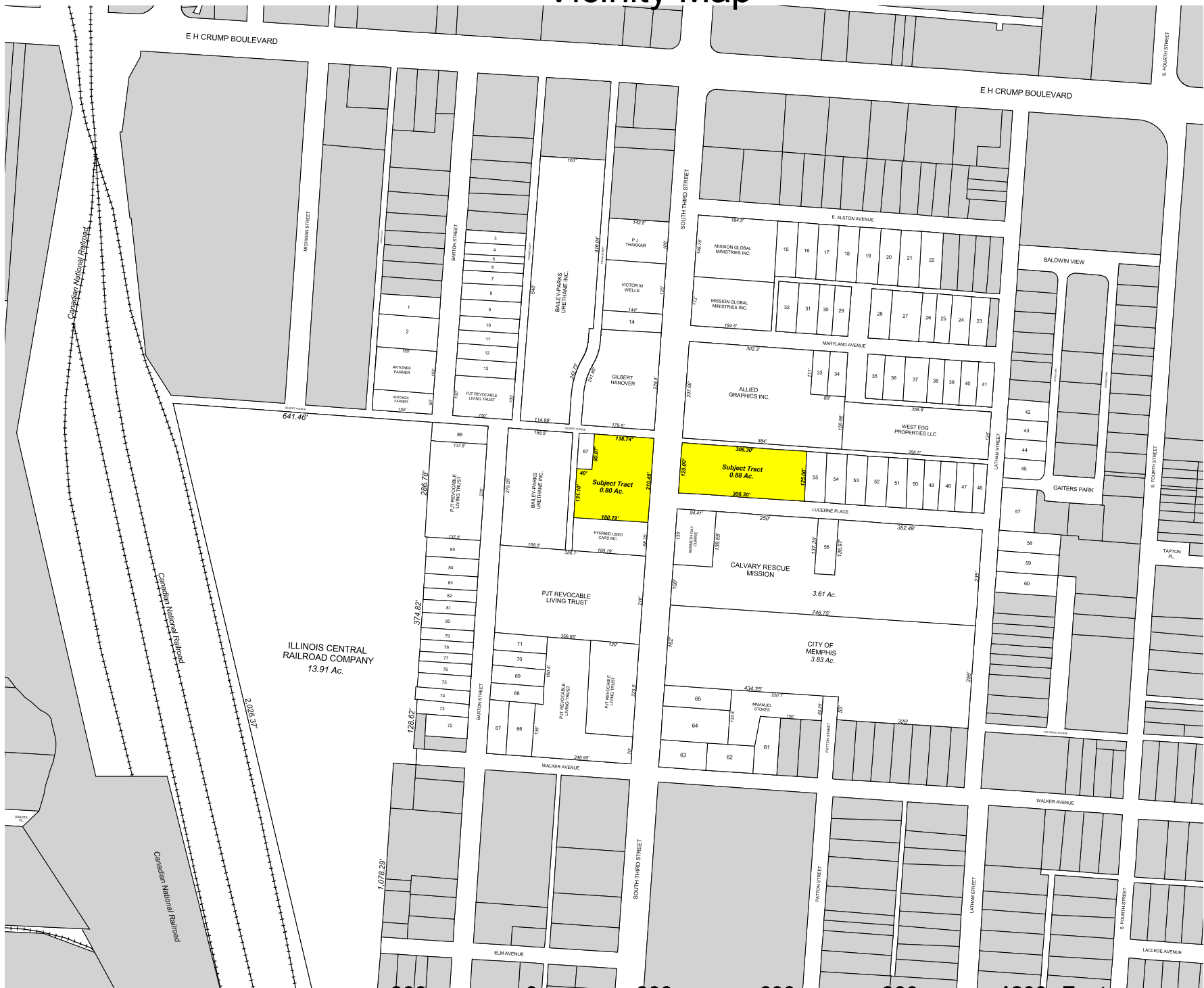
# Vicinity Map



November 17, 2020  
Planning and Zoning Documents



# Vicinity Map



Lot #	Owners Name
1	Herenton Investment Company
2	Herenton Investment Company
3	Tanner Dan A
4	Tanner Dan A
5	Herenton Willie W
6	Herenton Investment Company
7	Herenton Investment Company
8	Cannon Georgia C & Charles J
9	Cochran-Cannon Georgia & Charles J
10	Gavin Ozell & Sophia
11	Gavin Ozell & Sophia
12	PJT Revocable Living Trust
13	PJT Revocable Living Trust
14	Wells Victor M
15	Terry Booker Jr.
16	Parker Helen
17	Costa Wilma
18	Hicks Mattie A
19	Young Michael
20	Morgan Mattie
21	Campbell Sarah
22	Campbell Sarah
23	Ward Ollie C & Pearlie M
24	Ward Pearlie
25	Morton Carolyn J
26	Mitchell Ella Mae (Estate Of)
27	Harris Florida L
28	Peter's Rock Holiness Church Inc.
29	UPH 127 LP
30	Mission Global Ministries Incorporated
31	Mission Global Ministries Incorporated
32	Lefkowitz Rebecca G
33	UPH 127 LP
34	City Of Memphis
35	DSV SPV2 LLC
36	Life Of Liberty
37	Fletcher And Sons Renovation Co. Inc.
38	City Of Memphis Tax Sale
39	McCalister Willie J
40	McCalister Willie J
41	Fomo In Memphis LLC
42	Memphis Housing Authority
43	Memphis Housing Authority
44	Memphis Housing Authority
45	Memphis Housing Authority
46	Martin Derrick
47	UPH 127 LP
48	Martin Derrick
49	Memphis Residential Income Fund 51 LLC
50	UPH 127 LP

Lot #	Owners Name
51	UPH 127 LP
52	Campbell Sarah
53	Saulsberry Barbara A And Pernell D
54	UPH 127 LP
55	Young Michael
56	Kimball David D III And Karsha L Kimball
57	Memphis Housing Authority
58	New Salem Baptist Church (TR)
59	New Salem Baptist Church (TR)
60	New Salem Baptist Church (TR)
61	Brown Jenetha
62	Brown Jenetha
63	Saleh Abdo
64	Saleh Abdo
65	Gholston Gloria K
66	PJT Revocable Living Trust
67	PJT Revocable Living Trust
68	PJT Revocable Living Trust
69	PJT Revocable Living Trust
70	PJT Revocable Living Trust
71	Thakkar Pravin
72	PJT Revocable Living Trust
73	PJT Revocable Living Trust
74	PJT Revocable Living Trust
75	PJT Revocable Living Trust
76	PJT Revocable Living Trust
77	PJT Revocable Living Trust
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83	PJT Revocable Living Trust
84	PJT Revocable Living Trust
85	PJT Revocable Living Trust
86	PJT Revocable Living Trust
87	Boshwit Brother Incorporated

Allied Graphics Incorporated  
906 S. Third Street  
Memphis, TN 38106 1779

Bailey-Parks Urethane Inc.  
184 Gilbert Avenue  
Memphis, TN 38106 1709

Boshwit Brother Incorporated  
2595 Broad Avenue  
Memphis, TN 38112 2615

Brown Jenetha  
2036 Blakewood Place  
Memphis, TN 38106 7212

Calvary Rescue Mission  
960 S. Third Street  
Memphis, TN 38106 2084

Campbell Sarah  
1400 10<sup>th</sup> Avenue  
Nashville, TN 37208 2512

Campbell Sarah L  
P O Box 90825  
Nashville, TN 37209 0825

Cannon Georgia C & Charles J  
6794 Neshoba Road  
Memphis, TN 38120

City Of Memphis  
125 N. Main Street  
Memphis, TN 38103 2026

City Of Memphis  
701 N. Main Street  
Memphis, TN 38107 2311

City Of Memphis Tax Sale  
125 N. Main Street  
Memphis, TN 38103 2026

Cochran-Cannon Georgia & Charles  
6794 Neshoba Road  
Memphis, TN 38120

Costa Wilma  
11781 Magnolia Park Court  
Las Vegas, NV 89141 6029

Currie Kenneth and Vickie Bolden  
3379 Lucibill Lane  
Memphis, TN 38116

DSV SPV2 LLC  
16 Berryhill Road, Ste. 200  
Columbia, SC 29210 6433

Farmer Antonek  
1696 Glenview Avenue  
Memphis, TN 38106 3806

Fletcher And Sons Renovation Co.  
1550 N. Parkway, Apt. 215  
Memphis, TN 38112 4961

Fomo In Memphis LLC  
90 W. 84<sup>th</sup> Avenue  
Thornton, CO 80260 4808

Gavin Ozell & Sophia  
P O Box 3945  
Memphis, TN 38173

Gholston Gloria K  
1060 E. Shankman Circle  
Memphis, TN 38108 3033

Hanover Gilbert  
6546 Cherryhill  
Memphis, TN 38120

Harris Florida L  
262 Maryland Avenue  
Memphis, TN 38126 5038

Herenton Investment Company  
150 Dubois Drive  
Memphis, TN 38109 7444

Herenton Willie W  
150 Dubois Drive  
Memphis, TN 38109 7444

Hicks Mattie A  
247 E. Alston Avenue  
Memphis, TN 38126 4301

Illinois Central Railroad Company  
General Delivery  
Memphis, TN 38101 9999

Kimball David and Karsha  
249 Lucerne Place  
Memphis, TN 38126 5005

Lefkowitz Rebecca G  
3809 Park Avenue  
Memphis, TN 38111

Life Of Liberty  
749 Tate Avenue  
Memphis, TN 38126 3616

Martin Derrick  
1220 Bending Creek Drive  
Antioch, TN 37013 4546



McCalister Willie J  
1903 W. Holmes Road  
Memphis, TN 38109

Memphis Housing Authority  
700 Adams Avenue  
Memphis, TN 38105 5002

Memphis Res. Income Fund 51  
180 Avenida La Pata, Ste. 102  
San Clemente, CA 92673 6300

Mission Global Ministries Inc  
P O Box 820757  
Memphis, TN 38182 0757

Mitchell Ella Mae (Estate Of)  
274 Maryland Avenue  
Memphis, TN 38126 5038

Morgan Mattie  
259 E. Alston Avenue  
Memphis, TN 38106

Morton Carolyn J  
274 Maryland Avenue  
Memphis, TN 38126 5038

New Salem Missionary Baptist Church  
944 Latham Street  
Memphis, TN 38126 5004

Parker Helen  
1521 Cameron Street  
Memphis, TN 38106 5403

Peter's Rock Holiness Church Inc  
P O Box 751662  
Memphis, TN 38175

PJT Revocable Living Trust  
973 S. Third Street  
Memphis, TN 38106 2067

Saleh Abdo  
1006 S. Third Street  
Memphis, TN 38106

Saulsberry Barbara and Pernell  
148 Evergreen  
Memphis, TN 38104 6421

Stokes Immanuel  
2275 Lester Road  
Nesbit, MS 38651 8331

Tanner Dan A  
11820 Metz Place  
Eads, TN 38028

Terry Booker Jr.  
3409 Kettlebrook Cove  
Memphis, TN 38128 3432

Thakkar P J  
P O Box 2185  
Memphis, TN 38101 2185

Thakkar Pravin  
P O Box 2185  
Memphis, TN 38101 2185

UPH 127 LP  
5099 Old Summer Road, Ste. C  
Memphis, TN 38122 4312

Ward Ollie C & Pearlie M  
282 Maryland Avenue  
Memphis, TN 38126 5038

Ward Pearlie  
282 Maryland Avenue  
Memphis, TN 38126

Wells Victor M  
1039 Delmar Avenue  
Memphis, TN 38105 3218

West Egg Properties LLC  
27472 Portola Parkway, Ste. 205-321  
Foothill Ranch, CA 92610 2853

Young Michael  
255 E. Alston Avenue  
Memphis, TN 38126 4301

Pyramid Used Cars Incorporated  
936 S. Third Street  
Memphis, TN 38106-2066

Pyramid Used Cars  
936 S. Third Street  
Memphis, TN 38106  
Attn: Brian Bowman

The Reaves Firm  
6800 Poplar Ave., Suite 101  
Memphis, TN 38138  
Attn: Kay Maynard

Homer Branan  
999 S. Shady Grove Rd., Suite 500  
Memphis, TN 38120

Pyramid Used Cars  
936 S. Third Street  
Memphis, TN 38106  
Attn: Brian Bowman

The Reaves Firm  
6800 Poplar Ave., Suite 101  
Memphis, TN 38138  
Attn: Kay Maynard

Homer Branan  
999 S. Shady Grove Rd., Suite 500  
Memphis, TN 38120

Councilman Edmund Ford, Sr.  
Memphis City Council District 1  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman JB Smiley, Jr.  
Memphis City Council Super Dist 8-1  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilwoman Cheyenne Johnson  
Memphis City Council Super Dist 8-2  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman Martavius Jones  
Memphis City Council Super Dist 8.3  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman Edmund Ford, Sr.  
Memphis City Council District 1  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman JB Smiley, Jr.  
Memphis City Council Super Dist 8-1  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilwoman Cheyenne Johnson  
Memphis City Council Super Dist 8-2  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman Martavius Jones  
Memphis City Council Super Dist 8.3  
125 N. Main Street Room 514  
Memphis, TN 38103

Soulsville USA Neighborhood Assoc.  
Carol Beasley  
1093. E. McLemore Ave.  
Memphis, TN 38106

Soulsville USA Neighborhood Assoc.  
Carol Beasley  
1093. E. McLemore Ave.  
Memphis, TN 38106

# FARRIS BOBANGO BRANAN PLC

ATTORNEYS AT LAW

999 S. Shady Grove Road, Suite 500 / Memphis, TN 38120  
901-259-7100 / Fax 901-259-7150  
www.farrisbobango.com

August 28, 2020

Josh Whitehead, Director  
Office of Planning and Development  
City Hall, Room 476  
125 N. Main St.  
Memphis, TN 38103

**RE: Planned Development West and East Side of S. Third Street**

Dear Josh:

We represent Pyramid Used Cars Inc. in a planned development application located on the west and east sides of S. Third Street at Lucerne Place, which is approximately 900 feet south of E.H. Crump Boulevard. The existing business has been in this area for the last 29 years. The company currently has 18 employees and provides a convenient location for the public to purchase automobiles. The company pays a substantial amount of State and Local government sales taxes.


The application proposes two new buildings with one on each side of S. Third Street. These high-quality buildings will be compatible with the Calvary Rescue Mission building recently constructed on the south side of Lucerne Place. The sites will be accented with decorative black aluminum fencing situated behind the landscaping along the public rights of way.

This section of S. Third Street is a true mixed-use area. There are several industrial facilities including a large scaffolding yard on the west side of the street. On the east side to the north of the site is a printing facility. An automobile service and repair business is located at the southeast corner of S. Third and Lucerne. Further to the south is the City of Memphis street light repair and storage facility. Several vacant commercial buildings exist on both sides of S. Third Street in this general area. A residential house fronting Lucerne and being used as rental property abuts the east line of this planned development. We are proposing an 8-foot high sight-proof wood fence and landscaping as a buffer to this property.

We respectfully ask for your support of this planned development. Its approval will allow Pyramid Used Cars, an existing long-standing S. Third Street business, to continue to provide employment opportunities and convenient service to the Memphis community, as well as continuing to generate much needed tax income.

Very truly yours,

FARRIS BOBANGO BRANAN PLC



Homer B. Branan, III

HBB/srh



I. USES PERMITTED

- A. Any use permitted by right in the CMU-1 District, including motor vehicle sales and service.
- B. Existing Automobile sales in Phase 2 will be a permitted use upon approval of the Planned Development by the City Council. Construction of the improvements within Phase 2 must be completed within 10 years of said approval. Failure to do so will result in permitted uses reverting to the RU-3 District.

II. BULK REGULATIONS

The bulk regulations of the CMU-1 District shall apply with the following exceptions:

- A. The minimum setback from Lucerne Place shall be 15 feet.
- B. The minimum setback from Gilbert Avenue shall be 15 feet.

III. ACCESS, CIRCULATION AND PARKING

- A. Phase 1: Permit one (1) curb cut on South Third Street to align with Lucerne Place.
- B. Phase 2: Permit one (1) curb cut on South Third Street and one (1) on Lucerne Place.
- C. The exact design and location shall be subject to the approval of the City Engineer.
- D. All private drives shall be constructed to meet city standards and provide a minimum pavement width of 22 feet, exclusive of curb and gutter.

IV. LANDSCAPING, SCREENING AND LIGHTING

- A. An 8-foot wide Type S-10 Streetscape Plate shall be provided along all public streets. An 8-foot high decorative aluminum or wrought iron fence shall be provided at the back of the landscape plate. The required trees need not be uniformly spaced. Trees can be clustered in order to not block visibility of the building and attached signage.
- B. A 10-foot wide Class III Buffer with 8-foot high sight-proof wood fence will be provided along the east property line of Phase 2. The trees planted in the buffer shall be evergreen.
- C. All landscaping shall be provided exclusive of easements and shall not interfere with any utilities including overhead wires.
- D. Only the spaces used for customer parking will be required to have landscaping installed per the requirements of the UDC.
- E. Eight-foot high black vinyl coated chain link fencing shall be provided along all other property lines. An evergreen planting screen will not be required adjacent to this fencing.
- F. Barbed wire, razor wire and electric fencing shall not be permitted.
- G. Security gates will be allowed at all entrances. Those on South Third Street must remain open during business hours. All gates will be exempt from the queuing requirements in Item 4.4.8.B. and the forward exit requirements in 4.4.8.C.1 of the UDC as long as they

are within ten feet of the right-of-way. Gates shall be furnished with a Knox Box to allow Fire Department access.

- H. All trash receptacles shall be screened from view from adjacent property or the public street right-of-way.
- I. Light standards shall be a maximum of 20 feet in height and shall be directed so as not to glare onto adjacent residential properties.

V. SIGNS

- A. All attached signs shall be in accordance with the CMU-1 District.
- B. Temporary or portable signs shall be prohibited.
- C. Animated signs shall be prohibited.
- D. No banners, flags, streamers, balloons or similar advertising devices shall be allowed on a regular basis. They shall be allowed for special events if a permit is granted by Code Enforcement.
- E. No outside speaker system shall be permitted.

VI. DRAINAGE: Neither an Administrative Site Plan Review (ASPR) by City Engineering or storm water detention will be required as this property is not in a sensitive drainage basin and the re-development will increase the amount of on-site pervious area.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage and other site requirements if equivalent alternatives are presented.

VIII. Any FINAL PLAT shall include the following:

- A. The Outline Plan conditions.
- B. A standard contract as defined by the UDC for any public improvements.
- C. The exact location and dimensions, including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The content of all landscaping and screening to be provided.
- E. The location and ownership, whether public or private of any easement.
- F. The number of parking and loading spaces.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.





Law Offices  
**FARGARSON & BROOKE**  
 Attorneys at Law  
 An Association of Attorneys

Robert M. Fargarson, Esq. \* 1932-2014  
 Bruce D. Brooke, Esq. \*\* †

(901) 523-2500  
 BDB Direct Line (901) 202-7319  
 Telecopier (901) 523-2487

Address  
 The Crane Company Building  
 254 Court Avenue, Suite 300  
 Memphis, Tennessee 38103

\* Also Admitted in Texas  
 \*\* Also Admitted in Florida  
 † Tennessee Supreme Court Rule 31  
 Listed General Civil Mediator

E-Mail: [bbrookc@fandblaw.com](mailto:bbrookc@fandblaw.com)

August 24, 2020

Mr. Homer B. Branan, III, Esq.  
 FARRIS BOBANGO BRANAN PLC  
 999 S. Shady Grove Road, Suite 500  
 Memphis, Tennessee 38120

VIA Email & U S Mail

Re: Pyramid Used Cars, Inc.  
 Planned Development Application  
 Memphis and Shelby County Office of Planning and Development  
**CALVARY RESCUE MISSION**  
**F&B File No. 17371**


Dear Mr. Branan,

As the president of the Board of Calvary Rescue Mission I am sending you this letter confirming Calvary's review of your client's, Pyramid Used Cars, Inc., proposed plan being submitted with Pyramid's Planned Development Application regarding the east and west sides of 3<sup>rd</sup> Street. Calvary is located at 960 3<sup>rd</sup> Street You and Pyramid's representatives have met with Bob Freudiger, (Calvary's Director), Dennis Rutledge, (Assistant Director) and I to review Pyramid's plan. We understand that the plan calls for landscaping along Lucerne Place and 3<sup>rd</sup> Street with decorative black aluminum fencing along Lucerne Place. The plan also calls for an 8-foot wood fence on the east end next to the rental house and an 8-foot black coated chain link fence on the north side. The plan calls for a new office building on the corner. The west side will also have landscaping and fencing like the east side and a new building.

Calvary has absolutely no objection to Pyramid's proposed plan being submitted to the Memphis and Shelby County Office of Planning and Development. As you are aware, within the past two years our Lord Jesus has blessed Calvary with the completion of a new \$3,000,000 plus building for ministering to men in need of spiritual redemption and physical restoration. The building is a beautiful structure and addition to the 3<sup>rd</sup> Street corridor. Your client has continuously been a very good neighbor to Calvary for many years. We believe that the Pyramid's proposed improvements to its property will likewise provide both a significant cosmetic and stabilization improvement to the neighborhood. Hopefully, Pyramid's plan will be approved.

If any additional information is required from Calvary, please do not hesitate to contact me or contact Calvary Bob Freudiger, (901-775-2570).

Respectfully,

  
 Bruce D. Brooke, Esq.

Cc: Mr. Bob Freudiger  
 Director Calvary Rescue Mission



## Bailey-Parks Urethane

184 Gilbert Avenue Memphis, Tennessee 38106 USA  
Phone (901)774-7930 Fax (901)774-8444 or (901)774-8477

08/27/20

Mr. Homer B. Branan, III Esq.  
Farris Bobango Branan PLC  
999 S. Shady Grove Road, Suite 500  
Memphis, TN 38120

Re: Pyramid Used Cars, Inc.  
Planned Development Application  
Memphis and Shelby County Office of Planning and Development

Dear Mr. Branan,

Bailey-Parks Urethane, Inc. is celebrating its 50<sup>th</sup> year in business at our current location on 184 Gilbert Ave. and I have personally worked here since 1981. During the 39+ years and I have seen this area improve dramatically. I can say that Pyramid Used Cars has been a great neighbor and Pyramids planned development is very important to our area and City.

I have reviewed the proposed improvements and they will be a welcoming improvement to our area. Bailey-Parks Urethane, Inc. has no objection to Pyramid Used Cars planned Development.

Sincerely

Brian Tutor  
VP/General Manager.  
901-774-7930 ext. 133

# allied graphics

906 S. THIRD ST. · BOX 1902 · MEMPHIS, TN 38101-1902

August 27, 2020

To whom it may concern,

Pyramid Used Cars is my neighboring business, immediately to the South of my property at 906 South Third Street. Having reviewed the proposed improvements, I have no objection to the plan being submitted by the lawfirm of Farris Bobango Branam to the Memphis and Shelby County Office of Planning and Development on behalf of Pyramid Used Cars.

If any further information is required from my company, please do not hesitate to contact me.

Respectfully,



Mark Guenther  
President

Prepared by: Roger A. Stone, Atty.  
200 Jefferson, Suite 1000  
Memphis, TN 38103  
901-528-1111

**WARRANTY DEED**

THIS INDENTURE, made and entered into this the 28 day of November 2005, by and between **Eddie S. Gossett and Taffy S. Gossett**, grantors, and **Pyramid Used Cars, Inc.**, grantee.

**WITNESSETH**

That for and in consideration of \$10.00 and other consideration as herein after expressed, grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto grantee the real estate situated in Shelby County, Memphis, Tennessee and described as follows:

Lots 2 and 3 (less parts to widen street), Lamb and White's Rayburn Avenue Subdivision in the City of Memphis, Tennessee, being more particularly described as follows: Beginning at a chisel mark in the present west line of south Third Street 130.9 feet southwardly from the present south line of Gilbert Avenue; thence southwardly along the present west line of South Third Street 100 feet to a chisel mark in the line dividing Lots 3 and 4; thence westwardly with said dividing line 180.15 feet to an iron stake in the east line of an alley; thence northwardly along said east line of alley 100 feet to an iron stake in the line dividing Lots 1 and 2; thence eastwardly with said dividing line 179.85 feet to the point of beginning.

This being the same property conveyed to Eddie S. Gossett and Taffy S. Gossett by deed dated August 16, 2000 and recorded in instrument number KM 8427 of said Register's Office.

Parcel No. 013-008-00007C

Property also known as: **945 South Third Street, Memphis, Tennessee**

Together with all right, title and interest of grantor in and to any strips or gores of land adjoining the premises above described.

To have and to hold the aforesaid real estate together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining unto grantees, their successors and assigns in fee simple forever.

The grantors do hereby covenant with grantees that it is lawfully seized in fee of said real estate; that it has good right to sell and convey the same; that same is unencumbered except for subdivision restrictions, building line restrictions, and easements of record; to which encumbrances the grantees take subject to, without recourse, and grantor warrants and will defend the title against all claims whatsoever.

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

Eddie S. Gossett  
Eddie S. Gossett

Taffy S. Gossett  
Taffy S. Gossett

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public, in and for said state and county, duly commissioned and qualified, personally appeared Eddie S. Gossett and Taffy S. Gossett to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Witness my hand and notarial seal at office the date and year above written.



Roger A. Stone  
Notary Public

My Commission Expires 11-30-08

I, or we, hereby swear and affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$104,700.00 and other good and valuable consideration which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Signature]  
Affiant

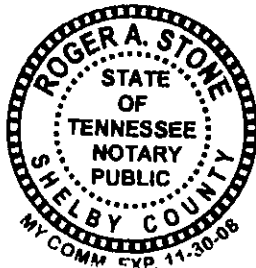
Sworn to and subscribed before me this 28<sup>th</sup> day of November, 2005.

[Signature]  
Notary Public

My Commission Expires: 11-30-08

PROPERTY OWNER AND ADDRESS:

Pyramid Used Cars  
936 S. Third  
Memphis, Tennessee 38108



MAIL TAX NOTICE:

Pyramid Used Cars  
936 S. Third  
Memphis, Tennessee 38108



Prepared by: Roger A. Stone, Atty.  
200 Jefferson, Suite 1000  
Memphis, TN 38103  
901-528-1111

**WARRANTY DEED**

THIS INDENTURE, made and entered into on September 15, 2008 by and between **Chester Gorden**, grantor, and **Pyramid Used Cars, Inc.**, grantee.

**WITNESSETH**

That for and in consideration of \$10.00 and other consideration as herein after expressed, grantors have bargained and sold and do hereby bargain, sell, convey and confirm unto grantee the real estate situated in Shelby County, Memphis, Tennessee and described as follows:

Lot 4, Causey and Fulmer Lucerne Place Subdivision in the City of Memphis, Tennessee, more particularly described as follows: Beginning at a point in the north line of Lucerne Place 156.3 feet eastwardly from the present east line of South Third Street; thence eastwardly with the north line of Lucerne Place 50 feet to a point in the line dividing Lots 4 and 5; thence northwardly with said dividing line 125 feet to a point; thence westwardly parallel to Lucerne Place 50 feet to a point in the line dividing Lots 3 and 4; thence southwardly with said dividing line 125 feet to the point of beginning.

This being the same property conveyed to Chester Gorden and wife, Aleane Gorden herein by deed recorded in instrument number E5 5845 of said Register's Office. Aleane Gorden, wife of Chester Gorden, died on March 3, 2008.

Parcel No. 013-033-00024

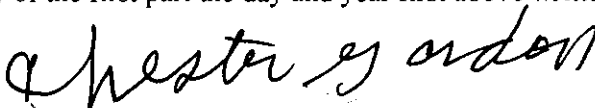
Property also known as: 230 Lucerne Place, Memphis, Tennessee

Together with all right, title and interest of grantor in and to any strips or gores of land adjoining the premises above described.

To have and to hold the aforesaid real estate together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining unto grantees, its successors and assigns in fee simple forever.

The grantors do hereby covenant with grantees that it is lawfully seized in fee of said real estate; that it has good right to sell and convey the same; that same is unencumbered except for subdivision restrictions, building line restrictions, and easements of record; to which encumbrances the grantees take subject to, without recourse, and grantor warrants and will defend the title against all claims whatsoever. Grantee assumes and agrees to pay 2008 city and county taxes.

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



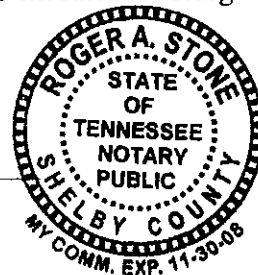
Chester Gorden

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public, in and for said state and county, duly commissioned and qualified, personally appeared Chester Gordon to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal at office the date and year above written.

\_\_\_\_\_  
Notary Public



My Commission Expires:

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$5,000.00 and other good and valuable consideration which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me this 12 day of Sept, 2008.

\_\_\_\_\_  
Notary Public

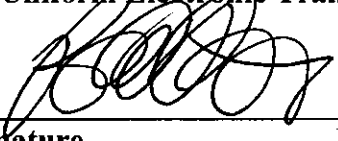


My Commission Expires:

Property Owner:  
Pyramid Used Cars, Inc.  
936 S. Third St.  
Memphis, TN 38106

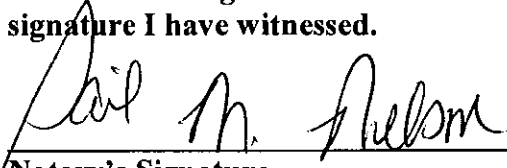
Mail Tax Notice to:  
Pyramid Used Cars, Inc.  
936 S. Third St.  
Memphis, TN 38106

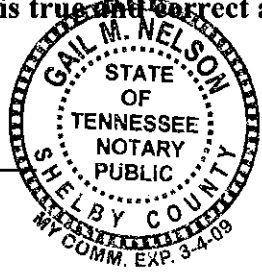
I, Roger A. Stone, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to §47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

 10/15/08  
\_\_\_\_\_  
Signature Date

STATE OF TENNESSEE  
COUNTY OF SHELBY


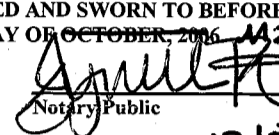
Personally appeared before me, Gail M. Nelson, a notary public for this county and state, Roger A. Stone (name of person making certification) who acknowledges that this certification is true and correct and whose signature I have witnessed.

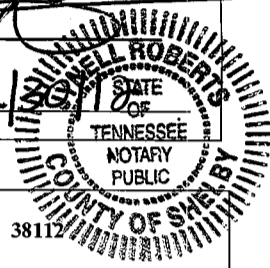
  
\_\_\_\_\_  
Notary's Signature



My Commission expires:  
Notary's Original Seal

RECORD AND RETURN TO:  
 BAYMARK TITLE AND ESCROW SERVICES, LLC  
 1355 LYNNFIELD ROAD SUITE 193  
 MEMPHIS, TN 38119  
 06TN0498

<p><b>SPECIAL WARRANTY DEED</b></p>	STATE OF TENNESSEE COUNTY OF SHELBY THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$50,000.00
	 Affiant
	SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>8th</u> DAY OF <del>OCTOBER, 2012</del> <u>May, 2012</u>
	 Notary Public MY COMMISSION EXPIRES: <u>12/19/18</u>



THIS INSTRUMENT WAS PREPARED BY  
 BOSHWIT BROS. MORTGAGE CORP., 2595 BROAD AVE, MEMPHIS, TN. 38112  
 (901) 272-0100

ADDRESS OF NEW OWNER AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
PYRAMID USED CARS, INC 931 SOUTH THIRD STREET MEMPHIS, TN 38106	PYRAMID USED CARS INC. 936 S. THIRD MEMPHIS, TN 38106	013-008-00004

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE  
 HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE  
 RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, I

**BPAM, LLC**

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS  
 DO TRANSFER AND CONVEY UNTO

**PYRAMID USED CARS, INC.**

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL  
 OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

SEE EXHIBIT A  
for legal

Lot No. 4, part of Lots 5 and 6 of the Barton-Lamb, and White Rayburn Avenue Subdivision in Memphis,  
 Tennessee, and more particularly described as follows:

Beginning at the point of intersection of the south line of Gilbert Avenue and the west line of South Third Street;  
 thence southwardly along the west line of South Third Street 130.7 feet to the south line of Lot 4 of said  
 subdivision; thence westwardly along the south line of Lot 4 and parallel to Gilbert Avenue 180 feet to a point in  
 the east line of an alley; thence northwardly along the east line of said alley 50 feet to a point; thence eastwardly  
 along a line parallel to Gilbert Avenue 40 feet to a point; thence northwardly along a line parallel to said alley  
 Tpoint of beginning.

Fences are located on this property as shown on plat.

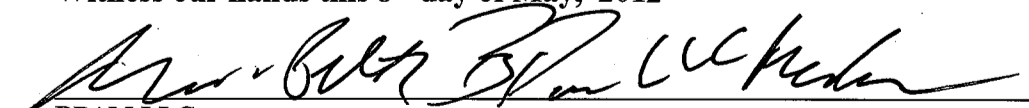
Legal description was taken from survey prepared by BC Harville Engineering Co dated October 13,  
 1962.

This is property known As: 931 SOUTH THIRD, MEMPHIS, TN 38106

**PROPERTY SOLD IN "AS-IS" CONDITION.**

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the  
 said GRANTEES, their heirs and assigns forever, and we do covenant with the said GRANTEES that we are lawfully seized and  
 possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and  
 we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the  
 said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. 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 our hands this 8<sup>th</sup> day of May, 2012

  
 BPAM, LLC

BY: MICHAEL PELTS ITS: MANAGING MEMBER

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for the State and County aforesaid personally appeared Michael Pelts with whom I am personally acquainted and who upon his/her oath acknowledged himself/herself to be the managing member of BPAM LLC the within named bargainor, and that he/she as such managing member being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing the name of the company, by the said Michael Pelts known as such managing member and attesting the same by the said Michael Pelts as such managing member

Witness my hand and official seal at office at Memphis, Tn  
on this the 8th day of MAY, 2012.

My commission expires: 12/30/12

Gymme  
Notary Public

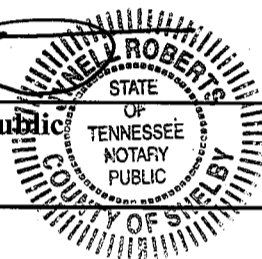


Exhibit "A"

Lot 4 and parts of Lot 5 and 6 of the Barton-Lamb and White Rayburn Avenue Subdivision in Memphis, Tennessee and more particularly described as follows:

Beginning at the point of intersection of the south line of Gilbert Avenue and the west line of South Third Street; thence southwardly along the west line of South Third Street 130.7 feet to the south line of Lot 4 of said subdivision; thence westwardly along the south line of Lot 4 and parallel to Gilbert Avenue 180 feet to a point in the east line of an alley; thence northwardly along the east line of said alley 50 feet to a point; thence eastwardly along a line parallel to Gilbert Avenue 40 feet to a point; thence northwardly along a line parallel to said alley 80.7 feet to a point in the south line of Gilbert Avenue; thence eastwardly along said south line 138.8 feet to the point of beginning.

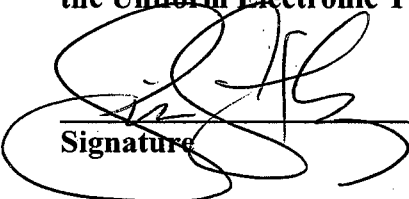
This being the same property conveyed to BPAM, LLC by deed recorded September 9, 2009, in Instrument Number 09106261, re-recorded in Instrument Number 09115817, in the Register's Office of Shelby County, Tennessee.

Parcel No: 013-008-00004

Property also known as: 931 South Third Street, Memphis, Tennessee.

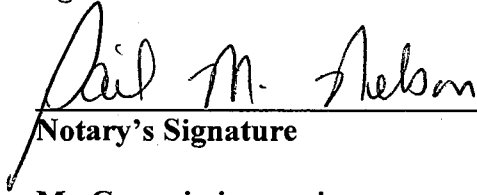


I, Lisa N. Stanley, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to §47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

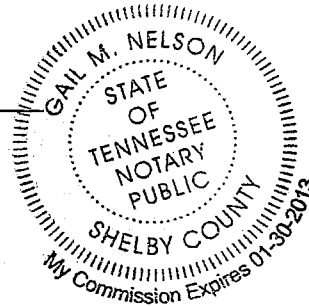
  
Signature \_\_\_\_\_ Date 5/10/12

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, Gail M. Nelson, a notary public for this county and state, Lisa N. Stanley (name of person making certification) who acknowledges that this certification is true and correct and whose signature I have witnessed.

  
Notary's Signature \_\_\_\_\_

My Commission expires:  
Notary's Original Seal



This Instrument prepared by: Roger A. Stone, 150 Court Avenue, Memphis, Tn. 38103

QUIT CLAIM DEED

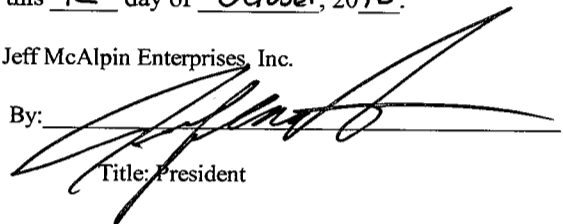
KNOW ALL MEN BY THESE PRESENTS, that Jeff McAlpin Enterprises, Inc., a de facto corporation, on this the \_\_\_ day of October, 2018, for and in consideration of the sum of One and no/100 Dollars, does hereby bargain, sell, release, remise, quit claim and convey unto Pyramid Used Cars, Inc. f/d/b/a Jeff McAlpin and Associates, Inc., by name change filed with the Secretary of State as Articles of Amendment to the Charter filed January 5, 1998, all of its right, title and interest in and to the following described real estate, to wit:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A

Street Address: 936 S. Third Street, Memphis, Tn. 38106 ( 0 Lucerne and 220 Lucerne )  
Parcel Numbers: 013033 00025, 26, & 27

The real property was conveyed to Jeff McAlpin Enterprises, Inc., by Warranty Deed in Instrument #: EK 4863 on May 31, 1994 in error as set out in the Affidavit of Scrivener's Error dated February 3, 2016 and recorded in Instrument #: 16010677. The Warranty Deed purchaser should have been Jeff McAlpin and Associates, Inc. n/k/a Pyramid Used Cars Inc.

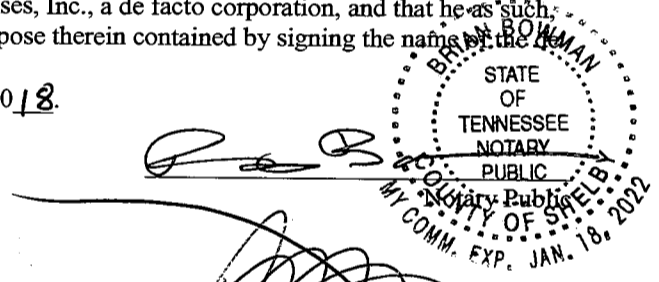
IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 12<sup>th</sup> day of October, 2018.

Jeff McAlpin Enterprises, Inc.  
By:   
Title: President

STATE OF TENNESSEE  
COUNTY OF Shelby

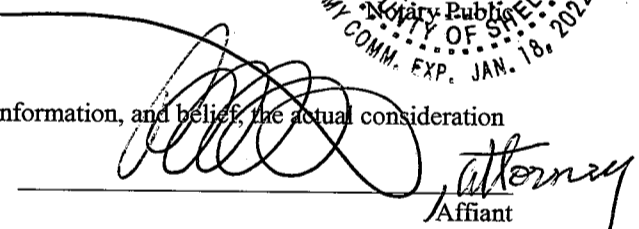
Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Jeff McAlpin with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath, acknowledged himself to be the president of Jeff AcAlpin Enterprises, Inc., a de facto corporation, and that he as such, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the de facto corporation by himself as president.

Witness my hand and seal this 12<sup>th</sup> day of October, 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 0 Dollars.

  
Attorney  
Affiant

STATE OF TENNESSEE  
COUNTY OF SHELBY

Subscribed and sworn before me this the 16 day of Oct, 2018.

  
Notary Public



My commission expires:

The following information is not a part of this Deed:

Property Address: 936 S. Third St.  
Memphis, Tn. 38106  
Owner's Name and Address: Pyramid Used Cars, Inc.  
936 S. Third St.  
Memphis, Tn. 38106  
Parcel Numbers: 013033 00025, 26, 27  
Mail Tax Bills to: Pyramid Used Cars, Inc.  
936 S. Third St.  
Memphis, Tn. 38106

## EXHIBIT A

Lot 1, Causey & Fulmer's Lucerne Place Subdivision of Lot 109, Willo Williams Subdivision, (less part conveyed to City of Memphis), said Lot 1 being more particularly described as follows:

Beginning at the northeast corner of Rayburn Boulevard and Lucerne Place; thence east with the south line of Lucerne Place 62 feet to the west line of Lot 2 of said Lucerne Place Subdivision; thence north with said west line 125 feet thence west 62 feet to the east line of Rayburn 125 feet to the point of beginning.

Rayburn Boulevard referred to above is now known as South Third Street.

AND

Lot 2, Causey & Fulmer's Lucerne Place Subdivision of part of Lot 109, Willo Williams Subdivision, being more particularly described as follows:

Beginning at a stake in the north line of Lucerne Place 62 feet east of the east line of Rayburn Boulevard; thence east with the north line of Lucerne Place 50 feet; thence north parallel with Rayburn Boulevard 125 feet to the south line of an alley; thence west with the south line of said alley 50 feet; thence south parallel with Rayburn Boulevard 125 feet to the point of beginning.

Rayburn Avenue referred to above is now known as South Third Street, and the beginning point shown above was measured from the original east line of Rayburn Avenue before South Third Street was widened.

AND

Lot 3, Causey & Fulmer's Lucerne Place Subdivision of part of Lot 109, Willo Williams Subdivision, being more particularly as follows:

Beginning at a point in the north line of Lucerne Place 112 feet east of the east line of Rayburn Avenue; thence north parallel with Rayburn Avenue 125 feet; thence east 50 feet thence south parallel with the east line of Rayburn Avenue 125 feet to the north line of Lucerne Place; thence west with said north line of Lucerne Place 50 feet to the point of beginning.

CERTIFICATION OF ELECTRONIC DOCUMENT

I, Brittan W. Robinson, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-100-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

Brittan W. Robinson  
Signature

10/16/18  
Date

STATE OF TENNESSEE  
COUNTRY OF SHELBY

Personally appeared before me, a notary public for this county and state, Brittan W. Robinson, who acknowledges that tis certification is true and correct and whose signature I have witnessed

Tanya M. Stewart  
Notary's Signature

My Commission expires: 12/14/19  
Notary's Original Seal





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





# PYRAMID CARS



Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020

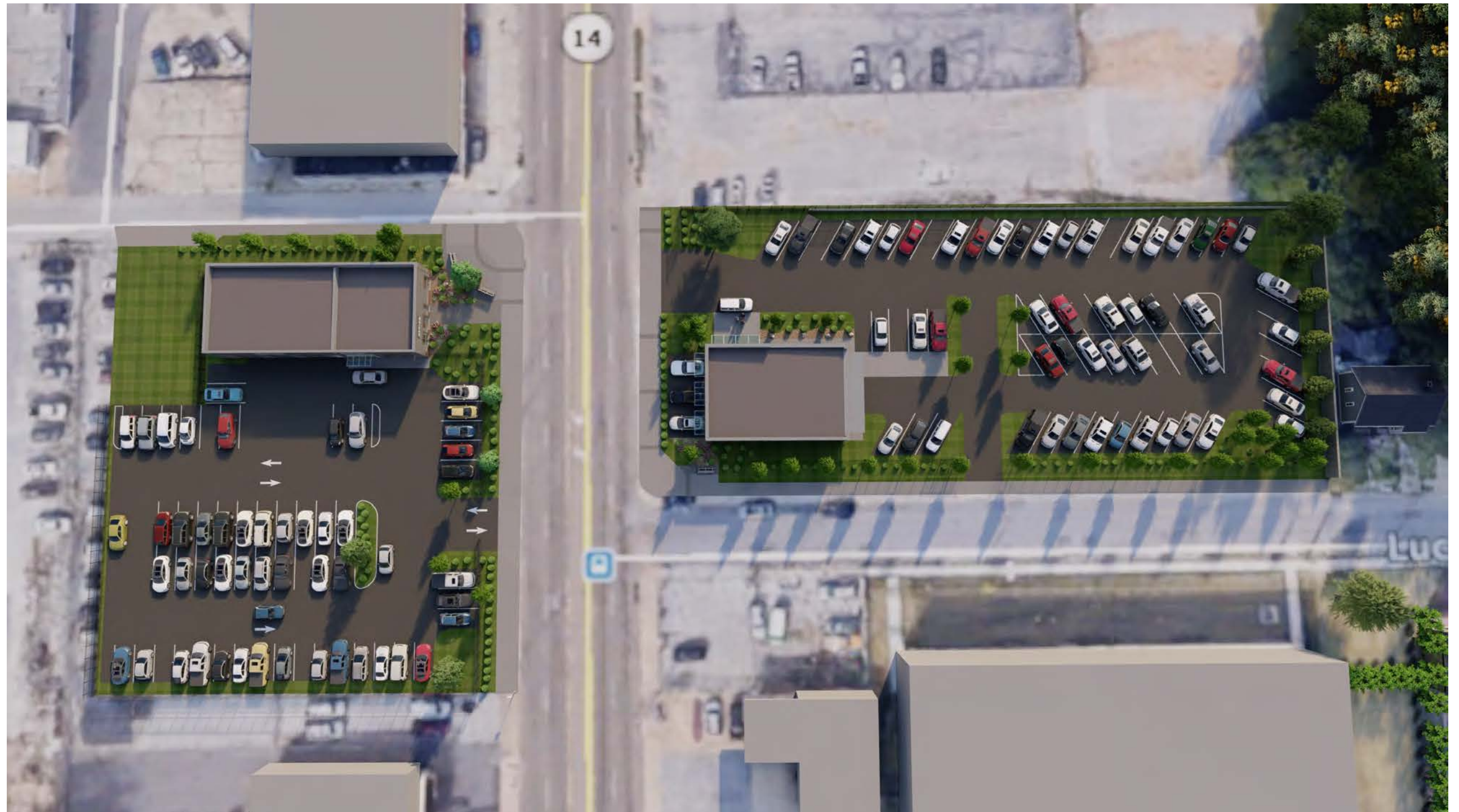




Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020





Scale: N.T.S.

August 26, 2020





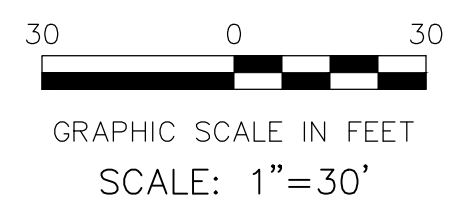
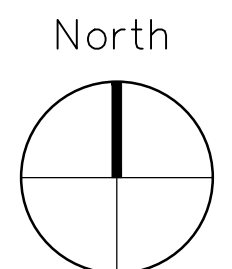
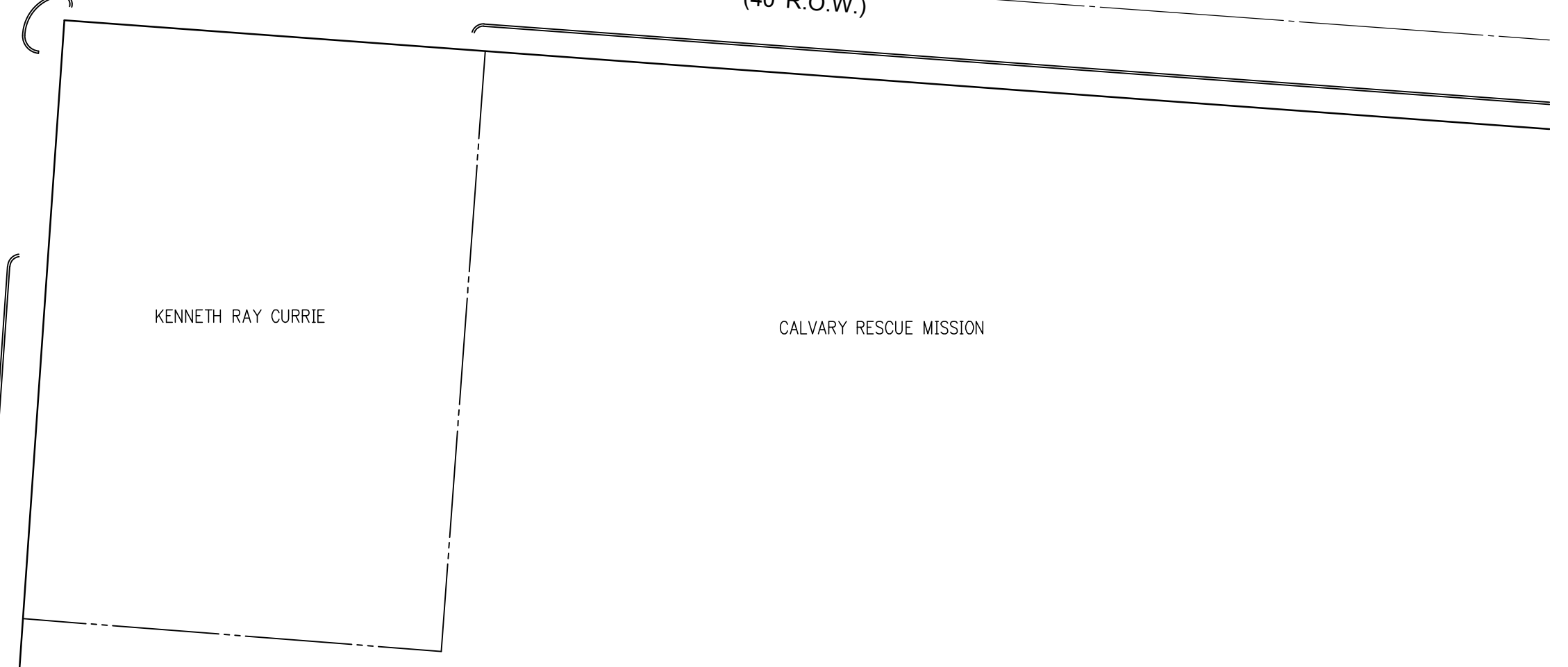
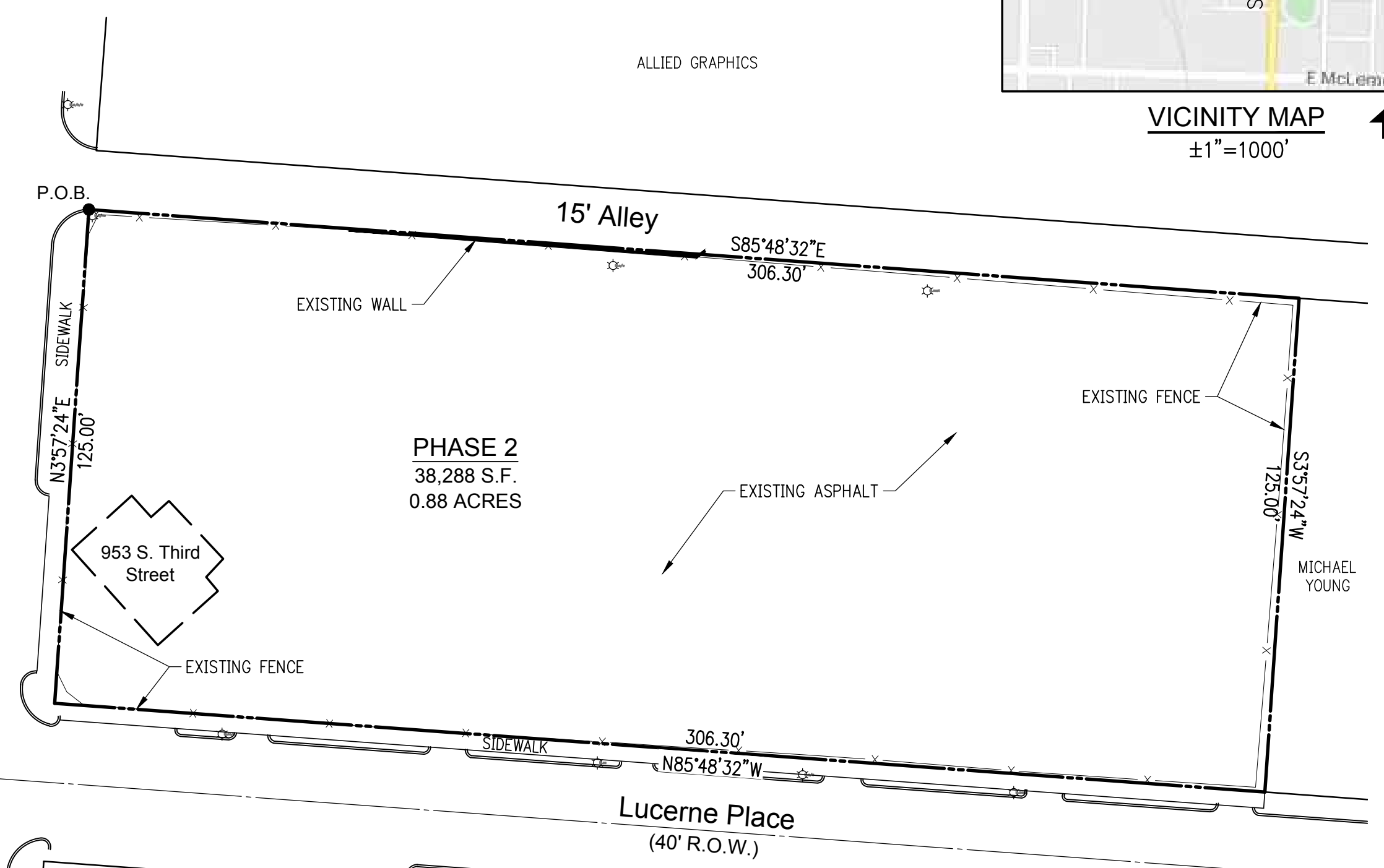
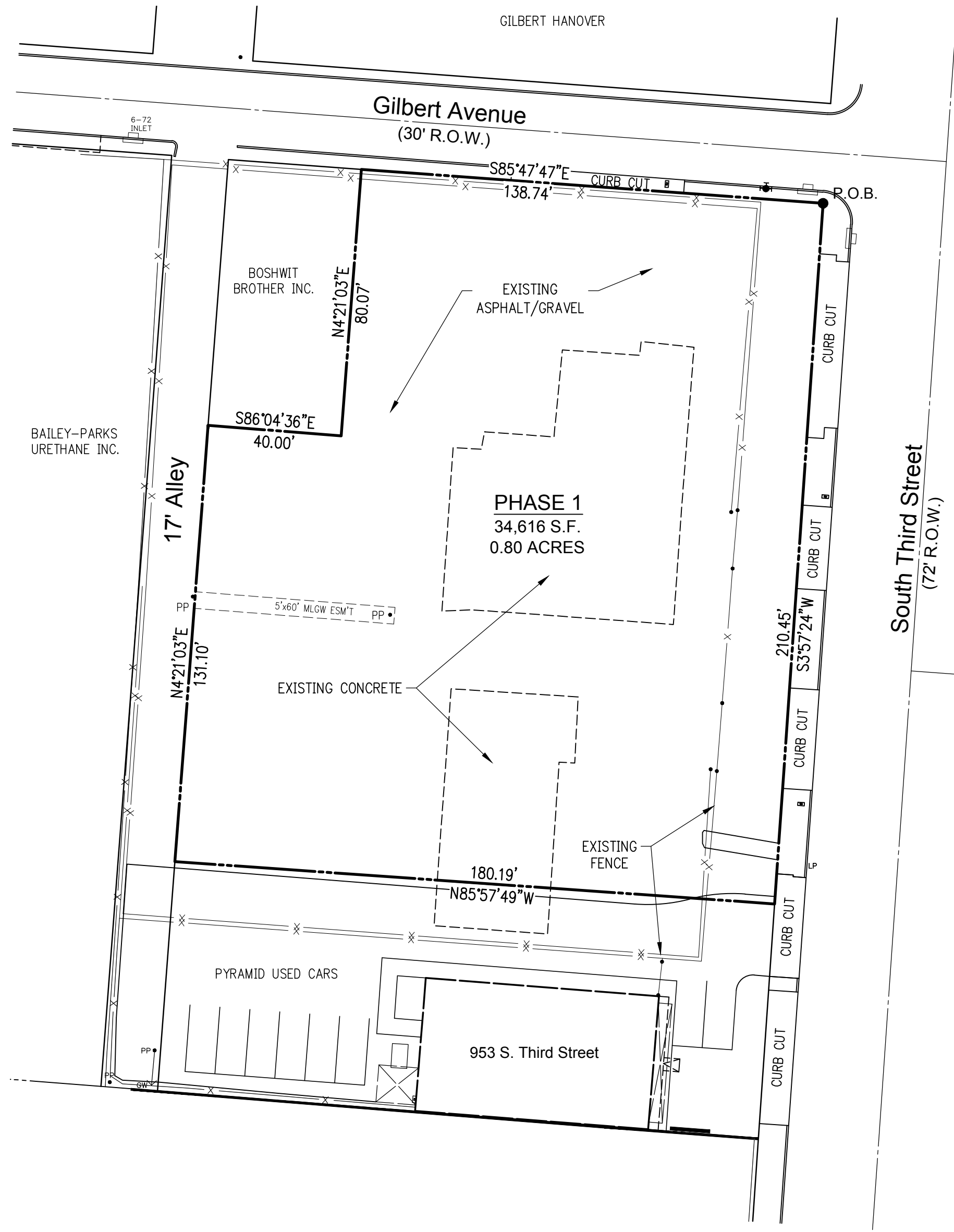
Scale: N.T.S.

August 26, 2020





VICINITY MAP  
±1"=1000'  
N

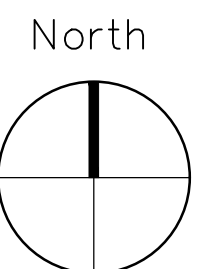
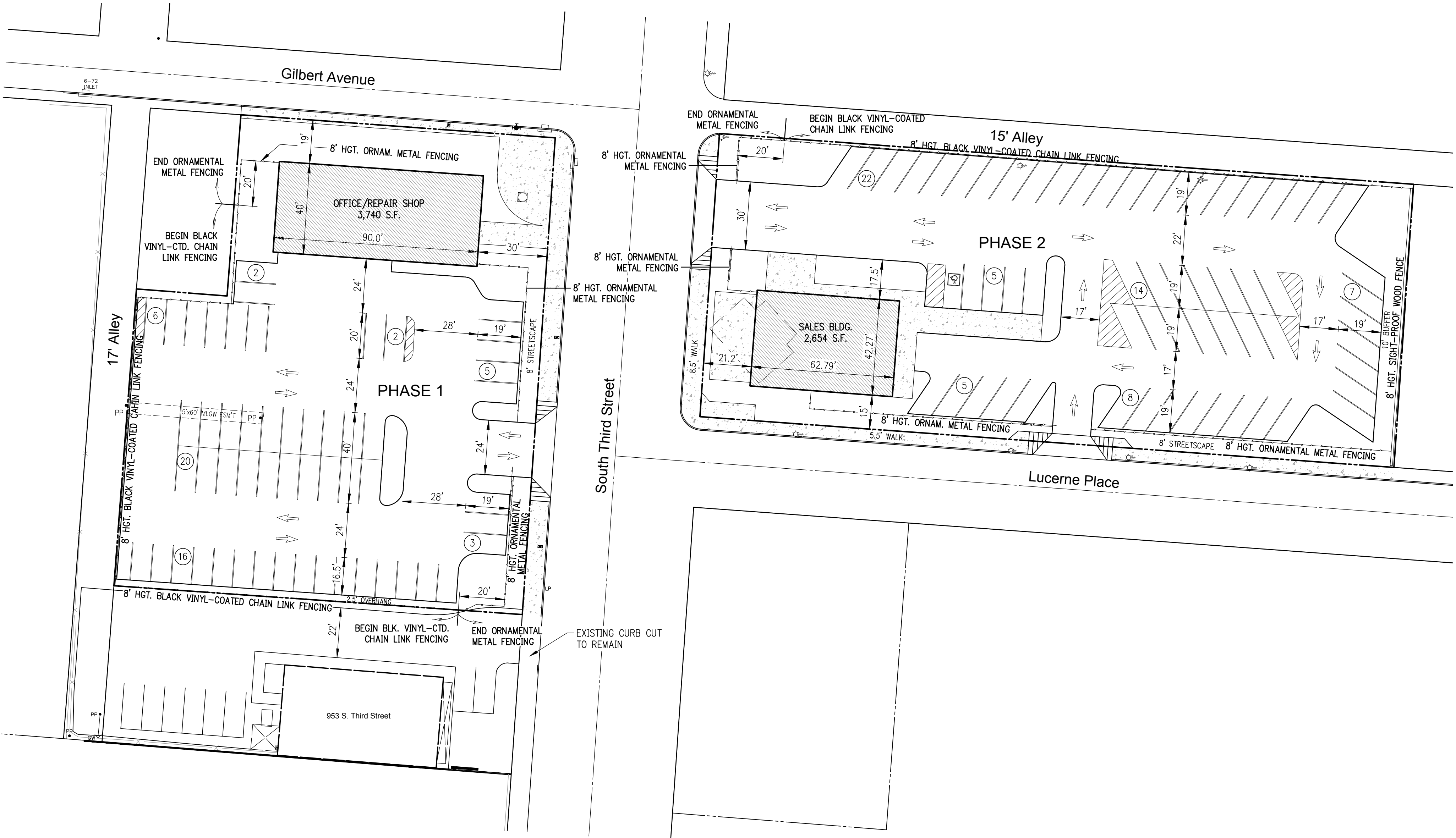


OUTLINE PLAN  
**PYRAMID USED CARS  
 PLANNED DEVELOPMENT**  
 OWNER/DEVELOPER: PYRAMID USED CARS INC.  
 72,904 S.F. or 1.68 ACRES  
 MEMPHIS, TENNESSEE  
 AUGUST 28, 2020

Key: 2024 \\NAV\Projects\2019\19-0332 Pyramid Used Cars\Outline Plan\Outline Plan.dwg Aug 28, 2020 - 7:19am



Key: 20x24 \\NAVA\Projects\2019\19-0332 Pyramid Used Cars\Siteplan\Concept Plan.dwg Aug 27, 2020 - 4:14pm

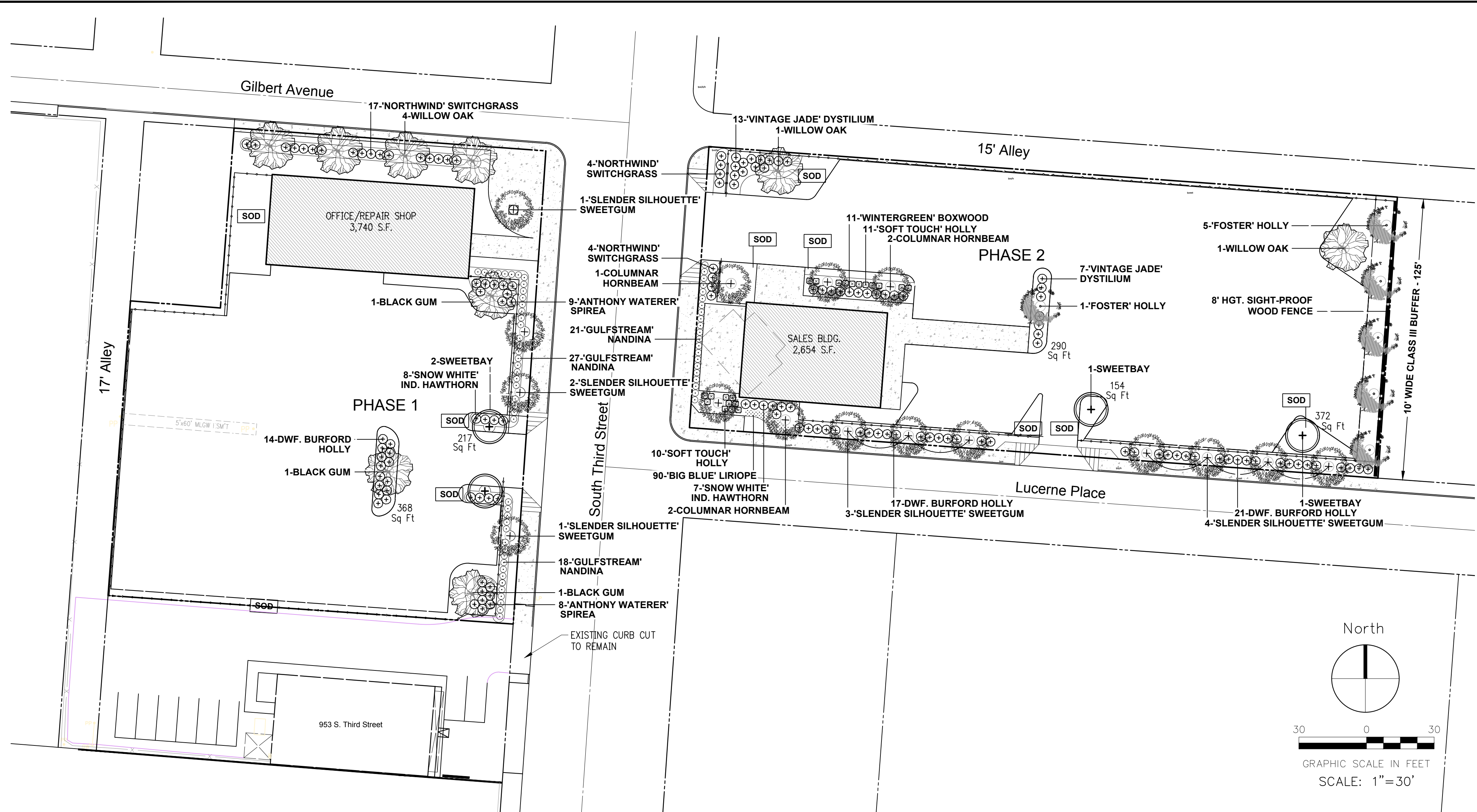


30 0 30  
GRAPHIC SCALE IN FEET  
SCALE: 1"=30'

**PARKING**  
PHASE 1: 54 SPACES  
PHASE 2:  
5 CUSTOMER SPACES  
56 STORAGE SPACES



CONCEPT PLAN  
**PYRAMID USED CARS  
PLANNED DEVELOPMENT**  
OWNER/DEVELOPER: PYRAMID USED CARS INC.  
72,904 S.F. or 1.68 ACRES  
MEMPHIS, TENNESSEE  
AUGUST 28, 2020



**Plant Materials List**

Botanical Name	Common Name	Quantity	Height	Caliper	Spread	Notes
BUXUS SINICA x INSULARIS 'WINTERGREEN'	'WINTERGREEN' BOXWOOD	11	-	-	-	#3 CONTAINER
CARPINUS BETULUS 'COLUMNARIS'	COLUMNAR HORNBEAM	5	-	2 1/2-3"	-	#5 CONTAINER
DYSTILIUM 'VINTAGE JADE'	'VINTAGE JADE' DYSTILIUM	20	-	-	-	#3 CONTAINER
ILEX x ATTENUATA 'FOSTERI'	'FOSTER' HOLLY	6	7-8'	-	3 1/2-4'	FULL, UNIFORM SHAPE
ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	52	-	-	-	#3 CONTAINER
ILEX CRENATA 'SOFT TOUCH'	'SOFT TOUCH' HOLLY	21	-	-	-	#3 CONTAINER
LIQUIDAMBAR STYRACIFLUA 'SLENDER SILHOUETTE'	'SLENDER SILHOUETTE' SWEETGUM	11	-	2 1/2-3"	-	STRAIGHT, WELL-BRNCHD.
LIRIOPE MUSCARI 'BIG BLUE'	'BIG BLUE' LIRIOPE	90	-	-	-	4" POTS
MAGNOLIA VIRGINIANA	SWEETBAY	4	5-6'	-	2 1/2-3'	FULL, WELL-BRNCHD.
NANDINA DOMESTICA 'GULFSTREAM'	'GULFSTREAM' NANDINA	66	-	-	-	#3 CONTAINER
NYSSA SYLVATICA	BLACK GUM	3	-	2 1/2-3"	-	FULL, WELL-BRNCHD.
PANICUM VIRGATUM 'NORTHWIND'	'NORTHWIND' SWITCHGRASS	25	-	-	-	#3 CONTAINER
QUERCUS PHELLOS	WILLOW OAK	6	-	2 1/2-3"	-	FULL, WELL-BRNCHD.
RAPHIOLEPIS INDICA 'SNOW WHITE'	'SNOW WHITE' INDIAN HAWTHORN	15	-	-	-	#3 CONTAINER
SPIRAEA x BUMALDA 'ANTHONY WATERER'	'ANTHONY WATERER' SPIREA	17	-	-	-	#3 CONTAINER
CYNODON DACTYLON	BERMUDA SEED					

**Planting Notes**

- MULCH ALL BEDS AND TREE RINGS WITH A MINIMUM DEPTH OF 3" HARDWOOD MULCH
- STAKE ALL B & B TREES PER DETAIL
- TILL TOP 6" OF SOIL IN ALL BED AREAS AND AMEND WITH SAND AND PEAT TO ASSURE PROPER DRAINAGE AND PERCOLATION
- TEST pH OF SOIL AND AMEND ALL BED AREAS WITH CHEMICALS AND FERTILIZER TO ASSURE THE BEST POSSIBLE GROWTH ENVIRONMENT FOR THE SPECIFIED PLANT MATERIAL
- APPLY PREEMERGENTS IN ALL BED AREAS PRIOR TO PLANTING TO PREVENT WEED GROWTH
- ROLL, WATER AND FERTILIZE ALL SOD AREAS TO PROVIDE A SMOOTH MOWING SURFACE FREE OF GAPS AND IRREGULAR JOINTS
- CONTRACTOR RESPONSIBLE FOR A PERMANENT STAND OF TURFGRASS WHERE SEEDING IS SPECIFIED. SEED AS NECESSARY TO ESTABLISH TURF IN ALL AREAS DAMAGED BY CONSTRUCTION.
- LANDSCAPE ARCHITECT RETAINS THE RIGHT TO REJECT ANY PLANT MATERIAL AT ANY TIME IF IT DOES NOT MEET THE SPECIFICATIONS ON THE PLANT MATERIALS LIST
- PRUNE PLANTS AFTER PLANTING TO ASSURE CONSISTENCY IN GROWTH HABIT
- CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL INCLUDING SOD FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE. REPLACEMENTS WILL ALSO BE GUARANTEED FOR A PERIOD OF ONE YEAR AFTER INSTALLATION
- CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC. RESULTING FROM LANDSCAPE CONSTRUCTION.
- ALL PLANTS MUST BE VIGOROUS, HEALTHY MATERIAL, FREE OF PESTS AND DISEASE.
- ALL PLANTS AND TREES MUST MEET ALL REQUIREMENTS SPECIFIED IN THE PLANT MATERIALS LIST, THE DETAILS, AND SPECIFICATIONS
- ANY MATERIAL WHICH DIES, OR DEFOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACED.
- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GENERAL GUIDELINE SPECIFICATIONS ONLY AND WILL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIALS UNTIL SUBSTANTIAL COMPLETION OF THE INSTALLATION.



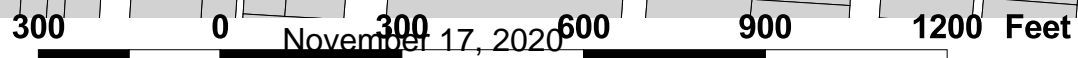
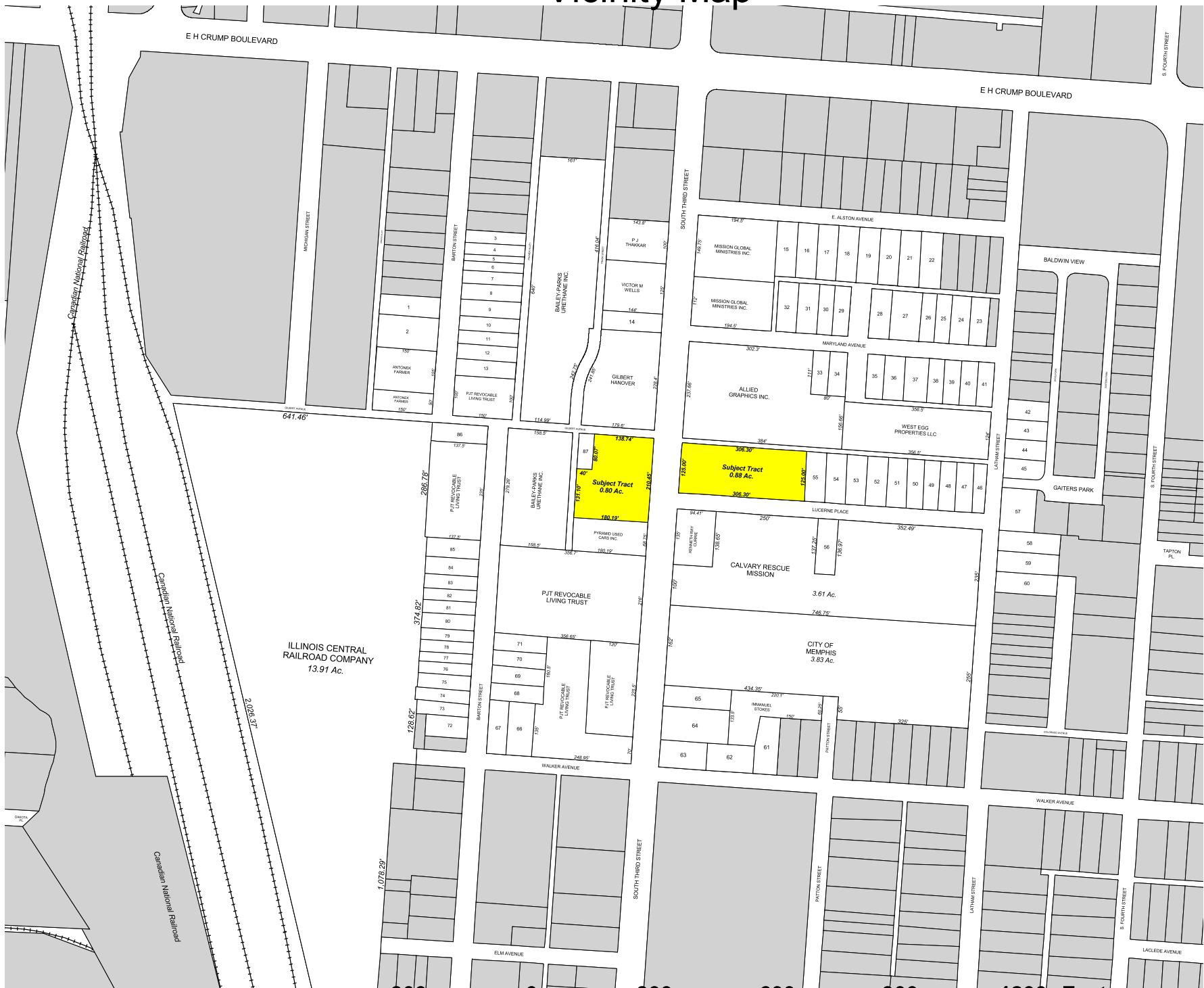
LANDSCAPE PLAN  
**PYRAMID USED CARS  
PLANNED DEVELOPMENT**

OWNER/DEVELOPER: PYRAMID USED CARS INC.  
72,904 S.F. or 1.68 ACRES  
MEMPHIS, TENNESSEE  
AUGUST 28, 2020

key 20x24 \\KAY\Projects\2019\19-0232 Pyramid Used Cars\Siteplan\Landscape Plan.dwg Aug 27, 2020 - 1:32pm



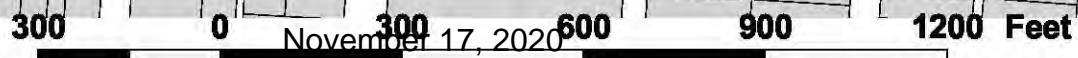
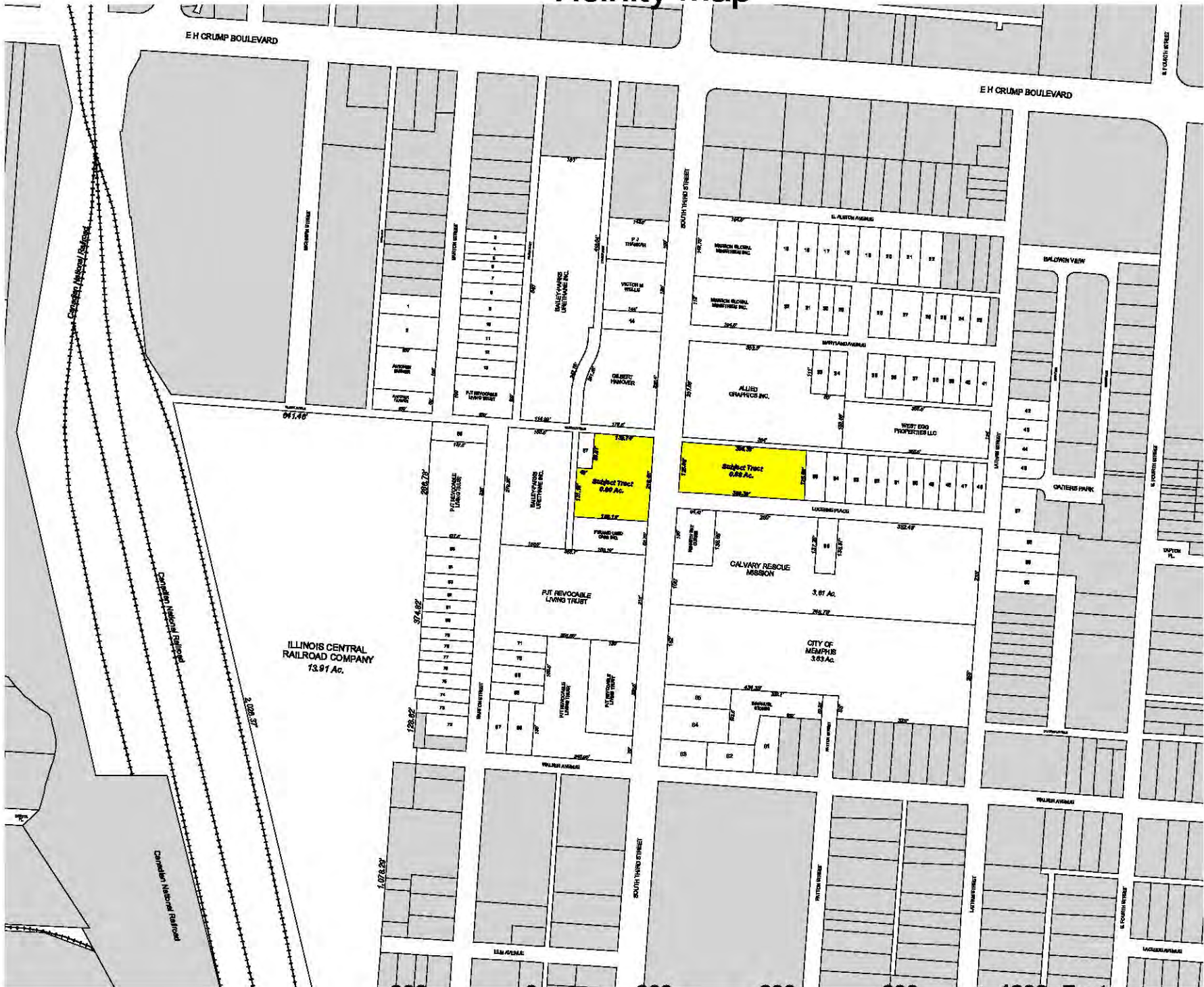
# Vicinity Map



November 17, 2020  
Planning and Zoning Documents



# Vicinity Map



Date: 08/17/20  
 Prepared By:  
 Property Research Data  
 PRD Job #20-009



**NOTICE TO INTERESTED OWNERS OF PROPERTY  
(PLANNED DEVELOPMENT)**

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic/Electronic Public Hearing will be held by the City Council of the City of Memphis on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

**CASE NUMBER:** PD 20-11

**LOCATION:** SW corner of S Third Street and Gilbert Avenue and NE corner of S Third Street and Lucerne Place

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

**OWNER/APPLICANT:** Pyramid Used Cars, Inc – Brian Bowman

**REPRESENTATIVE:** Farris Bobango Branan PLC – Homer Branan

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1) and Residential Urban – 3 (RU-3)

**REQUEST:** Motor vehicle sales and service planned development

**AREA:** +/-1.686 acres

**RECOMMENDATIONS:**

Memphis and Shelby County Office of Planning and Development: *Approval with conditions*

Memphis and Shelby County Land Use Control Board: *Approval with conditions*

**NOW, THEREFORE**, you will take notice that on Tuesday, \_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session to hear opposition against the making of such changes; such opposition must be by personal appearances, or by attorneys, or by petition, and must registered to speak by Monday, \_\_\_\_\_, at 8 A.M.

You may register to speak by contacting Bryson Whitney at [bryson.whitney@memphistn.gov](mailto:bryson.whitney@memphistn.gov) no later than Monday, \_\_\_\_\_, at 8 A.M. with your (i) name, (ii) address, and (iii) phone number. Please note that, due to time limitations under the Council's Rules of Procedure, each side may speak no longer than fifteen (15) minutes. Thus, it is strongly encouraged that one, or two, spokespersons speak per side.

Please note video of this meeting will be streamed live on the City of Memphis' website. You may view this video by going to [memphistn.gov](http://memphistn.gov), then going to the "Government" tab at the bottom and then select "Watch Public Meetings." The direct link is: <https://www.memphistn.gov/cms/One.aspx?portalId=11150816&pageId=15334953>

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:**

**CANDI BURTON**  
**CITY COMPTROLLER**

**TO BE PUBLISHED:**

Allied Graphics Incorporated  
906 S. Third Street  
Memphis, TN 38106 1779

Bailey-Parks Urethane Inc.  
184 Gilbert Avenue  
Memphis, TN 38106 1709

Boshwit Brother Incorporated  
2595 Broad Avenue  
Memphis, TN 38112 2615

Brown Jenetha  
2036 Blakewood Place  
Memphis, TN 38106 7212

Calvary Rescue Mission  
960 S. Third Street  
Memphis, TN 38106 2084

Campbell Sarah  
1400 10<sup>th</sup> Avenue  
Nashville, TN 37208 2512

Campbell Sarah L  
P O Box 90825  
Nashville, TN 37209 0825

Cannon Georgia C & Charles J  
6794 Neshoba Road  
Memphis, TN 38120

City Of Memphis  
125 N. Main Street  
Memphis, TN 38103 2026

City Of Memphis  
701 N. Main Street  
Memphis, TN 38107 2311

City Of Memphis Tax Sale  
125 N. Main Street  
Memphis, TN 38103 2026

Cochran-Cannon Georgia & Charles  
6794 Neshoba Road  
Memphis, TN 38120

Costa Wilma  
11781 Magnolia Park Court  
Las Vegas, NV 89141 6029

Currie Kenneth and Vickie Bolden  
3379 Lucibill Lane  
Memphis, TN 38116

DSV SPV2 LLC  
16 Berryhill Road, Ste. 200  
Columbia, SC 29210 6433

Farmer Antonek  
1696 Glenview Avenue  
Memphis, TN 38106 3806

Fletcher And Sons Renovation Co.  
1550 N. Parkway, Apt. 215  
Memphis, TN 38112 4961

Fomo In Memphis LLC  
90 W. 84<sup>th</sup> Avenue  
Thornton, CO 80260 4808

Gavin Ozell & Sophia  
P O Box 3945  
Memphis, TN 38173

Gholston Gloria K  
1060 E. Shankman Circle  
Memphis, TN 38108 3033

Hanover Gilbert  
6546 Cherryhill  
Memphis, TN 38120

Harris Florida L  
262 Maryland Avenue  
Memphis, TN 38126 5038

Herenton Investment Company  
150 Dubois Drive  
Memphis, TN 38109 7444

Herenton Willie W  
150 Dubois Drive  
Memphis, TN 38109 7444

Hicks Mattie A  
247 E. Alston Avenue  
Memphis, TN 38126 4301

Illinois Central Railroad Company  
General Delivery  
Memphis, TN 38101 9999

Kimball David and Karsha  
249 Lucerne Place  
Memphis, TN 38126 5005

Lefkowitz Rebecca G  
3809 Park Avenue  
Memphis, TN 38111

Life Of Liberty  
749 Tate Avenue  
Memphis, TN 38126 3616

Martin Derrick  
1220 Bending Creek Drive  
Antioch, TN 37013 4546

McCalister Willie J  
1903 W. Holmes Road  
Memphis, TN 38109

Memphis Housing Authority  
700 Adams Avenue  
Memphis, TN 38105 5002

Memphis Res. Income Fund 51  
180 Avenida La Pata, Ste. 102  
San Clemente, CA 92673 6300

Mission Global Ministries Inc  
P O Box 820757  
Memphis, TN 38182 0757

Mitchell Ella Mae (Estate Of)  
274 Maryland Avenue  
Memphis, TN 38126 5038

Morgan Mattie  
259 E. Alston Avenue  
Memphis, TN 38106

Morton Carolyn J  
274 Maryland Avenue  
Memphis, TN 38126 5038

New Salem Missionary Baptist Church  
944 Latham Street  
Memphis, TN 38126 5004

Parker Helen  
1521 Cameron Street  
Memphis, TN 38106 5403

Peter's Rock Holiness Church Inc  
P O Box 751662  
Memphis, TN 38175

PJT Revocable Living Trust  
973 S. Third Street  
Memphis, TN 38106 2067

Saleh Abdo  
1006 S. Third Street  
Memphis, TN 38106

Saulsberry Barbara and Pernell  
148 Evergreen  
Memphis, TN 38104 6421

Stokes Immanuel  
2275 Lester Road  
Nesbit, MS 38651 8331

Tanner Dan A  
11820 Metz Place  
Eads, TN 38028

Terry Booker Jr.  
3409 Kettlebrook Cove  
Memphis, TN 38128 3432

Thakkar P J  
P O Box 2185  
Memphis, TN 38101 2185

Thakkar Pravin  
P O Box 2185  
Memphis, TN 38101 2185

UPH 127 LP  
5099 Old Summer Road, Ste. C  
Memphis, TN 38122 4312

Ward Ollie C & Pearlie M  
282 Maryland Avenue  
Memphis, TN 38126 5038

Ward Pearlie  
282 Maryland Avenue  
Memphis, TN 38126

Wells Victor M  
1039 Delmar Avenue  
Memphis, TN 38105 3218

West Egg Properties LLC  
27472 Portola Parkway, Ste. 205-321  
Foothill Ranch, CA 92610 2853

Young Michael  
255 E. Alston Avenue  
Memphis, TN 38126 4301

Pyramid Used Cars Incorporated  
936 S. Third Street  
Memphis, TN 38106-2066



Pyramid Used Cars  
936 S. Third Street  
Memphis, TN 38106  
Attn: Brian Bowman

The Reaves Firm  
6800 Poplar Ave., Suite 101  
Memphis, TN 38138  
Attn: Kay Maynard

Homer Branan  
999 S. Shady Grove Rd., Suite 500  
Memphis, TN 38120

Pyramid Used Cars  
936 S. Third Street  
Memphis, TN 38106  
Attn: Brian Bowman

The Reaves Firm  
6800 Poplar Ave., Suite 101  
Memphis, TN 38138  
Attn: Kay Maynard

Homer Branan  
999 S. Shady Grove Rd., Suite 500  
Memphis, TN 38120

Councilman Edmund Ford, Sr.  
Memphis City Council District 1  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman JB Smiley, Jr.  
Memphis City Council Super Dist 8-1  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilwoman Cheyenne Johnson  
Memphis City Council Super Dist 8-2  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman Martavius Jones  
Memphis City Council Super Dist 8.3  
125 N. Main Street Room 514  
Memphis, TN 38103

Councilman Edmund Ford, Sr.  
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Memphis, TN 38103

Councilman Martavius Jones  
Memphis City Council Super Dist 8.3  
125 N. Main Street Room 514  
Memphis, TN 38103

Soulsville USA Neighborhood Assoc.  
Carol Beasley  
1093. E. McLemore Ave.  
Memphis, TN 38106

Soulsville USA Neighborhood Assoc.  
Carol Beasley  
1093. E. McLemore Ave.  
Memphis, TN 38106



# STAFF REPORT

AGENDA ITEM: 12

**CASE NUMBER:** SUP 20-09 **L.U.C.B. MEETING:** September 10, 2020  
**LOCATION:** 5050 Summer Avenue  
**COUNCIL DISTRICT:** District 5 and Super District 9  
**OWNER/APPLICANT:** Jaromirski Bruno/Rafat Khmous  
**REPRESENTATIVE:** McCaskill and Associates, Inc.  
**REQUEST:** To allow for a convenience store with gasoline sales on a non-collector or arterial interstation.  
**AREA:** +/-1.06 acres  
**EXISTING ZONING:** Commercial Mixed Use – 3 (CMU-3)

## CONCLUSIONS

1. The applicant is seeking a convenience store with gasoline sales at an intersection that does not comprise of two Arterial Roads, as Bartlett Road is a residential street.
2. This corner lot resides at an entryway to a residential part of the Berclair neighborhood.
3. This project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal *is not consistent* with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 12-13 of this report.

## RECOMMENDATION:

*Rejection*

**GENERAL INFORMATION**

**Street Frontage:** Summer Avenue +/-221.87 curvilinear feet  
Bickford Avenue +/-295.30 curvilinear feet

**Zoning Atlas Page:** 2045

**Parcel ID:** 063071 00020

**Existing Zoning:** Commercial Mixed Use – 3 (CMU-3)

**NEIGHBORHOOD MEETING**

The meeting was held telephonically through ZOOM at 10 a.m. Monday, August 31, 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 54 notices were mailed on August 28, 2020, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**

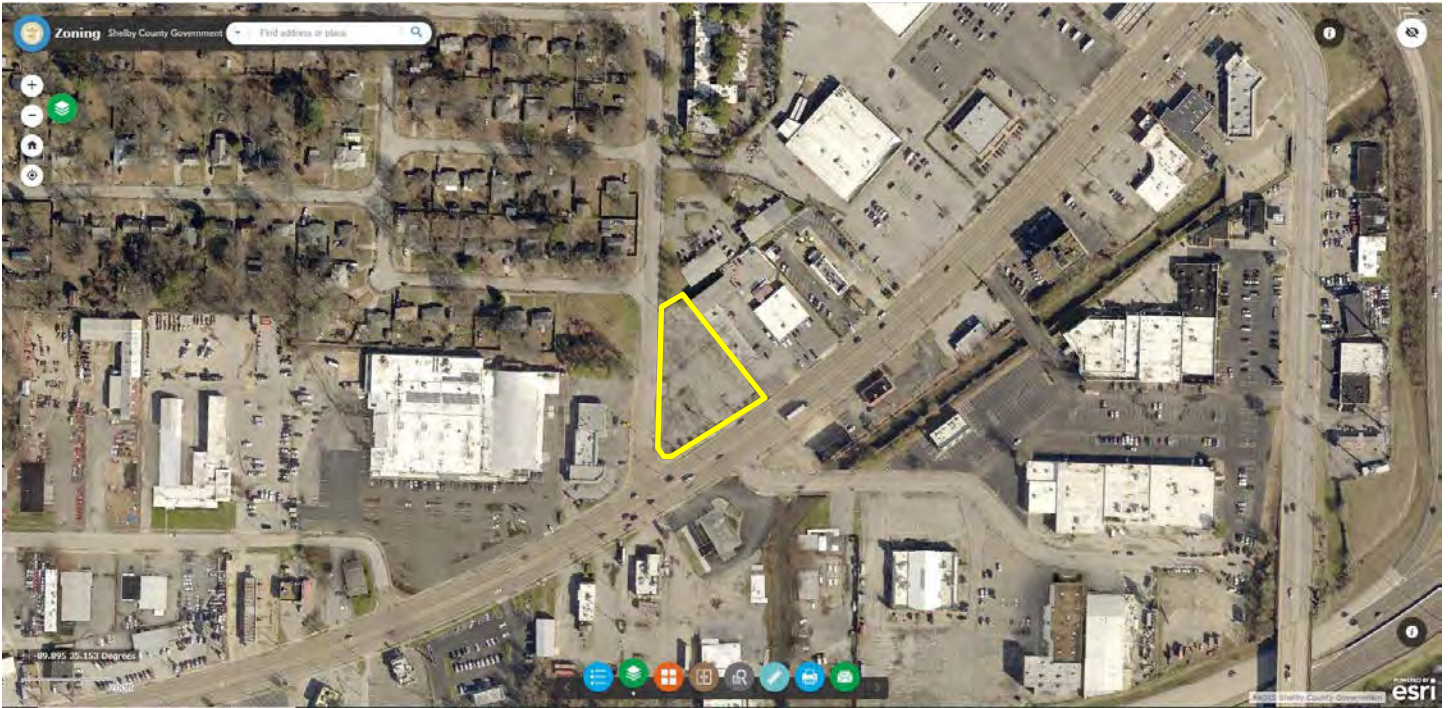


Subject property located within the pink circle, Berclair neighborhood





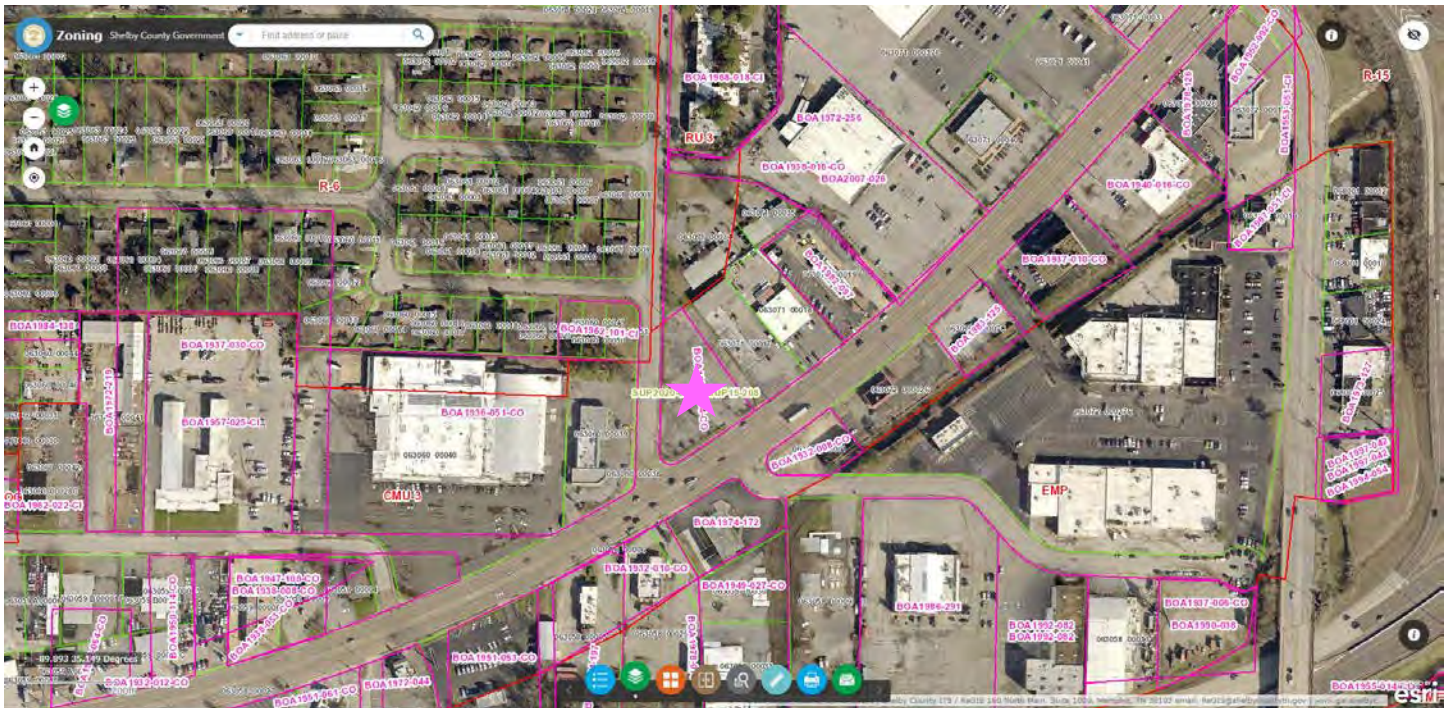
**AERIAL**



Subject property outlined in yellow



### ZONING MAP



Subject property indicated by a pink star

**Existing Zoning:** Commercial Mixed Use – 3, SUP 15-208, BOA 38-54

#### **Surrounding Zoning**

**North:** R-6, RU-3, BOA 62-51, BOA 68-18, BOA 72-256, BOA 38-16, BOA 07-25

**East:** CMU-3, EMP, R-15, BOA 32-8, BOA 83-125, BOA 37-10, BPA 40-16, BOA 78-128, BOA 52-92, BOA 67-51










**South:** CMU-3, EMP, BOA 74-172, BOA 49-27, BOA 32-10, BOA 86-291

**West:** CMU-3, OG, R-6, BOA 36-51, BOA 37-30, BOA 57-25, BOA 47-108, BOA 38-8, BOA 95-114, BOA 84-138, BOA 52-22

### 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 PHOTOS**



View of the subject property from Summer Avenue facing north



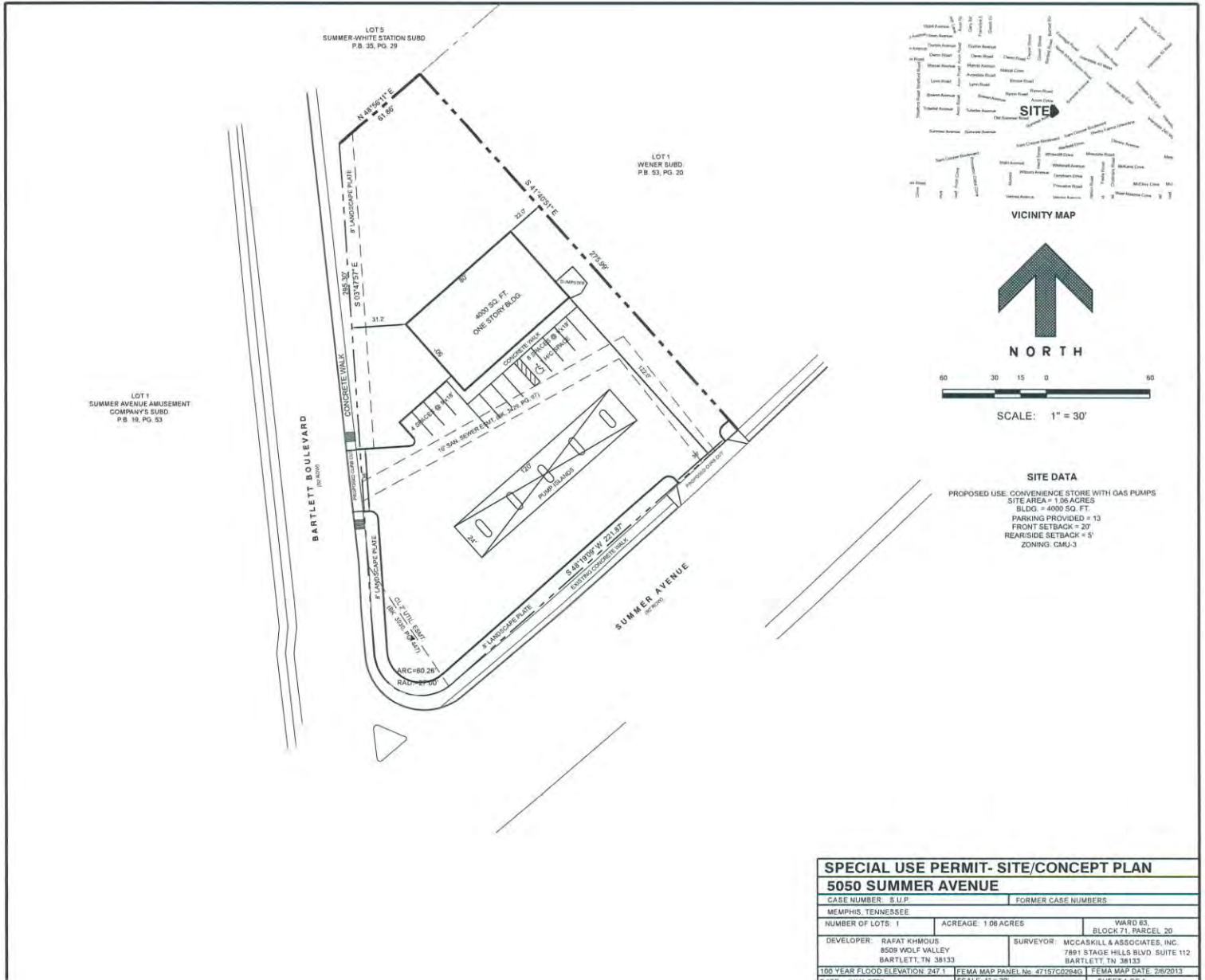
View of the subject property from Bartlett Road facing northeast



View of the subject property from Bartlett Road facing southeast



**SITE PLAN**



SPECIAL USE PERMIT- SITE/CONCEPT PLAN		
5050 SUMMER AVENUE		
CASE NUMBER: S.U.P.	FORMER CASE NUMBERS	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 1.06 ACRES	WARD 63, BLOCK 71, PARCEL 20
DEVELOPER: RAFAT KHMOUS 8509 WOLF VALLEY BARTLETT, TN 38133	SURVEYOR: MCCASKILL & ASSOCIATES, INC. 7891 STAGE HILLS BLVD, SUITE 112 BARTLETT, TN 38133	
100 YEAR FLOOD ELEVATION: 247.1	FEMA MAP PANEL No. 47157G0204G	FEMA MAP DATE: 2/8/2013

## STAFF ANALYSIS

### Request

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

The request is to allow for a convenience store with gasoline sales on a non-collector or arterial interstation.

### Approval Criteria

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

#### 9.6.9 Approval Criteria

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

- 9.6.9A *The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B *The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C *The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D *The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E *The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F *The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G *The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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 +/-1.06 acres and compromised of one parcel (**063071 00020**), located at 5050 Summer Avenue in the Berclair neighborhood, and zoned Commercial Mixed Use – 3 (CMU-3). The lot is currently vacant and surrounded by Commercial uses along Summer Avenue and has Residential uses to the north and west.

### Previous Resolution

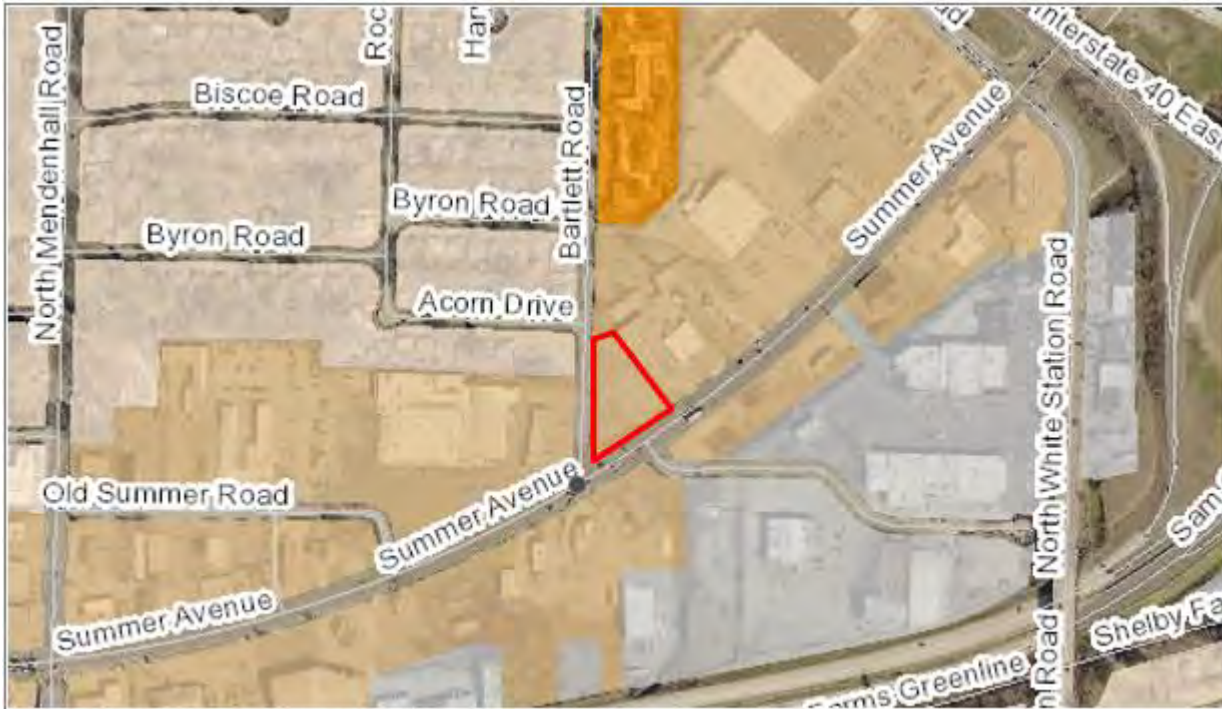
The Council of the City of Memphis approved a resolution granting a special use permit (SUP 15-208) on December 7, 2015, in accordance with the incorporated site plan and eleven conditions, see page 22 of this report for said resolution.



**Consistency with Memphis 3.0**

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

1. *The future land use planning map:* The subject site is identified as Low Intensity Commercial & Services (CSL) in the future land use planning map.



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

2. *The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:*

The 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 below.



The request for a gas station meets these criteria because the request meets the criteria because a gas station is compatible in low intensity commercial areas.

3. *Existing, adjacent land uses and zoning:* The subject site is surrounded by the following land uses: Commercial, Office, Industrial, and Residential. The subject site is surrounded by the following zoning districts: CMU-3, EMP, RU-3, and R-6. This requested land use is incompatible with these adjacent land uses and zoning districts because existing land use surrounding the parcels are not similar in nature to the requested use due to its vicinity to residential properties

4. *The degree of change map:* N/A
5. *The degree of change descriptions:* N/A

This proposal is **not consistent** with the Memphis 3.0 General Plan based on its location next to residential properties

### **Conclusions**

The applicant is seeking a convenience store with gasoline sales at an intersection that does not comprise of two Arterial Roads, as Bartlett Road is a residential street.

This corner lot resides at an entryway to a residential part of the Berclair neighborhood.

This project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

### **RECOMMENDATION**

Staff recommends rejection; however, if approved, staff recommends the following conditions:

### **Conditions**

1. A landscape plan shall be submitted for administrative review and approval by the Office of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. The applicant may need to submit a Trip Generation Report subject to City Engineering requirements
4. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
5. No window signs will be allowed
6. All facades of the convenience store with gasoline sales shall be of masonry construction.
7. Canvas shall be the only permitted awning material.
8. The front façade of the building shall be 50 percent transparent

## **DEPARTMENTAL COMMENTS**

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

### **City/County Engineer:**

CITY ENGINEERING COMMENTS      DATE: **8/28/2020**

CASE: **SUP-20-009** NAME: **Convenience Store with Gas Pumps**

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. The Developer shall provide for a 6ft wide sidewalk when the sidewalk is adjacent to the curb. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the northeast corner of ? and ?.

### **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 internal curb line of the proposed curb cut on Summer shall be located 20ft from the east property line.
13. The proposed curb cut on Bartlett shall be shifted north so that the internal curb line of the curb cut is located at least 150ft from the ROW line of Summer Ave.

**Drainage:**

14. 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.
15. 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.
16. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
17. 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.
18. 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.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:**  
Water Quality Branch & Septic Tank Program:

- No comments.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

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

Land and Mapping-Address Assignment:

**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: July 30, 2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Jaromirski Bruno Phone #: 901-794-9240

Mailing Address: 9936 Oban Drive City/State: Cordova, TN Zip 38016

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: Rafat Khmous Phone # 901-550-6912

Mailing Address: 8509 Wolf Valley City/State: Bartlett, TN Zip 38133

Applicant E- Mail Address: khmous1@hotmail.com

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

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

Representative E-Mail Address: tim@mccaskillinc.com

Engineer/Surveyor: McCaskill 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: 5050 Summer Ave.

Distance to nearest intersecting street: Northeast corner of Summer Avenue & Bartlett Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.06 Acres</u>	_____	_____
Existing Zoning:	<u>CMU-3</u>	_____	_____
Existing Use of Property	<u>Vacant</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: \_\_\_\_\_





**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).

No the project will not have an undue adverse effect upon adjacent property, character of the neighborhood, etc.

- 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).

Yes the project will be constructed, arranged and operated to be 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).

There is adequate existing public facilities and services.

- 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 will be no destruction, loss or damage of any feature of significant natural, scenic or historic importance.

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

The project will comply with all additional standards imposed on it by any particular provisions authorizing the Special Use requested.

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

This request will not adversely effect any plans to be considered or violate the character of existing standards for development of the adjacent properties.



**LETTER OF INTENT**



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

Letter of Intent

Re: 5050 Summer Avenue  
Memphis, TN

The intent of this application is to allow a convenience store with gasoline sales on a non collector or arterial intersection. The site is on the corner of Summer Avenue which is a major road and Bartlett Boulevard. This area of Summer Avenue is one hundred percent commercial with a wide variety of uses and businesses. There is not another fueling station in the immediate vicinity. This property has been vacant for many years and this use will be a much needed improvement.

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

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 7:20 pm am/pm on the 30 day of August, 2020, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 20-09 at 5050 Summer Ave., providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, X 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 McCaskill  
Owner, Applicant or Representative

8-31-20  
Date

Subscribed and sworn to before me this 31 day of AUGUST, 2020.

Teresa H. McCaskill  
Notary Public

My commission expires: June 15, 2022







**PREVIOUS RESOLUTION**

**ZONING RESOLUTION**

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

**WHEREAS**, Application has been made by James Jaromirski for a Special Use Permit with respect to the property located at; 5050 Summer Avenue (**SUP15-208**); and

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

**WHEREAS**, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board June, 11, 2015, and said Board has studied and reported its recommendation to the City Council regarding the following approval criteria:

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

OPD  
#8

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

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

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

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

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

ATTEST:

cc: Office of Code Enforcement  
City Engineer

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

Date JUL 07 2015  
Valerie C. Stripes  
Deputy Comptroller-Council Records

A Special Use Permit is hereby authorized to allow a used automobile dealership at; 5050 Summer Avenue in accordance with the approved site plan.

Conditions for SUP15-208


1. The subject site shall comply with the site plan as approved by the City Council.
2. The applicant shall construct a masonry building consistent with the building elevations as submitted to OPD and approved by the Memphis City Council.
3. The applicant ingress from Summer Avenue shall be entrance only.
4. The applicant shall comply with the landscape plan to include plantings shown on the building elevations as submitted to OPD.
5. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with the UDC Section 4.6.9 and landscape plan as submitted.
6. The site shall have an electronic underground irrigation system.
7. The applicant shall identify the dimensions of all signage to the site and signage shall be in compliance with the CMU-3 Zoning District; however, detached signs shall be designed as monument signs only.
8. The applicant shall maintain the existing six (6) foot-height wrought iron fence at the perimeter of the site.
9. The applicant shall provide a minimum of six (6) parking spaces to the site, to include two (2) ADA parking spaces. These spaces shall not be used to store vehicles, employee parking or storage. These spaces shall be the closest spaces to the building.
10. Vehicles shall not be parked or stored in planting areas and storage of any material or item shall be prohibited in any outdoor parking stall.
11. Megaphones are a prohibited use for this property.
12. The test driving of vehicles shall not be permitted on residential streets.
13. The repair and/or servicing of vehicles are prohibited onsite.
14. The applicant shall submit a final plan for the site and building elevations, to include building material to OPD prior to case being heard at the Memphis City Council.





## LETTERS RECEIVED

One letter opposition was received at the time of completion of this report and have subsequently been attached.

 Marqueisha Johnson <marqueisha.johnson1@gmail.com>  
Thu 9/3/2020 2:47 PM  
To: Thomas, Seth

[👍](#) [↶](#) [↷](#) [➔](#) [⋮](#)

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

Dear Sir,  
Good Day!

I have an objection on this upcoming project as I read the letter of intent they have submitted. It is mentioned that "there is no other fueling station in the immediate vicinity" which is wrong, there is Exxon / Hop in on summer & white station road which is just 0.2 miles away. This is miss representation of fact.

Thanks & Regards,  
Marqueisha



## Memphis City Council Summary Sheet

***SUP 20-09***

Resolution requesting a convenience store with gasoline sales at an intersection that does not comprise of two Arterial Roads:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Jaromirski Bruno/Rafat Khmous
- and Representative(s): McCaskill and Associates, Inc; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY  
LOCATED AT 5050 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 20-09.**

---

**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**, Jaromirski Bruno filed an application with the Memphis and Shelby County Office of Planning and Development to allow a convenience store with gasoline sales at an intersection that does not comprise of two Arterial Roads; 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 September 10, 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 request use in accordance with the attached conditions.

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

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



***ATTEST:***

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

## CONDITIONS

1. A landscape plan shall be submitted for administrative review and approval by the Office of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. The applicant may need to submit a Trip Generation Report subject to City Engineering requirements
4. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
5. No window signs will be allowed
6. All facades of the convenience store with gasoline sales shall be of masonry construction.
7. Canvas shall be the only permitted awning material.
8. The front façade of the building shall be 50 percent transparent



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 11/3/2020**

*DATE*

**PUBLIC SESSION: 11/3/2018**

*DATE*

**ITEM (CHECK ONE)**

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

OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution approving a convenience store with gasoline sales at an intersection that does not comprise of two Arterial Roads, as Bartlett Road is a residential street.

**CASE NUMBER:** SUP 20-09

**DEVELOPMENT:** Convenience Store with gasoline pumps

**LOCATION:** 5050 Summer Avenue

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

**OWNER/APPLICANT:** Jaromirski Bruno/Rafat Khmous

**REPRESENTATIVE:** McCaskill and Associates, Inc.

**EXISTING ZONING:** Commercial Mixed Use – 3 (CMU-3)

**REQUEST:** To allow a commercial surface parking lot for a period not to exceed fifteen (15) years

**AREA:** +/-0.7 acres

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

**RECOMMENDED COUNCIL ACTION:** Set hearing date for – November 3, 2020

**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
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>





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

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

September 15, 2020

Rafat Khmous  
8509 Wolf Valley  
Cordova, TN 38133

*Sent via electronic mail to: khmous1@hotmail.com*

OPD File Number: SUP 20-09

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 special use permit application to allow for a convenience store with gasoline sales on a non-collector or arterial interstation, subject to the following conditions:

1. A landscape plan shall be submitted for administrative review and approval by the Office of Planning and Development.
2. Any additional light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
3. The applicant may need to submit a Trip Generation Report subject to City Engineering requirements
4. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
5. No window signs will be allowed
6. All facades of the convenience store with gasoline sales shall be of masonry construction.
7. Canvas shall be the only permitted awning material.
8. The front façade of the building shall be 50 percent transparent

**Letter to Applicant**  
**SUP 20-09**

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.

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](mailto:seth.thomas@memphistn.gov).

Respectfully,



Seth Thomas  
Municipal Planner  
Land Use and Development Services

Cc: Tim McCaskill, McCaskill and Associates, Inc.  
File

**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 1) a special use permit for a convenience store with gas sales and 2) the amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of "filling stations"

**CASE NUMBER:** SUP 20-10

**DEVELOPMENT:** Murphy Express convenience store with gas sales

**LOCATION:** Part of 4704 Yale Road

**COUNCIL DISTRICTS:** District 1 and Super District 9

**OWNER:** Myles Enterprises, Inc.

**APPLICANT:** Estacado Interests

**REPRESENTATIVE:** Devan Pharis of Estacado Interests

**EXISTING ZONING:** Commercial Mixed Use – 2

**REQUEST:** 1) a special use permit for a convenience store with gas sales and 2) the amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of "filling stations"

**AREA:** 1.7 acres

**RECOMMENDATION:** The Office of Planning and Development recommended: *Rejection*  
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  
 8 October 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**



## Memphis City Council Summary Sheet

*SUP 20-10*

A resolution approving 1) a special use permit for a convenience store with gas pumps and 2) the amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of “filling stations.”

- This item is a resolution to allow the above subject to certain conditions; and
- The Division of Planning & Development sponsors this resolution at the request of the Owner: Myles Enterprises, Inc., and the Applicant: Estacado Interests; and
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas.



**RESOLUTION APPROVING 1) A SPECIAL USE PERMIT FOR A CONVENIENCE STORE WITH GAS SALES AND 2) THE AMENDMENT OF THE RALEIGH PLAZA SHOPPING CENTER GENERAL PLAN TO REMOVE THE PROHIBITION OF “FILLING STATIONS,” CONCERNING THE SITE LOCATED AT PART OF 4704 YALE ROAD, AND KNOWN AS CASE NUMBER SUP 20-10.**

---

**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**, Estacado Interests filed an application with the Memphis and Shelby County Division of Planning and Development for 1) a special use permit for a convenience store with gas sales and 2) the amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of “filling stations;” and

**WHEREAS**, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and the consistency of the 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 8 October 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, the requested special use permit and general plan amendment are hereby granted in accordance with the attached conditions.

**BE IT FURTHER RESOLVED**, that this resolution merely authorizes the filing of applications to acquire a Certificate of Occupancy, a Building Permit, and/or 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 takes 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.

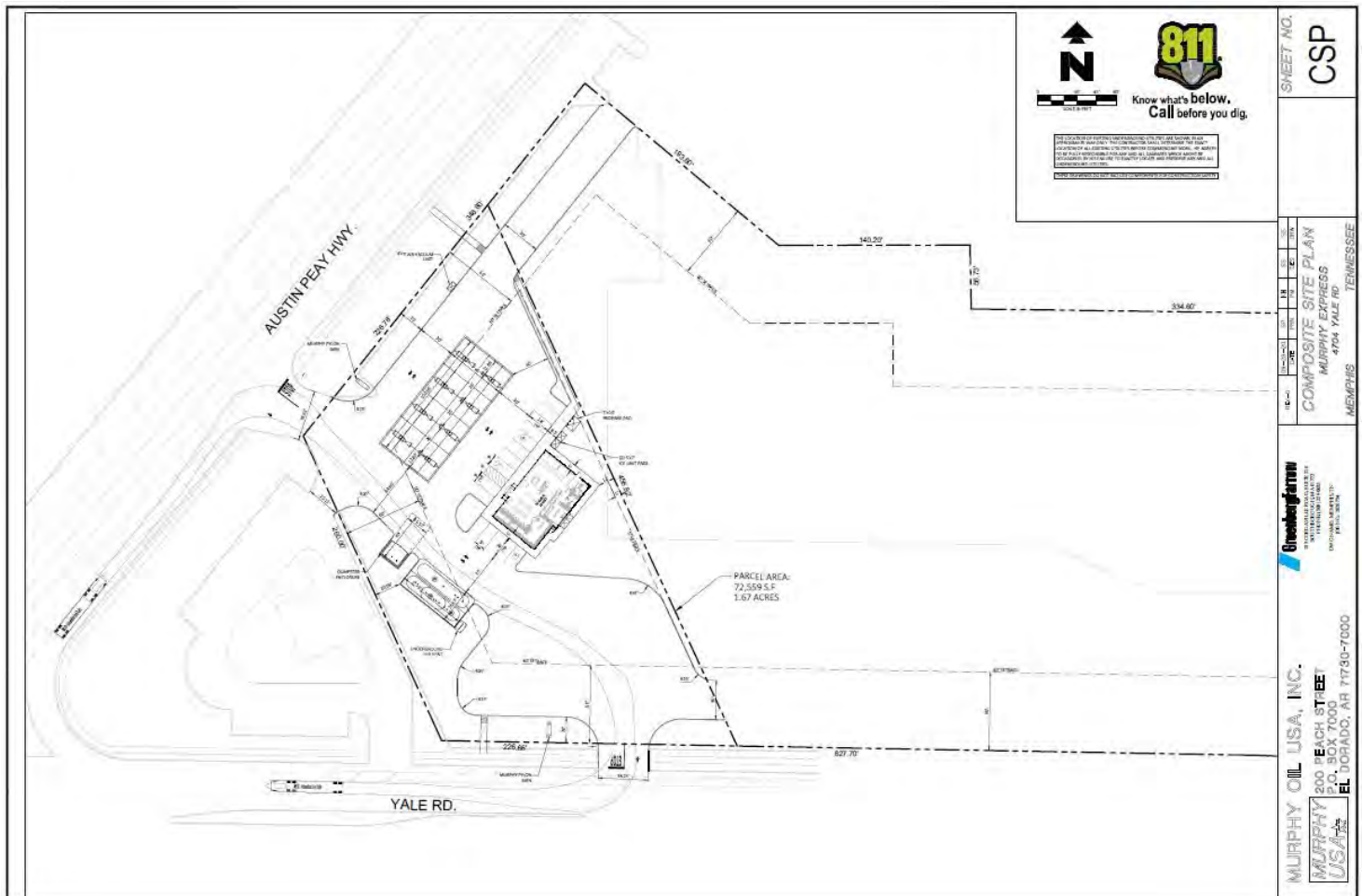
**ATTEST:**

# CONDITIONS

1. No chain link shall be permitted. Any existing chain link shall be removed.
2. All façades of the convenience store shall be of masonry construction.
3. The Austin Peay façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
4. Reverse frontage on Yale may not be permitted, but shared access to Yale shall be permitted.

## DRAFT SITE PLAN

\*Please note that this site plan must still be reviewed in accordance with the general plan and Unified Development Code during final plan review.\*



## LAND USE CONTROL BOARD RECOMMENDATION

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

<b>CASE NUMBER:</b>	SUP 20-10
<b>LOCATION:</b>	Part of 4704 Yale Road
<b>COUNCIL DISTRICT(S):</b>	District 1 and Super District 9
<b>OWNER:</b>	Myles Enterprises, Inc.
<b>APPLICANT:</b>	Estacado Interests
<b>REPRESENTATIVE:</b>	Devan Pharis of Estacado Interests
<b>REQUEST:</b>	1) A special use permit for a convenience store with gas sales and 2) the amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of “filling stations”
<b>EXISTING ZONING:</b>	Commercial Mixed Use – 2
<b>AREA:</b>	1.7 acres

---

**The following spoke in support of the application:** Matt Peterson and Devan Pharis

**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. No chain link shall be permitted. Any existing chain link shall be removed.
2. All façades of the convenience store shall be of masonry construction.
3. The Austin Peay façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
4. Reverse frontage on Yale may not be permitted, but shared access to Yale shall be permitted.

**The motion passed by a vote of 7-3.**

AGENDA ITEM: 10

L.U.C.B. MEETING: 8 October 2020

**CASE NUMBER:** SUP 20-10  
**LOCATION:** Part of 4704 Yale Road  
**COUNCIL DISTRICT:** District 1 and Super District 9  
**OWNER:** Myles Enterprises, Inc.  
**APPLICANT:** Estacado Interests  
**REPRESENTATIVE:** Devan Pharis of Estacado Interests  
**REQUEST:**

- Special use permit for a convenience store with gas pumps
- Amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of “filling stations”

**AREA:** 1.7 acres  
**EXISTING ZONING:** Commercial Mixed Use – 2

## CONCLUSIONS (p. 20)

1. Estacado Interests seeks to build a convenience store with gas pumps at part of 4704 Yale Road in the Raleigh Town Center. To that end, they have applied for both a special use permit and the amendment of the governing Raleigh Plaza Shopping Center General Plan.
2. The Raleigh Plaza Shopping Center General Plan, first approved by the Memphis City Council in 1971, specifically prohibits gas pumps. The Unified Development Code permits gas pumps by right only if located at the corner of a major intersection.
3. The small area plan of this anchor calls for mixed-use infill along the subject site’s Austin Peay frontage and offices and larger-format retail along its Yale frontage. In this vision, active ground floor uses provide attractive frontages and primary entrances are at the front of lots. The proposal fails to meet any of these objectives, nor does it contribute to a more walkable urban center.
4. The proposed lot has a reverse frontage on Yale; in other words, the rear of the convenience store would face a major street across from the Raleigh Springs Mall site. This layout prevents the activation of both the Austin Peay and Yale frontages as specified by the plan.
5. Nearby private development includes a planned coffeeshop directly across Austin Peay from this site, and nearby public investment includes a new library, police station, and park directly across Yale. The nearest single-family residential lot is within 400 feet of the site to the north.
6. Approval of this application would have an adverse impact on the character of the neighborhood and would interfere with the implementation of the Memphis 3.0 Comprehensive Plan. For these reasons, staff recommends the rejection of this application.

## CONSISTENCY WITH MEMPHIS 3.0 (pp. 19, 23-26)

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

## RECOMMENDATION (p. 20)

*Rejection*

Staff Writer: *Brett Davis*

E-mail: [brett.davis@memphistn.gov](mailto:brett.davis@memphistn.gov)



### GENERAL INFORMATION

<b>Street Frontage:</b>	Austin Peay Highway	(Principle Arterial)	227 linear feet
	Yale Road	(Minor Arterial)	227 linear feet
<b>Zoning Atlas Page:</b>	1740		
<b>Parcel ID:</b>	Part of 087001 00040		
<b>Existing Zoning:</b>	Commercial Mixed Use – 2		

### NEIGHBORHOOD MEETING

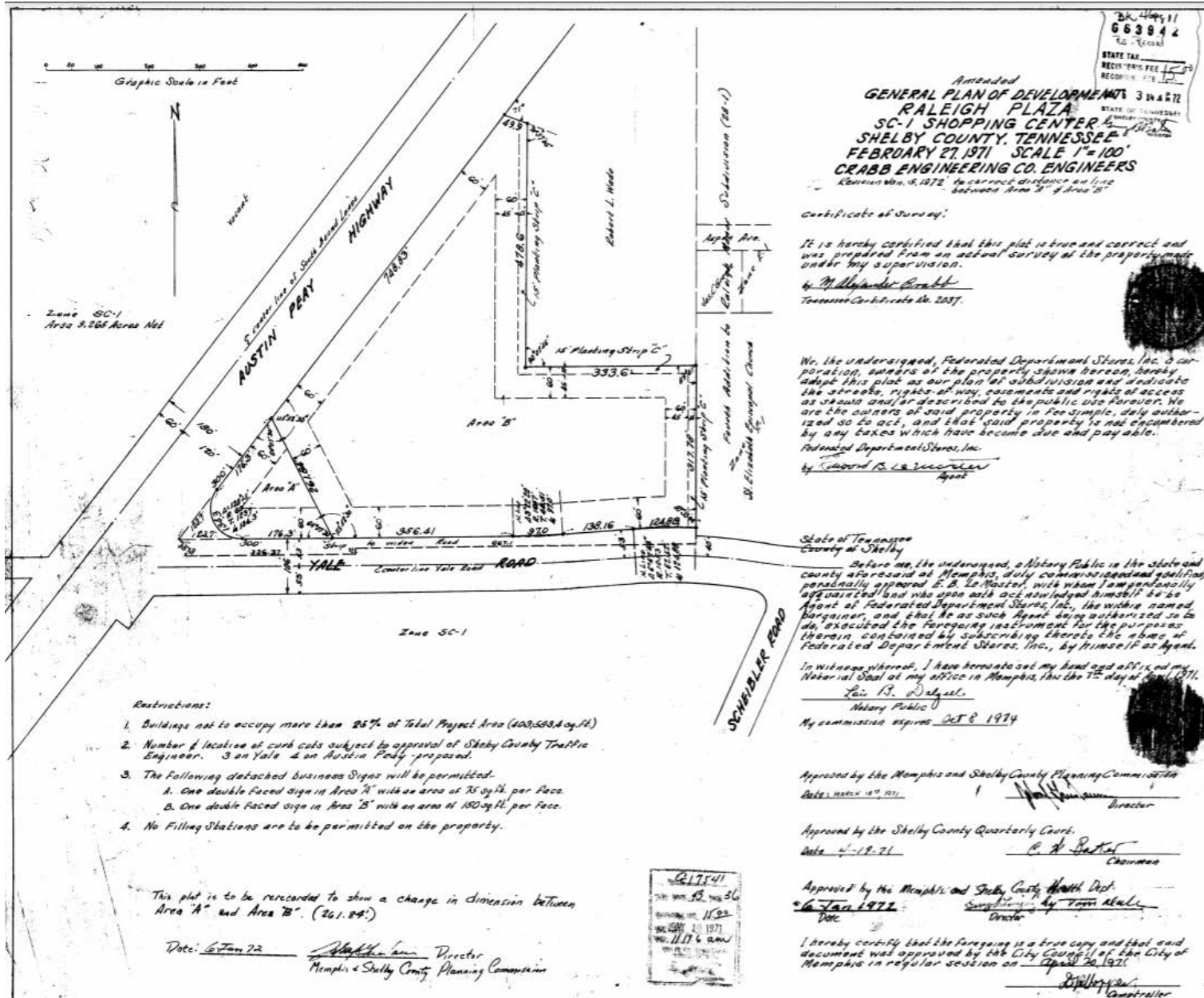
A telephonic neighborhood meeting was held on Monday 28 September 2020 at 7 p.m.

### 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 signs posted. A total of 48 notices were mailed on 28 September 2020, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.



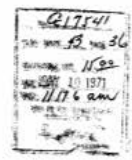
**RALEIGH PLAZA SHOPPING CENTER, GENERAL PLAN (RE-RECORDED 1972)**



- Restrictions:**
1. Buildings not to occupy more than 25% of Total Project Area (400,500 sq ft)
  2. Number & location of curb cuts subject to approval of Shelby County Traffic Engineer. 3 on Yale 4 on Austin Peay proposed.
  3. The following detached business signs will be permitted.
    - A. One double faced sign in Area A with an area of 75 sq ft per face.
    - B. One double faced sign in Area B with an area of 100 sq ft per face.
  4. No Filling Stations are to be permitted on the property.

This plat is to be re-recorded to show a change in dimension between Area A and Area B. (261.84')

Date: 6 Jan 72 Stephen L. Wade Director  
Memphis & Shelby County Planning Commission



Amended  
**GENERAL PLAN OF DEVELOPMENT**  
**RALEIGH PLAZA**  
**SC-1 SHOPPING CENTER**  
**SHELBY COUNTY, TENNESSEE**  
**FEBRUARY 27, 1971 SCALE 1"=100'**  
**CRABB ENGINEERING CO. ENGINEERS**  
Revision No. 5, 1972. To correct distance on line between Area A and Area B.

**Certificate of Survey:**  
It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.  
by William H. Crabb  
Tennessee Certificate No. 2287.

We, the undersigned, Federated Department Stores, Inc. a corporation, owners of the property shown hereon, hereby adopt this plat as our plan of subdivision and dedicate the streets, rights of way, easements and rights of access as shown and/or described to the public use forever. We are the owners of said property in fee simple, duly authorized so to act, and that said property is not encumbered by any taxes which have become due and payable.  
Federated Department Stores, Inc.  
by Edward B. LaVander  
Agent

State of Tennessee  
County of Shelby  
Before me, the undersigned, a Notary Public in the state and county aforesaid at Memphis, duly commissioned and qualified personally appeared E. B. LaVander, with whom I am personally acquainted and who upon oath acknowledged himself to be Agent of Federated Department Stores, Inc., the within named bargainer, and that he as such Agent being authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing thereto, the name of Federated Department Stores, Inc., by himself as Agent.  
In witness whereof, I have hereunto set my hand and affixed my Notarial Seal at my office in Memphis, this 1<sup>st</sup> day of Jan 1972.  
Law B. Dabney  
Notary Public  
My commission expires Oct 8 1974

Approved by the Memphis and Shelby County Planning Commission  
Date: March 14, 1972 William H. Crabb Director

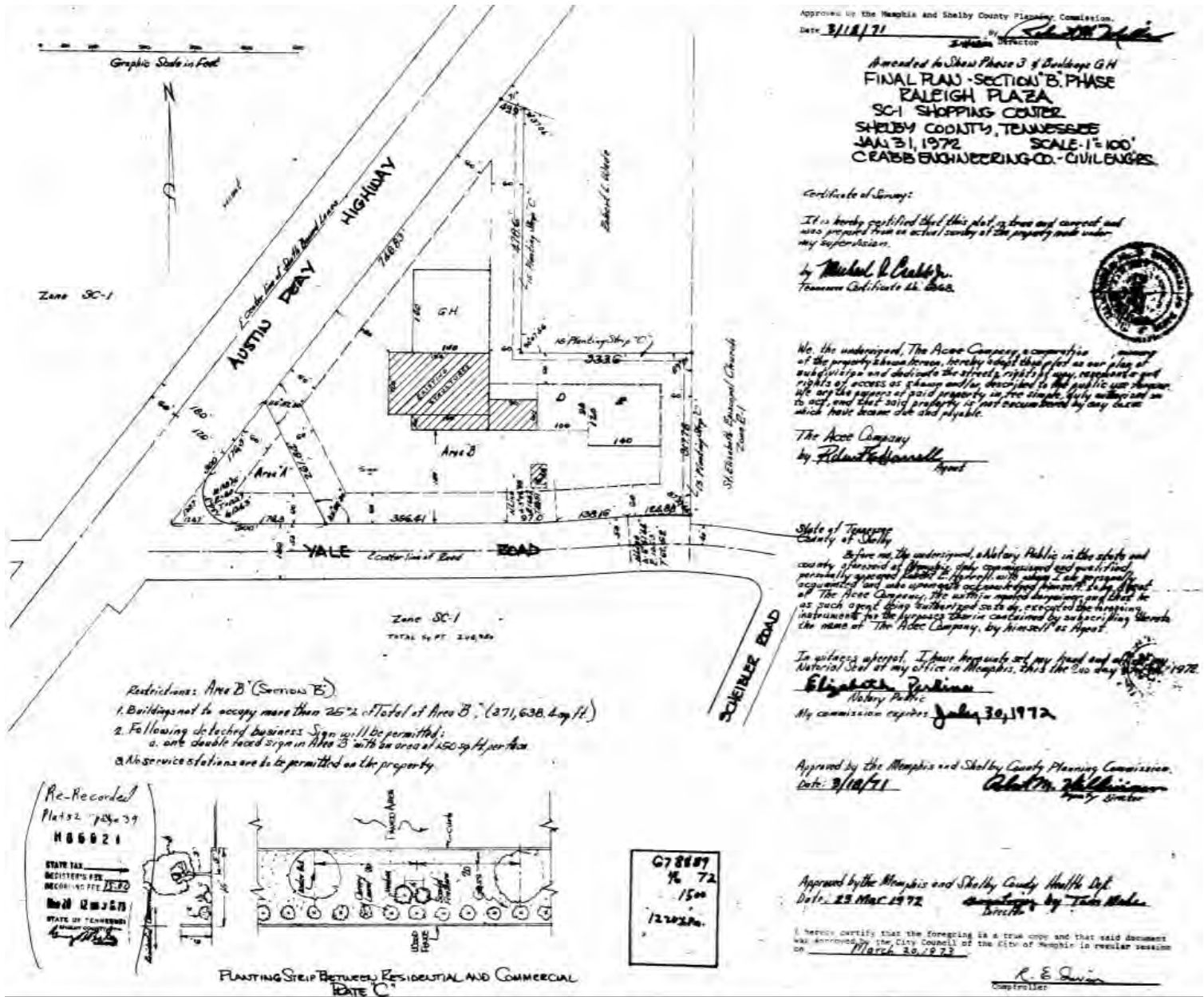
Approved by the Shelby County Quarterly Court.  
Date: 4-19-71 R. H. Burt Chairman

Approved by the Memphis and Shelby County Health Dept.  
6 Jan 1972 Tom Stalle Director

I hereby certify that the foregoing is a true copy and that said document was approved by the City Council of the City of Memphis in regular session on April 20 1972  
Stephenson Comptroller

Subject site located in Area B

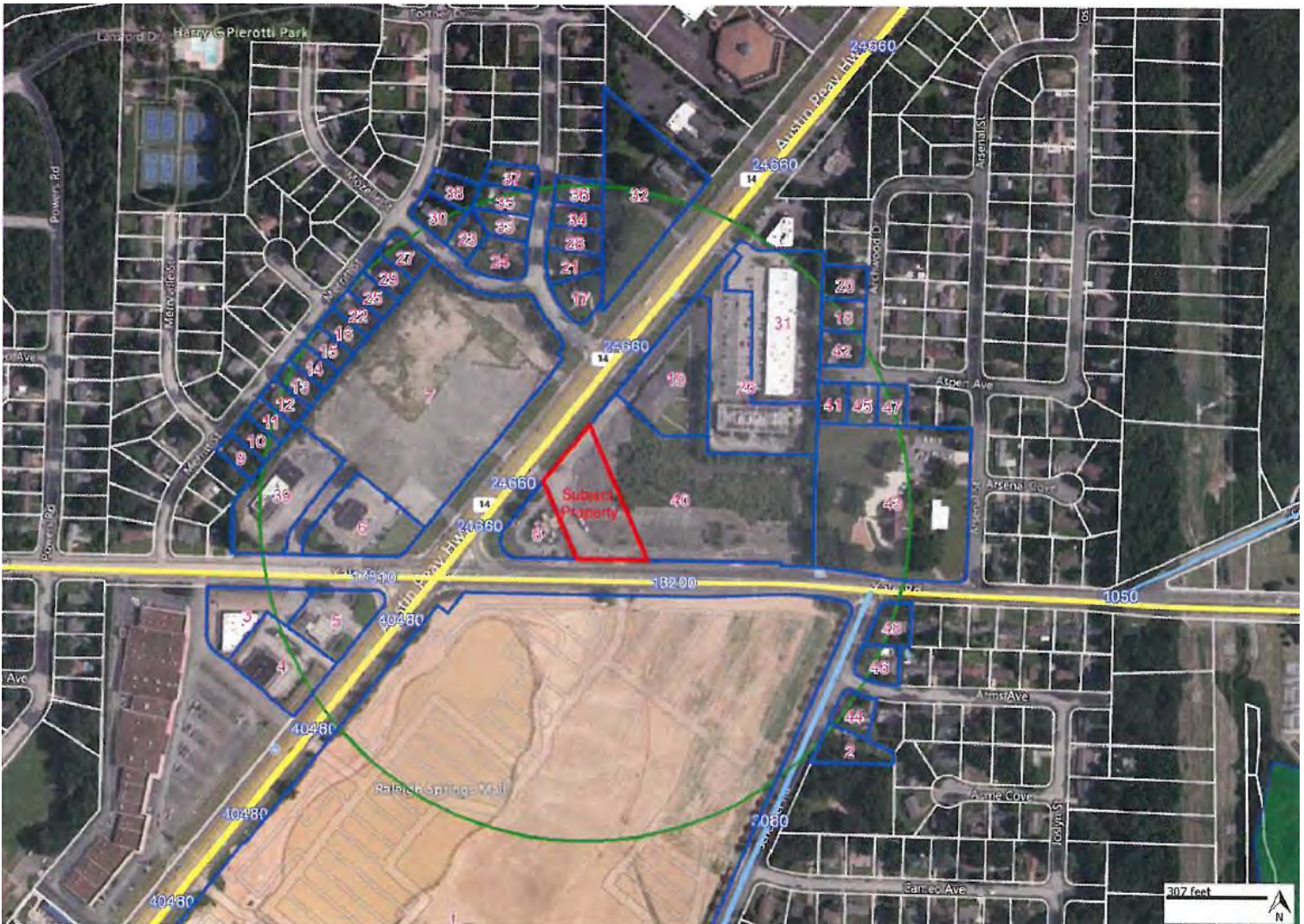
RALEIGH PLAZA SHOPPING CENTER, FINAL PLAN OF PHASE 3 OF AREA B (1973)



This final plan, which shows Area B as a single lot of record, was invalidated by the recording of a final plan of Phase 4 of Area B that subdivided Area B into one lot of record and a second parcel that consisted of remaining land. The subject request would subdivide the latter parcel into Area B's second lot of record and a third parcel that consisted of remaining land.



VICINITY MAP



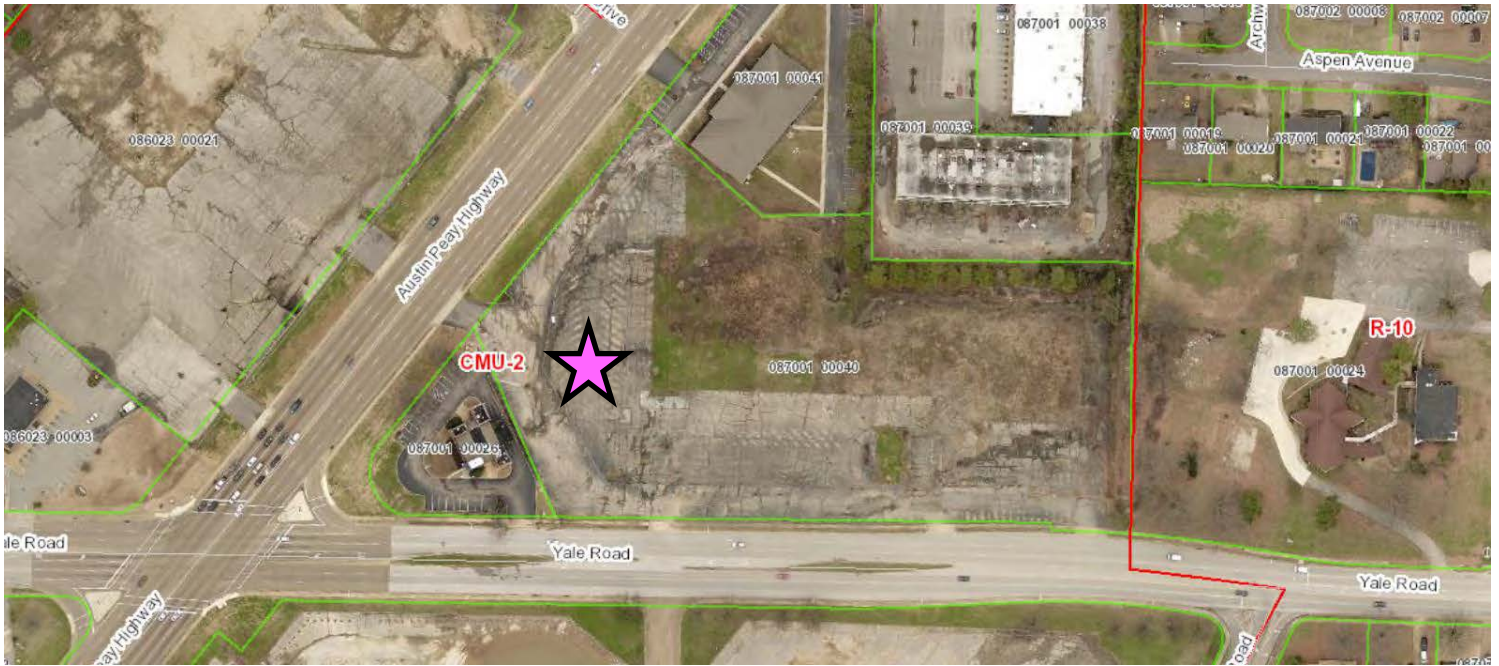
**AERIAL PHOTOGRAPH**



Approximate borders of proposed lot highlighted in yellow



**ZONING MAP**



**Existing Zoning:** Commercial Mixed Use – 2

**Surrounding Zoning**

**North:** Commercial Mixed Use – 2, then Residential – 10











**East:** Commercial Mixed Use – 2, then Residential – 10

**South:** Commercial Mixed Use – 2

**West:** Commercial Mixed Use – 2

**LAND USE MAP**



-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT



**SITE PHOTOS**



View of site from Yale





Alternative view of site from Yale





View of site from Austin Peay





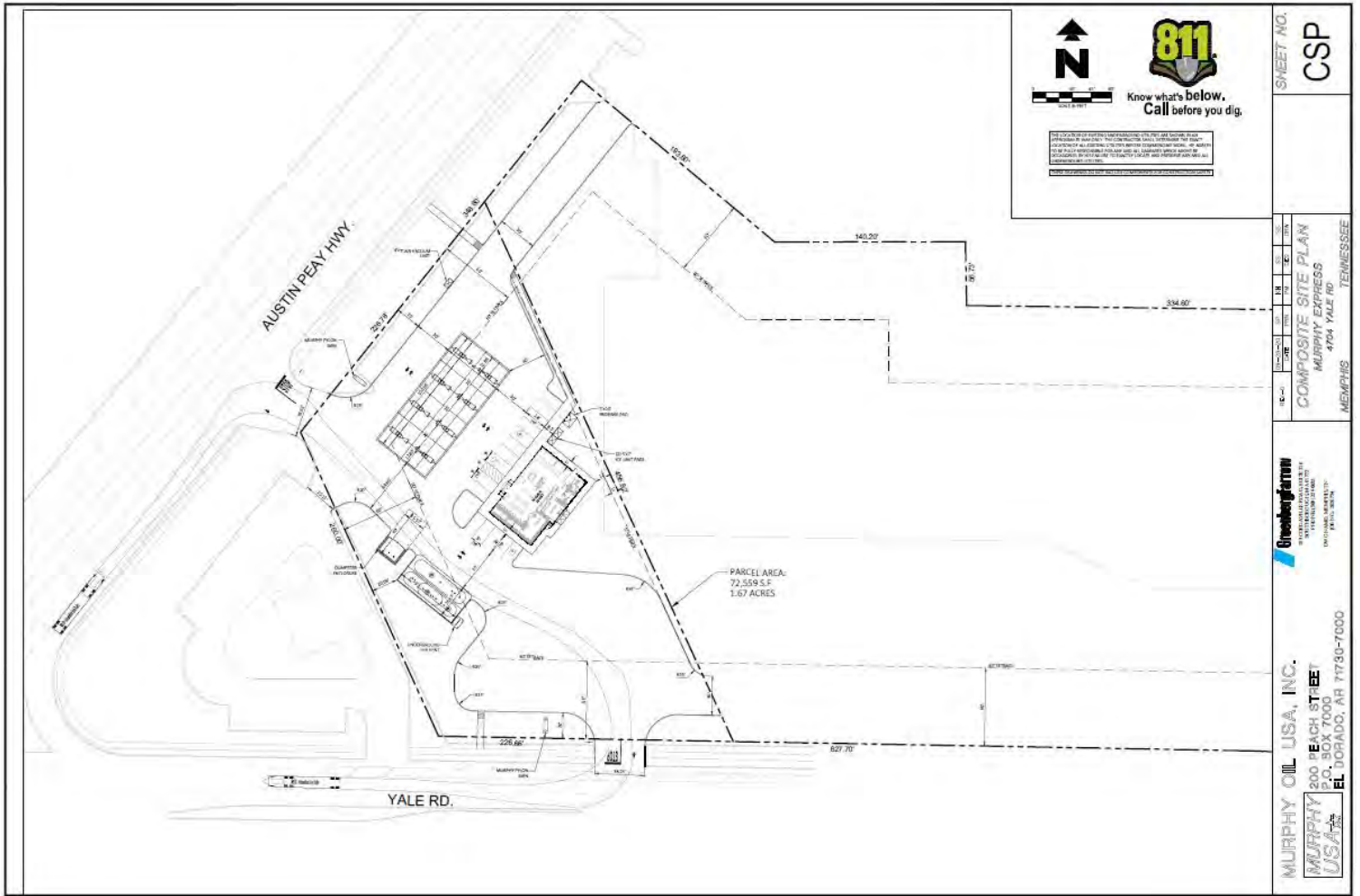
View west down Yale





View southwest down Austin Peay

**PROPOSED LOT AND SITE PLAN**







## STAFF ANALYSIS

### Request

The request is for:

- a special use permit for a convenience store with gas sales and
- the amendment of the Raleigh Plaza Shopping Center General Plan to remove the prohibition of “filling stations.”

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 proposed lot consists of 1.7 acres of the existing parcel known as 4704 Yale Road. As proposed, the lot would have a double frontage, with 227 linear feet of frontage on both Austin Peay Highway and Yale Road. Both frontages have a sidewalk and grass strip without overhead utilities. The existing parcel is vacant.

### Zoning History

An anachronistic conditional zoning district known as the Raleigh Plaza Shopping Center governs this site.

The original Raleigh Plaza Shopping Center General Plan was approved by the Memphis City Council in 1971.



This development plan created two areas, each of which permitted one detached size subject to size restrictions; established minimum setbacks; capped the total building footprint; and prohibited “filling stations.” That general plan was re-recorded in 1972 to correct a typo.

The final plan of Phase 1 of Area B was recorded in 1972. The final plan of Phase 2 of Area B was recorded later that year to reflect a building addition. The final plan of Phase 3 of Area B was recorded the following year to reflect a change to the site plan of the addition approved as Phase 2. The structures approved as Phases 1 – 3 of Area B were at some point demolished. The final plan of Phase 4 of Area B was recorded in 2004. Until this point, all of Area B was one lot; this final plan subdivided Area B into two parcels, one of which was a lot of record.

### **Site Plan Review**

No tank, including propane tanks, shall be located no closer than 20 feet to any rear property line, side property line, or right-of-way.

Rope lighting is prohibited. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

No accessory structure – excepting the fuel canopy and underground structures – shall encroach into the front or side setback. No accessory structure shall be closer than five feet to another structure.

The eastern side setback may be reduced to zero; however, no accessory structure may be located closer than five feet to a side property line.

Reverse frontage lots are prohibited in this location.

A minimum 15’-wide streetscape plate shall be installed on all frontages.

A shared access easement with a minimum paving width of 22 feet shall be provided along Austin Peay, sharing access with the parcel to the east of the proposed lot.

A minimum of three vehicle parking spaces are required for a 2800-square foot convenience store. A minimum of four bicycle parking spaces are required, subject to the standards of Sub-Section 4.5.3C. A minimum of one van-accessible parking space is required.

If greater than six vehicle parking spaces are provided, parking area landscaping is required, subject to the standards of Sub-Section 4.5.5D. Pedestrian facilities shall be provided, subject to the standards of Sub-Section 4.5.5M.

A minimum of one queuing space shall be provided for each gas pump island, subject to the standards of Sub-Section 4.5.6B.

Adequate on-site area shall be demonstrated for the unloading of delivery trucks.

The screening of dumpsters and mechanical equipment is required, subject to the standards of Section 4.6.8.

Per the general plan, a maximum of one detached sign is permitted, limited to 150 square feet per face. Additional sign requirements apply, subject to the standards of Chapter 4.9.

**Small Area Plan of the Raleigh Town Center Anchor Neighborhood**

**A Mixed-Use Infill**

- Active ground floor provides attractive frontage along Austin Peay Hwy. and Yale Rd.
- Larger buildings block some road noise from nearby neighborhoods.

**B New Parks**

- Create a sense of place for new developments.
- Provide transition between existing neighborhoods and new development.

**C Office and Larger-Format Retail**

- Primary entrances at front of lot.
- New linear park creates attractive address.

**D Transition with Live/Work**

- Live/Work buildings create transition from mixed-use environment to residential neighborhood environment.
- Provide space for small businesses, artist galleries, and startups.

**E Variety of Housing Types**

- Transitions to existing residential neighborhoods
- Provide additional housing types not currently available in Raleigh.



*Live/work neighborhood in northwest*

### **Conclusions**

Estacado Interests seeks to build a convenience store with gas pumps at part of 4704 Yale Road in the Raleigh Town Center. To that end, they have applied for both a special use permit and the amendment of the governing Raleigh Plaza Shopping Center General Plan.

The Raleigh Plaza Shopping Center General Plan, first approved by the Memphis City Council in 1971, specifically prohibits gas pumps. The Unified Development Code permits gas pumps by right only if located at the corner of a major intersection.

The small area plan of this anchor calls for mixed-use infill along the subject site's Austin Peay frontage and offices and larger-format retail along its Yale frontage. In this vision, active ground floor uses provide attractive frontages and primary entrances are at the front of lots. The proposal fails to meet any of these objectives, nor does it contribute to a more walkable urban center.

The proposed lot has a reverse frontage on Yale; in other words, the rear of the convenience store would face a major street across from the Raleigh Springs Mall site. This layout prevents the activation of both the Austin Peay and Yale frontages as specified by the plan.

Nearby private development includes a planned coffeeshop directly across Austin Peay from this site, and nearby public investment includes a new library, police station, and park directly across Yale. The nearest single-family residential lot is within 400 feet of the site to the north.

Approval of this application would have an adverse impact on the character of the neighborhood and would interfere with the implementation of the Memphis 3.0 Comprehensive Plan. For these reasons, staff recommends the rejection of this application.

### **RECOMMENDATION**

Staff recommends *rejection*.

However, if approved, staff recommends the following conditions:

### **Conditions**

1. No chain link shall be permitted. Any existing chain link shall be removed.
2. All façades of the convenience store shall be of masonry construction.
3. The Austin Peay façade shall have a minimum transparency of 70% as measured between three and eight feet from the finished walk.
4. No window signs shall be permitted.

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

### **Traffic Control Provisions:**

6. 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.
7. 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.
8. 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:**

9. 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.
10. The proposed curb cut to remain on Austin Peay is acceptable to remain providing it meets ADA requirements.



11. The proposed curb cut to remain on Yale shall be reconstructed to a 60 ft wide with a 40 ft throat width.

**Drainage:**

12. 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.
13. 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.
14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
15. 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.
16. 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:**

17. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

**City Fire Division:**

- 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.

### Memphis Light, Gas and Water:

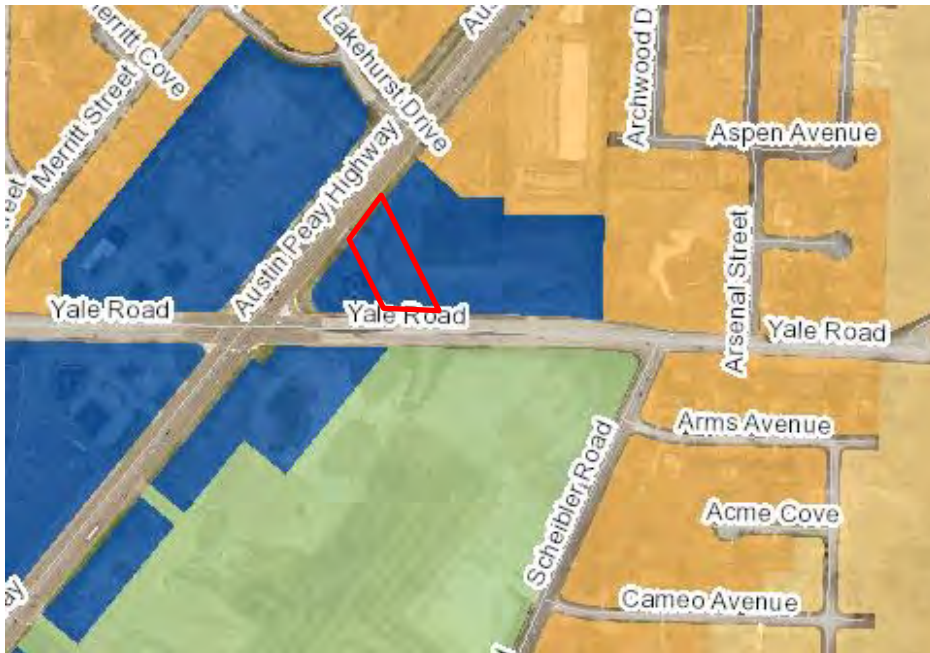
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, 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.

### Office of Comprehensive Planning

**Based on the Future Land Use Planning Map, the proposal is NOT 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:

The site is designated as Anchor – Urban Center (A-UC). Urban Center anchors are characterized by attached buildings that continue for multiple blocks along a street. An Urban Center includes a vertical mix of uses, featuring civic and cultural institutions that serve many neighborhoods or the entire city and which may anchor the center. An Urban Center is a destination for walkable retail, service, and leisure, but accessible from across the city by multiple modes of transportation. Green space may be interspersed to provide community common space. See graphic portrayal to the right.



### “A-UC” Goals/Objectives:

Support organization of services, amenities, opportunities, and housing choices in direct relationship to anchor neighborhoods, focusing investment toward areas that support plan goals and objectives.

### “A-UC” Form & Location Characteristics:

Buildings are primarily attached, block-scale with a mix of uses, 1-12 stories in height, and several blocks of extent.

*The applicant is seeking a special use permit to develop a fuel station away from the corner of an intersection. The request does not meet the criteria because a fuel station is not compatible with the goals/objectives or form and location characteristics of an urban center anchor.*

## 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Commercial, Office, Institutional, and Vacant land. The subject site is surrounded by the following zoning districts: CMU-2 and R-10. This requested land use is

not compatible with adjacent land uses and zoning districts because current development at this intersection is not compatible with fuel stations.

**4. Degree of Change map**



The red box indicates the application site. The Degree of Change is Accelerate.



## 5. Degree of Change Descriptions

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

### Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

### Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

Based on the information provided, the proposal is **NOT CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Bradyn Carson, Office of Comprehensive Planning

<b>Office of Sustainability and Resilience:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	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: 7/28/2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Myles Enterprises Inc Phone #: (901) 481-4214

Mailing Address: 2740 S Wadsworth Blvd City/State: Denver, CO Zip 80227

Property Owner E-Mail Address: oclaybrook@commadv.com

Applicant: Estacado Interests Phone # (940) 550-8068

Mailing Address: 2800 Guilder Dr. City/State: Plano, TX Zip 75074

Applicant E- Mail Address: devan@estacadointerests.com

Representative: Devan Pharis Phone #: (940) 550-8068

Mailing Address: 2800 Guilder Dr. City/State: Plano, TX Zip 75074

Representative E-Mail Address: devan@estacadointerests.com

Engineer/Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Engineer/Surveyor E-Mail Address: \_\_\_\_\_

Street Address Location: 4704 Yale Rd. Memphis, TN

Distance to nearest intersecting street: Site fronts Yale and Austin Peay

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	1.67 Acres	_____	_____
Existing Zoning:	Commercial	_____	_____
Existing Use of Property	Vacant Land	_____	_____
Requested Use of Property	Fuel Station	_____	_____

**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: N/A Bedrooms: \_\_\_\_\_  
Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

Variance: 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 9.3.3 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. 3.2.21 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 all 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.

Donald L. Myler, President, 08/04/20      Matt Peter      08/07/2020  
Property Owner of Record      Date      Applicant      Date

PRE-APPLICATION CONFERENCE 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 9.3.3). 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      No    
(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).  
Property will be developed into a fuel station, which is in line with commercial zoning, and therefore will not have adverse effect on adjacent properties
- 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).  
Project will allow for continuity and shared access with surrounding/adjacent properties as to allow for and encourage future development of adjacent properties.
- 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).  
Site will be served by existing essential public facilities.
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).  
Not applicable to this property
- 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 will comply with such 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).  
This property will compliment and agree with existing standards of adjacent property, and will not adversely affect any plans to be considered.



**LETTER OF INTENT**



Memphis and Shelby County Office of Planning and Development  
City Hall – 125 North Main Street, Suite 477  
Memphis, TN 38103-2084

Dear Office of Planning and Development,

Estacado Interests in conjunction with Myles Enterprises and Murphy Express are pleased to present this letter of intent for a proposed Murphy Express fuel station located at the Northeast Corner of Yale Rd. and Austin Peay Highway in Memphis, Shelby County, TN. This fuel station will provide first class fuel services and retail convenience sales to the surrounding area along with commuters on both Austin Peay Highway and Yale Rd.

Because of the Subject Property's nature, it is not possible to situate our building at the hard corner of Austin Peay and Yale Rd. With that said, we have made the best possible effort to provide the same attributes of a hard corner site by providing access onto both roads. In addition, it is our understanding that the ordinance requiring fuel stations to obtain a SUP for off-corner sites was largely put in place to prevent fuel stations from adversely impacting adjoining residential districts. Since this property does not adjoin residential property, the SUP effectively serves its purpose, by giving the City an opportunity to review and validate that adverse residential impact is not a factor here. There is also a current condition prohibiting a filling station on the subject property as noted on the Raleigh Plaza SC-1 General Plan recorded in Plat Book 43, Page 46. We propose as part of our SUP application that this condition be hereby removed, and that The General Plan be re-recorded to reflect this removal specific to the Murphy Express site only."

This new commercial development will provide economic benefits to the City of Memphis and spur future commercial growth and development on adjacent properties as well as around the Raleigh Springs Town Center. The proposed fuel station will be constructed on a lot that has previously sat vacant for a number of years, and will be situated to face Austin Peay Highway, using existing curb cuts on Austin Peay Highway and Yale Rd.

Estacado Interests, Myles Enterprises, and Murphy Express will work in careful coordination, and in a cooperative manner, with the City and County to obtain necessary approvals for the project as an effort to provide a development that will benefit and give pride to the City, County, and local citizens. In addition, Murphy Express, a publicly traded company, is committed to this property with the intent of being a responsible corporate citizen and good steward of the local community for years to come.

We appreciate your consideration of our project and look forward to working with your office to complete this development.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Pharis', written over a horizontal line.

Devan Pharis

Estacado Interests

**SIGN AFFIDAVIT**

**AFFIDAVIT**

*Shelby County  
State of Tennessee*

I, Devan Phans, being duly sworn, depose and say that at 11:00 am/pm on the 23rd day of September, 2020, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 20-10 at 4704 Yale Rd, Memphis, TN, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, X 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

9/24/2020

Date

Subscribed and sworn to before me this 24<sup>th</sup> day of September, 2020.

[Signature]

Notary Public

My commission expires: 9/21/2024



**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: 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 vehicle repair

**CASE NUMBER:** SUP 20-13

**DEVELOPMENT:** Vehicle service

**LOCATION:** Part of 3372 Austin Peay Highway

**COUNCIL DISTRICTS:** District 1 and Super District 9

**OWNER/APPLICANT:** City of Memphis

**REPRESENTATIVE:** Mary Claire Borys of the Division of Housing and Community Development

**EXISTING ZONING:** Commercial Mixed Use – 2

**REQUEST:** To permit vehicle service

**AREA:** 67 acres (whole parcel)

**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  
 8 October 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

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





## Memphis City Council Summary Sheet

*SUP 20-13*

Resolution requesting a special use permit for vehicle repair:

- This item is a resolution approving a special use permit for vehicle repair, subject to conditions; and
- The Division of Planning & Development sponsors this resolution at the request of the Owner/Applicant: City of Memphis and Representative: Mary Claire Borys of the Division of Housing and Community Development; and
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas; and
- The Memphis and Shelby Land Use Control Board recently approved a general plan major modification and special exception associated with this development.

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR VEHICLE REPAIR AT THE SUBJECT SITE LOCATED AT PART OF 3372 AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 20-13.**

**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**, the City of Memphis filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for vehicle repair; and

**WHEREAS**, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and the consistency of the 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 8 October 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, a Building Permit, and/or 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 takes 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.

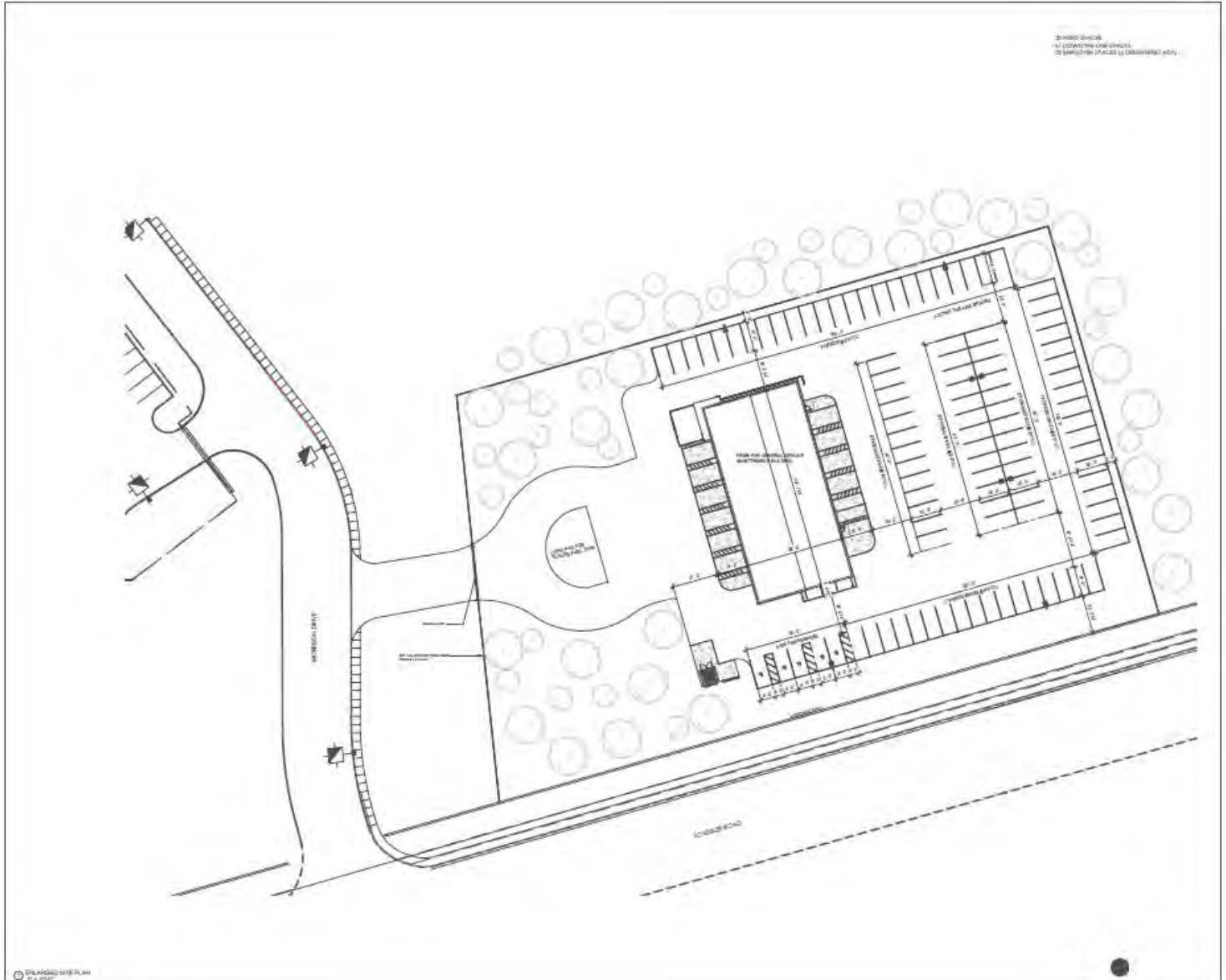
**ATTEST:**

## CONDITIONS

1. This approval shall not be construed to permit vehicle repair elsewhere in the Raleigh Springs Mall Regional Shopping Center.
2. The final plan and elevations shall be in substantial conformance with the conceptual proposal.

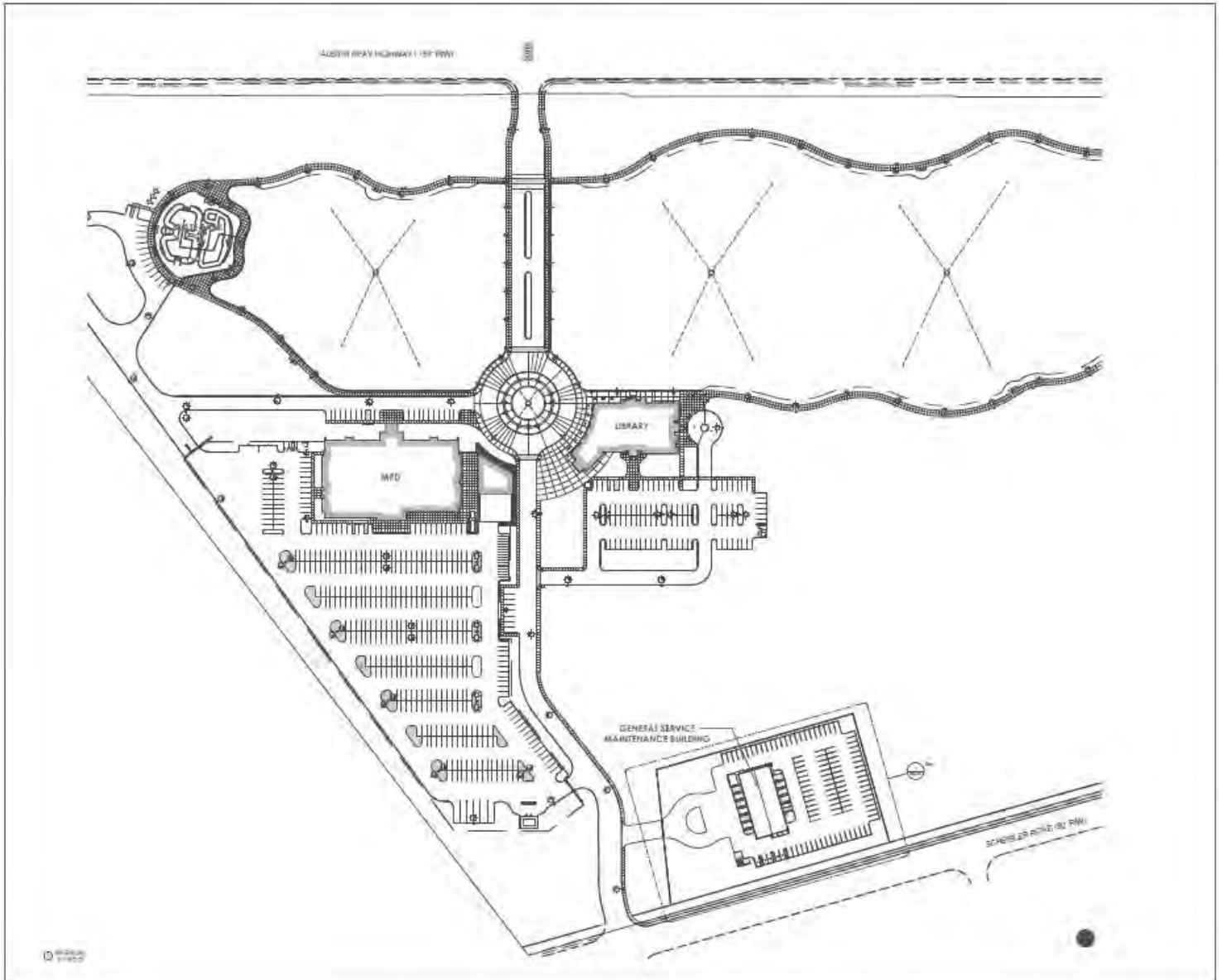
## PROPOSED SITE PLAN

\*Please note that no plans have been finalized until final plan review is complete.\*



The dark trapezoidal lines show the approximate extent of land that the subject application concerns.

PROPOSED SITE PLAN – IN CONTEXT OF LARGER PART OF WHOLE PARCEL





# PROPOSED ELEVATIONS

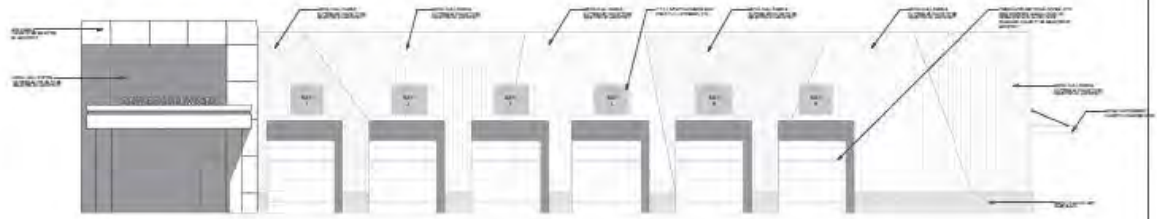
1 SOUTHWEST ELEVATION  
3/16" = 1'-0"



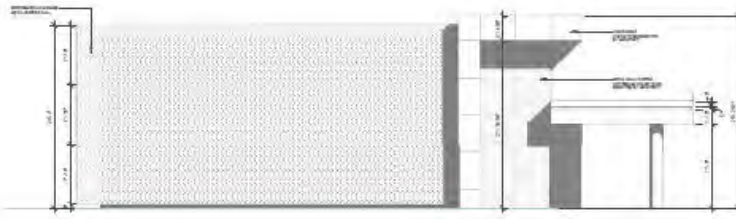
2 SOUTHWEST ELEVATION  
3/16" = 1'-0"



3 SOUTHWEST ELEVATION  
3/16" = 1'-0"



4 SOUTHWEST ELEVATION  
3/16" = 1'-0"



THIS DRAWING AND ALL THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ARCHITECTURAL FIRM AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTURAL FIRM.

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

<b>CASE NUMBER:</b>	SUP 20-13
<b>LOCATION:</b>	Part of 3372 Austin Peay Highway
<b>COUNCIL DISTRICT(S):</b>	District 1 and Super District 9
<b>OWNER/APPLICANT:</b>	City of Memphis
<b>REPRESENTATIVE:</b>	Mary Claire Borys of the Division of Housing and Community Development
<b>REQUEST:</b>	Special use permit for vehicle repair
<b>EXISTING ZONING:</b>	Commercial Mixed Use – 2
<b>AREA:</b>	67 acres (whole parcel)

---

**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. This approval shall not be construed to permit vehicle repair elsewhere in the Raleigh Springs Mall Regional Shopping Center.
2. The final plan and elevations shall be in substantial conformance with the conceptual proposal.

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

AGENDA ITEM: 12

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

**LOCATION:** Part of 3372 Austin Peay Highway

**COUNCIL DISTRICT:** District 1 and Super District 9

**OWNER:** City of Memphis

**APPLICANT:** City of Memphis Division of Housing and Community and Development (HCD)

**REPRESENTATIVE:** Mary Claire Borys of HCD

**REQUEST:**

- 1) Special use permit for vehicle repair (approvable by City Council)
- 2) Major modification to reduce the minimum Scheibler setback from 200' to 20' (approvable by Land Use Control Board)
- 3) Special exception from Section 4.8.3 to permit general outdoor storage (approvable by Land Use Control Board)

**AREA:** 67 acres (whole parcel)

**EXISTING ZONING:** Commercial Mixed Use – 2

## CONCLUSIONS (p. 19)

1. The City of Memphis Division of Housing and Community Development has requested a special use permit for vehicle repair, a major modification to reduce the Scheibler setback from 200' to 20', and a special exception to permit general outdoor storage.
2. The General Services Division would operate the facility in service of Police Department vehicles. The site is owned by the City.
3. Staff finds that this proposal is consistent with the intent of the Unified Development Code and Memphis 3.0 Comprehensive Plan.

## CONSISTENCY WITH MEMPHIS 3.0 (pp. 20-22)

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

## RECOMMENDATION (p. 19)

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage (site only):** Scheibler Road (Major Collector) 405 linear feet

**Zoning Atlas Page:** 1740

**Parcel ID:** Part of 085017 00001C

**Existing Zoning:** Commercial Mixed Use – 2

**NEIGHBORHOOD MEETING**

A telephonic neighborhood meeting was held on 24 September 2020 at 5:30 p.m.

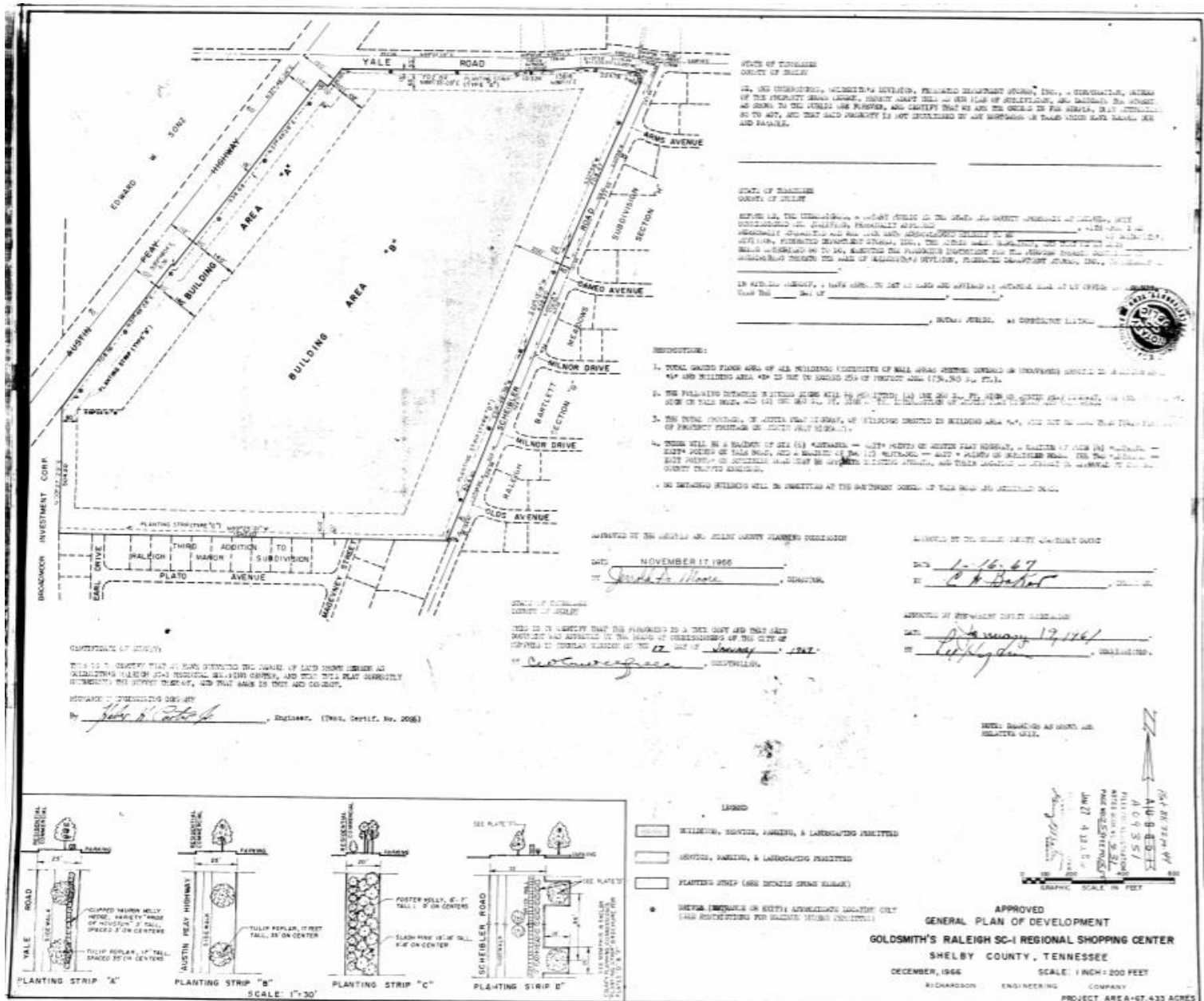
**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 148 notices were mailed on 28 September 2020, and a total of five signs posted at the subject property. The sign affidavit has been added to this report.



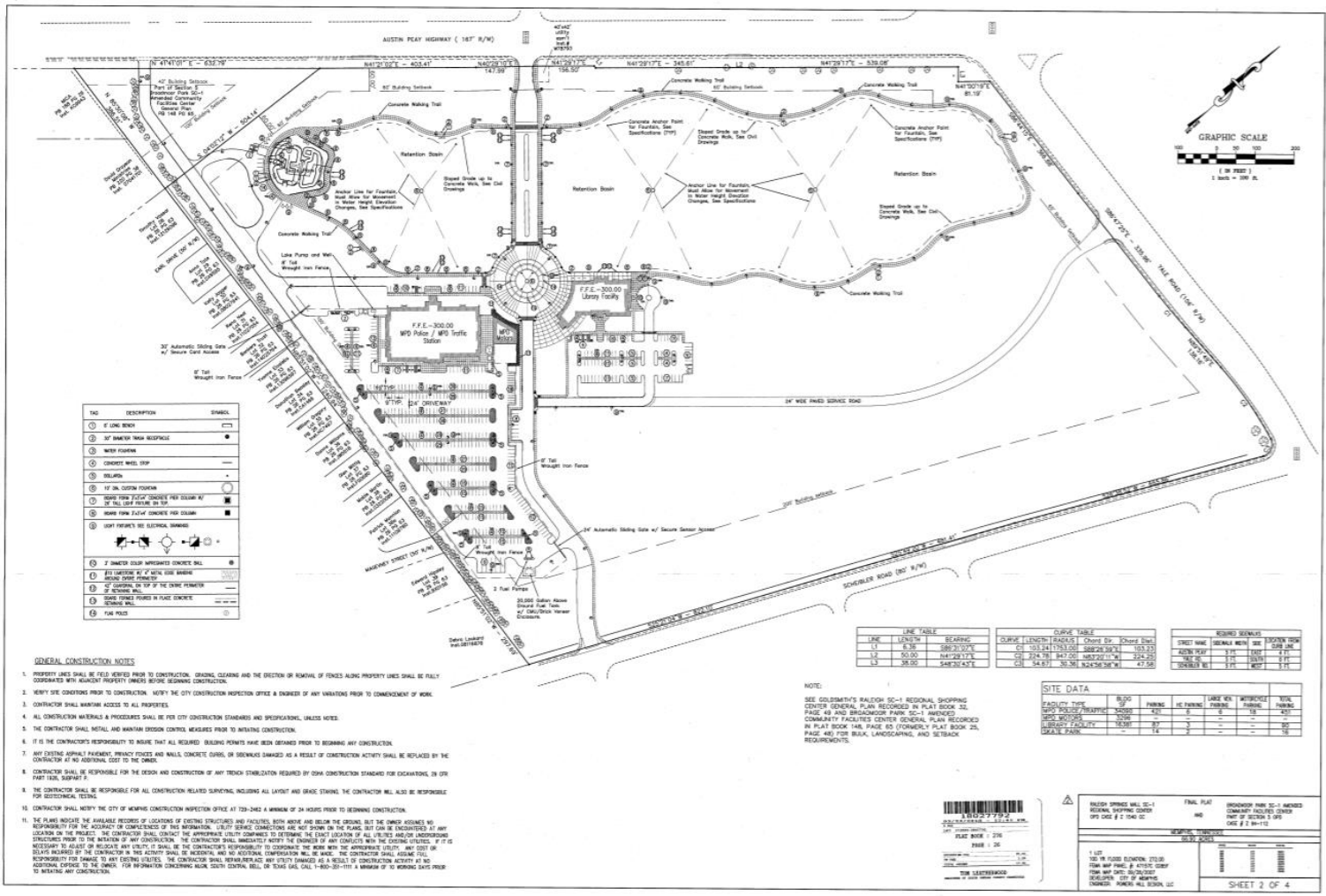


**GOLDSMITH'S RALEIGH REGIONAL SHOPPING CENTER, GENERAL PLAN (1967)**



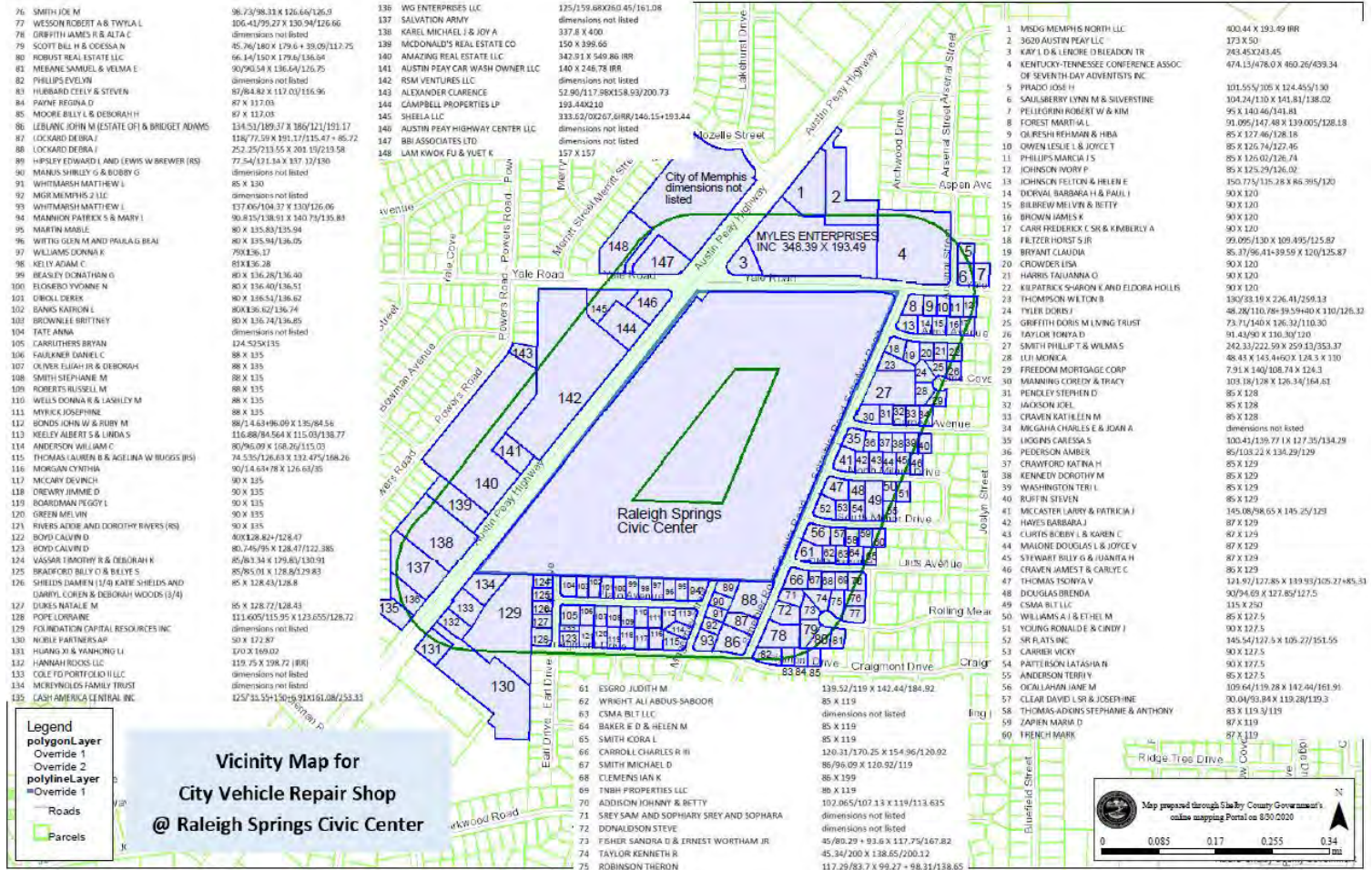
The name of the subject shopping center was changed after the recording of the general plan.

**RALEIGH SPRINGS MALL REGIONAL SHOPPING CENTER, FINAL PLAN (RE-RECORDED 2018)**





VICINITY MAP





**ZONING MAP**



**Existing Zoning:** Commercial Mixed Use – 2

**Surrounding Zoning**

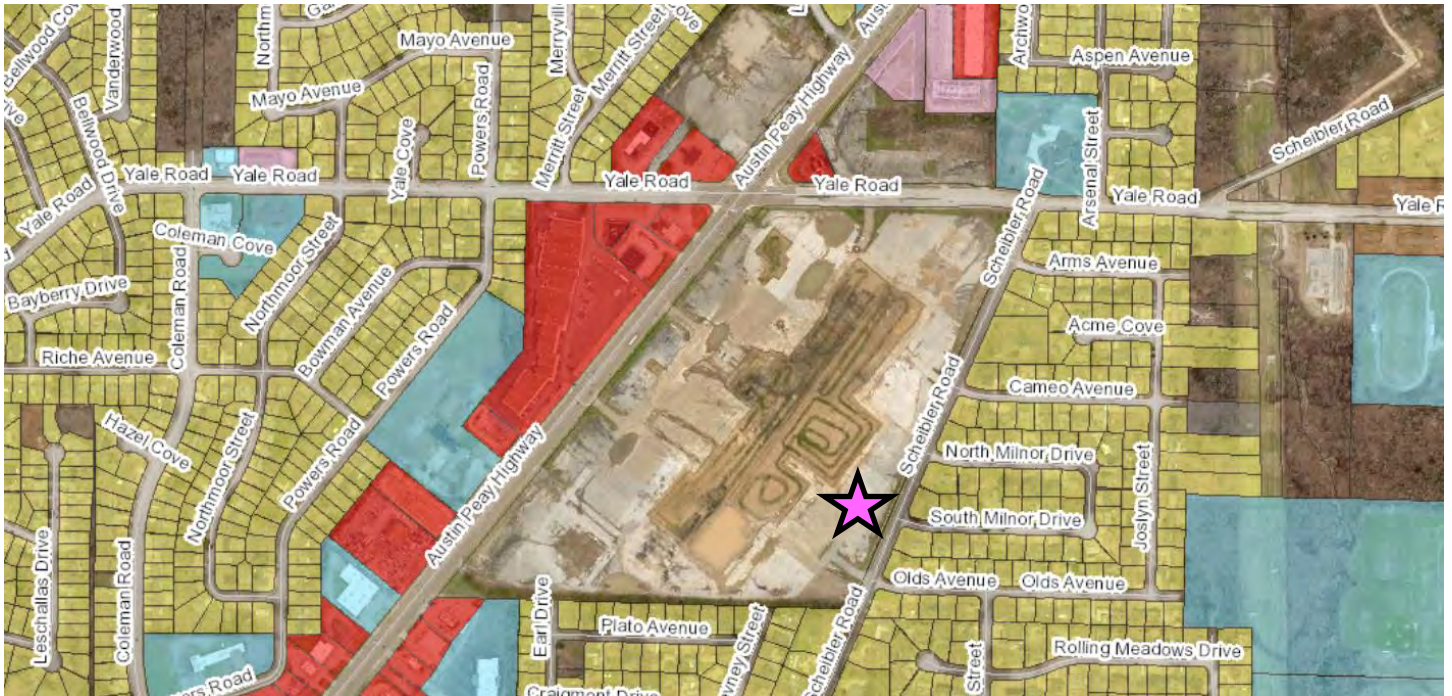
**North:** Commercial Mixed Use – 2

**East:** Residential – 10

**South:** Commercial Mixed Use – 2, then Residential – 8

**West:** Commercial Mixed Use – 2

**LAND USE MAP**



The subject parcel is no longer vacant. It now includes a library, police station, and park,



**SITE PHOTOS**



View of subject site



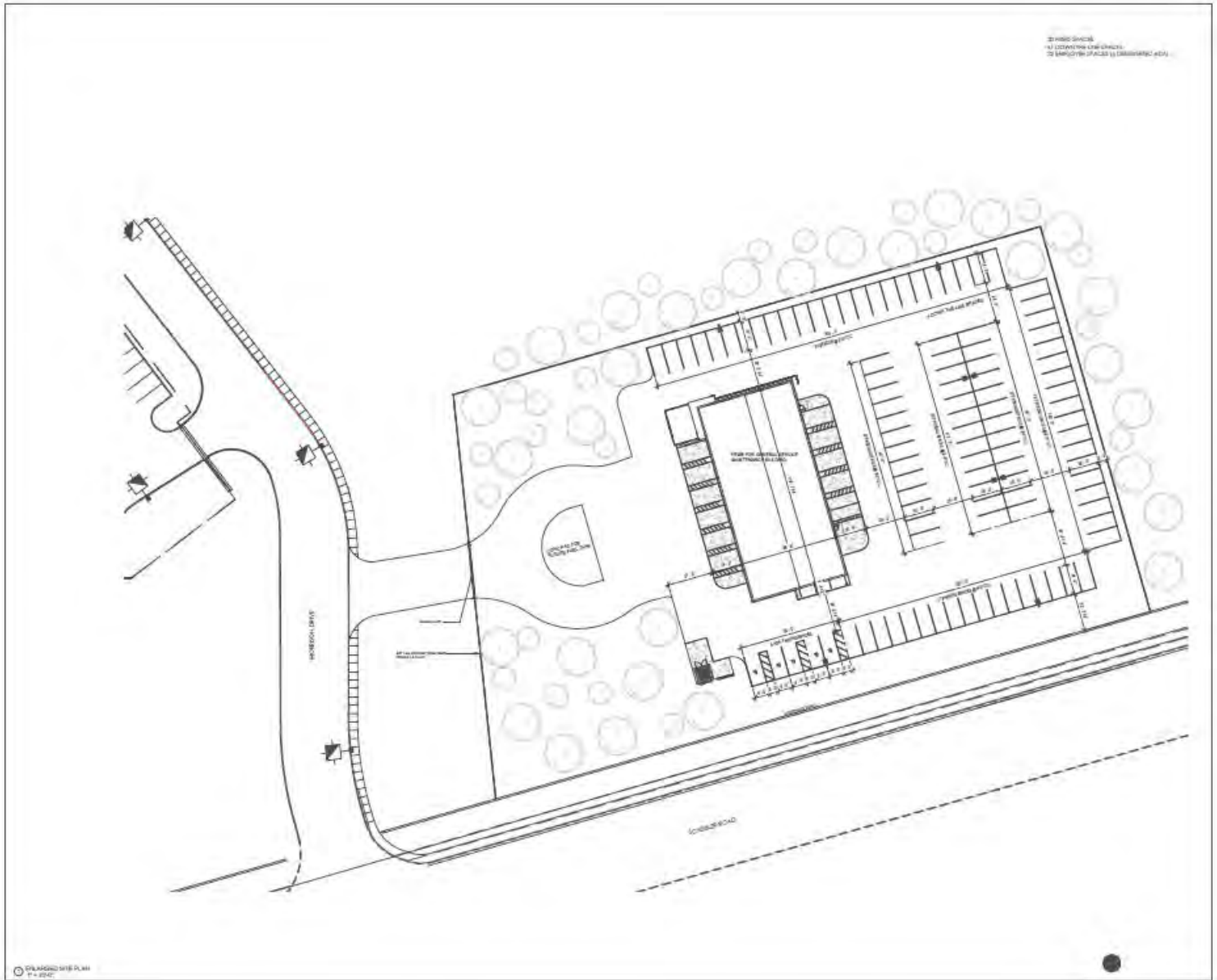
Alternative view of subject site





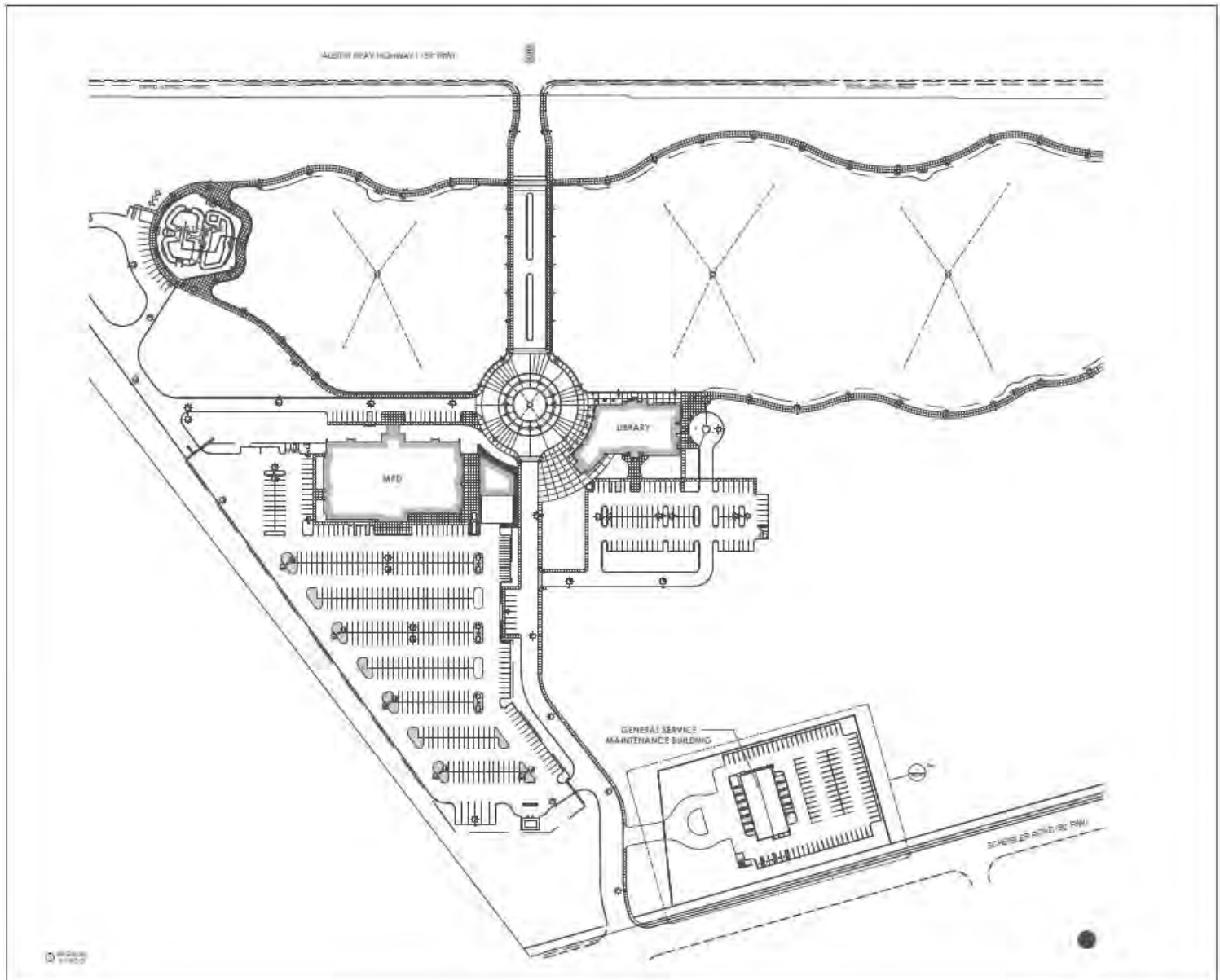
View north down Scheibler

**PROPOSED SITE PLAN**

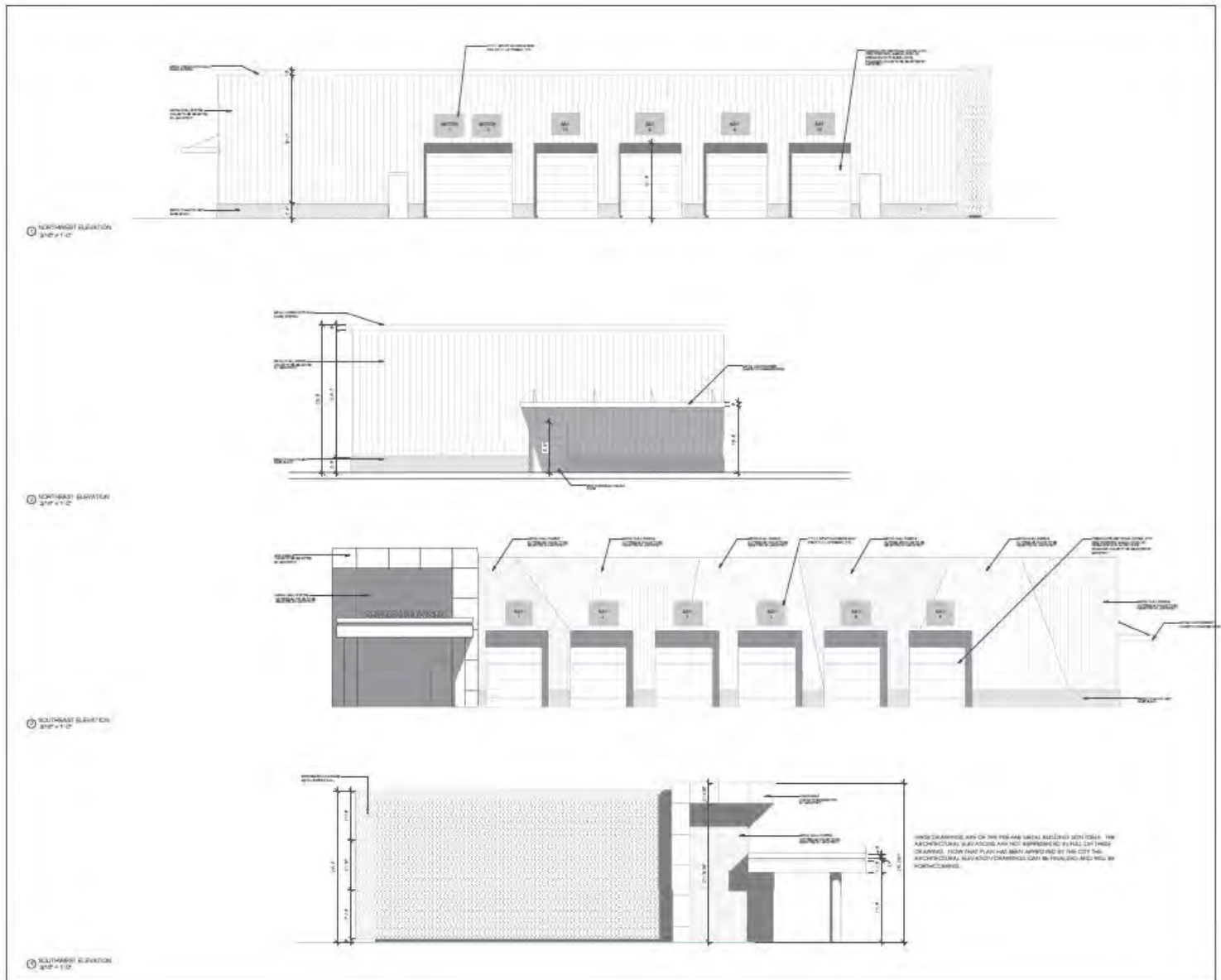


The dark trapezoidal lines show the approximate extent of land that the subject application concerns.

**PROPOSED SITE PLAN – IN CONTEXT OF LARGER PART OF WHOLE PARCEL**



### PROPOSED ELEVATIONS











## STAFF ANALYSIS

### Request

- The request is for:
- 1) Special use permit for vehicle repair (approvable by City Council)
  - 2) Major modification to reduce the minimum Scheibler setback from 200' to 20' (approvable by Land Use Control Board)
  - 3) Special exception from Section 4.8.3 to permit general outdoor storage (approvable by Land Use Control Board)

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

### Approval Criteria

Staff *agrees* the approval criteria in regard to 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 site consists of part of 3372 Austin Peay Highway and has 405 linear feet of frontage on Scheibler Road. The Scheibler frontage contains crepe myrtle trees, a sidewalk, a landscape strip, and a wall. The subject land is currently vacant. The parcel itself once housed the now-demolished Raleigh Springs Mall; it has since been purchased by the City and now contains a library, police station, and park.



**Conclusions**

The City of Memphis Division of Housing and Community Development has requested a special use permit for vehicle repair, a major modification to reduce the Scheibler setback from 200' to 20', and a special exception to permit general outdoor storage.

The General Services Division would operate the facility in service of Police Department vehicles. The site is owned by the City.

Staff finds that this proposal is consistent with the intent of the Unified Development Code and Memphis 3.0 Comprehensive Plan.

**RECOMMENDATION**

Staff recommends *approval* with the following conditions:

1. This approval shall not be construed to permit vehicle repair elsewhere in the Raleigh Springs Mall Regional Shopping Center.
2. The final plan and elevations shall be in substantial conformance with the conceptual proposal.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

1. No objections to this development.

### City Fire Division:

- 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:

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 Public and Quasi-Public Buildings and Uses (PQP). Public and Quasi-Public Building areas are public buildings used for recreation or as an institution, such as schools, churches, community center, libraries, and civic buildings. These places are easily accessible by foot or automobile and have formal access points that address the street.



### “PQP” Goals/Objectives:

The future land use designation seeks Institutional uses contributing to anchors, anchor neighborhoods, residential communities, contributions to civic space framework.

### “PQP” Form and Location Characteristics:

The future land use designation is appropriate for recreational and institutional uses.

*The request is for a special use permit, to allow a police precinct automobile repair shop. The current land is undeveloped land left over from the demolition of the Raleigh springs mall.*

*The application meets the criteria of Memphis 3.0 since the development corresponds to the future land use map. It provides a civic use in an area designated Public and Quasi-Public Buildings and Uses (PQP). It is a goal of the PQP designation to contribute to the civic space framework. The space while not directly accessible to the public operates in the public good by providing a service to the police force serving the community. While the use is an automobile repair shop it will be buffered from adjacent residential by a wall, plantings, and the street.*

## 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: open space to the north. Residential to the east. Civic uses and open space to the south and west. The subject site itself is open space. The subject site is surrounded by the following zoning districts: R-10 is to the east. CMU-2 is to the north south and west. The site itself is CMU-2.

*This requested land use is not compatible with all the adjacent land uses. The proposed land use is compatible with the other civic uses such as the police precinct. The single family residential to the east is not compatible with the automobile repair shop but will be buffered by a road, a wall, and plantings.*

#### 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

The project is located on land surrounded by an accelerate anchor but is not designated as part of the anchor. **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

#### Memphis Light, Gas and Water:

- **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.

<b>City Real Estate:</b>	No comments received.
<b>County Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Office of Sustainability and Resilience:</b>	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: August 31, 2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: City of Memphis Phone #: 901-636-6332

Mailing Address: 125 N Main St, Room 568 City/State: Memphis, TN Zip 38103

Property Owner E-Mail Address: Deborah.Massie@memphistn.gov

Applicant: City of Memphis, Division of Housing & Community Development (HCD) Phone # 901-636-7300

Mailing Address: 170 N Main St, 3rd floor City/State: Memphis, TN Zip 38103

Applicant E- Mail Address: Paul.Young@memphistn.gov

Representative: Mary Claire Borys, HCD Manager of Strategic Initiatives Phone #: 901-636-7375

Mailing Address: 170 N Main St, 3rd floor City/State: Memphis, TN Zip 38103

Representative E-Mail Address: Mary.Borys@memphistn.gov

Engineer/Surveyor: Jeremy Loudenbeck, Seaside Engineering & Surveying, LLC Phone # 901-881-9757

Mailing Address: 5567 Commander Drive STE 101 City/State: Arlington, TN Zip 38002

Engineer/Surveyor E-Mail Address: Jeremy.loudenbeck@seasilo.com

Street Address Location: 3452 Austin Peay Highway - address of new library; address has not yet been assigned for repair shop (this project)

Distance to nearest intersecting street: This parcel (085017 00001C) is located at the intersection of Austin Peay Highway and Yale Rd

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>66.9</u>		
Existing Zoning:	<u>CMU-2</u>		
Existing Use of Property	<u>vacant land</u>		
Requested Use of Property	<u>vehicle repair</u>		

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

Yes  No

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

Number of Residential Units:  \_\_\_\_\_ Bedrooms:  \_\_\_\_\_

Expected Appraised Value per Unit:  \_\_\_\_\_ or Total Project:  \_\_\_\_\_





### 9.6.9 Special Use Permit Approval Criteria

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

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

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

See attached

- 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).

See attached

- 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).

Yes, this project will be adequately served. All utility services (including fiber optic) were brought onto the site during initial construction with sufficient capacity for the new repair shop.

- 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, this project will not cause the destruction, loss, or damage of any significant natural, scenic, or historic importance. This project is located on the site of the rear parking lot of the former Raleigh Springs Mall which was demolished in 2017, and was left in rough-graded condition since the demolition in anticipation of this construction.

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

See attached

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

This project will support the new police station (Austin Peay Station) in providing services to the area. This project is consistent with Memphis 3.0, does not adversely affect any pertinent plans, and will not violate existing development standards for adjacent properties.



Raleigh Repair Shop  
SUP Application Questions Supplement  
Attached page #1

- **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 Repair Shop will not have undue adverse effects on adjacent property or the character of the neighborhood. This Repair Shop will be part of the Raleigh Springs Civic Center which currently includes a police station, library, skatepark, lake/retention basin, and walking trail. The Repair Shop is being placed here to provide necessary support to the MPD in the form of maintenance of police vehicles. All parking will be contained within the Center. There will be little-to-no impact on neighborhood traffic since the majority of the vehicles to be repaired will be MPD vehicles already deployed to the 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 Repair Shop is being designed to be consistent and compatible with the design of the adjacent library and police station by the same architect, O.T. Marshall Architects. The Repair Shop has been situated on the Civic Center site so as to minimize negative sound and visual impacts to visitors/residents of surrounding structures. The Repair Shop is separated from the new Raleigh branch library by an open field in which the library staff and community have long intended to pursue a community garden. It is 230 feet away from residential neighbors to the east, and 570 feet away from residential neighbors to the south. The building has been planned so that the shorter east and west sides, which face the residential neighborhood and library respectively, will not have bay doors. The brick wall and crepe myrtles along Scheibler Rd will not be disturbed.

The Repair Shop will be located directly across the internal access road (not a public street) from the MPD parking lot at Austin Peay Station. This road will provide access not only to Scheibler, but also to Austin Peay Highway, meaning that the Repair Shop's traffic (and the rest of the Center's traffic) will not all have to come and go through the residential neighborhood to the south.

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

In association with the Special Use Permit, the City administration seeks relief from a 200' setback established when the Raleigh Springs Mall existed. The Repair Shop would still have a Class III buffer standard (UDC 4.6.5) consistent with vehicle service & repair structures (UDC 2.6.3(P)). Without this relief, the Repair Shop would have to be placed immediately next to the new library where the community garden is intended to be placed.

The City administration also seeks relief from overnight parking restrictions under UDC 4.8.4 which allows no more than two (2) inoperable vehicles to be parked outside overnight in CMU-2 zoning. The large volume of vehicle maintenance which the MPD requires necessitates parking for up to 60 vehicles on the "Down Line" (i.e., waiting to be repaired). Although many, perhaps most, vehicles will be in operable condition, but it is likely that there will often be more than 2 inoperable vehicles on the lot. There will not be sufficient space within the Repair Shop for all inoperable vehicles to be moved indoors every night and then moved back outside in the morning

Raleigh Repair Shop  
SUP Application Questions Supplement  
Attached page #2

so that the Fleet Services staff can work on other vehicles. Relief from this overnight parking limitation is therefore necessary.

**LETTER OF INTENT**



**JIM STRICKLAND  
MAYOR**  
**DIVISION OF HOUSING &  
COMMUNITY DEVELOPMENT**

To: Memphis & Shelby County Office of Planning & Development  
Memphis & Shelby County Land Use Control Board

From: City of Memphis, Division of Housing & Community Development

Date: August 31, 2020

Re: Proposed Vehicle Repair Shop at Raleigh Springs Civic Center

**LETTER OF INTENT**

The City of Memphis, through its Division of Housing and Community Development, is continuing its redevelopment of the former Raleigh Springs Mall into Raleigh Springs Civic Center. The site where a deteriorated, blighted structure and empty parking lots once stood is now dominated by an 11-acre lake that provides storm water retention and has improved flooding on surrounding streets. A walking trail runs along the perimeter of the lake and will soon receive three (3) public art sculptures through the City's partnership with the Urban Arts Commission. To the south of the lake, the City's newest skatepark has already proven extremely popular. The new Raleigh Branch library is almost complete, and the officers and staff of the Memphis Police Department from Old Allen Station (to be closed) have already moved in. Eventually, the officers and staff from the Traffic and Special Operations Divisions will relocate from the police station on Union Avenue, which will allow the City administration to sell that site for private redevelopment.

The successful movement of the MPD's Traffic Division into Austin Peay Station is dependent on the presence of a repair shop to maintain their vehicles. Many people are not aware, but there is a large 12-bay repair shop located behind the Union Ave Station, in between in and Idlewild Elementary School. All police cars, and especially those driven by Traffic Division officers across our city's very large geographical area, require constant maintenance for the safety of the officers and the public.

Therefore, the City administration wishes to construct a Vehicle Repair Shop (referred to in some documents as the Raleigh Maintenance Shop) at Raleigh Springs Civic Center to provide the necessary support to the Memphis Police Department. This Repair Shop will only perform repair work on city-owned vehicles, including, but not limited to, oil changes, heat and air conditioning repair, tire replacement and alignment, and the repair and replacement of brakes, shocks, mufflers, transmissions, and engines. It will not include any auto body work or the dismantling of any vehicles for scrap. No impounded vehicles will be brought to or stored at this Repair Shop. The Repair Shop will be operated by the Office of Fleet Services in the General Services Division.

As proposed, this Repair Shop will sit on the eastern side of the Center, directly across the internal access road (not a public street) from the parking lot of the Austin Peay Station. It will be separated from the new library by an undeveloped space where library staff and the community intend to pursue a community garden. This Repair Shop will be partially shielded from the residential neighborhood to the east by the existing brick wall and row of crepe



Raleigh Springs Repair Shop  
Letter of Intent  
Page 2

myrtles that runs along Scheibler Road, as well as by new trees that will be planted on the interior side of the Scheibler Wall. The Repair Shop will be rectangular, with the bay doors located on the longer north and south walls. The short ends, which will face the residential neighborhood to the east and the new library to the west, will not have bay doors. The Repair Shop will have a total of twelve (12) repair bays, two (2) for motorcycles and ten (10) for cars, one of which will be used for wheel alignment. The Repair Shop will have a new iron fence on 3 sides, with the fourth utilizing the existing Scheibler wall, and will include 100 parking spaces – 20 for staff, 20 for repaired vehicles awaiting pickup (the “Go Line”), and 60 for cars waiting on repair (the “Down Line”). All parking will be contained within the fenced area. There will be no exterior public announcement system, nor will there be excessive lighting that would impact the nearby residential neighborhoods.

This Repair Shop will primarily consist of a pre-fabricated metal building and is being designed to be consistent with the modern style of the new library and Austin Peay Station. It has been situated within the Center so as to minimize impact on both the new library and on the nearby residential neighborhoods. The Repair Shop will be 230 feet away from the residential neighborhood to the east and 570 feet away from the residential neighborhood to the south. Trees and landscaping will be installed on all sides to help screen the Repair Shop from view.

The City administration seeks approval from the Land Use Control Board for 3 items:

1. A Special Use Permit to allow vehicle repair,
2. Relief from a 200-foot setback on the property leftover from the existence of the Mall, and
3. The ability to park more than 2 inoperable vehicles outside overnight.

The Raleigh Springs Civic Center is zoned CMU-2 which allows vehicle service by right but requires a special use permit for vehicle repair. Some of the work at the Repair Shop, particularly air conditioning repair and wheel alignment, falls under the category of vehicle repair. The City administration seeks this SUP so that the Repair Shop can be located in close proximity to the Austin Peay Police Station, particularly the Traffic Division, so that MPD vehicles can be quickly repaired, just as they are now in the repair shop next to the Union Avenue police station. To be clear, the Austin Peay Station and this Repair Shop will replace the station and shop on Union Avenue, allowing those facilities to be closed and the land sold. There are no other City-operated vehicle repair facilities in this area of the city that can handle the workload from the Union Avenue repair shop.

The 200' setback was put in place on the eastern side of the site along Scheibler Road, presumably to limit the development of outparcels along Scheibler that would negatively impact the adjacent residential neighborhood. On behalf of the City, HCD seeks relief from this setback in the area where the Repair Shop will be constructed. Without this relief, HCD would have to place the Repair Shop to the immediate east of the library parking lot. In addition to its impact on the library and the loss of the intended community garden space, this location is also problematic because of existing MLGW easements, storm water impacts on the library parking lot (drainage system does not have capacity for additional runoff), and most importantly, the likely presence of large underground structures (footings, basements, etc) leftover from the Mall that would have to be demolished, all of which would result in a significant cost increase to this project. With relief from the setback, the Repair Shop would still have a Class III buffer along Scheibler Road.

Under UDC 4.8.4, CMU-2 zoning only allows or limited outdoor storage. In the case of vehicle service and repair, that means that no more than two (2) inoperable vehicles may be parked outside overnight. As previously stated,



Raleigh Springs Repair Shop  
Letter of Intent  
Page 3

there may be up to 60 vehicles (max capacity) waiting to be repaired. While many of them will be operable, it is anticipated that there will regularly be more than two vehicles at a time that are not operable. There will not be sufficient space within the Repair Shop for all inoperable vehicles to be moved indoors every night and then moved back outside in the morning so that the Fleet Services staff can work on other vehicles. Relief from this overnight parking limitation is therefore necessary.

On behalf of the City administration, HCD looks forward to speaking with members of the Department of Planning, the Land Use Control Board, neighboring property owners, and community members about this project and the Special Use Permit and two items of relief being sought.

If you have any questions or need any additional information, please contact Mary Claire Borys, HCD Manager of Strategic Initiatives, at 901-361-1303 or [mary.borys@memphistn.gov](mailto:mary.borys@memphistn.gov).

List of Project Consultants

**Architect:**

O.T.Marshall Architects, P.C.  
5859 Ridge Bend Road  
Memphis, Tennessee 38120  
901-791-0115 F. 901-791-0116

**Mechanical / Plumbing / Fire Protection:**

IMS Engineers  
126 East Amite Street  
Jackson, Mississippi 39201  
601-968-9194 F. 601-968-9192

**Civil Engineer:**

Powers Hill Design, LLC  
80 Monroe Ave. Suite 420  
Memphis, Tennessee 38103  
901-543-8000 F. 901-543-8011

**Electrical Engineer:**

DePouw Engineering, LLC  
9056 South Corporate Drive  
Germantown, Tennessee 38138  
901-754-2535 F. 901-754-2536

**Structural Engineer:**

CSA Structures  
2851 Lamb Place  
Memphis, Tennessee 38118  
901-794-9815 F. 901-794-9817

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Mary Claire Borys, being duly sworn, depose and say that at 1:30 PM am/pm on the 28 day of September, 2020, I posted 5 Public Notice Sign(s) pertaining to Case No. SUP 20-13 at 3452 Austin Peay Hwy (Raleigh Springs Civic Center), providing notice of a Public Hearing before the X Land Use Control Board, \_\_\_\_\_ Memphis City Council, \_\_\_\_\_ Shelby County Board of Commissioners for consideration of a proposed Land Use Action ( \_\_\_\_\_ Planned Development, X 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.

Mary Claire Borys  
Owner/Applicant or Representative

9/28/20  
Date

Subscribed and sworn to before me this 28 day of September, 2020.

Pamela H Cain  
Notary Public



My commission expires: \_\_\_\_\_

**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: 11/17/2020**

*DATE*

**PUBLIC SESSION: 11/17/2020**

*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 20-20

**DEVELOPMENT:** Right-of-way closure and vacation

**LOCATION:** East-west public alley, known as Barboro Alley, located North of Gayoso Avenue between Wagner Place and Front Street

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

**OWNER/APPLICANT:** 99-105 S Front Street, LLC

**REPRESENTATIVES:** Michael J. Fahy, Prime Development Group

**EXISTING ZONING:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

**REQUEST:** Close and vacate the right-of-way of an east-west public alley known as Barboro Alley

**AREA:** +/-2,640 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
10/08/2020 _____	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
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>





## Memphis City Council Summary Sheet

### **SAC 20-20**

Resolution requesting to close and vacate public right-of-way of an east-west public alley, known as Barboro Alley, located North of Gayoso Avenue between Wagner Place and Front Street:

- 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): 99-105 S Front Street, LLC and Representative(s): Michael J. Fahy, Prime Development Group; and
- This item may require a new public improvement contract.



## RESOLUTION

**A resolution approving the closure and vacation of an east-west public alley, known as Barboro Alley, located north of Gayoso Avenue between Wagner Place and Front Street, known as case number SAC 20-20.**

**WHEREAS**, the City of Memphis is the owner of real property known as Barboro Alley, located north of Gayoso Avenue between Wagner Place and Front Street in Memphis, Tennessee and being more particularly described as follows:

Beginning at the Point of Commencement (P.O.C.) (N=199590.3581, E=200294.1675) at the intersection of the west line of South Front Street (right-of-way varies) with the north line of Gayoso Avenue (38 foot right-of-way); thence North 03 degrees 16 minutes 33 seconds West with the west line of South Front Street a distance of 186.25 feet to a point in the north line of the 99-105 Front Street, LLC property as described in Instrument 18124284 and being the point of beginning; (P.O.B.) (N=199776.3096, E=200283.6511); thence South 86 degrees 03 minutes 50 seconds West with the south line of the said 99-105 Front Street, LLC property a distance of 233.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 0.71 feet to a point; thence South 86 degrees 03 minutes 50 seconds West a distance of 31.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 9.29 feet to a point in the westerly projection of the south line of the Grivich property as described in Instrument HJ 9435; thence North 86 degrees 03 minutes 50 seconds East with the south line of the said Grivich property a distance of 264.00 feet to a point in the west line of South Front Street; thence South 03 degrees 16 minutes 33 seconds East with South Front Street a distance of 10.00 feet to the point of beginning and containing 2,618 square feet or 0.060 acres.

**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 and Development and desires to close the hereinabove described public right-of-way and 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

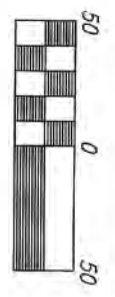
**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 8, 2020, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. 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 Deeds 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.



NOTE: BEARINGS ARE RELATIVE TO EACH OTHER ONLY.

DRAINAGE BASIN  
GAYOSO INTERCEPTER  
SEWER BASIN: FS-3  
PLAT NO. 1 OF 1  
SHEET 1 OF 1

ALLEY CLOSURE

DIVISION OF PUBLIC WORKS  
**BARBARO ALLEY**  
186'± NORTH OF GAYOSO AVE.  
MEMPHIS, TENNESSEE

SURVEY BY: Harris & Assoc. DATE: Aug 2018 BOOK:  
DRAWN BY: Harris & Assoc. DATE: July 2020 SCALE: 1"=50'

REVIEWED  
DEPUTY CITY ENGINEER

REVIEWED  
CITY ENGINEER

PROJECT NO.



**AGENDA ITEM:** 4

**CASE NUMBER:** SAC 20-20 **L.U.C.B. MEETING:** October 8, 2020

**LOCATION:** North of Gayoso Avenue between Wagner Place and Front Street

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

**APPLICANT:** 99-105 S Front Street

**REPRESENTATIVE:** Prime Development Group – Michael J. Fahy

**REQUEST:** Close and vacate the right-of-way of an east-west public alley known as Barboro Alley

**AREA:** +/-2,640 square feet

**EXISTING ZONING:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

## CONCLUSIONS

1. The applicant is seeking to close and vacate an east-west public alley known as Barboro Alley located north of Gayoso Avenue between Wagner Place and Front Street.
2. The applicant's intent is to alleviate safety concerns by securing the subject right-of-way with a gate.
3. 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*

**GENERAL INFORMATION**

**Zoning Atlas Page:** 2025

**Existing Zoning:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

**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 174 notices were mailed on September 25, 2020, and an additional 174 notices were mailed on September 29, 2020, to correct a minor defect in the original notice. 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, Downtown neighborhood

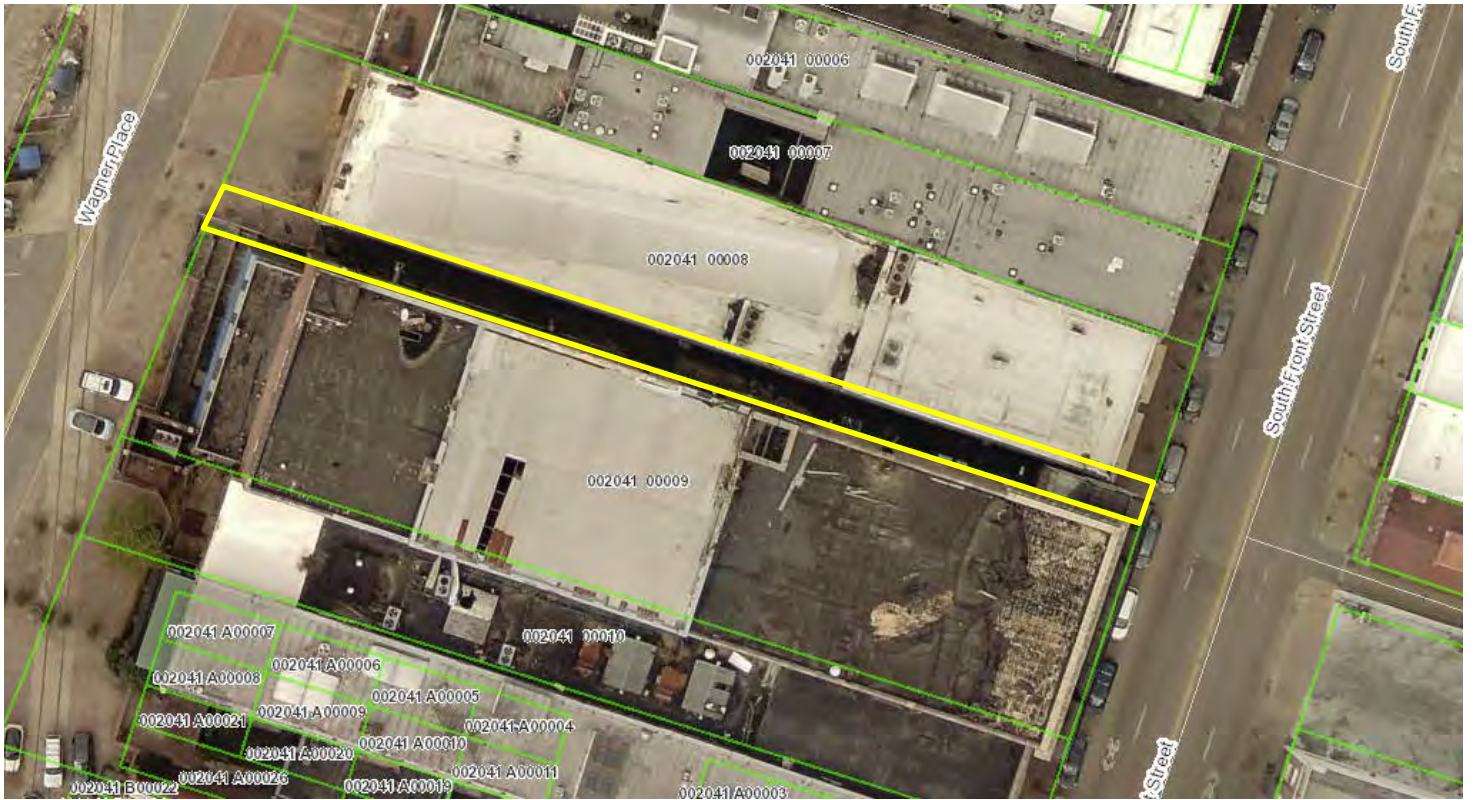
VICINITY MAP



Subject right-of-way highlighted in yellow



**AERIAL**



Subject right-of-way outlined in yellow, imagery from 2018



**ZONING MAP**



Subject right-of-way outlined in yellow

**Existing Zoning:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

**Surrounding Zoning**

**North:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

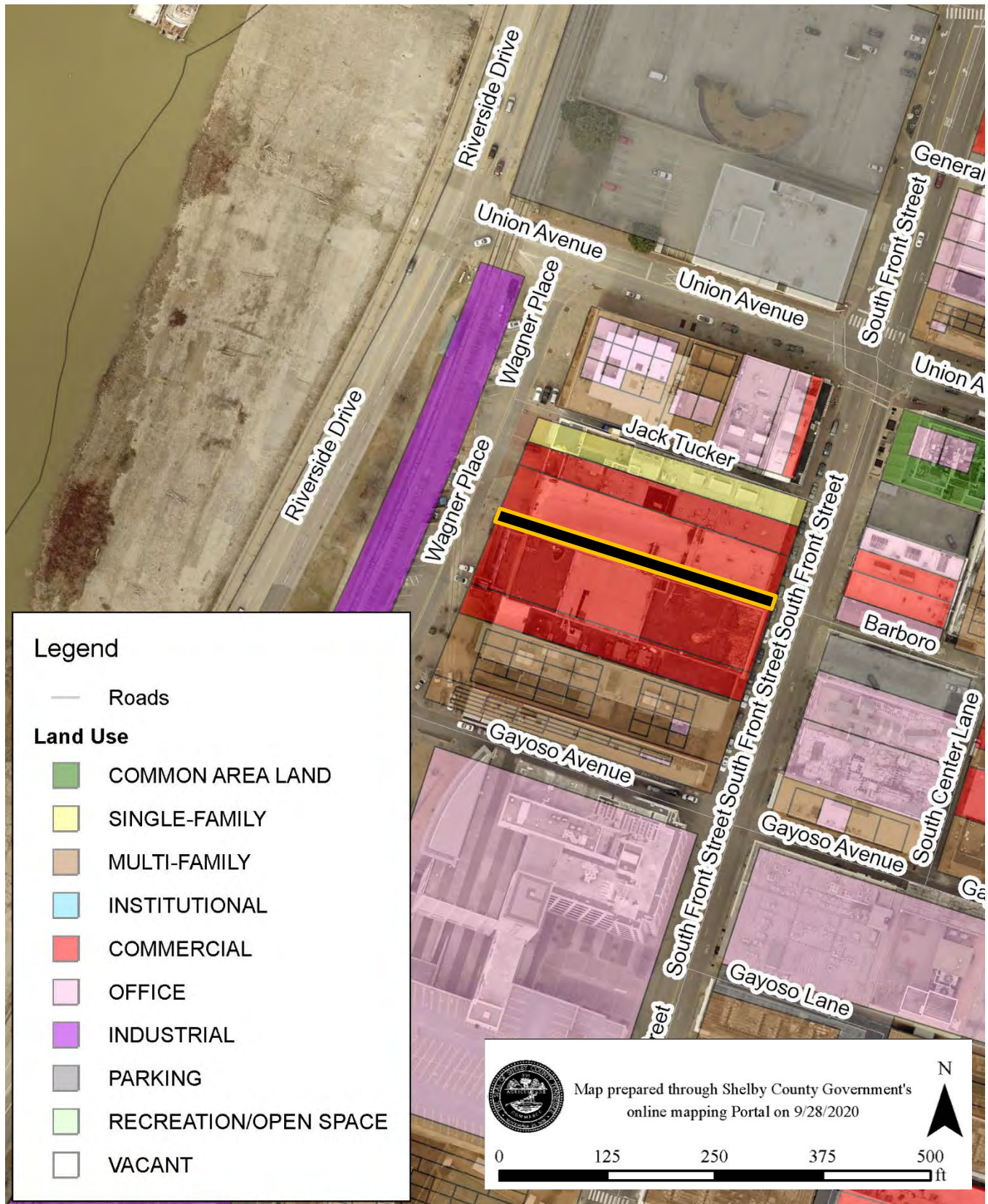
**East:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

**South:** Central Business District (CBD) and Cotton Row Historic District Overlay (H)

**West:** Central Business District (CBD)



LAND USE MAP



Subject right-of-way outlined in orange



**SITE PHOTOS**



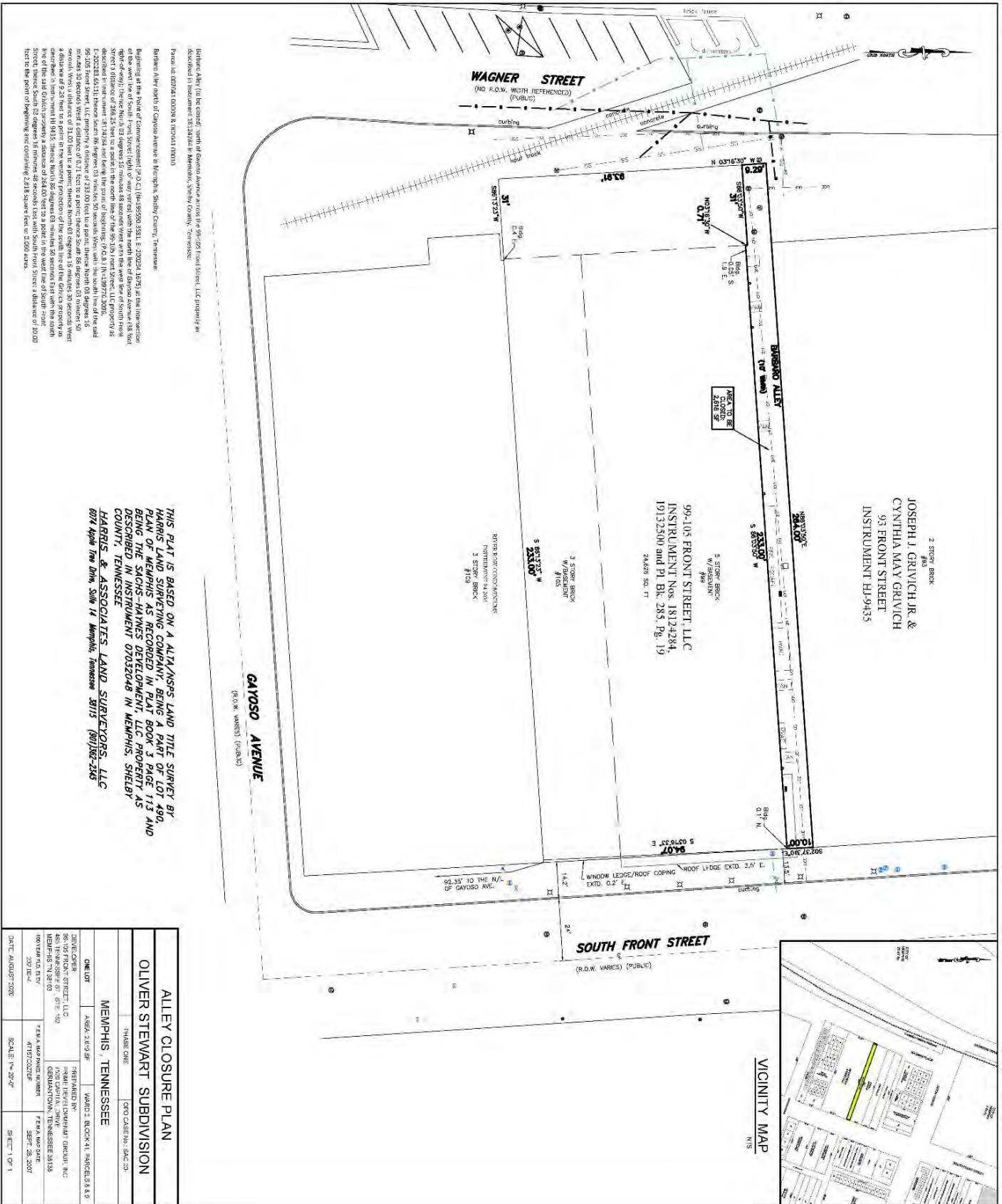
View of access point to the subject right-of-way from South Front Street looking west



View of access point to the subject right-of-way from Wagner Place looking east



VACATION PLAT



Ludlow Alley (to be closed) south of Gayoso Avenue across the 99-105 Front Street, LLC property as described in instrument 18124284 in Memphis, Shelby County, Tennessee.  
Parcel ID: 020741 00078 & 020741 00010

Barbara Meyer (to be closed) portion of Gayoso Avenue in Memphis, Shelby County, Tennessee.  
Beginning at the point of commencement (P.O.C.) (H495050 3581, E-20024 1075) at the intersection of the west line of South Front Street (right of way) with the north line of Gayoso Avenue (18' lot right of way); thence West 03 degrees 15 minutes 48 seconds West with the west line of South Front Street (right of way) a distance of 120.00 feet to the point of beginning; (P.O.B.) (N-1392713 0355, E-20024 65111) thence South 86 degrees 03 minutes 03 seconds West with the south line of the said 99-105 Front Street, LLC property a distance of 283.00 feet to a point; thence North 03 degrees 15 minutes 48 seconds West a distance of 31.00 feet to a point; thence North 03 degrees 15 minutes 48 seconds West a distance of 2.29 feet to a point in the westerly projection of the south line of the G.P.C. parcel as described in instrument HJ 9435; thence North 80 degrees 03 minutes 20 seconds East with the east line of the said 99-105 Front Street, LLC property a distance of 134.00 feet to the point of beginning; (P.O.B.) (N-1392713 0355, E-20024 65111) thence South 86 degrees 03 minutes 03 seconds West with the south line of the said 99-105 Front Street, LLC property a distance of 31.00 feet to the point of beginning and containing 2,818 Square Feet or 2,020 Acres.

**THIS PLAT IS BASED ON A ALTA/NSPS LAND TITLE SURVEY BY HARRIS LAND SURVEYING COMPANY, BEING A PART OF LOT 490, PLAN OF MEMPHIS AS RECORDED IN PLAT BOOK 3 PAGE 113 AND BEING THE SACHS-HAYNES DEVELOPMENT, LLC PROPERTY AS DESCRIBED IN INSTRUMENT 07032048 IN MEMPHIS, SHELBY COUNTY, TENNESSEE.**

**HARRIS & ASSOCIATES LAND SURVEYORS, LLC**  
807 1/2 Apple Tree Drive, Suite 14 Memphis, Tennessee 38115 (901) 502-2343

ALLEY CLOSURE PLAN	
OLIVER STEWART SUBDIVISION	
MEMPHIS, TENNESSEE	
ONE LOT	THREE ONE
DEVELOPER: STEWART, LLC 680 TENNESSEE ST. 5TH FL. MEMPHIS TN 38103	PREPARED BY: OLIVER STEWART CONSULTING, INC. 1700 CANTONMENT GENTLEMAN, TENNESSEE 38133
100 TOWN HILL BLVD. 207 BLDG.	FEA NUMBER: 18111 AT107 CODE: SEPT 28, 2007
DATE: AUGUST 2020	SCALE: 1" = 20'-0"
	SHEET: 1 OF 1

**LEGAL DESCRIPTION**

Tract 1

Barbaro Alley (to be closed) north of Gayoso Avenue across the 99-105 Front Street, LLC property as described in Instrument 18124284 in Memphis, Shelby County, Tennessee:

Parcel Id: 002041 00009 & 002041 00010

Barbaro Alley north of Gayoso Avenue in Memphis, Shelby County, Tennessee:

Beginning at the Point of Commencement (P.O.C.) (N=199590.3581, E=200294.1675) at the intersection of the west line of South Front Street (right-of-way varies) with the north line of Gayoso Avenue (38 foot right-of-way); thence North 03 degrees 16 minutes 48 seconds West with the west line of South Front Street a distance of 186.25 feet to a point in the north line of the 99-105 Front Street, LLC property as described in Instrument 18124284 and being the point of beginning; (P.O.B.) (N=199776.3096, E=200283.6511); thence South 86 degrees 03 minutes 50 seconds West with the south line of the said 99-105 Front Street, LLC property a distance of 233.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 0.71 feet to a point; thence South 86 degrees 03 minutes 50 seconds West a distance of 31.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 9.29 feet to a point in the westerly projection of the south line of the Grivich property as described in Instrument HJ 9435; thence North 86 degrees 03 minutes 50 seconds East with the south line of the said Grivich property a distance of 264.00 feet to a point in the west line of South Front Street; thence South 03 degrees 16 minutes 48 seconds East with South Front Street a distance of 10.00 feet to the point of beginning and containing 2,618 square feet or 0.060 acres.



## **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 section of public right-of-way of an east-west public alley known as a Barboro Alley located north of Gayoso Avenue between Wagner Place and Front Street. The reason for the request is safety concerns.

### **Site Description**

The subject right-of-way is a +/-10-foot wide and +/-264-foot long east-west public alley for a total area of +/-2,640 square feet located north of Gayoso Avenue between Wagner Place and Front Street. The subject right-of-way is located in-between parcel IDs 002041 00004 and 002041 00009.

### **Conclusions**

The applicant is seeking to close and vacate an east-west public alley known as Barboro Alley located north of Gayoso Avenue between Wagner Place and Front Street.

The applicant's intent is to alleviate safety concerns by securing the subject right-of-way with a gate.

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 easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. 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. Provide easements for any existing utilities or relocate at developer's expense. (There is no public sanitary sewer in the alley)
2. Provide Engineering with a closure plat.
3. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

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

- MLGW has existing utility distribution facilities within the present public road/alley right of way. The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc.
- It is the responsibility of the owner/applicant to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- MLGW reserves the right to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities,
- MLGW must be able to access any overhead or underground facilities. Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- No permanent structures, development or improvements are allowed within any utility easements, without prior MLGW written approval.
- 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.
- If there are existing fire hydrants within the proposed closure of the public right-of-way, these hydrants will become public hydrants on private property, and the owner/applicant will be billed an annual



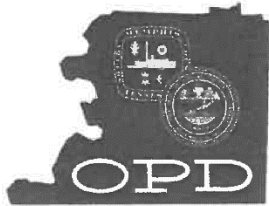
maintenance fee on a monthly basis by MLGW.

- If there are existing street lights within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- 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 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 will be allowed within any utility easements.
- 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 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 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 will be allowed within any utility easements.
- 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.
- 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.
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
  - All commercial developers must contact MLGW's Builder Services line at 729-8630 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.

**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 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

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

Date: 07/27/2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Barbaro Alley

Property Owner of Record: 99-105 Front Street Phone #: 901.-794-9494

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

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: 99-105 Front Street Phone # 901-794-9494

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

Applicant E- Mail Address: \_\_\_\_\_

Representative: Michael J. Fahy Phone #: 901-482-0375

Mailing Address: 7520 Capital Drive, Ste. 200, Germantown TN 38138 City/State: Germantown, TN Zip 38138

Representative E-Mail Address: mfahy@pdg-m.com

Engineer/Surveyor: Harris & Associates Phone # 901-362-2345

Mailing Address: 554 Greentree Cove, Ste. 102B City/State: Collierville TN Zip 38017

Engineer/Surveyor E-Mail Address: jwiseman@harrisassociateslandsurveyors.com

Closure Street Address Location: Alley Located between 93 and 99 South Front Street

Inside of Memphis City Limits  Yes  No

Unincorporated Shelby County  Yes  No

City of \_\_\_\_\_ Reserve Area  Yes  No

Distance to nearest intersecting street: 186.42+/- feet north of the north line of Gayoso (along S. Front Street) to the southeast corner of Barbaro Alley

Area of ROW: 2,640 Square-Feet/Acres Length x Width of ROW: 10' x 264'+/- Feet and

Closure starts at: East ROW line of Wagner Street

Proceeds to West ROW line of South Front Stret

Reason for Closure: Alley presents security issues and is no longer used for public access

**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: 07/27/2020 with Josh Whitehead

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.

[Signature] 7-28-20 [Signature] 7-28-20  
Property Owner of Record\*      Date      Applicant      Date

Cyndy Grivich 9/25/2020  
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.

LETTER OF INTENT



Prime Development Group, Inc.  
7520 Capital Drive, Ste. 200  
Germantown Tn 38138

(901) 753-6840 📞  
(901) 482-0375 📠  
mfahy@pdg-m.com 📧

July 31, 2020

Mr. Josh Whitehead  
Chief Planner  
Memphis & Shelby County  
Office of Planning & Development  
125 North Main Street, Suite 468  
Memphis TN 38103

RE: Barbaro Alley Closure between Wagner & S. Front

Dear Josh:

On behalf of the developer, 99-105 Front Street LLC, we are pleased to submit this application to request consideration to close a 10' wide alley between Wagner Street and South Front Street. The closure is approximately 186+/- feet north of the Gayoso Avenue right-of-way and the closure request is for the safety of the area. The conveyance of the 232'+/- alley will not result in the loss of public access. We believe that this request is in conformance with the intent of the UDC. We look forward to continuing to work with you and your staff on this project.

Sincerely,

Prime Development Group, Inc.

Michael J. Fahy  
President

20.008



**SIGN AFFIDAVIT**

County of Shelby  
State of Tennessee

I, Craig Royal, being duly sworn, depose and say that at approximately 11:45 AM on the 17<sup>TH</sup> day of September 2020 I posted two (2) Public Notice Sign pertaining to Case No. SAC 20-20 at the 99-105 S. Front Street, providing notice of a Public Hearing before the Land Use Control Board (Hearing on October 8, 2020) for consideration of a proposed SUP/CMCS Tower Request and two (2) photograph of said signs.

  
\_\_\_\_\_  
99-105 S. Front, LLC, Applicant  
Craig Royal, Agent

9/17/20  
Date

Subscribed and sworn to before me this 17<sup>th</sup> day of September 2020.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



**LETTERS RECEIVED**

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

## **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:** SAC 20-20  
**LOCATION:** East-west public alley, known as Barboro Alley, located North of Gayoso Avenue between Wagner Place and Front Street  
**COUNCIL DISTRICT(S):** District 6, Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** 99-105 S Front Street, LLC  
**REPRESENTATIVE:** Michael J. Fahy, Prime Development Group  
**REQUEST:** Right-of-way vacation  
**EXISTING ZONING:** Central Business District and Cotton Row Historic District Overlay (H)  
**AREA:** +/-2,640 square feet

---

**The following spoke in support of the application:** Michael Fahy

**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 9-0 on the regular agenda.**

Respectfully,



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

Cc: Committee Members  
File

**Conditions**

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. 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

October 8, 2020

99-105 Front Street  
495 Tennessee Street, Suite 152  
Memphis, TN 38103

*Sent via electronic mail to (applicant's representative): mfahy@pdg-m.com*

Case Number: SAC 20-20

LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, October 8, 2020, the Memphis and Shelby County Land Use Control Board recommended **approval** of your right-of-way vacation application to close and vacate the right-of-way of an east-west public alley known as Barboro Alley, subject to the following conditions:

1. Provide easements for any existing utilities or relocate at the developer's expense.
2. Submit a closure plat subject to review and approval by City Engineering.
3. 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.

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](mailto:jeffrey.penzes@memphistn.gov).

**Letter to Applicant**  
**SAC 20-20**

Respectfully,



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

Cc: Michael J. Fahy, Prime Development Group  
File



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

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

Date: 07/27/2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Barbaro Alley

Property Owner of Record: 99-105 Front Street Phone #: 901--794-9494

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

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: 99-105 Front Street Phone # 901-794-9494

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

Applicant E- Mail Address: \_\_\_\_\_

Representative: Michael J. Fahy Phone #: 901-482-0375

Mailing Address: 7520 Capital Drive, Ste. 200, Germantown TN 38138 City/State: Germantown, TN Zip 38138

Representative E-Mail Address: mfahy@pdg-m.com

Engineer/Surveyor: Harris & Associates Phone # 901-362-2345

Mailing Address: 554 Greentree Cove, Ste. 102B City/State: Collierville TN Zip 38017

Engineer/Surveyor E-Mail Address: jwiseman@harrisassociateslandsurveyors.com

Closure Street Address Location: Alley Located between 93 and 99 South Front Street

Inside of Memphis City Limits  Yes  No

Unincorporated Shelby County  Yes  No

City of Reserve Area  Yes  No

Distance to nearest intersecting street: 186.42+/- feet north of the north line of Gayoso (along S. Front Street) to the southeast corner of Barbaro Alley

Area of ROW: 2,640 Square-Feet/Acres Length x Width of ROW: 10' x 264'+/- Feet and

Closure starts at: East ROW line of Wagner Street

Proceeds to West ROW line of South Front Street

Reason for Closure: Alley presents security issues and is no longer used for public access

**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: 07/27/2020 with Josh Whitehead

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.

[Signature] 7-28-20 [Signature] 7-28-20  
 Property Owner of Record\* Date Applicant Date

[Signature] 9/25/2020  
 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.



**GUIDE FOR SUBMITTING  
RIGHT-OF-WAY VACATION/CLOSURE APPLICATION**

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 preliminary closure plat, shall be provided on sheets of 8.5"x11" in size. The application with original signatures of the applicant and adjacent property owners to the street or alley to be closed 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" Preliminary Closure Plat, Metes & Bounds Descriptions, Vicinity Maps, Property Deeds & Easements of Record, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Preliminary Closure Plat (folded), Original Instrument of Dedication.
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B **METES AND BOUNDS DESCRIPTION**

Two (2) copies of a metes and bounds description of the right-of-way to be closed, and four (4) copies of metes & bounds descriptions of those portions of the right-of-way which are to be quit claimed to adjacent property owners. Descriptions must read to the centerline unless the properties on either side of the right-of-way are under the same ownership.

**CLOSURE PLAT\***

C Two (2) prints 20" x 24", two (2) 8.5" x 11" reduced copies of the closure plat drawn to scale (1"=50' or =100') and prepared, certified and sealed by a Civil Engineer or Surveyor registered in the State of Tennessee. The plat must show the names of abutting property owners, all bearings and dimensions of the alley or street, dimensions and legal descriptions of abutting lots, existing buildings on adjacent lots, driveways, utilities, easements to be retained and a vicinity map.

\*A closure plat is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

**VICINITY MAP**

D Two (2) copies showing the subject property (boldly outlined) and all parcels adjacent to the section of the street or alley being closed. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

E **LIST OF NAMES AND ADDRESSES**

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels (1"x 2<sup>5/8</sup>" each for the owner of record, applicant, representative and/or engineer/surveyor.

**DEDICATION INSTRUMENT**

F A copy of the instrument which dedicated the right-of-way for public use must be submitted with the application.

\*A dedication instrument is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

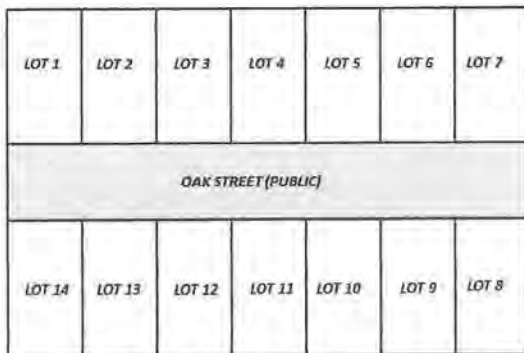
G. **FILING FEES** (All Fees Are Subject To Change without Prior Notice)  
 Submit a non-refundable check or money order in the amount of \$400.00. Make check payable to "M/SC Office of Planning and Development"

H. **SIGNATURES** (from Section 9.8.2 of the Unified Development Code)  
 The official application form shall include the signatures of all abutting property owners. If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-way if they so choose. Abutting property owners are those owners who will be recipients of all or a portion of the right-of-way proposed to be vacated and are the owners of record at the time the right-of-way vacation application is filed with the Planning Director. To qualify as a recipient of all or a portion of former right-of-way, an abutting property owner's parcel must be identified on the subdivision plat or Planned Development final plan through which the right-of-way proposed for vacation was originally dedicated to the City or County and that parcel must abut the right-of-way proposed for vacation. See graphics below for explanation. *Note: After an application has been filed with the Planning Director, the withdrawal of consent to the closure by an abutting property owner is prohibited.*

### TYPES OF STREET CLOSURES

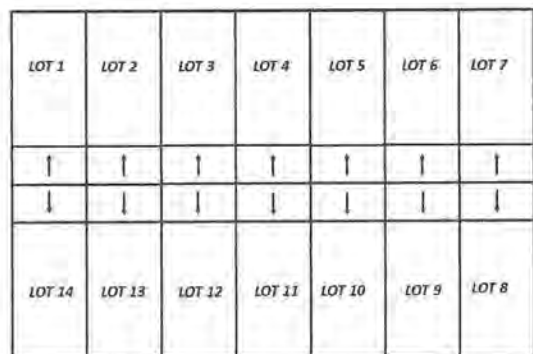
Example 1: Oak Street Closure.

Oak Street is a paper street that was never constructed. It is now strewn with weeds and undergrowth and the abutting owners now wish to take the area over and make it part of their rear yards. Oak Street was dedicated to the public with the recording of Oak Street Subdivision. This portion of Oak Street is abutted by Lots 1-14 of Oak Street Subdivision. Owners of Lots 1-14 will be required to sign off the application and be deeded their half of the street, unless the governing bodies approve the closure specifically allotting their half of the street to another property owner who has signed the application.



PLAT FOR OAK STREET SUBDIVISION

Before closure.

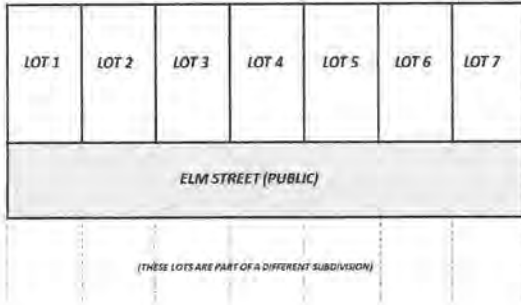


PLAT FOR OAK STREET SUBDIVISION

After closure.

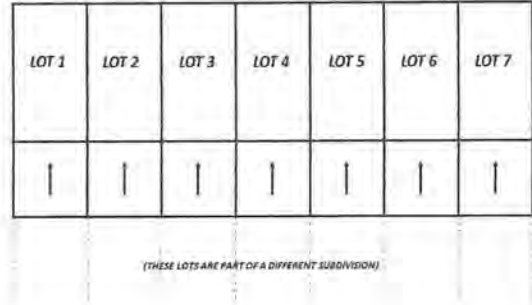
Example 2: Elm Street Closure.

Like Oak Street, Elm Street is a paper street and was never constructed. Unlike Oak Street, Elm Street was dedicated through a plat with lots on only one side of it. Therefore, only the lot owners on that side of the street will be required to sign the application.



PLAT FOR ELM STREET SUBDIVISION

Before closure.

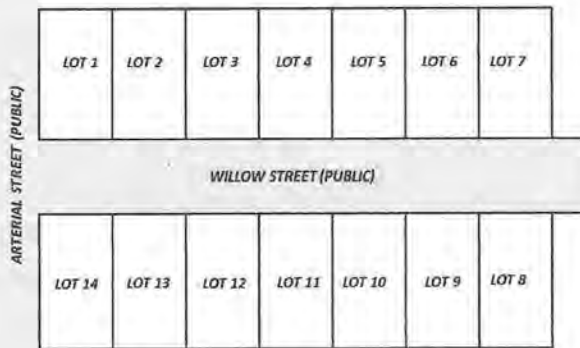


PLAT FOR ELM STREET SUBDIVISION

After closure.

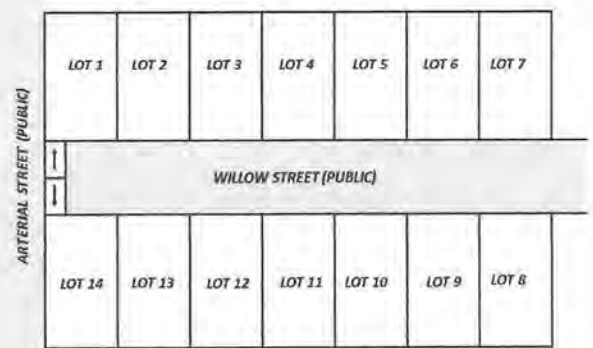
Example 3: Willow Street Closure.

Unlike Oak and Elm Streets, Willow Street is a built City street open to the public. Concerned with the traffic that cuts through the neighborhood from Arterial Street, the owners of Willow Street have proposed that the street remain public, but that the street be closed off at Arterial Street. Willow Street connects to the system of city streets from the other direction. With this scenario, only the owners of Lot 1 and 14 will be required to sign the application since only a small portion of Willow Street will be deeded to them.



PLAT FOR WILLOW STREET SUBDIVISION

Before closure.

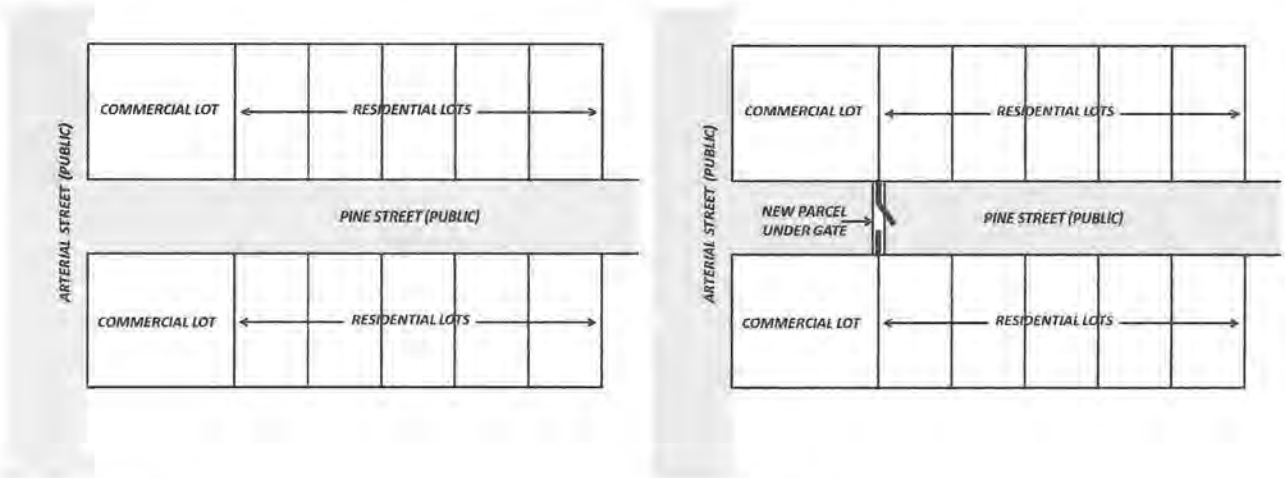


PLAT FOR WILLOW STREET SUBDIVISION

After closure.

**Example 4: Pine Street Closure**

Like Willow Street, Pine Street is a built City street open to the public. Unlike Willow Street, the owners along Pine Street do not want to vacate any right-of-way; instead, they wish to erect a gate for emergency access only in the public street. Pine Street connects to the system of city streets from another direction. This will require that the right-of-way under the gate be deeded to an established Homeowners Association to which the adjacent owners are members (the City will first deed the property to the adjacent owners, who can then immediately transfer it to the HOA). It will also require covenants to be recorded that will bind either the adjacent property owner(s), all lot owners within the subdivision or a homeowners association to take full responsibility and ownership of the gate and to hold the City or County harmless for any damages to the gate or vehicles that have struck the gate.



Before closure.

After closure.

**Example 5: Street Closures with active Homeowners Associations.**

If a street is to be closed and converted to a private drive that will be maintained by a duly chartered homeowners or property owners association, only the representative of the association will be required to sign the application.

**ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**



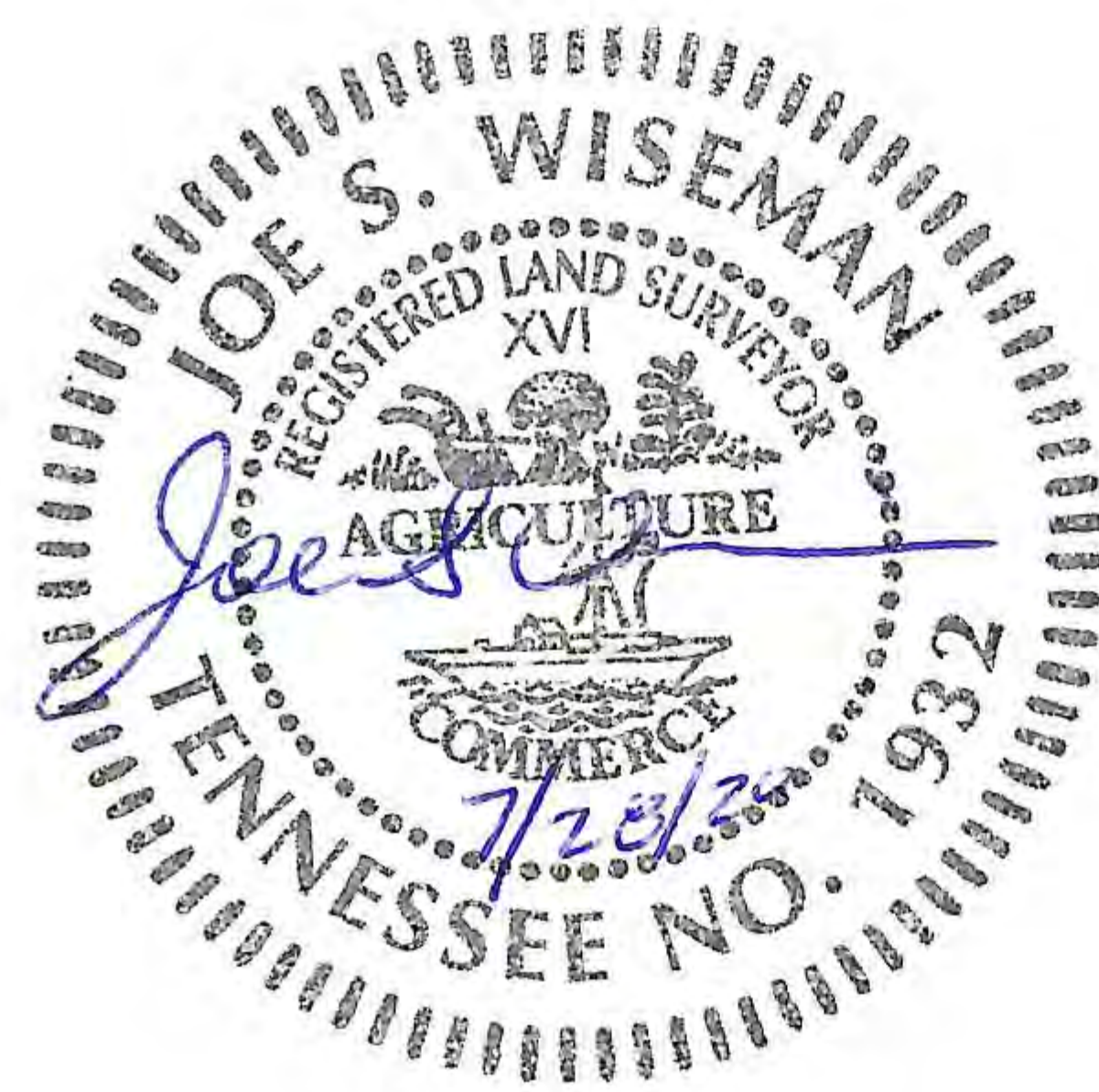
Tract 1

Barbaro Alley (to be closed) north of Gayoso Avenue across the 99-105 Front Street, LLC property as described in Instrument 18124284 in Memphis, Shelby County, Tennessee:

Parcel Id: 002041 00009 & 002041 00010

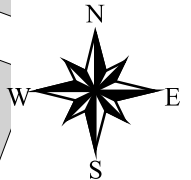
Barbaro Alley north of Gayoso Avenue in Memphis, Shelby County, Tennessee:

Beginning at the Point of Commencement (P.O.C.) (N=199590.3581, E=200294.1675) at the intersection of the west line of South Front Street (right-of-way varies) with the north line of Gayoso Avenue (38 foot right-of-way); thence North 03 degrees 16 minutes 48 seconds West with the west line of South Front Street a distance of 186.25 feet to a point in the north line of the 99-105 Front Street, LLC property as described in Instrument 18124284 and being the point of beginning; (P.O.B.) (N=199776.3096, E=200283.6511); thence South 86 degrees 03 minutes 50 seconds West with the south line of the said 99-105 Front Street, LLC property a distance of 233.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 0.71 feet to a point; thence South 86 degrees 03 minutes 50 seconds West a distance of 31.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 9.29 feet to a point in the westerly projection of the south line of the Grivich property as described in Instrument HJ 9435; thence North 86 degrees 03 minutes 50 seconds East with the south line of the said Grivich property a distance of 264.00 feet to a point in the west line of South Front Street; thence South 03 degrees 16 minutes 48 seconds East with South Front Street a distance of 10.00 feet to the point of beginning and containing 2,618 square feet or 0.060 acres.





# Vicinity Map



Date: 07/27/19  
Prepared By:  
Property Research Data  
PRD Job #20-060

200 0 200 400 600 Feet

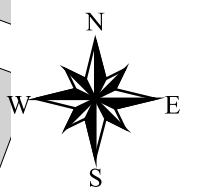
# Vicinity Map



200 0 200 400 600 Feet

November 17, 2020

Planning and Zoning Documents



Date: 07/27/19  
Prepared By:  
Property Research Data  
PRD Job #20-060

Page 277



Shelby County Tennessee  
*Shelandra Y. Ford*  
 Shelby County Register

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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.

18124284

12/05/2018 - 02:08 PM

6 PGS	
TAMMY 1813387-18124284	
VALUE	1200000.00
MORTGAGE TAX	0.00
TRANSFER TAX	4440.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	4473.00

**SHELANDRA Y FORD**

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



**This instrument prepared by:**

Sachs Law Group PLLC  
 155 East 55<sup>th</sup> Street, Suite 5F  
 New York, NY 10022

Upon Recording Return to:  
 Burch, Porter and Johnson  
 130 N. Court Ave.,  
 Memphis, TN 38103  
 Attn: Josh Lawhead

**SPECIAL WARRANTY DEED**

ADDRESS NEW OWNER(S) AS FOLLOWS: 99-105 Front Street, LLC 495 Tennessee Street, Ste. 152 Memphis, TN 38103	SEND TAX BILLS TO: 99-105 Front Street, LLC 495 Tennessee Street, Ste. 152 Memphis, TN 38103	TAX PARCEL #: 002041 00009 & 002041 00019 Address of Property: 99-105 S. Front St. Memphis, TN 38103
--	---	--

**FOR AND IN CONSIDERATION** of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **SACHS-HAYNES DEVELOPMENT, LLC** (herein referred to as "Grantor") has/have this day bargained and sold and, by these presents, does/do hereby transfer and convey unto **99-105 FRONT STREET, LLC, a Tennessee limited liability company** (herein referred to as "Grantee"), its heirs and assigns, forever, the following described tract or parcel of land located in Shelby County, Tennessee, to wit:

BEGINNING at the point on the West line of Front Street approximately 92.35 feet North of the Northwest corner of Front Street and Gayoso Avenue; thence Northeasterly along the West line of Front Street approximately 93.0 feet to a point in which the South side of a 15 foot alley intersects the West side of Front Street; thence Westwardly along the south side said 15 foot alley approximately 251.0 feet to a point in the East side of Wagner Street approximately 93 feet; thence Eastwardly parallel with the North line of Gayoso Avenue approximately 233 feet to the point of beginning. Said property being known as 99 through 105 South Front Street, Memphis, Tennessee 38103.

Being the same property conveyed to Sachs-Haynes Development, LLC from River Enterprises, Ltd aka River Enterprises, Ltd., Inc. by Warranty Deed dated February 20, 2007 and recorded on February 21, 2007 in Instrument No. 07032048 (the "Property").

TO HAVE AND TO HOLD said tract or parcel of land together with all the improvements thereon and the appurtenances thereunto belonging unto the said Grantee, its heirs and assigns, in fee simple, forever.

This Special General Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to all easements, restrictions, reservations and covenants now of

record and further subject to all matters described in Exhibit A attached hereto and incorporated herein by this reference to the extent the same are validly existing and applicable to the Property (hereinafter referred to collectively as the "**Permitted Exceptions**").

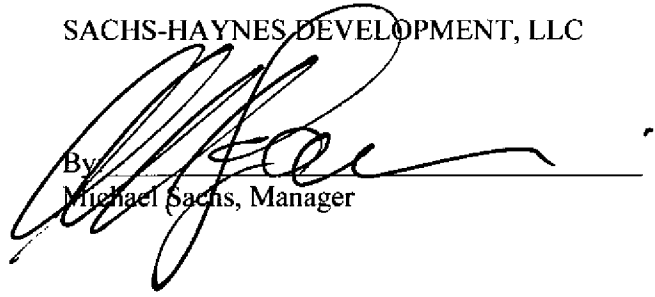
GRANTOR FURTHER COVENANTS with the said Grantee and binds itself, its heirs/successors and assigns, to warrant and forever defend the title thereto of said tract or parcel of land to the said Grantee, its heirs and assigns, against the lawful claims and demands of all persons claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise, subject to the Permitted exceptions.

Grantee acknowledges that Grantee has independently and personally inspected the Property. The Property is hereby conveyed to and accepted by Grantee in its present condition, "AS IS, WITH ALL FAULTS, AND WITHOUT ANY WARRANTY WHATSOEVER, EXPRESS OR IMPLIED."

EXECUTED as of November 30, 2018.

EXECUTED as of November 30, 2018.

SACHS-HAYNES DEVELOPMENT, LLC

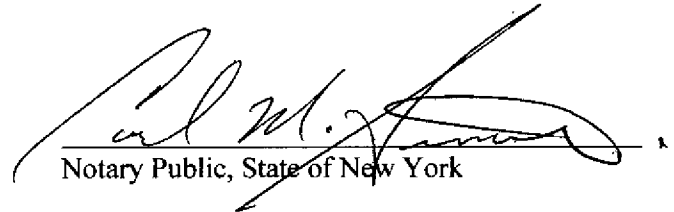
  
By \_\_\_\_\_  
Michael Sachs, Manager

STATE OF NEW YORK

§  
§  
§

COUNTY OF NEW YORK

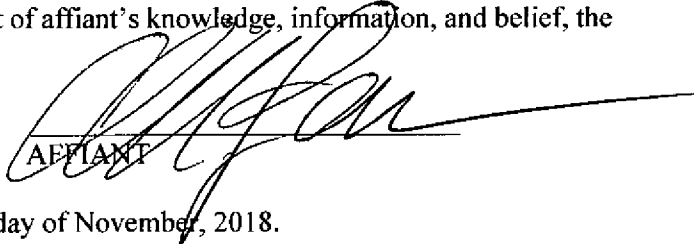
This instrument was acknowledged before me on November 29, 2018, by Michael Sachs, Manager of Sachs-Haynes Development, LLC, a Tennessee limited liability company, on behalf of said limited liability company.

  
\_\_\_\_\_  
Notary Public, State of New York

CARL M SIMMS  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01SI6188175  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES JUNE 02, 2020

STATE OF New York  
COUNTY OF New York

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 \$1,200,000.00.

  
AFFIANT

Subscribed and sworn to before me this 29 day of November, 2018.

  
NOTARY PUBLIC

My Commission Expires: 10/24/2020  
~~11/29/2018~~ 43





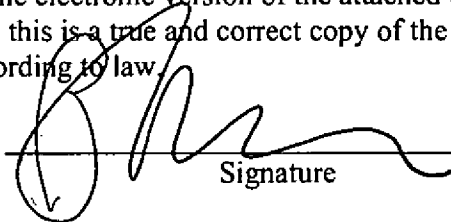
**EXHIBIT A**

**Permitted Exceptions**

1. 2019 City of Memphis and Shelby County property taxes.
2. All matters shown on the survey prepared by Harris & Associates Land Surveyors, LLC dated August 30, 2018 and known as file no. 18241

### True Copy Certification

I, Blake Sachs, 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.

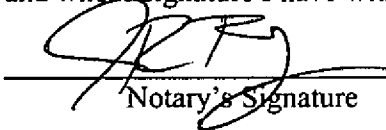
  
Signature

State of New York

County of New York

Personally appeared before me, Joel R. Borofsky, a notary public for this county and state, ~~[name of person making certification]~~ who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

\*Blake Sachs

  
Notary's Signature

My Commission Expires: 10/24/2020  
~~11/29/2018 AB~~  
Notary' Seal (if on paper)





Prime Development Group, Inc.  
7520 Capital Drive, Ste. 200  
Germantown Tn 38138

(901) 753-6840 📞  
(901) 482-0375 📞  
mfahy@pdg-m.com ✉️

July 31, 2020

Mr. Josh Whitehead  
Chief Planner  
Memphis & Shelby County  
Office of Planning & Development  
125 North Main Street, Suite 468  
Memphis TN 38103

RE: Barbaro Alley Closure between Wagner & S. Front

Dear Josh:

On behalf of the developer, 99-105 Front Street LLC, we are pleased to submit this application to request consideration to close a 10' wide alley between Wagner Street and South Front Street. The closure is approximately 186+/- feet north of the Gayoso Avenue right-of-way and the closure request is for the safety of the area. The conveyance of the 232'+/- alley will not result in the loss of public access. We believe that this request is in conformance with the intent of the UDC. We look forward to continuing to work with you and your staff on this project.

Sincerely,

Prime Development Group, Inc.

A handwritten signature in black ink, appearing to read 'M. J. Fahy', is written over the typed name.

Michael J. Fahy  
President

20.008

107 South Main LLC  
5384 Poplar Avenue  
Memphis, TN 38119-3609

55 South Main Condominium Owners  
600 S. Main Street, Ste. 101  
Memphis, TN 38103

66-113 South Main LLC  
495 Tennessee Street  
Memphis, TN 38103-2543

95 South Main Condominium Owners  
266 S. Front Street, Ste. 206  
Memphis, TN 38103

99 105 Front Street LLC  
495 Tennessee Street, Ste. 152  
Memphis, TN 38103-2549

A H Of Tennessee Incorporated  
851 Seahawk Circle, Ste. 107  
Virginia Beach, VA 23452

Anton-Martin Maria D  
71 Union Avenue, Unit 302  
Memphis, TN 38103-5168

Autozone Parts Incorporated  
P O Box 2198  
Memphis, TN 38101-2198

Baker Nash  
2208 Colquitt Street  
Houston, TX 77098-3303

Baker Philip D & Jamie F  
116 S. Front Street, Unit 201  
Memphis, TN 38103-2906

Barton Chad  
50 Gayoso Avenue, Unit 303  
Memphis, TN 38103-2931

Barton Flats Condominium Owners Assoc.  
115 S. Front Street, Ste. 2  
Memphis, TN 38103-2905

Bernasconi R L  
107 S. Front Street  
Memphis, TN 38103-2911

Blanche LLC  
48 S. Front Street  
Memphis, TN 38103

Brezina Daniel E  
95 S. Main Street, Unit 306  
Memphis, TN 38103-2900

Briggs Patrick  
7660 Fay Avenue, Ste. H-131  
La Jolla, CA 92037-4843

Britton Robyn J  
92 S. Main Street, Unit 305  
Memphis, TN 38103-2951

Burton Evan  
92 S. Main Street, Unit 104  
Memphis, TN 38103-2949

Butcher Hannah L  
107 S. Front Street, Unit 36  
Memphis, TN 38103-2911

Byrne Nicholas  
66 S. Front Street, Unit 33  
Memphis, TN 38103

Candebat Michel G & Deborah  
50 Gayoso Avenue, Unit 101  
Memphis, TN 38103

Carol C Coletta Living Trust  
41 Union Avenue, Unit 200  
Memphis, TN 38103-2419

Carpenter Laura E  
50 Gayoso Avenue, Unit 306  
Memphis, TN 38103-2926

Cherniske Mark M  
95 S. Main Street, Unit 303  
Memphis, TN 38103-2900

Chrestman Christopher  
50 Gayoso Avenue, Unit 203  
Memphis, TN 38103-2931

City Of Memphis  
125 N. Main Street  
Memphis, TN 38103-2026

Cotton Row Partners RE LLC  
13750 W. Colonial Drive, Ste. 350-409  
Winter Garden, FL 34787-4204

Council Of Owners River Row Condo.  
66 S. Front Street  
Memphis, TN 38103

Cuneo Matthew J & Milka Vazquez  
66 S. Front Street, Unit 32  
Memphis, TN 38103-2422

Dale M Lozier Living Trust  
1398 W. Shelby Drive  
Memphis, TN 38109-4806



Das Sourav  
92 S. Main Street, Unit 202  
Memphis, TN 38103

Diaz Leiberh N  
71 Union Avenue, Unit 303  
Memphis, TN 38103-5169

Dietzler Terry And Stacy Dietzler  
579 S. Front Street  
Memphis, TN 38103-4434

Distributors Investment Company GP  
60 S. Front Street, Ste. 201  
Memphis, TN 38103-2435

Do Viet H  
95 S. Main Street, Unit 503  
Memphis, TN 38103-2900

Duke Diane C  
116 S. Front Street, Unit 201  
Memphis, TN 38103-2906

Easton Tayler B  
71 Union Avenue  
Memphis, TN 38103-5169

Edwards Karen M  
95 S. Main Street, Unit 202  
Memphis, TN 38103

Ellis Joseph R & Lynn P  
3684 Vanderschaaf Drive  
Bartlett, TN 38133-0907

Esactius LLC  
91 S. Front Street, Unit 2  
Memphis, TN 38103-2954

Filament LLC  
356 S. Main Street  
Memphis, TN 38103

Fleischer Tim  
66 S. Front Street, Unit 34  
Memphis, TN 38103-2423

Fones Ellen  
699 Clanlo Drive  
Memphis, TN 38104

Fones Jere  
699 Clano Drive  
Memphis, TN 38104

Forty Nine Union LLC  
49 Union Avenue  
Memphis, TN 38103

Four Bees Development LLC  
1107 Summer Springs Road  
Collierville, TN 38017-9404

Fowler Charles Wesley  
71 Union Avenue, Unit 102  
Memphis, TN 38103-5143

Front Row Condominium Owners Assoc.  
P O Box 3078  
Memphis, TN 38173-0078

Fuson Steven J & Patrice D  
100 N. Grove Park Road  
Memphis, TN 38117-2440

Gammill Stephen Lane Jr.  
66 S. Front Street, Unit 23  
Memphis, TN 38103-2422

Gatlin William J  
1969 Milbrey Street  
Cordova, TN 38016-3009

Gayoso House LP  
P O Box 3661  
Memphis, TN 38173

GFLP Holdings LLC  
6245 River Grove Cove  
Memphis, TN 38120

Goiffon Amanda M  
95 S. Main Street, Unit 502  
Memphis, TN 38103-2900

Gordon Russell  
P O Box 797  
Memphis, TN 38101-0797

Greenberg Lester R And Anh Thu Luu  
813 Whittier Road  
Derby Line, VT 05830-9009

Grilliot Chris  
15407 S. Broadacres Road  
Hutchinson, KS 67501-8314

Grivich Joseph J Jr And Cynthia M  
93 S. Front Street  
Memphis, TN 38103-2905

Haining Sidney W  
96 S. Front Street  
Memphis, TN 38103

Haley Jonathan F & Amy Mayne  
88 Gayoso Avenue  
Memphis, TN 38103

Harkleroad Allan  
3713 Ashby Drive  
Flower Mound, TX 75022-8460

Harris Brothers Management Incorporated  
P O Box 13098  
Memphis, TN 38113-0098

Harris Terry  
89 S. Front Street  
Memphis, TN 38103-2947

Haynes Keith B  
50 Gayoso Avenue, Unit 201  
Memphis, TN 38103-2928

Heidelberg William M & Mary G Talbot  
95 S. Main Street, Unit 206  
Memphis, TN 38103-2944

Helgerson Kurt A  
71 Union Avenue, Unit 203  
Memphis, TN 38103-5143

Henry Ashley J And Dunbar C Henry  
95 S. Main Street, Unit 201  
Memphis, TN 38103-2944

Herndon David L  
107 S. Front Street, Unit 37  
Memphis, TN 38103-2911

Hilliard Justin B  
50 Gayoso Avenue, Unit 305  
Memphis, TN 38103

Holder Janice M  
P O Box 3244  
Memphis, TN 38173

Hutter Laura & Steven S  
95 S. Main Street, Unit 305  
Memphis, TN 38103-2900

Illinois Central Railroad  
545 S. Main Street  
Memphis, TN 38103-4819

IRA Resources Inc. FBO David M Greer  
1000 Broadway, Ste. 350  
Oakland, CA 94607-4068

James Dennis A & Mary P  
95 S. Main Street, Unit 403  
Memphis, TN 38103-2900

Jemison Frank Z Jr. Revocable Trust  
35 Union Avenue, Unit 200  
Memphis, TN 38103-2417

Jemison Jeanne S  
35 Union Avenue, Unit 402  
Memphis, TN 38103-2434

Jennings James T III & Jessica M Brown  
90 Waring Road  
Memphis, TN 38117-2432

JGG LLC  
851 Seahawk Circle, Ste. 107  
Virginia Beach, VA 23452-7828

Johnson Trinh Vu  
1840 Overton Park Avenue  
Memphis, TN 38112-5410

Kail Danny W & Soheila A  
2264 Glenalden Drive  
Germantown, TN 38139

Keralis George J  
95 S. Main Street, Unit 304  
Memphis, TN 38103-2900

Kirkscey David A And Julia H Kirkscey  
1454 Pecan Trees Drive  
Germantown, TN 38138-1814

Kirkscey John  
66 S. Front Street, Unit 31  
Memphis, TN 38103-2423

Knight Carly T  
1771 Carr Avenue  
Memphis, TN 38104-5129

Kornegay Gary & Nancy  
95 S. Main Street, Unit 401  
Memphis, TN 38103-2900

Lansky Family Revocable Trust  
92 S. Front Street  
Memphis, TN 38103-2906

Lauderdale Building LLC  
2245 S. Lauderdale Street  
Memphis, TN 38106

Liho Properties LLC  
7594 Tagg Drive  
Germantown, TN 38138-5827

Lockard Joseph C  
50 Gayoso Avenue, Unit 301  
Memphis, TN 38103-2931

Margolin Peter H & Jill J  
226 Dille Place  
Memphis, TN 38111

Maynor Susan H  
43 Union Avenue, Unit 2  
Memphis, TN 38103-2436

McCaffrey Michael  
92 S. Main Street, Unit 303  
Memphis, TN 38103-2951

McCullough James R & Leanne W  
6818 Slash Pine Cove  
Memphis, TN 38119-5617

McDonald Holdings LLC  
92 S. Main Street, Unit 301  
Memphis, TN 38103-2951

McNamara Michael & Alexis A  
50 Gayoso Avenue, Unit 406  
Memphis, TN 38103-2933

Meeks Edgar A Jr.  
95 S. Main Street, Unit 406  
Memphis, TN 38103-2919

Memphis Center City Revenue Finance Corp.  
114 N. Main Street  
Memphis, TN 38103

Memphis Center City Revenue Finance Corp.  
1519 Union Avenue, Unit 164  
Memphis, TN 38104-3726

Memphis Center City Revenue Finance Corp.  
65 Union Avenue, Ste. 1200  
Memphis, TN 38103-5144

Memphis Center City Revenue Finance Corp.  
200 S. College Street, Ste. 1520  
Charlotte, NC 28202-2065

Memphis Center City Revenue Finance Corp.  
65 Union Avenue  
Memphis, TN 38103

Memphis Center City Revenue Finance Corp.  
P O Box 2198, Dept. 8088  
Memphis, TN 38101-2198

Memphis Center City Revenue Finance Corp.  
100 Peabody Place, Ste. 1400  
Memphis, TN 38103-3654

Memphis Center City Revenue Finance Corp.  
114 N. Main Street  
Memphis, TN 38103

Memphis Convention & Visitors Bureau  
47 Union Avenue  
Memphis, TN 38103-2427

Memphis Convention & Visitors Bureau  
47 Union Avenue  
Memphis, TN 38103-2427

Memphis Cotton Exchange  
P O Box 3150  
Memphis, TN 38173

Memphis In May International Festival  
56 S. Front Street  
Memphis, TN 38103-2435

Meredith Michael W  
92 S. Main Street, Unit 203  
Memphis, TN 38103

Morris David M  
741 N. Congress Street  
Jackson, MS 39202-3009

Mtown Brothers Properties LLC  
465 S. Main Street, Unit 305  
Memphis, TN 38103-6433

Nce Realty LLC  
2901 Natchez Lane  
Memphis, TN 38111-2623

Nelson Kelly  
12621 Fox Run Cove  
Olive Branch, MS 38654-6539

Oblak Tomo  
107 S. Front Street, Unit 44  
Memphis, TN 38103-2911

OJP LLC  
107 S. Front Street, Unit 32  
Memphis, TN 38103-2911

O'Malley Peter  
92 S. Main Street, Unit 207  
Memphis, TN 38103-2950

One Hundred South Main Condominium  
114 N. Front Street  
Memphis, TN 38103

One One O Six Lofts Owners  
3360 Fontaine Road  
Memphis, TN 38116

One Union Place Condominium Association  
35 Union Avenue, Unit 200  
Memphis, TN 38103

Patel Bhumini & Amanda  
50 Gayoso Avenue, Unit 407  
Memphis, TN 38103-2933

Patil Mahadev R  
71 Union Avenue, Unit 304  
Memphis, TN 38103-5168

Peb Properties LLC  
5402 S. Angela Road  
Memphis, TN 38120-2206

Percer Family Revocable Trust  
92 S. Main Street, Unit 206  
Memphis, TN 38103-2950

Perkins Gordon Condominium Board  
116 S. Front Street  
Memphis, TN 38103-2906

Pettit Alice J  
107 S. Front Street  
Memphis, TN 38103-2911

Pillow Caleb  
66 S. Front Street, Unit 22  
Memphis, TN 38103-2422

Pitts Trenton W & Kristi G Frisch  
107 S. Front Street, Unit 46  
Memphis, TN 38103-2911

PKSB Enterprises LLC  
2030 Powers Ferry Road, Bldg. 400  
Atlanta, GA 30339

Pogodzinski Jeffrey  
107 S. Front Street, Unit 42  
Memphis, TN 38103-2911

Poston Robin  
50 Gayoso Avenue, Unit 401  
Memphis, TN 38103-2926

Powell William E  
2203 Washington Avenue  
Memphis, TN 38104-2847

Powers Christian  
3131 Democrat Road Bldg. C  
Memphis, TN 38118-1516

Powers William P & Lauran R  
1192 Auburn Woods Drive  
Collierville, TN 38017-4857

Revolution Salon And Gallery LLC  
109 S. Front Street  
Memphis, TN 38103

Richardson Lasonia  
717 S. Riverside Drive Apt. 903  
Memphis, TN 38103-1737

Robilio John S & Shawna  
333 Schermerhorn Street, Apt. 38R  
Brooklyn, NY 11217-3890

Settles Darnell III  
92 S. Main Street, Unit 101  
Memphis, TN 38103-2949

Shackelford Marvin G Jr.  
92 S. Main Street, Unit 205  
Memphis, TN 38103-2950

Shanahan Mallory F And Asa H Toney (RS)  
95 S. Main Street, Unit 101  
Memphis, TN 38103-2944

Shipp Charles E & Cornelia A  
110 Wagner Place  
Memphis, TN 38103-2908

Shoffner Charles W  
94 S. Main Street  
Memphis, TN 38103-2909

Short Virginia R  
92 S. Main Street, Unit 102  
Memphis, TN 38103-2949

Simmons David A  
107 S. Front Street  
Memphis, TN 38103-2911

Slominski Elizabeth And Radomir  
3500 Redmont Road  
Birmingham, AL 35213-2836

Smith Charles M And Christina S Brown  
92 S. Main Street, Unit 306  
Memphis, TN 38103-2951

Snoates And Company LLC  
107 S. Front Street, Unit 27  
Memphis, TN 38103-2911

Sorrels Regina C  
1202 W. Webster Avenue 2<sup>nd</sup> Floor  
Chicago, IL 60614-3109

Spiker Brian D  
1779 Kirby Parkway, Ste. 1  
Memphis, TN 38138

Stockton Brian  
66 S. Front Street, Unit 26  
Memphis, TN 38103-2428

Swords Michael  
92 S. Main Street, Unit 204  
Memphis, TN 38103-2950



Tacker Benjamin T Jr & Hanna H  
95 S. Main Street, Unit 501  
Memphis, TN 38103-2929

Taube Jodie  
66 S. Front Street, Unit 27  
Memphis, TN 38103-2428

Taylor Martin S & Heatherly G  
71 Union Avenue, Unit 101  
Memphis, TN 38103-5146

TGOD LLC  
127 Madison Avenue, Unit 1701  
Memphis, TN 38103-2180

Thoma Elsa T A  
2013 Boylston Avenue, Unit A  
Seattle, WA 98102-3519

Timpani Condominiums Incorporated  
1835 Union Avenue  
Memphis, TN 38104

TN Memphis Kitchen LLC  
112 Wagner Place, Unit 12  
Memphis, TN 38103-2908

Tucker Cynthia G  
43 Union Avenue  
Memphis, TN 38103-2436

Union Avenue Associates Ltd.  
65 Union Avenue, Ste. 1200  
Memphis, TN 38103-5144

Union Commons Condominium  
62 Union Avenue  
Memphis, TN 38103-5114

Vega Daniel J  
5067 Muirfield Cove  
Olive Branch, MS 38654-8283

Vergos John C & Ellen D  
355 N. Main Street  
Memphis, TN 38103-1529

Versnick Steven A  
107 S. Front Street  
Memphis, TN 38103

Watkins Belinda G  
1983 E. Arden Oaks Drive  
Germantown, TN 38139-5697

Webster Jimmy D III  
10 N. Main Street, Apt. 1001  
Memphis, TN 38103

Wetherill W Chattin III  
11039 Wexford Drive, Apt. 304  
Eads, TN 38028-9705

White Juanita  
71 Union Avenue, Unit 301  
Memphis, TN 38103-5143

Williams Caleb  
66 S. Front Street, Unit 21  
Memphis, TN 38103-2422

Wilson Megan E And Donna J Brown  
71 Union Avenue, Unit 201  
Memphis, TN 38103-5143

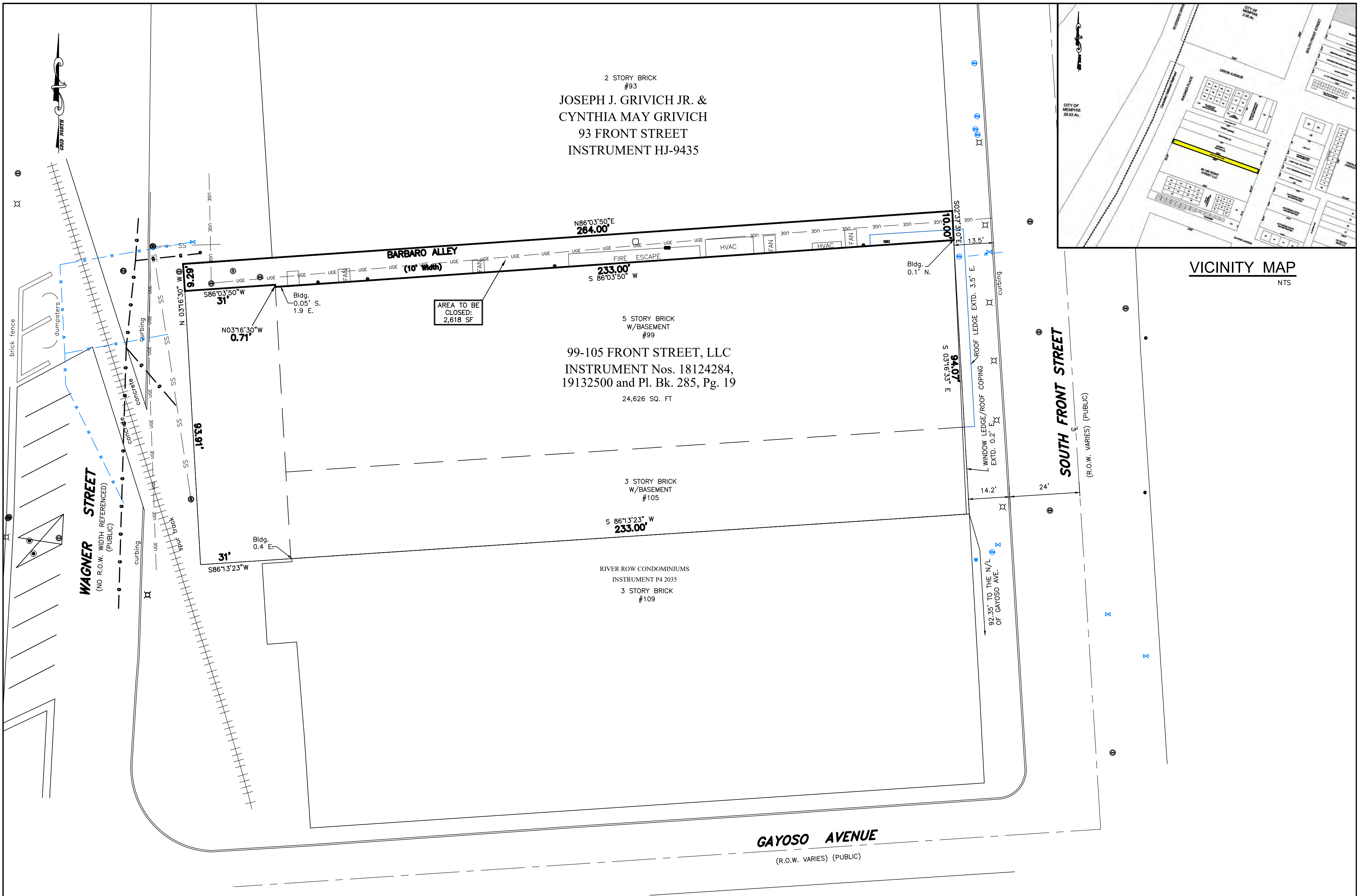
Wilson Spence L & Rebecca W  
8700 W. Trail Lake Drive, Ste. 300  
Memphis, TN 38125

Yakkala Harish & Krishna P Solleti  
10520 Larson Bay Lane  
Collierville, TN 38017-9424

York Garry E  
107 S. Front Street  
Memphis, TN 38103-2911

Lot #	Owners Name	Lot #	Owners Name
1	NCE Realty LLC	51	Watkins Belinda G
2	Williams Caleb	52	Robilio John S & Shawna
3	Pillow Caleb	53	Cherniske Mark M
4	Gammill Stephen Lane Jr.	54	Keralis George J
5	Fones Jere	55	Hutter Laura & Steven S
6	Fones Ellen	56	Kornegay Gary & Nancy
7	Stockton Brian	57	Kornegay Gary & Nancy
8	Taube Jodie	58	James Dennis A & Mary P
9	Kirkscey John	59	Do Viet H
10	Cuneo Matthew J & Milka Vazquez	60	Jennings James T Iii & Jessica M Brown
11	Byrne Nicholas	61	Tacker Benjamin T Jr & Hanna H
12	Fleischer Tim	62	Goiffon Amanda M
13	Spiker Brian D	63	Do Viet H
14	Ira Resources Inc Fbo David M Greer	64	95 South Main Condominium Owners
15	Slominski Elizabeth And Radomir	65	TGOD LLC
16	Front Row Condominium Owners Assoc.	66	Heidelberg William M & Mary G Talbot
17	Holder Janice M	67	Brezina Daniel E
18	Holder Janice M	68	Meeks Edgar A Jr.
19	Holder Janice M	69	Settles Darnell III
20	55 South Main Condominium Owners	70	Short Virginia R
21	Memphis Center City Revenue Finance Corp.	71	Richardson Lasonia
22	Memphis Cotton Exchange	72	Burton Evan
23	Memphis Center City Revenue Finance Corp.	73	James Dennis A & Mary P
24	Memphis Cotton Exchange	74	Das Sourav
25	Liho Properties LLC	75	Meredith Michael W
26	Liho Properties LLC	76	Swords Michael
27	Easton Tayler B	77	Shackelford Marvin G Jr.
28	McCullough James R & Leanne W	78	Percer Family Revocable Trust
29	Taylor Martin S & Heatherly G	79	O'Malley Peter
30	Fowler Charles Wesley	80	McDonald Holdings LLC
31	Wilson Megan E And Donna J Brown	81	Slominski Elizabeth And Radomir
32	Sorrels Regina C	82	McCaffrey Michael
33	Helgerson Kurt A	83	TGOD LLC
34	Ellis Joseph R & Lynn P	84	Britton Robyn J
35	White Juanita	85	Smith Charles M And Christina S Brown
36	Anton-Martin Maria D	86	Dietzler Terry And Stacy Dietzler
37	Diaz Leiberh N	87	Shoffner Charles W
38	Patil Mahadev R	88	One One O Six Lofts Owners
39	Union Commons Condominium	89	Haley Jonathan F & Amy Mayne
40	Memphis Center City Revenue Finance Corp.	90	Baker Nash
41	Shanahan Mallory F And Asa H Toney (RS)	91	Duke Diane C
42	Lauderdale Building LLC	92	Baker Philip D & Jamie F
43	Kirkscey David A And Julia H Kirkscey	93	Perkins Gordon Condominium Board
44	Yakkala Harish & Krishna P Solleti	94	66-113 South Main LLC
45	Mtown Brothers Properties LLC	95	66-113 South Main LLC
46	Henry Ashley J And Dunbar C Henry	96	66-113 South Main LLC
47	Edwards Karen M	97	66-113 South Main LLC
48	Powers William P & Lauran R	98	Memphis Center City Revenue Finance Corp.
49	Johnson Trinh Vu	99	Memphis Center City Revenue Finance Corp.
50	Grilliot Chris	100	Memphis Center City Revenue Finance Corp.

Lot #	Owners Name	Lot #	Owners Name
101	Memphis Center City Revenue Finance Corp.	151	Council Of Owners River Row Condominiums
102	Memphis Center City Revenue Finance Corp.	152	Poston Robin
103	Gayoso House LP	153	Thoma Elsa T A
104	Jemison Frank Z Jr. Revocable Trust	154	Barton Chad
105	Jemison Frank Z Jr. Revocable Trust	155	Cotton Row Partners Re LLC
106	Jemison Frank Z Jr. Revocable Trust	156	Powers Christian
107	Jemison Frank Z Jr. Revocable Trust	157	McNamara Michael & Alexis A
108	PKSB Enterprises LLC	158	Patel Bhumini & Amanda
109	Jemison Frank Z Jr. Revocable Trust	159	Lockard Joseph C
110	Jemison Frank Z Jr. Revocable Trust	160	Harkleroad Allan
111	Jemison Frank Z Jr. Revocable Trust	161	Barton Chad
112	Jemison Frank Z Jr. Revocable Trust	162	Wetherill W Chattin III
113	Jemison Frank Z Jr. Revocable Trust	163	Hilliard Justin B
114	Wilson Spence L & Rebecca W	164	Carpenter Laura E
115	Jemison Jeanne S	165	Webster Jimmy D III
116	One Union Place Condominium Association	166	Haynes Keith B
117	Dale M Lozier Living Trust	167	Margolin Peter H & Jill J
118	Maynor Susan H	168	Chrestman Christopher
119	Carol C Coletta Living Trust	169	Four Bees Development LLC
120	Tucker Cynthia G	170	Candebat Michel G & Deborah
121	Dale M Lozier Living Trust	171	Kail Danny W & Soheila A
122	Memphis Convention & Visitors Bureau	172	Greenberg Lester R And Anh Thu Luu
123	Timpani Condominiums Incorporated	173	Barton Flats Condominium Owners Assoc.
124	Forty Nine Union LLC		
125	Vergos John C & Ellen D		
126	Bernasconi R L		
127	Pitts Trenton W & Kristi G Frisch		
128	Herndon David L		
129	Oblak Tomo		
130	Herndon David L		
131	Butcher Hannah L		
132	Pettit Alice J		
133	Powell William E		
134	Snoates And Company LLC		
135	York Garry E		
136	Vega Daniel J		
137	Nelson Kelly		
138	Shipp Charles E & Cornelia A		
139	TN Memphis Kitchen LLC		
140	Gordon Russell		
141	Fuson Steven J & Patrice D		
142	Gatlin William J		
143	Simmons David A		
144	Pogodzinski Jeffrey		
145	Peb Properties LLC		
146	Knight Carly T		
147	OJP LLC		
148	Revolution Salon And Gallery LLC		
149	Briggs Patrick		
150	Versnick Steven A		



2 STORY BRICK  
#93  
JOSEPH J. GRIVICH JR. &  
CYNTHIA MAY GRIVICH  
93 FRONT STREET  
INSTRUMENT HJ-9435

5 STORY BRICK  
W/BASEMENT  
#99  
99-105 FRONT STREET, LLC  
INSTRUMENT Nos. 18124284,  
19132500 and Pl. Bk. 285, Pg. 19  
24,626 SQ. FT.

3 STORY BRICK  
W/BASEMENT  
#105  
233.00'

RIVER ROW CONDOMINIUMS  
INSTRUMENT P4 2035  
3 STORY BRICK  
#109

AREA TO BE  
CLOSED:  
2,618 SF

VICINITY MAP  
NTS

Barbaro Alley (to be closed) north of Gayoso Avenue across the 99-105 Front Street, LLC property as described in Instrument 18124284 in Memphis, Shelby County, Tennessee:

Parcel Id: 002041 00009 & 002041 00010

Barbaro Alley north of Gayoso Avenue in Memphis, Shelby County, Tennessee:

Beginning at the Point of Commencement (P.O.C.) (N=199590.3581, E=200294.1675) at the intersection of the west line of South Front Street (right-of-way varies) with the north line of Gayoso Avenue (38 foot right-of-way); thence North 03 degrees 16 minutes 48 seconds West with the west line of South Front Street a distance of 186.25 feet to a point in the north line of the 99-105 Front Street, LLC property as described in Instrument 18124284 and being the point of beginning; (P.O.B.) (N=199776.3096, E=200283.6511); thence South 86 degrees 03 minutes 50 seconds West with the south line of the said 99-105 Front Street, LLC property a distance of 233.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 0.71 feet to a point; thence South 86 degrees 03 minutes 50 seconds West a distance of 31.00 feet to a point; thence North 03 degrees 16 minutes 30 seconds West a distance of 9.29 feet to a point in the westerly projection of the south line of the Grivich property as described in Instrument HJ 9435; thence North 86 degrees 03 minutes 50 seconds East with the south line of the said Grivich property a distance of 264.00 feet to a point in the west line of South Front Street; thence South 03 degrees 16 minutes 48 seconds East with South Front Street a distance of 10.00 feet to the point of beginning and containing 2,618 square feet or 0.060 acres.

*THIS PLAT IS BASED ON A ALTA/NSPS LAND TITLE SURVEY BY HARRIS LAND SURVEYING COMPANY, BEING A PART OF LOT 490, PLAN OF MEMPHIS AS RECORDED IN PLAT BOOK 3 PAGE 113 AND BEING THE SACHS-HAYNES DEVELOPMENT, LLC PROPERTY AS DESCRIBED IN INSTRUMENT 07032048 IN MEMPHIS, SHELBY COUNTY, TENNESSEE*

HARRIS & ASSOCIATES LAND SURVEYORS, LLC  
6074 Apple Tree Drive, Suite 14 Memphis, Tennessee 38115 (901)362-2345

ALLEY CLOSURE PLAN		
OLIVER STEWART SUBDIVISION		
PHASE ONE	OPD CASE No.: SAC 20-	
MEMPHIS, TENNESSEE		
ONE LOT	AREA: 2,619 SF	WARD 2, BLOCK 41, PARCELS 8 & 9
DEVELOPER: 99-105 FRONT STREET, LLC 495 TENNESSEE ST., STE. 152 MEMPHIS TN 38103		PREPARED BY: PRIME DEVELOPMENT GROUP, INC. 7520 CAPITAL DRIVE GERMANTOWN, TENNESSEE 38138
100 YEAR FLD. ELEV. 232.00+/-	F.E.M.A. MAP PANEL NUMBER 47157C0270F	F.E.M.A. MAP DATE: SEPT. 28, 2007
DATE: AUGUST 2020	SCALE: 1"= 20'-0"	SHEET 1 OF 1 Page 294



**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)
_____	_____	COMPTROLLER
_____	_____	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:**

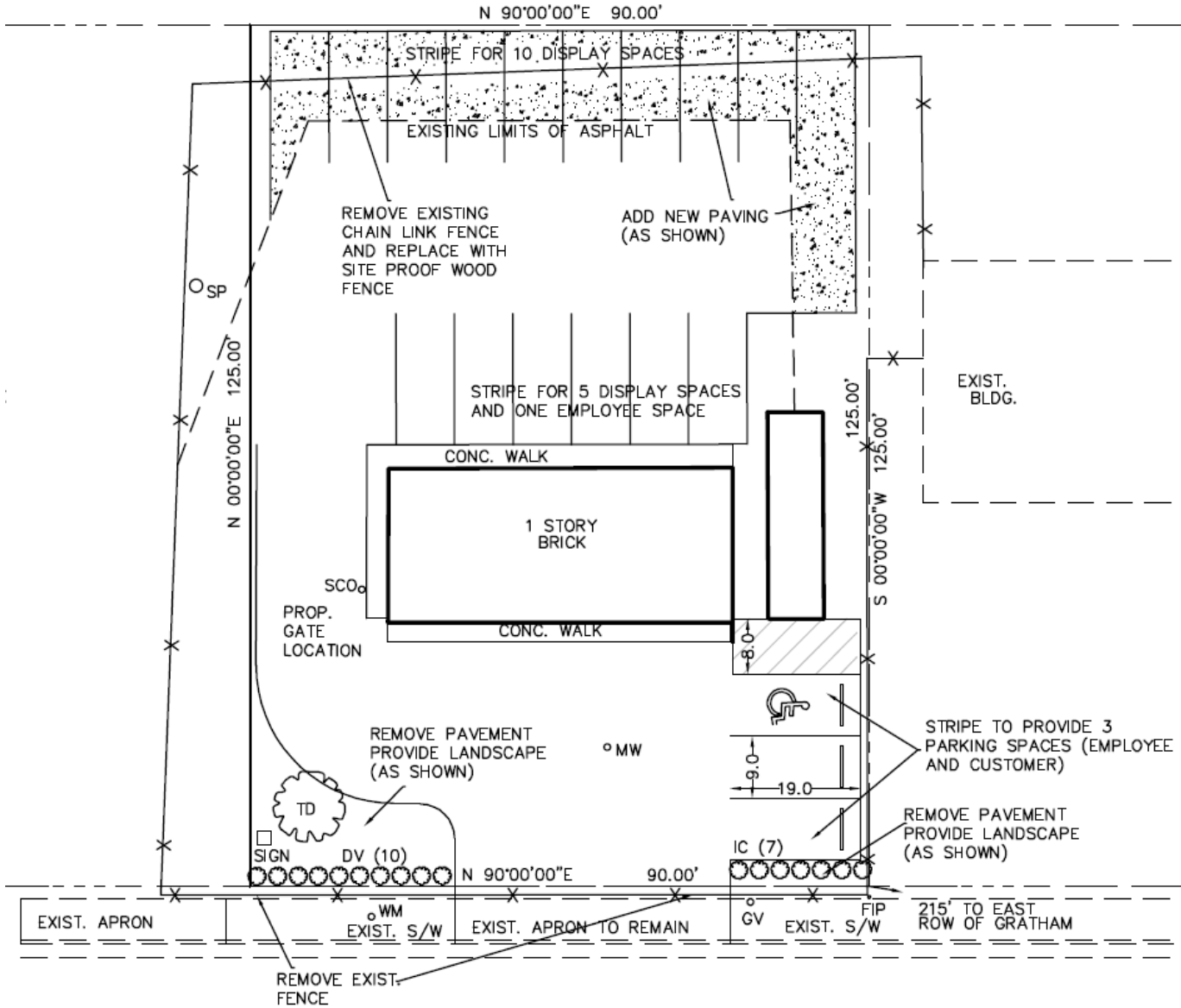
## CONDITIONS

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:

<b>CASE NUMBER:</b>	SUP 20-7
<b>LOCATION:</b>	590 East Raines Road
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8
<b>OWNER/APPLICANT:</b>	Negotiable Taxes, Inc.
<b>REPRESENTATIVE:</b>	David Bray of the Bray Firm
<b>REQUEST:</b>	Special Use Permit for Vehicle Sales
<b>EXISTING ZONING:</b>	Commercial Mixed Use – 1
<b>AREA:</b>	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**

<b>Street Frontage:</b>	E. Raines Rd.	(Minor Arterial)	90 linear feet
<b>Zoning Atlas Page:</b>	2425		
<b>Parcel ID:</b>	076016 00007		
<b>Existing Zoning:</b>	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

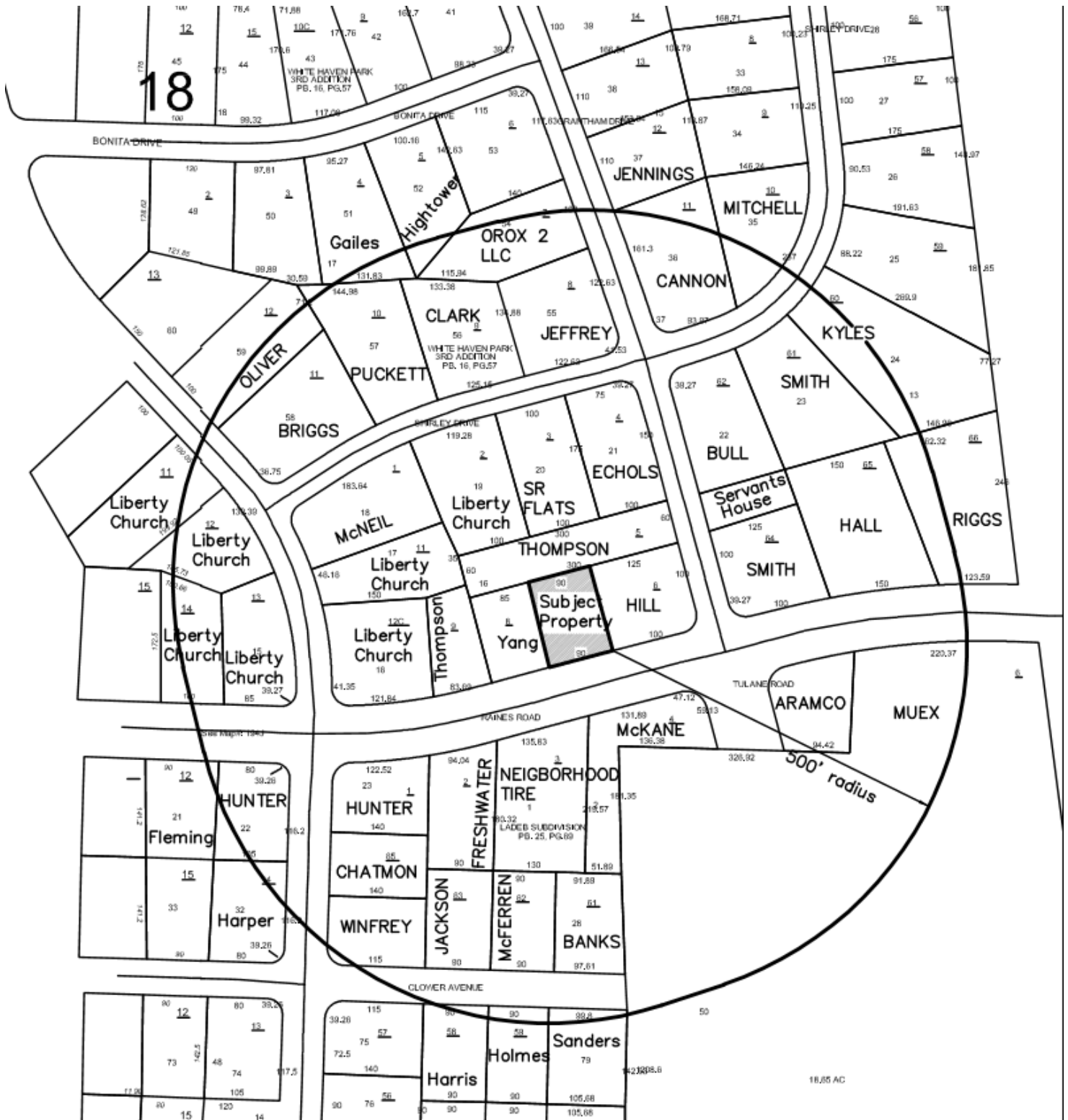
### LACEY MOSBY'S THIRD ADDITION TO WHITEHAVEN PARK SUBDIVISION (1952)



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

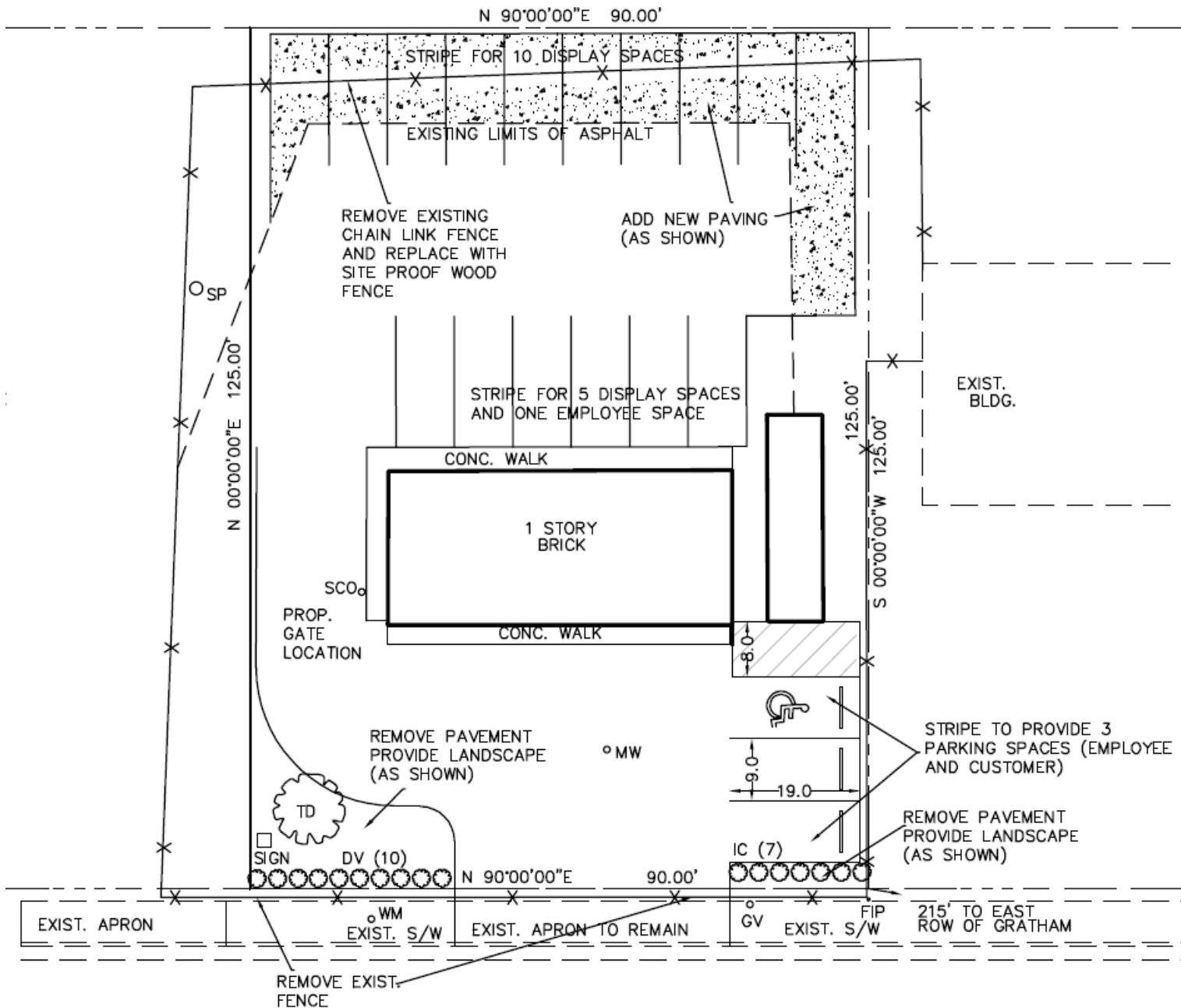


View of rear of lot.

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:**

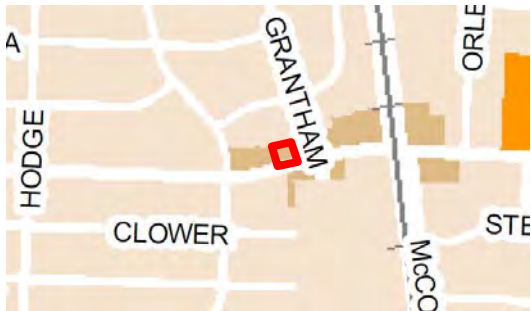
Site Address/location: 590 E. Raines

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

<b>City Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Office of Sustainability and Resilience:</b>	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.





*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: July 30, 2020

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Jaromirski Bruno Phone #: 901-794-9240

Mailing Address: 9936 Oban Drive City/State: Cordova, TN Zip 38016

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: Rafat Khmous Phone # 901-550-6912

Mailing Address: 8509 Wolf Valley City/State: Bartlett, TN Zip 38133

Applicant E- Mail Address: khmous1@hotmail.com

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

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

Representative E-Mail Address: tim@mccaskillinc.com

Engineer/Surveyor: McCaskill 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: 5050 Summer Ave.

Distance to nearest intersecting street: Northeast corner of Summer Avenue & Bartlett Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.06 Acres</u>	_____	_____
Existing Zoning:	<u>CMU-3</u>	_____	_____
Existing Use of Property	<u>Vacant</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: \_\_\_\_\_



**Variations:** 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.**

\_\_\_\_\_ Date      Pray Hall Applicant      8-3-20 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 x \_\_\_\_\_  
 (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).

No the project will not have an undue adverse effect upon adjacent property, character of the neighborhood, etc.

- 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).

Yes the project will be constructed, arranged and operated to be 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).

There is adequate existing public facilities and services.

- 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 will be no destruction, loss or damage of any feature of significant natural, scenic or historic importance.

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

The project will comply with all additional standards imposed on it by any particular provisions authorizing the Special Use requested.

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

This request will not adversely effect any plans to be considered or violate the character of existing standards for development of the adjacent properties.



**GUIDE FOR SUBMITTING  
SPECIAL USE PERMIT/AMENDMENT APPLICATION**

- 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 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" Site/Concept Plan, Plot 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" Site/Concept Plan (folded) and a copy of Deed(s).
  - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

*(For additional information concerning these requirements contact Land Use Control Section at (901) 636-6619.)*

- 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 development is to be designed, arranged and operated in order to limit impact to neighboring properties.
  - d) A description of the applicant's planning objectives and the approaches to be followed in achieving those objectives.
  - e) For applications for CMCS (cell) towers, the letter of intent shall also commit the tower owner and his or her successors to allow shared use of the tower **if** capacity exists based on existing and planned use (see UDC Sub-Item 2.6.21(2)(a)(5)).

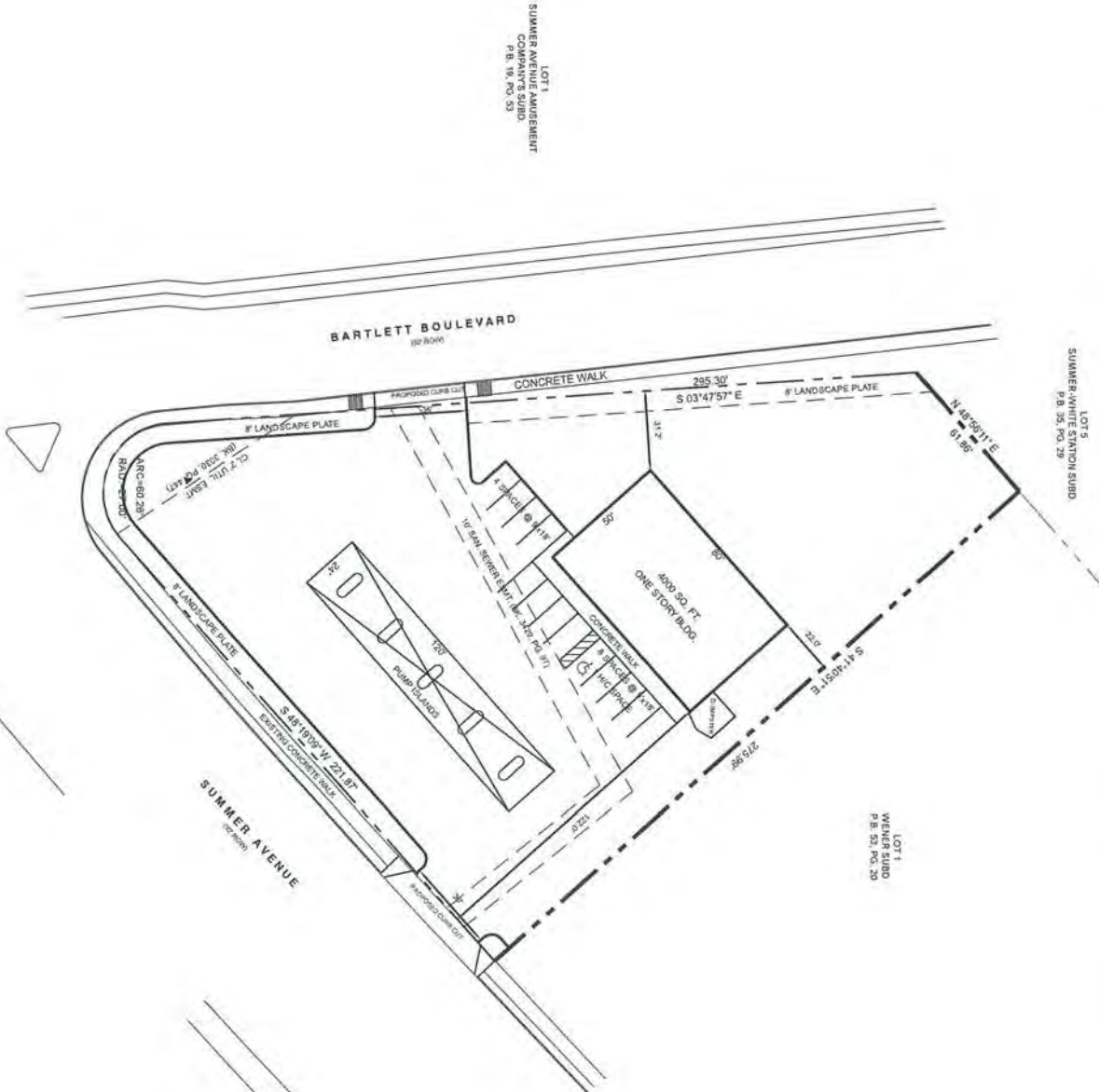
- C. **REGISTERED LAND SURVEYOR'S SURVEY**
- Two (2) copies of a survey (of recent origin showing everything existing on the subject property at the time of filing, and in no instance can it be over one year old) of the subject property, drawn to an engineering scale by a registered land surveyor (licensed in Tennessee), on 8 ½ x 11 inches sheets. The survey must indicate the dimensions and location of all existing structure(s) and improvement(s); property dimensions and amount of land area; dimensions and location of off-street parking facilities and curb cut(s); and the established setbacks of the existing structure(s) on the site and on the adjoining properties. (Please Note: The requirements for a survey may be waived by the Planning Director.)

- D. **SITE/CONCEPT PLAN**
- Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plan shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.



- E. **PLOT PLAN AND LEGAL DESCRIPTION**  
 1) Two (2) copies of the plot plan, drawn to scale (1"=50', =100' or =200'), showing each parcel to be considered. Two or more parcels may be described on one sheet. If property is encumbered by easements, show type and location on plot plan.  
 2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan.
- F. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.
- G. **VICINITY MAP**  
 Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.
- H. **LIST OF NAMES AND ADDRESSES**  
 1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.  
 2) Two (2) self-adhesive mailing labels (1"x 2<sup>5/8</sup>") each for the owner of record, applicant, representative and/or engineer/surveyor.
- I. **FILING FEES** *(All Fees Are Subject To Change without Prior Notice)*  
 1) Special Use Permit: 5.0 Acres or less=\$500. Each additional acre or fraction thereof=\$50, Maximum =\$5,000. Amendment(s): = \$500.00; Daycare only: 8-12 children=\$100. 13+ children= \$250.  
 Make check payable to "M/SC Office of Planning and Development"

**\*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON  
 AND THE SUBMITTER MUST RECEIVE A RECEIPT OF  
 ACCEPTANCE FROM STAFF**



**SITE DATA**  
 PROPOSED USE: CONVENIENCE STORE WITH GAS PUMPS  
 SITE AREA = 1.06 ACRES  
 BLDG. = 4000 SQ. FT.  
 PARKING PROVIDED = 13  
 FRONT SETBACK = 20'  
 REAR/SIDE SETBACK = 5'  
 ZONING: CMO(S)



SPECIAL USE PERMIT - SITE/CONCEPT PLAN			
5050 SUMMER AVENUE			
CASE NUMBER	S.U.P.	FORMER CASE NUMBERS	
MEMPHIS TENNESSEE			
NUMBER OF LOTS	1	ACREAGE	1.06 ACRES
DEVELOPER	SAFAT KHMOUS 6509 WOLF VALLEY BARTLETT, TN 38133	SURVEYOR	MCCASKILL & ASSOCIATES, INC. 7891 STAGE HILLS BLVD SUITE 112 BARTLETT, TN 38133
100 YEAR FLOOD ELEVATION	247.1	FEWA MAP PANEL NO.	4152/207924
		FEWA MAP DATE	2002/03





N O R T H

SCALE: 1" = 60'

LOT 5

N 48° 56' 11" E  
61.86'

S 41° 40' 51" E  
275.99'

LOT 1  
WENER SUBD.  
P.B. 53, PG. 20

**LOT 6**  
**1.06 ACRES**

CONCRETE WALK  
N 03° 47' 57" W  
295.30'

S 60° 48' 03" W 172.86'  
10' SAN. SEWER ESMT. (BK. 3429, PG. 97)  
S 60° 48' 03" W 169.14'

S 39° 41' 57" E 84.75'  
S 39° 41' 57" E 76.26'

**BARTLETT ROAD**  
(60' ROW)

S 48° 19' 09" W 221.87'  
CONCRETE WALK

**SUMMER AVENUE**  
(92' ROW)

CL. 2' UTIL. ESMT.  
(BK. 3030, PG. 4-17)

ARC=60.26'  
RAD.=27.00'



**SURVEY OF**  
**LOT 6**  
**SUMMER-WHITE STATION SUBDIVISION**  
**5050 SUMMER AVENUE**  
**MEMPHIS, TENNESSEE**  
**MAY, 2020**



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

Survey of Lot 6, Summer-White Station Subdivision, as recorded in Plat Book 35, Page 29 in the Shelby County Register's Office and being more particularly described as follows:

Beginning at a point in the North line of Summer Avenue (92' R.O.W.), said point being the Southwest corner of Lot 7, Summer-White Station Subdivision; thence along said North line S 48°19'09" W a distance of 221.87' to a point of curvature; thence along a curve to the right (Rad.= 27.00') an arc distance of 60.26' to a point in the East R.O.W. line of Bartlett Road; thence along said East line N 03°47'57" W a distance of 295.30' to a point; thence N 48°56'11" E a distance of 61.86' to a point; thence S 41°40'51" E a distance of 275.99' to the point of beginning, containing 1.06 acres more or less.

The survey was done under the authority of TCA 61-18-126 and is not a general property survey as defined under Rule 0820-3-07.

Timothy E. McCaskill, R.L.S.

NOTE: NO ABSTRACT OF TITLE, NO TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. OTHER DOCUMENTS OF RECORD MAY EXIST THAT WOULD AFFECT THIS PARCEL.

SURVEY OF  
LOT 6  
SUMMER-WHITE STATION SUBDIVISION  
5050 SUMMER AVENUE  
MEMPHIS, TENNESSEE  
MAY, 2020



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Land Surveying

Civil Design

7891 Stage Hills Boulevard Suite 112

Bartlett, Tennessee 38133

[www.mccaskillinc.com](http://www.mccaskillinc.com)

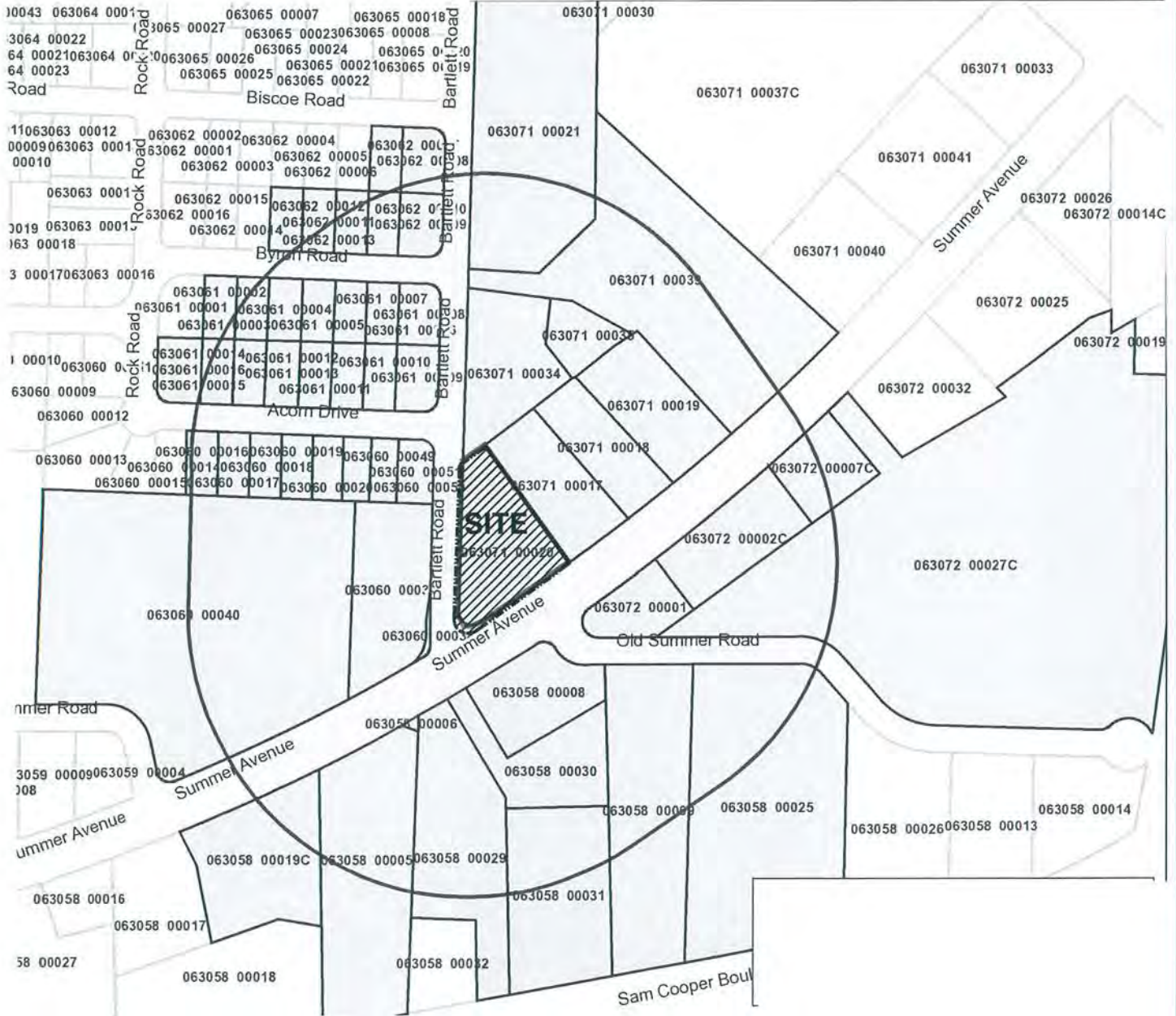
(901) 382-2577 Fax (901) 385-1813



# VICINITY MAP

JULY, 2020

SCALE: 1" = 300'



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063071 00021 - SUMMEREAST APARTMENTS LLC  
063071 00039 - SUMMER COMMONS INVESTORS LLC  
063062 00008 - PRIOLA MARVIN H  
063061 00005 - ACKER SANDRA  
063061 00006 - BC REALTY  
063061 00015 - CGW ENTERPRISES LLC  
063061 00011 - LEE GERALD M & LINDA L  
063071 00018 - ALL RITE PLUMBING PARTS INC  
063071 00020 - JAROMIRSKI BRUNO  
063072 00002C - WS SUMMER LLC  
063062 00007 - WARREN JEDEDIAH AND KRISTINA WARREN (RS)  
063062 00013 - PERKINS KIMBERLY A  
063062 00012 - DANIEL CHARLES L & RHONDA T  
063062 00011 - CASTELAN JUAN AND MARIA E C MONDRAGON  
063062 00010 - BUTLER PROPERTIES LLC  
063062 00009 - GOODE ADAM M & CATHERINE T  
063061 00002 - SPOON CHARLES B & SHIRLEY B  
063061 00003 - STEWART EDDIE L & BETTY J  
063061 00004 - BROOKS JOHNNIE E  
063061 00007 - WEAVER THOMAS A  
063061 00008 - SPENCER GARRY P  
063071 00034 - TERHUNE RONALD L  
063071 00035 - HEAVENLY POOLS INC  
063061 00016 - PENA JOEL AND YESENIA TERAN  
063061 00014 - THOMAS MICHAEL A & SHERRY D



063061 00013 - PORTER R ALLEN  
063061 00012 - MANLEY GOERGE W  
063071 00019 - GOLDEN ARCH REALTY CORP  
063061 00010 - BELL DANI C  
063061 00009 - DEMARCO DENNIS M  
063071 00017 - PRIVETTE RONNIE LIVING TRUST  
063072 00007C - WS SUMMER LLC  
063060 00040 - GCI PARTNERSHIP (PSO)  
063072 00001 - WS SUMMER LLC  
063060 00038 - GCI PARTNERSHIP (PSO)  
063058 00025 - WHITAKER REAL ESTATE HOLDINGS GP  
063058 00019C - ABESI MEHDI  
063072 00027C - WS SUMMER LLC  
063058 00031 - ROWLAND BETTY J AND C R ROBINSON  
063058 00005 - CIENEGA ALMA D  
063058 00006 - LANDSHOF ROBERT  
063058 00029 - GIANG JENNY  
063058 00030 - ROWLAND BETTY J AND C R ROBINSON  
063058 00009 - TIMELY TRANSPORT LLC  
063058 00008 - NATIONAL BANK OF COMMERCE  
063060 00016 - TUBBS JANICE W  
063060 00018 - MCCULLOUGH SANDRA F  
063060 00020 - ROM'AN GERARDO  
063060 00051 - PYLES JEREMY & BRITTNEY  
063060 00050 - TADIKONDA LALITA

063060 00049 - VANDALAY IMAGING PC DEFINED BENEFIT

063060 00017 - CRESTCORE III LLC

063060 00019 - CARRANZA SANDRA

063060 00039 - LINDER PROPERTIES (DBA)



SUMMEREAST APARTMENTS LLC  
4701 SUMMER AVE  
MEMPHIS TN 38122

WARREN JEDEDIAH AND KRISTINA WARREN (RS)  
5023 BISCOE AVE  
MEMPHIS TN 38122

SPENCER GARRY P  
5027 BYRON RD  
MEMPHIS TN 38122

SUMMER COMMONS INVESTORS LLC  
1825 MAIN ST  
WESTON FL 33326

PERKINS KIMBERLY A  
9845 REDWOOD RD  
MILLINGTON TN 38053

TERHUNE RONALD L  
8533 COLLIERVILLE ARLINGTON RD  
ARLINGTON TN 38002

PRIOLA MARVIN H  
5570 PLEASANT VIEW RD  
MEMPHIS TN 38134

DANIEL CHARLES L & RHONDA T  
5010 BYRON RD  
MEMPHIS TN 38122

HEAVENLY POOLS INC  
750 BARTLETT RD  
MEMPHIS TN 38122

ACKER SANDRA  
5009 BYRON RD  
MEMPHIS TN 38122

CASTELAN JUAN AND MARIA E C MONDRAGON  
5016 BYRON RD  
MEMPHIS TN 38122

PENA JOEL AND YESENIA TERAN  
4986 ACORN DR  
MEMPHIS TN 38122

BC REALTY  
9618 SPRING LOOP DR  
GERMANTOWN TN 38139

BUTLER PROPERTIES LLC  
4435 SUMMER AVE  
MEMPHIS TN 38122

THOMAS MICHAEL A & SHERRY D  
4996 ACORN DR  
MEMPHIS TN 38122

CGW ENTERPRISES LLC  
3464 EVENING LIGHT DR  
MEMPHIS TN 38135

GOODE ADAM M & CATHERINE T  
1607 GOODBAR AVE  
MEMPHIS TN 38104

PORTER R ALLEN  
73 S FENWICK ST  
MEMPHIS TN 38111

LEE GERALD M & LINDA L  
70 JANICE MARIE CV  
OAKLAND TN 38060

SPOON CHARLES B & SHIRLEY B  
4991 BYRON RD  
MEMPHIS TN 38122

MANLEY GOERGE W  
5008 ACORN DR  
MEMPHIS TN 38122

ALL RITE PLUMBING PARTS INC  
5070 SUMMER AVE  
MEMPHIS TN 38122

STEWART EDDIE L & BETTY J  
4997 BYRON RD  
MEMPHIS TN 38122

GOLDEN ARCH REALTY CORP  
PO BOX 4457  
GREENVILLE MS 38704

JAROMIRSKI BRUNO  
9936 OBAN DR  
CORDOVA TN 38016

BROOKS JOHNNIE E  
5003 BYRON RD  
MEMPHIS TN 38122

BELL DANI C  
5022 ACORN DR  
MEMPHIS TN 38122

WS SUMMER LLC  
1800 CENTURY PARK E #600  
LOS ANGELES CA 90067

WEAVER THOMAS A  
5023 BYRON RD  
MEMPHIS TN 38122

DEMARCO DENNIS M  
5028 ACORN DR  
MEMPHIS TN 38122

PRIVETTE RONNIE LIVING TRUST  
PO BOX 770177  
MEMPHIS TN 38177

LANDSHOF ROBERT  
PO BOX 383287  
GERMANTOWN TN 38183

VANDALAY IMAGING PC DEFINED BENEFIT  
8026 E DEL JOYA DR  
SCOTTSDALE AZ 85258

WS SUMMER LLC  
1800 CENTURY PARK E #600  
LOS ANGELES CA 90067

GIANG JENNY  
5033 SUMMER AVE  
MEMPHIS TN 38122

CRESTCORE III LLC  
4435 SUMMER AVE  
MEMPHIS TN 38122

GCI PARTNERSHIP (PSO)  
5000 SUMMER AVE  
MEMPHIS TN 38122

ROWLAND BETTY J AND C R ROBINSON  
P O BOX 2317  
LEANDER TX 78646

CARRANZA SANDRA  
75 CANTERBURY LN  
EADS TN 38028

WS SUMMER LLC  
1800 CENTURY PARK E #600  
LOS ANGELES CA 90067

TIMELY TRANSPORT LLC  
2171 JUDICIAL DR #101  
GERMANTOWN TN 38138

LINDER PROPERTIES (DBA)  
6310 MASSEY WOOD CV  
MEMPHIS TN 38120

GCI PARTNERSHIP (PSO)  
5000 SUMMER AVE  
MEMPHIS TN 38122

NATIONAL BANK OF COMMERCE  
PO BOX 26665  
RICHMOND VA 23261

WHITAKER REAL ESTATE HOLDINGS GP  
358 DUBRAY MANOR DR  
COLLIERVILLE TN 38017

TUBBS JANICE W  
4991 ACORN DR  
MEMPHIS TN 38122

ABESI MEHDI  
5005 SUMMER AVE  
MEMPHIS TN 38122

MCCULLOUGH SANDRA F  
2694 LONG SHADOW LN  
CORDOVA TN 38016

WS SUMMER LLC  
1800 CENTURY PARK E  
LOS ANGELES CA 90067

ROM'AN GERARDO  
1066 SALEM ST  
MEMPHIS TN 38122

ROWLAND BETTY J AND C R ROBINSON  
P O BOX 2317  
LEANDER TX 78646

PYLES JEREMY & BRITTNEY  
11602 W CHERYL DR  
YOUNGTOWN AZ 85363

CIENEGA ALMA D  
3186 S PERKINS RD  
MEMPHIS TN 38118

TADIKONDA LALITA  
4705 CHEENEY ST  
SANTA CLARA CA 95054

RAFAT KHMOUS  
8509 WOLF VALLEY  
MEMPHIS, TN 38133

Tim McCaskill  
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7891 Stage Hills Blvd.  
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McCaskill & Associates, Inc.

Land Surveying Civil Design

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Bartlett, TN 38133  
www.mccaskillinc.com  
(901)382-2577 (901)385-1813 Fax

## Letter of Intent

Re: 5050 Summer Avenue  
Memphis, TN

The intent of this application is to allow a convenience store with gasoline sales on a non collector or arterial intersection. The site is on the corner of Summer Avenue which is a major road and Bartlett Boulevard. This area of Summer Avenue is one hundred percent commercial with a wide variety of uses and businesses. There is not another fueling station in the immediate vicinity. This property has been vacant for many years and this use will be a much needed improvement.

### Consultant:

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





*Tom Leatherwood*  
Shelby County Register / Archives

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.

	
<b>15020455</b>	
03/06/2015 - 02:40 PM	
3 PGS	
LYHDAL 1303908-15020455	
VALUE	385000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1424.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1442.50
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100  
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## WARRANTY DEED

**THIS INDENTURE**, is made and entered into as of the 27th day of February, 2015, by and between **5050 Summer Avenue, LLC, a Tennessee limited liability company**, party of the first part, and **Bruno Jaromirski**, party of the second part,

**WITNESSETH:** That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Lot 6, Summer-White Station Subdivision, as shown on plat of record in Plat Book 35, page 29, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to the party of the first part by Quit Claim Deed of record at Instrument Number 11103557 in the Register's Office of Shelby County, Tennessee.

**TO HAVE AND TO HOLD** the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that they are lawfully seized in fee of the aforescribed real estate; they have a good right to sell and convey the same; that the same is unencumbered, EXCEPT Subdivision Restrictions, Building Lines and Easements of record in Plat Book 35, Page 29; Building Restrictions Agreement of record in Book 6189, Page 53; and Easements of record in Book 3030, Page 447; Book 3429, Page 97; and Book 3626, Page 475, all in said Register's Office of Shelby County, Tennessee; and 2015 City of Memphis and 2015 Shelby County real estate taxes, which the party of the second part hereby assumes and agrees to pay; and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according in their proper gender and number according to the context hereof.



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

5050 Summer Avenue, LLC  
a Tennessee limited liability company

BY:

Joseph M. Pugliese

TITLE:

President

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, the undersigned Notary Public, of the state and county aforesaid, personally appeared Joseph M. Pugliese, the President of 5050 Summer Avenue, LLC, a Tennessee limited liability company, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President of 5050 Summer Avenue, LLC, a Tennessee limited liability company, the within named bargainor, and that he as such President, executed the foregoing instrument for the purpose therein contained, by signing the name of the said 5050 Summer Avenue, LLC, a Tennessee limited liability company, by himself as President.

WITNESS my hand and Notarial Seal at office this 27th day of February, 2015.

Vickie L. Kinney  
Notary Public

My Commission expires:



(FOR RECORDING DATA ONLY)

**Property Address:**

5050 Summer Ave.  
Memphis, TN 38122

**Property Owner:**

Bruno Jaromirski

9936 OBAN DRIVE  
CORDOVA, TN 38016

**Ward, Block & Parcel Number:**

06307100000200

**Mail tax bills to:**

Bruno Jaromirski

9936 OBAN DRIVE  
CORDOVA, TN 38016

**This instrument prepared by:**

Allison T. Gilbert, Attorney at Law  
Harris Shelton Hanover Walsh, PLLC  
999 S. Shady Grove Rd., Ste 300  
Memphis, TN 38120

**Record and return to:**

H. Mark Beanblossom, P.C.  
1661 Aaron Brenner Drive, Ste 301  
Memphis, TN 38120

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is **\$385,000.00**, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this  
the 27th day of February, 2015.

Notary Public

My Commission Expires:

