



# MEMPHIS CITY COUNCIL

## Planning and Zoning Documents

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March 16, 2021

#### PLANNING AND ZONING COMMITTEE AND REGULAR MEETING

1-184

This case will be heard as Items 1-3 in Planning and Zoning Committee and Items 1-3 & 5-6 on Regular Agenda

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| 1. PD 21-02  | 786 E. Brookhaven Circle                              | 1-56    |
| 2. SUP 20-15 | 578 Harrell Street                                    | 57-91   |
| 3. SUP 20-16 | 2906 Old Austin Peay Highway                          | 92-119  |
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| 6. Z 21-01   | Southside of E. Holmes Rd. west of Pleasant Hill Road | 154-184 |



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 03/16/2021**

*DATE*

**PUBLIC SESSION: 03/16/2021**

*DATE*

**ITEM (CHECK ONE)**

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

**ITEM DESCRIPTION:** A resolution approving a six-lot single-family attached (townhouse) residential planned development

**CASE NUMBER:** PD 21-02

**DEVELOPMENT:** Brookhaven Townhomes Planned Development

**LOCATION:** 786 E Brookhaven Circle

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

**OWNER/APPLICANT:** Brookhaven Townhomes, LLC / Jonathan Aur

**REPRESENTATIVE:** Jonathan Aur

**EXISTING ZONING:** Commercial Mixed-Use – 1 (CMU-1)

**REQUEST:** Six-lot single-family attached (townhouse) residential planned development

**AREA:** +/-11,674 sq. ft.

**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  
 02/11/2021 \_\_\_\_\_ DATE  
 (1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION  
 \_\_\_\_\_ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE


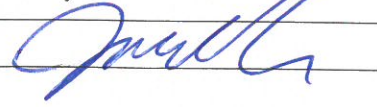

**FUNDING:**

(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>                     |
|---|---|-------------------------------------|
|   | 3/1/2021  | 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

### ***PD 21-02 – Brookhaven Townhomes Planned Development***

Resolution requesting a six-lot single-family attached (townhouse) residential planned development at 786 E Brookhaven Circle:

- 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(s): Brookhaven Townhomes, LLC; Applicant(s): Jonathan Aur; and Representative(s): Jonathan Aur; 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 BROOKHAVEN TOWNHOMES PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 786 E BROOKHAVEN CIRCLE, KNOWN AS CASE NUMBER PD 21-02.**

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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**, Jonathan Aur filed an application with the Memphis and Shelby County Division of Planning and Development to allow a six-lot single-family attached (townhouse) residential planned development; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 11, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

***ATTEST:***

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

## OUTLINE PLAN CONDITIONS

### I. USES PERMITTED

- A. Maximum of 6 single-family, attached townhouses
- B. Accessory uses permitted by the Residential Urban – 5 (RU-5) District

### II. BULK REGULATIONS

The bulk regulations of the RU-5 district shall govern except where noted below:

- A. Setbacks
  - i. Minimum front and rear setback of 5 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the RU-5 district.
- D. Building materials shall be consistent with the surrounding area.

### III. ACCESS AND CIRCULATION

- A. Internal circulation shall be shown on final plan.
- B. Vehicular access will contain a two-way entrance on East Brookhaven Circle, with a 20-foot wide internal private drive.
- C. 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.

### IV. LANDSCAPING AND SCREENING

- A. A detailed landscaping plan shall be submitted with the final plan.

### V. SIGNS

- A. Any signs shall be regulated by the RU-5 district.

### VI. DRAINAGE AND SANITARY SEWER

- A. 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 plan.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

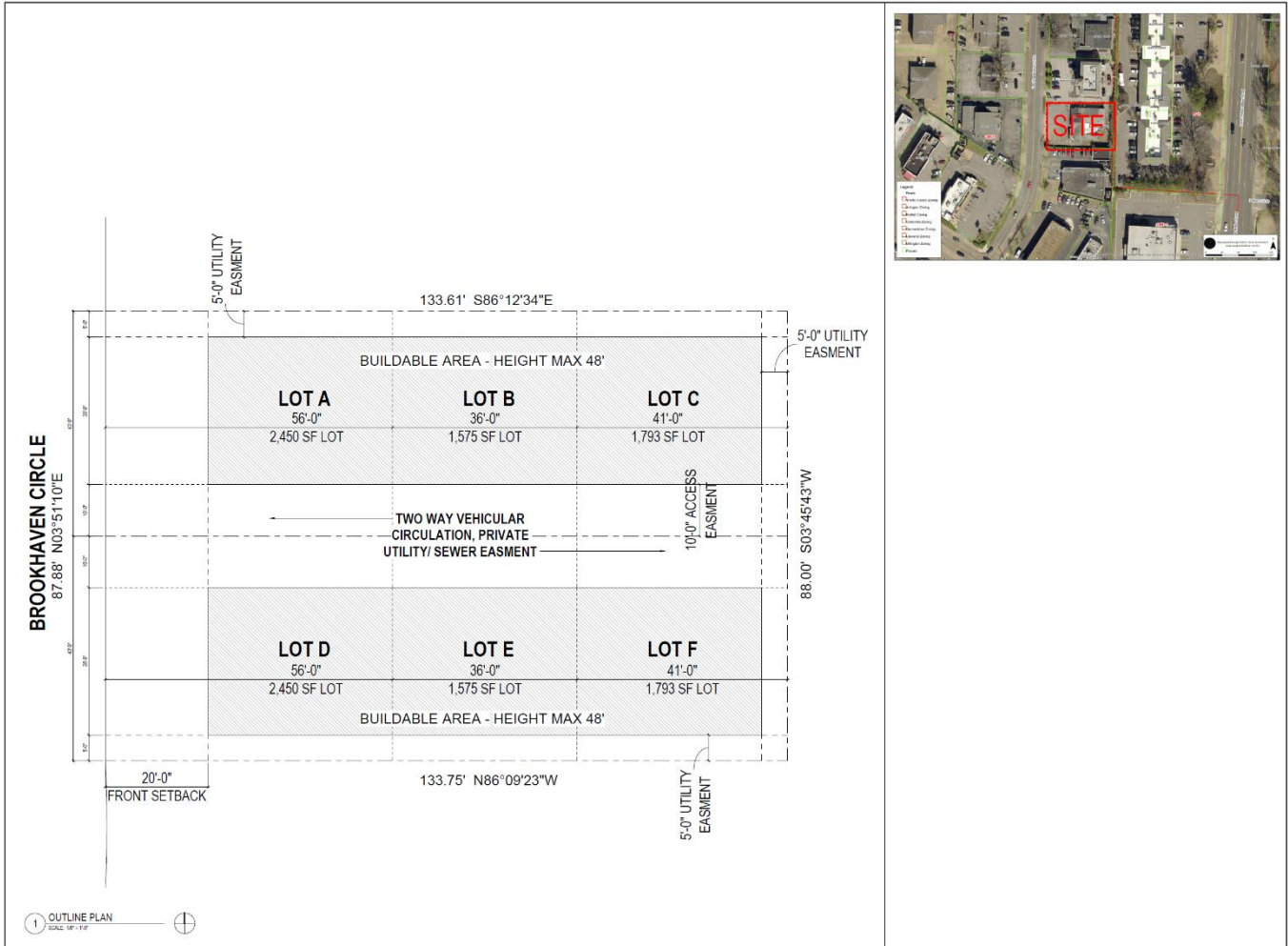
IX. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

- C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
- D. The location and ownership, whether public or private of any easement.
- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- F. The 100-year flood elevation.



# OUTLINE PLAN



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, February 11, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

|                             |  |
|-----------------------------|--|
| <b>CASE NUMBER:</b>         | PD 21-02   |
| <b>DEVELOPMENT:</b>         | Brookhaven Townhomes Planned Development                                   |
| <b>LOCATION:</b>            | 786 E Brookhaven Circle  |
| <b>COUNCIL DISTRICT(S):</b> | District 5 and Super District 9 – Positions 1, 2, and 3                    |
| <b>OWNER/APPLICANT:</b>     | Brookhaven Townhomes, LLC / Jonathan Aur                                   |
| <b>REPRESENTATIVE:</b>      | Jonathan Aur   |
| <b>REQUEST:</b>             | Six-lot single-family attached (townhouse) residential planned development |
| <b>EXISTING ZONING:</b>     | Commercial Mixed-Use – 1 (CMU-1)   |
| <b>AREA:</b>                | +/-11,674 sq. ft.  |

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**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** Dakota Beasley

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

**The motion passed by a vote of 10-0.**

Respectfully,



Clarke Shupe-Diggs  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**PD 21-02  
CONDITIONS**

**Outline/General Plan Conditions**

I. USES PERMITTED

- A. Maximum of 6 single-family, attached townhouses
- B. Accessory uses permitted by the Residential Urban – 5 (RU-5) District

II. Bulk Regulations

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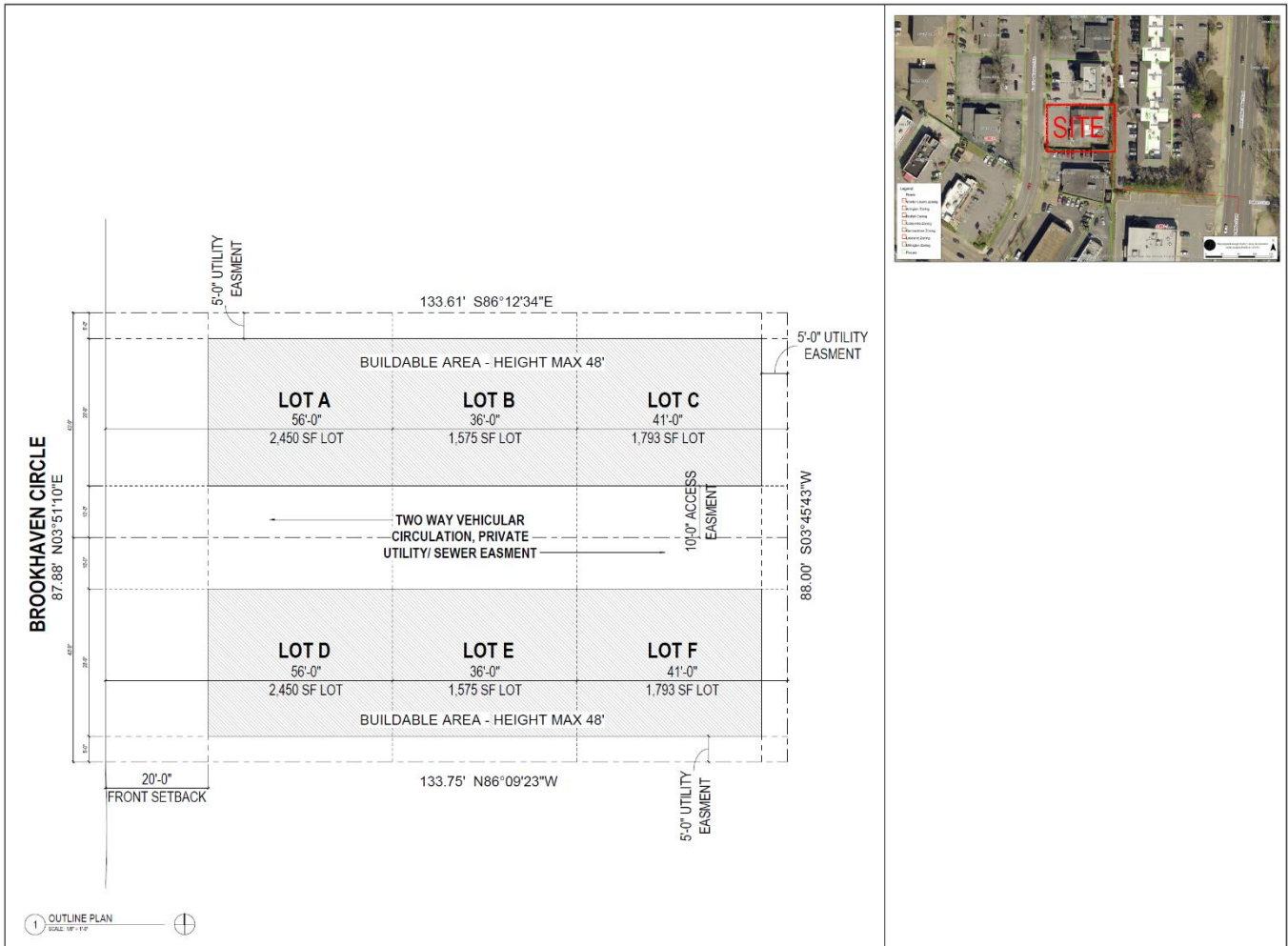
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- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plan.

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- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
  - D. The location and ownership, whether public or private of any easement.
  - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - F. The 100-year flood elevation.

# OUTLINE PLAN



**AGENDA ITEM:** 12

**CASE NUMBER:** PD 21-02 **L.U.C.B. MEETING:** February 11, 2021

**DEVELOPMENT:** Brookhaven Townhomes

**LOCATION:** 786 E Brookhaven Circle

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

**OWNER/APPLICANT:** Brookhaven Townhomes, LLC / Jonathan Aur

**REPRESENTATIVE:** Jonathan Aur

**REQUEST:** Six-lot single-family attached (townhouse) residential planned development

**AREA:** +/-11,674 sq ft

**EXISTING ZONING:** Commercial Mixed-Use – 1 (CMU-1)

## CONCLUSIONS

1. The applicant is requesting approval of a six-lot townhome-style residential development.
2. The subject property is currently vacant and the lot redesign will create a more desirable layout that is consistent with the existing pattern of residential development in the surrounding area.
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 14-15 of this report.

## RECOMMENDATION

***Approval with conditions***

**GENERAL INFORMATION**

**Street Frontage:** East Brookhaven Circle +/-87.9 linear feet  
**Zoning Atlas Page:** 2145  
**Parcel ID:** 056034 00027  
**Existing Zoning:** Commercial Mixed-Use – 1 (CMU-1)

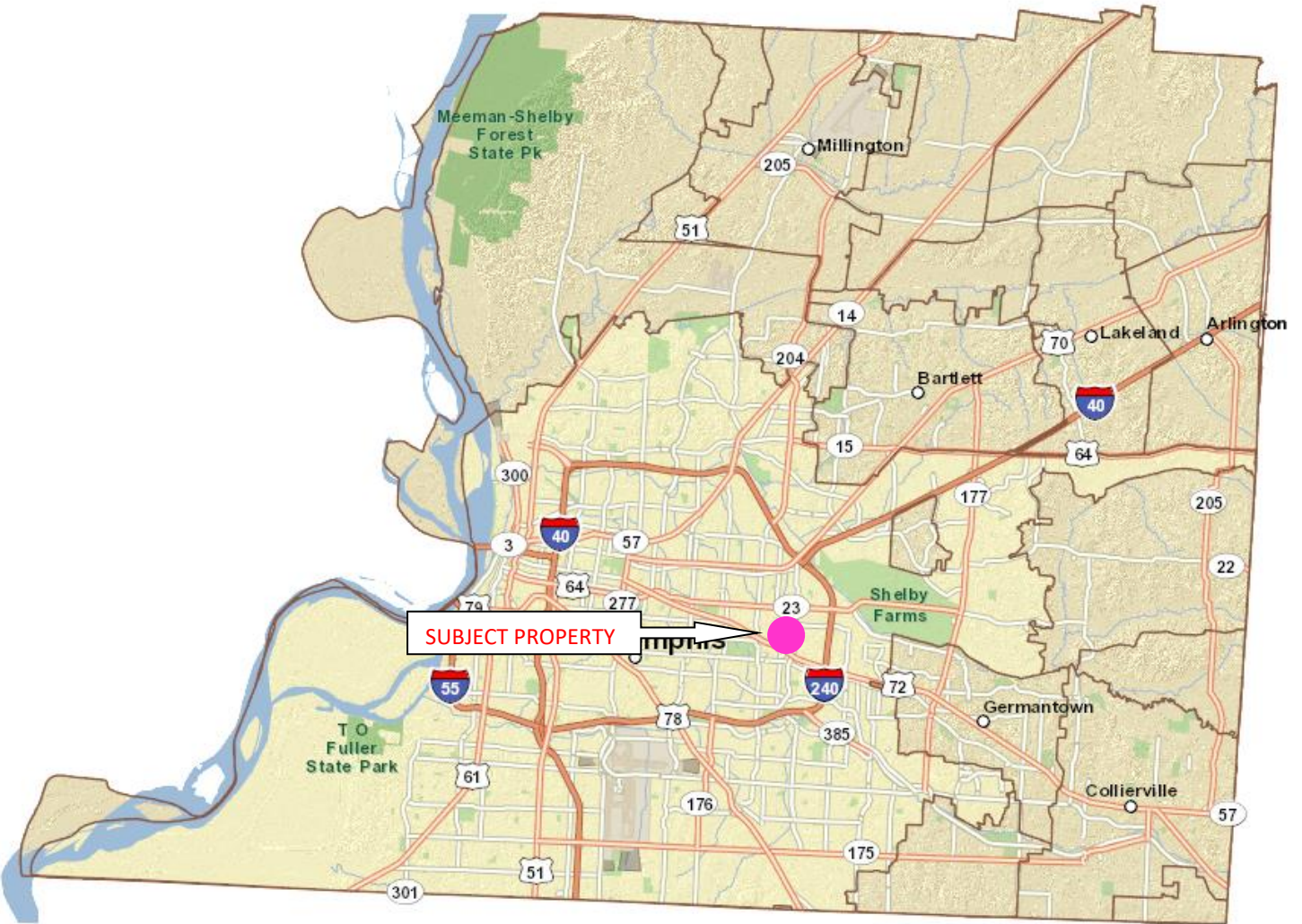
**NEIGHBORHOOD MEETING**

The meeting was held at 4:00 PM on Monday, February 1, 2021 via Google Meet.

**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 January 27, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

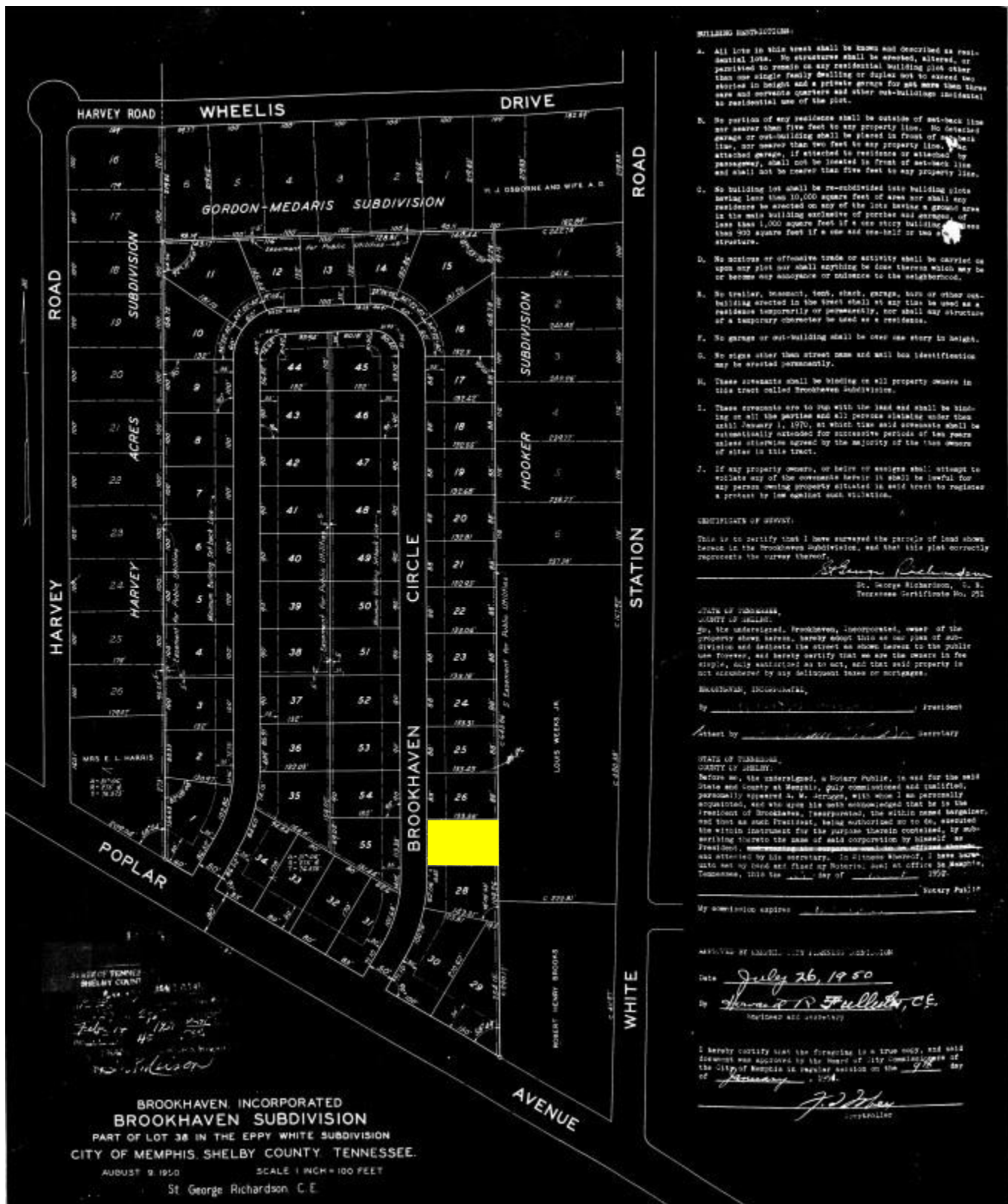
**LOCATION MAP**



Subject property located within the pink circle, East Memphis neighborhood

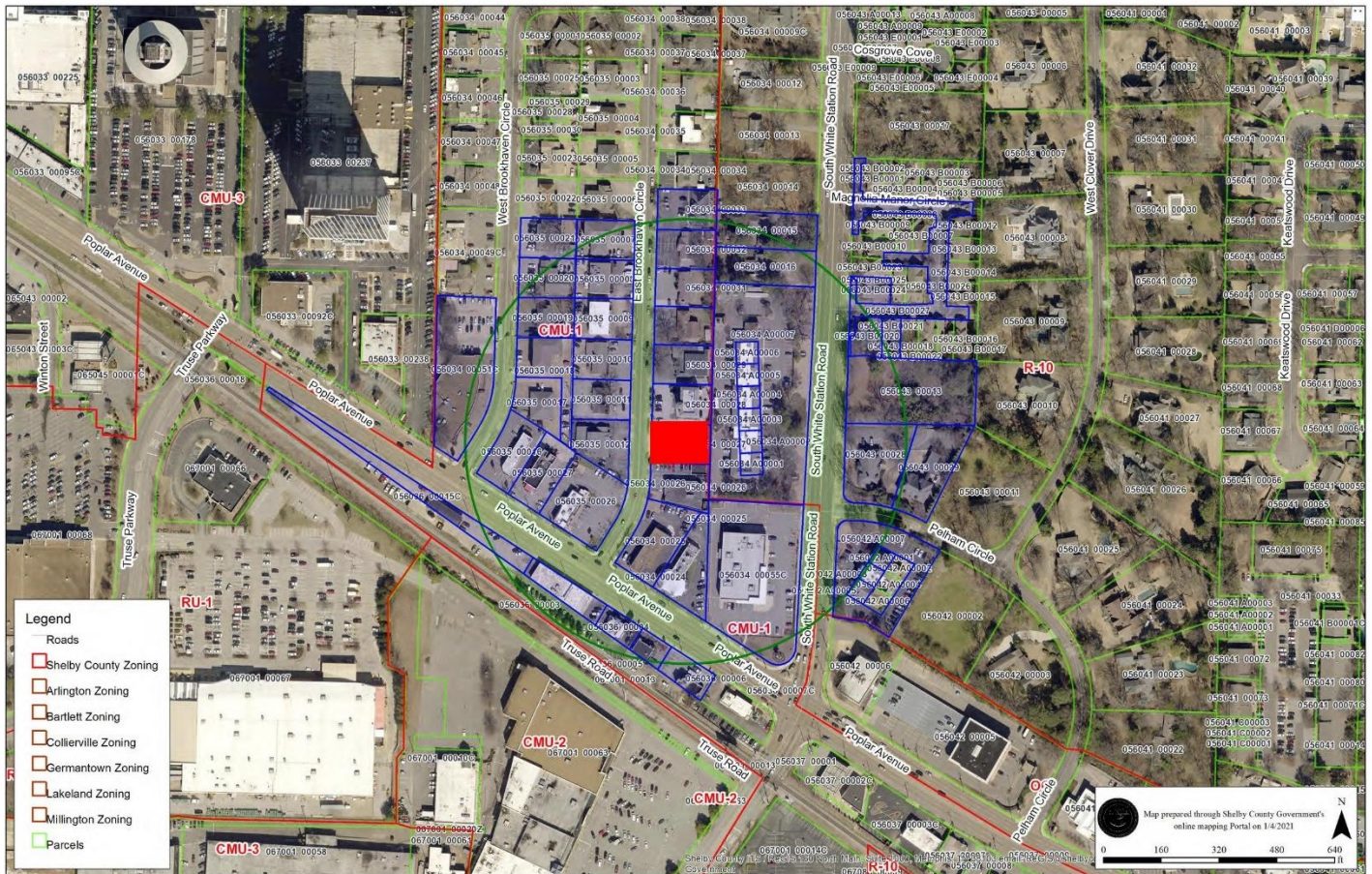


**BROOKHAVEN SUBDIVISION (1919)**



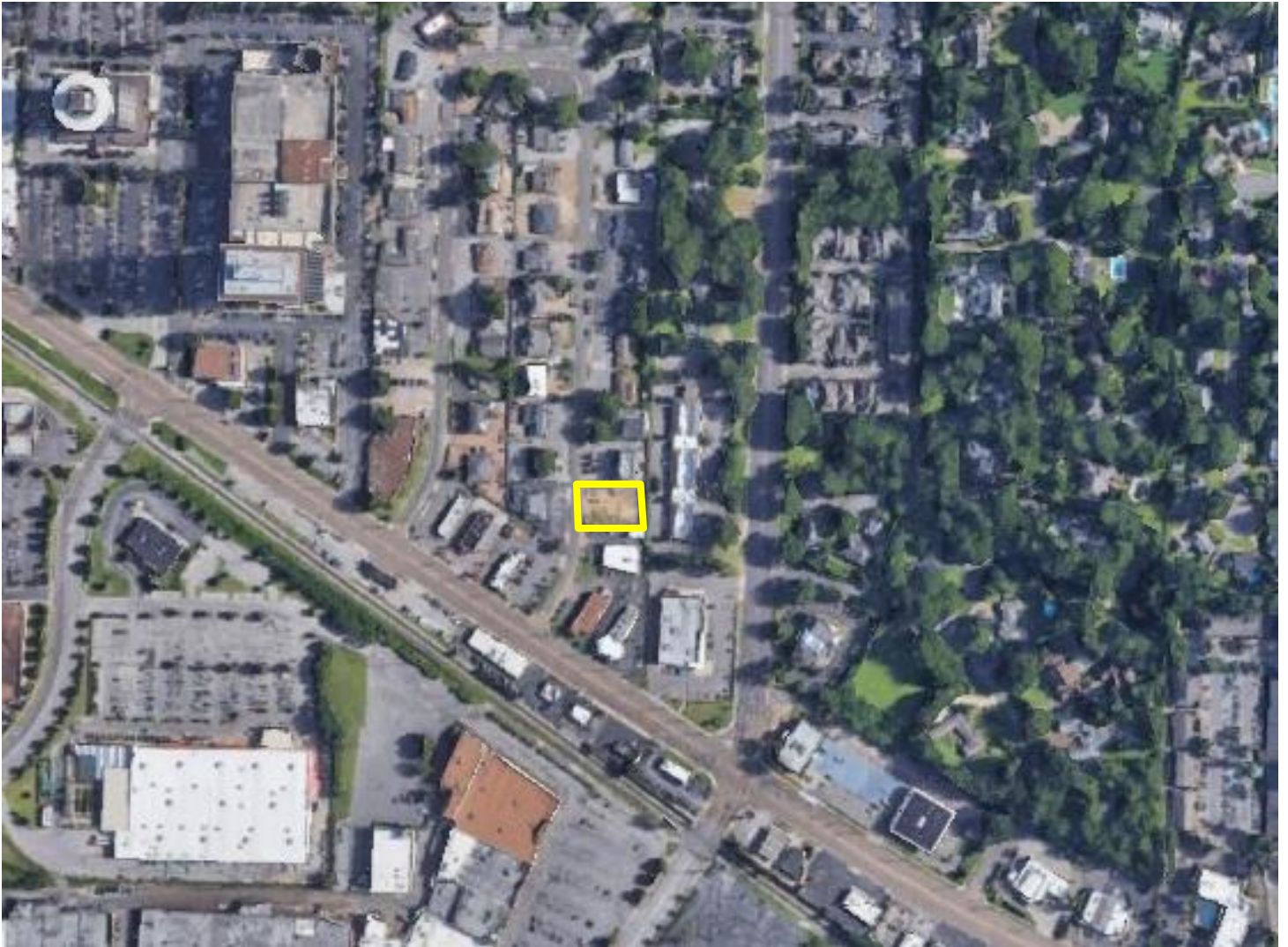
Subject property highlighted in yellow, Lot 27

VICINITY MAP



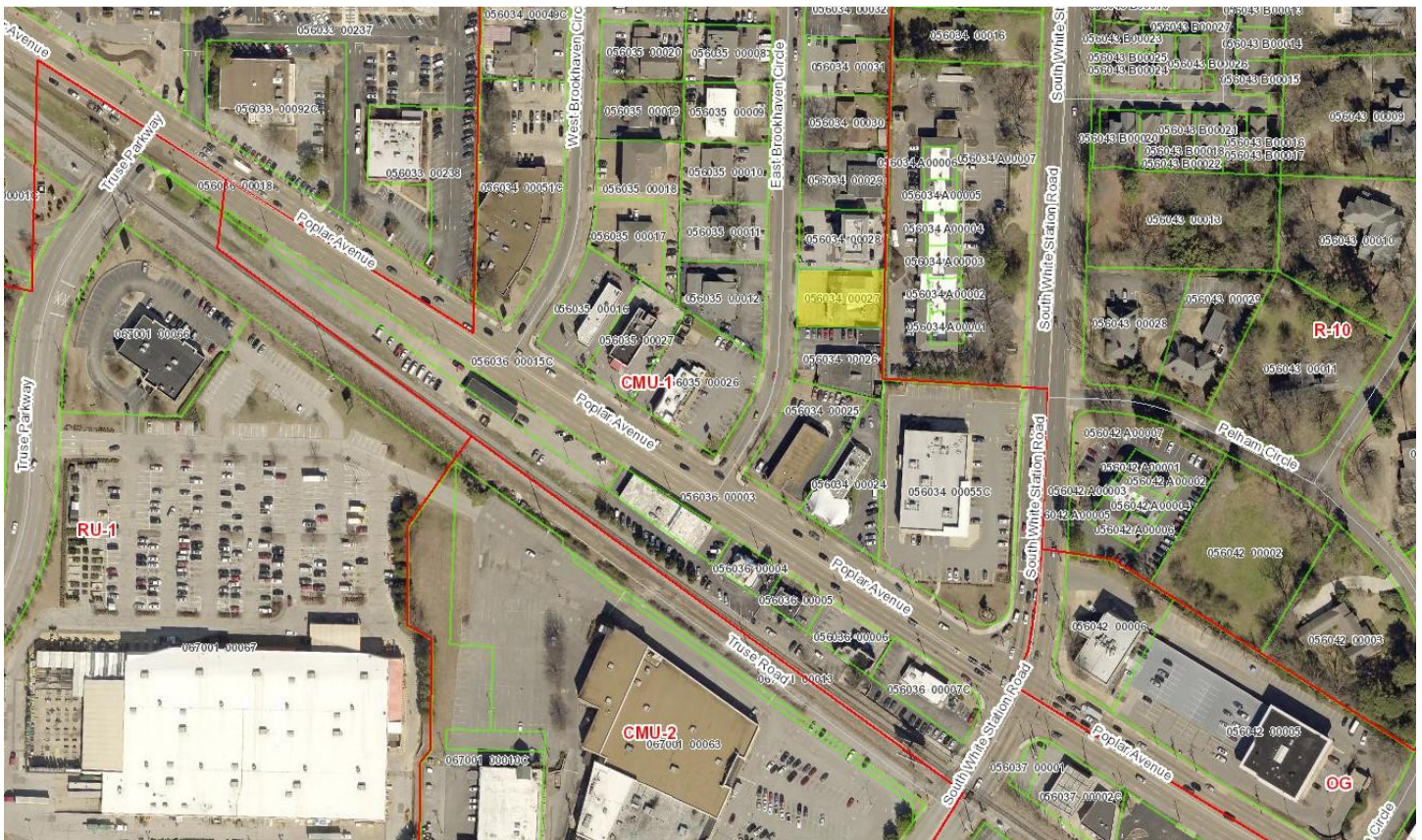
Subject property highlighted in red

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Commercial Mixed-Use – 1 (CMU-1)

**Surrounding Zoning**

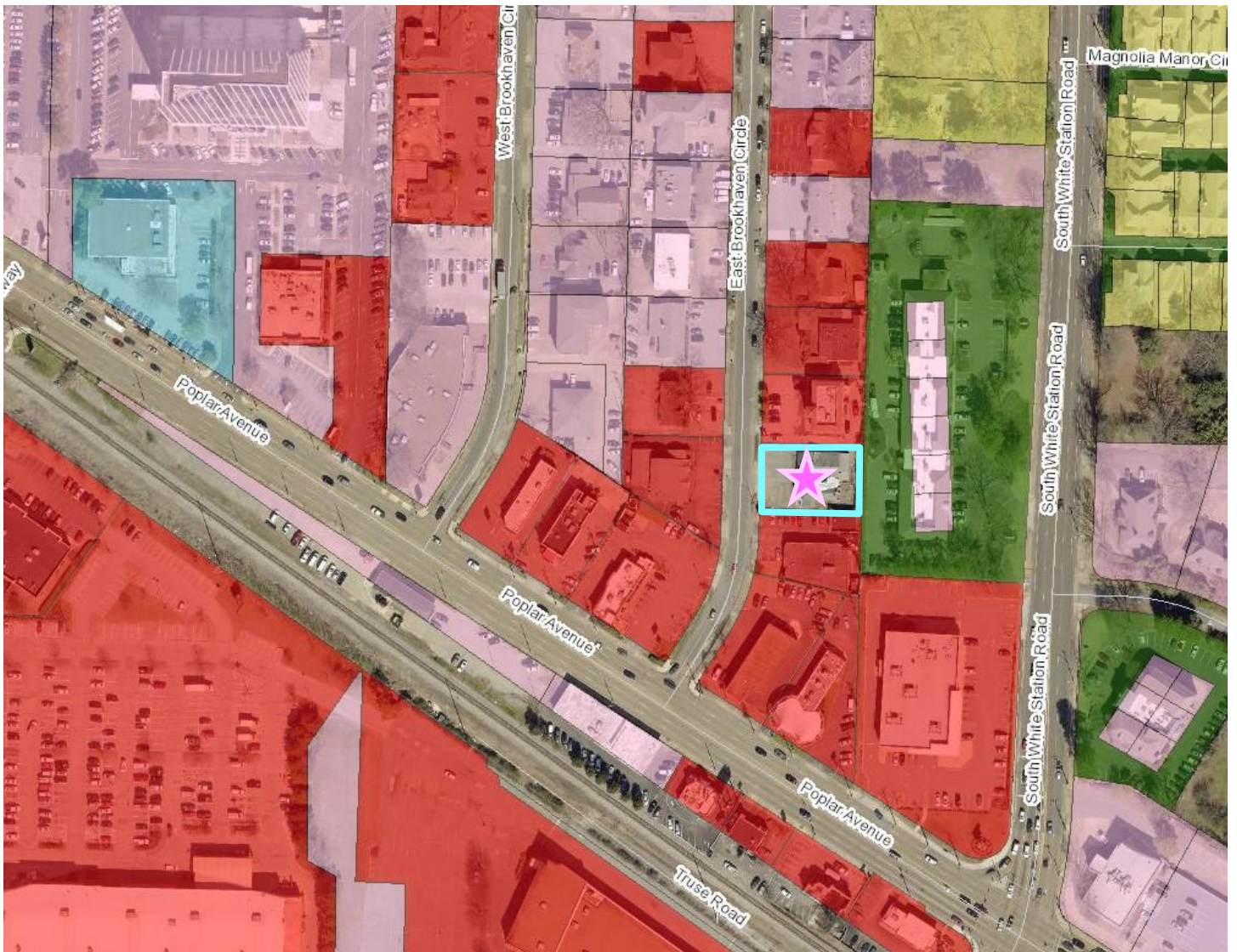
**North:** CMU-1

**East:** PD 05-338 & PD 06-319, then R-10

**South:** BOA 1983-214, SUP 1985-220, and CMU-1

**West:** CMU-1

**LAND USE MAP**



Subject property outlined in electric blue indicated by a pink star

**Land Use**

Land Use

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

**SITE PHOTOS**

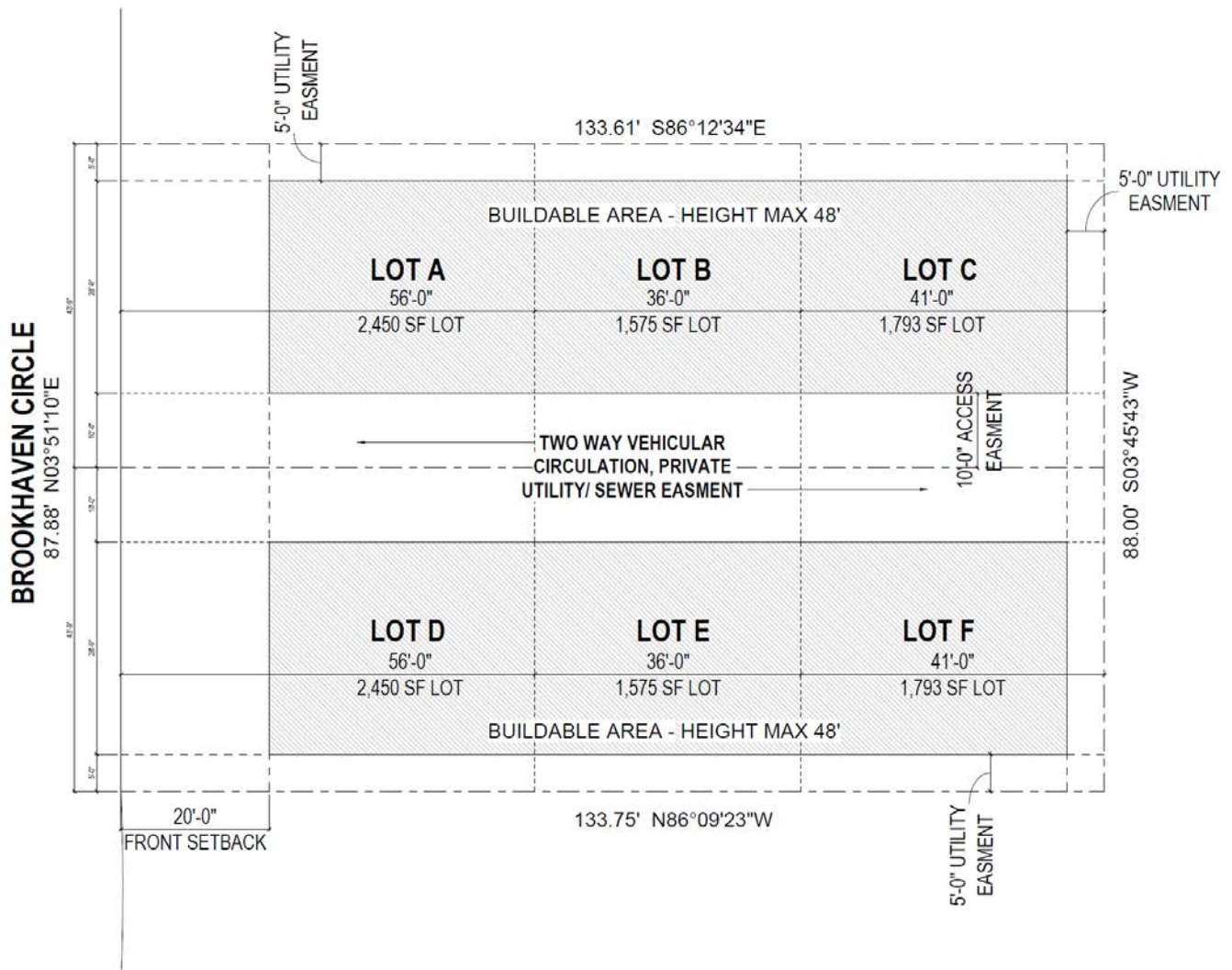


View of the subject property from East Brookhaven Circle, looking east



View of the subject property from East Brookhaven Circle, looking southeast

**OUTLINE PLAN**



1 OUTLINE PLAN  
SCALE: 1/8" = 1'-0"

## STAFF ANALYSIS

### Request

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

The request is a six-lot townhome-style residential development.

### Applicability

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

#### *4.10.2 Applicability*

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

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

### General Provisions

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

#### *4.10.3 General Provisions*

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



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

### **Residential Criteria**

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

#### **4.10.4 Planned Residential Developments**

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

- A. **Formal Open Space**  
*A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.*
- B. **Accessibility of Site**  
*All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.*
- C. **Off-Street Parking**  
*Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.*
- D. **Pedestrian Circulation**  
*The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.*
- E. **Privacy**  
*The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and*

*enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.*

**F. Distance Requirements**

*Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.*

**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.*

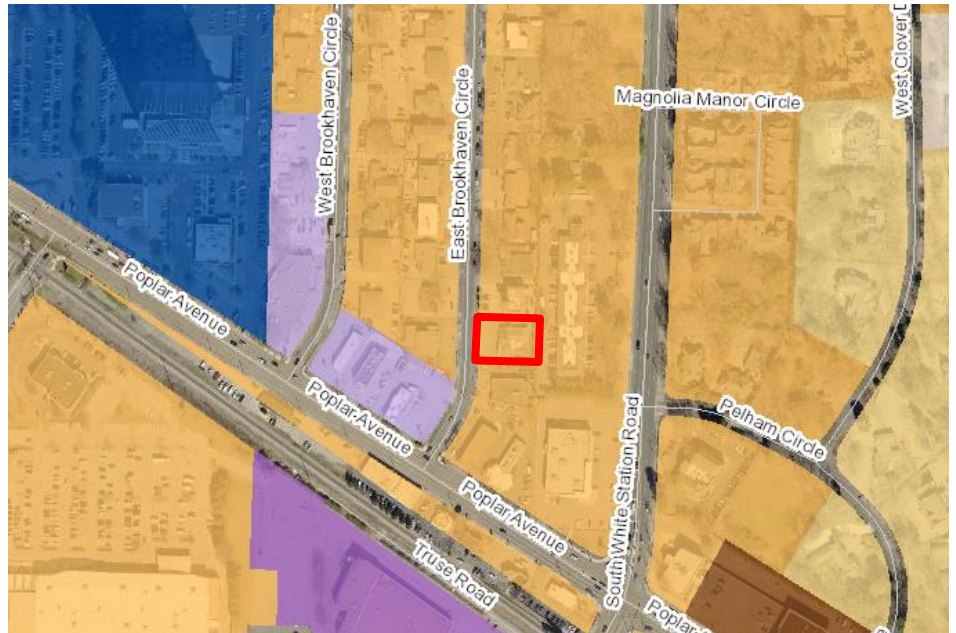
**Site Description**

The subject property is a +/-11,674 square foot parcel located on the east side of East Brookhaven Circle – 250 feet north of Poplar Avenue. The site is currently zoned CMU-1 and it is vacant land. There is an existing curb cut around the center of the site's frontage along East Brookhaven Circle.

**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 Anchor Neighborhood – Mix of Building Types (AN-M) in the future land use planning 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 ‘Anchor Neighborhood – Mix of Building Types (AN-M).’ AN-M areas 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. See graphic portrayal to the right.



**“A-NM” Goals/Objectives:**

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

**“A-NM” Form & Location Characteristics:**

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

The request for a six-lot townhome-style residential development meets these criteria because attached housing is permitted within 100 feet of an anchor and this site is about 74 feet from the anchor.

3. *Existing, adjacent land uses and zoning:* The subject site is currently vacant and surrounded by the following land uses: Commercial, Office, and Common Area Land. The subject site is surrounded by the following zoning districts: CMU-1 and R-10. The requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcel is similar in nature to the requested use.

4. *The degree of change map:* The subject site is identified as 'Sustain, ¼ mile' in the degree of change map.

5. *The degree of change descriptions:* Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place. Increased density, building height, and a broader mix of uses are encouraged in Sustain areas. The request for a six-lot townhome-style residential development meets these criteria



because the development will increase density and building heights and introduce a broader mix of uses to the area.

Based on the land use decision criteria, this proposal is consistent with the Memphis 3.0 General Plan.

### **Conclusions**

The applicant is requesting approval of a six-lot townhome-style residential development.

The subject property is currently vacant and the lot redesign will create a more desirable layout that is consistent with the existing pattern of residential development in the surrounding area.

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. Maximum of 6 single-family, attached townhouses
- B. Accessory uses permitted by the Residential Urban – 5 (RU-5) District

#### II. Bulk Regulations

The bulk regulations of the RU-5 district shall govern except where noted below:

- A. Setbacks
  - i. Minimum front and rear setback of 5 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the RU-5 district.
- D. Building materials shall be consistent with the surrounding area.

#### III. Access and Circulation

- A. Internal circulation shall be shown on final plan.
- B. Vehicular access will contain a two-way entrance on East Brookhaven Circle, with a 20-foot wide internal private drive.
- C. 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.

#### IV. Landscaping and Screening

- A. A detailed landscaping plan shall be submitted with the final plan.

#### V. Signs

- A. Any signs shall be regulated by the RU-5 district.

#### VI. Drainage and Sanitary Sewer

- A. 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 plan.

#### VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
  - D. The location and ownership, whether public or private of any easement.
  - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - F. The 100-year flood elevation.

## **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.

### 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.

### Drainage:

10. The development is located in a “sensitive” drainage basin (White Station 7-B). A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

Site Plan Notes:

11. Maintain internal access easement 20 feet wide to cover from east to west property lines.

**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:**

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:**

No comments received.

**Office of Sustainability and Resilience:**

No comments at this time.



**APPLICATION**



# Memphis and Shelby County Office of Planning and Development

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

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

Date: 1.7.2021 Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: Brookhaven Townhomes

Property Owner of Record: Brookhaven Townhomes LLC Phone #: (901) 212-0457

Mailing Address: 4488 Sequoia Avenue City/State: Memphis, TN Zip 38117

Property Owner E-Mail Address: jaur@boyle.com

Applicant: Jonathan Aur Phone # (901) 212-0457

Mailing Address: 4488 Sequoia Avenue City/State: Memphis, TN Zip 38117

Applicant E- Mail Address: jaur@boyle.com

Representative: Jonathan Aur Phone #: (901) 212-0457

Mailing Address: 4488 Sequoia Avenue City/State: Memphis, TN Zip 38117

Representative E-Mail Address: jaur@boyle.com

Engineer/Surveyor: OLLAR Surveying Company Phone # (901) 465-5555

Mailing Address: 3157 Highway 64 Suite 250 City/State: Eads, TN Zip 38028

Engineer/Surveyor E-Mail Address: troy@ollarsurveying.com

Street Address Location: 786 E Brookhaven

Distance to nearest intersecting street: \_\_\_\_\_

|                           | Parcel 1           | Parcel 2 | Parcel 3 |
|---------------------------|--------------------|----------|----------|
| Area in Acres:            | <u>.27 acres</u>   | _____    | _____    |
| Existing Zoning:          | <u>CMU-1</u>       | _____    | _____    |
| Existing Use of Property  | <u>Vacant Lot</u>  | _____    | _____    |
| Requested Use of Property | <u>Residential</u> | _____    | _____    |

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

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

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

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

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

Yes \_\_\_ No X

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

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

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

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

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

Yes

- 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.

Yes

- 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)

Yes

- 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.

Yes

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

Yes

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

Yes

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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

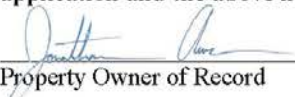

Pre-Application Conference held on: Nov. 30, 2020 with Josh Whitehead

**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.

|   |      |  |            |
|---|------|--|------------|
|  |      |  | 12/29/2020 |
| Property Owner of Record  | Date | Applicant  | Date       |

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

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

**LETTER OF INTENT**

**Brookhaven Townhomes, LLC**  
4488 Sequoia Avenue  
Memphis, TN 38117

Mr. Josh Whitehead  
Administrator | Planning Director  
City of Memphis | Land Use Control  
125 N. Main Street, Suite 468  
Memphis, TN 38104

Dear Mr. Whitehead:

We submit this application to the Office of Planning and Development requesting approval for a six-lot minor subdivision. Our hope is to provide a positive addition to Brookhaven Circle by offering a solution for housing with a thoughtful and complementary design. We thank you for this opportunity and look forward to presenting this subdivision to your office. If you or anyone on your staff have any questions, please feel free to reach out.

Best Regards,

A handwritten signature in blue ink that reads "Jonathan Aur". The signature is fluid and cursive, with the first name "Jonathan" being larger and more prominent than the last name "Aur".

Jonathan Aur  
(901) 212-0457  
jaur@boyle.com

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Daniel Szymanek, being duly sworn, depose and say that at 11:00 am on the 1st day of February, 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 21-02 at 786 E Brookhaven Circle, Memphis, TN 38117 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.

Neil Szymanek 2-1-21  
Owner, Applicant or Representative Date

Subscribed and sworn to before me this 1st day of Feb., 2021.

Dena Forbes  
Notary Public

My commission expires: 8.10.2021



**LETTERS RECEIVED**

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

**PD-21-02 786 E. Brookhaven Cr.**

David Buring &lt;dburing@aol.com&gt;

Thu 1/28/2021 2:10 PM

**To:** Shupe-Diggs, Clarke <Clarke.Shupe.Diggs@memphistn.gov>

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

---

I own 5167 Poplar Ave. which is directly across Poplar from E. Brookhaven Cr. I received a letter about the Public Hearing being held. I am not able to attend the phone hearing but I have No objection to the owner's request.

Kindly,

David Buring

Burelz Investments, GP

David Buring

5587 Murray Ave., Suite 104

Memphis, Tennessee 38119

901.289.5951

Fax: 901.684.1585

**Brookhaven Townhomes, LLC**  
4488 Sequoia Avenue  
Memphis, TN 38117

Mr. Josh Whitehead  
Administrator | Planning Director  
City of Memphis | Land Use Control  
125 N. Main Street, Suite 468  
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Best Regards,



Jonathan Aur  
(901) 212-0457  
jaur@boyle.com





# 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: 1.7.2021

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

PLEASE TYPE OR PRINT

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Applicant: Jonathan Aur Phone # (901) 212-0457

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Representative: Jonathan Aur Phone #: (901) 212-0457

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Representative E-Mail Address: jaur@boyle.com

Engineer/Surveyor: OLLAR Surveying Company Phone # (901) 465-5555

Mailing Address: 3157 Highway 64 Suite 250 City/State: Eads, TN Zip 38028

Engineer/Surveyor E-Mail Address: troy@ollarsurveying.com

Street Address Location: 786 E Brookhaven

Distance to nearest intersecting street: \_\_\_\_\_

|                           | Parcel 1           | Parcel 2 | Parcel 3 |
|---------------------------|--------------------|----------|----------|
| Area in Acres:            | <u>.27 acres</u>   | _____    | _____    |
| Existing Zoning:          | <u>CMU-1</u>       | _____    | _____    |
| Existing Use of Property  | <u>Vacant Lot</u>  | _____    | _____    |
| Requested Use of Property | <u>Residential</u> | _____    | _____    |

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

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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

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Yes

- 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.

Yes

- 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)

Yes

- 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.

Yes

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

Yes

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

Yes

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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



**Pre-Application Conference held on:** Nov. 30, 2020 with Josh Whitehead

**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).

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(If yes, documentation must be included with application materials)

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|  |       |   |       |
|--|-------|---|-------|
|  | _____ |  | _____ |
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- 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.

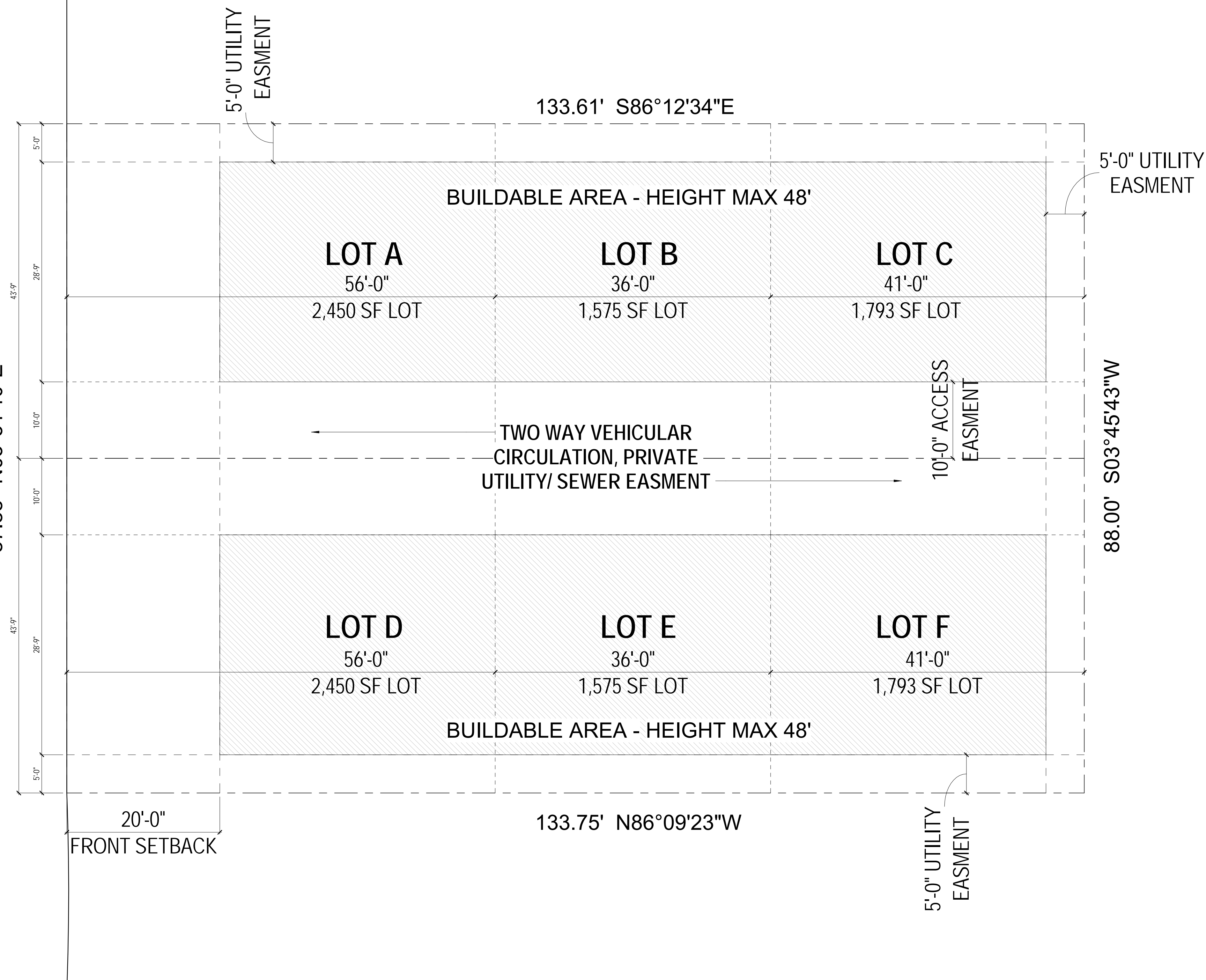
2) Two (2) self-adhesive mailing labels (1"x 2<sup>5/8</sup>" each for the owner of record, applicant, representative and/or engineer/surveyor.

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**

**BROOKHAVEN CIRCLE**  
87.88' N03°51'10"E



1 OUTLINE PLAN  
SCALE: 1/8" = 1'-0"



| MARK      | DATE | DESCRIPTION |
|-----------|------|-------------|
| REVISIONS |      |             |
| CLIENT    |      |             |

Brookhaven Townhomes, LLC  
4488 Sequoia Avenue  
Memphis, Tn 38117

PROJECT NAME

**BROOKHAVEN TOWNHOMES**

Project No. 2021XXXX  
Date Issued 1/7/2021  
Drawing Scale 1/8" = 1'-0"  
Copyright © 2021 brg3s

DRAWING TITLE

OUTLINE PLAN

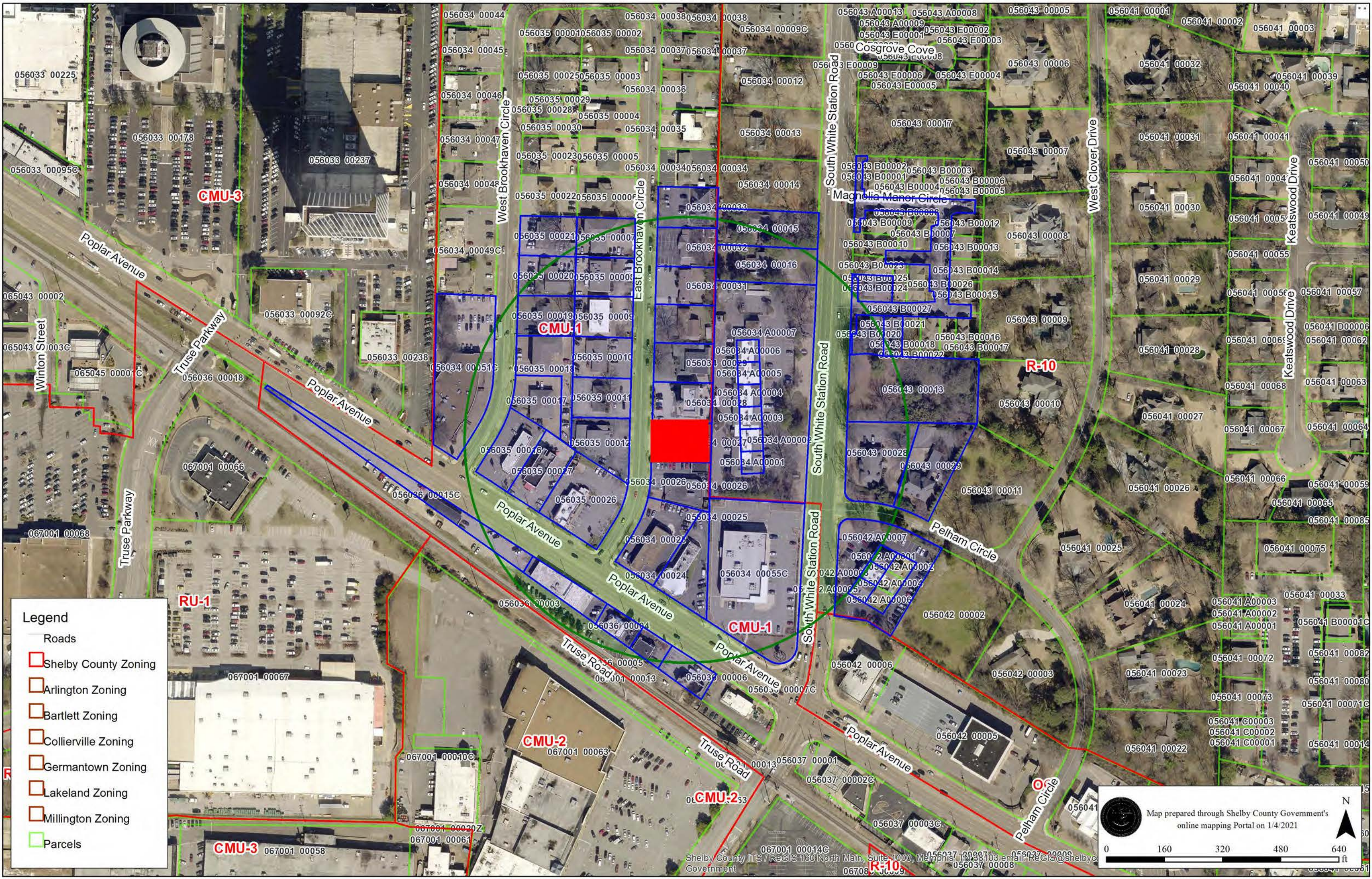
SEALS

**NOT FOR CONSTRUCTION**

SHEET ID

SCHEMATIC DESIGN

**AS100**



**Legend**

- Roads
- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning
- Parcels


Map prepared through Shelby County Government's online mapping Portal on 1/4/2021

0 160 320 480 640 ft



*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.

|  |           |
|--|-----------|
| <br><b>17123316</b> |           |
| 12/01/2017   | 01:12 PM  |
| <b>S PGS</b>   |           |
| VICKIE 1677502-17123316  |           |
| VALUE  | 376000.00 |
| MORTGAGE TAX   | 0.00      |
| TRANSFER TAX   | 1391.20   |
| RECORDING FEE  | 25.00     |
| DP FEE   | 2.00      |
| REGISTER'S FEE   | 1.00      |
| WALK THRU FEE  | 0.00      |
| TOTAL AMOUNT   | 1419.20   |
| <b>TOM LEATHERWOOD</b>   |           |
| REGISTER OF DEEDS SHELBY COUNTY TENNESSEE  |           |

7

THIS INSTRUMENT PREPARED BY:

E. WOODS WEATHERSBY  
EVANS | PETREE PC  
1000 RIDGEWAY LOOP ROAD, SUITE 200  
MEMPHIS, TENNESSEE 38120

NEW PROPERTY OWNER AND  
SEND TAX BILLS TO:

SHS JAMMER HOLDINGS LLC  
2001 Irving Blvd, Suite 153  
Dallas, Texas 75207-6630

TAX ID #  
056-034-00027

PROPERTY ADDRESS:  
786 EAST BROOKHAVEN CIRCLE  
MEMPHIS, TENNESSEE 38117

### WARRANTY DEED

THIS INDENTURE made and entered into as of the 30 day of Nov., 2017, by and between **Billy W. Reynolds and wife, Ruthell Reynolds**, party of the first part, and **SHS Jammer Holdings LLC**, a Tennessee limited liability company, 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 consideration, 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 Shelby County, Tennessee:

That certain real property described on Exhibit "A" attached hereto and incorporated herein by reference as if set forth verbatim.

Being the same property as that conveyed to party of the second part by Warranty Deed of record at Instrument No. T7 9249 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, its heirs, successors and assigns in fee simple forever.

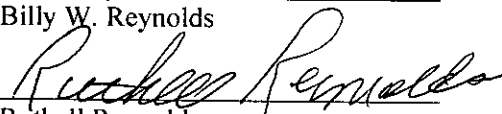
And the said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate, that it has a good right to sell and convey the same; that the same is unencumbered except for those items shown on Exhibit "B" attached hereto and incorporated herein by reference as if set forth verbatim, and quiet possession thereto it 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 to 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.



Billy W. Reynolds



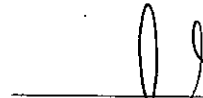
Ruthell Reynolds

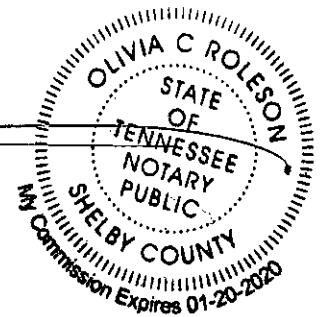


STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 30 day of Nov, 2017, personally appeared before me Billy W. Reynolds and wife, Ruthell Reynolds, 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 seal, at office, this 30 day of Nov, 2017.

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

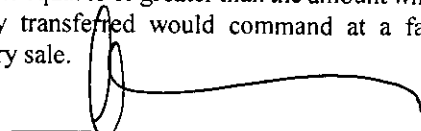


My Commission expires:


1-20-2020

State Tax.....\$1,391.20  
Register's Fee..... 3.00  
Recording Fee..... 20.00 25.00  
  
Total .....\$1,414.20  
1414.20

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 \$376,000.00, 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 30<sup>th</sup> day of November, 2017

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

My Commission expires:

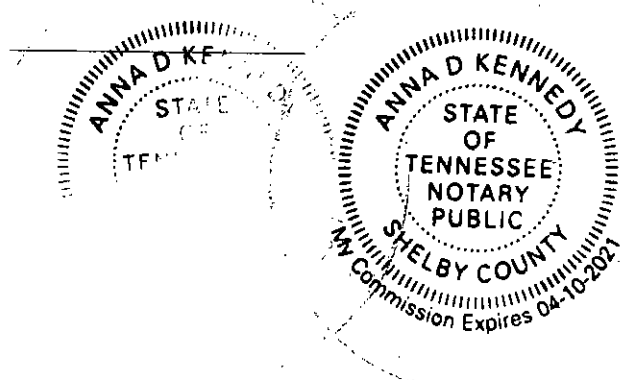


EXHIBIT "A"

That certain real property lying and being situated in Shelby County, Tennessee, more particularly described as follows:

Lot 27, BROOKHAVEN Subdivision, as per plat recorded in Plat Book 15, Page 40, in the Register's Office of Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point in the east line of East Brookhaven Circle 252.37 feet northwardly from the north line of Poplar Avenue, as measured along the east line of East Brookhaven Circle; thence northwardly with said east line of East Brookhaven Circle 88 feet to a point in the south line of Lot 26; thence eastwardly with said south line 133.56 feet to a point in the east line of the subdivision; thence southwardly with said east line 88 feet to the north line of Lot 28; thence westwardly with said north line 133.69 feet to the point of beginning

Also described as:

Description of the Billy W. Reynolds and wife Ruthell Reynolds property recorded in Instrument No. T7-9249, being Lot 27, Brookhaven Subdivision recorded in Plat Book 15, Page 40 in Memphis, Shelby County, Tennessee:

Beginning at a found 1/2" rebar in the east line of Brookhaven Circle (50' R.O.W.), said point being the southwest corner of Lot 27 of said Subdivision recorded in Plat Book 15, Page 40, the northwest corner of Lot 28 of said Subdivision recorded in Plat Book 15, Page 40 and being on TCS 1983 (N-306071.05, E-805434.53); thence north 03 degrees 51 minutes 10 seconds east along the east line of said Brookhaven Circle, 87.88 feet to a found railroad spike at the northwest corner of Lot 27 of said Subdivision recorded in Plat Book 15, Page 40 and the southwest corner of Lot 26 of said Subdivision recorded in Plat Book 15, Page 40; thence south 86 degrees 12 minutes 34 seconds east along the north line of Lot 27 of said Subdivision recorded in Plat Book 15, Page 40 and along the south line of Lot 26 of said Subdivision recorded in Plat Book 15, Page 40, 133.61 feet to a found 1/2" rebar at the northeast corner of Lot 27 of said Subdivision recorded in Plat Book 15, Page 40, the southeast corner of Lot 26 of said Subdivision recorded in Plat Book 15, Page 40 and in the west line of the 717 White Station Owners' Association, Inc. property recorded in Instrument No. 07133278; thence south 03 degrees 45 minutes 43 seconds west along the east line of Lot 27 of said Subdivision recorded in Plat Book 15, Page 40 and along the west line of said property recorded in Instrument No. 07133278, 88.00 feet to a set 1/2" rebar with plastic cap at the southeast corner of Lot 27 of said

Subdivision recorded in Plat book 15, Page 40 and the northeast corner of Lot 28 of said Subdivision recorded in Plat Book 15, Page 40; thence north 86 degrees 09 minutes 23 seconds west along the south line of Lot 27 of said Subdivision recorded in Plat Book 15, Page 40 and along the north line of Lot 28 of said Subdivision recorded in Plat Book 15, Page 40, 133.75 feet to the POINT OF BEGINNING and containing 11,755 square feet or 0.27 acres of land

as shown on survey dated November 27, 2017, prepared by Ollar Surveying Company.

EXHIBIT "B"

1. 2018 City of Memphis and Shelby County real property taxes which are not yet due or payable and which party of the second part assumes and agrees to pay.
2. Subdivision restrictions, building lines, and easements of record in Plat Book 1, Page 117 and Plat Book 15, Page 40, amended at Instrument No. F2 9587, F2 9588, F2 9889, F2 9590, K7 5848, and K8 6679, all recordings in the Register's Office of Shelby County, Tennessee.
3. Easements of record in Book 2657, Page 187, in the aforesaid Register's Office.
4. Parking Easement Agreement of record at Instrument No. 06207625, in the aforesaid Register's Office.
5. All matters shown on that certain survey dated November 27, 2017, prepared by Ollar Surveying Company.



GILL WHITE STATION GP  
8130 MACON STATION DR #114  
CORDOVA TN 38018

RIZK T E (TR)  
4508 BARFIELD RD  
MEMPHIS TN 38117

TANENBAUM INVESTMENTS L L C  
760 W BROOKHAVEN CIR  
MEMPHIS TN 38117

MOSS STEPHEN D  
5500 SHADY GROVE RD  
MEMPHIS TN 38120

5131 POPLAR LLC  
50 EDGEHILL RD  
LITTLE ROCK AR 72207

MOSS STEPHEN D  
5500 SHADY GROVE RD  
MEMPHIS TN 38120

CORKYS CATERING REAL ESTATE LLC  
5240 POPLAR AVE #3RD  
MEMPHIS TN 38119

CYPRESS REALTY HOLDINGS CO II LLC  
2650 THOUSAND OAKS BLVD #2350  
MEMPHIS TN 38118

GILL WHITE STATION GP  
8130 MACON STATION DR #113  
CORDOVA TN 38018

AMB PROPERTIES LLC  
1656 APPLE VALLEY CV  
GERMANTOWN TN 38138

GIRL SCOUTS HEART OF THE SOUTH  
717 S WHITE STATION RD #2  
MEMPHIS TN 38117

WORLDWIDE PRESTIGE GROUP LLC  
PO BOX 2185  
MEMPHIS TN 38101

BOSHWIT JUDITH S  
1571 APPALOOSA DR  
GERMANTOWN TN 38138

GIRL SCOUTS HEART OF THE SOUTH  
717 S WHITE STATION RD #2  
MEMPHIS TN 38117

LIVNAH ARON  
438 MCELROY RD  
MEMPHIS TN 38120

2000 JOYCE S LANSKY TRUST  
174 GROVE DALE ST  
MEMPHIS TN 38120

GIRL SCOUTS HEARTH OF THE SOUTH  
717 S WHITE STATION RD #2  
MEMPHIS TN 38117

LEVENTHAL KRIS  
768 BROOKHAVEN CIR  
MEMPHIS TN 38117

FRIEDMAN EDEN  
331 S YATES RD  
MEMPHIS TN 38120

CYPRESS REALTY HOLDINGS CO II LLC  
2650 THOUSAND OAKS BLVD #2350  
MEMPHIS TN 38118

SEBRING WILLIAM B  
708 S WHITE STATION RD  
MEMPHIS TN 38117

SHS JAMMER HOLDINGS LLC  
2001 IRVING BLVD #153  
DALLAS TX 75207

SEVEN ONE SEVEN WHITE STATION OWNERS  
2650 THOUSAND OAKS BLVD #2350  
MEMPHIS TN 38117

FIFTY ONE TWENTY FOUR POPLAR LLC  
5124 POPLAR AVE  
MEMPHIS TN 38117

REALTY INCOME CORP  
PO BOX 52427  
ATLANTA GA 30355

MENZIES CENTER JOINT VENTURE (PSO)  
766 S WHITE STATION #1  
MEMPHIS TN 38117

GAIA SHIRLEY L  
123 COOPER ST  
COLLIERVILLE TN 38017

LOEB BROS REALTY LP  
P O BOX 171247  
MEMPHIS TN 38187

BOYLE TRUST & INVESTMENT CO, TR AND  
PO BOX 1159  
DEERFIELD IL 60015

MOSS STEPHEN D  
5500 SHADY GROVE RD  
MEMPHIS TN 38120

DESIGNER'S CHOICE INTERIORS LP  
776 E BROOKHAVEN CIR  
MEMPHIS TN 38117

SMITH AND ALBRIGHT (DRS) (PSO)  
766 S WHITE STATION RD  
MEMPHIS TN 38117

CYPRESS REALTY HOLDINGS CO II LLC  
2650 THOUSAND OAKS BLVD #2350  
MEMPHIS TN 38118

KLINKE JEFFREY P AND KATHRYN K SHERRILL  
5567 SYCAMORE GROVE LN  
MEMPHIS TN 38120

766 WS LLC  
766 S WHITE STATION RD #3  
MEMPHIS TN 38117

GERANI EDDIE M  
780 E BROOKHAVEN CIR  
MEMPHIS TN 38117

BANK3  
766 S WHITE STATION RD  
MEMPHIS TN 38117

JOHNS BARBARA Y TRUST (TR)  
1862 HUNTERS HILL DR  
GERMANTOWN TN 38138

BURELZ INVESTMENST LLC  
5587 MURRAY AVE #104  
MEMPHIS TN 38119

WADDELL ELEANOR M TRUST  
6070 POPLAR AVE #6  
MEMPHIS TN 38119

ROGERS KATHERINE M IRREVOCABLE TRUST  
4110 TUCKAHOE RD  
MEMPHIS TN 38117

BOYD LANE LLC  
744 S WHITE STATION  
MEMPHIS TN 38117

EDWARDS DAVID & KATHY THURMOND  
680 BROOKHAVEN CIR  
MEMPHIS TN 38117

WADDELL ELEANOR M TRUST  
6070 POPLAR AVE #6  
MEMPHIS TN 38119

PELHAM CIRCLE LLC  
740 S WHITE STATION  
MEMPHIS TN 38117

HPS BROOKHAVEN LLC  
788 E BROOKHAVEN CIR  
MEMPHIS TN 38117

BAUM & COMPANY (DBA)  
5744 RAYBEN CIR  
MEMPHIS TN 38115

MOONE SUNG S  
5180 POPLAR AVE  
MEMPHIS TN 38119

CARPENTER-MCCULLOUGH AMBER J  
722 MAGNOLIA MANOR CIR  
MEMPHIS TN 38117

CRUM LARRY E REVOCABLE LIVING TRUST  
5165 POPLAR AVE  
MEMPHIS TN 38117

GREER TRACY E & RENEE  
720 MAGNOLIA MANOR CIR  
MEMPHIS TN 38117

056034 00016 - GILL WHITE STATION GP  
056035 00020 - MOSS STEPHEN D  
056035 00008 - CORKYS CATERING REAL ESTATE LLC  
056035 00009 - AMB PROPERTIES LLC  
056034 00030 - BOSHWIT JUDITH S  
056035 00010 - 2000 JOYCE S LANSKY TRUST  
056035 00016 - FRIEDMAN EDEN  
056034 00027 - SHS JAMMER HOLDINGS LLC  
056034 00025 - REALTY INCOME CORP  
056036 00006 - LOEB BROS REALTY LP  
056043 00013 - RIZK T E (TR)  
056036 00015C - 5131 POPLAR LLC  
056034 A00001 - CYPRESS REALTY HOLDINGS CO II LLC  
056034 A00002 - GIRL SCOUTS HEART OF THE SOUTH  
056034 A00003 - GIRL SCOUTS HEART OF THE SOUTH  
056034 A00004 - GIRL SCOUTS HEARTH OF THE SOUTH  
056034 A00005 - CYPRESS REALTY HOLDINGS CO II LLC  
056034 A00007 - SEVEN ONE SEVEN WHITE STATION OWNERS  
056042 A00007 - MENZIES CENTER JOINT VENTURE (PSO)  
056034 00055C - BOYLE TRUST & INVESTMENT CO, TR AND  
056034 00033 - TANENBAUM INVESTMENTS L L C  
056035 00021 - MOSS STEPHEN D  
056034 00015 - GILL WHITE STATION GP  
056035 00007 - WORLDWIDE PRESTIGE GROUP LLC  
056034 00032 - LIVNAH ARON



056034 00031 - LEVENTHAL KRIS  
056043 B00024 - SEBRING WILLIAM B  
056034 00051C - FIFTY ONE TWENTY FOUR POPLAR LLC  
056035 00019 - GAIA SHIRLEY L  
056035 00018 - MOSS STEPHEN D  
056034 00029 - DESIGNER'S CHOICE INTERIORS LP  
056035 00011 - KLINKE JEFFREY P AND KATHRYN K SHERRILL  
056034 00028 - GERANI EDDIE M  
056035 00012 - JOHNS BARBARA Y TRUST (TR)  
056035 00027 - WADDELL ELEANOR M TRUST  
056043 00029 - BOYD LANE LLC  
056035 00026 - WADDELL ELEANOR M TRUST  
056034 00026 - HPS BROOKHAVEN LLC  
056034 00024 - MOONE SUNG S  
056036 00003 - CRUM LARRY E REVOCABLE LIVING TRUST  
056042 A00001 - SMITH AND ALBRIGHT (DRS) (PSO)  
056042 A00003 - 766 WS LLC  
056042 A00005 - BANK3  
056036 00004 - BURELZ INVESTMENST LLC  
056036 00005 - ROGERS KATHERINE M IRREVOCABLE TRUST  
056035 00017 - EDWARDS DAVID & KATHY THURMOND  
056043 00028 - PELHAM CIRCLE LLC  
056043 B00027 - BAUM & COMPANY (DBA)  
056043 B00020 - CARPENTER-MCCULLOUGH AMBER J  
056043 B00021 - GREER TRACY E & RENEE

056034 A00006 - CYPRESS REALTY HOLDINGS CO II LLC

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 03/16/2021**  
*DATE*

**PUBLIC SESSION: 03/16/2021**  
*DATE*

**ITEM (CHECK ONE)**

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

**ITEM DESCRIPTION:** A resolution approving a transitional home

**CASE NUMBER:** SUP 20-15

**DEVELOPMENT:** Transitional home

**LOCATION:** 578 Harrell Street

**COUNCIL DISTRICTS:** District 7 and Super District 9 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Early Grove Baptist Church/ The Purpose Place

**REPRESENTATIVE:** Charlene Brown

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1), SUP 94-219, Z 03-122

**REQUEST:** To allow a transitional home

**AREA:** +/-0.13 acres

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

**RECOMMENDED COUNCIL ACTION: No Public Hearing Required**

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
 02/11/2021 \_\_\_\_\_ 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>                     |
|---------------------|-------------|-------------------------------------|
| _____ Lucas Skinner | 02/26/2021  | 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 20-15*

Resolution requesting a transitional home:

- 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): Early Grove Baptist Church/ The Purpose Place and Representative(s): Charlene Bowen; 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 578 HARRELL STREET, KNOWN AS CASE NUMBER SUP 20-15.**

---

**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**, The Purpose Place filed an application with the Memphis and Shelby County Office of Planning and Development to allow a transitional home; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 11<sup>th</sup>, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

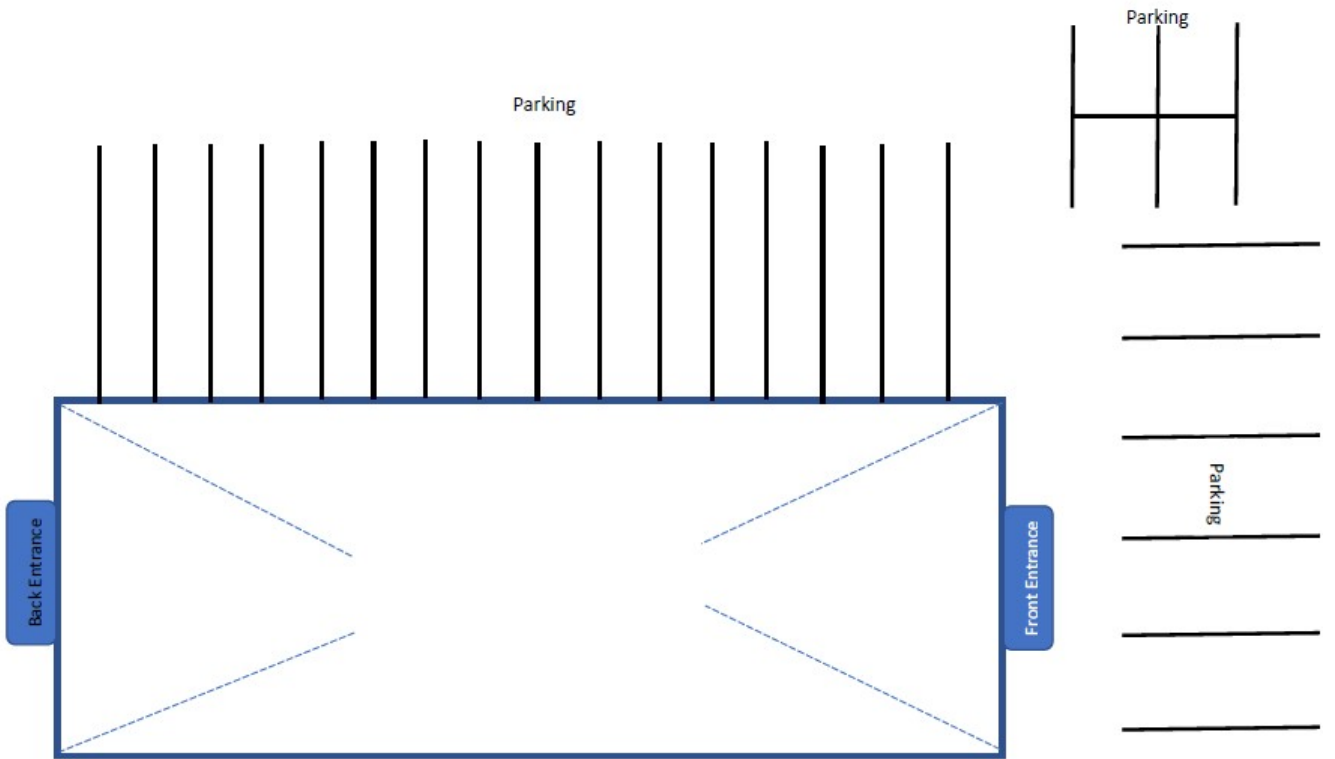
***ATTEST:***

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

## **CONDITIONS**

1. The transitional home shall share the existing access from Lester and Harrell Streets as well as the existing parking with the church.
2. 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.

# SITE PLAN





## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, February 11, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 20-15

**LOCATION:** 578 Harrell Street

**COUNCIL DISTRICT(S):** District 9 and Super District 9 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Early Grove Baptist Church/ The Purpose Place

**REPRESENTATIVE:** Charlene Bowen

**REQUEST:** To allow a transitional home

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1), SUP 94-219, Z 03-122

**AREA:** +/-0.13 acres

---

**The following spoke in support of the application:** Karen Curry, Sylvia Hamilton, Michael Collins, Reverend Charles Mabin

**The following spoke in opposition the application:** Kim Baker, Jeff Wilson, Kelly Rob

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

**The motion passed by a vote of 8-2 on the regular agenda.**

Respectfully,



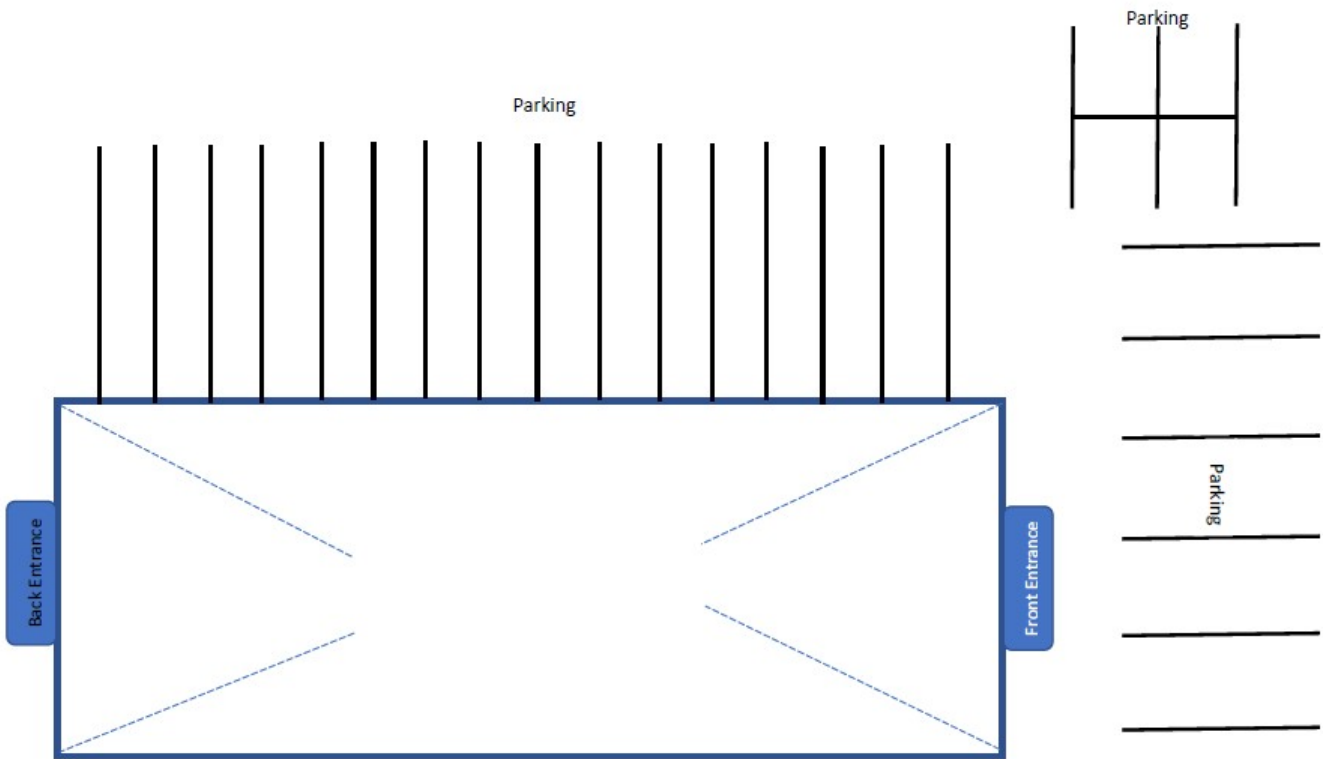
Lucas Skinner  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SUP 20-15**  
**CONDITIONS**

1. The transitional home shall share the existing access from Lester and Harrell Streets as well as the existing parking with the church.
2. 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.

SITE PLAN



AGENDA ITEM: 3

**CASE NUMBER:** SUP 20-15 **L.U.C.B. MEETING:** February 11, 2021

**LOCATION:** 578 Harrell Street

**COUNCIL DISTRICT:** District 7 and Super District 9 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Early Grove Baptist Church/ The Purpose Place

**REPRESENTATIVE:** Charlene Brown

**REQUEST:** Transitional home

**AREA:** +/-0.13 acres

**EXISTING ZONING:** Commercial Mixed Use – 1 (CMU-1), SUP 94-219, Z 03-122

## CONCLUSIONS

1. The applicant is seeking a transitional home in an existing building on the property where Early Grove Baptist Church is located.
2. The home will have up to 9 shared bedrooms, with a live-in supervisor and staff that will be on-site 24 hours. There will be multiple shared spaces throughout the home as well.
3. In 1994, the site was approved for a care home.
4. While this proposal could be regarded as meeting the criteria for the Binghampton plan, it is inconsistent with the new, citywide Memphis 3.0 Plan. More can be found on pp. 14-15.
5. 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 inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

## RECOMMENDATION

***Rejection***

**GENERAL INFORMATION**

**Street Frontage:** Harrell Street +/-51 linear feet  
**Zoning Atlas Page:** 2035  
**Parcel ID:** 037023 00024  
**Existing Zoning:** Commercial Mixed Use – 1 (CMU-1), SUP 94-219, Z 03-122

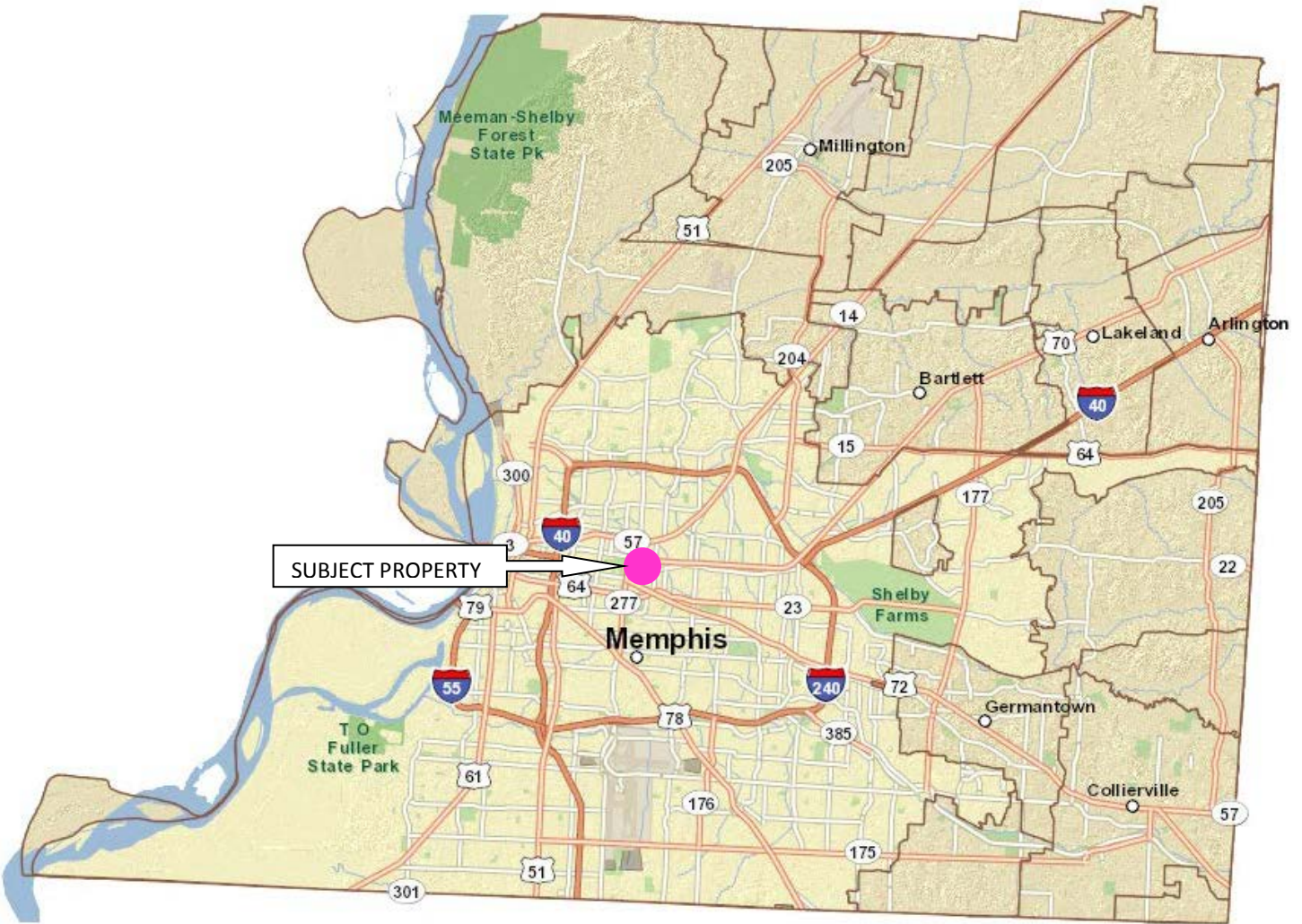
**NEIGHBORHOOD MEETING**

The meeting was held at 1:00 PM on Wednesday, December 30, 2020 electronically.

**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 56 notices were mailed on January 27, 2021, 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, Binghampton neighborhood

AVON HEIGHTS RE-SUBDIVISION (1919)

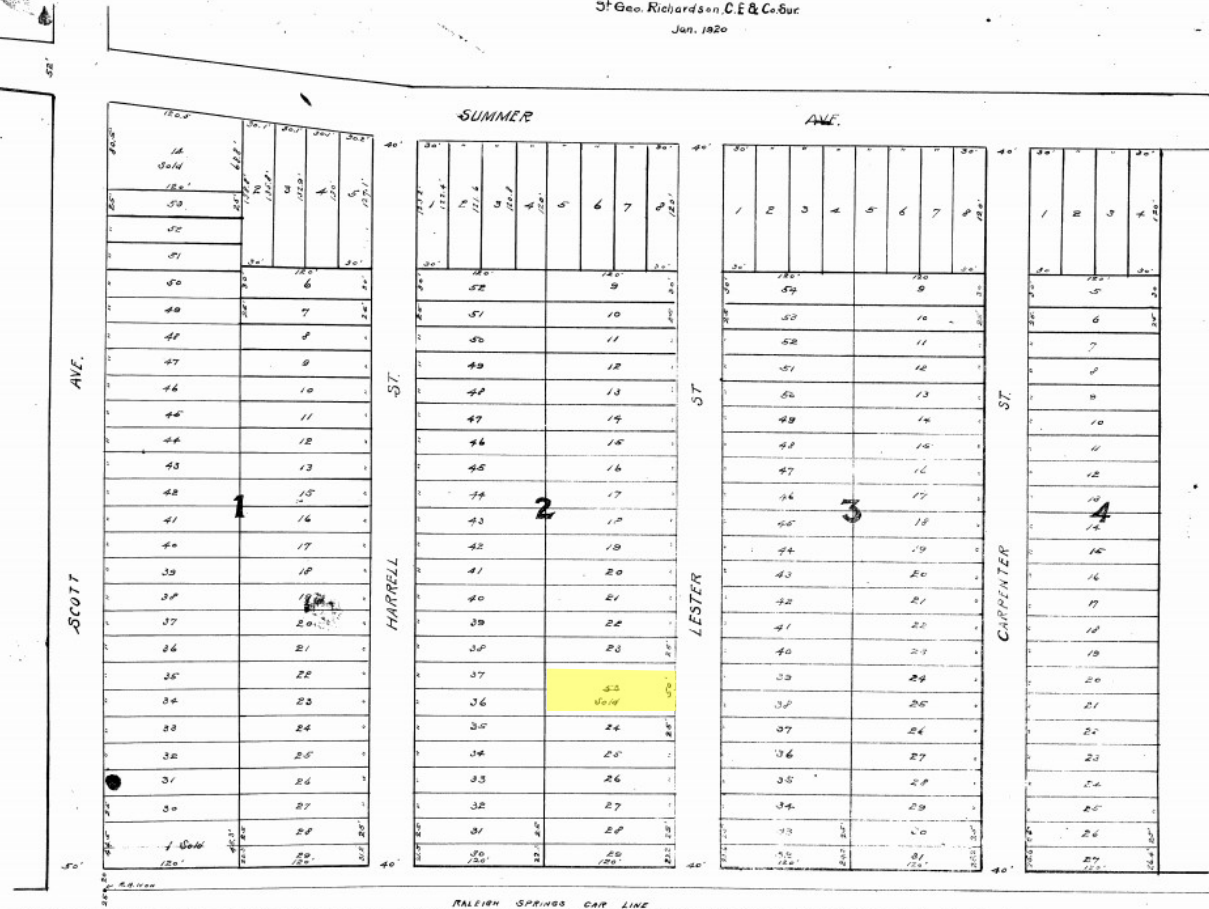
# Avon Heights

RE-SUBDIVISION OF LOTS 1 TO 98

F. W. FAXON & CO., AGENTS

37 Geo. Richardson, C. E. & Co. Bldg.

Jan. 1920



The Assessee adopts the foregoing plan of subdivision

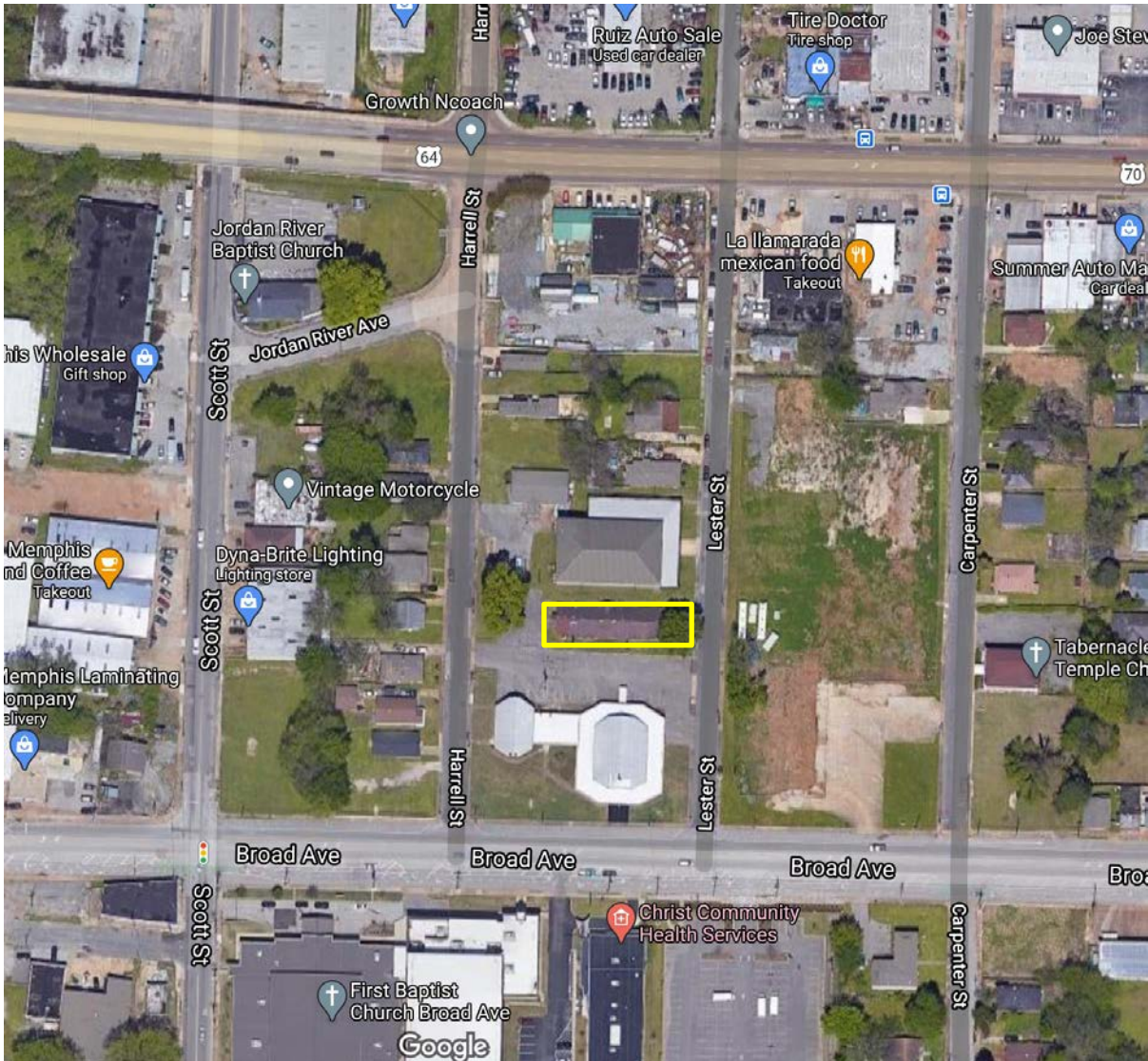
State of Tennessee

Subject property highlighted in yellow



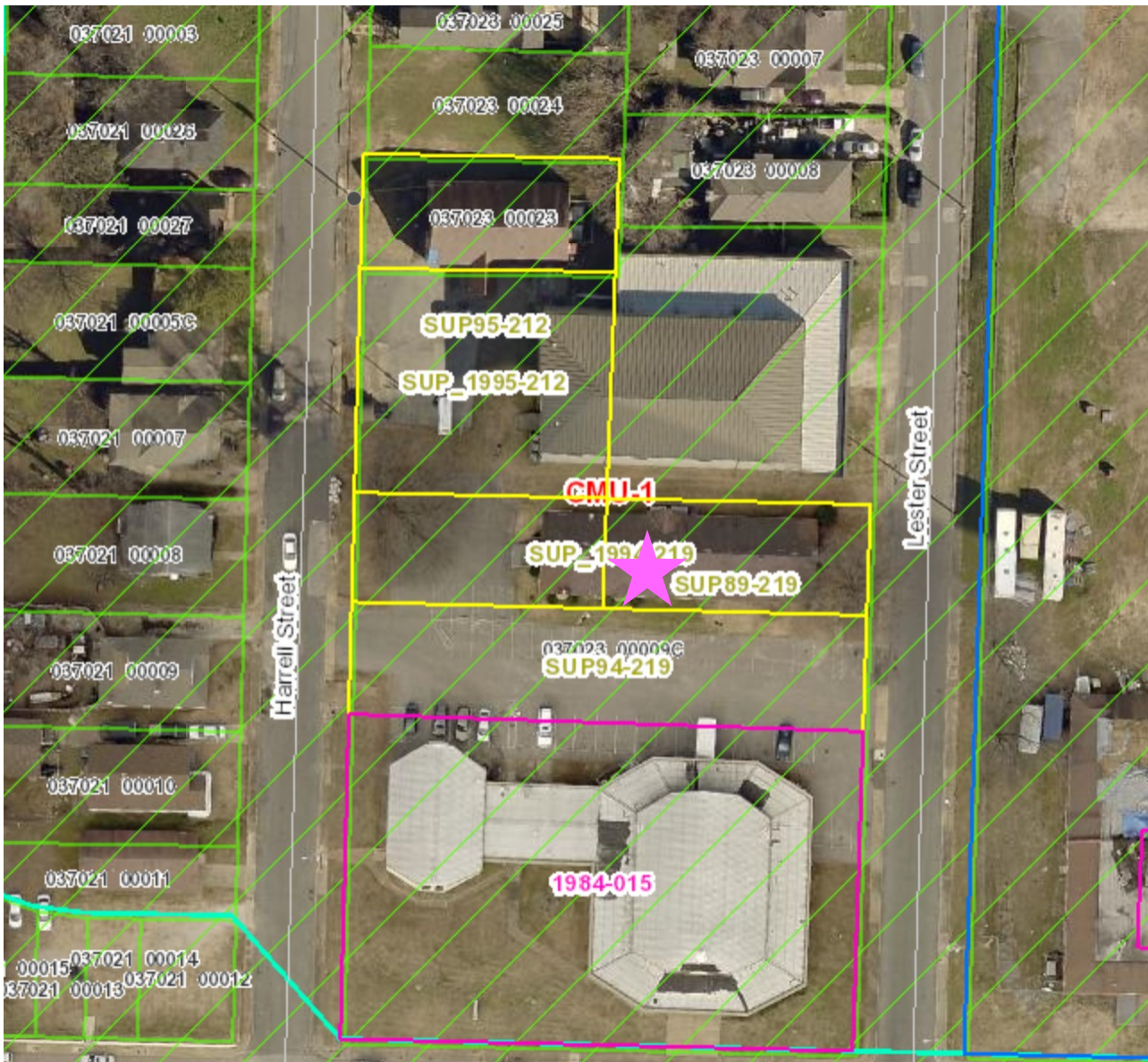


**AERIAL**



Subject property outlined in yellow, imagery from 2020

**ZONING MAP**



Subject property indicated by a pink star

**Existing Zoning:** Commercial Mixed Use -1 (CMU-1), SUP 94-219, Z 03-122

**Surrounding Zoning**

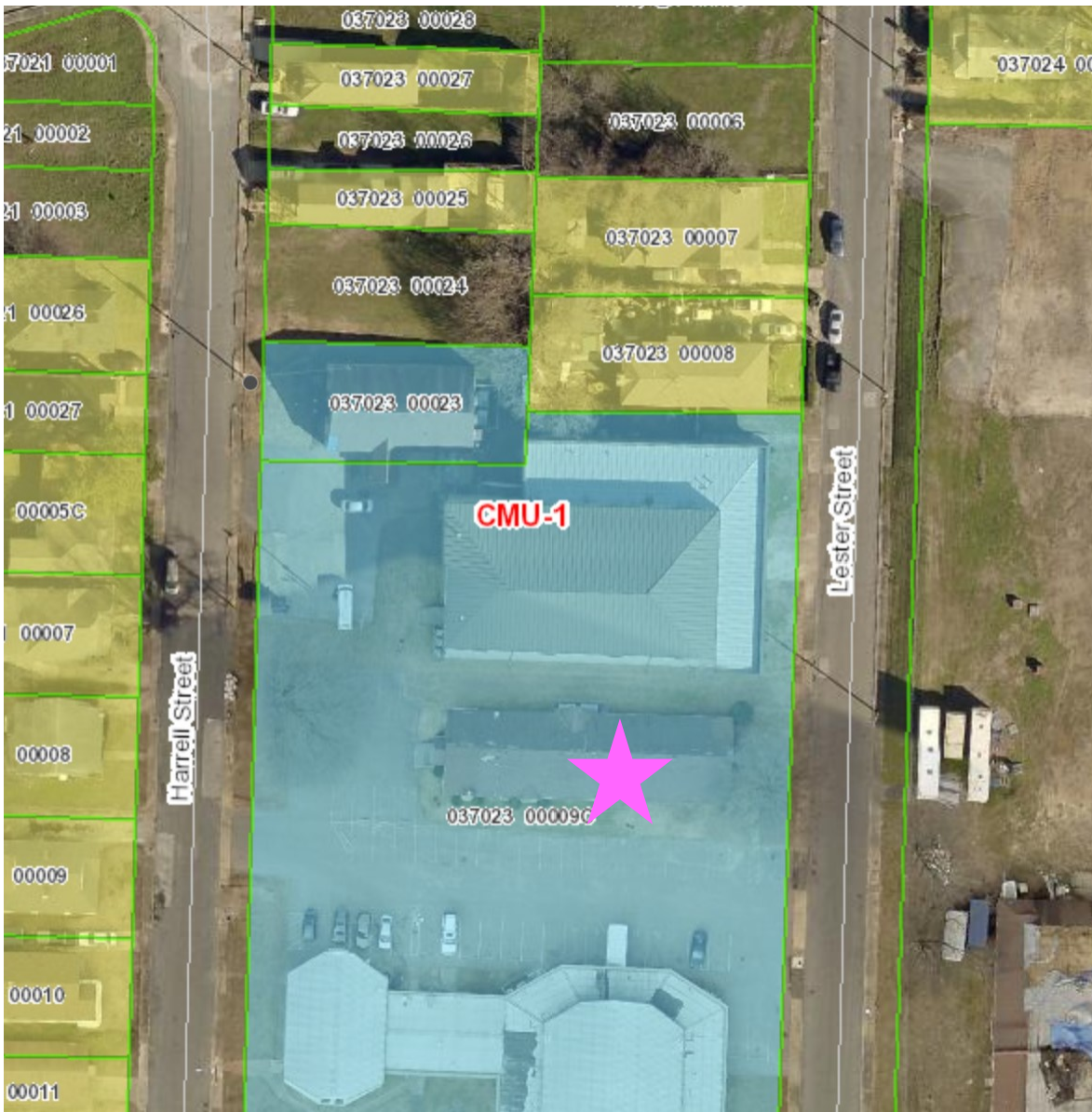
**North:** CMU-1

**East:** CMU-1

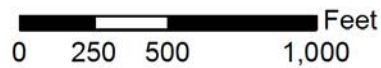
**South:** CMU-1, BOA 1984-015










**West:** CMU-1

**LAND USE MAP**



**LandUse**



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

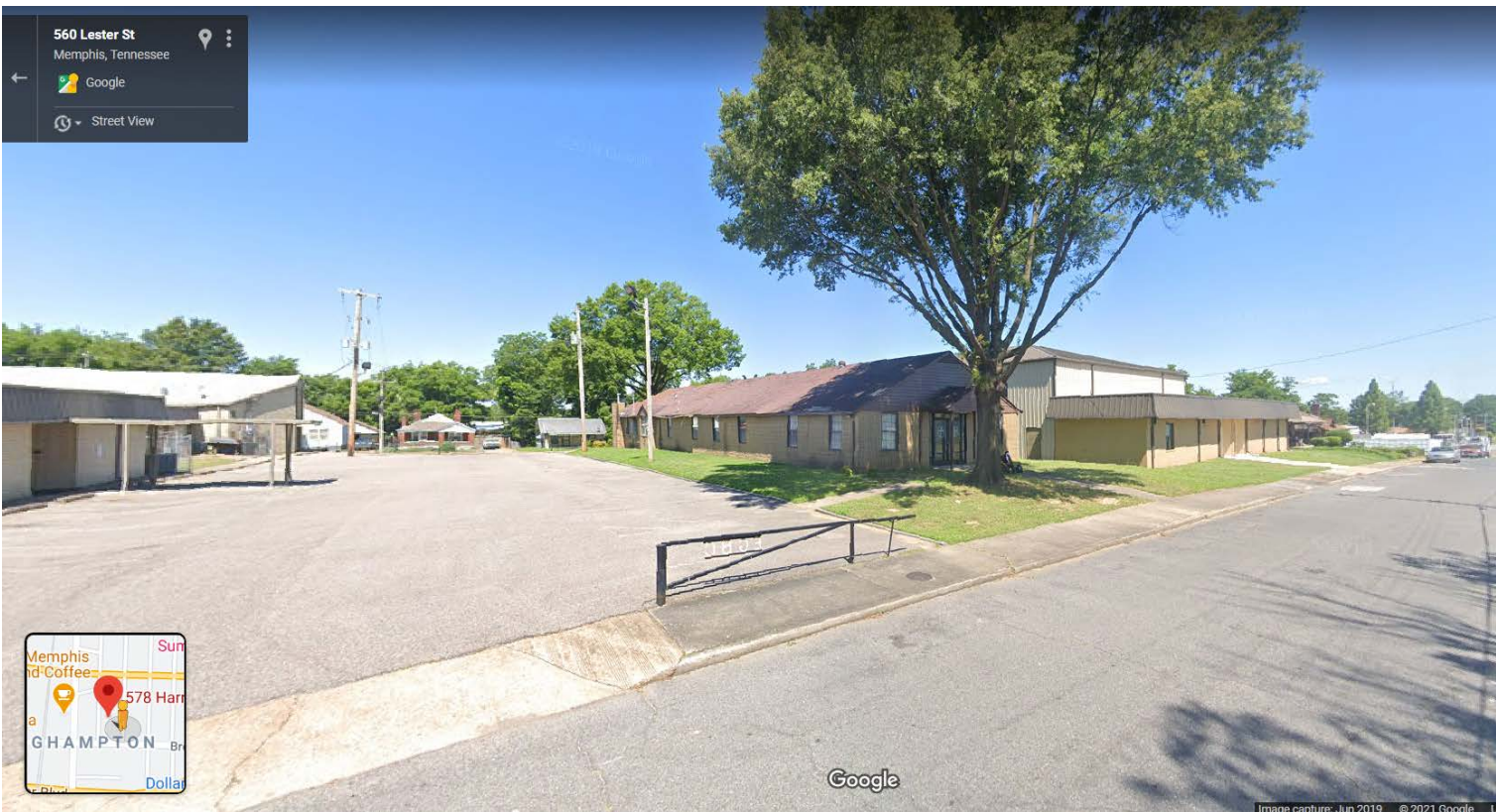


Subject property indicated by a pink star

**SITE PHOTOS**

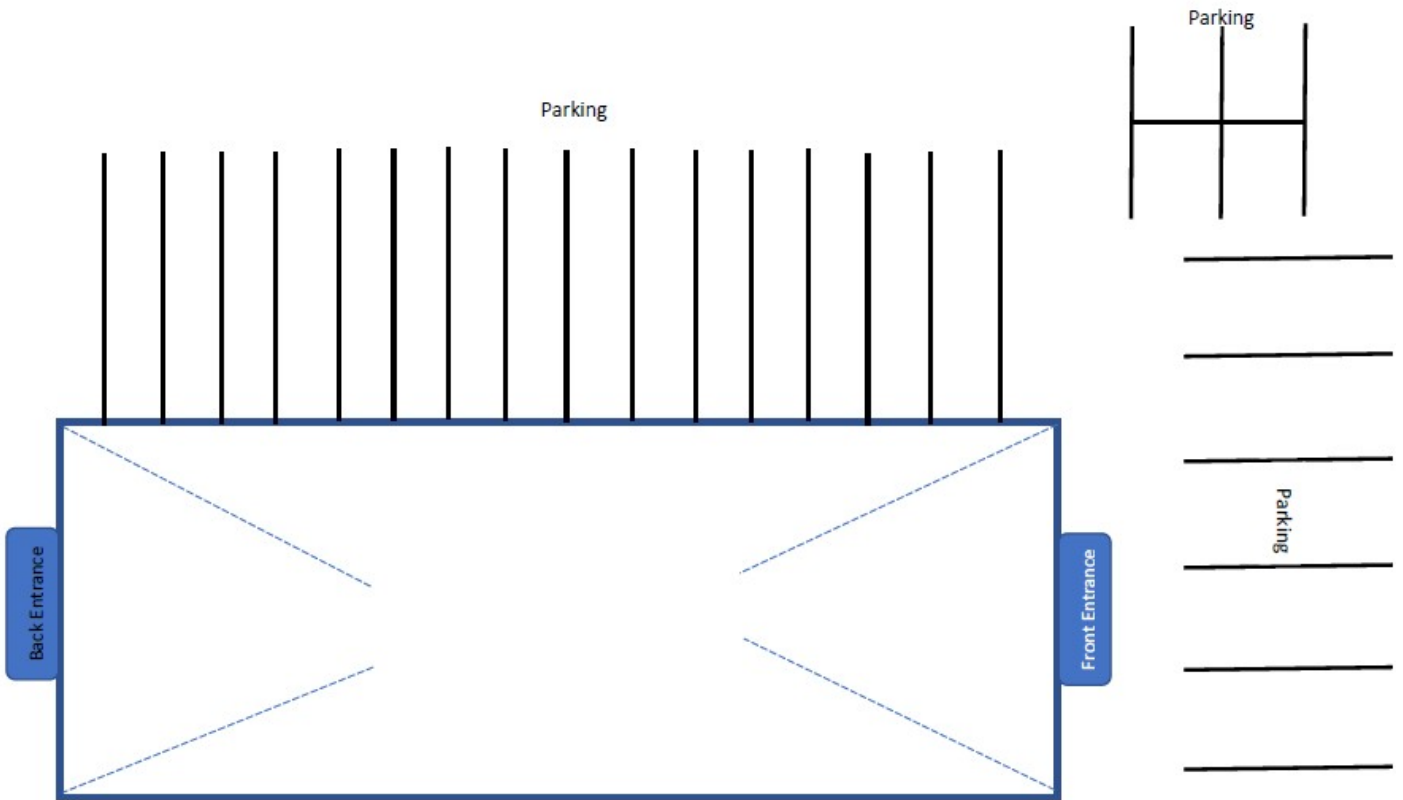


View of west side (front) of subject property looking east



View of east side (rear) of subject property looking northwest

**SITE PLAN**



## STAFF ANALYSIS

### Request

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

The request is for a transitional home located in an existing building on the property of Early Grove Baptist Church.

### 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. This development is not compatible with adjacent uses and more can be found on this in the conclusions section.

#### *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 roughly 0.37-acre property that is part of a broader 2-acre property which Early Grove Baptist Church owns. There is an existing structure that is roughly 4200 square feet where the request is to be housed. The existing structure shares access as well as parking with the adjacent church building. The structure was originally built in the mid 80's, but was converted to a care home in the mid 90's.

**Site Zoning History**

BOA 1984-015 approved a setback reduction for Early Grove Baptist to be built.

SUP 94-219 approved a care home at the location of this request for a transitional home.

Z 03-122 refers to the approved Midtown Corridor and East Binghampton plan.

**Consistency with Memphis 3.0**

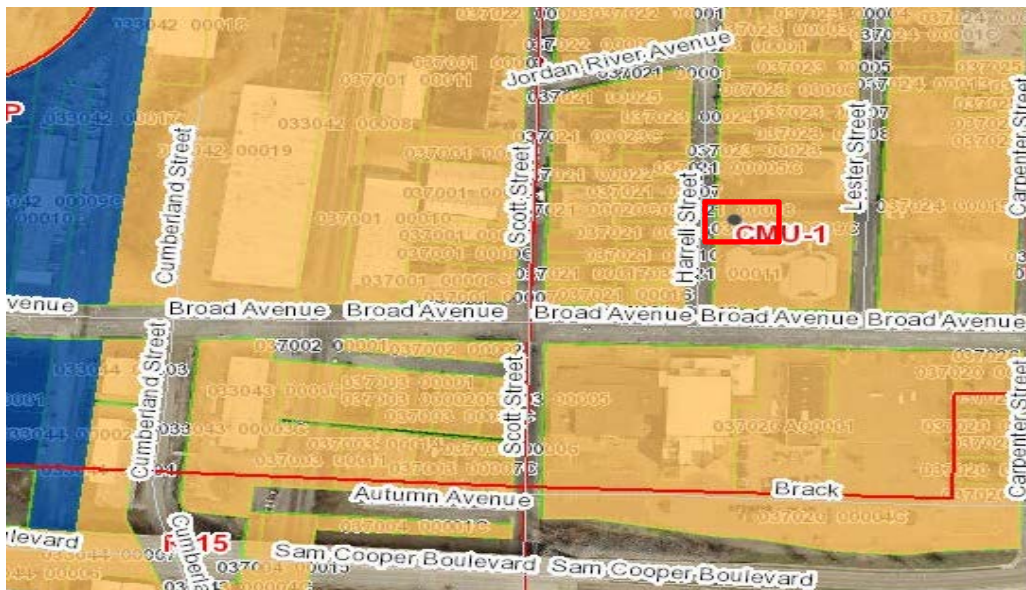
Site Address/location: 578 Harrell Street

Land Use Designation (see page 82 for details): Anchor Neighborhood – Mix of Building Types

**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 site on the Future Land Use Map.

**2. Land use description & applicability:**

Mix of building types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments up to four stories close to anchors and along corridors. AN-M neighborhoods are 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-used and residential neighborhoods. See graphic portrayal to the right.



**“AN-M” Goals/Objectives:**

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

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

The parcel is located within an Accelerate Anchor. Primarily detached, single-family house-scale residences of one to three stories in height. Attached, house-scale single family, duplexes, triplexes and quadplexes of one to three 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 two to four 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 along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

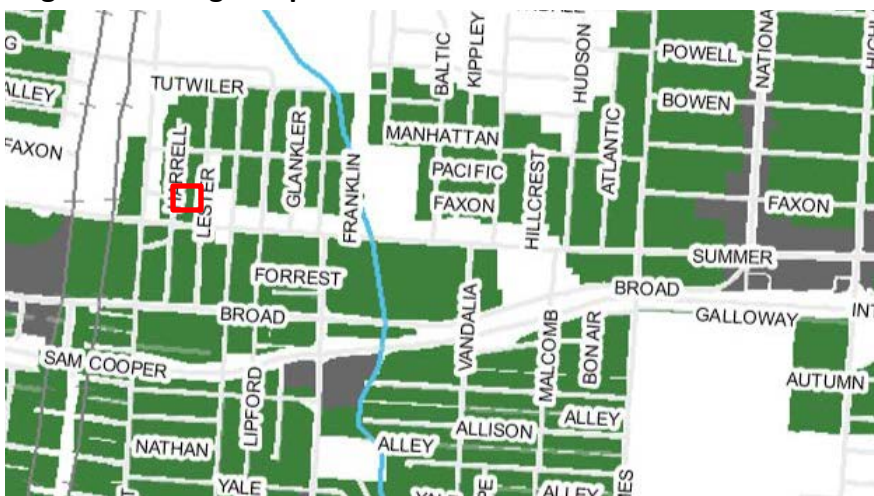
*The applicant is seeking a special use permit to turn a vacant commercial structure into a transitional residential facility.*

The request does not meet the criteria because transitional housing is not a supported use of Anchor Neighborhood – Mix of Building Types. Similar housing types are not present on Harrell Street. Therefore, this request is not consistent.

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

The subject site is surrounded by the following land use: Commercial and Residential. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and RU-6. This requested land use is not compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcels is dissimilar in nature to the requested use.*

**4. Degree of Change map**





The degree of change for the parcels is **Accelerate**. The site is indicated by the red box in the Degree of Change Map above.

## 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: Melanie Batke, Office of Comprehensive Planning

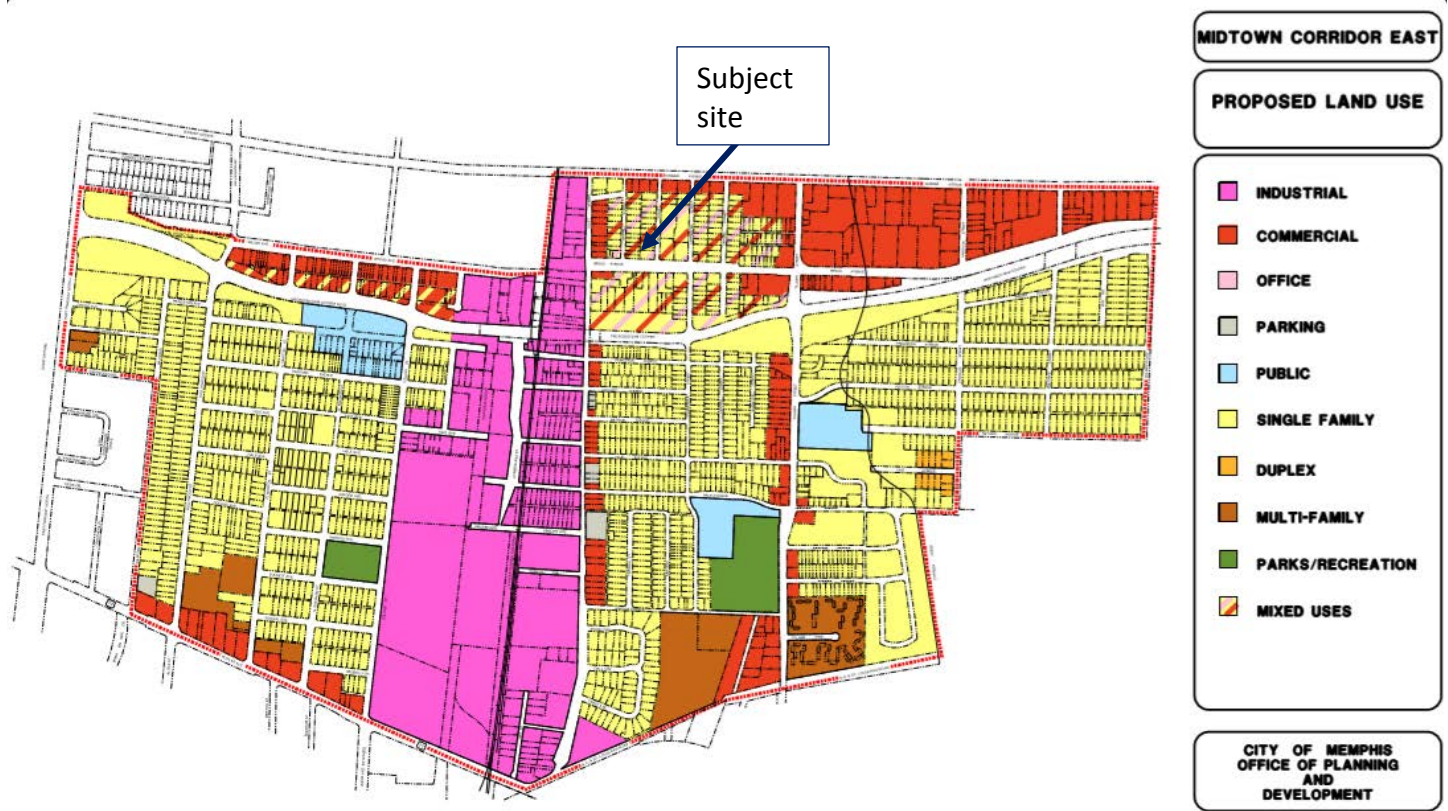
### Conclusions

The applicant is seeking a transitional home in an existing building on the property where Early Grove Baptist Church is located.

The home will have up to 9 shared bedrooms, with a live-in supervisor and staff that will be on-site 24 hours. There will be multiple shared spaces throughout the home as well.

The site has 24 existing parking spaces, including 2 handicapped, that surround the structure.

DPD staff found that the requested use meets the older Binghampton plan with the proposed land use image found below. In the image, the site is in a “mixed uses” category.



However, DPD staff also found this request to be inconsistent with the newer and broader Memphis 3.0 plan, as it does not accelerate the area and is not compatible with surrounding uses, especially the nearby residential uses.

This project will have a substantial and 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. The transitional home shall share the existing access from Lester and Harrell Streets as well as the existing parking with the church.
2. 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.

## **DEPARTMENTAL COMMENTS**

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

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

CASE: **SUP-20-015** NAME: **Transitional Home**

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.

**Drainage:**

10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

**Site Plan Notes:**

Maintain internal access easements to each phase of the development.

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

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

**City/County Health Department:**

Water Quality Branch & Septic Tank Program:

- No comments.

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

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

**Memphis Light, Gas and Water:**

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

Land and Mapping-Address Assignment:

**Office of Sustainability and Resilience:**

- No comments at this time.

APPLICATION



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

APPLICATION FOR SPECIAL USE PERMIT  
 APPROVAL/AMENDMENT

Date: 11.9.2020

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

PLEASE TYPE OR PRINT

Property Owner of Record: Early Grove Baptist Church Phone #: 9012498157

Mailing Address: 557 Lester Street City/State: Memphis, TN Zip 38112

Property Owner E-Mail Address: EarlyGroveM.B.church@gmail.com

Applicant: The Purpose Place Phone # 9015927420

Mailing Address: 578 Harrell Street City/State: Memphis, TN Zip 38112

Applicant E-Mail Address: thepurposeplace901@gmail.com

Representative: Charlene Bowen Phone # 9015927420

Mailing Address: 1912 Essexbriar Cove City/State: Cordova, TN Zip 38016

Representative E-Mail Address: cerobnsn@gmail.com

Engineer/Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Engineer/Surveyor E-Mail Address: \_\_\_\_\_

Street Address Location: \_\_\_\_\_

Distance to nearest intersecting street: 0.1 miles

|                           | Parcel 1           | Parcel 2 | Parcel 3 |
|---------------------------|--------------------|----------|----------|
| Area in Acres:            | _____              | _____    | _____    |
| Existing Zoning:          | <u>CMU1</u>        | _____    | _____    |
| Existing Use of Property  | <u>Vacant</u>      | _____    | _____    |
| Requested Use of Property | <u>Residential</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<sup>x</sup> \_\_\_\_\_

**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.

|                          |       |           |       |
|--------------------------|-------|-----------|-------|
| _____                    | _____ | _____     | _____ |
| Property Owner of Record | Date  | Applicant | Date  |

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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

Pre-Application Conference held on: 11.9.2020 with Clarke Shupe-Diggs

**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).  
N/A Does not apply
  
- 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).  
N/A Does not apply
  
- 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
  
- 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).  
N/A Does not apply
  
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).  
Yes
  
- 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).  
N/A Does not apply

**LETTER OF INTENT**

---

## Letter of Intent

Date: November 9, 2020

Re: Property at 578 Harrell Street, Memphis, TN 38112

Property Owner: Early Grove Baptist Church, 557 Lester Street, Memphis, TN 38112

This letter is to briefly describe the extent of the use of the existing property located at 578 Harrell Street, Memphis, TN 38112 will be used as a transitional house for at risks groups of homelessness. These group of people could include, but are not limited to the following:

- Veterans
- Sober Living Program completion recipients,
- second chance recipients, etc.

are a few of the groups that are being serviced within the facility. The facility will serve as a temporary housing solution; within the client's time at The Purpose Place, the client will go through a responsible life program to learn how to deal with responsibilities, handle finances, and other life sessions that will allow them to ready themselves to obtain and occupy their own permanent housing. The facility is equipped with access security doors and each client is assigned their own access card, the clients will be independent and able to come and go as they please, as well as care for themselves daily. However, there will be a live-in onsite supervisor, and in-house staff that will cover the 24 hours of the operation.

The property consists of approximately 4500 square feet of space comprised of 9 shared bedrooms, 1 suite bedroom(live in manager quarters), 6 showers and 5 bathroom stalls, 1 urinal (divided between 2 bathroom), 1 community kitchen, 1 community dining area, 2 shared spaces, 1 washer and dryer, and a manager's office.

The objective of this business is to serve the underhoused population of citizens in the Memphis and surrounding areas that include, but not limited to; those who have served our country or are trying to put their lives back together, that have been part of sober living programs, and/or second chance programs. The clients/ residents will have access to resources and/or programs that will teach financial planning, fiscal responsibility (budgeting), interviewing skills, decision making, planning, follow up, and some life skills; such as cooking, laundry, as well as working with technology. The objective for each client at the end of the program (24 months) is to obtain their own residence and become a productive member of their community and pay forward the opportunity that was afforded to them.



**SIGN AFFIDAVIT**



AFFIDAVIT

Shelby County  
State of Tennessee

I, Ronald Alexander, being duly sworn, depose and say that at 11:30 am pm on the 18 day of January, 2021, I posted a Public Notice Sign(s) pertaining to Case No. SUP 20-15 at 578 Harrell St. (address), providing notice of a Public Hearing before the  Land Use Control Board,  Memphis City Council,  Shelby County Board of Commissioners for the consideration of a proposed Land Use Action(  Planned Development,  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.

Charlene Bowen  
Owner, Applicant or Representative

1.18.2021  
Date

Subscribed and sworn to before me this 18 day of January, 2021

Ronald Alexander  
Notary Public

My Commission expires: My Commission Expires  
October 23, 2021



**LETTERS RECEIVED**

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



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

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

February 11, 2021

The Purpose Place  
578 Harrell Street  
Memphis TN, 38112

*Sent via electronic mail to: cerobnsn@gmail.com*

Case Number: SUP 20-15  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, February 11, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a transitional home located at 578 Harrell Street, subject to the following conditions:

1. The transitional home shall share the existing access from Lester and Harrell Streets as well as the existing parking with the church.
2. 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.

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 [lucas.skinner@memphistn.gov](mailto:lucas.skinner@memphistn.gov).

**Letter to Applicant**  
**SUP 20-15**

Respectfully,

A handwritten signature in cursive script that reads "Lucas Skinner".

Lucas Skinner  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

File

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 16 March 2021**

*DATE*

**PUBLIC SESSION: 16 March 2021**

*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 used vehicle sales

**CASE NUMBER:** SUP 20-16

**DEVELOPMENT:** Used vehicle sales

**LOCATION:** 2906 Old Austin Peay Highway

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

**OWNER/APPLICANT:** Fredrick Sengstacke of the Octopus Group, Inc.

**EXISTING ZONING:** Commercial Mixed Use – 3

**REQUEST:** Special use permit for vehicle sales

**AREA:** 0.27 acres

**RECOMMENDATION:** The Division 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      |
| 11 February 2021           | 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             |

\_\_\_\_\_ **CHIEF ADMINISTRATIVE OFFICER**

\_\_\_\_\_ **COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### *SUP 20-16*

Resolution requesting a special use permit for used vehicle sales:

- This item is a resolution for a special use permit to permit the above, with conditions;
- The Division of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Fredrick Sengstacke of the Octopus Group, Inc.;
- 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 FOR USED VEHICLE SALES AT  
2906 OLD AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 20-16.**

---

**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**, Fredrick Sengstacke of the Octopus Group, Inc., filed an application with the Memphis and Shelby County Division of Planning and Development requesting a special use permit for vehicle sales; and

**WHEREAS**, the Division of Planning and Development has received and reviewed the application in accordance with the 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 compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation 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 February 11, 2021, and said Board has submitted its 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 that 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 take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.



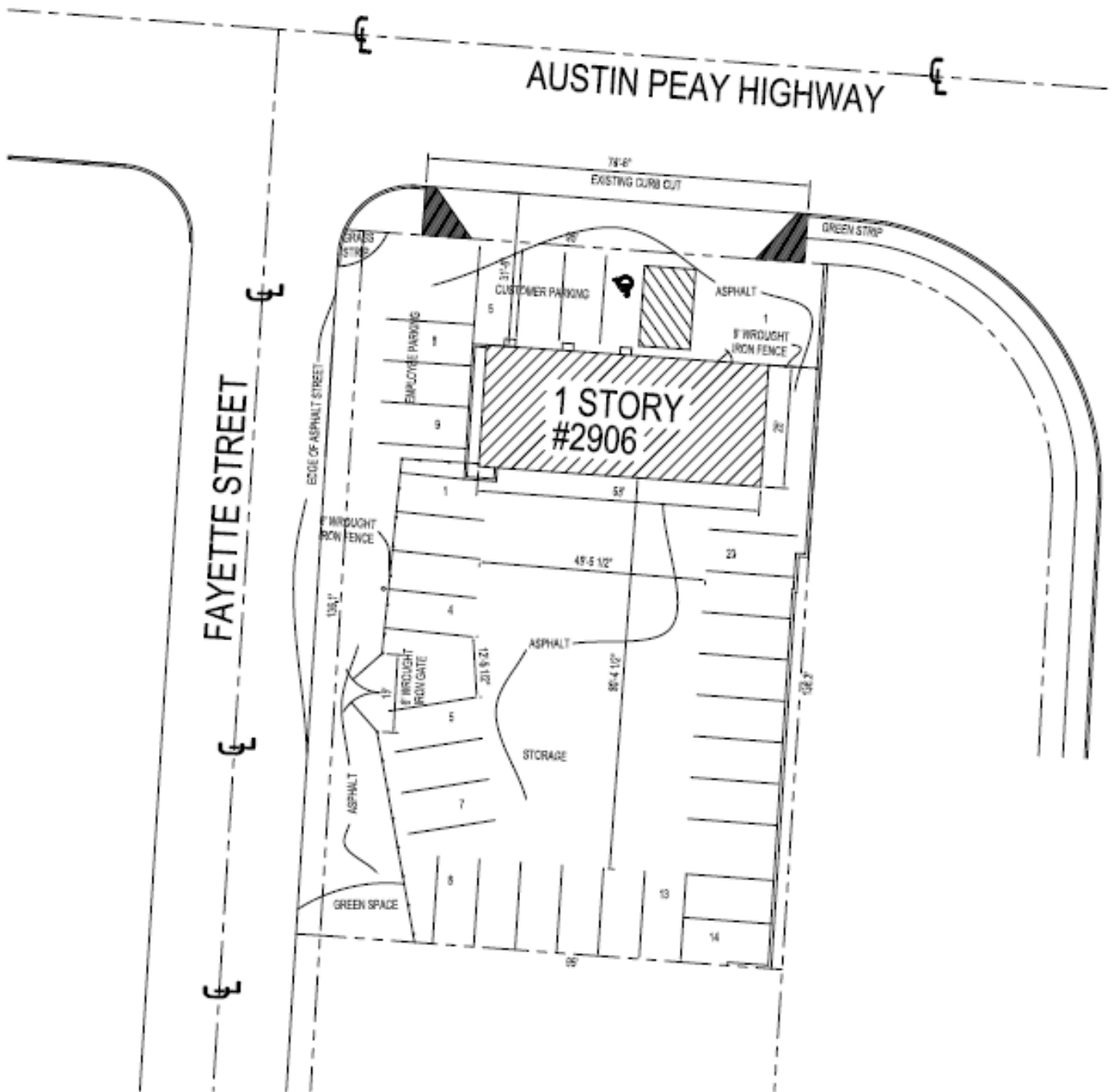
## **CONDITIONS**

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

***ATTEST:***

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

PRELIMINARY SITE PLAN



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday 11 February 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 20-16

**LOCATION:** 2906 Old Austin Peay Highway

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

**OWNER/APPLICANT:** Fredrick Sengstacke of the Octopus Group, Inc.

**REQUEST:** Special use permit for vehicle sales

**EXISTING ZONING:** Commercial Mixed Use – 3

**AREA:** 0.27 acres

---

**The following spoke in support of the application:** Fredrick Sengstacke and Jeff Nickelberry

**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. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

**The motion *passed* by a vote of 9-1.**

AGENDA ITEM: 8

**CASE NUMBER:** SUP 20-16 **L.U.C.B. MEETING:** 11 February 2021

**LOCATION:** 2906 Old Austin Peay Highway

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

**OWNER:** Octopus Group, Inc.

**APPLICANT:** Fredrick Sengstacke

**REQUEST:** Special use permit for vehicle sales

**AREA:** 0.27 acres

**EXISTING ZONING:** Commercial Mixed Use – 3

## **CONCLUSIONS (p. 12)**

1. Fredrick Sengstacke of the Octopus Group, Inc., has requested a special use permit for used vehicle sales at 2906 Old Austin Peay Highway.
2. This parcel is within the James Road / Old Raleigh anchor neighborhood – in the heart of historic Raleigh. It is at the northeast corner of Fayette Road and Old Austin Peay Highway, both of which are local streets.
3. Adjacent uses include the Raleigh Feed Store to its east as well several office buildings along Stage Road.
4. Used vehicle sales – often associated with crime, traffic, and unaesthetic outdoor storage – may have an adverse impact on both types of neighboring uses.
5. Staff finds that the proposal fails to meet the special use permit criteria and is inconsistent with the Memphis 3.0 General Plan.

## **INCONSISTENT WITH MEMPHIS 3.0 (pp. 14-16)**

1. The Memphis 3.0 General Plan states that this type of commercial use should be permitted in an anchor neighborhood only when sited on a major road – such as an arterial or connector – and when adjacent to similar uses. The proposal meets neither standard: it is on the corner of two local streets, and it is adjacent to office uses and a neighborhood-oriented retail store.
2. Moreover, the Plan calls for a municipal effort to “nurture” this area. Used vehicle sales may be detrimental to that goal.

## **RECOMMENDATION (p. 12)**

***Rejection***

**GENERAL INFORMATION**

|                           |                          |                |                 |
|---------------------------|--------------------------|----------------|-----------------|
| <b>Street Frontage:</b>   | Old Austin Peay Highway  | (local street) | 88 linear feet  |
|                           | Fayette Road             | (local street) | 134 linear feet |
| <b>Zoning Atlas Page:</b> | 1840                     |                |                 |
| <b>Parcel ID:</b>         | 088001 00008             |                |                 |
| <b>Existing Zoning:</b>   | Commercial Mixed Use – 3 |                |                 |

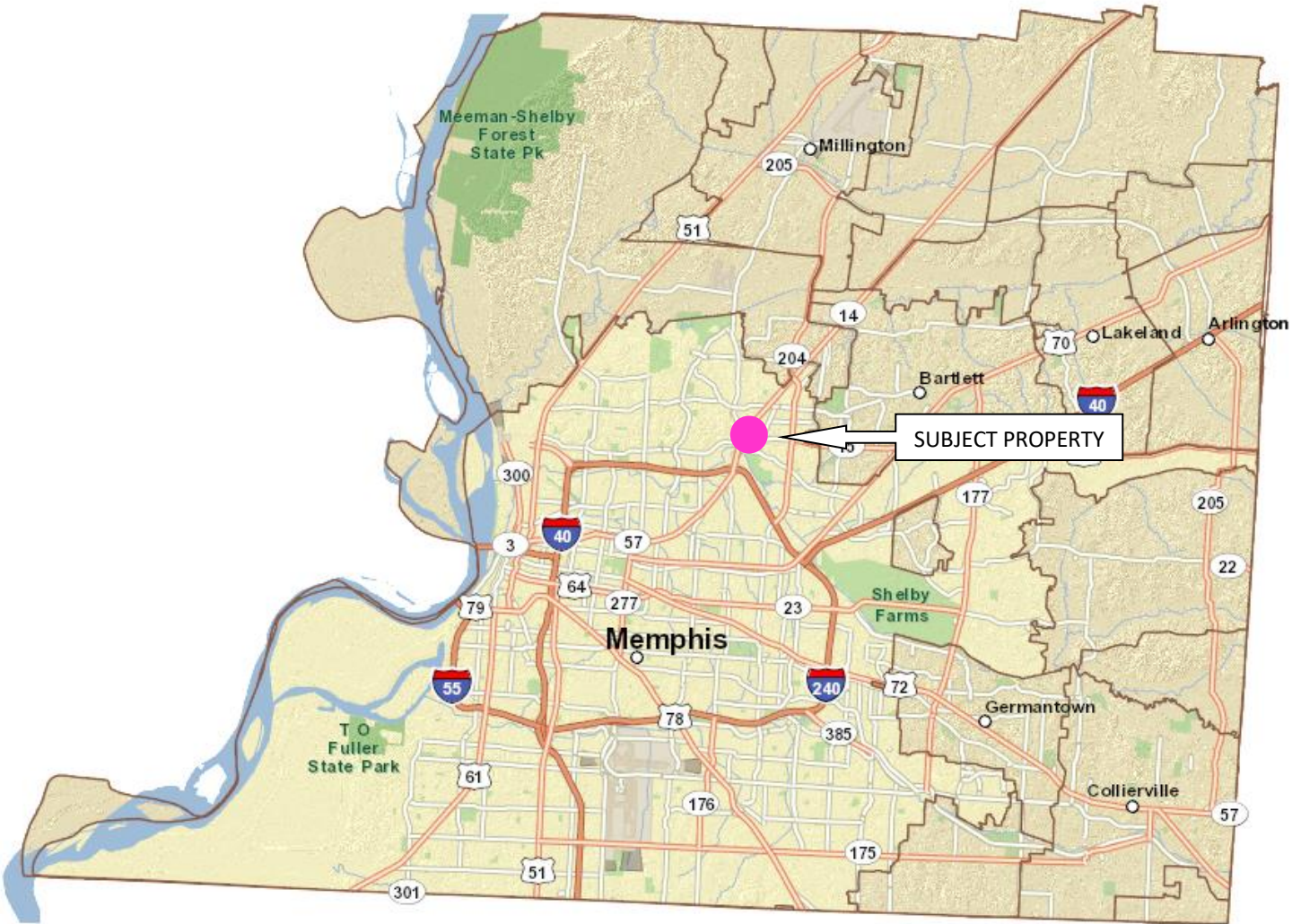
**NEIGHBORHOOD MEETING**

The required neighborhood meeting was held at 6 p.m. on 22 January 2021 via Zoom.

**PUBLIC NOTICE**

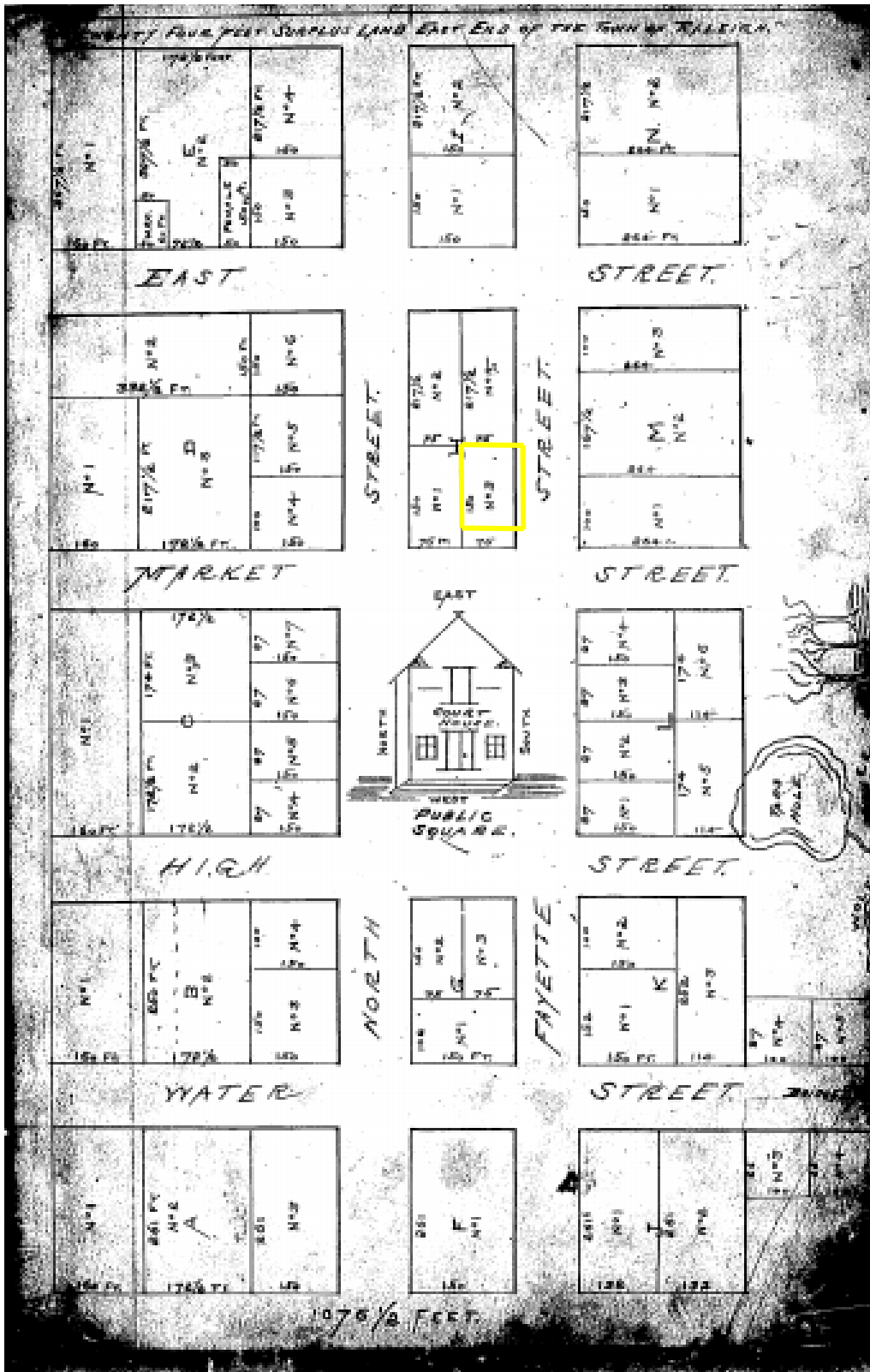
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notices of public hearing are required to be mailed and signs posted. A total of 36 notices were mailed on 27 January 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located in Raleigh neighborhood

PLAN OF RALEIGH (1838)

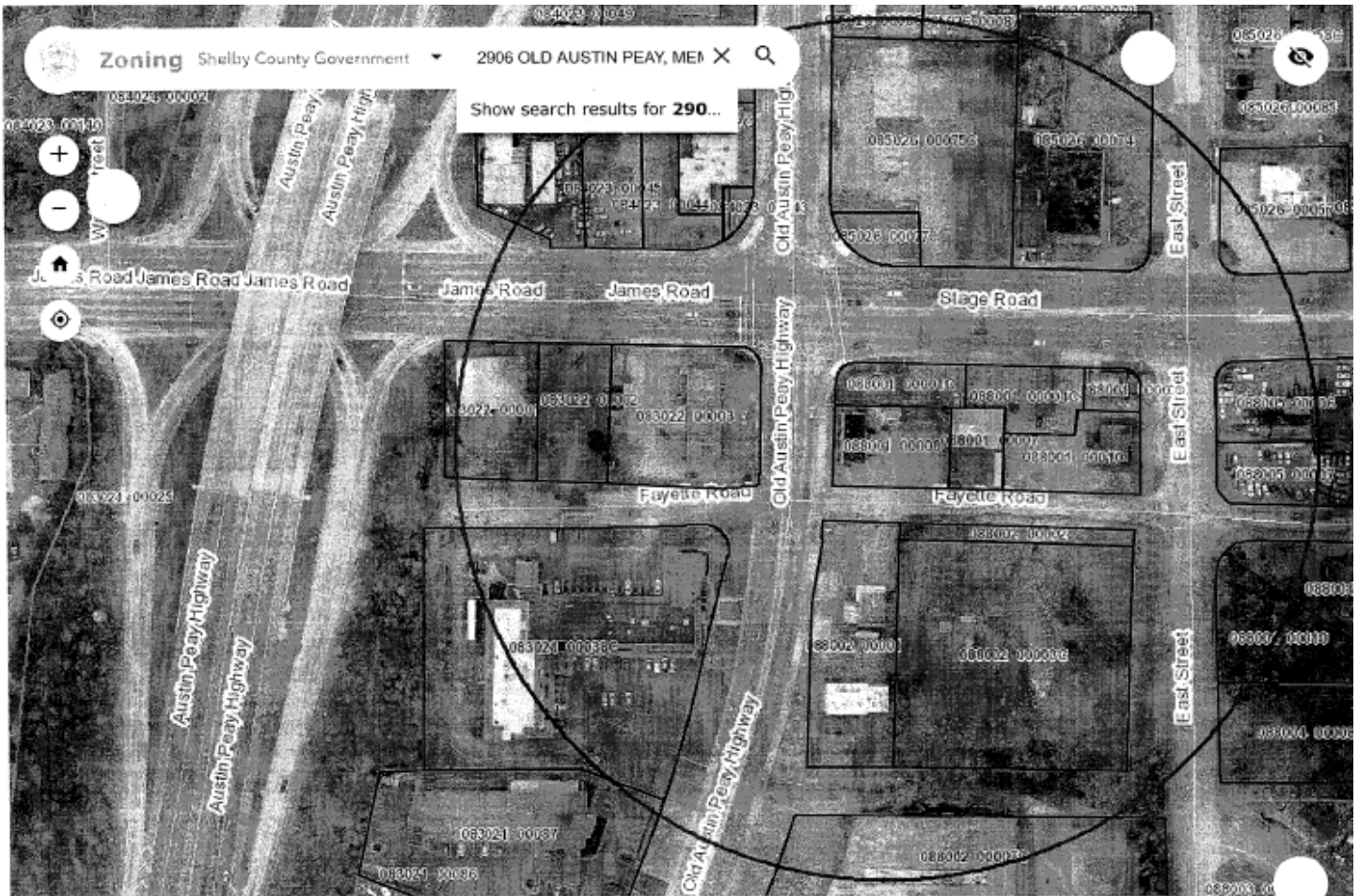


North is to the left.

The subject parcel is exempt from the subdivision requirement per Instrument # P1 1257.

Boundaries of subject property – part of Lot 3 of Block H of the Plan of Raleigh – are approximated in yellow. Note the property's prominent location on the square. Market St. has since become (Old) Austin Peay Highway.

**VICINITY MAP**



Although the 500-foot radius within the applicant-generated vicinity map was measured from a single point, rather than from the edges of the property as required, staff supplemented the notice of public hearing mailing labels to include several additional property owners.



**AERIAL PHOTOGRAPH WITH ZONING**



The subject property is within a regional commercial district.

**Existing Zoning:** Commercial Mixed Use – 3

**Surrounding Zoning**

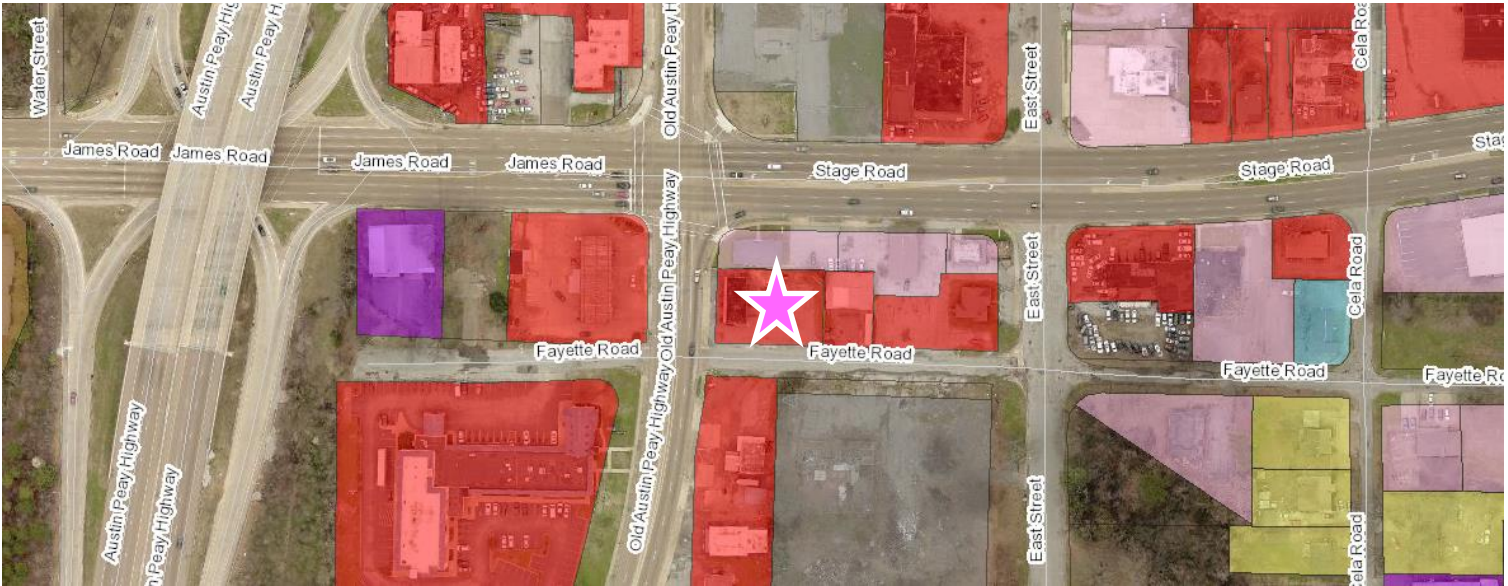
**North:** Commercial Mixed Use – 3

**East:** Commercial Mixed Use – 3

**South:** Commercial Mixed Use – 3

**West:** Commercial Mixed Use – 3

**LAND USE MAP**



**SITE PHOTOS**



Two views of primary façade of structure from Old Austin Peay

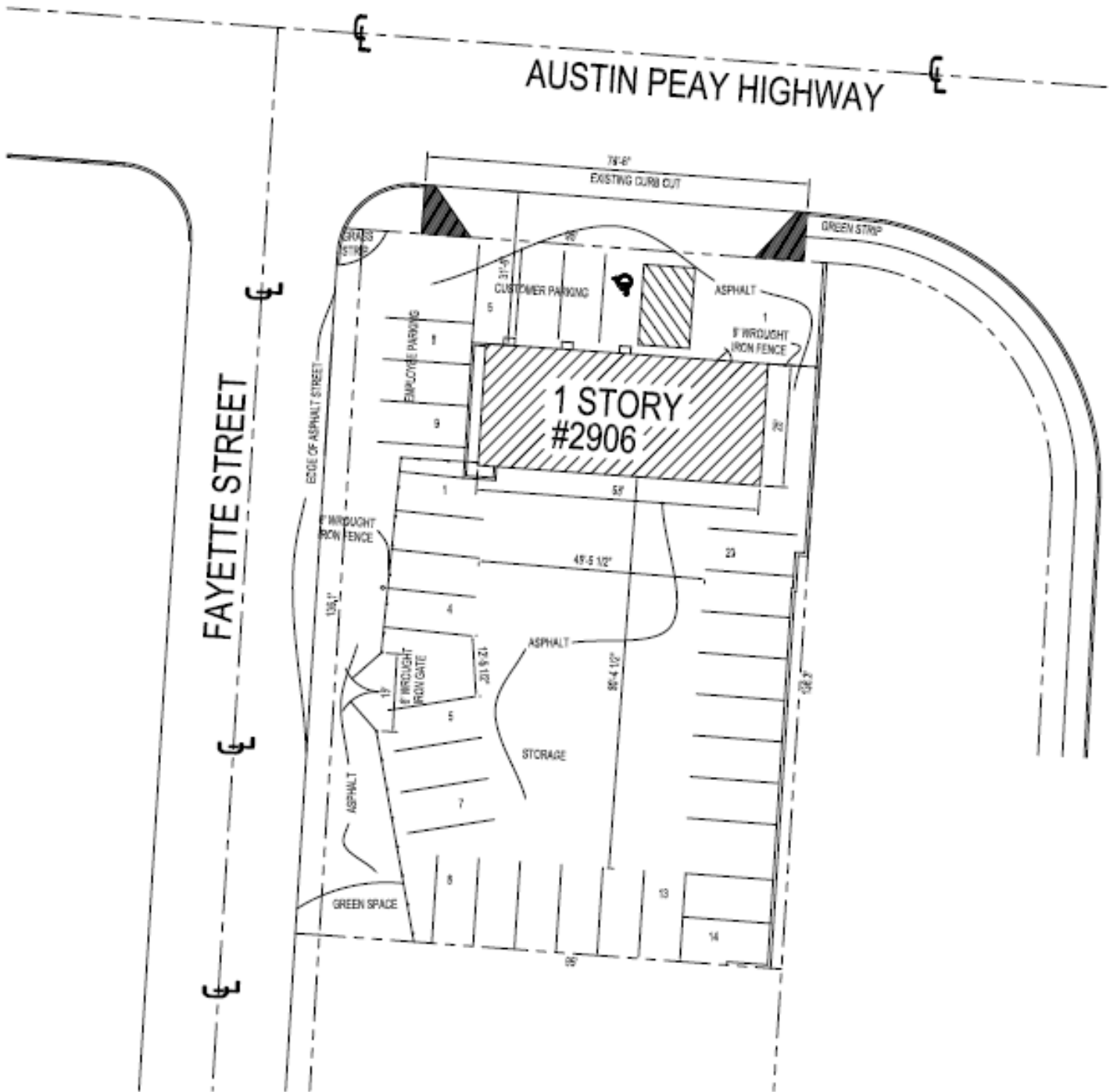


View west down Old Austin Peay



View north down Fayette

PROPOSED SITE PLAN



## 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 regarding 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 is a 0.27-acre rectangular parcel with 88 feet of frontage on Old Austin Peay Highway and 134 feet of frontage on Fayette Road. Both are local streets. Both frontages lack curbs (excepting the radial corner) and have overhead utilities. It is, in part, part of Lot 3 of Block H of the Plan of Raleigh of 1838. The parcel contains a B-grade vehicle service garage built in 1978 with an area of 1450 square feet. The applicant recently installed a wall sign, erected fencing, laid asphalt, and striped parking, in anticipation of opening the vehicle sales establishment. The wall sign was permitted; however the other actions were largely undertaken without the appropriate municipal approvals and permits.

### **Site Zoning History**

In 1981, the Memphis and Shelby County Board of Adjustment approved a variance (docket # BOA 81-199) to permit an addition to the subject structure within the front setback.

### **Site Plan Review**

- The dimensions of the site plan do not match the dimensions of the deed.
- A floor plan demonstrating a minimum of 288 square feet of office space as well as functioning restroom facilities shall be provided.
- A minimum of 15 spaces shall be delineated for sales and three spaces for customers and employees.
- The site's nonconforming curb cuts shall be brought into conformance with the City Engineer's standards. The site will be permitted only one curb cut, to be located on Fayette. This change will affect the parking layout, precluding the nose-in parking spaces currently proposed.
- A full site plan review will take place if approved by City Council, as conditioned.

### **Conclusions**

Fredrick Sengstacke of the Octopus Group, Inc., has requested a special use permit for used vehicle sales at 2906 Old Austin Peay Highway.

This parcel is within the James Road / Old Raleigh anchor neighborhood – in the heart of historic Raleigh. It is at the northeast corner of Fayette Road and Old Austin Peay Highway, both of which are local streets.

Adjacent uses include the Raleigh Feed Store to its east as well several office buildings along Stage Road. Used vehicle sales – often associated with crime, traffic, and unaesthetic outdoor storage – may have an adverse impact on both types of neighboring uses.

The Memphis 3.0 General Plan states that this type of commercial use should be permitted in an anchor neighborhood only when sited on a major road – such as an arterial or connector – and when adjacent to similar uses. The proposal meets neither standard: it is on the corner of two local streets, and it is adjacent to office uses and a neighborhood-oriented retail store.

Moreover, the Plan calls for a municipal effort to “nurture” this area. Used vehicle sales may be detrimental to that goal.

Staff finds that the proposal fails to meet the special use permit criteria and is inconsistent with the Memphis 3.0 General Plan.

### **RECOMMENDATION**

Staff recommends *rejection*.

However, if approved, staff recommends the following conditions:

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

## **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 existing nonconforming curb cut on Old Austin Peay shall be closed with curb, gutter and sidewalk. All access to this site shall be via Fayette Road.

**Department of Comprehensive Planning:**

Land Use Designation (see page 82 for details): Anchor Neighborhood – Mix of Building Types

**Based on the Future Land Use Planning Map, the proposal is INCONSISTENT 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 site on the Future Land Use Map.

**2. Land use description & applicability:**

Mix of building types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments up to four stories close to anchors and along corridors. AN-M neighborhoods are 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-used and residential neighborhoods. See graphic portrayal to the right.



**“AN-M” Goals/Objectives:**

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

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

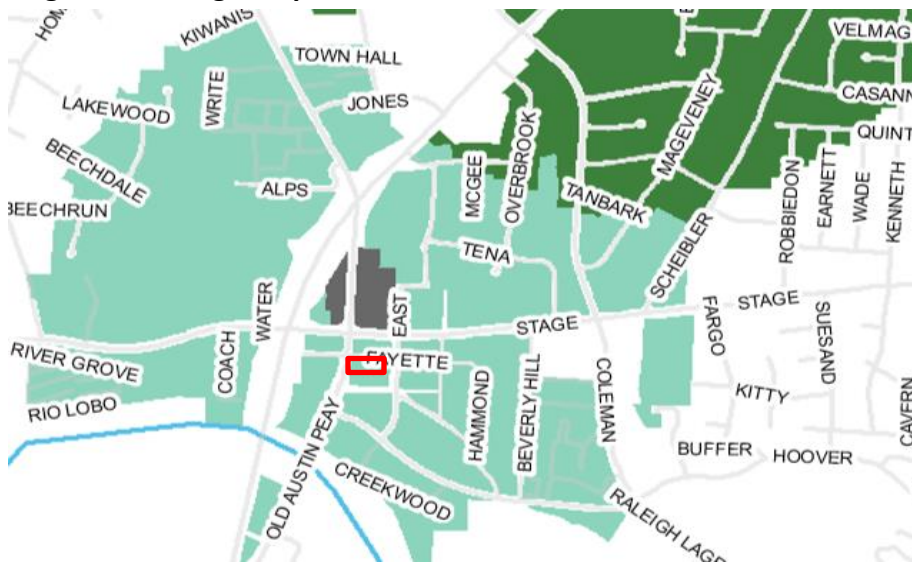
The parcel is located within a Nurture Anchor. Primarily, detached, single-family residences. Attached single-family, duplexes, triplexes, and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Building height is one to three stories and buildings are house-scale.

The proposed use does not meet the criteria because it is an auto-oriented commercial use that is located on two local streets, and is adjacent to only one commercial parcel.

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

The subject site is surrounded by the following land use: Commercial and Office. The subject site is surrounded by the following zoning districts: CMU-3. The requested land use is incompatible with these adjacent land uses because *used vehicle sales may have an adverse impact on adjacent office and retail uses.*

**4. Degree of Change map**



The degree of change for the parcels is Nurture. The site is indicated by the red box in the Degree of Change Map above.

## 5. Degree of Change Descriptions

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

**Actions for Nurture anchors and anchor neighborhoods are meant to:**

- Stabilize the community
- Protect and support community assets
- Protect and stabilize existing affordable housing
- Promote activities that will stimulate market activity

**Ways to Nurture:**

- "Road diets" — reduce the number of lanes to make room for wider sidewalks, bike lanes, and/or on-street parking
- Improve pedestrian realm (sidewalks, crosswalks, planting buffer and street trees, street lights, street furniture)
- Repurpose vacant land as temporary civic space
- Grants for small business frontage improvement

- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Enhance connectivity to transit network
- Introduce or improve bike lanes and sidewalks
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Plan community programs on streets or vacant lots (markets, festivals)
- Upgrade infrastructure to improve flood control and internet access
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

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

Summary Compiled by: Melanie Batke and Brett Davis

|  |                       |
|--|-----------------------|
| <b>City Fire Division:</b>                     | No comments received. |
| <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>Memphis Light, Gas and Water:</b>           | No comments received. |
| <b>Dept. of Sustainability and Resilience:</b> | No comments received. |

APPLICATION



*Memphis and Shelby County*  
*Office of Planning and Development*  
CITY HALL 123 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-3094 (901) 634-6619

APPLICATION FOR SPECIAL USE PERMIT  
APPROVAL/AMENDMENT

Date: 12/01/2020

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

PLEASE TYPE OR PRINT

Property Owner of Record: The Octopus Group Inc Phone #: 901-674-0837

Mailing Address: 1138 N Germantown Pkwy Ste 101 City/State: Cordova, TN Zip 38018

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

Applicant: Fredrick Sengstacke Phone # 901-674-0837

Mailing Address: 9375 Zachariah Cv. City/State: Bartlett, TN Zip 38133

Applicant E-Mail Address: fasengstacke@yahoo.com

Representative: Fredrick Sengstacke Phone #: \_\_\_\_\_

Mailing Address: 9375 Zachariah Cv. City/State: Bartlett, TN Zip 38133

Representative E-Mail Address: fasengstacke@yahoo.com

Engineer/Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Engineer/Surveyor E-Mail Address: \_\_\_\_\_

Street Address Location: 2906 Old Austin Peay Memphis, TN 38128

Distance to nearest intersecting street: James and Old Austin Peay

|                           | Parcel 1              | Parcel 2 | Parcel 3 |
|---------------------------|-----------------------|----------|----------|
| Area in Acres:            | <u>0.296</u>          | _____    | _____    |
| Existing Zoning:          | <u>Commercial</u>     | _____    | _____    |
| Existing Use of Property  | <u>Service garage</u> | _____    | _____    |
| Requested Use of Property | <u>Car Lot</u>        | _____    | _____    |

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

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

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

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

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

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

|   |           |  |           |
|---|-----------|--|-----------|
|  | 12/1/2020 |  | 12/1/2020 |
| Property Owner of Record  | Date      | Applicant  | Date      |

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

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

Pre-Application Conference held on: \_\_\_\_\_ 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 it will not
  
- 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 it will
  
- 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 it will
  
- 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 it will not
  
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).  
Yes it does
  
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).  
No it will not

LETTER OF INTENT

**Letter of Intent**

December 2, 2020

Fredrick Sengstacke  
2906 Old Austin Peay  
Memphis, TN 38127  
901-425-8706  
[fasengstacke@yahoo.com](mailto:fasengstacke@yahoo.com)

To Whom This May Concern:

I am writing and submitting to you this letter of intent to rezone the property located at 2906 Old Austin Peay Memphis, TN 38128 along with its inventory and all other assets. We also confirm that effective this 2<sup>nd</sup> of December of the year 2020 this site will serve for general use as a used car lot and all conditions regarding this location shall take effect in compliance with Shelby County in the state of Tennessee.

There will be no changes to the building regarding consultants associated with any type of development.

There will be no changes of scope of work to be undertaken pursuant to this letter because the original structure will not be changed.

I acknowledge that I am fully responsible for all work performed and shall comply with the adopted codes of Shelby County, TN. This letter of intent shall be filed with the application dated December 2, 2020.

Signature



Date

12 | 2 | 2020

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Fredrick Sengstacke, being duly sworn, depose and say that at 5 p.m./pm on the 29 day of December, 20020, I posted a Public Notice Sign(s) pertaining to Case No. SUP 2020-007 at 2906 Old Auatin Peay (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council,        Shelby County Board of Commissioners for consideration of a proposed Land Use Action (       Planned Development, X Special Use Permits,        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]  
Owner, Applicant or Representative

12/31/2020  
Date

Subscribed and sworn to before me this 31 day of December, 20020.

[Signature]  
Notary Public

My commission expires: 2/25/2024





**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 April 2021**

**DATE**

**PUBLIC SESSION: 20 April 2021**

**DATE**

**ITEM (CHECK ONE)**

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

**ITEM DESCRIPTION:** An ordinance approving a zoning change  
**CASE NUMBER:** Z 21-4  
**DEVELOPMENT:** Lot 1 of the proposed Frayser-Ardmore Subdivision  
**LOCATION:** Northwest corner of Frayser Boulevard and Ardmore Street  
**COUNCIL DISTRICTS:** District 7 and Super District 8  
**OWNER:** Happy Rental Real Estate, LLC  
**APPLICANT:** National Cities Corporation  
**REPRESENTATIVE:** David Bray of the Bray Firm  
**EXISTING ZONING:** Residential – 6 and Residential – 10  
**REQUEST:** Commercial Mixed Use – 1  
**AREA:** 0.7 acres  
**RECOMMENDATION:** The Office of Planning and Development recommended: *Approval*  
 The Land Use Control Board recommended: *Approval*  
**RECOMMENDED COUNCIL ACTION:** **Public Hearing Required**  
 Set date for first reading – 16 March 2021  
 Decide on third reading – 20 April 2021

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
11 February 2021 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:**

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



## Memphis City Council Summary Sheet

### *Z 21-4*

Zoning Ordinance approving a zoning district reclassification for the subject property located at the northwest corner of Frayser Boulevard and Ardmore Street:

- This item is an ordinance for reclassification from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1 at the aforementioned location;
- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby Counting Zoning Atlas;
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

**ORDINANCE NO: \_\_\_\_\_**

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

---

**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 21-4**; and

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

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

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

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

**SECTION 1:**

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

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL – 6 (R-6) AND RESIDENTIAL – 10 (R-10) USE DISTRICTS AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT:**

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTH LINE OF DELLS AVENUE (30 FEET WIDE) WITH THE WEST LINE OF ARDMORE STREET (40 FEET WIDE); THENCE S 07'50'47" W ALONG SAID WEST LINE OF ARDMORE STREET A DISTANCE OF 198.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE S 07'50'47" W A DISTANCE OF 187.14 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 23.00 FEET AN ARC DISTANCE OF 34.40 FEET TO A POINT IN THE NORTH LINE OF FRAYSER BOULEVARD (80 FEET WIDE); THENCE N 86'27'28" W ALONG SAID NORTH LINE A DISTANCE OF 123.98 FEET TO THE SOUTHEAST CORNER OF LOT 2, DELLS SUBDIVISION (P.B. 38, PG. 41 ); THENCE N 3'04'50" E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 208.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE ALONG A LINE OF PARTITION OF THE SUBJECT PROPERTY S 86'15'47" EA DISTANCE OF 162.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 31936 S.F. OF LAND, MORE OR LESS.

**SECTION 2:**

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

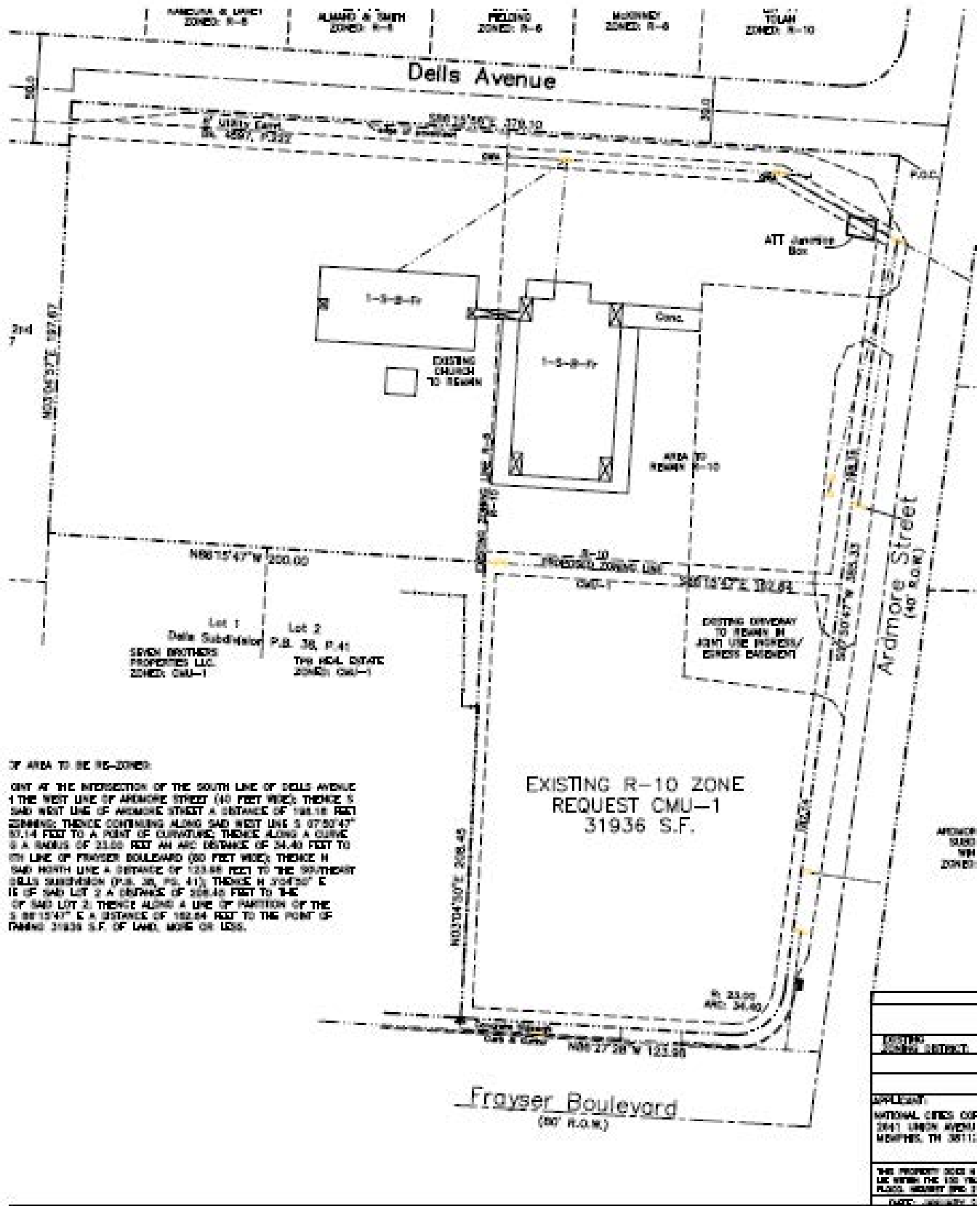
**SECTION 3:**

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

**ATTEST:**

**CC: Division of Planning and Development**  
– **Dept. of Land Use and Development Services**  
– **Dept. of Construction Enforcement**  
**Shelby County Assessor**

# PLOT PLAN



The zoning boundaries as shown above do not precisely match those found in the 1980 zoning atlas.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday 11 February 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 21-4

**LOCATION:** Northwest corner of Frayser Boulevard and Ardmore Street

**COUNCIL DISTRICTS:** District 7 and Super District 8

**OWNER:** Happy Rental Real Estate, LLC

**APPLICANT:** National Cities Corporation

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Commercial Mixed Use – 1

**EXISTING ZONING:** Residential – 6 and Residential – 10

**AREA:** 0.7 acres

---

**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

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

**AGENDA ITEM:** 16

**CASE NUMBER:** Z 21-4 **L.U.C.B. MEETING:** 11 February 2021

**LOCATION:** Northwest corner of Frayser Boulevard and Ardmore Street

**COUNCIL DISTRICT:** District 7 and Super District 8

**OWNER:** Happy Rental Real Estate, LLC

**APPLICANT:** National Cities Corporation

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1

**AREA:** 0.7 acres

**EXISTING ZONING:** Residential – 6 and Residential – 10

## **CONCLUSIONS (p. 11)**

1. The National Cities Corporation – applicant and prospective buyer – has requested the rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1.
2. The rezoning is speculative in nature.
3. The Memphis 3.0 General Plan permits commercial uses in accelerative anchor neighborhoods when both located on a major street and adjacent to at least one similar use. The subject land meets both standards.
4. Staff finds that the request matches the character of the neighborhood and will not have a detrimental impact on the area.

## **CONSISTENCY WITH MEMPHIS 3.0 (pp. 12-14)**

Per the Department of Comprehensive Planning, the request is consistent with the Memphis 3.0 General Plan.

## **RECOMMENDATION (p. 11)**

*Approval*



**GENERAL INFORMATION**

|                           |                                      |                                    |                                    |
|---------------------------|--------------------------------------|------------------------------------|------------------------------------|
| <b>Street Frontage:</b>   | Frayser Boulevard<br>Ardmore Street  | (Minor Arterial)<br>(local street) | 124 linear feet<br>187 linear feet |
| <b>Zoning Atlas Page:</b> | 1735                                 |                                    |                                    |
| <b>Parcel ID:</b>         | Part of 072086 00031                 |                                    |                                    |
| <b>Existing Zoning:</b>   | Residential – 6 and Residential – 10 |                                    |                                    |

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held at 7 p.m. on 1 February 2021 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 102 notices were mailed on 27 January 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

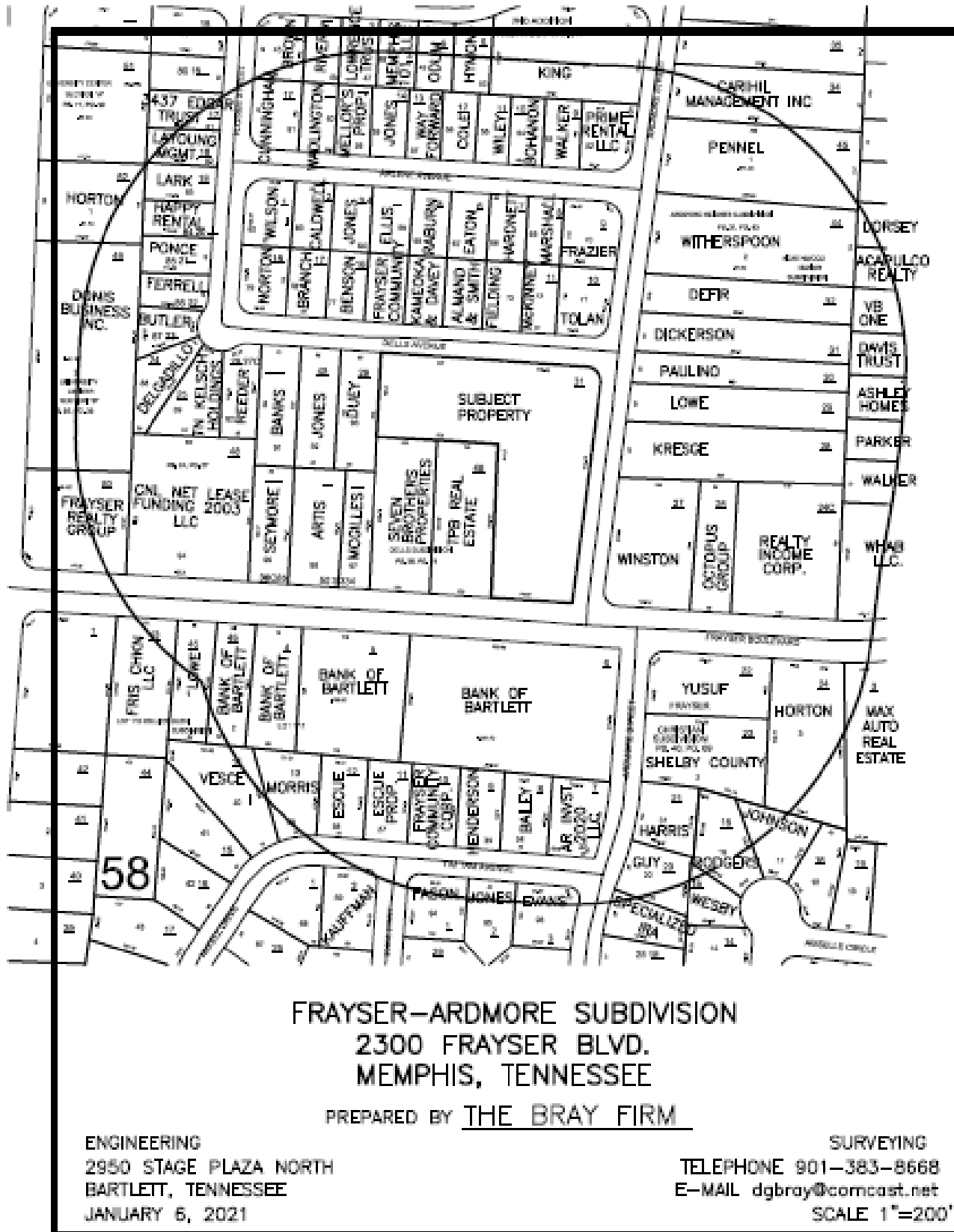
**LOCATION MAP**



Subject property located in Frayser neighborhood



VICINITY MAP



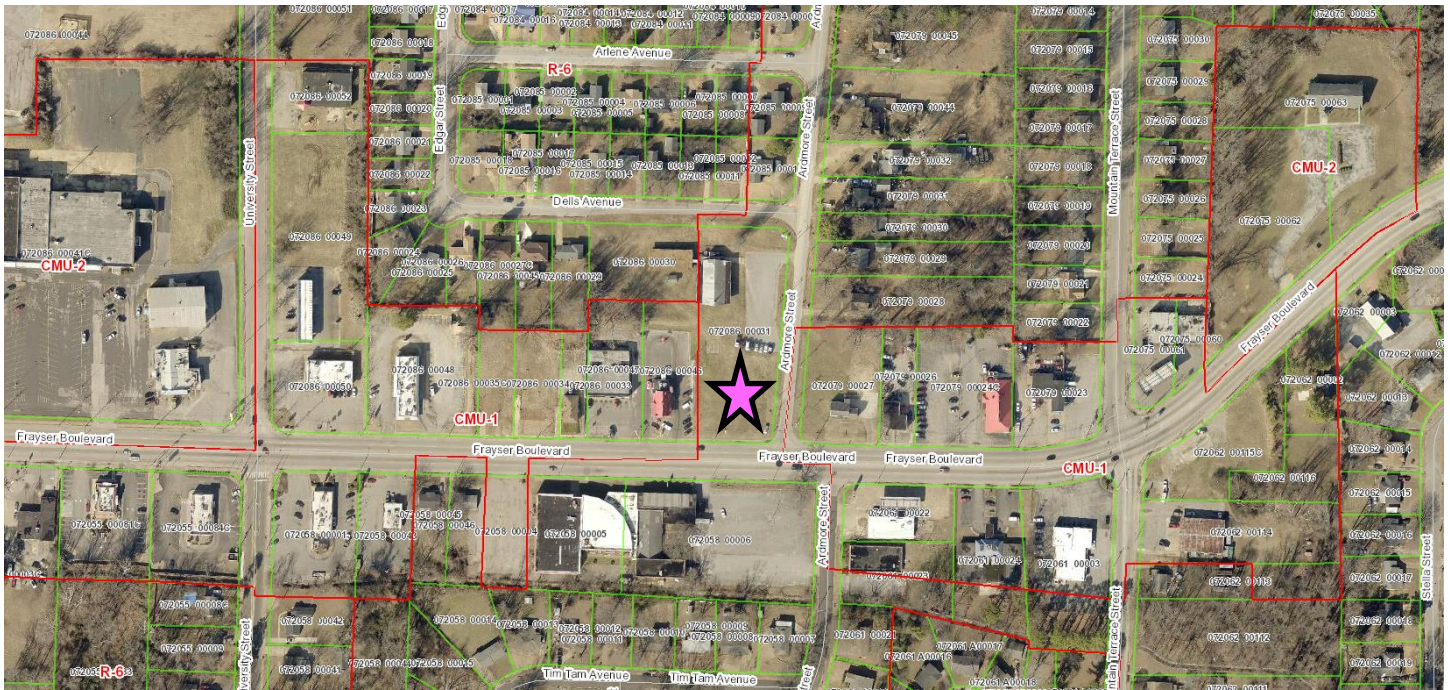
This subject property of this vicinity map includes additional land to be subdivided but not rezoned.

**AERIAL PHOTOGRAPH**



The subject property is outlined in yellow.

**ZONING MAP**



**Existing Zoning:** Residential – 6 and Residential – 10

**Surrounding Zoning**

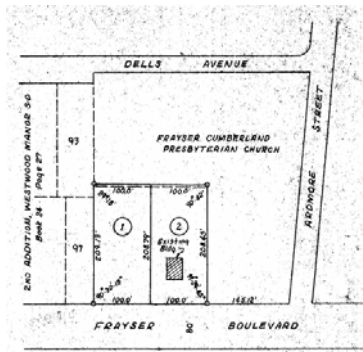
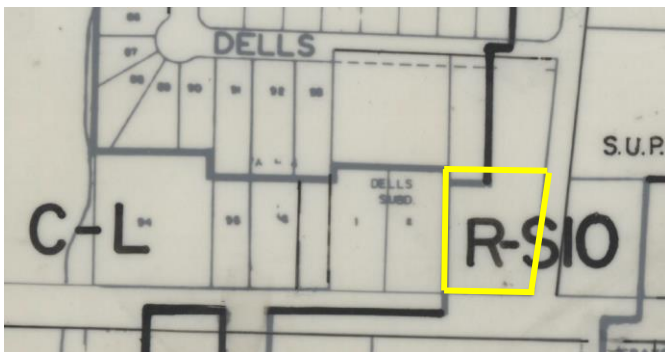
**North:** Residential – 6 and Residential – 10

**East:** Commercial Mixed Use – 1

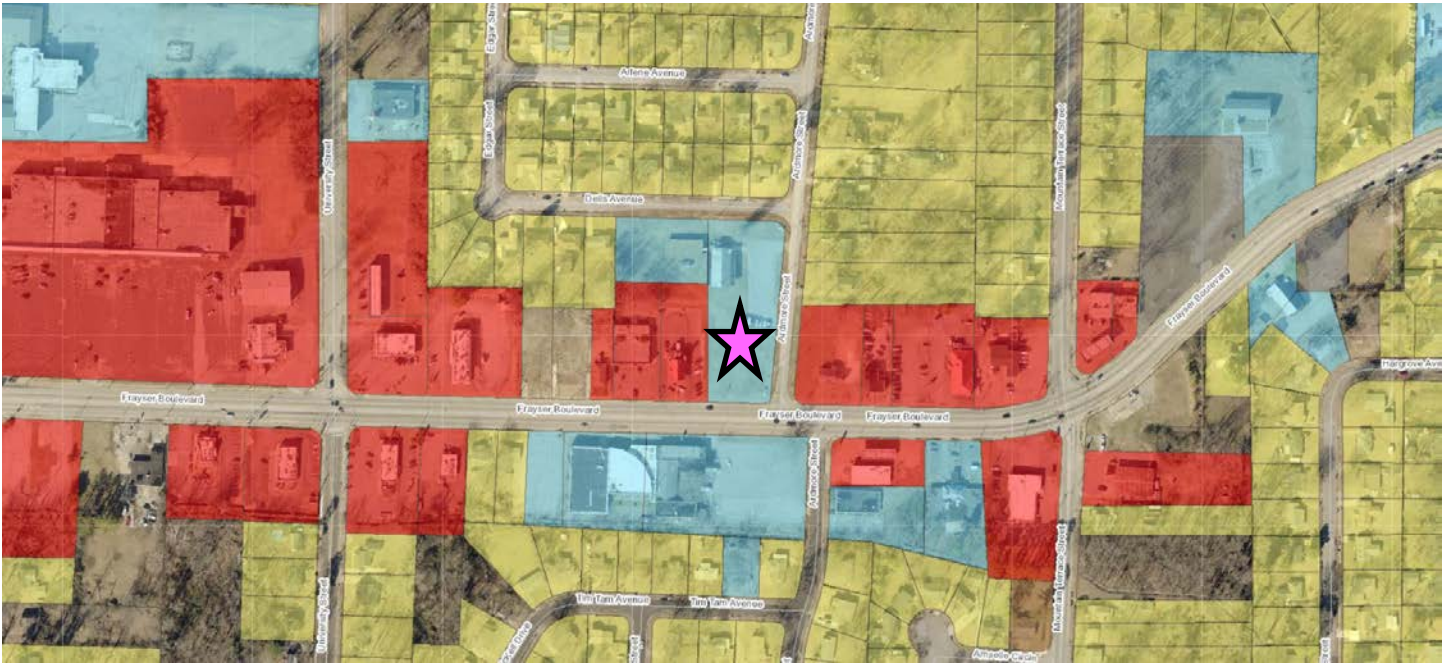
**South:** Residential – 10

**West:** Commercial Mixed Use – 1

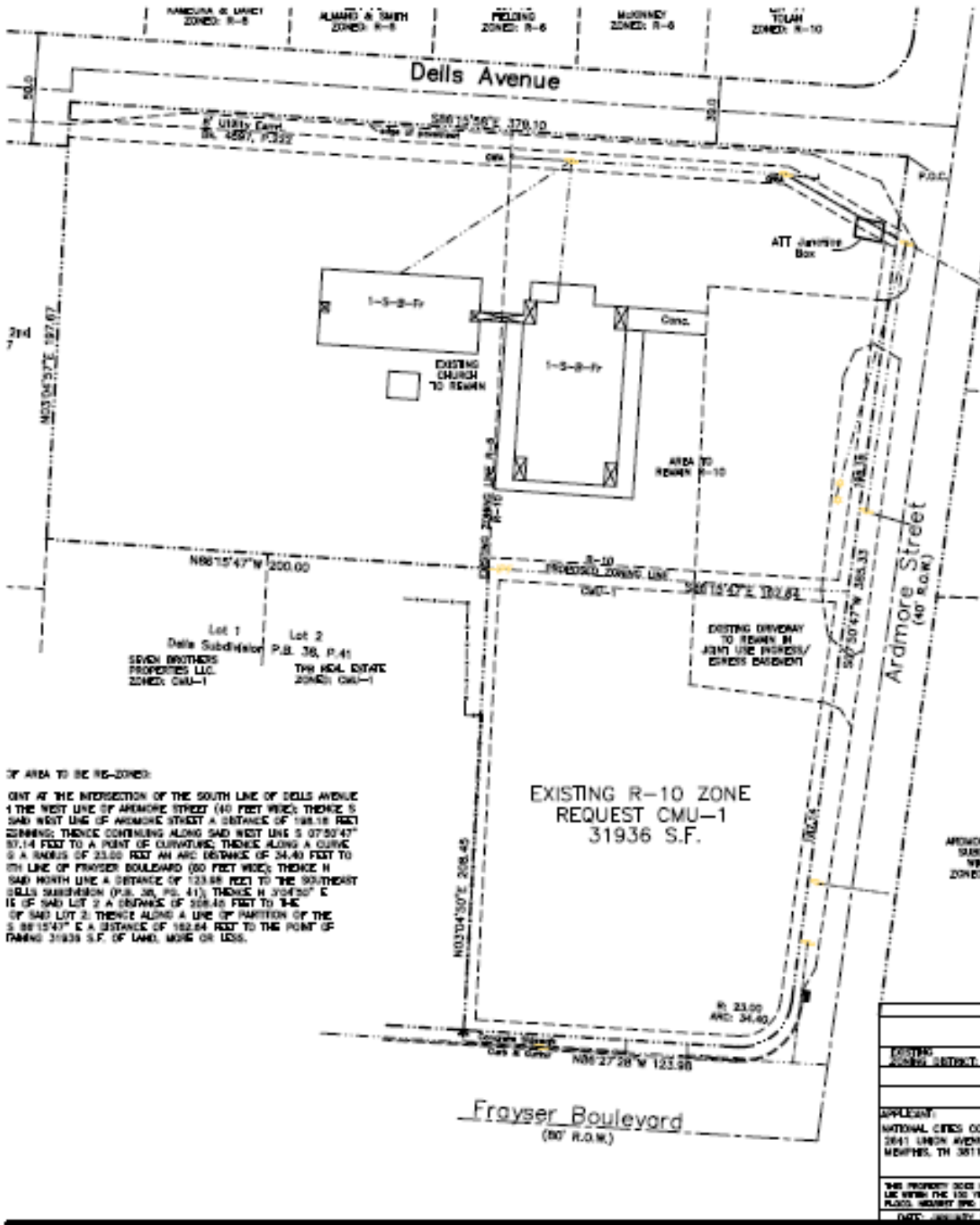
*\*Please note that historical research shows that the zoning boundaries and parcel boundaries are incorrectly reflected in the online zoning atlas. This issue has been referred to county GIS staff. The hand-drawn zoning atlas of 1980 (page 454) shows the correct boundaries; the adjacent Dells Subdivision has been included for reference.*



**LAND USE MAP**



**PLOT PLAN**



The zoning boundaries as shown above do not precisely match that found in the 1980 zoning atlas as shown on page 7.



**SITE PHOTOGRAPHS**



View of the subject site from Frayser



View west down Frayser

## STAFF ANALYSIS

### Request

The request is for the rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1.

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

### Review Criteria

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

#### *9.5.7B Review Criteria*

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

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

### Site Description

The 0.7-acre property consists of part of one parcel that is part of Lot 17 of the Ardmore Farms Subdivision. It has 124 feet of frontage on Frayser Boulevard and 187 feet of frontage on Ardmore Street. The Frayser frontage has overhead utilities, a narrow grass strip, and sidewalk. It also contains an unused curb cut. The Ardmore frontage, on the other hand, has few overhead utilities and no curb, gutter, or sidewalk.

### Conclusions

The National Cities Corporation – applicant and prospective buyer – has requested the rezoning of Lot 1 of the proposed Frayser-Ardmore Subdivision, aka S 21-2, from Residential – 6 and Residential – 10 to Commercial Mixed Use – 1.

The rezoning is speculative in nature.

The Memphis 3.0 General Plan permits commercial uses in accelerative anchor neighborhoods when both located on a major street and adjacent to at least one similar use. The subject land meets both standards.

Staff finds that the request matches the character of the neighborhood and will not have a detrimental impact on the area.

## RECOMMENDATION

Staff recommends **approval**.

## DEPARTMENTAL COMMENTS

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

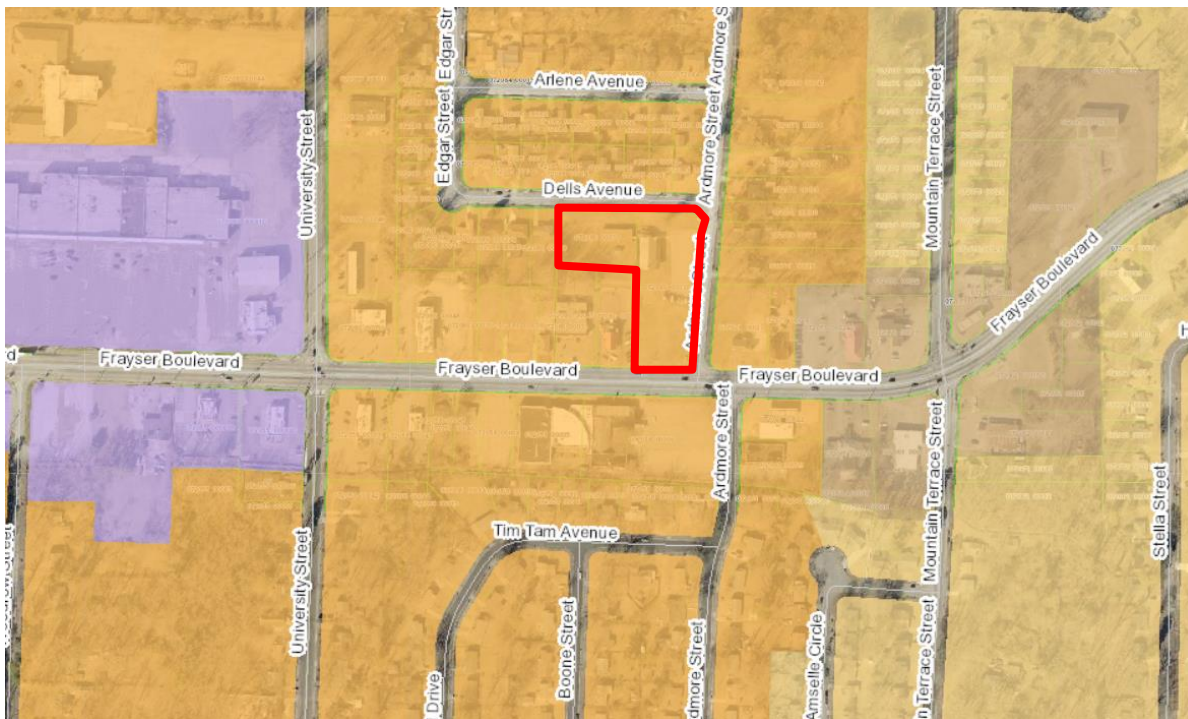
### Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

**Based on the future land use and degree of change the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

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

### 1. FUTURE LAND USE PLANNING MAP



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

### 2. Land use description & applicability:

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:**

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out

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

**ACCELERATE:** 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 along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

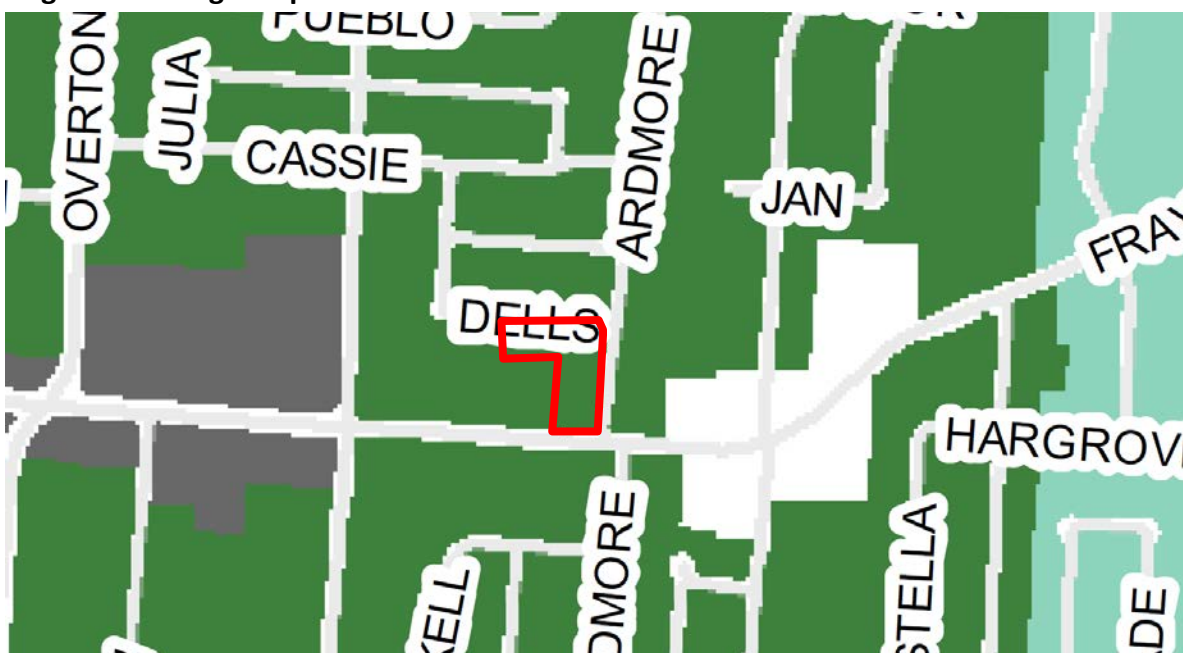
*The applicant is requesting a rezoning for the property at 2300 Frayser Blvd., located at NW corner of Frayser Blvd and Ardmore. The application seeks to rezone the southern part of the subject property to Commercial Mixed Use-1 (CMU-1) from Residential Single-Family-10 (R-10), which is bounded by Frayser Boulevard on the south.*

*The request meets the criterial of AN-M, Accelerate because the proposed use is located along Frayser Boulevard which is identified as parkway in the Street Types Map, where similar uses exist on one or more adjacent parcels.*

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

The subject sites are surrounded by the following land use: Institutional, Single-Family, and Commercial. The subject site is surrounded by the following zoning districts: R-6, R-10, and CMU-1. This requested subdivision is compatible with the adjacent zoning districts and land uses because *existing zoning districts and land uses surrounding the parcels are similar in nature to the requested one.*

**4. Degree of Change map**



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

## 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

The proposed application is congruent with the degree of change designation as it will eventually speed up development activity and attract large scale markets by developing retail use in the proposed area.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

### **City Engineer:**

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

### **Sewers:**

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

### **City Fire Division:**

No comments received.

### **City Real Estate:**

No comments received.

### **County Health Department:**

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>Dept. of Sustainability and Resilience:</b> | No comments received. |

APPLICATION

DocuSign Envelope ID: 72CB7F19-B3A0-4F03-8315-42F700470089



*Memphis and Shelby County*  
*Office of Planning and Development*  
CITY HALL, 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2094 (901) 576-6601

APPLICATION FOR REZONING APPROVAL

Date: 01.08.2021

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

PLEASE TYPE OR PRINT

Property Owner of Record: Happy Rental Real Estate LLC. Phone #: \_\_\_\_\_

Mailing Address: 7200 Goodlett Farms Parkway City/State: Cordova, TN Zip 38016

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

Applicant: National Cities Corporation Phone # \_\_\_\_\_

Mailing Address: 2641 Union Avenue Extended City/State: Memphis, TN Zip 38112

Applicant E-Mail Address: ccsarr479@aol.com

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: Barlett, TN Zip 38134

Engineer/Surveyor E-Mail Address: dbray@comcast.net

Street Address Location: 2300 Frayser

Distance to nearest intersecting street: Located at NW corner of Frayser Blvd. & Ardmore

|                            | Parcel 1 | Parcel 2 | Parcel 3 |
|----------------------------|----------|----------|----------|
| Area in Acres:             | 0.77     | _____    | _____    |
| Existing Zoning:           | R-10     | _____    | _____    |
| Existing Use of Property:  | vacant   | _____    | _____    |
| Requested Use of Property: | retail   | _____    | _____    |
| Requested Zoning:          | CNU-1    | _____    | _____    |

Pre-Application Conference held on: 01/2021 with Chip Saliba

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

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

DocuSigned by  
Van Meunard 1/7/2021  
Property Owner of Record Date

DocuSigned by  
Marty Mathews 1/7/2021  
Applicant Date

LETTER OF INTENT



The Bray Firm

---

Telephone 901-383-8668  
Fax 901-383-8720

2950 Stage Plaza North  
Bartlett, Tennessee 38134

January 6, 2021

Josh Whitehead, Director  
Memphis and Shelby County  
Office of Planning and Development  
125 North Main Street  
Memphis, Tennessee 38103

**RE: Companion Applications**

**Frayser-Ardmore Subdivision (Re-subdivision of part of Lot 17  
Ardmore Farms Subdivision P.B. 9. Pg. 29  
2300 Frayser Boulevard  
Rezoning part of 2300 Frayser Boulevard  
Memphis, Tennessee**

Mr. Whitehead:

Please find attached an applications for both a major subdivision and re-zoning of the southern part of the subject property. The subject property is located on the north side of Frayser Boulevard, the west side of Ardmore Street, and the south side of Dells Avenue. It was originally a part of Lot 17 in the Ardmore Farms Subdivision. The totality of the tract appears to have been split from Lot 17 in a manner creating a legal lot of record. However, the current tax map depiction shows this as two parcels but no evidence of this division can be found in the title work. The division line conforms with the existing zoning line that splits the western half of the property along Dells Avenue as R-6 zoning with the eastern half of the property along Ardmore and Frayser as R-10 zoning. An existing church is located on the north half of the property. These applications would create a northern lot encompassing the church improvements within the R-6 and R-10 zoning districts and a new lot on the corner of Frayser and Ardmore with a request to zone this property CMU-1. The change in zoning would be compatible with the existing zoning along the north side of Frayser Boulevard. We are requesting a waiver from Article 5.2.7 of the Unified Development Code requiring the installation of curb, gutter, and sidewalk along Ardmore and Dells. These areas are substantially developed with the current level of improvements and the installation of curb, gutter, and sidewalk would be inconsistent with the surrounding area. The neighborhood meeting has not yet been held but will be conducted by zoom in late January.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.



**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, \_\_\_\_\_, being duly sworn, depose and say that at \_\_\_\_\_ am/pm on the 15 day of January, 2021, I posted \_\_\_\_\_ Public Notice Sign(s) pertaining to Case No. \_\_\_\_\_ at \_\_\_\_\_, 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.

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 15 day of January, 2021.

Notary Public

My commission expires: 6/29/21



**LETTERS RECEIVED**

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

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

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic Public Hearing will be held by the City Council of Memphis on Tuesday, 20 April 2021 at 3:30 p.m., regarding an amendment to the Zoning Map of the City of Memphis, being Chapter 28, Article IV, of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 21-4  
**LOCATION:** Northwest corner of Frayser Boulevard and Ardmore Street  
**COUNCIL DISTRICTS:** District 7 and Super District 8  
**OWNER:** Happy Rental Real Estate, LLC  
**APPLICANT:** National Cities Corporation  
**REPRESENTATIVE:** David Bray of the Bray Firm  
**EXISTING ZONING:** Residential – 6 and Residential – 10  
**REQUEST:** Commercial Mixed Use – 1  
**AREA:** 0.7 acres

**RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: *Approval*

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

**NOW, THEREFORE,** you will take notice that on Tuesday, 20 April 2020 at 3:30 p.m., the City Council of Memphis, Tennessee, will be in session to hear opposition against the making of said change; such opposition must be by personal appearance, by attorney, or by petition, and must registered to speak by Monday 19 April 2021 at 8 a.m.

You may register to speak by contacting Ashleigh Hayes at [ashleigh.hayes@memphistn.gov](mailto:ashleigh.hayes@memphistn.gov) no later than Monday 19 April 2021 at 8 a.m. with your (i) name, (ii) address, (iii) the phone number from which you will call; and (iv) the case number on which you would like to speak. 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 at <https://www.youtube.com/MemphisCityCouncil>.

This case will also be considered by 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 \_\_\_\_\_, \_\_\_\_\_**

**FRANK COLVETT JR.**  
***CHAIRMAN OF COUNCIL***

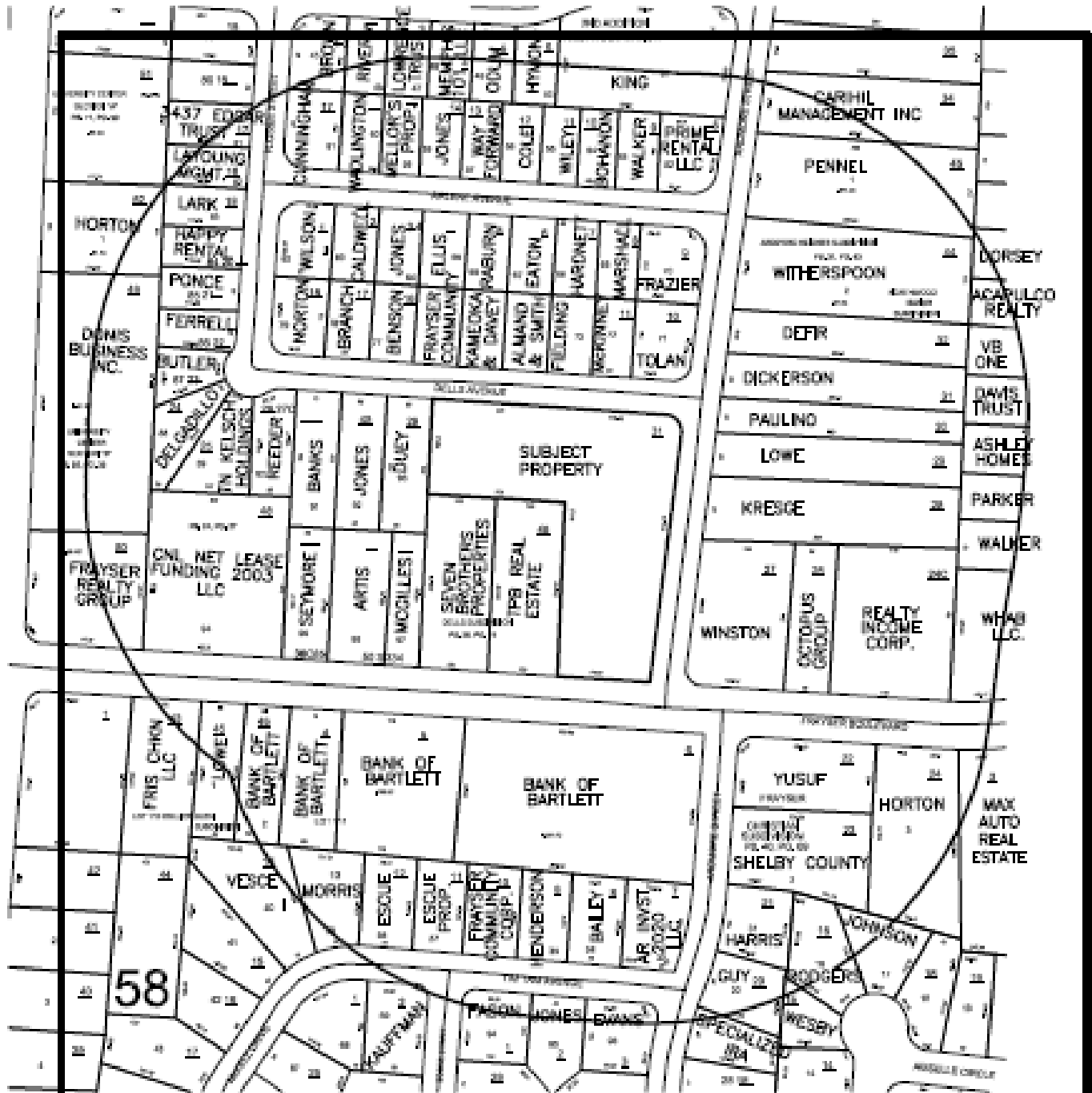
**ATTEST:**

**DYWUANA MORRIS**  
***CITY COMPTROLLER***

---

**TO BE PUBLISHED:**

VICINITY MAP



FRAYSER-ARDMORE SUBDIVISION  
 2300 FRAYSER BLVD.  
 MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

ENGINEERING  
 2950 STAGE PLAZA NORTH  
 BARTLETT, TENNESSEE  
 JANUARY 5, 2021

SURVEYING  
 TELEPHONE 901-383-8668  
 E-MAIL dgbray@comcast.net  
 SCALE 1"=200'

This subject property of this vicinity map includes additional land to be subdivided but not rezoned.

Frayser-Ardmore Subdivision

Page 1 of 7

Happy Rental Real Estate, LLC.  
7200 Goodlett Farms Parkway  
Cordova, TN 38016

The Bray Firm  
2950 Stage Plaza North  
Bartlett, TN 38134

National Cities Corporation  
2641 Union Avenue Extended  
Memphis, TN 38112

Owner

Engineer

Applicant

TPB Real Estate, LLC.  
5840 FAIRWOOD LN  
MEMPHIS TN 38120 3005

Seven Brothers Properties, LLC.  
6926 E SHELBY DR  
MEMPHIS TN 38141 0265

Jonathan Duey  
17252 SEPTO ST  
NORTHRIDGE CA 91325

Resident  
2273 Dells Ave.  
Memphis, TN 38127

Robert and Margaret Tolan  
2312 DELLS AVE  
MEMPHIS TN 38127 5813

Octavius McKinney  
2304 DELLS AVE  
MEMPHIS TN 38127 5813

Cody Fielding  
4004 ROAD 104  
PASCO WA 99301 6866

Resident  
2298 Dells Avenue  
Memphis, TN 38127

Resident  
2292 Dells Avenue  
Memphis, TN 38127

Marcia Almand &  
Laurie Smith  
3073 GOFORTH WAY  
BARTLETT TN 38134

Ann Kameoka & Hugh Davey  
693 TUSCANY CT  
FAIRFIELD CA 94534

Resident  
2286 Dells Avenue  
Memphis, TN 38127

Frayser Community Dev. Corp.  
3684 N WATKINS ST  
MEMPHIS TN 38127

Resident  
2278 Dells Avenue  
Memphis, TN 38127

Nakitha Winston  
2015 STEEPLEBROOK DR  
CORDOVA TN 38016 5003

Resident  
2320 Frayser Blvd.  
Memphis, TN 38127

Ian Kresge  
3382 ARDMORE ST  
MEMPHIS TN 38127 5807

Troy Lowe  
7264 GAIL DR  
BARTLETT TN 38133

Frayser-Ardmore Subdivision

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Resident  
3390 Ardmore  
Memphis, TN 38127

Aaron Paulino  
448 DELBROOK AVE  
SAN FRANCISCO CA 94080

Resident  
3396 Ardmore St.  
Memphis, TN 38127

Gizman Yusuf  
2331 FRAYSER BLVD  
MEMPHIS TN 38127 5860

Anthony & Corliss Horton  
PO BOX 11206  
MEMPHIS TN 38111 0206

Tenant  
2341 Frayser Blvd.  
Memphis, TN 38127

Max Auto Real Estate LLC  
1101 MONROE ST  
TOLEDO OH 43604 5811

Tenant  
2365 Frayser Blvd.  
Memphis, TN 38127

Jody Harris  
3322 ARDMORE ST  
MEMPHIS TN 38127 6608

Joyce Rodgers  
3297 AMSELLE CIR  
MEMPHIS TN 38127 6603

Cuitna Johnson  
3299 AMSELLE CIR  
MEMPHIS TN 38127 6603

Carolyn Wesby  
3295 AMSELLE CIR  
MEMPHIS TN 38127 6603

Albert Guy  
2765 MOUNTAIN TERRANCE ST  
MEMPHIS TN 38127 8823

Resident  
3314 Ardmore St.  
Memphis, TN 38127

Speciaized IRA Services  
436 S PLEASANT AVE  
RIDGEWOOD NJ 07450 5446

Resident  
3308 Ardmore St.  
MEMPHIS TN 38127

Joel B. McGilles  
2058 Dartmoth Way  
Villa Rica, GA 30180-5860

Resident  
2264 Frayser Blvd.  
Memphis, TN 38127

Taylor O. Artis Jr. & Edward Douglas  
5367 Twin Valley Ln.  
Bartlett, TN 38135-2808

Michael Seymore  
2252 Frayser Blvd.  
Memphis, TN 38127

CNL Net Lease Funding 2003 LLC  
5858 Ridgeway Center Pkwy  
Memphis, TN 38120-4004

Resident  
2238 Frayser Blvd.  
Memphis, TN 38127

Frayser Realty Group LLC  
11731 Farmers Blvd.  
St. Albans, NY 11412-4053

Resident  
2222 Frayser Blvd.  
Memphis, TN 38127

Frayser-Ardmore Subdivision

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Donis Business Inc.  
499 Bedlington Dr.  
Cordova, TN 38018-6749

Resident  
3380 University St.  
Memphis, TN 38127

Corliss & Anthony Horton  
3428 University St.  
Memphis, TN 38127

EDGAR STREET TRUST  
1412 Collier St. Bldg. A  
Austin, TX 78704-2932

Resident  
3437 Edgar Street  
Memphis, TN 38127

Laying Property Management, LLC.  
5875 Rust Rd.  
Memphis, TN 38127-1911

Resident  
3431 Edgar St.  
Memphis, TN 38127

Brenda K Lark  
3423 Edgar St.  
Memphis, TN 38127

Happy Rental Real Estate LLC  
1138 N. Germantown Pkwy  
Ste. 101  
Cordova, TN 38016-5872

Resident  
3417 Edgar St.  
Memphis, TN 38127

Alvin S. Ponce  
P.O. Box 480075  
Los Angeles, CA 90048-1075

Resident  
3409 Edgar St.  
Memphis, TN 38127

Jodee Ferrell  
18105 196<sup>th</sup> Ave. SE  
Renton, WA 98058-0320

Resident  
3403 Edgar St.  
Memphis, TN 38127

Olan Butler  
14362 W. 142<sup>nd</sup> St.  
Olathe, KS 66062-5802

Resident  
3397 Edgar St.  
Memphis, TN 38127

Jorge Delgadillo  
18182 Vierra Canyon Rd.  
Salinas, CA 93907-3334

Resident  
3395 Edgar St.  
Memphis, TN 38127

TN Kelsch Holdings LLC  
3148 W 13640 S.  
Riverton, UT 84065-5960

Resident  
2247 Dell Ave.  
Memphis, TN 38127

Carolyn S. Reeder  
2253 Dells Ave.  
Memphis, TN 38127

Hubert C. Banks  
2259 Dells Ave.  
Memphis, TN 38127

Athena M. Jones  
2267 Dells Ave.  
Memphis, TN 38127-5812

Mae N. Norton  
2258 Dells Ave.  
Memphis, TN 38127

Frayser-Ardmore Subdivision

Page 4 of 7

Latrell Branch & Tameka Grandberry  
2266 Dells Ave.  
Memphis, TN 38127

Toya T M Benson  
2272 Dells Ave.  
Memphis, TN 38127

Terrence Wilson  
1558 Town & Country Dr.  
Southaven, MS 38671

Resident  
2257 Arlene Ave.  
Memphis, TN 38127

Lorraine Caldwell  
2265 Arlene Ave.  
Memphis, TN 38127

Earlie Jones Jr. & Lorese Douglas  
2273 Arlene Ave.  
Memphis, TN 38127

Norman D. Ellis  
2279 Arlene Ave.  
Memphis, TN 38127

Alvin & Dorothy Raburn  
2283 Arlene Ave.  
Memphis, TN 38127

Florentine L. Eaton  
2289 Arlene Ave.  
Memphis, TN 38127

Deandre Hardnett  
2867 Kenneth St.  
Memphis, TN 38128

Resident  
2299 Arlene Ave.  
Memphis, TN 38127

Scott Marshall  
6983 8<sup>th</sup> St.  
Bartlett, TN 38135

Resident  
2305 Arlene St.  
Memphis, TN 38127

Michael J Frazier  
2315 Arlene Ave.  
Memphis, TN 38127

Kelana Cunningham  
1053 McClure Rd.  
Memphis, TN 38116-7701

Resident  
2258 Arlene Ave.  
Memphis, TN 38127

William & Jacquelyn Wadlington  
2264 Arlene  
Memphis, TN 38127

Mellor's Properties LLC  
8493 Yarrow Ln.  
Riverside, CA 92508-2969

Resident  
2272 Arlene Ave.  
Memphis, TN 38127

Keitrick & Lorese Jones  
2278 Arlene Ave.  
Memphis, TN 38127

Way Forward, LLC  
716 Newman Springs Rd.  
Ste. 197  
Lincroft, NJ 07738

Resident  
2282 Arlene Ave.  
Memphis, TN 38127

Lorene Cole  
2288 Arlene Ave.  
Memphis, TN 38127

Joseph L Wiley  
2175 Berkeley  
Memphis, TN 38018



Frayser-Ardmore Subdivision

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Resident  
2294 Arlene Ave.  
Memphis, TN 38127

Patrick & Joyce Bohanon  
4487 Fairwind Cv.  
Memphis, TN 38125-3562

Resident  
2300 Arlene Ave.  
Memphis, TN 38127

Jimmie J Walker  
2306 Arlene Ave.  
Memphis, TN 38127

Prime Rental LLC  
3707 Macon Rd.  
Memphis, TN 38122

Resident  
2314 Arlene Ave.  
Memphis, TN 38127

David & Bernice King  
3449 Ardmore St.  
Memphis, TN 38122

Luther & Shellane Hymon  
5063 Laurel Lake Dr.  
Memphis, TN 38125

Resident  
2289 Cassie Ave.  
Memphis, TN 38127

Johnny J Odum  
2283 Cassie Ave.  
Memphis, TN 38127

Memphis 101 LLC  
1012 W. Marquez Pl.  
Ste. 106B  
Santa Fe, NM 87505

Resident  
2275 Cassie Ave.  
Memphis, TN 38127

Lowrence Trust  
1425 Mullin Station  
Memphis, TN 38134

Resident  
2269 Cassie Ave  
Memphis, TN 38127

John Rivera  
10617 27<sup>th</sup> Dr. SE  
Everett, WA 98208

Resident  
2263 Cassie Ave.  
Memphis, TN 38127

Rosalind Brown  
2257 Cassie Ave.  
Memphis, TN 38127-5846

Octopus Group LLC  
2015 Steeplebrook Dr.  
Cordova, TN 38016

Resident  
2330 Frayser Blvd.  
Memphis, TN 38127

Realty Income Corporation  
720 W. 20<sup>th</sup> St.  
Pittsburg, KS 66762-2844

Resident  
2342 Frayser Blvd.  
Memphis, TN 38127

WHAB LLC.  
P.O. Box 341147  
Memphis, TN 38134

Resident  
2360 Frayser Blvd.  
Memphis, TN 38127

Sylvia & Don Walker  
3379 Mountain Terrance St.  
Memphis, TN 38127

Frayser-Ardmore Subdivision

Page 6 of 7

Gregory & Tasha Parker  
2578 Mackinnon  
Memphis, TN 38119

Resident  
3387 Mountain Terrace St.  
Memphis, TN 38127

Ashley Homes LLC  
924 Dolan Rd.  
Drummonds, TN 38023

Resident  
3395 Mountain Terrace St.  
Memphis, TN 38127

Davis Marital Revocable Living  
Trust  
3403 Mountain Terrace St.  
Memphis, TN 38127

VB One LLC  
5550 Huber Rd.  
Huber Heights, OH 45424

Resident  
3413 Mountain Terrace St.  
Memphis, TN 38127

Acapulco Realty LLC  
6047 Executive Centre Dr.  
Bartlett, TN 38134

Resident  
3419 Mountain Terrace St.  
Memphis, TN 38127

Joe & Gladys Dorsey  
3425 Mountain Terrace St.  
Memphis, TN 38127

Tina Y Dickerson  
3404 Ardmore St.  
Memphis, TN 38127

Kilborn & Dorris Defir  
3408 Ardmore St.  
Memphis, TN 38127

Diane J Witherspoon  
3428 Ardmore St.  
Memphis, TN 38127

Steven P Pennel  
3430 Ardmore St.  
Memphis, TN 38127

Carihil Management Inc.  
PO Box 80403  
Memphis, TN 38108

Resident  
3438 Ardmore St.  
Memphis, TN 38127

Rickey R. Evans  
3307 Ardmore St.  
Memphis, TN 38127

Shaundra Jones  
2295 Tim Tam Ave.  
Memphis, TN 38127

Frayser-Ardmore Subdivision

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Andrea D Fason  
3308 Boone St.  
Memphis, TN 38127

Steven S Kauffman  
125 Stony Ridge Dr.  
Centre Hall, PA 16828

Resident  
2271 Tim Tam Ave.  
Memphis, TN 38127

AR Investments 2020 LLC  
1910 Madison Ave.  
#2191  
Memphis, TN 38104

Resident  
3319 Ardmore St.  
Memphis, TN 38127

Richard Bailey & Angela Fraizer  
2300 Tim Tam Ave.  
Memphis, TN 38127

Ira Henderson  
2292 Tim Tam Ave.  
Memphis, TN 38127

Frayser Community Dev. Corp.  
3684 N. Watkins  
Memphis, TN 38127

Resident  
2284 Tim Tam Ave.  
Memphis, TN 38127

Escue Properties LLC  
2551 Flowering Tree Dv.  
Bartlett, TN 38134

Resident  
2276 Tim Tam Ave.  
Memphis, TN 38127

Resident  
2268 Tim Tam Ave.  
Memphis, TN 38127

Ophelia Morris & Wardell Carpenter  
2260 Tim Tam Ave.  
Memphis, TN 38127

Christopher J Vesce  
1888 Kalakaua Ave.  
Apt. 2905  
Honolulu, HI 96815

Resident  
2254 Tim Tam Ave.  
Memphis, TN 38127

Bank of Bartlett  
6281 Stage Rd  
Bartlett, TN 38134

Resident  
2285 Frayser Blvd.  
Memphis, TN 38127

Resident  
2269 Frayser Blvd.  
Memphis, TN 38127

Resident  
2245 Frayser Blvd.  
Memphis, TN 38127

Troy C Lowe  
7264 Gail Dr.  
Memphis, TN 38133

Resident  
2241 Frayser Blvd.  
Memphis, TN 38127

FRIS CHKN LLC  
980 Hammond Dr NE  
Ste. 1100  
Atlanta, GA 30328

Resident  
2237 Frayser Blvd.  
Memphis, TN 38127



## Memphis City Council Summary Sheet

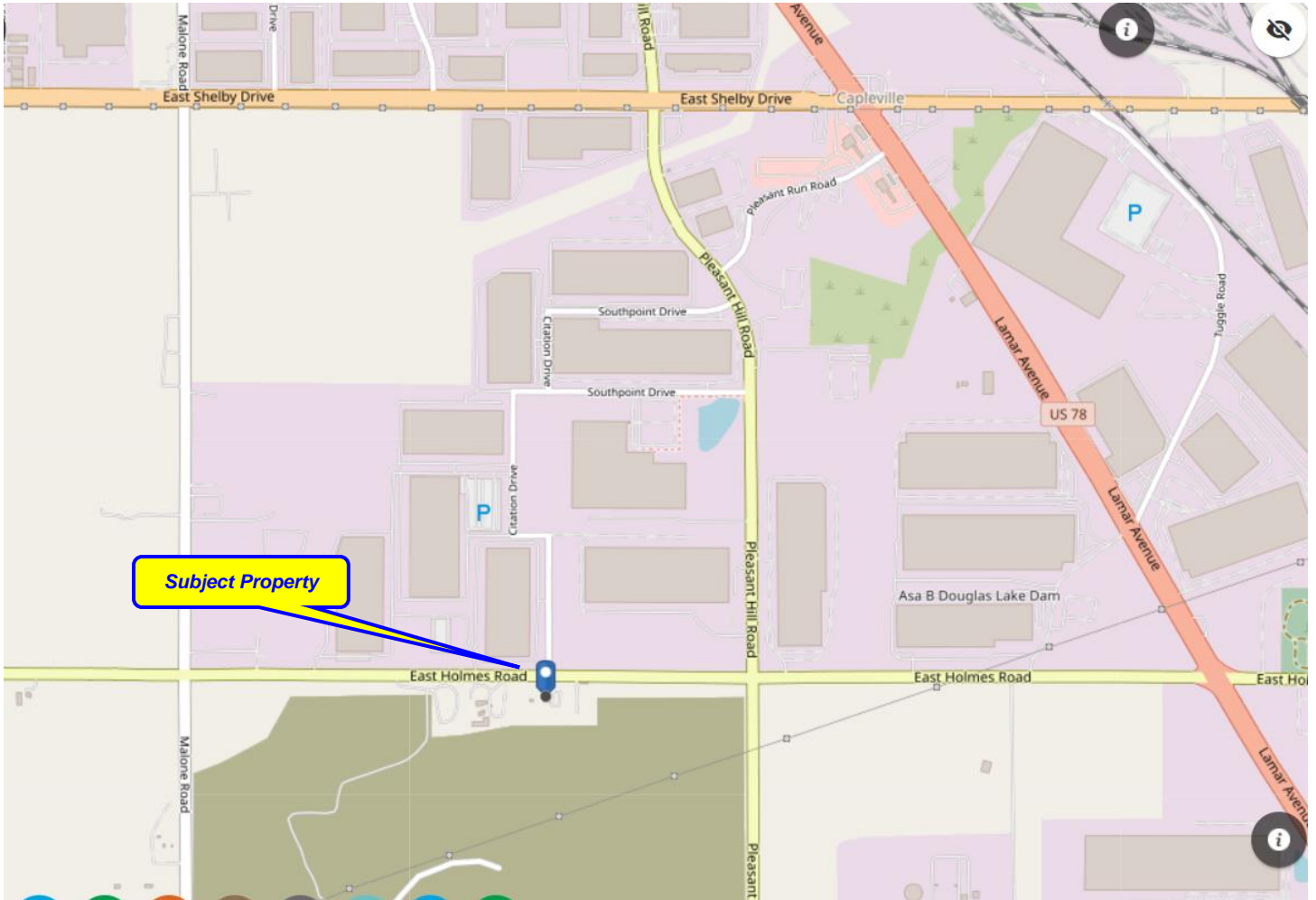
### Z 21-01

Zoning Ordinance reclassification for property located on the south side of E. Holmes Road; +/-1,534.97 feet west of Pleasant Hill Road

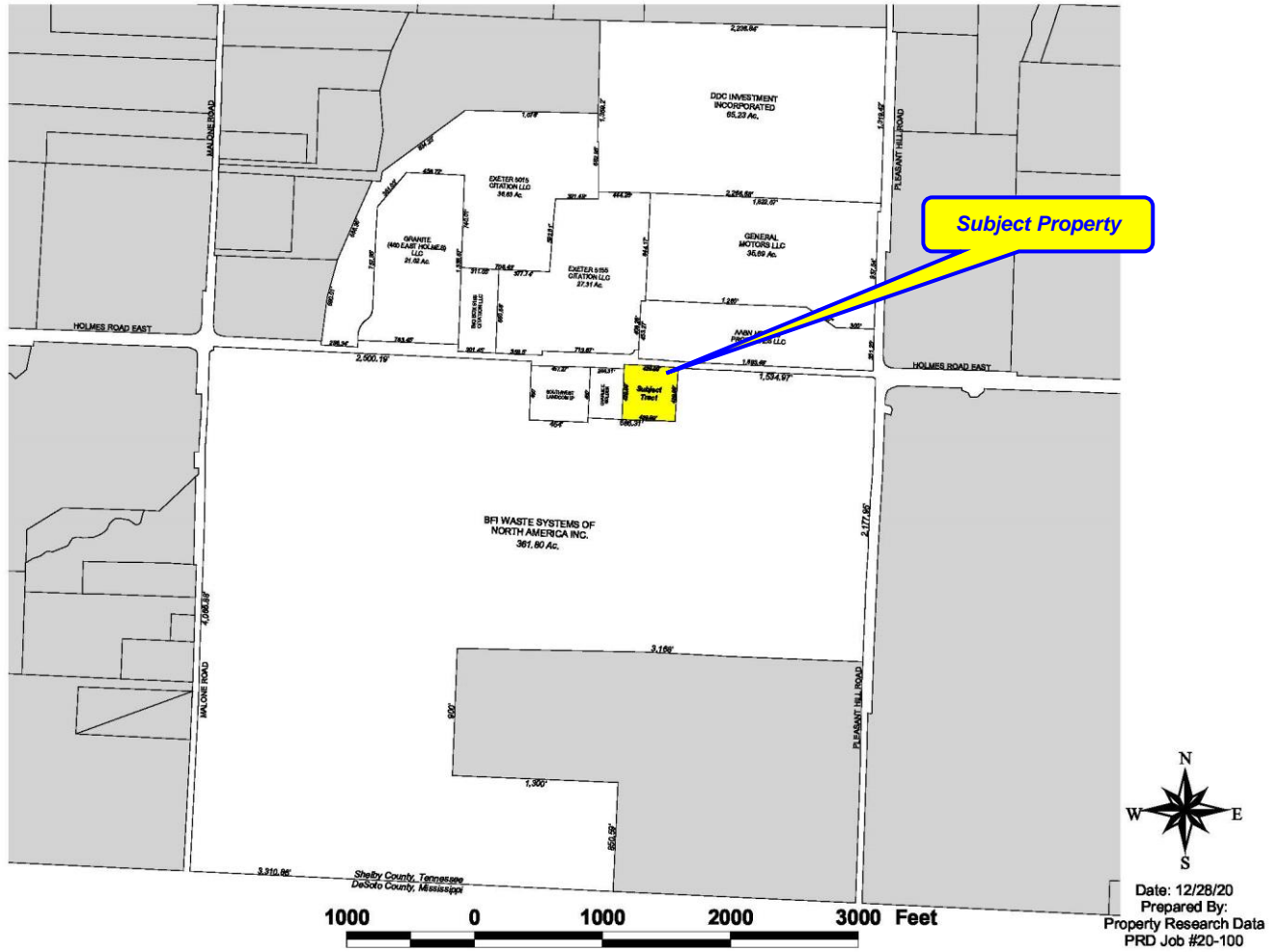
- This item is an Ordinance for reclassification of real property from the Conservation Agriculture (CA) District to be included in the Employment (EMP) District; and
- The approval of a Zoning reclassification will be reflected on the Memphis and Shelby Counting Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.



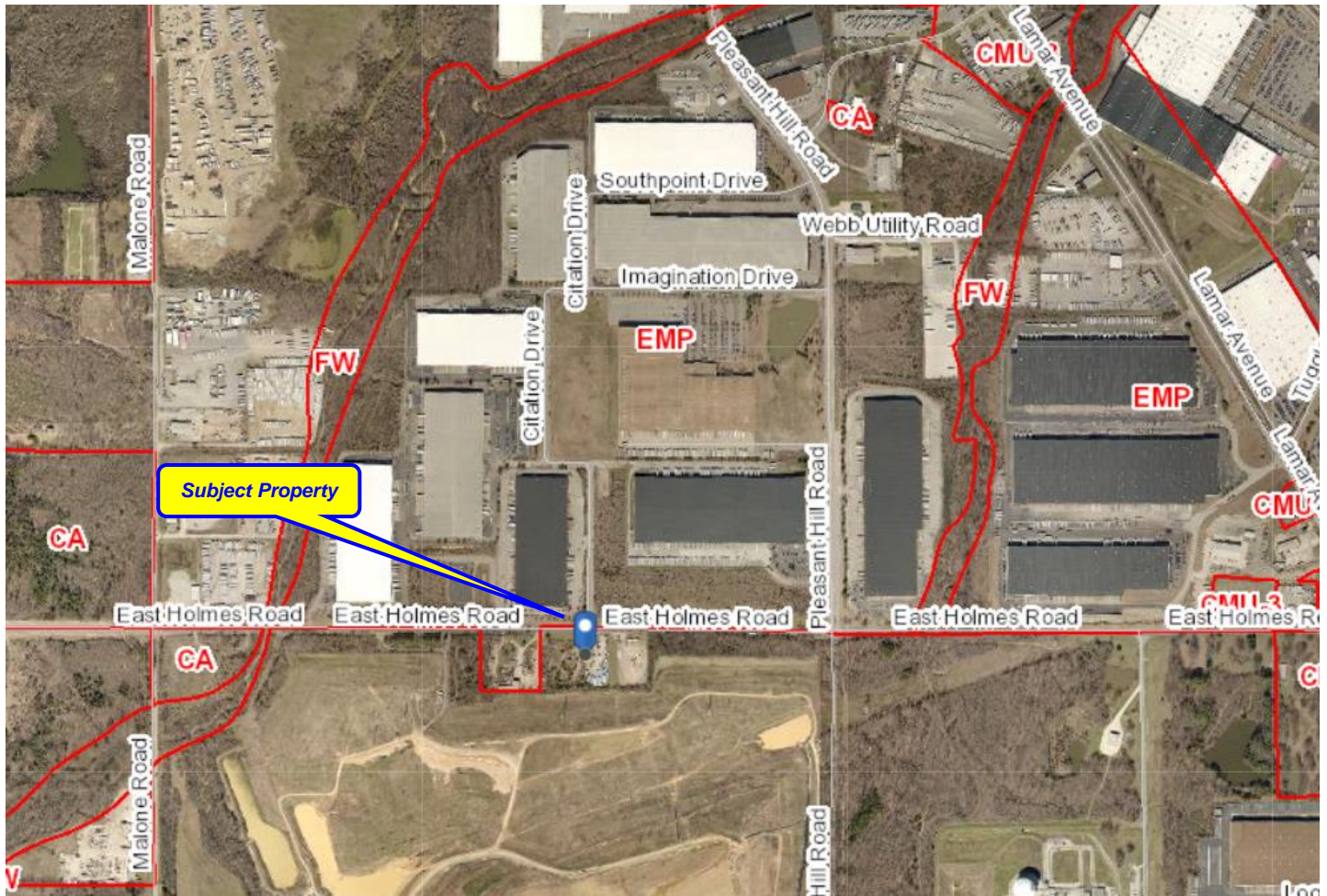
Planning Area



### Vicinity Map

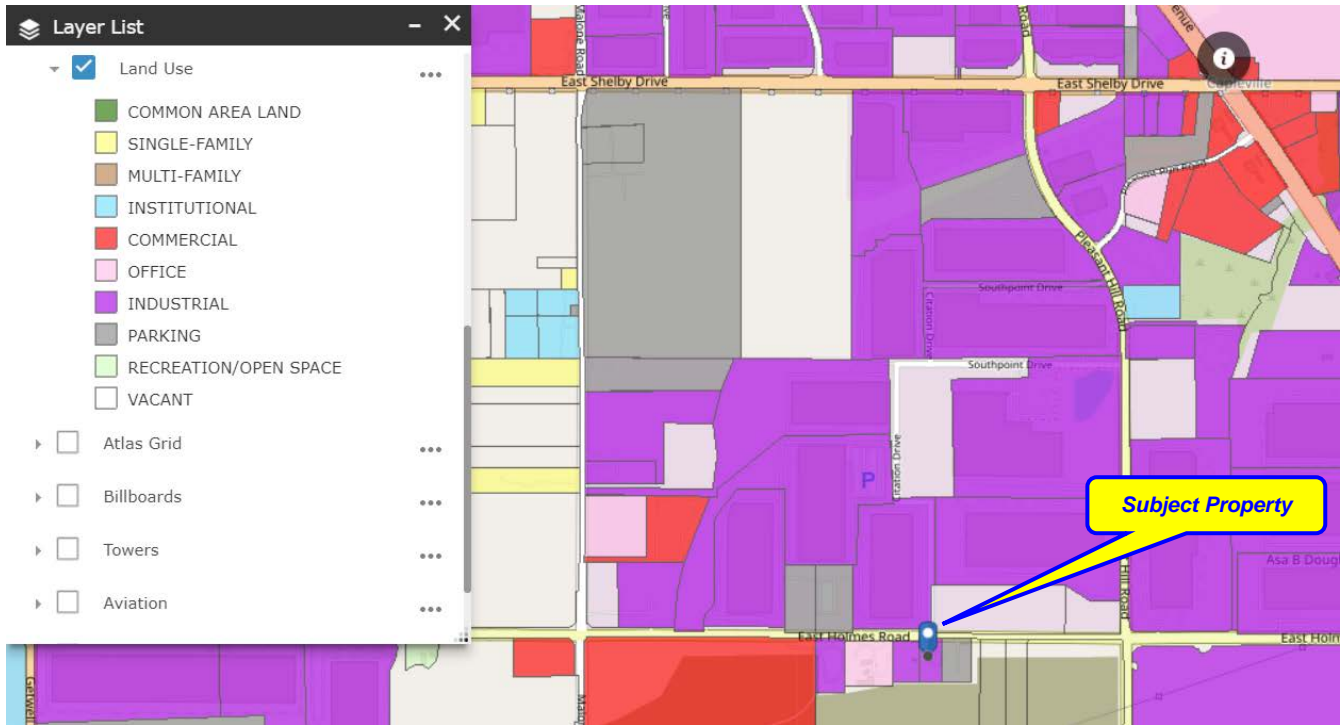


Zoning





### Land Use



**Surrounding Land Use & Zoning**

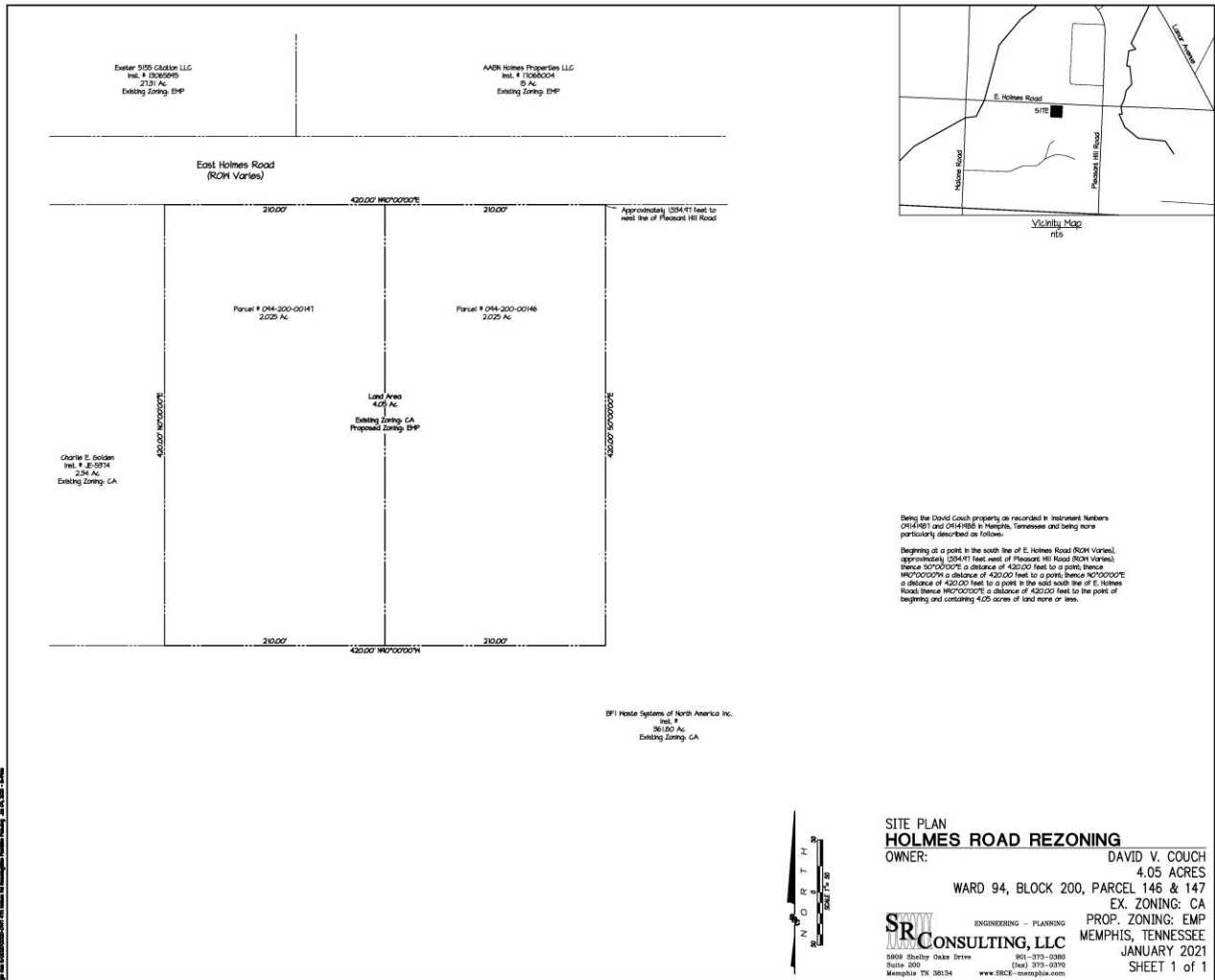
**North:** Large warehouse and distribution facilities in Employment (EMP) District.

**East:** Sanitary landfill approved by special use permit in Conservation Agriculture (CA) District.

**South:** Sanitary landfill approved by special use permit in Conservation Agriculture (CA) District.

**West:** Landfill approved by special use permit in CA District, office, small manufacturing and warehouse facility in Employment (EMP) District.

Plot Plan



Neighborhood Meeting: Neighborhood Meeting Requirement.  
Sign Posting & Public Notice: Sign Posted on Monday, Tuesday, January 26<sup>th</sup>, 2021.  
Public Hearing Notices mailed on Friday, January 29<sup>th</sup>, 2021.

**STAFF ANALYSIS:**

**Site Description**

The subject property is a 4.05-acre tract of land located on the south side of a major road, E Holmes Road, more than one-quarter (1/4) mile west of Pleasant Hill Road with no improvements along the road frontages. The property is within the Capleville area in the southeast portion with outdated zoning for this southeastern portion of the City of Memphis. The applicant is requesting a zoning reclassification of property to be included in the Employment (EMP) District to continue the development of the property for a small vehicle service facility with outdoor storage of tractor trailers. The property is not located within a Flood Plain (FP) District according to FEMA maps dated September 2007.

**Area Overview**

The existing land use and zoning to the north and farther east of the subject property is predominantly large office warehouse development, outdoor storage of motor freight and small trucking facilities. The land use farther west is primarily large, vacant tracts of land and large industrial warehouses uses with similar warehouse buildings within one-half (1/2) mile of the subject property along both sides of E Holmes Road all within Employment (EMP) District zoning. The property to the south is a large landfill approved by special use permit in the CA District zoning. The land use farther east at the intersection of E Holmes Road and Pleasant Hill Road is a new convenience store with gasoline sales across from the sanitary landfill and large, vacant tracts also in EMP District zoning. The dominant land use and zoning in the immediate area is large warehouse developments Employment (EMP) District.

**Zoning Analysis**

The applicant's request is to allow the reclassification of a large, vacant tract of land to Employment (EMP) District within the southeast portion of the City of Memphis. The proposed zoning will allow the expansion of a vehicle service facility with outdoor storage of tractor trailers which is compatible with existing land use and zoning. The existing and future land use for the property is consistent with the Memphis 3.0 Plan and this request for industrial zoning coupled with existing land use in the immediate area is compatible with current development trends for and existing land uses. The request will allow a small warehouse building to continue and expand with the existing land use pattern of the area and industrial zoning reclassification will become a logical extension to the Employment (EMP) District zoning directly adjacent to the subject property to the west.

**Recommendation: Approval of Employment (EMP) District**

## Office of Comprehensive Planning Review

This summary is being produced in response to the following application to support the Office of Planning & Development recommendation: Z21-01: Capleville

Site Address/location: 4685, 0 E. Holmes Road.

Land Use Designation (see page 80 for details): Industrial (I)

Based on the future land use, the existing adjacent land uses, and zoning districts the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

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

### 1. FUTURE LAND USE PLANNING MAP



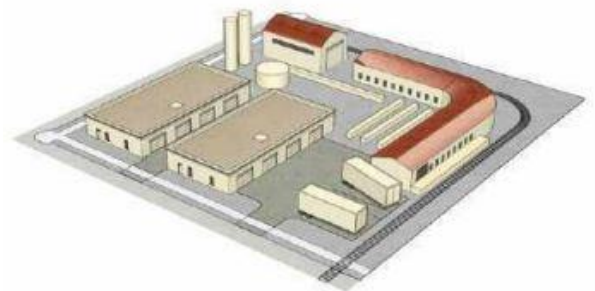
Red polygon indicates the application sites on the Future Land Use Map.

### 2. Land use description & applicability:

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

### “T” Goals/ Objectives:

**Preservation/maintenance of manufacturing/industrial jobs where suitable, protection of neighborhoods from impactful uses and activities**



**“T” Form & Location Characteristics:**

**Industrial, 1-10 stories**

*The applicant is requesting a rezoning for the properties at 4685 & 0 E Holmes Road, located west of Pleasant Hill Road. The application seeks to rezone approximately 4.05 acres of land to Employment (EMP) from Conservation Agriculture (CA), which is bounded by East Holmes road on the north.*

*The request meets the criteria as the application proposes an industrial use, which is compatible with I Proposed development will help continue preserving, maintaining, and intensifying surrounding manufacturing/industrial jobs.*

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

The subject sites are surrounded by the following land use: **Industrial and Vacant**. The subject site is surrounded by the following zoning districts: **Conservation Agriculture (CA) and Employment (EMP)**. This requested rezoning is compatible with the adjacent zoning districts and land uses because *existing zoning districts and land uses surrounding the parcels are similar in nature to the requested one.*

**4. Degree of Change Map**



**Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.**

**5. Degree of Change Descriptions**

N/A

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

*Summary Compiled by: Faria Umy, Comprehensive Planning, Memphis 3.0.*

**RECOMMENDATION:            Approval**

**GENERAL INFORMATION:**

**Street Frontage:** E Holmes Road-----+/-420.00 linear feet.  
**Planning District:** Oakhaven-Parkway Village  
**Zoning Atlas Page:** 2540  
**Zoning History:** The Conservation Agriculture (CA) District zoning of the property dates to the adoption of the 1980 zoning map amendments.

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**DEPARTMENTAL COMMENTS:**

The following comments were provided by Inter-governmental Agencies/ Organizations 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. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
3. A 750-ft. sewer extension will be required to serve this development.

**Fire Services:** No comments.

**Memphis & Shelby County Health Department:**

**Water Quality Branch:** No comments.  
**Septic Tank Program:** No comments.

**Memphis Light, Gas and Water:**

MIGW 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 MIGW 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 MILGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to contact TN-1-CAIL @ 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 MILGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MILGW Engineering.
- Landscaping is prohibited within any MILGW utility easement without prior MILGW approval.
- **Street Names:** It is the responsibility of the owner/applicant to contact MILGW-Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MILGW 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 MILGW 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 commercial developers must contact MILGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

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

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

**Office of Resiliency & Sustainability:** No Comments.

**AT&T-TN:** No comment.

**Neighborhood Associations/ Organizations:** None registered.

Staff: bb



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

**APPLICATION FOR REZONING APPROVAL**

Date: December 29, 2020

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

PLEASE TYPE OR PRINT

Property Owner of Record: David Couch Phone #: \_\_\_\_\_

Mailing Address: 9950 Center Hill Road City/State: Collierville, TN Zip 38017

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

Applicant: Same as Owner Phone # \_\_\_\_\_

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

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

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

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

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

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

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

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

Street Address Location: 4685, 0 E. Holmes Rd.

Distance to nearest intersecting street: Approximately 1534.97 feet west of Pleasant Hill Road

|                           | Parcel 1   | Parcel 2 | Parcel 3 |
|---------------------------|------------|----------|----------|
| Area in Acres:            | 4.05       | _____    | _____    |
| Existing Zoning:          | CA         | _____    | _____    |
| Existing Use of Property  | Industrial | _____    | _____    |
| Requested Use of Property | Industrial | _____    | _____    |
| Requested Zoning          | EMP        | _____    | _____    |

Pre-Application Conference held on: \_\_\_\_\_ with \_\_\_\_\_

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

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

David V. Couch 1/4/21 David V. Couch 1/4/21  
 Property Owner of Record Date Applicant Date





ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://www.SRCE-memphis.com)

Date: January 7, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: E. Holmes Rd. Rezoning

## **LETTER OF INTENT**

We are submitting a Rezoning application for property at 4685 & 0 E. Holmes Road, located west of Pleasant Hill Road. The property is within the CA zoning district and is approximately 4.05 acres in area. We are requesting a rezoning to the EMP district which is compatible with the adjacent properties.

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

Exeter 5155 Citation LLC  
Inst. # 13065895  
21.31 Ac  
Existing Zoning: EMP

AABN Holmes Properties LLC  
Inst. # 17068004  
15 Ac  
Existing Zoning: EMP

East Holmes Road  
(ROW Varies)

210.00'

420.00' N40°00'00"E

210.00'

Approximately 1534.97 feet to  
west line of Pleasant Hill Road

Parcel # 094-200-00147  
2.025 Ac

Parcel # 094-200-00146  
2.025 Ac

Land Area  
4.05 Ac  
Existing Zoning: CA  
Proposed Zoning: EMP

420.00' N0°00'00"E

420.00' S0°00'00"E

Charlie E. Golden  
Inst. # JE-5314  
2.34 Ac  
Existing Zoning: CA

210.00'

420.00' N40°00'00"W

210.00'

BFI Waste Systems of North America Inc.  
Inst. #  
361.80 Ac  
Existing Zoning: CA



Vicinity Map  
nts

Being the David Couch property as recorded in Instrument Numbers  
09141987 and 09141988 in Memphis, Tennessee and being more  
particularly described as follows:

Beginning at a point in the south line of E. Holmes Road (ROW Varies),  
approximately 1534.97 feet west of Pleasant Hill Road (ROW Varies);  
thence S0°00'00"E a distance of 420.00 feet to a point; thence  
N40°00'00"W a distance of 420.00 feet to a point; thence N0°00'00"E  
a distance of 420.00 feet to a point in the said south line of E. Holmes  
Road; thence N40°00'00"E a distance of 420.00 feet to the point of  
beginning and containing 4.05 acres of land more or less.

### SITE PLAN HOLMES ROAD REZONING

OWNER: DAVID V. COUCH

4.05 ACRES

WARD 94, BLOCK 200, PARCEL 146 & 147

EX. ZONING: CA

PROP. ZONING: EMP

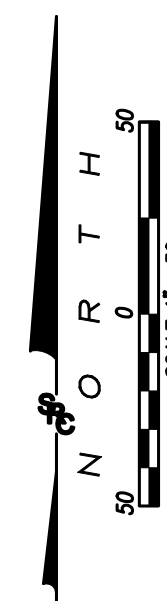
MEMPHIS, TENNESSEE

JANUARY 2021

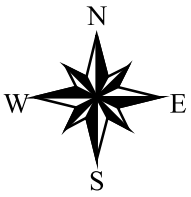
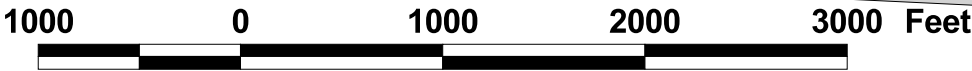
SHEET 1 of 1

**SR CONSULTING, LLC**  
ENGINEERING - PLANNING

5909 Shelby Oaks Drive 901-373-0380  
Suite 200 (fax) 373-0370  
Memphis TN 38134 www.SRCE-memphis.com



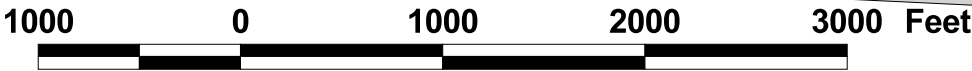
# Vicinity Map



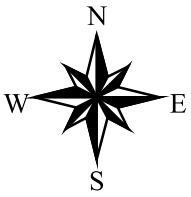
Date: 12/28/20  
Prepared By:  
Property Research Data  
PRD Job #20-100

Shelby County, Tennessee  
DeSoto County, Mississippi

# Vicinity Map



Shelby County, Tennessee  
DeSoto County, Mississippi



Date: 12/28/20  
Prepared By:  
Property Research Data  
PRD Job #20-100

Aabn Holmes Properties LLC  
1121 Poplar View Lane, Ste. 1  
Collierville, TN 38017-9339

BFI Waste Systems Of North America Inc.  
P O Box 29246  
Phoenix, AZ 85038

Big Box 5155 Citation LLC  
5384 Poplar Avenue, Ste. 312  
Memphis, TN 38119-0617

DDC Investment Incorporated  
5910 N. Central Expressway, Ste. 1200  
Dallas, TX 75206-5144

Exeter 5015 Citation LLC  
101 W. Elm Street, Ste. 600  
Conshohocken, PA 19428-2075

Exeter 5155 Citation LLC  
101 W. Elm Street, Ste. 600  
Conshohocken, PA 19428-2075

General Motors LLC  
P O Box 460169  
Houston, TX 77056-8169

Golden Charlie E  
4661 E. Holmes Road  
Memphis, TN 38118-7802

Granite (460 East Holmes) LLC  
3102 Oak Lawn Avenue  
Dallas, TX 75219-6421

Southwest Landcom LP  
P O Box 630036  
Nacogdoches, TX 75963

Aabn Holmes Properties LLC  
1121 Poplar View Lane, Ste. 1  
Collierville, TN 38017-9339

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Couch David V  
9950 Center Hill Road  
Collierville, TN 38017

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9950 Center Hill Road  
Collierville, TN 38017



*Tom Leatherwood*  
Shelby County Register

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

|  |              |
|--|--------------|
|  |              |
| <b>09141987</b>  |              |
| <b>12/11/2009 - 11:51 AM</b>   |              |
| 2 PGS  |              |
| LIZ 705582-9141987   |              |
| VALUE  | 10.00        |
| MORTGAGE TAX   | 0.00         |
| TRANSFER TAX   | 0.00         |
| RECORDING FEE  | 10.00        |
| DP FEE   | 2.00         |
| REGISTER'S FEE   | 0.00         |
| WALK THRU FEE  | 0.00         |
| <b>TOTAL AMOUNT</b>  | <b>12.00</b> |
| <b>TOM LEATHERWOOD</b>   |              |
| REGISTER OF DEEDS SHELBY COUNTY TENNESSEE  |              |

**QUIT CLAIM DEED**

THIS INDENTURE, made and entered into this the 24<sup>th</sup> day of November, 2009, by and between, FISHER HOLDINGS, LLC, a Tennessee limited liability company, party of the first part, and DAVID V. COUCH, 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, that said party of the first part does hereby quit claim, give, bargain, convey, transfer and confirm unto the party of the second part the following described real estate, situated in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

A certain parcel of land being in Section 14, Township 1 South, Range 7 West Chickasaw cession in the Second Civil District, Shelby County, Tennessee, being more particularly described as follows: Beginning at a point in the south line of Holmes Road 3303.8 feet east of the northwest corner of said Section 14, Township 1, Range 7 West, thence south 7 degrees 5 minutes east parallel with the west line of William Trent Malone's 138.42 acre tract 420 feet to a stake. Thence east parallel with the west line of said Holmes Road 210 feet to a stake; thence north parallel with the west line of said William Trent Malone's tract, 420 feet to a stake in the south line of Holmes Road; thence west with said south line 210 feet to the point of beginning.

Derivation Clause: Being the same property conveyed to the party of the first part by Quit Claim Deed filed of record as Instrument No. 04159490 in the Shelby County Register's Office.

The said party of the first part does hereby covenant with the said party of the second part that the party of the first part is lawfully seized and possessed in fee simple of the above described real estate; that the party of the first part has a good right to give and convey the same; and that the real estate is unencumbered, except for 2009 property taxes, which the party of the first part assumes and agrees to pay.

At the request of the party of the first part and the party of the second part, this deed has been prepared based upon information and documentation provided by the parties and without conducting a title search or procuring title insurance. Furthermore, this deed is not intended as, nor constitutes, an opinion of title by the preparer.

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

FISHER HOLDINGS, LLC

By   
Name: DAVID V. COUCH  
Title: Chief Manager

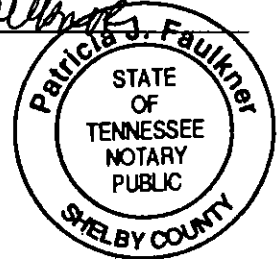
STATE OF TENNESSEE:  
COUNTY OF SHELBY:

Before me, a Notary Public in and for the said State and County, duly commissioned and qualified, personally appeared DAVID V. COUCH, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that DAVID V. COUCH executed the same in his capacity as Chief Manager of Fisher Holdings, LLC.



WITNESS my hand and Notarial Seal at Memphis, Shelby County, Tennessee, this the 24<sup>th</sup> day of November, 2009.

Patricia J. Faulkner  
Notary Public



My Comm. Exp. 11-09-2011

My Commission Expires:

PROPERTY ADDRESS: 4685 Holmes Road  
Memphis, TN

PROPERTY OWNER: DAVID V. COUCH  
9950 Center Hill Road  
Collierville, TN 38017

PERSON RESPONSIBLE FOR REAL PROPERTY TAXES: DAVID V. COUCH  
9950 Center Hill Road  
Collierville, TN 38017

WARD, BLOCK, & PARCEL NUMBER: 09420000147

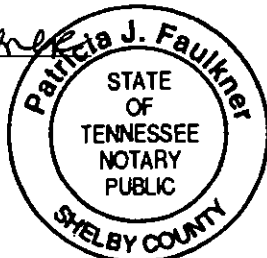
PREPARER: Olen M. Bailey, Jr.  
5100 Wheelis Drive, Suite 215  
Memphis, Tennessee 38117

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is \$ 10.00.

David V. Couch  
DAVID V. COUCH, Affiant

Subscribed and sworn to before me this the 24<sup>th</sup> day of November, 2009.

Patricia J. Faulkner  
Notary Public  
My Commission Expires:




My Comm. Exp. 11-09-2011



*Tom Leatherwood*  
Shelby County Register

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

|  |              |
|--|--------------|
|  |              |
| <b>09141988</b>  |              |
| <b>12/11/2009 - 11:51 AM</b>   |              |
| 2 PGS  |              |
| LIZ 705582-9141988   |              |
| VALUE  | 10.00        |
| MORTGAGE TAX   | 0.00         |
| TRANSFER TAX   | 0.00         |
| RECORDING FEE  | 10.00        |
| DP FEE   | 2.00         |
| REGISTER'S FEE   | 0.00         |
| WALK THRU FEE  | 0.00         |
| <b>TOTAL AMOUNT</b>  | <b>12.00</b> |
| <b>TOM LEATHERWOOD</b>   |              |
| REGISTER OF DEEDS SHELBY COUNTY TENNESSEE  |              |

**QUIT CLAIM DEED**

THIS INDENTURE, made and entered into this the 24<sup>th</sup> day of November, 2009, by and between, FISHER HOLDINGS, LLC, a Tennessee limited liability company, party of the first part, and DAVID V. COUCH, 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, that said party of the first part does hereby quit claim, give, bargain, convey, transfer and confirm unto the party of the second part the following described real estate, situated in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

A certain parcel of land being in Section Fourteen (14), Township One (1), Range Seven (7) West, Chickasaw Cession, in the Second Civil District, Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the South line of Holmes Road 3579.8 feet East of the Northwest Corner of said Section 14, Township 1, Range 7 West, thence South 7 degrees, 5 minutes East parallel with the West line of William Trent Malone's 138.42 acre tract, 420 feet to a stake; thence East parallel with the South line of said Holmes Road, 210 feet to a stake; thence North parallel with the West line of said William Trent Malone's tract, 420 feet to a stake in the South line of Holmes Road; thence West with said South line of Holmes Road, 210 feet to the point of beginning.

Derivation Clause: Being the same property conveyed to the party of the first part by Quit Claim Deed filed of record as Instrument No. 04159489 in the Shelby County Register's Office.

The said party of the first part does hereby covenant with the said party of the second part that the party of the first part is lawfully seized and possessed in fee simple of the above described real estate; that the party of the first part has a good right to give and convey the same; and that the real estate is unencumbered, except for 2009 property taxes, which the party of the first part assumes and agrees to pay.

At the request of the party of the first part and the party of the second part, this deed has been prepared based upon information and documentation provided by the parties and without conducting a title search or procuring title insurance. Furthermore, this deed is not intended as, nor constitutes, an opinion of title by the preparer.

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

FISHER HOLDINGS, LLC

By: David V. Couch  
Name: DAVID V. COUCH  
Title: Chief Manager

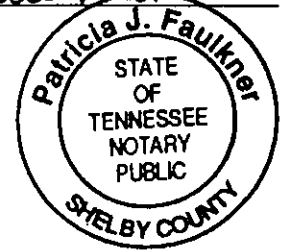
STATE OF TENNESSEE:  
COUNTY OF SHELBY:

Before me, a Notary Public in and for the said State and County, duly commissioned and qualified, personally appeared DAVID V. COUCH, to me known to be the person described in and who executed

the foregoing instrument, and acknowledged that DAVID V. COUCH executed the same in his capacity as Chief Manager of Fisher Holdings, LLC.

WITNESS my hand and Notarial Seal at Memphis, Shelby County, Tennessee, this the 24<sup>th</sup> day of November, 2009.

Patricia J. Faulkner  
Notary Public



My Comm. Exp. 11-09-2011

My Commission Expires:

PROPERTY ADDRESS: 0 Holmes Road  
Memphis, TN

PROPERTY OWNER: DAVID V. COUCH  
9950 Center Hill Road  
Collierville, TN 38017

PERSON RESPONSIBLE FOR REAL PROPERTY TAXES: DAVID V. COUCH  
9950 Center Hill Road  
Collierville, TN 38017

WARD, BLOCK, & PARCEL NUMBER: 09420000146

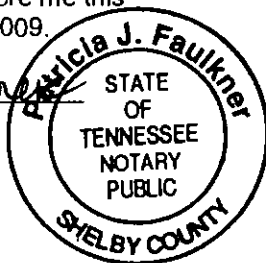
PREPARER: Olen M. Bailey, Jr.  
5100 Wheelis Drive, Suite 215  
Memphis, Tennessee 38117

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is \$ 10.00.

David V. Couch  
DAVID V. COUCH, Affiant

Subscribed and sworn to before me this the 24<sup>th</sup> day of November, 2009.

Patricia J. Faulkner  
Notary Public  
My Commission Expires:



My Comm. Exp. 11-09-2011

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, February 11<sup>th</sup>, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 21-01

**LOCATION:** South side of E. Holmes Road' +/-1,534.97 feet west of Pleasant Hill Road

**COUNCIL DISTRICT(S):** District 3, Super District 8-Positions 1, 2 & 3

**OWNER/APPLICANT:** David V. Couch

**REPRESENTATIVE:** SR Consulting, LLC (Cindy Reaves)

**REQUEST:** Employment (EMP) District

**EXISTING ZONING:** Conservation Agriculture (CA) District

**AREA:** 4.05 Acres

---

**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

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

**The motion passed by a unanimous vote of 10 to 0 on the Consent Agenda.**

Respectfully,



**Brian S. Bacchus**  
Principal Planner  
Land Use and Development Services  
Division of Planning and Development

**Cc: Committee Members**  
**File**



**MEMPHIS AND  
SHELBY COUNTY**  **DIVISION OF PLANNING  
AND DEVELOPMENT**  
City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

**March 2<sup>nd</sup>, 2021**

Ms. Cindy Reaves  
C/o David Couch, Owner  
5909 Shelby Oaks Drive-Suite 200  
Memphis, TN 38134

Sent via electronic mail to: [cindy@srce-memphis.com](mailto:cindy@srce-memphis.com)

**RE: OPD FILE #: Z 21-01**  
**L.U.C.B. RECOMMENDATION: Approval**

Dear Ms. Reaves,

The Memphis and Shelby County Land Use Control Board on **Thursday, February 11<sup>th</sup>, 2021**, recommended **'approval'** of your Zoning application for the reclassification of property from **'Conservation Agriculture (CA) District to be included in Employment (EMP) District'** located at the **'south side of East Holmes Road; +/-1,534.97 feet west of Pleasant Hill Road'** on the Consent Agenda by a vote of **10 to 0**.

This application will be forwarded to Memphis City Council for final action. The Council will review your application in Planning & Zoning Committee prior to voting in public hearing. The applicant or the applicant's representative(s) shall attend committee meeting and hearing. However, the applicant shall contact the City Council Records Office to determine when the application is scheduled to be heard in committee and in public session. The City Council Records Office phone is (901) 636-6792.

If for some reason you choose to withdraw the application, a letter should be mailed to Land Use and Development Services Department of the Division of Planning and Development at the address provided above. If you have questions concerning this matter or any other matters pertaining to this application or the planning process, please contact me by phone at (901) 636-7120 or by email at [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov) for further information.

Sincerely,



**Brian S. Bacchus**, Principal  
Josh Whitehead, Director  
Office of Planning and Development

cc: **David Couch**  
**OPD File: Z 21-01**

**ORDINANCE NO: \_\_\_\_\_**

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

---

**WHEREAS**, a proposed zoning map amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 21-01**; and

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

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

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

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

**SECTION 1:**

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

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.**

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

Being the David V. Couch property as recorded in Instrument Numbers 0914187 and 09141988 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the south line of E. Holmes Road (ROW Varies), approximately 1,534.97 feet west of Pleasant Hill Road (ROW Varies); thence S0°00'00"E a distance of 420.00 feet to a point; thence N90°00'00"W a distance of 420.00 feet to a point; thence N0°00'00"E a distance of 420.00 feet to a point in the said south line of E. Holmes Road; thence N90°00'00"E a distance of 420.00 feet to the point of beginning and containing 4.05 acres of land more or less.



**SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed to show the zoning map amendment of the said Zoning Ordinance.

**SECTION 3:**

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

**ATTEST:**

**CC: Division of Planning and Development  
Land Use and Development Services  
Office of Construction Enforcement  
Shelby County Assessor**

**//: ATTACHMENTS**

