

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 12/21/2021
DATE
PUBLIC SESSION: 12/21/2021
DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a Truck Stop and Retail Building
CASE NUMBER: PD 21-36
DEVELOPMENT: Holmes Road Vehicle Service Center Planned Development
LOCATION: 3670 Holmes Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Malik Rupani
REPRESENTATIVE: Dedrick Brittenum, Jr.
EXISTING ZONING: Conservation Agriculture (CA)
REQUEST: Truck Stop and Retail Building at the northwest corner of Getwell and Holmes
AREA: +/-6.0 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
12/9/2021 _____ 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>
<u>Teresa H. Shelton</u>	<u>12/13/2021</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>[Signature]</u>	<u>12/13/21</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-36 – Holmes Road Vehicle Service Center Planned Development

Resolution requesting a Truck Stop and Retail Building planned development at 3670 Holmes 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): Malik Rupani; Applicant(s): and Representative(s): Dedrick Brittenum, Jr; 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 HOLMES ROAD VEHICLE SERVICE CENTER – TRUCK STOP AND RETAIL BUILDING AT THE SUBJECT PROPERTY LOCATED AT 3670 HOLMES ROAD, KNOWN AS CASE NUMBER PD 21-36.

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, Malik Rupani filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Truck stop and retail building planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 9, 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 site and 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**

SITE CONDITIONS

1. Only one (1) curb cut on Holmes and two (2) curb cuts on Getwell will be allowed. No curb cuts will be allowed less than 300 feet from the intersection centerlines of Holmes and Getwell.
2. Final plan will be approved administrative through the Division of Planning and Development.
3. All outline plan conditions will remain applicable unless modified by the Division of Planning and Development.

OUTLINE CONDITIONS

I. USES PERMITTED:

A. ANY USE PERMITTED BY RIGHT IN THE EMPLOYMENT (EMP) DISTRICT AS ILLUSTRATED ON THE CONCEPT PLAN WITH EXCEPTION OF THE FOLLOWING.

1. FUNERAL SERVICES
2. INDOOR RECREATION
3. OVERNIGHT LODGING
4. OUTDOOR RECREATION
5. OUTDOOR ADVERTISING SIGN
6. FARMERS MARKET
7. GREENHOUSE OR NURSERY
8. MINI STORAGE
9. VEHICLE SALES SERVICES AND REPAIR
10. WATER ORIENTED
11. LIGHT INDUSTRIAL
12. WAREHOUSE
13. DISTRIBUTION
14. HEAVY INDUSTRIAL
15. WASTE RELATED SERVICE
16. RESOURCE EXTRACTION

II. BULK REGULATIONS:

A. THE BULK REGULATIONS OF THE EMPLOYMENT (EMP) DISTRICT SHALL APPLY

III. ACCESS, CIRCULATION, AND PARKING:

- A. ONE (1) CURB CUT SHALL BE ALLOWED ALONG GETWELL ROAD AS INDICATED ON THE CONCEPT PLAN.
- B. ONE (1) POINT OF ACCESS SHALL BE ALLOWED ALONG E. HOLMES ROAD AS INDICATED ON THE CONCEPT PLAN.
- C. ALL PARKING AND LOADING SHALL BE IN ACCORDANCE WITH SECTION 4.5 OF THE UDC.

IV. LANDSCAPING AND SCREENING:

- A. THE LANDSCAPING AND SCREENING SHALL BE AS GENERALLY DEPICTED AND ILLUSTRATED ON THE CONCEPT PLAN. IN ADDITION, THERE SHALL BE A MINIMUM BUFFER WIDTH OF FIFTEEN (15) FEET BETWEEN ANY ADJACENT PARCEL OR TRACT IN CA DISTRICT ZONING.
- B. THE PUBLIC STREETSCAPE PLANTING OF TREES AND SHRUBS ALONG THE PUBLIC ROADS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH SECTION 4.6.5 OF THE UDC. THE TREELINE SHALL BE SUPPLEMENTED AS NEEDED TO MAINTAIN ADEQUATE STREETSCAPES.
- C. THE INTERNAL PRIVATE DRIVE SHALL BE LANDSCAPED WITH STREET TREES AND SHRUBS.
- D. INTERNAL PARKING LOT LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE UDC. THE LANDSCAPED AREAS SHALL NOT CONFLICT WITH

WHEREVER FEASIBLE DRAINAGE SEWER, UTILITY EASEMENTS, INCLUDING OVERHEAD WIRES.

E. THE INTERNAL PARKING LOT FOR LARGE TRACTOR TRAILER TRUCKS SHALL NOT BE REQUIRED TO HAVE LANDSCAPE ISLANDS.

F. ALL HEATING AND AIR CONDITIONING EQUIPMENT

V. SIGNS, OUTDOOR SITE LIGHTING AND BUILDING ELEVATIONS:

A. ONE (1) MONUMENT STYLE SIGN AT THE IMMEDIATE INTERSECTION SHALL BE PERMITTED A MAXIMUM SIGN AREA OF EIGHTY (80) SQUARE FEET PER FACE AND A MAXIMUM HEIGHT OF TEN (10) FEET.

B. ALL ATTACHED BUILDING SIGNS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UDC FOR CMU-3.

C. ANY SITE LIGHTING AND PARKING LOT LIGHTING SHALL BE DESIGNED TO DIRECT LIGHTING AWAY FROM PUBLIC ROADS. THE PARKING LOT LIGHT STANDARDS SHALL BE A MAXIMUM OF TWENTY-FIVE (25) FEET IN HEIGHT WITHIN 200 FEET OF RESIDENTIAL AND A MAXIMUM OF 35 FEET OTHERWISE.

D. THE BUILDING ELEVATIONS SHALL COMPLY WITH THE DESIGN PRINCIPLES OF PARAGRAPH 9.24.9E(1) BUILDING MASS AND SCALE OF THE UDC.

VI. DRAINAGE:

A. AN OVERALL GRADING AND DRAINAGE PLAN FOR THE SITE SHALL BE SUBMITTED TO THE CITY ENGINEERS PRIOR TO APPROVAL OF THE OUTLINE/FINAL PLAN.

B. 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 DRAINAGE DESIGN MANUAL.

C. DRAINAGE DATA FOR ASSESSMENT OF ON-SITE DETENTION REQUIREMENTS SHALL BE SUBMITTED TO THE CITY ENGINEER, IF NECESSARY.

VII. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:

A. THE CONCEPT PLAN CONDITIONS; AND

B. A STANDARD SUBDIVISION CONTRACT AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE FOR ANY REQUIRED PUBLIC IMPROVEMENTS.

C. THE EXACT LOCATIONS AND DIMENSIONS INCLUDING HEIGHT OF BUILDINGS, PARKING AREAS, UTILITY EASEMENTS, DRIVES AND REQUIRED LANDSCAPING AND SCREENING FOR THIS DEVELOPMENT;

D. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT;

E. ALL COMMON OPEN AREAS, DRAINAGE DETENTION FACILITIES, PRIVATE STREETS, PRIVATE SEWERS AND PRIVATE DRAINAGE SYSTEMS SHALL BE OWNED AND MAINTAINED BY THE APPLICANT PROPERTY OWNER. A STATEMENT TO THIS EFFECT SHALL BE SHOWN ON THE FINAL PLAN;

F. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAN OF 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 PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE

PERFORMED TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED 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; MOVING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES.”

- G. THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE REQUIREMENTS OF ANY COMMON OPEN SPACE AREAS; AND
- H. A FINAL PLAN SHALL BE FILED WITHIN FIVE (5) YEARS OF APPROVAL OF THE CONCEPT PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT; AND
- I. THE LAND USE CONTROL BOARD MAY MODIFY THE BULK, ADDRESS, PARKING, LANDSCAPING, LOADING, SCREENING, SIGNS, AND OTHER SITE DESIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED FOR PROJECT REVIEW.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, December 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-36

DEVELOPMENT: Holmes Road Vehicle Service Center

LOCATION: 3670 Holmes Road

COUNCIL DISTRICT(S): District 3 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Malik Rupani

REPRESENTATIVE: Dedrick Brittenum, Jr

REQUEST: Truck Stop and Retail Building at the northwest corner of Getwell and Holmes planned development

EXISTING ZONING: Conservation Agriculture (CA)

AREA: +/-6.0 acres

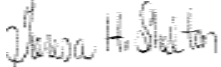
The following spoke in support of the application: None

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 8-0 on the consent agenda.

Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PD 21-36
CONDITIONS

1. Only one (1) curb cut on Holmes and two (2) curb cuts on Getwell will be allowed. No curb cuts will be allowed less than 300 feet from the intersection centerlines of Holmes and Getwell.
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OUTLINE CONDITIONS

PD 21-36

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AGENDA ITEM: 8

CASE NUMBER: PD 21-36 **L.U.C.B. MEETING:** December 9, 2021
DEVELOPMENT: Holmes Road Vehicle Service Center
LOCATION: 3670 Holmes Road
COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Malik Rupani/Dedrick Brittenum, Jr.
REPRESENTATIVE: Dedrick Brittenum, Jr.
REQUEST: Truck stop and retail building at northwest corner of Getwell and Holmes
AREA: +/-6.0 acres
EXISTING ZONING: Conservation Agriculture (CA)

CONCLUSIONS

1. The applicant is requesting Truck stop and retail building at northwest corner of Getwell and Holmes.
2. The site plan is in conformance with the outline plan conditions along with the landscape plans which has been submitted as part of this development.
3. The subject property is currently vacant and the lot design will create a more desirable layout at the intersection of E. Holmes Road and Getwell Road.
4. The proposed addition of a landscaping buffer will create a more desirable and aesthetically pleasing buffer in the neighborhood.
5. 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

Based on surrounding land uses, this proposal is consistent with Memphis 3.0. See further analysis on page 16 of this report.

RECOMMENDATION

Approval with conditions.

GENERAL INFORMATION

Street Frontage: East Holmes Rd +/-1,953.6 curvilinear feet
Getwell Rd +/-2,885.0 linear feet

Zoning Atlas Page: 2540

Parcel ID: 094100 00314

Existing Zoning: Conservation Agriculture (CA)

NEIGHBORHOOD MEETING

The meeting was held at 12:00 PM on Saturday, November 20, 2021, at the NW corner of E. Holmes & Getwell.

There were no responses or attendees for neighborhood meeting.

thx
JB

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 14 notices were mailed on November 23, 2021, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behrke, being duly sworn, depose and say that at 1:00 am/pm on the 3rd day of November, 2021, I posted a Public Notice Sign(s) pertaining to Case No. PD 21-036 at the NW corner of Holmes and Getwell providing notice of a Public Hearing before the xxx Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (xxx 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.

John Behrke Nov. 4th, 2021
Owner, Applicant or Representative Date

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

[Signature]
Notary Public

My commission expires **COMMISSION EXPIRES
APRIL 22, 2022**



PD 21-036

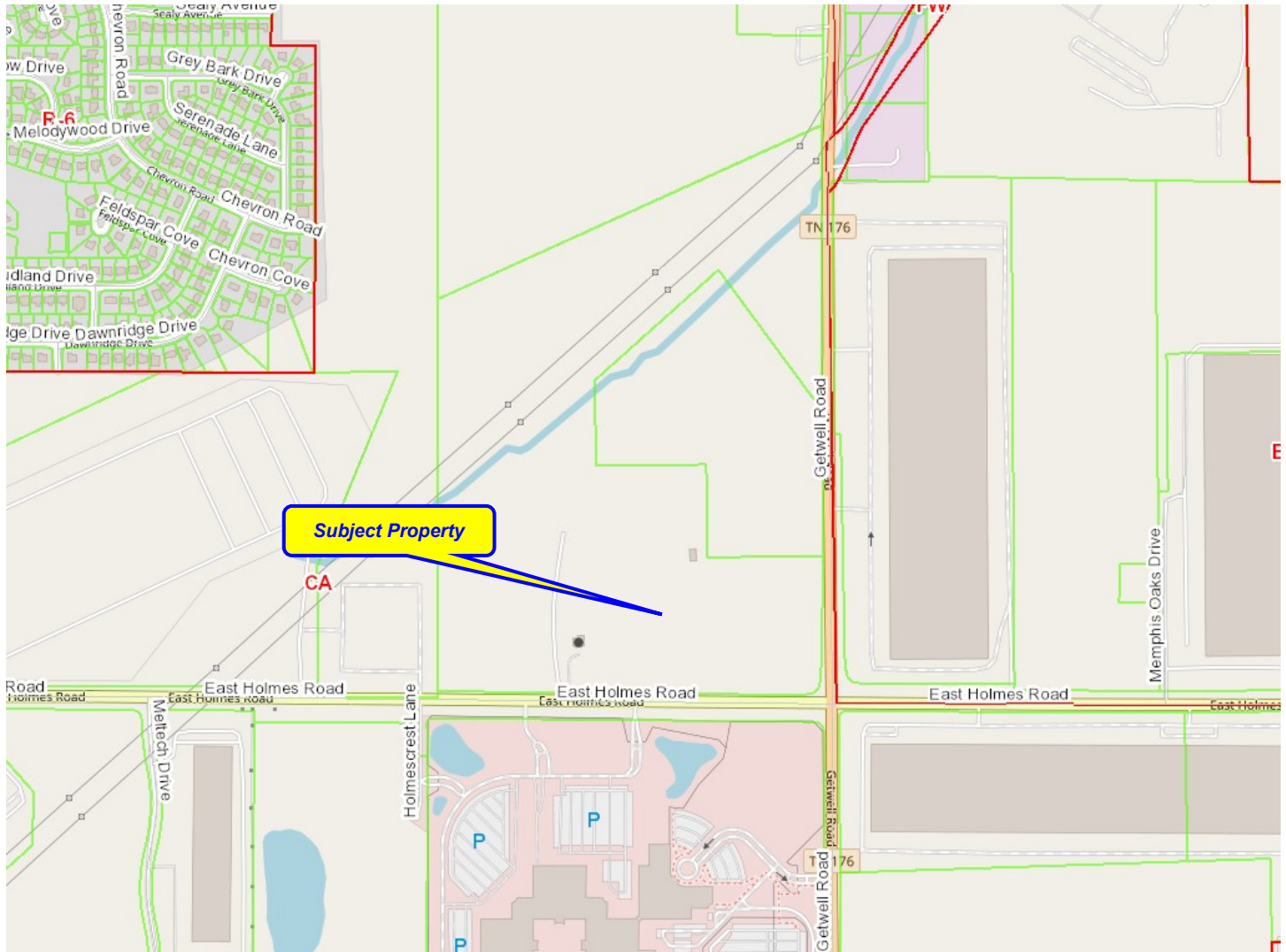


View -- to East on Holmes

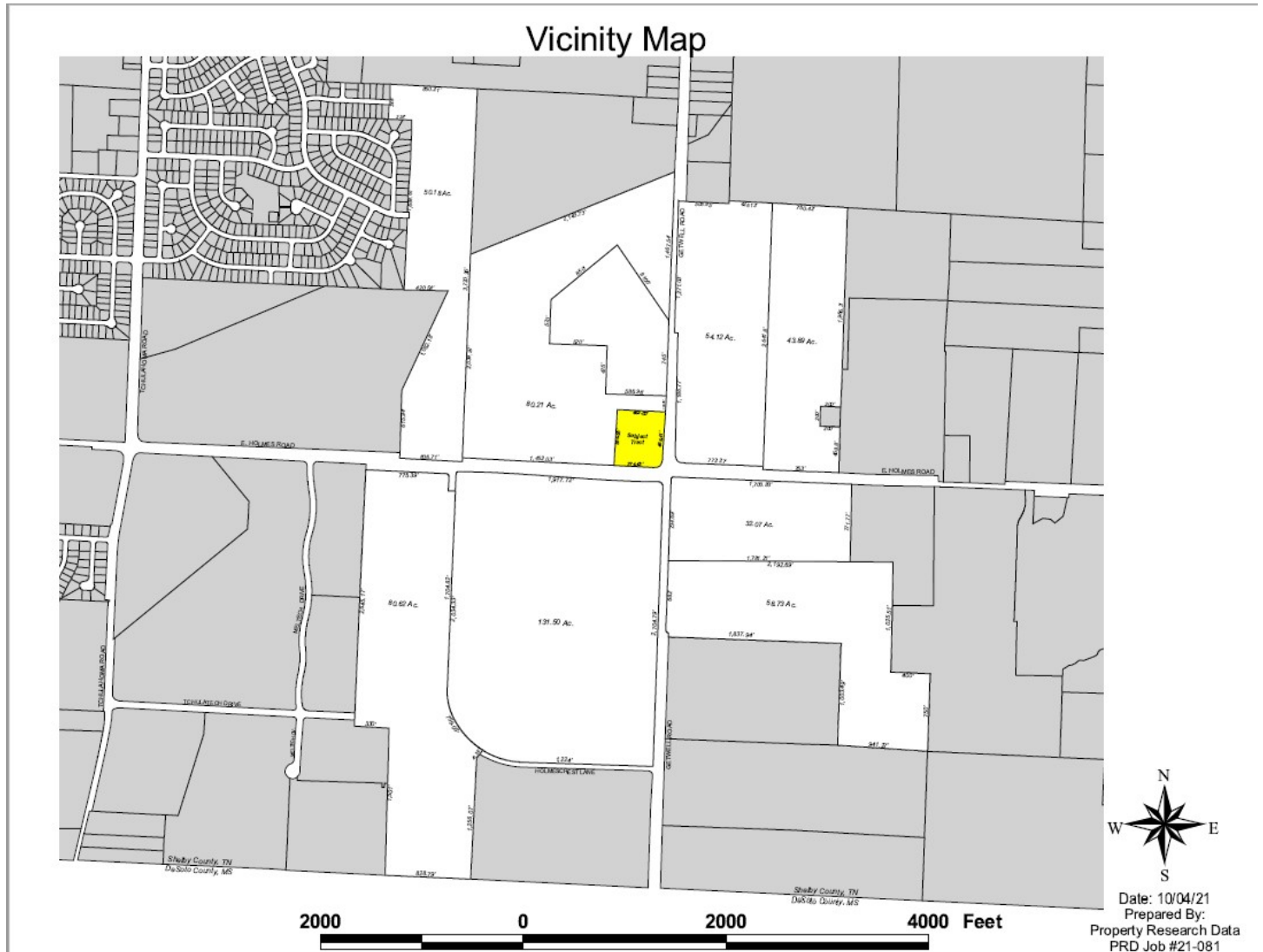


View -- to North on Holmes

PLANNING AREA



VICINITY MAP



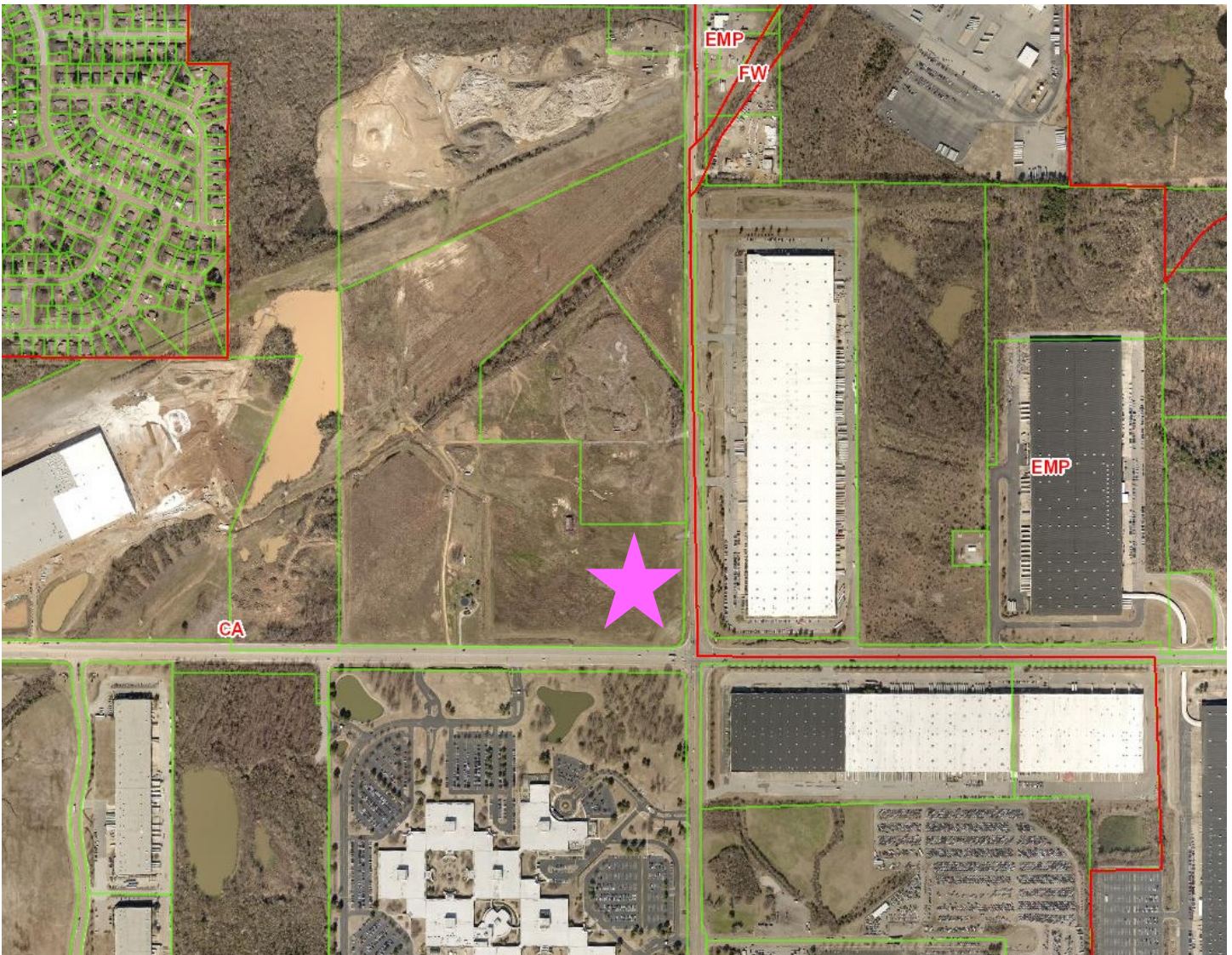
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



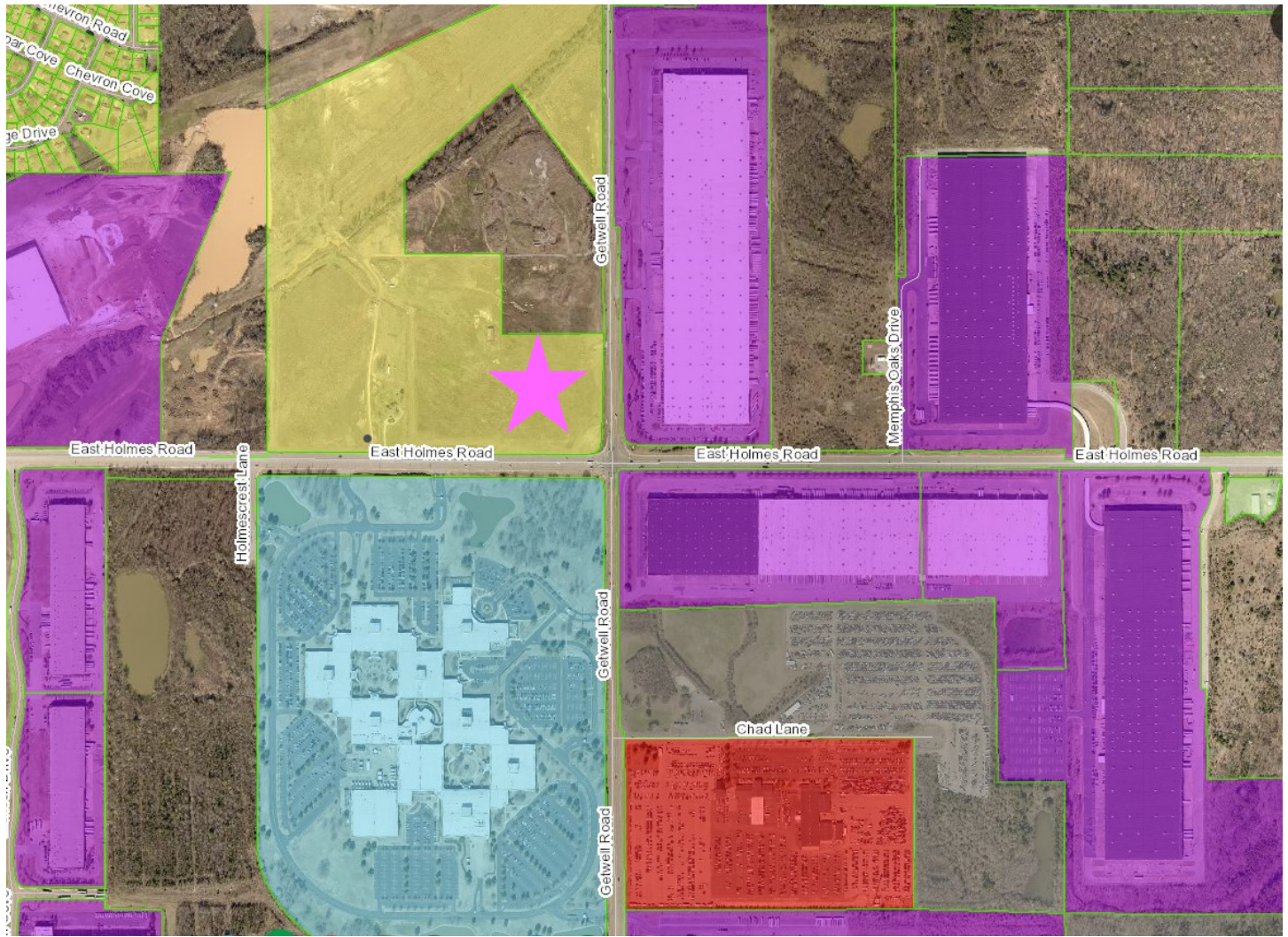
Subject property indicated by pink star

Existing Zoning: Conservation Agriculture (CA)










Surrounding Zoning

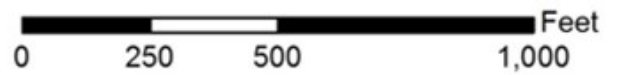
- North:** EMP and FW
- East:** EMP
- South:** CA
- West:** CMU-2, RU-3, & CA

LAND USE MAP



LandUse

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



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from intersection of Holmes and Getwell Rd



View of subject property at the corner of Holmes and Getwell Rd looking north



View of subject property at the corner of Holmes and Getwell Rd looking northwest



View of C store from street

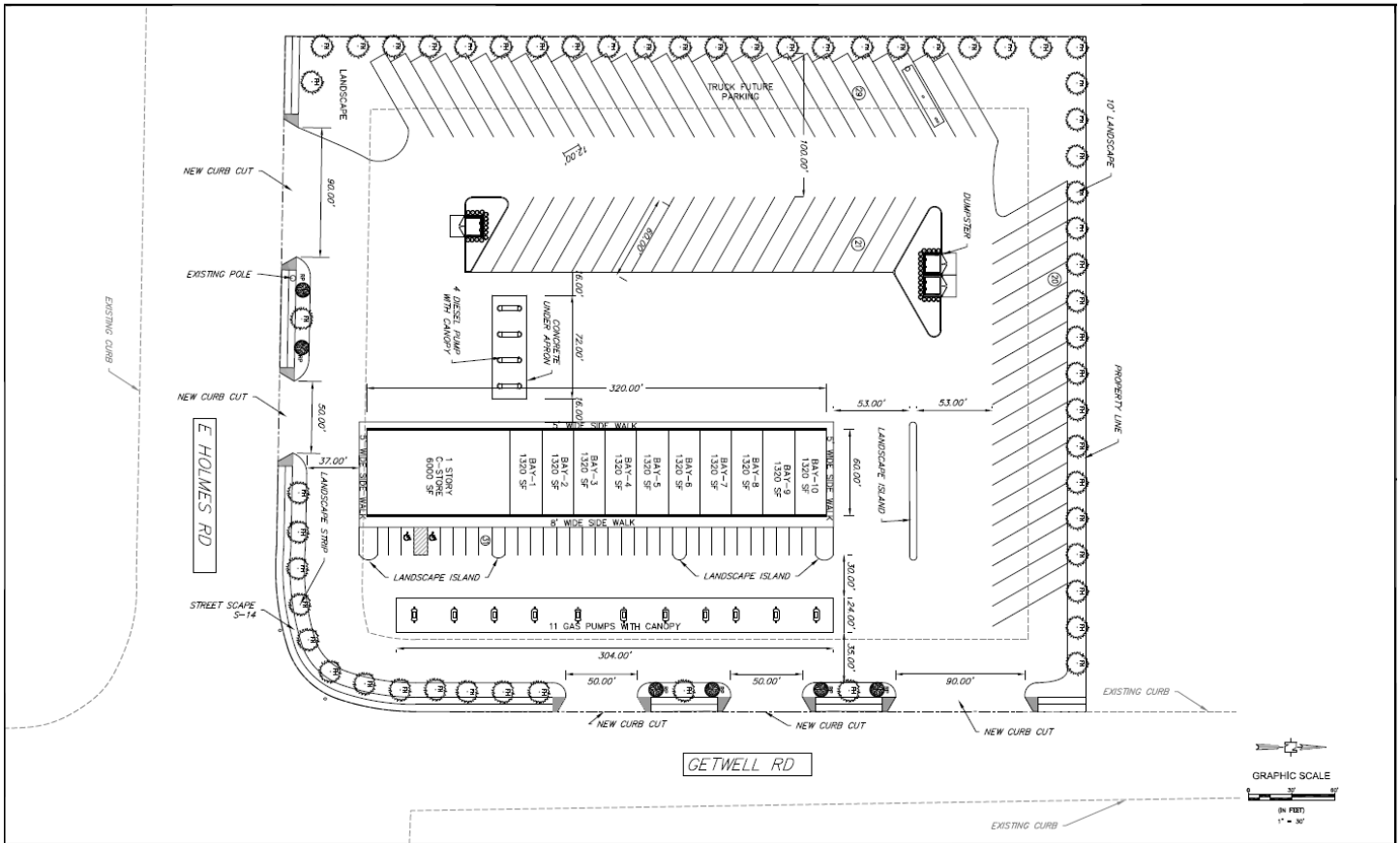


View of rental space from street



View of rental bays

NEW REVISED SITE PLAN



OUTLINE CONDITIONS

OUTLINE CONDITIONS

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 - E. THE INTERNAL PARKING LOT FOR LARGE TRACTOR TRAILER TRUCKS SHALL NOT BE REQUIRED TO HAVE LANDSCAPE ISLANDS.
 - F. ALL HEATING AND AIR CONDITIONING EQUIPMENT,

VI. DRAINAGE:

- A. AN OVERALL GRADING AND DRAINAGE PLAN FOR THE SITE SHALL BE SUBMITTED TO THE CITY ENGINEERS PRIOR TO APPROVAL OF THE OUTLINE/FINAL PLAN.
- B. 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 DRAINAGE DESIGN MANUAL.
- C. DRAINAGE DATA FOR ASSESSMENT OF ON-SITE DETENTION REQUIREMENTS SHALL BE SUBMITTED TO THE CITY ENGINEER, IF NECESSARY.

VII. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:

- A. THE CONCEPT PLAN CONDITIONS; AND
- B. A STANDARD SUBDIVISION CONTRACT AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE FOR ANY REQUIRED PUBLIC IMPROVEMENTS;
- C. THE EXACT LOCATIONS AND DIMENSIONS INCLUDING HEIGHT OF BUILDINGS, PARKING AREAS, UTILITY EASEMENTS, DRIVES AND REQUIRED LANDSCAPING AND SCREENING FOR THIS DEVELOPMENT;
- D. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT;
- E. ALL COMMON OPEN AREAS, DRAINAGE DETENTION FACILITIES, PRIVATE STREETS, PRIVATE SEWERS AND PRIVATE DRAINAGE SYSTEMS SHALL BE OWNED AND MAINTAINED BY THE APPLICANT PROPERTY OWNER. A STATEMENT TO THIS EFFECT SHALL BE SHOWN ON THE FINAL PLAN;
- F. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAN OF 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 PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED 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; MOVING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES."
- G. THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE REQUIREMENTS OF ANY COMMON OPEN SPACE AREAS; AND
- H. A FINAL PLAN SHALL BE FILED WITHIN FIVE (5) YEARS OF APPROVAL OF THE CONCEPT PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT; AND
- I. THE LAND USE CONTROL BOARD MAY MODIFY THE BULK, ACCESS, PARKING, LANDSCAPING, LOADING, SCREENING, SIGNS AND OTHER SITE DESIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED FOR PROJECT REVIEW.

V. SIGNS, OUTDOOR SITE LIGHTING AND BUILDING ELEVATIONS:

- A. ONE (1) MONUMENT STYLE SIGN AT THE IMMEDIATE INTERSECTION SHALL BE PERMITTED A MAXIMUM SIGN AREA OF EIGHTY (80) SQUARE FEET PER FACE AND A MAXIMUM HEIGHT OF TEN (10) FEET.
- B. ALL ATTACHED BUILDING SIGNS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UDC FOR CMU-3.
- C. ANY SITE LIGHTING AND PARKING LOT LIGHTING SHALL BE DESIGNED TO DIRECT LIGHTING AWAY FROM PUBLIC ROADS. THE PARKING LOT LIGHT STANDARDS SHALL BE A MAXIMUM OF TWENTY-FIVE (25) FEET IN HEIGHT WITHIN 200 FEET OF RESIDENTIAL AND A MAXIMUM OF 35 FEET OTHERWISE.
- D. THE BUILDING ELEVATIONS SHALL COMPLY WITH THE DESIGN PRINCIPLES OF PARAGRAPH 9.24.9E(1) BUILDING MASS AND SCALE OF THE UDC.

STAFF ANALYSIS

Request

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

The request is for a Truck stop and retail building at northwest corner of Getwell and Holmes.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

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

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

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

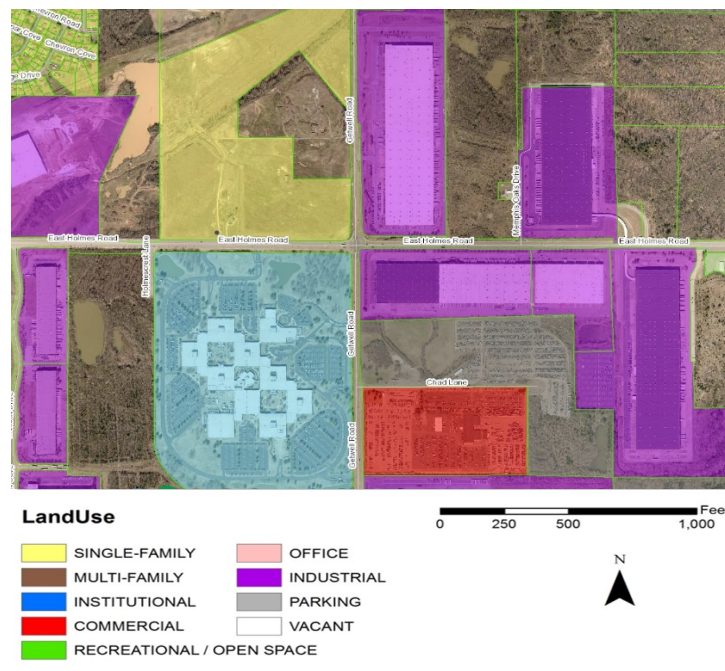
No special use permit or planned development shall be approved unless the following findings are made

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.

Consistency with Memphis 3.0

Based on surrounding land uses, this proposal is consistent with Memphis 3.0.



Conclusions

The applicant is requesting Truck stop and retail building at northwest corner of Getwell and Holmes.

The site plan is in conformance with the outline plan conditions along with the landscape plans which has been submitted as part of this development.

The subject property is currently vacant and the lot design will create a more desirable layout at the intersection of E. Holmes Road and Getwell Road.

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 site condition and outline plan conditions.

Conditions

1. Only one (1) curb cut on Holmes and two (2) curb cuts on Getwell will be allowed. No curb cuts will be allowed less than 300 feet from the intersection centerlines of Holmes and Getwell.
2. Final plan will be approved administrative through the Division of Planning and Development.
3. All outline plan conditions will remain applicable unless modified by the Division of Planning and Development.

Outline Plan Conditions (See pages 12-13)

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

11. Property is land locked therefore no curb cuts will be permitted.

Drainage:

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

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

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

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

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

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

18. If the State will not issue an ARAP Permit for the concrete channel lining of the major drainage way, a drainage easement - unbuildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.

Site Plan Notes:

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

City Fire Division:

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

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

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

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

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Holmes Road Vehicle Service Center

Property Owner of Record: Lunati Tucker Partnership Phone #: _____

Mailing Address: 7170 Stout Road City/State: Germantown TN Zip 38138

Property Owner E-Mail Address: _____

Applicant: Malik Rupani Phone # 901-910-8334

Mailing Address: Ran Management , 319 Poplar Avenue Lane West City/State: Collierville TN Zip 38017

Applicant E- Mail Address: davn.ranmanagement@gmail.com

– Representative: Dedrick Brittenum Phone #: 901-347-3978

Mailing Address: 3385 Airways Blvd, Suite 229 City/State: Memphis TN Zip 38116

Representative E-Mail Address: db@brittenumlaw.com

– Engineer/Surveyor: Mid South Engineering Support LLC Phone # _____

Mailing Address: 4090 Airline Road City/State: Arlington TN Zip 38028

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 3670 Holmes Road, Memphis, TN

Distance to nearest intersecting street: The property is located at NW corner of the intersection of Holmes Road and Getwell road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>6 acre</u>	_____	_____
Existing Zoning:	<u>C-Agriculture</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>Truck stop, tractor Trailer (loading of), Store w/gas pumps, Gas Station, Commerical electric vehicle charging station</u>	_____	_____

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

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

Number of Residential Units: _____ Bedrooms: _____

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

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

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

4.10.3 Planned Development General Provisions

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

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

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

The proposed development will not unduly injure or damage the use, value and enjoyment of the surrounding properties. The said property is located at the NW corner of Holmes Road and Getwell Road. The majority of properties in the vicinity of this property are being used for warehouse and light industrial. The property south of this is used for office use.

- 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.

An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development will be provided concurrent with the development. These utilities are already existing in the area and the proposed development will connect to the existing utilities.

- 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 location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses. The majority of surrounding structures are single story and are used for light industrial or warehouse use. There is an office south of this property. Like other surrounding facilities, some parking

- 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 development is consistent with the district standards. The applicant is requesting EMP zoning through this application. Any uses that are permitted under EMP and may have adverse impact on the surroundings are listed in the outline condition as exempted use.

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

The owner of the development will be responsible for maintaining any and all common open space and/or common elements.

- 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: 10/5/2021 with Brian Bucchus

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.

Joseph A. [Signature] 10-07-21 [Signature] 10/07/2021
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

Brittenum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

7 October 2021

Via Hand Delivery

Josh Whitehead, AICP
Planning Director / Administrator
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, TN 38103

RE: 3670 Holmes Road - Application for Planned Development Approval
Requested Use: Truck Stop with Convenience Store

Dear Administrator Whitehead:

I represent Mr. Malik Rupani for approval of a Planned Development at the above tract for use as a truck stop. The subject property is currently zoned Conservation Agriculture (CA) and is vacant land. The application requests approval of the planned development in an area that has a predominance of industrial zoning districts and distribution uses because of approved planned developments. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed truck stop will provide needed services for the various trucking, distribution and industrial facilities in the immediate area. The approved planned development project will complement and enhance the existing uses in the surrounding area of Holmes Road and Getwell Road. Enclosed is the Application for Planned Development Approval for your favorable consideration.

The professionals associated with the development are:

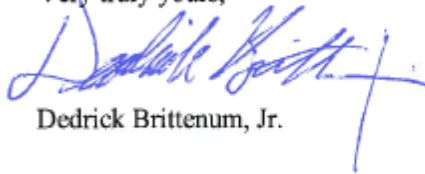
Design Group Architects
Mid-South Engineering Support LLC
BEST Real Estate Company
RAN Management Company LLC

The planning objective of the applicant provides for convenient, efficient and safe trucking and vehicle services to an important and growing employment district in the red-hot airport property sector. Although the subject site is in an area labeled Open Space & Natural Features by Memphis 3.0, other studies of the area show planned business park and employment/

industrial uses consistent with smart growth policies. The intersection of Holmes Road and Getwell Road is an anchor that is becoming a key activity node. The development will incorporate the latest and most advanced designs, safety and requested amenities for the trucking industry such as electric charging stations. This is a great opportunity to position the subject site for the existing and growing demand for services at the intersection of major transportation corridors while meeting the highest and best use criteria for land use. At construction and upon completion, the development will contribute to the economic impact the area is producing now and provide additional jobs without the benefit of a PILOT.

Thank you for time to review the application and setting it for hearing before the LUCB. On behalf of the applicant and the development team, support for approval is requested for this application. I appreciate your attention and should you have questions or comments, please advise. I remain,

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dedrick Brittenum, Jr.", with a stylized flourish extending to the right.

Dedrick Brittenum, Jr.

enclosure

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behnke, being duly sworn, depose and say that at 1:00 am/pm on the 3rd day of November, 2021, I posted a Public Notice Sign(s) pertaining to Case No. PD 21-036 at the NW corner of Holmes and Getweel, providing notice of a Public Hearing before the xxx Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (xxx 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.

John Behnke
Owner, Applicant or Representative

Nov. 4th, 2021
Date

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

Terryle Lane Traylor
Notary Public

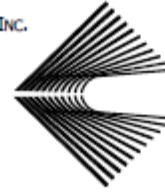
My commission expires **MY COMMISSION EXPIRES**
APRIL 22, 2022



LETTERS RECEIVED

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

METRO CABLE INSTALLATION CO., INC.
COMMWORLD OF MEMPHIS
4848 GETWELL ROAD
MEMPHIS, TENNESSEE 38118
901.362.0048
FAX: 901.362.5403



COMMWORLD™

EMAIL: COMMWORLDMEMPHIS@ATT.NET

November 15, 2021

Ms. Teresa Shelton
Memphis and Shelby County Division of Planning and Development
125 N. Main St., 4th Floor
Memphis, TN 38103

Mr. John Behnke
Spire Enterprise
P.O. Box 770065
Memphis, TN 38177

DPD Case Number: PD 21-036

To Whom It May Concern,

I am writing to tell you that we are vehemently **APPOSED** to the development proposed in the letter dated November 3rd, 2021. The development of a Truck Stop and "Retail Shopping" would be a detriment to the area. Please note the following area of concerns:

1. The traffic along Getwell Road has increased exponentially in the past few years with the additional warehouses built in the area with **NO IMPROVEMENTS** to the infrastructure of Getwell Road. I understand that Getwell Road is designated as State of Tennessee Road 176, and as such TDOT would be in-charge of improvements, but Getwell Road improvements are not on the TDOT list at this time to my knowledge. The City of Memphis and Shelby County need to motivate and encourage the local state representatives to be pro-active in this matter sooner rather than later.

a. Getwell Road has **NO TURN LANE** South from Shelby Drive to E. Holmes Road. This causes multiple cases of re-end accidents as drivers stop to turn left into existing businesses.

b. The traffic increase has caused a noted increase in traffic accidents on Getwell. There are several per week. We have had an employee involved in one and property damage result from another. I have assisted victims in other accidents.

c. A police escort has to be employed daily for employees to safely exit the warehouse directly across from the proposed site. This causes a severe delay in traffic flow, then to add traffic attempting to turn right or left out of the proposed site would only add to the confusion and chaos so close to the intersection with E. Holmes Road.



d. There have been several severe accidents on Getwell Road and E. Holmes Road resulting in injury and death. Adding additional vehicles exiting and entering the traffic at such a busy intersection is going to result in additional accidents and injury.

e. Major utility services and the supporting wood poles run along that side of Getwell Road. First, they would need to be severely modified as supply lines are numerous and hanging low. Secondly, any accident involving those poles and cables would interrupt service to the small businesses along Getwell Road and cause loss of service and potential loss of revenue.

2. There are already plenty of Truck Stop and "Retail Shopping" locations in the area. The retail is usually of a quality that only serves a distinct portion of the population, such as cell phone, check cashing, barber/hair supplies, nail salon, payday loan, and liquor stores. The "Retail Shopping" would not benefit a great percentage of the population and would in the "For Lease" state more than occupied. As examples of close facilities for establishments having diesel and "Retail Shopping", please review the following locations:

- a. Shelby Drive and Tchulahoma Road. Several Retail bays are empty.
- b. Shelby Drive and Malone Road
- c. Holmes Road and Pleasant Hill Road.

3. The proposed Truck Stop and "Retail Shopping" would damage the existing businesses' revenue stream. If the current establishments that sell food and beverage to drivers and local warehouse workers close, it would leave buildings empty and cause additional blight and be harder to clean up for future development. Abandon buildings are a tempting invitation for thieves and scavengers to dismantle for building material salvage for quick cash. This also gives opportunity to be in the area to potentially burglarize and steal from the small businesses left in the area.

4. Time, energy, effort and financial support may be better served to invest in current establishments' expansion to include Diesel and Truck Stop parking area. These businesses would probably appreciate the opportunity to expand their current business closer to the major throughfare, such as Shelby Drive and Lamar aka Hwy78 / Interstate 22. The location at Shelby Drive and Pleasant Hill Road is a prime example with the recent closing of the 2 large Truck Stops (Love's) on Lamar Avenue south of Shelby Drive. The Exxon location at Shelby Drive and Getwell Road on the North West corner with the vacant restaurant next door. The Valero location on the South West Corner of Shelby Drive also offers a vacant lot behind and continued around to Shelby Drive for expansion. This would allow easier access and exit to the traffic. There is also a location on the east side of Getwell Road south of E. Holmes Road, where there is a turn lane that would be a better location as far a traffic flow is concerned.



I encourage you to visit this portion of Getwell Road, south of Shelby Drive, during Lunch Time (11:30 – 2:00) and at 3:30 to 5:00 pm Monday through Thursday to understand the congestion in this area and how truly frustrating daily driving and traffic is in this area.

Thank you for the opportunity to voice our clear objection to this project. It is hoped that you will take the suggestions in this letter under advisement and act accordingly.

James A Wilson

James A. Wilson, Owner and President

Valerie Beaver

Valerie B. Beaver, Secretary and Vice President



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: Holmes Road Vehicle Service Center

Property Owner of Record: Lunati Tucker Partnership Phone #: _____

Mailing Address: 7170 Stout Road City/State: Germantown TN Zip 38138

Property Owner E-Mail Address: _____

Applicant: Malik Rupani Phone # 901-910-8334

Mailing Address: Ran Management , 319 Poplar Avenue Lane West, City/State: Collierville TN Zip 38017

Applicant E- Mail Address: davn.ranmanagement@gmail.com

~ Representative: Dedrick Brittenum Phone #: 901-347-3978

Mailing Address: 3385 Airways Blvd, Suite 229 City/State: Memphis TN Zip 38116

Representative E-Mail Address: db@brittenumlaw.com

~ Engineer/Surveyor: Mid South Engineering Support LLC Phone # _____

Mailing Address: 4090 Airline Road City/State: Arlington TN Zip 38028

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 3670 Holmes Road, Memphis, TN

Distance to nearest intersecting street: The property is located at NW corner of the intersection of Holmes Road and Getwell road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	6 acre		
Existing Zoning:	C-Agriculture		
Existing Use of Property	Vacant		
Requested Use of Property	Truck stop, tractor Trailer (fueling oil); C-Store w/gas pumps, Gas Station, Commerical electric vehicle charging station		

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

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

Number of Residential Units: _____ Bedrooms: _____

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

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

Yes _____ No **X** _____

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

4.10.3 Planned Development General Provisions

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

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

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

The proposed development will not unduly injure or damage the use, value and enjoyment of the surrounding properties. The said property is located at the NW corner of Holmes Road and Getwell Road. The majority of properties in the vicinity of this property are being used for warehouse and light industrial. The property south of this is used for office use.

- 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.

An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development will be provided concurrent with the development. These utilities are already existing in the area and the proposed development will connect to the existing utilities.

- 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 location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses. The majority of surrounding structures are single story and are used for light industrial or warehouse use. There is an office south of this property. Like other surrounding facilities, some parking

- 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 development is consistent with the district standards. The applicant is requesting EMP zoning through this application. Any uses that are permitted under EMP and may have adverse impact on the surroundings are listed in the outline condition as exempted use.

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

The owner of the development will be responsible for maintaining any and all common open space and/or common elements.

- 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: 10/5/2021 with Brian Bucchus

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.

Joseph A. Smith 10-07-21 [Signature] 10/07/2021
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

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**

Brittenum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

7 October 2021

Via Hand Delivery

Josh Whitehead, AICP
Planning Director / Administrator
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, TN 38103

RE: 3670 Holmes Road - Application for Planned Development Approval
Requested Use: Truck Stop with Convenience Store

Dear Administrator Whitehead:

I represent Mr. Malik Rupani for approval of a Planned Development at the above tract for use as a truck stop. The subject property is currently zoned Conservation Agriculture (CA) and is vacant land. The application requests approval of the planned development in an area that has a predominance of industrial zoning districts and distribution uses because of approved planned developments. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed truck stop will provide needed services for the various trucking, distribution and industrial facilities in the immediate area. The approved planned development project will complement and enhance the existing uses in the surrounding area of Holmes Road and Getwell Road. Enclosed is the Application for Planned Development Approval for your favorable consideration.

The professionals associated with the development are:

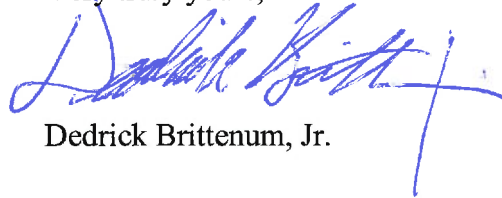
Design Group Architects
Mid-South Engineering Support LLC
BEST Real Estate Company
RAN Management Company LLC

The planning objective of the applicant provides for convenient, efficient and safe trucking and vehicle services to an important and growing employment district in the red-hot airport property sector. Although the subject site is in an area labeled Open Space & Natural Features by Memphis 3.0, other studies of the area show planned business park and employment/

industrial uses consistent with smart growth policies. The intersection of Holmes Road and Getwell Road is an anchor that is becoming a key activity node. The development will incorporate the latest and most advanced designs, safety and requested amenities for the trucking industry such as electric charging stations. This is a great opportunity to position the subject site for the existing and growing demand for services at the intersection of major transportation corridors while meeting the highest and best use criteria for land use. At construction and upon completion, the development will contribute to the economic impact the area is producing now and provide additional jobs without the benefit of a PILOT.

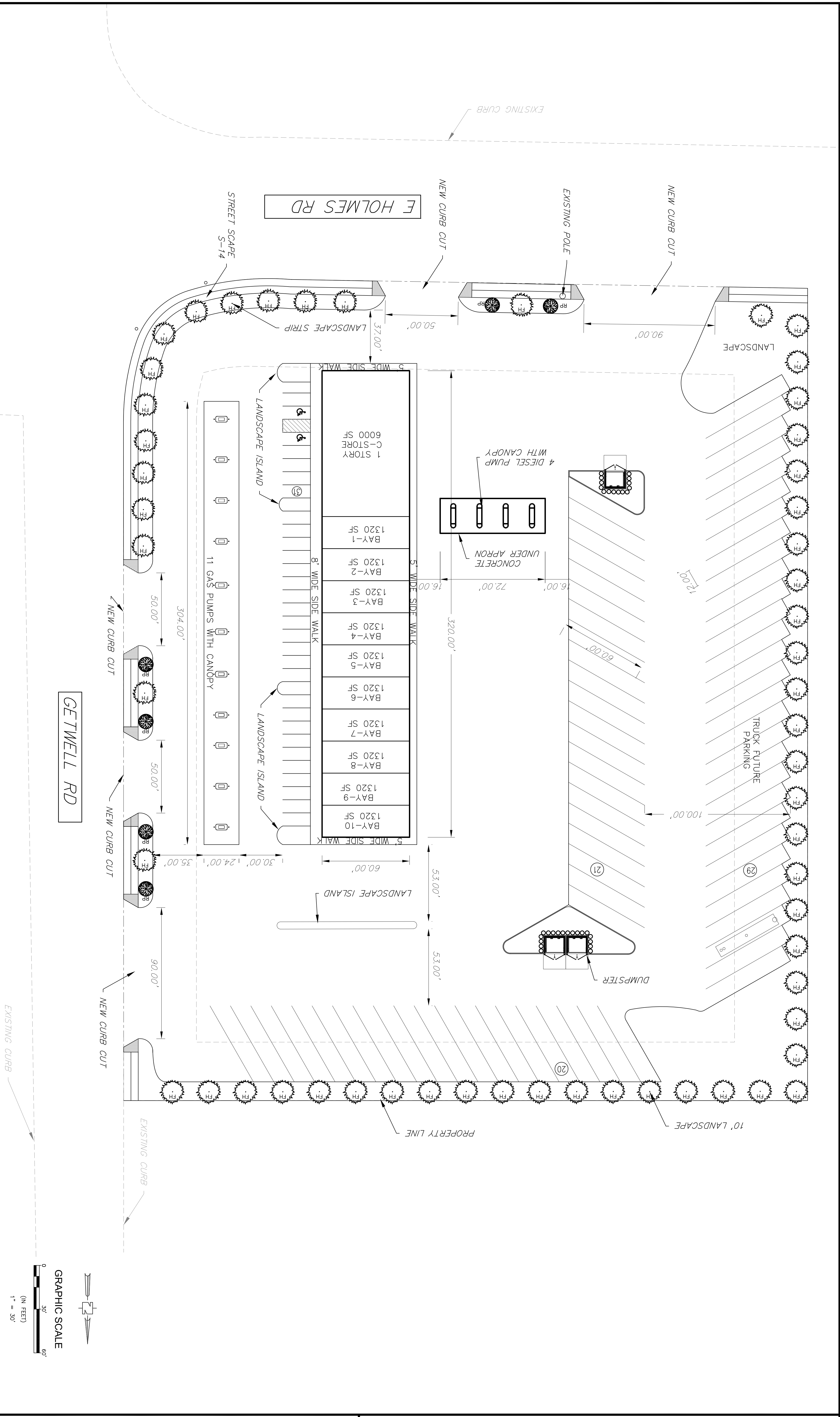
Thank you for time to review the application and setting it for hearing before the LUCB. On behalf of the applicant and the development team, support for approval is requested for this application. I appreciate your attention and should you have questions or comments, please advise. I remain,

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dedrick Brittenum, Jr.", with a long horizontal flourish extending to the right.

Dedrick Brittenum, Jr.

enclosure



NOTICE TO DRAWING HOLDER
 CIVIL LINK, LLC, HEREBY REFERS TO AS ENGINEER, HAS PREPARED & FORWARDED THIS DRAWING TO THE OWNER FOR USE ON THIS PROJECT OR ON ANY OTHER PROJECT ANY REUSE OF THIS DRAWING WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY THE ENGINEER SHALL BE AT THE USER'S SOLE RISK AND THE USER SHALL INDEMNIFY & HOLD HARMLESS THE ENGINEER FROM ALL CLAIMS, DAMAGES, LOSSES & EXPENSES INCLUDING ATTORNEY'S FEES ARISING OUT OF OR RESULTING THEREFROM.

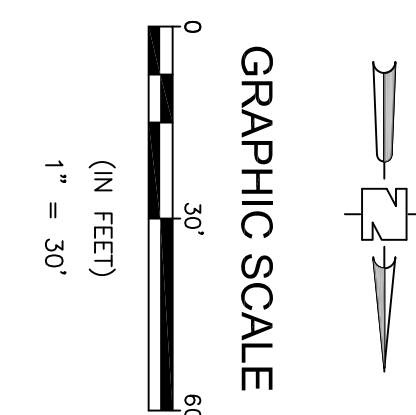
REVISIONS	
NO.	DATE

DRAWING INFORMATION	
DESCRIPTION	DATE
C-L PROJECT NO.: ###	
SCALE: 1" = ###'	
SUBMITTED BY: ###	
DESIGN: ###	
DATE: ###	
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DATE: ###	

**C-STORE WITH GAS PUMPS
 GETWELL AND HOLMES
 MEMPHIS, TN**

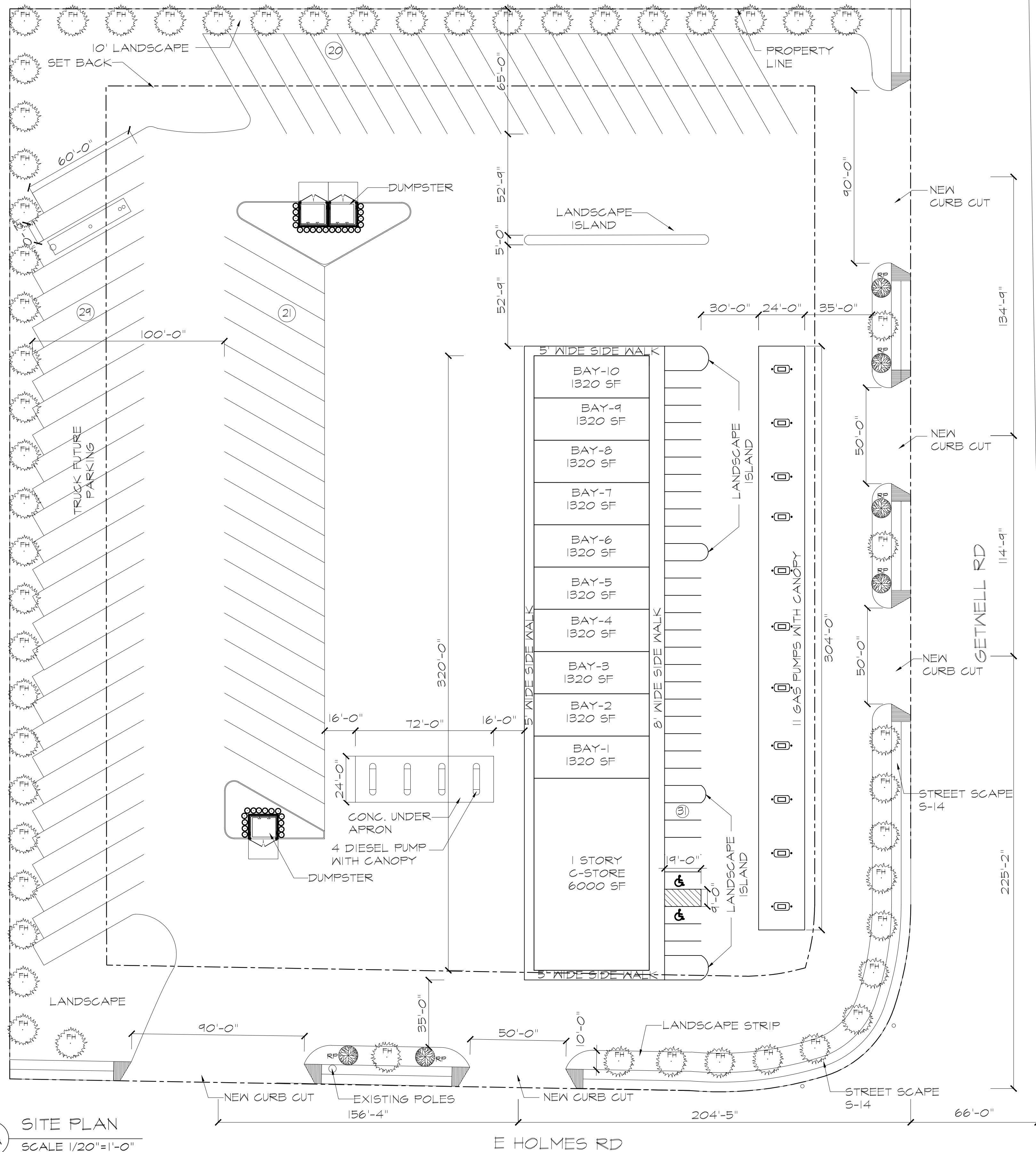
Civil Link
 Connecting Resources™

WORKING NUMBER: DRAWING NUMBER:



PLANT SCHEDULE FOR C STORE AT HOLMES AND GETWELL

QTY	SYM	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	REMARKS
		TREE				
6	RP	ROYAL PRINCE OAK	ACER RUBRUM 'RED SUNSET'	3-3.5" CAL.	20' O.C.	CENTRAL LEADER
		SHRUB				
55	FH	FOSTER HOLLY	ILEX X ATTENUATA 'FOSTRI'	2" CAL.	25' O.C.	UNIFORM

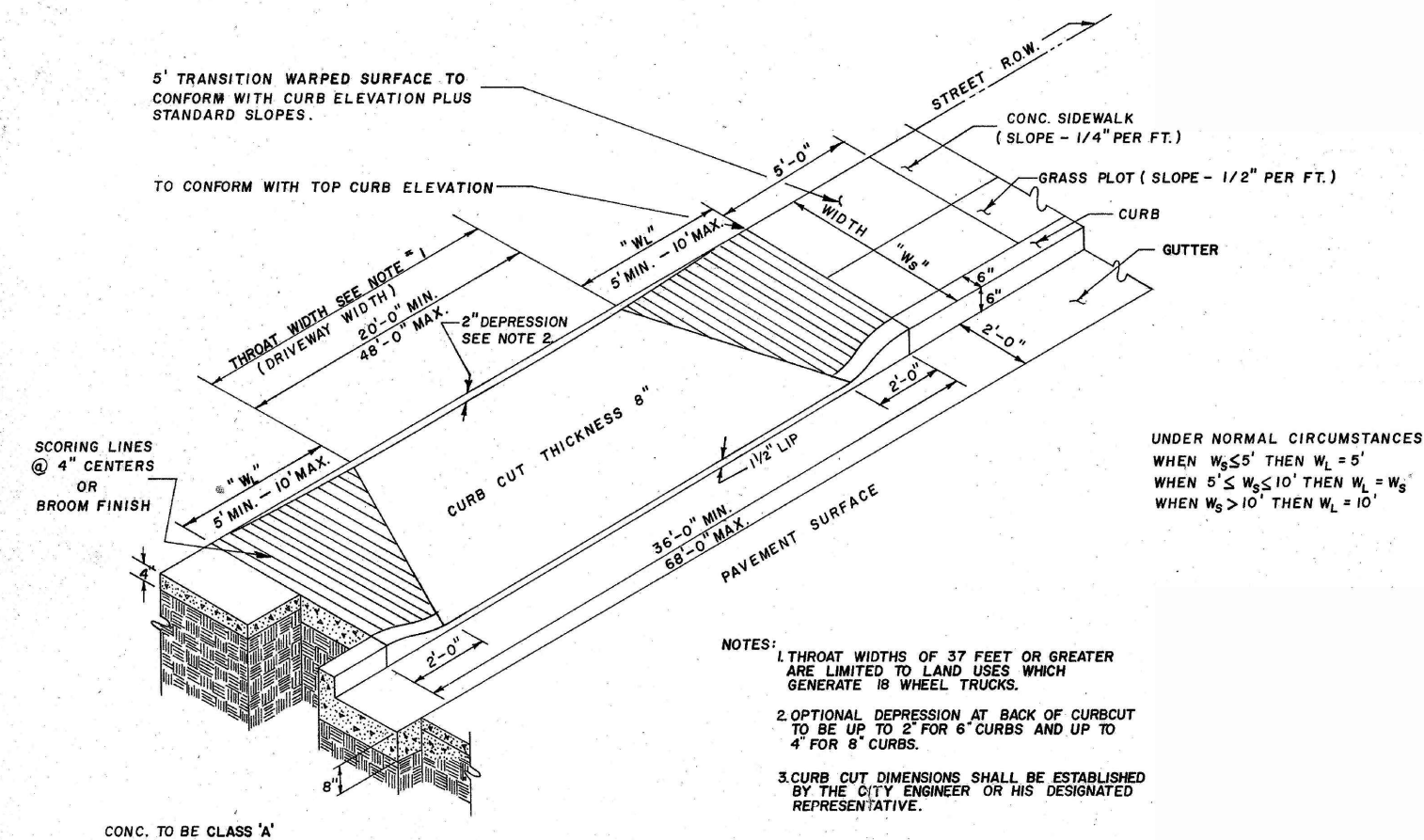


1A SITE PLAN
SCALE 1/20"=1'-0"

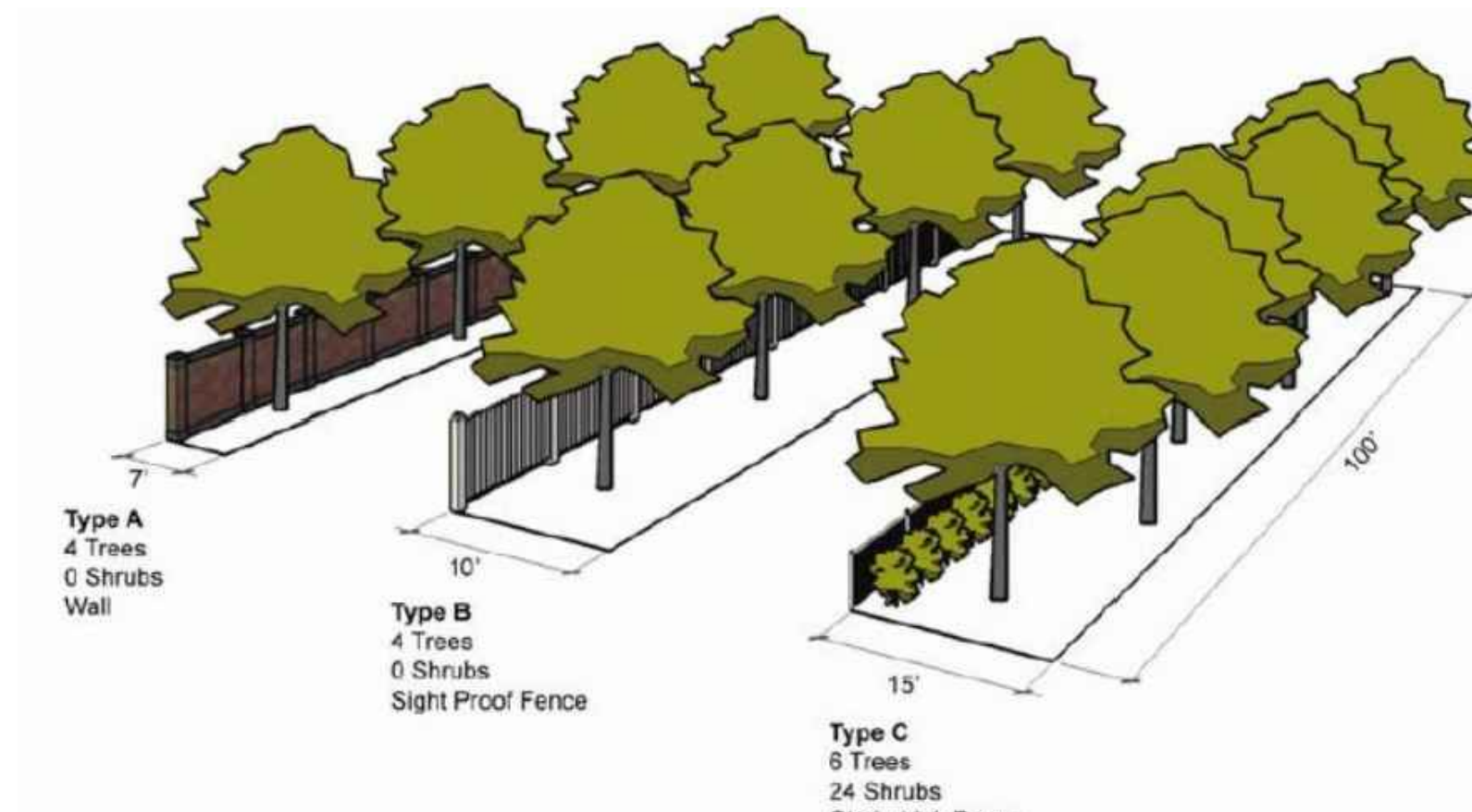
B. Apartment and Nonresidential

	RW1	OG	CMU-1	CMU-2	CMU-3	CBD
Tract or Lot (min)						
Area (sq. ft.)	5,000	--	10,000	20,000	--	--
Width (ft.)	50	100	25	50	50	--
Building						
Height (max ft.) see also 3.2.6	50	125	48	75	75	--
Ground floor area (max sq. ft.) ²	--	--	15,000	80,000	--	--
Setback (min ft.)						
Front	20	20	20	20	20	None ³
Side (street)	20	20	20	20	20	None ³
Side rear abutting single-family	10	10	10	10	10	None ³
Side/rear abutting multifamily, nonresidential ⁴	5	5	5	5	5	None ³
Side/rear abutting alley	5	5	5	5	5	None ³
Parking setback (min ft.)						
On street (parallel parking)	0	0	0	0	0	0
From street (no parallel parking)	8	8	8	8	8	8
Abutting single-family	10	10	10	10	10	10
Abutting multifamily, nonresidential, alley	5	5	5	5	5	5

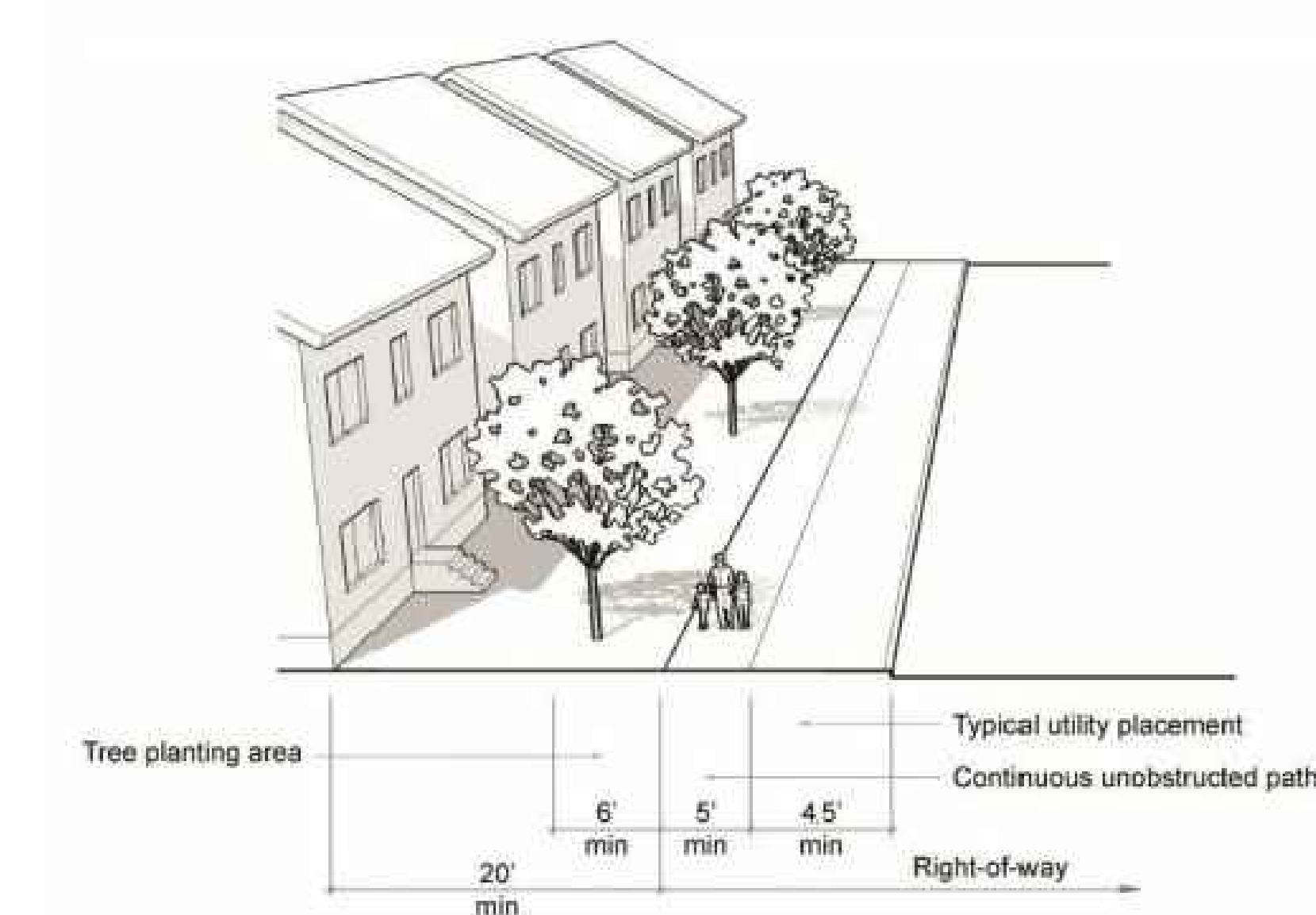
4D SETBACK STANDARD



4C CURB CUT DETAIL



4E CLASS III BUFFER-MODERATE IMPACT SCREENING



4A STREETSCAPE TYPE S-14

DESIGN GROUP LLC

1255 Lynnfield Road, Suite 226
Memphis, Tennessee 38119
Telephone: 901.603.8765

OWNER NAME AND ADDRESS

CONVENIENCE
STORE WITH
PUMPS

E HOLMES RD.
AND GETWELL
RD.,
MEMPHIS, TN
38118

SEAL

CONSULTANTS NAME:

NO. DATE ISSUE / REVISION
01 09/24/2018 PERMIT SET

DRAWING NAME
LANDSCAPE PLAN
AND DETAILS

DRAWN BY:
CHECKED BY:
APPROVED BY:

DRAWING NUMBER:
L100

GENERAL LANDSCAPE NOTES

CITY OF MEMPHIS/ SHELBY COUNTY GENERAL LANDSCAPE NOTES

1. ISSUANCE OF CERTIFICATE OF OCCUPANCY
THE BUILDING OFFICIAL MAY NOT ISSUE A PERMANENT CERTIFICATE OF OCCUPANCY FOR AN APPROVED SITE PLAN OR FINAL PLAT, UNTIL ALL LANDSCAPING AND BUFFERS HAVE BEEN INSTALLED IN ACCORDANCE WITH THE APPROVED SITE PLAN OR FINAL PLAT. A TEMPORARY CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR A PERIOD OF 30 DAYS UNDER CIRCUMSTANCES THAT WOULD AFFECT THE SEEDING AND PLANTING OF THE SITE, OR UNTIL THE PROPER PLANTING SEASON IS REACHED TO COMPLETE THE LANDSCAPING REQUIREMENTS, AND MAY BE EXTENDED UP TO 90 DAYS UPON REQUEST TO THE BUILDING OFFICIAL.
2. NO CHANGES TO ANY ASPECT OF THIS SITE PLAN, INCLUDING BUT NOT LIMITED TO LANDSCAPING, GRADING, BUILDING ELEVATIONS, PAVING, LIGHTING OR UTILITIES SHALL BE MADE WITHOUT THE APPROVAL OF THE TOWN OF COLLIERVILLE.
3. PLANTING AREAS MUST HAVE UNCOMPACTED COARSE LOAM THAT IS A MINIMUM OF 12 INCHES DEEP. SOILS MUST BE APPRECIABLY FREE OF GRAVEL, STONES, RUBBLE OR TRASH. ALL COMPACTED SOIL, CONTAMINATED SOIL OR ROAD BASE FILL MUST BE MOVED.
4. THE SITE SHALL BE STABILIZED AND SEEDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
5. ALL HVAC SYSTEMS WITHIN 150 FEET OF A RESIDENCE OR A PUBLIC STREET SHALL BE SCREENED FROM OFF-SITE VIEWS.
6. ALL DUMPSTERS AND CARDBOARD RECYCLING LOCATIONS WITHIN 150 FEET OF A RESIDENCE OR PUBLIC STREET SHALL BE SCREENED FROM OFF-SITE VIEWS.
7. WHERE EXISTING VEGETATION FAILS TO FUNCTION ADEQUATELY AS THE REQUIRED BUFFER TYPE, THE TOWN OF COLLIERVILLE RESERVES THE RIGHT TO REQUIRE SUPPLEMENTAL PLANTINGS IN ADDITION TO THOSE SHOWN ON THE PLANTING PLAN BASED ON ACTUAL FIELD CONDITIONS.
8. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES REGARDING LANDSCAPING AND IRRIGATION.
9. AN IRRIGATION SYSTEM IS REQUIRED.
10. CONTRACTOR SHALL INSTALL AN IRRIGATION SYSTEM SUFFICIENT TO MEET LOCAL JURISDICTIONAL REQUIREMENTS OR SUFFICIENT TO PROPERTY IRRIGATE THE LANDSCAPING AND GRASS. TIMER/CONTROL TO BE LOCATED INSIDE BUILDING AT ELECTRICAL PANEL.
11. CONTRACTOR SHALL INSTALL 3" PVC SLEEVES AS NEEDED FOR LATER IRRIGATION SYSTEM INSTALLATION. UNDER AUTOMOBILE TRAVEL AREAS CONDUIT SHALL MAINTAIN 8" MINIMUM DEPTH. PEDESTRIAN AND OTHER AREAS SHALL MAINTAIN A 6" MINIMUM DEPTH.

12. CONTRACTOR SHALL BE RESPONSIBLE FOR THE WATERING AND THE MAINTENANCE OF ALL LANDSCAPED AREAS UNTIL THE LATER OF:
 - I. THIRTY (30) DAYS FOLLOWING THE PLANTING OF THE GRASS AND SHRUBS, OR
 - II. THE DATE THAT THE PROJECT OPENS FOR BUSINESS TO THE PUBLIC.
13. THE EVERGREEN SHRUBS PROPOSED IN THE STREETScape TO CREATE AN EVERGREEN OPAQUE SCREEN SHOULD BE ALLOWED TO ATTAIN A MINIMUM HEIGHT OF 4 FEET.
14. GENERAL CONTRACTOR IS TO CLEAN ENTIRE SITE OF ALL CONSTRUCTION DEBRIS AND RAKE ENTIRE SITE.
15. CONTACT ALL UTILITY COMPANIES TO LOCATE UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. ALL LINES MUST BE IDENTIFIED ON SITE BEFORE DIGGING.
16. TO MINIMIZE DAMAGE TO EXISTING TREES ALONG THE INTERIOR EDGE OF BUFFERS AND STREETSCAPES, THE CONTRACTOR SHALL CUT A 2' TRENCH (MINIMUM) ALONG THE LIMITS OF DISTURBANCE, SO AS TO CUT RATHER THAN TEAR ROOTS.
17. IF APPLICABLE, THE TREE PROTECTION FENCE SHALL BE MAINTAINED ON THE SITE UNTIL ALL SITE WORK IS COMPLETED AND THE FINAL SITE INSPECTION PRIOR TO THE CERTIFICATE OF OCCUPANCY (CO) IS SCHEDULED. THE FENCING SHALL BE REMOVED PRIOR TO FINAL SITE INSPECTION FOR THE CO.

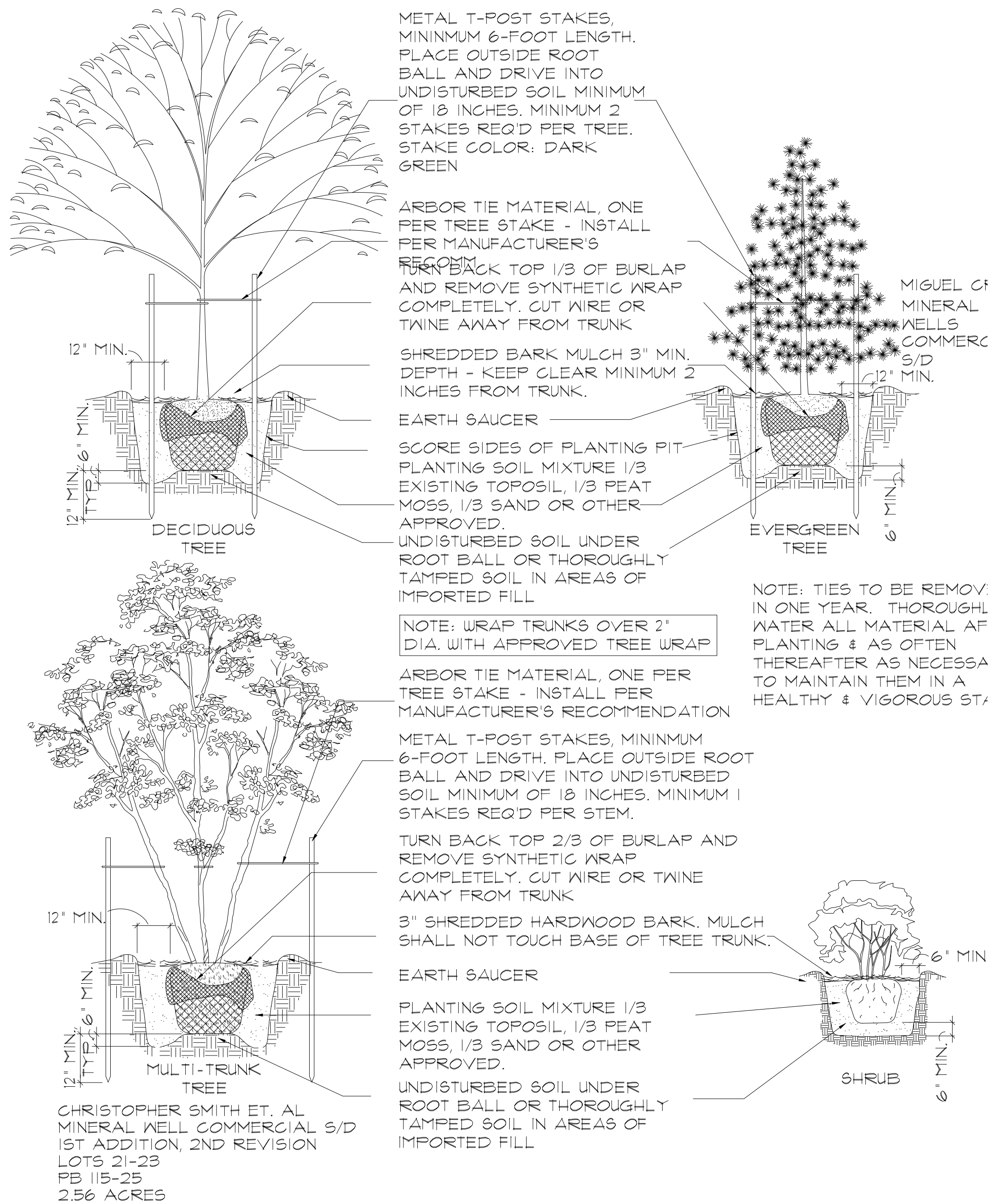
PLANTING NOTES

CITY OF MEMPHIS/ SHELBY COUNTY PLANTING NOTES

1. PLANTS SHALL BE NURSERY GROWN AND MATERIAL SHALL CONFORM TO THE LATEST EDITION OF AMERICAN STANDARD FOR NURSERY STOCK (ANSI-S60.1), AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
2. ROOTS BALLS SHALL CONFORM TO A.A.N. STANDARDS. ONLY NATURAL FIBER BURLAP WILL BE ACCEPTABLE FOR WRAPPING.
3. BALL DEPTHS ON SOME TREES IN A SINGLE GROUP MAY VARY. IN GENERAL, 2/3 THE BALL SHOULD BE ABOVE GRADE. BUT, IF DEPTHS VARY, TREES IN A GROUP SHOULD SET SO THAT THE BASE OF THE TRUNKS WILL APPEAR TO BE AT THE SAME RELATIVE ELEVATION ABOVE GRADE.
4. PLANT LOCATIONS TO STAKED IN FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
5. PLANTING PLANS SHALL GOVERN QUANTITIES. ANY DISCREPANCIES OR OMISSIONS IN LISTS OF MATERIALS SHOULD BE REPORTED TO THE LANDSCAPE ARCHITECT.
6. SUBSTITUTION OF PLANT MATERIALS SPECIFIED CAN ONLY OCCUR BY PRIOR APPROVAL OF LANDSCAPE ARCHITECT AND THE TOWN OF COLLIERVILLE.
7. THE LANDSCAPE CONTRACTOR SHALL FURNISH, INSTALL AND/OR DIG, BALL, BURLAP AND TRANSPLANT ALL PLANT MATERIALS LISTED ON THE PLANT SCHEDULE. BAREROOT PLANTING IS NOT PERMITTED FOR ANY TREE OR SHRUB.
8. LANDSCAPE CONTRACTOR TO GUARANTEE PLANT MATERIALS FOR TWO GROWING SEASONS FOLLOWING SUBSTANTIAL COMPLETION PER SPECIFICATIONS.
9. ESTABLISH PLANT BED CONFIGURATIONS. LANDSCAPE ARCHITECT TO APPROVE BED LAYOUT IN FIELD. PREPARE PLANT BEDS PER SPECIFICATIONS.
10. IN EVENT OF PLANTING BEDS AND MULCH BEING REQUIRED, THE CONTRACTOR SHALL INSTALL BLACK FIBER MESH UNDER THE MULCH TO PREVENT WEED GROWTH.
11. CONTRACTOR SHALL PROVIDE A MINIMUM 2" OF LANDSCAPE GRADE TOPSOIL TO THE ENTIRE SITE.
12. VERIFICATION OF TOTAL QUANTITIES AS SHOWN ON THE PLANT LIST SHALL BE THE RESPONSIBILITY OF THE PLANTING CONTRACTOR AND THE TOTAL QUANTITIES SHALL BE AS REQUIRED ON THE PLANTING PLAN.

13. B&B AS LISTED UNDER "ROOT" IN THE PLANT LIST INDICATED BALLED AND BURLAPPED.
14. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS IT BORE TO GRADE IN NURSERY.
15. TYPICAL PLANTING BACKFILL MIXTURE SHALL CONSIST OF 1 PART GROUND PINE BARK TO 4 PARTS EXISTINGPS SOIL WITH "AGRIFORM" 20-1-5 FORMULATION (OR EQUAL) AT MANUFACTURER'S RATE.
16. ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO BACKFILLING.
17. TREE WRAP IS TO BE USED ON THIN BARK SPECIES ONLY (SUCH AS MAPLES). THE LANDSCAPE ARCHITECT SHALL BE SOLE JUDGE OF WHICH SPECIES SHOULD BE WRAPPED IF THERE IS ANY QUESTION.
18. NO DECIDUOUS OR EVERGREEN TREES WILL BE ACCEPTED IF THERE IS MORE THAN ONE LEADER UNLESS THE TREE IS SPECIFIED AS MULTI-TRUNK.
19. LAWN AREAS TO BE SEED AS PROVIDED BELOW, EXCEPT AS NOTED ELSEWHERE ON DRAWING.

SEEDS OF COMMON BERMUDA GRASSES ARE OFTEN USED TO ESTABLISH HOME LAWNS, SPORTS FIELDS AND UTILITY TURFS. BERMUDA GRASS SEED BLENDS INCLUDE ENVIRO-BERMUDA ('MOHAWK,' 'SYDNEY' AND 'PANAMA' OR 'YUMA'), LAPRIMA ('SR4554' AND 'LAPALOMA'), OASIS ('BLACKJACK,' 'SAVANNAH' AND 'SUNDEVIL II') AND TRIANGLE ('MOHAWK,' 'SULTAN' AND 'SYDNEY').



DESIGN GROUP LLC

1255 Lynnfield Road, Suite 226
Memphis, Tennessee 38119
Telephone: 901.603.8765

OWNER NAME AND ADDRESS

**CONVENIENCE
STORE WITH
PUMPS**

**6904
STATELINE RD
MEMPHIS, TN
38141**

SEAL

CONSULTANTS NAME:

NO. DATE ISSUE/REVISION

DRAWING NAME

LANDSCAPE NOTES

DRAWN BY:

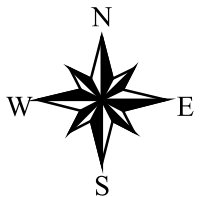
CHECKED BY:

APPROVED BY:

DRAWING NUMBER:

L101

Vicinity Map



Date: 10/04/21
 Prepared By:
 Property Research Data
 PRD Job #21-081

OWNER NAME AND ADDRESS

CONVENIENCE
STORE WITH
PUMPS

6904
STATELINE RD
MEMPHIS, TN
38141

SEAL

CONSULTANTS NAME:

NO. DATE ISSUE / REVISION

DRAWING NAME

ELEVATIONS

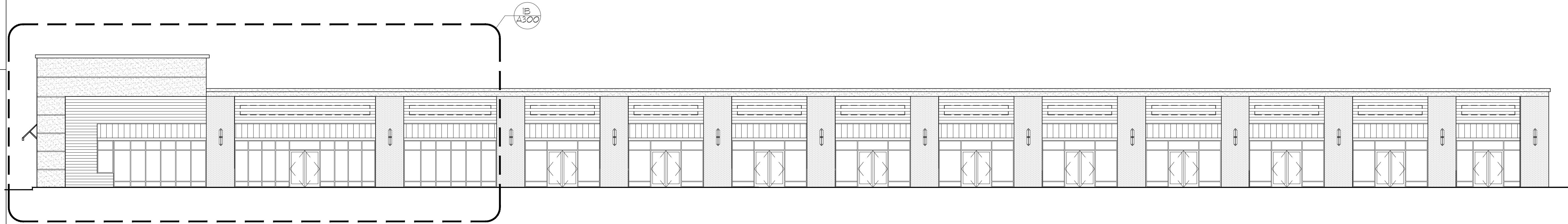
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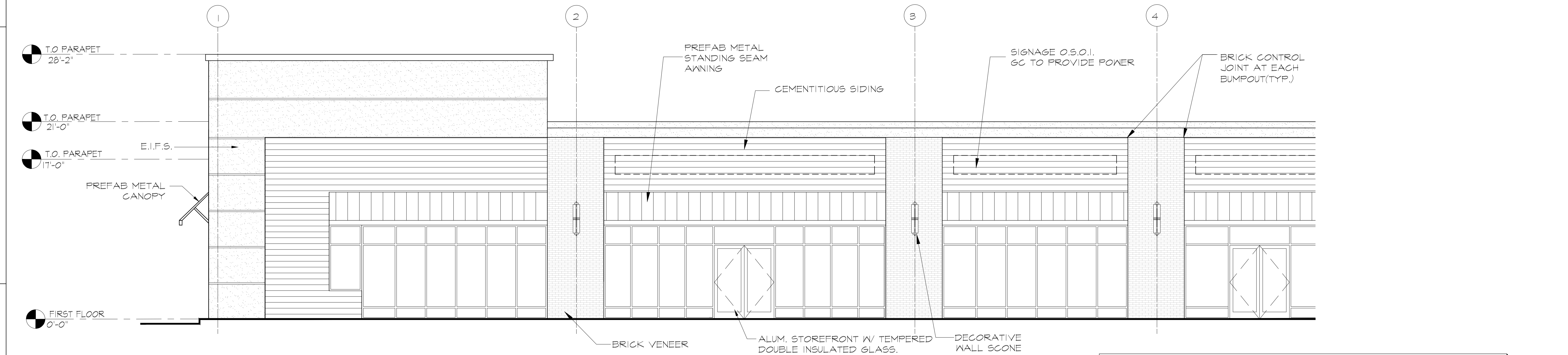
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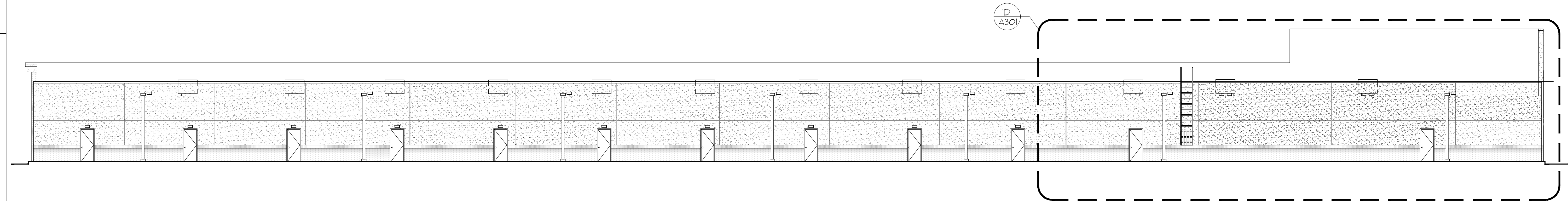
A300



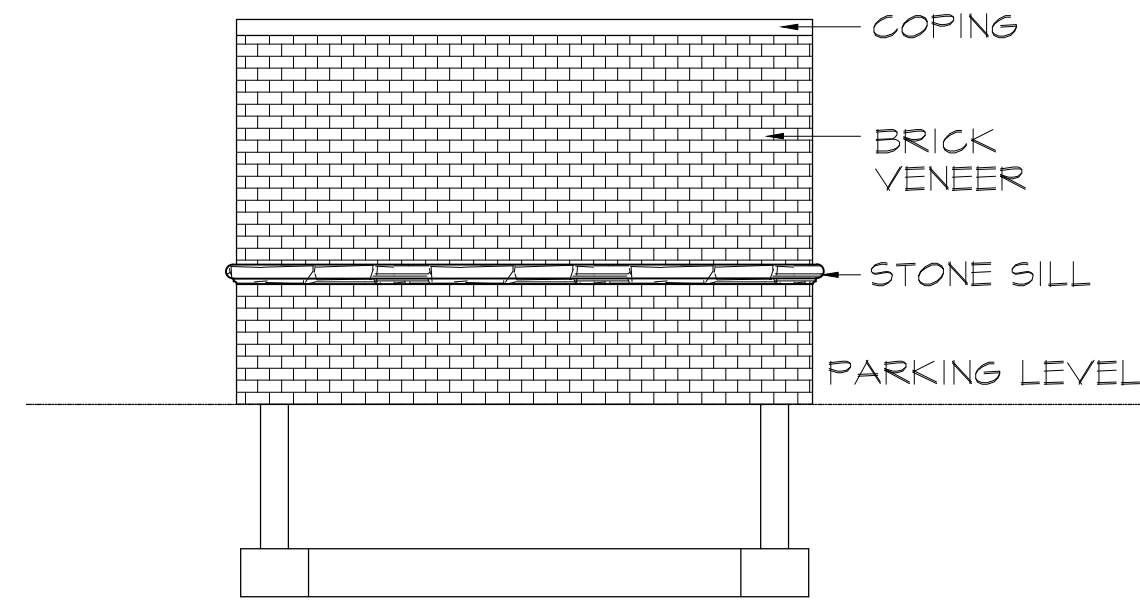
1D EAST ELEVATION
SCALE: 3/16" = 1'-0"



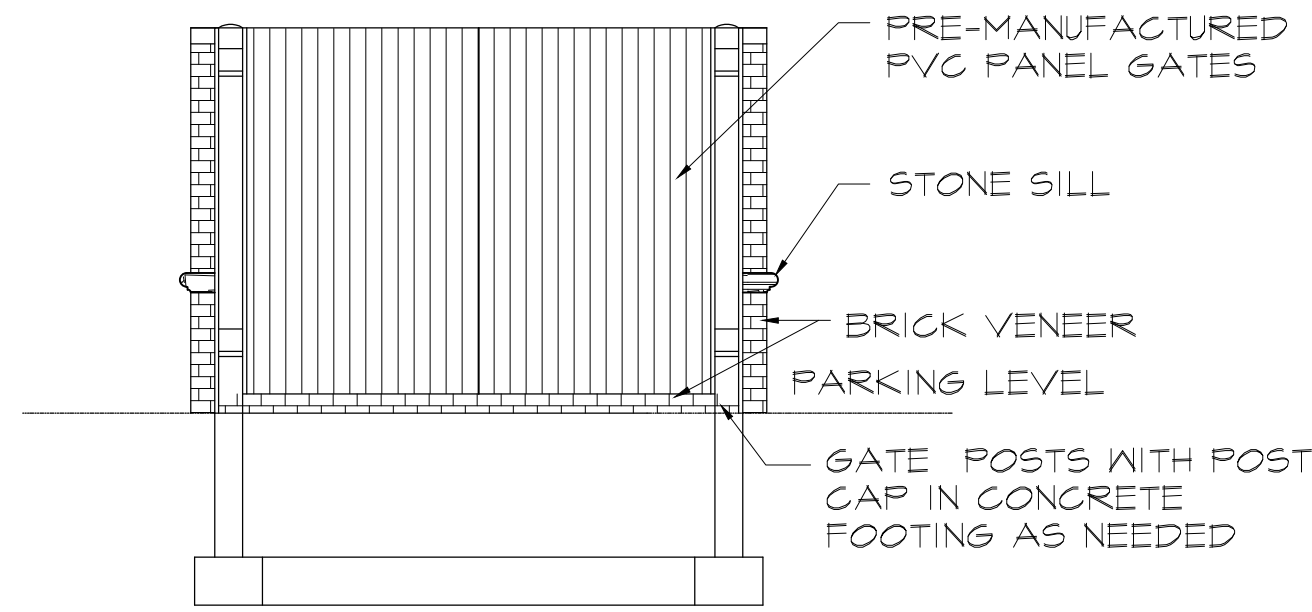
1B ENLARGED EAST ELEVATION
SCALE 3/16" = 1'-0"



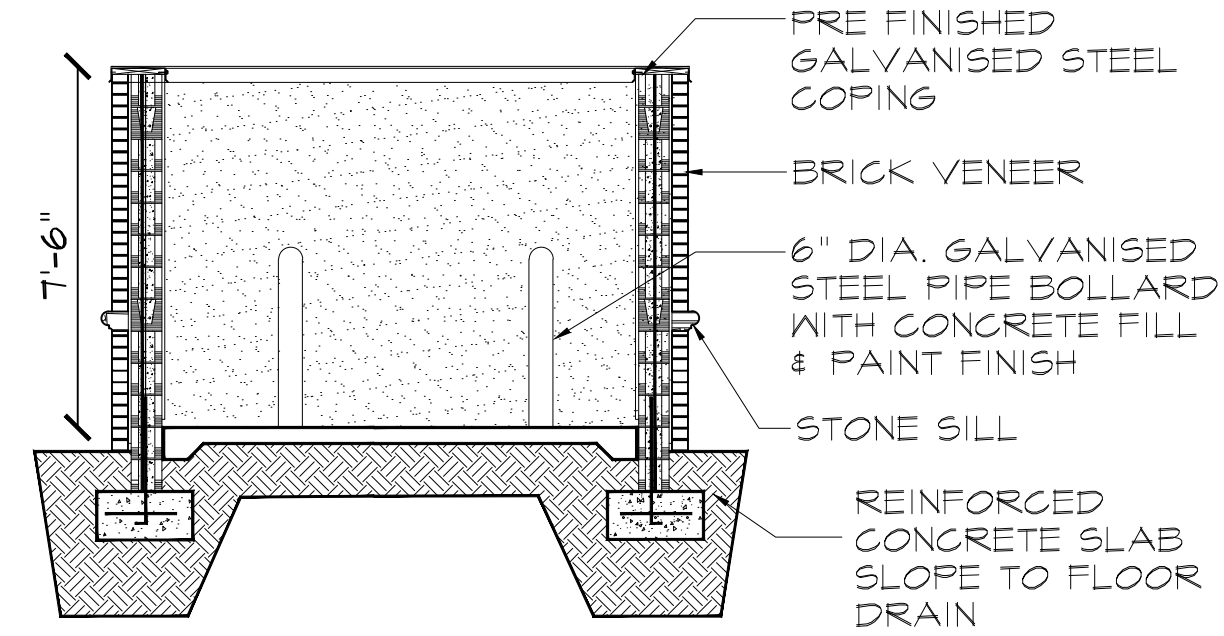
1A WEST ELEVATION
SCALE 3/16" = 1'-0"



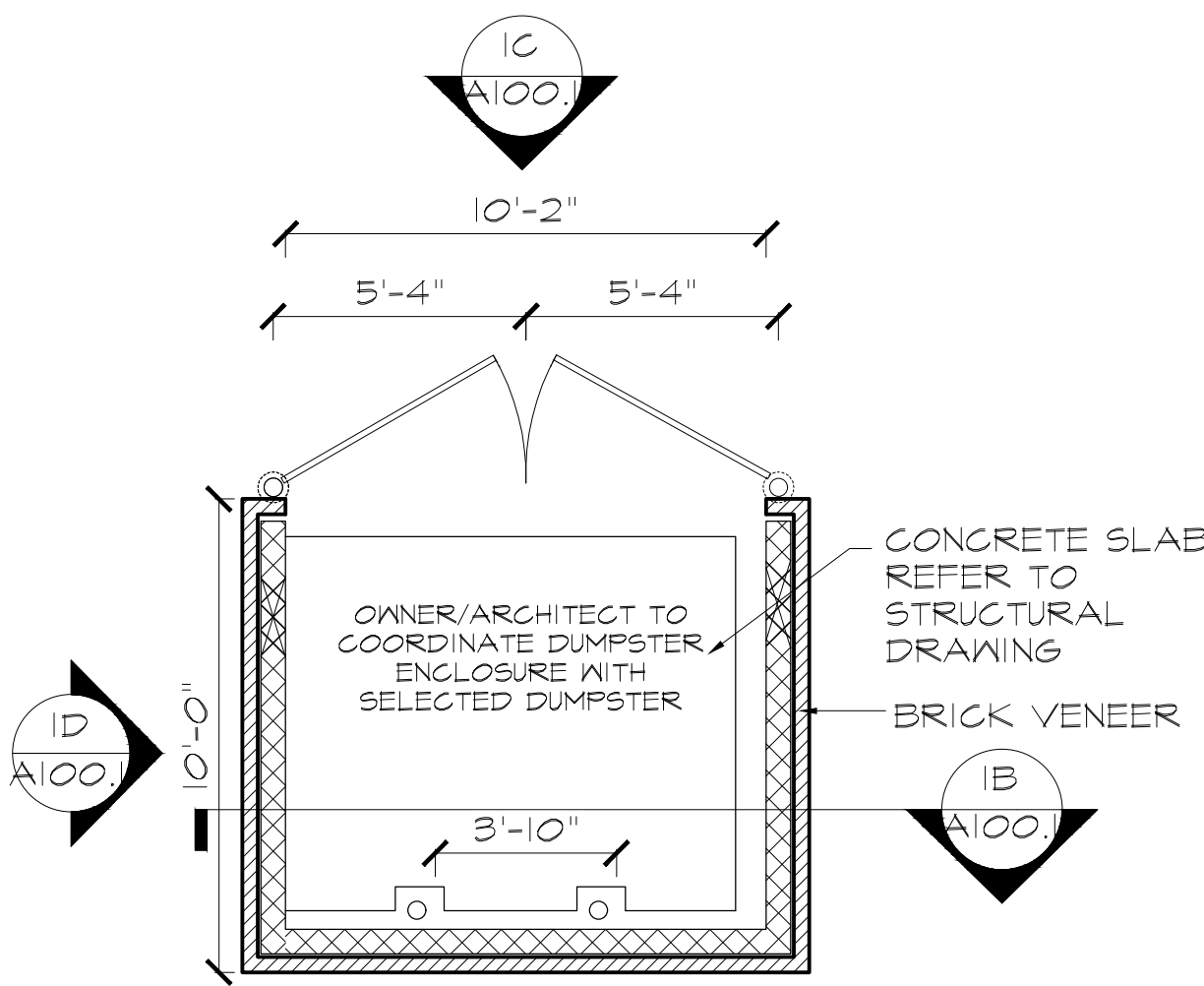
1D DUMPSTER SIDE ELE.
SCALE 1/4"=1'-0"



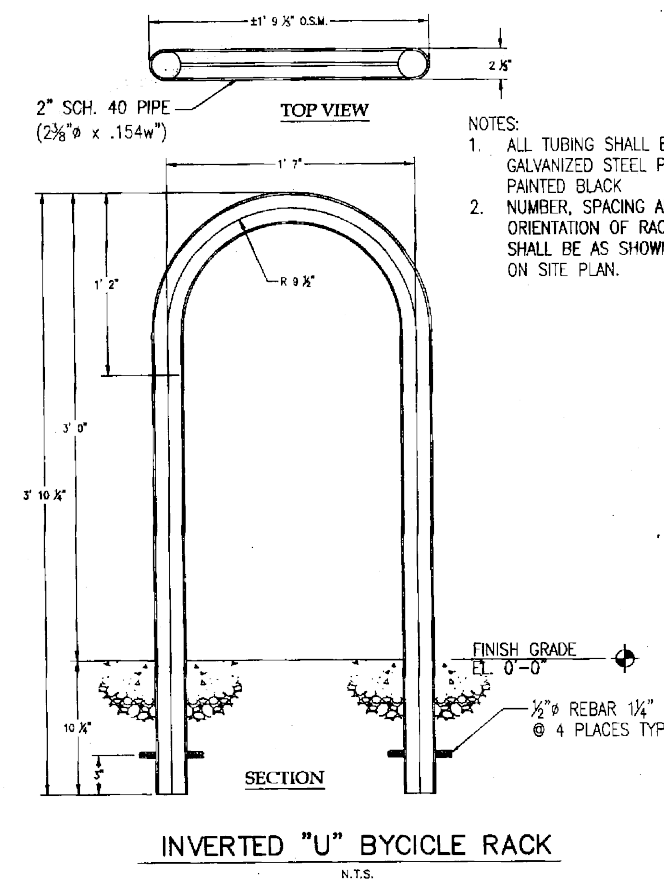
1C DUMPSTER FRONT ELE.
SCALE 1/4"=1'-0"



1B DUMPSTER SECTION
SCALE 1/4"=1'-0"



1A DUMPSTER PLAN
SCALE 1/4"=1'-0"



2C BIKE RACK

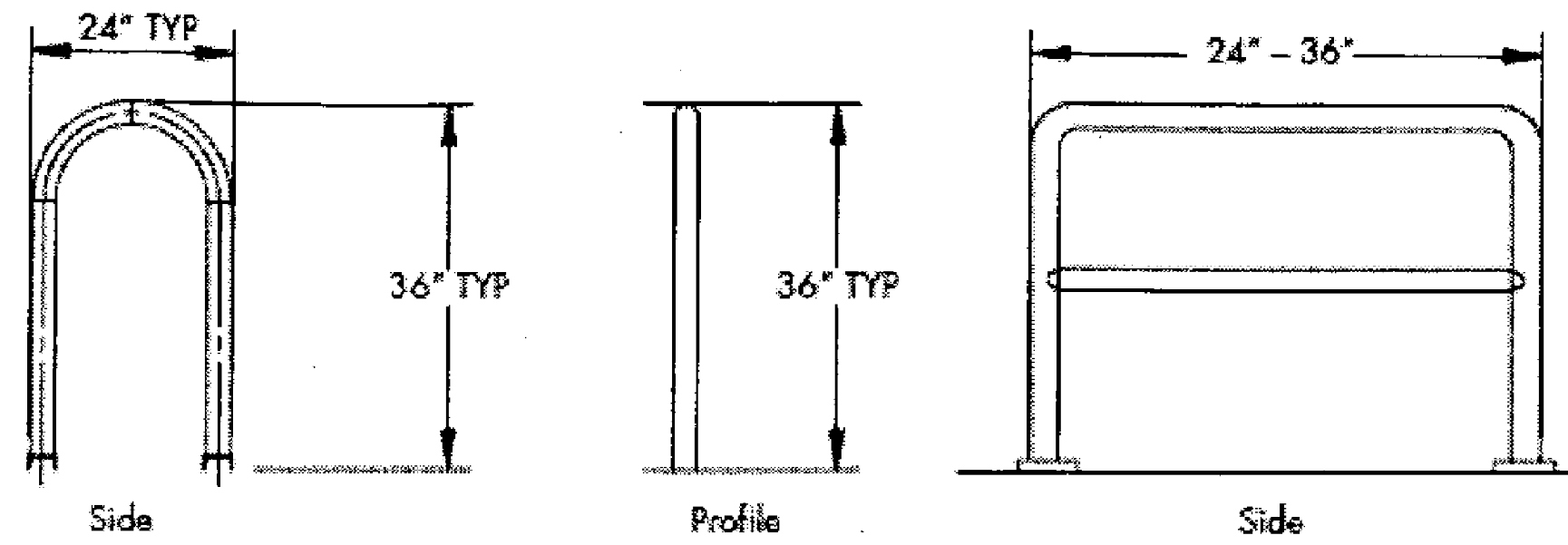
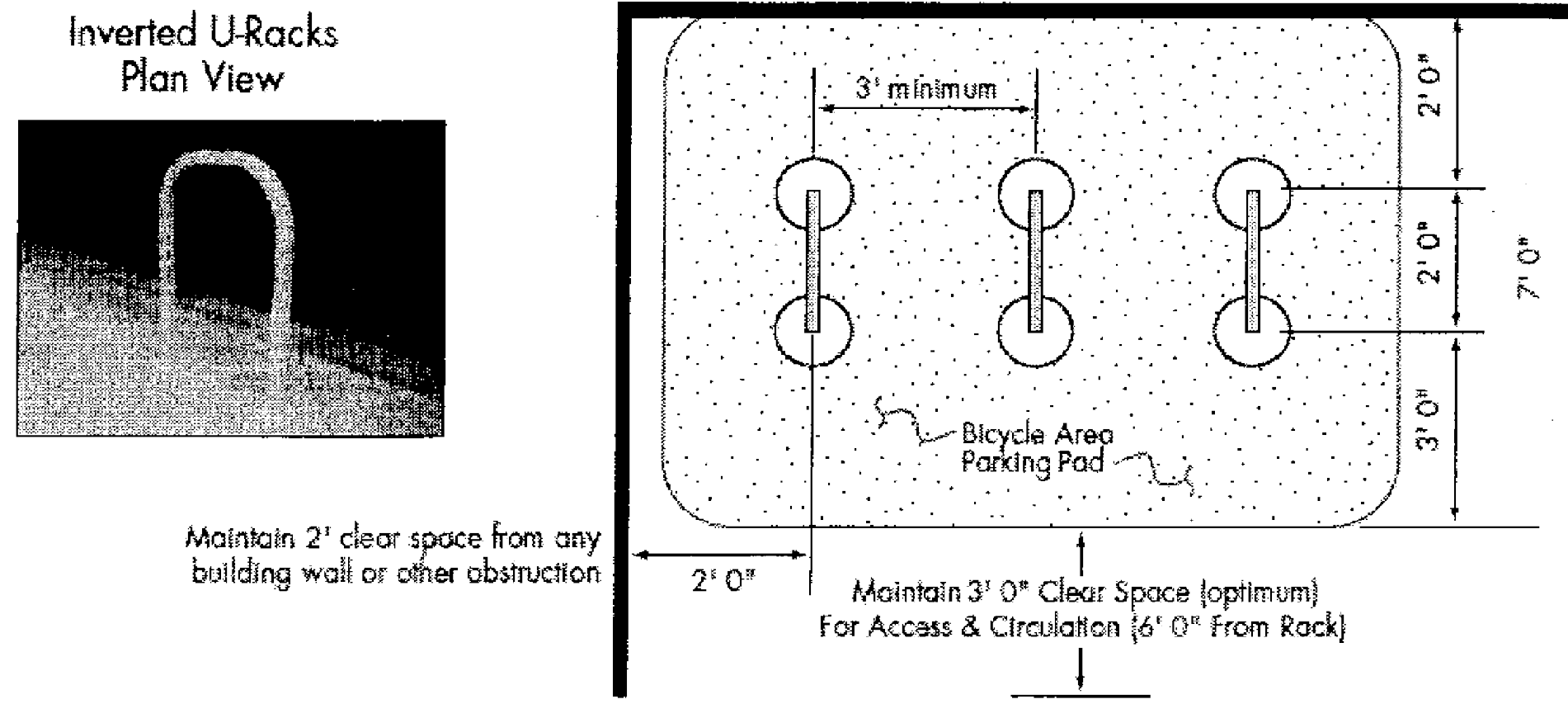


Figure 10-1: Typical Dimensions - Inverted U and Variations Not to scale



2A BIKE RACK PLACEMENT CRITERIA

DESIGN GROUP LLC

1255 Lynnfield Road, Suite 226
Memphis, Tennessee 38119
Telephone: 901.603.8765

OWNER NAME AND ADDRESS

CONVENIENCE STORE WITH PUMPS

E HOLMES RD. AND GETWELL RD.,
MEMPHIS, TN 38118

SEAL

CONSULTANTS NAME:

NO. DATE ISSUE / REVISION

DRAWN BY:

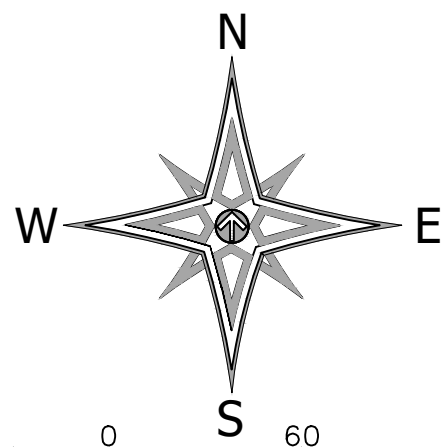
DUMPSTER DETAILS

CHECKED BY:

APPROVED BY:

DRAWING NUMBER:

A100.1



INSTRUMENT 14027733



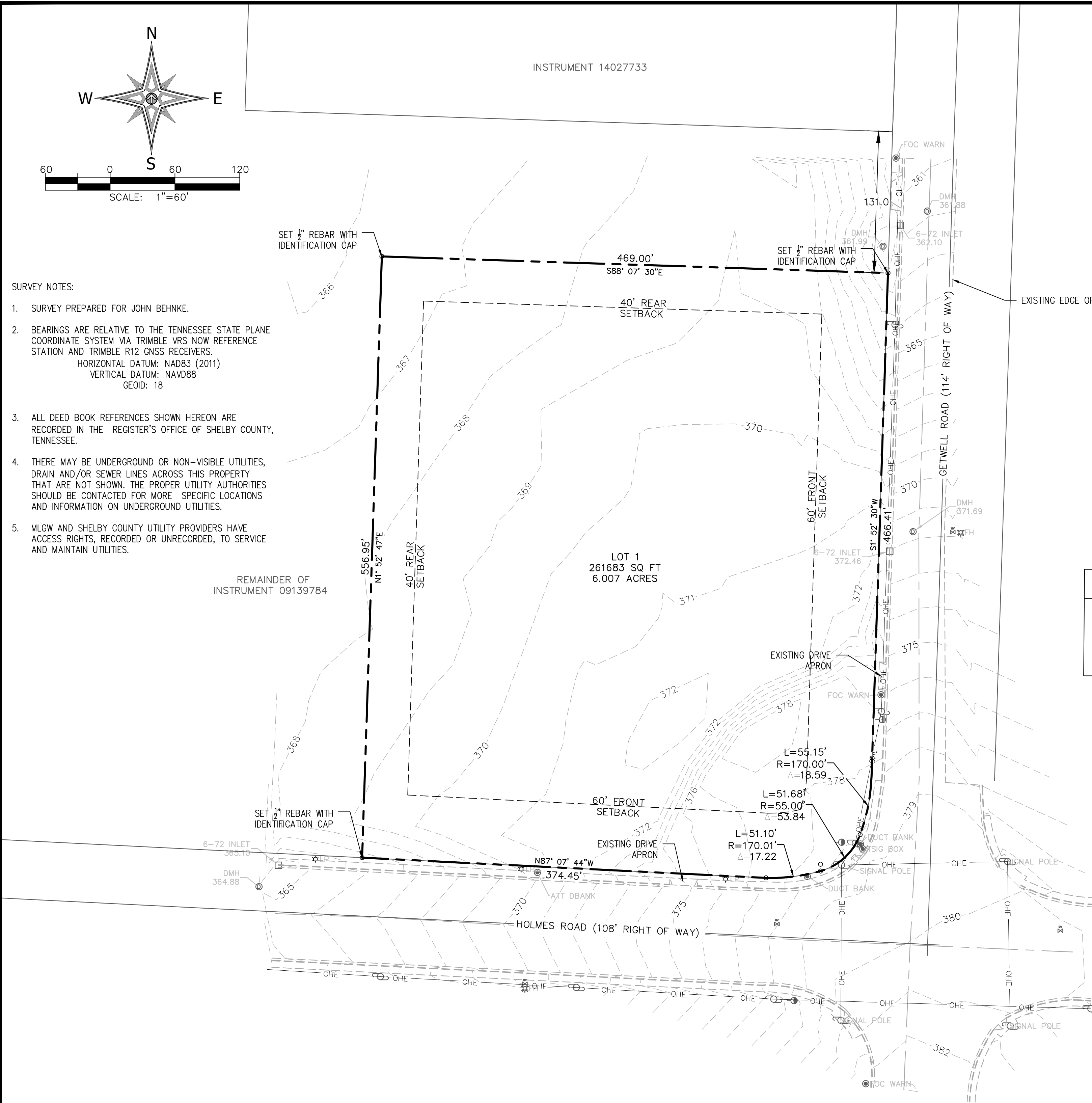
VICINITY MAP
NOT TO SCALE

SURVEY NOTES:

1. SURVEY PREPARED FOR JOHN BEHNKE.
2. BEARINGS ARE RELATIVE TO THE TENNESSEE STATE PLANE COORDINATE SYSTEM VIA TRIMBLE VRS NOW REFERENCE STATION AND TRIMBLE R12 GNSS RECEIVERS.
HORIZONTAL DATUM: NAD83 (2011)
VERTICAL DATUM: NAVD88
GEOID: 18
3. ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.
4. THERE MAY BE UNDERGROUND OR NON-VISIBLE UTILITIES, DRAIN AND/OR SEWER LINES ACROSS THIS PROPERTY THAT ARE NOT SHOWN. THE PROPER UTILITY AUTHORITIES SHOULD BE CONTACTED FOR MORE SPECIFIC LOCATIONS AND INFORMATION ON UNDERGROUND UTILITIES.
5. MLGW AND SHELBY COUNTY UTILITY PROVIDERS HAVE ACCESS RIGHTS, RECORDED OR UNRECORDED, TO SERVICE AND MAINTAIN UTILITIES.

REMAINDER OF
INSTRUMENT 09139784

LOT 1
261683 SQ FT
6.007 ACRES




EXISTING EDGE OF ASPHALT

LINETYPE LEGEND	
	ADJACENT PROPERTY LINE
	SUBJECT PROPERTY LINE
	OVERHEAD ELECTRIC

**FINAL PLAT
GETWELL AND HOLMES SUBDIVISION**

CASE NUMBER: TBD ZONED C-A
MEMPHIS SHELBY COUNTY TENNESSEE
1 LOT-TOTAL 6.00 ACRES-PARCEL ID 094100 00314-INSTRUMENT 09139784
OWNER/DEVELOPER SURVEYOR
LUNATI TIGER PARTNERSHIP MID-SOUTH ENGINEERING SUPPORT LLC
7170 STOUT ROAD 4090 AIRLINE ROAD
GERMANTOWN TN 38138 EADS TN 38028

100 YEAR FLOOD ELEVATION FEMA MAP PANEL # MAP DATE
ZONE X NO BFE DETERMINED 47157C0440F 09/28/2007
DATE: 3/23/2021 SCALE 1"=60' SHEET 1 OF 2



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

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

December 10, 2021

Malik Rupani
Ran Management
319 Poplar Avenue Lane West
Collierville, TN 38017

Sent via electronic mail to: davn.ranmanagement@gmail.com; db@brittenumlaw.com

Holmes Road Vehicle Service Center Development – Truck Stop and Retail Building
Case Number: PD 21-36
LUCB Recommendation: Approval with site conditions and outline plan conditions

Dear applicant,

On Thursday, December 9, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for a Truck Stop and Retail building at northwest corner of Getwell and Holmes, subject to the site conditions listed below and the attached outline plan conditions:

1. Only one (1) curb cut on Holmes and two (2) curb cuts on Getwell will be allowed. No curb cuts will be allowed less than 300 feet from the intersection centerlines of Holmes and Getwell.
2. Final plan will be approved administrative through the Division of Planning and Development.
3. All outline plan conditions will remain applicable unless modified by the Division of Planning and Development.

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.

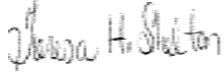
If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6621 or (901)

Letter to Applicant
PD 21-36

636-6619 or via email at teresa.shelton@memphistn.gov.

Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Dedrick Brittenum, Jr.
File

**Letter to Applicant
PD 21-36**

Outline Plan Conditions

OUTLINE CONDITIONS

- I. USES PERMITTED:
 - A. ANY USE PERMITTED BY RIGHT IN THE EMPLOYMENT (EMP) DISTRICT AS ILLUSTRATED ON THE CONCEPT PLAN, WITH EXCEPTION OF THE FOLLOWING.
 - 1. FUNERAL SERVICES
 - 2. INDOOR RECREATION
 - 3. OVERNIGHT LODGING
 - 4. OUTDOOR RECREATION
 - 5. OUTDOOR ADVERTISING SIGN
 - 6. FARMERS MARKET
 - 7. GREENHOUSE OR NURSERY
 - 8. MINI STORAGE
 - 9. VEHICLE SALES SERVICES AND REPAIR
 - 10. WATER ORIENTED
 - 11. LIGHT INDUSTRIAL
 - 12. WAREHOUSE
 - 13. DISTRIBUTION
 - 14. HEAVY INDUSTRIAL
 - 15. WASTE RELATED SERVICE
 - 16. RESOURCE EXTRACTION
- II. BULK REGULATIONS:
 - A. THE BULK REGULATIONS OF THE EMPLOYMENT (EMP) DISTRICT SHALL APPLY.
- III. ACCESS, CIRCULATION AND PARKING:
 - A. ONE (1) CURB CUT SHALL BE ALLOWED ALONG GETWELL ROAD AS INDICATED ON THE CONCEPT PLAN.
 - B. ONE (1) POINT OF ACCESS SHALL BE ALLOWED ALONG E. HOLMES ROAD AS INDICATED ON THE CONCEPT PLAN.
 - C. ALL PARKING AND LOADING SHALL BE IN ACCORDANCE WITH SECTION 4.5 OF THE UDC.
- IV. LANDSCAPING AND SCREENING:
 - A. THE LANDSCAPING AND SCREENING SHALL BE AS GENERALLY DEPICTED AND ILLUSTRATED ON THE CONCEPT PLAN. IN ADDITION, THERE SHALL BE A MINIMUM BUFFER WIDTH OF FIFTEEN (15) FEET BETWEEN ANY ADJACENT PARCEL OR TRACT IN CA DISTRICT ZONING.
 - B. THE PUBLIC STREETSCAPE PLANTING OF TREES AND SHRUBS ALONG THE PUBLIC ROADS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH SECTION 4.6.5 OF THE UDC. THE TREE LINE SHALL BE SUPPLEMENTED AS NEEDED TO MAINTAIN ADEQUATE STREETSCAPES.
 - C. THE INTERNAL PRIVATE DRIVE SHALL BE LANDSCAPED WITH STREET TREES AND SHRUBS.
 - D. INTERNAL PARKING LOT LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE UDC. THE LANDSCAPED AREAS SHALL NOT CONFLICT WITH, WHEREVER FEASIBLE, DRAINAGE, SEWER, UTILITY EASEMENTS, INCLUDING OVERHEAD WIRES.
 - E. THE INTERNAL PARKING LOT FOR LARGE TRACTOR TRAILER TRUCKS SHALL NOT BE REQUIRED TO HAVE LANDSCAPE ISLANDS.
 - F. ALL HEATING AND AIR CONDITIONING EQUIPMENT,

- VI. DRAINAGE:
 - A. AN OVERALL GRADING AND DRAINAGE PLAN FOR THE SITE SHALL BE SUBMITTED TO THE CITY ENGINEERS PRIOR TO APPROVAL OF THE OUTLINE/FINAL PLAN.
 - B. 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 DRAINAGE DESIGN MANUAL.
 - C. DRAINAGE DATA FOR ASSESSMENT OF ON-SITE DETENTION REQUIREMENTS SHALL BE SUBMITTED TO THE CITY ENGINEER, IF NECESSARY.
- VII. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:
 - A. THE CONCEPT PLAN CONDITIONS; AND
 - B. A STANDARD SUBDIVISION CONTRACT AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE FOR ANY REQUIRED PUBLIC IMPROVEMENTS;
 - C. THE EXACT LOCATIONS AND DIMENSIONS INCLUDING HEIGHT OF BUILDINGS, PARKING AREAS, UTILITY EASEMENTS, DRIVES AND REQUIRED LANDSCAPING AND SCREENING FOR THIS DEVELOPMENT;
 - D. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT;
 - E. ALL COMMON OPEN AREAS, DRAINAGE DETENTION FACILITIES, PRIVATE STREETS, PRIVATE SEWERS AND PRIVATE DRAINAGE SYSTEMS SHALL BE OWNED AND MAINTAINED BY THE APPLICANT PROPERTY OWNER. A STATEMENT TO THIS EFFECT SHALL BE SHOWN ON THE FINAL PLAN;
 - F. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAN OF 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 PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS EXCEPT FOR THOSE PARTS LOCATED IN PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED 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; MOVING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES."
 - G. THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE REQUIREMENTS OF ANY COMMON OPEN SPACE AREAS; AND
 - H. A FINAL PLAN SHALL BE FILED WITHIN FIVE (5) YEARS OF APPROVAL OF THE CONCEPT PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT; AND
 - I. THE LAND USE CONTROL BOARD MAY MODIFY THE BULK, ACCESS, PARKING, LANDSCAPING, LOADING, SCREENING, SIGNS AND OTHER SITE DESIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED FOR PROJECT REVIEW.

Letter to Applicant
PD 21-36

- V. SIGNS, OUTDOOR SITE LIGHTING AND BUILDING ELEVATIONS:
- A. ONE (1) MONUMENT STYLE SIGN AT THE IMMEDIATE INTERSECTION SHALL BE PERMITTED A MAXIMUM SIGN AREA OF EIGHTY (80) SQUARE FEET PER FACE AND A MAXIMUM HEIGHT OF TEN (10) FEET.
 - B. ALL ATTACHED BUILDING SIGNS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UDC FOR CMU-3.
 - C. ANY SITE LIGHTING AND PARKING LOT LIGHTING SHALL BE DESIGNED TO DIRECT LIGHTING AWAY FROM PUBLIC ROADS. THE PARKING LOT LIGHT STANDARDS SHALL BE A MAXIMUM OF TWENTY-FIVE (25) FEET IN HEIGHT WITHIN 200 FEET OF RESIDENTIAL AND A MAXIMUM OF 35 FEET OTHERWISE.
 - D. THE BUILDING ELEVATIONS SHALL COMPLY WITH THE DESIGN PRINCIPLES OF PARAGRAPH 9.24.9E(1) BUILDING MASS AND SCALE OF THE UDC.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 7 December 2021
DATE
PUBLIC SESSION: 7 December 2021
DATE**

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a special use permit for a vehicle wash establishment
CASE NUMBER: SUP 21-26
DEVELOPMENT: Vehicle wash establishment within the Raleigh Plaza Shopping Center
LOCATION: Part of 4704 Yale Rd.
COUNCIL DISTRICTS: District 1 and Super District 9
OWNER: Myles Enterprises, Inc.
APPLICANT: Max Alley Investments, LLC
REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC
EXISTING ZONING: Commercial Mixed Use – 2
REQUEST: 1) a special use permit for a vehicle wash establishment and 2) a modification to the Raleigh Plaza Shopping Center General Plan to remove a restriction on the number and size of detached signs
**Note: The Land Use Control Board declined to forward the applicant's second request to the Council, pursuant to Section IV.D.4 of the Board's bylaws.*
AREA: 1.7 acres
RECOMMENDATION: The Division of Planning and Development recommends: *Rejection*
The Land Use Control Board recommends: *Rejection*

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

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
10 November 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
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-26

A request for: 1) a special use permit for a vehicle wash establishment and 2) a modification to the Raleigh Plaza Shopping Center General Plan to remove a restriction on the number and size of detached signs.

- This item is a resolution to permit the first request, but not the second;
- The Land Use Control Board declined to forward the second request to the Council, pursuant to Section IV.D.4 of the Board's bylaws;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: Myles Enterprises Inc.; Applicant: Max Alley Investments, LLC; and Representative: Cindy Reaves of SR Consulting, LLC;
- Both the Division of Planning and Development and the Land Use Control Board recommend rejection of this request.
- Approval of this special use permit would be reflected on the Memphis and Shelby County Zoning Atlas.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A VEHICLE WASH ESTABLISHMENT AT PART OF 4704 YALE RD., KNOWN AS CASE NUMBER SUP 21-26.

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

WHEREAS, Max Alley Investments, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development requesting a special use permit for a vehicle wash establishment; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 10, 2021, and said Board has submitted its recommendation concerning the above application to the Council of the City of Memphis; and

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

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

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

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, a Building Permit, and other required permits and approvals.

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, November 10, 2021**, the Memphis and Shelby County Land Use Control Board conducted a public hearing on the following application:

CASE NUMBER: SUP 21-26

LOCATION: Part of 4704 Yale Rd.

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER: Myles Enterprises, Inc.

APPLICANT: Max Alley Investments, LLC

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST:

1. Special use permit for a **vehicle wash establishment**
2. Modification of the Raleigh Plaza Shopping Center General Plan to regulate detached signage in accordance with the underlying zoning, whereas currently a maximum of one detached sign with a maximum area of 150 sq. ft. is permitted

EXISTING ZONING: Commercial Mixed Use – 2

AREA: 1.7 acres

The following spoke in support of the application: Cindy Reaves and Chris Herrington

The following spoke in opposition the application: No one

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

The motion failed by a vote of 4-0-6.

AGENDA ITEM: 12

CASE NUMBER: SUP 21-26 **L.U.C.B. MEETING:** 10 November 2021

LOCATION: Part of 4704 Yale Rd.

COUNCIL DISTRICT: District 1 and Super District 9

OWNER: Myles Enterprises, Inc.

APPLICANT: Max Alley Investments, LLC

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST:

- Special use permit for a **vehicle wash establishment**
- Modification of the Raleigh Plaza Shopping Center General Plan to regulate detached signage in accordance with the underlying zoning, whereas currently a maximum of one detached sign with a maximum area of 150 sq. ft. is permitted

AREA: 1.7 acres

EXISTING ZONING: Commercial Mixed Use – 2

CONCLUSIONS (p. 20)

Please see page 20 for staff conclusions, as they did not fit on this page.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 23-25)

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

RECOMMENDATION (p. 20)

Rejection

GENERAL INFORMATION

Street Frontage:	Austin Peay Highway Yale Road	(Principal Arterial) (Minor Arterial)	115 linear feet 230 linear feet
Zoning Atlas Page:	1740		
Parcel ID:	Part of 087001 00040		
Existing Zoning:	Commercial Mixed Use – 2		

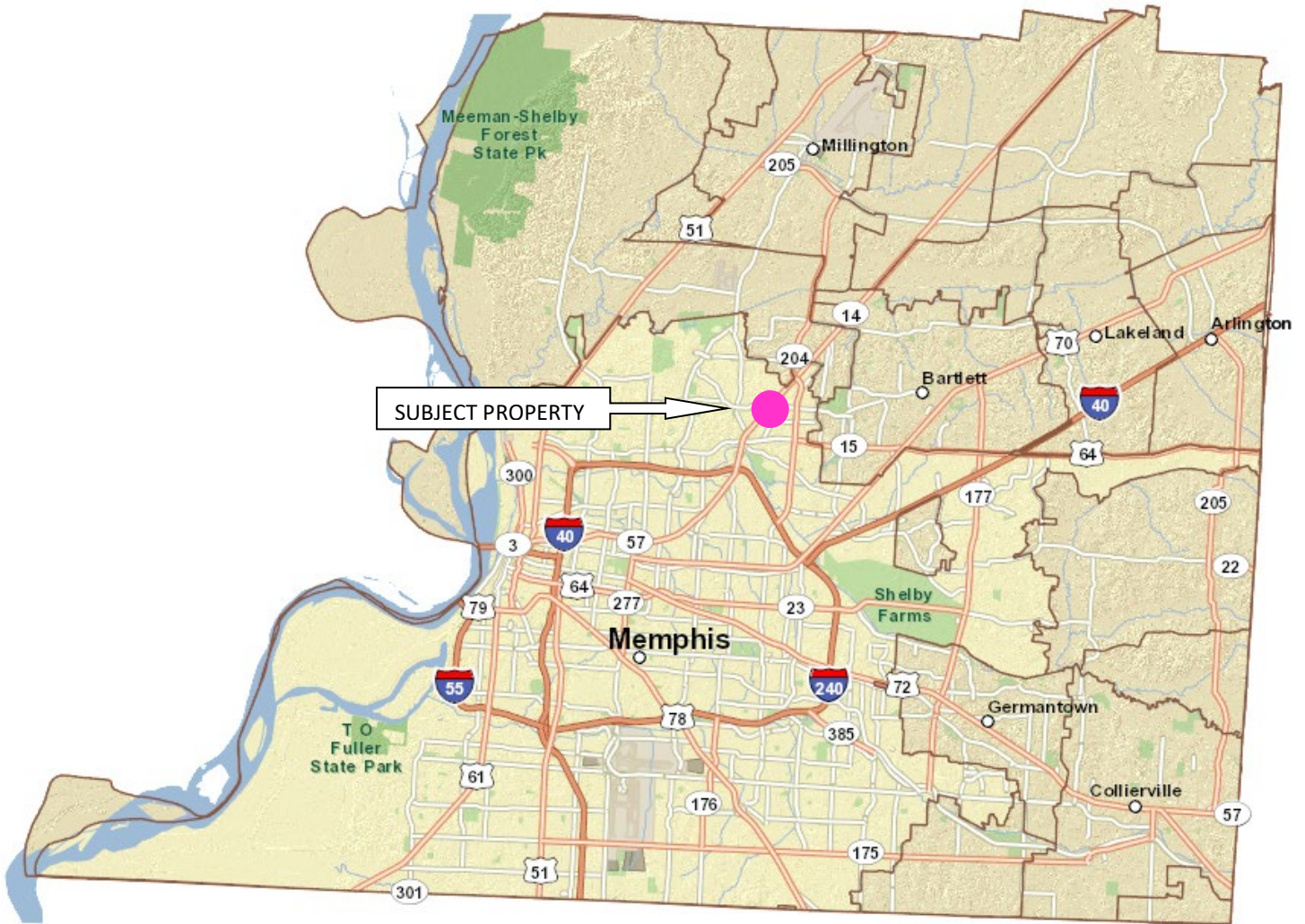
NEIGHBORHOOD MEETING

The required neighborhood meeting was held via Zoom at 5:30 p.m. on Monday 4 October 2021.

PUBLIC NOTICE

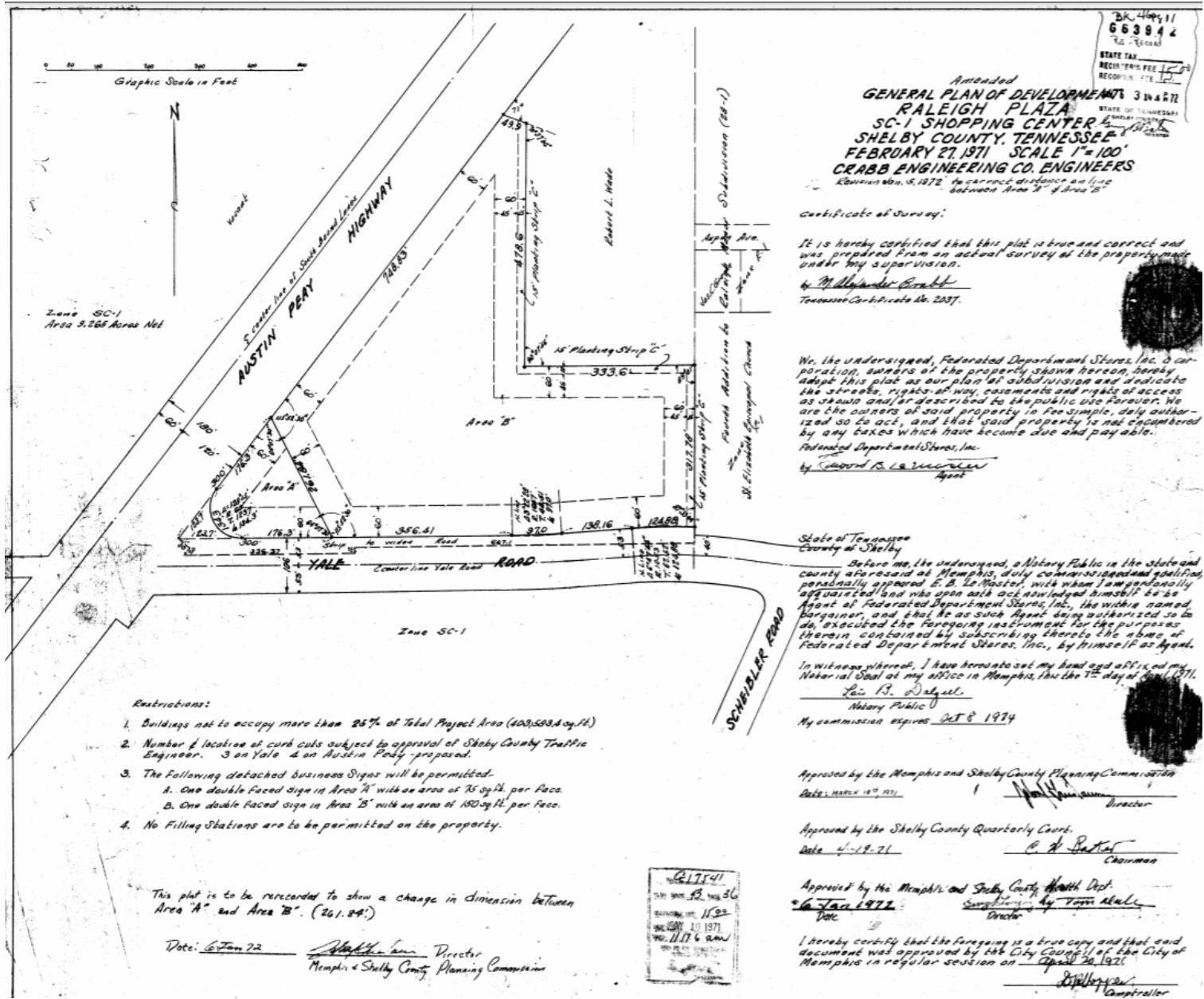
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and posted. 41 notices were mailed on 29 October 2021, and two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Raleigh

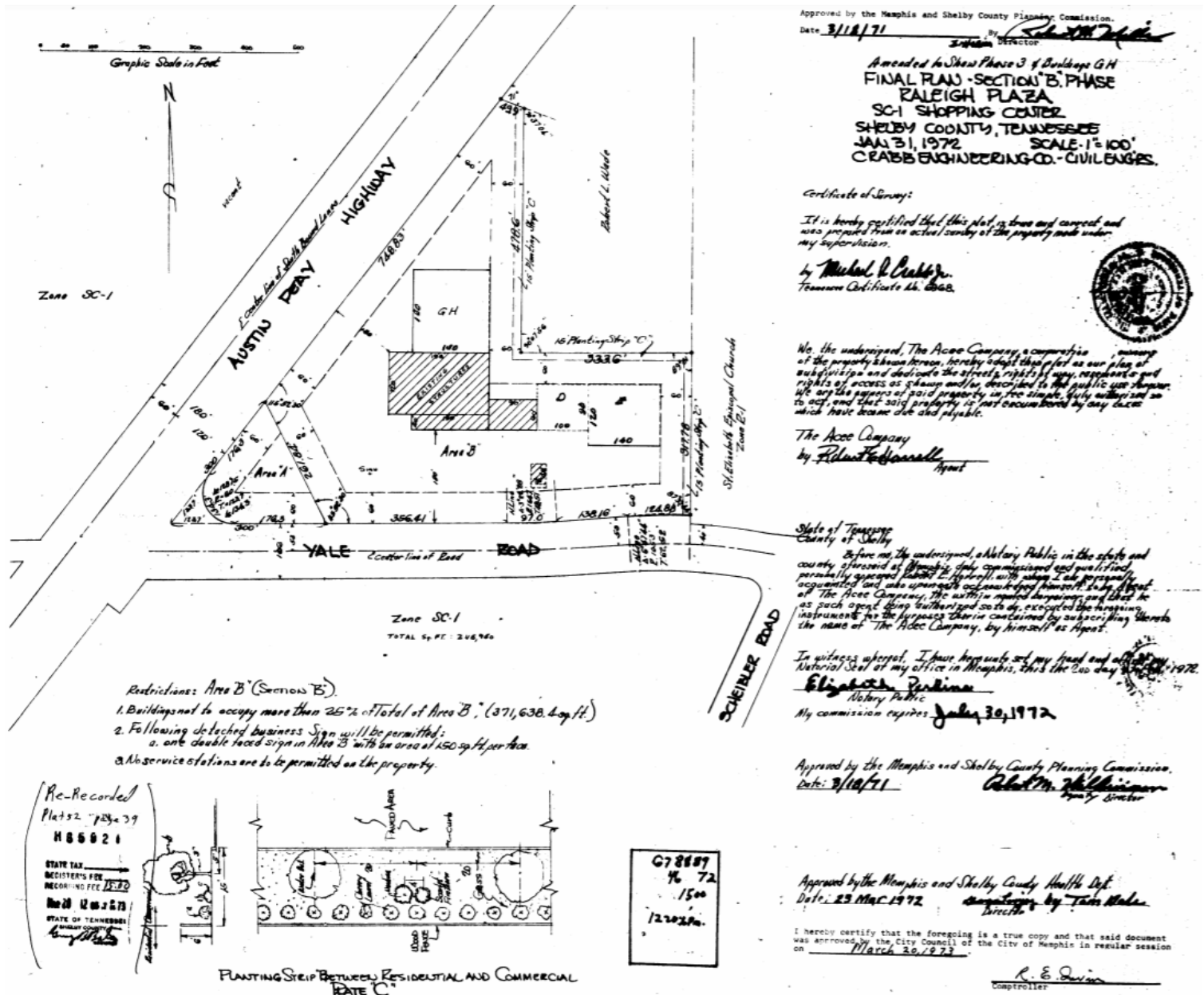
RALEIGH PLAZA SHOPPING CENTER, GENERAL PLAN (RE-RECORDED 1972)



Subject site located in Area B.

The applicant has requested the removal of general plan condition 3, which would revert the regulation of detached signage to the underlying zoning.

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



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

VICINITY MAP



Note: This vicinity map highlights in white all properties within 500 feet of the existing parcel, rather than of the proposed lot, which is smaller. All highlighted property owners received a notice of public hearing.

AERIAL PHOTO WITH ZONING



Subject land *approximately* outlined in blue

Existing Zoning: Commercial Mixed Use – 2

Surrounding Zoning

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

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

South: Commercial Mixed Use – 2

West: Commercial Mixed Use – 2

LAND USE MAP



Subject land *approximately* outlined in blue

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

SITE PHOTOS



View of site from Yale



Alternative view of site from Yale



View of site from Austin Peay

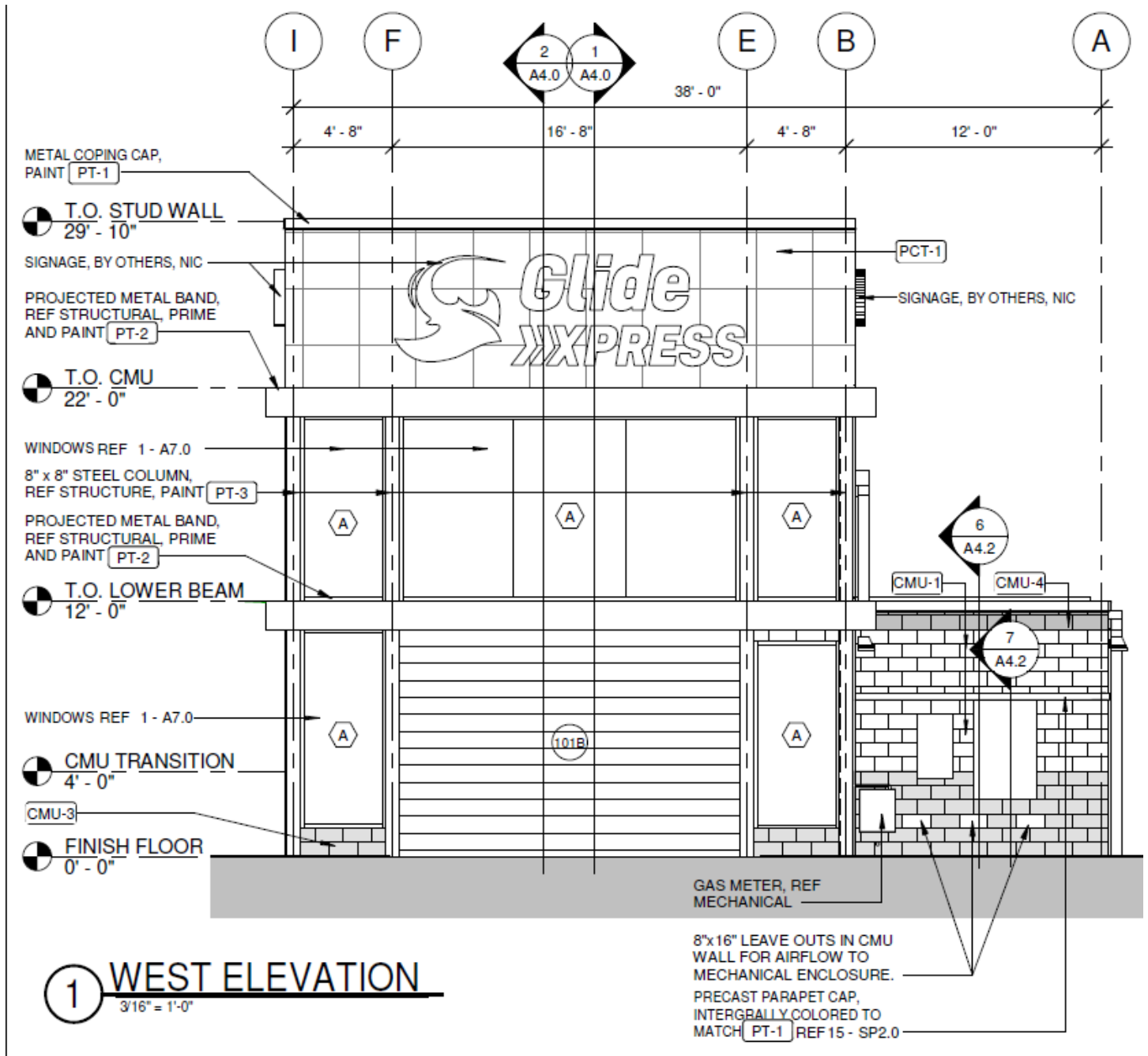


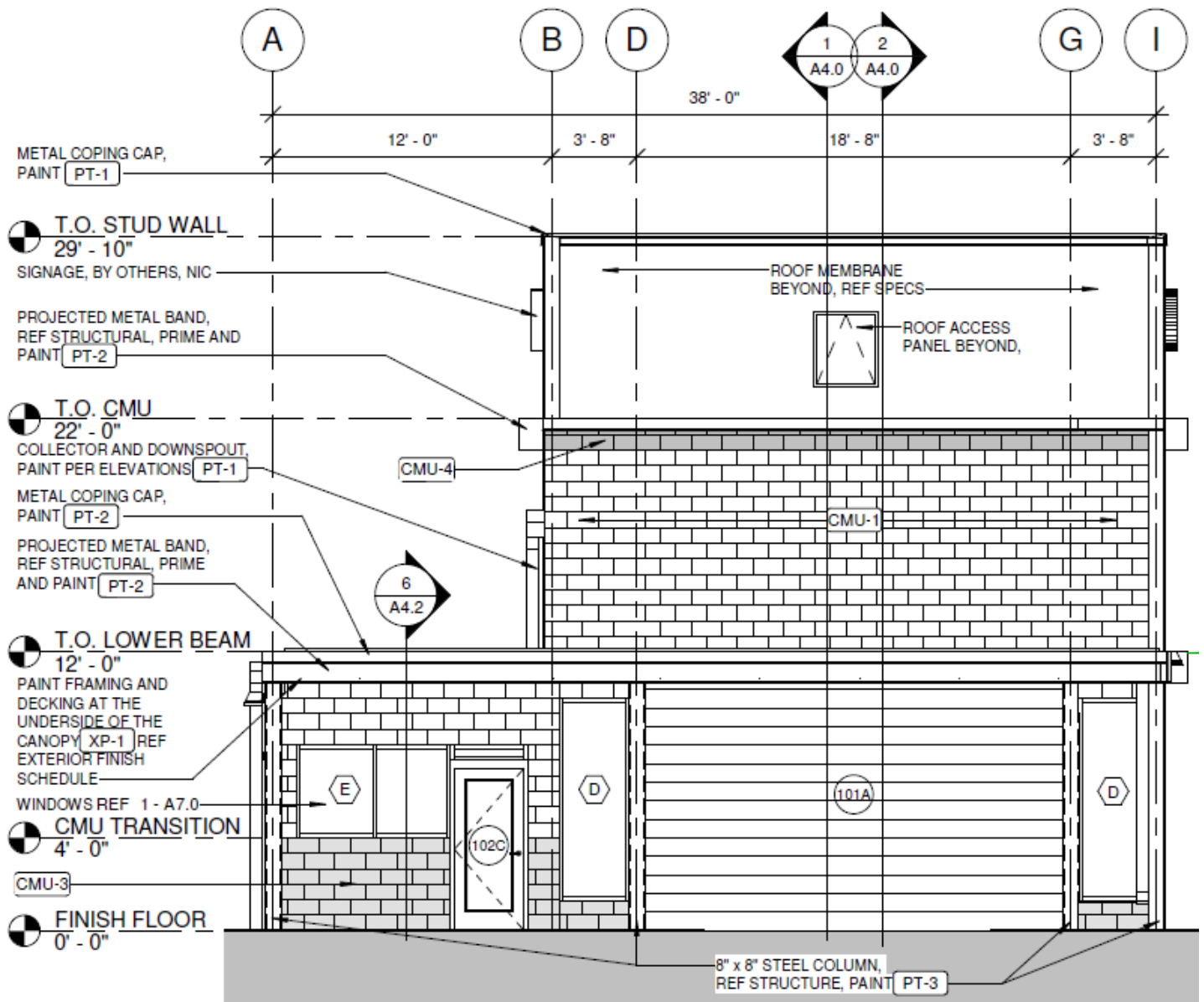
View west down Yale



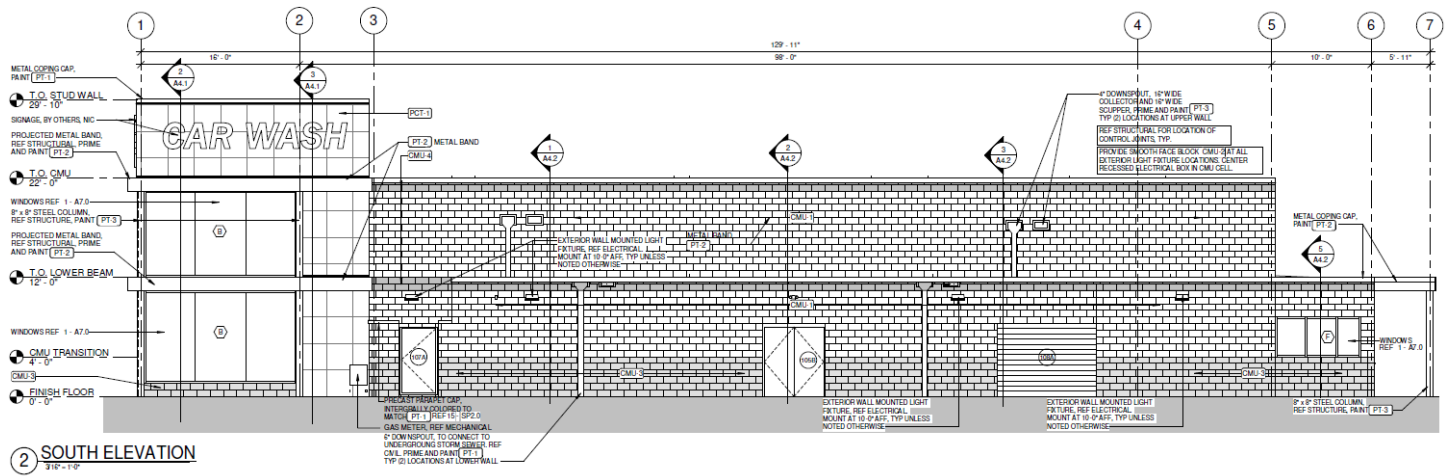
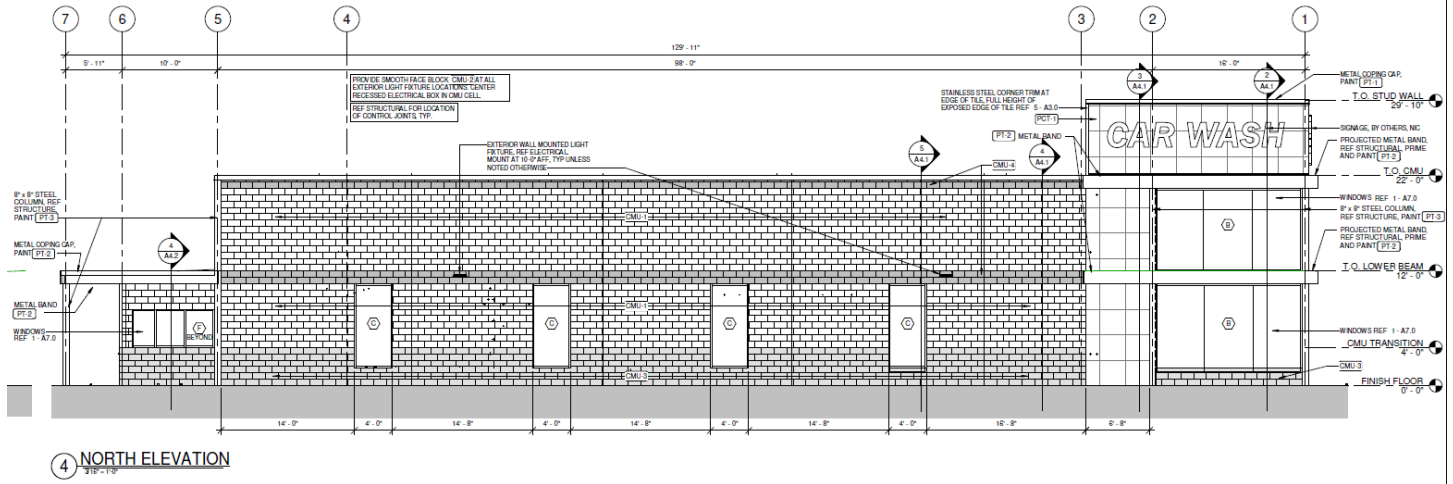
View southwest down Austin Peay

PROPOSED ELEVATIONS





3 EAST ELEVATION
 3/16" = 1'-0"



STAFF ANALYSIS

Request

The request is for:

- A special use permit for a vehicle wash establishment; and
- The modification of the Raleigh Plaza Shopping Center General Plan to regulate detached signage in accordance with the underlying zoning, whereas currently a maximum of one detached sign with a maximum area of 150 sq. ft. is permitted.

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

Approval Criteria

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

9.6.9 Approval Criteria

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

- 9.6.9A *The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B *The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C *The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D *The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E *The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F *The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G *The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H *Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The proposed lot consists of 1.7 acres of the existing parcel known as 4704 Yale Road. As proposed, the lot would have a double frontage, with 115 linear feet of frontage on Austin Peay Highway and 230 linear feet of frontage on Yale Road. Both frontages have a sidewalk and grass strip without overhead utilities. The existing parcel is vacant.

Zoning History

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

The original Raleigh Plaza Shopping Center General Plan was approved by the Memphis City Council in 1971. This development plan created two areas, each of which permitted one detached size subject to size restrictions; established minimum setbacks; capped the total building footprint; and prohibited “filling stations.” That general plan was re-recorded in 1972 to correct a typo.

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

A 2020 application requesting a special use permit for a convenience store with gas sales at this site was **rejected** by the Memphis City Council.

Site Plan Review

A full site plan review will be conducted, if approved, during final plan review.

Small Area Plan of the Raleigh Town Center Anchor Neighborhood (2019)

A Mixed-Use Infill

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

B New Parks

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

C Office and Larger-Format Retail

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

D Transition with Live/Work

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

E Variety of Housing Types

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



Live/work neighborhood in northwest

Conclusions

Max Alley Investments, LLC, has applied for a special use permit for a vehicle wash establishment at part of 4704 Yale Road in the Raleigh Town Center.

The Unified Development Code (UDC) permits vehicle wash establishments by right only if located at the corner of a major intersection.

The applicant has additionally requested a modification to the Raleigh Plaza Shopping Center General Plan to remove a restriction on the number and size of detached signs. The general plan permits a maximum of one detached sign with a maximum area of 150 sq. ft.; whereas the underlying zoning would permit a maximum of two detached signs, one on Austin Peay (maximum area of 207 sq. ft.) and the other on Yale (maximum area 103 sq. ft.)

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

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

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

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

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends not modifying the general plan's detached signage restriction as requested.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept., a determination can be made as to available sewer capacity.
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. No additional median breaks will be allowed on Yale Road.

Traffic Control Provisions:

7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

10. A Trip Generation Report will also be required for all future planned uses for the entire development.

Curb Cuts/Access:

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

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

13. Remove the existing center curb cut on Yale Road.

Drainage:

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

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

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

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

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

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 4704 Yale

- 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.

Department of Comprehensive Planning:

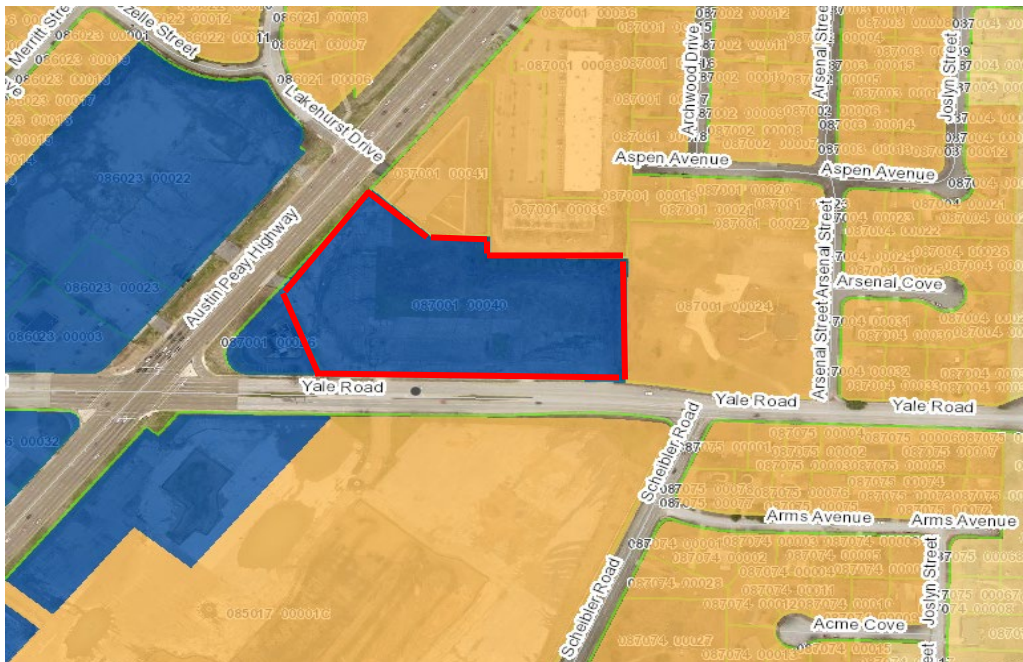
Site Address/location: 4704 Yale Road

Land Use Designation (see page 96 for details): Urban Center

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

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

1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

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



“A-UC” Goals/Objectives:

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

“A-UC” Form & Location Characteristics:

Primarily, attached block-scale buildings with a mix of uses and one to twelve stories in height that extend several blocks.

The applicant is requesting an amendment to a planned development to construct a car wash. The proposed use does not meet the criteria in form, scale, or use. Additionally, the proposed use is not a service that is walkable and will not serve many neighborhoods or the entire City. Therefore, the request is inconsistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential and Commercial. The subject site is surrounded by the following zoning districts: R-8, R-10, RU-2, CMU-2 and CMU-1. This requested land use is not compatible with the adjacent land use because *existing land uses surrounding the parcels is dissimilar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site. The degree of change is Accelerate.

5. Degree of Change Description

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

Actions for Accelerate anchors and anchor neighborhoods are meant to:

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

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

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

Summary Compiled by: Melanie Batke, Comprehensive Planning

City Real Estate:	No comments received.
County Health Department:	No comments received.
County Schools:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.
Dept. of Construction Enforcement:	No comments received.

APPLICATION FORM

Note: This application was originally submitted to permit a planned development (known as PD 21-33), hence the 'planned development' application form below. On staff's recommendation and at the applicant's request, the application was converted to an SUP format prior to mailing notice of public hearing.



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

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

Date: August 30, 2021 Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Raleigh Plaza SC-1 Shopping Center, Section B

Property Owner of Record: Myles Enterprises Inc. Phone #: _____

Mailing Address: 2740 S. Wadsworth Blvd. Suite F City/State: Denver, CO Zip 80227

Property Owner E-Mail Address: _____

Applicant: Max Alley LLC Phone # 903-748-4000

Mailing Address: _____ City/State: _____ Zip _____

Applicant E-Mail Address: CH@maxalleyllc.com

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: 4704 Yale Road

Distance to nearest intersecting street: 300 feet to east line of Austin Peay Hwy

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.669</u>	_____	_____
Existing Zoning:	<u>SC-1</u>	_____	_____
Existing Use of Property	<u>Vacant Land</u>	_____	_____
Requested Use of Property	<u>Commercial</u>	_____	_____

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

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

Number of Residential Units: _____ Bedrooms: _____

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

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

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 development will be consistent with surrounding developments.

- 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.

Adequate facilities will be designed for this development and will tie to existing facilities.

- 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 service facilities will be in accordance with the planned development requirements.

- 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 proposed development will be consistent with surrounding developments.

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

The property owner will maintain common areas.

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

A final plat will 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: _____ with _____

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

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

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

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.

<i>Myles Enterprises, Inc.</i> <i>by: Ronald J. Myles, Pres.</i>	<i>09/01/21</i>	<i>Clint Herrington</i>	<i>9/2/2021</i>
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".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

LETTER OF INTENT



Date: August 30, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: Raleigh Plaza SC-1 Shopping Center, Section B

Job #: 21-0098

LETTER OF INTENT

We are submitting an application for a PD Amendment to Raleigh Plaza SC-1 Shopping Center, Section B, located at 4704 Yale Road. We are requesting to allow a Glide Xpress Vehicle wash use in Section B. We would also need approval for it to not be located at the intersection of 2 streets. We are also requesting that the signs be regulated in accordance with the CMU-2 district.

Glide Xpress is not just a typical car wash like everyone is use to and they aren't even like the new car washes being built now. Their philosophy and team member culture is based on providing people the best experience and value possible. They know if they give great value to everyone and be kind, it will be successful. They have proven this with their first 4 washes being homeruns. They have approval for 3 more new locations in Collierville, Southaven and Memphis. It worked because they were able to educate the local government on Glide and what they are about...which was well received to say the least!

They also have an existing wash that recently opened at 723 Germantown Parkway and has been a huge success. It is a pleasure to work with someone so passionate about their business and I know it will be a great amenity for the neighborhood.

Below are a few key points the Glide Xpress owner, Clint Herrington, would like to add that separate them from the car wash stereotype and most other businesses:

1. Value: Unlike most other businesses, we are high quality and low prices. We provide people with the top industry-leading equipment and building design while offering a low price... 200%+ discount compared to all the Zips, Car Wash USA's and Century Wash's in the area. We price this way because everyone takes pride in a clean car and a clean space and we want everyone to be able to have that opportunity. The person with a 15-year-old car coming in next to the brand new Mercedes, both feel like they are getting value for something and are happy.

This type of relationship doesn't exist that much in the world today and we think this is important. We could increase the price 200%, still be the cheapest in town and wash cars and really increase revenue but that's not what we are set out to do.

Our project will cost around \$6 million and that is partly because we have the best equipment from all over the world and it truly makes for a one-of-a-kind experience. We also focus on experience and the design of our layouts, vacuum areas, canopies, and architectural design. We treat people to the experience that we would want, and people notice!

2. Investing in great people, building a culture: We want our team members to be motivated and enjoy working and see value in the effort they put in every day. We promote from within and every manager we have in our entire company since the first hire has been promoted from within. We pay above minimum wage for our entry level positions and have a bonus structure throughout the company...giving everyone motivation to treat this place like it's their own and get rewarded for hard work. This isn't a slow-paced job either and requires lots of training. We've been able to hire and promote amazing people so far and excited about expanding our team.
3. Clean, inviting, well-lit property: it's important to us we keep our property clean and safe. We typically have 18 spacious covered vacuum stalls with trash receptacles at each stall. We pick up trash and clean the parking lot daily and want our community to know that we will keep our sites clean of trash. We also power wash our parking lots every year and as needed. We have 25 security cameras around the property at all our washes and keep our parking lots well lit with city approved dark-sky compliant lights. We have 700-800 reviews across the brand and not one complaint about safety or cleanliness because that is important to us and to our customers.
4. New technology and looking toward the future: We have our own cleaning products that are environmentally friendly and we feature our RIDE THE GLIDE™ moving floor system. All you do is drive on to the dual conveyor and it moves...no more lining up your wheels on the track. This makes it easier for people to load and less stress of lining up your tire correctly. We also have license plate readers that allow single wash customers and member to come to the wash hands free without even rolling down the window. We have noise cancelling blower and vacuum technology that keeps the car wash operations relatively quiet and sounds doesn't protrude into neighboring businesses or neighborhoods. We are working to wash driverless cars as well and already implementing that into our washes. We are always thinking about where we are headed, not where we are.
5. Community Involvement: Not only is it our goal to provide the greatest car wash experience to all our customers, we also want to make a lasting impact in the community and help people. We are a small local business that will be involved in this community to make a difference. We want to help our team members grow

and we also want to help the community grow in the best capacity we are fit for. We are working on some new ideas but have several programs that we currently offer including:

- a. We wash all police cars for free...always. We support the good police officers that keep our community safe and together;
 - b. We will team up with local neighborhood schools to help them fundraise for special school programs;
 - c. On Veterans Day we will wash all Veterans cars for free; and,
 - d. Once we open, will always do a fundraiser for a family in the community that is struggling and in need. We will continue to look for those opportunities on an ongoing basis through churches, schools and city programs and through our online fundraiser submittal portal.
6. The little things: Customers have a great experience at Glide but aren't really aware of all the reasons why and it's the little things we do that aren't easily seen. For example, to cancel a membership, we have the cancel button very accessible on the user app and website. A large number of businesses that have memberships require the user to call a 1 800 number or email someone to cancel...which the goal is to make it hard for people to cancel and a large % won't bother with it for many months. People don't appreciate that kind of practice and we don't do it to our customers. You can cancel our membership anytime, zero notice. The app is very easy and simple. This is just one example of the things that we do and continue to improve on.

We are not like any other car wash in this area and our philosophy and strategy are unlike any we have seen in in the US. We are opening our 5th and 6th car wash in Collierville and Southaven this year and will also start construction on another site in Memphis. If given the opportunity, I know we will develop the best express car wash in Tennessee and one of the best express car washes in the world.

We greatly appreciate your consideration in this matter.

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

Thank you,

Cindy Reaves
SR Consulting, LLC

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Raphael Shivers, being duly sworn, depose and say that at 3:30 pm on the 19th day of October, 2021 I posted two Public Notice Signs pertaining to Case No. SUP 21-26 one on of Austin Peay Highway and one in front of 4704 Yale Road providing notice of a Public Hearing before the November 10, 2021 Land Use Control Board for consideration of a proposed Land Use Action (Special Use Permit), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

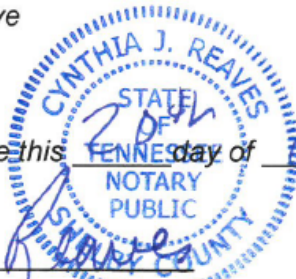
Raphael Shivers

10/20/2021

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 20th day of October, 2021.



Cynthia J. Reaves
Notary Public

My commission expires: _____

MY COMMISSION EXPIRES
9/27/23

LETTERS RECEIVED

No letters were received by the time of publication of this report.

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 21 December 2021
DATE
PUBLIC SESSION: 21 December 2021
DATE

ITEM (CHECK ONE)

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

ITEM DESCRIPTION: A resolution approving a special use permit for light manufacturing of metal products
CASE NUMBER: SUP 21-33
DEVELOPMENT: Light manufacturing of metal products
LOCATION: 3050 Lamar Ave.
COUNCIL DISTRICTS: District 4 and Super District 8
OWNER: Estate of Glenn Floied
APPLICANT: Twisted Dimensions, Inc.
REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC
EXISTING ZONING: Commercial Mixed Use – 1
REQUEST: Special use permit for light manufacturing of metal products
AREA: 0.5 acres
RECOMMENDATION: The Division of Planning and Development recommends: *Approval with conditions*
The Land Use Control Board recommends: *Approval with conditions*
RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
First reading/hearing – 21 December 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
9 December 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
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-33

Resolution approving a special use permit for light manufacturing of metal products:

- This item is a resolution with conditions for a special use permit for light manufacturing of metal products at 3050 Lamar Ave.;
- The Division of Planning & Development sponsors this item at the request of the Owner: Estate of Glenn Floied; Applicant: Twisted Dimensions, Inc.; and Representative: Cindy Reaves of SR Consulting, LLC; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR LIGHT MANUFACTURING OF METAL PRODUCTS AT 3050 LAMAR AVE., KNOWN AS CASE NUMBER SUP 21-33.

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

WHEREAS, Twisted Dimensions, Inc., filed an application with the Memphis and Shelby County Division of Planning and Development requesting a special use permit for light manufacturing of metal products; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 9 December 2021, and said Board has submitted its recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 9 December 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 21-33
LOCATION:	3050 Lamar Ave.
COUNCIL DISTRICTS:	District 4 and Super District 8
OWNER:	Estate of Glenn Floied
APPLICANT:	Twisted Dimensions, Inc.
REPRESENTATIVE:	Cindy Reaves of SR Consulting, LLC
REQUEST:	Special use permit for <i>light manufacturing of metal products</i>
EXISTING ZONING:	Commercial Mixed Use – 1
AREA:	0.5 acres

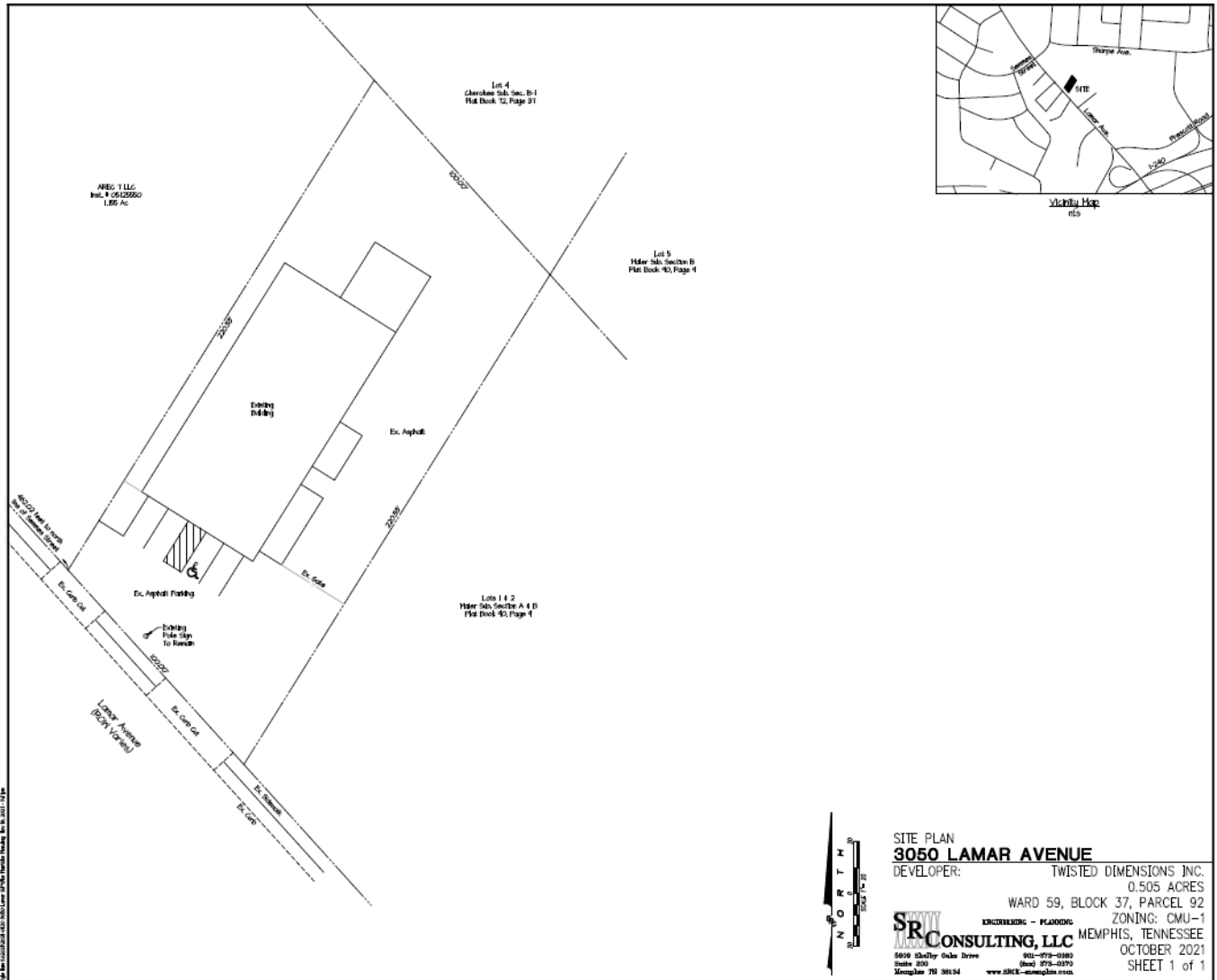
The following spoke in support of the application: Cindy Reaves and David Doss

The following spoke in opposition to the application: Charles Belenky

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

The motion *passed* by a vote of 8-0.

SITE PLAN



CONDITIONS

1. Any nonconforming signage and/or fencing, including chain link gates, shall be removed. (Any new signage and/or fencing shall require permits.)
2. The standards of the City Engineer shall be met.
3. Although a revised site plan is not required, evidence of compliance with these conditions shall be provided as part of a Certificate of Occupancy application.

AGENDA ITEM: 12

CASE NUMBER: SUP 21-33 **L.U.C.B. MEETING:** 9 December 2021

LOCATION: 3050 Lamar Ave.

COUNCIL DISTRICT: District 4 and Super District 8

OWNER: Estate of Glenn Floied

APPLICANT: Twisted Dimensions, Inc.

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Special use permit for *light manufacturing of metal products*

AREA: 0.5 acres

EXISTING ZONING: Commercial Mixed Use – 1

CONCLUSIONS (p. 11)

1. Twisted Dimensions, Inc., has requested a special use permit for the light manufacturing of metal products.
2. No site improvements are proposed, nor is a site plan review required.
3. Staff finds that this request is compatible with the intent of the UDC, consistent with the Memphis 3.0 General Plan, and harmonious with the character of the neighborhood.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 13-14)

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

RECOMMENDATION (p. 11)

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Lamar Ave.	(Principal Arterial)	100 linear feet
Zoning Atlas Page:	2235		
Parcel ID:	059037 00092		
Existing Zoning:	Commercial Mixed Use – 1		

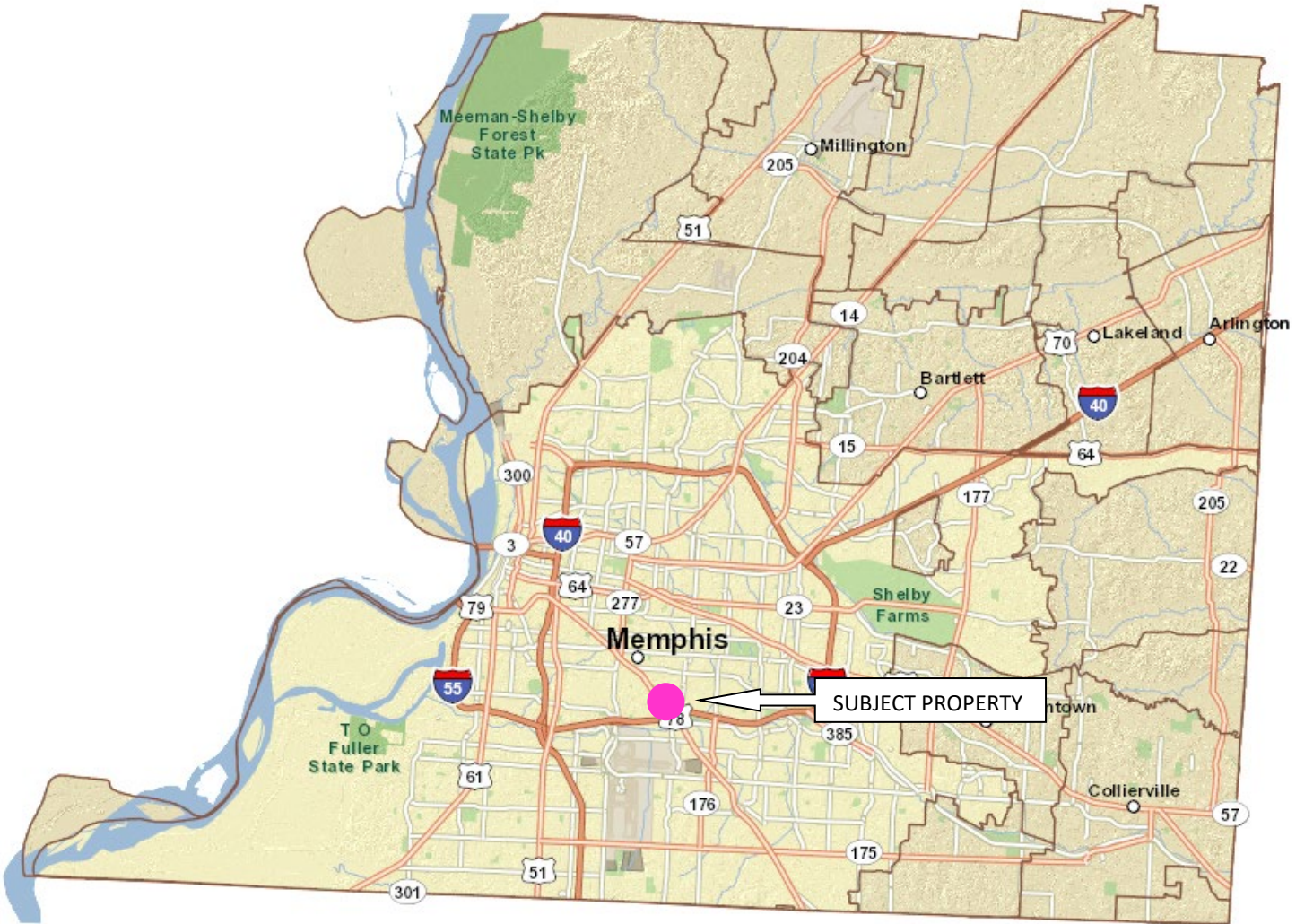
NEIGHBORHOOD MEETING

The required neighborhood meeting was held via Zoom at 5:30 p.m. on Monday 29 November 2021.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and signs posted. 41 notices were mailed on 23 November 2021, and one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within Cherokee neighborhood

VICINITY MAP



N
W E
S
Date: 10/30/21
Prepared By:
Property Research Data
PRD Job #21-087

AERIAL PHOTO WITH ZONING



Existing Zoning: Commercial Mixed Use – 1

Surrounding Zoning

North: Residential Urban – 3

East: Commercial Mixed Use – 1

South: Commercial Mixed Use – 1

West: Commercial Mixed Use – 1

LAND USE MAP



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

SITE PHOTOS



The principal structure



A view northwest down Lamar, including the existing detached sign

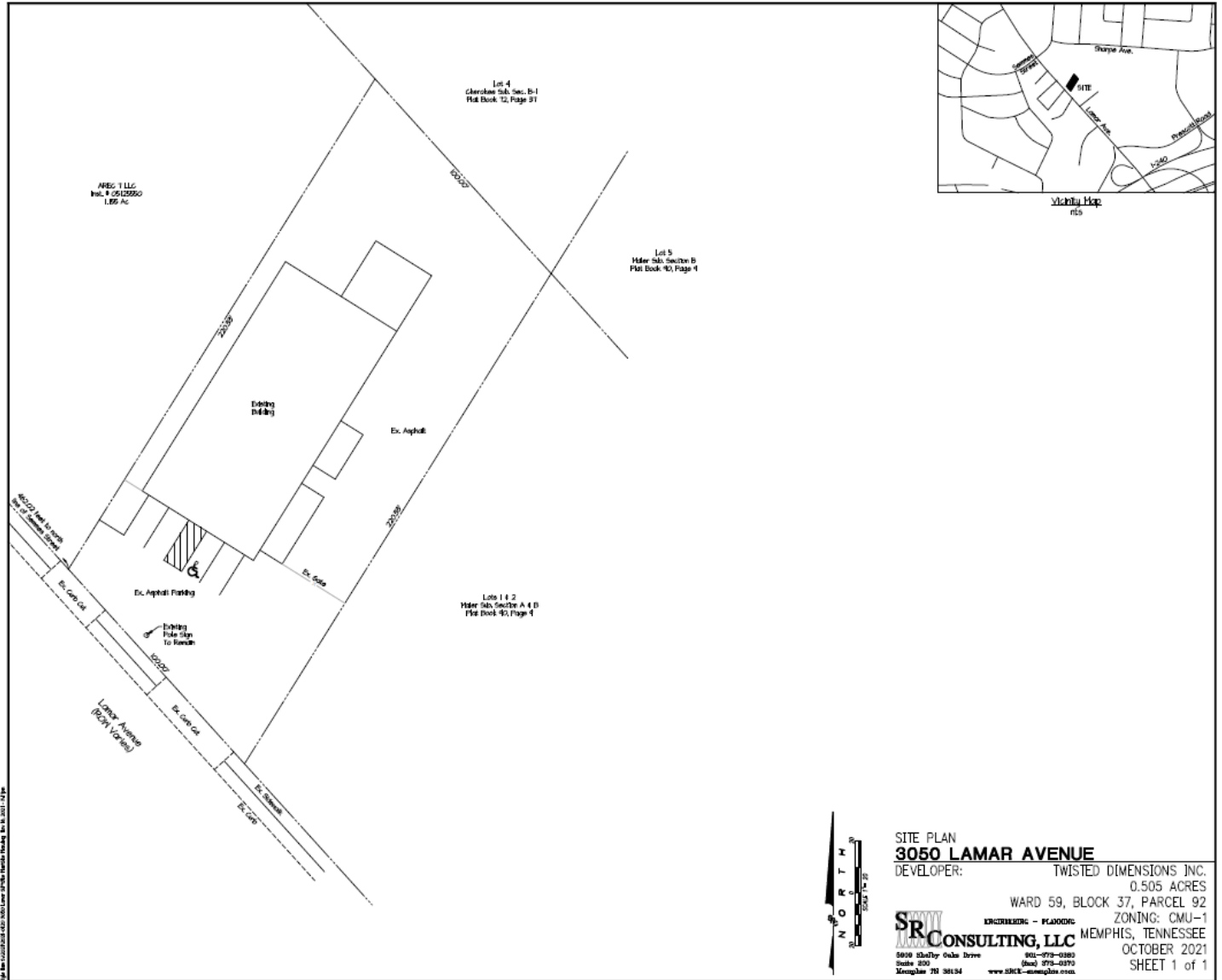


The southeast side yard



The northwest side yard

SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for the light manufacturing of metal products.

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

Approval Criteria

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

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The 0.5-acre site consists of a parcel exempt from the subdivision requirement by instrument AB 9100. It has 100 linear feet of frontage on Lamar, a principal arterial. The frontage features two curb cuts, a landscape strip, overhead utilities, and a detached sign. A concrete ditch runs along the property's southeast property line. The principal structure is a 5000-square foot prefabricated warehouse installed in 1979. The structure has a small front loading dock as well as several more loading docks on its southeast side. There is chain link throughout the site.

Site Zoning History

In 2020, the Memphis City Council changed the zoning of this site from Commercial Mixed Use – 3 to Commercial Mixed Use – 1 as part of a comprehensive rezoning of the Lamar corridor known as Z 20-4. Prior to this zoning change, the proposed use would have been permitted by right.

Site Plan Review

A site plan review does not appear to be required, per UDC Chapter 4.1. That said, certain site improvements are recommended to be conditionally required.

Conclusions

Twisted Dimensions, Inc., has requested a special use permit for the light manufacturing of metal products.

No site improvements are proposed, nor is a site plan review required.

Staff finds that this request is compatible with the intent of the UDC, consistent with the Memphis 3.0 General Plan, and harmonious with the character of the neighborhood.

RECOMMENDATION

Staff recommends ***approval*** with the following conditions:

1. Any nonconforming signage and/or fencing, including chain link gates, shall be removed. (Any new signage and/or fencing shall require permits.)
2. The standards of the City Engineer shall be met.
3. Although a revised site plan is not required, evidence of compliance with these conditions shall be provided as part of a Certificate of Occupancy application.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Subdivision Contract or Right-Of-Way 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. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept., a determination can be made as to available sewer capacity.

Roads:

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

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
11. Only one curb cut onto Lamar Ave will be allowed.

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 3050 Lamar

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- 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.

Dept. of Comprehensive Planning:

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

Based on the future land use and degree of change 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:

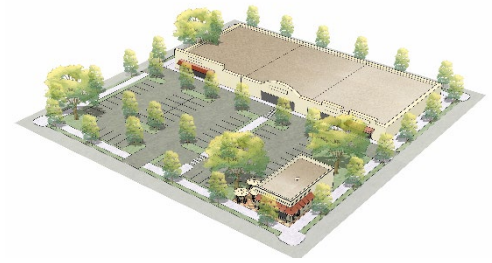
1. FUTURE LAND USE PLANNING MAP



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

2. Land use description & applicability:

Low Intensity Commercial and Service areas consist of low-rise buildings accessible mainly by a car and can encompass up to 5 acres of land for one building. These service areas are outside of the anchor boundary and are usually located along a corridor or within its own area of multiple commercial and service amenities.



“CSL” Goals/Objectives:

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

“CSL” Form & Location Characteristics:

Commercial and services uses. 1-4 stories height.

The applicant is requesting for approval of a special permit for commercial use that allows for a metal design studio.

The request meets the criteria of Low Intensity Commercial and Service areas as the proposed use is in conformity with the location characteristics and will further improve development patterns along auto-oriented commercial corridors.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Industrial, Commercial, Institutional and Vacant. The subject site is surrounded by the following zoning districts: RU-3 and CMU-3. This requested planned development land use is compatible with the adjacent land use because *existing land uses surrounding the parcels is similar in nature to the requested use. The subject property is currently zoned as CMU-1.*

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

Summary Compiled by: Andrea Jimenez, Comprehensive Planning.

City Real Estate:	No comments received.
County Health Department:	No comments received.
County Schools:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Construction Enforcement:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.

APPLICATION FORM



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

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

Date: October 26, 2021

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Glenn Floied Phone #: _____

Mailing Address: 3050 Lamar Ave. City/State: Memphis, TN Zip 38114

Property Owner E-Mail Address: _____

Applicant: Twisted Dimensions Inc. Phone # _____

Mailing Address: ddoss3@comcast.net 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: 3050 Lamar Ave.

Distance to nearest intersecting street: 462.02 feet to southeast line of Semmes Street

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.505</u>	_____	_____
Existing Zoning:	<u>CMU-1</u>	_____	_____
Existing Use of Property	<u>Commercial</u>	_____	_____
Requested Use of Property	<u>Commercial</u>	_____	_____

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

Yes _____ No X

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

Number of Residential Units: _____ Bedrooms: _____

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

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

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

Wendy J. Taylor ^{10/21/2021} David Ross 10-2-21
Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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

Pre-Application Conference held on: _____ with _____

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

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

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

LETTER OF INTENT



Date: October 27, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: 3050 Lamar Ave.

LETTER OF INTENT

We are pleased to submit a Special Use Permit application for 3050 Lamar Avenue, located south of Semmes Street. The property is within the CMU-1 zoning district and is approximately 0.505 acres in size. We are requesting a special use to allow for a metal design studio.

The applicant, Twisted Dimensions, Inc., is a local family-owned business that started in 1991 by two brothers, David and Dennis Doss. They are known for their unique custom iron fabrication designs and creations such as furniture, curtain rods, and one-of-a-kind items for the home and office. Their artistic flare and designs matched with their capabilities have made them locally known among builders, designers and architects. Local interior decorators and architects design specific pieces to be manufactured for their clients' homes. The business generates an annual revenue of \$240,000. Recently, the son of David Doss graduated with a Finance degree from the University of Memphis and will be taking over the business. Twisted Dimensions is in the business of combining art with a specialized skill to create unique iron designs.

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Raphael Shivers, being duly sworn, depose and say that at 3:00 pm on the 23rd day of November, 2021. I posted one Public Notice Sign pertaining to Case No. SUP 21-33 in front of the property located at 3050 Lamar Avenue providing notice of a Public Hearing before the December 9, 2021 Land Use Control Board for consideration of a proposed Land Use Action (Special Use Permit), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Raphael Shivers

11/30/2021

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 30th day of November, 2021.

Cynthia J. Reeves



Notary Public

My commission expires: _____



TECHPLUS		CREATIVE PRODUCTS FOR CREATIVE PEOPLE		TECHPLUS, INC. 2085 Hillshire Circle Memphis, TN 38133		INVOICE	
DATE	NUMBER	PG.					
11.23.21	294348	1					
			Customer Telephone: 901-373-0380				
			Due Date: 12.23.21				
			PLEASE REMIT TO:				
			P.O. BOX 514				
			JACKSON, TN 38302				
S	TO	SR CONSULTING, LLC	S	TO	38134		
L	D	5909 SHELBY OAKS DR.	L	D			
		SUITE 200					
		MEMPHIS, TN					
QUANTITY	QUANTITY	QUANTITY	ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	EXTENDED PRICE	TOTAL
3.00	3.00	195781	8	COLOUSE-OUTDOOR OUTDOOR SIGNS-ECONOMY	38.500	115.50	
3.00	3.00			COLINK-HARDWAR COLOR HARDWARE	27.500	82.50	
						MONTH	198.00
						DATE	
						TOTAL	217.30

LETTERS RECEIVED

No letters received by the time of publication of this report.