

AGENDA ITEM: 3

CASE NUMBER: PD 20-17 **L.U.C.B. MEETING:** January 14, 2021

DEVELOPMENT: BHW Estates Planned Development

LOCATION: 3681 Hawkins Mill Road

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

OWNER/APPLICANT: Paul O. Brantley Sr. / Debra Hogue Brantley

REPRESENTATIVE: Smith Building Design & Associates, Inc. – Delinor Smith

REQUEST: Multi-use veteran’s facility providing a maximum of 76 multifamily dwelling units with supportive programs and services including an on-site private community center

AREA: +/-12.95 acres

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

CONCLUSIONS

1. The applicant is requesting a multi-use veteran’s facility providing a maximum of 76 multifamily dwelling units with supportive programs and services including an on-site private community center.
2. The applicant proposes to develop a gated community for independent veterans. As designed, the development includes 7 apartment buildings and 1 quadplex providing a total of 76 dwelling units, an administrative/security building, and an on-site private community center.
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 21-23 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: North Second Street +/-711.10 linear feet
Zoning Atlas Page: 1740
Parcel ID: 090071 00002
Existing Zoning: Residential Single-Family – 6 (R-6)

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, December 21, 2020, at Zoom.com.

PUBLIC NOTICE

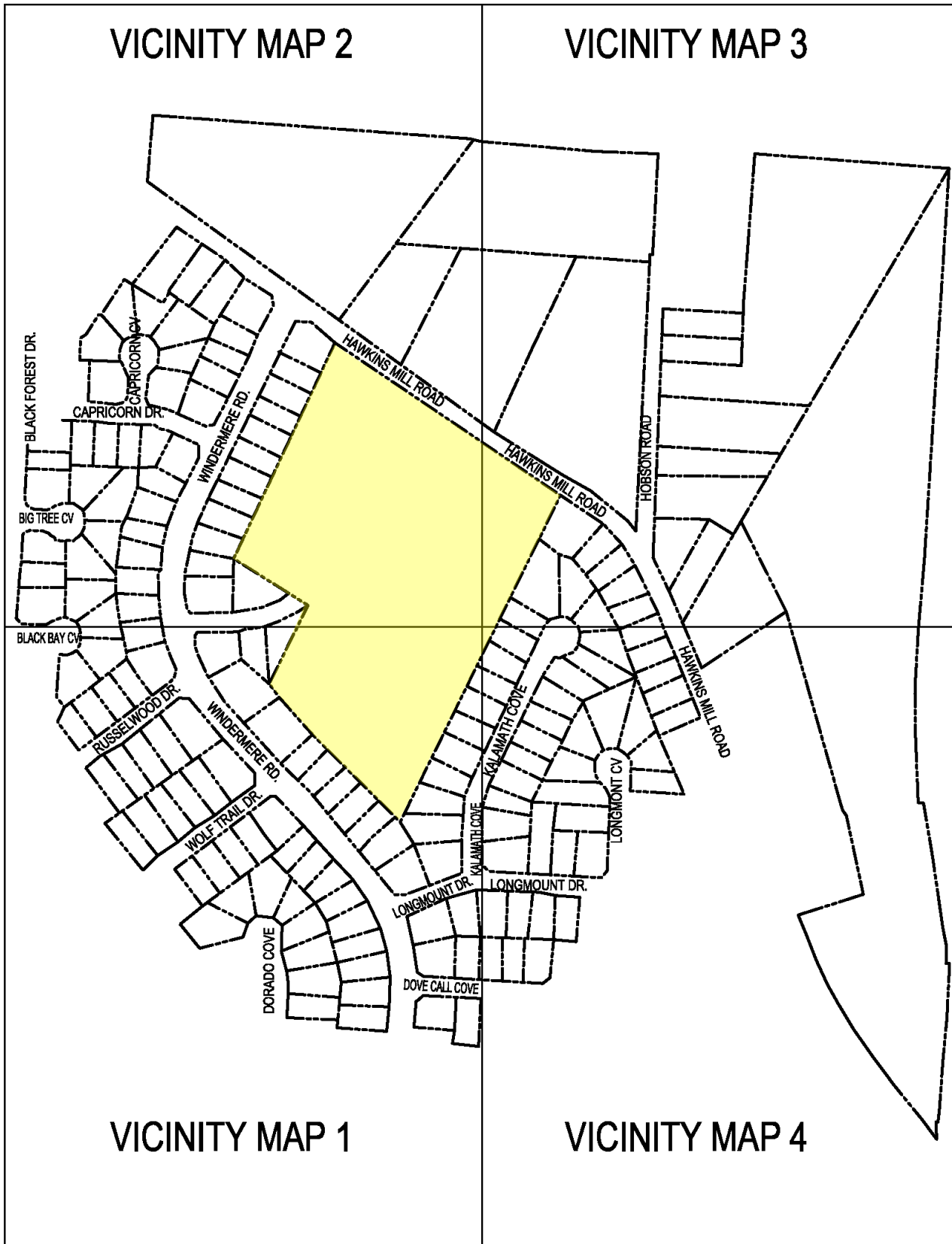
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 177 notices were mailed on November 24, 2020, and a total of 2 signs were posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Raleigh neighborhood

VICINITY MAP



Subject property highlighted in yellow

ZONING MAP



Subject property outlined in yellow

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

Surrounding Zoning

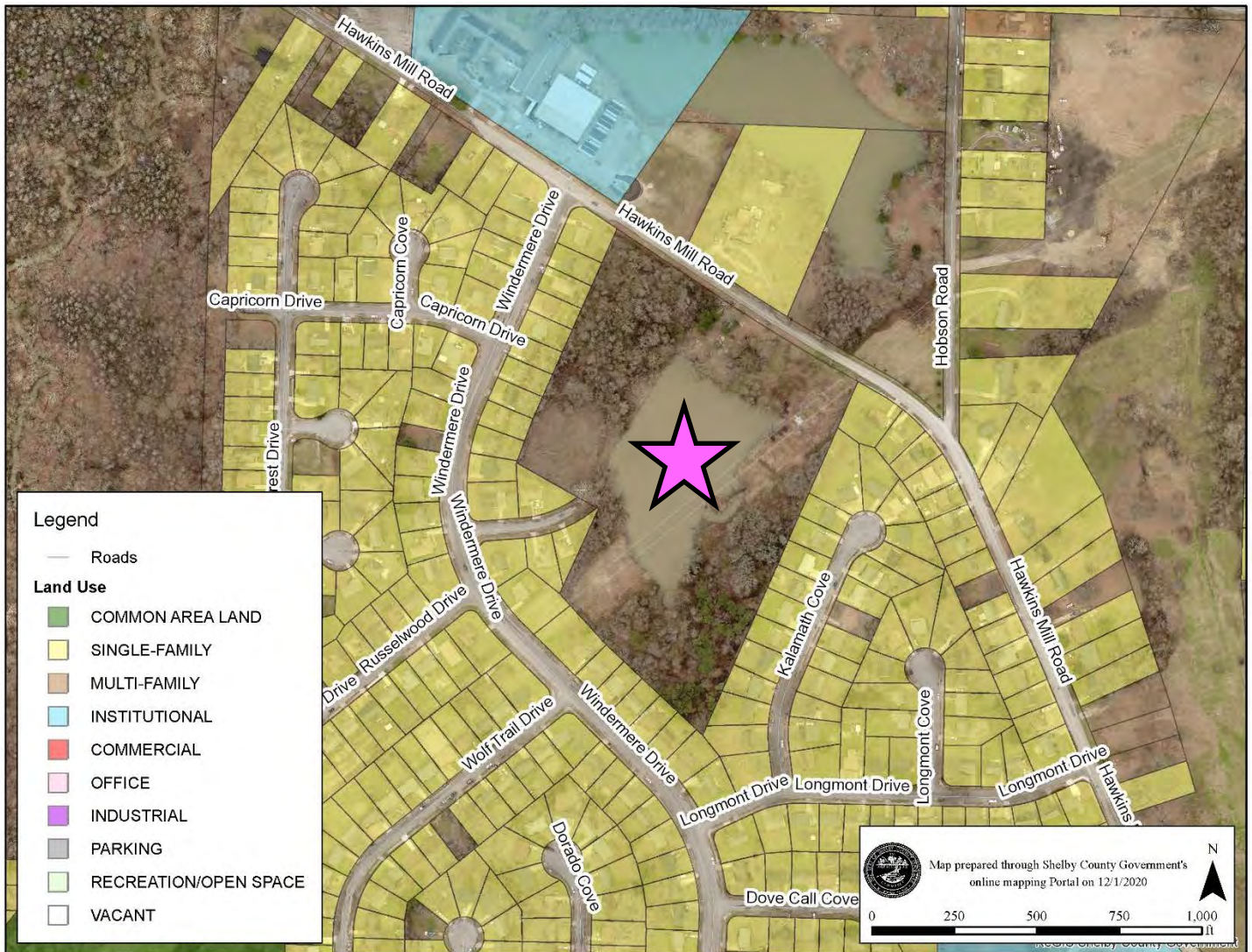
North: Residential Single-Family – 6 (R-6)

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

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

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

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

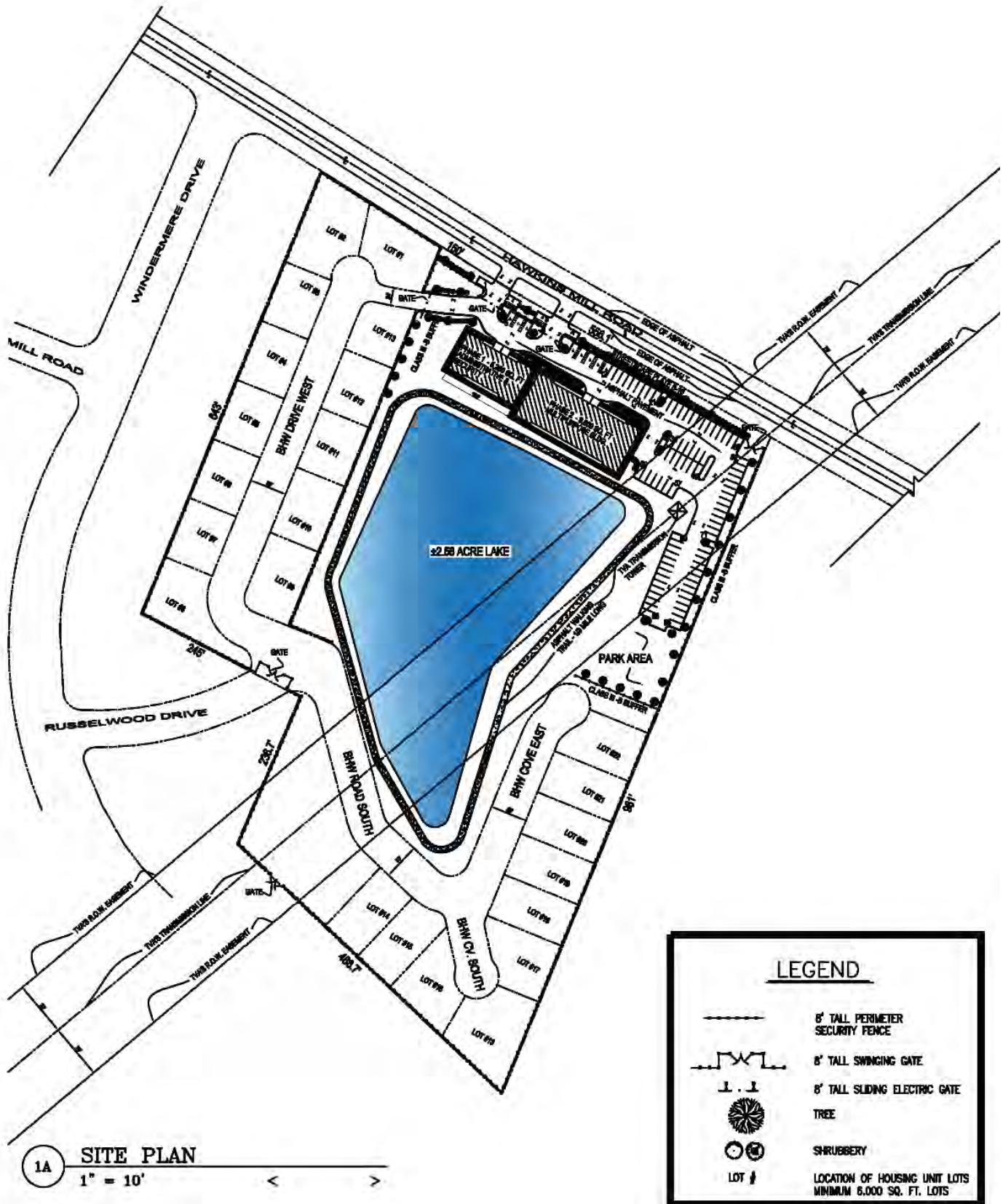


View of subject property from Hawkins Mill Road looking southeast

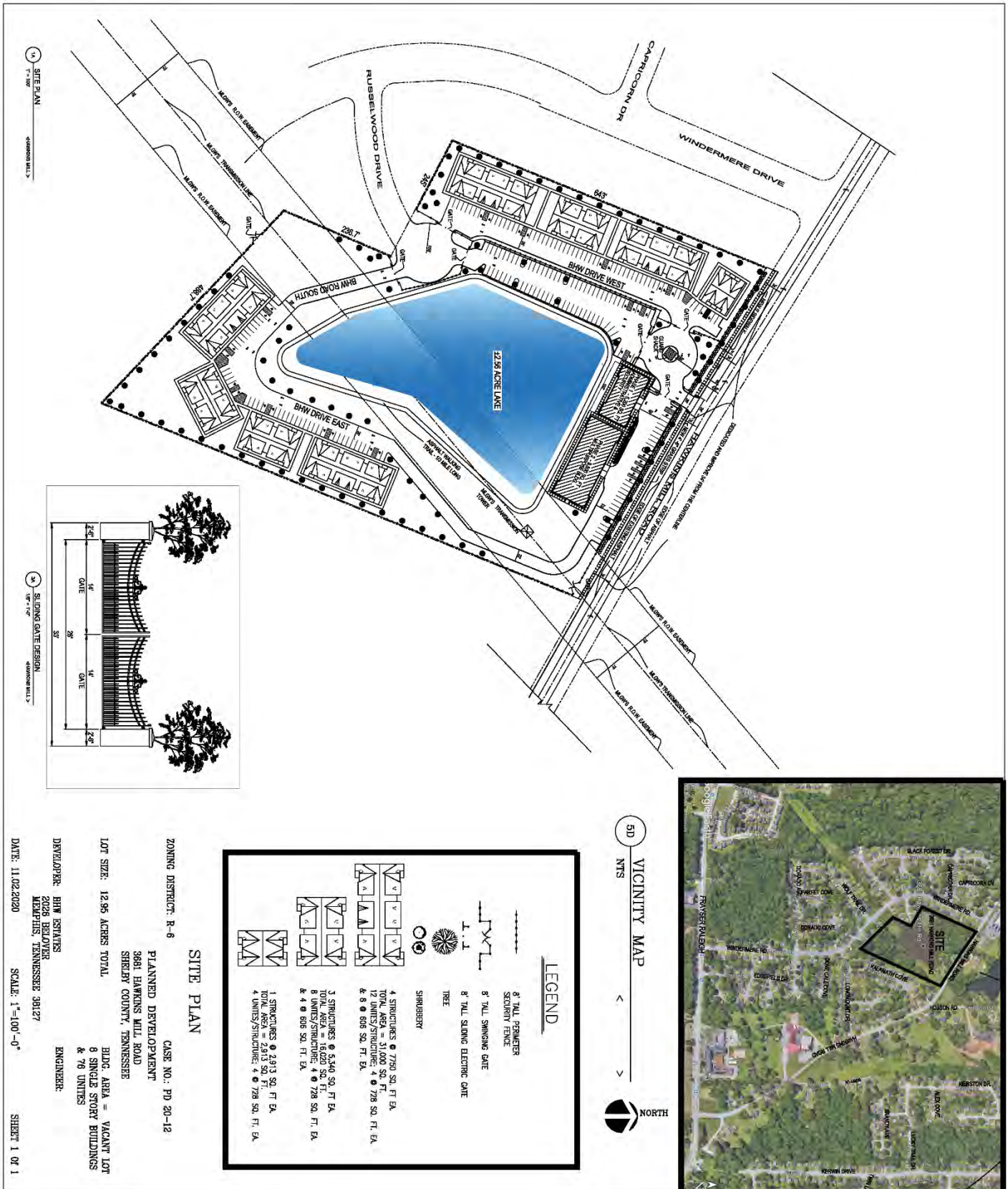


View of subject property from Hawkins Mill Road looking southwest

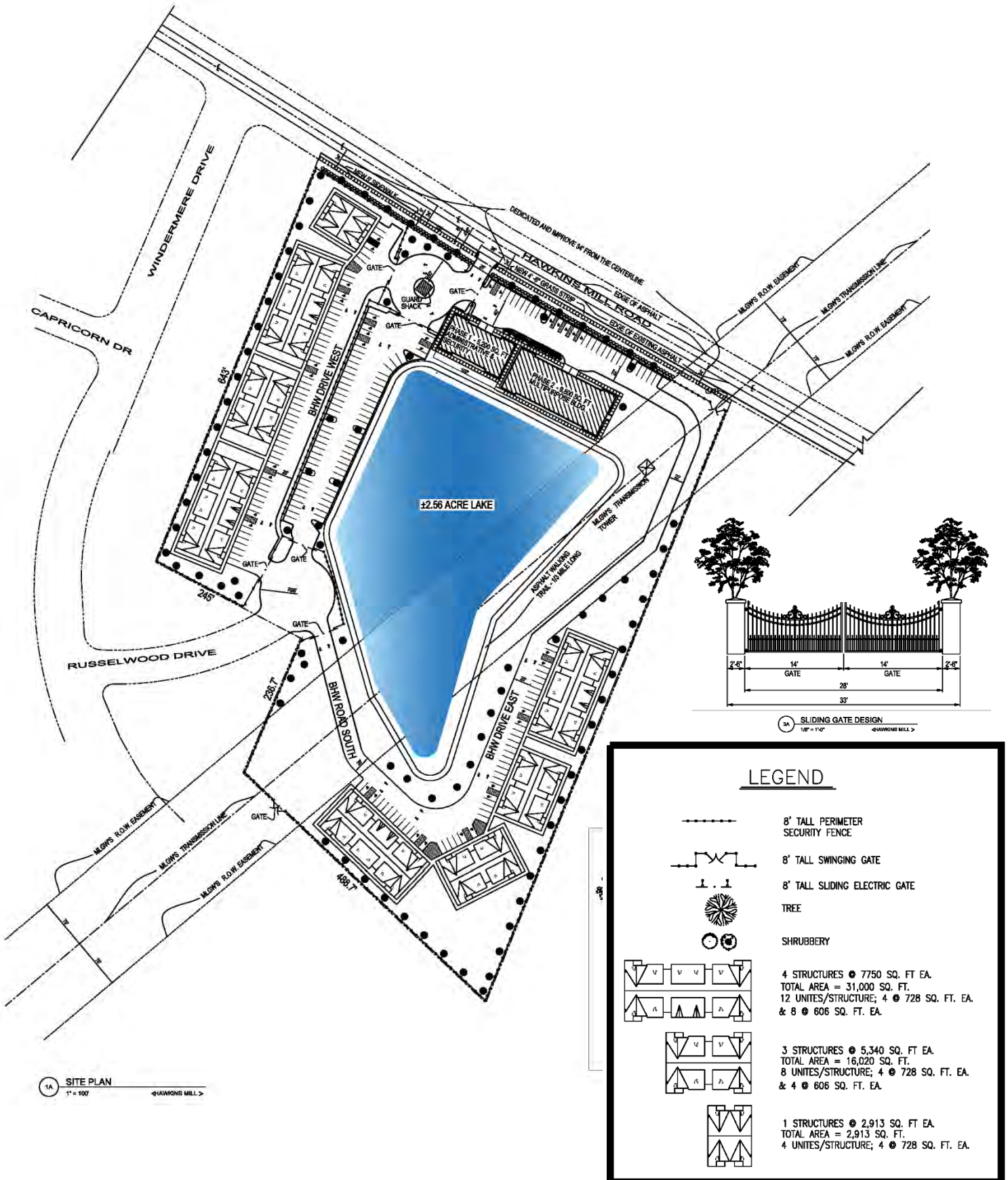
CONCEPT PLAN – ORIGINAL



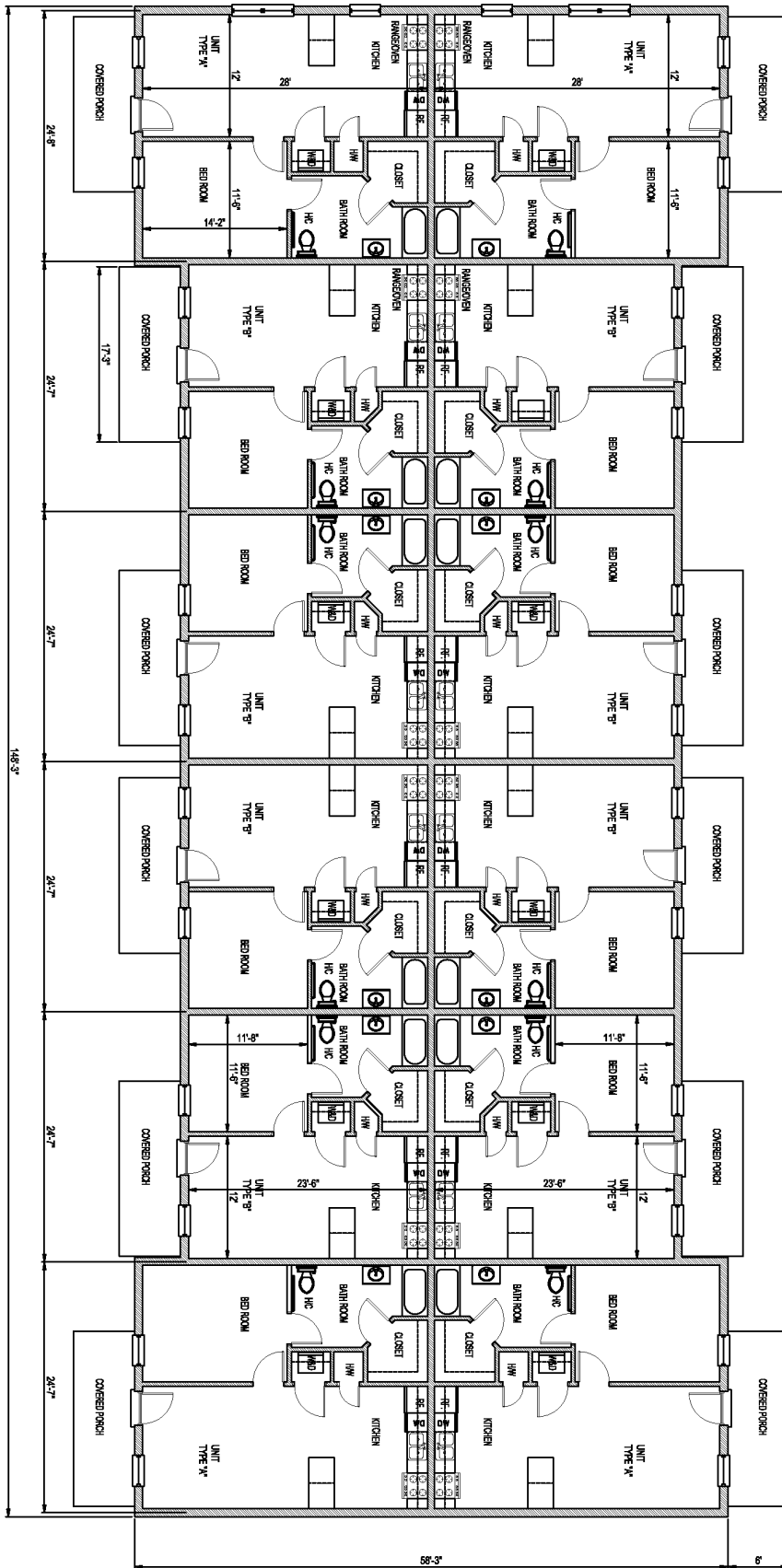
CONCEPT PLAN – REVISED



CONCEPT PLAN – REVISED (ZOOMED)



CONCEPTUAL FLOOR PLAN



STAFF ANALYSIS

Request

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

The request is for a multi-use veteran's facility providing a total of 76 multifamily dwelling units with supportive programs and services including an on-site private community center

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

contained in this Chapter.

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

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 +/-12.95 acres located at 3681 Hawkins Mill Road. The site is zoned Residential Single-Family – 6 (R-6) and is vacant land. The site is primarily forested land with a larger pond in the middle of the site. Additionally, along the northern boundary of the site adjacent to Hawkins Mill Road are utility poles and cutting diagonally through the eastern half of the property are double circuit lattice transmission towers.

Conclusions

The applicant is requesting a multi-use veteran’s facility providing a maximum of 76 multifamily dwelling units with supportive programs and services including an on-site private community center.

The applicant proposes to develop a gated community for independent veterans. As designed, the development includes 7 apartment buildings and 1 quadplex providing a total of 76 dwelling units, an administrative/security building, and an on-site private community center.

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. PERMITTED USES

- A. Multi-use veteran’s facility providing a maximum of 76 multifamily dwelling units with supportive programs and services including an on-site private community center.

II. BULK REGULATIONS

- A. The bulk regulations shall be in conformance with the Residential Urban District – 3 (RU-3) District.
- B. The building elevations, design, setback, placement, and orientation shall be illustrated on the final site plan, subject to administrative review and approval by Land Use and Development Services (LUDS).

III. CIRCULATION, ACCESS AND PARKING

- A. Shared Parking shall be approved for all permitted uses.
- B. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- C. The Developer shall dedicate and improve 34 feet from the centerline of Hawkins Mill Road with curb, gutter, and sidewalk.
- D. The Developer shall be responsible for the installation, repair and/or replacement of all existing curb and gutter along the frontages of this site as necessary.

- E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- F. The City Engineer or County Engineer shall approve the design, number, and location of curb cuts.
- G. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- H. Dedicate and improve a cul-de-sac at the end of Russelwood Drive or design and construct an equivalent connection suitable to the Fire Department.

IV. LANDSCAPING

- A. Streetscape shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent alternative as approved by LUDS.
- B. Parking lot landscaping shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent streetscape as approved by LUDS.
- C. All landscaping shall be located on the property such that it shall not interfere with any utility easements.

V. DRAINAGE AND SEWERS

- A. A grading and drainage plan for the site shall be submitted for review and approval prior to recording of the final plat.
- B. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- D. The developer should be aware of their obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VI. SIGNS

- A. Signage shall be in conformance with regulations established for Residential Urban Districts as defined in Section 4.9.
- B. Location and design of signs shall be shown on the Final Plat.

- 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 Zoning Administrator of the Land Use Development Services, to have such action reviewed by the appropriate Governing Body.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the outline plan by the Governing Body. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan is subject to the administrative approval of Land Use and Development Services and shall include the following:
- A. The outline plan conditions.
 - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. The location and ownership, whether public or privates of any easement.
 - E. The location and dimensions of all buildings, buildable areas, signs, parking areas, and dumpster location.
 - F. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
 - G. Illustrations/elevations of the design and materials of any proposed buildings and signs.
 - H. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - I. The following note shall be placed on the final plat of any development requiring on-site water detention facilities: The areas denote by "Reserved for Storm Water Detention" shall not be used as a building site or filed without first obtaining written permission from the City or County Engineer. The storm water detention systems located at these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or a homeowners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approval plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. The Developer shall dedicate and improve 34 ft. from the centerline of Hawkins Mill Road with curb, gutter, and sidewalk.
7. Dedicate and improve a cul-de-sac at the end of Russelwood Drive or design and construct an equivalent connection suitable to the Fire Department.
8. Adequate maneuvering area necessary for Fire Department vehicles to navigate the internal private streets shall be provided. The proposed layout does not meet these requirements.
9. The internal street configuration does not meet minimum UDC requirements. Revise to provide adequate circulation.

Traffic Control Provisions:

10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

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

Curb Cuts/Access:

13. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
14. Access to Hawkins Mill Road from individual lots is prohibited. All access to Hawkins Mill Road will be via internal private streets.

Drainage:

15. 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.
16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
18. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

20. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Minimum distance between the gate and ROW line on Hawkins Mill Road is 40 ft.
21. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

22. The proposed gate on BHW Drive needs to have a suitable turn around area in advance of the gate in order to allow vehicles to exit by forward motion.

City/County Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

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

- The subject property is encumbered by an existing utility right of way easement, which may include overhead and underground facilities. MLGW prohibits any development or improvements within the Easement, except as provided by the, MLGW Right of Way Encroachment Policy
- It is the responsibility of the owner/applicant, prior to any development, to contact Keith Ledbury, with MLGW – Property Management @ 901-528-4186 and obtain written approval for any improvements within the Easement.
- It is the responsibility of the owner/applicant to contact Angel Bailey, with MLGW-Property Management, @ 901-528-4186 to request a release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- STREET NAMES: It is the responsibility of the owner/applicant to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for Street Naming Guidelines and the Online Street Name Search: <http://www.mlgw.com/builders/landandmapping>
- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or

prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

- It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- Underground Utility separation and clearance: The subject property is encumbered by existing utilities which may include overhead and underground facilities.
- It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- Street Trees are prohibited, subject to the review and approval of the landscape plan by MLGW Engineering.
- It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 to initiate the utility application process.
- It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Based on the Future Land Use Planning Map, the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

1. Future Land Use Planning Map



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

2. Land use description & applicability:

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



“NS” Goals/Objectives:

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

“NS” Form & Location Characteristics:

Primarily detached house-scale buildings. Primarily residential, 1-3 stories, and beyond 1/2 mile from a Community Anchor.

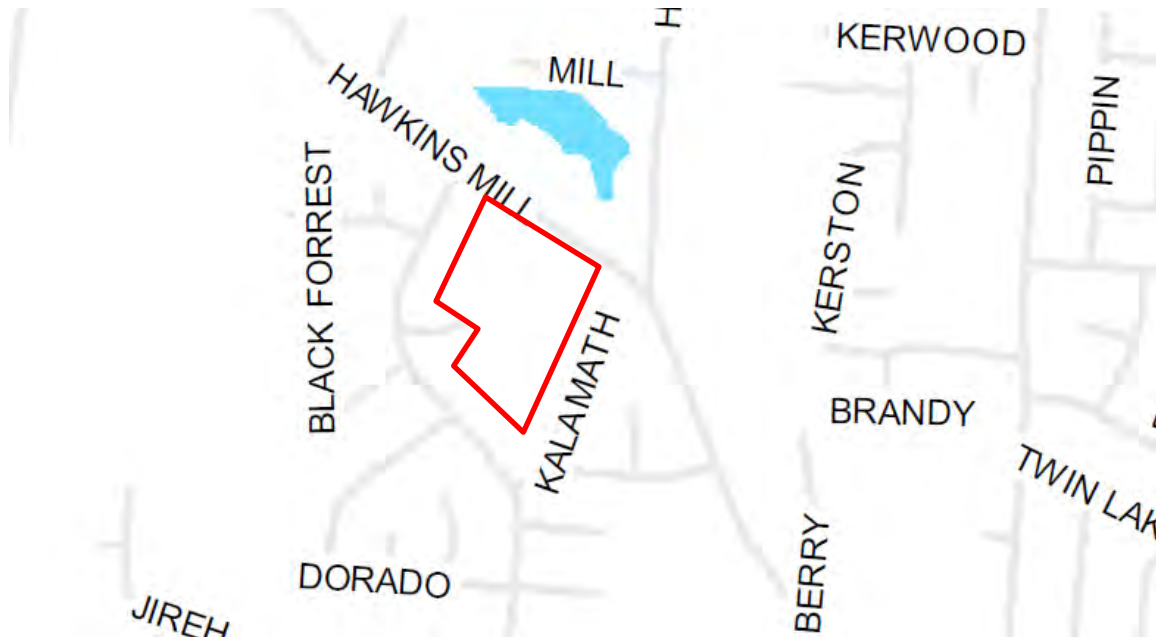
The applicant is seeking Planned Development approval to subdivide vacant land for 22 single-family residences and a community center.

The request meets the criteria because detached single-family residences and house-scale buildings are compatible within NS areas.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family Residential, Institutional, and Vacant land. The subject site is surrounded by the following zoning districts: R-6. This requested land use is compatible with these adjacent land uses and zoning districts because existing land use surrounding the parcels is similar in nature to the requested use.

4. Degree of Change Map



There is no degree of change for this site.

5. Degree of Change Descriptions

N/A

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

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: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: BHW Estates

Property Owner of Record: Paul O. Brantley Sr. Phone #: 901.314.6279

Mailing Address: 2026 Belover City/State: Memphis, TN Zip 38127

Property Owner E-Mail Address: paulb@bhwestate.org

Applicant: Debra Hogue Brantley Phone # 901.288.0787

Mailing Address: 2026 Belover City/State: Memphis, TN Zip 38127

Applicant E-Mail Address: debrab@bhwestates.org

Representative: Debra Hogue Brantley Phone #: 901.288.0787

Mailing Address: 2026 Belover City/State: Memphis, TN Zip 38127

Representative E-Mail Address: debrab@bhwestates.org

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 3681 Hawkins Mill Rd.

Distance to nearest intersecting street: the NW corner is 121.62' SE of the East property line of Windermere Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>12.95 Acres</u>	_____	_____
Existing Zoning:	<u>R-6</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>R-6 & Community Center</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: N/A Bedrooms: _____

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

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

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

4.10.3 Planned Development General Provisions

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

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

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
This project will be compatible with the R-6 surrounding community. The Community Center will provide services and jobs for the residents and public.
- 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.
The 12.95 acre site has an existing 2.5 acre lake that may allow for an area of natural storm water detention. The sewer, water, electric and gas connection shall be engineered, approved and constructed accordingly.
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
The required landscape buffers shall be installed and maintained adjacent to the commercial structures and parking areas. All exterior lighting shall be installed based on an approved Photometric study.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
The intent of this 12.95 acre development is to provide R-6 zoned residential housing for veterans. The community center and the residential development will providing services and jobs opportunities for the public and the residents.
- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
The owner/developer shall manage, supervise and be responsible for maintaining the property.
- Lots of records are created with the recording of a planned development final plan.
Once the final plan is approved by the Engineering Department the lots shall be recorded.

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: 10.16.2020 with Seth Thomas

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

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

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

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

Paul D. Blum 11-01-20 Delra Hogue Brantley 11/1/2020
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

Letter of Intent

BHW Estate goal is to develop a gated community for Veterans. BHW Estate is designed for shared living among independent veterans to help support each other in everyday living in a safe and clean environment. BHW Estate is looking to build approximately (22) 3 bedroom housing units along with a community center with multi-purpose rooms to hold programs and services for our residents. We are desiring to be a lasting positive pillar in the Raleigh/ Frayser area.

This request is for the approval of a Planned Development Application on a 12.95 acre lot located at 3681 Hawkins Mill Road, Memphis, TN. 38128. This site is located in an R-6 District. The community center element requires the initiation of this Planned Development Application process.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Paul O. Brantley Sr., being duly sworn, depose and say that at 8:30 am/pm on the 20 day of NOVEMBER, 2020, I posted a Public Notice Sign(s) pertaining to Case No. PD 20-17 at 3681 Hawkins Mill Road (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 (X 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.

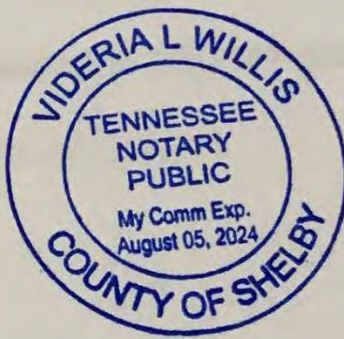
Paul O. Brantley Sr.
Owner, Applicant or Representative

November 20th, 2020
Date

Subscribed and sworn to before me this 21st day of November, 2020.

Videria L. Willis
Notary Public

My commission expires: August 05, 2024



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

January 14, 2021

Debra Hogue Brantley
2026 Belover
Memphis, TN 38127

Sent via electronic mail to: debrab@bhwestate.org

BHW Estates Planned Development
Case Number: PD 20-17
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, January 14, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the BHW Estates Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



Jeffrey Penzes
Principal Planner

Letter to Applicant

PD 20-17

Land Use and Development Services
Division of Planning and Development

Cc: Delinor Smith, Smith Building Design & Associates, Inc.
File

Letter to Applicant

PD 20-17

Outline Plan Conditions

I. PERMITTED USES

- A. Multi-use veteran's facility providing a maximum of 76 multifamily dwelling units with supportive programs and services including an on-site private community center.

II. BULK REGULATIONS

- A. The bulk regulations shall be in conformance with the Residential Urban District – 3 (RU-3) District.
- B. The building elevations, design, setback, placement, and orientation shall be illustrated on the final site plan, subject to administrative review and approval by Land Use and Development Services (LUDS).

III. CIRCULATION, ACCESS AND PARKING

- A. Shared Parking shall be approved for all permitted uses.
- B. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- C. The Developer shall dedicate and improve 34 feet from the centerline of Hawkins Mill Road with curb, gutter, and sidewalk.
- D. The Developer shall be responsible for the installation, repair and/or replacement of all existing curb and gutter along the frontages of this site as necessary.
- E. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- F. The City Engineer or County Engineer shall approve the design, number, and location of curb cuts.
- G. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- H. Dedicate and improve a cul-de-sac at the end of Russelwood Drive or design and construct an equivalent connection suitable to the Fire Department.

IV. LANDSCAPING

- A. Streetscape shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent alternative as approved by LUDS.

Letter to Applicant

PD 20-17

- B. Parking lot landscaping shall be in accordance with the Memphis-Shelby County Unified Development Code or an equivalent streetscape as approved by LUDS.
- C. All landscaping shall be located on the property such that it shall not interfere with any utility easements.

V. DRAINAGE AND SEWERS

- A. A grading and drainage plan for the site shall be submitted for review and approval prior to recording of the final plat.
- B. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- D. The developer should be aware of their obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VI. SIGNS

- A. Signage shall be in conformance with regulations established for Residential Urban Districts as defined in Section 4.9.
- B. Location and design of signs shall be shown on the Final Plat.

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 Zoning Administrator of the Land Use Development Services, to have such action reviewed by the appropriate Governing Body.

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

IX. Any final plan is subject to the administrative approval of Land Use and Development Services and shall include the following:

- A. The outline plan conditions.

Letter to Applicant

PD 20-17

- B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The location and ownership, whether public or private of any easement.
- E. The location and dimensions of all buildings, buildable areas, signs, parking areas, and dumpster location.
- F. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- G. Illustrations/elevations of the design and materials of any proposed buildings and signs.
- H. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- I. The following note shall be placed on the final plat of any development requiring on-site water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filed without first obtaining written permission from the City or County Engineer. The storm water detention systems located at these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or a homeowners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approval plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.



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: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: BHW Estates

Property Owner of Record: Paul O. Brantley Sr. Phone #: 901.314.6279

Mailing Address: 2026 Belover City/State: Memphis, TN Zip 38127

Property Owner E-Mail Address: paulb@bhwestate.org

Applicant: Debra Hogue Brantley Phone # 901.288.0787

Mailing Address: 2026 Belover City/State: Memphis, TN Zip 38127

Applicant E- Mail Address: debrab@bhwestates.org

Representative: Debra Hogue Brantley Phone #: 901.288.0787

Mailing Address: 2026 Belover City/State: Memphis, TN Zip 38127

Representative E-Mail Address: debrab@bhwestates.org

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 3681 Hawkins Mill Rd.

Distance to nearest intersecting street: the NW corner is 121.62' SE of the East property line of Windermere Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>12.95 Acres</u>	_____	_____
Existing Zoning:	<u>R-6</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>R-6 & Community Center</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: N/A 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.

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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).

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This project will be compatible with the R-6 surrounding community. The Community Center will provide services and jobs for the residents and public.

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

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Paul D. Blum 11-01-20 Delra Hogue Brantley 11/1/2020
Property Owner of Record Date Applicant Date

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(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

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 - 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^{5/8}" 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^{5/8}") 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**

Return to

Tracey P. Malone
2850 Bartlett Rd.
Bartlett, TN 38134

* re-recorded to correct grantee's name

WARRANTY DEED

This Instrument was prepared by
Tracey P. Malone, Attorney
2850 Bartlett Rd.
Bartlett, TN 38134

THIS INDENTURE, made and entered into as of the 27th day of June, 2018, by and between Sharon E. Bensley, hereinafter referred to as Grantor, and Paul O. Brantley, Jr., married, hereinafter referred to as Grantee.

WITNESS: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee.

Parcel 1:

BEGINNING at a point in the Hawkins Mill Road at the southeast corner of the land of L. L. Bolton, running thence west 481 feet to a stake; thence south 592 feet to a stake; thence west 1531.5 feet to a stake; thence north 21 degrees 40 minutes east 2192.4 feet to a point in the center of Hawkins Mill Road; thence along the center of said road with the meanders of same, south 60 degrees 20 minutes east 765 feet, south 37 degrees 30 minutes east 100 feet, south 22 degrees 30 minutes east 300 feet, south 36 degrees east 100 feet, south 23 degrees 50 minutes east 684 feet to the beginning, containing 55 acres and being the east 55 acres of the L. L. Bolton tract about 2 miles north of Raleigh and the same conveyed by deed of record in Book 1761, Page 469, in the Register's Office of Shelby County, Tennessee.

LESS AND EXCEPT that part conveyed by Warranty Deed of record in Book 4413, Page 304, in the Register's Office of Shelby County, Tennessee, dated October 31, 1960, by and between E.D. Jamison and wife, Marie L. Jamison, to Nam Ni Estates, Inc.

Parcel 2:

BEGINNING at an iron pipe in the south line of Hawkins Mill Road, being the N.E. corner of said Thompson tract; thence along the south line of Hawkins Mill Road north 61 degrees 30 minutes west 175 feet to a stake; thence south 18 degrees 20 minutes west 643 feet to a stake; thence south 66 degrees 15 minutes east 175 feet to a stake; thence north 18 degrees 20 minutes east 620 feet to the point of beginning, containing 2.53 acres, more or less.

Being the same property conveyed to Grantor, by Quit Claim Deed of record at Instrument Number GC1991 and Order Redeeming Exhibit No. 16412 from Tax Sale at Instrument # 06105472, in the Register's Office of Shelby County, Tennessee.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

ENDORSEMENT

To be attached to and become a part of Policy No. OX12362779 of Old Republic National Title Insurance Company.

Schedule A of the above referenced policy is hereby amended as follows:

1. Name of Insured: **Paul O. Brantley, Sr.**

3. Title is vested in: **Paul O. Brantley, Sr.**

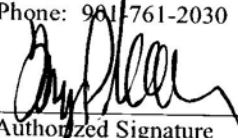
4. The instrument(s) creating the estate or the interest in the Land are described as follows:


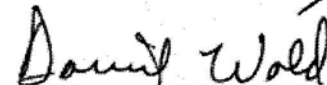
That certain Warranty Deed dated June 29, 2018, executed by Sharon E. Bensley conveying the property described therein to Paul O. Brantley, Sr., filed for record in the Register's Office of Shelby County, TN on July 6, 2018 at 03:57 PM, and recorded in Instrument Number 18067709 and as re-recorded on September 19, 2018 at 03:46 PM in Instrument Number 18096209.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Issued through the Office of:
Old Republic National Title Insurance Company
5865 Ridgeway Center Parkway, Suite 104
Memphis, TN 38120-4006
Phone: 901-761-2030

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111


Authorized Signature

By  President
Attest  Secretary

Blank Endorsement

Return to

Tracey P. Malone
2850 Bartlett Rd.
Bartlett, TN 38134

* re-recorded to correct grantee's name

WARRANTY DEED

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BEGINNING at a point in the Hawkins Mill Road at the southeast corner of the land of L. L. Bolton, running thence west 481 feet to a stake; thence south 592 feet to a stake; thence west 1531.5 feet to a stake; thence north 21 degrees 40 minutes east 2192.4 feet to a point in the center of Hawkins Mill Road; thence along the center of said road with the meanders of same, south 60 degrees 20 minutes east 765 feet, south 37 degrees 30 minutes east 100 feet, south 22 degrees 30 minutes east 300 feet, south 36 degrees east 100 feet, south 23 degrees 50 minutes east 684 feet to the beginning, containing 55 acres and being the east 55 acres of the L. L. Bolton tract about 2 miles north of Raleigh and the same conveyed by deed of record in Book 1761, Page 469, in the Register's Office of Shelby County, Tennessee.

LESS AND EXCEPT that part conveyed by Warranty Deed of record in Book 4413, Page 304, in the Register's Office of Shelby County, Tennessee, dated October 31, 1960, by and between E.D. Jamison and wife, Marie L. Jamison, to Nam Ni Estates, Inc.

Parcel 2:

BEGINNING at an iron pipe in the south line of Hawkins Mill Road, being the N.E. corner of said Thompson tract; thence along the south line of Hawkins Mill Road north 61 degrees 30 minutes west 175 feet to a stake; thence south 18 degrees 20 minutes west 643 feet to a stake; thence south 66 degrees 15 minutes east 175 feet to a stake; thence north 18 degrees 20 minutes east 620 feet to the point of beginning, containing 2.53 acres, more or less.

Being the same property conveyed to Grantor, by Quit Claim Deed of record at Instrument Number GC1991 and Order Redeeming Exhibit No. 16412 from Tax Sale at Instrument # 06105472, 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 Grantee, their heirs, successors and assigns in fee simple forever.

The said Grantor does hereby covenant with the Grantee that the Grantor is lawfully seized in fee of the aforescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except, any taxes not yet due, but constituting a lien which are assumed by Grantee; subdivision restrictions, building lines and easements of record including Easements at Book 1918, Page 617, Book 2115, Page 336, and Book 4093, Page 155, Page, all in the Register's Office of Shelby County, Tennessee, and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all person.

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

WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.

Sharon E. Bensley
Sharon E. Bensley

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 29th day of June 2018, before me a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Sharon E. Bensley, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial Seal at office the day and year above written.

My Commission Expires: 05-01-21
Michelle A. Hamm
Notary Public
05-01-21



VALUATION AFFIDAVIT

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 \$59,900.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

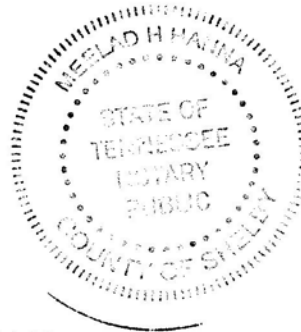
[Signature]

Affiant

Subscribed and sworn to before me this 29th day of June, 2018.

[Signature]

Notary Public



Commission Expiration: 05-01-21

Return to:
Tracey P. Malone
2850 Bartlett Road
Bartlett, TN 38134

Send Tax Bills To:
Paul O. Brantley, *Jr.* Sr.
2026 Belover Cv.
Memphis, TN 38127

Property Address & Owner:
Paul O. Brantley, *Jr.* Sr.
3681 Hawkins Mill Rd.
Memphis, TN 38128

Parcel No. 090-071-00002



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.

	
18067709	
07/06/2018 - 03:57 PM	
3 PGS	
KRISTIN	1756442-18067709
VALUE	59900.00
MORTGAGE TAX	0.00
TRANSFER TAX	221.63
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	239.63
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	




Shelby County Tennessee

Shelandra Y. Ford

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.

Re Recording

	
18096209	
09/19/2018	03:46 PM
4 PGS	
BRANDON	1785480-18096209
VALUE	
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00
SHELANDRA Y FORD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

Letter of Intent

BHW Estate goal is to develop a gated community for Veterans. BHW Estate is designed for shared living among independent veterans to help support each other in everyday living in a safe and clean environment. BHW Estate is looking to build approximately (22) 3 bedroom housing units along with a community center with multi-purpose rooms to hold programs and services for our residents. We are desiring to be a lasting positive pillar in the Raleigh/ Frayser area.

This request is for the approval of a Planned Development Application on a 12.95 acre lot located at 3681 Hawkins Mill Road, Memphis, TN. 38128. This site is located in an R-6 District. The community center element requires the initiation of this Planned Development Application process.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

ENDORSEMENT

To be attached to and become a part of Policy No. OX12362779 of Old Republic National Title Insurance Company.

Schedule A of the above referenced policy is hereby amended as follows:

1. Name of Insured: **Paul O. Brantley, Sr.**

3. Title is vested in: **Paul O. Brantley, Sr.**

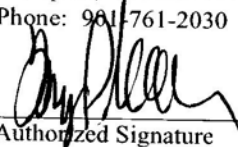
4. The instrument(s) creating the estate or the interest in the Land are described as follows:


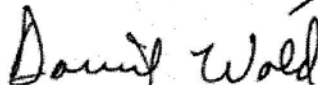
That certain Warranty Deed dated June 29, 2018, executed by Sharon E. Bensley conveying the property described therein to Paul O. Brantley, Sr., filed for record in the Register's Office of Shelby County, TN on July 6, 2018 at 03:57 PM, and recorded in Instrument Number 18067709 and as re-recorded on September 19, 2018 at 03:46 PM in Instrument Number 18096209.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Issued through the Office of:
Old Republic National Title Insurance Company
5865 Ridgeway Center Parkway, Suite 104
Memphis, TN 38120-4006
Phone: 901-761-2030

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111


Authorized Signature

By  President
Attest  Secretary

Return to

Tracey P. Malone
2850 Bartlett Rd.
Bartlett, TN 38134

* re-recorded to correct grantee's name

WARRANTY DEED

This Instrument was prepared by
Tracey P. Malone, Attorney
2850 Bartlett Rd.
Bartlett, TN 38134

THIS INDENTURE, made and entered into as of the 27th day of June, 2018, by and between Sharon E. Bensley, hereinafter referred to as Grantor, and Paul O. Brantley, Jr., married, hereinafter referred to as Grantee.

WITNESS: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee.

Parcel 1:

BEGINNING at a point in the Hawkins Mill Road at the southeast corner of the land of L. L. Bolton, running thence west 481 feet to a stake; thence south 592 feet to a stake; thence west 1531.5 feet to a stake; thence north 21 degrees 40 minutes east 2192.4 feet to a point in the center of Hawkins Mill Road; thence along the center of said road with the meanders of same, south 60 degrees 20 minutes east 765 feet, south 37 degrees 30 minutes east 100 feet, south 22 degrees 30 minutes east 300 feet, south 36 degrees east 100 feet, south 23 degrees 50 minutes east 684 feet to the beginning, containing 55 acres and being the east 55 acres of the L. L. Bolton tract about 2 miles north of Raleigh and the same conveyed by deed of record in Book 1761, Page 469, in the Register's Office of Shelby County, Tennessee.

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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 Grantee, their heirs, successors and assigns in fee simple forever.

The said Grantor does hereby covenant with the Grantee that the Grantor is lawfully seized in fee of the aforescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except, any taxes not yet due, but constituting a lien which are assumed by Grantee; subdivision restrictions, building lines and easements of record including Easements at Book 1918, Page 617, Book 2115, Page 336, and Book 4093, Page 155, Page, all in the Register's Office of Shelby County, Tennessee, and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all person.

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

WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.

Sharon E. Bensley
Sharon E. Bensley

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 29th day of June 2018, before me a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Sharon E. Bensley, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notarial Seal at office the day and year above written.

My Commission Expires: 05-01-21
Michelle A. Hamm
Notary Public
05-01-21



VALUATION AFFIDAVIT

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 \$59,900.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

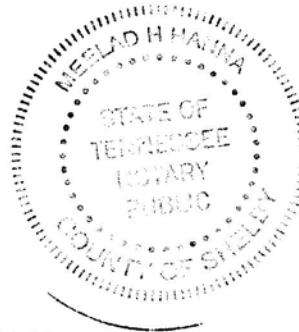
[Handwritten Signature]

Affiant

Subscribed and sworn to before me this 29th day of June, 2018.

[Handwritten Signature]

Notary Public



Commission Expiration: 05-01-21

Return to:
Tracey P. Malone
2850 Bartlett Road
Bartlett, TN 38134

Send Tax Bills To:
Paul O. Brantley, Jr. Sr.
2026 Belover Cv.
Memphis, TN 38127

Property Address & Owner:
Paul O. Brantley, Jr. Sr.
3681 Hawkins Mill Rd.
Memphis, TN 38128

Parcel No. 090-071-00002



Tom Leatherwood
Shelby County Register

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WALK THRU FEE	0.00
TOTAL AMOUNT	239.63
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	




Shelby County Tennessee

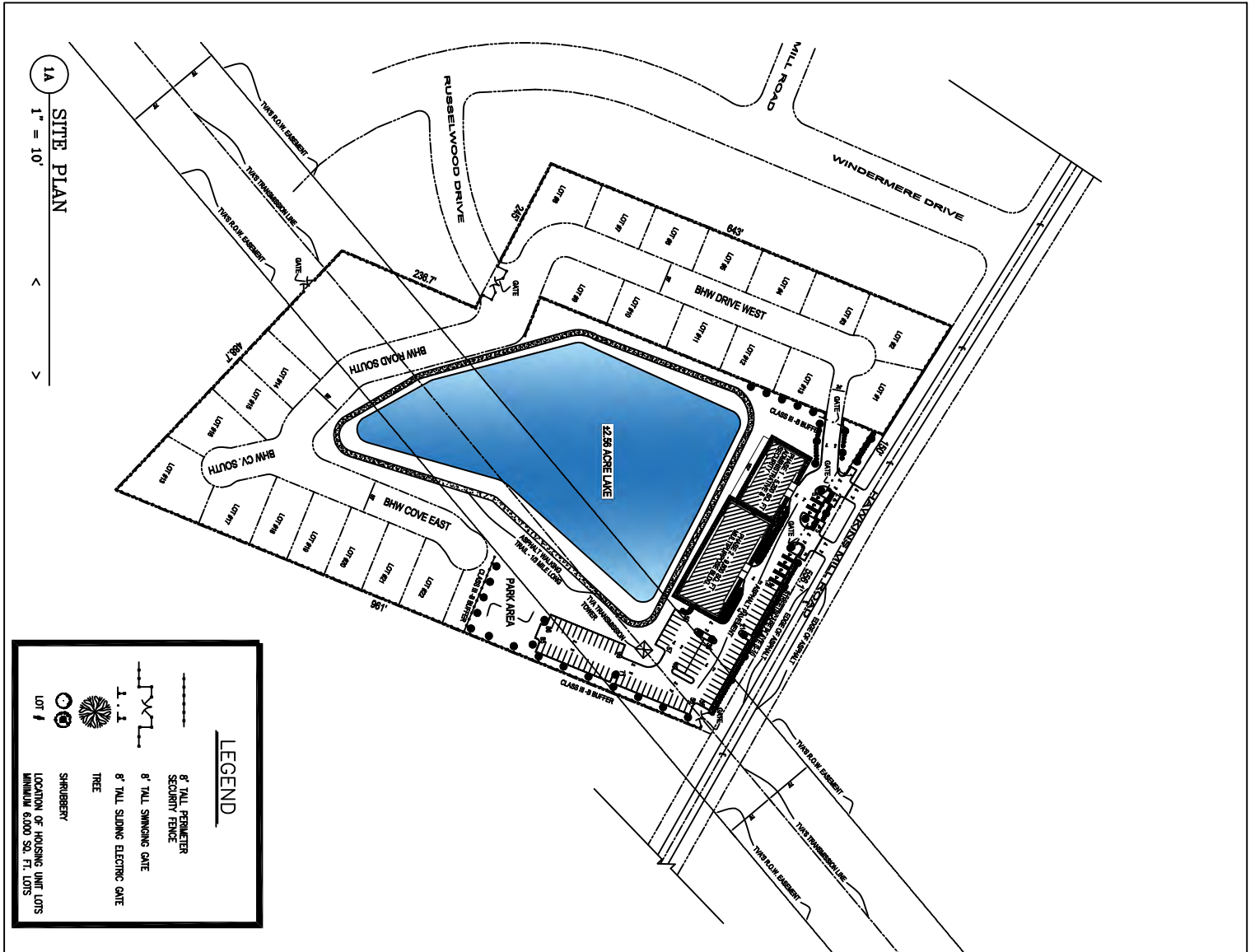
Shelandra Y. Ford

Shelby County Register

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DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00
SHELANDRA Y FORD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

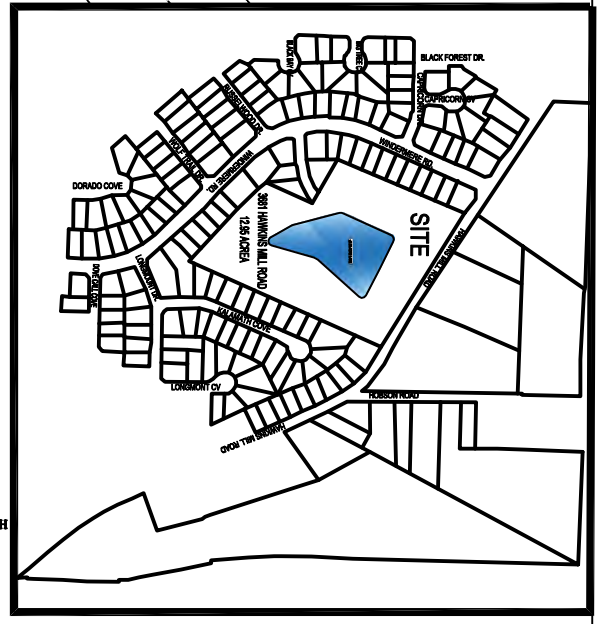


1A

SITE PLAN
1" = 10'

LEGEND

- 8' TALL PERIMETER SECURITY FENCE
- 8' TALL SWINGING GATE
- 8' TALL SLIDING ELECTRIC GATE
- TREE
- SHRUBBERY
- LOCATION OF HOUSING UNIT LOTS MINIMUM 6,000 SQ. FT. LOTS



5D VICINITY MAP
NTS



SITE PLAN

ZONING DISTRICT: R-6
CASE NO.:
PLANNED DEVELOPMENT
3661 HAWKINS MILL ROAD
SHELBY COUNTY, TENNESSEE

LOT SIZE: 12.96 ACRES TOTAL
PROPOSED LOT SIZE: 122 R-6 LOTS
BLDG AREA = VACANT LOT

DEVELOPER: BHW ESTATES
2028 BELLOVER
MEMPHIS, TENNESSEE 38127
ENGINEER:

DATE: 11.02.2020 SCALE: 1"=100'-0"
SHEET 1 OF 1



1A SITE PLAN
1" = 10'

LEGEND	
	8' TALL PERIMETER SECURITY FENCE
	8' TALL SWINGING GATE
	8' TALL SLIDING ELECTRIC GATE
	TREE
	SHRUBBERY
	LOT # LOCATION OF HOUSING UNIT LOTS MINIMUM 6,000 SQ. FT. LOTS

SITE PLAN

ZONING DISTRICT: R-6 CASE NO.:
 PLANNED DEVELOPMENT
 3681 HAWKINS MILL ROAD
 SHELBY COUNTY, TENNESSEE

LOT SIZE: 12.95 ACRES TOTAL BLDG. AREA = VACANT LOT
 PROPOSED LOT SIZE: ±22 R-6 LOTS ENGINEER:

DEVELOPER: BHW ESTATES
 2026 BELOVER
 MEMPHIS, TENNESSEE 38127

DATE: 11.02.2020 SCALE: 1"=100'-0" SHEET 1 Of 1

MEMPHIS ACADEMY OF HEALTH SCIENCES HIGH
3925 CHELSEA AVE EXT
MEMPHIS TN 38108

JONES MARILYN J
6122 TRAIL CREEK LN
MEMPHIS TN 38135

RANDALL LAURENCE II
19 SAINT PIERRE CT
SAN RAMON CA 94583

HAWKINS RODNEY
1619 OLD HICKORY RD
MEMPHIS TN 38116

TIDWELL PATRICIA A
3878 WINDERMERE RD
MEMPHIS TN 38128

EDINGBOURGH BRUCE E
PO BOX 772
MILLINGTON TN 38083

HARRIS MARQUETTE
6752 CAMP JOHN RD
MILLINGTON TN 38053

WILLIAMS MICHELLE V N
3597 HOBSON RD
MEMPHIS TN 38127

NEAL TAMARA
3874 HOBSON RD
MEMPHIS TN 38128

MEMPHIS ACADEMY OF HEALTH SCIENCES HIGH
3925 CHELSEA AVE EXT
MEMPHIS TN 38108

PHAM TAI
3232 ROCKY MOUNTAIN DR
SAN JOSE CA 95127

STEVENS PAUL A & AUDREA C
3583 CAPRICORN DR
MEMPHIS TN 38128

ALSOBROOK CHRIS
4827 AVI DR
ARLINGTON TN 38002

MARSHALL SCOTT
2282 WHITTEN RD
MEMPHIS TN 38133

FUNEZ CARLOS R A & MELISSA G R
3589 CAPRICORN DR
MEMPHIS TN 38128

TUCKER SHYAMALA
3668 HAWKINS MILL RD
MEMPHIS TN 38128

BRANTLEY PAUL O SR
2026 BELOVER CV
MEMPHIS TN 38127

HOWZE WILLIE B B
3597 CAPRICORN
MEMPHIS TN 38128

KENT ALVIN & BOBBIE T
3700 MILL LN
MEMPHIS TN 38128

BROOKS SHELLYE
1996 WOODCHASE CV
CORDOVA TN 38016

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

WU KIN W
3700 S PLAZA DR #J211
SANTA ANA CA 92704

THOMPSON WILLIE E
3861 WINDERMERE RD
MEMPHIS TN 38128

MORRIS REGINALD
PO BOX 753193
MEMPHIS TN 38175

LYONS JENOSHA R
3879 WINDERMERE RD
MEMPHIS TN 38128

COX DORIS J
3861 CAPRICORN CV
MEMPHIS TN 38128

THOMAS MARY E
3864 HOBSON RD
MEMPHIS TN 38128

EDINGBOURGH ERROL
3878 CAPRICORN CV
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

GREENE GWENDOLYN T
3588 BIG TREE CV
MEMPHIS TN 38128

FELIX IMOGENE
3833 WINDERMERE RD
MEMPHIS TN 38128

HOME SFR BORROWER IV LLC
3505 KOGER BLVD #400
DULUTH GA 30096

BLEVINS MATTIE
3805 WINDERMERE RD
MEMPHIS TN 38128

PBT JUNE PROPERTY TRUST
11781 MAGNOLIA PARK CT
LAS VEGAS NV 89141

WADE JESSIE M
3815 WINDERMERE RD
MEMPHIS TN 38128

RAGSDALE WILLIE B
3705 HAWKINS MILL RD
MEMPHIS TN 38128

FERGUSON WILLIE B
PO BOX 751944
MEMPHIS TN 38175

DAVIS MARY L
3803 KALAMATH CV
MEMPHIS TN 38128

JUSTICE TIJUANA S AND RICKEY CHAMBERS
3799 KALAMATH CV
MEMPHIS TN 38128

LUNDGREN KENNETH M
19598 JURUPA AVE
BLOOMINGTON CA 92316

POPE BETTY J
3816 WINDERMERE RD
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

DEARAUJO CLAUDIO P
135 E MAIN ST #L5
WESTBOROUGH MA 1581

STANTON INVESTMENT USA LLC

PARKER THERESA
3799 WINDERMERE RD
MEMPHIS TN 38128

PLEASANT ROYAL HOMES LLC
7105 TAGEN DR
MEMPHIS TN 38133

ATWATER DENNIS E
757 SPRING ST
MEMPHIS TN 38112

HARRIS ELIZABETH & WILLIE & LENA HARRIS
3793 KALAMATH CV
MEMPHIS TN 38128

P FIN I LLC
3525 PIEDMONT RD NE #5, STE 410
ATLANTA GA 30305

MC2012 PROPERTIES MEMPHIS LLC
6262 POPLAR AVE #201
MEMPHIS TN 38119

WILLIAMS REALTY AND INVESTMENT LLC
941 E RAINES RD #R2
MEMPHIS TN 38116

HILL ROBERT (1/2) & BELVER J (1/2)
3911 FERDIE CV
MEMPHIS TN 38127

GREEN LEMONTVE
116 SCOTTLAND DR
JACKSON TN 38301

DOCKERY DIANE
3792 WINDERMERE RD
MEMPHIS TN 38128

HARRIS MELVN C AND FORREST E HARRIS SR
6752 CAMP JOHN RD
MILLINGTON TN 38053

BARNES MARY A
3810 KALAMATH CV
MEMPHIS TN 38128

CRUTCHFIELD DARYL M
2000 HIGHWAY 196 S
COLLIERVILLE TN 38017

HOUSTON HOSEA AND ARTHUR HOUSTON (RS)
5594 RAMSEY RD
MEMPHIS TN 38127

VINSON JIMMIE JR & VIOLA R
3592 BLACK BAY CV
MEMPHIS TN 38128

GRIFFITH LOLA J
3591 BLACK BAY CV
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

JAMERSON JAMES E
3721 HAWKINS MILL RD
MEMPHIS TN 38128

SMITH REGINALD K & DOROTHY J
3601 RUSSELWOOD DR
MEMPHIS TN 38128

SHARP EDWARD L & HELEN M
3789 KALAMATH CV
MEMPHIS TN 38128

SRMZ 1 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

JOHNSON MARGARET D
330 ROSSVILLE RD
HOLLY SPRINGS MS 38635

MIDSOUTH INVESTMENT HOLDINGS
92 MARY'S CREEK CV
EADS TN 38028

ATWATER CARL R & LINDA F
3598 RUSSELWOOD DR
MEMPHIS TN 38128

MEYERS DEAN
135 CHARLES ST #5D
NEW YORK NY 10014

THOMAS NATASHA
3587 BLACK BAY CV
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

SMITH CLEO R & MATTIE J
3717 HAWKINS MILL RD
MEMPHIS TN 38128

CHAMBERS FRANK J & JOANNE
3771 LONGMONT CV
MEMPHIS TN 38128

COLLIER ROSIE L B
3772 KALAMATH CV
MEMPHIS TN 38128

REVE LLC
PO BOX 1161
HALEIWA HI 96712

FLEMING LESTER W
9436 OAK LEAF DR
CHATSWORTH CA 91311

ARGUETA DUNIA E
3765 LONGMONT CV
MEMPHIS TN 38128

JONES CHARLES R
3608 RUSSELWOOD DR
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

WILEY LINDA G & JEFFREY A NIELSEN
43 WILSON RD
NEWPORT KY 41071

TUCKER LOUISE AND CYNTHIA J BROWN AND
3783 KALAMATH CV
MEMPHIS TN 38128

FARMER TAMARA D AND DONALD C FARMER
2042 WASKOM DR
MEMPHIS TN 38116

SURRATT SARAH B
7978 WINDING CREEK
GERMANTOWN TN 38138

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

MCGRONE RICKEY R
3761 KALAMATH CV
MEMPHIS TN 38128

PARSON TOMMY L & DOROTHY J
3788 KALAMATH CV
MEMPHIS TN 38128

WARD LAURA L R
3778 KALAMATH CV
MEMPHIS TN 38128

FILSINGER ROLAND
3248 AIRLINE RD
EADS TN 38028

RUBICON INVESTMENTS-TN LLC
263 FRIDAY CREEK RD
BELLINGHAM WA 98229

TOLBERT CLAUDIE M
3747 WINDERMERE RD
MEMPHIS TN 38128

ASL INVESTMENT LLC

SCOTT ALEX SR & HELEN O
3764 LONGMONT DR
MEMPHIS TN 38128

MOORE ALBERT L
3750 WOLF TRAIL DR
MEMPHIS TN 38128

VDV MEMPHIS CORP
310 GERMANTOWN BEND CV #101
CORDOVA TN 38018

WILLIAMSON FELTON R JR & JEWEL
3743 WOLF TRAIL DR
MEMPHIS TN 38128

GARTRELL SHARON M
3381 PRYOR ST
MEMPHIS TN 38127

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

GILLIAMS SHEILA
3748 KALAMATH CV
MEMPHIS TN 38128

FIELDS WILMA
3739 KALAMATH CV
MEMPHIS TN 38128

GREEN ALISHIA L
3681 LONGMONT DR
MEMPHIS TN 38128

TAYLOR CORNELL & RUBY AND LULA M GRAHAM
3739 WOLF TRAIL DR
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

GENTLE WINDS INVESTMENTS LLC
31730 NE 139TH ST
DUVALL WA 98019

NEELY KAELA
PO BOX 34277
MEMPHIS TN 38184

GARCIA VICTOR H & ADA RAMOS
3730 WINDERMERE RD
MEMPHIS TN 38128

FOLSON MARIA
3721 DORADO CV
MEMPHIS TN 38128

PIGGIE ROBERT L & MARVA E
3710 LONGMONT DR
MEMPHIS TN 38128

RAYMOND PROPERTIES LLC
5701 W SLAUGHTER LN #A130-256
AUSTIN TX 78749

BRAXTON JANICE L
3716 DORADO CV
MEMPHIS TN 38128

JAMISON LORI
11859 EVERGOLD ST
SAN DIEGO CA 92131

VDV MEMPHIS CORP
1308 CRANE CT
MCDONOUGH GA 30252

SY TRAINING CENTER INC AND CALIFORNIA
765 THE CITY DR #300
ORANGE CA 92868

YOSEF SIVAL & TUVYA

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

KLUG ALFRED E III & MALISA L
365 FLORENCEWOOD DR
COLLIERVILLE TN 38017

CLANAT SCULLARK AND VERNITA COX
1531 ASH ST
MEMPHIS TN 38108

MILLICAN AGNES M
3725 DORADO CV
MEMPHIS TN 38128

MOUNTAIN WEST IRA INC FBO JASON D MAUGHA
10096 W FAIRVIEW AVE #160
BOISE ID 83704

MIRELES MARCO A
2776 WELCHLAWN CV
MEMPHIS TN 38134

SORRELLS G W JR & CARYL S
PO BOX 624
WEST MEMPHIS AR 72303

BARIO MARCO AND CHELSEA CANNING (RS)
15030 VENTURA BLVD #305
SHERMAN OAKS CA 91403

SPRINGHILL MISSIONARY BAPTIST CHURCH
3815 HAWKINS MILL RD
MEMPHIS TN 38128

KING HOLDINGS USA 2012 LLC

PARKER ELIZABETH A
3697 HAWKINS MILL RD
MEMPHIS TN 38128

JACKSON MARY A
3706 DORADO CV
MEMPHIS TN 38128

PRASADAM INC
1671 JOSEPH CT
BUFFALO GROVE IL 60089

BAILEY SAMMIE B & ALINE
3809 KALAMATH CV
MEMPHIS TN 38128

BAKER ANGELITA D
600 16TH ST
ALAMOGORDO NM 88310

JOHNSON MARY LEE
3601 CAPRICORN DR
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

CHAFFIN JESSIE L & GLORIA J
3700 WINDEMERE DR
MEMPHIS TN 38128

KING SADIE M
3617 CAPRICORN DR
MEMPHIS TN 38128

WRIGHT MILDRED L
3701 HAWKINS MILL RD
MEMPHIS TN 38128

HARDING KEVIN A
1356 HIGDON RD
HOLLY SPRINGS MS 38635

CLEAR THE WAY SUPPORTIVE HOUSING CORP
5018 EXPRESSWAY DR S #204
RONKONKOMA NY 11779

MIMS HATTIE D
PO BOX 281101
MEMPHIS TN 38168

JACKSON VIRGIE L AND AUDREY R JOHNSON (R)
4689 NORTHWOOD HILLS DR
MEMPHIS TN 38128

SAMSAMI FERESHTEH
38727 GREENWICH CIR
FREMONT CA 94536

CALLICUTT DENNIS & BERTHA L
3709 HAWKINS MILL RD
MEMPHIS TN 38128

JAQUES JOE
3630 E 3892 N
KIMBERLY ID 83341

RILEY CAROLYN AND TYANA RILEY (RS)
3592 BIG TREE CV
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

ROBINSON WILLIE F & ODESSA
3874 CAPRICORN CV
MEMPHIS TN 38128

TAGGART LESTER JR
3834 WINDERMERE RD
MEMPHIS TN 38128

HOPKINS ROBERT
8872 TOTH CV
CORDOVA TN 38106

ROBINSON ROOSEVELT JR AND ANNA THOMPSON
3886 HOBSON RD
MEMPHIS TN 38128

STEVENS BRENDA A
5339 AUGUST MOON LN
BARTLETT TN 38135

SCOTT ZELDA R
9218 AFTON GROVE RD
CORDOVA TN 38018

KO HAO HSIEN
472 KAHLO ST
MOUNTAIN VIEW CA 94041

DAVIDSON JERRY T & NINA C
PO BOX 69
MILLINGTON TN 38083

JUSTICE VERESTINE
3704 DOVE CALL CV
MEMPHIS TN 38128

AC BROTHERS LLC
4118 148TH ST #H3
LYNNWOOD WA 98087

TAYLOR SHARION
3748 KALAMATH CV
MEMPHIS TN 38128

GWYNN ANTWONE AND FATIMA HALL (RS)
9712 TRIBUTARY CV
ARLINGTON TN 38002

NUVIEW IRA INC FBO DEBRA PORIES IRA #
436 CENTRAL AVE
OAK HILL WV 25901

BOGGS ADAM C AND JOHN E DONELSON
924 7TH ST #3
SANTA MONICA CA 90403

PARKER DWAYNE
1677 WINSTON DR
MEMPHIS TN 38127

BROWN VELMA AND THELMA BROWN AND
3767 KALAMATH CV
MEMPHIS TN 38128

STOLTZFUS JOHN M
178 MEADOWCREEK RD
NEW HOLLAND PA 17557

WESBY JESSIE L & QUEEN C
3711 LONGMONT DR
MEMPHIS TN 38128

LEWIS JAMES D & PHILLIPPA
3757 WOLF TRAIL DR
MEMPHIS TN 38128

RNT LLC
PO BOX 18393
DENVER CO 80218

HARRIS MELVN C AND FORREST E HARRIS SR
6752 CAMP JOHN RD
MILLINGTON TN 38053

SHARABI AMIR & MAYA A
2748 WYTHAM CV
MEMPHIS TN 38119

DURON JORGE AND ESPERANZA CHAVEZ
3719 WINDERMERE RD
MEMPHIS TN 38128

DIVERSIFI LLC
2225 7th PKWY #25
OAKLAND CA 94606

TAYLOR JOYCE M
3766 KALAMATH CV
MEMPHIS TN 38128

EARLE MARIAH K
1050 SE 15TH AVE
FORT LAUDERDALE FL 33316

THIRTY-SEVEN FIFTY-SEVEN LONGMONT TRUST
7940 OWENSMOUTH AVE
CANOGA PARK CA 91304

MAYHORN JOHNNIE L
3747 KALAMATH CV
MEMPHIS TN 38128

ANDERSON ROSIE E
3755 KALAMATH CV
MEMPHIS TN 38128

WESTBROOK EDDIE & ELOISE
P O BOX 280926
MEMPHIS TN 38168

WEDDLE JAMES I & MATTIE C
3746 WINDERMERE RD
MEMPHIS TN 38128

BINION INETA
3699 LONGMONT DR
MEMPHIS TN 38128

VICINITY MAP 2

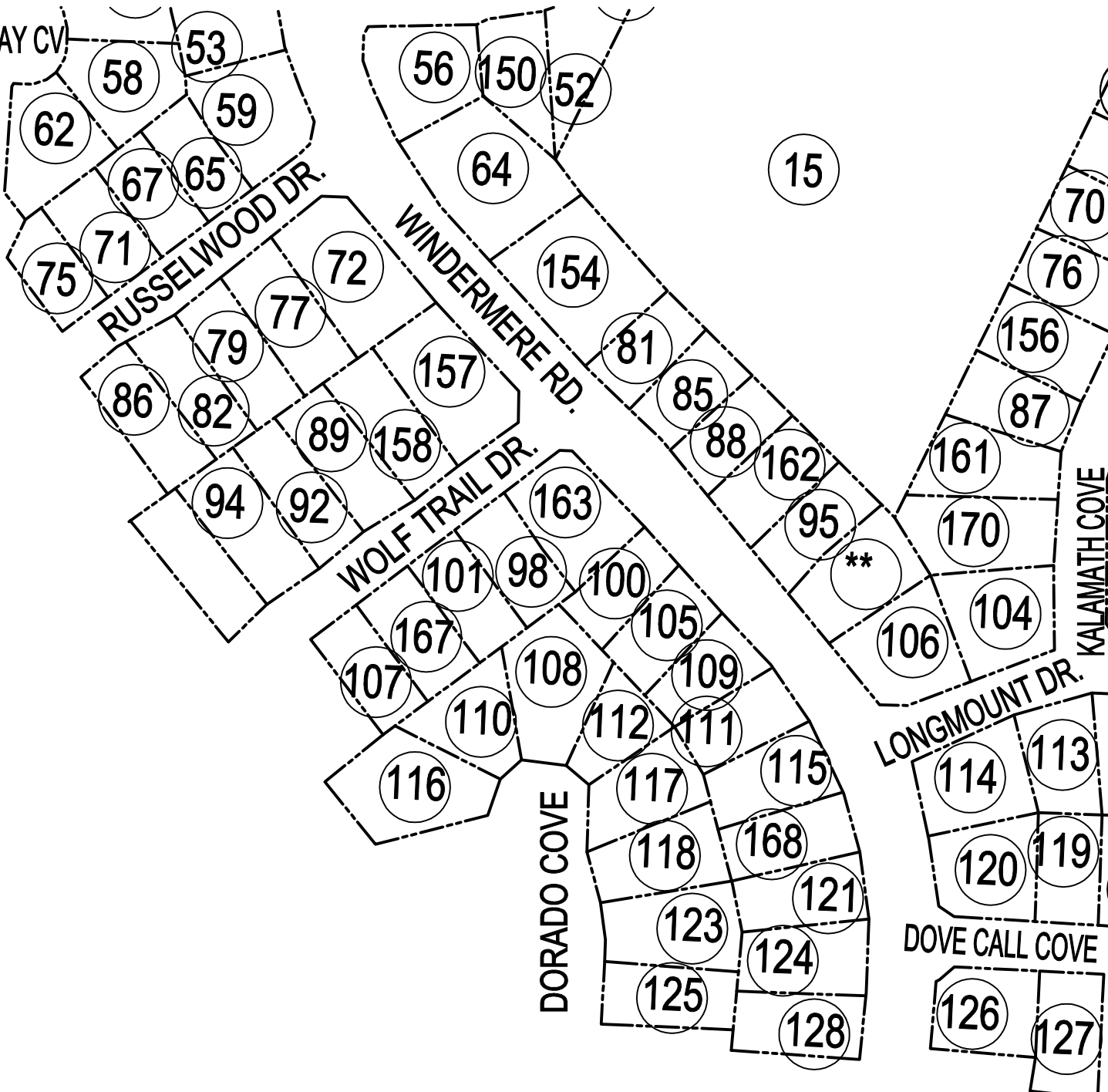
VICINITY MAP 3



VICINITY MAP 1

VICINITY MAP 4

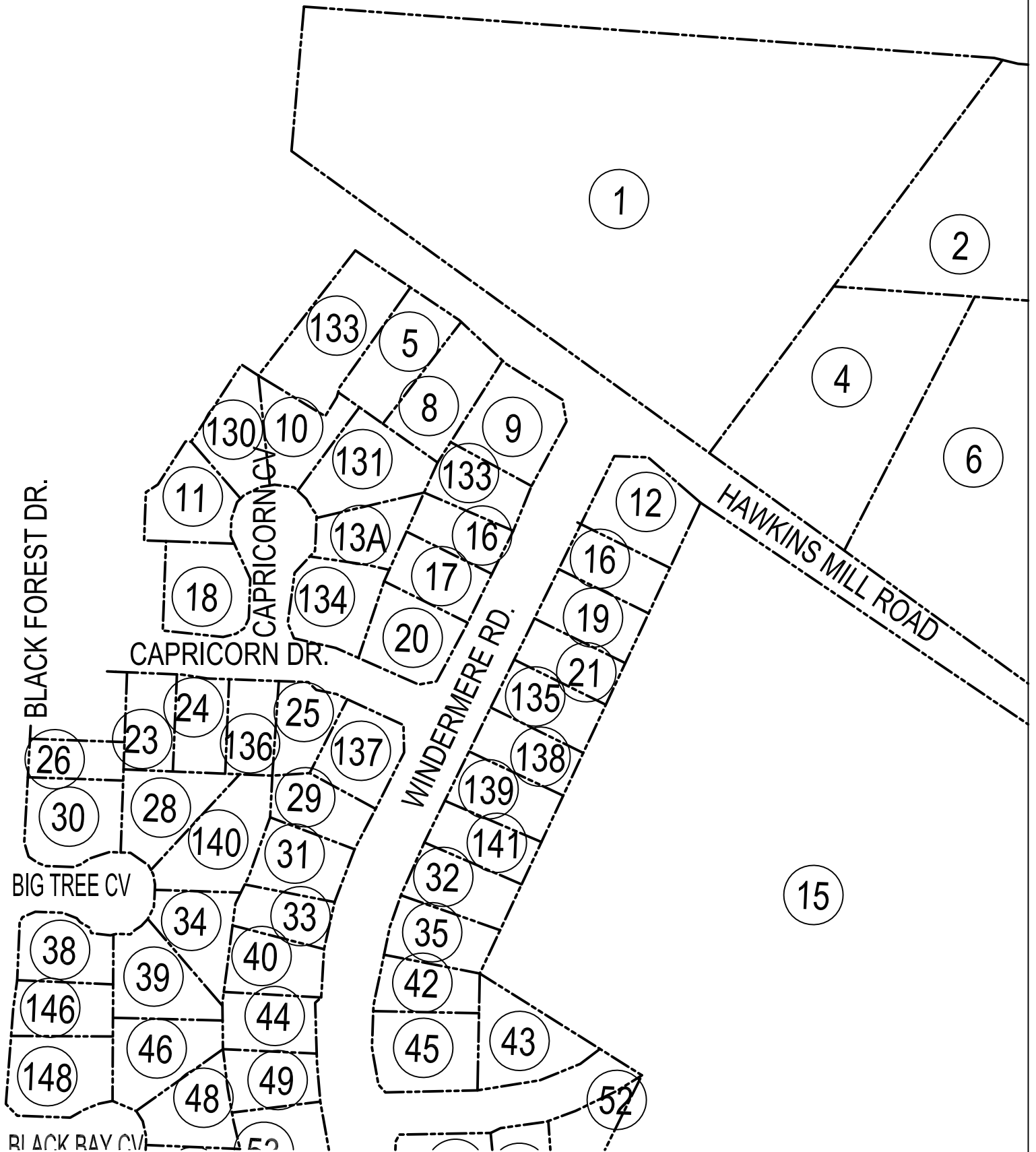
BLACK BAY CV



VICINITY MAP 1

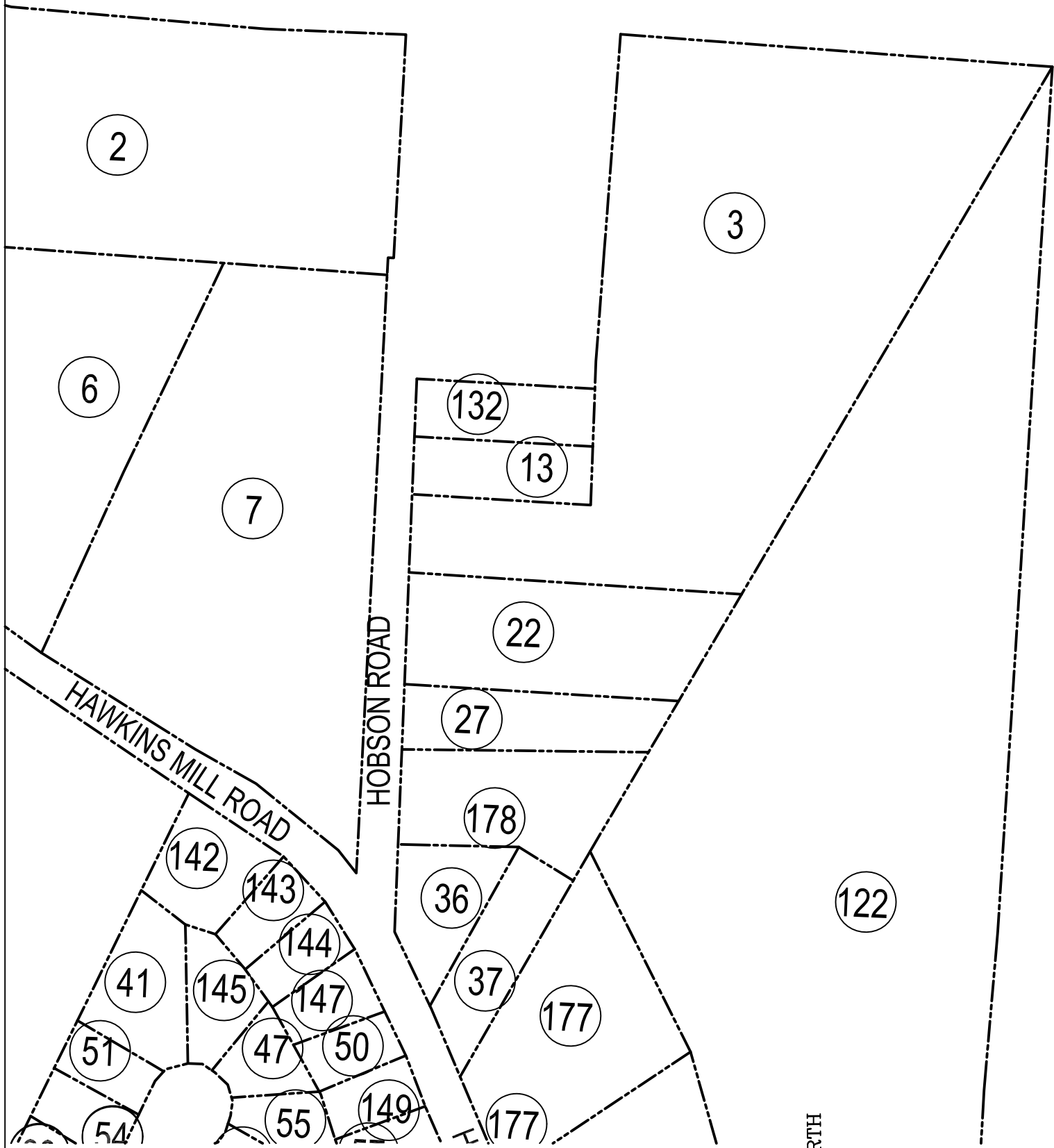
WITH NAMES
Planning and Zoning Documents
Tuesday, April 6, 2021





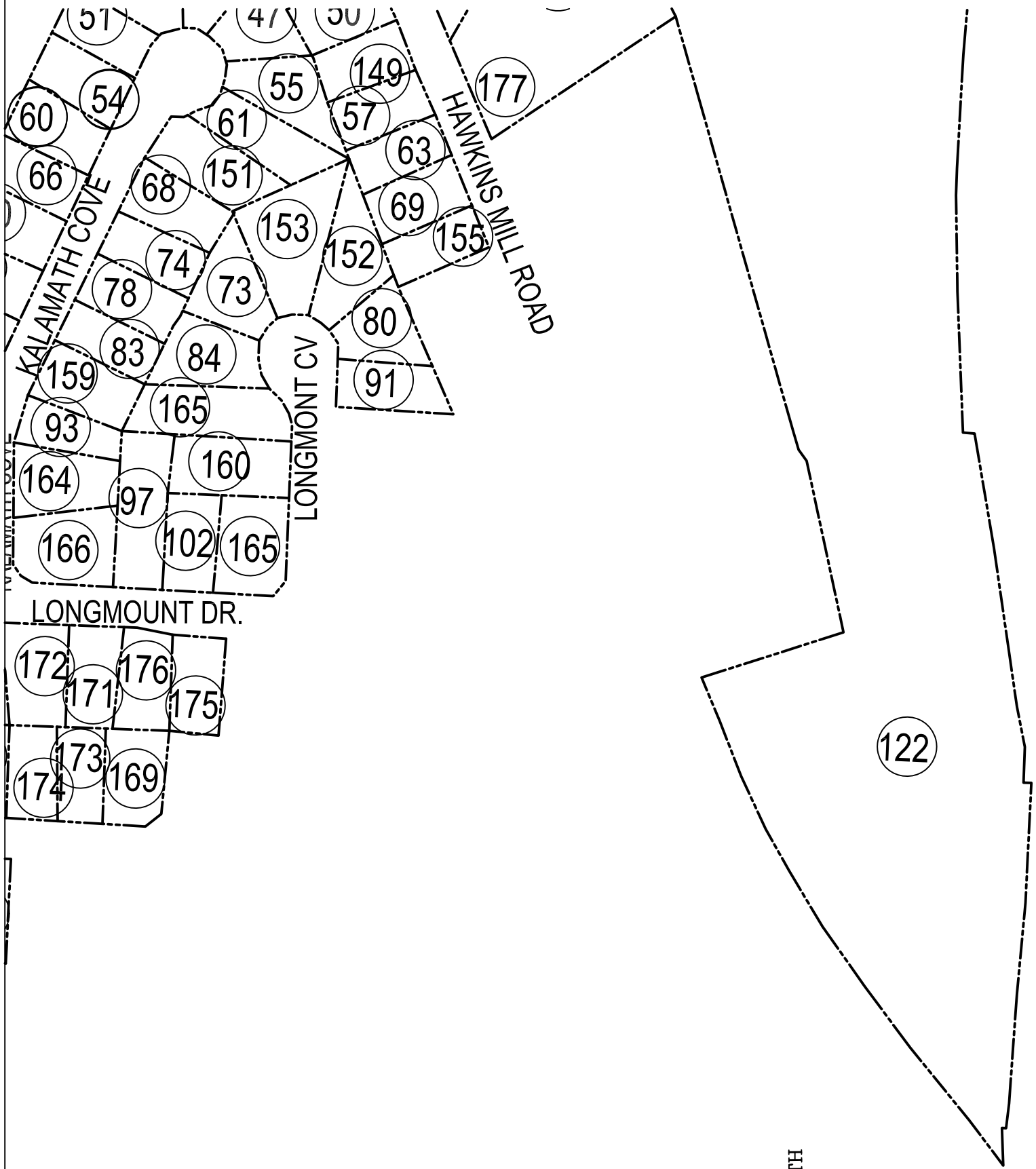
VICINITY MAP 2 WITH NAMES





VICINITY MAP 3
WITH NAMES





VICINITY MAP 4 WITH NAMES



VICINITY LIST OF NAMES

- 1 - MEMPHIS ACADEMY OF HEALTH SCIENCES HIGH
- 2 - HAWKINS RODNEY
- 3 - HARRIS MARQUETTE
- 4 - MEMPHIS ACADEMY OF HEALTH SCIENCES HIGH
- 5 - ALSOBROOK CHRIS
- 6 - TUCKER SHYAMALA
- 7 - KENT ALVIN & BOBBIE T
- 8 - WU KIN W
- 9 - LYONS JENOSHA R
- 10 - EDINGBOURGH ERROL
- 11 - JONES MARILYN J
- 12 - TIDWELL PATRICIA A
- 13 - WILLIAMS MICHELLE V N
- 13A - PHAM TAI
- 14 - MARSHALL SCOTT
- 15 - BRANTLEY PAUL O SR
- 16 - BROOKS SHELLYE
- 17 - THOMPSON WILLIE E
- 18 - COX DORIS J
- 19 - CRESTCORE II LLC
- 20 - RANDALL LAURENCE II
- 21 - EDINGBOURGH BRUCE E
- 22 - NEAL TAMARA
- 23 - FUNEZ CARLOS R A & MELISSA G R
- 24 - HOWZE WILLIE B B
- 25 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
- 26 - MORRIS REGINALD
- 27 - THOMAS MARY E
- 28 - GREENE GWENDOLYN T
- 29 - FELIX IMOGENE
- 30 - PBT JUNE PROPERTY TRUST
- 31 - FERGUSON WILLIE B
- 32 - LUNDGREN KENNETH M
- 33 - DEARAUJO CLAUDIO P
- 34 - PLEASANT ROYAL HOMES LLC

35 - P FIN I LLC
36 - HILL ROBERT (1/2) & BELVER J (1/2)
37 - HARRIS MELVN C AND FORREST E HARRIS SR
38 - HOUSTON HOSEA AND ARTHUR HOUSTON (RS)
39 - HOME SFR BORROWER IV LLC
40 - WADE JESSIE M
41 - DAVIS MARY L
42 - POPE BETTY J
43 - STANTON INVESTMENT USA LLC
44 - ATWATER DENNIS E
45 - MC2012 PROPERTIES MEMPHIS LLC
46 - GREEN LEMONTVE
47 - BARNES MARY A
48 - VINSON JIMMIE JR & VIOLA R
49 - BLEVINS MATTIE
50 - RAGSDALE WILLIE B
51 - JUSTICE TIJUANA S AND RICKEY CHAMBERS
52 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
53 - PARKER THERESA
54 - HARRIS ELIZABETH & WILLIE & LENA HARRIS
55 - WILLIAMS REALTY AND INVESTMENT LLC
56 - DOCKERY DIANE
57 - CRUTCHFIELD DARYL M
58 - GRIFFITH LOLA J
59 - CRESTCORE II LLC
60 - SHARP EDWARD L & HELEN M
61 - MIDSOUTH INVESTMENT HOLDINGS
62 - THOMAS NATASHA
63 - SMITH CLEO R & MATTIE J
64 - REVE LLC
65 - JONES CHARLES R
66 - TUCKER LOUISE AND CYNTHIA J BROWN AND
67 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
68 - PARSON TOMMY L & DOROTHY J
69 - JAMERSON JAMES E
70 - SRMZ 1 LLC
71 - ATWATER CARL R & LINDA F
72 - CRESTCORE II LLC

73 - CHAMBERS FRANK J & JOANNE
74 - FLEMING LESTER W

75 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
76 - FARMER TAMARA D AND DONALD C FARMER
77 - CRESTCORE II LLC
78 - WARD LAURA L R
79 - SMITH REGINALD K & DOROTHY J
80 - JOHNSON MARGARET D
81 - MEYERS DEAN
82 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
83 - COLLIER ROSIE L B
84 - ARGUETA DUNIA E
85 - WILEY LINDA G & JEFFREY A NIELSEN
86 - SURRATT SARAH B
87 - MCGRONE RICKEY R
88 - FILSINGER ROLAND
89 - RUBICON INVESTMENTS-TN LLC
91 - SCOTT ALEX SR & HELEN O
92 - WILLIAMSON FELTON R JR & JEWEL
93 - GILLIAMS SHEILA
94 - TAYLOR CORNELL & RUBY AND LULA M GRAHAM
95 - NEELY KAELA
96 - PIGGIE ROBERT L & MARVA E
97 - JAMISON LORI
98 - YOSEF SIVAL & TUVYA
99 - CLANAT SCULLARK AND VERNITA COX
100 - TOLBERT CLAUDIE M
101 - MOORE ALBERT L
102 - GARTRELL SHARON M
104 - FIELDS WILMA
105 - CRESTCORE II LLC
106 - GARCIA VICTOR H & ADA RAMOS
107 - RAYMOND PROPERTIES LLC
108 - VDV MEMPHIS CORP
109 - CRESTCORE II LLC
110 - MILLICAN AGNES M
111 - ASL INVESTMENT LLC

112 - VDV MEMPHIS CORP
113 - CSMA BLT LLC
114 - GREEN ALISHIA L
115 - GENTLE WINDS INVESTMENTS LLC
116 - FOLSON MARIA
117 - BRAXTON JANICE L
118 - SY TRAINING CENTER INC AND CALIFORNIA
119 - KLUG ALFRED E III & MALISA L
120 - MOUNTAIN WEST IRA INC FBO JASON D MAUGHA
121 - MIRELES MARCO A
122 - SPRINGHILL MISSIONARY BAPTIST CHURCH
123 - JACKSON MARY A
124 - BAKER ANGELITA D
125 - MAXWELL CATHERINE B (3/5%) AND MARJORIE
126 - CHAFFIN JESSIE L & GLORIA J
127 - HARDING KEVIN A
128 - WOODLEY BILL
129 - JACKSON VIRGIE L AND AUDREY R JOHNSON (R
130 - JAQUES JOE
131 - ROBINSON WILLIE F & ODESSA
132 - ROBINSON ROOSEVELT JR AND ANNA THOMPSON
133 - SORRELLS G W JR & CARYL S
134 - KING HOLDINGS USA 2012 LLC
135 - PRASADAM INC
136 - JOHNSON MARY LEE
137 - KING SADIE M
138 - CLEAR THE WAY SUPPORTIVE HOUSING CORP
139 - SAMSAMI FERESHTEH
140 - RILEY CAROLYN AND TYANA RILEY (RS)
141 - TAGGART LESTER JR
142 - STEVENS BRENDA A
143 - BARIO MARCO AND CHELSEA CANNING (RS)
144 - PARKER ELIZABETH A
145 - BAILEY SAMMIE B & ALINE
146 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
147 - WRIGHT MILDRED L
148 - MIMS HATTIE D
149 - CALLICUTT DENNIS & BERTHA L

150 - MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
151 - HOPKINS ROBERT
152 - SCOTT ZELDA R
153 - KO HAO HSIEN
154 - AC BROTHERS LLC
155 - NUVIEW IRA INC FBO DEBRA PORIES IRA #
156 - BROWN VELMA AND THELMA BROWN AND
157 - LEWIS JAMES D & PHILLIPPA
158 - SHARABI AMIR & MAYA A
159 - TAYLOR JOYCE M
160 - THIRTY-SEVEN FIFTY-SEVEN LONGMONT TRUST
161 - ANDERSON ROSIE E
162 - WEDDLE JAMES I & MATTIE C
163 - DAVIDSON JERRY T & NINA C
164 - TAYLOR SHARION
165 - BOGGS ADAM C AND JOHN E DONELSON
166 - STOLTZFUS JOHN M
167 - RNT LLC
168 - DURON JORGE AND ESPERANZA CHAVEZ
169 - EARLE MARIAH K
170 - MAYHORN JOHNNIE L
171 - WESTBROOK EDDIE & ELOISE
172 - BINION INETA
173 - JUSTICE VERESTINE
174 - GWYNN ANTWONE AND FATIMA HALL (RS)
175 - PARKER DWAYNE
176 - WESBY JESSIE L & QUEEN C
177 - HARRIS MELVN C AND FORREST E HARRIS SR
178 - DIVERSIFI L

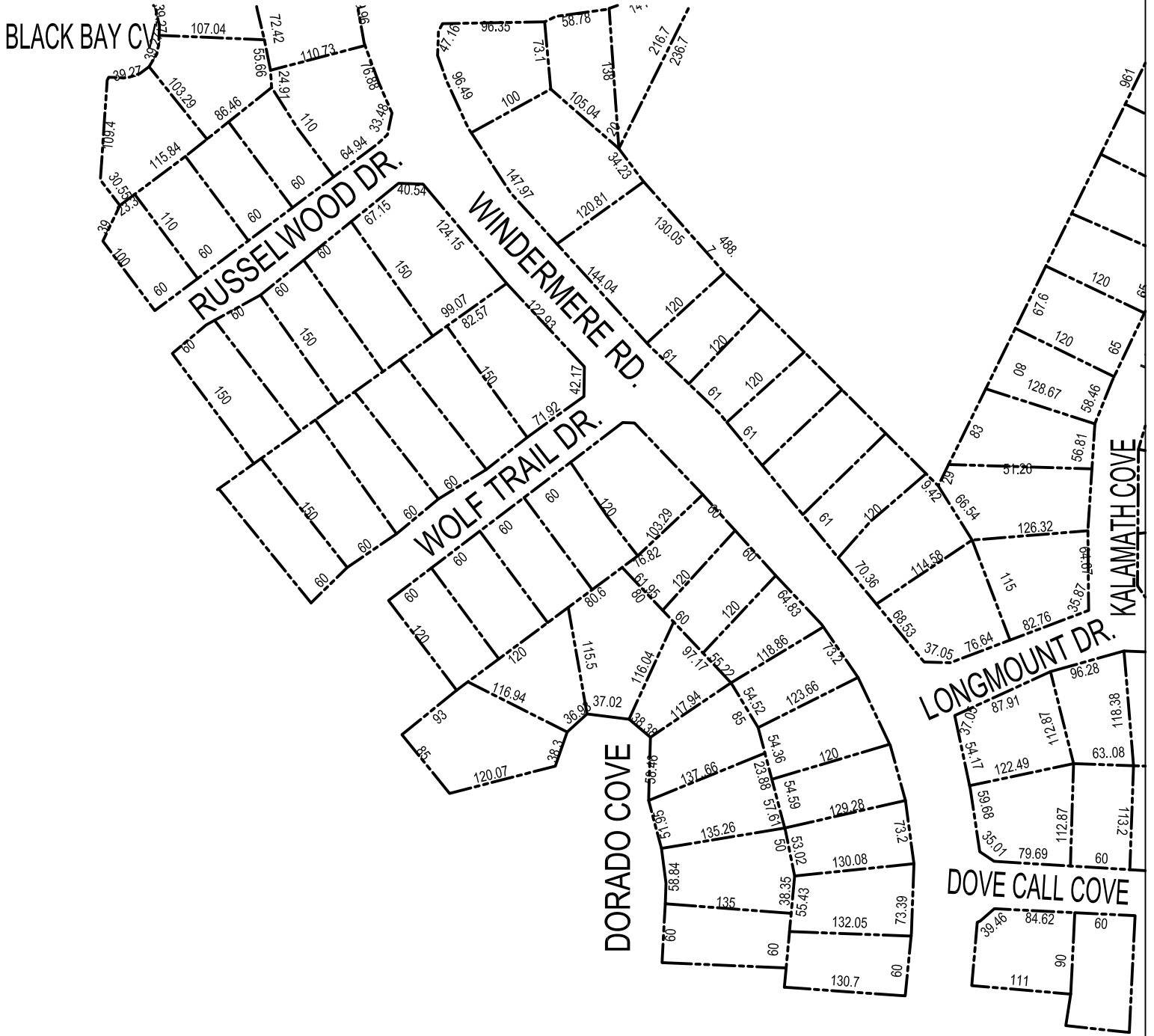
VICINITY MAP 2

VICINITY MAP 3



VICINITY MAP 1

VICINITY MAP 4



VICINITY MAP 1
 WITHOUT NAMES
 Planning and Zoning Documents



Tuesday, April 6, 2021

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

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

- CASE NUMBER:** PD 20-17
- LOCATION:** 3681 Hawkins Mill Road
- COUNCIL DISTRICTS:** District 1 and Super District 9 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Paul O. Brantley Sr. / Debra Hogue Brantley
- REPRESENTATIVE:** Delinor Smith, Smith Building Design & Associates, Inc.
- EXISTING ZONING:** Residential Single-Family – 6 (R-6)
- REQUEST:** Multi-use veteran’s facility providing multifamily dwelling units with supportive programs and services including an on-site private community center planned development
- AREA:** +/-12.95 acres

RECOMMENDATIONS:

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

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

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

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

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

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

THIS THE _____, _____

FRANK COLVETT JR.
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPROLLER

TO BE PUBLISHED:

MEMPHIS ACADEMY OF HEALTH SCIENCES HIGH
3925 CHELSEA AVE EXT
MEMPHIS TN 38108

JONES MARILYN J
6122 TRAIL CREEK LN
MEMPHIS TN 38135

RANDALL LAURENCE II
19 SAINT PIERRE CT
SAN RAMON CA 94583

HAWKINS RODNEY
1619 OLD HICKORY RD
MEMPHIS TN 38116

TIDWELL PATRICIA A
3878 WINDERMERE RD
MEMPHIS TN 38128

EDINGBOURGH BRUCE E
PO BOX 772
MILLINGTON TN 38083

HARRIS MARQUETTE
6752 CAMP JOHN RD
MILLINGTON TN 38053

WILLIAMS MICHELLE V N
3597 HOBSON RD
MEMPHIS TN 38127

NEAL TAMARA
3874 HOBSON RD
MEMPHIS TN 38128

MEMPHIS ACADEMY OF HEALTH SCIENCES HIGH
3925 CHELSEA AVE EXT
MEMPHIS TN 38108

PHAM TAI
3232 ROCKY MOUNTAIN DR
SAN JOSE CA 95127

STEVENS PAUL A & AUDREA C
3583 CAPRICORN DR
MEMPHIS TN 38128

ALSOBROOK CHRIS
4827 AVI DR
ARLINGTON TN 38002

MARSHALL SCOTT
2282 WHITTEN RD
MEMPHIS TN 38133

FUNEZ CARLOS R A & MELISSA G R
3589 CAPRICORN DR
MEMPHIS TN 38128

TUCKER SHYAMALA
3668 HAWKINS MILL RD
MEMPHIS TN 38128

BRANTLEY PAUL O SR
2026 BELOVER CV
MEMPHIS TN 38127

HOWZE WILLIE B B
3597 CAPRICORN
MEMPHIS TN 38128

KENT ALVIN & BOBBIE T
3700 MILL LN
MEMPHIS TN 38128

BROOKS SHELLYE
1996 WOODCHASE CV
CORDOVA TN 38016

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

WU KIN W
3700 S PLAZA DR #J211
SANTA ANA CA 92704

THOMPSON WILLIE E
3861 WINDERMERE RD
MEMPHIS TN 38128

MORRIS REGINALD
PO BOX 753193
MEMPHIS TN 38175

LYONS JENOSHA R
3879 WINDERMERE RD
MEMPHIS TN 38128

COX DORIS J
3861 CAPRICORN CV
MEMPHIS TN 38128

THOMAS MARY E
3864 HOBSON RD
MEMPHIS TN 38128

EDINGBOURGH ERROL
3878 CAPRICORN CV
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

GREENE GWENDOLYN T
3588 BIG TREE CV
MEMPHIS TN 38128

FELIX IMOGENE
3833 WINDERMERE RD
MEMPHIS TN 38128

HOME SFR BORROWER IV LLC
3505 KOGER BLVD #400
DULUTH GA 30096

BLEVINS MATTIE
3805 WINDERMERE RD
MEMPHIS TN 38128

PBT JUNE PROPERTY TRUST
11781 MAGNOLIA PARK CT
LAS VEGAS NV 89141

WADE JESSIE M
3815 WINDERMERE RD
MEMPHIS TN 38128

RAGSDALE WILLIE B
3705 HAWKINS MILL RD
MEMPHIS TN 38128

FERGUSON WILLIE B
PO BOX 751944
MEMPHIS TN 38175

DAVIS MARY L
3803 KALAMATH CV
MEMPHIS TN 38128

JUSTICE TIJUANA S AND RICKEY CHAMBERS
3799 KALAMATH CV
MEMPHIS TN 38128

LUNDGREN KENNETH M
19598 JURUPA AVE
BLOOMINGTON CA 92316

POPE BETTY J
3816 WINDERMERE RD
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

DEARAUJO CLAUDIO P
135 E MAIN ST #L5
WESTBOROUGH MA 1581

STANTON INVESTMENT USA LLC

PARKER THERESA
3799 WINDERMERE RD
MEMPHIS TN 38128

PLEASANT ROYAL HOMES LLC
7105 TAGEN DR
MEMPHIS TN 38133

ATWATER DENNIS E
757 SPRING ST
MEMPHIS TN 38112

HARRIS ELIZABETH & WILLIE & LENA HARRIS
3793 KALAMATH CV
MEMPHIS TN 38128

P FIN I LLC
3525 PIEDMONT RD NE #5, STE 410
ATLANTA GA 30305

MC2012 PROPERTIES MEMPHIS LLC
6262 POPLAR AVE #201
MEMPHIS TN 38119

WILLIAMS REALTY AND INVESTMENT LLC
941 E RAINES RD #R2
MEMPHIS TN 38116

HILL ROBERT (1/2) & BELVER J (1/2)
3911 FERDIE CV
MEMPHIS TN 38127

GREEN LEMONTVE
116 SCOTTLAND DR
JACKSON TN 38301

DOCKERY DIANE
3792 WINDERMERE RD
MEMPHIS TN 38128

HARRIS MELVN C AND FORREST E HARRIS SR
6752 CAMP JOHN RD
MILLINGTON TN 38053

BARNES MARY A
3810 KALAMATH CV
MEMPHIS TN 38128

CRUTCHFIELD DARYL M
2000 HIGHWAY 196 S
COLLIERVILLE TN 38017

HOUSTON HOSEA AND ARTHUR HOUSTON (RS)
5594 RAMSEY RD
MEMPHIS TN 38127

VINSON JIMMIE JR & VIOLA R
3592 BLACK BAY CV
MEMPHIS TN 38128

GRIFFITH LOLA J
3591 BLACK BAY CV
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

JAMERSON JAMES E
3721 HAWKINS MILL RD
MEMPHIS TN 38128

SMITH REGINALD K & DOROTHY J
3601 RUSSELWOOD DR
MEMPHIS TN 38128

SHARP EDWARD L & HELEN M
3789 KALAMATH CV
MEMPHIS TN 38128

SRMZ 1 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

JOHNSON MARGARET D
330 ROSSVILLE RD
HOLLY SPRINGS MS 38635

MIDSOUTH INVESTMENT HOLDINGS
92 MARY'S CREEK CV
EADS TN 38028

ATWATER CARL R & LINDA F
3598 RUSSELWOOD DR
MEMPHIS TN 38128

MEYERS DEAN
135 CHARLES ST #5D
NEW YORK NY 10014

THOMAS NATASHA
3587 BLACK BAY CV
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

SMITH CLEO R & MATTIE J
3717 HAWKINS MILL RD
MEMPHIS TN 38128

CHAMBERS FRANK J & JOANNE
3771 LONGMONT CV
MEMPHIS TN 38128

COLLIER ROSIE L B
3772 KALAMATH CV
MEMPHIS TN 38128

REVE LLC
PO BOX 1161
HALEIWA HI 96712

FLEMING LESTER W
9436 OAK LEAF DR
CHATSWORTH CA 91311

ARGUETA DUNIA E
3765 LONGMONT CV
MEMPHIS TN 38128

JONES CHARLES R
3608 RUSSELWOOD DR
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

WILEY LINDA G & JEFFREY A NIELSEN
43 WILSON RD
NEWPORT KY 41071

TUCKER LOUISE AND CYNTHIA J BROWN AND
3783 KALAMATH CV
MEMPHIS TN 38128

FARMER TAMARA D AND DONALD C FARMER
2042 WASKOM DR
MEMPHIS TN 38116

SURRATT SARAH B
7978 WINDING CREEK
GERMANTOWN TN 38138

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

MCGRONE RICKEY R
3761 KALAMATH CV
MEMPHIS TN 38128

PARSON TOMMY L & DOROTHY J
3788 KALAMATH CV
MEMPHIS TN 38128

WARD LAURA L R
3778 KALAMATH CV
MEMPHIS TN 38128

FILSINGER ROLAND
3248 AIRLINE RD
EADS TN 38028

RUBICON INVESTMENTS-TN LLC
263 FRIDAY CREEK RD
BELLINGHAM WA 98229

TOLBERT CLAUDIE M
3747 WINDERMERE RD
MEMPHIS TN 38128

ASL INVESTMENT LLC

SCOTT ALEX SR & HELEN O
3764 LONGMONT DR
MEMPHIS TN 38128

MOORE ALBERT L
3750 WOLF TRAIL DR
MEMPHIS TN 38128

VDV MEMPHIS CORP
310 GERMANTOWN BEND CV #101
CORDOVA TN 38018

WILLIAMSON FELTON R JR & JEWEL
3743 WOLF TRAIL DR
MEMPHIS TN 38128

GARTRELL SHARON M
3381 PRYOR ST
MEMPHIS TN 38127

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

GILLIAMS SHEILA
3748 KALAMATH CV
MEMPHIS TN 38128

FIELDS WILMA
3739 KALAMATH CV
MEMPHIS TN 38128

GREEN ALISHIA L
3681 LONGMONT DR
MEMPHIS TN 38128

TAYLOR CORNELL & RUBY AND LULA M GRAHAM
3739 WOLF TRAIL DR
MEMPHIS TN 38128

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

GENTLE WINDS INVESTMENTS LLC
31730 NE 139TH ST
DUVALL WA 98019

NEELY KAELA
PO BOX 34277
MEMPHIS TN 38184

GARCIA VICTOR H & ADA RAMOS
3730 WINDERMERE RD
MEMPHIS TN 38128

FOLSON MARIA
3721 DORADO CV
MEMPHIS TN 38128

PIGGIE ROBERT L & MARVA E
3710 LONGMONT DR
MEMPHIS TN 38128

RAYMOND PROPERTIES LLC
5701 W SLAUGHTER LN #A130-256
AUSTIN TX 78749

BRAXTON JANICE L
3716 DORADO CV
MEMPHIS TN 38128

JAMISON LORI
11859 EVERGOLD ST
SAN DIEGO CA 92131

VDV MEMPHIS CORP
1308 CRANE CT
MCDONOUGH GA 30252

SY TRAINING CENTER INC AND CALIFORNIA
765 THE CITY DR #300
ORANGE CA 92868

YOSEF SIVAL & TUVYA

CRESTCORE II LLC
4435 SUMMER AVE
MEMPHIS TN 38122

KLUG ALFRED E III & MALISA L
365 FLORENCEWOOD DR
COLLIERVILLE TN 38017

CLANAT SCULLARK AND VERNITA COX
1531 ASH ST
MEMPHIS TN 38108

MILLICAN AGNES M
3725 DORADO CV
MEMPHIS TN 38128

MOUNTAIN WEST IRA INC FBO JASON D MAUGHA
10096 W FAIRVIEW AVE #160
BOISE ID 83704

MIRELES MARCO A
2776 WELCHLAWN CV
MEMPHIS TN 38134

SORRELLS G W JR & CARYL S
PO BOX 624
WEST MEMPHIS AR 72303

BARIO MARCO AND CHELSEA CANNING (RS)
15030 VENTURA BLVD #305
SHERMAN OAKS CA 91403

SPRINGHILL MISSIONARY BAPTIST CHURCH
3815 HAWKINS MILL RD
MEMPHIS TN 38128

KING HOLDINGS USA 2012 LLC

PARKER ELIZABETH A
3697 HAWKINS MILL RD
MEMPHIS TN 38128

JACKSON MARY A
3706 DORADO CV
MEMPHIS TN 38128

PRASADAM INC
1671 JOSEPH CT
BUFFALO GROVE IL 60089

BAILEY SAMMIE B & ALINE
3809 KALAMATH CV
MEMPHIS TN 38128

BAKER ANGELITA D
600 16TH ST
ALAMOGORDO NM 88310

JOHNSON MARY LEE
3601 CAPRICORN DR
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

CHAFFIN JESSIE L & GLORIA J
3700 WINDEMERE DR
MEMPHIS TN 38128

KING SADIE M
3617 CAPRICORN DR
MEMPHIS TN 38128

WRIGHT MILDRED L
3701 HAWKINS MILL RD
MEMPHIS TN 38128

HARDING KEVIN A
1356 HIGDON RD
HOLLY SPRINGS MS 38635

CLEAR THE WAY SUPPORTIVE HOUSING CORP
5018 EXPRESSWAY DR S #204
RONKONKOMA NY 11779

MIMS HATTIE D
PO BOX 281101
MEMPHIS TN 38168

JACKSON VIRGIE L AND AUDREY R JOHNSON (R)
4689 NORTHWOOD HILLS DR
MEMPHIS TN 38128

SAMSAMI FERESHTEH
38727 GREENWICH CIR
FREMONT CA 94536

CALLICUTT DENNIS & BERTHA L
3709 HAWKINS MILL RD
MEMPHIS TN 38128

JAQUES JOE
3630 E 3892 N
KIMBERLY ID 83341

RILEY CAROLYN AND TYANA RILEY (RS)
3592 BIG TREE CV
MEMPHIS TN 38128

MEMPHIS RESIDENTIAL INCOME FUND 51 LLC
180 AVENIDA LA PATA #102
SAN CLEMENTE CA 92673

ROBINSON WILLIE F & ODESSA
3874 CAPRICORN CV
MEMPHIS TN 38128

TAGGART LESTER JR
3834 WINDERMERE RD
MEMPHIS TN 38128

HOPKINS ROBERT
8872 TOTH CV
CORDOVA TN 38106

ROBINSON ROOSEVELT JR AND ANNA THOMPSON
3886 HOBSON RD
MEMPHIS TN 38128

STEVENS BRENDA A
5339 AUGUST MOON LN
BARTLETT TN 38135

SCOTT ZELDA R
9218 AFTON GROVE RD
CORDOVA TN 38018

KO HAO HSIEN
472 KAHLO ST
MOUNTAIN VIEW CA 94041

DAVIDSON JERRY T & NINA C
PO BOX 69
MILLINGTON TN 38083

JUSTICE VERESTINE
3704 DOVE CALL CV
MEMPHIS TN 38128

AC BROTHERS LLC
4118 148TH ST #H3
LYNNWOOD WA 98087

TAYLOR SHARION
3748 KALAMATH CV
MEMPHIS TN 38128

GWYNN ANTWONE AND FATIMA HALL (RS)
9712 TRIBUTARY CV
ARLINGTON TN 38002

NUVIEW IRA INC FBO DEBRA PORIES IRA #
436 CENTRAL AVE
OAK HILL WV 25901

BOGGS ADAM C AND JOHN E DONELSON
924 7TH ST #3
SANTA MONICA CA 90403

PARKER DWAYNE
1677 WINSTON DR
MEMPHIS TN 38127

BROWN VELMA AND THELMA BROWN AND
3767 KALAMATH CV
MEMPHIS TN 38128

STOLTZFUS JOHN M
178 MEADOWCREEK RD
NEW HOLLAND PA 17557

WESBY JESSIE L & QUEEN C
3711 LONGMONT DR
MEMPHIS TN 38128

LEWIS JAMES D & PHILLIPPA
3757 WOLF TRAIL DR
MEMPHIS TN 38128

RNT LLC
PO BOX 18393
DENVER CO 80218

HARRIS MELVN C AND FORREST E HARRIS SR
6752 CAMP JOHN RD
MILLINGTON TN 38053

SHARABI AMIR & MAYA A
2748 WYTHAM CV
MEMPHIS TN 38119

DURON JORGE AND ESPERANZA CHAVEZ
3719 WINDERMERE RD
MEMPHIS TN 38128

DIVERSIFI LLC
2225 7th PKWY #25
OAKLAND CA 94606

TAYLOR JOYCE M
3766 KALAMATH CV
MEMPHIS TN 38128

EARLE MARIAH K
1050 SE 15TH AVE
FORT LAUDERDALE FL 33316

Paul Brantley Sr.
2026 Belover
Memphis, TN 38127

THIRTY-SEVEN FIFTY-SEVEN LONGMONT TRUST
7940 OWENSMOUTH AVE
CANOGA PARK CA 91304

MAYHORN JOHNNIE L
3747 KALAMATH CV
MEMPHIS TN 38128

Debra Hogue Brantley
2026 Belover
Memphis, TN 38127

ANDERSON ROSIE E
3755 KALAMATH CV
MEMPHIS TN 38128

WESTBROOK EDDIE & ELOISE
P O BOX 280926
MEMPHIS TN 38168

Delinor Smith
3831 Lakehurst Drive
Memphis, TN 38128

WEDDLE JAMES I & MATTIE C
3746 WINDERMERE RD
MEMPHIS TN 38128

BINION INETA
3699 LONGMONT DR
MEMPHIS TN 38128

VICINITY MAP 2

VICINITY MAP 3



VICINITY MAP 1

VICINITY MAP 4

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 04/06/2021
DATE
PUBLIC SESSION: 04/06/2021
DATE**

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a commercial development for a Dollar General
CASE NUMBER: PD 21-01
DEVELOPMENT: Dollar General Planned Development
LOCATION: 6659 Quince Road
COUNCIL DISTRICTS: District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Walter D Wills III
REPRESENTATIVE: Robert Bingham – McCarty Granberry
EXISTING ZONING: Residential Urban – 2 (RU-2) with an approved variance (BOA 1992-004)
REQUEST: Commercial Planned Development for a Dollar General
AREA: +/- 0.66 acres
RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
03/11/2021 _____	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>
_____ <i>Lucas Skinner</i> _____	03/18/2021	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-01 – Dollar General Planned Development

Resolution requesting a commercial planned development for a Dollar General at 6659 Quince Road:

- 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): Walter D Wills III; Applicant(s): Blackburn Construction Inc.; and Representative(s): Robert Bingham; 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 DOLLAR GENERAL PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 6659 QUINCE ROAD, KNOWN AS CASE NUMBER PD 21-01.

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, Blackburn Construction Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Dollar General store; 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 March 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

PD 21-01

Dollar General Planned Development

Outline Plan Conditions

I. Uses Permitted

A. Any use permitted by right or administrative site plan review in the Commercial Mixed Use – 2 (CMU-2) District.

II. Bulk Regulations

A. The bulk regulations of the Commercial Mixed Use – 2 (CMU-2) District shall apply except for the following exceptions:

1. Trash receptacles and/or dumpster enclosures for this site are allowed to encroach into the adjacent property provided that pedestrian/vehicular access and circulation is not adversely impacted and are screened from public view.
2. The minimum number of parking spaces shall be provided at a rate of one (1) parking space per 479 square feet of gross building area provided that this site enters into a shared parking agreement with the adjacent property owner(s). If this site does not enter into a shared parking agreement with the adjacent property owner(s), parking shall be in accordance with the Memphis and Shelby County Unified Development Code (UDC).

III. Access and Circulation

- A. All required public improvements shall meet the City of Memphis and Shelby County specifications.
- B. The design, number, and location of curb cuts to be approved by the City Engineer.
- C. Internal circulation and a cross access easement shall be provided between this site and the adjacent property to the north and south as shown.
- D. There shall be a non-exclusive, perpetual easement across and through the adjacent property for the purposes of pedestrian and vehicular access, ingress and egress, and parking between this site and the adjacent property.

IV. Landscaping and Screening:

- A. All trash receptacles and HVAC equipment shall be screened from view of adjacent public roadways and residential uses.
- B. Landscape screening, green space, and tree preservation shall be provided in accordance with the UDC.
- C. Landscaping shall not be placed within utility, water, sewer, or drainage easements.
- D. A minimum of twenty percent (20%) green space shall be provided for this planned development.
- E. All utilities shall be reasonably screened from public-rights-of-way.

F. Specific location of fencing and screening shall be reviewed and approved by the Division of Planning and Development (DPD).

V. Signs and Lighting

A. Signs shall be governed by the Commercial Mixed Use - 2 (CMU-2) District with the following exception:

1. As an alternative to the CMU-2 signage requirements, a comprehensive signage design manual may be submitted for review and approval by the Division of Planning and Development (DPD). The signage requirements shall be added to the outline plan and may be approved as a minor amendment to the planned development by DPD.

B. All site lighting shall be governed by the CMU-2 district with the following exception:

1. Site lighting provided for this site may contribute to the overall site lighting of the adjacent property provided that the light spillover does not adversely impact any adjacent properties or public roadways.

VI. Drainage

A. A grading and drainage plan shall be submitted to the City Engineer concurrent with construction plans for review prior to the commencement of construction.

B. Adequate EPSC measures shall be used at all times during construction until final stabilization of the site.

C. All grading activities shall be in accordance with the Tennessee Department of Environment and Conservation (TDEC) and the City of Memphis regulations. All proposed grading shall be reviewed and approved by the City Engineer.

VII. Utilities

A. The sewer system shall be approved by and constructed in accordance with the City of Memphis specifications.

VIII. Phasing and Scheduling

A. This development shall be completed in one phase.

B. It is anticipated that construction will commence in 2021 and full build-out completed within nine (9) months of the beginning of construction.

IX. Modifications

A. The Land Use Control Board (LUCB) may modify the bulk regulations, access, parking, landscaping, and signage requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the LUCB hereunder, may within ten (10) days of such action, file a written appeal to the director of DPD to have such action reviewed by the Memphis City Council. The LUCB and DPD may modify the bulk requirements, access and circulation, and landscape requirements if equivalent alternatives are presented.

X. Final Plan

Any final plan shall include the following:

- A. The outline plan conditions
- B. A standard subdivision contract as defined by the subdivision regulations
- C. The exact location and dimensions, including lots, buildable areas, parking areas, drives, and required landscaping
- D. The location and ownership of any private or public easements
- E. The specific content of proposed landscaping and planting screens
- F. Private improvements such as drives, easements, common open spaces, etc. shall be shown on the final plat and shall be owned and maintained by the development. A statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the property owners' association
- G. A statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes
- H. The 100-year flood elevations
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities:

The areas denoted by "reserved for stormwater detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention facilities located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's office. Such maintenance shall include but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: PD 21-01

DEVELOPMENT: Dollar General Planned Development

LOCATION: 6659 Quince Road

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

OWNER/APPLICANT: Walter D Wills / Blackburn Construction LLC.

REPRESENTATIVE: Robert Bingham – McCarty Granberry

REQUEST: Commercial planned development for a Dollar General

EXISTING ZONING: Residential Urban – 2 with an approved variance (BOA 1992-004)

AREA: +/-0.66 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

Outline Plan Conditions

PD 21-01

Dollar General Planned Development

Outline Plan Conditions

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B. Landscape screening, green space, and tree preservation shall be provided in accordance with the UDC.

C. Landscaping shall not be placed within utility, water, sewer, or drainage easements.

- D. A minimum of twenty percent (20%) green space shall be provided for this planned development.
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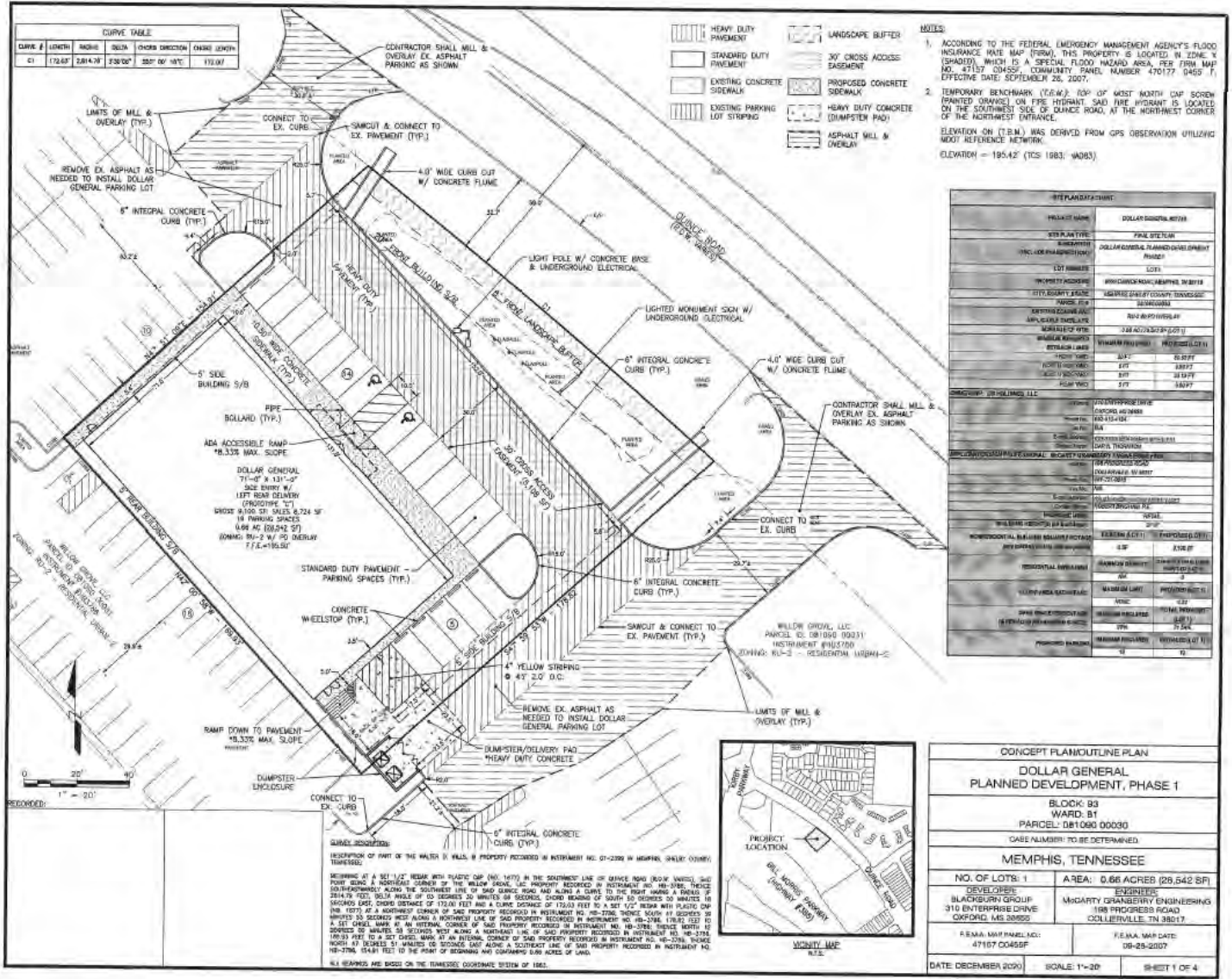
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- C. The exact location and dimensions, including lots, buildable areas, parking areas, drives, and required landscaping
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CONCEPT PLAN



AGENDA ITEM: 15

CASE NUMBER: PD 21-01 **L.U.C.B. MEETING:** March 11, 2021

DEVELOPMENT: Dollar General Planned Development

LOCATION: 6659 Quince Road

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

OWNER/APPLICANT: Walter D Wills III / Blackburn Construction Inc.

REPRESENTATIVE: Robert Bingham – McCarty Granberry

REQUEST: Commercial Planned Development for a Dollar General

AREA: +/-0.66 acres

EXISTING ZONING: Residential Urban – 2 (RU-2) with an approved variance (BOA 1992-004)

CONCLUSIONS

1. The applicant is requesting a new Dollar General store.
2. The subject property is currently vacant and the lot redesign will create a more desirable layout that is consistent with the surrounding commercial uses.
3. The proposed addition of a landscaping buffer will create a more desirable and aesthetically pleasing buffer in the neighborhood.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

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 16-17 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Quince Road +/-166.7 linear feet
Zoning Atlas Page: 2350
Parcel ID: 081090 00030
Existing Zoning: Residential Urban – 2 (RU-2), BOA 1992-004

NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Thursday, February 25, 2021 over Zoom meetings.

PUBLIC NOTICE

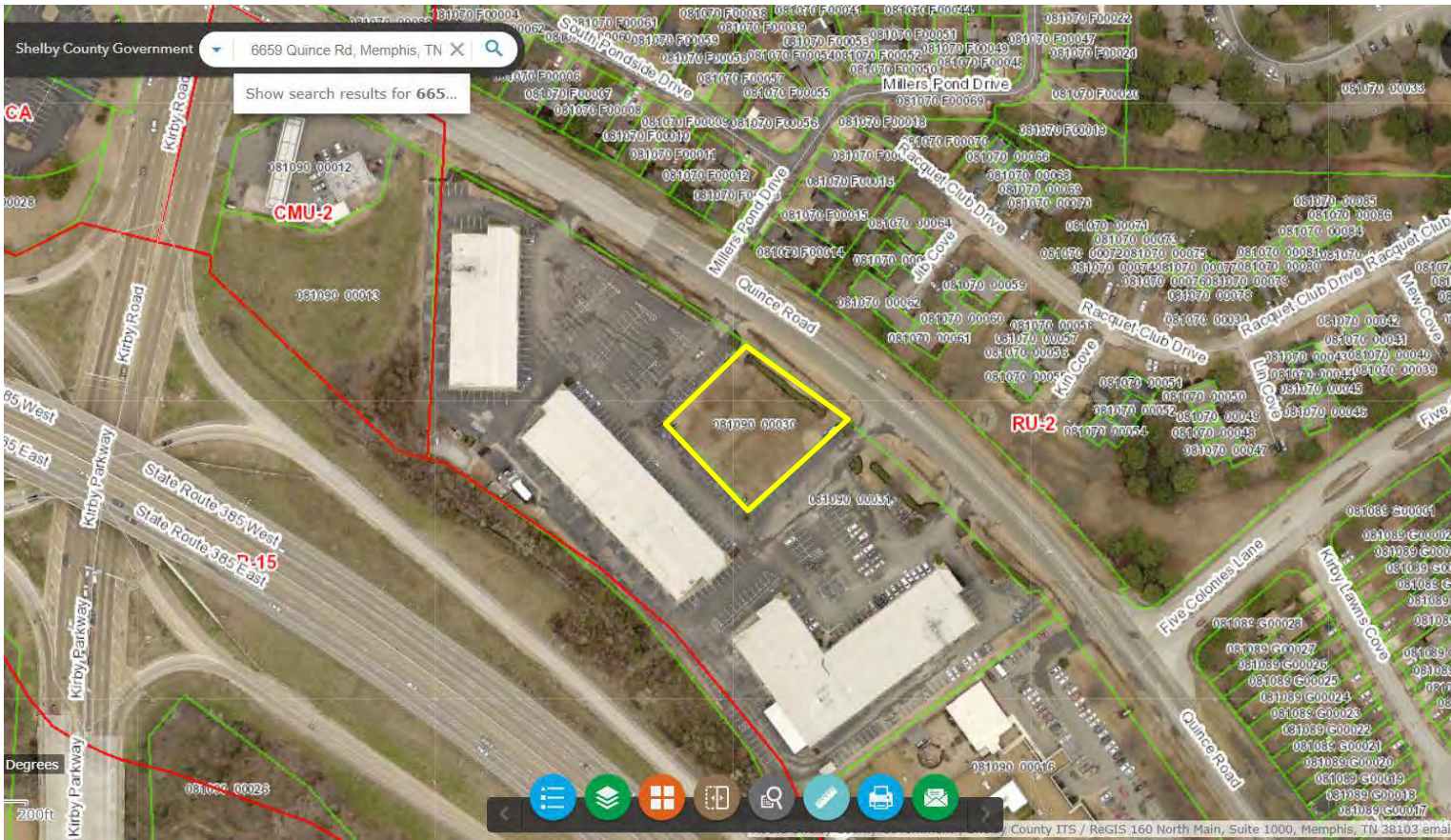
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 36 notices were mailed on February 25, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



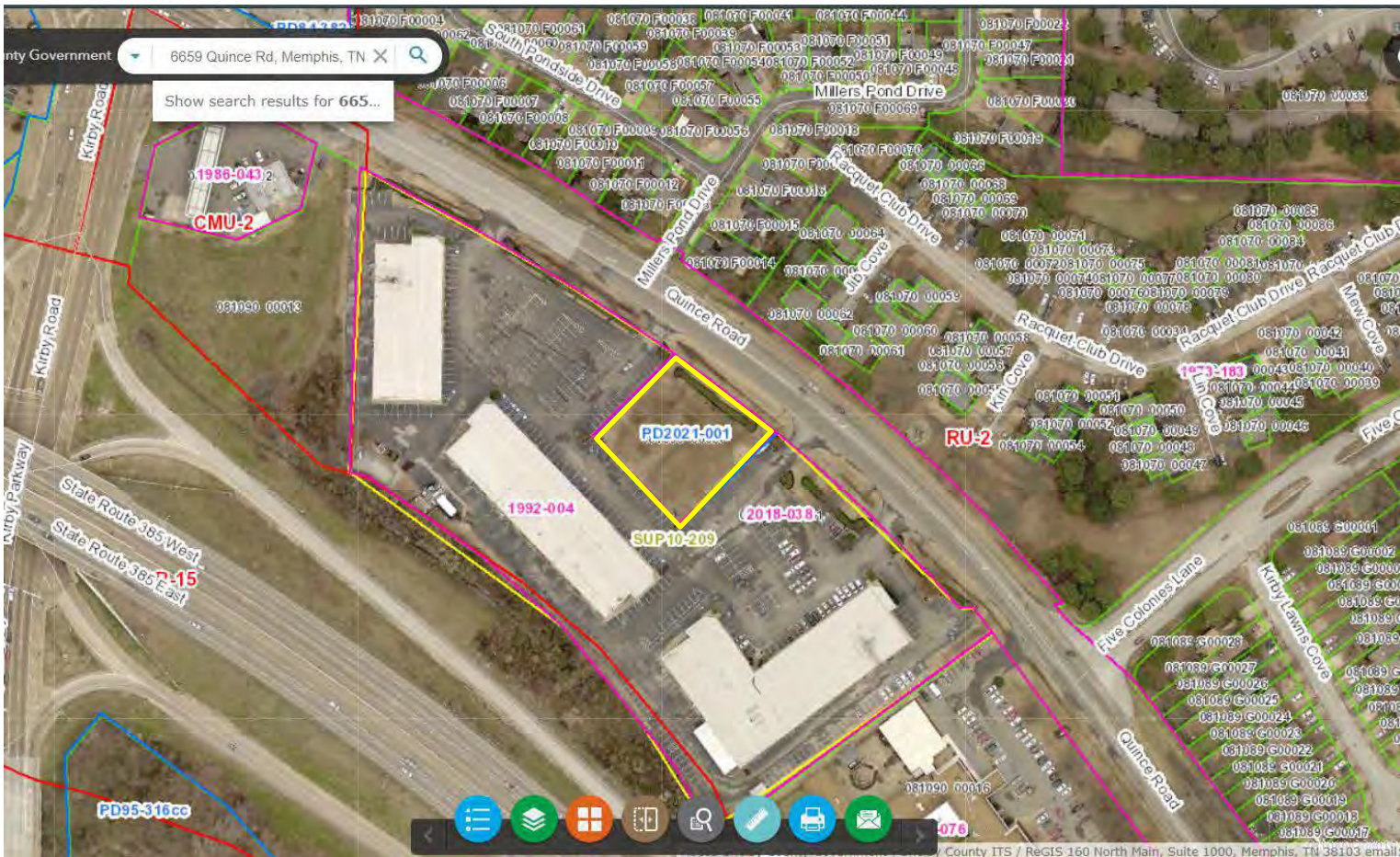
Subject property located within the pink circle

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Urban – 2 (RU-2), BOA 1992-004

Surrounding Zoning

North: RU-2

East: RU-2, BOA 1992-004, BOA 2018-038, SUP 10-209

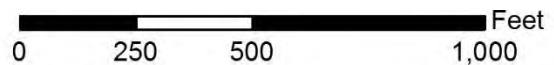
South: RU-2, BOA 1992-004, BOA 2018-038, SUP 10-209










West: RU-2, BOA 1992-004, BOA 2018-038, SUP 10-209

LAND USE MAP



LandUse

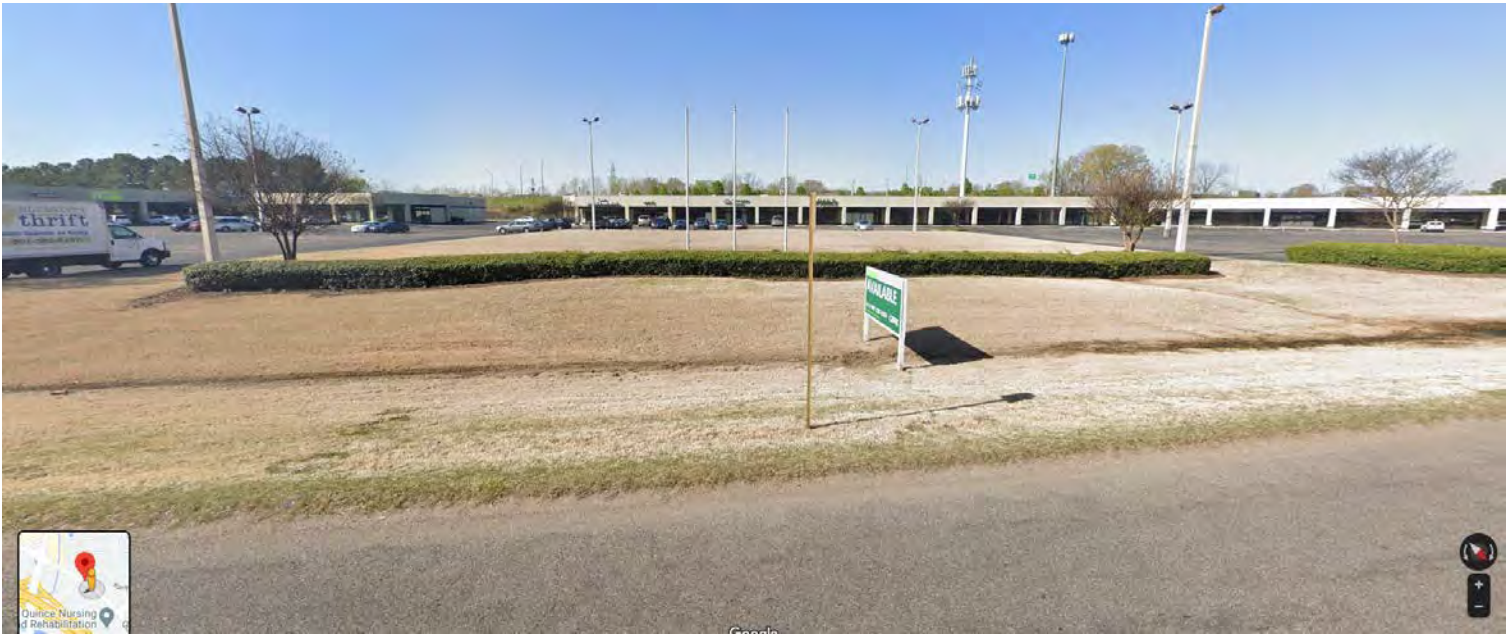


- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property outlined in yellow indicated by a pink star

SITE PHOTOS



View of the subject property from Sycamore View Road looking west

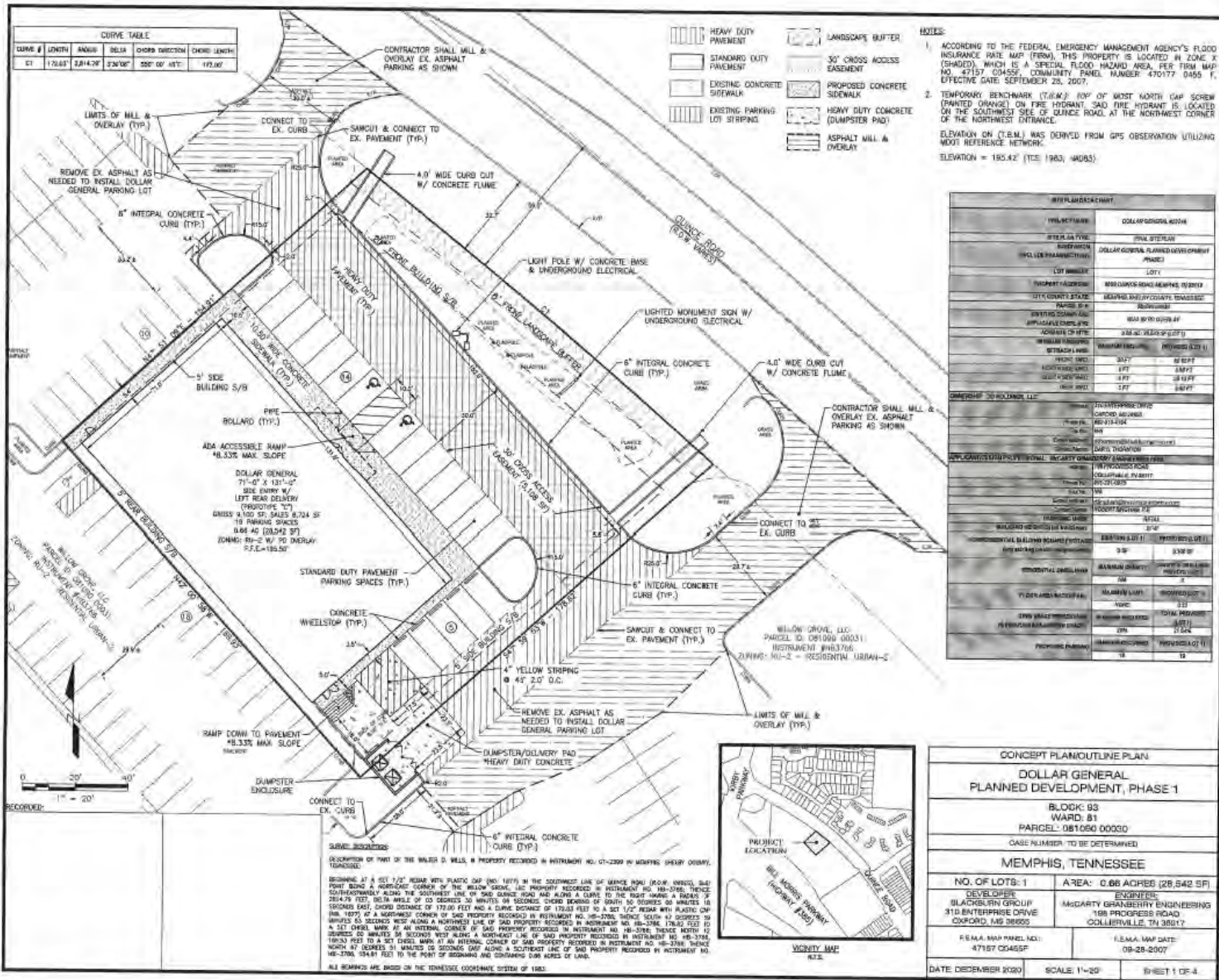


View of the subject property from existing parking lot looking southeast



View of the subject property from existing property looking northwest

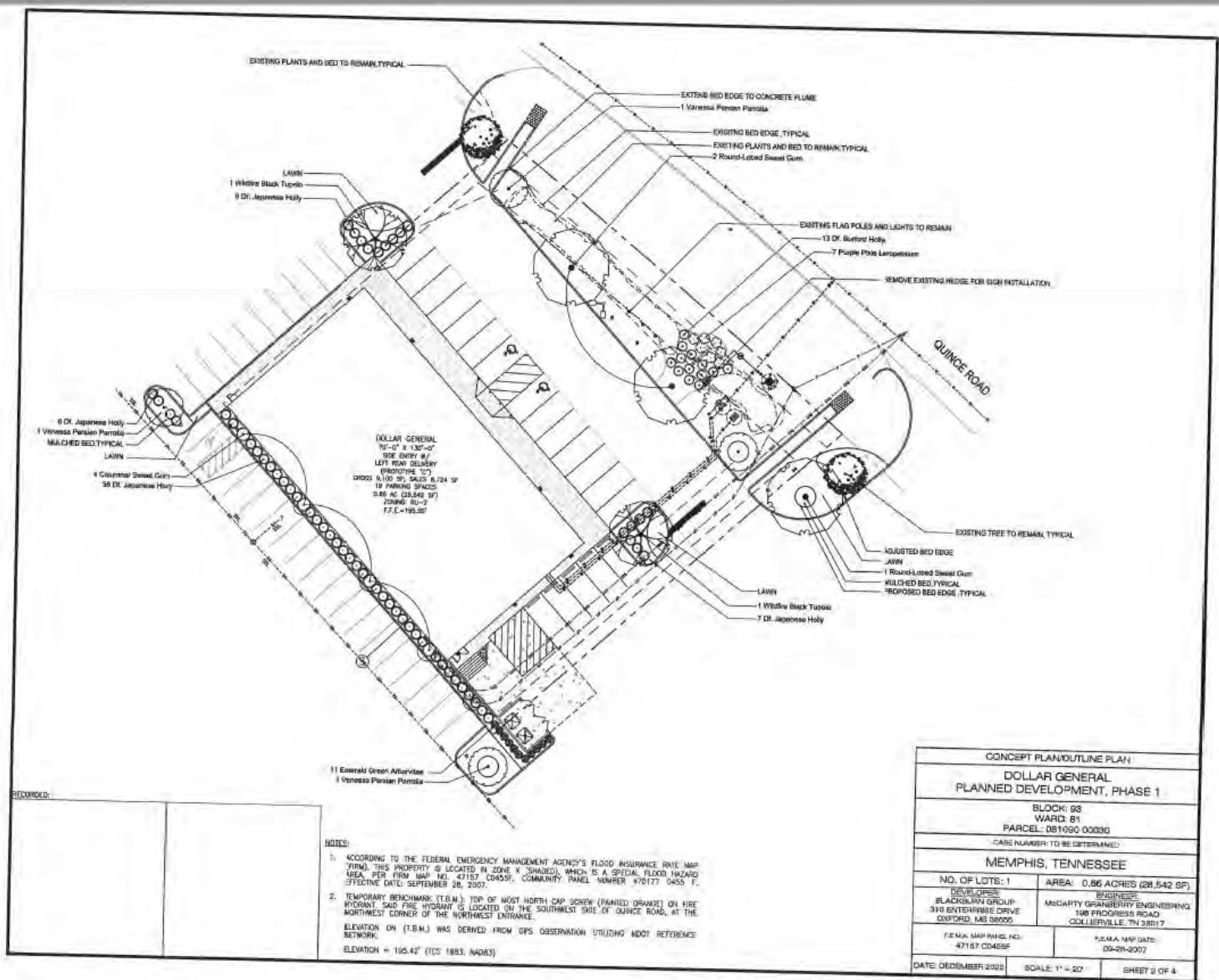
OUTLINE PLAN



OUTLINE PLAN (ZOOMED)



LANDSCAPE PLAN



CONCEPT PLAN/OUTLINE PLAN	
DOLLAR GENERAL PLANNED DEVELOPMENT, PHASE 1	
BLOCK: 98 WARD: 81 PARCEL: 081090 00030	
CASE NUMBER TO BE DETERMINED	
MEMPHIS, TENNESSEE	
NO. OF LOTS: 1	AREA: 0.86 ACRES (28,542 SF)
DEVELOPER: BLACKBURN GROUP 310 ENTERPRISE DRIVE DIXFIELD, MS 38850	BUSINESS MCARTY GRANBERY ENGINEERING 198 PROGRESS ROAD COLLIERVILLE, TN 38017
F.E.M.A. MAP PANEL NO. 47187.00465F	F.E.M.A. MAP DATE: 09-29-2007
DATE: DECEMBER 2020	SCALE: 1" = 20'
	SHEET 2 OF 4

- NOTES:
1. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM), THIS PROPERTY IS LOCATED IN ZONE X (SHADED), WHICH IS A SPECIAL FLOOD HAZARD AREA. PER FIRM MAP NO. 47187.00465F, COMMUNITY PANEL NUMBER 470177 0455 F, EFFECTIVE DATE: SEPTEMBER 28, 2007.
 2. TEMPORARY BENCHMARK (T.B.M.): TOP OF MOST NORTH CAP SCREW (PAINTED ORANGE) ON FIRE HYDRANT. SAID FIRE HYDRANT IS LOCATED ON THE SOUTHWEST SIDE OF QUINCE ROAD, AT THE NORTHWEST CORNER OF THE NORTHWEST ENTRANCE.
ELEVATION ON (T.B.M.) WAS DERIVED FROM GPS OBSERVATION UTILIZING NAD83 REFERENCE NETWORK.
ELEVATION = 195.42' (IC 1983, NAD83)

STAFF ANALYSIS

Request

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

The request is for a Dollar general store.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

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

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

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

adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is a +/- 0.66 acre site located at 6659 Quince Road, which is a vacant parcel surrounded on three sides by commercial uses. The site is currently zoned RU-2 with a BOA case from 1992 that is explained below. The parcel has no trees with only grass, and has parking on three sides of the site. Across Quice Road is a residential subdivision.

Site Zoning History

BOA 1992-004 approved a cell tower and equipment, as well as more than one building on one lot.

The following cases were approved on the surrounding site:

BOA 2018-038 approved existing shopping center buildings to be used for indoor self-storage.

SUP 10-209 approved a cellular communication tower with 160 feet in height and a maximum of 5 flush-mount antennae.

Consistency with Memphis 3.0

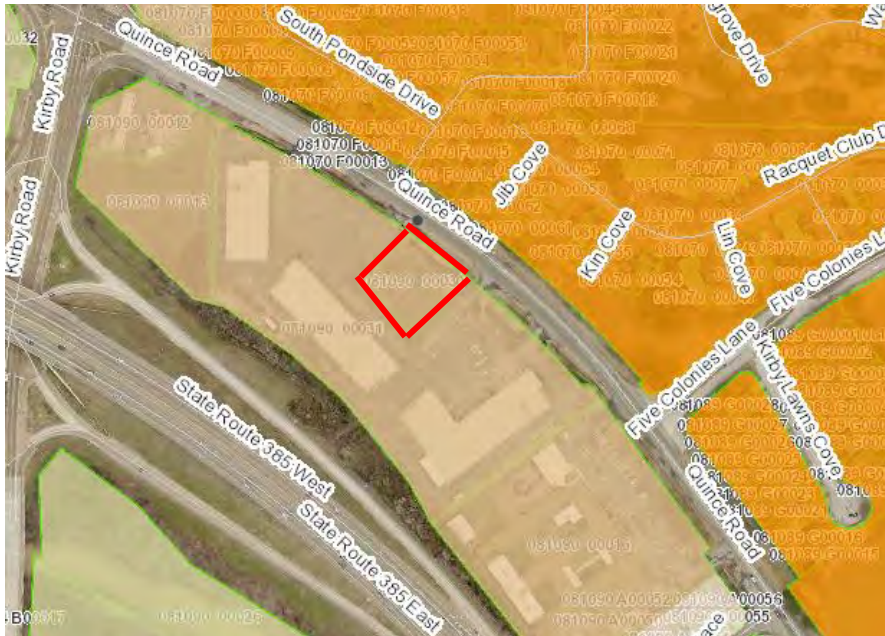
Site Address/location: 6659 Quince Road

Land Use Designation (see page 102 for details): Low Intensity Commercial and Services

Based on the Future Land Use Planning Map, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

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

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

Low Intensity Commercial and Service areas consist of buildings accessible mainly by a car and can encompass acres of land for one building. CSL areas are outside of anchor boundary and are usually located along a corridor its own area of multiple commercial and service amenities. See graphic portrayal to the right.



low-rise
up to five
the
or within

“CSL” Goals/Objectives:

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

“CSL” Form & Location Characteristics:

Commercial and services uses that are one to four stories in height.

The applicant is proposing to build a Dollar General Store on a vacant parcel with nineteen added parking spaces. The applicant will add two driveway connections and additional parking needed for the development

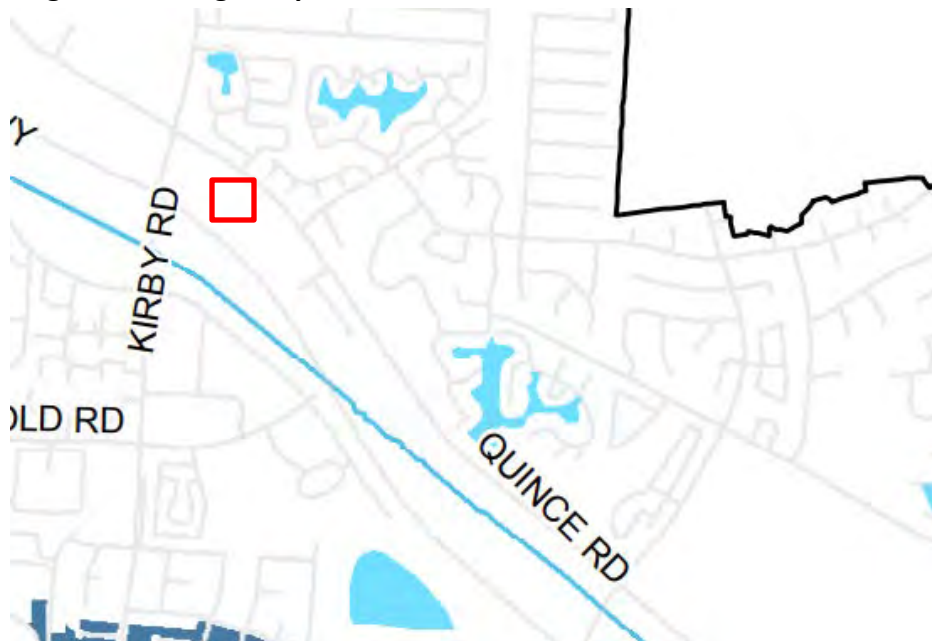
will be shared with an existing business adjacent to the site.

The request is consistent because the proposed building will include commercial and service uses that are one story in height. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Residential and Commercial. The subject site is surrounded by the following zoning districts: CMU-2, RU-2, and R-15. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcels is similar in nature to the requested use.*

4. Degree of Change map



There is no degree of change for the parcels. The parcels are indicated by the red box in the Degree of Change Map above.

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

Summary Compiled by: Melanie Batke, Office of Comprehensive Planning

Conclusions

The applicant is requesting a new Dollar General store.

The subject property is currently vacant and the lot redesign will create a more desirable layout that is consistent with the surrounding commercial uses.

The proposed addition of a landscaping buffer will create a more desirable and aesthetically pleasing buffer in the neighborhood.

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

PD 21-01

Dollar General Planned Development Outline Plan Conditions

I. Uses Permitted

A. Any use permitted by right or administrative site plan review in the Commercial Mixed Use – 2 (CMU-2) District.

II. Bulk Regulations

A. The bulk regulations of the Commercial Mixed Use – 2 (CMU-2) District shall apply except for the following exceptions:

1. Trash receptacles and/or dumpster enclosures for this site are allowed to encroach into the adjacent property provided that pedestrian/vehicular access and circulation is not adversely impacted and are screened from public view.
2. The minimum number of parking spaces shall be provided at a rate of one (1) parking space per 479 square feet of gross building area provided that this site enters into a shared parking agreement with the adjacent property owner(s). If this site does not enter into a shared parking agreement with the adjacent property owner(s), parking shall be in accordance with the Memphis and Shelby County Unified Development Code (UDC).

III. Access and Circulation

- A. All required public improvements shall meet the City of Memphis and Shelby County specifications.
- B. The design, number, and location of curb cuts to be approved by the City Engineer.
- C. Internal circulation and a cross access easement shall be provided between this site and the adjacent property to the north and south as shown.

D. There shall be a non-exclusive, perpetual easement across and through the adjacent property for the purposes of pedestrian and vehicular access, ingress and egress, and parking between this site and the adjacent property.

IV. Landscaping and Screening:

- A. All trash receptacles and HVAC equipment shall be screened from view of adjacent public roadways and residential uses.
- B. Landscape screening, green space, and tree preservation shall be provided in accordance with the UDC.
- C. Landscaping shall not be placed within utility, water, sewer, or drainage easements.
- D. A minimum of twenty percent (20%) green space shall be provided for this planned development.
- E. All utilities shall be reasonably screened from public-rights-of-way.
- F. Specific location of fencing and screening shall be reviewed and approved by the Division of Planning and Development (DPD).

V. Signs and Lighting

A. Signs shall be governed by the Commercial Mixed Use - 2 (CMU-2) District with the following exception:

- 1. As an alternative to the CMU-2 signage requirements, a comprehensive signage design manual may be submitted for review and approval by the Division of Planning and Development (DPD). The signage requirements shall be added to the outline plan and may be approved as a minor amendment to the planned development by DPD.

B. All site lighting shall be governed by the CMU-2 district with the following exception:

- 1. Site lighting provided for this site may contribute to the overall site lighting of the adjacent property provided that the light spillover does not adversely impact any adjacent properties or public roadways.

VI. Drainage

- A. A grading and drainage plan shall be submitted to the City Engineer concurrent with construction plans for review prior to the commencement of construction.
- B. Adequate EPSC measures shall be used at all times during construction until final stabilization of the site.
- C. All grading activities shall be in accordance with the Tennessee Department of Environment and Conservation (TDEC) and the City of Memphis regulations. All proposed grading shall be reviewed and approved by the City Engineer.

VII. Utilities

- A. The sewer system shall be approved by and constructed in accordance with the City of Memphis specifications.

VIII. Phasing and Scheduling

- A. This development shall be completed in one phase.
- B. It is anticipated that construction will commence in 2021 and full build-out completed within nine (9) months of the beginning of construction.

IX. Modifications

- A. The Land Use Control Board (LUCB) may modify the bulk regulations, access, parking, landscaping, and signage requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the LUCB hereunder, may within ten (10) days of such action, file a written appeal to the director of DPD to have such action reviewed by the Memphis City Council. The LUCB and DPD may modify the bulk requirements, access and circulation, and landscape requirements if equivalent alternatives are presented.

X. Final Plan

Any final plan shall include the following:

- A. The outline plan conditions
- B. A standard subdivision contract as defined by the subdivision regulations
- C. The exact location and dimensions, including lots, buildable areas, parking areas, drives, and required landscaping
- D. The location and ownership of any private or public easements
- E. The specific content of proposed landscaping and planting screens
- F. Private improvements such as drives, easements, common open spaces, etc. shall be shown on the final plat and shall be owned and maintained by the development. A statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the property owners' association
- G. A statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes
- H. The 100-year flood elevations
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities:

The areas denoted by "reserved for stormwater detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention facilities located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's office. Such maintenance shall include but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CASE: **PD-21-001**

NAME: **Dollar General PD**

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.

Traffic Control Provisions:

4. 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.
5. 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.
6. 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:

7. 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:

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

Site Plan Notes:

9. Maintain internal access easements to adjacent properties.

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



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

Date: December 3, 2020

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Dollar General Planned Development; Memphis, TN (6659 Quince Road) Dollar General #22748

Property Owner of Record: Walter D Wills III Phone #: (901) 756-2744

Mailing Address: 2900 Kirby Road, Suite 7 City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: _____

Applicant: Blackburn Construction, Inc. Phone # (662) 513-4194

Mailing Address: 310 Enterprise Drive City/State: Oxford, MS Zip 38655

Applicant E- Mail Address: preeves@blackburngroup.net

Representative: Robert Bingham, McCarty Granberry Engineering Phone #: (901) 221-0075

Mailing Address: 198 Progress Road City/State: Collierville, TN Zip 38017

Representative E-Mail Address: rbingham@mccartygranberry.com

Engineer/Surveyor: Robert Bingham, McCarty Granberry Engineering Phone # 901-221-0075

Mailing Address: 198 Progress Road City/State: Collierville, TN Zip 38017

Engineer/Surveyor E-Mail Address: rbingham@mccartygranberry.com

Street Address Location: 6659 Quince Road, Memphis, TN 38119

Distance to nearest intersecting street: 162 feet east of Miller's Pond Drive

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	0.66 Acres		
Existing Zoning:	RU-2		
Existing Use of Property	VACANT		
Requested Use of Property	COMMERCIAL		

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

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

4.10.3 Planned Development General Provisions

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

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

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

The commercial uses proposed for this development are set in a building with residentially scaled facade to blend with neighborhoods to the north and west. Adequate parking, in excess of requirements of the Development Code for the proposed uses, is provided on-site.

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

Existing utilities in Stratford Road are adequate for serving the proposed uses. Storm water will be managed through a dry detention basin with outfall to city storm drain

- 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)

A Type III buffer with masonry wall is provided on north property line. Parking lot lighting is arranged along the perimeter aimed inward and with cut-off to shield from adjacent properties. Driveways and parking areas are arranged to provide easy ingress/egress to the site and smooth traffic flow before and after events.

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

The design of the site and building are in keeping with adjoining developments

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

There are no common areas in this development. The Owner will maintain the entire property

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

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: May 14, 2020 with Seth Thomas/Chip Saliba (via email)

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.

Walter B. Wille III 12-7-2020 Pate P 12/3/2020
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



December 14, 2020

Chip Saliba
Planning & Development
125 N Main Street
Room #468
Memphis, TN 38013

**RE: DOLLAR GENERAL PLANNED DEVELOPMENT
6659 QUINCE ROAD, MEMPHIS, TN 38199
LETTER OF INTENT**

Mr. Saliba:

On behalf of Blackburn Group, we are submitting the attached Planned Development/Outline Plan application for a proposed Dollar General development located at 6659 Quince Road near the intersection of Quince Road and Miller's Pond Drive.

The proposed Dollar General development consists of a 9,100 square foot one-story building, nineteen parking spaces, and two driveway connections that will allow access through the existing parking lot adjacent to the Dollar General. The subject property is currently zoned Residential Urban – 2 (RU-2). An adjacent commercial strip mall, which is also zoned RU-2, and associated parking lot surround the proposed Dollar General development while a residential subdivision is located on the north side of Quince Road. Blackburn Construction, Inc. will enter into a shared parking agreement with the adjacent property owner to ensure that adequate parking is provided between the Dollar General and commercial strip mall.

All utilities are located on or adjacent to the subject property; therefore, no utility extensions are needed to develop the subject property. No stormwater detention will be provided as part of the proposed development.

If any additional information is needed, please do not hesitate to contact me.

Sincerely,

Robert Bingham, PE

SIGN AFFIDAVIT



AFFIDAVIT

Shelby County
State of Tennessee

I, Robert Bingham, being duly sworn, depose and say that at 3:00 pm am/pm on the 23 day of February, 2021, I posted one Public Notice Sign(s) pertaining to Case No. PD 21-01 at 6659 Quince Road, Memphis, TN 38119, providing notice of a Public Hearing before the N/A Land Use Control Board, March 11 Memphis City Council, N/A Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, N/A Special Use Permit, N/A Zoning District Map Amendment, N/A 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.

Robert Bingham
Owner, Applicant or Representative

03-04-2021
Date

Subscribed and sworn to before me this 4th day of March, 2021.

Amber P. May
Notary Public

My commission expires: Aug 9, 2022



LETTERS RECEIVED

One letter of opposition was received and is below for viewing:

Dollar General

Randa <rjfergus@att.net>

Sun 1/10/2021 10:13 AM

To: Skinner, Lucas <Lucas.Skinner@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.

Mr Skinner,

As a business owner in this area, the very last thing that we need in this area is another cheap, crime attracting business to start up in our neighborhood!!! As a city planner, why do you allow this in the city that is already overrun with violent crime and robberies???? Shame on you and the commission!!!

Randa Fergus

LaRues Haircutters

2809 Kirby Road

Memphis, Tn 38119

Sent from my iPhone

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

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

March 11, 2021

Patrick Reeves - Blackburn Construction

Sent via electronic mail to: preeves@blackburngroup.net

Dollar General Planned Development

Case Number: PD 21-01

LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, March 11, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Dollar General Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,



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

Letter to Applicant
PD 21-01

Cc: Robert Bingham – McCarty Granberry

Letter to Applicant

PD 21-01

Outline Plan Conditions

PD 21-01

Dollar General Planned Development

Outline Plan Conditions

I. Uses Permitted

A. Any use permitted by right or administrative site plan review in the Commercial Mixed Use – 2 (CMU-2) District.

II. Bulk Regulations

A. The bulk regulations of the Commercial Mixed Use – 2 (CMU-2) District shall apply except for the following exceptions:

1. Trash receptacles and/or dumpster enclosures for this site are allowed to encroach into the adjacent property provided that pedestrian/vehicular access and circulation is not adversely impacted and are screened from public view.

2. The minimum number of parking spaces shall be provided at a rate of one (1) parking space per 479 square feet of gross building area provided that this site enters into a shared parking agreement with the adjacent property owner(s). If this site does not enter into a shared parking agreement with the adjacent property owner(s), parking shall be in accordance with the Memphis and Shelby County Unified Development Code (UDC).

III. Access and Circulation

A. All required public improvements shall meet the City of Memphis and Shelby County specifications.

B. The design, number, and location of curb cuts to be approved by the City Engineer.

C. Internal circulation and a cross access easement shall be provided between this site and the adjacent property to the north and south as shown.

D. There shall be a non-exclusive, perpetual easement across and through the adjacent property for the purposes of pedestrian and vehicular access, ingress and egress, and parking between this site and the adjacent property.

IV. Landscaping and Screening:

A. All trash receptacles and HVAC equipment shall be screened from view of adjacent public roadways and residential uses.

B. Landscape screening, green space, and tree preservation shall be provided in accordance with the UDC.

C. Landscaping shall not be placed within utility, water, sewer, or drainage easements.

D. A minimum of twenty percent (20%) green space shall be provided for this planned development.

E. All utilities shall be reasonably screened from public-rights-of-way.

F. Specific location of fencing and screening shall be reviewed and approved by the Division of Planning and Development (DPD).

V. Signs and Lighting

A. Signs shall be governed by the Commercial Mixed Use - 2 (CMU-2) District with the following exception:

Letter to Applicant

PD 21-01

1. As an alternative to the CMU-2 signage requirements, a comprehensive signage design manual may be submitted for review and approval by the Division of Planning and Development (DPD). The signage requirements shall be added to the outline plan and may be approved as a minor amendment to the planned development by DPD.

B. All site lighting shall be governed by the CMU-2 district with the following exception:

1. Site lighting provided for this site may contribute to the overall site lighting of the adjacent property provided that the light spillover does not adversely impact any adjacent properties or public roadways.

VI. Drainage

A. A grading and drainage plan shall be submitted to the City Engineer concurrent with construction plans for review prior to the commencement of construction.

B. Adequate EPSC measures shall be used at all times during construction until final stabilization of the site.

C. All grading activities shall be in accordance with the Tennessee Department of Environment and Conservation (TDEC) and the City of Memphis regulations. All proposed grading shall be reviewed and approved by the City Engineer.

VII. Utilities

A. The sewer system shall be approved by and constructed in accordance with the City of Memphis specifications.

VIII. Phasing and Scheduling

A. This development shall be completed in one phase.

B. It is anticipated that construction will commence in 2021 and full build-out completed within nine (9) months of the beginning of construction.

IX. Modifications

A. The Land Use Control Board (LUCB) may modify the bulk regulations, access, parking, landscaping, and signage requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the LUCB hereunder, may within ten (10) days of such action, file a written appeal to the director of DPD to have such action reviewed by the Memphis City Council. The LUCB and DPD may modify the bulk requirements, access and circulation, and landscape requirements if equivalent alternatives are presented.

X. Final Plan

Any final plan shall include the following:

A. The outline plan conditions

B. A standard subdivision contract as defined by the subdivision regulations

C. The exact location and dimensions, including lots, buildable areas, parking areas, drives, and required landscaping

D. The location and ownership of any private or public easements

E. The specific content of proposed landscaping and planting screens

F. Private improvements such as drives, easements, common open spaces, etc. shall be shown on the final plat and shall be owned and maintained by the development. A

Letter to Applicant

PD 21-01

statement to this effect shall appear on the final plat with the appropriate instrument number reflecting the incorporation of the property owners' association

- G. A statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes
- H. The 100-year flood elevations
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities:

The areas denoted by "reserved for stormwater detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention facilities located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's office. Such maintenance shall include but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures

**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:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



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.

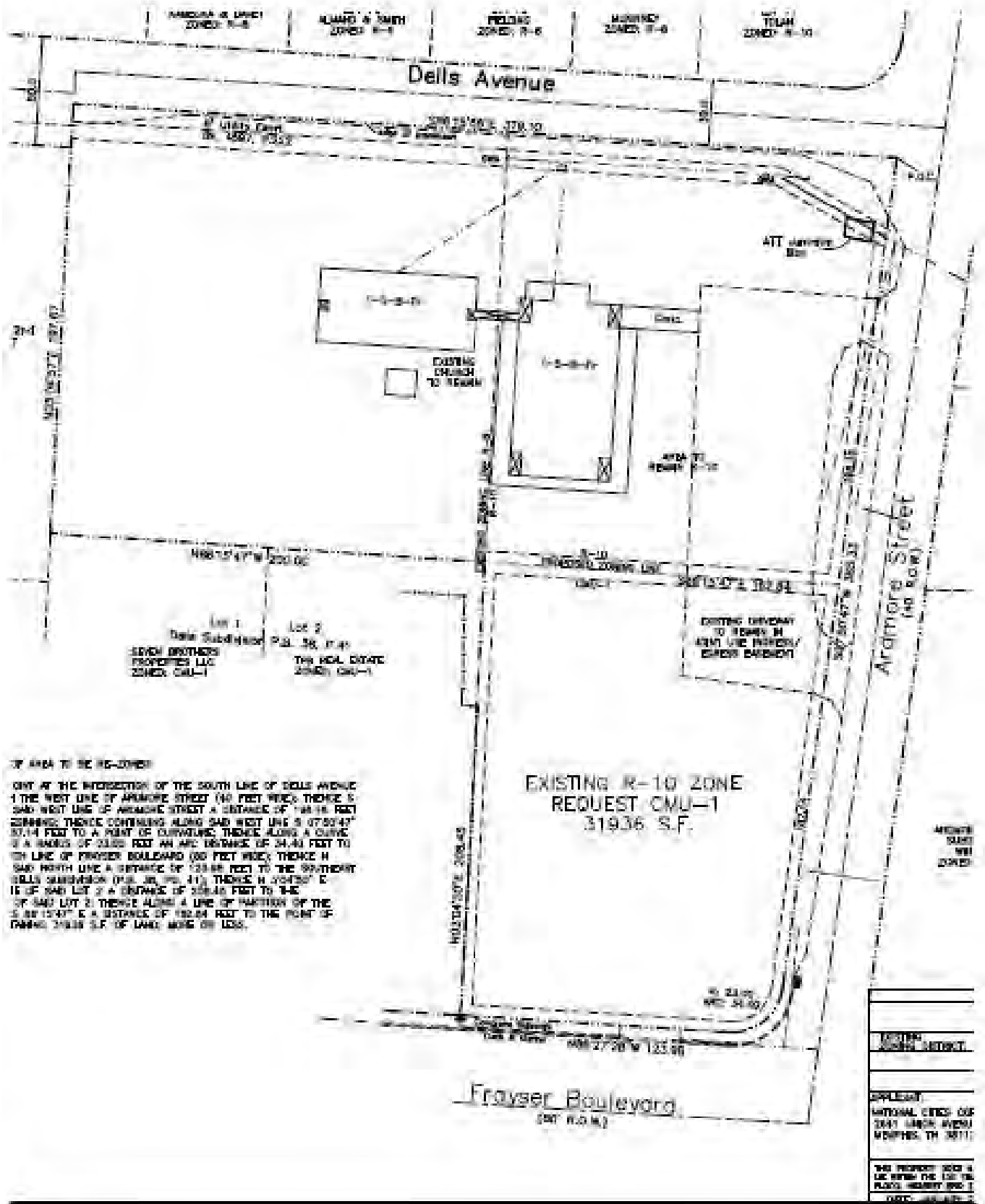
SECTION 3:

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

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

NEIGHBORHOOD MEETING

A neighborhood meeting was held at 7 p.m. on 1 February 2021 via Zoom.

PUBLIC NOTICE

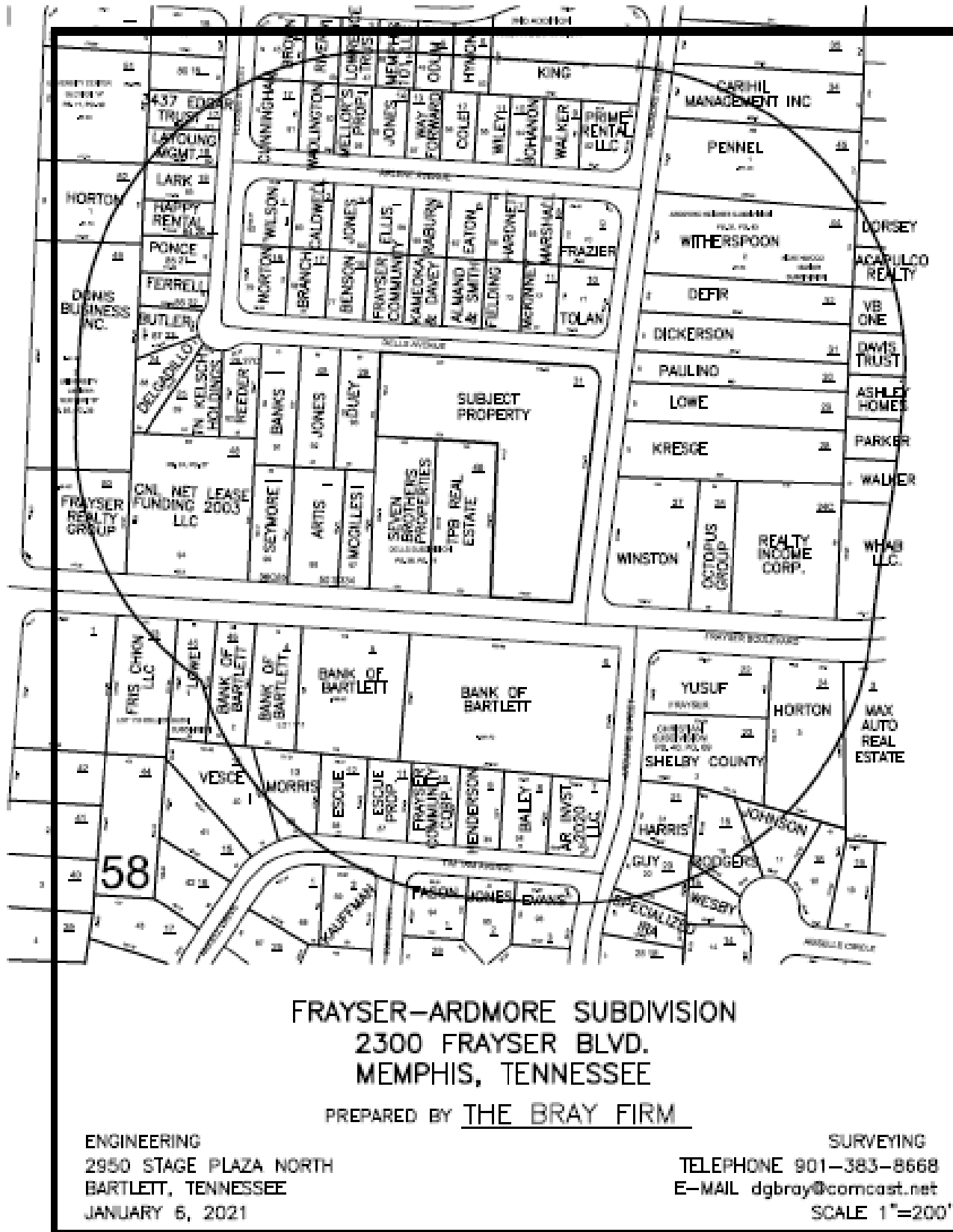
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 102 notices were mailed on 27 January 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Frayser neighborhood

VICINITY MAP



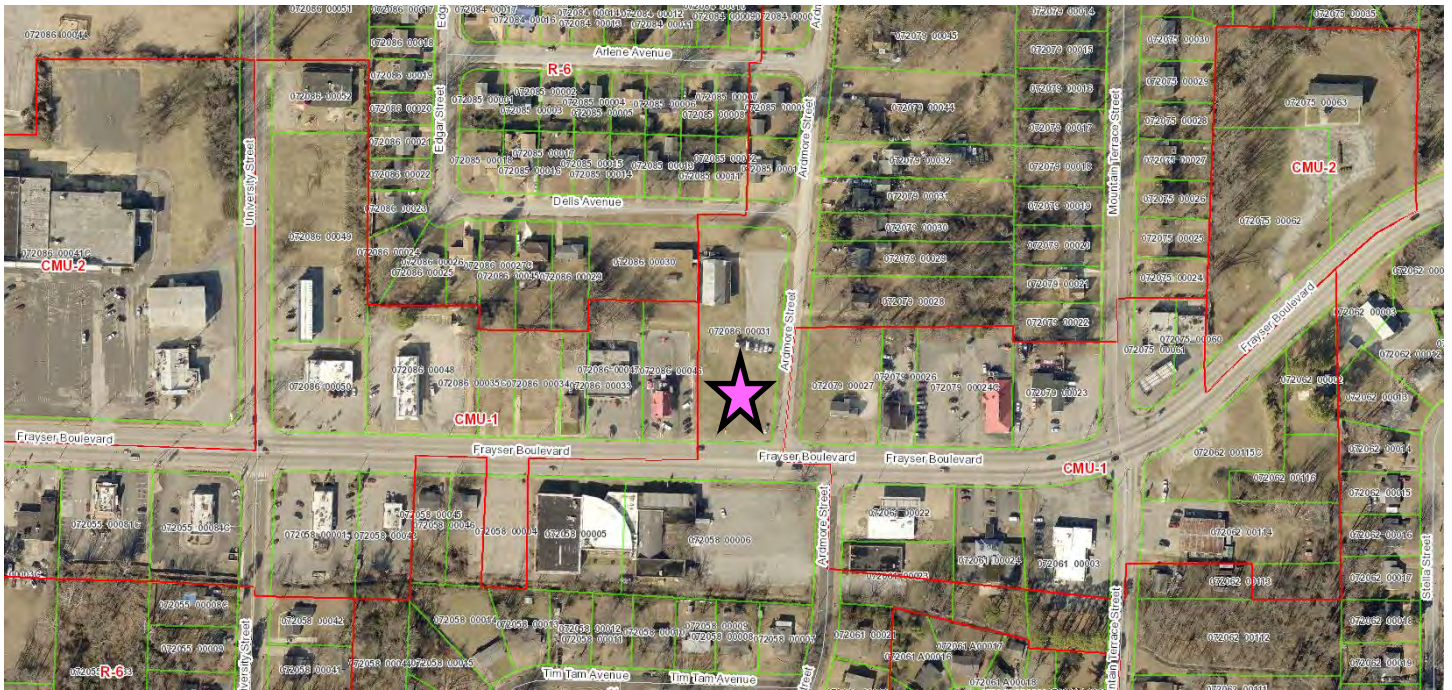
This subject property of this vicinity map includes additional land to be subdivided but not rezoned.

AERIAL PHOTOGRAPH



The subject property is outlined in yellow.

ZONING MAP



Existing Zoning: Residential – 6 and Residential – 10

Surrounding Zoning

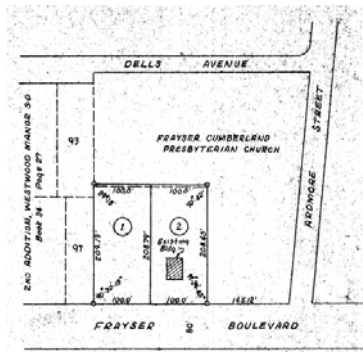
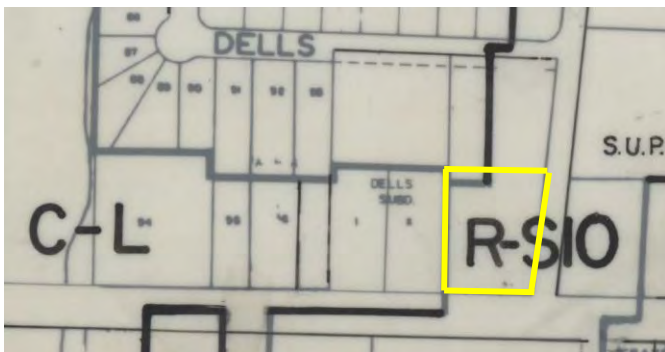
North: Residential – 6 and Residential – 10

East: Commercial Mixed Use – 1

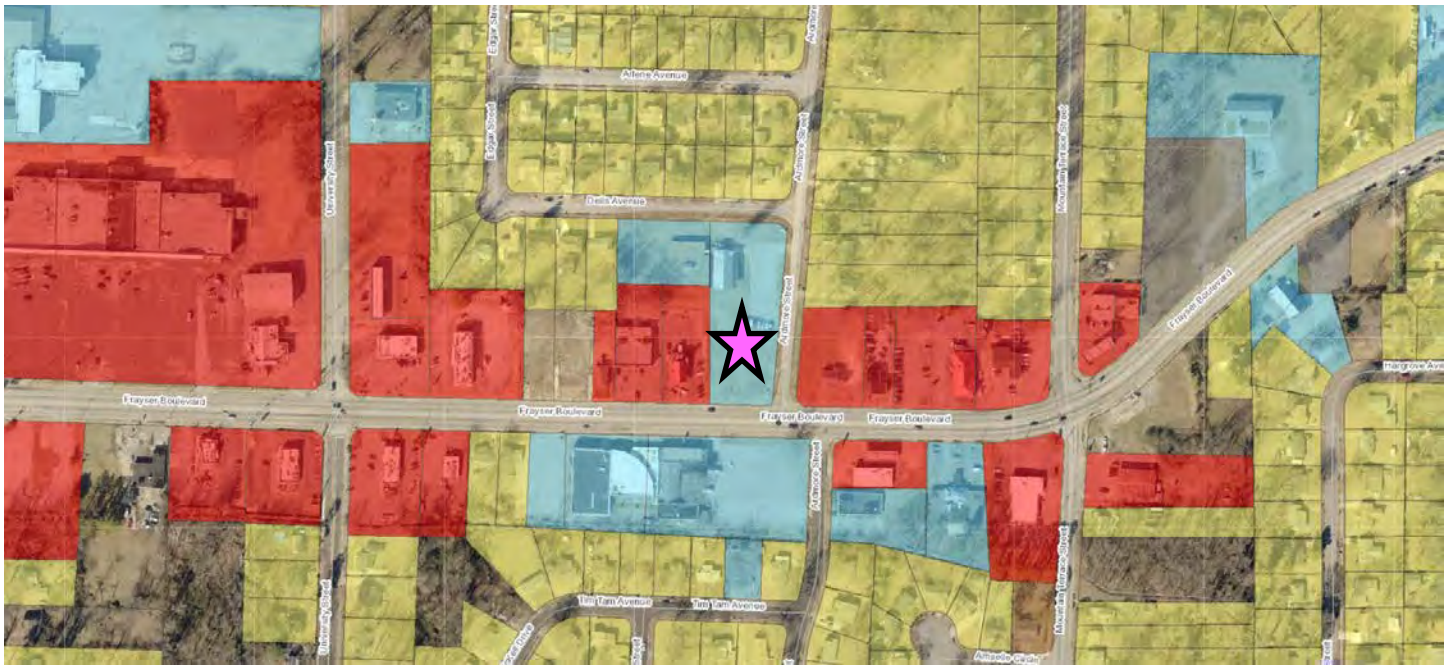
South: Residential – 10

West: Commercial Mixed Use – 1

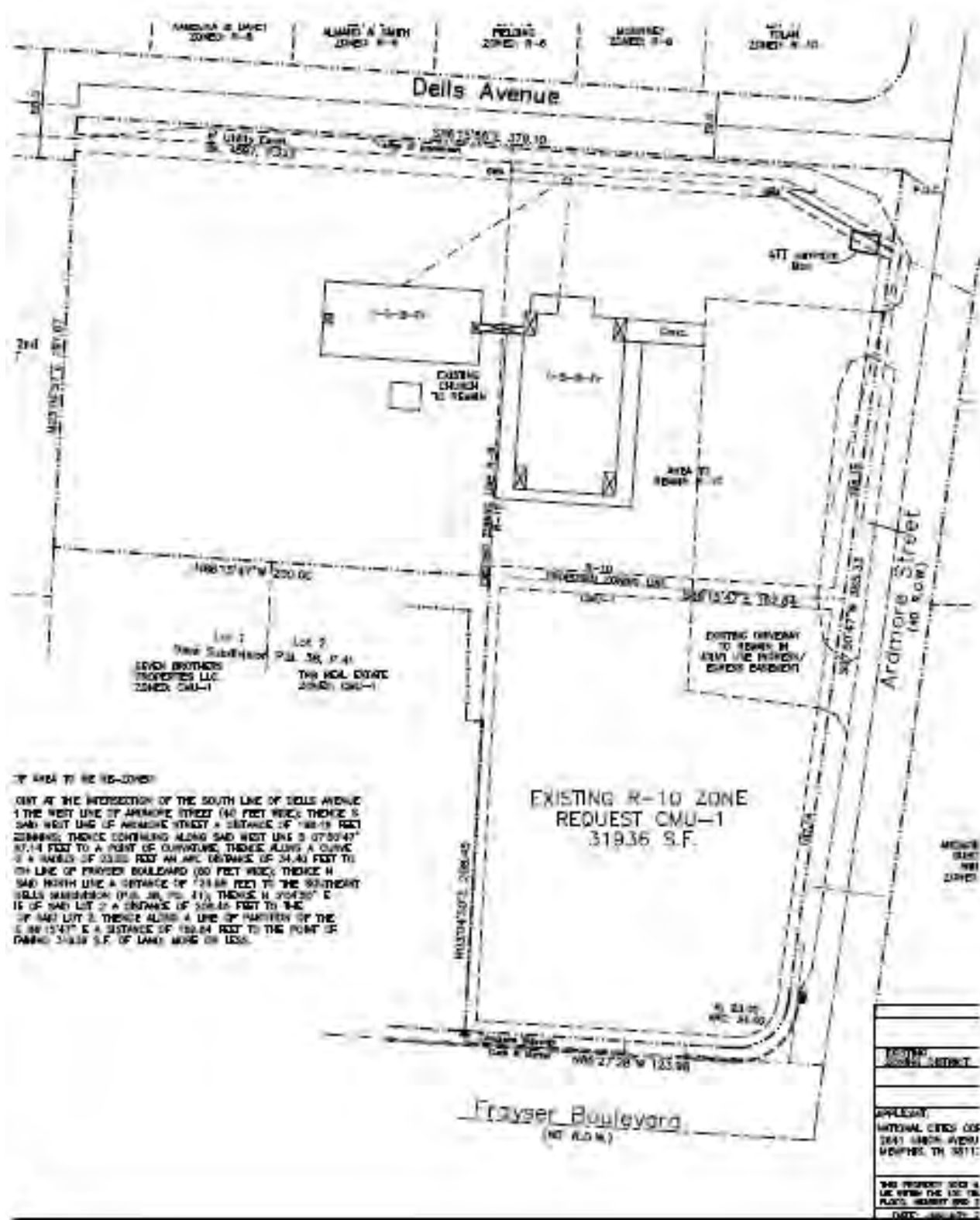
**Please note that historical research shows that the zoning boundaries and parcel boundaries are incorrectly reflected in the online zoning atlas. This issue has been referred to county GIS staff. The hand-drawn zoning atlas of 1980 (page 454) shows the correct boundaries; the adjacent Dells Subdivision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

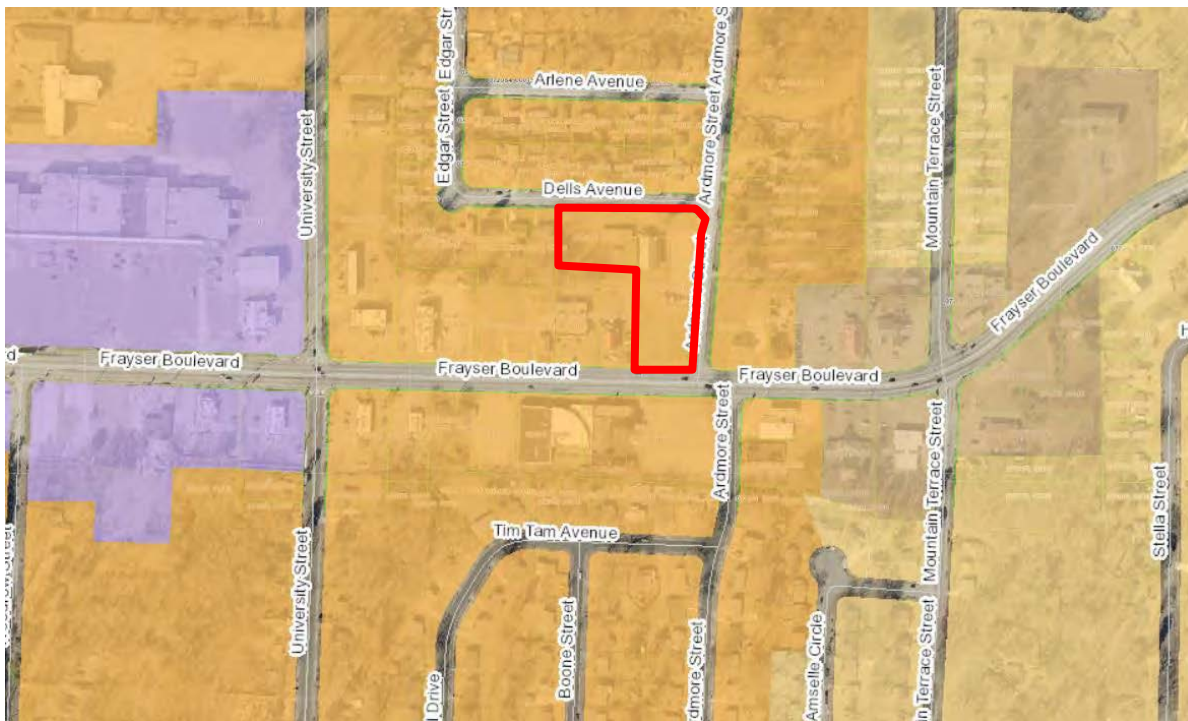
Dept. of Comprehensive Planning:

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.

Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.

APPLICATION

Knowledge Environment (ID: 79287714-82340-4F03-4315-427F80470689)



Memphis and Shelby County
Office of Planning and Development

CITY HALL, 125 NORTH MAIN STREET, SUITE 400 MEMPHIS, TENNESSEE 38103-2064 (901) 576-6661

APPLICATION FOR REZONING APPROVAL

Date: 01.06.2021

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Happy Rental Real Estate LLC Phone #: _____

Mailing Address: 7200 Goodwin Farms Parkway City/State: Cordova TN Zip: 39018

Property Owner E-Mail Address: _____

Applicant: National Cities Corporation Phone #: _____

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

Applicant E-Mail Address: cassee479@aol.com

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Representative E-Mail Address: _____

Engineer/Surveyor: The Bray Firm Phone #: 901.363.8998

Mailing Address: 2950 Stone Place North City/State: Memphis TN Zip: 38134

Engineer/Surveyor E-Mail Address: abrady@brayfirm.com

Street Address Location: 2300 Fryer

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

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.77</u>	_____	_____
Existing Zoning:	<u>P-30</u>	_____	_____
Existing Use of Property:	<u>vacant</u>	_____	_____
Requested Use of Property:	<u>mixed</u>	_____	_____
Requested Zoning:	<u>CNU-1</u>	_____	_____

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

Neighborhood Meeting Requirement Met: Yes or No Yes 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.

Van Mourik 1/7/2021 Marty Mathews 1/7/2021
Property Owner of Record Date 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,

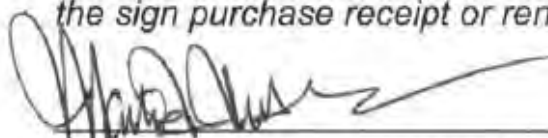
David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

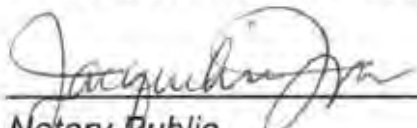
I, _____, being duly sworn, depose and say that at _____ am/pm on the 15 day of January, 2021, I posted _____ Public Notice Sign(s) pertaining to Case No. _____ at _____, providing notice of a Public Hearing before the _____ Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board 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 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:

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

Page 2 of 7

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

Page 3 of 7

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 196th Ave. SE
Renton, WA 98058-0320

Resident
3403 Edgar St.
Memphis, TN 38127

Olan Butler
14362 W. 142nd 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 th 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

Page 5 of 7

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 27th 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. 20th 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

Page 7 of 7

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.

AGENDA ITEM: 15

CASE NUMBER: Z21-01 **LU.CB. MEETING:** February 11th, 2021

LOCATION: South side of East Holmes Road: +/-1,534.97 feet west of Pleasant Hill Road

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

OWNER(S)/ APPLICANT(S): David V. Couch

REQUEST: Conservation Agriculture (CA) District to Employment (EMP) District

AREA: 4.05 Acres

EXISTING LAND USE & ZONING: Vacant, wooded land in Conservation Agriculture (CA) District

CONCLUSIONS:

1. 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.
2. 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.
3. 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.

CONSISTENCY WITH MEMPHIS 3.0

Based on future land use planning, the existing land use and adjacent zoning, this zoning request for a reclassification of property **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan

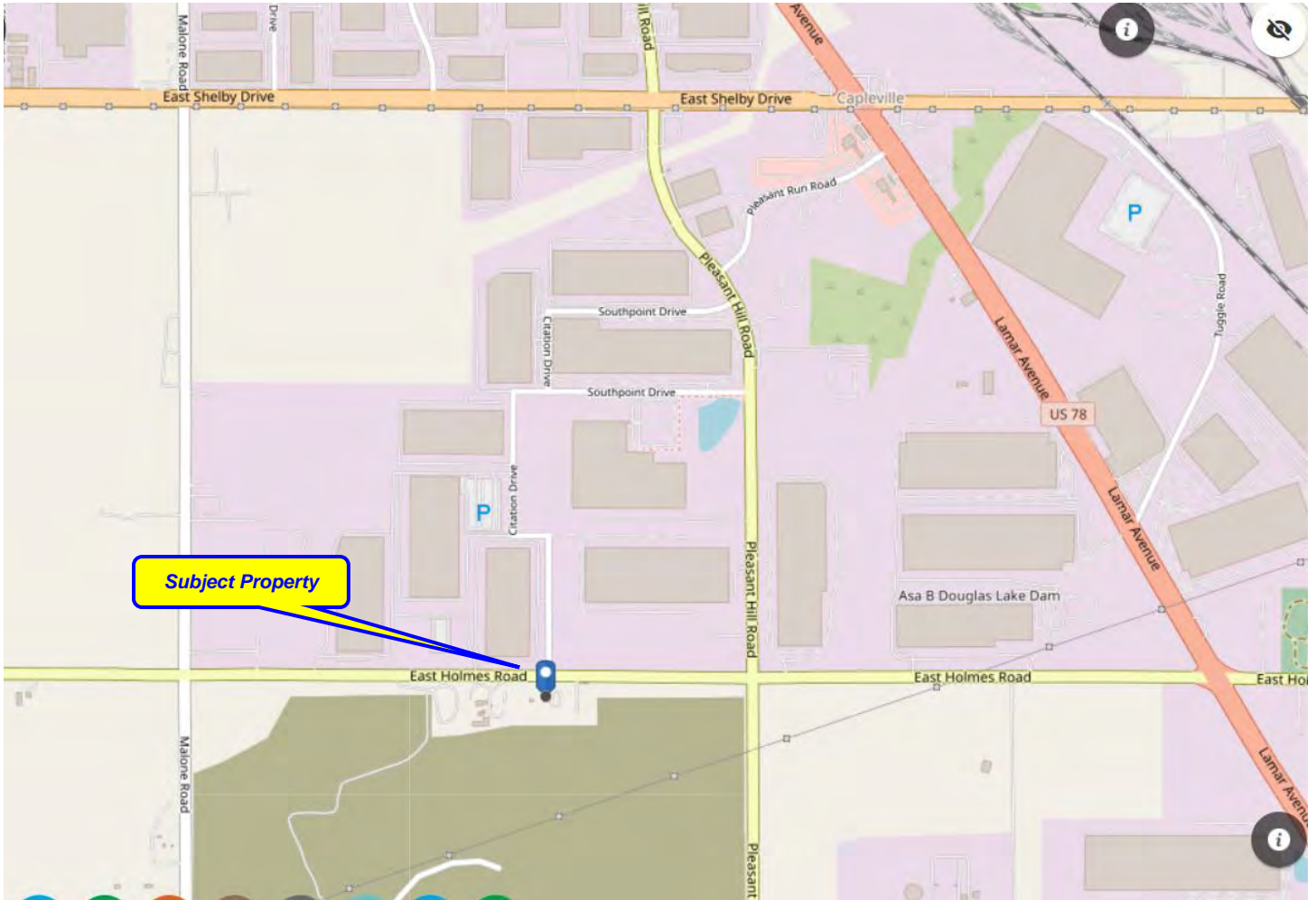
OFFICE OF PLANNING & DEVELOPMENT RECOMMENDATION

Approval

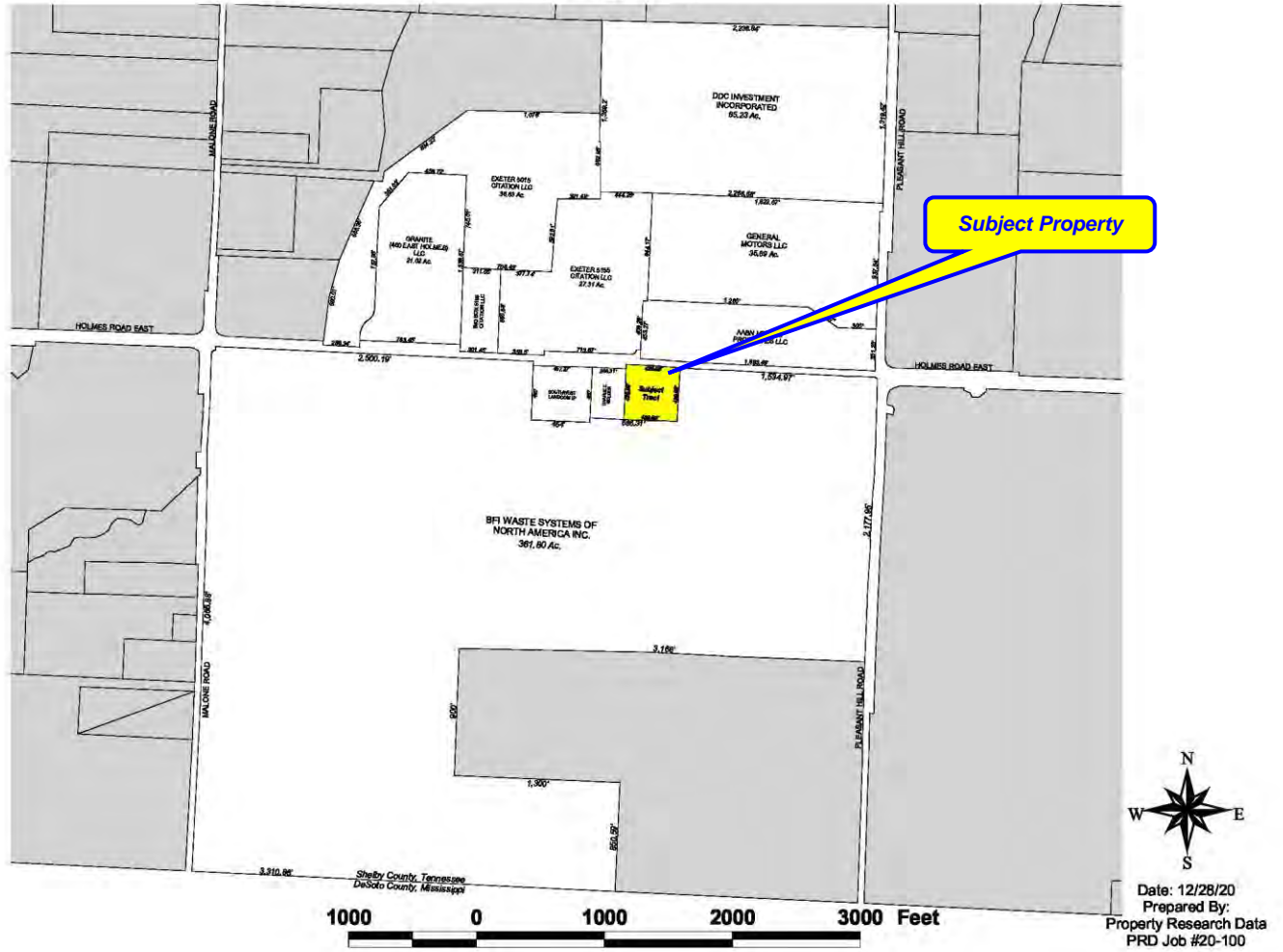
Staff Planner: Brian Bacchus

Email: brian.bacchus@memphistn.gov

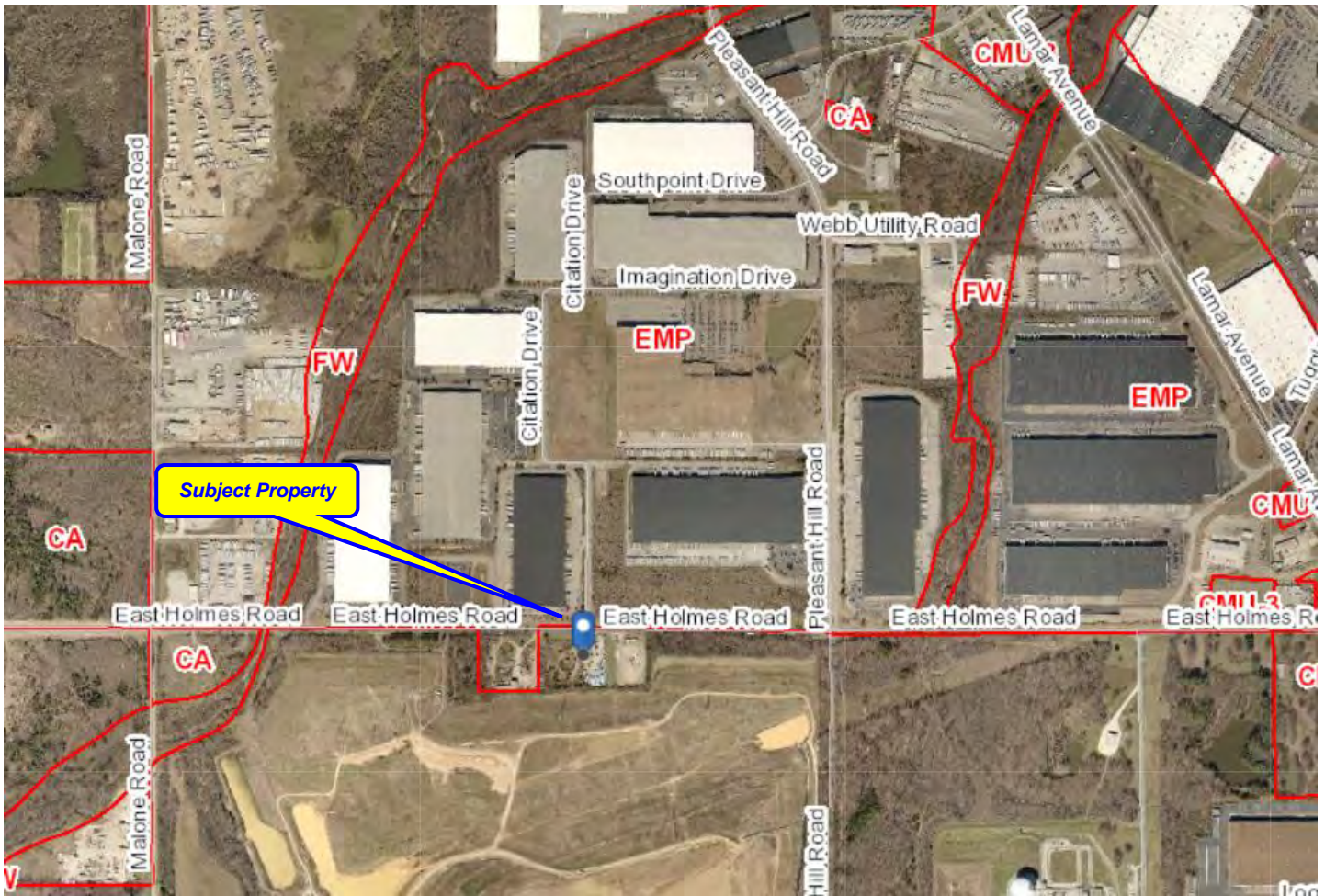
Planning Area



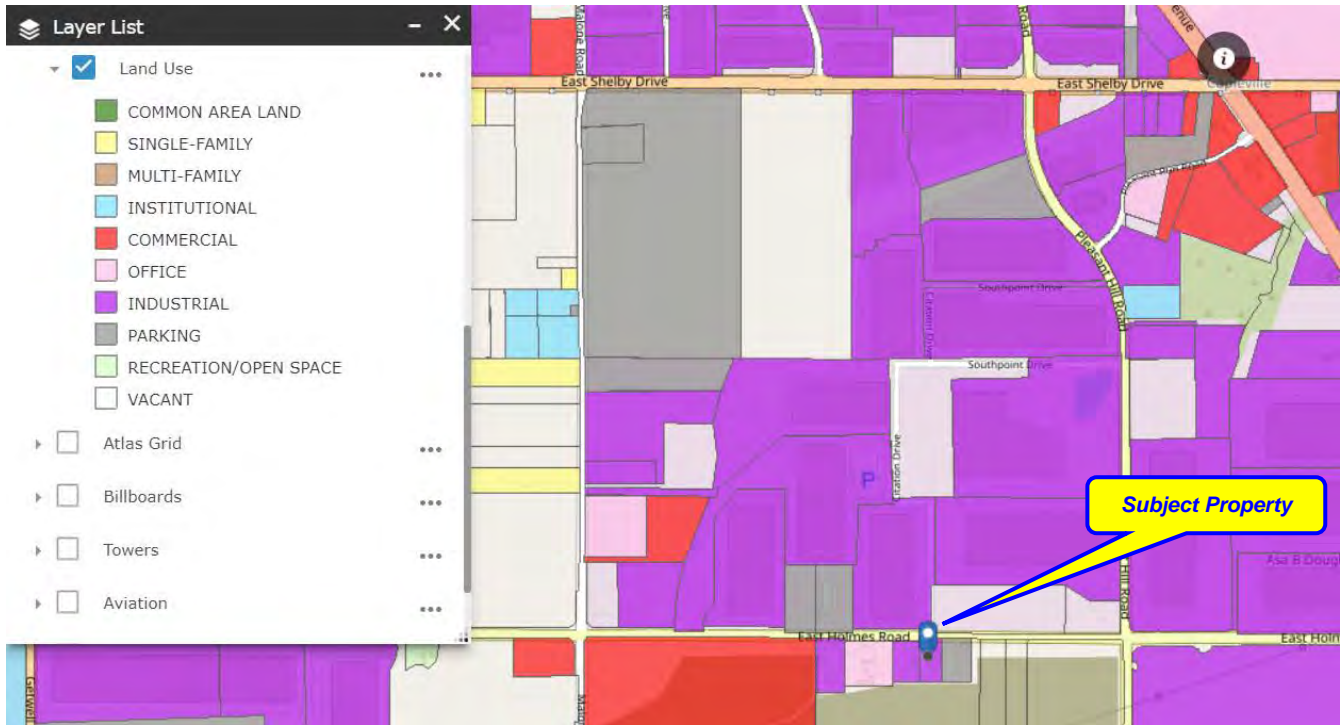
Vicinity Map



Zoning



Land Use



Surrounding Land Use & Zoning

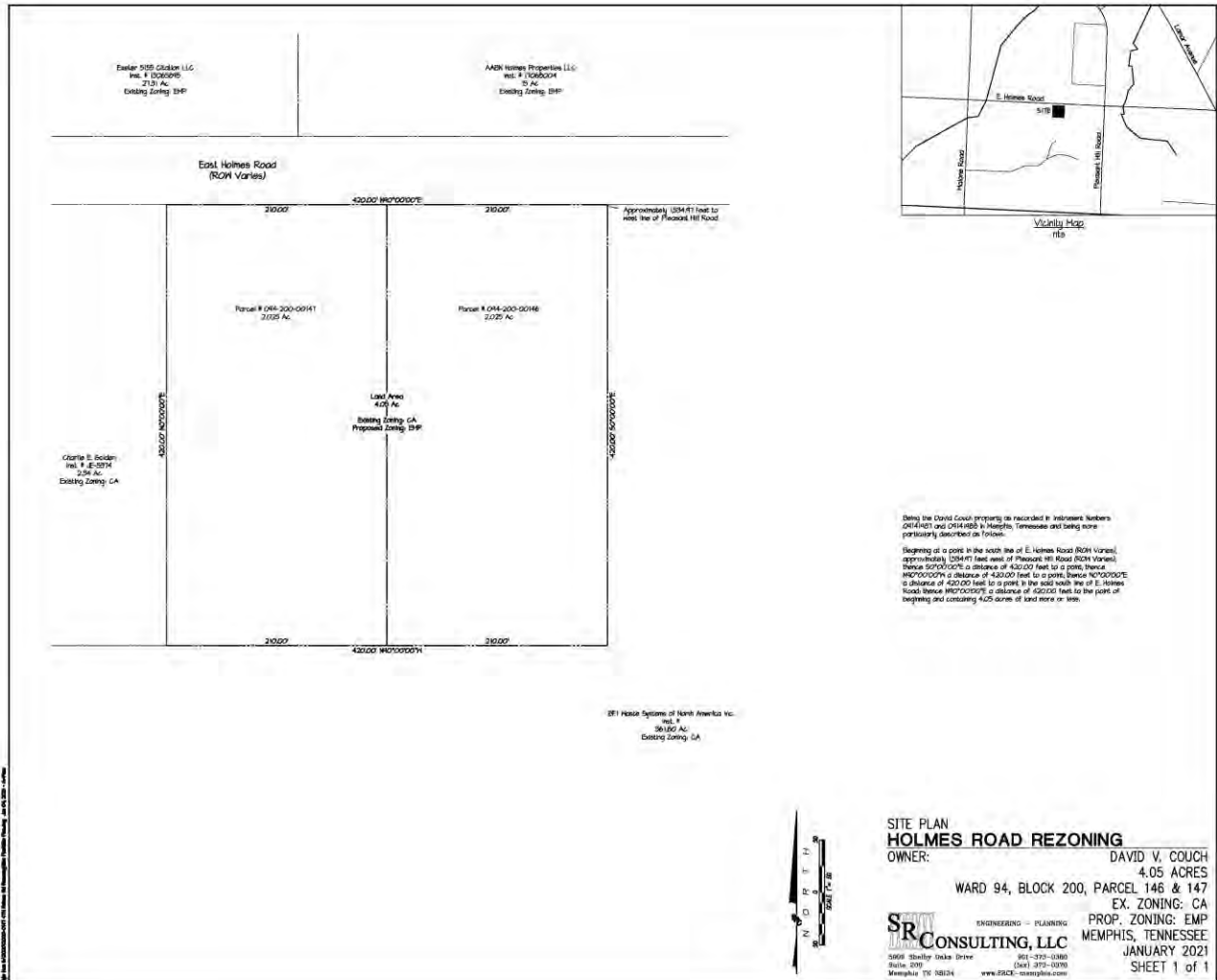
North: Large warehouse and distribution facilities in Employment (EMP) District.

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 26th, 2021.
Public Hearing Notices mailed on Friday, January 29th, 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 Urmy, 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.

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.

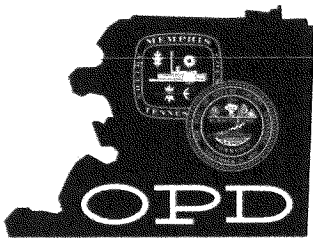
Construction Code Enforcement: No comments received.

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

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

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

420.00' N0°00'00"E

420.00' S0°00'00"E

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

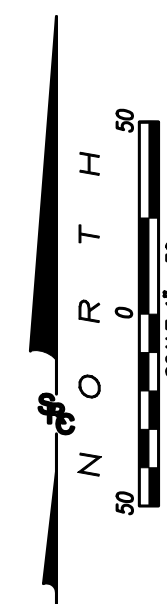
JANUARY 2021

SHEET 1 of 1

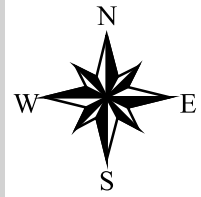
SR CONSULTING, LLC

ENGINEERING - PLANNING

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



Vicinity Map



Shelby County, Tennessee
 DeSoto County, Mississippi

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

BFI Waste Systems Of North America Inc.
P O Box 29246
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5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Couch David V
9950 Center Hill Road
Collierville, TN 38017

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Collierville, TN 38017

Couch David V
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.

	
09141987	
12/11/2009 - 11:51 AM	
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
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this the 24th 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

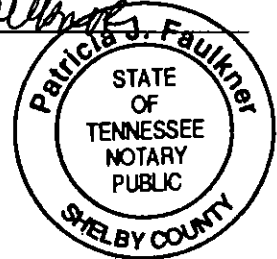
By David V. Couch
Name: DAVID V. COUCH
Title: Chief Manager

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 24th 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

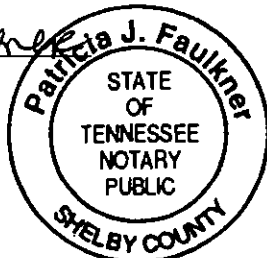
PREPARER: Olen M. Bailey, Jr.
5100 Wheelis Drive, Suite 215
Memphis, Tennessee 38117

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 24th 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.

	
09141988	
12/11/2009 - 11:51 AM	
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
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this the 24th 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

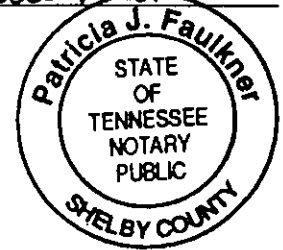
STATE OF TENNESSEE:
COUNTY OF SHELBY:

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 24th 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

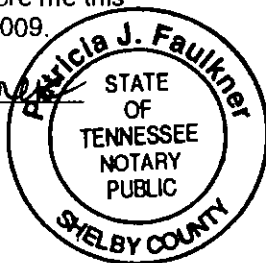
PREPARER: Olen M. Bailey, Jr.
5100 Wheelis Drive, Suite 215
Memphis, Tennessee 38117

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 24th 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 11th, 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,

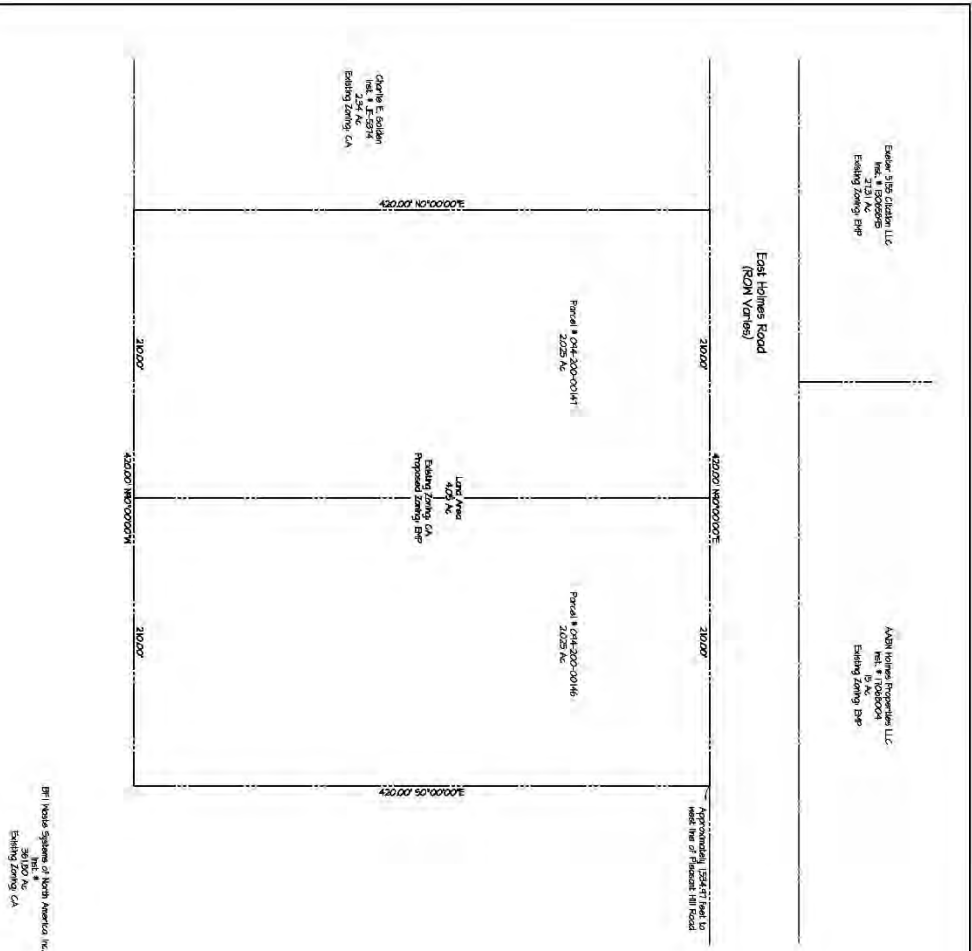


Brian S. Bacchus
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN

014 San 643000000-0017 011 Issues for Planning/ Public Hearing Jan 04, 2021 - 6:45pm



Being the David Couch property as recorded in instrument numbers 0414847 and 0414198 by Memphis, Tennessee and being more particularly shown here on this plan.

Beginning at a point in the south line of E. Holmes Road (ROM Yards), thence North 89° 59' 59.99\"



SITE PLAN
HOLMES ROAD REZONING
 OWNER: DAVID V. COUCH
 4.05 ACRES
 WARD 94, BLOCK 200, PARCEL 146 & 147
 PROP. ZONING: EMP
 EX. ZONING: CA
SR CONSULTING, LLC
 ESTABLISHING PLANNING
 5600 Shelby Oaks Drive
 Suite 200 TN 38134
 901-379-0880
 901-379-0880
 www.srconsulting.com

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

March 2nd, 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

**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 11th, 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 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

